

shall determine the justice of [the¹] war, or allow the demands or bills of charges, or cause any levies to be made for the same.

11. It is further agreed, that if any of the Confederates shall hereafter break any of these present Articles, or be [any²] other way injurious to any [one¹] of the other jurisdictions, such breach of agreement or injury shall be duly considered and ordered by the Commissioners of the other jurisdictions, that both peace, and this present Confederation, may be entirely preserved without violation.

12. Lastly, this perpetual Confederation, and the several Articles and Agreements thereof, being read and seriously considered, both by the General Court for the Massachusetts, and the Commissioners for the other three, were subscribed presently by the Commissioners, (all save those of Plymouth, who, for want of sufficient commission from their General Court, deferred their subscription till the next meeting, and then they subscribed also,) and were to be allowed by the General Courts of the several jurisdictions, which accordingly was done, and certified at the next meeting, held at Boston, Sept. 7, 1643.

Boston, May 29th,³ 1643.

CHAP. LIII.⁴

Ships seized in the harbors of the Massachusetts, by pretended Commissions of the Admiralty in England, in the year 1644.

ABOUT July, in the year 1644, one Captain Stagg arriving at Boston, in a London ship of twenty-four pieces of ordnance, and finding there a ship of Bristol, of one hundred ton, laden with fish for Bilboa, he made no speech of any Commission he had, but having put ashore a good part of his lading, (which was in wine, from Teneriffe,) suddenly weighed anchor, and with a sea-turn gale, sailed from before Boston to Charlestown, and placed his ship between the town and the Bristol ship, and moored himself aboard⁵ her. Then he called the master of the Bris-

¹ Supplied from Hazard and Winthrop.—H. ² Supplied from Hazard.—H.

³ It should be May 19th. See Sav. Win. ii. 106.—H.

⁴ LII in the MS.—H. ⁵ Should probably be *abreast*.—H.

tol ship, and shewed him his Commission, and told him if he would yield, himself and all his men should have what belonged to them, and all their wages to that day, and then, turning up the half-hour glass, set him in his own ship again, requiring his answer by that time the glass was out. The master coming aboard acquainted his men therewith, demanding their resolution. Two or three of his men would have fought, and blown up their ship, rather than yielded; but the greatest part prevailed, so she was quietly taken, and all the men (save three) sent to Boston, where order was taken by ||the|| Captain for their diet. In this half hour's time much people were gathered together on the shore¹ to see the issue; and some who had interest in the prize, especially a Bristol merchant, (counted a very bold malignant, as then they were termed,) began to gather company and raise a tumult. But some of the people laid hold of them and brought them to the Deputy Governor, who committed the merchant with some others, that were strangers, to a chamber in an ordinary, with a guard upon them, and others, who were town dwellers, he committed to prison, and sent the constable to require the people to depart to their houses; and then, hearing the ship was taken, wrote to the Captain to know by what authority he had done it in their harbor, who forthwith repaired to him with his Commission, which was to this effect:

Rob. Comes Warwici, &c., Magnus Admirallus Angliæ, &c., civibus cujuscunq. status, honoris, &c., salutem.² Sciatis quod in Registro Cur. Admiralt.,—and so recites the ordinance of Parliament, in English, to this effect; That it should be lawful for all men, &c., to set forth ships and take all vessels, in or outward bound, to or from Bristol, Barnstable, Dartmouth, &c., in hostility against the King and Parliament, and to visit all ships in any port or creek, &c., by force, if they should refuse, &c., and they were to have the whole prize to themselves, paying the ||^stenth|| to the Admiral, Provided, before they went forth, they should give security to the Admiral to observe their Commission, and that

|| their ||

|| ^s 10 pounds ||

¹ "On Windmill Hill," says Winthrop.—H. ² *Saltem* in the MS.—H.

they should make a true invoice of all goods, and not break bulk, but bring the ship to the Admiral and two or three of the officers, and that they should not rob or spoil any of the friends of the Parliament, and so concludes thus: *Stagg Capitaneus obligavit se, &c.*, in his mille libris, &c. In cujus rei testimonium, *Sigillum Admiralt. presentib. apponi fieri, &c.* Dat. March 1644.

Upon sight of this Commission, the Deputy appointed Captain Stagg to bring or send it to Salem, where was an assembly both of magistrates and ministers, to consider of some matters then under debate. The tumult being pacified, he took bond of the principal actor, with sureties to appear at the said meeting, and to keep the peace in the mean time. The Captain brought his Commission to Salem, and there it was read and considered of. The seizure of the ship was by divers gentlemen diversely apprehended; some were strongly conceited it was a violating the country's liberties, and that a Commission out of the Admiralty could not supersede a Patent under the broad seal. Those that were of that mind judged that the Captain should be forced to restore the ship; others were of different minds, and judged that this act could be no precedent to bar us from opposing any Commission or foreign power, that might indeed tend to our hurt, &c. But not to dispute the power of the Parliament here, it was in the issue determined not to intermeddle with the case, lest by interposing in a strife, that was not within their reach, they should but take a dog by the ears. But because some merchants in the country had put goods aboard the Bristol ship, before the seizure, wherein they claimed propriety, they desired to try their right by action, to which the Captain consented to appear; so a Court was called on purpose, where the merchants intended to do their utmost to save their principals in England from damage, by a trial at law, procured an attainer¹ against the Captain; but they were dissuaded from that course, and the Deputy sent for Captain Stagg and acquainted him therewith, and took his word for his appearance at the Court. When the time came that the Court was to sit, the merchants were persuaded

¹ *Attachment*, says Winthrop.—x.

not to put it to a jury, which could find no more but the matter of fact, viz. whose the goods were, whether the merchants' in England, or those that shipped them, in regard as yet no consignment of them had been made, nor bills of lading taken; and this the magistrates could as well determine upon proof, and certify accordingly; for they were not willing to use any force against the Parliament's authority; and accordingly, they certified the Admiral of the true state of the case, as they found it upon examination and oath of the factors, and so left it to be decided elsewhere. The merchants of Bristol wrote afterward to the General Court about it, who made an address to the Parliament, but the success seemed not to answer the charge.

One Captain Richardson, pretending to have such a Commission as was Captain Stagg's, would have taken a Dartmouth ship, September 16,¹ following; but he was prevented by the interposition of the government, who seized her at the request of some of the inhabitants, in way of recompense for loss they had sustained of the like nature in Wales. But when Captain Richardson produced his Commission, it proved to be neither under the Great Seal, nor grounded upon any ordinance of Parliament, so as he could not, by virtue thereof, take any ship, exempt from the Admiral's jurisdiction; and therefore, as he was advised, he forbore to meddle with any of the ships in the harbor.

Captain Richardson proceeded very rashly in his enterprize, and if a special Providence had not hindered one of his men, as he was running down hastily to fire at the battery of Boston, from which one had fired a warning piece, that cut a rope in the ship, much mischief might have been done. The Captain was the next day sensible of his error, and acknowledged the goodness of God, that had prevented him from doing and receiving much hurt by that unadvised attempt.

¹ Should be 19th. Sav. Win. ii. 104.—H.