

Rhode Island (Colony)

RECORDS

OF THE

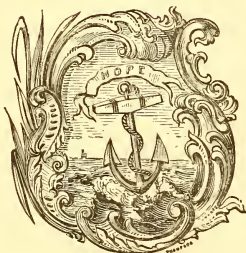
COLONY OF RHODE ISLAND

AND

PROVIDENCE PLANTATIONS,

IN

NEW ENGLAND.



PRINTED BY ORDER OF THE LEGISLATURE.

TRANSCRIBED AND EDITED BY

JOHN RUSSELL BARTLETT,

SECRETARY OF STATE.

VOL. I.

1636 TO 1663.

PROVIDENCE, R. I.

A. CRAWFORD GREENE AND BROTHER, STATE PRINTERS.

1856.

INTRODUCTION.

THE General Assembly of the State of Rhode Island, at its May session, A. D. 1855, passed a resolution authorising the Secretary of State to transcribe, and cause to be printed, its Colonial Records; in accordance with which resolution this volume has been printed.

The present State of Rhode Island had its origin in four towns, viz.: Providence, Portsmouth, Newport and Warwick. Providence colony was first planted by Roger Williams in the year 1636, Portsmouth by other colonists in 1638, Newport in 1629; but of the precise year when the first settlement was made in Warwick, the records of that town furnish no evidence. It was, however, during the same period. In the year 1643, the first three towns were united under a Charter from Charles the First, obtained by Roger Williams, under the title of the "Incorporation of Providence Plantations in the Narragansett Bay in New England." It was not, however, until the year 1647, that the government was organized under this Charter, at an assembly of delegates or commissioners from the four towns named, which met at Portsmouth in May, of that year. Warwick whose name was not included in the Charter, was admitted at this time, with the same privileges as Providence.

Ms. A. 9. 28. 113

It is proper here to state, in what the Colonial Records of the State consist, and from which the present volume has been compiled.

The earliest book of records in the archives of the State begins with the settlement of Portsmouth on the Island of Rhode Island, in the year 1638. The first portion of ten or twelve years is continuous ; the latter quite detached, and extends to the year 1696. This volume contains the transactions on Aquidneck or Rhode Island, embracing the history of the first settlements at Portsmouth and Newport. From 1638 to the present time, the records are complete in various volumes of the colony proceedings. In this volume are also copies of the deeds of lands from the Indians as originally recorded, as well as conveyances from the early settlers to each other ; also early lists of the freemen in the Colony. The narrative or journal of proceedings has been printed at length as far as it goes in this volume, as well as the lists of freemen, and the deeds of land from the Indians ; but all other land evidences have been omitted.

The records of Portsmouth commenced in this manuscript volume, were continued in the records of the town. From the original volume the records of Portsmouth were made complete down to the organization of the Colonial government in 1647.

A second and very large folio volume of Records commences in 1646, and continues to the year 1669. This embraces the official journals of the "General Assembly," the "General Court," or the "Court of Commissioners," as that legislative body is at different times called. These records are in a tolerable state of preservation. There are however, some mutilations, chiefly near the

edges of the leaves, from constant use for two hundred years. This volume also contains the "Proceedings of the Governor and Council;" the records of the "Court of Trials;" some Indian deeds, and other early land evidences.

A third volume contains the proceedings of the General Assembly from the year 1669 to 1686.

From the year 1686 to 1715, the original journals or "schedules" (as they are usually called), in the archives of the State were quite imperfect. Those of some sessions were wanting entirely, while others were so defaced as to be scarcely legible. To make them complete, a resolution was passed by the General Assembly in the year 1827, directing a committee, appointed for the purpose, consisting of Henry Bowen (then Secretary of State), and Christopher E. Robbins, to collect the manuscript schedules of the General Assembly of the period referred to, preserved by the different towns, and make a copy of the same for the State. This was accordingly done, and a clear and well written volume of five hundred and forty-four pages, folio, in the handwriting of Henry Bowen, Esquire, embracing the "acts and resolves" from 1686 to 1715 now exists among the archives. From the latter period the journals are complete and in excellent condition, in manuscript or in print, to the present time.

In addition to the journals of legislative proceedings, there are among the old records of the State the following, viz. : four volumes of land evidences ; an early digest of public laws, entitled, "Bodye of Lawes of the Colony of Rhode Island from 1663 to 1705," and a volume entitled "The Book of Records, containing the acts and orders by the Governor and Council, both generall

and particular since the 1st May, 1667.” The records and documents of the Revolutionary period are complete and in good condition.

The printed “acts and resolves” of the General Assembly in the archives of the State commence in 1758, from which period they are complete to the present time.

In view of the dilapidated condition of the early journals of the proceedings of the General Assembly and other transactions of the first colonists, and the frequent use of the same, which would tend to their entire obliteration, a committee was appointed by the General Assembly at its October session, 1822, consisting of Christopher Ellery Robbins and Henry Bull, Esquires, to examine these records and report the best method of collecting and preserving them. In conformity with their recommendation, Mr. Charles Gyles, of Newport, was employed to transcribe these records, which labor he accomplished under the direction of the committee in a most satisfactory manner. In order to make this copy as complete as possible, the copies of the proceedings of the Colony, preserved in the clerks’ offices of different towns were used to fill up any chasms, mutilations or imperfections that might be found to exist in the State’s copy. This transcript was carefully collated by the committee having the work in charge, with the originals, and their certificate of its correctness appended. The same volume contains a transcript from the records of the Supreme Judicial Court of the county of Newport, of proceedings of the commissioners under the government of Sir Edmund Andros, in the years 1667 and 1668, which are properly a portion of the Colonial records.

The records of the city of Providence previous to the organiza-

tion of the government in 1647, are very meagre. It is supposed they were kept in greater detail and were destroyed in the year 1676, when the town was burned by the Indians, as those that remain bear the traces of fire and water. To make up for the want of a regular journal of events, such documents as would elucidate the history of the period have been used. These are the Indian deeds connected with Providence, with a variety of other documents of a historical nature, or connected with the purchase of the Indian lands, their transfer from Roger Williams to his associates, the first allotments of lands to the early settlers, &c., &c.

In selecting the materials for this volume, the Indian deeds of each of the four towns, and the town records to the year 1647, have been used. From that period, the official journals of the proceedings of the General Assembly have been followed to the close of the volume.

It is proper to state that many letters and documents of a public character not found in the archives of the State have been discovered elsewhere and inserted in their proper places. In the official records, there are frequent references to documents and letters, written and received, which were not recorded, and which are found on the files. This hiatus has fortunately been filled by a reference to the files of the General Court of Massachusetts, and to the records of that Colony; also to copies of letters and papers in the possession of the Rhode Island Historical Society. Some papers of a public nature connected with our colonial history have also been found in Hazard's State papers (2 vols. 4to., Philadelphia, 1792), and in Hutchinson's History of Massachusetts Bay. The editor is also indebted to John Carter Brown, Esquire, of Providence, for the use of a large and valuable collection of man-

uscripts relating to New England in general and Rhode Island in particular. These papers, which fill ten folio volumes, were copied by the order, and at the expense of Mr. Brown, from the State Paper Office, in London. Among the papers used from this collection, are the letters of John Clarke, while acting as agent for the Colony in London, to King Charles the Second, connected with the Charter of 1663.

The papers selected from the volumes referred to, are letters written by the government of Rhode Island to that of Massachusetts and Plymouth, as well as letters from those colonies. Other documents, having a direct bearing upon matters before the Assembly have been added in the way of notes.

A large number of letters and documents both public and private, exist in old printed volumes ; in the manuscript collections, referred to, and among the files of New York, Massachusetts and Plymouth colonies, which would tend to illustrate the history of this State ; but they are too voluminous to include in these printed records. Among these are the papers relating to the Gortonian controversy ; the dispute growing out of the jurisdiction claimed by Connecticut, Massachusetts and Plymouth ; the Indian wars, &c. These are quite sufficient for one or more volumes, and it is to be hoped, that on the completion of the printing of the Colonial records, one or more volumes of these valuable papers may be collected and printed as illustrations to these records.

In transcribing these records for publication, the original orthography has been closely followed. To those not familiar with the quaint language and peculiar spelling of the period to which these records refer, it would, doubtless, have been more agreeable

if the work had been modernized ; a system which would have destroyed its interest historically. Modern spelling would not have been in character with the style used two hundred years ago ; and with the same propriety, the quaint language of that period should be put in the language of our day. It was therefore thought advisable to adhere to the originals in these respects. Where the original had been obliterated, words, and in a few cases, short sentences have been supplied to preserve the connection ; these have been enclosed in brackets. The abbreviations, except *y^e* for the, and *y^t* for that, have not been followed, as many required characters expressly cast for them ; besides, these abbreviations were not the universal custom of the time, but were often employed by writers at the end of a line, or to save space.

The records being in the handwriting of different Secretaries, some of which were evidently not familiar with the pen, and not well versed in the rules of grammar and punctuation, it has been found necessary, in a few instances, to make slight corrections, in order to preserve the sense. In the use of capital letters, no system was followed by the writers ; and as these did not alter the sense, it was deemed best to conform to the modern use of them.

In proper names there is the greatest diversity in spelling ; and great as it is, it has been followed in printing, for it was not for the editor to say how a family name should be spelt. After undergoing various changes, these names settled down into the form in which they now appear. In the index to this volume, the various names intended for the same individual, are placed together and referred to as the same ; as Howlden, Houldon and Holden ; Jefferyes, Jeoffries and Jeffries ; Almie and Almy ; Esson and Easton ; Timberleggs and Timberlake ; Wildbore, Wilbore, Wil-

bour and Wilbur, &c., &c. The difference in the spelling of these names by different persons, was doubtless from their depending upon the ear.

Notes and connecting paragraphs have, in a few instances, been added, which are enclosed in brackets. These might have been extended with advantage to readers unfamiliar with the annals of the State ; but it was thought best for the reader to rely, as far as possible on the records themselves, without the addition of extraneous matter. These are but the materials for history, and to the diligent historian, whose duty it is to weave in all he can gather from other sources, must the public look for a more particular and better digested history.

The reader should bear in mind, where reference is made to the 1st, 2d, 3d 4th month, &c., that the Old Style, or Julian method of computing time was in use at the time these records were made, when the year commenced on the 25th of March, which was consequently the first month, and February the twelfth.

Great pains have been taken in preparing the Index appended to this volume, a labor which few will appreciate unless they have attempted a similar task. This seemed necessary, as in a volume like the records, it was impossible to prefix any table of contents or other references to the matter contained in it. It is a work, too, where many will seek for genalogies or family history. To render it useful in this respect, every proper name mentioned, is alluded to in the Index, however frequent its occurrence.

RECORDS
OF THE SETTLEMENTS AT
PROVIDENCE, PORTSMOUTH, NEWPORT AND
WARWICK,
FROM THEIR COMMENCEMENT TO THEIR UNION UNDER
THE COLONY CHARTER.
1636 TO 1647.

PROVIDENCE RECORDS.

ROGER WILLIAMS AND HIS ASSOCIATES.

1636 TO 1647.

1636.

[THE earliest records of the colonists who accompanied Roger Williams to Providence in the year 1636, exist only in a few detached fragments in the office of the Town Clerk of the city of Providence. It is even doubtful whether any complete record of the proceedings of his party was kept; yet, it is evident, from the brief records that do exist, some of which refer to events not recorded, that there were some other records or memoranda no longer to be found. Whatever they were, they are supposed to have been destroyed in the year 1676, when the town was sacked and burned by the Indians.

These memoranda form the first records in this volume. They are followed by the original deed of sale from the Indians to Roger Williams; the transfers by him to his companions, with documents written by him some years after, confirmatory of the same; the compact of the first settlers in the year 1640, and a few other documents connected with the history of Providence. These present all the materials in the archives of the State relating to the settlement by Roger Williams and his associates at Providence down to the year 1647, when the four towns of Providence, Portsmouth, Newport and Warwick were united. From that period the records form an unbroken history to the present time. The Gorton controversy which began in the year 1641 is not a matter of record, and being exclusively of a documentary character, as well as quite voluminous is not included in this volume.]

16 *die 4th Month* [June, 1636.]*

M'd. It was agreed by the Towne, that after warning given to come to the Towne meeting, that whosoever be

* In the original, the year is not given, but as it is known, that Roger Williams with his five companions were here before July 26, 1636, when he wrote a letter to Governor Vane, the inference is, that he came a few months earlier, and that this record was made in June, then the fourth month.

In connexion with this subject it seems proper to make the following statement of facts which will tend to fix the time when Roger Williams and his associates established themselves in the place which they called Providence, on which subject there has been some diversity of opinion.

wanting to the meeting above one quarter of an houre 1636.
after the time appointed by him that gave the warning, shall pay the Towne for every such default one shilling and sixpence.

M'd. It was agreed by the Towne, that a Treasurer should be appointed for the receiving, and as the Towne shall appoint, for the expending the Towne's stock.

In the Records of Massachusetts, September, 3, 1635 (vol. i. p. 160), is the following, which fixes the period of his banishment.

"Whereas Mr. Roger Williams, one of the elders of the church of Salem, hath broached and dyvulged dyvers newe and dangerous opinions, against the authoritie of magistrates, as also writ letters of defamacion, both of the magistrates and churches here, and that before any conviction, and yet mainetaineth the same without retraccion, it is therefore ordered, that the said Mr. Williams shall departe out of this jurisdiccion within six weekes nowe next ensueinge, which if he neglect to performe, it shall be lawfull for the Governor and two of the magistrates to send him to some place out of this jurisdiccion, not to return any more without licence from the Court."

On the 11th January following, according to Winthrop (vol. i. p. 175), the General Court of Massachusetts resolved to send Roger Williams to England, but the messengers sent to Salem to apprehend him and carry him on board the ship, found that he had taken his departure three days before their arrival. In his own account of his journeys after leaving Salem, he describes it as being in the winter, and in his letter to Major Mason dated at Providence, July 22, 1670 (see Massachusetts Hist. Coll. vol. i.), he says :

"I first pitched and began to build and plant at Seekonk, now Rehoboth, but I received a letter from my ancient friend, Mr. Winslow, then Governor of Plymouth, professing his own and others' love and respect to me, yet lovingly advising me, since I was fallen into the edge of their bounds, and they were loth to displease the Bay, to remove to the other side of the water, and then, he said, I had the country free before me, and might be as free as themselves, and we should be loving neighbors together."

Governor Winslow entered upon his official duties in March, 1635-6. This was the only year he held office between 1633 and 1644. The inference from these facts is, that Roger Williams left Salem in January, 1636, and that after being, as he says, "sorely tossed, for fourteen weeks, in a bitter winter season," between Plymouth and Seekonk, fixed his habitation at the latter place in the spring, probably in April. Soon after, the warning from Governor Winslow induced him to leave, when, with his five associates, he embarked in a canoe, and after exchanging salutations with the Indians at Slate Rock in Seekonk river, they sailed around Fox Point and up Providence river where they landed in the month of May or early in June.* The first record bears date the 16th of the 4th month [June, O. S.] His letter to Governor Vane written from Providence, bears date of the 26th of July, 1636.

* Staples' Annals of Providence, p. 21.

1636.

Md. 13 die Month 6 [August, 1636.]

It was agreed by the Towne, that if any man be to be removed as an inhabitant into the Towne ; if his necessity be such as that without much loss, he who is to be admitted cannot stay for an answer till the month day ; that then or any other day, there be foure days warning given to the inhabitants incorporated, for their meeting together for such a purpose.

*August the 20th.**

We whose names are hereunder, desirous to inhabit in the town of Providence, do promise to subject ourselves in active and passive obedience to all such orders or agreements as shall be made for public good of the body in an orderly way, by the major consent of the present inhabitants, masters of families—incorporated together in a Towne fellowship, and others whom they shall admit unto them only in civil things.

Richard Scott,
William Reynolds, +
by his mark.
Chad Browne,
John Warner,
John Feild, +
by his mark,
George Rickard,

Edward Cope,
Thomas Angell, +
by his mark,
Thomas Harris, +
by his mark,
Francis Weekes, +
by his mark,
Benedict Arnold,
Joshua Winsor,
William Wickendon.

* This entry appears in the first book of records without date. When these records were copied, the transcriber added to his copy, the date of August 20, 1637, from the inside of the cover of the same book, which is in a different hand-writing, and probably refers to some other matter. It is supposed that these names constituted a second party of comers ; yet among them are the names of Thomas Angell and Francis Wickes, who came with Roger Williams. Tradition says they were then minors, which was the reason why their names are not in the original deed of conveyance.—*Staples' An.*, p. 39.

1636.

M'd. That on the 3 die of the 10th month.

It was agreed by the Towne, that after warning given to come to the Towne meeting, whosoever be wanting from the Towne meeting above one quarter of an houre after the time appointed by him that gives warning ; the party delinquent, as not having a sufficient cause of his absence shall pay to the Towne for every such default one shilling and sixpence ; as also, he who keeps the books for that month, is to observe, and take notice who is wanting, and present his name to the Towne.

Agreement and orders the second year of the plantation.

It is agreed that William Carpenter, Benedict Arnold, Francis Weekes, Willia. Reynolds, Thomas Angell, Mrs. Daniel,* Mary Sweet, should pay, in consideration of ground at present granted unto them two shillings and sixpence apiece, also Edward Cope five shillings and sixpence.

Item. Mr. Cole, Francis Weston, Richard Waterman, should pay for each person one shilling and sixpence, *i. e.* for damage in case they do not improve their ground at present granted to them, viz.: by preparing to fence, to plant, to build, etc.

Item. That all future comers upon the grant of the like portion of ground unto them for their home, each should pay one shilling and sixpence.

28 die Mense 12th, (February, 1637-38.)

It was agreed that two men should be deputed to view the timber on the common, and that such as have occasion

* Alice Daniell, afterwards the wife of John Greene.

1637. to use timber, should repair unto them for their advice
 and counsel to fell timber fit for their use between the
 shares granted and mile end cove.

Item. That from the sea or river in the west end of the Towne, into the swamp in the east side of the fields, that no person shall fell any wood or timber before any particular man's shares end.

Item. That any timber felled by any person lying on the ground above one yeare after the felling, shall be at the Towne's disposing, beginning at the 23d die of the month above written.

The 21 die of the 3d Month [May, 1637.]

It was agreed that Joshua Verin upon the breach of a covenant for restraining of the libertie of conscience, shall be withheld from the libertie of voting till he shall declare the contrarie.*

* This act of the town, disfranchising one of its citizens "for restraining of the libertie of conscience," is so important, that its history, as given by Governor Winthrop, deserves a place here. After speaking of the heresy of a Mrs. Oliver, who had given the ministers and magistrates of Massachusetts much trouble, he says:

"At Providence, also, the devil was not idle. For, whereas, at their first coming thither, Mr. Williams and the rest did make an order, that no man should be molested for his conscience, now men's wives and children, and servants claiming libertie hereby to go to all religious meetings, though never so often, or though private, upon the week days; and because one Verin refused to let his wife go to Mr. Williams so oft as she was called for, they required to have him censured. But there stood up one Arnold, a witty man of their own company, and withstood it, telling them that, when he consented to that order, he never intended it should extend to the breach of the ordinance of God, such as the subjection of wives to their husbands, etc., and gave divers solid reasons against it. Then one Greene (who hath married the wife of one Beggerly, whose husband is living, and no divorce, etc., but only it was said, that he had lived in adultery, and had confessed it) he replied, that, if they should restrain their wives, etc., all the women in the country would cry out of them, etc. Arnold answered him thus: Did you pretend to leave the Massachusetts, because you would not offend God to please men, and would you now break an ordinance and commandment of God to please women? Some were of opinion that if Verin would not suffer his wife to have her libertie, the church should dispose her to some other man, who would use her better. Arnold told them

1637.

The 10th of 4th Month [June, 1637.]

June 10.

M'd. The severall portions of grass and meadow which oure neighbour Greene, our neighbour Cole, neighbour Arnold, and Mr. Weston laid out in the Towne's name unto oure neighbour James, neighbour Olney, neighbour Waterman, neighbour Cole, neighbour Weston, neighbour Carpenter, neighbour Holyman were confirmed as their proper right and inheritance to them and theirs, as fully as the former portions appropriated to our neighbour Throckmorton, neighbour Greene, neighbour Harris, Joshua Verin, neighbour Arnold and neighbour Williams were, or are confirmed to them or theirs.

that it was not the woman's desire to go so oft from home, but only Mr. Williams's and others. In conclusion, when they would have censured Verin, Arnold told them, that it was against their own order, for Verin did that he did out of conscience; and their order was, that no man should be censured for his conscience."

Verin left Providence and removed to Salem; but it will appear from the following letter received from him, which was laid before the town at their quarter meeting, April 27th, 1651, that he then claimed an ownership in the land as one of the six original settlers of Providence.

Gentlemen and Countrymen of the Town of Providence:

This is to certify to you, that I look upon my purchase of the town of Providence to be my lawful right. In my travel, I have enquired, and do find it is recoverable according to law; for my coming away could not disinherit me. Some of you cannot but recollect, that we six which came first should have the first convenience, as it was put in practice by our house-lots, and second by the meadow in Wanasquatucket river, and then those that were admitted by us into the purchase to have the next which were about; but it is contrary to law, reason and equity, for to dispose of my part without my consent. Therefore deal not worse with me than with the Indians, for we made conscience of purchasing it of them and hazarded our lives. Therefore we need not, nor any one of us ought, to be denied of our purchase. So hoping you will take it into serious consideration, and to give me reasonable satisfaction, I rest,

Yours, in the way of right and equity,

JOSHUA VERIN.

The following is the answer directed to be returned by the Clerk.

Sir: The town of Providence having received, read and considered yours, dated the 21st of November, 1650, have ordered me to signify unto you, that if you shall come into court, and prove your right, they will do you justice.

Per me,

GRE. DEXTER, Town Clerk.

1637.

Deed from Cannaunicus and Miantonomi to Roger Williams
[March, 1637.]

At Nanhiggansick, the 24th of the first month, commonly called March, in y^e second yeare of our plantation or planting at Mooshausick or Providence.

Memorandum, that we Cannaunicus and Miantunomi, the two chief sachems of Nanhiggansick, having two yeares since sold vnto Roger Williams, y^e lands and meadowes vpon the two fresh rivers, called Mooshausick and Wanasquutucket, doe now by these presents, establish and confirme y^e bounds of those lands, from y^e river and fields at Pautuckqut, y^e great hill of Notquonkanet, on y^e north-west, and the town of Maushapogue on y^e west.

As also, in consideration of the many kindnesses and services he hath continually done for us, both with our friends at Massachusetts, as also at Quinickicut and Apaum or Plymouth, we doe freely give unto him all that land from those rivers reaching to Pawtuxet river; as also the grass and meadowes upon y^e said Pawtuxet river.

In witness whereof we have hereunto set our hands.

Y^e mark of



CANNONNICUS.

Y^e mark of



MIANTUNNOMI.

In y^e presence of

The mark of + SOTAASH.

The mark of + ASSOTEMEWEIT.

1639. Memorandum 3 mo. 9th day. This was all again confirmed by Miantounomi; he acknowledged this his act and hand, up the streams of Pautuckqut and Pawtuxet without limits, we might have for use of cattle.

Witness hereof,

ROGER WILLIAMS,
BENEDICT ARNOLD.

1638.

*Memorandum or "Initial Deed" from Roger Williams of
the lands purchased of Canonicus and Miantonnomi.*

Memorandum, That I, R. W. having formerly purchased of Canonicus and Miantonnomi, this our situation or plantation of New Providence, viz. the two fresh rivers Wonas. and Moosh. and the grounds and meadows thereupon, in consideration of £30 received from the inhabitants of said place, do freely and fully, pass, grant and make over equal right and power of enjoying and disposing the same grounds and lands unto my loving friends and neighbours S W. W A. T J. R C. J G. J T. W H. W C. T O. F W. R W. and E H. and such others as the major part of us shall admit into the same fellowship of vote with us. As also, I do freely make and pass over equal right and power of enjoying and disposing the said land and ground reaching from the aforesaid rivers unto the great river Pawtuxet, with the grass and meadow thereupon, which was so lately given and granted by the two aforesaid sachems to me. Witness my hand.

R. W.

*Second Memorandum from Roger William sof his purchase
from Canonicus and Miantonnomi, October 8th, 1638.*

"Providence 8 of 8th month, 1638, so called.

Memorandum, that I Roger Williams having formerly purchased of Conanicus and Miantonnomi, this our situation or Plantation of New Providence, viz.: the two fresh rivers Wonasquatucket and Moosehasick and the grounds and meadows thereupon, in consideration of thirty pounds, received from the inhabitants of the said place, do freely and fully pass grant and make over equal right and power of enjoying and disposing the same ground and lands unto

1638. my loving friends and neighbors, Stukely Westcott, William Arnold, Thomas James, Robert Cole, John Greene, John Throckmorton, William Harris, William Carpenter, Thomas Olney, Francis Weston, Richard Waterman, Ezekiel Holyman and such others as the major part of us shall admit unto the same fellowship with of vote us. As also I do freely make and pass over equal right and power of enjoying and disposing the lands and grounds reaching from the aforesaid rivers unto the great river Pawtuxet and the grass and meadows thereupon, which was so lately granted by the aforesaid Sachems to me.

Witness my hand, Providence 22, 10 mo. 1666, so called.

ROGER WILLIAMS.

This paper and writing given by me about twenty-eight years since, and differs not a tittle, only so is dated as near as we could guess about the time, and the names of the men written in the straight of time and haste are here explained by me.

ROGER WILLIAMS.

In presence of us,

JOHN BROWNE,

JOHN SAYLES,

THOMAS HARRIS, Assistant."

Agreement between Roger Williams and his associates for a division of lands. 1638.

"An agreement made between the several inhabitants of the town of Providence, the 8th of the 8 month 1638. It is agreed, this day abovesaid, that all the meadow ground at Pawtuxet, bounding upon the fresh river upon both sides, is to be impropriated unto these thirteen persons, being now incorporate into our town of Providence, viz.: Ezekiel Holyman, Francis Weston, Richard Waterman, Thomas Olney, Robert Coles, William Carpenter,

William Harris, John Throckmorton, Roger Williams, 1638. John Greene, Thomas James, William Arnold, Stukely Westcott, and to be equally divided among them, and every man to pay an equal proportion to raise up the sum of twenty pounds for the same, and if it shall come to pass, that some or any of these thirteen persons abovesaid do not pay or give satisfaction for his or their equal proportion of the abovesaid sum of twenty pounds, by this day eight weeks, which will be the seventeenth day of the tenth month next ensuing, that they or he, shall leave their or his proportion of meadow ground unto the rest of those thirteen persons, to be at their disposing who shall make up the whole sum of twenty pounds, which is to be paid unto Roger Williams.

Memorandum. On the third day of the tenth month, 1638, so called, according to former agreement, I received of the neighbors abovesaid the full sum of £18. 11. 3 per me,*

ROGER WILLIAMS.

[The only copy on record of the "Initial deed" is without date. On the sixth of December, 1661, a committee appointed at a previous meeting to wait on Mr. Williams and procure a deed of the first purchase, made a report, and subsequently another was appointed to procure Mrs. Williams' separate title deed. The following is supposed to have been given in consequence.]


* The date of this agreement as stated in the copy from which the foregoing is copied is the same with that of the "Initial deed" of Mr. Williams; but it is evident that there is a mistake in the date or in the body of the instrument. Eight weeks from the 8th of October would be the third of December, and not the seventeenth, the date of the memorandum.

1638.

~~~~~ *Confirmatory Deed of Roger Williams and his wife, of lands transferred by him to his associates in the year 1638.*

*Be it known unto all men by these presents, that I, Roger Williams, of the Towne of Providence, in the Narragansett Bay, in New England, having in the yeare one thousand six hundred and thirty-foure, and in the yeare one thousand six hundred and thirty-five, had severall treaties with Conanicusse and Miantonome, the chief sachems of the Narragansetts, and in the end purchased of them the lands and meadows upon the two ffresh rivers called Mooshassick and Wanasquatucket ; the two said sachems having by a deed under their hands two yeares after the sale thereof established and confirmed the boundes of these landes from the river and ffields of Pawtuckqut and the great hill of Neotaconconitt on the northwest, and the towne of Mashapauge on the west, notwithstanding I had the frequent promise of Miantenomy my kind friend, that it should not be land that I should want about these bounds mentioned, provided that I satisfied the Indians there inhabiting, I having made covenantes of peaceable neighborhood with all the sachems and natives round about us. And having in a sense of God's mercifull providence unto me in my distresse, called the place Providence, I desired it might be for a shelter for persons distressed of conscience ; I then, considering the condition of divers of my distressed countrymen, I communicated my said purchase unto my loving ffriends John Throckmorton, William Arnold, William Harris, Stukely Westcott, John Greene, senior, Thomas Olney, senior, Richard Waterman and others who then desired to take shelter here with me, and in succession unto so many others as we should receive into the fellowship and societye enjoying and disposing of the said purchase ; and besides the ffirst that were admitted, our towne records declare*


that afterwards wee received Chad Brown, William ffeild, 1638. Thomas Harris, sen'r, William Wickenden, Robert Williams, Gregory Dexter and others, as our towne booke declares. And whereas, by God's mercifull assistance, I was the procurer of the purchase, not by monies nor payment, the natives being so shy and jealous, that monies could not doe it; but by that language, acquaintance, and favour with the natives and other advantages which it pleased God to give me, and also bore the charges and venture of all the gratuetyes which I gave to the great sachems, and other sachems and natives round and about us, and lay ingaged for a loving and peaceable neighbourhood with them all to my great charge and travell. It was, therefore, thought by some loveing ffrriends, that I should receive some loving consideration and gratui-tye; and it was agreed between us, that every person that should be admitted into the ffellowship of injoying landes and disposing of the purchase, should pay thirtye shillinges into the public stock; and first about thirtye poundes should be paid unto myselfe by thirty shillings a person, as they were admitted. This sum I received in love to my ffrriends; and with respect to a towne and place of succor for the distressed as aforesaid, I doe acknowledge the said sum and payment as ffull satisffection. And whereas in the year one thousand six hundred and thirtye seaven, so called, I delivered the deed subscribed by the two aforesaid chiefe sachems, so much thereof as concerneth the aforementioned landes ffrom myselfe and my heirs unto the whole number of the purchasers, with all my poweres right and title therein, reserving only unto myselfe one single share equall unto any of the rest of that number, I now againe in a more fformal way, under my hand and seal, confirm my fformer resignation of that deed of the landes aforesaid, and bind myselfe, my heirs, my executors, my administrators and assignes never to molest any of the said persons already received or hereafter to be received into the societie of purchas-

1638.  ers as aforesaid, but they, their heirs, executors, administrators and assigns, shall at all times quietly and peaceably enjoy the premises and every part thereof; and I do further, by these presents, bind myself, my heirs, my executors, my administrators and assigns, never to lay claim nor cause any claim to be laid, to any of the lands aforementioned, or unto any part or parcel thereof, more than unto mine own single share, by virtue or pretence of any former bargain, sale or mortgage whatsoever, or jointures, thirds or intails made by me the said Roger Williams, or of any other person either, for, by, through or under me.\* In witness thereof, I have hereunto set my hand and seal this twentieth

---

\* The lands transferred by Roger Williams to his associates were subsequently divided into what are called "home lots" and "six acre lots." In the clerk's office of the city of Providence is "A revised list (saving corrections with addition) of lands and meadows as they were originally lotted from the beginning of the plantation of Providence in the Narragansett Bay in New England unto the (then) inhabitants of the said plantation anno 16—." The first in order are the "home lots," beginning at the "Mile-end Cove" at the south end of the town between Fox Point and Wickenden street. This book gives a list of fifty-four persons who received their lots with their location. It is here given to preserve the names.

|                      |                    |                    |
|----------------------|--------------------|--------------------|
| Robert Williams,     | John Field,        | William Harris,    |
| Christopher Unthank, | William Field,     | John Throckmorton, |
| William Hawkins,     | Richard Scott,     | Roger Williams,    |
| Robert West,         | George Rickard,    | Joshua Verin,      |
| Hugh Bewit,          | John Warner,       | Widow Reeve,       |
| John Lippit,         | Chad Brown,        | John Smith,        |
| Matthew Weston,      | Daniel Abbott,     | John Greene, Sen.  |
| Edward Hart,         | William Reynolds,  | Thomas James,      |
| Thomas Hopkins,      | Stukely Westcott,  | William Arnold,    |
| Widow Sayer,         | Ezekiel Holyman,   | Francis Wickes,    |
| Widow Tiler,         | Richard Waterman,  | Benedict Arnold,   |
| Nicholas Power,      | Francis Weston,    | John Greene, Jun.  |
| William Wickenden,   | Thomas Angell,     | Edward Manton,     |
| William Man,         | Thomas Olney,      | Thomas Painter,    |
| William Burrows,     | Robert Cole,       | Matthew Waller,    |
| Adam Goodwin,        | William Carpenter, | Gregory Dexter.    |
| Thomas Harris,       | John Sweet,        |                    |
| Joshua Winsor,       | Alice Daniels,     |                    |

day of December in the present year one thousand six 1638.  
hundred and sixty one. 

ROGER WILLIAMS. [L.S.]

Signed, sealed and delivered, in presence of us,

THOMAS SMITH,

JOSEPH CARPENTER.

I, Mary Williams, wife unto Roger Williams, doe as-  
sent unto the premises. Wittness my hand this twen-  
tyeth day of December, in the present year one thousand  
six hundred and sixty one.

The marke of M. W. MARY WILLIAMS.

Acknowledged and subscribed before me,

WILLIAM FFEILD, Generall Assistant.”

---

*Deposition of Roger Williams relative to this purchase  
from the Indians.*

Narragansett, 18 June, 1682, Ut. Vul.

I testify as in the presence of the all making and all  
seeing God, that about fifty years since, I coming into  
this Narragansett country, I found a great contest be-  
tween three sachems, two (to wit, Cononicus and Mianto-  
nomy) were against Ousamaquin on Plymouth side, I was  
forced to travel between them three, to pacify, to satisfy  
all their, and their dependents' spirits of my honest inten-  
tions to live peaceably by them. I testify that it was the  
general and constant declaration that Cannonicus his father  
he had three sons, whereof Cannonicus was the heire, and  
his youngest brother's son Miantonomy (because of his  
youth) was his Marshal and Executioner, and did nothing  
without his unkle Cannonicus' consent. And therefore I  
declare to posterity that were it not for the favor that God  
gave me with Cannonicus, none of these parts, no, not  
Rhode-Island had been purchased or obtained, for I never

1638. got any thing out of Cannonicus but by gift. I also profess that being inquisitive of what root the title or denomination Nahiganset should come, I heard that Nahiganset was so named from a little Island between Puttisquomscut and Musquomacuk on the sea and fresh water side. I went on purpose to see it, and about the place called Sugar-Loaf Hill, I saw it, and was within a pole of it, but could not learn why it was called Nahiganset. I had learnt that the Massachusetts was so called from the Blue Hills, a little Island thereabout: and Cannonicus' father and ancestors living in these southern parts, transferred and brought their authority and name into those northern parts all along by the sea side, as appears by the great destruction of wood all along near the sea side: and I desire posterity to see the gracious hand of the Most High, (in whose hands is all hearts,) that when the hearts of my countrymen and friends and bretheren failed me, his infinite wisdom and merits stirred up the barbarous heart of Cannonicus to love me as his son to his last gasp, by which means I had not only Miantonomy and all the Cowesit sachems my friends, but Ousamaquin also, who, because of my great friendship with him at Plymouth and the authority of Cannonicus, consented freely (being also well gratified by me) to the Governor Winthrop's and my enjoyment of Prudence, yea of Providence itself, and all the other lands I procured of Cannonicus which were upon the point, and in effect whatsoever I desired of him. And I never denied him nor Miantonomy whatever they desired of me as to goods or gifts, or use of my boats or pinnace and the travels of my own person day and night, which though men know not, nor care to know, yet the all-seeing eye hath seen it and his all-powerful hand hath helped me. Blessed be his holy name to eternity.

R. WILLIAMS.

September 28, 1704, I then being present at the house of Mr. Nathaniel Coddington, there, being presented with

this written paper which I attest upon oath to be my father's own hand writing. 1636.

JOSEPH WILLIAMS, Assistant.

February 11, 1705. True copy of the original placed to record and examined by me.

WESTON CLARKE, Recorder.

---

*Report of Arbitrators at Providence, containing proposals for a form of Government.*

Providence the 27th of the 5th mo. in the yeare (so called) 1640.

Wee, Robert Coles, Chad Browne, William Harris, and John Warner, being freely chosen by the consent of our louing freinds and neighbours the Inhabitants of this Towne of Providence, having many differences amongst us, they being freely willing and also bound themselves to stand to our Arbitration in all differences amongst us to rest contented in our determination, being so betruſted we have seriously and carefully indeavoured to weigh and consider all those differences, being desirous to bringe to vnity and peace, although our abilities are farr short in the due examination of such weighty things, yet so farre as we conceive in laying all things together we have gone the fairest and the equallest way to produce our peace.

I. Agreed, We have with one consent agreed that in the parting those particler proprieties which some of our friends and neighbours have in Patuxit, from the general Common of our towne of Providence, to run vppon a




1637. streight line from a fresh spring being in the Gulley, at  
 ~~~~~ at the head of that cove running by that point of land  
 called Saxafras vnto the towne of Mashipawog, to an oake
 tree standing neere vnto the corne field, being at this time
 the neerest corne field vnto Patuxit, the oake tree having
 four marks with an axe, till some other land marke be set
 for a certaine bound. Also, we agree that if any meadow
 ground lyeing and joineing to that Meadow, that borders
 upon the River of Patuxit come within the aforesaid line,
 which will not come within a streight line from long Cove
 to the marked tree, then for that meadow to belong to
 Pawtuxit, and so beyond the towne of Mashipawog from
 the oake tree between the two fresh Rivers Pawtuxit and
 Wanasquatucket of an even Distance.

2. Agreed. We have with one consent agreed that for
 the disposeing, of those lands that shall be disposed belong-
 ing to this towne of Providence to be in the whole In-
 habitants by the choise of five men for generall disposeall,
 to be betrusted with disposeall of lands and also of the
 townes Stocke, and all Generall things and not to receive
 in any six dayes as townesmen, but first to give the Inhab-
 itants notice to consider if any have just cause to shew
 against the receiving of him as you can apprehend, and
 to receive none but such as subscribe to this our determi-
 nation. Also, we agree that if any of our neighbours doe
 apprehend himselfe wronged by these or any of these 5
 disposers, that at the Generall towne meeting he may
 have a tryall.

Alsoe wee agree for the towne to choose beside the oth-
 er five men one or more to keepe Record of all things be-
 longing to the towne and lying in Common.

Wee agree, as formerly hath bin the liberties of the
 town, so still, to hould forth liberty of Conscience.

III. Agreed, that after many Considerations and Con-
 sultations of our owne State and alsoe of States abroad in
 way of government, we apprehend, no way so suitable to

our Condition as government by way of arbitration. But 1637. if men agree themselves by arbitration, no State we know  June 10. of disallows that, neither doe we : But if men refuse that which is but common humanity betweene man and man, then to compel such vnreasonable persons to a reasonable way, we agree that the 5 disposers shall have power to compell him either to choose two men himselve, or if he refuse, for them to choose two men to arbitrate his cause, and if these foure men chosen by every partie do end the cause, then to see their determination performed and the faultive to pay the Arbitrators for their time spent in it : But if those foure men doe not end it, then for the 5 disposers to choose three men to put an end to it, and for the certainty hereof, wee agree the major part of the 5 disposers to choose the 3 men, and the major part of the 3 men to end the cause haueing power from the 5 disposers by a note under their hand to performe it, and the faultive not agreeing in the first to pay the charge of the last, and for the Arbitrators to follow no employment till the cause be ended without consent of the whole that have to doe with the cause.

Instance. In the first Arbitration the offender may offer reasonable terms of peace, and the offended may exact upon him and refuse and trouble men beyond reasonable satisfaction ; so for the last arbitrators to judge where the fault was, in not agreeing in the first, to pay the charge of the last.

IV. Agreed, that if any person damnify any man, either in goods or good name, and the person offended follow not the cause vppon the offender, that if any person giue notice to the 5 Disposers, they shall call the party delinquent to answer by Arbitration.

Instance. Thus, if any person abuse an other in person or goods, may be for peace sake, a man will at present put it vp, and it may so be resolute to revenge : therefore, for the peace of the state, the disposers are to look to it in the first place.

1637. V. Agreed, for all the whole Inhabitants to combine ourselves to assist any man in the pursuit of any party delinquent, with all our best endeavours to attack him : but if any man raise a hubbub, and there be no just cause, then for the party that raised the hubbub to satisfy men for their time lost in it.

VI. Agreed, that if any man have a difference with any of the 5 Disposers which cannot be deferred till general meeting of the towne, then he may have the Clerk call the towne together at his [discretion] for a tryall.

Instance. It may be, a man may be to depart the land, or to a farr parte of the land ; or his estate may lye vppon a speedy tryall or the like case may fall out.

VII. Agreed, that the towne, by the five men shall give every man a deed of all his lands lying within the bounds of the Plantation, to hould it by for after ages.

VIII. Agreed, that the 5 disposers shall from the date hereof, meete every month-day vppon General things and at the quarter-day to yeeld a new choise and give vp their old Accounts.


IX. Agreed, that the Clerke shall call the 5 Disposers together at the month-day, and the generall towne together every quarter, to meete vppon general occasions from the date hereof.

X. Agreed, that the Clerke is to receive for every cause that comes to the towne for a tryall 4*d.* for making each deed 12*d.* and to give vp the booke to the towne at the yeeres end, and yeeld to a new choice.

XI. Agreed, that all acts of disposall on both sides to stand since the difference.

XII. Agreed, that every man that hath not paid in his purchase money for his Plantation shall make vp his 10*s.* to be 30*s.* equal with the first purchasers : and for all that are received townsmen hereafter, to pay the like summe of money to the towne stocke.

These being those things wee have generally concluded on, for our peace, we desireing our loveing friends to re-

ceive as our absolute determination, laying ourselves 1637.
downe as subjects to it. 

| | |
|--------------------|----------------------|
| Chad Brown, | John Warner, |
| Robert Cole. | John Field, |
| William Harris, | William Arnold, |
| John Throckmorton, | William Field, |
| Stukely Westcott, | Edward Cope, |
| Benedict Arnold, | Edward + Manton, |
| William Carpenter, | William Man, |
| Richard Scott, | Nicholas Power, |
| Thomas Harris, | William + Reynolds, |
| Francis + Wickes, | Thomas Olney, |
| Thomas + Angell, | Richard Waterman, |
| Adam Goodwin, | William Wickenden, |
| William Burrows | Edward Hart, |
| Roger Williams, | Hugh Bewit, |
| Robert West, | Thomas Hopkins, |
| Joshua Winsor, | Joan Tyler, |
| Robert Williams, | Jane + Sears, |
| Matthew Waller, | Christopher Unthank, |
| Gregory Dexter, | William + Hawkins. |
| John + Lippitt, | |

Deed from Ousamequin, Chief of Paukanawket to Roger Williams, Gregory Dexter and the inhabitants of Providence.

Wapewasick, over against Portsmouth,
9th of 6th month 1646. (so called.)

This testifyeth, that I Ousamequin chiefe Sachem of Paukanawket, for and in consideration of full satisfaction in wampum, cloth and other commodities received at present; doe give, grant, sell and make over unto Roger

1637. Williams and Gregory Dexter, inhabitants of Providence, together with all those inhabitants of Providence that hath or shall joyne in this purchase, with all my right and interest of all that parcell or tract of land which lies betweene Pawtuckqut and Loqusquseit, with all the meadowes, trees and appurtenances thereof, and after the . . .

And I doe hereby bind myself, my heires and successors, to maintaine all and every of their peaceable enjoyment of the foresaid lands from any other claime or bargain whatsoever. And I do hereby authorize Saunkussecit alias Tom of Wauchimoqut to marke trees and set the bounds of the land aforesaid in case that great meadow at or about Loqusqusitt fall not within the bounds aforesaid, yet it shall be for them to enjoye the said medow forever ; that without the bounds of the said tract of land, round about, it shall be lawfull for them to feede and graze their cattell, as allso to cut any medows for their use, though not put up houzes without further agreement. . . . That who hath an Indian field within the bounds aforesaid, shall either depart or secure his field from the English cattell. Witness my hand.*

* After the terms of purchase had been agreed upon between the Providence committee and Ousamequin, and the deed drawn, the latter refused to sign it. The testimony of Roger Williams and others of the committee, which follows the unsigned deed is on record.

1638.

Testimony, or Report of Roger Williams, Gregory Dexter and others in relation to the lands purchased of Ousamequin, 1646.

Wapewasick over against Portsmouth 10. 7. 46 (so called.)

We Gregory Dexter, Tho: Olney, Roger and Robert Williams in a word of truth and faythfullness declare that being requested by y^e Towne of Providence in oure owne and their behalfe to buy y^e right which Ousamequin pretendeth to a parcell of Land which lies between our bounds at Pawtuckqut and an Indian Plantation northwest from thence called Loquasquscit, and knowing y^e our Towne had right to y^e feeding and grazing of cattle upon ye said parcell of land by our grant of y^e Nanhigganset purchase, before such times as they since released him of his subjection, as also y^t it was upland from y^e water, and most of it barren and rockie, without medow ; soe making a journey to Ousamequins house, offered him but fifteen fathom of white wampum (it being a time when white wampum only was current ; and which we knew he only would accept). But he desired to have commodities and wampum, and at last we agreed upon ten fathom of white wampum, four coates of English cloth, six of the best English howes and English axes, and twelve great knives ; which wampum and commodities he desireing speedie pay of, we went, all of us over to Portsmouth to procure y^e said wampum and commodities ; he furnishing us with a canew and a native, where some of us performed good service for him in some controversies between the English and him. We brought him y^e wampum which he accepted of, y^e coates allso, which he accepted of and received the cloth, choosing out of two parcells, but of twelve knives he choose eight ; out of six howes, he chose one, we promising to procure y^e rest of the howes and

1636. hatchets and knives to his liking, which he was fully content. Afterward going to sleepe he begged two coats of us, which we promised to give him ; yet in the morning, some of us refusing to sell him shott, as also our all refusing to give him foure coats more, he took forth our monie and goods againe to us, which we refused, not being willing to countenance such dealing in y^e barbarians ; and having before in their payments and a coate to his councellour which he desired, and some other small gifts unto them layed out, y^e valew of about forty fathom of wampum, we were not willing to wrong our country in granting his desire of foure coats, and so unreasonably to raise y^e price of such parcells of land in this barbarous wilderness ; and therefore, we declare y^t ye said land according to a faire and righteous bargaine belongs to the Towne of Providence, the Towne paying to Ousamequin, as aforesaid.

ROGER WILLIAMS, ROBERT WILLIAMS,
GREGORY DEXTER, THO: OLNEY.

1638.

Deeds of Confirmation made by the Indian Sachems, successors of Conanicus and Miantonomi, to the inhabitants of Providence and Pawtuxet, of lands previously purchased by them.

Providence, the 3d month, 29th day, 1659.


This be known to all that it may concerne, in all ages to come, that I Caujaniquaunte, sachem of the Narragansetts, ratify and confirme to the men of Providence, and to the men of Pawtuxcette, their landes, and deed, that my brother Meantonomeah made over and disposed to them, namely, all the landes, between Pawtucket river and Pawtuxcette river, up the streams without limit for their use of cattle ; and I also doe for summer and winter feeding of their cattle and ploughing and all other necessary improvements, as for farmes and all manner of plantations whatsoever : This lande, I say, above said, I confirme to the aforesaid men at this present, twenty full miles beginning to measure from a hill, called Fox's hill, upon a straight line, running up into the country between Pawtucket and Pawtuxcette river. This lande and these appurtenances I hereby confirme to them and their heires and assignes forever, and that my heires and assignes shall not molest them nor their assignes forever in any of the landes above said ; and that I am always ready to defend their title from the claim of any Indians whatsoever. In wnesse whereof I hereto set my hande.

The marke of



CAUJANIQUEANTE.

The witnesses,

AWAUSHOWES, his  marke.

MATTACKCEES, called Newcom, his W marke.

We also witnesses :

NATHANIEL WATERMAN,

ANDREW HARRIS.

1638. I, Aiaquamit, owne this my father his act and deed, which is above written, and doe acknowledge, that I have received full satisfaction for all the right and claime which could be laid by me unto any of those landes which my brother hath sold unto the men of Providence and the men of Pawtuxcette. Witnesse my hande this 28 of April in the year 1660.*

The marke  of AIAQUAMIT.

W The marke of MATTACKCEES, alias Newcom.
THOMAS OLNEY Junior.

For Pawtuxcette and Providence, the 6 mo, 13 day, 1659.

This be known to all ages upon any just occasion, that wee Cussuckquanth and Nenekealah chief sachems over the Indians in these parts of the country, ratifye and confirme to the men of Providence and the men of Pawtuxcette, their landes according to their joynt agreements, which our brother Meantonomeah possessed them with, that is, all the landes between Pawtuckette and Pawtuckcette, between the streams of these rivers, and up these streams without limits, or as far as they shall think fit. These landes and the appurtenances, we confirme to them, in and for good considerations, to them, their heires and assignes forever. Nevertheless, it shall not be lawfull for the aforesaid men to remove the Indians that are up in the country, except they shall satisfye those Indians, and so cause them to depart willingly, neither shall any of those Indians sell any part of their said landes to any man

* These deeds were authorized by the Court of Commissioners in May 1659, in order to satisfy the demands of the Indians. By some they were considered merely as deeds of confirmation, by others as new purchases. Roger Williams objected to the transactions as is shown by his letter which follows, dated 27th. 8th mo. 1660.

whatsoever, only it shall be lawfull for those Indians to receive some recompence for their removing off, if they see cause, of the aforesaid Englishmen of Providence or Pawtuxcette according to their joynt agreement. Also we binde our heires and assignes forever not to molest, the aforesaid men nor their heires nor assignes upon any of the aforesaid landes forever.

Witnesse our hands

CUSSUCKQUANTH his marke:—>

NENEKEALAH his mark ———**

AWATHOES his marke *———

RICHARD SMITH,

JAMES SMITH.


These beare witnesse to all ages to come, to such as are concerned herein. That we, Scuttappe and Quequaganewet, son to Meakeaw, son to Quananone, called by the English Qunnounicus uncle to Meantonomeah, who made a peace with the English in the Massachusetts, for all the Indians in these parts, in the time of the Pequot war with the English. This our grandfather and cousin, chiefe sachems, granted to Roger Williams, agent for the men of Providence and the men of Pawtuxcette, a tract of lande, reaching from Pawtucket river to Pawtuxcette river, all the landes between the streams of those rivers, and up those streams without limits for their use of cattle, did they grant to the men abovesaid, the men of Providence and the men of Pawtuxcette to whom we establish the landes aforesaid up the streams of those rivers, and confirme without limits, or as far as the men abovesaid of Providence and Pawtuxcette shall judge convenient for their use of cattle, as feeding, ploughing, planting all manner of plantations whatsoever ; we say, all the landes, according to the limits aforesaid, we establish and confirme to the men of Providence and the men of Pawtuxette, according to their joynt agreement, in the most ab-


1638. solute tenure of fee simple, to them, their heires and assigns forever, and hereby binde ourselves, our heires and assignes, not to molest or trouble the men abovesaid in the full enjoyment of the land abovesaid. Nevertheless, it shall not be lawfull for the men abovesaid to remove the Indians, that are up in the country from their fields, without the Indians' consent and content, nor shall it be lawfull for any of those Indians to sell any of the landes abovesaid to any, only it shall be lawfull for them, to take of the men of Providence and the men of Pawtuxcette, according to their joynt agreement, satisfaction for their removing. And we have established to the men abovesaid the lande and deed granted by our grandfather and cousin, so do we also confirme the grants of confirmation by our cousins Cussuckquantb, Caujaniquanutte and Nennekealah.

The mark of SCUTTAPPE, 

Dated this first of December 1659—

Signed and delivered in presence of us

MANATAHS,  his marke, Indian interpreter,

NANTOMOROAWA,  his marke,

RICHARD SMITH,

RICHARD SMITH jr.

JAMES SMITH,

WILLIAM DYRE.

The marke of QUEQUAGANEWET.



1638.

Letter from Roger Williams to the Town of Providence, in relation to the deeds of confirmation from the successors of Conanicus and Miantonomi.

Loving friends and Neighbour

Divers of yourselves have so cried out of Letter from Roger Williams. ye contentions of your late meetings that (studying my quietness) I thought fit to present you with these few lines.

Two words I pray you to consider. First, as to this plantation of Providence ; then, as to some new plantation, if it shall please y^e same God of mercies who provided this, to provide another in mercy for us.

First, as to this Towne. Although I have been called out of late to declare my understanding as to y^e bounds of Providence and Pawtuxet ; and although divers have land and meadows in possession beyond these bounds, yet I [feel sure] that none of you thinck me so senceless as to put on any barbarian to molest an Englishman, or to demand a farthing of any of you.

Second. If any doe, (as formerly some have done, and divers have given gratuities as Mr. Field about Notaquonckanet and others,) I promise that, as I have been assistant to satisfie and pacifie y^e natives round about us, so I hope I shall, still while I live be helpfull to any of you y^t may have occasion to use me.

Now as to some new plantation. I desire to propose y^t which may quench contention, may accommodate such who want and may also return monies unto such as have of late disbursed. To this purpose I desire y^t we be patient and torment not ourselves and y^e native sachems and people, putting them upon mischievous remedies, with y^e great noise of twentie miles new or old purchase.

Let us consider if Niswosakît and Wayunckeke and y^e land thereabout, may not afford a new and comfortable plantation, which we may goe through, with all effectuall

1638. endeavour for true publicke good. To this end, I pray
 ~~~~~ you consider, y<sup>t</sup> the inhabitants of these parts with most  
 of the Cowwesets and Nipmucks have long since forsaken  
 y<sup>e</sup> Narrigansett Sachems and subjected themselves to y<sup>e</sup>  
 Massachusetts ; and yet, they are free to sell their landes  
 to any whom the Massachusetts shall not protest against.  
 To this end, (observing their often flights, and to stop  
 their running to y<sup>e</sup> Massachusetts), I have parlied with  
 them, and find that about thirtie pounds will cause them  
 to leave those partes, and yeald peaceable possession. I  
 suppose then y<sup>e</sup> the towne may doe well to give leave to  
 about twentie of y<sup>e</sup> inhabitants (of which I offer to be  
 one, and know others willing,) to laye downe thirtie shil-  
 lings a man towards y<sup>e</sup> purchase. Let every one of this  
 number have libertie to remove himselfe, or to place a  
 child or friend there. Let every person, who shall after-  
 ward be receaved into y<sup>t</sup> purchase lay down thirtie shil-  
 lings as hath been done in Providence, which may be paid  
 (by some order agreed on), to such as lately have disbursed  
 monies. Unto y<sup>e</sup> effecting of this, I offer, gratis, my time  
 and paines, in hope, y<sup>t</sup> such as want may have a comfort-  
 able supply amongst us, and others made roome for, who  
 may be glad of a shelter allso.

Yours to serve you

ROGER WILLIAMS.

27. 8th month 1660, (so called)

*Answer of the Town of Providence to the foregoing letter of  
 Roger Williams.*

We received your letter, and it being read in the ears  
 of the Towne, they considered this answer :

First. That from these words in our evidence taken by  
 you which are these, “the landes upon Moshassuck and

Wanasquatucket," which landes, comprehend Masswas- 1638.  
cutt, it appears ours already, and when we plant there, ~~~~~  
we will agree with the Indians either to remove or  
fence.

Second. When, as you say, the Indians have subject-  
ed to the Bay, wee say, they were subject to the Narra-  
gansett sachems when you bought the land which we now  
have, and yourselfe propose yet to buy. And we know,  
that if we let goe our true hold already attained, we shall,  
if not ourselves, yet oure posterity, smart for it; and we  
conceave herein, that we doe truely understand what  
yourself doth not. And if your apprehension take place,  
as we hope it never will, in these your proposals, we haply  
may see, what we conceive you desire not; the ruin of  
what you have given name to, viz.: poor Providence.  
As for the natives complaining, we have not wronged  
them any further than satisfaction, that we know of, nor  
shall not. What their wrongs to us are, we have hitherto  
rather smothered, than complained; yet we must tell  
you, that we shall not be averse to any fair gratuity,  
either to take them off their fields or otherwise; always  
having respect unto the act of the sachems, whom you  
have formerly so much honored. And herein, if you can  
accomplish, we shall be ready to assist with further pay,  
upon our former grounds, otherwise we shall not meddle,  
and forbid any to doe so. Thus in love, though in brieve  
return, we rest your neighbours.

The Towne of Providence,

Per me,

THOMAS OLNEY, jr.,  
Clerk in behalfe of the Town

October 29, 1660

To Mr. Roger Williams, these."



1647.

*Instructions from the Town of Providence to its committee, which, with other committees from the towns of Portsmouth, Newport and Warwick, were to meet at Portsmouth on the 18th of May, 1647, for the purpose of organizing a government.*

To our loving and well betruſted friends and neighbors, Gregory Dexter, William Wickenden, Thomas Olney, Robert Williams, Richard Waterman, Roger Williams, William Field, John Green, John Smith, John Lippitt.

We, the greater part of the inhabitants of this plantation of Providence, having orderly choſen you, at our Towne Meeting this 16th of the 3d mo. 1647, to appear for us, at the Generall Courte, of this colonye, to be held at Portsmouth on Rhode-Island, upon the 18th of this inſtant month, deſiring the Lord's Providence for your ſafe arrivall there ; we all voluntarily aſſenting, do hereby give you full power and authority as followeth :

First. To act and vote for us reſpectively or otherwiſe, as if we ourſelves were in perſon, for the ſettling of this Generall courte for the preſent, and for the composing of it, into any figure for the future, as cauſe ſhall require.

Secondly. To act and vote for us, as aforeſaid, in the choiſe of all generall officers as need ſhall require.

Thirdly. If the Generall Courte ſhall conſiſt of but ten men for each towne, then you are to act accordingly for this towne ; and if the Generall Courte ſhall be reduced into a fewer number, which for divers conſiderations, may be for the beſt, then, we give you full power to chooſe from among yourſelves, ſuch a number of our loving neighbors as ſhall answer the ſame figure, unto whom, being orderly choſen by you, we do give you power to transfer this our commiſſion, giving of them full power to act and vote for us the inhabitants of this plan-

tation, in all generall affairs, and for the settling of the 1647. island in peace and union, and for all matters that shall concerne this particular towne, desiring a careful respect unto these ensuing instructions. But if the Courte shall consist of ten of each towne, then our desires are that this our commission, with the ensuing instructions, may remain entire in your hands.

First. That we may have a true copy of our charter assigned unto us by the General Courte for the use of oure plantation.

Secondly. We doe voluntarily, and are free willing, to receive and be governed by the laws of England, together with the way of administration of them, so far as the nature and constitution of this place will admit, desiring, so far as may be, to hold a correspondency with the whole colony in that model that hath been lately shown unto us by our worthy friends of the Island, if the Generall Courte shall complete and confirme the same, or any other model as the Generall Courte shall agree upon according to our charter.

Thirdly. We desire to have full power and authority, to transact all our home affairs, to try all manner of causes or cases, and to execute all manner of executions, entirely within ourselves, excepting such cases and executions as the colony shall be pleased to reserve to generall trials and executions.

Fourthly. We desire to have full power and authority to choose, ordain, authorize, and confirme, all our particular towne officers, and also, that the said officers, shall be responsible unto our particular towne, and that there may be no intermixture of generall and particular officers, but that all may know their bounds and limits.

Fifthly. We desire to have an exact and orderly way open for appeals unto Generall Courtes, that so, if any shall be justly grieved, at any sentence passed, or otherwise, he or they may make their lawfull charge for reliefe there.

1647. Lastly. Whereas, it was hinted in that which our worthy friendes [sent] unto us, that each towne should have a charter of civil incorporation, apart, for the transaction of particular affairs ; if the Courte shall proceed so far as to agitate and order the same, then, we give you full power, on our behalfe, to move and procure any thing beside these instructions, that in your wisdom you may conceive may tend unto the generall peace or union of the colony and our own particular liberties and privileges ; provided you do all, or the most of you unanimously agree therein, and always reserving our equal votes, and equal privileges in the generall.

Thus betrusting you with the premises, we commit you unto the protection and direction of the Almighty, wishing you a comfortable voyage, a happy success, and a safe return unto us again.

Your thankfull friends and neighbors,  
ROGER WILLIAMS, Moderator.

# PORTSMOUTH RECORDS.

1637.

1637 TO 1647.

*Deed from Cannonicus and Miantunnomu chief sachems of the Narragansetts, of the purchase of the Island of Acquedneck (Rhode Island) to William Coddington and others. March 24, 1636-37.*

The 24th of y<sup>e</sup> 1st month called March, in y<sup>e</sup> yeare (soe commonly called) 1637.

MEMORANDUM. That we Cannonnicus and Miantunnomu y<sup>e</sup> two chiefe Sachims of the Nanhiggansitts, by ver-tue of our generall command of this Bay, as allso the perticular subjectinge of the dead Sachims of Acqued-neck and Kitackamuckquitt, themselves and land unto us, have sold unto Mr. Coddington and his friends united unto him, the great Island of Acquedneck lyinge from hence Eastward in this Bay, as allso the marsh or grasse upon Quinunicutt and the rest of the Islands in the Bay (ex-ceptinge Chibachuwesa formerly sould unto Mr. Winthrop, the now Governour of the Massachusetts and Mr. Williams of Providence);\* allso the grasse upon the rivers

---

\* The Island of Chibachuwese, now known as *Prudence*, was bought by Roger Williams from the Indians (as stated in the above deed), who held it as a joint proprietor with Governor Winthrop. The following letter from the Massachusetts Hist. Coll. vol. 3, gives the particulars of the transaction.

The last of the week, I think the 28th of the 8th.

Sir :

The bearer, Miantinomo, resolving to go on his visit, I am bold to re-

1637. and coves about Kitickamuckquitt and from these to Pau-  
 ~~~~~ pausquatch, for the full payment of forty fathom of white  
 beads, to be equally divided between us. In witnesse
 whereof we have here subscribed.

Item. That by giveinge by Miantunnomus' ten coates
 and twenty howes to the present inhabitants, they shall
 remove themselves from off the Island before next winter
 Witnesse our hands.

The marke of



CAUNONNICUS.

In the presence of

Y^e marke of  YOTUESH.
 ROGER WILLIAMS,


The marke of




MIANTUNNOMU.

RANDALL HOLDEN,

Y^e marke of  ASSOTEMUET,

Y^e marke of  MISHAMMOH,
 CAUNONICUS, his son.

quest a word of advice from you, concerninge a proposition made by Caunoni-
 cus and himselfe to me some halfe yeare since. Caunnonicus gave an Island
 in this Bay to Mr. Oldham, by name Chibackuwesa, uppon condition as it
 should seem, that he would dwell there neare unto them. The Lord (in whose
 hands all our hearts are) turning theare affections towards myselfe, they de-
 sired me to remove thither and dwell nearer to them. I have answered
 because of the store of fish, Canonnicus desires that I would accept halfe, (it
 being spectacle-wise, and between a mile or two in circuit, as I guess) and he
 would reserve the other; but I think if I goe over, I shall obtain the whole.
 Your loving counsell, how far it may be inoffensive, because it was once (upon


This witnesseth that I, Wanamatraunemit y^e at present 1638. sachem, inhabitant of y^e Island, have received five fathom  of wampum and doe consent to the contents. Witnessse my hand.

Y^e marke of WANAMATAUNEWIT.

In y^e presence of
RANDALL HOLDEN.

Memorandum. That I, Ousamequin freely consent that Mr. William Coddington and his friends united unto him shall make use of any grasse or trees on ye^e maine land on Powakasick side, and doe promise loveinge and just carriage of myselfe and all my men to the said Mr. Coddington and English his friends united to him, havinge received of Mr. Coddington five fathom of wampum as gratuity from himselfe and the rest.

Dated the 6th of the fifth month, 1638.

Y^e marke of  OUSAMEQUIN.

Witnessse,
ROGER WILLIAMS,
RANDALL HALDEN.

A true copy per me,

FRANCIS BRINLEY, Recorder.

A true copy per me,

WILLIAM LYTHERLAND, Recorder.

once and againe, that for the present I mind not to remove ; but if I have it from them, I would give them satisfaction for it, and build a little house and put in some swine, as understandinge the place to have store of fish and good feedinge for swine. Of late I have heard, that Mr. Gibbons, upon occasion, motioned your desire and his own of putting some swine on some of these islands, which hath made me more desire to obtain it, because I might thereby not onley benefit myselfe, but also pleasure yourselfe, whom I more desire to pleasure and honour. I spoke of it now to this sachem, and he tells me, that a condition not kept,) Mr. Oldham's. So, with respective salutes to your kind selfe and Mrs. Winthrop, I rest,

Your worship's unfeigned, in all I may.

ROGER WILLIAMS.

For his much honoured Mr. Governor, these.

1639.

*Receipts by the Sachems on account of the sale of the Island
of Aquedneck (Rhode Island).*

The 11th day of May, 1639.

Received by me Miantunnomu (as a gratuity) of Mr. Coddington and his friends united for my paines and travell in removeing of the natives off on the Island of Aquednecke, tenn fathom of wampumpeage and one broadcloth coate.



MIANTUNNOMU.

A true copy of the originall entered and recorded.

pr. JOHN SANFORD, Recorder.

Dated May 14th, 1639.

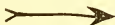
Received of Mr. William Coddington and his friends united to him, in full satisfaction for ground broken up or any other title or claime whatsoever formerly had of the Island of Aquednecke, the full sum of five fathom of wampumpeage and a coate.



WESHAGANESETT, his marke.

Witnesses,

MIANTONOMU, his marke.



Witness

HUGH DURDALL.

THOMAS SABERY + his marke.


A true copy of the originall entered and recorded

pr. JOHN SANFORD, Recorder.

June 20th, 1639. 1639.

Received from Mr. William Coddington and of his friends united to him in full satisfaction of ground broken up, or in any other title or claime whatsoever formerlye had of the Island of Aquidneck, the full sum of five fathom wampumpage.

WANIMENATONI,

 his marke.

Witnesses

WILLIAM COWLING,

RICHARD SAWELL.

A true copy of the originall entered and recorded.

pr. JOHN SANFORD, Recorder.

The 22d of November, 1639.

Received by me Miantunnomu of Mr. William Coddington and his friends united, twentie and three coates and thirteen howes to distribute to the Indians that did inhabit of the Island of Aquidneck, in full of all promises, debts, and demands for the said Island, and also two tarkepes.



MIANTUNNOMU.



CAUNONNICUS.

Witnesse

O MOMPOUCKE,

WAMPAMINAQUITT.

A true copy of the originall entered and recorded.

pr. JOHN SANFORD, Recorder.

1638.

Testimony of William Coddington relative to the purchase of the Island of Rhode Island from the Indians, April 14, 1652.

Boston in Massachusetts Bay in New England.

Mr. Coddington's
acknowledgement.

Whereas there was an agreement of eighteene persons to make purchass of some place to the southward for a plantation, whither they resolved to remove ; for which end, some of them were sent out to view a place for themselves and such others as they should take in to the libertie of freemen and purchasers with them. And upon their view was purchased Rhode Island, with some small neighbouring Islands and privileges of grasse and wood of the Islands in the Bay, and maine adjoyninge. And whereas the sale of the said purchass from the Indians hath ever since layne in the hands of William Coddington, Esq., which being a great trouble to the aforesyed purchasers and freemen, I, the said William Coddington Esq., doe by this writinge promise to deliver the said deeds of the purchases, together with what records are in my handes belonginge to the said purchasers and freemen into the hands of such as the major part of the purchasers and freemen shall appoint to receive them ; and doe hereby declare, that I the said William Coddington, Esq., have noe more in the purchass of right, than any other of the purchasers or freemen received, or shall be received in by them, but only for my owne proportion. In witnesse hereof, I have putt my hand this 14th April, 1652.

WM. CODDINGTON.

Signed in the presence of

ROBERT KNIGHT,

GEORGE MUNING.

A true copie of the original entered and recorded the 7th of April, 1673.

per me, JOHN SANFORD, Recorder.

William Coddington, Esq., aged aboute seventy-six 1638. years, testifyeth upon his engagement, that when he was one of the magistrates of the Massachusetts Colony he was one of the persons that made a peace with Caunnonicus and Mianantonomy in the Collony's behalfe of all the Narragansett Indians, and by order from the authoritie of the Massachusetts a little before they made war with the Pequod Indians. Not long after this, deponent went from Boston to find a plantation to settle upon, and came to Acquidneck, now called Rhode Island, where was a sachem called Wonnumetonomey ; and this deponent went to buy the Island of him, but his answer was that Caunnonicuss and Miantonmy were the chiefe sachems, and he could not sell the land ; whereupon this deponent, with some others went from Aquidneck Island into the Narragansett to the said sachems, Caunonicus and Miantonmy, and bought the Island of them ; they having, as I understood the chief command, both of the Narragansett and Acquidneck Island ; and further saith not.

Taken upon engagement in Newport, on Rhode Island, the 27th day of September, 1677.

Before *P. Sanford*, Assistant.

The above is a true copy of the original placed to record. Examined by me, February 11th, 1705.

Weston Clarke, Recorder.

1638.

The 7th day of the first month, 1638.

We whose names are underwritten do here solemnly in the presence of Jehovah incorporate ourselves into a Bodie Politick and as he shall help, will submit our persons, lives and estates unto our Lord Jesus Christ, the King of Kings and Lord of Lords and to all those perfect and most absolute lawes of his given us in his holy word of truth, to be guided and judged thereby.

Exod. 24. 3, 4.

William Coddington, 2 Cron. 11. 3.
 John Clarke, 2 Kings. 11. 17.
 William Hutchinson, Jr.,
 John Coggeshall,
 William Aspinwall,
 Samuel Wilbore,
 John Porter,
 John Sanford,
 Edward Hutchinson, Jr., Esq.,
 Thomas Savage,
 William Dyre,
 William Freeborne
 Phillip Shearman,
 John Walker,
 Richard Carder,
 William Baulston,
 Edward Hutchinson, Sen'r,
 Henry + Bulle, his marke,
 Randall Holden.

The 7th of the first month, 1638.

We that are Freemen Incorporate of this Bodie Politick do Elect and Constitute William Coddington, Esquire, a Judge amongst us, and so covenant to yield all due honour unto him according to the lawes of God, and so far as in us lyes to maintaine the honour and privileges of his place which shall hereafter be ratified according unto God, the Lord helping us so to do.

WILLIAM ASPINWALL, Sec'ry.

I, William Coddington, Esquire, being called and chosen 1638. by the Freemen Incorporate of this Bodie Politick, to be a Judge amongst them, do covenant to do justice and Judgment impartially according to the lawes of God, and to maintaine the Fundamentall Rights and Privileges of this Bodie Politick, which shall hereafter be ratified according unto God, the Lord helping us so to do.

WM. CODDINGTON.

WILLIAM ASPINWALL is appointed Secretary.

It is agreed that William Dyre shall be Clarke of this Body.

3d Month, 13 day, 1638.


At a Generall Meeting upon publicke notice, there being present

| | |
|------------------------|--------------------|
| Mr. Coddington, Judge, | Samuel Wilbore, |
| Will. Hutchinson, | John Sanford, |
| John Coggeshall, | William Freeborne, |
| Edward Hutchinson, | Phillip Shearman, |
| William Baulston, | John Walker, |
| John Clarke, | Randall Houlden, |
| John Porter, | |

It is ordered, that none shall be received as inhabitants or Freemen, to build or plant upon the Island but such as shall be received in by the consent of the Bodye, and do submitt to the Government that is or shall be established, according to the word of God.

2. It is also ordered that the Town shall be builded at the Springe, and Mr. William Hutchinson is permitted to to have six lots for himself and his children, layed out at the Great Cove. EXP.

3. It is also ordered that a General Fence be made from Bay to Bay, above the head of the Springe with five rayles, the charge to be borne proportionably to every man's allottment. EXP. ^{Repeated}

1638. 4. It is ordered that every one of this Body shall have  for his present use one acre of Medow for a Beast, one acre
 Repealed for a sheep, and one acre and a half for a Horse, to be
 layd out at the discretion of Mr. Sanford and Mr. Wilbore
 and John Porter, with what convenient speed may be, up-
 on notice given of every man's severall Cattle. EXP.

5. It is further ordered, that every Inhabitant of this
 Island shall be always provided of one muskett, one pound
 of powder, twenty bulletts and two fademe of match, with
 Sword and rest and Bandeliers, all completely furnished.

6. It is ordered that the Meeting House shall be set
 on the neck of Land that goes over to the Maine of the
 Island wher Mr. John Coggeshall and Mr. John Sanford
 shall lay it out.

At a Generall Meeting upon publicke notice, 20th of
 the 3d Month.

PRESENT.

| | |
|------------------------|--------------------|
| Mr. Coddington, Judge, | William Freeborne, |
| Mr. Will. Hutchinson, | John Walker, |
| Mr. John Coggeshall, | Phillip Sherman, |
| Mr. Will. Baulston, | Wm. Dyre, Cl'k. |
| Mr. John Sanford, | |
| Mr. Samuel Wilbore, | |
| John Porter, | |

7. It is ordered that the neck of Land by Mr. Esson's
 house shall be sufficiently fenced in with five rayles at that
 place where John Sanford, Will. Balston, and Philip Sher-
 man shall appoint, for to lye as a common field belonging
 to the Towne and the fence to be begun on the 2d day en-
 suing.

8. It is ordered and agreed upon that every man's al-
 lottment recorded in this Book shall be his sufficient evi-
 dence for him and his, rightly to possess and enjoy.

9. It is ordered that Mr. Coggeshall, Mr. Sanford, and John Porter shall lay out the allottments for the Towne and according to orders, these allottments following are layd out by Mr. Coggeshall and Mr. Sanford.

1638.
June 10.

Impr. To Mr. Will. Coddington a House lott of Six acres, eight poles in breadth and 120 poll in length lying North and South, the breadth East and West along by the side of the great pond.

Itt. Mr. Clarke 6 acres lying upon the west side of the same, being of the same bredth and length.

Itt. To Wm. Dyre at the cove by the marsh 6 acres, being 10 pole in bredth and 50 in length and bounded round by the marsh.

Itt. To Mr. Wm. Hutchinson 6 acres being 10 rod in bredth, bounded by the Great Cove on the East and 14 at the West and so it runs 80 poles in length westward.

Itt. To Mr. Samnel Hutchinson 6 acres adjoining lying as the former on the North Side.

Itt. To Mr. Easton 6 acres is granted to lye next the Cove on the North side of the Great Cove.

Itt. To Edward Hutchinson, Senior, Idem.

Itt. To Edward Hutchinson, Junior, Idem.

Itt. To John Sanford, Idem, as it is marked out by Trees.

Itt. To Mr. John Coggeshall 6 acres, 20 pole in bredth on the East and 96 feet long.

West side of
y^e Spring.

Itt. To Randall Houlden 5 acres large, 9 pole brodd and 96 in length on the North side.

Itt. To Richard Burden 5 acres large 9 pole in bredth, 96 long.

Itt. To Will. Balston 6 acres on the East side of the Spring 10 pole on the West and 80 in length, and 14 at the East.

10. It is also ordered and agreed upon by Generall consent that Will. Balston shall erect and sett up a howese of entertainment for Strangers, and also to brew Beare and

1638. to sell wines of strong waters and such necessary provisions as may be usefull in any kind.

11. It is ordered, that Mr. Coggeshall and Mr. Sanford are appointed to lay out 10 acres of plowing Ground for Mr. Coddington, and 6 acres to Mr. Wm. Hutchinson for the same use.

At a Generall Meeting upon Publik notice the 27th of the 4th month 1638.

PRESENT.

| | |
|-----------------------------|------------------|
| Mr. Wm. Coddington, Judge, | Mr. Wilbore, |
| Mr. Wm. Hutchinson, | John Porter, |
| Mr. John Clarke, | Randall Houlden, |
| Mr. Coggeshall, | Wm. Freeborne, |
| Mr. Balston, | John Walker, |
| Mr. Edw'd Hutchinson, Sen., | Richard Carder, |
| Edw'd Hutchinson, Jr., | Henry Bull, |
| Mr. Sanford, | Wm. Dyre, Cl'k. |

It is ordered by Generall consent, that Wm. Balston and Edward Hutchinson are chosen Sergeants of the Train Bands, and Samuel Wilbore, Clarke thereof and Randall Houlden and Henry Bull are chosen Corporalls.

Whereas ther be divers, as well Inhabitants as Freemen, who have taken up certaine proportions of Land in the Island of Aquethnek; It is ordered that they shall pay in lieu thereof two shillings for every acre that they doe enjoy and so the like summ to be payed of all such who shall hereafter be admitted as Inhabitants into the Island. And it is further ordered that these monies shall be paid, the one half presently, and the other half at three months end; and it is further ordered that those who shall pay in their monies shall bring in a note unto the

Company under the Treasurer's hand, his name and lands 1638. then to be Registered in the Records according to a former order, folio 1 number 8.

14. Mr. Wm. Hutchinson and Mr. John Coggeshall are chosen Treasurers for the Company for one whole year next ensuing, or untill such time as new be chosen.

15. It is ordered, that all such sumes of money as the Treasurers shall receive, they are to dispose of and employ by the Company's order, and no otherwise; and to be accountable for the same to the Company when they shall require it of them.

16. It is ordered, that Mr. Hutchinson and Mr. Coggeshall Treasurers of the Company shall receive and discharge such sumes of money as the Company hath coming unto them, and is indebted by them; the sight of this order given under the parties hand that receives them shall be their discharge.

17. It is ordered that Mr. Sanford with four others shall presently repair the Highways between Titicut and Aquethneck, and to be paid out of the Treasury.

18. It is ordered that if any of the Freemen of this Body shall not repair to the publick meetings to treat upon the publicke affairs of the Body, upon publick warning (whether by beate of the Drumm or otherwise) if they fayle one quarter of an houre after the second sound, they shall forfeitt twelve pence; or, if they depart without leave, they are to forfeitt the same summ of twelve pence.

1638.

At a Generall Meeting on the 20th of the 6th mo.
1638, upon publick notice.

PRESENT.

| | |
|------------------------|-------------------|
| Mr. Coddington, Judge, | Phillip Shearman, |
| Mr. Wm. Hutchinson, | Rich'd Carder, |
| Mr. Clarke, | Randall Houlden, |
| Mr. Willbore, | Edw. Hutchinson, |
| Mr. Sanford, | Will. Dyre, Cl'k. |
| Wm. Freeborne, | |

It is agreed that a pair of Stockes with a whipping post shall forthwith be made and the charges to be paid out of the Treasury.

20. It is ordered that those allottments which are to be layed out for the Towne, are to be layed out eight Rodd broad up along the spring, and six rodd broad along by the water's side, and the length to be left to the further consideration of the Body.

21. It is agreed this present 20th of the 6th by the Generall consent of the Body present, That Mr. Richard Dummer, Mr. Nicholas Esson, Mr. William Brenton, and Mr. Robert Harding are admitted as Freemen of this Society with them fully to enjoy the priviledges belonging to that Body.

1638.

At a Generall Meeting upon Publick Notice this 23d of the 6th month [1638.]

PRESENT.

| | |
|------------------------|-----------------------|
| Mr. Coddington, Judge, | Mr. Edw'd Hutchinson, |
| Mr. Dummer, | Mr. Brenton, |
| Mr. Esson, | Mr. Willbore, |
| Mr. Hutchinson, | John Porter, |
| Mr. Clarke, | Wm. Freeborne, |
| Mr. Harding, | Rich'd Carder, |
| Mr. Sanford, | Randall Houlden, |
| William Dyre, Cl'k. | |

22. It is agreed that thirteen lotts on the west side of the Spring shall be granted to Mr. Richard Dummer and his friends, to witt, Mr. Stephen Dummer, Mr. Thomas Dummer, Mr. Esson, Mr. Jefferyes, Mr. Douth, Wm. Baker, Mr. Spencer, Adam Mott, Robert Field, James Tarr, Mr. Harding, and thess to build ther at the spring at farthest, or else their lotts to be disposed of by the Company.

23. It is ordered that a Howse for a prison, containing twelve foot in length and tenn foote in breadth and ten foote studd, shall forthwith be built of sufficient strength and the charges to be payed out of the Treasury. And the oversight of the work being committed to Mr. William Brenton.

It is ordered that the remainder of the Grass, which is yet uncut at Hog Island shall be granted to Mr. Brenton to mow this yeare for his necessity. E.X.P.

25. It is ordered that Mr. Richard Dummer, in regard of a mill that he undertooke to build, which was conceived to be usefull to the plantation, he should be accomodated answerable to a Man of a hundred and fifty pounds estate allottments.

26. It is ordered that Mr. Richard Dummer with his friends, whose names are Recorded in the 22: order shall

1638. eyther be accomodated with us in the present plantation
 ~~~~~  
 equall to ourselves, or in case there be not sufficient accomodations here, then to accommodate them on some other parte upon the Island.

27. It is ordered according to a former choyce that Randall Houlden shall be Marshall for one whole yeare.

---

At a Generall Meeting on the 15th of the 7th month,  
 [1638.]

PRESENT.

Mr. Coddington, Judge,	Mr. Sanford,
Mr. Esson,	Henry Bull,
Mr. Hutchinson,	John Porter,
Mr. Coggeshall,	Randall Holden,
Mr. Clarke,	Will'm Dyre, Cl'k.

By virtue of a Warrant, George Willmore, George Parker, John Lutner, John Arnold, Samuel Smith, Robert Stanton, Anthony Robinson, John Vahun, being summoned to appeare before the Body for a Riott of Drunkenesse by them committed on the 13th of the 7th month: It was accordingly agreed and ordered in regard the default was different in some circumstances, That George Willmore and George Parker should pay into the Treasury 5 shillings a piece, and to sett till the evening in the Stockes; and that John Lutner should pay 5 shillings and sett one houre in the Stockes; and that Samuel Smith, Robert Stanton, Anthony Robinson and John Vahun should pay 5 shillings a piece as a fine for their default.

29. It is further ordered, that Mr. Esson, Mr. Coggeshall, and Mr. Willbore shall view all such damages that are done upon the Corne and other fruits, and accordingly shall give information to y<sup>e</sup> Body.

1638.

At a Generall Meeting upon Publicke notice, the 5th  
of the 9th month, 1638.

## PRESENT.

Mr. Coddington, Judge,	Mr. Sanford,
Mr. Hutchinson,	Mr. Freeborne,
Mr. Brenton,	Philip Sherman,
Mr. Clarke,	Henry Bull,
Mr. Balston,	John Walker,
Mr. Willbore,	Randall Houlden.
Mr. Hutchinson,	Wm. Dyre, Cl'k.

30. It is ordered, that on the 12th of this 9th month  
ther shall be a generall day of Trayning for the Exercise  
of those who are able to beare armes in the arte of military  
discipline, and all that are of sixteen yeares of age, and  
upwards to fifty, shall be warned thereunto.

31. It is ordered, that Mr. Sanford and Mr. Jeffries  
shall lay out the House lotts for the towne, three acres to  
each house, to thoss that are not yett provided for; and it  
was further ordered, that those who were upon the first  
discovery (and freemen) shall be provided according to  
Six acres a howse lott as neare to their howses as conven-  
iently may be.

32. It is ordered, that Mr. Edward Hutchinson shall  
Bake Bread for the use of the plantation, and that his  
bread for the assize shall be ordered by the Body.

1638.

At a Generall Meeting upon the Publicke Notice, the  
16th of y<sup>e</sup> 9th, [1638.]

## PRESENT.

Mr. Coddington, Judge,	Mr. Hutchinson,
Mr. Esson,	John Porter,
Mr. Hutchinson,	John Sanford,
Mr. Clarke,	Will. Freeborne,
Mr. Brenton,	John Walker,
Mr. Coggeshall,	Henry Bull,
Mr. Balston,	Richard Carder,
Mr. Willbore,	Randall Holden,

Wm. Dyre, Cl<sup>k</sup>.

It is ordered, that John Porter and John Sanford shall treat with Mr. Nicholas Esson, and shall fully agree with him, in allowing of him sufficient accommodations for foure Cowes and planting grownd as they shall think meett, all which is for the setting up of a Water Mill which the said Mr. Esson hath undertaken to build for the necessary use and good of the plantation; and further it is granted to the said Mr. Esson that he shall have liberty to fall and carry away any such timber as shall be of necessary use for the present building of the Mill.

Forasmuch as John Lutner, Carpenter, is departed the Island without leave or licence, and is found to be indebted to sundry persons; It is therefore ordered, that Mr. William Brenton and Mr. John Coggeshall shall seize upon his howse and what he hath in the same, and shall satisfie themselves and others of his Creditors, so farr as it shall goe, being by them lawfully prayzed.

It is ordered that Mr. Coggeshall and Sargent Hutchinson, and Mr. Willbore, and Mr. Dyre, are appointed for the Venison trade with the Indyans, and that they are not to give them above three half pence a pound in way of trade, and that those truck masters doe sell forth the said



Venison for two pence a pound ; a farthing for each pound 1638.  
 being allowed to the Treasury, and the rest be unto themselves for their attendance thereon.

---

At a Generall Meeting of the Body on the 2d of the  
 11th month, 1638.

## PRESENT.

Mr. Coddington, Judge,	John Porter,
Mr. Esson,	Randall Holden,
Mr. John Clarke,	Wm. Freeborn,
Mr. Coggeshall,	Adam Mott,
Mr. Brenton,	John Walker,
Mr. Jeremy Clarke,	Henry Bull,
Mr. Willbore,	Rich'd Carder,
Philip Sherman,	Wm. Dyer, Cl'k.

By the consent of the Body.

It is agreed.

That such who shall bee chosen to the place of Eldership, they are to assist the Judge in the Execution of Justice and Judgment for the regulating and ordering of all offences and offenders : And for the drawing up and determining of all such Rules and Laws as shall be according to God, which may conduce to the Good and Wellfare of the Commonweale. And to them is committed by the Body the whole care and charge of all the affairs thereof. And that the Judge together with the Elders shall Rule and Govern according to the Generall Rule of the word of God, when they have no particular rule from God's word by the Body proscribed as a direction unto them in the case. And further it is agreed and consented unto. That the Judge with the Elders shall be accountable unto the Body once every Quarter of the year (when as the Body shall be assembled) of all such cases, actions and Rules which have passed through their hands ; by them to be scanned

1638. and weighed by the word of Christ. And if by the Body  
 ~~~~~ or any of them the Lord shall be pleased to dispense light  
 to the contrary of whatt by the Judge and Elders hath been
 determined formerly, that then and there it shall be re-
 pealed as the act of the Body. And if it be otherwise,
 that then it shall stand till further light concerning it
 for the present, to be according to God, and the tender
 care of Indulgent Fathers.

Given this 2d of 11th, 1638.

WILL'M DYRE, Cl'k,

The votes being unseal'd upon this conclusion, and the
 Providence casting it upon Mr. Esson, Mr. Coggeshall and
 Mr. Brenton, it was further ratified as followeth, viz. :

By the Election of the Body, Mr. Nicholas Esson, Mr.
 John Coggeshall and Mr. Brenton are chosen and called
 on unto the place of Eldership to assist the Judge in the
 Execution of Justice and Judgment for the regulating and
 ordering of all offences and offenders, and for the drawing
 up and determining of all such Rules and Laws as shall be
 according to God, which may conduce to the good and
 wellfare of the Commonweale, &c., as aforesayd.

It is ordered, that Mr. John Clarke, with Mr. Jefferies,
 and John Porter, and Richard Burden, shall survey all the
 Lands near abouts, and shall bring in a Mapp or Plott of
 all the s'd lands, and so to make Report to the Judge and
 Elders, whereby they may receive information and direc-
 tion for the distribution to each man his Property.

It is ordered, that Mr. Jefferies and Will. Dyre shall
 lay out and measure the home allotments.

These particular cases, viz.: To deal with Wm. Aspin-
 wall concerning his defaults, as also concerning Invasions
 forreine and domestick, as also the determination of Mili-
 tary discipline, and the disposing of the lands, as well the
 howse lotts and impropriations, is committed to the Judge
 and Elders to agitate and dispose of.

1638.

The 24th of the 11th month, [1638.]

The Body being assembled with the Judge and Elders it was agreed (as necessary) for the Commonwealth, that a Constable and Sargeant should be chosen by the Body to execute the Lawes and penalties thereof, viz.: The Constable is to see that the peace be kept, and that there be no unlawfull Meetings, or any thing that may tend to Civill disturbance practised ; and furthermore he is to inform in Generall of all manifest Breaches of the Law of God, that tend to civill disturbance, and that he hath authority to command partie or parties, one or more, as need shall require, to assist him in the discharge of his office.

The Constable's office

The Sergeant he is to attend all Meetings of the Judge and Elders, and to execute the sentences of y^e Court ; and he is to serve all warrants directed unto him ; and to inform of all breaches of the Lawes of God that tend to Civill disturbances : And further he is to keep the prison, and such who shall be Committed unto his custody with all safety and diligence. And unto him is granted authority to command partie or parties, one or more as need shall be, to assist him in the discharge of their severall offices.

The Sergeant's office.

Samuel Willbore by the consent of the Body is chosen Constable, and is invested with the authority aforesayed, and what else shall be found meet to concurr with that office of Constablenesship.

Henry Bull is by consent of the Body chosen Sergeant, and invested with the authority aforesayd, and what else shall be found meet to concurr with that office of Sergeantship.

It is ordered, that the prison formerly agreed upon shall be proceeded withall, and finished ; and that Mr. Esson

1638. shall assist Mr. Brenton in the worke, and then that it be sett neare or joyned unto the howse of Henry Bull, Sergeant.

BY THE JUDGE AND ELDERS,

ON THE 7TH, 12TH MONTH, (1638-9).

Richard Maxon, Blacksmith, upon complaints made against him, was accordingly detected for his oppression in the way of his trade, who being convinced thereof, promised amendment and satisfaction.

Osamond Douth, upon complaint and information against him concerning damage and wrong done by him, promised to give satisfaction when his accusers shall be produced, and thereupon bond taken of him with the engagement of his Shallop to the performance of the same.

Thomas Beeder, John Marshall, Robert Stanton and Osamund Douth are admitted as Inhabitants.

Mr. Aspinwall being a suspected person for sedition against the State, it was thought meet that a stay of the building of his Bote should be made ; whereupon y^e workman was forbidden to proceed any further.

1638.


On the 21st, 12th [month], 1638.

It is ordered, that the neck of Land lying in the Great Cove, containing about two acres or thereabouts, one corner whereof butting upon Sergeant Hutchinson's, and lying Northeast and Southwest, joining to the Maine of the Island, is granted to Mr. Samuel Willbore, for him and his rightly to possess and enjoy, and is to go as a part of his second division, which is to be layd out hereafter.

It is ordered, that that lott which was reserved for Valentine Hill is granted to Sergeant Hutchinson as part of his second division, if so be Valentine Hill doth not come to Inhabitt and build thereon.

Joseph Clarke, Robert Carr and John Driggs are admitted Inhabitants.

It is ordered, that the Swine that are upon the Island shall be sent away from the plantation six miles up into the Island, or unto some Islands adjacent, by the 10th of the 2d, 1639, or else to be shutt up that so they may be inoffensive to the Towne.

On the 6th of the 2d [month], 1639.

Whereas, ther was an order by the Body that Mr. Es-son, Mr. Coggeshall and Mr. Willbore should take a view of the severall damages done by the Cattle of severall heards of Cattle ; and accordingly to give information, which being done, we, the Judge and Elders doe further order that every one who shall come to make demand thereof, shall have liberty to demand of every such person whose Cattle hath done the harme according to the information given in by them ; and that if such persons shall refuse to pay, that then both parties shall in time convenient repair

1639. to the Court, and there in a legall way according to God
implead each other ; and that if any shall refuse to make
their personal appearance, that then warrants shall be
granted for the destraining for the due satisfaction of the
endamaged.


It is ordered that those parcels of Grownnd which were
planted the last yeare by severall persons ; That they
shall have libertie to plant it also this yeare ; and then all
parcels of Lands to returne unto the Towne, or to such
to whom the Land shall be appropriated unto for any
charge concerning it, shall be left unto the arbitration of
such who shall be thereunto appointed.

It is ordered, that all such Hoggas as shall be found
within the Towne after the 10th of the 2d, shall pay two
pence for each hogg ; and it shall be lawfull for any man
to take them up and retaine them in their Custody till the
said Summ be paid ; and that the owners thereof, forth-
with upon the delivery, shall convey them away, that they
be no more offensive, and the Sargeant shall see that this
Law be dewly executed.

It is further ordered, that a place for y^e impounding of
Cattle shall be made and sett up in some convenient place
of each Towne, and that the Treasurer shall see it accom-
plished and satisfie for it within 30 days after the 5th of
May, 1640.

It is ordered, that in regard of the many Incursions that
the Island is subject unto, and that an Alarum for the se-
curing the place is necessary therefor ; it is thought meet
for the present that an Alarum be appointed to give notice
to all who inhabit the place, that they may forthwith re-
pair and gather together to the Howse of the Judge for
the defending of the Island or quelling any Insolences
that shall be tumultuously rayased within the Plantation.
Therefore, the Alarum that we appoynt shall be this.
Three Musketts to be discharged distinctly, and a Herauld
appointed to goe speedily throw the Towne and crye Alar-

TOWN OF PORTSMOUTH.

um, Alarum! Upon which, all are to repaire immedi- 1639.
ately to the place aforesayed. 

On the 28th of the 2d month, 1639.

Upon the complainte of Jeffrey Champlin in the be-
halfe of a debt due to William Cowley and himselfe from
Mr. Aspinwall, warrant was granted forth, for the attach-
ment of his shallopp till both that debt and other actions of
the case be satisfied and discharged by him.

[The Newport Colony separated at this time, as will shortly appear. Their records commence on this day, the 28th of the 2d month, April, 1639, and are complete and continuous after. That colony being the largest, seems to have taken with it, and continued the Portsmouth records, which have been followed up to this time. From this date, for the continuation of the Portsmouth records, we have resorted to the town records, which have been followed to the period of the union of the four towns in 1647. The first part of these records are either mutilated or obliterated, and past recovery. The greater portion however, relate to grants of land and other matters of a local nature. The agreement entered into, is nearly entire and follows, together with some other brief records.]

1639.

Aprill the 30th, 1639.

We, whose names are under [written doe acknowledge] ourselves the legall subjects of [his Majestie] King Charles, and in his name [doe hereby binde] ourzelves into a civill body politicke, unto his lawes according to matters of justice.

| | |
|------------------------------------|--------------------------------------|
| Will'm Hutchinson, | w T. Havenz, WH marke, |
| Samuel Gorton, | George Chare, ∂ |
| Samuel Hutchinson, | |
| John Wickes, | George Lawton, |
| Richarde Maggsen, | Anthony Paine, C his marke, |
| Thomas Spicer, | Jobe Hawkins, H marke, |
| John Roome, R marke, | Richard Awarde, |
| John Sloffe, I marke, | John Mow, N his marke, |
| Thomas Beeder, ∩ marke, | Nicholas Brown, N his marke, |
| Erasmus Bullocke, | Will'm Richardson, ƒ marke, |
| Sampson Shotten, | John Trippe, |
| Ralph Earle, | Thomas Layton, T his marke, |
| Robert Potter, | Robert Stainton, S his marke, |
| Nathanyell Potter, N marke, | John Briggs, his ƒ marke, |
| George Potter, ƒ marke, | James Davice, 177 , his |
| | [marke.] |

29

Aprill 30th, 1639.

According to the true intent of the [foregoing instrument, wee] whose names are above particularly [recorded, do agree] joyntly or by the major voice to g[overne ourselves by the] ruler or judge amongst us in all [transactions] for the space and tearme of one [yeare, — he] behaving himselfe according to the t[enor of the same.]

We have freely made choice of to be ruler or judge among us.

We have also, for the help and ease [of the conducting of] public business and affairs for [the colonies] for one

yeare, allso chosen unto him William Ballston, William 1639.
 Freeborne, John Porter, John ———, John Wall, Philip ~~~~~
 Sherman, as allso William Aspinwall to lay out lands as
 they shall be disposed.

We have also made choice of
 amongst us for this yeare ensuing.

It is appoynted that there shall be [a court held every]
 yeare, every quarter, one for
 to doe right betwixt man and [man—a] jury of twelve
 men; as also it is [ordered, that] the eight men chosen
 unto him [shall hold a] meeting amongst themselves, to
 consult [together]; as also to put an end to any contro-
 verzey, if it amount not to the vallue of fortie [shillings].
 The Judge, with the rest of the eight men [shall decide it]
 if brought to y^e publicke Court.

At a monthly meeting, y^e 1639.

Job Hawkins was granted one house lott neare y^e west
 side of the swampe, to build on within one yeare, or be
 forfeit at y^e yeares end.

It is ordered, that y^e meddow above ———, be laid
 out according to each man's apportion.

At a monthly meeting held the last Thursday, it is or-
 dered, that no man shall sell his lott or offer it to y^e boddy
 here in Portsmouth.

It is ordered, that John Porter and Thomas Spicer
 shall [receive from y^e] inhabitants of y^e lastly purchased
 meddows, theire monies for this yeare, and bring it to y^e
 [Towne].

1639.

[At monthly meetings held on the last Thursday of the 7th, 8th, 9th, 10th and 11th months, 1639, lots are granted to John Alberah, John Pane, — Freeborne, John Vane and others, all on condition that they shall build on them within a year, or forfeit them. These records are much defaced and cannot be made out entire.]

At a quarter meeting of the first of y^e 5th month, 1639.

[It is agreed], that every man that hath a house lott shall build upon the same within one [yeare after, or] he loseth it.

Mr. Thomas Spicer and Robert Potter are chosen surveyors for y^e highways and come in two, foure, or six dayes at this, and y^e 29 of 7th month next; and if the next
 . . . as he cannot come or procure a man, he . . .
 day to y^e surveyor, and the surveyors to [make report to] y^e Court at y^e yeares end.

It is agreed upon, to call this town Portsmouth.

To Richard Hawkins is granted one house lott to build upon in one yeare, or to be forfeited.

To Thomas Slaid is granted one house lott upon y^e same tearmes.

To Mr. Thomas Waite, one house lott next Mr. Wickes.

To Edward Fisher, one house lott next him.

1639.

At a Quarter meeting y^e first Thursday, 1639, Nicholas Browne doth dismisse himselfe of the government heare.

At a meeting the 10th of y^e 12th month, 1639, and further confirmed y^e 18th of the same month.

It is mutually agreed by the purchasers that those quantities of graine in the places following :

William Hutchinson, four hundred acres
 . . . north side of y^e salt crick at Sachueast and bounded on the west, and soe to run northward.

John Sanford, two hundred and fortie acres.

William Aspinwall, two hundred acres
 Sandy point of the same side, to pay

Philip Shearman, two hundred acres from the towne of y^e same side.

William Freeborne, one hundred and fortie acres . .
 . . . at his little meddow, and soe south west.

John Walker, one hundred acres, next

William Baulston, two hundred and fortie acres . .
 brooke, on y^e north east end of his meddow.

John Porter, two hundred and fortie acres.

Edward Hutchinson, two hundred acres
 and if there be no meddow within his land of two acres, he is to have two Porter's meddow.

Richard Carder, thirtie acres next.

* * * * *

1640.

The 22d of —.

It is granted at a publicke meetinge, held at Portsmouth, that there is libertie [given] for men to get a shipp load of and pipe staves, and clapboard under directions of the towne of Portsmouth. That these men which doe proportion [said articles] shall bringe in the commodities unto [the towne], and they shall part with which the for the stuff such pays as men are able to [give in] or goats, or hogges, or other They saye men shall get noe at the sayd towne of Portsmouth to see to gett plankes and

* * * * *

Second day of November, 1642.

First, It is ordered, that whosoever shall [be possessed] of land whereuppon Thomas Gorton hath [built a] house, shall keepe the ferrie.

Also, it is ordered, that the necke of land where uppon his unto him by the towne.

1640.

At a town meeting, the 26th of Aprill, for y^e town of Portsmouth, held at Mr. Marlbourn's.

The Deputie Governor, he will lend unto
one yearling steere.

Mr. Potter, hee will lend one yearling.

Mr. Baulston, one calfe. Ralph Keerd, one yearling.

Adam Mott, one yearling goat.

Richard Borden, one yearling goat.

Ralph Howland, one yearling.

John Briggs, one shote.

Thomas Borden, one bushell of wheat.

William Freeborn, one bushell of wheat.

Mr. Cornell, one goat.

It is ordered, and agreed, that the forty [acre] fields are to be made up by the 10th of

It is ordered, that the hoggs [be driven] away out of the corne lotts by [the owners]; and for every hogge that is found in [them] after the 1st of March, to pay .

* * * * *

At a meeting, the 4th of the 12th month, 1640.

It is ordered, that Mr. Porter, and Mr. —, [be authorized] to laye out for Mr. Samuel Hutchinson, . .
. . . in the south east neck on the common . . .
. . [acres] unto them both. Ruphus Barton to have .
. . . Mr. Hutchinson to lye next of
seven acres on Pocasset side.

It is further ordered, that Mr. Samuel Wilbour [have
. . . [acres of land in consideration of six acres,
he shall have [given to] Lieutenant Ballston.

1640. It is ordered, that Mr. Balston, Mr. Cornell, and ———
 ~~~~~ [have] a piece of meddow in the common fence on the  
 south side of . . . . they fence it in at their own  
 cost.

Itt is further ordered, that ould Mr. Barton shall have  
 on the Island, a piece of meddow for that . . . .  
 and fensing that from the sea.

It is further ordered, that Henry Bull shall [have the]  
 north field, and that Goodman Barton shall have . . .  
 . plant where Mr. Porter and Lieufftenant Balston.

It is ordered, that Lieufftenant Baulston [shall have] a  
 millwright to build a mill, whose charge [shall be to] the  
 Treasurie.

---

The 25th of February, 1642.

At a towne meetinge.

William Shelbourne and James Badcock are admitted  
 inhabitants of the town of Portsmouth.

---

At a meeting of the free inhabitants of the Towne of  
 Portsmouth, the 13th of the first month, [March, 1643],  
 at the house of William Cry, voted, that

Joseph Sheffield be chosen moderator.

John Borden, and Daniel Wilcocke are chosen to the  
 grand inquest at Newport.

Thomas Manchester, }  
 Tobias Brown, } are chosen jurymen.  
 Robert Hodgson, }

Voted, that this meeting be dissolved.



1643.

5th of October, 1643.

It is ordered, at a Towne meeting in Portsmouth, that Richard Morise and James Badcocke [shall look] up all the armes in the Towne w[ithin] the month above writ ; and that . . . and John Briggs shall go to every house and [see] what armes are defective ; and that the men whose armes are [to be handed] in to be mended by the time abovesaid. If the armes be not brought in timely, to forfeit five shillings.

It is further ordered, that every man shall have foure pounds of shot lying by him, and two pounds of powder, and to have it in readiness by the 24th of this month.

It is further ordered, that upon the 24th day of this month, there be a generall trayning of the men ; and that every man be in readiness at the beate of the drum.

It is ordered further, that the lot laid out to Robert Below at the first brook, he shall enjoy it ; he using his trade for the benefit of the towne.

It is ordered further, that five acres be layed out to John Porter next unto the swampe down to the sea in satisfaction for ten acres of land, which is the land granted to William Woodwell.

It is ordered, that ten acres of land be laide out to James Badcocke at the first brooke, next the footpath eastward ; being ten rods next . . . for a highway.

It is ordered, that Thomas Fish shall have . . . acres of lande at the first brooke. James Badcocke towarde the head of said brook.

It is ordered, that there shall be no more lande layd out next the first brook.

It is ordered, that James Sands shall have the remainder of the lande not laide out next the rounde medowe, and the end of . . . provided, there be a highway left for John Porter to the sea.

1643. It is further ordered, that there shall be a Towne watch  
 kept every night ; and those that keep it shall be paid  
 out of the Treasurie.

\* \* \* \* \*

---

[An entire page is here obliterated.]

Thomas Cook is received an inhabitant, and has given  
 his engagement unto the government.

Francis Braitten is received an inhabitant, and has given  
 engagement unto the government.

Thomas Genings is received an inhabitant, and has  
 given engagement unto the government.

Thomas Cook hath propounded for a lott.

Francis Braitton hath propounded for a lott.

It is ordered, that the lott that was granted unto Goodman Holyman is forfeited unto the Towne by reason there was an order that men should build uppon their lotts by such a tyme, which hee hath not done ; and therefore the towne does dispose of it, as they see good ; provided, that if there bee any thing about it that enjoyed usefull, he is to be satisfied for it.

It is ordered, that Mr. Baulston and Mr. Wilbour are chosen by the towne to view the fences, [and see how] it shall rune, and that they see it divided rightly.

It is ordered, that Mr. Porter is chosen to see the Newport men, that they would be pleased to . . . .  
 noe interest nor tittle in that 100 acres of land that they owe unto the Dep't for the Towne if willing to accommodate him with as much conveniency to his farme as may be.

1643.  


At a Generall Towne Meetinge at Portsmouth, 1st of March, 1643.

[An entire page is here obliterated.]

It is further ordered, that whenever there was land granted to Nicholas Browne about the towne ; and otherwise disposed of, it is to him to have twentie ackers at the head of Goodman Mott's lotte, or thereabouts.

It is further ordered, that Thomas Gorton have ten ackers of lande granted unto him, on the other side of the brooke, right agaynst James Badcocke, to be layed out at the ser . . . of the lottes, in case Goodman Emeres be still unwilling that the sayd Thomas Gorton shall enjoy the twentie ackers, for that was formerlie his ; and if Goodman Emmerge will have the ten ackers, then Thomas Gorton is to have the twentie ackers.

It is further ordered, that John Trip have granted three ackers of land joyning unto Thomas Gorton, either syde of him, as should be judged meet by the latter.

That is to say, if that ten ackers which is granted unto Thomas Gorton, or to Goodman Emeries . . . if they enjoye it.

It is further ordered, that those last orders about trayning, and for every man to have so much powder, and so many bulletts, and so the forwarning is to stand still in force ; and also that every man do come armed unto the meeting upon every sixth day.

1643.

The 10th of Aprill, 1643.

It is ordered, and the towne hath chosen, that Mr. William Brenton is to order the dayes of trayning [and] judge [what is] to be the convenient tyme.

Mr. William Baulston and Captaine . . . . [are to go] to every inhabitant [in Portsmouth and] see whether every one of them has powder, and what bulletts run, within ten days of the [trayning.]

\* \* \* \* \*

Every one deserting is to forfeit five shillings.

Ordered, that the constable work the 15th of this month, and that every man [carry] armes with them unto the meeting the sixth daye.

It is further ordered, that if there be any Indians skulking about in any part of the Island, thought to be suspicious, the magistrates are to send forth a man and layde with . . . . then before them.

---

At a meeting of the 27th of May, 1644.


\* \* \* \* \*

It is further ordered, and the Towne hath granted unto John Briggs three ackers of lande, lying next the upper end of his house lotte.

John Sand have three or foure ackers granted unto him, lyinge at y<sup>e</sup> head of John Briggs lotte, or at y<sup>e</sup> discretion of the latter.

The Towne desire goodman Mott, Lieuftenant Samfford, and goodman Borden, or any tow of them, to accomodate Adam Mott at the upper end of his lower lott, and Samuell Willson at y<sup>e</sup> upper ende of his owne.

The Towne have granted unto Edward ffisher and

Thomas Wright, and Thomas Brookes, and goodman Haw- 1644.  
kins, an addition of lande at y<sup>e</sup> upper end of their lotts,   
what the latter see convenient, and John Roome.

The Towne hath granted unto William Hall and Thomas Geninges, that parcell of lande that lyes betweene Mr. Barton's lott, and that which was Ruffus Barlton's to be equally divided between them.

It is ordered, that Henry Knowles shall cut his lott shorter at y<sup>e</sup> discretion of Lieutenant Sanfford and goodman Borden and goodman Mott.

The towne have granted unto William England and William Havens four ackers a piece, lying next unto Henry Knowles'; provided, it leave y<sup>e</sup> highway and y<sup>e</sup> mill.

[Agreeable to] publicke notis to all the freemen, at a towne meeting this 29th of August, 1644.

It was ordered, that the Deputie Governour, and one of the Assistants shall appoint all the Towne meetings.

It is further ordered, that at which meetings that the freemen there assembeld shall have full power to transact all such business as shall be presented to them; and the same to stand as firmly as if they were all present; they all having lawfull warning. And whomsoever shall not make his appearance within halfe an houre after the time appointed, shall forfeit two shillings.

It is further ordered, that Ousamequin with ten men shall have leave to kill ten deare upon this Island within the libertie of Portsmouth; and the forementioned deare they shall bring to the towne to Mr. Brenton and Mr. Baulston, and they to view them; and neither Ousamequin nor any of his men shall carry any deere or skins off from the Island, but at the towne of Portsmouth; and to depart from off the Island within five dayes.

1644. It is further ordered, that Mr. Baulston shall have nine pound a yeare for John Mott's washing and diett; and what bedding he shall want, shall be [bought] by the Towne.

It is further ordered, that [all the Indians] in the Towne shall depart [forthwith] to live in the woods with [their effects]. [If they appear again] [they shall forfeit

. . . . .

\* \* \* \* \*

At the same Towne meetinge, It is further ordered, that Mr. Brenton, Mr. Baulston, Mr. Cornell, have [a certain] parsell of lande butting upon Mr. Porter's round meadow; and if the aforementioned three men do approve of it, then James Sand is to have ten acres of land formerly granted to him by the Towne, there to be layd out to him.

---

At a generall Towne meeting of the freemen, this 14th of November, 1644.

It is ordered, that Mr. Brenton and Mr. Porter are to appoint the Towne meetings from time to time.

It is ordered, that Mr. Baulston is made Treasurer.

It is further proposed, that William Almy, and John Roome, John Anthony are to have lande at the wading river.

1644.  


At a publicke Towne meeting of freemen, the 23d of December, 1644.

Whereas, at the manier part of freemen were present, at which meeting it was mutually agreed, that the right and priviledge of the landes undissposed of, remaines in the bodye of freemen as it was mutually agreed upon at a publicke meeting on the 15th of November last past ; that the freemen which are the possessers, have onley power to dispose of the lande that is to be dissposed of ; and who-soever shall alter this agreement, we shall protest against them.

It is further ordered by a mutual consent, that no more landes shall be layed out within the boundes of the commons ; as namely, the commons soe called ; and from John Brigg to the further brooke on the southeast side ; so from the brooke to the great swamp ; that is to say, the willow swamp footpath ; so to Robert Ballow's brooke ; from thence to round meadow, and so to John Tripp's ; and from Robert Ballow's to John Hall's ; and all the common about the Towne undisposed of at this day, so to remaine to the Towne forever.

It is ordered, that the armes belonging to the body of freemen, shall remaine in the hands of Mr. Boylston and Mr. Wilbour, untill further orders.



1646.

It is agreed at the meeting, November 28th, 1646.

That the Towne shall have lawfull warning to Towne meetings, and then if they come not above nine, those nine shall have power to transact, and do such business as there is to be done.

It is further ordered, that the business of such meeting [the] days shall be specified in the warrant of warning to the meeting.

It is further agreed, that no person or persons shall be accounted an inhabitant unless he or they be lawfully received by the town, concerning to former order.

---

At a meeting, February the 4th, 1646.


It is agreed to concur with Newport in an order that there shall be no shootinge of deere for the space of two months; and if any shall shoot, he shall forfeit five pounds; halfe to him that sueth, and the other halfe to the Treasurie. The reason of this order is, that the wolves the more readily come to bayte that they may be catched for the general good of the Island.

At the same meeting, it is granted to Mr. Thomas Cornell a hundred acres of lande at the further syde of Wading river; and so rune from the river towards that lande that was layed out to Edward Hutchinson.

At the same meeting it is granted, that Nicholas Browne shall have twentie acres added to his other twentie ajoyning to it.

It is further ordered, that there shall be a pathway laide out at the head of William Awards lott from the sea to Newport path.

It is further ordered, that the line shall run straight

from the corner of Mr. Gorton's lott to the corner of Mr. 1646.  
England's lot at the head of those between. 

Memorandum. That whereas, Nicholas Nyles, the father-in-law of Abell Potter, hath [bound him] the said Abell Potter with Mr. William Balstone for the terme of eighteen yeares, with the consent of the said Abell. For the better securitie off Mr. Balston, the towne consenteth herein and approveth thereof.

It is ordered, at the same meeting, that Samuel Wilbour, junior, shall rune his fence streight at the upper end of his lots.

It is ordered, that the wolfe catcher shall be payed out of the treasurie, and that he that killeth a wolfe shall come to Mr. Balston and Mr. Sanford for theire pay.

It is further ordered, that Newport shall pay four pounds for the killinge of a wolfe, and Portsmouth twentie shillings.

It is ordered, that Mr. Sanford and Richard Carder shall continue to laye out such landes as are given by the towne.

It is ordered, that George Parker shall be quitted of the treasurie pay for his lande, for his service in his office to this day ; (being for thirtie acres of lande.)

It is further ordered, that there shall be noe shootinge of deere from the first of May till the first of November ; and if any shall shoot a deere within that time he shall forfeit five pounds ; one halfe to him that sueth, and the other to the Treasury.

Mr. Porter and Mr. Sanford are chosen to propound to the Generall Court that the line may be viewed and layed out between Newport and this Towne.

It is granted, that Thomas Wright and Edward Fisher shall have thirtie acres of lande a piece, twixt the head of Wading river and Newport path.



# NEWPORT RECORDS.

1639.

1639 TO 1647.

POCASSET. On the 28th of the 2d [month], 1639.

It is agreed.

By vs whose hands are underwritten, to propagate a Plantation in the midst of the Island or elsewhere ; And doe engage ourselves to bear equall charges, answerable to our strength and estates in common ; and that our determinations shall be by major voice of judge and elders ; the Judge to have a double voice.

PRESENT.

|                        |                        |
|------------------------|------------------------|
| Wm. Coddington, Judge, | John Clarke,           |
| Nicholas Easton,       | Jeremy Clerke,         |
| John Coggeshall,       | Elders, Thomas Hazard, |
| William Brenton,       | Henry Bull,            |
| William Dyre, Cl'k.    |                        |

1639.  


16th, 3d [month], 1639.

It is agreed and ordered, that the Plantation now begun at this South west end of the Island, shall be called NEWPORT ; and that all the landes lying Northward and Eastward from the said Towne towards Pocassett, for the space of five miles, and so cross from sea to sea, with all y<sup>e</sup> landes Southward and Westward, bounded with the maine sea, together with the small Islands and the grass of Cunnunnegott, is appointed for the accommodation of y<sup>e</sup> said Towne.

It is ordered, that every such servant as shall abide with any of us that first came forth, shall upon their due admission, have ten acres of lande given unto them gratis.

It is ordered, that the Towne shall be built upon both sides of the spring, and by the sea-side, Southward.

---

5th of 4th [month].

It is ordered, that all the meadow groundes lying within the circuitt and bounds of Newport, shall be layed out after the rate and proportion of twentie cowes meat to a division of three hundred acres of upland ; and it is ordered, that Mr. John Clarke, Mr. Jeffreys, Tho: Hazard, and Wm. Dyre, or any three of them by the major vote, shall proportion it forth dewlie ; and that the said companie which shall laye it forth, shall have have foure pence an acre for every acre.

About the same time, the Secretarie being absent, and the body meeting, they did agree that the Lande might reasonably accommodate thoss that were, and as many as would be, fiftie families ; which agreement being left

with Mr. Easton, is not readily to be found ; but y<sup>t</sup> there 1639. was such an agreement most then and there present, do confidently remember, therefore a space I leave to insert it.

It is ordered, that the home allotments shall be foure acres a piece, layd out conveniently where the ground affords, and that Mr. Coddington shall have six acres for an Orchard laid out as conveniently as cann bee.

---

11th of the 5th month.

It is agreed, y<sup>t</sup> Mr. Clarke and Mr. Jeoffreys and Wm. Dyre shall have full powre to lay out all the Lands for the Townes accommodations, as well upland as Medow ; as also all highways, with the home allotments, and the disposition of severall Farmes to the persons inhabiting, according to the proportion that shall be allotted by the Judge and Elders, and are to have 2 pence an acre for the great lotts laying forth. EXP.

---

2d of the 7th month.

It is agreed, that Thomas Hazard and Mr. Jeoffreys are embraced as freemen of this Body.

Upon some differences arising concerning the Trade with the Indians, it is agreed that Mr. Brenton and Mr. John Clarke shall informe Mr. Jeoffreys of the particulars ; and then Mr. Jeoffreys shall determine the cause.

It is also determined, that Mr. Jeoffreys shall have the hearing and deciding of the matters concerning the damages done by the Cattle upon the planted corne in the

1640. Circuit of the Towne, and that such who hath been so undamaged shall repair to him.

It is agreed, that the trade with the Indians shall be free to all men.

It is ordered, that if Mr. Jeoffreys cannot joyntlie goe along with the reste in the laying forth of the Lands; then Mr. Easton is to goe along and performe the s'd service in Mr. Jeoffrey's roome, who shall have full power to dispose of all Circumstances, as fencings and timber, with other conveniences as may parallel the impropiations according to their best discretions.

1st of the 8th month.

1st of 8th. It is ordered, that every first Tuesday in the Month of July, the Judge and Elders shall assemble together to heare and determine all such causes as shall be presented.

It is ordered, that Mr. Robert Jeoffreys is elected Treasurer of this Body for one whole yeare, or until a new be chosen, and that Mr. Jeremy Clarke shall assist him in taking up the accounts of the old Treasurer.

Upon an account of the Secretaries for service done to the Body, divers wages, a bill of £19, and ten acres of Land was assigned to be paid him by the Treasurer; and to Sergeant Bull, for service by him done, £6.

It is agreed, that Mr. Foster, is received as a Freeman of this Bodie.

It is agreed, that in the Quarter Courts, the determinations of matters in hand shall be by major vote, the Judge having his double vote; who also shall have power to putt it to vote and to gather up the votes.

A Catalogue of such [persons], who, by the Generall consent of the Company were admitted to be Inhabytants



of the Island now called Aqueedneck, having submitted 1638. themselves to the Government that is or shall be established, according to the word of God therein.

|                                |                    |             |
|--------------------------------|--------------------|-------------|
| Mr. Samuel Hutchinson,         | Thomas Clarke,     | 3d mo., 29  |
| Thomas Emmons,                 | John Johnson,      |             |
| Richard Awards,                | William Hall,      |             |
| Edward Wilcocks,               | John Briggs,       |             |
| George Gardiner,               | James Davis,       |             |
| William Withrington,           | George Parker,     |             |
| Mr. Samuel Gorton, 20th, 3d.   | Erasmus Bullock,   |             |
| John Wickes, 20th, 4th.        | George Cleer,      | 2d, 11th.   |
| Ralph Earle,                   | Thomas Hazard,     | 24th, 11th. |
| Nicholas Browne,               | William Cowlie,    |             |
| Richard Burden,                | Jeffery Champlin,  |             |
| Richard Maxon,                 | Richard Sarle,     |             |
| Mr. Nicholas Esson, 16th, 5th. | John Sloff,        |             |
| Thomas Spicer,                 | Thomas Beeder,     |             |
| Robert Potter,                 | John Tripp,        |             |
| Nathaniel Potter,              | Osamond Douth,     |             |
| William Nedham,                | John Marshall,     |             |
| Sampson Shatton,               | Robert Stanton,    |             |
| Adam Mott,                     | Joseph Clarke,     |             |
| John Mott,                     | Robert Carr,       |             |
| Mr. Robert Jefferyes,          | George Layton,     |             |
| Thomas Hitt,                   | John Arnold,       |             |
| James Tarr,                    | Wm. Heavens,       |             |
| John Roome,                    | Thomas Layton,     |             |
| Robert Gilham,                 | Edward Poole,      |             |
| Jeremy Clarke,                 | Mathew Sutherland, |             |
| Nicholas Davis, 12th, 9th      |                    |             |
| Wm. Baker,                     |                    |             |
| John More, 16th, 9th.          |                    |             |
| Anthony Pain, 6th, 10th.       |                    |             |
| George Potter,                 |                    |             |
| Wm. Richardson,                |                    |             |
| Wm. Quick, 27th, 10th.         |                    |             |

59

1638.

Inhabitants admitted at the Towne of Nieu-Port since  
the 20th of the 3d, 1638.

|                     |                        |
|---------------------|------------------------|
| Marmaduke Ward,     | Nicholas Cotterell,    |
| Robert Feild,       | John Vaughan,          |
| Thomas Stafford,    | John Smith,            |
| Job Tyler,          | John Merchant, July 2. |
| Thomas Sauorie,     | Jeremy Gould,          |
| Hugh Durdall,       | Enoch Hunt,            |
| William Baker,      | Nathaniel Adams,       |
| John Layton,        | Samuel Allen,          |
| Mr. Will. Foster,   | George Allen,          |
| John Hall,          | Ralph Allen,           |
| Toby Knight,        | Mr. Thomas Burton,     |
| John Peckum,        | Henry Bishop,          |
| Michel Williamson,  | John Hicks,            |
| Mr. Robert Lintell, | Edward Browce,         |
| Richard Smith,      | Mathew Gridell, Aug. 6 |
| James Rogers,       |                        |
| John Smith,         |                        |
| Wm. Parker,         |                        |
| John Grinman,       |                        |
| Edward Rero,        |                        |
| John Macummore,     |                        |
| Robert Root,        |                        |
| Ezekiah Meritt,     |                        |
| James Burt,         |                        |
| John Bartlett,      |                        |
| Edward —,           |                        |
| Sampson Salter,     |                        |

1639.

By the Body Politicke in the  
 Ile of Aqethnec, Inhabiting  
 this present, 25 of 9: month.  
 1639.



In the fourteenth yeare of y<sup>e</sup> Raigñ  
 of our Sovereign Lord King Charles.

It is agreed,

That as Natural subjects to our Prince, and subject to his Lawes, all matters that concerne the Peace shall be by those that are officers of the Peace, Transacted ; And all actions of the case, or Dept, shall be in such Courts as by order are here appointed, and by such Judges as are Deputed : Heard and Legally Determined.

Given at Niew-Port on the  
 Quarter Courte Day, which  
 was adjourned till y<sup>e</sup> Day.

WILLIAM DYRE, Sec.

Mr. Jeremy Clarke is chosen Constable for one whole yeare, or till a new be chosen ; and is to attend that service according to the Law in that case provided.

Mr. William Foster is chosen Clerke of the Traine Band, and is to attend that service till another be chosen ; who is presently to take a view of the Armes, and to Returne the defects the next Court but one.

It is ordered and agreed upon, that the Body of the people, viz.: the Traine Band shall have free libertie to select and chuse such persons, one or more from among themselves, as they would have to be officers among them ; to exercise and traine them ; and then to present them to the Magistrates for their approbation.

1639. It is ordered, that Mr. Robert Jefferies shall traine the Band for the present.

It is ordered, that noe man shall go two miles from the Towne unarmed, eyther with Gunn or Sword ; and that none shall come to any public Meeting without his weapon. Upon the default of eyther he shall forfeitt five shillings.

It is further ordered, that those Commissioners formerly appointed to negotiate the Business with our Brethren of Pocassett, shall give them our propositions under their hands, and shall require their propositions under their hands, with their answers, and shall give reply unto it ; and so shall returne to the Body a Brieve of what they therein have done.

By order, Mr. Easson and Mr. John Clarke are desired to informe Mr. Vane by writing, of the state of things here, and desire him to treat about the obtaining a Patent of the Island from his Majestie ; and likewise to write to Mr. Thomas Burrwood, Brother to Mr. Easson, concerning the same thing.

The Court is adjourned to this day three weeks.

---

At the particular Courte holden the 3d of y<sup>e</sup> 10th, 1639.

John Bartlett and John Hadson, being convicted and as well by witnesses as their own confession, found guiltie of the Breach of the Peace, by their excess in drinking, are adjudged to pay five shillings a piece unto the hands of the Constable according to the Law in that case provided..

1639.

At the Generall Quarter Court which was adjourned to this present 17th of 10th mo., 1639.

Mr. Eastone for breach of an order in coming to the public meeting without his weapon, according to that order, is to pay five shillings.

Whereas, according to a former order, Mr. Clerk was to assist Mr. Jefferies, Treasurer, for the taking up of the accounts of the old Treasurer, which accordinglie they have done, and Exhibited the same unto the Courte, which have passed ; and there is found to remaine due to Mr. Coggeshall the sune of £57: 2s. 4d., which the Treasurer now being, shall pay unto him, with all convenient speed, allowing sufficient satisfaction for the forbearance thereof, from this present day.

It is ordered, that those who are appointed to lay forth the lands, shall (in regard of some naturall bounds lying neare unto the farme of Mr. Will'm Coddington, Judge), have full powre to add unto the s'd farme such parcell or parcells of Land as may extend to thoss bounds according as their discretions shall guide them when they come to a view thereof ; provided that Mr. Coddington, Judge, shall pay into the Treasurie so much monie (according to the order) as the overplus of his proportion amounts to.

It is ordered, that the Treasurer shall pay no monies unto any person till he be authorized by warrant signed under the hands of the Judge and some of y<sup>e</sup> Elders ; the which shall be to him of sufficient authoritie to pay all such bills so assigned.

It is agreed, that Wm. Cowlie, Rob't Field, George Gardiner, Robert Stanton, Thomas Clerk, and Joseph Clerk, are admitted and embraced as Freemen into this Body Politike.

It is agreed and ordered, that the Secretarie shall take notes of all dammages of the Towne, and shall implead

1639. such as shall be delinquent, legalie ; and in every defect thereof shall forfeit fortie shillings.

It is ordered, that ther shall be sufficient fences, eyther hedge or post and raile, made about the Corne Grownds that shall be planted or sowne by the 1st of May, next ; and if any man shall be found a Delinquent therein, he shall forfeit for every rod that is defective the sum of three shillings and four pence.

It is ordered, that no man shall keep any Hoggs about the Towne except it be within his own enclosure after the 15th of April, untill the 15th of October, upon the forfeiture of four pence a foote, and the former orders are repealed.

It is ordered, that ther shall be provision made of Bulls into the Towne. A Bull to every twentie Cows and heyfers by the first of May, 1640.

It is ordered, that keepers shall be appointed to y<sup>e</sup> severall heards of Cattle, from the 15th of Aprill to the 1st of November, and that the spare cattle shall be separated from the Milch beasts, and kept att Sachuis.

It is ordered, that the Lands shall not be fired till the 1st of March, and so for fourteen dayes, to continue ; and that if eyther Indian or English shall fire any, before or after, they are liable to such dammages as may be incurred thereby.

It is ordered, that the Treasurer shall forthwith provide a pair Stocks and a whipping post, to be sett in some such place as he shall have order for, in y<sup>e</sup> town of Niewport.

1639.  


At the Particular Courte held  
on the 7th of 11th, 1639.

Whereas, it was ordered, that the Clerk of the Band should take notice of what defects were in the Armes among the Traine Band, and to make returne thereof at the Sessions of this Courte ; which being performed, It is further ordered, y<sup>t</sup> the Corporall shall forthwith give warning to all such who are defective, to make their appearance before the Judge within these tenn days, to give answer for their deficiencies therein ; and further it is ordered, that every Traine Soldier shall be provided sufficiently of his owne Armes by the last day of Aprill, 1640 ; as they shall answer it att their perill.

Whereas, complainte was made by the Secretarie on the behalfe of the Towne of Nieuport against Ralph Earle for his falling of timber, contrarie to order, and suitt made accordinglie in the Courte. By the Courte it was ordered, that the s<sup>d</sup> Ralph and Mr. Willbore, his Copartner, shall serve the Towne with good sufficient Stuff, Viz.: with sawn board att eight shillings the hundred, and half inch board, at seven shillings, to be delivered at the pitt by the water side ; and clapboard and paile at twelve pence a foote, by the Stubb, sound and good sufficient merchantable ware ; and further it is ordered, that the said Mr. Willbore and Ralph Earle shall not make sale of any of the Timber within y<sup>e</sup> bounds of the Towne of Nieuport, nor transport any of it (eyther whole or broken) to any other Plantation without licence, as they shall answer it at their Perill.



1639.

At a Generall Assembly of the Body, 22d Jan'ry, 1639.

Upon a survey of the Corne with the persons inhabiting the Towne, the Corne arising to 108 bushells, and y<sup>e</sup> persons ninety-six : It is therefore ordered, that the said Corne shall be proportioned forth one bushel and half a peck to each person, which is to supply the said person for the space of six weeks ensuing the date hereof ; provided, y<sup>t</sup> such who shall lend their Corne shall in due time be repaid as soon as a supply can be made.

Whereas, the Generall Quarter Courte doth fall on the second of February, which being the Lord's day, upon serious consideration, it is assigned to be kept foure days sooner, being the 29th of this present month.

---

At the Quarter Courte held y<sup>e</sup>  
29th of Januarie, 1639.

It is ordered, that Mr. Jeremie Clarke shall supply y<sup>e</sup> Treasurer's place till his retorne from the Dutch.

It is ordered and ordayned, that once in the yeare forever hereafter, namelie : the twelfth day of March ; The Judge and Elders, and all other officers of this Bodie incorporate, shall be in the Generall Courte or Assembly, to be held for that day or time newlie chosen, for the yeare ensuing, by such greater part of the Bodie of Freemen, then or ther present, and such as shall be necessarily detained to send in their votes, sealed up to the Judge.

It is ordered, that on the 6th of March, ensuing, the Bodie shall assemble together, for the Recording of the Lands according to the order in that case made on the Sessions hold the 27th of the 4th, 1638.

It is ordered that the Secretarie shall commend and advise with the Judge and Elders, concerning such suits and cases as he shall have information of.

1640.  


At a Generall Assembly of the  
Body on the 6th of March, [1640].

Whereas, according to order, Mr. Nicholas Eston, Mr. John Clarke, and Mr. Wm. Dyre were appointed to lay forth the all such Lands as by the Judge and Elders were proportioned forth ; to that purpose, a schedule was given them from the Court of such as they had appointed them to accommodate ; who, according to their best Judgments and discerning, have performed the same, and exhibited a map thereof to this Generall Courte, which is accepted and ratified thereby, and are discharged of the service by the authority thereof.

It is ordered, that all the Sea Banks are free for Fishing to the Towne of Nieuport.

It is ordered, that such as shall bring in their acquittances from the Treasurer to the Judge and Elders, shall have their Lands recorded.

---

By the Judge and Elders,  
March 10th, 1640.

[Here follows a record of the Lands to the following proprietors, viz.: William Coddington, John Coggeshall, William Brenton, Nicholas Easton, William Dyre, John Clarke, Jeremy Clarke, William Foster, George Gardner, Robert Stanton and Robert Field.]

1640.



Att the Generall Courte of Election  
held on the twelfth day of the first month,  
1640, in the Towne of Nieuport.

## PRESENT.

|                             |                  |
|-----------------------------|------------------|
| Mr. Wm. Coddington, Judge,  | Wm. Cowlie,      |
| Mr. Nicholas Easton, Elder, | Thomas Hazard,   |
| Mr. John Coggeshall, Elder, | Robert Field,    |
| Mr. Wm. Brenton, Elder,     | Thom: Clarke,    |
| Mr. Robert Jeffreys, Treas. | George Gardiner, |
| Mr. John Clarke,            | Henry Bull,      |
| Mr. Jeremy Clerke,          | Joseph Clarke,   |
| Mr. William Foster,         | Robert Stanton,  |
| Mr. Samuel Willbore,        |                  |

Guliel Dyre, Secretary.

1. Mr. William Hutchinson, Mr. Wm. Balstone, Mr. John Sanford, John Porter, Adam Mott, Wm. Freeborne, John Walker, Philip Sherman, Richard Carder, and Randall Holden, presenting of themselves, and desiring to be reunited to this body, are readily embraced by us.

2. It is agreed by this Bodie united ; that if there shall be anie person found meet for the service of the same, in eyther Plantation ; If ther be no just exception against him, upon his orderlie presentation, he shall be received as a freeman thereof.

3. It is agreed, that Mr. Samuel Hutchinson, Thomas Emons, Job Hawkins, Richard Awards, Sampson Shatton, Toby Knight, John Roome, and George Parker are received as freemen of this Bodye, fully to enjoy the priviledges belonging thereunto.

4. It is ordered, that the Chiefe Magistrate of the Island shall be called GOVERNOUR, and the next Deputie Governour, and the Rest of the Magistrates Assistants ; and this to stand for a decree.

5. It is agreed, that the Governour and two Assistants 1640. shall be chosen in one Town, and the Deputy Governour and two other assistants in the other Town.

6. It is ordered that the Plantation at the other end of the Island shall be called PORTSMOUTH.

---

BY ELECTION.

Mr. Wm. Coddington is chosen Governour for y<sup>e</sup> yeare, or till a new be chosen.

Mr. Wm. Brenton is chosen Deputie Governour for y<sup>e</sup> yeare, or till a new be chosen.

Mr. Nicholas Easton is chosen Assistant for this yeare, or till a new be chosen.

7. Mr. John Coggeshall is chosen Assistant for this yeare, or till a new be chosen.

Mr. Wm. Hutchinson is chosen Assistant for this yeare, or till a new be chosen.

Mr. John Porter is chosen Assistant for this yeare, or till a new be chosen.

Mr. Robert Jeoffreys, } are chosen Treasurers for the  
Mr. Wll'm Balston, } yeare, or till new be chosen.

Wm. Dyre is chosen Secretary for this yeare, or till a new be chosen.

Mr. Jeremy Clarke is chosen Constable of Nieuport for this yeare, or till a new be chosen.

Mr. Sanford is chosen Constable of Portsmouth for this yeare, or till a new be chosen.

Henry Bull is chosen Sargeant attendant for this yeare, or till a new be chosen.

8. It is agreed and ordered, that the Governour and Assistants are invested with the offices of the Justices of the Peace, according to the Law.

9. It is ordered, that to the number of five men shall

1640. be chosen to lay out the Lands belonging to the Towne of Portsmouth, and three for Nieuport.

10. By order of Courte, John Sanford, Adam Mott, Thomas Spicer, Richard Burden, and Philip Shearman, are chosen to the service of laying out the Lands for the Towne of Portsmouth.

11. By order of Courte, Mr. John Coggeshall, Mr. Robert Jeoffreys and Mr. Jeremie Clarke shall lay out the remainder of the Lands of the Towne of Nieuport.

12. It is ordered, that Libertie is granted for the Major parte of the Freemen of each Towne to select certaine men from among themselves to proportion forth to each man his propriety of Land, and then having it layd forth orderly, it shall be recorded at the Generall Courte.

---

At the Generall Courte held on the  
6th of May, 1640, at  
Nieuport.

13. Whereas, it was desired that all the orders and Laws formerlie recorded in this Book of State should be openlie read, perused and examined by this present Courte assembled; Be it known, therefore, that it hath been so done; and such as were disallowed are repealed, and so noted in the Margent, and the rest are ratified, and stand in full force, though the title of the Magistrates be altered.

14. In regard of the many Incursions our Island is subject unto, and that an Alarum be necessary for the safe securing thereof; Bee it therefore enacted, that in each plantation there bee this forme dylie observed. That as soone as notice is given of any probable Incursion, that then forthwith Three Musketts be distinctly discharged,

and the Drum or Drummies incessantly to beat an 1640. Alarum; and that forthwith each Man bearing armes shall repair to the coulers, which shall be lodged at y<sup>e</sup> Chief Magistrates Howse in each Plantation, as he will answer it at his perill.

15. It is ordered, that the Governour with the Assistants shall write to Plymouth about their Title of the Maine Land Grass.

16. It is ordered, that all such who shall have a Howse lott granted unto them within any of our Townes, shall build a Howse thereon within a yeare after the Grant thereof, or else it shall be forfeited to the Towns use. Repealed.

17. It is ordered, that Commission be directed to the Treasurers to make demands of all such monies as are due to the Treasury for the Lands assigned forth to particular men, and to make returne of all such who shall be therein remiss, at the next particular Courte who are to be ordered thereby according to Law.

18. It is ordered, that the particular Courts, consisting of Magistrates and Jurors shall be holden on the first Tuesday of each month; and one Courte to be held at Nieuport, the other at Portsmouth; and that the sayd Court shall have full powre to Judge and determine all such cases and actions as shall be presented.

1640.  


At the Generall Courte Held at  
Portsmouth on the 6th of August,  
1640.

19. By the Generall Consent of this Courte, Mr. Rob't Lenthall, and Thomas Cornill, and Ralph Cowland, are admitted Freemen of this Body Politike, fully to enjoy the priviledges belonging thereunto.

20. It is agreed and ordered, that all Men allowed and assigned to beare armes, shall make their personall appearance completely armed with Muskett and all its furniture; or pike with its furniture, to attend their Coulers by Eight of the clock in the morning, at the second beat of the Drum, on such dayes as they are appointed to Traine. And further it is ordered, that eight severall times in the yeare the Bands of each Plantation shall openlie in the field be exercised and disciplined by their Commanders and Officers. And further it is ordered, that there shall be two Generall Musters in the yeare, the one to be disciplined at Nieuport, the other at Portsmouth; and that if any shall faile to make their personal appearance as aforesaid, according to time and place aforesaid, he shall forfeit and pay the sum of five shillings into the hands of the Clark of the Band. And further it is ordered, and by this present authority established, that if any person shall come to the said Training or Generall Muster, defective in his armes or furniture equivalent, he shall pay forthwith the sum of twelve pence; and further it is ordered, that when the Generall Muster shall be held at the one Towne, there shall be a sufficient Guard sett and left at the other Towne with the Constable or his deputy. And further, it is ordered, that the Commanders Vidg't, Chieftaine and Lieutenant, shall appoint the dayes and times of their s'd meetings; And further it is ordered, that all men who shall come and remaine the space of



twentie days on the Island, he shall be liable to the in- 1640.  
 junctions of this order; provided, that if eyther heardsmen or Lighter men be otherways detained upon their necessary employments, they shall be exempted, paying only two shillings and six pence for that day, into the hands of the Clarke: And further be it established, that the two Chiefe Officers of each Towne, to witt: the one of the Commonweal, the other of the Band; and these two officers upon the exhibition of the Complaint by y<sup>e</sup> Clark (which shall be within three dayes after the faults committed), shall Judge and determine of the reasons of their excuses, who upon the hearing thereof, shall determine whether such person shall pay five shillings and six pence, or nothing. And further it is ordered, that Libertie be granted to Farmer or Farmers to leave one man at the s'd Farme, he paying the sum of two shillings and six pence into the hands of the Clarke. And further it is ordered, that the Clarke of each Band shall receive the monies off any Man to provide and make supply of such things as he shall stand in need, of; during which time, after the deliverie of the s'd money, he shall be excused for his defects in his Armes; but if the money be not delivered, then to be liable to the injunctions herein contained; provided, also that the Clark of each Band shall hereby be authorized to ask, receive or destraine for all such fines or forfeitures as by any are made, and that the said sum of monies so levied shall be employed to the use and service of the said Band.

21. It is ordered, that the Treasury shall provide and fitt up on Drum Collers and halberts for the Band of Portsmouth.

22. It is ordered, that Wm. Dyre shall be adjoynd with the rest in Mr. Jeoffreys roome, for the laying out of Lands of Nuport.

23. It is further ordered, that each Towne shall have a joynt and an equal supply of the Money in the Treasury for the necessary uses of the same; and that the Gov-



1640. ernour and one assistant of one Towne, and the Deputy Governour and one assistant in the other, shall give a warrant, according to the determination of the Major Vote of the Townsmen for the same unto the Treasurer, which shall be his discharge : And it is further ordered, that at the issue of the Treasurers that now be, a due and true account of all Bills and monies, received or dispended shall be presented by the Treasurer of each Towne. And the charges dispended shall be equally ballanced and each Towne to bear its true proportion. And likewise what hath beene expended out of the whole, shall be equally borne by the whole ; and what orders were formerly made, being repugnant to this, are hereby nullified.

24. It is ordered, that Mr. Coggeshall and Mr. Balston, Treasurers shall take up Mr. Hutchinson his account, and peruse it, and exhibite it at the next Generall Courte.

25. It is ordered, that each Towne shall have the Transaction of the affaires that shall fall within their own Towne ; and that the Magistrates of each Town shall have Libertie to call a Court every first Tuesday in the month at Nuport ; and every first Thursday in the month at Portsmouth, wherein actions may be entered ; and Juries empanelled, and causes tryed.—Provided, that it be not in the matter of Life and Limb ; and that if so be a Plaintiff hath commenced his suit, and the defendant cast, he shall have libertie to make his appeal to the Quarter Sessions which are to be held upon the four Quarter dayes. And the two Parliamentarie (or Generall) Courts to be held on the Wednesday after the 12th of March, with what time is requisite thereunto ; and the other the first Wednesday after the 12th of October, with what time is requisite thereunto ; which Courts are equally to be kept at the two Townes : And what former orders are hereto repugnant are hereby nullified.

**Explication** For the better understanding of the terme of the four Quarter dayes, It was at the next Sessions of Court Generall determined, that the Quarter Sessions Courts should

be held the Tuesdays (or dayes) before the Generall 1640. Courts; and the other two to fall, the one the first Tuesday in July, and the other the first Tuesday in January.

---

Certaine Propositions made interchangably on the  
7th of July, 1640. [Ratified August 16th.]

By

Mr. Will'm Coddington, Governour, with the rest of y<sup>e</sup>  
Assistants,  
and

Miantonomie, Sachem of Narraganset, with y<sup>e</sup> rest of  
the Sachems, and agreed upon.

That no Indian whatever, under his Jurisdiction shall  
eyther Winter or Summer, kindle or cause to be kindled  
any fires upon our Landes, but such as they shall put  
forth immediately againe upon their departure; Provided,  
that no hurt or damage be done thereby upon or after the  
kindling of the said fire; or if it so fall out, that hurt or  
damage be done by their kindling of fire, then y<sup>e</sup> damage  
to be adjudged, and they to be tryed by our Law.

That in lieu of a Boore y<sup>t</sup> belonged to the Island, killed  
by an Indian, the said Indian shall pay ten fadome of  
beads at harvest next.

That no Trapp or Engine be sett by them upon the Is-  
land, to take or stroye the deare or other cattle thereon.

That if any Indian shall be unruly, or will not depart  
our howses when they are bidden, they are to carry them  
to the Governour or other Magistrate, and they shall be  
punished according to their demeritt. And further, that  
for any common or small crime he shall receive his pun-  
ishment according to Law; and for any matters of greater  
weight exceeding the value of ten fadome of beads, then  
Miantonomy is to be sent for, who is to come and see the

1640. Tryal. But if it be a Sachem that hath offended, though  
 ~~~~~ in smaller matters, then he is also to be sent for, and to  
 see his tryall and Judgment, who hath promised to come.

That no Indian shall take any Cannew from the English, neyther from their Boatside or shoreside, and the like not to be done by them.

That upon their trading and bargaining, having agreed, they shall not revoke the said bargaine or take their goods away by force, and that they shall not be Idling about nor resort to our howses, but for trade, Message, or in their Journeys.

Ratified at Generall Courte
 August 6th, 1640.


} These two leaves were torne
 out by the G. Courte, March
 y^e 16, 1641, and these two
 foregoing containe the same
 } orders being again written.

At the General Courte held on the 14th of
 the 7th mo. [September], 1640.

26. It is agreed, that Mr. Brace, Jeremy Gold, Jeoffrey Champlin, John Anthony, John Hicks, James Rogers, H. Bishop, and Marmaduke Ward are admitted as Freemen of this Body Politicke, to enjoy the priviledges thereof.

27. It is agreed and ordered, by the unanimous consent of this Courte, that a line of division be drawn between the Townes of Newport and Portsmouth, as the bounds of the Lands of each Towne, Vidg't.

The s'd Line to begin half a mile beyond the River commonlie called Sachuis River, being the River that lies next beyond Mr. Brenton's Land on the South East side of the Island towards Portsmouth, and so on in a straight line to run to the nearest part of the Brook to the hunting

Wigwamm, now standing in the highway between the two 1640.
Towns, and so by that line to the sea on the North side of 
the Island, which line shall be and is the Bounds between the Two Townes, and to be sett out by marked Trees ; And that Mr. Easton and Mr. Porter, and Mr. Jeoffreys and Mr. Samford shall lay out this Line by the first of November ensuing. And further it is ordered, that Whereas ther was 900 acres of Land (vidg't, To Mr. Wm. Hutchinson 400, and to Mr. Samford 200, and to Mr. Samuel Hutchinson 200, and to Francis Hutchinson 100), layd forth unto them on this side of the s'd River, called Sachuis River, next unto Nuport, shall be and is still granted to them and their posterity, as their right and propriety : Provided, they hold it as from the Town of Nuport ; Provided, also, that this grant do no wayes damniifie the land formerly granted to the accommodation of Mr. Brenton's farne ; Provided also, that if so be the said parties before mentioned shall refuse their, or any off their accommodations, before premised in that place, then the s'd Lande or Landes shall returne to the use and disposall of the said Towne of Nuport.

28. It is ordered, that Whereas ther was an order formerlie made for five men to lay out the Lands for the Towne of Portsmouth, and upon complaint made for their neglect being so many ; be it now established that three of them, Vidg't, Mr. Samford, Adam Mott, and Richard Burden shall lay out the said Lands according to the proportions granted forth by the Towne.

29. It was further ordered, that Two Barrells of Gunn Powder be alway readie in the Treasury of each Towne, with Bullets and match ; and that provision be forthwith hereof made by the Treasurers ; And that the Treasurers make demand of all such moneys as is due ; and if any neglect the payment, then to take warrants from the Magistrate to the Constable to destraine for the same ; and that also the Treasurers shall provide Thirtie two pikes to lye by alway in readiness in the Magazines of each Towne.

1641. 30. It is ordered, that the Secretary shall only attend the two General Courts, and the four Quarter Session Courts, unless he be desired, and shall have three shillings a day for his attendance thereon.

31. It is ordered, that the Governour shall write to the Governour of the Bay, that they would communicate their Councils concerning their agitations with the Indians.

Here endeth the Acts and Orders made
by the Bodye in the yeare
1640.

Being one and thirty in Number.

W. DYRE, Secretary.

The Court Roll of Freeman, with the officers, as they
were Elected on the 16th of March, 1641.

Mr. Wm. Coddington, Govern'r,

| | |
|----------------------|------------------------------------|
| Mr. John Coggshall, | } Assistants
and
Treasurers. |
| Mr. Robert Harding, | |
| Mr. Will'm Ballston, | |
| Mr. John Porter, | |

Mr. Robert Jeoffreys, Treas.,

Wmiliam Dyre, Sec'ry,

Mr. Nicholas Easton,

Mr. John Clarke,

Mr. Jeremy Clarke,

Mr. Samuel Willbore,

Mr. Wm. Freeborne,

Philip Shearman,

John Walker,

Adam Mott,

Mr. Foster,

Mr. Spicer,

Mr. Lenthall,

Mr. Brace,

Jeremy Gould,

Henry Bull, Sarg't,

Jeoffrey Champlin,

John Anthony,

John Hicks,

James Rogers,

Marmaduke Ward,

Capt'n Morris,

Thomas Gorton, Sarg't,

Mr. Will'm Hutchinson,

Will'm Cowlie,
 George Gardner,
 Robert Feild,
 Thomas Clarke,
 Joseph Clarke,
 Robert Stanton,
 Thomas Emons,
 John Hawkins,
 Richard Awards,
 Thomas Hazard,
 Toby Knight,
 John Roome,
 George Parker,
 Richard Burden,
 John Smith,
 Thomas Wait,
 John Peckum,
 Michall Williamson,

Rob't Carr,
 John Briggs,
 Mr. Cornell, Cons't,
 Henry Bishop, Cons't,
 Ralph Cowland,
 Mr. Samford,
 Mr. Sam'l Hutchinson, Sen'r,
 Mr. Edw. Hutchinson, Jr.,
 Mr. Savadge,
Richard Carder,
Randall Holden,
Sampson Shatton,
Robert Potter.

1641.



These four at y^e court of
 y^e Sessions, March 16, were
 disfranchised, and y^e names
 to be cancelled out of y^e roll.

The Generall Court of Election began and
 held at Portsmouth, from the 16th of March,
 to the 19th of the same mo., 1641.

Ingagement

1. It was ordered and agreed, before the Election,
 that an Ingagement by oath should be taken of all the of-
 ficers of this Body now to be elected, as likewise for the
 time to come ; the ingagement which the severall officers
 of the State shall give is this ; To the Execution of this
 office, I Judge myself bound before God to walk faithfully
 and this I profess in y^e presence of God.

1641.

BY ELECTION.

Election.

2. Mr. Will'm Coddington is chosen Governour for one whole yeare, or till a new be chosen.

Mr. Wm. Brenton is chosen Dep'ty Governour, for one whole year, or, &c.

Mr. John Coggs shall is chosen Assistant for one whole yeare, or, &c.

Mr. Rob't Harding is chosen Assistant for one whole yeare, or, &c.

Mr. Wm. Balston is chosen Assistant and Treasurer for one whole yeare, etc.

Mr. John Porter is chosen Assistant for one whole yeare, or until, &c.

Wm. Dyre is chosen Secretary for one whole yeare, or until, &c.

Mr. Rob't Jeoffreys is chosen Treasurer for one whole yeare, or, &c.

| | | |
|---------------|---|---------------------------------|
| Thomas Gorton | } | are chosen Sergeant Attendants. |
| and | | |
| Henry Bull | | |

| | | | | |
|----------------|---|-----------------------|---|----------------|
| Thomas Cornell | } | are chosen Constables | { | of Portsmouth, |
| and | | | | |
| Henry Bishop | | | | of Nuport, |

for one yeare, or till a new be chosen.

Democracie.

3. It is ordered and unanimously agreed upon, that the Government which this Bodie Politick doth attend vnto in this Island, and the Jurisdiction thereof, in favour of our Prince is a DEMOCRACIE, or Popular Government; that is to say, It is in the Powre of the Body of Freemen orderly assembled, or the major part of them, to make or constitute Just Lawes, by which they will be regulated, and to depute from among themselves such Ministers as shall see them faithfully executed between Man and Man.

4. It was further ordered, by the authority of this present Courte, that none bee accounted a Delinquent for *Doctrine*: Provided, it be not directly repugnant to y^e Government or Lawes established. 1639.
Doctrine.

5. It was further ordered, that all such who shall kill a Fox shall have six shillings and eight pence, for his paines, duly paid vnto him by the Treasurer of y^e Towne in which lands it was killed: Provided, that he bring the Head thereof to the said Treasurer; and this order shall be of sufficient authority to the Treasurer to pay and discharge the said summ. Foxes..

6. It is further ordered, that all Men who shall kill any Deare (except it be upon his own proper Land), shall bring and deliver half the said Deare into the Treasurie, or pay Forty shillings; and further it is ordered, that the Governour and Deputy Governour shall have authority to give forth a Warrant to some one deputed of each Towne to kill some against the Court times for the Countries use, who shall by his Warrant have Libertie to kill wherever he find; Provided, it be not within any man's enclosure, and to be paid by the Threasurer: Provided, also, that no Indian shall be suffered to kill or destroy at any time or any where. Repeal'd.
Deare.

7. It is ordered from henceforth, that the Quarter Session Courts shall alway be kept the first, the first Tuesday in March; the second, the first Tuesday in June; the third, the first Tuesday in September; the last, the first Tuesday in December. Courts.

8. It is ordered, that Eight Gunns and their furniture with two corsletts, now in the hands of Mr. Willbore, shall be taken off by the Threasurie Jointlie, as part of satisfaction for what debts from him is now dew therto: and that the said Armes be equally divided to each Towne. Arms..

9. It is ordered, that the Deputie Governour and Mr. Willbore, and Mr. Coggshall, and Mr. Jeremy Clarke, shall be joyned in commission with the Two Treasurers Accountrs..

1641. that now bee, to examine the Treasurie, and to even the accounts, and then to present them so rectified to the next Generall Court ; and what oneveness there is found to bee, the one Treasurer shall make payment to the other Treasurer within twentie dayes after the period of their commission : the limits which are set for the performance of this, shall be three weeks from the date hereof.

Live. 10. It is ordered, that Mr. Porter, Mr. Balston, Mr. Easton, and Mr. Jeoffreys shall runn the line between the two Towns within twentie days after the date hereof, or else shall forfeit a Mark a peece ; and performing it within the (time or) tearme they shall have a Mark a peece for their Labour.

Evidences. 11. It is ordered, that each Towne shall provide a Towne Book, wherein they shall Record the Evidences of the Lands by them impropriated ; and shall also have Powre to give forth a Coppie thereof, which shall be a clear evidence for them and theirs, to whom it is so granted.

J. of Peace. 12. It is ordered, that the Officers of Justices of the Peace is confirmed to the Magistrates.

Fiers. 13. It is ordered, that no Fiers shall be kindled by any whatsoever to runn at randome, eyther in Medows or Woods ; but what by him that so kindled it shall forthwith be put out, that it damnifie none. And that if damage shall accrew, satisfaction to the utmost shall be awarded.

Copy of Stat. Book. 14. It is ordered, that a Booke shall be provided, wherein the Secretary shall write all such Lawes and Acts, as are made and constituted by the Body, to be left alway in that Towne where the said Secretary is not resident ; and also that coppies of such Acts as shall be made now or hereafter, at the Generall Courts concerning necessary uses and ordinances to be observed, shall be fixed upon some public place where all men may see and take notice of them ; or that coppies thereof be given to the Clerks of the Band, who shall read them at the head of the Companie.

15. It is ordered, that a Manual Seale shall be pro- 1639.
vided for the State, and that the Signett or Engraving ^{Seale.}
thereof, shall be a sheafe of Arrows bound up, and in the
Liess or Bond, this motto indented : *Amor vincet omnia..*

16. It is ordered, that Ingagement shall be taken by ^{Ingagement}
the Justices of the Peace in their Quarter Sessions of all
men or youth above fifteen years of age, eyther by the oath
of Fidelity, or some other strong cognizance.

17. It is ordered, that a Line be drawn and a way be ^{Line.}
cleared between the Townes of Nuport and Portsmouth, by
removing of the wood and mowing it ; that drift Cattle
may sufficiently pass ; and for the performance thereof,
Capt. Morris, of the one Towne, and Mr. Jeoffreys of the
other, are appointed to draw the Line, and to be paid
therefor, and the Townes to perform the rest.

18. It is ordered, that the Traine Bands shall choose ^{Traine Bands.}
among the Freemen, one or more such as shall be for
their commanders, and present them to the Towne. The
Major vote of the Towne, by the Authority of this Court,
shall have the negative voice for the Establishment of
them, and shall order their Powre till the next Generall
Courte.

19. It is ordered, that the major part of the Courts, ^{Courts.}
being lawfully assembled at the place and houre appointed,
shall have full Powre to transact the business that shall be
Presented : Provided, it be the Major part of the Body
entire, if it be the Generall Court (present) or the Major
part of the Magistrates, with the Jury in the inferior
Courts ; and that such acts concluded and issued be of as
full authority as if there were all present. Provided, there
be due and seasonable notice given of every such Court.

1641.

Tenure of the Lands of Aquethneck.

Tenure.

20. It is ordered, Established and Decreed, unanimously, that all men's Proprieties in their Lands of the Island, and the Jurisdiction thereof, shall be such, and soe free, that neyther the State nor any Person or Persons shall intrude into it, molest him in itt, to deprive him of anything whatsoever that is, or shall be within that, or any of the bounds thereof; and that this Tenure and Propriety of his therein shall be continued to him, or his; or to whomsoever he shall assign it for Ever.

The Orders and Lawes
made at the Generall Courte, held
att Newport, the 17th of September, Ano. 1641.

Records.

21. Whereas, there were certaine Records, to witt: Eleven in number, made and entered into this Book of State, which Records are since found to be imperfect by want of that which was intended both for bounds, quantity and Tenure; It is ordered, therefore, that it shall be lawfull to transcribe and rectifie the said Records according to the perfect rule and orders in that case Provided.

The order made for the restraint of killing deare y^e last Court is repealed.

Trapps.

22. It is ordered and agreed, that no Englishman or other shall sett any Trapps for deare upon the Island, under paine of forfeiting five pounds, except it be within his own inclosed grounds.

23. It is also ordered, that no Indian shall fall or peel 1639.
 any trees upon the Islands ; and that if any be found so ^{Indians.} doing or carrying off Bark (so peeled upon the Islands) away ; it shall be lawfull for all that so finds them, to bring a cause to be brought the Parties so offending before the Magistrates, who shall order and punish them according to the Law.

24. Whereas, ther was difference in the vnderstand- ^{Train Bands.} ing of that order made the last Court concerning the Election of Military Commanders ; it was explained by the authority of this Courte, Vidg't. That the Freemen of the Towne according to order, shall confirme one to each office, out of all such as the whole Traine Band did present ; and this to stand as the true meaning of that Lawe in that order.

25. It is ordered, that Mr. Jeffreys shall draw the ^{Line.} line between the Townes by the last of November next, who shall have five shillings a day for the time he spends att home about it ; and ten shillings a day when he lies abroad, vpon paine of forfeiting five pounds if not done ; also those that shall help him shall have three shillings per diem, and the charge to be equally borne by the Townes.

26. It is ordered, that Mr. Robert Jeoffreys shall be ^{Chirurgie.} authorized to exercise the function of Chirurgie.

27. It is ordered, that every halfe yeare ther shall be ^{Swine and Goats.} three men chosen out of each Towne to view the Swine that shall be killed by any Person or Persons within the Limitts of the said Towne : And that he that doth or shall kill any swine, and not call one or more of the said men to view and see the said swine so killed, or to be killed, he shall forfeitt five pounds ; and also it is ordered, that every Inhabitant or Person keeping swine, shall within one month after the end of this Court, bring in their ear-marke which they have or do vsually give, and ther to be kept in the Towne Records vpon paine of forfeiting six shillings and eight pence ; and those that have the Seigniority of the marke shall keep it, and others that have

1641. given the same shall alter the said marke vpon notice
given to em ; and it is also ordered, that the same order
in all points shall be observed for Goates ; and also that
each Towne shall have a Coppy of each others earmarks.

Ingagement. 28. It is ordered and received, that the Ingagement
that already was given by the Freemen, was and is of the
same force as that oath is, which is authorized to be ad-
ministered to the Inhabitants, which oath Nicholas Easton,
Rob't Jeoffreys and Wm. Dyre did take in presence of the
Courte.

Powre. 29. It is ordered, that if any Person or Persons on
the Island, whether Freeman or Inhabitant, shall by any
meanes open or covert, endeavour to bring in any other
Powre than what is now established (except it be from our
Prince by Lawfull commission), shall be accounted a de-
linquent under the head of Perjurie.

Dec rine. 30. It is ordered, that the Law of the last Court made
concerning Libertie of Conscience in point of Doctrine, is
perpetuated.

Trainings. 31. It is ordered, That the order concerning trainings
made at Portsmouth, August 6, 1640, shall be duly ob-
served and kept in all points effectually, excepting the
Powre and all particles thereof which is given to the Com-
manders therein ; also bee excepted the two Generall
musters ; and also be excepted the half crown paying for
such as are necessarily detained. And be it further or-
dered, that the Townes shall order the Powre of the Offi-
cers of their severall Bands from time to time.

Accounts. 32. It is ordered, that each Towne shall choose a
Committee to Examine the accounts of each Towne inter-
changeably, and to exhibitt them whollie at the next
Generall Courts.

Corne. 33. It is ordered, that the Indian Corne shall goe at
four shillings a bushell between man and man in all Pay-
ments for debts made from this day forward : Provided, it
be Merchantable.

Pardon. 34. The Court doth order and Proclayme a Generall

Pardon of all offences that have been presented to and ^{1641.}
given in this Present Sessions.

35. According to an order of Court made in March ^{Accounts.}
last, wherein a Committee was appointed to examine and
rectify the Treasurers accounts, which accordingly they
have done, and also exhibiting this following answer in
writing.

Memorandum: There remains due from the Treasury ^{£ s. d.}
of Nuport the summe of one hundred pounds, and eleven _{111 63 04.}
pounds, three shillings and foure pence, as appeareth by
the severall particulars; and in case that Mr. Dyre and
Henry Bull's bills upon Portsmouth be more than on Nu-
port, then the surplus to be discounted; and in case any-
thing be omitted by eyther Treasury, then upon demand
allowance to be made of the one halfe.

Signed,

WILLIAM BRENTON,
JOHN COGGSALL,
WILLIAM BAULSTON,
ROBERT JEOFFRIES.

At the Generall Court of Election
held on the 16th & 17th of March, att
Newport, 1642.

It is ordered, that Richard Carder, Randall Holden,
Sampson Shatton, and Robert Potter, are disfranchised of ^{Disfranchisement}
the Priviledges and Prerogatives belonging to the Body
of this State, and that their names be cancelled out of the
record.

It is further ordered, that George Parker and John
Briggs are suspended their votes till they have given satis- ^{Suspension.}
faction for their offences.

It is further ordered, that Mr. Lenthall being gone for
England, is suspended his Vote in Election. ^{Idem.}

1642.

BY ELECTION.

Mr. Will'm Coddington is chosen Governour for one whole yeare, or till a new be chosen.

Mr. Wm. Brenton is chosen Dep'tie Gov'r for one whole yeare, &c.

| | |
|---------------------|---|
| Mr. Nicholas Easton | } is chosen assistant for one whole
yeare, &c. |
| Mr John Coggeshall | |
| Mr. John Porter | |
| Mr. Wm. Balston | |

William Dyre is chosen Secretarie for one whole yeare, &c.

Mr. Rob't Jeoffries is chosen Threas'r of Nuport for one whole year, &c.

Mr. Thom. Spicer is chosen Threa'r of Portsmouth for one whole year, &c.


| | |
|---------------|--|
| Henry Bull | } are chosen Sargent attendants for one
whole yeare, or till a new be chosen. |
| Thomas Gorton | |

| | |
|-------------------|--------------------------|
| George Gardiner, | } are chosen Constables. |
| William Freeborn, | |

Explication. The Court doth declare that it was the Intent of that order made concerning Militarie Officers, that each Town or Band should chuse their officers within themselves, and not to choose their officers out of another Towne or Band.

Idem. The Courte doth further declare that the Officers for Militarie Affaires are included in that order of yearly elections, namelie : in that particle (all officers, &c.).

Traynings. Forasmuch as by the due care of this honored Court, divers orders have from time to time been made and established concerning Trainings, and great neglect have been therein hitherto, whereby great detriment hath, and is like to ensue upon the State by reason thereof, the which being earnestly desired by divers of this Court, to be taken into consideration. Be it therefore enacted, and by this Present authoritie Established, that the officers for militarie af-

fairs, Vidg't, Captains, Leiftenants, Ensigns, Sarjeants and 1642.
 Clarks shall be dewlie chosen every yeare at y^e Generall 
 Courte of Election ; and that also the officers of each
 Band shall be chosen within themselves or limitts (and not
 officers) to be chosen one band out of another Towne or
 Band ; and further that their Powre shall be ordered from
 time to time by the Towne according to the order in that
 case Provided ; and also, that the order or orders made
 August 6th, 1640, Sept. 17, 1641, be effectually ob-
 served in all points, excepting what is already excepted ;
 and that all former orders excepting, are hereby made
 void and of no force.

BY ELECTION.

Mr. Robert Jeffreys is elected Captain for Nuport.

Mr. Jeremy Clarke, Lieutenant.

Mr. Smith, Ensign.

George Gardiner, Sargent, Sen'r,

Robert Stanton, Sargent, Jun'r,

Toby Knight, Clarke.

Mr. Richard Morris is elected Captain for Portsmouth,

Mr. Balston, Lieftenant,


Mr. Thomas Cornill, Ensigne,

Mr. Cowland, Sargent, Sen'r,

Thomas Gorton, Sargent, Jun'r,

Adam Mott, Clarke.

It is ordered, that the first Monday of every month, the
 Traine Bands shall be exercised by the Commanders, ex-
 cepting in the months of May and August, January and
 Febru.: and the warning to be seasonably given by the ^{Trayninge.}

1642. officers at the one Meeting against the other ; and further,  it is ordered, that the Captains shall chuse their Drummers and Corporalls.

Wolves.

It is further ordered, that he that shall kill a Wolf vpon the ysland, shall have thirty shillings for every Wolf he Kills ; also, it is ordered, that the Magistrates of each Towne shall procure two men for each Towne to range the Woods for to Kill them ; who shall also agree to satisfie them by the day, besides the thirtie shillings a head, which money or payment shall be made the Moitie out of each Threasure.

Accounts.

Mr. Jeoffreys, Threasurer, his accounts being dewlie examined by the auditors by order appointed, and accordingly exhibited to this Court, is allowed of, and he is discharged of the said account ; and what remains to be transferred to the other accounts, he being again chosen Threasurer.

Also it is ordered, that the other Towne shall appoint three to audite the old Threasurers accounts, and exhibit them att the next Quarter Sessions, and the remainder to be transferred to Mr. Spicer, now Threasurer.

Provision

It is ordered, that the ordinaries shall no longer make Provision of diett for the Courts at the countrie charge.

Fees.

It is further ordered, that the three shillings a day allowance shall be taken off from the Officers, and that the Secretarie shall have the fees and customes allowed by the Lawes and Constitutions of England ; also he shall execute the Clarke of the Peace his office ; and for what time the said Secrétarie shall expend for writing or enrolling the Court's Acts, satisfaction shall be made out of the Treasury ; Also the Sarjeants shall have the fees allowed them by order of Law for their arrests and summons, &c. ; or upon the States service their attendance, to be satisfied : Provided also, that by this order their bills for the last yeare be not frustrated.

Courts

It is further ordered, that ther shall be but one Generall

Court in the yeare, vidg't, the Court of Election, and that 1640. to be held according to the ancient form and custome ; ^{Receipts.} and but two Quarter Sessions in the yeare ; vidg't, the one in June, the other in December ; and they to be held according to the ancient forme and Custome ; Provided, that if ther shall appear speciall occasion, then the Governour and Deputie with the rest of the Magistrates, or two of them, shall have Powre to call eyther Generall Courts, or more Session Courts ; and what former orders are contrarie hereunto to this Present act, are made void.

It is also further ordered, that such acquittances for the receipt of the Land Moneys under the Treasurers hand, being exhibited or sent vnto the Secretarie, he shall have full powre to record y^e said lands and give the parties exemplifications of the same vnder his hand and in the States' name.

It is ordered, that if any Person or Persons shall sell, ^{Indians} give, deliver, or any other wayes convey any Powder, Shott, Gunn, Pistoll, Sword, or any other Engine of Warr, to the Indians that are, or may prove offensive to this State or to any Member thereof, he or they for the first offence being lawfully convict, shall forfeit the sum of forty shillings ; and for the second offence, offending in the same kind, shall forfeit five pounds ; half to our Sov'n Lord the King, and half to him that will sue for it ; and no wager of Law by any means to be allowed y^e offender.

It is ordered, that if John Weeks, Randall Holden, ^{Good Behaviour.} Richard Carder, Sampson Shatton or Robert Potter shall come vpon the Island armed, they shall be by the Constable (calling him sufficiently aside) disarm'd and carried before the Magistrate, and there find sureties for their good behaviour ; and further be it established, that if that course shall not regulate them or any of them, then a further dew and lawfull course by the Magistrates shall be taken in their Sessions : Provided, that this order hinder not the course of Law already begun with J. Weeks.

1640. It is ordered, that the Secretarie shall have full Powre
 upon the Treasurer's information to sue for the monys
 that is due vnto y^e Threasurie.

FFINIS.

At the Generall Court assembled at Nuport
 on the 19th of September, 1642, these
 orders following were agreed upon.

Restituion. It is ordered, that George Parker and John Briggs are
 reunited of their censure of suspension.

Courts. Juries. It is ordered, that the Freemen of the Towne in their
 Towne meetings shall appoint the Juries for the Courts,
 and that they shall have powre as well to appoint the In-
 habitants, as Freemen for that service, by virtue of the
 Tenure and grant of their Lands which is freehold ; and
 further it is ordered, that the two Courts in June and De-
 cember, shall be held as the two Generall Sessions ; also,
 that the two other Courts, Vidg't, in March and Septem-
 ber shall again be held, and kept as Quarter Courts ; and
 further it is ordered, that the Juriors shall have twelve
 pence a piece p'd them for every cause vpon issue joyned,
 both at these and all other Courts held and kept within
 our Jurisdiction.

Commission to Mr. Williams. It is ordered, that full Commission is granted to Mr.
 Roger Williams to consult and agree with Miantonomie,
 Sachem of the Narragansetts, for the destruction of the
 Wolves that are now upon the Island ; and also, that they
 no way damnifie the English in that, or in a present hunt-
 ing [ground] granted to them for the killing of the deare
 that are upon the same ; provided, that the Indians shall

no more require the like curtesie of hunting upon the Is- 1640.
land when as this enterprise is effected.

It is ordered, that a Committee shall be appointed to
consult about the procuration of a patent for this Island
and Islands, and the lands adjacent ; and to draw up Peti-
tion or Petitions ; and to send letter or letters for the
same end to Sr. Henry Vane ; and that if any opportu-
nitie be presented, they shall have full Powre to transact
and send to the forenamed Gentleman or any others whom
they shall think meet for the speedy affecting of said busi-
ness ; Provided, that an opportunitie be as aforesaid pre-
sented, between this and the Generall Court in March
next ; which opportunitie failing, then to present the af-
fares so ripened to the Generall Court then assembled ;
and further it is ordered, that what charges shall any
way be dispended herein, the Body doth engage them-
selves a dew proportion therein.

The Committee appointed for the transaction of this
business, is the Governour, the Deputie, the foure Assist-
ants, the Secretary, Cap't. Jeoffreys, Capt. Harding, and
Mr. John Clarke.

It is ordered, that all such Freemen that doth not Co-
habit vpon the Island, shall have no vote or Powre to
transact any [business] in our Courts.

It is ordered, that no man shall be disfranchised, but
when the major part of the bodie entire is present.

It is further ordered, that all the Priviledges, preroga-
tives and liberties of the Government, State, Townes, per-
sons, or person are confirmed.

It is ordered, that if any Englishman shall kill or bring
in any of the Wolves heads that are upon the Island and
slain thereon, and bring the head thereof to y^e Governour
in Newport, or Deputie in Portsmouth, he shall have five
pound for his paines ; and at the next Town's meeting, a
rate by the Townsmen, shall be made for every man to
pay to it according to this State of Cattle, which mult shall
be levied and raised by the Sarjent, who shall be satisfied

1640. for his paines ; and that both Towns shall pay it proportionably to the Cattle therein.

Supplies.

It is ordered, that the Governour and Deputie shall treat with the Governour of the Dutch to supply vs with necessaries, and to take of our commodities at such rates as may be suitable.

Sale to another Jurisdiction.

It is ordered, that no person or persons shall make any sale of his lands (in or belonging to our Jurisdiction) to any other Jurisdiction, or person therein, vnless that that Jurisdiction or person shall be subject to the Government here established, vpon paine of forfeiture of the said lands so proffered.

At the Generall Court of Election held at
Portsmouth the 15th of March, 1643.

Treasurer's discharge.

By the Election of the Body, The officers of the State were elected as they stood the former yeare, excepting the Serjents, which were

James Rogers, for Nuport,

George Parker, for Portsmouth.

Mr. Baulston, Threas'r, of Portsmouth, exhibited his Threas's accounts this present Court, and by the Court was allowed ; and the said Mr. Baulston discharged of the said accounts for the time passed, and what surplus remained, to be transferred to the other accounts.

At the Generall Court of Election held at
Nuport on the 13th of the first month, 1644.

All were chosen officers againe as they were last yeare,
except Mr. Jeremy Clarke, who was chosen Threasurer of
Nuport, in Mr. Jeoffrey's stead.

The Military Officers elected for Nuport were Mr.
Clark, Capt. ; Mr. Smith, Lief't. ; George Gardiner,
Ensign ; Toby Knight, Clark ; Robert Stanton and Peter
Easton, Sarjants ; John Coggeshall, Thomas Gould, James
Barker, Henry Timberleggs, Corporalls ; and John Hardy,
Drummer. For Portsmouth, Capt. Morris, Chef'n ; Mr.
Samford, Lft. ; Mr. Cornill, Ensign ; Mr. Willbor, Clark ;
George Parker, Tho: Gorton, Sam'l Willbor, Sarj'ts ;
John Alsborow, Tho: Brookes, Rich: Awards, Jo: Antho-
ny, Corporalls ; and Jo: Cranston, drummer.

It is ordered by this Court, that the ysland commonly ^{Name.}
called Aquethneck, shall be from henceforth called the
Isle of Rhodes, or RHODE ISLAND.

It is ordered, that a debt of thirty shillings, due to Mr. ^{Debts.}
Edw'd Hutchinson, for trading Commodities, shall be sat-
isfied out of the Threasuries joyntly.

It is ordered, that forasmuch as according to divers or-
ders by Generall Courts formerly made, That all such ^{Lands.}
Lands as were granted to any, they should be recorded in
the State Book, which should be their Evidence to Perpe-
tuity. And itt now appearing to this present Court that
much Lands have been granted vnto divers persons who
have made sales thereof, and have neglected to record
their Lands so granted, or past on so and so to persons
purchasing the same Lands, and have since gone away, or
departed from the Jurisdiction, so that original Records
cannot be in a dew forme made. Be itt now established,
and decreed by the Court and the authority hereof, that
all who hath made or shall make purchases of any such

1644. lands, and shall sufficiently evince eyther by writings, bargains, contracts, or other Testimony of the Purchase of any such Land or Lands before one Judge of the Court and the Clerk of the Peace ; that then the Secretarie shall have full Powre to record the said Lands in the State Book to the purchaser ; and in his name then holding the said Land, which Record shall be as authentick to him or them, their Heirs, Executors or Assigns, as if the said Lands had been originally granted, and according to that Tract in all points observed.

It was ordered, that Robert West should be paid three pounds from Nuport, and two pounds from Portsmouth Treasury, for destroying the other Wolf.

It was ordered and agreed, by the Body of this State before the Election of this present day, that the major of the major part of the Body in the Generall Courts appearing : shall have full powre to transact the affaires of the State ; also, to impose fines or penalties vpon all such of the Body that shall not appeare, or other wayes shall neglect or absent themselves from the service of the State having made their appearance in the Court, without leave.

WARWICK.

1642.

[The settlers at Warwick, unlike those of Providence, 1642. Portsmouth and Newport had not, prior to the Charter to the Colony of March 14, 1644, combined together as a corporation, or assumed to exercise any of the powers of government. The reason for omitting to do so was not because they were opposed to any government, as has been charged against them, but because they held that so long as they were English subjects, they had no lawful right to erect a government, and could not without authority from the crown or government in England. They denied that the self-constituted governments in the other towns were of any authority, because their power was not lawfully derived from the government to which they owed allegiance. They therefore never exercised any power of government, or proceeded to elect any officers until the organization of a government for the colony in May, 1647, under the charter of 1644.]

Their first act was on the 8th day of August, 1647, and is thus recorded.

1642.

Having now received our orders this 8th of August, from y^e Generall Recorder, we have chosen for a Towne Council, being a General Assembly order,

JO: GREENE,
EZC: HOLIMAN,
JO: WARNER,
RUFUS BARTON,
RANDALL HOLDEN.

Rufus Barton, }
Jo: Wickes, } Town Magistrates.
Jo: Warner, Town Clarke,
Hen: Townsend, Constable,
Chri: Helme, Sargant.]


Deed from Miantonomi to Randall Holden, John Greene and others of Shawomet, now known as Warwick, January, 12, 1642.

Know all men : that I, Myantonomy, Cheefe Sachem of the Nanhegansett, have sould vnto the persons heare named, one parsell of lands with all the rights and privileges thereof whatsoever, lying upon the west syde of that part of the sea called Sowhomes Bay, from Copassanatusett, over against a little Iland in the sayd Bay, being the North bounds, and the outmost point of that neck of land called Shawhomett; beinge the South bounds ffrom the sea shoare of each boundary upon a straight lyne westward twentie miles. I say I have truly sould this parsell of lande above sayde, the proportion whereof is

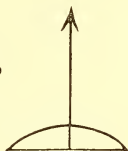
according to the mapp under written or drawne, being the 1639. forme of it vnto Randall Houlden, John Greene, John Wickes, ffancis Weston, Samuell Gorton, Richard Waterman, John Warner, Richard Carder, Sampson Shotten, Robert Potter, William Wuddall, ffor one hundreth and fortie foure ffathom of wampumpeage. I say I have sould it, and possession of it given unto the men above sayed, with the ffree and joynt consent of the present inhabitants, being natives, as it appeares by their hands hereunto annexed.

Dated y^e twelfth day of January, 1642. Beinge enacted vppon the above sayed parsell of land in the presence off

PUM  HOMM,
JANO,

 his marke,
JOHN GREENE, Jun'r,

MYANTONOMY,
Sachem of
Shawhomett,



TOTANOMANS,
his marke,



The within written deed is entred and recorded in the publick records of his Majesties Collony of Rhode Island and Providence Plantations on the (158) page of the booke of land evidences.*

As attests,

JOHN SANFORD, Recorder.

* *Indian Deed of Potowomut, a portion of the town of Warwick, from the original land evidences in the Town Clerk's office.*

Know all men by these presents, y^t I, Taccomanan, right owner of all y^e meadows and mowable land upon a neck of ground comonly called by y^e English, by y^e name of Potawomett, situated and being upon y^e great river called by y^e naime of y^e Nanhygansett Bay, lying over against y^e South end of that

1641. necke of land called Shawomet, which bay is y^e East bounder, and that river commonly called by y^e English Potawomut river; being in y^e Southward bounder and C^esett bay, being y^e norward bounder for y^e space or length of fower myles, according to y^e English account, by y^e said Potawomut river westward, from y^e said Nanhygansett bay, which parcell of land as abovesaide, with all y^e right and priviledges thereto appertaining, by land, water, wood or otherwise, I doe hereby, and by these presents freely acknowledge to have leagally and trewly sould, made over, and by these presents doe forever quitelaime unto Randall Houlden and Ezekiel Hollyman, both of Warwick, for themselves and y^e rest of y^e inhabitants of y^e abovesaid towne of Warwicke to them and their heires, and to have and to hould for ever, for y^e just some of fifteen pounds dewly paid and received allready, in wampumpage, only I am to receive y^e vallue of one coate of such clothe as y^e Indians doe now commonly use to weare, annually as a gratuity hereafter; and I doe hereby binde and ingadge mysele, that neither I nor any in my naime, nor in my behalfe shall forever hereafter dissurbe or molest them or any of them in y^e quiett and peaceable possession and injoyment of this, their proper right and inheritance; Moreover, I doe by these presents, further binde and engage mysele, and allso my heires and suecessors, and that in consideration of y^e abovesaid sum of money in payment received, never hereafter to sell, mortgage, let, or make over any moor, meadow or mowable land within my right, tytle, or claime unto any, what or whomsoever, but only to y^e parties abovenamed, their heires or assignes. In virtue whereof, I have heare unto sett my hand and scale, according to y^e custome of y^e English. Dated y^e thirteenth day of July, Anno. 1654.

Scaled and delivered
in y^e presence of

Jeremy Westcott,
William Baker,
Samuel Ensall.

TACCOMANAN,

 his marke.

AWASHOTUST,
eldest soun to him above
his marke.



WAWANOCKOSHAW,
 another soun
his marke.

1643.



MISCELLANEOUS DOCUMENTS.

A Coppy of a letter sent to Mr. R. Williams, of Providence.

Sir :

Wee receaved lately out of England a charter from y^e authority of y^e high Courte of Parliament, beareing date 10th December, 1643, whereby y^e Narragansett Bay, and a certaine tract of land wherein Providence and y^e Island of Quidy are included, which wee thought fitt to give yow, and our other country men in those parts, notice of, y^t you may forbear to exercise any jurisdiction therein, otherwise to appeare at our next Generall Courte, to be holden the 4th day of y^e 8th month, to show by what right yow claime any such jurisdiction ; for which purpose yourself and other your neighbours shall have free liberty to cane, stay, and retorne, as the occasion of A^s said business shall require.

Dated at Boston, in y^e Mattatusetts, 27: 6th mo., 1645.

To Mr. Roger Williams, of Providence, by order of y^e counsell.

INCREASE NOWELL, Sec't.

(Mass. Col. Records, vol. 3, p. 49.)

1644.



The Act and Deed of the voluntary and free submission of the chiefe Sachem, and the rest of the Princes, with the whole people of the Nanhigansets, unto the Government and protection of that Honorable State of Old-England ; set downe, here. verbatim.

KNOW ALL MEN, Colonies, Peoples, and Nations, unto whom the fame hereof shall come ; that wee, the chiefe Sachems, Princes or Governours of the Nanhigansets (in that part of America, now called New-England), together with the joynt and unanimous consent of all our people and subjects, inhabitants thereof, do upon serious consideration, mature and deliberate advise and counsell, great and weighty grounds and reasons moving us thereunto, whereof one most effectual unto us, is, that noble fame we have heard of that Great and mighty Prince, Charles, King of Great Britaine, in that honorable and princely care he hath of all his servants, and true and loyall subjects, the consideration whereof moveth and bendeth our hearts with one consent, freely, voluntarily, and most humbly to submit, subject, and give over ourselves, peoples, lands, rights, inheritances, and possessions whatsoever, in ourselves and our heires successively for ever, unto the protection, care and government of that worthy and royal Prince, Charles, King of Great Britaine and Ireland, his heires and successors forever, to be ruled and governed according to the ancient and honorable lawes and customes, established in that so renowned realme and kingdome of Old England ; we do, therefore, by these presents, confesse, and most willingly and submissively acknowledge ourselves to be the humble, loving and obedient servants and subjects of his Majestie ; to be ruled, ordered, and disposed of, in ourselves and ours, according to his princely wisdom, counsell and lawes of that honorable State of Old England ; *upon condition of His*

Majesties' royal protection, and wrighting us of what wrong 1644.
 is, or may be done unto us, according to his honorable lawes and customes, exercised amongst his subjects, in their preservation and safety, and in the defeating and overthrow of his, and their enemies ; not that we find ourselves necessitated hereunto, in respect of our relation, or occasion we have, or may have, with any of the natives in these parts, knowing ourselves sufficient defence, and able to judge in any matter or cause in that respect ; but have just cause of jealousy and suspicion of some of His Majesty's pretended subjects. Therefore our desire is, to have our matters and causes heard and tried according to his just and equall lawes, in that way and order His Highness shall please to appoint : *Nor can we yield over ourselves unto any, that are subjects themselves in any case ;* having ourselves been the chief Sachems, or Princes successively, of the country, time out of mind ; and for our present and lawfull enacting hereof, being so farre remote from His Majestie, wee have, by joynt consent, made choice of foure of his loyall and loving subjects, our trusty and well-beloved friends, Samuel Gorton, John Wickes, Randall Houlden and John Warner, whom we have deputed, and made our lawfull Attornies or Commissioners, not only for the acting and performing of this our Deed, in the behalfe of his Highnesse, but also for the safe custody, carefull conveyance, and declaration hereof unto his grace : being done upon the lands of the Nanhigansett, at a Court or Generall Assembly called and assembled together, of purpose, for the publick enacting, and manifestation hereof.

And for the further confirmation, and establishing of this our Act and Deed, wee, the abovesaid Sachems or Princes, have, according to that commendable custome of Englishmen, subscribed our names and sett our seals hereunto, as so many testimonies of our fayth and truth, our love and loyalty to that our dread Soveraighne, and that according to the Englishmen's account. Dated the nine-

1644. tenth day of Aprill, one thousand six hundred and forty-
four.

PESSICUS, his marke, Chief
Sachem, and successor of that
late deceased Miantonomy.



The marke of that ancient CO-
NANICUS, Protector of that late
deceased Miantonomy, during the
time of his nonage.



The marke of MIXAN, son and
heire of that abovesaid Conanicus.



Witnessed by two of the chiefe counsellors to Sachem
Pessicus.

Indians. { AWASHOOSSE, his marke,
TOMANICK,
his marke.



Sealed and delivered, in the presence of these persons :

English. { CHRISTOPHER HELME,
ROBERT POTTER,
RICHARD CARDER.

Here followeth a copy of a letter sent to the Massachu-
setts, by the Sachems of the Narragansetts, (shortly after
their subjection to the State and Government of Old
England) they being sent unto by the Massachusetts, to
make their appearance at their General Court, then ap-
proaching.

We understand your desire is, that we should come
downe into the Massachusetts, at the time of your Courte,
now approaching. Our occasions at this same time are
very great; and the more because of the loss (in that
manner) of our late deceased brother, upon which occa-

sion, if we should not stir ourselves, to give testimony of 1644.
our faithfulness unto the cause of that our so unjust depri-
vation of such an instrument as he was amongst us, for
our common good, we should fear his blood would lie upon
ourselves; so that we desire of you, being we take you
for a wise people, to let us know your reasons why you
seem to advise us as you do, not to go out against our so
inhuman and cruel adversary, who took so great a ransom
to release him, and his life also, when that was done.
Our brother was willing to stir much abroad to converse
with men, and we see a sad event at the last thereupon.
Take it not ill, therefore, though we resolve to keep at
home, (unless some great necessity calls us out,) and so,
at this time, do not repair unto you, according to your re-
quest. And the rather because we have subjected our-
selves, our lands and possessions, with all the rights and
inheritances of us and our people, either by conquest, vol-
untary subjection or otherwise, unto that famous and hon-
orable government of that Royal King, Charles, and that
State of Old England, to be ordered and governed accord-
ing to the laws and customs thereof; not doubting of the
continuance of that former love that hath been betwixt
you and us, but rather to have it increase, hereby being
subjects now (and that with joint and voluntary consent),
unto the same King and State yourselves are. So that if
any small things of difference should fall out betwixt us,
only the sending of a messenger may bring it to right
again; but if any great matter should fall (which we hope
and desire will not, nor may not), then neither yourselves,
nor we are to be judges; and both of us are to have re-
course, and repair unto that honorable and just Govern-
ment; and for the passage of us or our men, to and again
amongst you, about ours or their own occasions, to have
commerce with you, we desire and hope they shall have
no worse dealing or entertainment than formerly we have
had amongst you, and do resolve accordingly to give no
worse respect to you or yours, than formerly you have

1644. found amongst us, according to the condition and manner
 of our country.

Narragansett, this present May the 24th, 1644.

PESSICUS,



His marke.

CONANICUS,



His marke.

A true copy of a Letter sent to the Massachusetts, at a General Court, held shortly after the submission of the people of the Narragansetts unto the State of Old England, by the Commissioners put in trust for the further publication of their solemn Act.

These are to let you understand, that since you expelled us out of your coasts, the Sachems of the Narragansett, have sent for certain men of the King's Majesty's subjects, and upon advised counsel amongst themselves, (a General Assembly being called of purpose for that end) they have jointly, voluntarily, and with unanimous consent, submitted and subjected themselves, with their lands and possessions inherited by lineal descent, voluntary subjection, right of conquest, purchase or otherwise, whatever lands or privileges appertain and belong unto them, unto that honorable and famous Prince, Charles, King of Great Britain and Ireland, in that renowned State and Government of Old England, to be ruled and ordered, according to those honorable laws and customs, in themselves and their successors forever, which is performed and done, in that sol-

emn, durable and commendable custom of record, under 1644.
divers and several hands and seals, witnessed sufficiently, both by the Natives and English, solemnly delivered and received on His Majesty's behalf, holding correspondence with the laws and customs of that honorable State of Old England in all points. We thought good, therefore, to give you notice hereof, at your General Court now assembled, that it may serve to inform yourselves, and all your United Colonies, of the performance of this act done, without any further pains or trouble ; that so not ourselves only, that are eye and ear witnesses hereof (but you also), may follow our occasions and employments, without any extraordinary care or fear of the people abovesaid, to offer to make any inroad, or give any assault upon us. But with that indignity offered and done unto their sovereign, which cannot be borne nor put up, without a sharp and princely revenge, nor may we upon the like penalty, offer to disturb them in their bounds and territories, in their ordinary and accustomed employments among themselves, or with any of their neighboring natives, whose grounds of proceeds, causes and occasions are better known unto themselves, than we can be able to judge of. But if either you or we find any thing amongst them too grievous to be borne, they not making any violent assault upon us, we know whither and to whom we are to repair, and have recourse for redress, as we tender our allegiance and subjection unto our King and State, unto which they are become fellow subjects with ourselves ; and therefore, of necessity, His Majesty's princely care must reach unto them. Furthermore, that it may appear, that our dealings towards you, and all men, have been and shall prove just and true, whatever your dealings may or have manifested themselves to be towards us ; know therefore, that being abroad of late, about our occasions, we fell to be where one of the Sachems of that great people of Mauk-quogges was, with some of his men, whom we perceive are the most fierce and warlike people in the country, or

1644. continent where we are, furnished with 3700 guns—men expert in the use of them, plenty of powder and shot, with furniture for their bodies in time of war for their safety, which our natives have not. We understand that of late they have slain a hundred French, with many Indians, which were in league with the French, putting many of them to cruel tortures; and have lost but two of their own men. These being, as we understand, deeply affected with the Narragansetts, in the loss of their late Sachem, unjust detaining also of so great a ransom, given and received for his life; and else are resolved (that if any people offer to assault them in their accustomed courses amongst the natives, or seeking after their ancient rights and privileges, not offering wrong to any of His Majesty's subjects, nor violating their subjection to that noble State, which they seem to respect, and much to adore) to wage war with them unto the uttermost, which it seems is the very spirit of that people to be exercised that way; which, as we desire to make use of it ourselves, so do we hereby give notice to you also, to make the best use of it unto yourselves, in all your colonies united.

By us, the true and lawful owners of Shawomet.

JOHN WARNER, Secret.

June the 20th, 1644.

RECORDS
OF THE
COLONY OF RHODE ISLAND,
AND
PROVIDENCE PLANTATIONS,
UNDER THE FIRST CHARTER.
1647 TO 1663.

P A T E N T

FOR

P R O V I D E N C E P L A N T A T I O N S .

Whereas by an Ordinance of the Lords and Commons, 1647. now assembled in Parliament, bearing Date the Second Day of November, Anno Domino 1643, Robert Earl of Warwick, is constituted, and ordained Governor in Chief, and Lord High Admiral of all those Islands and other Plantations inhabited or planted by, or belonging to any His Majesty the King of England's Subjects, (or which hereafter may be inhabited and planted by, or belonging to them) within the Bounds, and upon the Coasts of America. And whereas the said Lords have thought fit, and thereby ordained, that Philip Earl of Pembroke, Edward Earl of Manchester, William Viscount Say and Seal, Philip Lord Wharton, John Lord Rolle, Members of the House of Peers. Sir Gilbert Gerrard, Baronet, Sir Arthur Haslerig, Baronet, Sir Henry Vane, jun., Knight, Sir Benjamin Rudyard, Knight, John Pim, Oliver Cromwell, Dennis Bond, Miles Corbet, Cornelius Holland, Samuel Vassal, John Rolle, and Wm. Spurstow, Esqrs., Members of the House of Commons, should be Commissioners, to join in Aid and Assistance with the said Earl. And whereas for the better Government and Defence, it is thereby ordained, that the aforesaid Governor and Commissioners, or the greater Number of them, shall

1647. have Power, and Authority from Time to Time to nominate, appoint, and constitute all such subordinate Governors, Counsellors, Commanders, Officers, and Agents, as they shall judge to be best affected, and most fit and serviceable for the said Islands and Plantations; and to provide for, order and dispose all Things, which they shall, from Time to Time, find most advantageous for the said Plantations; and for the better Security of the Owners and Inhabitants thereof, to assign, ratify, and confirm, so much of their afore-mentioned Authority and Power, and in such Manner, and to such Persons as they shall judge to be fit for the better governing and preserving of the said Plantations and Islands, from open Violences and private Disturbances and Distractions. And whereas there is a Tract of Land in the Continent of America aforesaid, called by the Name of the Narraganset-Bay; bordering Northward and Northeast on the Patent of the Massachusetts, East and Southeast on Plymouth Patent, South on the Ocean, and on the West and Northwest by the Indians called Nahigganneucks, alias Narragansets; the whole Tract extending about Twenty-five English Miles unto the Pequot River and Country.

And whereas divers well affected and industrious English Inhabitants, of the Towns of Providence, Portsmouth, and Newport in the tract aforesaid, have adventured to make a nearer neighbourhood and Society with the great Body of the Narragansets, which may in Time by the blessing of God upon their Endeavours, lay a sure Foundation of Happiness to all America. And have also purchased, and are purchasing of and amongst the said Natives, some other Places, which may be convenient both for Plantations, and also for building of Ships, Supply of Pipe Staves and other Merchandise. And whereas the said English, have represented their Desire to the said Earl, and Commissioners, to have their hopeful Beginnings approved and confirmed, by granting unto them a

Free Charter of Civil Incorporation and Government ; 1647. that they may order and govern their Plantation in such a Manner as to maintain Justice and peace, both among themselves, and towards all Men with whom they shall have to do. In due Consideration of the said Premises, the said Robert Earl of Warwick, Governor in Chief, and Lord High Admiral of the said Plantations, and the greater Number of the said Commissioners, whose Names and Seals are here under-written and subjoined, out of a Desire to encourage the good Beginnings of the said Planters, Do, by the Authority of the aforesaid Ordinance of the Lords and Commons, give, grant, and confirm, to the aforesaid Inhabitants of the Towns of Providence, Portsmouth, and Newport, a free and absolute Charter of Incorporation, to be known by the Name of the Incorporation of Providence Plantations, in the Narraganset-Bay, in New England.—Together with full Power and Authority to rule themselves, and such others as shall hereafter inhabit within any Part of the said Tract of land, by such a Form of Civil Government, as by voluntary consent of all, or the greater Part of them, they shall find most suitable to their Estate and Condition ; and, for that End, to make and ordain such Civil Laws and Constitutions, and to inflict such punishments upon Transgressors, and for Execution thereof, so to place, and displace Officers of Justice, as they, or the greatest Part of them, shall by free Consent agree unto. Provided nevertheless, that the said Laws, Constitutions, and Punishments, for the Civil Government of the said Plantations, be conformable to the Laws of England, so far as the Nature and Constitution of the place will admit. And always reserving to the said Earl, and Commissioners, and their Successors, Power and Authority for to dispose the general Government of that, as it stands in Relation to the rest of the Plantations in America as they shall conceive from Time to Time, most conducing to the general Good of the said Plantations, the Honour of his Majesty, and the Ser-

1647. vice of the State. And the said Earl and Commissioners, do further authorize, that the aforesaid Inhabitants, for the better transacting of their public Affairs to make and use a public Seal as the known Seal of Providence-Plantations, in the Narraganset-Bay, in New-England. In Testimony whereof, the said Robert Earl of Warwick, and Commissioners, have hereunto set their Hands and Seals, the Fourteenth Day of March, in the Nineteenth Year of the Reign of our Sovereign Lord King Charles, and in the Year of our Lord God, 1643.

Robert Warwick,
Philip Pembroke,
Say and Seal,
P. Wharton,
Arthur Haslerig,
Cor. Holland,

H. Vane,
Sam. Vassall,
John Rolle,
Miles Corbet,
W. Spurstow.

1647.



Acts and Orders

Made and agreed upon at the Generall Court of Election,
held at Portsmouth, in Rhode Island, the 19, 20, 21 of
May, Anno. 1647, for the Colonie and Province of
Providence.

Mr. John Coggeshall is chosen Moderator of the present Moderator.
Imprimis.
Assembly.

2. It was Voted and found, that the major parte of the Assemblée.
Colonie was present at this Assemblée, whereby there was
full power to transact.

3. It was further agreed, that in case the Assemblée
departe unto the number of Fortie; those fortie shall stay Fortie.
and act as if the whole were present, and be of as full au-
thoritie.

4. It was agreed, that all should set their hands to an
engagement to the Charter. Engage-
ment.

5. It was agreed and ordered, that a week before any
General Courte, notice should be given to every Towne by General
Courts.
the head officer, that they chuse a Committee for the Votes.
Transaction of the affaires there, except it bee for the
Election of Generall Officers; and such as go not, may
send their votes sealed.

6. It was ordered, upon the request of the Commis- Providence
Towne.
sioners of the Towne of Providence, that their second in-
struction should be granted and established unto them,
Vidg't. Wee do voluntarily assent, and are freely wil-
ling to receive and to be governed by the Lawes of Eng-
land, together with the way of the Administration of
them, soe far as the nature and constitution of this
Plantation will admit, desiring (soe far as possible may
be), to hold a correspondence with the whole Colonie in
the modell that hath been latelie shewn vnto us by our
worthy Friends of the Island, if the Generall Courte shall

1647. compleat and confirm the same, or any other Modell as
 ~~~~~ the Generall Courte shall agree vpon according to our  
 Charter.

Bulk of  
 Lawes.

7. It was unanimously agreed, That we do all owne  
 and submit to the Lawes, as they are contracted in the  
 Bulke with the Administration of Justice, according  
 thereto, which are to stand in force till the next Generall  
 Courte of Election, and every Towne to have a Coppie of  
 them, and then to present what shall appeare therein not  
 to be suitable to the Constitution of the place, and then to  
 amend it.

Warwick.

8. It was agreed, that Warwick should have the same  
 priviledges as Providence.

9. It was agreed, that the Generall Courte of Tryall  
 should be held at Newport vpon the second Tuesday of June  
 next ensuing.

10. It was agreed, that the Election of Officers should  
 be by papers.

Mr. John Coggeshall is chosen President of this Prov-  
 ince, or Colonie.

Mr. Roger Williams is chosen Assistant of  
 Providence,

Mr. John Samford is chosen Assistant of  
 Portsmouth,

Mr. Wm. Coddington is chosen Assistant of  
 Newport,

Mr. Randall Holden is chosen Assistant of  
 Warwick,

William Dyre is chosen Gen. Recorder,

Mr. Jeremy Clerke is chosen Treasurer.

for the year ensuing, or till a  
 new be chosen.

Repealed.

11. It is ordered, that all cases presented, concerning  
 General Matters for the Colony, shall be first stated in the  
 Townes, Vigd't, That is, when a case is propounded, The  
 Towne where it is propounded shall agitate and fully dis-  
 cuss the matter in their Towne Meetings and conclude by  
 Vote; and then shall the Recorder of the Towne, or  
 Towne Clerke, send a copy of the agreement to every of

the other three Townes, who shall agitate the case like- 1647.  
 wise in each Towne and vote it, and collect the votes. ~~~~~  
 Then shall they commend it to the Committee for the  
 General Courte (then a meeting called), who being assem-  
 bled and finding the Major parte of the Colonie concurring  
 in the case, it shall stand for a Law till the next Generall  
 Assembly of all the people, then and there to be consid-  
 ered, whether any longer to stand yea or no ; Further it  
 is agreed, that six men of each Towne shall be the num-  
 ber of the Committee premised, and to be freely chosen.  
 And further it is agreed, that when the General Courte  
 thus assembled, shall determine the cases before hand thus  
 presented, It shall also be lawful for the said General  
 Court, and hereby are they authorized, that if vnto them  
 or any of them some case or cases shall be presented that  
 may be deemed necessary for the public weale and good  
 of the whole, they shall fully debate, discuss and de-  
 termine y<sup>e</sup> matter among themselves ; and then shall  
 each Committee returning to their Towne declare what  
 they have done in the case or cases premised. The  
 Townes then debating and concluding, the votes shall be  
 collected and sealed up, and then by the Towne Clarke of  
 each Towne shall be sent with speed to the General Re-  
 corder, who, in the presence of the President shall open  
 the votes ; and if the major vote determine the case, it  
 shall stand as a Law till the next General Assemblie then  
 or there to be confirmed or nullified.

12. It is ordered, that the Courte of Election shall al- Election.  
 way be held upon the first Tuesday after the 15th of May, Tryall votes.  
 annually, if wind or weather hinder not. Then the Gen-  
 eral Court of Tryall immediately to succeed vpon the dis-  
 solving of the said General Court, Vidg't: the next day ;  
 and that the next General Court of Election shall be held  
 at Providence Towne. Further, it is, agreed, that foras-  
 much as many may be necessarily detained, that they can-  
 not come to the General Court of Election, that then

1647. they shall send their votes sealed up unto the said Court, which shall be as effectual as their personal appearances.

Receipts.

Surveyors of  
Highways,  
and Cattle  
to be Ex-  
ported.

13. It is ordered, that each Towne shall choose and order y<sup>e</sup> authoritie of two Surveyors for the Highways, and appoint time to mend them ; also that they are to have notice of all cattle that shall be exported, and returne the marks of them unto the Towne ; and if any shall presume to export any without giving notice of it to the men appointed, or their Deputies, he shall forfeit all such Cattle so exported, or the worth of them.

14. It is ordered, that the Inhabitants of Portsmouth and Newport here present doe presently choose their officers of the Island ; but that this act shall be no precedent for the future, but that the constant course of choosing shall be hereafter, when as the year is out, as the Major votes of the Townes of Portsmouth and Newport shall order it sometimes before the year be out, in some peaceable and moderate way which they shall agree upon.

#### The engagement of the Officers.

You, A. B——, being called and chosen vnto public employment, and the office of ——, by the free vote and consent of y<sup>e</sup> Inhabitants of the Province of Providence Plantations (now orderly met), do, in the present Assembly, engage yourself faithfully and truly to the utmost of your power to execute the commission committed vnto you ; and do hereby promise to do neither more nor less in that respect than that which the Colonie [authorized] you to do according to the best of your understanding.

#### *The Reciprocal engagement of the State to y<sup>e</sup> Officers.*


We, the Inhabitants of the Province of Providence Plantations being here orderly met, and having by free vote chosen you ——, to public office and officers for the

due administration of Justice and the execution thereof 1647. throughout the whole Colonie, do hereby engage ourselves to the utmost of our power to support and vphold you in your faithful performance thereof.

15. It is ordered, that the Councils of Newport and Portsmouth, shall consult and agree how and in what manner (within these thirtie dayes) the monthly and quarterly Courts shall be ordered, and who shall sit therein; further, it is agreed, that all cases depending shall be heard and issued at the next Generall Court of Tryall.

16. It is ordered, that the Townes shall appoint men to view all Goates and Swine killed or to be killed, and shew the eare markes of them unto the said persons or one of them, whereby it may appeare to be their own; and if any shall presume to conceale eyther Swine or Goats so killed or to be killed, shall forfeit five pounds; one half to the State, the other to him that will sue for it, eyther by action or bill. It shall be lawfull also, for those that are appointed to the service being necessarily detayned, to make, constitute, and appoint a Deputie.

17. It is ordered, that John Cooke and Thomas Brownell, are chosen Water Bailies for the Colonie.

18. It is ordered, that the Seale of the Province  shall be an Anchor.

19. It is ordered, that the Councils of the Townes consisting of six men shall be chosen at their next Towne Meetings.

20. It is ordered, that the Sea Lawes, otherwise called the Lawes of Oleron, shall be in force among us for the benefit of Seamen (vpon y<sup>e</sup> Island), and the Chief Officers in the Towne shall have power to summon the Court and determine the cause or causes presented. Laws of Oleron in force.

21. It is ordered, that none shall goe out of the Court without leave; or if any do depart, he shall leave his vote behind him, that his power remain, though his person be absent.

22. It is ordered, forasmuch as Mr. Roger Williams

Trading  
House at  
Narragan-  
sett to be at  
Newport.

24. It is ordered, that there is free Libertie granted for the free Inhabitants of y<sup>e</sup> Province (if they will) to erect an Artillery Garden, and those that are desirous to advance the Art Military, shall have freedom to exercise themselves therein, and to agree of their forme, and choose their officers, as they shall agree among themselves.

26. It is ordered, that in cases of necessity without the bounds of the Townes, a special officer for y<sup>e</sup> execution of Justice, may be authorized by any of the Generall Officers for a general case.

27. It is ordered, that y<sup>e</sup> General Officers shall write



to the Bay about Patuxet Inhabitants ; and also write to 1647.  
the Inhabitants thereof to owne and choose the Govern-  
ment of the Province.

28. It is ordered, that the Dutch, French or other Alliants, or any Englishman inhabiting among them, shall pay the like customs and duties, as we doe among them for all such goods as shall be imported for the English, excepting beaver. Also, we do absolutely prohibit them or any of them to trade or barter with the Indians within our Jurisdiction, upon paine of forfeiture of Shipp and Goods ; and this to take effect after due notice given. The Generall Officers are ordered to write to the Dutch Governor, and upon the returne of the answer it shall be commended to the Townes to consider of.

29. It is ordered, that all y<sup>e</sup> Inhabitants in each Towne shall choose their Military Officers from among themselves on the first Tuesday after the 12th of March ; and that eight severall times in the yeare, the Bands of each plantation or Towne, shall, openlie in the field, be exercised and disciplined by their Commanders and Officers, in the months of May, August, January and February excepted ; and on the first Monday of y<sup>e</sup> other months, all the Train Bands to make their personal appearances completely armed, to attend their colors, by 8 o'clock in the morning, at the second beate of y<sup>e</sup> Drum ; and if any appear not, they shall forfeit and pay five shillings into the hands of the Clark of y<sup>e</sup> Band ; and if any shall come defective in his Armes or furniture, he shall forfeit and pay y<sup>e</sup> sum of twelve pence, after the Town Council have caused them to be supplied ; and that all men who shall come and remaine y<sup>e</sup> space of twenty days, shall be liable to y<sup>e</sup> injunction of this order ; Provided, herdsmen, lighter-men and such as be left of necessity at Farnes, shall pay two shillings and sixpence for every dayes absence : And that the two Chief officers in each Towne, to witt : one of the Commonweale, the other of the Band, upon the exhibition of the complaint by y<sup>e</sup> Clark (which

These  
Laws,  
together  
with an Ex-  
plication of  
some mat-  
ters are re-  
vised and  
confirmed  
by an Act  
made by the  
General  
Court of  
Commis-  
sioners held  
at Ports-  
mouth,  
March the  
10th, 1657.



1647. shall be within three dayes after the fault committed),  
 ~~~~~ shall judge and determine of y<sup>e</sup> reasons of the excuses,  
 who, upon the hearing thereof, shall determine whether
 every such person shall pay five shillings ; two shillings
 and sixpence, or nothing ; and according as they find any
 defective, shall give their warrants to y^e Clark to distraine
 their Goods if they shall refuse to pay what is ordered.
 And if the Clarke shall neglect to gather up what is or-
 dered, he shall forfeit and pay so much into the hands of
 the Captain, the next training day ; And that all the
 fines and forfeitures shall be employed to the use and ser-
 vice of the Band. And the Towne Councils shall have
 power to cause those which are defective in armes, to be
 supplied in an equal way according to Estate and
 strength. And if any of y^e Traine Band after his ap-
 pearance shall refuse or neglect the command of his Cap-
 tain, to be exercised and disciplined, he shall forfeit as
 much as if he had not appeared : And that the Town
 Council shall order the power of the Military Officers
 within the Towne, and in all cases that concerne y^e whole,
 the President and y^e foure assistants, and y^e Captains of
 every Band shall be the Councill of Warr ; that if any of
 the Officers of y^e Band be at any time left out, they shall
 beare Armes again, for y^e Constitution of our place will
 not beare the contrary : that every Inhabitant of the
 Island above sixteen or under sixty yeares of age, shall
 alwayes be provided of a Musket, one pound of powder,
 twenty bullets, and two fadom of Match, with sword, rest,
 bandaleers all completely furnished.

An Alarum
 stated.

30. It is ordered, that in regard of y^e many incur-
 sions that we are subjected vnto, and that an Alarum for
 y^e giving of notice thereof is necessary when occasion is
 offered. It is agreed, that this form be observed, Vidg't :
 Three Muskets distinctly discharged, and a Herauld ap-
 pointed to go speedilie threw the Towne, and crie,
 Alarum ! Alarum !! and the Drum to beate incessantly ;
 upon which, all to repair (upon forfeiture as the Town

Councill shall order) unto the Town House, ther to receive information of the Town Councill what is farther to be done. 1647.

31. It is ordered and agreed, that if any person or persons, shall sell, give, deliver, or any otherwayes convey any powder, shott, lead, gunn, pistoll, sword, dagger, halberd or pike to the Indians that are or may prove offensive to this Colonie, or any member thereof, he or they, for the first offence, shall forfeit y^e sum of five pounds; and for his second offence, offending in the same kind, and being lawfully convicted, shall forfeit ten pounds; half to the State, and half to him that will sew for it, and no wager of Law by any means to be allowed to the offender. And, it is further ordered, that if any person shall mend or repaire their Guns, or — he shall forfeit the same penaltie.

Amunition,
Guns, &c.,
not to be
sold to In-
dians.

32. It is ordered, that the Towne Officers shall give their engagements in their severall Townes to y^e General Officer in that Towne, before they execute their office.

33. It is ordered, that if the Indians shall offer to putt away upon exchange or barter, their false peag for good, and warrant it so to be, and it be found otherwise, it shall be confiscated to the Public Treasury.

34. It is ordered, that every Towne shall have a copy of the Lawes and Orders, and that each Towne shall pay for their copy; and also, that the Councell for the Townes shall order the fees for their Officers, and the Generall Officers shall order the fees of the General Officers: Provided, that nothing already concluded in the Bulck of Lawes be any wayes crossed or envaded.

Townes to
have cop-
pies of the
Lawes.

1647.

For the Province of Providence.

Forasmuch as we have received from our Noble Lords and Honored Governours, and that by virtue of an ordinance of the Parliament of England, a free and absolute Charter of Civill incorporation, &c. Wee do joyntlie agree to incorporate ourselves, and soe to remaine a Body Politicke by the authoritie thereof, and therefore do declare to own ourselves and one another to be Members of the same Body, and to have right to the Freedome and priviledges thereof by subscribing our names to thess words, following : Vidg't.

Wee, whose names are here vnder written, doe engage ourselves to the vttmost of our Estates and Strength, to mainteyne the authority and to enjoy the Libertie granted to vs by our Charter, in the extent of itt according to the Letter, and to mainteyne each other by the same authoritie, in his lawfull right and Libertie.

And now sith our Charter gives vs powre to governe
Government
 Democracie. ourselves and such other as come among vs, and by such a forme of Civill Government as by the Voluntarie consent, &c., shall be found most suitable to our Estate and condition,

It is agreed, by this present Assembly thus incorporate, and by this present act declared, that the forme of Government established in *Providence Plantations* is DEMOCRATICALL; that is to say, a Government held by y^e free and voluntarie consent of all, or the greater parte of the free Inhabitants.

And now to the end that we may give, each to other, (notwithstanding our different consciences, touching the truth as it is in Jesus, whereof, upon the point we all make mention), as good and hopeful assurance as we are able, touching each man's peaceable and quiett enjoyment

of his lawfull right and Libertie, we doe agree vnto, and 1647.
by the authoritie above said, Inact, establish, and con-
firme these orders following.

Touching Lawes.

That no person, in this Colonie, shall be taken or im-
prisoned, or be disseized of his Lands or Liberties, or be
Exiled, or any other otherwise molested or destroyed, but
by the Lawfull judgment of his Peeres, or by some known
Law, and according to the Letter of it, Ratified and con-
firmed by the major part of the Generall Assembly law-
fully met and orderly managed.

2. That no person shall (but at his great perill), pre-
sume to beare or execute any office, that is not lawfully
called to it, and confirmed in it; nor though he be lawfull-
ly called and confirmed, presume to doe more or less than
those that had powre to call him, or did authorize him
to doe.

3. That no Assembly shall have powre to constitute
any Lawes for the binding of others, or to ordaine Offi-
cers for the execution thereof, but such as are founded
upon the Charter and rightlie derived from the General
Assemblee, lawfully met and orderly managed.

4. That no person be employed in any service for the
Publick Administration of Justice and Judgment vpon of-
fenders, or between Man and Man, without good encour-
agement, and due satisfaction from the Publick, eyther
out of the common stock, or out of the stocks of those
that have occasioned his service; that so, those that are
able to serve, may not be unwilling, and those that are
able and willing, may not be disabled by being overbur-
thened. And then, in case a man be called vnto Office
by a lawfull Assemble, and refuse to beare office, or be
called by an officer to assist in the execution of his office,
and refuse to assist him, he shall forfeit as much again as
his wages would have amounted unto, or be otherwise

1647. fined by the judgment of his Peers, and to pay his fine or forfeiture, unless the Colony, or that lawful Assembly release him. But in case of eminent danger, no man shall refuse.

Laws to be made according to the Laws of England as neare as y^e Constitution of y^e place will beare.

And now, forasmuch as our Charter gives us powre to make such Lawes, Constitutions, Penalties and Officers of Justice for the execution thereof as we, or the greater part of vs shall, by free consent, agree vnto, and yet does premise that those Lawes, Constitutions, and Penalties soe made shall be conformable to the Lawes of England, soe far as the nature and constitution of our place will admit, to the end that we may show ourselves not only unwilling that our popularity should prove (as some conjecture it will,) an Anarchie, and so a common Tyranny, but willing and exceedingly desirous to preserve every man safe in his person, name and estate ; and to show ourselves, in soe doing, to be also vnder authoritie, by keeping within the verge and limitts prescribed us in our Charter, by which we have Authoritie in this respect to act ; Wee do agree and by this present act determine, to make such Lawes and Constitutions soe conformable, &c., or rather to make those Lawes ours, and better known among us ; that is to say, such of them, and so farr, as the nature and constitution of our place will admit.

Touching the Common Law.

The Heads of y^e Laws which are to be made.

It being the common right among common men, and is profitable eyther to direct or correct all, without exception ; and it being true, which that Great Doctor of the Gentiles once said, that the Law is made or brought to light, not for a righteous man, who is a Law vnto himselfe, but for the Lawless and disobedient in the Generall, but more particularly for murderers of Fathers and Mothers ; for Manslayers, for whoremongers, and those that defile themselves with mankind ; for Menstealers, for Lyars and perjured persons, vnto which, vpon the point, may be re-

duced the common Law of the Realme of England, the 1647. end of which is, as is propounded, to preserve every man safe in his own person, name and estate ; Wee doe agree to make, or rather to bring such Lawes to light for the direction or correction of such lawless persons, and for their memories sake to reduce them to these five generall Lawes or Heads ; viz.:

1. Under that head of murdering Fathers and Mothers, being y^e highest and most unnatural, are comprehended those Lawes that concerne High Treason, Pettie Treason, Rebellion, Misbehaviour, and their accessaries.

2. Under the Law for Manslayers, are comprehended those Lawes that concerne Self-murder, Murder, Homicide, Misadventure, casual death, cutting out the Tongue or Eyes, Witchcraft, Burglarie, Robberie, Burning of Houses, Forcible entryes, Rescuos and Escape, Riotts, Routs and Unlawfull Assemblies, Batteries, Assaults and Threats and their accessaries.

3. Under the Law for Whoremongers, and those that defile themselves with mankind, being the chief of that nature, are comprehended those Lawes that concerne Sodomie, Buggerie, Rape, Adulterie, Fornication, and their Accessaries.

4. Under the Law for Menstealers, being the chief of that nature, are comprehended those Lawes that concern Theft of men; Larcenie, Trespasses by Men or beasts, Fraudulent dealing by deceitfull bargain, Covenants, Conveyances by Barratrie, Conspiracie, Champertie and Maintenance, by forging or rasing Records, Writs, Deeds, Leases, Bills, &c., and by using fallse weights and measures and their accessaries.

5. Under the Law for Lyars and perjured persons, being the chiefe of that nature, are comprehended such as concerne perjurie itselفة, breach of covenant, Slander, False witsnesse-bearing, and their accessories.

And as necessary concomitants hereof, to prevent Murder, Theft and Perjury, We do joyntlie agree in this pres-


1647. ent Assemblie, to make or produce such Lawes as concerne provision for the poore, soe that the impotent shall be mainteyned and the able employed. And to prevent Poverties, it is agreed, that such Lawes be made and produced as concernes y^e ordering of Alehouses, and Taverns, Drunkenness and unlawfull gaming therein ; and instead of such to propagate Archerie, which is both man-like and profitable ; and to prevent whoredom and those evils before mentioned, it is agreed by this present Assemble to constitute and establish some ordinance touching Marriage, Probate of Wills, and Intestates.

Touching Murdering of Fathers and Mothers.

High treason And first of High Treason ; It is agreed and determined by the wisdome of the State of England, vnder whose command we are, in the first and chieftest place, to forbid High Treason, and to declare that it is a grievous offence done or attempted against that State Regall, vidg't.: against the King (who is acknowledged the common Father of the Countrie, in his person, Queene and Children, Authoritie, and Realme which is the common Mother of us all) soe that to seek the destruction of this common Father and Mother, is put first, as the most capitall Transgression against men, and is called by the name of High Treason. See 25 : Ed. 3, 2.

Misprison of Treason is declared to be when a man concealeth and keepeth close, Treason, but consenteth not therto : 5 Ed. 6, 11. In these there are no accessories ; all are principalls : 5 Hen. 7: 10. The penaltie for misprison of Treason, a man is to forfeit to the King goods and chattells for ever ; the profit of lands during life with perpetuall imprisonment. 3 Hen. 7: 2.

For High Treason (if a man) he being accused by two lawfull witnesses or accusers, 1 Edw. 6: 11, shall be drawn upon a Hurdell vnto the place of Execution, and there shall be hanged by the neck, cutt down alive, his

entrails and privie members cutt from him and burned in 1647. his view ; then shall his head be cutt off and his body  quartered ; his lands and his goods all forfeited. 26 Hen. viii. 13, 5 ; 5 Edw. vi. 6, 11. If a woman, she shall be drawn vpon a hurdle to the place of Execution, and there burnt. But, forasmuch as according to the Lawes of our native Land, it is provided, that all Treasons, Misprisons, and concealments of Treason done or committed out of the Realme shall be enquired of and Tryed within the Realme, Vidg't: in the King's Bench, or else be for speciall commissioners. 35 Hen. viii. 2 ; Edw. vi. 11. It is agreed, and by this present Assemblie enacted, That if any person or persons inhabiting in this Colonie, from henceforth shall committ or attempt the committing of any such grievous offence as is above said, he shall be brought before the next Generall Assembly, where being thereof lawfully convicted, he shall be sent by the Colonie vnto our Noble Lords, further to be Tryed and to receive for his offence as the Law shall require.

Petty Treason.

It is agreed, by this present Assembly, and that according to the Law of our Land, to forbid ^{Pettie Treason.} Pettie Treason to be committed in this Colonie ; and doe declare this to be that, that we account Pettie Treason : When willful murder is committed (in the estate Economicall or household order or government), vpon any subject, by any one that is in subjection and oweth faith, dutie, and private obedience to the partie murdered, as in these cases ; For a Servant, Child, Wife maliciouslie to kill, or cause to be killed, their Master, Mistress, Father, Mother or Husband ; this is Pettie Treason ; and hereunto we add, that in any case man maliciouslie kill any Judge of Record among vs ; or in case any man among vs betray this Colonie and Government into the hands of others, these shall be adjudged Pettie Treason : And further wee doe de-

1647. clare, that the penaltie for Pettie Treason, that we are all subjected to is, the man to be drawn and hanged; the woman to be burnt alive and the accessories hanged. 12 Hen. vii. 7; 23 Hen. viii., 1; the forfeit of goods and for his lands a year and a day and the waste, and then they are to go by escheat to the Lord of the Fee. 25 Edw. iii., 2; only we doe declare touching this matter, that each Towne is, of good right, y^e Lord of the Fee, in respect of all y^e Lands containd within its bounds, from whom every man hath received his Lands, which Lords being all here present in this Generall Assemblie, and conceiving the wives and children ought not to beare the iniquities of the Husbands and Parents, at least as y^e case stands with us, doe therefore joyntlie agree, so farr as in vs lies, to allow the priviledge of Rent throwout the whole Colonie, and propagate that countrie proverbe in Providence Plantations, “The Father to the Bough and y^e Son to the Plow,” he having first defrayed the charges about the delinquent.

Rebellion.

It is agreed and enacted by this present Assemblie, that no inferiour shall rise up or rebell against his superiour, especially such to whom he more directlie owes faith, dutie, and ready obedience; it being altogether unsuitable to civill order, which by the authoritie of our Charter we purpose to propagate; wherefore, we doe declare that we counte it a kind of Rebellion for a servant to threat, assault, or strike his master; and the penaltie for a threat or assault shall be, to be bound to his good behaviour; for striking, especially if it be maliciouslie, to be sent to the House of Correction, there to remaine for six months, or to satisfie his master. It is also Rebellion for a child to threat, assault, or strike his Parents, and his Penaltie shall be, to be sent to the House of Correction, there to remaine a twelve-month, or to humble himself to

his parents' satisfaction. It is also Rebellion to threat, 1647. assault or strike a Judge of Record; and the penaltie to be bound to his good behaviour, and further fined by his Peers. It is also a kind of Rebellion to withstand an arrest, and the execution of Judgment; the penaltie to be bound to his good behaviour, and to be judged by his Peers.

Misbehaviour.

It is agreed by this present Assemblie, and by this act declared, that for any man to use words of contempt against a chief officer, especially in the execution of his office, is against good manners, and misbehaviour; and his penaltie shall be, to be bound to appeare at the next Court, where such matters are to be Tryed: where, being lawfully convict by his Peers, he shall be bound to his good behaviour, so to remaine for three months space, or till the next Court following.

Touching of Murther, and first of Self-Murder.

Self-murther is by all agreed, to be the most unnatural, and it is by this present Assemblie declared to be that, wherein he that doth it, kills himselfe out of a premeditated hatred against his own life, or other humour. His death being presented and thus found upon record by the Coroner, his goods and Chattells are the King's Custome, butt not his debts nor Lands; butt in case he be an infant, a lunaticke, madd, or distracted man, he forfeits nothing. See Dalton, 96.

Murther.

It is agreed vnanimously, to forbid Murther throwout y^e whole Colonie, and do hereby declare that Murder is, when a Man, upon malice pretended, precedent and with

1647. his will, doth kill another feloniously; that is, with a premeditated and malicious mind. And for a man to kill an Officer, or any of his aide, in the execution of his Office, shall be also adjudged Murther: and so for a Thiefe to kill a true man, shall be judged Murder; all that are present ayding and abetting are principalls, though they give never a stroke. 4 Hen. vii. 18; 13 Hen. vii. 10.

Penaltie that we are subjected to, is Felonie of death, without Remedie; under which is containd loss of life for life, loss of Goods, Chattells, and Lands to the King for a yeare and a day, and ever after to the Lord of the Fee; the last of which losses is in this Colonie remitted, the Charges which the delinquent have put the Colonie to being first duly satisfied; butt the law for the Penaltie thereof, shall not extend to an Infant or distracted person. 23 Hen. viii., 1; 26 Hen. viii., 12.

Manslaughter.

Penaltie.

Manslaughter is forbidden by this pressent Assemblie, and we do further declare, that it is the killing a man feloniously, to witt: with a Man's will, though without any malice forethought. The Penaltie is felonie of death, for which, by divers Lawes of England, no charter of pardon shall be granted; yet this Law extends not to a natural foole that hath not knowledge of good or evill; nor a felonious intent; for it is called Felonie, because it is done with a [felonious] intent; neither doth it concerne a madd man, who is a man, as it were, without a mind; for the saying is: an act makes not a man herein guiltie, unless the mind be guiltie; for Homicide, or the slaughter of a Man is commanded, as when a man is putt to death by an officer appointed thereto; he being first attainted by dew course of Law, and sentenced by a lawfull Judge; and this is rather called Judgment, which is the true execution of Justice; but if any Officer or other, proceed without warrant, or not observing the due order of Law,

this is Felonie. Homicide is also tolerated by the Lawes 1647. of England, for the necessary execution of Justice, which, otherwise, must be left undone, as in the arrest of a Felon, and in an escape in case he will not yield himselfe; butt in an arrest for Trespass or debt, it must be indubitably necessary, or it shall not excuse. Homicide is also tolerated in necessary defence of a Man's selfe, goods, &c.; as when a man attempts feloniously to murder, or robb a man in his dwelling house, or neare any highway, horseway, or footway, or shall attempt Burglarie in the night, this is, according to the Lawes of the Land, justifiable in Masters, Servants, or any that do accompanie him, for which he forfeits nothing. But it is otherwise in killing a true man in the defence of his house, goods or Lands, for that is manslaughter. See Dalton. And in defence of a Man's person against a true man, there must be so great a necessity, that it must be esteemed inevitable, or it shall not excuse, but shall be judged Felonie, although the other pursue, and, therefore, a man being pursued by a true man must flee as farr as he can, till he be letted by wall, ditch, hedge, or otherwise, and yett his goods and chattels are the King's Customes. 2 Edw. iii. 2; 4 Edw. iii. 13; Doctor and Student, fol. 133; 28 Hen. viii. 5; Dalton 6: 98.

Misadventure.

It is agreed, and by the authoritie of this present Assemblie enacted, that in case any man come to a suddaine or untimelie death, it shall be by Officers appointed there-^{Misadventure} to, diligentlie enquired after and searched into, that so if there be iniquitie in the hands of any touching the matter, it may be found out and justice rewarded. And we do further declare, that this is Misadventure, when a man doing a lawfull thing, without any evill intent, happen to kill a man casualie, as that instance in the Hatchett mentioned by that Honorable Judge of Israel settts forth in

1647. the 19th of his 5th booke ; the first penaltie, his goods
 hath been the King's Custome, because a man is slaine by
 his meanes, but putting himselfe vpon Tryall he shall have
 a pardon of course from the Chief Judge of the Colonie,
 under the Seale of the Colonie, for Life and Lands. The
 like shall be done in Homicide by Infants, and in a man's
 own defence. 2 Edw. iii. 2 ; 21 Edw. iii. 5.

Pardon.

Casual Death.

Forasmuch as a man may be slaine by other casualties
 than by the hand of another man, as by the fall of a house,
 pit, or tree, or be killed by a Bull, or other Beast, we do
 agree, and by this act declare, that if in any of these
 cases, his death be procured by the default of another, it
 shall be judged Felonie in him. And further, we do de-
 clare, that in case his death by these meanes be otherwise
 found by the Inquest, vpon the Coroner's inquirie, the
 thing that occasioned his death, shall be prized, and shall
 be levied by the Sheriff or Sarjent, and taken as the Deo-
 dands are in England, and given to the Overseers for the
 use of the poore. 4 Edw. 1.

Felonie.

Cutting out the Tongue, or putting out the Eyes, wee
 declare does deserve the paine of Felonie. See 5 Henry
 iv. 5.

Witchcraft.

Witchcraft is forbidden by this present Assembly to be
 used in this Colonie ; and the Penaltie imposed by the au-
 thoritie that we are subjected to, is Felonie of Death. 1
 Jac. 12.

Witchcraft.

Burglarie.

Burglarie. It is agreed by this present Assembly, to
 forbid it throwout the whole Colonie, and we do declare

Burglarie.

hereby, that this shall be judged Burglarie, Scilicet: 1647. When one or more in the night time do breake and enter into a Dwelling house with an intent to robb, or do any other Felonie, where a man, his Wife, Children, or Servants are, be it while they are sleeping or waking, in the same roome or in another, the partie taking or doing something or nothing. This is Felonie of Death, yet it extends not to Infants vnder fourteen years old, nor to poore persons that steale for Hunger; nor to fooles, nor to madd men, although in the two first we do declare 'tis Larcenie. 5 Edw. vi. 9.

Robberie.

It is agreed by this present Assemblée, to forbid Robberie, and we do declare it is a Felonious taking any thing from the person of a man against his Will by assault in or neare a highway or footwaye, and in putting him in fear thereby. See 32 Hen. viii. 3; 1 Edw. vi. 12. It is Felonie of death without release. See 5 Edw. vi. 9. As for that Statute of 27 Eliz. 13, touching the hundreds bearing the loss, if the Robbers be not taken within forty days, in case any should plead relief thereby, we do agree and by this ordinance declare, that this does not suit the Constitution of our place, and therefore satisfaction shall not be expected from any, either Towne or Colonie, vnless vpon notice given by the partie robbed immediately vnto some officers of the Towne, there shall appeare a neglect in Towne or Colonie to pursue the robber by the Hue and Cry, that so he may be taken.

Burning of Houses, &c.

Burning of Houses is forbidden by this present Assemblée, threwhout the whole Colonie, and by this present act we do declare, that the Penaltie for burning dwelling houses, or barnes having corne in them, willfully and

1647. malitiously, is determined to be felonie of death without
 Felonie. remedy, by the authoritie to which we are subject ; nei-
 ther is the poore so offending mainpernable.

Forcible Entry and Detainer.

It is agreed by this present Assemblie, to forbid forcible entry and forcible Deteyner throwout the whole Colonie ; and further we do expressly declare, that by forcible entry here intended, is when a Man enters into any Lands and Tenements with force of strong hand or multitude, and not in a peaceable and lawfull manner ; or enters into them peaceably and holds them forcibly, whether he hath right or title thereto or not. And further, we do declare, that the person thus offending, being (by an inquest of able men, worth to the full summ of fortie pounds a-peece) lawfully convict, he shall be imprisoned, and from thence ransomed by a fine to y^e King. And the partie grieved whose possession it is, may bring in his action of Trespass against him vpon the verdict given in, and shall recover his treble damages, 8 Hen. vi. 9, and treble costs. See Dalton ; and by a writ of restitution shall be restored unto his former Estate. Nevertheless, we do declare also, that this forcible entry intendeth not, neyther doth it extend to that force vsed in the administration of Justice ; for an Officer or conservator of the Peace may take the power of the Towne or Country to remove forcible entry, repress riots, arrest them or send them to prison. They may by force break open a man's house that is shutt against them, to arrest offenders being therein, for these cases following, namely : Treason, Felonie, Suspicion of Felonie in case of an affray in a house, or of forcible entry or deteyner ; and in all cases wherein the King and State are a partie or have interest in the business, but not in the execution of a process vpon the body or goods of any man at the suitt of any subject ; for a man's house is to himselfe, his family and goods, as a

castle. See 13 Edw. iv. 9. Nevertheless, when any 1647.
 house is recovered by any action real, then the Sheriff or Sarjant may break open the house and deliver possession to the plaintiff; for after judgment it is no more (in the sight and judgment of Law) the house of the defendant or tenant. Neyther doth this forcible Deteyner intend such as by force hold their possessions which at first they entered peaceably upon by a right and lawfull estate and title, and have eyther they or their ancestors peaceably possesst it for the space of three years together. 8 Hen. vi. 9. Otherwayes, he may be sued upon that and this statute, though he has held it twentie years by force. See Dalton 1, 5; Rich. ii. 2, 7; 15 Rich. ii. 2.

Rescous and Escapes.

It is forbidden by this present Assemblie, and backt as the other Lawes, with the authoritie of our native Countrie. See 1 Hen. vii. 6; 1 Edw. iii. 17. Moreover, we do declare, that a Rescous is a Rescuing or taking away from an officer an offender, who is attainted, imprisoned, or but arrested for treason, felonie, Debt, or Tresspass; and we judge it but reasonable that the penaltie of such an one should be, to stand in his Roome and answer the Law. 3 Edw. 1, 13. Escape by breaking of prison, if there for Felonie. 1 Edw. ii; if for Tresspass, finable. See Dalton, fol. 105. And a Gailour, constable, or other officer that hath arrested a man, and lets him goe at libertie, or out of his sight, so that he escapes, the blame shall wholly lie upon the officer, as a willful escape, and he shall answer for him, vnless he can take him againe. 9 Hen. iv. 12.

Breach of
Prison.

Go at large.

Riotts, Routs and Unlawfull Assemblies.

It is agreed and ordered, by this present Assemblie, that no persons inhabiting in this Colonie, or cast within

1647. the verge or limitts thereof, by a Providence, committ any
 ~~~~~ Riott, Rout, or make vp any vnlawfull Assemblie, being  
 most destructive to civill peace and order, and is with such  
 vigilance withstood and prevented in our native land, as  
 these three Statutes especially will witness. 13 Hen. iv.  
 7 ; 2 Hen. v. 8 ; 19 Hen. vii. 13. And to the end it  
 may appeare vnto all what is intended here by Riotts,  
 Routs, and vnlawfull Assemblies, we do by this present  
 act declare, that when three persons or more shall come  
 and assemble themselves together, to the intent to do any  
 unlawful act with force or violence against the person of  
 another, his possessions or goods, as to kill, beat, or hurt  
 a man, to pull down a house, wall, or pale, ditch or  
 hedge, wrongfully ; to enter upon another man's posses-  
 sions, or to cut or take away corne, grass, wood, or other  
 things wrongfully ; to meet, we say, for such an end,  
 though they depart without doing anything, this shall be  
 judged an vnlawfull Assembly. And if, after this, they  
 do set forward toward the execution of such an act,  
 though they yett do nothing, this shall be judged a Rout.  
 And in case they do no such thing in deed, to the mani-  
 fest terror of the people, this is a Riott.

What an un-  
 lawfull As-  
 sembly is.

What is a  
 rout.

What a riot

Touching the Penaltie, we do declare this to be of the  
 same nature of a forcible entrie, and therefore the Penal-  
 tie and way of prosecution need not vary therefrom. This  
 only is of a higher degree, and does more hazard the peace  
 of the place, and therefore do agree and determine, that  
 each person for greater Riotts, being lawfully convicted,  
 shall suffer one month's imprisonment and Tenn pounds  
 ransome ; for Pettie Riotts, one fortnight's imprisonment  
 and five pounds ransome. Such long times of imprison-  
 ments mentioned in the Statute, 2 Hen. v. 8, suits not  
 the constitution of our place. For a Rout, they shall be  
 bound to their good behaviour.

1647.

## Batterries, Assaults and Threats.

It is agreed by this present Assemblie, to forbid and withstand the beginning of Evill, and of the breach of y<sup>e</sup> peace, such as Batterries, Assaults and Threats ; for threats to kill, beate or hurte another or his, beginneth the breach of peace. Assaults by offering to strike him, although he hit him not, increaseth it ; and affraye, by beating of him, accomplisheth it. And we do by this present act declare, that they that transgress herein, vpon lawfull complaint and request of the partie grieved, shall be bound by Recognizance unto the peace with two sufficient sureties, and be imprisoned till he find sureties : and being bound, shall soe stand till the next court, where such matters are to be Tryed ; but in case he were bound to the peace before for these, he shall forfeit his Recognizance. And yet we would be understood, that this is intended in respect of such to whom there is not allowed a naturall or civill powre over others ; for a Father, Master, Schoolmaster, Keeper, may, with moderation correct those that are vnder them ; and the Constable, Sergeant, Bayliff and their ayders, may strike, and yet there is no breach of peace nor of the cognizance.

Moreover, we do hereby declare, that he that injureth another by strokes, the partie grieved may have his action of Batterie against him, and recover damages for loss of time, cost in healing, paine and debilitie of Body, by reason thereof ; and shall besides forfeit for the batterie to the State, for the hazarding thereof, as his peers shall judge him. 35 Hen. viii. 12 ; 9 Edw. iv. 28 ; 19 Hen. vi. 31 ; 10 Edw. iv. 6.

1647.

## Accessories.

And forasmuch as it is commonly seen that among the Transgressions of these Lawes before sett downe, ther have been accessories as well as principalls ; and that, as well before as after the fact, that have countenanced and encouraged offenders before by advice, counsell, perswasion, command, procurement, or consent to committ Murder, Robberie, Rape, Burglarie, &c.; after, by a Felonious, and voluntarie receiving, relieving comforting, ayding and assisting such persons known to be transgressors in that kind ; it is therefore agreed, and ordered by this present Assembly, that accessories before the fact, if present when the fact is committed, are all principalls, though they did nothing. See 11 Hen. iv. ; if absent, yett are they all Felons, the Felonie being committed. And in matters that are not Felonie such accessories are rather more culpable than the principalls ; for the Rule is in our English Lawes, that the author offends more than the other. We do also agree, that accessories after the offence, eyther before Attainder (by verdict, confession or otherwise), or after, shall be severely fined ; which yet extends not to any, towards another while he is in prison, or under baile, nor to a Wife towards her husband. See Stamford, 26.

## Touching Whoremongers.

First of Sodomie, which is forbidden by this present Assemblie threout the whole Colonie, and by Sundry Statutes of England. 25 Hen. viii. 6 ; 5 Eliz. xvii. It is a vile affection, whereby men given up thereto, leave the natural use of woman, and burne in their lusts, one toward another ; and so men with men worke that which is vnseemly, as that Doctor of the Gentiles in his letter to the Romans once spake, i. 27 ; The Penaltie concluded by

that State under whose authoritie we are, is Felonie of 1647. death, without remedye. See 5 Eliz. 17.

  
Felonie.

### Buggerie.

Buggerie is forbidden by this present Assembly throwout the whole Colonie, and also strengthened by the same Statutes of England. It is a most filthy lying with a beast as with a woman, and is abomination and confusion ; the just reward whereof prepared to our hands, is Felonie of death, without remedie. See 5 Eliz. 17.

### Rape.

Rape is forbidden by this present Assembly throwout the whole Colonie ; and we do hereby declare, that it is when a man through his vile and unbridled affection, lyeth with, and forceth a woman against her will ; like hereunto is the knowing of a maid carnally who is vnder y<sup>e</sup> age of Tenn yeares, though it be with her consent. The penaltie we do declare to be Felonie of death. See, for confirmation, 13 Edw. i. 34 ; and if the Woman consent after, she loseth her dowre of Lands. See 6 Rich. ii. 6. And so doth a married wife that elopeth with her adventurer. 13 Edw. i. 34.

### Adulterie and Fornication.

Is forbidden by this present Assembly throwout the Colonie, with this memento, that the Most High will judge them. 13 Hen. iv. Adultery is declared to be a vile affection, whereby men do turn aside from y<sup>e</sup> naturall use of their own wives, and do burn in their lusts towards strange flesh ; and we do agree, that what penaltie the Wisdome of the State of England have or shall appoint touching these transgressions, the accessaries and effects shall stand in force throwout the whole Colonie.

1647.

## Touching Menstealers.

It is agreed, and by this present Assembly enacted, that the taking away, deflouring or contracting in marriage a maid under sixteen yeares of age, against the will of, or vnknown to the Father or Mother of the Maid, is a kind of stealing of her; and that the penaltie shall be eyther five years' imprisonment or satisfaction of her parents. 4 Will. and Mary, 8.

## Larcenie.

Pettie Larcenie.

Larcenie is forbidden by this present Assemblie threwout the whole Colonie, as most destructive to the Estates of True Men. It is a fraudulent and felonious taking away another man's personall goods, in the absence of the owner, or without his knowledge, or in sight, yett without making any assault vpon his person or putting him into a fease. And it is agreed and ordered by this present Assemblie, that he that committs Pettie Larcenie (which is wherein the thing stolen exceeds not the value of twelve pence), shall, for the first time, being lawfully convict, be well whipt; for the second time, he shall have two months' imprisonment in the house of correction, and twice whipt. And he that committeth Grand Larcenie (which is where the thing stolen exceeds the value of twelve pence), for the first time, being lawfully convict, shall be severely whipt, and shall serve in the house of correction vntill the partie or owner bee satisfied twofold for what he hath stolen; and for the second time he shall be branded in the hand, and serve in the house of correction untill the partie be satisfied twofold for what he hath stolen, and the Colonie four fold so much; and moreover, we do declare, that a thief's goods and chattells have been still accounted the King's Custome.

Grand Larcenie.

It is also agreed, and ordered by this present Assem- 1647.  
 blie, that he that taketh away a purse, or any other thing <sup>Purse.</sup>  
 from the person of a man secretly or fraudulentlie, shall  
 be judged as he that committeth the Larcenie.

It is also agreed, that if any Officer take away ought  
 from any man fradulentlie, vnder the pretence of his of- <sup>Officer.</sup>  
 fice, his penaltie shall be that of Grand Larcenie, the sec-  
 ond time committed; and for the abuse of his office he  
 shall be disabled from bearing office any more untill the  
 Colonie release him.

It is agreed and ordered, by this present Assemblie,  
 that if any shall distreyne or levie any dutie by sufficient <sup>Destraints</sup>  
 authoritie, and after shall convert it to his own vse, his <sup>converted to</sup>  
 punishment shall be the same with the former. <sup>their own</sup>  
<sup>use; y<sup>e</sup> Pen-</sup>  
<sup>altie.</sup>

### Trespases by Man or Beast.

It is agreed, by the present Assembly, out of a desire  
 to seek every man's peace and welfare, to prohibitte  
 wrongs and trespases to be done by one to another threw-  
 out the whole Colonie; and we do declare, that whoso-  
 ever does the wrong, the partie grieved shall receive for  
 his wrong without any respect of persons. 43 Eliz.  
 vii. 4.

Now, forasmuch as Trespases are eyther with or  
 against a man's will committed, with his will, and  
 in the first place maliciously, it is agreed, and by this  
 present Assemblie enacted, that he that shall malicious <sup>Grand Lar</sup>  
 ly and unlawfully burne or spoile a frame prepared <sup>cenie.</sup>  
 for building shall suffer the penaltie of Grand Lar-  
 cenie.

It is also agreed, that he that shall maliciously and vn-  
 lawfully burne or spoile a cart-heap of wood prepared for  
 coals, or otherwise; cutt out the tongue of a beaste being  
 alive, cutt off the eares of a man, bark fruit trees, or pro-  
 cure the same to be done, being lawfully convict, as in  
 Larcenie, he shall pay to the partie agrieved his costs and



1647. treble dammages, and forfeit to the King tenn pounds.  
 34 Hen. viii. 6.

It is also agreed, that every Lewd person that shall cut or take away any corne growing, or robb any orchards or gardens, or break or cutt any Hedge, Paile, Raile or Fence; or dig, pull up, or take away any fruit trees, or shall cutt or spoile any woods, poles or trees standing; being things which the lawyers call Reall, and so not Felonie, being thereof lawfully convict, as in Larcenie, shall pay to the partie grieved his costs and double damages. See 43 Eliz. 7. Or in case he be not able, he shall serve in the house of correction vntill he hath satisfied. The same penaltie doth he deserve that putts his beasts or other into another man's field.

For other Trespasses, eyther ignorantly done by the person himselfe or by his cattle, and also differences that fall in between man and man, it is agreed and ordered, by this present Assembly, that they shall be judged by their Peers; and he that hath the wrong, shall satisfie for it, according to the verdict given in vpon evidence.

### Fraudulent Dealing.

Fraudulent dealing is forbidden throwout the whole Colonie, and it is ordered by this present Assemblie, that he that is overreached by a deceitfull Bargaine may have his action vpon the case and recover his damages.

Bargains to  
be in wri-  
ting.

Moreover, it is agreed and ordered by this present Assembly, for y<sup>e</sup> preventing of needless suitts at Law, and excessive Travaile and expenses therein that all those that make bargaines, covenants, agreements, and compacts, one with another, especially if they be of any great amount; that they draw them up, or procure them to be drawn up in writing, and expressed in as few words, and as plaine formes, and as easie to be understood as may be; with the covenantors' names interchangeably putt to each writing, and the hands of two witnesses to be subjoynd.

Servant.

Apprentice.



Moreover, we do declare, whosoever from henceforth 1644. takes an apprentice for certaine yeares, or a servant for one yeare, or half a yeare, and do not express the termes vpon which they stand thus mutually related each to other in writing, as is beforesaid ; or does not come, in both of them to a Towne Meeting, and enter the termes into the Recorder's or Towne Clarke's Booke ; that then such covenants, bargaines, or agreements shall be void and of no force or value.

It is further agreed, and by the authoritie of this present Assemblie established, that all Fraudulent, Deceitfull and Fained Deeds, Bonds and Gifts made by Debtors to avoid their Creditors throwout the whole Colonie, shall be void. See 2 Rich. ii. 3. And the parties to such fraudulent Deeds, not made in good faith and vpon good consideration, shall forfeit one yeare's rent of the Lands and Tenements ; the whole value of the Goods and Chattells, and so much money as shall be conteyned in the Bond, the one moytie wherof is the King's Custome, the other goes to the party grieved. See 23 Eliz. 5.

And for the preventing of many evils that may follow vpon bargaines, sales and conveyances of Lands, Tenements, and Hereditaments which we judge may with more ease to all be prevented, there being committed fairely and fully removed ; Be it enacted by the authoritie of this present Assembly, that from henceforth no Lands, Tenements, or other Hereditaments, shall pass, alter or change from one to another, whereby any state of inheritance or Freehold shall be made or take effect in any person or persons, or any vse thereof to be made by reason only of any bargain and sale thereof, except the same bargain and sale be made by writing, indented, sealed and enrolled in a Meeting of the Towne, where such Lands, or Tenements soe bargained and sold doth lye, before the Townes Men or Councill of y<sup>e</sup> Towne, and the same enrollment to be made and had within six weekes next after the date of the same writings indented ; and

The order  
for bargain  
and sale of  
Land.

1647. for the enrollment of every such writing indented, where  
the lands comprised in the same writing exceeds not the value of Five pounds, shall by him that makes the purchase, pay two shillings, and sixpence ; one shilling whereof shall go to the Towne Treasury, another to the Towne Clarke, and the sixpence to the General Recorder for keeping a Coppie thereof ; but in case it exceeds the value of five pounds, then shall it be paid by the purchaser five shillings ; two shillings whereof shall be to the Treasury ; two shillings to the Towne Clerke, twelve pence to the General Recorder : And the Towne Clark being for that time, shall sufficiently enroll and engross the same deed and writing indented as aforesaid, and a Coppie of the Rolls thereof, he shall at the end of the yeare deliver unto the General Recorder for the Colony, there to remaine in his custody among other Records of the same Towne, (which in process of time by reason of its villages will be as a Countrie) to the end that every person that hath to doe therewith, may thither resort and see the effect and tenour of every such writing so enrolled. 27 Hen. viii. 16.

### Conspirators.

Forasmuch as there are other Fraudulent dealings, by which men of Evill and corrupt minds, and impudent, bold faces, do attempt, and that before the judgment seat, and vnder a pretence of pleading for justice, to robb true men of their right, and such are they that in our native Countrie are called Conspirators, Champerters, Embracers and Common Barrettors.

Be it enacted by this present Assembly, to forbid such fraudulent dealings and evill courses throwout the whole Colonie ; and we do declare, according to the Lawes of our native Land, that conspirators are such as do confederate and bind themselves by oath, covenant, or other alliance, that every of them shall aide and beare the other falsely

and maliciously to endite, or falsely to move and mainteyne pleas ; and such as cause Children within age to appeale men of Felonie or otherwise, whereby they are impoverished and sore grieved ; and such as retheyne men to mainteyn their malicious enterprizes, which extendeth, as well to the takers, as to the givers ; and lastly, such as do vndertake to beare, and think by their power to mainteyne quarrells, pleas, and debates that concerne other parties and not themselves. 1647.

### Champertors.

Champertors be such as move pleas and suits, or cause them to be moved, eyther by their own procurement, or by others, and sue them at their proper costs, and for maintenance have that of Land in variance, or the gains.

It is provided, therefore, by a common accord, that all such as from henceforth shall be attainted of such emprises, suits or bargaines, and such as consent thereunto, shall suffer one yeare's imprisonment, and make fine to the King ; the like penaltie shall Conspirators susteyne, and the partie grieved shall be, notwithstanding, righted by an action upon the case brought in against him.

It is provided, by common consent, that in case any of the inquest take a reward by eyther partie to give his verdict, he shall forfeit ten times as much as he tooke ; the one halfe whereof is the King's Custome, the other shall goe to him that does sue for it. And all the embracers to bring or procure such inquests to take gaine or profit, shall be punished in the same manner and forme as the inquest was. And if the delinquent of the inquest or Embracer have not wherewith to satisfie the forfeiture, then they shall be imprisoned one yeare in the House of Correction. See 38 Edw. iii. 12.

Inquest  
taking re-  
wards.

1647.

## Forging or Rasing Records, Writts, &amp;c.

Forging, and also Rasing, Embezelling or taking away any Record or parcell of the same, writts, returne, process of Attorney, in the Records of Record, by reason whereof any Judgment shall be reversed ; also forging of Deeds, obligations, acquittances, and records, are by common consent, forbidden throwout the whole Colonie ; and the partie that shall so doe, together with their Councillors, Procurors and Abettors, shall be imprisoned and grievously fined, and satisfie the partie ; and so shall they also be punished that are guiltie of false entering of pleas, rasing of rolls, and change of Verdic ts by which ensueth disherision of any of the parties.

Weights  
and Mea-  
sures.

Fraudulent dealing by false Measures and Weights, is by common consent and accord, forbidden by this Assemblie throwout this whole Colonie ; and for the preventing of it, it is agreed, that the measure shall be one, and the weight one throwout the whole Colonie ; and that every Towne shall have a common Ballance and Weights, and a common Measure, that every person may measure and weigh thereat. See 9 Hen. iii. 26 ; and that every Towne be carefull in the observance thereof. Furthermore, it is agreed, that whosoever shall use false Weights or Measures, which are not according to the standard, shall forfeit to the Towne for the first time six shillings and eight pence ; for the second, thirteen shillings and foure pence ; and for the third, twentie shillings ; and for example to others, shall be sett vpon the Pillory in some open place. See 1 Hen. vii. 4 ; 12 Hen. vii. 5.

## Debts, &amp;c.

It is agreed, and ordered, by this present Assembly, that Debts may be recovered by action of debt ; and then

if the debtor hath wherewith to discharge it, then shall 1647.  
 his Goods, Lands, or Debts be seized vpon for the pay-  
 ment thereof; if he have not, then shall the two chief or  
 head officers of the Towne, being assisted with foure able  
 Townsmen, or of the Common Councill of the Towne ap-  
 pointed thereto, sett such a course between Creditor and  
 Debtor for the paying and receiving thereof, as the  
 Court of Requests or Conscience in the City of London  
 granted by Parliament, 3 Jac. xv.; but he shall not be  
 sent to prison, there to lye languishing to no man's ad-  
 vantage, vnless he refuse to appeare or stand to their  
 order.

#### Accessaries.

Accessaries before theft, or wilfull and malicious Tres-  
 passes and Fraudulent dealings, we judge rather worse  
 than the principalls, and the old true Proverbe is, the re-  
 ceiver is as bad as the Thief.

#### Touching Liars and Perjured Persons.

Forasmuch as the consciences of sundry men, truly con-  
 scienable, may scruple the giving or taking of an oath,  
 and it would be noways suitable to the nature and consti-  
 tution of our place (who professeth ourselves to be men of  
 different consciences, and not one willing to force another)  
 to Debar such as cannot do so, eyther from bearing office  
 amongst vs, or from giving in testimony in a case de-  
 pending.

Be it enacted by the authority of this present Assembly,  
 that a solemn profession or Testimony in a Court of Record,  
 or before a Judge of Record, shall be accounted, throwout  
 the whole Colonie of as full force as an oath; and because  
 many, in giving engagement or testimony, are usually more  
 over awed with the Penaltie which is known, than with the

1647. most High, who is little known in the Kingdoms of  
 ~~~~~ men.

It is, therefore, further agreed and ordered, that he that falsifieth such a solemn profession or testimony, shall be accounted among vs as a perjured person, and his penaltie shall be that, looke what detriment is or might be brought vpon others by falsifying his engagement or testimony, the same shall fall vpon himself. He shall also forfeit five pounds, and be disenabled eyther to beare office, or to give in Testimony in any Court of Record, vntill the Colonie release him; and this forfeiture and detriment, (the partie being lawfully convicted,) shall be, one halfe to the King's Custome, and the other shall go to the partie grieved that sues for it, by action of debt or bill: but in case the partie be not worth so much, then shall he be imprisoned in the House of Correction till it be wrought out, or else sett in the Pillory in some open place, and have his Eares nayled thereto; and then may the partie grieved receive his dammages; and the procurer shall have the like penaltie. See 5 Eliz. 9.

Breach of Covenant.

Breach of Covenant is by this present Assembly, forbidden throwout the whole Colonie.

It is also enacted, and agreed, that they that perform not their Covenants made eyther by word or writing, (excepting those before excepted,) shall be liable to satisfie what the other can prove he is damnified by reason of the non-performance thereof, which he may recover vpon an action of the case.

And be it further enacted, that no person retayning a servant, shall putt their servant away, nor no person retayned shall depart from their master, mistress or dame,
 ~~~~~  
 servant. untill the end of the term covenanted for, vnless it be for some reasonable and sufficient cause, witnessed before and



allowed by the Head Officer or Officers of the Towne, and 1647.  
three or foure able and discreet men of the Common Councill or Towne appointed thereto, vnder their hands in writing, for the discharge eyther of Master or Servant.

And be it enacted further, that that Master, Mistress or Dame, that putts away their servant without sufficient cause, and so allowed with such a discharge, shall forfeit the sum of forty shillings; and if any servant departe from his or her Master, Mistress or Dame's service before the end of the Terme covenanted for, vnless it be for some sufficient cause allowed of as before, or not serve according to the Tenure of the promise or covenant, vpon complaint vnto the Head Officers of the Towne and their associates, the matter being fully proved, he shall be committed to Ward without Baile or Mainprize, vntill by sufficient sureties he be bound to his Master, Mistress or Dame, to perform the engagement.

Detaining  
Servants.

Be it also enacted, by the authoritie abovesaid, that he that shall retaine a Servant not lawfully dismissed and sett at liberty from his Master, shall forfeit for every such offence five pounds, which the Master may recover by an action of Debt. See 5 Eliz. 4.

#### Artificer or Laborer.

Be it also enacted by the authority abovesaid, that every Artificer or Laborer that is lawfully retayned, in and for the building or repairing of any House, Shop, Mill, or any other piece of worke taken in great, in bulke, or in gross; or shall hereafter take vpon him to make or finish any such worke, shall continue and not departe from the same, (vnless it be for the not paying his wages as here agreed on, or otherwise be lawfully taken off and appointed to serve the Colonie, or by leave and license from the Master, Overseer, or owner of the work,) untill it be finished according to the agreement, vpon paine of the forfeiture of five pounds to the party from



1647. whom he shall depart, who may recover it by an action of  
 ~~~~~ debt, and other ordinary costs and damages besides, in the  
 Courts where such matters are to be tried.

Slaunder.

Words
actionable.

Forasmuch as a good name is better than precious ointment, and Slaundersers are worsers than dead flies to corrupt and alter the savour thereof, it is agreed, by this present Assembly, to prohibitt the raysing and spreading of false reports, Slaundersers and Libells throwout the whole Colonie ; and we further declare that the partie offended or grieved by such False reports, Slaunders, and Libells as hereafter followeth, may bring his action of slaunder against the reporter and speaker thereof, in case vpon demand he reveale not the author ; but if revealed, then against the Author, and shall recover sufficient damages. The cases actionable are these ; For a man to say eyther by word or writing, and yet not able to prove it, that another is a Traytor, a Fellon, a Thiefe, a Cutt-purse, or hath stolen something ; a perjured person, or hath forsworn himselfe in any man's case ; a Bankrupt, a Cheater, or one that lives by cheating ; to call and be not able to prove it, an unmarried woman a whore ; a young man unmarried, a whoremaster ; to say a young man keepeth a House of Bawdery ; or that a Tradesman maketh nothing but bad wares ; or that a Merchant or Shop-keeper hath nothing but rotten, bad and vnsound wares in his house or shopp, or to speak any thing in the disparagement of a Man's goods that he putts to sale whereby he may be damnified.

Poore.

It is agreed and ordered, by this present Assembly, that each Towne shall provide carefully for the reliefe of the poore, to maintayne the impotent, and to employ

the able, and shall appoint an overseer for the same purpose. See 43 Eliz. 2. 1647.

Scoulds.

It is ordered, Common Scoulds shall be punished with the Ducking Stoole.

Ale Houses.

It is ordered, by the authority of this present Assembly, that no Taverne, Alehouse or Victualling House, shall be kept throwout the whole Colonie without Licence or Allowance ; and whosoever shall keep Taverne or Alehouse, or Victualling house without licence, shall forfeit twenty shillings, which shall be levied to the vse of the poore, and shall by the head officer of the Towne be forthwith discharged. See 3 Car. 3.

Licenses.

Be it also enacted by the authority of this present Assembly, that each Towne shall have power to allow Taverne, Alehouses, and Victualling houses within its own precincts ; and the Head officer of the Towne shall binde by Recognizance every such Taverne, Alehouse keeper and Victualler so allowed, with two such sufficient sureties to keep good order in his house, and not to vse such games as are judged by the Lawes of England to be vnlawfull in such Common houses, as Carding, Dicing, Slide, Groat, &c., and not to suffer any Townsmen to remeine tipling therein for one hours space, vnder the penaltie of ten shillings for every such default, vpon the view of the head officers, or vpon the information of sufficient witnesses vpon their solemn testimony, or by his owne confession ; And every Townsman so taken, shall forfeit for every time, three shillings and four pence ; which forfeit-

1647. ures shall be taken by distreint and given to the overseer
~~~~~ for the use of the Poore.

### Drunkenness.

Drunkenness is forbidden throwout this whole Colonie ; and it is further agreed, that the head officer of each Towne, or any other Magistrate shall have powre upon his owne view, confession of the partie or proof vpon one witness his Testimony, to convict a person of drunkenness, who shall be by him enjoyned to pay five shillings, for that fact into the hands of the overseer for the vse of the poore, within one week after the same conviction ; and in case the partie refuse so to do or be not able ; then shall he be sett in the Stocks, and there remaine for the space of six houres ; and for the second offence, being convicted as aforesaid, he shall forfeit ten shillings, to be paid as before ; and shall be bound by the head officer or magistrate before whom he is convicted, to his good behaviour, with two sufficient sureties in the summ of ten pounds.  
21 Jac. 7.

### Archerie.

Forasmuch, as we are cast among the Archers, and know not how soone we may be deprived of Powder and Shott, without which our guns will advantage vs nothing ; to the end also that we may come to outshoot these natives in their owne bow ; Be it enacted by the authoritie of this present Assembly, that that statute touching Archerie, shall be revived and propagated throwout the whole Colonie ; and that every person from the age of seventeen yeares, to the age of seventy, that is not lame, debilitated in his body, or otherwise exempted by the Colonie, shall have a Bow and four arrowes, and shall vse and exercise shooting ; and every Father having Children, shall provide for every man-child from the age of seven years, till

he come to seventeen yeares, a Bow and two Arrowes or 1647.  
shafts, to induce them, and to bring them up to shooting ;  
and every sonn, servant, or master, thus appointed and  
ordered to have a Bow and Arrowes, that shall be remiss  
and negligent in the observance hereof, and shall be found  
to lack a bow and so many arrowes for the space of a  
month together after the last of the fourth month, com-  
monly called June, shall forfeit three shillings and four  
pence ; the father shall pay for the son, the master for the  
servant, and deduct it out of his wages.

It is also ordered, that each Towne shall have a pair of  
Butts before the last of the fourth Month, vnder the pen-  
altie of ten shillings.

### Marriage.

It is agreed, and ordered by this present Assemblie, for  
the preventing of many evils and mischiefs that may fol-  
low thereon, that no contract or agreement between a  
Man and a Woman to owne each other as Man and Wife,  
shall be owned from henceforth throwout the Whole Colonie  
as a lawfull marriage, nor their Children or Issue so com-  
ing together to be legitimate or lawfullie begotten, but  
such as are, in the first place, with the parents, then or-  
derly published in two severall meetings of the Towns-  
men, and lastly confirmed before the head officer of the  
Towne, and entered into the Towne clerk's Booke.  
And that man that goes contrarie to this present Or-  
dinance established, shall forfeit five pounds to the parents  
of the Maid, and be bound to his good behaviour ; and all  
the accessories shall forfeit five pounds a man, halfe  
whereof shall go to the grieved parents and the other  
halfe to the Towne..

1647.



## Probate of Wills.

Forasmuch, as all Men are free to dispose of their owne as they please ; Be it enacted by the present Assembly, that all persons inhabiting in this Colonie, be by this present act, put in mind of their owne Mortality, and the distraction which they shall leave behind them, may bring to the ryghtfull heyres thereof, if not kindly prevented ; and that it is ordered, while they are in héalth and perfect memory to sett their houses in order, as if they were about to depart, and draw vp their wills in writing, how their Houses, Lands, Goods and Chattells shall be disposed of after their deaths, and do name an Executor or two to which they will committ the disposall thereof, and so subscribe their names putt to their Seale, and cause two or three Witnesses to sett their hands for confirmation thereof.

And be it further enacted, that the Executors vpon the death of the Testator, shall call in two honest neighbors, being his friends, or two honest persons, being the next of his kindred, and in their presence, and with their direction, shall make and draw vp a true and perfect Inventory of all his Goods, Chattells, Wares, Marchandize, as well moveable as not moveable, and one draught thereof he shall deliver vp to the head officer of the Towne, to whom the probate or approbation of Wills shall belong, upon his solemn Testimonie, being of the nature of an Oath, that it is a good and true Inventory ; and he, together with the Witnesses, shall also deliver in the Will or Testament of the Testator, with the same solemn affirmation that it is the true, whole and last Testament of the same Testator freely made, and in his perfect Memorie. And this Testament being thus proved bfore the head officer, the Towne Clark shall transcribe or coppie out the Testament, putt wax into it, and then the head officer, by putting to it the

seale of his office, shall declare his approbation of it ; and 1647.  
so, having taken sufficient Bond of the Executor, to pay the Testator's debts and faithfully to execute his Will and Testament, he shall give him power to administer.

Moreover, be it enacted by present Assembly, that both the Will and the Inventory shall be brought in within one Moneth after the Testator's death, and that it shall be approved, and powre given to administer without delay ; and in case the goods be in danger to be embezzled, then may the nearest of his kin take the Town Clarke, and they together with the Executor, or without him, may make an Inventory, or at least take a note of the Goods and Chattels of the Testator's left behind him.

And it is further ordered, that the Will and Inventory shall be kept among the Records by the Recorder, who shall eyther show or give a Coppy thereof to such as require it, they satisfying him for his Labour and paines in so doing.

And it is further agreed, that for the Probate of Wills and giving powre to administer, in case the testator's goods amount not to the sum of Five pounds, there shall be given but one shilling to the Towne Clerke. In case the goods be worth above Five pounds and under Fortie pounds, there shall be given three shillings and sixpence ; two shillings whereof shall be given to the head officer, and eighteen pence to the Towne Clarke ; and in case the goods be worth above Forty pounds clearly, then shall he pay five shillings ; two shillings and sixpence whereof shall go to the head officer, and two shillings and sixpence to the Towne Clarke.

And be it further enacted, that in case a man dyeth intestate, or the Executor pitched upon refuse to administer, then shall y<sup>e</sup> head officer of the Towne, together with the Common Councill of the same Towne, appoint one of his nearest kinsman to take with him two other honest neighbors, and make and bring in a true Inventorie of his goods, which being brought in, they shall then make an

1647. equal and just distribution of his Estate among those to whom it does belong, the draught whereof being instead of the dead man's Will, together with the Inventorie, shall be left among the Records with the Recorder, and a Coppy delivered into the hands of him whom they have chosen to be Executor, who shall have powre (being first bound) to administer according to the Tenure thereof.

These are the Lawes that concerne all men, and these are the Penalties for the transgression thereof, which by common consent are Ratified and Established throwout this whole Colonie ; and otherwise than thus what is herein forbidden, all men may walk as their consciences perswade them, every one in the name of his God. And lett the Saints of the Most High walk in this Colonie without Molestation in the name of Jehovah, their God for Ever and Ever, &c., &c.



1647.

Touching the Public Administration of  
Justice according to the Lawes agreed  
upon and established throwout the  
whole Colonie.

Be it enacted by this present Assemblie, that for matters of greater weight and moment, there shall be erected a Generall Court of Tryalls for the whole Colonie, and Generall Officers for the Administration of Justice therein. Courts of Tryalls.

The Court shall be held twice in the yeare, in case there be matters that are then and there to be Tryed, Sci: upon the next day after the dissolving of the Court of Election held in May, and the other upon the last Tewsday of the eighth moneth, commonly called October, and these Courts to be held at —

It is further agreed, that to these Colonie Courts of Tryall, shall appertaine the Tryall of such Crimes as may hazard Life, Limbe, Disfranchisement or Bannishment; and such Trespasses, Debts, and differences (as by the Common Councill eyther of Towne or Townes shall be judged too weightie for a more private determining). Also, such matters of difference as fall out betweene Towne and Towne, or between parties dwelling in two Townes more remote, or in the case of an arrest of a man belonging to a neighbour Colonie, or, in cases of great importance; also, attaints of Inquests, and Tryalls of perjuries, and finally all such matters as are not referred, by any charter or order, vnto any Towne apart, or to the Island, or two Townes joyntlie.

Be it enacted further by the authority of this present Assemblie, that the Generall Officers for the whole Colonie shall be these, Sci: One President, foure Assistants, in every Towne one, one General Recorder, one Publick General Officers.

1647. Treasurer, and a General Sargent; which Officers shall be chosen every yeare in the General Assembly, and towards the latter end of that Session. They shall also be chosen after this mannar: for President, Recorder, Treasurer and Serjant each Towne shall present one; and he which the major part of the General Assembly pitcheth upon by paper, shall stand and be confirmed in his Office for that yeare; and for Assistant, each Towne shall present two, and he which the vote by paper pitcheth upon, shall be the Assistant in that Towne.

President  
and Assist-  
ants, con-  
servators of  
ye peace.

Breach of  
Peace.

Binding  
and Acquit-  
tal.

Force-  
ble  
entry.

Riots,  
Routs, &c.

Be it further enacted, that the President and Assistants shall have such a Commission by which they shall be conservators of the peace in the same Towne where they live and throwout the whole Colony. By this Commission, they shall keep the peace, and in case it be broke by threats, assaults, or affrayes, eyther before any of them or vpon lawfull complaint, he or they shall bind the parties by recognizance with two sufficient sureties vnto the peace, and to appeare at that Court where such matters are to be tryed, and soe to remaine, vntill by proclamation in open Court he shall be acquitted.

In case the peace be broken by forcible entry, any of them, vpon complaint, may, together with the head officer of the Towne, goe to the place, and vpon their view shall remove the force, arrest and imprison the offender, there to remaine vntill the Court where such matters are to be tryed, when he shall be sentenced and fined by the judgment of his peers.

In case of breach of peace by Riotts, Routs and unlawfull Assemblies, any of them, by virtue of this Commission, being alone by himself and present, may arrest them and cause them to find sureties for their good behaviour or send them to prison; but being absent vpon notice given or complaint, the President and Assistants, or eyther of them, with the head officer of the Towne, shall go to the place, and if the parties be present, they shall arrest the offenders, remove the force, and bind them to their good

behaviour by sufficient sureties, and to appear at that Court where such matters are to be Tryed ; and if they find not sureties, to send them to prison, there to remaine till the Court [meet] ; and then being tryed by their peers they shall be sentenced and fined as the Law doth provide, out of which fines the charges of Officers, and triers, and the assistants and aydes shall be borne.

But if the offenders be gone, then shall the head Officer of the Towne be put in mind at the next Towne Court, to enquire by a sufficient inquest (worth in Goods and Chattells forty pounds at least) returned by the Towne, and the Riott being found, by inquisition; he or they shall make a Record in writing, and soe send out his or theyr process (Sci: a venire facias) against the offender, to cause him to come in to answer. And when he appeares, then shall he be committed to prison, and ransomed by the fines aforesaid. But in case the Riott be great, in nature of an Insurrection and Rebellion, then shall all the chiefe officers in the Towne take with them the Sarjant and Constable, and if need be the powre of the place, to remove the force, and shall send the Ringleaders or chiefs to prison, there to remaine vnto the Court where such matters are to be tryed ; and shall bind the rest over also by recognizance, with two sufficient sureties vnto the peace, there and then also to appeare, where being lawfully convicted, they shall be fined as the Law hath determined.

In case the breach of peace be by Felonie, or by suspicion thereof, vpon complaint or request, any of them, (having taken of the party requesting his examination vpon the perill of perjurie, in case he prove false,) or at least bind him by recognizance to give in evidence against the offender (in case he be taken) at the next Gaile deliverie,) shall grant out his warrant vnder seale of his office unto the Sargent or Constable to arrest the offender, and bring him before himself or some other conservator of the peace, to answer such things as shall be objected to against him.

1647. When the offender appeares, before he committ him to prison, he shall, first, take the examination of the offender, but not vpon oath ; secondly, the examination and information of those that bring him, and shall sett down the materiall passages touching y<sup>e</sup> fact and circumstances thereof ; thirdly, he shall bind all by recognizance to appeare at the Court where such matters are to be tryed, then and there to give in evidence against the offender, and the party grieved to prefer a bill of indictment against him ; fourthly, he shall make his mittimus and send the offender to Gaile, vnless he beailable, and then shall he baile him ; fifthly, he shall certifie at the next Gaile delivery to which the hearing of the matter belongs, such information, recognizance, and bailment, and for his failing therein, he shall be fined, at the discretion of the Justices of the Goale delivery.

*Hue. & Cry.* Any of them, vpon just ground may send forth Hues and Cryes after the Felons, &c. ; and every person ought to be ready to arrest and apprehend them ; otherwise to raise hue and crye without cause, is to disturb the peace of the Colony, and he that so doeth, deserves to be bound to the peace.

This shall be their powre touching the peace, both within the liberties of the Towne where they live, as also in the other Townes enjoying like Liberties, especially in case the particular head officers thereof neglect their Dutie therein ; but especially this shall be their care and dutie touching places that fall not in, within those Towne Liberties, and in such cases as appertaine to the Colonie Court of Tryall. See Edw. iii. 1.

#### President's Commission.

*3 Felonie.* By a speciaall commission, the President shall sitt as Chief Judge in the Colonie Courts of Tryall, to see that

order and course of Law appointed thereto be duly observed, and the verdict being given in, he is to pronounce the sentence. 1647.

In case it be a matter of Felonie, to deliver vp to the <sup>Felonie.</sup> Generall Sargent to the execution, or see it done and performed.

In case it be a matter of Trespass, debt or any other <sup>Tresspaes.</sup> difference betweene Man and Man ; he is, together with the Assistants, to tax the costs and to send forth a Writ of Execution unto the Generall Sarjent, who shall send forth a Warrant to the Sarjent of that Towne where the party judged do live to do execution. He shall also send forth a writt to the Generall Sargant at least tenn dayes before, to give the whole Colonie notice, to the end they may prepare for the Generall Assemblie.

#### Assistants.

By a speciall commission, all the assistants, if not necessarily deteyned, shall sit with the President in y<sup>e</sup> Generall Courts of Tryall, and shall supply the roome of a Coroner in each Towne where they dwell.

#### Touching the Generall Recorder.

Be it enacted by this present Assemblie, that the Generall Recorder's Office shall be in the generall, to keep a Coppie of all the Records or Acts of the Generall Assemblie, Generall and particular Courts of Judicature, Rolles of the Freemen of the Colonie, Records, Evidences, Sales and Bargaines of Land, Wills and Testaments of the Testators, and orders of the Townsmen touching the Intestate, Records of the Limitts and Bounds of Townes, their Highways, Driftwayes, Commons and Fencings, Priviledges and Liberties. And forasmuch as matters of greatest concernement ought to be kept and preserved with the greatest vigilance : Be it enacted, that the Generall pur-

1647. chases, (which are all we can shew for our right to our Lands, and the Charter which is that which gives vs) who are Subjects right to exercise authority one over another,) be kept in a strong chest, having foure severall Locks annexed thereto, and that each Towne keep a key thereof, that soe, as there is a common right and interest therein, there may be no access vnto them in a divided way, (lest also, they be divided,) but with a common consent. And let it be further enacted, that this chest be placed in the safest place of the Colonie ; and the Generall Recorder, also, shall have the key to the Roome in which it is placed.

Clerk of  
Peace.

Be it also enacted, that he that is Generall Recorder, shall supply the roome of the Clerke of the peace or assizes, in the Generall Court of Tryall, as it is a Court of Assize or Goale delivery. And as Clark of assize, his office shall be to receive examinations, information, recognizances and bailments, presented by the Officer who committed the Felon to prison. He shall also receive the bill of indictments presented by him who was bound to prosecute the prisoner ; he shall read the indictments and enroll the acts of the Court itself, the indictment, the process, the answer, the traverse itself, the verdict, the judgment thereupon, and the execution. And as this Court is a Court of Common Pleas, soe he shall supply the roome of the master of the office, and in that regard his office shall be, vpon the request of the plaintiff or his Attorney, (in matters that clearly appertaine vnto that Court,) to direct a Writ to the General Sargant to arrest the defendant, in such an action, of such a man, and to take baile for his appearance by such a day as the writ makes mention to be returnable ; and in case the General Sargant returne y<sup>e</sup> defendants Bond by the day appointed, then shall he enter into his appearance, and in case they proceed, his office shall be, to file such declarations and answers. But in case after a declaration is filed in expectation of an answer, or to make his defence, and he

Generl Offi  
cers to send  
forth war-  
rants.



doth not, then the plaintiff taketh him by default, which 1644. is called confessing the action; and then the Recorders office shall be, to enter and record a *nihil dicit (id est,)* he saith nothing thereon, and so shall he send out a writ of enquiry of dammages vnto the Towne where the defendant lives. And the head officer of the Towne, at the next Towne Court, shall enquire of damages, and by a writ of destringes to the Sargant, shall cause the defendant for that purpose to come to the Court, and in case he appeare not, he shall forfeit the distraint, and the head officer of the Towne may distraine again and again. The matter being issued in the Towne, it shall be returned into the office, and the Recorder shall then enter the *postia* returne, and give forth to the General Sargent a writ of Execution.

#### Touching the Publick Treasurer.

Be it enacted, that the Publick Treasurer shall only receive such fines, forfeitures, amercements and taxes, as fall vpon such as are not within the liberties of the three Townes specified in the Charter; and Warwick, that is invested with the like priviledges and powre; and that the Townes mentioned shall receive and keep safe in their custody all fines, forfeitures and amercements that shall be levied upon the Inhabitants thereof vntill they be called for by the authority from England; but if vpon our humble petition, they be granted to the Colony, then shall they enjoy them as a helpe in their Government as their custom forever. Moreover, looke what comes into the Publick Treasury by that way, he shall give account of in the Generall Assembly.

#### Touching the Generall Sargant.

Be it enacted by this present Assemblie, that he that is chosen Generall Sargant shall be an able man of Estate,



1647. for so ought a Sheriff to be, whose place he supplies ;  
whose office shall be to attend all Colonye Courts of Tryall, and to serve eyther by himselfe or the Serjants of each Towne, all Writts originall or judiciall ; who having arrested a man for that which he isailable, he shall take baile by an obligation to himselfe, with sufficient sureties ; the condition of which shall be, to make appearance in the place, and at the time, the bill, writt, or warrant specifies. He shall also gather vp all the fines, forfeitures and amercements, that are made at the Colonie Courts of Tryall, and shall returne them faithfully unto the Treasurie to which they appertaine. When he is chosen, he shall be solemnly engaged to exact no more than his wages, and to take no more than is forfeited ; for not serving writts and warrants, he shall lose to the party grieved, treble damages, and forfeit Forty Pounds ; twentie whereof is the King's Custome, and twentie shall be to the party that sueth. And he that summons or doth arrest without warrant, shall be imprisoned till he pay to the party grieved ten pounds, his costs and damages, and twentie pounds to the King. See the 43 Eliz. 6. He shall also have the charge of the prison for the Colony, and the prisoners therein.

But forasmuch as Justice cannot be had in the general Court of Judicature, notwithstanding these Officers, without Pleaders and Tryars, be it enacted, that there shall be both, and rules given for their orderly proceeding.

#### Touching the Inquest or Tryars.

To save needless expenses and travailes, be it enacted, by the authority of this present Assemblie, that all Traitors, Felons, and such as are suspected thereof shall be indicted by twelve or sixteen honest and lawful men of, and also in the Towne where the person was taken, or of, and in the Towne where his Tryall shall be, and at the Court of Tryall. And that three of the most sufficient

and least suspicious persons in each Towne bee chosen by 1647.  
 the Townsmen tenn days before, and sent to that Court  
 to attend the Tryall of such matters as shall be presented,  
 and that these be returned and arrayed by the General  
 Sargent, so that the parties may have knowledge of them  
 foure dayes before the Sessions of the Justices upon paine  
 of ten pounds ; and that they be chosen by neyther old  
 men above seventy yeares, nor mean men, nor such as  
 have a charter of exemption, nor an indictor, nor inter-  
 ested in the deliverance of an indietee. See 42 Edw. iii.  
 11 ; 13 Edw. i. 37 ; 25 Edw. iii. 3 ; 3 Hen. v. 3 ; 23  
 Hen. viii. 13 ; 8 Hen. vi. 9.

And be it further enacted, that no man shall pass vpon  
 the Life of a Man in this Colonie, nor in plea real, no,  
 nor personal in any issue joyned, that amounts in the  
 dammage to the value of forty marks, nor touching forcible  
 entry, nor touching Riotts, who is not clearly worth  
 forty pounds, nor in smaller matters in the Towne that is  
 not clearly worth twenty pounds.

And be it further enacted, that men have their peremp-  
 tory and other challenges, to the full, as they have them Challenge.  
 in England, where for petty Treason, Murder and Felony,  
 they may challenge to the number of twentie. See 32  
 Hen. viii. 3.

And be it enacted, that the inquest upon the Tryall of  
 persons indicted of Felonie, shall eyther allow of, or reject  
 the witnesses, according to their consciences, of all or the  
 major part of them. 4 Jac. 3.

And be it further enacted, that the inquest being thus  
 chosen by the Townes, and summoned by the Sargent, in  
 case any of them appeare not, their roome shall be sup- Forfeit.  
 plied by such among those that stand about, or that live in  
 the same Towne (and they refusing, the same fine,) where  
 the Colonie Court of Tryall is held, and every man soe  
 chosen and summoned, if he appeares not, shall lose and  
 forfeit five shillings and ten pence ; or what he might  
 have gott if he had attended the service which the Court

1647. shall determine, which, by a distringas from the Court, the Serjant shall require, and levie and deliver into the Treasury to which it belongs.

False Verdict.

Attaint.

And be it further enacted by the authority of this present Assemblie, that if any false verdict be given in any action, suit, or demand, either in this or in any other Court of the Colonie, in any thing personall, as Trespass, Debt, Difference, &c. ; the party grieved shall have a writ of attaint out of this Court of the Colonie, putting in sufficient security against each partie giving in such an untrue verdict, whereby y<sup>e</sup> parties shall be summoned by great distresses ; and in case the thing in demand and the verdict surmounts forty pounds, to the three able men of each Towne shall be added twelve of the same Towne, where the Colonie Court of Tryall shall be, being worth three score pounds a piece, if such and so many are to be had, and in case these find they gave an vntrue verdict, every one of the former inquest shall forfeit twenty pounds, ten whereof is the King's custome, and ten pounds shall go the partie grieved, that sues for it ; he shall be also not of credence, neither shall his solemn testimony be taken in any Court, vntill the Colonie release him. But if, eyther the demand or verdict be vnder forty pounds, then shall the inquest be worth fifty pounds a man ; and every one of the petty inquest being found guilty, shall forfeit five pounds, with the like punishment as is before specified. See 23 Hen. viii. 3 ; 37 Hen. viii. 5. And in case he that sues for the writ of attaint makes it not good, every party attainted may have his action against him, and recover sufficient dammages.

### Touching Pleadors.

Be it enacted by the authority of this present Assembly, that any man may plead his own case in any Court, or before any Judge of Record throwout the whole Colonie, or may make his Attorney to plead for him, or may vse

the Attorney that belongs to the Court which may be two 1644.  
 in a Towne, to wit ; discreet, honest and able men for un-  
 derstanding, chosen by the Townsmen of the same Towne,  
 and solemnly engaged by the head officer thereof, not to  
 vse any manner of deceit to beguile eyther Court or  
 partie. And these being thus chosen and confirmed, shall  
 be authorized, being entertayned, to plead in any Court  
 in the Colonie ; but in case such pleader or Attorney shall  
 vse any manner of deceit as is aforesaid, and be thereof  
 attainted, or that shall be notoriously in any default of re-  
 cord, he shall forfeit his place, and never more be admit-  
 ted to plead in any Court of the Colonie. See 3 Edw. 1,  
 28 ; 4 Hen. iv. 18.

Be it also further enacted, that in matters of controversie  
 betweene partie and partie, or Towne and Towne, that be-  
 longs to the hearing and determination of the Colony Court  
 of Tryall, the partie complaining, or his Attorney, shall goe  
 to the General Record, and in his office shall enter his  
 action ; then shall he request a writ to arrest the defend-  
 ant as is abovesaid, returnable at least twenty dayes before  
 the Court ; the bond of the defendant being returned into  
 the Recorder's Office, the plaintiff or his Attorney, shall,  
 within foure dayes after, file his declaration in the Re-  
 corder's Office (or he shall be non-suited) where the de-  
 fendant or his Attorney may see it and take forth a coppie  
 thereof ; then shall the defendant or his Attorney, file the  
 answer eight dayes before the Court. And so shall they  
 join issue, that Court, and proceed to Tryall, where the  
 witnesses to prove or disprove the issue being produced,  
 the plaintiff and defendant may plead their own cause, or  
 have their Attorneys plead for them before y<sup>e</sup> Bench, and  
 the inquest ; and the verdict and judgment being given,  
 the Recorder shall enter it. But, in case the defendant  
 puts in his answer, and at the Court makes his demurr,  
 then shall the Court judge of the sufficiency thereof, and  
 so shall accept the demurr, or proceed ; but in case he  
 neyther puts in his answer, nor demurr, or gives in his

Controversie.

Writ.


Plaintiff.

Defendant.

Issue.

Attorney.

Demurr.

1647. answer, but puts not in his demurr, and yet appeares not,  then shall be entered, he saith nothing ; and so shall it be taken for granted he confesseth the action, and then shall go forth a writ from the Court vnto the Towne in which he lives, to enquire of dammages, which being returned to the Recorder, a process or writ shall go forth for Execution.

*Nihil dicit.*

And now forasmuch as we have prescribed Rules and orders, whereby are declared both the authoritie, office and duty of every person that shall be employed about this Colonie Court of Tryall, and have likewise declared, that the President's and foure assistants' office (among other things that belong to their care) is to see that order and course of Law appointed to this Court be dewly observed.

It is agreed, and by the authority of this present Assemblie enacted, that as the former Lawes are committed to their custodie to see them observed or executed, soe are these constitutions, so farr as they have a respect vnto an orderly finding out of Justice and the administration thereof, committed to their charge, to see them observed.

The Court to meet 8 o'clock.

The manner how to proceed.

And furthermore be it enacted, as that which adds to the comely and commendable order of this Court of Judicature, that at eight of the clock in the morning of those dayes vpon which the Court is appointed at the farthest, the President, the Towne Assistants, and the Head Officers of the same Towne where the Court shall be kept, (for their Councill and helpe,) shall sit in the publicke Sessions house, and also the Generall Recorder, where shall attend those that seeke for justice, their pleaders, witnesses, Tryars and the Generall Sarjant with his prisoners ready either to rid his hands of them, or else to doe execution vpon them or others as Justice shall require.

In the first place, the Recorder shall present, and if there be time read over the bills of indictment ; and if, in case they have been examined or presented by an inquest

before, then shall he pass them over ; if not, then shall 1647.  
 the President sett apart the honest and lawfull men pre-  
 pared for that purpose, by a solemn engagement, faith-  
 fully to enquire touching the bills, and soe shall send them  
 forth with the same.

Then, in case there be any controversies or difficulties  
 between partie and partie that are lawfully and orderly  
 presented to that Court for Tryall, the Recorder shall read  
 them over in the open Courte, and that which was first  
 joyned for issue, shall come first to the hearing. And  
 because the twelve men are to have the hearing and de-  
 termining of all controversies and differences depending  
 between partie and partie, they shall be first called forth  
 by the President and placed in order before those that are  
 to be judged, from whom they shall receive a solemn  
 charge vpon the perill and penaltie the law hath pro-  
 vided, to do justice between the parties contending, ac-  
 cording to evidence. This done, then shall the parties,  
 (having first had their lawfull challenges,) or their Attor-  
 nies plead their cases before them, produced their wit-  
 nesses for what they affirme, which shall be taken  
 upon the like perill. When they have sufficiently  
 discussed the difference, then shall the President or any  
 other of the Assistants mind the inquest of the most  
 material passages and arguments that are brought by  
 one and other for the case and against it, without altera-  
 tion or leaning to one party or another, (which is too  
 commonly seene,) and soe shall the President advise the  
 inquest to goe forth and do justice and right between  
 their neighbours, according to the evidence that has been  
 brought, for what has been pleaded. These being gone  
 forth, then may the Court proceed to deale with such as  
 are bound by recognizance eyther to release them or to  
 continue their Bonds, according as there is just cause, and  
 may read over the Indictments that have been enquired  
 into before, and are now presented as true bills, or that  
 were committed to the inquest in the beginning of the

Evidence.

Vacancy.  
 Jury being  
 gone forth,  
 the bench to  
 issue other  
 matters.



1647. Court and are returned true bills. The twelve men returning with a verdict it shall be recorded, and soe shall they be employed, vntill all the differences be ended.

Way and  
manner how  
to call forth  
criminals.

And forasmuch as it belongs to the Justices to taxe the costs, lett the vacant times be so employed.

These controversies, differences and demands being thus all issued, then let the Recorder call to y<sup>e</sup> Sarjant to bring forth y<sup>e</sup> Prisoners. Before each prisoner lett his indictment be read, and he demanded what he saith to the indictment, whether Guilty or not. If he answer Guilty, his confession shall be recorded. If he sayeth not Guilty, then lett him be demanded if he will be tryed by God and the Country, sci: his countrymen. If he consents, the President shall call forth the twelve men before him, wish him to look upon them, and ask if he have any thing against them ; if not, then he shall charge them vpon the former perill, to deale faithfully and truly in the matter ; it being a matter of consequence and moment, and to proceed to determine according to the light of their consciences, vpon the evidence given in, and if any be found Guilty of death, to be reprieved to the next Court. And thus having issued all matters depending, the President with the assistants and councellors shall give forth writs vnto the Generall Sarjant for the severall executions, and so break vp the Court for that time and sitting.

And be it further enacted, by the authoritie of this present Assemblie, that the perill that any officer shall susteyne, for going without, besides, or beyond his Commission, shall be first lawfully and orderly judged. And that no officer employed in this Colonie shall think it strange or hard dealing to be brought to his faire Tryall, and Judgment for what he hath done amiss.

The Triall of  
Generall Officers.

Be it also enacted, that the Chiefe Officers of the Colonie, Island, or Townes, shall be tryed and judged in the Generall Assembly by a committee of the most able and impartiall men, chosen out from among them, against whom they may have also their lawfull challenges : and



that all other officers abusing their offices, shall be tryed 1647. and judged eyther in the Towne by which they were chosen; or, if the Towne please, or if not chosen by the Towne, then shall they be tryed and judged by the Colonie Court of Tryalls. And in case any man sues for Justice against an officer or other, and he cannot be heard, or is heard and cannot be righted by any Law extant among vs, then shall the partie grieved petition to the Generall or Law making Assemblie, and shall be relieved.

And now forasmuch as the choice of all the officers that are to be employed in this Colonie, like the Colonies about vs, once a year, whereby it may be easily collected, that he that hath an office or charge this yeare, may have none another; and it would be too prejudicial to the peace of the place or quiet Government thereof, for a man out of a discontented self-will, or other pretence, not to resigne, together with his office, belonging to the Colonie, Island or Towne, to him that is chosen and appointed thereto.

Be it therefore enacted by the authoritie of this present Assemblie, that whosoever hath, or shall hereafter have, <sup>Detaining Records.</sup> Books, Papers or Parchments, in which are conteyned Orders, Records, Purchases or Charters that belong vnto Colonie, Island or Townes, or have any other things appertaining thereto, shall, within one month after another be chosen and appointed to take the charge thereof, deliver vpp safely into his hands, all such Books, Papers, Parchments and other things that were in his custody.

And be it further enacted, that he that shall not resigne <sup>Penaltie</sup> and deliver the books, papers, parchments, and other things above specified, within one moneth as he is appointed, he shall forfeit for the first moneth tenn pounds; for the second, twentie pounds; and so shall it be every moneth doubled, vntill he deliver it, which forfeiture shall be taken, and by the chief Officers and Sarjant of Colonie, Island or Townes to which the wrong and injury is done,

1647. by distraint vpon his Goods and Chattels, and shall be committed to the Treasurie to which it belongs.

And further be it enacted, by the authoritie of this present Assemblie, that a Humble petition shall be drawn vp to our Honoured Lords and Noble Governors, with the names of the Inhabitants of the Colonie subjoined, wherein is express'd our humble and earnest request and desire, that forasmuch as we are but poore, and the fines, forfeitures, waifs, strays, and amercements are not like to be much [in amount] they may be granted unto vs and confirmed [to the Colonie] whereby some little helpe may be afforded to the government thereof, and to carry on the [administration thereof] therein.

And be it further enacted, that one [be appointed by the] present Assemblie, and be employed to solicit in [England] with our Noble Lords for the obteynement [thereof.]

[And forasmuch as we] find the nature and constitution of our place [makes it inconvenient] to bring all matters of differences vnto our place or Courte of Judicature, and also perceiue our Charter granted vs by those Noble Lords and Governors, to be so free and full, that in all our transactions we may have an eye and respect vnto the nature and constitution of the place in which we are placed. We do therefore joyntly agree, (being also requested thereto) and do give, grant and confirme vnto the Island called Aquedneck, alias Road Island, and her two Townes, Sci: Portsmouth and Nuport, and eyther of them, full powre and authority, eyther joyntlie or apart, to constitute such particular orders, penalties and officers, as may more nearly concerne eyther each Towne apart, or the Island joyntly. And by their particular officers, or with the assistance or helpe of the generall, may execute such particular orders and penalties, and so many of the Common Lawes agreed on in the Generall, and their penalties not annexed already unto the Colonie Court of Tryall, at such times, in such places, and after such a manner and forme

as the major parte of the Inhabitants of each Towne shall, 1647. by free consent agree vnto, provided all this be done with respect to the Provisoe in our Grand Charter specified.

Sargants fees allowed at the Court at Portsmouth, 1649, for attending upon a prisoner, two shillings and sixpence per day; for serving writs out of the Towne where the Gen'l Sarjant lives, three pence per mile for going, and three pence per mile back; for the prisoners' commitment, five shillings; all on ———, for going to serve executions, three pence per mile out [from] home; and three pence per mile back. For going to levie fines, three pence per mile for, and three pence per mile back.

### A TABLE OF FEES.

|                                                  | <i>s. d.</i> |
|--------------------------------------------------|--------------|
| The action entering, and the Writt thereon,      | 1 0          |
| The filing of a bill, or declaration, - -        | 1            |
| The filing of an answer, - - - - -               | 1            |
| The exemplification of a Record, - - -           | 2 6          |
| The Coppy of a bill, or declaration, - - -       | 2            |
| The Coppy of the answer, - - - - -               | 2            |
| The examination of every witness, - - -          | 6            |
| The exemplifying the Testimony of every witness, | 6            |
| For entering of a nihil dicit, - - - -           | 2            |
| For a writ of enquire, - - - - -                 | 2            |
| For a scire facias, - - - - -                    | 2            |
| For a fierie facias, - - - - -                   | 2            |
| For a venire facias, - - - - -                   | 2            |
| For entering the verdict, - - - - -              | 1            |
| For Baile entering to every action, - - -        | 2 6          |
| For recording Judgment and issue, - - -          | 2 6          |

1647.

|                                                         | <i>s.</i> | <i>d.</i> |
|---------------------------------------------------------|-----------|-----------|
| For a writ of execution, - - - - -                      | 2         | 6         |
| For a distringas, - - - - -                             | 1         | 0         |
| For binding to the peace, or good behaviour, -          | 6         | 8         |
| For acquittal of Felonie, or suspicion thereof, -       | 2         | 6         |
| For making a Record of Reference, - - -                 | 2         | 6         |
| For entering the Traverse of an Indictment, -           | 2         | 6         |
| For plea upon the Traverse, - - - - -                   | 2         | 6         |
| For filing the Inventory of goods taken upon execution, | 6         | 8         |
| For a writ of accompt, - - - - -                        | 1         | 0         |
| For drawing up a bill of Indictment, - - -              | 2         | 6         |
| For the subpoena of every person, - - -                 | 1         | 0         |
| For a writ of Audita querela, - - - - -                 | 1         | 0         |
| For a writ of error, - - - - -                          | 5         | 0         |
| For a writ of attain, - - - - -                         | 5         | 0         |
| For every Commissioner out of Court, - - -              | 5         | 0         |
| For filing of every returne, - - - - -                  | 1         | 0         |
| For a Justice, - - - - -                                | 2         | 6         |
| For binding over to the Court, - - - - -                | 2         | 6         |
| For committing to prison vpon refuse of Baile,          | -         | -         |
| Cofessing a Judgment in Court, - - - - -                | -         | -         |
| A protest in Courte, - - - - -                          | -         | -         |


---

*Acts and orders made at the General Courte  
of Election, held at Providence, May 16, 1648.*

Mr. Nicholas Easton, was chosen moderator for and during this Assembly.

William Dyre is chosen Clarke of the Assembly during y<sup>e</sup> sitting thereof.

Mr. William Coddington was elected President.

Mr. Jeremy Clark, Assistant and Treasurer. Elected 1648.  
and Engaged. 

Mr. Roger Williams, Assistant.

Mr. William Baulston, Assistant.

Mr. John Smith, Assistant. Elected and Engaged.

Phillip Sherman, General Recorder.

Mr. Alexander Partridge, General Sarjent.

It is ordered, that Captain Clarke and Mr. Barton shall go to y<sup>e</sup> Bay and carry the Letter and receive their answer, concerning Warwick business.

It is ordered, that six men of each Towne shall be chosen, in whom y<sup>e</sup> General Court shall continue ; and each Towne here shall have the choice of their men if they please ; or if any Towne refuse, the Court shall choose them for them ; if any else beside will tarry, they may whose helpe is desired. And further it is ordered, that this Committee shall have power to determine by y<sup>e</sup> Major vote.

It is ordered, and by this Court determined, that the General Court of Tryall shall be kept by Courte in such places where the action did arise, or where the persons are apprehended and taken, and at such times as the Committee in whom the authority of this Court is continued. And that those suits that are already commenced, or shall be judged just by the Committee to be commenced, shall be then and there tryed, as if they had been in the place, and according to y<sup>e</sup> time formerly appointed and vpon the same engagment to the Court.

## PROVIDENCE.

Thomas Olney,  
Thomas Harris,  
William Withenden,  
Hugh Benett,  
Robert Williams,  
Gregory Dexter.

## NEWPORT.

Mr. Easton, Moderator,  
Wm. Dyre, Clerk,  
Mr. John Clarke,  
James Weeden,  
James Barker,  
Joseph Clarke.

1648.

WARWICK.

PORTSMOUTH.

Mr. John Smith,  
 Ezek. Holyman,  
 John Warner,  
 Robert Potter,  
 Christo. Helmes,  
 Peter Green.


Capt. Morris,  
 John Tripp,  
 George Layton,  
 William Almy,  
 John Briggs,  
 Sam'l Wilbor, Jun'r.

It is ordered, that the Clarke of this Assembly shall give and receive in y<sup>e</sup> name of y<sup>e</sup> State, the engagement to the Officers of State according to y<sup>e</sup> order. And it is further ordered, that, whereas in the engagement of y<sup>e</sup> Officers of State, there is a clause at y<sup>e</sup> latter end thereof, vidg't, "according to y<sup>e</sup> best of your understanding." The Court interprets their meaning to be, that they are not, or shall not vary from the Letter of their Commission by any equivocall expositions.

Mr. Jeremy Clarke and Mr. John Smith, were elected and sworne. Mr. Coddington and Mr. Balston are suspended.

It is ordered, That whereas there are divers bills of complaint exhibited against Mr. Coddington who was elected President. That if the said President elect shall be found Guilty, or being cleared of the said charges, refuse the place ; or if he refuse to give his engagement to the next Session of this Court to be held for this Colony, that then y<sup>e</sup> Assistant of Newport, to wit, Mr. Jeremy Clarke, shall be invested in his place, and shall take the authority of that place upon him.

It is also ordered, That if at any time hereafter, he that is made President shall happen to depart the Colony or Province into any other Colony, or into Old England, or if y<sup>e</sup> said President shall dye ; then the General Assistant of that Towne where the President was chosen, shall supply the roome of the President so non-resident or vacant, with as full powre and authority by virtue of this act as if he had been chosen thereto, vntill the said President's re-

turne, or a new be chosen at y<sup>e</sup> next General Court of 1648. Election ensuing. 

It is also ordered, that the Clarke of this Assembly shall retaine in his hands, the Records of the State and supply the General Recorders office in all points till y<sup>e</sup> General Recorder elected shall come at y<sup>e</sup> next Sessions of this Court and give his engagement to y<sup>e</sup> State, and therein be invested.

And it is also further ordered, that if it happen that y<sup>e</sup> General Recorder dye, or departe the Colonie, then the Towne where he did live shall take into custody the place and charge, and invest some one in y<sup>e</sup> place till y<sup>e</sup> next General Court of Election. General Recorder's Decease.

It is ordered, that forasmuch as the President elect hath not attended this Court for y<sup>e</sup> clearing of y<sup>e</sup> accusations charged vpon him ; Be it enacted and by the authority of this Court established, that the Assistant of that Towne wherein the President was chosen, Vidg't., Mr. Jeremy Clarke shall supply y<sup>e</sup> place of the President, with as full powre as if he had been elected and installed therein, untill the said President elect shall be cleared and installed, or a new President be elected and installed, any clause in any other act or acts in any other order formerly made notwithstanding.

It is ordered, that y<sup>e</sup> Generall Court of Tryall shall begin at Newport on Tuesday three weeks, vidg't, the 13th of June, and from thence to Portsmouth, and so forward if there be occasion : And it is ordered, that all causes or complaints exhibited to y<sup>e</sup> said Generall Court of Tryall, shall be heard and determined by y<sup>e</sup> said Court ; and in case there be non-suits or *nihil dicits* taken, that then y<sup>e</sup> Jury empannelled for the said Court, shall enquire of Damages and Executions to issues forth thereon, which shall be as good and of effectual force, any clause in any act notwithstanding. It is also ordered that y<sup>e</sup> Sarjants of y<sup>e</sup> Townes shall execute their offices as formerly they have done, till there be a new General Sarjant made.



1648. It is also ordered, that if any of the Assistants shall be absent from the General Court of Tryall, then those that are present shall be the judges of that Court effectually ; any act or order formerly made notwithstanding.

Assistants  
absence.

It is ordered, that Captain Clarke, Lieut. Dyre and Ensign Barker shall state the affaires of y<sup>e</sup> Band of Newport, and present it to y<sup>e</sup> next sessions of the General Court to confirme and establish.

Town Offi-  
cers to be  
chosen-

It is ordered, that each Towne shall within ten dayes meet together to choose their Towne officers, and that Mr. Easton shall call the townsmen of Newport ; and Mr. Porter and Mr. Sanford shall call the townsmen of Portsmouth ; and Mr. Weeks for Warwick ; and by virtue of a commission to them, shall call y<sup>e</sup> people together for to performe the service aforesaid, and to determine of their towne affaires.

Prison.

It is ordered, That this Courte doth desire that y<sup>e</sup> prison in Newport may be y<sup>e</sup> prison for y<sup>e</sup> Colony for y<sup>e</sup> present, and that they would be pleased to appoint a keeper thereof.

Special Bay-  
liffe.

It is ordered, That if y<sup>e</sup> sarjeants be hindered or will not serve any writt to them directed, then a speciall bayliffe shall be made and appointed for that service by him that hath authority to grant the writt.

It is ordered, That the water baylies shall continue in their places.

Bulk of  
Lawes.

It is ordered, That y<sup>e</sup> bulck of Lawes shall continue their force till the end of y<sup>e</sup> next sessions of y<sup>e</sup> General Court, or till they be repealed ; any former act notwithstanding.

Petition of  
George  
Wright.

Whereas, George Wright did petition y<sup>e</sup> Court concerning a scandalous report, rais'd as was said by Daniel Gould and Henry Stephens, who having upon their oaths cleered y<sup>e</sup> matter, Mr. Easton and Mr. Jeffray are ordered to write to Plymouth, to y<sup>e</sup> end his bonds may be taken off.

It is ordered, that Mr. Jeremy Clarke, Mr. Easton, Mr.

John Clarke, and Wm. Dyre shall state y<sup>e</sup> accusations 1648. and articles of all those that stand charged in or to this Court; presumptions in their places, and peremptory in their places.

It is ordered, That y<sup>e</sup> Seale of —, presented by Wm. Dyre, shall be the seale of y<sup>e</sup> State for y<sup>e</sup> present to seale the writts originall and judiciable, or other records.

It is ordered, that y<sup>e</sup> clerk of the Assembly shall send a copy of these acts and orders to every Towne with convenient speed.

It is ordered, that the President Regent, to witt, Mr. Jeremy Clark, shall receive y<sup>e</sup> answer from y<sup>e</sup> Bay; and shall consult with this committee, and townes to give a reply. Also, it is ordered, that he consulting as afore-said, shall have powre to call y<sup>e</sup> next sessions of Generall Assembly vntil which time this court is prorogued.

An act made and agreed upon for the well-ordering of this Assembly.

It is ordered, That y<sup>e</sup> moderator shall cause the Clark of y<sup>e</sup> Assembly to call over the names of the Assembly.

That the moderator shall appoint every man to take his place.

That all matters presented to the Assembly's consideration, shall be presented in writing by bill.

That each bill be fairly discust, and if by y<sup>e</sup> major vote of the Assembly it shall be putt to a committee to draw vp an order, which being concluded by y<sup>e</sup> vote, shall stand for an order threwhout y<sup>e</sup> whole colony.

Ordering of  
the Commis-  
sion Court.

That the moderator shall putt all matters to vote.

That every man shall have liberty to speak freely to any matter propounded yett but once, vnless it be by lease from y<sup>e</sup> moderator.

That he that stands vp first vncovered, shall speake first to the cause.

That the moderator by y<sup>e</sup> vote of y<sup>e</sup> Assembly shall re-

1648. journe or dissolve y<sup>e</sup> court, and not without, at his great perill.

That he that shall returne not to his place at y<sup>e</sup> time appointed, shall forfeitt sixpence.

That they that whisper or disturb y<sup>e</sup> Court, or useth nipping terms shall forfeitt sixpence for every fault.


WM. DYRE,

Clerk of the Assembly.

[A special General Assemblie was holden at Warwick, in March, 1649; there is no record however, of their proceedings. In a letter from Mr. Williams to Mr. John Winthrop, he refers to the proceedings of this Court. It seems that he was not present, and that the colony elected him Deputy President, Mr. Coddington having sailed for England with his daughter, in January. The colony was thrown into great excitement, by the report of the discovery of a gold mine on the island. Mr. Williams sent some bags of the ore to Mr. Winthrop, and writes "it is certainly affirmed to be both gold and silver ore, upon trial." The Assembly passed an act, taking possession of the mine in the name of the State of England, and issued a proclamation forbidding all persons to intermeddle with any of the ore. This was published by William Dyre, appointed for that purpose, for want of a Herald at arms, and the arms of England, and of the Lord High Admiral, were set up at the mine. Fortunately, a more accurate examination dissipated the golden dreams of the colonists, by proving the report unfounded. At the same session the following charter was granted to the town of Providence.]—*Staples' Annals of Providence*, p. 72.

## CHARTER OF PROVIDENCE.

Whereas, by virtue of a free and absolute charter of civill incorporation, granted to the free inhabitants of this colonie of Providence, by the Right Honorable Robert, Earl of Warwick, Governor in chiefe with the rest of the Honorable Commoners, bearing date the 7th day of March, Anno 1643, givinge and grantinge full power and authoritie vnto the said inhabitants to governe themselves and such others as shall come among them, as also to make, constitute and ordaine such lawes, orders and constitutions, and to inflict such punishments and penalties as is conformable to the lawes of England, so neare as the nature and constitution of the place will admit, and which

may best suite the estate and condition thereof, and 1649. whereas the said towns of Providence, Portsmouth, New-port and Warwick are far remote from each other, whereby so often and free intercourse of help, in decidinge of differences and trying of causes and the like, cannot easilie and at all times be had and procured of that kind is requisite ; therefore, upon the petition and humble request of the freemen of the Towne of Providence, exhibited unto this present session of the General Assembly, wherein they desire freedome and libertie to incorporate themselves into a body politicke, and we, the said Assembly, having duly weighed and seriously considered the premises, and being willing and ready to provide for the ease and libertie of the people, have thought fit, and by the authoritie aforesaid, and by these presents, do give, grant and confirme unto the free inhabitants of the towne of Providence, a free and absolute charter of civill incorporation and government, to be knowne by the Incorporation of Providence Plantation in the Narragansett Bay, in New-England, together with full power and authoritie to governe and rule themselves, and such others as shall hereafter inhabit wihltn any part of the said Plantation, by such a form of civill government, as by voluntarie consent of all, or the greater part of them, shall be found most suitable unto their estate and condition ; and, to that end, to make and ordaine such civill orders and constitutions, to inflict such punishments upon transgressors, and for execution thereof, and of the common statute lawes of the colonye agreed unto, and the penalties and so many of them as are not annexed already unto the colonye courte of trialls, so to place and displace officers of justice, as they or the greater parte of them shall, by one consent, agree unto. Provided, nevertheless, that the said lawes, constitutions and punishments, for the civill government of the said plantation, be conformable to the lawes of England, so far as the nature and constitution of the place will admit, yet, always reserving to the aforesaide Gener-

1649. all Assemblie power and authoritie so to dispose the generall governmente of that plantation as it stands in reference to the rest of the plantations, as they shall conceive, from time to time, most conducing to the generall good of the said plantations. And we the said Assemblie, do further authorise the aforesaide inhabitants to elect and engage such aforesaide officers upon the first second day of June, annually. And, moreover, we authorize the said inhabitants, for the better transacting of their publicke affaires, to make and use a publicke seale as the knowne seale of Providence Plantation, in the Narragansett Bay, in New-England.

In testimonie whereof, we the said Generall Assemblie, have hereunto sett oure handes and seales the 14th of March, anno 1648.

JOHN WARNER,  
Clerk of the Assemblie.

---

Acts and Orders made at the Generall Court of election  
held at Warwick, May the 22d, 1649.

First, it was agreed, that Mr. Roger Williams who supplieth the President's place shall be moderator of this court untill a president be chosen and engaged.

Mr. John Smith of Warwick, is chosen President for this yeare. Elected and engaged.

Mr. Thomas Olney is chosen General Assistant for Providence. Elected and engaged.

Mr. John Samford is chosen Generall Assistant of Portsmouth. Elected and engaged.

Mr. John Clarke is chosen General Assistant for Newport. Engaged.

Mr. Samuel Gorton is chosen Generall Assistant for 1649.  
Warwick. Elected and engaged.

Phillip Shearman is chosen General Recorder. Elected  
and engaged.

Mr. John Clarke is chosen Generall Treasurer.

Richard Knight, Generall Sarjent. Engaged.

Mr. Roger Williams is chosen to take a view of the  
records delivered into the court by Mr. Wm. Dyre.

It is ordered, that one man of each Towne of the Col-  
lonie be apoynted for a committee to examine some voates <sup>May 23.  
Committee</sup>  
brought into the court. Vidg't, Mr. William Balston,  
Mr. Houldinge, Mr. Robert Williams and Mr. Jeremie  
Gould.

Mr. Balston, Mr. Houldinge, Mr. Robert Williams and  
Mr. Goulde beinge chosen to examine some voates brought  
into the courte, are authorized by this courte to examine  
parties and present to this court what they finde in the  
case.

It is ordered, That the order made by the committee at <sup>Royal  
Mines.</sup>  
Portsmouth concernynge royall mynes shall stand in full  
force and virtue untill the pleasuer of the State of Eng-  
land in that particler be further declared.

It is ordered, for the prevention of corruption of voates <sup>Voates.</sup>  
for the futuer, that this clawes be added to the former or-  
der made concerning voates, viz, that none shall bringe  
any voates but such as they receive from the voaters  
hands, and that all voates presented, shal be filed by the  
recorder in the presence of the Assembly, during the  
tyme of the Court.

It is ordered, that noe person within this collonie, after <sup>Black  
Peage.</sup>  
the tenth of June next, shall take any black peage of the  
Indians but at four a penny; and if any shall take black  
peage of the Indians under four a penny, he shall forfeitt  
the said peage, one halfe to the informer, and the other  
halfe to the State.

It is ordered, that if a President elected, shall refuse to <sup>Fines of  
Officers.</sup>  
serve in that Generall Office, that then he shall pay a fine



1650. of ten pounds. And the Generall Assistant that refuseth  
 ~~~~~ to serve after being chosen, shall pay a fine of five pounds.  
 It is also ordered, that he that hath most voates next to
 him that refuseth, shall supply the place of him that re-
 fuseth.

May 24.
 Town Mag-
 istrates to
 sit in Court.

It is ordered, that the Town magistrates of the Town
 wheare the Generall Court of tryalls shall be, shall sit in
 court with the Generall Officers, and have equall authority
 to voate and act with the Generall Officers.

Military
 Affaires.

It is ordered, that the law concerninge militarie officers
 be further quickened, confirmed, ratified and duly execut-
 ed; and whereas the order saith that the two chiefe offi-
 cers of each Towne, to witt, one of the Towne and the
 other of the Bande shall judge the fines, &c. It is fur-
 ther explained and ordered, that the Generall Assistant for
 that Towne, the two deputies or towne magistrates, and
 the Captaine of the band, shall judge and determine the
 fines as in the order, &c. It is further ordered, that if
 any man shall be chosen Captaine and refuse the place;
 and accepting the place neglect to traine the band vpon
 the dayes appointed, he shall forfeitt five pounds; and
 the Lieftenant in like manner, fifty shillings. It is fur-
 ther ordered, that warrants be yssued from this Court to
 each Towne, and delivered to the Towne deputies or mag-
 istrates, that the law may be in force and duly executed
 within thirty dayes, under the penaltie of the forfeituer of
 ten pounds.

If the Cap-
 taine refuse
 to exercise.

It is ordered, that this clawes in the order concerninge
 traininges, to witt, (after the Towne councill have caused
 them to be supplied) is repealed.

Messenger.

It is ordered, that a messenger bee sent to Pumham,
 and the other sachem, to requier them to come to this
 Court, and that letters be sent to Benedict Arnold and his
 father, and the rest of Patuxit, aboute thear subjectinge
 to this collonie.

Prison.

It is ordered, that each Towne within this collonie shall
 provide a prison in theare Towne, with a chimneye and

necessaries for any offender that shall be committed, with- 1649.
in nine months, upon the penaltie of the forfeituer of tenn pounds; and in the mean while it is ordered, that the prison in Newport shall be the collonie prison, and Richard Knight, Generall Sarjeant, shall be the keeper of it.

It is ordered, that the bill presented by Mr. William Dyre unto this present Courte for service done for the State of Providence Plantations, be sighned unto Mr. Jeremie Clarke, to be payed unto Mr. William Dyre, out of the generall stock now in his hands. Mr. Dyre's Bill.

It is ordered, that the suits presented unto this Assemblie by Mr. William Dyre against Mr. William Coddington, be deferred untill the Generall Courte of trialls to be houlden for this collonie in October next at Portsmouth. May 25.
Suites re-ferred.

It is ordered, that the next Generall Courte of trialls for this collonie in October next, shall be houlden at Portsmouth.

It is ordered, that the next Generall Courte of Election, and the Generall Courte of trials immediately to follow in May next, shall be houlden in Newport.

It is granted unto Mr. Roger Williams, to have leave to suffer a native, his hyered household servant, to kill fowle for him in his piece at Narragansett about his house.

It is granted unto Mr. Roger Williams to have leave to sell a little wine or stronge water to some natives in theare sickness.

It is ordered, that the forme of the letters ordered to be sent to Pertuxit, and to Benedict Arnold, shall be by the authoritie of this Court, and sealed by the Generall Recorder.

It is ordered, that this present Assemblie be prorogued untill the day before the Generall Courte to be houlden at Portsmouth, in October next, unless the President shall see cause to call it sooner.

FINIS.

1650.

*Acts and Orders made at the Generall Courte of Election
held at Newport, May the 23d, (1650), for the Colonie
of Providence Plantations.*

It was voated, and by voate concluded, that a moderator shall be chosen for this present day.

It is ordered, that the election shall be this present day.

It is ordered, that he that is chosen President for this next yeare ensewinge shall be Moderator tomorrowe, and for a longer time as the Assemblie shall determine.

Mr. Nicholas Esson is chosen Moderator for this present day.

It is ordered, that the letter read in the Assemblie, be sent to Mr. Roger Williams, that according to the contents theareof, he may informe the Sachem of the mynde of the Courte therein; and the message sent by worde of mouth to reporte to the Sachem is of the same authoritie.

It is ordered, that this present election shall stande and be authenticke, notwithstanding all obstructions against it.

Mr. Nicholas Esson is chosen President for this yeare, and engaged.


Mr. Wm. Field is chosen G. A. for Providence, and engaged.

Mr. John Porter is chosen G. A. for Portsmouth, and engaged.

Mr. John Clarke is chosen G. A. for Newport, and engaged.

Mr. John Wicks is chosen G. A. for Warwick, and engaged.

Philip Shearman is chosen General Recorder, and engaged.

Richard Knight is chosen Gen'l Sarjant for the collo- 1650.
nie, and engaged. 

Mr. John Clarke is chosen General Treasurer, and engaged.

It is voated and resolved, by this Generall Assemblie, that whosoever absent himself, yet the committee that is chosen shall attende the business, and what is acted by them, or the major parte of them, shall be of as full force, as if the whole had remayned and enacted it. Comitioners
to act.

It is ordered, that in case the committee shall fall shorte of six out of each Towne, that then they that appeare from each Towne shall have libertie to choose and make up their number. Comitioners
made up.

It is ordered by this Assemblie, that if upon complainte and due tryall of any member of the Generall Assemblie, and he bee not founde a fitt member, that the Assemblie have powre to suspende him, and to choose another in his roome. Comitioners
suspended.

It is ordered, that the third, fourth and fifth order made by the committee at Portsmouth, March the 6th, 1648, be of force for this present Assemblie, upon the penaltie of forfeituer of sixpence for everie default.

It is ordered, that he that first stand up oncovered to speake, shall first speake; and he that interrupt shall forfeit sixpence.

It is ordered, that Captaine Richard Morris, George Blisse, James Badcock, Peter Busserole, William Havens, and Gabriel Hick, all excuses sett aparte, shall mende and make all lockes, stockes and pieces that by order from the warden of each Towne shall be from any of the inhabitants thearof presented to them, for just and suitable satisfaction in hand payed, without delay, under the penaltie of ten pounds, to be levied by distraint from the head officer to the use of the sayd Towne's militia. Mendinge
Gunn.

It is ordered, that all men that have gunns and pieces to mend, and have need to have them mended for their present defence, shall forthwith, according to order, carrie Gunn to
mend.

1650. those pieces to mende, upon paine of forfeiting ten shillings a piece, which shall be levied by distraint from the head officer of the Towne to the use of the sayed Towne's militia.

It is ordered, that the bills presented to this Courte shall be put to particular committees to scann and give in their result.

Ryott.

It is voated and concluded, that the bill commenced to this Generall Courte of Tryalls aboute a ryot, was not legally commenced against Patuxit men.

Clarke's account.

Mr. John Clarke returned his accompte into the Courte for the yeare 1649, that he [had] received nothing as Treasurer, and therefore have nothing in his hande.

Warrants.

It is ordered, that the Recorder shall signe the warrants that goe forthe out from the Courte.

Lawfull appearance.

It is ordered, that by lawfull appearance to answer the sute, is to be understood that the partie that is bound for any man's lawfull appearance, shall bringe in the partie for whom he is bounde into the Courte, and committ him to the Courte to which he is bounde, or else be liable to the condemnation of the Courte.

Sutes not to be reheard.

It is ordered, that from henceforth noe sute in any Courte of Justice within this jurisdiction, that is hearde, judged, and execution served thereon, such suite or action shall not againe be rehearde in any Courte, either of Towne, or of Generall Courte of Tryalls within this Colonie.

Rehearing.

It is ordered, by the authoritie of this present Assemblie, that if any person will have his cause, action or sute reheard in the Generall Courte, having been heard and judged in a particular Courte, shewing defect in some substantiall matter, error, or attainte, the judgment shall be stayed, and the person desiring the hearing, shall pay presently ten shillings to the Courte to help to defray the charges and costs of the Courte, and soe shall have his libertie.

Rehearing in Generall Courte.

Also, if any person shall in the Generall Courte of Tryals desire a rehearinge, it is ordered, that he shall pay

twenty shillings to the State, and cost of the Courte as 1650. aforesayed for the Courte's use. Provided, that upon paying the sayed cost and mult, the person sueing the appeale or rehearinge of the cause in any Courte, be bound in sufficient recognizance to the partie sued, to prosecute at the next Courte insuinge, or he shall forfeit his bond; and the judgment and execution formerly premised and given, shall take its full force and virtue, accordinge to rule of law.

It is determined by voate, that the Collonie hath provided already a sufficient way for the tryinge and issuing such causes as is presented, and for the securing of so much estate as may satisfie the plaintiffe, and therefore needlesse to sequester the estate in controversie. Needlesse to
Sequester.

It is ordered, that the Generall Officer of each Towne shall have power to graunt a supercedent or removall of sutes, the partie desiringe the sayd writt haveing performed the law before in that case provided. Superce-
dious.

It is ordered, that the proportions allotted to the Towne for a magazine for the present, and constant supply, be equally layed upon the inhabitants of each Towne by the councill thereof, according to each man's strength and estate; which being made known to every man by theare Sarjeants, those that bringe in their proportions to the Treasurer within twentie dayes, shall be freed from the penaltie that the State hath imposed on the Towne in case of default, and all the rest in generall, and ech man in particular shall be liable to the penaltie above sayed. Proviso for
a Magazine.

It is ordered by the authoritie of this present Assemblie, that each Towne shall have in it a magazine for its present and constant defence. Magazine.

The Towne of Providence shall have in its magazine one barrell of good powder, five hundred poundes of leade, six pikes, and six muskets all in good case and fit for service.

The Towne of Portsmouth shall have in its magazine

1650. two barrells of good powder, one thousand weight of leade, twelve pikes and eighteen muskets, all in good case and fit for service.

The Towne of Newport shall have in its magazine three barrells of good powder, one thousand weight of leade, twelve pikes and twentie foure muskets, all in good case, and fit for service.

The Towne of Warwick shall have in its magazine one barrell of good powder, five hundred weight of leade, six pikes and six muskets, all in good case and fitt for service ; and all thease magazines shall be thus compleately furnished by the last day of the month called August next ensuing, under the penaltie of ten pounds sterling for each default therein, upon sufficient information of the default, by virtue of a warrant from under the Presidents hande, the Generall Sarjeant shall take it by distraint and forthwith returne it into the publicke Treasurie.

It is ordered, that in case a *nihil dicit* be taken in any Courte, the Jury of that Courte shall make inquirie, and execution shall goe forth, any lawe to the contrary notwithstanding ; and this lawe to bee of force so soone as this Generall Courte bee dissolved ; provided that for the *nihil dicit*s that are taken in this present Courte, the former law shall be of full force.

It is ordered by the authoritie of this present Assemblie, that whosoever shall present a pittition or bill unto thease assemblies which conduce to their private advantage, that then they shall lay downe six shillings and eight pence, which shall be to defray the charges of this Assemblie.

It is ordered, that there shall be such a honourable and sutable closuer, with the Massachusetts in their proceedings, they being so substantially proved to bee legal and just, as to graunt forth from this Courte, execution upon the Goodes and chattels of Ralph Earle to the full value of the debt, and to discharge Mannings : Neverthelesse provided, that this debt thus levied, shall not be delivered

Mannings
debt.

in the handes of the creditor untill a letter be sent from 1647. the Generall Officers of this Collonie unto the Magistrates of the Baye, that such sufficient discharges be given, whearby Ralph Earle may bee in perpetuall rest and quiett in respect of the debt, and Munnings satisfied.

It is ordered, that forasmuch as all Bondes for apearance to this present Courte to answer the sutes, that those bondes specified are made to the Courte in May, if those sutes be not tryed in May, those bondes shal be of full force in every respect unto the end of this Courte, as if they had been tryed in May.

Bonds to
continue.

It is ordered, that the next Generall Courte of tryalls for this collonie shall be houlden at Portsmouth.

It is ordered, that the next Generall Courte of Election shall be houlden at Portsmouth.

It is ordered, that Pessicus shall have libertie to gett so many chesnutt ryens upon the common of the Island as may cover him a wigwam ; provided, he take John Greene with him, that no wrong may bee done to any particular person upon the Island.

It is ordered by this Courte, to apoynt an Attorney Generall for the Colonie, as also a Solicitor. That the Attorney Generall shall have full power to impleade any transgression of the lawe of this State in any Courte of this State ; but especially to bringe all such matters of penall lawes to tryall of the Generall Courte of Tryalls, as also for the tryall of the officers in the State at the Generall Assemblies, and to impleade in the full power and authoritie of the free people of this State, their prerogatives and liberties ; and because envy, the cut throat of all prosperitie will not faile to gallop with its full careere, let the sayed Attorney be faithfully ingaged and authorized and encouraged. Engaged for the people, by, or in the peoples name, and with their full authoritie assisted ; authorized, that upon information of transgressions or transgressors of the lawes, prerogatives and liberties of the people, and their penall lawes, he shall under hand

Attorney.

Generall At-
turney.

1650. and seale take forth summons from the President or Generall Assistants, to command any delinquent, or vehemently suspected of delinquencie in what kind soever accordinge to the premises, to appeare at the Generall Courte, if it be thereto belonginge, or to the Generall Assemblie in those matters proper thereunto; and if any refuse to apeare at that mandamus in the State of England's name and the free people of this State, he shal be judged guiltie, and so proceeded with according to fine or penaltie.

It is ordered, that the Solicitor shall prepare all such complaintes to the Attur nies hand, not hindering any authoritie of the Attur nie by oration presented in the Solicitor's absence if he please.

Generall Solicitor.

It is ordered, that if in case of prohibitions (as concerning gunnes, powder, lead, &c.): it being proved that such and such, or any one had a gunn, &c.; or the Solicitor bona fide, in his owne knowledg, doe knowe and can sware, &c.; that such a one was posest of a gunn, &c., as his owne proper goods, and upon demand of the Solicitor cannot produce, or will not give a good account what is become of it, before one or two persons or the Atturney, he shall be judged guiltie of breach of the lawe, and to be accordingly dealt withall; and that the lawe shall extend to enquire especially of gunnes and other prohibitions, as powder, shott, leade, wine or liquors that hath been marchandized or convayed away to the Indians since the lawe made in that respect.

Mr. William Dyre is deputed Generall Atturney for the Colonie, and ingaged.

Hugh Buit is deputed Generall Solicitor, and Ingaged.

Training.

It is ordered, that each Towne shall order its owne militia, any lawes or clawses in any lawe formerly made, notwithstandinge.

It is ordered, that the Generall Recorder shall have five shillings for ech coppies of the orders of the Courte should-

en at Warwick, payed unto him by ech Towne ; and ten 1650.
shillings for ech coppie of the orders of this present
Courte, to be payed upon the deliverie of ech coppie to
ech Towne.

It is ordered, that the councill of ech Towne be in-
joyned forthwith to proportion Mr. Williams that debt and Mr. Wil-
liams' Debt.
other summes apoynted thereto, according to every man's
strength and state ; which summes being made knowne to
every inhabitant thereof, they that bringe in their propor-
tions within twentie dayes after notice is given, shall be
free from that penaltie ; and the rest in Generall, and ech
man in particular shall be lyable to the penaltie of the for-
feituer of ten pounds ; which summes shall be forthwith
taken by destraint by a warrant from the chiefe officer of
the Towne, and the penaltie also in case he resist him,
and in case the Councell refuse to make such a rate or
levie, that then they shall forfeit fortie pounds.

It is ordered, that if [there is] any poore man amongst Form a Pau-
peris.
us, not worth five pounds, the Towne Councell shall au-
thorize the sayd poore man by a speciall signification to
the office whither the sayd poor man shall resorte, and
proceede under the title of form a pauperis.

It is ordered, that whatever actes have paste in any Illegal Acta
null.
Courte formerly illegally, are by the authoritie of this
present Courte nullified.

It is ordered, that if any man shall damnifie a man, and Attachment
Goods.
the man live in another collonie, and yet hath an estate
here, that estate is responsible for all such damage by at-
tachment in any particular Courte, or in the Generall
Courte, any law notwithstandinge.

It is ordered, that no Magistrate shall take any testimo-
ny but what shall be by their owne hande written ; and Testimony
to be taken
by a Magis-
trate.
that no evidence of another man's writing shall be signed
for a testimony under a magistrate's hande.

It is ordered, that he that shall be molested by an un-
just indictment, the partie that hath sworne the sayd in-
dictment, if his oath prove not to be true, the partie Unjust mo-
lestation.

1650. greeved shall recover his costs and sufficient damages by an action of the case, and the partie so offending shall be punished by sitting in the stockes six owers, or pay twentie shillings to the the Courte to which it belonge.

It is ordered, that a committee of six men of ech Towne shall be chosen out of ech Towne to meet foure dayes before the next Generall Courte, and to have the full power of the Generall Assemblie, and ech committee man to be allowed two shillings and sixpence per man a day by the Towne that chose them ; also the like wages for this Generall Assemblie.

Words of
disgrace
against the
State.

Be it enacted by this present Assemblie, that whosoever shall speake wordes of disgrace contemptuously undervaluing of that Honored State of England, he shall suffer a severe punishment according to the judgment of his peers, theare fault being proved by two lawfull witnesses.

FFINIS.

Acts and orders made at the Sessions of Generall Assembly the 26th off October, Anno. 1650, by the Representatives for that service elected.

Whereas, by the powre of the last Generall Assemblie for election, held at Newport in May last, where, by authority, an act was then established, that the Representative Committee should have the full powre of y^e Generall Assembly ; and who, when being lawfully mett, and orderly managed, did toward the latter end of that sessions, enact and give order for a new election of another repre-

sentative, to assemble and sit with the like authoritie in 1650. October following ; the which being accordingly now assembled and orderly managed, do by the authority and powre of the said ordinance, in the name and powre of the free people of this State, enact these lawes following.

It is ordered, that from henceforth the representative committee being assembled and having enacted law or lawes, the sayd lawes shall be returned within six dayes after the breaking up or adjournment of that Assemblie ; and then within three dayes after, the chiefe officer of the Towne shall call the Towne to the hearing of the lawes so made ; and if any freeman shall mislike any law then made, they shall then send their votes with their names fixed thereto vnto the Generall Recorder within tenn dayes after the reading of thoss lawes and no longer. And if itt appeare that the major vote within that time prefixed shall come in and declare itt to be a nullity, then shall the Recorder signifie it to y^e President, and the President shall forthwith signifie to y^e Townes that such or such lawes is a null, and the silence to the rest shall be taken for approbation and confirmation of the lawes made ; and it is ordered further, that the eleventh lawe made at Portsmouth, May 20, 21, 1647, is repealed.

Representative Court.

Ordered, that the representative committee for the Colonie shall alway consist of six discreet, able men, and chosen out of each Towne for the transacting of the affaires of the Commonwealth ; and being mett, they shall have powre to make and establish rules and penalties for the ordering of themselves during their sessions.

Banishment.

. Ordered, that no person within this Colonie shall at any

1650. time be banished therefrom [by] any law or clawse thereof
formerly made, notwithstanding.

Arrest of Strangers.

Ordered, that it shall be lawfull for any stranger to arrest any person or persons in the Towne wher he can apprehend him, and that they shall be tryed in the Towne wher they are arressted (whether by a purchased Courte or a Courte of the orderly times) ; provided, that y^e defendant have libertie of a supersedious, which benefit, if he take, then shall he putt in sufficient securitie to pay all charges of the Gen'l. But if it be the plaintiff, and being not an inhabitant of the Colonie, and desireth a writt to the Generall Courte for any stranger that he arresteth ; then shall the said plaintiff putt in sufficient security to him of whom he hath his writt of, to defray all charges of the Gen'l. Provided, also, that if the partie plaintiff and defendant shall desire a purchased Courte in the Towne, then he or they shall lay down so much money as will defray the charges thereof, and so shall have a legall tryall ; Provided, also, that when judgment and execution is served, his body (where goods is not to be levied for satisfaction) being taken and imprisoned, and the recoverer shall desire to have it so ; then shall the same order be taken with him as is with a poore debtor ; provided, that the officer that takes security for the premises, it shall be sufficient, or else he shall be liable to pay it himselfe ; and that the officer shall have powre to subpoena in the case ; and also that the Generall Sarj't shall have powre to levie the execution in the cause so issued.

Ordered, that from henceforth if any plaintiff lett fall his suite after an arrest, yett not compleatly issued by law, it being proved to the Court when itt is sett ; that the said Court then shall signe the bill of costs without further trouble. If not paid, execution shall be granted for the recovery of the said costs so proved.

1650.


Divorce.

Ordered, that no bill of divorce shall stand legall in this Colony butt that which is sued for, by the partie grieved, and not to be by law conferred for any other case but that of Adulterie ; and that to be proved by the partie grieved, eyther by the man against the woman, or the woman against the man ; and that neither partie shall procure devorce by accusing themselves of the same fact, except the contrarie partie be greeved, and sue to y^e Generall Assemblie for divorce ; then it being so granted, each partie shall be [as] free from each other as they were before they came together.

Ordered, that no act shall be in force in this present Assembly, nor any ether of this kind, except there be thirteen agreeing in the voate.

Ordered, that a letter be sent to Mr. Williams to capitulate about his going to England ; and it is ordered, also, that the State is willing to pay the hundred pound that is dew to him, and a hundred pound more ; and if he refuse, Mr. Baulston, Mr. Jo. Clarke and Mr. Warner are nominated, for two of them may goe.

Ordered, that when goods or cattle are taken upon execution, they shall be prized by two indifferent men, (if they cannot agree they shall chuse a third,) as the Sarjant shall require, upon forfeiture of ten shillings a peece to y^e State Treasury if they refuse, and to be allowed twelve pence a peece for their paines. If they prize too high, the goods or cattle shall be turned on the prizers hands. If too low, the partie cast shall have libertie of six dayes to redeem them, paying y^e charges. And the Serjant shall returne the writt the first day of the next Courte ensuing ; and goods or cattle so taken shall be delivered to him or his attorney. The forfeiture shall be

1650. levied by a distringas from y^e Generall Officer of that
Towne.

Ordered, that if any person shall misbehave eyther rudely or contemptuously in a Courte of Justice, the Judges of the Courte shall committ him to y^e stocks or pay five shillings: the jury present first finding him guiltie.

Ordered, that Ralph Earle making to appeare what is dew to him for the committee, when y^e Charter first came, and demanding of y^e Towne what is their proportion; if the Towne pay him not within six weekes after intelligence he shall have his action against that Towne.

Ordered, that all lawes concerning testimonies shall be of force. And it is further agreed that all witnesses that may conveniently be had, shall appeare *viva voce* at y^e Courtes; and if he appeare in person, the affedavitt shall be nothing (if formerly there be one taken); And further it is ordered, that if there are any that can give any substantiall witness or testimonie and shall refuse to attend the subpoena; and proved against him, he shall forfeit five pounds; further, it is agreed, that y^e General Recorder shall take in writting all testimonies given in Courte and file them.

Ordered, that any Generall Officer or Recorder shall have powre to grant forth writts of subpoenas; by authority whereof, the partie witnessing shall come to y^e Magistrate or to the Courte, and give in their testimony, and that any man may serve a subpoena.

Ordered, the Clarke is to have two shillings and six pence a copy.

WILLIAM DYRE, Clerk Ass.

1651.


*Acts and orders made at the Generall Sessions of the
Committee at Providence, the 4th of November, 1651.*

Whereas, it is evident and apparent that Mr. Nicholas Easton being formerly chosen President of the Province of Providence Plantations, hath of late deserted his office, and hee, together with the two Townes upon Rhode Island, viz. Portsmouth and Newport, have declined and fallen off from that established order of civill government and incorporation amongst us, by meanes of a commission presented upon the sayd Island by Mr. William Coddington, Wee, the rest of the Townes of the sayd jurisdiction, are thereupon constrained to declare ourselves, that wee doe professe ourselves unanimously to stand imbodyyed and incorporated as before, by virtue of our Charter, granted unto us by that Honourable State of Ould England, and thereby doe according to our legall and settled order, choose and appoint our officers, institute lawes, accordinge to the constitution of the place and capassitie of our present condition, prosecutinge, actinge and executinge, in all matters and causes, for the doinge of justice, preservation of our peace, and maintaineinge of all civill rights between man and man, accordinge to the Honourable authoritie and true intent of our foresayed Charter granted unto us.

[The towns of Providence and Warwick appointed Mr. Williams their agent to go to England and solicit a confirmation of their charter privileges. In the mean time, Plymouth and Massachusetts renewed their dispute before the commissioners of the United Colonies about Warwick. In September, Plymouth was advised to take possession of that plantation by force, unless the inhabitants would willingly submit themselves to their jurisdiction. This undoubtedly hastened the appointment of an agent to England. The proceedings of Mr. Coddington

1651. were not approved by all the inhabitants of the islands over which he was appointed Governor. Forty-one of the inhabitants of Portsmouth, and sixty-five of the inhabitants of Newport joined in requesting Dr. John Clark, of Newport, to proceed to England as their agent, and solicit a repeal of his commission. Mr. Williams and Mr. Clark sailed together from Boston, in November. The objects of their respective missions were different. Mr. Clark was the sole agent of the island towns, to procure a repeal of Mr. Coddington's commission. Mr. Williams was the sole agent of Providence and Warwick, to procure a new charter for these two towns. It seems to have been admitted that the commission of Mr. Coddington had, in effect, vacated the previous charter.—*Staples' Annals*, p. 82.

From Pau'uxit, this first day of the 7th mo. 1651.

Much honoured,

I thought it my dutie to give intelligence unto the much honoured Court of that which I understand is now working here in these partes. So that if it be the will of God, an evill may be prevented before it come to too great a head, viz.

Whereas, Mr. Coddington have gotten a charter of Road Iland and Conimacuke Iland to himselfe, he have thereby broken the force of their charter that went under the name of Providence, because he have gotten away the greater parte of that colonie.

Now these company of the Gortonists that live at Showomut, and that company of Providence are gathering of £200 to send Mr. Roger Williams unto the Parlyament to get them a charter of these partes, they of Showomut have given £100 already, and there be some men of Providence that have given £10 and £20 a man to helpe it forward with specede, they saye here is a faire inlett, and I heare they have said, that if the Parlyament doe take displeasure against Massachusett, or the rest of the colonies, as they have done against Barbadas and other places, then this will serve for an inroade to lett in forces to over-rune the whole country.

It is great petie and very unfitt that such a company as these are, they all stand professed enemies against all the united colonies, that they should get a charter for so smale a quantity of land as lyeth in and about Providence, Showomut, Pautuxit and Coicett, all which now Roade Iland is taken out from it, it is but a strape of land lying in betweene the colonies of Massachusits, Plymouth and Conitaquot, by which means, if they should get them a charter, off it there may come some mischiefe and trouble upon the whole country if their project be not prevented in time, for under the pretence of liberty of conscience about these partes there comes to live all the scume the runne awayes of the country, which in tyme for want of better order may bring a heavy burthen upon the land, &c. This I humbly commend unto the serious consideration of the much honored court, and rest your humble servant to command.

WILLIAM ARNOLD,

They are making hast to send Mr. Williams away.

1651.

We that lieve heere neere them and doe know the place and hear their wordes and doe take notice of their proceeding doe know more and can speake more of what evill may come to the country by their meanes, then the court do yet consider off: We humblie desire God their purpose may be frusterated for the country's peace.

I humblie desire my name may be conceled, lest they hearing of what I have herein written they will be enraged against me, and so will revenge themselves upon me.

Some of them of Showomut that cryeth out much against them which putteth people to death for witches; for say they there be no other witches upon earth nor devils, but your own pastors and ministers and such as they are, &c.

I understand that there liveth a man amongst them that broke prison either at Conitaquit, or New-Haven, he was apprehended for adultery, the woman I heare was put to death, but the man is kept here in safe-tie in the midst of the united colonies; it is time there were some better order taken for these partes, &c.

I have hired this messenger on purpose. I humblie desire to heare if this letter come safe to your hands.]—*Hazard's State Papers*, p. 555.

Providence, the 4th of November, 1651.

The Commissioners of Warwicke and Providence being mett.

| | | |
|-----------------------|---|--------------------|
| Providence Committee. | { | Robert Williams, |
| | | Thomas Harris, |
| | | Hugh Bewit, |
| | | William Wickenden, |
| | | Thomas Olney, |
| | { | Gregorie Dexter. |

| | | |
|--------------------|---|----------------------|
| Warwick Committee. | { | Mr. Samuel Gorton, |
| | | Mr. John Weekes, |
| | | John Greene, Junior, |
| | | Mr. John Smith, |
| | | Mr. Robert Potter, |
| | { | Stukely Wascote. |

1651. Ordered, That Mr. Gorton is moderator of this Assemblie.

Ordered, That Mr. John Greene, Jr., is Clarke of this Assemblie.

Ordered ; That the lawe makinge Assemblie of this Collonie shall consiste of six men of every Towne of this Collonie ; and that these six men of every Towne, shall be chosen by the free inhabitants of every severall Towne, and the major vote of this Assemblie shall acte in making lawes ; and in case there be not a full apearance, the townsmen or men of the defective Towne or Townes that apeare, shall make up their number by choosing in the Towne where the Courte is kept, provided, they are freemen of the Collony.

Ordered ; That a letter be drawn up and sent to Mr. Philip Sherman, late Recorder of this Collony, to demand the records belonging to the Collonie.

Ordered ; That every committee man attendinge the Court shall have three shillings per day of their Towne ; and every man of the committee not attendinge the Townes service shall forfeit the like out of his owne purse, for payment of those that attend in their roome ; and in case it be not payed upon demand to the Generall Sarjeant, or his assignnes, then it is to bee taken by distresse, and the common fees also, and soe the Serjeant is to pay the men. But in case the Towne be satisfied by his apologie, then shall they pay him againe ; and a note under the Secretaries hand mentioninge the absent parties, shall bee a sufficient warrant for the Generall Sarjeant to distrayn.

Ordered ; That no purchase shall be made of any Land of y^e natives for a plantation without the consent of this State, except it bee for the clearinge of the Indians from some particular plantations already sett down upon ; and if any shall so purchase, they shall forfeit the Land so purchased to the Collonie, as also the President is to grant forth prohibition against any that shall purchase as afore-sayd.

Ordered ; That in all causes pending in any Court of this 1651.
Collonie, the progresse of lawe shall be after this order. ~~~~~
Neither plaintiffe nor defendant shall have above one demur at their owne libertie ; nor that, except hee that desires it will lay downe the cost of the present Courte, and wait for the cominge of it in, while the cause be issued. If hee demur not before the jury bee pannelled, the jury shall receive their pay, whether they goe upon the cause or no. Also, if he demur not before the jury bee gone forth, it shall bee at the discretion of the bench, whether he shall demur or no ; and though the bench graunt him his demur, they shall make him pay the charge of the present Court out of his own purse. After verdict given, there shall be no demur, but there shall be ten dayes libertie before execution be served, for a review in the same Court, or an appeale to the Generall Court ; and if he review in the same Court, he shall also have ten dayes libertie for appeale to the Generall Court ; and for demurs in the Generall Courte the like libertie as aforesayd, and one review at the discretion of the bench. But upon all reviews, the charge of the whole suite shall be out of a man's owne purse, onely the execution of the principal shall be stayed, and no demur upon review to be granted in any Court. And if havinge had one demur, he shall desire a second in any Court, and the bench in that Court judge his desire reasonable, they shall have libertie to grant him a second demur, payinge presently as aforesayd, upon reviews all the cost and charge out of his owne purse ; and such cost never to be charged upon any other, neither in demurs nor reviews.

Ordered ; That all causes shall be tryed in the first place in the Towne Courte, all former lawes notwithstandinge, except these followinge, which shall properlie belonge to the Generall Court of trialls, videlicet, if a person or persons bee accused of willful murder, or maliciously dismembringe any person, or charged with rape, or buggerie, or takinge away life, or dismembringe.

1651. Ordered; That in causes of presentments that apertains unto the Generall Court of Tryalls, the partie whatsoever he bee, if on the grand inquest shall fixe his name to his bill presented.

Ordered; That this be added to the lawe concerning the Generall Sarjeants office, that if hee wilfully neglect the prosecuting of any warrant belonging to him, he shall forfeit to the partie wronged what dammadge he is at thereby, any lawe to the contrary notwithstandinge; Likewise he shall have power to make any man hee can get his deputy, being ingadged, and that hee shall be liable to no arrest, but only summons, and the point of imprisonment is left to the Serjeant's discretion untill further notice.

Ordered; That the President, with the consent of one of the Assistants, shall have power to call a Generall Court of Committee and appoint a place and time, at their discretion.

Ordered; That the next Court of election in May, bee held at Warwicke, as also the Court of Tryalls, accordinge to former order.

Ordered, that in case any person bee legally prosecuted against in any Towne, execution beinge granted, the Generall Sarjeant receives from the Court where the cause was tryed, power to serve the execution, he may serve it in any vacant part of the Collonie, or any corporation, except the Court of that Towne prohibit him in the limits thereof; yet his execution shall stand good elsewhere; and in case the partie think himselfe wronged by the prohibition, hee shall have redresse by a Court of Commissioners.

Ordered; That the Clarke shall write forth the orders, and send them to each Towne, and they shall pay him five shillings for his paines.

A true copy, by mee,

JOHN GREENE, Junior,

Clarke of the Assembly.

1652.

At the Assembly Generall, of Providence Plantations,
this 25th of February, 1652, associated at Patuxit.

| | | |
|---|---|---|
| The names of Providence
Commissioners. | { | William Wickenden,
Gregorie Dexter,
Hugh Bewitt,
Thomas Harris,
Thomas Angell,
Henry Browne. |
|---|---|---|

| | | |
|---|---|--|
| The names of Warwicke
Commissioners. | { | Ezekiel Holliman,
Stukely Wascote,
John Townsend,
Richard Townsend,
Walter Todd,
John Greene, Jun'r |
|---|---|--|

Ordered, that Mr. Gregorie Dexter is Moderator of the Assembly for the present day.

Ordered, that John Greene, Generall Recorder, is chosen Clarke of the Assembly.

Ordered, to adjourn for half an houre. The Court being sett.

Ordered, that the Recorder shall transcribe and sighne the letter which is drawn forth to bee sent to the Island.

It is ordered, that two of the Commissioners from each Towne bee chosen as messengers to carry the sayd letter (namely, Gregorie Dexter, Hugh Bewitt, Stukely Wascote, and John Townsend) now drawn forth by the Commissioners in answer to the letter sent to the Townes, subscribed by John Sanford, William Baulstone, William Jeffery, and John Porter; and those four messengers are to present this letter to the view of two at the least of the sayd

1652. gentlemen, or give notice to some other of them to which of them they have delivered it ; and farther, that these foure messengers shall have libertye to consult and advise with those foure abovesayd men, or any of them accordinge to their wisdomes for the peace and welfare of the Collony. And after the returne of these messengers aforesayed, if they shall see cause for the meetinge of the aforesayed Commissioners, they shall apoint both time and place, and informe the Recorder thereof; And the sayed Recorder is authorized by vertue hereof to give notice to the Commissioners abovesayd of time and place. And further, in case the sayd Recorder shall receave any thinge from the two Townes of the Island, or their Commissioners, hee shall forthwith give notice thereof to the Commissioners of both these Townes. And so the Court is adjourned for the present, untill further notice as aforesayed.

By the Court,
JOHN GREENE, Recorder.

March y^e first, 1652.

An Assemblie of y^e Colonie at Portsmouth, to heare and receive y^e orders from y^e right Honourable y^e Councill of State.

Mr. Nicholas Easton, chosen Moderator.

The orders weare read, and Mr. Holland his letter.

Ordered, by y^e present Assemblie, that all officers that were in place when Mr. Coddington's Commission obstructed, should stand in these places, to act accordinge to their former Commissions upon y^e Island ; and y^e rest in y^e Collonie accordinge as they had beene annually chosen, vntill a new election according to former order. The

election to be held the first Tuesday after y^e 15th of 1652. May; and according to y^e Councill's order (viz.), that we are to act by any order given by act of Parlement.

The orders of y^e Counsell of State are delivered into y^e hands of Mr. Nicho. Easton, till further order.

Acts and Orders made at the Generall Court of Election held at Warwick this 18th of May, anno. 1652.

The Commissioners of Providence and Warwicke being lawfully mett and sett.

| | |
|--------------------------------------|--|
| Namely, Providence
Commissioners. | { Mr. Robert Williams,
Mr. Gregorie Dexter,
Richard Waterman,
Thomas Harris,
William Wickenden,
Hugh Bewitt. |
| Warwicke
Commissioners. | Mr. Samuel Gorton,
Mr. John Weekes,
Mr. John Smith,
Mr. Randall Houlden,
Mr. John Greene, Senior,
Mr. Ezekiel Holliman. |

It is ordered, that Mr. Samuel Gorton is chosen moderator for the committee for this present day.

It is ordered, that the Court of Committee bee adjourned while two of the clocke in the afternoon; in the meantime the election to proceed.

The Courte of Election beinge begun, they have chosen the President, Mr. Samuel Gorton, Moderator.

1652. Generall Officers chosen, namely.

Mr. John Smith, President for y^e Collonie.

Mr. Thomas Olney, Gen'l Assistant for Providence.

Mr. Samuel Gorton, Gen'l Assistant for Warwicke.

John Greene, Junior, General Recorder.

Mr. Randall Houlden, Treasurer.

Hugh Bewitt, Gen'l Sarjeant.

Ordered, that the Generall Recorder bee the Secretarie for the committee, being now orderly mett.

Ordered, that whereas there is a lawe concerninge tryinge of a person if hee consent ; it is further ordered, that in case any person consent not, the bench shall depute an Attorney to pleade in the parties behalfe in the audience of the bench and jury ; and so the case shall proceed immediately to triall, and no demur shall be in this case, but by consent of the bench.

Ordered, Mr. John Smith is chosen Moderator for this 19th of May, 1652.

Ordered, that if any person shall sue out an appeale to the Generall Courte of Trialles, there shall be no more plea made, nor evidence given into the sayd Generall Court than was in the particular Towne Courte where the matter was first heard.

Ordered, that the President and Assistants, or any of them, have power to summons any person throwout this whole Collonie to any Generall Court whereunto the case belongs, and to bind over by recognizance, whether the partie consent or no ; and any person so bound, no makinge over of estate shall be in force in any case to prevent due execution of Justice. And the same course may be taken for the bindinge to good behaviour or the like.

Ordered, that the discretion of the bench in any actionall case, either plaintive or defendant, may have two of the jury putt off, and no more ; as also in criminall causes that properly are annexed to the Generall Court of Tryalls ; the delinquent may have libertie of peremptorie challenge against halfe the jury, and no other challenge.

In the 18th lawe that was made at the Generall Sessions at Newport, May the 23d, 1650, it is ordered, that these wordes (and the judgment and execution, sc.) bee thus altered (or else, and execution, sc.). 1652.

Ordered, Whereas, we have in lawe that expresseth that warrants in this Collonie sent forth by the officers thereof, and to goe under the seale of his office, this present Assemblie declares that the sighning of the sayd warrant or summons, with the title of his office, is now declared to bee the seale intended.

It is agreed, that the case of Priscilla Warner now depending in the Generall Court of Trialls, shall there be issued.

Whereas, there is a common course practised amongst English men to buy negers, to that end they may have them for service or slaves forever; for the preventing of such practices among us, let it be ordered, that no blacke mankind or white being forced by covenant bond, or otherwise, to serve any man or his assignes longer than ten yeares, or untill they come to bee twentie four yeares of age, if they bee taken in under fourteen, from the time of their cominge within the liberties of this Collonie. And at the end or terme of ten yeares to sett them free, as the manner is with the English servants. And that man that will not let them goe free, or shall sell them away elsewhere, to that end that they may bee enslaved to others for a long time, hee or they shall forfeit to the Collonie forty pounds.

Ordered, that all Dutchmen, except inhabitants amongst us, are prohibited to trade with the Indians in this Collonie; and in case they bee found to transgresse herein, they shall forfeit to the Collonie, goods and vessell if proved; and this order to bee in force two months after the date hereof; and if this case come to bee tryed, it shall be tryed in the Generall Court of Tryalls.

The President, Mr. John Smith is chosen Moderator of the Assembly this 20th of May, 1652.

1652. Ordered, that the President shall give notice to the Dutch Governor of the Menadoes touching the lawe of prohibition of trade with the Indians.

Ordered, that the Generall Sarjeant shall performe the office of a waterbayley in and for the Generall afayres.

Ordered, that the Generall Recorder shall ingadge the Generall Assistant elected for the Towne of Providence.

Ordered, that hereafter the Generall Court of Trialls, which are to bee held in the month of May, shall begin the third Tuesday after the day of election, all former lawes notwithstandinge, except this next Court in May.

Ordered, that the Recorder being Clarke of the Assembly, shall send a coppie of these orders to each Towne, and have six shillings, eight pence for his paines, of each Towne.

Ordered, that the next Courte of Trialls in October, bee at Providence, as also the next Court of Election bee held at Providence, and the Court of Trialls succeedinge election; and that accordingly these courts shall bee by turnes from henceforth in each Towne.

Ordered, that this next Court of Trialls in May now apointed to be holden, shall be prorogued vntill the first of June next ensuinge; and both jury and all legall bonds, and whatsoever matters doe by order belonge to the sayed Court of May, shall belong to the next court of June, the first, any former lawe to the contrarie notwithstandinge. Neverthelesse, in case the Towne see fit, they may have libertie to alter their jurymen, provided they chuse others in their roome and returne them to the Recorder orderlie.

Ordered, that a coppie of this order bee sent to Providence speedilie, that they may take order accordingly.

By the Committee,

JOHN GREENE, Junior,

Secretarie.

1652.

At our Generall Assembly held at Providence, the 28th of October, 1652.

Mr. John Smith chosen Moderator for the day.

Mr. Gregorie Dexter chosen Recorder for the Assembly duringe sessions.

| | |
|------------------------------|---|
| Providence
Commissioners. | { Robert Williams,
Richard Waterman,
Gregorie Dexter,
Thomas Hopkins,
James Ashton,
Thomas Harris. |
|------------------------------|---|

| | |
|---------------|---|
| For Warwicke. | { Samuel Gorton,
John Smith,
Randall Houlden,
Robert Potter,
John Wickes,
John Greene. |
|---------------|---|

John Smith moderator for this present day.

Ordered, that a Generall Sarjeant bee chosen to suply the place of Hugh Bewitt, [he] beinge absent duringe this Assembly ; and that Samuel Bennet shall be the sayd Sarjeant, and is engaged with full power to execute the sayd office.

Ordered, that Thomas Olney, senior, shall bee Commissioner to suply the place of John Greene, being absent, being chosen according to order.

Ordered, that the jury men bee dismissed from farther attendinge, because there is no case depending for tryall.

It is ordered by this present Assembly, that no forin-

1652. ner, Dutch, French, or of any other nation, shall bee received as a free inhabitant in any of the Townes of our Collonie, or to have any trade with the Indians, or Indians inhabitinge within our aforesayed Collonie, directly or indirectly ; that is to say by themselves, or any one of them, or by any other person whatever, but by the generall consent of our Collonie, orderly mett and manadged, notwithstandinge any former order to the contrary.

Forasmuch as this present Assembly is informed that some ill effected and rude persons within this Collonie are apt to carry themselves vncivilly in givinge out speeches tendinge to the disparagement of others, by callinge them out of their names, or otherwayes to villifie them ; yea, such as are in place and office as others, which tends much to the disparidgement, not only of the government heere established, but also reflects upon the State and Commonweale of England, our honorable protectors. It is enacted therefore by this present Assembly, that whosoever utereth such wordes as are to the disparidgement of another, savoringe of malice or an imbittered spirit, shall bee actionable in every Towne of this Collonie ; and the partie so speakinge, beinge lawfully convicted, shall bee punishable accordinge to his fact in the judgment of his peeres.

It is ordered, by this present Assemblie, that the letters and orders apointed, shall bee sighned by the Generall Recorder ; and that they shall be transcribed, and the rest which are two, are to be done within the space of five dayes, and that hee shall have six shillings alowed for writinge them.

It is also concluded, that John Greene, Generall Recorder is fined for his not atendinge the Court, neither as Recorder or Commissioner, the sum of fiteene shillings.

It is ordered, that the Sarjeant chosen for this present Assemblie is to have the pay which had been due to Mr. Dexter, in case hee had atended the Court, because of his neglect thereof.

1652.

Providence, the 28th of October, 1652.

Whereas, wee have been credibly informed that several of our neighbours of Warwicke have through misapprehension concluded (that these our lovinge neighbours chosen by the Towne of Warwicke, legally summoned together) are no lawfull committees to make lawes for this sayd Collonie, givinge out divers such speeches to the same purpose, possessinge the mindes and breasts of people of some hainous offence, and matters intended by the sayd persons of Warwicke against our present State. And whereas, there hath been a writinge sent to the neighbours of Providence, vnder the hands of severall of the inhabitants of Warwicke touching the premises, wherein there is just cause of offence taken by this present committee, as judginge that the sayd wrightinge if strictly stood vpon, is punctually against the maine of the lawes of this Collonie, although its probable most of the subscribers thereunto did not so well understand the error as the truth, is too apparent. This present committee, takinge the premises into serious consideration, as well knowinge if such practices bee maintained, or at the least winked at, it would not only bee prejudistiall to oure poore estate, to stir vp strife and contention amongst ourselves, but also dishonourable to the State or Commonweale of England, can do no lesse in the vindication of the honour of our Governours aforesayd, but protest against that illegallitie aforesayd, and afirme that the sayd persons of Warwicke so chosen for committees, are true and lawfull committees, and this present Court a legall Court. Therefore wee doe rather desire, although wee might command that the clamours of people might bee stopped touchinge any legality aforesayed, but rather that unity and peace may still bee preseved in our poore Collony. This being a

1652. true and lawfull vindication as aforesayed, wee subscribed
 ~~~~~ it by the hand of this present power.

Now followeth a true coppie of the letter formerly spoken of.

[Mr. Roger Williams.]

Honored Sir :

Wee may not neglect any oportunity to salute you in this your absceance, and have not a little cause to bless God, who hath pleased to selecte you to such a purpose, as wee doubt not will conduce to the peace and safety of us all, as to make you once more an instrument to impart and disclose our cause unto those noble and grave Senatours our honourable protectors, in whose eies God hath given you favour (as wee understand) beyond our hopes, and moved the hearts of the wise to stir on your behalfe. Wee give you hearty thanks for your care and dilligence to watch all oportunityes to promote our peace, for wee perceive your prudent and comprehensive mind stirreth every stone to present it unto the builders, to make firme the fabricke unto us, about which you are imployed, labouringe to unweave such irregular devises wrought by others amongst us, as have formerly clothed us with so sad events, as the subjection of some amongst us, bothe English and Indians to other jurisdictions ; as also to prevent such neere approach of our neighbours upon our borders on the Nanhigansett side, which might much anoy us, with your endeavours to furnish us with such amunition as to looke a forreigne enemy in the face, beinge that the cruell begin to stirr in these western partes, and to unite in one againe, such as of late have had a seeminge separation in some respects, to incouradge and strengthen our weake and enfeebled boddy to performe its worke in these forreigne partes, to the honour of such as take care, have been, and are so tender of our good, though wee be vnworthy to bee had in remembrance by persons of so noble place indued with

partes of so excellent, honourable and abundantly beneficial use. 1652.

Sir, give us leave to intimate thus much ; that we humbly conceive (so far as wee are able to understand,) that if it bee the pleasure of our protectours to renew our Charter for the restablisheinge of our government, that it might tend much to the weighinge of men's mindes, and subjectinge of persons who have been refractory, to yield themselves over, as unto a settled government, if it might bee the pleasure of that honourable State to invest, apoint, and impower yourselve to come over as Governour of this Collony for the space of one yeare, and so the Government to bee honourably put upon this place, which might seeme to add much weight forever hereafter in the constant and successive deriguation of the same. Wee only present it to your deliberate thoughts and consideration with our hearty desires that your time of stay there for the effectuall perfectinge and finishinge of your so weighty affaires may not seeme tediousse, nor bee any discouradge-ment unto you ; and rather than you should suffer for loss of time heare, or expence there, we are resolved to stretch forth our hands at your returne beyond our strength for your suply.

Your lovinge bedfellow is in health, and presents her indeered affection. So are all your family. Mr. Sayles, also, and his, with the rest of your friends throwout the Collony, who wish and desire earnestly to see your face. Sir, wee are yours, leavinge you unto the Lord, wee heartily take our leave.

From this Generall Assembly of this Collony of Providence Plantations, assembled in the Towne of Providence, the 28th of October, 1652.

JOHN GREENE,  
Generall Recorder.

1652.

At the Generall Assembly of Providence Plantations,  
this 20th of December, 1652, assembled at Warwicke.

|                                               |   |                                                                                                            |
|-----------------------------------------------|---|------------------------------------------------------------------------------------------------------------|
| The names of the Providence<br>Commissioners. | { | Thomas Angell,<br>Henry Browne,<br>William Wickenden,<br>Gregorie Dexter,<br>Hugh Bewitt,<br>James Ashton. |
|-----------------------------------------------|---|------------------------------------------------------------------------------------------------------------|

|                            |   |                                                                                                                  |
|----------------------------|---|------------------------------------------------------------------------------------------------------------------|
| Warwicke<br>Commissioners. | { | Ezekiell Holliman,<br>Stukely Wascote,<br>John Townsend,<br>Richard Townsed,<br>Walter Todd,<br>John Greene, Jr. |
|----------------------------|---|------------------------------------------------------------------------------------------------------------------|

Ordered, that Mr. Dexter is Moderator of the Assembly for this present day. It is also ordered, that John Greene, Generall Recorder, is chosen Clarke for the Generall Assembly, duringe Sessions.

Thomas Harris is chosen Commissioner in the roome of James Ashton, being absent.

Ordered, that a few lines be drawn up and sent to the President, as followeth.

Honoured Sir :

The Commissioners of Providence and Warwicke being assembled together at Robert Potter's house (according to your order) doe earnestly intreat that you will be pleased to afford us your presence to informe us of those weighty considerations invested in your warrant,

wee being assembled together as aforesayed, to advise and order for the peace of this Collony. 1652.

Dated this 20th day [of December].

By the Generall Assembly,

JOHN GREENE,

Recorder.

Ordered, that the Clarke of the Assembly shall reade the writings that are presented to the Assembly.

Whereas, the Honoured President of this Collonie with the Generall Assistant of Warwicke declare unto this Assembly of Commissioners, that they have had in examination Hugh Bewitt, one of the Commissioners for Providence ; and farther declare that accordinge to their engagements have found him guiltie of treason against the power and authoritie of the State of England ; and that they might discharge the trust to them committed, have presented him to this Generall Committee to bee dealt with accordinge as they shall finde the nature of this fact. Wee, the sayd Commissioners being assembled to advise and order for the peace of this Collonie, doe order that Richard Townsend shall keep in safe custodie the boddy of Hugh Bewitt prisoner, and bringe him before the commissioners to morrow morning, and there present him about eight o'clock in the morning.

Hugh Bewitt found guiltie of treason.

Ordered, that wee adjourne and meet at the house of Mr. Warner to-morrow morninge, about eight o'clocke in the morninge.

1652.

*The 21st day of December.*

Ordered, that Mr. Dexter is chosen Moderator for this present day.

Ordered, that John Sweet being Town Serjeant shall keepe in safe custodye the boddy of Hugh Bewitt prisoner for this present day, and that the said Hugh Bewitt, prisoner, is not to depart the house or yard, without further order.

Ordered, that Hugh Bewitt, prisoner, hath libertie to goe to the ordinarie to dinner, with his keeper, and his keeper is to returne him to the Assemblie in an howre and halfe.

Ordered, that the Court is adjourned for an hower.

Ordered, that the General Recorder shall call forth all witnesses and engadge them, and have power to grant forth suppenas in all cases duringe this sessions.

Ordered, that John Greene, Richard Townsend and Henry Browne, shall goe forthwith to the howse of John Weekes and take the testimony of Mary Weekes, the wife of the sayd John Weekes ; as also the testimony of his daughter, Mary Weekes, concerninge the case dependinge betwixt the State and the prisoner, Hugh Bewitt, being charged of hye treason, and the testimonyes to bee taken upon engadgement.

Ordered, that Hugh Bewitt, prisoner, is committed to the custody of Richard Townsend, who is to present him to-morrow, about eight of the clocke, in the morninge.

Ordered, that the Court is adjourned till to-morrow, at eight a clocke in the morninge.

*The 22d of December.*

Ordered, that Mr. Gregorie Dexter is chosen Moderator for y<sup>e</sup> day.

Ordered, the Town Sarjeant is to take Hugh Bowitt, prisoner, into his custody this present day.

Ordered, that those that arrested the boddy of Hugh 1652. Bewitt, prisoner, shall present their warrant to this Court of Commissioners.

The Court is adjourned for an howre.

The Commissioners being mett, it is ordered, that a Generall Sarjeant bee forthwith chosen and engadged to atend upon the Court duringe sessions. It is also ordered, that Robert Wascote is the said General Sarjeant, and is engadged.

Ordered, that Hugh Bewitt, prisoner, is alowed his atturneye, accordinge to lawe.

That the due administration of justice be not hindered.

Bee it enacted, that from henceforth no Generall conservator of the peace shall be arrested throwout this Colony, in any case betwixt party and party, but summoned, any lawe formerly notwithstandinge, and the summons to bee as sufficient as an arrest.

Ordered, that the Court is adjourned while to-morrow morninge at eight o'clock.

*The 23d of December.*

Ordered, that Mr. Gregorie Dexter is chosen Moderator for this present day.

Ordered, that the Sarjeant shall forthwith bringe before the committee the body of Hugh Bewitt, prisoner, who stands areighned for treason against the power and authoritie of the State, and the Commonwealth of England, that hee may have the libertie of an English subject, to make his answer to such testimonies as shall bee further produced against him.

The Court is adjourned for an howre.

*Warwicke, this 23d of December, 1652.*


The declaration, judgment, or verdict of the Generall Assemblye of Commissioners in the case dependinge be-



1652. twixt the State and Hugh Bewitt, prisoner, who is arraigned for treason.

Wee, the Commissioners of this Collonie of Providence plantations, in the Nanhigansett Bay, in New England, beinge chosen by the free people of the Collonie aforesayd, to advise and order for the peace and place apointed, being orderly assembled at the time and safety thereof, by our honored President; havinge receaved a declaration or charge against Hugh Bewitt, one of the said commission, being presented unto sayd Court of Commissioners by the sayd President of the Collonie, and Generall Assistant of the Town of Warwicke, wherein they declare as followeth :

That upon examination of the said Hugh Bewitt, wee found him as wee judged according to our engadgement, to bee guiltie of treason against the power and authoritie of that honourable State and Commonwealth of England ; and accordinge to the trust committed unto us, doe here present him according to the law of this Collonie, to this honored Assembly of Generall Committee, to bee farther dealt with as they shall find the nature of his fact to require, as the lawe of our Collonie hath provided for in that case. Whereupon, we the sayd Generall Assembly of Commissioners, havinge heard all the witnesses that the sayd President and Assistants could produce, together with all the grounds and reasons that moved the sayd President and Assistant so to judge of Hugh Bewitt, prisoner, as aforesayd ; also, the sayd Commissioners having orderly examined the sayd witnesses and prisoner aforementioned, and moreover having examined and heard what the Commissioners of the Towne of Providence could say against the sayd prisoner, beinge at the barr ; upon serious search, and exacte weighinge of all the premises in the ballance of the lawe, wee the sayd Generall Assembly cannot find the sayd Hugh Bewitt, prisoner, to have done, or attempted any grievous offence against the power and authoritie of that honourable State, the Commonwealth of

England ; and therefore, we the sayd Commissioners, doe 1652.  
declare him not guiltie of treason. 

By the Generall Court of Commissioners.

JOHN GREENE,

Recorder.

Ordered, that Hugh Bewitt, Commissioner, beinge cleared, forthwith take his place in the Assembly.

The Court is adjourned while to-morrow morninge, at eight o'clock. Hugh Bewitt acquitted

*The 24th day of December.*

Mr. Gregorie Dexter chosen moderator for this present day.

Whereas, there is a writing presented to this Assembly intituled the humble apeale of the chiefe officers of the province of Providence Plantations, from the court of generall committee, et cetera ; Before the sayd officers are called to an account, wee, the Commissioners aforesayd, with respect to the sayd wrightinge doe declare, that when that honored State, the Commonwealth of England, or councill of State, shall signifie to this Collonie their pleasures, wee shall readilie yield obedience thereunto.

Ordered, that whosoever shall, without order, deface or plucke downe any lawe or order fixed by order of Court in any place in this Collonie, hee or they shall forfeit twentie shillings ; halfe to the complaynor, and halfe to the treasurie whereunto it belongs.

Ordered, that it shall bee lawfull for any member of the Court of Commissioners to enter their protest against any judgment or verdict passed amongst them, the man or men so protestinge, presently paying two shillings six pence to the Recorder ; and the like libertie for any judge of record in the Generall Court of tryalls.

Furthermore, upon the presentinge of any sentence or judgment of the Generall Assembly to the Towne or Townes, that it shall be lawfull then for any freeman

1652. there to have the like libertie of protest as is abovesayd,  
payinge presentlie two shillings sixpence to the Town  
Clarke.

Ordered, that no Commissioner in this Collonie shall  
bee arrested in any case betwixt party and party, but  
summoned as in the case of Generall conservators of the  
peace.

Ordered, by this present Assembly, that all men of  
what nation soever they bee, that are or shall bee here-  
after receaved inhabitants within any of the Townes in  
this Collonie shall have equall libertie to buy, sell or  
trade amongst us as well as any Englishman, any lawe  
or order to the contrary notwithstanding.


Whereas, there was a letter sent to Mr. Roger Wil-  
liams subscribed from the Generall Assembly of this Col-  
lony, bearinge date the 28th of October, 1652 ; Wee the  
Commissioners of Providence Plantations assembled in  
Generall Court to advise and order for the peace and  
safety of this Collonie, according to the trust committed  
to us, cannot but take notice of severall complaints  
against particulars therein conteyned, contrarie to the  
liberties and freedom of the free people of this Collony,  
and contrarie to the end for which the sayd Roger Wil-  
liams was sent, and therefore doe declare against the  
same.

Ordered, that the bill presented by our honoured Presi-  
dent for sufficient satisfaction for officers in the Collony,  
shall be referred untill the next settinge of this Court of  
Commissioners.

Ordered, that the Clarke of this Assembly shall speedi-  
ly draw forth the acts and orders of this Court, and send  
them to the Townes, and that hee shall have five shillings  
of each Towne for his paines.

The Court is adjourned while to-morrow morninge at  
nine o'clocke.

1652.

*The 25th day of December.* 

Mr. Gregorie Dexter is chosen moderator for the present day.

Whereas, the honoured President presented unto this Generall committee, certayne particulars as reasons wherefore he called this present sessions, the last whereof was this, viz. That the honour of this Collonie lyeth at stake, to keepe ourselves in order and union till the returne of our agent from England, that provisions be made that wee be not then found in a rout. It is therefore ordered, and for other reasons movinge us thereunto, that this Court of Commissioners is adjourned untill the day before the next Court of Election, to bee held at Providence; and the sayd Court of Commissioners not to meet sooner, unless the major part of the free people of this Collony see cause, eyther upon information of the Generall Officers or otherwayes, and the sayd Court of Commissioners shall sit at Providence.

A true cobby taken by me.

JOHN GREENE,

Recorder.

1652.

The Commissioners of the Collony being mett at Providence, the 16th and 17th of May, 1653.

Providence  
Commissioners.

{ Thomas Angell,  
Henry Browne,  
William Wickenden,  
Gregorie Dexter,  
Hugh Bewitt,  
Thomas Harris.

Warwicke  
Commissioners.

{ Ezekiel Holliman,  
Stukely Wascote,  
John Townsend,  
Richard Townsed,  
Walter Todd,  
John Greene, Jr.

Mr. Gregorie Dexter is chosen Moderator of the Assembly.

John Greene, General Recorder, is chosen Clarke, during sessions.

Ordered, that the letter drawn forth by the Commissioners, and transcribed by the Clarke bee sent with expedition to the Iland.

A coppie of the aforesayd letter as followeth.

Neighbours of Portsmouth and Newport :

Whereas, wee received certaine propositions from the Towne of Newport, dated the 18th of March, 1652, to keepe the Generall Court there, the 17th of this instant month, and that a committee of six men in each Towne bee chosen to consider and ripen all matters that respect the Collonie, &c. Whereupon, wee gave answer that wee

were willing to meet there by Commissioners, to advise and order, &c. ; provided, that the sayd Townes which first stated the matter would give us ten dayes notice. But forasmuch that since that time untill the present day wee have not receaved any letter or note from any of the sayd Townes, signifying any agreement amongst yourselves upon the Island, that you would meet us at the time and place by Commissioners as aforesayed, wee are therefore enforced to keep in the posture wee are in, and attend to the election of Generall officers for these two Townes, accordinge to former order extant amongst us. 1653.

By the Generall Assembly of the Committee of the Collony of Providence Plantations met at Providence, this 16th day of May, 1653.

JOHN GREENE,  
Generall Recorder.

Ordered, that the fine of ten poundes which the President (refusing to serve, beinge elected) is to pay, is repealed ; as also the fine of five pound, which the Generall Assistant is to pay upon the same account.

Here followeth a coppie of the letter from the Towne of Newport, containinge the propositions above referred to.

Beloved friends and neighbours :

After our respects, these are to informe you, of our desires to further the orders of our honored and well wishers, the honoured counsell of State, and of your, together with our own safetie and peaceable well-beinge, and that each may enjoy his owne right in equitie, and that the face of authoritie may be established amongst us, the endeavoringe whereof hath moved us to write unto you our propositions here under-written, as alsoe to send unto you a coppie of the order of the honoured councill of State, all which we have betru sted in the hands of our beloved messenger, Mr. Benedict Arnold, with the orders for the safe disposall

1653. of the forewarned coppie and the delivery of those our motions.

That the next Generall Assembly for election, which will be the first Tuesday after the fifteenth of May, be held at Newport.

That the officers be chosen accordinge to the accustomed rule in the lawes established by authoritie of the charter confirmed by the honoured councill's order.

That all orders made by the townes of this Collonie, either joyntlie or apart, by the authoritie of the charter, be authorized to be in force, untill by a Generall Assembly repealed.

That all suits dependinge, that are by the lawe referred to the Generall Court of tryalls, may be issued at the next Generall Court, by such officers as shall be deputed at the time appoynted by the former lawes.

That a committee of six men in each Towne, be chosen to consider and ripen all matters that respect the Collonie, which the major votes of the Townes assenting to, shall be established, and stand in force.

That the Generall Officers, that were deputed and engaged, when Mr. Coddington's commission obstructed, be authorized and invested with power to act in their severall commissions, untill new bee chosen for the generall; but if any Towne see cause, they may be authorized to appoint what generall officer they judge meet in that Towne, who may by the Towne Clerk be engaged, if not before engaged, and be authorized to act by the rule prescribed.

That all the inhabitants that allowe the propositions sent to each Towne, sett to, or subscribe their names for confirmation thereof; whose names being delivered to the severall Towne Clerks, shall be sealed up and sent to the President, Mr. Nicholas Easton, who, with the councill of that Towne, shall open and shall signifie the result to the severall Townes, and this to bee performed by the 10th April next.

Further, we thought good to insert what present



course our Towne hath taken for our present security till a 1653.  
 generall order, namely :

That whereas, by the honourable Councill's order, wee are to depute one or more to see that forts bee made and arms provided, and other things done as ordered ; and whereas, by a lawe made amongst us, each Towne hath the power of the militia, that seven men in our Towne are appointed to see that order performed ; foure of them concurring, it stands in force, untill the Collonie otherwise order. The men appoynted are William Dyre, &c.

Newport, the 18th of March, 1652. Per me,

WILLIAM LYTHERLAND,

Towne Clerk.

In behalf, and by the order of the Towne of Newport.

Forasmuch as it hath pleased the much honoured the Counsell of State to authorize this Collonie to raise forts and otherwise arme and defend ourselves against the Dutch, or enemies of the Commonwealth of England, and for to offend them as wee shall thinke necessary, it is therefore ordered : First, that no provisions bee transported out of this Collonie for the supply of the Dutch, upon the forfeiture of the double vawle.

Secondly, that each plantation take speedy and dilligent course for their owne safety defence.

Thirdly, wee expressly requier in the name of the Commonwealth of England, that no man within the limits of this Collonie presume to take vessells or goods from the Dutch, as beinge authorized by this Collonie without order and directions from a Generall Court of Commissioners, upon such a penaltie as the nature of his fact shall require by the judgment of his peeres.

Ordered, that the names of the free inhabitants of the Townes of Providence and Warwicke, that are presented, bee recorded.

Ordered, that all writts and warrants shall bee issued forth in the name of the Commonwealth of England.

1653. Whereas, the lawe that was formerly made by the Colonie for the triall of Generall Officers is ambiguous, and not so cleare as is meet to bringe them to a certaine triall. It is therefore ordered, that the triall of all Generall officers, shall bee by the Generall Assembly of Commissioners (six chosen by each Towne) for their misdemeanures in their office, any former lawe to the contrary notwithstandinge.

Ordered, that the Clarke of the Generall Assembly of Commissioners shall engage the Generall officers when they are chosen.

The names of the Generall Officers of this Collonie of Providence Plantations, chosen and engaged to serve for the yeare ensuinge.

Gregorie Dexter, President.

John Sayles, Generall Assistant and Treasurer for Providence.


Stukely Wascote, Generall Assistant for Warwicke.

John Greene, Generall Recorder.

Hugh Bewitt, Generall Sarjeant.

Ordered, that the writinge which was presented by the Towne of Providence to this Assembly, subscribed by John Smith, President, and Samuel Gorton, Assistant, declaringe the grounds of their apeale, &c., shall be referred unto the triall of the next Generall Assembly of Commissioners, which shall be held fowre dayes before the last Tuesday in October next, at Warwicke; which Court shall bee called by a warrant from the President, givinge ten dayes notice. And in case hee faile, one of the Generall Assistants may doe it; and if they faile, the Towne Deputies may doe it.

Ordered, that the sayd John Smith and Samuel Gorton shall bee summoned to the sayd Generall Assembly, and then and there shall give answer for their sayd writinge

and charge against the Court of Commissioners, and for 1653.  
their misdemeanours in their foresayed offices. 

Ordered, that Hugh Bewitt, Solicitor Generall (with the advice and helpe of the Towne Clarkes of Providence and Warwicke beinge the matters concerninge both Townes) shall take out summons, and so prepare all the matter for tryall, and so enter the matter in the Recorder's office at least eight dayes before the Court.

Ordered, that the Clarke shall have for his paines of writinge out these coppies and former lawes and letters, that no order hath yet been taken about, six shillings of each Towne.

---

*Acts and orders of the Generall Assemblie at Newport,  
May 17th, 1653.*

Mr. Nicholas Easton, Moderator.  
William Lytherland, Clarke.

Imprimis. Freemen received.

OF NEWPORT.

OF PORTSMOUTH.

Benedict Arnold,  
Edward Smith,  
Emmanuell Wooley,  
James Man,  
Will'm Davill,  
Joseph Torrey,  
Tho. Clifton,  
John Gould,  
William Haviland.

Jonathan Mott,  
Richard Sussel,  
John Sanford, Jun'r.

1653. It was voated by y<sup>e</sup> Assemblie, That this present Assemblie do conclude that they are a lawfull Assemblie, and have power to act in election, and y<sup>e</sup> affaires of y<sup>e</sup> Collonie.

Island  
jointly act.

2. That y<sup>e</sup> Islands shall jointly act in keeping Courts from foure times in y<sup>e</sup> yeare ; that is twice in each Towne, where all y<sup>e</sup> officers of both Townes may sitt Judges in y<sup>e</sup> Court ; and six jurymen sent out of each Towne. But if any be failing or challenged, then to make them up of y<sup>e</sup> inhabitants of that Towne where y<sup>e</sup> Court is kept ; or of others that are present that are inhabitants.

Laws Estab-  
lished.

3. That y<sup>e</sup> body of lawes that are established by authoritie of the charter, and not abolished by y<sup>e</sup> Councell of State's order, shall be in force till repealed.

Court ad-  
journed.

4. That y<sup>e</sup> Generall Court of Tryalls be adjourned till this day month, that y<sup>e</sup> causes presented be duly stated, and may be legally issued, and to be kept at Portsmouth.

Election.

5. Mr. John Sanford, Sen'r, President.  
Mr. Nicholas Easton, Assistant for Newport.  
Mr. Richard Burden, Assistant for Portsmouth.  
Will. Lytherland, Generall Recorder.  
Mr. Richard Knight, Generall Sargeant.  
Mr. John Coggeshall, Generall Treasurer.  
Mr. John Easton, Generall Attorney.

Constable.


6. That y<sup>e</sup> Generall Officer shall have power to substitute a constable, when he shall see cause, who shall serve in that office, for that present occasion, in y<sup>e</sup> absence of y<sup>e</sup> other constable.

Providence  
and War-  
wicke may  
choose Offi-  
cers.

7. That if Providence and Warwicke be pleased to act with us, they may have libertie to choose y<sup>e</sup> Generall Officers for their own Townes. (Repealed.)

Y<sup>e</sup> State's  
part of priz-  
es to be  
look'd after.

8. Three men chosen for to see that y<sup>e</sup> order of y<sup>e</sup> Right Honourable y<sup>e</sup> Councill of State be attended, to namely, in looking and taking care that y<sup>e</sup> State's part

of all prizes be secured, and accompt given. Mr. Wm. 1653.  
Dyre, Mr. John Sanford, President and Mr. Nicholas   
Eastone.

The Court adjourned till eight of y<sup>e</sup> clock in y<sup>e</sup> morning.

18th day of May.

That y<sup>e</sup> quarter courts shall be kept by course in each <sup>Island</sup> Courts.  
Towne upon y<sup>e</sup> Island, and to be holden accordinge to y<sup>e</sup>  
order at Newport, viz.: y<sup>e</sup> first Tuesday after every  
quarter day, and to begin at Portsmouth.

10. Two men sent to demand of Mr. Coddington y<sup>e</sup> <sup>Messengers</sup>  
statute book, and book of records; y<sup>e</sup> messengers Mr. <sup>to Godding-</sup>  
James Barker and Mr. Richard Knight.

Providence and Warwicke men come in.

11. That y<sup>e</sup> Generall officers for Providence and War- <sup>Officers for</sup>  
wicke shall be chosen by this present assemblie. <sup>Providence</sup>  
<sup>and War-</sup>  
<sup>wicke,</sup>

Mr. Thomas Oluie, Generall Assistant for Providence.

Mr. Randall Houlden, Generall Assistant for War-  
wicke.

[The] answer of [Mr. Coddington is,] that he will ad-  
vize with his Councell, and then give an answer, for he  
dare not lay downe his commission, haveing no order  
thereto, nor hath he seene any thing to shew that his  
commission is annulled.

A committee of two men of each Towne, or eight men  
be chosen for ripening matters that concerne Long Island,  
and in .y<sup>e</sup> case concerninge y<sup>e</sup> Dutch. Mr. Nicholas East-  
ton, Mr. John Easton, Mr. Richard Burden, Mr. Randall  
Holden, Mr. John Smith, Mr. Robert Field, Richard Tew,  
and John Roome.

*Acts vppon their presentment.*

1. First, that we judge it to be our dutie to afford our  
countremen on Long Island, what helpe we can safely

1653. doe, by virtue of our commission from y<sup>e</sup> Right Honorable y<sup>e</sup> Councell of State, either for defendinge themselves against y<sup>e</sup> Dutch, y<sup>e</sup> enemies of y<sup>e</sup> Commonwealth, or for offendinge them as by us shall be thought necessarie.

2. That they shall have two great guns, and what murtherers are with us on promise of returninge them, as y<sup>e</sup> due valuation, and to be improved as by instructions given by this Assemblies authoritie, this or what else ; provided, they engage to the Commonwealth and conforme by subscription to doe their uttmost to sett themselves in a suitable posture of defence against all enemies of y<sup>e</sup> Commonwealth of England, and to offend them as shall be ordered.

3. That there be allowed twenty voluntaries out of y<sup>e</sup> Collonie, provided they be such as be under noe fixed relation or ingagement.

12. That for tryall of prizes brought in accordinge to law, the Generall officers, with three juries of each Towne shall be authorized to try it. The President and two Assistants shall have authoritie to apoynt y<sup>e</sup> time ; but if anie faile at y<sup>e</sup> time apoynted, either officers or juries ; y<sup>e</sup> juries shall be made up in y<sup>e</sup> Towne of Newport, when they shall be tryed. In case any of y<sup>e</sup> officers faile, then those that apeere shall proceede accordinge to y<sup>e</sup> law of Allaroomes.

13. Commissions granted to Capt. John Underhill and Mr. William Dyre.

14. That Edward Hull shall have a commission granted him to goe against y<sup>e</sup> Dutch, or any enemies of y<sup>e</sup> Commonwealth of England.

15. That y<sup>e</sup> President and foure Assistants, or any three of them concurringe, shall have power to grant commission against any of y<sup>e</sup> enemies of y<sup>e</sup> Commonwealth of England.

16. That Providence and Warwicke shall act joyntly

in theire Townes as y<sup>e</sup> Island doth in keeping Courts, 1653.  
 both havinge theire apeale to y<sup>e</sup> Generall [Assembly].

May 26th, 1653.

A true coppie per me,

WILL. LYTHERLAND,

Generall Recorder.

*The Acts of the Generall Assembly of Commissioners assembled at Providence this 3d and 4th day of June, 1653.*

|                              |   |                                                                                                             |
|------------------------------|---|-------------------------------------------------------------------------------------------------------------|
| Providence<br>Commissioners. | { | Gregorie Dexter,<br>John Sayles,<br>Arthur Fenner,<br>William Wickenden,<br>Thomas Angell,<br>James Ashton, |
|------------------------------|---|-------------------------------------------------------------------------------------------------------------|

|               |   |                                                                                                               |
|---------------|---|---------------------------------------------------------------------------------------------------------------|
| For Warwicke. | { | Ezekiel Holliman,<br>Stukely Wascote,<br>John Greene, Jr.,<br>Henry Townsend,<br>James Sweete,<br>John Cooke. |
|---------------|---|---------------------------------------------------------------------------------------------------------------|

Ezekiel Holliman is chosen Moderator for the present day.

Ordered, that the remonstrance which is drawn forth bee transcribed forthwith by the Generall Recorder, and a coppie thereof sent with speed to both Townes.

Ordered, to adjourne untill the morninge.

Ezekiel Holliman is chosen Moderator for the day.




1653.

~~~~~ *A Briefe Remonstrance of the two Townes of Providence Plantations, being at present the colony of Providence Plantations.*

Whereas, it pleased the honoured counsell of State, to grant unto Mr. William Coddington, a commission to bee Governor of Rhode Island, whereby the Townes of Newport and Portsmouth were disjoynted from the collonie of Providence Plantations; Whereupon, wee, the two Townes of Providence and Warwicke, havinge information thereof, assembled together and declared ourselves unanimously to stand embodied and incorporated as before by virtue of our charter, and immediately prepared to send our agent unto England for confirmation of our charter unto us, as more at large appeareth in the orders made at Providence; and whereas, about the 16th of the 12th month, '52, William Dyre brought unto us, (the two Townes of Providence and Warwicke), a letter subscribed by John Sanford, William Baulstone, John Porter and William Jeffries, of Rhode Island, intimating that the said William Dyre had brought letters and orders for our directions, sent from the much honored, the councill of State, and that they would give us a meeting to heare the said letters at the time of our appointment; whereupon, wee the said two townes respectively chose six commissioners and gave them full power and authoritie to give answer to the sayd letters, and also to act for us, as if wee were present, accordinge unto the directions of the sayd councill, whether it were for the re-unitinge of the sayd two townes of Portsmouth and Newport unto us, or otherwise to do in all affayres, except election, accordinge to their wisdomes, as in our severall towne orders, more at large appeareth. Therefore, our sayd commissioners, being orderlie chosen, and assembled at Pawtuxet, the 25th of February, '52, prepared an answer to the sayd letter, and sent it by the hands of foure messengers, two

chosen out of each Towne, that so (if possible), they 1653.
might fully effect an orderlie meetinge, and therefore declared their resolutions in their sayd letters, to meet with us the two Townes of Portsmouth and Newport by Commissioners (six chosen out of each Towne), at the time and place of their appointment, and re-unite with the Island, if the mind of the Councill of State was such, as more at large appeareth in their abovesayd letter ; but no reply could our sayd commissioners procure by their sayd messengers, nor hitherto have they received any ; and at the returne of the sayd four messengers, our sayd commissioners assembled at Pawtuxet aforesayd, the 9th of March, 1652, where the said messengers made their report, and declared that they could not procure the letters and orders for our direction, sent from the honoured Councill of State aforesayd, nor a copy thereof, although they were read before many people ; thereupon, our sayd Commissioners sent to Mr. Easton, in whose hands the sayd orders were, for them or a copy thereof, and another letter to both Townes of Portsmouth and Newport, on purpose by the hand of two messengers, intimating unto the sayd two Townes that Providence and Warwicke, had empowered them as aforesayd, to transact for the sayd two townes in all generall affaires, as if all the inhabitants of the sayd two Townes were present, and therefore proposed to both the townes upon the Island, that if they were willing to re-unite with us, then to choose six commissioners out of each Towne, and appoint time and place where we should meet them to order accordinge to the councill of state's directions as more at large appeareth in their sayd letter : but they could not procure any answer from neither of the said two townes ; and whereas, after a long space of time, the town of Newport sent unto us certaine propositions by the hand of Benedict Arnold, intimating their desires that we should meet them at Newport in May next, and choose six Commissioners to prepare and so forth, which propositions were referred to our

1653. sayd commissioners to answer ; and our commissioners thus answered, that they were willing there to meet by commissioners, six chosen out of each Towne, and to re-unite and order for the peace of the whole Collonie, et cetera, in all generall affaires except election, provided the sayd Towne of Newport would give ten dayes notice before hand, that so they would meet by commissioners as more at large appeareth in our sayd commissioner's answer ; but, forasmuch as neither our sayd commissioners, nor we the sayd two townes have received any answer from the sayd Island by way of reply, we, therefore, the said two Townes of Providence and Warwicke, were necessitated to keep in the posture we were in, and proceeded to election of Generall officers according to lawe extant amongst us the 17th of May ; Yet, notwithstandinge all our afore-sayd endeavours to re-unite the sayd two Townes of Portsmouth and Newport unto us, which is not yet effected, the inhabitants of the sayd two Townes have, as we are informed, in the name or by the authoritie of the Collonie of Providence Plantations, granted and given unto John Underhill, Edward Hull and William Dyre, a commission or commissions tending to war, which is like, for aught we see, to set all New England on fire, for the event of war is various and uncertaine ; and although the honoured councill of State's direction to us, videlicet, to offend the Dutch as we shall think necessary, yet we know not for what reason, or for what cause the sayd inhabitants of the Island have given forth the sayd commission : Therefore, wee are enforced thus to declare, that if the sayd Island shall attempt to engage us with them in the sayd Commission, or in any other like proceedings, and shall use any force or violence upon us on that account, that we will then address ourselves immediately to England, to petition for their honors' further directions unto us, which they have pleased to intimate in their late honors' pleasure sent by the hand of William Dyre ; for we

are resolved to use our utmost endeavour to free ourselves from all illegal and unjust proceedings. 

By the Commissioners of this Collonie.

JOHN GREENE, Jr.,

Generall Recorder.

Ordered, that those inhabitants of this Collonie that doe owne the Commission which wee heare is granted and given to John Underhill, Edward Hall and William Dyre, in the name of Providence Plantations, shall have henceforth no liberty to act in Government untill they have given satisfaction to the respective Townes of Providence and Warwicke.

Whereas, wee conceive that this Collonie lyeth in eminent danger; it is therefore ordered, that the Court is adjourned untill John Sayles, Generall Assistant for Providence, or Stukely Wascote, Generall Assistant for Warwicke, see cause to call it.

Acts made by the Commissioners of the Collonie of Providence Plantations, being assembled at Warwicke, the 13th day of August, 1653. This being the second sessions.

Providence
Commissioners.

{ Gregorie Dexter,
John Sayles,
Arthur Fenner,
William Wickenden,
Thomas Angell,
James Ashton.

1653.

Warwick Commissioners. { John Cooke.
Ezekiel Holliman,
Stukely Wascote,
John Greene, Jr.,
Henry Townsend,
James Sweete.

John Cooke beinge absent, John Sweete is chosen in his roome for this present sessions.

Gregorie Dexter is chosen Moderator for this present day.

The Generall Recorder is Clarke of the Assembly.

Ordered, that the Recorder forthwith transcribe the letter that is to bee sent to the Massachusetts to the Governor and Assistants.

Ordered, to adjourn for an howre.

Beinge assembled again, it is ordered, that whereas the Generall Assistant of Warwicke hath presented a request and complaint unto this present sessions, to put the Towne of Warwicke into a way of order to chuse their Towne officers, &c. It is therefore ordered, that the Towne of Warwicke, doe forthwith, upon the next Monday come sevenight, choose their Towne officers; and those officers shall stand untill the next second in June.

Ordered, to adjourne the Court untill John Sayles, Generall Assistant for Providence, or Stukely Waskote, Generall Assistant for Warwicke, see cause to appoint a time and place.

JOHN GREEN,
Clarke of the Assembly.

1654.

*Acts of the Generall Assembly of Providence Plantations,
May 16, 1654.*

Mr. Nicholas Easton, Moderator.

FREEMEN RECEIVED.

Samuel Gorton and John Hayley.

Mr. Nicholas Easton, chosen President.

Mr. Randall Holden, next in major voate.

Mr. Thomas Olney, Assistant for Providence.

Mr. Richard Burden, Assistant for Portsmouth.

Mr. Edward Smith, Assistant for Newport.

Mr. Randall Holden, Assistant for Warwicke.

Joseph Torrey, Generall Recorder.

Mr. John Coggeshall, Generall Treasurer.

Richard Knight, Generall Sargante.

That the Generall Sargante shall have powre through-^{Waterbaylie} out the Collony to be water baylye ; and that the Sargante of each Towne be invested with like power within the severall Townes presinkes ; and that in the absence of either, the Generall Assistante of each Towne have full power to depute an officer to execute the service.

A committee chosen for the preparinge a way of some course concerninge our dissenting friends.

Mr. Olney and Mr. Williams for Providence.

Mr. Burden and Mr. Roome, for Portsmouth.

Mr. Smith and Joseph Torrey, for Newport.

Mr. Weeks and Mr. Potter, for Warwicke.

Captaine John Cranston is chosen Generall Atturanie.

Mr. Edward Smith, Joseph Torrey and James Rogers are to view the demands of the Generall Sargantes, William Letherland and Robert Greffens accounts with the Plantation therein, and to satisfie them all out of the fines

1654. that are levied ; and what they three shall doe therein,
 ~~~~~ shall be authentique.

That the Generall Assistante of Providence (in case Mr. Williams returne from England) shall repayer to him to receive what orders are by him sent for the Collony.

Ordinance to  
be published.

That what the committee have prepared and presented to this Assembly, is by this Assembly, established for an ordinance, and to be recorded and published. That it shall also be sealed with the seale of the Collony, and published by the Generall Sargante in each Towne ; and that the Generall Sargante shall take such ayd with the droume as by which it may be knowne vnto all.

Dutch  
traders.

The examination of Giles Glover vpon oath in the Assemblie sayth, that he hath been twice at the Dutch, and that for the last time he was theare John Garioud did trade something there, and fordere sayth that he saw an order vnder the hand of Mr. Holiman and John Greene, Junior, for their goinge thither, and sayth we brought howes, gunnes and powder, but traded with [them]. He tarred but ten dayes, and [said] that he traded with some that weare not his Father and Mother, and that we brought eighteen ankers of liquers the first voyage, and six the last. That Robert Westkote went about to buy bever and liquers ; but doth not know that he bought any [thing] but one hundred howes upon John Gariard accounte, and that John Gariard brought some deare skinnes, but some he had from his mother.

That the Generall Sargante have authoritye to take vp all fines aboute sellinge liquer to the Indians, and he together with his Assistante to have halfe the fines.

That the vessell Debora shall have a commission to defend themselves, and to offend the enemies of the Commonwealth of England.

That any man that runes away from his master from any other Collonie to this Colony, his master sendinge after him and givinge in just probation of his right to him, it shall be in the power of the Generall Officer of each



Towne, together with the Towne officer or officers in 1654. which he is taken, to take course for his sending back in case they have just cause thereto, his master beinge at the charge of his sendinge back.

That Samuel Edsull in case he shall not give in what satisfaction was proposed to him by the Assembly, it shall be in the power of the officers as abovesayd, in the Town wheare he is taken, to send him back to his master speedily.

That a summons shall serve for any free inhabitante, to warne him to any Court of trialls; but in case the plaintiffe be afraide of his defraide in removeall, then it shall be in the power of the officer to give forth a writte, to put in security for his apearance, which is to be understood, that if he be a generall freeman of the Collonie, then it is for the Generall Court; and so if it be for Towne, such as are free of the Towne. That the Towne Clarke of each Towne have power to give forth summons or writts for apearance at any Court that concernes any partickelar Towne aparte, or Townes joyntlie acting together, in partickelar Courts of triall.

Summons  
and writts.

That the Generall Recorder and Generall Sargante shall have their place in force, although others be chosen, vntill the end of the Generall Courte of trialls next ensuinge the court of election.

That the Recorder that has been employed for the Colonie, together with the President, and Mr. Burden, shall view the records of the Colonie, and perfecte them for the Collonie.

Records to  
be examined

A committee of foure men chosen for preparinge aboute officers in the execution of justice, John Easton, Mr. Weeks, Mr. Field, Mr. Roome.

*May 18, 1654.*

That Edward Smith, Joseph Torrey and James Rogers have power to examen the disposall of Captaine Partreges estate, both the reserve and the disposall by William

1654. Lytherland and Richard Knight, and their right in what they either have reserved or disposed of, and what the sayd three shall doe therein shall be authenticque.

Liquor  
laws.

That what lawes have been formerly made for the prohibition of wine and liquer shall stand in full force, all acks to the contrarie notwithstandinge.

Two Assist-  
ants may  
call the  
Generall  
Assembly.

That any two of the Generall Assistants either of the Iland, or of the main, shall have power to call a Generall Assembly when they shall see it necessary, and that heerein they shall be justified.

Recorder's  
fees.

That the Recorder shall have five shillings of each Towne for a copie of the Courtes proceedings.

*August ult. [31st], 1654.*

*Articles of agreement by y<sup>e</sup> Commissioners of y<sup>e</sup> foure Townes uppon y<sup>e</sup> re-unitinge of this Colonie of Providence Plantations, as followeth, viz.:*

Whereas, there hath been differences and obstructions amongst y<sup>e</sup> foure Townes of this Collonie of Providence Plantations in New England, namely: Providence, Portsmouth, Newport and Warwick, arisinge by Mr. Coddington's commission, and we, y<sup>e</sup> Commissioners of all y<sup>e</sup> foure Townes abovesaide, chosen equally by each Towne, doe agree.

Transac-  
tions of the  
towns to  
stand.

First, that all transactions done by y<sup>e</sup> authoritie of y<sup>e</sup> inhabitants of y<sup>e</sup> two Townes of Rhoad Island, from y<sup>e</sup> time of Mr. Coddington's commission taking place there, untill Mr. Dyre brought over further orders from y<sup>e</sup> Honorable Counsell of State in y<sup>e</sup> yeare 1652, shall remaine

on y<sup>e</sup> accompt of y<sup>e</sup> two Townes of y<sup>e</sup> abovesaid Iland ; 1654. and all y<sup>e</sup> transactions of Providence and Warwicke in y<sup>t</sup> said space to remaine on theire owne accompt. And further, that all y<sup>e</sup> transactions of y<sup>e</sup> foresaid two Townes on Rhoad Island, viz. : Portsmouth and Newport, and a part of Warwicke and Providence with them since Mr. Dyre's bringing y<sup>e</sup> foresaid order, to this verie time, shall remaine on theire own account. And whatsoever transactions have been in y<sup>e</sup> said time, y<sup>e</sup> rest of y<sup>e</sup> inhabitants of Warwicke and Providence professinge themselves two Townes, shall remaine on theire, y<sup>e</sup> said inhabitants owne accompts professinge themselves two Townes.

Secondly, We, y<sup>e</sup> commissioners of y<sup>e</sup> foure Townes abovesaid, doe agree, and are willinge to order, this Collonie by y<sup>e</sup> authoritie of y<sup>e</sup> Charter granted to vs by y<sup>e</sup> Honored Parlement of y<sup>e</sup> Commonwealth of England, bearing date y<sup>e</sup> fourteenth day of March, 1643.

Thirdly, Wee agree, that y<sup>e</sup> Generall Court of this Collonie, or Generall Assemblie, to transact all affaires except election, as making of lawes, tryall of generall officers, &c., be held by six commissioners, chosen by each Towne of y<sup>e</sup> Collonie.

In confirmation hereof, we, y<sup>e</sup> commissioners above premised, have sett to our hands, namely :

|             |                                                                                                              |
|-------------|--------------------------------------------------------------------------------------------------------------|
| Providence  | { Thomas Harris,<br>Gregorie Dexter.<br>John Taylor,<br>William Wickenden,<br>John Browne,<br>Henrie Browne. |
| Portsmouth. | { William Baulston,<br>Richard Burden,<br>John Roome,<br>Thomas Cornell,<br>John Briggs,<br>William Hall.    |

Those that  
are to try  
General  
Officers.

1654.

Newport.

{ Benedict Arnold,  
 { Richard Tew,  
 { John Coggeshall,  
 { John Easton,  
 { Wm. Lytherland,  
 { Thomas Gould.

Warwick.

{ John Greene, Sen'r,  
 { Randall Houlden,  
 { Ezekiel Holiman,  
 { John Greene, Jun'r,  
 { John Townsend,  
 { Richard Townsend.

*Acts and Orders by y<sup>e</sup> Commissioners of y<sup>e</sup> foure Townes  
 of this Collonie of Providence Plantations, assembled at  
 Warwicke, y<sup>e</sup> last of August, A. D., 1654.*

Mr. Benedict Arnold, Moderator for this day.


Wm. Lytherland, Clarke of y<sup>e</sup> Assemblie.

Searching  
 Records.

1. It is ordered first, that Mr. Ezekiel Holliman and Mr. John Greene, Jun'r, are to view y<sup>e</sup> generall lawes of y<sup>e</sup> Collonie, and present to y<sup>e</sup> next Court of Commissioners what they may either find defective, or any way jarring, either markinge y<sup>e</sup> margent, or writinge out such, and are to be satisfied for their paines as it shall be ordered by y<sup>e</sup> Court of Commissioners.

Election.

2. It is ordered, that a Court of election be held upon Tuesday, y<sup>e</sup> 12th of y<sup>e</sup> next month, and to be kept at

Warwick ; which officers then chosen, shall be engaged 1654.  
and stand till y<sup>e</sup> Court of election in May next. 

3. It is ordered, that y<sup>e</sup> Court of Commissioners are to meet at y<sup>e</sup> time abovesaide, that is y<sup>e</sup> 12th of September next.

4. The Court is adjourned till six of y<sup>e</sup> clock in y<sup>e</sup> morninge.

*September y<sup>e</sup> first.*

Mr. Gregorie Dexter, Moderator for this day.

1. First. It is ordered, that y<sup>e</sup> generall bulke of <sup>Lawes.</sup>  
lawes that were in force for this Collonie at y<sup>e</sup> time Mr. Coddington's commission was brought to Rhode Island, shall stand in force till repealed by a Court of Commissioners.

2. The Court adjourned for halfe an houre.

3. It is ordered, that no liquers shall be sould to <sup>Liquor not to be sold to the Indians.</sup>  
any Indians by any one within this Colonie, under y<sup>e</sup> penaltie of five poundes for every default, one halfe to y<sup>e</sup> complainer, and y<sup>e</sup> other halfe to y<sup>e</sup> Towne Treasurie ; and to be taken by distraint by y<sup>e</sup> Towne Sargent by warrant from y<sup>e</sup> Towne warden ; and this order to be in force y<sup>e</sup> first of November next. And it shall be lawfull for any one of this Colonie to take away any liquer from any Indians that they shall finde havinge any within any of y<sup>e</sup> precinques of y<sup>e</sup> severall Townes.

4. It is ordered, that neither French nor Dutch shall <sup>Trade Prohibited.</sup>  
trade any goods with any Indians within this jurisdiction uppon paine of forfeiture of vessell and goods ; one halfe to y<sup>e</sup> Towne Treasurie in which it is taken, or to y<sup>e</sup> Generall Assemblie if taken out of y<sup>e</sup> Townes ; y<sup>e</sup> other halfe to those that take it.

5. It is ordered, that y<sup>e</sup> Townes take a course to <sup>Prisons.</sup>  
provide prisons by y<sup>e</sup> fifteenth of May next, under y<sup>e</sup> penaltie of y<sup>e</sup> former lawe.

6. Whereas, there have been severall complaints <sup>For Recreation.</sup>  
exhibited to this Assemblie against y<sup>e</sup> incivilitie of per-

1654. sons exercised uppon y<sup>e</sup> first day of y<sup>e</sup> weeke which is offensive to divers amongst us. And whereas it is judged that y<sup>e</sup> occasion thereof ariseth because there is noe day apoynted for recreation. It is therefore referred to y<sup>e</sup> consideration and determination of each Towne to alow what dayes they shall agree uppon for their men servants maid servants and children to recreate themselves, to prevent y<sup>e</sup> incivilities which are amongst us exercised on that day.

Warrant.  
Eliz. Cogges-  
hall.

7. It is ordered, that there shall be issued out a warrant from this Assemblie to Elizabeth, y<sup>e</sup> wife of John Coggeshall, under y<sup>e</sup> hand of y<sup>e</sup> Clarke of this Assemblie, to make her personall appearance before y<sup>e</sup> Court of Commissioners uppon y<sup>e</sup> 12th of September next at Warwicke ; and that y<sup>e</sup> Clarke alsoe shall have power also to effect y<sup>e</sup> matter for her apearance.

Freemen.

8. It is ordered, that all those inhabitants in this Colonie that have been received freemen to act in any Towne or Collonie since Mr. Coddington's commission was exhibited, shall be owned freemen of y<sup>e</sup> Collonie ; and that y<sup>e</sup> names of those that are not as yett recorded, shall be brought in the next Court.

Clarke's  
Fees.

9. It is ordered, that y<sup>e</sup> Clarke of y<sup>e</sup> Assemblie shall give coppies of y<sup>e</sup> proceedings of this Court, and shall be paid three shillings apeece, of each Towne.

Houses of  
Entertain-  
ment.

10. It is ordered, that each Towne doe forthwith apoynt or licence one or two howses for y<sup>e</sup> entertainment of strangers ; and to encourage such as shall undertake to keepe such howses. And that all others that are not licenced, do not retaile either wine, beere, or strong liquers, uppon y<sup>e</sup> penaltie of five poundes. And y<sup>e</sup> former lawes for alehowses and liquers be repealed.

The Court is adjourned till y<sup>e</sup> 12th of this month.

1654.



*The Court of Commissioners and election held at Warwick  
y<sup>e</sup> 12th of September, 1654.*

|             |                                                                                                                               |
|-------------|-------------------------------------------------------------------------------------------------------------------------------|
| Providence. | { Thomas Harris,<br>Gregorie Dexter,<br>Mr. Henry Redick,<br>Wm. Wickenden,<br>John Browne,<br>Henry Browne.                  |
| Portsmouth. | { Mr. William Baulston,<br>Richard Burden,<br>John Roome,<br>John Briggs,<br>John Tripp,<br>Thomas Cornell.                   |
| Newport.    | { Mr. Benedict Arnold,<br>Richard Tew,<br>John Coggeshall,<br>John Easton,<br>Wm. Lytherland,<br>Thomas Gould.                |
| Warwicke.   | { John Greene, Sen'r,<br>Randall Houlden,<br>Ezekiell Holliman,<br>John Greene, Jun'r,<br>John Townsend,<br>Richard Townsend. |

Caleb Car and Henrie Hobson chosen commissioners,  
instead of Mr. Coggeshall and Richard Tew.



1654. Mr. Benedict Arnold, Moderator.

Richard Bulger, received freeman.

The Court of Commissioners adjourned till to-morrow at six in y<sup>e</sup> morning of election.

Mr. Roger Williams, President.

Mr. Thomas Harris, Assistant for Providence, and engaged.

Mr. John Roome, Generall Assistant for Portsmouth, and engaged.

Mr. Benedict Arnold, Assistant for Newport, and engaged.

Mr. Randall Houlden, Assistant for Warwick, and engaged.

Wm. Lytherland, Generall Recorder, and engaged.

Richard Knight, Generall Sargent.

Richard Burden, Generall Treasurer, and engaged.

John Cranston, Generall Attorney.

*September y<sup>e</sup> 13th.*

Commissioners assembled.


Mr. Benedict Arnold, Moderator.

1. It is ordered by this present Assemblie, that this is y<sup>e</sup> engagement of y<sup>e</sup> Generall officers, any former forme to the contrarie notwithstandinge, viz. :

*Engagement* You, A. B., being called and chosen unto publicque employment, and y<sup>e</sup> office of ———, by y<sup>e</sup> free voate and consent of y<sup>e</sup> inhabitants of y<sup>e</sup> Province of Providence Plantations (now orderly met); doe in this present Assemblie engage yourself faithfully and truly to y<sup>e</sup> uttmost of your power to execute y<sup>e</sup> commission committed unto you, and doe hereby promise to do neither more nor lesse in that respect, than that which y<sup>e</sup> Collonie have or shall authorize you to do.

The Court adjourned for one houre.

*Election.* 3. It is ordered, that for y<sup>e</sup> Court of election of Generall officers, it shall be held accordinge to preceedinge

order, that is, y<sup>e</sup> first Tuesday after y<sup>e</sup> fifteenth day of 1654. May, annually. 

4. It is ordered, that for y<sup>e</sup> choosinge of Commissioners for y<sup>e</sup> transaction of Generall affaires, it shall be y<sup>e</sup> first Tuesday in May, annually.

5. That Mr. Roger Williams, President, and Mr. Gregorie Dexter, are desired to draw forth and send letters of humble thanksgivinge to his Highness y<sup>e</sup> Lord Protector, and Sir Henry Vane, Mr. Holland, and to Mr. John Clarke, in y<sup>e</sup> name of y<sup>e</sup> Collonie; and Mr. Roger Williams is desired to subscribe them with y<sup>e</sup> title of his office. Letters to His Highness, etc.

6. It is ordered, that all transactions that have passed formerly under y<sup>e</sup> title of y<sup>e</sup> bodys of the liberties of England, &c., shall from henceforth be issued out in y<sup>e</sup> name of His Highness y<sup>e</sup> Lord Protector of y<sup>e</sup> Commonwealth of England, Scotland and Ireland, and y<sup>e</sup> dominions thereto belonging. Title of issuing out writts.

7. It is ordered, that y<sup>e</sup> Moderator shall engage y<sup>e</sup> Recorder, and y<sup>e</sup> Recorder y<sup>e</sup> rest of y<sup>e</sup> officers, onely Engage Officers. whereas y<sup>e</sup> President is absent, y<sup>e</sup> Generall Assistant of Providence shall engage him.

8. It is ordered, that y<sup>e</sup> Generall Court of trialls Court of Tryalls. shall beheld at Portsmouth in October next, accordinge to former order y<sup>e</sup> last Tuesday in October.

9. It is ordered, that the Recorder now chosen shall demand and receive y<sup>e</sup> records of y<sup>e</sup> Collonie from Joseph Torrey. Records.

10. It is ordered, that y<sup>e</sup> Courts of election shall proceede accordinge to former order, and to begin next at Providence. Election.

11. It is ordered, that y<sup>e</sup> Recorder shall have for writinge y<sup>e</sup> acts of this Court and coppies to each Towne, three shillings per Towne. Fees.

The Court adjourned for halfe an houre.

12. It is ordered, that y<sup>e</sup> instructions presented by Instructions. Mr. John Clarke, as they are now drawn forth, are by

1654. this Court approved, and it is desired that Mr. Roger Williams, President, and Mr. Dexter will manifest so much to Mr. John Clarke.

Court.

13. It is ordered, that y<sup>e</sup> two Townes of this Collonie which are on Rhoades Island, as namely : Portsmouth and Newport, are hereby authorized to order by Deputies (chosen equally out of each Towne), away of keeping Courts together or apart, as they shall agree, for tryall of all causes that have beene formerly tryable by each Towne aparte ; and y<sup>e</sup> like authoritie to Warwick and Providence.

14. That y<sup>e</sup> Court of Commissioners are adjourned till further occasion shall be presented to y<sup>e</sup> President and foure Assistants, or y<sup>e</sup> major part of them, who shall give notice of it, and shall have power to call y<sup>e</sup> saide Court ; provided, it shall be in y<sup>e</sup> power of y<sup>e</sup> Townes againe to make a new choyce, or else y<sup>e</sup> same to stand in force.

FFINIS.

1654.

[Roger Williams on his return from England during the summer of this year (1654), brought with him the following letter, addressed to Providence Colony. It was doubtless this letter from Sir Henry Vane, which led the Generall Assembly to direct letters to be sent to the Lord Protector, Sir Henry Vane and others, named in this order. There are no copies on file of any letters so written, subscribed to by Roger Williams, "with the title of his office." There is, however, among the records, a copy of the following letter, which, although signed by Gregorie Dexter, one of the Committee, as Town Clerk of Providence, is evidently a reply to the letter of Sir Henry Vane, alluded to. The date, however, being the 27th of the 6th month (August), is seventeen days before the act of the General Assembly, ordering the letters written.]

*Letter from Sir Henry Vane to the inhabitants of the Providence Colony, sent by the hands of Roger Williams.*

Lovinge and Christian Friends :

I could not refuse this bearer, Mr. Roger Williams, my kinde friend and ancient acquaintance, to be accompanied with these few lines from myself to you, upon his returne to Providence Colony ; though, perhaps, my private and retired condition, which the Lord, of his mercy, hath brought me into, might have argued strongly enough for my silence ; but, indeed, something I hold myself bound to say to you, out of the Christian love I bear you, and for his sake whose name is called upon by you and engaged in your behalfe. How is it that there are such divisions amongst you ? Such headiness, tumults, disorders and injustice ? The noise echoes into the ears of all, as well friends as enemies, by every returne of shippes from those parts. Is not the fear and awe of God amongst you to restraine ? Is not the love of Christ in you, to fill you with yearninge bowells, one towards another, and constrain you not to live to yourselves, but to him that died for you, yea, and is risen again ? Are there no wise men amongst you ? No public self-denying

spirits, that at least, upon the grounds of public safety,  
1654. equity and prudence, can find out some way or meanes of union and reconciliation for you amongst yourselves, before you become a prey to common enemies, especially since this State, by the last letter from the Council of State, gave you your freedom, as supposing a better use would have been made of it than there hath been? Surely, when kind and simple remedies are applied and are ineffectuall, it speaks loud and broadly the high and dangerous distempers of such a body, as if the wounds were incurable. But I hope better things from you, though I thus speak, and should be apt to think, that by Commissioners agreed upon and appointed in all parts, and on behalfe of all interests, in a generall meeting, such a union and common satisfaction might arise, as, through God's blessing, might put a stop to your growinge breaches and distractions, silence your enemies, encourage your friends, honor the name of God (which of late hath been much blasphemed, by reason of you), and in particular, refresh and revive the sad heart of him who mourns over your present evils, as being your affectionate friend, to serve you in the Lord.

H. VANE.

Belleaw, the 8th of February, 1653-4.

1654.

*Letter to Sir Henry Vane, on his retirement from office, in  
reply to his letter of the 8th February.*

Providence, 27th 6th mo., 1654 (so called).

Letter to Sir  
Henry Vane.

Although we are aggrieved at your late retirement from y<sup>e</sup> helme of publicke affaires, yet we rejoyce to reape y<sup>e</sup> sweete fruits of your rest in your pious and lovinge lines most seasonably sent to us.

Thus Sir, your sun, when he retires his brightness from y<sup>e</sup> world, yet from y<sup>e</sup> very cloud we perceave his presence and enjoy some light and heat, and sweete refeshinge.

Sir, your letters were directed to all and everie y<sup>e</sup> particular townes of this Providence Colonie. Surely Sir, amongst y<sup>e</sup> many providences of y<sup>e</sup> Most High towards this Towne of Providence, and this Providence Colonie, wee cannot but see, apparently, his gracious hand, providing your honourable selfe for so noble and true a friend to an outcast and despised people.

From y<sup>e</sup> first beginning of this Providence Colonie (occasioned by y<sup>e</sup> banishment of some in these parts from y<sup>e</sup> Massachusetts), we say ever since, to this very day, we reaped y<sup>e</sup> sweete fruits of your constant loving kindness and favour towards us. Oh, Sir, whence then is it, that you have bent your bow, and shot your sharpe and bitter arrowes now against us? Whence is it y<sup>t</sup> you charge us with divisions, disorders, &c.

Sir, we humbly pray your gentle acceptance of our two-fold answer.

First, We have been greatly disturbed and distressed by y<sup>e</sup> ambition and coveteousness of some amongst ourselves.

Sir, we were in compleate order untill Mr. Coddington (wanting y<sup>t</sup> publike selfe denyeing spirit which you com-

1654. mend to us in your letter), procured by most untrue information a monopolie of part of y<sup>e</sup> Colonie, viz. : Rhode Island to himselfe, and so occasioned our generall disturbances and distractions.

Secondly. Mr. Dyre (with no lesse want of a publike spirit), being by private contentions with Mr. Coddington ; and being betrusted to bring from England y<sup>e</sup> letter of y<sup>e</sup> Councell of State for our re-unitinge, he hopes for a recruit to himselfe by other mens goods ; and (contrarie to y<sup>e</sup> State's intentions and expressions), plungeth himselfe and some others, in most unnecessary and unrighteous plunderings, both of Dutch and French and English ; all to our great grieve, who protested against such abuse of power from England ; and y<sup>e</sup> end of it, even to y<sup>e</sup> shame and reproach of himselfe, and y<sup>e</sup> very English name itselfe, as all these parts doe witness.

Sir, our second answer is, (y<sup>t</sup> we may not lay all y<sup>e</sup> load upon other men's backs) y<sup>t</sup> possibly a sweete cup hath rendered many of us wanton and too active.


For we have long drunk of y<sup>e</sup> cup of as great liberties as any people y<sup>t</sup> we can heare of under the whole Heaven.

We have not only been long free (together with all English), from y<sup>e</sup> iron yokes of wolfish Bishops and their Popish ceremonies (against whose cruell oppressions, God raised up your noble spirit in Parliament) ; but we have sitten quiet and drie from y<sup>e</sup> streams of blood spilt by y<sup>e</sup> warr in our native cōuntry. We have not felt y<sup>e</sup> new chains of y<sup>e</sup> Presbyterian tyrants ; nor (in this colonie) have we been consumed with y<sup>e</sup> over-zealous fire of y<sup>e</sup> (so called) Godly and Christian magistrates.

Sir, we have not known what an excise means. We have almost forgotten what tythes are ; yea, or taxes, either to Church or Commonweale.

Sir, we could name other speciall priviledges (ingredients of our sweete cup), which your great wisdom knows to be very powerfull (except more than ordinarie watch-



fulnesse), to render y<sup>e</sup> best of men wanton and forget- 1654.  
full. 

But blessed be your love, and your loving heart and hand, awakening any of our sleepe spirits by your sweete alarms ; and blessed be your noble family (roote and branch), and all your pious and prudent engagements and retirements. We hope you shall noe more complaine of y<sup>e</sup> saddinge of your loving heart, by y<sup>e</sup> men of Providence Towne, or Providence Colonie ; but y<sup>t</sup>, sir, when we are gone and rotten, our posteritie and children after us, shall read in our Towne records, y<sup>e</sup> pious and favourable letters and loving kindness to us ; and this answeere and reall endeavours after peace and righteousness, and to be found. Sir,

Your most obliged and most  
humble servants,  
The Towne of Providence, in  
Providence Colonie, in  
New-England,  
GREGORIE DEXTER,  
Towne Clarke.

To y<sup>e</sup> truly hon'ble  
Sir Henry Vane,  
at his house, at Belleaw,  
in Lincolnshire,  
these present.

1654.

*Order to Massachusetts, from the Lord Protector's Council, relating to Roger Williams and Providence charter.*

To the Right Worshipful the Governor and Assistants, and the rest of our worthy friends in the Plantation of Massachusetts Bay.\*

Our much honoured friends :

Taking notice, some of us, of long-time, of Mr. Roger Williams, his good affections and conscience, and of his sufferings by our common enemy and oppressor of God's people, the prelates ; as also of his great industry and travels in his printed Indian labours in your parts (the like whereof we have not seen extant from any part of America), and in which respect it hath pleased both Houses of Parliament to grant unto him and friends with him, a free and absolute charter of civil government for those parts of his abode, and withal sorrowfully resenting, that amongst good men (our friends), driven to the ends of the world, exercised with the trials of a wilderness, and who mutually give good testimony each of the other (as we observe you do of him, and he abundantly of you), there should be such a distance. We thought it fit, upon divers considerations, to profess our great desires of both your utmost endeavours of nearer closing and of ready expressing those good affections (which we perceive you bear to each other), in the actual performance of all friendly offices. The rather because of those bad neighbours you are likely to find too near you in Virginia, and the unfriendly visits from the West of England and from Ireland. That howsoever it may please the Most High to

---

\* Hutchinson's Hist. of Massachusetts Bay. Hazard's State Papers, vol. i. p. 495.

shake our foundations, yet the report of your peaceable 1654.  
and prosperous plantations, may be some refreshment to ~~~~~

Your true and faithful friends,

|                    |                  |
|--------------------|------------------|
| Cor. Holland,      | Robert Harley,   |
| John Blackistow,   | John Gurdon,     |
| Isaac Pennington,  | Northumberland,  |
| Miles Corbett,     | P. Wharton,      |
| Oliver St. John,   | Tho. Barrington, |
| Gilbert Pickering, | William Masham.  |

---

[Roger Williams soon after his return from England, addressed the following letter, in his official capacity, to the General Court of Massachusetts ; and although not mentioned in the records, it is given as presenting a faithful account of the state of the Colony at the time.]

*Letter from Roger Williams, President of Providence Colony, to the General Court of Massachusetts.*

Providence, 5, 8, 1654 (so called).

Much honoured Sirs :

I truly wish you peace, and pray your gentle acceptance of a word, I hope not unreasonable.

We have in these parts a sound of your meditations of war against these natives, amongst whom we dwell. I consider that war is one of those three great, sore plagues, with which it pleaseth God to affect the sons of men. I consider, also, that I refused, lately, many offers in my native country, out of a sincere desire to seek the good and peace of this.

1654. I remember, that upon the express advice of your  
ever honored Mr. Winthrop, deceased, I first adventured  
to begin a plantation among the thickest of these barbarians.

That in the Pequod wars, it pleased your honored government to employ me in the hazardous and weighty service of negotiating a league between yourselves and the Narragansets, when the Pequod messengers, who sought the Narragansets' league against the English, had almost ended that my work and my life together.

That at the subscribing of that solemn league, which, by the mercy of the Lord, I had procured with the Narragansets, your government was pleased to send unto me the copy of it, subscribed by all hands there, which yet I keep as a monument and a testimony of peace and faithfulness between you both.

That since that time, it hath pleased the Lord so to order it, that I have been more or less interested and used in all your great transactions of war or peace between the English and the natives, and have not spared purse, nor pains, nor hazards (very many times), that the whole land, English and natives, might sleep in peace securely.

That in my last negotiations in England, with the Parliament, Councill of State, and his Highness, I have been forced to be known so much, that if I should be silent, I should not only betray mine own peace and yours, but also should be false to their honorable and princely names, whose loves and affections, as well as their supreme authority, are not a little concerned in the peace or war of this country.

At my last departure for England, I was importuned by the Narraganset sachems, and especially by Ninigret, to present their petition to the high sachems of England, that they might not be forced from their religion, and, for not changing their religion, be invaded by war; for they said they were daily visited with threatenings by Indians that came from about the Massachusetts, that if they would not

pray, they should be destroyed by war. With this their 1654. petition I acquainted, in private discourses, divers of the chief of our nation, and especially his Highness, who, in many discourses I had with him, never expressed the least tittle of displeasure, as hath been here reported, but, in the midst of disputes, ever expressed a high spirit of love and gentleness, and was often pleased to please himself with very many questions, and my answers, about the Indian affairs of this country ; and, after all hearing of yourself and us, it hath pleased his Highness and his Council to grant, amongst other favors to this colony, some expressly concerning the very Indians, the native inhabitants of this jurisdiction.

I, therefore, humbly offer to your prudent and impartial view, first, these two considerable terms, it pleased the Lord to use to all that profess his name (Rom. 12: 18), if it be possible, and all men.

I never was against the righteous use of the civil sword of men or nations, but yet since all men of conscience or prudence ply to windward, to maintain their wars to be defensive (as did both King and Scotch, and English, and Irish too, in the late wars), I humbly pray your consideration, whether it be not only possible, but very easy, to live and die in peace with the natives of this country.

For, secondly, are not all the English of this land, generally, a persecuted people from their native soil ? and hath not the God of peace and Father of mercies made these natives more friendly in this, than our native countrymen in our own land to us ? Have they not entered leagues of love, and to this day continued peaceable commerce with us ? Are not our families grown up in peace amongst them ? Upon which I humbly ask, how it can suit with Christian ingenuity to take hold of some seeming occasions for their destructions, which, though the heads be only aimed at, yet, all experience tells us, falls on the body and on the innocent.

Thirdly, I pray it may be remembered how greatly the

1654. name of God is concerned in this affair, for it cannot be  
~~~~~hid, how all England and other nations ring with the glorious conversion of the Indians of New-England. You know how many books are dispersed throughout the nation, of the subject (in some of them the Narraganset chief sachems are publicly branded, for refusing to pray and be converted); have all the pulpits in England been commanded to sound of this glorious work (I speak not ironically, but only mention what all the printed books mention), and that, by the highest command and authority of Parliament, and church wardens went from house to house, to gather supplies for this work.

Honored Sirs,

Whether I have been and am a friend to the natives turning to civility and Christianity, and whether I have been instrumental, and desire so to be, according to my light, I will not trouble you with; only I beseech you consider, how the name of the most holy and jealous God may be preserved between the clashings of these two, viz.: the glorious conversion of the Indians in New-England, and the unnecessary wars and cruel destructions of the Indians in New-England.

Fourthly, I beseech you forget not, that although we are apt to play with this plague of war more than with the other two, famine and pestilence, yet I beseech you consider how the present events of all wars that ever have been in the world, have been wonderful fickle, and the future calamities and revolutions, wonderful in the latter end.

Heretofore, not having liberty of taking ship in your jurisdiction, I was forced to repair unto the Dutch, where mine eyes did see that first breaking forth of that Indian war, which the Dutch begun, upon the slaughter of some Dutch by the Indians; and they questioned not to finish it in a few days, insomuch that the name of peace, which some offered to meditate, was foolish and odious to them. But before we weighed anchor, their boweries were in


flames ; Dutch and English were slain. Mine eyes saw 1654. their flames at their towns, and their flights and hurries of men, women and children, the present removal of all that could for Holland ; and, after vast expenses, and mutual slaughters of Dutch, English and Indians, about four years, the Dutch were forced, to save their plantation from ruin, to make up a most unworthy and dishonorable peace with the Indians.

How frequently is that saying in England, that both Scotch and English had better have born loans, ship money, &c , than run upon such rocks, that even success and victory have proved, and are yet like to prove. Yea, this late war with Holland, however, begun with zeal against God's enemies, as some in Parliament said, yet what fruits brought it forth, but the breach of the Parliament, the enraging of the nation by taxes, the ruin of thousands who depended on manufactures and merchandize, the loss of many thousand seamen, and others ; many of whom many worlds are not worthy ?

But, lastly, if any be yet zealous of kindling this fire for God, &c., I beseech that gentleman, whoever he be to lay himself in the opposite scale, with one of the fairest buds that ever the sun of righteousness cherished, Josiah, that most zealous and melting-hearted reformer, who would to war, and against warnings, and fell in most untimely death and lamentations, and now stands, a pillar of salt to all succeeding generations.

Now, with your patience, a word to these nations at war (occasion of yours), the Narragansets and Long-Islanders, I know them both experimentally, and therefore pray you to remember,

First, that the Narragansets and Mohawks are the two great bodies of Indians in this country, and they are confederates, and long have been, and they both yet are friendly and peaceably to the English. I do humbly conceive, that if ever God calls us to a just war with either of them, he calls us to make sure of the one to a friend.

1654. It is true some distaste was lately here amongst them, but  they parted friends, and some of the Narragansets went home with them, and I fear that both these and the Long-Islanders and Mohegans, and all the natives of the land, may, upon the sound of a defeat of the English, be induced easily to join each with other against us.

2. The Narragansetts, as they were the first, so they have been long confederates with you ; they have been true, in all the Pequod wars, to you. They occasioned the Mohegans to come in, too, and so occasioned the Pequods' downfall.

3. I cannot yet learn, that it ever pleased the Lord to permit the Narragansetts to stain their hands with any English blood, neither in open hostilities nor secret murders, as both Pequods and Long-Islanders did, and Mohegans, also, in the Pequod wars. It is true they are barbarians, but their greatest offences against the English have been matters of money, or petty revenging of themselves on some Indians, upon extreme provocations, but God kept them clear of our blood.

4. For the people, many hundred English have experimented them to be inclined to peace and love with the English nation.

Their late famous long-lived Canonicus so lived and died, and in the same most honorable manner and solemnity (in their way), as you laid to sleep your prudent peace-maker, Mr. Winthrop, did they honor this, their prudent and peaceable prince. His son, Mexham, inherits his spirit. Yea, through all their townes and countries, how frequently do many, and oft-times one Englishman, travel alone with safety and loving-kindness !

The cause and root of all the present mischief, is the pride of two barbarians, Ascassassotic, the Long-Island sachem, and Ninigret, of the Narraganset. The former is, proud and foolish ; the latter is proud and fierce. I have not seen him these many years, yet from their sober men I hear he pleads,

First, that Ascassassotic, a very inferior sachem, bearing 1654. himself upon the English, hath slain three or four of his people, and since that, sent him challenges and darings to fight, and mend himself.

2. He, Ninigret, consulted by solemn messengers, with the chief of the English Governors, Major Endicott, then Governor of the Massachusetts, who sent him an implicit consent to right himself, upon which they all plead that the English have just occasion of displeasure.

3. After he had taken revenge upon the Long-Islanders, and brought away about fourteen captives, divers of their chief women, yet he restored them all again, upon the meditation and desire of the English.

4. After this peace made, the Long-Islanders, pretending to visit Ninigret, at Block-Island, slaughtered of his Narragansets near thirty persons, at midnight, two of them of great note, especially Wepiteammoc's son, to whom Ninigret was uncle.

5. In the prosecution of this war, although he had drawn down the Islanders to his assistance, yet upon protestation of the English against his proceedings, he retreated and dissolved his army.

Honored Sirs,

1. I know it is said the Long-Islanders are subjects; but I have heard this greatly questioned, and, indeed, I question whether any Indians in this country, remaining barbarous and pagan, may with truth or honor be called the English subjects.

2. But grant them subjects, what capacity hath their late massacre of the Narragansets, with whom they had made peace, without the English consent, though still under the English name, put them into?

3. All Indians are extremely treacherous; and if to their own nation, for private ends, revolting to strangers, what will they do upon the sound of one defeat of the English, or the trade of killing English cattle, and persons, and plunder, which will, most certainly be the trade,

1654. if any considerable party escape alive, as mine eyes beheld in the Dutch war.

But, I beseech you, say your thoughts and the thoughts of your wives and little ones, and the thoughts of all English, and of God's people in England, and the thoughts of his Highness and Council (tender of these parts), if, for the sake of a few inconsiderable pagans, and beasts, wallowing in idleness, stealing, lying, whoring, treacherous witchcrafts, blasphemies, and idolatries, all that the gracious hand of the Lord hath so wonderfully planted in the wilderness, should be destroyed.

How much nobler were it, and glorious to the name of God and your own, that no pagan should dare to use the name of an English subject, who comes not out, in some degree, from barbarism to civility, in forsaking their filthy nakedness, in keeping some kind of cattle, which yet your councils and commands may tend to, and, as pious and prudent deceased Mr. Winthrop said, that civility may be a leading step to Christianity, is the humble desire of your most unfeigned all services of love,

ROGER WILLIAMS,
of Providence Colony,
President.

1655.



1655.


The Roule of y^e Freemen of y^e Colonie of everie Towne.

PROVIDENCE.

| | |
|--------------------|----------------------|
| William Arnold, | Roger Mowrie, |
| Thomas Angell, | Edward Manton, |
| James Ashton, | Thomas Olney, Sen'r, |
| John Browne, | Thomas Olney, Jun'r, |
| Samuel Bennett, | Nicholas Power, |
| William Burrowes, | Henrie Redick, |
| Henrie Browne, | Thomas Roberts, |
| Hugh Buitt, | John Sailes, |
| Thomas Clement, | Thomas Sucklinge, |
| Nathaniel Dickens, | Christopher Smith, |
| Gregorie Dexter, | Richard Scott, |
| William Carpenter, | Thomas Slowe, |
| John Feild, | John Throgmorton, |
| William Feild, | Roger Williams, |
| Arthur Fenner, | Robert Williams, |
| William Harris, | Robert West, |
| Thomas Harris, | Richard Waterman, |
| William Hawkins, | Wm. Wickenden, |
| Thomas Hopkins, | Thomas Walline, |
| Edward Jermon, | Josua Winsor, |
| John Joanes, | Mathew Waller. |

PORTSMOUTH.

| | |
|-----------------|----------------------|
| John Anthonie, | Nathaniel Browninge, |
| John Alsberre, | William Brenton, |
| William Almy, | William Baulston, |
| John Archer, | Fran: Braiton, |
| Richard Burden, | Nicho: Browne, |
| Thomas Brooks, | John Briggs, |

| | | |
|--|------------------------|------------------------|
| 1655. | James Badcock, | Adam Mott, Sen'r, |
|  | Tho: Brownell, | Adam Mott, Jun'r, |
| | Thomas Burden, | John Mason, |
| | Francis Burden, | Richard Morris, |
| | William Baker, | William Morris, |
| | Thomas Cornell, Sen'r, | Jonathan Mott, |
| | Ralph Cowland, | Samuel Gennings, |
| | Thomas Cooke, Sen'r, | John Porter, |
| | Thomas Cooke, Jun'r, | George Parker, |
| | John Cranston, | Arthur Paine, |
| | Gregorie Cole, | John Roome, |
| | John Cooke, | Phillip Sherman, |
| | Ralph Earle, | Giles Slocum, |
| | Edward Fisher, | John Sanford, |
| | Thomas Fish, | James Sandes, |
| | John Ford, | Richard Sussell, |
| | William Freeborne, | John Sanford, Jun'r, |
| | Thomas Gorton, | John Tripp, |
| | Thomas Gennings, | John Tift, |
| | Math: Greenell, | Fred: Sheffield, |
| | Thomas Hazard, | Samuel Wilbore, Sen'r, |
| | Richard Hawkins, | Sam'l Willson, |
| | William Hall, | Samuel Wilbore, Jun'r, |
| | Sam: Hutchinson, | Thomas Warde, |
| | William Havens, | William Woodhill, |
| | Robert Hazard, | James Weeden, Sen'r, |
| | William James, | Robert ——, |
| | Thomas Laiton, | Henrie ——, |
| | George Loughton, | Phillip Taber (1656). |
| | John Mott, | |

NEWPORT.

| | |
|------------------|---------------------|
| Benedict Arnold, | Henrie Bassett, |
| James Barker, | Nicho. Blackford, |
| George Blisse, | Math. Boomer, |
| Henrie Bull, | John Coggeshall, |
| Robert Bennett, | William Coddington, |


John Clarke,
 Jeremiah Clarke,
 John Crandall,
 Richard Card,
 Jeffery Champlin,
 Robert Carr,
 Caleb Carr,
 Thomas Clarke,
 Joseph Clarke,
 John Coggeshall, Jun'r,
 Nicho: Cotterell,
 John Cranston,
 William Case,
 Thomas Cleveton,
 William Dyre,
 Richard Dunn,
 William Devill,
 Nicholas Easton,
 Peter Easton,
 John Easton,
 John Feirefield,
 Robert Griffin,
 John Greene,
 Edward Greenman,
 Jeremiah Gould,
 David Greenman,

Thomas Gould,
 John Gould,
 George Haman,
 Bartho: Hunt,
 Samuel Hubbard,
 John Hall,
 William Haviland,
 William Jeffery,
 Richard Knight,
 Edward Larkin,

Marke Lucar,
 William Lytherland,
 James Mann,
 John Peckham,
 Thomas Painter,
 John Parker,
 Alexander Partridge,
 John Richmond,
 William Richinson,
 Edward Robinson,
 James Rogers,
 Robert Spinke,
 Robert Stanton,
 Tobia Sanders,
 Edward Smith,
 Edward Thurston,
 John Thornton,
 Robert Taylor,
 Richard Tew,
 John Smith,
 Thomas Tooley,
 Joseph Torey,
 Thomas Vaulston,
 William Vaughan,
 John Vaughan,
 Matthew West,
 Clement Weaver,
 William Weeden,
 John West,
 John Wood,
 James Weeden,
 Clement Weaver, Jr.,
 Jeremia Willis,
 James Weeden, Jr.,
 William Wickington,
 Marmaduke Ward,
 Owen Williams,

1655.



| | | |
|--|------------------|------------------------|
| 1655. | Emanu: Wooley, | Robert Birdiet (1656), |
|  | Thomas Waterman, | Thomas Dungen, |
| | Peter Tallman, | Obadiah Holmes, |
| | John ———, | Andrew Langworth, |
| | Robert ———, | Henry Perran, |
| | John ———, | Lawrence Turner. |

WARWICKE.

| | |
|------------------------|-------------------|
| Edward Andrewes, | John Haydon, |
| George Baldwin, | Henrie Knowles, |
| Peter Bazicott, | John Lippett, |
| Richard Carder, | John More, |
| Walter Conigrave, | George Palmer, |
| John Cooke, | John Smith, |
| Samuel Gorton, | John Sweete, |
| Samuel Gorton, Jr., | Thomas Stafford, |
| John Greene, Sen'r, | James Sweete, |
| John Greene, Jun'r, | Richard Townsend, |
| Peter Greene, | Walter Todd, |
| Thomas ———, | Richard ———, |
| James Greene, | John Townsend, |
| Thomas Greene, | Chris. Uthanke, |
| John Garriard, | John Weekes, |
| Thomas Evington, | Henrie Townsend, |
| Randall Houlden, | Stuckle Wescoate, |
| Ezekiell Holliman, | Robert Wescoate, |
| Christopher Hawxhurst, | Amos Wescoate. |

1655.


*The Generall Court of Election held at Providence,
May 22d, 1655.*

Mr. Roger Williams, Moderator.

FREEMEN RECEIVED.

William Haviland, Robert Berdick, Tobia Sanders, of
Newport. William Case, Henry Perrie, John Feirfield,
Thomas Waterman.

Mr. Roger Williams, President.

Mr. Thomas Olnie, Assistant for Providence, and next
in voate Mr. Dexter.

Mr. John Roome, Assistant for Portsmouth, Mr. Baul-
ston next.

Mr. Benedict Arnold, Assistant for Newport; Mr. Ed-
ward Smith next.

Mr. Randall Houlden, Assistant for Warwick; Mr.
Holliman next.

William Lytherland, Generall Recorder, John Greene,
Jun'r, next.

George Parker, Generall Sargeant; Rich'd Knight
next.

Capt. John Cranston, Generall Attorney.

Mr. John Sanford, Generall Treasurer; Mr. John
Coggeshall next.

Mr. John Greene, Junior, Generall Solicitor; Hugh
Buitt next.

1655.

The Court of Commissioners.

| | |
|-------------|--|
| Providence. | { Mr. Roger Williams,
Wm. Wickenden,
Thomas Harris,
Arthur Fenner,
Richard Waterman,
Mr. John Sailes. |
| Newport. | { Capt. John Cranston,
Mr. Benedict Arnold,
Mr. John Easton,
Mr. Edward Smith,
Mr. John Gould,
Henrie Bull. |
| Portsmouth. | { Mr. William Baulston,
Mr. John Roome,
John Tripp,
John Briggs,
Thomas Lughton,
Thomas Brownell. |
| Warwick. | { Mr. John Greene, Sen'r,
Stucle Wescoate,
Mr. Ezekiel Holiman,
John Greene, Jun'r,
Richard Harcutt,
Christopher Hauxhurst. |

1. It is ordered by the Commissioners, that William Lytherland, Recorder, shall be y^e Clarke of y^e Assemblie of Commissioners.

The Court adjourned till morninge, sunne one houre high.

1655.

May the 25th. 

Mr. Roger Williams, Moderator.

2. It is ordered, that what the President hath presented, shall be committed to a sub-committee of eight men, two of each Towne.

For Providence, Arthur Fenner, and William Wickenden.

For Portsmouth, Mr. William Baulston, and Mr. John Roome.

For Newport, Mr. Benedict Arnold, and Capt. John Cranston.

For Warwick, Mr. John Greene, Sen'r, and Mr. Eze-kiell Holliman.

3. It is ordered, that it shall be recorded, that be-
cause y^e Generall Court were deprived of y^e generall re-
cords, they were enforced to procure y^e coppie from y^e
Towne of Providence, and two messengers sent to borrow
them of Mr. Dexter, Towne Clarke. Records.

The Court adjourned for one houre.

4. It is ordered, that y^e officers of each Towne shall
send by warrant and deliver to y^e sargent or constable,
requiringe all such to apeere at their next Towne Meetinge
as have not yet taken their engagement to y^e obedience
of y^e State of England. Such as apeere shall be desired
to subscribe to subject to y^e authority of His Highness, and
y^e Parlement of England, as y^e government is now estab-
lished. Such as refuse to apeere, or apeere and refuse
to subscribe, shall be summoned by y^e generall officer or
towne officer to apeere at y^e next Court of trialls. Engage-
ments.

5. It is ordered, that there shall be holden three Gen-
erall Courts of tryalls in one yeare in this Colonie, after
y^e present Generall Court of trialls heere at Providence is
ordered. The first Court in order to be held y^e last Tues-
day in June next at Portsmouth. The second in order to
be held y^e second Tuesday in October next at Newport.
The third Court in order, to be held y^e second Tuesday in Time of
Colonie
Courts.

1655. March next at Warwick. And then y^e next yeare y^e next court in order, to be held y^e last Tuesday in June, at Providence; and soe followinge by turne in y^e foresaide order, any former order notwithstandinge.

Penaltie of
not sub-
scribing to
support the
Lord Pro-
tector.

6. We further agree, that such as refuse to owne y^e authoritie of his Highness y^e Lord Protector, and y^e Parliament of England, as y^e government is now established; and to subscribe at their apearance at y^e Generall Court, shall have noe benefit nor privilege in any law of y^e Colonie in any case that shall befall, untill they have subscribed y^e engagement.

Raisinge
Taxes,
Rates, &c.

7. It is ordered, that y^e raisinge of Generall Taxes shall be ordered by y^e Generall Court of Commissioners, as they shall see cause from time to time as to y^e sumes, and how they shall be proportioned on each Towne; as alsoe, who in each Towne shall have power to make y^e rates, and who are to give forth warrants for y^e gatheringe of them; as alsoe in case of any refusinge to pay, to order assistance to him or them that are authorized to give warrants, or to gather y^e rates as need shall require.

Penaltie of
not assist-
inge Offi-
cers.

8. It is ordered, that in case y^e officers require y^e aide of any persons in gatheringe of rates, or takinge of fines, he that refuseth assistance shall forfeit ten shillings; and in case of breach of y^e peace, or y^e apprehendinge of felonious persons, any person refusinge y^e officer commandinge his assistance in his Highness's name, he shall answer for y^e mischief that shall ensue, for want of his assistance.

Engage-
ments.

9. It is ordered, that these words (to the utmost of your power) be inserted in y^e engagement of y^e Generall officers, immediately after y^e words, faithfully and truly.

The Recorder engaged.

The President engaged.

Mr. John Roome, Assistant, engaged.

Officers to be
engaged.

10. Itt is ordered, that those Generall officers that are uppon y^e Iland, and yet unengaged, shall be ingaged by y^e Recorder, and those uppon y^e maine by y^e President.

11. That whereas, it hath been debated in this Court 1655. of some risinge or takinge up of armes to y^e oposeinge of authoritie by Mr. Tho: Olnie, Mr. Baulston, and Mr. Roome, are desired to treat with him, and to declare to him y^e minde of this Court, and y^e proceedings of y^e Colonic concerninge him. About Olnie.

12. It is ordered, that uppon y^e cominge of strangers, who are sent after into any Towne of this jurisdiction, y^e Generall and particular officers of each Towne may send for them; and if they see cause, returne them unto y^e jurisdiction that sends after them; or, if they find any case difficult, they shall call y^e Towne together to know their mindes about them. Returne of strangers.

13. It is ordered, that Captaine John Cranston, Henrie Bull, John Greene, Jun'r, John Tripp, and Christopher Hawxhurst, are chosen a sub-committee to ripen against morninge, some way for suppressinge of sellinge liquors. Sub-committee to suppress the sale of liquors.

Mr. Thomas Olnie, Assistant for Providence, engaged.

Mr. Benedict Arnold, and Mr. John Easton are added to y^e former six apoynted as abovesaid.

14. It is ordered, that all such as are chosen by y^e Towne for Commissioners, each man shall be allowed three shillings per day by the Towne wherein they are chosen. It is further ordered, that any man chosen for a Commissioner, if he apeere not, havinge noe leave of y^e Towne for his disapeerance; or apeeringe, shall depart y^e Court without leave, he shall loose his allowance of three shillings per day; and alsoe forfeite to y^e Towne six shillings per day for each day of y^e Courts sittinge. Wages and Penaltie of Commissioners.

15. It is ordered, that their shall be added sixpence per jurie man, uppon each cause tryed, soe that it now is two shillings per jurie man for everie action. Wages for Jurie men.

16. For y^e preventinge of y^e great mischief of y^e Indian drunkenness, it is thought meet in y^e first place, that there be two ordinarie keepers apoynted in each Towne, Ordinarie keepers penaltie of others sellinge by retails.

1655. and that none but those shall sell any sort of strong drink, either to English or Indians by retaile ; that is to say, under a gallon ; and in case any shall be found to transgress herein, they shall be fined five pounds for each transgression, and it shall be taken by distraint by y^e constable, havinge a warrant from under y^e magistrates's hands ; and halfe y^e fine shall be to y^e constable and his aide, together with y^e informer.

Indians
Drunken-
ness.

Further it is agreed, that neither of those ordinarie keepers shall sell to y^e Indians, above a quarter of a pint of liquers, or wine a day, to a person. And in case any Indian be found drunke, y^e ordinarie keeper by whose meanes he is made drunke shall pay 20 shillings for each person's transgression ; and y^e Indian shall pay ten shillings, or be whipt, or laide necke and heels ; and this forthwith to be taken by y^e Constable, havinge a warrant either from y^e generall or y^e Towne magistrates' hands.

Search for
liquers or
wine.

Furthermore, be it enacted, that y^e constable and y^e ordinarie keepers of each Towne, havinge a warrant from y^e magistrates handes shall have power as causes present it selfe to them, to search any man's house to see what quantitie of liquors or wine they have.

Price of
Liquors.

It is further agreed, that what liquors are retayned in this Colonie, shall not be sold to exceed four shillings a quart, at peage six per pennie, throughout y^e Colonie.

Further, for y^e prevention of y^e abuse aforesaid, we agree to enact by this present Court, that in each Towne, or other part or parts of this Colonie wheresoever any wine or liquors, or other sorts of stronge drinke is either at present beinge in y^e possession of any person or persons in this Colonie ; or shall at any time thereafter be brought from elsewhere into this Colonie ; that person or persons whosoever he or they bee within this Colonie, that hath in possession any such commoditie as is premised, shall, within one week immediately after y^e publication of this order, cause it all to be recorded in y^e Towne's records, in which Towne he dwells, or is otherwise beinge, or be-

Recordinge
of Liquors,
Penaltie.

longinge therein, or thereto. And further, any such 1655.
 drink that shall afterwards be any wayes brought into
 y^e precinques of any towne in this Colonie from time to
 time, shall be recorded as aforesaide, in y^e saide respec-
 tive Towne booke or bookes ; and if any person uppon
 search shall be found to have concealed any such drinke,
 and not recorded y^e same within two dayes after y^e bring-
 ing y^e same as afore prescribed, that person or persons,
 whoever he or they bee, shall forfeit all such liquors, or
 other such aforesaide concealed drinke ; and y^e one halfe
 of it soe forfeited, shall remaine to y^e Treasurie of y^e
 Towne, and y^e other halfe to y^e men apoynted to search out
 and seize on such concealed drinke ; or, if any other per-
 son doe informe, those, or either of those searchers, &c., he
 shall have an equall share for his part of y^e said halfe for-
 feiture, equivalent to either one of them ; and y^e Towne
 Clarke shall have after y^e rate of three pence an anchor ^{Fees.}
 for recordinge of all such drink as is premised.

Further, we agree, that there shall be excise both up-
 pon wine and liquors throughout y^e Colonie, after y^e rate
 of five shillings upon everie anchor of liquors ; and five
 shillings upon everie quarter cask of wine, which shall be
 taken by y^e sargent of each Towne by warrant, unless
 they pay it in of their owne accord ; and it is to returne
 to y^e Towne Treasurie where it is taken. Further, it is
 in y^e power of each Towne to make order for y^e further
 or stricter performance of this order abovesaide.

17. It is ordered, that whosoever of y^e Commissioners ^{Excise.}
 that are chosen from amongst y^e rest for a sub-committee ^{Penaltie of}
 and refuseth, shall forfeite two shillings for his refusall. ^{y^e Sub-Committee.}

The Sub-Committee.

Arthur Venner, Thomas Harris, Mr. Roome, John
 Tripp, Mr. Arnold, Mr. Edward Smith, Mr. Wescoate
 and John Greene, Jun'r.

The Courte adjourned for one houre.

18. It is ordered, that John Parker is freed from his

1655. bonds of prosecutinge of Samuella Comstocke, and hath libertie either to compose or prosecute.

Robert Griffin to be paid.

19. It is ordered, that Robert Griffin shall be paid his monie due to him from y^e Colonie, paid to him out of y^e Generall Treasurie from y^e first fines that are taken, or rates that are made for y^e Colonie, and shall be allowed twelve in y^e one hundred for forbearance.

Trespases to compose.

20. It is ordered, that in case of trespases, or takinge of other men's goods which may possiblly beare y^e charge of theft, there shall be libertie for y^e partie offended, to compose y^e matter with y^e partie offendinge, or prosecute y^e offender legally, at his choyce ; provided, y^e person offendinge, be not a notorious delinquent formerly in the like kinde ; and this order to stande for a tryall, for y^e convenience or inconvenience thereof untill y^e Colonie see cause to alter it.

Prisons.

21. It is ordered by this present Court, and alsoe by y^e Commissioners of Portsmouth and Newport, in behalfe of y^e two Townes aforesaide, namely : That Newport shall build a sufficient prison at y^e charge of eightie pounds ; whereof Portsmouth shall pay twentie pounds ; in lieu whereof, Portsmouth shall have the use of y^e saide prison to put their prisoners in ; and alsoe it is ordered, and concluded by engagement as abovesaide, that Portsmouth shall build a cage and stocks therein for y^e use of their own Towne and for Newport if occasion be.

Id. It is further ordered, and also y^e Commissioners of Providence and Warwick in behalfe of y^e two Townes aforesaid, namely : that Warwick shall build a sufficient prison at y^e charge of fortie and one pounds, whereof Providence is to pay six pounds ; in lieu whereof, Providence shall have use of y^e saide prison, to putt their prisoners in ; and also it is ordered and concluded by engagement as abovesaide, that Providence shall build a sufficient cage or prison, sufficient with a paire of Stocks, at y^e charge of fourteene pounds ; which prison, cage or stocks, Warwick alsoe shall have y^e use thereof if occasion be.

It is further ordered, that when y^e Colonie Courts are 1655. upon y^e maine, y^e prisons there shall be for y^e use of y^e Colonie ; and when y^e Courts are upon y^e Island, then y^e prisons there to be for y^e use of y^e Colonie likewise.

Id. It is ordered, that there shall be three men in each Towne to make y^e rates for y^e accomplishinge of y^e worke abovesaide. Only foure are chosen for Newport, and it is left to each Towne to add to those three or foure in each towne if they see good, or to change and putt others in theire roome, but yett soe as y^e worke be not neglected.

The men chosen.

FOR PROVIDENCE.

Mr. Roger Williams,
Mr. John Sayles,
Mr. Thomas Harris.

FOR PORTSMOUTH.

Mr. John Roome,
John Briggs,
John Tripp.

FOR NEWPORT.

Capt. Thomas Cranston,
Mr. Benedict Arnold,
Henrie Bull,
Mr. John Easton.

FOR WARWICK.

John Greene, Jun'r,
Mr. Ezekiel Holliman,
Richard Harcutt.

22. It is ordered, that Portsmouth shall pay y^e twentie pounds abovesaide to Newport and Providence, y^e six pounds to Warwicke at or before y^e twentieth of July next.

The Court adjourned till morninge.

May the 25th.

Mr. Roger Williams, Moderator.

23. It is ordered, that a person convicted of adulterie by two punctuall witnesses upon y^e Island, shall be whipt, receiving fifteen stripes at Portsmouth ; and after a weekes respite, y^e like punishment at Newport. If upon y^e maine, they shall receive fifteen stripes at Provi-

Adulterie
Penaltie.

1655. dence, and after a weeks respite y^e like punishment at
 ~~~~~ Warwicke. And for a second offence, y<sup>e</sup> delinquents  
 shall receive y<sup>e</sup> like punishment at all y<sup>e</sup> foure Townes.  
 Further, for y<sup>e</sup> first offence, y<sup>e</sup> delinquents shall pay to-  
 wards public charges tenn pounds ; and for y<sup>e</sup> second of-  
 fence twentie pounds. Further, for y<sup>e</sup> first offence y<sup>e</sup> de-  
 linquent shall be baleable ; but for y<sup>e</sup> second offence, not  
 ailable.

Divorce.

24. It is ordered, that in case of adulterie, a generall  
 or towne magistrate may grant a bill of divorce against  
 y<sup>e</sup> partie offendinge uppon y<sup>e</sup> demand of y<sup>e</sup> partie of-  
 fended.

*Id.* But in all other cases of separation or divorce be-  
 twixt man and wife, all persons shall addresse themselves  
 for release to y<sup>e</sup> Generall Court of Commissioners ; and if  
 any persons in this Colonie shall part themselves and mar-  
 rie againe without y<sup>e</sup> authoritie of y<sup>e</sup> Court of Commis-  
 sioners, or be convicted of carnal copulation with any  
 other, they shall be punished as in case of adulterie.

Thomas  
 Genings.

It is ordered, that Thomas Genings shall goe and de-  
 mand his wife to live with him, but in case she refuse, he  
 shall make his addresse to the Generall Court of Commis-  
 sioners for redresse in y<sup>e</sup> case.

Records.

25. It is ordered, that y<sup>e</sup> Generall Recorder now  
 chosen, shall demand and receive all y<sup>e</sup> records that were  
 committed to Joseph Torrey, when he was chosen re-  
 corder. Further, it is ordered, that y<sup>e</sup> Recorder now  
 chosen, shall write out in a booke suitable to that which  
 now is in which y<sup>e</sup> records are, all those matters that con-  
 cerne y<sup>e</sup> Colonie ; that y<sup>e</sup> records of y<sup>e</sup> landes of y<sup>e</sup> Island  
 may be left at y<sup>e</sup> disposeinge of y<sup>e</sup> two townes uppon y<sup>e</sup>  
 Island, and y<sup>e</sup> Island is to be at y<sup>e</sup> charge, both of y<sup>e</sup>  
 booke and transcription.

1655.

*A Sub-Committee.*

|                    |                         |
|--------------------|-------------------------|
| Mr. Thomas Harris, | Capt. John Cranston,    |
| Mr. Arthur Venner, | Mr. Benedict Arnold,    |
| Mr. John Roome,    | Mr. John Greene,        |
| John Tripp,        | Mr. Stuckely Westcoate. |

26. It is ordered, that y<sup>e</sup> Towne Sargent of each <sup>Serving and grant-  
inge writs.</sup> Towne shall be y<sup>e</sup> generall sargents deputie, to serve a writt in case of haste ; and further, that y<sup>e</sup> Generall Assistant in each Towne hath power to grant forth writts in case y<sup>e</sup> partie to be arrested be in likelihood of escape before a writt from y<sup>e</sup> Recorder can be procured.

27. It is ordered, that all those acts and orders that <sup>Records.</sup> have passed since y<sup>e</sup> union of y<sup>e</sup> Colonie, shall be entered and recorded in y<sup>e</sup> booke of records of y<sup>e</sup> Colonie.

28. It is further ordered by this present Assemblie, <sup>Ordinarie  
keepers.</sup> and hereby enacted, that, Whereas there shall be two houses for entertainment in each Towne (accordinge to y<sup>e</sup> former law made by this present Court), for y<sup>e</sup> certaintie of such houses of entertainment that shall be in present beinge and employment in each towne ; and that this Court shall nominate and appoynt two persons to keepe such houses of entertainment in each towne ; and they are hereby lawfully confirmed in y<sup>e</sup> imployment untill each respective towne doe nominate and appoynt two others in their stead, and putt them in that employment actually ; and if they apoynt one other insted of those nominated, yett y<sup>e</sup> other by this Court nominated, shall stand actually confirmed in y<sup>e</sup> employment untill another be chosen in his stead by y<sup>e</sup> Towne.

That uppon consideration hereof, y<sup>e</sup> Court hath nominated and apoynted to y<sup>e</sup> same employment, namely :

FOR PROVIDENCE.  
Roger Mowrie,  
Richard Perry,

FOR PORTSMOUTH.  
Ralph Earle,  
John Anthonie.

1655.

FOR NEWPORT.

FOR WARWICK.

Robert Griffin,  
Wm. Lytherland.

Mr. Stuckley Wescoate.  
Mr. Robert Potter.

House of  
entertain-  
ment.

And this act shall be in force within ten dayes after y<sup>e</sup> publishing hereof in each Towne ; only it is provided, that each Towne, or any one Towne, may add any such one house of entertainment in their Towne besides two that y<sup>e</sup> Court hath apoynted ; and Mr. Baulston at Portsmouth, shall be at libertie to entertaine accordinge to y<sup>e</sup> premises.

Signs.

It is further ordered, that each one so apoynted as premised, for y<sup>e</sup> saide imployment, shall cause to be sett out, a convenient signe at y<sup>e</sup> most perspicuous place of y<sup>e</sup> saide house, thereby to give notice to strangers, that it is a house of publick entertainment ; and this to be done with all convenient speede.

Capt  
Morris.

29. That an answer of Captaine Morris his letter, shall be sent to Plymouth accordinge as it is drawne upp by y<sup>e</sup> President.

Mr. Cogges-  
hall.

30. It is ordered, that y<sup>e</sup> President shall give libertie to Mr. John Coggeshall to contract a new marriage.

Christo.  
Almie.

31. It is ordered, that uppon a petition, y<sup>e</sup> President, at y<sup>e</sup> latter end of June next, shall treat with Mr. Wm. Dyre, concerninge y<sup>e</sup> vessell of Mr. Christopher Almie ; and, if finding it just, shall write in y<sup>e</sup> behalfe of said Christopher to y<sup>e</sup> authoritie in England to regulate y<sup>e</sup> matter and relieve y<sup>e</sup> petitioner.

Swearinge  
and curs-  
inge.

32. It is ordered, in case any be found to be a notorious and customarie swearer, and curser, if complained on, and due probation made to y<sup>e</sup> Magistrate of Towne or Colonie, for y<sup>e</sup> first defaultt, he shall be admonished ; and for second complaynt and probation, he shall either sitt in y<sup>e</sup> stocks two houres, or pay five shillings, which y<sup>e</sup> magistrate shall have power to effect.

33. It is ordered, that y<sup>e</sup> Recorder (in case there be noe suites dependinge,) shall give notice timely to the

severall Townes, or to y<sup>e</sup> maine, to y<sup>e</sup> onetowne, and to y<sup>e</sup> 1655.  
 two Townes uppon y<sup>e</sup> Island, to preventy<sup>e</sup> Courts; and shall have thirteen shillings and fourepence for his paines and charge, for such sendinge an expresse and messenger. Recorder to  
send, if no  
Courts.

34. It is ordered, that in case any Generall Assistant shall be wantinge in any Towne, it shall be in y<sup>e</sup> power of y<sup>e</sup> Towne to choose another. Assistant.

35. It is ordered, that Mr. Roome and John Briggs shall take care in Thomas Genings case, and to treat with his wife, and to declare y<sup>e</sup> Court's minde concerninge her, and to bringe a true report to y<sup>e</sup> next Generall Court of trialls. Thomas  
Genings.

36. Whereas, Mr. Burden hath petitioned to this Assemblie for redress in a case, wherein he is bound over to y<sup>e</sup> Generall Court to prosecute Samuel Willson, in a case of suspicion of felonie; and y<sup>e</sup> saide Richard Burden professinge before this Court, that he doth not charge him, neither can he make proof of any such matter; this Court findinge y<sup>e</sup> matter not fit to be brought to a Court of tryalls, he, y<sup>e</sup> saide Burden having cleared him, doe give an order for y<sup>e</sup> bonds to be withdrawne. Burden.

37. It is ordered, that y<sup>e</sup> Recorder shall have for y<sup>e</sup> writinge of y<sup>e</sup> acts of this Court, and coppies to each towne, eight shillings of each towne.

FFINIS.

1655.

June 28.

*June y<sup>e</sup> 28th, 1655.**The Court of Commissioners at Portsmouth.*

## FOR PROVIDENCE.

Mr. Roger Williams,  
 Mr. Thomas Olney,  
 William Feild,  
 William Dyre,  
 Mr. James Barker,  
 Mathew West.

## FOR PORTSMOUTH.

Mr. William Baulston,  
 Mr. John Roome,  
 John Briggs,  
 John Tripp,  
 Thomas Lighton,  
 Thomas Brownell.

## FOR NEWPORT.

Capt. John Cranston,  
 Mr. Benedict Arnold,  
 Mr. Edward Smith,  
 Mr. John Gould,  
 Mr. Joseph Clarke,  
 John Greene.

## FOR WARWICK.

Mr. Sam'l Gorton, Sen'r,  
 Mr. Randall Houlden,  
 Mr. John Weekes,  
 Mr. Robert Potter,  
 Mr. Ezekiel Holiman,  
 John Greene, Jun'r.

1. Ordered, that the Recorder is Clarke of y<sup>e</sup> Assemblie.

His Highness' Letter to y<sup>e</sup> Colonie read.

To our trustie and well-beloved y<sup>e</sup> President, Assistants and Inhabitants of Rhoades Island, together with y<sup>e</sup> rest of y<sup>e</sup> Providence Plantations in y<sup>e</sup> Narragansetts Bay, in New England.

Gentlemen :

Your agent here hath represented unto us some particulars concerninge your Government which you judge necessary to be settled by us here ; but by reason of y<sup>e</sup> other great and weightie affaires of this Commonwealth, we have been necessitated to deferr y<sup>e</sup>



consideration of them to a further opportunitie ; for y<sup>e</sup> 1655. meane time we were willinge to lett you know, that you are to proceede in your government according to y<sup>e</sup> tenor of your Charter formerly granted on that behalfe, takinge care of y<sup>e</sup> peace and 'safetie of those plantations ; that neither through any intestine commotions, or forragne invasions, there doe arise any detriment or dishonour to this Commonwealth or yourselves, as farr as you by your care and diligence can prevent. And as for y<sup>e</sup> things which are before us, they shall as soone as y<sup>e</sup> other occasions will permit, receive a just and fittinge determination. And soe we bid you farewell and rest.

Your verrie lovinge friend,

OLIVER. P.

29th March, 1655.

The Court adjourned till morning.

*June y<sup>e</sup> 29th, 1655.*

Captaine Morris in y<sup>e</sup> roome of John Gould and William Lytherland in y<sup>e</sup> roome of John Greene, both for Newport.

Mr. Roger Williams, Moderator.

1. It is ordered, to prevent deficiencies in non-appearance of Commissioners, we confirme y<sup>e</sup> former law made at Warwicke and confirmed at Providence in May last, that y<sup>e</sup> commissioners chosen in May last shall stand till y<sup>e</sup> first Tuesday in May next, except y<sup>e</sup> Townes shall please to choose another and send others. Commissioners.

2. It is ordered, for y<sup>e</sup> more speedy callinge of the Generall Assemblie, that twentie shillings be allowed out of y<sup>e</sup> publicke treasurie for satisfaction of a speedy messenger to repaire with letters or warrants unto all y<sup>e</sup> severall Townes of this Colonie respectively. Messenger.

3. It is ordered, that a letter of Thanksgivinge may be sent from this court to Mr. John Clarke in England ; and as Mr. Clarke hath advised us, a letter of our humble Thanksgivinge to y<sup>e</sup> Lord President of y<sup>e</sup> Councill, in Letter of Thanksgiv-  
inge.

1655. which shall be our prayer to his Lordship, to present our  
 ~~~~~ humble submission and acknowledgment to his Highness  
 y^e Lord Protector.

4. That since we have certaine information that his
 Highness hath lately received complaints against us, that
 Whoredom we abounde with whoredom ; it is ordered, that uppon y^e
 complainte of solicitations, to whoredom, of wanton and
 laciviousnesses tendinge to whoredome, of y^e assaultinge
 of a woman, tendinge to ravishment, y^e generall and par-
 ticular magistrates of each towne assemblinge together,
 shall have power, uppon due probation to their under-
 standings, either to bind such persons over to their good
 behaviour, or to bind them to answer to y^e next generall
 or particular court of tryalls ; or to inflict some moder-
 ate corporall punishment uppon them as they shall see
 fit.

But if any such complaint by y^e magistrates carefull ex-
 amination shall be found false, it shall be in y^e power of
 y^e said magistrates to inflict y^e selfe same punishment up-
 pon y^e complainant, which y^e partie falslie accused should
 have suffered.

Sargents
Fees.

5. Whereas, y^e Generall Sargent prayed y^e resolution
 of this court unto this querie, viz. : whether y^e generall
 sargents fees for y^e matter of execution be part of y^e costs
 of y^e Court.

It is declared by this Court, that y^e Sargents fees uppon
 the matter of execution, are a part of y^e costs of y^e court.

Ringleaders
of Factions.

6. Whereas, we have been rent and torne with divi-
 sions ; and his Highness hath sent us an expresse com-
 mand under his hande and seale, to provide against intes-
 tine commotions (by which his Highnesse noteth), that
 not only ourselves are dishonored and endangered, but
 alsoe that dishonour and detrement redound to y^e Com-
 monwealth of England.

It is ordered, that if any person or persons be found by
 y^e examination and judgment of y^e Generall Court of
 Commissioners to be a ringleader or ringleaders of fac-

tions, or divisions amongst us, he or they shall be sent 1655.
over at his, or their owne charges as prisoners, to receive
his or theire tryall and sentence at y^e pleasure of his
Highness and y^e Lords of y^e Councell.

7. Whereas, Elizabeth, y^e late wife of Mr. John Cog-
geshall, by mutuall and voluntarie consent of both parties, Elizabeth
Coggeshall.
was absolutly separated from him. And whereas, y^e
Generall Court of Commissioners y^e last at Providence,
havinge long and mature knowledge of y^e cause and just
grounds of their proceedings presented to them, granted to
Mr. John Coggeshall y^e libertie of contractinge a new
marriage. And whereas, y^e saide Elizabeth hath now
presented her petition to this Court for y^e favourable grant
of y^e same equall libertie ; the Court hath granted her pe-
tition, and order this grant to be declared to her under y^e
hand of y^e President.

8. It is ordered, that y^e President shall write to Pli-
mouth about y^e grasse which Portsmouth has purchased of
y^e Indians uppon y^e maine.

9. Uppon y^e complaint of Mr. John Gould to this Committee
concerninge
Conanicut.
Court aboute y^e Indians deprivall of y^e Island of y^e use of
y^e grasse of Conanicut, this Court orders a committee
chosen to treat with y^e Narragansett sachems, and to sig-
nifie to them how that y^e President hath here openlie
avouched y^e Islands' right as a spetiall witness of y^e grant
of theire dead sachems, which he saith he hath lately
avouched to y^e sachems themselves at y^e Narragansetts ;
and if they suffer us not to enjoy our rights peaceably,
they shall alsoe, in y^e name of this colonie peremtorilie
desire to know of them, whether they are resolved to
breake with us, that we may prepare ourselves to resist
them, and to deal with them as enemies, and noe longer
willinge to be at peace with us.

10. If any person shall be accused of robbing of any Graves.
grave ; if y^e Court be satisfied of y^e probation of it, y^e
partie or parties offendinge, shall be fined or suffer corpo-

1655. rall punishment, or both, as y^e Generall Court of tryalls
 shall judge.

Execution;
 prices to be
 appointed;
 their wages
 and penaltie

11. For y^e apprizinge of goodes seized by y^e Generall Sargent in y^e poynt of execution; y^e Generall Sargent shall warne two men of some convenient knowledge in y^e valuation of goods, cattle or chattell, to helpe in y^e apprizement as aforesaide. If any refuse their assistance upon this warninge, he or they shall pay twentie shillings a man, fine; to be levied by a warrant from y^e magistrate; and if they assist, they shall be allowed three shillings for any present service, that may take up sometime to y^e value of halfe a day. And, if above a dayes time, then three shillings per day; and this to be allowed out of y^e costs of y^e suite. This law to be immediately in force to promote present justice.

The Court adjourned till morninge, sunn an houre high; and he that stays longer shall pay twelve pence.

June the 30th, 1655.

The Court called. Mr. Williams, Moderator.

12. Ordered, that there be a sub-committee of six men to consider aboute some way of preventinge the sale of ammunition to y^e Indians.

Mr. Olney, Mr. Arnold, Captaine Cranston, Mr. Houlden, Mr. Dyre and John Tripp.

Account to
 be taken of
 the ammuni-
 tion in y^e
 Colony.

13. It is ordered, that an accompt shall begiven within ten dayes after y^e publication hereof, to y^e head officer of everie Towne, shall be given of what powder, lead and shot there is in the possession of everie inhabitant of y^e townes respectively; and if y^e magistrate shall suspect, either of grounds from himselfe, or information from others, that a due accompt be not given, he shall empower y^e Constable from time to time, to search; and if any be found not soe recorded, it shall be forfeited; halfe to y^e Constable, and his aide, and halfe to y^e State. And that this order be of force till y^e next sittinge of y^e Court of Commissioners;

at which time a returne shall be made of y^e quantities that 1655.
are all ready, or which shall be imported in y^e meane
time, and a due account rendered by y^e persons that shall
have, or have had any of y^e goods premised in their
hands to y^e end that y^e next Generall Court may take
course for y^e dew provision for y^e safetie of y^e Colonie in
that respect.

14. It is ordered, that in respect to Capt. Morris's Capt. Morris
case is presented to Plymouth, his bill is referred till the
answere be returned.

15. It is ordered, that Mr. William Dyre, and Mr. State's part
Nicho: Easton shall bringe in their accompt of y^e State's due his
part due to his Highness to y^e next court of Commission-
ers, and that they shall have intelligence of y^e time by y^e
President or Generall Recorder.

16. It is ordered, that y^e President, Mr. Roger Wil- Letters to y^e
liams, Mr. Wm Baulston, Mr. Benedict Arnold, and Mr. Lord Presi-
Gorton are apoynted to subscribe and forme y^e letters to
y^e Lord President and Mr. John Clarke.

17. It is ordered, that y^e Charter shall remaine where it Charter.
now is ; and y^e Councill of State's orders where they now State's Or-
are, and y^e letter from his Highness in the hands of Mr. ders.
Benedict Arnold, of Newport, all which there to be till y^e His High-
Court take further order. ness's Letter

18. It is ordered, that in case any man shall strike Strikinge in
another person in y^e Court, he shall either be fined Court.
ten pounds, or be whipt accordinge as y^e court shall see
meete.

19. It is ordered, that y^e Recorder shall have of each Clarke's fees
Towne six shillings and eight pence for y^e acts of this
Court, and copies to each Towne.

FFINIS.

1655.


Letter from Mr. Roger Williams, President of Providence Plantations, to the Generall Court of Magistrates and Deputies assembled, at Boston.

Providence, 15, 9mo. '55 (so called).

Much honored Sirs,

It is my humble and earnest petition unto God and you, that you may be so pleased to exercise command over your own spirits, that you may not mind myself nor the English of these parts (unworthy with myself of your eye), but only that face of equity (English and Christian) which I humbly hope may appear in these representations following.

First, may it please you to remember, that concerning the town of Warwick (in this colony), there lies a suit of £2000 damages against you before his Highness and the Lords of his Councill; I doubt not, if you so please, but that (as Mr. Winslow and myself had well nigh ordered it) some gentlemen from yourselves and some from Warwick, deputed, may friendly and easily determine that affair between you.

Secondly, the Indians which pretend your name at Warwick and Pawtuxet (and yet live as barbarously, if not more than any in the country), please you to know their insolences upon ourselves and cattle (unto £20 damages per annum), are insufferable by English spirits; and please you to give credence, that to all these they pretend your name, and affirm that they dare not (for offending you) agree with us, nor come to rules of righteous neighborhood, only they know you favor us not and therefore send us for redress unto you.

Thirdly, concerning four English families at Pawtuxet, may it please you to remember that two controversies

they have long (under your name) maintained with us, 1655. to a constant obstructing of all order and authority amongst us.

To our complaint about our lands, they lately have professed a willingness to arbitrate, but to obey his Highness' authority in this charter, they say, they dare not for your sakes, though they live not by your laws, nor bear your common charges, nor ours, but evade both under color of your authority.

Honored Sirs, I cordially profess it before the Most High, that I believe it, if not only they but ourselves and all the whole country, by joint consent, were subject to your government, it might be a rich mercy; but as things yet are, and since it pleased first the Parliament, and then the Lord Admiral and Committee for Foreign Plantations, and since the Council of State, and lastly the Lord Protector and his Council, to continue us as a distinct colony, yea, and since it hath pleased yourselves, by public letters and references to us from your public courts, to own the authority of his Highness amongst us; be pleased to consider how unsuitable it is for yourselves (if these families at Pawtuxet plead truth) to be the obstructers of all orderly proceedings amongst us; for I humbly appeal to your own wisdom and experience, how unlikely it is for a people to be compelled to order and common charges, when others in their bosoms, are by such (seeming) partiality exempted from both.

And, therefore (lastly), be pleased to know, that there are (upon the point) but two families which are so obstructive and destructive to an equal proceeding of civil order amongst us; for one of these four families, Stephen Arnold, desires to be uniform with us; a second, Zacharie Rhodes, being in the way of dipping, is (potentially) banished by you. Only William Arnold and William Carpenter (very far, also, in religion, from you, if you knew all), they have some color, yet in a late conference,

1655. they all plead that all the obstacle is their offending of
~~~~~ yourselves.

Fourthly, whereas (I humbly conceive), with the people of this colony your commerce is as great as with any in the country, and our dangers (being a frontier people to the barbarians) are greater than those of other colonies, and the ill consequences to yourselves would be not a few nor small, and to the whole land, were we first massacred or mastered by them. I pray your equall and favorable reflection upon that your law, which prohibits us to buy of you all means of our necessary defence of our lives and families, (yea in this most bloody and massaging time).

We are informed that tickets have rarely been denied to any English of the country ; yea, the barbarians (though notorious in lies) if they profess subjection, they are furnished ; only ourselves, by former and later denial, seem to be devoted to the Indian shambles and massacres.

The barbarians all the land over, are filled with artillery and ammunition from the Dutch, openly and horridly, and from all the English over the country (by stealth). I know they abound so wonderfully, that their activity and insolence is grown so high that they daily consult, and hope, and threaten to render us slaves, as they long since (and now most horribly) have made the Dutch.

For myself (as through God's goodness), I have refused the gain of thousands by such a murderous trade, and think no law yet extant, amongst yourselves or us, secure enough against such villainy ; so am I loth to see so many hundreds (if not some thousands) in this colony, destroyed like fools and beasts without resistance. I grieve that so much blood should cry against yourselves, yea, and I grieve that (at this instant by these ships) this cry and the premises should now trouble his Highness and his Council. For the seasonable preventing of which, is

this humble address presented to your wisdom, by him 1656.  
 who desires to be

Your unfeigned and faithful servant,

ROGER WILLIAMS,

Of Providence Plantations, President.

Hon. Sirs, since my letter, it comes into my heart to pray your leave to add a word as to myself, viz.: at my last return from England I presented your then honored Governor, Mr. Bellingham, with an order of the Lords of the Council, for my free taking ship or landing at your ports, unto which it pleased Mr. Bellingham to send me his assent in writing; I humbly cravè the recording of it by yourselves, lest forgetfulness hereafter, again put me upon such distresses as, God knows, I suffered when I last past through your colony to our native country.

---

*The General Court of Tryalls held at Warwicke y<sup>e</sup> 11th  
 of March, 1655-6.*

The Court called.

Mr. Roger Williams, President.

Mr. Thomas Olney, Assistant.

Mr. John Roome, Assistant.

Mr. Benedict Arnold, Assistant.

Mr. Randall Houlden, Assistant.

Mr. John Greene, Sen'r,

Mr. Ezekiel Holyman,

Mr. John Greene, Jun'r,

} Magistrates.

William Lytherland, Recorder.

George Parker, Sargent.

Capt. John Cranston, Attorney.

1656.

## JURIE MEN.

|                             |                           |
|-----------------------------|---------------------------|
| Richard Waterman,           | Mr. John Sanford,         |
| Thomas Harris,              | Joseph Torrey,            |
| Tho: Roberts, wanting,      | John Greene,              |
| Mr. William Almie,          | Mr. John Wickes, Foreman, |
| Mr. John Briggs,            | Mr. Henrie Reddarke,      |
| Samuel Wilbore,             | Thomas Layton,            |
| Obadiah Holmes, put out,    | Richard Townsend.         |
| James Sweete, for Thomas L. |                           |

The Court adjourned till next morning.

The Court for halfe an houre, and then y<sup>e</sup> Commissioners to apeere.

*Commissioners Called.*

## FOR PROVIDENCE.

Mr. Roger Williams,  
Mr. Thomas Olney,  
Mr. William Feild,  
Mr. Richard Waterman,  
Thomas Harris,  
Thomas Roberts.

## FOR PORTSMOUTH.

Mr. John Roome,  
Mr. Tho. Layton,  
Mr. William Almie,  
Mr. Samuel Wilbore,  
Mr. John Briggs,  
Mr. John Sanford.

## FOR NEWPORT.

Mr. Coddington,  
Mr. John Easton,  
Capt. Cranston,  
Obadiah Holmes,  
Joseph Torrey,  
John Greene.

## FOR WARWICK.

Mr. John Greene, Sen'r,  
Mr. Ezekiell Holyman,  
Mr. Samuel Gorton,  
Mr. John Wickes,  
Mr. John Greene, Jun'r,  
Richard Townsend.

Mr. Roger Williams, Moderator.

Wm. Lytherland was chosen Clarke of y<sup>e</sup> Assemblie of Commissioners.

Place of his  
Highness's  
order.

Ordered, that Mr. Roger Williams shall keep y<sup>e</sup> duplicate of what his Highness hath sent, and to remaine there

together with y<sup>e</sup> Charter in his hands still to be at y<sup>e</sup> Col- 1656.  
lonies disposall.

“I William Coddington, doe freely submit to y<sup>e</sup> au-  
thoritic of his Highness in this Colonie as it is now united,  
and that with all my heart.”

This he publickly professed, in y<sup>e</sup> Generall Assemblie  
of Commissioners.

The Court adjourned till y<sup>e</sup> Court of Tryalls be over.

---

*Y<sup>e</sup> Court of Commissioners sett y<sup>e</sup> 17th March, 1656.*

Mr. Roger Williams Moderator.

FOR PROVIDENCE.

Mr. Roger Williams,  
Mr. Richard Waterman,  
Mr. Benedict Arnold,  
Mr. Thomas Olney,  
Mr. Thomas Harris,  
Mr. William Feild.

FOR NEWPORT.

Mr. Wm. Coddington,  
Rich'd Knight,  
Capt. John Cranston,  
John Greene,  
Mr. John Easton,  
Joseph Torrey,  
Obadiah Holmes,  
W. Lytherland.

FOR PORTSMOUTH.


Mr. John Roome,  
Mr. Thomas Loughton,  
Mr. William Almie,  
Mr. Samuel Wilbore,  
Mr. John Briggs,  
Mr. John Sanford.

FOR WARWICK.

Mr. John Greene, Sen'r,  
Mr. Ezekiel Holiman,  
Mr. Samuel Gorton,  
Mr. John Weekes,  
Mr. John Greene, Jun'r,  
Mr. Richard Townsend.

1. It is ordered, that there shall be one of each  
Towne that shall be a sub-committee in y<sup>e</sup> case presented

Sub-Committee.

1656. by Rich: Bulgar, and Capt. Morris. For Providence,  Richard Waterman. Portsmouth, Mr. John Sanford. Newport, John Greene. Warwick, Mr. Samuel Gorton. Mr. Arnold, Capt. Cranston, Mr. Weekes and Mr. Roome are added. Y<sup>e</sup> towne charters are also committed to them to consider ; and y<sup>e</sup> bill aboute any bill presented, y<sup>e</sup> fine thereon. Alsoe aboute traininge.

Warrant for P<sup>um</sup>ham. Capt. Richard Morris, Rich: Knight, and Amos Westcoate are sent by warrant for P<sup>um</sup>ham, to require him to come before y<sup>e</sup> Court.

The Court adjourned for halfe an houre.

Againe called.

Sub-committee relating to P<sup>um</sup>ham. 3. It is ordered, that upon complaints of y<sup>e</sup> Towne of Warwicke of oppressions by y<sup>e</sup> Indians, it is left to the further disquisition of Mr. Roger Williams, Mr. Benedict Arnold, Mr. Gorton and Mr. Wickes to treat with P<sup>um</sup>ham and his company, and to returne y<sup>e</sup> result to y<sup>e</sup> next Assemblie of Commissioners.


Mr. Coddington sitting Commissioner. 4. That uppon y<sup>e</sup> complainte against Mr. Coddington sitting in Commission. It is ordered, that there shall be a letter sent to Mr. John Clarke, in England, manifestinge his subjection to y<sup>e</sup> present union, and y<sup>e</sup> ground of what under written being considered by a sub-committee. Wee having considered and weighed y<sup>e</sup> matter presented concerning Mr. William Coddington, concerning his present actinge as commissioner, and doe conclude that y<sup>e</sup> Towne of Newport did somewhat inconsiderately impose that service uppon Mr. Coddington, wherein y<sup>e</sup> inconveniences to him and the Colonie, thereby seeminge to be likely to ensue, were not seriously weighed beforehand. But uppon serious debate and cleere reason, we doe think it not of soe convenient consequence for Mr. Coddington to act, untill some cleere advice from England and thereabout, having refference to that passage in y<sup>e</sup> Councell of States' letter to y<sup>e</sup> Colonie concerning y<sup>e</sup> Dutch designs uppon y<sup>e</sup> Colonie, which passage did arise from some complaints

from hence against Mr. Coddington in y<sup>e</sup> premises, and 1656. are, for ought we can understand, still uppon disquisition or dependinge before y<sup>e</sup> authoritie of England. But, forasmuch as Mr. Coddington hath, and doth give y<sup>e</sup> Colonie good encouragement of y<sup>e</sup> truth of his good will and desires for y<sup>e</sup> publicke good of y<sup>e</sup> Colonie, by his owninge y<sup>e</sup> union established betweene y<sup>e</sup> Townes and y<sup>e</sup> present way of transactinge y<sup>e</sup> government in y<sup>e</sup> Colonie, &c.; it is conceived, that for y<sup>e</sup> cleeringe of all these grievances or matters of complaint premised, and that we may freely and clearly be justified in actinge with Mr. Coddington as before premised in commission together by y<sup>e</sup> power of y<sup>e</sup> Charter and consent of y<sup>e</sup> Townes; that to that end y<sup>e</sup> Court do draw up a letter to Mr. John Clarke in England declaring our good desires and apprehensions conceived from Mr. Coddington's demonstrations of good affection to y<sup>e</sup> government, as alsoe of our owne satisfactions generally in y<sup>e</sup> Colonie, in y<sup>e</sup> matters of complaint premised; and that it would please y<sup>e</sup> honoured government in England to give something in the way of discharging of those matters from before them since that y<sup>e</sup> evils y<sup>t</sup> ensued uppon y<sup>e</sup> distraction of those troublesome times are removed from us, and breaches amongst us are partly composed, and in a way of composinge to y<sup>e</sup> good and comfort of all parts of y<sup>e</sup> Colonie, and y<sup>e</sup> establishing of peace and love among us; which said letter we believe will be soe effectuell as to procure from thence encouragement to y<sup>e</sup> Colonie and Mr. Coddington to act together, and to free him from y<sup>e</sup> danger of y<sup>e</sup> penaltie that possibly may seeme to impend on y<sup>e</sup> former troubles and complaints.

Dated at Warwicke, at y<sup>e</sup> Generall Assembly, March y<sup>e</sup> 17th, 1655-56.

*Bills Presented.*

|                                                     |              |
|-----------------------------------------------------|--------------|
|                                                     | <i>s. d.</i> |
| Bartholomew Hunt, one bill, engageth y <sup>e</sup> | 6 8 paide.   |
| Mr. Coddington, one bill,                           | 6 8 pd.      |

|                                                                                  |                |           |         |
|----------------------------------------------------------------------------------|----------------|-----------|---------|
| 1656.                                                                            | Mr. Wm. Almie, | one bill, | 6 8 pd. |
|  | Mr. Arnold,    | one bill, | 6 8 pd. |

5. It is ordered, that y<sup>e</sup> bill presented by Richard Harrutt against John Clawson and his committment till he put in sureties for y<sup>e</sup> peace, shall be referred to y<sup>e</sup> next Generall Court of Tryalls.

Fine.

6. It is voted, that Mr. Coddington is not to have his fine aboute y<sup>e</sup> records returned.

Christopher  
Almie.

7. It is ordered, that whereas, Christopher Almy bought a vessell of Mr. Dyre, which was ———, and hath since had the vessell seized on in y<sup>e</sup> Massachusetts ; as alsoe findinge that y<sup>e</sup> saide vessell was noe prize by verdict of jurie on Rhode Island. We therefore order, that y<sup>e</sup> saide Christopher Almie, or his father in his behalfe, hath authoritie hereby to demand of Mr. Nicho: Easton twenty-eight pounds and five shillings of y<sup>e</sup> State's part, to make part of restitution ; and uppon y<sup>e</sup> payment of y<sup>e</sup> saide payment, y<sup>e</sup> saide William Almie or his sonn abovesaide, givinge a receipt, it shall be a sufficient discharge to y<sup>e</sup> saide Mr. Easton. This being received, Mr. William Almie doth engage for himselfe and sonne, that they will not trouble any in y<sup>e</sup> Colonie, that is not any now beinge or dwellinge in y<sup>e</sup> Colonie.

Marriage.

8. It is ordered, that marriages shall be published either at a Towne meetinge, or on a traininge day, at y<sup>e</sup> head of y<sup>e</sup> Companie, or by a writinge under y<sup>e</sup> Magistrates hands fixed upon some noted place in y<sup>e</sup> Towne.


Banes.

9. Itt is ordered, that in case the Banes of marriage be forbidden, the partie cominge before two magistrates, shall be examined. If they disallow, they shall refer them to the next Generall Court of Tryalls ; and if they allow, they may marrie.

Houses of  
Entertain  
ment.

10. Itt is ordered, that no house of entertainment shall suffer any person to tipple after nine of y<sup>e</sup> clock at night, except they can give a satisfactorie reason to y<sup>e</sup> Constable or magistrate ; and y<sup>e</sup> ordinarie keeper shall



pay five shillings, and y<sup>e</sup> partie two shillings and six 1656.  
pence, to be taken by y<sup>e</sup> constable forthwith. 

Ordered, that y<sup>e</sup> constable may have a spetiall commission to search any such places, either by himselfe or by a magistrate.

11. Itt is ordered, that y<sup>e</sup> State's parte shall remaine State's part.  
still in Mr. Easton's hands, till a letter be sent to England  
to Mr. John Clarke, and an answere given; yet this en-  
trencheth not uppon y<sup>e</sup> cause of Christopher Almy above  
ordered.

12. Itt is ordered, that in answer to Mr. Arnold his Mr. Arnold's  
accounts.  
bill, that his accompts beinge viewed; and findinge them  
just, he shall have a discharge, and his discharge shall be  
recorded. Mr. Feild, Mr. John Sanford, Joseph Torrey,  
and Mr. Samuel Gorton, are appointed to view y<sup>e</sup> ac-  
compts; and in case they cannot compose, they have  
power to write letters to any of y<sup>e</sup> Colonie, and to present  
it to y<sup>e</sup> next Court of Commissioners.

This bill is taken up.

The Court adjourned for one houre; and he that  
comes not in that time is to forfeit two shillings to  
y<sup>e</sup> Court.

13. The Court having scanned, he is by cleer evidence  
cleered, and so ordered to be recorded. It was aboute a  
gunn that an Indian brought into y<sup>e</sup> Towne of Warwick,  
reported sometimes to be y<sup>e</sup> Captain.

One bill, Captain Morris, six shillings and eight pence.  
Paid.

Memo. That it is confessed and proved, that Bartholo- Bartholo-  
mew Hunt.  
mew Hunt had two hundred weight of powder, and all or  
the greatest part not given accompt of; also, seven pis-  
tolls, inlaide, which an Indian saide he bought at New-  
port. Joseph Torrey saieth he know of such at Newport,  
viz., as he heard.

14. Itt is ordered, that y<sup>e</sup> Towne of Newport shall Barth. Hunt  
pay for Bartholomew Hunts powder and lead, that was  
taken from him.

1656. Secondly. That whereas it hath been of old that Bartholomew Hunt was recorded a perjured person; and yett after [being] cleered by verdict, as is now proved, he is hereby order accorded to be free.

Gunnes. Whereas, it is complained that there are gunnes in y<sup>e</sup> Indians hands like unto those Mr. Coddington brought over; it is desired that he may give an accompt of y<sup>e</sup> disposall of his.

Sonnes when of age. 15. Itt is ordered, that no sonnes that are under y<sup>e</sup> tuition of their parents, shall claime absolute freedome untill y<sup>e</sup> age of twenty-one years.

Servants. 16. Itt is ordered, that those that are servants prentices, and although they come not to y<sup>e</sup> age of twenty-one years when they come out of their times, they shall be disposed of by their parents, guardians, or towne councell till y<sup>e</sup> age of twenty-one years.

17. Itt is ordered, those that tolerate or countenance sonnes or servants in licentious courses at unseasonable times or places, those parents or master, shall forfeit £5.

Servants. 18. Itt is ordered, that such as shall retaine any sonne or servant in any licivious course, unseasonable time or place after morninge, shall forfeit five pounds.

19. Itt is ordered, that in case any young man though above twenty-one years of age, or any sonne sooner sett free by his father, if he shall live alone or gather more to be with him; if they shall live disorderly, it shall be in the power of y<sup>e</sup> towne councell to schatter them, and if they remove not, they shall forfeit five pounds.

Transactions of Coddington. 20. Whereas, there were certaine transactions which were done in y<sup>e</sup> time of Mr. Coddington his government, and stood in our booke of record, which might seem prejuditiall to himselfe or others. It being much considered in y<sup>e</sup> case, this Court not thinkinge it fitt to meddle with it, ordered, that it should be cut out of our booke, which was [done], and then delivered to Mr. Coddington. Mr. Coddington in Court acknowledgeth that he hath noe intent to prosecute Capt. Morris professing he hath nothing against him.

21. Itt is ordered, that, Whereas, there are divers 1656.  
presentments standing uppon a booke of records (belong-  
ing to y<sup>e</sup> Island), against Mr. Coddington. These pre-  
sentments shall not be, any of them prosecuted, except by  
order from his Highness y<sup>e</sup> Lord Protector.

Mr. Coddington not to be presented.

22. Itt is ordered, that, Whereas, there are divers  
presentments standing uppon a booke of records (belong-  
ing to y<sup>e</sup> Island), against John Richmond, Sen'r, John  
Smith, George Blisse, Henrie Hobson, Henry Timberlake,  
and Bartholomew Hunt, all of Newport. These present-  
ments shall not be, any of them, prosecuted, except by  
expresse order from his Highness y<sup>e</sup> Lord Protector.

Sundry presentments.

23. It is ordered, that noe law or order apoynted and  
ordayned by y<sup>e</sup> generall and publicke authoritie of this  
Colonie, shall be any wayes obstructed or neglected under  
pretence of any authoritie of any of y<sup>e</sup> towne charters;  
but that y<sup>e</sup> generall authoritie shall have it done and  
placed according to law in all the wayes.

Laws not to not to be obstructed.

24. It is ordered, that if any magistrate on y<sup>e</sup> Bench  
dissent from y<sup>e</sup> rest of y<sup>e</sup> magistrates in any cause, or any  
Commissioner shall dissent from y<sup>e</sup> rest of y<sup>e</sup> Commission-  
ers in y<sup>e</sup> Generall Assemblie; then any such dissenting  
magistrate or commissioner may enter his protest, payinge  
eighteen pence to y<sup>e</sup> Recorder for entering it.

Enter protest.

25. Itt is ordered, that forasmuch as it appears to be  
offensive for a magistrate to rise off y<sup>e</sup> bench when a cause  
comes to be pleaded, for that thereby he prejudgeth y<sup>e</sup>  
case, and forestalls y<sup>e</sup> mindes of some more or less of y<sup>e</sup>  
number in y<sup>e</sup> jurie, and thereby doth hazard y<sup>e</sup> best and  
most just cause, &c.

Magistrates penaltie for removing off y<sup>e</sup> bench.

Be it therefore enacted, and by this present Court it is  
ordered, that if any magistrate shall from henceforth, in  
any of our Courts, uppon y<sup>e</sup> proposinge and pleadinge a  
cause there before them, rise off y<sup>e</sup> Bench without leave  
of y<sup>e</sup> Court, he shall be liable to pay five pounds, in case  
the cause dependinge be layde a hundred pounds or un-  
der; and in case it be laide above a hundred pounds, then

Bench.

1656. to pay a tenn pounde fine ; and those fines to be taken  
 by a distringas from y<sup>e</sup> Generall Recorder, to be delivered  
 into y<sup>e</sup> Treasurie to which it belongs.

Repeale. 26. It is ordered, that that law made May 22d, 1655,  
 at Providence, concerninge y<sup>e</sup> felonious takinge away of  
 other men's goods, that they may compose it, is repealed.

The Court adjourned till morning, sunne halfe an hour  
 high ; and if thirteen meete they shall act, and y<sup>e</sup> rest  
 fined one shilling per man.

Fines. 27. Itt is ordered, that all those fines that are com-  
 mitted aboute y<sup>e</sup> Generall Courts, as of juriemen, &c.,  
 shall all returne and belong to y<sup>e</sup> Generall Treasurie.

Incestious  
 Marriages. 28. It is ordered, that incestious marriages be null,  
 and y<sup>e</sup> parties offendinge suffer y<sup>e</sup> punishment of adul-  
 terie ; and that y<sup>e</sup> prohibitions of incestious marriages ex-  
 tend to y<sup>e</sup> degrees prohibited by y<sup>e</sup> lawes of England,  
 untill the Colonie further order.

Supina. 29. It is ordered, that he that is employed by a  
 supina shall be payed by those that occasioneth it, from  
 y<sup>e</sup> time of his settinge forth untill he returne home ; pro-  
 vided he take y<sup>e</sup> first opportunity ; and y<sup>e</sup> charge of wit-  
 nesses suppeened for his Hhighness and y<sup>e</sup> Colonies service  
 shall be borne by y<sup>e</sup> delinquent.


Bill. Richard Knight, one bill, six shillings and eight  
 pence.

Referred to y<sup>e</sup> next Court.

Id. The bill for y<sup>e</sup> Towne of Warwick against Richard  
 Knight, is referred to y<sup>e</sup> next Generall Court.

A sub-committee added, Mr. Arnold, Joseph Torrey,  
 Mr. Weekes, and Mr. Roome.

Penaltie of  
 false charge. 30. It is ordered, that, whereas by law it is concluded  
 that those that execute justice shall be paid by those that  
 occasion their services. Wee order for explanation, that  
 in case any presentments be by y<sup>e</sup> Grand Jurors, and up-  
 pon traverse not found guiltie, that y<sup>e</sup> Colonie beare y<sup>e</sup>  
 charge. It is also ordered, that in case any man bee  
 falsely charged with crime, though in y<sup>e</sup> States behalfe,

by a particular person, that it shall be counted slander, 1656.  
and soe actionable. 

Mr. Porter is freed from personal trayninge, only he is to pay sixteen shillings a yeare.

31. Considering that y<sup>e</sup> prisons and cages are not done <sup>Prisons.</sup> as they have been ordered, we do therefore by y<sup>e</sup> authoritie of this Court enact, that they shall be compleately finished by y<sup>e</sup> 20th of September next, uppon y<sup>e</sup> paine of tenn pounds fine on each towne therein defective. But as for y<sup>e</sup> way and progresse for y<sup>e</sup> takeing and levyinge y<sup>e</sup> fines, as alsoe for y<sup>e</sup> constituting a prison, it is refferred to y<sup>e</sup> agitation and resolution of y<sup>e</sup> Generall Court of Commissioners to be holden at Portsmouth in May next.

32. Considering y<sup>e</sup> grievances presented by divers of <sup>Ordinaries.</sup> the ordinarie keepers concerninge their losse and damage by beinge bound to sell liquor at four shillings per quart, which damage doth arise from persons unlicensed there, severall retailinge of liquors, &c., by which y<sup>e</sup> ordinarie keeper is hindered both in buying and selling that commoditie.

Be it therefore enacted, that y<sup>e</sup> ordinarie keepers established by y<sup>e</sup> Generall Court in each Towne, shall, by virtue of this order, have toleration to sell as they can afford it, till y<sup>e</sup> Generall Court of Commissioners, holden in May next at Portsmouth; at which Court, further order shall be taken to prevent their discouragements; forasmuch, as it is already conceived how it may be affected, but y<sup>e</sup> Court cannot now put it in compleate forme by reason of y<sup>e</sup> [shortness] of time, any former law notwithstandinge.

It is ordered, that y<sup>e</sup> Clarke shall have ten shillings out of y<sup>e</sup> Generall [Treasurie] for his writinge at this Court, and eight shillings per towne for each coppie.

1656.

*The Court of Election holden at Portsmouth, May 20th,  
1656.*

Mr. Roger Williams, chosen Moderator.

Mr. Roger Williams chosen President, Mr. Easton, next.

Mr. Thomas Olney, Assistant, Mr. William Feild, Mr. Fenner, next.

Mr. William Baulston, Assistant, Mr. Roome, next.

Mr. John Coggeshall, Assistant, Mr. Arnold, next.

Mr. Randall Houlden, Assistant, Mr. Weeks, next.

Mr. Sanford, Generall Recorder, Joseph Torrey next.

George Parker, Gen'l Sargent, Richard Knight, next.

Mr. John Easton, General Attorney, Capt. Cranston, next.

Mr. John Sanford, Treasurer, Mr. Burden, next.

Mr. Richard Bulgar, General Solicitor, Wm. Woodall, next.

The Recorder ingadged.

Mr. Roger Williams chosen President, and ingadged.

Mr. Thomas Olney, Assistant for Providence, Ingadged.

The Generall Attorney, Mr. John Easton, Ingadged.

George Parker, Generall Sargent, Ingaged.

Mr. William Baulston, Generall Assistant, Ingaged.

Mr. John Weekes, General Assistant for Warwick, Ingaged.

Mr. Richard Bulgar, General Solicitor, Ingaged.

Mr. John Coggeshall, General Assistant, Ingaged.

Obadiah Holmes, Thomas Dungeine, and Phillip Taber, received freemen.

1656.



*Court of Commissioners held at Portsmouth, this 21st of  
May, 1656.*

## COMMISSIONERS FROM

## PROVIDENCE.

Mr. Roger Williams,  
Mr. Thomas Olney,  
Mr. William Feild,  
Mr. Harris,  
Mr. Waterman,  
Mr. Roberts.

## FOR PORTSMOUTH.

Mr. William Baulston,  
Mr. John Roome,  
Mr. Richard Burdin,  
Mr. Phillip Sherman,  
Mr. William Woodall,  
John Sanford.

## COMMISSIONERS FOR NEWPORT.

Mr. Will: Haviland,  
Mr. Obadia: Holmes,  
Mr. John Easton,  
Mr. Joseph Torrey,  
Mr. Peter Easton,  
Mr. Robert Griffin.

## FOR WARWICK.

Mr. Samuel Gorton,  
Mr. Randall Holden,  
Mr. John Weekes,  
Mr. John Greene, Sen'r,  
Mr. Walter Todd,  
Mr. Bend: Arnold.

Mr. Roger Williams is chosen Moderator.

John Sanford, Clarke.

The Court adjourned till morninge.

*May the 22d.*

The Court called.

Voated, that the petition of Mr. William Brenton against Mr. William Coddington for being about to ship severall horses of the said Brenton's, shall first be agitated.

It is ordered, upon a petition exhibited to the Court by Mr. William Brenton, Merchant, of Boston, touchinge some horses which Mr. William Coddington is reported to



1656. be transporting to Barbadoes, and Mr. William Brenton, Merchant, of Boston, challengeth and layeth claim vnto as vnjustly obtained from him. This Court after full debate and mature consideration, ordereth, that a speciall writt of attachment issue from this Court, to make stayer of said horses upon the Island, untill a due tryall of such a challenge shall be had, according to the law and orders established amongst us; provided, Mr. Brenton or his assignes putt in securitie to make good all damages which may befall to Mr. Coddington by this attachment in case Mr. Brenton make not good his challenge.

Business  
concerninge  
Wm. Brenton  
and Wm.  
Coddington.

An attachment granted.

Mr. Baulston  
and Mr.  
Dyre's Bond.

Memo. Mr. William Baulston and William Dyre doe ingagde ourselves in a thousand pounds sterling, that Mr. William Brenton shall doe and performe the law in all poynts, as concerninge attachment granted forth against certaine horses shiptt or to be shiptt by Mr. Coddington, for the Barbadoes; which horse or horses, one or more, is laide claime unto by Mr. Brenton or his assignees.

Transportation  
of cattel.

It is ordered, that in consideration of many losses sustained in the transportation of cattle or any goods, or chattels from this Island and other places within this Colonie; this Court doe therefore declare, that if any person shall attempt to transport or drive any cattell of what kind soever from any place within this Collony, which any partie shall lay claim to; the said partie soe claiminge such cattell, &c., shall have an attachment from the Generall Recorder, or any Magistrate, or Towne Clarke, to stop saide cattell, &c.; the partie claiminge, putting in sufficient securitie to make good all damages that shall arise in case he prove not his charge.

It is further ordered, that he that shall continue and resist such attachment is hereby declared guiltie of Felony.

Selling  
liquors by  
retaille, re-  
pealed.

It is ordered, that that part, or clause of the law for sellinge a quarter of a pint of Liquor in a daye to an Indian, made at Providence, May the 22d, 1655, is repealed.

Upon a petition of William Lytherland for money due 1656. to him from the Colonie, Mr. Benedict Arnold, Mr. John Easton, and Mr. Joseph Torrey are chosen and appointed to audit his accompts.

Upon a petition of Richard Knight for monies due him from the Generall [Court], Mr. John Easton and Mr. Joseph Torrey are chosen a committee to auditt his accompts.

It is ordered, that five pounds starling due from Mr. Randall Holden for not executing office accordinge to choyce, is outsett for his former service in publique employment.

*May the 23d.*

The Court called.

It is ordered, that whereas, there hath been differences betwixt certaine of our countrymen of Patuxett and others of this Collony. And now understandinge by our President, Mr. Roger Williams, that the Honored gentlemen of the Massachusetts hath pleased to desire, that for the endinge of all such controversies amongst us, it may be granted, that whatever matter, cause, or thing formerlie grown (and now in being), being an obstruction of our unity and peaceable concurrence, may be putt to arbitration of some indifferent and judicious men, mutually chosen; and that for times to come, the said inhabitants of Pawtuxett may enjoy the benefits and priviledges of this jurisdiction.

This Generall Assembly having taken the matter into serious consideration and debate; and being very ready and willinge to gratifye the desire of that Honoured government; wee doe faithfully promise to our foresaid neighbours the inhabitants of Patuxett, that all former differences amongst us, shall be issued by arbitration as aforesaid: Provided, that they shall be brought in in a month's time, and brought to an issue within the compass

1656. of three months after they be declared, for the effectinge  
 ~~~~~ whereof, there shall be noe lett nor neglect on our be-  
 halfe ; and that for the time to come, the said inhabitants
 shall enjoy the benefitt of all equal and impartiall justice,
 together with ourselves ; as alsoe, they shall be lovingly
 entertained as freemen of this Collony, to have theire free
 voates in makinge of lawes, choosinge of officers in Towne
 and Collony, with the enjoyment of all priviledges be-
 longing to freemen of this jurisdiction accordinge to or-
 ders established amongst us.

Henry Bull's
 fine. Ordered, that upon the petition of Mr. Hen: Bull, his
 fine of tenn pounds is remitted.

Capt. Hol-
 den's ac-
 compts. Ordered, that Mr. Thomas Olney, Mr. Samuel Gorton,
 and Mr. William Field, are chosen to audit Capt. Hol-
 den's accompts for the Collony.

Mr. Ben. Ar-
 nold's ac-
 compts. Ordered, that Mr. Ben: Arnold is discharged of an ac-
 compt of twentie-three pounds, which was the State's part
 formerly audited by a sub-committee of the Generall
 Court ; and upon this discharge hath payd a debt of six
 pounds due from the Collony to Robert Griffin, besides all
 other accompts due to himselfe att this time from the
 collony are outsett.

Touching the debolishinge, defacing or spoylinge of the
 Collonies instruments apoynted for the punishment of
 offenders.

Defacing of
 Instruments
 of Justice. It is ordered, that all such as offende therein, shall sitt
 six howres by estimation, in the stockes, and make repar-
 ation of that which is spoyled ; and if the parties soe of-
 fendinge cannot at present be fownd, the punishment shall
 be performed when they are found. And if they who com-
 mit such a fault be not able to make reparation, that then
 they shall be in servitude untill the punishment be fully
 complished ; and if there be any found accessary, by
 counsellinge, abettinge, or concealinge, they shall suffer
 the like punishment.

Summons of It is ordered, that the President or any Generall Assist-

ant, shall give summons to any Generall officer to apeare 1656.
before the next Generall Court of Commissioners, to an-
swer to any charges against him.

General
Officers.

Ordered, that Mr. William Blaxton shall have libertie
to record the right of his land in the records of oure
Collony.

William
Blaxton.

Ordered, that if it can be proved that any man hath
kept in his custodie, to his knowledge, anie strange beast,
the space of thirtie dayes without givinge notice to a pub-
lique officer, he shall be taken as guiltie of Felony.

Keeping
beast, felony

Ordered, that the Recorder shall have tenn shillings out
of the General Treasurie for his writinge at this Court;
and to have six shillings, and eight pence from each
towne for each coppie.

Ordered, that the Generall Sargent shall have tenn
shillings for his attendance at this Court.

FFINIS.

*Letter from Providence Plantations to the General Court
of the Massachusetts.*

Providence, 12, 3, '56 (so called).

May it please this much honored Assembly to remem-
ber, that, as an officer, and in the name of Providence
colony, I presented you with our humble requests before
winter, unto which not receiving answer, I addressed
myself this spring, to your much honored Governor, who
was pleased to advise our sending of some of Providence
to your Assembly.

Honored Sirs, our first request (in short) was and is,
for your favorable consideration of the long and lamenta-
ble condition of the town of Warwick, which hath been

1656. thus : they are so dangerously and so vexatiously intermingled with the barbarians, that I have long admired the wonderful power of God in restraining and preventing very great fires of mutual slaughters, breaking forth between them.

Your wisdoms know the inhuman insultations of these wild creatures, and you may be pleased, also, to imagine, that they have not been sparing of your name as the patron of all their wickedness against our English men, women, and children, and cattle to the yearly damage of 60, 80 and 100 pounds.

The remedy is (under God) only your pleasure, that Pumham shall come to an agreement with the town or colony, and that some convenient way and time be set for their removal.

And that your wisdom may see just grounds for such your willingness, be pleased to be informed of a reality of a solemn covenant between this town of Warwick and Pumham, unto which, notwithstanding that he pleads his being drawn to it by the awe of his superior sachems, yet I humbly offer that what was done, was according to the law and tenor of the natives (I take it), in all New England and America, viz.: that the inferior sachems and subjects shall plant and remove at the pleasure of the highest and supreme sachems, and I humbly conceive that it pleaseth the Most High and Only Wise to make use of such a bond of authority over them, without which, they could not long subsist in human society, in this wild condition wherein they are.

2. Please you not to be insensible of the slippery and dangerous condition of this their intermingled cohabitation. I am humbly confident, that all the English towns and plantations in all New England, put together, suffer not such molestation from the natives, as this one town and people. It is so great and so oppressive, that I have daily feared the tidings of some public fire and mischief.

3. Be pleased to review this copy from the Lord Ad- 1656.
miral, and that this English town of Warwick should proceed, also that if any of yours were there planted, they should, by your authority, be removed. And we humbly conceive, that if the English (whose removes are difficult and chargeable), how much more these wild ones, who remove with little more trouble and damage than the wild beasts of the wilderness.

4. Please you to be informed, that this small neck (wherein they keep and mingle fields with the English) is a very den of wickedness, where they not only practise the horrid barbarisms of all kind of whoredoms, idolatries, conjurations, but living without all exercise of actual authority, and getting store of liquors (to our grief) there is a confluence and rendezvous of all the wildest and most licentious natives and practices of the whole country.

5. Besides satisfaction to Pumham and the former inhabitants of this neck, there is a competitor who must also be satisfied; another sachem, one Nawwushawsuch, who (living with Ousamaqun) lays claim to this place, and are at daily feud with Pumham (to my knowledge) about the title and lordship of it. Hostility is daily threatened.

Our second request concerns two or three English families at Pawtuxet, who, before our charter, subjected themselves unto your jurisdiction. It is true, there are many grievances between many of the town of Providence and them, and these, I humbly conceive, may best be ordered to be composed by reference.

2. But we have formerly made our addresses, and now do, for your prudent removal of this great and long obstruction to all due order and regular proceedings among us, viz.: the refusal of these families (pretending your name) to conform with us unto his Highness' authority amongst us.

3. Your wisdom experimentally knows how apt

1656. men are to stumble at such an exemption from all duties
and services, from all rates and charges, either with yourselves or us.

4. This obstruction is so great and constant, that (without your prudent removal of it) that it is impossible that either his Highness or yourselves can expect such satisfaction and observance from us as we desire to render.

Lastly, as before, we promised satisfaction to the natives at Warwick (and shall all possible ways endeavor their content), so we humbly offer, as to these our countrymen, First, as to grievances depending, that references may settle them. Secondly, for the future, the way will be open for their enjoyment of votes and privileges of choosing or being chosen, to any office in town or colony.

Our third request is, for your favorable leave to us to buy of your merchants, four or more barrels of powder yearly, with some convenient proportion of artillery, considering our hazardous frontier situation to these barbarians, who, from their abundant supply of arms from the Dutch (and perfidious English, all the land over), are full of our artillery, which hath rendered them exceedingly insolent, provoking and threatening, especially the inlanders, which have their supply from the fort of Aurania. We have been esteemed by some of you, as your thorny hedge on this side of you ; if so, yet a hedge to be maintained ; if, as out-sentinels, yet not to be discouraged. And if there be a jealousy of the ill use of such a favor, please you to be assured that a credible person in each town shall have the disposal and managing of such supplies, according to the true intent and purpose.

For the obtaining of these, our just and necessary petitions, we have no inducement or hope from ourselves, only we pray you to remember, that the matters prayed, are no way dishonorable to yourselves, and we humbly conceive, do greatly promote the honor and pleasure of

his Highness, yea, of the Most High, also; and lastly, 1656. such kindnesses will be obligations on us to study to declare ourselves, upon all occasions,*

Your most humble and faithful servants,
 ROGER WILLIAMS,
 President.

The Court of Commissioners held at Portsmouth, the 10th day of October, 1656.

COMMISSIONERS FOR
 PROVIDENCE.

Mr. Roger Williams,
 Mr. Thomas Olney,
 Mr. Richard Waterman,
 Mr. Thomas Harris,
 Mr. Hugh Benett,
 Mr. John Tripp.

FOR PORTSMOUTH.

Mr. William Baulston,
 Mr. Richard Burden,
 Mr. John Briggs,
 Mr. Will: Hall,
 Mr. Will: Woodell,
 Mr. James Badcocke.

FOR NEWPORT.

Mr. Benedict Arnold,
 Mr. Richard Tew,
 Mr. John Easton,
 Mr. John Richmond,
 Mr. Daniel Gould,
 Mr. Robert Griffin.

FOR WARWICK.

Mr. Ezekiell Holyman,
 Mr. John Greene, Sen'r,
 Mr. Richard Bulgar,
 Mr. John Sanford.

Mr. Benedict Arnold chosen Moderator of the Assembly for this day.

John Sanford chosen Clarke of this Assembly.

* Knowles' Life of Roger Williams.

1656.

*October the 11th.*

The Court called.

Mr. Benedict Arnold chosen Moderator for this daye.

John Clarke
sends am-
munition.

1. Whereas, oure worthy friend, Mr. John Clarke in London, hath procured and sent fower barreles of powder and eight barreles of shott and bullets for the use of this Collony, and hath consigned it to our honoured President, Mr. Roger Williams, to dispose thereof to the intent premised.

Concerninge
the powder
and lead
sent by Mr.
John Clarke

This Assembly have ordered, and do order, that the said powder and bullets shall remaine in oure said Presidents custody, whereby he may be enabled to make returne for the same to England in time convenient; and to that end, it is ordered, that each towne in this Collony shall, betweene this and the eleventh of December next, have powder, by an order from the Towne, under the Clarke's hand of each Towne, to make demand of, and receive each Towne, one barrell of the said powder, and two barrells of the shott: Provided, that they doe upon the receipt thereof send in and deliver to the President, tenn pound in good and well sorted strunge peage, after the rate of eight white per pennie, and fowre black per pennie, from each Towne. And if any Towne faile in the performance hereof, before the day afore prescribed, then it shall remaine in the Presidents power to dispose of the said powder that is soe neglected, as in his wisdom he shall see best for the procuringe returns to send to Mr. Clarke in England for it.

Letters to
Mr. Easton.

2. It is ordered, that the President, Mr. Roger Williams, is desired to draw up a letter to Mr. Nicholas Easton, containing the heads of Captaine Campa Subados petition, and the letter sent from his Highness' Commissioners of Jamaica, concerninge Captain Subado desiringe his presence or his answer upon the thirteenth daie in this present month. Alsoe to give an answer of his not delivering the £28. 5s. to Christopher Almy, ac-

cordinge to the order of the Commission Court, held at 1656. Warwicke, in March, 1655-6.

3. Ordered, that in consideration of the want of a The supply of a Generall Sarjent. Generall Sarjant in the Collony by reason of the decease of the late Sarjant, George Parker; and findinge Richard Knight, of Newport, on record, is next in choyce at the election in May last, at Portsmouth, the Court doe therefore apoynt the said Richard Knight to execute the said office of Generall Sarjant of this Collony, as successor unto the deceased Sarjent as aforesaid; and upon his engagement given before the Generall Recorder, he is to serve in that office untill the election in May next.

Butt it is provided, that if any defects apeare in any Defects in the Sarjents Bonds. bonds already and formerly taken by the Sarjant, deceased, that may come into the said Richard Knight's hands; or if any neglects or defects of the deceased Sarjant apeare in any case dependinge, those defects shall not be imputed to the said Richard Knight, nor shall he be responsible for those fore-intended defeects.

5. And farther, the foresayd Richard Knight is hereby authorized to call for, and take into his hands as Generall Sarjant, all such papers and wrightings as were in the possession of the deceased Sarjant concerninge his office for this present yeare, and he to give a receipt for the said papers upon the receipt of them.

Richard Knight, Generall Sarjant, engaged.

6. It is further ordered, by the authority of this present Assembly, that from henceforth in case of the death and decease, or removall of any Generall officer, either President, Assistant, Recorder, Sarjant, &c., he who was next in choyce, nominated and recorded at the election of the sayd officers, shall serve for the remainder of that yeare, untill the Court of Election, as successor unto the officers deceased; and it shall be in the power of the President, or any Assistant, or Generall Recorder to give him a commission to the performance of that office that he

Provision in case of the death of a General Officer.

1656. is soe designed unto, any law to the contrarie formerly made notwithstanding.

But in case that at the election of the Generall officers, there be noe second nominated and recorded ; then it is ordered, that the towne where the foresaide defect of a Generall officer shall happen to fall, shall themselves choose a new in his stead, who shall be engaged by a Generall officer to serve as aforesaide ; and in case either he that is successor, by being a second in nomination at the General election, or by choyce of the Towne, doe refuse to engage, he shall pay the same damage as he that refuseth at the Generall election, and the towne shall choose againe untill they have caused one to take his engagement, and fine such as refuse, and the fines to goe to the General Treasurie.

The Court adjourned till second daye, in the morninge, at eight o'clock.

October the 12th.

The Court called.

Mr. Roger Williams chosen moderator for this daye.

7. Ordered, that the three bills presented by Mr. Coddington, Richard Knight, and Mr. Dyre, shall be first debated.

Rehearing
of W. Cod-
dington's
case ap-
proved.

8. It is declared by this Assembly, that the rehearinge graunted by Mr. John Coggeshall, General Assistant, to Mr. William Coddington, in a case dependinge betwixt Mr. William Brenton and the said Mr. Coddington, was a legall actt.

9. It is declared, that the petition presented by Mr. William Baulston and Mr. William Dyre, is answered in the approving of Mr. Coddington's rehearinge graunted by Mr. John Coggeshall.

Edward
Richmond's
petition.

10. Upon a petition presented by Edward Richmond.

The Court ordereth, that the business shall be suspended till it be heard in the Court of tryalls.

11. Upon a petition presented by Eliz: Stevens, the 1656. Court remiteth her payinge six shillings and eight pence.

Eliza Stevens petition.

Ordered, that a summons be sent to Henry Stevens, of Newport, to make his apearance before the Court of Commissioners upon Fryday next, at 10 o'clock in y^e morninge.

Henry Stevens.

October the 17th.

The Court called.

Mr. Roger Williams chosen Moderator for this day.

12. Upon a petition presented by Mr. Will. Coddington, concerninge an execution outt against him by Capt. Richard Morris,

Capt. Morris his execution suspended.

This Court ordereth, that the execution shall be suspended till the Court of Commissioners [meet] in May next.

October the 18th.

The Court called.

13. Mr. Roger Williams chosen Moderator for this day.

Richard Ussell.

Ordered, that the business concerninge Richard Ussell and Abigall, daughter-in-law of Mr. John Cowdall, and Edward Richmond, is refferred to the Court of Commissioners in May next.

14. It is ordered by this Court, that Mr. Ralph Earle, Sen'r, is refferred to the next Generall Court of tryalls held at Newport in March next, to have there his tryall in law against Mr. William Field in the action that he commenced against the said Field in June last, at Providence, which was not then issued, and the same progress which he hath already taken shall serve to bringe the case to tryall; and Mr. Field shall have summons from the Generall Recorder to answer the case at the Court above premised.

Ralph Earle, Sen'r.

1656. 15. Wee determine on an addition to the former law of Larceny. That for petty larceny it shall be in the liberty of the delinquent, either to be whipt, or pay twentie shillings to the State.

~
Addition to
Petty
Larceny.

Also, for grand larceny, it shall be at the liberty of the delinquent, either to be whipt, or pay forty shillings to the State.

Grand
Larceny.

16. A petition presented by Richard Knight for monies due to him from y^e Collony.

Richard
Knight's
petition.

Ordered, that Mr. Benedict Arnold, Captain Cranston, Mr. Phillip Shearman, and John Sanford shall audit Richard Knight's accompts.

Widow
Parker's
Petition.

17. A petition presented by the widdow Parker, for two pounds, fifteen shillings, due to her husband, deceased.

The Court ordereth, that the said widdow shall be paid out of the Generall Treasurie, from the first monies that shall come into the Treasurie.

William
Almy and
his sonn.

18. Ordered, that in the latter clause in the order made at Warwicke, in March, 1655, viz.: that William Almy doth engage for himselfe and sonn, that they will not trouble any in the Collony ; that is, not any now be-inge or dwellinge in the Collony, is null.

Ordered, that the Clarke shall have six shillings and eight pence from each Towne for coppies of this Court's acts.

[On the return of Roger Williams from England, in 1654, with the letter of Sir Henry Vane to Providence Colony, which letter appears in its proper place (page 285, of these records), he found matters in a very deranged state in the colony. In consequence thereof, he wrote the following letter to the town of Providence, in which he alludes in affecting terms to the toils and sacrifices he had made in the behalf of the colonists, who he thought had not appreciated his efforts. This letter is not among the colony records ; yet, as it is connected with the period when it was written, as well as with the papers which precede and follow it, it is inserted here. It should have been placed at p. 237,

but was not discovered at the time that portion was printed. The document is found in Knowles's *Life of Roger Williams*, p. 266, and among the collections of Mr. Bull, published in the *Newport Mercury*.] 1656.

Letter from Roger Williams to the town of Providence.

Well beloved friends and neighbors,

I am like a man in a great fog. I know not well how to steer. I fear to run upon the rocks at home, having had trialls abroad. I fear to run quite backward, as men in a mist doe, and undoe all that I have been a long time undoeing myselfe to doe, viz.: to keepe up the name of a people, a free people, not enslaved to the bondages and iron yokes of the great (both soul and bodie) oppressions of the English and barbarians about us, nor to the divisions and disorders within ourselves. Since I set the first step of any English foot into these wild parts, and have maintained a chargeable and hazardous correspondence with the barbarians, and spent almost five yeares' time with the State of England, to keepe off the rage of the English against us, what have I reaped of the root of being the stepping-stone of so many families and townes about us, but grief, and sorrow, and bitterness? I have been charged with folly for that freedome and libertie which I have always stood for; I say libertie and equalitie, both in lande and government. I have been blamed for parting with Moshassnck, and afterward Pawtuxet (which were mine owne as truly as anie man's coate upon his back), without reserving to myselfe a foote of land, or an inch of voice in any matter, more than to my servants and strangers. It hath been told me that I labored for a licentious and contentious people; that I have foolishly parted with towne and colonie advantages, by which I might have preserved both towne and colonie in as good order as anie in the countrie aboute us. This, and tenn times more, I have been censured for, and at this present am called a traitor, by one partie, against the state of England, for not maintaineinge the charter, and the colonie; and it is said that I am as good as banished by yourselves, and that both sides wished that I might never have landed, that the fire of contention might have had noe stop in burning. Indeed, the words have been soe sharp betweene myselfe and some latelie, that at last I was forced to say, they might well silence all complayntes if I once began to complayne, who was unfortunately fetched and drawne from my employment, and sent to soe vast distance from my familie, to do your work of a high and costlie nature, for soe manie dayes and weekes and months together, and there left to starve, or steal, or beg or borrow. But blessed be God, who gave me favor to borrow one while, and to work another, and thereby to pay your debts there, and to come over with your credit and honor, as an agent from you, who had, in your name, grappled with the agents and friends of all your enemies round about you. I am told that your opposites thought on me, and provided, as I may say, a sponge to wipe off your scores and debts in England, but that it was obstructed by yourselves, who rather meditated on means and new agents to be sent over, to cross what Mr. Clarke and I obtained. But, gentlemen, blessed be God, who faileth not, and blessed be his name for his wonderful Providences, by which alone this towne and colonie, and that grand cause of TRUTH AND FREEDOME OF CONSCIENCE, hath been upheld to this day. And blessed be his name who

1656. hath again quenched soe much of our fires hithertoe, and hath brought your names and his own name thus far out of the dirt of scorn, reproach, &c. I finde among yourselves and your opposites, that of Solomon true, that the contentions of brethren (some that latelie were soe), are the bars of a castle, and not easily broken; and I have heard some of both sides zealouslie talkinge of undoing themselves by a tryall in England. Trulie, friendes, I cannot but fear you lost a fair wind latelie, when this towne was sent to for its deputies, and you were not pleased to give an overture unto the rest of the inhabitants aboute it; yea, and when yourselves thought that I invited you to some conference tending to reconciliation, before the towne should act in soe fundamental a business, you were pleased to forestall that, soe that beinge full of grief, shame and astonishment, yea, and fear that all that is now done, especially in our towne of Providence, is but provoking the spirits of men to fury and desperation, I pray your leave to pray you to remember (that which I lately told your opposites), *onlie by pride cometh contention*. If there be humilitie on the one side, yet there is pride on the other, and certainelie the eternal God will engage against the proud. I therefore pray you to examine, as I have done them, your proceedings in this first particular. Secondly, Love covereth a multitude of sins. Surely your charges and complaints each against other, have not hid nor covered any thing, as we use to cover the nakedness of those we love. If you will now profess not to have disfranchised humanity and love, but that, as David in another case, you will sacrifice to the common peace and common safety, and common credit, that which may be said to cost you something, I pray your loving leave to tell you, that if I were in your soul's case, I would send unto your opposites such a line as this: "Neighbors, at the constant request, and upon the constant mediation which our neighbor Roger Williams, since his arrival, hath used to us, both for pacification and accommodation of our sad differences, and also upon the late endeavors in all the other towns for an union, we are persuaded to remove our obstruction, viz.: that paper of contention between us, and to deliver it into the hands of our aforesaid neighbor, and to obliterate that order, which that paper did occasion. This removed, you may be pleased to meet with, and debate freely, and vote in all matters with us, as if such grievances had not been amongst us. Secondly, if yet aught remain grievous, which we ourrselves, by free debate and conference, cannot compose, we offer to be judged and censured by four men, which out of any part of the colony you shall choose two, and we the other."

Gentlemen, I only add, that I crave your loving pardon to your bold but true friend,

ROGER WILLIAMS.

1657.


*At the General Court of Election, held at Newport, the
19th of May, 1657.*

Mr. Benedict Arnold, chosen Moderator of the Assembly.

Mr. Benedict Arnold, chosen President, Mr. John Easton, next.

Mr. Arthur Venner, Assistant for Providence, Mr. Tho: Olney, next.

Mr. William Baulston, Assistant for Portsmouth, Mr. John Roome, next.

Mr. Richard Tew, Assistant for Newport, Mr. John Easton, next.

Mr. Randall Holden, Assistant for Warwick, Mr. John Weekes, next.

John Sanford, General Recorder, ingadged.

Mr. Richard Knight, General Sarjent, James Rogers, next.

Mr. John Greene, Jr., General Attorney, John Easton, next.

John Sanford, General Treasurer, next Mr. Richard Burden.

James Rogers, General Solicitor, Lott Strange, next.

Mr. Ben: Arnold, President. Ingadged.

Mr. Richard Tew, Assistant. Ingadged.

Mr. Randall Holden, Assistant. Ingadged.

Mr. Richard Knight, Gen'l Sarjent. Ingadged.

Mr. John Greene, Jun'r, Gen'l Atturney. Ingadged.

John Sanford, General Treasurer. Ingadged.

James Rogers, General Solicitor. Ingadged.

Mr. William Baulston, Assistant. Ingadged.

Mr. Arthur Fenner, Assistant. Ingadged.

1657.

*The General Court of Commissioners, held at Newport,
May the 19th, 1657.*

COMMISSIONERS FOR

PROVIDENCE.

Mr. Thomas Harris,
Mr. John Sayles,
Mr. Henry Bull,
Thomas Walwin,
Samuel Bennet,
Mr. Hugh Bewitt.

FOR PORTSMOUTH.

Mr. William Almy,
Mr. Richard Burden,
Mr. William Freeborne,
John Sanford,
Mr. John Greene,
Edward Greenman.

FOR NEWPORT.

Mr. Benedict Arnold,
Mr. John Easton,
Mr. John Cranston,
Mr. Richard Tew,
Mr. Joseph Clarke,
Mr. John Gould.

FOR WARWICK.

Mr. John Greene, Sen'r,
Mr. Randall Holden,
Mr. Samuel Gorton,
Mr. John Weeks,
Mr. John Greene, Jun'r,
Mr. Walter Todd.

Mr. Benedict Arnold, chosen Moderator for this daie.

John Sanford, chosen Clarke of this Assembly.

The Court adjourned till the next morninge.

May the 20th.

Mr. Benedict Arnold, chosen Moderator.

Duty of the
Moderator.

1. It is ordered, that the pertickulars mentioned in an order made for orderinge the General Assembly in the yeare 1648, at Providence, viz.: touchinge the manner of debatinge matters, and the duty of the Moderator in the Assembly, both in the time of adjitatinge, as alsoe for adjourninge or desolveinge the Court, shall be of force

unto the Court of Commissioners untill they see cause to alter it. 1657.

2. James Sands beinge by the Towne of Portsmouth chosen a Commissioner, he beinge sicke, and not able to attend, his fine is by this Court remitted. James Sands' fine remitted

3. Mr. John Porter being chosen a commissioner by the Towne of Portsmouth, he being sicke, and not able to attend, his fine is by this Court remitted. John Porter's fine remitted.

4. It is ordered, that the Clarke shall open and reade to the Assembly, a letter sent from Mr. Roger Williams to this Assembly. Roger Williams' Letter.

5. It is ordered, that any person convict of the act of Fornication within the jurisdiction of this Collony, shall be publicquely whiped in the Towne where the fact was done, with fiteene stripes for the first offence, or pay forty shillings; and in case of a second, in that case the party shall be publicquely whiped at the towne where it was done if on the Island; and of the other Towne of the Island a week after, with fiteene stripes at each place; and soe if on the maine land, then at the towne where it was done; and at the next towne alsoe to receive the like punishment as is aforesaide, or pay a fower pound fine to the Collony Treasury. Law concerning Fornication.

6. The Court have thought fitt to commit to the fyle certaine papers that came before us concerninge Richard Chasmore, and some aligations against the Towne of Providence about him; as alsoe a bond of Zachary Roads concerninge the same business, in regard that Mr. Roger Williams is not here present, from whome the saide papers and bond came to the Court. Papers concerninge Richard Chasmore and Zachary Rhodes.

7. Ordered, that the Recorder shall give a ccopy of Mr. Coddington's petition to this Court, unto Mr. Torrey, he paying for the ccopy: also to give Mr. Coddington a ccopy of Mr. Torrey's petition, he paying for the ccopy. Mr. Coddington and Mr. Torrey's petitions.

8. Ordered, that Mr. Thomas Harris, Mr. Hugh Bewitt, Mr. William Almy, Mr. Richard Burden, Mr. John Easton, Mr. John Gould, Mr. John Greene, Jr., Committee.

1657. and Mr. John Weekes are chosen a sub-committee to adjutate and bringe, in their result of fower bills delivered to them.

Freemen
admitted.

Lawrance Turner, Andrew Langworth, and Robert Burdick are admitted freemen of this Collony.

9. Vpon consideration of the good correspondency and peaceable agreement composed and approved of betweene the Commonwealth of England and the State of Holland.

Liberty for
the Dutch to
trade.

10. It is by this present Assembly declared, that whereas there hath beene made certaine law or lawes in this Collony, and by certaine Townes or parts thereof, to prohibit the Dutch from haveinge any recourse in a way of trade to these parts ; which law or lawes were made in the time of the late differences and hostility between the two nations : the sayd law or lawes of prohibition are now declared to be null, and of noe force ; and that upon the reasons aforesayd. But it is declared, that the Dutch may have lawfull commerce with the English in this Collony, correspondent to the peace in beinge betweene the two nations.

Demurrs.

11. Concerninge demurrs, we declare that plaintife and defendant shall have, each of them, but one demur, which may not be denyed them either before or after the case be pleaded ; provided, it be required before the jury be sent forth ; only in the case it be required after the case be pleaded, or the jury attend the case, the party that desires it, shall pay the jury.

Nihil dicit.

12. Concerninge a nihil dicit, we declare that although it be taken in the Recorder's office before the Court sitt ; yet if the defendant apeare in Court and give in his answer, the matter shall proceed to tryall, except either party desire a demurr ; and this demurr shall be the defendant's demurr because of his default, though the demurr be desired by the plaintiffe, if the plaintiffe desire it before the jury be impaneled upon the action.

13. Concerninge a rehearinge after judgment graunt-

ed. Wee declare, that either the plaintiffs or defendant, 1657.
 shall each of them have liberty of one rehearinge, if either
 of them desire it, and noe more ; provided, that he that <sup>Rehearinge
after
Judgment.</sup>
 desire it, whether plaintiffe or defendant, shall give in
 double bond of what the defendant gave for his former
 apearance ; which bond, together with the fower pound,
 or the value of the bill of costs, shall be given into the
 Recorder's office within tenn daies after judgment grant-
 ed ; and these costs not to be recoverable againe, except
 the jury see good cause to give it ; and for this cause the
 execution shall remaine in the Recorder's office tenn days
 after judgment graunted, before it go forth ; and soe the
 Recorder shall stop the execution, which shall be notice
 sufficient to the party to prepare for a tryall accordinge to
 law, the next [term of the Court ensuinge].

14. [With respect] to a bill concerninge the tea- <sup>Witnesses
to be en-
gaged.</sup>
 dious and chargeable [services] of the jury upon the ac-
 count of differinge witnesses ; we declare that the com-
 playner, and he that is complayned against, shall have
 theire witnesses equally engaged, and to be of the like au-
 thority for the jury to judge of the truth of them, and ac-
 cordingly give intheir verdict ; and this to be the explaina-
 tion of the former law in the bulke of lawes concerninge
 the inquest.

15. With respect to Mr. Coddington's petition, and <sup>W. Cod-
dington and
Captain
Morris.</sup>
 Capt. Morris his petition now presented, the court doth
 declare, that the result of the last Court of Commissioners
 at Warwicke, was that noe such acts should be medled with-
 all, except by a speciall order from England ; and there-
 fore, if either of them desire to trye any matters connected
 with the time of Mr. Coddington's comition, if they procure
 a speciall order from England, they may have it tryed.

There being five pound, thirteen shillings, two pence <sup>William
Lyther.
land's Bill.</sup>
 due to William Lytherland, the General Court have or-
 dered him hereby to demand and receive the sayd sum of
 the General Treasury.

16. It is ordered and declared, by this present As-

1657. sembly, that any man that is chosen by any of the Townes to serve on an inquest or jury, shall have at least three daies warninge before the Court ; and in case he hath not such warninge, then he shall not be finable for not attendinge the Court, only in case of necessity to fill the Jury in Court time ; the Court have power to take any man they judge fitt for that service, and such not to refuse, upon penalty of tenn shillings fine for each such refusall.

Time of fines
to be paid.

17. It ordered, that every man that should attend for a Commissioner or a Juryman, or to give evidence by a Supena in our Courts and doth not attend, he shall have liberty within tenn daies after he should have performed that service, for to pay his fine, or make a lawfull excuse apeare to the Generall Magistrate of that Towne where he liveth ; or else it shall be levied by the Generall Sarjant accordinge to law, by a warrant under the Recorder's hand at the followinge Courtt.

Mr. Cod-
dington and
Mr. Brenton

18. Vpon an agreement betwixt William Coddington, of Newport, Esquire, and Mr. William Brenton, of Boston, Merchant, to put all differences between them to arbitration, and ingadge themselves to stand to their arbitrators' award in the same ; and upon the request of the aforementioned ; hereupon the Court doth declare, that in case those premised arbitrators doe not agree upon the full and finall determination in the premises, yett no Court of tryall nor officer or officers shall have power to graunt either execution, *nihil dicit*, or non-suite, concerninge any matters in the premised differences, to either of the above named William Coddington, Esq., or to Mr. William Brenton, Merchant, without a spetiall authoritie from the law makeinge Court of this Collony.

Abigail
Davis's pe-
tition.

19. Ordered, that Mr. Richard Tew, Mr. John Greene, Jr., of Warwicke, Mr. Thomas Harris, of Providence, and Edward Greenman, of Newport, are apoynted a sub-committee to goe to Abigail, daughter-in-law to Mr. John Cowdall, and to carrie the petition that was

presented to the Court in her name, and to enquire of her 1657.
if she owne it to be hers, and to informe themselves of
other circumstances from her thereabout, and to make re-
port thereof to the Court to-morrow morninge, at the
meetinge of the Court.

20. Vpon a petition of Richard Ussell, to this court for
justice concerninge an execution graunted to him against
Edward Richmond, of Newport, for the sum of three pound,
thirteen shillings ; which execution beinge unserved by
reason that noe estate was found to serve it on, and now
beinge adjitated in the Court for redress in the same,
here appeared John Richmond, of Newport, Sen'r, and to
the Court doth agree to pay the sayd sum mentioned in
the execution to Richard Ussell or his assigns, before the
24th of June next, upon the penalty of a double bond for-
feiture, payable to the sayd Ussell, recoverable by law.

21. Concerninge the nihil dicit entered against Rich-
ard Ussell and John Cowdall, of Newport, by Edward
Richmond, before the Court of tryalls in October last, at
Portsmouth, some difficulty arisinge in the Courts aboute
it, and they referringe it to this Court to consider ; the
Court declareth that the Jury shall enquire of the dam-
ages upon the sayd nihil dicit, and judgment and execu-
tion shall be entered and graunted at the General Court of
Tryalls at Warwicke in June next, in that case.

22. Vpon a bill concerninge distraynts, it is declared
by this Assembly, that the party whose goods is distrain-
ed upon, shall have liberty of tenn dayes after the dis-
tringas is levied, to redeem his goods, payinge his fine
and the charges by law due thereupon, and his redeeming
the goods shall not be taken as if he did confess himself
guilty of fact. Moreover, he is to pay the chardge of
keepeinge the goods taken till redeemed as aforesayed.

23. Vpon a bill concerninge a progresse in law
against the Generall Sarjant, or any other general officers
in the Collony. It is ordered, that in case of debt or
trespass that doth not concerne or respect the Generall

Richard Us-
sell against
Edward
Richmond.

Nihil dicit
by Edward
Richmond
against
Richard
Ussell.

Distraynts.

Progress in
law against
a General
Officer.

1657. Serjant's office, a summons taken by the plaintiffe out of the Generall Recorder's office, and served by the Towne serjant or his Deputy of the Towne, where the General Serjant inhabits, shall serve to bringe the Generall Serjant to a tryall, at a Generall Court of tryalls instead of an arrest; and the fees to the sayd Town Sarjant for serveinge the summons, shall be the same as is alowed to the Generall Serjant for servinge a writt of arrest. And further it is ordered, that a summons served by the Generall Serjant in like case on any other Generall Officer, shall serve to bringe them to tryall instead of a writt of arrest, to a Court of tryall, provided the matter concerne his office.

Committee's
report on
Abigail
Davis.

24. The Report of the sub-committee yesterday chosen and sent to Abigall, daughter of John Cowdall is, that haveinge read the petition to the sayd Abigall, which was subscribed Abigall Davis, she owned the sayd petition to be her act, and likewise disclaimed Richard Ussell, and only owned Edward Richmond, and further professed that what she had done with respect to Richard Ussell, was for feare of being forced to it by her father and mother.

25. Vpon adjitacion concerninge Richard Ussell and Abigall Davis, the Court declareth theire resolution to consider and debate the matter, as to theire sence concerninge the marridge of the sayd Ussell with the sayd Abigall Davis, whether it were legall or not.

26. Vpon the great disturbance made by standers by in the beginninge of the adjitacion abovesayd, the Court hath for the present deferred the debate of the matter any further.

William
Baulston's
letter of At-
torney to
Mr. Brenton

27. Whereas, Mr. William Baulston did in the Court present a letter of Attorney signed, sealed and delivered by Mr. William Brenton, to the sayd Mr. Baulston, authorizinge him to be his agent in all differences betwixt the sayd Mr. William Brenton and Mr. William Coddington, which sayd letter of Attorney was, by two witnesses in Court avouched to be Mr. Wm. Brenton's act and deed.

28. Vpon the referring of the differences betweene 1657. William Coddington, Esq'r, and Mr. William Brenton, of Boston, Merchant, to arbitrators mutually chosen by them to determine; and having made bonds to stand to the award of the arbitrators, or the major part of them; the Court tooke cognizance of the sayd engagement and bonds; as that alsoe it is lawfull for the arbitrators or the major part agreeinge upon an award to take of the visible estate in horse kinde or sheepe, or other cattell of either of the parties above sayd, that is found wronginge the other in the premises, and give it into the hands of the party wronged for satisfaction.

Business
concerninge
Mr. Cod-
dington and
Mr. Brenton

29. It is ordered, that the Generall Recorder doe graunt execution accordinge to law with the words in the execution, by authority of verdict and judgment of Court in the case that was found against Mr. Dyre at the last Court of tryalls in March, where only through neglect, judgment was not entered.

Execution
against Mr.
Dyre.

30. Vpon the Court takinge cognizance of the accusation layd against William Harris, of Providence and Pawtuxet, by Mr. Roger Williams, of Providence; together with an impeachment of High Treason against the sayd William Harris, which impeachment is in writinge subscribed Roger Williams, President; and here apeareinge noe man to declare (vive voce) against the said Harris, nor noe examination concerninge the sayd impeachment; the Court declareth that the sayd William Harris stands lyable, together with his sureties to apeare at, and attend the Court of Commissioners at Warwicke, it being adjourned thither to begin the 4th day of July next; And further, this Court doe require the Attorney General to take notice of the case, and take out summons to require Mr. Roger Williams there to apeare, and to make out his charge against William Harris face to face; for as much as the Court cannot now proceed to the tryall by reason Mr. Williams doth not apeare to make out his charge. Alsoe, the Court doe charge the Attur-

Matters con-
cerninge
Wm. Harris.

1657. ney to observe his office in the impleadinge the sayd
 ~~~~~ William Harris according to law in the premises, the  
 Court being adjourned only with respect to that matter.

*At Warwick, July the 4th, 1657.*

Request of  
 the Narraganset  
 Indians.

Upon the request of the Narraganset sachems, It is ordered, that a letter be sent to the English at Pequot and thereabouts, from this Assembly, and to be subscribed by the General Recorder, the contents whereof are as followeth, viz.:

To our honored and beloved friends, Captain Denison, and Mr. Thomas Stanton, to be communicated to such of the English as it may concerne at Pequot, or other parts of the country.

Beloved Countrymen :

Letter to  
 Capt. Denison and  
 Thomas Stanton.

In the consideration of the great charge that lyeth on every one to endeavor the preservation of the peace of this country, and every member thereof ; we doe therefore make use of this present occasion to the end premised, and you may please to understand that we have at this very instant a very solemn and serious information from the Narragansett Sachems by a chiefe councillor of theirs, that they take it ill of some English who live neare unto Uncas his fort ; for that (as they say) the English by their scouts discover to the Nanhegans the approach of the Narragansits, and thereby doe defeat their designs in warr against Uncas. And further, these Indians doe say that they think those English that so doe, doe not doe it by order of any collony or Court, but for money given underhand by Uncas. And further they tell us that the inlanders called Mocquayes are in great number cominge down against Uncas. And those Indians feare that those inlanders findinge any such carridge from those English by making signes or shoutinge, to give Uncas notice as aforesayed of his enemies aproatch, that then those inlanders may be enraged, and either take or kill such scout or

scouts. And now on this information, these Narragansett sachems desire us soe to inform you, for that they desire a fayre correspondency with the English. Thus much only we shall add ; that is, that you our lovinge countrymen doe well consider of the matter, and weigh the grounds of these actions ; soe as, if possible, the peace of the country and therein your owne safety with ours may be preserved ; for that is the utmost extent of our desires. And we only desire to inform you, but noe way to engadge in either part of the Indian quarrels, one with another. And soe we rest your affectionate countrymen and friends.

From the General Court of Commissioners held  
for the colony of Providence Plantations at  
Warwick.

Per me,

JOHN SANFORD,  
Gen'l Recorder.

Dated July 4th, 1657.

32. It is ordered, that Mr. John Easton is to supply the place of the General Attorney until the General Attorney returne, or till the next election, and is engaged.

John Easton  
Att'y Gen'l.

33. It is ordered, that William Harris shall reade over the cobby of his Booke to the Court, and Mr. Williams shall view the originall.

William  
Harris'  
Book.

34. It is ordered, that Mr. Roger Williams shall reade over his letter to the Courte.

Roger  
Williams  
letter.

35. It is ordered, that Mr. Roger Williams shall reade over his charge against William Harris, and his reply to William Harris his booke.

36. Voated and ordered, that Mr. John Weeks and Mr. John Easton are apoynted to employ their times till aboute foure of the clocke this afternoone, to consider of the business concerninge William Harris his case, as to the court it is presented by Mr. Roger Williams, a case of

1657. high treason ; and they are desired to draw up in writinge and propose to this Assembly, what they two shall conceive best as to a progress in the further examination of the cause in order to a tryall.

John Weeks  
and John  
Easton to  
prepare case.

37. Concerninge William Harris, his booke and speeches upon it ; we find therein delivered as for doctrine, havinge much bowd the Scriptures to maintaine, that he that can say it is his conscience ought not to yield subjection to any human order amongst men. Whereas, the sayd Harris hath been charged for the sayd booke, and words with High Treason ; and inasmuch as we being soe remote from England, cannot be soe well acquainted in the laws thereof in that behalfe provided, as the State now stands ; though we cannot but conclude his behaviour therein to be both contemptuous and seditious ; we thought best therefore, to send over his writinge with the charge and his reply to Mr. John Clarke, desiringe him to commend the matter in our and the Commonwealth's behalfe, for further judgment as he shall see the cause require ; and in the meane time to binde the sayd Harris in good bonds to the good behaviour untill their sentence be knowne.

Committee  
to draw up  
a letter to  
John Clarke  
in England.

38. It is ordered, that fower be nominated and chosen out of this Assembly, viz.: the President, the General Recorder, Mr. John Easton and Mr. Joseph Clarke, who are desired and authorized to draw up a letter in the name of the Court to Mr. John Clarke, in England, by which to give him the reasons and occasions of the Courts proceedinge with William Harris in sendinge his booke, for which he is charged of High Treason ; as alsoe, his charge by Mr. Williams, and William Harris his reply thereto ; as alsoe, by the sayd letter to desire Mr. Clarke's assistance in the manadgeinge of the matter there, and to procure a result from the authority there in the premises with such convenient speed as he can, for that William Harris stands bound by recognizance to the good behaviour till the receipt thereof by the Court.



39. It is ordered, that Mr. Randall Houlden, Mr. 1657. Samuel Gorton, Mr. Ezekeiell Holliman and Mr. Walter Todd are authorized to take bonds of William Harris and his sonn Andrew Harris, in five hundred pounds starlinge, to performe the orders of the court concerninge the charge of High Treason against him, and to returne the sayd bonds into the Generall Recorder's office, or to secure his person.

Concerning  
Wm. Harris  
his bonds.

40. It is ordered, that the committee appoynted to take bonds of William Harris, shall have the bonds of Thomas Harris and Thomas Walwine, and upon theire takinge bonds of William Harris and his sonn, to deliver Thomas Harris and Thomas Walwine their bonds.

41. It is ordered, and by this court declared, that the marridge of Richard Ussell with Abigail Davis was an unlawful marridge.

Richard  
Ussell's  
marriage.

42. It is ordered, that the Towne Clarke of Providence shall tender the engadgement to Mr. Fenner, and if he refuse it, then to tender it to the next in choyce.

Mr. Fenner.

43. It is declared, that there is due to the Generall Sargent twentie one pound, [which was] due before the cominge of Mr. Coddington's commission, which is to be payed by the first conveniency.

Debt due the  
General  
Sargent.

44. It is ordered, that the next court of commissioners shall apoynt an audit to audit the remainder of the General Sargent's accounts in the time of the Courts sittinge, and bring in their result to that Court.

It is ordered, that the recorder shall have tenn shillings from each towne for coppies of this Court acts.



1658.

*The General Court of Commissioners held for the Collony,  
at Portsmouth, March the 10th, 1657-8.*

## COMMISSIONERS FOR

## PROVIDENCE.

Mr. John Smyth,  
Mr. Thomas Olney,  
Mr. William Feild,  
Mr. William Carpenter,  
Mr. James Sweete,  
Mr. Edward Enman.

## COMMISSIONERS FOR

## NEWPORT.

Mr. Benedict Arnold,  
Mr. Richard Tew,  
Capt. John Cranston,  
Mr. Joseph Clarke,  
Mr. John Easton,  
Mr. John Greene.

## COMMISSIONERS FOR

## PORTSMOUTH.

Mr. William Baulston,  
Mr. John Porter,  
Mr. Thomas Layton,  
Mr. Samuel Wilbore,  
Mr. James Badcocke,  
John Sanford.

## COMMISSIONERS FOR

## WARWICK.

Mr. Randall Houlden,  
Mr. Samuel Gorton,  
Mr. John Weekes,  
Mr. Walter Todd,  
Mr. John Greene, Jun'r,  
Mr. Peter Greene.

Mr. Benedict Arnold, chosen Moderator.


John Sanford, chosen Clarke to this Assembly.

1. Ordered, that the Bill presented by Pawtuxet men shall be read.

2. Ordered, that the sayd bill shall not be adjitated without paying six shillings and eight pence.

3. Ordered, that the copy of the Lord Protectors Letter shall be read.

4. Ordered, that the letter sent from the Governor in chiefe, Lord Admirall and Commissioners for forraigne plantations, to the Massachusetts, shall be read and re-

corded in the Generall Records, and the orridgionall 1658. cobby is in the keepinge of Mr. Samuell Gorton of  Warwicke.

A copy whereof is, viz.:

After our Hearty commendations.

We being especially intrusted by both houses of Parliament with orderinge the affairyes and government of the English Plantations in America, have some months since received a complaynt from Mr. Gorton and Mr. Holden in the name of themselves and divers other English, whoe have transported themselves into New England, and now are or lately were inhabitants of a Tract of land called the Narragansetts Bay (a cobby of which complaynt the enclosed petition and narrative will represent unto your knowledge), we could not forthwith proceed to a full hearinge and determination of the matter ; it not appearinge unto us that you were acquainted with the particular charge, or that you had furnished any person with power, to make defence in your behalfe ; nor could we conveniently respite some kind of resolution without a great prejudice to the petitioners, who would have layne under much inconvenience if we had detayned them from their families till all the formalities and circumstances of proceedinge, necessary at this distance, had regularly prepared the cause for a hearinge.

Copy of a  
Letter from  
the Earl of  
Warwicke,  
&c.

We shall therefore lett you know in the first place that our present resolution is not growned upon an admittance of the truth of what is charged, we knowinge well how much God hath honored your government, and believing that your spirits and affaires are acted by principles of justice, prudence, and of zeal to God ; and therefore cannot easily receive any evill impressions concerninge your proceedings.

In the next place, you may take notice that we fownd the petitioners ayme and desire in the result of it was, not soe much a reparation of what's past, as a settlinge of their habitations for the future, under that Government by

1658. a Charter of civill incorporation, which was heretofore  
granted them by ourselves. We find withall, that the tract of land called the Narragansetts Bay, concerninge which the question has arisen, was, divers years since inhabited by those of Providence, Portsmouth and Newport, who are interested in the complaynt ; and that the same is whollie without the bounds of the Massachusetts Patent, granted by his Majestie. We have considered that they be English, and the forcinge of them to finde out new places of residence will be very chargeable, difficult and uncertaine ; and, therefore, upon the whole matter, doe hereby pray, and require you, to permitt and suffer the petitioners, and all the late inhabitants of Narragansett Bay, with their families, and such as shall hereafter joyne with them, freely and quietly to live and plant upon the Shawomett and such other parts of the sayd tract of land within the boundes mentioned in our sayd charter, on which they have formerlie lived and planted, without extending your jurisdiction to any part thereof, or otherwise disquietinge them in their consciences or civill peace ; or interrupting them in their possession, untill such time as we shall have received your answer to their claime in poynt of title, and you shall thereupon have received our further order therein. And in case any others since the petitioners address to England have taken possession of any part of the lands heretofore enjoyed by the petitioners, or any of their associates, you are to cause them that are newly possessed, as aforesaide to be removed, that this order may be fully performed. And till our further order, neither the petitioners are to enlarge their plantations, nor are any others to be suffered to intrude upon any part of Narragansett Bay. And if they shall be found hereafter to abuse this favor by any act tending to disturbe your rights, we shall express a due sense thereof, soe as to testifie our care of your honored protection and encurreddment.

In order to the effectinge of this resolution, wee doe alsoe

require, that you suffer the sayd Mr. Gorton, Mr. Holden, 1658.  
and Mr. Greene, and theire company, with theire goods and  
necessaries to pass through any part of that Territory  
which is under your jurisdiction towards the sayd tract of  
land without molestation ; they demeaninge themselves  
civilly, any former sentence of expulsion or otherwise not-  
withstandinge.

We shall only add that to these orders of ours, we shall  
expect a conforming [to, not only for] yourselves, but from  
all other governments and plantations in New England  
[which they] may concerne. And so commendinge you  
to God's gracious protection, We rest

Your loveing friends.

|                             |   |                         |
|-----------------------------|---|-------------------------|
| [Office of the] chiefe Lo.  | } | Warwicke, Gov'r and Ad- |
| Adm'll and Comm'rs . .      |   | mirall,                 |
| . . . . . Plantations, set- |   | Northumberland,         |
| ting at Westminster, 15     |   | Nottingham,             |
| day of May, 1646.           |   | Pembroke and Mont.,     |
|                             |   | Fra: Dacre,             |
|                             |   | Manchester,             |
|                             |   | Will: Waller,           |
|                             |   | H. Vane,                |
|                             |   | Ben: Rudgerd,           |
|                             |   | John Holland,           |
|                             |   | Dennis Bond,            |
|                             |   | Sam'l Vassall,          |
|                             |   | Wm. Purefoy,            |
|                             |   | Geo. Snelling.          |

To our very loveing friends the Governor,  
Deputy Governor, and Assistants of the  
Massachusetts Plantation, in New Eng-  
land. vera: copia,\* W. JESSOP.

\* [*Petition and Remonstrance from Massachusetts to the Earl of Warwick, to which the foregoing letter from the Earl of Warwick was in reply, taken from the Massachusetts Records, vol. iii. p. 95.*]

To y<sup>e</sup> Right Honorable Robert Earle of Warwicke, Governour in chiefe, lord

1658. 7. Whereas, the lawes made by the Generall Assembly at Portsmouth, in the yeare 1647, on the 19th, 20th and 21st of May, concerninge trayninge, have been seari-ously considered by this Assembly; and they findinge

Confirmation of  
Lawes concern-  
ing training.

admirall, and other y<sup>e</sup> lords and gentlemen, commissioners for forraigne plantations. The humble petition and remonstrance of y<sup>e</sup> Governour and Company of y<sup>e</sup> Mathatusetts Bay, in New England, in America.

In way of answer to y<sup>e</sup> petition and declaration of Sam: Gorton, Randall Houl- den, and John Greene, &c.

Whereas, by virtue of his majestys charter, graunted to your petitioners, in y<sup>e</sup> fourth yeere of his highnes raigne, wee were incorporated into a body poli- tick, with divers imunities and priviledges, extending to y<sup>e</sup> parte of New England where wee now inhabite, wee doe acknowledge, as wee have alwayes donne, and as in duty wee are bound, y<sup>t</sup> although wee are removed out of our native country, yett wee still have dependance vpon y<sup>e</sup> state, and owe allegi- ance and subjection therevnto, according to our charter; and accordingly wee have mourned and rejoyced therewith, and have held freinds and enemies in comon with it in all y<sup>e</sup> changes which have befallen it; our care and indevor also have binn to frame our government and administrations to y<sup>e</sup> fundamen- tall rules thereof, so farr as y<sup>e</sup> different conditions of this place and people, and y<sup>e</sup> best light wee have from y<sup>e</sup> word of God, will allowe; and whereas, by or- der from your honnors, May 15, 1646, wee find y<sup>t</sup> your honnors have still this good opinion of vs as not to creditt what hath binn informed against vs, be- fore wee be heard, wee render humble thanks to your honnors for y<sup>e</sup> same. Yett, forasmuch as our answer to y<sup>e</sup> information of y<sup>e</sup> said Gorton, &c., is ex- pected, and something also required of vs, which in all humble submission wee conceive may be prejudiciall to y<sup>e</sup> libertyes graunted vs by our charter, and to our well being in this remote parte of the world, vnder y<sup>e</sup> comfort whereof, through y<sup>e</sup> blessing of y<sup>e</sup> Lord and his majestyes favor, and y<sup>e</sup> speciall care and bounty of y<sup>e</sup> high Courte of Parliament, wee have lived in peace and pros- perity these 17 yeeres. Our humble petition in y<sup>e</sup> first place is, y<sup>t</sup> our present and future conformity to your orders and directions may be accepted with a salvo jure, y<sup>t</sup> when times may be chaunged (for all things here belowe are sub- ject to vanity), and other princes or Parliaments may arise, y<sup>e</sup> gennerations succeeding may not have cawse to lament, and say England sent our fathers forth with happy libertyes, which they enjoyed many yeeres, notwithstanding all y<sup>e</sup> enmity and opposition of y<sup>e</sup> prelacy and other potent adversaries; how came we, then, to loose them vnder y<sup>e</sup> favor and protection of y<sup>e</sup> state, in such a season, when England itself recovered its oune, in freto viximus, in portu morrimur. But wee confide in your honnors justice, wisdome, and goodness, y<sup>t</sup> our posterity shall have cawse to rejoyce vnder y<sup>e</sup> fruite and shelter thereof, as ourselves and many others doe, and therefore are bold to represent to your honnors our apprehensions wherenvpon wee have thus presumed to petition yow in this behalfe. Itt appeares to vs by your, y<sup>t</sup> wee are conceived to have transgressed our limitts by sending souldiers to fetch in Gorton, &c., out of Shawwamett, in y<sup>e</sup> Narragansett Bay. 2. Y<sup>t</sup> wee have either exceeded or

them to be very full and to good purpose for the keep- 1658.  
 inge on foote the sayd military exercise, which is much  
 neglected by the towns through some alteration made  
 since: It is therefore, by the authority of this present As-

---

abused our authority in banishing of them out of our jurisdiction when they were in power. For the first wee hereby crave, for your better satisfaction, that your honnors will be pleased to perceave what wee have delivered to y<sup>e</sup> care of Mr. Edward Winslow, our agent or comissioner, whom wee have sent of purpose to attend your honnors, concerning our proceedings in y<sup>e</sup> affaire, and y<sup>e</sup> grounds thereof, which are truly and faithfully reported, and y<sup>e</sup> letters of y<sup>e</sup> said Gorton and his company, and other letters concerning him, faithfully copped out, not verbatim only, but even literatim, according to their oune bad English. Y<sup>e</sup> originalls we have by vs, and had sent them but for casualty of y<sup>e</sup> seas. Thereby it will appeare what the men are, and how unworthy your favor; thereby also will appeare the wrongs and provocations wee received from them, and our long patience towards them, till they became our professed enemyes, wrought us disturbance, and attempted our ruine, in which case our charter, as wee conceive, gives vs full power to deale with them as enemyes by force of armes, they being then in such place where wee could have no right from them by civill justice, which y<sup>e</sup> commissioners for, &c., finding, and y<sup>e</sup> necessity of calling them to an accompt, left the busines to vs to doe; for y<sup>e</sup> other perticuler in your honnors order, viz.: y<sup>e</sup> banishment of Gorton, &c., as wee are assured upon good grounds y<sup>t</sup> our sentence upon them was less than their deserving, so wee conceive wee had sufficient authority by our charter to inflict the same, having full and absolute power and authority to punish, pardon, rule, gouverne, &c., graunted us therein. Now, by occasion of y<sup>e</sup> said order, those of Gortons company begynn to lift vp their heads, and to speake their pleasures of vs; threatening y<sup>e</sup> poore Indians, who, to avoyd their tyranny, had submitted themselves and their lands vnder our protection and government; and diverse other sachems, following their example, have donne the like; and some of them brought by y<sup>e</sup> labors of one of our elders, Mr. John Elliott (who hath obtayned to preach to them in their oune language), to good forwardnes, imbracing y<sup>e</sup> knowledge of God in Christ Jesus; all which hopeful beginnings are like to be dashed, if Gorton, &c., shall bee countenanced and vpheld against them and vs, which also will endanger our peace here at home; for some amongst ourselves, men of vuquiett spirits, affecting rule and innovation, have taken bouldenes to prefer scandalous and seditious petitions for such libertyes as neither our charter, nor reason, nor religion will allowe; and being called before vs in open Courte to give accompt of their miscarriage therein, they have threatened vs with your honnors authority, and before they knew whether wee would proceede to any sentence against them or not, have refused to answer, but appealed to your honnors. Y<sup>e</sup> copy of their petition, and our declaration therevpon, our comissioner hath ready to present to yow when your leisure will permit to heare them. Their appeals wee have not admitted, being assured y<sup>t</sup> they cannot stand with y<sup>e</sup> liberty and power graunted vs by our charter, nor will be allowed by your honnors, who well know it



1658. ssembly ordered, that the aforesayd lawes concerninge trayninge made in the yeare 1647, aforesayde, be revised and to continue in full force throughout the whole collony, any other lawes or repeales to the contrary made notwithstanding only ; with this explycation alsoe added to the

---

would be destructive to all government, both in y<sup>e</sup> honnor and also in y<sup>e</sup> power of it, if it should be in y<sup>e</sup> liberty of delinquents to evade y<sup>e</sup> sentence of justice, and force vs, by appeales, to fflow them into England, where the evidences and circumstances of facts cannot be so cleerely held forth as in their proper place. Besids the insupportable chardgēs wee must be at in y<sup>e</sup> prosecution thereof, these considerations are not new to your honnors and y<sup>e</sup> high Courte of Parliament, the records whereof beare witnes of y<sup>e</sup> wisdome and faithfullness of our auncestors in y<sup>e</sup> great councell, who in those times of darknes, when they acknowledged a supremacy in y<sup>e</sup> Bishop of Roome in all cawses ecclesiasticall, yett would not admit appeales to Roome to remove cawses out y<sup>e</sup> Courts in England ; besids, although wee shall redily admitt y<sup>e</sup> y<sup>e</sup> wisdome and experience of that great councell, and off your honnors as a parte thereof, are farr more able to prescribe rules of government, and to judge of cawses, then such poore rustickes as a wildernes cann breede vp, yett, considering y<sup>e</sup> vast distance betweene England and these partes (which vsually abate the vertue of y<sup>e</sup> strongest influences), your councells and judgments could neither be so well grounded, nor so seasonably aplied, as might either be so vsefull to vs, or so safe for yourselves in your dischargde in y<sup>e</sup> great day of accompt, for any miscarriages which might befall vs while wee depended on your councell and helpe, which would not seasonably be administered to vs ; whereas if any such should befall vs when we have y<sup>e</sup> government in our oune hands, y<sup>e</sup> state of England shall not answer for it. In consideration of y<sup>e</sup> premises, our humble petition to your honnors in y<sup>e</sup> next place is, y<sup>e</sup> your honnors will be pleased to continew your favorable aspect vpon these infant plantations, y<sup>e</sup> wee may still rejoyce, and bless our God, vnder your shadow, and be there still nourished, tanquam calore et rore cœlesti ; and whiles God ounes vs for a people of his, he will oune our poore prayers for yow and your goodnes towards vs for an abundant recompence ; and this in especiall if yow shall please to passe by any failings you may have observed in our course to confirme our libertyes (graunted to vs by charter), by remitting delinquents to our just proceedings, and discountenancing of our enemyes and disturbers of our peace, or such as molest our people there vpon pretence of injustice.

*Mr. Winslow, his commission, &c., to answer to certain charges brought against the government.*

Massachusetts in N: England.

Whereas Samuell Gorton, John Greene, and Randall Houlden, by petition and declaration exhibited to y<sup>e</sup> right honorable y<sup>e</sup> Earle of Warwick, governor in chiefe and comissioners for florraigne plantations, as members of y<sup>e</sup> high Courte of Parliament, have chardged divers falce and scandalous matters



said lawes, concerninge the Town counceills supplyeing 1658. such as are not able to gett armes, the meaning of which is, that the Town counceill have power to make a rate or to lay out upon such occasion, what fines are taken for men's defect in traininge for such as they judge not able to buy armes.

8. Ordered, that the President and Mr. Samuel Gorton shall draw up an answer to a letter sent from Plymouth, concerninge Hog Island, which shall be subscribed by the Clarke of this Assembly ; as alsoe to draw up an answer to a letter from the Commissioners of the United Collonys, which shall be subscribed by the clarke of this Assembly. The copies of which are as follows, viz.:

Letter from  
Plymouth  
about Hog  
Island.

*Letter to Plymouth concerning Hog Island.*

Honored Gentlemen :

There hath come to our view a letter bearing date the

---

against vs, wherein their honnors have been pleased to give vs notice, and doe expect our answer for cleering y<sup>e</sup> same, wee therefore, the Governor and Company of Massachusetts aforesaid, assembled in our Gennerall Courte, being carefull to give all dew respect to his lordship and y<sup>e</sup> honorable comission, and having good assurance of the wisdome and faithfullness of yow, our worthy and loving friend, Mr. Edwarde Winslowe, doe hereby give power and comission to yow to appeare before his lordship and commissioners, and presenting our most humble duty and service to their honnors, for vs, and in our names, to exhibit our just remonstrance in way of answer to y<sup>e</sup> said falce and vnjust chardge of the said Gorton, &c., and by the same and other writings and instructions deliuered vnto yow under the hand of Mr. Increase Nowell, our secretary, to informe their honnors of y<sup>e</sup> truth and reasons of our proceedings with y<sup>e</sup> said Gorton, &c., and with y<sup>e</sup> disposition and behaviour of y<sup>e</sup> said Gorton, &c., so as our innocency and y<sup>e</sup> justice of our proceedings may appear to their honnors satisfaction, and if any other complaint in anykind have binn or shall be made against vs before the said commissioners or the high Courte of Parliament, yow have heereby like power and comission to answer on our behalf according to your instructions ; and wee humbly craue of y<sup>e</sup> high Courte of Parliament and of y<sup>e</sup> honorable commissioners, that they will vouchsafe our said commissioner a free liberty of seasonable accesse as occasion shall require, and a favorable hearing with such creditt to such writings as he shall present in our names, vnder the hands of our said secretary, as if we had presented them in person, vpon y<sup>t</sup> faith and credit which wee would not willingly violate for all wordly advantage ; and y<sup>t</sup> our said commissioner may finde such speedy dispatch, and may be vnder such safe protection in his stay and retourne as the honorable Courte vseth to afford to their humble subjects and servants in like cases. In testimony hereof, we have cawsed our comon scale to be hereunto affixed. Dated this 4th November, [1646].

1658. 3d of March instant, directed to our honored president, &c., the contents whereof are concerninge an Island within our Collony, called Hog Island. We shall not insist on the particulars of the letter, seeinge you refer us to further discourses with that honored gentleman Captaine Willett; only this we assure you our confydence and knowledge of our indubitable right and commission to the propriety of, and for the jurisdiction of the aforesayd Island, together with all the rest of the Islands within this Bay, as alsoe such other lands as by our charter are expressed to be ours is such that, therefore we refer you for further information to that discourse with Capt. Willett by our President, not doubtinge but he is furnished with such things as will shew both Capt. Willett and you, that our resolutions are groundod on justice and reason, in both which we desire to remaine.

Yours in all loveing respects subscribed,

JOHN SANFORD,

Clarke of y<sup>e</sup> Assembly.

Portsmouth, dated March 13, 1657-58,

from the General Assembly of the

Collony of Providence Plantations.

To the much Honored Thomas Prince, Governor at Plymouth, in New England, for himselfe and the rest of our honored friends whom it may concerne in Plymouth jurisdiction, these present.

*Letter from the Commissioners of the United Colonies to Rhode Island, concerning the Quakers.*

The Commissioners being informed that divers Quakers are arrived this summer at Rode Island, and entertained there, which may prove dangerous to the Collonies, thought meet to manifest theire minds to the Governor there, as followeth :

Gent :

We suppose you have understood that the last yeare a companie of Quakers arived at Boston vpon noe other

account than to disperse theire pernicious opinions had 1658. they not been prevented by the prudent care of that Government, whoe by that experience they had of them, being senceable of the danger that might befall the Christian religion heer professed, by suffering such to bee received or continued in the country, presented the same unto the Commissioners att theire meetinge at Plymouth, whoe upon that occasion comended it to the Generall Courts of the United Collonies, that all Quakers, Ranters, and such notorious heretiques might bee prohibited coming among vs ; and that if such should arise from amongst ourselves, speedy care might bee taken to remove them (and as we are informed), the severall jurisdictions have made provision accordingly ; but it is by experience found that meanes will fall short without further care by reason of your admission and receiveing of such from whence they may have opportunitie to creep in amongst us, or meanes to infuse and spread theire accursed tenates to the great trouble of the collonies, if not to the subversion of the [lawes] professed in them. Notwithstanding any care that hath been hitherto taken to prevent the same whereof wee cannot but bee very sensible, and thinke noe care too great to preserve us from such a pest, the contagion whereof (if received) within your Collonie were dangerous, &c., to be defused to the other by meanes of the intercourse especially to the place of trade amongst us. Wee therefore make it our request that you, as well as the rest of the Collonies, take such order herein that youre neighbours may be freed from that danger ; that you remove those Quakers that have been receaved, and for the future prohibite theire cominge amongst you ; whereunto the rule of charitie to yourselves and vs (wee conceive), doth oblige you wherein if you should, wee hope you will not be wantinge ; yett wee could not but signifie this oure desire ; and further declare that wee apprehend that it will bee our duty seriously to consider what further provision God may call us to make to prevent the aforesaid mis-

Letter from  
Commis-  
sioners  
about the  
Quakers.

1658. chiefe ; and for our further guidance and direction herein, wee desire you to imparte youer mind and resolution to the Generall Court of the Massachusetts, which assembleth the 14th October next ; wee have not further to trouble you att present, but to assure you wee desire to continew your loveinge frinds and naighbours, the comissioners of the United Collonie.\*

Boston, September 12, 1657.

SIMON BRADSTREET, President.

Daniel Denison,  
Thomas Prence,  
John Mason,  
John Taylcott,  
Theophilus Eaton,  
William Leete.

*Letter from the government of the Colony of Rhode Island, in reply to the letter from the Commissioners of the United Colonies, concerning the Quakers.*

Much Honored Gentlemen :

Letter from  
Rhode Is-  
land in re-  
ply to the  
Commis-  
sioners.

Please you to understand, that there hath come to our view a letter subscribed by the honour'd gentlemen commissioners of the United Coloneys, the contents whereof are a request concerning certayne people called Quakers, come among us lately, &c.

Our desires are, in all things possible, to pursue after and keepe fayre and loveing correspondence and entercourse with all the collonys, and with all our countrey-men in New England ; and to that purpose we have endeavoured (and shall still endeavour), to answer the desires and requests from all parts of the countrey, coming unto us, in all just and equall returnes, to which end the coloney have made seasonable provision to preserve a just and equal entercourse between the colo-

neys and us, by giving justice to any that demand it 1658. among us, and by returneing such as make escapes from you, or from the other colonys, being such as fly from the hands of justice, for matters of crime done or committed amongst you, &c. And as concerning these quakers (so called), which are now among us, we have no law among us, whereby to punish any for only declaring by words, &c., their mindes and understandings concerning the things and ways of God, as to salvation and an eternal condition. And we, moreover, finde, that in those places where these people aforesaid, in this coloney, are most of all suffered to declare themselves freely, and are only opposed by arguments in discourse, there they least of all desire to come, and we are informed that they begin to loath this place, for that they are not opposed by the civill authority, but with all patience and meeknes are suffered to say over their pretended revelations and admonitions, nor are they like or able to gain many here to their way; surely we find that they delight to be persecuted by civill powers, and when they are soe, they are like to gain more adherents by the conseyte of their patient sufferings, than by consent to their pernicious sayings. And yet we conceive, that their doctrines tend to very absolute cutting downe and overturninge relations and civill government among men, if generally received. But as to the damage that may in likelihood accrue to the neighbour colloneys by their being here entertained, we conceive it will not prove so dangerous (as else it might), in regard of the course taken by you to send them away out of the countrey, as they come among you. But, however, at present, we judge it requisitt (and do intend) to commend the consideration of their extravagant outgoings unto the Generall Assembly of our colloney in March next, where we hope there will be such order taken, as may, in all honest and contentious manner, prevent the bad effects of their doctrines and endeavours; and soe, in all courtious and loveing respects, and with desire of

1658. all honest and fayre commerce with you, and the rest of  
 ~~~~~ our honoured and beloved countreyemen, we rest,\*

Yours, in all loving respects to serve you,

BENEDICT ARNOLD, President.

William Baulston,

Randall Howlden,

Arthur Fenner,

William Feild.

From Providence, at the Court of Trialls,

held for that Colony, Oct. 13th, 1657.

To the much honoured, the General Court, sitting at Boston, for the collony of Massachusetts.

Letter from the General Assembly of the Colony of Providence Plantations to the Massachusetts, in reply to the letter of the Commissioners concerning the Quakers.

Honored Gentlemen :

Letter from
the General
Assembly
of Providence
Plantations to
Massachusetts.

There hath beene presented to oure view by our Honored president, a letter bearing date September 25th last, subscribed by the Honoured gentlemen Commissioners of the United Collonys concerninge a company of people (lately arrived in these parts of the world), commonly knowne by the name of Quakers, whoe are generally conceived pernicious, either intentionally, or at least wise in efect, even to the corruptinge of good manners and disturbinginge the common peace and sosieties of the places where they arise or resort unto, &c.

Now, whereas, freedom of different consciences, to be protected from inforcements was the principle ground of our Charter, both with respect to our humble sute for it,

* Hutchinson's Massachusetts Bay, Appendix No. xi ; also Hazard's State Papers, vol. ii., p. 552. Neither this, or the letter of the Commissioners to which it is in reply, are among the Rhode Island Records. The reply of the General Assembly, which follows, evidently refers to the same letter, although the date spoken of is the 12th September, instead of the 25th.

as also to the true intent of the Honourable and renowned 1658.
parleiment of England in grauntinge of the same unto us ; ~~~~~
which freedom we still prize as the greatest hapines that
men can posess in this world.

Therefore, we shall for the preservation of our civill
peace and order, the more seriously take notice that those
people and any other that are here, or shall come amongst
us, be impartially required, and to our utmost constrayned
to perform all duties requisitt towards the maintaineinge
the right of his Highness and the government of that most
renowned Parliament of England in this collony, which is
most happily included under the same dominion and gra-
ciously taken into protection thereof: And in case they
the sayd Quakers which are here, or who shall arise or
come among us, doe refuse to subject themselves to all
duties aforesayed, as trayninge, watchinge, and such other
ingadgements, as other members of civill societies, for the
preservation of the same in justice and peace ; then we
determine, yea, and we resolve (however) to take and
make use of the first opurtunity to inform our agent resid-
inge in England, that we may humbly present the matter
(as touchinge the considerations premised, concerninge the
aforenamed people called Quakers)* unto the supream
authority of England, humbly craveing their advice and
order, how to carry ourselves in any further respect tow-
ards these people soe, that therewithall theirre may be noe
damadge, or infringement of that chiefe principle in our
charter concerninge freedom of consciences, and we alsoe
are soe much the more incouradged to make our addresses

* While the Commissioners of the United Colonies were endeavoring to drive the Quakers from Rhode Island, Plymouth was sending them here, as appears from the following from the Plymouth Records. "Att this Court Humphrey Norton, one of those commonly called Quakers be summoned, appeared and was examined and found guilty of divers horrid errors, and was sentenced speedily to depart the government, and was forthwith expelled the government by the under marshall, whoe was required to accompany him as farr as Assonett, towards Road Island."

1658. unto the Lord Protector, his highness and government
 ~~~~~ aforesayd ; for that we understand there are, or have  
 beine many of the foresayed people suffered to live in  
 England ; yea even in the heart of the nation. And thus  
 with our truly thankfull acknowledgments of the honoura-  
 ble care of the honored gentlemen commissioners of the  
 United Collonies, for the peace and welfare of the whole  
 country, as is expressed in their most friendly letter, we  
 shall at present take leave and rest.

Yours, most affectionately de-  
 sirous of your honors and  
 welfare.

JOHN SANFORD,

Clerk of the Assembly.

Portsmouth, March 13th, 1657-8.

From the General Assembly of the Collony  
 of Providence Plantations.

To the much Honored John Endicott,  
 Governor of the Massachusetts, to  
 be alsoe imparted to the Honorable  
 Commissioners of the United Collo-  
 nies at their next meeting. These

---

11. In regard of the present occasions of discourse that  
 the President is to have with some who have made a kinde  
 of claim to part of this jurisdiction.

It is ordered, that the Grand Charter of the Collony in  
 Mr. Roger Williams his hands, be delivered to the Presi-  
 dent by a safe hand with all possible speede and convey-  
 ance ; yet soe that if Mr. Williams desire to have it  
 againe in possession, he shall upon demand receive it,  
 about or at the Court of Election, in May next, he giv-  
 inge under his hand of the receipt thereof, untill the collony  
 takes further order concerninge it ; as alsoe the Councill  
 of States letter in Mr. Nicholas Easton's hands is to be  
 delivered to the President for the aforesayd occasion,

and upon the same conditions, to be returned if Mr. Easton desire it, till the court take further order. And the copy of this order shall be their warrant under the hand of the Clarke of the Assembly ; as also a sufficient reason and way together with the President's demand under his hand to demaund and receive, as alsoe in case as aforesayd to returne the sayd charter and letter. 1658.

12. It is ordered, that for the present yeare, the elections that have beene lately made of military officers in any Towne of the Collony, or may be made on the accustomed day used by any towne that have not yet made choyce for this yeare, shall stand and be authenticke in that behalfe untill the first Tuesday after the twelfth day of the next month of March that ensues after this present March ; and then and from thence forward, all the townes to make the sayd choyce accordinge to time and manner expressed in the orders of the court made in 1647, which are revised as aforesayd.

Election of Military Officers to stand.

Time of choyce.

13. As an addition to the former law concerninge the excise of liquors ; we order and declare, that noe person or persons, that shall hereafter come from any other parts out of this Collony, either inhabitant or stranger, which doth bringe either liquors or wine into any towne or parts of this Collony. That noe such person shall presume to deliver or bringe any such liquors or wine out of that vessel in which they bringe any liquors or wine into this colony, untill they have payed after the rate of five shillings for every anker of liquors, and after the rate of five shillings for every quarter caske of wine unto the towne treasury ; or untill he have agreed with the Towne Treasurer for the payment thereof ; or at least doe give information to the searchers, of the true quantity of what he hath brought. And if any shall presume to act contrary to this order, by landinge liquors or wine without doeing as is before premised, that person or persons whosoever he or they be, shall forfitt and lose all such liquors and wine, or the value of it, which shall be taken by dis-

Excise of Liquors.

1658. traint by a warrant under the President, or any Generall Assistants hand, by any person which the officer shall apoynt for that service.

Vessells to  
be searched.

And further, we order, that each Towne in this Collony shall apoynt two men in each Towne, who are hereby authorized to goe a board of all vessells that shall come unto any towne in this collony, or any parts within the jurisdiction of this collony, and make dilligent search for, and take a true accompt of, all such liquors and wine which is in any such vessell ; and for their care and paines herein, they shall have six pence per man out of the excise for every ancker of liquors ; and six pence per man for every quarter caske of wine which is excised. Further, these persons soe apoynted by each towne, or either of them, if they finde any liquors or wine landinge or landed without the performance of the abovesayd injunction, they are hereby authorized to seize and take away all such liquors or wine, and shall have the one halfe for their incourradgment, and the other halfe shall go to the town treasury ; further, if these persons or any other shall give true information of any liquors or wine which shall be in any man's house, brought in without the performance of the abovesayd injunction, they shall have one fowerth part thereof, and the other fowerth part shall goe to the officer that takes it. And one halfe shall be returned to the towne treasury, which shall be taken as aforesayd. And if those persons soe apoynted by each towne shall prove false in not givinge certaine information accordinge to their knowledge of all liquors and wine which shall be landed, then they shall pay after the rate of five shillings for every ancker of liquors, and after the rate of five shillings for every quarter caske of wine soe landed, which shall be taken by distraint as afore premised, and shall returne to the towne treasury.

Liquor to be  
seized

Penalty, if  
the searchers  
prove  
false.

Coppie of  
the charter  
not to be  
given forth.

14. It is ordered by this present Assemblie and authoritie thereof, that neither the Generall Recorder, nor any other person within this collony, who have in his or

their custody either the originalls (or copies thereof), be- 1658.  
 inge either the Grand Charter of the collony from the State of England, the Councill of State's letter brought from England by Mr. William Dyre, or the Lord Protector of the Commonwealth of England, &c., his late letter and order to the collony; noe such person or persons shall, upon the penaltie of one hundred pownds starllinge, be soe hardy from henceforth as to give forth any copy or coppies of the premises whatsoever, without speciall order from a court of commissioners. And in case of default herein, the person offendinge shall be prosecuted against by the same waye as is by law in the Collony apoynted for tryinge offenders and breakers of the lawes, and that to be prosecuted by the Generall attorney: And the Clarke of this Assembly is ordered to send a copy of this order unto Mr. Roger Williams.

15. Ordered, that a petition sent from Mr. Roger Williams shall be read: And whereas there was a deed of gift presented with the petition, the sayd deed shall be againe returned, and a copy thereof remaine on file.

16. Upon Mr. Roger Williams's petition which hath been read in this Assembly; and also upon the sight of his deed of gift from Miantonomi, late chief sachem of Narragansett, for the Island called Hope, which deed is recorded by order, as aforesayd; and upon evidence presented thereto, which doth make it undoubtedly a certaine and lawfull deed in the Judgment of the court; the Court doe declare their sense in the premises, that Mr. Williams by the authority of this Court doe make repayre to the chiefe sachems, successors to Miantonomi, and as from the court, desire them to remove their Indians off the sayd Island, and to leave free possession of it to Mr. Williams, and his assigns; or else they will be prosecuted against legally for wronge detainure by Mr. Williams or his assigns; and that by the authority of the lawes in this Collony.

1658. 17. It is ordered, that in all cases wherein any particular person is the prossicutor, he or they shall pay the jury.

Who shall pay the jury.  
Returne of fines and distraynts. 18. It is ordered, that the Generall Serjant shall returne all fines or distrainte into the Treasury, and shall not without order from the Treasury under the Treasurer's hand, keepe any such fines as aforesayd, upon the penalty of five pound.

Audit Committee. 19. It is ordered, that John Easton, of Newport, and John Greene, Jun'r, shall audit the Generall Serjants accompts that are not already audited, in May next, at Warwicke, and bringe the accompt to that Court.

Rate levied. 20. It is ordered, that a rate of five pounds five shillings shall be made in each towne, which shall be gathered betweene this and the next Generall Court of Election, held at Warwicke, and there delivered at that Court to the Generall Sarjant, it being for soe much due to him.

Thomas Winterton's fine. 21. Vpon a petition of Thomas Winterton. It is ordered, that his fine at the last Generall Court of Tryalls, held in October last, at Providence, is remitted, he paying three shillings, four pence.

Henry Hobson. 22. Whereas, Henry Hobson doth stand upon record in the court of tryalls, held at Newport, in March last, 1656, as guilty of suspicion of felony, which matter was not then fully issued; he havinge petitioned to this court to take some course about it; the court have ordered, that the sayd Hobson is acquitted, he paying officers fees.

Captain Thomas Cooke. 23. Whereas, Captaine Thomas Cooke was fined tenn shillings at the last Generall Court of Tryalls, held in October last, at Providence, it is ordered, that his fine is remitted.

Mr. Coddingtons against John Sanford. 24. It is ordered, that y<sup>e</sup> bill of John Sanford's touching his petition to the court for beinge indicted at the Court of Tryalls, by William Coddington, was to be read.

25. Ordered, that the Sarjent was sent to Mr. William Coddington to come into the Court to plead against the Generall Recorder, John Sanford. 1658.

26. John Smith, of Warwicke, was chosen Clarke of this Assembly in the tryall of the present case dependinge by Mr. William Coddington against John Sanford. John Smith, Clarke.

27. John Sanford called, and his charge being read, pleads not guilty; and puts himself on the tryall of the Court. John Sanford's trial.

28. Mr. William Coddington called, to prosecute his charge against John Sanford.

29. Ordered, that Mr. Coddington beinge called, and denyinge to prosscute, that his denyall shall stand upon record, and his aligation also; which is that he is not ready to prosscute because his writings he hath sent home.

30. It is ordered, that being there is none apeareth to prosscute against the Generall Recorder, John Sanford, as concerninge two bills presented by Mr. William Coddington against him, and fownd by the grand jury, the Court doe declare that the Recorder is cleared by proclamation in the premises, payinge fees. Sanford cleared.

Ordered, that the Clarke of this Assembly shall have twenty shillings from each towne for coppies of this court orders.

1658.



*Att the Generall Court of Election held at Warwicke, May  
the 18th, 1658.*

Mr. Benedict Arnold, Moderator.

Mr. Benedict Arnold, chosen President.

Mr. William Feild, chosen Assistant for Providence ;  
Mr. Roger Williams next.

Mr. William Baulston, Assistant for Portsmouth.

Mr. Joseph Clarke, Assistant for Newport ; Mr. Wil-  
liam Jeffries, next.

Mr. Randall Houlden, Assistant for Warwicke ; Mr.  
John Smyth, next.

John Sanford, chosen Generall Recorder ; Mr. John  
Greene, Junior, next.

Richard Knight, Generall Sarjant ; James Rogers,  
next.

John Sanford, chosen Generall Treasurer ; John Greene,  
next.

Mr. John Greene, jun'r, Generall Attorney ; Captain  
John Cranston, next.

James Rogers, Generall Solicitor ; Mr. Richard Bul-  
ger, next.

Richard Knight, Water bayly ; Gen'l James Sweett,  
next.



1658.



*Att the Generall Court of Commissioners, held for the  
Collony at Warwicke, the 18th of May, 1658.*

Mr. Benedict Arnold, chosen moderator.

John Sanford, chosen Clarke of this Assembly.

1. William White, Benjamin Herndell, John Smyth,  
Lawr Wilkinson, Hen: Neale, Tho: Arnold, Robert Pyke,  
Maturin Ballue, William Fenner, Edward Smyth, Edward  
Enman, Stephen Northup, John Brown, Robert Coleway,  
Vall. Whitman, Pardon Tillinghast, John Smyth, Miller,  
George Way, Shadrach Manton, Epenitus Olney, Henry  
Browne, Hen: Fowler, Thomas Harris, jun'r, Tho's Suck-  
linge, John Fenner, George Shepard, Zachery Rhodes,  
and Stephen Arnold, all of Providence, are admitted free-  
men of this Collony.

Freemen ad-  
mitted from  
Providence

2. Ordered, that Samuel Sanford, Stephen Wilcocke,  
Christopher Almy, Richard Pearce, William Earle, Wil-  
liam Foster, William Corry, John Almy, Thomas Wood,  
and Thomas Kent, being freemen of the Towne of Ports-  
mouth, are admitted freemen of this Collony.

Freemen ad-  
mitted from  
Portsmouth.

3. Whereas, there is remaininge in the hands of Mr.  
Nicholas Easton, of Newport, a considerable some of  
money, or estate, which was committed to him by order  
of Court in the yeere 1652 (or '53), which estate is duly  
appertaininge to the use of his highness, the Lord Protec-  
tor of the Commonwealth of England; and the Collony is  
to be countable therefore, when his highness shall please  
to call for an account of those passiges, viz. Concerninge  
the State's parte of prizes taken in the time of the differ-  
ence in this Collony with the Dutch; and further,  
whereas, by an order of Court made in the yeare 1656 (or  
'57), parte of the sayd estate, hath beine demanded by

Concerninge  
the State's  
parte of  
prizes.

1658. Christopher Almy of Mr. Easton. And he having denyed  
~~~~~ to deliver the same on or by virtue of the sayd order, or  
on any security or discharge that the court can give, as
by evidence in this present Assembly given, it doth
playnly apeare; Therefore, to prevent embezlinge or
looseing the sayd estate, by any sinister act or accident
whereby the collony may suffer damadge in case of beinge
called to account aboute the premises; It is ordered, by
the authority of this Assembly, that John Sanford, Gen-
eral Treasurer for the collony, doe without delay demaund
the accompts of William Lytherland, that concerne the
premises; and doe with the helpe of Mr. John Greene,
of Warwicke, jun'r, Generall Attorney of the sayd Wil-
liam Lytherland, peruse the accompts and orders made
aboute the same; and haveinge fownd what the sum is
that remaines in the sayd Easton's hands; that then by
virtue of this order, the General Treasurer is required
and fully empowered to demaund the sayd estate of the
sayd Mr. Nicholas Easton, &c., and to receive the same
for the Collony, to dispose of by order of a Court of Com-
missioners for the collony's security; as alsoe the Treasu-
rer is authorized upon the receipt of the same, to give a
discharge in the Collony's name and behalfe to the sayd
Mr. Easton; which discharge shall be authentique, to se-
cure the sayd Mr. Easton from any further demaunds in
that perticular. And in case Mr. Easton deny to make
and give an accompt, and to deliver the sayd estate unto
the Generall Treasurer upon all demaund; then the
Treasurer is ordered thereupon to give notice to the Gen-
erall Attorney, who is required upon such notice without
delay to arrest the sayd Mr. Easton for the same, and to
sue and impleade him legally for the same; and soe to
doe and act therein accordinge as he shall see grounds le-
gally to proceede by virtue of this order, or by direction
of any other, or speciall orders that concerne the premises.
And upon recovery of the premises or any parte or parts
thereof, the Generall Attorney is to cause the same to be

delivered immediately into the hands of the Generall 1658.
Treasurer.

4. And further, upon the Generall Treasurer's receipt of the premises, the Court doe hereby order the Treasurer to deliver twenty-eight pound, five shillings thereof unto Christopher Almy, of Portsmouth, or to his order, upon demaund, and take receipt thereof in the name and behalfe of the Collony, with the proviso in the receipt, that in case his Highnes, the Lord Protector, shall not approve of the returninge or payinge the sayd Christopher, but shall please to disallow the same, then the sayd Christopher shall be responsible and lyable to returne the same againe to the Collony upon demaund in such a case, to doe which, he shall engadge himselfe his heyres.

Money to be
paid to
Christopher
Almy.

5. Vpon a serious information from severall considerable members of this Collony, of the inordinate desires and mischievous consults and endeavors of ill-disposed persons, pretentinge to make prize of such Dutchmen as come to trade with the English in this Collony; and the Court taking in serious consideration the bad effects that may ensue if such uncommissionated and idle worthless persons should putt such thinges in practice in this Collony, whereby the Collony may be indamnified in case of beinge called to account for sufferinge such irregular proceedings: It is therefore, by the authority of this Assembly enacted, that noe person or persons whatsoever, shall, within the precinkes of this Collony, from henceforth, be soe hardy, as to attempt or putt in practice, any such designe of seizinge any, either Dutch goods or vessells, that shall arrive, or be brought into this collony, to be sould to the English here; without the sayd person or persons have an express and especiall commission from the State of England, or have order from the law-makinge Assembly of this Collonie soe to doe. And in case of actinge contrary to this order, that person or persons so actinge, shall be imprisoned, and kept and tryed as for felony, untill he hath made or given sufficient security to make double restitution, for all such

Obstruction
of such who
without com-
mission,
shall make
prizes of
Dutch ves-
sels or goods

1658. goods or vessells soe taken, and any charges and damages
 ~~~~~ that may ensue to such owners by the meere attempt of  
 such takinge, by any such vncommissionated person or  
 persons whatsoever ; as alsoe each offender herein, shall  
 pay a fine of tenn pound to the collony, or shall be pun-  
 ished corporally as for felony.

Orders  
about Hog  
Island.

8. Forasmuch as there hath of late falne out a seem-  
 inge, and an unexpected difference betweene our loveinge  
 and peaceable neighbours of New Plymouth and this Col-  
 lony of Providence Plantations, concerning a small Island  
 lyinge in the Narragansett Bay, knowne by the name of  
 Hog Island ; the matter of difference lately beinge re-  
 ferred to Mr. Thomas Willett of Plymouth, and Mr. Bene-  
 dict Arnold, to be discust ; and they seekinge some peace-  
 able and neighbourly way to finde out the mistake, and  
 soe cleare the matter, concluded upon the choyce of fower  
 judicious men to be chosen on each side, to end the con-  
 troversy by searchinge out the truth of the matter, how  
 the case stands in poynt of the difference : Whereupon,  
 Captain Willett despatched letters to the Governor of  
 Plymouth, to signify the conclusion of himselfe and Mr.  
 Arnold, for the order and manner of further recapitulation  
 and determination of the premises. This Collony accord-  
 ingly have by the joynt consent of a Court of Commission-  
 ers selected fower men for the purpose abovesayd, namely,  
 Mr. Benedict Arnold, and Mr. William Baulston, of Rhode  
 Island, . . . . . to be our trusty and well-  
 beloved friends ; and have alsoe authorized, impowered,  
 and given full commission unto them to consult, debate,  
 determine, resolve, conclude upon and ishue the difference  
 above mentioned, or any other that may necessarily arise  
 by meanes of the handlinge and discussinge of that mat-  
 ter ; and that in manner and form as is expressed in their  
 private instructions.

Commis-  
sioners ap-  
pointed to  
adjust mat-  
ters.

Instructions  
to be re-  
corded.

9. It is ordered, that this afore written is to be re-  
 corded, as alsoe that certaine instructions dependinge  
 hereupon, and delivered into the hands of the President

for the use of the commissioners above named in refer- 1658.  
ence to the premises.

10. Ordered, that the private instructions delivered to the President, for the use of the Commissioners that are by the Court elected and authorized to treat with Plymouth commissioners, shall be subscribed by the clarke of this Assembly.

11. Vpon a bill presented by some inhabitants of Warwicke to this Court for advice concerninge address for severall abuses offered and done to the people of Warwicke by Pumham, who dwells on the Mishowomett neck, both in killing cattle, and forceable entry upon their lands, the Court result is ; that such as see cause, may lawfully arrest Pumham or any other Indians upon Warwicke lands ; either on Showomett neck, or any other parts ; or on any other parts of land that is in the English possession, or that is in their right by purchase from the Indians within the confynes of this collony ; and may take and have the same process of law in the collony against such Indians so arrested, as is used against any other persons, either English or others in this collony.

12. Whereas, it appeareth to this Assembly that notwithstandinge all the care that hath been taken to have a prisson or prissons in the collony, for the safe keepinge of offenders, or such as may be on severall cases arrested, and cannot, or otherwise will not give security, for appearance to tryall, &c.; yet soe it is that noe prisson is yet in such capacity within the collonies as to answer the sayd occasion. And further, the court fyndinge by experience, how difficult it will be to procure two prissons accordinge to former order, as alsoe two cages, &c.; and alsoe the great uncertainty and difficulty as will from time to time arise in the using such prissons and cages for want of sufficient keepers. And furthermore, taking into consideration the direct and absolute way and course that the towne of Newport have lately taken for the present furnishinge the

Prison to be  
buinit.

1658. prisson in their towne, which prisson is already in a good forwardness. Upon the consideration of the aforesayd, the Court do therefore order and declare that the sayd prisson house at Newport, accordingly finished as the sayd Towne have lately agreed to doe by a late towne order shall be ; and shall be accounted to be the prisson for the occasions that may arise in any parts of the collony to make use of the same. And in order thereto, and in consideration thereof, the Court do order, that the other three townes shall pay towards the buildinge the sayd prisson as followeth, namely : The towne of Portsmouth shall pay tenn pounds, besides what they have already paid, and it to be paid at or before the last day of October next ; and Providence Towne, together with those at Pawtuxett, to Providence belonginge, shall pay thirty pounds, and shall alsoe pay it at or before the aforesayd last day of October next ; and Warwicke Towne shall pay twenty pounds, and shall pay it at Newport court in June next. All which payments are to be duely and truely made unto such persons of the towne of Newport, as shall, by vertue of that towne's order, be apoynted to receive the monies of that towne's rate, to the use of the prison aforesayd ; and it to be paid in peage, or corn, or cattell, at price current accordinge to the accompte of white peage at six per penny. And further, the Court doe hereupon declare, that Warwicke towne are freed from buildinge a prisson in their towne ; as alsoe Providence and Portsmouth are freed from building a cage in each towne, any former law to that purpose made notwithstandinge ; as also with this proviso ; that the Generall Sarjant shall, from time to time, take care that the prison be not voyd of a sufficient keeper ; as also that the town of Newport doe advise and assist him therein ; and that also the sayd towne doe take care and be at the cost of keepinge the sayd prisson in such repayre from time to time, as may be suteable for the use premised ; and that also, it may be

Payments of  
Townes for  
prison.



made capable for the occasion before the last of October 1658.  
next.

13. Whereas, certaine persons have moved the Court to give their judgments and resolution, what way a Commissioner of the law-making Assembly may take to recover his payment of the Towne for which he served at such courts in case it be not tendered.

The way and manner for a Commissioner to recover his pay from the Towne.

The Court's order is, that every person that have done service, is to demaund the pay of the treasurer of the town for which he served. And in case the treasurer pay it not, the grieved party may sue the sayd treasurer at the law and recover his pay and charges of him in such case. And also, if any such person that for not servinge in like case doe refuse to pay the Towne Treasurer the fine of six shillings a day for non-performinge the service of a Commissioner, beinge by the towne chosen ; then the Towne Treasurer may sue the party at the law, and recover the fine and the charges, in the name and behalfe, and for the townes use where it is due : Provided, the Court of Commissioners doe finde such defective persons justly fyneable, and make record thereof. And this is declared to be the meaninge of the law made concerninge payinge or fyneinge of Commissioners since the union in the Collony, [by] which union is understood, that made at Warwicke in the yeare 1654.

14. It is ordered, that the commission concerninge the office of Water Bayliff Generall, which hath formerly beene given to Richard Knight, who is now also chosen to the same office, that the foresayd commission shall be in force and vertue to that effect untill further order be taken.

Commission of Water Bay.iff.

15. Ordered, that Mr. Arthur Fenner, Mr. Henry Browne and Mr. Zachary Roades, being chosen commissioners by the town of Providence ; and Mr. Richard Tew and Mr. John Easton boath chosen commissioners by the town of Newport ; they not appearinge, are judged by the Court fyned for fower dayes absence.

Commissioners fined

16. Mr. John Porter and Mr. John Roome, chosen



1658. commissioners for Portsmouth, they beinge by ilnes not  
 ~~~~~ able to atend that service, their fines are remitted.

17. It is ordered, that the bill of charges by the Sar-
 jant at this Court, shall be signed by the Moderator of
 this Assembly.

18. Ordered, that the Generall Recorder shall have
 tenn shillings for the acts of this Court from each
 Towne.

*The General Court of Commissioners held for the Collony,
 at Warwicke, November the 2d, 1658.*

COMMISSIONERS FOR
 PROVIDENCE.

Mr. Roger Williams,
 Mr. William Feild,
 Mr. Thomas Olney,
 Mr. Richard Waterman,
 Mr. Roger Morry,
 Mr. James Ashton.

COMMISSIONERS FOR
 PORTSMOUTH.

Mr. Benedict Arnold,
 Mr. William Baulston,
 Mr. John Tripp,
 Mr. Henry Pearcey,
 Mr. John Almy,
 John Sanford.

COMMISSIONERS FOR
 NEWPORT.

Mr. Caleb Carr,
 Mr. Obadiah Holmes,
 Mr. Joseph Torrey,
 Mr. John Easton,
 Mr. John Crandall,
 Mr. Robert Griffin.

COMMISSIONERS FOR
 WARWICK.

Capt. Randall Houlden,
 Mr. Samuel Gorton,
 Mr. Ezekeiell Holyman,
 Mr. John Smyth,
 Mr. John Weeks,
 Mr. John Greene, jun'r,

Mr. Benedict Arnold, chosen Moderator.

John Sanford, chosen Clarke of this Assembly.

Ordered, that Mr. John Crandall, chosen a Commis- 1658.
sioner by the Towne of Newport, beinge absent when the Court began, and Lott Strainge putt on in his roome, the sayd Crandall now appearinge, is admitted a commissioner of the Court, and Lott Strainge is excused.

Whereas, the Generall Court of Tryalls to begin on the second Tuesday in October last, was, by extremety of wether frustrate of meetinge on that day, and soe could not then sitt and be in capassity of dispatchinge matters there dependinge, as to begin on that day ; as also afterwards the Court meetinge and sittinge, beinge yett forced to adjourne till the first Wednesday of this present November, because many persons were absent by necessity and force of wether, who were bownd to the sayd Court : This Assembly doe declare that all matters dependinge in and to the aforesayd Court, shall be as efectually tryed by the Court adjourned to sitt on the first Wednesday of November aforesayd, as if they had beine tryed beginninge on the second Tuesday of October, aforesayd ; and all bonds are to stand feirme in refference to such tryalls.

It is ordered, that the sum of twenty fower pounds, after the rate of peage eight per penny, shall be raised in the Collony, viz.: six pound in each towne, to make restitution for the powder and shott sent from England by Mr. John Clarke ; forasmuch as the returne made by Mr. Williams is conceived to be cast away and lost : And that the townes shall raize the sayd sum betweene this and the next court of election, to be held in May next ; and each towne shall deliver the sayd sum, unto the Treasurer of each towne, and the Treasurer shall either bringe or send the sayd money unto the aforesayd court of election.

Mr. Thomas Olney, Mr. Samuel Gorton, Mr. John Tripp, and Mr. John Crandall, are chosen and authorized to draw up a letter to be sent to Mr. John Clarke in England, to be presented to his Highness and Councell,

1658. which letter shall be signed by the Clarke of this
 ~~~~~ Assembly.

A copy whereof, is this, viz.:

Worthy sir, and trusty friend, Mr. Clarke :

A letter to  
 Mr. John  
 Clarke in  
 England.

Wee have found not only your ability and dilligence, but also your love and care to be such concerninge the welfare and prosperity of this Collony, since you have beine intrusted with the more publique afaire thereof, surpassinge ; that noe small benefit, which formerly wee had of your presence here at home, that we in all straites and incumberances are imbouldened to repayre to you, for your further and continewed councell, care and helpe, findinge that your sollid and Christian demeanure hath gotten noe small interest in the hartes of our superiours, those worthy and noble Senators with whome you have had to doe on our behalfe, as it hath constantly apered in your adresses made unto them, which we have by good and comfortable prooffe found haveinge plentifull exsperiance thereof.

The last yeare we had laden you with much imployment which wee were then put upon, by reason of some two refrictory amonge ourselves, wherein wee apealed unto you for your advice for the more publique manifestation of it, with respect to our superiours ; but our intelligance it seemes fell shorte in that great loss of the ship, which is conceived here to be cast away. Wee have now a new occasion given by an old spirit with respect to the Colloyns about us, which seeme to be ofended with us, because of a sort of people called by the name of Quakers, who are come amongst us, and have raised up divers who seeme at present to be of their spirit ; whereat the colonies aboute us seeme to be ofended with us, beinge the sayd people have their liberty amongst us, as entertayned into our howses, or into any of our assemblies ; and for the present wee have found noe just cause to charge them

with the breach of the civill peace, only they are constant- 1658.  
 ly goeing forth amongst them about us, and vex and trouble them in poynt of their religion and sperittuall state, though they retorne with many a fowle scarr in their bodies for the same ; and the ofences our neighbours take against us is, because wee take not some cource against the sayd people, either to expell them from among us, or take such courses against them, as themselves doe, who are in feare lest their religion should be corrupted by them ; concerning which displeasure that they seeme to take, it was expressed to us in a solemn letter written by the Commissioners of the United Collonies at their sittinge, as though they would bringe us in, to act accordinge to their scantlinge, or else take some course to doe us greater displeasure ; a copie of which letter wee have herewith sent unto yow, wherein you may perceive how they express themselves ; as also wee have herewith sent our present answer unto them to give yow what light wee may in this matter.

There is one clauces in their letter which playnely implies a threat, though covertly expressed, as their manner is, which wee gather to be this ; that as themselves (as we conceive), have beene much awed in poynt of their continewed subjection to the State of England, lest in case they should declyne, England might prohibitt all trade with them, both in poynt of exportation and importation of any comodities, which were an host suffitiantly prevelent to subdue New England as not beinge able to subsist. Even soe they seeme seacretly to threaten us, by cuttinge us off from all commerce and trade with them, and thereby to disable us of any comfortable subsistence, beinge that the concourse of shippinge, and soe of all kinds of comodities is universally conversant amongst themselves ; as also knowinge that ourselves are not in a capacity to send ovt shippinge of ourselves, which is in great measure occasioned by their oppressinge of us as yourselfe well knowes ; as in many other respects, soe in this for one,

1658. that wee cannot have any thinge from them for the suply  
of our necessities, but in efect thay make the prices, both  
of our comodities, and their own also, because wee have  
not English coyne, but only that which passeth amonge  
these barbarians, and such comodities as are raised by the  
labour of our hands, as corne, cattell, tobbaeco, and the  
like, to make payment in, which they will have at their  
own rate, or else not deale with us. Whereby (though  
thay gaine extraordinarily by us), yett for the safeguard  
of their own religion may seem to neglect themselves in  
that respect; for what will men doe for their God.

Sir, this is our earnest and present request unto you in  
this matter, that as you may perceive in our answer to the  
United Collonies, that wee flie as to oure refuge in all  
civill respects to his highness and honorable councell, as  
not beinge subject to any others in matters of our civill  
State, soe may it please you to have an eie and care open  
in case our adversaries should seeke to undermine us in  
our priviledges graunted unto us, and to plead our case  
in such sorte as wee may not be compelled to exercise  
any civill power over men's consciences, soe longe as hu-  
mane orders in poynt of civility are not corrupted and  
voyalated, which our neighbours about us doe frequently  
practice, whereof many of us have large experience, and  
doe judge it to be no lesse than a poynt of absolute  
cruelty.

Sir, the humble respects and acknowledgments of this  
Court and Collony, with our continewd and unwearied  
desires and wishes after the comfortable, honorable and  
prosperous proceedings of his highness and honorable  
councell, in all their soe weighty affaires, departs not out  
of our hearts night or day, which wee could humbly wish  
(if it might not be too much bouldnes) were presented.

Sir, we have not bine unmindfull of your great care  
and kindness of those of our worthy friends and gentle-  
men in that supply of powder and shott; and beinge a  
barrill of furs was returned in that shippe whereof Mr.

Garra<sup>t</sup> had the command, wherein was betwixt twenty 1658.  
and thirty pounds worth of goods shipped, the collony  
hath taken order for the recruitinge of that loss, which  
wee cannot possibly gitt in readines to send by this  
shippe; but our intent is, God willinge, to send by the  
next opertunity. And so with our hearty love and re-  
spectes to yourselfe, wee take our leave.

Subscribed,

JOHN SANFORD,

Clarke of the Assembly.

From a Court of Commissioners  
held in Warwicke, this pres-  
ent November 5th, 1658.

6. Ordered, that a copie of the charter be drawne  
forth and entered in the generall records, and care taken  
by the recorder in whose keepinge it shall be, that it be  
forthcominge to view at every court of commissioners.


Concerninge  
the Charter.

7. In case of the absence of the Pressident, as some-  
times it falls out at the Generall Court of Tryalls by some  
accident; it is ordered, that the assistant of the towne  
where the Court is kept, shall be judge of the Court in  
the sayd absence; provided, there be one assistant more,  
at least, present; and the town magistrates of the sayd  
towne where the Court is, be also present. And in case  
the Recorder be absent, then the magistrates may deferr  
the Courts sittinge till the Recorder can come, or till the  
records can be fetchtd to Court; and the Court are to  
apoynt and ingadge a Clarke in absence of the Recorder,  
to suply his place for the time beinge. And if the Gen-  
erall Sargent be absent, then alsoe shall the Court deferr  
actinge till he can be present, or till the prisoners can be  
gotten into court; and in his absce<sup>n</sup>ce the Court may  
substitute the Towne Sarjant of the towne where the  
court is kept to supply his place in his absce<sup>n</sup>ce, any law  
to the contrary made notwithstandinge.

Provision in  
case of the  
absence of  
the Presi-  
dent or any  
Gen'l Officer  
of the Gen-  
erall Court  
of Tryalls.

8. Whereas, a motion is presented of augmentinge the



1658. fynes on jurymen chosen and not apearinge or servinge,  
 and of givinge part of the fines taken to such as are forced  
Fines of  
Jurymen. to serve in their stead.

Fees and  
costs of  
Court to be  
payd in  
peage.

Grand in-  
quest to  
have their  
dinners on  
the coun-  
tries  
charge.

It is ordered, that fines bee as they are already sett ; and that halfe the fines taken as aforesayd shall be allowed, and payed by the Court's order out of the treasury to such as serve in the defective parties roome ; and the Court of Tryalls or Bench, to order it from time to time before they dissolve the Court. And further seeinge that peage is fallen to soe low a rate, it is ordered, that from and after the twenty fifth of December next, all fines, rates, fees, damages and costs of court in actions, shall be accounted and payd in peage at eight per penny white, or in other pay equivalent thereto. And also it is ordered, that the grand inquest shall have their dinners when they serve on the countries occasion ; and it shall be payd for out of the treasury. And this order to bee and stand in full force, any other or former law to the contrary made notwithstandinge.

Warwick to  
provide an  
ordinary.

9. Ordered, that the Towne of Warwicke doe constitute one ordinary or more, to be kept betwixt this and the first of March next ensuinge ; which ordinary shall make provision of one or two beds at least for straingers, besides other provisions as may be convenient ; and in case the town be defective in the performance hereof, wee determine that they shall pay tenn pound fine, to be taken by distraynt by the Generall Sarjant, together with his fees, which fine shall be delivered into the Generall Treasury.

The way  
and order  
for callinge  
Courts of  
Commissioners.

10. Whereas, there seems to be some burden on the people by callinge Courts of Commissioners often in one yeare ; therefore, this present Assembly doe absolutely establish one court of that nature in a yeare, which is to be at the Court of Election, or, to take place immediately before it ; and soe to adjourne for givinge place to the election, and soe proceed emediately after it to transactinge if they see occasion. And for the more efectuall judgeinge of the reason of callinge such a court at any



time besides ; it is ordered, that the Pressident, with the 1658.  
major parte of the Generall Councill concerninge, shall  
judge of the reason and call such a court, with this pro-  
viso, that the whole councill be advissed with, or advise  
about it, by next meetinge, message or writinge.

11. To prevent innovation in the government and lib-  
erties of this Collonie from forraign power ; it is ordered,  
that if any person in this collony, do putt his landes or  
any partes thereof that are within this collonies bowndes  
under the government of any other jurisdiction ; or doe  
indeavor actually to bringe in any forraigne power to gov-  
erne in any parte or partes of this collonies precincks, the  
pennalty for either of the aforesayd offences shall bee, that  
the offender shall forfeitt all his lands and estate to the  
Collony.

12. Whereas, it is conceived a wholesome liberty for  
the whole or major parte of the free inhabitants of this  
collony orderly to consider of the lawes made by the Com-  
missioners' Courts ; and upon findinge discommodity in  
any law made by the sayd court, then orderly to shew  
their dislike, and soe to invalid such a law.

It is therefore ordered, and declared by this present  
Assembly, that from henceforth the Generall Recorder  
upon [such] pennalty as shall be judged meete by a court  
of commissioners, shall send in to each towne a coppie of  
the lawes that are made at such courts, soe as they may  
be delivered to the Town Clarke of each towne within ten  
daies after the dissolution of each court from time to  
time ; and then the townes to have tenn daies time longer  
to meete and publish the sayd lawes, and to consider of  
them. And in case the free inhabitants of each towne, or  
the major parte of them doe in a lawfull assembly vote  
down any law, and seale up the voates, and send them to  
the Generall Recorder within the sayd tenn daies ; and  
that by the voates it doth appeare that the major parte of  
the people in each towne have so dissalowed it, then such  
a law to bee in noe force ; and otherwise if that bee not

No man to  
submit his  
lands to any  
forraigne  
government.

Laws not to  
be in force  
till twenty  
days after  
the dissolu-  
tion of each  
Court.

1658. soe done within the twenty daies after the dissolution of each court, then all and every law to be in force ; And however all to be in force that are not soe disannulled, and the townes shall pay the charge of sendinge the fore-sayd coppies. Further, the Recorder is to open the sayd voates before the Pressident, or in his absence, before the Assistant of the towne where the Recorder lives, and then the President or such Assistant to give notice to the rest of the majestrates.

Concern-  
inge Quis-  
suckquansh  
and Robert  
Griffin.

13. Quissuckquansh, the chiefe Sachem of Narragansett, ingadgeth in presence of the Court to pay or cause to be payed, seven pound, tenn shillings—peage six a penny, unto Robert Griffin, before the Court of Tryalls in March next, or else he will personally present himselfe at the sayd Court to make satisfaction ; and in case he doe not then, the Court declare that there shall be meanes ussed to fetch in and cause the sayd Sachem to make satisfaction.

Two Courts  
of Tryalls to  
be held in  
one yeare.

14. It is ordered, and by the authority of this Assembly declared, that from henceforth there be noe Generall Court of Tryalls held for the Collony in the month of June ; butt only the two Courts of Tryalls a yeare as they are apoynted to be held ; one in March and the other in October, are still to be in use and beinge.

Concerning  
trayning.

15. Whereas, there seems to be an arbitrary power in officers that are to judge of defects in trayneinge, to fine persons halfe a crowne, fiveshillings, or nothings as they please : Therefore, to prevent inconveniency therein, it is ordered, that the fine for non-trayneing accordinge to order of the Collony shall bee two shillings a day from each defective person, to be without partiality taken by distraynt by the Town serjant of each Towne, and the serjant to pay all fines hee neglects to take ; and to take to him sufficient ayde to execute the warrants in that case, and to returne the fines to the towne treasury ; and he and they to be allowed and payed for their service therein at the discretion of those that give the warrants ; and to be payed by them

Serjant to  
pay all fines  
if he neg-  
lects to col-  
lect them.

that deny to pay upon demand, over and besides their 1658. fines, provided, their wages exceed not after the rate of three shillings a daie, for a day spent therein; and noe excuse to be taken as sufficient for non-trayneing as lawfull, but age, nonage, sicknes, lamenes, or publique baringe of office at that time in the Commonwealth. And whereas, it was formerly ordered, [that] armes [should] bee muskett and match. Now it is declared, that both it and fyrelockes and snaphaunces with powder hornes bee allowed; and if any bee complained of for defective armes, the Town Counsell in each towne have power to judge off, and order the armes to bee such as they may finde will fully answer the meaninge of the lawe concerninge suffittiant armes; and this to be in force, any claues in any former law notwithstandinge.


16. It is ordered, that the Generall Treasurer and Generall Attorney have the same power to call Mr. William Dyre to accompt for the States' part in his hands as they had about Mr. Nicholas Easton's; and to act therein as they were authorized to act in that case, referinge to Mr. Easton aforesaid.

17. Whereas, there hath beine severall purchases of land made from the Indians by men within the precincts of this Collony, which, for want of a law thereabout in the collony, cannot be now made voyde or hindered, as namely, the purchase of Quononagutt Island, and the island called Dutch Island, which hath beine made by William Coddington and Benedict Arnold, and many others joyned by covinants with them thereabouts cannot now bee made voyde, but must bee and are allowed and confirmed as lawfull as purchased from the Indians if it were not bought before; as also any other purchases made by others as aforesayd formerly. Yett to prevent the licke purchassings hereafter from the Indians; it is ordered, by the authority of this present Assembly, that noe person, strainger or other, shall make any further purchases of lands or Islands from the Indians within the

Concerning  
the States  
part of  
Prizes.

Concerning  
Quonona-  
gutt and  
Dutch,  
Island.

Lands not  
to be pur-  
chased with-  
out consent  
of a Court  
of Commis-  
sioners from  
the Indians.

1658.  precincts of this Collony, butt such only as are soe allowed to doe, and ordered therein by an express order of a court of commissioners, upon penalty of forfeitinge all such purchased lands or Islands to the Collony, and to pay besides, a fine of twenty pound to the collony in case of trangressinge this order.

It is ordered, that the Clarke of this Assembly shall have twenty shillings from each towne for copies of this Court orders.

---

*At a meetinge of the Generall Councell held at Warwicke, the 14th of October, 1658.*

There being present,

Mr. Benedict Arnold, President.

Mr. William Feild, Assistant.

Mr. William Baulston, Assistant.

Mr. Joseph Clarke, Assistant.

Mr. Randall Houlden, Assistant.

Mr. Richard Waterman,     }  
Mr. John Sayles,               } Wardens for Providence.

Mr. Ezekeiell Holyman,     }  
Mr. John Greene, Jun'r,       } Wardens for Warwicke.

John Sanford, chosen clarke to the counsell.

Anthony  
Parran's  
case.

It is ordered by the counsell, that Mr. John Greene, of Warwicke, jun'r, Generall Atturanie, shall search the laws, and present the offence for which Anthony Parrant stands bownd to answer at the Generall Court, and the Generall Atturanie is to present the same under such a title as shall bee by him found suteable thereto.

It is by voate ordered, that the Generall Councell be dissolved for this time.

1658.



*Att a meetinge of the Generall Counsell at Providence, the  
9th of March, 1658-9.*

The names of the counsell present.

Mr. Benedict Arnold, President.

Mr. William Feild, Gen'l Assistant.

Mr. Randall Houlden, Gen'l Assistant.

Mr. Richard Waterman.

Mr. John Sayles.

Mr. Edward Smyth.

Mr. Ezekiell Holyman.

John Greene.

The major part of the counsell beinge mett, haveinge ordered, that John Greene, beinge one of the counsell, is chosen clarke of the Counsell dureinge sessions.

The reason of the callinge of the counsell beinge demonstrated by the President to be by reason of one Pomham havinge made an insurrection in this collony, by a royat and rescueinge of a fellow in the limitts of Warwicke towne, and the case beinge difficult, the President doth desire the advice of the counsell concerninge the premises ; as also another matter concerninge a robbery committed by severall Indians at Pawtuxett upon William Arnold, beinge acted since the warrant was sent forth by the President for the callinge of the Counsell. Whereupon the counsell have taken the premised acts into a searious debate what to doe in the matter.

Pomham's  
business.

The result of the counsell is, that they advise the President and Generall Assistants now present, or any of them, to graunt forth a warrant or warrants to the Sheriffe to aprehend Pomham and any of the Indians that have been guiltie in the royatt and rescue abovesayd ; and to take sufficient ayde for the accomplishment of the matter, that

1659. they may be brought to a fayre tryall; only the Sheriffe is to observe the late law made at Warwicke concerninge Pomham or any other Indians; and that the charge of the matter at present be borne by the towne of Warwicke, beinge they have beine at some charges already about the matter, and soe to bring in the whole charge afterward to the Collony; and that Mr. Randall Houlden, Mr. Ezekiell Holyman, and Mr. John Greene, because of the privy of the matter doe disburse the pay unto the Sheriffe for his apprehendinge and carryinge to prison. The reason of the privy of the matter is because the Indians will be made acquainted with the matter otherwise, and soe escape. Further concerninge the matter of robbery aforesayd committed at Pawtuxett, the counsell advise that the President and Assistants, or either of them, forthwith graunt forth warrants to the shereife to apprehend all or any of the offenders, and take with him a suffitiant ayde, if it may bee to bringe them into this Court or otherwayes; and that the President for the present pay the Shereiffe and his ayde, and afterwards require it of the collony, beinge a matter apertaine to the collony.

Ordered, and agreed on by the counsellors unanimous consent.

JOHN GREENE,  
Clarke.

*The Counsell beinge met the 11th of March, 1658-9.*

With a unanimous consent doe agree that the proclamation concerning his Highnes Richard, Lord Protector, late successor unto his Highnes his father, be copied out, and a copy thereof sent to each towne, that accordingly a day may be apoynted for the solemnization thereof; and therefore, and in order thereto, the counsell desire and order the sayd coppies to be sent to the head warden and captaynes of each towne, withall desireinge that on Tues-



day next, at high-noone, all well efected people in each 1659.  
towne assemble together, and the millitary officers give notice to the trayne-band in each towne then to be drawne up in their millitary posture, and the clarke of each band to reade the proclamation at the head of the company with this addition, that wee doe joyfully accept of his sayd Highnes succeedinge in that dignity and power of Protectorship ; and as loyall subjects doe resolve to owne his government, and yield all faythfull obedience thereto. And this to be done in the most publique place of each towne where usually the trayne-bands doe exercise.

Agreed on by the counsell, that the Recorder shall have five shillings for puttinge a copy upon the general records ; as alsoe the clarke of the Assembly shall have fiteene shillings for the coppies furnished each towne.

By the counsell,  
JOHN GREENE,  
Clarke.

Entered into the General Records by me,  
JOHN SANFORD,  
Generall Recorder.

---

*Att the Generall Court of Election held at Providence, the second Tuesday after the 15th of May, beinge the 17th of May, 1659.*

Mr. Benedict Arnold, chosen President. Mr. William Feild, next ; Mr. Tho: Olney, Sen'r, next

Mr. William Feild, Assistant for Providence. Mr. Roger Williams, next ; Mr. Tho: Olney, Sen'r, next.



1659. Mr. William Baulston, Assistant for Portsmouth. Mr. John Porter, next ; Mr. John Roome, next.

Mr. Joseph Clarke, Assistant for Newport. Mr. Edward Smyth, next ; Mr. Will: Jeffereys and Mr. Tew, equall next.

Mr. Randall Houlden, Assistant for Warwicke. Mr. John Greene, next ; Mr. John Smyth and Mr. Weekes, equall next.

John Sanford, Generall Recorder. John Greene, of Warwick, next ; William Lytherland, next.

James Rogers, Generall Sargent. Richard Knight, next ; Richard Bulgar, next.

John Sanford, Generall Treasurer. Mr. Joseph Torrey, and Mr. John Easton, equall next.

Mr. John Greene, Generall Attorney. Captain John Cranston and John Easton, equall next.

James Rogers, Gen'l Solicitor ; Joseph Torrey, next.

John Sanford, Gen'l Recorder, Ingadged.

Mr. Benedict Arnold, President, Ingadged.

Mr. William Feild, General Assistant, Ingadged.

Mr. Joseph Clarke, General Assistant, Ingadged.

Mr. Randall Houlden, General Assistant, Ingadged.

John Sanford, Generall Treasurer, Ingadged.

Mr. John Greene, Generall Atorney, Ingadged.

*The Generall Court of Commissioners held att Providence,  
the 17th May, 1659.*

COMMISSIONERS FOR  
PROVIDENCE.

Mr. William Feild,  
Mr. Thomas Olney,  
Mr. John Sayles,  
Mr. Arthur Fenner,  
Mr. Thomas Hopkins,  
Mr. James Ashton.

COMMISSIONERS FOR  
PORTSMOUTH.

Mr. Benedict Arnold,  
Mr. William Baulston,  
Mr. Roger Williams,  
Mr. Joseph Clarke,  
Mr. Samuel Wilbore,  
Mr. John Sanford.

1659.

COMMISSIONERS FOR  
NEWPORT.

Mr. John Easton,  
Mr. Caleb Carr,  
Mr. John Crandall,  
Mr. Joseph Torry,  
Mr. Edward Smyth,  
Mr. William Weeden.

COMMISSIONERS FOR  
WARWICK.

Mr. Randall Houlden,  
Mr. John Smyth,  
Mr. Samuel Gorton,  
Mr. John Greene,  
Mr. Richard Carder,  
Mr. Richard Townsend.

Mr. Benedict Arnold, chosen Moderator.

John Sanford, chosen Clarke of the Assembly.

It is ordered, that Mr. Roger Williams shall bringe the Charter into the present court to be openly read in the Court.

It is ordered, that there shall be a treaty with Plymouth againe, concerninge Hog Island, and the bounds of our charter and theirs, in the division betweene us, if they of Plymouth shall approve thereof.

It is ordered, that Mr. Benedict Arnold, Mr. William Baulston, Mr. Roger Williams and Mr. Randall Houlden, formerly chosen to treat with the commissioners of Plymouth, concerninge Hog Island and the deviation line betweene us, are againe chosen to treat with Plymouth Commissioners accordinge to theire former commission and instructions. And in case any of the aforesayde commissioners shall, by death or sickness be hindered, then Mr. William Feild, Mr. John Porter, Mr. Joseph Torrey, and Mr. Samuel Gorton, are chosen a reserve to supply all or any of their roomes. And [it is] further ordered, that the commission before graunted by the Generall Courte of Warwicke unto the above named commissioners is revived, ratified and confirmed for those, or any fower of those beforenamed to act by in the premises: And therefore it is also ordered, that in case the commissioners or reserve in any towne fayle soe as none out of the towne attend the treaty, yett then their number shall

Commis-  
sioners to  
treat with  
Plymouth  
Comm'rs.

1659. be made up and the service atended by the reserve above sayde, nominated of the other townes. And further, it is ordered, that the private instructions that were by the aforesayd court given, shall be atended to by each of the aforesaid, as shall atend the service ; only one or two particulars added, that, whereas before they were tyed to meete at Secuncke or Providence ; now liberty is given to meete with Plymouth commissioners on convenient time and warneinge by them given, either att New Plymouth, Taunton, Rehoboth, Providence or Portsmouth, within one of the two collonys that are in treaty by the sayd commissioners. As also that notice hereof, be drawne in writtinge and by the first safe conveyance sent to the Governor and government from this Court, under the hand of the Clarke of the Assembly. And for the certainty of haveinge fower of the above-named to atend the service premised, it is ordered and required, that in case the commissioners of any one towne fayle, the Towne Clarke of the sayd towne shall give notice to the Towne Clarke of the next towne or townes, to give warneinge unto the reserve or reserves provided there, that they atend the service. And further the court order, that what necessary expence hath beine, or shall be spent in the service shall be payd out of the Generall Treasury.

*A Coppie of a Letter to the Governor and Court of  
Plymouth.*

Much Honoured.

Letter to  
Plymouth.

After our hearty respects premised and presented unto you, wee pray you to understand that, whereas by a providence that stopped one of the Commissioners that this colony chose to meet the gentlemen at Secuncke, chosen by your Courte to treat of, and decide the difference about Hog Island, the gentlemen could not proceed to a desired ishue. And this Court haveinge taken notice thereof, doe yett propose the same friendly way of treaty

may be atended ; and to that end have commissioned 1659. the former fower that were chosen ; as also have chosen fower more as a reserve for the more certaine attendance of the treaty, to make up or suply the roome of any of the first fower, that may by any occasion fayle in the same. And seeinge it hath pleased the most High to putt a stop to the business, soe as at Rehoboth, it was not finished ; the Court conceive it requisitt to gratify your honored colony and government, that yow please to make choyce of either Plymouth, Tanton, Rehoboth, Providence or Portsmouth, which may best serve your conveniences to meet at ; where, upon timely notice from you, and in seasonable time of the yeare for travill when yow please to apoynt, our commissioners shall meet yours. And thus further wee pray you to conceive that our commissioners, some of them cannot goe freely and safely into the Massachusetts jurisdiction, and therefore have proposed to the townes that are in your owne and our jurisdiction as abovenamed for the meetinge ; And thus not further to trouble yow, we rest.

Desirous to be your loveinge neighbours.

JOHN SANFORD,

Clarke of the Assembly.

By the Generall Assembly of the  
Collony of Providence Plan-  
tations, now mett at Provi-  
dence, dated May 18th, 1659.

To the much Honored, the Governor and Generall Court  
of Plymouth, in New England, These :

Whereas, Mr. Blaxton informeth that Mr. John Roome of Secuncke, hath an intent to possess a parcell of land neere unto the sayd Blaxton's, conceived to be within the bownds of our charter. The Court do order that Mr. Blaxton doe give notice to Mr. Browne to forbare takeing possession or makeing use of the sayd land untill the lyne and bownds betweene Plymouth and Providence collonys

1659. be agreed upon and sett; to which purpose the court have chosen Commissioners to treat thereof with Plymouth Commissioners. And further, the Court doe order, that the Clark of this Assembly doe give Mr. Blaxton a copie of this order to present to the aforesayd Mr. John Roome, of Secuncke, alias Rehoboth.\*

It is ordered, that Mr. Randall Houlden, if he be chosen the next yeare to Generall Office, shall not then be compelled to serve against his will, butt freed without payinge fine, which is graunted upon his request, havinge fownd a burden in servinge for severall yeares together.

Laws  
against the  
Indians  
stealinge.

Whereas, it proves exceedinge damage to the Collony, the great insolencys of the Indians in robbinge, stealeinge and pilferinge away the goods of the inhabitants of the same, and havinge beene convicted of such practices, they are not fownd able to make lawfull restitution and pay all damages ariseinge thereon. It is therefore by the authority of this present Assembly enacted and established, that if any Indian or Indians have, or shall at any time feloniously take away the goods, monies, cattell, or other things that amount to the vallew of twenty shillings or more, accordinge to white peage, six a penny; or, if any of the Indians or any Indian shall spoyle or damnify the cattell, fence or fruite trees, corne house or other

---

\* As this Mr. Blaxton has become a historical personage, the following mention of him by Gov. Hutchinson, possesses an interest.

“At a point upon Shawmut, or Trimontaine, since Boston, lived Mr. Blaxton, who had left England, being dissatisfied there and not a thorough conformist; but he was more dissatisfied with the non-conformity of the new comers. He told them he came from England because he did not like the Lords Bishops, but he could not join with them because he did not like the Lords Brethren. He claimed the whole peninsular upon which Boston is built, because he was the first that slept upon it. He had the grant of a very handsome lot there at the west part of the town, but he chose to quit all and removed to the southward, at or near what is since called Providence, where he lived to an old age.” *Hist. Massachusetts Bay, vol. i. p. 22.*

“One Master Blakestone, a minister, went from Boston, having lived there nine or ten years, because he would not join with the church. He lives near Master Williams, but is far from his opinion.” *Lechford.*

goods of any of the English, or others inhabitantinge, se- 1659.  
 journinge or beinge within this jurisdiction, the damage  
 whereof amountinge to the vallew aforesayd ; and being  
 done wittingly, willingly or insolently, the sayd offender  
 beinge an Indian or Indians, shall be apprehended by any  
 majestrates warrant and comitted to prisson untill the  
 next court of tryalls for the collony ; and then to be  
 brought to tryall accordinge to law. And beinge convict-  
 ed of any offence aforesayd, the sayd Indian or Indians  
 beinge not able presently to procure and pay and dis-  
 charge all the damages, costs and restitutions by law due,  
 to be done and made ; it shall be lawfull for the judges of  
 the court where such tryall is, to condemn such offender  
 or offenders to be sould as a slave to any forraigne country  
 of the English subjects. And out of the price that he is  
 sould for, the party wronged shall be satisfyed for all  
 damages and charges by law allowed in that or such cases,  
 if the sayd price will reach it, or soe far as it will reach.  
 And if any thinge remaine, it shall goe to the generall  
 treasury, in consideration of the charge and trouble of the  
 collony. Butt if any of the offences of the aforesayd na-  
 ture be layed by the complaynant under the sum above-  
 sayed, it shall then bee in the power of two or three  
 majestrates (of any towne where the offender is aprehend-  
 ed and before them brought) to putt a present end to the  
 matter by makinge him to restore two fould and pay  
 charges ; and in case of insolency used in the fact, then  
 to cause the sayd Indian to be whipt accordinge to  
 their discretion ; provided, they may not exceed fifteen  
 stripes.

It is ordered, that noe person in this collony after the  
 29th of September next ensuinge, presume to sell or give  
 wine or stronge liquors directly or indirectly to any In-  
 dian whatsoever, upon the penalty of forty shillings for  
 the first offence, and upon the penalty of five pownds for  
 every offence succeedinge ; and that the informer shall  
 have halfe the fine for his paynes ; also the informers

None to  
 sell liquors  
 to Indians.



1659. testimony upon his knowledge with one witness more, shall be effectually for the magistrate after the examination of the party accused, to graunt forth warrant for the constable or serjant to distrayne; only provided, any man that keeps an Indian servant for refreshment, may give him a dram, if he can make it appeare he is his hyred servant. It is also ordered, that it shall be lawfull for any person in case they spie an Indian convayinge or havinge of liquors, to seize of it for their owne proper use. It is further declared, that Indian witness may not pass in the premises.

It is ordered, that a letter be drawne forth by two or three, deputed by this Court, to be sent to Mr. John Clarke, our agent, to be presented to his highness for confirmation of our charter.

A copie of which is, viz.:

Letter to  
Richard  
Cromwell.

May it please your highness. It was unexpressible sorrow to us to receive the tydeings of your and the three nations, and oure owne and see a loss in the late departure of your and the nation's most renowned lord and father.

And it was and is as great a joy unto us that it hath pleased God to provide for the three nations and ourselves such a cordiall as your highness is, both in respect of your renowned stocke, and also of that high worth and hope of which we have heard your highness selfe to bee; in whom our humble desires are, that the three nations and ourselves may finde a hearinge of our soe great a wound and stroake.

May it please your highness to know that this poore collony of Providence Plantations mostly consists of a birth and breedinge of the providence of the most high; wee beinge an outcast people, formerly from our mother nations in the Bishop's daies, and since from the rest of the new English over zealous collonys, our whole frame beinge much licke unto the present frame and constitution of



our deareist mother England ; beareinge with the sever- 1659.  
 all judgments and consciences, each of other in all the  
 townes of our collonie, the which our neighbour collonys  
 doe not ; which is the only cause of their great offence  
 against us. Notwithstandinge this our outcast state, may  
 it please your highness to be informed, that God was  
 pleased to turne the heart of the late first great parlia-  
 ment towards us in vouchsafeinge us a Charter of Incorporation and government, soe that it pleased the then  
 Lord Admirall (the Earll of Warwicke) and the Honorable commissioners, in the name, and by the authority of  
 parliament, by many of their gracious letters and orders,  
 to confirme and strengthen us. Wee have found (not-  
 withstandinge our sister collony's anger against us) high  
 favour with the most honorable Counsell of State, estab-  
 lished by authority of parliament, from whose noble  
 hands, wee also received letters of gracious confirmation  
 and refreshinge. And lastly (which is unspeakeable  
 mourneinge and joye unto us), your highness' dearest  
 father was pleased, under his owne hand and seale to re-  
 fresh us also as with the dew upon the grass, and as with  
 a clowde of the latter raine unto us.

Illustrious sire. For your highness' person, our deepest wishes and humble desires unto God, the father of lights, are for a double portion of your blessed father's spirit to be powred downe into your highness' noble brest ; and instead of an earthly crowne (which his heavenly minde refused), wee most earnestly wish your highness and the Lords of your most honorable counsell to be crowned with the crowne of wisdom and fortitude, prosperity and success, obedience and love of the nations. And however of humble patience and submission of the nations, in all your tryalls and changes, unto the most wise God, his most holy will and pleasure, for ourselves (Gracious Sire), wee dare not interrupt your high affayres with the particulars of our wilderness conditions ; only wee beg your eye of favour to be cast upon our faythfull

1659. agent, Mr. John Clarke, and unto what humble addresses  
 he shall at any time present your highnes with in our be-  
 halfe. And this wee humbly pray at present, that as  
 your highnes' illustrious father, when he was necessitated  
 by his greate hinderances to suspend the determination of  
 our matters; yet he was graciously pleased presently to  
 refresh us with some gracious lynes of confirmation and  
 incouradgment to our poore plantations and government (a  
 copy of which, our agent, Mr. Clarke, can pressent your  
 Highness with), soe it is our humble suite that wee may  
 rejoyce in some such pressent gracious refreshment from  
 the hand of your Highness also: Unto whom, Sire, we  
 humbly hope to approve ourselves.\*

Your Highness' most humble and faythfull  
 subjects and servants,

The Collony of Providence Planta-  
 tions in the Narragansett Bay in  
 New England.

To the Serene and Illustrious his Highness the most  
 renowned Richard, Lord Protector of the Common-  
 wealth of England, Scotland and Ireland, and the  
 dominions thereunto belonging, These in most hum-  
 ble wise presented.


It is ordered, that the President and the fower Assist-  
 ants, and the Generall Recorder shall subscribe the letter  
 to be sent to his Highness, the Lord Protector.

Rate for the  
 powder and  
 Mr. Clarke.

It is ordered, that a rate of fifty pownds be gathered  
 up in the fower townes to send to Mr. Clarke to pay for  
 the powder and shott, and to keepe the remainder for  
 himselfe. The manner of it to be thus. Providence to  
 pay nine pounds. Portsmouth to pay fowerteene pounds.  
 Newport to pay eighteene pownds. Warwicke to pay

---

\* This address was never presented, as the power of Richard Cromwell had  
 departed before it reached England.

nine pownds ; and these rates to be gathered up betwixt 1659. this and the twenty ninth of September next, ensuinge. 

It is ordered, that the aforesayd fifty pownds shall, accordinge to the aforesayd order, by each towne be delivered to Mr. William Baulston, Mr. Edward Smyth, and Mr. Joseph Torrey, who are authorized to make returne thereof to England by way of Barbadoes, or otherwise.

It is ordered, that from henceforth the General Serjant may not be admitted to be an Aturney in any persons case except his owne ; and in case he pleads his owne case the Court are to apoynt a Serjant in his roome duringe such action or actions, who shall receive the fees due to the Generall Serjant in those actions. General Sargent not to be an Aturney.

It is ordered, that fower men be apoynted to marke out the westward bownds of our collony as our charter bowndeth it, one out of each towne. And if they finde that any have intruded within our limitts, they are to informe our President of it, who, upon such information, may writte to all such intruders to forbare, or else they must expect to be responsible as the lawes of oure collony determine concerneinge them. The men chosen, are Mr. Arthur Fenner, Capt. Thomas Cooke, Mr. John Crandall, and Lieut. Robert Westcott ; and that a copie of this order, together with soe much of the Charter only as mentions that bownds under the Generall Recorder's hand, shall be their suffitiant commission in the premises ; and that they shall accomplish it betwixt this and the first of October next, and make returne thereof to the collony ; and their time and necessary expences to be borne by the Generall Treasury. Men chosen to make out the Western line of this Collony.

It is ordered, that the President is authorized to signify to Mr. John Winthrop our intentions to run our westward lyne. Mr. Winthrop to be notified.

It is ordered, that there beinge due to Richard Knight the vallew of thirty pownds starling, accordinge to peage six per penny, for service done for the collony in his office of Generall Serjant, since the 10th of October, 1656, Richard Knight's due.

1659. untill the pressent Court. The Court doe order, that the sayd Richard Knight have, or shall be payd the sayd sum due from the collony out of the generall treasury : Also, it is ordered, that Richard Knight shall have eight shillings out of the generall treasury for callinge and atendinge this Court.

Excise of  
wine and  
liquors.

It is ordered, that the excise of wine and liquors is proper to the towne in which the owner of it is an inhabitant of the collony, wheresoever it be formerly landed ; and he there only is to pay what the law provideth for those that are to take cognizance of it ; and this to be of force, all lawes to the contrary made notwithstandinge.

Liberty to  
Providence  
men to pur-  
chase land  
of the  
Indians.


Whereas, we have a law in our collony, dated November the 2d, 1658, that noe person within the precincts of this collony shall buy or purchass any land of the Indians without licence of this Generall Court ; and whereas, there is a place for a plantation in the bownds of this Collony, aboute a place so called Nyantecutt : It is ordered, that the Court apoynt one man in each Towne of this Collony to purchass the foresayd land of Ninecraft, who are, viz.: Mr. Ben: Arnold, Mr. Arthur Fenner, Mr. William Baulston, and Capt. Randall Houlden, and that it be disposed to such as have need of each towne of this collony ; they payinge suffitiantly for it to such as are apoynted to purchass it, or otherwise to be ordered, as each towne apoynt.

Liberty to  
Providence  
men to  
enlarge  
their Town-  
ships.

It is ordered, that Providence shall have liberty to buy out and cleare off Indians within the bowndes of Providence, as expressed in their towne evidence, and to purchass a little more in case they wish to add, seeinge they are straitened, not exceedinge three thousand acres joyninge to their township.

Thomas  
Gould's  
case.

Ordered, that it be recorded that Thomas Gould, in answer to his bill, be released of the forfeiture of his bond, he havinge pleaded ignorance in the matter and not presumption ; as also haveinge ingadged in the presents of this Court, in a sum of twenty pownds to appeare

at the next court of tryalls to be holden at Portsmouth, to 1659.  
answer to what was charged against him accordinge as   
the complayntes specify.

It is ordered, that the Generall Recorder shall give the  
Generall Sarjant and Generall Sollicitor their ingadg-  
ments.

It is ordered, that Mr. William Baulston and Mr. Jo-<sup>Accounts to  
be audited.</sup>  
seph Torrey are chossen and authorized to auditt the Gen-  
erall Treasurer's accompts ; as also the Generall Re-  
corder's accompts for what is due to him from the collony,  
and make returne thereof unto the next Court of Commis-  
sioners.

It is ordered, that the Generall Recorder shall have  
tenn shillings from each towne for coppies of this Court  
orders.

---

*The Generall Court of Commissioners held at Portsmouth  
for the Collony, the 23d of August, 1659.*

COMMISSIONERS FOR  
PROVIDENCE.

Mr. William Feild,  
Mr. Roger Williams,  
Mr. William Carpenter,  
Mr. Zachary Rhodes,  
Mr. John Smyth,  
Mr. John Sayles.

COMMISSIONERS FOR  
PORTSMOUTH.

Mr. William Baulston,  
Mr. John Briggs,  
Mr. John Roome,  
Mr. John Porter,  
Mr. James Badcock,  
John Sanford.

COMMISSIONERS FOR  
NEWPORT.

Mr. Benedict Arnold,  
Capt. Randall Houlden,  
Mr. Edward Smyth,  
Mr. Joseph Clarke,  
Mr. John Easton,  
Mr. Joseph Torrey.

COMMISSIONERS FOR  
WARWICK.

Mr. Samuell Gorton,  
Mr. Ezekeiell Holyman,  
Mr. John Greene,  
Mr. Mathias Harrie,  
Mr. James Sweete,  
Mr. Robert Westcot.

1659. Mr. Benedict Arnold, chosen Moderator.

John Sanford, chosen Clarke of the Assembly.

Case of Robert Westcott.

1. Upon an accusation by the Generall Atorney against Robert Westcott, that he hath indeavored by profession, and likewise by progression to action, to submitt parte of the jurisdiction to another Collony, namely, to Plymouth ; It is ordered, that the President doe take upon ingadgment the testimony of such as can testify against Robert Westcott, concerninge the aforesayd charge by the Generall Atorney against him.

Robert Westcott suspended.

2. It is ordered, upon the aforesayd charge by the Generall Atorney against Robert Westcott, that he is by the Court suspended from actinge as a Commissioner at this Court.

Substitutes for Robert Westcott.

3. It is ordered, that one of the fower (namely, Mr. John Weekes, Mr. John Gould, Mr. Walter Todd, and Mr. Richard Carder,) shall be chosen by this Assembly by voates, to serve as a commissioner in the roome of Robert Westcott, this present Court.

Mr. John Weekes is chosen to serve as a commissioner this present court, in the roome of Robert Westcott.

Letter from John Clarke.

4. It is ordered, that the letter from Mr. John Clarke, in England, shall be opened by the Clarke of this Assembly, and read in the Assembly.

5. It is ordered, that the letter from Plymouth shall be read in the Assembly.

Committee to write letter to Plymouth.

It is ordered, that a committee of fower, one of each towne, shall draw up an answer to the letter received from Plymouth, who are Mr. Roger Williams, and Mr. William Baulston, Mr. Benedict Arnold and Mr. Samuel Gorton ; which letter shall be subscribed by the Clarke of this Assembly.

Court to be private.

6. Voated, that the court shall be private as a counsell in the debate of the matter concerninge severall purchasses of lands made in the Collony contrary to law, by severall of the Massachusetts, or others.



7. It is ordered, that a committee of eight, two of 1659. each towne, shall draw up three letters, one to the commissioners of the United Collonys, one to the Generall Court of Massachusetts, and Majorr Atherton and others joined with him, concerninge severall purchases of lands made in our collony contrary to law by severall of the Massachusetts and others. The committee are, for Providence, Mr. Roger Williams and William Feild; for Portsmouth, Mr. William Baulston and John Sandford; for Newport, Mr. Benedict Arnold and Mr. William Brenton; for Warwicke, Mr. Samuell Gorton and Mr. John Greene; which letter shall be subscribed by the Clarke of the Assembly.

Letters to be  
written to  
Commis-  
sioners.

Committee.

8. It is ordered, that the President, Mr. William Brenton, Mr. William Baulston, Mr. Joseph Clarke, Mr. John Easton, and Mr. Joseph Torry are chossen a committee and authorized to draw up a letter to Mr. John Clarke, to signify our thankfulness to him.

Letter to  
John Clarke.

9. It is ordered, that the committee chosen, viz.: the President, Mr. William Brenton, Mr. William Baulston, Mr. Joseph Clarke, Mr. John Easton, and Mr. Joseph Torry, or any fower of them, shall open any letters which shall be sent to the Collony about the United Collonys, Massachusetts or Plymouth contraversies with us, and if they finde it necessary, they or any fower of them, shall, in the name and by the authority of this Court, send a commission with instructions to Mr. John Clarke, in England, to prossicute our cause or causes before the high Court of Parliament, and the Right Honourable Counsell of State on our behalfe, as shall also send him a copie of this or any other orders that concerne the premises, taken out of the records, under the Generall Recorders hand.

Committee  
to open let-  
ters to the  
colony.

10. It is ordered, that if the sayd committee afore-named, finde, by any such letters, such strays that a court of commissioners ought to be called to advise and to give further order therein; that then it shall be in the power of them or any fower of them, to call such a court.



1659. 11. It is ordered, by authority of this present Assembly, that the Generall Recorder of this Collony and his successour or successours in that office, shall, from time to time attend all courts of commissioners in this Collony, with the records of the lawes and orders in this Collony established : as alsoe that the sayd Generall Recorder is hereby commissionated from time to time to sitt in the sayd courts of commissioners, and shall be Clarke of the Assembly, and shall from time to time call over the names of the commissioners beinge by the towne given to him ; and shall also write and record all the acts and orders of the sayd courts ; and be satisfyed therefor as the courts shall, from time to time conceave reasonable, and order thereupon.

*The Generall Recorder's place.*

Rate of £50 for Mr. John Clarke.

12. It is ordered, that another rate of fifty pownds shall be made and gathered in the townes of this Collony, to be sent with the former rate of fifty pownds to Mr. John Clarke, in England ; and each towne shall pay thus. The towne of Providence shall pay eleven pownds ; the towne of Portsmouth shall pay tenn pownds ; the towne of Newport shall pay twenty pownds ; and the Towne of Warwicke shall pay nine pownds ; which sayd summs shall be gathered up betwixt this and the twenty ninth of September next, and delivered unto Mr. William Baulston, Mr. Edward Smyth, and Mr. Joseph Torrey, to be returned for England.

*If payment of rates is resisted.*

13. It is ordered, that in case any considerable company of perssons in either of the fower townes doe resist the gatheringe up of the rates by the Towne Serjant ; that then the Generall Assistant of that towne shall send for the Generall Serjant, who shall distrayne on such perssons estates, that which they are rated, and shall be payed his dues for such service out of the persons estates, by virtue of a warrant from the President or any Generall Assistant.

14. Whereas, there have been threatenings given forth by Richard Smyth, Jun'r, that in case he be ob-

structed in his pretended takings possession by buildinge 1659.  
 on Hog Island, or by any other such actions which he  
 may proceed in against the Collonys priviledges, &c.; he  
 havinge professed that if he meete any of the free inhab-  
 itants of this Collony in any other jurisdiction of this  
 country, after his beinge so' obstructed, he will there ar-  
 rest and prossecute against any such freemen ; The Court,  
 therefore, doe declare that if Richard Smyth, the afore-  
 sayd, or any other, shall soe arrest or mollest any member  
 of this Collony, in airy other jurisdiction for lawfully ob-  
 structinge him as abovesayd, or for doing any such law-  
 full act in this Collony ; this Collony will stand by such  
 as shall be soe molested by him, or any others ; and by  
 all lawfull meanes beare such persson or perssons soe mo-  
 lested, harmless to all intents and purposes whatsoever.  
 And to that end, the Court, for the preventinge of such  
 mollestations against the members of this Collony as above  
 threatened by Richard Smyth, or others, doe declare, that  
 if the sayd Richard, or any other, doe soe mollest any  
 persson for the causes abovesayd ; he, the sayd Richard,  
 or others soe mollestinge, shall be lyable to pay and make  
 full restitution for all dammages that the sayd mollest  
 party or parties, and consequently the Collony shall be  
 putt unto or sustayne by such mollestation ; and shall,  
 moreover, be lyable to pay a fyne to the Collonys use, ac-  
 cording as the demerit of the offence may require in the  
 judgment of a Court of Commissioners, who shall have the  
 scanninge of the sayd offence.

Those who  
obstruct in-  
truders into  
the collony  
to be kept  
harmless.

Richard  
Smyth's  
threats.

Forasmuch, as we have received letters from our agent,  
 Mr. John Clarke, out of England, that the pressent gov-  
 ernment thereof is by the old parliament as it was six  
 years since, without a single person or house of peers ; it  
 is ordered, by this pressent Court, that all warrants and  
 summons, shall be ishued forth in the name of the su-  
 preame authority of the Commonwealth of England ; and  
 that all writts and warrants formerly ishued out or Bond  
 taken in the name of the Lord Protector, shall be in

Writs to go  
forth in the  
name of the  
Supreme au-  
thority of  
the Com-  
monWealth  
of England.

1659. be in force untill those actions be ishued and accom-  
 ~~~~~  
 plished.

Provision
for a plain-
tiff to recov-
er his due of
a Towne.

It is ordered, that it shall be lawfull for any plaintiff
 against any towne in this Collony in any actionable case,
 to arrest the Towne Treasurer, who, (beinge arrested) shall
 consult with the Towne or Towne Counsell, whether to
 compound or stand out the suite ; and he shall demandaund
 of the towne a rate to repay his charges and disburse-
 ments ; and if he cannot atayne a rate, he shall, by vir-
 tue of this order, have power to arrest to the Generall
 Court of Tryalls, any of the obstructions of the sayd rate
 whome he please.

Power to
purchase
land at Po-
towomutt.

It is ordered, that the gentlemen lately chossen and
 apoynted to purchass lands at Niantecutt, of the natives
 for the Collonys use, doe speedily apply themselves also
 to purchass of the natives a sufficient plantation at Poto-
 womett for the same use ; provided, that the sayd planta-
 tion doe first satisfy in reason such of the inhabitants of
 Providence and Warwicke who have expended money (for
 the recoveringe of the charter from Mr. Coddington's ob-
 struction) upon the account and promiss of this very
 place.

In what
case a Town
magistrate
may com-
mitt to pris-
on.

It is ordered, that in case the President and Generall
 Assistant in any towne be absent, or be otherwise defi-
 cient at any time, whereby fellows or other offenders lya-
 ble by law for the offence or offences to be committed to
 prison, and in danger to escape ; it shall then be in the
 power of the towne majistrates, or for either of them in
 either towne to committ such offender or offenders to the
 Collony prison.

Agreement
with the
Narragan-
sett sachem.

Ordered, that the articles of agreement made betweene
 this Collony and Quissuckquoanch, chiefe sachem of the
 Narragansetts, at the Generall Court, made the 28th of
 May, 1650 : shall be recorded in the Generall records ;
 and that the originall is committed to the keepinge of the
 Pressident untill the Collony see cause to call for it.

Whereas, James Rogers, Generall Serjant, complayneth

of his great oppression by his occasions of millinge ; and 1659.
 beinge both Generall Serjant and Towne Serjant, and also
 beinge infirme in his body ; and therefore desireth the
 Court to allow him to constitute a deputy upon occasion
 for executinge some writts belonginge to his office of
 Generall Serjant ; and doth thereupon ingadge to be re-
 sponsible for what his deputy doth therein, as well as if
 he did it himselfe. The Court doe thereupon enable the
 sayd James Rogers, upon occasions that may urge him to
 constitute a deputy to serve any writt that belongs to the
 Generall Serjant's office dureinge the time of his beinge
 Generall Serjant ; as also to take up fynes and serve exe-
 cutions that belonge to the sayd office to performe.

Power to the
 Generall
 Serjant to
 appoint a
 Deputy.

Whereas, Mr. John Easton petitions the Court to with-
 draw an action commenced against his father, Mr. Nicho-
 las Easton, by the Generall Atorney for accompt of the
 State's part of prizes. For the clearinge of the matter,
 Mr. William Dyre refuseth to give any accompt at all,
 and Mr. Nicholas Easton is willinge to give some accompt,
 even so farr as he knoweth as he sayth : Therefore the
 Court doe order, that the Generall Atorney doe demurr
 the case with respect to Mr. Easton, and proceed with re-
 spect to William Dyre ; and the rather because he put in
 noe answer the last Court. And further, it is ordered, that
 in case any person or persons that have received without
 a Court order, any of the State's part, as Mr. John Gould
 or any other, doe refuse to deliver up the same upon John
 Easton's demaund, or his order in his father's behalfe ;
 that then what dammage Mr. Nicholas Easton receives by
 reason thereof, he or they shall make good ; and upon
 receipt thereof, Mr. Easton, or his orders discharge, shall
 be his or their sufficient security.

State's part
 of prizes.

The Court havinge taken notice of the complaynt of
 Robert Griffin concerninge the remaynder of the seven
 pownd, tenn shillings ; that Quissuckquoanch ingadged in
 the Court, at the Generall Court at Warwick, in Novem-
 ber last, the remaynder of which is, it seems, five pownds

Robert Grif-
 fin and Wm.
 Cadman's
 complaynts.

1659. tenn shillings ; and further, whereas William Cadman doth complayne for want of money due from one Quissuckquoanch, his men, by judgement of the Generall Court at Providence, in March last, which is not yet paid ; the Court upon the consideration of the premises, doe request the President to cause demaund of satisfaction from Quissuckquoanch, accordinge to justice in both the former cases. And further, to signify unto him that if he doe it not, the Court will take a speedy course to force him to doe right, which will prove troublesome and chargeable unto him.

Rate to be raised.

It is ordered, that a rate of six pound, tenn shillings, after peage six a penny, be rayzed and gathered in each towne, to pay Richard Knight what is due to him from the Collony, which rates from each Towne are to be gathered and payed to him at the next Generall Court of Tryalls, to be held at Portsmouth, in October next.

Difficulty about a cow.

Vpon the request of Mr. Cowland and Ralph Earll, Sen'r, ordered, that a voate be sent from this Assembly under the Clarke of the Assembly's hand unto Richard Knight, to advise him to deliver the cow he had of Mr. Cowland for the use of Sarah Earll, or the vallewation of herr, unto Mrs. Cowland, or unto the Town Counsell of Portsmouth.


No copies of certain public letters to be made.

It is ordered, that there be noe coppies given forth to any private person or persons, of any of the letters ordered to be sent to the United Collonys, or to Massachusetts, Plymouth, or to Major Atherton as before sayd, by this Court, untill the Court doe give further order ; only provided, that if either of the Townes in the Collony desire a copie of either, or all the letters, they shall have them of the Recorder ; provided, they send for it or them under their clarke's hand per towne ordered, payinge two shillings, six pence a piece to the recorder for them.

William Slade, of Newport, is admitted a freeman of this collony.

Certain fees to recorder.

It is ordered, that the recorder shall have twenty shil-

lings from each towne for coppies of this Court orders ; 1658.
 and for writting and recordinge the letters to Plymouth, 
 and to the commissioners of the United Collonies, and to
 the Massachusetts, and to Major Atherton.

FFINIS.

*The Generall Court of Election held at Portsmouth, the
 22d of May, 1660, beinge the second Tuesday after the
 15th of May.*

Mr. Nicholas Easton, chosen Moderator of this Assembly.

Mr. William Brenton, chosen President ; Mr. Nicholas Easton next, Mr. Arnold next.

Mr. William Feild, chosen Assistant for Providence ; Mr. Wm. Harris next, Mr. Fenner next.

Mr. William Baulston, chosen Assistant for Portsmouth ; Mr. John Porter next.

Mr. Benedict Arnold, chosen Assistant for Newport ; Mr. Tew next.

Mr. John Greene, Generall Assistant ; Mr. John Smyth next, Mr. Weeks next.

John Sanford, chosen Generall Recorder ; Mr. William Dyre next, William Lytherland next.

John Sanford, chosen Generall Treasurer ; Mr. William Baulston next, Mr. John Greene next.

Mr. James Rogers, chosen Generall Sarjent ; Mr. Richard Bulgar next, Richard Knight next.

Mr. John Easton, chosen Generall Atorney ; Mr. John Greene next, Capt. John Cranston next.

1660. John Sanford, Generall Recorder ; ingadged.

Mr. William Brenton, President ; ingadged.

Mr. William Feild, Generall Assistant for Providence ; ingadged.

Mr. William Baulston, General Assistant for Portsmouth ; ingadged.

Mr. Benedict Arnold, General Assistant for Newport ; ingadged.

Mr. John Greene, General Assistant for Warwick ; ingadged.

Mr. James Rogers, General Serjant ; ingadged.

Mr. John Easton, Generall Atorney ; ingadged.

Mr. Richard Bulgar, Generall Solicitor ; ingadged.

*The Generall Court of Commissioners held for the Collony,
at Portsmouth, the 22d of May, 1660.*

COMMISSIONERS FOR
PROVIDENCE.

Mr. William Brenton,
Mr. William Feild,
Mr. Benedict Arnold,
Mr. Arthur Fenner,
Mr. William Carpenter,
Mr. Thomas Hopkins.

COMMISSIONERS FOR
PORTSMOUTH.

Mr. John Porter,
Mr. William Hall,
Mr. Samuel Wilbore,
Lieut. John Albro,
Mr. Edward Fisher,
John Sanford.

COMMISSIONERS FOR
NEWPORT.

Mr. Nicholas Easton,
Mr. Richard Tew,
Capt. John Cranston,
Mr. John Easton,
Mr. William Harris,
Mr. John Greene.

COMMISSIONERS FOR
WARWICK.

Mr. Randall Houlden,
Mr. Samuel Gorton,
Mr. John Smyth,
Mr. John Greene,
Mr. John Weeks,
Mr. Richard Carder.

Ordered, that the letter from Mr. John Winthrop, and Major Atherton, shall be read.

Whereas, there is a certayne clause in a law made at 1660. Warwick, November the 2d, 1658, touching the people's libertie to disanull any law to them presented from the Courts of Commissioners, as there is premised ; by which clause it seems the priviledges of the people are not soe clearly evinced as the Commissioners thereby and therein did intend in formeinge the same law, in regard of this clawse (that the major parte of each Towne in the Collony must send in their voates of their towne to the Generall Recorder, to disallow any law that should be soe presented, within tenn daies after it is presented to the Towne, if they conceive such, or any such law not wholesome). It is therefore ordered, by the authority of this present Assembly, that the aforesaid clawse be rectified, and that instead thereof, it be enacted, and it is hereby enacted, that there be three months time, that is to say, fowre score and six daies alowed for the returne of the voates from each towne unto the Generall Recorder after that such lawes be presented (in such order and time as by the foresayd law is provided) to each towne ; As alsoe wee further enact that it apeareinge by the returne of the voates, that the major parte of the free inhabitants of this Collony have disapproved or disannulled any such law or lawes, then the sayd law or lawes to be of noe force ; although any one towne or other should be wholly silent therein, or otherwise such law or lawes to be in force according to the true intent of the other parte or clawes in the abovesayed law of November the 2d, 1658 ; and this foresayd addition to stand and be in full force, any law or lawes, or any clawes or clawses in any former law containned, to the contrary notwithstandinge.

Voated, that Mr. William Brenton, Mr. Benedict Arnold, Mr. John Porter, John Sanford, Mr. Nicholas Easton, Mr. William Harris, Mr. John Greene, and Mr. Randall Houlden are chossen a committee to ripen the matter concerninge the purchass made by the gentlemen of the

Three months allowed to the Towns for the repealing of a law

Committee a purchase in Narragansett.

1660. Bay, in Narragansett, and draw up their result thereon, and present it to the Court.

Mrs. Morris.
her case.

It is ordered, that Mrs. Morris shall have libertie to dwell in the prison house untill such time as the Collony shall see cause to order otherwise ; or till she have notice given her by the Generall Serjant to goe forth.

Nicholas
Easton and
John Cog-
geshall to
have new
tryall.

Whereas, there are judgments of the last Generall Court of Tryalls against Mr. Nicholas Easton and Mr. John Coggeshall, for forfeiture of their bonds by non-appearance when called at the sayd Court ; and they haveinge petitioned and desired this Court to suspend execution of the sayd judgments and graunt them liberty of a fayre tryall at the next Court : Therefore, the Court doe order, that their bonds now in the office doe continue in force to bringe them to tryall at the next Generall Court of Tryalls, to be held in October next, at Warwick.

John Greene
Attorney for
State.

It is ordered, that Mr. John Greene, of Warwick, shall supplie the place of the Generall Atorney in the case of the State against Mr. Nicholas Easton, for the State's parte of the prizes.

Bridge over
Patuxet
river.


It is ordered, that Mr. Richard Smyth, Sen'r, Mr. William Feild, Mr. William Carpenter, and Mr. John Weekes, are authorized to consider some way of makeinge a bridge over Pawtuxett river, and present their result and agreement thereon unto the next Court of Commissioners.

Concerning
Hog Island.

Ordered, that those gentlemen that were formerly chossen to treat with Plymouth Commissioners concerninge Hog Island, shall again write to Plymouth Court to signifie that our Commissioners are yett ready to attend a treaty upon the whole difference betweene us, if they please, at any time and place agreed on.

Robert Grif-
fin to be
paid.

It is ordered, that Robert Griffin shall be paid what is due to him from Quissuckquonch, which is five pownd, tenn shillings, out of the [proceeds of the] landes which are purchased for the use of the Collony.

It is ordered, that all the letters sent from Plymouth 1660. Court to ours, concerninge our pressent differences, shall  remaine in Mr. Arnold's possession till the debate with Plymouth Commissioners be ended. Letters from Plymouth.

It is ordered, that Mr. William Dyre's case concern- William Dyre's case. inge the State's part of prizes is referred to the next Generall Court of Commissioners, and that his former bonds in that case doe stand still in force untill that Court.

It is ordered, that whereas, there is due to James Rog- James Rogers to be paid. ers the summ of fower pownds, sixteene shillings, for service done as Generall Serjant this last yeare, and that each towne shall [as its proportion], pay him the summ of twenty four shillings.

It is ordered, that the Recorder shall have tenn shillings from each towne, for copies of this Court orders.

*The Generall Court of Commissioners held at Warwicke,
the 18th of October, 1660.*

COMMISSIONERS FOR
PROVIDENCE.

Mr. William Feild,
Mr. William Harris,
Mr. Arthur Fenner,
Mr. John Fenner,
Mr. Joseph Torrey,
Mr. Thomas Hopkins.

COMMISSIONERS FOR
PORTSMOUTH.

Mr. William Brenton,
Mr. William Baulston,
Mr. Benedict Arnold,
Mr. Phillip Tabor,
Mr. Richard Morris,
John Sanford.

1660.

COMMISSIONERS FOR
NEWPORT.

Mr. Peter Easton,
Mr. John Easton,
Mr. Caleb Carr,
Mr. Thomas Gould,
Mr. John Greene,
Mr. John Sweete.

COMMISSIONERS FOR
WARWICKE.

Mr. John Smyth,
Mr. John Weeks,
Mr. John Greene,
Mr. Richard Carder,
Mr. Stukely Westcott,
Mr. James Greene.

Mr. William Brenton, chosen Moderator.

It is ordered, that the letter sent from Mr. John Clarke, be opened and read in this Assembly.

Charles 2d.
Letter read.

Ordered, that his Majesty's letter to the Parliament house of Commons, and his declaration and proclamation be openly read.

Proclama-
tion of his
Royall Maj-
esty Charles
2d.

It is ordered, that his Royall Majesty, King Charles the Second, King of England, Scotland, Fraunce and Ireland, with all the dominions and territories thereunto belonging, shall be proclaimed to-morrow morninge at eight of the clocke, in presence of this present Court ; and that the officers of the trayne band of this towne doe rally the company or trayne band of this towne together, to solemnize the proclamation.

Public docu-
ments to be
in the King's
name.

It is ordered, that all writts, warrants, with all other publique transactions, shall be from henceforth issued forth and held in his royall majesty's name ; and that all bonds formely taken, shall continue in force till issued.

Proclama-
tion to be
solemnized.

It is ordered, that on the next Wednesday, which will be on the 21st of this instant month, each towne in this collony shall then, at the head of the company of each trayne band, solemnize the proclamation of the Royall Majestie. And that the captaine of each towne is hereby authorized and required to call the trayne bands together to solemnize the sayd proclamation on the foresayd day, if the weather doe permitt ; if not, it is to be done on the

next fayre day, and that all children and servants shall have their libertie for that daye. 1660.

It is ordered, that his Majesty's letter to the House of Commons, and his public declaration, together with the proclamation of his Majesty, be kept upon record, and annexed to our publique records.

The King's
proclama-
tion to form
a part of the
records.

Ordered, that Mr. Benedict Arnold, Mr. William Baulston and John Sanford, shall draw up a draught of a commission to be sent unto Mr. John Clarke, in England, and present it to this Court.

It is ordered, that the committee chosen by the Court, in August last was twelve months, viz.: the President, Mr. William Baulston, Mr. Benedict Arnold, Mr. Joseph Clarke, Mr. John Easton, and Mr. Joseph Torrey, or any fower of them, are still authorized to open any letters which shall come to the collony; as alsoe to write to Mr. John Clarke, in answer to his letter wherein they shall enclose his commission from this Court, which commission shall be subscribed by the Generall Recorder, with the seale of the Collony annexed.

Committee
to open let-
ters and
write to Mr.
Clarke.

A copie of the Commission to Mr. John Clarke.

Whereas, wee, the Collony of Providence Plantations in New England, having a free charter of incorporation given and graunted unto us in the name of King and Parliament of England, bareing date Anno Domini, one thousand, six hundred and fortie three, by virtue of which charter this collony hath beine distinguished from the other collonys in New England; and have ever beine and to this time mayntayned government and order in the same collony by administeringe judgment and justice accordinge to the rules in our sayd charter prescribed. And further, whereas, there have beene sundry obstructions emerging, whereby this Collony hath beine putt to trouble and charge for the preservation and keepinge invoyolate those priviledges and emunities, to us graunted

Commission
to Mr. John
Clarke.

1660. in the foresayd free charter ; which sayd obstructions
arise from the claims and encroachments of neighbours
about us, to and upon some parts of the tract of land mentioned in oure charter, to be within the bownds of this Collony.

These are therefore, to declare and make manifest unto all that may have occasion to peruse and consider of these presents, that this present and principal Court of this Collony, sittinge and transactinge in the name of his most gracious and royall Majestie, Charles the Second, by the grace of God, the most mighty and potent King of England, Scotland, Fraunce and Ireland, and all the dominions and territories thereunto belonginge, doe by these presents make, ordayne and constitute ; desire, authorize and apoynt our trusty and well-beloved friend, Mr. John Clarke, Physician, one of the members of this Collony, late inhabitant of Rhoad Island, in the same Collony, and now residing in Westminster, our undoubted agent and Atorney ; to all lawfull intents and purposes lawfully tending unto the preservation of all and singular the priviledges, liberties, bownderies and emunities of this Colony, as according to the true intent and meaninge of all contayned in our sayd charter, against all unlawfull userpations, intrusions, and claimes of any person or persons, on any pretences, or by any combination whatsoever ; not doubtinge but the same gracious hand of Providence, which moved the most potent and royall power abovesayd, to give and graunt as the abovesayd free charter, will also still continue to preserve us in our just rights and priviledges, by the gracious favour of the power and royall majestie abovesayd. Whereunto wee acknowledge all humble submission and loyall subjection.

Given in the twelfth yeare of the reigne of our sovereign lord, Charles the Second, King of England, Scotland, Fraunce and Ireland. Att the Generall Court, houlden for the Collony of Providence

Plantations, at Warwicke, the 18th day of Octo- 1660.
ber, Anno Domini, 1660.

Sealed with the seal of
the Colony.

To our trusty and well-beloved friend and Agent, Mr.
John Clarke, of Rhode Island, Physician, now resid-
ing in London, or Westminster.

It is ordered, that a committee be chossen to treat Commis-
sioners to
treat with
those that
have pur-
chased lands
in Narra-
gansett. with those gentlemen that have made purchass of lands in
Narragansett; and that the sayd committee shall have
full power to treat and fully agree with them in the
present differences about their coming into our collony.
The committee chosen for Providence, are Mr. William
Feild and Mr. Arthur Fenner; for Portsmouth, Mr. Wil-
liam Baulston and John Sanford; for Newport, the Presi-
dent and Mr. Benedict Arnold; for Warwick, Mr. John
Greene and Mr. Randall Houlden. And further, it is or-
dered, that these Commissioners before named, doe
speedily take care to write unto the gentlemen, viz.: Ma-
jour Atherton and his associates, to desire them, in the
name and behalfe of the collony to apoynt some of them-
selves to treat with the aforesayd Commissioners upon
all the differences dependinge about their coming into, or
possessing lands from the Indians within this collonie's
bownds; and also to consider and conclude upon any and
every particular that may begett a right understanding
betweene those gentlemen and the Collony. And further,
the Court doe declare, that what the majour parte of the
commissioners aforementioned shall conclude upon with those
gentlemen or their commissioners, shall stand and be au-
thentick to all intents and purposes touchinge the premis-
es, in the name and behalfe of the Collony: Provided,
there be nothing done to the prejudice of the priviledges
of the Collony. But if noe agreement be made, or Ma-
jour Atherton and the rest of them refuse a treaty, that
then the Commissioners aforementioned, or the majour parte

1660. of them, are authorized to forbid those gentlemen further progress on the lands premised, and are to use all lawfull meanes to hinder them from such proceeds, and to prosecute against them.

Ordered, that the Generall Recorder is authorized to demaund and receive the seal sent by Mr. John Clarke of Mr. Nicholas Easton.

It is ordered, that Mr. Dyer's case concerning the State's parte [of prizes] is referred to the next Court of Commissioners.

The Generall Court of Election, held at Newport, the 21st of May, 1661, being the first Tuesday after the fifteenth of this instant.

Mr. William Brenton, chosen Moderator for this Assembly.

Mr. William Brenton, chosen President ; Mr. Benedict Arnold next, Mr. Nicholas Easton next.

Mr. William Feild, Assistant for Providence ; Mr. Arthur Fenner next.

Mr. William Baulston, Assistant for Portsmouth ; Mr. John Porter next.

Mr. Benedict Arnold, Assistant for Newport ; Mr. John Easton next.

Mr. John Greene, Assistant for Warwicke ; Mr. John Weeks next.

Mr. Joseph Torrey, chosen Generall Recorder ; John Sanford next, Mr. Dyre next.

Mr. James Rogers, Generall Serjant ; Richard Knight Thomas Gould next.

Mr. Caleb Carr, Generall Treasurer. 1661.

Mr. John Easton, Generall Atorney ; Mr. Dyre ~~~~~
next.

Mr. Peter Tallman, Generall Sollicitor ; Mr. Richard
Bulgar next.

The Generall Court held at Newport, the 21st of May,
1661.

COMMISSIONERS FOR
PROVIDENCE.

Mr. William Feild,
Mr. William Arnold,
Mr. Thomas Harris, Sen'r,
Mr. Thomas Roberts,
Mr. Zachary Rhoades,
Mr. James Barker.

COMMISSIONERS FOR
PORTSMOUTH.

Mr. William Baulston,
Mr. John Roome,
Mr. John Briggs,
Mr. Thomas Brownell,
Lieut. John Albro,
Mr. John Tripp.

COMMISSIONERS FOR
NEWPORT.

Mr. William Brenton,
Mr. Benedict Arnold,
Mr. Caleb Carr,
Mr. John Easton,
Joseph Torrey,
Mr. William Jeffery.

COMMISSIONERS FOR
WARWICKE.

Mr. John Smith,
Mr. John Weeks,
Mr. John Greene,
Mr. James Greene,
Mr. William Dyre, Sen'r,
Mr. Peter Tallman.

Mr. William Brenton, chosen Moderator for this Courte
of Commissioners, this day.

The Court adjourned till eight o'clock, to-morrow.

May the 22.

Mr. William Brenton, chosen Moderator.

1661. Concerninge letters from those gentlemen in the Matha-
 tusetts, aboute the endinge the difERENCE betwixt them
 and the Collony, the Court doe order a committee which
 is Mr. Arnold, for Newport ; Mr. Baulston, for Ports-
 mouth ; Mr. Roades, for Providence ; Mr. Weeks, for
 Warwicke.

Commis-
 sioners con-
 nected with
 Massachu-
 setts.

Report of
 sub-commi-
 tee relating
 to Major
 Atherton

Wee, the sub-committee chosen by the Court, May
 23d, 1661, havinge seriously considered and debated cir-
 cumstances concerninge the matter in difference depend-
 inge betwixt the gentlemen and some friends with them,
 that are active in posinge and sharinge the Narragansett
 lands in the Collony, without the consent of the Collony,
 doe finde by ther letters that those gentlemen, Majour
 Atherton and his associates, are not so well informed of
 the intent of the Collony as might be requisitt ; as also
 we find that they are inclyned to a treaty, but desier a lit-
 tle further time from the collony, as touchinge particulars
 of the treaty, and as touchinge a refference in case the
 committee cannot deside it ; and for our parte, we judge
 it meet that they be againe written unto, either by those
 apoynted to treat, or by some that may be now apoynted
 to write ; and we doe desire that all rationall, manly and
 civill information and respecte be used so as the matter
 may be fayrly scaned and ended, if it may be ; and fur-
 der doe conseve that mosion of theirs desireinge a coppie
 of the Courte order concerninge the treaty should be at-
 tended to, and withall a coppie vnder the Recorder's hand
 sent with the letters vnto them.

Commis-
 sioners to
 treat with
 Major
 Atherton.

Ordered, that these, viz.: The Presidente, and others
 with him, that weare by the Court of Commissioners held
 at Warwicke, the 18th of October, 1660, authorized and
 apoynted to write to, and treat with Majour Atherton,
 Captayne Hutchinson, and the rest of the gentlemen with
 him associated in the purchasing of lands from the Indians
 at Narragansett and partes adjoining within this Collony,
 are by this present Assembly still authorized to proceede
 according to the foresayd order ; and they or the major

part of them [are authorized] to write unto the sayd Ma- 1661.
 jour and his associates, as also to treat with them ; and
 have still full power, they or the major part of them, in
 case of a treaty, to make a finall issue of all differances
 that doe conserne that matter. And in case that cannot
 be effected by treaty, then to put the matters to reference
 if they see cause. They are also desired to send the sayd
 gentlemen a coppie of the abovesayd order, as also of this
 present order ; and further, are still authorized in case a
 fayre issue cannot be had, as is desired, then in a speedy
 and conveniente time and season, to forbid the sayd gen-
 tlemen and any of their company, in his Majesty's name,
 from further proceedings in the sayd purchase as to pos-
 sessinge or shareinge any of the sayd lands, and to prose-
 cute against them or any of them in case they still pro-
 ceed without consent of the Collony, as concluding their
 proceedings are contrarie to the crowne and dignity of
 his Majesty, and the peace and well beinge of his Majes-
 ty's subjects in this Collony.

Ordered by this Courte, that Joseph Torrey being Re-
 corder, shall forthwith demand all the records that belong
 to the Collony, of Mr. John Sanford, the late Recorder,
 which are in his custody ; and upon receipt of them, is
 authorized to give discharge for all such records as hee
 shall receive.

Joseph Tor-
 rey, Record-
 er, to receive
 the records.

Ordered, that noe person, of what degree soever, that
 hath his abode, or who sojourneth within any parte of
 our Collony, shall arest any other abidinge or sojourninge
 in this Collony, or in any other jurisdiction in New Eng-
 land, in any matter that concernes title or possession of
 land, but onely in this collony ; and in case any person
 presume to act contrary to the premises, hee or they shall
 be lyable to pay the molested party his damadge and
 charges, which shall be recoverable by an action of vnjust
 molestation.

No person to
 be arrested
 in matters
 concerning
 land titles.

It is ordered, that the bill of James Rogers, Generall
 Serjant, presented to the Generall Courte, is approved of

James
 Roger's bill.

1661. and signed, and fourteene pound to bee payd unto him by
 ~~~~~ the fower townes; that is, three pounds, tenn shillings  
 per towne.

The State's  
 part of priz-  
 es in Mr  
 Easton's  
 hands.

Whereas, there hath beene former proceedings against  
 Mr. Nicholas Easton, in a way of law for recovery of ac-  
 counts and money of the State's parte of prizes in his  
 hand; and further, whereas, at the last Court of Tryalls  
 the action was suspended and refered to this Court for ad-  
 vice as to further proceedings thereabout; It is ordered,  
 that the sayd action be suspended vntill a Court of Com-  
 missioners take further order thereabout.

Christopher  
 Almy to be  
 paid by  
 Nicho:  
 Easton.

And it is further ordered, that the order by which  
 Mr. Christopher Almie was enabled to demand twenty  
 eight pounds, five shillings of Mr. Nicholas Easton, which  
 order was made at Portsmouth, the 17th March, 1655, is  
 agayne revyzed, so farr, that the sayd Christopher Almye  
 is thereby impowered to demand the sayd moneye as be-  
 inge his due; and in case he doth not receive it on de-  
 mand, he may tacke a legall way to recover it; and in  
 case of recoveringe the sayd sume, his receipt therefor shall  
 be a discharge to hee that payeth it.

General Offi-  
 cers to be  
 fined if they  
 refuse to act  
 when  
 elected.

Whereas, there is a very gret defeck apeareinge in re-  
 gard that the places of Generall Officers, as of Recorder,  
 Treasurer, Sargante, Attorney or Solicitor, are some-  
 times voyde, for want of a penalty annexed, and imposed  
 on such as from time to time are lawfully chosen to either  
 of those places, in case they refuse. Be it therefore  
 enacted by this presente Assembly, that from henceforth if  
 any be chosen to any of the sayd Generall Offices and re-  
 fuseth to serve, he shall presently pay downe a fine of five  
 pound to the use of his Majesty; or in case he pay it not,  
 then shall it be taken by distraynt by vertue of a warrante  
 from the Generall Recorder then in beinge, to the Gener-  
 all Sargante then in beinge, together with the charges  
 that ariseth ther about; and the sayd five pound to be  
 delivered to the Generall Treasury for the use aforesayd.

Five pounds  
 fine.

For the drawinge up of somethinge to consider with re-

specte of sending a man for England, a committee is 1661. chosen, which is Mr. Arnold, Mr. Baulston, Mr. Greene, and Mr. Weekes.

Committee,  
an agent to  
England.

Forasmuch, as it apeares that ther is great complaynt by reason that ther is no place or places for strangers to be entertayned, it is therefore ordered, that it shall not be lawfull for any person to retayle wine or lyckers, but such as shall keepe one bed at least, and victuals for the entertayning of strangers, under the penalty of ten shillings for the first offence, and twenty shillings for every defecte afterward ; which penalty shall be taken by detraynt by the Constable or Sargante, and shall be returned the one halfe to the towne treasury, and the other to the informer.

Encourage-  
ment of  
houses of en-  
tertainment.

No person  
to retail li-  
quors unless  
they keep  
one bed.

Ordered, that the Recorder doe forthwith grant forth a writ to the Sergante to arrest Sucquans, the Indian sachem [and bring him] to our next Court of Tryalls, in an action of the case concerninge debt and damadge of thirtie pounds ; to answer Mr. John Greene, Atorney, in behalfe of the Court of Commissioners, to whom hee engaged to pay seven pounds, ten shillings, as apeares by record at a Court held at Warwicke, November the 2d, 1650.

Sucquans to  
be arrested.

Ordered, that this be the engagement of officers, any former law to the contrary notwithstanding.

You, A—— B——, being called and chosen vnto publique imployment, and the office of ——, by the free voate and consent of the inhabitants of the Province of Providence Plantations (now orderly mett in his majesties name), doe in this present Assembly engadge yourself faythfully and truly to the vtmost of your power to execute the commission committed vnto you, and doe hereby promise to doe neither more nor lesse in that respect than that which the Collony have or shall authorize you to doe.

Engagement  
of officers.

We, the inhabitants of the Province of Providence Plantations, being heare orderly mett, and having by free

Reciprocal  
engagement



1661. voate chosen you —, to public office and offices for the  
 ~~~~~ due administration of justice, and the execution thereof in  
 his majesties name throughout the whole collony, doe
 hereby engadge ourselves to the vtmost of our power to
 support and vphold you in your lawfull performance
 thereof.

Sub-com-
 mittee.

We, the committee, doe propose to the present Courte,
 that we conceive it most meete that the Court doe nomi-
 nate three or fower men, out of which the committee that
 shall be deputed, may chuse one or two, as will be
 thought most fit, with respecte to our present station, to-
 gether with their particular emergant occasions best con-
 descendinge as agents for England. The men nominated
 are the President, Mr. Benedict Arnold, Mr. John
 Greene, Mr. William Dyre, Mr. Randall Houlden, Mr.
 Samuell Gorton, and Mr. Roger Williams.

Ordered, that these men named, are apoynted by this
 Court to be such out of which the select men are to make
 choyce of one or or two to be sent as agent or agents to
 England. But in case neither of the aforesayd men
 which shall be pitched on can be induced to goe to Eng-
 land, then the select men shall be at liberty to make fur-
 ther choyce in the Collony.

Audit
 committee.

Ordered, that Mr. Baulston, Mr. Porter, and Mr.
 Sherman are apoynted to audite the accounts of Mr. John
 Sanford, Generall Treasurer the last year.

The King's
 authority
 acknowl-
 edged, with
 our humble
 submission
 to it.

This present Assembly, the Generall Court of Commis-
 sioners, haveinge much upon their hearts the consideration
 of that dutifull obedience, legally and vnfayned humble
 affection that this Collony doth owe and beare unto the
 crowne and dignity of his most excellent majestie, our
 dread soveraigne Lord the King of England, Scotland,
 Fraunce, and Ireland; and of all the dominiones and ter-
 ritorys thereunto belonging; and to which his royall
 majesties dominiones or territory and subjects, we, in all
 humble submission vnto his gracious government, doe ac-
 knowledge this Collony, with all the members thereof, to

be an vndoubted part; and consideringe withall, the great 1661.
 merceye of peace and freedome that wee enjoy vnder his
 most gracious protection and governmente; as also hav-
 inge with vnexpressible joy and wonder fixed our eyes
 and mindes vpon his Majesties vnparalleled clemencie and
 favour expressly declared vnto all his liege people, of
 what degree or condition soever, after soe great trouble
 and offences as have lately passed, as by his Majesties
 late gracious declaration it doth apeare; which hath
 beine since also manifested by his most royall disposition,
 wholly inclyned vnto clemencie and favour towards all his
 majesties subjects in so high a mesuer and manner, as
 hath given them cause to bless the Lord for his goodness,
 and to pray for his majesties long life with honour and re-
 nowne above all the Kings under Heaven. We conclude it
 our duty without delays, not only to show our obedience
 vnto his royall government, as we have hitherto done, both
 by publicke proclaiminge his majestie our most vndoubted
 liege Lord and soveraigne; and also humbly in the confi-
 dence of his grace and royall favour acted in his majesties
 name, but also in all humble and thankfull manner, to pre-
 sent and prostrate ourselves, and that at his Majesties
 feet, and to beseech his Majesties favourable continuation
 of his goodness vnto us, his most faythfull, tho poore and
 vnworthy subjiects in these remote partes of the world;
 and the better to declare our loyalty and humble sarvice
 vnto his majestie, do apoynt our trusty and well beloved
 frend and agent, to present our acknowledgments accord-
 ingly; and to that end, doe vnanimously and cheerfully
 desier to contribute the summe of two hundred pound
 starlinge, accordinge to money pay in this Collony, tow-
 ard our sayd agents expences in the management of the
 sayd voyage and vndertakinge in our behalves vnto Eng-
 land, to be performed and improved with all expedition
 possible. And to the end that the sayd summ of two
 hundred pounds may be raysted with allacrity and cheer-
 full freeness; it hath pleased the Court to motion and or-

£200 star-
 ling contri-
 buted for
 Agents to
 England.

1661. der, that it be done by the free contribution of the well-affected members of this Collony, as not doubting but that every one of them will redily therein and thereby declare, how abundantly gratefull it is vnto them to further this so dutifull address vnto his majesty : Whereas, if otherwise it had been improved and levied by a rate, it might have eclipsed and anticipated ther most joyfull resentation of this resolution. And to the end that the sumes may be the more impartially proportioned and rayseed out of the fowre townes of the Collony ; the Commissioners of the sayd townes have agreed, that eighty five pownds of it be collected of the Towne of Newport ; and forty pounds of the Towne of Providence ; and forty pounds of the Towne of Portsmouth ; and five and thirty pounds of the Towne of Warwicke ; and that the money may be the more farely collected, this Court have entrusted severall of the members of this Collony in each towne to take care of the matter, in proposing it to the severall inhabitants, and to take and receive their contributions for the end and purpose aforesayd ; that is to say : Of the Towne of Newport, are apoynted and desired, our honored President ; as also Ben: Arnold, Captain John Cranston, Mr. James Barker, Joseph Torrey and Mr. Richard Tew. Of the Towne of Providence, Mr. William Feild, Mr. Thomas Harris, Mr. William Carpenter, Mr. Thomas Almy and Mr. Zachary Roads. For the Towne of Portsmouth, Mr. William Baulston, Mr. John Porter, Mr. John Sanford, Lieftenant Albury and Mr. John Roome. And for the Towne of Warwick, Mr. John Greene, Mr. John Smith, Mr. Randall Holden, Mr. John Weekes, Mr. Mathyas Harvie and Mr. Richard Townsend. And seeing that all matters cannot, in particular, be determined at this Court as touching the premises, as respecting what specyes the contributions are to be payd in, perticularly inasmuch as every one hath not a like sort of pay, it is therefore requisitt to leave the perticulars to the discretion of selecte men, two of each towne, to advise and conclude on both

Proportion
to be con-
tributed by
the Towns.

Committee
to receive
contribu-
tions as free
will offer-
ings.

Select men
to agree in
what the
contribu-
tions shall be
paid.

the things and the prices that they are to be payd in ; 1661. being any sort of cattle, corne, provisions at the usuall prices as valued on account of money pay, so called in this Collony ; as also these selecte men are to agree with some marchant or marchants, on as reasonable termes as they can, to tacke the sayd cattle and provisions, and to give bills of exchange therefor for the use of our agents in England ; as also it is resolved and ordered, that ther be at least two of each towne deputed and impowered to advise and consulte altogether vpon the perticular instructions and orders to be given and committed to hee or they that shall be employed to England ; as also to demand the charter of Mr. Roger Williams, and at their discretion vnanimously agreeinge to send the same, prostrating it and all wee have at his majesties royall will and pleasuer, opportunity and cause, presenting or requiring ; as also those selecte men to tacke reciprocall engagements, stronge and authenticke, vnder hande and seale, of that parson or those parsons that shall be imployed to England, that they swerve not from ther instructions and commission any way to prejudice the priviledges of the Collony, or of any towne therein, by, or for any sinister respecte whatsoever ; and above all, those selecte men are to draw vp our addresses vnto his majestie, in all humble manner, by way of petition, in termes intreating of our dutifull prostration at his royall feett of ourselves and services, as it becometh the humble subjects of so gracious a prince ; as also procure the Generall Recorder's hand vnto the sayd addresses in the name and behalfe of the collony ; as also what orders made, touchinge the premises, that they shall see fitt to have transcribed, and the coppies given to the sayd gentlemen or men employed to go to England, and those coppies to be signed by the recorder ; as also, that those selecte men doe desier that those of the towne of Warwicke, who have the keepeinge of the manuscript, beinge the subjection of the Narragansett Indians vnto his majesty, will deliver the same, to be also sent for the vse

How they
are to be
sent.

To demand
the charter
of Roger
Williams,

The select
men to draw
address to
address to
the King.

1661. of the Collony, by our agent or agents in England ; and further, that the Court doe order, that if the persons of each towne entrusted to gather the contributions above sayd, doe see it necessary that two gentlemen be sent on the premised account for England, that then if well affected persons will contribute to macke vp in all three hundred pound, that is to say : £127.10s. of Newport ; £60. of Providence ; and £61. of Portsmouth ; also, £52.10s. of Warwicke ; it is by this Court committed to the care of the sayd gentlemen to doe what may be most suitable in that matter ; as also the Court ordereth, that a list be taken of the monies and summes of each as contributes, that they may be put vpon record, to declare it to such as may thereby be encouraged and excited to follow such good examples for their previous service, and their countreyes welfare. And further, the Court declares, that the gentlemen of each towne apoynted to give instruction to the agent or agents that are to go to England, and to draw up the humble addresses to his majestie are named, three of each towne ; and those three, or any two of them attendinge the matters in all expedition and season, are empowered to doe all those things per-tayninge to the premises, and to sett their hands to all instructions, save such as the recorder was before ordered to signe, and such their proceedings shall be authenticke. The persons apoynted are the following, namely : For Providence, Mr. William Feild, Mr. Roger Williams and Zachery Rhodes ; for Portsmouth, Mr. Baulstone, Mr. John Roome and Mr. John Porter ; for Newport, the President and Benedict Arnold and Joseph Torrey ; for Warwicke, Mr. John Greene, Mr. John Weekes and Mr. Samuell Gorton, Sen'r ; and at least two of those three named for each towne are apoynted to meet together at Newport, to consulte and make some progresse in the matter, on or before the 24th day of June, now next ensuinge the date heareof, and if occasion be to meet

Copy of the
subjection
of the Nar-
ragansetts
to be sent

The form
each towne
to choose.

The selecta
men chosen.

oftener, they are to apoynt their own time and place of meeting. 1661.

It is ordered, that the Recorder have fiftene shillings from each towne for each coppie of this Court orders.

*The Generall Court of Commissioners held at Portsmouth,
August the 27th, 1661.*

COMMISSIONERS FOR
PROVIDENCE.

Mr. Roger Williams,
Mr. William Feild,
Mr. Thomas Olney,
Joseph Torrey,
Mr. Philip Tabor,
Mr. John Anthony.

COMMISSIONERS FOR
PORTSMOUTH.

Mr. William Baulston,
Mr. John Roome,
Mr. Thomas Layton,
Mr. John Bredges,
Mr. John Tripp,
Mr. Peter Tallman.

COMMISSIONERS FOR
NEWPORT.

Mr. William Brenton,
Mr. Benedict Arnold,
Captain Cranston,
Mr. Caleb Carr,
Mr. James Barker,
Mr. John Gould.

COMMISSIONERS FOR
WARWICK.

Mr. John Greene,
Mr. John Weekes,
Mr. John Smith,
Mr. John Porter,
Mr. William Dyre,
Mr. Thomas Brownell,

The President chosen Moderator.

Ordered, that Mr. Arnold's letter received from Mr. John Clarke, shall be read in the public Court.

Ordered, that Mr. John Clarke's letters to the Collony shall be opened and read.

1661. Ordered, that the letters that have been read, that
 ~~~~~ come from Mr. John Clarke, are committed to the Recorder.

The President to take care of the money.

Ordered, that the moneys that is in this present Court ingadged, shall be brought vnto the President within six dayes, who is desired to take care thereof, and send it to Mr. John Clarke, our agent in England.

Committee to draw up a letter of thanks to Mr. John Clarke.

Ordered, that Mr. Arnold, Mr. Dyre, and Joseph Torrey, are desired to draw vp a letter to Mr. John Clarke, of thankfullness, and to draw out his commission that was drawn up at the Courte at Warwicke, October the 18th, 1660; which are to be signed by the President, and sealed with the seale of the Collony.

The sums to be paid by each towne to send to Mr. Clarke.

Ordered, that two men of each towne be chosen to see what monies they can rayze in the severall townes, to be sent to Mr. John Clarke; and what monies they can rayze or procuer, shall be accounted double to any other pay: that is to say, for everie twentie shillings in old England moneye, to be equivalent with forty in other paye of what they promised. And whereas there was a former gathering for to send two agents to England, and it was thought that three hundred pound was convenient; It is now ordered, and thought fitt that two hundred pound be rayzed, and returne of it made vnto Mr. John Clarke for his incuradgment to go on in our business; and that this moneye is to be proportionably rayzed vpon the fowre townes, accordinge to the former proportion that was thought meet from each towne to be razied, that is to say: of the Towne of Newport, eighty five pound; of the Towne of Providence, fortie pound; of the Towne of Portsmouth, fortie pound; of the Towne of Warwick, thirty sixe pound, sixteene shillings, and eight pence. The men who are nominated for this purpose, are: for Providence, Mr. Roger Williams and Mr. Zachary Rhodes; for Portsmouth, Mr. William Baulston and Mr. John Porter; for Newport, Mr. James Rogers and Mr. James Barker; for Warwick, Mr. John Smith and Mr.



John Weeks ; and what money they can or doe gather, 1661. they are to bringe in vnto Mr. Brenton or Mr. Arnold, who are desired to reseve the same, and convey it vnto Mr. John Clarke.

Ordered, that a coppie of this Courte orders shall be sent to each towne.

Ordered, that the Recorder shall have five shillings for each coppie of this Courtes proceedings.

The petition that was presented by Mr. William Vaughan, John Coggeshall, and the reste with them on account of their proceedings at Askomicutt, by approbation of the Courte, was granted. Against this vote, Mr. William Brenton and Mr. William Baulston enter their protest.

To the Honored Gentlemen of the Court of Commissioners assembled together in his Majesties name, for the Collony of Providence Plantations, at Portsmouth, the 27th day of August, 1661.

Please ye honored gentlemen :

There being an oportuntie or presentment of a sartaine piece or tracke of land lately discovered or made knowne, which tract of land lyeth, or is situated in the fardest or remotest corner of this Collonies jurisdiction, called by the name of Askomicutt, which tracke of land is faierly promised or ingaged to a sartaine number of adventurers vpon the designe of purches of it ; which adventurers are members of this Collony, and well-wishers therto ; who desier to doe nothinge that shall prove prejudisiall to the intrest and honor of the Collony's preveledges or advancements, but are now confrontinge the adversaries of the Collonie, which by a specie of intrusion are seekinge to macke inroads vpon our preveledges of Collonies jurisdiction. The premises being considered, your petitioners are bold vnder correction to pray, in case we can macke the adversarie, which is both to Collonie and vs, anxious to retreatt, which we question

Petition of  
William  
Vaughan  
and others  
concerning  
the purchas  
in: of As-  
komicutt.



1661. not, in poyntte of right and title from the natives ; therefore, we beinge willinge to procede in all poynts of legality that may suit with the advance and honner of the Collony, we humbly crave your favourable approbation, countenance and assistance to vs in the settlinge of a Plantation or Towneshipe, in or vpon the abovesayde tract of land called by the name of Askomicott, which number of persons may probably extend to the number of thirtie, fortie or fiftie, or ther aboute, which we are theance to inhabitt, whearof many of whom are persons constrained to make inquisition and seecke for lande for a comfortable livelyhood. So, honored gentlemen, if it be your pleasures to graunte your petitioners request or petition as wee are, so wee subscribe and remaine your humble petitioners and sarvants to our power for ourselves, and in the behalfe of the rest of our company.\*

Josoph Torrey,  
John Cranston,  
William Vaughan,  
John Coggeshall,  
John Crandall,

Hugh Mosier,  
James Barker,  
Caleb Carr,  
James Rogers.

---

\* The following is a copy of the Book from Records of the original proprietors of Westerly.

*A copy of the Purchase of Socho, the true owner of Misquamacock.*

This deed or writing, bearing date this present twenty-ninth day of June, one thousand six hundred and sixty, witnesseth : That T. Socho, an Indian Captain of Narraganset, being the true and lawful owner of a tract of land called Misquamicoke, for a valuable consideration in hand paid to my content, have bargained and sold unto William Vaughan, Robert Stanton, John Fairfield, Hugh Moshar, James Longbottom, all of Nuport in Rhode-Island and others their associates, which said tract of land being bounded as followeth, Easterly by a place called Weccapang or Passpatanage, joining to the Nianticut land, on the South by the main sea, on the West by Pawcatuck river, and so up the chief river or stream northerly and northeasterly to a place called Quequatuck or Quequachanocke, and from thence on a straight line to the first named bounds called Weccapoag or Patchatanage joining upon the Nianticut land, as abovesaid ; which said tract of land so butted and bounded as aforesaid, I the said Socho do for myself, my heirs, executors.

[The following document, which refers to the contro- 1661.  
versy tween Plymouth and Rhode Island to jurisdiction of  
certain districts, is found in Hazard's State Papers, vol.  
ii., p. 448.]

*Letter from Plymouth Colony to Rhode Island, relative to  
the jurisdiction claimed by Massachusetts.*





Vpon Complaint made by Capt: Goken and diuers Pe-  
quot Indians, and some from Road Iland, interested them-  
selues in their possessions vpon Pautuckett Riuer, as alsoe  
[the protest] the Narragansett Sachems Companie, Against  
Sam'l Wilbore and his Companie, and pretending a protest  
against theire proceedings, which they desired might bee  
kept amongst the actes of the Comissioners ; and accord-  
ingly is left on file at Plymouth ; and this following let-  
ter was sent to the Gouvernor of Road Iland :

Loueing Frinds and Naighbours :

Wee haue lately Receiued Information and Complaint

---

administrators, and assigns, surrender up all right, title, claim or interest,  
whatsoever to the said land, or any privilege appertaining to the said land  
fully instating the said William Vaughan, Robert Stanton, John Fairfield,  
Hugh Mosier, James Longbottom and their associates, their heirs, executors,  
administrators or assigns, to the said land and proprieties thereof, to the  
worlds end. In witness whereof, I, the said Sosoia, have set to my hand and  
seal, the year and date abovesaid.\*

The mark of ||| SOSOA. |||

Sealed and signed in presence of

JEREMY CLARKE,

LATHAM CLARKE,

HENRY CLARK,

AWASHWASH — his mark,

The mark **W**<sup>o</sup> of NUCUM, Interpreter,

GEORGE WEBB,

GEORGE GARDINER.

---

\* The records from which this is copied, contain many testimonies confirming the  
purchase of these lands from the Indians, all which are printed by Mr. Potter in his  
History of Narragansett, R. I. Hist. Coll. Providence, 1835, p. 242.

1661. from the English and Indians our Subjects, that severall  
of your Inhabitants begin to plant and settle themselves  
(vpon what pretence we know not) neare Pautuckett, and  
the Pequot Contrey being the vndoubted Right of those  
English Collonies that Conquered that bloody Nation, and  
some yeares since that part of the Countrey was assigned  
by the Comissioners of the vnited Collonies to the Gouver-  
nement of the Massachusetts for their share and Interest in  
that Conquest, and by them disposed of in Townshipes and  
farmes; wee cannot therefore but account the Intrusions  
of your people to bee very Insolent and Injurious to all  
the Collonies; but especially to the Massachusetts, whom  
it doth more immediately concerne, and doe hereby protest  
against the said persons and their proceedings, hoping  
your Gouvernement will neither owne nor countenance such  
vnrighteous dealings; but will with vs protest against the  
same, and cause your people to desist; that soe peace  
and good agreement may bee preserved betwixt your  
selues and the vnited Collonies; if any doe pretend  
Right vnto and Interest in the said lands, they may make  
knowne their claime to the Gouvernement of the Massa-  
chusetts, where they wilbee equally heard and answered,  
the neglect wherof, and persisting in the aforesaid proceed-  
ings, will vndoubtedly cause a suddaine breach betwixt  
yourselues and vs, which wee desire may bee pre-  
vented; severall alsoe of the Sachems of Nianticke and  
Narragansett, viz.: Moses allis Sucqash Ninnegret Stul-  
cop and Weewekeuett, allis Gedion, pretended att our  
meeting a protest against Samuell Wilbore and his Com-  
panie, for their injurious possessing themselves, as they  
alledge, of a certain Tract of land about Point Indith,  
vpon pretence of purchase, which the said Sachems vtter-  
ly deny, desireing that incase Wilbore and his Companie  
will not submit the said difference betwixt them, the said  
Sachems to a faire tryall before eqvall and Indifferent  
Iudges, which it seemes they haue Refused that it may  
not bee offenciu to vs, that they driue away their Cattle

and force them to desist; of this wee thought meet to 1661.  
giue you Intelligence, requesting your care and best  
Indeaur to keep your people from Injuring the heathen  
or others which they may draw vpon your selues and vs  
vncomfortable consequences. Wee shall not farther de-  
taine you att present, but Remaine your louing Frinds,  
The Comissioners of the vnited Collonies.\*

THOMAS PRENCE, Presedent.

Plymouth, the 13. Septem; 1661.

---



\* From the files of the General Court of Massachusetts.

1661.


*Additional papers relating to the jurisdiction of the Pequot Country.*


*Protest of the Narragansett Indians against Samuel Wildbore.*

Wemosit, otherwise Suckquansh, Ninecraft, Quequakanut, otherwise Gideon, Chiefe sachems of the Narragansetts and Neantick countrie, having received much injurie by Samuel Wildbore and others of his companie, they pretending titel to Point Jude and other lands adjoining, and have endeavoured to possess themselves forceably of the same, both by building and bringing cattell, we having given them warneing to the contrary, and they not taking warning, nor indeavoured to theire cattell from all the lande, but, on the contrary resisting, and one of their number presuming to shoot off a gun at us. Now we knowing that we have not sould them any land there, and being thus injuriously dealt with withal by them, we are forced to make complaint to yourselves by the Commissioners of the United Collonies, hereby protesting against the said Samuel Wildbore and companie for their so unjust actings, and crave that this, our protest, may be received by you, and kept upon recorde by you as our acts and deeds, and crave that it may not be offensive to any English. if that Samuel Wildbore and his companie will not come to any faire trial either before yourselves, or some other indifferent judges, if then we endeavour to drive their cattle away, or take any course whereby we dispossesse them. That this our acte and deed we have put to our marks and seals in the presence of these witnesses, this ninth of September, 1662.\*

POWTUCK,  his mark. Y<sup>e</sup> mark of NINECRAFT .


Y<sup>e</sup> mark of BIMELECK,


RUBEN MILLIS 


 Interpreter.

interpreter.

Y<sup>e</sup> mark of ECONICKAMUCK.

Y<sup>e</sup> mark of SCUTABE 

 alias JOHN, interpreter.

Y<sup>e</sup> mark of JOHN LIPOTT .

Y<sup>e</sup> mark of QUEQUEGUSEWET,



alias GIDEON.

Y<sup>e</sup> mark of MASIFE  alias SUSQUANSIL.

[Additional papers connected with the dispute as to the jurisdiction of lands in the Narragansett country, copied from the files of the General Court of Massachusetts, and referred to in the official letters of the General Courts of the Colonies of Massachusetts and Rhode Island, in this volume.]†

\* From the files of the General Court of Massachusetts.

† These papers were several times transcribed for the Rhode Island Historical Society, from which these copies are taken.

*William Chesbrough and his three sons' testimony*

1661.

The testimony of William Chesbrough, aged about 66 years, taken upon oath the 3d of September, 1661; testifyeth that about the middle of September, 1661, this deponent with three sons, Samuel, Nathaniel and Elisha, beinge all men growne, were occasioned to goe abroad upon his affaires, and understanding that divers persons, about thirty six inhabitants of Road Island, were come into the bounds of Southertowne, to lay claime unto the lands on the east side of Pawquatuck, with the bounds of Southertowne, to divide and lay out lotts in the same. This deponent, with his sons aforesaid, repaired unto them, at the house of Thomas Shaw, the ordinary keeper (were they were), and they found divers of them, among whom was principal, Benedict Arnold, Senior, Edward Dyre and Capt. Cemigrave, unto whom this deponent spake, demanding the reason of their intrusion into other men's rights; telling them those lands were within the bounds of Southertowne, and appropriated to severall persons. Benedict Arnold and others named, said, in way of answer many things impertinently, the sum whereof was, that they owned themselves to be the men that claimed the lands, and said they would keepe possession, and that they would not try their title any where but in Road Island, or in England; and Arnold said that if any should attach him at Boston, he would lie in prison seven years before he would try the title there.

Taken upon oath the day and yeare abovesaid, before me,

DANIEL GOOKIN.

Samuel, Nathaniel, and Elisha Chesbrough, affirmed upon oath to the truth of the abovesaid before me.

DANIEL GOOKIN.

30th, 7th month, 1661.

Warrant. To the Constable of Southertowne:

Whereas, wee are informed of sundry rude fellows, that contrary to the peace of our soveraigne Lord the King, &c., of this Collony, have, in a riotous manner entered upon, and taken possession of the lands of sundry of our inhabitants in the bounds of your towne. These are to require you, in his Majesties name to apprehend all such persons, and safely convey them before some of the magistrates of this jurisdiction, to give an accompt of such their proceedings; and hereof you are to make a true returne under your hand, and not to faile. Dated 25, 8 month, 1661.

Signed by

JO. ENDICOTT, Gov'r,

RI. BELLINGHAM, Dep. Gov'r,

DANIEL GOOKIN.

Endorsed. According to the trust comitted to me, I have arrested three men, viz.: Tobias Saunders, Robert Burdett, and Joseph Clarke, which last upon extraordinary occasion was, by the Commissioners and constable, set at liberty. Dated the 1st of November, 1661.

WALTER PALMER, Constable.

## NARRATIVE.

*The 14th of 9th month [November], 1661.*

Present, Mr. John Endicott, Gov'r, Mr. Richard Bellingham, Boston; Capt. D. Gookin.

1661.

Tobias Saunders, and Robert Burdett being brought prisoners by virtue of a warrant from the Governor and magistrates for a forcible entry and intrusion into the bounds of Southertowne, in the Pequot country, upon severall men's properties, granted to them by the Generall Court of this jurisdiction, who upon being examined by what order or authority they were there, Tobias Saunders answered, that the Court of Road Island gave liberty for certayne of their inhabitants to purchase lands of the Indians, and that these lands were purchased by them. Upon which ground, that they soe came upon the aforesaid lands, being required to shew some order from their court appointing them to possess those lands, they said they had none. Being asked whether they had understood that warning was given both by the Commissioners of the United Collonyes and from the Commissioners of Southertowne to depart out of those lands, and out of the bounds of said town, Tobias answered that they had heard of such warning. Being asked why he did not desist, Tobias answered, that they lookt upon the lands to be their right, and therefore they abode upon them, and confessed he was upon it when the constable apprehended them.

Robert Burdet being examined, acknowledged that he was upon the same land, and built a small house there, upon the lott layed out to him; and that he went upon this designe, upon the same grounds as are declared by Tobias Saunders.

Tobias Saunders and Robert Burdett being told that they must give security to the value of one hundred pounds a peece, to answer what shall be objected against them at the next Generall Court, otherwise to bee comitted to prison, they refused to find security and were comitted.

Joseph Clarke of Road Island, who was also apprehended in the company of the two former persons, being all there in company. was released by the Constable upon a very urgent occasion.

*Warrant for commitment.*

The Keeper of the prison of Boston. You are hereby required to take into your custody the bodyes of Tobias Saunders and Robert Burdett of Rhode Island, and them safely to keepe, untill they find sufficient security, to the value of one hundred pounds a peece, to answer the next Generall Court, to be holden at Boston in May next, for forcible entry and deteyning of possession of lands belonging to the Collony of Massachusetts within the bounds of Southertowne in the Pequot country, to the endamageing men's lives contrary to the peace of our sovereign Lord the King.

JOHN ENDICOTT, Gov'r,  
 RICH'D BELLINGHAM,  
 DANIEL GOOKIN.

All this was read in open Court, which the said Saunders and Burdett owned in Court to be the truth; they also owned that they heard that severall Providence men did lye in wait to intercept and seize y<sup>e</sup> Constable and Deputy, with such as came with them to prison as they returned, which they had donne, but they being gone to dinner missed them.

E. R[AWSON], Secretary.



Names of those that brought the prisoners, Thomas Minor, Elihu Palmer, 1661.  
and Elisha Chesbrough.

*Claim of Connecticut to the Pequot Country.*

In the proceedings of the Generall Assembly of Connecticut, held at Hartford, October 9, 1662, appears the following.

It is ordered by this Court, that y<sup>e</sup> inhabitants of Mistick and Pawcatuck shall from henceforth forbear to exercise any power by virtue of any former commissions from any other Collony; and in case of differences that arise, they repaire for help to y<sup>e</sup> Deputy Governor, Major Mason, and that they chuse a constable for the yeare ensuinge, and that the said constable to repaire to worshipful Deputy Governours to take his oath. And they are required by this Court to pay in unto Mr. James Rogers and Lieutenant Sam'l Smith and Engsigne Avery, for and in behalfe of the charge of our charter, the sum of twenty pounds, as their town proportion; two thirds in wheat, at 4s. per bushel, and one third in pease at 3s. per bushel, by the last of November next. The Court orders Lt. John Allyn in the name of the Court to send a warrant to Mr. Thomas Stanton to attend this order, and if he refuse, Peter Blatchford is to gather your rate and to distrayne according to the order of the Generall Court. *Public Records of Connecticut*, vol. i. p. 389.

*Extracts from a Letter from Roger Williams to Major Mason, relative to the jurisdiction of the Pequot country.*

Major Mason,

\* \* \* \* \*

Fourth. When the next yeare after my banishment, the Lord drew the bow of the Pequot war against the country, in which, sir, the Lord made yourself, with others, a blessed instrument of peace to all New England, I had my share of service to the whole land in that Pequod business, inferior to very few that acted, for,

1. Upon letters received from the Governor and Council at Boston, requesting me to use my utmost and speediest endeavors to break and hinder the league labored for by the Pequods against the Mohegans, and Pequods against the English (excusing the not sending of company and supplies, by the haste of the business), the Lord helped me immediately to put my life into my hand, and, scarce acquainting my wife, to ship myself, all alone, in a poor canoe, and to cut through a stormy wind, with great seas, every minute in hazard of life, to the sachem's house.

2. Three days and nights my business forced me to lodge and mix with the bloody Pequot ambassadors whose hands and arms, methought, wreaked with the blood of my countrymen, murdered and massacred by them on Connecticut river, and from whom I could not but nightly look for their bloody knives at my own throat also.

3. When God wondrously preserved me, and helped me to break to pieces the Pequods' negotiation, and design and to make, and promote and finish, by many travels and charges, the English league with the Narragansetts and Mohegans against the Pequods, and that the English forces marched up to the Narragansett country against the Pequods, I gladly entertained, at my house

1661. in Providence, the General Stoughton and his officers, and used my utmost care that all his officers and soldiers should be well accommodated with us.

4. I marched up with them to the Narragansett sachems, and brought my countrymen and the barbarians, sachems and captains, to a mutual confidence and complacence, each in other.

5. Though I was ready to have marched further, yet, upon agreement that I should keep at Providence, as an agent between the Bay and the army, I returned, and was interpreter and intelligencer, constantly receiving and sending letters to the Governor and Council at Boston, &c.

\* \* \* \* \*

5. Considering (upon frequent exceptions against Providence men) that we had no authority for civil government, I went purposely to England, and upon my report and petition, the Parliament granted us a charter of government for these parts, so judged vacant on all hands. And upon this, the country about us was more friendly, and wrote to us, and treated us as an authorized colony; only the difference of our consciences much obstructed. The bounds of this, our first charter, I (having ocular knowledge of persons, places and transactions), did honestly and conscientiously, as in the holy presence of God, draw up from Pawcatuck river, which I then believed, and still do, is free from all English claims and conquests; for although there were some Pequods on this side the river, who, by reason of some sachems' marriages with some on this side, lived in a kind of neutrality with both sides, yet, upon the breaking out of the war, they relinquished their land to the possession of their enemies, the Narragansetts and Nianticks, and their land never came into the condition of the lands on the other side, which the English, by conquest, challenged; so that I must still affirm, as in God's holy presence, I tenderly waved to touch a foot of land in which I knew the Pequot wars were maintained and were properly Pequot, being a gallant country; and from Pawcatuck river hitherward, being but a patch of ground, full of troublesome inhabitants, I did, as I judged, inoffensively, draw our poor and inconsiderable line.

It is true, when at Portsmouth, on Rhode Island, some of ours, in a General Assembly, motioned their planting on this side Pawcatuck river. I, hearing that some of the Massachusetts reckoned this land theirs, by conquest, dissanded from the motion, until the matter should be amicably debated and composed; for though I questioned not our right, &c., yet I feared it would be inexpedient and offensive, and procreative of these heats and fires, to the dishonoring of the King's Majesty, and the dishonoring and blaspheming of God and of religion in the eyes of the English and barbarians about us.

6. Some time after the Pequot war and our charter from the Parliament, the government of Massachusetts wrote to myself (then chief officer in this colony) of their receiving of a patent from the Parliament for these vacant lands, as an addition to the Massachusetts, &c., and thereupon requesting me to exercise no more authority, &c., for, they wrote, their charter was granted some few weeks before ours. I returned, what I believed righteous and weighty, to the hands of my true friend, Mr. Winthrop, the first mover of my coming into these parts, and to that answer of mine I never received the least reply; only it is certain, that, at Mr. Gorton's complaint against the Massachusetts, the Lord High Admiral, President, said, openly, in a full meeting of the commissioners, that he knew no other charter for these parts than what

Mr. Williams had obtained, and he was sure that that charter, which the Massachusetts Englishmen pretended, had never passed the table. 1661.

7. Upon our humble address, by our agent, Mr. Clarke, to his Majesty, and his gracious promise of renewing our former charter, Mr. Winthrop, upon some mistake, had entrenched upon our line, and not only so, but, as it is said, upon the lines of other charters also. Upon Mr. Clarke's complaint, your grant was called in again, and it had never been returned, but upon a report that the agents, Mr. Winthrop and Mr. Clarke, were agreed, by meditation of friends (and it is true, they came to a solemn agreement, under hands and seals), which agreement was never violated on our part.

8. But the King's Majesty sending his commissioners (among other of his royal purposes) to reconcile the differences of, and to settle the bounds between the colonies, yourselves know how the King himself therefore, hath given a decision to this controversy. Accordingly, the King's Majesty's aforesaid commissioners at Rhode-Island (where, as a commissioner for this colony, I transacted with them, as did also commissioners from Plymouth), they composed a controversy between Plymouth and us, and settled the bounds between us, in which we rest.

9. However you satisfy yourselves with the Pequod conquest; with the sealing of your charter some few weeks before ours; with the complaints of particular men to your colony; yet upon a due and serious examination of the matter in the sight of God, you will find the business at bottom to be,

First, a depraved appetite after the great vanities, dreams and shadows of this vanishing life, great portions of land in this wilderness, as if men were in as great necessity and danger for want of great portions of land, as poor, hungry, thirsty seamen have, of a sick and stormy, a long and starving passage. This is one of the gods of New-England, which the living and most high Eternal will destroy and famish.

2. An unneighborly and unchristian intrusion upon us, as being the weaker, contrary to your laws, as well as ours, concerning purchasing of lands without the consent of the General Court. This I told Major Atherton, at his first going up to the Narragansett about this business. I refused all their proffers of land, and refused to interpret for them to the sachems.

\* \* \* \* \*

Yourselves pretend liberty of conscience, but alas! it is but self, the great god self, only to yourselves. The King's Majesty winks at Barbadoes, where Jews and all sorts of Christian and Antichristian persuasions are free, but our grant, some few weeks after yours sealed, though granted as soon, if not before yours, is crowned with the King's extraordinary favor to this colony, as being a banished one, in which his Majesty declared himself that he would experiment, whether civil government could consist with such liberty of conscience. This his Majesty's grant was startled at by his Majesty's high officers of state, who were to view it in course before the sealing, but fearing the lion's roaring, they couched, against their wills, in obedience to his Majesty's pleasure.

Some of yours, as I heard lately, told tales to the Archbishop of Canterbury, viz.: that we are a profane people, and do not keep the Sabbath, but some do plough, &c. But, first, you told him not how we suffer freely all other persuasions, yea the common prayer, which yourselves will not

1661. suffer. If you say you will, you confess you must suffer more, as we do.

\* \* \* \* \*

Sir, I am your old and true friend and servant.

R. W.

To my honored and ancient friend, Mr. Thomas Prince, Governor of Plymouth Colony, these present. And by his honored hand this copy, sent to Connecticut, whom it most concerneth, I humbly present to the General Court of Plymouth, when next assembled.

Loving friends and neighbors,

Divers of yourselves have so cried out, of the contentions of your late meetings, that (studying my quietness) I thought fit to present you with these few lines. Two words I pray you to consider.

\* \* \* \* \*

Let us consider, if Niswosakit and Wayunckeke, and land thereabout, may not afford a new and comfortable plantation, which we may go through with an effectual endeavor for true public good. To this end, I pray you consider, that the inhabitants of these parts, with most of the Coweset and Nipmucks, have long since forsaken the Narraganset sachems, and subjected themselves to the Massachusetts. And yet they are free to sell their lands to any whom the Massachusetts shall not protest against. To this end, observing their often flights (and to stop their running to the Massachusetts), I have parlied with them, and find that about thirty pounds will cause them to leave those parts, and yield peaceable possession.

\* \* \* \* \*

Yours, to serve you,

ROGER WILLIAMS.

27, 8, 60 (so called).

*Letters from the Generall Court of Massachusetts to Rhode Island during the interval of the Generall Courts.*

Gentlemen and Neighbours:

Upon complaynt made unto us of an injurious disturbance and intrusions by some persons pretending to belong unto your government in claiming and taking possession of certain lands in the Pequot Country, with the bounds of Southertowne, the which lands have long since been granted unto and possessed by sundry of our people, of which disturbance you have already been informed by the Honoured Commissioners of the United Collonies, as also by the Governour and some other magistrates of this Collony, as doth appear to us by the coppies of their letters presented to this Court, of which at present there hath been no cleere answer returned from yourselves. Now therefore wee, for our parts being desirous to prevent future disturbance, and that love and peace might still be continued between you and us, have thought meet once more to signify unto you our desire, that by the first opportunity you would be pleased to give us your full and cleere answer, whether you will justify any of your inhabitants in such your proceedings; or that

otherwise on your neglect thereof, we shall be forced to interpret your silence as an approbation of them therein, and shall further consider by what meanes wee may provide for our defence and protection of our people in their just rights. 1661.

The magistrates have passed this as a letter to be sent to Road Island from this Court, if their brethren, the Deputies consent hereto.

Consented to by the Deputies.

EDW. RAWSON, Secretary.

WILLIAM TORREY, Clerk.

December 3, 1661.

*Letter from th. Massachusetts to Rhode Island.*

Gentlemen:

Wee have once and againe sent unto you concerning disturbance given by some of your people to our inhabitants at Pawcatuck or Souther-towne, in the Pequot country, but have hitherto received no answer; therefore being very desirous to prevent the ill consequences of such proceedings, do againe, by these bearers, Mr. Edward Hutchinson, Mr. William Hudson and Mr. Amos Richardson, or any two of them, further signify unto you, that besides what we formerly wrote, we have a Charter and Pattent from the Lord of Warwick, and divers other Lords and Commons (impowered thereunto by Parliament), of all that tract of land, from Pequot River to Plymouth line, with power of government there granted unto the Governor and company of the Massachusetts, their heirs and successors forever; which grant is antecedent unto yours from the said Lords, some months, as may apeare. This we thought meet to acquaint you with, and hereby to inhibit you or any of yours to possess, improve or exercise government within any part of the aforesaid tract; and that you forbid any of yours to disturbe or molest any of the people of this jurisdiction, who, either by grant from home or Indian title, or both, stand possessed or lay claime unto any of the said lands; but if, notwithstanding this or former warning, you or yours shall do contrary, we do hereby declare and protest against the same, and shall account it our duty to make good our rights against the unjust intrusions of you or any of your people by all lawfull and due meanes. So desireing your answer by these bearers, with our respects presented.\*

Wee remaine, desiring to continue your loving friends and neighbours.

E. R[AWSON],

By the name and by appointment of the Court.

Votted, to be sent to the Government of Providence Plantations and Rode Island, by the messengers above named, as an act of the Council, to be signed by the Secretary.

Dated in Boston, 8th March, 1662.

---

\* From the files of the General Court of Massachusetts.

1661.

*Letter from the General Court of Massachusetts to Rhode Island.*

Gentlemen:

Our affection and peace and a faire correspondence with you puts us upon a condescension far beneath our own reason and your justice of our cause, once more to emit this our last letter to you, concerning the unjust molestation and intrusion of some of your inhabitants upon the undoubted rights of this jurisdiction and the inhabitants thereof, in their grants and possessions in the Pequott and Narragansett country, upon pretense of authority from your Court and purchase from the Indians; but producing no deed, record, order or comission for warranting the same, wherein we conceive they act directly against reason, righteousness, precedent, grant from England, cleere conquests, purchase and possession.

It is not unknowne to yourselves what meanes have been used from time to time, both by the Commissioners of the United Collonies, by the Governour and Magistrates, Generall Court and Councill of this jurisdiction, by their severall letters, to desire you to cause your people to desist from such proceedings, and exert your authority for the suppressing of injustice, but to this day I have received no satisfactory or pertinent answer in the premises, which gives us ground to suspect, that you (at least) indulge them in their proceedings. You may hereby take notice, that two of your people, namely, Tobias Saunders and Robert Burditt, being long since taken on the place, and secured by us to answer their trespasses; we have now called them before this Court and find nothing from them to justify their proceedings. This Court hath therefore fined them £40 for your offence towards satisfaction of y<sup>e</sup> charges expended in conveying them before authority; and that they stand committed to prison till your fine be satisfied, and security given to y<sup>e</sup> Secretary to y<sup>e</sup> value of one hundred pounds for your peaceable demeanour towards all y<sup>e</sup> inhabitants of this jurisdiction for y<sup>e</sup> future; which sum is short of y<sup>e</sup> expences and charges to bring them to their triall, for which they stand committed untill their fine be satisfied. We have also bin informed by our messengers to you that you have constituted a constable, and by a warrant under the hand of your President, require him to exercise that office at Petacomscott in the Narragansett country, purchased by some of our people, and within the limits granted to us by Patent.

We cannot but protest against such injurious intrusions, and shall be necessitated to provide against them, unless your own prudence do prevent, of which we are not hopeless, supposing your warrant might be issued out before the receipte of a letter from our Council in March last, which, if it had followed you, would easily have granted to have ben too high a provocation; and not being recalled after our claime and right so often made knowne, will put us out of hope and expectation of fair and friendly dealings.

And we do hereby signify unto you that unless you command of your inhabitants that yet continue their possessing at Southertowne and Pettescomscott [to leave] before the last of June next, you may expect we shall not continue to neglect the reliefe and protection of our people thus molested, and shall account it our duty to secure all such persons and



estates of yours as shall be found within our jurisdiction untill all just damages be satisfied. But we heartily and earnestly desire may be avoyded by your prudent care and justice, and that peace and good government, may, for the future, be preserved between us. So with our respects to you presented. 1661.

We remayne your loveing friends  
and neighbours.

E. R., Secretary.

Boston, 10th, 3d mo. 1662.

By order and appointment of y<sup>e</sup> Generall Court of the Massachusetts.

The Magistrates have passed this with reference to the consent of their brethren y<sup>e</sup> Deputies hereto.\*

EDW. RAWSON, Secretary.

[In the files of the State Paper office in Massachusetts is found the following document connected with the jurisdiction of the Pequot country, which, though it appears to be official, is not alluded to in the Rhode Island Records. A copy, transcribed, is among the manuscripts of the R. I. Historical Society.]

At a Generall Court begun the 20th of May, 1662, holden at Warwicke, in his Majesty's name for the Collony of Providence Plantations, in the 14th yeare of the raigne of our soveraigne Lord, King Charles the Second, of England, Scotland, &c.

Ordered, by the authority abovesayd, that the following prohibition be signed by the Recorder, and sent unto Capt. Daniel Gookin, and to every other person that it may concerne, viz.:

Whereas the Court is informed that you, the abovenamed Captaine Danyell Gookin, or any other person or persons, not having the leave of this Collony's Court, are endeavouring to force into this jurisdiction and to take possession of lands within the same at or about Pawcatuck, alias Misquamacott, by building, fencing, planting and otherwise, which your forceable entrance, being wholly without the leave, and contrary to the minds of this Collony, is, in a very high degree contrary unto the peace, crowne and dignity of our Lord the King.

And therefore you, and every of you are in his Majesty's name required to desist from and forbear such intrusions on these his subjects rights and privileges, untill his Majesties express order shall determine herein; and if you have begun any buildings, fencings, &c., in the fore-mentioned tract, you are to remove your habitation and decline and forbear any further or future possession, in any part or parts of the premises, as you will answer the contrary at your own perill, in case you refuse or neglect immediately upon the sight hereof to give over your forceable entry and possession as aforementioned.

Given under my hand, by order of the Generall Court.

JOSEPH TORREY,  
Generall Recorder.

---

\* From the files of the General Court of Massachusetts.



1661. *The Grant of the Northern Tract from the Narragansett Sachem to Gov. Winthrop, Humphrey Atherton, and others.*

Know all men by these presents, that I, Coginaquam, Sagamore or Sachem of Narragansett, in consideration of that great love and affection, I doe beare unto Englishmen, espetically Mr. John Winthrop, Governor of Connecticut, Major Humphrey Atherton, of the Massachusetts, Richard Smith, Senior, and Richard Smith, Junior, of Cocumcosuck, Traders; Lieut. William Hudson, of Boston, Amese Richenson, of the same Boston, and John Tickner, of Nashaway, Trader, have given and granted, and by these presents fully, freely and voluntarily, absolutely and effectually give, grant, confirme and make over unto my said friends one tract of land in my countrey, called by the name of Wyapumseatt; Mascacowage, Cocumcosuck and such like be itt containing more or lesse, bounded by the brooke or river called Muscachowage, on the southwest; the common path or way betweene these on the northwest on northbounds, and the sea or waters on the south; to have and to hold the said tract of land, together with the priviledges of summer feed for their cattle, makeing of hay in all meadowes, swamps and low ground, without the said bounds to the norwards to them, the said Governor Winthrop, Major Atherton, Richard and Richard Smith, Lieft. Hudson, Amos Richenson and John Tickner, their and every of their friends, their heirs and assigns for ever; onely excepted, the Lands in possession of and belonging already to Richard Smith, Sen'r, which was his proper right, and is expressed by Deed before this Grant, to be to him his heirs and assigns for ever; and a neck of Land called Patawomuck, included in this sayd grant, which I doe reserve for planting ground for me and my freinds untill such time as wee see cause to forsake itt, or lay itt downe; as alsoe the priviledge of fishing and gathering of Clamms and other shell fish, all other the premises from the said Rivers or Brooks Mascacowage, Cocomscasuck sea and Path, and other the Priviledges before mentioned, to be to their owne proper use and uses, to enjoy and improve as their owne proper right and interest from henceforth for ever; and I, the said Cogimaquon, by this my Deed of gift, sealed and delivered, and possession of the said Land before the witnesse hereafter mentioned, doe ratife and confirme the same, and doe promise the same to defend from all other persons laying clayme to the same. Dated this seventeenth day of June, 1659.\*

The marke of  COGINAQUON.

Sealed and delivered in the presence of  
AWASHONSE, Indian ——— his marke.

JAMES SMITH.

REUBEN R. WILLIS, Interpreter, his marke.

JAMES SMITH.

---

\* From the manuscript collection of John Carter Brown, Esq., copied from the original in the State Paper office, London, Vol. i. No. 16.

*Deed of Mortgage from the Four Sachems of the Narragansetts to Humphrey Atherton, and his associates.* 1661.

Know all men by these presents, that wee, Suckquansh, Ninegrat, Scuttup and Wegnakaunut, alias Gideon, Chiefe Sachems of the Narragansetts, in behalfe of ourselves and the rest of our associates, do hereby fully and absolutely, give, grant and make unto Major Humphrey Atherton and the rest of his associates and their heires and assignes for ever, all the landes in our Country, commonly known and called by the names of Narragansett country and Cowesett country, excepting those lands formerly granted within the said country, and are already publickly knowne to be alienated by us, and do hereby engage ourselves, heires and successors never to alienate, sell, give or make over any part of the said lands to any person or persons whatsoever, but owne the said lands to the proper inheritance of Major Atherton and his associates, their heirs and assigns for ever, upon condition, the said Major Atherton and the rest of his associates shall clearely absolutely acquit and discharge us from an ingagement made by us to the Commissioners of the United Collonyes for six hundred fathom of merchantable wampumpeage, to be paid by us with the charges arising thereupon within four moneths after the date of a certaine writing given Capt. George Denison and Thomas Stanton in the behalfe of the said Commissioners; alwayes provided, that if within six moneths after the date of this writting, wee shall well and truly pay to the said Major Atherton and his associates the full quantity of the said six hundred fathom of good well seized merchantable wampumpeage, together with what more is due for charges, then this writting to be void and of none effect; furthermore, we engage ourselves, heires and successors, that neither wee nor any of our neighbours or assistants, shall at any time hereafter, sell, give or dispose of any landes to any person or persons whatsoever, saveing to Major Atherton and his associates, or their heires and assignes; and if wee or any of our successors or associates shall, at any time after this date, sell, give or dispose of any land within our countryes to any person or persons whatsoever saveing to Major Atherton and his associates; or their heires and assignes, such sale, gift or disposeall to be voyd. And do hereby acknowledge all our lands to be forfeited to the said Major Atherton and his associates, and to be by this writting firmly made over, given and granted to the said Major Atherton and his associates, their heires and assignes forever; and do hereby promise and binde ourselves, our heires and successors, to defend the same from any claime, title or interest of any other whatsoever, from the day of these presents.\*


In witness whereof, we have hereunto put our markes and seales this thirteenth day of October, one thousand six hundred and sixty.

|                                                                      |                                                                       |
|----------------------------------------------------------------------|-----------------------------------------------------------------------|
| Signed, sealed and delivered in the presence of those witnesses, and | SUCKUANSH, his .)—<br>marke and seale ○.<br>NINEGRAT, his 7 and seal. |
|----------------------------------------------------------------------|-----------------------------------------------------------------------|

\* Mr. Brown's Collection of Rhode Island Documents, Vol. i. No. 19.

1661. sealed and set the marke  
 to for WEQUAKAMITT, by  
 order from him as all the  
 Sachems affirme.

SCUTTUP } his marke and seale.

SCUTTUP also made  the marke  
 and seale ( ) in behalfe of his brother  
 WIQUANKAMITT, by his order.

POWATUCK + his marke }  
 JOHN O his marke, } Witnesses.  
 Indian interpreter.

VALENTINE WHITMAN, } English witnesses  
 REUBEN WILLIS R. his marke. } and interpreters.

*Letter from Charles the Second to the Collonies.*

CHARLES R.

Trusty and well beloved :

Wee greet you well. Whereas wee have bin given to understand, that our good subjects, Tho: Chiffinch, Jno: Scott, John Winthrop, Daniell Denison, Lyman Bradstreete, Tho: Willet, Rich'd Smith, Edw. Hutchinson, Amos Richeson, Jno: Alcock, Wm. Hudson, and their associates, having in the right of Major Atherton a just propriety in the Narroganset Country in New England, by grants from the native Princes of that Country, and being desirous to improve it in an English Collony and Plantation, to the enlarging of our empire, and the common good of our subjects, they are yet dayly disturbed and injustly molested in their possession and laudable indeavors by certaine unreasonable and turbulent sperits of Providence Collony of New England aforesaid, to the great scandal of Justice and Government, and the emenent discouragement of that hopeful plantation, wee have therefore thought fitt hereby effectually to recommend the Proprietors to your neighbourly kindness and protection, the proprietors to be permitted peasably to improve their Colony and Plantation in New England, willing you to bee on all occasions assisting to them against such unjust oppressions and molestations, that soe they may be secured in the full and peacable injoyment of their said Country, according to the right and title they have to it whearein we will not dought of your readyness and care, and shall on all good occasions express how gratusly we accept of your compliance with this our recommendation, and so we bid you farewell.

Given at our Court at Whitehall, the 21st day of June, in the fifteenth year of our Raigne.\*

By his Majestys Command,  
 HENRY BENNET.

This is a true copie, compared with its originall, soe signed and su-

\* Mr. Brown's Collection of Rhode Island Documents, Vol. i. No. 26.

perscribed: To our trusty and well beloved subjects, the Governors and 1661.  
Assistants of the Massachusetts.

Plymouth, New Haven and Connecticut Colonies, in New England,  
as attests.

EDW: RAWSON,  
Sec. of the Massachusetts.

---

*The Generall Court of Election held at Warwick, May the  
22d, 1662, being the second Tuesday after the sixteenth  
of May.*

Mr. Benedict Arnold, chosen Moderator for the Court  
of election.

Mr. Benedict Arnold, chosen President ; Mr. William  
Brenton next.

Mr. William Feild, Assistant for Providence ; Mr.  
Thomas Olney next.

Mr. William Baulston, Assistant for Portsmouth ; Mr.  
John Sanford next.

Mr. Richard Tew, Assistant for Newport ; Mr. William  
Jeffrey next.

Mr. John Greene, Assistant for Warwicke ; Mr. Ran-  
dall Holden next.

Joseph Torrey, Generall Recorder ; Mr. John Sanford  
next.

Mr. James Rogers, Generall Sarjent ; Richard Knight  
next.

Mr. John Easton, Generall Attorney ; Captayne John  
Cranston next.

Mr. John Sanford, Generall Treasurer.

Richard Bulgar, Solicitor.

1662.

*The Generall Court of Commissioners for the Collony, held  
at Warwicke, May 22d, 1662.*

COMMISSIONERS FOR  
PROVIDENCE.

Mr. William Feild,  
Mr. Arthur Fenner,  
Mr. Thomas Olneye,  
Mr. Thomas Harris, Sen'r,  
Mr. William Harris,  
Mr. William Carpenter.

COMMISSIONERS FOR  
PORTSMOUTH.

Mr. Peter Tallman,  
Mr. William Baulston,  
Mr. John Sanford,  
Mr. Robert Hazard,  
Mr. Francis Brayton,  
Mr. Thomas Greene.

COMMISSIONERS FOR  
NEWPORT.

Mr. Benedict Arnold,  
Mr. William Dyre,  
Mr. John Gould,  
Mr. John Crandall,  
Mr. William Weeden,  
Joseph Torrey.

COMMISSIONERS FOR  
WARWICKE.

Mr. John Smith,  
Mr. John Greene,  
Mr. John Weeckes,  
Mr. Samuel Gorton,  
Mr. Randall Holden,  
Mr. James Greene.

Mr. Benedict Arnold, chosen Moderator.

Letter from  
Massachu-  
setts.

Voted, that the letter that are sent from the Mathatusitts vnto this Collony, shall be read.

Committee  
to reply to  
letter from  
Massachu-  
setts.

Ordered, that a committee shall be chosen to draw up an answer to the letter sent from the Mathatusitts to this Collony, which is three of each towne ; for the Towne of Providence, Mr. Thomas Olneye, Mr. Arthur Fenner and Mr. William Feild ; for Portsmouth, Mr. William Baulston, Mr. John Sanford and Mr. Peter Tallman ; for Newport, the President, Mr. William Dyre and Joseph Torrey ; for Warwicke, Mr. John Greene, Mr. John Weeckes and Mr. John Smith.

1661.

*Letter to Massachusetts about the jurisdiction of the Pequot  
and Narragansett country.*

To Mr. Edward Rawson, Secretary, to bee presented and communicated to the much honored John Endicott, Esq., Governor, &c., to the Generall Court of Deputies for the Massachusetts Collony, these :

Honored Gentlemen :

Yours of the eighth instant, per Captain William Hudson, wee have received, in the which we perceive your frame of spiritt much disturbed and full of anymosity against us, which we conclude doth chiefly proceed through misinformation and misapprehension touching y<sup>e</sup> grounds and reasons of proceedings ; the which being truly understood by you would persuade you to a more charitable construction of our transactions ; and to that end we heartily desire you may by these few lines be so clearly informed, as to be convinced of y<sup>e</sup> justice and necessity of our resolution to preserve and defend the privileges of our Colony.

And gentlemen, whereas you complaine of the unjust molestation and intrusion of some of ours upon your rights in the Pequot and Narragansett country. Wee do assure you, that as yett we cannot find that any of ours have made any particular clayme to any part of the Pequott country ; we being clearly informed that y<sup>e</sup> furthest southw<sup>est</sup>ward that any of ours have yett in particular purchased and possessed is to the eastward of Pawcatuck River, and was never accompted the Pequott country or any part thereof. However, we must own that our Charter gives us power of jurisdiction to the Pequott country. And further, we pray you to understand that those of ours who have begun to improve y<sup>e</sup> lands on this side of Pawcatuck River aforementioned, have y<sup>e</sup> aprobation of y<sup>e</sup> Court so to doe ; only and always provided they have made fayre and honest lawfull purchase from the native owners thereof ;

Letter to  
Massachu-  
setts about  
the Narra-  
gansett  
country.

1662. which if otherwise, they have intruded on their rights, the agreaved party expect relief in our Courts of Justice upon complaynte. And we cannot blame these two neighbours of ours, viz.: Tobias Saunders and Robert Burdett (whom you have imprisoned), for not producing their deeds and others, for possessing the lands within this jurisdiction ; as in order to plea before any court in this country, saveing unto our courts of judicature, to which they are also bound in faythfulness of their allegiance to his majesty of England, his crown and dignity, to be responsible in these occasions.

Neither have they as you conceive acted against reason, righteousness, former grants, &c.; for as much as former grants doth warrant our purchasing and planting within this jurisdiction, by virtue whereof we have for above eighteen years past had quiet possession of the Narragansett Bay and country, and cannot but admire y<sup>e</sup> reason of your so late clayme to our so undoubted rights of jurisdiction and plantations. Especially considering that you have by a more particular and especiall instrument from your Lords Commissioners for Foreign Plantations under his Majesty, our Sovereign Lord the King, been absolutely prohibited from entering upon any part of this jurisdiction by our charter given us, and have so playnly forbidden therein. Only we have such an expression on our minds of your honourable conclusions, that we very much question whether or no you have had the perusall of the sayd prohibition, which was delivered unto your honourable Governor about sixteen years ago, and may happily either be lost, or in some custody so obscure, as that you have not had the least hint thereof. And therefore, worthy gentlemen, we have for your cleere information, herewith sent you a copy of the sayd prohibition, not doubting but that upon your knowledge thereof, you will, in all ready compliance thereunto, take care that by any countenance of yours, we shall be no further agrieved by any who would in that kinde intrude upon our lands and priviledg-



es ; and furthermore, we are fully persuaded that you will 1662.  
also be fully convinced that we, as becometh your fellow subjects, dare not decline the preservation of his Majesty's peace, and render him the rights and priviledges of his loyall subjects in this colony, with which we are so much betruſted, until the further expreſs order from his Maſteſty, to whom we declare ourſelves in true allegiance bound to all ready and faythfull obedience ; and from whom, upon the certayne knowledge of his royall juſtice we humbly expect protection and reliefe, the conſideration whereof has cauſed us, as is our bounden duty, to make our humble addreſſes unto his Maſteſty for his favourable continuance in our juſt defence. And therefore, whereas you hint that upon the knowledge of our reſolution to perſiſt in the not calling off our inhabitants from Pattuckomſcutt, or other parts of our charter's limitts before the laſt of June next, you reſolve to ſecure our duty in obedience to that truſt under his Maſteſty, our ſoveraign Lord the King, to us committed for the conſerveing his Maſteſty's peace, and his ſubjects juſt rights within this collony, to adventure perſons and eſtates. We have no cauſe to ſuſpect but that both our perſons and eſtates may be as ſecure within your juuriſdiction as in any other parts of his Maſteſties forraigne plantations, as believing juſtice and righteousneſſe will be ſo much before your eyes, not to deſire, much leſſe to take away any of his Maſteſties ſubjects rights or proprieties to you not per-tayning. And now reſpecting the bonds of civility, we cannot conclude without one word of ſatisfactory account concerning the premiſes, either that from the other Commiſſioners of the other Collony, or thoſe from your honoured Court, Councill or magiſtrates, to which you declare noe particular answer, as heretofore hath been by us returned, as you expected we ſhould have done ; ſee it was that all thoſe letters coming in the interval of Courts, and none here being ſoe fully cappacitated with the Collony's minde and authority, as to returne their au-

1662. thenticke results untill y<sup>e</sup> Generall Court of Election and Commissioners now by order mett; nor without much trouble, could in the interim call an espetiall court, hath been one reason why noe sooner a returne hath been emitted to your view. And yet also, whereas by your magistrate's letters dated at Boston, by the Secretary, the 25th of October, 1661, they desired us to forbid the proceeds of our neighbours about the lands neare Pequitt, aforementioned, and in case they would not obey our commands therein, that then your Magistrates should themselves be excused in case they proceeded against them. Wee find by comparing the date of the warrant (by which they fetcht our sayd neighbours to prison), together with the aforesayd letter, that at the same instant the letter was written to us, the warrant was, by them, alsoe given out; and we heard of the execution thereof before the sayd letter came to our President's hands, which was in a few days after it was written, by which your magistrates anticipated the consideration of their own demands, if we had otherwise been cappacitated to have any way accommodated them thêrein, which sayd proceeding we have very much reason to resent, as being not advised of the grounds thereof, whereby wee should be induced to approve it.

And now, much honoured and beloved gentlemen, and worthy friends and countrymen, let us only add this one word for a conclusion, to avoid the prolixity of multiplying many other expressions unto you, wee doubt not but that upon the perusal of the enclosed and these present lynes upon the consideration of the present season wherein both your honoured selves and us, may reasonably expect a very speedy returne from his Majesty, intimating his royall will and pleasure in reference to both your own and our humble addresses formerly made and presented as touching our mutuall comfort and well being here, in these remote parts, under his gracious government and protection, will effectually persuade with you that this is

\* not a time for you to bee soe earnestly pressing upon us 1662.  
 to decline that charge in any measure, which, as you may  
 clearly see, is comited unto us ; but in all loveing and  
 peaceable manner to attend the former, and to expect the  
 future pleasure of his Majesty in these affayres, not per-  
 sisting any further to grieve us by force used against us,  
 or any of ours within the bounds of our charter, without  
 express order from his Majesty, at whose gracious dispose  
 wee are all humbly devoted. And soe in expectation  
 (Honored Gentlemen), of your courteous reception of, and  
 and loveing answer unto these few lines now by these  
 friends therooft, Mr. John Greene and Mr. John Sanford,  
 wee rest.\*

Your very loveing and respected  
 friends and neighbours.

JOSEPH TORREY,  
 Generall Recorder ; in the name  
 and by order of the Generall  
 Court of the Collony of Provi-  
 dence Plantations.

Dated May 22, 1662.

There being two bills presented, there is a second com-  
 mittee chosen to consider and draw vp their thoughts on  
 them, which is : for Providence, Mr. William Carpenter  
 and Mr. Thomas Harris ; for Portsmouth, Mr. Robert  
 Hazard and Francis Brayton ; for Newport, Mr. John  
 Gould and John Crandall ; for Warwicke, Mr. Randall  
 Holden and Mr. James Greene.

Second  
 Committee.


Voted, that the President be desired to read the letter  
 that is drawne up for the Mathatusitts Court.

Ordered, that two men be sent with our letter to the  
 Massatusitts, and to reson with them as they see cause  
 according to their instruction.

Messengers  
 sent to Mas-  
 sachusetts.

---

\* From the Massachusetts State Paper Office.

1662. The messengers chosen to be sent to the Bay, are first,  Mr. John Greene ; the second, Mr. John Sanford.

President's  
letter read.

Ordered, that the letter that hath bin drawne vp by the President and read, be sent to the Court of the Massachusetts.

Mr. Arnold's  
advance to  
the messen-  
gers.

Vpon the consideration of the messengers (to wit), Mr. John Greene and Mr. John Sanford, that are by the authority of this Court sent vnto Boston vpon the Collony's account, the Court doe order that what monyes they shall expend upon the jornie, they shall charge upon the public treasury. And forasmuch as it doth apeare in Court that Mr. Arnold hath given a bill of fortye shillings in silver to suplie the aforesaid messengers, it is ordered, that Mr. Arnold shall agayne be payd out of the generall treasury.

Vpon the motion presented concerninge jury men, or acceptions against them ; it is ordered, that no jurymen that are chosen by the townes to atend the Collony Courts of Tryalles, shall be accepted against for that reson, only because hee or they have formerly served as jurymen on that cause before.

Vpon the consideration that peage is fallen to so loe a ratte, and it cannot but bee judged that it is but a commodity, and that it is vnreasonable that it should be forced vpon any man ; it is therefore ordered, that henceforth from the time that this order shall stand and bee in force according to order, that all fines, rates, fees, damadges and cost of court in all actions, shall bee accounted and payd in current pay, according to marchant's pay ; or as pay doth passe betwixt man and man at money price ; and this law to stand in force, any former law to the contrary notwithstanding.

Whereas, ther are granted leave to severall of his Majesties subjects, being neighbours, members and inhabitants of this jurisdiction, to purchase and plant at any remote parts in this jurisdiction, as Misco-macott, Petacom-scott, &c.; the Court doe hereby owne and declare, that it is the President's, or any Generall Assistant's power

and duty, at any time as occasion requireth, to constitute 1662.  
 a constable or constables of those sayd inhabitants, to  
 keape the king's peace theare, and to aprehend offenders,  
 or doe any other thinge proper to the constable's office,  
 and to bringe offenders to the most convenient or nearest  
 place wheare President or Generall Assistant resideth, to  
 be examined and proceedeth with legally.

The Court havinge taken into serious consideration the  
 manyfold vexations and contest that doe evidently present  
 themselves in all likelyhood of reason to arise betwixt al-  
 most all the people within this jurisdiction concerninge ti-  
 tles of lands, the which doth in too great a mesuer alre-  
 dy breake forth by vnreasonable claimes of some, who have-  
 inge either themselves or predesessors sold or exchanged  
 lands, either lately or for many years since, and the  
 now possessors of such landes, they or their pre-  
 decessours neglected to take sufficient deeds, or any  
 thinge at all in writinge to shew to posterity how those  
 lands came into their possessiones, the first owners or  
 their successours either out of simplicity or ignorance of  
 their predecessor's acts touchinge the disposall of the  
 land, or out of a covetous desier to defraud those who are  
 in possession of lands lawfully bought, for which they have  
 no deeds to shew, or any memorandum in writtinge there  
 for ; altho the desier of such unreasonable persons are con-  
 demned in ther own conscience, as knowinge they have  
 sould, exchanged or otherwise passed away the sayd  
 landes, yett cease not to lay claime thereto, and yett re-  
 fuse and neglect any lawfull progresse of compromise or  
 law to try and cleare the title, awayting for advantages  
 untill paseges are out of mind, or witnesses gone, where-  
 by they may have opertunity to efect theyr wicked de-  
 signes, to the great damadge of such as have been at  
 great charges since they have had such lands in posses-  
 sion, in buildinge, plantinge, and otherwise improveinge  
 the same, that the landes, with such improvements may

Three years  
 given for  
 any to shew  
 a title of  
 land.

1662. be some above an hundred times more worth than at first, and yett are lyable to be wrested from them or ther posterity ; some haveing frequently thretened that tho themselves will not sue for such lands, as they know are not theirs, but are the possessors rights, yett they will leave it a charge to their children or posterity to wrangle and contend for the same, the inconveniences whereof will, without all question, prove most cruell and without end, except some speedye course bee yett taken to prevent the same, and to settle such afares by an act of the Collony. And vpon the full and reall sense thereof, the Court hath enacted and doth hereby enacte, that what person soever livinge and beinge within this Collony, at the time of the publication of this law, having a desier or layeth claime to any land or lands, howse or howses, and such other possessiones as are in the possession of any other person or persons whatsoever, within this Collony ; the said person desieringe, claiminge or pretendinge to dispossese the possessour thereof, shall, before the last of June in the year 1663, have his or their recourse to a due course of law for triall of the title of all such possessiones, and folloe it in a due progresse of law vntill a judgment of Court passe thereupon. And if noe such due course by such pretendere be as aforesayd in the foresayd space of time taken to clear the title, then the present possessour shall have [these] lands and such aforesaid possessiones recorded in either the towne or generall records, them, ther heires, etc., to enjoy as their owne for ever. And no such pretendinge person shall have any wager against them for the same afterward, if hee or they neglect to sue within the time prefixed ; and as for such as may be out of the collony at the time of the publication thearof, and layeth claime as aforesayd, if he or they be in any of the collonies about us, or within two hundred miles of this Collony, he or they are alowed one whole yeares time longer and noe more, to begin a due course of law as aforesayd, to cleare

Persons  
claiming  
lands may  
sue for pos-  
session.

If claimants  
are absent  
from the  
colony.



the tittle, which neglecting, then the possessour shall be 1662.  
 secured in said possession as aforesaid; and for such as are beyond the seas, either in Barbados, England, or such remote parts at the time of publication hearof, and hath a desier or claime to any such possession in other custodie as aforesayd in this Collony, he or they soe absent, shall have two whole yeares space longer, and noe more than [the] first sort aforesayd, to begin a due progresse at law to cleare the title. But neglecting in that space of time soe to doe, hee or they shall never after molest the possessours in such ther now present possestions, but the said present possessours shall be secured by the record as is above prescribed.

The forme of which record shall be as followeth.

Whereas A—— B——, standeth possessed of such or such land or lands, howse or howses, within this Collony, in this towne, &c.; and that his deedes or writtinges are lost . . . or that they never had any; or if they have any, for want of care have not been made licke according to law; yett being and standinge possessed thereof at the publication of the aforesayd law, they are hearby declared his or ther true and vndoubted possession for him or he, his or thear heiaries, &c., for ever.

Forme of recording  
 lands soe enjoyed as  
 aforesayd.

And yett it is hearby to be vnderstood that such as are in possession of any such possestions as lands, howses, orchardes and tenements as tenants to other the owners, either by lease or otherwise, may not hearby bee vnderstood to have power to keepe out ther landlords out of ther sayd possestiones when the time agreed vpon betwixt them or ther predecessors shall be expired; as also any Indian sachem or other Indians as have sold ther lands to English men of this collony; and yett as is ther usuall manner deny the sale and keepe the lands in possession, and by reason of ther potency, faction, conjunction with some others cannot be without great inconveniences brought to a so speedye course of tryall as before pre-



1662. scribed ; therefore the Indians [shall] claime no priviledge  
 ~~~~~ by this acte in that case, but shall be able at any time  
 hereafter, in such matters to be proceeded with in course
 of law at convenient season, when ther may be a more
 cleare power to cause ther due obedience to law and
 [right]. And moreover, whereas men of other collonyes,
 and such as joyne with them therein in any part of this
 Collony without due admition into and leave of the Collo-
 ny, to purchas land of the Indians within this jurisdiction,
 have or shall force in amonge vs or vpon any lands in the
 Collony by pretence of purchase or gift from Indiansss,
 although the sayd Indiansss or other Indiansss, true owners
 of the sayd land have formerly given or sold the sayd
 lands to members of this Collony ; but by potent and vio-
 lent menes, the sayd foreyners intrude vpon and possese
 the sayd, or any of such sayd lands by pretence as afore-
 sayd from Indian title, which, by reson of ther present
 abettours from other Collonyes cannot within the foresayd
 terme of time be compelled to a legall atention to a due
 course of law ; the sayd forreyners, intruders and ther
 associates, though alredy possessed therof, shall have no
 priveledges by the former act, but are liable to answer the
 triall of title, when the perticeler parson, towne or townes
 of the Collony agreaved shall see conveniante opertunity
 to sue for ther rights against them, and when the Collony
 be in a full capacity to relieve the opresed against such
 intruders. And forder, it is hearby enacted, that if any
 mortguages of lands be alredy made, and by neglect or oth-
 erwise not yett forfeited, that then the same time be time
 allowed for prosecution of a mortguage after it is forfeited
 before the land be recorded to the present possessour, as
 is in order prescribed to others abovesaid from the time of
 this Court ; that is, thirteene mounth for such as are in
 the collony, and two yeares and a mounth for such as are
 within two hundred miles of the collony ; and three
 yeares and a mounth for such as are in England, or such

Case of
 mortgaged
 lands.

Time before
 forfeited.

remote parts beyond the seas ; meaning from the date of 1662. the forfituer of such mortgages ; and this act to stand in full force, any other law or lawes, clawse or clawses in any other law to the contrary notwithstanding.

Vpon the consideration of the occations that may be presented or occasioned by the returne of our messengers that are sent to the Mathatusetts ; it is ordered, that this Court be adjourned vntill the last of June, vnlesse the President and majour parte of the Assistants see cause to call it rather, and if ther should be ocation, they have power to call it at anytime before ; and if ther be not, between this and the time prefixed, no letter from the President goes forth, it is afterwards left to the Generall Counsell, according to ther discreession, as they see cause.

Relative to
the messen-
gers from
Massachu-
setts.

Whereas, divers inconveniencyes hath fallen out in this collany by reson of the ambiguity of some lawes concerning demures, it is thought fitt, and by the authority of this Court ordered, that from henceforth noe playntiffe shall be admitted a demurr ; but if a playntiffe commence his action against the defendant and doth not make his due preparations for tryall according to the date of the writt, and hath a mind to withdraw his sute, he shall then give notice into the recorder's office at least tenn dayes before the Court, and so is none-suttet for that Court to which the writt beares date, and shall pay cost to the defendant for any thing that is properly due at the withdrawinge ; alsoe it is ordered by this present Court, that a sutte being commenced in the office, if the defendant have a minde to demurr that Court, hee or his Atorney, shall, eight dayes before the Court enter his demurr in the Recorder's office, that soe the playntiffe or his Atorney may take cognizance therof ; and if hee neglect soe to doe, then tryall shall proceed without delay ; this law to stand in force, any other law to the contrary notwithstanding.

The law for
demurrers
or withdraw-
ing actions.

Ordered, that the Recorder shall have fiteene shillings of each towne for each copie of this Court orders.

1662.



The Court of Commissioners that was adjourned May the 25th, being called agayne, setts June the 17th, 1662.

COMMISSIONERS FOR
PROVIDENCE.

Mr. William Feild,
Mr. Thomas Olneye,
Mr. Arthur Fenner,
Mr. Thomas Harris,
Mr. William Harris,
Mr. William Carpenter.

COMMISSIONERS FOR
PORTSMOUTH.

Mr. William Baulston,
Mr. John Sanford,
Mr. Robert Hazard,
Mr. John Bridges,
Mr. John Tripp,
Mr. Thomas Greene.

COMMISSIONERS FOR
NEWPORT.

Mr. William Brenton,
Mr. Benedict Arnold,
Mr. William Dyer,
Mr. John Crandall,
Mr. William Weeden,
Joseph Torrey.

COMMISSIONERS FOR
WARWICK.

Mr. John Smith,
Mr. John Greene,
Mr. John Weecks,
Mr. Samuel Gorton,
Mr. Randall Holden,
Mr. James Greene.

The President chosen Moderator.

Ordered, that Mr. John Clarke's letter sent to Mr. Brenton shall be read.

Ordered, that the first thing that shall be pitched on and agatated shall be how to rayse suplies for Mr. John Clarke.

Ordered, that whereas ther was fortye odd pound sent to Mr. John Clarke our agent in England, it is now ordered, that one hundred pound starling more be sent him vnto England, and to that end it is thought fitt that two hundred pounds be raysed in silver pay to accomplish it.

A hundred
pound ster-
ling to be
raised for
John
Clarke.

Ordered, that these moneyes shall be rayised by rate. 1662.

There beinge a former order for the contributinge to Mr. John Clarke, which was divided to the fowre townes according to their proportion, it is now ordered, that eighty eight pounds be added to that [which] is thus ordered ; [of which] Newport is to pay one hundred twenty nine poundes ; Providence, fiftye five pound, ten shillings ; Portsmouth, fiftye five pound, ten shillings ; and Warwick fortye eight pound ; and wheras ther are severall that have alredy payd toward it ; it is ordered, that all such sumes shall be offsett vpon all such person's accounts.

Ordered, that the Generall Sargent be deputed, or his debete [deputy], and authorized to destrayne on all such mens' goods as refuse to pay the rate throughout the hole Collony, and that he shall have five shillings vpon the pound for every pound that hee shall take by distraynt, which he shall take over and above each man's rate ; only each towne shall have ther liberty in ther own way to gyt in such rates in ther towne by ther own authority, either by distraynt done by ther officers or otherwise, provided the sayd be payd and broght in to those that are to receive the same at or before the time by the Court apoynted ; which sayd rate is to be payd in beefe, porke, pease, and wheat, at such prices as it then goeth to the merchants as moneye pay ; and if any then see cause to pay monye, hee shall have liberty to redeem forty shillings of his other rate, by thirtie shillings of New England coyne, or by two and twentie [shillings] and six pence, old England coyne ; and soe in proportion for bigger or lesser sumes. And in case the townes neglecte to gather in and pay the rate before the tenth of December next, then the Generall Sargent shall destrayne as above, and a coppie of this order vnder the Recorder's hand shall be his sufficient authority soe to doe, and hee to pay the same monyes to those it belongs unto.

Each
towne's pro-
portion.

The Gener-
all Sargent
may dis-
trayn for
the rate.

Beef, porke
and pease
may be re-
ceived.

An engagement by eyght of the men of Warwicke that

1662. they will vndertake to cleare what is ther proportion, and to send it for England ; the names of the men are : Mr. John Smith, Mr. John Greene, Mr. John Weekes, Mr. Samuel Gorton, Mr. Randall Holden, Mr. James Greene, Mr. Walter Todd, and Mr. Thomas Greene.

Engage-
ments of cer-
tain of the
Commis-
sioners.

The rate due
from Provi-
dence
pledged to
be paid.

The second ingagement for the towne of Providence, that eight of them doe ingage to pay in to whome the Court shall apoynt, what is to be payd by the towne of Providence. The names of the men are : Mr. William Feild, Mr. Thomas Olneye, Mr. Arthur Fenner, Mr. William Harris, Mr. Thomas Harris, Mr. William Carpenter, Mr. Zachery Roades, and Mr. Stephen Arnold.

Engage-
ment on the
part of
Newport.

The third ingagement by the Towne of Newport, that they will see sent what is vnpaid of what is levied in ther towne, and to send it to Mr. John Clarke, according to order. The names of the men are : Mr. William Brenton, Mr. Benedict Arnold, Mr. William Dyer, Mr. John Crandall, Mr. William Weeden, and Joseph Torrey.

Engage-
ment on the
part of
Portsmouth.

For Portsmouth, are ingaged : Mr. William Baulston, Mr. John Sanford, Mr. John Bridges, Mr. John Tripp, and Mr. Robert Hazard, who ingageth to see sent the remaynder of ther proportion to Mr. John Clarke, which is yett vnpayd : and further it is ordered, to acquaint the severall Townes that forasmuch as wee have received a letter from Mr. John Clarke, our agent in England, wherein he declareth that our affayres are in a forward way to be efected theare to the great comfort of the Colony, and that monyes only are wanting to mannadge the matter, for the suply whereof the abovesayd rate is ordered : but seeing that particular parsones cannot pay the rate vntill corne be ripe and marchantable, and cattel be fitt to kill, and that ther is a necessity in the mene time to send the supplyes to Mr. Clarke, for that the rate cannot be gathered time enough, therefore the parsons commissioned in each towne above named saw a necessity for the honer, safety and ease of the Collony, to engage for the present supply and to stay for the same vntill the rate

be gathered, which is to be done before the tenth of December next. But for the aforesayd present supply, the abovesayd parsons doe ingage in case they send returnes by Barbadoes in horsses and the like, that they will agree w^{it} some or other, provided it bee vpon the vsuall termes as is vsed for the transportation of such goods, by the first vessell that sayles thither ; and soe to agree at or before the sixth day of July next if oportunity present ; as alsoe such as send bills or monye, engage to send the same by the first vessell that goes from the Bay or heare ; that is to say, within five weecks from after this Court be adjourned or dissolved, if any possibility so to doe may be found.

Forasmuch as the letter sent to the Massachusetts by this Court pr. Mr. Greene and Mr. Sanford, dated May 22, 1662, came too late to the Bay, seeing the Court was broke vp before it came, and soe it is not lycke to be perused and knowne to their Court and country for severall months to come, the consequence wherof will bee probably very offensive. In case that for want of information they should presse in vpon us in the meane time as they seeme to thretten, which wee hope they would not doe in case they weare informed of the grounds of our proceedings ; therefore, it is ordered by the Court, that free liberty is allowed to any freeman of the Collony, to send coppies of our sayd letter, and of the prohibition therein mentioned vnto any friends of theirs in the Massatusitts, and alsoe to use all other lawfull meanes by soe publishing the sayd letter, to declare the inocencie of our intentiones and proceedings ; and if it may bee to prevent the Massatusitts and our other freemen and countrymen about vs from running themselves into any conveniencye that may fall vpon them from the powers to which they and wee are responsible for ther doing wrong, though done for want of the true knowledge of the state of things.

Vpon a petition of Mr. Edmund Caverly, Thomas Ralph, William Burton, James Sweett, and John Sweett,

Letter to
Massachu-
setts too late
for the
Court.

Freemen
petition to
buy land.

1662. in behalfe of themselves and ten or twelve more of the free-
 ~~~~~ men of this Collony, as they expresse by word of mouth,  
 which petition was delivered or presented to this Court,  
 it bearing date June 17th, 1662, it concerning the pur-  
 chase of land, &c.; the Court doe grant free liberty and  
 leave to the petitioners and their sayd associates to make  
 purchase of the natives within this jurisdiction, and to buy  
 of them that are true owners, a tract of land lying to-  
 gether, and not exceeding fower thousand ackers; always  
 provided, it bee such land as is not already granted, or  
 annexed to any of the townshipes of the Collony by pur-  
 chase or other lawfull meanes, nor that it be land already  
 purchased and justly claimed by any other perticular per-  
 sons, freemen of the Collony or ther successors.

Permitted  
to purchase  
land of the  
Indians

John  
Greene and  
others  
have leave  
to buy land.

Vpon petition of Mr. John Greene, Mr. James Greene,  
 Mr. Thomas Greene, with two others, ther associates, for  
 leave to purchase land; the Court doe graunt to them  
 leave to purchase fifteene hundred ackers according to the  
 former rule.

Francis Der-  
ber's case.

Vpon the petition of Francis Derber for to bee sett in  
 some way to recover his losses, by the Indians finge his  
 howse, the answer of the Court is, that they advise him  
 for his redresse to the law.

General At-  
torney.

Ordered, that in case Captayne Cranston refuse to take  
 his ingagement to the place of Generall Attorney, then  
 Captayne John Sanford is constituted to that place; and  
 that if it be left to the Generall Attorney to consider and  
 take especiall care of those prisoners that have made ther  
 escape, that whoever may be found defective may be pro-  
 ceeded against in his Majesty's name for the wronge the  
 Collony sustayned by such escapes.

In case pris-  
oners es-  
cape.

The Presi-  
dent to write  
to Mr.  
Clarke  
concerning  
the bounds  
of the Char-  
ter.

Ordered, that the President Mr. Brenton, Mr. Dyer,  
 Mr. John Sanford, and Joseph Torrey be desired to draw  
 vp a letter to Mr. John Clarke, of thankfullnes, and in-  
 formation conserninge the bounds of our Collony, and  
 conserning the severall letters and things that consernes  
 our business. And it is alsoe left to them, either to an-



swer letters that may come either from Boston, or Mr. 1662.  
 John Clarke, or else wheare, or to call a Court of Com-  
 missioners, as they see cause ; in which cause of callinge <sup>May call a Court.</sup>  
 Courts, Mr. Baulston and Mr. Tew are added.

Ordered, that a prohibition be sent vnder the recorders <sup>Daniel Hogones forbid to raise his house.</sup>  
 hand to forbid Captayne Daniell Hogones his proceeds in  
 raying his howse or other intrusions into the lands of  
 Masscomscott.

Ordered, that the last letter that came from the Massa- <sup>Letter from Massachu- setta</sup>  
 tusitts be sent to the severall Townes of the Collony.

Ordered, that the Recorder shall have twentie shillings  
 for each coppie of this present court orders.

FFINIS.

---

*Petition of John Clarke, Agent of the Colony of Rhode  
 Island, to the King.*

TO CHARLES THE SECOND :

By the wonderfull, provident and gracious disposing  
 hand of the most High, of England, Ireland and Scotland,  
 with the large dominions and territories thereunto be-  
 longing.

High and Mighty King :

The Humble peticion and representation of John  
 Clarke, on the behalfe of the purchasers and free inhabit-  
 ants of Rhode Island, and of the Colony of Providence  
 Plantations in the Narragansetts Bay, in New England.

Most Humbly sheweth :

That your petitioners were necessitated long since for  
 cause of conscience, with respect to the worship and ser-  
 vice of God, to take up a resolution to quit their deare and  
 native country, and all their near and precious relations  
 and enjoyments therein, and to expose themselves and

1662. their families to all the hazards and inconveniences, which they might meete with upon the vast and swelling ocean over which they should pass, or in the barbarous and howling wilderness to which they might come. That being thus resolved, they were, by the greatly obliging clemency of your Royal father not only permitted to prosecute the resolution of theirs, but by singular favours and priviledges bestowed upon them encouraged yours in. That your petitioners being thus resolved and encouraged after a long encounter, with many perils of sea and robbers, were by the good hand of the Lord safely conducted unto, and caused to arrive in those parts of America, where for the aforesaid causes of conscience, and for peace sake, they were also necessitated to travaill further among the barbarians in places untroad and with no small hazard, to seeke out a place of habitation, where, according to what was propounded in your petitioners first adventure, they might with freedome of conscience worship the Lord their God, as they were persuaded.

That being in this wandering posture, in this vast and desolate wilderness, they were by the provident hand of the most High, guided to steere their course into the thickest of the most potent princes and people of all that country, whereby his wonderfull workeing power upon their hearts, as a signall token that the hearts of Princes and people are in his hands, to dispose of as he please. Your petitioners found them free to admiration, not only to part with the choicest partes of their territoryes, being no wayes inferiour, for commodious harbours in all respects unto any parts of that country, but also to quitt their native, ancient and very advantageous stations and dwellings thereon, to make roome for them.

That your petitioners having thus, by the good hand of the Lord, and countenance of their Prince, gone forth, found out, purchased, possesst and planted those parts of the world, in all desirable freedome and liberty in all respects, both among themselves (in giving to all in point of

freedome of conscience, what they desired for themselves) 1662. from all others, whether English or Indians, found themselves necessitated, at least for some time, for the preservation and accommodation for themselves and their families, to forbear to make application unto that soveraigne power, to which they adheered, and in lieu thereof (and grace to enter into an actuall agreement among themselves); and as the true natives of England (though so remote), and the loyall subjects thereof, for the present to regulate themselves by the lawes of that nation, so farr forth as the nature and constitution of the place and the professed cause of their conscience would permitt.

That your petitioners, as a further manifestation of their willing dependence upon, and loyalty unto the soveraigne power of these nations did about the year '42, with one consent, make their address by their Agent unto your Royall father, for his further and more particular countenance and incouragement therein; upon which address, in the yeare '43, there was granted unto your petitioners from the Commissioners impowered from both his houses of Parliament for the generall management of forreigne Plantations, a free and absolute charter of civill incorporation, whereby they were impowered to choose their own officers, and to make their own lawes only with this limitation, that they should be so neare the lawes of England, as the nature and the constitution of the place would admitt. That your petitioners having received the charter, forthwith grownded their government thereupon, and with excessive travail and charge compiled a brieve body of lawes, for the maintaining of civill society, and for the administration of judgment and justice amongst themselves, being drawn from and founded upon the lawes of England so neere, as the nature and constitution of the place, with the premised cause and state of their conscience would permit, and ordered that all writts, both originall and judiciall should proceed in his Majesties

1662. name, as the rest of the corporations in England were  
~~~~~wont to doe.

That your petitioners upon the first intelligence of the wonderful workinge hand of the most High, in makinge way to administration for your Majesties returne unto your Royall throne, did forthwith call a generall Court, and therein as a testimony of your ready and joyfull reception of you and of your petitioners faithfull allegiance and loyalty to you, did order of your petitioners owne accord and with joynt consent, that your Majestie should be forthwith proclaimed with as much solemnity as they could in all the Towns of that countrey. That all judicall proceedings and acts of power should issue forth in your Royall name, and that a commission and letter of credence should be sent unto your unworthy petitioners in order to make their humble addresse unto your Majesty.

Wherefore, O King ! seeing it hath pleased the most holy Majesty on high, the King of Kings, to remember you in your low and exiled state, with such wonderfull and obliging favour, whereby as it were, without hands, you have been restored to, and clothed with more excellent majesty and more absolute soveraigne power than your ancestors have attained unto, and seeing the state of the case with your poore petitioners is really such as hath been presented, we are humbly bold to congratulate your Majestie in this our addresse, humbly prostrating ourselves with our purchase and charter, being the titles we have to our lands and government at your Majestyes feet, humbly craveing we may find such grace in your sight, whereby under the wing of your Royall protection, we may not onely be sheltered, but caused to flourish in our civill and religious concernment in these remote parts of the world. So shall your servants take themselves greatly obliged while they are quietly permitted with freedom of conscience to worship the Lord their God, as they are persuaded to pray for the life of the King, even that he may live for ever and

ever, and to make it their study, which they may best approve themselves.* 1662.

Your Royall Majestys most humble, faithfull and obedient subjects.

JOHN CLARKE.

Second Address from Rhode Island to King Charles the Second.

TO CHARLES THE SECOND :

By the wonderfull, provident and gracious disposing of the Most High, of England, Scotland and Ireland, with the large dominions and territoryes thereto belonging.

High and Mighty King :

The humble petition and representation of John Clarke on the behalfe and in the name of the purchasers and free inhabitants of Rhode Island, and of the rest of the Colony of Providence Plantations, in the Narragansett Bay, in New England.

Most humbly sheweth :

That forasmuch as the state of the case with your poor petitioners is really such as hath been presented unto your Majesty in their former humble addresse, being hereunto annexed.

As also to the case and manner of their first going forth from Old England to New, and of their remove

* For this letter from John Clarke, and the one that follows, I am indebted to Mr. John Carter Brown, of Providence, who has kindly permitted copies to be made from a manuscript collection of original documents in his unrivalled library of American History. This collection, which embraces ten folio volumes, contains miscellaneous papers relating to New England, but chiefly to Rhode Island, copied for him from the originals in the State Paper Office, London. These letters, although without date, were evidently written about this period. The first is endorsed "The petition of John Clarke and others of Rhode Island." The other, "Second Address from Rhode Island to King Charles the Second."

1662. from the place where first they landed unto the place
~~~~~ where now they are pitched.

As to the wonderfull passages of the Providence of the most high (from whence the Plantations have taken their name), in guiding them thither and in makeing roome for them there, whereby they have purchased, possessed and planted these parts of the world in all desirable freedome and liberty, in all respects both among themselves and from all others, whether English or Indians.

As to their humble addresse unto your Royall father for his further and more particular countenance and incouragement of them in these their soe happy and soe successfull beginnings.

As to their obtaining a charter of civill incorporation, the grounding their government thereupon, and causing all the visible acts of power to issue forth in his Majesties name.

And lastly, as to their manner of the entertaining the first intelligence they had of your Majestys returne to your Royall throne, in causing a generall court to be forthwith called, and therein as a testimony of their ready and joyfull reception of you, and of their faithfull allegiance and loyalty to you, in that they did order of their owne accord, and with joynt consent, that your Majesty should be forthwith proclaimed with as much solemnity as they could, in all the Townes of their collony; and that all judicall proceedings and acts of power should issue forth in your Royall name.

Wherefore your petitioners humbly pray your Majestys favourable aspect towards them, who have still in their removes, and in the rest of their actings made it manifest, that they as the true natives of England, have firmly adhered in their allegience and loyalty to the sovereignty thereof, although by strangers, by many faire proffers againe and againe allured therefrom, and have it much on their hearts (if they may be permitted) to hold forth a lively experiment, that a flourishing civill State may

stand, yea, and best be maintained, and that among English spirits, with a full liberty in religious concernments, and that true pyety rightly grounded upon gospell principles will give the best and greatest security to true sovereignty, and will lay in the hearts of men the strongest obligations to truer loyalty ; to which end wee are humbly bold, Royall Sire, to present to your Majesty this our first and second addresse, and therewith humbly prostrate ourselves and your Royall subjects with our purchase and charter, being the titles wee have to our lands and our government, at your Majestys feete, hopefully craveing wee may find such grace in your sight, as to receive from your Majesty a more absolute, ample and free charter of civill incorporation, whereby under the wing of your Royall protection, we may not onely be sheltered, but (having the blessing of the most High superadded as from former experience, wee have good grounds to expect) may be caused to flourish in our civill and religious concernments in these remote parts of the world, so shall your servants take themselves greatly obliged, while they are quietly permitted with freedome of conscience to worship the Lord their God, as they are persuaded to pray for the life of the King, even that he may live for ever and ever, and to make it their study which way they may best approve themselves.

Your Royall Majestys  
most humble, faithfull and  
obedient subjects,  
JOHN CLARKE.



1662.

*A Generall Court of Commissioners held at Warwicke,  
October 28th, 1662.*

COMMISSIONERS FOR  
PROVIDENCE.

Mr. William Feild,  
Mr. William Carpenter,  
Mr. William Harris,  
Mr. Thomas Harris,  
Mr. Arthur Fenner,  
Mr. Zachary Roads.

COMMISSIONERS FOR  
NEWPORT.

Mr. Benedict Arnold,  
Mr. Richard Tew,  
Mr. John Gould,  
Mr. Caleb Carr,  
Mr. George Gardiner,  
Joseph Torrey.

PORTSMOUTH.

Mr. William Baulston,  
Mr. John Brydges,  
Mr. John Tripp,  
Mr. Samuel Wilbore,  
Mr. John Sanford,  
Mr. Thomas Brownell.

WARWICKE.

Mr. John Greene,  
Mr. John Smith,  
Mr. John Wickes,  
Mr. Samuel Gorton,  
Mr. Randall Holden,  
Mr. James Greene.

Mr. Benedict Arnold, President, chosen Moderator.

Ordered, that the letters that are come from Mr. John Clarke, both former and latter be read.

Letters from  
John Clarke.

Ordered, that the letter that is drawne vp and hath bene read by the President for the Secretary at Boston, by him to be communicated to the Governor and Counsell and Court of Debates, is aproved of, and to be sent to Mr. Rason, as abovesayd.

Letter to  
Massachu-  
setts.

*Letter to Massachusetts concerning the land in dispute at  
Pawcatuck.*

To the Worshipful and much honored Mr. Edward Rawson, Recorder of the Massachusetts, by him presently to

bee opened and read, and as soon as may bee after- 1662.  
wards, to be communicated to the Governour and  
Councilll, as also in time when a Generall Court sitts to  
be communicated to the Deputys, &c.; and alsoe in  
season to the commission of y<sup>e</sup> other Collonies.

Much Honored Gentlemen :

Wee having received and perused a letter from y<sup>e</sup> Commissioners of y<sup>e</sup> other Collonies, subscribed Daniel Denison, President, in which is declared that noe answer hath as yett bene returned, either unto the Commissioners, or to your severall letters to us sent, concerning the differences about the lands at Pawcatuck and other places (within this our collony), where some of our people have begun to plant. It is very strange unto us that such expressions should come from y<sup>e</sup> Honoured Commissioners, sitting at Boston, considering that there hath bene a very large declaration and answer sent and delivered unto your Secretary, Mr. Edward Rawson, for y<sup>e</sup> use and perusall of your Governour, and also of your Court of Deputies; which letter beareth date and was subscribed by order of our last Generall Court, at Warwick, May 22, 1662, and was sent by the hands of Mr. John Greene and Mr. John Sanford, who were, on purpose, desired to carry the same. And truely we cannot conceive how you could so much mistake us as not to understand our sense of your proceedings and our sufferings therein expressed, occasioned by your pressing into our jurisdiction. And yet, least by any accident you may have bene deprived the sight of that letter, here is enclosed a copy thereof, and again presented to your view. There being, we suppose by this time, a copy alsoe thereof and of your informer in England; in which, as you may see largely declared our sense of your strange carriages towards us, and unto which we refer you; and shall herein only add a word or two, as concerning the expressions of the aforesayd commissioners, in their foresayd letter touching our people's possessing of lands at Pawcatuck; not doubting but you

1662. are acquainted with, and did acquaint them with the reasons that gave them occasion of so complaining as they do against our people for injuries and wicked demeanours in mowing meadows, threatening to drive away cattle, profaning the sabbath, selling strong liquors to the Indians, as they (the sayd commissioners) are pleased to asperse the sayd inhabitants with. We must profess our ignorance of the particular persons that have so practised, but are informed that some of yours (as you seeme to clayme jurisdiction over there), have done such like things as aforesayd, which occasioned us two constables to keep the peace. But it is no new thing for you thus to accuse us, and in the mean time to act most unchristian like towards us, by threatening and contemning, upbrayding and injuring us. Not to mention other former passages, you have now taken and kept as prisoners two of our neighbours for the space of neare a yeare, haveing nothing against them, as we yett understand, but that they took possession of land which they and their associates clayme as purchased of the Indians within this our colony bounds, haveing leave from our Court to purchase such lands. In truth, wee cannot but admire at your strange dealing herein, and that you yett continue complayning against us, whilst some of your people most insolently, and with high hand against the express mind and law of this Colony proceed to encroach and take into their hands, the lands lying in the heart of this Collony, even lands that some of ours doe alsoe clayme by virtue of purchase, &c.; so that, in truth, there appeareth no reason but for those proceedings.

And gentlemen, forasmuch as you or the Commissioners now pretend authority by virtue of a Pattent, newly come over from England, granted to some gentlemen of Quonnecticut, to clayme the Narragansett country ;—for you suppose its taken for granted that this matter is cleered on your side ; wee are very well informed of the validity of the pretence, and doubt not but you are also, or will be

thoroughly sensible of the injurious proceedings of those 1662.  
 that procured the sayd Patent by a underhand dealing, and that y<sup>e</sup> power that granted it doth so resent it, and solves to do that which is right therein, being now fully informed of the sleights used by those that did purchase the same.

Soe, Honoured Gentlemen, hopeing you will see cause to free our neighbours, whom you have taken in our Collony and imprisoned; and that you will in your reason see it just to make reparation for the damages they have thereby sustayned, and will hereafter forbear to force in upon this jurisdiction, and noe more molest any of the members of this Collony on your foresayd pretences of jurisdiction here.

Wee do promise you that we will live by you in all loveing and quiet sort, not doubting but we shall be supported therein by the divine power, and in due season also, to be thereby enabled to perswade such as now intrude here upon us to decline their insolent proceedings. And wee withall doe declare that if any of ours at Pawcatuck or elsewhere in this Collony, have entered on the just rights and intrests of any (whom you call your subjects, either English or Indians) illegally; that upon complaint legally made unto our Courts of Justice, held in the name and by the authority of his Majesty in this Collony, they the sayd aggrieved partyes shall have redresse in all just and equall manner.\*

And soe most Honoured gentlemen, we take leave and rest, your very loveing friends and neighbours.

The Generall Court of the Collony of Providence Plantations. Signed in their name and by their order.

JOSEPH TORREY,

Generall Recorder.

Warwick, October 27, 1662.

---

\* From the files of the General Court of Massachusetts, in the collection of the R. I. Historical Society.

1662. Ordered, that there be one hundred and sixe pound rayzed to make good fiftye three pound more in England, to what is allredy agreed to be payed to Mr. John Clarke, in England which is thus divided: Forty seven pound, ten shillings to Newport; Providence, twenty pound, twelfe shillings; Portsmouth, twentye pound, twelfe shillings; Warwicke, seventeene pound, sixe shillings.

Orders about  
the rate to  
be raisd for  
John Clarke

Ordered, that the severall townes doe make good ther proportiones that are ordered for the severall townes to pay; and what towne or townes doe fall short, and neglecte to pay what is ther due, that towne or townes shall make good what damadge accrue thereupon.

Persons to  
price goods.

Ordered, that the President and Mr. Caleb Carr be aded to Mr. William Brenton to prize the goods that are to be sent from the severall townes to make good what is ingaged by our agent in England.

Prices to be  
sent to the  
towns.

Ordered, that the three men choosen, shall agree of the severall prices of the severall goods, and send them to the Assistant of each Towne.

Committee  
to write to  
Mr. Clarke.

Ordered, that the five men formerly chosen to writte to Mr. John Clarke, are agayne desired to writt to him on the Collonyes behalfe, they or the majour part of them.

Commis-  
sioners'  
Letter.

Ordered, that coppies be sent to Mr. John Clarke, of the letter that came from the commissioners of the United Collonyes, and the answer that is sent from this Court agayne.

Ordered, that the Recorder shall signe the letters that are to be sent to Mr. John Clarke.

Randall  
Howlson's  
bill.

Ordered, that Mr. Randall Howlson's bill be received into Court and referred to the next Court of Election.

William  
Harris vs.  
Wm. Barton.

Ordered, that the case betweene William Harris, in his indictment against William Barton, Richard Townsend, John Wickes, Jun'r, &c., for forceable entry; and vpon the want of the King's name in the indictment, judgment was suspended and referred to this Court; the Court refers the partyes agreeed to a dew course of law for right.

Whereas great inconvenyanceyes ensue by putting 1662.  
 titles of land, being actionall ; and forceable entry or de-  
 tayner being crimminall, all to one issue and tryall, as to  
 plead to the crimminall guilty or not guilty, and soe the  
 verdict come in accordingly, forasmuch as forceable entry  
 a man may make into lands, &c., although his own ; and  
 if found guilty of the facte, his title seemely disparaged  
 therby. Therefore, to avoyd the licke inconveniency. Be  
 it enacted, that if any parson hereafter indict any other  
 parson for forceable entry or forceable detayner, that the  
 party indicted haveing traversed his indictment, the party  
 indictinge or complayninge of the force, shall first declare  
 in the same Court and plead to his title, waveing the  
 force ; and the defendant shall make his defence, and the  
 case be soe put to the jury, waveing the force, till the  
 title be decided by verdict ; and the jury haveing found  
 for plaintiffe or defendant, judgment shall goe forth to put  
 him into his land by execution ; as also damedges may  
 and shall, at the same time be pleaded to, and the execu-  
 tion shall goe forth to take the same ; and as for a revue,  
 it shall be alowed on the actionall case aforesayd as in  
 other casses, and then the matter of facte or crime to be  
 pleaded to afterwarde in a time by itselke ; and the form-  
 er or other jury engaged after the party indicted hath had  
 his perremptory and other challenges, and the jury beinge  
 ingaged in the same or other court that the title is tried  
 in, they shall by verdict determine the party guilty or not  
 guilty of the force, according to evidence and the light of  
 their consciences.

Ordered, that the Recorder shall have five shillings  
 and eight pence of each towne for each coppie of this  
 Court orders.

The way of  
 proceeding  
 on forceable  
 entry.



1662.

*Documents relating to jurisdiction in the Narragansett country. At a meeting of the Commissioners for the United Colonies of New England, held at Boston, September 4, 1662.*

In answere to a petition of Thomas Minors, of Southerton, complaining of great abuses and Injuries which hee suffered by the Narragansett Indians, vnder the Sachem Shawattocke, by detaining Ryding, and concealing his horses; and putting him to verry great cost to recouer them; and abusing him and others that went to demaund them; for which satisfaction hath bin demaunded of the said Shawattock by Captaine Goken, by order of the Generall Cort of the Massachusetts: but instead thereof, the said Captain hath bin affronted and could obtaine nothinge but frivo-louse answares; whereupon, the said Captaine according to his order, Required the said Shawattock to appeer before the Comissioners at Boston, to answere the said miscarriages; and accordingly, an Indian named Itouse, appeered, sent by the said Sachem, made noe other answere, but that the said Shawattock knew noe Reason why hee should pay any thinge to Thomas Minor, seeing he had his mares again. The said Indian being demaunded what satisfaction hee would giue for the abuses offered to the said persons and others, by throwing stones and offering to strike with poles, and threatening to knoke them in the head, the said Indian made noe answere.

The Comissioners considering the premises, doe sentence the said Showattuck to pay the sume of twenty pounds, wherof fifteen to the said Minor, and fiue for the offence offered to the peace of the countrey; and in case of non paiement heerof within thirty dayes after demaund in a copy of this order, two of the said Sachems men to bee apprehended and sold to such person or persons as will pay the said sume of 20lb., who are Impowered to Transport them out of the Countrey, or other dispose of them as they shall see meet. Capt: Denison, and Thomas Stanton, and the Constables of Southerton, or either of them, are Impowered to execute this order; who are alsoe Impowered to Require and seize soe much more of the said Sachems Estate as may make meet satisfaction to themselves soe as noe vnnesesary disturbance or damage bee put vpon the Indians therby.

Seuerall Indian Testimonyes were presented to the Comissioners, witnessing the Injuriously dealing of Samuel Wilbore and others of Road Iland, in claiming and posessing of some tracts of land in the Narragansett Countrey, as alsoe deliuey and season of the said land made by some Narragansett Sachems to Captaine huchenson and Lieftenant hudson, for themselves and Companie, which Testimonies were distinctly Read, and Interpreted to the said Indians by John Stanton; and were



owned and accepted by the Indians therein Respectively named, the 1662.  
 originall wherof were left on file amongst the Records of the Comissioners  
 att Boston.

Captaine Gokens and others, complaining of the continewed Injuriose  
 dealing and proceedings of some of Road Island, which haue bin formerly  
 Represented to the Gouverment both by the Comissioners and the Massa-  
 chusetts Collonie, and that without effect, the Comissioners thought good  
 to send this following letter :

Gentlemen :

The last yeare from Plymouth wee represented to you the Complaints  
 of diuers English and Indians of the Injuries and Intrusions of some of  
 your people vpon the Right of the Massachusetts att Paucatucke, and  
 of some other particulare persons in other places, since which time wee  
 vnderstand that the Gouvernor of the Massachusetts, to which the said  
 Paucatucke doth belong, by letters from their Conncell and Generall  
 Court haue represented their sence of the acting of your people ;  
 haueing alsoe in prosecution of their Right, and for the protection of  
 those that are seated there by their order arrested and fined some of  
 yours ; forceable entery made vpon our posession ; concerning your  
 Gouverment hath not as yett either to vs or to the said Gouverment of the  
 Massachusetts declared their sence either owning or disowning it to be  
 an acte of your Gouverment. Onely Mr. Brinton in some letters hath  
 declared his particulare apprehension, yett notwithstanding wee are en-  
 formed your people proceed with an high hand, and pretend authoritie  
 for their acting, and officers calling themselues Constables redde to as-  
 sist them in their Injuries and offenseiue (truely wee may say) wicked  
 demeanours ; building vpon the land ; threatening Captaine Gokens ten-  
 ant, to carry him to prison and driue away his cattle ; cutting his grasse ;  
 by giueing ill example to Pequot Indians that are in subjection to vs ; by  
 prophaning the sabbath, and selling great quantities of liquors to them ;  
 which once and againe wee thought meet to present to you, considering  
 that the rather (though wee could not ezely) the persons aforesaid acted  
 without your Incurragement, because wee haue seen a warrant signed  
 by your Recorder, Joseph Torey, by order of your Generall Court,  
 warning Captaine Gokens and others to advise and forbear any further or  
 future posession of any of the lands att or about Pacatuck, as they will  
 answere the contrary att their perill ; yett with expressing your sub-  
 mission to his Majesties determination ; wherefore being joyntly desirous  
 to prevent any further disturbance of the peace of the Collonies, though  
 wee haue no doubt of the present Right and interest of the Massachusetts  
 to those lands, wee are willing to improve the argument that your selues  
 haue owned ; and therefore thought meet to certify you that wee haue  
 Read and perused a charter of Incorporation vnder the broad Seale of  
 England, sent ouer the last ship, graunted to some gentlemen of Conne-  
 ticutt, wherein the lands att Paucatuck and Narragansett are contained,  
 which wee hope will prevaile with you to require and cause your people  
 to withdraw themselues and desist from future disturbance ; otherwise  
 assuring you that the vnited Collonies are engaged to assist and defend

1662. each other in their just Rights and possessions, intreating and conjuring you to wey and consider the scandall of your actings, against which wee doe protest, and that the vnited Collonies are innoent of the sad consequences and disturbances that will vnavoidably attend your further continuance therein; the Righteous God, the God of peace incline your harts and direct your Councells to the wayes of Righteousnes and peace with those that are desirouse to continew,

Gentlemen,  
your loueing frinds and Neighbours  
The Comissioners of these vnited Collonies.

Mr. Pierson was seriously and solemnly invited by the Comissioners to Remoue his habitation to Southertowne, and to apply himselfe in a more speciall [manner] to the worke of preaching the Gospell to the Pequots liueing thereabouts, with promise of suitable incurragement for his care, paines, and trauell therein.

John Stanton was solemnly advised to apply himselfe seriously to his studdy, that in Gods time hee may bee better furnished for imployment in the worke; as alsoe that in the presence of his father or Captain Dennison, hee communicate the Cattachisme and some part of the Scripture to them, teaching their children to read and write: and that in his whole conversation hee soe doe demean himselfe, that the Indians bee not justly offended theratt, but gained thereby.

The foregoing conclusions were agreed and vnderwritten by the Comissioners, September 16, 1662.\*

BENJAMIN FEN,

Subscribed in Mr.

Danforths sence;

Captaine Talcott being

sicke and could not subscribe.

DANIEL DENNISON, Presedent,

THOMAS DANFORTH,

THOMAS PRENCE,

JOSIAH WINSLOW,

WILLIAM LEETE.

---

\* Hazard's State Papers, Vol. 2, pp. 462-469.

1663.



*The Generall Court of Commissioners held at Providence,  
May the 12th, 1663.*

COMMISSIONERS FOR  
PROVIDENCE.

Mr. William Feild,  
Mr. Thomas Olneye,  
Mr. William Carpenter,  
Mr. Thomas Harris,  
Mr. Arthur Fenner,  
Mr. James Ashton.

COMMISSIONERS FOR  
NEWPORT.

Mr. Benedict Arnold,  
Mr. Richard Tew,  
Mr. Henry Timberlake,  
Mr. John Crandall,  
Mr. Edward Larken,  
Joseph Torrey.

COMMISSIONERS FOR  
PORTSMOUTH.

Mr. William Baulston,  
Mr. John Brydges,  
Mr. John Tripp,  
Mr. Samuel Wilbore,  
Mr. John Sanford,  
Mr. Thomas Brownell.

COMMISSIONERS FOR  
WARWICKE.

Mr. John Greene,  
Mr. John Smith,  
Mr. John Wicks,  
Mr. Samuel Gorton,  
Mr. Randall Howlden,  
Mr. Walter Todd.

The President chosen Moderator.

Ther being considerations presented to this Court concerning the obstructions that hinder the returne of the bills presented to the Grand Jury, or any matters that arise amongst themselves ; the Court doe advise that the Court of Trialls doe call the Grand Jury before them to-morrow morning, to inquire of them what the grownds are that they make not returne to the Court ; and if they can remove their grownds, if possible ; if not, the Court of Trialls may make returne to the Court of Commissioners if they see cause, to crave forder helpe from them.

Hindrances  
to return of  
bills to  
Grand Jury.

1663. Resolved by this Court, that the Court of Trialles may  
 ~~~~~ accept of those tenn men that cannot give in the verdict  
 for want of ther fellowes to make vse of them in any other
 cause.

Delays at
 the Court of
 Trialles.

This Court having taken into serious consideration the
 intollarable delayes that the Court of Trialles are from time
 to time put vpon, which lies as a great opression vpon the
 Collony, by reson of the non-apearance of jury men ; and
 that because the fines, alredy sett are soe small that it is
 to ther great advantaage to pay the fine and stay at
 home.

About Jury-
 men and
 their fines.

Therefore be it enacted, that in case any junior, being
 chosen by the towne or townes, neglect to apeare at the
 Generall Court of Trialles ; being called, he shall be lia-
 ble to pay a fine of twentye shillings in currant pay of
 this Collony ; which, if not payd forthwith, shall be taken
 by distraynt by the Sheriffe as formerly, only in case any
 lawfull excuse shall apeare manifest to the present Court,
 wheare they should have apeared, then it shall be in the
 power of the Court, according to the wayt therof, to les-
 sen the fine to tenn shillings, five shillings, or nothings,
 any lawes to the contrary formerly made, notwithstand-
 inge.

Treasurer to
 be fined if
 he returns
 any not free-
 men as ju-
 rors.

And forder be it enacted, that whearas ther hath been
 by some towne some persons retrned for Grand Jury men
 to the Gennerall Court, that are not freemen of the Collo-
 ny, and soe not recorded in the Gennerall Records : that
 from henceforth if the towne or any towne in the Collony,
 shall hereafter chouse such and returne ther names as
 abovesayd, the sayd Towne Tresurer shall be lyable to
 pay the fine of Twentye shillings for each such defeck ;
 and the same to be taken by distraynt, on the Tresurer his
 estate, of the sayd towne ; and forder, if any towne shall
 refuse or neglecte to choose grand jury men and petty jury-
 men, quallified according to former law of this Collony,
 and returne in their names to the Court accordingly.
 Such towne for every such defect, shall pay the sayd fine

Townes
 fined for not
 returning
 jury men.

of twentye shillings for juryman not chosen, as premised; and the sayd fines to be levied on the Towne Treasurers as abovesayd, by the Generall Sargent by warrant from the Generall Recorder's office as formerly.

October 27th, 1662.

Ther being a bill presented by Mr. Randall Howl^{den's}don Mr. Howl-
den's bill. to the Court of Commistioners, which was referred to the Court of Commistioners that was to sitt in May; and the bill being presented to this Court, and Mr. Howlden being called, and not apear^{ing}, nor none authorized that can specke to the pertickelers therin, therefore the Court sees cause to wave the bill.

The Court having seriously considered the motion which has been presented to the Court by Richard Pray and Mary Pray, for a countinancing of them in the parting, the Court having seriously considered the matter, doe see cause vpon waytye grownds, to refer the full determination and resolution of the thinge to the next Court of Commistioners, to give a full determination if they aply themselves to them for redresse and reliefe in the matter.

Ordered, that the bill that was presented by Mr. Wickes Mr. Wickes
bill. against Mr. Feild be taken cognizance of, and agetated accordingly.

Ordered, that the bill that Mr. Wickes hath presented against Mr. Feild, be referred to the next Court of Commistioners, none desenting, and the said Wickes and Feild asenting. Mr. Wickes
bill referred.

Ordered, that William Harris's bill be received without paying his noble. William
Harris' bill.

Ordered, that the Sargants bill being aproved and signed, be equally payed by each towne, that is fiftye shillings on each towne.

Ordered, that the Recorder shall tender the General Attorney his ingagement after the Court is broken vp.

Ordered, that the recorder shall have for each coppie,

1663. and for writting in Court, eight shillings and eight pence
 ~~~~~ for each towne.

---

*A Generall Court of Election held at Providence, May the  
 22, 1663.*

Mr. Benedict Arnold chosen President, and ingaged.

Mr. William Feild, Generall Assistant.

Mr. William Baulston, Generall Assistant, and ingaged.

Mr. Richard Tew, Generall Assistant, and ingaged.

Mr. John Greene, Generall Assistant, and ingaged.

Joseph Torrey, Generall Recorder, and ingaged.

Mr. James Rogers, Generall Sargent, and ingaged.

Mr. John Sanford, Generall Aturneye, and ingaged.

Mr. Richard Bulger, Generall Solicitor.

*A Generall Court of Commissioners held at Portsmouth,  
 October 14, 1663.*

COMMISSIONERS FOR

PROVIDENCE.

Mr. William Feild,  
 Mr. William Carpenter,  
 Mr. Zachary Roades,  
 Mr. William Harris,  
 Mr. Edward Thirston,  
 Joseph Torrey.

COMMISSIONERS FOR

PORTSMOUTH.

Mr. William Almye,  
 Mr. Lott Strange,  
 Mr. William Woodall,  
 Mr. Francis Brayton,  
 Mr. William Hall,  
 Mr. Phillip Tabor.

COMMISSIONERS FOR

NEWPORT.

Mr. Benedict Arnold,  
 Mr. Willam Brenton,  
 Mr. Richard Tew,  
 Mr. John Easton,  
 Mr. John Coggeshall,  
 Capt. John Cranston.

COMMISSIONERS FOR

WARWICKE.

Mr. John Greene,  
 Mr. John Wickes,  
 Mr. Randall Howlden,  
 Mr. Edmund Calverly,  
 Mr. Richard Carder,  
 Mr. James Greene.



The President chosen Moderator.

1663.

Voted, that Mr. John Clarkes letter be first read privately in the Court of Commistioners.

Voted, that the Letter shall be read openly before the freemen of the Collony.

Ordered, that two men of each towne shall be chosen to draw vp ther thoughts how the money shall be payd to Mr. John Clarke. How money shall be paid Mr. Clarke.

The men of Providence, are : Mr. Zachary Rhodes and Mr. William Harris ; for Portsmouth, Mr. William Hall and Mr. Philip Tabor ; for Newport, the President and William Brenton ; for Warwick, Mr. Wickes and Mr. Greene. Committee on Mr. Clarkes money.

Ordered, that the petition that is presented by Mr. Dyre, Mr. Nixon, &c., be referred to the former committee to draw vp ther thoughts by way of answer to the former to the Massachusetts, and to bring it to the Court to be confirmed or disannulled. Mr. Dyre's petition referred.

Ordered, that the motion about the ferry, presented that the petitioner would be pleased to treat with Mr. John Sanford, to see whether they can end the difference betweene themselves ; and if not, then to atend and present the thinge to the Court at ther next meeting. Motion about the ferry.

Ordered, that the Court be adjourned till Monday, eight o'clocke, in the morning.

*October 19, 1663.*

The President chosen Moderator.

Ordered. that this Court be adjourned till Friday, vnlesse the Court of Triall end before.

The result of the committee vpon the suply of Mr. John Clarke, the collony's agent, October 19, 1663.

1. We vnanimously agree and commend it to the court, that what sum is behind of the former ingagement may be speedly and efectually minded by each party, to be payed and sent according to former order as respecting Balance due of former rate to be paid.



1663. the summ, tho they have overpast the prefixed time first sett.

2. That ther be presently one hundred pounds more in currant bills sent to England for the Collonys use withall, certainly by the first shipe that goes, to be payd to Mr. John Clarke, or to his order, and if that cannot be done, then that Mr. Nixon's bill be vnderwritt and payd accordingly.

3. That the hundred pound aforesayd be borne and payd in proportion, by the townes and Conanicutt Island, as followeth. That is, four and forty pounds in the Towne of Newport ; six pounds by Canonicutt, and seventeene pounds, ten shillings by Portsmouth ; as much by Providence ; and by Warwicke fiteene pounds : and that in case the bill bee payd to Mr. Nixon, that then the same aforesayd be doubled accordingly. And it is ordered, that each towne make ther rate by ther owne choyce as formerly ordered ; and as for Connecticut, it is apoynted that Mr. Coddington, Mr. Brenton, Benedict Arnold, Francis Brinley, Robert Carr and Caleb Carr, shall advise speedly about it if they be at home, or neare to be informed ; and they or any three more of them shall make the rate aforesayd for Cononicutt, and apoynt some to receive it ; and in case any refuse to pay, either ther or elsewhere, then the Generall Sergeant shall, by warrant from the Generall officers, or from any one or more of them, gather it, and besides [he shall have libertie] to take five shillings on the pound for his paynes, as was alsoe ordered for and about the former rate.

Letter to  
Massachu-  
setts read in  
Court.

Ordered, that wheras the sub-committee weare ordered to draw vp a letter to be sent to the Massachusetts vpon the request and petition of Mr. Nixon and Mr. Dyre ; and they having done the same, and a coppie therof being read in open Court, it is by them owned and approved of and ordered to be recorded.

£100 to be  
paid to Mr.  
Clarke by  
bills on Eng-  
land.

Voted, that wheras ther have bine two motions proposed concerning the suply of Mr. John Clarke (viz.) : whether

they will make returne by bill; and that to despatch a 1663. bill or bills, to defray and discharge one hundred pound in England, or pay Mr. Nixon's bill; the vote is to pay one hundred pound by bill in England, and to send them by the first shipe; for that part of the aforesayd bill that belongs to the Towne of Providence, according to their proportion, which is seventeene pound, ten shillings, Mr. Feild, Mr. Carpenter, Mr. Rhodes and Mr. Harris doe ingage to discharge spedly for England.

Secondly, as to the proportion that is levied on the Towne of Newport, which is forty four pound, wee (viz.): Newport proportion promised. Benedict Arnold, Richard Tew, John Coggshall, John Easton, Capt. John Cranston, Edward Thurston, Richard Morris, James Rogers, and Joseph Torrey doe ingage that the next weeke wee will endeavour to procuer our towne to meet, and do not question but the money will, with ease be raysed, for that the Court need not to question our part; and for Cononicutt, Mr. Benedict Arnold doth soe far presume, that none need to question what is imposed on Cononicutt.

Thirdly, and for Portsmouth, there are that doe engage, Lott Strange, William Almie, William Wodall, Francis Brayton and Philip Taber, that they will endeavor to the vtmost of ther power to doe as the men of Newport ingaged to doe. Proportion of Ports-mouth.

Fourthly, and for Warwick, ther is Mr. John Greene, Warwick proportion. Mr. John Weekes, Mr. Randall Howlden, Edmund Calverly and Richard Carder, doe ingage as the men of Newport have ingaged to doe.

Ordered, that the bill presented to this Court by Mr. Nixon's bill. Mr. Nixon with the letter of advice be returned to him againe.

Ordered, that Mr. Howlden's bill be read in Court.

Hugh Parsons accepted a freeman.

Ther being a matter resented to this Court by Mr. John Wickes against Mr. William Feild, of Providence, Charge of John Wickes against Wm. Feild. Generall Assistant, wherein he is charged for error in the

1663. execution of his office, and the Court having heard what the sayd Wickes can make out against him ; and his defence and answer thereto, and having seriously considered the matter, doe find that the sayd Feild is not guilty of the charge soe as to be fineable.

Ordered, that the Recorder shall have sixe shillings and eight pence for each coppie of this Court's orders, and for attending the Court.

FFINIS.

---

*A Generall Court of Commissioners held at Newport November the 24th, 1663.*

COMMISSIONERS FOR  
PROVIDENCE.

Mr. William Feild,  
Mr. William Carpenter,  
Mr. Zachary Rhodes,  
Mr. William Harris,  
Mr. Richard Tew,  
Joseph Torrey.

COMMISSIONERS FOR  
PORTSMOUTH.

Mr. William Almye,  
Mr. Lot Strange,  
Mr. William Wodall,  
Mr. Francis Brayton,  
Mr. William Hall,  
Mr. Phillip Tabor.

COMMISSIONERS FOR  
NEWPORT.

Mr. Benedict Arnold,  
Mr. William Brenton,  
Mr. William Coddington,  
Mr. James Barker,  
Mr. John Coggeshall,  
Captayne John Cranston.

COMMISSIONERS FOR  
WARWICK.

Mr. John Greene,  
Mr. Samuel Gorton,  
Mr. Randall Howlden,  
Mr. John Weekes,  
Mr. James Greene,  
Mr. Richard Carder.

The President chosen Moderator.

Voted, that Captayne George Baxter be desiered to 1663.  
bring forth and present the charter to this Court.

Voted, that this Court be adjourned vntill to morrow,  
morning, eight of the clock, to give way for the charter to  
be read.

The Charter  
brought  
by Capt.  
Baxter.

Voted, that the Moderator of the Assembly be chosen  
by vote.

The President chosen moderator of the Assembly.

Att a very great meeting and assembly of the freemen  
of the Collony of Providence Plantations, at Newport,  
in Rhode Island, in New England, November the 24,  
1663.

The abovesayd Assembly being legally called and or-  
derly mett for the sollome reception of his Majestyes gra-  
tious letters pattent vnto them sent, and having in order  
thereto chosen the President, Benedict Arnold, Moderator  
of the Assembly.

It was ordered and voted, *neme contra decete*.

Voted, 1. That Mr. John Clarke, the Collony Agent's  
letter to the President, Assistants and Freemen of the  
Collony, be opened and read, which accordingly was done  
with good delivery and attention.

Mr. John  
Clarke's  
letter.

Voted, 2. That the box in which the King's gracious  
letters weare enclosed be opened, and the letters with the  
broad seale therto affixed, be taken forth and read by  
Captayne George Baxter in the audiance and view of all  
the people; which was accordingly done, and the sayd  
letters with his Majestyes Royall Stampe, and the broad  
seale, with much becoming gravity held up on hygh, and  
presented to the perfect view of the people, and then re-  
turned into the box and locked vp by the Governor, in  
order to the safe keeping of it.

The Charter  
read by  
Capt.  
Baxter.

Voted, 3. That the most humble thanks of this Collo-  
ny vnto our gracious soveraigne Lord, King Charles the  
second, of England, for the high and inestimable, yea, in-  
comparable grace and favour vnto the collony, in giving  
those his gracious letters pattent vnto vs, thanks may be

Thanks to  
be re:urned  
to H: M: Maj-  
esty.

1663. presented and returned by the Governor and Deputy Governor, in the behalfe of the whole Collony.

Thanks to  
be returned  
to the Chan-  
cellor.

Voted, 4. That for the present, and vntill the Collony can otherwise declare than by wordes, their obligations vnto the most honourable Earll of Clarendon, Lord High Chancellor of England, for his exceeding great care and love vnto this Collony, as by our agent abovementioned, hath allwayes bene acknowledged in his letters. The Governor and Deputy Governor are desired to returne vnto his Lordsheepe the humble thanks of the whole Collony.

John  
Clarke's  
letter.

Voted, 5. That Mr. John Clarke's letter to the Governor, Deputy Governor, Assistants and freemen of this Collony, be opened and read.

Mr. Clarke's  
disburse-  
ments to be  
discharged  
by the Col-  
lony.

Voted, 6. That Mr. John Clarke, the collony's agent in England, be saved harmlesse in his estate ; and to that end, that all his disbursements goeing to England, and all his expenses and engagements there alredye layd out, expended or ingaged, in order to the procuringe the King's Letters Pattent for this Collony ; and in any other matters conducing to the collonys behalfe in any sort whatsoever ; as alsoe for their expences and engagements, he shall be necessitated yett further to disburse on such account, and vntill he shall have arrived, as he sayth hee intends to come next spring, shall all be repayed, payd and discharged by this Collony of Rhode Island and Providence Plantations, in New England.

Thanks to  
be returned  
to Mr.  
Clarke, and  
£100 given  
him.

Voted, 7. That in consideration of Mr. John Clarke's aforesayd, his great paynes, labour and travill with much faythfullness exercised for above twelve yeares in behalfe of this Collony, in England ; the thanks of the Collony be sent vnto him by the Governor and Deputy Governor ; and for a gratuity unto him, the Assembly engage, that the Collony shall pay vnto the sayd John Clarke, or vnto his order heare in Newport, over and besides what is above engaged, the sume and full value of one hundred pound starling, in curreant pay of the country ; alsoe to be

payd at, or before the twentyfifth day of December, in the 1663.  
yeare 1664.

Voted, 8. That Captayne George Baxter shall have five and twentie pound starling, in currant pay given him as a token from the Collony, of ther thankfull acknowledgment of the Charter, of which hee was the most faythfull and happie bringer and presenter, by our agents order vnto this Assembly, besides the charge of his being in and coming from Boston therewith, to be alsoe defrayed, and the said twenty five pound to be payed him with all convenient speed.

Captain  
Baxter is  
allowed £25  
besides his  
expenses for  
bringing  
the Charter.

Voted, 9. That all the abovesayd votes be recorded by Joseph Torrey, Generall Recorder, and soe the Assembly is dissolved, in order to the acquiescing his Majestys order and commands in the Charter.

Record to be  
made.

---

*At a meeting of the Governor, Deputy Governor, and Assistants, held in Newport the 25th November, 1663.*

The Governor, Benedict Arnold, in presence of the Deputy Governor and five Assistants, was engaged.

The Deputy Governor, William Brenton, in presence of the Governor and five Assistants, was engaged.

Mr. William Baulston, Assistant, engaged.

Mr. William Field, Assistant, engaged.

Mr. John Greene, Assistant, engaged.

Mr. John Coggeshall, Assistant, engaged.

Mr. Joseph Clarke, Assistant, engaged.

Mr. James Barker, Assistant, engaged.

It is ordered and agreed by this Assembly, that all Bonds and indictments to the Generall Court of Trialls in March next, shall stand in force ; as alsoe any judgments

Bonds  
and Indict-  
ments to  
stand in  
force.



1663. of Courts, either in the Collony, or in any pertickeler townes whereby execution is alredy, or shall be legally taken forth, may be served as formerly by the former Generall or Towne Sargant, and vntill further order ; as alsoe that any petition formerly presented to a Court of Commissioners be taken notice of at the next Generall Assembly. And thus the Court of Commissioners have ordered to the Recorder, five shillings of each towne for his attendance on this Court ; and the Generall Assembly doe dissolve and resigne ys to the present government in obedience to his Majestys commands and commission in his gracious Letters pattent, vnder the broad seale of England, given and granted to this Collony.

Petition to  
Generall  
Assembly.

*November the 26th, 1663.*

Agreed and ordered, that John Sanford is chosen Clarke of this present meeting, to record the acts of this meeting, and till the Court of Election, and is ingaged.

Submission  
of the Nar-  
ragansetts.

The Governor, Deputy Governor and Council, having informed the Indian Kings, viz.: Quissuckquansh and Nineganitt, that his gracious Majesty of England, having taken notice of the Narragansett Sachems submitting themselves subjects to his royall father, which submission they subscribed in writing and sent unto England by Mr. Gorton and others of Warwick, they owne that they did submitt themselves unto his Majesty's Royall father, by a writinge under their hands about nineteene years ago ; and they are now come to know what answer his Majesty is pleased to returne them. Alsoe they owned that they sent a further declaration of their submission unto his Majesty by Mr. John Nickson, owning themselves therein his Majestys subjects. As also they then, by the said Mr. Nickson, sent their humble petition unto his Majesty for reliefe in severall wrongs offered and done unto them by the other Collonies. The aforesayd submission sent by Mr. Gorton, being read in this meeting, and shewed to the sayd Sachems, they owned it their act.

Acknowl-  
edged by the  
Sachems.



It being informed that the Narragansett Sachem Quis- 1663.  
suckquansh, that his Majesty of England hath graciously  
been pleased in our Pattent, to take the sayd Sachem and  
all the Narragansett Indians and lands into his gracious  
protection, as subjects unto himselfe; and also that his  
Majesty hath given this Collony y<sup>e</sup> government thereof,  
the sayd Sachem did voluntarily make answer that he  
most kindly thanked King Charles for his grace therein.

The Sa-  
chem re-  
turns  
thanks to  
the King

It being also informed unto Nineganett, Sachem of the  
Nayantacott country as was informed as aforesayd unto  
the Narragansett Sachem; he answered that he most  
kindly thanked King Charles. The sayd Sachems being  
shewed aforesayd declaration and petition sent by Mr.  
John Nickson, they owned the same to be their act, and  
doe returne his Majesty great thanks for his gracious re-  
liefe in releasinge their lands from those forced purchases  
and mortgages of theyr lands by some of the other Col-  
lonies.

It is ordered, that the General Assembly bee by war-  
rant from the Governor or Deputy Governor, called to as-  
semble and sett at Newport on y<sup>e</sup> first Tuesday in the month  
of March next, to order the Collonyes affaires, and pre-  
pare for the General Court of Tryalls following, which  
sayd Assembly should have been now forthwith called,  
had not the hazzard of the season of the yeare hindered.

Meeting of  
the General  
Assembly.

Whereas, there have matters gone forth under the Gen-  
eral Recorders hand which belong unto the next General  
Court of Tryalls. It is therefore judged of necessity to  
continue Mr. Joseph Torrey General Recorder in that of-  
fice, untill further order be taken by the General Assem-  
bly. Therefore Mr. Joseph Torrey is engaged.

Joseph Tor-  
rey, Gen<sup>l</sup>  
Recorder.  
continued.

It is further ordered, that the constables of each towne,  
as also the Town Clarkes and Town Sarjeants doe stand in  
their places untill further order from a Generall Assembly;  
having received a new engagement from either the Depu-  
ty Governor, Governor, or any one of the Assistants.  
Further, it is ordered, that if any of the sayd officers al-

Town Clerks  
and Sar-  
jeants to be  
continued.

1663. ready chosen, refuse to serve in such their offices, then it  
 ~~~~~ shall be in the power of y<sup>e</sup> Governor, Deputy Governor,  
 or any one of the Assistants, to constitute an officer in y^e
 refusing party's roome; and this order is also authentick
 in like sort for engaging Town Treasurers. And those
 that refuse to take their engagement, their names shall be
 returned, to be proceeded with according to law for their
 contempt.

Gen'l Sar-
 jeant con-
 tinued.

James Rogers, Generall Sarjeant, is continued in that
 office untill further order be taken by y^e General Assem-
 bly, and is engaged.

General At-
 torney and
 Treasurer
 continued.

John Sanford, Generall Attorney and General Treasu-
 rer is continued in those offices untill further order be
 taken by this General Assembly, and is engaged.

In consideration of many matters that may concern the
 Town Councill of each towne, as concerninge matters of
 administration, and such other matters; therefore, those
 in each towne chosen to that office, are continued therein
 untill further order from the Generall Assembly.

Letter to
 Massachu-
 setts.

The Councill doe unanimously advise that the Governor
 and Deputy Governor doe write a letter unto y^e govern-
 ment of the Massachusetts, concerning the Indians, and
 such amongst us by them banished.

Assistants
 to call Town
 Meetings.

It is ordered, that one Assistant in each Towne have
 power to call a towne meeting in each Towne, to choose
 their Deputies for the Generall Assembly; and also, in
 the mean time to call Town Meetings for the transactions
 of other necessary Towne Affayres.

Military
 Officers.

It is ordered, that the military officers chosen before the
 Pattent came, shall continue their places in y^e exercise
 thereof, to all intents and purposes whatsoever, untill fur-
 ther order be taken by the Generall Assembly.

It is ordered, that warrant goe forth from the Governor
 and Deputy Governor, unto Mr. Roger Williams and Mr.
 Thomas Olney, and for Mr. Porter to come before them,
 or either of them, to take their engagements, which said
 warrant is given forth.

These are the acts and orders of the Governor, Deputy 1663.
Governor and Assistants.

As Attests,

JOHN SANFORD,
Clark.

Letter from Rhode Island to Massachusetts.

To the much honored John Endicott, Esq., Governor
of the Massachusetts, and to the rest in Councill as-
sociated with him.

Newport, Rhode Island, November 18, 1663.

Gentlemen :

Much Honored and Beloved :

The inclosed coming with others unto our hands ever
in y^e same maner, for our information : we have been per-
suaded in our mindes to cause this sheete to bee put over
it as a cover, y^t it might come safe unto your hands.
And our Generall Court being to meete at this towne on
this day seavenight, sci, y^e 24th of this instant month, wee
took care that this inclosed might come speedily as well
as safely to your view, y^t so wee may receive your honor-
able resents upon y^e same, having a cobby to shew our
Generall Court ; and haveing also advice, &c., fo send to
England your resentment, and noe doubt but our own,
will also be presented there : and fully unto the purpose
of his Majesties commands, soe that we are bold to in-
treat your wisdoms to send us the result of your most in-
genious thoughts in the premises, soe as we may present
it to such here as are concerned to transact therein with
yourselves, if you please, and y^t with all expidition, for
y^e speedy extirpating y^t roote or stem of discontent being
or growing betweene these two Collonys ; and for a more
certayne expedient, present our serious desires y^t your
honored commissioners lately here, or others might be
called here to y^e same end at our General Court, which is

1663. to sitt, being called to meete for y^e sollem reception of his
 ~~~~~ Majesties gracious letters pattent, on the 24th inst.,  
 abovementioned. Soe, Sirs and beloved gentlemen, pray-  
 ing a lyne or two by way of answer unto these presents  
 by the bearer hereof, we take leave,\*

Honored Sirs,

To rest and subscribe ourselves

yours most humbly devoted in any  
 Service of love and respect.

BENEDICT ARNOLD,  
 WILLIAM BRENTON.

*Massachusetts to Rhode Island, in reply to the foregoing.*

For the much Honored Benedict Arnold, Esq'r. President of Road  
 Island.

To the Generall Court there.

Honored gentlemen:

Having receaved his Majesties gracious letter in your cover directed  
 to myself and counceill; yours also being alike directed, I have most  
 readily ordered that our council be called, to meet at Boston, the twenty  
 fourth instant, to whom I shall impart his Majestys commands by reason  
 of the season, and their distance one from the other, there is no possibili-  
 ty of a sooner meeting; their results I intend speedily to communicate  
 to you, and doubt not of their readiness to concur in a just and meete  
 expedient for the ends proposed. With due respects presented, remayne,†

your assured friend and neighbour,

JO: ENDICOTT,

Gov'r.

Boston, 21 November, 1663.

I received yours after five of the clock, 20th instant, at night.

For the worshipfull Benedict Arnold, Esq'r, President for the Planta-  
 tions of Providence and Roade Island, with his associates, or Generall  
 Court, to be communicated and an answer desired and expected.

*Boston, 25 November, 1663.*

Much Honored Gentlemen :

I am required by our honoured Council to assemble at Boston, 24th  
 inst., to signify to you that in and by your cover, dated 18th instant, our  
 Honored Governor received his Majesties graciou letters to him and

1663.

Council, directed; which being communicated and perused, they have ordered me to returne this answer. That they apprehend it is not unknowne unto you that the Government of Conecticot, by virtue of his Majesties Royall Charter and grant made to yourselves, doe lay claime to and challenge jurisdiction over the same place, i. e.: Southertowne, notwithstanding both your and their knowledge of the justice of our claime to the said place by conquest over the bloody nation of the Pequot Indians, and so many yeares possession, which his Majesty hath not bin informed of, whose Grace and Goodness in all his Charters, provided for the indemnity of persons in possession within the limitts of the place granted; yet in obedience to his Majesties gracious letter and according to our Generall Court's former desires exprest, that an amicable way may be improved for the final issuing of all grievances that have arisen upon that part of Southertowne, Block Island, &c., by you claimed. They are willing, and doe propose that uninterested arbitrators be equally chosen, two by yourselves, and two by us, out of other Collonies to heare, and any three of them to determine the same; or in case three cannot come to such agreement, that the four arbitrators be impowered to choose a fifth, and on any three of their agreements to acquiesce as a finall end thereof, that the meeting of the said Arbitrators be at Plimouth towne, at such time as yourselves shall judge meete, so as at least the Arbitrators and this Government may have eighteen days before the time prefixed; and that they might not be wanting to manifest their sincere desire of a speedy and amicable issue of such uncomfortable differences, they have chosen Thomas Prince, Governor of New Plymouth, and Josiah Winslow, Esq'r, of the said Colony, desiring withall convenient speede to understand of you the acceptance of this motion and choice of two like unbyassed Gentlemen, by them nominated on notice thereof, and like liberty to except, if there be cause, they will nominate two others. It being to shorten only the work, that they thus propose, and not willing to give you further trouble at present: commending you to God, and his rich grace, remayne,\*

Gentlemen,  
 Your assured loving  
 friends and neighbours,  
 EDWARD RAWSON,  
 Secretary.

In the name and by y<sup>e</sup> order of the Councell of Massachusetts.

---

\* From the Massachusetts State Papers.

1663.



*Agreement between the agents of Connecticut and Rhode Island, about the limitts of the two collonies.*

Whereas, Some differences hath of late fallen out betweene Mr. John Winthrop, Agent for the takeing out of a patent for the Collony of Connecticut, and Mr. John Clarke, Agent for the takeing out a patent for the Collonie of Providence and Rhode Island, concerning the right meaneing of certaine bounds sett downe in a patent lately graunted to y<sup>e</sup> said Collony of Connecticutt. And Whereas, by reason of the doubtfullnes of some names and expressions mentioned in the said patent, and for the better preventing of all disputes that might arise betweene the said Collonies hereafter, by reason of such vncertainties or dubiouseness: They, the said John Winthrop and John Clarke, haue jointly and mutally nominated, chosen and appointed William Brereton, Esquire, Major Robert Thomson, Captaine Richard Deane, Captaine John Brookehaven, and Doctor Benjamin Worsely, or anie three or more of them, to heare and consider the State of the said difference, and to determine what they judge might be most commodious in order to the settling the said bounds, cleareing of all vncertaineties, and giueing a mutuall satisfaction to both the said Collonies, Wee, whose names are vnderwritten, haueing in pursuance of their request, mett together, and haueing at large what hath beene alleadged on each side, on behalfe of themselves and the respective Collonies, to whome they doe respectively belong, vpon seriouse debate and consideration had of the whole matter, Wee have jointly and vnanimously agreed to offer this advice as followeth, First, That a River there commonly called and knowne by the name of Pawcatuck River. shall be the certaine bounds betweene those two Collonies, which said River shall for the future be alsoe called alias Narrogansett, or Narrogansett River. Secondly, if anie parte of that purchase at Quinebage doth lie along vpon the East side of the Riuer that goeth downe by New London, within sixe miles of the said River, that then it shall wholly belong to Connecticott Collonie, as well as the rest which lieth on the Western side of the aforesaid River. Thirdly, That the proprietors and inhabitants of that land about Mr. Smith's Tradeing house claimed or purchased by Major Atherton, Captaine Hutchinson, Lieutenant Hudson, and others, or given vnto them by Indians, shall have free libertie to choose to which of those Colloneis they will belong. Fourthly, That proprietie shall not be altered nor destroyed, but carefully maintained through the said Collonies. Dated this seaventh of Aprill, 1663.

WILLIAM BRERETON,  
ROB. THOMSON,  
B: WORSELEY,  
JO: BROOKHOVEN.

To the foure proposalls abovementioned, Wee, the said John Winthrop and John Clarke, doe consent and submit as a full and finall issue of all

the controversies betwixt vs. In witness whereof, wee have interchangably sett our hands and seales, this [blank] daie of Aprill, Anno Domini, 1663, and in the fifteenth yeare of y<sup>e</sup> reighne of our Sovereigne Lord, Charles y<sup>e</sup> Second, by y<sup>e</sup> grace of God, King of England, Scotland, France and Ireland, defender of y<sup>e</sup> faith, &c.\*

1663.

JOHN WINTHROP. [Seal.]

Signed, Sealed and Delivered in

y<sup>e</sup> presence of

ROB. THOMSON,

J. BEANE,

WM. POTTER.

[A large number of Documents connected with the controversy, regarding the limits of the Colonies of Rhode Island and Connecticut, as well as the jurisdiction of the Narragansett country have been preserved, but they are too voluminous to insert here. The editor has published a few which are strictly of an official character. Among the Colonial documents of Connecticut, about two hundred and fifty of these documents have been collected and bound together, to the most important of which, reference is made in the appendix to the "Collonial Records of Connecticut," from 1665 to 1677, printed at Hartford, 1852.]

---

\* J. Carter Brown's manuscripts, No. 27.





# GENERAL INDEX.

|                                                                                |                   |                                                                                                                                                                                                                      |               |
|--------------------------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Abbott, Dan'l, receives a home lot in Providence, . . . . .                    | 24                | Allen, George, . . . . .                                                                                                                                                                                             | 92            |
| Acassassotic, a Long Island Sachem, . . . . .                                  | 296, 297          | Allen, Samuel, an inhabitant of R. Island, 1638, . . . . .                                                                                                                                                           | 92            |
| Accessories, law of 1647 regarding, . . . . .                                  | 172, 181          | Allen, Ralph, . . . . .                                                                                                                                                                                              | 92            |
| Acquidneck, deed of, from Canonicus and Miantonomi to W. Coddington, . . . . . | 44                | Allyn, Lieut. John, . . . . .                                                                                                                                                                                        | 457           |
| receipts of sachems on account of the purchase of, . . . . .                   | 48, 49            | Arnold, Benedict, 263, 300, 302, 311, 313, 321, 325, 328, 331, 334, 339, 350, 409, 418, 429, 421, 429, 433, 435, 438, 441, 442, 444, 446, 448, 482, 506, 507, 509, land granted to in Providence, in 1636, . . . . . | 15, 17,       |
| testimony of Wm. Coddington relative to the purchase of, . . . . .             | 50                | one of the first settlers of Providence, in 1636, . . . . .                                                                                                                                                          | 14            |
| gratuities paid Indians for, . . . . .                                         | 48, 49            | receives a home lot in, . . . . .                                                                                                                                                                                    | 24            |
| list of inhabitants admitted 1640, . . . . .                                   | 90                | signs first compact at, 1640, . . . . .                                                                                                                                                                              | 31            |
| to be called the Isle of Rhodes, or Rhode Island, 1644, . . . . .              | 127               | letter sent to about subjecting to the Colonie, . . . . .                                                                                                                                                            | 218, 219      |
| Massachusetts claims jurisdiction over . . . . .                               | 133               | commissioner for Providence, . . . . .                                                                                                                                                                               | 428           |
| authorized to enact certain orders, penalties, etc., . . . . .                 | 206               | for Newport, 278, 281, 304, 316, 327, 354, 366, 408, 419, 437, 447, 468, 480, 492, 501, 504, 508, . . . . .                                                                                                          | 337           |
| Adams, Nathaniel, . . . . .                                                    | 92                | for Portsmouth, . . . . .                                                                                                                                                                                            | 431           |
| Adultery, law of 1647 regarding, . . . . .                                     | 173               | assistant for Newport, 382, 303, 427, 436                                                                                                                                                                            |               |
| persons convicted of, to be whipped in different towns, . . . . .              | 311               | moderator, 278, 282, 345, 346, 353, 366 386, 394, 409, 420, 467                                                                                                                                                      |               |
| a town magistrate may grant divorce for, . . . . .                             | 312               | discharged for an account of £23, 340                                                                                                                                                                                |               |
| Aiaquamit, testifies to his father's act Caujaniquante, . . . . .              | 36                | President, 353, 404, 405, 407, 467, 504                                                                                                                                                                              |               |
| Alarms, to rouse the people in case of danger, . . . . .                       | 68, 102, 154      | letter concerning the Quakers, . . . . .                                                                                                                                                                             | 378           |
| Albro, Albury, Alborah, Alsberre, John, . . . . .                              | 72, 127, 299, 244 | to adjust the dispute with Plymouth about Hog Island, 390, 409                                                                                                                                                       |               |
| commissioner for Portsmouth, 428, 437                                          |                   | purchase of Dutch Island by, . . . . .                                                                                                                                                                               | 403           |
| Alcock, John, . . . . .                                                        | 466               | his letter from John Clarke, London, read to the Assembly, . . . . .                                                                                                                                                 | 447           |
| Alehouses shall not be kept without licence, . . . . .                         | 185               | claims lands on the Pawcatuck river, . . . . .                                                                                                                                                                       | 455           |
| Almy, Almie, William, 330, 350, 357, 444, 507                                  |                   | advances 40s. to pay the expenses of two messengers to Massachusetts, . . . . .                                                                                                                                      | 474           |
| land granted to, in Portsmouth, 1644, . . . . .                                | 82                | governor, . . . . .                                                                                                                                                                                                  | 511           |
| assistant for Portsmouth, . . . . .                                            | 210               | letter to Governor Endicott, . . . . .                                                                                                                                                                               | 515           |
| commissioner for do., 326, 327, 354, 504, 508                                  |                   | letter from " " in reply, relative to the disputed jurisdiction of the Narragansett country, . . . . .                                                                                                               | 516           |
| Almy, Christopher, 314, 330, 331, 347, 387, 388, 389                           |                   | Arnold, Stephen, . . . . .                                                                                                                                                                                           | 323, 387, 482 |
| Almy, Thomas, . . . . .                                                        | 440               |                                                                                                                                                                                                                      |               |

- Arnold, Thomas, . . . . . 387  
 Arnold William, . . . . . 24, 299, 323  
   transfer of land to, by Roger Wil-  
   liams, 1638, . . . . . 20  
   signs first compact at Providence, 31  
   letter to Massachusetts, . . . . . 234  
   robbed by Indians at Pawtuxet, . 405.  
 Ammunition in the colony, account  
   to be taken of, . . . . . 320  
   received from John Clarke, in  
   London, . . . . . 346  
   to be furnished to the towns, . . 346  
 Andrews, Edward, . . . . . 302  
 Angell, Thomas, commissioner for  
   Providence, . . . . . 250, 258, 267, 271  
 Angell, Thomas, . . . . . 15, 24, 299  
   among first settlers of Providence, 14  
   signs first compact at, . . . . . 31  
 Anthony, John, 82, 108, 110, 127, 299,  
   313, 387  
   commissioner for Providence, . . 447  
 Arbitrators to form a government  
   for Providence, 1640, . . . . . 27  
 Archery, laws of 1647, regarding, . 186  
 Arms of the colony 1637 to be a  
   sheaf of arrows, . . . . . 115  
 Arms of the colony 1647, to be an  
   anchor, . . . . . 151  
 Arrest of strangers, act in relation  
   to, . . . . . 230  
 Askomicutt, petition relative to the  
   purchase of, . . . . . 449  
 Ashton, James, commissioner, 245, 550,  
   267, 271, 299, 394, 408, 501  
 Assembly, rules and acts for the  
   well-ordering of, . . . . . 213  
   members of to be fined sixpence  
   for whispering, . . . . . 214  
   members of, not competent, may  
   be suspended, . . . . . 221  
   twenty shillings allowed to mes-  
   senger to repair to all the mem-  
   bers of, . . . . . 317  
   to meet once a year, . . . . . 400  
   meetings of, may be called by the  
   president and council, . . . . . 401  
   dissolved, and government resign-  
   ed to his majesty, . . . . . 512  
 Assembly's acts to be sent to every  
   town, . . . . . 213  
 Assistants invested with office of  
   justice of the peace, . . . . . 101  
   to sit with the president at courts  
   of trial, . . . . . 195  
 Assotemuet, . . . . . 46  
 Aspinwall, Wm., one of the signers  
   of the compact in Portsmouth,  
   1638, . . . . . 52  
   chosen secretary, . . . . . 53  
   concerning defaults of, . . . . . 64  
 Mr., the building of his boat for-  
   bidden, . . . . . 66  
   shallop of, attached for debt, . . 68  
   one of committee to lay out lands  
   in Portsmouth, . . . . . 71  
   has two hundred and forty acres  
   of land on Rhode Island, . . . . 73  
 Assault and battery, law of 1647, re-  
   lative to, . . . . . 171  
 Atherton, Major, letter to be writ-  
   ten to concerning purchases of  
   lands by him in the Narragan-  
   sett country, contrary to law, . 421  
   letter from, ordered read, . . . . 428  
   commissioners to treat with, 433, 428  
   report of the committee in relation  
   to, . . . . . 438  
   deed to, of northern tract from the  
   Narragansett sachems, . . . . . 464  
   mortgage to, of the Narragansett  
   country from the four sachems, 465  
   letter from Charles 2d, confirm-  
   ing the purchase by, . . . . . 466  
 Attorney General to be appointed,  
   and the duties of, . . . . . 225  
 Attachment, property liable to, . . 227  
 Aurania, fort at, . . . . . 344  
 Avery, Ensign, . . . . . 457  
 Awardes, Richard, 70, 91, 100, 111, 127  
 Awardes William, . . . . . 84  
 Awashotust, . . . . . 131  
 Awashoose, . . . . . 136  
 Awashonse, . . . . . 464  
 Awashwash, . . . . . 451  
 Badcocke, James, . . . . . 221, 366, 419  
   an inhabitant of Portsmouth, 76, 300  
   to look up fire arms, . . . . . 77  
   land granted to in Portsmouth, . 77  
 Baker, Wm., . . . . . 91, 92, 132, 300  
   grant of land to, in Portsmouth, . 59  
   commissioner, . . . . . 345  
 Baldwin, Thomas, . . . . . 302  
 Barker, James, 127, 209, 300, 444, 450  
   committee to demand the records  
   of Mr. Coddington, . . . . . 265  
   commissioner, . . . . . 316, 447, 508  
   assistant, . . . . . 511  
 Barton, Rufus, . . . . . 75, 81  
   old Mr., to have a piece of mead-  
   ow, . . . . . 76  
   Goodman, . . . . . 76  
 Barton, William, . . . . . 496  
 Bartlett, John, . . . . . 92, 94  
 Bassett, Henry, . . . . . 300  
 Baulston, Balston, Balstone, Boyl-  
   ston, William, signs the com-  
   pact at Portsmouth, 1638, . . . 52  
   at Portsmouth, 53, 54, 56, 57, 62, 71,  
   82, 85  
   grant of land on Rhode Island to, 55, 82

- to set up a house of entertain-  
ment, and brew beer, . . . . . 55  
chosen captain of train band, . . . 56  
has two hundred and forty acres  
of land, . . . . . 73  
to view the fences, . . . . . 78  
to see that every freeman is pro-  
vided with powder and bullets, 80, 83  
to have £9 a year for John Mott's  
washing and diet, . . . . . 82  
chosen assistant and treasurer, 101,  
110, 112, 120  
lieutenant of train band, . . . . 120  
report on the accounts of, . . . . 126  
assistant, 209, 231, 336, 353, 386, 404,  
408, 427, 436, 467, 504  
commissioner for Portsmouth, 277,  
281, 299, 304, 316, 337, 345, 366,  
394, 403, 419, 431, 437, 446, 468,  
480, 492, 501, 508.  
Ballston, 100, 305, 307, 314, 321, 338,  
390, 417, 418, 419, 420, 421, 422,  
427, 433, 435, 438, 441, 444, 446,  
449, 468, 482, 511.  
Baulston, Lieutenant, to erect a  
mill, 1640, . . . . . 76  
Ballue, Maturin, . . . . . 387  
Banishment, act in relation to, . . 230  
Barbadoes, transportation of horses  
and cattle to, . . . . . 338  
Baxter, Capt. George, desired to  
bring forth and present the  
charter, . . . . . 509  
charter read by, in view of all the  
people, . . . . . 509  
£25 voted to, . . . . . 511  
Bazicott, Peter, . . . . . 302  
Beast, penalty for keeping a strange, 341  
Beeder, Thomas, at Portsmouth,  
1639, . . . . . 70, 91  
Bellingham, Mr., . . . . . 325  
Bellow, Ballow, Robert, . . . . 77, 83  
Bennett, Hugh, . . . . . 299  
Bennett, Hugh, commissioner for  
Providence, . . . . . 209, 345  
general sargent, . . . . . 245  
Bennett, Robert, . . . . . 300  
Burnett, Samuel, commissioner, . . 354  
Bewitt, Buit, Hugh, 24, 31, 226, 263,  
299, 357  
commissioner for Providence, 235, 239,  
241, 250, 258, 354  
general sargent, . . . . . 242, 262  
placed in custody as a prisoner, . 252  
examination of, . . . . . 252, 253  
ordered to take his seat in the As-  
sembly, . . . . . 255  
charged with treason, . . . . . 252  
declared not guilty by the General  
Assembly, . . . . . 255  
Bimeleck, an Indian, . . . . . 454  
Bishop, Henry, . . . . . 92, 108, 111, 112  
Blatchford, Peter, . . . . . 457  
Blackford, Nicho., . . . . . 300  
Blaxton, Blakstone, William, has  
liberty to record his land in the  
colony records, . . . . . 341  
complains that John Browne is  
taking up land near him, . . . 411  
note relating to, from. Hutchin-  
son's Mass., . . . . . 412  
Blisse, George, . . . . . 221, 300, 333  
Boomer, Mathew, . . . . . 300  
Boundary between Newport and  
Portsmouth, . . . . . 114, 115  
of the western line of the colony,  
committee to run, . . . . . 417  
John Winthrop to be notified of  
the intention to run, . . . . 417  
Borden, Burden, John, . . . . . 76  
Thomas, . . . . . 75, 300  
Francis, . . . . . 300  
Richard, 79, 91, 111, 299, 315, 345,  
353, 357  
grant of land to, . . . . . 55  
to aid in surveying lands, . . . 64, 102  
commissioner for Portsmouth, 277, 281,  
354  
assistant for do., 264, 265, 273  
general treasurer, . . . . . 282  
commissioner relative to the Dutch, 265  
Bow and arrows, every one to be  
provided with, . . . . . 186  
the use of, to be taught children, 186  
Boylston, see Baulston.  
Brace, Mr., . . . . . 108, 110  
Bradstreet, Simon, . . . . . 376, 466  
Brayton, Braiton, Francis, 299, 473, 507  
at Portsmouth, 1643, . . . . . 78  
commissioner, . . . . . 468, 504, 508  
Bread, assize of, ordered, 1638, . . 61  
Brenton, Mr. [William], at Ports-  
mouth, 58, 59, 61, 62, 63, 87, 100,  
299, 421, 429, 435, 442, 447, 449, 482,  
496, 506.  
chosen to the place of eldership, . . 64  
land granted to in Portsmouth, 82, 109  
chosen deputy governor, 101, 112, 120  
complains of Coddington for ship-  
ping his horses, . . . . . 337, 338  
action of the Assembly in relation  
to do., . . . . . 348, 358, 360, 361  
president of the colony, 427, 436, 467  
commissioner for Portsmouth, 431, 447  
do. do. Newport, 480, 504,  
508  
moderator, . . . . . 432, 436, 437  
letter to, from John Clarke, in  
England, read, . . . . . 480  
to write John Clarke, about the  
bounds of the charter, . . . . 484  
deputy governor, . . . . . 511

- letter to Governor Endicott of  
Massachusetts, . . . . . 515
- Bridges, John, . . . . . 70, 447, 482
- land granted to, . . . . . 80
- commissioner, 419, 437, 480, 492, 501
- Briggs, John, 75, 91, 111, 299, 311, 315
- to examine the fire-arms in Ports-  
mouth, . . . . . 77
- suspended till he gives satisfac-  
tion, . . . . . 119
- suspension removed, . . . . . 124
- assistant from Portsmouth, . . . 210
- commissioner for do., 277, 281, 304,  
316, 326, 327
- Brinley, F., recorder, . . . . . 47
- Brinley, Francis, . . . . . 506
- Brookes, Thomas, land granted to in  
Portsmouth, . . . . . 81
- Brookes, Thomas, . . . . . 127, 299
- Browce, Edward, . . . . . 92
- Browne, Brown, Chad, among first  
settlers of Providence, . . . . 14
- receives a home lot in, . . . . . 24
- one of the arbitrators to form a  
government, report of, . . . . 27
- Brown, Nicholas, signs the compact  
at Portsmouth, 1639, . . . . . 70
- dismisses himself from do., . . . 73
- to have land in do., . . . . . 79, 84
- freeman of Aquidneck, . . . . . 91, 299
- Brown John, . . . . . 299, 387
- commissioner for Providence, 277, 281
- forbidden to take up land near the  
boundary of Plymouth and Prov-  
idence, . . . . . 411
- recorder, . . . . . 47
- Browne, Henry, commissioner for  
Providence, 239, 250, 252, 258, 281,  
299
- Tobias, . . . . . 76
- Brown, John Carter, manuscripts  
from the library of, . . . . . 464, 465, 489
- Brownell, Thomas, 151, 300, 304, 316,  
437
- commissioner for Warwick, . . . 447
- do. do. Portsmouth, 492, 501
- Browninge, Nathaniel, . . . . . 299
- Buggerie, law of, 1647, regarding, . 173
- Bulger, Richard, . . . . . 282, 328, 427
- solicitor general, . . . . . 336, 467, 504
- commissioner dq., . . . . . 345
- Bull, Henry, 56, 60, 61, 62, 63, 101, 110,  
112, 120, 300, 307, 311
- signs the compact at Portsmouth,  
1638, . . . . . 52
- among the founders of Newport,  
1639, . . . . . 87
- sarjeant of Portsmouth, . . . . . 65
- commissioner for Newport, . . . 304
- do. do. Providence, . . . . . 354
- fine remitted to, . . . . . 340
- Bullock, Erasmus, 1639, . . . . . 70, 91
- Bulis, a certain number to be kept, . 95
- Burglary, law of 1647, regarding, . 166
- Burning of houses, penalty of death  
for, . . . . . 167
- Burdett, Robert, arrested by Mas-  
sachusetts in Southertown, . . 455
- narrative of do., . . . . . 456
- imprisoned and fined by Massa-  
chusetts, . . . . . 462
- Burdick, Birdick, Robert, . . . . 356
- Thomas, . . . . . 302, 303
- Burrwood, Thomas, to be written to  
about a patent for Rhode Island,  
1639, . . . . . 94
- Burt, James, . . . . . 92
- Burton, Thomas, . . . . . 92
- Burton, William, permitted to buy  
land of the Indians, . . . . . 483
- Burrows, Burrowes, William, . . 24, 31
- Busserole, Peter, . . . . . 221
- Cadman, William, . . . . . 426
- Calverly, Edmund, . . . . . 507
- permitted to buy land of the In-  
dians, . . . . . 483
- commissioner, . . . . . 504
- Card, Richard, . . . . . 301
- Carder, Richard, 52, 56, 59, 62, 63, 100,  
136, 302, 420
- has land at Portsmouth, . . . . . 73
- to lay out land in Portsmouth, . . 85
- disfranchised and name struck  
from roll, . . . . . 111, 119
- to be arrested if he comes upon  
the Island armed, . . . . . 123
- one of the grantees of the town of  
Warwick, . . . . . 130
- commissioner for Warwick, 409, 428,  
432, 504, 508
- Carr, Robert, an inhabitant of Rhode  
Island, 1638, 67, 91, 111, 301, 506
- Carr, Caleb, . . . . . 281, 301, 450, 496, 506
- commissioner, . . . . . 409, 432, 447, 492
- general treasurer, . . . . . 437
- Canonicus, deed of land from, to  
Roger Williams, 1637, . . . . . 18
- uncle to Miantonomi, . . . . . 37
- deed of Acquidneck from, to Wm.  
Coddington, . . . . . 44
- gives the island of Prudence to  
Roger Williams and Governor  
Winthrop, . . . . . 46
- receipt from William Coddington  
of articles on account of the  
purchase of Acquidneck, . . . . 49
- protector of Miantonomi, . . . . 136
- signs act of submission to the king  
of Great Britain, . . . . . 134
- letter from, to Massachusetts, . . 136
- Caujaniquante, successor of Canoni-  
cus, confirms deed of land to the

- inhabitants of Providence and  
 Pawtuxet, . . . . . 35  
 letter of Roger Williams in rela-  
 tion to, . . . . . 39  
 Carpenter, William, 299, 323, 430, 444,  
 482  
 land granted to in 1636, . . . . 14  
 do. transferred to by Roger Wil-  
 liams, 1638, . . . . . 20  
 receives a home lot in Providence, 24  
 signs the compact in 1640, . . . 31  
 commissioner, 366, 419, 428, 468, 480,  
 492, 501, 504, 508  
 Case, William, . . . . . 301, 303  
 Cattle, damage done by, . . . . 67  
 pound for, to be made, . . . . 68  
 keepers appointed for the herds of, 95  
 spare, to be kept at Sachest, . . 95  
 exported, returns of, to be made, 150  
 taken on execution, how appraised, 231  
 transportation of, to other places, 338  
 Champertors, laws of 1647, regard-  
 ing, . . . . . 179  
 Chare, George, . . . . . 70  
 Champlin, Jeffrey, 69, 91, 108, 110, 301  
 Charles 2d, letter to Parliament, and  
 proclamation read to the As-  
 sembly, . . . . . 432  
 proclamation as king throughout  
 the colony, . . . . . 432  
 writs and documents to be issued  
 in the name of, . . . . . 432  
 declaration of, and letter to the  
 House of Commons to be enter-  
 ed on the public records, . . . 433  
 authority of, publicly acknowl-  
 edged, . . . . . 442  
 letter of, confirming Major Atter-  
 ton in the proprietorship of the  
 Narragansett country, . . . . 466  
 vote of thanks to, by the Assem-  
 bly, for the charter, . . . . . 510  
 Charter of Providence Plantations,  
 1643, . . . . . 143  
 to be put in the president's hands, 380  
 no copy of to be given under pen-  
 alty of £100, . . . . . 383  
 of 1663, Capt. Baxter brings forth  
 and presents . . . . . 509  
 "read with becoming gravity," 509  
 vote of thanks to the king for, . 509  
 acknowledgments to John Clarke  
 for "his labor, pains and trav-  
 ail" in procuring, . . . . . 510  
 Chasmore, Richard, . . . . . 355  
 Chesbrough, William, testimony of,  
 relative to difficulties at South-  
 ertown, . . . . . 455  
 Samuel do. . . . . 455  
 Nathaniel do. . . . . 455  
 Elisha do. . . . . 455, 457  
 Chibachawese, or Prudence Island,  
 sold to Roger Williams and  
 Governor Winthrop, by Canonis-  
 cus, . . . . . 45  
 Church, every man ordered to car-  
 ry arms to, . . . . . 79  
 Clarendon, Earl of, vote of thanks  
 to "for his exceeding great care  
 and love unto this colony," . . 510  
 Clarke, John, one of the signers to  
 the compact at Portsmouth,  
 1638, . . . . . 52  
 at Portsmouth, 53, 56, 58, 59, 60, 61,  
 62, 63  
 at Newport, . . . . . 87, 100, 110, 300  
 six acres of land on Rhode Island  
 given to, . . . . . 55  
 to survey the land and make plat, 64  
 one of the committee to lay out  
 lands in Newport, arrange high-  
 ways, dispose of farms, &c., 88, 89  
 to write to Mr. Vane about pro-  
 curing a patent for Acquid-  
 neck, 1639, . . . . . 94  
 lands of, where recorded, . . . 49  
 on the committee to petition for a  
 patent, or a charter, 1640, . . 125  
 commissioner for Newport, 209, 216,  
 220  
 general treasurer, . . . . . 217, 221  
 nominated to go to England, . . 231  
 sent to England to procure the re-  
 peal of Coddington's commis-  
 sion, . . . . . 234  
 letter to be sent to, in England,  
 by the colony, . . . . . 283  
 instructions to read and approved, 283  
 mention of by Roger Williams, in  
 his letter to Rhode Island, . . 351  
 letter of thanks ordered to be writ-  
 ten to, . . . . . 317, 321, 421  
 letter to be written to relative to  
 Mr. Coddington, . . . . . 328  
 sends ammunition from London, . 346  
 William Harris's book and charg-  
 es of Roger Williams against  
 sent to, to be submitted to the  
 English government, . . . . . 364  
 money to be raised to be sent to,  
 for ammunition lost, . . . . . 395, 416  
 letter from the colony to, to be  
 presented to Cromwell, . . . . 395  
 letter from, read to the Assembly, 420  
 committee to send commission  
 and instructions to, . . . . . 421  
 £50 to be raised and sent to, . . 422  
 letter from, read to the Assembly, 432  
 commission to, from the Assem-  
 bly, as agent and attorney in  
 England, . . . . . 433  
 money to be raised by contribu-



- tion to be sent to, 444, 448, 480, 496, 505, 506, 507
- committee in each town to receive contributions of cattle, corn and money, . . . . . 448
- letters from, to the colony ordered to be read, . . . . . 447, 505
- committees to draw up a letter of thanks to, . . . . . 448, 484, 496
- letter from, to Mr. Brenton, read to the Assembly, . . . . . 480
- towns pledge themselves to raise money for, . . . . . 482
- encouragement from, that the charter will be forthcoming, . . . 482
- petition of, in behalf of, Rhode Island, to Charles 2d, . . . . . 485
- second petition and address of, in behalf of Rhode Island, to Charles 2d, . . . . . 488
- commissioners of the colonies, letter to be sent to, . . . . . 496
- letter from, accompanying the charter, read, . . . . . 509, 510
- great charter of 1663 received from, . . . . . 509
- all his disbursements in England, and all expenses attending his agency to be paid, . . . . . 510
- vote of thanks to, for "his great pains, labor and travail exercised for above twelve years in behalf of the colony," . . . 510
- other references to, . . . 331, 332, 436
- Clarke, Captain, . . . . . 127, 212
- Clarke, Jeremiah, Jeremy, 63, 87, 91, 93, 98, 99, 100, 101, 110, 301, 451
- lays out land in Newport, . . . 102
- lieutenant of train band, . . . 121
- chosen treasurer, . . . 127, 148, 209
- substituted as president in place of Coddington, . . . . . 211
- Clarke, Joseph, at Portsmouth, 1638, 67
- do. do., 91, 95, 100, 111, 301, 364, 421, 433
- assistant, . . . 209, 386, 404, 408, 511
- commissioner, 316, 354, 366, 408, 419
- arrested by Massachusetts in Southertown, . . . . . 455
- narrative of do., . . . . . 456
- Clarke, Thomas, 91, 95, 100, 111, 301
- Clarke, Latham, . . . . . 451
- Clarke, Henry, . . . . . 451
- Clawson, John, . . . . . 330
- Cleer, George, . . . . . 91
- Clement, Thomas, . . . . . 299
- Clifton, Cleveton, Thomas, . . 263, 301
- Cocumcosuck river, . . . . . 464
- Coddington, William, deed of Aquidneck, or Rhode Island, from Canonicus and Miantonomi to, 44
- paid gratuities to various sachems for lands and privileges, . . 48, 49
- testimony of relative to the purchase of Rhode Island, . . . 50, 51
- transfers the deeds of purchase of Rhode Island to his eighteen associates, . . . . . 50
- made a peace with Canonicus and Miantonomi by order of Massachusetts before the Pequod war, . . . . . 51
- went from Boston to buy the island of Aquidneck, . . . . . 51
- one of the signers to the compact at Portsmouth, 1638, . . . . . 52
- elected a judge at Portsmouth, 1638, 52
- oath of office to administer law, . 53
- sits as judge at Portsmouth, 53, 54, 56, 58, 60, 61, 62, 63, 100
- allotments of land to, . . . . . 55, 56
- first judge of Newport plantation, 87
- to have six acres in Newport for an orchard, . . . . . 89
- bounds of land extended, . . . . 95
- record of lands, . . . . . 99
- governor of Newport colony, 101, 110, 112, 120
- on the committee to petition for patent, or charter, . . . . . 125
- assistant from Newport, . . . . 148
- president of Providence Plantations, . . . . . 208
- divers bills of complaint against, 210
- sails for England, . . . . . 214
- accusations against not cleared, and substitute appointed as president, . . . . . 211
- suit of William Dyre against, . . 219
- obtains a commission in England, difficulties arise therefrom, . . 233
- Mr. Clarke sent to England to procure repeal of the commission of, . . . . . 234
- records and books demanded of, and his reply, . . . . . 265
- remonstrance of Providence and Warwick against the commission of, . . . . . 268
- commissioner for Newport, 320, 327, 504
- engages to submit to the authority of Cromwell, . . . . . 327
- objection to his sitting as commissioner, . . . . . 328
- fine about records, not to be returned, . . . . . 330
- the records prejudicial to, cut out of the record book, . . . . . 332
- presentments against not to be



- prosecuted, . . . . . 333  
 execution against, in favor of  
   Richard Morris, suspended, . . . 349  
 vs. Morris, the court decline in-  
   terfering with, . . . . . 357  
 charge against by William Bren-  
   ton for taking his horses, . . . 337, 348  
 petitions the General Court, . . . 355  
 opinion and action of General  
   Court, in case of do., . . . 358, 360, 361  
 vs. John Sanford, . . . . . 384, 385  
 purchase of Dutch Island by, . . . 403  
 other references to, . . . . . 300, 506  
 Coggeshall, John 53, 54, 56, 60, 62, 95,  
   100, 106, 110, 300, 507  
   at Portsmouth, 1638, . . . . . 52  
   grant of land to on Rhode Island, . . 55  
   treasurer of Portsmouth company, . . 57  
   elected to the eldership, . . . . . 64  
   among the founders of Newport,  
     1639, . . . . . 87  
   chosen assistant, 101, 112, 120, 336, 511  
   report on the treasury, . . . . . 117  
   moderator, . . . . . 147  
   elected corporal, . . . . . 127  
   president of Providence colony,  
     1647, . . . . . 148  
   general treasurer, . . . . . 264, 273  
   commissioner for Newport, 278, 281,  
     504, 508  
   may contract a new marriage, . . . 314  
   rehearing in case of Brenton vs.  
     Coddington declared legal, . . . 348  
   new trial granted to for forfeiture  
     of bonds, . . . . . 430  
   petition of, concerning Askomi-  
     cutt, . . . . . 449  
 Coggeshall, John, Jun'r, . . . . . 301  
 Coggeshall, Elizabeth, warrant is-  
   sued against, . . . . . 280  
   has leave to marry again, . . . . 319  
 Coginaquam, grant of the northern  
   tract to Governor Winthrop,  
   Major Atherton and others, . . . 464  
 Cole, Robert, land granted to in  
   Providence, 1637, . . . . . 17  
   do. do., by Roger Williams, . . . 20  
   receives a home lot in Providence, . 24  
   arbitrator to form a government, . 27, 31  
 Cole, Gregory, . . . . . 300  
 Coleway, Robert, . . . . . 387  
 Commissioners allowed 3s. a day, . . 307  
   fined 6s. a day for non-attendance, 307  
 Commissioners of the United Colo-  
   nies, letter from, concerning the  
   Quakers, . . . . . 374  
   letter to from Rhode Island in re-  
   ply, . . . . . 376  
   letter to be written to, concerning  
   purchases of lands by Massa-  
   chusetts men contrary to law, . . 421  
 proceedings of relative to the dis-  
   puted jurisdiction of the Narra-  
   gansett country, . . . . . 498  
   letter from, relative to the dis-  
   puted jurisdiction of the Narra-  
   gansett country, . . . . . 499  
 Comstock, Samuel, . . . . . 310  
 Conannicut, dispute with the In-  
   dians about grass on, . . . . . 319  
   to contribute money for Mr. John  
     Clarke, . . . . . 506  
 Conscience, liberty of, acts and  
   opinions relating to, . . . . . 16, 28  
 Conigrave, Walter, . . . . . 302  
 Conspirators, laws of 1647, regard-  
   ing, . . . . . 178  
 Constable in 1638, and his duties, . . 64  
 Cook, Thomas, . . . . . 78, 300, 384, 417  
   do. Thomas, Jr., . . . . . 300  
 Cooke, John . . . . . 151, 300, 302  
   do., commissioner, . . . . . 267, 272  
 Copassanatusett, . . . . . 130  
 Cope, Edward, among first settlers  
   of Providence, . . . . . 14  
   land granted to, . . . . . 15  
   signs compact, 1640, . . . . . 31  
 Corn to be divided among the peo-  
   ple, . . . . . 98  
 Cornell, [Thomas], . . . . . 75, 76, 83  
   do., . . . . . 104, 111, 112, 117, 300  
   land granted to, . . . . . 84  
   commissioner, . . . . . 277, 281  
 Corry, William, . . . . . 387  
 Cotterell, Nicholas, . . . . . 92, 301  
 Court, organization of at Ports-  
   mouth, 1639, . . . . . 71  
 Courts, Quarter, cases how deter-  
   mined in, . . . . . 90  
   orders respecting the terms of, 103,  
     106, 113, 115, 122, 305, 395  
   may be called monthly by each  
     town, . . . . . 106  
   not to be longer furnished with  
   diet at the country's expense, . . 122  
   juries for, to be appointed at town  
     meetings, . . . . . 124  
   manner of proceeding in, . . . . 202  
   order relative to re-hearing in, . . 222  
   misbehaviour in, punished with  
     the stocks, . . . . . 232  
   of towns, to try cases first, . . . 237  
   assaults in, punished by whipping, 321  
 Court of Trials, . . . . . 149, 402  
   for what purpose, . . . . . 191  
   the president to sit as chief judge  
     of, . . . . . 194  
   organization of, and mode of pro-  
   ceeding in, . . . . . 195 to 207  
   to be held where the action arose, . 209  
   an assistant to preside in, in cer-  
   tain cases, . . . . . 399

- complaints of delays in, . . . . 502  
 Court of Commissioners to meet annually, . . . . . 400  
 Covenant, breach of, laws of 1647 regarding, . . . . . 182  
 Cowdall, John, . . . . . 349, 358, 360  
 Cowset Indians, and country, 40, 460, 465  
 Cowland, Ralph, . . . . . 104, 111, 300, 426  
 Cowley, Cowlie, . . . . . 70, 91, 95, 100, 110  
 Cowling, William, . . . . . 49  
 Crandall, John, 301, 395, 450, 473, 482  
   commissioner, . . . . . 409, 468, 480, 501  
   to mark out the boundary of the colony, . . . . . 417  
 Cranston, Captain, John, 127, 300, 301, 304, 307, 313, 320, 328, 350, 408, 427, 444, 447, 484, 504, 508.  
   general attorney, 273, 282, 303, 325, 386, 467  
   commissioner for Newport, 304, 316, 326, 327, 354, 366, 428  
   petition concerning Askomieu, . . . . 449  
 Captain Thomas, . . . . . 311  
 Cromwell, Oliver, . . . . . 143  
   letter to be sent to from the colony, 283  
   all writs to be issued in the name of, . . . . . 283  
   order from the council of, to Massachusetts, relative to Roger Williams and Providence charter, . . . . . 290  
   penalty for not acknowledging the government of, . . . . . 306  
   letter from, to Rhode Island, . . . 316  
   letter of thanks to be written to the council of, . . . . . 317, 321  
   complaints to, of lasciviousness in the colony, . . . . . 381  
   penalty of £100 for giving a copy of the letter of, . . . . . 383  
 Cromwell, Richard, Lord Protector,  
   proclamation issued in relation to, and sent to each town to be read, . . . . . 406  
   copy of letter ordered to be sent to for confirmation of the charter, . . . . . 414  
   power of, departed before the letter was sent, . . . . . 416  
 Cry, William, . . . . . 76  
 Cursing and swearing punished with the stocks, . . . . . 314  
 Cussuckquant, confirms sale of lands to the people of Providence and Pawtuxet, . . . . . 36  
   (see also Quissuckquansh.)  
 Daniel, Alice, grant of land to, 1636, 15  
   do., afterwards the wife of John Greene, . . . . . 15  
   receives a home lot in Providence, 24  
 Davice, Davis, James, . . . . . 70, 91  
 Davis, Abigail, . . . . . 309, 359  
   marriage with R. Russell declared unlawful, . . . . . 365  
   commissioner's report on her case, 359  
   do., Nicholas, . . . . . 91  
 Deborah, vessel, commissioned against the enemies of England, 274  
 Debts, law of 1647, relating to the recovery of, . . . . . 181  
 Deeds, twelve pence allowed the clerk for making, . . . . . 30  
 Deer, not to be shot for two months, 84  
 £5 penalty for killing, . . . . . 85, 113  
   laws relative to, . . . . . 116  
 Democracy, the government declared to be, 1641, . . . . . 112  
 Democratical, the government of Providence Plantations, . . . . 156  
 Demurs, laws relative to, . . . . . 237, 356, 479  
 Denison, Capt. Geo., letter to, relative to Uncas and the Indians, 362  
   do., . . . . . 465, 498  
   do., Daniel, commissioner of the United Colonies, . . . . . 376, 466, 500  
 Derber, Francis, . . . . . 484  
 Destraints, order relating to, . . . 359  
 Devill, Davill, Williams, . . . . . 301  
 Dexter, Gregory, receives a home lot in Providence, . . . . . 24  
   signs the first compact in 1640, . . 31  
   purchases land with the inhabitants of Providence from Osamequin, . . . . . 31  
   testimony and explanation of said purchase, . . . . . 33  
   one of the committee for Providence to form a government, . . 42  
   commissioner for Providence, 209, 235, 239, 241, 245, 250, 258, 267, 271, 277, 281.  
   moderator, 250, 252, 253, 255, 257, 258, 279  
   president, . . . . . 262  
   to write letter to Cromwell, Sir H. Vane and others, . . . . . 283, 284  
   letter to Sir Henry Vane, . . . . . 287  
 Dickens, Nathaniel, . . . . . 299  
 Disfranchisement not to be exercised except by a majority, . . . 125  
 Divorce only granted in case of adultery, . . . . . 231  
   may be granted by magistrates, . . 312  
 Douteb, Osamond, . . . . . 59, 66, 91  
 Driggs, John, . . . . . 67  
 Drunkenness, law of 1647 relating to, 186  
   persons convicted of, to be put in the stocks, . . . . . 186  
 Dummer, Richard, land granted to, 59  
   admitted a freeman, . . . . . 58  
   builds a mill at Portsmouth. . . . 59

- Dummer, Stephen, land granted to, 59  
 Dummer, Thomas, do. do. . . 59  
 Dummer, Richard, and his friends,  
     to be accommodated with lands, 60  
 Dunn, Richard, . . . . . 301  
 Dungen, Dungen, Thomas, . . 302, 336  
 Durdall, Hugh, . . . . . 48, 92  
 Dyre, William, 314, 321, 338, 348, 361,  
     403, 442, 447, 448, 468, 482, 505  
     signs the compact at Portsmouth,  
     1638, . . . . . 52  
     chosen clerk, 53, 54, 56, 58, 59, 60, 61,  
     62, 63, 64, 87, 93, 208, 219, 232,  
     265, 301.  
     allotment of land to, . . . . . 55  
     £19 and ten acres of land given  
     to, for services, . . . . . 90  
     secretary of Rhode Island colony,  
     101, 110, 112, 120  
     to lay out land in Newport, . . .  
     general recorder, . . . 148, 427, 436  
     suit against William Coddington, 219  
     elected attorney general, . . . 226  
     commissioned to go against the  
     Dutch, . . . . . 266  
     commissioner for Providence, . . 316  
     do. for Warwick, . . . 437  
     do. for Newport, . . 468, 480  
     his connection with the State's  
     prize money, . . . 425, 431, 436  
 Dutch Island, the purchase of, . . 403  
 Dutch, the governor to treat with,  
     for supplies, . . . . . 126  
     forbidden to trade with the In-  
     dians, . . . . . 153, 243, 279  
     the governor of, to be notified of  
     the law relating to trade, . . . 244  
     orders from England to the colony  
     to arm itself against, . . . . . 261  
     trade with prohibited, . . . . . 261  
     committee in charge of matters  
     relating to, . . . . . 265  
     commissions for privateers issued  
     against, . . . . . 266  
     Providence objects to the commis-  
     sions issued against, . . . . . 271  
     mention of, in letter to Sir Henry  
     Vane, . . . . . 238  
     the cause of the Indian war, . . . 294  
     furnish arms and ammunition to  
     the Indians, . . . . . 344  
     acts against repealed, & commerce  
     free to, . . . . . 356, 389  
 Earle, Ralph, 91, 97, 225, 232, 300, 313,  
     349, 426  
     at Portsmouth, 1639, . . . . . 70  
 Earle, William, . . . . . 387  
 Earle, Sarah, . . . . . 426  
 Easton, Esson, Nicholas, 58, 62, 63, 91,  
     100, 212, 265, 321, 330, 346, 427,  
     429.  
     land granted to, in 1638, . . . . 59  
     land privileges to, for building a  
     water mill, . . . . . 62  
     elected an elder to assist the judge,  
     among the founders of Newport,  
     1639, . . . . . 87  
     fined for coming to a public meet-  
     ing without his weapon, . . . . 95  
     assistant, . . . 101, 110, 120, 209, 264  
     moderator, 208, 220, 240, 263, 301,  
     427  
     deserts his office as president, . . 233  
     chosen president, . . . . . 273  
     money in his hands for prizes to  
     be obtained, proceedings rela-  
     tive to, . . . . . 387, 425, 430, 440  
     commissioner for Newport, . . . 428  
     new trial granted to, for forfeiture  
     of bonds, . . . . . 430  
 Easton, Peter, . . . . . 127, 301  
     commissioner, . . . . . 337, 431  
 Easton, John, 301, 311, 339, 353, 357,  
     364, 393, 421, 425, 433  
     general attorney, 264, 265, 275, 336,  
     363, 427, 437, 467  
     commissioner for Newport, 278, 281,  
     304, 326, 327, 337, 345, 354, 366,  
     409, 419, 428, 431, 437, 504.  
     one of the referees in the case of  
     Roger Williams vs. William  
     Harris, . . . . . 363  
     assistant for Newport, . . . . . 436  
 Eaton, Theophilus, . . . . . 376  
 Eeonickamuch, . . . . . 454  
 Edsall, Samuel, . . . . . 275  
 Eldership, persons elected to, to as-  
     sist the judge, . . . . . 63  
 Elders, elected, 1638, Messrs. Eas-  
     ton, Coggeshall and Brenton, . . 64  
 Election of officers to be by papers, 148  
     court of, always to be held in  
     May, . . . . . 149  
     to be held in Newport, . . . . . 219  
 Emeries, Goodman, . . . . . 79  
 Emmons, Thomas, . . . . . 91, 100, 111  
 Endicott, John, Governor of Massa-  
     chusetts, letters to and from, 380  
     455, 456, 415, 516, 517  
 England, words of disgrace spoken  
     against, punishment for, . . . . 228  
     committee to select agents to send  
     to, . . . . . 440, 442  
 England, William, land granted to  
     in Portsmouth, . . . . . 81  
 Engagements to be taken by all pub-  
     lic officers, . . . . . 111  
     form of to be taken by, and given  
     to officers, . . . 150, 282, 306, 441  
 Enman, Edward, commissioner, 366, 387  
 Ensall, Samuel, . . . . . 132  
 Evington, Errington, Thomas, . . . 302

- Execution, appraisal of goods seized on, . . . . . 320
- Fees, table of established under laws of 1647, . . . . . 207
- Fierefield, John, . . . . . 301, 303, 450
- Felony, crimes judged to be under the code of 1647, . . . . . 166
- laws for the punishment of, . . . . . 193, 199
- Fences, order in relation to, . . . . . 96
- fine for defective, . . . . . 96
- Fenner, Venner, Arthur, 299, 305, 313, 393, 418, 435, 468, 482
- commissioner for Providence, 267, 271 304, 408, 428, 431, 468, 480, 492, 501.
- assistant for Providence, 353, 427, 436
- to mark out the colony's boundary, . . . . . 417
- Fenner, John, . . . . . 387, 431
- Fenner, William, . . . . . 387
- Field, Feild, John, one of the first settlers of Providence, . . . . . 14
- receives a home lot in do. . . . . 24
- signs the first compact in 1640, . . . . . 31
- references to, . . . . . 299
- Feild, William, 299, 316, 326, 327, 331, 340, 349, 409, 421, 430, 435, 444, 446, 468, 482, 503, 507.
- receives a home lot in Providence, 24
- signs the compact in 1640, . . . . . 31
- one of the committee to form a government, 1647, . . . . . 42
- general assistant for Providence, 219, 386, 404, 405, 407, 427, 436, 467, 504, 511.
- commissioner for Providence, 337, 366, 394, 408, 419, 428, 431, 437, 447, 468, 480, 492, 501, 504, 508.
- Feild, Robert, 92, 95, 99, 100, 111, 265
- land granted to, . . . . . 59
- Fines and forfeitures, to be retained for the benefit of the colony, . . . . . 206
- order relating to, . . . . . 334, 358, 384
- Fires not to be kindled in the woods or meadows, . . . . . 114
- Fire arms to be examined and put in order, . . . . . 77
- to remain in charge of Messrs. Boylston and Wilbour, . . . . .
- shall be carried to all public meetings, . . . . . 94
- all men compelled to bear, . . . . . 104
- to be purchased of Mr. Wilbour, . . . . . 113
- men appointed to mend, . . . . . 221
- Fish, Thomas, . . . . . 77, 300
- Fisher, Edward, . . . . . 300, 428
- land granted to, . . . . . 72, 80, 85
- Forceable Entry and Detainer, law of 1647, relating to, . . . . . 168
- do. law of in 1662, . . . . . 497
- Ford, John, . . . . . 300
- Foreigners not received as free inhabitants except by consent of the colony, . . . . . 246
- not allowed to trade with the Indians, . . . . . 246
- received into the colony to have the privileges of Englishmen, . . . . . 256
- Forging wills or records, law of 1647 relating to, . . . . . 180
- Fornication, singular punishment for, . . . . . 355
- Foster, Mr., received as freeman, 90, 92
- William, chose clerk of train band, 93
- at Newport, . . . . . 100, 110, 387
- Fowler, Henry, . . . . . 387
- Fox, reward for killing, . . . . . 113
- Fraudulent dealing, law of 1647 regarding, . . . . . 176
- Freeborne, William, signs compact at Portsmouth, 1638, . . . . . 52
- do., 54, 56, 58, 59, 61, 62, 63, 72, 75, 100, 110, 120, 300
- commissioner to lay out land in Portsmouth, . . . . . 71
- land granted to, . . . . . 73
- commissioner, . . . . . 354
- Freemen who do not attend public meetings to be fined 12 pence, . . . . . 57
- to elect juries for courts at town meetings, . . . . . 124
- who do not cohabit on the island, to have no vote or do business at courts, . . . . . 125
- French forbidden to trade with the Indians, . . . . . 153
- Fugitive servants to be sent back to their masters, . . . . . 274
- Gambling, law of 1647, relating to, 185
- Gardiner, George, 91, 95, 100, 111, 120, 127, 451, 492
- Garioud, Garriard, Gariardy, John, 302
- trades with the Dutch, . . . . . 274
- General Assistant, if he refuse to serve as such, shall pay five pounds, . . . . . 218
- General Officers for the Colony, law establishing, 1647, . . . . . 191
- process for the trial of, . . . . . 204, 262
- provision in case of the death of, . . . . . 347
- provision in case of the non-election of, . . . . . 348
- process of law against, . . . . . 358
- to be fined £5 if they refuse to serve when elected, . . . . . 440
- continued, 1663, . . . . . 514
- General Recorder, the duties of, 1647, . . . . . 195, 196, 422
- to fill the place of clerk of assizes, 196
- proviso in case of the death of, . . . . . 211
- General Sargent, duties of, 197, 238, 417

- to be water bailly, . . . . . 273
- Jennings, see Jennings.
- Gibbons, Mr., . . . . . 47
- Gilham, Robert, . . . . . 91
- Glover, Giles, trades with the Dutch, 274
- Goodwin, Adam, receives a home lot  
in Providence, . . . . . 24
- signs the compact in 1640, . . . . 31
- Gooken, Gooken, Captain, complaint  
of against Samuel Wilbore, . . 451
- Daniel, . . . . . 455, 499
- order to, forbidding him to settle  
in the Pequot country, . . . . 463
- Gold mine, supposed discovery of, . 214
- order relating to, . . . . . 217
- Gorton, Samuel, at Portsmouth,  
1639, . . . . . 70
- at Newport, . . . . . 91, 112
- deed of Shawomet, or Warwick,  
to, from Miantonomi, . . . . 130
- commissioner of the Narragansett  
sachems, . . . . . 135
- general assistant for Warwick, 217,  
234, 242
- commissioner for do., 235, 240, 245,  
326, 327, 316, 337, 354, 366, 419,  
468, 480, 492, 501, 508.
- moderator, &c., . . . . . 236, 302
- appeal of, . . . . . 262
- charge against for misdemeanor, . 262
- other references to, 321, 328, 331,  
340, 365, 373, 395, 409, 420, 421,  
442, 446, 482.
- complains to the English govern-  
ment about the encroachments  
of Massachusetts, . . . . . 367
- remonstrance of Massachusetts in  
relation to his petition, . . . 370
- reply of the Earl of Warwick to  
the petition of, . . . . . 367
- Gorton, Samuel, Jun'r, . . . . . 302
- Gorton, Thomas, 74, 79, 110, 120, 127,  
300
- Gould, Daniel, . . . . . 212
- Gould, Gold, Jeremy, and Jeremiah,  
92, 108, 110, 217, 301
- Gould, John, 263, 301, 357, 420, 425, 473
- commissioner for Newport, 304, 316,  
354, 447, 468, 492
- Gould Thomas, . . . . . 127, 301, 418, 436
- commissioner for Newport, 278, 281,  
431
- Governor, the chief magistrate of  
Newport to be, . . . . . 100
- invested with the office of justice  
of the peace, . . . . . 101
- Graves, punishment for robbing, . 320
- Greene, John, 302, 313, 325, 326, 406,  
421, 427, 429, 430, 432, 435, 442,  
444, 446, 468.
- land transferred to by Roger Wil-  
liams, 1638, . . . . . 20
- one of the committee to form a  
government, 1647, . . . . . 42
- sen'r, receives a home lot in  
Providence, . . . . . 24
- member of the first town council  
of Warwick, . . . . . 130,
- recorder, 240, 251, 255, 257, 259, 262
- recorder, letter to Roger Williams, 248
- deed of Warwick to, from Mianto-  
nomi, . . . . . 130
- letter to Portsmouth and Newport, 258
- commissioner for Warwick, 278, 273,  
281, 326, 327, 337, 345, 354, 409,  
419, 428, 437, 446, 467, 468, 480,  
492, 501, 504, 508.
- complains against the encroach-  
ments of Massachusetts, letter  
of the Earl of Warwick, and re-  
monstrance of Massachusetts in  
relation thereto, . . . . . 569, 371
- Winslow's commission to answer  
the charges of, . . . . . 372
- assistant for Warwick, 436, 504, 511
- permitted to buy land of the In-  
dians, . . . . . 484
- Newport, . . . . . 301, 328
- commissioner for Newport, 316, 326,  
337, 366, 428, 432
- sent to Mass. with letter, . . . .
- Greene, John, Jr., 131, 302, 304, 307,  
309, 311, 325, 357, 358, 384, 388,  
404, 405.
- signs the compact in 1640, . . . . 24
- clerk of the assembly, 236, 238, 239,  
244, 250
- commissioner, 235, 239, 241, 245, 250,  
258, 267, 272, 278, 281, 304, 316,  
326, 327, 366, 394.
- general recorder, . . . . . 242, 246, 303, 404
- gen'l attorney, 353, 386, 408, 427, 441
- general solicitor, . . . . . 303
- to examine the public laws, . . 278, 404
- clerk of the council, . . . . . 405, 406, 407
- Greene, James, . . . . . 302, 437, 473
- commissioner for Warwick, 432, 468,  
480, 492, 504, 508
- permitted to buy land of the In-  
dians, . . . . . 484
- Greene, Peter, assistant for War-  
wick, . . . . . 210, 302
- commissioner for do., . . . . . 366
- Greene, Thomas, . . . . . 302
- commissioner for Portsmouth, 468, 480
- permitted to buy land of the In-  
dians, . . . . . 484
- Greenell, Mathew, . . . . . 300
- Greenman, Edward, . . . . . 301, 354, 358
- David, . . . . . 301
- Grimman, John, . . . . . 92
- Gridell, Mathew, . . . . . 92



- Griffin, Robert, 301, 310, 314, 340, 425, 430  
 commissioner for Newport, . . . 337
- Gunpowder, two barrels of, to be always ready in every town, . . . 109
- Roger Williams applies to Massachusetts for, . . . 344
- sent from John Clarke, in London, 346
- from Mr. Clarke, supposed to be lost, . . . 395
- £50 raised to pay Mr. Clarke, for, 416
- Hadson, John, . . . 94
- Hall, John, . . . 83, 92, 301
- Hall, William, land granted to, in Portsmouth, . . . 81, 91, 300, 505  
 commissioner for Portsmouth, 277, 428, 504, 508
- Hall, Edward, commission granted to, against the Dutch, . . . 266
- Haman, George, . . . 301
- Harding, Mr. Richard, at Portsmouth, 1638, . . . 58, 59
- Harding, Robert, assistant, 110, 112, 125
- Harcutt, Richard, . . . 304, 311, 320
- Harrie, Harvie, . . . 419, 444
- Harris, William, 299, 429, 482, 503, 505  
 land conveyed to, by Roger Williams in 1638, . . . 20  
 receives a town lot in Providence, 24  
 one of the arbitrators to form a government for Providence, a report of, . . . 27, 31  
 commissioner for Providence, 209, 431  
 commissioner for Newport, . . . 428  
 charged with high treason by Roger Williams, . . . 361  
 ordered to appear before the court, 361  
 ordered to read his book before the court, and the original to be viewed by Mr. Williams, . . . 363  
 charge against, by Roger Williams to be read, and also his reply to William Harris's book, 363  
 case of, referred to John Weeks and John Easton, . . . 363  
 assembly declare his conduct to be seditious, . . . 364  
 charges against, and his reply sent to England for adjudication, . . . 364  
 to be bound over until the sentence of the government is known, . . . 364  
 committee to draw up letter to John Clarke, with all the facts relating to charges against, . . . 364  
 committee to receive bond of, to the amount of £500, . . . 365  
 assistant for Providence, . . . 427  
 commissioner for do., 468, 480, 492, 504, 508
- vs. William Barton and John Wickes, Jr, case of, referred, . . . 496
- Harris, Thomas, 24, 299, 309, 311, 313, 337, 345, 354, 358, 365, 444, 473, 482  
 at Providence, 1636, . . . 14  
 receives a town lot in Providence, 24  
 signs the compact in 1640, . . . 31  
 commissioner for Providence, 235, 241, 245, 250, 258, 277, 281, 304, 327, 354, 468, 480, 492, 501.  
 assistant for do., . . . 282
- Harris, Thomas, Jun'r, . . . 387
- Harris, Andrew, son of William, . . . 365
- Hart, Edward receives a lot in Providence, . . . 24  
 signs the compact in 1640, . . . 31
- Havens, Heavens, William, 70, 91, 221, 300  
 land granted to, in Portsmouth, . . . 81
- Haviland, William, 263, 301, 303, 337
- Hawkins, Job, home lot granted to, in Portsmouth, 1639, . . . 71
- Hawkins, John, . . . 111  
 at Newport, . . . 100
- Hawkins, William, receives a lot in Providence, . . . 24  
 signs the compact in 1640, . . . 31
- Hawkins, Richard, lot granted to, in Portsmouth, . . . 72  
 other references to, . . . 300
- Hawthurst, Christopher, . . . 302, 304
- Haydon, John, . . . 302
- Hazard, Thomas, among the first planters of Newport, 87-99, 91, 100, 111, 300
- Hazard, Robert, . . . 300, 473, 482  
 commissioner, . . . 468, 480
- Hazard's State papers, references to, . . . 376, 378, 451, 500
- Helme, Christopher, . . . 136, 210
- Herndall, Benjamin, . . . 387
- Hill, Valentine, land reserved for, granted to Sargeant Hutchinson, . . . 67
- Hick, Gabriel, . . . 221
- Hicks, John, . . . 92, 108, 110
- High Treason, law relating to, . . . 160
- Hitt, Thomas, . . . 91
- Hobson, Henry, . . . 281, 333, 384
- Hodgson, Robert, . . . 76
- Hogones, Daniel, forbidden to raise his house in Masscomscott, . . . 485
- Hogs, not to be kept near Newport, 95
- Hog Island, grass on, granted to William Brenton, . . . 59
- Plymouth claims jurisdiction over, 373
- reply from the General Assembly relative to, . . . 373
- dispute about, referred to Thomas Willett and Benedict Arnold, . . . 390

- instructions relative to, to be recorded, . . . . . 390
- commissioners to treat with Plymouth for, . . . . . 409, 430
- letter to Plymouth in relation to, 410
- attempts of Richard Smith to take possession of, . . . . . 422
- Holden, Howlden, Randall, 53, 56, 58-63, 100, 339, 340, 465, 406, 409, 429, 435, 442, 444, 473, 496, 503
- witnesses the deed of purchase of Rhode Island, 1637, . . . . . 46, 47
- signs the compact at Portsmouth, 1638, . . . . . 52
- at Warwick, . . . . . 502
- grant of land on Rhode Island to, 55
- chosen corporal of train band, . . 56
- to be marshall for a whole year, . 60
- disfranchised and name struck from roll, . . . . . 111, 119
- to be arrested if he comes upon the Island armed, . . . . . 123
- deed of Warwick to, from Miantonomi, . . . . . 131
- deed of Potowomut to, . . . . . 131
- commissioner of the Narragansett sachems, . . . . . 135
- assistant for Warwick, 148, 273, 282, 303, 325, 336, 353, 386, 404, 405, 408, 428, 468.
- commissioner for Warwick, 241, 245, 266, 278, 281, 337, 354, 366, 394, 409, 428, 469, 492, 501, 504, 508.
- commissioner for Newport, . . . 419
- treasurer, . . . . . 242
- on committee relating to the Dutch, . . . . . 265
- complaints against the encroachments of Massachusetts, 367, 371
- if elected to office, is excused from serving without paying fine, . . . . . 412
- Holidays for recreation to be determined on, . . . . . 280
- Holmes, Obadiah, 302, 316, 326, 327, 336
- commissioner for Newport, . . . 337
- Holland, Mr., Council of State, letter read from, . . . . . 240
- letter to be sent to, . . . . . 283
- Holyman, Holliman, neighbor, 278, 302, 313, 325, 365, 404-406
- land granted to, . . . . . 17
- Holyman, Goodman, land of, forfeited, . . . . . 78
- Holyman, Ezekiel, land conveyed to, by Roger Williams, 1638, . . 20
- receives a lot in Providence, . . . 24
- commissioner for Warwick, 239, 241, 250, 258, 267, 272, 278, 281, 304, 326, 327, 345, 419.
- assistant for do., . . . . . 210, 303
- deed of Shawmut to, . . . . . 130
- deed of Potowomut to, . . . . . 131
- Homicide, law of 1647, regarding, . 164
- Hope Island, deed of Miantonomi to Roger Williams, exhibited, . . 383
- Indians ordered to remove, . . . 383
- Hopkins, Thomas, receives a home in Providence, . . . . . 24
- signs the first compact at, . . . 31
- commissioner for Providence, 245, 299, 408, 431
- Houses to be built within a year by all who have grants of land, . . 103
- Houses of entertainment licensed, 280, 313, 314
- to have signs, . . . . . 314
- to allow no tippling after nine o'clock at night, . . . . . 330
- order to induce the keeping of additional, . . . . . 441
- Howland, Ralph, . . . . . 75
- Hubbard, Samuel, . . . . . 301
- Hubbub, not allowed to be raised, . 30
- Hudson, William, . . . . . 461, 466
- Hunt, Bartholomew, 329, 331, 332, 333
- Hunt, Enock, . . . . . 92
- Hutchinson, William, land granted to, . . . . . 73, 109, 110
- Hutchinson, William, Jr., signs the first compact at Portsmouth, 1638, . . . . . 52
- Hutchinson, Wm., at Portsmouth, 53, 54, 56, 58, 60, 61, 70
- to have six lots of land, . . . . . 53, 55
- chosen treasurer for the Portsmouth company, . . . . . 57
- Hutchinson, Edward, Sen'r, signs the first compact at Portsmouth, 1638, . . . . . 52
- 53, 56, 58, 59, 61, 111, 127, 461, 466
- at Newport, . . . . . 111, 127
- allotment of land at Rhode Island to, . . . . . 55
- to bake bread for the plantation, . 61
- has two hundred acres of land, 73, 109
- Hutchinson, Edward, Jr., signs the first compact at Portsmouth, 1638, . . . . . 52
- at Portsmouth, . . . . . 56
- allotment of land on Rhode Island to, . . . . . 55
- at Newport, . . . . . 111
- Hutchinson, Samuel, land allotted to, on Rhode Island, . . . . . 55, 75, 109
- at Portsmouth and Newport, 1639, 70, 91, 100, 300
- Hutchinson, Sargeant, . . . . . 62, 67
- Hutchinson, History of Massachusetts, referred to, . . . . 378, 412
- Indians, regulations of the venison



- trade with, . . . . . 62
- shall not take deer or skins from Rhode Island, except at Portsmouth, . . . . . 81
- ordered to leave the town of Portsmouth and live in the woods, . . 82
- trade with, made free to all men (Newport), . . . . . 90
- agreement between, and Governor Coddington, . . . . . 107
- shall not kindle fires upon the lands, . . . . . 107
- shall not set traps or destroy any deer on the island, . . . . . 107
- shall not back out from bargains made, . . . . . 108
- the Governor to write to the Bay in relation to, . . . . . 110
- shall not fall or peel any trees, . . 117
- penalty for selling or giving powder, ball, arms, &c., to the Indians, . . . . . 123, 139, 155, 226
- committee to devise means to prevent the sale of ammunition to, . . 320
- to be employed to kill the wolves on the Island, . . . . . 125
- the Dutch and French forbidden to trade with, . . . . . 153
- penalty of £5 for repairing the guns or arms of, . . . . . 155
- false peage used by, to be confiscated, . . . . . 155
- price of peage fixed with, . . . . . 217
- no land shall be purchased of, without the consent of the State, . . . . . 236, 404
- finest to be collected for selling liquor to, . . . . . 274
- liquor prohibited from being sold to, . . . . . 279, 304, 308, 338, 413
- war, said by R. Williams to have been begun by the Dutch, . . . 294
- notice of the tribes of, and their wars, by Williams, . . . . . 295
- keepers of, appointed, . . . . . 307
- dispute with, about the grass on Conanicut, . . . . . 319
- furnished secretly by the Dutch with arms and ammunition, . . 324
- their difficulties with the Warwick people stated in letter of Roger Williams, . . . . . 341
- complaints of the Narragansetts against the English at Pequot. . . 362
- ordered to remove from Hope Island, . . . . . 383
- lands not to be purchased of, except by order of the court of commissioners, . . . . . 404
- commit robberies in Pawtuxet, . . 405
- laws to punish stealing by, . . . 412
- their lands at Niantecutt, ordered to be purchased, . . . . . 418
- Providence permitted to buy three thousand acres of land of, adjoining the township, . . . . . 418
- land at Potowomut ordered, purchase of, . . . . . 424
- encroachments on, in the Pequot country, . . . . . 451
- sale of the Narragansett country by, to Winthrop, Atherton and others, . . . . . 464, 465
- lands of, in Narragansett ordered to be seized, by the commissioner of the colonies, . . . 498
- Indictment, unjust, parties causing to be put in the stocks and fined, . 227
- Inquest, or tryers, law of 1647, regarding, . . . . . 198
- Intestine commotions, action relative to, . . . . . 318
- Invasions referred to the judge and elders, . . . . . 64
- James William, . . . . . 300
- James, Thomas, land transferred to, by Roger Williams, . . . . . 20
- receive a home lot in Providence, . 24
- Jano, an Indian, . . . . . 131
- Jeffreys, Jeffereys, 59, 89, 91, 93, 122
- Jefferyes, Jefferies, Mr., grant of land to, at Portsmouth, . . . . . 59
- to aid in surveying land on Rhode Island, . . . . . 64, 102
- to determine a case of difficulty with the Indians, &c., . . . . . 89
- Robert, treasurer of Newport, 90, 100, 101, 110, 112, 120
- may exercise the functions of chirurgerie, . . . . . 117
- elected captain of train band, . . 121
- on committee to procure a charter, . 125
- Jeffery, William, . . . . . 301, 408
- Jennings, Genings, Thomas, . . . 81, 300
- shall demand his wife to live with him, . . . . . 312
- committee to treat with the wife of, . . . . . 315
- Jennings, Samuel, . . . . . 300
- Jermon, Edward, . . . . . 299
- Joanes, John, . . . . . 299
- Johnson, John, . . . . . 91
- Judge and elders to rule and govern, 1638, . . . . . 63
- to be accountable every quarter for all cases passing through their hands, . . . . . 63
- to distribute lands on Rhode Island, . . . . . 64
- to arrange military discipline, &c., . 64
- to meet monthly to determine causes, . . . . . 90

- to meet for the recording of lands, 98
- Judith, Point, controversy about land near, . . . . . 452, 454
- Juries for courts to be appointed by freemen at town meeting, . . . 124
- Jurymen, pay of, . . . . . 307
- order relating to, . . . 358, 474, 502
- to be paid by prosecutors, . . . 384
- finer of, for non-attendance, 400, 502
- Justice, penalty for defacing instruments of, . . . . . 340
- Keerd, Ralph, . . . . . 75
- Kent, Thomas, . . . . . 387
- Kitackamuckquitt, . . . . . 45
- Knight, Richard, 301, 328, 334, 339, 348, 350
- general sargent, 217, 221, 264, 273, 276, 282, 303, 327, 347, 353, 386, 426, 436, 467.
- to demand papers of Governor Coddington, . . . . . 265
- £30 allowed to, for services, . . . 417
- Knight, Tobye, . . . 92, 100, 111, 127
- Knight, George, . . . . . 50
- Knowles, Henry, to cut his lot shorter, . . . . . 81, 302
- Laborers and artificers, laws of 1647, regarding, . . . . . 183
- Lasciviousness, law for the punishment of, . . . . . 318
- Land, every allotment of, recorded to be evidence of ownership, . . 54
- two shillings to be paid for every acre enjoyed by the occupants of land on Rhode Island, . . . . .
- and houses, the disposal of, in the hands of the judge and elders, 1638, . . . . . 64
- undisposed of, on Rhode Island, belong to the body of freemen, . . 83
- orders to the committee for the division of, at Newport, . . . . 90
- to be fired at a certain time, . . . 96
- committee to lay out, in Portsmouth and Newport, . . . . 102
- houses to be built within one year by all who have grants of, 103
- evidences, book to be procured for, 114
- tenure of, on Rhode Island, 1639, 116
- secretary to give exemplifications of titles of, . . . . . 124
- not to be sold to persons out of the jurisdiction of the government, 126
- order relative to the recording of, 128
- laws of 1647 relating to sales and conveyances of, . . . . . 177
- records to be kept in a strong chest, with four locks on it, . . 196
- not to be put under any foreign jurisdiction, . . . . . 401
- not to be purchased of the Indians except by permission of the court, . . . . . 404
- at Nyantecutt, ordered, purchased of the Indians, . . . . . 418
- purchased contrary to law, discussion about, to be private, 420, 421
- purchased by Major Atherton and his associates of the Narragansett sachems, . . . . . 464, 465
- three years given for possessors to show titles to, . . . . . 475
- prescribed form of recording, . . 477
- titles of, from the Indians, order relative to, . . . . . 478
- Land titles, arrests not to be made for matters concerning, . . . 439
- Langworth Andrew, . . . . . 302, 356
- Larkin, Edward, . . . . . 301
- commissioner for Newport, . . . 501
- Larceny, law of 1647, regarding, . 174
- punishment for, whipping or fine instead, . . . . . 350
- Laws, public, how to be kept by the secretary, . . . . . 114
- Laws, constable and sargent to execute penalties of, 1638, . . . . 65
- to be openly read and examined, . 102
- to be read at the head of companies, . . . . . 114
- common, the heads of, . . . . . 158
- code of, adopted in 1647, . . . . 156
- Laws and rules to be drawn up by the judge and elders at Portsmouth, 1638, . . . . . 64
- to be read in town meetings for the consideration of the people, 229
- committee to examine and report on, . . . . . 278
- not to be obstructed by town charters, . . . . . 333
- not enforced till twenty days after the dissolution of the court, 402
- may be repealed by towns within three months after passing, . . 429
- Lawton, George, at Portsmouth, 1639, . . . . . 70, 91, 300
- assistant for Portsmouth, . . . . 210
- Layton, Laiton, Lighton, Laighton, Thomas, . . . . . 70, 91, 300 304
- commissioner for Portsmouth, 316, 326, 327, 366, 447
- Layton, John, . . . . . 92
- Leete, William, . . . . . 376
- Lenthall, Robert, . . . . . 104, 110, 119
- Libels, law of 1647, regarding, . . 184
- Liberties, confirmation of, 1640, . 125
- Licenses, laws regarding, . . . . 185, 230
- Lintell, Robert, . . . . . 92
- Lipott, John, an Indian, . . . . . 454
- Lippitt, John, . . . . . 302
- receives lot in Providence, . . . 24

- signs compact in 1640, . . . . 31  
 on committee to form a govern-  
 ment, 1647, . . . . . 42  
 Liquor, laws relating to the sale of, 185,  
 274, 276, 280, 413  
 committee to report on plan for  
 suppressing sale of, . . . . 307  
 may be searched for, . . . . 308, 331  
 price of, fixed by law, . . . . 308  
 persons having, shall record it in  
 the town records, . . . . . 308  
 penalty for concealing, . . . . 309, 381  
 excise upon, orders relative to, 309,  
 381, 418  
 not to be drank at taverns after  
 nine o'clock at night, . . . . 330  
 complaints of the sellers, on ac-  
 count of the price being fixed, . 335  
 vessels arriving to be searched for, 382  
 forbidden to be sold to the In-  
 dians, . . . 279, 307, 308, 335, 413  
 no one allowed to retail, unless  
 they keep at least one bed for  
 strangers, . . . . . 441  
 Longbottom, James, . . . . . 450  
 Long Island, assistance to be ren-  
 dered the people of, . . . . . 265  
 Long Island Indians, massacre, the  
 Narragansetts, . . . . . 297  
 Loquasqucit, north west of Paw-  
 tucket, . . . . . 33  
 Lucar, Marke, . . . . . 301  
 Lumber, price of, regulated, . . . 97  
 Lutner, John, . . . . . 60, 62  
 Lytherland, William, 47, 314, 339, 357,  
 388, 408, 427  
 recorder, 47, 264, 267, 276, 282, 303, 325  
 town clerk of Newport, . . . . 261  
 clerk of the Assembly, . . . . 263, 304  
 commissioner, &c., for Newport, 278,  
 281, 301, 327  
 Maccummore, John, . . . . . 92  
 Magazines, provision for in each  
 town, . . . . . 223  
 Magistrates fined for leaving the  
 bench without leave, . . . . 333  
 to sit at court of trial with gener-  
 al officers, . . . . . 218  
 Man, William, receives a home lot  
 in Providence, . . . . . 24  
 signs the first compact in 1640, 31  
 Man, James, . . . . . 263, 301  
 Manchester, Thos., at Portsmouth,  
 1643, . . . . . 76  
 Manslaughter, law of 1647, regarding, 164  
 Manton, Edward, . . . . . 299  
 receives a lot in Providence, . . 24  
 signs the first compact in, 1640, . 31  
 Manton, Shadrack, . . . . . 387  
 Maritime laws to be the laws of Ole-  
 ron, . . . . . 115  
 Marriages, intentions of, to be pub-  
 lished at town meetings, or on  
 training days, . . . . . 187, 330  
 incestuous, to be null, and parties  
 punished, . . . . . 334  
 Marshall, John, . . . . . 66, 91  
 Maseacowage river, . . . . . 464  
 Masipe, an Indian, . . . . . 454  
 Mason, John, . . . . . 360, 376  
 Mason, Major, letter of R. Williams  
 relative to the Pequot country, 457  
 Massachusetts, so called from the  
 Blue Hills, . . . . . 26  
 claims jurisdiction of the country  
 which includes Providence and  
 the island of Rhode Island, . . 133  
 letter from the Narragansett sa-  
 chems to, . . . . . 136  
 letter to, from the commissioners  
 of the Narragansetts, . . . . 138  
 letter written to, in relation to  
 Pawtuxet people, . . . . . 153  
 letter sent to, concerning War-  
 wick, . . . . . 209  
 letter ordered to be sent to, Au-  
 gust, 1653, . . . . . 272  
 petition and remonstrance from,  
 to the Earl of Warwick, in an-  
 swer to the declaration of Sam-  
 uel Gorton, Randall Holden,  
 John Green and others, . . . . 370  
 reply of the Earl of Warwick  
 and the commissioners of for-  
 eign plantations to the above  
 remonstrance, . . . . . 367  
 letter to be written to, concerning  
 purchases of land in Rhode Is-  
 land contrary to law, . . . . 421  
 committee to arrange differences  
 with, . . . . . 438  
 warrant from, to make arrests in  
 Southertown, . . . . . 455  
 letters from, to Rhode Island rela-  
 tive to lands in Southertown,  
 and of its arrest of certain per-  
 sons there, . . . . . 460-62  
 letter from, read to the Assembly, 468  
 letter in reply to, relative to the  
 jurisdiction of the Narragan-  
 sett country, . . . . . 469, 483  
 messengers sent with letter to  
 reason with, . . . . . 473  
 letter to, concerning the land in  
 dispute at Pawcatuck, . . . . 493  
 letter to, read in court and ap-  
 proved, . . . . . 506  
 letter concerning the Indians to  
 be written to, . . . . . 514, 515  
 letters from, in reply, concerning  
 Southertown, Block Island, 516, 517  
 Massecomscott, . . . . . 485

- Maukquogges, . . . . . 139, 362  
 Maxon, Maggson, Richard, . . 70, 91  
   complaints against, for oppression  
   in the way of trade, . . . . 66  
 Meakeaw, son of Canonicus, con-  
   firms the sale of lands made by  
   his father, . . . . . 37  
 Menstealers, law of 1647, regarding, 174  
 Merchant, John, . . . . . 92  
 Meritt, Ezekiah, . . . . . 92  
 Miantonomi, deed of land from, to  
   Roger Williams, 1637, . . . 18  
   deed of Rhode Island from, to  
   William Coddington, . . . . 44  
   receives gratuity of William Cod-  
   dington, . . . . . 48  
   receipt of, for articles received of  
   William Coddington on account  
   of the purchase of Aquidneck, . 49  
   agreement with Governor Cod-  
   dington and the people of Rhode  
   Island, . . . . . 107  
   deed of Showomut or Warwick  
   from, to Raudall Holden and  
   others, . . . . . 130  
   deed of Hope Island from, to Rog-  
   er Williams, . . . . . 383  
 Misadventure, law of 1647, regarding, 165  
 Misbehaviour, law of 1647, regarding, 163  
 Mishammoh, . . . . . 46  
 Mishowomett neck, . . . . . 391  
 Military, (see also arms and ammu-  
   nition).  
   day for general training and exer-  
   cise ordered, 1638, . . . . 61  
   all men from sixteen to fifty years  
   of age to bear arms, . . . . 61  
   discipline to be arranged by the  
   judge and elders, 1638, . . . 64  
   all fire arms to be examined and  
   repaired, . . . . . 77  
   every man to have four pounds of  
   shot and two pounds of powder, 77  
   every man to go armed to church, 79,  
   80  
   examination to be made ten days  
   before training, to see that all  
   have powder and bullets, . . 80  
   all men compelled to bear arms, . 104  
   laws concerning the election of  
   officers, . . 117, 120, 121, 153, 218  
   orders regarding training, 121, 153,  
   218, 402  
   order for the promotion of the art  
   military, . . . . . 152  
   fine for not carrying fire arms to  
   be repaired, or for defective  
   arms, . . . . . 221, 403  
   an account to be taken of all the  
   ammunition in the colony, . . 320  
   election of officers, . . . . 381  
   fines, the town sargent to pay, if  
   he neglects to collect them, . 402  
 Militia, each town to order its own, 226  
 Mill, built by Richard Dummer,  
   1638, . . . . . 59  
 Mill, erected by Nicho. Easton, . . 62  
 Mines, order in relation to, . . . 217  
 Minor, Thomas, . . . . . 457, 498  
 Misquamacock, Misquamacott, As-  
   komacutt, petition relative to  
   the purchase of, . . . . . 449  
   deed of the sale of, from Socho, . 450  
   claims of Rhode Island to, . . 463  
 Mixan, son of Canonicus, . . . . 362  
 Mocquayes Indians, . . . . . 362  
 Moderator, the duties of, . . . . 354  
 Mompoucke, . . . . . 49  
 More, John, . . . . . 91, 302  
 Morris, Morise, Captain Richard, 110,  
   121, 127, 210, 221, 300, 328, 331,  
   332, 507.  
   to look up fire arms, . . . . . 77  
   letter to Plymouth, . . . . 314, 321  
   vs. Coddington, the court decline  
   interference in, . . . . . 357  
   commissioner, . . . . . 431  
 Morris, William, . . . . . 300  
 Morris, Mrs., case of, . . . . . 430  
 Mortgaged lands, order relative to, 478  
 Mosier, Hugh, . . . . . 450  
 Moshassuck, . . . . . 351  
   lands upon, comprehend Masswas-  
   cutt, . . . . . 40  
 Mott, Adam, 63, 75, 80, 91, 100, 110,  
   300  
   land granted to, . . . . . 59  
   to lay out lands in Portsmouth, . 102  
 Mott, Adam, Jr., . . . . . 300  
 Mott, John, . . . . . 82, 91  
 Mott, Jonathan, . . . . . 300  
 Mow, John, . . . . . 70, 300  
 Mowrie, Morry, Roger, . . . 299, 313  
   commissioner, . . . . . 394  
 Muning, Munnings, George, . . 50, 224  
 Murder, law of 1647, regarding, . 163  
 Narragansett Indians, act of sub-  
   mission of, to Great Britain, 134,  
   512, 513  
   letter from, to Massachusetts, . 136  
   letter sent by request of, to Cap-  
   tain Denison and Thomas Stan-  
   ton, at Pequot, . . . . . 362  
   copy of the submission of, to be  
   sent to England, . . . . . 445  
   protest of, against Samuel Wil-  
   bore and his company for taking  
   their lands near Point Judith, . 454  
   grant by, of the northern tract to  
   Governor Winthrop, Major Ath-  
   erton and others, . . . . . 464  
   mortgage by, of the Narragansett

- country to, do., . . . . . 465
- Narragansett, committee to treat with Major Atherton and other purchasers of land in, . . . 435
- country, proceedings of the commissioners of the United Colonies relative to, . . . . . 498  
(see also Pequot country.)
- Narragansett, origin of the name as given by Roger Williams, . . 26
- sachems, references to, . . . . . 36
- Aiaquamet, son of Caujaniquante, 36
- Caujaniquante, sachem of, . . . 35
- Cussuckquanth, brother of Miantonomi, . . . . . 36
- Canonicus, . . . . . 136, 138
- Miantonomi, . . . . . 131
- Meakeaw, son of Canonicus, . . 37
- Mishammoh, father of Canonicus, Mixan, son of Canonicus, . 136, 296
- Nenekealah, brother of Miantonomi, . . . . . 36
- Ninigret, . . . . . 297
- Nawwushawsuch, . . . . . 343
- Ninecraft, . . . . . 454
- Nineganett, . . . . . 513
- Quequaganewet, grandson of Canonicus, . . . . . 37
- Pessicus, successor of Miantonomi, . . . . . 136, 138
- Quissuckquansh, brother of Miantonomi, . . . . . 402, 454
- Quequakanut, . . . . . 454
- Scuttape, grandson of Canonicus, 37
- Socho, of Misquamaeut, . . . 450
- Suckquansh, . . . . . 465
- Shawattock, . . . . . 498
- Totanomans, . . . . . 136
- Wannumetonomey, . . . . . 51
- Wegnakaunut, . . . . . 465
- agreement between Miantonomi and the sachems, and Governor Coddington, . . . . . 107
- agreement with the sachems of, to be recorded, . . . . . 424
- Neale, Henry, . . . . . 387
- Newport, . . . . . 454
- Ninecraft, . . . . . 454
- Nineganett, . . . . . 513
- Ninegret, the cause of the Indian troubles, . . . . . 296, 297
- mortgages lands to Maj. Atherton, 465, 452
- Newport colony, separation from Portsmouth, note on, . . . . . 70
- original records of settlement on Rhode Island retained by, . . 70
- to pay £4 for the killing of a wolf, 85
- beginning of the records of April, 1639, . . . . . 87
- names of the first planters at, . . 87
- name of, fixed, and limits of, established, . . . . . 88
- every servant of the first planters to have ten acres of land, . . 88
- Messrs. Clarke Jeffreys, Hazard and Dyre to lay out the meadows near, . . . . . 88
- home allotments in, to be four acres, . . . . . 89
- committee to lay out lands, establish highways, &c., in, . . 89
- boundary, dividing from Portsmouth, . . . . . 108
- committee to run the line between, 114
- boundary line between and Portsmouth to be opened, . . . 115
- the trading houses of Narragansett Bay to be at, . . . . . 152
- authorized to enact certain orders, 206
- prison, to be the prison for the colony, . . . . . 212
- general court of election to be held in, in May, . . . . . 219
- to have a magazine with arms and ammunition, . . . . . 324
- falls off from the established government . . . . . 233
- letter to be sent to, from Providence and Warwick, . . . . 239
- committee to carry letter to, . . 239
- letter from, to Providence Plantations, with propositions for a compromise, . . . . . 259
- letter from Providence Plantations to, in reply to foregoing, 258
- to build prison for the island, . . 310
- prison erected in, . . . . . 391
- general court at, 220, 228, 263, 273, 353, 436, 508, 511
- proportion of money to be contributed by, to send to John Clarke, 444, 446, 481, 496, 506, 507
- Needham, William, . . . . . 91
- Negroes, perpetual slavery of, prohibited, . . . . . 243
- Nenekealah, sachem, confirms sale of lands to inhabitants of Providence, . . . . . 36
- Nipmucks subject themselves to Massachusetts, . . . . . 40, 460
- Niswosakit, . . . . . 39, 460
- Nixon, Nickson, Mr. [John], 505-7, 513
- Northup, Stephen, . . . . . 387
- Norton, Humphrey, sent from Portsmouth, . . . . . 379
- Norvell, Increase, secretary, letter to Roger Williams, . . . . 133
- Nucan, an Indian; . . . . . 451
- Nyantecutt, land at ordered purchased of the Indians, . . . 418



- Nyles, Nicholas, . . . . . 85  
 Oldham, Mr., Prudence Island given  
   to, . . . . . 46  
 Officers, engagement of, . . . .  
 Oleron, the maritime laws of, to be  
   in force, . . . . . 151  
 Olney, Olneye, Thomas, 299, 320, 325,  
   340, 353, 395, 407, 468, 482, 514  
   land conveyed to, by Roger Wil-  
   liams, 1638, . . . . . 20  
   receives a home lot in Providence, 24  
   signs the first compact, . . . . 31  
   testimony of, in relation to lands  
   purchased of Osamequin, . . . . 33  
   one of the committee to form a  
   government, . . . . . 42  
   general assistant for Providence, 242,  
     273, 303, 336, 467  
   commissioner for Providence, 245, 265,  
     316, 326, 327, 337, 345, 366, 394,  
     408, 447, 468, 480, 501.  
   opposes the authorities, . . . . 307  
 Olney, Thomas Jun'r, . . . . . 299  
   witnesses deed, 1660, . . . . . 36  
   town clerk of Providence, . . . . 41  
   commissioner and assistant for  
   Providence, . . . . . 209, 216, 235  
 Olney, Epenetus, . . . . . 387  
 Ordinances to be read and made  
   known by beat of the drum, . . . 274  
 Ousamequin, chief of Pokanoket,  
   his friendship for Roger Wil-  
   liams at Plymouth, . . . . . 26  
   deed from, to Roger Williams and  
   the inhabitants of Providence, . . 31  
   refuses to sign the above deed, . . 32  
   testimony of Gregory Dexter and  
   Roger Williams in relation to  
   the purchase of lands of, . . . . 33  
   permits the English to use grass  
   and trees at Powakasick, . . . . 47  
   has leave to kill ten deer within  
   the limits of Portsmouth, . . . . 81  
   shall take his deer to Portsmouth  
   and leave the island, . . . . . 81  
 Paine, Pane, Anthony, . . . . . 70  
 Paine, Arthur, . . . . . 300  
 Paine, John, . . . . . 72, 91  
 Painter, Thomas, . . . . . 24, 301  
 Palmer, George, . . . . . 302  
 Palmer William, . . . . . 455  
 Palmer, Elihu, . . . . . 457  
 Parker, George, gets into a frolic at  
   Portsmouth . . . . . 60  
   released from payment of lands for  
   services rendered, . . . . . 85  
   admitted an inhabitant of Aquid-  
   neck, . . . . . 91, 100  
   at Newport, . . . . . 111, 126, 127, 300  
   suspended till he gives satisfac-  
   tion for his offence, . . . . 119, 124  
   general sargent, . . . . . 303, 325, 336  
   death of, . . . . . 347  
   petition from widow of, . . . . 350  
 Parker, John, . . . . . 301, 309  
 Parker, William, . . . . . 92  
 Parrant, Anthony, . . . . . 404  
 Partridge, Captain, committee on  
   the estate of, . . . . . 275  
 Partridge, Alexander, . . . . . 209, 301  
 Paspatanage, . . . . . 450  
 Patent for the island, &c., commit-  
   tee to petition for, . . . . . 125  
 Paukanawket, . . . . . 31  
 Pawcatuck, for references to, see  
   Southerntown and Pequot country.  
   river, land east of, not a portion  
   of the Pequot country, . . . . 469  
   proceedings of commissioners re-  
   lating to, . . . . . 498  
 Pawtucket, lands near, purchased of  
   Ousamequin, . . . . . 33  
   bounds of lands near, purchased  
   of Canonicus, . . . . . 35  
 Pawtuxet, letter of Roger Williams  
   relative to the bounds of, . . . . 39  
   the general officers to write to, to  
   choose the government, . . . . 153  
   letter sent to, about subjecting to  
   the colony, . . . . . 218, 219  
   case against for a riot, . . . . 222  
   meeting of the general assembly at, 239  
   letter of Roger Williams to Mas-  
   sachusetts relative to difficul-  
   ties in, . . . . . 322  
   difficulties at, to be settled by ar-  
   bitration, . . . . . 339  
   Roger Williams' letter in relation  
   to difficulties at, . . . . . 341  
   bill from, presented and read, . . 366  
   robberies committed by Indians in, 405  
 Pawtuxet river, committee to report  
   plan for building bridge over, . . 430  
 Peage, price fixed of, . . . . . 217, 400  
   low price of, . . . . . 474  
 Pearce, Richard, . . . . . 387  
 Peckham, John, . . . . . 92, 111, 301  
 Pequot Indians, complaint to Ply-  
   mouth of encroachments on them, 451  
 Pequot country, claim of Mass. to, . 451  
   protest of the Indians relative to, 454  
   papers relating to transactions in, 455,  
     456  
   claim of Connecticut to, . . . . 457  
   letter from Roger Williams rela-  
   tive to the jurisdiction of, . . . 457  
   arrests by Massachusetts of per-  
   sons in, . . . . . 455  
   letter from Massachusetts rela-  
   tive to the jurisdiction of, and  
   arrests in, . . . . . 460, 461, 462  
   order of the general assembly re-

- lative to, . . . . . 463  
 letter to Massachusetts in reply,  
   relative to, . . . . . 469  
 does not include land east of  
   Pawcatuck river, . . . . . 469  
 second letter to Massachusetts in  
   relation to, . . . . . 493  
 proceedings of the commissioners  
   of the United Colonies relative to, 498  
   (see also Southertown.)  
 Perjury, laws of 1647, relating to, . 181  
   persons convicted of, to be put in  
     the stocks and fined, . . . . . 228  
 Perran, Henry, . . . . . 302  
 Perrie, Henry, . . . . . 303  
 Perry, Richard, . . . . . 313  
 Pessicus, act of submission from the  
   Narragansetts, . . . . . 134  
   letter to Massachusetts, . . . . . 136  
   permitted to gather chestnut rinds  
     on Rhode Island, . . . . . 225  
 Pettaquamscutt, Petacomscot, juris-  
   diction of, claimed by Massa-  
   chusetts, . . . . . 462  
   leave granted to settle at, . . . . . 474  
 Pierson, Mr., . . . . . 500  
 Plymouth, the governor to write to  
   about the main land grass, . . . . 103  
   renews dispute before the com-  
   missioners in regard to juris-  
   diction, . . . . . 233  
   answer of Capt. Morris's letter to, 314  
   letter to be written to, relative to  
     grass, . . . . . 319  
   claims jurisdiction over Hog Island, 273  
   letter to, in reply to the claim of, . 373  
   sends Quakers to Rhode Island, . 379  
   commissioners to treat with, rela-  
   tive to Hog Island, . . . . . 409  
   letter to, from Rhode Island, rela-  
   tive to Hog Island, . . . . . 410  
   letter from, read in the assembly, 420  
   letter in reply to the above order-  
   ed written, . . . . . 420, 430  
   letters from, to remain in Mr.  
     Arnold's possession, . . . . . 431  
   letter from, relative to the juris-  
   diction of the Pequot country  
   claimed by Massachusetts, . . . . 451  
   letter to, from Roger Williams,  
   relative to the Narragansett  
   country, . . . . . 460  
 Pocasset, commissioners to treat  
   with, . . . . . 94  
 Poole, Edward, . . . . . 91  
 Poor, laws of 1647, regarding, . . . 184  
   order relating to, . . . . . 227  
 Porter, John, 53, 54, 56, 59, 60, 62, 63,  
   71, 82, 100, 300, 393, 427, 429, 444,  
   447.  
   signs compact at Portsmouth, 1638, 52  
   to aid in surveying lands, . . . . 64  
   land granted to, . . . . . 77  
   to see Newport men about lands, 73  
   assistant, 101, 120, 112, 120, 219, 408,  
     486  
   excused from training on paying  
     sixteen shillings a year, . . . . 335  
   commissioner, 355, 366, 419, 428, 447  
 Portsmouth, records of the town of, . 45  
   agreement of the body politic at,  
     1638, . . . . . 52  
   names of the first settlers of, . . . 52  
   Wm. Coddington elected judge of, 52  
   none received as freemen of, who  
     do not submit to the government, 53  
   meeting house of, where to be  
     located, . . . . . 54  
   allotment of lands to certain in-  
     habitants of, . . . . . 55  
   town of, to be builded at the  
     spring, . . . . . 53  
   meeting house ordered to be set  
     on the neck, . . . . . 54  
   land for, to be laid out by John  
     Coggeshall and John Sanford, . . 54  
   house lots in, to be laid out, and  
     three acres given to each house, 61  
   home allotments in, to be laid out, 64  
   compact signed at, April 30, 1639, 70  
   committee to lay out lands in, 70, 109  
   name of, agreed upon, . . . . . 72  
   to pay twenty shillings for the  
     killing of a wolf, . . . . . 85  
   division line of, . . . . . 108  
   magazine for arms and ammuni-  
     tion in, . . . . . 223  
   withdraws from the established  
     government, . . . . . 233  
   letter from Providence Planta-  
     tions to, . . . . . 258  
   to pay Newport towards building  
     a jail, . . . . . 310  
   amount contributed by, for John  
     Clarke, agent, 444, 446, 481, 496,  
       506, 507  
   general court held at, 147, 316, 336,  
     345, 366, 419, 427, 447  
   Potawomet, deed of, from the In-  
     dians to Randall Holden and  
     Ezekiel Holyman, . . . . . 131  
   land to be purchased of the Indi-  
     ans at, . . . . . 424  
 Potawomuck neck granted to Major  
   Atherton, . . . . . 464  
 Potter, Abel, bound to Wm. Baulston, 85  
 Potter, Robert, . . . . . 70, 91, 136, 314  
   surveyor of highways, . . . . . 72  
   disfranchised and name struck off  
     from the roll, . . . . . 111, 119  
   to be arrested if he come upon the  
     island armed, . . . . . 123



- one of the grantees of the town of  
 Warwick, . . . . . 130  
 assistant, . . . . . 210  
 commissioner for Warwick, 235, 245,  
 314  
 Potter, George, . . . . . 70, 91  
 Potter, Nathaniel, . . . . . 70, 91  
 Potter, Elisha R., his History of  
 Narrangansett, quoted, . . . . 451  
 Power, Nicholas, . . . . . 299  
 Powtuck, Powatuck, . . . . 454, 466  
 Pleadings, law of 1647, touching, . 200  
 Pray, Richard and Mary, apply for  
 a divorce, . . . . . 503  
 Presentments against William Cod-  
 dington not to be prosecuted, . 333  
 President and assistants to be con-  
 servators of the peace, . . . . 192  
 to sit as chief judge in courts of  
 trial, . . . . . 194  
 to be fined £5 if he refuse to serve, 217  
 President regent, Jeremy Clarke, . 213  
 Prince, Thomas, Governor of Ply-  
 mouth, letter to, . . . . . 374  
 commissioner, letter from, . 376, 500  
 letter from, relating to the Pequot  
 country, . . . . . 451  
 Prison to be built on R. Island. 1638, 59, 65  
 Prisons, each town to provide one, . 218  
 and cages, order relative to, 335, 391  
 insufficiency of, in the colony, . 391  
 Private petitions to the assembly to  
 be taxed, . . . . . 224  
 Privateers commissioned against the  
 Dutch by Newport, &c., . . . 265  
 remonstrance of Providence in  
 consequence of do., . . . . 267  
 Prizes taken—committee to take  
 charge of and account for, . . 265  
 jurors for the trial of, . . . . 266  
 money in Mr. Easton's hands to  
 be secured, . . . . . 387, 389, 425  
 Probato of wills, law of 1647, re-  
 garding, . . . . . 188  
 Process of law against general officers, 359  
 Profane swearing, how punished, . 314  
 Providence, early records of, sup-  
 posed to have been lost in the  
 sacking of the town in 1636, . . 12  
 earliest record of; in 1636, . . . 12  
 first treasurer of, appointed in  
 June, 1636, . . . . . 13  
 agreement of the first settlers of, . 14  
 names of the twelve associates to  
 whom Roger Williams conveyed  
 the lands bought by him of Can-  
 onicus and Miantonomi, . . . 20  
 report of arbitrators at, with pro-  
 posals for a form of govern-  
 ment, . . . . . 277  
 deed of land between Pawtucket  
 and Loquasquit to, by Osame-  
 quin, chief of Pawcanoket, . . 31  
 lands purchased by, confirmed to,  
 by Canjaniquante, successor of  
 Canonicus and Miantonomi, . . 35  
 lands purchased by, confirmed by  
 Cussuckquanth and Neneke-  
 leh, chief sachems, . . . . . 36  
 lands purchased by, further con-  
 firmed by Scuttape and Que-  
 quaganewet, grandsons of Can-  
 onicus, . . . . . 37  
 bounds of, letter of Roger Wil-  
 liams in relation to, . . . . 39  
 reply of, to the above letter, . . 40  
 instructions from, to the commit-  
 tee to meet at Portsmouth, May,  
 1647, to form a government, . . 42  
 court of election in May to be held  
 at, . . . . . 149  
 charter of the town of, 1647, . . 214  
 magazine for arms and ammuni-  
 tion in, . . . . . 223  
 assistants from, reunite with New-  
 port and Portsmouth, . . . . 265  
 letter from Roger Williams to, in  
 1654, on the state of the colony, 351  
 meeting of the general court of  
 commissioners, or assembly, at, 208,  
 223, 235, 245, 258, 267, 303, 405  
 407, 501, 504.  
 may buy a little more land of the  
 Indians, "seeing they are strait-  
 ened," . . . . . 418  
 amount to be contributed by, to  
 send to John Clarke, 444, 481, 496,  
 506  
 Providence Plantations, patent or  
 charter of, 1643, . . . . . 143  
 the government of, declared to be  
 democratical, . . . . . 156  
 first code of laws of, passed 1647, 156  
 laws of, to accord with the laws of  
 England, . . . . . 158  
 letter to the towns of Portsmouth  
 and Newport, . . . . . 258  
 letter with propositions from New-  
 port to, for a reconciliation, . . 259  
 remonstrance of, against the pro-  
 ceedings of Newport and Ports-  
 mouth for commissioning pri-  
 vateers, . . . . . 268  
 appoints a committee to confer  
 with the dissenting towns, . . 273  
 articles of agreement for re-unit-  
 ing the four towns of, separated  
 in consequence of Mr. Codding-  
 ton's commission, . . . . . 276  
 letter to, from Sir Henry Vane, . 285  
 letter from, to Sir Henry Vane, . 28

- letter to, from Oliver Cromwell, . . . 316  
 letter from Roger Williams, president of, to Massachusetts, about Warwick affairs, . . . 341  
 Prudence Island, bought by Roger Williams and Governor Winthrop, . . . 45  
   first given to Mr. Oldham, . . . 46  
 Public letters and documents not allowed to be copied, . . . 426  
 Pumhom, Pomham, . . . 131  
   a messenger sent to, to bring him to court, . . . 218  
   warrant sent to, to bring him before the court, . . . 328  
   committee to treat with, . . . 328  
 letter from Roger Williams to Massachusetts, in relation to, . . . 341  
 complaints against, for depredations in Warwick, . . . 391  
   causes a riot in Warwick, . . . 405  
   ordered to be arrested, . . . 405  
 Pyke, Robert, . . . 387  
 Quakers, letter from the commissioners of the United Colonies concerning, . . . 374  
   reply from the government of R. Island to the above, . . . 376  
   letter from the general assembly in reply to the commissioners, . . . 378  
 Quananone, the same as Canonicus, . . . 37  
 Quequatuck, . . . 450  
 Quequaganewet, grandson of Canonicus confirms the sale of lands to Providence people, . . . 37  
   letter of Roger Williams in relation to, . . . 39  
 Quequakanut, . . . 454  
 Quequegusewet, . . . 454  
 Quick, William, . . . 91  
 Quissuckquanch, brother of Miantonomi, . . . 36, 402, 512, 513  
   articles of agreement with, to be recorded, . . . 424  
   fails to pay money due by him, . . . 425, 430  
 Quononagutt Island, . . . 403  
 Ralph, Thomas, permitted to buy land of the Indians, . . . 483  
 Rape, law of 1647, regarding, . . . 173  
 Rates levied, . . . 384, 395, 422, 426  
 Rates if unpaid, may be distrained for, . . . 422, 481  
 Ordered to raise £200 for John Clarke, . . . 481  
 Rawson, Edward, Secretary of Massachusetts, . . . 461, 463, 492, 516  
 Rebellion, law of 1647, regarding, . . . 162  
 Recorder to write out the colony records, . . . 312  
   duties of, . . . 195  
 Records, books and papers, penalty for retaining, . . . 205  
   to be inspected and perfected, . . . 275  
 Redick, Reddarke, Henry, commissioner, . . . 288, 299, 326  
 Reeve, widow, . . . 24  
 Rehearing after judgment, law relating to, . . . 357  
 Religious liberty, order of Roger Williams and of the town of Providence in relation to, 1637, . . . 16  
   claims for, in the proposals of the arbitrators to form a government at Providence in 1640, . . . 28  
   no one to be declared a delinquent for doctrine, . . . 113  
   allusions to in reply of the general assembly to the charges against the Quakers, . . . 378  
 Representative court, appointment of, . . . 229  
 Rescuing from an officer, law of 1647, . . . 168  
 Rero, Edward, . . . 92  
 Reynolds, William, among first settlers of Providence, . . . 14, 15, 24  
   signs the first compact at, . . . 31  
 Rhode Island, first government of, in 1647, instructions of Providence committee in relation to, . . . 42  
   purchase of the island of, from the Indians, . . . 44  
   (see also Aquidneck.)  
   articles given the Indians for the sale of, . . . 48, 49  
   every family on, to have a musket, powder, ball, sword, &c., . . . 54  
   two shillings to be paid for each acre of land taken on, . . . 56  
   each inhabitant admitted on, to pay two shillings, . . . 56  
   prison to be built on, 1638, . . . 59  
   inhabitants of, admitted 1640, . . . 91  
   the chief magistrate of, to be called governor, . . . 100  
   William Coddington chosen first governor of, 1640, . . . 101  
   government of, in 1641, declared a democracy, . . . 112  
   so named in 1644, or Isle of Rhodes, . . . 127  
   letter to Massachusetts in relation to the submission of the Narragansetts, . . . 138  
 Rhodes, Rodes, Roades, Zackery, . . . 323, 355, 387, 438, 444, 446, 482, 507  
   commissioner for Providence, 393, 419, 437, 492, 504, 508  
 Rickard, Geo., among the first settlers of Providence, . . . 14  
   receives a home lot in Providence, . . . 24  
 Richardson, Richenson, William, . . . 70, 91, 301  
 Amos, Amese, . . . 461, 464, 466

- Richmond, John, Sen'r, . . . 333, 359  
 Richmond, Edward, . . . 348, 349, 360  
 Riots and unlawful assemblies, law  
 of 1647, against, . . . 169, 192  
 Robbery, law of 1647, regarding, . . 167  
 Roberts, Thomas, . . . 299, 326  
 commissioner, . . . 337  
 Robinson, Anthony, gets into a frolic, 60  
 Robinson, Edward, . . . 301  
 Rogers, James, 92, 108, 110, 126, 275,  
 301, 353, 424, 427, 431, 436, 439,  
 457, 467, 504.  
 solicitor general, . . . 353, 386, 408  
 petition concerning Askomicutt, . 449  
 Roome, John, at Portsmouth, 1639, 70,  
 81, 91, 100, 300, 305, 307, 309, 311,  
 313, 315, 328, 334, 353, 393, 444, 447.  
 land granted to, . . . 82  
 at Newport, . . . 111, 265  
 commissioner for Portsmouth, 276,  
 281, 304, 316, 326, 327, 337, 419,  
 437, 447.  
 assistant for Portsmouth, 282, 303, 408  
 Root, Robert, . . . 92  
 Saberny, Thomas, . . . 48  
 Salter, Sampson, . . . 92  
 Sand, Sands, James, land granted  
 to, in Portsmouth, . . . 77, 83  
 other references to, . . . 300, 355  
 Sand, John, land granted to, in  
 Portsmouth, . . . 80  
 Sanders, Tobias, . . . 301, 303  
 arrested by Massachusetts in Sou-  
 thertown, . . . 455  
 narrative relating to do., . . . 456  
 fined and imprisoned by Massa-  
 chusetts, . . . 462, 494  
 defence of, in letter from R. Island, 470  
 Sanford, Samford, John, 53, 54, 56, 58,  
 59-62, 80, 100, 111, 300, 328, 331,  
 350, 374, 384, 421, 433, 435, 439, 444,  
 467, 474, 482, 505.  
 commissioner for Portsmouth, 326,  
 327, 337, 354, 366, 394, 408, 419, 428,  
 429, 431, 468, 480, 492, 501.  
 for Warwick, . . . 345  
 signs compact at Portsmouth, 1638, 52  
 recorder, 48, 49, 131, 353, 386, 408,  
 427, 436, 467  
 to lay out land, 54, 73, 85, 102, 109  
 land allotted to, on Rhode Island, 54,  
 73, 109  
 to repair highways, . . . 57  
 chosen constable, . . . 101  
 do. lieutenant, . . . 127  
 do. assistant, . . . 148, 216, 336  
 do. president, . . . 264  
 do. clerk, . . . 337, 345, 387, 404  
 do. committee on prizes taken, 265  
 do. general treasurer, 303, 336,  
 353, 386, 408, 427  
 letter to Capt. Denison and Thom-  
 as Stanton, on Indian affairs, . 361  
 acquitted of charges presented by  
 William Coddington, . . . 385  
 official letters of, 396, 409, 410, 420  
 general attorney, . . . 504  
 Sanford, John, Jr., . . . 263, 300  
 Sanford, Samuel, . . . 387  
 Sargent and his duties, . . . 65, 197  
 fees of, . . . 122  
 Sarle, Richard, . . . 91  
 Savage, Thomas, at Portsmouth, 1638, 52  
 Savorie, Thomas, . . . 92  
 Sawell, Richard, . . . 49  
 Sayles, Sailes, John, 299, 311, 404, 405  
 commissioner, . . . 304, 354, 408, 419  
 assistant, . . . 262, 267, 271  
 Sayer, widow, . . . 24  
 Scolds, to be punished with the  
 ducking stool, . . . 185  
 Scott, Richard, at Providence, in  
 1636, . . . 14  
 receives a lot in, . . . 24  
 signs compact at, . . . 31, 299  
 Scuttape, Scutabe, confirms sale of  
 lands purchased of Canonicus, . 37  
 protests against Samuel Wilbore, 454  
 mortgages land to Maj. Atherton, 465  
 Sears, Jane, [probably same as  
 Sayers, above,] . . . 31  
 Sea banks free to all for fishing, . 99  
 Seal of the colony, 1639, a sheaf of  
 arrows, . . . 115  
 1647, an anchor, . . . 151  
 presented by William Dyre, . . 213  
 received from John Clarke, . . 436  
 Secretary to attend general and  
 quarter session courts, . . . 110  
 fees to be the same as in England, 122  
 has power to sue for money due  
 the treasury, . . . 124  
 on committee to petition for pa-  
 tent, 1640, . . . 125  
 Servants not to be discharged with-  
 out cause, . . . 182  
 Shawomet, deed of, from Miantonomi, 131  
 letter from the owners of, to Mass., 140  
 neck, . . . 391  
 Shaw, Thomas, . . . 455  
 Shawattock, an Indian, . . . 498  
 Shearman, Phillip, one of the sign-  
 ers of the compact at Ports-  
 mouth, 1638, . . . 52  
 at Portsmouth and Newport, 53, 54,  
 58, 61, 63, 100, 110, 300, 442  
 one of committee to lay out lands  
 in, . . . 71, 102  
 has two hundred acres of land, . 73  
 general recorder, . . . 209, 217, 220  
 the records demanded of, . . . 236  
 commissioner for Portsmouth, . 337

- Sheffield, Frederic, . . . . . 300  
 Sheffield, Joseph, at Portsmouth,  
     1643, . . . . . 76  
 Shelbourne, William, . . . . . 76  
 Shephard, George, . . . . . 387  
 Shotten, Sampson, . . . . . 70, 91, 100  
     disfranchised, . . . . . 111, 119  
     to be arrested if he comes armed  
     upon the island, . . . . . 123  
     one of the grantees of Warwick, . 130  
 Slaid, Slade, Thomas, . . . . . 72  
     William, . . . . . 426  
 Slander, laws of 1647, regarding, . 184  
     against England to be punished, . 238  
     order for the punishment of, . . 246  
     false charges counted as, . . . 334  
 Slavery of negroes, act to prevent, . 243  
 Slocum, Giles, . . . . . 300  
 Sloffe, John, . . . . . 70, 91  
 Slowe, Thomas, . . . . . 299  
 Smith, Christopher, . . . . . 299  
 Smith, Edward, . . . . . 263, 275, 301, 422  
     assistant for Newport, 273, 303, 405,  
     408  
     commissioner, . . . . . 304, 316  
 Smith, James, . . . . . 464  
 Smith, John, 92, 111, 242, 243, 245, 301,  
     302, 333, 444, 447, 468, 482  
     receives a home lot in Providence, 24  
     on committee to form a government, 42  
     assistant, . . . . . 209, 210  
     president, . . . . . 216, 242  
     commissioner, 235, 241, 245, 366, 437,  
     468, 480, 492, 501  
     appeal of, . . . . . 262  
     letter from the recorder to, . . 250  
     charge against, for misdemeanor, 262  
 Smith, Richard, . . . . . 38, 92, 430  
 Smith, Richard, Sen'r, grant of land  
     to, by the Narragansett sachems, 464  
     mortgage of the Narragansett  
     country to, by the sachems, . 465  
     confirmation of title to Narragan-  
     sett lands by King Charles, 2d, 466  
 Smith Richard, Jun'r, . . . . . 38  
     grant and mortgage of lands in  
     the Narragansett country to,  
     from the natives, . . . . . 464, 465  
     threats of, in relation to Hog  
     Island, and action of general  
     assembly upon, . . . . . 422  
 Smith, Samuel, . . . . . 60, 457  
 Smyth, Edward, . . . . . 387, 409, 417, 419  
 Smyth, John, commissioner for Pro-  
     vidence, . . . . . 419  
     commissioner for Warwick, 409, 427,  
     432  
 Smyth, John, Miller, . . . . . 387  
 Socho, or Sosoia, an Indian, . . . 450  
 Sodomy, laws of 1647, regarding, . 172  
 Solicitor general to be chosen, and  
     his duties, . . . . . 226  
 Southertowne, testimony of Gookin  
     relative to transactions at, . . 455  
     warrant from Massachusetts to  
     make arrests in, . . . . . 455  
     letter from Massachusetts to R.  
     Island relative to the jurisdic-  
     tion of, and connected with cer-  
     tain arrests at, . . . . . 460-462  
     order of the general assembly of  
     Rhode Island, relative to, . . 463  
     proceedings of the commissioners  
     of the United Colonies relating to, 498  
     (see also Pequot country.)  
 Sowhomos Bay, . . . . . 130  
 Spencer, Mr., land granted to, . . . 59  
 Spicer, Thomas, . . . . . 70, 91, 110, 120  
     to receive monies for lands sold, . 71  
     chosen surveyor of highways, . . 72  
     to lay out lands in Portsmouth, . 102  
 Spinke, Robert, . . . . . 301  
 Stafford, Thomas, . . . . . 92, 302  
 Stanton, Stainton, John, . . . . . 500  
     Thomas, . . . . . 465, 498  
     letter to, relative to Uncas and  
     the affairs at Pequot, . . . . . 362  
     Robert, 60, 66, 70, 91, 95, 111, 127,  
     301, 450, 457  
     John, . . . . . 500  
 Staples, W. R., note on a meeting of  
     the general assembly at War-  
     wick, 1694, . . . . . 214  
     on the supposed discovery of a  
     gold mine, . . . . . 214  
     note relative to Coddington's com-  
     mission, . . . . . 233  
 Stealing by the Indians, punishment  
     for, . . . . . 412  
 Stevens, Henry, . . . . . 242, 349  
 Stevens, Elizabeth, . . . . . 349  
 Stocks and whipping post, erected  
     at Portsmouth, . . . . . 58  
     do. Newport, 1639, . . . . . 92, 302  
 Strange, Strange, Lott, . . . . . 395, 504, 508  
 Strangers, order relative to, . . . 307  
 Striking in court, penalty for, . . 321  
 Subados, Capt., Campa, petition of, 346  
 Sucklinge, Thomas, . . . . . 299, 387  
 Suckquans, an Indian sachem, to be  
     arrested, . . . . . 441  
 Suckquansh, mortgages lands to  
     Atherton and others, . . . . . 465  
 Sugar Loaf Hill, South Kingstown,  
     visit of Roger Williams to, . . 26  
 Subpœnas, to be paid for by those  
     obtaining them, . . . . . 334  
 Summonses and writs, order relat-  
     ing to, . . . . . 275  
 Sussell, Richard, . . . . . 263, 300  
 Sutherland, Mathew, . . . . . 91  
 Sweet, Sweete, Mary, in Provi-

- dence, 1636, . . . . . 15  
 Sweet, John, receives a lot in Providence, 1638, . . . . . 24  
   commissioner for Warwick, 272, 302  
   for Newport, . . . . . 432  
   permitted to buy land of the Indians, . . . . . 483  
 Sweet, James, . . . . . 386  
   commissioner for Warwick, 267, 272, 302, 419  
   commissioner for Providence, . . . 366  
   permitted to buy land of the Indians, . . . . . 483  
 Swine, orders relative to, 67, 68, 117, 151  
 Taber, Tabor, Philip, 300, 336, 431, 447, 504, 505, 508  
 Taccomanan, deed of Potawomut from, to R. Holden and others, 131  
 Tallman, Peter, . . . . . 302, 437, 468  
   commissioner, . . . . . 447, 468  
 Tarr, James, . . . . . 59, 91  
 Taylcott, John, . . . . . 376  
 Taylor, John, commissioner for Providence, . . . . . 277  
 Taylor, Robert, . . . . . 30  
 Taverns, not to be kept without license, . . . . . 185, 280  
 Taxes to be fixed by the court of commissioners, . . . . . 306  
   penalty for not assisting in collecting, . . . . . 306  
 Teft, Tift, John, . . . . . 300  
 Tenure of lands on Acquidneck, . . 116  
 Testimony, orders relative to, 227, 332  
 Tew, Richard, 265, 301, 358, 393, 427, 444, 507  
   commissioner for Portsmouth, 278, 281  
   commissioner for Newport, 354, 366, 428, 492, 501, 504  
   assistant for Newport, 353, 408, 467, 504  
   commissioner for Providence, . . 508  
 Thornton, John, . . . . . 301  
 Throckmorton, John, . . . . . 17, 24, 299  
   land conveyed to, by R. Williams, 20  
 Thurston, Edward, . . . . . 301, 507  
   commissioner for Providence, . . 504  
 Ticknor, John, of Nashaway, . . . 264  
 Tillinghast, Pardon, . . . . . 387  
 Timberlake, Timberleggs, Henry, 127, 333, 501  
 Titicutt, . . . . . 57  
 Todd, Walter, . . . . . 365, 420, 482  
   commissioner, &c., 239, 250, 258, 302, 337, 354, 366, 501  
 Torrey, Joseph, 263, 275, 285, 301, 331, 334, 339, 355, 417, 419, 421, 441, 446, 448, 482.  
   general recorder, 273, 436, 439, 463, 467, 505, 513  
   commissioner for Newport, 316, 327, 337, 409, 419, 437, 468, 480, 492, 501.  
   commissioner for Providence, 431, 447, 504, 508  
   solicitor general, . . . . . 408  
   petitions concerning Askomicott, 449  
   assistant, . . . . . 504  
 Tomanicke, . . . . . 136  
 Tooley, Thomas, . . . . . 301  
 Totanomans, deed of Shawomut from, 131  
 Towns, provision for the recovery of dues from, . . . . . 424  
   allowed three months for repeal of a law, . . . . . 429  
 Town courts to try certain cases first, 237  
 Town magistrates may commit to prison in certain cases, . . . 424  
 Townsend, John, commissioner, &c., from Warwick, 239, 250, 258, 278, 281, 302.  
 Townsend, Richard, commissioner, &c., from Warwick, 239, 250, 252, 258, 278, 281, 302, 326, 327, 409.  
   other references to, . . . . . 444, 496  
 Townsend, Henry, commissioner, &c., for Warwick, . . . 267, 272, 302  
 Train band shall choose its own officers, . . . . . 93, 115, 121  
   to be trained by Robert Jefferies, 93  
   to be exercised eight times every year, . . . . . 104, 121  
   laws relating to, . . . . . 154  
 Training days, to be ordered by William Brenton . . . . . 80  
   all men to appear armed on, . . . 104  
   orders in relation to, . . . 120, 370, 402  
   Mr. Porter excused from, by paying sixteen shillings a year, . . 335  
 Traitors, law of 1647, regarding, . 199  
 Treason, law regarding high and petty, . . . . . 160  
 Treasurer, colony, duties of, 1647, . 197  
 Treasury, report of the committee upon, 1641, . . . . . 119  
 Trespass, definition of law of 1647, to compose, . . . . . 361  
 Trippe, John, at Portsmouth, 70, 91, 300, 309, 311, 320, 345, 482  
   land granted to, . . . . . 79  
   assistant from Portsmouth, 210, 281  
   commissioner for Portsmouth, 304, 316, 437, 447, 480, 492, 501  
 Turner, Lawrence, . . . . . 302, 356  
 Tyler, Tiler, Job, . . . . . 92  
   widow, Joan, . . . . . 24, 31  
 Uthank, Unthank, Chris., . . . . 302  
   receives a town lot in Providence, . . . . . 24  
   signs the first compact in 1640, . . 31  
 Uncas, . . . . . 362



- Underhill, Captain John, commission to go against the Dutch, . 266
- Ussell, Richard, . . . 349, 359, 360  
marriage of, with Abigail Davis  
declared unlawful, . . . 365
- Vane, Governor, Roger Williams  
writes to, in July, 1636, . . . 13
- Verin, Joshua, one of the first six  
settlers of Providence, . . . 17  
act against, for breach of covenant, 16  
account of the above, by Governor  
Winthrop, . . . 16  
claims ownership of a part of  
Providence, . . . 17  
receives a home lot in Providence, 24
- Venison, men to trade with the In-  
dians for, and price of, fixed, . 62
- Vaughan, Vahum, John, has a frolic  
at Portsmouth, . . . 60  
an inhabitant of Newport, . . 92, 301  
William, . . . 301, 450  
petition of, concerning the pur-  
chase of Askomicutt, . . . 449
- Vane, John, land granted to, in  
Portsmouth, . . . 72
- Vane [Sir Henry], to be written to,  
on the state of the colony, and  
treat about procuring a patent  
for the Island, . . . 94  
application to be made to, for a  
patent or charter, . . . 125  
signs patent of Providence Plan-  
tations, 1643, . . . 146  
letter of thanks to be sent to, by  
the colony, . . . 283  
letter from, to Providence Plan-  
tations, . . . 285  
letter from Gregory Dexter, town  
clerk, to, . . . 289
- Vaulston, Thomas, . . . 301
- Votes, order to prevent the corrup-  
tion of, . . . 217
- Waite, Thomas, lot granted to in  
Portsmouth, . . . 72, 111
- Walker, John, 53, 54, 56, 61, 62, 63, 100,  
110  
at Portsmouth, 1638, . . . 52  
grant of land to, . . . 72
- Wall, John, to lay out lands, 1639, 71
- Waller, Mathew, . . . 299  
receives a lot in Providence, . . 24  
signs compact at Providence, . . 31
- Walline, Walwin, Thomas, . 544, 365
- Wampaminaquitt, an Indian, . . 49
- Wanamataunewitt, a sachem, . . 47
- Wanasquatucket lands, . . . 41
- Waniminatoni, an Indian, . . . 49
- Wannumetonomey, a sachem, . . 51
- Wapewasik, opposite Portsmouth, . 33
- Warner, John, . . 130, 135, 140, 216  
among the first settlers of Provi-  
dence, . . . 14, 24  
one of the arbitrators to form a  
government, . . . 27, 31
- Priscilla, case of, . . . 243
- Ward, Warde, Thomas, . . . 300  
Marmaduke, . . . 92, 108, 110, 301
- Warwick, Robert, Earl of, signs the  
patent of Providence Planta-  
tions, 1643, . . . 143  
and others, commissioners, letter  
to Massachusetts, relative to  
Rhode Island affairs, . . . 367
- Warwick, particulars of the settle-  
ment of, . . . 129  
exercised no powers of govern-  
ment previous to 1644, . . . 129  
record of the first town council of,  
deed of, from Miantonomi, . . . 130  
to have the same privileges as  
Providence under charter of  
1643, . . . 148  
letter sent to Massachusetts in  
relation to, . . . 209  
to have a powder magazine, . . 224  
assistants from, re-unite with  
Newport, . . . 265  
to build a prison for itself and  
Providence, . . . 360  
letter of Roger Williams to Mas-  
sachusetts in relation to, . . . 322  
bill of the town of, against Rich-  
ard Knight, . . . 334  
letter of Roger Williams to Mas-  
sachusetts in relation to the  
difficulties at, . . . 341  
general assembly meet in, 216, 241,  
250, 271, 278, 281, 325, 386, 394,  
404, 431, 463, 467, 492  
complains of depredations by Pum-  
ham, . . . 390  
shall provide an ordinary, or pay  
a fine of £10, . . . 400  
amount contributed by, to send  
to John Clarke, 444, 446, 481, 496,  
506  
robbery by the Indians in, . . 406
- Way, George, . . . 387
- Wayunckeke, . . . 39
- Waterman, Richard, . . 328, 404, 405  
land granted to, at Providence in  
1636, . . . 15, 17  
transfer of land to, by Roger Wil-  
liams, 1638, . . . 20  
receives a town lot in Providence, 24  
signs first compact at Portsmouth, 31  
on committee to form a govern-  
ment, 1647, . . . 42  
deed of Warwick to, . . . 130  
commissioner from Providence,  
&c., 241, 245, 299, 304, 327, 337,  
345, 394

- Waterman, Thomas, . . . 302, 303  
 Weaver, Clement, . . . 301  
 Weaver, Clement, Jr., . . . 301  
 Webb, George, . . . 451  
 Weecapaug, . . . 450  
 Weeden, James, . . . 301  
 Weeden, James, Sen'r, . . . 209, 300  
 Weeden, James, Jun'r, . . . 301  
 Weeden, William, . . . 301, 482  
   commissioner, . . . 409, 468, 480  
 Wegnakaunut, a sachem, . . . 465  
 Weshaganesett, a sachem, . . . 48  
 West, John, . . . 301  
 West Mathew, . . . 301, 316  
 West, Robert, . . . 21, 31, 128, 299  
 Westcott, Wascote, Westkott, West-  
   coate, Stukeley, . . . 31, 313, 314  
   receives land in 1638, . . . 19, 24  
   signs compact in Providence, . . . 31  
   commissioner for Warwick, 235, 239,  
     250, 258, 262, 267, 272, 302, 304,  
     432  
     Jeremy, . . . 132  
     Amos, . . . 302, 328  
     Robert, . . . 252, 274, 302, 417, 419  
     charge against, . . . 420  
     suspended as commissioner, . . . 420  
 Weston, Francis, among first set-  
   tlers of Providence, . . . 15  
   grant of lands to, . . . 17, 20, 24  
   deed of Warwick to, . . . 130  
 Weston, Mathew, . . . 24  
 White, William, . . . 387  
 Whitman, Valentine, . . . 387, 466  
 Whoredom, complaints made by  
   Cromwell about, . . . 318  
   action of court in relation to, . . . 318  
 Whoremongers, law of 1647, re-  
   garding, . . . 173  
 Wickes, Weekes, Weeks, John, 91, 212,  
   302, 328, 334, 353, 430, 438, 444,  
   446, 468, 482, 496, 505.  
   at Portsmouth in 1639, . . . 70  
   to be arrested if he comes upon  
   the island armed, . . . 124  
   deed of Shawomet or Warwick to, 130  
   commissioner of the Narragansett  
   sachems, . . . 135  
   assistant for Warwick, 220, 336, 408,  
     436  
   commissioner for Warwick, 235, 241,  
     245, 316, 326, 327, 337, 354, 366,  
     358, 420, 428, 432, 437, 446, 468,  
     480, 492, 501, 504, 508.  
   case of Wm. Harris, referred to, 363  
   vs. Mr. Field, case of, . . . 503, 507  
   Francis, among the first settlers  
   of Providence, . . . 14, 15  
   receives a town lot in, . . . 24  
   signs first compact in, . . . 31  
 Wickenden, William, . . . 299, 301, 305  
   among first settlers of Providence, 14,  
     24  
   signs first compact in, . . . 31  
   on committee to form govern-  
   ment, 1647, . . . 42  
   commissioner, 209, 235, 239, 241, 250,  
     258, 267, 277, 281, 304  
 Wilcocke, Wilcocks, Daniel, . . . 76  
   Edward, . . . 91  
   Stephen, . . . 387  
 Wilkinson, Lawrence, . . . 387  
 Willett, Captain [Thomas], to ad-  
   just dispute about Hog Island, 374,  
     390, 466  
 Wills, probate of, law of 1647, re-  
   garding, . . . 188  
 Wilbore, Wibour, Wilbor, Wild-  
   bore, Samuel, 53, 54, 56, 58, 59, 61,  
   62, 63, 78, 97, 109, 110, 113, 127,  
   300.  
   signs the compact at Portsmouth,  
     1638, . . . 52  
   elected constable, 1638, . . . 65  
   land granted to, . . . 67, 75  
   fire arms to be bought, . . . 113  
   commissioner for Portsmouth, 326,  
     327, 366, 408, 428, 492, 501  
   complaints of the Pequods and  
   Narragansetts against, for en-  
   croachments, . . . 451  
   protest of the Narragansetts a-  
   gainst, for taking certain lands  
   at Point Judith, &c., . . . 454  
   Samuel, Jun'r, . . . 85, 127  
   assistant, . . . 210, 300  
 Williams, Roger, 299, 311, 317, 320, 325,  
   326, 336-339, 348, 349, 409, 442,  
   445, 446.  
   letter of, to Governor Vane, from  
   Providence, July, 1636, . . . 12  
   facts fixing the time of his arrival  
   in Providence, . . . 13  
   notice of the banishment of, from  
   Massachusetts, . . . 13  
   builds and plants at Seekonk, . . . 13  
   order that no one should be mo-  
   lested for conscience, . . . 16  
   deed of land at Providence to, from  
   Canonicus and Miantonomi, 1637, 18  
   memorandum in, 1639, confirma-  
   tion of do., . . . 18  
   initial deed from to his associ-  
   ates, of lands purchased of Ca-  
   nonicus and Miantonomi, . . . 19  
   second memorandum from, to his  
   associates made in 1566, . . . 20  
   agreement of, with his associates  
   for a division of lands, 1638, . . . 20  
   confirmatory deed of lands trans-  
   ferred to his associates in 1638,  
   given in 1661, . . . 22











