

share and under twenty shilings, shall haue one of the Least shares. Now these are the Names of those men that ware then Rated that yeare 1664 and there seuerall somes as thay are in that Rate and Right in this Land: Zacheus & John Gould, 4li. 3s. 5d.; Mr. Tho. Baker, 3li. 17s. 5d.; Daniell Clarke, 1li. 4s. 5d.; Tho. Dorman, sr., 3li. 3s.; Francis Pebody, 4li. 5s. 2d.; Deckon Hovey, 1li. 3s. 8d.; Will. Evenes, 2li. 11s.; Isacke Cominges, sr., 13s. 8d.; Isacke Comings, jr., 1li. 8s.; Ensigne Howlett, 1li. 8s. 9d.; Anthony Carell, 11s. 1d.; Tho. Perkins, 2li. 19s. 7d.; Tho. Browing, 1li. 6s.; Tho. Auerell & Tho. Hobes on mr. Bradstreet land, 1li. 3s.; John Redington, 3li. 5s. 2d.; John Wilds, 1li. 12s. 10d.; Will. Smith, 13s. 8d.; Edmond Bridges, 15s. 3d.; Jacob Townes, 1li. 4s. 5d.; Isacke Estey, 19s. 6d.; Will. Townes and Joseph Townes, 1li. 8s. 5d.; Edmond Townes, 1li. 8s. 9d.; Mathu Standly, 15s. 8d.; Will. Nickles, 1li. 12s. 9d.; Mr. Will. Perkins, 2li. 3s. 9d.; Mr. Endickot, 1li. 2s.; John How, 19s.; Robard Andraus, 12s.; Francis Bates, 9s.

Copy from the town records of Topsfeeld, made Mar. 14, 1678-9, by Frances Pabody,* clerk: "It is ordered and hereby they are Impowered to lay out fwe hun[dred] acres of land on the other side of the riuier to remaine common to perpetueyty for the use of the inhabitants prouided none of it be medow land voted

"It is funder ordered y^t the aforesaid fwe hundred acres of land is slated to the Inhabitants of y^e Towne excepting Ensigne Howlet as one to haue a share in the said — notwithstanding any former order voted

"It is also ordered and hereby the said selectmen are impowered to deuide the other part of the common both medow & upland on the other side of y^e riuier into thre equall deuisions Voted

"The names of the commoners that shall share in it: Mr. Bradstreet, Mr. Perkins, Zacheus Gould, Mr. Baker, Thomas Borman, Frances Pabody, Willi. Evens, Daniel Clark, Isac Comings, sr., Isac Comings, jr., Ensigne Houlet, Willi. Smith, Frances Bates, Mr. Endicoate, John Wiles, John Redington, Tho. Perkins, Thom. Browning, Jacob Towne, Isaac Estey, Willi. Towne, Edmond Towne, Matthew Standly, Anthony Carell, John How, Edmond Bredges, Usetons Lot, Lumpkins farme, Robert Andrews land, Willi. Nicholes Voted."

Copy of deed, dated Feb. 3, 1669, given by Edmond Bridges and Sarah, his wife, of Salem, to Mr. John Rucke of Salem, vintner, and Joseph Bigsbe of Rouly Villidge, carpenter, two parcels of land of 20 acres each, in Topsfeilde, one in the first division, the twenty-fifth lot, lying near Wheele brook,

* Autograph.

Henry Jaquis v. Henry Ellis. Verdict for defendant.*

Selectmen of Andover v. Rich. Sutton. Verdict for defendant.

Benjamin Lowle v. Richard Lowle of Newbury and Capt. Will. Gerrish of Boston. Verdict for plaintiff. The defendant was to give an account or true inventory of the estate of Elizabeth Lowle, which the latter had received of Mrs. An Miller, 12 : 10 : 1654, to the next Salem court or to pay the plaintiff 155li. Tristram Coffin, the attorney, appealed to the next Court of Assistants. Tristram Coffin, attorney,

between Francis Payebody and John House lot; the other the ninth lot in the second division, of which Sticky meadow is a part, between Ensigne Howlett and John House lot. Wit: John Norman and Edward Flint. Acknowledged, 11 : 4 : 1670, before William Hathorne, assistant. Recorded, 12 : 4 : 1670, by Hilliard Veren,† recorder. Copy made by Benja. Gerrish,† cleric. Verified by Steph. Sewall,† clerk.

Copy of the return of the committee to a Topsfield town meeting 11 : 3 : 1669, appointed to lay out land, made by Frances Pabody,† clerk.

Deed,|| dated Dec. 9, 1670, Edmond Bridges§ to John Gould, witnessed by Walter Fayerfield† and Thomas White.†

*Writ: Henry Jaques of Newberry v. Henry Ellis of Boston; for detaining payment for the building of his house; dated Feb. 17, 1678; signed by Jo. Woodbridge,† commissioner; and served by Returne Waite,† deputy marshal of Boston by attachment of dwelling house and land of defendant.

Richard Jaquist, aged twenty-one years, deposed that five or six years since, his father built a house for Henry Ellis at Boston near Mr. Atkison's house and made two great windows in the front of the house, also a gable end in the front and covered all the outside of the house with clapboards and shingles. They laid all the floors, made two flights of stairs, a closet in the chamber, with partitions to the rooms and doors to the same. In the summer his father raised the frame and the house was finished before the winter set in, so that the masons did not have to wait for their work. They also furnished windows for every room. Sworn, Mar. 31, 1671, before Jo. Woodbridge,† commissioner.

John Atkinson, aged about forty-three years, deposed that Ellis' wife lived in the house, etc. Sworn, Apr. 1, 1679, before Jo. Woodbridge,† commissioner.

† Autograph. § Autograph and seal. || See *ante*, vol. IV, p. 294, for copy of deed.

Phillip Parsons and Sara Needham, for fornication, were ordered to appear at the next Ipswich court, together with the witnesses, Samuel Apleton, jr., and Thomas Gatchell.

The petition of William Dodg and his wife was referred to the next Salem court.

Magilligon's wife, presented for absenting herself from her husband, night and day, was ordered to be whipped, which was done.*

William Nick, presented for being disguised in drink, was fined, and ordered to pay the witnesses, Joseph Phipen and Reuben Guppy.

The wife of William Dicer, for railing words to Mrs. Hollingworth, also for abusing her and cursing, was fined.†

Allexander Greime and Sarah Lambert, for fornication, were convicted, and he was ordered to pay 2s. 6d. per week for the maintenance of the child, the marshal to distrain weekly if not paid. Sarah was ordered to be whipped.‡

doth lose at amsberi in Coming to us heare at topsfeeld — voted: deeken howlet, 5li.; Isak Comings, sr., 2li.; John Comings, 2li.; Samuel Howlet, 1li.; Philip Welch, 10s.; Isack Foster, 1li.; John Willes, 1li. 10s.; William averil, 1li.; James How, jr., 15s.; neamia abbit, 1li.; Henary lenard, 5li.; Samuel lenard, 1li.; nathaniel lenard, 15s.; thomas lenard, 10s.; John goold, 1li.; thomas perkins, 3li.; Isack Este, 1li.; Jacob towne, 1li. 5s.; thomas dorman, 1li.; mikall donil, 10s.; Joseph towne, 1li. 10s.; old father how, 1li. 10s.; John french, 1li.; Joseph pabodi, 1li.; Jno. Low, 1li.; Mathew stanli, 1li.; Edman towne, 1li. 10s.; William Smith, 1li.; Ed. Bridges, 1li.; frances pabody, 3li.; Ephrom Dorman, 1li. 15s.; John Ramsil, 15s."

*Marblehead presentment. Wit: Robert Bartlett and Jeames Denis.

†Wit: Mathew Duch, Rebecka Pention, Hanna Frend and Hanna Collier.

Mathew Dutch, aged about twenty-six years, and Rebeckah Penision, aged about twenty-three years, Hanna Friend, aged about twenty years, and Hanna Collier, aged about twenty-six years, deposed that they heard the wife of William Diser call Mrs. Hollinwood a black-mouthed witch and a thief.

Mrs. Ellenor Hollenworth, aged about fifty-six years, and Hanna Collier, aged about twenty-six years, deposed.

‡Wit: Mistress Woodberey, midwife, and Brigitt Skerey.

Joseph Gray, for drunkenness and swearing by his Maker, was fined.*

Joseph Newall and Susanah, his wife, for fornication before marriage, were fined.†

John Rayment, jr., and Hanna Goldsmith, for uncivil carriages, were ordered as follows, she to be whipped and he to appear at the next court.‡

George Emorye, for swearing and cursing, was fined.§

Robert Starr dying intestate, administration upon his estate was granted to Mary, the relict, who presented an inventory.|| She was ordered to have the whole estate for the maintenance of the children until the court should take further order.

*Wit: Mr. White, Steven Souell and George Pelle.

Resolved White, aged about sixty-three years, testified that about three weeks ago he saw Joseph Grey flat on the ground dead drunk, and his mother-in-law came and took 20s. out of his pocket and a pair of worsted stockings. She did not know how to stir him and went to his brother Robert Gray and Stephen Sowell and his own wife to help her carry him into Goodman Peale's house. They carried him one by the head and the others by the heels and laid him on a bedstead that had nothing on it but cords. For all this moving, he never moved. But when he roused, his wife sitting by his bedside, labored to keep him in and he swore and tore most dreadfully, etc.

George Peall, ¶ aged about thirty-five years, deposed.

†Lynn presentment. Summons, dated June 25, 1679, served by Joseph Rods, ¶ constable.

‡Wit: Jakob Pudeator, An Pudeator and John Abitt. Summons, dated June 29, 1679; Henry Skerry, ¶ marshal of Salem, appointed Richard Hutten his deputy, and no return made.

§Wit: Capt. John Prise and Mr. Whitte.

Jno. Price, ¶ aged about thirty-three years, and Resolved White ¶ testified that having hired Mr. White to cart stones, Dr. Emery stopped the cart by the corner of his house and swore that he should not pass, threatening to stab said White and his horse.

||Inventory of the estate of Mr. Robert Starr, "who was murdered by the hands of ye Barberious heathens," taken June 25, 1679, by Joseph Phippen ¶ and Edward Wollon: ¶ a House and Orchard & Ground, 130li.; on Bed Ruge & 2 blankets, 3li.; on Bed Ruge wth 2 blankets & Curteine, 6li.

¶ Autograph.

Nicholas Maning v. Mary Gray, daughter of Robt. Gray, deceased. Withdrawn.*

Capt. Richard More v. Wm. Dodg, jr. and Tho. Tuck, sr. Verdict for plaintiff.†

Kembal, aged about eighteen years, deposed. Sworn in court.

Thomas Woodbury, aged about forty years, deposed that the boat lay on the back side of his point several days before the storm came, etc. Sworn, 2 : 8 : 1679, before Edm. Batter,‡ commissioner in Salem.

Geo. Jacobs, jr., deposed that he sold this boat to Thomas Ives some time this summer. Sworn in court.

Tho. Chubb, sr.,‡ aged about seventy years, deposed. Tho. Chubb, jr.,‡ also deposed. Sworn, 27 : 9 : 1679, before Ed. Batter,‡ commissioner in Salem.

*Writ, dated 20 : 9 : 1679, for ten years' maintenance, in food, raiment and learning, signed by Hilliard Veren,‡ for the court and the town of Salem, and served by James Powlten,‡ constable of Salem. Bond of John Preist‡ of Salem, seaman, with John Attwater‡ as witness.

†Writ: Capt. Richard More v. William Dodge, jr., and Thomas Tuck, sr.; for illegally taking away a bell from plaintiff without his consent, which bell hangs in Beverly meeting house; dated 18 : 9 : 1679; signed by Hilliard Veren,‡ for the court and the town of Salem; and served by Henry Skerry,‡ marshal of Salem, by attachment of the house and land of Thomas Tuck, and a table and chest of William Dodge, jr. Richard More's bill of cost, 2li. 12s. 8d.

Henery Kenny, aged about fifty-five years, testified that he was a soldier under Major Sedgwick about twenty-five years ago, at the taking of St. John's from the French and heard Capt. Lawthrop ask the General to give him a bell, which the General promised to do. Sworn in court.

Henry Skerry, marshal, deposed that when he served the attachment, Thomas Tuck told him that he and some others took the bell out of Capt. Richard More's yard.

Mr. Jeremy Hubbard of Topsfield deposed that he had heard divers times Thom. Tuck say that he and Thomas Picton took the bell. This was when deponent was minister at Bass river, now Beverly. Sworn in court.

Capt. William Dixey deposed that soon after the taking of the forts, Capt. Lawthrop signified by letter to them that he had procured a bell for their meeting-house and had sent it home by Capt. More. He, with others, went to Capt. More who asked if they had a bill of lading or an order from the

‡ Autograph.

General. They not having either, he refused to let them have it. Sworn in court.

Capt. William Dixey, aged seventy-two years, testified that soon after the return of Major Sedgwick from St. John's and Port Royall, the latter, with Major Leverett, being in company on a journey from the eastward to Boston happened to come into deponent's house. They sat down and discoursed there a while and among other things Major Leverett asked "mee what our towns name was. I answered him that wee weer no town as yet: then sayd hee you may do well to lett Major Sedgwick haue the hono^r of nameing the town when it is made a town for he hath giuen Captain Lawthrop a bell for your place and this to the best of my Remembrance was before wee had any notice giuen us of it any other way." Sworn in court.

Joshua Hobart certified at Boston, Oct. 18, 1679, that he, living at Bass river when the French forts were, by Major Robert Sedgwick, reduced to English obedience, there was a bell at Capt. Richard More's of the spoils, and which in his absence was taken away, etc. Wit: Joshua Hobart* and Isaac Pepper.* Sworn, Oct. 18, 1679, before Joshua Hobart,* commissioner.

Jeremy Hobart* testified to the same, 25 : 9 : 1679, before Edm. Batter,* commissioner in Salem.

John Dodge, jr., aged about forty years, and Nathaniel Hayward, aged about thirty-seven years, deposed that being in company with Capt. More about two years ago he told them that the bell which is at Beverly was for Capt. Lowthrop but, said More, "you beuerly men did steal y^e bell in y^t you took y^e bell without order when I was not at home." Sworn in court.

Nathaniell Sharpe, aged about thirty-five years, deposed that he saw some Beverly men take the bell out of More's yard and Thomas Tuck and Thomas Pigdon were two of them. Joshua Ward affirmed the same. Sworn in court.

Georg Stanly, aged about forty-four years, testified that about the time that Salem new meeting house was built, "I being in company with Captain Lawthrop, Cap^t More and Capt. Joseph Gardner at Capt. Gardners hous I heard Capt. Gardner say to Captain Lawthrop I think said he wee must haue your Bell for our meeting hous is bigger than yours and your bell is bigger than ours I think wee may doe well to change bells. Captain Lawthrop Replyed hee knew no need of that our bell said hee is very well where it is. the bell was giuen to mee for the place where now it is: Captain More answered him that allthough the bell weere giuen to you yet said hee I dont know but I might haue kept the bell as well as you for I brought it home and I neuer gaue a bill of lading for it neither

* Autograph.

The committee for Salem meeting house, Capt. Geo. Corwin, Mr. Ed. Batter, Mr. John Corwin and Mr. Wm. Browne, jr., in behalf of the town of Salem v. John Fisk, sr., carpenter. Withdrawn.*

Mr. John Lee acknowledged judgment to Mr. Joseph Grafton.

Richard Kimball acknowledged judgment to Mr. Phillip Cromwell.

Joseph Mayo acknowledged judgment to the marshal, Henry Skerry.

Mr. John Gifford v. Mr. Robert Lord, marshal. Verdict for defendant. Appealed to the next Court of Assistants. Said Gifford bound, with George Booth and James Barnard as sureties.†

was I euer paid for the freight of it. Captain Lawthrop answered Captain More that hee might haue kept such and such things naming seuerall things as well as the bell for I had no more bill of lading to show for them said hee then for the Bell: Come Come said Captain Mor let us drink up our wine and say no more of it I supose wee shall neuer trouble you for none of them." Sworn in court.

Anthony Needam, aged about forty-eight years, deposed that he was a soldier under Major Sedgwick and heard Capt. Lawthrop ask for a bell for the new meeting house in the plantation where he dwelt. Deponent heard Capt. Lawthrop ask again at Port Royal when Major Sedgwick was standing in the fort and he gave him the bell in the friary, deponent and Capt. Lawthrop throwing it down to the ground. Then deponent and others took it down to Capt. Moor's ketch to ship home. Sworn in court.

John Floyd testified that he was at the taking of the French forts, etc. Sworn in court.

*Writ, dated 19 : 9 : 1679, for not performing a contract, dated Jan. 22, 1673, signed by Hilliard Veren,† for the court and the town of Salem, and served by Henry Skerry,† marshal of Salem, by attachment of house and land of defendant.

†Writ, dated Boston, Nov. 15, 1679, signed by Nath. Barnes,† for the court and the town of Boston, and served by Theophilus Wilson,† constable of Ipswich.

Marshal Robert Lord's bill of cost, 17s.

John Giffard's bill of cost, 1li. 10s. 6d.

John Gifford's† account of goods not yet delivered to him by Marshal Lord: 3 swine of two years old, 4li. 10s.; silk,

† Autograph.

7s.; 8 lether chaires, cost me 10s. each, 4li.; 7 glasses, 3s. 6d.; total, 9li. 6d.

John Wait, aged about thirty years, deposed that he was at the appraisment of John Giffard's estate when Marshal Lord extended the execution for Thomas Walter and was one of the appraisers by an act of the General Court at Boston to order Marshal Lord to give said Giffard's estate back to him, and saw it done. Sworn, Nov. 25, 1679, before Daniel Denison.* Affirmed in court by Marshal Lord.

John Giffard's* bill of cost in the action brought against him by Thomas Walter at Ipswich court, 1679. Mr. Addington, Mr. Howard, Mr. Medlicot, Mr. Purchass, Jno. Andrews, Capt. Beedon and George Booth mentioned.

At a General Court held at Boston May 28, 1679, in the case of John Giffard v. Thomas Walter, attorney of Jno. Wright, Esq., it was found that the cause was grounded upon the copy of a bond, the original of which remained in England uncanceled, and they reversed the judgment of Ipswich court. Ordered that Giffard's estate be released, etc. Copy made by Edw. Rawson,* secretary.

Copy of papers in this action brought, Apr. 15, 1679, in Ipswich court.

Copy of execution, dated Apr. 5, 1679, against Mr. John Giffard to satisfy judgment granted Thomas Walter and Mr. Richard Midlecot, attorney for John Wright, John Williams, Katherin Eaton and John Dodsworth, signed by Robert Lord,* for the court, and served by Robert Lord,* marshal of Ipswich. Mr. Giffard chose Capt. Swaine, the marshal chose Thomas Newhall and Mr. Walter chose John Waite. Copy made by Edward Rawson,* secretary.

Appraisment of Mr. Giffard's estate, by John Wayte and Thomas Newhall: house where the potter lived, 25li.; one great chair, 10s., one Iron pott, 40s.; the old housing about the furnace with all the old Iron and lumber, 15li.; land as in the deed to Rich. Comb, Knt., John Wright, Francis Allen, Jno. Godfry, Jno. Williams, John Eaton and Ezekiel Fogg, 130li.; in the leanto, two matts, two bedsteds, 8s.; in the studdy, a cabbinet of boxes & a chaire and cushin & a citterne, 1li. 7s.; seven glasses, 3s.; a glass Case, 6d.; table & an old chest, 14s.; one Andiron & a peete, 10s.; two chaires and a churne, 4s.; one tramell, 3s.; three smale swine, 1li.; dwelling house & orchard, 70li.; also 6 chaires at 6s.; two chaires, 12s.; total, 266li. 19s. 6d. Copy made by Robert Lord,* cleric.

Appraisment of the goods in the house of John Giffard, by Clement Coldum and John Wayte, jr., Apr. 18, 1679: trunke, 6s.; 1 box & drawer, 6s.; 1 pt. of an old cloake, 5s.; 1 silver dram cup, 2s. 6d.; 2 sheets, 3 napkins, 1 shirt,

* Autograph.

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