

# RECORDS

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# PLYMOUTH COLONY.

GOVERNOR ORDERS.

ABSTRACTED

By Eben L. Elwell

May 23, 1984

7 March.  
[\*41.]

BEFORE William Bradford, gentleman, Go<sup>d</sup>, John Browne,  
Thomas Prence, John Alden, and  
Myles Standish, Thomas Willett,  
Timothy Hatherley,  
Gentlemen, Assistants, &c.

**T**HE deputies of each towne appeering, according to the summons directed to each towne for that purpose, the occasion of sending for them was declared, viz: that whereas a letter hath been sometime sence received from the Generall Court of the Massachusetts concerning the confederacion of the United Colonies, wherunto an answer was required to be made, accordingly the Court framed an answer, and ordered that in thaire name it should be sent with the first conveyency.

2. That whereas sundry have intrenched vpon the liberties of the trad belonging to vs att Kennebeck; and whereas alsoe tres pattents have been granted and sent over from the honorable Court of Parliament and Councell of State, thereby giuing and granting vnto this jurisdiction the aforesaid liberties of trad in the aforesaid riuer, with enlargement, as alsoe requiring that such due course should be taken as that the English residing in the said riuer should be orderly gouerned and carried on in a way of peace for theire common good in ciuill concerns, the Court, taking the premises into due and serious consideration, did constitute, authorise, and comissionate Mr Thomas Prence, one of the honored magistrates of this jurisdiction, with full and ample power to summons all and euery the inhabitants, as hee shall see meet, dwelling within the aforesaid Riuer of Kennebeck, vnto some convenient place, to receive from him such instructions and orders extant which hee hath received from the aforesaid Generall Court full power to require their obedience of, with full power alsoe to assume vnto himselfe any other persons whatsoever to bee assistant vnto him in the premises.

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The names of the deputies that appeared and acted in the abovesaid occasions were these following:—

Mr John Howland,	Mr Anthony Thacher
Mr John Winslow,	Mr Edmond Hawes,
Leift Thomas Southworth,	Thomas Hinckley,
John Cooke,	Nathaniel Bacon,
George Soule,	Mr Anthony Eames,
Constant Southworth,	Mr Josias Winslow,
Capt James Cudworth,	Mr Seauen Payne, necessarily detained,
Robert Studson,	Mr Thomas Cooper,
Thomas Tupper,	Mr John Doane,
James Skiffe,	Richard Higgens.
Leift James Wrate,	
Richard Williams,	

[\*42.] Instructions from the Generall Court to Thomas Prence, Esq, commissiounated

for the erecting some orderly gouernment amongst the inhabitants of the Riuer of Kennebecke.

1. That vpon their appearance att his summons, hee tender and require them to take the oath of fidelitie for the state of England and this present gouernment of New Plymouth.

2. That hee acquaint them with the body of lawes of this gouernment; our intention being not to expect their strict obseruance of euery thing peculiare to ourselues, but considering the distance of the place, wee doe allow them libertie to make choise of such to bee assistant to our commissiouner as hee shall approve of for the making of such further orders as may best conduce to their welfare.

3. That none bee allowed for inhabitants their but such as will take the oath of fidelitie as abovesaid.

4. That such psons onely as haue taken the said oath of fidelitie shall acte in the choise of such as may bee assistant to our commissiouner as aforesaid in making and executing such orders as may bee thought fit to bee established amongst them; and the said assistants to acte as if they were actually freemen for the present, vntill further order bee taken.

The oath to bee taken of all such inhabitants as shalbee allowed to reside in the liberties of this gouernment, att the Riuer of Kennebecke, is as foloweth:—

You shalbee true and faithfull to the state of England as it is now estab-

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lished; and whereas you choose att present to reside within the gouernment of New Plymouth, you shall not doe, or cause to bee done, any acte or actes, directly or indirectly, by land or water, that shall or may tend to the destruction or overthrow of the whole or pie of this gouernment that shalbee ordered, erected, or established, but shall contrarywise hinder, oppose, and descouer such intents and purposes as tend thereunto to those that are in place for the time being and purposes as tend thereunto to those that are in place for the time being that the gouernment may bee enformed therof with all convenient speed; you shall also submitt and obserue all such good and wholesome lawes, ordinance, and officers as are or shalbee established within the seuerall limitis therof. Soe hearp you God, whoe is the God of truth and punisher of falshood.

\*The widow Hallowell being granted tres of administration on the estate of William Hallowell, deceased, doth allow vnto her two daughters ten pounds apiece to either of them, and doth by these presents bind herselfe for the performance of it; Mr Bickley being bound with her for the securitie of the said portions, to bee paid att the day of their marriage. If either of them die before then, the survivor to enjoy the portion of the deceased. In witness wherof wee haue sett to our hands this fift of January, 1653.

GRACE HALLOWAY, *M* her marke,  
EDWARD BICKLEY.

The widow Joane Chillingworth in like manner came into the Court, held att Plymouth, the 7<sup>th</sup> of March, 1653, and acknowledged that shee hath giuen vnto her foure daughters the summe of ten pounds apiece, to bee deliuered to them att their day of marriage, or within three monthes after the same; and alsoe that in case any of them die before then, the survivors to haue their pre that die equally deuided amongst them, and for the performance hereof Thomas Doged and the said Joane Chillingworth haue joyntly giuen in securitie vnto the Court.

\*Whereas it hath pleased the right honorable the counsell of state of the common wealth of England, notwithstanding their many, great, and weighty occasions, to take into consideration the condition of the English inhabiting you or nere adjoining vnto the riuer commonly called Kennebeck, whoe, by

[\*53.]

[\*43.] At the Court held att Plymouth the 8<sup>th</sup> of June, 1651, Mr Edward Bickley came into the Court, and was cleared of these engagements, and John Phillips is entered in his stead.

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reason of remolence from other jurisdictions and their owne plawtie and fewnes, have not hether to joyved the benefitt of gofment, nor doubt to the great greife of all well affected English, it hath now pleased the right honorable counsell of state, by authoritie of Parliament, to confer the gofment of the aforesd inhabitants vpon the jurisdiction of New Plymouth, the first inhabitants and gofment in those ptes, as by their tres patents doth appeer.

In psumme wherof, and by vertue of the aforesaid authoritie graunted to William Bradford and his associates, the said William Bradford and his associates, at a Generall Court held at New Plymouth, gave full power and authoritie to Mr Thomas Prence, one of the Assistants in the aforesaid gofment, for the settling of a gofment vpon the said river of Kennebecke; by vertue wherof the said Thomas Prence issued out a warrant, directed to the marshall of New Plymouth, bearing date the 15<sup>th</sup> of May, 1634, requiring the inhabitants vpon the said river to make their psonall appearance at the house of Thomas Ashley, at Merry Meeting, vpon the 23<sup>d</sup> of that pcent month; at which time and place the people generally assembled, and after publishing of the aforesaid authoritie, the inhabitants heer under written have taken the oath of fidelitie, vizt: —

Thomas Purchase, gentle,	John Browne,
John Stone,	William Davis,
Thomas Ashly,	Thomas Weber,
John Richards,	Thomas Atkins,
James Smith,	James Conle,
William James,	John Parker,
Thomas Parker,	Emanuel Hughes,
John White,	Alexander Thawyt.

[\*69.] At the same meeting, Mr Thomas Purchase was chosen by the psons aboucnamed, and approved by Mr Thomas Prence, to bee an Assistant to the gofment in this pte of the jurisdiction of New Plymouth, and an oath administered vnto him fore the more powerfull and lawfull administration in the said office; and alsoe at the same pcent meeting, Mr Prence hath declared that \*Leifernant Thomas Southworth, now residing at Cushenage vpon the said river, and such other as shalbee sent thicher from time to time to haue the gofment of that family, are alsoe envested into the same power and authoritie to bee assistant vnto the government in this pte of the jurisdiction of New Plymouth aforesaid, for the carrying on of gofment heer according to such good and wholesome lawes as are and shalbee made.

At the same time Thomas Ashly was chosen constable by the inhabitants, and sworne to the execution of his office.

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Is to see the execution of all such good and wholesome lawes as are and shalbee made, and for that end to issue out warrants to the constable for the apprehending of all such as are delinquents, as alsoe to heare and examine all such cases as shall come before them; to give out subpoenas for any that are to give evidence in any case depending; to give summons for the warning of a jury for the triall of causes, as alsoe to administer oathes in all lawfull and necessarie cases, to grant execution a month after judgment, which execution to bee directed to the constable for the time being; alsoe, to manage, vpon euidence of their lawfull proceedings.

#### The Oath of an Assistant.

You shalbee truly loyall to the pcent commonweath of England; and whereas you are chosen to bee an Assistant to the gofment of this pte of this jurisdiction of New Plymouth for this pcent yeare, according to that measure of wisdom and discretion God hath given you, you, for your pte, shall observe and keep to the vtmost of your power all such lawes and ordinances as are and shalbee made; and that you shall cause all transgressors of the aforesaid lawes and ordinances, or any of them, in due time to bee brought to due triall according to their severall offences respectively, without partialitie to any; alsoe, you shalbee ready, from time to time & at all times, to issue out all such warrants as shalbee requisite for the apprehending of any pson or psons that are delinquents in respect of the breach of any orders and lawes that are or shalbee made, and by all due meanes and courses seeke the good of this jurisdiction. See heape you God, &c.

#### The Oath of a Constable.

You shall faithfully serve in the office of a constable in the ward of the river of Kennebecke for this pcent yeare, according to that measure of wisdom, vnderstanding, and discretion God hath given you; in which time you shall diligently see that the peace comāunded bee not broken, but shall carry the pson or psons offending before some one of the Assistants heer chosen, and there attend the hearing of the cause and such order as shalbee given you; you shall apprehend all suspicious psons and bring them before the said Assistants, or one of them, as aforesaid; you shall duely and truly serve such warrants and give such summons as shalbee directed vnto you from the Gouernor

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or Assistants before mentioned, and shall labour to advance the peace and happiness of this corporation, and oppose any thinge that shall annoy the same by all due means and course. See heelp you God, whoe is the God of truth and punisher of falshood.

The Office of the Clarke.

You shall faithfully serve in the office of a clarke, vnto which you are chosen in this wardship of the River of Kennebecke for one whole yeare; you shall make true entries of all such orders and lawes as are or shalbee made, and faithfully keep all such things committed to your trust, and truly record all such verdicts as shalbee giuen in by the jury from time to time, as alsoe make an entrey of such sentences as are passed vpon any denlinkquents by the Assistants or either of them; you shall faithfully make entrey of the true bounds of lands as they shalbee giuen to you at the appointment of the Assistants or in publicke Court. See heelp you God, &c.

Orders made and agreed vpon at the same Meetings.

1. That all capitall crimes, and trinds vpon life and death, bee referred to the Generall Court at Plymouth.

2. Withfall murder.

3. Sollem conversing or compacting with the diuill by way of conjuration or the like.

4. Withfall or purposed burning of houses.

5. Sodomy, rapes, and buggary.

6. That adultery bee tried at Plymouth.

7. That theft bee punished by restitution of three or 4 fould, according to the nature of the offence and according to the discretion of the Assistants.

8. That if any pson or psons drinke themselves drunke, for the first default 5<sup>s</sup>, for the 2<sup>nd</sup> 10<sup>s</sup>, and the 3<sup>d</sup> time bee sett in the stocks.

9. Withfall prophaning of the Lords day to bee punished according to the discretion of the Assistants.

10. Whereas there hath been great abuse by trading wine and other strong liquors with the Indians, whereby they drinke themselves drunke, and in their drunkenes commit much horred wickednes, as murdering their nearest relations, &c, as by sad and woefull experience is made manifest, it is therefore ordered, that noe pson or psons whatsoever, from this time, trade any strong liquors, directly or indirectly, to the Indians, within this jurisdiction, vpon the forfeiture of the double value of the goods soe traded for their

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first default; and four fold for their 2<sup>nd</sup> default in that kind; and for the third default, if an inhabitant, to lose the priuiledge of tradinge with the Indians for the future; and for any stranger that shall come to trade or converse with the English, or any other that haue not taken the oath of fidelitie to the commonwealth of England and this present government, and yett reside within the limits of this jurisdiction or any pte therof, for the first default in that kind, to forfeite the summe of ten pounds sterling, to be leuied vpon their goods or estate that shalbee found within this jurisdiction or any pte therof, and for the 2<sup>nd</sup> default 20<sup>li</sup> sterling, to be leuied as aforesaid; the one halfe of all such penalties to bee despoised of to the psons enforming, and the other halfe to publicke uses.

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11. That fishing and fowling bee free to all the inhabitants as formerly.

12. That if any Indian or Indians bring beauer or moose to any of the inhabitants of this river within their owne limits, they may trade freely with them as formerly, provided it bee for not such things as are prohibited.

13. That there bee noe action tried at this Court exceeding 20<sup>li</sup> sterling, vnlesse by the consent of both parties; and in case any greater action doe arise, then the case to bee tryed at the Generall Court at Plymouth.

14. It is agreed that the next Court is to bee holden the 3<sup>d</sup> day of the weeke following the 20<sup>th</sup> of May next, at the house of Thomas Ashly.

15. That all actions betwixt pte & pte bee tryed by the verdict of 12 men.

That Thomas Ashly shall haue liberty to keep an ordinary for making comfortable provision to entertaine strangers and others for their refreshment, paying for the same.