

LAWS
OF
NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS AND RESOLVES AND THE ROYAL
COMMISSIONS AND INSTRUCTIONS, WITH HISTORICAL
AND DESCRIPTIVE NOTES, AND AN APPENDIX.

EDITED BY ALBERT STILLMAN BATCHELLOR.

VOLUME ONE

PROVINCE PERIOD

MANCHESTER, N. H.:
THE JOHN B. CLARKE COMPANY.
1904.

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF

THE NEW YORK HISTORICAL SOCIETY

JOINT RESOLUTION RELATING TO THE PRESERVATION AND PUBLICATION OF THE EARLY STATE AND PROVINCIAL RECORDS AND OTHER STATE PAPERS OF NEW HAMPSHIRE.

Laws of 1881, Chapter 123, Session Laws, new series, vol. 3, p. 521.

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

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely one copy to each [city and town in the state, one copy to such of the public libraries in the state as the Governor may designate]¹ public library in the state, and to each town in the state having no public library, which shall request the same, and to such publishers of newspapers requesting the same as keep such open to public use,² fifty copies to the New Hampshire Historical Society, and the remainder, placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

¹ The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1831, by the act of March 20, 1901, Session Laws, new series, vol. 7, part 2, chapter 71, sect. 3, p. 538.

² By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

AN AUTHORIZATION OF THE PUBLICATION OF THE FIRST VOLUME OF PROVINCE LAWS.

BY HON. CHESTER BRADLEY JORDAN, LL. D.,

Governor, 1901, 1902.

Whereas, in the administration of Governor George A. Ramsdell, 1897, 1898, written authorization was given the Editor of State Papers to prepare and publish a volume of the province laws of New Hampshire, beginning with the earliest of such enactments now accessible, and treating them in chronological order, and:—

Whereas, it appears that the written authorization above mentioned cannot now be found, either in the state archives or in the custody of any state officer, and:—

Whereas, it is desirable and necessary that such authorization be duly made a matter of record and preserved in an accessible form in the archives of the state:—

Now, therefore, this writing witnesseth that I, Chester B. Jordan, Governor, in accordance with the provisions of the "Joint Resolution relating to the preservation and publication of portions of the early provincial records and other state papers of New Hampshire," approved August 4, 1881, and by virtue of the authority thereof, do hereby authorize Albert S. Batchellor, as Editor of State Papers, and on behalf of the state, to collect, arrange, transcribe, and superintend the publication of the early laws of the people and province of New Hampshire, the same being treated in chronological order, including, so far as practicable, the laws of the period of the incorporation of this province in the Dominion of New England, 1680-1689, and the period of the so-called second union with Massachusetts Bay.

This authority furthermore relates only to so much of said periods and to so much of said material as will be found sufficient for one volume.

As incidental to this work, the said Editor of State Papers will cause such explanatory notes and citations, tables of contents, indexes, introductory statements, and supplemental papers to be made a part of the volume as, in his judgment, may be deemed useful and appropriate.

It is also to be understood and intended that this authorization is a substitute for the one supposed and assumed to have been issued by His Excellency the late Governor George A. Ramsdell in the period of his administration, and is, therefore, to be regarded as a ratification of the expenses incurred and the acts done by the Editor of State Papers and the State Printer on behalf of the state in accordance with the provisions of the then existing laws and the amendments made thereto prior to and not including the act of March 21, 1901, entitled "An Act in Relation to the Public Printing," and under such supposed authorization of Governor Ramsdell, not inconsistent with the tenor of this present instrument, and within the limitations herein and hereby authorized.

This I deem proper to be done, and I give these directions in accordance with the provisions of the Joint Resolution of August 4, 1881, hereinbefore mentioned.

Given under my hand, in triplicate, at Concord this 5th day of April, A. D. 1902.

CHESTER B. JORDAN.

TABLE OF CONTENTS.

FIRST PART,—INTRODUCTORY.

Joint Resolution of the New Hampshire General Court authorizing the work	Page iii
Warrant of Chester B. Jordan, Governor, authorizing the preparation and publication of this volume	iv
Editor's Introductory Monograph—descriptive of the sources and antecedents of the New Hampshire province law, and of the contents and purpose of the compilation	v
(1) The Statute Law as Developed at the Time of the Colonization of New England	ix
(2) Colonial Beginnings of New England	xiii
(3) New Hampshire in the First Period, 1623-1641, and the Development of Local Self-Government in the Four Towns	xx
(4) The Compact for Union with Massachusetts Bay and the Rights and Privileges Conceded to the Towns of New Hampshire	xxix
(5) The Nature and Extent of the Lawmaking Powers with which the Company and Colony of Massachusetts Bay were Invested	xxxiii
(6) New Hampshire in the Period of Union with the Massachusetts Bay—The Systems of Statute Law Constructed and Developed between 1641 and 1679	xxxviii
(7) The Transition Period	xlii
(8) Colonial Supervision and Administration in the Home Government	xlv
(9) The Cutt Code, 1680, 1681	xvii
(10) The Cranfield Code and the Essays of the Lieutenant-Governor and His Council in Legislation without the Cooperation of the House of Representatives	xlix
(11) The Laws of England and the Compilations in Use in the First Years of the Province Government, 1679-1689	li
(12) The Dominion of New England. The Period of Law Making by a Council Appointed by the Crown, 1680-1689	lv
(13) New Hampshire without a Province Government, 1689-1690	lvi
(14) The Period of the Second Union of the New Hampshire Towns with Massachusetts Bay, 1690-1692	lvi
(15) The Province Government of New Hampshire Revived and the Legislative Assembly Restored, 1692	lvii
(16) The Province Legislature	lvii
(17) Comments on the Tables of Regal Years and Official Succession	lx
(18) Remarks on the Continuation of the Series	lx
(19) The Commissions and Instructions Governing the Province Administrations and Province Legislation	lx
Regnal Years of the Kings of England	lxi
Explanation	lxxviii
The Reformation of the Calendar	lxxviii
Calendar of Colonial and Province Governments	lxxix
Catalogue of Manuscript Books and Records in the Public Record Office in London containing Laws of the Province of New Hampshire	lxxxviii
Sketches of the Chief Magistrates of New Hampshire, 1679-1702	lxxxix
Table of Additions and Corrections	xcviii

SECOND PART—COMMISSIONS, INSTRUCTIONS, AND ACTS.

Cutt Commission	1
Editor's Notes on the Administration of the Province under the Cutt Commission	1

	Page
"Cutt. Code,"—Acts, 1650-1651	9
Editor's Notes on the Laws Enacted under the Cutt Commission	40
Statutes under Administration of Richard Waldron, 1651	45
Cranfield Commission, 1652	45
Editor's Notes on the Administration of the Province under the Cranfield Commission	48
Cranfield Instructions	55
Editor's Notes on the Acts Passed under the Cranfield Commission	55
"Cranfield Code," 1652-1654	60
Orders of Governor and Council	77
Administration of Joseph Dudley, President of New England, 1656	82
Dudley Commission, 1657	93
Editor's Notes on the Administration of the Dominion under the Dudley Commission	93
Proclamation of Government under a President and Council	99
Editor's Notes on the Orders of 1656	100
Orders of President and Council, 1656	102
Royal Province of New England	102
First Andros Commission, 1659	144
Editor's Notes on the Administration of the Dominion under Andros Commissions	144
Andros Instructions	155
Laws Enacted by Sir Edmund Andros and His Council, 1659-1660	152
Editor's Notes on the Laws Enacted under the Andros Commission	152
Second Andros Commission, 1683	226
Andros Instructions	234
Orders in Council, 1659-1660	244
Editor's Notes on the Orders in Council, 1659-1660	244
New Hampshire without Province Government	250
Editor's Notes on Province Affairs in this Period	250
The Inter-Charter Period, 1680-1692	267
Editor's Notes on the Second Union with Massachusetts Bay	267
Officers of the Government, 1680-90	271
Legislation—Provisional Government	277
Officers of the Government, 1690-91	460
Legislation	460
Officers of the Government, 1691-92	472
Legislation	473
Officers of the Government, 1692	496
Legislation	496
Administration under the Commission of Samuel Allen, 1692-99	499
Editor's Notes on the Administration of the Province under the Commission of Samuel Allen	499
Allen Commission, 1692	501
Instructions to Samuel Allen	508
Partridge Commission, 1696	515
Editor's Notes on the Legislation of the Province under the Allen Commission	518
Acts Passed in the Time of the Allen Commission	524
Administration under the Commission of the Earl of Bellomont, 1699-1702	607
Bellomont Commission, 1697	607
Editor's Notes on the Administration of the Province under the Bellomont Commission	607
Bellomont Instructions	621
Editor's Notes on the Acts Passed under the Bellomont Commission	608
Full Text of Report of the Attorney-General of England, Edward Northey, on fifty-nine New Hampshire Acts	644
Acts Passed under the Bellomont Commission	653
List of Acts Passed between October 7, 1692, and July 13, 1702, Confirmed by King or Queen in Council	709
List of Acts for same period repealed by King or Queen in Council	710
Acts passed July, 1702	711

THIRD PART—APPENDIX.

	Page
Former Printed Collections, Translations, and Abridgments of the Statutes of England and Great Britain	711
Catalogue of Printed Collections, Translations, and Abridgments of the Statutes of England and Great Britain	726
Ordinances Adopted for Municipal Regulation or Local Government Prior to the First Union with Massachusetts Bay	738
Combinations for Local Government in New Hampshire, Charles W. Tuttle	744
Body of Liberties of Massachusetts Bay, 1641	748
Establishment of the Royal Provincial Government of New Hampshire, 1686, Charles W. Tuttle	772
The Governments of New Hampshire, 1679-1690, J. A. Doyle	780
Documents Relating to the Establishment of a Province Government, etc.	785
Instructions Concerning Mason's Claim Addressed to the Governor of Massachusetts Bay	788
Cranfield Code, in Part. Copy from English archives	790
Copy of the Cranfield Code from Original in New Hampshire Province and State Records	796
A Bill Concerning Plaintiff's and Defendant's Non-Appearance	803
A Bill Relating to Confession of Judgment	804
A Bill for Small Causes	805
A Bill for Support of Ministry	805
A Bill for Serving Attachments	806
A Bill for the Value or Price of Foreign Coin	806
A Bill for Raising Money for Support of the Government	807
The Ancient Printed Copy of the Orders of the Council Governing the Dominion of New England Temporarily in the Presidency of Joseph Dudley, 1683. 2 James H. Editor's notes	810
Eight Pages of Fac-Simile of Original Printed Copy of Orders of the Council, 1686	811
An Order Relating to Lands on the Merrimack River and Lake Winnepesaukee, Conveyed by Sachem Wabanaset to John Blackwell and Others, and for Constituting a County to be Called Merrimack	827
The Dominion of New England, 1686-1689. Names of the Executive and Legislative Council	829
Commission for Sir Edmund Andros to be Vice-Admiral of New England 30 April, 1688. 4 James H.	830
Letter of J. K. Lord, June 12, 1603, Relating to the Translation of the Willoughby-Andros Admiralty Commission	841
Unsettled State of the Province. Notes by Chief Justice Samuel D. Bell	842
New Hampshire without Provincial Government, 1686-1690, Charles W. Tuttle	847
List of Acts Passed in the General Assembly of New Hampshire, 1692-3, Transmitted [by Mr. Popple] to the Attorney-General, 22 Aug. 1693	856
The Illuminated Title-Page of the Volume of Manuscript Laws of the Province of New Hampshire, Known as the Dudley Collection	857
Report of the Lords Commissioners upon the Laws of New Hampshire, Dudley Transmission	859
Extracts from the Journal of the Board of Trade Relative to the Laws of New Hampshire	864
Order in Council Repealing Thirteen of the Laws of New Hampshire	866
Order in Council Confirming Thirteen of the Laws of New Hampshire	867

¹In the notes to this document, Appendix, p. 791, line 8, a reference appears to "Appendix C. (I)." This is an error in the print and the citation should be to "Appendix F. II."

²In the notes to this document, Appendix, p. 807, line 39, the citation to "Appendix C. III, ante," should be to "Appendix F. III, ante."

INTRODUCTION.

THE STATUTE LAW AS DEVELOPED AT THE TIME OF THE COLONIZATION OF NEW ENGLAND.

The statutory law of England in its later structure commences with the Magna Charta, which King John conceded under compulsion at Runnymede in 1215, which Henry the Third confirmed in 1225, and which Edward the First sealed with the Great Seal of England at Ghent on the 5th of November, 1297. The authorities generally agree at this point. The principles embodied in the first Magna Charta were contested during a long period subsequent to the date of King John's concession. The confirmations which are named as those of Henry the Third and Edward the First were not the only ones that were required and obtained before the Great Charter was universally recognized in the form and terms in which it became permanent. As a parliamentary act Magna Charta takes date as of 25 Edward the First, A. D. 1297.¹ The text of the Magna Charta of John, 1215, is represented in facsimile in the Statutes of the Realm, as also are other and later drafts of the instrument.² These charters take their place within what is called the "time of legal memory." That term is employed as descriptive of the period in and since the reign of Richard the First, 1189-1199. There is very little extant in authentic form that is assignable to the first part of this so-called "time of legal memory," except the charter of John and the other great charters, with possibly a few isolated statutes. As to these it may be said on the authority of Sir Matthew Hale³ that there was great confusion until in Magna Charta of Henry the Third, 1225, they obtained a full settlement, and the substance of them was solemnly enacted by parliament. Important changes transpired from time to time in the text of the Great Charter. Repeatedly the confirmations were compulsory.⁴ That there had been more than thirty of these confirmations of Magna Charta before the time of Henry the

¹Statutes of the Realm, ed. 1810, vol. 1, p. 114.

²Statutes of the Realm, ed. of 1810, pp. 6, 22, *et seq.*

³Sir Matthew Hale, History of the Common Law, ed. 1794, p. 5, quoted in Finlason's Reeve, vol. 1, p. 1, note B.

⁴Pollock and Maitland, vol. 1, p. 157.

Fifth, 1413, is an indication of the practical insecurity of the rights conceded by the terms of the instrument.¹ The charter takes its place as the first chapter of the enacted law.² "The first set of laws," remark the authors of the History of English Law before the Time of Edward the First, "which in later days usually bears the name of 'statute,' is the Provisions of Merton issued by the king, with the consent of the prelates and nobles, in 1236." From the reign of Henry the Third, 1216-1272, no statute roll nor any rolls of parliament are preserved, and it is not supposed that any such records were kept. The earliest statute roll now extant began with the Statute of Gloucester in 1278. The first Parliament Roll comes from 1290.³ From the time of the confirmation of Magna Charta, 9 Henry the Third, 1225, to the time of Edward the Third, 1327, a considerable number of acts of parliament are preserved, but it is from the latter reign that the statutes exist in a regular series to the present.⁴

The system of statutory law which had been embodied in acts of parliament actually enrolled and accessible at the time of the first planting of English colonies in New England was not of remarkable antiquity. From 460 B. C., the date to which the enactment of the Twelve Tables is assigned, nearly a thousand years had elapsed before Justinian, in 529 A. D., had consolidated the body of the Roman law into the Institutes, Pandects, and Code. From the beginning of the permanent occupation of Britain by the Romans to the Magna Charta of Henry the Third was a period of almost twelve hundred years. The Roman law was administered to a certain extent in England from about A. D. 50 to about A. D. 450.⁵ Through the operation, centuries later, of entirely different influences the Roman law, as it survived in the forms and principles of the civil and canon law subsequent to the Norman conquest, was brought into contact with the government and affairs of the people of England. It is not now open to question that the influence of Roman laws was productive of important results upon legal usages, procedure, and case law. In the then existing environment it would be inevitable that the learning of those who were masters of the Roman law would be manifest in the *lex scripta*, as the statutes took form in the early stages of their development into a permanent system.⁶ The Saxon suprem-

¹Hume, History of England, vol. 2, 268; Bouvier, Law Dictionary, 14th ed., vol. 2, p. 87.

²Pollock and Maitland, vol. 1, p. 157; 9 Hen. 3, c. 29, in Ruffhead.

³Id., vol. 1, pp. 158, 159.

⁴Finlason's Reeve, ed. 1869, vol. 1, p. 1.

⁵Finlason's Reeve, vol. 1, pp. xxxix, 3, Note B; Amos, Science of Law, p. 380; Hudley, Introduction to Roman Law, 18.

⁶Pollock and Maitland, History of English Law before the Time of Edward I, vol. 1, chap. 4; Finlason, Introduction to Reeve's History of English Law, ed. 1869, vol. 1, p. lxxxix; Amos, Science of Law, pp. 9, 10.

acy as the occasion for the institution of other laws and the evolution of other customs, which in their order entered into the foundation upon which, in the later period, a permanent system was established.⁷ The Norman conquest also introduced other controlling factors distinct from both the Roman and Saxon law, related to the establishment and development of legal institutions and of positive law. All these laws, whether institutions, codes, charters, royal edicts, or customs, which are assignable to any time prior to the reign of Richard the First, and whether of aboriginal Brittonish, Roman, Saxon, Danish, or Norman origin, are, however, according to Sir Matthew Hale, accounted *lex non scripta*. It may be noted that the parliament assembled by Leicester in 1265 was the one to which both the knights of the shire and the representatives of the boroughs were summoned. This is regarded as the first meeting of the House of Commons.⁸ While it is conceded that the beginning of a continuous series of recorded (manuscript) parliamentary laws is assignable to the reign of Edward the Third, 1327-1377, it was not until near the close of the reign of Edward the Fourth, 1483, that the invention of printing, in connection with practical business uses, was introduced into England. The permanent and successful establishment of mills in England for the manufacture of paper is of about the same date as the introduction of printing as a trade, that is, in the latter part of the fifteenth century, although it had previously been prosecuted on the continent during an indefinite period. The first book certainly known to have been printed in England bears the date 1477. Among the considerable number produced in the next fifteen years was a volume containing the laws of Richard the Third, 1483-1485,⁹ printed in French, besides several other volumes of statutes or compilations both of earlier and later date than those of Richard the Third.¹⁰ The publication of the laws of England in printed books, therefore, was anterior to the planting of the English colonies of New England by less than one hundred and fifty years. Even after 1327, the date which is regarded as marking the beginning of a regular series of English parliamentary statutes, there was much which stood in the way of a general diffusion of knowledge as to the provisions of that body of law. The acts were

⁷Thorpe's Ancient Laws and Institutes of England from Æthelberht to Cnut with English Translations, etc., 2 vols., Public Records Commission, 1840.

⁸Stubbs, Constitutional History of England, vol. 2, 4th ed., sec. 177, p. 96; Hume's History of England, vol. 2, p. 53.

⁹Encyc. Brit., vol. 8, p. 413; De Vinne, Invention of Printing, 508.

¹⁰Statutes of the Realm, ed. of 1810, Catalogue of Printed Collections, etc., constituting Appendix A to the Introduction to that work. The same catalogue is reproduced in this volume, *post*, pp. 726 *et seq.*, and is designated as Appendix A, II.

The situation of the New England colonies was, at the outset, in many respects anomalous. This was peculiarly the case regarding the laws by which they would be governed in the new country in which they had become established. As indicated in the historical outline already presented, the laws of England had assumed a status in which they could be obtained in books, and the text understood by the average man of affairs in the earliest colonial period. There were, however, important and, in some directions, impassable limitations on the applicability of the laws of England to the new conditions existing and constantly arising in New England. The reason underlying much of the statute law of the mother country did not exist in the American colonies. *Ratio legis cessat, cessat lex.* The ideas of the colonists with reference to the functions of the state and the rights of the individual were radically different from those entertained in the home government and reflected in the statute law of the realm as it stood in 1620. The wide divergence between the views of the New England immigrants and the representatives both of church and state, who were in control of affairs in England with reference to ecclesiastical concerns and the relations of church and state, were fundamental and irreconcilable. Necessarily, also, the principles and methods of ownership, occupancy, and control of lands, forests, and waters in the new country, which ancient systems and modern statutes had established in the mother country, were, in important features, inapplicable in the new country; and radical changes in systems of law relating to inheritances, ownership, occupation, and transfer of rights in real estate were inevitable.

Mr. G. T. Bispham, in an article entitled "Law in America, 1776-1876," North American Review, vol. 122, 1876, p. 156, says:

"On the other hand, a still more striking and interesting topic is the consideration of the departures of American law from English principles; and the cases here presented would be those in which, from circumstances which it ought to be the task of the student to discover and explain. American jurisprudence has found the rules of English law unsuited to the conditions of American life, has therefore repudiated or modified them, and has established a set of legal rules which may be termed essentially and properly American. This latter view of the general subject is one which would, at this period of the national existence, when we are occupied in looking for, pointing out, and discussing those features in the different relations of life which are often grouped together under the somewhat vague term of American institutions. Both methods, however, of dealing with the general subject will have to be, to a certain extent, adopted; and in endeavoring to find out what are the peculiarities of American law which have grown up or sprung up since our separation from the mother country, and which tend to give our jurisprudence a national individuality, we shall be compelled to touch upon some points in which the American has advanced beyond, or fallen behind, English law in paths which are common to both.

"It is a true remark, and one which has been made at many different times and with varying phraseology, that all law is the adaptation of principles of action to the physical and political conditions of a country, and to its

COLONIAL BEGINNINGS IN NEW ENGLAND.

INTRODUCTION.

expressed in Latin or French until the time of Henry the Seventh, 1485. Pollock and Maitland give a succinct account of the conflict which continued in England for centuries between the Latin, French, and English languages, resulting in the transition from French to English statutes that occurred suddenly at the accession of Richard the Third, and which seems to be contemporaneous with a change in the method of enrollment. To the very last, 1503, in the time of Henry the Seventh, the formal parts of the Roll are written either in French or in Latin.

The first compilation of the charters and statutes which appeared in print in an adequate English version was that of 1581 which is known as Kasstall's Collection. It is the first one which contains the statutes previous to Henry the Seventh, 1485, translated into English. The production of this work and its successive revisions down to 1821 may well be regarded as marking an epoch in the history of the law. The statutes in this publication are arranged under apertures, and the new statutes from time to time were added. The translation contained in this collection appears to have been executed with superior care and industry. It will be observed that only forty-two years intervened between the first and last editions of the English version of Kasstall's work. In the very last part of that period the planting of Plymouth colony was effected.

By far the greatest portions of the written or statute laws of England," says Sir James Palgrave, "consist of the declaration, the reassertion, repetition, or the re-enactment of some older law or laws, either customary or written, with additions or modifications. The new building has been raised upon the old ground-work: the institutions of one age have always been modeled and formed from those of the preceding, and the formal descent has never been interrupted or disturbed."

Pollock and Maitland, vol. 1, pp. 25-65.

A collection of the charters and several of the statutes bearing date previous to Edward the Third, was published in book form in an English translation in the Latin in 1524. In this edition the laws were not arranged chronologically nor by title.

Statutes of the Realm, vol. 1, p. xxii. See also reprint in this volume, Appendix A, I, and Appendix A, II.

The present generation is now separated from the period in which the Pilgrim Fathers were living by about two hundred years, and from their migration by about two hundred and eighty years. Mary Allerton, the last surviving of the Mayflower immigrants, daughter of Isaac Allerton, and wife of John Thomas Cushman, died in 1699. Appleton's Biog. of Illust. vol. 2, p. 100. Hon. Alfred Russell, in an essay in the *Michigan Pictorial* for April, 1903, remarks that his eminent friend, Sidney Barrett, of the Boston, recently deceased at a great age, in his youth, at his birthplace, Plymouth, Mass., conversed with those who in their youth had conversed with those who were Pilgrims on the Mayflower. Mr. Barrett was born February 12, 1799, and died March 6, 1889.

Sir James Palgrave, *English Commonwealth*, 1, 6.

The Council for New England (Plymouth Company), as constituted in 1620, was made independent of the London Company, with which it had formerly been in co-operation. This Council for New England was empowered by its charter to legislate for the new colonies to be established under its auspices in America. It could exercise martial law and maintain a monopoly of trade within the limits of its patent. The Mayflower company, which effected its New England settlement in 1620, declared a purpose and asserted the right in the now famous compact of November 11, 1620, to "enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and officers, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and

moral, social, and intellectual growth. All national institutions must bear the impress of the outward features of nature by which the inhabitants are surrounded, and their modes of life, to a great extent, determined, and must also reflect the inward life of a nation and the external associations and internal consciousness by which that inward life has been moulded.

"If we were to imagine a man placed, in a savage state, in a new country, and were at liberty to suppose that his individual existence could be sufficiently prolonged to enable him to reach, in his own person, a condition of civilization and enlightenment, it would seem to be plain that the causes which control this development and determine its character must be sought for, in the first place, in the external physical phenomena by which he was surrounded."

See also Doe, C. J., in *Thompson v. Androscoggin Co.*, 54 N. H., 348; *Concord Mfg. Co. v. Robertson et al.*, 66 N. H. Reports, pp. 1-30.

The Sources of New Hampshire Law by William Smith, 1, Proceedings of the New Hampshire Bar Association, p. 682.

Judge Parker (Lecture at Lowell Institute, 1869, cited below) also comments on the latitude for legislation which the local conditions in the new country necessarily afforded, and the not altogether obsolete question as to whether the laws of the mother country accompanied the exercise of her sovereignty in her American possessions in the early colonial period without special parliamentary legislation to that end. He says:

"But there was a restriction upon their legislation, religious as well as civil. They were to make no laws contrary to the laws of the realm; and the question arises, What was the character and what the extent of this restraint?"

"We may safely conclude that the meaning of the provision is not that they are to make no laws different from the common law of England, for much of that law was entirely inapplicable to their condition, so that they were under the necessity of making different laws. Laws different from or contrary to the laws of feudal tenure could not come within the prohibition. The same may be said of laws relating to the peerage, and divers other matters of more common concern."

"So we may be assured that it was not a prohibition to make laws different from the statutes of England, for it was known that it was to escape from some of those laws that they emigrated. If they could make no law which provided for a different form of worship than that which was established in England,—if they must establish that with all its concomitants, they would hardly have crossed the Atlantic for the privilege of voluntarily subjugating themselves by their own acts, to the pains and penalties, and violation of conscience, to which the acts of others would have subjected them if they had remained. Moreover, they had no bishops,—could not consecrate any,—and no one proposed to do that for them when the charter was granted. Laud would doubtless have been pleased to do them that favor three or four years afterwards; but their right of legislation, or the restraints upon it, or the removal of restraints, did not depend upon that."

obedience." The territorial patent from the Council for New England to Plymouth Colony in America was issued in 1621.¹ The colony charter was not obtained until January, 1630. This later grant was from the Council for New England. It purported to invest the Colony of Plymouth in New England with the law-making power. On this point the following terms are employed:

"Alsoe it shall be lawfull and free for the said William Bradford his associates his heires and assignes att all tymes hereafter to incorporate by some usuall or fitt name and title, him or themselves or the people there inhabitinge under him or them with liberty to them and their successors from tyme to tyme to frame, and make orders ordinances and constituc'ons as well for the better governmente of their affairs here and the receavinge or admittinge any to his or their society, as alsoe for the better governm't of his or their people and affaires in New Englande or of his and their people att sea in goeing thither, or returninge from thence, and the same to putt in execuc'on or cause to be putt in execuc'on by such officers and ministers as he and they shall authorise and depute: Provided that the said lawes and orders be not repugnant to the lawes of Englande, or the frame of governmente by the said presidente and councell hereafter to be established."²

"The true construction of the clause is that they shall make no laws contrary to,—antagonistic to,—in contravention of, the laws of the realm which extended or should extend over them, as inhabitants of the colony, and which were to be their paramount law."

"We are thus brought to the question whether any and what laws of the realm were in force in the colony at the time of the charter and emigration. Happily we can settle this question by authority. It is agreed that the law of the conqueror does not extend over the conquered country until the conqueror pleases to put it in force there. And although we now hold that the title of the crown to the greater portion of this country was by right of discovery, it was held by the courts of England, long subsequent to the reign of Charles I, to be a title by conquest. Chief Justice Holt, in the Court of King's Bench, in the 4th of Anne, said: 'The laws of England do not extend to Virginia, being a conquered country, their law is what the King pleases.*' And Blackstone, lecturing as late as 1756, says, 'Our American plantations are principally of this latter sort [conquered or ceded countries], being obtained in the last century, either by right of conquest; and driving out the natives (with what natural justice I shall not at present inquire), or by treaties. And, therefore, the common law of England, as such, has no allowance or authority there.' He adds that they are 'not bound by any acts of Parliament, unless particularly named.'† Lowell Inst. Lecture, pamphlet ed., p. 31.

* Salkeld's Reports, vol. 1, [2] p. 666.

† Blackstone's Com., vol. 1, p. 108.

¹ Bradford, Bradford History, p. 167.

² Plymouth Colony Laws, ed. 1836, pp. 24, 25. The grant of a law-making power which appears in the charter of 1630 was foreshadowed in the patent of 1621 to Peirce and others. Baylies, *Memoir of Plymouth Colony*, vol. 1, part 1, pp. 185 *et seq.*, edition of 1866, edited by Samuel G. Drake. This history was first published in 1830, before the recovery of the Bradford manuscript, but is an excellent authority; full text of the patent of 1621, with

Without pausing here to consider the mooted question whether the Council for New England was vested with authority by its own charter to endow one of its colonial creations with the law-making power,¹ it is sufficient to remark that the charter of Plymouth Colony of 1629-30 did contain an apparent delegation of such powers. The practical construction of the grant, by the colonists, was in favor of the validity of this particular concession.² Perhaps it cannot be said, however, that these colonists did not exercise the law-making power, in the ordinary sense of the term, prior to the charter of 1629 [O. S.]. Mr. Brigham remarks, in his preface to the Plymouth Colony Laws, first published by the commonwealth under his supervision in 1836, that "The first revision of the laws was in 1636, and this may be regarded the first important era in their history, or perhaps, with more propriety, the origin of the legislation of the colony. Previous to this period there had been but few laws made and still fewer committed to record."

The code of 1636 was the work of the court, aided by eight deputies chosen for this special purpose. But later, in 1636, the functions of the general court were divided. For legislation the whole body of freemen were to attend, but proxies were allowed for the election of governor and assistants. In 1638 the representative system was fully introduced, although the general court formally reserved the right of revising or repealing the acts of the deputies.³ Previous to this, 1635, the Council for New England had been dissolved. The members of the company had proved themselves totally unable to appreciate the extent of the enterprise in which they were engaged, and, furthermore, the surrender of a charter that was proving such a source of strength to the Puritans was undoubtedly most acceptable to Charles the First.

introduction by Charles Deane, Mass. Hist. Soc. Coll., 4th Series, vol. 2, pp. 156-163.

The text of the patent of 1621, so far as it relates to the law-making power, is as follows:

"And shall also at any tyme within the said term of Seaven Yeers upon request unto the said President and Counsell made, graunt unto them the said John Peirce . . . Letters & Graunt of Incorporac'on by some usuall & fitt name & tittle with Liberty to them and their successors from tyme to tyme make orders Lawes Ordynance & Constituc'ons for the rule government ordering & dyrecting of all P'sons to be transported & settled upon the land . . . And in the meane tyme untill such graunt made, Yt shall be lawfull for the said John Peirce . . . by the consent of the greater Pt of them To establish such Lawes & ordynance as are for their better governm't and the same by such Officer or Officers as they shall by most voyces elect & choose to put in execution." Mass. His. Soc. Col., Fourth Series, vol. 2, p. 161.

¹Quint, Historical Memoranda of Ancient Dover, p. 423.

²Mr. Brigham's Text, Plymouth Colony Laws.

³Doyle, English Colonies in America, vol. 2, pp. 71, 72.

On the 19th of March, 1627-S, a grant of land was obtained from the Council for New England by John Endicott and five other gentlemen, extending from three miles south of the river Charles to three miles north of the Merrimack, and westward to the Pacific ocean.

Mr. Doyle, the author of "English Colonies in America," vol. 2, pp. 88, 90, commenting on the events transpiring at this time, says:

"Of the six grantees, two only, Humphrey and Endicott, play any part in later New England history. The former had already been treasurer of the fishing company at Cape Ann, and he subsequently held office under the Massachusetts company both in England and in the colony itself.¹ John Endicott at once took a prominent place in the new undertaking, and to the end of his life he stood in the foremost ranks of New England statesmen, figuring in every stage as the embodiment of all that was narrowest and sternest in Puritanism.

"For the present this grant did no more than establish a private partnership. The partners might entertain and acknowledge among themselves political designs, but in the eyes of the world there was nothing to distinguish their scheme from those of Gorges or Mason.

"Meanwhile the partners in England were taking steps to strengthen their legal position. The six original patentees admitted more persons into their partnership. This change was accompanied by one still more serious. The promoters of the colony were no longer content to be a mere private company for trade. The authority of the crown was to be called in to make good any flaw which might exist in their territorial title. In March, 1629-30, a royal charter was obtained, constituting a legal corporation, under the title of the Governor and Company of the Massachusetts Bay in New England.²

"This corporation was to elect annually a governor, a deputy governor, and eighteen assistants, who were to hold monthly meetings.

"The appointment of eighteen assistants shows that the company was to be enlarged considerably beyond its present numbers. General meetings were to be held four times a year. The members had power to elect necessary officers, and to defend their own territory by force against invasion or attack. The governor and assistants might, if they thought fit, administer the oaths of allegiance and supremacy to members of the company. It is not unlikely that this clause may have been inserted to meet the difficulty which had lately arisen in the case of Lord Baltimore, owing to the absence of any such provision in the Virginia charter.³

¹Mr. Haven in Arch. Am., vol. 3, p. 50.

²The charter is in the Colonial Papers. It is also given in Hazard's Collection, vol. 1, p. 239; Poore, Charters and Const., 2d ed., pt. 1, p. 932.

³Doyle, English Colonies in America, vol. 1, Virginia, etc., p. 277.

"In anticipation of a future want the grantees resisted the insertion of any condition which should fix the government of the company in England. Winthrop explicitly states that the advisers of the crown had originally imposed such a condition, but that the patentees succeeded, not without difficulty, in freeing themselves from it.¹ That fact is a full answer to those who held that in transferring the government to America the patentees broke faith with the crown."²

The charter of 1629-30 provided also for the admission of new freemen by a majority vote of the company, for the annual election of officers by the whole body of freemen, and for four great and general courts each year, to be held by the governor or deputy-governor and seven or more of the assistants for the time being.³

The great and general court was granted the right "to make laws and ordinances for the good and welfare of the said company, and for the government and ordering of the said lands and plantation, and the people inhabiting and to inhabit the same, as to them from time to time shall be thought meet, so as such laws and ordinances be not contrary or repugnant to the laws and statutes of this our Realm of England."⁴

For a time the powers of the great and general court were allowed to lie dormant. At the first session, October 19, 1630, it was ordered "by the general vote of the people and the erection of hands" that the governor and deputy-governor, with the assistants, "should have the power of making laws and choosing officers to execute the same." It was further decided in May, 1631, that the assistants need not be chosen afresh each year. But by 1634 the freemen, aroused perhaps by the protests of inhabitants of Watertown against taxation without representation, had come to feel that they ought to participate in some effectual way in the making of all the laws; and at the meeting of the general court May 13, 1634, there were present, besides the governor, deputy-governor, and six other assistants, twenty-four deputies, three from each of the eight towns of the colony.⁵ This first representative assembly voted that the deputies should

¹This is stated by Winthrop in a pamphlet written in 1644, and published in an appendix to his life, vol. 2, p. 443.

²The most noteworthy upholder of this view is the late Mr. Oliver, in that remarkable book, *The Puritan Commonwealth*, published in 1856. Mr. Oliver was a Boston lawyer and a zealous churchman. Provoked by the extravagant and unreasonable praise so often bestowed on the founders of Massachusetts, he has subjected their actions to a merciless scrutiny, always acute, and sometimes just, but more often carried out in the spirit of a party advocate. His work is of no small value to the student of New England history as the pleading of an *advocatus diaboli*, and as a counter against the too frequent adulations of American writers.

³Poore, *Charters and Constitutions*, 2d ed., part 2, pp. 932-942.

⁴Poore, *Charters and Constitutions*, 2d ed., part 1, p. 937.

⁵See Winthrop's *History of New England*, ed. by Savage, vol. 1, pp. 152, 153, and note; Hutchinson, *History of Massachusetts*, 3d ed., vol. 1, pp. 39, 40.

have all legislative powers of the freemen, "the matter of election of magistrates and other officers only excepted, wherein every freeman is to give his own voice." From this time the records of the general court show that this body of deputies exercised its powers vigorously and extensively. At first the deputies were elected for each general court; from 1639 to 1640 they were elected semi-annually, and after 1642 annually. The deputies did not sit as a separate house until 1644, when they were formed into a second chamber as a direct result of the trouble over the Widow Sherman's pig.¹

As early as 1634 settlers from Plymouth established a military post on the Connecticut as an outpost against the Dutch. Soon after, disaffected inhabitants of Massachusetts Bay formed settlements at Windsor, Hartford, and Wethersfield. The freemen of these towns, assembled at Hartford on the 14th of January, 1639, adopted a written constitution. It is worthy of note that this document contains none of the conventional references to a "dread sovereign" or a "gracious king," nor the slightest allusion to the British or any other government outside of Connecticut itself, nor does it prescribe any condition of church membership for the right of suffrage. It is regarded by writers of excellent authority as the first written constitution by which a government was created that is known to history.² Although Massachusetts Bay had previously governed these Connecticut towns by a commission appointed for that purpose, she now at least tacitly recognized their right to an independent government.

Up to 1640 the settlers of Providence seem to have lived under little or no government. In 1638 there was an attempt to establish a sort of church organization. In 1640, trouble having arisen with the inhabitants of Patuxet, something in the nature of a constitution was formulated; four arbitrators were appointed to settle differences existing in the colony; and provision was made for five selectmen, to be chosen by the whole body of freemen, to dispose of the lands, to conduct public affairs, and to admit new members.³ It is not clear just how this form of government worked; but certain it is that Providence was generally considered, from the Puritan point of view, a "hotbed of anarchy," and in 1644 was refused admission to the New England confederacy for the alleged reason that it had no organized government.

The province of Maine had been granted to Gorges and Mason as a part of the grant of 1622, and also as a part of the

¹See valuable introductions to Whitmore's *Colonial Laws of Mass.*, ed. 1889; Fiske, *Beginnings of New England*, pp. 105-108; Savage's *Winthrop's Hist. of New England*, p. 193.

²Fiske, *Beginnings of New England*, p. 127. Similar claims are asserted in behalf of the New Hampshire constitution of 1776. Consider also in this connection the relations of the several earlier colonial charters as instrumentalities in the establishment of governments.

³Doyle, *Eng. Col. in Am.*, vol. 2, pp. 180-184.

Laconia patent of 1629. It had been mutually understood that Mason was to hold the land west of the Pascataqua river, and Gorges the territory lying east of that river. At the dissolution of the Council for New England in 1635, and the resulting division of the territory, this previous understanding between Mason and Gorges was confirmed. There had been a few scattered fishing settlements along the Maine coast since 1623, but little or no attempt at an organized government. This province was confirmed to Gorges by a charter from Charles the First in 1639, by which he was given absolute right to establish such government for the province as seemed best to him.¹ In 1640 Gorges attempted to erect a government which appears to have been somewhat of the nature of a palatinate. It was the development of theories based on Old World models, exceedingly complex, and in no practical sense adapted to or workable in the conditions existing in a state, such as the district or province of Maine was at the time, or was destined to be in its future progress. Previous to the time of the union of the New Hampshire towns with Massachusetts Bay in 1641 there was no form of government in practical operation in the province of Maine except the orders emanating from the proprietors in general administration, and such local municipal governments as the necessities of the situation had compelled in the towns of Kittery, York, and a few other trading and fishing settlements.²

NEW HAMPSHIRE IN THE FIRST PERIOD, 1623-1641, AND THE DEVELOPMENT OF LOCAL SELF-GOVERNMENT IN THE FOUR TOWNS.

The essential differences existing between the towns of New Hampshire and the towns of Maine on the one hand, and those of Plymouth Colony and Massachusetts Bay on the other, arose from the presence and prominence of landed proprietors, actively seeking to control the planting of settlements and the constitution of governments for them in the territory north of the Merrimack, and the absence of such interference and such superior personal proprietorship in the two Massachusetts colonies. In the latter "the court," described in the charters, very shortly became a legislature; the magistrates or assistants became a branch of the legislature; while the house of deputies was an evolution in or an engraftment upon the system which, so far as the terms of the instruments indicate the intention of the English Company of Plymouth, was possibly never contemplated by the grantor. The fact that the towns of Maine and New Hampshire did not federalize themselves, and did not attempt the constitution of legislative bodies such as were

evolved in the other New England colonies, was doubtless attributable to the obstacles that existed in the proprietorship of Mason and Gorges. Furthermore, there was among the early inhabitants of Portsmouth and Dover no such motive for strenuous exercise and advancement of the theories of self-government as were prevalent in the Plymouth and Bay colonies. The Pascataqua plants were business ventures. They were under the immediate direction of factors or superintendents commissioned by the territorial proprietor. In the first years of the history of Portsmouth and Dover the municipal law must be sought in the patents under which the proprietors had title and exercised dominion, in the few extant written records of the proceedings of the merchant adventurers, and in the necessity for some enforceable rules of conduct, presumably devised with normal reference to the contemporary statutes of the realm of England and the common law of the mother country, and with due adaptation to the physical, social, and industrial conditions of the locality. At this time the term "New Hampshire" was unknown, and was not applied to this domain until the grant of November 7, 1629. The grant of Mariana³ to John Mason, of March 9, 1621, in respect to the description of the territory to be included in it, is somewhat ambiguous; but the grant of the territory of Maine, of date August 10, 1622, contained descriptions sufficiently explicit for the conveyance of the lands lying "betwixt the rivers of Merrimack and Sagadahock,"⁴ etc. Under a patent signed by the Council for New England on the 16th of November, 1622,⁵ David Thomson was granted six thousand acres of land and one island in New England. There is nothing extant to show where in New England this grant of land and the island were located, but there is evidence of an earlier patent to David Thomson *et al.* "for a pt of Piscattowa River in New England."⁶ This would seem to indicate that he had had this particular section in mind. Thomson conveyed one fourth part of the island to three merchants of Plymouth,⁷ and agreed to convey in fee simple the fourth part of the six thousand acres. Therefore, on the face of the papers, it was as representing himself and

¹25 State Papers, 750, *et seq.*, monograph by Joel Parker on "The Origin, Organization, and Influence of the Towns of New England"; Dillon, *Municipal Corporations*, vol. 1, ch. 1, §§ 9, 10; 24 State Papers, editor's preface; The Origin of Municipal Incorporation in England and the U. S., by Amasa M. Eaton, *Proceedings of the American Bar Association*, 1902, pp. 292-372.

²Charles Levi Woodbury, *Capt. John Mason's Patent of Mariana*, in *Capt. John Mason*, pub. Prince Society, pp. 45-52.

³29 State Papers, 25-28.

⁴25 State Papers, 716.

⁵25 State Papers, 720.

⁶*Id.*, 735-6. See article by Chas. Deane, "The Indenture of David Thompson," pp. 713-739.

⁷Poore, *Charters and Constitutions*, 2d ed., part 1, pp. 774-783.

⁸Doyle, *Eng. Col. in Am.*, vol. 2, pp. 216-218; Palfrey, *History of New England*, vol. 1, pp. 524-528.

the three merchants, and not as the representative of John Mason or the Laconia company, as Belknap¹ has it, that David Thomson, a Scotchman, came to the banks of the Pascataqua in the spring of 1623, and there established a permanent settlement within the present bounds of New Hampshire.² He probably remained there until 1626, when he took possession of an island in Massachusetts Bay which was afterwards confirmed to his heirs by the general court.

What property or business connections Thomson had, if any, with Mason and Gorges does not certainly appear at this time, and it is not clear what the evidence was upon which Dr. Belknap relied in asserting that his relations were with these parties in his operations at Pascataqua. The grant to the Laconia company did not exist until after the death of Thomson. His removal from these premises in 1626, after three years' occupancy, and the subsequent occupation of them by Mason and his associates in the Laconia company, might, perhaps, suggest an inference that there was a conflict in which the title set up by Mason prevailed. It should be noted that Mr. Jenness remarks that "the Laconians hired the buildings which had been put up seven years before by David Thomson at the smaller mouth of the Piscataqua, and established there, under command of Capt. Walter Neale, a factory, or *entrepôt*, as a basis for their magnificent design upon the New York lakes."³

It is not pertinent to the purpose of this article to intervene in the controversy between those who, with Dr. Quint, would set the planting of the colony at Dover Neck at a date about the same as that of Thomson at Odiorne's point, and those who, with Mr. Jenness, place the Dover settlement five years later, in 1628.⁴

On November 7, 1629, the Council for New England granted to John Mason a part of the same territory that had been included in the Mason and Gorges patent of August 10, 1622, namely, from the middle of the Merrimack river to the Pascataqua; and ten days later to Gorges and Mason, with such others as they should admit, under the name of the Province of Laconia, the land west and northwest of the New Hampshire grant, on the borders of the Iroquois lake (Lake Champlain).⁵

The Laconia company was formed immediately after the failure of the Canada company, with the object of gaining a

¹Belknap, Farmer's ed., p. 4.

²See Appendix, *post*, pp. 770-772.

³John S. Jenness, Notes on the First Planting of New Hampshire, 25 State Papers, 661-709.

⁴25 State Papers, 661-709; Quint, Historical Memoranda of Ancient Dover, pp. 16, *et seq.*; Tuttle, Hist. Papers, p. 17, and note; same, this volume, p. 773.

⁵29 State Papers, 28-38.

part of the profitable trade with the Indians about the Iroquois Lake, which was supposed to be near to or, indeed, to form the source of the Pascataqua river. Capt. Walter Neale was put in command of an expedition sent in quest of the Iroquois country, and in the bark Warwick landed at Pascataqua in June, 1630. But the venture was a failure. "The Laconia company simply established two or three trading posts on the river and at the Shoals, after the manner of the East India factories, and for a short time carried on the peltry traffic and the fisheries at a heavy loss, until, at the end of three years, in bankruptcy and disaster, the company dissolved and vanished away."¹

On March 12, 1630, the Council for New England granted to Edward Hilton and his associates, who had previously laid the foundation for a successful settlement on Hilton's Point, a tract of land three miles wide, south of the Pascataqua and up to the fall of the river. In November, 1631, they also granted to the Laconia company, which by its grant of 1629 received no land in New Hampshire, a tract of land lying both sides of the Pascataqua river, but at no point conflicting with the Hilton patent.²

Again, on the 22d of April, 1635, the Council for New England granted to John Mason New Hampshire and Masonia, together with all the rights, powers, etc., which they themselves possessed. This was Mason's share at the division of New England, apportioned a few weeks before the Plymouth Company surrendered its charter. In this grant was included the south half of the Isles of Shoals.

There is in the possession of the Maine Historical Society a copy of a royal charter bearing date of August 19, 1635,³ which confirms John Mason in the territory finally granted by the Council for New England April 22, 1635. By this charter he was accorded rights of government not unlike those granted in 1639 to Gorges for his province of Maine. The authenticity of this charter has been seriously questioned, as no record of it is known to exist in the British archives. As John Mason died in the following December, he may have been unable to give personal attention to the proper recording of his charter. Certainly there is nothing surprising or improbable in such a grant from Charles to a loyal subject like John Mason, who had spent many years in his service; who was a strong supporter of the Church of England, and consequently a thorn in the flesh of the Puritans of Massachusetts Bay.⁴

¹Jenness, Isles of Shoals, p. 58.

²25 State Papers, 698-705; 29 State Papers, 32-43; Quint, Hist. Memoranda of Ancient Dover, p. 17.

³For a copy of this charter with critical comment, see Tuttle and Dean, Capt. John Mason (Prince Society), pp. 355-378; also 29 State Papers, 69-85.

⁴"The last winter Capt. Mason died. He was the chief mover in all attempts against us, and was to have sent the general governor, and for this end was

The validity of the like charter issued four years later to Ferdinando Gorges is not questioned. All the reasons that induced such a grant to Gorges would operate in favor of a similar one to Mason. The argument against its validity, that it may have been a forgery executed for use in the subsequent litigation in which the Mason heirs were engaged, would have very much greater weight if there were any evidence that it was ever put to such use. The copy comes from the proper custody, that is, the office of the secretary of the province, and bears the certification of Mr. Secretary Chamberlain, one of the earliest incumbents of that office. The dispersion and suppression of papers which belong to the chain of evidence in Mason's title were entirely possible when those papers were later in the custody of persons who undoubtedly removed and destroyed the leaves in the court records in which the judgments in favor of Mason were entered.¹

A bit of contemporary evidence concerning local opinion as to the nature and extent of the governmental rights contained in the various patents granted by the Council for New England may be found in "A Relation Concerning the Estate of New England," assigned by Jenness to about the year 1636. After mentioning twenty different patents the writer continues:

"The above menconed Patents are not all of one kinde, for some are in the nature of Corporacons and have power to make Lawes, for the governinge of their plantacons, others are but onely assignm'ts of soe much Land to bee planted and possessed without power of governm't.

"Of the first sort are onely theis fflowe, yizt:

"1. New Plymouth 2. Massachusetts 3. Pascataqua & 4. Pemaquid.

"The Civill governm't of the Colonies remaine in the power of those who are Principall in the Patents of wch those wch have authoritie to establish lawes, doe Execute theire Jurisdiction & soe far as I could understand, as neere, as may bee accordinge to the lawes of England, And those whoe have not that legall power doe governe their servants and Tenants in a Civill way, soe far as they are able."²

providing ships; but the Lord, in mercy, taking him away, all the business fell on sleep." Winthrop, History of New England, Savage's ed., vol. 1, p. 223. A sequence to the death of John Mason, important in respect to the possibility of the accomplishment and maintenance of a union of the towns of New Hampshire with those of Massachusetts Bay, was the fact that the assertion of the Masonian title was kept in abeyance for many years, in the widowhood of Capt. Mason's daughter, and until the able and aggressive grandson, Robert Tufon Mason, attained age and position which enabled him to procure the severance of the New Hampshire towns from Massachusetts Bay, and to compass the erection of a new province largely for the conservation of his landed interests.

¹Farmer's Belknap, pp. 149, 150, 157.

²17 State Papers, 491, 492. It is not clear who was the author of this "Relation." The powers of government in the Laconia patent seem as extensive

A question of great interest to the student of early New Hampshire history, and one which was of some importance in its bearing on the long litigation conducted by the various claimants for New Hampshire soil, is that relating to the authenticity of the Wheelwright deed, by which it is claimed that on the 17th of May, 1629, John Wheelwright purchased from Passaconaway and other Indian sagamores a large tract of land in the region of Pascataqua, and in the same territory which was soon after granted to John Mason by the Council for New England. Like all deeds from the Indians it encountered serious antipathy and prejudice as evidence in determining titles. Governor Andros declared that such deeds were no better than "the scratch of a bear's paw." Mr. Charles H. Bell, in his work on John Wheelwright in the Prince Society publications, has a very careful review of the evidence bearing upon the question of the authenticity of this deed, together with its interesting history in its entirety.²

The records of the town of Portsmouth were subjected to a singular treatment in 1652. The local authorities, regarding the greater part of the recorded matter as obsolete or superfluous, caused some extracts which they supposed might be of use to be entered in a new book, and the old ones were either lost or destroyed.³

The Dover records now extant reach back to an earlier date. It is probable, however, that the earliest records of that town are also lost, as the oldest official account of any town meeting in Dover is found in a book entitled "No. 7 old Book of Records."⁴

The records of Exeter are in a more complete and satisfactory form. They extend back into the period prior to the union, with Massachusetts Bay, to which Exeter did not become a party until 1643.⁵

The early records of Hampton are very nearly contemporary with the existence of the town, including the minutes of a town meeting, probably the first that was holden, as early as October 31, 1639. Hampton, however, was regarded from

as those in the Pascataqua patent granted somewhat later. While the writer was right in saying that the patents were "not all of one kinde" he was probably not familiar with the exact provisions relating to the powers of government contained in some of the patents. See also opinion of Mr. Justice W. S. Ladd, 57 N. H., p. 79.

¹Farmer's Belknap, p. 119; see also Fiske, New France and New England, 1902, p. 238.

²Bell, John Wheelwright, Prince Society pub., pp. 79-142. For another view of this question see Winthrop's Hist. of N. E., Savage's edition, vol. 1, Appendix II, pp. 486-514; also 1 Province Papers, pp. 56-60, and index.

³Farmer's Belknap, p. 28.

⁴Quint. Ancient Dover, pp. 1, 31.

⁵Bell, History of Exeter, pp. 43, 435.

the outset as a Massachusetts town, the act of incorporation under which it was organized having been granted by the Bay colony.¹

It will be discovered that the material for an accurate description of the rules and methods of local government which prevailed in the early Pascataqua settlements is very meager. Dr. Quint says: "Under Edward Hilton, from 1623 to 1631, there could have been no civil organization. Nor did Thomas Wiggin, who came in 1631, returned in 1632, and led hither a reinforcement in the autumn of 1633, bring with it any power of government. By some historians he has been absurdly styled 'Governor.' He was merely the agent of an English land and trading company. That company itself had no power of civil government. Capt. Wiggin had, indeed, the power to allot lands to settlers, and formal descriptions of some of these grants are extant, copied in the next decade. There is some reason to suppose that William Waldron may have made the original papers."

"In the autumn of 1637, the people formed a 'Combination' for government, and Rev. George Burdett was placed at the head. It has been ridiculously stated that he 'thrust out' Capt. Wiggin, a man who was never in. The statement is one of those perversions which a student of early New Hampshire history comes to expect as a matter of course. The simple fact was that, in the absence of government, the growing colony found it necessary to organize. An independent government continued till a union with Massachusetts, 9th Oct., 1641. But an intermediate 'Combination' had been made 22 Oct., 1640, whose records were in a volume extant in 1682, to which Gov. Cranfield and the historian Hubbard had access. Whether the volume was taken to England in the Masonian trials, or never emerged from the hiding place where the people concealed it in those suits, is a matter of sad conjecture."

"In connection with the above notice of errors, it may be well enough to allude to two or three others. One is that Thomas Roberts was never 'Governor' in Dover; he was President of its court—its court, doubtless, being but little more than a board of selectmen. More stupid was the absurdity that imposed upon Hubbard a belief that Edward Colcord was once 'Governor'; he was one of three men appointed to decide cases, 20 shillings in value. Entirely inexcusable is the statement in some state publications, as in a Register now before us, that Dover was incorporated 22 Oct., 1641. Some blunderer took the month and day of the second Combination and prefixed them to the year of the union with Massachusetts and called the hybrid result the date of incorporation. Dover never was incorporated."

¹Dow, History of Hampton, vol. 1, p. 15.

"Dover was independent until annexed to Massachusetts 9 Oct. 1641. At the next general court, that of May, 1642, Savage says that William Walderne appeared from Dover and sat one day. The general court held sessions in spring and autumn of each year. Deputies were chosen sometimes for one session, sometimes for the year."²

The facts which throw light upon the local government of the settlements on the lower Pascataqua are very fully marshalled and clearly presented in recent publications which include The Indenture of David Thomson² by Charles Deane, Notes on the First Planting of New Hampshire,³ by John S. Jenness, Life of John Mason,⁴ by Tuttle and Dean, and Historical Papers, by Charles W. Tuttle, posthumously published.⁵

The early settlers of New Hampshire had among their number no Bradford nor Winthrop to write out their annals, and to give posterity an account of all the details, great and small, which related to the inauguration and progress of their enterprises.

The great majority of the first Englishmen who occupied New Hampshire soil may be characterized as industrious, enterprising, and unpretentious farmers, fishermen, and lumbermen, who crossed the ocean under commonplace inducements and employment from the proprietors of the land patent, to prosecute their ordinary vocations. It may be assumed, also, that they manifested little concern about the establishment of a state or a church, the conservation of religious freedom, the propagation of the gospel, or the conversion of the heathen. If properly classed as churchmen and royalists, they have left no evidence that they were of a class that were obtrusive or aggressive in respect to their religious or political ideas.⁶

Government in these settlements, later considerably increased in population, was necessarily to some extent influenced and controlled by the Laconia company and its representatives. The agencies of this company were manifesting their principal activity between the years 1630 and 1633.⁷

¹Dr. A. H. Quint, Historical Memoranda of Ancient Dover, pp. 17, 18.

²25 State Papers, 711-739.

³25 State Papers, 661-709.

⁴Volume of the Prince Society publications.

⁵See also Adams' Annals of Portsmouth, Brewster's Rambles about Portsmouth, Albee's History of New Castle, Jenness' History of the Isles of Shoals, Dow's History of Hampton, Brown's History of Hampton Falls, Bell's History of Exeter, and Historical Memoranda of Ancient Dover, by Dr. Quint.

⁶Shirley, Early Jurisprudence of New Hamp., pp. 15, 16. John J. Bell, Address before N. H. Hist. Soc., Proceedings, vol. 2, pp. 182-197. Copp v. Heniker, 55 N. H., p. 186; Perkins v. Scott, 57 N. H., p. 65; Colonial Life in New Hampshire, J. H. Fassett, 1903; Doyle, English Colonies in America, vol. 2. The Settlements North of Massachusetts, pp. 201-219.

⁷Jenness, The Isles of Shoals, pp. 58-69. The statement of Mr. Whiton on this point, History of New Hampshire, 1834, p. 152, is inaccurate.

The interests of John Mason continued dominant after the failure of the enterprises of the Laconia company until 1635. This was the period in which the so-called governorships of Wiggin at Dover and of Neale and Williams at Pascataqua intervened. The ordinary forms and methods of town government were then in prospect, and later to be made possible by the death of the proprietor and the immigration of enterprising and self-reliant people from the neighboring colonies, who had become acquainted not only with the machinery but with the advantages of local self-government in towns.¹

Dr. Quint contends that, if Captain Wiggin had authority from the patentees in England to act as governor, these patentees had themselves no right of government. "Nor," he continues, "had the Bristol men whose right these patentees had purchased, any power of government; nor did Hilton and others, who had sold to the Bristol men their Dover and Squamscott patent, have any power of government; nor had the 'Council at Plymouth' in England, who in 1631 gave these patents to Hilton and his associates; neither had Capt. John Mason, whose grants covered the same territory, for, as the English courts say in 1677, 'as to Mr. Mason's right of government within the soil he claimed, their Lordships, and indeed his own counsel, agreed he had none; the great Council of Plymouth, under whom he claimed having no power to transfer government to any.' Whatever civil power, therefore, Capt. Wiggin possessed was a clear case of 'squatter sovereignty.' And what there was was of a very weak kind, never extending to anything very serious. Wiggin himself was aware how doubtful his authority was."²

The legal position thus stated was one on which the Puritans were well informed, and a contrary theory, as already shown, was actually worked out in the Plymouth and Massachusetts Bay colonies. Had Capt. John Mason been permitted to continue the prosecution of his enterprise for a few years longer, with sufficient financial resources, and with the active endorsement of the home government, the accomplishment of his idea of a palatinate might have been more promising than the students of the affairs of that period are now disposed to admit.

Before passing on in the narrative and without, at this point, entering further upon a discussion of the validity of Dr. Quint's position in its legal aspects, it may be remarked that a very elaborate and conclusive treatment of the right of the Massachusetts Bay Company and Colony to legislate for themselves may be consulted in a lecture by Joel Parker, formerly

¹New Hampshire State Papers, vols. 27, 28, 29, original documents and editor's prefaces to same volumes, relating to various aspects of the Masonian title and Masonian controversy.

²Quint's *Ancient Dover*, p. 423. Opinion by Justice W. S. Ladd, in *Perkins v. Scott*, 37 N. H., particularly comments on p. 79.

chief justice of New Hampshire, and later Royall professor of law in Harvard University, delivered at the Lowell Institute February 9, 1869, on the subject, "The First Charter and the Early Religious Legislation of Massachusetts." Of course the fact is not to be overlooked that the patent of the Plymouth Company to the colony of Massachusetts Bay was reinforced by the crown charter of 1628-9.

The next stage in the development of definite schemes of local self-government in these towns is observed, in the concrete, in the adoption of the town system of government which was then prevalent in New England. The paucity of town records for this period renders the results of investigation as to the powers assumed and the methods employed in these practically independent town governments imperfect and unsatisfactory. The Exeter records¹ afford glimpses of ordinances enacted by the people in town meeting, or promulgated by the magistrates. More important, however, are the "Combinations for local Government." There is evidence here of a distinct purpose on the part of each of the three towns of Portsmouth, Dover, and Exeter to adopt a basis for a permanent government upon the democratic method. This must certainly be regarded as in the nature of organic law. A more extended treatment of these instruments is to be found in the papers of Mr. Tuttle.²

THE COMPACT FOR UNION WITH MASSACHUSETTS BAY AND THE RIGHTS AND PRIVILEGES CONCEDED TO THE TOWNS OF NEW HAMPSHIRE.

By 1641 all of the New Hampshire towns had made some provision for local self-government. It will be remembered that Hampton, from the first, had been claimed by Massachusetts Bay, and that colony continued to exercise jurisdiction over it. But the conditions and prospects of the other three towns were not encouraging. After the death of John Mason in 1635 they seem to have been forgotten by the home government, and political conditions and tendencies in England at the time did not promise these obscure colonists much hope for the future. Massachusetts Bay, from an early date, had claimed them as within her grant, and as more and more of the Bay Puritans secured, by purchase, shares in the Pascataqua and Hilton patents, her claim was regarded with favor by a party of some strength in all of the towns.³

¹Province Papers, 128-145; Bell's *Exeter*, pp. 433-447; Appendix B, this volume, pp. 738-743.

²Tuttle, *Historical Papers*; *id.*, Appendix C, this volume, pp. 744-747.

³25 State Papers, 691, 692.

Despite the fact that the course of the towns in adopting the "Combinations" showed a creditable respect for law, it was found difficult to preserve order among the people. This is not surprising when we recall that such adventurers as Burdett, Larkham, and Underhill were among their chosen rulers. As the towns were a frontier region, exposed to the hostilities of the French and Indians, whose most active spirits were licentious clergymen exiled from Massachusetts Bay, it was a most natural course to seek a political union, under favorable terms, with the strong contiguous Puritan colony.¹

In 1639 the inhabitants of Dover petitioned the general court of Massachusetts to receive them under her jurisdiction; but the proposed conditions of union were unsatisfactory. In June, 1641, the patentees of both the Hilton and Pascataqua patents transferred to Massachusetts all rights of jurisdiction and civil government which they themselves possessed, reserving to themselves the title to the larger part of the land; and in September following the towns of Portsmouth and Dover were formally annexed under an act securing all rights possessed by the citizens of the Bay colony. A copy of the concession of June, 1641, and of the act of union, September, 1641, follow:

1641.

2 June.

The 14th of the 4th Mo, 1641.

Whereas some lords, knights, gentlemen, & others did purchase of Mr. Edward Hilton & of some merchants of Bristol two pattents, the one called Wecohannet, or Hiltons Point, comonly called or knowne by the name of Dover, or Northam, the other pattent set forth by the name of the south part of the ryver of Pascataquack, begining at the sea side, or neare thereabouts, & coming round the said land by the ryver unto the falls of Quamscot, as may more fully appear by the said grant: And whereas, also, the inhabitants residing at present wthin the limits of both the said grants have of late & formerly complained of the want of some good government amongst them, & desired some help in this particular fro the jurisdiction of the Massachusetts Bay, whereby they may bee ruled & ordered according unto God, both in church and comon weale, and for the avoyding of such unsufferable disorders, whereby God hath bene much dishonored amongst them: Those gentlemen, whose names are here specified, George Wyllys, gent, Robt Saltonstall, gent, Willi: Whiting, Edward Holliock, Thomas Makepeace, partners in the said

¹Mr. Jenness and Mr. Tuttle both give the subject of the first union special attention, and their works contain discussions of the Puritan purposes and methods in respect to this consummation in distinct contrast with the ordinary presentation of the subject from the Puritan point of view.

pattent, do, in the behalfe of the rest of the patentees, dispose of the land & jurisdiction of the premises as followeth, being willing to further such a good worke, have hearby for themselves, & in the name of the rest of the patentees, given up & set over all that power of jurisdiction, or governm't, of the said people dwelling or abiding wthin the limits of both the said pattents, unto the governm't of the Massachusetts Bay, by them to bee ruled and ordered in all causes, criminal & civill, as inhabitants dwelling wthin the limits of the Massachusetts governm't, & to bee subject to pay in church and comon weale as the said inhabitants of the Massachusetts Bay do, & no other.

And the freemen of the said two pattents to enjoy the like liberties as other freemen do within the said Massachusetts governmt, & that there shall bee a court of justice kept wthin one of the 2 pattents, wch shall have the same powr that the Courts of Salem & Ipswich have; provided, alwayes, & it is hearby declared, that one of the said pattents, that is to say, that on the south side of the ryver of Pascataquack, & in the other pttent one third pt of the land, wth all improved land in the said pttent, to the lords & gentlemen & other owners, shalbee & remaine unto them, their heirs & assignes forever, as their proper right, & as haveing true interest therein, saveing the interest of jurisdiction to the Massachusetts.

And the said pttent of Wecohannett shalbee divided, as formerly is exprest, by indifferent men equally chosen on both sides, wherby the plantation may bee furthered, & all occasions of difference avoyded.

And this honored Court of the Massachusetts doth hearby promise to be helpfull to the maintenance of the right of the said patentees, in both the said pattents, in all legall courses, in any part of their jurisdiction.

Subscribed by the forenamed gentlemen in the presence of the Generall Court assembled the day afore written.

[Mass. Records, vol. 1, p. 324.]

1641.

2 June.

Whereas the lords & gentlemen patentees of Dover & other tracts of land upon the ryver of Pascataque have passed a grant of the same to this Court, to bee forever annexed to this jurisdiction, wth reservation of some pt of the said lands to their owne use, in regard to propriety, it is now ordered, that the present Governor, assistet wth 2 or 3 of the other matrats, shall give comission to some meete persons to go to Pascataque, & give notice hearof to the inhabitants there, & take order for the establishing of government in the limits of the said patentees, & to receive into this jurisdic-

tion all other inhabitants upon the said river as may & shall desire to submit themselves thereunto.

[Mass. Records, vol. 1, p. 332.]

1641.

7 October.

Whereas it appeareth that by the extent of the line, (according to or patent,) that the ryver of Pascataquack is within the jurisdiction of the Massachusetts, & conference being had (at severall times) with the said people, & some deputed by the Generall Court, for the setteling & establishing of order in the administration of justice there, it is now ordered, by the Genrall Court, holden at Boston, the 9th day of the 8th mo, 1641, & with the consent of the inhabitants of the said ryver, as followeth:—

Impr: That from hencefourth the said people inhabiting there are, & shalbee, accepted & reputed under the government of the Massachusetts, as the rest of the inhabitants within the said jurisdiction are.

Also, that they shall have the same order, & way of administration of justice, & way of keeping Courts, as is established at Ipswich & Salem.

Also, they shalbee exempted fro all publique charges, other than those that shall arise for or from among themselves, or fro any occation or course that may be taken to procure their owne good or benefit.

Also, they shall enjoy all such lawful liberties of fishing, planting, felling timber, as formerly they have enjoyed in the said ryver. Mr-Symon Bradstreete, Mr Israell Stoughton, Mr Samu: Symonds, Mr Willi: Tyng, Mr Francis Williams, & Mr Edward Hilton, or any four of them, whereof Mr Bradstreete or Mr Stoughton to bee one, these shall have the same power that the Quarter Courts at Salem & Ipswich have; also the inhabitants there are allowed to send two deputies from the whole ryver to the Court at Boston.

Also Mr Bradstreete, Mr Stoughton, & the rest of the commissioners shall have power at the Court at Pascataquack to appoint two or three to joyne with Mr Williams & Mr Hilton, to governe the people, as the magistrates do heare, till the next Generall Court, or till the Court take further order:

It is further ordered, that untill o[u]r comissionrs shall arrive at Pascataquack, those men who already have authority by the late combination to governe the people there shall continue in the same authority & power, to bee determined at the coming of the said comissioners, & not before.

[Mass. Records, vol. 1, pp. 342, 343.]

It will be seen from these records that most favorable terms were granted by the general court of Massachusetts;

but this body was induced to go further and make an exception in favor of the New Hampshire towns that must have been viewed with many misgivings by the strictest sect of the Puritans. In the acts of the general court for September 27, 1642, the following entry appears:

"It is ordered that all the present inhabitants of Pascataquack who formerly were free there shall have liberty of freemen in their severall townes to manage all their towne affaires, & shall each towne send a deputy to the Genrall Court, though they be not at present church-members."

And in this way New Hampshire contributed something to the advancement of civil and religious freedom towards that state of ample development which was attained under the later American constitutions.

In 1643 Exeter, upon a second petition to the general court, the first probably not disclosing the proper spirit of submission, was admitted under the same terms as the other towns, with the exception that this town was not to be allowed a deputy to the general court. "But this was no [unmitigated] hardship, as the inhabitants could ill afford the expense which would thereby fall upon them, and their apparent need of a representative in the legislature was small."

At this time Newcastle, although an important settlement, was still a part of Portsmouth; and that part of the Isles of Shoals which had early become commercially important was within the boundaries of the province of Maine.³

THE NATURE AND EXTENT OF THE LAWMAKING POWERS WITH WHICH THE COMPANY AND COLONY OF MASSACHUSETTS BAY WAS INVESTED.

Among the fundamental facts which underlie the history of the statute law of New Hampshire these will be recognized as indisputable; the beginning of an original system of statute law of local construction in Massachusetts Bay was definitely marked by the promulgation of the Body of Liberties in 1641; the union of Portsmouth and Dover (soon to be followed by the accession of Exeter) with the Bay Colony was very nearly contemporaneous with the appearance of the Body of Liberties as an experiment in written colonial law for the ruling and direction of the people of all the towns of the two united colonies; this union on the part of the New Hampshire towns was with the Puritan state of Massachusetts, and not with the Pilgrim colony of Plymouth; the system of statutes which was developed from the Body of Liberties, and

¹Mass. Records, vol. 2, p. 29; see also Doyle, *English Colonies in America*, vol. 2, pp. 213, 214.

²Bell, *History of Exeter*, p. 46.

³Jenness, *Isles of Shoals*, pp. 105, *et seq.*

which had resulted in 1679 from thirty-eight years of legislation, was valid law as well for New Hampshire as for Massachusetts Bay; there was no requirement for the transmission of those statutes for revision by the home government, and no evidence has appeared that they were even specifically repealed by the king in council or by act of parliament; they represented, therefore, the will of the people whose representatives gave them enactment, more fully, fairly, and certainly than any subsequent colonial legislation which was subjected to the veto power of crown governors and the revision of the home government; the laws enacted in the period between 1641 and 1679 were necessarily the foundation of much of the positive law subsequently enacted or re-enacted, and the substance of a large part of the common or unwritten law which was recognized by the people and continued to be an efficient legal element in colonial jurisprudence, both in New Hampshire and Massachusetts, however difficult it may be at the present time exactly to identify and measure it. It is also a historical fact of primary importance in the consideration of the validity of the statute law of Massachusetts Bay, enacted in the first period, that the right of the colony to exercise the powers of legislation in the manner, for the purpose, and to the extent that such powers were exercised has been repeatedly but never successfully challenged.¹ The argument in support of the validity of the powers exercised by the colony of Massachusetts Bay in the period between the grant of the first charter and its abrogation has not been presented with more cogency and conclusiveness than that which characterizes the review of the question by Joel Parker in his lecture at the Lowell Institute, before cited, on "The First Charter and the Early Religious Legislation of Massachusetts." While the completeness and accuracy of Judge Parker's examination of the subject at once deter others from an attempt to bring new and original considerations to bear on the points at issue, and render such an essay on the lines which he pursued almost or quite superfluous, the employment of extracts from his monograph may serve to outline the direction of his reasoning, and to recall this eminent authority as the best modern repository of the Puritan defense of the early Puritan legislation.

"Whatever rights the charter purported to grant," says Judge Parker, "vested lawfully in the grantees."

"The title to unoccupied lands belonging to Great Britain, whether acquired by conquest or discovery, was vested in the crown. The right to grant corporate franchises was one of the prerogatives of the king. And the right to institute and to provide for the institution of colonial governments, whether by charter, proprietary grant, or commission, was likewise one

¹Chalmers, *Annals*, 1780; Oliver, *Puritan Commonwealth*, 1856; *Emancipation of Massachusetts*, Brooks Adams, 1887.

of the prerogatives. Parliament had then nothing to do with the organization or government of colonies.

"The confirmation, therefore, in the charter, of the grant of the lands from the Council of Plymouth (which derived title from the grant of James I., and which could grant the lands, but could not grant nor assign powers of government), with a new grant, in form, of the same lands, gave to the grantees a title in socage; substantially a fee-simple, except that there was to be a rendition of one-fifth of the gold and silver ores. The grant of corporate powers, in the usual form of grants to private corporations, conferred upon them all the ordinary rights of a private corporation, under which they could dispose of their lands, and transact all business in which the company had a private interest. And the grant of any powers of colonial government, embraced in the charter, was valid and effective to the extent of the powers which were granted, whatever those powers might be; the whole, as against the corporation, being subject to forfeiture for sufficient cause.

"The grant and confirmation of the lands, and the grant of mere corporate powers for private purposes, were private rights, which vested in the grantees; and which the King could not divest, except upon some forfeiture regularly enforced. Upon such forfeiture, the corporation would be dissolved, and all of the lands belonging to it would revert, in the nature of an escheat. But this would not affect valid grants previously made by it.

"The grant of power to institute a colonial government, being a grant not for private but for public purposes, may have a different consideration. Whether by reason of its connection with the grant of the lands and of ordinary corporate powers, it partook so far of the nature of a private right that it could not be altered, modified, or revoked, except on forfeiture, enforced by process; or whether this part of the grant had such a public character that the powers of government were held subject to alteration and amendment, is hardly open to discussion. At the present day it is held that municipal corporations, being for public uses and purposes, have no vested private rights in the powers and privileges granted to them, but that they may be changed at the pleasure of the government. That principle seems to be equally applicable to a grant of colonial powers of government; and the better opinion would seem to be that it was within the legitimate prerogative of the king, at that day, to modify, and even to revoke, the powers of that character which had been granted by the crown, substituting others appropriate for the purpose.¹

¹If this distinction between public and private corporations, well settled at the present time, was not then recognized, it is not because there has been a change of principle since the period; but because the principles which govern these two descriptions of corporate rights were not then well developed;

"If the king had assumed to revoke the powers of government granted by the charter, without substitution, or if he had imposed any other form of government, by which the essential features of that which was constituted under the charter would have been abrogated, it might have been an arbitrary exercise of power, justifying any revolutionary resistance which the colony could have made. But the crown, under the then existing laws of England, must have possessed legally such power over the colony as the legislature may exercise over municipal corporations at the present day. The charter, so far as the powers of government were concerned, could not be treated as a private contract.

"The charter was originally the only authority for the government of the territory embraced in it. The Council at Plymouth, in the County of Devon, never attempted to exercise powers of government over the colony of Massachusetts; and there was no compact or agreement to form a government. The grantees professed, in all they did, to act under the charter, and, as they contended, according to the charter.

"We are to look to the terms of the charter, therefore, and to a sound construction of its provisions, to ascertain what rights of legislation, religious or otherwise, were possessed by the grantees.

"The charter bears date March 4 1628 [29].

"From a careful examination of it, I have no hesitation in maintaining five propositions in relation to it.

1. "The charter is not, and was not, intended to be an act for the incorporation of a trading or merchants' company merely. But it was a grant which contemplated the settlement of a colony, with power in the incorporated company to govern that colony. * * *

2. "The charter authorized the establishment of the government of the colony within the limits of the territory to be governed, as was done by the vote to transfer the charter and government. * * *

3. "The charter gave ample powers of legislation and of government for the plantation, or colony, including power to legislate on religious subjects, in the manner in which the grantees and their associates claimed and exercised the legislative power. * * *

4. "The charter authorized the exclusion of all persons whom the grantees and their associates should see fit to exclude from settlement in the colony; and the exclusion of those already settled, by banishment as a punishment for offences. * * *

and hence the claim of the crown to power over both public and private rights, and the claims of the colonists under their charter, without any distinction between the two. When a right application is made of this principle to the colonial history, it will show that the complaints of the colonists of infringement of their charters were not all well founded.

"They were the owners of the soil; and, in the absence of conditions or limitations, the owner of such a title has an exclusive right of possession. They were the grantees of a charter of incorporation; and such grantees, unless there is some special provision or circumstance controlling them, may determine who shall be admitted to a participation in their corporate rights. * * *

5. "The charter authorized the creation and erection of courts of judicature to hear, try, and determine causes, and to render final judgments and cause execution to be done, without any appeal to the courts of England, or any supervisory power of such courts." * * *

NEW HAMPSHIRE IN THE PERIOD OF UNION WITH THE MASSACHUSETTS BAY—THE SYSTEMS OF STATUTE LAW CONSTRUCTED AND DEVELOPED BETWEEN 1641 AND 1679.

An epoch has now been reached in which for thirty-eight years the statutes of Massachusetts Bay were those of New Hampshire. This may be regarded as the second period of the statutory, as well as political, history of New Hampshire. It was not New Hampshire alone, although a closer political relation was in every way desirable for the inhabitants of the Pascataqua towns, that was benefited by the union with Massachusetts. This fact is disclosed in the willingness of the general court to admit to the right of suffrage inhabitants of the New Hampshire towns, otherwise qualified, who were not church members. During this period New Hampshire was favored with strong leaders who made themselves felt in the united government. Major Richard Waldron, who represented Dover from 1656 until the establishment of the province, was for seven years speaker of the house of deputies. John J. Bell, in an address before the New Hampshire Historical Society some years ago, says of the men of New Hampshire at this time: "As we look back . . . we cannot but be struck with the fact that their leaders would have been eminent in any community. . . . They not only have greatly modified the character of New England town governments, but have contributed no less than Massachusetts herself to make New England's fame and character."²

During this period there was no obstruction or discouragement of Puritan migration into these frontier towns where before, for the greater part, the people had been satisfied with thinking for themselves on questions of theology without manifesting any special disposition to exclude those of different ecclesiastical notions from their midst. In a few instances the magistrates of New Hampshire towns employed harsh measures towards the Quakers, such as were customary in

¹Lowell Inst. lecture, pamphlet ed., pp. 8, 10, 11, 30, 39, 42.

²Proceedings, N. H. His. Soc., vol. 2, p. 191.

the Puritan colony.¹ It will be borne in mind that the same laws were in force in the two colonies.

The first code of laws of Massachusetts Bay was adopted in 1641, at about the time of the union with Portsmouth and Dover. It is probable that the governor and council had previously exercised a considerable degree of latitude in declaring and enforcing rules of conduct; and when, in 1635, the deputies took an active part in the government they were anxious for a definite code. "But," says Palfrey, "it was several years before this object, diligently pursued by the freemen, was accomplished. The magistrates and ministers, who did not favor it, knew how to interpose embarrassments and delays."² Two reasons which influenced the magistrates and some of the elders "not to be very forward in this matter" were, first, "such laws would be fittest for us which should arise *pro re nata* upon occasions"; and, secondly, "to raise up laws by practice and custom had been no transgression" of the charter. At length the matter was referred to Rev. John Cotton and Rev. Nathaniel Ward,³ each of whom prepared and presented a code. The one drafted by John Cotton was never accepted either by the freemen or by the general court; but, as it was published in London in 1641 under a false title and frequently reprinted, it has long enjoyed an undeserved reputation as the Massachusetts Body of Liberties of 1641.

The code drawn by the Rev. Nathaniel Ward, possibly amended by the towns or by the general court, was approved in 1641, and is the foundation of the legislation of Massachusetts. A manuscript copy of these laws was found by the late Francis C. Gray in the Athenæum library, and first published in 1843 in a volume of the Collections of the Massachusetts Historical Society.⁴

No code of laws can be final, and, of course, statutes were passed each year, until a general revision was found necessary. A new compilation was made with care, several years being spent upon the work, and put in print in 1649. This is known as the Revision of 1649, or the First Printed Book of Laws.⁵ It was almost certainly a book of about fifty-six pages, containing the Body of Liberties of 1641, very nearly entire, and such other statutes passed before May, 1649, as were of a

¹Dover Records, December 22, 1662. Ancient Superstitions as reflected in the Early New England Laws, address before the Grafton and Coös Bar Association by Erastus P. Jewell of Laconia, 1899, manuscript unpublished. Ferguson, Essays in American History, The Quakers in New England, 1894.

²Palfrey, *His. of N. E.*, vol. 1, p. 442.

³Savage's Winthrop's History of New England; vol. 1, pp. 388, 389.

⁴Mass. Hist. Soc. Col., First Series, vol. 5, *Post*, Appendix D, pp. 748-771.

⁵The first printing press in New England was established at Cambridge in 1638.

permanent nature. It was issued in an edition of six hundred copies. It is a singular fact that not one copy of this book is now known to be in existence. A supplement appeared in 1650, referred to in the revision of 1660 as the Second Book of the Law; and very likely other supplements were issued between 1650 and 1660, the date of the next revision. The committee, in preparing the revision of 1660, included some acts not previously passed by the general court; and presumably it also marks the limitation of many previous acts. On May 22, 1661, an act was passed providing for the annual printing of the session laws, as we now term them.

As early as 1664 a movement was under way for another revision, and at the May session, 1665, the Royal Commissioners presented twenty-six changes which they desired to have made in the "Book of the General Laws and Liberties of 1660." Their principal objects were to have substituted for all expressions recognizing the supremacy of the commonwealth an acknowledgment of the royal authority; to procure a recognition of the Church of England; and to remove the long-standing limitation of citizenship to church members. An examination of the revision of 1672 shows that only one or two points were conceded by the general court, and that the recognition of His Majesty's supremacy appears in one clause, while the superiority, or at least the sufficiency, of the local authority was asserted in a score. The right of strangers to become citizens was nominally conceded, but on conditions that furnished the minimum of privilege to all but church members. This revision of 1672 was in no sense a new code, but was published because of the lack of law books. In it were included such changes as had been made from time to time.

Another attempt was made to revise the laws after 1672, and would doubtless have succeeded before the beginning of the presidency of Joseph Dudley in 1686, had not the magistrates and deputies failed to agree as to the part relating to the general court. The question was whether the charter provided for a negative in any branch of the general court, that is, whether it allowed a convention of the whole court, wherein all the magistrates might be of one opinion, and yet be overpowered by the numerical superiority of the deputies. In 1652 it had been voted that when the houses differed in any case of judication, whether civil or criminal, such case should be determined by the major part of the whole court. But this method of forcing an agreement was very disagreeable to the magistrates who, contending against it in 1672, reluctantly yielded the point at last, though their powers were thereby greatly curtailed. But in 1686 they were more persistent, and by a prolonged contest prevented the comple-

⁶The Charlemagne Tower Collection of Colonial Laws, pp. 62-64.

tion of a new edition of the laws, and this, too, even after a part of the type for the volume had been set.¹

In the Plymouth Colony there were compilations of the laws in manuscript, made in 1636 and 1653. But in 1671 "a complete digest of all the laws then in force" was perfected. This was the first edition of the Plymouth Colony laws that was printed.² It is from this edition that the Criminal code of New Hampshire was adapted almost verbatim.

The foundation of these early colonial laws was necessarily in a large measure in the Statutes of the Realm, which, as already shown, had grown into a system comprehending a great variety of subjects and exigencies for which statutory provisions had been required and enacted.

The charters, also, should be kept in view by those who investigate the beginnings and progress of law-making in the colonies. While the limitations upon legislation imposed by the charters were sometimes ignored or circumvented, it would be unsafe to assume that they were not regarded and followed, with reference to most of the purposes and objects of legislation, as the organic law.

It is also necessary in any attempt to identify the sources of the law by which the people of the Puritan colonies were governed, either under positive statutes, current decisions of their own courts, or unrecorded usages, to take into account the fact that they recognized the word of God, as declared in the Holy Scriptures, as a guide, as an authority, as a law in temporal as well as spiritual affairs. This is certainly true of the earlier Pilgrim and Puritan immigrants in Plymouth Colony and Massachusetts Bay. The Body of Liberties of the Massachusetts Bay colony and the General Laws of Plymouth Colony contain provisions and declarations which were undoubtedly intended to give the magistrates the right to have recourse to the Scriptures in the administration of the judicial department of the colonial governments. This is, perhaps, more specifically indicated in the Plymouth laws than in the Body of Liberties of 1641.³ The relaxation of the strictness of Puritan ideas on this subject, which the history of the colonies discloses, is well marked in their successive revisions and compilations of laws.⁴

¹For the history of the various editions of Mass. laws prior to 1686, see Whitmore, *Colonial Laws of Mass.*, ed. 1889, pp. 1-28 and 71-117.

²Plymouth Colony Laws, ed. 1836, pp. viii, ix.

³Body of Liberties, art. 1, p. 752, and art. 65, p. 759, *post*; Appendix to this volume; Plymouth Colony Laws, edited by William Brigham, 1836, pp. 241, 243, 244.

⁴From a New Hampshire point of view Dr. Belknap reviews the first union with Massachusetts in chapters 4, 5, and 6 of his history. In his chapter 3 he discusses the principles of New England Puritans. The Political Annals of the American Colonies, by George Chalmers, an Englishman and royal-

Surrounded, as these colonists were, by tribes of savages, upon whose continued friendship they could not rely for any considerable length of time, and with colonization progressing along the St. Lawrence by people of a nation which was the hereditary enemy of the mother country, a military spirit and military habit were developed in New England which characterized the people in successive generations, and which was reflected in their laws.¹

The revolution in England which resulted in the Commonwealth and Protectorate, 1649-1660, afforded the colonists a respite from the autocratic policy of the Stuarts. It was an opportunity which was much more advantageous to them at this particular stage of the development and application of their ideas of self-government than any similar period of non-interference could have been after they had become entrenched in their political positions, and had secured the advantage of largely increased population and resources, as well as a military power and prestige not to be despised.

The inauguration and maintenance of a New England confederacy, which began in 1643 and continued for more than a generation, was a source of strength and political education, and an augury of future governmental possibilities which has large meaning in the constitutional history of the people of these colonies.²

In 1679, upon this foreground of colonial history, events, elsewhere reviewed in these pages, culminated in the dis-

ist, published in 1780, appeared about the same time as the first edition of the work of Dr. Belknap. The comments of the latter on certain portions of the Annals are contained in the preface to Farmer's edition of Belknap, p. ix. Prominent among the critics of the New England Puritans are Mr. Oliver in his *Puritan Commonwealth*, 1856, elsewhere mentioned, and Brooks Adams in his *Emancipation of Massachusetts*, 1887. Mr. Jenness and Mr. Tuttle, whose works are frequently cited in this volume, may be regarded as, in a sense, the principal representatives of the anti-Puritan school of historians, who have treated the subject in modern times with particular reference to the relations of colonial New Hampshire to the dominant Puritan element in the early New England governments.

¹Potter, *Military History of N. H.*, part 1; the Editor's Historical and Bibliographical Notes on the Mil. His. of N. H. in *The History of the Seventeenth Regiment*, ch. 28; *id.*, pamphlet; Penhallow, *Hist. of Indian Wars in New England*, in N. H. His. Soc. Col., vol. 1, pp. 14-133; Mather, *Relations of Troubles Which Have Happened in New England Because of Indians*, 1614-1675; Farmer's Belknap's *Hist. of New Hamp.*, chaps. 5, 10, 12, 14, 19, 20, and 22; Pike's *Journal*, 3 Collections of N. H. Historical Society, 40; Parkman's *histories*, especially *Pioneers of New France*, *Frontenac and New France under Louis XIV.*, *Half Century of Conflict*, and *Montcalm and Wolfe*; Fiske, *New France and New England*, 1902; *History of the Indian Wars in New England to 1677*, by William Hubbard, ed. by Rev. Samuel G. Drake, 1865.

²Doyle, *The Eng. Col. in Am.*, vol. 3, pp. 229-237; Palfrey, *Hist. of New England*, vol. 2, chaps. 1, 2, 6, and see list of commissioners, vol. 2, pp. 635, 636, and vol. 3, 599-601; Fiske, *Beginnings of New England*, pp. 153-198; *Plans for the Union of the British Colonies of North America, 1643-1776*, by Frederick D. Stone, published in Carson's *History of the Celebration of Hundredth Anniversary of the Promulgation of the Constitution of the U. S.*, vol. 2, pp. 439-503.

association of the New Hampshire towns from the Massachusetts Bay colony, and their establishment as a royal province. The causes which led to this result have been analyzed by the historians of New Hampshire and New England, and are clearly defined in these authorities: The beginnings of New Hampshire as a separate province were accompanied by grants of powers of legislation, and a full investiture with the responsibilities of a separate government, subject to the regulative and restrictive control of the mother country.¹

THE TRANSITION PERIOD.

The royal edict in 1679, separating the New Hampshire towns from the union with Massachusetts, which had continued thirty-eight years, marked the beginning of the end of an era. The New England commonwealths, which had been developed at this time to such proportions and on such lines of political progress as the student of colonial history observes at this period, were attracting the jealous attention of the Stuart ministries on account of their manifest tendencies towards independence. In respect to their municipal rights and privileges they were so strongly entrenched in the New England town system that they were there practically impregnable. There was not the same security, however, for the federalized governments which had been developed on the basis of charters granted by the crown, or crown corporations created for the purpose of colonizing America.

Various causes had been in operation to convince the home government of the necessity for radical measures to counteract or control that policy of home rule which was manifest in the Puritan colonies, and which presaged such an ultimate assertion of colonial rights as might be destructive of the sovereignty of the mother country.

As the erection of a province government for New Hampshire in 1679 marks the beginning of a transition period, so the grant of a new charter to Massachusetts Bay and Plymouth Colony, united as Massachusetts in 1691, and the restoration of a province government to New Hampshire, one of the same group of events, delimitate the later boundary of this period. The establishment of the province of New Hampshire in 1679, the abrogation of the charter of Massachusetts Bay in 1684, the abolition of colonial assemblies in five New England colonies, and the temporary establishment of the Dominion of New England in the three years of 1686-7, 1687-8, and 1688-9 are the most conspicuous milestones in the

¹This epoch in New Hampshire has been treated, among others, by Mr. Doyle and Mr. Tuttle, and their chapters on the causes which operated in the establishment of a separate province government are given in full in this volume; Appendix E, pp. 770-785.

final progress of the autocratic policy of the Stuart governments towards the New England colonies to an extreme that could be reached but not maintained.

With the abdication of James the Second in 1688 the preposterous governmental scheme that had been erected for the people of New England, and against the protests of the great majority of them, collapsed at once upon the removal of the exterior supports upon which its existence depended.

There was in these years, a strong and determined party in New Hampshire acting in opposition to Robert Tufton Mason, and his royalist and anti-Puritan adherents. Mason was the able, resourceful, and indefatigable successor in the legal control and active management of the property and rights of the first proprietor.

In Massachusetts a similar party had maintained a steady opposition to the local loyalist leaders, among whom Edward Randolph was the most consistent, the most active, and the most dangerous.¹

Mr. Doyle has pointedly characterized the policy of separating the New Hampshire towns from Massachusetts, and reorganizing them into a feeble province on the most exposed frontier of New England. "The settlers were exasperated, and with justice, at their severance from Massachusetts. They may have had no special sympathy with that colony. But no position could be more wretched than that of a little, isolated, and independent settlement, in the middle of a line of frontier constantly threatened by savages. The very nature of the attack made matters worse. If the danger had been that of invasion and permanent occupation, then the interests of Massachusetts and New Hampshire would have been identical, and the weaker colony would have been sure of help. But the war which France was waging was not, as yet at least, a war of conquest. It was a war of partial and local destruction. The more efficient was the defense along the frontier of Massachusetts, the more certain was it that the tide of invasion would hurl itself against the one undefended district. We may well believe that the petition for a system of joint defense under a general governor came from those inhabitants of New Hampshire who were, from past association, hostile to Massachusetts, and yet felt the helplessness of their own colony, isolated under a proprietor."²

The project of reunion was thwarted by the interested efforts of Mr. Mason. His motives and purpose were personal. The efforts of Randolph, his coadjutor, though induced, perhaps, by different considerations, were directed to the same

¹Tuttle's Historical Papers; Andros Papers, 3 vols., published by the Prince Society.

²Doyle, *English Colonies in America*, vol. 3, p. 329; *id.*, *post*, Appendix E, II, p. 780.

end. Both based their appeals to the crown upon the urgent necessity of curtailing the ominously increasing political power of Massachusetts Bay.

The Earl of Bellomont, in his correspondence with the Lords Commissioners of Trade and Plantations a few years later, thus describes the policy of Mason, and the coterie that had purchased the Masonian title after the death of Robert Tufton Mason in 1688:

"And for a conclusion I humbly and earnestly recommend the vacating of Colonel Allen's pretension to New Hampshire, and all other claim derived from Mason which . . . are an abomination and a mystery of iniquity."¹

The reaction from the extreme measures which took form and effect in the commission, instructions, and administration of Governor Andros failed to restore the New England colonies to the independent status to which they had attained prior to 1679. Massachusetts Bay, Plymouth, and Maine, united as Massachusetts by the new charter of 1691, regained the right of representation for the towns in the general court, a limited law-making power, and the autonomy of the towns as the primary units of government. But they were required to submit to the provision in the new charter for the appointment of a governor by the crown, instead of being suffered to elect their own chief magistrate according to the custom which had been previously established. Several other points in the readjustment of the relations of the home government with the government of the colonies were important and are familiar to those who have reviewed the course of events in this period. Not the least noteworthy of these provisions were the regulation of the right of appeal from the judgments of the colonial courts, and the explicit requirements relative to the transmission of colonial laws for review by the privy council.

The settlement of this new system of colonial administration, which was introduced in New Hampshire in 1679 and restored here in 1692, and in which Massachusetts finally acquiesced in 1691-92, was very nearly in point of time midway between the immigration of the Pilgrims in 1620 and the commencement of the War for Independence in 1775. An era in colonial affairs was concluded in 1692. Then a new book was opened in the account between Britain and her American plantations. The specifications on the part of New Hampshire to cover the first ten years of the last half of the colonial period are deducible from the records and collateral authorities which relate to the administration of government in the province under the commissions of Samuel Allen and

¹ Province Papers, 355; *id.*, Palfrey, *History of New England*, vol. 4, p. 217.

the Earl of Bellomont. The final summary was drawn by Thomas Jefferson in 1776.¹

In this province the enquiry as to whether William and Mary, their ministers and parliaments, had fairly met the obligations that were imposed upon them, as the responsible heads of a constitutional monarchy, in the then existing relations with their colonies, brings in issue the character and fitness of the royal governors and their deputies and lieutenants, the sufficiency of the measures employed and means provided for the protection and defense of these outposts of English enterprise and racial extension, the consideration that was accorded the province laws submitted for confirmation or rejection, the bestowal of the governorship upon Mr. Allen and Mr. Usher, under circumstances in which they stood as contestants with the people in respect to ownership of the principal part of the lands lying within the boundaries of the province, and the restriction of the trade of the province to the home market in England or to designated provinces under the provisions of the navigation acts.²

It is not difficult to trace serious causes of disaffection existing in the first years (1692-1702) of the restored province government, and persistent to the culmination of the aggregate of discontent in the revolution of 1775.

COLONIAL SUPERVISION AND ADMINISTRATION IN THE HOME GOVERNMENT.

The entire management of colonial affairs until after the revolution of 1688 was in the control of the king and the privy council. As early as 1636,³ however, there seems to have been a committee or board variously referred to as Commissioners of Plantations, Lords Commissioners of Plantations⁴ or Committee for Foreign Plantations,⁵ whose especial duty it was to give counsel in colonial matters. A special Commission for Plantations was appointed on November 24, 1643, by the Long Parliament⁶; and again under date of March 2, 1650, appears the following:

"Order of the Council of State. The whole Council, or any five of them to be appointed a Committee for Trade and Plantations." Soon after the restoration, December 1, 1660,

¹Poore, *Charters and Constitutions*, ed. 1878, part 1, pp. 3-5; Hill, *Liberty Documents*, 1901, pp. 183-187.

²A compilation of the acts of parliament which related to the government and affairs of the American colonies, with appropriate comments, is a desideratum in the literature of the jurisprudence of the colonial period.

³Calendar of State Papers, (Colonial), 1574-1674, § 176.

⁴*Id.*, § 193.

⁵*Id.*, § 338.

⁶Calendar of State Papers (Colonial), 1574-1660, p. 324.

⁷*Id.*, p. 335.

Charles the Second appointed a Council for Foreign Plantations, composed of thirty-five members from the privy council, the nobility, gentry, and merchants.¹ The duties of this council, like those of its predecessors, were only advisory; but they were instructed to inform themselves of the state of the plantations and their governments, to write to all the governors and patentees, requiring a report of their affairs, of the nature of the laws, number of men, fortifications, etc. "To adopt means for rendering those dominions and England mutually helpful. . . . To inquire into the government of the colonies of foreign states, and apply what is good and practicable to the English plantations. To call experienced merchants, planters, seamen, etc., to their assistance." It was also their duty to provide orthodox ministers for the plantations, and to consider how the natives and slaves might be made ready for baptism in the Christian faith.² "The proceedings of this commission are fully recorded, and reveal an astonishing activity in colonial questions, indicating the new place which these affairs occupied in English policy."³

Early in 1675⁴ Charles the Second dissolved the Council of Trade and Plantations, doubtless another name for the Council for Foreign Plantations; and on March 12, 1675, all business relating to the colonies was committed to a committee of the privy council. Five members were to constitute a quorum. They were to hold weekly meetings and report from time to time to the king.⁵ This committee exercised about the same authority as the Council of thirty-five had done; but in 1696, after the House of Commons had come to take a more prominent part in industrial and colonial questions, a Board of Trade was appointed to promote trade and to inspect and improve the plantations.⁶ This board, after nearly a century, developed into the Colonial Department.⁷

THE CUTT CODE, 1680, 1681.

No better evidence exists of the inapplicability and inadequacy of the laws of England in their entirety, when employed without modification in practical experiments in gov-

¹Calendar of State Papers (Colonial), 1661-1668, p. viii.

²*Id.*, 1574-1660, pp. 492, 493.

³Woodward, *The Expansion of the British Empire*, 1899, p. 138.

⁴Calendar of State Papers (Colonial), 1675-1676, § 429.

⁵*Id.*, §§ 450-464.

⁶Doyle, *English Colonies in America*, vol. 3, p. 323.

⁷In the notes which accompany the documents and acts contained in the principal text of this work, and in the Appendix, it is quite possible that the terms descriptive of these several boards, commissions, and committees may have been inaccurately applied as regards the time of one or more of those organizations. Such an occasional anachronism will hardly be misleading, as the date will indicate correctly the particular official body to which allusion is made.

ernment in the new world, than the unyielding insistence of the colonial legislatures in the exercise of the law-making power for their own constituencies. The president, council, and deputies, constituting the general assembly of the province of New Hampshire, immediately upon their assumption of office, addressed themselves to this task of providing the people of the province with a body of laws adapted to local necessities, and at length produced what is commonly known as the "Cutt Code." Its provisions were necessarily drawn with reference to the experience of the members of the general assembly in dealing with colonial conditions in the period that had intervened since the New Hampshire towns, fifty years previously, had built up local governments for themselves. Undoubtedly these legislators had in anxious consideration, also, in devising and adapting the provisions of their laws, the Masonian claim and all the possibilities that were involved in its reassertion against the property and people of New Hampshire.

In the past the opinion seems to have been quite generally entertained that the body of laws known as the "Cutt Code" was taken in its entirety, or for the greater part, from the laws of Massachusetts Bay colony. Reference is made in notes which appear later in this volume (*post*, p. 10) to the statement of Mr. A. H. Hoyt in his "Notes, Historical and Bibliographical, on the Laws of New Hampshire," to the effect that that portion of the Cutt laws which relates to crimes is copied in substance from the laws of Plymouth Colony and not from those of Massachusetts Bay. This assertion is verified by a comparison of these two series of laws. The sources of the civil part of the "Cutt Code" are not so certainly ascertainable. Several sections were undoubtedly transcribed from the contemporaneously existing laws of Massachusetts Bay. Other articles are quite dissimilar from the corresponding ones in the Bay colony laws, while others still which appear in the "Cutt Code" are not found in the laws for that period of either Massachusetts or Plymouth.

It appears in the narrative of proceedings in the province of New Hampshire which was transmitted to the home government in 1681 (17 State Papers, 555-59, abstract, *post*, p. 786), that the writer made this assertion: "They [the assembly in the time of Cutt] have made a law to confirm the laws of Massachusetts colony and the title to lands derived from that authority."

The basis for this statement is doubtless to be found in the "Cutt Code," article [1], *post*, p. 23, and article [14], *post*, p. 28. It will be observed that the article relating to the confirmation of town grants, etc., had peculiar reference to New Hampshire affairs, and that it was well calculated to excite the most serious antagonism of the representatives of the

Masonian interests. A similar provision reappears in statutes enacted in the time of Partridge, chapter 19, pp. 693, 695, 696, *post*; notes relative to same acts, *post*, pp. 649, 650.

The provision for the continuance of the pre-existing laws, so far as they were necessary to provide for exigencies that might not have been contemplated in the enactments of the new code, was not an extraordinary or unusual act of colonial legislation. Orders issued in the time of the presidency of Joseph Dudley and of the governorship of Sir Edmund Andros, *post*, p. 249, are directed apparently to the same purpose.

Referring to this body of laws known as the "Cutt Code," Secretary Chamberlain, in a letter to Mr. Blathwayt of date May 14, 1681, remarks as follows: "The whole system in general being collected mostly out of the Massachusetts laws."

Although this statement is somewhat qualified, it is sufficiently broad to have been the possible origin of the opinion that was long current as to the origin of this particular series of New Hampshire laws. In the same communication Mr. Chamberlain continues: "Surely it could not well stand with the mind and pleasure of His Majesty that we here should cast off obedience to their [Massachusetts Bay's] jurisdiction and voluntarily submit to, and yoke ourselves so inseparably to their laws."

No further remarks need be made on the subject in this connection, except to call attention to the fact that the laws of these three colonies, which were in operation at the time when the first body of New Hampshire laws had been enacted, are now conveniently accessible; and the student of comparative jurisprudence who is desirous of pursuing the subject further will find the material ample for his investigations.¹

The events that led up to the establishment of the province government, and the interests that were active in the accomplishment of this result, are prominent features of the historical setting in which the first province government and the first body of province laws are placed.²

The importance of this epoch in the statutory history of the province has rendered recourse to the contemporary authorities, and the more recent critical treatment of the subject, appropriate to the present work in connection with the presentation of this Code, and, indeed, indispensable.

The auxiliary articles, which are found in the appendix, and the notes which accompany the principal text of the

¹See General Laws and Liberties of Massachusetts, 1672, in Whitmore's Colonial Laws, ed. 1887; General Laws and Liberties of New Plymouth, 1671, in Brigham's Plymouth Colony Laws, 1836; Cutt Code, this volume, *post*, pp. 9-47.

²Doyle, English Colonies in America, vol. 3, p. 294.

laws of the time of the Cutt and Waldron administration, will afford the reader immediate access to the approved authorities, or citation to them.¹

THE CRANFIELD CODE AND THE ESSAYS OF THE LIEUTENANT-GOVERNOR AND HIS COUNCIL IN LEGISLATION WITHOUT THE CO-OPERATION OF THE HOUSE OF REPRESENTATIVES.

This period was brief, but replete in important events. It marks a striking transition from the conservative policy of the Cutt and Waldron administration to the offensive and arrogant misgovernment of Cranfield, Barefoote, and Mason. As regards the laws of the province it was apparently assumed to be incumbent on the general assembly to formulate and adopt a new code. Such a body of laws was speedily adopted by the two new houses of the assembly, and approved by the lieutenant-governor. It now transpires from an inspection of the contemporary correspondence of himself and his secretary with the home government that both of these officials were intriguing for the disallowance of these laws, to the enactment of which they had ostensibly given cordial approbation. Early in this administration the lieutenant-governor became pecuniarily interested (and it is not impossible that he was a partner from the beginning) in the Masonian claim, and a co-operating agent in its enforcement against the people over whom he was the appointed chief magistrate, and over whose interests he should have been a disinterested and impartial guardian. His attitude, however, soon became notorious. His cynical frankness left no room for doubt as to his relations with Mason. His assembly broke with him before the end of the first year, and refused to grant him any revenues or even to assemble for any purpose, either at his request or upon his command. His conduct disclosed no tact, no disinterested purpose, and no regard for the proprieties of his position. A selfish and mercenary spirit was the principal characteristic of his policy. The body of laws which was enacted in the first year of his administration is commonly known as the "Cranfield Code." Upon the refusal of the house of representatives to co-operate with him in legislation for any purpose (except in a single instance, upon the urgent initiative of the home government, when the passage of an act against pirates was secured) he construed his commission as giving himself and his council authority to legislate without the concurrence of a house of representatives. The events of this administration have proven unusually attractive to the historians of the colonial period, and their treatment of this part of it is voluminous and exhaustive. The acts of the time of Cranfield and his deputy, Walter

¹Principal text of this volume, *post*, pp. 1-47; Appendix E, *post*, pp. 770-785.

Barefoote, are given in full in the text. An unusual number of duplicates, or different renditions, of the "Cranfield Code" have been preserved in manuscript through the industry of the lieutenant-governor and his secretary in making their contemporary transmissions, according to the requirements of the commission, to the home government. These have been presented in such manner as to identify each copy, as far as practicable, in point of time and in its proper relation to contemporary events. Other papers which serve to add to a correct understanding of this particular chapter of the province legislation are presented in the appendix.¹

Original manuscript copies of what we now describe as the "Cutt Code" and the "Cranfield Code" have survived from the time of their enactment in the archives of the province and state of New Hampshire. There is evidence, however, that the most accomplished jurists of the state a hundred years ago were not aware of their existence. In a collection of extracts from the writings of Chief Justice Jeremiah Smith, edited by his son, Jeremiah Smith, now a professor in the Harvard Law School, and published in 1879, in the volume known as Smith's Decisions, the editor remarks as follows in a marginal note:

"In a . . . charge to the grand jury, Judge Smith expressly stated that he had never been able to find the codes of law enacted by the New Hampshire Assembly in 1679-80 and in 1682."²

As stated in the notes accompanying the acts of the time of Cutt and Cranfield, no definite evidence has been discovered in the English archives to determine whether the laws known as the "Cutt Code" and the "Cranfield Code" were formally disallowed by the king in council. That question still remains unsettled.

It is not open to question, however, that the laws enacted by the general assembly by authority of the Cutt commission were to remain in force until the king's pleasure in respect to them might be announced, after their submission to and examination in the privy council. If, therefore, it is not shown that such laws were changed or disallowed by the king in council, it must be admitted, by virtue of the royal edict declared in that commission, that they were to be considered as remaining in operation until the king's pleasure should be made known to the contrary. (Cutt commission, *post*, p. 6.) The next question will be as to their repeal or amendment by

¹Principal text of this volume, *post*, pp. 48-92; Appendix F, *post*, pp. 788-809.

²Decisions of the Superior and Supreme Courts of New Hampshire, from 1802-1809, and from 1813-1816, Selected from the Manuscript Reports of the Late Jeremiah Smith, Chief Justice of Those Courts, with Extracts from Judge Smith's Manuscript Treatise on Probate Law, and from His Other Legal Manuscripts, p. 529, note 2.

subsequent legislation in the general assembly of the province; and, finally, in the absence of sufficient evidence of such repeal, or any amendment, a question would arise involving the presumption of repeal by lapse of time and disuse. The legal effect of an apparently general disregard of these particular laws in the time of the later administrations is presented for consideration. There is evidence that they had, at a date not long subsequent to that of their passage, become obsolete, if, indeed, they had not been generally and correctly supposed by contemporaries to have been positively disallowed by the king, the record of the fact being now lost or buried in the ancient archives of state. (Note preliminary to the laws enacted under the commission of Samuel Allen, *post*, p. 518.) It may be remarked that the theory of implied repeal of statutes by disuse does not receive much encouragement in the authorities. (Dwarris on Statutes, ed. 1871, p. 154.) Under the Cranfield commission (*post*, p. 50), while the language to the point is not quite as explicit as it is in the Cutt commission, it is evidently the expressed intention that the laws passed by the lieutenant-governor, with the advice and consent of the council and assembly, were to continue until disallowed by the king in council. Pending the consideration of the laws passed in the first part of the government of Lieutenant-Governor Cranfield, and by him transmitted to the home government, it would seem that the opinion which he entertained was contrary to the one above ventured. He plainly suggested that the laws which he had passed ought to be disallowed. He says, "Meantime I govern them by the laws of England." (*Post*, p. 58.) The implication here seems to be that he did not regard the acts, which he himself had approved and sealed, as valid and operative until approved by the king. In the instructions accompanying the Andros commission, 1686, (*post*, p. 157) it is stated that "all laws, statutes, and ordinances within our territory and dominion of New England shall continue and be in full force and vigor, so far forth as they do not in anywise contradict, impeach, or derogate from our commission, orders, and instructions, until such time as, with the advice and consent of the council, you [the governor] shall pass other laws for the good government of our said territory and dominion, which you are to do with all convenient speed." This is assuredly evidence of a recognition of the laws previously enacted in the colonial legislatures of New England as still valid. The commission and instructions to Governor Andros have always been regarded, from the New England point of view, as an arbitrary and far-reaching encroachment upon the rights of local self-government established here by the colonists, and which they had successfully maintained from the

period of the first settlements down to 1679. Yet the concession in the instructions allowing the "laws to continue in force till others should be made," and the article in the commission which directed that the governor and council should enact "laws and statutes and ordinances . . . as near as conveniently may be agreeable to the laws, statutes, and ordinances of this our Kingdom of England," are certainly of a conservative character, and, considered apart from other and admittedly obnoxious provisions of the Andros commissions, they do not sustain the extreme arguments that have been advanced to the effect that the laws in force in the time of the inauguration of the Andros government were summarily repealed by royal edict, or by any act of the legislative council of the Andros government. Article 10 of the Andros instructions and Article 14 of the Cutt Code, it will be observed, are very similar in terms and legal effect.

THE LAWS OF ENGLAND AND THE COMPILATIONS IN USE IN THE FIRST YEARS OF THE PROVINCE GOVERNMENT, 1679-1686.

It appears from the New Hampshire correspondence preserved in the English archives that a copy of some edition of the statutes of England was in the custody of the province government as early as May 14, 1681, when Mr. Secretary Chamberlain employs these words in a letter to the Lords of Trade and Plantations: "the King having sent a great Volume of Laws copiously and accurately done to their hands." Mr. Chamberlain's argument was that, inasmuch as this book of laws was available to the officials of the province, the formulation and enactment of other and local laws for the province was entirely unnecessary. Lieutenant-Governor Cranfield, in a letter of October 22, 1682, referring to the administration of the oaths of office to his councillors, says that "wanting the Statute Booke could not Subscribe ye Test, which was don the next meeting." The inference from this statement must be that a "Booke" was produced on the occasion which is referred to as the "next meeting." It will doubtless be found advantageous to identify the particular edition or editions of the English statutes employed by those who had to do with the compilation of the earliest codes of New Hampshire province law, or which were certainly accessible to them. Among the collections of statutes which had been published in the years recently prior to the establishment of the Cutt presidency in 1679, were the two described as follows:

(1) A collection of all the statutes now in use by F. Pulton . . . with a continuation of the statutes . . . of Charles the First . . . and . . . Charles the Second . . . to the last ad-

journalment of parliament April the 11th, 1670. As also, a necessary table or Kalendar to the whole work . . . by F. Manby, B. L., pp. 1537.

Assigns of J. Bell and C. Barker; London, 1670, fol. (British Museum Catalogue, 506, n. 1.)

(2) The Statutes at Large in paragraphs from Magna Charta until this time (27 Charles II) carefully examined by the Rolls of Parliament with the titles of such statutes as are expired, repealed, altered or out of use. Together with the heads of Pulton's or Rastall's abridgments on the margin, and the addition of above five hundred new references from other books of law and a new table. By J. Keble, B. L., p. 1472.

Assigns of J. Bell and C. Barker; London, 1676, fol. (British Museum Catalogue, p. 506, n. 2.)

The special importance of these two editions is that the first seems to have been in actual custody and use by the Cutt administration in this province, 1 Province Papers, 383; and the other was the edition used in the home government in the preparation of the commission and instructions to Lieutenant-Governor Cranfield. By comparing the above citations, p. 383, lines 5, 6, and 7, with Pulton's Collection, edited by Manby, 1670, copy in the British Museum, it will be noted that in that collection (i. e., Manby's Pulton) the marginal citation or annotations to chapt. 29, p. 4, where the text of the act of 9 Henry III is printed, the marginal annotations to the act afford the proof, due allowance being made for wrong punctuation and other clerical errors in the American manuscript and printed copy of the Cutt code, that the writer of the paragraphs appearing in the last part of page 382 and at the top of page 383, 1 Province Papers, must have had the text of Manby's Pulton before him. It was undoubtedly Manby's Pulton (ed. 1670) that Mr. Chamberlain referred to as the "Great Volume" of the laws of England that was in the possession of the Cutt government in the province of New Hampshire, 1679 to 1681. (Letter, Richard Chamberlain to Wm. Blathwayt, May 14, 1681.) This is the earliest printed book that can be regarded, on our present information, as having ever belonged to a state library of the province of New Hampshire. Passing on in the text of 1 Province Papers, it will be observed on page 444, at a point which appears to be at the conclusion of the text of Lt. Gov. Cranfield's instructions, prepared in England, of course, by the officials of the home government, that quotation is made from the act of 16 Charles I, Statute Book, p. 1108, section 5; "Be it likewise declared, etc." There is conclusive internal evidence that Keble's edition, 1676 (and not

¹See also this volume, *post*, Appendix A, II, pp. 726-736.

Manby's Pulton), was the one from which this extract was made from the "Statute Book" by the officers of the colonial department of the home government in England in the spring of 1682. The language quoted appears on p. 1108 of Keble's ed., 1676. Furthermore, the citations to ch. 29, 9 Henry III, Keble's ed., p. 4 (1676), are more numerous than the corresponding citations to the same act in Manby's Pulton (1670), p. 4. This fact also identifies the edition of 1676 as the one from which quotation was made for the text found on p. 444, 1 Prov. Papers. In addition to the foregoing evidence of identification is the fact that the citation, 16 Charles I, is an error which appears in and is peculiar to Keble's ed. It should have been named as 17 Charles I. As the error which appears in Keble's edition, 1676, is repeated in the transcripts, 1 Prov. Papers, 444, an additional proof is afforded that the home government, in 1682, in its Cranfield correspondence, was using Keble's ed. of the Statutes at Large, while the same considerations also tend directly to the conclusion that the Cutt government, in the formulation of the Cutt code, and Secretary Chamberlain in his correspondence in 1680, were making use of the Manby's Pulton edition of the Statutes, 1670, and that this edition was the one in possession of the province government in the period of 1679 to 1681.

It is presumable, moreover, that the same volume continued to be the most important printed book in the province library, if not the only one, for an indefinite time in that part of the colonial period, unless, as is quite possible, a copy of Keble's edition was added by transmission from England in 1682, accompanying the instructions to Lieutenant-Governor Cranfield.

If, as indicated by the title lines, *post*, p. 57, a compilation containing the passage as quoted from the Statute Book, p. 1108, section 5, was forwarded with the instructions to Lieutenant-Governor Cranfield, that volume was undoubtedly a copy of Keble's edition of 1676. While it seems that there is little room for mistake in these conclusions, it is not disputable that a question may be raised as to why the edition of 1676 should not have been the one in use in our province in 1679 and 1680 instead of the edition of 1670; and why a later edition than that of 1676 should not have been in evidence in the preparation of the instructions to Cranfield in 1682. These are suggestive questions, but not of superior importance unless the answers should impair the validity of our conclusions as to the identity of the editions used respectively by the Cutt government in 1679 and 1680, and by the officers of the home government in 1682, for the purpose already considered in this monograph. There may have been at that time a longer period actually intervening be-

tween the date assigned to the book on the title page and the date of its actual issuance from the hands of the publishers than would be expected in bringing out similar works in these days. These considerations, however, may be postponed at this time for further historical investigation, as they are not essential to the inquiries as to which edition of the statutes of England was the subject of reference on pp. 383 and 444, Province Papers, vol. 1.

It is to be regretted that the identical copies of these compilations, Manby's edition of 1670 and Keble's edition of 1676, could not have been preserved in the archives of the province, and thence transmitted to the present library of the state.¹

THE DOMINION OF NEW ENGLAND. THE PERIOD OF LAW-MAKING BY A COUNCIL APPOINTED BY THE CROWN, 1686-1689.

The remarkable experience of the people of New Hampshire in the four years of the co-operative administration of Cranfield and Mason served to reconcile them to almost any prospective or possible change of government. The colonies of New Plymouth, Massachusetts Bay, Connecticut, and Rhode Island might well regard with dismay the prospect of an extension of such a system and such methods over a consolidated New England as Lieutenant-Governor Cranfield had represented and exploited in New Hampshire. In the events which followed the inauguration of the government of the Dominion of New England, under the preliminary administration of the Dudley presidency and council, and the permanent administration of Sir Edmund Andros, the people of New Hampshire encountered and experienced conditions in favorable contrast with those which obtained from 1682-1686; while the people of the other colonies had the nearer perspective which their own experience in colonial self-government had afforded. The relations of this province to the government of New England are necessarily involved with those of the other colonies, and are not easily differentiated from the complex politics of that important transitional period. The record is extended in that part of the text of this work which is devoted to the Dominion of New England, with a view to a complete presentation of the legislation of the period, to be read in connection with the commissions and instructions issued to those to whom the government was committed. Original documents are included in this collection which have not heretofore appeared in Amer-

¹An original copy of Keble's edition has been recently procured for the state library at Concord, and efforts are being made to add an original copy of Manby's edition of 1670.

ican publications.¹ The material for this part of the work has been sought in the archives at Washington, Philadelphia, and London,² and in all the states which, in their early colonial status, were included in the Dominion of New England.

NEW HAMPSHIRE WITHOUT A PROVINCE GOVERNMENT, 1689-1690.

This brief but historically interesting interval is specially noteworthy in one particular, if in no others. It illustrates the adaptability of the New Hampshire system of town government, as then developed, in meeting the strain of serious emergencies in government. At this time a revolution was in progress in the mother country, and another in the Dominion of New England. All external governmental functions had ceased to be operative in relation to these towns. Years of experience in the exercise of local powers and methods, however, had made the people of these towns intelligent and self-reliant masters both of practical and theoretical civics. An interesting product of this exigency was the plan of confederation which was formulated by the leading men of the towns, but which failed through the refusal of a controlling party in the town of Hampton to ratify it. The instrument indicates the views of representative men of the four towns on various practical questions in statecraft. The document is a comparatively recent discovery. The notes of Judge Bell and the monograph of Mr. Tuttle, which constitute Appendix I, reflect the results of careful, critical, and competent investigation of this unique but somewhat obscure period in the political history of the province, the article of Mr. Tuttle being directed more specifically to the form of government proposed in the articles of confederation, and to the history of the ancient document which, it appears, had been preserved for some two hundred years in the papers of his family.³

THE PERIOD OF THE SECOND UNION OF THE NEW HAMPSHIRE TOWNS WITH MASSACHUSETTS BAY, 1690-1692.

Without the contribution which the Massachusetts archives afford for the statutory history of the province of New Hampshire, a hiatus of more than two years would have existed in the otherwise continuous record of legislative enactments actually operative here under successive governments. The problem of selection, from a large mass of records, of that which was pertinent to a collection of statutes, resolves, and orders for this province was one of no little

¹Post, pp. 93, 146, 155, 644, 830, 859.

²Principal text of this volume, post, pp. 96-258; Appendix H, post, pp. 829-842.

³Principal text of this volume, post, pp. 259-266; Appendix I, post, pp. 843-847.

difficulty. The rules of inclusion and exclusion adopted and applied in the compilation are stated and explained in the notes which precede the abstracts for the so-called inter-charter period. The necessity for the presentation of extensive transcripts from these records is emphasized by the fact that the Whitmore compilations of Massachusetts Bay statutes, which were published in 1887 and 1889, contained nothing later than 1684, the year of the abrogation of the first Massachusetts Bay charter, while the Goodell series of the Province Laws of Massachusetts begins with the acts of the general court upon the inauguration of a government in 1692, which included both Massachusetts Bay and Plymouth Colony under the second charter. It will be observed that the entire period between the termination of the Andros administration in April, 1689, and the beginning of that of Sir William Phipps in 1692, is included in this work.¹

The legislation of the general court of Massachusetts Bay in the period which intervened between the termination of the Andros government in the spring of 1689 and the beginning of that inaugurated in the spring of 1692, under the charter of 1691, was somewhat tentative, and none of the acts, resolves, or orders of those three inter-charter years are to be found in the form of engrossed acts in the archives of the commonwealth.

THE PROVINCE GOVERNMENT OF NEW HAMPSHIRE REVIVED AND THE LEGISLATIVE ASSEMBLY RESTORED, 1692.

The extended notes relating to the governments administered from 1692 to 1699 under the commission of Samuel Allen, and from 1699 to 1702 under the commission of the Earl of Bellomont, and the statutes enacted by the general assembly in that period, render superfluous a further elaboration of the same subject in this introductory statement.

The most logical as well as the most convenient point of division between the material to be employed in this volume and that intended to be incorporated in the next in order in the series is at the termination of the government under the Bellomont commission, and the beginning of that under the last commission to Joseph Dudley.²

THE PROVINCE LEGISLATURE.

At the time of the establishment of the province of New Hampshire the conflict between the people of the Massachusetts Bay colony and the home government was well advanced, involving the issue whether the existing charter government should be retained, or something more in conformity with the

¹Principal text of this volume, post, pp. 267-498.

²Principal text of this volume, post, pp. 499-709; Appendix J, post, pp. 856, 857.

present policy of the king substituted. The form of government prescribed in 1679 for New Hampshire cannot, in the light of the events of the succeeding ten years, be regarded as fairly indicating, if, indeed, it even suggested what was to be the nature or extent of the repressive measures in contemplation by the Stuarts in the event of a general change of the forms and principles of colonial government in the other New England plantations. In the government established by the Cutt commission two legislative branches are recognized, the members of one appointed by the crown, and the members of the other elected by the people. This legislative body, which from the beginning of the province is styled the general assembly, was authorized to enact laws, the house of deputies proceeding with the advice and consent of the president and council. (*Post*, p. 6.) The Cranfield commission had a similar provision, but in terms somewhat more explicit and somewhat more in detail. It was stated in the legislative article that the lieutenant-governor, with the advice and consent of the council and assembly, should have power to make laws, etc. (*Post*, p. 50.) One noteworthy difference between the Cutt commission and the Cranfield commission, at the point under consideration, is that, in the first, predominance in the law-making body is apparently, if not intentionally, given to the deputies, while in the second, or Cranfield commission, the order is reversed, the council and deputies being subordinated to the lieutenant-governor.

The popular branch of the assembly is not recognized by the commissions for the Dominion of New England, 1686-1689. That element in the legislative history of the colonies is the subject of special comment in the notes, pp. 93, 100, 144, and 182 of this volume. The annual election of deputies in the time of the Cutt government was provided for by Article 44 of the Cutt Code. (*Post*, p. 37.) The annual meeting of the general assembly was in like manner fixed for the first Tuesday of March. The veto power and the right to dissolve the general assembly were first committed to a New Hampshire governor in specific terms by the Cranfield commission. (*Post*, p. 51.) The same powers reappear in the Allen commission (*post*, p. 504) and in the Bellomont commission (*post*, p. 614). In the earlier commissions there is some confusion in the employment of the term "general assembly," and some uncertainty as to its application. This will be observed in a comparison of the use of the term in the Cutt commission, the Cranfield commission, and in the enacting clauses of the act of 1692, which is chapter 1, p. 524, *post*, and the act which is chapter 2, p. 526, *post*. Finally, however, it is evident that the relations of the governor, council, and representatives, as parts or branches of the legislative body, were made certain and

became fixed in the time of Bellomont and Partridge.¹ The first act of that administration (*post*, p. 653) contains the formula,—“enacted by his Excellency the Governor, Council, and Representatives, convened in General Assembly.” Some authorities make a distinction between laws and acts, assigning one of these terms to the original enactments of a colonial legislature, and the other to those only which may have been confirmed by the king in council. This distinction has not been followed in this work, as the uncertainty which still exists as to whether certain of the earlier laws were confirmed, disallowed, or ignored renders the attempt to apply it in many instances impracticable. The methods provided in determining the limits of time occupied by each consecutive general assembly, and assigning to each its proper number in regular chronological order, are explained in notes to the later text of this volume. (*Post*, pp. 9, 523.)

The constituencies of the first province legislative were, in regard to the extent of the population, even after a lapse of seventy-six years from the time of the first settlement, still of very limited proportions. Article 9 of the Cutt Code (*post*, p. 25) restricted the franchise in the election of deputies to electors who were qualified in all the following particulars, viz.: by being Englishmen and Protestants; by having taken the oath of allegiance to His Majesty; by having been duly admitted to the liberty of being freemen of the province (the class legally termed freemen in New Hampshire not being limited by church membership); by being twenty-four years of age, not vicious of life but honest and of good conversation; and by possessing £24 of ratable estate. It is stated by Mr. Tuttle, Historical Papers, p. 186 (this volume, *post*, p. 776), that the population of the province at this time was only about 4,000. (See also Dow's History of Hampton; p. 99.) Mr. Bancroft estimates the population of New Hampshire in 1688 as 6,000. 1 History U. S., ed. 1883, p. 608. It is a valuable feature of the surviving records that presents the full text of the order of the president and council of February 16, 1679-80, designating the persons in each of the four towns authorized to vote for deputies to be members of the first general assembly. This list appears in this volume, *post*, pp. 13, 14, 15.

The term "general court," which is now the official designation of the state legislature of New Hampshire, is a colonial survival, derived, as is the same term employed in the Massachusetts constitution, from the terminology of the first legislatures of the colonial period. The origin of that term must be sought in the history of other English institutions as well

¹ "The Colonial Origins of New England Senates," by F. L. Riley, is the title of an instructive paper, appearing in Series 14, Johns Hopkins University Studies in Historical and Political Science. 2d pamphlet edition, part devoted specially to New Hampshire. pp. 40-53.

as colonial legislatures. The term "general assembly," as descriptive of the legislative body in this province, is correctly applied only in the period from 1679 to 1775. The general assembly ended with the province government:

THE TABLES OF REGNAL YEARS AND OF OFFICIAL SUCCESSION.

The tables which precede the principal text of the commissions and statutes are included in the compilation, in order to obviate, as far as practicable, the inconvenience of frequent resort to works of reference by those who have occasion to use a volume of this character for the identification of the dates intended by the mention of regnal years against the text of the English and colonial statutes. It is assumed, also, that a like useful purpose would be subserved in placing the tables of regnal succession, and the years covered by each colonial administration, in equally accessible place and arrangement for reference in the introductory divisions of the volume.

THE CONTINUATION OF THE SERIES.

The material for a second volume of the laws of the province, intended to be arranged and presented on a plan similar to that adopted for this volume, has been collected, and considerable progress already made in putting it in orderly form for printing and publication.

THE COMMISSIONS AND INSTRUCTIONS GOVERNING THE PROVINCE ADMINISTRATIONS AND PROVINCE LEGISLATION.

Inasmuch as the commissions and instructions which were from time to time issued for the direction of the governors of the province are to be regarded, until revoked or modified, as the organic law governing the exercise of all the powers of executive, legislative, and judicial administration, more space than is usually assigned to that class of colonial documents, in the recent compilations of province laws by other states, has been devoted to them in this work. The assembling of these documents for each administration has been as complete as possible in all cases wherein the student might be expected otherwise to find difficulty in consulting them. The exceptions include such documents as the first and second colonial charters of Massachusetts, which can readily be consulted in a number of works published by the commonwealth of Massachusetts and the federal government, and which have been widely circulated.

REGNAL YEARS OF THE KINGS OF ENGLAND.

(From the Dictionary of English History, Page 648.)

"The importance of extreme accuracy," says Sir H. Nicolas (from whose valuable *Chronology of History* the subjoined table is taken), "respecting the regnal years of the Kings of England, is at once shown by the fact that, in most instances, after the reign of Henry II., no other date of a year occurs, either in public or private documents, than the year of the reign of the existing monarch, and that an error respecting the exact day from which the regnal year is calculated may produce a mistake of one entire year in reducing such a date to the year of the Incarnation. Every year of a king's reign is in two years of our Lord, except (which has never yet happened in England) in the case of an accession on the 1st of January. The first year of the reign of our late sovereign [William the Fourth] commenced on the 26th of June, 1830, and terminated on the 25th of June, 1831. If, therefore, the beginning of that reign be erroneously calculated—for example, from the 28th instead of from the 26th of June, 1830—every document dated on the 26th and 27th of June, 1 William IV., would be assigned to the year 1831 instead of the year 1830, and a similar mistake would occur on each of those days in every year of that reign. The effect of an error of even a few days, much more of one entire year in the date of events, must be evident, and a correct table of the regnal years of the Kings of England is consequently a *sine quâ non* to the historical student.

"In using this table, it is necessary to observe that it is calculated according to the common and historical year—viz., from the 1st of January—but as the civil, ecclesiastical, and legal year for a long period began on the 25th of March, all dates between the 1st of January and the 25th of March belong, according to the civil computation, to the year before the historical year. For example, from the 1st of January to the 25th of March, in the first year of the reign of William the Conqueror, was in the civil year 1066 instead of 1067. For the same reason, Edward III.'s reign is sometimes said to have begun on the 25th of January, 1326, instead of the 25th of January, 1327; Henry V.'s on the 21st of March, 1412, instead of the 21st of March, 1413; Edward IV.'s on the 4th of March, 1460, instead of the 4th of March, 1461; and the same remark, *mutatis mutandis*, applies to the commencement of the reigns of Edward VI., James I., Charles II., James II., William and Mary, and Queen Anne accordingly, whether the historical or civil year be alluded to."

INTRODUCTION.

THE NORMANS.

WILLIAM THE CONQUEROR.

1	25	Dec.	1066	8	25	Dec.	1073	15	25	Dec.	1080
	24	"	1067		24	"	1074		24	"	1081
2	25	"	1067	9	25	"	1074	16	25	"	1081
	24	"	1068		24	"	1075		24	"	1082
3	25	"	1068	10	25	"	1075	17	25	"	1082
	24	"	1069		24	"	1076		24	"	1083
4	25	"	1069	11	25	"	1076	18	25	"	1083
	24	"	1070		24	"	1077		24	"	1084
5	25	"	1070	12	25	"	1077	19	25	"	1084
	24	"	1071		24	"	1078		24	"	1085
6	25	"	1071	13	25	"	1078	20	25	"	1085
	24	"	1072		24	"	1079		24	"	1086
7	25	"	1072	14	25	"	1079	21	25	"	1086
	24	"	1073		24	"	1080		9	Sept.	1087

WILLIAM THE SECOND.

1	26	Sept.	1087	6	26	Sept.	1092	10	26	Sept.	1096
	25	"	1088		25	"	1093		25	"	1097
2	26	"	1088	7	26	"	1093	11	26	"	1097
	25	"	1089		25	"	1094		25	"	1098
3	26	"	1089	8	26	"	1094	12	26	"	1098
	25	"	1090		25	"	1095		25	"	1099
4	26	"	1090	9	26	"	1095	13	26	"	1099
	25	"	1091		25	"	1096		2	Aug.	1100
5	26	"	1091								
	25	"	1092								

HENRY THE FIRST.

1	5	Aug.	1100	8	5	Aug.	1107	15	5	Aug.	1114
	4	"	1101		4	"	1108		4	"	1115
2	5	"	1101	9	5	"	1108	16	5	"	1115
	4	"	1102		4	"	1109		4	"	1116
3	5	"	1102	10	5	"	1109	17	5	"	1116
	4	"	1103		4	"	1110		4	"	1117
4	5	"	1103	11	5	"	1110	18	5	"	1117
	4	"	1104		4	"	1111		4	"	1118
5	5	"	1104	12	5	"	1111	19	5	"	1118
	4	"	1105		4	"	1112		4	"	1119
6	5	"	1105	13	5	"	1112	20	5	"	1119
	4	"	1106		4	"	1113		4	"	1120
7	5	"	1106	14	5	"	1113	21	5	"	1120
	4	"	1107		4	"	1114		4	"	1121

INTRODUCTION.

HENRY THE FIRST.

22	5	Aug.	1121	27	5	Aug.	1126	32	5	Aug.	1131
	4	"	1122		4	"	1127		4	"	1132
23	5	"	1122	28	5	"	1127	33	5	"	1132
	4	"	1123		4	"	1128		4	"	1133
24	5	"	1123	29	5	"	1128	34	5	"	1133
	4	"	1124		4	"	1129		4	"	1134
25	5	"	1124	30	5	"	1129	35	5	"	1134
	4	"	1125		4	"	1130		4	"	1135
26	5	"	1125	31	5	"	1130	36	5	"	1135
	4	"	1126		4	"	1131		1	Dec.	1135

STEPHEN.

1	26	Dec.	1135	8	26	Dec.	1142	15	26	Dec.	1149
	25	"	1136		25	"	1143		25	"	1150
2	26	"	1136	9	26	"	1143	16	26	"	1150
	25	"	1137		25	"	1144		25	"	1151
3	26	"	1137	10	26	"	1144	17	26	"	1151
	25	"	1138		25	"	1145		25	"	1152
4	26	"	1138	11	26	"	1145	18	26	"	1152
	25	"	1139		25	"	1146		25	"	1153
5	26	"	1139	12	26	"	1146	19	26	"	1153
	25	"	1140		25	"	1147		25	Oct.	1154
6	26	"	1140	13	26	"	1147				
	25	"	1141		25	"	1148				
7	26	"	1141	14	26	"	1148				
	25	"	1142		25	"	1149				

THE PLANTAGENETS.

HENRY THE SECOND.

1	19	Dec.	1154	8	19	Dec.	1161	15	19	Dec.	1168
	18	"	1155		18	"	1162		18	"	1169
2	19	"	1155	9	19	"	1162	16	19	"	1169
	18	"	1156		18	"	1163		18	"	1170
3	19	"	1156	10	19	"	1163	17	19	"	1170
	18	"	1157		18	"	1164		18	"	1171
4	19	"	1157	11	19	"	1164	18	19	"	1171
	18	"	1158		18	"	1165		18	"	1172
5	19	"	1158	12	19	"	1165	19	19	"	1172
	18	"	1159		18	"	1166		18	"	1173
6	19	"	1159	13	19	"	1166	20	19	"	1173
	18	"	1160		18	"	1167		18	"	1174
7	19	"	1160	14	19	"	1167	21	19	"	1174
	18	"	1161		18	"	1168		18	"	1175

INTRODUCTION.

HENRY THE SECOND.

22	19	Dec.	1175
18	"	"	1176
23	19	"	1176
18	"	"	1177
24	19	"	1177
18	"	"	1178
25	19	"	1178
18	"	"	1179
26	19	"	1179
18	"	"	1180

RICHARD THE FIRST.

1	3	Sept.	1189
2	"	"	1190
2	3	"	1190
2	"	"	1191
3	3	"	1191
2	"	"	1192
4	3	"	1192
2	"	"	1193

JOHN.

1	27	May	1199
17	"	"	1200
2	18	"	1200
2	"	"	1201
3	3	"	1201
22	"	"	1202
4	23	"	1202
14	"	"	1203
5	15	"	1203
2	June	"	1204
6	3	"	1204
18	May	"	1205

HENRY THE THIRD.

1	28	Oct.	1216
27	"	"	1217
2	28	"	1217
27	"	"	1218
3	28	"	1218
27	"	"	1219
4	28	"	1219
27	"	"	1220

27	19	Dec.	1180
18	"	"	1181
28	19	"	1181
18	"	"	1182
29	19	"	1182
18	"	"	1183
30	19	"	1183
18	"	"	1184
31	19	"	1184
18	"	"	1185

5	3	Sept.	1193
2	"	"	1194
6	3	"	1194
2	"	"	1195
7	3	"	1195
2	"	"	1196
8	3	"	1196
2	"	"	1197

7	19	May	1205
10	"	"	1206
8	31	"	1206
30	"	"	1207
9	31	"	1207
14	"	"	1208
10	15	"	1208
6	"	"	1209
11	7	"	1209
26	"	"	1210
12	27	"	1210
11	"	"	1211

5	28	Oct.	1220
27	"	"	1221
6	28	"	1221
27	"	"	1222
7	28	"	1222
27	"	"	1223
8	28	"	1223
27	"	"	1224

32	19	Dec.	1185
18	"	"	1186
33	19	"	1186
18	"	"	1187
34	19	"	1187
18	"	"	1188
35	19	"	1188
6	July	"	1189

9	3	Sept.	1197
2	"	"	1198
10	3	"	1198
6	April	"	1199

13	12	May	1211
2	"	"	1212
14	3	"	1212
22	"	"	1213
15	23	"	1213
7	"	"	1214
16	8	"	1214
27	"	"	1215
17	28	"	1215
18	"	"	1216
18	19	"	1216
19	Oct.	"	1216

9	28	Oct.	1224
27	"	"	1225
10	28	"	1225
27	"	"	1226
11	28	"	1226
27	"	"	1227
12	28	"	1227
27	"	"	1228

INTRODUCTION.

HENRY THE THIRD.

13	28	Oct.	1228
27	"	"	1229
14	28	"	1229
27	"	"	1230
15	28	"	1230
27	"	"	1231
16	28	"	1231
27	"	"	1232
17	28	"	1232
27	"	"	1233
18	28	"	1233
27	"	"	1234
19	28	"	1234
27	"	"	1235
20	28	"	1235
27	"	"	1236
21	28	"	1236
27	"	"	1237
22	28	"	1237
27	"	"	1238
23	28	"	1238
27	"	"	1239
24	28	"	1239
27	"	"	1240
25	28	"	1240
27	"	"	1241
26	28	"	1241
27	"	"	1242
27	28	"	1242
27	"	"	1243

EDWARD THE FIRST.

1	20	Nov.	1272
19	"	"	1273
2	20	"	1273
19	"	"	1274
3	20	"	1274
19	"	"	1275
4	20	"	1275
19	"	"	1276
5	20	"	1276
19	"	"	1277

6	20	Nov.	1277
19	"	"	1278
7	20	"	1278
19	"	"	1279
8	20	"	1279
19	"	"	1280
9	20	"	1280
19	"	"	1281
10	20	"	1281
19	"	"	1282

43	28	Oct.	1258
27	"	"	1259
44	28	"	1259
27	"	"	1260
45	28	"	1260
27	"	"	1261
46	28	"	1261
27	"	"	1262
47	28	"	1262
27	"	"	1263
48	28	"	1263
27	"	"	1264
49	28	"	1264
27	"	"	1265
50	28	"	1265
27	"	"	1266
51	28	"	1266
27	"	"	1267
52	28	"	1267
27	"	"	1268
53	28	"	1268
27	"	"	1269
54	28	"	1269
27	"	"	1270
55	28	"	1270
27	"	"	1271
56	28	"	1271
27	"	"	1272
57	28	"	1272
16	Nov.	"	1272

11	20	Nov.	1282
19	"	"	1283
12	20	"	1283
19	"	"	1284
13	20	"	1284
19	"	"	1285
14	20	"	1285
19	"	"	1286
15	20	"	1286
19	"	"	1287

INTRODUCTION.

EDWARD THE FIRST.

16	20	Nov.	1287	23	20	Nov.	1288	30	20	Nov.	1301
19	"	"	1288	19	"	"	1295	19	"	"	1302
17	20	"	1288	24	20	"	1295	31	20	"	1302
19	"	"	1289	19	"	"	1296	19	"	"	1303
18	20	"	1289	25	20	"	1296	32	20	"	1303
19	19	"	1290	19	"	"	1297	19	"	"	1304
19	20	"	1290	26	20	"	1297	33	20	"	1304
19	19	"	1291	19	"	"	1298	19	"	"	1305
20	20	"	1291	27	20	"	1298	34	20	"	1305
19	"	"	1292	19	"	"	1299	19	"	"	1306
21	20	"	1292	28	20	"	1299	35	20	"	1306
19	"	"	1293	19	"	"	1300	7	July		1307
22	20	"	1293	29	20	"	1300				
19	"	"	1294	19	"	"	1301				

EDWARD THE SECOND.

1	8	July	1307	8	8	July	1314	15	8	July	1321
7	"	"	1308	7	"	"	1315	7	"	"	1322
2	8	"	1308	9	8	"	1315	16	8	"	1322
7	"	"	1309	7	"	"	1316	7	"	"	1323
3	8	"	1309	10	8	"	1316	17	8	"	1323
7	"	"	1310	7	"	"	1317	7	"	"	1324
4	8	"	1310	11	8	"	1317	18	8	"	1324
7	"	"	1311	7	"	"	1318	7	"	"	1325
5	8	"	1311	12	8	"	1318	19	8	"	1325
7	"	"	1312	7	"	"	1319	7	"	"	1326
6	8	"	1312	13	8	"	1319	20	8	"	1326
7	"	"	1313	7	"	"	1320	20	20	Jan.	1327
7	8	"	1313	14	8	"	1320				
7	7	"	1314	7	"	"	1321				

EDWARD THE THIRD.

1	25	Jan.	1327	6	25	Jan.	1332	11	25	Jan.	1337
24	"	"	1328	24	"	"	1333	24	"	"	1338
2	25	"	1328	7	25	"	1333	12	25	"	1338
24	"	"	1329	24	"	"	1334	24	"	"	1339
3	25	"	1329	8	25	"	1334	13	25	"	1339
24	"	"	1330	24	"	"	1335	24	"	"	1340
4	25	"	1330	9	25	"	1335	14	25	"	1340
24	"	"	1331	24	"	"	1336	24	"	"	1341
5	25	"	1331	10	25	"	1336	15	25	"	1341
24	"	"	1332	24	"	"	1337	24	"	"	1342

INTRODUCTION.

EDWARD THE THIRD.

16	25	Jan.	1342	28	25	Jan.	1354	40	25	Jan.	1366
24	"	"	1343	24	"	"	1355	24	"	"	1367
17	25	"	1343	29	25	"	1355	41	25	"	1367
24	"	"	1344	24	"	"	1356	24	"	"	1368
18	25	"	1344	30	25	"	1356	42	25	"	1368
24	"	"	1345	24	"	"	1357	24	"	"	1369
19	25	"	1345	31	25	"	1357	43	25	"	1369
24	"	"	1346	24	"	"	1358	24	"	"	1370
20	25	"	1346	32	25	"	1358	44	25	"	1370
24	"	"	1347	24	"	"	1359	24	"	"	1371
21	25	"	1347	33	25	"	1359	45	25	"	1371
24	"	"	1348	24	"	"	1360	24	"	"	1372
22	25	"	1348	34	25	"	1360	46	25	"	1372
24	"	"	1349	24	"	"	1361	24	"	"	1373
23	25	"	1349	35	25	"	1361	47	25	"	1373
24	"	"	1350	24	"	"	1362	24	"	"	1374
24	25	"	1350	36	25	"	1362	48	25	"	1374
24	"	"	1351	24	"	"	1363	24	"	"	1375
25	25	"	1351	37	25	"	1363	49	25	"	1375
24	"	"	1352	24	"	"	1364	24	"	"	1376
26	25	"	1352	38	25	"	1364	50	25	"	1376
24	"	"	1353	24	"	"	1365	24	"	"	1377
27	25	"	1353	39	25	"	1365	51	25	"	1377
24	"	"	1354	24	"	"	1366	21	June		1377

RICHARD THE SECOND.

1	22	June	1377	9	22	June	1385	17	22	June	1393
21	"	"	1378	21	"	"	1386	21	"	"	1394
2	22	"	1378	10	22	"	1386	18	22	"	1394
21	"	"	1379	21	"	"	1387	21	"	"	1395
3	22	"	1379	11	22	"	1387	19	22	"	1395
21	"	"	1380	21	"	"	1388	21	"	"	1396
4	22	"	1380	12	22	"	1388	20	22	"	1396
21	"	"	1381	21	"	"	1389	21	"	"	1397
5	22	"	1381	13	22	"	1389	21	22	"	1397
21	"	"	1382	21	"	"	1390	21	"	"	1398
6	22	"	1382	14	22	"	1390	22	22	"	1398
21	"	"	1383	21	"	"	1391	21	"	"	1399
7	22	"	1383	15	22	"	1391	23	22	"	1399
21	"	"	1384	21	"	"	1392	29	Sept.		1399
8	22	"	1384	16	22	"	1392				
21	"	"	1385	21	"	"	1393				

HENRY THE FOURTH.

1 30 Sept. 1399
29 " 1400
2 30 " 1400
29 " 1401
3 30 " 1401
29 " 1402
4 30 " 1402
29 " 1403
5 30 " 1403
29 " 1404

6 30 Sept. 1404
29 " 1405
7 30 " 1405
29 " 1406
8 30 " 1406
29 " 1407
9 30 " 1407
29 " 1408
10 30 " 1408
29 " 1409

11 30 Sept. 1409
29 " 1410
12 30 " 1410
29 " 1411
13 30 " 1411
29 " 1412
14 30 " 1412
20 Mar. 1413

HENRY THE FIFTH.

1 21 Mar. 1413
20 " 1414
2 21 " 1414
20 " 1415
3 21 " 1415
20 " 1416
4 21 " 1416
20 " 1417

5 21 Mar. 1417
20 " 1418
6 21 " 1418
20 " 1419
7 21 " 1419
20 " 1420
8 21 " 1420
20 " 1421

9 21 Mar. 1421
20 " 1422
10 21 Aug. 1422
31 " 1422

HENRY THE SIXTH.

1 1 Sept. 1422
31 Aug. 1423
2 1 Sept. 1423
31 Aug. 1424
3 1 Sept. 1424
31 Aug. 1425
4 1 Sept. 1425
31 Aug. 1426
5 1 Sept. 1426
31 Aug. 1427
6 1 Sept. 1427
31 Aug. 1428
7 1 Sept. 1428
31 Aug. 1429
8 1 Sept. 1429
31 Aug. 1430
9 1 Sept. 1430
31 Aug. 1431
10 1 Sept. 1431
31 Aug. 1432

11 1 Sept. 1432
31 Aug. 1433
12 1 Sept. 1433
31 Aug. 1434
13 1 Sept. 1434
31 Aug. 1435
14 1 Sept. 1435
31 Aug. 1436
15 1 Sept. 1436
31 Aug. 1437
16 1 Sept. 1437
31 Aug. 1438
17 1 Sept. 1438
31 Aug. 1439
18 1 Sept. 1439
31 Aug. 1440
19 1 Sept. 1440
31 Aug. 1441
20 1 Sept. 1441
31 Aug. 1442

21 1 Sept. 1442
31 Aug. 1443
22 1 Sept. 1443
31 Aug. 1444
23 1 Sept. 1444
31 Aug. 1445
24 1 Sept. 1445
31 Aug. 1446
25 1 Sept. 1446
31 Aug. 1447
26 1 Sept. 1447
31 Aug. 1448
27 1 Sept. 1448
31 Aug. 1449
28 1 Sept. 1449
31 Aug. 1450
29 1 Sept. 1450
31 Aug. 1451
30 1 Sept. 1451
31 Aug. 1452

HENRY THE SIXTH.

31 1 Sept. 1452
31 Aug. 1453
32 1 Sept. 1453
31 Aug. 1454
33 1 Sept. 1454
31 Aug. 1455

34 1 Sept. 1455
31 Aug. 1456
35 1 Sept. 1456
31 Aug. 1457
36 1 Sept. 1457
31 Aug. 1458

37 1 Sept. 1458
31 Aug. 1459
38 1 Sept. 1459
31 Aug. 1460
39 1 Sept. 1460
4 Mar. 1461

EDWARD THE FOURTH.

1 4 Mar. 1461
3 " 1462
2 4 " 1462
3 " 1463
3 4 " 1463
3 " 1464
4 4 " 1464
3 " 1465
5 4 " 1465
3 " 1466
6 4 " 1466
3 " 1467
7 4 " 1467
3 " 1468
8 4 " 1468
3 " 1469

9 4 Mar. 1469
3 " 1470
10 4 " 1470
3 " 1471
11 4 " 1471
3 " 1472
12 4 " 1472
3 " 1473
13 4 " 1473
3 " 1474
14 4 " 1474
3 " 1475
15 4 " 1475
3 " 1476
16 4 " 1476
3 " 1477

17 4 Mar. 1477
3 " 1478
18 4 " 1478
3 " 1479
19 4 " 1479
3 " 1480
20 4 " 1480
3 " 1481
21 4 " 1481
3 " 1482
22 4 " 1482
3 " 1483
23 4 " 1483
9 Apr. 1483

EDWARD THE FIFTH.

1 9 April 1483
25 June 1483

RICHARD THE THIRD.

1 26 June 1483
25 " 1484

2 26 June 1484
25 " 1485

3 26 June 1485
22 Aug. 1485

THE TUDORS.

HENRY THE SEVENTH.

1 22 Aug. 1485
21 " 1486
2 22 " 1486
21 " 1487
3 22 " 1487
21 " 1488
4 22 " 1488
21 " 1489

5 22 Aug. 1489
21 " 1490
6 22 " 1490
21 " 1491
7 22 " 1491
21 " 1492
8 22 " 1492
21 " 1493

9 22 Aug. 1493
21 " 1494
10 22 " 1494
21 " 1495
11 22 " 1495
21 " 1496
12 22 " 1496
21 " 1497

INTRODUCTION.
HENRY THE SEVENTH.

13	22	Aug.	1497	17	22	Aug.	1501	21	22	Aug.	1505
	21	"	1498		21	"	1502		21	"	1506
14	22	"	1498	18	22	"	1502	22	22	"	1506
	21	"	1499		21	"	1503		21	"	1507
15	22	"	1499	19	22	"	1503	23	22	"	1507
	21	"	1500		21	"	1504		21	"	1508
16	22	"	1500	20	22	"	1504	24	22	"	1508
	21	"	1501		21	"	1505		21	Apr.	1509

HENRY THE EIGHTH.

1	22	Apr.	1509	14	22	Apr.	1522	27	22	Apr.	1535
	21	"	1510		21	"	1523		21	"	1536
2	22	"	1510	15	22	"	1523	28	22	"	1536
	21	"	1511		21	"	1524		21	"	1537
3	22	"	1511	16	22	"	1524	29	22	"	1537
	21	"	1512		21	"	1525		21	"	1538
4	22	"	1512	17	22	"	1525	30	22	"	1538
	21	"	1513		21	"	1526		21	"	1539
5	22	"	1513	18	22	"	1526	31	22	"	1539
	21	"	1514		21	"	1527		21	"	1540
6	22	"	1514	19	22	"	1527	32	22	"	1540
	21	"	1515		21	"	1528		21	"	1541
7	22	"	1515	20	22	"	1528	33	22	"	1541
	21	"	1516		21	"	1529		21	"	1542
8	22	"	1516	21	22	"	1529	34	22	"	1542
	21	"	1517		21	"	1530		21	"	1543
9	22	"	1517	22	22	"	1530	35	22	"	1543
	21	"	1518		21	"	1531		21	"	1544
10	22	"	1518	23	22	"	1531	36	22	"	1544
	21	"	1519		21	"	1532		21	"	1545
11	22	"	1519	24	22	"	1532	37	22	"	1545
	21	"	1520		21	"	1533		21	"	1546
12	22	"	1520	25	22	"	1533	38	22	"	1546
	21	"	1521		21	"	1534		28	Jan.	1547
13	22	"	1521	26	22	"	1534				
	21	"	1522		21	"	1535				

EDWARD THE SIXTH.

1	28	Jan.	1547	4	28	Jan.	1550	7	27	Jan.	1553
	27	"	1548		27	"	1551		6	July	1553
2	28	"	1548	5	28	"	1551				
	27	"	1549		27	"	1552				
3	28	"	1549	6	28	"	1552				
	27	"	1550		27	"	1553				

INTRODUCTION.

MARY.

1	6	July	1553	2	6	July	1554
	5	"	1554		24	"	1554

PHILIP AND MARY.

(The marriage took place 25 July. 1554.)

1	25	July	1554	3	25	July	1556	5	25	July	1558
	24	"	1555		24	"	1557		17	Nov.	1558
2	25	"	1556	4	25	"	1557				
	24	"	1556		24	"	1558				

ELIZABETH.

1	17	Nov.	1558	16	17	Nov.	1573	31	17	Nov.	1588
	16	"	1559		16	"	1574		16	"	1589
2	17	"	1559	17	17	"	1574	32	17	"	1589
	16	"	1560		16	"	1575		16	"	1590
3	17	"	1560	18	17	"	1575	33	17	"	1590
	16	"	1561		16	"	1576		16	"	1591
4	17	"	1561	19	17	"	1576	34	17	"	1591
	16	"	1562		16	"	1577		16	"	1592
5	17	"	1562	20	17	"	1577	35	17	"	1592
	16	"	1563		16	"	1578		16	"	1593
6	17	"	1563	21	17	"	1578	36	17	"	1593
	16	"	1564		16	"	1579		16	"	1594
7	17	"	1564	22	17	"	1579	37	17	"	1594
	16	"	1565		16	"	1580		16	"	1595
8	17	"	1565	23	17	"	1580	38	17	"	1595
	16	"	1566		16	"	1581		16	"	1596
9	17	"	1566	24	17	"	1581	39	17	"	1596
	16	"	1567		16	"	1582		16	"	1597
10	17	"	1567	25	17	"	1582	40	17	"	1597
	16	"	1568		16	"	1583		16	"	1598
11	17	"	1568	26	17	"	1583	41	17	"	1598
	16	"	1569		16	"	1584		16	"	1599
12	17	"	1569	27	17	"	1584	42	17	"	1599
	16	"	1570		16	"	1585		16	"	1600
13	17	"	1570	28	17	"	1585	43	17	"	1600
	16	"	1571		16	"	1586		16	"	1601
14	17	"	1571	29	17	"	1586	44	17	"	1601
	16	"	1572		16	"	1587		16	"	1602
15	17	"	1572	30	17	"	1587	45	17	"	1602
	16	"	1573		16	"	1588		24	Mar.	1603

INTRODUCTION.

THE STUARTS.

JAMES THE FIRST.

1	24	Mar.	1603	9	24	Mar.	1611	17	24	Mar.	1619
	23	"	1604		23	"	1612		23	"	1620
2	24	"	1604	10	24	"	1612	18	24	"	1620
	23	"	1605		23	"	1613		23	"	1621
3	24	"	1605	11	24	"	1613	19	24	"	1621
	23	"	1606		23	"	1614		23	"	1622
4	24	"	1606	12	24	"	1614	20	24	"	1622
	23	"	1607		23	"	1615		23	"	1623
5	24	"	1607	13	24	"	1615	21	24	"	1623
	23	"	1608		23	"	1616		23	"	1624
6	24	"	1608	14	24	"	1616	22	24	"	1624
	23	"	1609		23	"	1617		23	"	1625
7	24	"	1609	15	24	"	1617	23	24	"	1625
	23	"	1610		23	"	1618		27	"	1625
8	24	"	1610	16	24	"	1618				
	23	"	1611		23	"	1619				

CHARLES THE FIRST.

1	27	Mar.	1625	9	27	Mar.	1633	17	27	Mar.	1641
	26	"	1626		26	"	1634		26	"	1642
2	27	"	1626	10	27	"	1634	18	27	"	1642
	26	"	1627		26	"	1635		26	"	1643
3	27	"	1627	11	27	"	1635	19	27	"	1643
	26	"	1628		26	"	1636		26	"	1644
4	27	"	1628	12	27	"	1636	20	27	"	1644
	26	"	1629		26	"	1637		26	"	1645
5	27	"	1629	13	27	"	1637	21	27	"	1645
	26	"	1630		26	"	1638		26	"	1646
6	27	"	1630	14	27	"	1638	22	27	"	1646
	26	"	1631		26	"	1639		26	"	1647
7	27	"	1631	15	27	"	1639	23	27	"	1647
	26	"	1632		26	"	1640		26	"	1648
8	27	"	1632	16	27	"	1640	24	27	"	1648
	26	"	1633		26	"	1641		30	Jan.	1649

THE COMMONWEALTH.

The Council of State and Government by Parliament } began in 1649, ended in 1653, and lasted four years.

The Protectorate of Oliver Cromwell..... } began in 1653, ended in 1658, and lasted five years.

INTRODUCTION.

THE COMMONWEALTH.

The Protectorate of Richard Cromwell... } began in 1658, ended in 1659, and lasted seven months.

The Council of State and Government by Parliament..... } resumed in 1659, ended in 1660, and lasted thirteen months.

THE STUARTS RESTORED.

CHARLES THE SECOND.

1	30	Jan.	1649	14	30	Jan.	1662	27	30	Jan.	1675
	29	"	1650		29	"	1663		24	"	1676
2	30	"	1650	15	30	"	1663	28	30	"	1676
	29	"	1651		29	"	1664		29	"	1677
3	30	"	1651	16	30	"	1664	29	30	"	1677
	29	"	1652		29	"	1665		29	"	1678
4	30	"	1652	17	30	"	1665	30	30	"	1678
	29	"	1653		29	"	1666		29	"	1679
5	30	"	1653	18	30	"	1666	31	30	"	1679
	29	"	1654		29	"	1667		29	"	1680
6	30	"	1654	19	30	"	1667	32	30	"	1680
	29	"	1655		29	"	1668		29	"	1681
7	30	"	1655	20	30	"	1668	33	30	"	1681
	29	"	1656		29	"	1669		29	"	1682
8	30	"	1656	21	30	"	1669	34	30	"	1682
	29	"	1657		29	"	1670		29	"	1683
9	30	"	1657	22	30	"	1670	35	30	"	1683
	29	"	1658		29	"	1671		29	"	1684
10	30	"	1658	23	30	"	1671	36	30	"	1684
	29	"	1659		29	"	1672		29	"	1685
11	30	"	1659	24	30	"	1672	37	30	"	1685
	29	"	1660		29	"	1673		6. Feb.		1685
12	30	"	1660	25	30	"	1673				
	29	"	1661		29	"	1674				
13	30	"	1661	26	30	"	1674				
	29	"	1662		29	"	1675				

JAMES THE SECOND.

1	6	Feb.	1685	3	6	Feb.	1687
	5	"	1686		5	"	1688
2	6	"	1686	4	6	"	1688
	5	"	1687		11	Dec.	1688

The bracket, enclosing the years from 1649 to 1653, both inclusive, marks the period in which the Stuart dynasty was, for the time being, supplanted by the Commonwealth. The English chronologists sometimes ignore the Commonwealth in the tabulation of the regnal years. The Commonwealth, however, was a fact. It will be understood, therefore, that in the time intervening between the execution of Charles I. and the restoration of Charles II., the reign of the latter was nominal and not actual.

THE REVOLUTION—1688.

WILLIAM AND MARY.

1	13	Feb.	1688	6	13	Feb.	1694	10	28	Dec.	1697
	12	"	1690		27	Dec.	1694		27	"	1698
2	13	"	1690					11	28	"	1698
	12	"	1691						27	"	1699
3	13	Feb.	1691					12	28	Dec.	1699
	12	"	1692						27	"	1700
4	13	"	1692					13	28	"	1700
	12	"	1693						27	"	1701
5	13	"	1693					14	28	"	1701
	12	"	1694						8	Mar.	1702

WILLIAM THE THIRD.

7	28	Dec.	1694	12	28	Dec.	1699
	27	"	1695		27	"	1700
8	28	"	1695	13	28	"	1700
	27	"	1696		27	"	1701
9	28	"	1696	14	28	"	1701
	27	"	1697		8	Mar.	1702

ANNE.

1	8	Mar.	1702	6	8	Mar.	1707	11	8	Mar.	1712
	7	"	1703		7	"	1708		7	"	1713
2	8	"	1703	7	8	"	1708	12	8	"	1713
	7	"	1704		7	"	1709		7	"	1714
3	8	"	1704	8	8	"	1709	13	8	"	1714
	7	"	1705		7	"	1710		1	Aug.	1714
4	8	"	1705	9	8	"	1710				
	7	"	1706		7	"	1711				
5	8	"	1706	10	8	"	1711				
	7	"	1707		7	"	1712				

THE HANOVERIANS.

GEORGE THE FIRST.

1	1	Aug.	1714	6	1	Aug.	1719	11	1	Aug.	1724
	31	July	1715		31	July	1720		31	July	1725
2	1	Aug.	1715	7	1	Aug.	1720	12	1	Aug.	1725
	31	July	1716		31	July	1721		31	July	1726
3	1	Aug.	1716	8	1	Aug.	1721	13	1	Aug.	1726
	31	July	1717		31	July	1722		11	June	1727
4	1	Aug.	1717	9	1	Aug.	1722				
	31	July	1718		31	July	1723				
5	1	Aug.	1718	10	1	Aug.	1723				
	31	July	1719		31	July	1724				

GEORGE THE SECOND.

1	11	June	1727	4	11	June	1730	7	11	June	1733
	10	"	1728		10	"	1731		10	"	1734
2	11	"	1728	5	11	"	1731	8	11	"	1734
	10	"	1729		10	"	1732		10	"	1735
3	11	"	1729	6	11	"	1732	9	11	"	1735
	10	"	1730		10	"	1733		10	"	1736

GEORGE THE SECOND.

10	11	June	1736	19	11	June	1745	28	11	June	1754
	10	"	1737		10	"	1746		10	"	1755
11	11	"	1737	20	11	"	1746	29	11	"	1755
	10	"	1738		10	"	1747		10	"	1756
12	11	"	1738	21	11	"	1747	30	11	"	1756
	10	"	1739		10	"	1748		10	"	1757
13	11	"	1739	22	11	"	1748	31	11	"	1757
	10	"	1740		10	"	1749		10	"	1758
14	11	"	1740	23	11	"	1749	32	11	"	1758
	10	"	1741		10	"	1750		10	"	1759
15	11	"	1741	24	11	"	1750	33	11	"	1759
	10	"	1742		10	"	1751		10	"	1760
16	11	"	1742	25	11	"	1751	34	11	"	1760
	10	"	1743		10	"	1752		25	Oct.	1760
17	11	"	1743	26	11	"	1752				
	10	"	1744		10	"	1753				
18	11	"	1744	27	11	"	1753				
	10	"	1745		10	"	1754				

GEORGE THE THIRD.

1	25	Oct.	1760	12	25	Oct.	1771	23	25	Oct.	1782
	24	"	1761		24	"	1772		24	"	1783
2	25	"	1761	13	25	"	1772	24	25	"	1783
	24	"	1762		24	"	1773		24	"	1784
3	25	"	1762	14	25	"	1773	25	25	"	1784
	24	"	1763		24	"	1774		24	"	1785
4	25	"	1763	15	25	"	1774	26	25	"	1785
	24	"	1764		24	"	1775		24	"	1786
5	25	"	1764	16	25	"	1775	27	25	"	1786
	24	"	1765		24	"	1776		24	"	1787
6	25	"	1765	17	25	"	1776	28	25	"	1787
	24	"	1766		24	"	1777		24	"	1788
7	25	"	1766	18	25	"	1777	29	25	"	1788
	24	"	1767		24	"	1778		24	"	1789
8	25	"	1767	19	25	"	1778	30	25	"	1789
	24	"	1768		24	"	1779		24	"	1790
9	25	"	1768	20	25	"	1779	31	25	"	1790
	24	"	1769		24	"	1780		24	"	1791
10	25	"	1769	21	25	"	1780	32	25	"	1791
	24	"	1770		24	"	1781		24	"	1792
11	25	"	1770	22	25	"	1781	33	25	"	1792
	24	"	1771		24	"	1782		24	"	1793

2	19	20	1838	1	19	20	1838	3	19	20	1839	4	19	20	1840	5	19	20	1841	6	19	20	1842	
1	20	19	1837	2	20	1831	4	20	1833	5	20	1834	6	20	1835	7	20	1836	8	20	1837	9	20	1838
3	25	26	1833	2	25	1831	5	25	1834	6	25	1835	7	25	1836	8	25	1837	9	25	1838	10	25	1839
4	28	29	1823	3	28	1822	6	28	1825	7	28	1826	8	28	1827	9	28	1828	10	28	1829	11	28	1830
5	29	29	1821	4	29	1821	7	29	1826	8	29	1827	9	29	1828	10	29	1829	11	29	1830	12	29	1831
6	30	30	1801	5	30	1801	8	30	1804	9	30	1805	10	30	1806	11	30	1807	12	30	1808	13	30	1809
7	31	31	1802	6	31	1802	9	31	1805	10	31	1806	11	31	1807	12	31	1808	13	31	1809	14	31	1810
8	32	32	1803	7	32	1803	10	32	1806	11	32	1807	12	32	1808	13	32	1809	14	32	1810	15	32	1811
9	33	33	1804	8	33	1804	11	33	1807	12	33	1808	13	33	1809	14	33	1810	15	33	1811	16	33	1812
10	34	34	1805	9	34	1805	12	34	1808	13	34	1809	14	34	1810	15	34	1811	16	34	1812	17	34	1813
11	35	35	1806	10	35	1806	13	35	1809	14	35	1810	15	35	1811	16	35	1812	17	35	1813	18	35	1814
12	36	36	1807	11	36	1807	14	36	1810	15	36	1811	16	36	1812	17	36	1813	18	36	1814	19	36	1815
13	37	37	1808	12	37	1808	15	37	1811	16	37	1812	17	37	1813	18	37	1814	19	37	1815	20	37	1816
14	38	38	1809	13	38	1809	16	38	1812	17	38	1813	18	38	1814	19	38	1815	20	38	1816	21	38	1817
15	39	39	1810	14	39	1810	17	39	1813	18	39	1814	19	39	1815	20	39	1816	21	39	1817	22	39	1818
16	40	40	1811	15	40	1811	18	40	1814	19	40	1815	20	40	1816	21	40	1817	22	40	1818	23	40	1819
17	41	41	1812	16	41	1812	19	41	1815	20	41	1816	21	41	1817	22	41	1818	23	41	1819	24	41	1820
18	42	42	1813	17	42	1813	20	42	1816	21	42	1817	22	42	1818	23	42	1819	24	42	1820	25	42	1821
19	43	43	1814	18	43	1814	21	43	1817	22	43	1818	23	43	1819	24	43	1820	25	43	1821	26	43	1822
20	44	44	1815	19	44	1815	22	44	1818	23	44	1819	24	44	1820	25	44	1821	26	44	1822	27	44	1823
21	45	45	1816	20	45	1816	23	45	1819	24	45	1820	25	45	1821	26	45	1822	27	45	1823	28	45	1824
22	46	46	1817	21	46	1817	24	46	1820	25	46	1821	26	46	1822	27	46	1823	28	46	1824	29	46	1825
23	47	47	1818	22	47	1818	25	47	1821	26	47	1822	27	47	1823	28	47	1824	29	47	1825	30	47	1826
24	48	48	1819	23	48	1819	26	48	1822	27	48	1823	28	48	1824	29	48	1825	30	48	1826	31	48	1827
25	49	49	1820	24	49	1820	27	49	1823	28	49	1824	29	49	1825	30	49	1826	31	49	1827	32	49	1828
26	50	50	1821	25	50	1821	28	50	1824	29	50	1825	30	50	1826	31	50	1827	32	50	1828	33	50	1829
27	51	51	1822	26	51	1822	29	51	1825	30	51	1826	31	51	1827	32	51	1828	33	51	1829	34	51	1830
28	52	52	1823	27	52	1823	30	52	1826	31	52	1827	32	52	1828	33	52	1829	34	52	1830	35	52	1831
29	53	53	1824	28	53	1824	31	53	1828	32	53	1829	33	53	1830	34	53	1831	35	53	1832	36	53	1833
30	54	54	1825	29	54	1825	32	54	1830	33	54	1831	34	54	1832	35	54	1833	36	54	1834	37	54	1835
31	55	55	1826	30	55	1826	33	55	1831	34	55	1832	35	55	1833	36	55	1834	37	55	1835	38	55	1836
32	56	56	1827	31	56	1827	34	56	1832	35	56	1833	36	56	1834	37	56	1835	38	56	1836	39	56	1837
33	57	57	1828	32	57	1828	35	57	1833	36	57	1834	37	57	1835	38	57	1836	39	57	1837	40	57	1838
34	58	58	1829	33	58	1829	36	58	1834	37	58	1835	38	58	1836	39	58	1837	40	58	1838	41	58	1839
35	59	59	1830	34	59	1830	37	59	1835	38	59	1836	39	59	1837	40	59	1838	41	59	1839	42	59	1840
36	60	60	1831	35	60	1831	38	60	1836	39	60	1837	40	60	1838	41	60	1839	42	60	1840	43	60	1841
37	61	61	1832	36	61	1832	39	61	1837	40	61	1838	41	61	1839	42	61	1840	43	61	1841	44	61	1842
38	62	62	1833	37	62	1833	40	62	1838	41	62	1839	42	62	1840	43	62	1841	44	62	1842	45	62	1843
39	63	63	1834	38	63	1834	41	63	1839	42	63	1840	43	63	1841	44	63	1842	45	63	1843	46	63	1844
40	64	64	1835	39	64	1835	42	64	1840	43	64	1841	44	64	1842	45	64	1843	46	64	1844	47	64	1845
41	65	65	1836	40	65	1836	43	65	1841	44	65	1842	45	65	1843	46	65	1844	47	65	1845	48	65	1846
42	66	66	1837	41	66	1837	44	66	1842	45	66	1843	46	66	1844	47	66	1845	48	66	1846	49	66	1847
43	67	67	1838	42	67	1838	45	67	1843	46	67	1844	47	67	1845	48	67	1846	49	67	1847	50	67	1848
44	68	68	1839	43	68	1839	46	68	1844	47	68	1845	48	68	1846	49	68	1847	50	68	1848	51	68	1849
45	69	69	1840	44	69	1840	47	69	1845	48	69	1846	49	69	1847	50	69	1848	51	69	1849	52	69	1850
46	70	70	1841	45	70	1841	48	70	1846	49	70	1847	50	70	1848	51	70	1849	52	70	1850	53	70	1851
47	71	71	1842	46	71	1842	49	71	1847	50	71	1848	51	71	1849	52	71	1850	53	71	1851	54	71	1852
48	72	72	1843	47	72	1843	50	72	1848	51	72	1849	52	72	1850	53	72	1851	54	72	1852	55	72	1853
49	73	73	1844	48	73	1844	51	73	1849	52	73	1850	53	73	1851	54	73	1852	55	73	1853	56	73	1854
50	74	74	1845	49	74	1845	52	74	1850	53	74	1851	54	74	1852	55	74	1853	56	74	1854	57	74	1855
51	75	75	1846	50	75	1846	53	75	1851	54	75	1852	55	75	1853	56	75	1854	57	75	1855	58	75	1856
52	76	76	1847	51	76	1847	54	76	1852	55	76	1853	56	76	1854	57	76	1855	58	76	1856	59	76	1857
53	77	77	1848	52	77	1848	55	77	1853	56	77	1854	57	77	1855	58	77	1856	59	77	1857	60	77	1858
54	78	78	1849	53	78	1849	56	78	1854	57	78	1855	58	78	1856	59	78	1857	60	78	1858	61	78	1859
55	79	79	1850	54	79	1850	57	79	1855	58	79	1856	59	79	1857	60	79	1858	61	79	1859	62	79	1860
56	80	80	1851	55	80	1851	58	80	1856	59	80	1857	60	80	1858	61	80	1859	62	80	1860	63	80	1861
57	81	81	1852	56	81	1852	59	81	1857	60	81	1858	61	81	1859	62	81	1860	63	81	1861	64	81	1862
58	82	82	1853	57	82	1853	60	82	1858	61	82	1859	62	82	1860	63	82	1861	64	82	1862	65	82	1863
59	83	83	1854	58	83	1854	61	83	1859	62	83	1860	63	83	1861	64	83	1862	65	83	1863	66	83	1864
60	84	84	1855	59	84	1855	62	84	1860	63	84	1861	64	84	1862	65	84	1863	66	84	1864	67	84	1865
61	85	85	1856	60	85	1856	63	85	1861	64	85	1862	65	85	1863	66	85	1864	67	85	1865	68	85	1866
62	86	86	1857	61	86	1857	64	86	1862	65	86	1863	66	86	1864	67	86	1865	68	86	1866	69	86	1867
63	87	87	1858	62	87	1858	65	87	1863	66	87	1864	67	87	1865	68	87	1866	69	87	1867	70	87	1868
64	88	88	1859	63	88	1859	66	88	1864	67	88	1865	68	88	1866	69	88	1867	70</					

HOWARD THE SEVENTH.		1902	1903
27	20 June	1863	1864
28	20 "	1864	1865
29	20 "	1865	1866
30	20 "	1866	1867
31	20 "	1867	1868
32	20 "	1868	1869
33	20 "	1869	1870
34	20 "	1870	1871
35	20 "	1871	1872
36	20 "	1872	1873
37	20 "	1873	1874
38	20 "	1874	1875
39	20 "	1875	1876
40	20 "	1876	1877
41	20 "	1877	1878
42	20 "	1878	1879
43	20 "	1879	1880
44	20 "	1880	1881
45	20 "	1881	1882
46	20 "	1882	1883

EXPLANATION.

"That the reign of King John commenced on Ascension day, May 27, 1199, and that his regnal years were computed from Ascension day to Ascension day, is proved by the Close, Fine, and Patent Rolls in the Tower."

In the 3rd, 5th, 8th, 11th, 14th, and 16th years of John, several days of the month of May, in two succeeding years of our Lord, occurred in the same year of that King's reign; thus:

Anno 3	Ascension day, 1201 (3 May) to	Ascension day 1202 (22 May)
5	" 1203 (15 May) to	" 1204 (2 June)
8	" 1206 (11 May) to	" 1207 (30 May)
11	" 1209 (7 May) to	" 1210 (26 May)
14	" 1212 (3 May) to	" 1213 (22 May)
16	" 1214 (8 May) to	" 1215 (27 May)

Consequently every day from the 4th to the 22nd of May, 1201, and from the 4th to the 22nd of May, 1202, both inclusive, occurred in the first year of King John, and no document dated from the 4th to the 22nd of May, 1 John, can be assigned with certainty to the right year of our Lord; and in a similar manner with respect to certain days in the other years above mentioned." Nicolas, *Chronology of History*, pp. 208, 346.

THE REFORMATION OF THE CALENDAR.

(From the *Dictionary of English History*, Page 218.)

The reformation of the calendar (1751) was in great part due to the efforts of Lord Chesterfield. The "Old Style," which was now eleven days in error, had long since been abandoned by most civilized nations. England, however, with Russia and Sweden, still clung to the antiquated system. "It was not," wrote Chesterfield, "very honourable for England to remain in a gross and avowed error, especially in such company." Accordingly, having paved the way to his measure by some letters to the *World*, Chesterfield drew up the scheme in concert with Lord Macclesfield and Bradley, the astronomer. The bill successfully passed both houses of parliament. It ordained that the year 1752 should begin on the 1st of January instead of the 25th of March, and that the 3d of the month of September should be called the 14th, so as to lose the eleven days. Further, such changes should be introduced as would make the solar year and the lunar year coincide. In the matter of payments, it was enacted that these should not be altered, and that the 5th of April, the 5th of July, the 10th of October, and the 5th of January should still continue to be the days on which the dividends of the public funds became due. This change met with a good deal of ignorant opposition. The common opposition election cry was, "Give us back our eleven days."

A TABLE OF ENGLISH REGNAL YEARS ACCOMPANIED BY A CORRESPONDING CHRONOLOGICAL PRESENTATION OF THE SUCCESSION OF CHIEF MAGISTRATES FOR NEW-HAMPSHIRE IN THE COLONIAL AND PROVINCE PERIOD, 1620-1775.

		<i>James the First.</i>		<i>Governor Plymouth Colony.</i>	<i>Governor Mass. Bay Colony.</i>
18	24 Mar. 1620	Plymouth Colony	John Carver.		
	23 " 1621	established, 1620			
19	24 " 1621		John Carver		
	13 " 1622				

FIRST PERIOD OF LOCAL SELF-GOVERNMENT OF THE NEW HAMPSHIRE TOWNS WITHOUT PROVINCE ORGANIZATION OR PROVINCE GOVERNMENT. THE PERIOD OF THE FIRST SETTLEMENT.

		1623-1641.		<i>Governor Plymouth Colony.</i>	<i>Governor Mass. Bay Colony.</i>
		<i>James the First.</i>			
20	24 Mar. 1622	First Settlements at Portsmouth and Dover.	William Bradford		
	23 " 1623				
21	24 " 1623		" "		
	23 " 1624				
22	24 " 1624		" "		
	23 " 1625				
23	24 " 1625		" "		
	27 " 1625				
		<i>Charles the First.</i>			
1	27 Mar. 1625		William Bradford		
	26 " 1626				
2	27 " 1626		" "		
	26 " 1627				
3	27 " 1627		" "		
	26 " 1628				
4	27 " 1628	First settlement Mass. Bay at Salem.	" "		First charter, granted to Mass. Bay Colony 1629.
	26 " 1629				
5	27 " 1629		" "		
	26 " 1630				
6	27 " 1630		" "		John Winthrop.
	26 " 1631				
7	27 " 1631		" "		
	26 " 1632				
8	27 " 1632		" "		
	26 " 1633				
9	27 " 1633		Edward Winslow	" "	
	26 " 1634				
10	27 " 1634		Thomas Prince	Thomas Dudley	
	26 " 1635				
11	27 " 1635		William Bradford	John Haynes	
	26 " 1636				

		<i>Charles the First.</i>		<i>Governor Plymouth Colony.</i>	<i>Governor Mass. Bay Colony.</i>
12	27	Mar. 1636		Edward Winslow	Henry Vane
	26	" 1637			
13	27	" 1637	First settlements	William Bradford	John Winthrop
	26	" 1638	Hampton and Exeter.		
14	27	" 1638		Thomas Prince	" "
	26	" 1639			
15	27	" 1639	Hampton incor-	William Bradford	" "
	26	" 1640	porated by Mass.		
		" 1640	Bay.		
16	27	" 1640			Thomas Dudley
	26	" 1641			

PERIOD OF THE FIRST UNION OF THE NEW HAMPSHIRE TOWNS AND MASSACHUSETTS BAY COLONY.

1641-1679.

		<i>Charles the First.</i>		<i>Governor Plymouth Colony.</i>	<i>Governor Mass. Bay Colony.</i>
17	27	Mar. 1641	Portsmouth and	William Bradford	Richard Bellingham
	26	" 1642	Dover consent to union with Mass. Bay.		
18	27	" 1642			John Winthrop
	26	" 1643			
19	27	" 1643	Exeter consents		
	26	" 1644	to union with Mass. Bay.		
20	27	" 1644		Edward Winslow	John Endicott
	26	" 1645			
21	27	" 1645		William Bradford	Thomas Dudley
	26	" 1646			
22	27	" 1646			John Winthrop
	26	" 1647			
23	27	" 1647			
	26	" 1648			
24	27	" 1648			
	30	Jan. 1649			
		<i>Charles the Second.</i>			
1	30	Jan. 1649			John Endicott
	29	" 1650			
2	30	" 1650			Thomas Dudley
	29	" 1651			
3	30	" 1651			John Endicott
	29	" 1652			
4	30	" 1652			
	29	" 1653			
5	30	" 1653			
	29	" 1654			
6	30	" 1654			Richard Bellingham
	29	" 1655			
7	30	" 1655			John Endicott
	29	" 1656			

		<i>Charles the Second.</i>		<i>Governor Plymouth Colony.</i>	<i>Governor Mass. Bay Colony.</i>
8	30	Jan. 1656		William Bradford	John Endicott
	29	" 1657			
9	30	" 1657		Thomas Prince	" "
	29	" 1658			
10	30	" 1658			
	29	" 1659			
11	30	" 1659			
	29	" 1660			
12	30	" 1660			
	29	" 1661			
13	30	" 1661	Isles of Shoals in-		
	29	" 1662	corporated by		
			Mass. Bay under		
			name of Appledore.		
14	30	" 1662			
	29	" 1663			
15	30	" 1663			
	29	" 1664			
16	30	" 1664			
	29	" 1665			
17	30	" 1665			Richard Bellingham
	29	" 1666			
18	30	" 1666		Thomas Prince	" "
	29	" 1667			
19	30	" 1667			
	29	" 1668			
20	30	" 1668			
	29	" 1669			
21	30	" 1669			
	29	" 1670			
22	30	" 1670			
	29	" 1671			
23	30	" 1671			
	29	" 1672			
24	30	" 1672			
	29	" 1673			
25	30	" 1673		Josiah Winslow	John Leverett
	29	" 1674			
26	30	" 1674			
	29	" 1675			
27	30	" 1675			
	29	" 1676			
28	30	" 1676			
	29	" 1677			
29	30	" 1677			
	29	" 1678			
30	30	" 1678			
	29	" 1679			

PERIOD OF THE FIRST SEPARATE PROVINCE GOVERNMENT.

1679-1686.

Charles the Second. President of New Deputy President. Actual Adminis-
Hampshire. trator.

31	30	Jan.	1679	John Cutt	Richard Waldron, Sr.	John Cutt
	29	"	1680	"	"	"
32	30	"	1680	"	"	"
	29	"	1681	"	"	"
33	30	"	1681	"	"	"
	29	"	1682	"	"	Richard Waldron, Sr.
				Lieutenant Governor.	Deputy.	
34	30	"	1682	Edward Cranfield	Walter Barefoote	Edward Cranfield
	29	"	1683	"	"	"
35	30	"	1683	"	"	"
	29	"	1684	"	"	"
36	30	"	1684	"	"	"
	29	"	1685	"	"	"
						First Charter of Mass. Bay abrogated June 18, 1684.
37	30	"	1685	"	"	"
	6	Feb.	1685	"	"	Edward Cranfield

James the Second.

1	6	Feb.	1685	"	"	"
	5	"	1686	"	"	Walter Barefoote, from May 15, 1685

PERIOD OF GOVERNMENT UNDER THE DOMINION OF NEW ENGLAND.

1686-1689.

James the Second. Dominion of New England,
President.

2	6	Feb.	1686	Joseph Dudley		
	5	"	1687	"		
				Governor.		
3	6	"	1687	Sir Edmund Andros		
	5	"	1688	"		
4	6	"	1688	"		
	11	Dec.	1688	"		

Interregnum from the deposition of James II. December 11, 1688, to the accession of William and Mary, February 13, 1689.

¹ Soon after the separation of Massachusetts and New Hampshire in 1679, a large part of the inhabitants of the Isles of Shoals left Hog Island and Smuttys Nose Island, which were within the boundaries of the province of Maine, and crossed over to Star Island on the New Hampshire side. This may have been a movement to escape the high taxes levied by or under the authority of the Mass. Bay government. [Jenness, Isles of Shoals, pp. 105, 106.]

² John Cutt died March 27, 1681, and the deputy president, Richard Waldron, Sr., served as president until the publication of the commission of Lieutenant-Governor Edward Cranfield, Oct. 4, 1682.

³ Edward Cranfield left the province May 15, 1685 [Province Papers of New Hampshire, Vol. 1, p. 585] and the deputy-governor, Walter Barefoote, served as governor until superseded May 25, 1686, by Governor Joseph Dudley as president of New England.

⁴ President Dudley assumed office May 25, 1686, and it is presumed that Deputy Lieutenant-Governor Barefoote administered his office in New Hampshire until this date.

SECOND PERIOD OF LOCAL SELF-GOVERNMENT OF THE NEW HAMPSHIRE TOWNS. WITHOUT PROVINCE ORGANIZATION OR PROVINCE GOVERNMENT.

1689-1690.

William and Mary.

1	13	Feb.	1689	{ New Hampshire without a crown governor, without local union of towns and without union with any other colony.
	12	"	1690	

PERIOD OF THE SECOND UNION OF THE NEW HAMPSHIRE TOWNS AND MASSACHUSETTS BAY COLONY.

1690-1692.

*William and Mary.**Governor of Mass. Bay and New Hampshire.*

2	13	Feb.	1690	Simon Bradstreet
	12	"	1691	
3	13	"	1691	Second charter to Massachusetts.
	12	"	1692	

PERIOD OF THE PROVINCE AS FINALLY ESTABLISHED UNDER A PERMANENT GOVERNMENT.

1692-1775.

*William and Mary.**Governor.**Lieutenant-Governor.**Actual Administrator.*

4	13	Feb.	1692					
	12	"	1693	Samuel Allen	John Usher	John Usher		
5	13	"	1693	New Castle				
	12	"	1694	incorporated.	"	"	"	"
6	13	"	1694	Kingston in-				
	27	Dec.	1694	corporated.	"	"	"	"

*William the Third.**Governor.**Lieutenant-Governor.**Actual Administrator.*

7	28	Dec.	1694	Samuel Allen	John Usher	John Usher
	27	"	1695			
8	28	"	1695	" "	" "	" "
	27	"	1696			
9	28	"	1696	" "	" "	" "
	27	"	1697			
				John Hinckes		
10	28	"	1697	" "	William Partridge	William Partridge
	27	"	1698			Samuel Allen
11	28	"	1698	" "	" "	Samuel Allen
	27	"	1699			Earl of Bellomont
				Earl of Bellomont		
12	28	"	1699	" "	" "	William Partridge
	27	"	1700			

¹ The right of William Partridge to serve as Lieutenant-governor was disputed by John Usher but finally recognized by the Earl of Bellomont.

		<i>William the Third.</i>	<i>Governor.</i>	<i>Lieutenant-Governor.</i>	<i>Actual Administrator.</i>
13	28 Dec. 1700	Earl of Bellmont.	William Partridge.	William Partridge	
	27 " 1701				
14	28 " 1701	Governorship vacant. ¹	"	"	"
	8 Mar. 1702				
	<i>Anne.</i>				
1	8 Mar. 1702	Joseph Dudley	"		Joseph Dudley
	7 " 1703				
2	8 " 1703	"	"		
	7 " 1704		John Usher		
3	8 " 1704	"	"		
	7 " 1705				
4	8 " 1705	"	"		
	7 " 1706				
5	8 " 1706	"	"		
	7 " 1707				
6	8 " 1707	"	"		
	7 " 1708				
7	8 " 1708	"	"		
	7 " 1709				
8	8 " 1709	"	"		
	7 " 1710				
9	8 " 1710	"	"		
	7 " 1711				
10	8 " 1711	"	"		
	7 " 1712				
11	8 " 1712	"	"		
	7 " 1713				
12	8 " 1713	"	"		
	7 " 1714				
13	8 " 1714	"	"		
	1 Aug. 1714				
	<i>George the First.</i>				
1	1 Aug. 1714	"	"		
	31 July 1715				
2	1 Aug. 1715	"	"		
	31 July 1716		George Vaughan	George Vaughan	
3	1 Aug. 1716	Samuel Shute	"		Samuel Shute
	31 July 1717				
4	1 Aug. 1717	"	"		
	31 July 1718		John Wentworth	"	

¹ Governor Bellmont died March 5, 1701, and his successor, Joseph Dudley, was inaugurated July 13, 1702. William Partridge, lieutenant-governor under the Earl of Bellmont, meanwhile administering the government, presumably in accordance with the commission and instructions previously issued to the Earl of Bellmont.

	<i>George the First.</i>	<i>Governor.</i>	<i>Lieutenant-Governor.</i>	<i>Actual Administrator.</i>
5	1 Aug. 1718	Samuel Shute	John Wentworth	Samuel Shute
	31 July 1719			
6	1 Aug. 1719	"	"	"
	31 July 1720			
7	1 Aug. 1720	"	"	"
	31 July 1721			
8	1 Aug. 1721	"	"	"
	31 July 1722			
9	1 Aug. 1722	"	"	"
	31 July 1723			
10	1 Aug. 1723	"	"	John Wentworth
	31 July 1724			
11	1 Aug. 1724	"	"	"
	31 July 1725			
12	1 Aug. 1725	"	"	"
	31 July 1726			
13	1 Aug. 1726	"	"	"
	11 June 1727			
	<i>George the Second.</i>			
1	11 June 1727	"	"	"
	10 " 1728			
2	11 " 1728	William Burnet	"	"
	10 " 1729			
3	11 " 1729	"	"	"
	10 " 1730			
4	11 " 1730	Jonathan Belcher	"	Jonathan Belcher
	10 " 1731			
5	11 " 1731	"	David Dunbar	"
	10 " 1732			
6	11 " 1732	"	"	"
	10 " 1733			
7	11 " 1733	"	"	"
	10 " 1734			
8	11 " 1734	"	"	"
	10 " 1735			
9	11 " 1735	"	"	"
	10 " 1736			
10	11 " 1736	"	"	"
	10 " 1737			
11	11 " 1737	"	"	"
	10 " 1738			

<i>George the Second.</i>				<i>Governor.</i>	<i>Lieutenant-Governor.</i>	<i>Actual Administrator.</i>
12	11	June	1738	Jonathan Belcher	David Dunbar	Jonathan Belcher
	10	"	1739			
13	11	"	1739	"	"	"
	10	"	1740			
14	11	"	1740	"	"	"
	10	"	1741			
15	11	"	1741	Benning Wentworth ¹	"	Benning Wentworth
	10	"	1742			
16	11	"	1742	"	"	"
	10	"	1743			
17	11	"	1743	"	"	"
	10	"	1744			
18	11	"	1744	"	"	"
	10	"	1745			
19	11	"	1745	"	"	"
	10	"	1746			
20	11	"	1746	"	"	"
	10	"	1747			
21	11	"	1747	"	"	"
	10	"	1748			
22	11	"	1748	"	"	"
	10	"	1749			
23	11	"	1749	"	"	"
	10	"	1750			
24	11	"	1750	"	"	"
	10	"	1751			
25	11	"	1751	"	"	"
	10	"	1752			
26	11	"	1752	"	"	"
	10	"	1753			
27	11	"	1753	"	"	"
	10	"	1754			
28	11	"	1754	"	"	"
	10	"	1755			
29	11	"	1755	"	"	"
	10	"	1756			
30	11	"	1756	"	"	"
	10	"	1757			
31	11	"	1757	"	"	"
	10	"	1758			
32	11	"	1758	"	"	"
	10	"	1759			

¹ From this date New Hampshire and Massachusetts had separate governorships.

<i>George the Second.</i>				<i>Governor.</i>	<i>Lieutenant-Governor.</i>	<i>Actual Administrator.</i>
33	11 10	June "	1759 1760	Benning Wentworth		Benning Wentworth
34	11 25	" Oct.	1760 1760	"		"
<i>George the Third.</i>						
1	25 24	Oct. "	1760 1761	"		"
2	25 24	" "	1761 1762	"	John Temple	"
3	25 24	" "	1762 1763	"		"
4	25 24	" "	1763 1764	"		"
5	25 24	" "	1764 1765	"		"
6	25 24	" "	1765 1766	"		"
7	25 24	" "	1766 1767	John Wentworth		John Wentworth
8	25 24	" "	1767 1768	"		"
9	25 24	" "	1768 1769	"		"
10	25 24	" "	1769 1770	"		"
11	25 24	" "	1770 1771	"		"
12	25 24	" "	1771 1772	"		"
13	25 24	" "	1772 1773	"		"
14	25 24	" "	1773 1774	"		"
15	25 24	" "	1774 1775	"		"

¹ As the records show no official act of Lieutenant-Governor Temple, the length of his service under this commission is uncertain.

ABSTRACT OF CITATIONS TO BOOKS, RECORDS, AND MANUSCRIPTS
RELATING TO THE GOVERNMENT OF THE PROVINCE OF NEW
HAMPSHIRE NOW DEPOSITED IN THE PUBLIC RECORD OFFICE
IN LONDON.

BOARD OF TRADE, NEW HAMPSHIRE.

- 1 1691-1694 Original Papers. Gov'r Allen
L't Gov'r Usher
- 2 1741-1747 " (A) (1-50) Gov'r Belcher
Gov'r Wentworth
- 3 1747-1757 " (B.) (1-88) Gov'r Benning Wentworth
- 4 1757-1759 " (C) (1-11) "
- 5 1760-1769 " (D) "
- 5a 1764 Grants of Land (see D. No. 34)
- 6 1768-1778 Original Papers (E) Gov'r Wentworth
- 8 1741-1758 Entry Book (A)
- 9 1760-1768 " (B)
- 10 1769-1775 " (C)
- 11 1705-1755 Abstracts of Letters
- 12 1710-1719 Minutes of Council & Assembly
- 13 1720-1727 " of Council—
- 14 1728-1729 " " and Assembly
- 15 1742-1746 " " "
- 16 1746-1760 " of Council
- 17 1761-1768 " " and Assembly
- 18 1772-1774 " " "
- 19 1702 Laws (inclosure, 23 July 1702)
- 20 Undated Printed 1718 Acts & Laws with letter of Belcher 23 Jan. 1741)
- 21 Temp W'm 3 (Printed 1761) Acts & Laws
- 22 " Anne " " Temporary Acts & Laws printed in 1761.

BOARD OF TRADE ACTS, NEW HAMPSHIRE.

Old No.	New No.	Dates.
282	1	1703-1714
283	2	1715-1741
284	3	1742-1757
285	4	1758-1762 (1-53)
286	5	1762-1766 (54-133)
287	6	1767-1770 (134-172)
288	7	1771-1774 (173-246)
289	8	1767-1770 (187 and duplicates)

BOARD OF TRADE, NEW ENGLAND.

- 5 1689 to 1691 Original Papers (With Enclosures of earlier date) Sir Edmund Andros (1686 to 1689); Council (1689).
- 6 1691 to 1693 " Governor Sir William Phipps (1691).
- 7 1693 to 1695 " " "
- 8 1695 to 1698 " (A and B) Lieutenant-Governor, William Stoughton, William Partridge; Governor, the Earl of Bellomont.
- 9 1698 to 1699 " (C, D, E.) Governor, the Earl of Bellomont; Lieutenant-Governor, Samuel Allen; Lieutenant-Governor, William Stoughton.
- 10 1699 to 1700 " (F, G.) Governor, the Earl of Bellomont.
- 11 1700 to 1702 " (H, I, K, L.) (With Enclosures of earlier date.) Lieutenant-Governor, William Stoughton; Governor, Joseph Dudley.
- 12 1702 to 1705 " (M, N, O, P.) Governor, Joseph Dudley.
- 13 1705 to 1708 " (Q, R.) " " "
- 14 1708 to 1713 " (S, T.) " " "
- 14a 1712 to 1717 " (V) Governor, Samuel Shute.

See also 23 State Papers, which contains an elaborate index to all the papers in the English archives which relate to the province of New Hampshire.

¹ Died, July 7, 1701.

- 15 1718 to 1720 Original Papers (W) Governor, Samuel Shute.
- 16 1720 to 1723 " (X) " "
- 17 1723 to 1727 " (Y) Nos. to 89 " "
- 18 1727 to 1729 " (Z) Nos. 1 to 82. Lieutenant-Governor, William Dummer; Governor, William Burnet¹ (19 July 1728); Lieutenant-Governor, William Dummer.
- 19 1730 " (Z) Nos. 83 to 144. Lieutenant-Governor, William Dummer; Governor, Jonathan Belcher (10 August 1730).
- 20 1730 to 1731 " (Z) Nos. 145 to 192. Governor, Jonathan Belcher.
- 21 1730 to 1731 " (Z) Nos. 193 to 264. " "
- 22 1731 to 1732 " Aa. Nos. 1 to 46. " "
- 23 1732 to 1733 " Aa. Nos. 47 to 107. " "
- 24 1731 to 1734 " Bb. Nos. 1 to 54. " "
- 25 1733 to 1735 " Bb. Nos. 55 to 119. " "
- 26 1734 to 1735 " Bb. Nos. 120 to 159. " "
- 27 1735 to 1737 " Cc. Nos. 1 to 53. " "
- 28 1737 to 1738 " Cc. Nos. 54 to 92. " "
- 29 1738 to 1740 " Dd. Nos. 1 to 56. " "
- 30 1740 to 1741 " Ee. Nos. 1 to 40. " "
- 34a 1687 to 1760 Drafts of Letters.
- 35 1692 to 1695 Entry Book.
- 36 1696 to 1698 " A.
- 37 1698 to 1700 " B.
- 38 1700 to 1701 " C.
- 39 1701 to 1703 " D.
- 40 1703 to 1705 " E.
- 41 1705 to 1708 " F.
- 42 1708 to 1715 " G.
- 43 1715 to 1716 " H.
- 44 1716 to 1727 " I.
- 45 1727 to 1731 " K.
- 46 1731 to 1741 " L.
- 47 1704 to 1708 Abstracts of Letters.
- 48 1695 to 1699 Minutes of Assembly.
- 49 1695 to 1700 " of Council.
- 50 1701 to 1706 " " and Assembly
- 51 1706 to 1709 " " "

BIOGRAPHICAL SKETCHES OF THE GOVERNORS OF
THE PROVINCE OF NEW HAMPSHIRE AND OF
THE OTHER GOVERNMENTS OF WHICH NEW
HAMPSHIRE WAS A PART, 1679-1702.

JOHN CUTT.

John Cutt, the first president of the council for New Hampshire upon the establishment of the province government, 1679, in company with two brothers, Richard and Robert, came to America before 1646. John Cutt was a merchant, mill-owner, and farmer, and acquired a large fortune, at the time of his death being rated as perhaps the wealthiest man in the province. In 1679 he was appointed by Charles the Second president of the province and accepted the office much against his will. Both the president and council were well affected towards Massachusetts, and accepted office under the new

¹ Died, Sept. 5, 1729.

² After this date, see Massachusetts.

charter or commission to prevent the control of affairs falling into unfriendly hands. John Cutt died March 27, 1681, after a long and successful life, highly respected and honored by all who had known him. About a century later his descendants added an s to the name to conform to that of the English branch of the family, and this change has been preserved.¹

RICHARD WALDRON.

Richard Waldron (Waldern) was born in England, and baptized January 6, 1616. He came to America in 1635, and after a stay of two years returned to England, where he was married. He purchased land on Dover Neck. About 1640 he established his home at Cocheco lower falls, where he built the first sawmill, and engaged in trade with the Indians, thus laying the foundation of the settlement destined to become the city of Dover. He was successful in his business enterprises, and soon became a leader in the colony, his name appearing on the "Combination" dated October 22, 1640, next after that of the minister, Mr. Larkham.

Mr. Waldron was repeatedly elected selectman, treasurer, commissioner for the decision of small cases, associate justice of the county court, and a deputy to the general court at Boston in 1654, and every year after 1656, except 1664 and 1678, until the establishment of the separate province in 1679, and was seven times speaker of the house of representatives of the Bay Colony.

He was a captain in 1653, and in 1675 major and commander of the militia of Norfolk county. He also had a command in King Philip's war. Major Waldron was a resolute man, and seems to have been little affected by sentiment when dealing with the savages and enforcing the laws.

He was a strong supporter of the Massachusetts government. Upon the establishment of the provincial government he was made a councillor and deputy president. After the death of President Cutt, March 27, 1681, he acted as president until the arrival of Lieutenant-Governor Cranfield in October, 1682. Under Cranfield's administration he was for a time a member of the council. Mason, in attempting to compel the inhabitants to take out leases from him, made an example of Major Waldron, but was unable to procure the enforcement of the judgments and decrees of the court.

The Indians had never forgotten the way in which Major Waldron executed an order from the Massachusetts government to arrest and send to Boston some southern Indian refugees, and on the night of June 27, 1689, killed him in his

¹Farmer and Moore, Historical Collections, vol. 3, p. 84. See also Col. N. H. Hist. Soc., vol. 8, pp. 308-311; Appleton's Cyclopaedia of Am. Biog.; Belknap, Barstow, and Palfrey; Plumer Biographies, mss., N. H. Hist. Soc., vol. 1, p. 388.

own house, with savage torture, and taunts expressing their satisfaction in the opportunity thus to cancel their account with him.

Major Waldron "was much respected and eminently useful, having sustained divers important offices civil and military and approved his courage and fidelity in the most hazardous enterprises."¹

Major Waldron had many of the characteristics of the Puritan. A man of strong, unyielding character, he was well fitted for a frontier life. His descendants have continued to act an honorable part in the history of New Hampshire.²

EDWARD CRANFIELD.

Edward Cranfield died in England in 1704. In 1682 he purchased one fifth of the annual income from the Mason possessions in New Hampshire, and received a commission as lieutenant-governor with the powers of governor. He came to America with the undisguised purpose to make money out of the people. His government was arbitrary from the first, and when unable to use the deputies to accomplish his purpose he resorted to a tax without their consent. Fiske says: "Within three years an arrogant and thieving ruler, Edward Cranfield, had goaded New Hampshire to acts of insurrection."³ By 1685 he needed a change "for his health," and was made a collector at Barbadoes. "Cranfield was a mere political freebooter, and went to his task in the spirit of a Roman proconsul in the worst days of the Republic, of an Indian official in the worst days of the Company."⁴

WALTER BAREFOOTE.

Walter Barefoote was in New Hampshire as early as 1664. Dr. Quint speaks of him as "a man famous in New Hampshire annals as counsellor, deputy-governor, and rogue."⁵ Certainly he was the willing tool of Randolph, Mason, and Cranfield. By Randolph Barefoote was appointed deputy-collector of the king's customs, and was fined for setting up His Majesty's office of customs without leave from the president and council, and for insolence in court. This was soon after the establishment of the new government. He was a member of the council under Cranfield, captain of the fort, judge, and deputy-

¹Farmer's Belknap, p. 90.

²See also Col. N. H. Hist. Soc., vol. 8, pp. 332-341; Palfrey, Doyle, and Barstow; note by John R. Ham, 21 N. H. State Papers, 252; Plumer Biographies, mss., N. H. Hist. Soc., vol. 1, p. 447.

³Fiske, The Beginnings of New England, p. 259.

⁴Doyle, The English Colonies in America, vol. 3, p. 226. See also Belknap's and Barstow's histories and Appleton's Cyclopaedia of Amer. Biog.; Plumer Biographies, mss., N. H. Hist. Soc., vol. 1, p. 535.

⁵Quint, Hist. Memoranda of Ancient Dover, p. 402.

governor, and acted as governor after the withdrawal of Cranfield to Barbadoes. Under the presidency of Joseph Dudley, 1686-1687, Barefoote was made a judge for New Hampshire.¹

Three Quakers having been brought before Richard Waldron on December 22, 1662, he issued an order commanding the constables to "make them fast to the cart's tail, and drawing the cart through their several towns, to whip them upon their naked backs not exceeding ten stripes apiece on each of them in each town."

"In Dover, Hampton and Salisbury this disgraceful order was executed, but in the last named town Walter Barefoote performed almost the only praiseworthy act that stands to his credit in history, by taking these persecuted females from the constable, under the pretence of delivering them to the constables of Newbury, and securing them from further cruelty by sending them out of the province."²

JOSEPH DUDLEY.

Joseph Dudley was born at Roxbury, Mass., September 23, 1647, and died April 2, 1720. He was graduated from Harvard in 1665, and for a time took up the study of theology. He was made a magistrate and deputy in 1673, and was a commissioner for the New England confederacy from 1677 to 1681. When he found there was no hope of making secure the old charter he accepted the situation, and was made chief magistrate of the new government. In 1685 he was made president of New England by James the Second; in 1686, a councillor in the Andros government; in 1687, chief justice of the supreme court; and in 1689 was arrested with Sir Edmund Andros and others and confined for a time in Boston. He was well received in England, and made chief justice of New York, 1690-1693. He again went to England, was made deputy-governor of the Isle of Wight, and elected to the house of commons in 1701. He came back to Massachusetts again in 1702 as captain-general and governor of Massachusetts and New Hampshire, holding office nominally, at least, until 1716.

Palfrey says of Colonel Dudley: "At all events, he had no purpose to be true and useful. He meant to get power, and all that power brings with it, and with gay arrogance placed his unimportant self above the rights and welfare of the community, which with honest affection had empowered him to do it grievous harm."³

¹ Palfrey, *History of New England*, vol. 3, p. 495 n.

² Col. N. H. Hist. Soc., vol. 2, p. 45. See also Belknap's and Barstow's histories of N. H.; Plumer Biographies, mss., N. H. Hist. Soc., vol. 1, p. 447.

³ Palfrey, *His. of New England*, vol. 4, p. 342. See also Doyle, and especially Hutchinson, *Hist. of Mass.*, vol. 2, pp. 193, 194; Plumer Biographies, mss., N. H. Hist. Soc., vol. 2, p. 39.

This characterization of Governor Dudley is from the Massachusetts point of view. In New Hampshire affairs he was a sturdy friend of the party of the people. He co-operated with them discreetly but effectively in counteracting the plans of the Allen proprietary, and on several occasions his administration was accorded formal and genuine endorsement by the representatives of the people in the general assembly.

SIR EDMUND ANDROS.

Sir Edmund Andros was born December 6, 1637, and was buried February 27, 1714. He was brought up as a page in the royal family, and during their exile served in the army of Prince Henry of Nassau. In 1666 he was made major of a regiment of foot and sent to America. In 1672 he returned to England. He had been "commander of the forces in Barbadoes," and had obtained the reputation of being skilled in American affairs. In 1674 he was appointed by the Duke of York governor of his possessions in America. He arrived in New York November 1, 1674. He skillfully managed to keep peace with the Indians, strongly asserted the rights of his patron, and went to England in 1677 for a short stay, returning the following summer. In 1680 some charges of dishonesty were made against him, and he was summoned to England. He was able to clear his record and retain the royal favor.

In 1686 he was appointed by James the Second governor of the Dominion of New England, and two years later New York and the Jerseys were added, making him governor of all the English colonies north of Delaware and Pennsylvania. In April, 1689, the opposition in Massachusetts developed into open rebellion, and Governor Andros, with many others, was imprisoned. In February, 1690, he was sent to England for trial by command of the home government. He was, however, not held for trial, as the charges against him were not supported. In 1692 he was again sent to America as governor of Virginia, where, during the next six years, by his connection with the founding of William and Mary College, his interest in agriculture and the general prosperity of the colony, and his care in preserving and registering public documents he proved himself to be an administrator of very different character and purposes from what the Massachusetts Puritans of 1689 were disposed to consider him. He returned to England in 1698, and was made governor of Guernsey in 1704, an office which he held for two years.

Mr. Whitmore, editor of the Andros Tracts, says that Sir Edmund Andros "has received less than justice from Massachusetts historians." During his administration no person was executed for a political offense, no one was fined or im-

prisoned for non-conformity; the taxes "arbitrarily levied" were exactly the same as the general court under the old charter had voted each year for nearly half a century, and there is nothing to show that Andros profited by or was responsible for the excessive fees. "We fail, therefore, to see any evidence that Andros was cruel, rapacious, or dishonest; we know of no charge affecting his morality, and we find a hasty temper the most palpable fault to be imputed to him."¹

Doyle, in his *English Colonies in America*, says of Andros: "His dispatches are the work of a dull, formal, and somewhat ill-tempered disciplinarian, administering a fixed system with rigid obedience and mechanical fidelity to orders. The evidence of his enemies, stripped of rhetorical commonplace, comes to the same thing."²

Fiske says of him: "He was the dull and dogged English officer, such as one often meets, honest enough and faithful to his master, neither cruel nor rapacious, but coarse in fiber and wanting in tact."³

When compared with the rule of James at home the government of Andros can hardly be called despotic.⁴

SIMON BRADSTREET.

Simon Bradstreet was born in England in 1603, and died in Massachusetts March 27, 1697. He was educated at Cambridge University (England), and came to America as assistant judge in 1630. In 1653 he opposed the war with the Dutch of New York. He was a commissioner for the New England confederacy, and in 1660 went to England as agent of the colony to extend their greeting to Charles II on his restoration. From 1630 until elected governor in 1679 he was an assistant. From 1679 to 1686, and again from 1689 to 1692, he was governor of Massachusetts, and under the new charter was the first councillor. "He lived to complete his ninety-fifth year. The general court voted to contribute a hundred pounds towards the expenses of his burial, in consideration of his long and extraordinary service. . . . A man hardly equal to the most difficult occasions, but patriotic, faithful, honest, and laborious, and always esteemed and trusted."⁵

It will be noted that he was governor in the period of the second union of New Hampshire with Massachusetts Bay.

¹Prince Society, vol. 5; Andros Tracts, vol. 1, p. xxvii.

²Doyle, *History of the English Colonies in America*, vol. 3, p. 184.

³Fiske, *Beginnings of New England*, p. 267.

⁴Authorities consulted, Whitmore's memoir in Andros Tracts, Appleton's Cyc. Am. Biog., and histories of Palfrey, Doyle, Fiske, Belknap, and Hutchinson; Plumer's Biographies, mss., N. H. Hist. Soc., vol. 1, p. 599.

⁵Palfrey, *Hist. of New England* vol. 4, p. 65. See also Appleton's Cyclopaedia of Am. Biog.; Hutchinson Hist. of Mass.; and Doyle; Plumer's Biographies, mss., N. H. Hist. Soc., vol. 1, p. 306.

SAMUEL ALLEN.

Samuel Allen was born in England in 1636 and died in New Hampshire in 1705. He had been a London merchant, and in 1691 purchased from the heirs of John Mason their claim to the territories of the province of New Hampshire. In 1692 a commission was issued to him as governor, and his son-in-law, John Usher of Boston, was made lieutenant-governor. Allen was entirely unsuccessful in prosecuting his claims against those who had settled and long occupied the lands covered by his patent. He came to New Hampshire in 1698, and acted as governor for a short time until the arrival of the Earl of Bellomont in 1699. He seems to have been very persistent in his efforts to enforce his title. After repeated defeats and appeals, in 1704 he was ready to make favorable terms with the colony, but died before the arrangement was completed. Belknap says that he was "represented as a gentleman of no remarkable abilities, and of a solitary rather than a social disposition; but mild, obliging and charitable. His character while he was a merchant in London was fair and upright, and his domestic deportment amiable and exemplary."¹

JOHN USHER.

John Usher was born at Boston April 27, 1648, and died at Medford, Massachusetts, September 1, 1726. He was a successful tradesman in Boston, a member of the council of Governor Andros, and treasurer of the dominion. In 1677 he acted as agent for Massachusetts in England in purchasing from Gorges his title to the district of Maine. For his second wife he married a daughter of Samuel Allen, and when the latter purchased Mason's claim in 1691 he appointed his son-in-law lieutenant-governor, an office which the latter exercised with much opposition until 1697. After that he went to England to represent Allen in his suit to recover possession of the disputed territory, and to attend to his interests with the home government. Again he received the appointment of lieutenant-governor, this time taking office under Governor Joseph Dudley in 1702. Usher was not in favor with the home government after the death of Queen Anne, and was superseded in office by George Vaughan in 1715.²

JOHN HINCKES.

John Hinckes is supposed to have been of English birth, and to have come to New Hampshire about 1672. "He was prob-

¹Farmer's Belknap, p. 163; see also Appleton's Cyclopaedia of Am. Biog.; Barstow, Palfrey, and Doyle; Plumer's Biographies, mss., N. H. Hist. Soc., vol. 1, p. 551.

²Appleton's Cyclopaedia of Am. Biog.; Farmer's Belknap, Barstow's history; Palfrey and Doyle; Plumer's Biographies, mss., N. H. Hist. Soc., vol. 2, p. 79.

ably a merchant, and possessed considerable ability, though not much firmness of principle." In 1683 he was chosen a member of Governor Cranfield's council, and was an assistant to Chancellor Mason. He was a member of the council for New England with President Dudley in 1686, and of that of Governor Andros, 1686-1689. He was a member of the New Hampshire council under the Allen commission in 1692. He acted as president of the council in the absence of the governor and lieutenant-governor in an interim between the first term of Mr. Usher and that of Mr. Partridge. In 1699 he was appointed chief justice of the superior court, and held that office until 1704. It is said that he left the province about this time, but how long this absence continued, and what the occasion of it was, is not definitely ascertained. Little is known of his later life. He appears to have been in the province at times, and is said to have died in Newcastle in 1734. Belknap says of him that he "was a man who could change with the times."¹

WILLIAM PARTRIDGE.

William Partridge was born in 1654, and died at Newbury, Mass., January 3, 1729. Belknap says: "Partridge was a native of Portsmouth, a shipwright, of an extraordinary mechanical genius, of a public turn of mind, and a popular man."² He was treasurer of the province in 1692 and from 1693 to 1697 was a judge of the supreme court. He was made lieutenant-governor in 1697, and with some interruptions continued in the office until 1702. He then removed to Massachusetts, where he spent the remainder of his life. The Earl of Bellomont in his dispatches charged Partridge with exporting ship timber to Portugal, and otherwise criticised him as an administrator, but admitted that he had not violated any law.³

EARL OF BELLOMONT.

Richard Coote, Earl of Bellomont, was born in 1636, and died in New York in 1701. His father was raised to the Irish peerage as Baron Coote by Charles II. in recognition of his loyalty. Richard Coote was a member of parliament in 1688 and one of the first adherents of the Prince of Orange, who made him Earl of Bellomont in 1689. He was also made treasurer and receiver-general to Queen Mary. In 1697 he was appointed governor of New York, and soon after of the Jerseys, Massachusetts, and New Hampshire. He came to America in 1698 and to New Hampshire in 1699. One reason for the choice of the Earl of Bellomont was that he might suppress the piracy

which had become such a menace to trade in American waters. He was responsible for the appointment as ship master of Captain Kidd, who himself turned pirate. The Earl's vigor in suppressing illegal trade in New York made him unpopular there, but in Boston and New Hampshire he immediately won the respect and confidence of the people. Macaulay says of him that he was a man "of eminently fair character, upright, courageous and independent."⁴

¹See Appleton's Cyc. of Am. Biog.; Hutchinson's Hist. of Mass., vol. 2, especially pp. 106-110; Palfrey, Doyle, and Belknap; Plumer's Biographies, mss., N. H. Hist. Soc., vol. 1, p. 525.

²Bell, Bench and Bar of N. H., pp. 9, 10; Farmer's Belknap, p. 152; Col. N. H. Hist. Soc., vol. 8, pp. 360-364.

³Farmer's Belknap, p. 152.

⁴Province Papers, 347-354, 357. See also Bell, Bench and Bar of N. H., p. 3; Plumer's Biographies, mss., N. H. Hist. Soc., vol. 2, p. 103.

ADDITIONS AND CORRECTIONS.

- Page x, line 21, instead of the figures "460," read the figures "450."
- Page xvii, last line, end of the line, for superior numeral "6" read, "3."
- Page xxi, line 13, after the word "conditions," insert the word "to."
- Page xxiii, line 31, instead of the word "confirms" read the words following, viz.: "purports to confirm."
- Page xxiv, add to note 1 the following, viz.: "3 Province Papers, 297, 298, 299."
- Page xxvii, add to note 6 the following, viz.: "*The Ruins of Nathaniel Appleton Haven*, edited by George Ticknor, 1827, oration delivered at Portsmouth, May 21, 1823, two hundred years from the landing of the first settlers, p. 8."
- Page xxvii, note 6, line 4, end of the line, for period (.) substitute a comma (,) in punctuation.
- Page xxx, line 21, after the word "securing," insert the words following, viz.: "to them."
- Page xxxiv, line 5, instead of the word "even" read the word "ever."
- Page xxxvii, line 29, after "Dover" insert the words "nearly every year."
- Page xxxvii, note 1, at the end of the line add the following, viz.: "See also *Peter Oliver's Puritan Commonwealth*, Reviewed by John Wingate Thornton, 1857."
- Page xxxvii, line 40, instead of the words, "During this period," read the words following, viz.: "At the same time."
- Page xxxviii, add in note 5 the following, viz.: "(N. S. 1639.)"
- Page xl, note 1, add the following, viz.: "For latest notes by Mr. Whitmore see his *Colonial Laws of Massachusetts*, edition of 1890, and his abridgment of his work of the same date (1890) containing certain additions to the notes as presented in the publications of 1887 and 1889."
- Page xlviii, note 1, add at the end of the note the following words, viz.: "Compare also, *Laws of Connecticut*, Reprint of the Original Edition of 1673, with Prefatory Note, by G. Brinley, Hartford, privately printed, 1865."
- Page l, note 2, add the following, viz.: "See also statement of Salma Hale, *Judicial History of New Hampshire before the Revolution*, *Monthly Law Reporter*, October, 1855; *Id.* reprint, 3 Grafton and Co's Bar Association Proceedings, 64."
- Page liii, at the end of line 12, add the letter "p" so that the reading shall be "pp."
- Page liii, lines 26 and 27, strike out the words following, viz.: "The marginal annotations to the act."
- Page lv, line 32, instead of the figures "1682-1686," read the following, viz.: "1682 to 1686."
- Page lix, line 10, for the word "laws," read the word "acts."
- Page lix, line 19, for the words "seventy-six" read the following, viz.: "fifty-six."
- Page lix, line 34, after the figures "608," insert the following, viz.: "Dr. Edwin D. Sanborn in his history of New Hampshire, 1875, p. 302, estimates the population of the four New Hampshire towns as one thousand in 1641."
- Page lix, note 1, line 3 of note, for "2d" read "Id."
- Page lxii, line 13, instead of the word "any," read the word "an."
- Page lxvi, under Edward the First, regnal years 17 and 18, date should read "1289" instead of "1829."
- Page lxviii, the 10th year of the reign of Henry V should read 21 Mar. 1422-31 Aug. 1422.
- Page 46, 7th line of prefatory note, for the word "addressed" read "addresses."

- Page 53, line 10, insert after the word "Cattles," the word in brackets, "Castles," thus, [Castles].
- Page 82, line 13, of the body of the order designated as chapter 6, after the word "Cul[ler]" add to the part in brackets the words "to be," so that the sequence of the words in that connection shall be as follows: "Cul[ler to be]" appointed, etc.
- Page 102, insert at the end of the 6th line of the prefatory note which is enclosed in brackets the words "office of the."
- Page 118, chapter 21, in note the number printed should be "57" instead of "53."
- Page 144, for corrections of names in the list of councillors printed on this page, see page 829, Appendix H. I.
- Pages 144, 830, for "Van Cortland" read "Van Cortlandt."
- Page 148, last paragraph of the editor's note, first line of the paragraph, instead of the words "the historical review of this period and the comments on the Andros," read the words following, viz.: "A historical review of this period and comments on the Andros."
- In the same paragraph, after the name "United States," instead of the words "vol. 1, ch. xvii, p. 590, under the title of the Revolution of 1688," substitute the following, viz.: "vol. 1, chaps. xvii and xviii, pp. 574-601," under the titles, "Consolidation of the Northern Colonies" and "The Revolution of 1688."
- Page 175, in title, middle of the page, "The King's Letter," etc., insert before the word "England" the word in brackets following, viz.: "[New.]"
- Page 182, in the last paragraph but one, beginning "No acts are published," etc., insert between the words "No" and "acts" the name "Andros," so that the reading shall be "No Andros acts," etc.
- Page 211, for the word "such," in the 6th line of the prefatory note which is in brackets, substitute the word "suit."
- Page 639, line 13, instead of the words "council and assembly" read "general assembly."
- Page 641, line 41, instead of the words "Council and assembly" read "general assembly."
- Page 642, line 15, instead of the words "Council and Assembly" read "general assembly."
- Page 644, line 15 should read "Commissioners" instead of "Committee."
- Page 648, line 27 should read "There was a publication of several of the English colonies."
- Page 649, line 55 should read "acts having been passed by the general assembly of the province between."
- Page 660, chapter 4, line 9, instead of "Moody v. Demeritt" read "Mooney v. Demeritt."
- Page 695, lines 6 and 7 of note in brackets, the words following are to be regarded as stricken out, viz.: "Special minutes from the journal of the Board of Trade, with reference to this act, in the Appendix."
- Page 722, in note 1, in the margin of the page add the following words in brackets, thus: "[Statutes of the Realm, ed. of 1810-1828, vol. 1]."
- Page 771, line 14, for "mained" read "married."
- The citations in the following enumerated marginal notes, in which the work cited is named as "New Hampshire Provincial Papers," were intended by Mr. Doyle to refer to the provincial papers in the Collections of the New Hampshire Historical Society, vol. 8, and not to either volume of the State Series of Province Papers, viz:
- Page 781, note 1.
- Page 782, note 3, note 4, note 7, note 9.
- Page 791, lines 8 and 9, instead of the title "Appendix C (I)," substitute the word, letter, and Roman numeral as follows: "Appendix F. II."
- Page 807, line 29 of the note in brackets, instead of the words "Council and assembly," substitute the term "general assembly."
- Page 807, line 29 of the note in brackets, instead of the title "Appendix C, III," substitute the word, letter, and Roman numeral as follows: "Appendix F. III."
- Page 829, line 13 in the list of councillors, opposite the names of John Hinckes, for the dates "1686-1688," substitute the dates "1686-1689."

LAWS

OF

NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS AND RESOLVES AND THE
ROYAL COMMISSIONS AND INSTRUCTIONS
WITH HISTORICAL AND DESCRIPTIVE
NOTES, AND AN APPENDIX

EDITED BY ALBERT STILLMAN BATCHELLOR, LITT.D.

VOLUME TWO
PROVINCE PERIOD
1702-1745

CONCORD, N. H.
RUMFORD PRINTING COMPANY
1913

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF

THE NEW YORK HISTORICAL SOCIETY

JOINT RESOLUTION RELATING TO THE PRESERVATION AND PUBLICATION OF THE EARLY STATE AND PROVINCIAL RECORDS AND OTHER STATE PAPERS OF NEW HAMPSHIRE.

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

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely one copy to each [city and town in the state, one copy to such of the public libraries in the state as the Governor may designate]; *public library in the state, and to each town in the state having no public library, which shall request the same, and to such publishers of newspapers requesting the same as keep such open to public use;*¹ fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

AN AUTHORIZATION OF THE PUBLICATION OF THE SECOND VOLUME OF PROVINCE LAWS.

ALBERT S. BATCHELLOR,
Editor of State Papers:

You are hereby authorized to arrange, transcribe and superintend the publication of the Province Laws of New Hampshire in chronological order from the termination of the period covered by the publication of such laws as are to be included in volume one of the series of Province Laws now in preparation, to such point of time as will yield material of the same amount, or nearly as may, as the first volume shall contain.

You will also cause such explanatory notes, citations, tables of contents, and indexes as you may deem useful to be prepared and made a part of the work.

This I deem proper to be done, and these directions are given in accordance with the authority vested in me as Governor, by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire, approved August 4, 1881.

Given under my hand at Concord, this second day of May, 1899.

FRANK W. ROLLINS,
Governor.

¹ The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1881, by the act of March 20, 1901, Session Laws, new series, vol. 7, part 2, chapter 71, sect. 3, p. 558.

² By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

TABLE OF CONTENTS

ADMINISTRATION OF JOSEPH DUDLEY.

Historical Note.....	1
Commission of Governor Joseph Dudley.....	4
Instructions to Governor Dudley.....	13
Additional Instructions, 1703-1711.....	37
Commission of Lieutenant-Governor John Usher.....	29-37
Editor's Note.....	37
Legislation.....	38
Officers of the Government, 1702/3.....	45
Legislation.....	48
Officers of the Government, 1703.....	49
Legislation.....	52
Officers of the Government, 1703/4-1709.....	53
Legislation.....	57
Officers of the Government, 1709-1714.....	58
Legislation.....	91
Commission of Governor Elizeus Burges.....	93
Editor's Note.....	158
Instructions to Governor Burges.....	166
Officers of the Government, 1715.....	168
Legislation.....	185
Commission of Lieutenant-Governor George Vaughan.....	186
Officers of the Government, 1715-1716.....	190
Legislation.....	191
Officers of the Government, 1716.....	192
Legislation.....	203
	205

ADMINISTRATION OF SAMUEL SHUTE.

Historical Note.....	206
Commission of Governor Shute.....	210
Instructions to Governor Shute.....	218
Additional Instructions, 1717-1728.....	237-240
Editor's Note.....	240
Officers of the Government, 1716/17.....	245
Legislation.....	246
Officers of the Government, 1717-1722.....	248
Legislation.....	249
Officers of the Government, 1722-1727.....	369
Legislation.....	370
Commission of Lieutenant-Governor John Wentworth.....	397
Officers of the Government, 1727-1728.....	398
Legislation.....	399
Officers of the Government, 1728-1730.....	400
Legislation.....	402

ADMINISTRATION OF WILLIAM BURNET.

Historical Note.....	408
Commission of Governor Burnet.....	410
Instructions to Governor Burnet.....	418
Legislation.....	442

ADMINISTRATION OF JONATHAN BELCHER.

Historical Note.....	450
Commission of Governor Belcher.....	459
Instructions to Governor Belcher.....	467
Additional Instructions, 1730-1740.....	491-515

Editor's Note	515
Legislation	517
Officers of the Government, 1730/1-1732	527
Commission of Lieutenant-Governor David Dunbar	528
Legislation	528
Officers of the Government, 1732-1732/3	535
Officers of the Government, 1733/4	536
Legislation	537
Officers of the Government, 1734	538
Officers of the Government, 1735	539
Legislation	540
Officers of the Government, 1736	542
Legislation	543
Officers of the Government, 1736/7-1738	546
Legislation	548
Officers of the Government, 1739-1739/40	569
Legislation	570
Officers of the Government, 1740	576
Legislation	577
Officers of the Government, 1740/41	583
Legislation	584

ADMINISTRATION OF BENNING WENTWORTH.

Historical Note	587
Commission of Governor Wentworth	600
Instructions to Governor Wentworth	608
Trade Instructions	636
Additional Instructions, 1748-1758	653
Editor's Note	655
Officers of the Government, 1741/2-1744/5	655
Legislation	665
Officers of the Government, 1744/5-1745	667
Legislation	748
	750

APPENDIX.

Editor's Note on Cranfield's Instructions	759
Cranfield's Instructions, Abbreviated	761
Cranfield's Instructions, Complete	762
Commission of Boundary Line Commissioners	768
Decision of Boundary Line Commissioners	770
New Hampshire Appeal	771
New Hampshire Petition of Appeal	773
Massachusetts Appeal	780
Massachusetts Petition of Appeal	783
Decree of the King	790
Alterations in and Additions to Massachusetts Laws, 1665	794
Opinions on Objectionable Massachusetts Laws, 1677	796
Index	803

PREFACE.

The introductory part of the first volume of this series contains a large amount of tabulated material and other data which will be found useful in the study of the present volume. The tables of regnal years, the royal succession, the succession of colonial governors and lieutenant-governors in Massachusetts Bay in the two periods of union of that colony and New Hampshire, and the succession of the local executives after the establishment of the province in 1679, are among the explanatory and illustrative compilations that will aid the reader of either volume of the series. One document in Appendix A of this volume deserves special attention. It is the complete text of the instructions to Lieutenant-Governor Cranfield, dated April, 1682. No evidence has been found that the full text of this instrument was accessible in the archives of the province or state after some date between 1692 and 1696 until 1906. Early in the last named year the Editor of State Papers identified the document among the archives in the Public Record Office in London, and forthwith procured an authentic copy. He is not aware that the paper has ever before been published either in England or America.

The statutes enacted in the period included in this volume, and ascertained to have been formally enacted by both houses, and assented to by the Governor or acting Governor, have been printed in full in every instance, as far as it has been possible to recover the text. To a considerable extent, and with as much completeness and detail as has been deemed desirable or appropriate, the presentation of the formal statutes has been supplemented by liberal selections from contemporary subsidiary legislation. In this description of what may be regarded as votes and proceedings having a legislative effect or intention, concurrent votes, joint resolutions, and other forms of legislative action not accorded the form and status of statutes have been selected, and appear in the order of their dates. These selections from this part of the record, that is, the part which does not present the text, are intended to be sufficiently representative and illustrative, but not absolutely exhaustive. It was the opinion of the late Chief Justice Doe that grants of townships and of corporations similar to that of Dartmouth College are to be regarded as legislation. Such grants in the province period were made by the Governor and Council independently of the Assembly. This power was conferred by

the King's commissions and instructions. Ferry privileges, regulation of the action of proprietors of land grants acting in their private capacity, and the creation of parishes for ecclesiastical and municipal purposes are commonly discovered to be a part of the legislation of the General Assembly.

No complete series of the journals, either of the Council or the Assembly, the House of Representatives, or of the Governor and Council acting in their separate capacity as an executive body or department of the province government, have been preserved. These breaks, though not of very large extent in the aggregate, are embarrassing and regrettable as obstacles to a complete exposition and examination of the legislation of the province period.

As yet, the state has not caused a systematic and exhaustive index of the journals of the Council and Assembly to be prepared and published. Such an index, however, has been compiled for the journals of the House of Representatives in a systematic, complete, and satisfactory form. This work is contained in two volumes, and includes the period between 1711 and 1784. The journals of the Council and Assembly are much more fragmentary than are those of the two branches of the General Assembly. The index to the Council records is published in one volume. The details of these indexes were executed by Mr. Daniel K. Foster, under the immediate supervision of Hon. Ezra Scollay Stearns, in the period in which he was secretary of state. The legislative journals, as printed in the Provincial Papers, volumes three to eight, present the record in the last twenty-five years in the province period, in a form quite extensively abbreviated. Very questionable theories of state economy imposed this method upon the editor, and made it compulsory in the prosecution of his work upon the records between 1750 and 1784. The subordinate legislation of the province period, by which reference is made to votes, resolutions, and orders in the various departments of the government not embodied in the formal acts, and not printed in that form in this series of volumes, may be discovered, as far as it is now accessible, in the journals and other public records by the aid of the available indexes, or by the drudgery of an exhaustive reading of the text of the records.

The commissions and instructions of the colonial governors required the transmission from time to time of complete copies of the statutes and the journals. Compliance with these regulations was sometimes neglected. The archives were affected by various destructive agencies, of which the fire destroying Secretary Waldron's house and a part of the province archives in 1736 is a notable illustration.

The records and documents now remaining in the custody of the home government in London have been laboriously and systematically compared with the corresponding documents

as published in the first part of the series of Province Papers, volumes one to seven. Additions and corrections to the material which appears in the volumes above named have been carefully incorporated in a set of volumes which was subject to the treatment above described, and which are in the permanent custody of the New Hampshire Historical Society in Concord.

The editor acknowledges his obligations to many officials connected with the Federal government, with the governments of several states, with the libraries of the universities, colleges, and historical societies, and with various other public and private libraries.

The coöperation of the members of the congressional delegation has been frequently in requisition, and always effective and cordial. This has afforded a medium through which the libraries and public records at Washington have been made available, to the singular advantage of the work in hand. Much of the labor of investigation has fallen upon Senator Henry E. Burnham, and the results of all his researches have been eminently satisfactory.

The diligence and accuracy of the editor's London correspondents, B. F. Stevens & Brown, in identifying New Hampshire acts and illustrative and explanatory documents in the English archives, have been indispensable, and in every way satisfactory. The Governor and Council, in each administration which has been contemporary with the prosecution of this work, have sustained it by intelligent, constant, and helpful coöperation.

The editor desires in this connection also to express the special obligations under which he is placed by the experienced, learned, and efficient aid rendered by Mr. Otis Grant Hammond, the assistant editor. He may be regarded as a specialist of superior attainments in the treatment of ancient documents of various classes and descriptions for reference and for publication.

In the third volume the presentation of the province laws, royal commissions, instructions, and other documents and commentaries will be completed to the year 1775 on the same plan which has been hitherto pursued. A part of the acts of the revolutionary period may be included in the same volume.

ALBERT STILLMAN BATCHELLOR,
Editor.

LAWS

OF

NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS AND RESOLVES, ROYAL
COMMISSIONS AND INSTRUCTIONS,
NOTES AND APPENDIX

EDITED BY HENRY HARRISON METCALF, LL. B.

VOLUME THREE
PROVINCE PERIOD

1745-1774

BRISTOL, N. H.
MUSGROVE PRINTING HOUSE
1915

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF

THE NEW YORK HISTORICAL SOCIETY

JOINT RESOLUTION RELATING TO THE PRESERVATION AND PUBLICATION OF THE EARLY STATE AND PROVINCIAL RECORDS AND OTHER STATE PAPERS OF NEW HAMPSHIRE.

Resolved by the Senate and House of Representatives in General Court Convened

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely one copy to each [city and town in the state, one copy to such of the public libraries in the state as the Governor may designate]¹ *public library, in the state, and to each town in the state having no public library, which shall request the same, and to such publishers of newspapers requesting the same as keep such open to public use,² fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.*

STATE OF NEW HAMPSHIRE.

To Whom It May Concern:

This writing witnesseth that I, Nahum J. Bachelder, Governor, in accordance with the provisions of the "Joint Resolution relating to the preservation and publication of portions of the early provincial records and other state papers, of New Hampshire," approved August 4, 1881, and by virtue of the authority thereof, do hereby authorize Albert S. Batchelor as Editor of State Papers, and on behalf of the State, to collect, arrange, transcribe, and superintend the publication of the laws of the Province of New Hampshire, enacted subsequent to those published in volumes 1 and 2 of the same series, including, if practicable, in their chronological order the laws of the Revolutionary and early state periods in the proposed volume.

This authority, furthermore, relates only to so much of said periods and so much of said material as will be found sufficient for one volume.

As incidental to this work, the said Editor of State Papers will cover such explanatory notes and citations, tables of contents, indexes, introductory statements, and supplemental papers to be made a part of the volume, as, in his judgment, may be deemed useful and appropriate.

This I deem proper to be done and I give these directions in accordance with the provisions of the Joint Resolution of August 4, 1881, hereinbefore mentioned.

Given under my hand in triplicate, at Concord, this 30th day of December, 1904.

NAHUM J. BACHELDER,
Governor.

¹The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1881 by the act of March 20, 1901, Session Laws, new series, vol. 7, part 2, chapter 71, sect. 3, p. 568.

²By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

STATE OF NEW HAMPSHIRE

TO WHOM IT MAY CONCERN:—

This writing witnesseth that I, John McLane, Governor, in accordance with the provisions of the "Joint Resolution relating to the preservation and publication of portions of the early provincial records and other State papers of New Hampshire," approved August 4, 1881, and by virtue of the authority thereof, do hereby authorize Albert S. Batchellor, as Editor of State Papers, and on behalf of the State, to arrange, transcribe and superintend the publication of the laws of New Hampshire enacted between the 21st day of July, 1774, the date of the assembling of the first Revolutionary Provincial Congress in this Province, and the date when the Revised Statutes of 1792 took effect, whether such acts and laws may have been enacted by the Revolutionary Conventions, the Legislative bodies successively organized under the Constitution of 1776, for the General Courts organized under the Constitution of 1784, within the period above limited. The material derived from the records, documents, and imprints assignable to the period above mentioned shall be divided for the purpose of publication into volumes of convenient size. They shall contain, in collections as nearly complete as practicable, the acts, public and private, and the resolves, corresponding to those published at the present time in the Session Laws, so called, the first volume including declarations of right, constitutions, acts and resolves in chronological order from July 21, to the end of a period which will yield sufficient copy for one volume. Succeeding volumes, arranged in like manner, shall be prepared and published in chronological order for consecutive periods yielding sufficient material to the time when said revision of 1792 took effect. The acts and laws of the Provincial Assembly which held sessions in the early part of the period above limited are not to be included in the publications hereby authorized.

There shall be included in said work such explanatory notes, citations, tables of contents, indexes, introductory statements and supplemental papers to be made a part of the volumes as may be deemed useful and appropriate.

This I deem proper to be done, and these instructions are given in accordance with the authority vested in me, as Governor, by the provisions of the Joint Resolution relating to the preservation and publication of portions of the State and Provincial records and other State Papers of New Hampshire, approved August 4, 1881.

Given under my hand in triplicate at Concord, this 7th day of December, 1906.

JOHN McLANE
Governor

STATE OF NEW HAMPSHIRE

TO ALBERT S. BATCHELLOR,
Editor of state papers.

You are hereby authorized to arrange, transcribe, and superintend the publication of the Province Laws of New Hampshire in chronological order from such point of time prior to the termination of the Province Government in 1775, as maybe in your judgment advantageously included in a volume which shall be additional to the volume authorized by His Excellency, Governor C. B. Jordan, and published, the volume authorized by His Excellency, Governor Frank W. Rollins (now in preparation, but not published), and the volume authorized by His Excellency, Governor Nahum J. Bacheider (now in preparation but not published).

You will also cause such explanatory notes, citations, tables of contents, and indexes as you may deem useful to be prepared and made a part of this work.

This I deem proper to be done, and these directions are given in accordance with the authority vested in me as Governor by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire approved August 4, 1881.

Given under my hand at Concord this 15th day of May, 1909.

HENRY B. QUINBY
Governor

THE STATE OF NEW HAMPSHIRE

TO HENRY H. METCALF, ESQUIRE, GREETING:

KNOW YOU. That we, reposing especial trust and confidence in your Fidelity and Ability, have constituted and appointed you Editor and Compiler of Early Province and State Papers, Hereby giving and granting unto you, the said Henry H. Metcalf, all the power and authority given and granted by the Constitution and Laws of our State to an Editor and Compiler of said Papers, TO HAVE AND TO HOLD THE SAID OFFICE, With all the powers, privileges, and immunities to the same belonging, for the term of—years, from and after July 11, 1913, provided you are of good behavior during said term.

(L. S.)

Samuel D. Felker.

Governor.

IN TESTIMONY WHEREOF, We have caused our seal to be hereunto affixed. WITNESS, Samuel D. Felker, Governor of our State, at Concord, this 11th day of July, in the year of our Lord one thousand nine hundred and thirteen, and of the Independence of the United States of America the one hundred and thirty eighth.

By his Excellency the Governor, with advice of the Council.

EDWARD N. PEARSON, *Secretary of State.*

THE STATE OF NEW HAMPSHIRE

MERRIMACK SS.

July 14, 1913.

Then the said Henry H. Metcalf took and subscribed the Oath of Office as Editor and Compiler as prescribed by law.

Before us,

EDWARD N. PEARSON, *Justices of the Peace.*
ARTHUR L. WILLIS, *Quorum Unus.*

STATE OF NEW HAMPSHIRE

TO HENRY H. METCALF,
Editor of State Papers:

You are hereby authorized to arrange, transcribe, and superintend the publication of the laws of New Hampshire, public and private, in chronological order, from the period when the Constitution of 1792 took effect, till the time when the regular annual publication of the statutes commenced.

You will also cause such explanatory notes, citations, table of contents, and indexes as you may deem useful to be prepared and made a part of the work.

This I deem proper to be done, and directions are given in accordance with the authority vested in me as Governor by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire approved August 4, 1881.

Given under my hand at Concord this 18th day of December 1914.

SAMUEL D. FELKER
Governor

TABLE OF CONTENTS

ADMINISTRATION OF BENNING WENTWORTH.

Officers of the Government, 1745-1748.....	1
Legislation.....	3
Officers of the Government, 1748-1752.....	41
Legislation.....	42
Officers of the Government, 1752-1755.....	44
Legislation.....	46
Officers of the Government, 1755-1758.....	130
Legislation.....	132
Officers of the Government, 1758-1761.....	189
Legislation.....	191
Second Commission of Governor Benning Wentworth.....	241
Instructions to Governor Wentworth.....	251
Trade Instructions.....	281
Legislation.....	306
Officers of the Government, 1762.....	309
Officers of the Government, 1762-1765.....	311
Legislation.....	312
Officers of the Government, 1765-1768.....	359
Legislation.....	361

ADMINISTRATION OF JOHN WENTWORTH.

Commission of Governor John Wentworth.....	411
Instructions to Governor Wentworth.....	421
Trade Instructions.....	453
Legislation.....	470
Officers of the Government, 1768-1771.....	502
Legislation.....	504
Officers of the Government, 1771-1774.....	562
Legislation.....	564
Officers of the Government.....	618
Legislation.....	619

APPENDIX.

Additional Instructions to Governor Benning Wentworth.....	631
Index.....	637

INTRODUCTION

This volume—VOLUME 3, LAWS OF NEW HAMPSHIRE, PROVINCE PERIOD—covering the time from 1745 to 1774, embraces all the legislative work of the General Assemblies of the Province from the Forty-Fourth to the Fifty-Fourth inclusive, the latter having been the last of the Provincial Assemblies to enact a law of any kind, and having been dissolved by Governor John Wentworth, June 8, 1774.* It is true that another Assembly was called, chosen, and met according to summons; but the members were, almost unanimously, in opposition with the Governor and Council, representing as they did the independent spirit of the people, then thoroughly aroused by the tyrannical course of the British Government, to which the Governor and Council, naturally enough, remained loyal.

The period covered by this volume was embraced in the administrations of Benning and John Wentworth. That of the former, dating from 1741 and continuing until 1767, though the commission of his successor had been issued the preceding year, was exhaustively reviewed by the late Hon. Albert S. Batchellor, then Editor of State Papers, in an introductory note in Vol. 2, New Hampshire Province Laws, in press at the time of his decease. The first half of this period witnessed the prosecution of two French and Indian wars, each involving the siege and capture of Louisbourg, and the latter the reduction of Crown Point and the conquest

*The last record in the Journal of the Council and Assembly for 1774, marking the practical conclusion of royal government in the Province, runs as follows:
At a Council & General Assembly holden at Portsmouth According to adjournment on Wednesday the 8 June 1774

Present his Excellency the Governor

Theodore Atkinson	} Esqrs	Dan ^l Rindge	} Esqrs
Dan ^l Warner		George Jaffrey	
Jon ^a Warner		Dan ^l Rogers	

The Deputy Secretary by his Excellency's order went down to the House & read to the assembly then Present the following Messrs Viz—
Mr Speaker & Gentlemen of the Assembly—

As I look upon the Measures entered upon by the House of Assembly to be inconsistent with his Majesty's Service & the Good of the Government it is my Duty as far as in me lies to prevent any Detriment that might Arise from Such Proceedings I Do therefore hereby Dissolve the General Assembly of this Province and it is Dissolved Accordingly—

J WENTWORTH

Province of New Hampshire
Council Chamber 8th June 1774

of Canada, New Hampshire men acting an important part in the prosecution of hostilities against the common enemy, and the province suffering severely from Indian raids and massacres in different localities.

While the people of the province performed their part loyally and well when the mother country was at war with her ancient rival, they were still jealous of any infringement of their rights, and their representatives in the Assembly resisted all attempts to subordinate the popular will to royal prerogative. For a period of three years—1749, 1750, 1751,—during the entire life of the Forty-Fifth General Assembly, there was such positive and determined disagreement between the Council and Assembly that absolutely no legislation of any kind was enacted; this situation arising from the fact that certain new members, called by the Governor, from places not previously represented, were refused seats in the Assembly, by that body, which claimed for itself the right to determine when and from what places new members should be called. Similar conflict had more than once arisen, and afterwards arose, but no other such protracted dead-lock ever occurred over this or any other question in the history of the colony.

That the lack of harmony between the Governor and Council, or the former, as the representative of the crown, and the Assembly, as the direct representatives of the people, each jealous of their own rights and prerogatives, had become marked, even before this protracted disagreement, is evidenced by the language and sentiment of a letter from Governor Wentworth to the Lords of Trade, under date of January 15, 1758, the main portion of which is presented below.

*B. WENTWORTH TO LORDS OF TRADE, JANUARY 15, 1758.

By His Majesties Ship Enterprize I have transmitted to Your Lordships eighteen Acts passed in the Twenty ninth and thirtieth years of His Majesties reign, with my reasons for passing the same, all of which excepting the Acts for Emitting £30,000 for the Expedition against Crown point and £20,000 for the last Years Service, I am hoping will meet with your Lordships approbation—

The Act for Emitting £30,000, I took all the measures in my power to get amended and fitted to lay before your Lordships, as may be observed from the Inclosed Messages and the Answers to them, in which I have presumed besides the Clauses in the Kings Commission and Instructions to lay before the Assembly several paragraphs of Your Lordships letters, which I was hoping might convince them of their Errors, and shew that their past Conduct had not escaped Your Lordships observation, but no arguments could persuade them to make the least alteration in the Bill No 2 or in the Act No 18, in which the Assembly have made the same appointments and reservations from the above Answers Your Lordships may form a due Judgement of their disposition, they have also Assumed to themselves, the passing of all Muster Rolls, by which great hardships have arisen to the Officers that have Exhibited them, many of which Officers have spent in Charges, near the value of their Wages due, in

After the establishment of peace, in 1762—the conquest of Canada having been completed two years earlier, and the scene of conflict transferred to the West Indies—the condition of the province became more prosperous, and the settlement of new townships proceeded. Attention had been called to the rich lands of the Connecticut Valley and the adjacent regions and many townships were granted by the Governor on both sides of the river, which grants, while yielding much profit for the Governor himself, formed the basis of extended controversy, involving the question of jurisdiction between New Hampshire and New York, which was only settled by an order of the King, in Council, in 1764, establishing “the western banks of Connecticut River from where it enters the Province of Massachusetts Bay, as far north as the forty-fifth degree of latitude, to be the boundary line between the two Provinces of New Hampshire and New York.”

Meanwhile the relations between the province, along with the other colonies in America, and the mother country, were again becoming strained. The assumed right of the latter to tax the colonies, culminating in the passage of the “Stamp Act” by the British Parliament (which Act, however was never really enforced in New Hampshire) aggravated the situation; while alleged lax methods on the part of the Governor in the matter of reporting to

Attendance, by which Usage, I have the greatest difficulty to get good and able Officers to serve, besides there are Instances where after the Captain has Sworn to the Roll in the House, they have altered the Roll and given a Lieutenant Captains pay, and made a private Centinal, a Non-Commission officer, and put the Non-Commission officer private. I have shewn the Assembly the danger, and Injustice of this proceeding but without any remedy, and unless I allow the Roll as they pass it, the whole Company must remain unpaid; which hitherto has been my Motive for passing the Rolls in this manner, least greater Injuries might arise to His Majesties Service by non Approving them—

As long as the Assembly are possessed of this power of appointments and reservations in the Acts sent up, the King's Governor is divested of all Influence over the Members, and is laid under the necessity of taking what they send up, or he must put an End to all public business, at present I have His Majesties Commission, and Instructions for my Government and direction, in all public Concerns, but from the incroachments made by the Assembly, both are in a manner rendered useless. I have also His Majesties repeated Commands, Signified to me by one of his Principall Secretaries of State, requiring me to exert myself to the utmost, in furnishing Lord Loudon, His Majesties Captain General and Commander in Chief of all the forces raised and to be raised in North America, with such a part of the Military force in my Government as could be conveniently spared, with safety to ourselves. This Command I have hitherto with great perplexity waded through, but at the expence of Suffering the Prerogative of the Crown, being treated with such Contempt, as I could not very well bear.

I should have made these representations to Your Lordships Earlier, but I well knew from the Situation of the public affairs, that every moment of Your Lordships time must necessarily be taken up, in National Concerns of the highest Importance, for this Reason I have deferred a Matter, though Necessary, yet my duty to do, untill this time hoping it will now be His Majesties pleasure that some Effectual measures may be taken to prevent the Encroachments on

the home government and the use of his office, to some measure, in advancing his own material interests, led to the development of a purpose on the part of the ministry to effect a change in administration. The same was ultimately brought about, however, not by the Governor's removal, but by his taking advantage of the opportunity to resign and the appointment as his successor of his nephew, John Wentworth.

From the early colonial days the Wentworth family ranked among the most noted and influential in New Hampshire. Probably more men of that name than of any other have held high official station in the province and state. Three of them exercised executive power during the provincial period, each displaying marked ability, and faithfully performing his duty as it appeared from his point of view.

Of these the first was Lieutenant Governor John Wentworth, who was in office from December 7, 1717, until his death, December 12, 1730, serving under Governors Samuel Shute and William Burnet, neither of whom were at any time resident in the province, each being at the same time Governor of Massachusetts, and being in exclusive charge of the government from the time of Governor Shute's departure for England in June, 1723, till the arrival of his successor, Governor Burnet, in America, in 1728. Lieutenant

the Prerogative and power of the Crown,—and when every branch of the Legislature is under proper restraints, and their power ascertained by due limits, His Majesties Service will be Essentially promoted thereby, the Administration of Government will be more Certain, the Kings Commands better Executed, and I shall be relieved from the greatest anxiety of mind; but the last thing I have least in view—

I Cannot omit one Material Inconveniency arising to the public Service, by the appointment of Committees, in the several Acts, which is, that as the Committees are by the Acts, to render their Accounts to the General Assembly, they esteem themselves Independent on any other power, and for that Reason since the Commencement of the Louisbourg Expedition, no Committee, has Accounted for the public money Issued out of the Treasury, and they are now become in a Manner all Committeemen, in both Houses, which in my opinion incapacitates them from entering into the Consideration thereof, and as there have been great Complaints made to me of undue application of the public money, I think it highly necessary, that fitt persons should be Employed without doors to pass these Accounts, and Examine the validity of the vouchers attending them—

To this great delay in Adjusting the public accounts in Season, it is owing that the Treasurer cannot Settle his Accounts, neither is it possible he ever should, untill the debit and Credit of these Committees are Equitably adjusted—

The Assembly likewise, assume to themselves the passing the Treasurers Accounts, by Committees, which no Government the King has presumes to do, not even the Charter Government of the Massachusetts, I have Represented to them the danger they are in, of Incurring His Majesties displeasure by these proceedings, and shewn them that by President Cutt's Commission, the form of Government therein Established, was Conditional and that the Crown had reserved a power of altering it, whenever any inconveniency should arise, and that the representatives of the people only, were the Cause of all the inconveniencies that had happened from the first settlement of the Government—

Governor John Wentworth was of the third generation from Elder William Wentworth, the emigrant ancestor, who was a member of the Exeter combination of 1639, headed by Rev. John Wheelwright, later a resident of Wells, Me., and settled in Dover near the close of 1649 where he continued until his death, March 15, 1696-7, holding a prominent place in the community, and in the church of which he was a "ruling elder," whence the cognomen of "Elder."

The second was Benning, eldest of fourteen children of Lieutenant Governor John Wentworth, who was Governor of the province, under two commissions, from Kings George II and George III, respectively, from December 15, 1741, to August 11, 1766, and whose administration was the longest in the history of the province.

The third and last, and the last of the royal governors also, was John Wentworth, generally known in history as Sir John, son of Mark Hunking Wentworth, who was a brother of Benning and son of Lieutenant Governor John. He was born in Portsmouth, but there seems to be some doubt as to the date of his birth, since the careful and painstaking author of the Wentworth Genealogy (the late Hon. John Wentworth of Chicago, familiarly known as "Long John") in referring to him, gives only the date of his baptism—August 14, 1737—as does, also, the National Cyclopaedia of Biography. Appleton's Cyclopaedia, however, has it that he was born August 9, 1737, which date, also, is given by Lamb's and the American National; but Sabine, in his "American Loyalists" speaks of him as having been born in 1736. The probabilities are, however, that August 9, 1737, is correct, since there is no question as to the date of baptism, which was ordinarily administered shortly after birth. He graduated at Harvard College in 1755, and was for some years thereafter associated with his father in business at Portsmouth, the latter being one of the most enterprising and prosperous merchants in the province and, indeed, in the entire country. He went abroad before 1765 as there is authentic record of his service as agent of the Province in England in that year, and it is stated by some authorities that he was there as early as 1762. At all events he had so won popular favor, and so commended himself to the British government, that his influence contributed in no small degree to the repeal of the odious "Stamp Act," while the tact and ability which he manifested resulted in his appointment as Governor of New Hampshire, to succeed his uncle, a change having been determined upon.

The precise date of his commission, as filed in the British archives, does not appear, it being given as of the day of July 1766, but the *Wentworth Genealogy* has it that he was appointed on the 11th of August, of that year. He was also given a commission as "Surveyor of the King's Woods" for all of North America. He did not sail for home, however, till some time after his commission was issued, and when he did he proceeded, first, to Charleston, S. C., where he arrived in March, 1767, and thence made the journey to Portsmouth by land, registering his commission as Surveyor in each of the provinces through which he passed. He arrived in Portsmouth about the middle of June, but did not meet with the Council and formally enter upon his duties as Governor until July 2, his uncle and predecessor, Benning Wentworth, having last sat with that body on the 15th of May, when he adjourned it until July 1, when it met, with no Governor present, and adjourned to the day following.

In concluding his address to the Council and Assembly in joint meeting, Governor Wentworth said:

"Gentlemen of the Council and of the Assembly: It remains for me to observe that Humanity, Wisdom, and Application in all your proceedings will be the best means to compass the great end of your Consultations, therein preserving the honor of the Crown and advancing the unlimited Prosperity of the Province; which are at present the only objects of my wishes."

In this brief deliverance we have, unquestionably, a sure index of the animating purpose and object of the Governor in his administration of the government of the province. He sought both the "honor of the Crown" and the "prosperity of the Province," in full measure; but the honor of the crown was the primary consideration in his mind, and the prosperity of the province, as measured in terms of the popular will, was of secondary importance. That he earnestly desired and zealously sought to maintain harmonious relations between the home and provincial governments none will dispute; but, although he loved his country, and sympathized, in a measure, with the aspirations of the people, and doubtless deplored the acts of the home government which the latter regarded as unjust and tyrannical, and would have prevented the same if possible, as evidenced by his labors in securing the repeal of the Stamp Act, his oath of allegiance to the crown, his family position and traditions, and his close alliance and association with the English aristocracy led him, however regretfully,

to side with King and Parliament against the province and its people when the inevitable clash came, and finally to abandon the latter, and the bulk of his earthly possessions, to seek safety and farther reward under the folds of the British flag.

That Gov. Wentworth really had the welfare of the province at heart, and did all he could to promote the same, consistently with his ideas of fealty to the British government, is shown by the interest he took in the work of material development. He gave active support to all practical measures for extending the settlements into the interior, and was particularly zealous in the encouragement of road building, realizing, as well as do the most earnest "good roads" advocates of the present day, that ready communication with the business centers is essential to the development and progress of the outlying communities. He personally engaged in the work of extending the outposts of civilization, and cleared up a large farm, and erected a spacious mansion thereon, upon the shore of the lake in Wolfeboro, later known as Smith's Pond, but now appropriately called Lake Wentworth, and here he established a country residence, being unquestionably the first New Hampshire executive to encourage "Summer Home" enterprise by personal example. He planned a great highway to Canada from that point, with the idea of bringing Montreal and Quebec into direct communication with the seaboard, at Portsmouth, and at the same time opening up for settlement and development the upper or northern portions of the Province. Had not the conflict with the mother country, resulting in ultimate separation and independence, been precipitated as it was, this project might have been carried out, with the result of making Portsmouth instead of Boston the leading North Atlantic seaport and the commercial metropolis of New England. There was a time previous to the Revolution, indeed, when our New Hampshire seaport was a formidable rival of the Massachusetts capital in shipping and commerce, and this proposed direct communication with the Canadian centers, had it been carried through, might well have given it the advantage which, once secured, would have been held for all time.

It is safe to say, also, that Gov. Wentworth was the first practical champion of the cause of "higher education" in the Province, since it was mainly by his instrumentality that Dartmouth College was founded. It was through his personal influence, while in England, that the Earl of Dartmouth was interested in the

project, and through his agency that its charter was granted by the provincial legislature. He also made direct personal contribution toward the successful launching of the enterprise, and had he not modestly refused his assent the institution might have been named in his honor. It was entirely fitting, therefore, that he should have been the first recipient of the honorary degree of Doctor of Laws at the hands of the college—a distinction which he had already received from the Universities of Oxford and Aberdeen.

It was during the administration of Gov. Wentworth that the province was divided into counties—a measure whose desirability had been generally recognized for a number of years, and whose enactment had been frequently essayed, but never before accomplished, the Council and Assembly being unable to agree, first upon lines of division and, second, upon the establishment of courts. Frequently, during the previous administration of Benning Wentworth, one branch of the legislature would pass a county division act, only to see it rejected in the other, and the bitterness engendered by these disagreements operated greatly to the general disadvantage, through the failure of the needed legislation; while the general inconvenience in the transaction of public business, became more burdensome from year to year. Finally, in April 1769, undoubtedly through the harmonizing influence of the Governor, a measure was passed by both branches, which received his signature on the 29th day of that month, by which the province was divided into five counties, provision being also made by the legislature for the establishment of courts, an agreement having been reached that the act should not go into effect until approved by the King. It was not, however, till March 19, 1771, that the Royal approval was given, and the measure became a law.

A situation was fast developing, however, wherein all the tact, skill and power of persuasion with which the Governor was endowed, were insufficient to insure harmony of action between the two branches of the legislature, or the maintenance of cordial relations between the people of the province and the home government. The repeal of the "Stamp Act" had gone far to re-establish the latter, but the imposition of the duty on tea, thus reasserting the right and purpose of the mother country to tax the colonies, or their people, which the latter determinedly resisted, had overcome all favorable results of such repeal and aggravated the situation beyond repair. The Council, whose members held com-

missions from the King, stood with the Governor in support of the home government and its measures; but the Assembly, chosen by the people and faithful to their interests, refused to cooperate, and strained relations between the two bodies existed during the later years of Gov. Wentworth's administration, while the spirit of resistance was gaining strength in all the colonies, and particularly in Massachusetts, the near neighbor with which New Hampshire had always been closely associated.

When, at last, popular indignation reached the point of aggressive resistance, and manifested itself in an overt act of rebellion, through the assault upon Fort William and Mary and the capture and removal of powder and guns by the patriot band, led by Langdon and Sullivan in December 1774, the Governor came to realize that a revolution was near, and that the end of the British domination in these provinces was not long to be deferred. He remained true to his trust, however, and faithfully performed his duty as he saw it, painful though it undoubtedly was. When Gen. Gage, commanding the British forces in Boston, whose very presence there was regarded as a menace and an outrage, was compelled to look outside for the necessary assistance in erecting barracks and providing winter quarters for his troops, which the mechanics there, in harmony with prevailing public sentiment, refused to furnish, Gov. Wentworth, himself, sought to secure, through an agent, men to go to Boston to engage in such service; but his efforts became known and his purpose was effectually thwarted through the action of the Portsmouth Committee of Safety, of which the Governor's own uncle, Hunking Wentworth, was chairman.

Shortly after the assault upon the fort—December 26, 1774; the assault having been made on the night of the 15th—the Governor issued a proclamation ordering the arrest and punishment of those engaged therein, and warning the people against being seduced from their allegiance "by the false arts or menaces of abandoned men." The sympathy and approval of the people, however, was with the assailants of the fort, and there was never any danger of their arrest.

Moreover, the Assembly, whose members were the representatives of the people, failed to conform in its action to the Governor's ideas concerning its duty, holding the interests of the people paramount to the royal prerogative, and even went so far as to expel

certain members who had been called by the Governor, upon the King's writ, from new townships, without authority from the Assembly. One of these expelled members, having expressed himself in terms regarded as offensive by the people of Portsmouth, was set upon and pursued to the Governor's house, where he took refuge. His surrender was demanded, and the demand enforced by bringing a cannon to bear upon the house; whereupon the Governor, feeling outraged, repaired with his family to the fort, and soon after—August 22, 1775,—embarked on the British ship, *Scarborough*, for Boston, then in possession of the troops under General Gage, whence his wife and child sailed for London in January following. With other loyalist refugees he remained under the protection of the British fleet or army, at different points, till the 7th of February, 1778, when he also sailed for London and became a resident of that city.

In 1783 he was given a new commission as Surveyor General of the King's Woods in North America, and sailed for Halifax to enter upon his duties September 20 of that year. He held this office till made Lieutenant-Governor of Nova Scotia by the King, May 14, 1792. His residence in Halifax was near that of Edward, Duke of Kent, father of Queen Victoria, Commander in Chief of the British Army in North America, who was his close friend. He was created a baronet in 1795. Hence the title "Sir" by which he is generally known in history. In 1808 he resigned his office on account of infirmities of age, and was granted a royal pension of £500 per annum, which he received until his death, which occurred in Halifax April 8, 1820.

Governor Wentworth, though he lived more than forty years after his practically enforced departure from his native province and the territory which ultimately became the republic of the United States, and most of the time in America, never again set foot upon the soil of this country; although he cherished no enmity against the country or its people, and, after the independence of the United States had been acknowledged by the mother country, he expressed himself in letters to former friends as sincerely desirous of the country's welfare, though remaining himself an unyielding monarchist and loyal subject of the King.

He married, November 11, 1769, his cousin Frances, daughter of Samuel Wentworth of Portsmouth, and widow of Theodore Atkinson, Jr., by whom he had one son who grew to manhood. He

was born in Portsmouth, January 20, 1775, shortly before the Governor left the province, and was christened Charles-Mary, being the god-son of Charles and Mary, Marquis and Marchioness of Rockingham. He was educated in England, graduating from Oxford, was private secretary to Earl Fitzwilliam, First Lord of the Treasury, and afterward, for a time, a member of His Majesty's Council in Nova Scotia. Upon his father's death he succeeded to the baronetcy, but, dying unmarried, April 10, 1844, the title became extinct.

Lady Wentworth, who went twice to England with her son—first when he was an infant, in 1776, and again in 1798 when she was presented at court, was made a lady-in-waiting by Queen Charlotte, by whom she was greatly admired. She remained in England a year at this time. Returning again with her husband in 1810, after his resignation, she died at Sunning Hill, County Berks, February 14, 1813.

It is of interest to note that upon the departure of Governor Wentworth the government was practically left in the hands of one of the same name and family, John Wentworth of Somersworth being Speaker of the Assembly, and also chosen first president of the first Provincial Congress or Convention, which met in Exeter April 21, 1775.

HENRY HARRISON METCALF.

March, 1915

LAWS
OF
NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS AND RESOLVES
WITH AN APPENDIX EMBRACING
THE JOURNAL OF THE COMMITTEE OF SAFETY

EDITED BY HENRY HARRISON METCALF, A. M.

VOLUME FOUR
REVOLUTIONARY PERIOD
1776 - 1784

BRISTOL, N. H.
MUSGROVE PRINTING HOUSE
1916

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW YORK HISTORICAL SOCIETY

JOINT RESOLUTION RELATING TO THE PRESERVATION AND PUBLICATION OF THE EARLY STATE AND PROVINCIAL RECORDS AND OTHER STATE PAPERS OF NEW HAMPSHIRE.

Resolved by the Senate and House of Representatives in General Court Convened

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely one copy to each [city and town in the state, one copy to each of public libraries in the state as the Governor may designate] ¹ *public library in the state, and to each town in the state having no public library, which shall request the same, and to such publishers of newspapers requesting the same as keep such open to public use,* fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

¹The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1881 by the act of March 20, 1901, Session Laws, new series, vol. 7, part 2, chapter 71, sect. 3, p. 35.

²By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

STATE OF NEW HAMPSHIRE

TO WHOM IT MAY CONCERN:—

This writing witnesseth that I, John McLane, Governor, in accordance with the provisions of the "Joint Resolution relating to the preservation and publication of portions of the early provincial records and other State papers of New Hampshire," approved August 4, 1881, and by virtue of the authority thereof, do hereby authorize Albert S. Batchellor, as Editor of State Papers, and on behalf of the State, to arrange, transcribe and superintend the publication of the laws of New Hampshire enacted between the 21st day of July, 1774, the date of the assembling of the first Revolutionary Provincial Congress in this Province, and the date when the Revised Statutes of 1792 took effect, whether such acts and laws may have been enacted by the Revolutionary Conventions, the Legislative bodies successively organized under the Constitution of 1776, or the General Courts organized under the Constitution of 1784, within the period above limited. The material derived from the records, documents and imprints assignable to the period above mentioned shall be divided for the purpose of publication into volumes of convenient size. They shall contain, in collections as nearly complete as practicable, the acts, public and private, and the resolves, corresponding to those published at the present time in the Session Laws, so called, the first volume including declarations of right, constitutions, acts and resolves in chronological order from July 21, to the end of a period which will yield sufficient copy for one volume. Succeeding volumes, arranged in like manner, shall be prepared and published in chronological order for consecutive periods yielding sufficient material to the time when said revision of 1792 took effect. The acts and laws of the Provincial Assembly which held sessions in the early part of the period above limited are not to be included in the publications hereby authorized.

There shall be included in said work such explanatory notes, citations, tables of contents, indexes, introductory statements and supplemental papers to be made a part of the volumes as may be deemed useful and appropriate.

This I deem proper to be done, and these instructions are given in accordance with the authority vested in me, as Governor, by the provisions of the Joint Resolution relating to the preservation and publication of portions of the State and Provincial records and other State Papers of New Hampshire, approved August 4, 1881.

Given under my hand in triplicate at Concord, this 7th day of December, 1906.

JOHN McLANE
Governor

THE STATE OF NEW HAMPSHIRE

TO HENRY H. METCALF, ESQUIRE, GREETING:

KNOW YOU, That we, reposing especial trust and confidence in your Fidelity and Ability, have constituted and appointed you Editor and Compiler of Early Province and State Papers, Hereby giving and granting unto you, the said Henry H. Metcalf, all the power and authority given and granted by the Constitution and Laws of our State to an Editor and Compiler of said Papers, TO HAVE AND TO HOLD THE SAID OFFICE, With all the powers, privileges, and immunities to the same belonging, for the term of—years, from and after July 11, 1913, provided you are of good behavior during said term.

(L. S.)

Samuel D. Felker.

Governor.

IN TESTIMONY WHEREOF, We have caused our seal to be hereunto affixed. WITNESS, Samuel D. Felker, Governor of our State, at Concord, this 11th day of July, in the year of our Lord one thousand nine hundred and thirteen, and of the Independence of the United States of America the one hundred and thirty eighth.

By his Excellency the Governor, with advice of the Council.

EDWARD N. PEARSON, *Secretary of State.*

THE STATE OF NEW HAMPSHIRE

MERRIMACK SS.

July 14, 1913.

Then the said Henry H. Metcalf took and subscribed the Oath of Office as Editor and Compiler as prescribed by law.

Before us,

EDWARD N. PEARSON, *Justices of the Peace.*
ARTHUR L. WILLIS, *Quorum Unus.*

STATE OF NEW HAMPSHIRE

TO HENRY H. METCALF,
Editor of State Papers:

You are hereby authorized to arrange, transcribe, and superintend the publication of the laws of New Hampshire, public and private, in chronological order, from the period when the Constitution of 1792 took effect, till the time when the regular annual publication of the statutes commenced.

You will also cause such explanatory notes, citations, table of contents, and indexes as you may deem useful to be prepared and made a part of the work.

This I deem proper to be done, and directions are given in accordance with the authority vested in me as Governor by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire approved August 4, 1881.

Given under my hand at Concord this 18th day of December 1914.

SAMUEL D. FELKER
Governor

TABLE OF CONTENTS

Officers of the Government, 1776.....	1
Legislation.....	6
Officers of the Government, 1776-1777.....	65
Legislation.....	69
Officers of the Government, 1777-1778.....	133
Legislation.....	136
Officers of the Government, 1778-1779.....	194
Legislation.....	198
Officers of the Government, 1779-1780.....	240
Legislation.....	244
Officers of the Government, 1780-1781.....	339
Legislation.....	342
Officers of the Government, 1781-1782.....	431
Legislation.....	434
Officers of the Government, 1782-1783.....	487
Legislation.....	490
Officers of the Government, 1783-1784.....	528
Legislation.....	531

APPENDIX

Journal of the Committee of Safety.....	575
Index of Subjects.....	587
Index of Names of Persons, Places, etc.....	901

INTRODUCTORY NOTE

For nearly two years, from May 28, 1774, till March 21, 1776, nothing in the form of statute law was enacted in New Hampshire. There was, in fact, no regularly constituted government during a considerable portion of this time, the royal governor, John Wentworth, having adjourned the Assembly and fled the province, after a protracted dead-lock between that body and himself. He had dissolved the Fifty-Fifth General Assembly on June 8, 1774, because of its failure to comply with his wishes, and especially because of its action in appointing a Committee of Correspondence, through which to keep in touch with the other Colonies, whose people were becoming thoroughly aroused against the tyranny of the mother country, or the government thereof. Another Assembly had been called, which met in Portsmouth on May 4, 1775, and organized with John Wentworth of Somersworth as Speaker and Meshech Weare of Hampton Falls as Clerk, but there was no improvement in the relations between the Governor and the Assembly over what had been the case during the sessions of the one previous. The Governor, as the representative of the crown, insisted upon the maintenance of its prerogatives, while the Assembly, chosen by and representing the people, was as thoroughly determined in its regard for their rights. The conflict between the two was brought to final issue over the action of the Assembly in excluding from membership three representatives chosen from certain towns in the County of Grafton upon the King's writ and without authorization of the Assembly.

This issue, it may be recalled, had arisen more than once before, and was at one time the occasion of a dead-lock in the government which continued for several years. The Assembly had never conceded the right of new towns to representation, except by virtue of its own action, previously taken, although there had been instances where those otherwise elected had been suffered to sit, the question of their right not having been raised. The Assembly refusing to reconsider its action excluding the representatives in question, adjournment from time to time was ordered by the Governor, the last being to September 28, but there was no session at that date and no farther meeting of this Assembly was held.

But, while the regular course of government in the province was interrupted by the break between the Governor and Assembly resulting from the controversy and threatened conflict between Great Britain and her American colonies, the people were alive to their own interests, and representatives, duly chosen from the several towns, had met in Convention or Congress to consider the situation and take such action as seemed expedient. Five Provincial Congresses, as they are generally known, were held between July, 1774, and December, 1775, all at Exeter. The proceedings of these Congresses, so far as obtainable from existing records, were published in Volume VII, N. H. Provincial Papers.

The first, which met July 21, 1774, was called through the action of the members of the Assembly, which, although dissolved by Gov. Wentworth, had been recalled by the Committee of Correspondence, its object being, primarily, the election of delegates to a General Congress of the Colonies, to be held in Philadelphia, the money to defray the expenses of such delegates to be contributed by the people of the several towns, and which was generally sent in to Exeter by their respective delegates to the Congress or Convention. Eighty-five delegates were in attendance, and John Wentworth of Somersworth, Speaker of the House in the last General Assembly, was chosen President. John Sullivan and Nathaniel Folsom were chosen delegates to the General Congress and John Wentworth, Meshech Weare, Josiah Bartlett, Christopher Toppan and John Pickering were named as a committee to issue general instructions to the delegates, and empowered to name others in their places, if either or both the delegates chosen should be unable to attend.

The second Provincial Congress, of which John Wentworth was also President, met on January 25, 1775. It voted approval of the proceedings of the Continental Congress which had been in session in Philadelphia the previous autumn, and elected John Sullivan and John Langdon delegates to the next Continental Congress, to be held in Philadelphia on May 10, following. It also appointed a Committee to call another Congress or Convention, when it should be deemed expedient, named a Committee of Correspondence and issued an address to the people of the Province.

The third Congress met in Exeter on April 25, with 109 delegates in attendance. John Wentworth was again President. This

Congress was called because of the critical condition of affairs in the country, which was emphasized by the conflict at Lexington and Concord, Mass., but a few days previous to its assembling. Its sessions were closed, it having been voted that all transactions be kept secret.

At the fourth Congress, opening on May 17, of the same year, one hundred and thirty three delegates, or deputies, were present. Matthew Thornton was chosen President, and Ebenezer Thompson, Secretary. Among the first acts of this Congress, whose sessions were extended over a period of about six months, was the adoption of a resolution, in view of the evident purpose of the British government "to subjugate this and the other American Colonies to the most abject slavery," providing for the raising immediately of two thousand effective men in the province, including officers and those already in the service, their enlistment to continue until the last day of December, unless the Committee of Safety, appointed the same day, should judge it proper that a part or the whole be discharged sooner. This Committee, as originally named, consisted of Matthew Thornton, Josiah Bartlett, William Whipple, Nathaniel Folsom and Ebenezer Thomson, other members being soon after added. While its membership varied somewhat, through the choice made by successive legislatures, it was continued throughout the entire period of the Revolutionary War. This Committee cooperated with the Congress and the successive legislatures, in the direction of affairs relative to the common defence and the prosecution of the war, and was clothed with power to deal with all emergencies which might arise when the legislature was not in session. It was made up of men of sound judgment and devoted patriotism, in whom the people had the fullest confidence. The journal of its proceedings, during the entire period of its existence, is of great historic interest and value. It was printed substantially in full, in Volume VII of the Collections of the N. H. Historical Society, but as the same are not generally available, the edition being limited and long since exhausted, it is presented complete as an Appendix to this volume, thus bringing it within reach of the general public, by insuring its presence in the public libraries throughout the State.*

*The journal of the Committee of Safety opens with the date "May 19th 1775": but, as the records of the Provincial Congress, by which the Committee was appointed, show that it was appointed May 20, it is manifest that this date is erroneous, and that it was inadvertently used by the Clerk of the Committee in writing out the record which apparently was not commenced until some time after the Committee's appointment.—Ed.

The fifth and last Provincial Congress met at Exeter on the twenty first day of December, 1775. Matthew Thornton was again chosen President and Ebenezer Thompson Secretary. On December 28 it was voted to take up the matter of the establishment of a form of civil government to continue for a year, and a committee consisting of Matthew Thornton, Meshech Weare, Ebenezer Thompson, Wyseman Claggett and Benjamin Giles was appointed "to frame and bring in a Draft or Plan of a New Constitution for the rule and government of the Colony." The Committee at once set about the important task assigned, and having duly reported, on the 5th of January, 1776, the new constitution, or "form of Government," was adopted by the Congress, as shown by the following record:

In Congress at Exeter Jan^y 5th 1776

Voted That this Congress Take up Civil Government for this Colony in manner & Form Following Viz:—

We the Members of the Congress of New Hampshire Chosen and Appointed by the Free Suffrages of the People of Said Colony, and Authorized and Impowered by them to meet together, and use Such means and Pursue Such Measures as we Should Judge best for the Public Good; And in Particular to Establish Some Form of Government, Provided that Measure Should be recommended by the Continental Congress: And a Recommendation to that Purpose having been Transmitted to us From the Said Congress; Have taken into our Serious Consideration the Unhappy Circumstances, into which this Colony is Involved by means of many Grievous and Oppressive Acts of the British Parliament, Depriving us of our Natural & Constitutional rights & Priviledges: To Enforce Obedience to which Acts, A Powerfull Fleet and Army have been Sent into this Country, by the Ministry of Great Britain, who have Exercised a Wanton & Cruel Abuse of their Power, in Destroying the Lives & Properties of the Colonists in many Places with Fire & Sword; Taking the Ships & Lading from many of the Honest and Industrious Inhabitants of this Colony Employ'd in Commerce, Agreeable to the Laws & Customs a long time used here.

The Sudden & Abrupt Departure of his Excellency John Wentworth Esq^r our Late Governor, & several of the Council, Leaving us Destitute of Legislation, and no Executive Courts being open to Punish Criminal Offenders; whereby the Lives & Properties of the Honest People of this Colony, are Liable to the Machinations & Evil Designs of wicked men; Therefore for the Preservation of Peace and good order, and for the Security of the Lives & Properties of the Inhabitants of this Colony, We Conceive ourselves

Reduced to the Necessity of Establishing A FORM OF GOVERNMENT to Continue During the Present Unhappy and Unnatural Contest with Great Britain; PROTESTING & DECLARING that we Never Sought to throw off our Dependence upon Great Britain, but felt ourselves happy under her Protection, while we Could Enjoy our Constitutional Rights & Priviledges— And that we Shall Rejoice if Such a reconciliation between us and our Parent State can be Effected as Shall be Approved by the CONTINENTAL CONGRESS in whose Prudence and Wisdom we Confide—

Accordingly Pursuant to the Trust reposed in us, WE DO RESOLVE That This Congress, Assume the Name, Power & Authority of a house of Representatives or Assembly for the *Colony of New Hampshire*. And that Said House then Proceed to Choose Twelve Persons, being Reputable Freeholders and Inhabitants within this Colony, in the Following manner viz, Five in the County of Rockingham, Two in the County of Strafford, Two in the County of Hillsborough, Two in the County of Cheshire, and One in the County of Grafton, to be a Distinct & Separate branch of the Legislature, by the Name of A COUNCIL for this Colony, to Continue as Such untill the third Wednesday in December next; any Seven of whom to be a Quorum to do Business. That Such Council Appoint their President; and in his Absence that the Senior Counsellor Preside. That a Secretary be Appointed by both Branches, who may be a Counsellor or otherwise as they shall Choose.

That no Act or resolve Shall be Valid & put into Execution unless agreed to, and passed by both Branches of the Legislature

That all Publick Officers for the Said Colony, and Each County, for the Current Year, be Appointed by the Council & Assembly, Except the Several Clerks of the Executive Courts, who Shall be Appointed by the Justices of the respective Courts—

That all Bills Resolves or Votes for Raising Levying & Collecting money Originate in the House of Representatives

That at any Session of the Council and Assembly, Neither Branch Shall Adjourn for any Longer time than from Saturday till the Next Munday without Consent of the other.

And it is further Resolved, That if the Present unhappy Dispute with Great Britain Should Continue longer than this present year, & the Continental Congress give no Instruction or Direction to the Contrary, The Council be Chosen by the People of Each respective County in Such manner as the Council & house of Representatives Shall order—

That General & field officers of the Militia, on any Vacancy, be Appointed by the Two houses & all Inferior Officers be Chosen by the respective Companies.

That all officers of the Army be Appointed by the Two houses, Except they Should Direct otherwise in Case of any Emergency

That all Civil Officers for the Colony & for Each County be Appointed, & the time of their Continuance in Office be Determined by the Two houses, Except Clerks of Courts, & County Treasurers & recorders of Deeds

That a Treasurer and a recorder of Deeds for Each County be Annually Chosen by the People of Each County Respectively; The Votes for Such officers to be returned to the respective Courts of General Sessions of the Peace in the County, there to be Ascertained as the Council & Assembly shall hereafter direct.

That Precepts in the name of the Council & Assembly, Sign'd by the President of the Council & Speaker of the House of Representatives, Shall Issue Annually at or before the first day of November, for the Choice of A Council and house of Representatives to be returned by the third Wednesday in December then next Ensuing, in Such manner as the Council & Assembly Shall hereafter prescribe.

On the following day, Saturday, January 6, the House chose from its membership, in accordance with the provisions of the constitution adopted, twelve men to serve as councilors for the ensuing year, as follows: Meshech Weare, Matthew Thornton, William Whipple, Josiah Bartlett, Nathaniel Folsom, for the County of Rockingham; Thomas Westbrook Waldron, Ebenezer Thompson, for the County of Strafford; Wyseman Claggett, Jonathan Blanchard, for the County of Hillsborough; Samuel Ashley, Benjamin Giles, for the County of Cheshire and John Hurd for the County of Grafton. The House also elected Ebenezer Thompson Secretary for the Colony for the same time.

On Monday, following, January 8, the House elected Phillips White, Speaker, and Noah Emery, Clerk.

The members of the Council, immediately upon their withdrawal, had met and organized by the choice of Meshech Weare as President. To this position Mr. Weare was successively reelected every year, till 1784, and, by virtue thereof, was the chief executive officer of the colony, or state, (the latter name having been adopted September 11, 1776) during the entire period of the Revolutionary War and the continuance of the government under the first constitution.

Meshech Weare was, indeed, a commanding figure in New Hampshire history during what is known as the "Revolutionary period." As the official head of the colony and State, during all

this time, and as Chairman of the Committee of Safety, which position he held throughout, he was the most conspicuous man in civil life; and, by virtue of his position, was a dominant spirit in the direction of military affairs.

In constant communication, as he necessarily was, with the Continental Congress, and with Gen. Washington as Commander in Chief of the patriot forces, he came to be held in high regard, and as a man of sound judgment and wise discretion, whose advice, upon all important questions of policy, both civil and military, might well be sought and given careful consideration, and whose aid and cooperation in all measures designed to promote the common weal might safely be depended upon. Especial reliance upon his counsel and assistance was placed by the Commander-in-Chief, and the correspondence between the two was not only extensive, but of the most intimate and confidential nature.*

The two men whose names stand out most prominently in the civil history of the state during this early period, as do those of John Stark and John Sullivan in its military history, are those of Meshech Weare and of John Langdon who succeeded him as President in 1785, when, worn out in the public service, he retired, and, soon after passed to the rewards of the higher life.

A bronze statue of Gen. Stark, erected by the State, stands in the State House park in Concord, where one of Sullivan will, doubtless, ere long, also be placed. The portrait of Langdon with those of other early Governors, hangs on the wall in one of the corridors. No portrait of Meshech Weare is there to be found, nor is there any in existence, so far as is known. Upon a slightly eminence, in the town of Hampton Falls, near where he was born and where his ashes repose, the State has erected a marble monument to his memory, upon which is found the following inscription:

*Much of this correspondence is included in the so called "Weare Papers," recently discovered in Philadelphia, and now the subject of litigation between the State of New Hampshire and the party in whose possession they were found.—Ed.

LAWS

OF

NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS, RESOLVES,
VOTES, ETC.

EDITED BY HENRY HARRISON METCALF, LL.B., A.M.

VOLUME FIVE

FIRST CONSTITUTIONAL PERIOD

1784-1792

CONCORD, N. H.,
RUMFORD PRESS
1916

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF

THE NEW YORK HISTORICAL SOCIETY

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STATE OF NEW HAMPSHIRE

TO WHOM IT MAY CONCERN:

This writing witnesseth that I, John McLane, Governor, in accordance with the provisions of the "Joint Resolution relating to the preservation and publication of portions of the early provincial records and other State papers of New Hampshire," approved August 4, 1881, and by virtue of the authority thereof, do hereby authorize Albert S. Batchelor, as Editor of State Papers, and on behalf of the State, to arrange, transcribe and superintend the publication of the laws of New Hampshire enacted between the 21st day of July, 1774, the date of the assembling of the first Revolutionary Provincial Congress in this Province, and the date when the Revised Statutes of 1792 took effect, whether such acts and laws may have been enacted by the Revolutionary Conventions, the Legislative bodies successively organized under the Constitution of 1776, or the General Courts organized under the Constitution of 1784, within the period above limited. The material derived from the records, documents and imprints assignable to the period above mentioned shall be divided for the purpose of publication into volumes of convenient size. They shall contain, in collections as nearly complete as practicable, the acts, public and private, and the resolves, corresponding to those published at the present time in the Session Laws, so called, the first volume including declarations of right, constitutions, acts and resolves in chronological order from July 21, to the end of a period which will yield sufficient copy for one volume. Succeeding volumes, arranged in like manner, shall be prepared and published in chronological order for consecutive periods yielding sufficient material to the time when said revision of 1792 took effect. The acts and laws of the Provincial Assembly which held sessions in the early part of the period above limited are not to be included in the publications hereby authorized.

There shall be included in said work such explanatory notes, citations, tables of contents, indexes, introductory statements and supplemental papers to be made a part of the volumes as may be deemed useful and appropriate.

This I deem proper to be done, and these instructions are given in accordance with the authority vested in me, as Governor, by the provisions of the Joint Resolution relating to the preservation and publication of portions of the State and Provincial records and other State Papers of New Hampshire, approved August 4, 1881.

Given under my hand in triplicate at Concord, this 7th day of December, 1906.

JOHN McLANE,
Governor.

¹ The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1881 by the act of March 20, 1901, Session Laws, new series, vol. 7, part 2, chapter 71, sect. 3, p. 558.

² By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

THE STATE OF NEW HAMPSHIRE

TO HENRY H. METCALF, ESQUIRE, GREETING.

KNOW YOU, That we, reposing especial trust and confidence in your Fidelity and Ability, have constituted and appointed you Editor and Compiler of Early Province and State Papers, Hereby giving and granting unto you, the said Henry H. Metcalf, all the power and authority given and granted by the Constitution and Laws of our State to an Editor and Compiler of said Papers, TO HAVE AND TO HOLD THE SAID OFFICE, With all the powers, privileges, and immunities to the same belonging, for the term of — years, from and after July 11, 1913, provided you are of good behavior during said term.

IN TESTIMONY WHEREOF, We have caused our seal to be hereunto affixed.
WITNESS, Samuel D. Felker, Governor of our State, at Concord, this 11th day of July, in the year of our Lord one thousand nine hundred and thirteen, and of the Independence of the United States of America the one hundred and thirty eighth.
By his Excellency the Governor, with advice of the Council.

EDWARD N. PEARSON, *Secretary of State.*

THE STATE OF NEW HAMPSHIRE

MERRIMACK SS. July 14, 1913.

Then the said Henry H. Metcalf, took and subscribed the Oath of Office as Editor and Compiler as prescribed by law:
Before us,

EDWARD N. PEARSON, *Justices of the Peace.*
ARTHUR L. WILLIS, *Quorum Unus.*

STATE OF NEW HAMPSHIRE

TO HENRY H. METCALF,
Editor of State Papers:

You are hereby authorized to arrange, transcribe, and superintend the publication of the laws of New Hampshire, public and private, in chronological order, from the period when the Constitution of 1792 took effect, till the time when the regular annual publication of the Statutes commenced:

You will also cause such explanatory notes, citations, table of contents, and indexes as you may deem useful to be prepared and made a part of the work.

This I deem proper to be done, and directions are given in accordance with the authority vested in me as Governor by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire approved August 4, 1881.

Given under my hand at Concord this 18th day of December, 1914.

SAMUEL D. FELKER
Governor

TABLE OF CONTENTS.

Officers of the Government, 1784-1785.....	1
Legislation.....	6
Officers of the Government, 1785-1786.....	61
Legislation.....	65
Officers of the Government, 1786-1787.....	151
Legislation.....	155
Officers of the Government, 1787-1788.....	248
Legislation.....	251
Officers of the Government, 1788-1789.....	311
Legislation.....	315
Officers of the Government, 1789-1790.....	439
Legislation.....	442
Officers of the Government, 1790-1791.....	508
Legislation.....	671
Officers of the Government, 1791-1792.....	740
Legislation.....	743

INTRODUCTORY NOTE.

This Volume, the fifth in the Series embracing the laws of New Hampshire enacted during the Province and Early State Periods, issued from the office of the Editor of State Papers, by virtue of authority granted by successive Governors of the State, under the legislative joint resolution of August 4, 1881, contains the legislation enacted by the General Court of New Hampshire during what is designated as the "First Constitutional Period," between June, 1784 and June, 1792.

Volume 1, edited by Albert S. Batchellor, by authority of Governor George A. Ramsdell, ratified by Governor Chester B. Jordan, and issued in 1904, included the Provincial legislation from 1679, commencing with the administration of John Cutt and continuing till that of Joseph Dudley in 1702.

Volume 2, covering a period of forty three years, from 1702 to 1745, issued upon authority of Governor Frank W. Rollins, given in 1899, had been prepared, by Mr. Batchellor also, and was in press at the time of his death in June, 1913.

Volume 3, including the laws of the remainder of the Province Period, from 1746 to 1774, inclusive, edited by the present incumbent, upon authority granted his predecessor in office, Mr. Batchellor, by Governor John McLane, in 1906, was issued in 1915.

Volume 4, which includes the legislation of the Revolutionary Period—1776 to 1784—issued by the same authority—also edited by the present incumbent, appeared early the present year.

Volume 5, prepared under the same authority as Volume 4, which is now presented, covers what is properly known as the "First Constitutional Period," or the time in which the first regular Constitution of the State was operative, from June, 1784 to June, 1792, at which latter date the amendments of 1792 went into effect.

What is sometimes called the First Constitution, adopted by the Provincial Congress at Exeter on the 5th day of January, 1776, was in no true sense a Constitution; and did not purport to be such. It was merely a "form of government," and so styled, brief, crude and simple at that. It embodied no bill of rights, and made no reference at all to personal liberty, the rights of individuals, or the purposes of government, itself. It simply established a government and laid down a few plain, simple rules directing its operations.

New Hampshire, along with her sister colonies, during all this period, was engaged in the great contest with the mother country for the general right of independent self-government; and, while the struggle lasted, individual rights and personal controversies were lost sight of, in the overwhelming desire and determination to accomplish the object sought, so that through all this period of stress and conflict this simple form of government sufficed its purpose. The people were bound together in a community of interest, overshadowing all minor considerations, and had little time or thought for matters of personal concern or individual advantage.

But, when victory was achieved, war ended and the independence of the colonies established and acknowledged, a different order of things naturally developed. The personal relations of individual citizens, and civil and property rights and interests, began to command attention, and the inadequacy of existing government came to be generally recognized:

When, therefore, the Constitutional Convention, called by vote of the legislature, April 6, 1786, to meet "for the sole purpose of forming & laying a permanent Plan or system of Government for the future happiness and well being of the good people of this State" (the work of a previous convention, submitted in 1779, having been overwhelmingly rejected) submitted its third report of a constitution or frame of government—two others having been successively rejected—the people had reached the point at which a change was regarded necessary, and a more comprehensive form of government requisite to their welfare and progress. So this Constitution, adopted by the Convention in June, 1783, and submitted for their approval, was duly ratified by the people, and finally established by the Convention, to go into effect on the first Wednesday in June, 1784.

During this First Constitutional Period, from June, 1784, till June, 1792, when various important amendments went into effect (though no new Constitution was adopted, as is sometimes supposed) the legislature devoted itself mainly to the framing of laws designed to promote the material welfare of the people of the State, as was the case with the legislatures of other states. The independence of the colonies having been established, and each acknowledged as a free and sovereign state, each, through its legislature, devoted itself, primarily, to the promotion of its own interests and those of its people; yet it was by no means always an easy matter to determine just what was best for the people themselves. The "money question," as has often been the case in later years, was one of the most disturbing elements in the situation. The long war had left the people impoverished, burdened with debt, and, everywhere, suffering grievously in consequence. Then, as in subsequent periods of "hard times" and financial stress,

there was a loud cry for more money. It was demanded that the legislature provide for the emission of paper bills of credit, to be made a legal tender for all debts, private as well as public. The agitation was constant and exciting; the demands of creditors clamorous and pressing, and the calm judgment of men in many cases overcome by their own needs and the dire necessity of many about them.

The legislature went as far as it consistently could in devising measures of temporary relief; but felt itself unable to satisfy popular clamor with due regard for the oaths of members and the ultimate good of the State. The demands continued to increase in volume, however, as times became harder and burdens more intolerable, till, finally, open revolt, and overt acts of intimidation were resorted to, and, in September, 1786, an armed mob gathered at Exeter, surrounded the church in which the legislature was holding its sessions, and demanded compliance with its wishes. Threatened violence, however, failed to produce the desired effect. The legislature was not overawed, and though the clamorous mob remained in the vicinity it scattered in flight the next day upon the appearance of the militia, which had promptly responded to the summons of the President of the Council. Though they might have been severely punished, the captured ringleaders were leniently dealt with; and, startled doubtless by the outcome of their clamor, the discontented element largely ceased their outcries against the government, so that peace and good order generally prevailed. Finally the legislature passed an act providing for an issue of paper bills of credit, as desired, on condition that the same be approved by direct vote of a majority of the people. This was the first important instance, in the history of the State, of resort to the referendum, so widely clamored for in these later days, and the result was that the sober sense of the majority pronounced against the proposition and the scheme died then and there, and was never revived in New Hampshire. In the House of Representatives, January 4, 1787, the question being submitted—"Can the legislature, consistently with the Constitution and their oaths, pass an act making paper bills of credit a tender to discharge private contracts made prior to the passing such act?"—the house voted unanimously in the negative, and at the same time it was voted not to emit paper money upon any plan.

Up to this period there was, of course, no well developed judiciary system in existence in the State, and no established course of probate procedure. People had frequent recourse to the legislature for the protection of their rights and redress of grievances, and the records show that the attention of that body was occupied to no small extent in the enactment of special measures of private concern, designed to preserve, protect, maintain or restore the personal or property rights of individuals.

As indicative of the growth and development of the interests of travel and transportation; and, incidentally, of commercial progress, may be noted the numerous grants of ferry privileges, across the Connecticut and Merrimack rivers, made by the legislature during this period. The labor and expense, involved in the construction of bridges, was too great to be indulged in to any considerable extent, and ferries had to be established and maintained quite generally, in those days, and the privilege of keeping a ferry seems very often to have been regarded as a source of substantial revenue. Another indication, of the same purport, is found in the large number of acts passed authorizing towns to levy taxes upon lands, resident and non-resident, for the purpose of building and repairing highways and bridges.

Until the Federal Constitution went into effect, in 1789, the states had jurisdiction over all matters of foreign commerce, and everything affecting industrial and business development, which accounts for the fact that we find legislative enactments, during the earlier years of this period, levying various duties and imposts, granting monopolies, and offering special inducements to those who should engage in various lines of manufacture. Some of these acts, designed to promote local manufacturing, contain provisions that smack more strongly of paternal government and the protective principle than would be sanctioned or tolerated, at the hands of the Federal government, by men of any party at the present day. Under the articles of Confederation, by which the states were united, the powers of Congress were limited, and those of the several legislatures of broader scope, than under the Constitution, framed by the Federal Convention of 1787, which became operative through its ratification by the New Hampshire Convention in June, 1788, by a vote of fifty-seven to forty-six, after much discussion and deliberation.

Under the state constitution, as operative from 1784 to 1792 inclusive, the chief executive was styled "President." He was charged with administrative powers alone, having no voice in or control of legislation, except as the legislature, or General Court, might be influenced by his recommendations. No power to veto legislative action was conferred upon him. Meshech Weare, biographical mention of whom was made in the introductory note to Volume 4, who had been President of the Council, and chief executive during the entire Revolutionary period, was the first President elected under the Constitution, but served only one year, being then in feeble health. He was succeeded by John Langdon, who held the office one year, from June, 1785, when he, in turn, was succeeded by John Sullivan, who was reelected, serving two years, when John Langdon again came in for a year. Sullivan then again succeeded Langdon, who gave place a

year later, June, 1790, to Josiah Bartlett, who held the office till June, 1792.

JOHN LANGDON was a native of Portsmouth, born June 25, 1741, and was educated in the grammar school there, under the instruction of Major Samuel Hale. After leaving school he entered the store of Daniel Rindge, a leading merchant, as an apprentice. After serving his term there he went to sea, serving as supercargo for a time, and afterward as master and owner of a vessel, continuing in this line with much success till the opening of hostilities between the colonies and the mother country, when he devoted his time, energies, and means to the cause of the former. He was engaged with John Sullivan as a leader in the daring enterprise of the assault upon Fort William and Mary at New Castle, in December, 1774—the first overt act of rebellion against the British government—which resulted in the capture of cannon and gunpowder, of which some of the latter was supplied to the patriot forces who fought at Bunker Hill. He was a delegate to the General Congress in 1775 and 1776, and a representative in the State legislature from Portsmouth, and Speaker from 1776 till 1782. He was also, for a time, an agent for the Continental Navy, and several vessels of war were built under his direction at Portsmouth, including the *Raleigh*, *Ranger*, *America* and *Portsmouth*. Meanwhile, he was actively interested in military affairs, and was the commander of an independent company of cadets. When the call came for help in resisting Burgoyne's invasion, he was prompt to respond, and from means which he personally supplied, Stark's expedition, which resulted in the battle and victory of Bennington, was mainly fitted out. He also served in command of a volunteer company under General Gates at Saratoga, and was with Sullivan for a time in the Rhode Island campaign.

In 1783, Colonel Langdon was a delegate in the Continental Congress; in 1784 and 1785 a member of the State Senate, and in June of the latter year entered upon his first term as President of the State, serving one year, and again, as has been stated, one year, from June, 1788. Meanwhile, he also served as a delegate from New Hampshire in the Convention at Philadelphia which framed the Constitution of the United States, and as a member of the State Convention by which it was ratified. Elected to the legislature again from Portsmouth, he was Speaker of the House at the time when the canvass of votes showed his second election as President. In November following he was chosen a Senator from New Hampshire in the Congress of the United States, was the first president *pro tem* of the Senate, and in that capacity, after the canvass of the vote was made, had the honor of declaring General George Washington elected President of the United States, and personally notified him of his election. He served

twelve years in the Senate, and upon the completion of his last term in 1801, returned to the state legislature, serving from 1801 to 1803 inclusive, the last two years as Speaker of the House. Again from 1805 to 1808 inclusive, and from 1810 to 1812 he was Governor of the State. He died, September 18, 1819. No man of his age or any later time, in the State of New Hampshire, enjoyed greater measure of civic honor or bore the same more worthily, than JOHN LANGDON. The erection of some appropriate and enduring monument to his memory is a duty of the State far too long neglected.

GENERAL JOHN SULLIVAN, who succeeded John Langdon as President of the State in 1786, serving two years, and again, for a year, in 1789, although eminent in civil affairs, was more distinguished in military service. While his birthplace has been given by some historians as Berwick, Me., John Scales of Dover, a well known historical student and writer who has given the matter careful study and thorough investigation, states that General Sullivan was born February 18, 1740, in the parish of Somersworth, then a part of the town of Dover. When Somersworth was divided in 1849, the locality was included in that portion which became the town of Rollinsford, and is in the region of the present Rollinsford Junction. His father, John Sullivan, sometimes called "Owen," was a noted schoolmaster, and from him his early education must have been mainly derived. He studied law and settled in practice in the town of Durham, which remained his home till death. He took an active interest in military affairs, and had attained the rank of Major in the Provincial militia as early as 1772. He was an earnest opponent of British tyranny, and among the first to advocate resistance to the same. He was a delegate in the Continental Congress in 1774, and led the demonstration against Fort William and Mary in December of that year. Again a delegate to Congress, in 1775, he was appointed by that body a brigadier general in the Continental army, June 22, and was in command of the troops stationed on Winter Hill, during the siege of Boston. The following year he was made a major general and was in the service on Long Island where he was taken prisoner; but on being exchanged, joined the army in Canada, where he was in command for a time after the death of General Thomas; but was soon transferred to the main army under Washington, and rendered distinguished service at Brandywine and Germantown. In 1778 he was in command in Rhode Island, cooperating with the French fleet, and in the following year was selected by Washington to lead the daring and successful expedition against the hostile Indians of the Six Nations in Western New York, utterly routing them, and destroying their power for harm. This campaign was regarded as one of the most brilliant and effective in the entire Revolutionary contest, as these Indians, impelled by agents

of the British government, had been a source of constant annoyance to the colonists. In November, 1779, he resigned from the army, and was a delegate in Congress the following year, meanwhile serving as the agent of the State in the settlement of the Vermont boundary. He was a delegate again in 1781, and on June 21, 1782, was made Attorney General of the State, and served till 1786; also as Major General of the militia for the last two years. He was a member and Speaker of the House of Representatives in 1785, and again in 1788, in which latter year he was also a member and president of the State Convention which ratified the Constitution of the United States. In 1789 he was a presidential elector. In September of that year, while yet President of the State he was appointed Judge of the United States District Court for New Hampshire, which office he held till his death, January 23, 1795.

General Sullivan was an able lawyer and a brilliant advocate, and a military commander of courage and sagacity in whose judgment and valor Washington placed great reliance. His memory is well worthy the memorial statue whose erection in the State House park has been ably advocated in the past. As a soldier he was the peer of Stark; as a statesman the worth colleague of Langdon and Weare.

DR. JOSIAH BARTLETT, who served as President of the State for two years, succeeding General Sullivan in 1790, and as the first Governor, under the amended Constitution, for two years following, was a native of Amesbury, Mass., born November 21, 1729, the son of Stephen, who married a Miss Webster of the celebrated family of which the great "exponent of the Constitution" was a scion. Having mastered the rudiments of the languages, at sixteen he commenced the study of medicine with Doctor Ordway of Amesbury, and at the age of twenty-one settled in practice in the town of Kingston, N. H., where he continued until death. He is said to have been original in his methods of practice, departing widely from the old school. He first introduced Peruvian bark into medical use in 1754. He was also as independent in theology as in professional practice and repudiated Calvinism and its horrors early in life.

Doctor Bartlett took an active part in public affairs in his town, and was elected its representative in the Assembly in 1765, continuing till the Revolution. He early espoused the patriot cause, and opposed the royalists and their measures, in the legislature, with great vigor. Recognizing his ability, the Governor sought to win his support by various appointments, including that of Lieutenant Colonel, but without avail, and finally deposed him from such office. He was a member of the Committee of Safety through the Revolution, and a delegate in the Continental Congress in 1775 and 1776, being the first man to vote for Independence, and the first after President Hancock to sign

the Declaration. He resigned as a delegate to become Naval agent. He was with General Stark in the Bennington campaign, in charge of medical supplies. He was again a delegate in Congress in 1778, and in 1779, but resigned in the latter year to accept the position of Chief Justice of the Court of Common Pleas. In 1782 he became a Justice of the Superior Court, and Chief Justice in 1790, resigning to take the office of President. His interest in the medical profession continued unabated through life. He was the leader in the organization of the New Hampshire Medical Society, was its first president, and held the office for many years. A statue of Doctor Bartlett ornaments a public square in his native town of Amesbury, Mass. The adopted State, which he served so loyally and well, might properly accord his memory equal honor.

The four men who served New Hampshire, as chief magistrate, during the first Constitutional Period, have not been surpassed in ability, or in patriotic devotion to the welfare of the people, by any of their successors, or any others who have served the State in any capacity. Regardless of material monuments, the names of Weare, Langdon, Sullivan and Bartlett will live in history, and in the hearts of the people, as long as the State itself endures.

HENRY HARRISON METCALF.

August, 1910.

LAWS OF NEW HAMPSHIRE

FIRST CONSTITUTIONAL PERIOD.

[FIRST GENERAL COURT.]

[Held at Concord, Exeter and Portsmouth, Three Sessions, June 2, 1784, to February 25, 1785.]

[OFFICERS OF THE GOVERNMENT.]

MESHECH WEARE, PRESIDENT OF THE STATE.

EBENEZER THOMPSON, SECRETARY.

JOHN TAYLOR GILMAN, TREASURER.

WOODBURY LANGDON, PRESIDENT OF THE SENATE.

GEORGE ATKINSON, SPEAKER OF THE HOUSE.

JOHN CALFE, CLERK OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

John McClary,	Epsom.
Francis Blood,	Temple.
Joseph Badger,	Gilmanton.
Nathaniel Peabody,	Atkinson.
Moses Chase,	Cornish.

[MEMBERS OF THE SENATE.]

Woodbury Langdon, President,	Portsmouth.
John Langdon,	Portsmouth.

Chosen by Senate in place of John Dudley who declined to accept.

Joseph Gilman,	Exeter.
John McClary,	Epsom.
Timothy Walker,	Concord.
John Wentworth,	Dover.
Ebenezer Smith,	Meredith.
Francis Blood,	Temple.
Matthew Thornton,	Merrimack.
Simeon Olcott,	Charlestown.
Enoch Hale,	Walpole.

Chosen in place of Benjamin Bellows who declined to accept.

Moses Dow,	Haverhill.
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LAWS
OF
NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS, RESOLVES,
VOTES, ETC.

EDITED AND PUBLISHED UNDER THE DIRECTION OF THE
SECRETARY OF STATE

VOLUME SIX
SECOND CONSTITUTIONAL PERIOD
1792-1801

CONCORD, N. H.
EVANS PRINTING CO.
1917

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF

THE NEW YORK HISTORICAL SOCIETY

JOINT RESOLUTION RELATING TO THE PRESERVATION AND
PUBLICATION OF THE EARLY STATE AND PROVINCIAL
RECORDS AND OTHER STATE PAPERS OF NEW HAMPSHIRE.

*Resolved by the Senate and House of Representatives in General Court
Convened:*

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely one copy to each [city and town in the state, one copy to such of public libraries in the state as the Governor may designate]¹ *public library in the state, and to each town in the state having no public library, which shall request the same, and to such publishers of newspapers requesting the same as keep such open to public use,*² fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

The governor and council may authorize the secretary of state from time to time to collect, arrange, transcribe, and publish such portions of the early state and provincial records and other state papers of New Hampshire as they shall deem proper. Eight hundred copies of each volume shall be printed.

On publication the secretary of state shall send one copy to each of the following officers and bodies: To the governor and members of the council; to the judges of the supreme and superior courts; to each free public library in the state; to the town clerks of towns having no free public library for the use of the town; to such other officers and bodies as the governor and council shall designate. He shall send fifty copies to the New Hampshire Historical Society and deposit the residue in the state library.

STATE OF NEW HAMPSHIRE.

TO THE SECRETARY OF STATE:

You are hereby authorized to arrange, transcribe and superintend the publication of the Laws of New Hampshire, public and private, in chronological order, from the period when the Constitution of 1792 took effect, till the time when the regular annual publication of the Statutes commenced.

You will also cause such explanatory notes, citations, table of contents and indexes as you may deem useful to be prepared and made a part of the work.

This I deem proper to be done, and directions are given in accordance with the authority vested in me as Governor by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire approved August 4, 1881, and also by the act of February 27, 1917, Chapter 29, Sections 27 and 28.

Given under my hand at Concord this 27th day of July, 1917.

HENRY W. KEYES,
Governor.

With the advice and consent of the council.

¹ The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1881, by the act of March 20, 1901, Session Laws, new series, vol. 7, part 2, chapter 71, sect. 3, p. 558.

² By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

³ Chapter 29, sections 27 and 28, Laws of 1917.

TABLE OF CONTENTS.

Officers of the Government, 1792	1
Legislation	7
Officers of the Government, 1793-1794	97
Legislation	103
Officers of the Government, 1794-1795	177
Legislation	183
Officers of the Government, 1795-1796	244
Legislation	250
Officers of the Government, 1796	305
Legislation	311
Officers of the Government, 1797	390
Legislation	396
Officers of the Government, 1798	482
Legislation	488
Officers of the Government, 1799	536
Legislation	562
Officers of the Government, 1800	626
Legislation	632
Appendix	680

INTRODUCTORY NOTE.

This volume is the sixth published in the series and embraces the laws of New Hampshire enacted during the first part of its history as a constitutional unit of the federal government. It is issued from the office of the secretary of state in accordance with the action of the governor and council taken at a regular meeting held July 28, 1916, when the following vote was adopted:

"On motion of Councilor Wallace, voted: That the secretary of state have supervision of the editing of state papers after September 1, 1916."

This action of the governor and council was prompted solely on the grounds of economy, a saving of the salary which had previously been paid to the editor of state papers being the result, and inasmuch as the services were retained of Miss Isabelle E. Smith, who had served under the former editors, Hon. Albert S. Batchellor of Littleton and Hon. Henry H. Metcalf of Concord, the work was continued without material interruption. Therefore, this volume was edited and compiled in the office of the secretary of state and carries the work down to 1801.

There are about thirty-four years remaining of the laws which have not been published in printed form. At the rate the work has been done in the past it will take about four years more to complete it, although it is noticeable that as time advances legislation is more prolific, and for that reason the succeeding years may bring forth more laws per year than have been recorded in the past. The only expense to the state at the present time for carrying on this work is the salary paid to the clerk and the cost of printing and binding, which is very small in comparison to the convenience derived in having all of the old laws in available form for reference and study.

The period of time in the history of New Hampshire that is covered by this volume is one fraught with many new enterprises, educational and otherwise, which were destined to have an important influence upon the progress and material development of the state. The first public library in the state was established at Dover, December 18, 1792, and in the next eight years there were incorporated fifty-seven public libraries in different parts of the state, showing the awakening influence of the responsible duties of citizenship that comes to a people and the desire which they manifest to fit themselves to properly perform such duties and obligations as may come to them as citizens living under a free and liberal form of government.

The period from 1781 to 1801 marked a time of increasing educational interest. Common schools were established wherever a sufficient number of pupils could be brought together to warrant them in so doing, often entailing the necessity of several miles' travel for some of the scholars. Academies were encouraged and several were established in different parts of the state. Phillips Exeter was incorporated in 1781, New Ipswich Academy in 1789, Chesterfield Academy in 1790, Atkinson and Charlestown Academies in 1791, Gilmanton and Haverhill Academies in 1794 and Salisbury Academy in 1795. Gilmanton Academy was burned in 1808, but it is related that within five weeks another building was erected in its stead. Haverhill Academy has the distinction of having educated Justice Nathan Clifford of the United States Superior Court, and its principal in 1836, Peter T. Washburn, later became governor of Vermont. An academy established at Plainfield in 1785 is presumably the forerunner of Kimball Union Academy, which has maintained a most honorable and useful career since its foundation in 1813.

On January 3, 1792, the first bank in the state was chartered. It was called the New Hampshire Bank and was located at Portsmouth. It is said to have been the sixth bank established in the United States. The state took \$10,400 in stock of this bank and held the same until 1840, when a portion of it was given for the erection of the first building in the New Hampshire Asylum for the Insane.

In 1796 the charter for the first New Hampshire turnpike was granted. This turnpike extended from Concord to Piscataqua Bridge near Portsmouth, and was the first of a number of large and important turnpikes to be established by a few public spirited individuals in the state. From these turnpikes branches were run out in different directions, reaching into nearly all sections of the state and they were of as much benefit to the people of those days as the modern methods of travel are to the people of today.

The chief magistrate of the state was recognized by the name of governor in accordance with the change made in the state constitution adopted in 1792. Under the old constitution he had been styled president, but under the new the name of governor was adopted with the title "His Excellency" added. Also a change was made in regard to the election of senators. Under the old constitution the senate had consisted of twelve members,—five from Rockingham county, two from each of the counties of Strafford, Hillsborough and Cheshire, and one from Grafton county. Under the new constitution the number remained the same but provision was made for the division of the state into twelve districts, based upon population, to be as nearly equal as practical.

The governor of the state during a larger portion of the time represented in this volume was John Taylor Gilman, who held the

office for a longer period than any other governor elected by the people. His first election came in 1794, and he was elected every year thereafter until 1805, then again in 1813, 1814 and 1815, making fourteen years of service as governor of the state. Governor Gilman first became a candidate for governor in 1793 and he was a candidate for that office every year, barring the years 1809-'10-'11, until 1816, when William Plumer was elected, making twenty years in which he sought the governorship, fourteen of which he was successful in his endeavors. Governor Gilman was a man far beyond the average in natural ability. He came from one of the oldest and most honored families of that name from the town of Exeter. His education was obtained from what the common schools provided in those times, supplemented by practical learning in ship-building, trade and agriculture. He was a man of decisive character, supported by a large fund of common sense, and endowed with that degree of frankness and courage that made him a power among men. He had a high sense of honor and the utmost contempt for anything that appeared to be devious and underhanded, and honesty was considered by him to be an essential attribute to a good citizen. That he held the office of governor for so many years is conclusive evidence that he held the confidence of the people of the state to a remarkable degree.

It seems to be a matter of sufficient interest to note the death of Rev. Jeremy Belknap, which took place in Boston, June 20, 1798. Dr. Belknap had lived in New Hampshire for a greater portion of his life and took a great deal of interest in everything that pertained to the welfare of the state, not only in regard to the religious condition of its people but to its political and business interests as well. His history of New Hampshire is considered a classical production and it has been referred to as an authority by all subsequent writers upon historical subjects, especially those pertaining to New Hampshire. He exhibited a marvelous degree of patience and perseverance in working out the many lines of historical matter and revealing numerous items of facts heretofore unknown which could only be brought to light by unremitting toil and attention. Public documents in those days were in a condition that made research work most difficult. Everything was in manuscript form and was more or less obliterated owing to the lapse of time and negligent care. No indexing or other form had been thought of by those having records in charge, and it was by the exercise of the utmost diligence and patience on the part of the historian that historical information could be obtained and made available for the benefit of the public. The noted French writer, M. de Tocqueville, thus speaks of Dr. Belknap's work:

"The history of New Hampshire, by Jeremy Belknap, is a work held in merited estimation. The author gives extremely precious details concerning the political and religious principles of the Puri-

tans on the causes of their emigration and their laws. The reader of Belknap will find more general ideas and more strength of thought, than are to be met with in other American historians, even to the present day."

The third volume of Belknap's History of New Hampshire closes with an address to the people of the state, and we venture to quote the concluding paragraph, giving the author's idea of a happy people and which, if it could be realized, would work such a change in the condition of society as to make life "one long, sweet dream." He says:

"Were I to form a picture of happy society, it would be a town consisting of a due mixture of hills, valleys, and streams of water. The land well fenced and cultivated; the roads and bridges in good repair; a decent inn for the refreshment of travelers, and for public entertainments. The inhabitants mostly husbandmen; their wives and daughters domestic manufacturers; a suitable proportion of handicraft workmen, and two or three traders; a physician and lawyer, each of whom should have a farm for his support. A clergyman, of any denomination which should be agreeable to the majority, a man of good understanding, of candid disposition, and exemplary morals; not a metaphysical nor a polemical, but a serious and practical preacher. A schoolmaster, who should understand his business and teach his pupils to govern themselves. A social library, annually increasing, and under good regulation. A club of sensible men, seeking mutual improvement. A decent musical society. No intriguing politician, horse-jockey, gambler, or sot; but all such characters treated with contempt. Such a situation may be considered as the most favorable to social happiness, of any which this world can afford."

Dr. Belknap was admirably fitted for the work which he followed. He was a graduate of Harvard College in 1762, and after graduation he engaged in teaching in Portsmouth and Greenland. Then he accepted a call to preach at a church in Dover, where he remained for twenty years, carrying on his literary work at the same time that he attended to the duties connected with his church. During the Revolutionary War he was an ardent patriot, contributing much to the cause by voice and pen, serving as chaplain in the Continental Army in Cambridge, Massachusetts, although never regularly enlisted. He was among the first to advocate the abolition of the slave trade and was always a loyal friend of the negro. In 1787 he became pastor of the Federal Street Church, Boston, where he remained until the time of his death, leaving a widow and five children. His granddaughter, Mrs. J. (Belknap) Marcou, published a short history of his life in 1847, from which were gathered the principal items contained in this brief sketch.

EDWIN C. BEAN,
Secretary of State.

AUGUST, 1917.

LAWS OF NEW HAMPSHIRE.

[FIRST GENERAL COURT.]

[Held at Dover and Exeter, Two Sessions, June 6, 1792, to December 28, 1792.]

[OFFICERS OF THE GOVERNMENT.]

JOSIAH BARTLETT, PRESIDENT.
JOSEPH PEARSON, SECRETARY.
JOHN TAYLOR GILMAN, TREASURER.
JOHN PRENTICE, ATTORNEY GENERAL.
EBENEZER SMITH, PRESIDENT OF THE SENATE.
JOHN SAMUEL SHERBURNE, SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

Phillips White.	South Hampton.
Joseph Badger, Jr.,	Gilmanton.
Robert Wallace,	Henniker.
Lemuel Holmes,	Surry.
Jonathan Freeman,	Hanover.

[MEMBERS OF THE SENATE.]

Ebenezer Smith.	Meredith.
Nathaniel Gilman,	Exeter.
Christopher Toppan,	Hampton.
John Waldron,	Dover.
Joshua Atherton,	Amherst.
Jonathan Freeman,	Hanover.
Abiel Foster,	Canterbury.
Robert Wallace,	Henniker.
Amos Shepard,	Alstead.
James Sheafe,	Portsmouth.
Nathaniel Peabody,	Atkinson.
John Bellows,	Walpole.

LAWS
OF
NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS, RESOLVES,
VOTES, ETC.

EDITED AND PUBLISHED UNDER THE DIRECTION OF THE
SECRETARY OF STATE

VOLUME SEVEN

SECOND CONSTITUTIONAL PERIOD

} 1801-1811

CONCORD, N. H.
EVANS PRINTING CO.
1918

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF

THE NEW YORK HISTORICAL SOCIETY

INTRODUCTORY NOTE.

This volume is the seventh of the "Laws of New Hampshire." It is published by the Secretary of State by the same authority with which volume six was published in 1917, which was the following vote of the Governor and Council passed July 28, 1916:

"On motion of Councillor Wallace, voted: That the Secretary of State have supervision of the editing of state papers after September 1, 1916."

This volume contains the public and private acts, resolves, votes, etc., of the period from 1801 to 1811. The laws of the period from 1811 to 1835 remain to be published in subsequent volumes.

New Hampshire, during the first decade of the nineteenth century, was a prosperous and flourishing state. The census of 1800 showed a population of 183,868, which was a gain of about 42,000 over that of 1790. This increase continued and in 1810 the population was 214,460, a growth of over 30,000. These increases in population were greater than that from 1900 to 1910, one century later, not only in proportion but actually. There were only five counties, the largest of which was Rockingham and the smallest Grafton. Today the largest is Hillsborough, the smallest Carroll, and there are ten in all. The Rockingham County of 1910 was but a little larger than the Rockingham County of 1810. Coos County was established in 1803, making the sixth county, and its population in 1810 was 3,991, which was about one-tenth of its present population.

Most of the residents of New Hampshire at the opening of the nineteenth century were farmers. At the seacoast large ship-building operations were carried on. New Hampshire reached its highest point as a maritime state in the years immediately preceding the War of 1812. This war practically ruined the state's shipping and ship-building activities and they were never revived until this year (1918), when the need of an American merchant marine has restored to the Granite State and her eighteen miles of seacoast a position in the front rank of ship-building communities.

The period covered by this volume saw much progress in industrial and mercantile development. The first cotton factory was built at New Ipswich in 1803, and later were built cotton mills at Peterborough, Pembroke, Hillsborough and Jaffrey. No great success attended these early ventures. The present cotton manufacturing center at Manchester saw its beginnings in 1802, when Samuel Blodget started to build the canals at Amoskeag Falls. He raised the money by lotteries authorized by the government. These gambling devices were, in fact, utilized by promoters of all kinds

of public and private works where capital was needed quickly, such as highways and bridges, and it was not until 1807 that an anti-lottery law was passed.

Settlements extended into the extreme northern part of the state and to the banks of the Connecticut River. A highway twenty miles long was built from Bartlett through the White Mountain Notch, opening up a territory that has since become known as the "Switzerland of America."

The three most important towns at this time were Portsmouth, Gilmanton and Londonderry, in that order. Portsmouth remains a city today and since the outbreak of the present war has been the fastest growing and most prosperous city in New Hampshire. Gilmanton and Londonderry, however, have sunk into positions of minor importance and their places taken by industrial centers favored with locations on the Merrimack River.

This volume contains laws enacted more than 100 years ago which resemble much of the war legislation of the present day. For instance, in 1805, the legislature passed an act regulating the manufacture and sale of bread and the inspection of beef, which remind us that the food problem and food administration existed in the early days. There was also enacted the same year a law to provide that loafers should go to work and all those who "by excessive drinking, gaming, idleness, or vicious habits of any kind," should so squander their time as to become exposed to suffering and want.

School districts were established and the advantages of common school education were extended to all the people. The capitol of the state was definitely established at Concord, where it has since remained. From the time of the first New Hampshire government down to the Revolutionary War (1680-1775) the capitol had been at Portsmouth. During the war and down to 1807, the capitol moved from town to town, holding sessions at Portsmouth, Exeter, Concord, Hopkinton, Dover, Amherst, Charlestown and Hanover. From 1807 to 1819 the government sat in the old Concord Town House that stood where the Merrimack County building stands today. The present State House was built in 1816 to 1819 and was remodeled in 1864 and 1909.

Imprisonment for debt was enforced frequently during this period. One of the victims was Russell Freeman of Hanover, who had been Speaker of the House of Representatives and a member of the Governor's Council for five terms. He was incarcerated at Haverhill jail and, with a cell-mate, was foully murdered by a companion in misfortune. The murderer, Josiah Burnham, was afterwards hanged. In 1805 a law was passed prohibiting the importation of slaves into the state.

The political history of this period is that of the most bitter partisanship in all the state's history. There were two parties, the Federalists and the Republicans. John Taylor Gilman was the

leader of the former and John Langdon of the latter. Sketches of both these personalities have appeared in previous volumes of this series.

Gilman was Governor from 1794-1805 and Langdon was his Republican opponent at the elections a good deal of the time. The Republican vote constantly increased, while the Federalist vote was stationary. In 1805 Langdon defeated Gilman and was Governor for the ensuing four years. In 1809 Jeremiah Smith was the Federalist candidate instead of Mr. Gilman and he defeated Langdon by a very small majority. In 1810 and 1811, however, Langdon defeated Smith, and after that, Gilman resumed his place as the candidate of the Federalist party and was elected three times out of four.

The national leader of the Republicans was Thomas Jefferson and the success of his administration was largely responsible for the growth of the Republican party in the Granite State. The two parties were of about equal strength at times. In 1804 Governor Gilman's majority over Langdon was only 150 votes and Langdon was elected Speaker of the House under Gilman. That legislature voted to ratify an amendment to the Federal constitution to provide that candidates for President and Vice-President should be voted for separately and specifically. Governor Gilman vetoed the ratification on the ground that "the office of Vice-President may be deemed less respectable than heretofore." The amendment was adopted, however, by enough other states and repetitions of the deadlock for President between Thomas Jefferson and Aaron Burr have been since prevented, although there is no question that the fears of Governor Gilman with regard to the importance of the Vice-Presidency have been more than realized.

In 1807 and 1808 began the great controversy with France and England over the freedom of the seas, which culminated in the second war with England. This controversy affected the commerce and politics of New Hampshire to a very marked degree. Great Britain prohibited by orders in council our trade with France, with which she was at war. France retaliated by prohibiting our trade with Great Britain. Ships going out of Portsmouth harbor were subjected to the plunder of both nations and finally the harbor was blockaded by the British navy. New Hampshire's maritime prosperity was ruined and, as is the custom in American politics, the ensuing hard times were blamed on the party in power, which at that time was the Republican party.

In 1809 the Federalists came back into power. But the reaction was short lived. Continued aggressions by England aroused the patriotism of our people and the Republican party took the part of defending our national honor and resenting the British insults. William Plumer, one of the ablest Federalist leaders, went over into the Republican party and in 1810 the Republicans carried the state,

returning Langdon to the governorship and making Plumer President of the Senate and Charles Cutts Speaker of the House and United States Senator.

The effect of this Republican victory on the rest of the country was important, because it showed that the Granite State, whose interests in shipping and commerce were so much at stake, stood ready to sacrifice them for the national defence and the preservation of American liberty. The contest between parties was on the question of peace and war. The political campaign became continuous from one election to the next. Governor Langdon, the first Governor of the state and a patriot of spotless character, was publicly burned in effigy and accused of all crimes. One of the leading New Hampshire papers said that "if Thomas Jefferson had a thousand lives, he deserved to be hung a thousand different times, as high as Haman."

Federalists were inclined towards the interests of Great Britain, Republicans towards those of France. For months there was a steady drift of sentiment toward war and, the encroachments of Britain being greater and the spirit of resistance against Britain being more ardent, war was finally declared against that country. The close of the period covered by this volume finds the government and people of New Hampshire in a most belligerent attitude and the next volume to be issued will begin with the War of 1812.

Jeremiah Smith, the only chief executive during this period whose career has not been sketched in introductions to previous volumes, was born in Peterborough in 1759. He was of Scotch descent. He served in the Revolutionary War and was wounded at the battle of Bennington, being then 17 years old. After recovering from his wound he attended Harvard College for two years and then Rutgers College, which was known at that time as Queen's College, and he graduated from it in 1780. He taught school at Phillips Andover Academy and Salem, Mass., and then studied law and began its practice in Peterborough. He became a selectman and representative to the legislature and was a colonel on the staff of Governor Josiah Bartlett. In 1791 he was a member of the constitutional convention and chairman of the committee that revised the Public Statutes. He was a member of Congress from 1791-1797, where he supported the Washington administration. He resigned to become United States district attorney and took up a residence at Exeter. In 1800 he became judge of probate for Rockingham county, in 1801 United States circuit judge and 1802 chief justice of New Hampshire. He resigned from this position to become governor and, being defeated for re-election in 1810 and again defeated in 1811, he was put back as chief justice in 1813. Three years later he was legislated out of office and resumed the private practice of law. In 1820 he retired and died at Dover in 1843, whence he had removed the previous year.

The New Hampshire Missionary Society was founded in 1801. The Universalists and Methodists were officially recognized as religious denominations during this period. The New Hampshire Patriot was founded in 1808 by Isaac Hill, afterwards governor.

Readers of this volume will notice a considerable number of laws enacted to change the name of members of the Hogg family. For some reason, people preferred not to be known as Hoggs during that period in our history and each legislature did not consider its duties done until it had relieved several Hoggs of their names. Among the Hoggs that metamorphosed their identities through the Great and General Court were John Hogg, Nancy Hogg, Thomas Hogg, Sybil Hogg, Hugh Hogg, Caleb Hogg, Anna Hogg, Joseph Hogg, Sally Hogg, Robert Hogg, William Hogg, Moses Hogg, Charles Hogg, Harriet Hogg, Mary Hogg, James Hogg, Samuel Hogg, Elizabeth Hogg, Davis Hogg, Sarah Hogg, Hiram Hogg, Simon Hogg, Robert Hogg, Nelly Hogg, Lasinda Hogg and last, but not least, Miss Polly Hogg.

The United States senators in 1801 were Simeon Olcott of Charlestown and James Sheafe of Portsmouth, both Federalists. In 1802 Sheafe was succeeded by William Plumer, Republican. In 1805 Nicholas Gilman of Exeter, Federalist, succeeded Mr. Olcott. In 1807 Nahum Parker of Fitzwilliam, Republican, succeeded Mr. Plumer and he in turn was displaced in 1810 by Charles Cutts of Portsmouth, Federalist.

The year 1811, with which this volume closes, "terminated a period of peace, which had existed, with little intermission, for nearly twenty-nine years: That period, though marked with frequent fluctuations in our commerce and depressions in our currency, though it found a heavy burthen of debt resting upon the people at its commencement, had witnessed a gradual but constant increase, in this state, in wealth, business, and institutions of learning; in its means of communication, and the number of its inhabitants. Flourishing manufacturing establishments had arisen upon the banks of our principal streams. Academies had been established in places which, at the close of the revolution, had scarcely the means to maintain a respectable common school. More than five hundred miles of turnpike roads had been constructed, at an expense of six hundred thousand dollars. Upon these great thoroughfares, uniting upon the centre of the state, and thence spreading in every direction, and extending to its extremities, the people found a direct communication with every market. A code of laws, simple in their form, and generally adapted to the wants of the people, had grown up with the exigencies of the times. Justice was promptly administered in the courts. The civil and political rights of man were carefully guarded. Wrong sometimes won its way to the attainment of its ends, it is true; but yet crime seldom stalked among us unpunished, and honest worth had little to fear from

oppression in the laws or corruption in the courts. Such was the general condition of New Hampshire, when, in common with the country at large, it was subjected to the burthens and uncertain chances of war."

EDWIN C. BEAN,
Secretary of State.

CONCORD, September 1, 1918.

LAWS OF NEW HAMPSHIRE.

[TENTH GENERAL COURT.]

[Held at Hopkinton, One Session, June 3, 1801, to June 17, 1801.]

[OFFICERS OF THE GOVERNMENT.]

JOHN TAYLOR GILMAN, GOVERNOR.
JOSEPH PEARSON, SECRETARY.
NATHANIEL PARKER, DEPUTY SECRETARY.
OLIVER PEABODY, TREASURER.
*JOSHUA ATHERTON, ATTORNEY GENERAL.
AMOS SHEPARD, PRESIDENT OF THE SENATE.
JOHN PRENTICE, SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

Joseph Blanchard,	Chester.
Aaron Wingate,	Farmington.
Robert Wallace,	Henniker.
Samuel Stevens,	Charlestown.
Russell Freeman,	Hanover.

[MEMBERS OF THE SENATE.]

John Goddard,	Portsmouth.
Jeremiah Fogg,	Kensington.
Silas Betton,	Salem.
Michael McClary,	Epsom.
John McDuffee,	Rochester.
Nathan Taylor,	Sanbornton.
John Orr,	Bedford.
James Flanders,	Warner.
Ephraim Hartwell,	New Ipswich.
Elisha Whitcomb,	Swanzy.
Amos Shepard,	Alstead.
Moore Russell,	Plymouth.

* William Gordon was appointed Attorney General June 12, 1801.

LAWS
OF
NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS, RESOLVES,
VOTES, ETC.

EDITED AND PUBLISHED UNDER THE DIRECTION OF THE
SECRETARY OF STATE

JUL. - 1 1920

VOLUME EIGHT
SECOND CONSTITUTIONAL PERIOD
1811-1820

CONCORD, N. H.
EVANS PRINTING CO.
1920.

JOINT RESOLUTION RELATING TO THE PRESERVATION
PUBLICATION OF THE EARLY STATE AND PROVINCIAL
RECORDS AND OTHER STATE PAPERS OF NEW HAMPSHIRE.

*Resolved by the Senate and House of Representatives in General Court
Convened:*

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely one copy to each [city and town in the state, one copy to such of public libraries in the state as the Governor may designate]¹ *public library in the state, and to each town in the state having no public library, which shall request the same, and to such publishers of newspapers requesting the same as keep such open to public use,*² fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

³ The governor and council may authorize the secretary of state from time to time to collect, arrange, transcribe, and publish such portions of the early state and provincial records and other state papers of New Hampshire as they shall deem proper. Eight hundred copies of each volume shall be printed.

On publication the secretary of state shall send one copy to each of the following officers and bodies: To the governor and members of the council; to the judges of the supreme and superior courts; to each free public library in the state; to the town clerks of towns having no free public library for the use of the town; to such other officers and bodies as the governor and council shall designate. He shall send fifty copies to the New Hampshire Historical Society and deposit the residue in the state library.

⁴ The secretary of state, with the approval of the governor and council, may from time to time collect, arrange, transcribe and cause to be printed such portions of the early state and provincial records as he may deem expedient. He shall determine the style, form and quantity to be printed.

One copy of each publication shall be sent by the department responsible for its issue, free of charge, to each of the following officers and bodies: Governor, each member of the council, each department and institution of the state, the justices and clerks of the supreme and superior courts, each free public library established under the laws of the state, the town clerk of each town having no free public library, the library of Congress, the state or territorial library of each state and territory in the United States. Said departments may make such further free distribution of such publications as they may deem wise, or as the governor and council may direct.

¹ The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1881, by the act of March 20, 1901. Session Laws, new series, vol. 7, part 2, chapter 71, sect. 3, p. 558.

² By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

³ Chapter 29, sections 27 and 28, Laws of 1917.

⁴ Chapter 164, sections 8 and 9, Laws of 1919.

STATE OF NEW HAMPSHIRE.

TO THE SECRETARY OF STATE:

You are hereby authorized to arrange, transcribe and superintend the publication of the Laws of New Hampshire, public and private, in chronological order, from the period when the Constitution of 1792 took effect, till the time when the regular annual publication of the Statutes commenced.

You will also cause such explanatory notes, citations, tables of contents and indexes as you may deem useful to be prepared and made a part of the work.

This I deem proper to be done, and directions are given in accordance with the authority vested in me as Governor by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire approved August 4, 1881, and also by the act of February 27, 1917, Chapter 29, Sections 27 and 28.

Given under my hand at Concord this 27th day of July, 1917.

HENRY W. KEYES,
Governor.

With the advice and consent of the council:

EXECUTIVE COUNCIL CHAMBER,
CONCORD, September 9, 1919.

Voted, that the Secretary of State be authorized to publish such portion of the Provincial Laws and Records of New Hampshire as shall continue the publication of said laws from vol. 7, until the time when the regular annual publication of the Statutes commence, dividing the same into volumes of convenient size and numbered in consecutive order.

TABLE OF CONTENTS.

Officers of the Government, 1811	1
Legislation	7
Officers of the Government, 1812	62
Legislation	68
Officers of the Government, 1813	202
Legislation	208
Officers of the Government, 1814	279
Legislation	285
Officers of the Government, 1815	371
Legislation	377
Officers of the Government, 1816	462
Legislation	469
Officers of the Government, 1817	592
Legislation	598
Officers of the Government, 1818	656
Legislation	662
Officers of the Government, 1819	749
Legislation	755
Officers of the Government, 1820	877
Legislation	884

INTRODUCTORY NOTE.

This volume is the eighth in the series of "Laws of New Hampshire." It is published under the same authority by which Volumes 6 and 7 were published and in addition Chapter 3, Section 8, of the Laws of 1919 provides that "The secretary of state with the approval of the governor and council may from time to time collect, arrange, transcribe and cause to be printed such portions of the early state and provincial records as he may deem expedient. He shall determine the style, form and quantity to be printed." In accordance with the chapter thus referred to, the governor and council at its meeting held in the council chamber September 9, 1919, passed the following vote: "On motion of Councilor Brown, Voted: that the secretary of state be authorized to publish such portion of the Laws of New Hampshire as shall continue the publication of said Laws from Volume 7 until the time when the regular annual publication of the statutes commence, dividing the same into volumes of convenient size and numbered in consecutive order." Therefore, this volume represents the years 1811 to 1820 in the legislative history of the state. There are fifteen years more to be published in order to have all of the acts of the General Court in printed form and available for reference and study.

The task of publishing the old laws of the state is one that requires a great deal of care and patience, coupled with much skill and experience, in order that the work may be done properly. The style of penmanship that was common a hundred years ago has undergone many changes; letters are not made the same, time has partially obliterated the lines and curves of the letters, the spelling is different, all of which requires careful and painstaking examination on the part of the copyist, in order that the exact language as originally intended may be reproduced. Then it is necessary that the copy be carefully examined and read several times by experienced proof readers. Even then errors have been known to creep in. There has been considerable delay in getting out this volume owing to conditions beyond the control of the editor. Any one at all familiar with publication work will readily understand the many difficulties that have been encountered during the past two years by printers and binders in getting the necessary help and material in order to perform the work promptly. This has caused much of the delay and it was unavoidable.

However much the student may have been annoyed by the length of time that has intervened between Volumes 7 and 8, I am sure he will be much interested in the work, for it covers a period of time in the history of New Hampshire in which much was accomplished for the benefit of the state. We find that many corporations have been

organized during this decade. These include academies, agricultural societies, banking companies, libraries, religious societies, turnpike roads, cotton and woolen manufactories and many others of a varied character.

In 1813 a Supreme Judicial Court was established, taking the place of the Superior Court of Judicature, and also a Circuit Court of Common Pleas was likewise established. In 1816 the law creating these courts was repealed and a Superior Court of Judicature was brought forth instead and the Court of Common Pleas revived. Jeremiah Smith was appointed chief justice of the Supreme Judicial Court of 1813 and he brought to the new court great wisdom and influence as might be expected from one of the ablest lawyers of the state. At the time of his elevation to the Supreme Bench he had two associates, neither of whom was trained to the law, nor had they any more knowledge of legal procedure than any well educated men might have, but the chief justice very soon brought order out of chaos in the jurisprudence of the state. Daniel Webster, in writing to Chancellor Kent, said that when Jeremiah Smith was appointed chief justice of the state "it was a day of the gladsome light of jurisprudence. He knows so much more about the law of New England than I do that I forbear to speak on that point." This was certainly a grand tribute from a high authority. In comparatively recent times the late Chief Justice Doe of New Hampshire made this declaration: "At the time of Judge Smith's elevation to the chief justiceship of the state his two associate justices were clergymen with no training in law." Judge Smith was a man who possessed remarkable conversational powers. On this point it may not be out of place to again quote Mr. Webster. "Jeremiah Smith was perhaps the best talker I have been acquainted with; he was full of knowledge of books and men, had a great deal of wit and humor, and abhorred silence as an intolerable state of existence."

It would be difficult to select a decade in the history of New Hampshire which would embrace three such legal and intellectual giants as represented in the persons of Daniel Webster, Jeremiah Mason and Jeremiah Smith. Although Webster removed to Boston in 1816 the other two remained until the inducements offered by the New England metropolis drew Mason there in 1832 where he took rank as a lawyer with Webster and Choate. After Mr. Mason's death in 1848 Mr. Webster paid him this tribute: "As a professional man Mr. Mason's great ability lay in the department of Common Law. In this part of jurisprudence he was profoundly learned. He drank copiously from its deepest springs, and he studied with diligence and success the departures from English Common Law which had taken place in this country, either necessarily from difference of condition, or positively, by force of our own statutes."

That three such men as Webster, Mason and Smith should exert

a powerful influence in all lines of thought in the state during this period is a natural conclusion. Of Webster it would almost seem impertinent to attempt anything in the way of a review. "There he stands! Every school boy knows his history by heart" is all that we feel is proper to say.

The complications attendant upon the relations between England and the Emperor Napoleon brought on what is known as the war of 1812. The state of New Hampshire was among the first to respond to the call of the national government. William Plumer assumed the office of governor in June and, although not a man of military training, he proved to be a man well fitted for the occasion, possessing great executive ability, combined with an unusual amount of energy and patriotism. He gave the best there was in him to the cause. His predecessor in office, Governor Langdon, had ordered a draft of 3500 men and Governor Plumer at once took the lead in putting the state in the best possible condition for military duty. It is well known that the country as a whole was unprepared for war. The impression seemed to prevail in those days—as well as at a later date—that preparation for war was unnecessary until the declaration was issued. Doubtless this may be founded upon the sentiment as expressed by Lord Liverpool in 1813, when observing the readiness with which the American troops were marshalled, he declared that "freemen would spring to arms at a moment's notice to defend their rights."

Peace in 1815 brought a great change in political circles. Party differences in state and country ceased and apparently all strife between political forces was subdued. The Federal party went out of existence and for a time none took its place. The Dartmouth College case, however, attracted as much attention as any political issue; in fact, it almost assumed the proportions of a political controversy, but after the decision of the United States Supreme Court and the death of John Wheelock the Dartmouth College case ceased to be a subject of controversy in the political history of New Hampshire.

Before the legislative session of June, 1812, there were eight offences punishable by death, but at that session they were reduced to two—murder and treason—also the old punishments of the whip and pillory were condemned as unworthy of the intelligence of an enlightened community.

The plans for a new state house were made in 1816 and the construction of the same began soon after and completed in season for the legislature in June, 1819.

The state prison was built in 1812 and the criminal code was revised as above referred to.

On July 1, 1819, the Free Toleration Act was passed which provided that "no person shall be compelled to join or support or be classed with or associated to any congregation, church, or religious

society without his express consent first had and obtained,—provided also that if any person shall choose to separate himself from such society or association to which he may belong and shall leave a written notice thereof with the clerk of such society, or association, he shall thereupon be no longer liable for any further expense which may be incurred by said society or association.” This act was first introduced in the State Senate in 1816 but only four votes out of the twelve could be secured in its favor. The next year the same bill was again brought forward and one half of the votes of the Senate were mustered in its support. The third year it was tried again and passed the Senate but was tied in the House. In 1819 a fourth trial was made when it passed the Senate and went through the House by a bare majority which ended a long struggle for the separation of church and state. Men of conservative minds deemed it a step backward and a blow to the Christian religion which would ultimately do away with the Bible, but in time the intense feelings that were aroused at the time of the passage of the act became modified and people generally came to view the change as one that was inevitable in the natural course of human events.

It may be of interest to note that the slavery question, even in those early days, was a subject which appealed to men's consciences and aroused a great deal of feeling and discussion. A report of a committee of the New Hampshire legislature in response to a set of resolutions received from the legislature of Virginia may prove of sufficient interest to warrant its publication, which we venture to do as a close to this note.

“State of New Hampshire.

In the House of Representatives June 16, 1820.

The Committee, to whom was referred a preamble and certain resolutions of the Legislature of the State of Virginia, on the subject of a proposed restriction of slavery, communicated by His Excellency the Governor,

Report,—

That the Committee has not deemed it necessary to enquire whether it would have been expedient for the Legislature, at the present time, to express its opinion on this important subject, if it had not been thereto specially invited. But the legislature of the state of Virginia has seen fit to address to the legislatures of the different states of the Union certain resolutions, together with the reasons, on which they are founded; giving a construction to important provisions of the constitution of the United States, and defining the powers of Congress. The forbearing to express an opinion, when thus appealed to, might be taken for an acquiescence in the construction contended for.

After having carefully examined the resolutions, and the reasoning, offered in their support, with all that attention to which they

are entitled, as well on account of the source whence they originated, as on account of the great importance of the subject to which they relate, the committee is of opinion, that the legislature of Virginia contends for an erroneous construction of the constitution of the United States, relative to the powers of Congress, which if adopted, will prove highly injurious to the best interests of the nation.—

Since the passing of the resolutions under consideration, the subject matter of them has been so amply discussed in the Congress of the United States, as to render it, at this time, an unnecessary and useless labour to assign and illustrate, at large, the reasons why this legislature ought not to give its assent to them.—

Notwithstanding the reasoning of the Legislature of the State of Virginia, on the language of the Constitution, the committee has full confidence; that the power to prescribe the prohibition of slavery, as a condition of the admission of new states into the Union, is vested in Congress by a fair interpretation of the language of that instrument.

The argument, chiefly relied on, is, that the prescribing such condition by Congress is inconsistent with the sovereignty of the State to be admitted, and its equality with the other States.—It is admitted that ‘Congress, if the applicant for admission into the Union had no right whatever to demand it, as would be the case of an independent State making such application, might provide for the admission of such State upon the performance of precedent conditions, not impairing its sovereignty.’ If so, as the territory of Missouri had no right to demand admission, the only question is, whether the right to establish slavery within their respective limits is essential to that sovereignty, which is enjoyed by the different States of the Union under the Constitution of the United States. For evidence that such right is not essential to their sovereignty, an appeal might be made not only to the solemn assertion of the unalienable right of all men to freedom, announced in the declaration of our national independence, and which is adopted among the fundamental principles of many of the State Governments, and to the reiterated acts of the General Government, in admitting into the Union new States with a prohibition of slavery, but also to the enlightened judgment of wise and good men of all countries.—

Slavery is prohibited by the immutable law of nature, which is obligatory as well on States as individuals. The establishing or permitting slavery by a State, being thus morally wrong, the right to do it, instead of being essential to its sovereignty, cannot exist; except only in cases where slavery having been already introduced cannot be suddenly abolished, without great danger to the community. Under such circumstances, it must of necessity be tolerated for a time as the sole means of self preservation. This painful necessity may justify the temporary continuance of slavery in certain States of the Union, where it now exists. But in the

opinion of the Committee nothing can justify the unnecessary extension of this great evil to newly formed States.

As far as it may affect the sovereignty of a nation, no material difference is perceived between the case, where it surrenders its supposed right to carry on a traffic in slaves with a foreign country assenting thereto, and the case of its surrender of its right to acquire in any other way, and retain slaves within its own limits. And yet several independent nations, and our own among others, have, without any suspicion of injury to their rights of sovereignty, bound themselves by treaty stipulations, forever to prohibit that monstrous traffic. Have they thereby lost what is essential to their sovereignty?

If from the generality and conciseness of the terms, used in the federal constitution, any doubt remained as to their true construction, in relation to the power of Congress, in the particular under consideration, such doubt would be removed on examining the condition of the territory, belonging to the United States, at the time of the adoption of the Constitution, and the obligation they were then under to form the same into States, to be admitted into the Union.—

After the United States had, by the treaty with Great Britain, and by a cession from Virginia and certain other states, of their claims, acquired an undisputed title to the territory north west of the river Ohio, they passed the ordinance of 1787, for dividing that territory into States, and for their admission into the Union. This ordinance is entitled 'articles of compact between the original States and the people and States within the said territory forever to remain unalterable.' It recites the object and design to be 'for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions are created; to fix and establish those principles, as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in said territory; to provide also for the establishment of States and a government therein, and for their admission into a share in the federal councils, on an equal footing with the original States, at as early a period as may be consistent with the general interest.' It then provides as one of the articles to remain forever unalterable, that 'there shall be neither slavery, nor involuntary servitude in the said territory.' The State of Virginia, with four other slave holding States, assented to this compact. And Virginia afterwards expressly ratified it by an act of its Legislature. The states mentioned in the ordinance, and in which slavery was to be thus forever prohibited, were still to be admitted on an equal footing with the original States. Of course, the prohibition of slavery was not supposed to be incompatible with their sovereignty. The United States having thus pledged their faith and bound themselves to admit these States into the Union, with a perpetual

prohibition of slavery, it would seem to be impossible that the Constitution, which was soon after formed, and certainly with a full knowledge of the ordinance, should not have been intended and understood to confer on Congress the requisite power to perform the obligation.—

In further proof that the constitution must have been so understood might be cited the act expressly confirming this ordinance, among the first doings of Congress under the constitution. In conformity with this understanding of the constitution, have the States north west of the river Ohio been admitted into the Union, subject to a perpetual prohibition of slavery. Most of the other new States have likewise been admitted on such conditions, as Congress, deeming them to be suitable to their respective situations, has been pleased to prescribe.

This being the construction given to the constitution immediately after its adoption, and which has been acted upon without opposition, and acquiesced in for more than thirty years, it was not to have been expected, that its correctness would at this late period, have been drawn into question.—

It must be recollected that this contemporaneous construction of the constitution was made by those, who had the best possible means of knowing what was its true intent. Many of the distinguished members of the Convention, which formed the Constitution, were at that time in the national councils. Neither these States themselves, so admitted on prescribed conditions, nor any body in their behalf, have heretofore doubted that they were on an equal footing with the original States, or that they enjoyed all the rights essential to their Sovereignty.—

The Legislature of Virginia attributes this early construction of the Constitution, so uniformly followed by the General Government, and acquiesced in by the States, to the score of misapprehension. And an intimation seems to be given to the newly admitted States, that the conditions and stipulations, on which they were admitted, and which were solemnly ratified by them, are of no binding force. The dangerous tendency of such a doctrine is too apparent to need comment.

The Legislature of Virginia admits 'that this subject addresses itself very strongly to their interest, as well as their feelings.' If the obviously just and long settled construction of the Constitution, in a particular of great national concernment, may, in a moment of excitement, be set aside in favour of supposed doubts, raised by the excess of ingenuity of reasoning, no ground of security will remain for the equal rights of the States; and the foundation of the Union itself may be shaken.—

An argument against the power of Congress to prevent the extension of slavery to new States is attempted to be raised from the general scope of the Constitution, and from the nature of our free

institutions. The legislature of Virginia says, 'It can never be believed that an association of free and independent States; formed for the purposes of general defence, of establishing justice, and of securing the blessings of liberty to themselves and their posterity, ever contemplated the acquisition of territory for the purpose of establishing and perpetuating for others and their posterity that colonial bondage, against which they themselves had so lately revolted.' 'Power may enslave them (the inhabitants of territories) longer, but the laws of nature and of justice, the genius of our political institutions, and our own example, proclaim their title to break their bonds and assert their freedom.' Can this have been intended for calm reasoning, to convince the understandings of those to whom it purports to be addressed, or was it designed to produce an effect on the feelings and conduct of the inhabitants of the territory of Missouri, then demanding admission into the Union? It is hoped it will never be believed that this association of free States, formed for the noble purposes above stated, ever contemplated the acquisition of territory for the purpose of establishing or extending bondage of any kind.—

If the Constitution gives to Congress the power in question, it is not perceived that there is any stipulation in the treaty, ceding Louisiana to the United States, that forbids the exercise of it, in providing for the admission into the Union of the territory of Missouri. The provision of the treaty, which is supposed to impose on Congress the obligation of admitting that territory unconditionally, is the following: 'The inhabitants of the ceded territory shall be incorporated unto the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States.'

It is not believed that this provision can have any effect whatever on the question. The admission into the Union is to be according to the principles of the constitution. If Congress may according to those principles make the prohibition of slavery a condition of the admission, then surely the admission, subject to that prohibition cannot be at variance with those principles.

The rights mentioned in the treaty are such as are conferred by the constitution of the United States on its citizens, among which the right to hold slaves (if such right there be) is not one. Admitted subject to the proposed inhibition of slavery the inhabitants of Missouri would have enjoyed the same rights, as citizens of the United States, as do the citizens of the States on the north side of the river Ohio, or as do the citizens of other states, where slavery is not tolerated, and who, as is hoped, will not be soon convinced that they do not enjoy all the rights, appertaining to citizens of the United States.

To avoid this conclusion, the Legislature of Virginia contends that

the clause 'according to the principles of the federal constitution' is no more than a qualification of the time of admission. But the constitution neither states nor even alludes to any principle whatever to designate or determine the time for the admission of a new state. Such construction of those words would therefore render them wholly inoperative, and must consequently be rejected.

The toleration of slavery in a portion of our common country has long furnished matter of reproach on our national character. Strong hopes were entertained, that instead of the zeal now shown for enlarging the sphere of its baneful operation suitable measures would have been adopted for its gradual abolition. Congress, having the power, is bound by considerations of justice and humanity, and by a regard to the general welfare of the nation, to prevent the further extension of this evil.

The attempt to wrest this power from Congress affords just cause of alarm. It is apparent that slavery creates habits & interests peculiar to the states tolerating it, and that it constitutes between them a strong bond of union. To this cause is to be attributed the unparalleled unanimity of every Senator and Representative of the slave holding states, on the passing of the late act by Congress, affecting this subject. Should this odious bond of union be permitted to be extended, without opposition, it will soon produce such a combination of political power, as may be sufficient permanently to control all the measures of the national councils.

By the Constitution, a disproportionate share of political power is conceded to the slave holding States, on account of their slaves. And although the equivalent, given to the States not tolerating slavery, has in a great degree failed, by reason of the government's seldom resorting to direct taxation for revenue, yet no complaint is made, while the advantage is confined to the Original States, the parties to the compact, or even to new States formed within their limits. But new States, formed out of territory, not included within the original limits of the United States, have no claim to this advantage. And the granting of it to them, when nothing in their situation renders it necessary, is an act of injustice towards the States not allowing slavery, and which, if persevered in, may in the end, destroy their just share of power and influence in the General Government and endanger their safety.

Which report having been read, motion was made that the House do approve and agree to the same, as expressing the opinion of this House.—On which motion the yeas and nays being required are as follows—Yeas 194—Nays, none.—

Therefore,—

Resolved by the Senate and House of Representatives in General Court convened, That in the opinion of this Legislature the Congress of the United States, has by the Constitution, the right, in admitting new States into the Union, to prescribe the prohibition

of slavery, as one of the conditions, on which such State shall be admitted:

That in the case of Missouri, to which, by the Preamble and Resolutions of the General Assembly of Virginia, the attention of this Legislature has been called, that right remained in full force, unimpaired either by the treaty under which that territory was acquired, or any subsequent acts of the General Government:—

That in the opinion of this Legislature, the existence of slavery within the United States is a great moral as well as political evil, the toleration of which can be justified by necessity alone, and that the further extension of it ought to be prevented, by the due exercise of the power vested in the General Government:—

Resolved, that the Governor of this State be requested to transmit a copy of the foregoing report and Resolutions to the Governor of the State of Virginia.—”

[Approved June 22, 1820.]

EDWIN C. BEAN,
Secretary of State.

Concord, February, 1920.

LAWS OF NEW HAMPSHIRE.

[TWENTIETH GENERAL COURT.]

[Held at Concord, One Session, June 5, 1811, to June 21, 1811.]

[OFFICERS OF THE GOVERNMENT.]

JOHN LANGDON, GOVERNOR.
SAMUEL SPARHAWK, SECRETARY OF STATE.
WILLIAM PICKERING, DEPUTY SECRETARY OF STATE.
NATHANIEL GILMAN, TREASURER.
WILLIAM K. ATKINSON, ATTORNEY GENERAL.
WILLIAM PLUMER, PRESIDENT OF THE SENATE.
CLEMENT STORER, SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

Elijah Hall,	Portsmouth.
Nathaniel Upham,	Rochester.
Jedidiah K. Smith,	Amherst.
Ithamar Chase,	Cornish.
Jonathan Franklin,	Lyme.

[MEMBERS OF THE SENATE.]

William Ham,	Portsmouth.
William Plumer,	Epping.
William Adams,	Londonderry.
Josiah Sanborn,	Epsom.
Beard Plumer,	Milton.
Samuel Quarles,	Ossipee.
William Fisk,	Amherst.
Joshua Darling,	Henniker.
Josiah Wilder,	Rindge.
Thomas C. Drew,	Walpole.
Caleb Ellis,	Claremont.
Moor Russell,	Plymouth.

LAWS
OF
NEW HAMPSHIRE

INCLUDING

PUBLIC AND PRIVATE ACTS, RESOLVES,
VOTES, ETC.

EDITED AND PUBLISHED UNDER THE DIRECTION OF THE
SECRETARY OF STATE

VOLUME NINE
SECOND CONSTITUTIONAL PERIOD
1821-1828

JUN -9 1921

CONCORD, N. H.
EVANS PRINTING CO.
1921

JOINT RESOLUTION RELATING TO THE PRESERVATION AND
PUBLICATION OF THE EARLY STATE AND PROVINCIAL
RECORDS AND OTHER STATE PAPERS OF NEW HAMPSHIRE.

*Resolved by the Senate and House of Representatives in General Court
Convened:*

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely one copy to each [city and town in the state, one copy to such of public libraries in the state as the Governor may designate], *public library in the state, and to each town in the state having no public library, which shall request the same, and to such publishers of newspapers requesting the same as keep such open to public use,*¹ fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

² The governor and council may authorize the secretary of state from time to time to collect, arrange, transcribe, and publish such portions of the early state and provincial records and other state papers of New Hampshire as they shall deem proper. Eight hundred copies of each volume shall be printed.

On publication the secretary of state shall send one copy to each of the following officers and bodies: To the governor and members of the council; to the judges of the supreme and superior courts; to each free public library in the state; to the town clerks of towns having no free public library for the use of the town; to such other officers and bodies as the governor and council shall designate. He shall send fifty copies to the New Hampshire Historical Society and deposit the residue in the state library.

³ The secretary of state, with the approval of the governor and council, may from time to time collect, arrange, transcribe and cause to be printed such portions of the early state and provincial records as he may deem expedient. He shall determine the style, form and quantity to be printed.

One copy of each publication shall be sent by the department responsible for its issue, free of charge, to each of the following officers and bodies: Governor, each member of the council, each department and institution of the state, the justices and clerks of the supreme and superior courts, each free public library established under the laws of the state, the town clerk of each town having no free public library, the library of Congress, the state or territorial library of each state and territory in the United States. Said departments may make such further free distribution of such publications as they may deem wise, or as the governor and council may direct.

¹ The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1881, by the act of March 20, 1901, Session Laws, new series, vol. 7, part 2, chapter 71, sect. 8, p. 558.

² By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

³ Chapter 29, sections 27 and 28, Laws of 1917.

⁴ Chapter 164, sections 8 and 9, Laws of 1919.

STATE OF NEW HAMPSHIRE.

TO THE SECRETARY OF STATE:

You are hereby authorized to arrange, transcribe and superintend the publication of the Laws of New Hampshire, public and private, in chronological order, from the period when the Constitution of 1792 took effect, till the time when the regular annual publication of the Statutes commenced.

You will also cause such explanatory notes, citations, tables of contents and indexes as you may deem useful to be prepared and made a part of the work.

This I deem proper to be done, and directions are given in accordance with the authority vested in me as Governor by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire approved August 4, 1881, and also by the act of February 27, 1917, Chapter 29, Sections 27 and 28.

Given under my hand at Concord this 27th day of July, 1917.

HENRY W. KEYES,
Governor.

With the advice and consent of the council.

EXECUTIVE COUNCIL CHAMBER,
CONCORD, September 9, 1919.

Voted, that the Secretary of State be authorized to publish such portion of the Provincial Laws and Records of New Hampshire as shall continue the publication of said laws from vol. 7, until the time when the regular annual publication of the Statutes commence, dividing the same into volumes of convenient size and numbered in consecutive order.

TABLE OF CONTENTS.

	PAGE
Officers of the Government, 1821	1
Legislation	7
Officers of the Government, 1822	63
Legislation	69
Officers of the Government, 1823	169
Legislation	175
Officers of the Government, 1824	255
Legislation	262
Officers of the Government, 1825	381
Legislation	388
Officers of the Government, 1826	477
Legislation	484
Officers of the Government, 1827	576
Legislation	583
Officers of the Government, 1828	704
Legislation	711

INTRODUCTORY NOTE.

This volume is the ninth in the series of Laws of New Hampshire and is published under the same authority as the preceding volumes were issued. It brings the printed laws down to 1828, leaving only seven years more to be printed in order to connect with the time when the regular annual publication of the laws began. One more volume will encompass the remaining seven years and will be issued within the year as much of the material is already in the press.

Many interesting and important events connected with the history of the state are embraced within the eight years represented in this volume.

Merrimack County was established and constituted a political division of the state on July 1, 1823. Likewise Sullivan County was organized by an act of the legislature July 5, 1827.

The legislature which convened November 19, 1828, passed an act dividing the state into five councilor districts. This was made necessary owing to the increase in the number of counties. The constitution of 1784 provided that, annually, on the first meeting of the General Court, "two members of the Senate and three of the House of Representatives shall be chosen, by joint ballot of both houses, as a council for advising the President, (afterwards changed to Governor), in the executive part of the government." There being no geographical restrictions, all five might be taken from the same section of the state, if the General Court saw fit to do so, but the amended constitution of 1792 provided that the legislature could divide the state into five councilor districts and that the election of the councilors should be by ballot. The natural result was that one from each county was taken so long as there were only five counties, but when the number of counties was increased, it became necessary to provide for councilor districts, which was done as previously stated.

An act of the General Assembly of Vermont, relative to the navigation of the Connecticut river, was confirmed July 7, 1826. This act provided for the incorporation of the Connecticut River Company with a capital stock of one million, five hundred thousand dollars. It was granted the right to erect dams, cut canals, construct tow paths, aqueducts, culverts, waste weirs, basins and boat locks, and deepen channels, etc., in order for improving and making good the navigation from Hartford, Connecticut, toward the foot of the Fifteen-mile falls in Barnet, Vermont.

During the eight years, many institutions of learning were established, among the number being, Academic School, Conway, December 25, 1828; Adams Female Academy, Londonderry, June 18, 1823; Boscawen Academy, December 16, 1828; Brackett Academy, Greenland, December 22, 1824; Exeter Female Academy, June 27, 1826; Hillsborough Academy, June 29, 1821; Hopkinton Academy, June 26, 1827; Lee Academy, June 19, 1828; New Hampton Institution, June 27, 1821; Noyes School, Andover, July 2, 1822; Rochester Academy, June 30, 1827; Sandwich Academy, December 20, 1824; Wakefield Academy, July 6, 1827, and Woodman Sanborn-ton Academy, June 27, 1826.

An act was approved June 13, 1823, entitled "An Act to incorporate certain persons by the name of the New Hampshire Historical Society." The incorporators were Ichabod Bartlett, William Plumer, Jr., Bennet Tyler, Jeremiah Smith, Jeremiah Mason, Richard Bartlett, James Bartlett, Jacob B. Moor, Andrew Pierce, William Smith, Jr., and Nathaniel A. Haven, Jr.

An act was passed at the June session of the legislature in 1821, providing for a state tax of thirty thousand dollars. The population of the state at that time is given as 244,161, or 55 per cent. of the present population. It may be of interest to note some of the salaries that were paid to state officials one hundred years ago. It seems that the salary question was prolific of much discussion in those days as well at the present time, for a committee of the legislature was appointed in 1821 to report what compensation should be paid to various state officials, with the result that the governor's salary was fixed at \$1200 per annum, the secretary of state's at \$300, the state treasurer's at \$600, and the attorney general's at \$800. Members of the Council were paid two dollars per day during the session of the legislature, the speaker of the house received two dollars and fifty cents a day and the president of the senate the same. The legislature assembled Monday afternoon of each week during the session and adjourned Saturday afternoon, working practically five days in the week.

In June, 1825, the state was highly honored by a visit from General LaFayette, and on the twenty-second of that month he visited the legislature while it was in session. All business was suspended for the time being and Governor Morrill made a very flattering address of welcome to which General LaFayette responded as follows:

"One of my earliest enjoyments, on this happy return to the American shore, has been to meet the welcome of the people of New Hampshire, in the Atlantic town, to which I was already bound by very ancient and gratifying connexions. I have since visited an extensive part of the vast republican confederacy, where are held, to the admiration, and may it be to the speedy imitation of the world, a practical demonstration, and the wonderful result of

national independence, popular institutions, and self government. But as soon as under the impression of those lately witnessed wonders and blessings, I had performed on the great Bunker Hill celebration, a sacred and delightful duty, I have hastened to this seat of government, where I now enjoy the honor to be admitted to present both branches of the Legislature, the judiciary and executive authorities of the State, and you, Sir, their honored Chief Magistrate, with a tribute of my lively and respectful gratitude. Here, also, I am to delight in the great improvements that have taken place in the anticipation of those which are zealously contemplated.—Here I have been greeted by multitudes of friends, from this and other parts of the State; among whom I am not surprised to recognize many of my companions in arms.—When I recollect in what comparative proportion New Hampshire has personally contributed to our revolutionary struggle: I thank your Excellency for your flattering & kind remembrance of past times. None of them is more gratifying to me than your mention of names most dear to my heart. Permit me to offer to you, to the Representatives and officers of the State in every branch, and to the people of New Hampshire, the devoted tender of my grateful, affectionate & profound respect." [House Journal, 1825, pages 358-359.]

EDWIN C. BEAN.
Secretary of State.

Concord, February, 1921.

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PUBLIC AND PRIVATE ACTS, RESOLVES,
VOTES, ETC.

EDITED AND PUBLISHED UNDER THE DIRECTION OF THE
SECRETARY OF STATE

VOLUME TEN
SECOND CONSTITUTIONAL PERIOD
1829-1835

NOV 22 1922

CONCORD, N. H.
EVANS PRINTING CO.
1922

JOINT RESOLUTION RELATING TO THE PRESERVATION AND PUBLICATION OF THE EARLY STATE AND PROVINCIAL RECORDS AND OTHER STATE PAPERS OF NEW HAMPSHIRE.

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

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely one copy to each [city and town in the state, one copy to such of public libraries in the state as the Governor may designate] *public library in the state, and to each town in the state having no public library, which shall request the same, and to such publishers of newspapers requesting the same as keep such open to public use;*² fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

The governor and council may authorize the secretary of state from time to time to collect, arrange, transcribe, and publish such portions of the early state and provincial records and other state papers of New Hampshire as they shall deem proper. Eight hundred copies of each volume shall be printed.

On publication the secretary of state shall send one copy to each of the following officers and bodies: To the governor and members of the council; to the judges of the supreme and superior courts; to each free public library in the state; to the town clerks of towns having no free public library for the use of the town; to such other officers and bodies as the governor and council shall designate. He shall send fifty copies to the New Hampshire Historical Society and deposit the residue in the state library.

The secretary of state, with the approval of the governor and council, may from time to time collect, arrange, transcribe and cause to be printed such portions of the early state and provincial records as he may deem expedient. He shall determine the style, form and quantity to be printed.

One copy of each publication shall be sent by the department responsible for its issue, free of charge, to each of the following officers and bodies: Governor, each member of the council, each department and institution of the state, the justices and clerks of the supreme and superior courts, each free public library established under the laws of the state, the town clerk of each town having no free public library, the library of Congress, the state or territorial library of each state and territory in the United States. Said departments may make such further free distribution of such publications as they may deem wise, or as the governor and council may direct.

¹The words enclosed in brackets were stricken out of the Joint Resolution of August 4, 1881, by the act of March 20, 1901, Session Laws, new series, vol. 7, part 2, chapter 71, sect. 3, p. 558.

²By the same act, the words in italics were inserted as a substitute for the words stricken out, as above stated.

³Chapter 29, sections 27 and 28, Laws of 1917.

⁴Chapter 3, sections 8 and 9, Laws of 1912.

STATE OF NEW HAMPSHIRE.

TO THE SECRETARY OF STATE:

You are hereby authorized to arrange, transcribe and superintend the publication of the Laws of New Hampshire, public and private, in chronological order, from the period when the Constitution of 1792 took effect, till the time when the regular annual publication of the Statutes commenced.

You will also cause such explanatory notes, citations, tables of contents and indexes as you may deem useful to be prepared and made a part of the work.

This I deem proper to be done, and directions are given in accordance with the authority vested in me as Governor by the provisions of the joint resolution relating to the preservation and publication of portions of the state and provincial records and other state papers of New Hampshire approved August 4, 1881, and also by the act of February 27, 1917, Chapter 29, Sections 27 and 28.

Given under my hand at Concord this 27th day of July, 1917.

HENRY W. KEYES,
Governor.

With the advice and consent of the council.

EXECUTIVE COUNCIL CHAMBER,
CONCORD, September 9, 1919.

Voted, that the Secretary of State be authorized to publish such portion of the Provincial Laws and Records of New Hampshire as shall continue the publication of said laws from vol. 7, until the time when the regular annual publication of the Statutes commence, dividing the same into volumes of convenient size and numbered in consecutive order.

TABLE OF CONTENTS.

	Page
Officers of the Government, 1829	1
Legislation	8
Officers of the Government, 1830	114
Legislation	121
Officers of the Government, 1831	178
Legislation	185
Officers of the Government, 1832	286
Legislation	293
Officers of the Government, 1833	437
Legislation	444
Officers of the Government, 1834	521
Legislation	528
Officers of the Government, 1835	624
Legislation	631

INTRODUCTORY NOTE.

This volume completes the publication of the old laws as contemplated by the joint resolution of the legislature approved August 4, 1881, and brings the publication, in bound form, down to 1835, when the publication in such form was regularly begun. Thus we now have all the laws of New Hampshire, from the beginning of an organized form of government down through the colonial period and the government under the constitution, in an enduring form available for research and study.

Many interesting events occurred during the seven years of the state's history embraced within this volume. It is to be noted that there were thirteen savings banks chartered during this time within the state, two at least are doing business to-day, viz., the New Hampshire Savings Bank of Concord, incorporated June 25, 1830, and the Lancaster Savings Bank of Lancaster, January 1, 1833.

It was a time when railroads began to give evidence of later usefulness that meant so much to the public welfare. The Concord Railroad was incorporated June 27, 1835, and on the same date the Boston & Maine and the Keene Railroad Company were given official standing within the state and four days prior, on June 23, 1835, the Nashua and Lowell Railroad came into legal existence.

On July 1, 1831, the legislature passed a resolution relative to the boundary line between Vermont and New Hampshire, which action foreshadowed a long and tedious controversy that has not been settled to this day, although the matter is in the United States Court and efforts are being made to bring it to a final issue at an early date. July 1, 1831, a resolution was passed by the legislature for a new state's prison, and July 4 of the same year, resolutions on the death of General Lafayette were unanimously adopted.

About seventy-five business corporations were established during the seven years, nine of which were located in the town of Claremont and seven in the town of Meredith. Among some of the prominent ones were the Amoskeag Manufacturing Company, of Goffstown, incorporated July 1, 1831; The Sullivan Manufacturing Company of Claremont, July 2, 1833 and the Winnipiseogee Lake Cotton and Woolen Manufacturing Company of Meredith, June 28, 1831.

July 1, 1829, the name of the town of Berlin was adopted in place of the name Maynesborough, and the town of Jackson was

INTRODUCTION

changed to Adams, July 4, 1829. West Nottingham became Hudson July 1, 1830, and likewise Bretton Woods became Carroll June 22, 1832. Allenstown was incorporated July 2, 1831 and North Effingham became Freedom on December 6, 1832. Percy was changed to Stark December 28, 1832, and Albany was named in the place of Burton July 2, 1833.

It was in January, 1830, that Daniel Webster, a son of New Hampshire, made his great reply to Hayne in the United States Senate. This speech of Webster's, together with others that he made along the same line, doubtless exerted as great an influence upon the minds of the people of this country as any other speech ever delivered before or since. By his powerful logic the people became convinced that the United States Constitution was a vital and living force in the formation and maintenance of government and this sentiment was essential in order to sustain that unity of action by the northern states necessary to maintain four years of civil war and bring it to a victorious end.

EDWIN C. BEAN,
Secretary of State.

Concord, June 26, 1922.

LAWS OF NEW HAMPSHIRE.

[THIRTY-EIGHTH GENERAL COURT.]

[Held at Concord, one session, June 3, 1829, to July 4, 1829.]

[OFFICERS OF THE GOVERNMENT.]

BENJAMIN PIERCE, GOVERNOR.
DUDLEY S. PALMER, SECRETARY OF STATE.
JOSEPH ROBINSON, DEPUTY SECRETARY OF STATE.
WILLIAM PICKERING, TREASURER.
GEORGE SULLIVAN, ATTORNEY GENERAL.
ABNER GREENLEAF, { PRESIDENT OF THE SENATE.
SAMUEL CARTLAND, {
JAMES B. THORNTON, SPEAKER OF THE HOUSE.

[MEMBERS OF THE COUNCIL.]

Francis N. Fisk,	Concord,
Benning M. Bean,	Moultonborough.
Matthew Harvey,	Hopkinton.
Joseph Healy,	Washington.
Stephen P. Webster,	Haverhill.

[MEMBERS OF THE SENATE.]

Abner Greenleaf,	Portsmouth.
Jacob Freese,	Deerfield.
David Steele,	Goffstown.
Joseph M. Harper,	Canterbury.
John Chadwick,	Middleton.
Ezekiel Wentworth,	Ossipee.
William Bixby,	Francestown.
Bodwell Emerson,	Hopkinton.
Levi Chamberlain,	Fitzwilliam.
Horace Hall,	Charlestown.
Elijah Miller,	Hanover.
Samuel Cartland,	Haverhill.

NOTICE.

JOINT RESOLUTION, passed by the Legislature of New-Hampshire.

Resolved, by the Senate and House of Representatives, in General Court convened, That his Excellency, the Governor, be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New-Hampshire, as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in this State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New-Hampshire Historical Society, and the remainder placed in the custody of the State Librarian, who is hereby authorized to exchange the same for similar publications issued by other States.

Approved July 6, 1866.



THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

Provincial Papers.

DOCUMENTS AND RECORDS

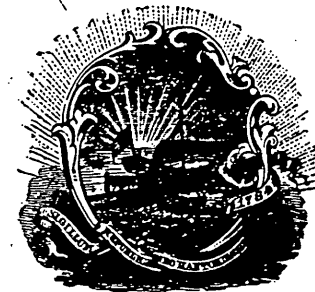
RELATING TO THE

PROVINCE OF NEW-HAMPSHIRE,

FROM THE EARLIEST PERIOD OF ITS SETTLEMENT:

1623-1686.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW-HAMPSHIRE.



VOLUME I.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.,

Corresponding Secretary of the New-Hampshire Historical Society.

CONCORD:

GEORGE E. JENKS, STATE PRINTER.
1867.

INTRODUCTION.

GOVERNOR'S MESSAGE.

IN his message to the Legislature of New-Hampshire, June 7, 1866, His Excellency, FREDERICK SMYTH, Governor of the State, said:

"I deem it my duty to direct your attention to the present condition of our Provincial Records, for the period between 1680, when New-Hampshire became a separate royal Province, to the year 1775, when her people adopted a State Government.

"These records are of great importance. Among other things, they contain a large portion of the Town Grants, the Provincial Laws, and all measures taken by the people of New-Hampshire in the prosecution of the French and Indian wars; yet, valuable as they are, they have never been put in a condition to render them useful, or insure their preservation. A part of them are in bound volumes and a part upon loose sheets, and they are all in manuscript, much of which it is difficult to decipher. They are greatly scattered, also, some portions being found in the office of the Secretary of State, and some in the archives of the Historical Society, and other parts among the Court Papers in different counties, and elsewhere. The work of arranging and indexing these, commenced some years ago by the late John Farmer, Esq., at the instance of the Legislature, should be continued; and, when properly prepared, should be printed, and thus rendered of easy access.

"An examination of the last two volumes of the New-Hampshire Historical Society's collections—the expense of which was borne in part by appropriations made by former Legislatures, will show the desirableness and importance of the work proposed,—containing as

they do 'the Records of the Committee of Safety' during the whole period of the Revolution, and Provincial Records, Court Papers, and the Province Laws, from 1680 to 1692.

"Much credit is due to the officers of the Society, and especially to its Corresponding Secretary, Rev. Dr. Nathaniel Bouton, for the patient labor gratuitously bestowed on this valuable work. In prosecuting to completion the enterprise thus auspiciously commenced, New-Hampshire would but be following the example already set by other States."

SELECT COMMITTEE.

On the 14th of June, a select committee was appointed on that part of the Governor's message that related to Province Records: namely, Benjamin Gerrish, jr., Dover; Nath'l G. Upham, Concord; John M. Hayes, Salisbury; Ansel Dickinson, Winchester; Adoniram J. Patterson, Portsmouth; Z. S. Barstow, Keene; Richard H. Hopkins, Chesterfield; George W. Weston, Windham; Horace Eaton, Hillsborough; and William Child, Bath.

JOINT RESOLUTION.

On the 23th of June, Mr. GERRISH, from the aforesaid Select Committee, reported the following Joint Resolution: namely,

Resolved by the Senate and House of Representatives, in General Court convened, That his Excellency, the Governor, be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New-Hampshire, as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in this State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New-Hampshire Historical Society, and the remainder placed in the custody of the State Librarian, who is hereby authorized to exchange the same for similar publications issued by other States.

On the 3d of July the above Joint Resolution was passed by the House; on the 5th by the Senate, and was approved by the Governor July 6th.

COMMISSION.

Agreeably to the foregoing joint resolution, the Governor and Council made out the following Commission:

To NATHANIEL BOUTON,* Greeting:

KNOW YOU, that we, reposing especial trust and confidence in your fidelity and ability, have constituted and appointed you, the said Nathaniel Bouton, Editor and Compiler of Provincial Records, hereby giving and granting unto you all the power and authority given and granted by the Constitution and Laws of our State, agreeably to an Act of the Legislature, approved July 6, 1866: To HAVE AND TO HOLD THE SAID OFFICE, with all the powers, privileges and emoluments to the same belonging, for the term of — years: provided you are of good behavior during said term.

In testimony whereof, we have caused our Seal to be hereunto affixed.

WITNESS, Frederick Smyth, Governor of our State, the thirty-first day of August, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

FREDERICK SMYTH.

By his Excellency's command, with
advice of Council.

WALTER HARRIMAN, *Secretary of State.*

State of New-Hampshire.

Merrimack ss.

On the eleventh day of September, one thousand eight hundred and sixty-six, the said Nathaniel Bouton took and subscribed the oath of office as above named.

Before us: PETER SANBORN, } *Justices of the Peace*
NATHAN W. GOVE, } *Quorum Unus.*

* The title "Esquire," in the original form, is here omitted.

EDITOR'S PREFACE.

In preparing this first volume of Provincial Papers of New-Hampshire, I have aimed to collect and embody all reliable historical facts, original papers, documents and records, that could be found relating to the early settlement of the Province, and to its condition from 1623 to 1686.

The earliest original papers are contained in a bound manuscript volume, in the office of the Secretary of State, labeled "Province Records, Book I," "Council and Mis. Papers, 1631-1756." From the first portion of this volume every thing has been copied that was presumed to be of public interest. Relative to the period from 1623 to 1631, we have no *original records*, but only such statements and facts as could be gathered from early historians, Winthrop, Hubbard, Prince, Morton, Belknap, &c., and from journals of voyages of an early date. This portion of our Province history is involved in considerable obscurity.

From 1641 to 1679, the four settlements that composed the Province of New-Hampshire, namely, Portsmouth, Dover, Hampton and Exeter, were under the jurisdiction of Massachusetts; consequently, we have no records relating to that period, except what are connected with, and contained in, the Records of the Massachusetts Colony. All those records, so far as they relate to New-Hampshire, have been carefully copied, revised, and are contained in this volume. Some very valuable papers have also been copied from "Documents relating to the Colonial History of the State of New-York." The "Court Papers," contained in this volume, were copied from bound MS. volumes in the Register's office, in Exeter, N. H.

In transcribing and preparing matter for the Press, I have aimed to preserve the exact language of the original or copy before me, particularly has this scrupulously been done in writing *proper names*. In no case have I changed the construction or grammar of a sentence, or even a word, whether correct or not. For the most part likewise, in copying

original papers, I have followed the ancient orthography, capitals and abbreviations; but inasmuch as there is no uniform rule in this matter among copyists or printers, and the utility of it is very doubtful, I have felt at liberty, in frequent cases, to follow the modern orthography, as better for the reader and more convenient both for the copyist and printer.

As Editor I have not felt myself obliged to furnish notes or comments on the text, beyond what was necessary, in some cases, for explanation or elucidation, nor to express an opinion on matters contained in any paper or record. When the text is doubtful I have signified it by an interrogation mark, or by an *italicised* word in []. The Editor's notes are always designated by—Ed. Quotations or extracts from other authors are duly credited.

The Editor respectfully acknowledges his personal obligations to his Excellency, FREDERICK SMYTH, Governor,—upon whose recommendation and under whose auspices this work was commenced,—for his courtesy and kindness, and for the uniform interest he has manifested in the successful accomplishment of the undertaking. Likewise, not only is the Editor, but the public generally, under great obligations to Hon. SAMUEL D. BELL, of Manchester, late Chief Justice of the State, for essential aid in procuring and furnishing materials for this volume, especially for collecting and arranging the "ANCIENT GRANTS," as also for his counsel in the preparation and arrangement of the volume. To the Hon. CHANDLER E. POTTER, of Hillsborough, the editor is indebted for aid in deciphering defaced and mutilated manuscripts, and for copies of valuable papers in his possession. To the Hon. WALTER HARRIMAN, Secretary of State,* and his Deputy, and to the State Librarian, the editor is under much obligation for facilities afforded him of access to original papers, and books for reference.

To the candid judgment and acceptance of the PEOPLE OF NEW-HAMPSHIRE, this first volume of Provincial Papers is most respectfully submitted, and humbly commended by their servant, the Compiler and Editor,

NATHANIEL BOUTON.

Concord, June, 1867.

* Since elected Governor.

GENERAL CONTENTS.

VOLUME I.

	PAGES.
Preliminary Notices,	1- 4
Ancient Grants, &c., Capt. John Mason's Will,	4- 55
The Wheelwright Deed,	56- 60
Original Province Papers, 1631 to 1650,	61-102
Miscellaneous, Historical items,	103-107
Facts relating to the early settlements—Portsmouth, Dover, Exeter and Hampton—1631 to 1641,	108-153
Documents and Records relating to New-Hampshire from 1641 to 1680,	154-372
Papers relating to the visit of the King's Commissioners:	
Copied from New-York Colonial Documents,	245-264
Copied from Massachusetts Colony Records,	265-298
Documents relating to Indian troubles,	353-365
Names of Deputies from New-Hampshire to General Court of Massachusetts,	369-372
Commission of President John Cutt,	373-382
Province, Capital, Criminal and General Laws,	382-408
Addresses of the President and Council to the King, &c., .	409-413
Province affairs—witchcraft, rates, &c.,	413-433
Edward Cranfield's Commission, as Governor,	433-443
Instructions to Cranfield,	443, 444
Province Laws, under Cranfield,	444-455
Affairs of the Province, under Cranfield's Administration, .	455-575
Petition of the Inhabitants against Robert Mason, . . .	575-578
Walter Barefoot, Deputy Governor,	579-590
Letters from John Hogkins, Indian Sachem,	583-585
Joseph Dudley's Administration, President of New-England, .	590-601

[See General Index at the end.]

NOTICE.

JOINT RESOLUTION, passed by the Legislature of New-Hampshire.

Resolved by the Senate and House of Representatives, in General Court convened,
That his Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New-Hampshire, as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in this State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New-Hampshire Historical Society, and the remainder placed in the custody of the State Librarian, who is hereby authorized to exchange the same for similar publications issued by other States.

Approved July 6, 1866.



Provincial Papers.

DOCUMENTS AND RECORDS

RELATING TO THE

PROVINCE OF NEW-HAMPSHIRE,

FROM 1686 TO 1722:

BEING PART I. OF PAPERS RELATING TO THAT PERIOD.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW-HAMPSHIRE.

VOLUME II.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.,

Corresponding Secretary of the New-Hampshire Historical Society.

MANCHESTER:

JOHN B. CLARKE, STATE PRINTER.
1863.

THE FOLLOWING TITLE WAS MICROFILMED

FROM THE HOLDINGS OF

THE NEW HAVEN COLONY

HISTORICAL SOCIETY

TABLES

Showing the Chief Magistrates of New Hampshire during the periods embraced in the First and Second volumes of this Provincial History; or (1st) from 1641 to 1686; and (2d) from 1686 to 1722. Also, the reigning Kings of England during the same periods.

TABLE I.—VOLUME I.

A. D.	Kings of England.	Governors of Massachusetts and New Hampshire.
1641	Charles I.	Richard Bellingham.
1642	"	John Winthrop.
1644	"	John Endecott.
1645	"	Thomas Dudley.
1646	"	John Winthrop.
1649	The Commonwealth.	John Endecott.
1650	"	Thomas Dudley.
1651	"	John Endecott.
1654	"	Richard Bellingham.
1655	"	John Endecott.
1660	Charles II.	"
1665	"	Richard Bellingham.
1673	"	John Leverett.
1679	"	Simon Bradstreet.

TABLE II.

A. D.	Kings of England.	Chief Magistrates of New Hampshire.
1680	Charles II.	John Cuth.
1681	"	Richard Waldron.
1682	"	Edward Crantfield.
1685	James II.	Walter Barefoote.
1686	"	Joseph Dudley (1).
1687	"	Edmund Andros (1).
1689	William III.	Simon Bradstreet (1).
1692	"	John Usher.
1697	"	William Partridge.
1698	"	Samuel Allen.
1699	"	Earl of Bellmont (1).
1702	Queen Anne.	Joseph Dudley (1).
1714	George I.	"
1716	"	Samuel Shute (1).

(1) Also Governors of Massachusetts.

EDITOR'S PREFACE.

IN the preparation of this volume, the Editor has adhered to the rules adopted in the first, viz.: In copying and preparing matter for the Press, he has aimed to preserve the exact language of the original or copy before him; particularly in writing *proper names*. In no case has the construction or grammar of a sentence been changed or a word altered. In copying strictly *original* papers, not only has the orthography, but the capitals and abbreviations, been followed. The punctuation, which in most cases was entirely wanting, the Editor has supplied.

This second volume extends over a longer period than was at first contemplated. The reason is, that by this arrangement the unity of the Council Minutes and Records, from 1692 to 1722, is preserved; after which period there is a *chasm* in the Council Records, till 1742. Incorporated with the Records in this volume, will be found numerous Papers, Letters and Documents which relate to correspondent matters within the same period, and which serve to throw much light on the Records.

The third volume will cover a large portion of the same period with the second, and will contain "*The Journal of the Council and Assembly*," together with such official Papers and Documents as relate to the transactions of that body; also, the PROVINCE LAWS passed between 1696 and 1716.

The Editor gratefully acknowledges his obligations to His Excellency Governor WALTER HARRIMAN, for the courtesy, counsel and encouragement given him in the prosecution of his labors; and also, to the Secretary of State and his Deputy, and to the State Librarian, for free access to Documents and Books, in their respective departments.

CONCORD, November, 1868.

GENERAL CONTENTS.

VOLUME II.

	PAGES.
Commission and Administration of Sir John Andros,	1- 29
Unsettled state of the Province—1689-1692,	29- 46
Wars with the Indians—1687-1690,	46- 56
Commission and Instructions to Gov. Samuel Allen,	57- 69
Administration of Lieut. Gov. John Usher—1692-1696,	
“Minutes of Council,” &c., in same period,	70-202
Custom-house in the Province,	77- 84
Great Island—Petition for a Township,	94- 98
Charter of Town of New Castle,	107-108
Indian Treaty—1693,	110-112
Massacre at Oyster River,	125-129
Grant of the Town of Kingston,	131-132
RECORDS OF COUNCIL—1696-1723,	203-514
Association to stand by the Protestant Succession,	258-259
Commission of Lt. Gov. Wm. Partridge,	250-260
Gov. Samuel Allen assumes the Government,	276
Submission of the Eastern Indians—1698,	299-300
Commission of the Earl of Bellomont,	305-312
Form of Oath,	312-313
Lt. Gov. Wm. Partridge,	313
Treaty with Algiers,	334
Bellomont Papers (N. Y. Documents),	343-353
Commission of Gov. Joseph Dudley—1702,	366-375
Commission of Lt. Gov. John Usher—1703,	406-407
Province Seal,	409
Trial, before the Superior Court of Judicature, Allen vs. Waldron, 1707,	514-562

	PAGES.
RECORDS OF COUNCIL—resumed,	563-748
Privateering,	578
Instructions to Gov. Dudley,	580
Notice of Joseph Smith, Esq., of Hampton,	587
Ordnance, Powder, shot, &c., for New Hampshire,	599
New Province Seal,	610
Failure of the expedition against Canada—1711,	629-631
Scout of Capt. Thomas Baker—1712,	635
Treaty of Utrecht—Proclamation,	644-659
Death of Queen Anne; Accession of George I.— 1714,	662-664
Notice of Charles Story, Esq.,	670
Gov. Vaughan, Lt. Gov.—1715,	678
Stratham—a township,	691
Gov. Samuel Shute—arrives,	695
Lt. Gov. Vaughan's Complaint and Speech,	703-704
“ “ suspended,	710
John Wentworth, Esq., Lt. Gov., Commission,	712
Settlement of Scotch-Irish at Nutfield,	718, 736, 738

[See General Index at end.]

NEW-HAMPSHIRE PROVINCIAL PAPERS.

VOLUME II.

Commission of Sir Edmund Andros, as Governor of the Territory and Dominion of New-England.

[From a Copy in the office of Secretary of State.]

JAMES the Second, by the Grace of God King of England, Scotland,
France and Ireland, Defender of the Faith, &c., To our trusty
and well-beloved Sir EDMUND ANDROS,* Knight, greeting:

Whereas the government of that part of our Territory and Do-
minion of NEW-ENGLAND hereafter mentioned, is now in our
hands, and being minded to give all protection and encouragement
to our good subjects therein, and to provide in the most effectual
manner for their security and welfare—WEE, therefore, reposing
especiall trust and confidence in the prudence, courage and loyalty

* Sir Edmund Andros was born in London, Dec. 6, 1637. His ancestors were from Northamptonshire, of considerable note, and always devoted to royalty. AMICE, the father of Edmund, married Elizabeth Stone, sister of Sir Robert Stone, knight, cupbearer to the Queen of Bohemia, and captain of a troop of horse in Holland, and was Master of Ceremonies to King Charles the First at the time of his son Edmund's birth, who was brought up from a boy in the royal family, and in its exile commenced his career of arms in Holland, under Henry, Prince of Nassau. After the restoration of Charles II., having been inviolably faithful to His Majesty, Edmund was made Gentleman in Ordinary to Elizabeth Stuart, Queen of Bohemia, the King's aunt. Subsequently he distinguished himself in the war waged by Charles II. against the Dutch, and which ended in 1667. He married, in 1671, Mary, daughter of Sir Thomas Craven; and, in 1672, was commander of the forces in the Barbadoes, and had obtained the reputation of being skilled in American affairs. In 1674, on the death of his father, he became Seigneur of the Fiefs, and succeeded to the office of Bailiff of Guernsey. The same year he was constituted, by the King, Governor-General of the Province of New-York. He arrived in this country, accompanied by his wife, on the 1st of November,

THE FOLLOWING TITLE WAS MICROFILMED
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THE NEW HAVEN COLONY
HISTORICAL SOCIETY

Provincial Papers.

DOCUMENTS AND RECORDS

RELATING TO THE

PROVINCE OF NEW-HAMPSHIRE,

FROM 1692 TO 1722:

BEING PART II. OF PAPERS RELATING TO THAT PERIOD.

CONTAINING THE

"JOURNAL OF THE COUNCIL AND GENERAL ASSEMBLY."

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW-HAMPSHIRE.

VOLUME III.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.,

Corresponding Secretary of the New-Hampshire Historical Society.

MANCHESTER:

JOHN B. CLARKE, STATE PRINTER.
1869.

NOTICE.

JOINT RESOLUTION, passed by the Legislature of New-Hampshire.

Resolved by the Senate and House of Representatives, in General Court convened,
That his Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New-Hampshire, as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in this State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New-Hampshire Historical Society, and the remainder placed in the custody of the State Librarian who is hereby authorized to exchange the same for similar publications issued by other States.

Approved July 6, 1866.

EDITOR'S PREFACE.

ALTHOUGH this third volume of Provincial Papers covers nearly the same period as the preceding volume, yet it will be seen on examination that the contents of the volume are materially different from the former. The one contains the Records of the COUNCIL, which was the *Executive* body in the Province, composed of the Governor and not less than five Councillors, who received their appointment and commission from the Crown. The ASSEMBLY was composed of men chosen by the freeholders of the respective towns, as their representatives or deputies, having authority to enact laws, lay taxes, &c., and constituted the *Legislative* branch of the government. All laws, acts and ordinances, however, passed by the Assembly, must be concurred in by the Council, approved by the Governor and finally be sanctioned by the King.

The "Journal of the Council and Assembly" contained in this volume is a record of the joint transactions of the two bodies in relation to all business which appropriately belonged to the Sessions of the General Assembly. No *Journal of the House* separate from the joint Journal of the Council and Assembly is found till 1711, and that is very meagre and incomplete till 1722. Occasional extracts are made from it, to supplement or elucidate the Journal of the Council and Assembly, but the Editor has not deemed it necessary or expedient to publish it entire.

In this volume, as in the preceding, will be found, in chronological order, many letters, papers, speeches and authentic facts,

of much historical interest and value, which the Editor has gathered from every available and reliable source, and for which due credit is always given. His intention has been to publish *every* official paper and document that can be found on record or on file, that serves to throw light on our Provincial History.

The Province Laws, in this volume, from 1692 to 1702, (only two or three of which have ever before been printed) indicate the state of the Province and the manners and customs of the times to which they relate. In this respect they are of much value and should be carefully examined.

GENERAL CONTENTS.

VOLUME III.

	PAGES.
JOURNAL OF THE COUNCIL AND GENERAL ASSEMBLY,	1-163
Letter of Lt. Gov. Stoughton of Massachusetts,	37
Speech of Lt. Gov. Usher,	42
Speech of Lt. Gov. Usher and answer to it,	46-47
Speech of Gov. the Earl of Bellomont,	66
Orders of the House,	67-68
Answer to the Gov.'s Speech,	71
New Seal for the Province,	80
A prison ordered to be built,	88
Letter from the Earl of Bellomont,	96
Petition from masters of coasting vessels,	104
Estimates of cost of building a Fort at New Castle,	106-111
Letter from John Bridger respecting trees for tar,	115
Quota of men in different Provinces,	131
Province Laws,	164-228
JOURNAL OF THE COUNCIL AND ASSEMBLY RESUMED,	229
Letter from Queen Anne respecting salaries,	251
Col. Romer on repairs of Fort Wm. and Mary,	263
Speech of Lt. Gov. Usher, and answer thereto,	269-274
Samuel Allen's title to Province Lands,	275-276
Gov. Joseph Dudley's speeches,	282-289
An act respecting pursuit of Indians in winter,	290
Answer to Gov. Dudley's speech,	294

	PAGES.
Samuel Allen's Petition,	297
Queen Anne's Instructions to Gov. Dudley,	312-313
Addresses to the Queen,	328, 349, 352, 377
John Bridger's commission as Surveyor-General,	334
Memorial of John Bridger,	337
Expedition to Nova Scotia—Fast,	339
An act relating to Troopers,	346
Capt. George Vaughan, agent to England,	353-355
An act for a free Latin school at Portsmouth,	365
Letters from Gov. Dudley,	371, 392, 417
Petition of inhabitants at Quamscott,	405-407
Petition of inhabitants in south part of Hampton,	408, 409, 428
Expedition to Port Royal,	435-440
Speeches of Lt. Gov. John Usher,	443, 448
Addresses to the Queen,	445, 452, 493, 507, 547
Speeches of Gov. Dudley,	448, 462, 501, 511, 530, 540
Capture of Port Royal—Annapolis,	453
Letters from Gov. Dudley,	458, 505
Expedition against Canada,	478
Instructions of Queen Anne,	480, 489
Instructions for Henry Newman, Esq.,	508
Petition of Nathl Weare, Esq.,	514
Petition of the inhabitants of Kingston,	520
Indian Treaty—Articles of Pacification (1713)	543-546
Petition of the inhabitants of Bloody Point,	549
Addresses to the King, George I.,	576-7
Speeches of Lt. Gov. George Vaughan,	601, 630, 619
Petitions of inhabitants of Oyster River,	606, 714
Notice of Sir Charles Hobby,	631
Notice of Gov. Samuel Shute,	658
Speech of Gov. Shute,	659
Complaint of the Representatives to Gov. Shute,	675
Answer to the foregoing,	677
Petition of inhabitants of Portsmouth,	684
Indian Treaty at Georgetown, Me., 1717,	693-701
Speeches of Lt. Gov. Vaughan,	702-703
Gov. Shute's speech against Lt. Gov. Vaughan,	704
Examination of Jos. Smith, Peter Weare and John Tuck,	710-711
Speech of Lt. Gov. John Wentworth, and Gov. Shute,	721, 723
Differences in Portsmouth explained,	729
Original letter of Gov. Shute,	752
John Bridger, Surveyor-General,	759

	PAGES.
Apology of people of Nutfield to Gov. Shute,	770
Instructions to Henry Newman, Esq., agent,	779
Speech of Lt. Gov. Wentworth,	809
Additional Instructions to Gov. Shute,	813
Conflict of Laws with Massachusetts,	829
Letter from Mr. Newman, agent,	832
Address of Justices, &c., to her Majesty,	839

[See General Index at the end.]

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RELATING TO THE

PROVINCE OF NEW-HAMPSHIRE,

FROM 1722 TO 1737:

Containing important Records and Papers, pertaining to the Settlement of
the Boundary Lines between New-Hampshire and Massachusetts.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW-HAMPSHIRE.

VOLUME IV.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.

Corresponding Secretary of the New-Hampshire Historical Society.

MANCHESTER:

JOHN B. CLARKE, STATE PRINTER.

1870.

NOTICE.

JOINT RESOLUTION, passed by the Legislature of New-Hampshire.

Resolved by the Senate and House of Representatives, in General Court convened, That his Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New-Hampshire, as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in the State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New-Hampshire Historical Society, and the remainder placed in the custody of the State Librarian, who is hereby authorized to exchange the same for similar publications issued by other States.

Approved July 6, 1866.

EDITOR'S PREFACE.

This fourth volume of Provincial Papers embraces the latter part of the Administration of his Honor JOHN WENTWORTH, Lt. Governor and Commander-in-Chief, in the absence of Governor SAMUEL SHUTE; the brief period of Governor WILLIAM BURNET's administration, 1729, and that of Governor JONATHAN BELCHER, from 1730 to October 1737. The volume is of special and permanent value as containing all the proceedings of the Governor, Council and General Assembly of the Province, and all official documents and papers found in the Secretary's office, relating to the long controversy between New-Hampshire and Massachusetts, in respect of the boundary lines between the two Provinces. The correspondence, also, between Governor Belcher and Secretary Richard Waldron and others, and also that between John Thomlinson, Esq., agent for the Province, in England, and Theodore Atkinson, Esq., and others, of New-Hampshire, will be found to be of great interest and value.

In copying and preparing these Papers for the press, the editor has adhered to the rules at first adopted: viz., to preserve the exact words and orthography, capitals and abbreviations of the papers transcribed; even the punctuation has for the most part been left untouched. Where names of persons in office very often occur, it is denoted by *passim*, and not always noted in the Index.

The fifth volume of Provincial Papers will complete the record of Governor Belcher's administration and the correspondence relating to the boundary lines, between John Thomson, Esq., and Mr. Secretary Atkinson. Also, additional letters from Gov. Belcher to Secretary Richard Waldron; but the greater interest and value of the volume will consist in the full record it will contain of the part that New-Hampshire took in the expedition against Louisbourg, 1745, under the administration of Gov. Benjamin Wentworth.

Concord, December, 1870.

GENERAL CONTENTS.

VOLUME IV.

	PAGES.
Lt. Governor JOHN WENTWORTH.	
RECORDS OF COUNCIL,	1- 22
Notice of Archibald McPhædris, Esq.,	1, 2
" " Hon. John Frost,	4
" " " Thomas Packer,	5
" " " Jotham Odiorne,	8
" " " Samuel Penhallow,	18
Form of Oaths,	19, 20
JOURNAL OF THE GENERAL ASSEMBLY,	23-308
Letter to Henry Newman, Esq.,	30
Speeches of Lt. Gov. Wentworth,	46, 54, 60, 80, 87, 106 127, 148, 163, 187, 205, 240, 261, 286, 295
Answer to the Lt. Gov ^r Speeches,	49, 62, 82, 90, 129, 156 173, 197, 213, 264, 290, 296
Block-house at Winnipishoky Pond,	56, 58
Address to his Majesty,	85
Henry Newman's Letter to Committee,	146
Rev. Hugh Adams, of Durham,	171, 412
Submission of Eastern Indians, &c., 1725,	188-190
Notice of Hon. Peter Coffin's death,	209
Henry Newman's Letter to Lt. Gov. Wentworth,	225
Treaty with the Indians at Casco, 1727,	254-258

	PAGES.
JOURNAL OF THE HOUSE OF REPRESENTATIVES,	308-502
Names of Representatives,	326, 484
Letter from Gov ^r SAMUEL SHUTE,	322
Bridge over Lamprey river,	374
Stores belonging to Fort Wm. and Mary,	448
Speech of Lt. Gov ^r Wentworth,	458, 464
Triennial Assembly,	469
Complaint against the Court of Chancery,	479
Choice of Speaker, refused,	486
Proportion, for Town taxes,	499
List of Tax-payers in New-Castle, 1728,	503
Administration of Gov ^r WILLIAM BURNET, 1729,	504
JOURNAL OF THE HOUSE—continued,	504-533
Salary of Gov ^r Burnet,	513
Death of Gov ^r Burnet,	528, 555
Answers to Queries sent by Lords of Trade, &c.,	532, 533
JOURNAL OF THE COUNCIL AND ASSEMBLY, 1729, under	
Gov ^r Burnet's administration,	534-558
Speech by the Governor,	534
Instruction 30 th to the Governor,	535
Madam Vaughan's Letter to Gov ^r and Council,	538
Message from the Governor,	539
Instruction 24 th to the Governor,	541
Administration of Gov ^r JONATHAN BELCHER, 1730,	559-832
Notice of Gov ^r Belcher,	561
JOURNAL OF THE HOUSE, 1730-1737,	560-756
Governor's Speeches and Messages, 562, 566, 573, 579, 589	
601, 607, 615, 623, 630, 644, 647, 662, 666	
673, 679, 685, 697, 711, 716, 734, 743, 762	
Answers to Gov ^r Speeches, 564, 576, 591, 602, 617, 632, 652	
664, 684, 688, 707, 717, 735, 742	
Instruction 32 ^d to the Governor,	564, 567
Instruction 77 th to the Governor,	568
Names of Members of the House,	572, 628, 646, 671
Boundary lines between Mass. and N. Hamp.,	573-756
Address to his Majesty, 1730,	584, 613

	PAGES.
JOURNAL OF THE HOUSE—continued.	
An Act appointing Commissioners to settle Boundaries,	585
Death of Hon. Richard Waldron, Sen.,	587
Death of Lt. Gov ^r John Wentworth,	587
Objections to the Massa. Act about the lines,	590
Quakers, Act exempting, &c.,	597
Notice of David Dunbar, Esq., Commission of Lt. Governor,	599, 580, 730
Address to his Grace, the Duke of New Castle,	610
Capt. John Rindge—notice of,	612
Governor's order about £15,000 loan,	624
Remarks on representation of Lords of Trade, &c.,	624-628
Capt. Joshua Pierce's letter to Gov ^r Belcher,	629
Gov ^r Belcher's Answer to s ^d letter,	629
Addresses of the House to the Governor,	636, 641
Message from the Council to the House,	643
Queries of Lt. Gov. Dunbar to the Council,	645
Letter of Gov ^r Belcher about boundaries,	648
Queen's Chapel, Portsmouth, 1734,	650
Communication of Gov. Belcher to the Council,	665
Letter from Hon. John Sharpe to Gov ^r Belcher,	669
Letter of Gov ^r Belcher to Lt. Gov ^r Dunbar,	670
John Thomlinson, Esq., Agent for the Province,	677
Riot at Exeter,	678
Return of members disallowed by Governor,	683
Act for Supply of the Treasury,	699, 722
Letter from Wm. Packer, jun., to Sec ^y Waldron,	698
Burning of Sec ^y Waldron's house, 1736,	713
Chester Petition,	727
Lt. Gov. Dunbar and Gov ^r Belcher,	730
Plan or Draught of Merrimack river,	738
Benjamin Rolfe, Esq., notice of,	742
Determination of Commissioners on the boundary lines, objections to,	745
JOURNAL OF THE GENERAL ASSEMBLY, 1730-1737,	757-832
Notice of Secretary Waldron, Jun.,	767

	PAGES.
JOURNAL OF THE GENERAL ASSEMBLY—continued.	
Col. John Plaisted—notice of,	775
Benning Wentworth and Theodore Atkinson de- cline admission to the Council,	794, 802
Order in relation to marriages,	832
THOMLINSON CORRESPONDENCE,	833-865
BELCHER CORRESPONDENCE,	866-880

[See Index at the end.]

Erratum. On page 387, in a note by the Editor, "November 17th, 1738," should be October 20, 1737; and "1724-1748," should be 1724-43.

NEW HAMPSHIRE PROVINCIAL PAPERS.

VOLUME IV.

[NOTE BY THE EDITOR.]

[The "RECORDS OF COUNCIL" which follow from June 21, 1722, to November 2, 1723, were copied from a MS. volume in the Secretary's office, labelled "Commissioners, &c., Council & Assembly Records, 1680 to 1740, Imperfect." The reader will perceive that these "Records" are exceedingly meagre and imperfect; but they are the only "Records of Council" that can be found relating to the above-named period, or until April 5, 1742. Probably a portion of the Records of Council were destroyed by a fire which consumed Secretary Waldron's house in 1736.* But though thus imperfect, it will be found that these Records contain some matters of great historical interest and value. Pages in the margin correspond with those in the MS. record.]

[P. I.] Pro. N. Hamp^r.

At a Council, June 21, 1722.

Present,
Lt. Gov^r

Mark Hunking,
Thos. Packer,
Arch. McPheadris(t).

* See notice of the fire under date May 21st, 1736, in the "Journal of the House."

(1) Archibald MacPheadris, Esq., is among the tax-payers in Portsmouth in 1727. He built a splendid mansion at Portsmouth in 1718-1723, which cost £6000, and is still standing, at the corner of Daniel and Chapel streets, now known as the Warner house. This house is provided with a lightning-rod which was put up in 1762, under the personal inspection of Dr. Benjamin Franklin, and was probably the first put up in New Hampshire. Captain MacPheadris was a native of Scotland, an opulent merchant, and was a leading projector of the first iron-works in America. He was at the head of a small company which commenced the manufacture of iron from the ore at Lamprey river. In 1719 the General Court of Massachusetts granted to the Company a slip of land two miles wide, at the head of Dover line. This land was to furnish

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DOCUMENTS AND RECORDS

RELATING TO THE

PROVINCE OF NEW-HAMPSHIRE,

FROM 1738 TO 1749;

CONTAINING VERY VALUABLE AND INTERESTING RECORDS AND PAPERS
RELATING TO THE EXPEDITION AGAINST LOUISBOURG, 1745.

Published by authority of the Legislature of New Hampshire.

VOLUME V.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.

Corresponding Secretary of the New-Hampshire Historical Society.

NASHUA:

ORREN C. MOORE, STATE PRINTER.
1871.

NOTICE.

JOINT RESOLUTION passed by the Legislature of New Hampshire.

Resolved by the Senate and House of Representatives in General Court Convened, That his Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New-Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in the State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New Hampshire Historical Society, and the remainder placed in the custody of the State Librarian, who is hereby authorized to exchange the same for similar publications issued by other States.

Approved July 6, 1866.

EDITOR'S PREFACE.

THIS volume is one of great interest and historical value, as containing all the official records and documents found in the Secretary's office and elsewhere, relative to the part which New Hampshire took in the expedition against Louisbourg, 1745. Although Governor Shirley, of Massachusetts, must be acknowledged as a prime mover and most efficient promoter of the enterprise, yet Governor Benning Wentworth, also, and his Majesty's Council and Assembly of New Hampshire, most heartily joined in the common cause, and furnished a full quota of brave New Hampshire men, who acquitted themselves nobly in the capture of that strong-hold of the enemy.

The attention of readers is also particularly invited to the documents contained in this volume relative to the final determination of the boundary line between New Hampshire and Massachusetts, and the very able papers drawn up by John Thomlinson, Esq., in the latter part of the volume. The "Miscellaneous Papers" herein contained, and the "Agreement" for the purchase of the Masonian claims; the incidents of Indian warfare; the failure of the intended expedition against Canada, 1746 and 1747, with many other matters, will be found entertaining and instructive.

The sixth volume, already in course of preparation, will contain all known official records and documents pertaining to the part which New Hampshire took in the expedition to Crown Point, and generally, in the French and Indian wars of that period.

GENERAL CONTENTS.

VOLUME V.

	PAGES.
ADMINISTRATION OF GOV. JONATHAN BELCHER—continued	1-88
JOURNAL OF THE HOUSE	1-28
Governor's Messages	2, 11, 20, 26
Answers to Governor's Messages	3, 18, 27
Address to the King's Most excellent Majesty	5
Names of Representatives	10
Thanks to John Thomlinson, Esq.	13
MISCELLANEOUS PAPERS	29-53
Province Accounts	29-33
Rev. Hugh Adams, Durham	33-40
Privy Council order	40
Order for fitting out Privateers, Commissions, &c.	41-44
Value of Gold and Silver, and Bills of Credit	44
Declaration of war against Spain	45
Orders about prayers for the Royal Family	46
Expedition to New Spain, etc.	47-53
Exportation of Provisions	53
JOURNAL OF THE GENERAL ASSEMBLY	54-86
Mandamus, for John Rindge, Esq., to the Council	59
Governor's Messages	67, 72, 77, 80
Answers of the House	69, 75, 76, 78
Loss on Gov. Belcher's salary	84-85
ADMINISTRATION OF GOV. BENNING WENTWORTH	87-950
RECORDS OF COUNCIL (1)	87-133
Letter from Gov. Shirley about impressing seamen	93
A French fleet on the coast—affidavits	109-110
Flag of Truce	113, 114
Danger from French and Indians	115
Expedition against Crown Point	115, 116
Sampson Sheafe, notice of	117

(1) The reader is notified that the "Records of Council" in this volume extend to a little longer period than does the "Journal of the House," or "Journal of the Assembly." It was a matter of convenience to the editor.—Ed.

	PAGES.
George Jaffrey, notice of	126
Letter from Gov. Shirley about Indian treaty	127
Submission and agreement of Eastern Indians	181-183
JOURNAL OF THE HOUSE	134-590
Names of Representatives	134, 162, 232, 259, 315, 322, 433
Governor's Messages, 135, 145, 148, 149, 151, 162, 164, 167, 197, 200, 203, 213, 221, 231, 241, 242, 264, 279, 281, 288, 306, 356, 371, 480, 495, 509, 515, 516, 534, 539, 558, 559, 564.	
Answer to Governor's Messages, 138, 150, 169, 191, 194, 197, 236, 240, 241, 243, 268, 280, 285, 289, 305, 306, 357, 394, 424, 482, 510, 518, 523, 538, 557, 558, 559, 574.	
Thanks and Letter to John Thomlinson, Esq.	158, 160
Memorial to his Majesty about boundary lines	180
MISCELLANEOUS PAPERS	183-189
Bill for taxing new Districts	183
Report of Committee to call first meeting in towns	185
Fort William and Mary	187-189
Governor's orders to inhabitants on King's lands	189
JOURNAL OF THE HOUSE— <i>resumed</i>	190
Dispute on the choice of a Recorder, 191, 194, 195, 197, 199, 200, 203, 205	
James Scales, Rev. or Esq., notice of	222
Letter from Mr. Bastide, engineer	223
Gov. Wentworth, Surveyor-General	223
A Truck House	224
Fort Dummer	226
Annapolis Royal, Resolve of General Court of Mass ^a	234
Pay of officers in expedition against Louisbourg	234
Remonstrance of Committee on emission of paper money	238
Petition of inhabitants of Rumford	253
Controversy on admitting new members to the House	260-265
Gov. Shirley's communication about Louisbourg	266
Response of Committee thereto	272
Cape Breton Expedition, Plan of operations	273
Memorial in behalf of expedition against Louisbourg	286
Memorial of Capt William Vaughan, notice of	297
Letter from Gov. Wentworth to Gen. Pepperell	300
Documents relating to Fort Dummer	301-304
Letter of Andrew Wiggin, Esq., to the Assembly	308
Christo, an Indian, notice of	311
Letter from Col. Joseph Blanchard	315
Petition of inhabitants of Rumford for help	317
General Pepperell's letter	319
Fort Dummer, debate and resolution on	320, 337
Rules of the House	325
Allowance of members for travel	331
Reduction of Louisbourg, Gov. Shirley's letter	360, 361
Council of War at Louisbourg, etc.	363, 364
Col. Moore's Regiment, officers, 368; soldiers	943-945

	PAGES.
Address to his Majesty	369
Memorial of field officers at Louisbourg	370
Letter from Gov. Shirley	372
Letter from Richard Waldron, Esq.	400
Convention of members of the Assembly	427-433
Message of the Governor and answer thereto	428
Allowance to volunteers against Louisbourg	450
Canada Expedition, payments for	471-475
Petition of Capt. Daniel Ladd	483
Hon. George Jaffrey—Correspondence	488, 489
Town of Monson, note	491
Crown Point Expedition, Gov. Wentworth's message	520
Gov. Shirley's letter, respecting	521
Pennycook, Indians at	523
Flag of truce—exchange of prisoners	526, 527
Letter from Gov. Shirley and Gov. Knowles, etc.	535, 537
Letter from Lords Com ^{rs} of Trade and Plantations	540
Reimbursement of expenses, Gov. Shirley's letter, etc.	565
Massachusetts bill to sink the paper currency	567
JOURNAL OF THE GENERAL ASSEMBLY	591-914
Names of members of the House	591, 730, 751
Form of oaths taken	592
Gov. Wentworth's Instructions, 10 th and 11 th , 594; 84 th and 85 th , 595; 86 th , 597.	
Hon. William Parker, notice of	618
Matthew Livermore, Esq., notice of	626
Col. John Gilman, Esq., notice of	633
Thomas Packer, Esq., Sheriff, notice of	633
Gov. Wentworth—Speeches, 651, 668, 689, 709, 711, 713, 728, 752, 797, 814, 833, 836, 844, 858, 905.	
Answers of Assembly to, 656, 669, 699, 711, 763, 816, 850, 859, 860	
His Majesty's Royal Orders, approving certain acts	653, 654
James Clarkson, Esq., notice of	685
Forms of mortgages for loan	687
Paragraphs of a letter from Lords Com ^{rs} of Trade, etc.	691
Memorial of officers at Louisbourg	771
Letters from Col. Samuel Moore	777, 778
Capt. John Goffe, notice of	783
Letter from Gov. George Clinton, of New York	789
Instructions of Commissioners for Indian affairs, etc.	789, 790
Quota of men for different Colonies in America	791
John Thomlinson's acct for gunpowder	799
Letters from Charles Apthorp	799, 800
Letter from Capt. John Goffe	800
Letter from Col. Samuel Moore, at Louisbourg	801
Letter from Gov. Shirley, relating to Convention, etc.	810
Extracts of letter from Ad. Warren and Gov. Shirley	818
Agreement between John Thomlinson, Esq., and John Tufton Mason, relative to purchase of Mason's claim	

	PAGES.
Report of Committee to treat with purchasers, etc.	826
Letter from Masonian proprietors	833
Answer to queries respecting reduction of Canada	839
Petition of Inhabitants of Stratham	847
Letters from John Thomlinson, Esq., (extracts)	851, 852
Petition of Capt. Ebenezer Eastman, of Pennycook	859
John Paul Mascareen, Gov. of Nova Scotia, notice of	859
Petition of Samuel Cummings, of Hollis	861
Order of his Excellency in relation to officers who had raised levies for Canada expedition	867
Letter from Col. Stoddard to Gov. Shirley	869
Letter from Gov. Shirley to Gov. Wentworth	870
Information by Moses Bennet relating to French fleet	877
Petition of Capt. Eben ^r Eastman, of Pennycook, with names,	880
IMPORTANT DOCUMENTS, ETC.	915-950
Petition to the King, by members of the Council	915
Petition to the King, by residents and freeholders	919
Petition of John Thomlinson to the King	921
Thomlinson Papers	925-930
Shirley Papers	931-950
List of New Hampshire men in Col. Moore's Regiment, at Louisbourg	943-945

*Names of members of his Majesty's Council of the Province
of New Hampshire, under the Administration of Governor
Benning Wentworth, 1742 to 1749.*

Appointed in 1732.	RICHARD WALDRON, Sec'y. (1)
1716.	GEORGE JAFFREY.
1724.	JOTHAM ODIORNE
1728.	HENRY SHERBURNE.
1732.	JOSHUA PIERCE.
1733.	JOSEPH SHERBURNE.
1733.	ELLIS HUSKE.
1734.	THEODORE ATKINSON, Sec'y. (2)
1739.	RICHARD WIBIRD.
1740.	JOHN DOWNING.
1742.	SAMUEL SMITH. (3)
1743.	SAMUEL SOLLEY. (4)
1747.	SAMPSON SHEAFE. (5)

(1) Suspended by the Governor, March 18, 1742.

(2) He was appointed, 1732, but did not take the oath of office till 1734; was appointed Secretary in place of Richard Waldron, March, 1742.

(3) Took his seat April 15, 1742.

(4) Took his seat April 12, 1743.

(5) Took his seat November 11, 1747.

NEW-HAMPSHIRE PROVINCIAL PAPERS. VOLUME V.

Administration of Gov. Jonathan Belcher—continued.

[The "JOURNAL OF THE HOUSE," continued from October the 20th, 1737. See marginal page 528, in printed volume IV, "Provincial Papers."—ED.]

[P. 528.] By Proclamation his Excellency Prorogued the General Assembly to the first Wednesday in May 1738, as by the Proclamation affixed on the Court House dore which the members as they entered the Court House dore took down and was Read in the House as follows, viz.

By his Excellency Jonathan Belcher, Esq. Governor and Commander in Chief in and over his Majesties Province of New Hampshire in New-England.

A PROCLAMATION.

Whereas the Gen^l Assembly of the said Province of New Hampshire Stands Prorogued to the third day of May next, I have tho't fit further to Prorogue them to Wednesday the twelfth of July next at ten of the clock before noon, then to meet at the Court House in Portsmouth within said Province, and in his Maj^{ty}'s name the said Gen^l Assembly is hereby prorogued accordingly and all persons concern'd are Required to take notice thereof and to pay a Due conformity thereto.

Given under my hand the seventeenth day of April 1738, in the Eleventh year of the Reigne of our Sovereign Lord George the Second, by the grace of God, of Great Britain, France [p. 529.] & Ireland King, defender of the Faith, &c.

By his Excellency's Command
Ric^d Waldron Sec'y.

J. BELCHER.

GOD SAVE THE KING.

Wednesday November the 1st 1738.

The House met according to Prorogation by his Excellencies Proclamation.

Mr. President Walton came into the House and said his Excell^y

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

Provincial Papers.

DOCUMENTS AND RECORDS

RELATING TO THE

PROVINCE OF NEW-HAMPSHIRE,

FROM 1749 TO 1763:

Containing very valuable and interesting Records and Papers relating to the Crown
Point Expedition, and the "Seven Years French and Indian Wars," 1755-1763.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW HAMPSHIRE.

VOLUME VI.

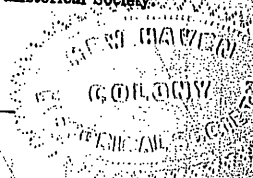
COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.,

Corresponding Secretary of the New Hampshire-Historical Society.

MANCHESTER:

JAMES M. CAMPBELL, STATE PRINTER.
1872.



NOTICE.

JOINT RESOLUTION, passed by the Legislature of New-Hampshire.

Resolved by the Senate and House of Representatives, in General Court convened, That his Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New-Hampshire, as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows, namely: one copy to each City and Town in the State, one copy to each of the Public Libraries of this State as the Governor may designate, two hundred copies to the New-Hampshire Historical Society, and the remainder placed in the custody of the State Librarian, who is hereby authorized to exchange the same for similar publications issued by other States.

Approved July 6, 1866.

EDITOR'S PREFACE.

Most of the contents of this volume will be found of great historic interest and value. The controversy between the House of Representatives and his Excellency Benning Wentworth, on his right to negative their choice of a Speaker and to determine what towns were entitled to Representation; the conspiracy for his removal from office; the official proceedings of the Government and the part the Inhabitants of the Province took in the expedition against Crown Point, and in the long, expensive and bloody French and Indian wars; the extension and growth of settlements in the northern and western sections of the Province; the action of the government in favor of Rev. Eleazer Wheelock's plan for instructing the Indian tribes; and the very important and copious public documents interspersed through the volume—all these give it a special value, and entitle it to a careful perusal and to frequent reference, by all who wish to become well versed in our Provincial history.

Readers of this will please turn to page 320 and read the "Note by the Editor," explanatory of a change or modification of the plan heretofore pursued. But, all may be assured, that the portions of the *Journal of the House* which appear, were copied entire and exact. The "Records of the Council" are also complete; and the numerous letters, documents, &c., which are interspersed are meant to be a literal transcript of the original.

The VIIth and last volume of Provincial Papers will be one of more than ordinary interest and value, as it will embrace all records, papers and documents, to be found, relating to the ante-revolutionary period, with the administration of the last of the Royal Governors of the Province—His Excellency JOHN WENTWORTH, Esq.

GENERAL CONTENTS.

VOLUME VI.

	PAGES.
ADMINISTRATION OF GOV. BENNING WENTWORTH— <i>continued</i> , 1749-1768	
RECORDS OF HIS MAJESTY'S COUNCIL, 1750-1757	1-38
Order by the Governor, relating to Iron forge, &c.	8
Order of Court relating to an Indian	9
CORRESPONDENCE—A conspiracy for the removal of Governor	
Wentworth from office	89-68
Notice of Hon. Richard Waldron, Secy.	89
Notice of Col. Isaac Royall	41
1749. JOURNAL OF THE HOUSE OF REPRESENTATIVES, <i>continued</i> from Vol. V., p. 590	69-126
Richard Waldron chosen Speaker	71
Disallowed by the Governor	71
Controversy between the Governor and House, relating to the Speaker and the right of certain Towns to be repre- sented	71-126
Governor's Messages (1)	71, 72, 83, 86, 88, 101, 112
Answers of the House to Governor's Messages, 71, 73, 74, 79, 85, 102, 104, 105, 106, 110, 118:	
Additional Instruction to the Governor by the Lords Jus- tices	82
Address to his Majesty by the Assembly	89
Address to his Majesty	98
Draft of another address to his Majesty	99
1750-1. Governors Messages	115, 116, 117, 119, 122, 124, 125
Answers of the House thereto,	115, 116, 117, 119, 120
Coroner's inquest	125
Assembly dissolved	125
1752. A NEW ASSEMBLY CALLED, "Journal of the House," resumed	127-295
"New Style" introduced in New Hampshire, 1752	127
Names of members of the House	127
Governor's Messages	130, 137, 160

(1) The messages of the Governor and answers thereto each year, are noted by pages, in the order in which they were presented.—Ed.

	PAGES.
Answers of the House thereto	186
Rules of the House	188
Instruction from Lords of Trade and Plantations	188, 189
Letter to John Thomlinson, Esq., agent	144
Report of Attorney and Solicitor General to Lords Commissioners of the Treasury, in relation to reimbursing fund, &c.	144-146
Letter to Richard Waldron from Richard Partridge	146
Memorial for settlement of the Coos country	158-166
Governor's message relating thereto	160
Letter from Theodore Atkinson respecting the same	161
Letter to Capt. Phineas Stephens about Coos	163
1753. Governor's messages	181, 197, 200, 217, 218, 231
Answers of the House thereto	173
A Provincial House recommended	197
Report of Committee on Cutting Roads to and from Coos	198
Letter from Capt. Israel Williams relating to Coos	199
A plan of the Province by Geo. Mitchell, &c.	200
Address to his Majesty—on the subject of currency	223
Letter from John Thomlinson, Agent	226
Report of the Attorney and Solicitor General relating to certain Townships and Tracts of Land, west of Connecticut river	228
Letters from Earl of Holderness	233
from Lords of Trade, &c.	235
Letter from Col. Eben ^r Hinsdale, relating to Indians	236
1754. Names of members of the House, 1752	238
Governor's messages, 231, 253, 262, 277, 290, 292, 296, 300, 321, 325, 329, 335	
Answers of the House thereto, 243, 275, 287, 324, 332, 336, 337	
The Province Goal, broken open by a mob	262
Correspondence relating thereto—murder of Sabatis and Plausaway, Indians	262-265
Letters from Gov. Shirley of Massachusetts	277-279
Letter from Gov. Shirley relating to Union of the Colonies	279
Report of Committee relating to the purchase of a house for the Governor	280, 289
Commissioners to treat with the Six Nations of Indians, &c.	283
Letter from Lt. Gov ^r DeLancey of New York	283
Resolution of Assembly of New York	284
Building a Fort in the Coos country	283-287
Letter from Gov ^r Shirley to Gov ^r Wentworth	291
Governor's Message relating to the General Congress at Albany, &c.	292
Treaty of Peace with the Penobscot Indians	292, 293
SPECIAL CONVENTIONS, called August, 1754	295-301
Names of members in the first Special Convention	296

	PAGES.
Message of Gov ^r Wentworth first Convention	297
Letter from the Governor, and proceedings of Convention 297, 298	
Message of Gov ^r Wentworth to Second Convention	300
INDIAN TROUBLES AT STEVENS-TOWN AND VICINITY	301-309
Depositions.—Of James Lindsey	301
William Stark	302
Lieut. William Miles	302
William Emery	303
Elizabeth Miles	303
Amos Eastman	305
Nathaniel Maloon	306
Ann Lindsey	306
John Flanders	307
Memorial of John Stinson	308
Memorial of William Stark, Amos Eastman and John Stark	309
FURTHER INDIAN HOSTILITIES	310-319
Letter from Elisha Chapin to Col. Israel Williams	310
Letter from Col. Williams to Hon. Josiah Willard	310
Letter from Col. Blanchard to Gov ^r Wentworth	311
Letter from Capt. Phineas Stevens to Col. Hinsdale	312
Letter from Major Bellows to Col. Blanchard	312
Letter from Col. Blanchard to Gov ^r Wentworth	313
Letter from Lt. Col. Willard to Col. Blanchard	313
Letter from Lt. Col. Willard to Gov ^r Wentworth	314
Letter from Ebenezer Hinsdale to Col. Williams	315
Letter from Capt. John Goffe to Col. Blanchard	315
Letter from Col. Blanchard to Gov ^r Wentworth	317
Names of men in service on Merrimack River	318
Names of men on Connecticut River, under Major Bellows	318
Names of men near Keene and Fort Dummer, under Col. Willard	318
Note by the Editor	320
JOURNAL OF THE HOUSE—resumed	320-384
Letter of Sir Thomas Robinson to Gov. Shirley	323
Address of the Assembly to Gov ^r Wentworth	324
Letter from Enos Bishop to Rev. Jedediah Jewett	330
Captivity of James Johnson	330
Passport of the Governor of Montreal to James Johnson	331
Letter from Gov ^r Shirley to Gov ^r Wentworth	334
Vote of the General Assembly of Massachusetts	335
Captives in Canada	335-337
1755. Muster Rolls	337
Relating to Justices of the Superior Court	339
Division of the Province into Counties	342, 346

	PAGES.
Messages from the Governor, 848, 848, 849, 855, 865, 868, 869, 872, 879, 886, 400, 408, 409, 415, 418, 420, 427, 438, 444.	
Answers of the House thereto, 848, 861, 866, 371, 372, 391, 403, 406, 409, 419, 442.	
Journal of Walter Bryant in running the line between New Hampshire and the Province of Maine, 1741	349-351
Letter from Sir T. Robinson to Gov. Wentworth, relating to the defence of the Colonies	353
Messages of the Governor relating to the same	355-357, 365
Message of Gov. Shirley on the same	358
Report of Committee in Mass ^a on Gov. Shirley's message	359
Report of Committee in N. H. on Gov. Wentworth's message	361
Letter from Gov. Shirley to Gov. Wentworth	363
Memorial of Joseph Frye to Gov. Shirley	364
Letter from Gov. Shirley	365
Report of Committee on Gov ^r Message relating to enlistments for the Western Expedition	366
Extracts from his Majesty's Commission to Gov. Wentworth, &c.	370
CROWN POINT EXPEDITION	388-729
Expedition to Crown Point, Gov ^r message and answer of the House	372
Sundry papers relating to Crown Point Expedition	373-375
Letter from Lieut. Gov. Phipps of Mass ^a	377
Letter from Lieut. Gov. DeLancey of New York	379
Answer of N. Y. Assembly to the foregoing, and Resolutions	380
Letter from Col. William Johnson	381
Letter from Col. Wendell, relating to Crown Point	382
Order of Gov. Wentworth relative to the Crown Point forces	384
A SPECIAL CONVENTION, called June, 1755	386-399
Gov ^r message, relating to Crown Point	386
Papers accompanying the message	387-391
Letter from Gov. Shirley	387
Gen. Johnson's letters to Gov. Shirley	388-390
Wm. Alexander to Gov. Shirley	390
Answer to Gov ^r message, above	391
Gov ^r Shirley's letter, relating to Crown Point	392
Resolves of New York Assembly	394
Report of Massachusetts Committee	395
List of Articles provided by Committee of War	396
Name of members of Convention	399
JOURNAL OF THE HOUSE— <i>resumed</i>	400-530
Minutes of Council at Alexandria, Va., April 14, 1755	401
Massachusetts' act to prevent trading with the French	401

	PAGES.
Sundries for the Crown Point Expedition	408
Letter from Gov. Shirley	404
Letter from Lt. Gov. Phipps	407
Vote of Massachusetts to raise 500 men	407
Letters from Admiral Boscawen	408
Letter from Col. Eben ^r Hinsdale, relating to an attack by Indians on Hinsdale's fort	412
Letter relating to the defeat of Gen. Braddock	418, 414
Letter from Col. Blanchard, on march to Albany	415
Gov. Wentworth's order on Gen. Johnson for provisions	416
Letter from Maj. Gen. Johnson	421
Minutes of Council of War, August, 1755	422
Letters from Lt. Gov. Phipps	424-426
Letter from Gov. Fitch of Connecticut	426
Letter from Lt. Gov. DeLancey	427
Letter from Col. Blanchard	429
Letter from Gen. Shirley to Gov. Wentworth	432
The Baron de Dieskau, notice of	438
Account of Crown Point Expedition, by Secy Atkinson	439
Letter from Gov. Shirley	445-446
Letter from Lt. Gov. Phipps	445
Letter from Gov. Fitch, of Connecticut	445
Report of Committee in Massachusetts	447
Letter from Maj. Gen. Johnson to Gov. Wentworth	449
1756. Governor's messages, 453, 459, 480, 484, 487, 503, 505, 511, 513, 517, 521, 534, 538, 542.	
Answers of House thereto, 454, 483, 486, 511, 512, 515, 519, 532, 540, 549.	
Letter from Col. Hinsdale	458
Letter from Gen. Shirley to Gov. Wentworth	460
Council of War at New York, Dec., 1755	463
Proposal for an attempt against Ticonderoga and Crown Point	467
Report of Committee on the same	469
Letter from Josiah Willard to Gov. Wentworth	471
Resolve of the Assembly of New York	474
Petition of Ezra Carter and John Chandler, of Rumford	477
Letters from Maj. Gen. Shirley to Gov. Wentworth	480, 489
Instructions for Committee of Massachusetts going to Albany	490
Proportion of Ordnance, &c., for Crown Point Expedition	493
Answers to sundry Queries	498
Letter from Gov. Shirley to Gov. Wentworth	499
Musters Rolls	500
Allowance for wages of five hundred men for Crown Point	504
Letter from Gov. Shirley to Gov. Wentworth	505
Grant of £30,000 for Crown Point Expedition	506

	PAGES.
Instructions for agents sent to Albany	527
Letter from Gen. John Winslow to Gov. Wentworth	529
Letter from Col. Nathl Meserve to Gov. Wentworth	530
SPECIAL CONVENTION, called Sept., 1756	534-538
Message of Gov. Wentworth	534
Letter from the Earl of Loudoun to Gov. Wentworth	535
Names of members of the Convention	537
JOURNAL OF THE HOUSE, resumed	538-600
Earl of Loudoun's letter to Gov. Wentworth	539
Orders to the Agent at Albany, about provisions	539
Copy of the King's warrant on the Treasury for £115,000	543
Letter from Messrs. Handbury & Thomlinson to Gov. Wentworth	544
1757. Governor's messages, 552, 559, 565, 566, 571, 575, 576, 578, 583, 591, 594, 599, 602, 611.	
Answers of the House thereto	564, 577, 578, 586, 601, 606, 608
Letter from Theo. Atkinson, Esq., to Gov. Wentworth	556
Earl of Loudoun's application for more forces	556
Proportion of men to each Colony	559
Earl of Loudoun's answer to sundry Queries	560
Earl of Loudoun's determination on sundry points	561
Act for raising 500 men	569
Letter from J. West, Secy of the Lords Commissioners	571
Letter from Gen. John Winslow and Memorial	571, 572
Earl of Loudoun's letter	595
Letters from Hon. Wm. Pitt, Secy	596, 597
Letter from Gov. Wentworth to Gen. Webb	598
Petition of Maj. John Gilman	600
SPECIAL CONVENTION called, June, 1757	601-608
Correspondence:	
Letter from Lord Loudoun to Gov. Wentworth	608
Gov. Wentworth's answer to the above	609
Letter from Secretary Pitt to Gov. Wentworth	610
Letter from Gov. Wentworth to Secy Atkinson	614
Letter from Peter Bours, R. I., to Secy Atkinson	615
RECORDS OF COUNCIL, 1758-1763.—Continued from p. 38	619-633
Letter from Capt. Joseph Mead, asking to impress seamen	626
Letter from Secy Atkinson to Capt. Mead	626
Commission of Hon. JOHN TEMPLE, Lt. Gov. of the Province	630
Commission of Theo. Atkinson, jun., Secy of the Province,	631
1758. JOURNAL OF THE HOUSE—resumed from p. 618	635-848
Governor's messages, 635, 640, 646, 648, 654, 655, 659, 662, 666, 667, 671, 674, 678, 683, 690.	
Answers of the House thereto	650, 655, 659, 667, 694

	PAGES.
Earl of Loudoun's letter relating to Rangers	636
Letter from Andrew Oliver, Boston, and answer	637
Letter from Lieut. Wm. Cook of the Royal Regiment	641
Commissioners to meet in Boston	642
Earl of Loudoun's letter about Rangers	643
Notice of Mrs. Jemima How and other captives	645
Letter from Gov. Wentworth	653
Letter from Secretary Pitt, relating to prosecuting the war,	656
Letters from Gov. Wentworth to Secy Atkinson	667, 684
His Majesty's 29th Instruction	674
Address to his Majesty, Geo. II.	684
Taverns in New Hampshire, number in towns	686
Address to his Majesty in Council	700
Messages of Gov. Wentworth, 701, 709, 711, 713, 715, 718, 721	
Answers of the House thereto	710, 720
Letter from Secretary Pitt, relating to the war	703
Letter from Gen. Amherst to Gov. Wentworth	705
Letter from Secretary Pitt, on prosecuting the war	714
Division of the Province into Counties	722, 749
1760. Messages of Gov. Wentworth	727, 729, 746, 756
Answers of the House thereto	732, 735
Letter from Gen. Amherst to Gov. Wentworth	730
Names of towns in the Province, to be taxed	742, 760
Petition, in relation to fish in the Merrimac river	753
1761. Death of his Majesty King George, the 2d	758
Messages of Gov. Wentworth	759, 777, 780, 785, 791, 796
Answers thereto	762, 778, 780, 785
Letter from Secretary Pitt to Gov. Wentworth	775
Address to his Majesty, King George, the 3d	782
Address of ministers in the Province to the same	783
Letter from Gen. Amherst to Gov. Wentworth	796
Address to his Majesty	798
1762. Letter from Gov. Wentworth to Secy Atkinson	801
Messages of Gov. Wentworth	802, 810, 825, 850, 854
Answers thereto	835, 858
His Majesty's 24th Instruction to Gov. Wentworth	803
Letters from the Earl of Egremont	810, 811
Letters from Gen. Amherst	812, 814
An Act for raising £10,000 sterling	818
Abstract of Muster Rolls, 1761, in Col. Goff's Regiment	823
Letter from Gov. Wentworth	824
Petitions for and against a Play-house in Portsmouth—names,	831-835
Rev. Eleazer Wheelock—memorial, &c.	837-840, 862
SPECIAL CONVENTION, held July, 1762	845-849
Governor's message	845
Letters from Sir Jeffrey Amherst	846
Report of Committee	847

	PAGES.
Letter from Andrew Clarkson, clerk, to Sr. Jeff. Amherst,	849
Letter from Sir Jeff. Amherst	851
Letters from Gov. Wentworth	853, 854
Letters from Theo. Atkinson, sen., to Mr. Thomlinson	855, 856
Letter from Hon. James Nevin, in London, to Theo. Atkinson	856
1763. Governor's Messages	860, 872, 879
Answers thereto	875, 882
Testimonial of ministers in Connecticut to Rev. Eleazer Wheelock	862
Answer of ministers in New Hampshire, thereto	863
Treaty of Peace, at Paris, February 10, 1763, abstract of	873
MISCELLANEOUS PAPERS	886
I. Correspondence between John Thomlinson, Esq., Mr. Secretary Atkinson, Henry Sherburne, jun., & others,	886-896
The Mason Purchase	893
Mason's title	895
II. Copy of a Representation of the Lords of Trade to King George II., respecting New Hampshire	896-904
III. Report of Agents impowered to receive money, &c.,	905-907
IV. Commissions of Gov. Benning Wentworth from his Majesty, George III., 1760	908-915

Names of members of his Majesty's Council in the Province of New Hampshire, under the Administration of Governor Benning Wentworth, 1749 to 1763.

Appointed in 1728.	HENRY SHERBURNE.	Died Dec. 29, 1757.
1733.	ELLIS HUSKE.	Died 1755.
1734.	THEODORE ATKINSON.	
1739.	RICHARD WIBIRD.	
1740.	SAMUEL SMITH.	Died May 2, 1760.
1740.	JOHN DOWNING.	
1743.	SAMUEL SOLLEY.	Died in England, 1758.
1745.	SAMPSON SHEAFFE.	
1753.	DANIEL WARNER.	
1754.	JOSEPH NEWMARCH.	
1759.	MARK HUNKING WENTWORTH.	
1759.	JAMES NEVIN.	
1761.	WILLIAM TEMPLE.	
1761.	JOHN NELLSON.(1)	
1763.	THEODORE ATKINSON, JUN.	
1763.	NATHANIEL BARRELL.	

(1) Never took the oaths of office, and never sat in the Council.—Ed.

NEW-HAMPSHIRE PROVINCIAL PAPERS.

VOLUME VI.

RECORDS OF THE COUNCIL.

[The Records of his Majesty's Council which follow, continued from page 133, of volume v, "Provincial Papers," are copied from a MS. volume in the office of Secretary of State, labeled, "Council Records, 1742 to 1767." Pages in the margin correspond with the Record from which the copy is made.—Ed.]

[P. 58.] At a Council holden at Portsm^o, according to his Excellency's Sumons, Jan^y 8th 1749, [50.]

Present

His Excellency, Benning Wentworth, Esq. Gov^r.

Henry Sherburne	} Esqs.	John Downing	} Esqs.
Theodore Atkinson		Sam ^l Solley	
Rich ^d Wibird		Sampson Sheaffe	
Sam ^l Smith			

His Excellency laid before the Board sund^y Petitions from the Inhabitants of Haverhill District so called desiring that they may be incorporated into Towns or Parishes as his Excellency with the advice of the Council should think proper so that they may be enabled to transact Town or Parish affairs which in their present situation they were not impowered to do.—To which the Council gave the following advice.—That his Excellency be desired to incorporate the people into Townships agreeable to or near as may be to the report [of] a Committee heretofore appointed by his Excellency with the advice of y^e Council to survey & report thereon & the Plan exhibited by the Petitioners.

[P. 54.] His Excellency acquainted the Council that he had received many Petitions from the Inhabitants of this Province for

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

Provincial Papers.

DOCUMENTS AND RECORDS

RELATING TO THE

PROVINCE OF NEW-HAMPSHIRE,

FROM 1764 TO 1776;

Including the whole Administration of Gov. John Wentworth; the Events immediately preceding the Revolutionary War; the Losses at the Battle of Bunker Hill, and the Record of all Proceedings till the end of our Provincial History.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW-HAMPSHIRE.

VOLUME VII.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D.D.

Corresponding Secretary of the New-Hampshire Historical Society.

NASHUA:

ORREN O. MOORE, STATE PRINTER.
1878.

NOTICE.

JOINT RESOLUTION, passed by the Legislature of New Hampshire.

Resolved by the Senate and House of Representatives, in General Court convened, That his Excellency the Governor be hereby authorized and empowered with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New Hampshire, as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in the State, one copy to such of the Public Libraries of this State, as the Governor may designate, two hundred copies to the New Hampshire Historical Society, and the remainder placed in the custody of the State Librarian, who is hereby authorized to exchange the same for similar publications issued by other States.

Approved July 6, 1866.

EDITOR'S PREFACE.

It will be a sufficient recommendation of this volume, to notify all who shall have occasion to examine it, that it contains all the official records and documents found in the office of the Secretary of State, relating to the administration of his Excellency JOHN WENTWORTH, Esq., the last of the royal Governors — a gentleman of distinguished ability and culture; a patron of liberal learning, the founder, by its charter, of Dartmouth College; an earnest adviser and promoter of internal improvements; a true friend to the Province, as well as loyal to his Majesty who gave him his Commission. The volume also covers the exciting and eventful period immediately preceding the Revolution, illustrating in many particulars the spirit and character of the people, and by what careful and gradual steps they were led along to the very foremost rank among the Colonies to assume government and to make a DECLARATION OF INDEPENDENCE. What adds still more to the historic interest and value of this volume, is, that it contains many particulars never before published, respecting the Bunker Hill battle, in which the regiments commanded by Col. John Stark and Col. James Reed took a conspicuous part. The account herein given of "Losses in that battle," the Editor is sure will be read and examined with intense interest, by all descendants and relatives of the brave and noble men who had the honor of being engaged in that glorious first fight for Liberty. Still more value is to be attached to the volume, by its containing COMPLETE RETURNS, in their original form, of the Census of 1775.

With an assurance of its intrinsic worth, as the closing portion of our Provincial history, the Editor humbly submits this volume to the public, and especially to his fellow citizens, the inhabitants of New Hampshire.

P. S. Under the advice and direction of his Excellency, Governor EZEKIEL A. STRAW, the editor has commenced the compilation of Volume VIII, which, it may be expected, will contain a complete documentary history of the part which New Hampshire took in the American Revolution.

N. B.

CONCORD, Dec., 1873.

GENERAL CONTENTS.

VOLUME VII.

	PAGES
ADMINISTRATION OF GOV. BENNING WENTWORTH—concluded, 1764-1787	1-124
RECORDS OF THE COUNCIL—1764-1774	1-24
Memorial of Robert Rogers	1
Acts repealed by his Majesty	2
Settlement at Pigwacket	4
Expected arrival of Gov. JOHN WENTWORTH	8
Orders relating to the small pox	4, 18, 21, 23
Bounds of Hanover—Dartmouth College	11, 12
Ferry across Merrimack river, at Concord	12
Township near Lake Umbagog	14
Justices &c. appointed	15, 16, 17, 21, 24
1764.—JOURNAL OF THE HOUSE, during the administration of Gov- ernor Benning Wentworth	26-123
Proclamation relating to the boundary between New York and New Hampshire	26
SPECIAL CONVENTION	27-31
Governor's Messages	28, 31, 36, 46
Letter to the Earl of Halifax	28
Notice of Gen. Thomas Gage, note	29
Report of a Committee on the Governor's first message	30
Answers to subsequent Messages	32, 38
Money to be burnt	32
Petition of Rev. Timothy Walker, relating to Bow, etc.	32-35
Bounty on Wolves	35
Acts passed	37
Taxes to be paid in species,—as valued	37
Report of Com ^{tee} on War, and on Treasurer's acc ^t	39
Portsmouth Town meetings	40
Invoice of Weights and Measures	41
Committee on dividing the Province into Counties	42
Report of Committee on a new edition of Province Laws	45
Message relating to Harvard College, note	46, 47
Violent storms interrupt the Assembly	50

	PAGES.
1765.— Governor's Message, relating to Harvard College	51
Action of the House thereon	53, 55
Acts passed — Assembly dissolved	58
A NEW ASSEMBLY called and met. — Names	59, 60
Governor's Messages	61, 70, 75, 85
Answers of the House thereto	63, 69, 72, 74, 94
Order of the King in Council, determining the boundary between New York and New Hampshire, 1764	62
Rules of the House	62
Salary of the Chief Justice and other Justices	67, 70, 71
Report on the State of the Treasury	68
Act to restrain etc. excessive usury	76
Act to ascertain the value of coined silver and gold	77
Vote fixing the compensation of members, etc.	79
Taxes to be paid in species	80
Petition of John Gregg of Londonderry	82
Acts passed	82
Notice of Richard Wibird, Esq.	84
Proceedings of the General Congress at New York	86
Petition of several Colonies to the Parliament of Great Britain in relation to the Stamp Act, etc.	87
Petition to the King, in relation to the Stamp Act etc.	89
Declaration adopted by the Congress at New York	91
1766.— Acts passed and assented to by the Governor	97, 98, 112, 117
Governor's Speeches	99, 111, 114, 118
Answers of the House thereto	104, 115, 116
Letter from Secretary Conway, of England	100
Stamp Act repealed	102
Act for securing the dependency of the Colonies on the mother Country	102
Notice of Peter Livius, and of George Meserve	104
Barlow Trecothick and John Wentworth, agents in England	105
Letter from Hon. Theo. Atkinson, to above said gentlemen	106
Taxes to be paid in species	107
Notice of Rev. Paine Wingate	107
Brewing and vending strong beer	105
Close of Gov. Benning Wentworth's administration	116
1767.— ADMINISTRATION OF GOV. JOHN WENTWORTH	124
Commission, by his Majesty, George III	124
Notice of Gov. Wentworth	124
Governor's Speeches	125, 146
Answers thereto by the House	126
Address of the House to the Governor	127
The Governor's response — the Council	128
Form of oath taken by Representatives	129
Division of the Province into Counties	130, 131, 133-142, 154, 160-162
His Majesty's 5 th and 11 th Instructions	132

	PAGES.
Inventory of Towns, to be taken — names	143
Salary of the Governor settled	146
List of House of Representatives	149
1768.— Fixing places for holding Courts, discussion	154
Bills passed and assented to	164, 185
Governor's speech	165
List of rateable estates in towns	166
Census of New Hampshire, 1767	168-170
A NEW ASSEMBLY — Names of Towns and members	171
Rules of the House	173
Governor's speeches	173, 174, 184, 187, 189, 191
Answers of the House thereto	178, 182
Paragraph of a letter by the Governor, recommending the Division of the Province into Counties	175
Letter from the Earl of Hillsborough	176
Report of Committee on dividing Hampton Falls into two Parishes	177
Letter to Barlow Trecothick, Esq., agent	188
Letter to the Speaker of the House of Burgesses, Virginia	189
Letter from the Earl of Hillsborough, (Extract)	192
Report of Committee for telling money to be burnt	193
Road to the Great Cohass or Coos	195
1769.— THE ASSEMBLY newly convened — COUNCIL	198
Governor's Messages	198, 222, 228, 229, 232
Answers of the House thereto	229, 230, 233
Hon. James Nevlin, notice of	198
Order in Council disallowing certain Acts	199, 200
Acts approved and allowed by his Majesty	200
Division of the Province into five Counties	200-206, 208-213, 228
Pay of members of the Council and House	201, 220
Execution of Ruth Blay, at Portsmouth, note	206
Times and places of holding Courts	215, 220
Bills passed and assented to	221, 229
Letter from Gov. Barnard, of Massachusetts, relating to boundary	22
Instruction (of his Majesty) relating to Province boundaries	224
Petition of certain towns relating to County bounds	226
Instruction (of his Majesty) forbidding Lotteries	231
1770.— THE ASSEMBLY newly convened	239
Names of members of the House	239, 240
A new edition of Province Laws	241, 278, 289, 295, 318, 323
Theodore Atkinson, jun., Secy, decd, notice of	246
Address to his Majesty	248, 249
Letter to the Province agent, in London	250
CORRESPONDENCE relating to public affairs	250-256
Letter from the Speaker of the Virginia House of Burgesses	250

	PAGES.
Answer to the abovesaid letter	252
Second letter from Virginia by Peyton Randolph	253
Resolves of the Virginia House of Burgesses	254
Answer to the second letter from Virginia	255
Letter from the Speaker of the House of Delegates of Maryland	255
Maryland Resolves	255, 256
Answer to the Maryland letter	256
Governor's Messages	257, 280, 284
Answers of the House thereto	282
Acts passed	258
Proclamation by the Governor	259
Proclamation by Admiral James Gambier, relating to deserters	259
Dartmouth College recommended	260, 262, 274, 275, 276, 314
Holland's Map of the Province of New Hampshire	284, 294
1771.— Governor's message, relating to the Militia	297
Act relating to calling Town Meetings	288
Condition of the Fort Wm & Mary	270
Plan of exercise for the Militia	271
Bills passed and assented to	273, 283
Governor's Messages	274, 279, 281, 285, 287, 289
Answers of the House thereto	275, 282, 290
Memorial of Dr. Eleazer Wheelock	275, 276, 280
Salary of the Justices	275
Report of Committee on road through sundry towns	278
Road from Wolfeborough to Dartmouth College	283
Names of members of Council and of the Representatives	285, 286
Memorial of Capt. John Cochran relating to the Fort Wm & Mary	290
Rules of the House	292
1772.— Governor's messages	293, 298, 301, 302, 306
Answers of the House thereto	305
His Majesty's Instruction relating to a Survey of the Province	294
Grant to Gov. Wentworth for eminent services	294
Bills passed and assented to	296, 309
List of Towns and Representatives	297, 310
Grievances of inhabitants west of Connecticut river	298, 299, 314
Pay of members of the Council and of the House	301
Report of Committee on Excise	302
King's birth-day celebrated	303
Road from Conway to Connecticut river	306
Salary of the Justices	307
1773.— THE ASSEMBLY newly convened	311
Governor's Messages	311, 314, 320
Answers of the House thereto	312
Petition of inhabitants of Orford	312
Petition in relation to County Courts	313
Dartmouth College recommended	314, 316

	PAGES.
Address to the Earl of Dartmouth on the difficulties of the American Colonies	315, 316
Petition of the House to the Governor for a Recess	316
Bills passed and assented to	319, 324
The King's order forbidding the granting any more Lands	320
Richard Jenness, expelled from the House	321
List of Rateable Estates in the towns of the Province	326-329
CORRESPONDENCE on public affairs	329-334
Letter from the House of Burgesses of Virginia	330
Proceedings of the House of Burgesses of Virginia	330
Resolutions of the House of Representatives of Rhode Island	331
Proceedings of the House of Representatives of New Hampshire	331
Letter from Hon. J. Wentworth to Virginia House of Burgesses	332
Letter from Hon. J. Wentworth to House of Deputies Rhode Island	332
Resolutions adopted at a meeting in Portsmouth	333
1774.— THE ASSEMBLY newly convened	334
List of Representatives	334, 335
Governor's messages	335, 336
Answer of the House thereto	349
PAPERS relating to the complaint made by Peter Livius against Gov. John Wentworth	337-387
Report on the matter from the Lords Commissioners	337-339
Report of the Committee of the Privy Council	340-342
Letters from the Earl of Hillsborough to the Governor	343
Gov. Wentworth to Henry Bellew, Esq.	344
Statement of all transactions relative to lands, etc.	345-347
JOURNAL OF THE HOUSE— resumed	348-
Petition of Andrew McMillan for courts to be held in Concord, etc	348
Petition of James Breckinridge relating to lands west of Connecticut river, etc.	350
Letter from the Speaker of the House of Representatives in Massachusetts to the Speaker of the House in New Hampshire relating to the existing controversy	353
Resolves of the Massachusetts House	354
Answer to the foregoing, by John Wentworth, speaker	355
Letter from the Speaker of Connecticut Assembly, with Resolves	355, 356
Answer to the foregoing, by John Wentworth, Esq.	356
Letter from the Speaker of the House of Assembly in Maryland, with Resolutions	357
Answer to the foregoing by John Wentworth, Esq.	358
A NEW ASSEMBLY CONVENEED.— Journal of the House	359-
Names of members returned	359
Governor's Messages	361, 362, 366, 369, 380

GENERAL CONTENTS.

	PAGES.
Answers thereto	361, 379
South boundary line of New Hampshire	362
Correspondence with sister colonies	366
The assembly dissolved by Gov. Wentworth	369
Letter relating thereto to Earl of Dartmouth	369
1775.—ANOTHER ASSEMBLY CONVENED—Journal of the House . 370—	
Names of members	371
Governor's Messages	372, 374, 375, 383, 385
Answers of the House thereto	374, 384
Rules of the House	373
House adjourned by order of the Governor	375
Memorial of Jacob Treadwell and others, relating to the capture of a vessel with provisions, and action of the Council thereon	375
Excitement of the inhabitants in Portsmouth and vicinity	376
Another Memorial to the Governor and Council	376
Letter from H. Wentworth to Hon. Matthew Thornton	377
Report of Committee, relating to admission of new members	378
Resolution of House of Commons in England	380
Letter from Gov. Wentworth to General Gage relating to troubles in the Province	381
Letters from Gov. Wentworth to Theod. Atkinson	382
Letter from Theo. Atkinson to Gov. Wentworth	382
Letter from Theo. Atkinson to Gov. Wentworth	387
Letter from Gov. Wentworth to Theo. Atkinson	387
Letter relating to the ship-of-war Scarborough	388
Further correspondence relating to the same	389, 390
Seizure of the schooner Ann, owned by Capt. Titus Salter	390
Seizure of the Brigantine Sally, by British vessels	391
Letter of Gov. Wentworth to Theo. Atkinson	393
Proclamation by the Governor, the last	393
Letter of Gov. Wentworth to his sister, Mrs. Fisher	394
Fac-Similes of Provincial Governors' signatures	398-398
1774-5—REVOLUTIONARY PROCEEDINGS	399—
Organized action in New Hampshire, in the Revolution	399
Speech of the Governor declaring the Assembly illegal	400
Letter sent to the several towns and parishes in New Hampshire to elect Delegates for a general Congress in Philadelphia	400
Day of fasting and prayer	401
Letter from Committee of Correspondence, Massachusetts	401
Boston Port Bill	402-405
Letter from Committee etc., Boston, relating to other Bills passed by Parliament	406
Letter from Hon. John Wentworth to Comtee of Mass ^a	406
PROCEEDINGS OF FIRST PROVINCIAL CONGRESS	407-408
Landing of tea at Portsmouth	408

GENERAL CONTENTS.

	PAGES.
Letters relating to the landing of tea, etc., from Gov. Wentworth to the Earl of Dartmouth	409-411
Address to the Inhabitants of the Province of New Hampshire by <i>Amicus Patriæ</i>	412
Arrival of another cargo of tea	413
Proceedings of the Council in relation thereto	415
Francetown Resolves	417
Letters from Gov. Wentworth to the Earl of Dartmouth	418, 419
Sending artificers to aid General Gage—proceedings at Rochester thereon	419
Major Benjamin Thompson—petition	419
Seizure of Fort Wm. & Mary—Letter from Gov. Wentworth	420
Letter from Capt. John Cochran, commander of the Fort	420
Soldiers called for	421
Portsmouth Volunteers	422
Letter from Gov. Wentworth to Gen. Gage relating to the seizure of the Fort, etc.	422
Letters to gentlemen in New York relating to the same	423
A Proclamation by the Governor	423
Exeter town meeting proceedings	424
Epsom Resolves	425
Memorial of Capt. Titus Salter on sundry matters	425
Association of the Continental Congress	426-430
Memorial of the Continental Congress to the Colonies	430-437
Address of the Continental Congress to the King	437-441
1775.—SECOND PROVINCIAL CONGRESS	442, 443
Address to the inhabitants of the Province	443
Brentwood, resolves of Committee	444
Portsmouth Committee, recommendations	445
Plymouth town meeting, instructions to John Fenton, Esq.	445
Durham Military Company	446
HILLSBOROUGH COUNTY CONGRESSES	
Amherst town meeting, delegates appointed	447
Names of delegates to the County Congress, and proceedings	447, 448
Another County Congress—call and proceedings	449, 450
Letter from Hollis to Rev. Mr. Searle, clerk	450
Form of oath "in whigg and tory times"	451
THIRD PROVINCIAL CONGRESS	452—
Names of Delegates	452-455
Form of oath, notice of Hon. John Wentworth	453
Col. Nathl Folsom appointed commander of New Hampshire forces	454
Letter from Hon. John Wentworth, ill health	455
Letter from Provincial Congress of Massachusetts	456
Massachusetts Committee of Safety, letter from J. Palmer	457
Newburyport Committee of Safety, letter from Benjamin Greenleaf	458

GENERAL CONTENTS.

	PAGES.
Letter from Doct. Hall Jackson to Col. Jeremiah Lee . . .	459
Letter from James Sullivan Esq. to Hon. Joseph Warren . . .	459
Letter from Maj. Andrew McClary, relating to the army . . .	460
Letter from the Provincial Congress at Exeter to the Massachusetts Congress . . .	461
Selectmen of Sanbornton to the Provincial Congress . . .	462
Selectmen of Allenstown to the Provincial Congress . . .	463
Londonerry town meeting proceedings . . .	463
Letter from a gentleman in New York to Committee in Portsmouth, relating to the "Spirit of the times" . . .	463
Letter to Massachusetts Committee of Safety, relating to mails from England . . .	464
Letter from Provincial Congress of Massachusetts to the Congress of New Hampshire relating to British oppression . . .	465
Letter from same relating to supplies for the army . . .	465
Recantations of P. Bailey, James McMaster and Thomas Archincloss . . .	466
Portsmouth Town meeting, May 15, 1776 . . .	467
1776—FOURTH PROVINCIAL CONGRESS, May 17, 1775 . . .	468—
Names of Deputies — towns, attendance, &c. . .	468-470
Rules adopted . . .	471
Letter from Committee of Portsmouth, relating to masts . . .	471
Letter from Trueworthy Ladd who offers service . . .	471
Letter from the town of Alstead, a Committee of Correspondence . . .	472
Letter from Committee of Marlow — apologetic . . .	473
Post office established at Portsmouth — messages to Albany to procure arms and powder . . .	473
Letter from Col. John Stark to Provincial Congress . . .	476
Resolves of Provincial Congress of Massachusetts, and Application to the Continental Congress, for assuming Government . . .	475, 476
Resolutions on raising forces and means of defence . . .	477
Thanks to those who took away powder from Fort Wm & Mary. Committee of Safety, etc. . .	478
John Akerman — suspected and tried . . .	479
Col. John Fenton's letter to inhabitants of Grafton County . . .	480
Letter of N. H. Congress to John Sullivan and John Langdon . . .	481
Letter of N. H. Congress to the Continental Congress . . .	482
Letter from Moses Emerson, Commissary . . .	484
Instructions to Committee of Safety . . .	485
Letter to Col. John Fenton, requiring him to explain . . .	485
Col. Fenton's answer . . .	486
Massachusetts' Resolves relating to Post offices and Enlistments . . .	486
Letter from Col. John Stark to New Hampshire Congress . . .	487
Letter from Hon. Joseph Warren to the same . . .	488

GENERAL CONTENTS.

	PAGES
Letter from Gov. Trumbull of Connecticut, relating to the fortress at Ticonderoga — Col. Ethan Allen . . .	489
Letter from Connecticut Committee . . .	490
Resolution of Continental Congress, relating to Ticonderoga . . .	491
Condition of New Hampshire, represented to the Continental Congress . . .	492
Recantation of Ebenezer Loverin . . .	492
Col. John Stark sent for — letter to Gen. Ward . . .	493
Letter from Meshech Weare on guarding the sea-coast . . .	494
Committee of Correspondence at Hampton, etc., on the same . . .	495
Petition of Joseph Kelley, relating to Maj. Hobart . . .	496
Address by the Provincial Congress to the Inhabitants of New Hampshire . . .	497
Address to the New York Congress . . .	498
Letter to the Massachusetts Congress . . .	499
Letter to the Continental Congress, relating to the demolition of the fortress at Ticonderoga . . .	499
Letter to the New Hampshire delegates, at Philadelphia, on the same subject . . .	500
Letter from Provincial Congress of Massachusetts . . .	501
Reasons for demolishing the fort at Ticonderoga . . .	501
Committee of Portsmouth to the New Hampshire Congress . . .	502
John Stark appointed Col. of the First Regiment . . .	503
Defence of western frontiers — day of fasting and prayer . . .	503
Letter from Charles Johnston to New Hampshire Congress, asking for aid on the frontiers . . .	503
Town meeting in Conway — votes passed . . .	504
Oath to be taken by all officers and soldiers . . .	505
Declaration of John Prentice . . .	506
Letter from Nathl Shaw respecting powder . . .	507
Letter from Col. James Reed in favor of Capt. Colburn . . .	508
Letter from Thos. Hart to the Provincial Congress . . .	509
Address of the Provincial Congress to Gov. Wentworth . . .	509
Paper money — plates — form of notes . . .	510, 511
Address respecting lenity to debtors . . .	511
CORRESPONDENCE — . . .	512-584
Letters from Hon. John Hancock, relating to powder, means of defence, etc. . .	512
Letter from Andrew McMillan, of Conway, asking assistance; list of Conway men, etc. . .	513, 514
Letter from Capt. Zaccheus Clough, declining office . . .	514
Committee of Safety at Henniker, relating to Joseph Kimball, Esq. . .	515
Letter from New Hampshire Committee of Safety relating to designs of General Gage . . .	515
Letter from Massachusetts Provincial Congress to New Hampshire Congress, relating to Canada and the Indians . . .	515

	PAGES.
Reply to the application for aid from Conway	516
Col. James Reed's Regimental Orders, June 14, 1775; Return of Col. Reed's regiment, June 14; letters of Col. Reed to New Hampshire Committee of Safety; Regimental orders, June 15, and letters from Lt. Col. Gilman and Moses Emerson, Commissary	516-519
Rations as stated by the Colony of Massachusetts	519
Letters relating to the battle at Bunker Hill, June 17, 1775, from Col. Josiah Bartlett	520
Benjamin Greenleaf	520
Massachusetts Congress — and answer to the same	521
James McGregore	522
Col. John Stark, with return of killed and wounded	522
Job Bradford	523
Letters from Saml Cutts, pertaining to supplies	523, 524
Resolution of Congress on sending forces to Boston	524
Letter from New Hampshire delegates in Congress on the appointment of General Washington to command, etc.	524
Letter relating to the state of affairs in Canada, the Indians etc	525
Letter from Rev. Samuel Webster, in favor of Isaac Howe, Quartermaster	526
Letter from Gen. Nathaniel Folsom relating to the Bunker Hill battle, with return of killed and wounded in Col. Reed's regiment	527, 528
Letter relating to Col. John Stark	528
Letter asking for heavy artillery	529
Letter relating further to Col. John Stark	530
The Committee of Safety to Gen. Folsom, and to Moses Emerson, commissary	531
Letter from Gen. Folsom to Committee of Safety	531
Letter from Committees in Lebanon and Hanover relating to Canada	532
Letter from Governor Trumbull of Connecticut relating to Indians, etc.	532
Letter from Hon. John Hancock to New Hampshire Congress	533
Speech of the Chiefs and Warriors of the Oneida tribe of Indians to the Governors of New England	533, 534
JOURNAL OF THE HOUSE — resumed	535
Complaint of Committee of Mason, against Jason Russell and John Tarbell	535
Action of the House in relation to deserters, etc.	536
Rules and Articles of War for the Army raised by New Hampshire	538-543
Col. John Fenton declared to be an Enemy to his Country	543, 544
Notice of Col. Alexander Scammel	543
Notice of Col. Timothy Bedell	544
Proclamation for a day of Fasting and Prayer	545

	PAGES.
Letter to the Massachusetts Congress, relating to Canada, with a letter from Dr. Eleazer Wheelock	547
Form of Notes for paper money	550
Public Records — Letter from Hon. Theo. Atkinson	552
CORRESPONDENCE	555-574
Letter from Moses Emerson, Commissary	555
Letter from Committee of Supplies	556
Letter to Gen. Folsom, respecting Col. Stark and Maj. Hobart	556
Letter from Gen. Folsom, to Committee of Safety	556
Letter from Committee to Col. Reed	557
Letter from Hon. John Langdon to Matthew Thornton, Esq.	558
Orders of Committee of Safety to Capt. John Parker and Ens. Seth Wheeler	559
Committee of Safety to the Delegates in Continental Congress	559
Letter to Rev. Dr. Langdon, about forwarding letters, etc.	560
Letter to Continental Congress, by Meshech Weare, Esq.	561
Orders of Committee of Safety respecting deserters	561, 562
Letter from Massachusetts Provincial Congress	562
Letter from Rev. Jeremy Belknap, declining to serve as Chaplain	562
Application from Massachusetts for cannon shot	563
Francestown Committee, — legal	563
Hillsborough Committee relating to John Quigley	563
John Quigley's declaration — Francestown Committee	564
Letter from Col. James Reed, respecting an Adjutant	565
Letter from Gen. John Sullivan, about the wants of the army	565
Letter from Hon. John Hancock, with Resolutions, concerning organizing the Militia, etc.	566, 567
Letter from Committee of Hillsborough to Gen. Sullivan, of congratulation, and the General's answer	568
New Ipswich Committee of Inspection	569
Letter from Col. John Hurd, introducing an Indian from Canada	569
Letter from Capt. Timothy Bedel to Matthew Thornton, Esq. and orders from Committee of Safety to Capt. Bedel	570
Letter from Gen. Washington, to Committee of Safety	571
Letter from Gen. Sullivan to Committee of Safety and from Committee of Safety to Gen. Schuyler recommending Capt. Bedell for a Colonel	572
Letter to Major Cilley, relating to Powder	573
Letter to Col. Bedel, on joining Gen. Schuyler	573
Letter from Rev. Stephen Peabody, accepting a Chaplaincy	574
JOURNAL OF THE PROVINCIAL CONGRESS — resumed	575
Josiah Bartlett, delegate to Continental Congress	575
The Militia to be formed into Regiments, and officers appointed	575-577
Report of Portsmouth Committee on Fortifications	580
Letter to General Sullivan, for Powder, etc.	581
Letter from General Sullivan at Winter Hill	581

	PAGES.
Regulations for the Militia in the Colony	583
LOSSES AT BUNKER HILL, June 17, 1775 (1)	586-604
Col. Stark's Regiment, Captains	586
Col. Reed's Regiment, Captains	586
Losses in Capt. Henry Dearborn's company—names of soldiers	587
Losses in Capt. Daniel Moore's company	587
Losses in Capt. Joshua Abbott's company	587
Losses in Capt. Gordon Hutchins' company	587
Losses in Capt. Aaron Kinsman's company	587
Losses in Capt. Ellsha Woodbury's company	588
Losses in Capt. Samuel Richards' company	588
Losses in Capt. Thomas McLaughlin's company	588
Losses in Capt. John Hale's company	588
Losses in Capt. Hezekiah Hutchings' company	589
Losses in Capt. Jacob Hind's company	590
Losses in Capt. Levi Spaulding's company	591
Losses in Capt. Ezra Town's company	592
Losses in Capt. Jonathan Whitcomb's company	593
Losses in Capt. William Walker's company	594
Losses in Capt. Philip Thomas's company	594
Losses in Capt. Benjamin Mann's company	595
Losses in Capt. Josiah Crosby's company	596
Losses in Capt. John Marcy's company	596
Receipts and orders for	597
Losses of Major Andrew McClary (killed)	598
GUNS lost at Bunker Hill, June 17, 1775.	
Capt. H. Dearborn's Comp ^a	
Capt. Daniel Moore's "	
Capt. Abbott's "	
Capt. Gordon Hutchins "	
Capt. Kinsman's "	
Capt. Hind's Comp ^a	
Capt. Spaulding's "	
Capt. Ezra Town's "	
Capt. Whitcomb's "	
Capt. Wm. Walker's "	
Capt. Thomas' "	
Capt. Woodbury's Comp ^a	
Capt. Richards' "	
Capt. McLaughlin's "	
Capt. H. Hutchings' "	
Capt. Mann's Comp ^a	
Capt. Crosby's "	
Capt. Marcy's "	
Capt. Hale's "	
Capt. Reid's "	
Names of men belonging to Portsmouth in Capt. Richard Shortridge's company	600-601
Hollis, at the battle of Bunker Hill, losses, names	601-604
Dunbarton men and losses	604
JOURNAL—resumed	605
Spirituous liquors, vote respecting	606
Plan for representation of this colony	606
High prices of goods forbidden—minute men	607

(1) The names of the soldiers herein given are not repeated in the Index.—Ed.

	PAGES.
CORRESPONDENCE	610-
Letter from delegates in Continental Congress,	
Letter from Col. Israel Morey, relating to Col. Bedell	610
Letter from delegates in Congress, relating to Col. Fenton	611
Letter from Gen. Sullivan to Committee of Safety,	
Letter from Committee of Safety to Gen. Sullivan, relating to complaints of New Hampshire troops	612
Petition of field officers for blank commissions	614
Letter from delegates in Congress on assuming government	615
Letter from Gen. Sullivan to the Committee of Safety	616
Letter from Portsmouth Committee to Gen. Washington and Washington's answer, relating to a vessel loaded with flour	617
Letter from Portsmouth Committee, on same subject,	
Letter from New Hampshire Committee on same subject,	
Letter from General Washington on same subject	618, 620
Letter from Portsmouth Committee asking aid	620
Letter from Col. Morey, relating to the siege of St. Johns	621
Doct. Benjamin Church, suspected of treachery	622
Letter from delegates in Congress on guarding the sea coast, etc. Dangerous persons to be arrested	623
Letter from Committee of Safety to delegates in Congress, relating to the vessel loaded with flour,	
Form of enlistment for minute men	624
Letter from Col. Timothy Walker, jun., on visit to Gen. Washington,	
Letter from Matthew Thornton to Committee of Safety	625
Letter to the Committee of Safety, Portsmouth, relating to provisions for Isles of Shoals,	
Letter to Portsmouth Committee on a vessel to Antigua	626
Letter from Gen. Sullivan respecting vacancies, etc., to be filled,	
Return of vacancies in Col. Stark's regiment,	
Return of vacancies in Col. Reed's regiment	627
Return of vacancies in Col. Poor's regiment,	
Col. Jona. Moulton accepts his appointment,	
Lt. Col. Chris' Toppa declines,	
Order of Continental Congress relating to naval losses, etc.	628
Letter from H. Wentworth to Gen. Washington, asking aid,	
Major Jona. Hale resigns his commission in favor of Col. James Bailey	629
Orders to Maj. Thomas Bartlett respecting powder,	
Order of Continental Congress relating to exports	630
Letter from New Hampshire delegates in Congress, relating to the Flour-ship, defences at Portsmouth, powder, paper money, and assuming government	631
Defence of Portsmouth harbour,	
Account of labor on Fire-rafts	632

	PAGES.
Account of labor for pitch-wood, etc.,	
Capt. Wm. Cooper recommended for wages,	
Memorial of Gen. Sullivan to Committee of Safety	633
Letter from Committee of Safety to Gen. Sullivan	634
Letter from Dr. Hall Jackson on compensation for services,	
Letter from Gen. Sullivan to Gen. Washington on defences at Portsmouth, and about tories	635
Letter from Adj ^t Gen. Gates to Gen. Sullivan	636
Letter from Col. Bedel, on siege and capture of St. Johns . .	637
JOURNAL OF THE CONGRESS — resumed.	
Report of Committee on raising money, minute-men, dissatis- faction with Geo. Jaffrey, Treas ^r , and letter from and reply to	638-640
Letter from Gen. Sullivan to Provincial Congress	
Letter from Col. Joshua Wingate on defence of Portsmouth .	640
Letter from delegates in Continental Congress relating to assuming government	641
Resolution of Continental Congress respecting assuming gov- ernment in New Hampshire,	
Resolution of Congress respecting trade	642
Resolutions of Congress respecting manufacture of guns pun- ishment of deserters, power to impress when necessary, for making salt-petre, and relating to the army before Boston	643, 644
Votes relating to electors, qualifications for representatives, towns and parishes to be represented,	
Petition of Soldiers in East Kingdon, against Col. Jacob Gale	645
Report of Committee on said petition	646
Votes relating to fortresses, etc., for defence of Piscataqua harbour, pay of soldiers in service, &c., officers appointed to command, against exorbitant prices by butchers, etc. .	647, 648
Petition from Londonderry relating to appointment of military officers,	
Letter from Dr. Hall Jackson relating to military stores, etc. .	649
Letters relating to defence of Piscataqua harbour, and orders for Col. Burnham	650
Letter from General Washington to Gen. Sullivan relating to Gen. Howe's proclamation, and to tory-officers,	
Letter from Dr. Hall Jackson, on pay for services	652
Letter from Hon. Josiah Bartlett, on making salt-petre . .	653
Letter from Portsmouth Committee on pay to Dr. Jackson .	654
Votes respecting taverniers and retailers, deserters, and ap- pointment of a Committee to bring in a Plan for Repre- sentation, etc.	655
Letter relating to Enlistments, officers, etc.	656
Report of Committee on Plan of Representation — towns and places to be represented	657-660

	PAGES.
Votes — of thanks to Gen. Washington, names of persons inimical to the country to be sent to the Congress or Committee of Safety, report of Committee and action on individual cases of disaffected persons, regard to be paid to newly appointed officers in towns	661-664
Roll of Delegates or Representatives in the Fourth Provincial Congress	665-669
CORRESPONDENCE	
Letter to Col. Bedel,	
Letter to Gen. Schuyler	670
Petition of Margaret Little: Report of Committee thereon .	671
Letter to N. H. Delegates in Continental Congress — Number of the inhabitants returned	672
Relating to George Meserve,	
Capt. Thompson to Portsmouth Committee, about fire-rafts,	
Letter from Capt. Winborn Adams	673
Letter from Josiah Bartlett to Committee of Safety,	
Resolutions of the Continental Congress, on bounties to soldiers	674
Letter from Gen. Sullivan, relating to Connecticut soldiers, and to re-enlistments	675
Form of Enlistments, with another letter from Gen. Sullivan George Jaffrey recommended to favor,	676
Officers recommended for Companies	677
Letter from Gen. Sullivan about Connecticut soldiers,	
Orders to Col. Hobart and Col. Timothy Walker, as paymaster	678
Form of Enlisting Orders,	
Form of Enlistment,	
Letter to Col. Hobart, relating to raising troops	679
Letter to Col. Walker, on the same,	
Letter from Rev. Eleazar Wheelock to Gen. Washington, re- lating to Major Robert Rogers	680
Letter from Gen. Sullivan to Committee of Safety, urging dispatch,	
Letter from Josiah Bartlett, Esq., on money granted by Congress	681
Resolve of Continental Congress appropriating \$40,000 to New Hampshire,	
Letter to Gen. Sullivan on enlistments	682
Orders to Col. Burnham,	
Letter from Gen. Folsom to Committee of Safety	683
Letter from Gen. Washington, relating to Capt. Richard Emms,	
Letter from H. Wentworth, Esq., on the same,	
Letter from Hon. John Hancock, urging enlistments . . .	684
Letter from Gen. Sullivan, commanding New Hampshire soldiers	685
Letter from Gen. Sullivan ON A PLAN OF GOVERNMENT (1)	685-688

(1) So far as appears from the records, the honor of first proposing or drawing up a distinct plan of government for New Hampshire, must be awarded to General Sullivan. — Ed.

	PAGES.
Petition of John Evans to Committee of Safety.	688
Answers of Committee to said petition	689
Letter from Gen. Washington	690-
FIFTH PROVINCIAL CONGRESS	690-693
Names and places of members	694
Certificates of election required	695
Tories confined to certain places	698
Orders to Samuel Hobart and Timothy Walker jun	699
License for a vessel to transport cattle, etc., to Passamaquoddy,	
Letter from Col. Samuel Hobart about soldiers' pay	700
Letter from General Sullivan commending New Hampshire	
troops; Col. Bruman	701
Portsmouth Memorial, relating to high prices	701, 702
Instructions to Portsmouth representatives in Provincial	
Congress	701, 702
Resolution of Continental Congress on arrests of soldiers for	
debt, etc.,	
Committee to draw up a plan of government and to bring in	
a draft for a new constitution	703, 704
Importing corn from Maryland,	706
Persons in Claremont inimical to the country	707
Letter to Genl Washington relating to Col. Hobart's treatment	
by Col. Stark	708
Answer to said letter	709
Instructions to Capt. Titus Salter	709, 710
Proposal to remove inhabitants from the Isles of Shoals —	
Report thereon	711-717
MISCELLANEOUS DOCUMENTS	711
Survey, made by James Grant, 1773 or 1774, between the	
upper part of Connecticut river and the river St. Francis	712-714
Report of a Committee relative to the town of Conway and	
the north line of New Hampshire	714
Report of Massachusetts Committee on the same	715
Letter of Walter Bryant to Rev. Dr. Belknap, relating to the	
same subject	717
Muster Roll of Capt. Archelaus Towne, 1775	718-723
ATTACK ON QUEBEC, Dec. 31, 1775	718
Letter from Col. Donald Campbell to Gen. Wooster	719
Letter from Col. B. Arnold to Gen. Wooster	720
Letter from Gen. Wooster to Gen. Schuyler	721
Letter from Gen. Wooster to Col. Warner	722
Letter from Gen. Schuyler to Gen. Washington	723
RATEABLE POLLS in New Hampshire, 1742-1773	724-779
CENSUS of New Hampshire, 1776, [see Index at the end] with order	
of the Provincial Congress	780-781
Population in the several towns	

*Names of his Majesty's Council during the Administration of
Gov. John Wentworth, from 1767 to 1775.*

[Some of the persons here named held office under Gov. Benning Wentworth.]

THEODORE ATKINSON, SEN.
DANIEL WARNER.
MARK HUNKING WENTWORTH.
JAMES NEVIN.
THEODORE ATKINSON, JUN.
NATHANIEL BARRELL.
PETER LIVIUS.
JONATHAN WARNER.
DANIEL RINDGE.
DANIEL PIERCE.
GEORGE JAFFREY.
DANIEL ROGERS.
PETER GILMAN.
THOMAS Wth WALDRON.
JOHN SHERBURNE.
JOHN PHILLIPS. (1)
GEORGE BOYD. (2)

- (1) It does not appear from the records that Mr. Phillips ever sat in the Council.—Ed.
(2) He left the State, and was proscribed by the Act of 1778.

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

State Papers.

DOCUMENTS AND RECORDS

RELATING TO THE

STATE OF NEW-HAMPSHIRE

DURING THE PERIOD OF THE AMERICAN REVOLUTION,

FROM 1776 TO 1783;

Including the Constitution of New-Hampshire, 1776; New-Hampshire Declaration for
Independence; the "ASSOCIATION TEST," with names of Signers, &c.;
Declaration of American Independence, July 4, 1776;
the Articles of Confederation, 1778.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW-HAMPSHIRE.

VOLUME VIII.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.

Corresponding Secretary of the New-Hampshire Historical Society.

CONCORD, N. H.:

EDWARD A. JENKS, STATE PRINTER.
1874.

NOTICE

JOINT RESOLUTION, passed by the Legislature of New-Hampshire.

Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New-Hampshire, as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in the State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New-Hampshire Historical Society, and the remainder placed in the custody of the State Librarian, who is hereby authorized to exchange the same for similar publications issued by other States.

Approved July 6, 1866.

EDITOR'S PREFACE.

Readers of this volume will please understand that the "Provincial" history of New-Hampshire terminated with the publication of Volume VII, 1766-1776. This volume is a continuation of documents and papers relating to New-Hampshire, after it assumed government and took the name, first, of COLONY, and then of STATE of New-Hampshire. The Colonial period continued about one year. Why it was called a "Colony" the editor has found no declared reasons; though it appears that all the other Provinces, Colonies, or States assumed the same designation, and were spoken of during the early part of the Revolution as the UNITED COLONIES of America, as they were claimed to be colonies of Great Britain.

This volume will be found to be of great value, as containing the First Constitution that was adopted by authority of the people of New-Hampshire, 1776, which is claimed and understood to be the *first* that was adopted in any State or Colony in the Union. It contains, also, the New-Hampshire Declaration for Independence,—the "Association Test," as it was called,—in which are found the names of all the male inhabitants of New-Hampshire above twenty-one years of age,—about 8,199 in number,—who signed it, and the names also of 773 who refused to sign it.⁽¹⁾ Readers will take notice that the names attached to the Association Test are not *repeated* in the Index.

Although, under advice, the editor has found it necessary to omit from the proceedings of the General Assembly much mat-

⁽¹⁾ The above statement was made by the late John Farmer, Esq., but a careful count may, perhaps, vary the sum total.—Ed.

ter relating to personal and town affairs, yet he has carefully copied and included in this volume whatever records, documents, and correspondence he could find relating to the part which New-Hampshire took in the Revolution. In this regard New-Hampshire has a proud history: she furnished her full quota of men from time to time, and her officers and soldiers did noble service for liberty.

The editor regrets that the undue size of this volume,—with matter which could not be omitted,—renders it necessary to defer the proceedings of the Conventions which were called to settle a form of government for the State, and which resulted in the adoption of a new Constitution in 1783. He hopes, however, to find ample space for the same in a subsequent volume.

The editor desires to express, publicly, his acknowledgments to their Excellencies, Governors EZEKIEL A. STRAW and JAMES A. WESTON, for the interest they have taken in this publication, and the encouragement which, by their counsels, they have given him in his work.

GENERAL CONTENTS.

VOLUME VIII.

1776.		PAGES
Jan.	JOURNAL OF THE HOUSE	1-67
	New-Hampshire takes the name of a COLONY	1-3
	Takes up Civil Government	2-4
	Petition of Inhabitants of Newtown	4
	Councillors chosen for each County	6
	Letter from Pierse Long, Esq.	6
	Rules for the House of Representatives	8
	Justices and other officers appointed	10, 11
	Dissent and Protest from Portsmouth, &c., against taking up Government	14-17
	More justices & County officers appointed	18
	Letter from General Washington	22
	An anonymous letter—offensive	25-27
	Letter from Thomas W ^h Waldron	28
	County officers	28, 29
	Letter to and from General Washington	30-35
	Letter from General Sullivan	30-32
	Note, relating to the name of Hobart	32
	Condition of the people at Gosport	34
	Letter from General Sullivan, relating to Quebec	36, 37
	Order from Gen. Sullivan	36
	Letter from General Washington	38
	Letter from John Hancock—Resolves of Congress	39-41
	Letter from Gen. Sullivan	42
	Letter from Meshech Weare to Gen. Washington	42
	Letter to Gen. Washington	43
	Orders from Committee of Safety to Joseph Wait	46
	Orders to Israel Morey & John Bellows	46
	Letter from Josiah Bartlett, in Congress	48, 49

	PAGES
1776.	
Jan. Oaths to be administered	50
Complaint against Adam Stuart, of Londonderry	52, 53
Instructions to Committee to visit Gen. Washington	54
Letter from Gen. Sullivan	55
Justices of the several Courts	61-64
Letter to the Continental Congress, with documents and petition	67
CORRESPONDENCE	68-77
Letter from General Washington, relating to certain accounts	68
Petition of Capt. Titus Salter	68
Letters to certain towns to return census	69
Letter to Col. John Bellows	69
Letter to Col. Morey and Maj. Bellows—instructions	69
Feb. Letter from Stephen Moylan, relating to Col. John Stark	70
Letter of Acknowledgment made by Col. Stark	70
Court of Inquiry relative to Col. Stark's conduct	71
Petition to Congress for Continental troops	71
Letter to Hon. John Hancock	72
Letter from Committee of Safety to Col. Morey	72
Letter from Col. John Langdon to Committee of Safety	73
Letter to the Committee of Safety from a French gentleman	74
Letters from Hon. Josiah Bartlett, in Congress	75, 76
Letter from Hon. Wm. Whipple, in Congress	76
Letter from Hon. John Langdon	77
JOURNAL OF THE HOUSE, resumed	78-114
List of Members [see Index of Names]	78-80
A regiment of 300 men to be raised	84
Orders from Gen. Washington, on Dorchester Heights	85
Gen. Howe to leave Boston	86
Letter from Col. Morey to the Committee of Safety	87, 88
Letter from Col. Bedel to the Committee of Safety	89
Instructions to Col. Henry Gerrish	89
Letter to Col. Bedel	90
Letter from Meshech Weare to Gen. Washington	91
Letter from Gen. Washington to Meshech Weare	91
Letter from Capt. Titus Salter, a guard at Fort Point	92
Letter from Gen. Sullivan, with a list of Col. John Waldron's regiment	92, 93
On making Copper Coin	94

	PAGES
1776.	
Feb. Regimental officers appointed	94
Price of Salt petre	98
Letter from Col. John Goffe, relating to fish	99
Memorial and Petition of Dr. Hall Jackson	100, 101
Certificates relating to Dr. Jackson	101
Permission to Capt. Eliphalet Ladd to sail for West Indies	102
A Proclamation by the Council & Assembly	103
Letter from Capt. James Osgood	104
Letter from Col. Timothy Bedel	104
Letter from Thomas Johnson	105
Appointment of a Commissary	109
CORRESPONDENCE	115-132
Hanover Committee, relating to counterfeit money	115-117
Letter for Gen. Sullivan	117-119
Apr. Orders to Capt. Titus Salter, and his return	119, 120
Letter to Gen. Ward, and answer	120
Letter from Hon. William Whipple	121
Order to Col. David Gilman	121
Instructions to Pierse Long, Esq.	121
Letter from Hon. John Hancock, with Resolves of Congress	122
May. Letter from Col. David Gilman, relating to officers and soldiers	123
Letter from Meshech Weare to Hon. Thomas Cushing	123
Letter from John Hancock, with resolves of Congress	124
Letter from Wm. Whipple	125
Resolve of Congress for the Colonies to take up Government	126
Orders to General Folsom	126
June. Resolves of Congress, relating to supplying Militia, &c.	127
Letter from John Hancock	128, 129
Letter from our delegates in Congress	129
List of Representatives [see Index, Names]	130, 131
JOURNAL OF THE HOUSE, resumed	(1) 133
Business to be transacted	134
Order to Capt. Henry Gerrish	134
A bridge to be built at New Castle	136, 164
Letter from Col. David Gilman	138

(1) On p. 133, for James Bellows, read James Betton.—ED.

	PAGES
1776.	
June. Committee to draft a DECLARATION OF INDEPENDENCE	139
Civil officers appointed	139, 140
Letter from Selectmen of Hanover	140
Address and Petition of Maj. James Hackett	142
County officers appointed—Acts passed	(1) 143, 144
Letter from Hon. John Hancock to the General Assembly	146, 147
Letter from our delegates in Congress	147
Letter from Hon. Josiah Bartlett	147, 148
Declaration of Independence	149
Letter to Hon. John Hancock	151, 152
Letter from Josiah Bartlett to John Langdon	152
Letter from Commissioners in Canada. relating to Col. Bedel, &c.	153
Resolve of Congress, relating to clothing for soldiers	153
Persons inimical to the Country	156
Proclamation of Admiral Howe	159
Letter from Admiral Howe to Gov. John Wentworth	160
Letter to General Schuyler, relating to hard money	161
Major Robert Rogers, suspected	163
Letter from John Hancock, with resolves	165-167
Bills to be emitted, form of	169, 191
Letter from Col. Jacob Bailey—note	171
Alarms in Coos County, petition, &c.	172, 173
Letter from Col. Benj ^a Bellows, asking for arms, &c.	173
County officers appointed	174, 175
Letter from Hon. Meshech Weare to Gen. Ward	173
Letter from Hon. Meshech Weare to General Court of Massachusetts	178, 179
Alarms at Walpole	180
Petition from Plymouth	181
July. Powder to sundry towns	185
Regiments for the reinforcement in Canada	186
Order of Gen. Folsom to Capt. James Gage	186
Order of Gen. Folsom to Capt. Stephen Peabody	187
Letter from the Selectmen of Wakefield	187
Letter from Gen. Schuyler	188
Letter from the Selectmen of Rochester	188
Letter from Gen. Sullivan	189
Hand-bills issued—call for soldiers	192
Court Maritime Fees	198

(1) On p. 143, for Benjamin Baker, read Barker.—Ed.

	PAGES
1776.	
July. DECLARATION OF INDEPENDENCY, U. S.	200-203
RETURNS OF THE "ASSOCIATION TEST," 1776.	
[Returns from towns in the order in which they are printed in the following pages]	204-296
[Names not repeated in the Index.—Ed.]	

	Signers.	Non-Signers.		Signers.	Non-Signers.
Amherst	201	4	Hinsdale	35	10
Allenstown	21	1	Hopkintown	161	14
Alstead	66	4	Keene	133	13
Acworth	32	0	Kensington	118	20
Lemster(1)	24	0	Kingstown	150	14
Unity	26	4	Lebanon	87	0
Atkinson	97	0	Exeter? [imperfect]	48	
Barnstead	37	0	Leavittstown (Effingham)		
Barrington	200	12		17	0
Bedford	87	1	Lee	142	14
Boscawen(2)	103	1	Londonderry	375	15
Bow	63	0	Loudon	69	0
Brentwood	160	13	Meredith	48	0
Canterbury	123	0	Monadnock No. 5 (Marlboro')		
Claremont	84	16+31		50	5
Chester	221	0	New Boston	108	0
Chesterfield	139	13	New Castle	57	4
Concord	156	0	Newington	67	3
Conway, &c.	55	0	Newmarket	164	38
Deerfield	157(3)	20	North Hampton	116	0
Deering	33	2	[Newport—see p. 282.]		
Derryfield	47	0	Northwood	61	1
Dublin	57(4)	0	Nottingham	104	25
Dunbarton	59	10	Nottingham W. (Hudson)		
Dunstable [no return]				113	1
Canaan }	24	0	Packersfield (Nelson)	38	1
Enfield }	13	0	Pembroke	129	9
Epping	209	11	Peterborough	84	0
Epsom	68	2	Piermont(5)	35	0
Exeter—[no complete returns; see p. 248.]			Portsmouth	509	46
East Kingston	78	3	Raby (Brookline)	23	0
Francestown [no return]			Richmond	156	12
Gilmanton	115	32+21	Rindge	150	0
Gilsom	42	0	Rochester	198	22
Hampton	174	2	Rye	123	0
Hampstead	97	21	Salem	171	36
Hampton-falls [no return]			Salisbury	83	2
Hawke (Danville)	74	4	Sanbornton	80	1
Henniker	51	22	Sandown	103	7
Hillsborough	35	1	Sandwich	37	9

(1) In Lemster, for the name *Trugrace*, read *Freegrace*.

(2) In Boscawen, for *Willm Welch*, read *Mirick*; and for *Jerome Little*, read *Friend*.

(3) By error, 101.

(4) By error, 22.

(5) Dorchester was classed with Piermont.—Ed.

GENERAL CONTENTS.

	Signers.	Non-Signers.		Signers.	Non-Signers.
Newport	36	0	Temple	84	3
Croydon	31	4	Wakefield	62	0
Saville	18	0	Weare	131	41
Society Land (Antrim)	25	0	Westmoreland	130	6
South Hampton	85	4	Wilton	128	2
Stratham	131	42	Winchester	103	15
Surry	42	0	Wyndham	96	(1)3

	PAGES
1776.	
July. CORRESPONDENCE	297-318
Alarm on the Frontiers. Meeting in Hanover	297
Petition from Lebanon asking assistance	298
Letter from J. Hurd, Esq. Appeal for help	298
Petition from Conway for assistance	299
Letter from Capt. Ira Allen	300
Orders to Benj ^a Giles	300
Portsmouth instructions to Representatives	301
Commission for Col. Isaac Wyman	302
Orders to Capt. David Woodward	302
Letter from Committee in Kittery	303
Letter to the Selectmen of New Market	303
Letter from Capt. Robert Parker	303
Letter to Capt. Jeremiah Eames—instruction	304
Letter from Maj. Jonathan Child	304
Letter from Committee in Moultonborough	305
Letter to Hon. John Hancock	305
Letter from Capt. William Barron	306
Letter from Col. John Hurd	306
Order respecting Samuel Dyer, of Berwick	308
Orders to Col. Joshua Wingate	308
Direction for Col. Jacob Bailey for raising men	308
Letter from Portsmouth Committee about Capt. Roach	309
Letter from Portsmouth Committee relating to Mrs. Livius	309
Order to Brig. Gen. Stark	310
Letter from Benj ^a Giles	310
Letter from Col. Hurd	311
Letter from Col. Joshua Wentworth	311
Letter from Col. John Bellows	311
Complaint of Zacheus Clough, of Poplin	312
Certificate for Zacheus Clough, of Poplin	312

(1) Persons who add the above returns may find a different sum total from that stated in the text, p. 24.—ED.

GENERAL CONTENTS.

	PAGES
1776.	
July. Petition from Warren for fire-arms, &c.	313
Letter from Col. David Gilman ^a	313
License for Mrs. Livius to go to Quebec	313
Letter to Benj ^a Giles	314
Orders to Lieut. John Gilman	314
Letter from Col. John Hurd	314
Letter from M. S. Metcalf to Col. Bailey	316
Letter from Col. Wait to Col. Hurd	316
Aug. Letter from Col. Hurd to Meshech Weare	317
Letter from Eleazer Russell to Meshech Weare	317
Proclamation by Gen. Howe	318
Sept. JOURNAL OF THE HOUSE, resumed	319-357
List of members [see Index—"Names"]	319-321
Massachusetts Resolves, relating to the ship <i>Raleigh</i>	322
Report of Committee, and papers relating to Asa Porter	324-331
New Hampshire assumes the name of <i>State of New-Hampshire</i>	332
Special Convention, proceedings of	337, (1)338
Form of oath to be taken by Representatives	341
Form of precept for calling a new House	342, 343
Oct. Special Convention, proceedings of	349-351
Resolve of Congress for raising an army during the war,	349
Letter from Hon. John Hancock, relating to enlistments,	351
Pay-roll of members of the Convention,	356
CORRESPONDENCE	358-396
Letter from Charlestown Committee to Gen. Gates	358
Letter from Col. Moulton to N. H. Committee of Safety,	359
Letter from Col. Jacob Bailey	360
Letter from Col. Thomas Stickney	360
Letter from J. Brackett, relating to ship Prince George,	360
Letter from Portsmouth Committee, relating to a billiard table	361
Letter from John Hancock, relating to an attack on New York	361
Letter from Selectmen of Charlestown to N. H. Com. of Safety	362
Letter from Eleazer Russell, on Maritime fees	363
Letter from Col. David Gilman, on being superseded,	365
Resolution of Congress, relating to gunpowder,	366
Orders to Col. Benjamin Bellows, jun.	366

(1) On p. 338, for Capt. *Sutler*, read *Salter*.—ED.

1776.	PAGES
Oct. Letter from Col. Hurd, relating to Rangers at Cohos	366
Letter from General Washington, on exchange of prisoners,	367
Letter from N. H. Committee of Safety to Gen. Ward	368
Petition in favor of Lt. Abraham Perkins	368
Col. John Langdon's return of enlisting men	369
Letter from Col. Bailey, relating to affairs in Canada	369
Resolves of Congress, relating to blankets, &c.	370
Letter from Gen. Ward	370
Letter from Andrew Colburn to Matthew Thornton	371
Letter from Col. Wigglesworth, relating to sickness at Crown Point	371
Resolves of Congress, relating to Physicians, &c.	372
Letter from Hon. John Hancock on same subject	373
Petition of Joshua Heath, of Conway	373
Resolves of Congress, relating to the army	374-376
Letter from Hon. John Hancock on the same	377
Letter from Joseph Whipple, relating to roads, &c.	377
Representation relative to Capt. Jere. Fames	378
→ Tories sent from New York to New-Hampshire—names	379-384
Letter from France to N. H. Committee of Safety	385
Instructions to Committee sent to Ticonderoga	386
Introduction to Gen. Washington	387
Letter from Col. Thomas Tash to Com. of Safety	388
Letter from Col. Joseph Welch	388
Letter from Hon. John Jay, of New York, relating to tories	389
Order of Col. Robt Van Ransilaer about tories	390
Letter from Col. Blanchard relating to raising men at Ticonderoga for the army	390
Col. Blanchard's Report of Commissioned officers, &c.	391, 392
Letter of thanks from Gen. Gates to N. H. officers and soldiers	392
Inlisting orders to Capt. Joshua Abbot	393
Action of N. H. Com. of Safety relative to New York tories	393
Certificate &c., relating thereto	394
Letter from Hon. Wm. Whipple relating to the army	395
Resolve of Congress for a supply of shoes for the army	396
Nov. JOURNAL OF THE HOUSE—resumed	397-427
List of members—names [see Index—"Names"]	397-400

1776.	PAGES
Nov. County officers appointed	401
Restrictions on tory prisoners	403
Letter from Col. Jacob Bailey, relating to Indians	405
Resolves of General Assembly of Massachusetts	406
Resolves of General Assembly of Rhode Island	406
Letter from Governor Trumbull, of Connecticut	407
Letters from Gen. Charles Lee to Gov. Bowdoin	407, 410
Letter from Col. Anthony Wayne to Col. Hurd	410, 411
Letter from Gov. Cooke, of R. I., to N. H. Assembly, &c.	411
Letter from Gov. Cooke to Gov. Bowdoin, of Mass.	411
Letter from Hon. Meshech Weare to Gov. Bowdoin	412
An embargo ordered	412
Names of muster-masters, &c.	413
Letter from Gen. Schuyler	417
Day of Fasting and Prayer	419
Letter from John Man, a prisoner	419
Letter from Hon. Meshech Weare to our Delegates in Congress relating to troubles in Grafton County, &c., in Hanover, Lyme, Haverhill; also, in Acworth, Chesterfield, Marlow, &c., &c.	420-425
Letter from Gen. Geo. Measam, commissary of clothing, with Resolves of Congress	426
Letter from Gen. Washington on exchange of prisoners	426
Dec. JOURNAL of a new House of Representatives	428-471
List of Members [see Index—"Names"]	428-430
Affairs in Rhode Island—Gov. Cooke	431, 432
Letter relating to New York prisoners in Exeter	434
Letter from Doct. Peter Green, of Concord	435
Col. Asa Porter—reward offered for his apprehension	436
Delegates to Congress chosen	437
Letter from Capt. Eliphalet Daniels	438
Letter to Hon. John Hancock	439
Letter to our delegates in Congress	440
Letter from Col. Pierse Long, relating to the schooner George	443
Letter from Capt. Thomas Thompson—on the same	444
Letter relating to Washington's victory at Trenton	444
Letter from Gen. Heath on the same	445
1777. Letter from Hon. Matthew Thornton	445
Jan. Letter from Col. Peirse Long,—explanatory	446
Officers of the schooner George placed in Concord	447
Letter from John Jay, on New York prisoners	448

1777.	PAGES
Jan. Report on affairs in Grafton county	450
Certificates of money sent to New-Hampshire	453
Prices of sundry articles fixed	455, 471
Letter relating to John Powell, a deserter	453
Letter from Gen. Schuyler, relating to Ticonderoga	460
Letter from Hon. John Hancock on the same	460
Letter from Gen. Ward	462
Resolves of Massachusetts, concerning Ticonderoga	462
Propositions relating to couriers for New England	462
Report relating to Continental battalions, &c.	464
Military officers appointed	466
Letter from Col. John Langdon, relating to lead and flints	467
Prisoners of war to be exchanged	468
CORRESPONDENCE	472-502
Letter from Col. Peirse Long	472
Letter from Gov. Bowdoin of Mass., relating to a privateer	473
Letter from Timothy Walker, jun., relating to Tories	473
Letter from H. Wentworth on the same	474
Commissary orders to Nich ^s Gilman	474
Orders to Capt. John Haven about prisoners	474
Letter from Joshua Gidney, a prisoner	475
List of British prisoners sent from N. H. to R. I.	476, 477
Letter from Gen. Schuyler, relating to Ticonderoga	480
Letter from Col. Long to the Committee of Safety	480
Letter from Com ^{tee} of Safety to Capt. Osborne	480
Letter from Hon. John Langdon to Com ^{tee} of Safety	481
Petition of Josias Eltinge, a New York prisoner	481
Letter relating to clothing for Col. Scammell's regiment	482
Letter from Thomas Thompson on enlistment of marines	482
Letter from Thomas Thompson	484
Letter from Capt. Osborne on same subject	484
Application to Gen. Ward for fire-arms	485
Letter from Gen. Washington	485
Letter from Hon. Sam. P. Savage, of Mass., on sending a vessel to sea	486
Certificates of money sent to New-Hampshire	486
Invoice of money and certificates sent	487
Letter from Hon. John Hancock, relating to money	487

1777.	PAGES
Jan. Instructions to James Betton and Wm. Gregg in regard to money	488
Letter to Capt. Osborn about enlistments	489
Letter from Gen. Washington	489
Letter from Gov. Trumbull, of Conn.	490
Letter from Gen. Sullivan	490
Letter from the Council in Massachusetts	492
Letter from Lieut. Worthen relating to Ticonderoga	492
Letter from Gen. Schuyler to Nich ^s Gilman	493
Letter from Gov. Cooke, of Rhode Island, on counter- feits	494
Order relating to New York Prisoners	494
Letter from Hon. John Hancock, with Resolves	495
Letter from Capt. Thomas Thompson, respecting a pris- oner	496
Letter from Com ^{tee} of Safety to Gen. Washington	496
Letter from Com ^{tee} of Safety to Gov. Trumbull	497
Letter from Com ^{tee} of Safety relating to N. Y. prisoners	497
Letters from Capt. House, Wm. Trumbull, and Enoch Bartlett	498
Letter from Francis Worcester relating to a tory	499
Letter from John Langdon about rum	499
Orders relating to the seizure of rum	500
Letters from Tho ^s W ^k Waldron on N. Y. prisoners	501
Petition from Mrs. Sarah Elliott, for her husband	501
Letter from James Martin on casting cannon shot	501
Commission of Capt. Isaac Fry—note	502
Mar. JOURNAL OF THE HOUSE—resumed	503-542
Names of new members	503
Letters from Elijah Grout, Commissary	504
Letters from Col. John Stark	505, 506
Order for arrest of Col. Holland and — Moore	507
Letter N. Y. Convention to Com ^{tee} of Safety	508
Letter from Col. Bedel on defence of Coos, &c.	510
Orders to Gen. Folsom for raising troops	512
Letter from Noah Emery, Jun., relating to stores, &c.	514
Complaints against certain Tories	515
Letter sent to Col. Langdon about blankets, &c.	517
Col. Stark's letter of resignation	518
Report of Committee on N. Y. prisoners	519
Letter from Col. Stark	521
Letter from Maj. George Reed to Col. Stark	521

1777.		PAGES
Mar.	Letter from Maj. Jona. Child on enlistments, &c.	522
	Report of Com ^{tee} on date of Commissions	(1)524
	Officers appointed in different regiments	531
	Letter from Gen. Schuyler	534
	Resolve from Rhode Island—aid asked	536
	John Taylor Gilman to receive soldiers' Certificates, &c.	
	Litigations discouraged	538
	Letter from Elijah Grout, Commissary	540
	CORRESPONDENCE between April 12 and June 4, 1777	541-570
	Letter from Gen. Wayne, at Ticonderoga	542
	Letter from Col. Enoch Hale on enlistments	543
	Letter from Col. Enoch Hale in favor of Jon. Parker Jun.	544
	Daniel Fowle and Benja. Dearborn summoned	544
	Compliments from Robert Fowle	545
	Certificate given to Robert Fowle	545
	Petition from Hollis Committee	545
	Letter from N. H. Committee of Safety to Gen. Prescott	546
	Letter from Gov. Trumbull to Meshech Weare	546
	Letter from Gov. Trumbull to Meshech Weare	547
	Letter from Hon. John Langdon, on military stores	548
	Letter from Gen. Sullivan, relating to losses at Danbury, Conn.	549
	Wages of guard on the sea-coast	550
	Letters from Hon. Josiah Bartlett on dangers of our country, raising men for Ticonderoga, &c.	551
	Letter from Maj. Jona. Child, on mustering men	552
	Letter from Gen. Washington—Resolve of Congress	553
	Letter from Com ^{tee} of Safety to Col. Langdon	553
	Letter from Londonderry, asking for powder and lead	554
	Letter from Com ^{tee} of Safety, Doct. Silas Hedges accused	554
	Memorial of Lt. John Colcord	555
	Letter from Gov. Cooke, of Rhode Island	555
	Orders to Gen. Folsom for Colonels	555
	Letter from Gen. Sullivan, about Danbury	556
	Letter from Jethro Hurd, of Dover	557
	Certificate to persons named therein	557
	Letter from Com ^{tee} of Safety, relating to counterfeiters	558
	Orders to Gen. Folsom	559
	Letter from Jacob Treadwell to Maj. Geo. Gains	559

(1) The name "Nath'l" Gilman should be Nich.—ED.

1777.		PAGES
Mar.	Letter from Col. Scammell to Committee of Safety	560
	Proceedings at a meeting in Hampton	560
	Letter to our delegates in Congress, asking for aid	561
	Postmasters and post-riders exempted from military duty; a prize ship at Portsmouth—certificate for	562
	Paul Hale, a counterfeiter	562
	Boscawen applies for arms, &c.	563
	Memorial of prisoners at Portsmouth	563
	The sloop Friends Adventure	564
	Letter from Hon. John Bell, of Londonderry	565
	Deposition of Adam Dickey	565
	Letter from Dr. Richard Bartlett, of Pembroke	565
	Letter from Noah Emery, jun.	566
	General staff of the army, 1775-1777	566
	Letter from Massachusetts relating to an expedition to St. John's, in Nova Scotia	567
	Letter from Gov. Trumbull to Meshech Weare	568
	Letter from Nicholas Pike, relating to Col. Asa Porter	568
	Sundry letters referred to	568, 569
	Petition of Jacob Sheafe of Portsmouth	570
June.	JOURNAL OF THE HOUSE, resumed	571-613
	List of members [see Index—"Names,"]	571-573
	Letter from Capt. Thompson of the ship Raleigh	574
	Letter from Gen. Enoch Poor, at Ticonderoga	576
	Letter from Gen. Horatio Gates	576
	Letter from Hon. Meshech Weare to John Parker, sheriff	577
	Vote for apprehension of Col. Asa Porter	578
	County officers appointed; providing for troops	579
	Tories arrested by Col. Thomas Stickney; proceedings at Portsmouth relating to tories	580, 581
	Letter from Gen. Schuyler	581
	Votes relating to tories &c. in gaol	582, 583
	Letter from Gen. Sullivan, relating to Gen. Howe	583
	Committee of Safety; tories	584, 585
	Petition of Capt. Wm. Scott	586
	Order from the Board of War	587
	Instructions to our delegates, soliciting aid	588
	Petition to Congress for money	588
	Letter, intercepted, relating to tories	589
	An Act for taking up, &c., persons dangerous to the State	592
	Depositions and orders of Justices, in the county of Cheshire, relative to tories	594-598

1777.	PAGES
June. Regiments of N. H. militia divided into three brigades	600
Letter from Gov. Cooke of Rhode Island; answer thereto	601, 602
Military officers appointed	605, 612
Justices of the Peace and civil officers appointed	609
Letter from Noah Emery, jun., commissary	611
Expedition to St. John's,—Massachusetts proceedings	613
CORRESPONDENCE: between June 28 th and July 17 th , 1777	614-628
Letter from Gen. Schuyler, relating to Ticonderoga	614
Certificate of Jn ^o O'Neil	615
Application of Epping Committee for salt	615
Letter from Keene, asking help for Ticonderoga	615
Letter from Vermont,—the Militia of that State	616
Letter from Col. Seth Warner, of Vermont	616
Letter from Meshech Weare, relating to salt for Epping	617
Letter from Col. Joseph Badger, relating to Ticonderoga	617
Letter from Col. Eben ^r Smith to Committee of Safety	618
Letter from Gen. St. Clair, Ticonderoga evacuated	618, 619
Letter from Gen. Washington, relating to Gen. Howe	620
Letter from Com ^{tee} of Portsmouth on ship Raleigh	621
Letter to Gov. Trumbull—evacuation of Ticonderoga	621
Letter from officers at Bennington—evacuation of Ticonderoga	623
Letter from officers of New-Hampshire regiments—evacuation of Ticonderoga	623
Orders to Capt. Thomas Gilman, of Exeter gaol	624
Letter from Maj. Stephen Peabody—battle of Castleton	625
Letter from Col. Benj. Bellows—our losses and dangers	625
Letter from Col. Timothy Walker on persons returning from the army	626
Letter from Col. Enoch Hale in gaol at Charlestown	626
Private letter from Gov. John Wentworth	627
Private letter to Gov. John Wentworth	628
July. SPECIAL SESSION—Journal of the House	629-639
Report of Committee on business	629, 630
Letters from Ira Allen, Esq., of Vermont	631
Letters from Gen. St. Clair	631-633
Letters from N. H. Committee of Safety to Mass ^a	634
N. H. Militia divided into two Brigades	635
Persons inimical to the American cause to be disarmed.	
Militia may be drafted	638

1777.	PAGES
July. CORRESPONDENCE between July 19 th and Sept. 17 th , 1777	640-680
Letter to General Stark on the condition of the army	640
Letter from Col. Seth Warner to N. H. Committee	641
Orders to draft men. Advance of British troops	642
Letters from Beza Woodward, Col. John Hurd, &c.	642, 643
Letters from Col. Jacob Bailey and Col. Morey	644
Letter from Gov. Cooke, of R. I., on appearance of a fleet	645
Committee of Safety to Gen. Ward	645
Orders to Militia Colonels to draft. Letter from Gen. Schuyler. Defence of Portsmouth	646
Letter from Gen. Folsom	647
Letter from New York Council of Safety on their trials, &c.	647
Letter from Gen. Wm. Williams to Gen. Stark	648
Resolves of Congress, relating to evacuation of Ticonderoga	649
Instructions for Gen. Stark	650
Letter from Gen. Stark to Com ^{tee} of Safety	650
Resolves of Congress for raising recruits	651
Letter from Gen. Washington to Gen. Putnam relating to the British fleet	652
Letter from Com ^{tee} of Safety to Wm. Weeks, Esq.	653
Letter from Gen. Washington to Gen. Putnam relating to Gen. Howe's movements	653
Letter from Gen. Stark, relating to stores at Charlestown, &c. Return of said stores. Letter to Gen. Stark	654, 655
Resolves and order of Congress	656
Letters from Jona. Gove and John Stevens, prisoners at Exeter	656
Letters from Gen. Gates, asking for troops, and from Hon. John Hancock. Order of Gen. Stark, &c.	657
Gen. Burgoyne's orders to inhabitants of Castleton	658
Gen. Schuyler's address to the same	658
Letter from Gov. John Wentworth to his father	659
Letter from Gen. Washington on army regulations	660
Proclamation by Gen. Burgoyne	660
Letters, &c., relating to Gen. Stark's command	662, 663
Gen. Burgoyne's instructions to Col. Baum	664
Letter from Maj. Jona. Hale to Col. Morey	666
Letter from persons in the army belonging to New Ipswich	667

	PAGES
1777.	
July. Vermont Council of Safety to Col. Marsh	668
Gen. Stark's first engagement at Bennington; trophies of war sent to New-Hampshire	669
Gen. Stark's account of the battle at Bennington, 16 th August, 1777; notes, &c.	670, 671
Letter from Gen. Stark; order of Committee of Safety; Col. Nathah Hale to be arrested	672
Resolves of Congress, relating to Quakers	673
Letter from our delegates in Congress	673
Resolve of Congress, relating to military stores, &c.	675
Petition of William Vance for relief from prison	675
Remonstrance against release of Col. Holland	675
Letter from Jere. Clough, in Exeter gaol, to his father	676
Letter from Plymouth, relating to counterfeiters	676
Resolution relating to Mark H ^s Wentworth	677
Movements of Gen. Lincoln; the battle of Brandywine	678
Letters from Gen. Stark and Gen. Gates	679
Orders to Col. Stephen Evans to march to Bennington	679
Letter to Gen. Stark desiring him to remain in the service	680
JOURNAL OF THE HOUSE—resumed	681-690
List of members, towns, and distance	681-683
Report of Committee on a new proportion of taxes	685-689
Letter from Capt. Thomas Thompson, of the ship Raleigh	690
Report of Committee on paper currency	691
Report of New England Convention at Springfield, Mass.	691
Letter from Capt. Paul Jones	692
Letter from Col. Stephen Evans, order to march	693
Resolve relating to driving cattle, &c., out of the State	696
A prison-ship to be provided for prisoners	697
Gen. Whipple to command the Northern army	697
Letter from Gen. Jacob Bailey	697
Letter from Gen. Bailey	698
Letter from Peter Labaree, Esq.	698
Orders from Charlestown Com ^{tee} of Safety about prisoners	698
Vote for calling new members of the Assembly	699
Sept. CORRESPONDENCE, from Sept. 30 to Oct. 23, 1777	700-711
Letter from Col. John Hurd, relating to Capt. Thornton	700
Letter from Com ^{tee} of Safety in Newington, about Benj. Adams	701

	PAGES
1777.	
Sept. Letters from Col. Goffe and Hon. Nath ^l Folsom	701
Oct. Orders to Gen. Whipple to re-inforce the Northern army	701
Thanks by Congress to Gen. Stark	702
Letter relating to a flag of truce from R. I.	702
Reply to said letter	702
Letter from Stephen Holland to be allowed bonds	703
Letter from Com ^{tee} of Safety to Gov. Trumbull	703
Letter from Dr. Silas Hedges about counterfeiters	703
Court-martial,—Maj. Gen. Sullivan	703
Letter relating to the above from Hon. John Hancock	704
Orders of Committee of Safety to Noah Emery, Jun.	705
Letter from Gen. Sullivan—battle of Germantown	705
Letter from Gen. Folsom relating to Gen. Howe's army	706
Letter from Gen. Wm. Whipple	706
Letter from Gen. Wm. Whipple relating to Burgoyne's army	707
Account of the British army under Burgoyne	708
Prisoners taken at Saratoga	708
Ordnance and Stores taken at Saratoga	709
Letter from Col. Evans relating to a part of his Regi- ment	709
Deserters from Col. Evans's regiment, names of	710
Nov. JOURNAL OF THE HOUSE—resumed	712-725
Vote in relation to Quakers	713
Form of Oath and Declaration to be taken	714
General Thanksgiving for Victory, &c.	716
Affairs in Grafton County—Asa Porter	717
Embargo Act repealed	718
Appointment of Civil officers	718
Act relating to taxes in unincorporated places	719
Letter from Gen. Bailey	720
Act relating to persons suspected of treason	721
Encouragement for manufacture of paper	721
Abstract of proceedings of the Assembly from the 19 th to the 29 th of November	722-725
CORRESPONDENCE from Nov. 1 to Dec. 17, 1777	726-736
Letter from Col. Bailey relating to suspected persons	726
Resolves of Congress, relating to North River passes	726
Letters from Col. Morey and Geo. J. Trumbull. Arti- cles of agreement relating to manufacture of powder	727

	PAGES
1777.	
Nov. Letter from Col. Senter. Richard Peters. Resolve of Congress relating to, outstanding bills, &c. Letter from Gen. Heath about Canadian prisoners	728
Resolves of Congress relating to prosecution of the war	728-732
Letters from Londonderry, relating to Col. Holland	732
Resolves of Congress, relating to an enterprise under Gen. Stark	733, 734
Letter from Londonderry, relating to Robert Fulton	734
Letter from Gen. Poor about N. H. troops. Note	735
Dec. JOURNAL OF THE HOUSE—resumed	736-746
List of members of the House [see Index—"Names"]	736-739
List of members of the Council	739
Rules of the House	740
Petition of Comtee of Safety in Chesterfield	741
Letter from Gov. Cooke of R. I. John Robertson. Hon. Henry Laurens. Answer to Gov. Cooke, and report and resolution relative to aid for Rhode Island	742
Gen. Sullivan in the battle of Brandywine. Letter from Gen. Sullivan	743
Act relating to persons inimical to the States	745
Report on public affairs	746
ARTICLES OF CONFEDERATION	747-753
Letter from Hon. Henry Laurens relating to said articles	754
Letter from Hon. Nathl Folsom relating to the same	755
Hon. Josiah Bartlett and Wm. Whipple, delegates to Congress. Nicholas Gilman, treasurer and receiver-general	756
Directions for calling a free representation in convention to form a new constitution	757, 758
Order respecting New York tory prisoners at Amherst	759
Wyseman Clagett. Note	759
1778.	
Jan. Military and civil officers appointed	761
Return of numbers wanting to complete the Continental troops—Resolves of Congress	764, 765
Feb. JOURNAL—continued	766
List of Representatives and of the Council [see Index—"Names"]	766, 767
Notice to absentees and deserters from the army, by Gen. Poor	769

	PAGES
1778.	
Feb. Board of War appointed	771
Samuel Livermore, Esq. Note	772
Exeter the place of Rendezvous for soldiers	770, 773
Report on calling a Convention at Concord, to form a constitution	774, 775
Act to dissolve the marriage relation of Robert. and Elizabeth Rogers	777
Mar. Report on the manufacture of wool cards	777
Resolution to adopt the Articles of Confederation	778
Vote to raise money, issue notes, &c.	779
Delegates to Congress chosen	780, 783
Play at cards by members of the house offensive	783
Notes by the editor	786
Aug. JOURNAL of the House—continued	787-815
List of members of the House [see Index—"Names,"]	787, 788
List of the Council	788
Delegates to Congress, appointed	789, 790
Vermont controversy. Note	790
Prisoners at Exeter,—report upon	791
Committee of Safety, appointed, &c.	792
Case of Stephen Holland of Loudonderry. Note	793
Oct. Defence of Piscataqua harbour	797
Rhode Island volunteers	800
Manufacture of paper	802
Resolve to confiscate property of tories, &c.	803, 808
Naval and civil officers. Thanks to Gen. Sullivan	805
Damages and losses at New Castle—estimated	806
PUBLIC ACTS: (1) To prevent the return of certain deserters, who have joined the British. (2) To confiscate the estates of such persons	810-814
Dec. Proceedings of General Assembly from Dec. 18 to Dec. 24	815, 816
Resolves of Convention relating to New Hampshire Grants	817, 818
JOURNAL of General Assembly from Dec. 26, 1778 to Apr. 3 ^d , 1779	819-826
List of Representatives [see Index—"Names,"]	819-821
List of Council, Rules, &c.	821
1779	
Mar. Sale of Gov. John Wentworth's estate (in part)	822

	PAGES
1779.	
Mar. Vote of thanks &c. to Col. Joseph Cilley	823
Committee of Safety. Civil officers	825, 826
June. Address of Congress to the people of the United States	827
Civil officers appointed	828, 829
Raising soldiers for the Continental service, and, proportion for Rhode Island	830
Oct. New-Hampshire Grants. Tory families in Dunbarton, Goffstown, &c.	833, 834
Nov. Field officers for the 9 th regiment	835
Stores at No. 4 to be disposed of	836
Civil officers appointed. Soldiers to be supplied with clothing, &c.	837, 838
Dec. List of Representatives [see "Names" and Index]	839-841
Members of the Council	841
Re-enlisting Continental troops. Bounty	842
Samuel Livermore, Esq., delegate to Congress	844, 845
1780.	
Jan. Committee of Safety	845
Implements for counterfeiting found	847
Depreciation money	848
Rule of estimation for inventory of estates	849-851
Instructions to Committee of Safety	854
April. Supplies for the Continental army. Gov. Wentworth's farm at Wolfeborough	855, 856
Table of depreciation of currency	858
June. Members of the Council. Sale of Gov. Wentworth's estate	860, 861
Rule for proportioning men to be raised from the militia in the State	862, 863
Estates of absentees to be sold	864
Proportion of men to be stationed at Portsmouth, and on the Western frontier	865
Proportion of officers and men for the Continental army	866
Militia of the State to be in four Divisions	867
CORRESPONDENCE	868-873
Letter from Col. Moses Nichols relating to our troops in the Highlands, N. Y.	869
Letter from Gen. Washington on distressed condition of the army	870
Letter relating to the troops in Coos	872

	PAGES
1780.	
June. Letter—appointment of Col. Jabez Hatch, Dep. Qr. Master	872
Letter from the President of Congress on arrangements for the army	873
Oct. JOURNAL—resumed	884
Precept for calling a new Assembly, and also a Convention to settle a Plan of Government	875
Nov. Officers of the tenth Regiment of militia, and civil officers	878, 879
List of Towns discounted for money advanced for bounties to soldiers	880
1781.	
Jan. Rev. Israel Evans—note	882
Letter from Gen. John Stark	883
Instruction to delegates in Congress respecting the New-Hampshire Grants	885
Report of Committee on calling a Convention	885
Report of Committee on pay of soldiers in the army during the war	886
Votes relating to delegates for Congress	887
Scouting parties on the Western frontiers. Committee of Safety	888
Mar. Names of members of the Council	890
Votes relating to N. H. soldiers in the Massachusetts service, and to depreciation of currency	892
Report on Petition of Gen. James Reed—supplies for the army	893
Votes relating to Ecclesiastical difficulties in Goffstown, to a representative from Hollis, to a Convention in Concord for settling a form of Government, to military offices in the State, soldiers not to be imprisoned for debt	894, 895
Apr. Phillips Exeter Academy incorporated	895
Estates of Absentees to be confiscated. Dartmouth College lands. Western frontiers	896
Resolve for calling a Convention, at Concord, to form a Constitution. Yeas and nays	897
Letter relating to the sale of Stephen Holland's lands	899
June. List of members of House of Representatives	900-903
Appointment of 650 men for the army—field officers	904, 905

	PAGES
1781.	
June. Table of depreciation of currency	907
Letter from Lt. Bezaleel Howe	909
Letter from Capt. Ebenezer Webster	909
Aug. Filling up our quota of the Continental army	912
Nov. Appointment of civil officers	916
Release of persons imprisoned at No. 4	917-922
Dec. Rules of the House	918-921
Names of members of the Council	921
Delegates to Congress	923, 929
An armed force for the western part of the State. Pro- portion of men to be drafted therefor, &c.	925-928
A tax, to raise £110,000	927
Batteries at Piscataqua harbour	929
Meeting of the General Assembly at Concord	932-936
1782.	
Mar. List of Representatives and of the Council, 1782	933-935
Courts opened in Grafton county. Appointment of civil officers	939
June. Defense of Piscataqua harbor	941
Celebration of the birth of the Dauphin of France	942
Resignation of Chief Justice, Hon. Meshech Weare	942
Resolution relating to certain towns in Vermont	943
Hon. Samuel Livermore appointed Chief Justice	944
Hon. John Sullivan, Attorney General	945
Companies for defense of the frontiers	946
Letter from Capt. Isaac Frye	948
Sept. Towns classed for representatives	949
Nov. Votes relating to Mrs. Holland, wife of Stephen H.	953, 960
Ferry over Merrimac river	953
Appointment of civil officers	955
Payments to civil officers and others	957
Address to the Commander of the French forces at Portsmouth	960
1783.	
Jan. Letters from Hon. John T. Gilman	962-964
Articles of Peace signed at Versailles	963
Feb. Letter from Hon. John Sullivan. Delegates to Congress	965
Form of Inventory for taxes	966
Estate of John Tufton Mason	967
Resolution relating to the existing form of government	969, 970
Mar. Appointment of civil and military officers	970, 972
Names of sick or wounded soldiers	973-975

	PAGES
1783.	
April. Enlistments suspended	976
Report of a committee of Congress, relating to the inhabitants in the several States for taxation	976
June. A ferry over Saco river. Phillips Exeter Academy	977
Civil officers appointed. Custom House at Portsmouth	978
Address to the people of New-Hampshire, relating to the eighth article of confederation	980-983
THANKSGIVING FOR PEACE.—A PROCLAMATION	984

*Names of the Honorable Councilors in New-Hampshire, under
the Constitution, from 1776 to 1783.*

1776.	MESHECH WEARE, MATTHEW THORNTON, WILLIAM WHIPPLE, JOSIAH BARTLETT, NATHANIEL FOLSOM, THOMAS WESTBROOK WALDRON,(1) EBENEZER THOMPSON, WYSEMAN CLAGETT, JONATHAN BLANCHARD. SAMUEL ASHLEY, BENJAMIN GILES, JOHN HURD.
1777.	NICHOLAS GILMAN, GEORGE ATKINSON, TIMOTHY WALKER, MATTHEW PATTEN, BENJAMIN BELLOWES.
1779.	MOSES NICHOLS, JACOB ABBOT.
1780.	GEORGE ATKINSON, JOHN McCLARY,

(1) It does not appear from the records that Thomas W^k Waldron took his seat as a councilor, but that Hon. John Wentworth was in his stead as councilor from Strafford Co.

1780. TIMOTHY FARRAR,
SAMUEL HUNT,
ENOCH HALE,
CHARLES JOHNSTON.
1781. WOODBURY LANGDON,
GEORGE FROST,
JOHN HALE,
WYSEMAN CLAGETT,
BENJAMIN BELLOW'S,
FRANCIS WORCESTER.
1782. TIMOTHY FARRAR,
JACOB ABBOT,
THOMAS SPARHAWK.
CHARLES JOHNSTON.
1783. FRANCIS WORCESTER.

NEW-HAMPSHIRE STATE PAPERS.

VOLUME VIII.

REVOLUTIONARY PERIOD.

Journal of the House of Representatives.

A JOURNAL OF THE HOUSE OF REPRESENTATIVES of the Colony of New-Hampshire, who Convened at Exeter as Delegates From the Several Towns, Parishes & Places in said Colony on the Twenty first day of December A: Dom 1775, and Continued A Congress, untill the Fifth day of January A: Dom 1776, and Then (by leave of the Hon^{ble} The Continental Congress) Resolved themselves into a House of Representatives or Assembly for the Colony of New-Hampshire.

In Congress Friday November 3^d 1775.

The Congress taking into Consideration the report of the Committee on the New-Hampshire Instructions—*Resolved*, That it be recommended to the Provincial Convention of New-Hampshire to Call a Full and Free Representation of the People, and that the Representatives, if they think it Necessary, Establish Such a Form of Government, as in their Judgment will best Produce the Happiness of the People, & most Effectually Secure Peace and good order in the Province

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

Town Papers.

DOCUMENTS AND RECORDS

RELATING TO

TOWNS IN NEW HAMPSHIRE;

WITH AN APPENDIX

EMBRACING THE CONSTITUTIONAL CONVENTIONS OF 1778-
1779; AND OF 1781-1783; AND THE STATE
CONSTITUTION OF 1784.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW HAMPSHIRE.

VOLUME IX.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.,

Corresponding Secretary of the New Hampshire Historical Society.

CONCORD, N. H.:

CHARLES C. PEARSON, STATE PRINTER.

1875.

NOTICE.

JOINT RESOLUTION, passed by the Legislature of New Hampshire.

Resolved by the Senate and House of Representatives, in General Court convened, That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New Hampshire, as the Governor may deem proper: and that eight hundred copies of each volume of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in the State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New Hampshire Historical Society, and the remainder placed in the custody of the State Librarian, who is hereby authorized to exchange the same for similar publications issued by other States.

Approved July 6, 1866.

EDITOR'S PREFACE.

The special value of this volume consists in the information which it contains and communicates, relating to Towns in New Hampshire. It will be found indispensable in every Town History. We are little aware, at this period, of the sacrifices, trials, dangers and absolute sufferings which many of the early settlers endured in planting Towns in the interior of the State; where, literally, they often suffered "from savage beasts and more savage men." The border Towns were, for years, open to the incursions of Indians from Canada. Their earnest petitions to the Governor or to the General Assembly for help, clearly reveal to us their dangers and distresses. Besides this source of trial, others arose from disputes about boundary lines, the location of meeting-houses, the settling of ministers, irregularities in town meetings, &c. The volume is of great value, as giving the NAMES of many, and in some cases, all the male inhabitants of the Towns, from which petitions were sent. These will enable descendants to trace their connexion with the early settlers.

The volume, also, has an important value, in that, in the APPENDIX, it gives in full, all known facts relating to the Constitutional Conventions in 1778-1783, which resulted in the establishment of the first Constitution after the Revolution, 1784. The Editor is not aware that the facts herein have ever before been published, in connexion. He asks attention to the Note subjoined to the first and second articles of the Bill of Rights, on pages 896-898.

In examining these "Town Papers," readers will often do well to refer to the Provincial and State Papers in preceding volumes, of corresponding date, from which, in some cases, additional information will be obtained.

GENERAL CONTENTS.

NOTE BY THE EDITOR.

The contents of the several MS. Volumes from which the following printed pages are transcribed, are noted and kept distinct herein as in the original. Thus:

VOLUME I.

ACWORTH TO CHICHESTER, pp. 1-127.

ACWORTH.

	PAGES.
Memorial of Sampson Stoddard and Jona. Blanchard	1-2
Petition of Jona. Blanchard for extension of the charter of Acworth, 1772	2
Gov. Wentworth's warrant to inspect the settlement in Acworth, May, 1772	3
List of families and settlers in Acworth, according to report of inspectors	4

ALSTEAD.

A true list of the inhabitants settled in Alstead, 1771— names	5
Petition in relation to an extension of the charter	5-6

AMHERST.

Request of the inhabitants of Souhegan West for a guard to defend them from the French and Indians, 1744	6
--	---

	PAGES.
Memorial of Rev. Daniel Wilkins for like aid, 1744	7
Petition for protection against the Indians, 1747—signers' names (1)	8
Petition for aid from inhabitants of Monson (afterwards incorporated, in part, with Amherst)—names, 1747	9
Petition of Monson for annexation of a tract of land to them—names, 1754	10
Petition of Monson to be exempt from taxes, 1753	11
Petition of certain persons for annexation to Monson—names	12
Petition of selectmen of Amherst for extension of its charter, 1761	13
Petition for pay for taking inventory of Lyndeborough, 1762	13
Proposals of accommodation between Monson and Amherst, 1763	14
Letter of Rev. Daniel Wilkins, relating to Amherst for a shire-town, 1767	14, 15
Vote of Monson for a division and annexation to Amherst and to Hollis, and Petition for the aforesaid division	16
Petition to be disannexed from Amherst, 1771—names	17
Petition against division of the town, 1771—names	17-19
Vote of Amherst in favor of annexing Monson, 1766	20
Petition of John Shepard, jun., town clerk, in behalf of Amherst, 1771	20
Petition for a road from Charlestown to Amherst, 1773	21
Petition of inhabitants of Hillsborough county in relation to John Holland, 1774	21-24
Petition of Monson to be restored to its original charter—names, 1782	24-26

(1) Readers are reminded that names of persons in the same town, which are frequently repeated, as signers of petitions or otherwise, are not uniformly noted by page in the Index; but are indicated by a mark between the pages where they are found; but every name in a particular town will be found in the Index once or more. Ed.

ATKINSON AND PLAISTOW (1).

	PAGES.
Petition from Plaistow, relating to difficulty of attending public worship, 1766—names	26, 27
Petition relating to a site for a meeting-house—names, 1764	28
Petition to be set off as a parish—names, 1766	29
Reasons of Daniel Hadley and Joshua Emery against a division	30
Memorial of inhabitants of Haverhill to the people of Plaistow, 1767—names	31
Information from Plaistow, to the Governor, &c., 1766—names	32
Joseph Page, Eben' Eaton and Joseph Parker, against a division, 1767	32, 33
Petition of inhabitants of Plaistow, with reasons for being set off in a distinct parish—names	33-35
Petition of sundry persons to be polled off from Atkinson to Plaistow—names	36
Memorial of inhabitants of Plaistow against a new town, &c.—names	37
Report of a committee of Plaistow, about the meeting-house, 1766	38
Persons in Plaistow who desire to have the town remain undivided	38, 39
Asa Haseltine against a division of the town	39
Number of people in Atkinson and in Plaistow	39
James White; reasons for wishing to remain in Plaistow	40
List of Baptists in Plaistow—names	41

BARRINGTON.

List of the original proprietors of Barrington	41-45
Petition for power to raise money	45, 46
of Thomas Shepard	46
of John McMath and Thos. Shepard	47
of selectmen of Barrington, for a representative	48

(1) The papers relating to these towns are intermixed. Ed.

Petition of Garland and Brewster for a Congregational Parish	48, 49
--	--------

BEDFORD.

Petition of people in Souhegan-East for protection— names of families, 1744	50
Petition of Presbyterians in Bedford, 1750—names	51, 52
Petition of people in Bedford, for a Proprietors' meeting	52
Petition for a tax on their land, for a meeting-house, &c.	53
Petition of James Caldwell, for a town meeting, &c.	54
Petition of Selectmen and Committee of Safety, against John Houston's taking an oath, 1778	55, 56

BENNINGTON.

Mr. Samuel Robinson's petition for a tax, 1763	56, 57
--	--------

BOSCAWEN.

Petition of Contoocook, Penacook and Canterbury for protection against the Indians, 1747	57
Contoocook petition for aid, 1744—names	58, 59
Petition for appointment of military officers—names	59
for a land tax for support of a minister, 1747	60
for authority to collect taxes	60, 61
for a Justice of the Peace, 1766—names	62

BOW (1).

Bow remonstrance against Rumford petition for incorporation, 1749-50	62
Perambulation of Bow town lines	63
Petition of Selectmen of Bow, 1753	63, 64
Warrants relating to taxes, &c., 1753	65, 66

(1) By error, the head-line on pp. 63-76 is "Boscawen," which should be Bow. ED.

Petition of agents of Bow for a loan of money, 1754	67
Vote for a loan to Proprietors of Bow	68
An act relating to Bow, taxes, &c., 1755	68-70
Petition for a new survey of lots	71, 72
Inventory of Bow and Canterbury, 1761	73, 74
Petition of Edward Russel and others, 1764	74, 75
Petition of Joseph Baker and Philip Eastman, 1764	75
Petition of Selectmen of Bow, not to be rated with Concord, 1767	76

BRENTWOOD.

Names of persons in Brentwood desiring a Parish, 1743	76, 77
Petition of inhabitants in the North-part of Brentwood about a meeting-house, 1743—names	77-79
Petition of Elisha Sanborn, in relation to Brentwood, 1745	80
Remonstrance against Keeneborough patent	80-83
Charter of Keeneborough	83, 86
Petition of Selectmen of Keeneborough, 1748	84, 85
Petition of inhabitants of Brentwood, to be set off as a Parish, 1764—names	85, 86

CANTERBURY.

Vote of town meeting, 1738	86
Petition of proprietors of Canterbury, about a road, 1741	87
of proprietors of Canterbury for a bridge, 1743	88, 89
of Canterbury men for wages, 1754	90
of Canterbury for remission of tax, 1754	91
of Selectmen for remission of taxes, 1756	92
relating to the original charter	92, 93
Petition of Archelaus Moor and others to be set off to Canterbury, 1764	94
Petition of Abiel Foster about Town Records, 1774	95

CHARLESTOWN, No. 4.

Letter to Cols. Willard and Hinsdale, 1743—names	96, 97
Petition of John Spafford, &c., for aid, 1744	97

	PAGES.
Petition of Selectmen for a road, 1768	98
of Timothy Lovell about an island, 1770	99
of Benjamin Page for a Ferry, 1771	
Petition of John Nott, and of Simeon Alcott for a Ferry, 1771	100, 101

CHESTER.

Petition in behalf of the Proprietors of Chester, 1726, with Minutes of Council thereon	101, 102
Petition of Selectmen, relating to town bounds, 1726	103
Report on petition for a road, &c., 1743	103, 104
Petition of Chester in relation to salary of ministers. &c., 1740	105
Petition for aid of soldiers	106
Petition of John Talford and Tho ^s Wells. for protec- tion, 1748	107
Minutes of Chester Town meeting, 1753	107
Petition of Andrew Craige, in relation to taxes. 1757	108
Advertisement of town meeting, &c., 1763	109
Petition of North Parish, to be set off, &c., 1763— names	110
Petition for a new Parish, 1763—names	111, 112
Petition to confirm bounds of Long Meadow Par- ish, 1771	113
Meeting of freeholders and inhabitants—names	114
Memorandum of agreement, 1772	115
Answer to a petition for a Parish being set off, 1772	116
Bounds of Long Meadow Parish, 1772	117
Further petitions, relating to the same, 1773—names	117-120
Petition of Daniel Foster for a Ferry	120

CHESTERFIELD.

Memorial relating to the estate of John Wheelwright, of Boston	120, 121
Petition of Josiah Willard about the same	122

CHESWICK, NOW LITTLETON.

	PAGES.
Petition of Moses Little and associates for extension of charter	123

CHICHESTER.

Charter of Chichester	123
Petition for extension thereof—names	125
confirmation of charter	126
liberty to assess taxes	126, 127
Note by the Editor. "Coulerrain"	127

VOLUME II.

CONCORD TO EXETER. pp. 128-274.

CONCORD.

Petition from Ebenezer Eastman for protection from the Indians, 1746	128
Copy of Rumford petition for defence, &c., 1744	129
Petition for aid by Benj. Rolfe, Esq., 1745	130, 131
Petition of inhabitants for like purpose, 1747—names	131
Petition of Capt. Ebenezer Eastman for same	133
Petition of Joseph Pudney, for service	133
Letter of Rev. Timothy Walker to Archibald Stark	134
Petition of Ezra Carter in behalf of Rumford	134, 135
Letter of Jere. Stickney. Esq., relating to Bow	135, 136
Petition of Rev. Tim ^s Walker in behalf of Rumford	136, 137
of Selectmen, relating to taxation, &c.	138
to be annexed to Hillsborough county	139

CONWAY.

List of original Proprietors of Conway—names, &c.	141, 143
List of settlers that have families, &c.	144
Memorial from Fryburg, Brownfield and Conway, 1776	144, 145

CORNISH.

	PAGES.
Petition of Jon ^s Chase for a grant of Hart Island, 1772	145, 146

DEERFIELD.

Petition of inhabitants in relation to a tax—names	147
for a tax, with reasons therefor, 1773	147, 148
Petition for appointment of a Justice of the Peace. 1774—names	149
Petition of southerly part of Deerfield for a Parish. 1774—names	150

DERRYFIELD.

Note	151
Petition of inhabitants relating to town meeting, 1766—names	152, 153

DOVER.

Extracts from the Records of Dover, 1643	153, 154
Petition for bridging Cochecho and Lamprey rivers	154
Letter to the selectmen of Dover and Exeter about a bridge; Accts. of pretenders to land at Cochecho Point	155
Petition about a Grammar School at Dover (1)	155, 156
of Selectmen, relating to a bridge, 1723	156
Petition and complaint against Richard Waldron, Esq.	157, 158
Petition of inhabitants of the N. E. part of Dover for a Parish, 1729—names	159, 160
Petition of Eleazer Weare in behalf of inhabitants in N. E. part of Dover, 1729	160
Petition of Paul Gerrish and others relating to frauds and forgeries, 1729—names	161, 162

(1) By error, the date, 1772, should be 1722. Ed.

	PAGES.
Action of General Assembly, and Report of Com- mittee thereon, 1729	162, 163
Report about frauds in Dover Town book, 1731	163-167
Petition of Proprietors of Hilton's Point, 1731— names	167, 168
Petition of people in Dover and other towns for a Township, 1733—names	168-171
Petition for a grant of land, 1754—names	171, 172
List of the training men under Capt. Tho ^s Millet, 1740	173, 174
List of the second foot company of Dover, 1740	174, 175
List of the troopers under Capt. Tristram Coffin, in Dover, 1740	176
Petition against a new Parish, 1744—names	176, 177
for leave to have a Lottery, for a bridge, 1760	177
Petition for a bridge to cross Bellamy's Bank, 1756 —names	178, 179
Petition in relation to being set off in a separate county, 1768	180
Petition relating to a bridge, 1770—names	181, 183
Petition relating to bridges, 1773—names	184, 185
Petition relating to rocks in Salmon-falls river, 1779, names	185-187

DORCHESTER.

Petition of John House for extension of time to make their settlement, 1771	187
Petition for a new charter, 1772	188

DUBLIN.

Petition to be incorporated into a township, 1771	188
---	-----

DUNBARTON.

Petition of Capt. Caleb Page, of Starkstown, 1763	189
Petition in relation to a school lot, 1774, with resolve of General Assembly	190, 191
Petition of Caleb Page relating thereunto, 1774	191-193

DUNSTABLE.		PAGES.
Petition of Inhabitants of Pine Hill, 1763 . . .		193
Votes at a town meeting in Dunstable, 1763 . . .		194
Petition of inhabitants of West Parish of Dunstable for a garrison and men, 1744—names . . .		194
Petition for protection against the Indians, 1744 . . .		195
in relation to a certain tract of land . . .		196
Copy of an Indian Deed, 1671 . . .	196, 197	
Petition relating to conflicting town meetings, 1748 . . .	198-200	
Petition for dividing the Province into Counties, 1754 . . .		201
—names . . .		201
Warning for a town meeting, proceedings, &c., 1760 . . .		202
Samuel Hobart, attorney for Dunstable, 1763 . . .		203
Answer to a petition of inhabitants of Dunstable to be set off to Hollis, 1763 . . .	204-206	
Petition of Zacheus Lovewell and Joseph Blanch- ard, 1758 (1) . . .		206
(1) By error, 1768. Ed. . .		
Petition of Joseph Blanchard, 1762 . . .		207
Wm. Brown's letter and power of attorney, 1760 . . .		208
Proceedings at Town meetings . . .	208-210	
Letter to Hon. Henry Sherburne . . .		210
Papers relating to the settlement of Rev. SAMUEL BIRD . . .		211
List of qualified voters in Dunstable . . .		211
Names of persons who voted for Rev. Mr. Bird . . .		213
Names of those who voted against him, &c. . .	213-214	
Votes at Town meetings, &c. . .		215
Petition relating to an illegal Town meeting . . .		216
Sundry names, in Dunstable . . .		219
Minutes of Town meeting . . .	219-221	
Assent to Jos. Blanchard's petition, and Remon- strance against it . . .	221-222	
Petition of Jon ^a Lovewell, in answer to Jos. Blanch- ard's . . .		222
Petition to send a Representative . . .		224
Petition of people in the west part of Dunstable to be annexed to Hollis . . .	226, 227	

		PAGES.
Petition relating to another hearing . . .		228
Petition against annexation to Hollis . . .		229-231
Proceedings at town meetings . . .		231-234

DURHAM.

Petition for incorporation as a town . . .		234
Ecclesiastical document, 1723 . . .		235
Petition of aggrieved inhabitants of Oyster River Parish . . .		237
Names of soldiers in Durham under Capt. John Smith . . .		238
Petition of Daniel Meader, 1745 . . .		240
Petition of Joseph Thomas and others, about a fraud- ulent election . . .		241
Petition for a highway . . .		242
		243

EPPING.

Petition of inhabitants for protection . . .	245, 246
--	----------

EPSOM.

An Act to invest Proprietors of Epsom with town rights . . .	
Petition of John Weeks . . .	246
Petition for abating the Province tax . . .	247
Proceedings at town meetings . . .	248
	249-250

EXETER.*

Combination at Exeter, 1639 . . .	
Elders' or Rulers' Oath . . .	250
Oath of the people . . .	251
Request for a town meeting and a new Parish . . .	252
Petition for a Parish—names . . .	252
	253-257

* See Note by the Editor, at the close of General Contents.

	PAGES.
Counter petition—names	257
Petition for Parish privileges—names	258
Remonstrance against	260
Warrant for town meeting—other remonstrances	261-265
Report on location of a meeting-house	265
Brentwood petition about Parish lines	266
Petition of Andrew Gilman and others—names	267
Brentwood to pay Province tax to Exeter	268
Report of a Committee about Brentwood meeting-house	269
Joint petitions. &c.. (relating to Brentwood)	270-272
Remonstrance—names	273
Agreement of parties (in Brentwood)	280
Survey of a Parish in Brentwood	290

VOLUME III.

EXETER TO JEFFERSON, pp. 275-430.

EXETER—CONTINUED.

Petition of Andrew Gilman and others about a meeting-house, 1743—names	275
Petition of sundry persons in Exeter for support of a minister among themselves	277
Petition to be exempted from support of a minister not of their choice—names	278
Petition in answer to that, praying for exemption, &c.	280
Replication to the foregoing	284
Petition of sundry inhabitants of Exeter, to be incorporated into a new Parish—names	291
Answer of the Town Committee of Exeter to the foregoing	293
Result and advice of an Ecclesiastical Council in Exeter, 1755	295
Acceptance of the foregoing Result and Advice	297

	PAGES.
Petition of John Odlin and others for power to call Parish meetings	297

FRANCESTOWN.

Petition for a land tax to build a meeting-house—names	299
--	-----

FRANCONIA.

Petition of John Wendell, agent for the town of Franconia	300
Petition of Alexander Phelps and others relating to forfeiture and re-grant of Franconia and Lincoln	301

GILMANTON.

Petition for power to levy a tax, &c.	302
---	-----

GILSUM.

Vote of Westmoreland to set off a part of the inhabitants to Gilsum; vote of Gilsum to set off the west end of the town; assent of inhabitants of Gilsum to be set off	303
Petition for a new town—names	304

GOFFSTOWN.

Petition of Archibald Stark for soldiers to guard the garrison at Amoskeag	306
Votes at town meetings in Goffstown	307
Petition for a Presbyterian Society—names	307, 308
Petition of inhabitants, 1772, relating to town disputes—names	308
A town meeting called, Proceedings, &c.	310, 311
Petition for an emission of paper money	311
A Bank of paper currency	313

GOSPORT.

PAGES.

Petition to be exempt from paying taxes	313
Petition of Selectmen for remission of taxes	314
Petition for a Lottery, for protecting the harbour— names	316

GRANTHAM.*

Petition of John Sargents for a new charter	318
of Abel Stevens, for same	319

GREENLAND.

Petition of inhabitants for privileges	320
Petition of sundry persons to be joined to Greenland parish	321
Petition for a grant of certain powers	321, 322
for a township	322
Portsmouth votes relating to Greenland	323
Petition of inhabitants of Breakfast Hill	324
for extension of boundary lines	325
relating to tax warrant	326
for representation in the General Assembly	327

GROTON, FORMERLY COCKERMOUTH.

Petition of John Hale and Samuel Hobart for a re- grant	328
Memorial of James Gould and others	329

HAMPSTEAD.

Petition for a Parish	331
Vote of Kingston against setting off a Parish	332
Petition of Richard Hazzen about support of Rev. James Cushing	333
Petition of Edward Flint and others to be annexed, &c.	334

* By error, head-line, "Gosport," p. 319, should be Grantham. Ep.

HAMPTON & HAMPTON-FALLS.

PAGES.

Petition of Selectmen about taxes	335
Petition of Abraham Drake and others about a tract of land, &c.	336
Certificate of Nathaniel Weare—of Jabez Smith	337
Petition for leave to make a separate tax	338
Request relating to highways	339
Petition relating to a Parish	340
Petition of inhabitants of Hampton-falls for a tavern Petition for a new Parish	341
Concurrence therein—objections thereto	343
Petition of Hampton-falls for a fair—grant thereof	345
Agreement relating to Rev. Ward Cotton	345-346
Petition adverse to setting off a new Parish	347
Reasons against the same	348
Names of persons in different towns who petitioned to be annexed to Massachusetts; 1739, viz., in Hampton, Kingston, Hampton-falls, Chester, Stratham, Exeter, Kensington, and Greenland*	349-356
Reasons offered against a new district, and Remon- strance against the same	356, 357
Petition of persons formerly of Massachusetts to be annexed to Hampton-falls	358
Petition of inhabitants of N. E. part of Hampton to be exempted from minister's tax	359
Petition of sundry persons to be annexed to Hamp- ton-falls	360
Petition of persons in Haverhill not to be joined with Kingston	361
Notification of a Parish meeting to set off those who call themselves Presbyterians	362
Petition for a Presbyterian Society	363
Petition in answer to the foregoing petition	366
Petition for a Presbyterian Society renewed	370
An Act dividing Hampton-falls into two Parishes	372
Report of a Committee to fix the line between the two	373

* The said names are not repeated in the Index. Ep.

	PAGES.
Petition of the Parish of Hampton-falls in relation to delinquent tax-payers	374
Petition of Selectmen of Hampton-falls, to make a rate	376
—	
HANOVER.	
Petition of John House about Islands in Connecticut river	378
—	
HILLSBOROUGH.	
Petition in relation to roads in Society-land	379
Petition for an Act of Incorporation	380
Petition of John Hill for protection from the Indians	381
—	
HINSDALE.	
Petition of Ebenezer Hinsdale in behalf of North-field	382
Petition of Proprietors and claimers of land in North-field south of the Province line	383
Petition of Ebenezer Hinsdale for protection against the Indians	385
Petition of Daniel Jones for remission of taxes	386
Province rate for the town of Hinsdale, 1764	388, 389
Names of inhabitants of Hinsdale, classed according to location, with amount of tax, on the West side of Connecticut river, and on the East side of Connecticut river, those of the East side, who live in other towns	390-392
Petition for a new County [Important]	393
Petition of Doct. Josiah Pomroy, for permission to inoculate in Hinsdale for small-pox	394
—	
HOLDERNESS.	
Petition of Samuel Livermore for two rights of land; deposition of Samuel Eaton; deposition of Thomas Vokes	394, 395

	PAGES.
Petition of Proprietors for extension of their grant; to send a Representative	396
—	
HOLLIS.	
Petition for a Committee to locate the meeting-house	397
Petition of Samuel Cummings for protection against the Indians	399
Petition for a tax on non-residents' lands	400
for dividing the Province into two counties	401
of people at Pine Hill to be set off from Hollis	402
—	
HOPKINTON.	
Petition for an Act of Incorporation	404
Petition for power to lay a Tax on 4-5 th of the land, &c.	405
Petition relative to Province tax	406
for power to sell common land	409
of sundry persons for an Act of Incorporation	410
for Incorporation—reasons for	411-412
for a Tax on non-residents	414
—	
HUDSON, FORMERLY NOTTINGHAM WEST.	
Petition for a new Parish	416
for town privileges	417
for a Parish	418
of Selectmen for a hearing—names	420
Vote on the question of incorporation	422
Petition of John Marsh for a land-tax, &c.	423
Petition for Nottingham W. to be included in the west division of counties—names	424
Petition relating to fish in the Merrimack river	425
Another petition relating to the same	427
Depositions of Thomas Pollard; Benj. Marshall	428

JAFFREY, FORMERLY MONADNOCK, No. 3.

	PAGES.
Certificate to Mr. Josiah Willard	429

JEFFERSON, FORMERLY DARTMOUTH.

Petition to extend the time for making a settlement	430
---	-----

VOLUME IV.

KINGSTON TO NEW BOSTON, pp. 431-556.

KINGSTON.

Original Grant or Charter	431
Petition for re-settling of Kingston	432
to be clear of public charges	433
to be discharged from cost of road	434
for abatement of Province tax; for a township another for a township	435
of East Parish about division of lines	437
Remonstrance against a new Parish	439
Petition of Jedediah Philbrick for partition of real estate for a further hearing on Haverhill petition	441
relating to the Basford land grant	443
Petition of westerly part of Kingston for town privi- leges	446
Petition for a Justice of the Peace	447
for soldiers to keep the Fort	448
to remain in the old Parish	449
for a new Parish	450
relating to boundaries	451
Report of Committee on the same	453
Petition about small-pox	454

KENSINGTON.

Petition to send a representative	455
---	-----

KINGSWOOD.*

	PAGES.
The Charter of Kingswood—names of grantees, pro- ceedings, &c.	456-463

LANCASTER.

Minutes of Council, relating to a road	463
Petition for soldiers	464

LANDAFF.

First granted to James Avery and others	464
Petition of Trustees of Dartmouth College,—and Minutes of Trustees	465

LEMPSTER.

Petition of Capt. Joseph Spencer for extension of charter	466
--	-----

LITCHFIELD.

Granted by Massachusetts, and known as Brenton's farm; Petition for a township	467
Petition of inhabitants of Litchfield and Nottingham West, for a township—names	468-469
Petition relating to support of a minister	470
relating to the settlement of a minister	471
relating to the payment of a minister	472
for men and military stores—names	473
of Nathan Kendall relating to boundary line	473
for a Parish on the East side of the river	474
relating to the same, as above	475
Petition to be included in the West division of Coun- ties	476
Petition of Isaac Cummings to be taxed in Notting- ham-west	477
Petition for a grant of a ferry, by Lucy Read	479

* Kingswood was probably never settled under that name. Ed.

GENERAL CONTENTS.

LONDONDERRY.*

	PAGES.
Originally called Nutfield, 1719	479
Petition of Inhabitants for a Charter	480
for Bills of credit, &c.—names	481
Charter of Londonderry	483
Schedule of names of proprietors of Londonderry	484
Petition about running the lines	
relating to common lands	486
Oaths to be taken	
Names of persons who took the oaths	489
Petition about division of town lands	491
Differences about lands adjusted, and Petition for	
redress of injustice—names	492
Petition respecting aggressions, of Haverhill people	493
against Haverhill people	494
relating to minister's tax, &c.—names	495
Counter petition to foregoing—names	498
Answer of Selectmen of Londonderry	499
Votes relating to the places of public worship	500
Petition of 2 ^d Congregation relating to Presbyterial	
authority	501
Act for incorporating a new Parish in Londonderry	502
Petition for a new Parish—bounds	504-505
of Samuel Barr	506
Petition for division of land, &c., of heirs of Rev.	
Thomas Thomson	507
Petition of inhabitants of old and new Parishes	508
of Selectmen respecting Parish bounds	510
to be taxed in Nottingham-west	511
Counter petition	513
Petition relating to a military company	514
Thanks to the Legislature for an Act relating to tav-	
erns	515
Petition, 1759, for discontinuance of a highway—	
names	516

* Readers will please take notice, that names in Londonderry which are of very frequent occurrence, are noted by a - joining the pages in which they are found. Ed.

GENERAL CONTENTS.

XXV

	PAGES.
Petition for a law regulating fishing	519
relating to fish in Merrimack river—names	521
Petition about irregular proceedings in town meet-	
ing—names	525
Petition of Londonderry West Parish	528
of inhabitants of Londonderry, 1773	532
Agreement of Committees	533

LYME.

Petition for a ferry over Connecticut river	533
for a half-shire town	534

LYNDEBOROUGH.

Petition for protection against the Indians	535
Grant of Salem-Canada	536
Schedule annexed to charter, names, lots, &c.	540
Petition for an Act of Incorporation	541

MADBURY.

Petition for a Parish—names	541
Call for a town meeting in Dover	543
Bounds of the West end of Dover—names	544

MARLOW.

Heads of families, single men, &c.	546
Petition for extension of charter	547
Original proprietors and proprietors by purchase	548

MERRIMACK.

Petition for a tax on non-resident lands	548
Petition for dividing the State into Counties—Merri-	
mack names; Bedford names	550
Petition to be attached to Col. Goffe's regiment—	
names	551

MONADNOCK, No. 7.

	PAGES.
Petition for an Act of Incorporation	552

NEW BOSTON.

Petition about minister and school lots—names	553
for a tax on certain lands—names	555
to raise taxes to finish the meeting-house	556

VOLUME V.

NEW CASTLE TO PORTSMOUTH, pp. 557-687.

NEW CASTLE.

Petition relating to tax, &c.	558
against a bridge at New Castle—names	559
New Castle's answer to Sandy-beach petition—names	561
Petition of inhabitants of New Castle and Rye—names	562
Petition for aid in behalf of the ministry	563
of Rev. John Blunt	564
Account of persons who voted for representative—names	566
Petition relating to a Lottery to build a bridge	566
for a Lottery to build a bridge—names	567

NEW DURHAM.

Proprietors' meeting—Petition	569
---	-----

NEWMARKET.

Papers relating to Newmarket bridge—names	570
Petition of inhabitants of Nottingham—names	571
of inhabitants of sundry towns—names	572-574
An act for erecting and maintaining a bridge, &c.	576
Answer of Exeter to petitions	577

	PAGES.
Reply to Exeter's objections	580
Petition of Stratham against the bridge—names	582
of Kensington against the bridge—names	583
of Hampton Falls against the bridge—names	584
of Epping against the bridge—names	585
Vote of Kingston against said bridge	586
Vote and petition of East Kingston against it	587
Offer of land adjacent, by Philip Fowler and Robert Smart	588
Petition for a Lottery to build said bridge—names	590
Petition of inhabitants of sundry towns to build a bridge at Newfields—names	592
Another similar petition— <i>names not repeated in the Index</i>	596
Petition of inhabitants of Newmarket— <i>names not repeated in the Index</i>	598
Act to raise money by Lottery for a bridge	600
Petition of inhabitants of New Market, Stratham, &c.— <i>names not repeated</i>	602
Report of Committee relating to a highway in Newmarket	603
Petition of Selectmen, &c., for a highway—names	604

NEW IPSWICH.

Votes at a town meeting in New Ipswich	604
Petition for a Committee to settle a plan for a meeting-house—names	605
Account of the pay of petitioners and non-petitioners	606

NEWTOWN.

Petition of sundry inhabitants of Amesbury—names	607
of inhabitants of Almsbury Peek—names	608
Petition of Newtown—names in Almsbury district—of those in South Hampton	609-611
Report of a Committee	611
Petition of inhabitants in west part of Almsbury	612

	PAGES.
Petition of Sam ^l French and others against a new parish—names	613-619
Petition of inhabitants of South Hampton, east end	619
of Thomas and Joseph Fowler	620
Petition of sundry persons against a new Parish—names	621
Petition of Selectmen of South Hampton against the same	622
South Hampton, setting off 28 persons to a new Town; and 2 more polled off	624
Petition from South Hampton for a surveyor	625
Jona. Watson and Roger Eastman, poll off	626
Petition of Selectmen of South Hampton, about highways	627
Draft of an Order in Council for polling off, &c.	628
Supplemental charter of Newtown	629
Petition from Almsbury district	630

NOTTINGHAM.

Original charter of Nottingham	630
Note by John Farmer, Esq.; Shem Drown of Boston, petitioners request for a road—names	632
Petition of Capt. Peirce and Dr. Nath ^l Rogers, for a road	633
Petition for a tax on non-residents, for support of a minister	634
Petition for protection against the Indians	635
Vote to set off a Parish, &c.	636, 637
Petition to be eased of the Province tax	637
Petition of inhabitants in the South-west of Nottingham for Parish privileges	638
Petition for a separate Parish—names	639
to elect an Assembly-man—names	642
Statement relating to original rights—names	643

ORFORD.

	PAGES.
A list of inhabitants in Orford with their families and ages—names	645
Single men—persons to whom Col. Moulton wrote to settle, &c.	646
Mem ^o of the settlement and improvement of land in Orford—names	646, 647
Names of all the men, women and children in Orford; names and ages of the children	648, 649
Petition of William Simpson and others	650

PELHAM.

Petition of Henry Baldwin in behalf of the town of Pelham	652
Petition of selectmen of Pelham, to tax non-residents	653

PEELING.

Petition of Nathaniel Cushman; and memorial of Nath ^l Cushman and others for a re-grant of the township—names	655
--	-----

PEMBROKE.

Petition and memorial of Moses Foster	657
of Benjamin Holt, for a guard, &c.	659
Town meeting relating to Rev. Aaron Whittemore	659
Petition for a Justice of the Peace—names	660
of John Bryant, agent for the Presbyterians for leave to send a representative—names	661
	663

PETERBOROUGH.

Petition of the town of Peterborough, for town privileges	665
Petition for a new county—names	666

PAGES.

Petition relating to Peterborough Slip, for annexation, &c.	667
Petition relating to Rev. John Morrison—names	668
for a division of Peterborough—names	669
against a division—names	671

PLAISTOW AND ATKINSON.

Petition of selectmen of Plaistow, about a constable	673
Vote of Haverhill district to set off Timberlain, and a letter from Rich ^d Waldron, &c.	674
Petition for a town or parish—names	675
against being set off as a new parish—names	676
Petition of inhabitants in the west part of Haverhill district, not to be incorporated—names	676
Petition not to join with Richard Hazzen's plan—names	677
Sanborn, Palmer and Weare's report of Haverhill district	678
Petition of Haverhill district for a new Parish—names	678
Petition for a Special Act (against thieves, &c.)—names	680
Memorial of Col. James White and others	681
Petition of sundry inhabitants of Plaistow	682
for release from support of Hugh Potter	683

PIERMONT.

Petition of the Committee of Piermont to the Governor	684
---	-----

PLYMOUTH.

Petition for leave to send a representative—names	685
for a re-survey of land, &c.	686
for a representative—names	687

VOLUME VI. .

PORTSMOUTH TO WOLFEBOROUGH, pp. 683-824.

PORTSMOUTH.

Original name—orders relating to a school, &c.	PAGES. 688
Petition for a grant of land, and Request to the selectmen of Portsmouth	689
Petition in relation to a meeting-house at the Plains—names	690
Petition relating to dividing the common land, [see Note; and for "General and Hist. Reg. 1870," read N. E. Hist. Geneal. Reg. July, 1870, pp. 264-266]	693
Petition of the South Parish in Portsmouth	695
Remonstrance of Portsmouth selectmen	697
Answer to a petition relating to the choice of James Clarkson as representative	698
Deed from Theodore Atkinson and others, of their Rights in certain townships	703
Petition of Portsmouth selectmen about a Pest-house	704
Answer to a petition of Clement March, &c.	705
Petition for a Lottery to pave streets in Portsmouth	707
Petition of Portsmouth against a bridge at New Castle	708
Memorial for a bounty on fish, wheat, hemp, &c.	709
Petition of Selectmen, &c., to hold town meetings in the State-house	712
Another petition on the same matter	713
Portsmouth petition in regard to election returns	714

POWNALL, IN VERMONT.

Petition	715
--------------------	-----

PUTNEY, IN VERMONT.

Petition for a Grant of land	716
--	-----

RAYMOND.

	PAGES.
An act for erecting a new Parish, &c.	717
Petition in relation to a meeting-house	718

RINDGE (1).

Certificate—and copy of the Grant to Rowley-Canada, now Rindge, 1738	720
---	-----

ROCHESTER (1).

Meeting of Proprietors	721
Petition of Rochester relating to the gospel ministry	722
Petition of Wm. Chamberlin and John Jenness, for relief	723
Petition for a guard of soldiers, 1746	725
Petition for further relief and for a guard of sol- diers	726
Letter of thanks and petition for further aid	727
Petition of John Dam in relation to roads	728

RUMNEY.

Petition of sundry inhabitants, against Daniel Brain- erd	730
Petition of Daniel Brainerd and others	732
Rev. Thomas Niles	733

RYE.

Petition for a new District or Precinct, 1721	734
to be set off as a new Parish or District, 1724	735
Vote and Remonstrance of Portsmouth against, 1724	737
Petition from Little Harbour, Sandy Beach, and Hampton, 1725	737
Another petition from the same source, 1725	739

(1) By error, the heading, "Rindge," extends over pages 721-729; it should be Rochester. Ed.

PAGES.

Petition from the Parish of Rye, 1729	740
Petition from selectmen of Rye, relating to a vio- lent storm, 1754	742
Petition for a Lottery to build a road, 1764	743

SALEM.

Petition of inhabitants of Methuen, 1741	744
for redress of grievances as to taxes	745
Letter from Theo. Atkinson to Selectmen of Lon- donderry and Windham, 1742	746
Petition for a Parish, 1743	746
of a part of Methuen to be a Township, 1746	748
in relation to taxes, 1746	749
for a Township, 1749	749
Letter from Daniel Peaslee to Thomas Packer, Esq.	750
Petition for redress of grievances, 1756	751
Certificate of former Constables; List of the men that served as Constables since it was first incor- porated, till the year 1752	752
Another petition for redress, &c.	752

SALISBURY.

A guard of soldiers provided for this as a frontier town	753
Petition for aid in settling Salisbury	754

SANBORNTON.

Petition to be exempted from taxation	755
for incorporation	755
for the appointment of a Justice of the Peace	757

SHELBURNE.

Petition of Daniel Rindge	758
-------------------------------------	-----

SOCIETY-LAND.

Petition for incorporation	759
--------------------------------------	-----

SOMERSWORTH.

PAGES.

A true List of all the train soldiers in Somersworth,
under command of Capt. Thomas Wallingford,
1746

760

Petition for Town privileges, 1743

761

SOUTH HAMPTON.

Petition of sundry inhabitants to be set off, &c.

763

Petition of John Page and Benjamin Baker to be
set off

764

Answer to the foregoing petition by the selectmen
of South Hampton

765

Memorial of inhabitants of South Hampton

767

Petition in relation to a highway
relating to a Province tax

772

773

to be annexed to Newtown
Petition for settling the line between South Hamp-
ton and Newtown

774

775

STRATHAM.

(Originally a part of the Squamscott or Hilton's Point Patent.)

Petitions for a Township

777

Petition to be set off into a Township

778

Counter petition

780

Petition of selectmen in relation to a meeting-house,
and of Jonathan Wiggin for a Ferry

781

Summons to Richard Hilton, and Petition of Strat-
ham relating to divisions about a minister

782

Another petition relating to the same matter

784

SWANZEY.

(Called Lower Ashuelot.)

Petition of William Sims, of Winchester—names

785

TAUNTON.

(On West side of Connecticut River.)

Petition relating to No. 1, or Taunton-town—names

787

WAKEFIELD.

Petition for Incorporation

PAGES.

788

WARNER.

Petition of No. 1, or Essex Almsbury, 1742

789

Bounds—Meeting of Inhabitants—Petition for Incor-
poration, by Francis Davis

790

WEARE.

Petition of inhabitants of Hale's town, now Weare—
names

791

WENTWORTH.

List of those who had original Rights—names

792

WESTMORELAND.

(Called Great Meadows.)

Petition of Inhabitants

793

WILTON.

(Called No. 2.)

Deed from Joseph Blanchard, Esq., 1749

794

Petition for Incorporation—names

797

of Nathan Hutchinson and Benj. Kenrick

797, 798

WINCHESTER.

Petition for Incorporation; Note relating to Dart-
mouth College

798

Petition for relief

799

WINDHAM.

Petition of James Reid and William Parker

800

Incorporation of Windham as a Parish

802

	PAGES.
Deposition of James Gilmore—Certificate	803
Petition in relation to an irregular town meeting— names	804
Town votes; Paper relating to an order of Court— names	806
Windham's Caveat against Methuen—names	807
Warrant for a town meeting; votes, &c.	808
Petition for an alteration in their Charter—names	809
Petition against the proceedings of said meeting— names	812
Deposition of Henry Sanders; Certificate—names	813
Town meetings; votes, &c.	814
Petition in relation to a disturbance in the Parish— names	816
Answer of Selectmen to the foregoing petition	818
Deposition of Robert Hopkins	819
Deposition of Samuel Barr. and Petition relating to a Meeting-house—names	820
Petition of Oliver Saunders	822
Deposition of John Dinsmoor, &c.; List of men in Salem, formerly of Windham	823

WOLFEBOROUGH.

Petition for Incorporation	824
--------------------------------------	-----

ADDENDA.

TOWNS NOT INCLUDED IN THE FOREGOING PAGES, pp. 825-830.

Alexandria	825
Allenstown	825
Andover	825
Antrim	825
Barnstead	825
Bath	825
Bradford	825
Bridgewater	825

	PAGES.
Brookline	826
Benton	826
Campton	826
Canaan	826
Candia	826
Centre-Harbour	826
Chatham	826
Claremont	826
Colebrook	826
Coventry	826
Danbury	826
East Kingston	826
Effingham	826
Ellsworth	826
Enfield	826
Errol	826
Fitzwilliam	826
Gilford	826
Grafton	826
Greensfield	826
Hancock	827
Haverhill	827
Hawke	827
Henniker	827
Keene	827
Langdon	827
Lebanon	827
Lee	827
Lincoln	827
Loudon	827
Lyman	827
Manchester	827
Marlborough	827
Mason	828
Meredith	828
Middleton	828
Milford	828
Mont Vernon	828
Moultonborough	828
Nelson	828
New Chester	828
New Hampton	828
Newington	828
New London	828
North Hampton	828
Northumberland	828

	PAGES.
Northwood	828
Orange	829
Plainfield	829
Poplin	829
Richmond	829
Sandown	829
Sandwich	829
Seabrook	829
Springfield	829
Stoddard	829
Stratford	829
Surry	829
Sutton	829
Tamworth	829
Temple	829
Thornton	829
Tuftonborough	830
Unity	830
Walpole	830
Warren	830
Washington	830
Wendell	830
Whitefield	830
Wilmot	830

APPENDIX.

CONSTITUTIONAL CONVENTIONS, pp. 831-877.

Notes by the Editor	833
List of Delegates to the First Convention, 1778	834-837
Constitution proposed in 1779; Declaration of Rights	837-838
Plan of Government	838-842
Constitutional Convention, 1781, with List of Delegates	842-844
An Address of the Convention	845-852
Proposed Constitution—Part I. Bill of Rights	852-858
Form of Government, Part II.	858-877
The General Court	859-860
Senate	860-863

	PAGES.
House of Representatives	863-866
Executive Power—Governor	866-870
Council	870
Secretary, Treasurer, Commissary General, County Treasurer	871
Judiciary Power, Clerks	871-872
Delegates to Congress	872
Encouragement of Literature	873
Oaths, Subscriptions, &c., &c.	873-877
—	
Second Address of the Convention, 1782	877-882
The Bill of Rights—Note by the Editor	882
Constitution or Form of Government, Part II.	883-895
Note by the Editor	895-896
—	
CONSTITUTION, as adopted, 1784	896
Part I. Bill of Rights. [See Editor's Note.*]	896-903
Part II. Form of Government	903-919

ERRATA.

Page 3, Elijah "King" should be Thing.
 Pages 63-75, the head-lines should be Bow, not "Boscawen."
 Page 156, Aug. 29, 1772, should be 1722.
 Page 319, head-line, "Gosport," should be Grantham.
 Page 510, Hugh "Milson," should be Wilson.
 Page 543, Thomas "Willet," should be Willey.
 Page 551, Thomas "Rickere," should be Vickere.
 Page 693, Note, "General," should be "Geneal." and Hist. Reg.
 Pages 722-729, head-lines should be Rochester, not "Rindge."
 Page xli, Note, Hon Charles Doe, late Judge of the Supreme Judicial Court, not "Superior."

* In the reference to Hon. Charles Doe, in this Note, it should read, late Judge of the *Supreme* Judicial Court, not "Superior." Ed.

Provincial and State Papers.

MISCELLANEOUS

DOCUMENTS AND RECORDS

RELATING TO

NEW HAMPSHIRE

AT DIFFERENT PERIODS:

INCLUDING

- I. Journal of the N. H. Convention which adopted the Federal Constitution, 1788.
- II. Journal of the Convention which revised the State Constitution in 1791-1792.
- III. The Great Controversy relating to the "NEW HAMPSHIRE GRANTS" (so called), 1749 to 1791; including troubles in border towns on both sides of the Connecticut river, 1781-1783.
- IV. Letters, &c., of Committee of Safety, 1779 to 1784.
- V. Census of 1773.
- VI. Census of 1786.
- VII. Appendix, containing copies of Ancient Grants, &c., supplementary to Volume I.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE OF NEW HAMPSHIRE.

VOLUME X.

COMPILED AND EDITED BY

NATHANIEL BOUTON, D. D.,

Corresponding Secretary of the New Hampshire Historical Society.

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1877.

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

NOTICE.

JOINT RESOLUTION, passed by the Legislature of New Hampshire.

Resolved by the Senate and House of Representatives in General Court convened, That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person, and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to continue the collection, compilation, and to superintend the publication of such portions of the early State and Provincial Records, and other State Papers of New Hampshire, as the Governor may deem proper, not to exceed one volume; and that eight hundred copies of the same be printed by the State Printer and distributed as follows: namely, one copy to each City and Town in the State, one copy to such of the Public Libraries of this State as the Governor may designate, two hundred copies to the New Hampshire Historical Society, and the remainder to be in the charge of the State Librarian, who is authorized to exchange the same for similar publications issued by other States.

Approved July 18, 1876.

EDITOR'S PREFACE.

The publication of this tenth volume terminates my official labors as editor and compiler of the Provincial and State Papers of New Hampshire. The contents of the volume are of permanent value, including articles never before published in full. The Journal of the New Hampshire Convention in 1788, which ratified the constitution of the United States, and that of the Convention in 1791-2, which revised the state constitution of 1784, furnish the names of the distinguished men who composed those conventions, and mark an era in our history of which the state may justly be proud.

The papers relating to the long controversy with New York and Vermont, in respect of what were called the "New Hampshire Grants," form a mass of material which, wrought into a volume of history with like papers from other sources, will equal if not surpass any story of our early times.

The letters, orders, &c., sent out by the Committee of Safety during the latter years of the Revolution, furnish the best evidence on record of the extreme privations of the people, and the noble patriotism which animated them. The census of 1773, ordered by Governor John Wentworth, and that of 1786, ordered by the General Assembly of the state,—neither of which was ever before published,—exhibit comparatively the growth of the state between those periods, and also show how SLAVERY, as it existed in the province before the Revolution, came to a quiet end. The Constitution of 1784, in its Bill of Rights, "spoke, and it was done." Slavery vanished without

noise, without a single known civil suit, without a ripple of disturbance or turmoil on the face of society.

In an Appendix to the foregoing Papers, the editor, with advice of His Excellency, Governor BENJAMIN F. PRESCOTT, has thought proper to supplement the first volume of Provincial Papers by several very important documents which have recently been brought to light. One is what is called the Squamscott Patent, or the Grant to Edward Hilton of land at Dover Neck, where a settlement was begun in 1623; another is the Grant of the Province of Laconia, Nov. 17, 1629, which serves to correct a capital mistake made by our historian, Dr. Jeremy Belknap, as to the name given to the grant to Gorges and Mason, in August, 1622, and also the confusion in the first chapter of his history respecting the Laconia Company and the Wheelwright Indian Deed.*

In conclusion of his labors, the editor begs leave to renew his acknowledgments of obligation and gratitude to the Honorable FREDERICK SMYTH, ex-Governor, upon whose recommendation to the legislature the work was undertaken, and to the several Governors of the state in succession, by whose encouragement and favor, through eleven years, the work has been carried forward; also to the gentlemen, respectively, in the office of Secretary of State, who have afforded him every desired accommodation to consult early records and papers; and no less to the president and officers of the New Hampshire Historical Society, whose advice has frequently been sought.

However, some errors and imperfections may be detected in the execution of the work, yet the editor is conscious of having aimed to accomplish the great undertaking with entire impartiality, and with strict accuracy in the transcript of original records and documents, adding only such notes and explanations as appeared to him necessary and just. It is gratifying to the editor, and will be to the people of New Hampshire, to know that the volumes, as they have been published one after another, have become at once a standard authority for reference in matters of history. They are quoted freely by

* See note by the editor, pp. 692, 693; also, Vol. IX, pp. xl, xli.—ED.

historians and writers both in this country and England. Surviving the decay and ravages of time, they will remain to instruct future generations in the early history, and in all the official proceedings and events of the state.

To the candid judgment and acceptance of the PEOPLE OF NEW HAMPSHIRE, this last volume of Provincial and State Papers,—as also all the preceding,—is most respectfully submitted and humbly commended by their obedient servant, the compiler and editor.

NATHANIEL BOUTON.

Concord, N. H., September, 1877.

GENERAL CONTENTS.

	PAGES
JOURNAL OF THE CONVENTION which adopted the Federal Constitution, 1788.....	1-22
List of Delegates.....	1-7
Biographical Notes by the Editor.....	8-11
Proceedings of Convention in Exeter, February, 1788.....	12-15
His Excellency John Sullivan, President.....	12
Proceedings of Convention in Concord, June, 1788.....	16-22
Articles proposed as amendments.....	17, 18
Yeas and nays.....	18, 19
Adoption of the Constitution.....	19
Letter from President Sullivan to Gov. John Hancock.....	22
JOURNAL OF THE CONVENTION which assembled in Concord to revise the Constitution of New Hampshire, 1791-1792	
List of the names of members.....	23-196
Biographical sketches by the Editor*.....	24-29
Proceedings, organization—Hon. Samuel Livermore, president	30-37
Rules of procedure.....	38
Article 6 of Bill of Rights,—motion to strike out—yeas and nays.....	39, 40
Articles read and debated,—19th article.....	41, 42
General Court—motion to change the time of meeting, &c....	42, 43
House of Representatives—yeas and nays.....	43
Motion to strike out the religious test or qualification†.....	44, 45
Executive power—motion to change the title of president to governor.....	46
Motion to reduce the number of the house—yeas and nays....	47
Report of Committee on the Senate, &c.....	48-50
Oaths and subscriptions—sundry motions.....	51, 52
Committee appointed to reduce proposed amendments to form	53, 53

* The biographical sketch of Col. Nathaniel Head (p. 32) is not fully correct. There were two men of the same name. Col. Nathaniel Head, of Pembroke, was from Bradford; died Oct. 16, 1825, aged nearly 83 years. Nathaniel Head, Esq., of Hooksett, was the grandfather of Gen. Natt Head; he died Oct. 4, 1829, aged 75.—Ed.

† On page 46, under "Yeas," the name "P. Page" should be D. Page.—Ed.

	PAGES
Committee on the "COUNCIL" and on the journals of both houses	54
Committee's report on 19th article of Bill of Rights.....	54
Report of Committee on the Council.....	55, 56
Resolves relating to courts, &c.....	56, 57
Committee appointed to prepare and report amendments to be submitted to the people—adjournment.....	57
Members present at adjourned meeting, February 8, 1792....	58-62
Report of Committee on Alterations and Amendments.....	63-71
Bill of Rights—articles 19, 20, 39.....	63, 64
Part II. General Court.....	64
Senate.....	65-67
House of Representatives.....	67
Executive power—governor.....	67, 68
Council.....	68
County treasurers, &c.....	69
Judicial power.....	69
Oath, &c.....	70
Constitution as reported by the committee.....	71-91
Part I. Bill of Rights.....	71-76
Part II. Form of government	76
General Court.....	76-78
Senate	78-80
House of Representatives.....	80-82
Executive power—governor.....	82-85
Lieutenant governor, council.....	85, 86
Secretary, county treasurer, &c.....	86, 87
Judiciary power, clerks of courts.....	87, 88
Encouragement of literature.....	88
Oath and subscriptions, &c.....	89-91
JOURNAL resumed	91
Report (above) examined and debated in committee of the whole	91-103
The 39th article in Bill of Rights struck out.....	91, 92
Proposition to meet in September, November, or January, negatived	92
"President" changed to governor, lieut. governor denied....	92
Biennial sessions and reduction of house denied, increase of senate.....	94-96
Judiciary system considered, &c.....	97-99, 105
Report of sub-committee on amendments.....	103-106
Proposal to meet annually in <i>October</i>	107

	PAGES
Reduction of representatives negatived.....	108
Sixth article of Bill of Rights amended	108
Division of the state into five senatorial districts.....	109
Committee to lay the amended constitution before the people—plan proposed.....	110-112
Articles of amendment, sent out to the people.....	113-126
Proposed amendment of article 6th of Bill of Rights.....	113
Senate, to consist of <i>thirteen</i>	114
Religious qualification of "the Protestant religion" omitted.....	116, 118, 119, 121
Constitution with articles of amendment incorporated.....	126-141
Return of votes on the amendments.....	141, 142
Further action of convention.....	142, 143
Further amendments to be sent out to the people, reports of committees.....	144-152
Articles as sent out.....	152-164
Senate to consist of twelve members, and annual meeting of legislature in June.....	153
Religious qualification of "Protestant religion" included	153, 156
Return of votes on the proposed amendments.....	166, 167
CONSTITUTION approved by the people.....	167-196
Convention dissolved.....	168

THE CONTROVERSY RELATING TO THE "NEW HAMPSHIRE GRANTS," SO CALLED, FROM 1749 TO 1791.....	197-500
---	---------

SECTION I.

CONTROVERSY WITH NEW YORK IN RELATION TO BOUNDARY 1749.....	199-215
Nov. 17. Letter from Gov. Benning Wentworth to the governor of New York.....	199
1750. Minutes of the Council of New York, April 3.....	200
Apr. 25. Letter from Gov. Benning Wentworth to Gov. Geo. Clinton.....	201
June 6. Letter from Gov. Clinton to Gov. Wentworth.....	202
June 22. Letter from Gov. Wentworth to Gov. Clinton.....	203
July 25. Letter from Gov. Clinton to Gov. Wentworth.....	203
List of Grants, by Gov. Benning Wentworth, west of Connecticut river, between 1749 and 1764....	204-207
1763. Proclamation by Gov. Colden, of New York.....	207

	PAGES
1764. Proclamation by Gov. Wentworth, of New Hampshire, March 13.....	208-210
Gov. Colden's statement to the Lords of Trade, in England, Jan. 20.....	211-215

SECTION II.

1768. PROCEEDINGS RELATING TO THE NEW HAMPSHIRE GRANTS UNDER THE ADMINISTRATION OF GOV. JOHN WENTWORTH.....	215-221
Oct. 18. Memorial of John Wendell.....	215-217
Extract from Mr. S. Johnston's letter.....	216
1771.	
Oct. 19. Extract from Gov. John Wentworth's letter to Gov. William Tryon, of New York.....	217-220
Dec. 23. Letter from Gov. Tryon to Gov. Wentworth.....	220, 221

SECTION III.

BRIEF HISTORY OF THE CONTROVERSY, BY DR. JEREMY BELKNAP.....	221-228
--	---------

SECTION IV.

DISCONTENT IN THE BORDER TOWNS OF NEW HAMPSHIRE EAST OF CONNECTICUT RIVER	228-241
Note by the Editor.....	228
1776.	
Dec. 16. Extract from a letter of Hon. Meshech Weare to N. H. delegates in Congress.....	228
An address of several towns, &c., to the people at large.....	229-235
State of New Hampshire—to the selectmen of Hanover.....	235
Proceedings at town-meetings.....	236-241
Meeting at Hanover.....	236
Nov. 25. Meeting at Lyme.....	237
Dec. 9. Meeting at Acworth.....	238
Dec. 11. Marlow—petition.....	239
Dec. 12. Chesterfield—instructions.....	239
Dec. 13. Haverhill, and other towns.....	240

SECTION V.

VERMONT ASSUMES GOVERNMENT—NEW YORK OPPOSES.....	241-252
Note by the Editor.....	241
1777.	
Jan. 15. Declaration and petition of inhabitants of the New Hampshire Grants to Congress.....	242-246
His Majesty's order prohibiting more grants of land, &c.....	243
Jan. 20. Minutes of New York Committee of Safety.....	246-249
Jan. 20. Letter of Committee of Safety, New York, to John Hancock.....	249, 250
Mar. 1. Letter from Abraham Tenbroeck to John Hancock	251
April 7, 8. Orders of Congress, &c.....	252

SECTION VI.

VERMONT ASKS AID FROM NEW HAMPSHIRE.....	253-255
July 15. Letter from Ira Allen to N. H. Com. of Safety....	253
July 15. Letter from Ira Allen, for hastening on troops....	254
July 19. Letter from Meshech Weare in answer to the above*	255
1778.	
Proclamation of Gov. George Clinton of New York, Feb. 23.....	256-258
A pamphlet signed "Republican," containing observations on the right of jurisdiction, &c..	259-267
An address in answer to the foregoing, by "Pacificus,".....	268-270

SECTION VII.

FIRST ATTEMPT OF BORDER TOWNS IN NEW HAMPSHIRE TO UNITE WITH VERMONT.....	272-295
Notes by the Editor on the boundary lines.....	272-274
The Mason line determined by the legislature, 1787.....	274-276
1778.	
Sixteen towns east of Connecticut river propose to unite with Vermont.....	276
June 25. Letter from Nehemiah Estabrook to Meshech Weare about said union.....	277

* Page 255. The word "Colonies" in this article should be *Colonels*.—Ed.

	PAGES
1778.	
Aug. 19. Letter from Meshech Weare to N. H. delegates in Congress touching said union.....	278
Aug. 22. Letter from Meshech Weare to Gov. Chittenden of Vermont.....	279-281
Oct. 10. Report of Gen. Ethan Allen on the said subject to the General Assembly of Vermont.....	282-284
Oct. 21. Action of Vermont Assembly thereon.....	284
Oct. 22. Protest of members respecting towns east of Connecticut river—signers' names.....	285, 286
Oct. 23. Letter from Gov. Thomas Chittenden to Meshech Weare relating to said sixteen towns.....	287
Oct. 23. Letter from Ethan Allen, relating to the same....	287, 288
Oct. 23. Letter from the Convention at Windsor, signed by Joseph Marsh, to Henry Laurens, President of Congress.....	289, 290
Biographical notes on Elisha Payne, Joseph Marsh, and John Wheelock.....	288, 290, 291
Nov. 4. Communication from Ira Allen to the General Assembly of New Hampshire, expressing his views, &c.....	291-294
Nov. 5. Letter from Meshech Weare to Thomas Chittenden, on the visit of Ira Allen, &c. (note)....	294
Letter from Meshech Weare to Ethan Allen.....	295
A PAMPHLET entitled "A Public Defence of the right of New Hampshire Grants on both sides of the Connecticut river to form themselves into an Independent State."—Dresden: Printed by Alden Spooner, 1779*.....	296-324

SECTION VIII.

MEASURES TO FORM A NEW STATE, OF TOWNS WEST OF CONNECTICUT RIVER.....

Dec. 9. Resolves of a Convention at Cornish.....	325
Dec. 12. Letter from Ira Allen to Meshech Weare, relative to the existing state of affairs.....	327
Nov. 27. Address, by Ira Allen, to the inhabitants of the state of Vermont.....	329-332

*A few verbal errors have been detected in the transcript of this pamphlet, which readers, if they please, may correct as follows: P. 305, first line, for "alterations," read *alterations*; p. 307, fifth line from bottom, insert *had* after "they;" p. 309, fourth line from top, for "regal," read *royal*; p. 311, eleventh line from top, for "Government," read *Governor*; p. 312, seventeenth line from bottom, for "sure," read *soon*; p. 323, eighteenth line from top, after "in," read *the appointment of*.—ED.

	PAGES
1779.	
Feb. 12. Final dissolution of the union of towns east of Connecticut river with the state of Vermont.....	333
Feb. 26. Letter from Thomas Chittenden to Meshech Weare, relating to the foregoing, &c.....	334
Mar. 4. Letter from Ethan Allen to Meshech Weare.....	335

SECTION IX.

PROPOSAL TO UNITE ALL THE NEW HAMPSHIRE GRANTS WITH THE STATE OF NEW HAMPSHIRE.....

Mar. 17. Petition of Jacob Bailey and Davenport Phelps, relating to a connection of all the New Hampshire Grants with the state of New Hampshire.....	336-341
Apr. 2. Proceedings of the Legislature of New Hampshire on the foregoing petition.....	336
Apr. 23. Proposal of sundry matters to the town of Newbury, by order of a committee, &c.....	337
May. Returns from Hartford, Moretown, and Peacham..	338
June 3. Col. Olcott and Beza. Woodward, agents.....	339, 340
	341

SECTION X.

REFERENCE TO CONGRESS OF MATTERS IN CONTROVERSY.....

June 1. Resolves of Congress respecting the New Hampshire Grants.....	341-354
June 3. Letter from Thomas Chittenden to Meshech Weare respecting a jurisdictional claim of New Hampshire to the territory of Vermont.....	341
June 4. Appointment and Instructions of Ira Allen as agent, &c.....	342
June 24. Action of General Assembly on the foregoing....	343
July 13. Address by Ira Allen to the Inhabitants of Vermont relating to the aforesaid affairs.....	344
Sept. 24. Resolves of Congress respecting the New Hampshire Grants.....	345-351
Oct. 2. Further Resolves in relation to the same.....	351-354
	354

	PAGES
1779.	
Oct. 12. Letter from Woodbury Langdon, delegate in Congress, to Meshech Weare, respecting Vermont, Note by the Editor—"Sundry articles to be complied with".....	355-358
July 3. Letter to the committee appointed by Congress to meet at Vermont.....	358
1780. Letter from Samuel Huntington, Pres. of Congress, to Meshech Weare, June 6, 1780.....	360
June 2. Resolutions of Congress in relation to affairs in the New Hampshire Grants.....	361, 362
July 20. Letter of Joseph Marsh, Peter Olcott, and Beza. Woodward to the President of Congress.....	363
July 25. Letter from Beza. Woodward to Samuel Livermore	365
July 25. Letter from Thomas Chittenden to Pres. Samuel Huntington respecting sundry acts of Congress,	366-371
Aug. 30. Beza. Woodward's petition in behalf of people above Charlestown, N. H., Grants.....	371-374
Aug. 31. Another letter from Beza. Woodward, relating to N. H. Grants.....	374, 375
Sept. 16. Letter from John Sullivan, delegate in Congress, to Meshech Weare, relating to affairs in Vermont.....	375-377
Nov. 6. Letter from Jacob Bailey to Meshech Weare, relating to Vermont, Canada, &c.....	377-379
Oct. 30. Extract of a letter from Ira Allen, at Otter Creek, to Capt. Safford, at Bethel, east of the mountains.....	379
Nov. 22. Letter from Gen. Bailey to Meshech Weare relating to the same affairs.....	379, 380*

SECTION X.

FRESH MEASURES TO FORM A NEW STATE ON BOTH SIDES OF THE CONNECTICUT RIVER....	381-400
<i>Convention at Walpole</i> , Nov. 15, 16, 1780.....	381-383
Dec. 12. Letter from Thomas Chittenden to Meshech Weare, inclosing a copy of his letter to Congress of 25th July.....	384, 385
1781. Resolutions of the General Assembly of New Hampshire, Jan. 13, 1781, instructing its delegates in Congress.....	385

	PAGES
1781.	
Feb. 3. Letter from Joseph Fay to Meshech Weare, accompanying the letter of Gov. Chittenden.....	386
<i>Convention at Charlestown</i> , Jan. 16, 1781—Note—Origin of Convention.....	387
Journal of said Convention, Jan. 16-18.....	388-393
Protest of a minority of the delegates, Jan. 18....	393, 394
Secret history of the Convention, by Ira Allen....	394-396
Feb. 10. Note by the Editor—Letter from Elisha Payne to the General Assembly of Vermont.....	396
Feb. 22. Rules* of Negotiations, or terms of Union.....	397
Apr. 5. Result of submitting the abovesaid terms of Union to the towns specified—List of Towns,† &c....	398, 399
Members from towns east of Connecticut river....	400

SECTION XI.

DISPUTED JURISDICTION.....	401-430
June 20. Letter from President Weare to the delegates of New Hampshire in Congress, June 20, 1781, relating to existing difficulties.....	401
July 10. Letters from John Sullivan to Meshech Weare on the same subject.....	402, 403
Aug. 7. Letter from Timothy Ellis to the N. H. Committee of Safety.....	404
Aug. 7. Resolves of Congress respecting a decision of the disputes relating to N. H. Grants—Committee of Congress.....	405, 406
Aug. 21. Letter from Samuel Livermore, delegate in Congress, to Meshech Weare.....	407
Letter from several inhabitants of Haverhill (Coös) to the Committee of Safety, N. H. [No date]	407, 408
Aug. 25. Memorial of sundry inhabitants of Chesterfield to the Council and House of Representatives, relating to the revolt of sundry towns—Names..	409, 410
Sept. 21. Proceedings of a meeting of persons from ten towns in Cheshire county, at Keene, Sept. 21, 1781.....	411
Oct. 2. Letter from Samuel Livermore to Meshech Weare,	412
Oct. 12. Memorial of John Clark, of Landaff, to the Committee of Safety, relating to hardships, insults, &c.....	412-416

* Page 397, for "Result," read Rules.—Ed.

† For "Newport (Vt.)," read Reuport.—Ed.

	PAGES
1781.	
Oct. 13. Petition of inhabitants of Landaff for aid and protection.....	416
Oct. 19. Action on the Memorial of John Clark.....	417
Oct. 17. Report of a Committee of Congress, to whom was referred certain papers relative to New Hampshire.....	418-422
Oct. 16-19. Report of the Council and Assembly of Vermont on the Report of the Vermont delegates to Congress.....	422-426
Oct. 22. Summons to Daniel Shattuck, &c.....	426
Oct. 27. Elisha Payne to Meshech Weare, transmitting resolutions relating to Commissioners, &c.....	427
Oct. 27. Commission for the settlement of boundary lines, &c.....	428
Oct. 27. Proclamation of Thomas Chittenden for a day of Public Thanksgiving.....	429

SECTION XII.

COLLISION IN BORDER TOWNS.....	430-485
Note by the Editor.....	431
Nov. 15. Letter from Gen. Benj. Bellows to Meshech Weare, relating to troubles in that part of the state Substance of complaints against Nathaniel Bingham and John Grandy by Samuel Davis.....	431
Nov. 12. Warrant to apprehend John Grandy, Jun.....	432, 433
Nov. 12. Warrant to apprehend and secure in gaol Nathaniel Bingham.....	433
Nov. 16. Petition of Nathaniel Bingham and John Grandy, Jun., to the Council and House of Representatives, N. H.....	434
Nov. 16. Statement of facts by Nathaniel Bingham.....	435
Nov. 28. An act empowering the sheriff of the county of Cheshire to release certain persons from prison in Charlestown.....	436
Nov. 29. Mittimus for committing Col. Enoch Hale to prison.....	437-439
Nov. 29. Letter from Gen. Bellows to Meshech Weare, informing him of the imprisonment of Col. Hale.....	439, 440
Dec. 1. Letter from Samuel King to Col. Chamberlain and others on the abovesaid matters.....	440, 441
	441-443

	PAGES
1781.	
Dec. 2. Letter from Col. Wm. Haywood to Capt. Phineas Hutchins (with a copy of Sheriff Page's express).....	443
Dec. 5. Letter from Michael Cressey, of Chesterfield, to Gen. Bellows.....	444
Dec. 5. Orders* to raise the body of Militia to release Col. Enoch Hale from prison.....	444-449
Dec. 12. Letter from Col. Enoch Hale, sheriff of the county of Cheshire, to Meshech Weare.....	449
Dec. 14. Letter and order from Thomas Chittenden to Elisha Payne.....	450
Dec. 14. Letter from Thomas Chittenden to Wm. Page....	451
Dec. 15. Instruction from Gov. Chittenden to Ira Allen respecting boundary lines.....	451
Dec. 18. Letter from Samuel Livermore to Pres. Weare, relating to proceedings in Congress.....	452
Dec. 21. Letter from Elisha Payne to Pres. Weare, proposing amicable measures.....	453
Dec. 21. Order of Elisha Payne to Roger Enos and Wm. Page.....	454
Dec. 22. Letter from Enoch Hale, in person, to President Weare, respecting an adjustment, &c.....	455
Dec. 27. Warrants from Josiah Bartlett to arrest certain persons.....	456-459
Dec. 27. Report of Committee of N. H. House of Representatives about admitting Wm. Page to bail....	459, 460
Dec. 29. Letter from Ira Allen to Josiah Bartlett, requesting a copy of N. H. Acts and Resolutions.....	460
Dec. 29. Joint Letter of Ira Allen and Roger Enos to Josiah Bartlett.....	461
1782.	
Jan. 1. Letter from Samuel Livermore to President Weare, relating to "Vermonters".....	461
Jan. 1. Letter from Gen. Washington to Gov. Thomas Chittenden, relating to the N. H. Grants (see p. 227).....	462-464
Jan. 1. Reward offered for taking Samuel King.....	464
Jan. 1. Letter from Capt. Joseph Burt to Pres. Weare....	465
Jan. 2. Letter from Gen. Bellows, relating to the rescue of Samuel King by a mob.....	466

* Page 444, seventh line from bottom, for "Records in Secretary's office," read *Letters in Library of N. H. Hist. Soc.*—Ed.

GENERAL CONTENTS.

	PAGES
1782.	
Jan. 7. Letters of Committee of Safety—Warrant to arrest Nathaniel S. Prentice.....	467
Letters from Meshech Weare to Samuel Livermore, relating to troubles in border towns and to taxes.....	468-473
Jan. 8. Letter from Wm. Page, in gaol at Exeter, to Elisha Rayne.....	473-475
Jan. 8. Resolve to send an armed force to the western part of the state*.....	475
Jan. 10. Proportion of men to be raised.....	476
Jan. 10. Col. Charles Johnston and Col. David Page to raise scouting parties, &c., Gen. Sullivan to take the chief command of forces, &c.....	477
Jan. 8. Letter from Samuel Livermore to Pres. Weare....	478
Answer of Pres. Weare to the same.....	479
Jan. 10. Letter from Gen. Bellows relating to Doct. Wm. Page.....	479
Jan. 11, 12. Letters from Col. Enoch Hale relating to the rescue of Esq. Giles, and his own seizure by a mob, &c.....	480-483
Jan. 14. Petition of inhabitants of Claremont, praying for relief, &c.....	483
Mar. 26. Letters from Samuel Livermore to Pres. Weare, and note by the Editor....	484, 485

SECTION XIII.

BORDER TOWNS UNSETTLED.....	486-500
May 31. Resolutions passed by committees of certain border towns, with a memorial to the General Assembly of N. H.....	486-489
June 21. Action of General Assembly thereon.....	489
July 2. Letter from President Weare to Gov. Clinton of New York, relating to said memorial.....	490
July 30. Letter from Thomas Sparhawk and Benj. Bellows on affairs in Cheshire county.....	491-493
July 31. Letter from Doct. Wm. Page to Pres. Weare.....	493
Nov. 7. Request of selectmen of Newbury for jurisdiction of New Hampshire to be extended over them	494

* Page 475. In note at the bottom, for "which no doubt was issued at the time," read "which perhaps was never issued.—Ed."

GENERAL CONTENTS.

	PAGES
1782.	
Dec. 11. Letter from P. White and John T. Gilman, in Congress, to Pres. Weare.....	495
1783.	
Jan. 16. Letter from John Taylor Gilman to Meshech Weare	496
Feb. 11. Letter from Enoch Hale to Meshech Weare, relating to difficulties in Cheshire county.....	497
Note by the Editor.....	498

An act of Congress for the admission of the State of Vermont into the Union..... 499, 500

LETTERS, ORDERS, &c., BY THE NEW HAMPSHIRE COMMITTEE OF SAFETY, 1779 TO 1784..... 501-620

(Copied from a MS. volume in the Library of N. H. Hist. Soc.)

[NOTE. Readers will perceive that the letters and orders which follow are so various and numerous that it is very difficult to analyze them, or to describe their contents in few words. The editor therefore only makes a minute of the dates, with the persons to whom addressed, when known, and with a few words indicating the matter.]

1779.	
Jan. 9. To a committee in Alstead—about counterfeiters..	503
1780.	
Feb. 19. To officer in charge of continental stores in Coös..	503
Mar. 7. To Jacob Cuyler, Esq.....	504
Mar. 31. To Maj. Joseph Bass, clothier, &c.....	504
Apr. 28. To Hon. Jerem. Powell, relating to Eastern expedition.....	505
Apr. 28. To Messrs. Peabody and Folsom, in Congress....	505
May 12. To Col. Jonathan Chase—order to raise 60 men...	506
May 12. " " " relating to the same....	507
May 26. Resolve of General Assembly, relating to wheat and flour.....	507
May 26. To President Powell of Massachusetts, relating to attack on Canada.....	508
May 27. To Jacob Cuyler, Esq., relating to paying drafts..	508
May 27. To committee of Haverhill, about trade with Indians	509
May 27. Order about raising men.....	509
May 27. To Messrs. Peabody and Folsom, relating to taxes	510

1780.		
May 27.	To James Underwood, respecting forfeited lands..	511
June 2.	To Col. Nichols and Mr. Underwood, respecting forfeited lands.....	511
June 2.	About purchasing rum.....	511
June 24.	To Capt. Neh. Houghton, about mustering men..	512
June 28.	To Major Childs, about purchasing wheat.....	512
June 28.	To Col. Stephen Peabody, about mustering men..	512
June 30.	To ——— relating to purchase of horses.....	513
July —.	To Maj. Benj. Whitcomb, to take command of forces.....	514
July 1.	To Col. Hunt, relating to purchase of horses.....	514
July 1.	To ——— about recruits and supplies for the army	515
July 6.	To ——— relating to supplies, &c.....	516, 517
July 13.	To Nicholas Gilman, Rec. General.....	517
July 15.	Relating to powder, beef and rum, and seamen...	518
July 15.	To Noah Emery, Jr.,—instructions, &c.....	518
July 18.	To Doct. Pelet'h Warren, request to act as surgeon	519
July 18.	To Capt. Eliphalet Giddinge, about forwarding beef cattle	520
July 18.	To Capt. Samuel Reynolds, order to proceed to Connecticut river.....	520
July 26.	To Hon. James Bowdoin, president of Massachusetts	520
July 20.	To Col. Stephen Evans, orders to march, &c.....	521
July 28.	To Samuel Livermore, Esq., agent, relating to N. H. Grants.....	521
July 29.	Hon. John Langdon, delegate to Boston, about the war, &c.....	522
Aug. 2.	To Jacob Cuyler, Esq., excuse for non-payment of drafts	523
Aug. 5.	To Samuel Livermore, relating to N. H. Grants...	524
Aug. 10.	To Capt. Shubael Geer, instructions.....	524
Aug. 10.	To Mr. Jona. Martin, instructions*.....	525
Aug. 12.	To Maj. B. Whitcomb, instructions.....	525
Aug. 12.	To Doct. Phelps, to act as surgeon.....	526
Aug. 19.	To Jedediah Jewett, to procure a horse for Gen. Sullivan.....	526
Aug. 19.	To Capt. Josiah Moulton and Col. S. Folsom.....	527
Aug. 19.	To Col. Joshua Wentworth.....	527
Aug. 19.	To the Board of War.....	527
Aug. 23.	To Capt. Eliphalet Giddings, to collect beef cattle	527

* Fourth line from top, the word "amount" should be *account*.—Ed.

1780.		
Aug. 23.	To Eph. Blaine, Esq., about beef cattle.....	528
Sept. 7.	Muster master's returns.....	528, 529
Sept. 8.	To Capt. Sam'l Gilman, trustee of Gov. Went- worth's estate.....	529
Sept. 6.	To Major Child, about supplies, &c.....	529
Nov. 18.	To Col. David Webster and John Millen, Esq., to forward supplies.....	530
1781.		
Feb. 9.	To Francis Blood, Esq., on provisions for Cols. Nichols and Ellis.....	531
Feb. 9.	To Col. Hunt, relative to the same.....	531
Feb. 9.	To Cols. Nichols and Ellis, do. do.....	532
Feb. 12.	To Col. Jabez Hatch, about a continental stable..	532
Feb. 8.	To Selectmen ——— relative to collecting taxes..	533
Feb. 15.	Orders to Lts. Bezaleel Howe and Jos. Boynton, to forward recruits.....	534
Feb. 17.	To Joseph Gilman, Esq., about settling accounts..	534
Feb. 17.	To Capt. Eliphalet Giddinge, do. do.....	534
Mar. 2.	To Col. Supply Clapp, do. do.....	535
Mar. 9.	Col. Timothy Ellis and Gen. Moses Nichols, to supply troops.....	535
Mar. 9.	To Francis Blood, Esq., to furnish supplies.....	535, 536
Feb. 16.	Orders to Sam'l Wells, Serj. Major, about forward- ing men.....	536
Mar. 31.	Orders to Lt. Beza. Howe, Joseph Boynton, and Sam'l Wells, about forwarding recruits and clothing.....	537
Apr. 7.	To Charles Johnston, Esq., and James Woodward, relating to lands of absentees.....	537
Apr. 12.	To Eliphalet Hale and Geo. Dame, inspectors of shoes.....	537
Apr. 12.	To Lt. Col. Sam'l Chase, to rent lands of absen- tees.....	538
Apr. 13.	To Capt. Ebenezer Dearing, to raise a company for the defence of Piscataqua harbor.....	538
Apr. 14.	Hon. John Wentworth, Jun., a Delegate to Con- gress.....	539
Apr. 19.	To Col. Sam'l Chase, about renting farms of absen- tees.....	539
Apr. 19.	Relating to raising men for western frontiers.....	540
Apr. 19.	To Moses Dow, Esq., Commissary of Purchase....	540
Apr. 19.	To Lt. Jona. Ring, order about rations.....	541

	PAGES
1781.	
Apr. 19. To Col. Charles Johnston, relating to troops for western frontiers.....	541
Apr. 19. To Gen. Benj. Bellows.....	542
Apr. 21. To Matt. Patten and Thomas Sparhawk, Judges of Probate.....	542
Apr. 27. To Jedediah Jewett, sundry directions.....	543
May 4. Orders to Captain Ebenezer Dearing.....	543
May 4. Orders to Lt. Col. Dearborn and Jedediah Jewett, relating to payment of soldiers.....	544
May 5. Orders to Francis Blood, Esq., to make returns of provisions, &c.....	544
May 4. Order to Col. Joshua Wentworth to muster soldiers.....	545
May 25. Orders to Capt. E. Giddinge, F. Blood, and Col. Samuel Hunt, about forwarding beef cattle... 545, 546	547
May 25. To Gov. Jona. Trumbull, relating to a counterfeiter	547, 548
May 26. Orders to Lt. Joshua Merrow, relating to the same	
July 5. Order to Capt. M. Woodward to send prisoners to Boston.....	548
July 5. To Maj. Gen. Folsom, relating to travel money...	549
July 5. To Lt. Joseph Huntoon, relating to deserters... A.	549
July 6. Order to Francis Blood, Esq., relating to supply of beef.....	549
July 6. To Selectmen of Portsmouth, about a supply of rum.....	550
July 12. Order to Noah Emery, Esq., about beef cattle....	551
July 19. To Stephen Harriman, relating to land purchased by Gen. Stark.....	551
July 20. To Capt. Ebenezer Dearing, relating to Deserters and trial by Court Martial.....	551
July 20. To Francis Blood, relating to supply of beef cattle	552
July 27. Agreement with John Balch as post-rider.....	553
July 28. Order to Col. Timothy Ellis and others to raise scouting parties.....	553, 554
July 28. To Col. Samuel Hunt, relating to supply of the army.....	554
Aug. 3. To Thos. Bickford, about beef on hand.....	555
Aug. 3. Memorial of soldiers in forts asking relief.....	555
Aug. 10. Petition from Conway, a company of soldiers sent	555, 556
Aug. 10. To Col. Charles Johnston, to forward soldiers to Coös.....	557

	PAGES
1781.	
Aug. 11. To Col. Timo. Ellis, relating to troubles in border towns.....	557, 558
Aug. 18. To John Hopkins, Esq., relating to a Dep. Com. of prisoners of war.....	558
Aug. 18. Warrant to apprehend Robert Young.....	559
Sept. 11. To Lt. Col. Daniel Runnels, about marching orders	559
Sept. 11. To Cols. Wentworth and Evans, do. do.....	560, 561
Sept. 14. To John White, Jr., to take charge of rum, &c....	561
Sept. 26. Orders to Lt. Col. Raynolds, to march to Charlestown No. 4.....	561
Sept. 26. Orders to Capt. Dan'l Gordon, relating to the same	561
Sept. 27. Orders to Col. Wentworth and others, relating to the same.....	562, 563
Sept. 27. To Col. Samuel Hunt, to furnish supplies.....	563
Sept. 27. To Francis Blood, Esq., do. do.....	564, 565
Sept. 27. Orders to Lt. Col. Raynolds, about supplies.....	565
Sept. 28. To Gen. Bellows, do. do.....	565
Sept. 28. To Col. Charles Johnston, do. do.....	566, 567
Sept. 29. To Maj. Gen. Heath, relating to troubles in border towns.....	567, 568
Oct. 6. To Francis Blood, Esq.,	
Oct. 6. To Col. Samuel Hunt,	
Oct. 6. To William Page,—all relating to supplies for Charlestown.....	568-570
Oct. 13. To Col. David Page and Jos. Whipple, to discharge men.....	571
Oct. 25. To Capt. Moses Woodward, about prisoners of war.....	571, 572
Nov. 2. Warrants to apprehend horse thieves.....	572, 573
Dec. 29. Letter from Hon. Matthew Thornton.....	573, 574
Dec. 10. Letter to President Hanson about delegates in Congress.....	575
1782.	
Jan. 18. To Israel Morey, to deliver records, &c.....	575
Jan. 26. Our troops at Saratoga in want of rum, &c.....	576
Feb. 2. A guard to be placed at the Great Island.....	577
Feb. 4. Letter to Hon. S. Livermore, in Congress, relative to settling accounts, &c.....	577
Feb. 6. Inquiry to be made about supply of provisions....	578
Feb. 23. Letter to Hon. S. Livermore, about currency and taxes.....	578-581

1782.	PAGES
Mar. 1. A suspected person at Londonderry.....	581
Mar. 20, 26. Lands of absentees to be rented.....	581, 582
Apr. 6. Recruits at Charlestown and Amherst to be supplied, &c.....	582, 583
Apr. 4. Warrant to apprehend Col. Jona. Greeley.....	583
Apr. 5. Muster masters appointed.....	584
Apr. 12. Jonathan Greeley put under bonds.....	584, 585
Apr. 20. Provision for recruits in the army.....	586, 587
Apr. 27. Settlement of Pay Roll.....	586
May 4. Payment for excise on spirituous liquors.....	587
June 8. Guard against an attempt to destroy a ship at Portsmouth.....	588
June 14. Muster masters to fill their quota of men.....	588, 589
July 6. A scouting party under Joseph Whipple, Esq.....	589
July 12. Order to Capt. Salter to raise men, &c.....	590
July 19. Order to fill the quota of men for the army.....	590, 591
July 20. Notice to Capt. John Jennison about beef.....	591
July 20. Order to Jedediah Jewett, &c.....	592
July 30. Time extended to Gilman to make up deficiency.....	592
Aug. 3. Letter relating to border troubles.....	592, 593
Aug. 3. Letter to Capt. John Jennison about supply of beef cattle.....	594
Aug. 3. Letter to Doct. Wm. Page about recognizance.....	594
Aug. 17. Orders relating to beef cattle.....	595
Aug. 23. Order in behalf of Gilman, &c.....	595
Aug. 23. Orders to Jedediah Jewett relating to beef cattle..	596
Aug. 29. Order to Francis Blood, relating to beef cattle....	596
Sept. 13. The selectmen of Amherst to settle account.....	597
Sept. 19. Extent against the town of Cornish suspended....	597
Sept. 20. Richard Jenness, Benj. Butler, John White, to settle for excise.....	598
Sept. 26. Danger to Piscataqua harbor apprehended.....	599
Sept. 26. About pasturing for cattle.....	599
Sept. 27. Answer to Memorial from Dartmouth College.....	600
Oct. 4. Letter to John White to settle for rum, &c.....	600
Oct. 5. Order relating to Capt. John McGray.....	600
Oct. 25. Order to Capt. Ebenezer Fry.....	601
Oct. 19. Edward Wade on furlough, &c.....	601
Oct. 19. Order about beef cattle.....	601
Nov. 22. Maj. Caleb Robinson appointed muster master....	602
Nov. 22. Order to Isaac Williams about issue of provisions..	602

1782.	PAGES
Dec. 5. Jesse Christy to be taken into custody.....	603
Dec. 7. Order about beef cattle.....	603
Dec. 7. The Board of War to examine accounts, &c.....	603
Dec. 13. Jesse Christy allowed liberty of the yard.....	604
Dec. 13. Recruits to be mustered and supplied.....	604
1783.	
Jan. 3. Orders to Capt. Titus Salter.....	605
Jan. 11. Order to Nicholas Gilman, Esq., Rec. Gen.....	605
Jan. 24. Letter to Joseph Whipple, Esq., relative to tax....	606
Mar. 6. Letter to Hon. John Hancock, relating to delegates, &c.....	606
Mar. 6. Lands of John Tufton Mason not be sold.....	607
Mar. 7. Stephen Gorham, Esq., commissioner to settle accounts.....	607
Mar. 13. Col. Samuel Chase to rent lands of absentees.....	608
Mar. 21. Letter to Gen. John Stark.....	608
Apr. 4. Order relating to Col. Geo. Reid.....	608
Apr. 10. Nicholas Gilman, Esq., deceased.....	609
Apr. 25. Jesse Christy discharged from gaol.....	609
May 16. Bridge to Janvrin's Island to be sold.....	610
May 23. British vessels to be entered.....	610
June 6. Settlement with N. H. troops—Depreciation.....	610, 611
July 11. Order for removal of barracks, &c.....	612
July 11. Order to enlist five effective men.....	612
July 25. Summons to answer for removal of powder.....	613
July 26. Hon. John Langdon, desired to go to Congress....	613
July 31. The town of Pembroke discharged from extents, &c.....	613
Aug. 9. Order to inspect salt beef, &c.....	914
Aug. 16. Order to Enoch Hale, sheriff, about extents.....	614
Aug. 29. Permission for Dorothy Nelson to visit Portsmouth	615
Aug. 29. Permission for Abigail Robertson to visit Portsmouth.....	615
Oct. 11. The town of Salem discharged from extents.....	615
Nov. 21. Excise on spirituous liquors at public vendue—Conditions of sale—Committee for, &c.....	616-618
Dec. 25. Order to the Naval Officer respecting gunpowder..	618
1784.	
Jan. 3. Accounts for raising 2d Regiment to be settled....	618, 619
Jan. 23. Order relative to certain counterfeiters.....	619
Mar. 25. Letter to John Langdon, relating to free trade....	620
May 14. Letter to John Sullivan about want of money.....	620

	PAGES
CENSUS OF 1773.....	621-636
Note by the Editor—Letter of Hon. A. H. Cragin.....	622, 623
Form of order—schedule for returns.....	624
Returns from Rockingham County.....	625-627
Returns from Strafford County.....	628, 629
Returns from Hillsborough County.....	630, 631
Returns from Cheshire County.....	632, 633
Returns from Grafton County.....	634, 635
Summary of returns by counties—total.....	636
<hr/>	
CENSUS OF 1786.....	637-689
Note by the Editor.....	637
Resolution and form of order for the census.....	638
Returns by counties, in alphabetical order of towns.....	639-651
County of Rockingham—Towns.....	639-651
Summary of returns from 37 towns in Rockingham County...	651
 NOTICE. By a misprint, the total number of inhabitants in Rockingham county is put down in the summary at 48,431. This is an error, which readers will please correct. The true number is 32,138.—ED.	
County of Strafford—Towns.....	652-657
Summary of returns from eighteen towns, 13,877.....	657
County of Hillsborough—Towns.....	658-670
Summary of returns from thirty-five towns, 25,933.....	670
County of Cheshire.....	671-679
Summary of returns from twenty-four towns, 15,160.....	679
County of Grafton.....	679-688
Summary of returns from twenty-four towns, 8,344.....	688
Summary of returns by counties.....	689
APPENDIX.....	691-703
Note by the Editor.....	693, 694
Grant of the Province of Laconia.....	693-696
The Squamscott or Hilton's Point Patent.....	697-700
The Dover Combination.....	700, 701
Letter from Thomas Wiggin to Sir John Cooke.....	701-703

ERRATA.

Some errors of dates and names have been detected in Vol. IX, which readers will please correct as follows:

✓ *Errors in Vol. IX.*

- P. 145, under the head of CORNISH, the word "Hartford" should in every case be *Hertford*.
- P. 303. Gilsum was incorporated July 13, 1763, instead of "July 6." It was first called *Boyle*, granted Dec. 28, 1752, and settlement probably begun as early as 1754.
- P. 826. Campton was first granted Oct. 9, 1761, regranted Jan. 5, 1767, settlement begun about 1765.
- P. 827. Haverhill was granted May 18, 1763, instead of "1764."
- P. 828. The description given of "Marlborough" chiefly belongs to the town of that name in Vermont. It should simply read, *Monadnock, No. 5, was incorporated by the name of Marlborough, Dec. 13, 1776.*

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

Cotton Papers.

DOCUMENTS

RELATING TO

TOWNS IN NEW HAMPSHIRE,

"A" TO "F" INCLUSIVE,

WITH AN

APPENDIX,

EMBRACING COPIES, IN FAC SIMILE, OF THE FIRST CONSTITUTION OF THIS STATE
AS ADOPTED JANUARY 5, 1776; THE PROCLAMATION SENT OUT TO THE
PEOPLE DECLARING THE SAID CONSTITUTION TO BE IN FORCE;
AND A CONSTITUTION FRAMED IN JUNE, 1779, WHICH
WAS REJECTED BY THE PEOPLE. ALSO, OTHER
INTERESTING AND VALUABLE DOCUMENTS.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE
OF NEW HAMPSHIRE.

VOLUME XI.

COMPILED AND EDITED BY

ISAAC W. HAMMOND.

CONCORD, N. H.:
PARSONS B. COGSWELL, STATE PRINTER.

1882.

EDITOR'S PREFACE.

In 1878 and 1879 the editor of this volume, then deputy secretary of state, assorted a large mass of ancient manuscripts which he found in the various vaults and in the loft of the state-house, selected such as were of value, historical and otherwise, and placed them in volumes in the secretary's office. They attracted the attention of citizens who were interested in the history of the state, and in the preservation of everything appertaining to it, many of whom expressed a desire to have them published as a continuation of those edited by the late Nathaniel Bouton, D. D.

In June, 1881, Gov. Charles H. Bell, deeply interested in the history of New Hampshire, called the attention of the legislature to these papers in his message to that body, and advised their publication. The result was the passage of the following resolution:

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That his excellency the governor be hereby authorized and empowered, with the advice and consent of the council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the state, one copy to such of the public libraries in the state as the governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

Approved August 4, 1881.

In accordance with the foregoing resolution, the governor, with advice of the council, on the 12th day of October, 1881, appointed and commissioned Isaac W. Hammond as "Editor and Compiler of State Papers:" and this volume is the result of his labor as such.

It is similar, in the character of its contents, to Vol. IX. and contains documents of great value concerning the early history of the towns herein represented. These documents have been carefully copied from the original manuscripts, scrupulously preserving the orthography, punctuation, capitalization, etc. Much of it will be found of interest even to the general reader. It contains a large number of names of early residents, which are being much inquired after of late, some papers having been published mainly for the purpose of giving the names signed to them. All these names have been carefully indexed, in every place in which they occur, involving much time and great labor. They are thus placed where the historian and genealogist can readily refer to them. The editor has compiled an introduction to each town, containing in brief many facts relative to its grant, settlement, incorporation, origin of name, etc., the authority for most of them being obtained from original records. Great care has been taken to verify them where they conflict with other writers. Notes have also been appended to most of the petitions, giving legislative action, and, when practicable, their final disposition. They have required considerable research, but the editor believes they will add materially to the value of the work, and be of much use to town historians. The editorial notes, with the exception of the introductions, have been inserted in brackets, to prevent any possible misunderstanding. In copying names from original petitions, great care has been exercised, many of them being badly written, some almost illegible, and others incorrectly spelled; but the editor has spared no pains to obtain a correct solution, and believes that most of them are printed as they were written. He submits this volume to the public, trusting its decision will be that he has done something to rescue from oblivion some valuable material pertaining to the early history of the towns of New Hampshire.

I. W. H.

CONCORD, October 27, 1882.

GENERAL CONTENTS.

ACWORTH.

Introduction,	1
Reasons for not wanting to be classed for representative, and vote of the town, 1776.	2
Certificate of non-receipt of precept, 1781,	2
Petition of John Duncan, about taxes, 1783,	3
Petition for authority to tax non-residents,	4
Petition of selectmen relative to beef tax, 1786,	5
Petition for authority to tax non-residents, 1787,	5
Petition of Matthew Wallace, poor debtor, 1792,	6

ALBANY.

Introduction,	7
Petition to have a meeting called for the choice of officers, 1785,	7
Petition of selectmen about taxes, 1788,	7
Petition for the appointment of a magistrate, 1789,	8
Petition to be severed from Grafton and annexed to Stratford county, 1800,	8

ALEXANDRIA.

Introduction,	9
Jeremiah Page's statement about Alexandria Addition, 1773,	10
Petition of inhabitants about taxes,	10
Petition of inhabitants about representative, 1775,	11
Request for guns and ammunition, 1776,	12
Inventory of town, 1777,	12
Inventory of Addition,	13
Daniel McMurphy's petition, soldier, 1781,	13
Remonstrance of the inhabitants about building a road, 1782,	14
Petition relative to road from Boscawen to Dartmouth College, 1786,	15
Petition of selectmen relative to taxes, 1787,	16

Petition of Alexandria and New Chester for a new town, 1787.	17
Petition for authority to tax land for repair of roads, 1790.	18
Petition for a division of the town, 1794.	19
Votes of town relative to a division of the town, 1795.	20
Petition for the appointment of a committee to run lines between Alexandria and New Chester, 1795.	21

ALSTEAD.

Introduction.	21
Petition for a grant of the township, 1750.	22
Statement of grievances, 1777.	23
Petition of Prudence Baxter, 1778.	24
Confession of William Baxter, 1779.	25
Deposition of Lemuel Holmes, 1778.	28
Return of representative, 1781.	29
Bounty paid David Abraham, 1783.	30
Petition about taxes, 1783.	30
Petition of Nathaniel Shepard, deer-reeve, 1783.	31
Petition of selectmen relative to taxes, 1783.	32
Certificate of selectmen relative to taxes, 1786.	33
Petition for authority to tax non-residents, 1790.	34
Remonstrance of inhabitants against setting off a parish, 1793.	34
Remonstrance of selectmen concerning the same, 1793.	35
Petition for the incorporation of a religious society, 1793.	36
Vote of town in favor of the same, 1793.	37
Petition of Elisha Kingsbury for a loan, 1794.	38

ALLENSTOWN.

Introduction.	39
Certificate of abatement of soldiers' taxes, 1775.	39
Return of number of ratable polls, 1783.	39
Petition for abatement of tax, 1786.	40
Petition for the appointment of a magistrate, 1787.	40
Petition for authority to tax non-residents, 1789.	41
Petition for the appointment of a magistrate, 1790.	42
Petition relative to bridges over Suncook river.	43

ALTON.

Introduction.	44
Jacob Chamberlin relative to election of representative, 1778.	44

Petition of inhabitants relative to the same, 1779.	45
Petition of inhabitants relative to roads through the Gore, 1780.	46
Relative to procuring men for the army, 1781.	47
Relative to inability to furnish men for the army, 1782.	48
Certificate of number of ratable polls, 1783.	49
Petition to have proceedings of town-meeting legalized, 1784.	49
Resolve of legislature respecting the same, 1784.	50
Petition for an act of incorporation, 1788.	50
Petition for the incorporation of New Durham Gore, 1794.	52
Petition of Joseph Peirce relative to the same, 1794.	54
Petition relative to same, 1794.	55
Petition relative to same, 1796.	56

AMHERST.

Introduction.	57
Petition of inhabitants for an incorporation, 1753.	58
Petition of Lieut. Ebenezer Lyon, soldier, abstract.	59
Petition relating to a division of Monson, 1763.	60
Memorial of Rev. Daniel Wilkins, 1763.	62
Petition of several towns relative to an escape from jail, 1773.	63
Certificate relative to Esquire Shepard, 1775.	65
Petition of Peter Robertson, Bunker Hill soldier, 1776.	66
Petition of Susanna Munroe, 1779.	66
Joseph Wilson's receipt, soldier, 1779.	67
Petition of William Hastings, Jr., soldier, 1779.	67
Relative to raising men for the army, 1779.	67
Selectmen relative to the same, 1779.	69
Petition of Capt. Archelaus Towne, 1779.	69
Petition of north-west parish, 1780.	69
Petition of William Bradford, Jr., soldier, 1780.	70
Town bills for supplies furnished soldiers' families, 1780.	70
Petition to have the north-west parish set off, 1780.	71
Petition for a new parish, 1781.	73
Remonstrance against the ordination of Rev. Mr. Barnard, 1780.	74
Remonstrance relative to the same matter, 1781.	77
Petition of several inhabitants about parish matters, 1781.	79
Petition to have the new parish set off as a town, 1783.	80
Petition of inhabitants of the south-west part, 1782.	82
Petition of south-west part to be set off as a parish, 1782.	83

Remonstrance against reëstablishing the town of Monson, 1782,	85
Deposition of Thomas Wakefield, 1782,	87
Remonstrance against reëstablishing Monson, 1782,	88
Jonathan Smith relative to land given Benjamin Whiting, 1782,	89
Return of number of ratable polls, 1783,	90
Vote of the town on the adoption of the eighth article of confederation,	90
Memorial in favor of making goods legal tender, 1783,	91
Memorial against M. Thornton's having the exclusive right to ferry people over Merrimack river, 1784,	93
Soldiers' orders for wages,	94, 95
Petition to have the north-west parish set off by	95
and bounds," 1788,	95
Protest against being set off with the north-west parish, 1790,	96
Petition of Jonathan Wilkins, marine, 1790,	97
Petition of Robert B. Wilkins, Bunker Hill soldier, 1791,	98
Petition of Isaac Baldwin, wounded militia man, 1790,	98
Letter, Daniel Warner to Gov. Bartlett, 1791,	98
Report of committee on south-west parish, 1791,	99
Description on plan,	100
Resignation of Hon. Samuel Dana, 1792,	100
Revolutionary soldiers' petition for remuneration, 1795,	101
Petition of inhabitants of Amherst and Lyndeborough for a new town (Mont Vernon), 1803,	102
Biographical notes,	104, 105

ANTRIM.

Introduction,	105
Petition for an act of incorporation, 1776,	105
Consent of certain persons to the same, 1777,	106
Memorial relative to the same, 1776,	107
Town committee's reasons why it should be incorporated,	108
James Aiken's certificate, soldier,	108
Soldiers' orders for wages,	109
Men's names who were in the army in 1775,	109
Record of town-meeting, 1779,	110
Petition for authority to tax non-residents,	110
Memorial of non-residents about taxes, 1779,	111
Remonstrance to said memorial, 1780,	112
Deposition relative to bridges, 1780,	113
Petition for authority to assess a special tax to build a meeting-house, 1783,	114

Consent of non-residents to same,	114
Petition for authority to assess a tax for road purposes, 1792,	115

ANDOVER.

Introduction,	116
Order of selectmen for ammunition, 1776,	117
Petition for appointment of a magistrate, 1779,	117
Petition for an act of incorporation, 1779,	117
Oaths of allegiance of several citizens, 1782,	118
Petition for authority to tax non-residents, 1794,	119

ATKINSON.

Introduction,	120
Warrant for assessing a county tax, 1774,	120
Petition for the appointment of a magistrate, 1776,	121
Certificate of the number of ratable polls, 1783,	122
Action of town concerning issuing paper money, 1786,	122
Committee of legislature, appointed relative to paper money,	127
Report of said committee, 1786,	127
Editorial note relative to the matter,	130
Recommendation of Joseph Cogswell, 1786,	130
Consent of sundry inhabitants to be classed for representatives,	131
Action of town-meeting relative to representative, 1786,	132
Petition for incorporation of Atkinson academy, 1791,	133
Petition to have the boundary line established, 1794,	134
Memorial of Peter Clement, relative to same, 1794,	135

BARNSTEAD.

Introduction,	136
Petition concerning boundaries, 1764,	137
Petition for the appointment of a magistrate, 1777,	138
Certificate of number of ratable polls, 1783,	138
Petition of Jonathan Bunker, concerning a soldier, 1782,	139
Bounties paid to soldiers,	139
Remonstrance to appointment of John Tasker, 1784,	140
Statement relative to foregoing, 1784,	141
Another remonstrance to same, 1784,	141
Petition in favor of appointment of Charles Hodgdon, 1788,	142
Petition in favor of appointment of Jonathan Chesley, 1788,	143

Petition relative to Jonathan Chesley and Charles Hodgdon. 1789,	144
Relative to bridge over Suncook river, 1792,	144, 145

BARRINGTON.

Introduction,	146
Petition for the abatement of taxes. 1744.	146
Deposition of Ephraim Locke, soldier in 1749.	147
Petition of Thomas Johnson, concerning a soldier, 1761.	148
Petition of Henry Hill concerning a soldier, 1761.	149
Moses Caverly, Jr., soldier, 1761.	149
List of Capt. William Cate's men, Quakers.	150
Petition for the appointment of a magistrate. 1773.	150
Petition relative to election of representative. 1774.	152
Petition for the appointment of John Garland. 1776.	153
Petition of Anne Runnals, soldier's widow. 1778.	154
Petition for authority to dispose of the parsonage lot. 1779.	155
Petition of Nathaniel Church, soldier. 1779.	155
John Garland's statement.	156
Petition of non-resident proprietors concerning taxes. 1781.	156
Papers relating to Thomas How, soldier. 1781.	157, 158
Certificate of number of ratable polls.	159.

BARTLETT.

Introduction,	159
Soldier's order, 1792.	160
Petition for an addition to the town, 1793.	160
Action of legislature—plan. 1793.	161
Petition for authority to tax non-residents. 1793.	162
Petition for an addition to the town. 1794.	162
Petition to be severed from Grafton, and annexed to Strafford Co., 1793.	163

BATH.

Introduction,	164
Report relative to William Grimshaw, soldier. 1786.	164
Petition of Jacob Bayley for a grant of land, 1786.	165
Memorandum of the families in Bath, 1786.	165
Proceedings of town-meeting, 1777.	166
Selectmen's statement about taxes, 1779.	167
Ratable estate, 1779.	167
Remonstrance concerning doomage, 1783.	168
Vote concerning paper money, 1786.	168

Report of committee on allowance for soldiers, 1786.	168
Memorial against taxing non-resident lands.	169
Memorial relative to legalizing the sale of lots for taxes. 1789.	171
Memorial of Daniel Bayley relative to selling land for taxes. 1791.	173
Report of committee on Bayley's petition.	174
Petition for assistance to build an iron manufactory, 1797.	175

BEDFORD.

Introduction,	176
Roll of Col. Gott's scouts. 1746.	177
Petition of John Moor, soldier. 1757.	178
Statement relative to counties. 1769.	179
Soldier's certificate. 1776.	180
Petition of John Goffe, soldier, 1778.	180
Petition of Robert Morrill, soldier. 1779.	180
Petition of Goffe & Martin, com. of safety.	180
Petition of John Goffe, relative to an attempt to prevent cattle being sent to the enemy. 1779.	181
Another concerning the same matter. 1781.	182
Petition of Lieut. John Orr, wounded soldier, 1779.	183
Petition of James Bell, soldier. 1782.	183
Vote of town relative to law-suits. 1782.	184
Vote of town on 8th article of confederation, 1783.	185
Return of ratable polls, 1783.	185
Petition of Samuel Fugard, soldier, 1784.	185
Statement of his widow, 1791.	186
Petition relative to soldiers sent to Coös, 1785.	186
Petition of Barnard McKeen, soldier, 1787.	187
Petition of Samuel Remick, soldier, 1788.	187
Proceedings of town-meeting, 1786.	187
Certificate of nails made, 1791.	188
Petition of James Houston, soldier, 1790.	188
Memorial relative to fish-wardens, 1797.	188

BETHLEHEM.

Introduction,	190
Petition for a grant of land, 1798.	190
Petition for an act of incorporation, 1798.	191

BENTON.

Introduction,	192
Petition for allowance for soldiers, 1786.	192

Soldiers' certificates.	193
Petition for appointment of a magistrate.	193

BOSCAWEN.

Introduction.	193
Petition for a guard. 1755.	194
Petition for an act of incorporation. 1757.	195
Petition for an act of incorporation. 1758.	197
Petition of Moses Call. soldier. 1776.	197
Petition of John Hale relative to a soldier. 1778.	198
Petition of John Hale relative to a soldier. 1780.	199
Petition of Joshua Danford. bills for supplies. 1781.	200
Soldiers' depositions relative to their discharges. 1781.	201
Petition of Benjamin Sweat. 1782.	201
Petition for grant of a lottery. 1783.	202
Petition of Samuel Fowler about firearms. 1783.	203
Certificate relative to Clement's ferry. 1780.	203
Certificate of number of ratable polls. 1783.	204
Petition of Henry Gerrish for a ferry. 1785.	205
Soldiers' orders for pay. 1785.	206
Petition of Reuben Middleton. soldier. 1786.	206
Petition of Peter R. Stevens. soldier. 1786.	207
Petition for a new county. 1788.	207
Petition for the incorporation of a new town.	208

BOW.

Introduction.	209
Petition of James Cochran relative to land sold for taxes. 1759.	210
Petition of sundry citizens about taxes. 1766.	212
Remonstrance to petition of John Noyes. 1758.	212
Proceedings of a town-meeting. 1767.	213
Objection to E. Russell as a magistrate. 1776.	215
Petition for changing the date of town-meeting. 1780.	215
Petition of inhabitants concerning a ferry. 1782.	216
Certificate of number of ratable polls. 1783.	217
Petition of several soldiers. 1785.	217
Documents relative to Benjamin Jenness. soldier.	217
Petition of Benjamin Noyes concerning a ferry. 1791.	218

BRADFORD.

Introduction.	219
Soldier's order for wages. 1874.	219
Petition for an act of incorporation. 1787.	219

Town line defined. 1788.	221
Petition for authority to tax land for road purposes. 1788.	221
Record of annual meeting. 1789.	222
Petition for the appointment of a magistrate. 1789.	222

BRENTWOOD.

Introduction.	223
List of rates. 1743.	223
Report of committee relative to parish affairs. 1743.	224
Petition of John W. Smith. soldier. 1757.	224
Petition of Jonathan Pulcifer. soldier. 1758.	225
Petition of Josiah Bean. soldier. 1758.	225
List of Quakers. 1759.	226
Certificate of service done by Quakers. 1761.	227
Petition of Daniel Moody. soldier. 1760.	227
Petition of Bridget Clifford. soldier's mother. 1762.	228
Petition of Job Kenniston. Quaker. 1762.	228
Petition of selectmen concerning small-pox. 1762.	228
Bill for supplies furnished patient sick with small-pox. 1762.	230
Petition of Quakers concerning rates. 1769.	230
Certificates of soldier hired by Quakers. 1769.	231, 232
Action of the legislature on the foregoing.	232
Petition of Quakers concerning rates. 1769.	232
Action of the legislature on the foregoing.	233
Petition of selectmen about small-pox. 1776.	234
Soldiers' receipts. 1782.	234
Petition of James Bean. Quaker. 1779.	234
Petition of selectmen concerning soldiers. 1779.	235
Certificate of number of ratable polls. 1783.	236
Soldier's order for pay. 1784.	236
Proceedings of town concerning paper money.	237
Certificate of nails made. 1791.	237

BRIDGEWATER.

Introduction.	238
Petition of selectmen concerning representative. 1798.	239
Petition of inhabitants relative to same. 1798.	239
Petition of Daniel Burley for a ferry. 1799.	239
Certificate of proprietors of a bridge. 1799.	240

BROOKLINE.

Introduction.	240
Certificate of men enlisted. 1776.	241

Memorial to Massachusetts legislature about soldiers, 1778,	241
Memorial concerning soldiers, 1778,	242
Memorial concerning taxes, 1783,	243
Petition of Wm. Spalding, wounded at Bunker Hill.	244
Petition concerning annexation of part of Hollis to Raby.	244
Petition concerning annexation of part of Hollis to Raby.	245
Description of plan, 1786,	246
Relative to locating a meeting-house, 1788,	246
Petition for a committee to locate said house, 1788,	246
Vote to have the name of the town changed, 1798,	247
Petition for change of the name, 1798,	247

CAMPTON.

Introduction,	248
Petition for arms and ammunition, 1776,	248
Petition to be annexed to Grafton county,	249
Soldiers' orders, 1784,	250
Petition of Joseph Homans, soldier, 1789,	250
Return of ratable polls, 1785,	251
Petition concerning election of representative, 1785,	251
Petition for authority to tax non-residents, 1791,	251
Extract from town records,	252

CANAAN.

Introduction,	253
Petition for a new grant of the township, 1768,	253
Petition for extension of town charter, 1768,	254
Petition for arms and ammunition, 1776,	255
Vote of town, and petition relative to taxes, 1779,	255
Pay-roll of Capt. Joshua Wells's company, 1780,	256
Certificate of supplies furnished soldiers,	256
Petition relative to scouts furnished, 1782,	257
Petition for appointment of magistrate, 1782,	257
Town inventory, 1783,	258
Relative to appointment of a magistrate, 1785,	258
Relative to appointment of militia officers, 1785,	259
Order for a soldier's bounty, 1790,	260

CANDIA.

Introduction,	260
Soldier's order, 1780,	260
Return of ratable polls, 1783,	261

CANTERBURY.

Introduction,	261
Concerning trade with the Indians, 1743,	262
Vote to set off a parish, 1772,	263
Petition for a parish in south-east part,	263
Records of town-meeting, 1773,	264
John Melony's power of attorney, 1773,	266
Records of town-meeting, 1773,	268
Report of committee on line between this town and Chichester, 1779,	268
Petition of Abner Miles, soldier, 1778,	269
Vote of town appointing committee on line, 1779,	270
Return of ratable polls, 1783,	270
Petition for a division of the town, 1780,	270
Petition to be annexed to Hillsborough county,	271
Soldiers' orders, 1781 to 1785,	272, 273
Vote of town concerning paper money, 1786,	273
Return of ratable polls, 1787,	274
Petition for a new county, 1788,	274
Biographical note: Hon. Abiel Foster,	275
Petition for an incorporation of library, 1797,	275

CENTRE HARBOR.

Introduction,	276
Petition for incorporation, 1788,	276
Report of committee on same, 1789,	277
Petition for incorporation, 1797,	278

CHARLESTOWN.

Introduction,	279
Record of proprietors' meeting, 1742,	280
Petition of William and Joseph Willard, 1750,	280
Petition of Simon Sartwell, 1750,	281
Petition of Benjamin Bellows, 1750,	281
Petition of Joseph Wood,	282
Letter, Capt. Phineas Stevens to Theodore Atkinson, 1753,	283
List of owners of land (about 1753),	283
Petition for a grant from New Hampshire, 1753,	284
Petition of John Spafford, mill destroyed,	285
Petition of selectmen for a hospital, 1777,	286
Letter, Jacob Bayley to committee of safety, 1780,	286
Concerning Simon Powers, soldier, 1782,	287
Concerning Rev. Bulkley Olcott, 1784,	287
Votes relative to setting off a parish, 1784, 1789,	288

Petition of the north part to be set off. 1785.	288
Petition relative to the west bound of town. 1787.	290
Vote granting permission to Universalists to preach in the meeting-house.	290
Petition of Academy trustees for a lottery, 1791.	291
Petition of Academy trustees for grant of land. 1792.	292
Petition for a division of the town. 1793.	293
Report of committee on division. 1794.	294
Petition for annexation of part of the town to Langdon.	295
Bill for ferrying soldiers. 1776.	296
Petition relative to soldier, died of small-pox. 1776.	296
Petition of Capt. Wetherbee. for allowance for soldiers, 1778.	296
Selectmen of the town to selectmen of Lempster, 1778.	298
Petition relative to Nathan Spofford. soldier. 1779.	298
Soldiers' receipts. 1781.	298
Documents relative to soldiers. 1780.	299
Statement of Col. Bellows relative to same. 1780.	300

CHATHAM.

Introduction.	301
Petition for authority to tax non-residents. 1798.	302
Richard Kimball concerning roads. 1798.	303
Obed Hall relative to land tax. 1798.	303

CHESTER.

Introduction.	304
Record of an ecclesiastical council. 1734.	305
Notice of ordination. 1734.	306
Certificate of ordination. John Willson. 1734.	306
Record of an ecclesiastical council. 1735.	307
Record of town-meeting. 1736.	308
Vote of town electing assessors. 1741.	308
List of tax-payers. 1741.	309
Petitions for a road to Londonderry. 1742.	310
Record of meeting, minister's salary.	311
Soldiers' petitions. 1758. 1761.	312
Petition of Samuel Blunt. post-rider. 1776.	313
Petition of the Shirleys. Bunker Hill soldiers. 1776.	313
Petition of John Knowles. Bennington. soldier. 1778.	314
Petition of Susanna Emerson. soldier's widow. 1779.	314
Letter to President Weare. 1780.	314
Letter, Joshua Wentworth to committee of safety. 1782.	315
Petition of selectmen relative to tax. 1782.	315
Petition of Haseltine and Berry, soldiers. 1783.	317

Instructions to representatives. 1783.	317
Articles of confederation. editorial note.	318
Return of ratable polls. 1783.	318
Petition for a magistrate. 1785.	319
Petition relative to paper money, etc., 1786.	319
Soldier's order. 1784.	321
Petition of Isaac Tucker. soldier. 1786.	321
Petition of Jeremiah Towle. soldier. 1788.	321
Petition relative to town bounds. 1794.	322
Petition for incorporation of west parish. 1796.	323
Petition for incorporation of library. 1797.	324

CHESTERFIELD.

Introduction.	325
Petition for a grant of the township. 1751.	326
Petition of Jeremiah Wheelwright. 1771.	327
Election of a magistrate. 1776.	328
Instructions to representative. 1776.	328
Thomas Gibbs's losses at the Cedars. 1776.	329
Petition of Richard Coughlin. assault.	329
Statement relative to the Governor's lot. 1777.	330
Town committee to committee of safety. 1777.	332
Town committee to President Weare. 1777.	333
Letter—N. S. Prentice to E. Baldwin. 1777.	334
Deposition of Snow & Johnson. 1777.	335
Deposition of John and Fear Sargent. 1777.	336
Ephraim Baldwin's acknowledgment. 1777.	337
Town committee to legislature. 1778.	337
Recommendation concerning Tories. 1778.	338
Benjamin Kimball's receipt. 1778.	339
Petition of William Lee. soldier. 1780.	339
Petition for appointment of magistrate. 1781.	340
Petition of Francis Crane. soldier. 1783.	340
Petition for new magistrates. 1783.	341
Return of ratable polls. 1783.	342
Nomination for magistrates. 1784.	342
Petition for a lottery. 1786.	343
Petition for allowance for soldiers. 1786.	345
Petition of William Thomas for a ferry. 1786.	346
Petition of E. Hale for a ferry. 1786.	346
Petition of E. Baldwin for an allowance. 1786.	347
Petition for allowance for support of William Loudon. 1787.	348
Petition for incorporation of a school. 1789.	349
Petition of Josiah Hastings for a ferry. 1791.	351
Petition relative to bridge over Connecticut river.	351

CHICHESTER.

Introduction,	352
Proceedings of town-meeting, 1776.	353
Petition for appointment of a magistrate, 1776.	353
Remonstrance to foregoing, 1776.	354
Petition concerning election of representative, 1779.	354
Petition concerning election of representative.	355
Selectmen requested to call a town-meeting, 1781.	356
Proceeding of town-meeting, 1781.	357
Petition relative to a division of the town, 1782.	358
Petition relative to a division of the town, 1782.	359
Action of the legislature on the foregoing.	360
Request to be classed with Pittsfield, 1783.	360
Petition for a magistrate, 1786.	361
Petition for authority to tax non-residents, 1791.	362

CLAREMONT.

Introduction,	363
Rev. Ranna Cossitt collated to the church, 1773.	364
Editorial note relative to foregoing,	364
Town committee of safety to the general court, 1776.	365
Relative to appointment of magistrate, 1777.	366
Record of marriage, Col. Wait's widow, 1777.	367
Relative to David Bates as magistrate, 1777.	367
Relative to service done by Lieut. Taylor, 1777.	368
Taylor's petition for an allowance, 1778.	368
Petition relative to town officers, taxation, etc., 1782.	369
Petition relative to town charter, 1782.	371
Deposition relative to charter, 1782.	371
List of ratable polls, 1783.	372
Soldiers' receipts and orders, 1780, 1784.	374
Petition of Reuben Spencer, wounded, 1784.	374
Benjamin Sumner's statement, about soldiers, 1785.	375
Petition of Lieut. Spencer, and roll of scouting party.	375
Soldier's order for pay, 1785.	376
Petition of Martha, widow of Col. Joseph Wait, 1786.	376
Soldier's order for pay, 1790.	377
Statement relative to inventories of 1779, 1784.	377
Inventory of taxable property, 1784.	378
Petition relative to bridge over Sugar river, 1785.	379
Petition relative to a magistrate, 1785.	379
Vote concerning paper money, 1786.	380
Councillor Kingsbury to President Sullivan, 1789.	380
Elihu Stevens recommended for magistrate, 1789.	381
Ambrose Cossitt recommended for magistrate, 1789.	381
Petition for the incorporation of the Episcopal Society,	382
Proceedings of town-meeting, 1794,	383

Veto of act incorporating the Congregational Society,	383
Petition for incorporation of same, 1794.	384
Statement of James Erskine, Universalist, 1800.	384

COLEBROOK.

Introduction,	385
Petition for an act of incorporation, 1795.	386

COLUMBIA.

Introduction,	386
Petition for authority to tax non-residents,	387
Petition for act of incorporation, 1797.	387
Petition of E. De Forrest for a ferry, 1799.	388
Petition of Bailey and Hibbard for a ferry, 1799.	389
Statement favoring De Forrest, 1799.	389

CONCORD.

Introduction,	390
Petition for a guard, 1747.	390
Decision of Lords Justices, relative to Bow controversy, 1755.	392
Petition for incorporation, 1764.	396
Petition of Moses Eastman for a ferry, 1767.	398
Petition of John Merrill for a ferry, 1773.	398
Summons to Daniel and John Chase, 1777.	399
Petition of citizens of Canterbury to be annexed to Concord.	399
Petition relative to same, 1784.	400
Petition to be annexed to Hillsborough county, 1785.	400
Petition of Lemuel Tucker for a ferry, 1785.	401
Petition relative to representative, 1786.	401
Petition for a surveyor of potash, 1787.	402
Statement relative to settlement with Bow, 1788.	403
Petition for charter for Concord bridge, 1795.	404
Petition for charter for Federal bridge, 1795.	405
Petition for grant of a township, 1796.	406
Petition of William Walker, concerning muster-roll, 1753.	406
Soldier's certificate, 1776.	407
Petition of Ezekiel Carter, soldier, 1778.	407
Receipt, Sarah Pitts, soldier's wife, 1782.	408
Petition of Jonathan Elliot, soldier, 1785.	408

CONWAY.

Introduction,	409
Vote of town-meeting, 1773.	409
Petition for a magistrate, 1769.	410

List of ratable polls, 1773,	410
Statement relative to delinquent proprietors, 1771,	411
Petition to be annexed to Strafford county, 1778,	412
Concerning authority of civil officers, 1779,	412
Petition relative to taxes, defence of frontier, etc., 1780,	413
Petition for help to build a road to Coös,	414
Petition relative to defence of the frontiers, 1781,	415
Statement relative to raising men for the army, 1781,	415
Petition relative to refugees from the frontier, 1781,	417
Petition relative to a bridge over East Branch, 1781,	417
Petition of Stephen Coffin for a ferry,	418
Return of ratable polls, 1783,	419
Town inventories, 1779-1783,	419-420
Petition for abatement of taxes, 1784,	420
Deposition of Nathaniel Merrill, surveyor, 1784,	421
Statement concerning freshet of 1785,	421
Estimate of losses caused by same,	422
Petition relative to representative, 1786,	422
Petition relative to forming a new county, 1791,	423
Petition relative to class for representative, 1791,	424
Petition relative to small-pox, 1792,	425
Petition for annexation of several "Locations," 1799,	426
Petition for incorporation of the Baptist Society, 1800,	427
Remonstrance to same,	428
Deposition concerning same,	429
Action of town, and certificate of selectmen,	430
Petition of Nathaniel Hutchins, soldier, 1781,	431
Roll of Lieut. Walker's scouts, 1781,	431
Bill for supplies to same,	432
Petition of Benjamin Heath, soldier, 1784,	432

CORNISH.

Introduction,	433
Enlistment papers, 1780,	434
Cornishmen at Saratoga, 1777,	434
Statement of General Chase concerning frontier, 1781,	435
Return of ratable polls, 1783,	436
Documents relative to Vermont Controversy, 1782,	436-449
Warrant for town-meeting, 1782,	437
Certificate of town-clerk,	438
Protest against action of town-meeting,	438
Deposition of Matthias Stone,	438
Deposition of Nathaniel Curtice,	439
Deposition of Wm. Pain and Eleazer Jackson,	440
Deposition of Wm. Ripley and Francis Smith,	441
Deposition of Nathaniel Stone,	442
Deposition relative to proceedings of town-meeting,	442

Deposition of Chapman and Stone,	443
Selectmen's statement,	444
Representation of committee of inhabitants,	445
Petition relative to representative, 1782,	447
Memorial of Dudley Chase,	447
Petition of selectmen, 1783,	448
Petition of Moses Chase for allowance, 1784,	449
Deposition of Daniel Putnam relative to ferry, 1784,	450
Memorial of General Chase,	451
Petition for magistrate, 1786,	452
Statement relative to Vermont Controversy, 1786,	452
Petition for a poll parish, 1788,	454
Objection to same,	455
Vote relative to ministerial rates, 1788,	456
Documents relative to Nathaniel Curtice, soldier,	456
Petition of Andrew Wilkins, soldier, 1794,	457
Petition for a lottery to purchase a medical library,	457
Petition of Gen. Chase for charter for a canal from Connecticut river to Merrimack river, 1794,	458
Petition of Gen. Chase for charter for toll-bridge,	458
Petition of Episcopal church for incorporation, 1794,	459
Petition relative to glebe land, 1795,	460
Petition relative to removal of dead bodies, 1796,	460
Petition for incorporation of library, 1797,	461
Petition for incorporation of Congregational church, 1798,	461
Roll of militia company in Cornish, 1776,	462
Return of soldiers, 1777,	463

CROYDON.

Introduction,	463
Petition for a re-grant of the town,	463
Petition of Mary How, 1778,	464
Petition relative to representative, 1779,	465
Petition relative to town-meeting, 1783,	466
Petition relative to inventory of 1779,	467
Proceedings of town-meeting, 1786,	468
Petition for authority to tax non-residents, 1788,	468
Petition relative to election of representatives, 1793,	469
Return of ratable polls, 1799,	469
Petition relative to soldiers, 1782,	470
Town claims a soldier,	471
Return of a soldier, 1777,	471
Muster-roll of Croydon men at Saratoga, 1777,	471
Soldiers' enlistment papers, 1780,	472

List of ratable polls, 1773,	410
Statement relative to delinquent proprietors, 1771,	411
Petition to be annexed to Strafford county, 1778,	412
Concerning authority of civil officers, 1779,	412
Petition relative to taxes, defence of frontier, etc., 1780,	413
Petition for help to build a road to Coös,	414
Petition relative to defence of the frontiers, 1781,	415
Statement relative to raising men for the army, 1781,	415
Petition relative to refugees from the frontier, 1781,	417
Petition relative to a bridge over East Branch, 1781,	417
Petition of Stephen Coffin for a ferry,	418
Return of ratable polls, 1783,	419
Town inventories, 1779-1783,	419-420
Petition for abatement of taxes, 1784,	420
Deposition of Nathaniel Merrill, surveyor, 1784,	421
Statement concerning freshet of 1785,	421
Estimate of losses caused by same,	422
Petition relative to representative, 1786,	422
Petition relative to forming a new county, 1791,	423
Petition relative to class for representative, 1791,	424
Petition relative to small-pox, 1792,	425
Petition for annexation of several "Locations," 1799,	426
Petition for incorporation of the Baptist Society, 1800,	427
Remonstrance to same,	428
Deposition concerning same,	429
Action of town, and certificate of selectmen,	430
Petition of Nathaniel Hutchins, soldier, 1781,	431
Roll of Lieut. Walker's scouts, 1781,	431
Bill for supplies to same,	432
Petition of Benjamin Heath, soldier, 1784,	432

CORNISH.

Introduction,	433
Enlistment papers, 1780,	434
Cornishmen at Saratoga, 1777,	434
Statement of General Chase concerning frontier, 1781,	435
Return of ratable polls, 1783,	436
Documents relative to Vermont Controversy, 1782,	436-449
Warrant for town-meeting, 1782,	437
Certificate of town-clerk,	438
Protest against action of town-meeting,	438
Deposition of Matthias Stone,	438
Deposition of Nathaniel Curtice,	439
Deposition of Wm. Pain and Eleazer Jackson,	440
Deposition of Wm. Ripley and Francis Smith,	441
Deposition of Nathaniel Stone,	442
Deposition relative to proceedings of town-meeting,	442

Deposition of Chapman and Stone,	443
Selectmen's statement,	444
Representation of committee of inhabitants,	445
Petition relative to representative, 1782,	447
Memorial of Dudley Chase,	447
Petition of selectmen, 1783,	448
Petition of Moses Chase for allowance, 1784,	449
Deposition of Daniel Putnam relative to ferry, 1784,	450
Memorial of General Chase,	451
Petition for magistrate, 1786,	452
Statement relative to Vermont Controversy, 1786,	452
Petition for a poll parish, 1788,	454
Objection to same,	455
Vote relative to ministerial rates, 1788,	456
Documents relative to Nathaniel Curtice, soldier,	456
Petition of Andrew Wilkins, soldier, 1794,	457
Petition for a lottery to purchase a medical library,	457
Petition of Gen. Chase for charter for a canal from Connecticut river to Merrimack river, 1794,	458
Petition of Gen. Chase for charter for toll-bridge,	458
Petition of Episcopal church for incorporation, 1794,	459
Petition relative to glebe land, 1795,	460
Petition relative to removal of dead bodies, 1796,	460
Petition for incorporation of library, 1797,	461
Petition for incorporation of Congregational church,	461
1798,	461
Roll of militia company in Cornish, 1776,	462
Return of soldiers, 1777,	463

CROYDON.

Introduction,	463
Petition for a re-grant of the town,	463
Petition of Mary How, 1778,	464
Petition relative to representative, 1779,	465
Petition relative to town-meeting, 1783,	466
Petition relative to inventory of 1779,	467
Proceedings of town-meeting, 1786,	468
Petition for authority to tax non-residents, 1788,	468
Petition relative to election of representatives, 1793,	469
Return of ratable polls, 1799,	469
Petition relative to soldiers, 1782,	470
Town claims a soldier,	471
Return of a soldier, 1777,	471
Muster-roll of Croydon men at Saratoga, 1777,	471
Soldiers' enlistment papers, 1780,	472

DALTON.	
Introduction,	472
Petition for a division of the town, 1783,	473
Consent of proprietors to foregoing, 1783,	474
Petition of Moses Blake for a ferry, 1791,	474
Selectmen of Littleton recommend the same,	474
Selectmen of Lancaster recommend the same,	475
Walter Bloss recommends the same,	475
Petition for authority to tax non-residents, 1792,	476
Petition of Walter Bloss for a ferry, 1799,	477
DANBURY.	
Introduction,	477
Petition for authority to tax non-residents, 1796,	478
DANVILLE.	
Introduction,	479
Statement relative to inventory, 1777,	479
Petition of Mary Fellows, 1778,	480
Petition relative to election of representative, 1779,	480
Return of ratable polls, 1783,	481
Vote relative to annexation of Poplin people, 1782,	481
Petition for a magistrate, 1785,	482
Petition for an issue of paper money, 1786,	482
DEERFIELD.	
Introduction,	483
Vote for assessing a tax to build a meeting-house, 1770,	484
Nominations for magistrates, 1776,	484
Statement relative to a counterfeiter, 1775,	484
Lieut. Hilton enrolled for half pay, 1778,	485
Petition of Israel Clifford about a soldier, 1779,	485
Petition of Dr. Edmund Chadwick, 1780,	486
Petition of selectmen relative to a soldier, 1779,	486
Deposition of Amos Morrill,	486
Petition of Nathan Sanborn, soldier, 1785,	487
Petition of Capt. Simon Marston, 1785,	487
Soldier's certificate,	488
Petition for an issue of paper money, 1786,	488
Surveyor's certificate, 1786,	489
Referees' report concerning lot No. 25,	489
Petition for the incorporation of a school, 1799,	490
DEERING.	
Introduction,	490
Letter, Nenian Aiken to Col. Moor, 1775,	491
Letter of transmittal of the foregoing,	491

Statement concerning one Mrs. Hogg, 1780,	491
Return of ratable polls, 1783,	492
Petition for authority to tax non-residents, 1783,	492
Petition relative to laying out a road, 1783,	493
Petition for a committee to locate a meeting-house, 1784,	494
Report of said committee,	494
Petition for authority to tax non-residents, 1785,	495
Petition relative to tax on land annexed to Weare, 1787,	496
Certificate relative to same,	496
Petition relative to a road, 1794,	497
Petition for incorporation of library, 1797,	497
DORCHESTER.	
Introduction,	498
Names of proprietors, 1771,	498
Petition relative to state tax, 1779,	499
Inventory of 1777,	500
Petition relative to state tax, 1783,	501
Petition relative to state tax, 1786,	502
Petition for a magistrate,	503
Petition for abatement of taxes,	503
Petition relative to representative, 1791,	504
Petition for change of date of annual meeting,	505
DOVER.	
Introduction,	506
Precept for the election of assemblymen, 1694,	506
Thomas Edgerley's acknowledgment,	507
Return of assemblymen, 1695,	507
Return of assemblymen, 1697,	508
Lists of inhabitants, 1715,	508, 509
Petition of Dr. Alden, concerning sick soldier, 1724,	509
Deposition of Samuel Tebbitts,	510
Remonstrance to a division of the town, 1729,	510
Action of legislature on the foregoing,	511
Statement relative to boundary line between Dover and Oyster river parish, 1731,	512
Relative to a parish in the west part, 1743,	513
Gov. Wentworth's order to Maj. Davis, 1744,	514
Petition of Salathiel Denbo, sailor, 1730,	514
Petition of Eleazer Young, Jr., soldier, 1744,	514
Warrant for town-meeting, 1745,	515
Proceedings of same,	515
Summons to assemblymen, 1745,	517
Statement concerning election of representatives, 1745,	517
Parish rates, 1753,	518-522
Depositions relative to Israel Peirce, soldier, 1753,	522

Description of plan,	523
Warrant for town-meeting, 1754,	524
Petition of west part to be set off, 1754,	524
Action of legislature on foregoing,	526
Request for calling a town-meeting, 1754,	526
Action of said meeting,	527
Petition of Capt. John Titcomb, soldier,	528
Petition relative to assemblymen, 1757,	529
Petition of Samuel Wentworth, soldier, 1759,	529
Petition of Joseph Hall, soldier, 1759,	530
Petition of Capt. Samuel Gerrish, soldier,	530
Petition of Ichabod Bussey, soldier, 1761,	531
Statement relative to Madbury affairs, 1768,	532
Statement relative to bridges, 1772,	533
Warrant for town-meeting, 1770,	534
Action of town-meeting relative to bridge, 1770,	534
Warrant for town meeting, 1770,	535
Action of said meeting,	536
Petition relative to said bridge, 1770,	537
Copy of record of the laying out of a road in 1711,	538
Depositions relative to same,	539, 540
Petition of selectmen relative to the bridge, 1772,	541
Joanna Chase's receipt for beef, 1778,	541
Receipts of several soldiers, 1779,	542
Report of committee to hire soldiers, 1783,	542
Petition of widow of a soldier who fell in battle,	543
Petition of Moses Ham, collector of taxes, 1782,	543
Petition for a lottery, 1786,	544
Relative to navigation and port act, 1786,	546
Petition of Elisha Thomas for reprieve, 1788,	547
Petition for reprieve of sentence of Elisha Thomas,	548
Ladies' petition for same,	549
Petition of Col. Titcomb, 1790,	549
Petition of Ebenezer Tebbitts, soldier,	550
Petition of Levans and Chandler, soldiers, 1792,	550
Petition for a lottery, 1791,	551
Petition for incorporation of a library, 1792,	553
Record of a meeting of the library society, 1792,	553
Petition for a law against billiard-playing,	554

DUBLIN.

Introduction,	555
Bill for soldiers' pay, 1781,	556
Soldiers' orders, 1778-1781,	556
Petition of Abigail Bates, soldier's widow, 1778,	557
Petition of Bartholomew Goyer, soldier, 1792,	557
Certificate of Col. George Reid,	558

DUNBARTON.

Introduction,	558
Request for powder, 1776,	559
Answer to same,	559
Statement relative to confiscated estates, 1778,	559
Soldiers' receipts, 1777, 1778,	560
Petition of John Hogg relative to soldiers, 1778,	560
Soldiers' orders, 1781, 1784,	561
Petition of John Hogg relative to school lot, 1779,	562
Letter, Robert Smith to general court, 1781,	563
Petition relative to Stark and Stinson, 1785,	564
Petition for a coroner, 1787,	565
Petition for change of date of annual meeting, 1791,	565

DURHAM.

Introduction,	566
Answer to Oyster river petitions, 1715,	566
Rev. Hugh Adams's complaint,	568
Rev. Hugh Adams's petition, 1740,	572
Sheriff's warrant against the town, 1743,	573
Warrant for town-meeting, 1743,	574
Action of said meeting, 1743,	574
Warrant for town-meeting, 1743,	574
Action of said meeting,	575
Petition of Daniel Meder, 1744,	575
Petition for a grant of land, 1749,	576
Petition of Dr. Samuel Adams, for an allowance for treating soldiers for scarlet fever,	577
Petition of Hercules Mooney,	578
Proceedings of town-meeting, 1755,	579
Petition relative to line between Durham and Nottingham,	579
Petition of Jonathan Bunker, soldier, 1757,	580
Petition of George Barns, soldier, 1761,	581
Petition of Hercules Mooney, 1761,	581
Petition of John Layn, soldier, 1761,	581
Petition of Thomas Tash, soldier, 1761,	582
Petition of Benjamin Mooney, soldier, 1762,	582
Proceedings of town-meeting relative to division,	584
Petition for division of the town, 1765,	586
Account of blankets furnished soldiers, 1775,	587
Petition of David Copps, soldier, 1777,	588
Town account for bounties, 1778,	589
Valentine Mathes's account for supplies, 1779,	589
Other accounts for same, 1779-1782,	590
Soldier's certificate, 1786,	590

Return of ratable polls, 1783,	591
Soldier's certificate, 1786,	591
Odiorne's request to be appointed commander of the fort at New Castle, 1786,	593
Petition of inhabitants relative to a road, 1792,	593
Petition against a change of the road, 1792,	594
Petition of Sarah Adams,	596

EAST KINGSTON.

Introduction,	596
Soldiers in the army, 1776,	597
Petition for a separate military company, 1777,	597
Petition relative to a militia regiment, 1784,	598
Appointment and report of a committee on boundary line, 1797, 1798,	600

EATON.

Introduction,	600
Petition to have the boundary line established between this town and Tamworth, 1788,	601
Petition relative to said line, 1789,	601
Petition for authority to tax non-residents,	602
Petition for ratification of town-meeting, 1793,	602
Petition for annexation to the town of several grants, 1795,	603

EFFINGHAM.

Introduction,	604
Petition for a road, 1778,	605
Petition relative to a road through Wakefield, 1778,	605
Petition relative to same, 1784,	606
Vote relative to paper money, 1786,	607
Statement relative to taxes, 1786,	608
Petition for authority to tax non-residents, 1789,	609

ENFIELD.

Introduction,	610
Relative to a convention at Hanover, 1777,	610
Return of draft in Capt. Lasell's company, 1777,	611
Return of men in the army, 1777,	611
Petition for an incorporation, 1778,	611
Petition for an incorporation, 1779,	612
Report of committee on town lines, 1781,	613
Return of ratable polls, 1783,	613
Petition for repeal of the "Relhan charter," 1783,	614
Petition for abatement of taxes, 1783,	614
Petition for repeal of the "Relhan charter," 1783,	614

Petition relative to doorage, 1784,	615
Statement relative to the burning of a house, 1784,	616
Vote relative to issuing paper money, 1786,	616

EPPING.

Introduction,	616
Petition relative to lotting the township, 1747,	617
Petition relative to building a meeting-house, 1747,	618
Report of money raised for ministerial purposes, 1749,	619
Vote relative to laying out a road, 1747,	620
Petition of Jonathan Folsom, soldier, 1756,	620
Soldiers' receipts for guns, 1775,	621
Petition of Abraham Brown, soldier, 1775,	621
Petition of John Wadleigh, soldier, 1775,	621
Petition of Samuel Prescott, soldier, 1780,	622
Soldiers' orders, 1781,	622, 623
Petition relative to raising men for the army, 1780,	623
Petition relative to Newmarket bridge, 1780,	624
Return of ratable polls, 1783,	625
Petitions for appointment of William Plumer, 1785,	625, 626
Petitions for appointment of David Lawrence,	627
Petitions in favor of Nathaniel Rogers for sheriff, 1791,	628

EPSOM.

Introduction,	628
Relative to John Dwyer, soldier, 1779,	629
Epsom men in first regiment, 1777-1780,	629
Petition of Maj. Amos Morrill, 1780,	630
Petition of Capt. Michael McClary, 1780,	630
Petition of Weymouth Wallis, soldier, 1790,	631
Return of ratable polls, 1783,	631
Certificate of nails made, 1791,	632
Petition relative to road from Concord to Durham,	632

ERROL.

Introduction,	633
Petition for a renewal of the grant, 1789,	633
Joshua Heath's account for making roads, 1789,	635
Petition for confirmation of the grant, 1791,	635
Action of legislature on the foregoing, 1791,	637
Petition relative to proprietors' clerk, 1798,	638

EXETER.

Introduction,	639
Soldiers quartered in town, 1693,	640
Return of assemblymen, 1692, 1694,	640

Precept for election of assemblymen, 1695,	641
Capt. Kinsley Hall's pay-roll, 1696,	642
Account of wages paid soldiers, 1696,	643
Petition of Richard Hilton for a ferry, 1700,	644
Remonstrance to a division of the town, 1701,	645
Relative to a sloop impressed, 1710,	645
Billy Dudley's account, 1709,	646
Petition relative to cutting timber, 1713,	646
Petition relative to children captured by Indians,	647
Assessment on trades and incomes, 1731,	648
Warrant for seizure of lumber, 1739,	648
Petition of George Creighton, soldier, 1746,	649
Petition of Dr. Gilman, Cape Boston expedition, 1745,	650
Petition of Capt. Ladd, soldier, 1747,	650
Inventory of Maj. Gilman's loss at Fort William Henry, 1757,	651
Petition of Dr. Lamson, taken prisoner by Indians,	652
Statement relative to town-meeting, 1755,	653
Statement relative to pay of assemblyman, 1775,	655
Petition of Peter Coffin, concerning his son, 1776,	654
Statement relative to some salt, hoarded, 1776,	654
Statement relative to appointment of a magistrate, 1776,	656
Petition of Adjutant Elliot, 1778,	657
Petition of Richard Jordon relative to paper-mill, 1778,	658
Petition of inhabitants concerning parish rates, 1779,	659
Account for supplies to soldiers' families, 1782,	660
Col. Jeremiah Gilman's petition, 1782,	661
Petition of Martha, widow of Gen. Poor, 1781,	663
Petition of Thomas Haines, 1785,	663
Petition of Nicholas Nicholle, 1790,	664
Petition relative to Phillips Exeter Academy, 1783,	664
Statement concerning Nicholas Gilman's donation, 1785,	666
Statement concerning Newmarket bridge, 1786,	667
Petition relative to fire-wards, 1787,	668
Vote of the Society of the Cincinnati, 1793,	669
Petition for incorporation of a library, 1797,	669

FITZWILLIAM.

Introduction,	670
Memorial of Sampson Stoddard against the incorporation of the town, 1768,	670
Petition for the incorporation of the town, 1773,	671
Petition of Abigail, wife of Capt. Clayes,	671
Petition of Gen. James Reed, 1780,	672
Biographical notice of Gen. Reed,	673
Soldiers' orders, etc.,	674
Physicians' certificate relative to Gen. Reed, 1786,	675

Petition of Sylvanus Reed, soldier, 1786,	675
Town instructions to their representative, 1783,	675
Petition for authority to tax non-residents, 1789,	679
Petition of Gen. James Reed,	679
Petition for incorporation of library, 1797,	680

FRANCESTOWN.

Introduction,	680
Soldiers' orders, 1778,	681
Petition of Nathaniel Boyd, soldier, 1782,	681
Certificates of bounties due, 1782,	682
Petition for a ministerial tax, 1772,	682
Petition relative to militia officers, 1775,	683
Return of ratable polls, 1783,	684
Petition for a new town,	684

FRANCONIA.

Introduction,	685
Petition of the Morristown grantees, 1793,	686
Petition of the Morristown grantees,	688
Petition relative to boundaries, etc., 1790,	690
Petition for help to build a road, 1790,	692
Receipt for taxes, 1795,	694
Town inventories, 1778 to 1782,	694
Petition of Morristown grantees, 1798,	695

FREMONT.

Introduction,	696
James Dockham's discharge, 1780,	696
Soldiers' orders,	697
Election of delegates to provincial congress, 1775,	697
Statement of Enoch Brown relative to same, 1776,	698
Statement relative to aforementioned election, 1776,	698
Enoch Brown chosen justice of the peace, 1776,	699
Petition to be joined with Hawke for parochial purposes, 1782,	700
Report of committee on the same, 1783,	701
Vote consenting to said annexation, 1783,	701
Remonstrance to foregoing,	701
Consent of town to same,	702
Return of ratable polls, 1783,	702
Statement relative to representative, 1785,	703
Recommendation for magistrate, 1785,	703
Petition for relief from grievances stated, 1786,	704

APPENDIX.

Documents relative to service done in the French war by the Quakers of Dover, Durham, Madbury, Rochester, Barrington, and Somersworth, . . .	709
Letter—Col. Theodore Atkinson to Mr. Fisher, 1768. . .	712
Proclamation to the insurgents in Cheshire and Grafton counties, Jan. 12, 1782, . . .	715
Letter—Col. Seth Warner, sent by express to alarm the people of the approach of the enemy, 1777, . . .	719
Roll of Capt. William Barron's Co., Canada, 1776, . . .	720
Documents relative to charter records, . . .	721, 722
Letter—Gen. Sullivan to legislature, 1788, . . .	721
Letter—Gov. John Wentworth to Gen. Sullivan, 1787, . . .	722
Action of legislature, 1788, . . .	722
Documents relative to boundaries of several towns in Grafton county, 1780-1793, . . .	723-731
Petition for appointment of a committee to settle said boundaries, 1780, . . .	723
Vote of convention relative to same, 1779, . . .	724
Petition of proprietors of Canaan, 1781, . . .	725
Convention of township agents, 1781, . . .	726
Memorial of Jonathan Moulton, 1781, . . .	727
Petition of proprietors, 1783, . . .	727
Petition of proprietors, 1793, . . .	728
Report of committee on the boundaries of Orford, Rumney, Warren, Campton, Plymouth, Wentworth, Piermont, . . .	729-730
Col. Benjamin Sumner's scheme to secure an alliance with the Indians in Canada, 1800, . . .	731
Documents printed in <i>fac-simile</i> : First constitution of New Hampshire, 1776. Proclamation declaring the same to be in force. Amended constitution of 1779, which was rejected by the people	
Index of towns, places, etc., . . .	741-745
Index intended to contain the name of every person mentioned in the volume, with reference to every page on which it occurs, . . .	747-812

EARLY TOWN PAPERS.

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

Town Papers.

DOCUMENTS

RELATING TO

TOWNS IN NEW HAMPSHIRE,

GILMANTON TO NEW IPSWICH,

WITH AN

APPENDIX,

Embracing some Documents relative to Towns which have
been returned to the State archives since the
publication of Volume XI.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

VOLUME XII.

COMPILED AND EDITED BY

ISAAC W. HAMMOND.

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1883.

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That his excellency the governor be hereby authorized and empowered, with the advice and consent of the council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the state, one copy to such of the public libraries in the state as the governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

Approved August 4, 1881.

EDITOR'S PREFACE.

In this volume is continued the publication of the same class of papers published in Volume XI, commencing with Gilmanston, and taking the towns, as alphabetically arranged, to New Ipswich. They extend over a period, in some towns, of one hundred and fifty years, ending with the year 1800.

The editorial introduction to each town is intended to give data relative to the grant, charter, and incorporation, and all severances and annexations of territory, and all divisions for the purpose of forming new towns, said data being compiled from the manuscript records of the state in all cases. The petitions for various purposes are valuable, as furnishing much historical matter not elsewhere in existence, and the names of the inhabitants at various dates. They have been in all cases copied as originally written, scrupulously preserving the orthography, punctuation, capitalization, etc. Many valuable documents relative to soldiers of the various Indian and French and Revolutionary wars may be found in this and the preceding volume. Volume XIII, the printing of which has been commenced, will contain the remainder of this class of documents.

The editor desires to express his gratitude to many citizens of the state, who are especially interested in its history, for encouragement given him in his labor, and for the many favorable comments awarded to Volume XI, and particularly to His Excellency Charles H. Bell, for valuable advice and support.

Should this volume be as favorably received as its predecessor, the editor will be entirely satisfied with the result of his labor, and encouraged to future efforts.

CONCORD, May, 1883.

I. W. H.

GENERAL CONTENTS.

GILMANTON.

Introduction,	1
Petition for authority to assess and collect taxes, 1737,	2
Petition of inhabitants relative to a road, 1770,	3
Petition for a magistrate,	4
Letter from Col. Joseph Badger to committee of safety, 1776,	5
Roll of men of Col. Badger's regiment, mustered July 23, 1776,	6
Roll of officers in Col. Badger's regiment, 1776,	8
Gilmanton soldiers' orders and receipts,	9
Return of ratable polls, 1785,	10
Petition for a magistrate, 1783,	11
Petition to have courts held at Norway Plains, 1789,	11
Action of town relative to Gilmanton Academy, 1792,	14
Thomas Cogswell to Hon. Abiel Foster relative to the academy, 1794,	16
Thomas Cogswell to Hon. John Prentice, relative to the academy,	16

GILSUM.

Introduction,	18
Petition for a grant of the township, 1752,	18
Petition to have the charter lengthened out, 1763,	19
Relative to boundary line between this town and Stod- dard, 1768,	20
Relative to a wire factory, 1776,	21
Relative to collection of taxes, 1782,	22
Return of ratable polls, 1784,	23
Petition for a new town, 1786,	23
Certificate of vote of town, 1787,	24
Non-resident land-owners, 1793,	25

GOFFSTOWN.

Introduction,	25
Relative to church matters,	26
Petition from Presbyterians, 1771,	27
Relative to the settlement of Rev. Mr. Currier, 1771,	28
Remonstrance to Mr. Currier's settlement, 1771,	29
Proceedings of town-meeting, 1771,	30
Relative to a dispute at town-meeting, 1772,	30
Petition for a lottery to build bridges over Piscataquog river, 1778,	32
Petition for the privilege of sending a representative without being classed with Derryfield, 1779,	33
Documents relative to soldiers, 1778,	34
Col. Kelley to Col. Stickney,	35
Relative to Joshua Wilson, soldier, 1775,	35
Warrant for town-meeting, 1780,	36
Petition relative to church affairs, 1781,	38
Request relative to management of town-meeting, 1783,	39
Deposition relative to constables' pay,	39
Return of ratable polls, 1783,	40
Warrant for town-meeting, 1783,	41
Protest against action in town-meeting, 1783,	41
Trouble between the Congregational and Presbyterian parishes, 1783,	42
Protest against proceedings of town-meeting, 1783,	44
Petition to have the line between Goffstown and New Boston established, 1787,	45
Goffstown men in first N. H. regiment,	46

GOSHEN.

Introduction,	46
Rev. Elias Fisher's certificate, 1796,	47
Petition for relief from paying ministerial taxes in Lempster, 1796,	47
Vote of Lempster relative to ministerial taxes paid by Goshen, 1796,	48

GRAFTON.

Introduction,	48
Petition for incorporation, etc., 1777,	49
Petition for incorporation, 1778,	50
Petition relative to taxes, etc., 1779,	51
Justice of the peace elected, 1779,	52
Account of service done in the Revolutionary war,	52

Petition for the passage of an act making produce, etc., legal tender for debts, 1783,	54
Documents copied from Gen. Jonathan Chase's papers, Grafton men drafted, 1780,	55
	56

GRANTHAM.

Introduction,	56
List of grievances, 1777,	57
Documents copied from Gen. Jonathan Chase's papers, Relative to town lines, 1781,	58
Inventory for 1775,	58
Petition for a parochial parish, 1780,	59
Petition to have the name of the town established as New Grantham, 1787,	59
	60

GREENFIELD.

Petition of sundry inhabitants to be annexed to Frankestown, 1792,	61
Petition for annexation of some lands to Greenfield, 1793,	63

GREENLAND.

Introduction,	64
Petition to have the boundaries established, 1714,	65
Petition for authority to elect a representative, 1730,	66
Relative to ministerial taxes, 1739,	67
Military officers elected, 1775,	67
Vote relative to forming a state government, 1776,	68
Relative to Thomas Packer, Jr., soldier, 1779,	69
Soldier's order, 1781,	69
Matrimonial agreement, Thomas Packer and Molly Tarlton, 1779,	69
Relative to election of representatives, 1783,	71
Petition for authority to raise money by lottery to build a bridge, 1789,	72

GROTON.

Introduction,	73
Election of justice of the peace, 1779,	74
Relative to a road through Plymouth, etc., 1781,	74
Petition relative to a road through Alexandria, 1782,	76
Capt. Edmund Shattuck recommended for a magistrate, 1785,	77
Petition relative to boundaries, 1785,	78
Petition for change of name of town, 1788,	79
Petition of Cockermouth people for a new town, 1791,	80

Petition of Plymouth people for a new town, 1791, . . .	80
Capt. Edmund Shattuck's resignation, 1791, . . .	82
Petition to have the name of the town changed to Groton, 1796, . . .	82

HAMPSTEAD.

Introduction, . . .	82
Assessment of rates, about 1764, . . .	83
Petition for an incorporation of the town, 1746, . . .	85
Committee to prosecute the foregoing petition, 1748, . . .	86
Request relative to foregoing petition, 1749, . . .	86
Committee to defend Kingston lawsuits, 1768, . . .	87
Votes in town-meeting relative to Kingston claims, 1760, . . .	87
Votes of town relative to Kingston claims, 1767, . . .	88
Committee appointed to settle with Kingston, 1767, . . .	88
Relative to the settlement of Kingston dispute, 1768, . . .	89
Elijah Heath's account, 1760, . . .	90
William Heath, Jr., soldier, 1760, . . .	90
Benjamin Morse, soldier, 1762, . . .	91
John Sawyer, soldier of the R. I. expedition, 1778, . . .	91
John Eaton's petition, soldier, 1780, . . .	91
Petition to be classed for representative, 1785, . . .	92
Petition relative to paper money, etc., 1786, . . .	93
Relative to Revolutionary matters, . . .	95
Petition for a magistrate, 1788, . . .	96
Certificate of nails made, 1791, . . .	97
Certificate of nails made, 1792, . . .	98

HAMPTON.

Introduction, . . .	99
Depositions relating to boundary line between Hampton and Portsmouth, 1669, . . .	99
Agreement relative to boundary between Hampton and Portsmouth, 1669, . . .	100
Election of assemblymen, 1691, . . .	101
Vote relative to granting new town, Kingston, 1694, . . .	102
Disbursements for soldiers, 1694, . . .	102
Selectmen about a new town, 1694, . . .	102
Election of assemblymen, 1694, . . .	103
Hampton soldiers, 1695, 1696, . . .	103
Hampton men in garrison at Exeter, 1695-'96, . . .	105
Hampton soldiers, April to September, 1696, . . .	107
New Hampshire to Hampton men, 1696, . . .	109
Warrant for muster of the militia, 1697, . . .	109
Hampton men sent to the fort, 1704, . . .	110
Hampton soldiers, 1708, . . .	111

Remonstrance against a township being granted at Squamscot, 1709, . . .	112
Another of same tenor, 1715, . . .	113
Weare's petition for a township, 1717, . . .	117
Warrant for parish meeting, 1719, . . .	115
Falls men present at said meeting, . . .	115
New Parish men present at said meeting, . . .	115
Petition for grant of a township, 1731, . . .	116
Bill of expense for constructing a pillory, 1732, . . .	117
Petition of North Hill inhabitants relative to paying ministerial rates: addressed to Gov. Belcher and the assembly, 1738, . . .	117
North Hill parish declaration, 1739, . . .	119
Report of committee concerning lines between North Hill and the old parish, 1742, . . .	120
Remonstrance to foregoing report, . . .	120
Abstract from Dr. Anthony's memorial, 1757, . . .	122
Abstract from Nathan Blake's petition, addressed to the governor and assembly, Jan. 28, 1760, . . .	122
Relative to small-pox, 1758, . . .	123
Relative to a lottery, 1790, . . .	124
Vote of town relative to a lottery, 1790, . . .	125
Petition for authority to raise money by lottery to repair a bridge, etc., 1791, . . .	125
Relative to aforementioned lottery, 1791, . . .	126
Relative to church matters, 1796, . . .	127
List of land-owners, about 1738, . . .	128

HAMPTON FALLS.

Introduction, . . .	130
Petition for grant of a township, no date, . . .	130
Petition of John Brown, innholder, for the privilege of a town fair, about 1734, . . .	131
Deposition of Joshua Pierce, . . .	132
Petition relative to making a new town of the west part, 1736, . . .	133
Committee appointed to fix division line, and report of said committee, 1736, . . .	133
Action of legislature, 1737, . . .	135
Petition for a change of dates of the fairs, 1738, . . .	135
Petition for the granting of a township, 1749, . . .	136
Petition of Quakers relative to service in the army, 1761, . . .	137
Relative to incorporation of Seabrook, 1768, . . .	138
Objections to the meeting called by Justices Bryant and Emery, 1770, . . .	138
Petition for the appointment of a committee to settle parish difficulties, 1770, . . .	139

Report of the committee, 1770,	140
Louisbourg soldiers, 1746,	141
Crown Point soldier, 1756,	141
Abigail Dwinnell's petition, 1759,	141
Petition of Isaac Tobey, 1760,	142
Jonathan Knowlton, soldier, 1760,	142
Isaiah Row, soldier, 1760,	142
Eleazer Quimby, soldier, 1760,	142
David Steward, soldier, 1761,	142
Proceedings in a parish meeting, 1773,	143
Summons to witnesses in foregoing matter,	143
Petition concerning aforesaid dispute,	144
Another statement relative to the foregoing dispute,	146
D. Bachelder's statement concerning same,	147
Election of a magistrate, 1776,	149
Return of ratable polls, 1783,	149
Recommendation for appointment of magistrate, 1789,	150
Relative to working highway taxes in Hampton Falls and Seabrook parish, 1791,	246

HANCOCK.

Introduction,	152
Consent of inhabitants of the east side to the incorporation of Hancock, 1779,	152
Petition for an incorporation of the town, 1779,	152
Petition relative to taxes, 1779,	153
Report of committee to locate a meeting-house, 1785,	154
Petition for special tax to build a meeting-house,	155
Petition for appointment of a committee to locate a meeting-house, 1785,	155
Petition for authority to levy a tax to build a meeting-house, 1785,	156
Relative to building a meeting-house, 1787,	156
Petition of Jos. Putnam to be annexed to Hancock, 1793,	157
Consent of the town to the foregoing,	157
Relative to militia regiments, 1785,	158

HANOVER.

Introduction,	159
Vote of the town relative to its boundaries, 1772,	159
Petition for an additional grant, 1771,	159
John Crane for leave to establish a hospital, 1773,	161
Jonathan Freeman relative to Hanover addition, 1774,	161
Precept for the election of a representative, 1775,	162
Vote of the town relative to the matter in dispute,	165
Petition of Lieut. John House, 1779,	165

Petition of Thos. Clark, soldier, addressed to the general assembly, 1783,	166
Petition of Lieut. James Goold, 1783,	166
Peter Johnson, Bunker Hill, soldier,	167
Soldiers' orders, 1786,	167
From Gen. Chase's papers,	168
Petition to have a part of Hanover incorporated into a new town, 1783,	170
Return of ratable polls, 1783,	171
Petition for the appointment of a magistrate, 1784,	172
Petition for an issue of paper money, 1784,	173
Relative to a road through town, laid out by a legislative committee, 1786,	174
Petition for a grant to make a canal, etc., 1792,	175
Isaac Rogers's petition for a ferry, 1794,	176

HAVERHILL.

Introduction,	177
Petition for a ferry, 1772,	177
Extract from grant to Asa Porter,	178
Report of the committee on the matter of granting a ferry to Thomas Johnson,	179
Relative to dead body found, 1776,	179
Enoch Bartlet's complaint, 1780,	180
Abstract from the petition of Geo. Moor, soldier, 1783,	181
John French, armorer, 1780,	181
Moses Dow declines to accept an election as a member of the congress of the United States, 1784,	182
Vote of town relative to paper money, 1786,	183
Selectmen's protest to the grant of a ferry to Ezekiel Ladd,	183
Petition for an act of incorporation for the academy, 1793,	184
Subscriptions towards building a bridge over Connecticut river, 1794,	185
Asa Porter for a ferry,	186
John Hurd relative to roads, 1774,	186
Representation of services done by the town during the war, and its present condition, 1798,	187

HENNIKER.

Introduction,	189
Petition of the inhabitants to have the town incorporated, 1768,	189
Return of men raised for the army, 1776,	191
Roll of Capt. Aaron Adams's company, 1776,	192

Joseph Patterson, wounded soldier, 1778,	193
Abraham Kimball, wounded soldier,	193
Soldier's order, 1779,	194
Petition for the appointment of a committee to locate a meeting-house, 1786,	194

HILL.

Introduction,	195
Petition to be incorporated into two towns, 1776,	196
Arms and ammunition asked for, 1776,	197
Petition to be incorporated, 1778,	197
Certificate of soldiers exempt from poll tax,	198
Deposition of Capt. Edward Everett,	198
David Emerson recommended for coroner, 1782,	199
Return of number of ratable polls, 1783,	199
Deposition of Joseph Emmons, 1781,	200
Petition for authority to tax non-residents, 1785,	200
Petition for a division of the town, 1787,	201
Petition for authority to tax non-residents, 1789,	202

HILLSBOROUGH.

Introduction,	203
Hillsborough soldiers in R. I. expedition, 1778,	203
A list of alarm men in Hillsborough, 1776,	204
Return of a soldier, 1779,	205
Bounties advanced by towns, 1782,	205
Lieut. Sam. Bradford's petition, 1781,	205
Petition for authority to tax non-residents, 1780,	206
Relative to drawing town lots, 1784,	207
Relative to date of annual meeting, 1785,	208
Return of ratable polls, 1783,	209
Petition for authority to tax non-residents, 1785,	209
Relative to Robert Tinney, soldier,	210
Relative to incorporating a town library, 1797,	212

HINSDALE.

Introduction,	212
Col. Josiah Willard's account for supplies furnished soldiers, 1750,	213
Col. Ebenezer Hinsdale's bill, 1785,	214
Relative to Dummer's ferry,	215
Relative to abatement of taxes, 1779,	216
Relative to Vermont controversy, 1781,	217
Petition for a grant of a ferry, 1785,	218
Relative to aforesaid ferry, 1786,	218
Another petition relative to same, 1786,	219

Deposition of Josiah Wheeler, 1786,	219
Deposition of Nathaniel Stearns, 1786,	220
James Hubbard for a ferry, 1786,	221
Petition for a magistrate, 1789,	222
Petition for authority to send a representative, 1793,	222
Petition for the privilege of a lottery, 1795,	223
Petition of Nathan Willard for a grant of Gravel Island, 1795,	224
Petition of Zebulon Moffatt, soldier, 1776, addressed to the general court,	225
Account for soldiers' bounties, etc.,	225

HOLDERNESSE.

Introduction,	226
Petition for a regrant of some forfeited rights,	226
Petition for arms and ammunition, 1776,	227
Hercules Mooney's petition, 1779,	227
Holderness soldier, 1782,	228
Return of ratable polls, 1783,	228
Relative to class for representative, 1785,	228
Maj. Sam. Shepard recommended for a magistrate, 1789,	229
Against the appointment of Sam. Shepard,	230
Petition for the laying out of a road from Plymouth to Hill, 1798,	230

HOLLIS.

Introduction,	231
Peter Wheeler's petition, 1761,	232
Joshua Wright's petition, 1760,	232
Selectmen's account for taking an inventory of New Ipswich, 1761,	232
Petition from inhabitants of Dunstable to be annexed to Hollis, 1762,	233
Vote at a town-meeting, 1764,	234
Vote at a town-meeting, 1768,	234
Appointment of Sam. Farley, agent, 1768,	234
Petition for the formation of a new town, 1768,	235
Petition for the formation of a new town, 1769,	235
Boundaries of Raby, 1769,	236
Agreement relative to extending the town further east, 1773,	236
Petition of Dunstable parties to be annexed to Hollis, 1773,	237
Consent of Dunstable to the foregoing, 1773,	238
Relative to a Hollis man enlisted in Massachusetts regiment, 1778,	239

Relative to appointment of officers in the militia, 1775,	239
Relative to the estates of absentees, 1779,	240
Estates of Hollis absentees, 1779,	241
Account of sale of confiscated counterfeiters' tools, 1780,	242
Petition of Capt. Reuben Dow, 1778,	242
Aid to the family of Jacob Danforth, 1779,	243
Soldiers' Petition for an allowance for the depreciation of their pay, 1781,	244
Relative to Lemuel Blood, soldier, 1782,	244
Testimony of Reuben Blood and Wm. Cormick concerning the same, 1780,	244
Deposition of Jeremiah Prichard, 1778,	245
Soldiers' orders,	245
Relative to estate of Wm. Brown, an absentee, 1784,	245
Relative to the restoration of Monson, 1782,	246
Petitioners' tax, 1782,	246
Statement of a grievance, 1783,	247
Relative to articles of confederation, 1783,	248
Petition of certain persons to be set off to Raby, 1783,	249
Opposition of Hollis to the petition of Raby, 1785,	250
Petition for a magistrate, 1784,	251

HOOKSETT.

Introduction,	252
Petition of Joshua Abbott for a ferry, 1782,	253
Petition of Dustin and Martin for a ferry, 1782,	253
Petition of McGregore and Duncan for exclusive privilege of locking Hooksett falls, 1794,	254

HOPKINTON.

Introduction,	255
Petition for the privilege of having a representative, 1773,	257
Relative to the formation of counties, 1772,	257
Proceedings of a town-meeting, 1772,	259
Relative to the formation of counties, 1772,	259
Capt. Stillson relative to soldiers, 1776,	260
John Hale declines the appointment of major, 1777,	260
Petition of Timothy Clements, 1778,	261
Remonstrance to the appointment of Benj. Wiggin, 1785,	261
Petition for the appointment of Benjamin Wiggin as a magistrate, 1786,	262
Another petition in favor of Wiggin, 1786,	263
Petition in favor of Lieut. Joshua Morse, 1786,	264

Another remonstrance to Mr. Wiggin,	265
Enlistment papers, 1776,	266
Depositions relative to service in the army, 1777,	266
Enlistments, 1781,	267
Certificate of soldiers mustered, 1781,	267
Petition of Joseph Marsh, soldier, 1787,	268
Petition of Samuel French, soldier, 1787,	268
Petition of Elijah Smart, soldier, 1791,	269
Hopkinton men in the First N. H. Regiment,	269
Remonstrance to the ordination of Rev. Jacob Cram, 1789,	270
Another remonstrance of the same import, 1789,	272

HUDSON.

Introduction,	273
Nottingham West men in First N. H. Regiment,	273
Complaint concerning Rev. Nathaniel Merrill, 1747,	274
Granting authority to Mr. Cummings to petition the legislature, 1747,	275
Relative to ministerial affairs, 1747,	275
Alleged illegal voting, 1747,	276
Petition relative to foregoing, 1747,	277
Statement in favor of Moses Hadley's petition,	278
Relative to Jonathan Searle, 1775,	278
Relative to land of Wm. Brattle, 1777,	279
Relative to the protection of fish, 1778,	280
Petition relative to aforesaid act, 1779,	280
Petition of Thomas Caldwell, 1783,	282
Depositions of Cummings, Cross, and Hale, 1783,	283
Statement relative to building the road, 1783,	284
More relative to said road, 1783,	285
Petition of Sarah Bradbury, 1780,	286
Petition of Richard Cutter, soldier,	286
Asa Davis recommended for a magistrate, 1785,	286
Petition for an incorporation of a library, 1797,	287

JACKSON.

Introduction,	288
Petition for an incorporation, 1796,	289
Another petition relative to incorporation, 1797,	290
Another, relative to incorporating a town, 1799,	290

JAFFREY.

Introduction,	291
Bounds of the township, as granted Nov. 30, 1749,	292
Petition for an incorporation of the town, 1773,	292

Case of assault before courts were established in the county, 1775,	293
Evidence relative to foregoing,	294
Petition of Daniel Russell, soldier, 1777,	295
Petition of Ephraim Adams, soldier, 1779,	296
Soldiers' orders,	296
Petition of Lucy Wesson, 1782,	297
James Turner, soldier,	297
Petition of Benjamin Dole, 1785,	298
Return of ratable polls, 1783,	298
Relative to Kendall Parsons, soldier,	299
Petition for authority to raise a company of cavalry, 1786,	299
Relative to Peterborough Slip, 1787,	300
Protest against setting off a portion of the town, 1787,	300

JEFFERSON.

Introduction,	303
John Goffe, relative to township bounds, 1770,	304
Order to survey a tract of land for David Page, 1773,	305
Petition for an act of incorporation, 1793,	305

KEENE.

Introduction,	306
Agent appointed to get the town incorporated, 1750,	307
Jeremiah Hall appointed agent to obtain an act of incorporation, 1750,	308
John and Ruth Dinsmoor's petition, 1750,	308
Benj. Guild appointed to assist Capt. Hall, 1750,	309
Petition for an incorporation of the town, 1751,	309
Another petition for an incorporation, 1753,	310
Relative to inoculation for small-pox, 1776,	311
Petition for a lottery for the purpose of building a bridge, 1778,	312
Relative to a lottery for the purpose of building a bridge, 1778,	313
Relative to trial of several royalists, 1777,	314
Jeremiah Stiles chosen magistrate, 1777,	315
Deserters from the army, 1777,	316
Documents relative to Capt. Sam. Weatherbee, 1778,	316
Col. Wyman's certificate,	316
Deposition of Ebenezer Putnam,	316
John Hart's discharge, 1776,	317
Resignation of Maj. Timothy Ellis, 1779,	317
Substitute for Nehemiah Town, 1780,	317
Nehemiah Brown, wounded soldier,	318

Petition of Charles Rice, Bunker Hill soldier, 1791,	318
Warrant from Vermont for the election of two representatives, 1781,	318
John Balch, post-rider, 1781,	319
Timothy Balch, post-rider, 1785,	320
Relative to taxes on estates of absentees, 1783,	320
Resignation of Timothy Ellis, 1782,	321
Return of ratable polls, 1783,	321
Relative to the county jail, 1783,	322
Taxes on land of absentees, 1785,	322
Certificates of nails made, 1789,	323
Election of a representative, 1794,	323

KENSINGTON.

Introduction,	324
Petitions of soldiers,	324
Petition for a grant of land,	325
Ebenezer Brown's complaint, 1778,	326
Petition for a paper currency, 1785,	327
Return of ratable polls, 1783,	327
An appeal for Dr. Benj. Rowe, about 1785,	328
Petition for a coroner, 1786,	329
Jeremiah Fogg's declination of the office of Adjutant-General, 1786,	329

KINGSTON.

Introduction,	330
Petition for a confirmation of the grant and specification of its bounds,	331
Precept for an election, 1710,	332
Kingston men's names, 1727,	332
Relative to taxation by Massachusetts, 1731,	333
Petition of inhabitants of the easterly part for a new parish, 1738,	334
Petition for a grant of land, 1738,	335
Action of town-meeting, 1742,	336
Petition for lands, 1750,	337
Action of town relative to roads, 1755,	338
Petition relative to a road, 1755,	339
Report of a committee on the foregoing, 1755,	339
Petition for encouragement to manufacture salt, 1776,	340
Petition for a lottery, 1777,	341
John Prescott, soldier, 1753,	341
Abstracts from petitions of French War soldiers,	342
Capt. Samuel Fifield's certificate, 1762,	342
Petition of John Dent, soldier, 1759,	343

Petition of Paul Pressey, soldier, 1759,	344
Certificate relative to foregoing, 1759,	344
Jeremiah Bartlett's petition, 1778,	344
Soldiers' orders,	345
Petition of Sarah Hobart, 1797,	345
Relative to the militia, 1784,	345
Another concerning militia, 1785,	347
Certificate of nails made in 1791,	350

LANCASTER.

Introduction,	351
Petition of David Page for more land, 1773,	351
Relative to representative, 1775,	352
Return of ratable polls, 1783,	352
Petition of Col. Bucknam for the grant of a ferry, 1784,	353
Petition for authority to tax non-residents, 1787,	353
Petition relative to roads, 1788,	354
Relative to the formation of Coös county, 1790,	356
Petition for a new county, 1791,	356
Petition to have the right of ferries vested in the town, 1792,	357
Petition for authority to levy a special tax for road purposes, 1792,	358
Petition of Eleazer Rosbrook for a ferry, 1792,	359
Petition for special tax to make roads, 1793,	359
Record of a town-meeting, 1793,	360

LANDAFF.

Introduction,	361
Town-meeting proceedings, 1777,	361
Petition for an allowance for services in the war, 1786,	362
Relative to representative class, 1788,	363
Landaff claims Edward Marden, soldier, 1786,	364
Relative to a Bunker Hill soldier, etc., 1794,	365
Petition for authority to tax non-residents, 1789,	365
Petition relative to sending representative, 1799,	366

LANGDON.

Introduction,	367
Petition for authority to tax non-residents, 1789,	367
Petition for special tax to build a meeting-house, 1793,	368
Vote of town relative to extending its north line, 1795,	368

LEBANON.

Introduction,	369
Report of committee on boundaries, 1768,	369

Return of arms and equipments, 1775,	370
Petition of Nathaniel Bugbee, soldier, 1777,	371
Certificate relative to foregoing, 1777,	371
Petition of John Slapp, 1778,	371
Soldier's order, 1785,	372
Documents copied from Gen. Chase's papers, 1777,	372
Wm. Dana's return, 1777,	373
Relative to a committee of conference, 1777,	374
Letter from Nehemiah Estabrook, 1777,	374
Complaint of N. H. adherents, 1778,	375
Relative to an alleged riot, 1779,	376
Protest against the action of the town, 1780,	376
Call for a conference meeting, 1780,	377
Relative to Vermont controversy, 1782,	378
Disputed jurisdiction, 1782,	379
Relative to recording grants in office of the secretary of state, 1782,	380
Protest against the incorporation of a district to be called Dresden, 1783: incomplete,	381
Relative to the collection of taxes,	382
Relative to the incorporation of Dresden, 1783,	382
Relative to the incorporation of Dresden, 1783,	384
William Dana's petition for a ferry, 1784,	384
Petition for a new town, 1785,	385
Samuel Bailey for a ferry, 1785,	386
Relative to the charter of the town, 1786,	387
Relative to town boundaries, 1786,	388
Report of committee on boundaries, 1786,	388
Certificate of nails made, 1791,	389

LEE.

Introduction,	390
Relative to Edward Dearborn, soldier, 1778,	390
Edward Leathers's order, 1784,	391
Dr. James Brackett recommended for a magistrate, 1785,	391
Assessment list for taxes, 1787,	392
Notice of a meeting of alarm-men, 1787,	394
Officers chosen at said meeting,	394
Job Runnels recommended for a magistrate, 1789,	394
Paul Giles recommended, 1789,	395

LEMPSTER.

Introduction,	396
Relative to the town's quota of soldiers, 1783,	396
Return of ratable polls, 1783,	397

Civil magistrate wanted, 1785,	397
Assessment list, 1787,	398
Relative to town boundaries, 1788,	399
Opposition to the north-east corner petition, 1790,	399
Remonstrance to having the north-east corner set off, 1790,	400
Petition to have the north-east part set off, and with other territory incorporated into a town, 1791,	401
Vote of the town relative to the foregoing, 1791,	402
Vote of the town of Newport relative to same,	402
More opposition,	402
Portion proposed to be taken from Lempster to form a new town,	403

LINCOLN.

Introduction,	404
Petition for re-grant of township,	404

LISBON.

Introduction,	404
Representatives chosen to attend the convention at Lebanon, 1777,	405
Statement of condition of the town and service in the war, 1786,	406
Statement of town affairs, 1787,	407
John Young relative to town affairs, 1789,	410
John Young wants a patent for building chimneys, 1791,	412
Capt. Samuel Young's petition,	413

LITCHFIELD.

Introduction,	414
Warrant for town-meeting, 1743,	415
Vote at said meeting, 1743,	416
Relative to paying rates in two towns, 1746,	416
James Hill's receipts, 1745,	417
Invoice of Lieut. Pelatiah Russell's equipments lost in the service, 1757,	417
Capt. John Parker's petition, 1776,	418
Litchfield men at Ticonderoga alarm, 1777,	418
Relative to being classed for representative, 1780,	419
James Underwood relative to some confiscated estates, 1780,	420
William Patterson relative to some confiscated estates, 1782,	420

Selectmen concerning soldiers, 1783,	421
Return of ratable polls, 1783,	422
Relative to their quota of soldiers, 1783,	422
Petition for a bridge at Cromwell's Falls, 1794,	423

LITTLETON.

Introduction,	424
Relative to taxes, 1786,	425
Relative to a tax for building roads, 1785,	425
Petition for authority to tax non-residents, 1788,	426
Relative to taxing non-residents, 1791,	427
Lieut. Peleg Williams's petition, 1793,	428

LONDONDERRY.

Introduction,	429
Relative to the burning of Matthew Clark's house, 1725,	430
Order relative to laying out some land, 1728,	431
Warrant for town-meeting, 1733,	431
Charge against the legality of a town-meeting, 1736,	432
Precept for the election of an assemblyman, 1736,	432
Two sets of town officers chosen, 1737,	433
Relative to a new parish, 1737,	435
Relative to a parish in the westerly part of the town, 1739,	436
Proposals for peace, 1737,	437
Return of laying out a highway, 1738,	440
Petition from persons formerly belonging to Dracut for a parish, 1741,	441
Londonderry bounds,	442
Relative to a road, 1743,	443
Certificate of service of a notice, 1742,	443
Report of a committee on roads, 1743,	443
Petition for a reduction of the number of licensed taverns in town, 1758,	444
Special town-meeting called for, 1745,	445
Relative to taxes, 1745,	446
Order to the constable to collect taxes, 1764,	446
Relative to the election of an assemblyman, 1762,	447
Election of assemblyman disputed, 1762,	448
Abstracts from petitions of French war soldiers,	450
Relative to the formation of counties, 1769,	451
An address to the governor, 1773,	454
Relative to parish affairs, 1774,	455
Petition to have an election set aside, 1774,	456
Protest against the foregoing named town-meeting,	457

Reimbursement wanted for money paid men who turned out on the Lexington alarm, 1775,	459
Petition of Thomas Lannen, 1764,	460
Deposition of Thomas Davidson concerning a son,	460
Certificate of James McGregore, 1776,	460
Petition of David George, soldier, 1776,	460
Service of minute men, 1775,	461
Petition of Wm. MacMurphy, 1777,	462
Thomas Archibald, soldier, 1778,	462
Sergt. William Morrill, 1776,	462
Soldiers' enlistments, 1779,	462
Samuel Thompson's petition, 1780,	463
Col. Scammel recommends Lieut. Asa Senter for promotion, 1781,	463
Statement of John Nesmith, 1782,	463
Joseph Hogg's order, 1784,	464
Petition of Samuel Houston. one of Washington's guard, 1785,	464
Petition of William Adams, 1791,	464
Relative to Lieut. Robert Barnet, 1778,	465
Petition for the release of Stephen Holland, 1777,	465
Petition of certain persons to be annexed to Nottingham West, 1778,	467
Relative to certain persons being annexed to Windham, 1778,	468
Recommendations for military officers, 1780,	469
Relative to the enlistment of Londonderry men by Massachusetts, 1781,	469
Relative to the line between this town and Windham, 1782,	470
Relative to foregoing matter,	471
Verbal agreement made, 1782,	471
Protest against Mrs. Jane Holland's being permitted to return, 1782,	471
Abstract from town inventories, 1782-83,	473
Return of ratable polls, 1783,	473
Petition to be exempted from paying ministerial tax in the old parish, 1783,	474
Instructions to representatives, 1783,	475
Relative to counterfeit money,	476
Petition of sundry persons to be annexed to the east parish, 1783,	476
Relative to parish affairs, 1784,	477
Petition to be annexed to the west parish, 1784,	478
Petition for a Sunday act, 1784,	478
Relative to paper money, etc., 1786,	479
Vote of the town on paper money, 1786,	482

Letter,—Col. Reid to the president of the state,	482
Daniel Reynolds elected to fill a vacancy in the house of representatives, 1787,	482
Petition of Congregationalists for an incorporation, 1796,	483
Committee chosen to present the petition, 1797,	484

LOUDON.

Introduction,	485
Petition to have a portion of the town annexed to Concord, 1782,	485
Benjamin Sias recommended for a magistrate, 1785,	486
Vote relative to paper money, 1786,	487
Joseph Smith recommended for a magistrate, about 1785,	488
Another recommendation for Joseph Smith,	489
John Sanborn recommended for a magistrate, 1789,	490
List of soldiers in the army, 1776,	491
Soldiers' enlistments, 1780-81,	491
Soldier's receipt, 1780,	492
Soldiers' orders, 1784-85,	492

LYMAN.

Introduction,	492
Petition for an extension of the charter,	493
Relative to taxes,	494
Town invoice, 1777,	495
Petition for abatement of taxes, 1779,	495
Report of a committee relative to a soldier, 1786,	496
Relative to soldiers furnished for the war, 1786,	496
Petition of non-residents, 1787,	497
Petition relative to a ferry, 1790,	498
Petition for authority to tax non-residents, 1790,	499
Vote of town relative to a ferry, 1791,	499
Petition of Jacob Hurd for a ferry, 1793,	500

LYME.

Introduction,	501
Thomas Sumner relative to the town grant, 1768,	501
Condition of the town, 1768,	502
Town inventory, 1773: names only printed,	503
Vote of town relative to the convention at Lebanon, 1777,	504
Letter,—Jonathan Childs to Hon. Jacob Bailey, 1776,	504
Petition of Capt. Ebenezer Green, 1781,	505
Report of committee on soldiers, 1786,	505

Documents copied from Gen. Chase's papers, . . .	506
Petition for charter for a ferry, 1784, . . .	506
Complaint relative to representation, etc., . . .	507
Petition for the annexation of Grant's Island to the town, 1788, . . .	508

LYNDEBOROUGH.

Introduction, . . .	509
Recommendation for a coroner, 1776, . . .	509
Recommendation for a magistrate, 1779, . . .	509
Letter from Benjamin Lynde, 1779, . . .	510
Petition for a division of the town, 1780, . . .	510
Remonstrance to foregoing petition, 1783, . . .	511
Another remonstrance, 1784, . . .	513
Statement from the petitioners, 1784, . . .	514
Another statement of the situation, 1784, . . .	516
Report of a committee of conference, 1785, . . .	518
Remonstrance to a division of the town, . . .	519
Return of ratable polls, 1783, . . .	521
Soldier's order, 1784, . . .	521
Soldier's bounty, . . .	521
Lyndeborough men in First N. H. Regiment, . . .	522
Relative to military affairs, 1785, . . .	522
Nehemiah Rand recommended for a magistrate, 1786, . . .	523
Relative to warning Elisha Wilkins out of town, 1788, . . .	524
Committee report relative to foregoing, . . .	525
Petition for the setting off of the north-west part of the town, 1790, . . .	526
Inhabitants of Lyndeborough Gore for an incorporation, 1790, . . .	527
Consent of Peterborough to foregoing, 1790, . . .	528
Report of a committee on the foregoing, . . .	528
Proceedings of a town-meeting relative to the foregoing, 1791, . . .	529
Remonstrance of sundry inhabitants to being set off, 1791, . . .	532
Report of a committee on the foregoing, 1791, . . .	533
Petition from inhabitants of the south-west part to be annexed to Temple, 1795, . . .	534
Action of town on foregoing petition, 1796, . . .	535
Rev. Mr. Goodridge's statement, 1776, . . .	535

MADBURY.

Introduction, . . .	536
Petition for the appointment of a magistrate, . . .	536
Pelatah Daniels, soldier, 1760, . . .	537

Daniel Pinkham, soldier, 1776, . . .	538
William Twombly, soldier, 1779, . . .	538
Bounty to George Ham, 1784, . . .	538
James Jackson's order, 1785, . . .	538
Return of ratable polls, 1783, . . .	539
Petition for authority to elect a representative, 1786, . . .	539

MANCHESTER.

Introduction, . . .	540
Petition of Hadley and Kidder, 1759, . . .	541
Ebenezer Newman, soldier, 1779, . . .	543
Letter from Col. John Goffe to Gov. Wentworth relative to trespasses and some sharp practice at an election in Derryfield, 1766, . . .	543
Jeremiah Stevens for confirmation of a grant of land, 1742, . . .	545
Relative to the discontinuance of a road, 1753, . . .	545
Relative to the alewife fishery, 1776, . . .	547
Relative to being classed for representative, 1780, . . .	549
Return of ratable polls, 1783, . . .	550
Relative to Sabbath-breaking, 1784, . . .	551
Proportionment of foreign, domestic, and state debt, 1787, . . .	551
Petition for the appointment of a committee to settle the north line of the town, 1789, . . .	552
Vote of the town relative to line, 1789, . . .	553
Petition for an incorporation to erect a bridge over Merrimack river, 1792, . . .	554
Relative to Amoskeag bridge, 1792, . . .	554
Petition for a grant of land, 1794, . . .	555
Petition to have a gore of land incorporated with Derryfield, 1795, . . .	556
Samuel Blodgett for a charter to construct a canal around Amoskeag Falls, 1794, . . .	557
Petition for legislation to protect fish in Cohas brook, 1797, . . .	558
Blodgett's canal, 1798, . . .	559
Petition for the incorporation of a company to construct a canal from Merrimack river to Massabesic pond, 1799, . . .	559
Petition for authority to raise money by lottery to complete the canal, 1799, . . .	560
Relative to locks and canals on Merrimack river, etc., . . .	562
Another petition for the protection of fish in Cohas brook, 1800, . . .	565

MARLBOROUGH.

Introduction,	566
Petition for an act of incorporation, 1775,	567
Another petition for an incorporation, 1775,	568
Petition for an incorporation, 1776,	568
Petition of Maj. Andrew Colburn,	569
Calvin Goodenow, soldier, 1782,	570
Relative to taxes of Elijah Williams, 1781,	570
Certificate of nails made, 1790,	570
Against the appointment of William Parker, 1790,	571
Relative to boundary between this town and Fitzwilliam, 1795,	571

MARLOW.

Introduction,	572
Inventory of 1773,	573
Relative to the election of representative, 1776,	573
Relative to the east line of the town, 1777,	574
Relative to the settlement of the east line of the town, 1778,	575
Relative to taxes, 1784,	575
Relative to east line of the town, 1798,	576
Remonstrance to the establishment of the east line as by the act of 1797,	576

MASON.

Introduction,	577
Petition for a town charter, 1768,	578
Relative to an alleged theft, 1775,	579
Relative to paper currency, 1777,	579
Vote relative to paper currency, 1786,	580
Soldiers' orders,	581

MEREDITH.

Introduction,	581
Petition for an incorporation, 1768,	582
Soldiers' orders, 1777, '83, '85,	582
Relative to William Maloon, soldier, 1791,	583
Petition for a change of day of annual meeting, 1784,	584
Petition of the Baptist society for an incorporation, 1797,	584
Vote of town relative to the Baptist society, 1797,	585

MERRIMACK.

Introduction,	586
Sarah Lutwyche, relative to ferry, 1775,	586

Report of committee on the foregoing, 1775,	587
Remonstrance to petition of Matthew Thornton for a ferry, 1784,	588
Another remonstrance to same, 1784,	589
Nathaniel Garfield, quarter-master, 1779,	591
Soldier's order, 1782,	592
Relative to William Cowen, soldier, 1784,	592
Petition in behalf of James Taylor, 1785,	592
Relative to the election of representative, 1762,	593

MIDDLETON.

Introduction,	594
Petition to be incorporated,	595
Soldiers' orders, 1784, '85, '92,	596
Petition of John Barter, soldier, 1788,	596
Relative to the town's quota of soldiers, 1783,	597
Petition for a division of the town, 1785,	598
Remonstrance to the foregoing, 1785,	599
Relative to the town's quota of soldiers, 1786,	600
Vote relative to paper money, 1786,	601
Petition for abatement of taxes, 1787,	601
Petition for a magistrate, 1790,	602
Relative to division of state tax, 1794,	603

MILFORD.

Introduction,	603
Asa Lewis, soldier, 1776,	604
Soldier's order, 1785,	604
Petition for an incorporation, 1779,	605
Remonstrance to foregoing, 1779,	606
Remonstrance from Amherst,	607
Petition for an incorporation, 1780,	607

MONSON.

Introduction,	609
Vote of the town, 1761,	610
Vote relative to locating a meeting-house, 1756,	610
Hollis asks for a portion of Monson, 1763,	610
Benjamin Hopkins's bill, 1761,	610
Relative to annexation of a portion of Monson to Hollis, 1773,	611
Petition to be annexed to Hollis, 1762,	612
Reasons for not granting foregoing petition, 1763,	612
Address expressing satisfaction with the county arrangement, 1769,	614
Vote of Monson, 1770,	615
Opposition to reestablishing Monson, 1782,	616

MOULTONBOROUGH.

Introduction,	616
Petition for an incorporation, 1773,	616
Letter from Col. Joseph Senter to the legislature, 1776,	617
Petition for an incorporation of the territory into two towns, 1777,	617
Relative to Rev. Samuel Perley, 1779,	618
Relative to doomage, 1780,	620
Enlistment, 1780,	620
Petition of non-residents, 1790,	621
Vote to change date of annual meeting, 1791,	622

NASHUA.

Introduction,	622
Vote of town relative to bridge over Nashua river, 1753,	623
Relative to bridge over Nashua river, 1758,	624
Relative to representative, 1762,	625
Trouble at a town-meeting, 1762,	626
Petition relative to the foregoing, 1762,	628
Notice of meeting, 1762,	629
Votes relative to "One Pine Hill" matters,	630
Relative to the formation of counties, 1769,	631
Relative to bridge over Nashua river, 1773,	632
Petition for authority to elect a representative, 1783,	633
Return of ratable polls, 1783,	634
Lieut. Jonathan Emerson's petition, 1779,	634
Dr. Hale's certificate, 1779,	635

NELSON.

Introduction,	635
Petition for an incorporation of the town, 1773,	636
Petition for change of the name of the town, 1777,	637
George Brintnall's order to march, 1778,	637
Relative to taxes, town records, etc., 1778,	637
Relative to estate of Thomas Packer, etc., 1780,	638
Return of ratable polls, 1783,	639
Relative to a division of the town for the formation of Sullivan, 1786,	639
Petition of Ruth Batcheller, concerning her husband's confiscated estate, 1789,	640
Certificate of number of ratable polls, 1794,	641
Relative to representative, 1794,	641

NEW BOSTON.

Introduction,	642
John Burns, soldier, 1760,	642

House burned, 1756,	643
Petition for an incorporation, 1760,	643
Relative to boundary lines,	644
Relative to the petition for an incorporation, 1761,	645
Relative to locating a meeting-house, 1765,	645
Relative to ministerial lot, 1768,	646
Relative to the formation of counties, 1769,	647
Petition for the incorporation of a new town, 1771,	648
Statement from the committees of safety of New Boston, Weare, and Francestown, 1775,	649
Concerning Dr. Jonathan Gove, 1777,	650
John Hunter, wounded at Bunker Hill, 1776,	652
Rhode Island soldiers, 1778,	652
Robertson and McMillan, wounded at Bunker Hill, 1780,	653
Jonathan Margery, wounded at Saratoga, 1781,	653
Relative to Johnston Smith, 1782,	654
Relative to Samuel Boyd,	654
Return of ratable polls, 1783,	655
Concerning Dr. Gove and Silas Hedges, 1786,	655
Instructions to representatives, 1787,	656
Relative to boundary line between this town and Goffstown, 1788,	658
Report of committee on town lines, 1788,	659
Report of committee on town lines, 1788,	660
Petition from soldiers who were captured at the Cedars, 1795,	661
Soldier's order, 1798,	662

NEWBURY.

Introduction,	662
Relative to incorporating the town, 1778,	663
Committee to petition for redress of grievances, 1781,	664
Petition of aforementioned committee, 1782,	664
Petition for authority to tax non-residents, 1789,	665
Remonstrance to foregoing, 1789,	666
Petition for the incorporation of a new town, 1791,	667
Vote of town relative to foregoing, 1791,	668
Petition of sundry inhabitants to be annexed to Bradford, 1796,	668
Report relative to town lines, 1797,	669

NEW CASTLE.

Introduction,	670
Relative to settling a minister, 1682,	672
Petition of Humphrey Spenser, 1682,	673

Petition for a tavern license, 1682,	673
Joseph Purmort for tavern license,	674
Statement and petition of Joseph Purmort, 1683,	674
Remonstrance of Portsmouth selectmen, 1682,	675
Precept for the election of an assemblyman at Star Island, 1694,	677
Relative to town bounds,	677
Precept for election of assemblymen, 1695,	678
Summons to assemblymen, 1698,	678
Warrant for militia muster, 1697,	678
Return of assemblymen, 1698,	679
Col. Romer, relative to Fort William and Mary, 1704,	679
Col. Romer's memorial, 1705,	680
Supplies for soldiers, 1705,	681
Relative to a bridge, 1719,	681
Petition of Rev. John Blunt, 1737,	684
Rev. Stephen Chase accepts a call to the ministry, 1750,	685
Petition of Dr. Nathaniel Sargent, 1746,	686
Petition of Joseph Langmaid, soldier, 1756,	686
Petition of John Odiorne, Jr., for a divorce, 1759,	686
Eunice Odiorne binds out her child, a unique indenture, 1754,	688
Relative to tax on Trefethen's mills, 1763,	689
Relative to ministerial matters, 1772,	690
Relative to soldiers attending church, 1773,	691
Relative to harbor defences, 1776,	691
Memorial relative to fishery business, 1776,	692
Petition for authority to establish a lottery, 1778,	693
Report of committee on damage done by the troops,	694
Relative to legislative representation, 1784,	695
Petition for authority to establish a lottery, 1789,	696
Petition from Rye relative to the lottery,	697
Petition from sundry inhabitants to be annexed to Rye,	699
Petition from George Jaffrey for an allowance for damage caused by building the fort,	700

NEW DURHAM.

Introduction,	701
Petition from Canada soldiers, 1764,	702
Petition from Elizabeth Doe,	702
Petition from Peter Drowne, soldier, 1785,	702
Petition from Samuel Runnels, soldier, 1788,	703
Soldier's order, 1784,	703
Petition from Elisha Thomas, soldier, 1787,	703
Petition from Richard Colomy, 1791,	704
Relative to Robert Karson, soldier,	704
Return of ratable polls, 1783,	705

Resignation of Col. Thomas Tash, 1791,	705
Petition relative to library, 1797,	706

NEW HAMPTON.

Introduction,	706
Benning Moulton recommended for a magistrate,	707
Another for same,	708
Vote of town to set off the north-east part, 1796,	709
Soldier's order, 1792,	709

NEWINGTON.

Introduction,	710
Newington men sworn,	710
Concerning irregularities in town-meeting, 1737,	711
Additional petition concerning foregoing,	712
Irregularities in town-meeting, 1745,	712
Deposition of Hateevil Nutter,	714
Relative to a road laid out in 1656,	714
Deposition of Thomas Tibbetts, Joseph and Abigail Richards,	715
Statement concerning aforesaid road, 1753,	716
Schedule of petitioners,	717
Deposition of George Walton,	717
Deposition of Samuel Huntress,	718
Proceedings of court of general sessions, 1753,	718
Proceedings of court of general sessions, 1754,	720
Report of committee on said road, 1755,	721
Relative to dividing line against Portsmouth, 1763,	721
Military officers chosen, 1775,	722
Benjamin Adams's statement, unique,	723
Relative to election of representative, 1782,	725
Petition for authority to send representative,	727
Another communication from Benjamin Adams,	727
Remonstrance to appointment of Mr. Adams, 1787,	728
George Gains relative to the aforesaid,	729
Petition for the incorporation of a library,	729

NEW IPSWICH.

Introduction,	730
Petition for authority to levy special tax, 1762,	731
Remonstrance of non-residents, 1763,	732
Relative to paying committee to locate a meeting-house, 1768,	733
Relative to establishment of counties, 1769,	734
Vote of town relative to lots, 1772,	734

Petition concerning same,	735
Petition for pay for service done in the war, and lists of men who turned out on Concord alarm,	736
List of men who turned out on Royalton alarm,	738
Petition for pay for horses lost in the service,	739
Appraisal of estates of absentees, 1778,	741
Relative to oath of allegiance, 1783,	741
Relative to militia regiment, 1785,	742
Service of Samuel Walker,	744
Petitions of John Thomas and Ezra Towne, soldiers,	745
Petition for an allowance for bounties,	746
Petition for the incorporation of New Ipswich Acad- emy,	747
Petition for a lottery for the benefit of said academy,	747

APPENDIX.

List of Saratoga men, 1777,	751
Boscawen enlistments, 1776,	751
Boscawen, relative to John Allen,	752
Boscawen returns of soldiers, 1778 and 1779,	752
Bow, William Rogers's complaint, 1776,	753
Bow returns of soldiers 1776 and 1778,	753
Bow enlistments, 1780,	754
Canterbury train band,	754
Canterbury enlistments, 1776,	756
Canterbury enlistments, 1780 and 1781,	757
Chichester, return of Capt. Cram's company, 1776,	758
Concord enlistments, 1779 and 1781,	758
Agreement between the town of Exeter and Edmund Gilman, 1647,	759
Deed of Wadononamin to Edward Hilton, 1660,	760
Documents relative to a convention of delegates from towns in Hillsborough and Cheshire counties,	762
Address from said convention,	764
Address from Amos Dakin, chairman of said conven- tion,	767
Action of the legislature concerning same,	767
Index to names of towns, places, etc.,	771
Index to names of all the persons mentioned in the vol- ume,	

EARLY TOWN PAPERS.

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

Town Papers.

DOCUMENTS

RELATING TO

TOWNS IN NEW HAMPSHIRE,

NEW LONDON TO WOLFEBOROUGH,

WITH AN

APPENDIX,

Embracing some Documents, interesting and valuable, not
heretofore published, including the Census of
New Hampshire of 1790 in detail.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

VOLUME XIII.

COMPILED AND EDITED BY

ISAAC W. HAMMOND, A. M.,

FRANKEST OF THE NEW HAMPSHIRE ANTIQUARIAN SOCIETY

CONCORD, N. H.:

PARSONS B. COGSWELL, STATE PRINTER.

1884.

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That his excellency the governor be hereby authorized and empowered, with the advice and consent of the council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows; namely, one copy to each city and town in the state, one copy to such of the public libraries in the state as the governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

Approved August 4, 1881.

In accordance with the foregoing resolution, the governor, with advice of the council, on the 12th day of October, 1881, appointed and commissioned ISAAC W. HAMMOND as "Editor and Compiler of State Papers."

EDITOR'S PREFACE.

This volume completes the publication of the documents relating to the towns in this state, which were collected by the editor in 1879 and 1880, placed in volumes in the office of the secretary of state, and labelled "Town Papers, Collection of 1880," and "Indian and French Wars, and Revolutionary Papers, Collection of 1880." There are twelve of the former and four of the latter; and the figures in brackets at the beginning of each article in this volume refer to the number and page of the manuscript volume where the original document may be found. The characteristics of this volume are similar to the two next preceding, and it will be necessary, in most cases, to examine the three, to find all the matter relating to any town. An abstract of the contents may be found at the commencement, which will give the reader an idea of the nature of each document; and at the end is a copious index, containing all the names of towns and persons mentioned, with reference to every place in which they occur. The compilation of said index required a large amount of labor, but without one full and complete, an historical work loses a large portion of its value;—and the editor respectfully calls the attention of gentlemen who are compiling town histories, to the importance of indexing the same fully and completely.

The increasing interest manifested by the citizens of the state, generally, in matters relating to its early history, is strong evidence of their intelligence and patriotism, and augurs well for the future.

The amount of time and money expended in the publication of these volumes is small, compared with the benefits that will accrue to our citizens in various ways; and it is believed that the wisdom of our legislature in authorizing their publication.

and of the governors and councils in causing the same to be done, will become more apparent and be still better appreciated as time passes on, and that these volumes will be highly valued by succeeding generations.

The editor desires to express his grateful acknowledgments to His Excellency Samuel W. Hale and the honorable council for their cordial support and encouragement in his labors; to Hon. A. B. Thompson, secretary of state, for valued counsel; and to many other citizens of the state for the helpful interest they have shown in the work, and their readiness to answer any and all requests made of them in furtherance of its compilation.

In accordance with the provisions of a joint resolution of the legislature, approved August 4, 1881, the governor, with the advice of the council, has authorized the publication of the Revolutionary War Rolls of this state, and the work has been commenced. These rolls do not exist in duplicate, and many of them are torn and defaced in consequence of much handling. The importance of their publication as the best way to preserve the names of those brave and determined men is apparent to every patriotic citizen of the state who has examined them.

Concord, May, 1884.

HAMMOND.

GENERAL CONTENTS.

NEW LONDON.

Introduction.	1
Record of Masonian Grant, 1773.	2
Petition for incorporation, 1778.	3
Petition of Jonas Minot relative to taxes, 1780.	4
Petition relative to a road from Kearsarge Gore to Procteworth.	5
Vote for an issue of paper money, 1786.	6
Petition for appointment of a magistrate, 1787.	6
Petition for authority to tax non-residents, 1790.	6
Vote relative to annexation of part of Kearsarge Gore, 1792.	7
Petition relative to proprietors' meetings, 1795.	8
Petition relative to proprietary matters, 1796.	9

NEW MARKET.

Introduction.	9
Case of assault, 1731.	10
Decision of court in foregoing case.	11
Warrant for arrest of Sambo, 1731.	11
Petition relative to an election, 1745.	12
Petition for a ferry over Exeter river, 1750.	13
Remonstrance to said petition.	14
Petition relative to New Market bridge, 1755.	15
Petition of Edward Fox, soldier, 1756.	18
Petition of Chase Wiggin, soldier, 1761.	18
Petition of Josiah Wiggin, soldier, 1760.	18
Account of supplies furnished a soldier, 1779.	19
Petition of Jonathan Mason, soldier, 1780.	19
Relative to assistance to soldiers' families, 1775.	19
Reference to a plan of land, 1764.	19
Request for permit to send stock out of the province.	20

Petition relative to militia, 1775.	20
Petition relative to militia affairs, 1775.	23
Petition relative to militia officers, 1775.	25
Petition relative to church matters, 1777.	26
Members of the west society, 1778.	27
Petition relative to New Market bridge, 1780.	28
Relative to the adoption of U. S. articles of confederation.	29
Petition for the appointment of a magistrate, 1884.	31, 32
Petition for authority to call a special meeting, 1785.	33
Petition relative to repairing New Market bridge, 1785.	34
Report of committee on foregoing.	36
Petition for removal of said bridge, 1785.	37
Remonstrance to said removal, 1786.	38
Remonstrance from citizens of Epping to same.	40
Deposition of Hubartus Neal relative to same.	41
Deposition of Walter Bryent relative to same.	42
Vote relative to church matters, 1793.	43
Petition relative to church matters, 1793.	44
Relative to a soldier who died of small-pox, 1761.	44
Account of supplies furnished same.	45

NEWPORT.

Introduction.	46
Names of men residing at Sugar river.	46
Petition for a new grant of the township, 1768.	47
Return of ratable polls, 1783.	48
Petition to have proceedings of town-meeting legalized, 1783.	48
Remonstrance to same.	49
Vote of town relative to issuing paper money, 1786.	50
Concerning service in the Revolution, 1784.	51
Statement of James Doud relative to same.	52

NEWTON.

Introduction.	53
Rev. Thomas W. Powers ordained, 1755.	53
Bounds of a highway, 1747.	54
Relative to a road laid out in 1699.	55
Action relative to highways, 1755.	55
Statement relative to highways, 1755.	57
Report of committee on same.	58
Petition for opening a highway, 1755.	58
Consent of inhabitants relative to same, 1755.	60
Warrant for town-meeting, 1768.	60

GENERAL CONTENTS.

Proceedings at said meeting, 1768.	61
Proceedings at town-meeting, 1769.	62
Committee appointed to request a redress of grievances.	64
Depositions relative to illegal proceedings in town-meeting, 1769.	65
Relative to trouble between the churches, 1770.	66
Relative to line between Newton and South Hampton.	67
Report of committee on the same, 1771.	68
Relative to assessment of taxes, 1777.	68
Protest against seating a representative, 1776.	69
Soldier's order, 1784.	70

NORTHFIELD.

Introduction.	70
Relative to first town-meeting, 1780.	70
Petition of Thomas Lyford, soldier, 1782.	71
Soldiers' orders.	71
Civil magistrate wanted, 1785.	72
Relative to a ferry over Merrimack river, 1785.	72
Petition for a ferry, 1785.	73
Petition for a magistrate, 1786.	74
Petition for a magistrate, 1787.	74

NORTH HAMPTON.

Introduction.	76
Petition for the confirmation of a town line, 1742.	76
Action of the legislature on foregoing.	77
Petition relative to church affairs.	78
Petition of Palmer and Fogg to be "set off to Rye," 1744.	79
Petition for a land grant, 1749.	80
List of associates.	81
Petition relative to election of representatives, 1758.	81
Petition relative to same.	82
Petition relative to parish affairs, 1779.	82
Petition relative to election of representative, 1783.	83
Petition of Stephen Brown, soldier, 1759.	85
Petition of Jonathan Wedgwood, 1761.	85
Petition of Samuel Davis, soldier, 1763.	85
Soldier's order, 1778.	86
Petition of Abraham Marston and James Wedgwood, soldiers.	86
Account for supplies to soldier's wife, 1782.	86
Petition of Daniel Gockin, soldier, 1785.	87
Relative to the town's quota of soldiers, 1786.	87

NORTHUMBERLAND.

Introduction.	88
Petition relative to a road from Conway, 1780.	88
Report of a committee relative to building a road.	89
Return of ratable polls, 1783.	89
Petition for authority to establish a lottery, 1791.	90
Petition for grant of a ferry, 1785.	90
Petition for a new county, 1791.	91
Petition for a special tax to build a bridge, 1799.	92

NORTHWOOD.

Introduction.	93
Petition for a magistrate, 1774.	93
Petition for a magistrate, 1785.	94
Petition of William Glidden, soldier, 1785.	94
Petition of Samuel Trickey, soldier, 1786.	95
Petition for a magistrate, 1785.	95
Petition for incorporation of the Baptist society, 1797.	96
Remonstrance to same.	97
Petition relative to laying out a road, 1788.	98
Report of committee on same, 1789.	99

NOTTINGHAM.

Introduction.	99
Soldiers in First N. H. Regiment.	100
Soldiers in the service in Revolutionary war.	101
Petitions of sundry Presbyterians to be joined to Windham.	102
Relative to town line, 1756.	102
Trouble at town-meeting, 1756.	102
Vote of town relative to minister rates.	104
Petition of Robert Mason, soldier, 1760.	104
Petition of Israel Blake, soldier, 1761.	104
Vote relative to a division of the town, 1765.	105
Vote relative to a division of the town, 1771.	106
Petition for a division of the town, 1771.	107
Petition of Peter Hanson for a divorce, 1778.	108
Petition of John McCoy, marine, 1779.	109
Relative to John Whitehorn, soldier.	109
Petition of Anna Thomas, soldier's widow, 1781.	109
Soldier's receipt, 1781.	110
Deposition relative to a soldier, 1782.	110
Petition for a magistrate, 1785.	110
Vote relative to paper currency, 1785.	111

ORANGE.

Introduction.	112
Petition of Simeon Olcott for grant of Cardigan.	112
Petition of Fellows and Larabee for grant of Cardigan.	113
Captain Joseph Kinne's return of soldiers, 1777.	113
Captain Joseph Kinne's return of soldiers, 1779.	114
Petition for incorporation of the town, 1779.	114
Petition relative to assessing taxes, 1780.	115
Inventory of lands of non-residents, 1780.	115
Inventory of polls and ratable estate.	118
Service done in the army by the town.	118
Petition of inhabitants relative to taxes, 1783.	118
Petition relative to taxing non-residents, 1783.	120
Petition relative to a road, 1783.	120
Petition to be incorporated, 1783.	121
Petition for relief in the matter of taxes.	121
Petition for authority to tax non-residents, 1785.	122
Petition relative to a magistrate, 1785.	123
Petition relative to raising money to repair roads, 1787.	123
Petition relative to selling land for taxes, 1788.	124
Petition relative to raising money to repair roads, 1788.	124
Petition to have the town incorporated, 1789.	125
Petition relative to raising money to repair roads, 1791.	126

ORFORD.

Introduction.	126
Record of convention, Vermont controversy, 1778.	128
Nehemiah Estabrook to Meshech Weare, 1778.	128
Petition for authority to tax non-residents, 1771.	129
Proposal of proprietors relative to minister's salary, 1773.	129
Proprietors' expenditures.	130
Petition of William Simpson for a ferry, 1773.	131
Proceedings at a proprietors' meeting, 1773.	131
Inventory of polls and estates, 1779.	133
Soldiers' receipts, 1778 and 1782.	133
John Lapish's discharge from the army, 1783.	133
Note relative to other discharges, 1783.	134
Petition relative to doomage, 1783.	134
Petition relative to supplies furnished scouts, 1786.	134
Petition relative to taxes.	135
Petition relative to suppressing thistles, 1795.	136
Petition for incorporating an academy, 1797.	136
Petition for incorporating a school, 1797.	137

OSSISPEE.

Introduction.	138
Petition for an incorporation, 1785.	139

Petition for abatement of taxes, 1788,	140
Soldier's order, 1781,	140
Petition for authority to raise money by a special tax to repair roads, 1791,	141
Relative to a discovery of iron ore, 1790,	142

PELHAM.

Introduction,	142
Petition of citizens of Salem and Pelham for a grant of land, 1750,	143
Petition of Phebe Gage, soldier's widow, 1758,	144
Petition of William Bell, soldier, 1758,	145
Petition of Francis Knowlton, soldier, 1760,	145
Bounty to Reuben Hamblet, 1782,	145
Petition relative to Tories and deserters,	145
Petition relative to procuring soldiers, 1777,	146
Petition relative to procuring soldiers, 1779,	147
Petition relative to forming counties, 1769,	148
Petition relative to a poll parish, 1786,	149
Vote relative to a poll parish, 1786,	150
Return of ratable polls, 1783,	150
Petition relative to the observance of Sunday, 1784,	150
Petition for a poll parish, 1786,	151
Petition to have a library incorporated, 1797,	152

PEMBROKE.

Introduction,	153
Soldiers in First N. H. Regiment,	153
Petition for a guard against Indians, 1747,	153
Petition for incorporation, 1757,	154
Consent of citizens of Buckstreet to same, 1758,	155
Committee's report on foregoing, 1759,	156
Petition relative to ministerial affairs, 1763,	156
Action of the legislature on same,	158
Petition of Jonathan Dix for a ferry, 1774,	158
Reference to plan of Merrimack river,	159
Inhabitants recommend Dix,	159
Measurements relative to said ferry,	159
Petition for ammunition, 1776,	160
Relative to Captain McConnell, 1777,	160, 161
Statement relative to a town-meeting, 1777,	161
Petition to be annexed to Col. Stickney's Regiment,	163
Soldier's discharge, 1780,	164
Captain Nathaniel Head's return, 1780,	164
Captain Nathaniel Head's return, 1781,	165

Petition relative to Samuel Daniell, 1782,	165
Petition relative to electing a representative, 1788,	166
Petition of Bryant and Bartlett for liberty to erect a toll- bridge, 1790,	166
Memorial concerning same,	167
Petition for authority to raise money by lottery to build a bridge, 1791,	167
Petition of Green and Noyes for authority to erect a toll- bridge, 1791,	168
Petition of Duncan and Livermore for authority to erect a toll-bridge, 1791,	169
Petition for a lottery to build the bridge, 1791,	169
Remonstrance of citizens of Buckstreet against being annexed to Allenstown, 1798,	170
Petition of citizens to be annexed to Allenstown, 1798,	172
Measurements of sundry roads,	173

PETERBOROUGH.

Introduction,	174
Petition for help to build a fort,	175
Petition relative to Rev. John Morrison, 1771,	176
Extract from minutes of presbytery, 1771,	178
Action of the presbytery, 1771,	180
Petition of William Scott relative to bounties, 1777,	181
Relative to the town's quota of soldiers, 1779,	181
Relative to Major Robert Wilson, 1778,	182
Statement of Daniel Russell, soldier, 1780,	182
Statement relative to John Halfpenny, soldier, 1783,	182
Soldiers' orders, 1784,	183
Petition of John Young, soldier, 1785,	183
Return of ratable polls, 1783,	183
Relative to Rev. John Morrison, 1783,	184
Petition of selectmen relative to same,	184
Petition of selectmen relative to setting off the east part of the town, 1784,	185
Vote of town relative to same,	186
Petition relative to same, 1785,	186
Petition for authority to tax non-residents,	187
Petition relative to a school, 1788,	188
Petition of Sarson Belcher, relative to some land, 1787,	189
Petition of sundry citizens to be set off, 1790,	190

PIERMONT.

Introduction,	190
Notice to proprietors of a meeting, 1765,	191
Arms and ammunition wanted, 1776,	191

Petition for an abatement of taxes, 1783.	192
Inventory of polls and estates, 1780-81.	193
Soldier's order, 1786.	194
Relative to the town's quota of soldiers, 1786.	194
Report of committee on same.	194
Sundry persons annexed to Wentworth, 1786.	195
Soldier's certificate, 1786.	195
Petition of Parker Stevens for a ferry, 1788.	195
Petition for authority to tax non-residents, 1789.	196
Petition for the annexation of an island, 1794.	197

PITTSFIELD.

Introduction.	197
Return of ratable polls, 1783.	198
Petition of Ebenezer Bean, soldier, 1791.	198

PLAINFIELD.

Introduction.	199
Inventory of 1773.	199
Return of Capt. Russell's company, 1777.	199
Plainfield men at Saratoga, 1777.	200
Plainfield Continental soldiers.	201
Petition of citizens of Meriden relative to the formation of a military company, 1781.	202
Names of members of said company, 1781.	203
Soldiers' orders, 1784.	203
Sundry inhabitants relative to taxes, 1785.	204
Petition of Joseph Kimball for a ferry, 1785.	205
Tax on Gov. Wentworth's rights, 1786.	205
Petition for a poll parish, 1788.	206
Rank of sundry officers, 1788.	207
Relative to services in the Revolution, 1791.	207
Amos Stafford for an allowance, 1795: soldier,	208
Relative to glebe reservation, 1795.	209
Kimball & Gallup for authority to construct locks, 1796.	209
Petition for incorporation of a library, 1797.	209

PLAISTOW.

Introduction.	210
Relative to election of a representative, 1774.	210
Relative to Hugh Potter, 1775.	212
Petition for settlement of town lines, 1778.	212
Ezekiel Gile's resignation, 1780.	213
Return of ratable polls, 1783.	213
Petition of John Pollard, soldier, 1760.	214
Petition of Matthew Bryant, soldier, 1763.	214

Soldier's order, 1778.	214
Soldiers' receipts, 1783.	215
Enlistment, 1782.	215
Petition of Jesse Davis, soldier, 1783.	216
Action of legislature on same.	218
Relative to representative class, 1786.	218, 219
Vote relative to an issue of paper money, 1786.	219
Recommendations to the legislature, paper money,	220
Petition for appointment of Joseph Welch.	221
Relative to the claim of Allen's heirs, 1786.	221

PLYMOUTH.

Introduction.	222
Petition for a survey of the town, 1772.	223
Relative to orders for raising soldiers, 1775.	225
Relative to election of representative, 1775.	226
Supplies furnished soldiers, 1778-79.	227
Resignation of Col. David Hobart, 1779.	227
David Nevens, soldier, 1784.	227
Soldier's widow's order, 1784.	228
Return of ratable polls, 1783.	228
Petition for authority to raise money by lottery to build a bridge, 1785.	228
Consent of town to the taking off of the south-west part thereof, 1791.	230
Petition of sundry citizens for a new town, 1791.	230
Relative to a disputed town line.	231, 232
Relative to setting off the south-west part of the town, 1792.	232
Petition for annexation of the territory in dispute.	233
Petition of town agent for same, 1792.	234
Petition for authority to elect a representative, 1799.	235

PORTSMOUTH.

Introduction.	236
Patriotic offer of John Langdon.	237
Account of soldiers' wages, 1696, 1708.	237, 238, 239
Warning for a militia muster, 1697.	241
Precept for election of assemblymen, 1693.	241
Return of assemblymen 1694, 1695.	242
Precept for election of assemblymen, 1697.	243
Return of assemblymen, 1698.	243
Relative to dealers in strong drink, 1701.	244
Relative to parochial matters, 1714.	244
Relative to taxes; complaint, 1716.	245
Relative to a purchased servant, 1721.	246

Act relative to ministers' salaries, 1720,	247
Relative to parochial matters, 1723,	248
Vote of first parish, 1728,	249
Relative to a bridge over the mill-dam, 1732,	250
South parish petition, 1737,	250
Answer to committee of the first parish, 1737,	252
Statement relative to parish matters, 1737,	255
First parish rates, 1737,	257
South parish rates, 1737,	258
Action of the legislature on foregoing, 1738,	258
Petition of sundry inhabitants for the grant of a town-ship,	259
Relative to some French prisoners of war, 1745,	260
Petition of Benjamin Thomas, Louisbourg soldier,	261
Petition of Mary, wife of Col. Moore, 1745,	261
Petition of Dr. Joseph Pierce, Louisbourg soldier,	261
Petition of Louisbourg soldiers, 1746,	262
Petition for the establishment of a workhouse, 1752,	263
Relative to a road through John Pickering's land,	264
Petition of Samuel Penhallow, soldier, 1759,	264
Objections to a bridge over Little Harbor, 1757,	265
Petition of William Rackliff, soldier, 1759,	264
Complaint against market-men, 1765,	268
Petition for the erection of a lighthouse, 1765,	269
Action of the legislature on same,	271
Petition relative to stamp-act riot, 1766,	271
Relative to hogs running at large,	272
Petition for the passage of an act to oblige tax-payers to give in their property under oath, 1769,	273
Petition relative to market, fire-wards, taverns, etc., 1772,	274
Statement relative to a market, etc.,	275
Protest against theatrical performances, 1773,	276
Relative to small-pox, 1773,	278
Pest-house regulations recommended, 1773,	278
Departure of Gov. Wentworth, 1775,	279
Communication from committee of safety, 1775,	279
John Carpenter's statement, 1776,	280
Instructions to assemblymen, 1776,	281
Petition to have a price fixed on commodities, 1777,	283
Letter from John Langdon relative to the enemy at Penobscot, 1779,	284
Petition to send the ship Hampden to Penobscot,	285
Statement of matters in town, 1779,	286
Relative to town affairs, 1780,	287
Instructions to representatives, 1780,	289
Memorial of Maj. Sherburne, wounded soldier,	291

Simeon Fernald, soldier, 1780,	291
Petition of Elizabeth Lewis, soldier's mother, 1782,	292
Petition of Richard Sherman, soldier, 1782,	293
Soldier's order, 1782,	293
Supplies to soldiers' families 1781-'83,	294, 295
Bounties to soldiers,	295
Portsmouth men in Revolution, 1777-'81,	296
Vote on eighth article of confederation, 1783,	297
Petition of wardens of Queen's Chapel, 1785,	297
Relative to laying out a road, 1786,	298
Relative to duties on imported goods, 1787,	299
Petition to have imported books exempted from duties,	300
Petition for authority to raise money by lottery to build a market-house, 1790,	301
Petition for incorporation of the first parish, 1791,	302
Petition for incorporation of Episcopal church, 1791,	302
Petition for incorporation of Universalist church, 1793,	303
Petition for authority to bridge Sagamore creek, 1797,	303
Piscataqua bridge, cost and revenue, 1798,	304
Petition for the incorporation of an aqueduct, 1797,	305
Petition for the incorporation of St. John's Lodge, F. & A. M.,	305

RAYMOND.

Introduction,	307
Relative to locating a meeting-house, 1768,	308
Report of committee on same,	309
Vote of town relative to same, 1769-'70,	309
Relative to the election of representative, 1774,	310
Account of supplies to soldiers, 1782,	311
Certificate; Judith Wormwood,	311
Return of ratable polls, 1783,	311
Samuel Nay recommended for a magistrate,	312

RICHMOND.

Introduction,	312
Certificate of soldiers mustered, 1778,	313
Joseph Blanchard's bounds of the town, 1752,	313
Richmond proprietors' names,	314
Justice of the peace chosen, 1776,	315
Petition for change of date of annual meeting,	315
Allowances to soldiers, 1778,	315
Soldier's order, 1785,	316
Oliver Capron for a magistrate, 1782,	316
Instructions to representative, 1786,	317
Henry Ingalls for a magistrate, 1785,	317

Henry Ingalls's petition in favor of,	318
Quaker's petition to be exempted from military duty, 1788-'96.	319

RINDGE.

Introduction,	320
Petition of the proprietors for incorporation, 1751,	321
Petition for confirmation of the first grant, 1750.	324
Relative to counterfeit money, 1776.	326
Petition of David Russell, soldier, 1778,	326
Petition of James Crombie, 1779,	326
Col. Enoch Hale's return, 1779,	327
Petition from the wife of Col. Nathan Hale, 1780,	327
Petition from Samuel Whiting, soldier, 1780,	328
Bounties paid to soldiers,	328
Resignation of Col. Enoch Hale, 1783,	329
Relative to Isaac Leeland, soldier, 1785,	330
Selectmen relative to soldier's pay, 1782,	330
Petition relative to soldier's pay, 1783,	331
Petition for authority to elect a representative, 1785,	331

ROCHESTER.

Introduction,	332
Relative to ministerial affairs, 1737,	333
Action of legislature on foregoing,	334
Petition for a guard, 1744,	334
Petition for representation, 1762,	335
Governor's orders respecting the same,	337
Petition relative to Dover bridge, 1770,	337
Stephen Berry, Jr., soldier, 1748,	338
Soldier's order, 1778,	338
Maj. Tebbetts's petition, 1779,	339
Soldiers' orders, 1780-'84,	339, 340
Daniel Wingate's bounty, 1783,	339
Petition of Jotham Nute, soldier, 1789,	340
Petition relative to lumber act, paper money, etc.,	341
Petition of Samuel Nute, soldier, 1790,	344
Petition of John Tanner, soldier, 1791,	344
Report of a committee on a division of the town, 1794,	345
Petition for incorporation of the north-west parish, 1798,	346
Petition for incorporation of Congregational Society,	349
Vote relative to a division of the town, 1798,	348
Petition from the north part to be set off, 1802,	349
Consent of town to foregoing,	351

ROXBURY.

Introduction,	
Petition for incorporation, 1796,	351
Report of a committee on foregoing,	352
	353

RUMNEY.

Introduction,	
Statement of grievances, 1770,	354
Committee to procure arms and ammunition, 1776,	354
Petition for a supply of arms and ammunition,	355
Certificate of Peter Mahew, 1779,	356
Return of ratable polls, 1783,	356
Soldier's order, 1780,	357
Soldier's receipt, 1781,	357
Samuel Holland's land tax, 1785,	358
Petition for a magistrate, 1785,	358
Petition for authority to raise money by special tax,	358
	359

RYE.

Introduction,	
Petition for a lottery, to drain a pond, 1756,	360
Lottery scheme,	360
Alleged illegal election, 1775,	361
Petition of Jonathan Philbrick, soldier, 1760,	362
Petition of Joseph Towle, soldier, 1761,	363
Petition of Samuel and Nicholas Marden, soldiers,	363
Soldiers' enlistment, 1776,	363
Soldiers' orders, 1781-'84,	364
Petition of Peter Akerman, soldier, 1777,	364
Rye men in 2d N. H. Battalion,	365
Relative to Continental soldiers, 1783,	365
Samuel Jenness for a magistrate, 1784,	365
Relative to a class for representative, 1784,	367
Report of a committee on laying out a road,	368
Petition relative to military grievances, 1785,	369
	369

SALEM.

Introduction,	
Petition relative to formation of counties, 1769,	371
Petition relative to service in the army, 1778,	372
Soldiers' orders, 1778,	373
Petition of Aaron Copp, soldier, 1779,	375
Salem man, in 2d N. H. Battalion,	375
Petition for incorporation, Baptist Society,	376
Return of ratable polls, 1783,	376
	377

Petition to have an election set aside, 1783, . . .	377
Statement relative to said election.	378
Petition for the appointment of a field officer, 1784, . . .	380
Petition Baptist Society for incorporation, 1797, . . .	380

SALISBURY.

Introduction,	381
Salisbury men in First N. H. Regiment,	382
Action of legislature to guard the frontiers, 1754, . . .	383
Petition of Samuel Scribner relative to his capture by the Indians, 1759,	383
Vote relative to a division of lots, 1773,	384
Petition of Peter Bowen, soldier, 1755,	385
List of Capt. Ebenezer Webster's company, 1776, . . .	385
Alarm list, and men in the army, 1776,	386
Dr. Joseph Bartlett chosen justice of the peace, 1779, . .	387
Capt. Webster's return, 1777,	387
Return of men for abatement of poll tax,	387
Enlistment, 1781,	388
Depositions relative to John Ash, soldier,	388
Account for bounties, men's names,	388
Petition for authority to erect a toll-bridge, 1793, . . .	389
Report of a committee on same, 1794,	390
Petition for incorporation of Salisbury Academy, . . .	390
Petition for incorporation of a toll-bridge, 1800, . . .	392

SANBORNTON.

Introduction,	392
Justice of the peace wanted, 1770,	393
Petition in favor of David Sanborn, 1770,	393
Petition of Capt. Chase Taylor, soldier, 1778,	394
Petition of Thomas Lyford, soldier, 1780,	394
Soldier's order, 1792,	395
Petition of Solomon Copps for a ferry, 1781,	395
Petition for a magistrate, 1784,	397
Number of ratable polls, 1783,	398
More justices of the peace wanted, 1785,	399
Petition in favor of a paper currency, 1785,	399
Petition for change of date of annual meeting,	400
Petition of Tilton Bennett for a ferry, 1798,	401
Petition for incorporation of a library, 1797,	402
Petition for incorporation of Sanbornton Musical So- ciety, 1799,	402
Petition for incorporation of Baptist Society, 1802, . . .	403
Vote of town relative to same,	404

SANDOWN.

Introduction,	404
Petition relative to election of representative, 1776, . . .	405
Return of ratable polls, 1783,	406
Relative to line between Sandown and Chester,	406
Relative to militia affairs, 1785,	407
Relative to paper currency, etc., 1786,	408
Petition from one of the Exeter insurgents,	409
Petition from John Colby, soldier, 1761,	410

SANDWICH.

Introduction,	410
Sandwich and Moultonborough inventories, 1773, . . .	411
Petition relative to Moses Page, soldier, 1778,	412
Petition to have a town-meeting legalized, 1780,	412
Petition relative to an illegal election, 1776,	413
Taxes on Exeter Academy lands, 1781-'82,	414
Petition for an issue of paper money, 1786,	415
Disputed line between this town and Tamworth, 1782, . .	416
Return of ratable polls, 1783,	417
Relative to taxes on academy lands, 1788,	417
Statement relative to roads, bridges, etc., 1791,	418
Non-resident's answer to foregoing, 1791,	418
Petition for special tax to build roads, 1796,	419
Non-resident's remonstrance to same,	419

SEABROOK.

Introduction,	420
Relative to payment of Rev. Samuel Perley, 1770,	421
Civil magistrate wanted, 1776,	422
Petition relative to town's quota of soldier's, 1778, . . .	422
Petition from sundry Quakers, 1784,	423
Return of ratable polls, 1783,	423

SHELBURNE.

Introduction,	424
Statement of town affairs in 1786,	424

SOMERSWORTH.

Introduction,	425
Act incorporating Somersworth as a parish, 1729,	426
Enlistments under Capt. Job Clements, 1748,	427
Soldiers' petitions, 1753, 1757, 1760,	428
Petition for a separation from Dover, 1754,	428
Petition relative to mills on Salmon Falls river, 1760, . .	429

GENERAL CONTENTS.

Relative to incorporating the same, 1761,	431
Maj. Wentworth's account, 1778,	431
Soldiers' orders, Noble, Wentworth, Cromwell, and Tate,	432
Somersworth men in 2d N. H. Battalion,	433
Return of Capt. James Carr's company,	433
Soldiers in 1775-'76,	433

SOUTH HAMPTON.

Introduction,	434
Town fast-day appointed, 1742,	434
Vote to settle Rev. William Parsons, 1742,	435
Vote relative to setting off the west part, 1748,	436
Order to impress Christopher Flanders, 1759,	437
Statement of several Crown Point soldiers, 1761,	438
Certificate of enlistment, 1780,	439
Petition of sundry persons to be annexed to Newton, 1770,	439
Return of ratable polls, 1783,	440
Declination of Hon. Phillips White, 1783,	440
Protest against the adoption of articles 8 and 9 of the confederation, 1783,	440
Hon. Phillips White declines a senatorship,	441
Petition relative to a town line, 1794,	441

SPRINGFIELD.

Introduction,	442
Relative to Wentworth's reservation,	442
Relative to Wentworth's reservation, 1780,	444
Petition of settlers on same, 1780,	445
Report of committee on same, 1780,	446
Oliver Whipple's statement relative to same,	446
Samuel Gilman's statement relative to same,	447
Names of settlers,	448
Petition for a lot for a grist-mill, 1781,	448
Petition relative to road through New London,	449
David Bean chosen justice of the peace, 1786,	450
Petition for incorporation, 1793,	450

STARK.

Introduction,	451
Petition for incorporation,	452

STEWARTSTOWN.

Introduction,	452
Petition for leave to tax non-residents, 1795,	453
Petition for amendment to act of incorporation,	454

GENERAL CONTENTS.

xxi

STODDARD.

Introduction,	455
Men in First N. H. Regiment,	455
Warrant for town-meeting, 1776,	456
Protest against election of representative, 1776,	456
Disorder at a town-meeting, 1776,	457
Summons to Oliver Parker, 1776,	458
Proceedings of town committee of safety, 1776,	458
Recipe to make a whip (unique),	459
Petition of Oliver Parker, 1776,	460
Petition in favor of Oliver Parker, 1776,	460
Petition relative to a disputed line, 1776,	461
Petition relative to same,	462
Action of the legislature on same,	463
Relative to an illegal town-meeting,	464
John Robbe, wounded soldier, 1778,	465
Richard Richardson, soldier, 1782,	466
Soldier's order, 1784,	466
Return of ratable polls, 1783,	467
Petition for authority to levy a special tax to build a meeting-house, etc., 1787,	467
Committee to locate the meeting-house,	468
Report of same,	468
Petition for authority to tax non-residents, 1794,	469
Relative to disputed line, 1798,	469, 470

STRATFORD.

Introduction,	472
Statement of town affairs,	472
Petition for incorporation, 1778,	473
Inventory,	474
Relative to an attack by French and Indians,	474
Petition for a guard, 1780,	475
Return of ratable polls, 1783,	475
Soldier's order,	476
Relative to two redeemed captives, 1785,	476
Relative to Burnside's ferry, 1786,	477
Petition for a new county, 1791,	477
Petition for abatement of taxes,	478
Petition for grant of Governor's island, 1794,	479

STRATHAM.

Introduction,	479
Petition for grant of Wiggin's ferry, 1742,	480
Warrant for a meeting to settle a minister, 1744,	481
Vote relative to ministerial affairs, 1747,	482

John Leavitt, Jr., soldier, 1748.	483
Documents relative to Crown Point soldiers.	484
Statement relative to George March, 1776.	484
Petition for appointment of John Taylor, 1775.	485
Petition relative to military affairs, 1777.	486
Soldier's order, 1781.	486
Accounts for supplies to soldiers. 1780.	487
Return of ratable polls. 1783.	487
Vote on the paper money question. 1786.	487
Paine Wingate for a magistrate, 1785.	488
Petition in favor of Nicholas Rawlings.	489
Committee chosen to present a plan for an issue of paper money, 1786.	489
Report of said committee.	490

SULLIVAN.

Introduction.	490
Petition for incorporation. 1786.	491
Report of committee on foregoing.	492
Petition relative to boundaries. 1793.	492
Petition for grant of a township. 1798.	493

SUNAPEE.

Introduction.	494
Petition for arms and ammunition. 1776.	494
Petition for incorporation. 1781.	495
Statement of condition of inhabitants, 1782.	496
Soldiers' orders.	497
Certificate relative to Mrs. McBritton.	498
Statement of men in the Revolution.	499
Statement relative to service in the war. 1786.	500
Statement relative to soldiers' bounties. 1789.	500
Petition for a new town. 1789.	501
Remonstrance to same. 1790.	502
Vote of town of Lempster on same, 1791.	503
The town objects to same.	504
Petition to have corner bound of Goshen fixed.	504

SHARON.

Introduction.	505
Petition for annexation to Peterborough. 1777.	506
Petition for incorporation. 1786.	506
Petition for authority to levy taxes. 1787.	507

SURRY.

Introduction.	508
Petition of Lemuel Holmes, soldier, 1780.	509

Petition of Thomas Dodge, soldier. 1783.	510
Petition of Lemuel Holmes, soldier.	510
Biographical sketch of Hon. L. Holmes.	512
Relative to collection of beef for the army.	512
Return of ratable polls. 1783.	513
Relative to date of annual meeting. 1784.	513
Petition for authority to raise money by lottery to work a silver mine. 1786.	514
Remonstrance against incorporating a Baptist Society. 1800.	515
Sundry persons consent to said incorporation.	515

SUTTON.

Introduction.	516
Sutton soldiers. 1777.	516
Assistance to soldier's family. 1783.	517
Petition for incorporation. 1783.	517
Benjamin Wadleigh for magistrate. 1786.	518
Petition for the appointment of a committee to fix uncertain bounds. 1794.	518, 519

SWANZEY.

Introduction.	520
Swanzy soldiers in First N. H. Regiment.	521
Fort Dummer committee. 1744.	522
Petition of Timothy Harvey, soldier. 1778.	522
Resignation of Lieut. Col. Joseph Hammond.	523
Relative to Moses Belding, soldier. 1778.	524
Relative to Noah Parkhurst, soldier. 1781.	524
Petition from several soldiers. 1782.	524
Soldiers' orders. 1784.	525
Petition of Joseph Hammond, soldier. 1786.	526
Statement concerning town affairs. 1781.	527
Petition concerning Amasa Parker, soldier.	528
Winchester claims said Parker. 1786.	529
Parker's receipt for bounty.	529
Concerning Samuel Epperson, soldier.	529
Certificate of muster-master.	529
Certificate of Jonathan Woodcock, soldier.	530
Relative to bounties paid to soldiers.	531
Relative to Jonathan Wooley, soldier.	532
Bill for pasturing government cattle. 1789.	532
Vote on adopting articles of confederation.	533
Return of ratable polls. 1783.	533
Relative to beef tax. 1784.	533
Relative to an issue of paper money. 1786.	534

GENERAL CONTENTS.

Petition of sundry citizens to be annexed to Marlborough, 1793,	536
Consent of town to same,	537

TAMWORTH.

Introduction,	538
Answer to Sandwich petition, representative, 1776,	538
Petition relative to state tax, 1778,	541
Return of ratable polls, 1783,	542
Soldiers' orders,	542, 543
Certificate of bounty to Jos. Ames,	543
Petition of selectmen, taxation, etc., 1793,	543
Petition for a committee to settle disputed lines,	544
Directions for perambulating the line between this town and Eaton, 1796,	545
Return of said perambulation,	546

TEMPLE.

Introduction,	547
Vote relative to incorporation of the town, 1768,	548
Some inhabitants of Wilton join,	548
Petition of sundry persons for separation, 1768,	548
Petition for incorporation, 1768,	549
Statement of proceedings of Wilton,	550
Relative to a road over the mountain, 1768,	550, 551
Petition from Wilton, 1768,	551
Remonstrance from Wilton,	552
Petition of inhabitants for incorporation, 1768,	553
Relative to some New York Tories, 1776,	554
Soldiers' receipts, 1777-'78,	555, 556
Petition of William Drury, soldier, 1778,	556
Petition of Robert Fletcher, soldier, 1779,	557
Petition of Ezekiel Goodale, soldier, 1780,	557
Petition of inhabitants of Borland's farm, 1780,	558
Petition for a lottery to build glass-works, 1781,	559
Statement of the lottery managers, 1782,	559
Return of ratable polls, 1783,	560
Petition for leave to elect a representative, 1784,	560, 564
Petition relative to militia, 1785,	562
Petition for incorporation of a library,	564

THORNTON.

Introduction,	566
Petition for a second grant, 1768,	566
List of grantees,	567
Town inventory, 1773,	568
Petition for arms and ammunition, 1776,	568

GENERAL CONTENTS.

XXV

Petition for an incorporation, 1781,	569
Letter from John Pierce to Mr. Thornton, 1780,	570
Receipt of Jonathan Child, 1781,	570
Return of ratable polls, 1783-'85,	571
Certificate of George Patterson, soldier, 1793,	571
Statement relative to a dispute between this town and the town of Peeling, 1797,	572

TUFTONBOROUGH.

Introduction,	573
Statement relative to town affairs, 1789,	573
Petition for abatement of soldier tax, 1794,	574
Complaint against Woodbury Langdon, 1797,	575

UNITY.

Introduction,	576
Warrant for town-meeting, 1779,	576
Concerning Jonathan Pettingill, soldier,	577
Concerning state tax, 1786,	578
Concerning warning a man out of town, 1786,	579
Oath of allegiance, 1787,	580
Vote relative to the formation of Goshen, 1790,	581
Petition relative to dividing the town,	582
Vote relative to dividing the town,	583
Remonstrance to same, 1791,	583
Petition for a new town, 1794,	584
Remonstrance to same,	585
Account for feeding soldiers, 1777,	586
Petition of Jos. Huntoon, soldier, 1779,	586
Relative to Richard Brown, soldier,	587

WAKEFIELD.

Introduction,	588
Account of supplies furnished soldiers,	588
Soldiers' receipts, 1781-'82,	589
Petition of Peter Barter, 1782,	589
Soldiers' orders,	589, 590
Petition for a repeal of the lumber act,	590
Relative to arrears of taxes, 1791,	591
Petition for incorporation of Union Library,	591

WALPOLE.

Introduction,	592
Records of proprietors' meeting, 1736-'38,	593, 595
Names of original grantees,	596
Petition for encouragement to manufacture linseed oil, 1773,	597

Petition in favor of Dr. Silas Baldwin, 1763,	598
Statement of county committee of safety, 1776,	598
Return of officers in the 16th Regiment, 1776,	599
Relative to the manufacture of fire-arms,	600
Relative to a sick soldier, 1777,	600
Petition of Isaac Calcott, soldier, 1778,	600
Soldier's order, 1780,	601
Petition for a lottery, 1780,	601
Statement of grievances,	602
Statement relative to Vermont controversy, 1781,	604
Petition for authority to erect a toll-bridge,	606
Soldiers' orders, 1784,	607
Petition of Samuel Eastman, soldier,	607
Petition of B. Bellows for a ferry, 1785,	608
Petition for help to clear the river channel,	608
Petition relative to formation of Langdon,	609
Petition of J. Bellows for a ferry, 1792,	610
Petition of John Nott, 1793,	610

WARNER.

Introduction,	612
Record of proprietors' meeting, 1741,	614
Roll of Capt. Flood's company,	614
Soldiers' deposition relative to back pay,	615
Return of soldiers enlisted, 1778,	615
Relative to election of representative, 1778,	616
Returns of soldiers, 1780,	616
Simon Ward, certificate of service, 1780,	617
William Lowell, wounded at Bunker Hill,	617
William Lowell, certificate of Maj. Ballard,	618
Soldier's order,	618
Relative to allowance for soldiers, 1786,	618
Relative to Dr. John Currier, 1786,	619
Relative to locating a meeting-house, 1788,	620
Relative to Joseph Sawyer for justice of the peace, 1788,	620
Relative to Zebulon Morrill for coroner,	621
Kearsarge Gore for a division, 1792,	621
Kearsarge Gore, annual meeting, 1799,	622

WARREN.

Introduction,	623
James Aiken, Bunker Hill soldier,	623
Return of ratable polls, 1783,	624
Petition relative to an election, 1786,	624
Petition for authority to tax non-residents, 1789,	625

WASHINGTON.

Introduction,	626
Petition for incorporation, 1776,	626
Men in First N. H. Regiment, Revolution,	626
Petition relative to town bounds, 1778,	628
Soldiers credited to Washington, 1782,	628
Petition of Samuel Lowell, soldier, 1784,	629
Petition in favor of Dr. Harris, 1784,	629
Petition relative to locating a meeting-house, 1786,	630
A portion of the town voted off, 1787,	631
Memorial relative to representative class,	632
Relative to sale of lands for taxes, 1790,	633
Relative to disputed line, 1793,	634
Relative to election of representative, 1794,	636

WEARE.

Introduction,	637
Weare men in First N. H. Regiment, Revolution,	637
Petition of Thomas Kennedy, soldier, 1760,	638
Petition of Stockman Sweat, soldier, 1781,	638
Petition of Mary Sinclear, soldier's widow,	639
Record of a meeting in the east part of the town,	640
Petition for a parish in east part of the town, 1786,	640
Report of committee on same,	641
Return of ratable polls, 1783,	641
Relative to a grammar school, 1788,	642

WENTWORTH.

Introduction,	642
Petition for a new grant of forfeited shares,	642
Statement relative to taxation, etc., 1777,	643
Return of ratable polls, 1783,	644
Petition for a representation, 1799,	644
Soldier's order, 1792,	645
Remonstrance to the incorporation of the Universalist Society, 1801,	645
Petition for incorporation of same,	647
Another remonstrance,	647

WHITEFIELD.

Introduction,	648
Petition for a grant of the township, 1773,	649
Petition for incorporation, 1804,	649
Action of the legislature on same,	650

WESTMORELAND.

Introduction,	651
Men in First N. H. Regiment,	651
Petition for a grant from New Hampshire, 1750,	652
List of grantees,	653
Disputed boundaries, 1752,	654
Petition for arms and ammunition, 1776,	655
Jonathan Holton, Bennington soldier,	656
Col. Bellows's return of enlistments, 1779,	657
Ensign Aldrich's order, 1776,	657
Soldier's petition, 1779,	657
Petition relative to Moses Thompson, 1780,	658
Relative to Ezra Gates, soldier, 1780,	659
Petition of Dr. Heber Miller,	659
Relative to David Johnson, soldier, 1779,	660
Petition of David Johnson, 1780,	661
Petition of Lois Johnson, 1786,	662
Statement of disturbances in town, 1781,	663
Memorial of some citizens against a union with Vermont, 1781,	663
Petition of James Simonds, soldier, 1781,	665
Soldiers in Capt. Stone's company, 1780,	666
Relative to collecting taxes, 1782,	666
Bounties to soldiers, 1783,	666
Relative to Nehemiah Pierce, soldier,	667
Recommendations for magistrates, 1784,	667
Josiah Willard, relative to a ferry, 1785,	668
Solomon Rollins, relative to a ferry, 1785,	669
Micah Reed, relative to a ferry, 1785,	670
Relative to a horse lost in the service, 1785,	670
Isaac Butterfield, relative to a ferry, 1785,	671
Ebenezer Britton recommended for major,	672
Vote on paper-money question, 1786,	672
Certificate of nails made, 1791,	672
Certificate of nails made, 1792,	673
John Kathan, for a ferry, 1799,	673
Josiah Marsh, for a ferry, 1799,	674
Petition for the incorporation of the Baptist Society, 1800,	675

WILTON.

Introduction,	676
Men in First N. H. Regiment,	676
Petition relative to county bounds, 1769,	677
Petition relative to bridge over Souhegan river,	678
Account of provisions sent to Cambridge, 1775,	679
Objections to articles of confederation, 1778,	679

Wilton soldiers, 1776,	681
Jonathan Gray, Bunker Hill soldier,	681
Petition for town representation, 1780,	682
Justice of the peace wanted, 1783,	683
Recommendations for field officers,	683
Vote relative to issuing paper money, 1786,	683
Statement relative to militia affairs, 1786,	684
Statement relative to school matters, 1788,	684
Certificates relative to same, 1788,	686

WINCHESTER.

Introduction,	687
Men in First N. H. Regiment,	687
Relative to the original grantees, 1753,	688
Col. Samuel Ashley's resignation, 1779,	689
Relative to an omission in return of soldiers,	689
Relative to fish in Ashuelot river, 1784,	690
Petition to be restored to citizenship, 1785,	690
Relative to fish in Ashuelot river, 1786-'88,	692, 693
Petition for a lottery, 1795,	693

WINDHAM.

Introduction,	695
Men in First N. H. Regiment,	695
Relative to province taxes, 1743,	695
Men assessed in the Methuen and Dracut district,	696
Petition for incorporation, 1750,	697
Relative to an illegal election, 1768,	697
Certificate of publication of warrant,	699
Statement of Samuel Barr,	699
Warrant for town-meeting, 1768,	700
Constable's statement,	700
Remonstrance to foregoing petition,	700
Several petitioners recant,	703
Statements of Hugh Graham and others,	704
Relative to an astronomical instrument,	705
Letter from James Betton, 1776,	705
Instructions to James Betton, 1776,	706
Petition for a lottery, 1777,	707
Relative to a disputed line, Salem, 1782,	709
Remonstrance to taking oath of allegiance,	709
Windham soldiers, 1777-'78,	710
John Simson, Bunker Hill soldier,	711
Dr. Thom's certificate,	711
James Wilson, soldier,	712
Petition for enlargement of the town, 1782,	712
Instructions to representative, 1783,	713

Vote on eighth article of confederation, 1783, . . .	714
Petition for authority to elect representative, . . .	714
More effective Sunday laws wanted, . . .	715
James Betton for a magistrate, 1784, . . .	716
Complaint concerning meeting-house, 1791, . . .	718
Account of James Betton's travelling expenses, . . .	719

WINDSOR.

Introduction, . . .	723
Petition for authority to tax non-residents, . . .	723
Petition for incorporation, 1790, . . .	724, 726
Report of committee on same, . . .	727
List of voters in Campbell's Gore, 1791, . . .	728
Remonstrance of sundry citizens, . . .	729
Petition for authority to levy taxes, 1793, . . .	729
Petition for incorporation, 1798, . . .	730

WOLFEBOROUGH.

Introduction, . . .	730
Minutes of laying out a road from Wolfeborough to Plymouth, . . .	731
Account of taxes on Gov. Wentworth's estate, . . .	732
Men in the army, 1776, . . .	733
James Wiggin, soldier, 1780, . . .	733
Soldier's order, . . .	734
Petition of Reuben Libbey, soldier, 1786, . . .	734
Petition relative to a new town, 1785, . . .	735, 737
Report of a committee on same, . . .	737
Remonstrance to same, 1786, . . .	738
Petition to be annexed to Ossipee, 1795, . . .	740
Petition from Wolfeborough Addition, 1800, . . .	741
Consent of non-resident proprietors, . . .	742
Certificate of amount of land taxed, 1800, . . .	742
Dates of incorporation, etc., of towns not mentioned in the three volumes, . . .	745
List of towns in the state of Vermont granted by Gov. Wentworth, . . .	746

APPENDIX.

Letter from Sabastian Ralle, 1716, . . .	753
Letter from Gov. John Belcher concerning line be- tween New Hampshire and Massachusetts, 1733, . . .	754
Letter from Gov. Francis Bernard concerning same, . . .	756
Theodore Atkinson concerning same, 1767, . . .	756
Dover militia officers, 1731-'32, . . .	757
Soldier's order, 1775, . . .	757

Piermont drafted men, 1777, . . .	758
Lloyd's Hills, . . .	758
Documents relating to Vermont controversy, . . .	760
Proceedings of committee meeting at Hanover, . . .	762
Report of committee, 1777, . . .	764
Statement of Jonathan Chase relative to Gen. Sulli- van's opinion, 1781, . . .	765
Census of New Hampshire in detail, 1790, . . .	767
Index to names of towns, places, etc., . . .	775
Index to names of persons, . . .	781

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

The State of New Hampshire.

ROLLS OF THE SOLDIERS
IN THE
REVOLUTIONARY WAR,

1775, TO MAY, 1777:

WITH AN

APPENDIX,

EMBRACING DIARIES OF LIEUT. JONATHAN BURTON.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

VOLUME I—OF WAR ROLLS.
VOLUME XIV—OF THE SERIES.

COMPILED AND EDITED BY

ISAAC W. HAMMOND, A. M.,

PRESIDENT NEW HAMPSHIRE ANTIQUARIAN SOCIETY, MEMBER NEW HAMPSHIRE HISTORICAL SOCIETY.

"He who takes no interest in the history of his ancestors does not deserve to be remembered by his posterity."

CONCORD, N. H.:
PARSONS B. COGSWELL, STATE PRINTER.
1885.

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That his excellency the governor be hereby authorized and empowered, with the advice and consent of the council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the state, one copy to such of the public libraries in the state as the governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

Approved August 4, 1881.

In accordance with the foregoing resolution, the governor, with advice of the council, on the 12th day of October, 1881, appointed and commissioned ISAAC W. HAMMOND as "Editor and Compiler of State Papers."

EDITOR'S PREFACE.

This volume contains the rolls of the soldiers who served in the Revolutionary War from this state from the beginning of that memorable struggle to May, 1777, so far as the same are in the possession of the state, or could be procured elsewhere by the editor. They will be of great value to town historians, biographers, genealogists, and others who are engaged in tracing the history of their ancestors with a purpose to place the same in compact and permanent form.

It is to be regretted that some of the early rolls have not been found. If they come to light later, they will be published in a subsequent volume.

The rolls herein published do not exhibit the entire service rendered by some of the men, as some of the regiments were incorporated into the regular "Continental Army," and thereafter paid by continental paymasters; consequently some of the pay-rolls are in the possession of the United States government, and are held as vouchers. The muster and bounty rolls and regimental returns will, however, give the names of each, at least, of nearly all who served subsequent to January, 1776; and when these rolls, returns, and other documents are all published, the residences of most of the men can be ascertained, with the help of a complete index, which has been carefully compiled.

The large number of letters of inquiry from persons within and without the state, which have been received by the editor since he commenced the compilation of these rolls, are abundant evidence of a growing public interest in the history of our state, and fully sustain the action of the governor and council in authorizing their publication under the resolution of the legislature of 1881.

The editor has been encouraged and sustained in his labor by the uniform kindness and favor of His Excellency Samuel W. Hale, and the honorable council, and many other gentlemen from various parts of the state, who have visited him, have shown a deep interest in the work, and spoken words of counsel and encouragement which have been very helpful.

The publication of the second volume of rolls has been commenced, and the work will issue in due time (D. V.).

Concord, April 15, 1885.

HAMMOND.

GENERAL CONTENTS.

Indian and French war rolls.	1-
Capt. Matthew Austin's roll, 1709,	
" Shadrach Walton's roll, 1710,	
" James Davis's roll, 1712.	
Maj. Paul Mascarine's roll, 1711,	
Sir Charles Hobby's roll, 1710-11,	
Capt. John Robertson's roll, 1710-11,	
Maj. Gilbert Abbott's roll, 1710-11,	
Capt. James Abercrombie's roll, 1710-11,	
" David Pigeon's roll, 1710-11,	
" Samuel Templer's roll, 1710-11,	
" James Davis's roll of scouts, 1712,	11-
" Green's and Major Smith's Cos.,	
" Gilman's, Hill's, and Davis's Cos.,	
" Gerrish's, Vaughan's, and Phipps's Cos.,	
" Westbrook's, Gilman's, and Tebbitts's Cos.,	
" Weeks's Co.,	
" John Goffe's roll of scouts, 1746,	
" Job Clement's Guard, 1748,	
Enlistment document, Crown Point, 1755,	
Men at Fort William and Mary, 1758,	
Capt. Hercules Mooney's Co., 1758,	
Receipts of men in Canada expedition, 1759,	
Extracts from diary of Capt. Jeremiah Marston, 1762,	24-
Roll of Capt. Marston's Co., 1762,	
" men at Fort William and Mary, 1767,	
" " " 1771-72,	
" " " 1772-73,	

1775.

Revolutionary war rolls, introduction,	
Capt. Reuben Dow's Co., 1775,	
New Ipswich men, Cambridge, 1775,	
Temple men, Cambridge, 1775,	

Rindge men, Cambridge, 1775,	35
Col. James Reed's return, June, 1775,	38
Notes on battle of Bunker Hill,	39
Killed and wounded at Bunker Hill,	42-44
Letters from Moses Emerson, 1775,	45
Maj. Andrew McClary's loss at Bunker Hill,	46
Col. Stark's staff, May, 1775,	46
Staff rolls of the three regiments, 1775,	48, 49
Col. Stark's regiment, pay-rolls August, 1775,	50-75
Capt. Isaac Baldwin's Co.,	50
" Elisha Woodbury's Co.,	52
" Samuel Richards's Co.,	55
" John Moore's Co.,	57
" Joshua Abbott's Co.,	60
" Gordon Hutchins's Co.,	63
" Aaron Kinsman's Co.,	66
" Henry Dearborn's Co.,	68
" Daniel Moore's Co.,	70
" George Reid's Co.,	73
Col. James Reed's regiment, pay-rolls August, 1775,	76-106
Capt. Hezekiah Hutchins's Co.,	76
Col. Reed's return, June, 1775,	78, 79
" staff pay-roll,	80
Capt. H. Hutchins's Co.,	81
" Jacob Hinds's Co.,	84
" Levi Spaulding's Co.,	87
" Ezra Towne's Co.,	89
" Jonathan Whitcomb's Co.,	92
" William Walker's Co.,	95
" Philip Thomas's Co.,	98
" Benjamin Mann's Co.,	100
" Josiah Crosbey's Co.,	102
" John Marcy's Co.,	104
Col. Enoch Poor's regiment, muster and pay-rolls, Aug., 1775,	107-151
Capt. Winborn Adams's Co., muster-roll,	107
" Winthrop Rowe's Co.,	109
" Philip Tilton's Co.,	112
" Benjamin Titcomb's Co.,	114
" James Norris's Co.,	116
" Henry Elkins's Co., receipt,	118
" Richard Shortridge's Co.,	118, 119
Col. Poor's staff, pay-roll Aug. 1, 1775,	121
Capt. Winborn Adams's Co.,	122
" Jonathan Wentworth's Co.,	125
" James Norris's Co.,	128
" Winthrop Rowe's Co.,	131
" Samuel Gilman's Co.,	134

Capt. Henry Elkins's Co.,	137
" Benjamin Titcomb's Co.,	140
" Jeremiah Clough's Co.,	143
" Philip Tilton's Co.,	146
" Richard Shortridge's Co.,	149
Col. John Stark's regiment, provisional returns, 1775,	152
Quartermaster Henry Parkinson's account of rations issued to Stark's regiment,	153
Quartermaster Joseph Fogg's account of rations issued to Poor's regiment,	154
Quartermaster Isaac Frye's account of rations issued to Reed's regiment,	155
List of men enlisted in the artillery, 1775,	156
Artillery men's receipts,	157
Capt. Henry Elkins's Co., receipts,	158
Col. Timothy Bedel's regiment, muster-rolls 1775,	159-177
Bedel's Co. of rangers, receipt,	161
Staff roll, corps of rangers, 1775,	162
Col. Bedel's rangers, pay-roll,	163
Capt. James Osgood's Co., pay-roll 1775,	166
" muster-roll,	169
" receipt,	170
" John Parker's Co., pay-roll, 1775,	171
" muster-roll,	174
" receipt,	175
" dates of arrival home,	177
Col. John Stark's regiment, receipts October, 1775,	178-186
Capt. George Reid's Co.,	178
" Daniel Moore's Co.,	179
" Henry Dearborn's Co.,	179
" Aaron Kinsman's Co.,	180
" Gordon Hutchins's Co.,	181
" Joshua Abbott's Co.,	182
" Thomas McLaughlin's Co.,	183
" Samuel Richards's Co.,	183
" Elisha Woodbury's Co.,	184
" John Hale's Co.,	185
" Gordon Hutchins's Co.,	186
Col. Enoch Poor's regiment, receipts October, 1775,	187-197
Capt. Winborn Adams's Co.,	187
" Jonathan Wentworth's Co.,	188
" James Norris's Co.,	189
" Winthrop Rowe's Co.,	189
" Samuel Gilman's Co.,	191
" Henry Elkins's Co.,	191
" Benjamin Titcomb's Co.,	192
" Jeremiah Clough's Co.,	193

GENERAL CONTENTS.

Capt. Philip Tilton's Co.,	195
" Richard Shortridge's Co.,	196
Col. James Reed's regiment, receipts October, 1775,	198-208
Capt. Hezekiah Hutchins's Co.,	198
" Jacob Hinds's Co.,	199
" Levi Spaulding's Co.,	200
" Ezra Towne's Co.,	201
" Jonathan Whitcomb's Co.,	202, 203
" William Walker's Co.,	203, 204
" Philip Thomas's Co.,	205
" Benjamin Mann's Co.,	206
" Josiah Crosby's Co.,	207
N. H. men in Quebec expedition, editorial note,	209
Capt. Henry Dearborn's Co.,	210
" Samuel Ward's Co.,	213
" Dearborn's Co., pay-roll,	214
" wages due,	217
Rolls of troops engaged in the defence of Piscataqua Harbor,	
1775,	
Lieut. James Parr's Co.,	223-240
Capt. John Calef's Co.,	223
" Richard Dowe's Co.,	224
" Benjamin Butler's Co.,	225
" Abraham French's Co.,	225
" Robert Crawford's Co.,	226
" Titus Salter's Co.,	226
" Samuel Hayes's Co.,	227
" Thomas Berry's Co.,	228
" Mark Wiggins's Co.,	228
" Nathaniel Hobbs's Co.,	229
" Henry Elkins's Co.,	229
" Moses Yeaton's Co.,	229
" Nicholas Rawlings's Co.,	230
" Cutting Cilley's Co.,	231
" James Hill's Co.,	231
" Joseph Clifford's Co.,	232
" David Copp's Co.,	232
" Smith Emerson's Co.,	232
" David Place's Co.,	233
" John Hill's Co.,	234
" Alpheus Chesley's Co.,	234
" Caleb Hodgdon's Co.,	235
" Stephen Hodgdon's Co.,	235
Lieut. Thomas Bragdon's Co.,	236
Capt. Robert Ford's Co.,	236
" Robert Follett's Co.,	237
" Samuel McIntyre's Co.,	237
	238

GENERAL CONTENTS.

Capt. Noah Littlefield's Co.,	238
Dr. Hall Jackson's Artillery,	239
Capt. George Jerry Osborne's Co.,	239
Men in Fort Sullivan Nov. 5, 1775,	240
N. H. men at Winter Hill, editorial note,	240
Col. Burnham's return, Winter Hill, Dec. 1775,	242
Capt. Benjamin Taylor's Co.,	244
Conway soldiers, June 10, 1775,	246
Capt. Archelaus Towne's Co., 1775,	246
" Joseph Parson's Co., 1775,	247
Account of shoes issued to Stark's, Reed's, and Poor's reg- iments, 1775,	248
Capt. Henry Elkins's Co., Fort Washington,	252
Return of troops in N. H., Dec. 6, 1775,	253
Dunbarton return,	254

1776.

North Hampton recruits,	255
Capt. Turner's Artillery,	255
Colonels of militia regiments,	256
Capt. Titus Salter's roll, Fort Washington,	257
" Eliphalet Daniels's roll, Fort Sullivan,	259
" Ebenezer Dearing's roll, Portsmouth,	260
Col. Thomas Stickney's regiment, officers names,	261
Col. Bedel's regiment, pay-rolls, etc.,	262-296
Capt. Joseph Estabrook's Co.,	262
" Daniel Carlisle's Co.,	263
" Jason Wait's Co.,	264
" Daniel Wilkins's Co.,	266
" Ebenezer Green's Co.,	267, 270
" James Osgood's Co.,	273
" Edward Everett's Co.,	279
" Samuel Young's Co.,	281
Lists of men in Bedel's regiment June 24, 1776,	287
" absentees Bedel's regiment, July 22, 1776,	291
Officers in Bedel's regiment, receipts,	295
Return of officers in Col. Joseph Badger's regiment of militia, March 5, 1776,	296
Return of officers in Col. Benjamin Belloys, Jr.'s, regiment of militia, March 15, 1776,	297
Dover soldiers in continental army,	298
Concord soldiers	299
Return of men in Capt. Nathan Brown's Co.,	299
" Timothy Clement's Co.,	301
Wilton men in continental army,	303
Muster-roll of Capt. Joshua Abbott's Co.,	303

GENERAL CONTENTS.

Return of absentees of Poor's regiment,	307
Return of sick of Poor's regiment,	309
Col. Isaac Wyman's regiment, July, 1776,	311-338
Capt. William Harper's Co.,	311
" William Stillson's Co.,	313
" James Shepherd's Co.,	316-318
" Capt. John Drew's Co., muster-roll,	321
" Samuel Wetherbee's Co.,	324
" Joseph Dearborn's Co.,	327
Lieut. Timothy Worthly's Co.,	329
Capt. Joseph Chandler's Co.,	330
" Joseph Parker's Co.,	332
" William Barron's Co.,	335
Col. Joshua Wentworth's return,	338
Col. Joshua Wingate's regiment, July, 1776,	339-363
Capt. David Quinby's Co.,	340
" James Arnold's Co.,	343
" Daniel Emerson's Co.,	346
" John Nesmith's Co.,	347
" Samuel Nay's Co.,	350
" Simon Marston's Co.,	352
" William Humphrey's Co.,	355
" William Barron's Co.,	358
" Joseph Badger's Co.,	361
Col. Joseph Badger's letter and return, July, 1776,	364
Col. Pierse Long's regiment, August, 1776,	367-393
Capt. Caleb Hodgdon's Co.,	368, 374
" Mark Wiggin's Co.,	369, 377
" John Brewster's Co.,	371, 384
" John Calfe's Co.,	380
" Nathan Brown's Co.,	387
" Timothy Clement's Co.,	390
" Josiah Russell's company of rangers,	394
Col. Thomas Tash's regiment, September, 1776,	396-415
Capt. Nathan Sanborn's Co.,	397
" Daniel Gordon's Co.,	399
" Jonathan Robinson's Co.,	401, 414
" John Calfe's Co.,	404
" William McDuffee's Co.,	406
" Smith Emerson's Co.,	408
" Daniel Runnels's Co.,	410
" William Prescott's Co.,	413
Col. Nahum Baldwin's regiment, September, 1776,	416-434
Capt. Philip Putnam's Co.,	416
" William Read's Co.,	418
" Abijah Smith's Co.,	420
" John House's Co.,	422

GENERAL CONTENTS.

Capt. Samuel McConnell's Co.,	424
" John Houghton's Co.,	426
" Benjamin Emery's Co.,	429
" John Moody's Co.,	432
Col. David Gilman's regiment, December, 1776,	435-462
Capt. Francis Towne's Co.,	436
" William Walker's Co.,	438
" Joshua Hayward's Co.,	442-444
" Samuel Wallingford's Co.,	446
" Joseph Parsons's Co.,	448, 449
" Daniel Gordon's Co.,	451, 452
" Benjamin Sias's Co.,	454, 455
" Samuel McConnell's Co.,	456, 457
Miscellaneous documents, 1776,	463-481
Capt. Jeremiah Eames's men, order,	463
" Samuel Wetherbee's men, list,	463
Recommendations for field officers,	464
Capt. Joshua Abbott's Co., receipt,	465, 466
" William Stillson's Co., pay-roll,	467
Return of men in First N. H. Regiment, with residence,	468
Petition of Capt. Salter's men,	472
Return of Somersworth soldiers,	473
Capt. Jeremiah Eames's scouts, pay-roll,	473
Men in Quebec expedition, in part,	474
Return of men raised in Col. Josiah Bartlett's regiment, August, 1776,	475
Officers in Col. John Waldron's regiment,	476
Petition from men taken at the Cedars,	476
Appointment of men to be raised September, 1776,	478
Recommendations for field officers,	479
Petition from men at Fort Sullivan,	480
Service performed by New Hampshire in 1776, editorial,	480
Col. Pierse Long's regiment, pay-rolls January, 1777,	482-510
Capt. Abraham Perkins's Co.,	482, 498, 501
" Ebenezer Dearing's Co.,	484, 499
" Timothy Clement's Co.,	486, 508
" John Calfe's Co.,	489, 500
" Mark Wiggin's Co.,	492, 502
" Nathan Brown's Co.,	494, 506
" John Brewster's Co.,	496, 504

1777.

Col. Pierse Long's regiment as paid for their march to Ticon- deroga, February, 1777,	511-521
Capt. Ebenezer Dearing's Co.,	511, 518
" Timothy Clement's Co.,	512, 513

Capt. John Calfe's Co.,	514, 519
" Mark Wiggins's Co.,	515
" Nathan Brown's Co.,	516, 519
" John Brewster's Co.,	516-517, 519
" Abraham Perkins's Co.,	518, 520
Col. David Gilman's regiment, final pay-rolls,	552-544
Capt. Francis Towne's Co.,	524
" William Walker's Co.,	527, 545
" Benjamin Sias's Co.,	529, 545
" Daniel Gordon's Co.,	532
" Joseph Parson's Co.,	534, 545
" Samuel McConnell's Co.,	537
" Samuel Wallingford's Co.,	540
" Joshua Hayward's Co.,	542
Miscellaneous documents,	545-560
Haverhill return, May, 1777,	546
Salisbury return, March, 1777,	548
Capt. Stillson's men, order,	548
Petition from soldiers at Fort Washington,	549
Order to Capt. John Haven,	550
Capt. John Haven's Co., for guarding prisoners,	551
Roster of officers in the three continental regiments April, 1777,	552
Apportionment of men to fill up the same,	556
Roll of Capt. James Carr's Co. with residences,	559, 560
" Benjamin Titcomb's Co., with residences,	562
Three years men enlisted from 4th militia regiment from Exeter, New Market, Epping, Brentwood, and Poplin,	563
Three years men enlisted from Col. Stickney's regiment,	565
" Col. McClary's regiment,	570
" Col. Nichols's regiment,	572
Col. Enoch Hale's return,	575
Enlistments from Col. Thornton's regiment,	579
Col. Joseph Badger's return,	580
Enlistments from Col. John Webster's regiment,	582
" Col. Bartlett's regiment,	585
Capt. Asa Richardson's return, Pelham,	588
Lieut. Joseph Emery's return, Pembroke,	588
" Samuel Bradford's return,	589
Col. John Webster's return,	589
Capt. Cutting Cilley's Co., order,	589
Lieut. James Gould's return, Hollis,	590
First N. H. Continental Regiment, 1777, pay-rolls,	591-614
Capt. Isaac Farwell's Co.,	592
" Jason Wait's Co.,	595, 599
" Amos Emerson's Co.,	600
" Amos Morrill's Co.,	601

Capt. Ebenezer Frye's Co.,	604, 606
" James House's Co.,	607-609
Lieut. Thomas Simpson's men,	608
Capt. Nathaniel Hutchins's Co.,	610, 611
" William Scott's Co.,	612, 614
Second N. H. Continental Regiment, 1777,	615-637
Capt. James Norris's Co.,	615
" John Drew's Co.,	617, 619
" James Carr's Co.,	620
" Frederick M. Bell's Co.,	623, 626
" Caleb Robinson's Co.,	627
" William Rowell's Co.,	630
" Elijah Claye's Co.,	632
" Samuel Blodgett's Co.,	634, 635
" Benjamin Titcomb's Co.,	636
Third N. H. Continental Regiment,	638-663
Capt. Isaac Frye's Co.,	639
" Richard Weare's Co.,	641
" John Griggs's Co.,	644
" Zachariah Beal's Co.,	647, 649
" Michael McClary's Co.,	651
" Daniel Livermore's Co.,	653, 655
" Benjamin Stone's Co.,	656
" James Gray's Co.,	659
Uncertain what company,	662
Petition of Capt. Daniels's men,	663
Appendix,	665
Diary of Lieutenant Jonathan Burton at Winter Hill,	667-689
Roll of Capt. Benjamin Taylor's Co.,	667
Return of Capt. Taylor's Co., Dec. 17, 1775,	680
Diary of Lieut. Jonathan Burton, Ticonderoga,	690-702
Roll of Capt. William Barron's Co.,	690
Index of towns, places, etc.,	705
Index to names of persons,	711

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

The State of New Hampshire.

ROLLS OF THE SOLDIERS

IN THE

REVOLUTIONARY WAR,

MAY, 1777, TO 1780:

WITH AN

APPENDIX,

EMBRACING NAMES OF NEW HAMPSHIRE MEN IN MASSACHUSETTS REGIMENTS.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

VOLUME II—OF WAR ROLLS.
VOLUME XV—OF THE SERIES.

COMPILED AND EDITED BY

ISAAC W. HAMMOND, A. M.,

MEMBER NEW HAMPSHIRE ANTIQUARIAN SOCIETY AND NEW HAMPSHIRE HISTORICAL SOCIETY.

"He who takes no interest in the history of his ancestors does not deserve to be remembered by his posterity."

CONCORD, N. H.:

PARSONS B. COGSWELL, STATE PRINTER.

1886.

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That his excellency the governor be hereby authorized and empowered, with the advice and consent of the council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the state, one copy to such of the public libraries in the state as the governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

Approved August 4, 1881.

In accordance with the foregoing resolution, the governor, with advice of the council, on the 12th day of October, 1881, appointed and commissioned ISAAC W. HAMMOND as "Editor and Compiler of State Papers."

EDITOR'S PREFACE.

This volume contains the rolls of the soldiers who served in the Revolutionary war from this state from May, 1777, to January, 1780, so far as the same are in the archives of the state, or could be obtained elsewhere by the editor.

The rolls of the state of Massachusetts for 1775 have been carefully examined by the editor, and a large number of names of New Hampshire men who served in the regiments of that state were abstracted, and are published in an appendix to this volume. The list contains those who are credited to this state on said rolls, and no others. By the information thus obtained, a considerable addition may be made to the number of New Hampshire men engaged in the battle of Bunker Hill; and the unprejudiced historian of the future, by an examination of this and the preceding volume, may award to this state the credit eminently its due for the services rendered by her sons in that battle.

The increasing demand for the preceding volume, and for access to advance sheets of this volume, is satisfactory evidence of the wisdom of the governor and council in authorizing their publication, as provided by the resolution of the legislature.

A complete index has been compiled, but, being so extensive, it may contain some errors, notwithstanding the large amount of labor involved and the careful attention given to the compilation and printing of the same.

The editor desires to express his thanks to His Excellency Moody Currier and the honorable council, and to many others who have shown

a deep interest in the work, and spoken words of counsel and encouragement.

The publication of the rolls will be continued, and probably completed, in the next volume.

HAMMOND.

Concord, March, 1886.

ABSTRACT OF GENERAL CONTENTS.

1777.

Ticonderoga alarm, introduction.	1
Col. Samuel Ashley's regiment.	1
" " staff-roll.	2
Capt. Davis Howlet's Co.,	3
" Waitstill Scott's Co.,	6
Col. Benjamin Bellows's regiment,	9
Capt. Abel Walker's Co.,	9
" Christopher Webber's Co.,	11
Col. Jonathan Chase's regiment,	14
Cpts. Chase, Russell, and Hendee,	14-19
Capt. Josiah Brown's Co.,	20
Second alarm, introduction,	22
Col. Benjamin Bellows's regiment,	23
Capt. Christopher Webber's Co.,	23
" Samuel Canfield's Co.,	25
" Oliver Ashley's Co.,	26
" Amos Shepard's Co.,	28
" Uriah Wilcox's Co.,	30
" Abel Walker's Co.,	31
" William Keys's Co.,	33
Lieut. Samuel Nichols's Co.,	35
Residences of the officers,	37
Col. Jonathan Chase's regiment,	38-44
Residences of the officers,	45
Col. Samuel Ashley's regiment,	46
Capt. John Cole's Co.,	47
" Daniel Shattuck's Co.,	50
" Oliver Cobleigh's Co.,	51
" Oliver Capron's Co.,	54
Lieut. James Robertson's Co.,	57-60
Capt. Davis Howlet's Co.,	61
" Elisha Mack's Co.,	65
Col. Moses Nichols's regiment,	68
Capt. James Ford's Co.,	69

Capt. Stephen Peabody's Co.,	72
" Nathan Ballard's Co.,	74
Lieut. Henry Adams's Co.,	77
" Joseph French's Co.,	79
Capt. Joseph Barrett's Co.,	81
" " petition,	83
" " pay-roll for horses,	83, 84
Lieut. Benjamin Bowers's Co.,	85
Capt. Daniel Emerson's Co.,	87
Ens. David McQuig's Co.,	90
Col. Enoch Hale's regiment,	92
Capt. Josiah Brown's Co.,	92
" Gershom Drury's Co.,	95
Lieut. Col. Thomas Heald's detachment,	97
Capt. Salmon Stone's Co.,	97
" Roger Gilmore's Co.,	98
" Silas Wright's Co.,	99
" Alexander Robbe's Co.,	101
" James Lewis's Co.,	102
Residences of officers,	103
Capt. John Taggart's Co.,	104
" Jonathan Brockway's Co.,	106
" John Mellin's Co.,	108
Col. Daniel Moor's regiment,	111
Capt. Thomas McLaughlin's Co.,	111
" Samuel Philbrick's Co.,	113
" Samuel Duncan's Co.,	115
" Peter Clark's Co.,	118
Lieut. Oliver Dow's Co.,	120
Capt. Ninian Aiken's Co.,	122
Serg. William Campbell's detachment,	123
Col. David Webster's regiment,	124
Capt. John Willoughby's Co.,	124
Col. Thomas Stickney's regiment,	127
Capt. Ebenezer Webster's Co.,	127
Ens. Elijah Rice's detachment,	131
Capt. Benjamin Sias's Co.,	132
" Ebenezer Smith's Co.,	133
Return of the troops at Ticonderoga, June,	136
List of men discharged from Col. Chase's regiment,	138
Capt. Peter Clark's men, order for pay,	138
BENNINGTON TROOPS, introduction,	139
Gen. John Stark's staff-roll,	140
Col. David Hobart's staff-roll,	142
Capt. Abel Walker's Co.,	143
" Capt. Christopher Webber's Co.,	146

Capt. Edmund Elliot's Co.,	149
" Jeremiah Post's Co.,	152-154
" Joshua Hendee's Co.,	155
Col. Hobart's officers,	158
Muster-roll of men in Hobart's regiment,	160
Col. Thomas Stickney's regiment, staff,	161
Account of rations due officers,	162
Capt. Ebenezer Webster's Co.,	164
" Stephen Dearborn's Co.,	167
" Chase Taylor's Co.,	171
" Samuel McConnell's Co.,	174-178
" Benjamin Sias's Co.,	179
" Joshua Bayley's Co.,	182
" Porter Kimball's Co.,	185
" Peter Clark's Co.,	188
" Jeremiah Gilman's Co.,	191
" Nathaniel Wilson's Co.,	194
Col. Moses Nichols's regiment,	196-198
Capt. Daniel Runnel's Co.,	199
" Samuel Wright's Co.,	203
" James Ford's Co.,	206
" John Goss's Co.,	209
" John Bradford's Co.,	213
" Salmon Stone's Co.,	216
" Stephen Parker's Co.,	219
" Kimball Carleton's Co.,	223
" Elisha Mack's Co.,	226
" Jesse Wilson's Co.,	228
Losses at Bennington,	230
Chaplain Hibbard's appointment,	230
Miscellaneous, Bennington,	231
Returns, Captains Webster and Chase,	232
" " Taylor, Clarke, and Kimball,	233
" " Bayley,	234
Consolidated report, Stickney's regiment,	235
Returns, Captains Kimball and Bayley,	236
" " Webster and Dearborn,	237

RHODE ISLAND TROOPS.

Col. Joseph Senter's regiment,	238
" " letter,	238
" " staff-roll,	240, 241
Capt. Robert Pike's Co.,	242
" " muster-roll,	244
" " travel-roll,	246
" Enoch Pages's Co.,	249

Capt. Enoch Page's Co., bounty-roll,	250
" " " travel-roll,	251
" " " pay-roll,	253
" Joseph Parsons's Co., bounty-roll,	256
" " " travel-roll,	258
" " " muster-roll,	259
" " " pay-roll,	262
" Simon Marston's Co. muster-roll,	267
" " " bounty-roll,	268
" " " travel-roll,	269
" " " pay-roll,	271
SARATOGA TROOPS, introduction,	276
Capt. John Sloan's Co.,	277
" Joseph Hutchins's Co.,	279
" " " pay-roll,	280
Gen. William Whipple's staff-roll,	282
Men raised in Col. Nicholas Gilman's regiment,	283
Col. Stephen Evans's regiment, staff-roll,	286
Capt. Zebulon Gilman's Co.,	287
" Porter Kimball's Co.,	290
" " " Swanzey men,	293
" James Libbey's Co.,	294
" Daniel McDuffee's Co.,	297
" Nathan Sanborn's Co.,	300-310
" George Tuttle's Co.,	311
Col. Evans's staff,	314, 316
" " regiment, general abstract,	315
" " " rations due,	317
Col. Abraham Drake's regiment, staff-roll,	318
Capt. Moses Leavitt's Co.,	319, 339
" Ezra Currier's Co.,	322, 341
" Nicholas Rawlings's Co.,	324
" Jesse Page's Co.,	328, 330, 343
Col. Drake's regiment, officer's rations,	331
" " " general abstract,	333
" " " miscellaneous,	334-338
Col. Daniel Moor's regiment, staff-roll,	345
Lieut. Samuel Brown's Co.,	346
Capt. Daniel Rand's Co.,	348
" Peter Clark's Co.,	350, 352
" Edmund Briant's Co.,	355
Lieut. Isaac Cochran's Co.,	358
Capt. James Lewis's Co.,	360
" John Duncan's Co.,	362
" Gershom Drury's Co.,	364
N. H. officers in Gen. Lincoln's regiment,	366

Col. Benjamin Bellows's regiment,	367
Capt. William Cary's Co.,	367
" Samuel Canfield's Co.,	369
" Benjamin Flood's Co.,	369
" Oliver Ashley's Co.,	370
Col. Jonathan Chase's regiment,	373-378
Capt. Joshua Hayward's Co.,	379
" John Willoughby's Co.,	381
" Jonathan Chandler's Co.,	383
Volunteer officers from Hobart's and Morey's regiments,	385
Lieut. Gerould's detachment,	386
Capt. Sias's detachment,	387
Lt. Col. Joseph Welch's regiment, staff-roll,	388
Capt. Jeremiah Dow's Co.,	390
" Nathaniel Ambrose's Co.,	392
" Joseph Finlay's Co.,	394
" Hezekiah Hutchins's Co.,	396
" Ezekiel Gile's Co.,	398
" Robert Collins's Co.,	400
" Moses Baker's Co.,	402
Col. Thomas Stickney's regiment,	404
Capt. Joshua Abbot's Co.,	405
" John Hale's Co.,	408
Private Clark's detachment,	410
Col. Jonathan Moulton's regiment,	411
Capt. John Dearborn's Co.,	411
Lt. Col. Samuel Connor's detachment,	415
Col. John Langdon's Co.,	416
Capt. Philip Putnam's Co.,	419
East Kingston volunteers,	420
Battle of Saratoga, editorial,	421
Capt. Richard Weare's Co.,	422
Enlistments in continental regiments,	424
Col. Timothy Bedel's regiment,	426
N. H. men in Col. Jackson's regiment,	427
Miscellaneous documents,	428
Col. Pierce Long's regiment, additional,	428
Capt. Joseph Finlay's Co., receipt,	428
" Peter Clark's Co., Bennington,	429
Dr. Obrey's certificate of service,	429
Fort Washington soldiers,	429
Fort Sullivan soldiers,	430
Gen. Enoch Poor's return,	432
Summary of service in 1777,	433

1778.

Continental regiments, absentees from Col. Joseph Cilley's regiment,	434
Col. Nathan Hale's regiment, absentees,	440
Enlistments in Continental regiments,	446
Richmond men,	446
Col. Joseph Hammond's return,	446
" Joseph Badger's return,	447
" Folsom's return,	450
Noah Lovewell's return,	451
Col. Matthew Thornton's returns,	452, 453
Enlistments from the Eighth regiment,	454
" " Third regiment,	455
" " Hobart's regiment,	459
Col. Dearborn's return,	461
Lt. Col. Stephen Peabody's regiment, Rhode Island,	462
" " staff-roll,	463
Capt. Daniel Reynold's Co.,	464, 466, 477
" Peter Drowne's Co.,	468, 480
" Simon Marston's Co.,	470
" Ezekiel Worthen's Co.,	474, 494
" Samuel Dearborn's Co.,	482, 494
" Ezekiel Gile's Co.,	485
Recruits for Rhode Island,	489, 490, 492, 496
Capt. Drowne's account,	493
Part of Capt. Dearborn's Co.,	497
Recruits from Tenth regiment,	498
Capt. Gile's return,	499
Enlistments for Rhode Island,	500-507
GEN. WHIPPLE'S BRIGADE, R. I., introduction,	508
Col. Moses Nichols's Reg't—staff-roll,	509
Capt. Daniel Emerson's Co.,	510
" Benjamin Sias's Co.,	512
" Ebenezer Webster's Co.,	514
" Peter Cross's Co.,	517
" Josiah Crosby's Co.,	520
" Moses Leavitt's Co.,	522
" Joseph Dearborn's Co.,	525
" Joseph Parsons's Co.,	527
" Benjamin Mann's Co.,	529
Col. Enoch Hale's Reg't—staff-roll,	532
Capt. Robert Fletcher's Co.,	533
" Samuel Twitchell's Co.,	536
" Samuel Cunningham's Co.,	538
" James Lewis's Co.,	541

Col. Moses Kelley's Reg't—staff-roll,	543
Capt. John Folsom's Co.,	544
" Jonas Bowman's Co.,	546
" Joshua Bayley's Co.,	548
" Aaron Quinby's Co.,	550
" William Boyes's Co.,	552
" William Lee's Co.,	554
" James Aiken's Co.,	556
Col. Jacob Gale's Reg't—staff-roll,	559
Capt. David Quimby's Co.,	560
" Benjamin Whittier's Co.,	562
" Nathan Brown's Co.,	564
" James Gilmore's Co.,	566
" Jesse Page's Co.,	568
COL. JOSHUA WINGATE'S REGIMENT—staff-roll,	570
Capt. Edward Hilton's Co.,	571
" Moses Yeaton's Co.,	573
" John Hill's Co.,	575
" John Langdon's Co.,	577
GEN. WILLIAM WHIPPLE'S BRIGADE—staff-roll,	580
Volunteers for Rhode Island service,	581
" " from Hillsborough,	582
" " Newington,	582
" " Antrim,	583
COL. TIMOTHY BEDEL'S REGIMENT—officers,	584, 585
Capt. Solomon Cushman's Co.,	586, 591
" Luther Richardson's Co.,	589
" Timothy Barron's Co.,	592
Summary of service in 1778,	594
CONTINENTAL REGIMENTS—RECRUITS FOR 1779,	595
Col. Joshua Wentworth's return,	595
" Joseph Badger's return,	598
" Jonathan Chase's return,	602
" David Hobart's return,	605
" Thomas Stickney's return,	607
" Moses Nichols's return,	611
" Stephen Evans's return,	618
" Moses Kelley's return,	621
" Jacob Gale's return,	623
Appointment of officers—continental regiments,	624
Hollis recruits,	624
Enlistment document,	625
Absentees, Second continental regiment,	626
Continental soldiers, 1779,	628

Col. Moses Nichols's return,	635, 636
" William Gregg's "	637
" Thomas Stickney's return,	637
" John Webster's "	638
" Abraham Drake's "	639
" Jonathan Moulton's "	639
" Stephen Evans's "	640
" Jacob Gale's "	641
" Benjamin Bellows's "	642
Selectmen of Meredith, "	642
Samuel Trott's "	643
Col. Moses Kelley's "	644
" Joshua Wentworth's "	645
" Enoch Hale's "	646
" David Webster's "	647
Maj. Timothy Ellis's "	647
Col. Nicholas Gilman's "	648
" John McClary's "	649
" Joseph Badger's "	650
" Moses Nichols's accounts,	650, 651
" Samuel Folsom's account,	651
Michael Cressey's "	651
Col. Bellows's "	652
Samuel Trott's "	652
Valley Forge soldier's receipt,	653
Samuel Nute's return,	653
Col. Hercules Mooney's regiment, R. I.,	654
Apportionment of men to be raised,	655
Col. Stephen Evans's return,	655
" Col. Jonathan Moulton's return,	656
" Nicholas Gilman's return,	657
Exeter return,	657
Enlistments from Col. Gale's regiment,	658
Col. John Webster's returns,	658, 659
" John McClary's "	660, 661
Enlistments, for R. I.,	661
Col. David Webster's return,	662
" Benjamin Bellows's return,	662
" Moses Kelley's "	663
" Thomas Stickney's "	663
" Moses Nichols's "	664
" Enoch Hale's returns,	664, 665
Consolidated return of R. I. men,	665-671
Col. Hercules Mooney's staff-roll, R. I.,	672
Capt. Jonathan Leavitt's pay-roll,	673
" Daniel Reynold's "	676
" Ezekiel Worthen's "	678

Capt. Ephraim Stone's pay-roll,	680
" Daniel Emerson's "	682
" Samuel Runnels's "	684
Abstract of pay-rolls,	686
Samuel Hobart's account,	688
Nicholas Gilman's account,	688
Men raised in Col. Stickney's regiment,	688
" " Kelley's regiment,	689
" " Badger's regiment,	690
" " Gale's regiment,	691
Piscataqua Harbor troops, 1779,	692
Col. Joshua Wentworth's return,	693
" John Webster's "	693, 694
" John McClary's "	695
" Moses Nichols's "	695
" Theophilus Dame's "	695
" Moses Kelley's "	696
Capt. Benjamin Sias's "	697
Men mustered for service at Portsmouth,	698, 699
Maj. Benjamin Whitcomb's rangers,	700-703
Capt. George Aldrich's Co.,	704
Col. Israel Morey's report,	705
Convention of sundry towns in Coös county,	705
Hampton Falls soldiers,	706
Salisbury soldiers,	706
Col. John McClary's return,	707
Capt. Abel Walker's "	707
Col. David Webster's "	708
Lieut. Jonah Chapman's scouts,	709
Depreciation Rolls, First Continental Reg't,	710-718
" Second Continental Reg't,	718-725
" Whitcomb's Rangers,	725
" Third Continental Reg't,	726-733
" Col. Hazen's Reg't,	733
" Artillery and Artificers,	733
Men enlisted for the war, 1779,	734
Summary of service in 1779,	736

APPENDIX.

N. H. men in Massachusetts regiments, 1775,	739-752
Col. Sargent's Reg't, Capt. Scott's Co.,	739
" " Perry's Co.,	740
" " Stiles's Co.,	741
Col. Nixon's regiment,	742, 743
" Prescott's regiment,	743-745
" Doolittle's "	745, 746
" Frye's "	746, 747

Col. Baldwin's regiment,	748.749
" Scammon's "	749.750
" Brewer's "	750
" Gridley's Reg't of Artillery,	751
N. H. men in Massachusetts regiments, 1776,	753
" " " miscellaneous,	754
Return of casualties at Saratoga,	755
Index of towns, places, etc.,	759
Index of names of persons,	765

REVOLUTIONARY WAR ROLLS.

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

The State of New Hampshire.
ROLLS AND DOCUMENTS
RELATING TO
SOLDIERS
IN THE
REVOLUTIONARY WAR,

WITH AN
APPENDIX,
EMBRACING SOME INDIAN AND FRENCH WAR ROLLS.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

VOLUME III—OF THE WAR ROLLS.
VOLUME XVI—OF THE SERIES.

COMPILED AND EDITED BY
ISAAC W. HAMMOND, A. M.,
LIBRARIAN NEW HAMPSHIRE HISTORICAL SOCIETY.

*"He who takes no interest in the history of his ancestors does not deserve to be
remembered by his posterity."*

MANCHESTER, N. H.:
JOHN B. CLARK, PUBLIC PRINTER.
1887.

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person — and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated — to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the State, one copy to such of the public libraries in the State as the Governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other States.

Approved August 4, 1881.

In accordance with the foregoing resolution, the Governor, with advice of the Council, on the twelfth day of October, 1881, appointed and commissioned ISAAC W. HAMMOND as "Editor and Compiler of State Papers."

EDITOR'S PREFACE.

This volume completes the publication of the Revolutionary War Rolls so far as they can now be obtained. All of the rolls, and documents in the possession of the State, and all that the editor could obtain elsewhere, have been used in the compilation of the work. Other material of the kind is supposed to be in existence, and may be obtained at some future time, and *may not*. This volume contains the town returns and accounts, which will be found of great value as indicating the residences of the men, which many of the rolls fail to do. It also contains all the material that could be found in the state archives relating to pensioners, a number of Indian and French war rolls not heretofore published, and a short Revolutionary diary.

The fact that interest in historical research and in the preservation of all original documents pertaining to the days of our ancestors is on the increase among our people is one of the encouraging features of the times. Many valuable manuscripts of ancient dates have been destroyed, and it is important that all that are still in existence which give any information relative to the history of our State should be printed, and thus placed beyond the reach of destructive elements and the autograph hunter, and made accessible to the future historian. The public interest in and general demand for the work is abundantly proved by frequent calls for the loan of advance sheets of this volume, which have been in use almost continuously since the commencement of its publication.

Great care has been taken in transcribing the documents and in compiling a full and complete index. Although some errors will undoubtedly be found, the editor hopes the number will be small.

As many local histories are being compiled, the editor desires to call attention to the importance of an exhaustive index to all such

works. An historical work loses half its value without it. Every occurrence of names of persons and places should be indexed, and the information contained in the volume thus rendered accessible to historical, genealogical, and biographical students.

The next volume will contain a collection of miscellaneous provincial and state documents of much historic value, dating from 1680 to 1800.

HAMMOND.

ABSTRACT OF GENERAL CONTENTS.

1780.

Return of officers in First Regiment	2
“ officers in Second Regiment	4
“ officers in Third Regiment	6
“ first company, Third Regiment	9
“ second company, Third Regiment	12
“ Captain Frye's company	15
“ “ “ “ “ “	17
“ “ Ellis's “ “ “ “ “	20
“ “ Gilman's “ “ “ “ “	22
“ “ Ellis's “ “ “ “ “	25
“ Major Norris's “ “ “ “ “	27
“ Captain Livermore's company	30
“ “ “ “ “ “	33
“ “ Stone's “ “ “ “ “	35
“ “ McGregore's “ “ “ “ “	38
“ “ Hawkins's “ “ “ “ “	40
“ “ Gray's “ “ “ “ “	42
“ Third Regiment men	44
“ men who served in other state organizations	45
Major Whitcomb's rangers	46
Colonel Henry Jackson's regiment	47
New Hampshire men in Col. Hazen's regiment, Mass.,	48, 54, 55
Petition from officers in continental regiments	49
New Hampshire men in Col. Flower's regiment	51, 53
Return of General Poor's brigade	56
Continental regiments, recruits	58-69
Pay-roll for same	70-89
Muster-roll for same, with residences	90-100
New Hampshire men in Col. Jackson's regiment	101
List in part of the new levies	102
Men recruited by Henry Dearborn	103
Three months' men at West Point	104

Captain Kinsman's return	105
Colonel Bartlett's staff-roll	108
Captain Jewell's Co.	109
" Aiken's Co.	112
" Gordon's Co.	118
" Emerson's Co.	121
" Sinclair's Co.	124
" Eastman's Co.	127
" Leavitt's Co.	130
" Butler's Co.	135
Colonel Nichols's staff-roll	137
Captain Page's Co.	140, 161
" Kidder's Co.	143
" Barron's Co.	147
" Webster's Co.	150
" Stevens's Co.	152
" Houghton's Co.	155
" Whittier's Co.	158
" Spaulding's Co.	162
" Leavitt's Co., abstract of pay-roll	163
" Butler's Co.	164
" Sinclair's Co.	165
Portsmouth men in Captain Jewell's Co.	167
Recruits for Whitcomb's rangers	167
Captain Stone's Co., pay-roll	168
" Runnel's Co., muster-roll	169
" pay-roll	170, 172
Major Whitcomb's muster-roll	174
" return, residences	178, 179
Captain Paine's Co.	180
Promotions in Continental regiments	182
New arrangement of officers	183
THIRD NEW HAMPSHIRE CONTINENTAL REGIMENT, 1780	184
Return of Colonel's Co.	186
" Captain Gilman's Co.	187
" " Livermore's Co.	188
" Major Wait's Co.	189
" Captain McGregore's Co.	191
" " Ellis's Co.	192, 193
" Colonel Dearborn's Co.	194
" Captain Frye's Co.	195
" " Dennett's Co.	196
Lieutenant Piper's men at Portsmouth	

Depreciation rolls to January 1, 1781	197
First Regiment	197-203
Second Regiment	203-208
Third Regiment	208-213
Petition of soldiers at Fort Washington	214
Summary of troops raised in 1780	215

1781.

Editorial note	216
Return of New Hampshire force in Continental Army	217
First Regiment, 1781. Captain Farwell's return	218
" " " Livermore's return	219
" " " Frye's	220
" " " Gilman's	221
" " " Sartwell's	222
" " " Dustin's	223
" " " Munroe's	224
" " " Ellis's	225
Second Regiment, 1781. " Robinson's	227
" " " McGregore's	228
" " " Dustin's	229
" " " Fogg's	230
" " " Chase's	231
" " " Dennett's	232
" " " Cherry's	233
Captain Dearing's roll, Fort Washington	234
State bounty to continental soldiers	235
Receipts for bounty " "	239
" for gratuity, camp on James River	241
Recruits for Continental Army, residences	242
" " " "	246
Frontier and West Point men, introduction	249
Enlistment document	250
Six months' men raised for West Point	251
Colonel David Webster's return	258
" John McClary's " 3 months' men	258
" Noah Lovewell's " "	259
Portsmouth volunteers' " "	260
Colonel Wentworth's return " "	261
" John Webster's return " "	262
" John Bell's " "	263
" Thomas Stickney's return " "	263
Captain Dearing's Co., order	264

New Hampshire men in Col. Hazen's regiment, Mass.	265
Continental regiments, 1781; abstract of pay	267-280
First Regiment	267-271
Second Regiment	271-276
Third Regiment	276-279
Captain Jacob Smith's rangers, pay-roll	281
Summary of service in 1781	283
Captains Walker and Osgood, scouts	284

1782.

Bounty list, continental soldiers	285
Enlistment document, 1782	288
Sergeant Blake's scouting party	288-292
" James Ladd's scouting party	293
Editorial relative to raising men	293
Captain Ebenezer Webster's rangers	295
" Jonathan Smith's	298
Sergeant Philip Page's scouts	299
Captain Salter's Co., Portsmouth	300
Promotions in continental regiments	300
New Hampshire men who served in independent regiments	301
New Hampshire men in Gen. Hazen's regiment, Mass.	304
Casualties in First Regiment	306
Colonel Bedel's regiment, in part, 1777, 1778	306-314
Captain Young's Co.	307
" Wheeler's Co.	308
" Cushman's Co.	310
" Holden's Co.	311
" Butterfield's Co.	311
" Taylor's Co.	312
" Lovewell's Co.	313
Lyme militia roll, 1776	314

MISCELLANEOUS ROLLS.

Captain James Gray's Co., in part	316
Guard at Exeter jail, 1777	316
Roll of soldiers at New Castle, 1786	317, 318
" " 1787	319

PENSION DOCUMENTS.

List of invalids examined and pensioned	320
Pensioners paid by Mr. Gilman, 1782	321

List of pensioners, 1785	323
" " 1787, mention of wounds	325
" " residences	328
" " 1789	330
" " soldiers' widows	333
Pay-roll, officers' widows and invalids	334, 337
Report of committee on invalids	335
Pay-roll, officers' widows and invalids, 1788, 1789	343
Pension-roll, November, 1789	344
Editorial relating to pensions	347
Petitions for pensions, committee and surgeons' reports,	347-496
Editorial relative to town returns	497
Towns' returns of soldiers, arranged alphabetically	498-523
Abatement of soldiers' poll-taxes	524
Individual accounts for losses in service	525-531
Action of Legislature relative to towns' expenditures	533
Towns' accounts for bounties, etc.	534-548
Towns' accounts in detail, alphabetically	549-895

APPENDIX.

Sergeant Hilliard's scouts, 1712	897
Londonderry Troopers, 1744	897
Samuel Miller's scouts, 1744	898
Timothy Roberts's scouts, 1744	899
Jeremiah Clough's " 1745	899, 907
William Moulton's " 1745	900
Colonel Gilman's regiment, 1740	901
John Humphrey's troopers, 1745	902
William Miles's scouts, 1745	903
Captain Hanson's troopers, 1745	904
" Dudley Odlin's, 1745	905
" Thomas Bell's Co., 1745	906
" John Huckins's scouts, 1745	906
" John Goffe's " 1745	908, 909
" Daniel McGregore's Co., 1745	910
" John Gregg's scouts, 1746	911
" Francis Lock's Co., 1746	912
" James Guppy's Co., 1746	912
" John Goffe's Co., 1746	913
" John Webster's Co., 1747	914
" Jeremiah Clough's Co., 1746-47	915
" Thomas Bell's Co., 1747-48	916
" James Campbell's Co., 1750	916

GENERAL CONTENTS.

Captain Elisha Winslow's Co.,	1755	918
Colonel Josiah Willard's Co.,	1755	919
" Joseph Blanchard's regiment,	1754	920
Captain Robert Rogers's roll,	1755	922
General Folsom's orders,	1775	923
Officers in Twelfth Militia Regiment,	1775	924
" on ship Raleigh,	1777	924
Men on brig Dartmouth,	1775	925
" " Polly		926
Receipt from men on Winter Hill,	1776	926
Captain Whitcomb's Co.,	1777-78	927
" Tarlton's Co.,	1778	927
List of British prisoners,	1781-83	929
" New York tories		932
Captain Isaac Farwell's Co.,	1776-1782	934
Diary of Abraham Fitts, 1777		936
Index to towns, places, etc.		941
Index to names of persons		949

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

The State of New Hampshire.

PART I.
ROLLS AND DOCUMENTS
RELATING TO
SOLDIERS
IN THE
REVOLUTIONARY WAR.

PART II.
MISCELLANEOUS
PROVINCIAL PAPERS,
FROM 1629 TO 1725.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

VOLUME IV. OF THE WAR ROLLS.
VOLUME XVII. OF THE SERIES.

COMPILED AND EDITED BY
ISAAC W. HAMMOND, A. M.,
LIBRARIAN NEW HAMPSHIRE HISTORICAL SOCIETY.

"He who takes no interest in the history of his ancestors does not deserve to be remembered by his posterity."

MANCHESTER:
JOHN B. CLARKE, PUBLIC PRINTER.
1889.

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person—and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated—to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the State, one copy to such of the public libraries in the State as the Governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other States.

Approved August 4, 1881.

In accordance with the foregoing resolution, the Governor, with advice of the Council, on the twelfth day of October, 1881, appointed and commissioned ISAAC W. HAMMOND as "Editor and Compiler of State Papers."

EDITOR'S PREFACE.

When Volume XVI. was in press, it was known to the editor that some rolls of soldiers and other important documents relating to the service performed by New Hampshire in the Revolution, of which this State had no duplicates, were on deposit in the Department of State and in the Pension Bureau of the Department of the Interior, at Washington, D. C. The editor had corresponded with the custodians thereof, and ascertained that the only feasible method of obtaining copies of such portion of said documents as were of importance was by personal examination, a careful comparison with our printed volumes and then unpublished manuscripts, in order to secure all that were of interest and prevent the expense of duplication. To accomplish this it was necessary to visit Washington, which the editor had no authority to do at that time.

Subsequent to the issue of that volume, Hon. A. S. Batchellor, of the Executive Council, being one of the committee of the same on the publication of our state papers, called at those departments, and examined said documents sufficiently to become convinced of their value and the importance of obtaining copies for publication. On his return he laid the matter before the Executive Board, and on June 5, 1888, a resolution was passed by the Governor and Council, directing the editor of this work to proceed to Washington and obtain copies of such Revolutionary documents relating to New Hampshire as were not in our state archives, and were of sufficient importance for publication. In accordance with said resolution, he went to the several departments in which said material was deposited, and obtained copies, which are printed in this volume. At all of the departments which he had occasion to visit he was courteously received, and all the assistance needed in accomplishing his mission was placed at his disposal. To Gen. James B. Coit, chief of the old war and navy division of the Pension Bureau, the editor is indebted for especial favors.

The documents referred to, and of a portion of which copies were

procured, are undoubtedly a part of those loaned by this State to the United States secretary of war, in accordance with the resolution of our Legislature passed in 1818. They were probably turned over by him to the commissioner of pensions, and consequently were not in the War Department when this State demanded their return in 1840; in answer to which demand a large portion of the loan of 1818 was returned to the state archives.

In the old war and navy division of the Bureau of Pensions are eight manuscript folio volumes of New Hampshire documents relating to the Revolution, a portion being originals, and the remainder copies furnished by the secretary of this State in 1838-1840. The volumes numbered I. to IV., inclusive, contain the monthly returns of the three New Hampshire continental regiments and the regiment of Col. Pierse Long, which was in the continental service at Ticonderoga during a portion of the year 1777. These volumes are undoubtedly a portion of the loan of 1818. As it is probable that we have printed the names of nearly all the men who served in those regiments in Volumes XIV., XV., and XVI., and as the expense of copying them would be considerable, the editor did not deem it desirable to procure copies at present. It is desirable, however, that means be used to procure their return to this State, as they can be no longer of use to the Pension Bureau in settling claims.

Volumes V. and VI. of the series are missing. I was informed that inquiries had been made for them at various departments of the government, but without success. This is much to be regretted, as they probably contained documents of great historic value to us, of a similar character to some found in the four succeeding volumes.

Volumes VII., VIII., IX., and X. contain miscellaneous rolls and documents, which were carefully examined, compared with our printed volumes, copies procured of all that are not contained therein, and printed in this volume.

In the same department I found a quantity of loose papers relating to this State, in packages, of which a large number were original enlistment papers. Of these I did not obtain copies, as I hope the originals will be returned to the State in the near future.

Some copies from the Department of State will be found in this volume.

The resolution of 1840, concerning the documents herein mentioned, was as follows:

WHEREAS, By a report of a committee of the Legislature of this State, accepted June 25, 1818, His Excellency William Plumer, then Governor of this State, was permitted to transmit certain books and papers from the secretary's office to the secretary of war, for the purpose of establishing the claims of officers and soldiers, who served in the war of the Revolution, for pensions under the law of Congress passed 1818; and,

WHEREAS, the interest of the people of this State requires that those books and papers should be returned to the secretary's office in this State, therefore be it

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

That the secretary of this State is hereby authorized and directed to demand and receive, from the secretary of war, the books, records, and papers now in the war office or in the pension office, which belong to this State, and deposit the same in the secretary's office in this State.

And be it further resolved, That the Governor of this State cause said papers, or such portions thereof, to be arranged and bound for preservation, as in his judgment the interest of the people of this State may require.

Approved December 23, 1840.

In accordance with the foregoing, a demand was made, and a portion of the papers returned. The reason some of them were retained may be explained by presuming that the demand was made upon the secretary of war, and that he forwarded such only as were in his custody.

That a portion of the documents were returned to this State is shown by the following:

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

That the secretary of state be directed to employ some suitable person to arrange and index such Revolutionary documents as are now in the secretary's office, and which in the opinion of the secretary may be of sufficient value to be so arranged, and that the sum of two hundred dollars be appropriated out of any money in the treasury not otherwise appropriated, to effect the object of this resolution.

Approved January 8, 1853.

In accordance with the foregoing, the rolls were placed in volumes without any apparent method or system, so far as the editor could discover when they came into his possession for publication in 1884, which occasioned him the tedious labor of removing them from said volumes, chronologically arranging and inserting them in new volumes prepared for the purpose.

It becoming known that some of the documents which were loaned the general government in 1818 had not been returned, the Legislature passed the following resolution :

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

That His Excellency the Governor be and he is hereby authorized to transmit a copy of this resolution to the commissioner of pensions at Washington, and to request him to forward to the secretary of state of New Hampshire, all rolls and documents relating to the military service of the inhabitants of said State, in the Revolution, remaining in the pension office : to be filed by the secretary in his office, with other records pertaining to the same subject.

Approved July 12, 1856.

Whether the Governor made the request in accordance with the foregoing does not appear, but, according to tradition, he did, and the United States authorities refused to comply with the request.

It is certain, however, that the documents were not returned by virtue of any such request, but still remain in the custody of the commissioner of pensions. The next Legislature should take action in the matter, with a view of recovering possession of these records and documents, which are no longer of use except for historical purposes.

This volume contains many documents of value relating to the early history of New Hampshire, including the transcripts procured from the English archives by the late John S. Jenness ; also the Revolutionary war correspondence of Colonel Bedel, and the vindication of General Sullivan of charges preferred by Major Taylor.

The editor desires to express his acknowledgments to His Excellency Charles H. Sawyer, and the Honorable Council, for their appreciative interest in the work, as shown by acts which enabled him to procure material that adds largely to the value of the volume ; and especially to Hon. A. S. Batchellor, who, as one of the committee on publication, has rendered the editor valuable assistance, and responded promptly to all requests for counsel. Volume XVIII. will contain the miscellaneous papers from 1725 to 1800, some valuable correspondence, and other unpublished documents relative to the boundary line controversy, the siege of Louisburg, and other French and Indian wars.

CONCORD, 1889.

HAMMOND.

ABSTRACT OF GENERAL CONTENTS.

PART I.

Captain Cochran to Governor Wentworth, 1774	I
1775.	
A unique recommendation	2
Micah Hoyt recommended	2
Captain Gordon Hutchins's Co., residences	3
Doctor Ezra Green recommended	4
Vote of Congress concerning suits at law	5
Captain Samuel Gilman's Co., residences	5-7
Captain Jeremiah Clough's Co., residences	8
Captain Jonathan Wentworth's Co., residences	10-12
Recommendations for staff officers, Poor's regiment	13
Captain Matthew Thornton recommended	13
" " muster-roll	14
Expenses of Committee of Safety	15
Soldiers' order, Bedel's regiment	16
Colonel Bedel's marching orders	16
Colonel Morey's orders for blankets	17
Price fixed for blankets in Massachusetts	18
Colonel Moor's regiment, statement of grievances	18
John Penhallow's bill, ship Prince George	19
Doctor Samuel Connor's petition	19
South Hampton men at Fort Washington	20
Money to be forwarded to Colonel Bedel in Canada	21
Captain Daniels's Co. at Fort Sullivan	22
Captain Jackson's Co., muster-roll	23
Captain Clark's Co., Epping, Winter Hill	24
Captain Parsons's Co., Rye, "	25
Captain Coffin's Co., Exeter, "	27
Captain Copp's Co., Wakefield, "	28
Captain Salter's Co., Portsmouth Harbor	30
Captain Turner's Co., " "	31-32

Captain Webster's Co., Winter Hill	32
Captain Daniels's Co., Fort Sullivan	33
1776.	
M. Thornton to general court of Massachusetts	34
Samuel Hobart's receipt	34
Concerning pay of troops at Portsmouth	35
Dr. Hall Jackson concerning salt peter	35
Men for Colonel Wait's regiment	35
Hezekiah Hutchins offers to serve his country	36
Captain Daniels's men at Fort Sullivan	36-38
Captain Turner's Co., Piscataqua Harbor	38
Committee of Safety to Continental Congress	39
Petition of a conference committee for fixed prices	40
Captain Carlisle's order	41
Captain Daniels's account of stoppages	42
Bounty for the manufacture of salt peter	42
Kittery fire rafts	43
Concerning officers in East Kingston Co.	45
Captain Dearing's muster-roll	46
Extracts from Hibbard manuscripts	47, 48
Receipts for guns at the Cedars, Canada	48
Petition from men who served at Winter Hill	48
" " John Griffith	49
General Folsom to Colonel Stickney	50
Petition from prisoners of war	51
Certificate relative to John Robertson	52
Memorial of Colonel Ashley <i>et als.</i> , rangers wanted	52
Agreement for the manufacture of powder	53
Samuel Dalling, relative to his schooner	55
Henry Foss wants pay for services	55
Richard Champney to Meshech Weare	56
Exeter petition relative to prices of goods	56
Colonel Timothy Bedel's defence	57
Canada recruits' receipts	60, 61
" " " William Barron's Co.	62-64
Captain Eames's Co., muster and pay-roll	65
Captain Woodward's Co., "	67
Meshech Weare to John Hancock	68
Doctor Samuel Moore recommended	69
Diary of Thomas Miner and Ezekiel Wheeler, scouts	69-71
" Samuel Paine, a scout	72
Moultonborough and Tamworth, for arms and ammunition	73

Soldiers' receipts	73
John Williams, gunner at Fort Washington	74
John Hancock to the General Assembly	75
David Gilman to President Weare	75
Petition of John House and Daniel Clap	76
" from the frontier towns	77
Coos committee's instructions to Captain Bucknam	78
John Hurd to General Folsom	79
Meshech Weare to General Folsom	80
Muster-roll of Captain Simpson's Co.	80
Pay-roll of " " "	82
Muster-roll of Captain Dearing's Co.	85
Pay-roll of Captain Russell's rangers	88
Muster-roll of Captain Atkinson's Co.	91
Muster and pay-roll of Colonel Ashley's regiment	94
Captain Joseph Burt's Co.	94
Captain Isaac Davis's Co.	95
Captain Reuben Alexander's Co.	96
Captain Joseph Whitcomb's Co.	97
Muster and pay-roll of Colonel Hale's regiment	100
" " of Colonel Bellows's "	103
" " of Colonel Chase's "	108
Pay-roll of Captain Jeremiah Eames's Co.	113
" of Captain Samuel Young's Co.	114
" of Captain Nehemiah Lovewell's Co.	116
" of Captain Davenport Phelps's Co.	118
Muster-roll of Captain Davenport Phelps's Co.	119
Committee of Safety to John Hancock	121
Petition relative to fixed prices for goods	121
Instructions to committee sent to Rhode Island	123
Soldier's petition for an extra allowance	124
Prize ship, Prince George	125

1777.

Instructions to committee sent to Ticonderoga	126
Jeremiah Gilman recommended for promotion	127
Committee of Safety relative to exchange of prisoners	127
Colonel Bedel to General Schuyler	128, 129
General Schuyler to Colonel Bedel	131
Soldiers' orders	131, 132
Colonel Bedel to General Schuyler	132
Deposition of Henry Parkinson, concerning John Parker	132
Colonel Bedel to John Wells, Canada affairs	133

ABSTRACT OF GENERAL CONTENTS.

Colonel Bedel to General Schuyler, Canada affairs	133
Men drafted in Colonel Morey's regiment	134
Rev. Samuel Webster to Alexander Scammell	134
Captain Ezra Town to " "	134
Ezekiel Goodale recommended for promotion	134
Petition from officers at the forts	135
General Jacob Bayley to Colonel Bedel	135
" " to Colonel Morey	136
General Sullivan to the General Assembly	136
Colonel Dame declines an appointment	137
Portsmouth petition relative to Tories	138
Committee of Safety to Captain Giddinge	140
Fragment of a diary of a scout	140
Thomas Thompson to General Assembly	141
Order for the discharge of state prisoners	142
Soldier's receipt for advance pay, Stark's brigade	143
General Stark to Dr. Solomon Chase	144
List of supplies sent to the army	145
John Paul Jones to Committee of Safety	145
Committee of Safety to William Gardner	146
William Gardner to Committee of Safety	147
General Gates concerning Burgoyne's movements	147
Petition from state prisoners	148
Proceedings at a committee meeting at Lebanon	149
Colonel Morey to General Chase	150
Certificate of service of Chase's regiment	150
General Gates to Colonel Bedel	150
Colonel Bedel to General Gates	152
" " to Gates and Schuyler	152
College Co., return of men in service	153
General John Sullivan: Proceedings of a court of inquiry, including testimony, letters, and certificates approving his conduct in the Staten Island expedition and the battle on the Brandywine	154-210
Major John Taylor's complaint <i>vs.</i> Sullivan	154
Editorial note and extract from Washington's letter	156
General Sullivan to president of Congress	157
Proceedings of court of inquiry	159
Major Taylor's statement, Staten Island expedition	162
Captain Chambers's evidence	163
Major Reed's " "	164
Major Sherburne's " "	166
General Smallwood's " "	170

ABSTRACT OF GENERAL CONTENTS.

Rev. T. F. Armstrong's evidence	176
Major Lewis Morris's " "	178
Major J. O. Eustace's " "	180
Interrogatories to Col. Thomas Price	182
Major Joseph Vaughan's testimony	184
Summary of the evidence by General Sterling	186
Opinion of the court of inquiry	188
Resolution of Congress, exonerating Sullivan	188
Colonel M. Ogden's letter	189
General William Smallwood's letter	190
General Sullivan's letters to Congress	190, 192
Colonel Charles C. Pinkney's testimony	196
Major William Willcocks's letter to Sullivan	196
Colonel Moses Hazen's " "	197
General Thomas Conway's certificate	198
Marquis de La Fayette's " "	199
Certificate from Washington's aids	199
" " Major Fleury	200
General Washington to General Sullivan	200
Colonel W. Richardson " "	202
Certificate from officers in 5th Maryland regiment	202
" " Lieut. John Erskine	203
" " officers in Colonel Hazen's regiment	203
" " " Colonel B. Ford's " "	204
" " " Delaware regiment	205
" " artillery officers	205
" " 7th Maryland regiment	206
Major William Sterett to General Sullivan	206
Address from 3d Maryland regiment	207
" " Colonel Price's regiment	208
Editorial sketch of General Sullivan	208
Resolutions of Congress and New Hampshire Assembly	209

1778.

Colonel Bedel to General Gates	210
Henry Dearborn recommended for promotion	210
Order to Captain Reynolds to enlist a company	211
John Betton's petition, soldier	211
Enlistment document	212
Hazen to Bedel	212
General Conway to Bedel	213
Order to Captain Giddinge	213
Samuel Nute's petition, Rochester	213

Abstracts of petitions of Holt of Temple, Powers of Hollis, and Perkins of Rochester	214
Captain John Moody's petition, Gilmanton	214
Captain Simon Marston's petition	215
Petition from officers relative to losses at Ticonderoga	216
Action of the Legislature thereon	216
Conway to Bedel	217
Bedel to Gates	217
Abstracts of petitions of Archibald and Leavitt	218
Ephraim Robinson to board of war	219
Abstracts of petitions of Goss of Rye, and Wright	219
Benjamin Stone to board of war	220
Ephraim Robinson	221
Marquis de La Fayette to Colonel Bedel	221
Proceedings of committee of frontier towns	222
Sarah Cochran's petition, Portsmouth	223
Jeremiah Gilman's order	224
Messrs. Otis & Andrews, Boston, to board of war	225
Committee of Safety to Colonel Peabody	225
Colonel Bedel to La Fayette	225
" " to Governor Chittenden	227
" " to General Gates, Canada affairs	227
" " to General Schuyler, " "	228
Committee of Safety to Commissary Leigh	228
Instructions to Commissary Leigh	230
General Stark to Colonel Bedel, scouts	230
General Gates to Colonel Bedel, orders	232, 233
Commissary Winship to Colonel Bedel	232
Commissary Cuyler to Colonel Bedel	233
Governor Chittenden to Colonel Bedel, assistance wanted	234
Colonel Bellows's receipt for bounty money	234
Return of Hanover men in Colonel Chase's regiment	235
General Stark to Colonel Bedel, to be ready to march	236
General Gates to " " " "	237
Commissary Leigh to board of war	237
John Wheelock to Colonel Bedel	237
General Jacob Bayley to General Gates	239
Colonel Bedel to General Gates, Canada affairs	240
" " to Lieutenant-Colonel Wheelock	241
John Penhallow to board of war	243
Commissary Leigh to board of war	244, 245
Corn wanted at Pemaquid	246
Robert Taggart recommended for surgeon	247
	248

Colonel Moses Hazen to Colonel Bedel	248
Cheshire and Sullivan county men in Bellows's regiment	249
Captain Nelson's company in Bedel's regiment	250
" Tarlton's " " "	251
" Taylor's " " "	252
" Ladd's " " "	253
Cheshire county men in expedition to Rhode Island	255
Daniel Moor to Samuel Moore	256
Bounties paid by Henniker	257
" " Goffstown	258
" " New Boston	259
" " Hillsborough	259
" " Somersworth	260
" " Dover	261
" " Rochester	261
Ephraim Robinson to board of war	261, 264
Commissary Leigh to " "	262
Letter to General La Fayette, road to Canada	264
Colonel Bedel to General Gates	265
Officers in first New Hampshire continental regiment	266
" second " " "	267
" third " " "	269
Commissary Leigh to board of war	270, 271, 272
Petition from Mrs. Griffin	270
Ephraim Robinson to board of war	273, 274, 275
Prisoners of war, receipt	274
General Bayley to Colonel Bedel, concerning cattle	275
" " " " instructions	276
Hall and Traversie's diary of travel in Canada	276
Commissary Leigh to board of war	278
Rev. Augustine Hibbard's statement	279
Dr. Hall Jackson for pay for services	280
Paymaster Fogg to superintendent of accounts	280
Colonel Bedel to General Washington	281
" " to General Hazen	282
General Bayley to Colonel Bedel	282
General Washington's instructions to Colonel Bedel	283
Officers' losses at Ticonderoga	283
Commissary Leigh to board of war	284
Captain Salter to Colonel Langdon	285
The anonymous letter	286
James Harvey's petition, soldier	288
Dr. Robert Taggart recommended	289

ABSTRACT OF GENERAL CONTENTS.

General Gates to Colonel Bedel	290
Downing Colbath, sick soldier	290
Men engaged during the war	291
Colonel Moses Hazen's regiment	292-309
" " biographical sketch	292
Captain Lloyd's company, Hazen's regiment	293
" McConnell's " "	294
" Duncan's " "	295
" Pry's " "	296
" Taylor's " "	297
" Heron's " "	298
" Gilbert's " "	299
" White's " "	300
" Burns's " "	301
" Carlisle's " "	302
" Popham's " "	303
" Olivie's " "	304
" Liebert's " "	305
" Campbell's " "	306
" Satterlee's " "	307
" Munson's " "	308
" Paulint's " "	309
1779.	
Colonel Bedel to General Clinton, storehouse built	310
" " Schuyler, forces in Canada	311
" " Gates, blankets wanted	312
Instructions to Commissary Leigh	313
General Bayley to Colonel Bedel, provisions, etc.	313, 314
Joshua Wentworth to Joseph Gilman	314, 315
Provisions wanted in Falmouth, Me.	315
Bedel to Hazen, stores, storehouse, Indians, etc.	316
General Clinton to Bedel, stores to be moved	317
Bedel to Bayley, concerning stores at Haverhill	317
Bayley to Bedel, " "	318
Bedel to Clinton, " "	320
Bayley to Bedel	321
Invoice of clothing sent to the army	321
Petition concerning John Fisher	322
Thomas Palmer concerning Fisher's aid to prisoners	323
Thomas Lewis and others concerning Fisher's aid to prisoners, 324,	325
Letter from Commissary Leigh	326
Petition from Sarah Colbath	327

ABSTRACT OF GENERAL CONTENTS.

xv

Request from Boothbay for corn	328
Bedel to Gates, Indians, affairs in Canada	329
Hazen to Bedel, on the march to Coos	329, 330
General Bayley to James Ladd	330
Draft in Lisbon	330
Commissary Lyne, condition of stores at Coos	330
General Hazen concerning roads, Charlestown to Coos	331
Petition of James and Mary Fleming	332
Colonel Hazen to Major Childs	333
Mrs. Pepperell desires to go to New York	333
Naval Officer Russell, ships pass without permit	334
General Folsom to Colonel Morey	335
Order to equip the ship Hampden	336
William Denning to N. Peabody	336
N. Peabody to M. Weare	338
Roll of men raised for Rhode Island	339
Depositions relative to capture of sloop Hannah	340
Colors for Colonel Cilley's regiment	341
Meshech Weare to N. Peabody	341
Peabody to Weare, Spain, de Estaing, etc.	342
Hazen to Bedel, wants provisions	343, 344
Denning to Peabody	344
Hazen to Bedel, from "camp at the end of road"	345
Peabody to Weare	346
Hazen to Bedel, making road north from Coos	347
Bayley to Bedel	347
Washington to Bedel, court of inquiry	348
Commissary Leigh to Peabody	348
Roll of men for Continental army	349
Hazen to Bedel, Indians, money matters, etc.	350
Peabody to Weare, state of his health	351
Woodbury Langdon to Peabody	352
Statement relative to loss of ship Hampden	353
1780.	
President Weare to General Poor, transmits money	354
Hazen to General Washington, charges vs. Tichenor	355, 356
Ebenezer Green concerning Benedict Arnold	357
Hazen to Bedel, concerning Tichenor, etc.	358
Petition from Greenland, militia troubles	360
Colonel Savage, regiment composed of men from several States	361
Joshua Wentworth to J. Gilman, no money	361, 362

Bayley to Bedel, to receive and issue stores	363
Hazen to Bedel, forces expected from France	363
Commissary Leigh to committee on accounts	365, 367
Hazen to Bedel, northern affairs, etc.	365
Hazen to Colonel Chase, to secure grain	367
Joseph Gilman to board of war, to buy clothing	368
Selectmen of Lebanon to Colonel Chase	369
Committee of Congress to President Weare	370
General Washington to said committee	370
Commissary Bass to Joshua Wentworth	371
Commissary Bass to board of war	372, 373
President Weare to committee of Congress	374
J. Gilman to Joshua Wentworth, finances	375
Committee of Safety to Jonathan Child	376
Hazen to Bedel, Colonel Olcott's visit to Congress	376
Commissary Bass to board of war	377
Hazen to Bedel, Colonel Olcott's mission	379
" " relative to his trial	380
" " various matters	381
Soldiers discharged for want of clothing	383
Bedel to Hazen, concerning hides, etc.	384
Editorial; committee of Congress	386
Ebenezer Thompson to Nathaniel Peabody	386
Folsom and Peabody to M. Weare	387
Dr. Isaac Foster to N. Peabody, hospital stores	388
Peabody to Weare, Langdon and Bartlett	389
Samuel Livermore to Peabody	390
J. Lovell to Mr. Peabody	391
Mr. Gerry to Mr. Peabody, money matters	391
Mr. Lovell to Mr. Peabody, " "	392, 393
President Weare to Mr. Peabody	394
Mr. Lovell to Mr. Peabody, movements of enemy	395
Mr. Peabody to President Weare, post-office at Exeter	395
Colonel Abeel to Mr. Peabody, sulky	397
Mr. Brasher to Mr. Peabody	397, 398
Benjamin Brown to Mr. Peabody	399
Mr. Peabody to Josiah Bartlett, general affairs	399
The army increases, designing men	400
Men should enlist for the war, short enlistments ruinous, etc., of much interest	401
Mr. Lovell to Mr. Peabody, depreciation	403
N. Emery to Mr. Peabody, no post-office in Exeter	403
Mr. Peabody relative to post-office in Exeter	404

Mr. Lovell to Mr. Peabody	405, 406
Major Gibbs to Mr. Peabody	406
Mr. Peabody to General Greene	407
Mr. Peabody to R. H. Lee, operations in the South	411
Richard H. Lee to Mr. Peabody, New Hampshire celebrated for spirit	413
Mr. Lovell to Mr. Peabody, Cornwallis's letters	413
Mr. Peabody to Lieutenant Wheaton	414

1781.

Officers want their pay	414
Petition from the northern frontier	416
Board of war to Commissary Jewett	417
Jonathan Chase's petition, Scammell's regiment	419
Joseph Drew wants to go to Bermuda	420
Captain Dearing concerning flag officer	421
General Heath to President Weare, Canada news	421
New Hampshire militia company dismissed	423
Colonel Daniel Reynold's regiment	424-437
Captain Jacob Webster's company, residences	424
" William Boys's " "	426
" Othniel Thomas's " "	428
" Nathaniel Head's " "	430
" Joseph Parsons's " "	432
" Joshua Woodman's " "	434
" John Mills's " "	436
Town returns, supplement	438

1782.

Return of officers in New Hampshire line, March, 1782	440, 442
Stations of the New Hampshire troops, " "	442
Committee of Safety to Colonel Samuel Hunt	443
Colonel George Reid, transmitting rolls	444
Statement of prisoners escaped from Canada	445
John Jennison concerning beef cattle	445
Resignation of Supply Clapp	446
General Sullivan concerning Stephen Holland	447
Committee of Safety to board of war, and answer	448
Officers' petition concerning pay	448
Naval Officer Russell to President Weare	450
Petition from Isaac Clement, Concord	452
Certificates of soldiers' services	453

General Stark concerning his pay	453
General Sullivan concerning John Paul Jones	454
Names of New Hampshire men who served in regiments from other States to be obtained	455
Soldiers' petition relative to their pay	456
Certificates of service	457, 458
Rev. Israel Evans relative to his pay	459
Soldiers' certificates and orders	460, 461
Ebenezer Green relative to his imprisonment	461
Colonel Bellows relative to his accounts	462
Petition from soldiers who were captured at the Cedars	462
New Hampshire men in Colonel Flowers's regiment	464
Ebenezer Dearing relative to Piscataqua bridge	466
Relative to deduction of bounties paid by towns	467
Powell and Lovell held prisoners in Canada	469
Morris and John Millet, soldiers	470

PART II.

Copies from documents in English archives	475-603
Grant of Laconia to Mason and Gorges, November 17, 1629	475
Petition of Walter Neale to be marshal, 1631	478
Grant of Piscataqua to Mason and Gorges, 1631	479
Thomas Wiggin's account of New England affairs, 1632	485
Division of property, Mason, Gorges, <i>et als.</i> , 1633	487
Allotment to John Mason by the Council, 1634	488
New England, the country, commodities, and inhabitants	489
Thomas Eyer <i>vs.</i> Gorges and others, 1637	492
Controversy between Gorges and Mason, 1639	493
Privy Council's decision in favor of Rev. John Mitchell	495
Thomas Morton <i>vs.</i> Oliver Powell, 1636	496
George Burdett to the Archbishop of Canterbury, 1638	497
Petition from Walter Neale, wants an office	498
Abstract of grant of New Hampshire to John Mason	499
Dates of several patents, grants, and deeds, in New England	500
The Dover combination, names of signers, 1640	501
Joseph Mason's protest <i>vs.</i> Richard Leader, 1651	502
Edward Godfrey relative to New England grants, 1652	503
Joseph Mason in behalf of Anne Mason, 1653	504
Edward Godfrey concerning his interest in New England, 1659	506
" " usurpation of "Bostoners," 1660	507
" " the province of Maine, 1663	508

Samuel Maverick visits New Hampshire, Mason's title, Massa- chusetts, 1665	509
Portsmouth petition to be freed from Mass. government, 1665	510
Portsmouth, Exeter, Dover, and Hampton for same	512
N. Shapleigh, masts illegally cut, etc., 1667	513
Exports and imports of New Hampshire, 1671	515
Title of Robert Mason to New Hampshire, 1674	516
E. Randolph concerning imports, fisheries, etc., 1676	520
Depositions concerning Mason's settlements, 1676	521
Account of New Hampshire, ought to continue under Massa- chusetts, 1677	523
Dover petition to continue under Massachusetts government, 1677	524
Exeter " " " " " "	525
Portsmouth " " " " " "	526
Hampton " " " " " "	527
Mason and Gorges want a Governor for New Hampshire and Maine, 1677	529
Concerning northern bounds of Massachusetts, 1678	531
" bounds of Nova Scotia, 1679	532
" Mason's patent, settlements, etc., 1679	533
Massachusetts encroachments in 1652	535
Statement relative to sale of Maine to Massachusetts, 1679	538
E. Randolph concerning New England affairs, 1679	539
Robert Mason protests against Massachusetts, 1680	540
N. H. Council to Lords of Trade and Plantations, 1681	541
Secretary Chamberlain relative to New Hampshire affairs, 1681	544
" " to Lords of Trade and Plantations, 1681	546
Council of N. H. to the King, complaint <i>vs.</i> Mason, 1681	551
Proceedings in Council, President's commission, 1681	555
Robert Mason <i>vs.</i> N. H. Council, complaint, 1681	559
New seal, proclamation, Governor and Council sworn, 1682	563
List of documents turned over to Secretary Chamberlain, 1682	566
Governor Cranfield, description of province resources, 1682	567
" " Mason's claim, ecclesiastical affairs, etc., 1682	570
An establishment of church of England, not feasible, 1682	573
Maine should be part of New Hampshire, church matters, 1682	574
Concerning Mason, unfair jury decisions, 1682	575
Cranfield advises uniting Maine to New Hampshire, 1682	578
" wants power to place and displace ministers, 1683	580
" authority to establish customs and excise, 1683	581
" states that ministers have too much influence, 1683	582
" concerning Gove and Rev. J. Moodey, 1683	584

Deputy-Governor Barefoote complains that ministers have too much influence in civil affairs, 1683	586
Cranfield makes various complaints to Lords of Trade, 1683	588
" complains of and advises a suppression of Harvard College	
" wants the charter of Boston made void	589
" to Lords of Trade, concerning Mason, etc.	590
" advises that all officers shall be churchmen, 1684	591
" despairs of true obedience to the King until Harvard College is suppressed, etc.	592
" to secretary of state, concerning Edward Gove, 1684	593
" relative to the Eastern Indians, 1684	596
" recommends an established church, 1684	598
" to secretary of state, concerning piracy, 1684	600
" relieved from the office of Governor, 1685	600
Ordnance stores at Great Island, 1686	601
Miscellaneous province and state papers	603
Minutes relating to land at Lamper-Eel river neck, 1675	604
Petitions relative to estate of Thomas Walford, 1680	604
Robert Wadleigh's petition for remission of fine, 1681	605
Edward Colcord's petition for possession of estate, 1681	607
Petition from three mariners, 1681	607
" Thomas Thurton, for remission of fine, 1681	608
" Thomas Walford, father's estate, 1681	609
" Christopher Keniston, fine, 1681	609
" Thomas Cowel, duties on wine, 1681	610
" William Follett, probate matter, 1682	611
Complaint of Edward Randolph against Hilton <i>et als.</i> , 1682	611
Petition from H. and G. Spencer, for tavern license, 1682	612
An act establishing duties on imports and exports, 1682	613
Warrant for the arrest of George Jaffrey, 1682	613
Petition of George Jaffrey for clemency, 1684	615
Deposition of Walter Barefoote, Masonian affairs, 1683	616
Petition from Theophilus Dudley, for clemency, 1683	617
Deposition of Thomas Thurton, says he was abused, 1684	617
Petition from several state prisoners, 1686	618
" two sailors, alleged abuse	618
Assemblymen elected, 1692	619
Petition from Joseph Chowns, illegal entry, 1692	620
Treasurer's statement, 1693	620
Invoice of stores at the fort, 1692	621
Petition from Samuel Folsom, remission of fine	624
Assemblymen elected, 1693	624

Council protest against sending the secretary to England, 1693	625
Precept for special election in Portsmouth, 1693	626
Act relating to fencing common lands, 1693	627
Constable to act to the three-mile line, 1693	627
Act relating to births, marriages, and burials, 1693	628
Treasurer's statement, 1694	628
Act relating to collecting taxes, 1693	630
Report of Committee on Finance, 1693	630
Minutes of the Council, October, 1693	631
Petition of Hannah Purmort, to be free from excise, 1693	633
" of Elizabeth Fabins, probate matter, 1694	634
Protection to post-riders, 1694	635
John Woodman's statement, service of soldiers, 1694	635
Governor Usher's speech in Council, 1694	636
Soldiers impressed to serve in garrisons, 1694	638
Thomas Edgerly's petition, massacre at Oyster River, 1694	640
John Woodman's statements, impressed soldiers, 1694	641
Fort William & Mary accounts, 1694	641
Men in garrisons at Oyster River, 1694	642, 643
Return of Assemblymen, October, 1694	643
Lists of men at the fort and at Oyster River	644, 645
Powder-money imposts, 1694	646
Peter Coffin concerning masts for royal navy, 1694	647
Rent for a room for the Assembly, 1694	647
John Tuttle's certificates of service at Dover, 1695	648
John Everett, for pay for his Massachusetts soldiers, 1695	649
Act relative to public houses, 1695	649
Act relative to supply of bread for soldiers, 1695	650
Appropriation for weekly mail, Portsmouth to Boston, 1695	651
Dedimus Potestatem, Elliot and Vaughan, 1695	652
Form of oaths to be taken, 1695	652
John Woodman relative to impressing soldiers, 1696	654
Abstracts from Captain Woodman's certificates, 1696	654
Petition from Richard Stileman for rent, 1696	657
Relating to fines for non-performance of duty, 1696	657
Account of Oyster River parties, boarding soldiers, 1696	657
List of books and papers turned over to secretary, 1696	658
Bill for running line between New Hampshire and Massachusetts, 1696	659
Council's answer to Lieutenant-Governor's letter, 1696	659
Council's communication to Governor, June 1, 1696	660
George Jaffrey relative to administering oaths, 1696	661
Vaughan and Waldron suspended from Council, 1696	662

Vaughan and Waldron relative to same, 1696	663
Sheriff's warrant and return of Assemblymen, 1697	665
Kinsley Hall declines to be assistant judge, 1697	666
Ex-Sheriff Ardell's petition, 1697	666
List of laborers at Fort William & Mary, 1697	667
Bickford and Furber's accounts for ferriage, 1697	668-9
Account for work on fortifications, Little Harbor	669
Petition from Thomas Footman, wounded soldier	670
Petition from John Redman, wife's estate, 1697	671
Soldiers at New Castle, 1697	672
Account for rent of Council room, 1697	672
Andrew Wiggin concerning land at Squamscot, 1697	673
Concerning prizes and prize goods, 1697	673
Shadrach Walton to command the fort, 1697	674
William Ardell's warrant, 1697	674
William Ardell's petition, 1697	675
Sarah Robey's petition, innholder, Hampton, 1698	675
Expenses to New York, arrival of Bellomont, 1698	676
Andrew Wiggin, land at Squamscot, 1698	677
John Bridger concerning masts for the navy, 1698	677
Richard Gerrish for remission of duties, 1698	678
Report of Committee on Claims, 1698	679
Samuel Penhallow to Lord Bellomont, 1698	680
Hannah Purmort wants pay for a banquet, 1699	681
Deliverance Pitman relative to her estate, 1699	682
Several men commissioned and instructed, 1699	683
Act to raise money to pay public debts, 1699	685
Vote relative to raising men for New York, 1701	686
Order relative to Roger Shaw, 1701	687
Anticipated trouble at Hampton, 1701	688
Relative to an Indian claim, 1701	688
Queen Anne's instructions to Governor Dudley, 1702	689
Samuel Penhallow to Governor Dudley, 1703	690
Colonel Romer's account, repairs on the fort, 1703	691
John Partridge for ferriage, 1704	693
Committee to resist Allen's claim, 1704	693
Roll of men at the fort, 1704	694
John Colman appointed agent for prizes, 1703	695
Relative to the seizure of a French ship, 1704	698
Directions for the advancement of piety	699
Relative to a post-rider to Boston, 1705	700
Commission to appraise sloop Dolphin, 1705	701
Governor Dudley relative to Indian commissioners, 1707	702

Deposition concerning Jamaica expedition, 1707	703
Relative to libel, burned by the hangman, 1707	704
Petition from inhabitants of Greenland, 1709	705
Instructions from Queen Anne to Governor Dudley, 1711	706
Return of laying out of a highway, 1711	710
Governor Dudley concerning New Castle bridge, 1713	711
Answer of Council to Governor's letter, 1715	712
Sheriff Phipps concerning the jail, 1715	713
Coroner's fees for an inquest, 1715	714
Massachusetts Legislature on boundary line, 1715	714
Committee appointed to settle boundary line, 1716	715
Letter from Secretary Woodward on boundary line, 1716	716
Oyster River parish petitions, 1716	716, 717, 721
Secretary Woodward, Indian affairs, 1716	722
Council to Governor of Massachusetts, 1716	723
Letter from Sir Charles Hobby's administrators	724
Massachusetts Assembly relative to Indian affairs, 1716	724
Instructions to envoy to the Indians, 1716	725
Portsmouth petition, church matters, 1716	726
New Hampshire Council to Governor Taylor, 1716	728
Petition from Joseph Davis, killed a child, 1716	728
Petition from Walter Hall for release from prison, 1716	729
Michael Thomas concerning a piracy, 1717	730-732
Richard Dolloff, children captured by Indians	732, 738
Oyster River parish petition, 1717	733
Theodore Atkinson wants to open a public house	735
Conference with some Indians, 1718	735
Petition from Rev. John Buss, Durham, 1718	736
Selectmen of Newington relative to town bounds	737
North Hampton petition concerning meeting-house	739
Hampton parish meeting proceedings, 1718	740
Benjamin Leavit relating to excise, 1719	741
Boundary line controversy, 1719	742
Council's letter to John Bridger, 1719	743
Rules for raising hemp, 1720	743
Indian matters, 1720	746
George Brownell's petition, 1720	747
Articles of apprenticeship, 1715	748
Instructions to Governor Shute, bills of credit, 1720	750
Conference with Indians at Portsmouth, 1720	751
R. Waldron to Governor Shute, 1720	752, 753
Charge vs. Benjamin Wentworth, 1721	754
Sloper fined for slandering Governor and Council, 1721	754

Petition from Allen's heirs, 1722	755
Boundary line dispute, 1722	756
Liquors sold without license, 1722	758
Memorial from naval officer, 1723	758
Butts Bacon appointed collector at Piscataqua	759
Governor Vaughan's will	761

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

The State of New Hampshire.

MISCELLANEOUS

PROVINCIAL AND STATE PAPERS

1725-1800.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

VOL. XVIII.

COMPILED AND EDITED BY

ISAAC W. HAMMOND, A. M.,

LIBRARIAN NEW HAMPSHIRE HISTORICAL SOCIETY.

"He who takes no interest in the history of his ancestors does not deserve to be remembered by his posterity."

MANCHESTER:

JOHN B. CLARKE, PUBLIC PRINTER.

1890.

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person — and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated — to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the State, one copy to such of the public libraries in the State as the Governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other States.

Approved August 4, 1881.

In accordance with the foregoing resolution, the Governor, with advice of the Council, on the twelfth day of October, 1881, appointed and commissioned ISAAC W. HAMMOND as "Editor and Compiler of State Papers."

EDITOR'S PREFACE.

This volume completes the publication of the Miscellaneous Provincial and State Papers from 1725 to 1800. These papers were selected by the editor from a mass of papers in the state house in 1880. The volume also contains all the "Belknap Papers" which were not published in Vols. IV., V., and VI. The appendix contains some documents, furnished by Hon. Horatio L. Wait, of Chicago, relative to his Revolutionary ancestor, Joseph Wait, also papers furnished by Frank W. Hackett, Esq., concerning early church affairs, etc., in Portsmouth. To both of these gentlemen the editor is indebted for copies.

The editor regrets the size of the volume, but as he was many times during its compilation earnestly requested by students of history to be sure to leave out nothing that could possibly be of historical value, he could not well be helped. If this volume receives as favorable criticism at the hands of the public as have the preceding volumes edited by him, the editor will feel that his labor has not been in vain.

Under Governor Sawyer's administration, a committee of the Executive Council on the publication of the early province and state papers was appointed, consisting of Hon. A. S. Batchellor and Hon. John B. Smith, to which the Secretary of State was afterwards added. Councilors Batchellor and Smith made the following report, which was accepted by the executive body. As it contains full information relative to the early provincial and state papers of New Hampshire and as it has not been heretofore printed by the State, the editor has thought it advisable to insert it here. It shows exhaustive research on the part of the committee, for which much credit is due them.

I. W. H.

REPORT.

To His Excellency the Governor:

The committee appointed to determine what papers in the custody of the secretary of state, or elsewhere, shall be included in a further continuation of the publication of early state and province papers heretofore undertaken, respectfully submit the following report:

The work of publishing the early province and state papers of New Hampshire has progressed in accordance with the provisions of several public resolutions of the Legislature. These resolves, in the order of their enactment, are appended to this paper.

Dr. N. Bouton edited ten volumes, seven of which related to the period between 1623 and the American Revolution. One volume, the eighth in the series, contained papers which related principally to the time of the Revolution. The ninth volume was devoted mainly to town papers of the period prior to the year 1800. It also contained important documents relative to the work of the early constitutional conventions. The tenth and last volume of Dr. Bouton's work contained valuable papers relating to the controversy with Vermont, the results of the first census enumerations, and the journals of constitutional conventions.

It appears that Dr. Bouton published the journals of the assembly (with the exception of the House Journal, 1711 to 1722), and other contemporary papers, without assuming a large discretion to make abstracts from and condense the original text, until his work had been brought down to the year 1754. At this point, with the consent of the Governor, he began to make omission of such matters as he deemed of minor importance (see vol. 6, preface p. 3, and note on page 320). He continued on this method until the end of volume 8. We regard this as a very unfortunate change in the plan of the

work. It is not possible for the most learned editor to anticipate what part of such records will be deemed especially important and valuable by those who will have occasion to consult them in an indefinite future.

The omission of material parts of such a record from printed copies is a source of endless inconvenience; for, however full and judicious a mere abstract may be, its incompleteness renders it untrustworthy, and often that which is most sought for by those engaged in historical research is hidden in the rejected manuscript.

No period of our history is more important than that from 1754 to 1784, wherein Dr. Bouton's work is fragmentary. It should have included all the manuscript records we have relating to the French and Indian War, the agitation and controversy which preceded the Revolution, and all relating to the Revolution itself, in all the phases of its inception, progress, and consummation.

Much of the official correspondence and other papers illustrative of the period, has been printed in subsequent volumes, edited by Mr. Hammond.

The publication of the journals of the council and legislative bodies was not attempted by Dr. Bouton, later than November, which was the end of the political year 1782-83. The state government, under the constitution of 1784, did not go into operation till June, 1784. We see no good reason why the journals and contemporaneous official papers from November, 1783, till June, 1784, should not be published in the series. From June, 1784, till June, 1793, was a period of great importance and interest in the history of New Hampshire. In that time occurred the federal and state conventions, from which came the federal union; and, in the same time, questions of internal policy and of government, all of vital importance to the young State, were discussed and settled. All available town papers in the state archives have been published to the year 1800. The rolls of the soldiers of the Revolution have also been given in the same series. It seems very desirable that the matter still unpublished, and which relates principally to civil administration and constitutional development, should be arranged and printed as a continuation of the series on a logical and comprehensive plan.

The material for the additional volumes may be classified and described in parts.

1. THE CHARTERS OF TOWNS.—A great portion of the territory of this State, and a part of what is now the State of Vermont, were granted in townships by the royal governors of New Hampshire. These charters or grants are recorded in five volumes. They contain the names of the original grantees, and a plan of each grant with courses and distances duly indicated. These instruments are the sources to which the owners of real estate must revert to complete the abstracts of title in almost every town in the State. There is but one copy of these records. It is not good policy to hazard the existence of all this important title evidence upon the preservation of these manuscript volumes from fire and other forms of destruction or defacement. They are a part of the documentary history of the towns. When published in this series of state papers, they become freely accessible in the public offices and public libraries of every municipality. As a useful and appropriate feature of such a publication, copies of the early township maps might be included in the books. A sample of such illustration may be seen in the Vermont governor and council records, Vol. VIII. p. 430.

A few of the grants in New Hampshire were by Massachusetts authorities, and a considerable number of townships in Vermont were New Hampshire grants. These should all be included in the contemplated work, because they are necessary for purposes of completeness and the increased demand thereby occasioned would amply compensate for the small additional expense to the State.

2. The journals of the councils and assembly for the sessions in which they have not yet been reprinted, and those which have been reproduced in a mutilated form, are in order for publication in volumes of this series, so that this class of the early papers may have place in the work. They should be brought down to the year 1800, and thereby the records of legislation will have been made equally accessible with the contemporaneous records of local affairs, already given in vols. 9, 11, 12, and 13, which are limited to a period prior to 1800.

3. The laws of the Province subsequent to 1771, and of the State

from 1775 to 1800, are not accessible, except in a few places, and it is doubtful if a complete series is now in the possession of any single custodian. The public acts were in many of those years published separately in sheets, and no complete set of the printed laws can be found. The exception in article twenty of the bill of rights in the state constitution, limiting or qualifying the right of trial by jury, renders it necessary for the courts and the people generally to consult the statute law existing prior to the adoption of that instrument, whenever the usage or custom as to modes of trial is in question. It is right and expedient that the laws of the period should be in printed form convenient for the use of the public. This would be effected by publishing in this series all the acts and resolves subsequent to 1771 in the order of their enactment. The manuscript records in the office of the secretary of state, all authenticated publications of those acts, and the contemporaneous compilations should be consulted for that purpose. Careful annotations, having reference to alterations and repeals of these acts, are always important in such works, and thorough indices are indispensable.

4. The miscellaneous papers are not readily classified, being partly related to legislative and partly to administrative matters, but they are an important element in the archives. They grew out of the civil, military, and diplomatic relations of the colony and early state government. There are minutes of the council, messages of the governors and the replies thereto, records of the correspondence and controversies with adjoining provinces about boundary lines and other matters, that are still accessible. Papers are received also from time to time from England, which relate to New Hampshire as a colony of Great Britain. This division includes matter which cannot reasonably be omitted from the series. A considerable part of vol. 17 was devoted to this class of papers, and more will be given in vol. 18, now in preparation.

5. Another class of papers which should be included in this publication consists of the records of the provincial council while acting as a judicial tribunal. This matter is subject to frequent reference for the information it contains as to the jurisprudence of the colony. In its present form it is available for use only by the

expenditure of much labor and time. It is not necessary that names of parties should be given in all cases to the annoyance of any who may be sensitive on matters of ancestral record. With judicious editing of the material, it would be a publication of great legal and historical value.

The prefatory statements in the seven volumes edited by Mr. Hammond give all necessary explanation of the plan, scope, and progress of his own work. There is no better method of ascertaining its character and quality than by a critical examination of the indexes and text. We have no hesitation in asking a full application of these tests of merit.

A few more volumes will complete the work to the year 1800. We have no doubts as to the expediency and necessity of an active and immediate prosecution of it to a consummation worthy the sterling history of the State.

We were formerly at a disadvantage in the hands of national historians, journalists, and general writers, in the presentation of our part in the military events of the colonial and revolutionary period, and in the development of civil government in the original States. The cause of this lay in the inaccessible condition of our state archives. General and school histories seemed to depreciate or to ignore New Hampshire as a factor in the Revolutionary struggle. The publication of the rolls of our soldiery in the war for independence has occupied more than three thousand pages of the work under review, and the evidence of the patriotic effort and sacrifice of the people of New Hampshire can no longer be discredited. That evidence is now in the principal libraries of the country.

The deficiency in authentic and accessible printed works, in which the civil history of the State can be sought from the original records and writings for the period from 1754 to 1800, still exists in too large measure. Those who have in charge the compilations relative to the recent national centennial celebrations are in confusion and error on many points of New Hampshire history touching those events. The recommendations here made point to full and effective remedies of this deficiency. A reasonable pride in the record which our State has made in the building of the American republic, we are confident

will refuse to allow our early records to be kept longer in the seclusion of musty manuscripts and in exposure to decay and destruction.

As one result of our observation and examination of this subject we are able to state confidently that the present official custodians have guarded the public archives with jealous care, and yet, notwithstanding all that can be done in the way of precaution on their part, the defacement of constant use and the possibility of unforeseen accident convince us that a certainty of perpetuating the contents of these early records comes only from the multiplication of copies by publication.

The dangers to which we refer are those to which all public books and papers existing in single manuscript originals are subject from the inevitable effects of time and the possibility of accident.

Eventually the matter of a general index to the whole work will require consideration. The index in each one of the first ten volumes is very incomplete. Investigators find it necessary to search the text for the contents of the volumes, when anything of detail is wanted,—anything beyond what is matter of very general reference. The index work in the eight subsequent volumes is very complete and satisfactory. Besides a general prefatory table of contents, we have an index of names of places and persons in each book. Whether upon the completion of the entire work contemplated a general index should be prepared and published, or whether a separate index of the Bouton volumes is desirable, are questions not now urgent. If the journals and other papers published by him in an incomplete form should be given in full hereafter in the series, the publication of a general index would best be deferred. Meantime the index cards prepared and used by the compiler in the current volumes should be preserved for use in any general index that may possibly be authorized in the future.

NOTE.—The original report, of which this is a copy except as to some immaterial changes in phraseology, was adopted by the executive council to which it was submitted, in May, 1889.

Councillors, { A. S. BATCHELOR,
 { JOHN B. SMITH.

ABSTRACT OF GENERAL CONTENTS.

PART I.

Vote relative to building a state house, 1725	1
Copy of a letter to Governor Vaudriel, 1725	2
Summons to Samuel Emerson, 1725	3
Governor's order in favor of Richard Wibird, 1726	3
Proceedings in Council relative to Samuel Thing, 1726	4
Memorial of John, son of Sir Charles Hobby, 1726	5
Memorial of Samuel Waldo, 1727	6
Proceedings of the Council and Assembly, 1728-29	7-10
Proclamation of peace with the Indians, 1727	10
Copy of commission to Lt. Governor John Wentworth, 1727	11
Warrant for arrest of Benjamin Rust, for slander, 1728	12
Copy of letter to Lt. Governor Dummer, 1728	13
Petition from Sarah, widow of Rev. N. Rogers, 1729	14
Petition from John and Tamson Tibbetts, 1729	15
Governor Jonathan Belcher's commission, 1730	17-24
Instructions to Governor Belcher	24-32
Proclamation concerning the king's woods, 1730	32-35
Memorial from deacons of Boston churches, 1730	36
Petition from military officers, 1730	36
David Dunbar to a deputy-surveyor, 1730	37
Governor's orders to examine Fort William and Mary, 1730	38
Anthony Reynolds appointed a collector at Piscataqua, 1731	39
Petition from the Quakers, 1731	40
Expenses of committee on boundary line, 1731	41
Richard Wibird's commission, 1731	42
Letter from Secretary Waldron to Secretary Willard, 1731	43
The Governor's coming into the Province, 1731	44
Instructions to Governor Belcher, 1732	45
Benjamin Gambling's mandamus, 1732	45
Proceedings in Council, May, 1732	46
Theodore Atkinson's account of powder money, 1732	47

Committee appointed on boundary lines, 1733	48
Governor's order to the committee on loan, 1733	49
R. Waldron to N. Gilman concerning intemperance, 1733	50
Instructions to Governor Belcher, 1733	51
Depositions about lumber trouble, 1734	52
Peter Greeley's deposition, 1734,	54
Proclamation relative to riot at Exeter, 1734	55
Proceedings in Council concerning the riot, 1734	56
Letter from Belcher to Dunbar, concerning a warrant, 1734	57
Copy of Exeter forged letter to Sir Charles Wager, 1734	58
Report of committee on condition Fort William and Mary, 1735	60
Dedimus, Nath. Sargent, Paul Wentworth, and B. Thing, 1735	61
Quakers' petition concerning oaths, 1736	61
Commissioners on boundary line recommended, 1736	62
Communication from Mass. on boundary line, 1737	63
Petition of appeal, John Thomlinson to the King	64-73
Answer to the foregoing	73-76
Extract from charter of Kingswood, 1737	76
Letter of marque to Captain Joshua Newbold, 1739	77
Land grants to members of the Legislature, 1739	79
Documents relative to the province seal and its use	79-92
Testimony of Secretary Waldron	79
Deposition and letter of Richard Waldron, 1738	80
Waldron to Atkinson, November, 1738	83
Governor's orders respecting the seal, 1732-34	83
President Walton's demand of the seal, 1739	84
Secretary Waldron's answer to the foregoing	84
Application to have seal affixed to documents, 1739	85
George Jaffrey to Richard Waldron, 1739	86
Richard Waldron to George Jaffrey, 1739	86
Petition relative to affixing seal to documents, 1739	86
Order of the committee of Council, December 9, 1738	88
Governor's order relative to the seal, 1739	89
Petition of Thomas Packer for copies of depositions, 1739	89
Governor's order to Waldron in answer to above, 1739	91
Rindge, Packer, and Atkinson for seal, 1739	92
Instructions to privateers in war with Spain, 1739	92-102
Committee to invoice stores at the fort, 1740	102
Instructions relative to war with Spain, 1740	103-107
Governor's proclamation concerning the war, 1740	107
Instructions to Governor Belcher, May 20, 1740	109
Proclamation to encourage enlistments, 1740	110-112
Account for the intended West Indian expedition, 1740	113

Instructions to the Governor, about money, 1740	113
Separation of New Hampshire from Massachusetts, 1740	115
Governor Belcher's address to the Assembly, 1740-41	117
Copy of Admiral Vernon's letter, 1740	118
Petition of John Eyre, 1740-41	119
Account of John Rindge for expenses in England, 1740-41	121
Quakers' petition relative to taking oaths, 1741	122
Governor Belcher to commissioners of trade, 1741	123
" " " " " 1741	124
Richard Wibird appointed member of the Council, 1741	125
Thomas Wentworth to Governor Wentworth, 1741	126
Ex-Governor Belcher to Board of Trade, 1741	126
Petition for a township from Methuen, 1741	127
Report of committee on boundary lines,	129
Memorial from justices of the Superior Court, 1741	130
Costs in case of Phillip Kenniston	131
" " Sarah Simpson	132
" " Penelope Kenney	132
Action of the Legislature on the foregoing, 1741	133
Bill for repairs on Fort William and Mary, 1741	134
Letter from Governor Wentworth to Board of Trade, 1741-42	135
Petition relative to Governor Vaughan, 1742	136
Act granting assistance to church in New Castle, 1742	138
Governor Wentworth to Board of Trade, 1742	139
Authorizing commissioners to build a road, 1742	142
Governor Wentworth to Board of Trade, 1742	142-146
Report of the Board of Trade on New Hampshire Acts, 1743	146-148
Attorney-General Livermore's opinion, 1743	148
John Thomlinson to Theodore Atkinson, 1737-38	149
Mr. Paris to John Thomlinson, February 4, 1737	151
Thomlinson to Atkinson, February 10, 1737	153
Atkinson to Thomlinson, May 16, 1738	154
Thomlinson to Atkinson, July 14, 1738	156
" " " September 1, 1738	157
" " " February 8, 1738	158
" " " February 23, 1738	159
" " " April 4, 1740	160
" " " June 23, 1740	161
Atkinson to Thomlinson, August 4, 1740	163
Thomlinson to Atkinson, September 20, 1740	164
Atkinson to Thomlinson, November 26, 1740	165
" " " December 20, 1740	166
Thomlinson to Atkinson, February 6, 1740-41	168

Thomlinson to Christopher Rymes, February 10, 1740-41	169
" " Atkinson, March 21, 1740-41	170
Atkinson to Thomlinson, May 31, 1741	171
" " " July 11, 1741	172
Thomlinson to Atkinson, July 13, 1741	173
Atkinson to Thomlinson, May 19, 1742	174
" " " July 19, 1743	175
" " " May 26, 1742	176
Thomlinson to Atkinson, July 14, 1742	177
Atkinson to Thomlinson, July 26, 1742	178
" " " September 9, 1742	180
Thomlinson to Atkinson, November 27, 1742	180
Atkinson to Thomlinson, December 18, 1742	181
" " " February 8, 1743	182
" " " February 6, 1743	183
Thomlinson to Atkinson, February 20, 1743	185
" " " March 18, 1744	185
" " " March 22, 1743-44	186
Atkinson to Thomlinson, May 19, 1744	187
Thomlinson to Atkinson, October 3, 1744	188
Atkinson to Thomlinson, November 16, 1744	189
List of men taking the £25,000 loan, 1743	191-195
Governor Wentworth to Board of Trade, 1743-44	196-201
Committee's report relative to men raised in 1743	201
Warrant for arrest of Cyprian Jaffrey, 1744	202
Bill for powder furnished a detachment, 1744	203
Bill for repairs at Fort William and Mary, 1744	204
Letter from Governor Clinton to Governor Wentworth, 1744	205
George Jaffrey, Jr., relative to court records, 1744	206
List of men sent to manage gondolas, 1744	206
Matthew Livermore's memorial, 1744	207
Receipt for an Indian delivered to Colonel Willard, 1744	209
Material for Fort William and Mary, 1744	209
Account for repairs on Fort William and Mary, 1744	209
Governor Shirley to Governor Wentworth, September 25, 1744	210
" " " " " October 16, 1744	212
" " " " " January 1, 1744-45	212
" " " " " January 7, 1744-45	213
" " " " " January 15, 1744-45	214
Governor's order to enlist a scouting party, 1745	214
Orders to Captain Meservey to enlist men, 1745	215
Shirley to Wentworth, February 25, 1744-45	216
Petition of Abraham Trefethen of New Castle, 1745	216

Shirley to Wentworth, March 1, 1744-45	217
" " " March 4, 1744-45	218
Atkinson to Thomlinson, March 29, 1745	219
Message from the House to the Governor, 1745	220-223
General Pepperell's order relative to attack on Louisbourg, 1745	223
Report of committee on men raised for scouting, 1745	223
Shirley to Wentworth, April 15, 1745	224
" " " May 5, 1745	224
Petition from soldiers' wives for aid, 1745	225
Crew of the ship Endeavor, 1745	226
Benjamin Thomas, wounded soldier, 1745	227
Proclamation for enlistment of seamen, 1745	228
Shirley to Wentworth, June 17, 1745	229
" " " July 6, 1745	230
" " " July 10, 1745	230
Thomlinson to Atkinson, August 5, 1745	231
Lt. Governor Phipps to Governor Wentworth, August 14, 1745	231
" " " " " August 19, 1745	232
Shirley to Captain Bradbury, July 22, 1745	233
George Creighton's leave of absence, 1745	234
Committee to examine accounts of ship Bien Aimé, 1745	234
Report of the committee on Louisbourg prisoners, 1745	235-238
Statement of condition of men at Louisbourg, 1745	238
List of Greenland impressed men, 1745	239
Petition of Benjamin Lewis, Louisbourg soldier, 1745	240
Robert Tufton Philbrook's account, 1745	241
Atkinson to Thomlinson, November 13, 1746	242-245
Petition from Louisbourg soldiers, 1745	245-247
" " Joseph Sleeper, Louisbourg, 1745	248
Soldiers' losses at Louisbourg, 1746	248
Petition of Edward Card, Louisbourg soldier, 1745	250
" " Moses Meader of Durham, 1745-46	251
" " Edward Hopkins of Portsmouth, 1745-46	252
Shirley to Wentworth, January 12, 1746	253
" " " January 27, 1746	254
Petition of Timothy Clement of Concord, 1746	255
" " " Mary Welch of Portsmouth, 1746	256
Joseph Sleeper's statement, 1745-46	256-258
Petition of Francis Mason of Stratham, soldier, 1745-46	258
Louisbourg soldiers' petition, Hampton men, 1746	259
Petition of Hugh Montgomery, 1745-46	260
" " Benjamin Thomas of Portsmouth, 1746	261
Louisbourg soldiers' petition, Portsmouth men, 1745-46	262

Petition of Sarah Trefethen, soldier's widow, 1745-46	263
" " Zachariah Foss of Portsmouth, soldier, 1746	264
" " Deborah Tucker and Hannah Kenniston, 1746	265
" " Lt. Edward Brooks of Portsmouth, 1745-46	267
Louisbourg expedition account, 1745	268
Thomas Millet, relative to sloop Abigail, 1746	269
Petition of Lt. Jonathan Gilman of Keeneborough, 1746	269
" " Tabitha Cass, soldier's widow, 1746	270
" " James Wood, 1746	271
" " Mary, widow of Jeremiah Marston, 1746	272
" " Benjamin Kemming of Exeter, 1746	273
" " Joseph Rawlins, Louisbourg soldier, 1746	273
Major Gilman loses his coat at Louisbourg, 1746	274
Petition of Ezekiel Gilman of Portsmouth, 1746	274
John Goffe's account and memorial, 1746	275
Petition of George Thompson, 1746	276
" " Lt. Ezekiel Worthen of Kensington, 1746	277
" " Theodore Atkinson about his slave, 1746	278
Louisbourg soldiers' petition for allowance, 1746	279
List of rations not received by the above	281
Petition of William Prescott, Louisbourg soldier, 1746	282
" " John Griffith, Jr., Louisbourg soldier, 1746	282
" " Deborah, widow of Nicholas Dunn, 1746	283
" " John Ladd, relative to his son, 1746	284
Memorial of Spencer Colby, mariner, 1746	285
Certificate of Dr. Benjamin Rowe, 1746	286
Summary of Louisbourg petitioners, 1746	286-288
Walter Warren's account	288
Atkinson to Thomlinson, recommending Capt. Sherburne, 1746	289
General Pepperell's orders to Captain Sherburne, 1745	290
Warren and Pepperell's certificate, 1746	290
Shirley to Wentworth, September 13, 1746	291
Petition from Louisbourg soldiers, 1746	292
Widow Sarah Jackson's petition, 1747	294
King's instructions to Governor Wentworth, 1746-47	294
Mark Hunking Wentworth's bill, 1747	295
Letter from Captain Stevens to Governor Shirley, 1746-47	295
William Johnson to John H. Lydius, 1746-47	296
Action of Mass. relative to Crown Point expedition, 1746-47	297
Shirley to Wentworth, February 7, 1746-47	298
" " " February 8, 1746-47	298
" " " February 9, 1746-47	299-301
Thomlinson to Atkinson, February 24, 1746-47	301

Shirley to Wentworth, March 10, 1746-47	302
Major Thomas Davis, relative to government stores, 1747	303
Soldiers' petition for further allowance, 1747	304
Petition from wives of soldiers, 1747	305
" " Lt. Eliphalet Daniels, sloop Warren, 1747	306
Petition from Samuel Drown, 1747	307
Bill for nursing Samuel Drown, 1747	307
Petition from Lt. John Flagg of Portsmouth, 1747	308
Theodore Atkinson to Thomas Jones, 1747	309
Atkinson to Thomlinson, June 6, 1747	310-312
Connecticut resolutions on Crown Point expedition, 1747	312-314
Gov. Law to Gov. Shirley on Crown Point expedition, 1746-47	314
Colonel Stoddard concerning the "Six Nations," 1747	315
Shirley to Wentworth, about the "Six Nations," 1747	316
Petition of Robert Miller, Louisbourg soldier, 1747	317
Supplies sent to New Hampshire soldiers, 1747	318
Shirley to Wentworth, October 12, 1747	319
" " " November 3, 1747	319
" " " November 9, 1747	320
" " " November 24, 1747	320
Knowles' and Shirley's letters, 1747	321-323
Extracts from Duke of New Castle's letter, 1747	323
Shirley to Wentworth, October 29, 1747	325-327
" " " January 17, 1747-48	327
" " " February 2, 1747-48	328
Commissary Penhallow's petition, 1748	328
Shirley to Wentworth, March 15, 1748	329-331
Summons to the Council, to Court of Admiralty, 1748	331
Shirley to Wentworth, April 26, 1748	331
Memorial of Captain Joseph Sherburne, 1748	332-334
Letter from Captain Sherburne to Admiral Warren, 1748	334
Soldiers at Fort William and Mary, 1747	336
Shirley to Wentworth, May 31, 1748	337
Shirley to Wentworth, on the Albany affair, 1748	337
Court of Massachusetts relative to the "Six Nations," 1748	338
Instructions to Governor Wentworth, 1748	339
Fragment endorsed "W. to S.," July 8, 1748	341-351
Shirley to Wentworth, August 24, 1748	351
Order to Captain Job Clement, 1748	352
Shirley to Wentworth, September 27, 1748	352
" " " November 7, 1748	353
" " " November 28, 1748	353
Precept for election of Assemblymen, 1748	354-356

Shirley to Wentworth concerning some Indians, 1749	356
Duke of Bedford to Governor Wentworth, 1749	357
Document relative to Fort Dummer, 1749	357
Plan of the Fort, by M. Patten	359
Wentworth to Shirley, August 27, 1749	360
Answer to the foregoing, August 28, 1749	360
Copy of warrant, 1749	361
Report of committee named in warrant, 1749	362
Proclamation relative to peace with the Indians, 1749	362
Lt. Governor Phipps, relative to exchange of prisoners, 1749	363-365
Instructions to Governor Wentworth	365
Quakers in militia companies	366
Thomlinson to Atkinson, November 18, 1747	367
“ “ “ November 22, 1748	367
“ “ “ March 15, 1748-49	368
“ “ “ November 27, 1749	369
“ “ “ March 4, 1750	370-373
“ “ “ March 29, 1750	373
Atkinson to Thomlinson, May 26, 1750	374
His Majesty's instructions, 1750	375-377
Governor Wentworth to the Duke of Bedford, 1750	377
Duke of Bedford, transmitting act of Parliament, 1750	378
Petition of Jonathan Stanhope, 1750	379
Acts approved by the Privy Council, 1750	380
Warrant for expenses of Canada expedition, 1750	381-383
“ “ re-imbursing New Hampshire, 1750	383
Thomlinson and Trecothick to Atkinson, 1751	384
“ to Atkinson, September 21, 1750	385
“ to Atkinson July 19, 1751	385-388
Trade between New Hampshire and West Indies, 1751	388-390
Depositions of Nath. Jones, Samuel Frost and John Briard	389
Depositions of Matthias Haines	390
Governor Wentworth to Board of Trade, 1751	390-400
Thomlinson and Trecothick to Atkinson, 1752	401
“ to Atkinson, March 2, 1752	402-405
John Greenwood to Richard Waldron, 1751	405
Waldron to Greenwood	406
Greenwood to Waldron, about Mrs. Mason, etc.	407
Waldron to Greenwood, 1752	407
Greenwood to Waldron, March 16, 1753	408
“ “ “ 1752	409
Waldron to Greenwood, March 27, 1752	410
“ “ “ March 20, 1752	410

Earl of Holderness to Board of Trade, 1752	411-413
To Governor Phipps about murder of Indians, 1752	413
Action of the House on the foregoing, 1752	414
Land grant from Massachusetts to Jonathan Belcher	414
Petition of Daniel Rindge for compensation	415
Soldiers' petition for their pay, 1753	416
Soldiers' certificates, 1753	417-419
Deposition of John Hodgdon, soldier, 1753	419
Communication from selectmen of Northfield, Mass.	419
Petition of Captain Phineas Stevens, 1753	420
“ “ Timothy Clement of Haverhill, 1753	421-423
Power of attorney to John Thomlinson, 1754	423
Resolve of the N. Y. Assembly on Indian affairs, 1754	424
Petition for division of Province into counties, 1754	424
“ of Sheriff Thomas Packer, 1754	425-427
“ of Robert Hale, 1755	427
Proclamation against Indians, 1755	427
Memorial of Kneeland and Russell, printers, 1755	428
Governor's orders to Colonel Hindsdale, 1755	429
“ “ “ “ Gilman, 1755	430
Atkinson to Thomlinson, December 9, 1755	431-433
Petition from towns for assistance, 1756	434
Atkinson to Weare, court matters, 1756	435
Chaplain Emerson's petition, 1756	436
Thomas Rowe's statement, 1756	437
Abiathar Sanborn's statement, 1756	437
Wages and rations, Crown Point expedition, 1756	438
H. Fox's letter to Governor, Crown Point expedition, 1756	439
John Carty, wounded soldier, 1756	441
Charges on money sent to the Provinces, 1756	441
Account of gold and silver purchased for New Hampshire, 1756	443
Pilot's commission, 1756	444
John Shepard taken prisoner, 1757	445
Petition of Francis Tucker, assistant commissary, 1757	446
“ “ Joseph Avery, Fort Edward soldier, 1757	447
“ “ Mason Rendall, taken prisoner, 1757	448
“ “ Benjamin Carpenter, prisoner, 1757	449
W. Pitt to Governor Wentworth, 1757	449
“ “ “ “ 1757	450
Memorial of William Clifford, 1757	451
Material at the Fort, 1757	452
James Nevins appointed collector of customs, 1757	453
Lord Loudoun to Governor Wentworth, 1757	454

ABSTRACT OF GENERAL CONTENTS.

Governor Wentworth to General Webb, 1757	454
" " Sir Charles Hardy, 1757	455
Earl of Holderness to Governor Wentworth, 1757	455
Letter from Captain George Christie, Fort William Henry, 1757	456
" " " " " "	457
Capture of Fort William Henry, 1757	458
Captain Christie to Governor Wentworth, 1757	459
Captain Ladd's account, 1757	460
Lord Loudoun to Governor Wentworth, 1757	461
Secretary Pitt " " " 1757	462
Governor Wentworth to Lord Loudoun, 1757	463
Secretary Pitt to Governor Wentworth, 1757	464-466
Captures by English privateers, 1757	467-469
Atkinson to Thomlinson, 1758	469
" " " 1758	470-474
" " Trecothick, Apthorp and Thomlinson, 1758	474
Commissary King's certificate, 1758	475
Ebenezer Copp's deposition, 1758	476
Soldiers' petition, 1758	476
Allowance to soldiers, 1758	477
Soldiers' petition, 1758	478
Petition from officers in Colonel Meserve's Regiment, 1758	479-482
Hercules Mooney's loss at Fort William Henry, 1758	482
Ensign John Moor's loss at Fort William Henry, 1758	482
Impress order, 1758	483
Clement March's bill, mustering men, etc., 1758	484
Petition relative to Charles Row, 1758	485
Expenses of two funerals, 1758	486
Bill for care of Lt. Wilder Willard, 1758	487
Secretary Pitt to Governor Wentworth, 1758	488
" " " " " 1758	489
Petition from Pickering and Spear, 1759	490
Proclamation relative to enlistments, 1759	491
Enlisting orders to Colonel Weare, 1759	492
Lord Loudoun to General Pepperell, 1759	493
Names of substitutes for Quakers, 1759	494
Colonel Schuyler's account, 1759	495
King's instructions concerning courts, 1758	496
General Amherst to Governor Wentworth, 1759	497
" " " " " 1759	498
Atkinson to Trecothick and Thomlinson, 1759	499
Certificate concerning Isaac Towle, 1759	500
Account of the Canada expedition committee, 1759	500-503

Petition of Susanna Johnson, 1760	503
Petition from Lebanon, Conn., men, 1760	505
Instructions about raising troops, 1760	506-508
Petition of Elijah Denbo, 1760	508
Account of Thomas Packer, 1759	510-513
Soldiers' petition to reduce sutler's accounts, 1760	513
Certificate of impressment, 1760	514
Recommendation from Governor Wentworth, 1760	515
Petition from Morrison and Pickering, 1760	515
Atkinson to Trecothick, Apthorp, and Thomlinson, 1760	516
Petition from selectmen of Holden, Mass., 1761	518
Soldiers' petition, 1761	520
Account of Thomas Packer, 1761	521
Account for printing paper money 1761	523
Ransoms of vessels taken by French privateers, 1761	524
John Sanborn's certificate, 1761	525
Petition of Moses Swett, 1761	525
Governor Wentworth's proclamation, 1761	526
Petition of Nathaniel Thing, 1761	527
Petition of Joseph Swett	528
Deposition of Timothy Blake, Jr., 1761	528
Petition of Samuel Hobart, 1761	529
Petition of mast contractors, 1761	530
Bill for victualing soldiers at Sudbury in 1757	531
Instructions to Governor Wentworth, 1761	532-541
Atkinson to Thomlinson, 1761	541
“ “ “ 1761	542
Nevin to Atkinson, 1761	543-545
Commission to administer oaths, 1762	545
Notification in regard to Court of Inquiry, 1762	545
Petition from three soldiers, 1762	546
Account for building Governor's boat, 1762	547-549
Atkinson to Thomlinson, 1762	549
“ “ “ 1763	551
Petition of Nathaniel Porter, 1763	551-553
“ “ Richard Bartlett, 1763	553
Colonel Bedel's letter asking for relief, 1763	554
Petition for a road to Coös, 1763	555
Atkinson to Thomlinson, 1763	556
“ “ Trecothick and Thomlinson, 1763	557
Letter from Jacob Bayley, 1764	558
“ “ Timothy Walker to James Nevin, 1765	559
Defence of Governor Wentworth, 1765	560-567

Atkinson to Trecothick and Thomlinson, 1765 .	567-569
" " " " 1766 .	569
Petition of George Meserve, stamp commissioner, 1766 .	571-573
" " Daniel Sanborn, 1766 .	573
Atkinson to Wentworth and Trecothick, 1766 .	574
Proclamation of Governor John Wentworth, 1767 .	575
Address of welcome from the Council, 1767 .	576
Action of the House in regard to counties, 1767 .	577
Report of committee on counties, 1767 .	578
Atkinson to Trecothick, 1767 .	579
Deposition of Isaac Colton about counterfeiters, 1768 .	580-583
Report of committee on road from Durham Falls to Coös, 1768 .	584
Petition from the House to the King, 1768 .	585-587
" " John Wendell of Portsmouth, 1768 .	587
Petition of James Hudson, salt manufacturer, 1769 .	589
Proclamation in regard to deserters, 1769 .	589
Petition of Samuel Hall for damages, 1769 .	590
" about county lines, 1769 .	591
" of Dr. Hall Jackson, 1769 .	592
Deserters from ships in Boston Harbor, 1770 .	594-596
Proceedings of the House sent to Agent Trecothick, 1770 .	597
Committee to examine bills of credit, 1770 .	598
Instructions to Governor Wentworth, 1770 .	598
Dissent of Peter Livius from vote of Council, 1771 .	599-602
Trecothick to Atkinson, 1771 .	602
Writ for election of representatives, 1771 .	602-605
Road from Pemigewasset River to Dartmouth Coll., 1771 .	605
Complaint from custom-house officers, 1771 .	606
Proclamation in regard to foregoing, 1771 .	606
Memorial of John Cochran, 1771 .	607
Committee on Fort William and Mary, 1772 .	608
Strafford and Grafton county petition, 1772 .	609
Instructions to Governor Wentworth, 1772 .	610
Road from Conway to Connecticut River, 1772 .	611
Petition from James Breckenridge, agent, 1772 .	611
Memorial from province treasurer, 1772 .	613
Proceedings of House in regard to road, 1772 .	613
Lord Hillsborough to Governor Wentworth, 1772 .	614
John Cochran's promise, 1772 .	614
Hubartus Neal's report on road, 1772 .	615
Governor Wentworth conveys his defence, 1772 .	615-623
Memorial of Peter Livius, 1772 .	623-625
Depositions of Theodore Atkinson, 1772 .	625-628

Deposition of Peter Gilman and Thomas W. Waldron, 1772	628
" from the Council, 1772	629
Memorial from the Council, 1772	630-636
Letter accompanying the memorial, 1772	637
A fragment	638
Livius <i>versus</i> Moffat at Court of Appeals	639-641
Memorial from justices of Superior Court, 1772	641
Petition to change county lines, 1773	642
Report on Conway, Connecticut River road, 1773	643-645
Letter of introduction to John Pownall, 1773	645
Barlow Trecothick to Lord Dartmouth, 1773	645
Testimonial from inhabitants of Portsmouth, 1773	646
" " " " Francestown, 1773	647
Petition for protection of fish, 1773	648
Testimonial from Dartmouth College, 1773	649
Summons to Captains Stickney and Chandler, 1773	650
Road from New Britain to Hanover	651
State of the light-house at the Fort, 1773	651
Statistics of the Province, 1773	652
Petition of Joseph Senter, 1774	652
New Hampshire House to Mass. House, 1774	654
Memorial from justices of Superior Court, 1774	654
Southern boundary of New Hampshire, 1774	655
Grafton County justices, 1774	656
Hillsborough County justices, 1774	656
Colonel Atkinson's orders to Captain Dennett, 1774	657
" " " " Lt. Beck, 1774	657
Letter from Paul Wentworth of London, 1775	658
Rules and regulations of a militia company, 1775	659
Address to King from Provincial Congress, 1775	660-663
Deposition of William Pearn and Jacob Sheafe, Jr., 1775	663
Minutes of Council, May 29, 1775	663
" " " " May 29, 1775	664
Governor Wentworth to Theodore Atkinson, 1775	665
Committee to remove records, 1775	665
Governor Wentworth to Theodore Atkinson, 1775	666
Atkinson's proposed answer to the committee, 1775	666-668
" answer as delivered, 1775	668
Atkinson accountable for books of charters, 1775	669
Atkinson's account to the Governor, 1775	669
Records removed from office of recorder of deeds, 1775	670
Atkinson to Governor Wentworth, 1775	671
Wentworth to Atkinson, 1775	672

Captain Barkley's conditions, 1775	672
Atkinson to Wentworth, 1775	672
Wentworth to Atkinson, 1775	673
Answer to the foregoing, 1775	673
George Jaffrey to Noah Emery, 1775	674
Atkinson to the captain of the Boyn, 1775	674
Wentworth to Atkinson, 1775	675
Governor's proclamation, 1775	675
" " 1776	676
Counterfeit money, 1776	677
Act to establish the legality of certain taxes, 1776	679
Justices of the peace for Rockingham County, 1776	680
Justices in the State of New Hampshire, 1776	681-684
Naval office table of fees, 1776	684
Lead mine discovered, 1776	685
Chief Justice Weare's certificate, 1776	685
Act regulating election of county officers, 1776	685-687
Protest of Benjamin Giles and others, 1777	687
Petition of Thomas Casey, 1777	688
" " James Richardson of Dover, 1778	689
Business letter to Joshua Wentworth, 1778	690
Petition from town of Westmoreland, 1778	690
" for liberty to choose a minister, 1778	691
Minutes of Council, 1778	692-694
Petition of Joseph Davenport, agent, 1778	694
Letter from J. Fisher to his wife, 1778	695
Petition from Londonderry, 1778	696
Vote of the town on the foregoing, 1778	697
Eben Hazard to the House of Representatives, 1778	697
Certificate from selectmen of Boothbay, Mass., 1778	698
Petition from Murray and Brown of Boothbay, 1779	698
" from Jonathan Ingersoll of Salem, Mass., 1779	699
" for roads, 1779	700-702
" of the heirs of John Griffith, 1779	702-704
" of Sarah Wills, of Portsmouth, 1779	704
" from slaves, 1779	705-707
Minutes of court, 1776, 1780	707-709
Olcott and Woodward to Colonel Chase, 1780	709
Samuel Hunt declines a commission, 1780	710
Petition of Patrick McDonnell, 1780	710
Report of a committee	711
State accounts to February 9, 1782	712
Memorial of Nathaniel Peabody, 1782	713

Petition for re-incorporation of Monson, 1782	714-716
Eleazer Russell to Meshech Weare, 1782	716-718
Letter in regard to ship "Ellen," 1782	718-720
Another about the same affair, 1782	720
Petition for increase of currency, 1782	721
John Sullivan to John Langdon, 1782	723
Petition from inhabitants of Cheshire County, 1782	723
" " John Hale, of Hollis, 1783	725
Receipt from Stephen Gorham to John T. Gilman, 1783	726
Certificate from Stephen Gorham, 1783	726
John Prentice to Speaker Dudley, 1783	726
Precept for representatives, 1783	727-729
Nominations for sheriff and judges in Grafton County,	729
" " " " " " Cheshire County	730
Recommendations for Cheshire County judges	730
Credentials of Marbois L'Etombe, 1784	731
Monsieur Toscan, vice-consul at Portsmouth, 1784	732
Monsieur Toscan's credentials, 1784	732
Abiel Foster and Pierce Long, delegates to Congress, 1784	733
Jonathan Child to Meshech Weare, 1784	733
Petition to tax non-resident proprietors, 1784	735
Memorial from committee for adjusting accounts, 1784	736
Petition for road from Merrimack to Connecticut River, 1784	737
Joseph Gilman to President Weare, 1784	739
Letter from Loan Officer Gilman, 1784	739
Elisha Payne accepts election to Congress, 1784	741
Letter from Adams, Franklin, and Jefferson, 1784	741
Recommendations for officers of a regiment, 1784	742
Letter from De Marbois to Congress, 1784	743
Joshua Wentworth to Ebenezer Thompson, 1784	744
A fragment of testimony	744
Petition for increase of currency	745
Sale of excise on spirituous liquors, 1785	746
Petition in favor of Colonel David Webster, 1785	747
Letter from John Sullivan to the Senate, 1785	748-750
Petition of Treasurer Gilman for larger salary, 1785	750
Taverns and retailers licensed in Strafford County, 1785	751
Report of committee on accounts, 1785	752
Letter from treasury board at N. Y., 1785	753
" " Stephen Gorham, 1785	754
Petition to make real estate a legal tender, 1785	755
Report of committee on accounts, 1785	756
" " road committee, 1785	757

Account of New Hampshire taxes, 1785	759
Joseph Pearson resigns from committee on accounts, 1785	760
Certificate in regard to General Sullivan's account	760
Letter from Loan Officer Gilman, 1786	761
Monsieur Ducher, vice-consul at Portsmouth, 1786	761
An act of repeal, 1786	762
Leverett Hubbard to President Langdon, 1786	763
Circular in regard to French and Dutch loans, 1786	763
Admission of town inhabitants, 1786	764
Eben Hazard to Jeremiah Libbey, 1786	765
Letter from Postmaster Libbey, 1786	765
Intention to leave the State, 1786	766
Concerning the Mason-Allen controversy, 1786	767
“ “ “ “ “ “ 1786	768
Petition from heirs of Allen, 1786	769
Report of committee on standards, 1786	770
Postmaster Libbey to Samuel Dearborn, 1786	771
Report of committee on continental accounts, 1786	772
Joshua Wentworth to President Sullivan, 1786	772
Report of committee on accounts, 1786	773
Elisha Payne's letter of excuse, 1786	774
Petition for pardon, from Exeter prisoners, 1786	774
State's quotas for Indian warfare, 1786	775-777
Instructions to officers, 1786	778
Petition of Benjamin Dearborn of Portsmouth, 1786	779
Major McGregore recommended, 1786	780
W. Sargent to President Sullivan, 1786	780
Protest of George Gains and others, 1786	781
Militia arrangements for Cheshire County	782
Petition of James and William Sheafe, 1786	783-785
Report of committee on Sheafe petition, 1787	785
“ “ “ “ unimproved lands, 1787	785
Removal of Commissioner Gorham, 1787	786-788
Samuel Hobart's proposal, 1787	788
Courts in Hillsborough County, 1787	788-790
Extract from Nicholas Gilman's letter, 1787	790
Petition for road from Barnstead to Northwood, 1787	791
“ “ organization of alarm company, 1787	792
Samuel Hobart's petition, 1788	794
Petition for a new county, 1788	794
“ “ a company of horse in Twelfth Regiment, 1788	795
“ “ protection of fish, 1788	796
J. Gilman transmits his public accounts, 1788	797

Accounts of confiscated estates, 1789	798
Joseph Blanchard's survey of waste lands, 1789	799
David Hide's petition, 1789	800
Report of committee on road from Barnstead to Northwood	801
Memorial of Archibald McMurphy, 1789	802
John Hubbard recommended, 1789	803
Petition of three men to be restored to office, 1789	804
" " Lemuel Sargent	804
Dissent of James Sheafe and others, 1790	805
New Hampshire "State Advertiser," 1790	806
Report of committee on waste lands, 1790	807
Memorial of Samuel Hobart of Exeter, 1790	809
" " Joseph Whipple, 1790	810
Letter from Joseph Whipple, 1790	811
" to Joseph Whipple, 1790	812
Resolve of the House in regard to pensions, 1790	813
Petition of Charles Henzell of Portsmouth, 1789	814
Joshua Wentworth's certificate, 1789	815
Charles Henzell's bill against the State, 1790	816
Articles of agreement, 1790	816
James Sheafe's letter of transmittal, 1790	818
Petition of Ozias Silsby, post-rider, 1790	818
Report of committee on county lines, 1796	819-821
Samuel Livermore, member of Congress, 1790	821
Titus Salter's agreement, 1790	821-823
Letter from John Langdon, 1791	823-825
Petition for a new county, 1791	825
Letter from Joseph Whipple, 1791	826
" " " " 1791	827
Petition for a half-shire, 1791	828-830
" " aid to duck manufacturers, 1791	830
Resolve of Massachusetts House, 1791	831
Memorial of Robert L. Fowle, 1791	832
Report of committee on Odiorne's petition, 1791	833
Memorial of Samuel Hobart of Exeter, 1791	833
John T. Gilman to President Bartlett, 1791	834
Colonel Shepard claims a general's commission, 1791	835
Records of candidates for " " 1791	836
Letter from Tench Cox, 1791	837
Petition for road from Concord to Durham, 1791	838
" of Mary Tufton Mason, 1791	839
James McGregore, commissioner of claims, 1791	840
Petition of Dudley B. Hobart of Exeter, 1792	841

Account of New Hampshire taxes, 1785	759
Joseph Pearson resigns from committee on accounts, 1785	760
Certificate in regard to General Sullivan's account	760
Letter from Loan Officer Gilman, 1786	761
Monsieur Ducher, vice-consul at Portsmouth, 1786	761
An act of repeal, 1786	762
Leverett Hubbard to President Langdon, 1786	763
Circular in regard to French and Dutch loans, 1786	763
Admission of town inhabitants, 1786	764
Eben Hazard to Jeremiah Libbey, 1786	765
Letter from Postmaster Libbey, 1786	765
Intention to leave the State, 1786	766
Concerning the Mason-Allen controversy, 1786	767
" " " " " 1786	768
Petition from heirs of Allen, 1786	769
Report of committee on standards, 1786	770
Postmaster Libbey to Samuel Dearborn, 1786	771
Report of committee on continental accounts, 1786	772
Joshua Wentworth to President Sullivan, 1786	772
Report of committee on accounts, 1786	773
Elisha Payne's letter of excuse, 1786	774
Petition for pardon, from Exeter prisoners, 1786	774
State's quotas for Indian warfare, 1786	775-777
Instructions to officers, 1786	778
Petition of Benjamin Dearborn of Portsmouth, 1786	779
Major McGregore recommended, 1786	780
W. Sargent to President Sullivan, 1786	780
Protest of George Gains and others, 1786	781
Militia arrangements for Cheshire County	782
Petition of James and William Sheafe, 1786	783-785
Report of committee on Sheafe petition, 1787	785
" " " " unimproved lands, 1787	785
Removal of Commissioner Gorham, 1787	786-788
Samuel Hobart's proposal, 1787	788
Courts in Hillsborough County, 1787	788-790
Extract from Nicholas Gilman's letter, 1787	790
Petition for road from Barnstead to Northwood, 1787	791
" " organization of alarm company, 1787	792
Samuel Hobart's petition, 1788	794
Petition for a new county, 1788	794
" " a company of horse in Twelfth Regiment, 1788	795
" " protection of fish, 1788	796
J. Gilman transmits his public accounts, 1788	797

Accounts of confiscated estates, 1789	798
Joseph Blanchard's survey of waste lands, 1789	799
David Hide's petition, 1789	800
Report of committee on road from Barnstead to Northwood	801
Memorial of Archibald McMurphy, 1789	802
John Hubbard recommended, 1789	803
Petition of three men to be restored to office, 1789	804
" " Lemuel Sargent	804
Dissent of James Sheafe and others, 1790	805
New Hampshire "State Advertiser," 1790	806
Report of committee on waste lands, 1790	807
Memorial of Samuel Hobart of Exeter, 1790	809
" " Joseph Whipple, 1790	810
Letter from Joseph Whipple, 1790	811
" " to Joseph Whipple, 1790	812
Resolve of the House in regard to pensions, 1790	813
Petition of Charles Henzell of Portsmouth, 1789	814
Joshua Weptworth's certificate, 1789	815
Charles Henzell's bill against the State, 1790	816
Articles of agreement, 1790	816
James Sheafe's letter of transmittal, 1790	818
Petition of Ozias Silsby, post-rider, 1790	818
Report of committee on county lines, 1796	819-821
Samuel Livermore, member of Congress, 1790	821
Titus Salter's agreement, 1790	821-823
Letter from John Langdon, 1791	823-825
Petition for a new county, 1791	825
Letter from Joseph Whipple, 1791	826
" " " " 1791	827
Petition for a half-shire, 1791	828-830
" " aid to duck manufacturers, 1791	830
Resolve of Massachusetts House, 1791	831
Memorial of Robert L. Fowle, 1791	832
Report of committee on Odiorne's petition, 1791	833
Memorial of Samuel Hobart of Exeter, 1791	833
John T. Gilman to President Bartlett, 1791	834
Colonel Shepard claims a general's commission, 1791	835
Records of candidates for " " 1791	836
Letter from Tench Cox, 1791	837
Petition for road from Concord to Durham, 1791	838
" of Mary Tufton Mason, 1791	839
James McGregor, commissioner of claims, 1791	840
Petition of Dudley B. Hobart of Exeter, 1792	841

Ratable polls in New Hampshire, 1792	842
General Bellows's resignation, 1792	843
Stephen Harriman's statement, 1792	843
Statement from selectmen of New London, 1792	844
Act to establish Washington County, 1792	844
Petition for a lottery, 1792	845
Report of Treasurer Gilman, 1792	847
Sir William Pepperell's petition, 1792	848
Road from Concord to Durham, 1792	849-854
Petition for road from Dover to Northwood, 1792	854
" " " " Chester to Walpole, 1792	856
" " " " from Page and Morris, 1792	856
" " " " from William Gardner, 1792	857-859
Road from Dover to Northwood, 1792	859
" " Conway to Shelburne, 1792	861
Report of road committee, 1792	861
Petition for more courts, 1793	862
Papers received from Colonel McGregore, 1793	863
Petition of Samuel Morey, 1793	865
Petition for more courts, 1793	866
Memorial of Jabez Parsons and others, 1793	867-871
More facts relative to the same matter, 1793	872
Instructions from Secretary of War, 1794	873-876
Memorial of Jabez Parsons, 1795	877
Petition to construct canals, 1795	878
" for protection of fish, 1795	878
" to clear Piscataqua River, 1796	879-881
" of Tom Powers, 1796	881-885
Letter from Oliver Whipple of Hampton, 1798	886-888
Petition from proprietors of "Paddy Seine," 1798	888
" for a new road, 1798	889-891
James McHenry to Jacob Sheafe, 1798	891
Nathaniel Head's commissions, 1798	892
Petition for road from Lancaster, 1798	892
Turnpike from Charlestown to Surry, 1799	893
Road from Enfield Pond to the "Burnt Lands," 1799	895
Proceedings in memory of Washington, 1799	896-899

APPENDIX.

Captain Wait's weekly return, 1759	903
" " monthly return, 1759	904
Wages of Captain Wait's company, 1759	905
Captain Wait's bill for allowance, 1761	906
" " men sent to Detroit,	907
Article from Edes' "Boston Gazette," October 2, 1775	907
Orders to Lieutenant-Colonel Wait, 1776	908
" from Benedict Arnold, 1776	908
Colonel Wait's account to General Sullivan, 1776	909
French Canadians in Colonel Hazen's regiment	912-916
Rev. Joshua Moody's account, 1676	917
Rates for Great Island, 1677	918-920
Summons to delinquent rate payers, 1678	920
Nathaniel Fryer's account, 1679	920
John Brewster's order, 1679	921
Bill of Robert Elliott, 1680	921
Mr. Moody to the selectmen, 1680	922
Shipping at Portsmouth, 1681	922
Letter of Elias Stileman, 1682	924
Notice to rate payers, 1682	924
Letter of John Light, payment of town rate, 1682	924
" " Span Lovell, 1682	924
Bill of Obadiah Morse, 1682	925
Governor Cranfield's proclamation, 1682	925
Permit to call a town meeting, 1683	926
Order of Governor and Council, 1683	926
Summons for contempt, 1683	927
Order of justices of the peace, 1684	927
John Pickering's bill, 1705	928
Letter to Colonel Hilton about powder supply, 1705	928
Report on school-houses, 1716	929

PROVINCIAL PAPERS

NEW HAMPSHIRE

INCLUDING THE RECORDS OF THE PRESIDENT AND COUNCIL, JANUARY 1, 1679, TO DECEMBER 22, 1680; JULY 6 TO SEPTEMBER 8, 1681; NOVEMBER 22, 1681, TO AUGUST 21, 1682; RECORDS OF THE GOVERNOR AND COUNCIL, OCTOBER 4 TO OCTOBER 14, 1682, UNDER THE SUCCESSIVE ADMINISTRATIONS OF CUTT, WALDRON, AND CRANFIELD: ACTS OF THE ASSEMBLY, AUGUST SESSION, 1699; JOURNALS OF THE HOUSE OF REPRESENTATIVES, AUGUST 7, 1699, TO OCTOBER 4, 1701, AND MAY 9, 1711, TO APRIL 30, 1722: ANCIENT DOCUMENTS RELATING TO THE CONTROVERSY OVER THE BOUNDARY LINE BETWEEN NEW HAMPSHIRE AND MASSACHUSETTS.

WITH

HISTORICAL NOTES, A CHRONOLOGICAL LIST OF BOUNDARY LINE PAPERS, CONTEMPORARY MAPS, AND OTHER ILLUSTRATIONS.

VOL. XIX.

ALBERT STILLMAN BATCHELLOR,
EDITOR.

MANCHESTER, N. H.:

JOHN B. CLARKE, PUBLIC PRINTER.

1891.

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the State, ~~one~~ copy to each of the public libraries in the State as the Governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states

Approved August 4, 1881.

THE STATE OF NEW HAMPSHIRE

Albert S. Barchelor, Esquire, Greeting.

Know You, That we, reposing especial trust and confidence in your fidelity and ability, have constituted and appointed you Editor and Compiler of Early State and Provincial Records and other State Papers of New Hampshire, hereby giving and granting unto you, the said Albert S. Barchelor, all the power and authority given and granted by the Constitution and Laws of our State to an Editor and Compiler of Early State and Provincial Records. To HAVE AND TO HOLD THE SAID OFFICE, With all the powers, privileges, and immunities to the same belonging, for the term of — years from the date hereof, provided you are of good behavior during said term.

IN TESTIMONY WHEREOF, We have caused our seal to be hereunto affixed.

WITNESS, David H. Goodell, Governor of our State, at Concord, this 9th day of October, in the year of our Lord one thousand eight hundred and ninety, and of the independence of the United States of America the one hundred and fiftieth.

By the Governor, with advice of the Council.

C. B. RANDLETT,

Deputy Secretary of State.

THE STATE OF NEW HAMPSHIRE.

GRATON SS.

October 27, 1890.

Then the said Albert S. Barchelor took and subscribed the oath of office as Editor and Compiler of Early State and Provincial Records and other State Papers of New Hampshire, as prescribed by law.

Before us.

HENRY W. BLAIR, } *Justices of the Peace,*
DANIEL BARNARD, } *Quorum Unum*

To: A. S. Barchelor, Editor of State Papers:

You are authorized to collect, arrange, transcribe, and superintend the publication of the New Hampshire Town Charters, as recommended in the section numbered one, in the Report of the Committee of the Governor and Council, submitted and adopted in May, 1889, and the Journals of the Assembly, Provincial Congress, Legislature, and Councils of New Hampshire, previous to the year 1800, as recommended in the section numbered two in said report.

You are also authorized to include in said work such rolls of the soldiers of New Hampshire in the French and Indian and Revolutionary wars as may be available, and which have not already been published in the volumes edited by Isaac W. Hammond, Esq.

PROVINCIAL PAPERS.

You will also cause such explanatory notes and citations, tables of contents and indexes, with such illustrative papers, maps, and plans as you may deem useful, to be prepared and made a part of your work.

This I deem proper to be done, and I give these directions in accordance with the provisions of the joint resolution relating to the preservation and publication of portions of the early State and Provincial Records and other State Papers of New Hampshire, approved August 4, 1881.

Given under my hand at Concord this 17th day of October, A. D. 1881.

D. H. GOSDOLL.

A. S. Batcheller, Editor of State Papers.

You are hereby authorized to arrange, transcribe, and superintend the publication of the Township Grants, Masonian Proprietary Papers, Boundary Line Documents and Plans contained in the collection of papers donated to the State by Robert Curtis Peirce of Portsmouth, the Boundary Line Papers additional to those contained in the Peirce donation above mentioned which have been transcribed from the Massachusetts archives for the use of this State, the Notes of Hazzen's Survey on the westerly part of the boundary line, as it was supposed to be between Massachusetts and New Hampshire, the Acts and Laws passed by the General Court or Assembly of his Majesty's Province of New Hampshire in New England, begun and held at Portsmouth on the seventh day of August, 1699, title, 1. leaf, and pp. 3-10, and the Calendar of New Hampshire Papers in the English Archives already procured by the State for the New Hampshire Historical Society.

You will also cause such explanatory notes and citations, tables of contents and indexes, with such illustrative papers, maps, and plans as you may deem useful, to be prepared and made a part of your work.

This I deem proper to be done, and I give these directions in accordance with the provisions of the Joint Resolution relating to the preservation and publication of portions of the early State and Provincial Papers and other State Papers of New Hampshire, approved August 4, 1881.

Given under my hand at Concord, this thirteenth day of October, A. D. 1881.

HIRAM A. TUTTLE.

PREFACE.

This volume is devoted to the presentation of such parts of the documentary history of the state as were not accessible at the time of the publication of its predecessors, or for other reasons were not given place in chronological order. The necessity for bringing his work to a conclusion within certain prescribed limits left Dr. Bouton, the editor of the first ten volumes, the choice between two courses, — to make extensive omissions of official and contemporary records having important narrative and illustrative uses, thus advancing his abstracts or selections from the body of the record over a much longer period, or to publish full and literal transcripts of all important archives within his authority, with the imminent probability that he would never be permitted to enter upon such interesting epochs as the French and Indian War, the War for Independence, and the evolution of a permanent state government and federal constitution from colonial and revolutionary conditions. By adopting the latter course, he was able to present the outlines of the documentary history of New Hampshire in those periods, in such an accessible form, that, notwithstanding its admitted incompleteness in presenting the records of certain departments of government, it has taken high rank as an authority among historical works of reference. The great and deserved success of Dr. Bouton was an important inducement to the further prosecution of the work which was afterwards resumed by the state and wisely placed in charge of Mr. Isaac Ware Hammond. His labors were embodied in eight volumes. These were XI., XII., and XIII., in which the Town Papers, so called, were published in a convenient arrangement by which the documents relating especially to municipal concerns were classified by town titles and the town chapters given alphabetical sequence; XIV., XV., XVI., and a part of XVII., in which were published the rolls of the New Hampshire soldiers who served in any of the organizations recognized in the Revolutionary service, including those borne upon the rolls deposited in state offices, and on those preserved in Washington; and the remainder of XVII., and XVIII., which were devoted to miscellaneous papers pertaining to our documentary history down to the year 1800. Some of the notable features of Mr. Hammond's service, as editor of these papers, were his thorough and comprehensive method of indexing, his common-sense arrangement of material, and the conscientious industry and completeness with which he searched out and presented all the matter relating to his subject without elimination, suppression, or needless omission. His decease

occurred September 28, 1890, only three days after volume XVIII., the last of the series which he edited, had been received and approved by the Governor and Council. The state had no more faithful servant, and her history has found no more devoted student than Mr. Hammond. His work is his monument.

The continuation of the series has been again resumed on the plan outlined in the report of a Committee of the Executive Council which appears in the preface to Vol. XVIII.

The larger part of the current volume is devoted to the documentary history of the controversy over the boundary line between New Hampshire and Massachusetts. Always important, these papers are of especial interest at this time owing to the recent action of the two states in renewing the attempt to effect a final settlement of the long standing dispute by the appointment of state commissions on either side and legislation tending to an examination and review of the issues in a spirit of comity. This material has been gathered from the state archives of Massachusetts and New Hampshire through a personal examination of the records in official and other depositories.

In the Journals of the House of Representatives from 1699 to 1701 and from 1711 to 1722, heretofore unpublished, we believe we have presented an interesting and valuable contribution to the material through which the development of modern forms and methods of legislation and government must be traced.

The recovery of the valuable pamphlet which contains the laws of New Hampshire passed at the session of August, 1699, sets back by seventeen years the point of interest which has been heretofore attached to the Russell edition of 1716, as the earliest printed copy of the laws of the province known to the student of legal antiquities. With the reproduction of the Journal of the House for the same period, which has already been mentioned, and the Journals of the Council, published in Dr. Bouton's Volumes II. and III., a full chapter of legislative proceedings at a very remote period is perfected. It is of interest to note that this fragment is the only portion of the records from 1679 to 1711 which is complete in the four particulars of a Council Record, Journal of the Council and Assembly, Journal of the House, and Session Laws.

The reproduction of the earliest and the principal part of the official record of the first President and Council of the Province of New Hampshire from the archives of the Massachusetts Historical Society, followed by the opportune discovery and addition of similar records covering important parts of the administrations of President Waldron and Governor Cranfield, which have but recently been obtained from London, as elsewhere related, has yielded material which will hereafter be considered indispensable in the investigation of the history of that period, and without which only the outlines of the narrative of the beginning of our provincial government could be drawn. The restoration of these documents to the state by transcription, after they have remained for perhaps two hundred years undiscovered in the seclusion of English official custody or in the historical collections of a neighboring state, may be taken as a stimulus to diligent search for other important sections of New Hampshire official records which are somewhere awaiting the call to

"come forth." An article in Vol. 5, Collections of the N. H. Historical Society, page 18, is suggestive in explanation of the deficiencies of our early records. Undoubtedly there remain great opportunities to be improved in the restoration of our lost and scattered official records and papers, or in the procurement of substantial copies which may serve the purpose of the originals for practical use and reference.

The Calendar of Papers relating to New Hampshire in the English Archives, prepared for the New Hampshire Historical Society by Mr. B. F. Stevens, of London, will be included in a subsequent volume. It will indicate what papers in those records are in existence in London, to supplement those contained in our state collections. Should the publication of such papers as are now accessible in Stevens's Fac-similes and in similar works, be carried back over the period of our provincial history, which is quite possible, the Calendar will become more than a mere informant to those who do not have personal access to foreign records; it will be an actual guide in the use of fac-similes and printed copies which all the great libraries of this country are securing.

A chronological list of documents relating to the boundary line controversy will be found in the body of this volume, immediately following the part devoted to those papers. It includes all that have been printed on that subject in this volume and the preceding ones in the series. This list is designed to serve as a special aid to the student of that important subject in searching the contents of our state publications.

It is a pleasure to acknowledge the cordial assistance offered by the executives of the state and all subordinate departments. A particular expression of personal obligation is due to the Hon. Ezra S. Stearns, Secretary of State, whose advice has often been sought and wisely given; whose accurate learning and excellent judgment have been a constant aid; whose devotion to the duties of his office is untiring and whose courtesy is unfailing.

Every accommodation which could be desired has also been afforded by the Hon. William M. Olin, Secretary of the Commonwealth of Massachusetts, in our protracted examination of the early records in his office. We are under obligations to Dr. Samuel A. Green, of the Massachusetts Historical Society, Mr. Stone, the librarian of the Historical Society of Pennsylvania, and Prof. Francis N. Thorpe, of the University of Pennsylvania.

THE EDITOR.

TABLE OF CONTENTS.

	PAGES.
Journal of the House of Representatives, May 9, 1711, to April 30, 1722	9-175
Boundary Line Documents	177-628
Chronological List of Boundary Line Documents	629-646
Proceedings of President and Council of New Hampshire, January 1, 1679, O. S., to October 14, 1682	647-691
Laws of 1699	693-707
Memoranda concerning Laws of 1699, by George H. Moore	709-713
Journal of the House of Representatives, August 7, 1699, to October 4, 1701	715-740

JOURNAL OF THE HOUSE OF REPRESENTATIVES

OF THE
PROVINCE OF NEW HAMPSHIRE.

1711-1722.

* 1-1 * Minutes of the Representatives, 1711.

on the 9th May Mett Present

Mr Speaker Gerrish	Theo: Dudley	S: Keais
N: Hill	Geo: Jaffry	Eze: Wentworth
J: Smith	Step: Jones	D: Tilton
Ja: Rendell	Epha: Marston	Theo: Atkinson
	Nickholas Gillman	

His Excellency And Councell sent for the House And Delivered A Speech to the Speaker Viz: Gentellmen

It Is y^e useall season of your Mettinge for y^e service And benefit of y^e province and I shall be glade to Consent to Any thinge for her Majesties service And your owen Defence and advantage

I Hope y^e Comittee of both Houses Left y^e last sessions for y^e Adjusting your acco^d and Debts are Redey with thayer returnes soe y^e all futuere Complaynts will be Taiken Away by y^e payment of y^e Arrears Debts soldiers and subsistance

Wee ar sensible that ye Indians are Devided Into small parties and give us Trubell Every Whear In y^e ffronttears ffor prevention of

This Journal of the House of Representatives is contemporary with the Records of the Council, published in New Hampshire Province Papers, Vol. II., and the Journal of the Assembly, published in Vol. III., same series. The stars mark the beginning of a new page, and the numerals indicate the corresponding volume and page of the manuscript House Journals, as arranged by the late John Farmer, and now in the office of the Secretary of State. — ED.

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

EARLY STATE PAPERS OF NEW HAMPSHIRE

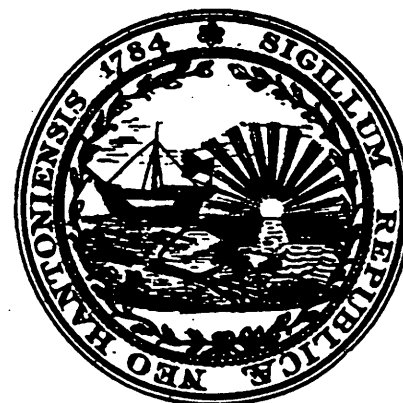
INCLUDING THE CONSTITUTION OF 1784, JOURNALS OF THE SEN-
ATE AND HOUSE OF REPRESENTATIVES, AND RECORDS
OF THE PRESIDENT AND COUNCIL FROM JUNE
1784 TO JUNE 1787,
WITH AN APPENDIX

CONTAINING AN ABSTRACT OF THE OFFICIAL RECORDS RELA-
TIVE TO THE FORMATION, PROMULGATION, CONSIDER-
ATION, AND ADOPTION OF THE FEDERAL CON-
STITUTION, AND ILLUSTRATIVE NOTES.

VOLUME XX.

ALBERT STILLMAN BATCHELLOR,

EDITOR AND COMPILER.



MANCHESTER:
JOHN B. CLARKE, PUBLIC PRINTER.
1891.

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the State, one copy to such of the public libraries in the State as the Governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

Approved August 4, 1881.

To A. S. Batchellor, Editor of State Papers:

You are authorized to collect, arrange, transcribe, and superintend the publication of the New Hampshire Town Charters, as recommended in the section numbered one, in the Report of the Committee of the Governor and Council, submitted and adopted in May, 1889;* and the Journals of the Assembly, Provincial Congress, Legislature and Councils of New Hampshire, previous to the year 1800, as recommended in the section numbered two in said report.

You are also authorized to include in said work such rolls of the soldiers of New Hampshire in the French and Indian and Revolutionary wars as may be available, and which have not already been published in the volumes edited by Isaac W. Hammond, Esq.

You will also cause such explanatory notes and citations, tables of contents and indexes, with such illustrative papers, maps and plans as you may deem useful, to be prepared and made a part of your work.

This I deem proper to be done, and I give these directions in accordance with the provisions of the joint resolution relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire, approved August 4th, 1881.

Given under my hand at Concord this 16th day of October, A. D. 1890.

D. H. GOODELL,
Governor.

* This report is printed in the preface to Vol. XVIII, this series.

PREFACE.

The temporary constitution, adopted by the revolutionary assembly of New Hampshire in 1776, was superseded in 1784 by a new constitution. This instrument gave the State a government which was still largely parliamentary. It provided for a chief executive, but gave him no veto on legislation, and surrounded him with a council chosen by and from the legislative branch. At the time of the adoption of the constitution, the people of the American states had come to a full realization of the impotence of the confederacy which had been formed under the Articles of Confederation, and of the necessity for a more efficient organic law for the union. This epoch has been well described as the "critical period in American history." The experience of New Hampshire at this time was not essentially different from that of the other American states. The performance of some of their most important federal duties could not be enforced upon the states, and domestic conditions were deplorable. The burdens imposed by the war were oppressive. A depreciated, fluctuating, and insufficient currency was a potent factor in the demoralization of business. Interstate commerce was at the mercy of conflicting legislation from as many legislatures as there were states, and foreign trade was subject to all the caprices of foreign avarice and intrigue. In this and the two succeeding volumes the legislative journals and executive records will be given entire, for the period beginning with the inauguration of government under the constitution of 1784 and ending with the close of the political year 1792-93, when a new constitution "took place." The Town Papers, edited by the late Isaac W. Hammond, being volumes XI, XII, and XIII of the full series of which the present volume is a continuation, and Mr. Hammond's vol-

umes XVII and XVIII of Miscellaneous State Papers, contain much illustrative matter which is contemporaneous with these journals. The Hammond volumes are freely cited in this work. Their contents are an essential part of the record, and the influences that then moved legislation cannot, in most instances, be discerned without reference to the petitions, remonstrances, and other documents which their editor comprehensively described as "Town Papers" and "Miscellaneous Papers." The public and private acts which were the product of the legislation of this period, so far as can now be ascertained, were never published in full. The more important laws of a general and permanent nature were included in compilations, such as the Revised Laws of 1792. All the acts both of a public and private nature are supposed to be contained in Mss. volumes in the office of the Secretary of State. The State has furnished a valuable key to these in the "Index to the Laws of New Hampshire," edited by the late Dr. Edward Aiken, and published under the direction of the Secretary of State. In the preparation of the volume of journals and executive records now presented, an arrangement has been pursued which places them in convenient and natural order for reference. No elimination of any part of the record has been permitted. The original printed journals have not been found for all the sessions in the three years from June, 1784, to June, 1787. Where such printed journals were accessible they have been consulted and compared with the Mss. journals, (a complete series of which has been preserved for the period during which the constitution of 1786 was in force,) and all material differences indicated by the use of brackets or otherwise. The records of the executive council for this period were never before printed.

It should be noted in reference to the records of the president and council, that the numbering of the official Mss. volumes begins with the political year 1784-85. The nominations as well as confirmations and other official acts of that body for two years, are contained in a single volume, which is numbered and described as "1 P. & C."

After the close of the second political year, a separate record of nominations was kept in a volume which is designated "1 B. N." The record book which contains the other contemporaneous acts of the president and council is designated "2 P. & C."

Following the method of Mr. Hammond in previous volumes—a method with which those who consult the work are presumed to be familiar—an index of names and an index of places are separately given. These will indicate the page on which every name of person and place mentioned in the book may be found. In addition to these, indexes of subjects and of biographical notes have been provided. The star paging in the margins indicates the volume and page of the Mss. records from which the copy is made. The object of this work is to give the full official record through as long a period of time as possible within the space allowed, and thus to make it more generally available for the public use. This view may not entirely preclude, but it necessarily restricts, the appendage of elaborate historical or critical notes. Tables of officials and biographical notes and citations accompany the text, and are intended, like the indexes, as aids to those who, as officials or as students, may have occasion to use the work. In its preparation the official co-operation of His Excellency Governor David H. Goodell and the members of his council, and of His Excellency Governor Hiram A. Tuttle and the members of his council, has been cordially extended, and is acknowledged with pleasure. Mr. Otis G. Hammond has been an efficient assistant. Every needed service within their power has been afforded by the official custodians of contemporaneous state records and references. It has been necessary, however, to make the largest use of the archives preserved in the office of the Secretary of State. The Hon. Ezra S. Stearns, the present Secretary, has not only afforded in the work every official courtesy, but he has given it the benefit of his excellent judgment and his thorough knowledge of the general and documentary history of the state.

THE EDITOR.

GENERAL CONTENTS.

Constitution of 1784	9-30
State officers, 1784-5	31-36
Senate Journal, June session, 1784	39-53
Members of House, 1784-5	57-61
House Journal, June session, 1784	62-89
Senate Journal, October session, 1784	93-115
House Journal, October session, 1784	119-160
Senate Journal, February session, 1785	163-183
House Journal, February session, 1785	187-223
Records of President and Council, 1784-5	229-297
State officers, 1785-6	299-301
Senate Journal, June session, 1785	305-330
Members of House, 1785-6	333-337
House Journal, June session, 1785	338-388
Senate Journal, October session, 1785	391-410
House Journal, October session, 1785	413-452
Senate Journal, February session, 1786	455-483
House Journal, February session, 1786	487-546
Records of President and Council, 1785-6	549-569
State officers, 1786-7	571-575
Senate Journal, June session, 1786	579-605
Members of House, 1786-7	609-612
House Journal, June session, 1786	613-668
Senate Journal, September session, 1786	671-683
House Journal, September session, 1786	687-713
Senate Journal, December session, 1786	717-747
House Journal, December session, 1786	751-801
Records of President and Council, 1786-7	805-835
Appendix	839-880

EARLY STATE PAPERS OF NEW HAMPSHIRE

INCLUDING THE JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES AND RECORDS OF THE PRESIDENT AND COUNCIL, FROM JUNE, 1787, TO JUNE, 1790,

WITH AN APPENDIX

CONTAINING BIOGRAPHICAL SKETCHES OF MEN WHO SUSTAINED IMPORTANT RELATIONS TO THE STATE GOVERNMENT DURING THAT PERIOD, TAKEN FROM THE MANUSCRIPT BIOGRAPHIES OF GOVERNOR WILLIAM PLUMER; ALSO CORRESPONDENCE AND ACTS OF THE LEGISLATURE PERTAINING TO THE FEDERAL CONSTITUTION AND THE RELATIONS OF NEW HAMPSHIRE TO THE FEDERAL GOVERNMENT.

VOLUME XXI.

ALBERT STILLMAN BATCHELLOR,
EDITOR.



CONCORD:
IRA C. EVANS, PUBLIC PRINTER.
1892.

THE FOLLOWING TITLE WAS MICROFILMED
FROM THE HOLDINGS OF
THE NEW HAVEN COLONY
HISTORICAL SOCIETY

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the State, one copy to such of the public libraries of this state as the Governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

Approved August 4, 1881.

PREFACE.

This volume is a continuation of the Journals of the Senate and House of Representatives, and the Records of the President and Council, on the plan outlined in the preface to Vol. XX. These three political years exhibit the workings of the state government in the midst of the experiment undertaken by the adoption of the constitution of 1784. At the same time, moreover, the relations of the state with other states and the Federal union had been radically changed by the adoption of the Federal constitution, and that epoch is included in the period covered by this volume. The student of constitutional history will find in these pages the official account of all the proceedings of the General Court touching the election of delegates, provision for a convention to consider the proposed Federal constitution, and the assumption of the various privileges and duties of statehood under the new compact. The journal of the convention which ratified the proposed Federal constitution has been published in Vol. X of this series, and illustrative notes and citations on the subject are given in the appendix to Vol. XX.

The extensive jurisdiction assumed and exercised by the General Court in the treatment of matters now regarded as of strictly judicial cognizance, or assigned to the courts of law and equity from considerations of convenience and public policy, is amply disclosed in these records of legislative proceedings. The General Court often undertook to reverse and vacate judgments of the courts of law by entertaining petitions for new trials, and exercising judicial functions in other ways, and they may be regarded, in a measure, as an indication of a lack of confidence in the courts or as the passing vestiges of that legislative supervision long

exercised over the courts, as well as over the executive department. It was practically unlimited by the constitution of 1776, and not effectually controlled by that of 1784. Actual experience in the workings of government at this period brought the attention of the people to the faults to be remedied, and compelled an early attempt to obviate some of the more conspicuous defects in the organic law. Measures to this end were formulated soon after the adjustment of the state's new relations to the Federal union.

Thus while the practice and usages of legislation for a long time invited or tolerated the presentation of a multitude of private matters as subjects of action, and much of the record is occupied by that class of business, it should not be assumed that serious and far-reaching measures of general concern were a less important feature of the legislation of that day. The currency, the public debt, inter-state affairs, the revision of the laws, the ever-present Masonian controversy, and the spirit of rebellion which was rife in 1787, were among the subjects of administration and legislation which demanded the highest order of statesmanship, and which give the official narrative a peculiar interest and value.

Many of the public men of the Revolutionary period were now enjoying a distinction acquired in earlier civil and military service. It was to be expected that such services would entitle them to the rewards of office in times of peace. Age and natural partiality to the traditions and methods acquired from earlier conditions, made these men conservative. Aggressive measures of reform would most readily emanate from another element. Other and younger men were also becoming participants in the affairs of government. They had no undue reverence for the old order of things, civil or ecclesiastical. Some of them attained the highest places in public life, and won enduring fame as statesmen and jurists.

William Plumer first appeared in the General Court as a representative in 1785, and Jeremiah Smith in 1788. Both passed through a legislative tutelage which equipped them for more distinguished, but perhaps no more useful efforts, in the national Congress. They were both leaders at the outset. They became

the foremost advocates of constitutional reform, and so effectually did they teach the lessons gathered from their own familiarity with the workings of the new government, that they are justly credited with the principal responsibility for the important amendments to the constitution which were, soon after their advent into public life, secured through the convention of 1791 and 1792. The Life of Plumer, chapters 2 and 3, the Life of Smith, chapter 3, and the Life of John Sullivan, pages 199 to 244, may be read with especial advantage in connection with an examination of the records here given. Other authorities which have reference to men and measures of the same period are cited in notes accompanying the text.

The selections from Governor Plumer's books of biography, which will be found in the appendix, are published with a twofold purpose—to call the attention of the public to that remarkable product of Mr. Plumer's well directed industry, which is contained in five manuscript volumes now in the custody of the New Hampshire Historical Society; and to give those who might be disposed to pursue such lines of investigation an introduction to the principal actors in the affairs of the period under review, as they are pictured by a competent and critical contemporary.

The Record of the President and Council was never before printed. In ascertaining the practical construction of the constitution as given by the members of this body, many of whom were members of the convention which formulated the instrument, this part of the work will, it is hoped, be found especially useful. The re-examination of the respective rights and duties of the Governor and the Council, which recent events in several states have occasioned, is facilitated and made practicable so far as the archives of this state are required, to an extent not before possible.

The correspondence and legislative acts relating to New Hampshire and the Federal constitution, as gathered from various sources, are added for preservation and convenient reference.

The arrangement of the records in the body of this volume is the same as that adopted in Vol. XX. Similar official tables, marginal notes, and indexes have also been prepared. The next

volume will be a continuation of the legislative journals and executive records to the close of the period which began with the constitution of 1784 and ended with the commencement of the first political year under the same constitution as amended in 1791-92. The further prosecution of the work in that direction is not at present contemplated.

Courtesies have been most cordially extended by the officials designated in former notes, and increased obligations incurred. The renewal of our acknowledgments of those favors is a duty and a pleasure.

THE EDITOR.

TABLE OF CONTENTS.

State Officers, 1787-88	1-
Journal of the Senate, June Session, 1787	7-3
Journal of the House, June Session, 1787	35-8
Members of the House, 1787-88	37-3
Journal of the Senate, September Session, 1787	89-10
Journal of the House, September Session, 1787	107-14
Journal of the Senate, December Session, 1787	145-15
Journal of the House, December Session, 1787	155-16
Journal of the Senate, January Session, 1788	171-19
Journal of the House, January Session, 1788	195-23
Records of President and Council, 1787-88	233-25
State Officers, 1788-89	251-25
Journal of the Senate, June Session, 1788	261-28
Journal of the House, June Session, 1788	287-33
Members of the House, 1788-89	289-29
Journal of the Senate, November Session, 1788	333-34
Journal of the House, November Session, 1788	345-36
Journal of the Senate, December Session, 1788	363-41
Journal of the House, December Session, 1788	415-51
Records of President and Council, 1788-89	517-54
State Officers, 1789-90	545-54
Journal of the Senate, June Session, 1789	551-57
Journal of the House, June Session, 1789	579-62
Members of the House, 1789-90	581-58
Journal of the Senate, December Session, 1789	629-66
Journal of the House, December Session, 1789	667-73
Records of President and Council, 1789-90	739-77
Biographical Sketches	779-83
Correspondence Relative to Federal Constitution	831-86
Acts pertaining to Federal Relations	867-88

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INCLUDING THE JOURNALS OF THE SENATE AND HOUSE OF REPRESENTATIVES AND RECORDS OF THE PRESIDENT AND COUNCIL, FROM JUNE, 1790, TO JUNE, 1793,

WITH AN APPENDIX

CONTAINING THE JOURNAL OF THE SENATE ON THE IMPEACHMENT OF WOODBURY LANGDON, THE RECORDS OF THE NEW HAMPSHIRE SOCIETY OF THE CINCINNATI, AND BIOGRAPHICAL SKETCHES OF MEN WHO SUSTAINED IMPORTANT RELATIONS TO THE STATE GOVERNMENT DURING THE PERIOD COVERED BY THOSE RECORDS AND JOURNALS, TAKEN FROM THE MANUSCRIPT BIOGRAPHIES OF GOVERNOR WILLIAM PLUMER.

VOLUME XXII.

ALBERT STILLMAN BACHELLOR,
EDITOR.



CONCORD:
IRA C. EVANS, PUBLIC PRINTER.
1893.

JOINT RESOLUTION relating to the preservation and publication of portions of the early state and provincial records and other state papers of New Hampshire.

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

That His Excellency the Governor be hereby authorized and empowered, with the advice and consent of the Council, to employ some suitable person and fix his compensation, to be paid out of any money in the treasury not otherwise appropriated, to collect, arrange, transcribe, and superintend the publication of such portions of the early state and provincial records and other state papers of New Hampshire as the Governor may deem proper; and that eight hundred copies of each volume of the same be printed by the state printer, and distributed as follows: namely, one copy to each city and town in the state, one copy to such of the public libraries of this state as the Governor may designate, fifty copies to the New Hampshire Historical Society, and the remainder placed in the custody of the state librarian, who is hereby authorized to exchange the same for similar publications by other states.

Approved August 4, 1881.

PREFACE.

This volume is the third of the series which embodies the journals of the Senate and House of Representatives and the records of the President and Council from the beginning of the political year 1784-5 to the close of that of 1792-3. These nine years are recognized as an important epoch in the constitutional history of the state. The constitution of 1776 (State Papers, Vol. VIII, p. 2; Charters and Constitutions of the United States, by Ben: Perley Poore, 1878, Vol. II, p. 1279) was intended for a temporary purpose, and provided for little more than the establishment of a legislative government to serve a present emergency. It granted powers in the briefest and most general terms, and the idea of constitutional limitations had little prominence in it. Circumstances made this instrument, with the contemporary Federal compacts, the organic law of the state during the entire period of the revolutionary struggle.

The next successful attempt at constitution making in the state resulted in the adoption of the constitution of 1784. The government inaugurated in June of that year was the first under its provisions. Its framers doubtless availed themselves of the opportunity to examine the new constitutions of other states, then recently adopted. The forms and usages of government with which they had become familiar in the provincial and revolutionary periods were preserved to a marked extent. The antipathies which had arisen out of the same experience naturally influenced the framers in respect to certain features of their work. This governmental structure, moreover, was enacted amid the uncertainties which overshadowed the constitution makers of that time,

concerning the future of the Federal relations of the American states. Yet the people of the state have never found sufficient occasion for substituting another constitution for that of 1784—that is to say, that constitution has never given place to any new or independent state constitution. In fact, no new constitution has been submitted for the consideration of the people since 1783.

The courts, and some of those having to do with the revision of the laws of the state, from time to time, however, had fallen into the error of referring to the product of the constitutional convention of 1791-2 as the "Constitution of 1792"; *Pierce v. State*, 13 N. H. 536, 542; *Baker v. Holderness*, 26 N. H. 110, 114; *Rich v. Flanders*, 39 N. H. 375, 376; *Copp v. Henniker*, 55 N. H. 179, 191; *Perkins v. Scott*, 57 N. H. 55, 57, 78; *King v. Hopkins*, 57 N. H. 346; *Report of Commissioners for Revision of the Laws*, 1878, p. 29, note; *General Laws*, p. 40, note; *XX State Papers*, p. 4. The publication of the journal of the convention of 1791-2, *X State Papers*, 23-196, has facilitated a review of the relations of the work of that convention to the constitution of 1784. In the opinions of the court by Allen, J., in *State v. Saunders*, 66 N. H. 39, 72, and by Carpenter, J., in *State v. Griffin*, appt. decided 1890, the historical fact is stated, and it is demonstrated by the record, that only amendments to the constitution of 1784 have been submitted and ratified or rejected since that date, and that the constitution in the form it assumed in 1792 was not submitted to the people or adopted by them in its entirety. The constitution of 1784 was amended in 1791-2, by the same process and by the same constitutional methods that prevailed in the amendments proposed by the conventions of 1850, 1876, and 1889.

For citations to acts of the legislature passed from time to time, which provided for taking the sense of the people as to calling conventions to provide for constitutional amendments and the popular votes thereon, see *New Hampshire Manual*, 1889, p. 66.

The amendments which took effect in 1793 were important and radical. By their operation the form of government was materi-

ally modified. This was particularly notable in the redistribution of powers among the three coördinate branches of government. The nine years of proceedings in the legislative and executive departments which constitute the material of the series of volumes of which this is the third, viz., volumes XX, XXI, and XXII, were prolific in experience and instruction to those who were first called to take part in devising amendments to the constitution of 1784. The legislative journals for the period from 1793 to the present time are accessible in the original printed form in several of the public libraries of this and other states. Their contents may be made available for practical use by the provisions for indexes which are contemplated by the act of Sept. 11, 1883, (*Laws of 1883*, p. 56), should the wise policy outlined in that legislation be continued. It has not been deemed advisable, for reasons above indicated, to continue the publication of this class of records further than to the end of the political year 1792-3, which is reached in this volume, bringing the work down to the beginning of what may be regarded as a distinct period in the constitutional history of the state.

The plan on which the work has been edited is that outlined in the prefaces to volumes XX and XXI. With the exception of references to the volumes of Town Papers, as related to the legislative journals, the presentation of illustrative biographies, notes and citations, official tables, and exhaustive indexes, is the same as in the preceding volumes. As in those volumes also, sections found enclosed in brackets indicate differences between the manuscript journals and the official printed edition. The volume also contains the official record of the proceedings relating to the impeachment of Woodbury Langdon as a justice of the superior court, and the journal of the New Hampshire Society of the Cincinnati.

With the very complete indexes to the volumes of Town Papers and Miscellaneous Papers, so called, edited by Mr. Isaac W. Hammond, and the Index to the Laws, published by the state in 1886, the volumes of this series are submitted as a contribution