



RECORDS
OF THE
COURT OF ASSISTANTS
OF THE
COLONY
OF THE
MASSACHUSETTS BAY

1630-1692

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VOL. I.

BOSTON
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1901

or pay the said Harrison forty pounds in money & Costs of Courts five pounds & two pence =

Harrison Cont^a
Platts
W^m Harrison plaintiff Cont^a Thomas Platts defend^t
In an action of Appeale from the Judgment of the County Court last in Boston after the Attachm^t Courts Judgment Reasons of Appeale & evidences in the Case produced were read Comitted to the Jury & are on file wth the records of this Court the Jury brought in their virdict they found for the plaintiff reuersion of the forme^r Judgment & Costs of Courts forty shillings & fowe^r pence =

Homes ag^t chickley
An Attaint m^r stone
foreman
Joseph Homes pl^t Cont^a Anthony Cheeckley || Attorney to stephen Sweathy || deffend^t in an Ac^on of Appeale from the Judgment of the County Court in Boston After the Attachment Courts Judgment reasons of Appeale & evidences in the Case produced were read Comitted to the Jury & are on file wth the records of this Court the Jury brought in their virdict they found for the deffend^t Confirmation of the forme^r Judgment & Costs of Courts forty six shillings & sixe pence; the pl^t. Joseph Home^s Attainted the Jury || for erro^r e^r || & Joseph Homes principall in twenty pounds & Joseph webb & Xtophe^r webb his sue^tjtes in tenn pounds apeece acknowledged themselues bound to the Trespure^r of the Country & party Concerned on Condition that Joseph Homes shall prosecute this his Attaint at the nex^t Court of Assistants to effect —

Cowell Cont^a
Thornton
= Joseph Cowell plaintiff Cont^a Timothy Thornton deffend^t in an Action of Appeale from the Judgment of the Comissione^s Court in Boston After the Attachment Courts Judgment Reasons of Appeale & evidences in the Case produced were read Comitted to the Jury & are on file the Jury brought in their virdict they found for y^e plaintiff reuersion of the forme^r Judgment & Costs of Cou^rts 27^s 2^d.

Bishop Cont^a
Lumas *
Samuel Bishop plaintiff ag^t Robe^t Lord marshall deffend^t In an action of Appeale from the Judgment of the County Court at Ipswich After the Attachment Courts Judgment Reasons of Appeale & evidences in the Case produced were read Comitted to the Jury & are on file wth the Records of this Court the Jury brought in their virdict they found for the

* Evidently an error for "Lord."

plaintiff Reue[rsi]on of the forme^r Judgm^t || & || tenn pounds & six pene damage according to Execution & Costs of Courts & execution Respitted till y^e nex^t Gen^l Courts ends

Samuell Lummas * plan^t Cont^a w^m Quarles deffend^t in an Action of Appeale from the Judgment of the County Court at Ipswich After the Attachment Courts Judgment Reasons of Appeale & evidences in the Case produced were Read Comitted to the Jury and are on file the Jury brought in their virdict they found for y^e deffend^t ffowe^r pounds fowe^rteene shillings & fowe^r pence

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1683

Robe^t Daus plaintiff Cont^a Joseph Gridley deffend^t In An action of Appeale from the Judgment of the last Comissions^s Court in Boston after the Attachment Courts Judgment Reasons of Appeale & evidences in the Case produced & are on file the Jury brought in their virdict they found for the deffendan^t Confirmation of the forme^r Judgment & Costs of Courts thirty one shillings & eight pence

Edmond Pe^rkin[s] pl^t Cont^a Arthur Smith deffend^t in an Action of Appeale from the Judgment of the last County Court in Boston wth drew his action by the Courts leaue Affirming he had Agred wth y^e defend^t = who did not appear

Samuel worden pl^t Cont^a Nathaniel Addams deffendan^t in an action of Appeale from the Judgment of the County Cour^t in Boston made his non Appearanc y^e defend^t had his Costs =

John Lee pl^t Conta : Hudson Leueret deffendant in an Action of Appeale from the Judgment of the Comissione^s Court in Boston after the Attachm^t Courts Judgment Reasons of Appeale & evidences in the Case produced were read Comitted to the Jury & are on file the Jury brought in their virdict they found for the deffendant Confirmation of the forme^r Judgment & Costs of Courts thirty six shillings & three pence

* Written over "w^m Quarles."

Mrs Elisabeth man-
ings divorce from
Nicholas maning
at [Ipswich*] court

In Answ^e to the peticon of Elisabeth maning for a divo^{ce} from hir husband, Nicholas Maning = It Appearing to this Court on pervsall of the paper's presented that the sajd Nicholas maning was guilty of Incestuous practises with his siste's of which they were Convicted and punished but himself escaped out of this Jurisdiction thereby Avoyding the punishmen^t, and also that he hath not for seuerall yeares past afforded the sajd Elisabeth any releife for maintenance and hath lately declared In writting vnder his hand & seale that he doth vtterly renounce the sajd Elisabeth and that he will not owne her for his wife or haue any thing to doe with her = All which being Considered by this Court It is by them declared that the sajd Elisabeth is henceforth freed & released from hir marriage ingagement vnto the sajd Nicholas maning — By y^e Court Edw: Rawson secre^t

Courts sentence ag^t
Joshua Rice & Elisa
Crocket for their
Adulterous Car-
riages e^r

In the Case of Joshua Rice the Court hath Con- sidered you^r offence, and doe sentence yow on the nex^t fifth day of y^e weeke presently after the lecture to be by y^e marshall Gennerall to be taken out of y^e prison & || wth a Roape ab^t your necke || Conveyed thro the Towne to the Gallowes & there to be sett on a ladder & stand on full howe^r wth yo^r Roap turnd ouer the Gallowes & then to be taken doune & Conveyed to the begining of the street entring the Towne to be strip^t & tjed to the Carts Tayle & be seuerely whip^t wth thirty stripes thro the streets to the Goale & be there left till yow discharge the charg of yo^r trjall prison & Court ffees. wch when donn to be releast from prison the like sentenc was passed & published in Court in all respects against & to Elisabeth Crocket wife to † Crocke^t partne^r wth him in their odious vile & lustfull carriages = past ER S =

[167] 1683

Launcelot Smith Complayning to the Go^uno^r & magis^{ts} then mett against Nicholas Lynch as By attachment produced bearing date the of 1683 both partjes Ap- peared plaintiff & defendant & desired their Cases might be heard by a Court of Assistants or Admiralty their occasons not permitting to stay till y^e County Court The Court ordered the hearing of their Cases at

at one of y^e clock
present the Go^uno^r
dep^t Go^u
major Gookin
m^r stoughton
m^r Bulkley
m^r Browne

* The word "Ipswich" appears to be written here over the word "Salem."
† Left blank in the record.

|| Appointed the twelfth Instant at one of y^e clock || [at] the Court of Assistants to sitt in Boston 12 october 1683 || at y^e time || The Court mett at the time 12th octobe^r 1683 y^e plaintiff Launcelot Smith Ap- peared & presented his libell y^e deffendant Nicholas Lynch Appeared || & put in his Ans^r || and after their* || libell & Answ^r wth y^e || Euidences produced & pleas made by both partjes The Court on a full hearing of the partjes declared they found for the plaintiffe eighty pounds mony of this Country & Costs of Courts two pounds sixteene shillings —

m^r Nowell
m^r Russell
m^r Tilton
m^r Apleton
m^r Gidney
m^r Pyke
— — —

Nicholas Steeresman also then Appeared as Smith aboue in all respects had the like libe^{ty} wth like Consent of s^d [Li]nch The Court ordered the hearing of this Case also on 12 octobe^r 1683 The Court mett at the time the plaintiff & deffendant Appeared the defendant † then put In his libell And after the libell Ans^r therevnto euidences in the Case produced & pleas made by both partjes The Cour^t on a full hearing of the partjes declard they found for the deffendant eighty pounds this Country mony damage & Costs of Court [fue †] pounds seventeen shillings —

[Blank]

[168] Boston 1683
[The remainder of the page is blank.]

[169] Boston 1683

At A Court of Assistants Called by order of y^e Go^uno^r e^r and satt in Boston 12 novembe^r 1683 =

present
Symon Bradstreet Esq^r Gov^r
Tho. Danforth Esq^r
dep^t Go^u

Daniel Gookin
w^m Stoughton
Joseph dudley
Peter Bulkley
Natha Saltonstall
Humphry Davy
John Richards
Sam Nowell
James Russell
Barthol: Gidney
Robert Pike
Jn^o woodbridge

W^m Johnson being presented by the Grand Jury was brought to the barr holding vp his hand at the barr was Indicted by the name of willjam Johnston for that he no^t hauing the feare of God before his eyes but Instigated by the divil Confederating himse^{lf} wth one John Graham & other Sea Roue^s his Accomplices did together

Esq^{rs}

* Written over "the." † So in the original. ‡ "Fue" written over "two."

THOMAS EYRE of Boston Marrin' Pl.
 vers
 JOHN EYRE of Boston Merch'. def'. } The Appell'. withdrew.

The Court being informed that Samuel Newton of Marlborough did sometime since marry with Rebekah his late Unkle Isaac Newton's widow (by whom she hath issue one Daughter), and hath lived wth her as his wife by whom he hath had two children. The s^d Parties both appearing and confessing the truth of what is above written. Upon consideration thereof, The Court do Judge the s^d. Persons at the time of s^d Marriage to have stood within the line of Affinity forbidden Marriage by the word of God, as also by the Law of England and their living together incestious, And therefore forbid the s^d Persons any Cohabitation or fellowship together as man & wife for the future, under the severest penalty.

Mary Stebbins, wife of Samuel Stebbins of North hampton complaining to this Court, That her s^d husband Samⁿ. Stebbins dureing the time of their marriage hath committed Fornication with divers other women by whom he hath had several Bastard children, and now for some yeares past hath withdrawn himselfe from the fellowship & cohabitation with her s^d. Mary; Praying that she may obtain a Bill of Divorce; It's Ordered that a Notification of the s^d. compl'. & Petition be sent unto the s^d. Samuel Stebbins, with the time appointed for hearing the same at the adjournm^t. of this Court April 16, 1691. That so he may have oppertunity then to appear, and shew cause (if any he have) why the s^d. Mary should not have her Peticōn in y^t. behalfe granted.

m^r. Samuel Gookin was by the Court of Assistants appointed Marshall General for the time & untill further order by the Genⁿ Court and tooke his Oath in open Court.

The Court adjourned to 17th. March 1690/1

[Large Blank.]

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 Jahleel Brenton Gen^d collector surveyor & searcher of their Ma^{ties}. Customs in New England who as well for their Ma^{ties}. as for Simon

Bradstreet Esq^r. Govern^r. of their Majesties Colony in New England as for himself coming into the Court of our s^d. Sovereigne Lord & Lady the King & Queen afores^d.

Giveing s^d. Court to know & be informed. That whereas there is one Act of Parliament made in the ffifteenth yeare of the Reign of King Charls the second over England &c^a. Entituled An Act for the Encouragem^t. of Trade; in which Act among other things it is Enacted. That from & after the five & Twentieth day of March, one thousand six hundred sixty foure No Comōdities of the Growth, Production or Manufacture of Europe shall be imported into any Land, Island, Plantacōn, Colony Territory or Place to his Ma^{ties}. belonging, or which shall hereafter belong unto or be in the Posession of his Maj^{ty}. his heires or Successo^rs in Asia, Africa or America (Tangier only Excepted) but what shall be bonâ fide & without Fraud laden & shipped in England Wales or Towne of Berwick upon Tweed, and in English built Shipping, or which were bonâ fide bought before the first day of October, one thousand six hundred sixty two, and had such certificate thereof as is directed in one Act of this present Parliament entituled an Act for preventing ffraud & regulateing abuses in their Ma^{ties}. Customes, & whereof the master & three fourths of the Marrin's at least are English

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And which shall be carryed directly thence to the s^d. Lands Islands Plantations Colonies Territories or Places, and from no other Place whatsoever by land or water, And if by water of the ship or vessell in which they were imported with all her guns, tackle furniture amūnition & apparel, One third to his Ma^{ty}. his heires & successo^rs. One third part to the Govern^r. of such land Island Plantation Colony, Territory or Place into which such goods were imported, If y^e s^d. ship Vessell or goods be there seized or Informed ag^t. & sued for, otherwise that third also to his Ma^{ty}. his heires & successo^rs and the other third part to him or them who shall seize inform or sue for the same, in any of his Ma^{ties}. Courts, in such of the s^d lands, Islands Colonies, Plantations, Territories or Places where the offence was comitted, or in any Court of Record in England by Bill Information, plaint or other Action, wherein no Essoyn, Protection or wager in law shall be admitted.

And ffarther the s^d. Jahleel Brenton Giving s^d. Court to know & be informed that Nicolas Lawrence master of the Katch Salisbury, the Paines & penalties of the fore recited Act not regarding, did on or about the ninth day of February in the year of our Lord One Thousand

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