

men honest, and careful to pay their debts before they leave the world, in that place where men often die seized of much land, and little other estates, so as creditors would be extremely damnified, without the provision of some such law.

CHAP. LXIX.¹

The Province of Maine returns to the government of the Massachusetts: the occasion and manner, how it was brought about.

THE government of the Province of Maine, called Yorkshire, having been interrupted² for near three years, and the people there like to be reduced to a confused anarchy, for want of a settled order of government, upon some application made to the General Court of the Massachusetts, by some principal persons in the said Province, the Court counted it their duty to God and the King to declare their resolution to exert their power and jurisdiction over the Province or County of York, as formerly; and did accordingly, in the year 1668, set out a Declaration to require the inhabitants there settled, to yield obedience to the laws of their jurisdiction, as they had been orderly published, and to issue out warrants for choosing officers, in order to settling affairs there, as in times past; which was done accordingly, and Commissioners appointed to keep a Court in the usual manner and time as before, ordering Nathaniel Masterson, the Marshal, to require the constable to publish the said order. The Commissioners, appointed by the General Court to manage the business, were Major John Leverett [and] Mr. Edward Ting, Assistants, Mr. Richard Waldron and Major Robert Pike.

And to prevent misinformation about that affair, it is thought meet to annex hereunto an authentic copy of the Court's order to the said Commissioners, with a relation of the procedure therein, forasmuch as the same hath been publicly misrecited, to the disadvantage of the Mas-

¹ LXVIII in the MS.—H.

² We have seen (pp. 542-3) that a portion of the Province of Maine submitted to Mass. in 1652-3. But the inhabitants east of Saco River, being mostly Episcopalians, strenuously maintained their independence, nor was it until July 13, 1658, that "the inhabitants of Black Point, Blue Point, Spurwinke, and Casco Bay, with all the Islands thereunto belonging," would acknowledge themselves subject to the jurisdiction of Mass. See Maine Hist. Coll. i. 57-62, 290-4.—H.

sachusetts government, and the persons principally concerned in the managing thereof.

The Court's Order and Declaration for the settlement and government in
Yorkshire.

1668

Whereas this Colony of the Massachusetts, in observance of the trust to them committed by his Majesty's Royal Charter, with the full and free consent and submission of the inhabitants of the County of York, for sundry years did exercise government over the people of that County; and whereas, about three years now past, some interruption hath been made to the peace of that place and order there established, by the imposition of some, who, pretending to serve his Majesty's interest, with unjust aspersions and reflections upon this government, here established by his Royal Charter, have unwarrantably drawn the inhabitants of that County to submission unto officers that have no Royal warranty, thereby infringing the liberty of our Charter, and depriving the people now settled of their just privileges; the effect whereof doth now appear to be not only a disservice to his Majesty, but also the reducing of a people that were found under an orderly establishment to a confused anarchy: the premises being duly considered, this Court doth judge meet, as in duty they stand bound to God and his Majesty, to declare their resolution again to exert their power of jurisdiction over the inhabitants of the said County of York, and do hereby accordingly, in his Majesty's name, require all and every of the inhabitants there settled, to yield obedience to the laws of this Colony, as they have been orderly published, and to all such officers as shall be there legally established, by authority of his Majesty's Royal Charter, and the order of our Commissioners, whom this Court hath nominated and impowered to settle all officers, necessary for the government of the people there, and to keep a Court this present summer, the first Tuesday in July, at Yorktown, as hath been formerly accustomed. And for that end we have commanded our Secretary to issue out warrants to the inhabitants there, in their respective towns, to meet to choose jurors, both grand and petit, constables, and other officers, for the service of that County, as the law requireth; the said warrants to be directed unto Nathaniel Masterson, who is by this Court

appointed the Marshal of that Court as formerly, and by him the said warrants are to be delivered to the several constables, to be accordingly executed. A due observance whereof, with an orderly return to be made to the Court, to be held as aforesaid, is hereby required of all persons, respectively concerned, as they will answer the contrary at their peril. By the Court.

EDWARD RAWSON, Secretary.

A copy of the Warrant.

You are hereby required, in his Majesty's name, forthwith to deliver the Order of the General Court, above written, to the constable of York, who is alike required forthwith to assemble the freemen and inhabitants together, and then publicly and audibly to read the Order above written, and to signify to them, that they are hereby required in his Majesty's name to choose meet and fit persons for associates, grand and petit jurymen, to serve at the County Court, to be held at York, as in the order aforesaid of the General Court is expressed, and hereof not to fail.

To Major-General John Leverett and Mr. Edward Ting; Captain Waldron and Captain Robert Pike.¹

You are hereby authorized and required to repair to York, in the County of Yorkshire, and there you, or any two of you, whereof Major-General Leverett shall be one, to keep a County Court, according as the law directs; and in case you meet with any person or persons, under the pretence of any other authority, that shall swerve from the due obedience they owe to this jurisdiction, under his Majesty's Royal Charter, to which they have submitted and engaged themselves, that you call before you all such persons, and bring them to a due trial, and to proceed to sentence, as the merit of their offences shall require.

Furthermore, you are authorized and commissioned to establish and confirm all officers and commissioners, civil and military, as you shall judge meet, for the security and preserving of order and peace in the said Courts of York. And for the better enabling you to effect the same, you are hereby authorized, from the date of these

¹ This is not an exact copy of their Commission, but only the substance thereof. See Williamson's Maine, i. 432-3.—H.

presents, to act and do all such things, preparatory to the keeping of Courts and settling of peace in the said County, as in your discretions you shall judge meet. And all officers, civil and military, within this jurisdiction, and all other inhabitants, are hereby required to be assistant unto you, as the matter shall require, and you are to render an account of what you shall do herein, to this Court, at the next session in October.

This Court hath caused the seal of the Colony to be affixed, and signed by the Governor, May the 20th, 1668.

The Court having heard the return of their honored Commissioners, who were employed by this honored Court for the reducing the County of Yorkshire to the obedience of this government, do, with all thankfulness, acknowledge their good service therein, and do also allow and approve of what they have done in that affair, and do order the same to be entered into the public records, and is as followeth :

Upon receipt of this Court's Commission, which is recorded in the last session, we presently appointed Peter Wyer Clerk of the Writs ; and hearing Marshal Masterson, appointed by the Court, was imprisoned, we appointed another Marshal by warrant under our hands ; but the former Marshal being set at liberty again, the other did not act. The Court being, by law, to be kept in York, the first Tuesday in July, 1668, being the seventh day of the month, we repaired to York upon Monday the 6th day. Mr Jocelin, and several others, styled Justices of the Peace, coming nigh to the ordinary, where we were before the door, after salutes passed, they told us they desired to speak with us in the morning. To their desire we complied, and gave them a meeting, where we acquainted them we were ready to hear what they had to say, but not as sent to treat with them about what we had to do, by virtue of the General Court's Commission. They acquainted us that they had lately received, [in¹] a pacquet from Colonel Nichols, his letter² to the Governor and magistrates of the Massachusetts Colony, which they desired

¹ Supplied from Hutchinson, i. 241.—H.

² See it bearing date June 12, 1665, in Hutchinson's Collection of Papers, pp. 427-8.—H.

us to read; and first, their Commission, the which we read, and having read them, we told them that those concerned the General Court, and had been under their consideration, all but the letter from Colonel Nichols, and that they had sent their Declaration into the country, so that we had nothing to say, only that we did not understand that the Commissioners had power to make any such temporary settlement, his Majesty having before him the case; for that the Massachusetts had, in obedience, sent their reasons why they did not deliver up the government of that country to Mr. Gorge, which was according to his Majesty's command. Then Mr. Jocelin told us, there was not above five or six of a town for us; to which we replied, we should see by the returns made to the Court's warrants and appearance; and further told them we must attend our Commission, in prosecution whereof we should attend his Majesty's and the country's service, not our own, and if we met with opposition we should advise what to do. Many other things passed, but with mutual respect. They said they must attend their Commission. We parted and repaired to the meeting-house, and there opened the Court by reading our Commission publicly, and declaring to the people wherefore we came, whereto there was great silence and attention. Then by the Marshal we called for the towns' returns, to be brought in for the election of associates; and returns were made from five towns, the other two being hindered (as they said) by the Justices; yet in one of them above half the electors sent in their votes. Whilst the Court was busy in opening, sorting, and telling the votes, the Justices came up, and without doors, by some instrument, made proclamation that all should attend to hear his Majesty's commands; upon which order was given to the Marshal, and accordingly he made proclamation, that if any had any command from his Majesty, they coming and shewing it to the Court, the Court was open and ready to hear the same. Thereupon these gentlemen came in, and manifested their desire that what they had shewn to us in private might be read in Court to the people; to whom we replied, that the Court was in the midst of their business, in opening the returns of the country from the several towns of election, and so

soon as that was over, and after dinner, they should have their desire granted. So they left us, and we proceeded to see who were chosen associates, had the returns of the jurymen and their names entered, both the grand jury and that of trials, also of the constables, but did not swear any one, but adjourned the Court and went to dinner ; in which time we heard that the gentlemen were going to the meeting-house to sit as an Assembly, they having before issued out their warrants for the towns to send their deputies ; whereupon we sent to speak with them after dinner. They returned they would, provided we would not proceed any further till we spake with them. We sent them word we did engage it ; they sent us word they would meet with us at the meeting-house ; and presently after their Marshal and Nathaniel Phillips went up and down, and at all public places published a paper or writing ; whom meeting upon their return, it was demanded what, and upon what authority, they had published to the people to make a disturbance ; they answered, they published what they had in the King's name. They were demanded to shew their order or authority ; they answered, that was for their security : so refusing to shew it, they were committed to the Marshal. Then we went to Court, where we found the house full, and the gentlemen to have taken up our seats ; so room being made, we went up to them and told them we expected other things than that they would have put such an affront upon the Court, nor should such motions hinder us from prosecuting our Commission ; we could keep the Court elsewhere. Some of the people began to speak, but we commanded silence, and the officer was commanded by us to clear the Court, whereupon the people departed, and Mr. Jocelin spake to some nigh him to depart ; so they coming from the seat, we came to private discourse, and they insisted to have their Commission and the King's Mandamus of 1666¹ to be read. We told them we would perform what we had promised, when the Court was set ; so we repaired to our seat, and they, being set by us, desired that their Commission might be read, which was done, and the ground of it expressed to be from the people's petitioning, who were told they could best give answer

¹ See it in Hutchinson, i. 466-7.—H.

thereto, but said nothing; then that part of the Mandamus of 1666, which they desired might be read, was read. After which they desired that Colonel Nichols's letter to the Governor and magistrates of the Massachusetts might be read; but that not being of concernment to them there, save only for information of the Justices, of what had passed from them to the Governor and magistrates, to whom it was directed, it was refused. Some short account being publicly given, that that which had been read, for the matter, having been before and under the consideration of the General Court, they had the declaration of their intendments; in prosecution whereof we were commissioned to keep Court and settle the County, the which work we had begun, and, God willing, should perform, to fulfil the trust committed to us. And having declared to the people, that we were not insensible how that, at the time of the interruption of the government, in the year 1665, by such of the gentlemen of the King's Commissioners that were then upon the place, they had manifested their displeasure by telling the people that the Massachusetts were traitors, rebels, and disobedient to his Majesty, the reward whereof within one year they said should be retributed; yet we told them, that, through the good hand of God and the King's favor, the Massachusetts were an authority to assert their right of government there, by virtue of the Royal Charter derived to them from his Majesty's royal predecessors; and that we did not doubt but that the Massachusetts Colony's actings for the forwarding his Majesty's service would outspcak other's words, where there was nothing but words for themselves and against us. Which done, the gentlemen left us, and we proceeded to the work of the Court, to impanel the grand jury, gave them their oaths [and charge, and then the associates present we called to take their oaths.¹] One of them, viz. Mr. Roger Plaisted, expressed publicly that he was sent by the town he lived in, and accordingly he had applied himself to the Major-General, more privately, to know how we reassumed the government and how they were to submit; which he now mentioned in public, that he might render himself faithful to them that sent him: to which he was answered, in public, as he had been in private,

¹ Supplied from Hutchinson, i. 244.—R.

that we reassumed the government by virtue of the Charter, and that they were to have the privilege with ourselves in the other Counties. We had also from Scarborough a paper presented, which herewith we present to the Court. Then having sworn the constables present, impannelled the jury for trials, sworn them, and committed what actions were entered and prosecuted to them, in this time the gentlemen sent to desire, that, at our leisure time, they might speak with us. They were sent for, and presented us with a paper; after we had received it, we attended to settle the business of the military officers and trainbands, and || commissioned, || for York, Job Alcock,¹ Lieutenant, Arthur Bragdon, Ensign; for Wells, John Littlefield, Lieutenant, Francis Littlefield, Jun., Ensign; for Scarborough, Andrew ||² Augur, || Lieutenant; for Falmouth, George Ingerfield, Lieutenant; for Kittery, Charles Frost, Captain, Roger Plaisted, Lieutenant, John Gattery,³ Ensign; for Saco, Bryan Pendleton, Major, and he to settle Black Point. Mr. Knight, of Wells, the morning before we came away, being Thursday, [the⁴] 9th of July, came and took his oath in Court to serve as an associate. The Court made an order for a [County⁴] Court to be held [the⁴] 15th of September, there at York, and for that end continued the Commission to Captain Waldron and Captain Pike and others, for the better strengthening the authority upon the place, as by their Commission may appear. The associates that are now in place, are Major Pendleton, Mr. Francis Cottrell, Mr. Knight, of Wells, Mr. Rayns, of York, Mr. Roger Plaisted, of Kittery. Which is humbly submitted to the honored General Court, as the return of your humble servants, this 23d of October, 1668.

JOHN LEVERETT,
EDWARD TING,
RICHARD WALDRON.⁵

In this order and manner did the Province of Maine return to the government of the Massachusetts, without

|| commissioned ||

|| ² Augur ||

¹ Mr. Savage says that he is "the man that Increase Mather made Counsellor in the Charter of 1691, though Hutchinson, for a wonder, and Douglas, for no wonder, turned it into Alcot."—H.

² "Now-a-days Alger," says Mr. Savage.—H.

³ *Gaffinsley* in Hutchinson.—H.

⁴ Supplied from Hutchinson.—H.

⁵ This report, says Williamson, "was followed by a vote of public thanks for their services, and by an ample remuneration."—H.

any other force, threatening, or violence, whatever hath been to the contrary judged, reported, and published by any other person or persons, to the prejudice and disadvantage of the truth, and the credit of them that were called to act therein.¹

CHAP. LXX.²*Ecclesiastical affairs in the Massachusetts, from the year 1666 to 1771.*

EVER since the late Synod, held in Boston in the year 1662, for the debating the two questions, viz. about the subject of Baptism and consociation of churches, hath arisen some trouble in the country; for in the agitation and determination of those questions, several things were delivered for undeniable positions, which sundry of the ministers, and many of the members of the churches throughout the country, were ready to reflect upon, as innovations without Scripture warrant, and that would have a direct tendency to undermine the liberty of the churches, as well as to abate, if not corrupt, the purity of them, which occasioned much opposition against the receiving the foresaid determinations in many of the churches of the Massachusetts, as well as in some of the neighbor Colonies. And peradventure the controversy was at times managed with too much animosity, until, by degrees, in many of the churches within the respective Colonies of New England,³ viz. as to the owning of those for members of the particular churches they belong to, who were baptized in their infancy, and when they ||come|| to adult years, are willing to submit to the discipline of the church, and are found orthodox in their judgments, and without scandal in their lives.

They who are willing, in that whereto they have already attained, to walk by the same rule, and mind the same thing, i. e. peaceably and orderly, according to what they have received, may expect that though they are, at the present, in some things otherwise minded, that God shall even reveal this unto them in his own time and way.

The controversy mentioned was not a little strengthened and revived by an occasion about that time, or not

|| came ||

¹ Reference is here probably made to the strictures of John Josselyn, the voyager, who resided with his brother Henry at Black Point, 1663-1671.—H.

² LXIX in the MS.—H. ³ Something appears to be wanting.—H.