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THE
TALCOTT PAPERS

Correspondence and Documents

(CHIEFLY OFFICIAL)

DURING JOSEPH TALCOTT'S GOVERNORSHIP

Of the Colony of Connecticut, 1724-41

EDITED BY MARY KINGSBURY TALCOTT

Volume II.—1737-41

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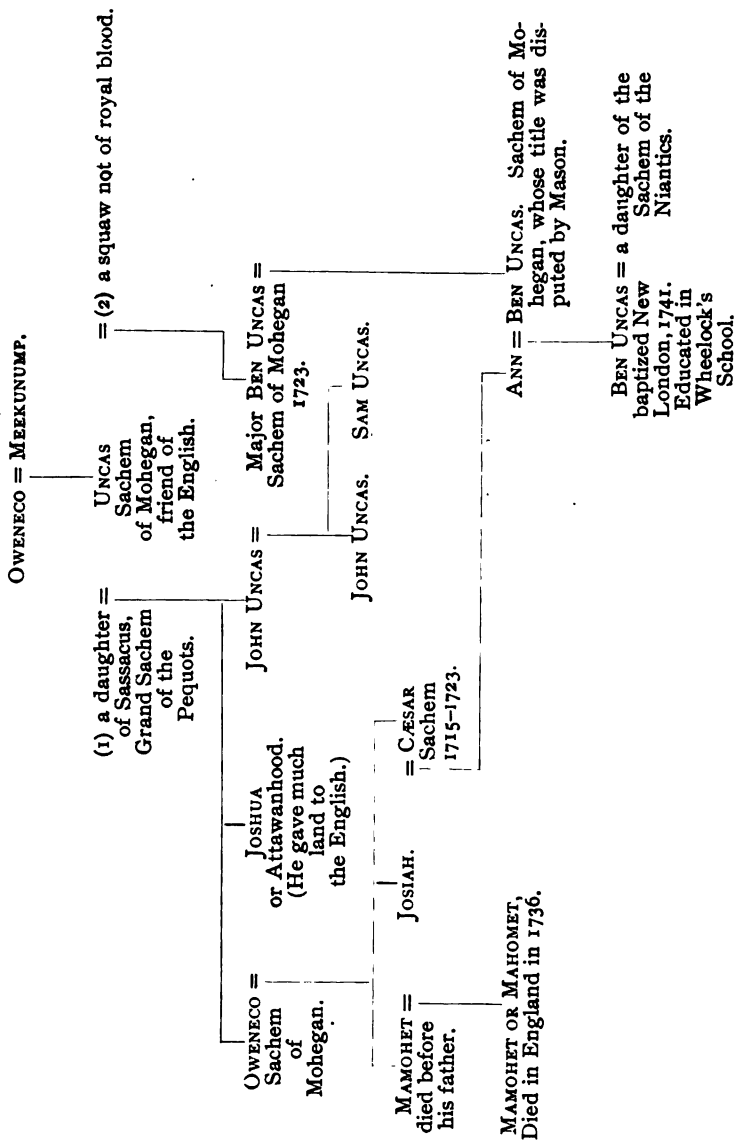
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UNCAS GENEALOGY.



TALCOTT PAPERS.

REV. EBENEZER PUNDERSON* TO GOVERNOR TALCOTT.

GROTON, Nov^{br} 15, 1736.

Honoured S^r: Being requir'd by the Honorable Society for propagating the Gospell in Foreign parts (whose unworthy Missionary I am) every half year to acquaint them with the success, or Difficulties I meet with in my office of promoting knowledge & virtue among men in these places that are by the Honour^{bl} Society submited to my care, I have reason to bless God that I have not as yet had reason to complain of any uncomon dificulties, y^t I or any under my Ministry have been exposed unto; and am now really sorry that I have reason to write unto your Hon^r concerning the injurious & unlawfull treatment that has been offer'd, and is yet threatned towards two of my Brethren of the Chh of England, an account of w^c in a few words is this. Cap^t Ephraim and Cap^t Thomas Minor sometime towards the end of March, 1734, declard their conformity with

* Rev. Ebenezer Punderson was born in New Haven, Sept. 12, 1705; Yale College, 1726; became pastor of the church just formed in the north parish of Groton, in 1729; in 1734 he became a conformist to the Church of England, and went to England to receive holy orders, many of his congregation "being convinced of the reasonableness, and necessity of Church Communion"; and they also having signed a petition to the Venerable Society for the Propagation of the Gospel, with a promise of contributing a certain sum for his support as a missionary of the Society, when he returned, he fixed his residence in his old parish, where a church was erected; in 1753 he removed to New Haven, and acted as missionary there and in Guilford and Branford, having six churches under his care. In 1763 he went to Rye, N. Y., where he died Sept. 22, 1764.—*Yale Biographies and Annals*, 336-38. *Connecticut Church Documents*, I. 157-60, 169, 174.

the Establishd Chh of England, and have ever Since as often as they conveniently could attended the publick worship of that Church: and Since that time a Minister of y^e Chh of England in Holy Orders according to the Canons of y^t Chh has preach[ed?] monthly in my house, untill my Return from England w^c was Nov'ber y^e 2^d, 1734. And upon a Rate's being demanded of them (which was made about 4 months after their conformity) upon their desire I sent them a Receipt and Discharge in the following terms, (viz)

Aug^t 9th, 1736.

Receiv'd of Cap^t Ephraim and Ensⁿ Thomas Minor* of Stonington the full of their Rates for the year 1734, the begining of which year they declared their conformity to the Establishd Church of England, and since have given their Attendance upon publick worship therin, and I do hereby discharge the Collect^r or Coll^{rs} of such Rates as are to be collected by him or them in y^t year of the above-mentioned persons.

EBEN^R PUNDERSON, *Minis^r of
y^e Chh of England.*

Notwithstand w^c Receipt the Collect^r for y^t year has threatned both; and by violence endeavourd to carry one to prison, but without success as yet.

Which proceeding I can't but look upon to be unlawfull, & unchristian, Subversive of the very Spirit and tendency of our Holy Religion; And what I trust your Hon^r whose Character it is to be a terror to evil doers, as well as a praise to them that do well: will prohibit and discountenance; for I

* Ephraim Minor, born in 1668, had a son, Thomas Minor, born in 1697, and a daughter, Hannah, born in 1712, who married, August 2, 1732, Rev. Ebenezer Punderson. — *MS. Letter of Rev. Geo. H. Miner, D.D., Feb. 10, 1893. Yale Biographies and Annals, 338.*

should be sorry ever to have occasion to write Home an account of those greivances that may easily be removd or prevented here. And I the rather make application to your Hon^r because next to the blessing and protection of Almighty God; I am recommended by the Honourable Society, &c., to your Honour's Countenance & favour, who I cant but flatter my self will show an Instance of it in preventing any further Instances of this nature.

I shall presume no longer upon your Hon^{rs} patience but conclude

Y^r Hon^{rs} most Dutiful Serv^t,

EBEN^R PUNDERSON.

[Indorsed] From M^r Punderson Chh minister.

GOVERNOR TALCOTT TO REV. EBENEZER PUNDERSON.

HARTFORD, Novem^r 18th, 1736.

Rev^d Sir: I Rec^d the favour of yours of Novem^r 16th Respecting the Colector's demanding a Rate from Cap^{tn} Ephraim Minor and Cap^{tn} Thomas Minor, which I suppose was a Rate granted to defray ministeriall Charges in one of the Ecclesiasticall Societys in Stonington, that is a Society according to y^e Establisht platform of this Gov^rment.

The young Gent^lman that brought youre letter to me Seem'd to be very Candid and well behaved, and I took for truth his answers made to me on that affaire, who told me his Brother Cap^{tn} Thomass Miner have Gen^ly attended M^r Sebery's * ministry ever since the later end of march, 1734, (when thay Declared their conformitie to y^e Establisht Chh of England untill you came home) and since that time had

* Rev. Samuel Seabury, rector of St. James Church, New London, 1732-1743, father of Rt. Rev. Samuel Seabury, first Bishop of Connecticut. — *Appleton's American Cyclopædia*, V. 445.

attended on youre ministry. But Cap^{tn} Ephraim Minor had not by Reason of infirmity of body. And I live at a distance, and have not heard a word from the other side, so that I can't Judge in a case that I have not oportunity to hear boath parties. But if they (viz) Cap^{tn} Ephraim and Thomas Minors have made their declaration as afores^d, and ever since attended on the ministry under a minister Establisht in holy orders according to y^e Cannons of the Chh of England, as by youres I am inform'd I dont think the Colector you mention hath any Rite to demand their money on this Rate granted since their declaration and due attendance as afores^d.

Yett if y^e Colect^r hath an Execution under the hand (?) of Lawfull authority it is Nither Convenient nor proper for me to superseed it. But my advice is that Cap^{tn} Minors Nither of them expose y^r persons nor Estates to be seized and Comitted, or posted for Sale, but that they have the money Redie to answer the Execution in full, and when the officer comes to demand, they lay the money before him, and tell him this is their Estate, but not to tender it in Execution, but only to declare it to be theirs, and if he will take it by vertue of that Execution, and indorse it on the Execution, lett y^e Colector take it, giving Cap^{tn} Minor an attested Copy of the Execution with y^e indorsement.

And if so he doath lett Cap^{tn} Minor bring his Complaint to y^r County Court of that County against y^e Colector and Sumons the Colector, &c. This is the Easiest, plainest, and most likely way I can think of at present to have the controversey heard and Lawfully determined. But by the way, if it comes to this you must send to s^d Court an account of Cap^t Minor's Declaration, and youre discharge, as in

youre letter to me and I have no doubt but Justice will be don in the Case as it was in a case that I take to be of the Like nature between a Colector at fairefield and some of M^r Canner's* parishioners, to whome I Refer you for further information,† and

am Rev^d S^r

youres to Serve

In what I may.

GOVERNOR TALCOTT TO COL. DANIEL ABBOTT‡ OF
RHODE ISLAND.

HARTFORD IN THE COLONY OF CONNECTICUT,
March 23^d, A. D: 1736/7.

Honoured Sir: These come to acknowledge the favour of youres of y^e 28th of Feb^r. last incloasing two orders or voats of youre Gen^l Assembly, the Last in October 1736, appointing youreself, &c.,§ a Com^{tee} to Renew y^e Bounds between this Colony and the Colony of Rhode Island, &c., and note thereon, first that youre Assembly made out s^d order, so I must think it's most Reasonable that if any be appointed for y^t service on our side they ought to be so appointed by the Gen^l Assembly of this

* Rev. Henry Caner, minister of the Church of England at Fairfield, 1728-1746.

† Connecticut Archives; Ecclesiastical, III. 188, 189; Colonial Records, VII. 106, 107.

‡ Col. Daniel Abbott, born April 25, 1682; Deputy to the General Assembly for many years; Speaker of the House of Deputies, 1737-8; Deputy-Governor of Rhode Island, 1738-39-40; appointed in 1736, and again in 1740, "to renew the boundary line between Rhode Island and Connecticut"; also appointed in 1740 to determine the boundary between Rhode Island and Massachusetts; he died Nov. 7, 1761. — *Genealogical Dictionary of Rhode Island*, 255.

§ Col. Daniel Abbott, John Jenkins, and William Greene, Esq^r, appointed a committee to renew the bounds between this Colony and the Colony of Connecticut; and that they notify said Colony of Connecticut thereof, and appoint the time, and do the same as soon as conveniently may be. — *Rhode Island Colonial Records*, IV. 525.

Coloney, and our Assembly not meeting untill the 12th day of May Next y^e time you have sett, which is cannot be complyd with. I can only say further, youre letter and y^e s^d acts of youre Gen^l Assembly will doubtless be then lay'd before our Gen^l Assembly, and when they have considered thereon you may Expect an answer. I am, Sir, youre Very
Humb^{le} Serv^t.

J. TALCOTT.

FRANCIS WILKS TO GOVERNOR TALCOTT.

To the Hon^{ble} JOSEPH TALCOTT, Esq^r.

S^r. In my former Letters I have advised you of what passed Relating to the Affair of Mahomet the Indian, and that upon Diligent Search into the proper offices, we found that S^r Harry Ashurst upon Petition got the Sentence of the Commissioners Revers'd so far as to order a Commission of Review, which was never Comply'd with, and therefore I Conclud'd by length of Time nothing farther would ever be done in the Affair, but Contrary to Expectation the Board of Trade have Revived the Affair, and made a Report to his Majesty, Proposing a fresh Commission of Review should be granted to such persons as his Majesty should think proper, Investing them with the same Power and Authority for Rehearing and Determining all matters Relating to this Dispute as were granted to the former. This Report was Referred to the Com^{ee} of his Majesty's Council, who took the same into Consideration at their Last Sitting. I then Attended their Lordships with a Proper Sollicitor, and Laid before them the several papers which have been Transmitted to me in Relation to this Matter, and Endeavour'd to show

their Lordships that it plainly appeared upon perusal of those Papers that Mehomet was an Impostor, and that Ben Uncass was the Sole and Rightful Sachem, and that the Mohegan Indians, and Owaneko their Chief Sachem, were Greatly Imposed upon and Deceived when the Complaint was made in their behalf against Connecticutt in 1703. That the People of Connecticutt were in possession of the Lands that had been Wrongfully Claimed in 1703, under Clear and Indisputable Titles derived from the Indians, and had made Large Settlement^{ts} and Cultivated and Improved the Lands at a Vast Expence, and that several hundreds of families were peaceably settled upon and in the Quiet possession of them, and that they had passed from one to another in settlement^t and by way of Purchase, and has been Enjoyed in a Course of Descent from father to son. So, should anything be done at this Time of Day to shake or disturb the Possession of so many families, it would be attended with very fatal Consequences in those parts.

That on the other hand the Indians have more than a Sufficient Tract of Land left for their own Use, and were fully satisfied in the Right of the Connecticutt people to all that they Possessed, and did not Desire to give them the Least Disturbance, that at Present perfect peace and friendship Subsisted between the Mohegan Indians and them and was like to continue so, unless Interrupted and broke in upon by a New Commission of Enquiry being sent amongst them, which was neither Prayed for or Desired either by the People of Connecticutt or the Mohegan Indians.

We Further Insisted, That — — Commissions of Review were Writts of favour and not of Right,

and that in the present Instance every favourable Circumstance occurred against issuing such a Commission. That it was a thing unknown to Grant such a Commission after such a Length of time, that by the Laws of England 20 Years Possession gave a Title. That it was now upwards of 30 years since the former Commission Issued; that there might be such an Alteration of Property &c. in the Course of 30 years that what might have been very proper to have been done then would be Attended with Great Inconveniences should it be ordered now.

This was the Substance of what we Submitted to their Lordships Consideration, but the Lords were of opinion that it was absolutely necessary to Issue a Commission of Review, for these Reasons: 1st, Because the High Board never makes an Order in Vain, and they having Ordered a Commission of Review to Issue in 1706, as no Return has been made, they tho't absolutely necessary to Issue a new Commission in order to have such a Return laid before them, as ought to have been made to the former Commission.

2^{ndly}. That the Length of Time would have been an Unanswerable Objection, had no Commission of Review been formerly Ordered, but the Issuing of a Commission now being only to Revive what had been Before Ordered, their Lordships tho't the Objection arising from the Length of Time was of little Consequence.

3^{ly}. That the Issuing such a Commission would have no Effect to Raise any Question or Dispute whether Ben Uncass or Mahomet was the True Sachem, that matter being laid asleep by the Death of Mahomet.

4¹⁷. That a Commission of Review would no ways tend to Weaken or Impeach the Title of the Connecticut people, but on the contrary would Strengthen and Establish their Right forever, supposing the Right to be in them, that it was for the Interest and Advantage of Connecticut that such a Commission should Issue, for as Matters stands [*sic*] at present, the Sentence of the Commissioners appointed by Queen Ann was in favour of the Indians, and Destructive of the Right of Connecticut, and the Order in Council in 1706 reversed no part of the Judgm^t of the Commissioners, but what Related to the Costs only; that therefore it became the Interest of Connecticut to get the Sentence Reversed Thro'out, which could only be done by a Commission of Review. And therefore and for these Reasons, as well as that Justice might be done on all sides, their Lordships were of opinion to advise his Majesty to Issue a new Commission of Review, as Proposed by the Report of the Lords of Trade, and that the Title derived under the Mohegan Indians, the Number of People Settled upon the Lands in Question, the Improvem^t made upon them, the Titles that have been derived one from another, the length of Possession, and all the several Acts done by the Indians Acknowledging, Ratifieing and Confirming the Right of Connecticut, will be very proper and very Strong Evidence to be laid before y^e Commissioners.

This Report is not as yet Confirmed by his Majesty. When it is and any further Steps Taken, I shall Duly Advise you, and so soon as all the papers relating to this Affair can be got together, I shall send you Copies of them. In the meantime, if you think proper to give me any Directions, they shall

be Duely Observed, and perhaps may come in time before any thing be Concluded.

I am wth Great Respect, Sr,
Your Honours most Obed. Hum. Serv^t,

FRAN. WILKS.

LOND^o. Apth 7. 1737.

At first.

Being Hurried at the Departure of the former Ships for N. England, and having at that time nothing Material to advise you of, I omitted writting, which I hope you'l Excuse. I have not heard of any proceedings in the Affair of the Duke of Hamilton, as I formerly Mentioned.* Mr. Edwards has Remitted me what you sent him for my Acc^o. which I Receive with Thanks.

COMMISSION OF REVIEW.

George the Second by the Grace of God of Great Brittain, France and Ireland King, Defender of the faith, and so forth.

To our Trusty and well beloved George Clark, Esq^r, our Lieutenant Governour of our Province of New York in America and to Francis Harrison, Cadwalader Colden, Abraham Vanhorn, Phillip Livingston, Archibald Kenedy, James Delancey, Philip Courtland, Henry Lane and Daniel Horsmanden, Esq^{rs}, being members of our Councill in our said Province, and to our Governour, and the members of our Council of the said Province for the Time being, and to the Governour and the assistants in the Province of Rhode Island in America for the Time being —
Whereas Her Late Majesty Queen Anne by her

* Talcott Papers, I. 375. 381.

majesties Commission under the great Seal of England, bearing Date the Nineteenth Day of July, one Thousand Seven Hundred and four, in the third Year of her Reign, (Therein Reciting that her majesty had been Informed that the Principal Sachems of the Mohegan Indians in her majesties Colony of Connecticut in New England, being Chief Propriaetors of all the lands in Those parts, did upon the first Coming of the Subjects of England to Inhabit there Received them in a friendly manner and permitted them peaceably to plant and Settle great part of their Lands which they Granted to them for an Inconsiderable Value, Reserving only to themselves a Small parcell of Land to plant and Hunt in, that the said Indians had Eversince The Coming of the English Entertained and Cultivated a firm friendship by League with the s^d English Subjects of Connecticut and had always Assisted them when they had been attacked by their Enemies, That in Several Treaties between the said Mohegans and the English Subjects of Connecticut it had been agreed that the said Indians Should be protected in the Possession of their said Reserved Lands, that Contrary to the said Treaty, and to Common Justice the Government of Connecticut had Passed an act or order in their General Court, or assembly, by which they had Taken from the s^d Indians that Small Tract of Land which those Indians had Reserved to themselves and were possessed of as aforesaid, that the Said Indians had often made application to the Government there, but in stead of finding redress had been ill used to their great Discontent), Did authorize and appoint Joseph Dudley, Esq^r., Then her said Majesties Cap^t General and Governor Chief of the Province of the Massachusetts Bay in New England

in America, Thomas Povey, Esq^r, Then her Majesties Lieutenant Governor of Said Province, Edward Palmes, Esq^r of New London in Connecticutt Colony in New England, Thomas Brindley, Esq^r of Rhode Island, Giles Sylvester, Jahleel Branton of Boston in the Massachusetts bay, Esq^r, Nathaniel Byfield of New Bristol in the Massachusetts Bay, Thomas Hooker of Hartford in Connecticutt, James Avery, John Morgan of New London, and Thomas Leffingwell of Norwich in Connecticutt, Gentlemen, or any five or more of them, (the said Gov^r or Lieutenant Governor of the Massachusetts Bay always to be one), to be Commissioners for Examining and Enquiring into the Matters afforesaid, and also all Such other Injuries and violences that Should be offred or done to the said Mohegan Indians and for Determining thereupon as Should Seem Just and Reasonable, and Did thereby Grant to the said Commissioners the Several Powers Therein Expressed, thereby Commanding them, after having heard both Parties, to Determine according to Justice and Equity, and to Restore the said Indians to their Settlements in Case they had been unjustly Dispossessed, or otherwise to Take Care y^t they be continued Therein —

And Whereas the said Commissioners Impowered as affores^d. did by virtue of the said Commission on the Complaint of Owaneco, Sachem of the Mohegan Indians, Examine and Enquire into the matter afores^d., and Did thereupon give their judgment in favour of the said Owaneco and Mohegan Indians against the Gov^r and Company of the Colony of Connec^t.—And Whereas the said Governor and Company of the Colony of Connecticutt did Complain to her said Late Majesty Queen Anne that they appe-

hended Themselves to be oppressed and Injured by the s^d. Judgment, and that the same was unjust, and therefore most Humbly prayed her said Late Majesty that she would provide a Remedy for them therein — And Whereas Her Said Late Majesty did out of her princely care and regard to the said Petition, by her order in Counsell, bearing Date the fifth day of February in the fifth Year of her Reign, Direct Commission of Review of the said Case to Certain Commissioners therein named to be passed — And whereas the said Commissioners did not as appears Review, or finally hear and Determine the said Cause, by Reason of which differences have arose, and Do arise between the Mohegan Indians and our said Colony of Connecticut —

Wee being out of our Princely Care and Regard for our said Subjects willing and Desirous that Justice should be Done between them and the said Indians, and to the End that a final Determination be put to the said Controversies, and that the said Sentence of the said Commissioners may be Received and Examined —

Wee do hereby Authorize and Impower you or any five or more of you to Reexamine, Review, Finally Decide and Determine the whole Cause aforesaid, in which the Commissioners first mentioned give their Judgment in manner aforesaid, with all its Incidents, Emergences, and Dependences whatsoever.

And our will and pleasure therefore is that you Repair by the first Convenient opportunity, and from Time to Time as occasion shall require, Unto our said Colony of Connecticut and that You, or any five or more of you as aforesaid, Summoning first before you the said Governor and Company of the Colony of Connecticut, and the Chief Sachem of the

said Mohegan Indians, and all parties of Right to be Summoned herein, do admit any New Allegations or Matters and Instruments, wrightings and proofs on oath, as well on the part of the said Governour and Company of the said Colony of Connecticut, as of the s^d Chief Sachem and Mohegan Indians, to be proposed, Exhibited, or made, relating to the Merits and Circumstances of the said principal Cause = And that you Examine and Review with all Convenient Expedition all and singular Allegations, proofs, Decrees, and Sentences, and the whole Process before the said first mentioned Commiss^s, had and made, or which before you Shall be made, and having heard all Allegations and proofs in this Cause made, or to be made, yea Decree what is Just and Right therein, and by your Definitive Decree Determine the said Cause & Strife, and Revoke, Repeal and make void the Said Definitive Decree, in wrighting by the said first mentioned Commissioners, declared and Published as afores^d, or otherwise Confirm the same in whole or in part as to you Shall Seem Just and Right, and as the nature of the Cause, & Justice Shall Require the said Commission, to the said Commissioners therein named Granted as afores^d., and the said Decree by the first mentioned Commissioners Declared and published, or any other Matter, cause or thing whatsoever to the Contrary, thereof Published and Declared Notwithstanding, and you are to Take care that whilst the Cause of this suit, Re-examination, and Review is Depending before you, nothing be attempted to the Prejudice of the said Governor and Company of the Colony of Connecticut, or the said Mohegan Indians that whatsoever you shall Decree in the premises, or any of them,

you Cause by the Legal Remedies and Methods of the Law to be put in Execution —

In Witness whereof we have Caused these our Letters to be made Patent, Wittness our Self at Westminster, the third Day of June In y^e Tenth year of our Reign =

BISSE. BRAY.

Ex^d by writt of Privy Seal.

The above and foregoing is a True Copy of his majesties Commission for a Review in the Case between the Governor & Company of the Colony of Connecticut in New England, and the Chief Sachem of the Mohegan Tribe in Said Colony.

Test JOHN WANTON *Presid'*.

of the Court of Commissioners.

GOVERNOR TALCOTT TO THOMAS HANCOCK.

S^r. Pursuant to former Instructions from Esq^r. Wilks, our Agent at Great Britton, I now send you p^r the bearer hereof, One hundred and fifty pounds, our paper currencie, which is what our Gen^l Assembly granted to him for his Salerie, at their Sessions in May Last.* I hope as usual you will send me a Receipt thereof, and you'll oblige, S^r,

Yours Very Hum^{ble} Servant,

J: TALCOTT.

HARTFORD, June 8th, 1737.

P. S. I have inclosed £5, which please to accept as a small allowance for past care of our Letters, &c.

[Indorsed] To Mr. THO. HANCOCK, Boston, June 8th, 1737.

* Col. Rec., VIII. 117.

GOVERNOR TALCOTT TO JOHN EDWARDS.

Sr: Pursuant to former instructions from Esq^r Wilks, our Agent at Great Britton, I now send to you by the Bearer hereof One hundred and fifty pounds, our Paper Currencey, which is what our Gen^l Assembly granted to him for his Salary, in May last. I hope as usual you will send me a Recept thereof, and you'll oblige, Sr,

Yours very Hum^{ble} Servant,

J. TALCOTT.

HARTFORD, June 8th, 1737.

[Indorsed] Letter to JOHN EDWARDS, Goldsmith, June 8th, 1737, agents Salery.

GOVERNOR BELCHER OF MASSACHUSETTS TO GOVERNOR TALCOTT.

Hono^{ble} Sir: I am favour'd with yours of 17th Currant, and observe what you say about a new Commission to be issu'd, of the nature of that to the late Gov^r. Dudley. I was told in the Day of it, that Judge Dudley was one of Mason's Advisers, and furnish^d him with Copy of his Father's Commission; one M^r. Shirley* (here) was his Lawyer, and some others in this Town I believe were assisting to him, but their names I can't call. He never came near me for some months before he sail'd, nor to any other of the Commissioners.

It seems to me but just and reasonable that your Agent should have Liberty to send over the names of the Commissioners, for your Government to object, before the Commission is issued. I wish the affair

* William Shirley, Governor of Massachusetts, 1741-1756, was born in the county of Sussex, England; came to Boston, bringing a letter of introduction to Governor Belcher from the Duke of Newcastle; he practiced law in Boston, and was appointed King's Advocate General in America in 1733.—*Palfrey's History of New England*, V. 42, 147.

don't give the Colony a great deal of trouble, before it is over, for I am afraid some great men are to be interested in the matter. I believe Mason took care (before his Death) that I should not be in the Commission; perhaps the Governour of New York will be President.

I will write to your Agent ~~Dr~~ Dr Morison* as you desire, and if you wrote to my Son to appear in behalf of your Government, as there may be occasion, it might not be amiss.

You may most assuredly depend at all times on my Interest and Influence for the good and Service of your Colony; and I am, with much Respect, Sir,

Your Honour's Most Assured Friend and Servant,

J. BELCHER.

BOSTON, June 24th, 1737.

Gov^r. TALCOTT.

GOVERNOR TALCOTT TO GOVERNOR BELCHER OF
MASSACHUSETTS.

May it please Your Excellency:

I received your favor of June 24th Late last Night, left at my house by your worthy Son, take notice of the contents, &c. It indeed seems but Just that our Agent should have liberty to send over the names of the Commissioners, that our Gov^tment might object before the Commission is Issued. But some Gent^l here think our objecting to any will be a concession to the manner of tryall, which they hope will not be allowed, that our Inheritances and freeholds should be taken from us without a tryall in due course of Law, by our peers; and if you give our Agent a hint of his moving for the Liberty of send-

* Dr. Norman Morrison, a native of the Western Islands of Scotland, who settled in Hartford as a physician.

ing over the names, &c., and let him use his interest and discretion as he thinks proper, it will be taken as a favor done to us from your Excellency: and if your Son in England do appeare in behalf of our Government, it will doubtless be looked upon by this Colony with respect and thankfulness. But your Son being on the other side the River upon his Journey this day, lest I should wholly miss the opportunity, shall only acknowledge this Recent Instance of your Excellency's goodness, and that you therein very highly oblige, Sir,

[Your] Excellency's Most hum^{bl}e obedient Servant,
J. TALCOTT.

HARTFORD, July 2^d, 1737.

[Indorsed] To Gov^r BELCHER, July 2, 1737.

THOMAS HANCOCK TO GOVERNOR TALCOTT.

BOSTON, July 7th, 1737.

JOSEPH TALCOTT, Esq^r.

Honoured Sr. I Rece^d yours of the 8th of June last, with a Letter Inclosed for Esq^r Wilks, which I have Inclosed to him in my Letters to Cap^t. Morris, who Sailed about 10 days agoe. I Rece^d also five pounds you Inclosed as a Present to me, which I Return you my hearty Thanks for. I shall always take a pleasure in doing you or the Colony of Connecticut any Service, and in Covering your Letters to London in particular, and in Receiving your Letters from thence Likewise, and I believe not one Letter ever failed going from you or to you, Committed to my Care. There is some Charge attends the Letters after at London, and here too, which I never Intended to take anything for, and if I can be Serviceable to you at any Time, pray Command, Sr,

Your most Obed^t Humb^l Serv^t,

THOS. HANCOCK.

GOVERNOR TALCOTT TO JOHN RICHARDS.

HARTFORD, July 26th, 1737.To JOHN RICHARDS Esq^r.S^r:

I have 1 Letter signed p^r Sam^l Lynde, Esq^r, Mes^{rs} Perkins & John Griswold, Com^{tee} to Vew y^e Battery at New London,* and two from Sam^l Lynde Esq^r, Signifieing that there was breaches made under y^e bottom of the wall, of Necessity of being mended, and some money to be laide out on it before Cold weather, or it would be in great hazard of Ruin. Allso that they found y^e wall well built and good—not meen and poor as was Represented by some persons at y^e Gen^l Assembly in May Last. I have therefore sent Incloasd twenty pounds. Pray you deliver it to the Com^{tee} for building or finishing the Batterie. Give my service to them, & pray them to do what may be done to y^e secureing and finishing the wall forthwith, before the days grow Short and the water Cold. I am S^r, youres

J. TALCOTT.

[Indorsed] To John Richards, Esq^r, July 26, 1737, about y^e Battery. £20 money sent p^r L^t Charles Whiting.

ACKNOWLEDGMENT OF BEN UNCAS BY THE MOHEGAN TRIBE.


MOHEEGAN, August 2^d, 1737.


The Subscribers hereunto, being the greatest part of the Moheegan Indians, being met together,

* This Assembly do appoint Samuel Lynde, Esq^r, Mr. John Griswold, and Mr. Luke Perkins, a committee to repair to New London, and view the present state and circumstances of the battery there, and lay an account of the same before this Assembly in October next, as also their opinion what is expedient further to be done in said affair.—*Col. Rec.*, VIII. 93.

and having had a Letter read to us from the Hon^{ble} Joseph Talcott, Esq^r, Governour of his Majesty's Colony of Connecticut, wherein among many good Advices He advises us to Peace & Unity Among ourselves & Loyalty towards our present Sachem, Ben Uncas, which Advice we readily close with, & do now declare with Heart & Hand y^t we do acknowledge Ben Uncas our present Sachem to be rightfully so, & y^t we will Protect Him in the Peaceable Possession of that Office of Hon^r. & Dignity among us as long as He shall live, and are thankful to the Gov^r for putting us in Mind of our former Follies & Declensions, and desire to be humble for the Same, and hope the General Assembly will overlook our former Follies, especially when they See we are a Returning People by our good and peaceable Behaviour among ourselves & towards our s^d Sachem.


As witness^d our Hands y^e Date above written.


Wambanege  his Mark


Wemuscum  his Mark

Sussewocom  his Mark

Jo Pey  his Mark


Honest John  his Mark

Robert Ashpo  his Mark


Ben Caucheeagan  his Mark


Solomon

Jo Cooper  his Mark


Wiyowat  his Mark


Ben Uncas  his Mark
Sachem

Joshua Uncas  his Mark

his :
John  Uncas
Mark

Sam Uncas.

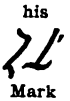
James Toby  his Mark

Augeoust*  his Mark











George  his Mark

Tom  his Mark

* Auconet in the copy in *Connecticut and the Mohegan Indians*.




Junco  ^{his}
MarkDaniel Cooper  ^{his}
MarkZachariah  ^{his} Johnson
Mark





Caleb Caucheeagan

Caucheeagan  ^{his}
MarkJo Pey  Jun^r^{his}
 Young Cooper
MarkNesotanner  ^{his}
MarkYoung Couch  ^{his}
MarkTootoo  ^{his}
Mark^{his}
Peter  Muscom
Mark^{his}
Simon  Toby
MarkOnenobin  ^{his}
MarkJo Ashpo  ^{his}
MarkSilas  ^{his}
MarkTomoccum  ^{his}
MarkCaleb Clerk John Ashpo  ^{his}
MarkSimon Chouchaw  ^{his}
MarkPawcosunk  ^{his}
Mark^{his}
George  Quid
Mark^{his}
Harry  Quid
Mark

Sam Ashbo

Pompey Uncas

Pomposu  ^{his}
MarkBen Uncas  Jun^rJo Weebux  ^{his}
MarkWeequot  ^{his}
MarkSenucsick  ^{his}
MarkNed  ^{his}
Mark^{his}
Simons  Ned
MarkQuoque  ^{his}
MarkTom  ^{his}
MarkPeage  ^{his}
MarkGeorge Jo  ^{his}
Mark

Abraham Chouchaw  Seven Jo  his
Mark Mark
John Biwe * his
Mark
John  Cheeshunks,
Mark
James  Cheeshunks
Mark

All the within mentioned and above written Persons unanimously and freely set their Hands either by themselves or their Near Friends of them y^t were not present in Presence of us the Subscribers.

JAMES HARRIS
JOHN CURTISS
CHA. WHITING
JOHN RICHARDS
JON^A. BARBER

The above and within written is
a True Copy of the Original
on File Examin'd p^r Daniel
Huntington, Jun^r, Clerk
of the Court of Commiss^{rs}.

GOVERNOR TALCOTT TO FRANCIS WILKS.

HARTFORD, Nov^r. 8th, 1737.

S^r.: I have the favour of you^{rs} of Agust 11th and that of Septemb^r. 10th 1737.† In it, incloased Copy of Review, and observe the opinion of youre Counsell that upon our producing before the Commissioners the disclaimer of this aplycation of Mason's, under

* This name is given as Buell in the copy of the document in the *Mohegan Papers* in the possession of the Connecticut Historical Society.

† These letters are not found in the Talcott Papers, or in the State Archives. — [Ed.]

the signature of Ben Unkass, Chief Sachem of the Moheegan Indians, and their acknowledging the Right of the Gov^rment of Connecticut, would of itself be a suffisient foundation for y^e Commissioners to agree to a Reversall of the sentence of Gov^r. Dudley, and the Rest of the Co^mmission^{rs} in the beginning of Queen Ann's Reign, and to Establish the Right of Connecticut to y^e Lands in Question.

Now, S^r, I hope before this time you have Ben Unkasses adress to his Majesty,—Showing his dislike to y^e Memoriall or adress of Mahomit, and desiring his Majesty not to put y^e English planters nor himself & his people to so much (as he suposeth) unnecessary trouble; and allso with it a power of attorney to yourself to act in his behalf. Please to Consult your Counsell, whether s^d Memoriall of Ben Uncasses being lay'd before his Majesty in Counsell, and Matters therein contained, with y^e Evidences well and sufficiently urged, his Majesty may not be likely to be prevailed with to withdraw or Call back his Co^mmission of Review, and thereby prevent troubling his Co^mmissioners with so tedious an Inquirey, and to y^e hazarding the peace that hath so long & still is subsisting between the English and Indians, and prevent y^e great Expence of time and Money that probably must be spent, if in this or some other manner be not prevented; and if you can, upon these or any other considerations you can suggest, prevaile with his Majesty to Recall his Co^mmission of Review, you will doubtless do an Extryordinary service to this Coloney, both to the English & Indians: for if anything be Recovered, it's not the Indians, but Mason and his accomplices, that will go off with all; as you may see p^r the deeds 1659*

* See Talcott Papers, I. 348.

and 1665,* by which deeds Gov^r. Dudley and the Comis^{rs} with him say, y^t Owaneco, Sachem, did make over his Lands in that Country to Maj^r. John Mason, Deputy Gov^r. of that Coloney.

However, Ben Uncasses adress and y^e Evidences you will Improve as you shall think most for the advantage of youre Clients, and if any thing can be done on that affaire, I hope I may have the Result on the whole as soon as oppertunity presents; probably time enough to preevent the Comissioners Entering farr into y^e consideration.

S^r, I don't perfectly know how Matters stand between this Coloney and youre self, in Respect to Money. I desire you will please to compute our Remittances to you, & your disbursements for this Coloney, stating the whole, and send it to us, that we may thereby be the better Enabled to do what is Right in the Case: for you may be assured the Government do not desire you should be a loser by serving of them.

S^r, I had not Received youres Incloasing y^e Copy of Comission of Inquiry into y^e Complaint of the Moheeg Indians against Connecticut; Letter from the Comissioners appointed by his Majesty; Copy of Attorney Gen^l's Report upon the Moheeg Indians, Februy 1733/4; untill after y^e Rising of our Gen^l Assembly in Octob^r Last, but Return my harty thanks for youre Paines and Care of our affaires, and am, S^r,
 Youre Most humble Serv^t,

J. TALCOTT.

HARTFORD, Novemb^r 28th: [*Sic*].

* In the deed of Dec. 14, 1665, Uncas, Owaneco, and Attawanhooch convey to Maj^r John Mason "the benefitt and profit of all such Lands as do belong to us, or either of us, that shall att any time be sold or disposed to any person or persons, to him the s^d Maj^r Mason, his heirs or assigns."—*Copy in MS. Collections of the Conn. Historical Society.*

Sr.: If you cannot effect so as to have the Commission of Review Called back, please by the first opportunity to send me back the Evidence of the Quantety of Land at Mohegan, for it is the originall. To FRANCIS WILKS, Esq^r.

[Indorsed] Novem^r 8th, 1737.

To FRANCES WILKS, Esq^r, and P. S.: No. 11th,

REV. SAMUEL WHITMAN TO GOVERNOR TALCOTT.

To the Honourable JOSEPH TALCOTT, Esq^r°, &c.

May it please your Honour:

This cometh to inform you as I am in duty bound that Captⁿ Wadsworth* and my Self according to your direction: have set up a School among y^e Indians for the instruction of their children y^e Summer past, y^t was very agreeable to them and they built a School house at their own charg to accomodate them according to y^e indian mode: the person that kept y^e School was John Mettawan†: he kept it well and faithfully and as good orders in it as in any English School: the greatest number that attended it was eighteen: y^e smallest ten: taking one time with another I suppose y^e number may be computed at thirteen or fourteen which is as many of small readers as one can well instruct. They profited well under his information who spared no pains in teaching of them as I found by hearing and chate-

* Captain William Wadsworth of Farmington.

† "Sept. 29, 1737. In answer to the proposal of M^r Samuel Whitman of Farmington, that John Mattawan, the hopefull Indian under his tuition, might be now improved in keeping School, & occasionally preaching, the Commissioners think it best that he should be kept to his Studies for some longer time, but consent he should teach the Children & also preach once in a month or two, provided it do not hinder his progress in Learning."—*Manuscript Minutes of the Meetings in Boston of the Commissioners for the Society for the Propagation of the Gospel in N. E.*

chising of them my Self wⁿ I thot fit. He kept the school two months* and I have now withdrawn him because of the coldness of the Season. Wⁿ I put him into it I told him hee might expect a reward for his Services from your Honour with those intrusted with y^e improvement of y^e Collection made for y^e instruction of y^e indians: and he is very desirous to know w^t reward he may receive for his services. I submit y^e matter intirely to your Honour and the rest of the Gentlemen concernd in y^e indian affairs: not doubting at all of a reward equal to his Service: remaining

your Honours in all duty and obedience

SAM^{LL} WHITMAN.

FARM: Nov: 14, 1737.

To the Honourable

JOSEPH TALCOT Esq^{re}

at

Hartford in New England

these

[Indorsed] Ordered in Council, &^c, that y^e within School Master be p^d out of y^e Contribution, &^c, y^e Sum of 10^l.

GOVERNOR TALCOTT TO THE COUNCIL.

To The Hon^{ble} Counsell Convened at Hartford, Novem^r 29th, 1737: I ask youre advice.

1. Whether the deed made by Uncass to the Gov^r and Majestrates, Dated 1640, shall be Recorded.†

2. That whereas y^e Sachem Benn Uncass is come to Hartford, and hath Represented to us his thoughts are y^t Cap^{tn} Mason's designe in going to

* Solar months. [Note in original.]

† A copy of this deed is in the Connecticut Archives. — *Indian Papers*, I. 173; sub number, 28.

England was boath against him and us: 1^t. against him, to depose him from being the Sachem of y^e Moheegs, and to get from them the Lands that this Coloney had secuered to them, as he had before done a great part of their Country to himself and his friends, by makeing a handle of Owaneco, and that they all was kept pore thereby, whilst the Masons were selling their Lands.

2^dy. Against this Government, in setting the Country in an uproar, and turning so many families out of their houses, or indeavoring so to doe, which if he could or yett doath or should obtaine, the friendship between him, his family, and all the Moheg Indians would have been broken, whereby they would have been left alone to contend with the Encroachments of Mason and all his friends: that we let him know that we take good Notice of his constant Resolution in Standing up for the Sachemship of that people against all impostuers, and of his stedie adherence to the English, in their keeping those other Lands they have Settled upon them, Notwithstanding y^e Intreagues of Mason; and that he hath thereby Strengthened the Chaine of friendship between us; and to Assure him that we will on our parts allways have neer to our harts his Interest, and the Interests of his famiely, and to protect the Moheeg Indians in their Lands from the Encroachments of y^e Masons and all others, and allso from the Insults of other Nations of Indians coming in an hostile or warrlike Manner upon them into this Coloney, if we have the Continuance of his friendship in Joyning with us to oppose the Encroachments of Mason on the English; and that we Expect the continued aide of his tribe of the Moheeg Indians, if any wars should arise between our King and the French, or other Nations.

3¹⁷. That if Benn Complies with us therein, whether it be not adviseable by this Counsell, that a Release of all those Lands in controversye, (except the Moheg cornfields,) as allso a discharge of the Judgment given by Gov^r. Dudley, &c., be taken from Benn, the Sachem, yong Benn, his son, and his wife, and the daughter of Mahomit; and that the Counsell now give their advice in what form they shall be drawn, if complied to by Ben, and appoint persons to see them Executed, and upon their being finished, to Make an acknowledgment to the signers.

4¹⁷. That the Counsell now appoint some persons to Search the Records, and allso after other testimony to procure the Inauguration of Ceasor, and the two Last Ben Uncasses, to be Sachems, and all other Matters we shall want to prove or Make evident what is Needfull in the present controversy.

5¹⁷. Whether one or More able attorneyes shall be Employed to take the Case into consideration, and preepare & draw up what they think proper in the Case, and take advice upon it of any other they may think proper to advise with in the Case, and finally to plead in our defence.

6¹⁷. That in case M^r. Mason shall select out Six of the Co^mmissioners that he shall finde (or that we may have Reason to think) to be most in his Interest, to make the Court, whether it will not be best for us to apply ourselves to others of y^e Co^mmissioners to attend the tryall.

7. Whether if the Co^mmissioners Court be Called before the time of our Gen^l Assembly in May Next, it will not be best that our Genneral Assembly should sitt at the time of s^d Commiss^{rs} Court, and Nigh the place, that they may be Redie to give advice in the affaire, and if we shall finde it Need

full, to appoint agents, and to appeall home, if thought proper.

And Notwithstanding all I have Noted, I desire any of you will further put me in Minde of anything you may think proper to be done or considered in Counsell now; and if by writing or any other conversation any thing in the Case worthy of observation come to youre knowledg, you would Informe me of it: for I am, Gen^lmen, Devoted to your Service, &c.

J. TALCOTT.

GOVERNOR TALCOTT TO COL. ADAM WINTHROP.

HARTFORD, Jan^y 30th: 1737/8.

Hon^{ble} S^r: I Received your favour without Date some time sence, Intimating that you had grounds to believe the Schools at Mohegan had benn Neglected by M^r: Avery to a great degree, so that y^e Comissioners had determined to have no more to do with him, and had put in M^r: Barbor, &c.* I never heared any Complaint of Avery, but what you writt, and as for M^r. Barbor, I believe, by what I can Learn, that he will do any good is More to be wisht for than expected: for y^e Sachem, that is y^e first Sachem of y^t tribe that ever Imbraced Religion, or gave any Countenance to it, hath been much angry with M^r. Barbor ever since Mason went to England.

At that time the Revr^d Doct^r Coleman in a letter wrot to M^r. Barbor that he thought he had given offence to me and y^e Sachem, and advised

* "Oct. 27, 1737. The Commiss^{rs} having been informed that the Indian School at Mohegan had not been duly attended by Samuel Avery, who undertook that charge, & that he is not acceptable to divers of the Indians, Voted that the Said School be committed to the care of M^r Jonathan Barber the Minister there, & that he attending the Service of Said School three Daies in each week till the 23^d of August next, he shall be allowed thirty pounds therefor."—*Manuscript Minutes, etc.*

him to make his peace with me, &c. This he sent open to me, and desir'd me to Indevor to Reconcile M^r. Barbor and Benn; accordingly I wrot a Letter to M^r. Barbor, and Incloased M^r. Coalman's in it to M^r. Barbor. I wrot to Benn, to Call M^r. Barbor and go before y^e Revr^d M^r. Adams, and M^r. John Richards, of N. London, and used what argument I could to Benn and the Rest, to accommodate the difference. Accordingly they mett at M^r Adamases, and Benn was perswaded to go to hear him againe: but Benn perseiving, as he thought, y^t M^r. Barbor was still on that side, since Sam^l Mason came home, Benn come to me and tels me he is perswaded More than Ever to believe M^r. Barbor is his eniemie; and whatever I could say to perswade him to go to hear him till another might be sent, he seems averse to it. And indeed, tho I took y^e Revr^d M^r. Coleman's advice in doing all possable for me to do to Reconcile them at that time, and wrot to M^r. Barbor, &c. as afores^d, and M^r. Barbor knew it, yet tho he hath benn many times at Hartford since, and notwithstanding Doctor Coleman's advice to him, never hath benn y^e man y^t hath come to my house, nor said one word to me, tho Intimately acquainted at my house before; or hath ever so much as answered my letter, or wrot a word of y^e Matter to me. However, its possable he may know I am not a man that delight much in being Courted, so I can freely forgive him if he be in fault, &c. That is not so much my trouble, as to see a schoole so well begun, so much time and Money and paines probably lost, and the pore people too, if something be not spedily don to prevent it. And all tho in the first setting of it up the Gen^lmen Comissioners were pleased to advise with me in the affaire, and they did much to that and some other tribes

of Indians in this Coloney, yett since our Contribution for to help it forward, they have seemed to withhold boath money and advice, which I am sorry for; for I can't but think something of boath would be very acceptable and well improved. Not that I say anything in way of Complaint, for I submit to y^e Conduct of the Comission^{rs} at Boston, and wholly acquiesce, &c., in it. And being assured you Rejoyce to hear of pore heathen's wellfare, I briefly say, our School of Indians at Niantik, M^r. Adams tels me, prospers; our School at Farmingtown the last sumer, under the tuetion of John Fawump(?) the Indian Christian, hath made very good progress: the lesser children I have ordered to be schooled at y^e English schole, and boarded by the English, all at the expence of this Coloney, as they have benn severall winters past; and I can Reioyce in the good Providence that smiles upon them all. But the confusion of that at Moheegan damps my spirits, and I don't care to say a word of y^e Reason of its being so confused at this day, lest it be by some atyributed to Self. But as it is the honnour of a King to serch out y^e Matter, so it is of all under him, according to their station and ability; and I knowing it is impossable but y^t Gen^l of youre wisdom, and so understanding in the Cause of the schole at Mohegan's being thus broken, and still labouring under such perplexing Circumstances, can not but be known to you, I shall be silent. I pray the Gen^l Comissioners to bear with my plaine stile, for I am in sincerity truly desirouss to propogate Religion amongst those poore Remaines of the heathen y^t are here left, and am, S^r,

Yourre and their very hum^{bl}^e Servant,

J. TALCOTT.

To y^e Hon^{bl}^e Col^o ADAM WINTHROP, Esq^r.

DECLARATION OF BEN UNCAS AND HIS TRIBE.

To all People to whom these Presents Shall Come Ben Uncas, Sachem of the Moheegan Indians, and Joshua Uncas, Jo Pie, Honest John, Harry, Simon, Little George, Quancus, Caleb, Pechees, Ephraim Johnson, Noah Choychoy, Sam Pie, Tootoo, Wootesin, Andrew Tantapan, John Wampaneag, Abraham Choychoy of Mohegan, being Indians of the Mohegan Tribe in y^e Colony of Connecticut sendeth Greeting—

Whereas Uncas Late Sachem of the Mohegan Nation, on the 28th Day of September, in the Year of Christ 1640, did Grant unto the Gov^r & Magistrates of the English People on Connecticut, all His Lands whatsoever, (His Planting Lands only Excepted,) to them the S^d Gov^r and Magistrates to Settle into Plantations or otherwise as it Should Seem Good to them, & whereas the S^d Uncas Sachem in the Year of Christ, 1681, did renew His League of Friendship with the Gov^r & Company of the English Colony of Connecticut in New England in America, & therein did acquit & resign up all His Lands and Territories for Himself, His Heirs & Successors to the s^d Gov^r & Company to be by them dispos'd of into Plantations, Villages & Farms, as the S^d General Court in S^d Colony Should Grant, He the S^d Uncas Always to receive Such reasonable Satisfaction for His Property therein as He & the Settlers Should agree.*

And whereas the S^d Gov^r & Company, according to S^d Grant from Uncas & Agreement with Him, have Granted & Patented out S^d Lands into Townships, Villages & Farms to Sundry English People, Planted & Settled on the Same.

And whereas the S^d English People To whom y^e S^d Lands have been Granted & Patented as afores^d

* This covenant is given in the Mohegan Papers in the possession of the Connecticut Historical Society.

from S^d Gov^{ur} & Company have Duely paid to S^d Uncas or his Successors, Sachems of Moheegan a Reasonable Price for S^d Lands According to S^d Agreement —

Now Therefore

Know ye y^t for & in Consideration Thereof, & for & in Consideration that the Settlers on s^d Lands have Now paid unto us the Sum of fifty Pounds, and for other Causes and Considerations Us hereunto Moving we the S^d Ben Uncas, Sachem, and Joshua Uncas, Jo Pie, Honest John, Harry, Simon Choychoy, Little George, Quancus, Caleb, Pechees, Ephraim Johnson, Noah Choychoy, Sam Pie, Totoo, Wootesin, Andrew Tantapan, John Wampaneag, Abraham Choychoy, Moheegan Indians, in the Colony of Connecticut, do hereby declare y^t the S^d Gov^{ur} & Company have hitherto duely and fully kept & performed their Covenant and Agreement with the Sachem and Nation of the Moheegan Indians, and of all & every English People or Persons Whomsoever, (to whom y^e General Court in S^d Colony have Granted and Patented S^d Lands or any part thereof,) Have duely paid a reasonable Price for the Same to the Mohegee Sachem, According to S^d Agreement, & y^t all & Every Person or Persons, to whom the S^d Gov^{ur} & Company have Granted & Pattented S^d Lands or any Part thereof, their Heirs and Assigns, To whom Such Lands are now descended or Accrued under Such Grantees or Patentees, have a Good Right & Title to S^d Lands, to have & to hold the Same to them & their Heirs forever, from and against us, or Either of us, or any Person or Persons, Claiming from by or under us, as the S^d Lands are bounded in Such Grants or Patents or otherwise more particularly bounded out in Severalty on the Records of the Respective Towns in which Such Lands Lie, and we do hereby for ourselves, our

Heirs & Successors, fully, freely and absolutely Remit, Release and forever Quitclaim all the Right, Title, Interest & Estate y^t we, or any one of us now have, or might, ought or could have to the S^d Lands, & Every Part thereof, to all & Every Person or Persons respectively to whom S^d Lands or any Part Thereof have been Granted & Patented as afores^d, or to their Heirs or Assigns, to whom Such Lands are now Descended or accrued from & under Such Grants & Patents, to have & to hold the Same, Respectively to them & their Heirs & Assigns forever, as the S^d Lands are bounded in Such Grants or Patents, or more particularly bounded in Severlty on the Records of the Towns Respectively in which Such Lands lie, without Let, Suit, Claim, Hindrance, or Molestation, from, by, or under us, Either of us, or any Person, or Persons Claiming from, by, or under us, and whereas Late, one Mahomet, Late of Nayantick, at the Instigation of Cap^t John Mason, Late of New London, hath Pretended Himself to be y^e Sachem of The Moheag Tribe of Indians, & as Such hath Presented an Address to His Present Majesty, George the 2^d, King of Great Britain, &c, therein Complaining to the King y^t the S^d Gov^r & Company have broken their Leagues with The Moheag Sachem & Nation, and have Unjustly taken away Their Lands, Contrary to their Covenant, upon which Complaint His Majesty hath been Prevail'd upon to Grant His Commission to the Gov^r & Council of the Colony of New York & to the Gov^r & Council of the Colony of Rhode Island, or to any five of them, to hear & Determine S^d Cause, and for as much as it is most evidently known unto us y^t the S^d Mahomet was not the Sachem of the Moheegan Nation, & y^t He, with Cap^t Mason, went with that Complaint to the King without ever Consulting Us, & Contrary to our Minds, and y^t S^d Complaint Contains matter most untrue, and

as we acknowledge & declare we have no Desire or Right to take any Benefit thereby, we do hereby for our Selves, our Heirs & Successors waive disclaim & Renounce S^d Complaint, and all Processes, Tryals, Judgments to be had, made, mov'd, or given by or before the S^d Commissioners, Commissionated to hear and Determine any Causes, Complaints, or Controversys Thereupon, And we do hereby for ourselves, our Heirs & Successors, freely & absolutely Acquit, Discharge & forever Release the S^d Gov^{ur} & Company, and all other Person or Persons, from a Judgment Given by Joseph Dudley, Esq^r, and other Commissioners, at their Court of Enquiry Holden at Stoningtown, in August, 1705, & from all other Claims, Actions, Causes of Actions, Processes, Judgments, Costs, Executions, Dues & Demands, whatsoever, y^t have hitherto Happened, been, had, made, mov'd, given & Done Between the Sachem of Moheegan, or the Sachem & Tribe of Moheegan, and the S^d Gov^{ur} & Company, or any other Person or Persons whatsoever, about or Concerning S^d Lands.

Seal'd with our Seals, Dated in Colchester, Feb 28th, Anno Domini 1737/8.

Signed, Seal'd & Deliver'd

in Presence of us

John Bulkley.

Charles Bulkley.


In Colchester February 28th, A.D.


1737/8, then appeared Ben Uncas,


Sachem, Joshua Uncas, Honest

John, Jo Pie, Harry, Simon Choy-

choy, Little George, Quancus, Harry

Ben ^{his}
 Uncas
^{mark}

Joshua ^{his}
 Uncas
^{mark}

Honest ^{his}
 John
^{mark}

Joe ^{his}
 Pie
^{mark}

Harry ^{his}
 ^{mark}

Caleb, Pechees, Ephraim Johnson, Simon Choychoy

Noah Choychoy, Sam Pie, Tooto,

Wootesin, Andrew & John Wam-

paneag, and acknowledg^d the fore-


going Instrument to be their free

Act & Deed


Coram ROGER WOLCOTT,

Ass^t.

Little ^{his}
 ^{mark} George

Quancus ^{his}
 ^{mark}

Caleb ^{his}
 ^{mark}

Pechees ^{his}
 ^{mark}

In Colchester, February 28th, A.

Dom. 1737/8, M^r John Avery, be-

ing Sworn before me, Roger Wol-

cott, Assis^t., To interpret the In-

strument written on this Sheet

unto Ben Uncas, Sachem, Joshua

Uncas, Honest John, Jo Pie,

Harry, Simon Choychoy, Little

George, Quancus, Caleb, Pechees,

Ephraim Johnson, Noah Choychoy,

Sam Pie, Tooto, Wotesin, Andrew

Tantapan, and John Wampaneage,

declared upon Oath y^t He had

made them understand the Same,


and y^t each of them declared the


Same was their free Act & Deed.


Coram ROGER WOLCOTT,

Assis^t.


Ephraim ^{his}
 ^{mark} Johnson


Noah ^{his}
 ^{mark} Choychoy


Sam ^{his}
 ^{mark} Pie

Totoo ^{his}
 ^{mark}

Wootesin ^{his}
 ^{mark}

Andrew ^{his}
 ^{mark} Tantapan

John ^{his}
 ^{mark} Wampaneg

Abraham ^{his}
 ^{mark} Choychoy

In Norwich, March 1st, Anno Dom. 1737/8, appear'd Abraham Choychoy, and acknowledg'd the foregoing Instrument to be His free Act & Deed.

Coram ROGER WOLCOTT, *Assis't*.

In Norwich, March 1st, 1737/8, M^r Sam^l Avery, Interpreter, being Sworn before me, Roger Wolcott, Assis't, Declar'd upon Oath y^t He made Abraham Choychoy Understand the Instrument written on this Sheet.

Coram ROGER WOLCOTT, *Assis't*.

This Instrument Entered at Large on the Records of the Colony of Connecticut, Book N^o 1, fol. 4. 5. 6., for Patents, Deeds & Surveys of Land, May 18th, 1738. P GEORGE WYLLYS *Secret^{ry}*.

A True Copy of the Original on File, Examined P^r Daniel Huntington, Jun^r, Clerk of the Court of Commiss^{rs}.

GOVERNOR TALCOTT TO GOVERNOR WANTON* OF
RHODE ISLAND.

HARTFORD, April 26, 1738.

May it please Your Hon^r:

M^r Mason was at my house last week, in his return from N. York, and Informs me that the Hon^{able} the Deputy Gov^r and Councill of that Colony have proposed to yourself and the Councill at R. Island, that the Commissioners should open their Court at Norwich, on the 23^d of May next.

And as I Rejoice that this affair is to be heard and Considerd by Gentlemen of so much Honour and Justice, so I can't but think it will be Most

*Col. John Wanton, Governor of Rhode Island, born Dec. 24, 1672; Deputy; Speaker, 1707-10-13; Deputy-Governor seven years; Governor from 1734 until his death, July 5, 1740. — *Genealogical Dictionary of Rhode Island*, 216. *Rhode Island Colonial Records*, IV. 4, 447, 496, 576. 3

Agreeable to the Com^{rs} that our Defence should be made in the best manner which we on our part can well attain to do in so short a time.

And here your Hon^r will please to Consider that our Assembly meet at their Court of Election on the 11th day of May. This will bring the time within twelve days of the Com^{rs} Meeting. In so short a time 'twill be very Dificult to Acquaint our Counsell with the case, and Give them time to prepare themselves to make our Defence.

I am therefore prepareing a letter to his Hon^r D. Gov^r Clarke to Concert with yourself that the time for your meeting may be in the first or second week in June, and I now beg the favor of yourself to Concert the matter with him, so that we may have the favor till that time to prepare ourselves, and we shall then Gladly wait upon the Hon^{able} Com^{rs}.

I am, Hon^{able} S^r.

[Indorsed] Copey of Letter to Gov^r Wanton, April 26: 1738.

FRANCIS WILKS TO GOVERNOR TALCOTT.

LONDON, 3^d May, 1738.

Sir: I am favour'd with Yours of the 22^d August inclosing sundry papers, Also yours of the 8th of Novem^r.* I should not have Omitted Writing you fully thereupon by the Spring Ships, but the Matter depending upon things which I was not a Judge of, I was forced to lose that Oppertunity, And this is the first I have had, since I got an Opinion from my Council relating to what you have wrote about. The Sitting of Parliament & Courts of Justice has so vastly engaged all the Considerable Men in that way, that I have not as yet been Able to Obtain an Opinion in

* See page 36.

Writing, Only upon Consultation do find it is Impossible for any steps to be taken here to put a Stop to the Commission being Executed; nothing of that kind is practicable. The only Method to be advis'd is, for the Sachem to Appear before the Commissioners, disclaim the Petition upon which the Commission Issued, and to Consent to a Reversal of the former Sentence, And to desire Judgment may be given in favour of Connecticutt, And the Commissioners returning this to the Crown will make a Short, Easy, and Perfect end of this Affair. I have not got my Solicitor's bill of Charges in your Affairs, but shall hasten it, And by the first Oppertunity you shall have my Account. In the mean time you may depend I shall be as good a husband of your money as possible, but not Let the Interest of the Collony Suffer in the least for want of what shall be necessary. What you mention of a Proceeding amongst the Indians in the Year 1736, encouraged by some friends of Capⁿ Mason, I have not heard of, nor will it be of any Consequence, as we apprehend at Present.

I am with hearty Respect, Sir,

Yo^r Honours most Hum: and most Obed^t Serv^t,

FRA. WILKS.

To The Hon.^{ble} JOSEPH TALCOTT, Esq^r.

ADDRESS OF CONDOLENCE TO GOVERNOR TALCOTT.

The Humble Address of the House of Representatives of y^e Colony of Connecticutt made to the Honourable Joseph Talcott, Esq^r, Gov^r of the s^d Colony, On the Sorrowfull Occasion of the Sudden and much Lamented Death of his Virtuous and Desirable Consort.*

*Madam Talcott, wife of the Governor, died very suddenly, about noon, on Thursday, May 25, 1738, after a morning session of the General Assembly, which had taken a recess until afternoon.

May it please your Honour,

We, the representatives of the Colony of Connecticut, in General Court assembled, humbly take leave, with one heart and mind, to address your Honour under the sore and awful rebuke of the Almighty, who has, by his holy and wise providence, removed from you that dearest part of yourself, the desire of your eyes and the greatest comfort of your life, by a sudden and unexpected death, and to let your Honour know, that we esteem ourselves sharers in your loss, and afflicted by your affliction, and that we do affectionately condole your Honour's lonely and widowed state, and desire, with your Honour, to take notice of the divine rebuke, and to quiet ourselves with the consideration, that the Almighty Lord of Hosts, all whose works are done in truth, hath done it, and would not complain of, but mourn under a sense of the heavy stroke of his holy hand; especially when we consider the subject of our present mournful meditations in the relation of a worthy consort to your Honour, or that of a mother, a mistress, a christian friend or neighbor, in all which we should fall short of doing justice to her memory, if we should fail of pronouncing her to be virtuous, affable, tender, kind, pious, charitable and beneficent.

And, considering the removal of a person so truly great and amiable, so near to your Honour, and by so sudden and surprising a stroke, we cannot wonder to see your Honour so covered with sorrow, and so tenderly bewailing a loss so truly great, nor censure ourselves, that we have mingled our tears with your Honour's on so solemn and mournful an occasion; but rather admire that greatness and presence of mind, which your Honour discovered, when you appeared at the council board, at

the head of this legislature, managing the important affairs of this colony, in so few hours after so heavy a stroke, which has so manifestly discovered, not only that your Honour's heart and hopes were supported from views above the best enjoyments here, but also that the special presence of the Great Governour of the Universe was then afforded, of which we most thankfully take notice.

And as we are sharers with your Honour under the weight of your sorrows and burthens, so we take leave to assure your Honour, that we willingly bear our part thereof, and should, with the greatest sincerity, rejoice to be any ways instrumental in alleviating the same.

We look on it our duty, and shall endeavour to make our addresses to the throne of the Almighty Repairer of breaches, that he would sanctify to your Honour, your family, and to the people under your government, this cup of trembling and astonishment; that he would lift on your Honour the light of his countenance, and send in all needful supplies of his grace; that your life, which is so valuable and precious to us, may be rendered, in every respect, comfortable to yourself; that your Honour's stability and presence of mind, notwithstanding your present afflictions, may be preserved and increased, that the great affairs of your government, under their present critical circumstances, may be conducted by you with ease, satisfaction and success; that God would lengthen out your Honour's life as a lasting blessing to your people.

THE GOVERNOR'S ANSWER.

To Mr. Speaker and Gentlemen Representatives:

As every spark adds to the fire, so every fresh mention made to me of my departed companion is

a fresh wound to my bleeding heart; And the sight of your address in condolence in the loss of her makes such impressions on me, that I cannot express myself, nor speak a word, but only, with a trembling heart and hand, thankfully acknowledge your kind respects and honour done both to the living and the dead. I wish I could, in a more suitable manner, express myself to you on this solemn occasion. I hope that, in consideration of my present pressure of grief, you will cover all my infirmities with a mantle of charity; for I am, gentlemen, yours to serve, in all things that I may, to the utmost of my power,

J. TALCOTT.

GOVERNOR TALCOTT TO GOVERNOR BELCHER OF
MASSACHUSETTS.

Honourable and Much Esteemed

S^r.

On the 25th of May ult^o., in the morning, my wife was observed to appeare better in helth and More Cheerfull than at any time for some months before, and after walking and Cheerfully instructing her Children & Servants in the affaires of the family, sat down in a Chaire, and without the least intimation of any Indisposition, fel from the Chaire, was Emediately taken up by her daughter. Then shee said, Don't lett me go; if you doe, I shall fall againe. I being with the Gen^l Assembly, about 11 o'Clock, fore Noon, was Emediately sent for to come home. I emediately went home, found my wife lying on her bed. After I came into the Roome and took her by the hand, shee was severall times askt if shee knew me. She once answered, Yes; which was all the word I had oppertunity to hear here speak, after y^e appoplectick fit seiz'd her. This unexpected, sudden and surprising

stroke came thus upon me: death Entered into my windows, and as in a moment Removed from me the Most Valueable of all creature Comforts and enioyments; and under such a heavie, sudden and surprising Cup of trembling and Astonishment, it would have become me and I should have inclined to have sat alone, laide my hand on my Mouth, and my Mouth as in the dust, acknowledging the Lord is Just when he speaketh, and Righteous when he Judgeth, and to have been Imploring the Allmighty to support, strengthen, Comfort and sanctifie to me and family this cup of wormwood and gaulle.

But the Gen^l Assembly then Sitting, the Hon^{ble} D: Gov^r. being one of y^e Agents for this Coloney, and then before the Comissioner's Court at Norwich, the criticall conjuncture of affaires at y^t time was such y^t I was oblidge in the afternoon that same day to attend the publick affaires with y^e Gen^l Assembly, and might not neglect them, &c.

And all tho I had no more from my departed friend when she left me, yett the Experience I had of her in her wholl life to be a series of Religion filled up with every Christian vertue, and so generally in the lively exersise of them towards God and Man, I am Charitably to believe shee hath made a happy Exchange, yett on our part, Just Cause of grief and sorrow. May God sanctifie it to us, and guide us suitably to behave under this & all the dispensations of his holy and all wise providences, boath merciful and afflictive, so as not to dishonour (but honour) him: and may we be inabled (as shee did,) in the wholl Course of our pilgrimages here in the feare of y^e Lord, to be following those who through faith and patience are gone before to Inherit the promises; and then we may whilst here sing not

only of Judgment, but also of Mercy, and hereafter Meet our departed friends whome Christ shall bring with him, and with them lift up our hallelujahs for Ever more. Then lett us waite a little while with patience, untill our Expected Change shall Come, with our loyns girt, and our Lamps burning; and being allways Ready, lett us Cheerfully say, Come, Lord Jesus, Come quickly.

S^r, in condolence with me, and Remembrance of my departed friend, please to accept a paire of gloves and a Ring, which I have directed M^r. John Ellerie,* my friend and Neighbour, to procure in Boston, and deliver to youre Excellency; and youre acceptance shall be my great obligation to be and Remain allways, S^r,

Youre Excellencie's to Coñand,

J. TALCOTT.

HARTFORD, July 4th, 1738.

P. S: I am grieved to hear that y^e pore Indians at Mohegan have benn so long wounded in their Schooling, and Instructions in things of Religion, by the doings of Mercenary spirited men. Wish youre Excellency and Comis^{rs}. would put them under some good Regulation. For my part, I am in y^e Coñis- sion, but here alone, and Can't do any thing of my- self: would gladly contrybute my mite, the little while I stay. Please give my hum^{ble} Service to y^e Gen^l Comis^{rs}. and Excuse my tediousness.

J. TALCOTT.

To His Excellency, JONTH BELCHER, Esq^r.
In Boston.

* John Ellery, born in Boston, Feb. 19, 1712; a merchant in Hartford, where he died, Nov. 14, 1746. — *N. E. Historic-Genealogical Register*, XLIII. 313-14.

GOVERNOR TALCOTT TO FRANCIS WILKS.

S^r. I hope my last to you of Nov^r. 8th past, as also a packet I Sent you before, Containing Ben Uncas his address to his Majestie, are Come Safe to your hands, altho I have no acount of it from you.

The Last I Rec^d from you was yours of August 11th and Sep^r. 10th,* Accompanying the Commission of Review, for which I thank you.

I am now to Inform you that we have now come to a Tryall before the Commissioners,† and Judgment is Gone in our Favour, and I heare that M^r. Mason, Cap^t. Tracy‡ & others, that are Combined with him in that affaire, have taken out the Copies with a Design to prosecute a Complaint to the King, that there is Error in the Court of Comm^{rs} in proceeding to and Rendring up Judgment in that Case.

The Better to Enable you to prevent the Mischiefs they are now again designing against us, I shall be forced to be something perticular in Leting you into the affaire.

That Major Ben Uncas, father to the present Sachem, & the present Sachem, were with the full Consent of the Tribe Solemnly Installed Sachems and

* These two letters were not found in the Talcott Papers, or in the State archives.

† The Commissioners present at Norwich were: Philip Cortland, President, Daniel Horsmanden, John Wanton (Governor of Rhode Island), John Chipman, Peter Bours, William Anthony, James Arnold, Philip Arnold, Rowse Helme. The Court first sat at Greenwich, May 10, 1738, then adjourned and met at the house of Capt. Joseph Tracy, in Norwich, May 24. John Read, Esq^r. of Boston, appeared as Counsel for the Governor and Company of Connecticut; William Shirley, and William Bollen, for the Mohegan Indians. The Hon. Jonathan Law, Roger Wolcott, Esq^r., John Bulkley, Esq^r., Thomas Fitch, Esq^r., and M^r. Joseph Fowler, agents for the Colony of Connecticut. The Hon. John Wanton was appointed President at Norwich, in the place of Cortland. *Connecticut and the Mohegan Indians. Mohegan Papers in possession of the Connecticut Historical Society.*

‡ Capt. Joseph Tracy, born in Norwich, April 20, 1682; one of the leading men of the town, deputy several times to the General Assembly; died April 10, 1765. — *Walworth's Hyde Genealogy*, I. 60.

Accepted,* and in fact such you will find fully proved by the papers I formerly Sent you and those that Come to you now, and that there was none Disputed theire being Lawfull and Rightfull Sachems till Cap^t. Mason Went to England with Mahomett, the Occasion of which I Intimated to you before. Cap^t. Mason had long urged the present Sachem, Ben, to Joyn with him in Reviving this Controversy, telling him he would Get the whole Country for him if he would Favour the Matter, but finding the Sachem Inflexible to this, Cap^t. Mason (altho: he was present & a principal Manager in the Installment of the two Sachems, Father & Son, and had Ever Acknowledged them and been a Councillor to them, yet upon this) he renounces him & Sets up this Mahomet, an Impostor, in his Stead; and you will never find by any Testimony the Least Lisp of Mahomet being a Sachem till this.

Since M^r. Mason is Returned with the Commission of Review, he and Tracy & the rest of his party have done theire utmost to Invegle the Indians to renounce theire Sachems, and to Joyn with him in prosecuting the Complaints, feeding of them with hopes of Gaining for them a Third part of the Colony, and by this Artifice hath Gained some of the Moheegs now to Joyn with him, and to make his party appeare Great hath took in many of the Pequods, Nantiks and Other Indians, with them who have Nothing at all in the Controversy. Those I heare have Signed him an Instrument, wherein they Complain that Ben hath Joyned with the English and Sold theire Country from them, by which they are Greatly opprest; that the King by his Commission took Care that they should be heard and Justice Done them,

* Colonial Records, VI. 428.

And they were accordingly Sommoned yet Denied to be heard, from which Oppression they pray for relief.

Here I Must Tell you that M^r. Mason, who knew he could not bend the Sachem to his unjust Designs, has been projecting with his party to Set up the Indians he could prevail upon, as a party in the Cause without the Sachem, as in Contradiction or Contradiction [*sic*] to the Sachem, and the better to have a Collour for this, he & Cap^t. Thracy and M^r. Walton Conspire that Walton Shall Goe with him to Greenwich, when the Court opened there at first on the 24th of May, and be appointed Clerk of the Comm^s Court,* which they Efected, for it was at the utmost part of the Colony from the place where the Controversy was, and none were there to oppose them.

Walton, who was as much a party as Mason himself, being Clerk, Directs his Sommons to Cap^t. Thracy & his Son,† therefore Returns that he Can find no Sachem of the Moheegs, but he had Sommoned Sundry of the Moheeg Indians, and if they had any Sachem he was amongst them, and 'twas true Ben Uncass was Sommoned, tho' but as a private Man.

This Return of Tracy under Oath, who knew the Sachem as well as any Man, would have been very Surprizing to us but that we knew that Some men will always follow theire Designs rather than the Truth. However, this Return Gave the Court Some Trouble, for it was urged on Mason's part that there was no Sachem. At Length the Court Resolved they

* John Walton of Gloucester, in the county of Providence, Gentⁿ, appointed Clerk to the Court at Byram River; Daniel Huntington, Jun^r., of Norwich, was appointed in place of Walton, at Norwich, June 3, 1738.—*Mohegan Papers, C. H. S.*

† Joseph Tracy, Jun^r., born in Norwich, Oct. 17, 1706; constable and collector for nearly thirty years; died April 19, 1787.—*Walworth's Hyde Genealogy, I. 215.*

would Inquire, and the Sachem being Called for, Ben Uncass appeared and said he was Sachem, and Immediately, John Uncass, and then the Court proceeded to Call for Witnesses to prove the Right of the two Claims. Here M^r. Shirley* and Mr. Bollon,† who were Mason's Counsell, moved that the Mohegin Tribe may be admitted to say wheather they have a Sachem, &c., which was ruled against them. Then they Moved that the Indians Sommoned should be admitted to say wheather Ben, or John was Sachem.‡ This was ruled against them, but 'twas allowed that each Claimer might bring in Six to Inform the Court who was Sachem, and then the Court proceeded to heare the pleas & Evidences, and find Ben Uncass was Sachem. And now again M^r. Shirley and M^r. Bollon Moved that M^r. Mason be admitted to appear as Guardian for the Sachem, &c., which was also Ruled against them.

* William Shirley, afterwards Governor of Massachusetts.

† William Bolland, an Englishman, said to have come over to Massachusetts with Shirley, was a lawyer of eminence in Boston, Advocate-general under Shirley. In 1746 he was sent to England to solicit a reimbursement of the expenses occasioned by the expedition which captured Louisbourg; he succeeded, and was continued agent for the Province until 1762. He was afterwards made agent for the Council of Massachusetts. He published a number of political tracts, among them a treatise on the Stamp Act, in 1765. He died in England in 1776. — *Eliot's Biographical Dictionary*, 73. *Allen's Biographical Dictionary*, 75. *Hutchinson's History of Massachusetts*, II. 436. *Palfrey's History of New England*, V. 254, 351.

‡ John Waterman of Norwich, testified that he knew Old Uncas y^e Grand Mohegan Sachem & four of his Sons & y^e Owaneco, Son of the Uncas was his Eldest Son, and Succeeded his Father in the Sachemship, and further he Testifieth y^e John Uncas, Father of the present John Uncas, who Claims a Right to the Sachemship, was the Second Son of the s^d Old Uncas, & further he Saith that Jo Uncas, or I-u-den, was third Son of the s^d Old Uncas. And he also saith that Ben Uncas, father of the present Ben who challenges the Sachemship, was said Uncas's *fourth and youngest son*, that ever he knew. And further the deponent testifieth that the abovesaid Oweneco had three sons, viz.: Josiah, Mahomet, and Caesar; and that Josiah and Caesar *died without any male issue*; and that the said Mahomet had but *one* son, and his name was Mahomet, which he hears died in Old England: and he saith, that he always understood by the Indians, that Mahomet, the father of Mahomet, who he heard

And I Suppose the Overruling these three Motions will be the principal matter of Mason's Complaint, because the Indians were not thus admitted.

And here it may be proper for me to take notice what this Motion was. It was not that the Indians or any other Witnesses should not be heard to prove matters, but wheather Ben Uncass was not Sachem by Descent as Eldest Son & heire to his Ancestors, the preceding Sachems, or wheather he had not been formerly Installed in that place by the

died as aforesaid, would next have succeeded the said Oweneco in the Sachemship, had he *outlived* Oweneco, his father; the said *Mahomet* dying *before* Oweneco his father, and leaving *no male child but Mahomet his son*, then but a child for age, who he hears died in Old England as aforesaid, Cæsar, the youngest son of the said Oweneco, did succeed him in the Sachemship. And he further testifieth, that John Uncas who now claims a right to the Sachemship, hath ever denied and disowned Ben, the father of the present Ben, and the present Ben, his son, to be *rightful* Sachems. And further he testifieth, that when Old Ben was made Sachem, this present John Uncas left Mohegan *until said Ben was dead*; then he returned again, and said that he would take possession of the land, because he was more of a Sachem than Ben.

JOHN WATERMAN.

Connecticut and the Moheagan Indians, 237.

John Chandler of Woodstock testifieth, That he has been acquainted with the tribe of the Moheagan Indians for the space of about fifty years, and well knew Oweneco, the chief Sachem, and his son Mahomet, and the present John Uncas, whom this deponent ever understood to be a *descendant* from Uncas, father of said Oweneco, *and always treated him as being of the royal family of the said Moheagans tribe*. And further the deponent testifieth, that during the course of the several wars with the Indians since the year 1688, he had a superintendency over the Moheagan, and Pequot, and Niantick Indians, when they went forth a hunting; and directed them, by order of the government of the Massachusetts, where to hunt, and what sign to wear, that if they met with any of the English scouts they might not be exposed, by which means he became the more acquainted with those nations; and that the above-named John Uncas often went out on hunting, and the Moheagan Indians used to acknowledge him as a *Sunchim*, or a great man of that tribe; and that Major Ben Uncas, father of the present Ben (who used sometimes to hunt), said the present John was his cousin, *almost* his brother. And further the deponent testifieth not.

JOHN CHANDLER.

NORWICH, May 30, 1738.

Upon interrogation the deponent saith, that the word *Sunchim* signifies, as he understood it, a great man, one of the royal family, inferior in dignity to a Sachem.

JOHN CHANDLER.

Connecticut and the Moheagan Indians, 233.

universall Sufrage of the Nation, and for a Long Time Since Accepted & received by them as their Sachem, and So the Same of John Uncass, tho if those facts were true of him this the Court denied not but were Steadily pursuing: but the Motion was that the Nation as a Nation might Now Come in and say, That it might now Come in [*sic*] and in this Capacity renounce their Sachem who was in by Descent and Solemn Instalment, and say they had none, or sett up another in his place, who was never before heard or thought of, to serve this present Turn, and be a means to Gain the whole Country from the King's English Subjects, Contrary to their deeds, and release from the Sachem.

Such a Motion the Court was pleased to reject, and I think with Good reason; for,

1st. It is Contrary to the face of the Commission by which the Court was Constituted; for in that the Court are Directed to Cite in the Sachem, &c, and hear him as a party: but for the Court to Call the tribe together to depose him, and appear without him, or ag^t. him, is the reverse of this.

2^{ly}. This is to set up the tribe as owners of the Country, (While they have a Sachem), Which is Contrary to the Complaint of Owanaco to the Queen, to the Complaint of Mahomett to his present Majestie, Contrary to the opinion of the former Com^{rs}, and the usage, Custome and understanding of the Indians, and of the English, ever since the English Came to the Country, in all which time the deeds of sale have been given by the Sachem.

3^{ly}. The first and second Commissions were Granted to Give Relief from the Injurys Complained of in the Address made by Owanaco, and Mahomett, which Complaints hold forth that the Sachems were

owners of the Country, and had upon easie Terms sold a Great part of it to the English at their first Coming, but Reserved a part to themselves, and the English had Encroached upon that, without any Deeds from the Sachem, and Contrary to their Covenants with him. Upon this his Majestie takes himself to be bound in Hon^r to see that a petty prince, who is his Vassall, has Justice Done him, and there-upon appoints his Commissioners to Enquire of the Injury, and to see Right be done.

But the Motion is for the Reverse of this; the Motion is that the Nation as such shall be Called in and renounce their Sachem, and by this make themselves owners of the Countrey, and partys to the Suit, without or against their Sachem; and if by their Declaration they can bring the Court to Determine Ben is no Sachem, they may by the same Means obtain the Like Judgment of the Court that nither Uncass nor Owanaco were Sachems, for they have nither of them more to show for their title than Ben hath. This would be to Defeat all our Deeds & Releases from the former Sachems, and lay us Lyable to be turned out of the Countrey by the Tribe, who never pretended to a Title till now. This, Instead of Doing Justice between the Sachem and the King's Subjects on the Matter Complained of, is to Destroy both the Sachem and the English, and all Justice between them; and all this advantage the Tribe is to obtain upon the Easie Terms of their Denying a Notorious Truth for this vile purpose.

In this Case, the Question is not wheather the Sachem may be allowed to Sell the whole Country, and Deprive his people of Lands Sufficient for them, or not; for it appears in the Survey of the Moheeg fields, which I formerly Sent you, and So it is now

found by the Court, that there is between four & 5,000 Acres Good Land Secured for them, which is Indeed more than 100 acres to every male above 12 years old, and about ten Times more than they Do now or Ever yet Did Improve: but the Question is, wheather the 'Tribe now, under y^e Influence of Mason feeding them with hopes to Gain the whole Country to themselves, May upon a Caprice of theirs renounce theire Sachem, and Defeat oure Grants & releases from them. This the Court Denyed, and I think with the Greatest. Justice.

The Second Motion hath all the reasons against it that are made against the first, and this further: there were many Pequots, Nayanticks, and other Indians Sommoned by Thracy, besides the Moheags.

The third Motion, that the Sachem should be Declared under Guardianship, and Mason his Guardian, would have been much to M^r. Mason's advantage Could he have made it pass, for it would have put the management of the Case into his hands, and without this he had nothing to Do; and it would have defeated oure release from the Sachem: but undoubtedly this Motion was with a Great Deal of Reason & Justice Denied by the Court; for,

1st. Tho: it is True Major Ben, the Late Sachem, and his people Did Desire Cap^t. Mason, & his Children, to be friends and Councillors to himself & his Sons that should Succeed him in that place, but this is quite another thing from puting Mason a Superintendant or Guardian over them, so that the Sachem Could Do Nothing without them, or rather, that Cap^t. Mason & his posterity should always Manage all their affairs, tho never so much their Enemy, & Contrary to them.

2nd. 'Tis against Law & Reason that a private person of full age & Good understanding should

be under a Guardian; much more is it so in y^e case of a prince.

3^{ly}. Cap^t. Mason & his Son, by appearing Enemies to the Sachem, and Setting up an Imposter in his place, have Justly forfeited all Confidence in the Sachem towards him, and Especially in this Case. What a Great hardship then would the Court have put upon him, if they had forced him to have been Silent, and Suffer his case to be managed by his Great Enemie; or how Could the Court do this by a Commission which did Expressly Direct that he should be heard.

Thus far, S^r, I have adventured to Let my thoughts run on the Case; but if it should be Stirred again, I must refer it wholly to the better Thought of youre Self and your Counsell, Learned in y^e Law, and I Doubt not but that when you have Thorouly Consider^d the Justice of the Court in rejecting those Motions, you will be at a Loss for M^r. Horsmanden's* Reasons for Granting them all, and when he could not obtain them, he should Draw in Col^o. Courtland† with him, and withdraw before he heard the Case.‡ But for this I can Give you no Satisfaction, being a Stranger to that Gentleman's person, Character, & Designs.

The Evidences to Support the Judgment are Mentioned in y^e Judgment, all which I have herewith Sent you, Saving the Sundry Deeds from the

*Daniel Horsmanden, born in Gouldhurst, Kent, England, in 1691, a lawyer in New York; recorder; and Chief Justice, from March, 1763, until his death. He published in 1741-2, "The New York Conspiracy, or the History of the Negro Plot;" also "Letters to Governor Clinton," 1747. He died in Flatbush, N. Y., Sept. 28, 1778. — *Appleton's Cyclopaedia of American Biography*, III. 266.

†Philip van Cortlandt, Lord of the Manor of Cortlandt, born Aug. 9, 1683; died Aug. 21, 1746. — *Bolton's History of Westchester Co., N. Y.*, I. 57.

‡The two of the New York Commissioners who were present, Horsmanden and Cortland, considering the proceedings of the Court irregular, withdrew, and sent a representation of their reasons to the Lords of the Board of Trade.

Sachem to the Several tennants in possession. Those were too Many to trouble you with, nor do I think you will Need them, but those Sent you will be found Sufficient. If not, I hope we shall be allowed further Time to answer, before a Sentance be given which will Depeople one Third part of the Colony, and the Evidences I have Sent I Doubt not you will Improve to better advantage than I can Direct you.

Tis with the Greatest Reason you should now expect your Sallery is Granted, and I am Sorry I must beg your pardon for not doing it; but the Truth is, it was omitted, the whole Reason whereof was this: it used to be Granted at Oure May Sessions, towards the Close, when the other Salliries were Granted. The Court of Commissioners Seting at the same time of Oure Assembly, filled us all with much Concern about y^e Issue of this Great case, and Drew off the Deputy Gov^r. to attend that Court, and it pleased God at that very Time to take my deare Spouse Suddenly out of the World, which filled me with Such Trouble and Consternation that I never thought to Mention it, as I used to do, to the Assembly; and so it was Omitted. But Due Care shall be taken at oure next Session about it.

I have before wrote to you for an Acc^t of your Disbursments, that we may not be blamed for Lying behind in the acc^t, but have Received no Answer from you. I am,

S^r, with great Regards,

Yours hum^{bl^e} Servant,

J. TALCOTT.

HARTFORD, July 18th, 1738.

P. S. Notwithstanding the pretence M^r. Mason has that the Tribe of the Mohegins are with him Against their Sachem, tis undoubtedly true that all

his Endeavours have not been able so to debauch them, but that the greater part of those that are proper Moheags hold true to their King, and have Joined with him in Signing those Discharges to us.

The Last Motion made by M^r. Shirly and Boland before the Court of Commissioners was, that the Tribe might be heard by themselves, with Respect to the Matters of Complaint; but it was Denied. The Reason was, that it was to make a party that the Commission knew not anything of: But if any Indian or Indians had any right which he or they Claimed, that was not of the Right of the Sachem, he or they, was never Denied to be heard in, but Every One had free Liberty. I See no mention of that Motion in the Record, nor denial; I Suppose that it was that Matter of fact that they Wanted M^r. Tracy, Jun^r., and Grist* Sworn to.

J. TALCOTT.

HARTFORD, July 18th: 1738.

To FRANCIS WILKS Esq^r, London.

†JOHN READ TO GOVERNOR TALCOTT.

BOSTON, 4. Aug^t. 1738.

S^r:. Inclosed you have a Copy of my letter to Francis Wilks, Esq^r. concerning the trial of y^e Cause

* Thomas Grist, an Englishman, settled in Norwich, vestryman of the Episcopal Church at Norwich Landing. — *Miss Calkins' History of Norwich*, 452-3.

† John Read, born in Connecticut about 1680, was graduated from Harvard College in 1697; studied theology, and preached for some time at Waterbury, East Hartford, and Stratford. About this time he married Ruth Talcott, sister of Gov. Joseph Talcott. Subsequently he studied law, and was admitted an attorney at the bar in 1708, and in 1712 was appointed Queen's Attorney for Connecticut. In 1714 he bought of the Indians a large tract of land in Redding, Conn., called Lonetown Manor, and settled there. In 1722 he removed to Boston, and soon became known as the most eminent lawyer in New England. A contemporary calls him "the pride of the bar, the light of the law, and chief among the wise, witty, and eloquent," and Hutchinson says of him, II. 376, "Mr. Read, a very eminent lawyer, and what is

between y^e Colony & Mohegan Sachem, upon y^e review. That part of it which I call the truth of Your Case is what I advised at Norwich to put in as your allegations for y^e reversal of Gov^r. Dudley's Judgm^t, to w^c I prefix^t a direction to that Court accordingly, & to gratify your Agents also in y^e first place alledged that y^e former Co^mmissioners had not power to try y^e Controversy: but it seems they judged those you sent me more proper. It had been certainly of advantage in y^e case, if it ever should be re-examined at home, that they had taken depositions of y^e number & names of y^e Mohegan Indians, & to what tribes or places the rest of y^e Indians Summon'd before y^e late Court did belong; w^c was prepared, & they promis^t me should be put in & taken before y^e Court, & if farther occasion require, I still judge very proper to be done, Submitting all to better judgments.

I don't believe Mason will ever Stir any farther, for want of money & right: Yet if he should, I hope you will be Sufficiently prepared.

I believe it very proper that all the papers & minuit book should be Speedily lodged with y^e president, y^e Hon^{ble} Col. Wanton, And he should have y^e most full account given of y^e paper signed by Col. Whiting & C^t. Mason in June 1723,* which is now wanting, that he may take depositions & make certificate thereof as occasion may hereafter require.

more a person of great integrity, and firmness of mind." He became Attorney-General of Massachusetts, and a member of the House of Representatives, and was one of the Council during Governor Shirley's administration. He died in Feb., 1749. He contributed greatly to the reform of legal phraseology, being the first to reduce the antiquated forms and redundant phrases of deeds of conveyance to simpler and clearer language. — *Todd's History of Redding, Conn.*, 210, 211. *Talcott Pedigree*, 52. *Appleton's Cyclopædia of American Biography*, V. 197.

*This document is given in *Connecticut and the Mohegan Indians*, 201, and is an account of the election and installment of Major Ben Uncas as Sachem, June 13, 1723, signed by William Whiting and John Mason.

I know of no present opportunity to send y^r hon^{rs} letters & papers to y^e Agent, with mine inclosed, but shall imbrace y^e first shall present; & in the mean time, if what I have written be in any respect judged improper, upon y^e first advise I shall alter, or take it clean away, as I shall be directed.

Y^r. Hon^{rs}. most humble Serv^t.

JN^o READ.

To y^e Honble JOSEPH TALCOT, Esq^t. Gov^r. of Connecticutt Colony.

JOHN READ TO FRANCIS WILKS.

BOSTON, 4. Aug. 1738.

S^r. The proceedings & Judgment of y^e Com^{rs}issioners in reviewing y^e Cause between y^e Colony of Connecticut & the Mohegan Sachem, with Some of the evidences & allegations then offered them by y^e Colony, were sent me by y^e honble Gov^r Talcot, for me to make you a State of their case, & send it with them for your improvement as occasion may require.

As it is not possible to make them a State of their case unless I had the whole case before me, I Shall not attempt it; but observe upon these papers what may possibly Serve them better.

The truth of their Case is that, Whereas, on the 24. Aug^t. 1705, Joseph Dudley, Esq^t, Gov^r of y^e Province of y^e Massachusetts Bay, & others, Commissioners assigned by her late Majesty Queen Anne, to hear & determine y^e differences between the Chief Sachems of y^e Mohegan Indians & y^e Gov^r & Comp^a. of y^e Colony of Connecticut, touching a small tract of land those Sachems had reserved to themselves, having Summoned Owaneco, Chief Sachem of y^e Mohegan Indians & y^e Gov^r & Comp^a. afores^d, did consider &

determine that y^e s^d Owaneco & y^e Mohegan Indians should recover one tract of land 8 miles long & 4 broad, between New London & Norwich, another 9 miles long & 2 broad on y^e north bounds of Lime, another tract between Norwich & Haddam, granted to Colchester, & another called Massapeague, in New London, together with his just costs, & that y^e s^d Gov^r and Comp^a. should put them in possession: Now that Judgment was very wrong, & ought in all reason to be reversed, for

1. The Sachems of the Mohegans at the first coming of y^e English conveyed all their lands to them, reserving only their planting grounds lying between New London & Norwich, & at Massapeague; part whereof with the approbation of y^e Governm^t, they voluntarily alienated, as they decreased & became very few in number, and y^e rest being far more than they can improve, remains Still in their hands by an Amicable Settlement ratified in y^e Gen^l Court, 11 May 1721,* now in Court produced.

2. As the English to maintain friendliness with the Sachem have always reserved him Sufficiency of planting grounds, and at y^e Settlem^t of new Towns made him fresh presents & obtained new deeds of all the lands they Settled, so they purchased of him Deeds for more lands within those two tracts between Norwich & Hadam, & at the north bounds of Lime than ever he had there, when truly these two tracts are no part of y^e reserved lands mentioned in y^e Co^mission; and therefore without Special Authority to make several well peopled & improved parishes a desolation for hunting grounds for y^e Mohegan Sachem & his Indians, about 30 men, is a very Strange peice of injustice, and that judgment ought to be reversed.

* Colonial Records, VI. 256; Miss Calkins' History of Norwich, 268.

3. On the 28 of Feb. & 24. of April last, the Gov^r and Comp^s. treated with Ben Uncas, Sachem of y^e Mohegans, & greater part & most principal of his men, & obtained their Deeds, which were produced in Court, disclaiming this suit, acknowledging the Justice of y^e English in all y^e Controverted matters, & releasing y^e Judgm^t then to be reviewed, & all pretensions whatsoever against y^e Gov^r & Comp^s. This is y^e truth of y^e Case, & therefore unquestionably y^t Judgm^t ought to be reversed as not having any colour of Justice in it. And I Suppose these things will fully Appear in y^e case.

This being y^e Justice of y^e cause, the Co^mission being to determine this Cause finally upon y^e review, & Judgment having gone in favour of y^e Colony, I think y^e Colony should be at y^e expense, to have all the proceedings of that Court, with y^e several allegations & proofs of y^e partys, orderly & Successively drawn into one paper book, & signed by y^e Co^missioners that made the decree, inserting the Copy of their Co^mission at y^e first opening of their Court, & the decree reviewed when the trial came on, this to remain with the president: and a duplicate of it to remain in the Secretarys Office of y^e Colony of Connecticutt, for their Security against any future attempt of y^e same kind.

But I observe some incongruities & clerical faults in the minuits of the Courts proceedings, viz. the Judgment appears to be given 5. June, & is drawn with a Stile of y^e Court of Co^missioners held by adjournm^t at Norwich, y^e 24 of May, by vertue of his Majestys Co^mission, &c., where should be added [and by several adjournments there continued till 5. June following, or to y^t effect.] Also where many of y^e evidences were given in, no mention is made

of it in y^e minuit book, whereby their use might be collected. And where y^e partys were heard upon particular points, no mention is made of it, as reason plainly requires there should. Lastly, there is no proper introduction of the decree, as to say, This Court having read, heard & fully understood the Judgment afores^d, with the allegations & proofs of either party, have considered & thereupon determine & decree as followeth, viz. 1. We find, &c.

Now y^e occasion of these mistakes, as I am informed by one of y^e Agents of that Colony, viz. M^r Fowler, was, that y^e Court did not read over their records at y^e close of y^e Court, partly trusting to y^e ability & care of y^e Clerk, & partly Urged by some special occasions to hasten home. I am therefore of Opinion that y^e Council for the Colony Supervise that minuit book, & direct Wherein they ought to correct & set y^e book right; and I doubt not but those Co^mmissioners living near together will readily meet & do everything that is proper upon such Advice under y^e hand of your Council; & then if occasion be, you may have one of those exemplifications of y^e Case, & a State of y^e whole Case to place it in a clear & fair light.

I understand by M^r Fowler who brought me these papers that y^e mind of y^e Governm^t is to be advised by Council from home touching this affair, & what now remains proper for them to do, for y^e establishment of y^r future quiet: wherein I doubt not but you'll give them satisfaction as soon as possible.

I only add that y^e Gov^r tells me, he suspects that some ill minded persons have intercepted some of your letters, tis so long since he has had a line from you; & therefore desired me to send you

this with such care as not to have it intercepted,
w^e I shall accordingly endeavour.

S^r,

Y^r most humble Servant,

JN^o. READ.

Copy.

To FRANCIS WILKS, Esq^r.

[Indorsed] M^r Jn^o Reeds to M^r Wilks, from Boston,
August 4, 1738. advice Masons Case.

FRANCIS WILKS TO GOVERNOR TALCOTT.

LONDON, 18th Sep^r, 1738.

Copy ʒ Capⁿ Cary.

Hon^{ble} Sir. I am favour'd with yours of 18th July last. I am sorry I have not wrote you so often as you expected. The reason was, I sent you over every thing that offer'd in the affair of Mason, & I waited to hear what was done with you upon it. I am glad to hear Judgm^t is gone in favour of the Colony. Yours being but just come to hand, I have not had time to advise upon it, but I don't apprehend the Complaint you mention can signifie any thing. I don't think they'l be at the Charge of bringing it on; but if they do, you may depend nothing shall be want^d to defeat their Designs. If any Steps be taken by Mason or any body in his Behalf, I shall take the Opinion of Council how to proceed. I am very much oblig'd to you & well satisfied about my Salary. My Solliciter being a person of great Business it's hard to get his Accounts, which hinders my sending you my Disbursments, but hope the Court will be easy on that Acco^t, as no damage shall arise from that Delay.

Sir

I am now at the 14th of Oct^r, and hear Nothing of M^r. Mason. Our Gent: of the Law are not as yet returnd to Town, so that I Cant send you an Opinion upon the Papers I recd from M^r. Read, but shall take the first Oportunity, and am S^r,

Yr Most Obed. hum^le Serv^t,

FRA. WILKS.

To The Hon^{ble} JOSEPH TALCOTT, Esq^r.

GOVERNOR TALCOTT TO FRANCIS WILKS.

HARTFORD, Novemb^r 6th, 1738.

Sir: I am favoured with youres of the 3^d May, 1738,* and hope before this time you have Received M^r. John Reed's, of Boston, with mine, and the Evidences and our Pleas, given into His Majesty's Comission Court, holden at Norwich, in May and June ul^t., and the Judgment of s^d Court in our favour; and I am just now sending the wholl matter, (by a Gentleman from hence,) to Gov^r Wanton, who was President of s^d Court, with our desiers that Gov^r Wanton, with the Rest of the Judges of s^d Court, may send the Judgment, Evidences and pleas, to His Majesty, with their Letter Reporting the matters as they finde them, and hope it will Quiett us for the future.

I now send youre Salery of £150 to M^r. Thomas Hancox, in Boston. M^r. Mason is not yett gon from hence, but declares he will speedily Imbark for London; but I don't yett learn how he Intends to forme his Complaint. If any thing New is Suggested, I hope we shall have time given to make our objections, and conclude you will give us timely Notice

* See page 46.

of it, and of what ever may be forming against us.
 I am, Hon^{ble} S^r,
 your Most hum^{ble} Serv^t,
 J. TALCOTT.

P. S. Whether the Comis^{rs} will send it to youer-
 self, or M^r. Partridge, Esq^t.,* their agent, I dont yett
 know.

To FRANCIS WILKS, Esq^r:
 London.

JEREMIAH ALLEN† TO GOVERNOR TALCOTT.

Novem^r 13th.

Hon^{ble} Sir: Being deprived, by y^e Severity of
 y^e season, & y^e Distance of Boston from Hartford,
 of y^e Honour of paying You my Compliments in
 Person, and laying before You some Papers which
 I obtained in England, in Order to point out a
 Method whereby Your Government may regain y^e
 loss they sustained by the success of M^r. Winthrops
 Appeal, before y^e Right Hon^{ble} the Lords of His
 Maj^{ty}'s Privy Council, against M^r. Lechmere, upon
 your Law for y^e Division of Intestate Estates.

I beg leave to present y^e Same to your Hon-
 our, to be Used for y^e Advantage of y^e Colony, in
 what Way They shall think proper.

Which I was encouraged to do, upon Their Lord-
 ships' Judgement in favour of y^e same Law in this
 Province, which was endeavoured to be Invalidated
 upon y^e Strength of y^e Precedent of M^r. Winthrop's

* Richard Partridge, agent for Rhode Island, son of Lieutenant-Gov-
 ernor William Partridge of New Hampshire, and brother-in-law of Gov-
 ernor Belcher; at a later period he was agent for Connecticut.

† Jeremiah Allen, born in Boston, March 27, 1673; chosen Treasurer of
 the Province of Massachusetts in 1715; died in 1741. — *Sprague's Annals*
of the American Pulpit, I. 164. *Fifth Report of the Boston Record Com-*
missioners. "Gleaner" Articles, 99.

Case, As also upon y^e Declaration of my Lord Chancellor Hardwick against that Judgement in Favour of M^r. Winthrop, as your Honour will see by y^e Papers I now send You.

As I got this done in Order to serve y^e good People of Connecticutt, y^e same Motive has induced me to take y^e Liberty of not only presenting these Papers to Your Honour, but also of tendering You my best Services, whenever y^e Government shall please to comānd them.

And I beg leave to Assure Your Honour that I shall not only esteem it y^e greatest Honour I can Obtain, but also y^e greatest Temporal Blessing I can recieve, to be Instrumental, in y^e Hand of Providence, either of Securing or Regaining any of y^e Invaluable Privileges of Connecticutt, Religious or Civil.

I am with great Respect,
Your Honour's Most Ob^t & Dev^d Hum^{ble} Serv^{tt},

JER. ALLEN.

BOSTON, Jan^{ry} 23^d, 1738/9.

The Hon^{ble} JOSEPH TALCOTT, Esq^r.

JAMES ALLEN * TO GOVERNOR TALCOTT.

May it please your Honour :

I know not how to Apologize for the Liberty I take to Address your Honour, were it not That I Flatter myselfe That the Consequence & Importance of it to the Colony of Connecticut must Engage your

* James Allen was born in Boston, Aug. 24, 1670; Harvard College, 1689; a merchant in Boston, and representative in 1739-42, 1747, 1748, expelled—re-elected, 1748-54; a Fellow of Harvard College.—*Sprague's Annals of the American Pulpit*, I. 164; *Memorial History of Boston*, II. 263, 534.

Honour's known Goodness & Candour to Pardon the freedom.

As the Government is vastly happy in a Charter, so no Doubt any Infraction upon it must be Accounted a great Misfortune, w^c I Apprehend was made upon it, in makeing Void y^e Intestate Law, in y^e Case of M^r Winthrop, w^c perhaps might be Owing to the want of a proper Defence, w^c Appears by the case of Phillips & Savage, full to the Point, & Determined by their Lordships in favour of the Intestate Law, w^c presume may be Agreeable to your Honour, & the Other Gentⁿ in the Government, to Peruse, & therefore Begg Leave to Present it, together with the Remarks of the Famous M^r Paris, a Gentⁿ of the first Character, w^c my Brother, by his Interest, Some Cost, Pains & Application, had y^e good Fortune to Obtaine; and I'm well Assur'd would Esteem it his Honour & Happiness, to have it in his Power to Retrieve the Loss of so invaluable a Priviledge.

Permit me, Sir, to Tender my best Services in this or any other Affair, & Believe me Sincere when I Protest to your Honour, I should Think my selfe vastly happy to Use my Intrest for the Service of the Government, & always be Proud to be their, as I am your Honour's

Most Obedient

Humble Servant,

JA^s. ALLEN.

BOSTON, Janu^{ry} 25th, 1738.

To The Honorable JOSEPH TALCOTT, Esq^r.

FERDINAND JOHN PARIS* TO JEREMIAH ALLEN.

To JEREMIAH ALLEN, Esq^r.

Sir: As you have acquainted me that there is an Application, already made, for One Appeal to be allowed to his Majesty, and many more are threatned to be made, from Conecticut, in Relation to the Distribution of Intestate Estates in that Colony, to the Disturbance of many Person's Title there, and the unhinging of all Property in that Colony, and have desired my Thoughts thereon, I will give You my best Thoughts on so much as I know of that Affair; w^{ch} is a Matter I am in some Measure acquainted with, as I have very lately taken great Pains in travelling thrô the like Question from the Massachusetts Bay, in the Appeal of Philips agst Savage. The printed Case† wherein, (w^{ch} was drawn by my Self), I now enclose to You, and wherein I supported the Law for Distribution of Intestates Estates in that Province.

I also enclose You a Copy of the Order of Council, in the Appeal of Philips ag^t Savage.

It appears from the Charter granted to Connecticut, that some Persons had assembled and settled there, before the Date of their Charter.

Nay, from the doubtful Expression, within 8 Lines of the End of the Charter, it looks as if that Country had obtained the Name of the Colony of Conecticut, (nay it looks as if they had had some former Grant or Charter), before the present Charter was granted.

It may, therefore, be very material to prove, What

* Mr. Paris was a solicitor and attorney in London. Palfrey speaks of him as "a cunning and unscrupulous attorney of the name of Parris," *IV*. 557.

† Proc. Mass. Hist. Soc., Vol. V. 64-80. The Appellant's Case, and the Case of Faith Savage, one of the Respondents, are given, with briefs of counsel.

Government the People of Conecticut were under, before they had a Charter of their own, and when they had this first Grant or Charter, and what it was.

It's probable, and, with regard to this Question, it were to be wisht, that they were under the Massachusetts Governm^t., (under the Massachusetts old Charter,) before this New Charter to Connecticut.

I mean by this, that they put themselves under, and had recourse in Matters of Jurisdiction to, the Old Massachusetts Bay.

For I dont suppose the Old Charter to the Massachusetts Bay included the Lands in Conecticut.

The next thing to be considered, and to be proved, is, whether the People of Conecticut, antecedent to their present Charter, formed any Rules or Regulations among themselves, particularly any Rules or Regulations relating to the Distribution of Intestates real Estates,—what those Rules were, when they were made, by whom, where they are, and how they can be, most authentically, made to appear.

The Charter granted to Conecticut, which I now have before me, dated 23 April, 1664; That makes them a Corporation, gives them several Powers, particularly to make all manner of reasonable Laws not contrary to the Laws of the Realm of England, and declares such Laws shall be in fforce there.

It do's not, in Terms, reserve to the Crown the Approbation or Disapprobation of such Laws, as some other Charters do reserve, thô I think that quite immaterial, for it must be a part of the Prerogative of the Crown, which cannot, even by express Words, be absolutely parted with, to put a Negative upon every Law, made to bind the King's Subjects, and therefore, the not mentioning this in the Charter is rather a Disadvantage to the Colony, than an Advantage—

Seeing that if the Charter had in express Terms reserv'd such Approbation to the Crown, it wou'd, as in other Cases, have limited a time in w^{ch} such Approbation or Disapprobation sho'd have been made by the Crown, and in that Case, the Crown co'd not have done, as they did in Winthrop's Case, declared an *Old Act* of Conecticut void.

In the Charter to Conecticut, after a long String of Powers (some of which, and the last Antecedents too, relate merely to y^e Powers of a Corporation), there follow these Words, (*according to the Course of other Corporations within this our Kingdom of England*), w^{ch} Words have heretofore, been endeavour'd to be coupled with the particular Power of making Laws; which, (as I above observ'd), is incerted a great Deal before those Words in the Charter.

And it is remarkable that the Crown grants to the Gov^r & Comp^y the Lands in Trust, & for the Use & Benefit of themselves and their Associates, Freemen of the said Colony, their Heirs and Assigns, to be held of the Crown as of the Manor of East Greenwich, *in ffree and common Soccage*, and not in Capite, or by Knight's Service.

Yeilding the 5th part of all Gold & Silver Oar, in Lieu of all Services.

And the Crown declares that this Charter shall be construed most favourable for the Benefit of the Corporation. With the usual Non Obstante's, and particularly notwithstanding there is no mention of *any other Guift or Grant, by the Crown thentofore made to the said Gov^r and Comp^y* of the English Colony of Conecticut, in New England in America.

I have, with great Difficulty, borrow'd. the Edition of the Connecticut Laws printed in 1718. (For it is not to be bought in London for Love or Mony, if

it were, I wou'd soon be Master of it.) In that Edition, fo. 60, I find that the Colony, some time or other, enacted the Law for the Settlement of Intestates Estates.

Thô the Date of some of the Laws in that Booke do's appear, yet the Date of this do's not appear, otherwise, than that it was One of them w^{ch}. were revised, and new printed, and enacted to take Place, on the 1st. of Dec^r., 1702, by a new Act pass'd 8 Octo^r, 1702, fo. 120.

Many, nay most, if not all, of the Colonys of America, have enacted the same Law, but of that, by and by.

The late King by his Order in Coun^l., allow'd M^r Winthrop to appeal agst. M^r Lechmere, ^{28 Mar., 1727.} from a Determination made in Conecticut, whereby the late M^r Winthrop's Estate was order'd to be divided between his Son and Daughter, pursuant to said Act.

M^r Winthrop's Petitⁿ. of Appeal was presented to the King, and by the King referred to the ^{13 May, 1727.} Co^mee of Co^ll., in w^{ch}. Petition it's very observable that he did not rest his Case solely, upon the Validity or Invalidity of the Law in Question, but by way of great Aggravation, he complain'd qf several other most extraordinary Steps taken against him in Conecticut, pendente Lite, w^{ch}. very much assisted his Case.

That Appeal came on to be heard before a Co^mee of Co^ll. M^r Winthrop was assisted by the ^{20 Dec^r, 1727.} then Attorney Gen^l. Yorke, (now Lord Chancellor Hardwicke), and the Soll^r. Gen^l. Talbot, (late Lord Chancellor Talbot, but now dēcēd), two the ablest Lawyers that I ever did know, or ever am like to know, in those Posts.

M^r Lechmere's Case was defended by some body very little acquainted with Plantation Affairs, and in so poor a manner, that, at that time, it gave me, who was only a Bystander & not at all concerned in that Cause, great Pain, to see a Cause of that Gen^l Consequence, so wretchedly and poorly conducted.

Had M^{rs} Savages late Case from Massachusetts Bay been managed in as bad a manner, sure I am that it would have had just the same ill Success, especially, as a like Determination might have been founded upon M^r Winthrop's Preced^t. in Connecticut.

I need give but one Proof that M^r Lechmere's Case was miserably defended, considering what that Proof is, and it is this, M^r Winthrop's Co^{ll}. boldly put it upon M^r Lechmere's Co^{ll}. to shew that that distributory Act had ever, once, been followed or carried into Execution in Connecticut; & they were so very poorly instructed that they did not in Return, offer to shew that it had; which was giving a Death's Wound to their Cause; Whereas, if I am not much misinformed, there might have been given abundant Testimony of its being daily carry'd into Use there.

And M^r Winthrop being so very well assisted, and M^r Lechmere so poorly defended, the Lords advised the King to do, (what was not particularly prayed for in the Petitⁿ. of Appeal, any otherwise than under the Prayer for Gen^l. Relief,) and what was never done in any one Case, before or since, to my Knowledge, viz^t.

At Once, with^t. any Ref^{nce}. to the Board of Trade, they advised the King to declare the s^d Connecticut Act null and void, as contrary to the Laws of England, in regard it made Lands of Inheritance distributable as personal Estates, and was not warranted by

the Charter of the Colony.—And then, (the Act being out of the Way), they advised the King to reverse a whole string of Sentences, Orders, and Acts, &c., founded on that Law.

His Majesty by his Order in Co^l. approv'd and confirm'd the said Report, in every particular part, And declared the said Act null & void and of no fforce or effect whatever, and reverst the said Sentences, Orders, &c. "And the Gov^r & Comp^a of his Majesty's Colony of Conecticut for the time being, & all other Officers and persons, whatsoever, whom it may concern, are to take Notice of his Majesty's Royal Pleasure hereby signified, and yeild due obedience to every particular part thereof, as they will answer the contrary at their Peril."

It appears by an old printed Book of the Massachusetts Laws, under the Head, *Wills*, (but that Book of itself is not authentick), that that Province, under their old Charter, had in 1641, 1649, & 1652, Enacted Laws that made Intestates real Estates dividable. In 1692, under their new Charter, they reenacted that Law in an express maner.

And they have, at several times since, past explanatory Laws to it, as may be seen in Savage's Case, and in the Order thereupon, and in the Massachusetts new Law Book.

The Charter granted to the Massachusetts in 1691 reserves to the Crown (in express Terms) the Approbation or Disapprobation, within a limited time, of the Massachusetts Laws.

And the Crown had actually approved severall of such Laws, and, by not disapproving, had tacitly approv'd all those Laws.

One of those Laws of Explanation was actually approved by the Crown in 1731. (Since the time of Winthrop's Precedent.)

But upon the Death of Henry Philips, intestate, in the Massachusetts Bay, a Question arose, between his Elder Brother, and the rest of his Brothers & Sisters, as to the Validity of the Laws there for Division of Intestate Estates.

The Court of Probates, & the Gov^r. & Co^{ll}., upon
 1733. an Appeal to them, order'd the Estate to be divided, pursuant to their Laws.

His Majesty by Order in Co^{ll}. permitted Gillam
 12 Feb^y, 1734. Philips, the Eldest brother, to appeal from those Orders.

Gillam Philips presented his Petition of Appeal to his Majesty, and it was referred to the
 21 May, 1735. Committee.

That Appeal lay by, a long time, till the Lord Chancellor Hardwicke, (who had been Co^{ll}. for M^r Winthrop in his Case), cou'd attend the Hearings of that Appeal.

That Appeal came on to be heard
 13 & 16 Jan^y, 1737. before the Committee of Council.

And the Appeal was reduc'd to that single & great Point, whether the Massachusetts Law, distributing Intestates real Estates, was a valid Law, or not?

M^{rs} Savage the Respond^t., (for whom I was concern'd), shewed those old Laws of the Massachusetts, made under their Old Charter,—the new Laws under the New Charter—the actual Approbation of the Crown of some of those New Laws, and the not Disapprobation of all of them.

And She also shewed, in the only proper maner, viz^t, *under the Seal of the Colony*, the Certificates from the proper Officers of the Usage & Practice under those Laws.

And insisted on the Utility, Convenience and Fitness of those Laws to an Infant Country.

On the other hand, M^r Philips, the Appellant, relied on the Determination made in Winthrop's Case from Conecticut in 1727.

This made it necessary to shew the Distinctions between the two Cases.

The Massachusetts Law had been approved.

The Conecticut Law not so.

The Massachusets Charter gave Power *generally* to make Laws.

The Conecticut Charter had a Reservation in one Place, according to the Course of other Corporations in England.

It appear'd in the Massachusets Case that their Law was very Ancient.

The Date of the Connecticut Law did not appear.

It appear'd that the Massachusets Law was daily, constantly and continually observ'd, and carried into Execution.

And, after all these Distinctions had been taken, what very greatly assisted M^{rs} Savage's Cause was, a Declaration made, by the present Lord Chancellor Hardwicke, to this Effect, viz^t.

That he had been of Council for M^r Winthrop in his Case formerly. That as his Co^{ll}., he had at such time, offer'd all that he cou'd for his Clyent, to get the Conecticut Act repealed and y^e Ord^{rs}. re-verst. That thô he had prevail'd therein for his Clyent, Yet, with very great Deference to those Lords who judged in that Case, he was not satisfied in his own private Opinion, with that determination in Winthrop's Case.

Hereupon the Law in Massachusets was adjudged good, and in Consequence thereof the Orders for dividing Philips's Estate, (w^{ch}. had been appealed against), were affirmed, and the Appeal dismist.

As by the Order in Council of 15 Feb^r. 1737.

Certainly this last Determination in Philips's Case, and what past at it as above, has not strengthened, but if any thing has rather weakened, the Conecticut Precedent.

But You now tell me One Appeal from Conecticut is already applying for, (upon the same Point), and that great Numbers more are threatned to be brought.

This raises a great Doubt with me, when the Determinations were made in Conecticut, from which these Appeals are going to be made?

And this is a Question w^{ch}. it is impossible for me to solve, but w^{ch}. You may be able to answer, and w^{ch} I pray you wou'd do, for an Old Determination, and a New One, in Conecticut, may have very different Consequences.

In short; Were these Conecticut Judgm^{ts}. w^{ch}. are going to be appealed from made in Connecticut before the Determination in Winthrop's Case, or since?

If they were made *before* the Determination of Winthrop's Case, then I wou'd advise the Partys who are to be made Respond^{ts}. to these new Appeals, (and who must certainly know that their Adversarys are taking out their Papers in Order to petition here for Appeals), to send me a Copy of all the Papers, together with proper Certificates, (such as may be collected from the foregoing Observations), all under the Seal of the Colony; and oppose their partys, in the first Instance, and not let an Appeal be allowed, (if it can be prevented), For, if they lay by, and let an Appeal be allowed, & then are forced in to defend the Appeal, the only Question, then, will be, Whether the Act, or the Usage, is in it Self Valid?

Whereas, without entring at all into the Merits of the Question, if a Judgm^t. was given before 1727, and that an Appeal is now, for the first time, demanded therefrom, the Partys have great Reason to oppose such an Appeals being allow'd, let the Merits of the Cause be what they will.

On the other hand, If the Determinations made in Conecticut whereon these many Appeals are to be prayed, have been lately made, and since the time that the Determination was made in Winthrop's Case, I must own my Surprise that the Courts in Connecticut wou'd go on to make Determinations, upon the ffoundaⁿ of their Act, after they had notice of Winthrop's Order, and without having made some previous Application here.

So that You See, my Question is of Importance.

However, as so many Appeals are threatned, I think it will expose the private partys, to very great Charges, (w^{ch} tends to the impoverishing the whole Community), to have so many single, separate Appeals pursued here.

And besides, it will weaken the great Question, to have it questioned, merely between private persons, many of whom may not be able to be at the Expence of all the necessary Proofs, & Others not willing to spend so much money to make their utmost Efforts, but may hurt the Cause, (as M^r Lechmere did), by a Weak Defence.

But I think, its for the Interest of the Colony, that they shou'd interpose, in their Corporate Capacity, to prevent these Numbers of Appeals, and to support their Law, or Usage, in ffavour of this Distribution.

In Philip's Case, after great Consideration, it was permitted to the Agent for the Massachusetts Bay to

petition, pending Philips's Appeal, that in Case the Lords sho^d. be of Opinion to disallow the Massachusetts Act, upon hearing the Appeal between Philips and Savage, he might then have an Opportunity to be heard by his Co^ll, merely in support of that Law, before they sho^d. report any such matter to the King.

And as You say there is now One Appeal already depending from Conecticut, its to be pre-sum'd the same Liberty wo^d. be allow'd to the Agent of Conecticut, if properly apply'd for. But if any thing like this is intended, the Colony cannot too soon retein the best Council for them, before they are engaged ag^t. that Question.

And I think no two Gentlemen would be able to do more Service in this Case than M^r. Soll^r. Strange,* & M^r. Murray.†

If the Colony do thus interpose, they will have an Opportunity of taking in a greater Scope of Matter than can possibly be taken in by any party in a private Appeal, in a particular Cause, & amongst Others, the Law, the Usage & Practice in Conecticut may be urged, the great general & universal Inconveniencys of destroying, now, such Law or Usage, at least for y^e time past, Also the Similar Laws in the other Provinces in America, (some of w^{ch}. I shall presently mention), And they sho^d. urge, & also prove, by Certificates from all y^e proper Off^{rs}. und^r. y^e Seal of y^e Colony, & also by Copys und^r Seal, at full length, (of the whole Compleat Records in the Colony) Divisions of very vast(?) Numbers of real Estates.

* Sir John Strange, Master of the Rolls, then at the bar. He and Jonathan Belcher, Jun^r., were counsel for Faith Savage, respondent in the case of Phillips *vs.* Savage. — *Mass. Hist. Soc. Proceedings*, V. 64-80, 167.

† Afterwards Lord Mansfield.

It will be sayd that this will be expensive, but I think it will not be so, to a whole Colony. And supposing it sho^d. cost 30^l or 40^l Sterl. to transcribe two or three very long Books of Records, it ought not to be regarded at all: & I wo^d. advise the Colony not to rely upon their Officers Certificates, alone, (w^{ch}. sho^d. be had from all their Officers, past & present), but to send over all the Proceedings also, to shew abundantly how long, how often, & in how many Instances, this Law or Usage has prevailed in Conecticut.

There is but one thing more w^{ch} I shall mention, with Respect to the Colony, And that is this; They sho^d. furnish themselves with Copys, in the most authentick maner, und^r y^e Seal of y^e respective Colonys, of all Laws ancient & modern, made in every one of those Colonys, for the Distribution of Intestates real Estates, in Order to shew y^e gen^l. Usage of America.

I can here point out many such, but by a proper Enquiry there, many more & Others may no doubt be found out; & in this Case of so gen^l. Consequence no trouble or pains ought to be spared.

Conecticut Law Book, 1718, fo. 60.

Massachusetts Old Law Book—Title Wills fo. 157.

New Law Book. The sev^l. Acts
men^d. in Savages Case.

Rhode Island. Law past at y^e Assembly began
7. May 1718.

New Hampshire. Law past Aug^t. 1718.

They past many such Laws, before
that time.

New York I am well inform'd that they had
New Jersey. such a Law, very early, in both
those Provinces, (w^{ch}. may be

easily known), & I have great Reason to believe it from the Act of New York, 4° Gul. & Mariæ, fo. 16. in y^e London Edition printed in 1719.

Pensilvania. The very same Law enacted 4°. Annæ, fo. 48 of their Law-Book.

Maryland. Past the self same, 3. June 1715.

Virginia. The Law made 4°. Annæ 1705, divides only personal Estates. Qu: If there was not a former Law w^{ch}. divided real Estates.

Bermudas. Anno 1690—Enacted that *All* the Goods Chattels & *Estates* of Intestates sho^d. be divided accord^g. to y^e English Act of 22 & 23 Car. 2^d.

Possibly in North & South Carolina, & in Nova Scotia, some thing of the like kind might, upon Enquiry, be found out; And it is well worth y^e Enquiry, because You see, by the foregoing Observations, in how many Places, it do's take Place, And it is easy to imagine that y^e Generality & Universality of the Practise in America will add Strength to y^e Law or Usage in Conecticut.

As well as the Laws of Nature.

The Laws in y^e Old Testam^t. where y^e Eldest Son had his Birthright but not y^e whole.

And y^e ancient Laws of y^e Jews, Greeks & Romans, & many other great Nations & Peoples.

I have now, S^r, at Yo^r Request, pretty fully explain'd my Self on this Head, & hope You'll take it, (as I intend it), as a very high Proof of the Regard I have for You, that I have so done.

I sho^d. be exceeding sorry, after I have taken y^e Pains of giving You this Information, from my own

Reading & Observation, & very long Attendance at the Co^l. Board, to have this exposed, & turn'd ag^t. me, in Cases where, in the Course of my Business, I may chance to be employed.

You may very easily conceive that I wo^d. not have such a thing happen for any Pecuniary Satisfaction, whatsoever, and did not I very much rely on Your Honour that no such Thing sho^d. happen, No Temptation w^t. ever sho^d. have drawn these Points from me.

Especially as I am very certain, that there is no One Man in England that both co^d. & wo^d. have given You this Information. I must also Insist that, wherever this is made use of, it be made use of as mine, & not as the Labours of any other Person.

And that it be used, in my own Words, & my own Words only, And without any imaginary Paraphrase, or Comment upon it, or Explanation of it.

And I am

Sir

Your most humble Servant,

FERD. JOHN PARIS.

Surry Street in the Strand, }
London, 26th July, 1738. }

P. S. I send You a Copy of those Certificates w^{ch}. were sent from y^e Massachusetts Bay in Philips ag^t. Savage.

I have enquired, according to Your Desire, & find that the Conecticut Appeal w^{ch}. the partys are now about, is Clark ag^t. Tousey.*

*On February 28, 1727-8, before any knowledge of the King's decree in the case of Winthrop *vs.* Lechmere had reached Connecticut, "The Court of Probate for New Haven County ordered the distribution of the estate, real and personal, of Captain Samuel Clark of Milford, lately deceased, intestate, in accordance with the act of 1699, which provided that

The Judgm^t. therein, w^{ch}. wo^d. be appealed from, was given in y^e Superior Court y^e first Tuesday in March, 1733². The Petⁿ. to his Majesty for Leave to appeal ag^t. it was pr^esented, & referred to y^e Com^{tee} on 29th Nov^r, 1737. The Motion to the Com^{tee} was 4th May, 1728. [*sic*]. Then the Lords reported for allowing an Appeal on giving Security. On 25 May, 1738, His Majesty confirm'd that Report; But no Security has yet been given, nor no Petⁿ. of Appeal as yet presented.

[Indorsed] Connecticut. Some Considerations abo^t. the Act for distributing Intestates Real Estates, & on the Sev^l. Appeals that are sayd to be intended to be brought, concerning the same. PARIS.

the eldest son should have a double portion, or two shares; if no son the daughters to inherit as co-parceners. From this order Samuel Clark, the eldest son, brought a writ of error to the Superior Court in February, 1730, on the ground that the law under which the distribution was made was contrary to the law of England, and not warranted by the Charter of the Colony; and that the land in question being holden by the great seal of England, descendible only according to the rules of the law of England, viz.: the eldest son to inherit the father, therefore the judgment complained of is erroneous, and ought to be reversed, etc." The decision in the case was purposely delayed until March, 1733, when the Court found "nothing erroneous" in the decree for the distribution of Captain Clark's estate, and dismissed the writ. Being refused permission to appeal to England, Mr. Clark, in 1742, obtained an order from the Lords of the Privy Council for the allowance of the appeal. Having settled with all his co-heirs, excepting only his brother-in-law, Thomas Tousey of Newtown, who had received a portion of the distributed estate in the right of his wife, and also as guardian of one of her minor brothers, that gentleman was "left sole defendant by record." On Mr. Tousey's application, supported by Governor Law, the General Assembly, in May, 1742, authorized a loan of £500 to enable him to defend his suit in England against Clark's appeal. In October, 1742, Eliakim Palmer, who succeeded Wilks as the Colony's Agent, was instructed to retain able counsel "to assist and defend Mr. Tousey in the most rigorous and best manner they possibly can." The case was prepared with great care, the papers being transmitted to John Read, Esq^r., of Boston, one of the ablest lawyers in New England. After three years of litigation the controversy was brought to a successful close by a royal decree (see Appendix), dismissing Clark's appeal, and thus confirming the validity of the Connecticut Law of Intestate Estates, after a contest of seventeen years.—*Colonial Records*, VIII. 463, 506, IX. 581. *Talcott Papers*, I. 96. *Yale Biographies and Annals*, 70. *N. E. Hist.-Gen. Register*, XXIII. 461-2. *Palfrey's History of New England*, IV. 578.

[Indorsement in Gov. Talcott's handwriting.] Relating to Conecticut Intestates from M^r Pariss on Philips, Savag, &c.

ORDER IN COUNCIL.

AT THE COURT AT S^t. JAMES'S

the 15th Day of ffeb'y, 1737.

PRESENT

THE KING'S MOST EXCELLENT MAJESTY

Lord Chancellor	Earl of Essex
Lord President	Earl of Selkirk
Lord Privy Seale	Earl Waldegrave
Lord Chamberlain	Earl Fitz Walter
Duke of Rutland	Viscount Torrington
Duke of Argyle	M ^r Comptroller
Duke of Montagu	

Upon reading at the Board a Report from the R^t Hon^{ble} the Lords of the Committee of Council for hearing Appeals from the Plantations, dated the 16th of last Month, in the Words following, viz.^t

IN OBEDIENCE to an Order in Coun^l. of the 21st Day of May, 1735, referring unto this Com^{tee} the humble Petition and Appeal of Gillam Philips of Boston, in the County of Suffolk, in the Province of the Massachusetts Bay, Brother to Henry Philips, Gentⁿ,*

* Henry Phillips, of Boston, having killed Benjamin Woodbridge, a young merchant in the same town, in a duel on Boston Common, on the night of July 3, 1728, was sheltered and carried away on board the British man-of-war, Sheerness. He took refuge in Rochelle, France, where he died in March, 1729. Peter Faneuil assisted him to escape, and evidently gave him letters to his uncle, John Faneuil, in Rochelle. Gillam Phillips married Marie Faneuil, sister of Peter. Henry Phillips was never married, and his father died before him. Henry died intestate, leaving his mother, one brother, two sisters, and the children of a deceased sister, his heirs. Dr. Holmes mentions this affair, and the grave of Benjamin Woodbridge in the Granary Burying Ground, in the "Autocrat of the Breakfast Table."—*Sargent's Dealings with the Dead*, II. 505, 550-68. *Mass. Hist. Soc. Proceedings*, V. 64-80, 165-71. *Woodbridge Genealogy*, 38.

deced, setting forth, That the s^d Hen^r Philips, being seized of a considerable real Estate & also possess of a large personal Estate in Boston afores^d, died sometime since intestate, & without Issue, leaving behind him his Mother, Hannah Philips, Widow, the Petit^r., his only Brother, his Sister, Hannah Savage, Wife of Habijah Savage, Esq^r, Faith Savage, Wife of Arthur, another Sister, & the Representatives of Mary Butler, deceas'd, who was a third Sister of the s^d Intestate, That upon the Death of the s^d Hen^r Philips, That is to say on the VIth of July, 1730, Administration of his Goods, Chattels, Rights & Credits was granted to the Pet^r., his only Brother, who duely administred the personal Estate, That the Pet^r., s^d Mother & Sisters, & the Representatives of the s^d third Sister, upon the Death of the s^d Hen^r Philips, insisted that they were intituled to an equal distributory Share of the Intestate real Estate with the Pet^r., und^r. two several Acts past in the s^d. Province, the One in the fourth Year of the Reign of their late Majestys, King William & Queen Mary, intituled an Act for y^e Settlement & Distribution of the Estates of Intestates, the other in the Ninth Year of Queen Anne, intituled an Act in Addition to and for the Explanation of the Act for Settlement & Distribution of the Estates of Intestates, Whereas the Petit^r. insisted that he was by the Co^mon Law of the Realm Solely intituled thereto, as Heir at Law to his Brother, And that no Act of that Province cou'd vary the Co^mon Law of the Realm, or change or alter the Course of Discents, And that the said two Acts were void & null, for Want of Power in the Assembly of the s^d. Province to enact the same, and the Pet^r. refus'd to distribute the said Intestates real Estate, That thereupon, on the 6th of April, 1733, The Judge

of the Probate of Wills & granting Administrations, made an Order empowering 5 freeholders to make an equal Division of the said Intestates real Estate between his Mother, Brothers & Sisters & their legal Representatives, in five equal parts, And upon the 7th of May, 1733, the s^d. five freehold^{rs}. made their return of Division & Partition of the s^d. Intestates real Estate, w^{ch}. was valued at 4,000^l, And they divided the Estate into 5 parts, & set off & allow'd $\frac{1}{5}$ th for the Pet^r., & $\frac{1}{5}$ th a piece for his Mother & 2 Sisters & the Children of y^e 3^d Sister, which return being presented to y^e Judge of Probate & Administra^{ns}, he was pleas'd by his Order of the 15th of May, 1733, to allow and approve thereof, That y^e Pet^r. conceiving himself aggrieved by the s^d. Orders directing & approving the said Division and Distribution, & also by y^e s^d. Division & Distribution itself, on y^e 10th of Oct^r, 1733, preferr'd his Petition of Appeal therefrom to y^e Gov^r & Co^{ll}. of y^e Massachusetts Bay, assigning y^e 3 follow^g reasons—First that he was y^e only Bro^r. & heir at Law of y^e s^d Henry Philips, & as such the whole real Estate of the s^d Henry Philips by y^e Law of England descended to him. 2^d. That the Power given y^e Province of making Laws was by their Charter expressly restrained so as the same be not repugnant or contrary to y^e Law of y^e Realm of England, But that y^e Act of y^e 4th of King W^m. & Q. Mary for Distribution of Intestates real Estates, & y^e Proceedings of y^e Judge of y^e Probates & Administrations grounded thereon, was repugnant or contrary to y^e Laws of the realm of England, and consequently *ipso facto* void.—And 3^d. That by y^e Law no Judge of Probate had any thing to do with real Estate, or the Course of Descents, the right & Tryal thereof appertaining to y^e King's Courts, & therefore

in y^e fform of y^e Letters of Administrⁿ. no power was delegated to the Adm^r. concerning y^e real Estate; And therefore the Pet^r. by his s^d Petⁿ. to y^e Gov^r & Co^{ll}. pray'd reversion & Costs, That the Pet^r. s^d Appeal came on to be argued before Yo^r. M^{ty}'s Gov^r & Co^{ll}. of y^e Province on y^e 2^d of Nov^r, 1733, when y^e Court affirmed the s^d Order of y^e s^d Judge of Probates for dividing y^e real Estates of y^e s^d Henry Philips among his Mother, Brother & Sisters, That y^e Pet^r, conceiving himself greatly aggrieved by the Ord^r made by y^e Gov^r. & Co^{ll} on y^e 6th of Nov^r, 1733, preferr'd his Petⁿ. to y^e s^d Gov^r. & Co^{ll}., praying Leave to appeal from the s^d Order of y^e 2^d of Nov^r, 1733, to Yo^r. M^{ty} in Co^{ll}., on entring into y^e usual Security, upon reading w^{ch}. Petⁿ. y^e same was orderd to be dismiss^d, That y^e Pet^r. thereupon apply'd by Petⁿ. to Yo^r. M^{ty} in Co^{ll}., to be admitted to an Appeal from y^e s^d 3 Orders of y^e 6th of April, 15th of May, & 2^d of Nov^r, 1733, And Yo^r M^{ty} by Ord^r. in Co^{ll}. of y^e 12th Day of ffeb^r, 1734, pursuant to a Report of y^e Lords of y^e Com^{tee} for hearing Appeals from the Plantations, was pleas'd to order the Pet^r. to be admitted to appeal to Yo^r M^{ty} from the s^d 3 Orders, on giving the usual Security here, That the Pet^r. having ent^d. into such Security Accordingly, most humbly appealed from y^e s^d 3 Ord^{rs} of y^e 6th of April, 15th of May, & 2^d of Nov^r, 1733, to Yo^r M^{ty} in Council, And therefore humbly pray'd Yo^r M^{ty} to appoint a Day for hearing y^e s^d Appeal, with y^e usual Sum^{ons} for y^e s^d Hannah Philips, Widow, Habijah Savage & Hannah his Wife, & Arthur Savage and Faith his Wife, and y^e representatives of y^e s^d. Mary Butler, And that y^e sev^l. Ord^{rs}. might be revers'd, & that y^e s^d Division so made und^r. y^e same as af^d., might be set aside & declared null & void — The Lords of y^e

Com̃ee having on y^e 13th of this Inst^t. & again on this Day, fully heard the s^d Appell^t., & also Faith Savage, One of the respond^{ts}., by this Co^{ll}. learned in the Law, (the other respond^{ts}. not appearing, thô duely summoned in New England), and their Lordships having likewise fully examin'd and maturely considered all the Proceedings in this Cause, humbly represent to Yo^r Māty, that it appeared to their Lordships that y^e Act of Assembly aforem^d., intituled an Act for the Settlem^t. & Distribution of the Estates of Intestates, was passed in y^e said Province of the Massachusetts Bay so long since as y^e Year 1692, soon after y^e New Charter of Incorporation was granted to the s^d Province by King W^m. & Q: Mary, And that y^e s^d Act was ratified & confirm'd on y^e 22^d of Aug^t., 1695, by y^e then L^{ds}. Justices in Co^{ll}., And that sev^l. other Acts of Assembly in Addition thereto & explanatory thereof have been since passed in the s^d Province of the Massachusetts Bay, & particularly an Act past there so lately as the Year, 1731, Intituled an Act in Addition to y^e Act intituled an Act for y^e Setlem^t. & Distribution of the Estates of Intestates, w^{ch}. last Act appears to have been confirm'd by Yo^r Māty's Order in Coun^l. of the 27th of Jan^y, 1731, And their Lordships further humbly represent to Yo^r Māty, That by Certificates und^r. the Hands of Josiah Willard, Esq^r., Judge of the Court of the Probate of Wills & for granting L^res of Adm^{on}, &c., in y^e s^d Province, And of John Baydell, Reg^r. of the s^d Court, duely transmitted und^r. y^e Seal of y^e s^d Province, The last of w^{ch}. Persons had been poss^d of y^e s^d Office of Reg^r. from y^e Year 1717, and certified that he had carefully exam^d. y^e record of the s^d Court from y^e Year 1692 — It appear'd to their Lordships that, from that time, it had been y^e constant usage for y^e sev^l. Judges of

the Court of Probates, &c., to cause the Estates of all persons dying Intestate to be distributed pursuant to y^e Tenor, & accord^d. to y^e Directions of y^e sev^l. Acts of Assembly. Their L^{ps} Do therefore agree humbly to report as their Opinion to Yo^r M^{ty}, that y^e s^d 3 Ord^{rs} & y^e Division made under the same, now appealed from, be affirmed, & that the s^d Appeal be dismiss.

HIS MAJESTY this Day took the s^d Report into Consideration & was pleased with the Advice of his Privy Council, to approve thereof, And to order that the s^d 3 Orders of the 6th of April, the 15th of May, & the 2^d of Nov^r, 1733, and the Division made under the same, now appealed from, be, and they are hereby, affirmed, & the s^d Appeal dismiss.

WHEREOF the Gov^r or Commander in Chief of his Majesty's Province of y^e Massachusetts Bay for the time being, and all others whom it may concern, are to take notice and govern themselves accordingly.

W. SHARPE.

[Indorsed] 15 Feb., 1737.

Copy

of the Order in Councill made on the Appeal of Philips ag^t. Savage from the Massachusetts Bay.

PETER BOURS* TO GOVERNOR TALCOTT.

S^r.: Yours of the 20th of December came Safe to hand, and I am now to acquaint you that since Maj^r. Wolcott was here I have found another Deed of Conveyance of Cap^t. Mason to y^e same Gentlemen, and of the same Tenour with the former, excepting that the first, anno 1710, was executed solely by Cap^t.

* Peter Bours, of Newport, was one of the Commissioners who held Court at Norwich in May-June, 1738, under the Commission of Review.

Mason, the Latter in 1714 is a Sale from both him & his Wife, executed by them both, and acknowledged before a proper Officer.* The reason for this Second Deed was (as I suppose) to obtain an Acquittance of the Right of Dower.

I heartily congratulate the Government upon these Discoveries, which I think must effectually destroy Mason's Title, or the Indian Tribe's, to those Lands, even upon a Supposition that old Uncas's Deed in 1640 be not valid, and their other Releases, which I think are Sufficient to rely upon.

It was urged very strenuously at Norwich, that the Chief Sachem could not divest his Tribe of their Right without their Assent, either by themselves immediately, or by their Representatives as Counsellors to him; which we all know to be otherwise by the constant Practice of the Sachems in these Parts, whose Government was absolute and despotic. How that Deed of 1659 from Old Uncas to Maj.^r Mason runs as to the Tribe's Approbation I know not,† but I have a Deed made in 1661, from Uncas, Owaneco and Attawanhood, to Confirm that Deed to Maj.^r Mason,‡ & which is by the Consent of the Tribe. This last Deed is recorded in Windham Records, Liber E, Folio 19. So that if the Sachem & Tribe conveyed any Thing to Maj.^r Mason, Cap.^t. John Mason, his Representative, disposed of that Right to those particular Gentlemen mentioned in his Deed, and that for a valuable Consideration, for Part of which I have also a Rec.^d. from under Cap.^t. John Mason's hand, which

* See Talcott Papers, I. 332.

† See Talcott Papers, I. 348.

‡ 20th May, 1661, deed of confirmation of the deed of 15th Aug., 1659, from Uncas, Owaneco, and Attawanhood, to Major John Mason.—*Connecticut and the Mohegan Indians* [IV].

must entirely defeat the pres^t: Mr. Mason or any Claims of the Mohegan Tribe.

Now the two Deeds before-mentioned from Cap^t. Mason, One four years after the Other, Both executed in the Presence of a Sufficient Number of Witnesses and acknowledged before proper Officers, and all this done at separate Times, together with a Rec^d. for Part of the Consideration money, are so many distinct Proofs of his Acting upon solid Principals and clearly demonstrate that the Suggestions of some that He was *non compos mentis* are groundless and frivolous, nor can I think they will ever offer the like again.

Neither can I possibly see how the Masons can with any Countenance charge the Government with Encroaching upon the Properties of the Indians, since Maj^r. Mason as a private man could not be Contented with any Thing less than their whole Territories, And whether he did not know of that Deed which Uncas gave the English Settlers Nineteen years before he obtain'd his, I must leave to another Judgment.

I hope, your Honour will excuse my being so Prolix on these Affairs, especially to One Who is so perfectly well Acquainted with the whole of them. I pray you to attribute it to my Concern for the Justice of the Cause and my Desire that the Government may finally come off with Honour and Applause.

To Conclude: The papers I have are at your Service, with only this Proviso, that I may have them upon demand whenever I shall have Occasion for Any or All of Them; and I shall either send them by a very safe hand, or bring them part of the way my self, not knowing how soon I shall be in your Government: But if you should want them very speedily, I will deliver them to your Order. His Honour Our Governor joins with me in Our

Regards to the Gentlemen of your Colony, and permit me to Assure Y^r. Honour that I am

Your most Obedient

Humble Servant,

PETER BOURS.

NEWPORT, March 14th, 1738.

[Indorsed] Esq^r. Peter Bours in Newport, March 14th, 1738-9.

GOVERNOR TALCOTT TO JAMES ALLEN.

Sir: The favor of youres, and youre Worthy Brother's, M^r. Jeremiah Allyn's, I have very lately Rec^d, together with the papers Relating to y^e Case of Phillips and Savage, with y^e Remarks of M^r. Pariss. I acknowldg youre and youre Brother's Good Intentions therein, towards myself and this Coloney, and youre free offerings, made in s^d Letters, to be still further servisable to us, as occasion shall Call; which imboldens me to ask your continnewed good offices in anything that may occur and come under youre observation, for the Benefit of our Colony, the preeserving our Charter Priviledges, or retrieving what seems to be lost; and if Providence permit, shall lay youre Letters, together with the papers incloased, before our Gen^l Assembly at their next Sessions, for their consideration and Direction, and am, S^r,

Youre very much oblidgd hum^{ble} Servant,

J: TALCOTT.

HARTFORD, March 15th, 1738⁸.

P. S. Please make my gratefull acknowldgement and best services acceptable to youre Brother, M^r. Jeremiah Allyn.

To M^r. JAMES ALLYN, in Boston.

JOHN READ TO GOVERNOR TALCOTT.

BOSTON, 5 April, 1739.

S^r

M^r James Harris came to this Town about a fortnight ago with Ben Uncas, Sachem of Mohegan, went to Col. Brown, M^r. Dolbeare & M^r. Allen, to raise money in defence of the Gov.^t ag.^t Mason, & got the promise of £5 from the first, & 50^s a piece from the other two. He applied to Col. Winthrop for the Copy out of y^e Co^mmissioners book for the Indian affairs, to Prove Ben Uncas always to have been the reputed Sachem of y^e Mohegans Since Major's Ben's death, & the Col. refused him because the Co^mmissioners had refused to aid Mason upon his Application to them. Then he addressed the Gov.^r for his Assistance, who called a meeting of y^e Co^mmissioners & gained a Vote that he should have them, whereupon he obtained them.* Then he got an Address in Ben's Name to the King, the affidavits of Col. Winthrop & Doctor Coleman & his own with Ben's declaration Annexd, Certified under the Province Seal by the Gov^r, Cops of all which he will lay before your hon^r, but the Originals at his desire I shall transmit to M^r Agent Wilks in Ben's Name, to improve for the best Advantage as well of y^e Gov.^t as of himself. M^r Harris hath been indefatigable in the affair, & I doubt not but it has been

* "April 30, 1739. Application being made to the Comm^{rs}. by Cap^t. James Harris, of New London, that they would please to certify in what manner Benjamin Uncas, an Indian of the Mohegan Tribe, has been received and treated both by the Commis^{rs}, & by the late Cap^t John Mason of New London, from time to time,

Voted that the Treasurer give to said Harris a Coppy of such minutes as appear upon the books relating to that affair.

In pursuance of the above Vote, Minutes were given to s^d Harris of the Votes relating to that affair as passed at the Meetings hereafter mentioned.

At Meeting, Oct. 24th, 1727. Oct: 28, 1727. Nov^r: 7th, 1729. Nov^r: 10th, 1729. Aug: 5th, 1734. Sept^r: 6th, 1734. Nov^r: 11th, 1734."—*MS. Minutes*, 5^c.

very expensive to live here so long in y^e pursuit of y^e affair. I believe twill be of very good use. With my Compliments to all friends, I Subscribe & remain

Y^r hon.^{rs} most humble

Serv^t.

JN^o READ.

To the honble JOSEPH TALCOT, Esq^r, Gov^r of Connecticut.

JOHN RICHARDS TO GOVERNOR TALCOTT.

NEW LONDON, April 9th, 1739.

May it please your Hon^r:

The Reason why I Trouble You at this Time with this Scrip is, that I am credibly Informed that M^r. Mason is Gone to England Last week, and that in order to make his Matters Strong, M^r. Shurley has directed and Counseled him to Send up to New London, (and Since he Could not obtain a County Surveyor,) that he should Get some Norwich man that had Skill in Surveying, and some Chaine men, And that they should Measure the Mohegan fields Againe, and also Measure Every particular persons particular Claime therein, which I am Informed is done, And all to make the Government's Representation to the Hon^{ble}: Commiss^{rs} to be a false Representation; for Your Hon^r may Remember that it was Represented that there was between four and five Thous^d Acres of Good Land, which was Secured to the Mohegan Indians forever Inviolable; and to make that to appear false, they have Measured the particular Claimes therein, and finde it to Amount to ab^t Sixteen hund^d Acres; and then, if that matter of fact be True, there is not Such a Quantity of Land as was Sugested, and upon this head perhaps flatter themselves they shall over Sett the Judgement of

the Commiss^{rs}, under a pretence that the Government hath Granted away the same land, And yet have falsely Insinuated to the Commiss^{rs} that there was about five Thous^d Acres Secured to the Indians, And never let them know that there was such Large Tracts Granted out therein. I am also Informed that such Tracts of Land that are in the Mohegan Lands were not Granted away by the Gov^t, but by Uncas, Owaneco, and Cesar, and Accordingly have Gotten from the records an Acco^t of the Quantity of Lands that do Ly in the Indian fields, viz^t.

Stephen Gardiner,	437 Acres, Granted & Sold by old Uncas.
Daniel Fitch, &c,	400 D ^o , as Tenants put on by Mason and Owaneco.

Wickwire & Baker, &c,	210 D ^o , By deeds from Owaneco.
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Hill and Bradford	30 D ^o , by Deeds from Owaneco.
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Jonathan Hill	200 D ^o , by a Deed from old Uncas, and Confirmd by Owaneco after- wards.
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Avery and Gardiner	40 D ^o , by the Settlements of y ^e Gov ^{ts} Com ^{tees} .
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Bradford and Maples	30 D ^o , by the Settlement of D ^o .
---------------------	---

1347

Joshua Raymond,	70 Acres by D ^o .
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(Written below the names of Bradford and Maples, and after the No. of acres was footed up.)

Thus Your Hon^r will See how the matter really is, and that the Government is not in the fault for Granting away the Indians' lands, for they did it themselves. Even the two last Articles of Land which was Settled by the Colony's Committee, was done by the allowance of the Indians who were then present. Ben Uncas is Something Uneasy by having his head so filled with Stories from the Mason's people who live among them, and are often Teazing him with what they shall obtain by and by. However, I think

he is Stedfast in the Cause he has Espoused on the Gov'ment's Side, but fears Your Hon' don't Take pains Enough to meet them in England. I understand M^r. Shirley ordered the Surveyor and Chainmen, that if the Authority in this Govern^t would not Give them their oaths, that they should go to Col^o Chandler* and Give their oaths, And Suppose they will be with Your Hon' this week, in order to have the Colony Seal to the papers they are now preparing. And Since you have a hint, perhaps it may not be amiss to know of their Coming beforehand. Major Wolcot Spake to M^r. Curtiss† at Norwich, Last Week, to Get out the Copys of all those Conveyances, and if it be Your Hon^r's desire that it be done, we shall wait Your further Instructions. And with my Duty to Your Hon^r, I shall Subscribe my Selfe,

Your Most

Humble & Obed^t Servant,

JOHN RICHARDS.

M^r. James Harris being very much prest by Ben Uncas, that he would Come down and have this letter writt, now waits while it is done, and Ben will send a man with it to y^r Hon^r imediatley.

To The Hon^{ble} JOSEPH TALCOTT, Esq^r, Gov^r.

* Col. John Chandler of Woodstock, who was much employed by Mason, Fitch, and others, in surveying and laying out the lands they received from the Indians. — *Miss Larned's History of Windham County, I.* 34.

† John Curtiss, born in Wethersfield, Feb. 8, 1701; Yale College, 1719; studied for the ministry but never became a settled pastor; deputy from Wethersfield, 1725-1731; in 1732 he became the treasurer of the "New London Society for Trade and Commerce," and removed to that town; he was appointed by the General Assembly to meet the Commissioners from Rhode Island on the borders of the Colony in May, 1738; in 1740 he joined the "Separatists," and occasionally preached; he died in Canterbury, June 22, 1774. — *Yale Biographies and Annals*, 203-6. *Colonial Records*, VIII., 165. *Miss Caulkins' History of New London*, 243, 450, 452.

JOHN READ TO FRANCIS WILKS.

BOSTON, 7 May, 1739.

S^r: Ben-Uncas, Sachem of the Mohegan Indians in New London, Connecticut, hath been with me, & at his request I have drawn him an Address to the King, which I send with incontestable evidence of his being the sachem owned by Cap^t. John Mason effectually, who lived Some Years in & by his Service, till he Suddenly & perfidiously turnd against him and Set up Mahomet, as his Sons now do one John Uncas. I cannot recommend this to your Care in y^e name of y^e Gov^t of Connecticut, for I do not know they had any hand in it, nor that any person else had excepting one Cap^t. Harris, his Neighbour & friend, but I do Strongly reco^mend it as a pretty piece of duty to the King's Majesty, and from such a person, & the Credentials attending it, as a Singular Evidence against Mason now pretending at Court to pursue the same treachery that his father died in. I am well satisfied that if you shew these Credentials to some proper hand to present the address, & have it accordingly presented, you'l Greatly serve that Colony for whose welfare you are Concerned as well as I, for tis my native Country.

S^r,Y^r most humble Serv^t,JN^o. READ.FRANCIS WILKS, Esq^r.Ag^t for Connecticut Colony.

[Superscription.] To FRANCIS WILKS, Esq^r. Conecticut
Affair in London, by M^r. J. Merret.

[Indorsed] Letter from Mr. JNO. READ, with an Address
to the King, &c., about an Indian King. Reced.
21 June, 1739.

ADDRESS OF BEN UNCAS TO THE KING.

TO THE KING.

Your Majesties most dutifull Subject, Ben Uncas, Sachem of the Mohegan Indians, in the Colony of Connecticut in New England, begs leave to follow the pompous Trains the English, & sincerely congratulate your Mâty upon the Birth of the 2^d son of His Royall Highness, the prince of Wales,* as a further addition to your Royal Family to endure to all Generations.

Your Majesty and Royall Ancestors, and by your Influence, your English Subjects, have always Treated y^e Mohegans with Great kindness. I have in my hands a Gilt Bible, a Present from his late Mâty, King Charles the Second, to my Grandfather, Uncas. We are in the Quiet poſſion of our lands, w^{ch} are far more than we can Improve, and secured to us by the Laws of the Colony.

And we are Encouraged by our Neighbours to Embrace the Xtian Religion, w^{ch} many of us are resolved to do, and tis my daily study to understand & practice according to it.

Almighty God make your Mâty's Reign Long & prosperous, & preserve your Royall family in the peaceable poſſion of the English Empire as long as the Sun & Moon Endure.

BEN UNCAS.

4th MAY, 1739.

*Edward Augustus, Duke of York and Albany, born March 14, 1739; died at Monaco, Sept. 17, 1767, *s. p.* — *Dictionary of National Biography*, XX. 237. *Gentleman's Magazine*, LX. 159; LXXVII. 430.

GOVERNOR TALCOTT TO GOVERNOR WANTON OF
RHODE ISLAND.HARTFORD, May 10th, 1739.

Hon^{ble} Sr: I am assuredly informed that Mason ship^t for Great Britton on y^e 7th of Aprill, and with him had a long declaration under the hands of 2 Gen^lemen from New York, of y^e unjust proceedings of the Commissioners of R: Island, in y^e management of the affaire between the Coloney of Connecticut and the Moheegs; also, a declaration signed p^r about 40 or 50 Moheegs, to y^e same purpose. Yett I am not much concernd, but knowing that wisdom is Justiefied of her Children, and Truth, Justice, and Righteousness allways Shine the brighter the more it is lookt into, &c., I believe your Judgment will be Justiefied at home, and before all wise, unprejudist persons. And I have it so asserted in a Letter from M^r. John Sharp; and if you have not yett sent forward your Judgment, &c, I intreett it may Speedily be done, least y^e Neglect be a prejudiss to us. And in the wholl affaire, I am, Hon^{ble} S^r,

Youre Hon^{rs} most oblidge hum^{ble} Servant,

J. TALCOTT.

To the Hon^{ble} JOHN WANTON, Esq^r, Gov^r, &c.

JOHN SHARPE* TO FRANCIS WILKS.

S^r.

I have carefully perused all the papers You have Communicated to me in the Affair between the Governour and Company of the Colony of Connecticut

* An attorney in London, much concerned in Colonial Affairs.

and the Mohegan Indians, and it is a very great satisfaction to me to find by the Determination of the Commissioners that this Commission has turned out so much to the benefit and advantage of the Connecticut as I always thought it wou'd—I am Surprized at the behaviour of M^r. Horsmanden & Coll. Courtland, & think there was no foundation for either of those Gentlemen to act the part they have done.

The first meeting of the Commis^{rs} was, I find by the Minute Book of the Commisoners Proceedings, on the 10th of May, 1738. And the five Comm^{rs} who then met were all of New York. What those five Gentlemen did was very Proper & right save only in the Choice of their Clerk, who Appears by Gov^r. Talcot's Letter, was as much a party in this Affair as Mason himself, & therefore ought by no means to have been appointed Clerk, of this Commission. Three of these New York Comm^{rs} don't appear to have been Present at any of the Subsequent meetings of the Comm^{rs}. save only at this first, but for what reason they came and attended the first day & then all of a sudden disappeared & came no more, non constat, unles it was that finding by the Appearance of the Rhode Island Comm^{rs} agst. the 2^d. meeting that there were Comm^{rs} sufficient without them to Execute the Commission, & being unwilling to stay unless there was a Necessity for it they returned home. And for my own part I wish Horsmanden & Courtland, the other Two New York Comm^{rs} who staid, had gone with them, ffor I am sure they did no good by their Stay, and have only given Mason & his Juncto a handle to be further Troublesome. The first controverted Point appears to have arose on the 27th of May, when the Court

demanding the Appearance of the Chief Sachem of the Mohegan Indians. Upon which it appears Mr. Shirley and Mr. Bollan, (who are stiled in the Minutes Council for the Mohegan Indians, but which I think is wrong, they being really Council for Mason & his party,) declared John Uncas to be the Chief Sachem, and the Agents for Connecticut declared Ben Uncas to be the Chief Sachem—and each of these, Viz^t. Ben Uncas and John Uncas, claimed in their own Proper Person to be the Chief Sachem.

This being a matter of Fact was Properly and only to be determined by Proof, and accordingly at the next meeting, being the 29th of May, the Court, very rightly as I apprehend, They would Proceed to enquiries which of these Two—viz^t. John Uncas, or Ben Uncas, was the Chief Sachem of the Mohegan Indians, And that the Examination of the Witnesses to be Produced in relation thereto Should be taken in Writing, and brought in Writing into Court by the Witnesse, who was to be Present in order to be cross Examined.

This order and these resolutions of the Court I take to be founded in Justice, and to be Agreeable to the Nature and Necessity of the Case, ffor here having a Doubt arose who was the Chief Sachem, this was absolutely necessary to be cleared up before the Court could Proceed—And being a Matter of Fact could be Proved no other Way than by Examination of Witnesses. And Mr. Horsemanden & Mr. Courtland were both of them so sensible of the Justice of these resolutions That they did not Protest ag^t. the same, Nor, as appears by the Minutes, Dissent thereto.

According to these Resolutions of the Court all the afternoon of the 29, & part of the forenoon of

the 30th. of May, was spent in taking the Examinations of no less than 11 Witnesses, to prove Ben Uncas to be the Chief Sachem, and which they do in the fullest & Strongest manner Possible. Severall of them having been present at what is the Indian Method & Ceremony of Crowning and Installing their Kings, or Chief Sachems. They further prove he was always owned & acknowledged as such from that time to this — That Mahomet whose Petition to the Crown was the Occasion of the Present Commission was an Impostor, and was present & joined in the Ceremonies and rejoycings at Ben Uncas's Coronation — And that John Uncas never was Chief Sachem, nor ever owned or acknowledged as such, & that his taking to himself that title then in Court was the first time he had ever assumed it. And it is very material to observe for the sake of an Argument arising from it, That most of these Witnesses were cross examin'd by M^r. Shirley & M^r. Bollan.

The rest of the forenoon of the 30th. of May was spent in Examining no less than 9 Witnesses, produced by M^r. Shirley & M^r. Bollan to prove that John Uncas was the Real Sachem — But what these Proofs are, or how far they go in favour of this claim of John Uncas, I cannot say, they being none of them transmitted, but I Presume from the Unwillingness of M^r. Shirley & M^r. Bollan to have the matter determined on the Strength of the written Evidence, and struggling so much as they did to have this matter determined by the Indians who then attended, that these written Proofs Produced on behalf of John Uncas were very defective, & by no means sufficient to encounter the Proofs made in Support of the right claimed by Ben Uncas.

Both sides having thus joined Issue on this single Question of Fact, & having descended to Proof thereon, & examined severall witnesses on both sides in relation thereto, & such Examinations being closed, Nothing remained for the Court to doe but to take those Proofs into their consideration, & according as the Strength of the Evidence came out either for the one or the other, to declare Ben or John Uncas to be the real Sachem.

But this tho' so clearly the Obvious and the only method the Court cou'd take to decide this Question was attempted to be diverted by two of the most Extraordinary, out of the way Motions, I ever met with.

The first was a Motion made by Mr. Shirley & Mr. Bolland, That the Tribe of the Mohegan Indians then Present might be admitted to declare whether there was any Sachem of the s^d. Tribe at that day—and who was Sachem in case there was one—And if they say they have no Sachem that then they might declare who of right ought to be Sachem of the s^d. Tribe.

This Motion was, & I apprehend very rightly, denied by the Court ffor the many & weighty reasons urged with great Strength of Jugement in Gov^r. Talcott's Letter, and in ever[y] one of which I entirely concur with him, and think him clearly in the Right. I shall not repeat any of those reasons here as being altogether unnecessary, But shall add the foll. very strong ones in support of the Negative put by the Court on this Motion, Viz^t.

1.) That it was against all Rules of Proceeding after an Exaicon taken & closed, to make any further Enquiry into the fact w^{ch}. can only be deter-

mined on the Evidence that had been taken by the Court.

2.) That this wou'd have been only a Paroll Declaration w^{ch}. is of no weight to encounter Evidence upon Oath.

3.) What assurance cou'd there be that these Indians were really of the Mohegan Tribe, & that they were not Sequat [*sic*], Nihantick, or Narrogansett, or other Indians, brought there to answer this Particular Purpose?

4.) Suppose some of the Indians had declared for Ben, & some for John Uncas, What must have been the Consequence? Were they to have fought for the Mastership? Who cou'd have answered w^t. might have ensued, or w^t. danger might have been hereby bro^t. to the Court itself?

But to shew the folly and absurdity of this mocōn, & the wisdom & Justice of the Court in rejecting it—

5.) Had not Mr. Shirley & Mr. Bollan, on the 27. of May, declared That John Uncas was the Chief Sachem—Could they then after this Admission deny there was any Chief Sachem of the Tribe? had they not Examined 9 Witnesses to Prove John Uncas Chief Sachem in opposition to Ben Uncas, and could they after this be at Liberty to say there was no Chief Sachem, contrary to their own Admission, and in contradiction to all their own Witnesses? If their own Witnesses made any Proof of the fact they were examined to, which—whether they did or no, I cannot say, their Evidence as I have already mentioned not being transmitted.

6.) So likewise supposing there was a Sachem, to ask the Indians who was such Sachem, after Issue had been joined on this Queōn, & a Number of

Witnesses Examined to it on both sides, & their Examinations closed, is against all the rules & methods of Proceeding in every Court I have any knowledge of, And this wou'd, if once permitted, be Introductive of the most dangerous consequences, and render all Property Precarious.

7.) But if anything could go beyond this it is the insisting to ask the Indians, If they had no Sachem, who of right ought to be Sachem—ffor was not this, as indeed every other part of this Mocōn was, to supersede the orders the Court had made for having this matter enquired into on the oaths of Witnesses—to set aside all their Examinations—to take it out of the hands of the Court to come to any determination thereon, in one word, to put the Indians in the Place of the Comm^{rs}, ffor if such a motion as this cou'd have been carried, And the Comm^{rs} were to have Governed themselves not by the Proofs & Evidences in the Cause, but by the Voice of the Indians, the Comīssion, And all the Powers thereby given to the Court, would at once have been undermined.

For these reasons, and those contained in Gov^r. Talcott's Letter, I am very clear in Opinion that the Court did exceedingly right in Overruling such an Insulting tumultuous motion as this was in every part of it, And I am only surprized how M^r. Horsmanden could dissent from this Opinion of the Court.

The Second Motion was of the same kind, & really a Twin with the first. It was made by M^r. Shirley & M^r. Bollan on the 31st. of May, and was that the Indians then present might be heard by the Court, relating to Ben Uncass' being in fact, or of right, Sachem of the Mohegan Indians, and in like manner to be heard relating to John Uncass being

Sachem of the said Tribe, which Motion the Court likewise with great Prudence and resolution overuled and denied—

I entirely concurr (concur?) with Gov^r. Talcott that all the same reasons hold with equal Strength ag^t concurring with this Mocōn as were Objections to the granting the former, to which I will begg leave to add this further—That if they were Mohegan Indians they had been heard by M^r. Shirley, and M^r. Bollan, who are in the Minutes of the Proceedings stiled Councill for the Mohegan Indians—they had all the Witnesses they Produced examined—And was ever such a thing heard of before, as for a whole Tribe, or Nation, to come into a Court, & to insist to be heard by themselves, And that too, Contrary to the Case they had made, and without regard to their own Proofs, & that too, after the former Motion had been overruled—And could this be done with any other View than to brow beat, insult & menace the Court, and to overawe and terrifye 'em into a Compliance with their unreasonable Demands. It was a Barefaced, Shamefull and Tumultuous Attempt, and I am very Glad the Court had resolution enough to withstand it.

But the Court were so far from denying any Indulgence consistent with Justice, that after their refusing the first Motion, and before the making the Second, they Permitted them to swear & Examine Three New Witnesses—And which as the Examinations had been before closed was a very great Indulgence, & such a one in their favour as in Strictness it would be difficult to Justifye—And even upon this Second Mocōn tho' the Court as they were bound to do for the sake of Justice, for their own sakes, & for the sake of Preserving order & Decency in

the Method of their Proceedings, denied the Motion, yet they Proposed — That the Council of Ben Uncas & John Uncas should have liberty each to bring into Court any number of the Principall Mohegan Indians, not Exceeding Six, to inform who was or ought to be their Chief Sachem, & which Proposall on Denyall of the s^d. Motion the Council on both sides accepted of — And the Acceptance of which Proposall is a Submission to and acquiescence under the s^d. Order, & a Bar & Estoppell to any Complaint against the same.

And indeed this Proposall was in Effect a Compliance with every reasonable view that could be proposed by the Motion, — for it is impossible to point out any reasonable view that could be proposed by this Motion which this Compliance of the Court would not fully Answer — If confusion and the noise & clamour of a Multitude, and thereby menacing & terrifying the Court, and throwing all things into disorder — and thereby defeating the End of the Commission, Then this was Prudently defeated by the Measures the Court fell into, but every Just End that could be Proposed was fully answered by it — And to the End these Six of the Principall of the Mohegans might be fully understood an Interpreter was very properly sworn for them — And I think the Court in thus admitting Six of the Principall of the Mohegan Indians to be heard by their Interpreters shewed another great peice of Indulgence to the Mohegan Tribe —

Upon the 2^d. of June it appears from the Minutes the Court gave Judgment that Ben Uncas was Chief Sachem of the Mohegan Indians — Which for anything appearing from the Papers I have he most certainly was — But what the Evidence was which

the Witnesses gave that were examined for John Uncas, or what was declared by the 6 Principall Mohegan Indians, is neither contained in the Minutes, nor in any Copy or Account thereof transmitted.

From this Sentence M^r. Cortland & M^r. Horsemanden dissented, But the Seven other Comm^{rs} concurring in it, It was a firm & valid Sentence.

Ben Uncas being thus determined to be the Chief Sachem he did that which was naturall for him to do, Viz^t. desired that M^r. Curtis, M^r. Edwards, & Cap^t Lee* might be assigned him for his Councill in this Case, which was granted and they admitted according, & which the Court could not refuse doing, as it was requested by Ben Uncas himself.

But in Opposition hereto, & at one blow to defeat all the Court had hitherto been doing, M^r. Mason made a 3^d. Attempt of the same kind of the other Two, Viz^t. M^r. Shirley & M^r. Bollan moved that M^r. Mason might be admitted to appear as Guardian for the Chief Sachem & Tribe of the Mohegan Indians—Which Motion the Court, and, as I apprehend, very rightly denyed—and M^r Horsemanden, according to custom, dissented.

The reasons given by Gov^r. Talcott in his Letter are so clear and convincing that there is very little occasion to add anything to them. I shall only make this one Single remark that when the Chief Sachem had himself desired Three other Gentlemen to be his Councillors, & they had by the Permission of the Court been admitted as such, It wou^d have been the most Monstrous Absurdity in the same Breath to have made Major Mason His Guardian—As well as

* John Curtiss of New London, Daniel Edwards of New Haven, afterwards of Hartford, and Captain John Lee of Lyme.

the highest Peice of Injustice & inhumanity to have forced him from out of the hands of those upon whose care and advice he cou'd rely, & whose Assistance he had himself chose, & put him under the Guardianship of Mason, his Professed Enemy, & who had to that Moment denyed his being Sachem, and endeavoured to set up a Usurper in his Stead.

As to M^r. Horsemanden's Protest after his having dissented to every order the Court had made, I am not at all Surprized at it—The Performance Speaks passion & disappointm^t, but has neither sence, reason or Argum^t. in it—And I am sure, will have no more weight here than it had with his Co=Comm^{rs}.—And his & M^r Cortland's withdrawing from the Service of the Commission, because they could not mislead the other Comm^{rs} to come into their way of thinking and Acting, was in my Apprehension of it a very rash & inconsiderate Act—And such a Step as is not easily to be justified.

Ben Uncas & his Tribe having acknowledged the Deeds of Conveyance & Quit-claim under which Connecticutt claims, there was nothing left for the Court to do, but to give Judgement in favour of Connecticutt, & Reeverse the Judgement of Gov^r. Dudley, & the then Court of Comm^{rs} in Queen Anne's time, as the Court have done.

This matter having been thus happily determined under this Com^{on}ion, What remains now to be considered is to see whether M^r. Mason, or his Party, can give the Gov^r. and Council any further, & what trouble in this matter—and what are the most likely & Effectual means to secure to the Colony the benefit of this determination.

As to the first I apprehend M^r. Mason, and his party, will not be able to give the Colony of Con-

necticut any further disturbance in this matter—For this was a particular Court depending entirely upon the King's Commission, and the Power & Authority thereby given—And there being no Liberty of Appeal given by this Commission (as there was in the Commission for settling the Boundaries between the Massachusetts Bay, and New Hampshire),* I take it to be very clear no Appeal will lie, And that the determination of the Comm^{rs} is final and conclusive—Unless the Crown shou'd think Proper to grant another Commission of Review which is the only method that can in my Opinion be taken to [illegible] the Determination of the Present Comm^{rs}, & which to be sure the Crown may do if they see Proper—But as Commissions of Review are not demandable of Right, but are meer matter of Grace & favour, and as it is very rarely if ever done to grant a Commission of Review upon a Commission of Review, and as the present Sentence is in Support and uninterrupted a possession & Enjoyment, and as all the favourable Circumstances of the Case are in Support of the Sentence Pronounced by the Comm^{rs}, I am very Inclined to think the Crown will never give in to any Application for another Commission of Review—And if anything of that kind should be Attempted, now we have a Sentence in our favour, we shall oppose it to the Utmost, and I hope, & make no great Question, but we shall succeed in such our Opposition, At least I am sure no Endeavours, either

* The award of the Commissioners appointed by the Crown to decide the boundary line between Massachusetts and New Hampshire, in 1737, was appealed from by both Colonies. In 1740 the Privy Council cut the knot by an arbitrary decree, which did not follow the Commissioners' decision.—*Palfrey's History of New England*, IV. 557. *Hutchinson's History of Massachusetts*, II. 382-91. *Chase's History of Haverhill, Mass.*, 295.

in Your, or my Power, will be wanting to defeat any Attempt of this kind—And this is the only Method that I can think of in which any Attempt can be made to overturn the present Sentence in favour of Connecticut.

As to the most Effectuall means to be taken to secure the benefit of this Determination I entirely concur in Opinion with M^r. Read that the Colony shou'd have all the Proceedings of the Com̃ioners with the severall Allegations & Proofs of the Parties, orderly and Successively drawn into one Paper Book, & signed by the Seven Comm^{rs}, who made the Decree, To begin first with incerting a Copy of the Com̃ion at the first opening of their Court—And then to incert the meetings and Adjournm^{ts}. as they happened, with an Account of what passed at each meeting—And to incert the Evidence Verbatim as delivered in on both sides—And in the Judgem^t. to take Notice the Court had by severall Adjournm^{ts}. been continued till the 5th. of June—I think the Decree of Gov^r. Dudley, & the Comm^{rs} in Queen Ann's time, should be also entred Verbatim Just Preceding the Judgment—And then the Judgem^t. sho^d. be properly introduced in this or some such manner, Viz^t.

The Court having Read, heard & fully understood the Judgm^t afores^d., with the Allegations & Proofs of either party, and having fully & maturely considered the same do thereupon determine and Decree—

And I think the word *find* should not stand in the Judgment, That being a more proper Expression for the Verdict of a Jury than for the Judicial Determination of a Court—And I think it will be more proper instead of the word *find*, to say, *It appears to us*.

But I shou'd recomēd it to the Colony to have the whole Tryall perused, methodized and settled by

their Council, Mr. Read, who will take care to have everything put right and in proper Order, So as to have the whole in one entire compleat Record.

When this is done I wou'd advise Three entire fair Copies to be made of the whole Record, & each of these Copies to be signed by the Seven Comioners who Pronounced the Decree, all in the Nature of Originalls—One of which to be kept by the President—Another to be lodged in the Secretaries Office of the Colony of Connecticutt, there at all times to remain—and the Third to be sent to you to be ready to be made use of in case any Attempt Should be made for a new Review, and likewise to be ready to be lodged in the Council Office, in case it should be judged Necessary.

Thus, Sir, I have gone thro' the whole of this Case, and given you my thoughts, wholly and particularly on every part of it—and have only to add that no Application has been as yet made, either by way of Appeal or Complaint, or for a New Comision of Review, and when anything in this Affair You may depend on receiving imediate Notice thereof from

Dr. S^r.

Your most Obed^t. & ever faithful
humble Serv^t.

[Indorsed] Instructions (?) Connecticutt ag^t. Moheagan Indians. [In a modern hand, in pencil] "John Sharpe to Francis Wilks, prob. 1750." Internal evidence, however, shows that it was written with regard to the Commissioners' Court of 1738, and is evidently the document mentioned in Governor Talcott's letter of June 6, 1739.—[ED.]

(Found among Mohegan Papers in the Yale College Library.)

COMMISSIONERS OF THE CUSTOMS TO GOVERNOR
TALCOTT.*Sir.*

The Naval Officers in your Government having omitted duly to send home from time to time Lists of all Ships and Vessells, entering and clearing in their respective Ports, as you will please to observe by the inclosed Duplicate of the letters wrote to them: We therefore desire the favour of you to give effectual Orders to the Naval Officers in your Government, not only to transmit Us the Answers in arrear, but for the future duly to transmit Us the said Lists according to the Form Inclosed in their Letter, which We presume is agreeable to the Specimen deliverd to you, with his Majesty's Instructions, whereby the directions of the Acts made in the 12th, and 22, and 23^d Charles the 2^d, will be complied with. And if such Lists are sent Quarterly instead of anually as directed by the last mentioned Act,* it will, We apprehend, be equally convenient for the Naval Officers, and better accomodate this Service, the Collectors being directed to send their Accounts at the same Periods. We are

Sir,

Your most humble Serv^{ts},

R. CORBET.

CUSTOM H^o. LONDON,

J. EVELYN.

2 June, 1739.

P. CHANDLER.

ORDER FROM THE COMMISSIONERS OF THE CUSTOMS.

The Lords Commissioners of His Majesty's Treasury having by their Order, dated the 23d ult., directed pursuant to an address from the House of Lords, dated the

*Sec. 12th. [Note in the original.]

6th of the same month, that this Board lay before that House,

*“An Account of what Quantity of Rum or
“Spirits, Melasses, Syrups, Sugar, or Paneles,* have
“been imported into any of His Majesty’s North-
“ern Colonies in America from any of the Brit-
“ish Sugar Islands, from Christmas, 1727, to
“Christmas, 1737, distinguishing each Year, and
“each Colony and Island.*

*And the House of Commons having by their Order
of the 6th ult. also directed the like Account to be laid
before them by this Board from Christmas, 1733, to
Christmas, 1737;*

*That the Commissioners may comply therewith, they
direct you, without Loss of Time, to draw out an Ac-
count according to the inclosed Form N^o 1. expressing
the Quantity of Rum or other Spirits, Melasses, Syrups,
Sugar, or Paneles, imported into your District from
Christmas, 1727, to Christmas, 1737, distinguishing each
Year, and to send the same to them by the first Con-
veyance, and Duplicates thereof by the next Ship, for
Fear of Miscarriage, that they may be here in due Time;
and in Case none of the said Goods have been imported
into your District within the said Time, you are then to
send Nil Accounts duly signed and attested.*

*It being directed by the Act of the 12th Cha. 2,
Cap. 18. Sect. 19., That Copies of all Navigation Bonds
taken in the Plantations by the Governours or Naval
Officers, shall be sent to the Commissioners of the Cus-
toms. And likewise by the Act 22d and 23d Cha. 2d,
Cap. 24. Sect. 16., That Lists of all Vessels entering
and clearing in the Plantations, shall also be sent to the
Commissioners by the Governour and Commander in Chief,
who, pursuant to His Majesty’s Instructions, are required*

* See Talcott Papers, I. 287.

to take Care that the said Lists shall be transmitted according to a Form or Method agreed on between the Lords Commissioners of Trade and Plantation, and this Board; wherein there are proper Columns expressing such Particulars as are necessary for the Information of the Commissioners, with the Dates of all Navigation Bonds, which are to be taken according to the Conditions contained in the printed Form sent from hence. The Commissioners have therefore acquainted the Governour of your Colony what Accounts or Lists of Shipping are wanting from any of the Naval Officers within his Government, and desired that he will please to give Directions, that not only the Accounts in Arrear may be sent, but that they be punctually transmitted every Quarter for the future according to the said Form, Copy whereof is inclosed, N^o 2., that the said Acts as well as His Majesty's Instructions may be duly complied with, otherwise the Commissioners will think themselves obliged to complain to the Governour: and your will also be called on to perform the Condition of Bond. Which is what I have in Command to signify to you; and am,

Your most Humble Servant,

CUSTOM HOUSE, LONDON,

May 2, 1739.

P. S. *You are desired to acknowledge the Receipt of this Letter by the first Opportunity.*

GOVERNOR TALCOTT TO FRANCIS WILKS.

HARTFORD, June 6th, 1739.

Hon^{ble} S^r: I have the favour of yours inclosing John Sharps, Esq^r, Remarks and observations on the proceedings and Judgment of the Hon^{ble} Commissioners, on the Review in the Case between this Colony

and the Sachem of y^e Moheags, by the Commiss^{rs} Court holden at Norwich in May & June, 1738. I have great Satisfaction in y^e Wise and Just Remarks he makes, and allso in that by those Lines I am now acquainted and well satisfied in youre Improving so wise and good a Gen^lman in youre Councill for this Government. I hope and trust that with his good aide and Assistance, you will be able to support that Just Judgment in favor of this Colony, and allso to defend us from the further intreagues of Mason, and all Other Mercenary & Designing men, that may indeavor unjustly to hurt and disquiet us in any of our just Rights.

Samuell Mason Imbarkt at Boston the 7th. of Aprill last for Great Brittain, took with him as I am informed, a Long Remonstrance sent by two Gen^l. men of New York, against the unjust proceedings, (as they say), of y^e Commission^{rs} y^t held y^e Court, and gave y^e Judgment; and another Complaint of the same Tenour, signed, (as they say), by a great Number of Moheags, tho: I verieley believe, if y^e Truth could be known, not one half of them y^t Sign ever were of y^t Tribe or Nation, nor understood w^t y^r signe to. And you having heretofore benn informed from Ben Uncass, Sachem, and by Sam^l Avery sworn to y^e Number of y^e Moheags, will be able to give a shrewd guess whether there be any likelihood of their being all Moheags, Comparing the s^d acc^t to-geather with the Number of those that signed the Quit-claimes to this Coloney in February, and March or Aprill, 1738, which are Really y^e Major part of y^t tribe. And altho heretofore in such a Clandestine Manner Mason hath imposed upon many Just, Good, and hon^{ble} Gent^lemen, at such a distance as is old England from us: I hope by this time all observing

Gen^lmen that desire to adhere to y^e truth, will, by y^e Judgment of y^e Comissioners, and other means, be so Inlightened as that they will not Easiely be imposed upon, nor be perswaded to give Credit to Mason & his accomplices. You will finde allso, Some thing by the Deed I send you, how the Masons, and perticularly, Cap^t. John Mason, had Ravaged those Indians lands by what he Sold, and what he Reserved to himself. And then, being Guardians by Act of our Gen^l Assembly, made, as they intended, to preserve those Indians Lands for them, y^t no person might purchase of them without y^e leave of s^d Masons, so y^r having that opportunity and advantage consented to y^e Sachems selling of it to themselves, and their friends: then Maj^r Samuells Mason, being an Assistant, consented to y^e sale, then took their acknowledgments himself, and so went affaires on; and when the Gen^l Assembly came to understand it, by the Sachem's desire, they put in Comissioners to take the Care of them, and their Land; Impower'd them, with y^e Sachems Joining with them, to hold a Comis^{rs} Court, to bring actions against such as Incroacht on the Sachem's Lands, and at the Coloney's Charge: and had not the Assembly done this, it is more than probable that that Tribe by this time would not have had one acre of Land of their own to Improve.

I now send your Salary, Granted in May, to M^r. John Edwards, in Boston, £150.

Please make my best Service acceptable to John Sharp, Esq^r, and know assuredly that I am, S^r,

Yours Very Much

obliged hum^{bl}

Servant,

J: TALCOTT.

P. S. The Gen^lmen Co^mis^r having lett Copies go to Mason, &c, don't think it proper to alter a word from their first Minits, and are just now sending the whole as it stands in theire Book * to M^r. Partridge, Esq^r, their agent, with whome I hope you have a good understanding.

To FRANCIS WILKS, Esq^r.

[Inclosure]

To all People to whome these presents shall Come—
John Mason of Stoningtown in the County of New London in Her Majesties Colony of Connecticutt Gentⁿ Sendeth Greeting.

Know Yee that for and in Consideration of the Sum of Two Hundred pounds to me in hand paid and for Other Good Causes and Considerations me thereunto moving, and Especially being desirous to put an End to the great Controverseys and Contentions about the Lands Conveyed and Given to my Grandfather, the Hon^{ble} John Mason, of the Colony afores^d., Esq^r., by a Deed bearing Date at Mohegan, on the fifteenth Day of August, 1659, made by Uncass, Sachem of Mohegan, and Wawequa, brother to said Uncass, or by any other Deed, Instrument or Conveyance from said Uncass or Owaneco, or from Attawanhood, alias Joshua Sachem, since made or Given to my said Grandfather, or to myself, I the aboves^d. John Mason, of Stoningtown, Do by these presents Give, Grant, Bargain, Sell, Enfeoffe, Release & Confirm unto W^m Pitkin, Esq^r., M^r: Timothy Woodbridge, William Whiting, Maj^r Joseph Talcott,

* The Assembly ordered the Treasurer "to pay out of the Publick Treasury to Peter Bours, Esq^r, of Rhoad Island, the Sum of Twenty Five pounds in Bills of Creditt, to answer his Trouble & Charge in preparing & sending the Report and Judgm^t, &c., with a Letter to the King's Majesty." [October, 1739].—*Connecticut Archives: Finance and Currency*, III. 69. A copy of the proceedings of the Commissioners' Court is in *Indians, I., document 173*. See *Col. Rec.*, VIII. 206.

all of Hartford, and to M^r Samuel Whiting, of Windham, to M^r Joseph Bradford, of Lebanon, and to John Eliot, of Windsor, all my Estate, Right, Title, Interest, Claim & Demand Whatsoever, to and in the whole Tract, or Tracts, or parcells of Land, Lying and being within the Lands and Territories formerly belonging to Uncass, Late Sachem of Mohegan, or to Joshua, or Owaneco, Sons of s^d Uncass, as their bounds were set forth and Described, by the Hon^{ble} Col^l. Robert Treat, of Milford, and the Worshipfull Maj^r. John Talcott, of Hartford, in said Colony of Connecticut, being thereunto Deputed by the Govern^r and Company of said Colony, which bounds were in their Report, Returned under their hands unto said Governour and Company in General Court Assembled, at Hartford, in May, Anno: Dom: 1684, and by said Court Ordered to be entered in the Publick Records of said Colony,* Excepting and Reserving Certain parcells & Quantities of Land, which I have Excepted and Reserved in Certain Deeds or Instrum^{ts}. of Release and Quitt Claim, bearing the same Date with these presents, made to the Proprietors of the Towns of Norwich, Lyme & Colchester, And I do hereby Allso Except five hundred Acres in or near the Town of Windham, at a place called Wongoseage, also I do except all my Land within the Township of Stonington, allso Two hundred Acres within the Township of Plainfield, also Except all my Lands, Tenements, Hereditaments, rights, priviledges, claims, and Demmands, Whatsoever that I have, or ought to have, within the Townshipp of Lebanon, within y^e five miles, as settled by the Generall Court, or within that part called the Mason's Mile, to have and to hold the above granted and mentioned premises, Except that which is Excepted, together with all and

* Colonial Records, III. 148-50.

singular the profits, priviledges, Commodities, and Immunities, and every the Appurtenances, to them the said W^m Pitkin, Timothy Woodbridge, Joseph Talcott, Samuel Whiting, Joseph Bradford, and John Elliott, their heirs and assigns respectively, to their own proper use and behoof forever, and in part, According to their best Discretion to such other Uses as they shall judge Advantageous to promote y^e Good Issue of any Controverseys respecting the above granted and mentioned premises, and the said John Mason doth by these presents for himself, his heirs, Executors and administrato^{rs} Covenant, and promise, to and with the above named Grantees, their heirs, Executo^{rs}, Admin^{rs} & Assignes, that he, or they, will and Shall, within One Year after the Date of these presents, Deliver to one or more of the said Grantees, all the Writings, papers and Instruments that shew, set forth & concern the above granted premises, and will also give any further Assurance thereof, as by Skilfull persons in the Law shall be judged Necessary, or Convenient, for the Advantage of the Grantees, according to the True Intent and meaning of the premises, allso Except 300 acres within the Bounds of Haddam, & allso all the Land that lyeth between Lebanon South West bounds of the five miles, & the North East bounds of Colchester. In Witness whereof I have hereunto put my hand & Seal this 2^d Day of January, 1710: 11.

JOHN MASON. a (SEAL.)

Signed Sealed & Deliv^d.

in presence of

EDWARD CULVER }	The Abovenamed John
ISRAEL EVERIT }	Mason personally appeared
HEZ ^k . CULVER	in Lebanon, on y ^e 2 ^d day of

January, 1710, & acknowledged
this Instrument to be his free
act & Deed.

Before me W^m CLARK

Just: Peace

A True Copy of Record

Examined p^r GEORGE WYLLYS, *Secret^{ry}*.

S^r

Supposing this Coppy would be suffisient for the
end intended, (viz.), to lett you, and any others that
desire to know, what Right Mason hath to his preten-
tions to y^e Lands that were old Uncasses, and that it
is not sent to carry on any Sute, so thought it not
necessary to afix the Coloney Seall, or Certiefie that
George Wyllys that signed it was Secretary when he
did it: tho in truth he then was and still is as sure as

I am S^r

youre hum^{ble}

Servant,

J: TALCOTT.

HARTFORD, June 19th. A:D: 1739.

P. S.

I have been Informed that Cap^{tn} Mason was in-
deavouring to git men sworn that he was distracted
when he made s^d Deed, but I know no person ever
swore so without periuring himself.

GOVERNOR TALCOTT TO FRANCIS WILKS.

HARTFORD, June, 1739.

S^r: Since I sealed my letter, it comes to my
mind that M^r. Sharp in his, Saith the Evidence re-
lating to John Uncas his being sachem is not Remit-
ted, & so he could say nothing to that. In Answer
I must tell you, there was no Evidence to it but

what you have in Mr. Barbors, Rose and Chandlers, and that was, Indeed, nothing at all. The Six Indians that was admitted to come in before the Commissioners, to Say what they Could Relating to that, Only Declared that they had never heard any talk of John Uncas being Sachem; Nor did they ever hear John Pretend to it, or Speak of it of himself untill now, in the time of the Court's Sitting; So no Notice was taken of it, Not so much as to make a Minit of it in the Minit book of the Court. I have nothing more to Communicate at present, but am, S^r, youre Obliged

humble Servant,

J: TALCOTT.

To FRA: WILKS, Esq^r.
London.

DUKE OF NEWCASTLE TO THE GOVERNOR AND
COMPANY.

WHITEHALL, June 15th, 1739.

Gentlemen,

As it was stipulated by the Convention, concluded between His Majesty, and the King of Spain, on the 14th. of January last, N. S., that the Sum of Ninety five thousand Pounds Sterling should be paid at London within the Term of Four Months, to be reckoned from the Day of the Exchange of the Ratifications of the said Convention, as a Ballance due, on the Part of Spain, to the Crown and Subjects of Great Britain; and as the said Term of Four Months, from the Exchange of the Ratifications of the Convention* did expire on the 25th. day of May last, and the Payment

* A Convention between Great Britain and Spain concluded at the Pardo, January 14, 1739, N. S.

of the said Sum of Ninety five thousand Pounds Sterling, agreed by the said Convention, has not been made according to the Stipulation for that Purpose, by which means the Convention above-mentioned has been manifestly violated and broke, and His Majesty's Subjects remain without any Satisfaction or Reparation for the many great and grievous Losses sustained by them, His Majesty has thought Himself obliged to take such Measures, on His Part, as are necessary for the Support of the Honour and Dignity of His Crown, the Security of the just Rights of His Subjects, and the Good and Safety of his Dominions, and has therefore ordered the Ships and Effects of the King of Spain, and His Subjects, to be seized and taken, wherever They shall be met with; with which I am commanded to acquaint You, that You may cause the same to be made known in all Places under your Government, to the End that His Majesty's Subjects, in those Parts, may be upon their Guard, to prevent any Mischief they might otherwise suffer from the Spaniards, in Revenge for the Measures which His Majesty is obliged to take, to do Himself and His Subjects Justice; and that They may, in their several Stations, annoy the Subjects of Spain in the best Manner They are able. And I send You herewith, by the King's Order, His Majesty's Warrant, under His Royal Sign Manual, authorizing and empowering You to grant Commissions of Marque Reprisal for arming and fitting out private Ships of War, against the Ships, Goods and Subjects of the King of Spain. And It is His Majesty's Pleasure, That You should be very rigorous and severe, in preventing any Ammunition, or Stores of any kind, from being carried to the

Spaniards; And You are to use all proper Methods that may be most effectual for this Purpose.

I am,

Gentlemen,

Your most obedient

humble Servant,

HOLLES NEWCASTLE.

[Indorsed] Letter from Secretary of State, June 15th, 1739, if Letters of Reprisal, &c.*

GOVERNOR AND COMPANY of the Colony of Connecticut, or Commander in Chief for the Time being.

KING GEORGE II. TO THE GOVERNOR AND COMPANY.

George R.

Trusty and Welbeloved, We greet you well.

Whereas several unjust Seizures have been made, and Depredations carried on, in the West Indies, by Spanish Guarda Costas, and Ships acting under the Commission of the King of Spain, or His Governors,

* Letters of Marque and Reprisal were not proclaimed in England until July 10, 1739. *Gentleman's Magazine*, IX. 381.

"June 30, 1739. On the arrival of some Dispatches from Madrid the beginning of this Month, with an Account that the Conferences in pursuance of the Convention were likely to be unsuccessful and because the Spaniards had eluded y^e Payment of y^e 95'000 stipulated for the Merchants, the Government seem'd determined to do the Nation Justice by Force. Accordingly 14 Men of War and 3 Bomb-Vessels were put in commission, for the Speedy Manning of which there was a vigorous Press, and an embargo laid on all Vessels in the Kingdom, a Proclamation was published promising Six Months Pay certain to those who should voluntarily enter themselves aboard, and another recalling our Seamen from foreign Service. New Levies also were begun for the Land Forces, and several Regiments ordered hither from Ireland; the S. Sea Company were advised by a Secretary of State how to act in the present Conjunction, and the Merchants sent to their Correspondents in Spain on the same Head; in short a War was generally thought unavoidable, but we hear yet of no hostilities, and the Stocks, wch were fallen very low, are again upon the Rise."—*Gentleman's Magazine*, IX. 327.

contrary to the Treaties subsisting between us and the Crown of Spain, and to the Law of Nations, to the great Prejudice of the lawfull Trade and Commerce of our Subjects; and many Cruelties and Barbarities have been exercised on the Persons of such of our Subjects, whose Vessels have been so seized by the said Spanish Garda Costas; and whereas frequent Complaint has been made to the Court of Spain, of these unjust Practises, and no Satisfaction or Redress been procured; and whereas a Convention, for making Reparation to Our Subjects for the Losses sustained by Them, on account of the unjust Seizures and Captures above mentioned, was concluded between Us, and the King of Spain, on the 14th. day of January last, N. S., by which Convention it was stipulated, That a certain Sum of Money should be paid at London, within a Term specified in the said Convention, as a Ballance due, on the Part of Spain, to the Crown and Subjects of Great Britain; which Term did expire on the Twenty Fifth Day of May last; and the Payment of the said Sum, agreed by the said Convention, has not been made, according to the Stipulation for that Purpose, by which means the Convention abovementioned has been manifestly violated, and broke by the King of Spain, and Our Subjects remain without any Satisfaction or Reparation for the many, great, and grievous Losses sustained by Them; We have thought fit, for the Vindicating the Honour of our Crown, and for procuring Reparation and Satisfaction for Our injured Subjects, to order Reprisals to be made upon the Crown and Subjects of Spain. And We do therefore, by vertue of these Presents, authorize and empower You to issue forth, and grant Commissions of Marque and Reprisal to any of Our loving Subjects, or Others, who shall apply to You for the same, and whom You

shall deem fitly qualified in that behalf, for Arming and Fitting out private Ships of War, for the Apprehending, Seizing, and Taking the Ships, Vessels and Goods belonging to the King of Spain, His Vassals, and Subjects, or any inhabiting within His Countries, Territories, and Dominions in the West Indies: Provided a[ways th]*at, before any such Commission, or Commissions be issued forth, Security be given upon every such Commission, as hath been used in such Cases. And You shall insert in every Commission, to be so granted by You, all such Clauses, and give such Directions, and Instructions to the Person, or Persons, to whom you shall grant such Commission, as have been usual in Cases of the like Nature. And for so doing, This shall be your Warrant. And so We bid you Farewell.

GIVEN at Our Court at Kensington the Fifteenth Day of June, 1739, in the Thirteenth Year of Our Reign.

By His Majesty's Command,

HOLLES NEWCASTLE.

[Superscribed] To Our Trusty and Welbeloved, the GOVERNOR AND COMPANY of Our Colony of Connecticut in America; or to the Governor and Company of the said Colony for the Time being. Connecticut.

[Indorsed] Orders from his Majesty to grant Leters of Marque and Reprisals, June, 1739.

BOARD OF TRADE TO THE GOVERNOR AND COMPANY.

WHITEHALL, July the 5th: 1739.

Gentlemen:

We send you herewith Copies of two Addresses fr^m. the House of Lords, and likewise of two Addresses from the House of Commons to his Maj^{ty}:

* Torn.

of the 13th. of the last Month, and desire that you will forthwith prepare and transmit to Us, as soon as possible, the several Accounts therein required, that the same may be laid before the respective Houses the next meeting of Parliament. So We bid you heartily farewell, and are

Your very loving Friends
and humble Servants,

MONSON,
EDW: ASHE,
R. PLUMER,
M. BLADEN.

Hon^{ble} the GOVERNOR AND COMPANY of Connecticut.

[Indorsed] July 5th 1739. The Lords of Trade, that we Send an acc^t of our Bills of Credit, &c.

[A Duplicate of the foregoing is signed by]

MONSON,
T. PELHAM,
R. PLUMER,
JA: BRUDENELL.

ADDRESS FROM THE HOUSE OF LORDS TO HIS
MAJESTY.

Die Mercurii, 13^o. Junii, 1739.

Ordered by the Lords Spiritual & Temporal in Parliament assembled, That an humble Address be presented to His Majesty, That his Majesty will be graciously pleased to give Directions to the proper Officers, That an Account be prepared, and laid before this House at their next Sessions, what was the Amount of the Paper Bills, or Bills of Credit, which, by Virtue of any Act or Acts of Assembly, subsisted or passed in Payment in any of the British Colonies

or Plantations, in the year 1700: And also, an Account of the Amount of what Paper Bills or Bills of Credit, of any Species or Kinds, have by Virtue of any Act or Acts been created or issued in any of the said Colonies or Plantations since the year 1700, with the Amount of the Value, in money of Great Britain, of such Bills, at the respective Times of their creating and issuing; and what Provision was made thereby for the sinking or discharging of any such Paper Bills, or Bills of Credit. Together with an Account of the Amount of the Bills, that have been sunk or discharged in Pursuance thereof, and also of the Bills subsisting or passing in Payment at this Time, in any of the said Colonies and Plantations; with the Amount of the Value in money of Great Britain, of such Bills, distinguishing each Species or kind of Paper Bills, or Bills of Credit, and each Colony or Plantation.

sign'd W^m. COWPER, *Cler:*
Parliamentor:

Die Mercurii, 13^o. Junii, 1739.

Ordered by the Lords Spiritual & Temporal in Parliament assembled, That an humble Address be presented to His Majesty, That his Majesty will be graciously pleased to give Directions to the proper Officers, That an Account be prepared and laid before this House at their next Sessions, At what Rates all Gold and Silver Coins were accounted, received, taken or paid, and Gold and Silver were purchased at or sold for per ounce, in any of the British Colonies and Plantations in America, in the years 1700, 1710, 1720, 1730; and at what Rates Gold and Silver Coins are accounted, received, taken or paid, and Gold

and Silver are purchased at or sold for per ounce, at this Time, in such Colonies and Plantations, distinguishing each Colony and Plantation.

Sign'd

W^m. COWPER, *Cler :*

Parliamentor :

Ex^d :

ADDRESS FROM THE HOUSE OF COMMONS TO HIS
MAJESTY.

Mercurii, 13^o. Die Junii, 1739.

RESOLVED,

That an humble Address be presented to His Majesty, That His Majesty will be graciously pleased to give Directions, that an Account be prepared in Order to be laid before this House the next Sessions of Parliament, of what Rates all Gold & Silver Coins were accounted, received, taken or paid, and Gold & Silver were purchased at and sold for per ounce, in any of the British Colonies and Plantations in America, in the years 1700, 1710, 1720, 1730, and at what Rates Gold and Silver Coins are accounted, received, taken or paid, and Gold and Silver are purchased at or sold for per ounce, at this Time, in the said Colonies and Plantations, distinguishing each Colony and Plantation.

RESOLVED,

That an humble Address be presented to His Majesty, That his Majesty will be graciously pleased to give Directions, that an Account be prepared in order to be laid before this House the next Session of Parliament, of what was the Amount of the Paper Bills or Bills of Credit, which, by Virtue of any Act or Acts of Assembly, subsisted or passed in Payment

in any of the British Colonies or Plantations in the Year 1700; and also an Account of the Amount of what Paper Bills or Bills of Credit, of any Species or Kind, have, by Virtue of any such Act or Acts, been created or issued in any of the s^d Colonies or Plantations since the Year 1700, with the Amount of the Value, in Money of Great Britain, of such Bills at the respective Times of their creating and issuing, and what Provision was made thereby for the sinking or discharging of any such Paper Bills or Bills of Credit; together with an Account of the Amount of the Bills that have been sunk or discharg'd in Pursuance thereof; and also of the Bills subsisting or passing in Payment at this Time, in any of the said Colonies and Plantations, with the Amount of the Value, in Money of Great Britain, of such Bills, distinguishing each Species or Kind of Paper Bills or Bills of Credit, and each Colony or Plantation.

ORDERED,

That the said Addresses be presented to his Majesty by such Members of this House as are of his Majesty's most Hon^{ble} Privy Council.

sign'd N. HARDINGE,

Cl Doñ. Coñ:

GOVERNOR TALCOTT TO FRANCIS WILKS.

HARTFORD, July 30, 1739.

S^r: Last Aprill Messrs. Jeams and Jeremiah Allyn, of Boston, represented to me the Case of Philips and Savage, together with the remarks of M^r. Pariss, Solicitor, in the case, and in the whole the case went in favour of y^e Intestate Law in Boston

Colony, which is the same with the Law of this Colony for settling Intestate Estates, and it is suggested that oure misfortune in the making oure Intestate Law void in the case between Winthrop & Lechmere was owing to the want of making a proper defence, and that now without doubt, by the case and pleading of Philips & Savage, and what was there acknowledged by some of the lords on that Tryall, there is a doar opened to Connecticut to get their Intestate Law again allowed to be in force, if they would properly apply to his Majesty, &c.

And being informed by M^r. Jeremiah Allyn that youre self and M^r. Sharp was present at the fores^d Tryall of Philips & Savage, I must therefore Earnestly solicit you in behalf of this Colony, to take the best advice in the case and let me know if there be a prospect that if we should move in that Affaire we might recover oure Law of Intestates, that is of so great Importance to the Weal of this Colony, and if so be, its likely we may recover it, That you send the proper Instructions in what maner we must proceed, and you having formerly received some Copys of oure Records, of oure acting and settling some Intestate Estates, according to that Law, and oure arguments then offered, let me have advice what Evidences will be further necessary, and the true & just sentiments of youre Councill thereupon, and you will oblige, S^r,

Yours humble
Servant,

J. TALCOTT.

To FRANCIS WILKS, Esq^r.
London.

[Indorsed] Gov^r Talcott's lett^r to Agent Wilks abo^t:
Intestate Law of Connec^t.

FRANCIS WILKS TO GOVERNOR TALCOTT.

LONDON y^e 10th August, 1739.

Sir: I am not favour'd with any of Yours since my last of y^e 2^d. March,* to which I refer, and desire You will send by the first Opportunity, a Return of the Proceedings of y^e Commissioners, in the manner directed in said Letter. M^r. Mason has deliver'd a Petition to His Majesty in Council, praying the Decree of The Commissioners in Connecticutt may be set aside. The Lords of His Majesty's Most Hon^{ble} Privy Council have referr'd said Petition to The Lords of Trade, and they have sent to me for a Return of y^e Proceedings of the Commissioners. Upon Examination of the Papers you sent me, my Council thinks it very improper to lay said Papers before them, but to wait for such a Return as directed in my former, and accordingly have Acquainted their Lordships that I expect the Papers in a little time.

This Ship's departure sooner than expected, I am afraid prevents my getting a Copy of Mason's Petition to send you now. It's about, and if possible shall be sent, but if not, you shall have it ¶ next. I am S^r,

Your most Obed^t. Serv^t.

FRA WILKS.

To the Hon^{ble} JOSEPH TALCOTT, Esq^r.

FRANCIS WILKS TO GOVERNOR TALCOTT.

LOND^o, y^e 24th August, 1739.

Hon^{ble} Sir: Since I last wrote you, M^r. Mason has made a Motion at the Board of Trade, for me to lay before their Lordships all the Papers I have reced

* This letter is not found among the Talcott Papers, or in the State Archives.

from Connecticut, relating to y^e Dispute with the Indians. Accordingly, I reced such a letter from their Secretary, upon which I attended the Board, with my Council, (as did M^r. Mason, with his Council), and told their Lordships I had reced no regular Return of the Proceedings of the Commissioners in Connecticut, nor had I any thing which I was directed to lay before their Lordships: what I have reced is only Private Advice and Instructions, which it never was known that an Agent was called upon to Produce. After a long Argument on both sides, their Lordships declin'd my Producing what Papers I have at present, but as I told them it was some Months ago since I wrote for a Return of the above-said Proceedings to be sent in a Proper Manner, I soon Expected it, & would then wait on their Lordships. I Expect M^r. Mason will be Constantly Applying to get the Return brought in, and after a reasonable time the Board will expect it, or may Proceed to do something to the prejudice of the Colony in the Affair, if they apprehend an Affected delay, w^{ch} I hope you'l Prevent, and if it be not already done, forward it by the first Opportunity.

Upon my Council's examining the Papers you sent me, relating to the Commissioners' Proceedings, he thought the producing them to the Board of Trade, or to the Council, would be of ill Consequence, & Occasion a New Commission being sent Over, the whole Evidence on both Sides not being stated, nor sign'd by the Commissioners, with other Omissions, which will be Corrected, if you send me a Return of said Proceedings exactly in form as Prescrib'd in my letter of March y^e 2^d., to which I refer you.

Inclosed you have Copy of M^r. Mason's Petition.

Also a Letter from the Board of Trade. As anything offers, I shall farther advise, & am, Hon^{ble} S^r,

Your most Obedient,

Humble Servant,

FRA WILKS.

To the Hon^{ble} JOSEPH TALCOTT, Esq^r.

PETITION OF SAMUEL MASON AND HIS BROTHER.*

[This copy of Mason's Petition is among the papers relating to the Mohegan Case, in the possession of the Connecticut Historical Society. The comments in small type, inserted among the paragraphs, are in the original, manuscript marginal notes in the handwriting of the person who transcribed the Petition. Perhaps written by an English lawyer, employed by Wilks to prepare the case for Connecticut.—ED.]

TO THE KINGS MOST EXCELLENT MAJESTY
IN COUNCIL.

THE HUMBLE PETITION of John Mason & Sam^l. Mason, of New London, in your Majestys Colony of Connecticut, Gentlemen, in behalfe of the Chief Sachem, and also of the Mohegan Indians. The said John Mason and Samuel Mason being sons & heirs of Captain John Mason, and being also, and acting as the Trustees and Guardians of the s^d. Chief Sachem, and of the s^d. Tribe, and of their Lands —

[Should they not Shew how and when they became Trustees & Guardians of y^e Chief Sachem & Tribe? For this is not the p^{et}ition of the Sachem or of the Indians, but of the Masons.]

That the Mohegan Indians in that part of America, now called your Majestys Colony of Connecticut, were the Chief Proprietors of the Lands in

* Samuel Mason was baptized in Stonington, Conn., Aug. 30, 1707. John Mason, his brother, was born in Lebanon, Conn., Sept. 13, 1702. Samuel Mason long resided in London, carrying on the prosecution of his case against Connecticut.—*N. E. Hist.-Gen. Register*, XV. 121. *Memoir of Mrs. Mary Anna Boardman*, 367.

those parts, & upon the first Arrival of English Subjects there, recd them in a friendly manner, permitted them peaceably to plant and settle great part of their Lands, which they granted them for an Incofisble Value, & *reserved to themselves some small parcells of Land to plant & hunt in.*

[And these we say they still have, Excepting what they have fairly granted away.]

The s^d. Mohegan Indians ever since the first Arrival of y^e English there, entertained & cultivated a firm Friendship by League with the English Subjects of Connecticutt, & always assisted whenever attacked by their Enemies, & in sev^l. Treaties between the Mohegans & the s^d English Subjects of Connecticutt it was agreed that the s^d. Indians sho^d. be protected in the Possession of y^e. s^d. reserved Lands.

That the s^d. Colony of Connecticutt being grown up into a Corporation under the Brittish Crown, & being better able at length to stand by themselves without so much help & assistance from their first Friends and Supporters, And on the other hand the s^d. Mohegan Indians by Numerous Warrs in defence of the English Settlers, by Distempers which the English brought amongst them, & otherwise *being reduced & lessened in their Numbers*, the Corporation of Connecticutt in Breach of Gratitude & Common Justice & of their most solemn Treatys, resolved to keep faith no longer with those poor Indians, and passed an order in their own Generall Court, Whereby they took from the s^d. Mohegans *that small Tract of Land wch they had reserved* to themselves, & were possessed of, as aforesaid.

[We deny this & defy em to shew it.]

That upon Grievous Complaint made thereof by the Mohegans to her late Mâty, Queen Ann, a

Comision issued under the Great Seal of England, bearing date the 19th. day of July, 1704, reciting to the Effect hereinbefore stated, and authorizing Coll^o. Dudley, then Chief Govern^r., & also the Lieu^t. Gov^r. of the Massachusetts Bay, together with Nine other Persons therein named, to summon all parties & to examine & to enquire into the matter af^d., & into all other Injuries & Violences that should be offered or done to the Mohegan Indians, & to *determine* thereupon as should seem just and reasonable, And the s^d. Commis^{rs} were commanded to determine according to Justice & Equity, & to restore the s^d. Indians to their Settlem^{ts}. in case they had been unjustly dispossessed, or otherwise to take care that they were continued therein.

That those Commis^{rs}. were Gentlemen of great Probity & of great weight & consideration in America, & after a *long & carefull Enquiry* & Examination

[It was a very Short one & all Exparte.]

into the matter, & many living proofs, & great numbers of Authentick Public Records produced to them, & after great Oppositions given to the Commission & the Execution thereof by the Corporation of Connecticutt, who by a Publick Proclamation forbade the Holding the Court, & declared the Comm^{rs} were no Court, and that the Queen's commands contradicted one another, the s^d. Comm^{rs}. upon the 24th. Aug^t., 1705, *Unanimously* made up and signed their Judgm^t., whereby they declared & determined to the following Effect —

1. That Oweneco was the True & undoubted Sachem of the Mohegans & so owned, acknowledged & proved to be.

2. That Oweneco himselfe & his Ancestors, with his people, had at all times served the Interest of

the Crown of England & the Colony of Connecticut in times of Warr, and had faithfully kept their Leagues and Treatys with the s^d. Colony.

3. That the Governm^t. of Connecticut had at severall times, & by sev^l. Treatys & orders, acknowledged Oweneco & his father Uncas, with the Mohegan Indians, to have Lands *of their own*,
[So we do Still.]

and accordingly had settled the Boundarys between the Mohegans own Lands & such as they had purchased from the s^d. Indians.

4. That Oweneco & his Ancestors, with the Mohegan Indians, had a very good & undoubted Right to a very large Tract of Land within the Colony of Connecticut, lying to the Eastward of Connecticut River, And that the English Inhabitants of the Neighbouring Towns had acknowledged the Right of the Mohegan Sachem to those Lands.

[We still Acknowledge their Right to 5000^d. Acres.]

5. That all the Lands that were reserved and left remaining unto the s^d. Oweneco and the Mohegan Indians, in the Year, 1683, were distinguished into planting and hunting Grounds.

Their Planting Ground.

Part of it Scituate between New London & Norwich & contains Eight Miles in Length & ffour Miles in Breadth. One Smaller Tract about Nine Miles in Length & Two Miles in Breadth, lying on the North Bounds of Lyme—One other *very large* Tract of Hunting Land, lying within the Bounds of the Towns of Norwich, Lyme, Lebanon, Metabesset and Haddam.

[This they have parted with since by Subseq^t. Agreem^{ts}. & have now only 5000^d. Acres reserved, & w^{ch} considering their Small N^o. is much more than they want. In the beginning of the P^{et}ion they call the whole a very small Tract & yet here they call but part a very large Tract.]

6. That for the better ascertaining & settling the Bounds of those remaining Lands of the Mohegans, the Govern^t of Connecticutt in 1683 did empower their own Govern^r, & others, as a Comēee to settle the Bounds, w^{ch} Comēee in 1684 did accordingly run & settle the Boundaries *abovement^d*, & made a Return thereof to their Gen^l. Court, who approved & Recorded the same.*

7. That Uncass, the Father of Oweneco, to secure his Lands, or some good part of them, to his family & people, in the year 1659, & again in 1665, made over his Lands to Major John Mason, Deputy Gov^r of that Colony, & of great Friendship with Uncass, *for the Indians use*,

[The Deed is to his own Use absolutely.]

And the s^d. Mason in the year, 1671, the better to secure some of their Lands to them & their posterity, reconveyed to Uncass & others, & their Heirs, that Tract of Land between New London and Norwich, for their Planting, with an Express Limitation in that Deed that neither they nor their Heirs should ever alienate the same, which after that time past commonly by the name of the Sequestered Lands.

8. That the Governm^t. of Connecticutt did approve of the s^d. Major John Mason, being procurator or Guardian of the Mohegan Indians during his Life, & of Major Sam^l. Mason, his son, after his death, & in the year 1660 did provide and determine that the Lands of the Mohegan Indians should be disposed & ordered *by the s^d. Mason*, & in the year 1662 for the more Effectuall Securing to the s^d. Sachem & Mohegans their reserved remaining Lands, did direct & determine that none of the Lands recorded & confirmed to Oweneco sho^d. for the future be past away *without the consent of the said Mason*.

* Colonial Records, III. 148-50.

9. That contrary to the Reservations, Treatys & Settlem^{ts}. above recited, the Gov^t. of Connecticutt had granted away coñsble Tracts of the s^d. Mohegans planting Grounds, amounting to ab^t. 3000^d Acres, & in particular to the then Gov^r of Connecticutt,* & Gurdon Saltonstall, the Minister of New London, 400^d Acres, w^{ch} (the Comm^{rs} Reported) upon oath, was found to be 1100^d & upw^{ds}., And in Oct^r. then last, the Gov^t. of that Colony, by a patent under their Seal,† granted the whole Tract abovemen^d., being the planting Ground of the Indians, to the proprietors of New London, and their Heirs forever.

10. That the s^d Sachem & Mohegan Indians had been very unjustly disposest & turned out of a Tract of planting Ground, called Massapeage, lying within the Township of New London, The Improvem^t. of w^{ch} s^d. Land was reserved by the s^d. Sachem & Mohegans to themselves, by their Deed to New London.

11. That the Town of Lyme under pretence of the Grant of their Towñsp from the Colony had taken into their Improvem^t. that Tract of the Mohegan Lands, bounded upon their Towñsp, containing ab^t. Nine Miles in Length & Two Miles in Breadth.

12. That one other very large Tract of their hunting Ground is granted away from the Mohegans to the Towñsp of Colchester, namely that large Tract of Land between Norwich and Haddam, Lyme, Lebanon & Mattabesset.

14. (*sic*) That the s^d. Mohegan Indians were (then) a coñsble Tribe, or people, consisting of 150 fighting men, formerly a much Greater number, &

*It is not quite clear who is meant. Robert Treat was Governor of Connecticut from 1683 to 1698, and Fitz John Winthrop from 1698 to 1708. The latter was succeeded by Gurdon Saltonstall.

†The Patent of New London was granted Oct. 14, 1704.—*Connecticut and the Mohegan Indians, 178.*

could not subsist without their Lands, of w^{ch} they had been deprived & dispossessed as a^d.

That the s^d. Oweneco, *with his people*, had been extremely disturbed & grieved at the beforemen^d. proceedings of the Colony of Connecticut towards them, & had frequently applied themselves to the Gen^l Assembly of the s^d. Colony, (by their Agents, Major Samuel Mason & Cap^t. Clarke), for Redress but could obtain none, whereby they had been reduced to great want & necessity, & in that time of Warr were in great Danger of deverting their Ancient friendship.

Whereupon the s^d. Court of Comm^{rs} were unanimously of Opinion that the s^d. Oweneco & the Mohegan Indians ought to be restored, to & put in the possession of the s^d. Lands, having been unjustly deprived & dispossessed of them.

It was therefore considered & determined by the s^d. Court of the Queen's Commis^{rs}. that the s^d. *Owners*,* *Uncass & y^e Mohegan Indians*, should be immediately put into possession of all their Planting Ground lying between New London & Norwich — containing 8 miles in length & 4 in Breadth, or thereab^s. as the same were surveyed & marked. As also of another Smaller Tract upon the North Bounds of Lyme, containing Nine Miles in Length & Two Miles in Breadth, the Westerly End whereof lyes upon Connecticut River — And also one other large Tract of Hunting Land between the Bounds of Norwich & Haddam — And also that the s^d. Oweneco & the Mohegan Indians be restored to the Improvem^t. of their Planting Ground, called Massapeage, within New London a^d. — And also that the s^d. Oweneco Uncass should recover his just Costs & Charges — And that the Gov^r. & Comp^s. of Connecticut should be required immediately to cause the

* *Sic*, but evidently a copyist's slip for "Oweneco." [Uncass].

s^d. Oweneco Uncass, & the Mohegan Indians, to be restored to the Enjoyment & possession of the sev^{al}. Tracts & parcels of Land above recited.

That by the proceedings of y^e s^d. Co^mm^{rs}. returned on the s^d. Co^mion, It appears, that on giving the af^d. Judgm^t. a New Treaty in Effect was concluded between the s^d. Co^mm^{rs}. of y^e Queen, & the s^d. Sachem Oweneco, & his Brother, Cap^t. Benjⁿ. Uncass, who both appeared in Court, Owed their Satisfaction in the Comm^{rs} proceedings, gave thanks to her Majesty & the Court for her Majesty's great care of the s^d Sachem & *his people* & of their Interest. The s^d Sachem declaring he wo^d. leave his Commands upon his Children to be ever under the Allegiance & Governm^t. of y^e Queen & Crown of England, & to Assist her M^{aty} & her Successors, with all their Int. upon Occasion as he & his predecessors had always done in times past, & thanked God who had prevented them from staining their hands with the Blood of the English, notwithstanding y^e. many & frequent provocations from them, & the Insinuations & proffers from the other Indians to carry away his people from the English. And Coll^o. Dudley the Chief Gov^r. of the Massachusetts Bay, & President of the s^d. Court, did thereupon in behalf of her M^{aty} return thanks to the Indians for their Zeal & Affection to her M^{aty}, the Crown & Govern^t. of England, & the Interest of the English Nation, & *assured them* that her Majesty wo^d. always be ready to take care of them & their People, both in protecting them & preserving of their Rights & properties.

And before the s^d. Court of Comm^{rs} broke up the s^d. Oweneco, the Chief Sachem, appeared & moved the Court that Captⁿ. John Mason, of Stonington, (your Pet^r. late Father), might be his Trustee & Guardian

to take care of him & his Affairs, And the Court Ordered that the s^d. Captⁿ. John Mason, (Son in Law to the s^d. Major Sam^l. Mason & Grandson to the late Major John Mason), at the desire of Oweneco should be the Trustee & Guardian of the s^d. Oweneco, & should have the Care both of *him & his people*, & have the Mannagem^t. of all his Affairs, as the Ancestors of the s^d. Mason had done before him, as fully in all respects as any other Trustee or Guardian might or could do in the like Case.

That your Pet^{rs}. s^d. late Fa^r. frequently & from time to time served the s^d. Judgm^t. upon the Gen^l. Court in Connecticut, & made the most Strong & repeated Instances to them to comply with the same, & to restore the s^d. Indians to the possion of their Lands so solemnly & Justly adjudged to them, But altho' sev^l. of the pa^rlar (particular?) Members of that Court acknowledged the grievous Wrong & Injury that had been done in dispossessing the Indians, yet their Gen^l Court on all Occasions denied the Legality of the Queens s^d. Co^mion & Court, Set at Naught the s^d. Judgm^t., refused all sorts of Compliance herewith, & even dispo^ssed the s^d. Indians of further parts of their Lands in Connecticutt, reducing them to so very small a quantity of Lands, & that bad Rocky Land also as was not near Suff^t. for their Tribe, but obliged many of them to desert & go off to other Tribes, who were not ffriendly to the English, Exclaiming agst. & threathning the English for their Ingratitude & Injustice to them.

That the s^d. Chief Sachem, Oweneco, dyed, & his Grandson, Mahomet, became afterw^{ds}. entitled to the Sachemship.

That in the year, 1736, your pet^{rs}. late father, & your Pet^r. Sam^l. Mason, & the s^d. Mahomet, came over

to Great Britain, at w^{ch} time the s^d. Mahomet, as your Majestys most obed^t. & faithfull Vassall, by an Humble Petⁿ to your M^{ty} set forth his Case, & prayed Redress for himself & *his people*, from your Majestys Royal Justice.

That such Petⁿ being referred to your Majesties Comm^{rs}. for Trade & Plantations their Lord^{sh}s found, that soon after the s^d. Judgm^t., (on a p^{ti}on presented to her Majesty by the Agent for Connecticutt, & on a Report thereon from the Com^{tee} of her M^{ty}'s Privy Council), Her Majesty was pleased by order in Council of the 10th of June, 1706, to direct that the Sentence of Costs given against the people of Connecticut in Favour of the Mohegan Indians should be reviewed, & that a Com^{ion} of Review should be granted for hearing & determining the Pretensions of the s^d. Indians, & that afterw^{ds}. a Com^{ion} of Review directed to the Lord Cornbury, then Gov^r. of New York, & to the Council of that Province, was approved by her M^{ty} in Council on the 5th of ffeb^ry, 1706.

Which Matter the s^d. L^{ds}. Comm^{rs} for Trade reported to your M^{ty} on the 10th of June, 1736, And also that it did not appear to them that any Proceedings whatever had been had by Virtue of such Commission of Review, but on the contrary, that the s^d. John Mason, (Your pet^r. late father), who had been constituted Guardian of the s^d. Mohegan Indians by the Queens Comm^{rs}., had declared that he never so much as heard that any such Commission issued, tho^o he was at y^t time residing in Connecticutt & Guardian of the s^d. Indians, Wherefore their Lord^{sh}s humbly proposed to your Majesty that a fresh Com^{ion} of Review should be granted with the Authority & powers, And in Regard to the poverty of the then Sachem & the Mohegan Indians, that the charge attending the

same & all other dispatches relating thereto, should be defrayed at the Expence of y^e Crown, as had been before ordered on the former Com̃ion of Review.

That while the s^d. Mahomet & your pet^{rs}. s^d late Father were in London, carrying on their s^d. Humble Application for redress, they both dyed, & by Right of Blood John Uncas is entitled to the Chief Sachemship over y^e Mohegan Indians.

That your Mātys Royall Com̃ion, issued under the Great Seal of Great Britain, bearing date y^e 3^d day of June, 1737, whereby your Māty was pleased to Declare your desire that Justice should be done between the people of Connecticutt & the s^d Indians, & that a finall Determination might be put to the Controversy, And that y^e s^d. Sentence of Comm^{rs} *might be reviewed & examined*, And your Māty did therefore Authorize the Lieu^t. Gov^r. & the Members of Your Mātys own Council in your Province of New York, & the Govern^r and his Assistants in the Province of Rhode Island, to Reexamine, review & finally decide & determine the whole Cause af^d., in w^{ch} the s^d Commissioners first mentioned had given their Judgm^t., as af^d., with all its Incidents, Emergencys & Dependacys, whatsoever, And your Māty did command them first to summon before them not only the Gov^r. & Company of y^e Colony of Connecticutt, and the Chief Sachem of y^e Mohegan Indians, but also *all parties of Right to be summoned therein*, and to admit any new Allegations, or matters & Instrum^{ts}., Writings & Proofs, upon oath, as well on y^e part of the s^d. Govern^r. & Comp^a. of Connecticutt, as of the s^d. Chief Sachem and *Mohegan Indians*, relating to the Merits and Circumstances of y^e s^d. Principall Cause, & that the Comm^{rs}. should Examine & Review all & singular Allegations, Proofs, Decrees, & sentence, & the whole

process of y^e first men^d. Comm^{rs}., And that after having heard all allegations & proofs in the Cause, they sho^d. decree w^t. was Just & Right therein with power to revoke or to confirm in the whole or in part the s^d. 1st. Judgm^t., & with Express Commands that whilst such Examination & Review sho^d. be depending, nothing should be attempted to the Prejudice either of y^e Gov^r. & C^o., or of the s^d. *Mohegan Indians*, And that w^t. they sho^d. Decree the s^d. Comm^{rs}., should cause by the Legall Remedys & Methods of y^e Law to be put in Execution.

That as this last Com^mion of Review was only the Renewall of what had been before obtained in 1706 by the Corporation of Connecticutt, themselves, at their own instance & request, & on their own p^etion to the late Queen, Your pet^{rs}. hoped the s^d. Corporation [would] have p^d. some decent regard to your M^{atys} Authority, & your Royall Commands therein contained, but the s^d. Corporation have denyed your Authority & very grossly eluded the Execution of the s^d. Com^mion in manner as hereinafter mentioned.

That your Pet^{rs}., Sam^l. Mason, carryed over your M^{atys} s^d. Com^mion & delivered the same in April, 1738, to your M^{atys} Lieu^t. Gov^r. of New York, (the first named Comm^r. therein,) & the Council of New York thereupon imediately wrote to the Rhode Island Comm^{rs}. & notified the intended publication of y^e s^d. Commission at Greenwich, in Connecticutt, on the 10th of May then next.

And on the 10th of May, 1738, a Quorum of y^e Comm^{rs}. met, who read & published your M^{atys} Com^mion, & appointed and Swore M^r. John Walton as the Clerk to the Comm^{rs}., & ordered Summons to Issue to the Gov^r & C^o. of Connecticutt, for the Chief Sachem & the principall heads of y^e *Mohegan Indians*, and all

others of the Tribe who had any Right to y^e Land in Controversy, *And for the Tenants in possession* of y^e Lands in Controversy to appear before the Court of Comm^{rs}. at Norwich in y^e County of New London in Connecticut, on y^e 24th of y^e s^d. Month of May, to w^{ch} time & place the Comm^{rs}. then adjourned.

That the Comm^{rs}. met according to their Adjournm^t. upon the 24th of May, at Norwich, at w^{ch} time, & at sev^l. subsequent Meetings, the Comm^{rs} p^rsent were Philip Cortland, & Daniel Horsmanden, Esq^r., two of your M^{ty}s Council of New York, & the Govern^r. of Rhode Island, & Six more of his Assistants, (making in all 9 Comm^{rs}.), upon w^{ch} day the Agents for y^e Corporation of Connecticut exhibited to the s^d. Comm^{rs}. a Written, paper, thereby insisting primarily—

That Coll^o. Dudley & the other Comm^{rs}. in the Originall Com^mion had had no power, Jurisdiction, or Authority to determine the m^re af^d., but that their determination was with^t. Authority, power, or Jurisdiction in them to Warr^t. the same, (thereby again denying the Authority of the late Queen in Issuing the first Com^mion), and they insisted on some other m^res, & demanded y^t. the s^d. Judgem^t. should be reversed, repealed, & made Void.

[It does not deny the Queen's Authority in Issuing the Com^mion but that the Comm^{rs}. had exceeded the Authority given em by the Com^mion].

That your Pet^{rs}. at Great trouble & Expense carryed down W^m. Shirley, Esq^r., (Your M^{ty}s Advocate Gen^l. in New England), & Mr. W^m. Bollan, as Council for the s^d. Tribe of the Mohegan Indians, to attend the s^d. Comm^{rs}. at their Court, to make *a really true defence* for the s^d. Indians, & to Support the s^d. Former Judgm^t. given in their Favour, & the Indians Right hereunder. But to your Pet^{rs}. very great Surprise the

s^d. Gov^r. & assistants of the Neighboring Colony of Rhode Island, (who made up by far the Greatest Number of y^e Comm^{rs}. Present), seemed determined from their very first appearance to act directly contrary to your Mātys Cōmmon, & to prevent the Indians from being heard, & to revoke the former Judgm^t. [at] all Events, with^t. so much as reviewing, or suffering the same to be read.

To w^{ch} End, when the s^d. Council moved the Comm^{rs}. that the s^d. former Judgm^t. & proceedings (w^{ch} they were required to review & reexamine) might be read, the s^d Comm^{rs}. from Rhode Island absolutely refused the same, ag^t w^{ch} your Mātys Comm^{rs} from New York Strongly protested, but to no purpose, being Outvoted.

[The Council did not move this. It was the 2 Seceding Comm^{rs}, & that before the parties had appeared.]

And the s^d. Comm^{rs}. from Rhode Island resolved to proceed first by the Discussion of *a very Foreign point*, (w^{ch} your Pet^r. could not then so much as guess the meaning or Relevancy of but w^{ch} it seems was intended to be made Special use of afterw^{ds}.), namely, who was Sachem de Facto, & who was Sachem de Jure, of the Tribe of the Mohegan Indians? Upon w^{ch} point the Comm^{rs}. from Rhode Island resolved that one Ben Uncas was the Sachem, & who plainly appeared to be an Indian bought into the Interest of Connecticut, not to defend but to give up the Indian Lands to them.

[There is no protest on this Head. They could not possibly proceed till the Sachem appeared & this was all they meant, & was what the Cōmmon directed.]

And the s^d. Comm^{rs}. from Rhode Island, by their vote made upon the Motion of y^e Council for Connecticut, appointed Three persons, all of Connecticut, Advocates for such pretended Sachem *to defend his*

Right ag^t. the Govern^t. of Connecticut. That the s^d. Mess^{rs} Shirley & Bollan, plainly seeing what *such* Advocates were appointed for, & imagining what sort of a defence *such* Advocates wo^d. make, moved the Comm^{rs}. whoever was Sachem, or whatever Council they Appointed for such Sachem, that your Pet^{rs}. might be admitted to appear as Guardians to the Sachem, but that Motion was denied.

They again moved that the Tribe of Mohegan Indians, (who by the Co^mmon were required to be summoned, & who actually had been summoned & were then present in Court), might be heard by such persons as they themselves should then appoint to defend their Claim to the Lands in Question, which had been settled unalienately upon the Tribe, to prevent any disposition of them without their Guardians consent, & for the Subsistence of the Tribe. But this Motion was also denied.

The s^d. Council for the Indian Tribe also moved that their Motion & the Comm^{rs} Resolutions thereon might be Recorded on the Comm^{rs} proceedings, but this was likewise denied.

That in all those Motions your Majesties Comm^{rs}. from New York dissented from the Rhode Island Comm^{rs}. & protested ag^t. the same, & desired that the reasons for their Dissent & protests might be entred on the Comm^{rs}. proceedings, so that the same might appear to your M^{ty}, But the Rhode Island Comm^{rs}. refused that also.

That your M^{ties} Co^mmon from New York seeing in what way the Co^mmon from Rhode Island were determined to proceed, & that no Arguments whatever could have the least Weight with them, refused to give any Countenance (by their presence) to such Great Abuses of your M^{ties} Royal Co^mmon, & left

their protest upon the Table, & Withdrew, upon Saturday, the 3^d. of June, 1738. And the s^d. Mess^{rs} Shirley & Bollan, after they had been repeatedly refused to be heard, had before gone Back upon the 2^d. of the same June, to return to Boston.

[They never were refused to be heard for those who had a Right to be heard.]

That as soon as those Geñtl. were all retired, & the Comm^{rs}. from Rhode Island had the matter entirely among themselves, the s^d. 3 persons of Connecticut, who [had] been so appointed *to Defend the pretended Sachem & his Right*, began their part of the Proceedings, & produced *in behalf (as it was called) of the Indians & their Sachem*, an Unauthentick paper, *never before heard of*,

[It was amongst Publick Records.]

whereby (as they said) the Sachem & Tribe of the Indians had so long ago as the [year] 1640 given away all their Lands to the Colony, & *had no Title left to any one Inch of the Lands in Question.*

[This was never insisted on.]

That however strange Defence this was for a Reall Sachem & for his Council to make—This paper the Rhode Island Comm^{rs} most readily reced, but the s^d. M^r. John Walton, their Clerk, surprized at such a peice of Treachery, exprest his great concern thereat in Open Court, & declared he could hold out no longer in the Execution of his Office, and begged therefore to be instantly dismissed from being their Clerk, which he was, & one Daniel Huntingdon, Jun^r., a person of Connecticutt, was appointed Clerk in his Stead.

[Nothing of this Declaration or of the Cause of his desiring to be dismissed appears.]

That had the s^d. Co^mm^{rs} from Rhode Island reced that former Judgem^t. & those proceedings, w^{ch} they

were ordered to review & to reexamine, it had then been Impossible for them to have given any Countenance to such pretended Gift in 1640, because it fully appeared by such Judgem^t. & proceedings, that very long after such Paper, namely in 1660, 1671, 1683, 1684, 1692, &c^a., by Numbers of the Publick Records of y^e Colony, by Acts of their own Legislature, by Solemn Leagues with the Indians, by the Survey made by the Governm^t. &c^a., That those very Lands w^{ch} by the former Judgm^t. were adjudged to y^e Indians, had been so lately unalienately settled & confirmed upon, & allowed to the Indians, by the very Government of Connecticutt itself.

But the Rhode Island Comm^{rs} refused to receive that Judgement & those proceedings, & also refused to hear any person whatever that wo^d. make a real defence for the Indians, that they might with some Shadow receive this sort of Evidence given (as pretended) *in behalfe of the Indians*.

[The Judgm^t. was read as Appears Even by the Admission of the Two Dissenting Comm^{rs}.]

That this proceeding was so very barefaced a Betraying of the Indians, instead of defending them, that as soon as it was over, Captⁿ. Lee of Connecticut, who had been appointed for one of the Three Council for Ben Uncas, grew Weary of his Office, & desired to quit the same, which the Comm^{rs} from Rhode Island permitted him to do.

That the people of Connecticut, not willing to Trust to this single matter of 1640 alone, had provided another most extraordinary matter to secure their Encroachment, & accordingly as soon as ever that paper of 1640 had been produced and read, the s^d. Ben Uncass himself, (who wo^d. be thought to be *the true Sachem*), stood up & declared that upon 23^d february,

1737, & 24th. April, 1738, he himself & 14 more Indians, (long after your Majestys Com̃sion of Review issued & was Arrived in America, & but a very few days before the Comm^{rs} met), had released the s^d. Former Judgem^t., & the Lands comprized therein, to the s^d. people of Connecticut.

Hereupon the Rhode Island Comm^{rs}, (entirely satisfied with this most Collusive proceeding), adjourned from the s^d. Saturday to the next Monday Morning, the 5th. of June, 1738, to pronounce their Judgem^t., and then met and pronounced their Judgem^t.

Whereby they declare that Ben Uncas was the present Chief Sachem, & they find the s^d. pretended Deed of 1640, the Charter to the Colony in the 14th. year of King Charles the Second, severall Deeds relating to sev^l. parcells of Land, mentioned in the Com^m^{rs} Judgem^t., And that the Indians now remain in possession of one Tract of Land, known by the name of the Mohegan ffields, (which they say is *reputed* to be between 4 & 5000 Acres), They also find the s^d. Two Pretended Releases from Ben Uncas, & Sundry of his Tribe, in february, 1737, & April, 1738, of *all* the Lands contained in the s^d. former Judgement — And upon the whole they pronounce Ben Uncas to be the Chief Sachem, & do revoke, repeal and make void the s^d. former Judgement, (Except the s^d. Mohegan ffield w^{ch} they declare to be the property of ye^e. s^d. Chief Sachem & the Mohegan Tribe.)

That this Judgem^t. was Pronounced & the s^d. other Proceedings were had by John Wanton, Gov^r. of Rhode Island, & by Six of his Assistants, namely John Chapman, Peter Bours, William Anthony, James Arnold, Philip Arnold & Rose Elme. [Rouse Helme.]

[No Appeal was granted by ye^e Com̃ion And this being a Com̃ion of Review no Appeal does by Law lye.]

That your Pet^{rs} being then present in Court immediately demanded an *Appeal* from such Judgem^t. to your Māty wēh the s^d. Comm^{rs} refused to grant, nor have they made any Minute thereof in their Proceedings.

That the s^d. Tribe of Indians, *who have no Sachem*, have Authorized Your Pet^{rs}. to be their Guardians & Trustees, by an Instrument in Writing, hereunto most humbly annexed, under the fform of an Humble Pētion to your Majesty.

[Yet the Pet^{rs}. in the Title of their Pēton Stile themselves Guardian of *the Sachem & Tribe*, how contradictory is this.]

That your Mātys Comm^{rs} from New York thought themselves bound in duty to your Māty, and to their own Characters, to made Spēcial return of this very extraordinary & Colusive Proceeding under their hands & seals, and your Pet^r. hath such return from Philip Cortland, Esq^r., (who was President of the s^d. Court of Comm^{rs}.), & from Daniel Horsemanden, Esq^r., (another of your Mātys Comm^{rs}.), to produce, and the matters herein before complained do also appear, *by the Depositions of the said William Shirley, Esq^r., of the s^d. M^r. Bollan, & of Threc other Gentlemen of good Credit, who were present at the s^d. transactions, all which are duly returned under the Seal of your Majesties Province of Massachusetts Bay,*

[We know nothing of these Depōns, they seem to Affect the Comm^{rs}. not us, & they must have Copies & time to Answer if they Insist to read em.]

For that it could not be Expected that the Corporation of Connecticutt, as the Parties in the Cause, would Authenticate such Evidence under their Seal agst. themselves. The rather as they have turned out one of their Publick Majesties [Magistrates?] for

having taken formerly in this manner in the Execution of his Office as a Majistrate in Connecticut.

[Nothing of this Appears.]

That the Connecticut Agents in London have some time since received *all the s^d. Comm^{rs} Proceedings* on the s^d. Com^{ion} in such manner as the s^d. Com^{ms} made up the same, And your Pet^r., Samuel Mason, under very great difficulties is come over, & obliged once more to supplicate Your Sacred M^{ty} for Redress.

[This is untrue for the Agents had them not till Nov^r. last when they were laid before the Board.]

For as much therefore, as great & Manifest Injustice has been comitted herein by the s^d. Governm^t. of Connecticut in Conjunction with & by the Assistance of so many of the Com^{ms} as were of the Neighbouring Colony of Rhode Island, who have greatly abused your M^{ty}s s^d. Com^{ion} of Review, & the power your Majesty invested them with, & quite prevented the Justice intended by your M^{ty} therein by refusing to look into the Judgem^t. to be reviewed, & yet reveising(?) the same by setting up persons of Connecticut, *at the request of the Council of Connecticut*, to make a Sham defence for the Pretended Sachem agst. the People of Connecticut, & by absolutely refusing to hear the Tribe of Indians or any one P^{erson} that could & would have made a true defence for them & their Interest, and by suppressing & not suffering to appear their sev^l. Proceedings herein Complained of.

[N. B. — The Com^{ms} have not as we know of been served with this P^{etition} & yet the whole of it seems Levelled at y^m., for whom we are not at all concerned. And Common Justice seems to require that this P^{etition} sho^d. be served on them before anything be done upon it. It was at the Sachem's own Request. No Appeale can lye in this Case w^{ch} is by Com^{ion} of Review.]

Your Pet^{rs}. most humbly *appeale* to your Most Sacred Majesty from the s^d. proceedings &

determination of y^e s^d. Comm^{rs} from Rhode Island, as Unjust, Illegall, Null & Void, and as being wholly contrary to the Intentions & directions of your Mātys Com̃ion of Review, And do most humbly beseech your Sacred Majesty that you will be graciously [pleased] to afford the s^d. Tribe such Relief in all the Prem̃es, & that in such Effectuall Manner as to your Majesties Great Justice & Wisdom shall seem meet.

And your Pet^r. (as in duty bound) shall ever pray, &c^a.

SAM^l. MASON — ffor my
Brother and selfe.

TO HIS MOST EXCELLENT MAJESTY GEORGE THE SECOND KING OF GREAT BRITAIN FRANCE & IRELAND—

[This only part of the Tribe & with^l. y^e Sachem, how does this Support the Title of Mason's Pêtion?]

THE HUMBLE PETITION of the Major part of the Tribe of Mohegan Indians in Your Majestys Colony of Connecticutt in New England —

Most Humbly & Most Submissively Sheweth to Your Majesty —

Your Māty by your princely care of us has been Graciously pleased to grant a Commission of Review in June, 1737, To hold a Court of Comm^{rs} in this your Majestys Colony of Connecticut, & thereby Ordered Comm^{rs}., by Virtue of a Summons Issued out of s^d. Court. We made our Appearance in a Body, & we were denied to be heard, or by our Council, William Shirley & W^m. Bollan, Esq^{rs}., who was denied liberty to plead for us. The Gov^r. & Comp^{rs}. of Connecticut set up one Benjamin Uncass, an Impostor, as Sachem, who we denied to be our Lawfull or right Sachem,


but one made by s^d. Governm^t to Answer their End, to evade Justice & Second them in confederacy and Combination to Deprive us of our Lands, Surreptitiously & in an Arbitrary manner detained from us — Which has left us in a Most Deplorable & Miserable scituation of Life & Exposed to the Utmost Limits of Poverty & Want, by being denied Justice, or the benefit of your Majesties Com̃ion. In a particular manner, owing to the death of Captain John Mason, & Mahomet, our lawfull Sachem, whom we sent to England to solicit your Māty to Grant us Relief, & restore us to our Rights and Libertys, but death interposed the return of either, and then was left destitute of a Sachem, & Cap^t. Mason, who was unanimously chose by the Tribe to represent us as our Guardian & Trustee, as we had full & evident Demonstration of his Zeal & Family Friendship to discharge the Trust & confidence we reposed in him, being the Grandson of Major John Mason, & Son to Major Sam^l. Mason. By the Magnanimous Courage & Prudent Managem^t. of s^d. John Mason as Cap^t. Gen^l. of our Tribe destroyed a Great and Numerous Tribe of Indians, called Pucotts [Pequots], that attempted to cutt off the first English that we accommodated with Lands to plant and Improve on, And after his death we chose Maj^r. Sam^l. Mason as our Guardian & Trustee, & in consequence, s^d. Captⁿ. John Mason, that dyed in England in Dec^r., 1736, all of w^{ch} was faithfull & Just to the Tribe. But s^d. Court proceeded to the Merits of the Cause, notwithstanding the York Com^m^{rs} dissented from the Arbitrary Proceedings of the Rhode Island Com^m^{rs}, being in the same Circumstances with Connecticut in wronging the Indians, by selling their Lands they had no Right to. This pretended Sachem, Benjamin Uncass, was bribed by the Governm^t. of Connecticut,

by giving him the sum of 70^l for his giving them a Quit claim to all the Indian Lands s^d. Governm^t. dispossess [us?] of as [¶] Deed, bearing date, February 1737/8, Signed Benjamin Uncass, will appear.

MAY it therefore Please your Sovereign Majesty in your great Wisdom & Goodness of Wonted Probity and Justice Illustrated in your Royall Veins to consider the within Prêmes, and admit your Majesties Petitioning Loyall Tribe of Mohegan Indians, who at present have no Sachem, to Nominate John Mason & Samuel Mason, Gen^l., or either of them Surviving, being Sons to Captⁿ. Mason that dyed in England, to be our Trustees & Managers, to Represent us,

[* How far part of a Tribe in Opposition to their Sachem & at a time they actually Disown him ought to be countenanced is Submitted ?]


We being fully satisfied of their Fidelity, And that your M^{ty} may be Graciously pleased to receive us under your Protection & relieve us from the Tyranny of Connecticut Governm^t., And grant us such Methods as will Conduce to Restore us to our Lands and Libertys, And for Your Majestys Long Life, and Royall Succession, Your Majesties Pet^{rs}. as in Duty and Loyalty bound will ever Pray, &c^a.

Wemscum  his Mark

Bumboso  his Mark

Solomon Caucheegeon.


John Uncas  his Mark


John Nanapum  his mark





Junco  his Mark

Caleb Caucheegeon.



John Cheiswonk  his Mark

Jo. Ashbo  his Mark








Samuel Socks  his Mark

John Nanapum  his
MarkeJacob Horsecoak  his
MarkeRobert Ashbo  his
MarkeJames Tobe  his
MarkBen Cauchegon  his
MarkeSimon Toby  his
MarkDaniel Copper  his
MarkTon Couhcheets  his
MarkGeorge  his
MarkSimon Cowcheets  his
Mark


Sam Ashbo

Joseph Woebucks  his
MarkWoeguo  his
MarkJoshua Mawcum — his
markJohn Uncas  his
Mark


Cyrus —

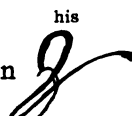
John Coper  his
MarkJohn Ashbo  his
MarkWetonstok  his
MarkTom  his
MarkDaniel Coper  his
MarkRoben Woneson  his
MarkeSamuel Unkus  his
MarkJohn Ashpo  his
MarkDavid Shauhup  his
MarkNonim Quat  his
MarkJoseph Squncup  his
MarkPawcaunp  his
Mark


Simon Jones

Wopantun  his
MarkGeorge Moscom  his
Mark


Seponso  his Mark

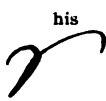
Peter Shokut  his Mark

Roben Assewmen  his Mark

Watte Train  his Mark


Oneco  his Mark

Too Too  his Mark

Charles Chohjoy  his Mark

Waw Teson  his Mark


Solomon  his Mark

Will Johan  his Mark


Cato

Robert  his Mark

Socks  his Mark

Joseph Coper  his Mark

Jem^{li}  his Mark

Abrum Cowhauhuk  his Mark

THE TESTIMONY of Captain Joseph Tracy, of Norwich, in the County of New London, aged 56 years, & M^r. Thomas Grist of s^d. Norwich, Aged 38 years, Testifyeth & saith, That we being both present when the persons whose names & Marks were annexed on the other side of this paper, & they being all of or belonging to the Tribe of Mohegan Indians, living in his Majesties [Colony of] Connecticutt, And that we were both present & see them all make their Marks or set their names to the within Petition.

JOSEPH TRACY.

THOMAS GRIST.

WORCESTER SS WOODSTOCK, June 30th., 1738.

The above named Captain Joseph Tracy, & M^r. Thomas Grist, personally appearing, (and being Per-

sonally Examined and Cautioned to Testify the whole Truth), made solemn oath to the Truth of the above written, (The Affid'. being to be sent beyond Sea, the Adverse party was not notified or present.)

Jurat Cor^a. JOHN CHANDLER Jūst Pacis.

THE LORDS OF TRADE TO FRANCIS WILKS.

WHITEHALL, August 1st, 1739.

Sir

I am commanded by my Lords Commissioners for Trade and Plantations to desire that you will please to lay before them the Return, which they are inform'd you have receiv'd from the Commissioners of Review, appointed by His Majesty, to adjust and determine several matters in Dispute between the Mohegan Indians, and the Colony of Connecticut. I am

Sir

Your most humble servant

THO: HILL.

FRANCIS WILKS, Esq^r.

GOVERNOR BELCHER TO GOVERNOR TALCOTT.*

Sir: The 17: Ins^{ts}: came to hand your Favours of 10: I am sorry the Express came away without your Honours leave— I soon foun'd by the publick prints the Governour of N York had receiv'd what you sent him—the news you had from N. Haven I believe was without foundation. Last Lord's day arriv'd a Ship from London by which I have letters to 11: last Month, when there was no war declar'd with Spain & France was quiet— Almost the whole Royal Navy of England was fitted, mann'd—what the result of these great preparations will be time must discover—the

*From the original in the possession of the Massachusetts Historical Society.

Nations are in the hands of God, & he turns the hearts of Kings as the Rivers of water, may he soon put an end to these Commotions as most of all to advance his own glory, & the happiness of his own people — Amen.

BOSTON,
Sept^r. 25, 1739.

Sir,
your Honours
Most obedient H— Serv^t.
J. B.

Gov^r. TALCOT.



GOVERNOR TALCOTT TO MR. COTTON PALMER.

OCTOB^r 8th. 1739.

MR. PALMER, S^r: The money I now send under youre Care is part of the money Colected for the Revn^d M^r. Torry of South kings Town,* is in parcels bound up as followeth:

91	3s.	Bills of Connecticut,	£13:	13:	00
100	3s.	Bills of Connecticut,	15:	00:	00
400	2s.	6. Bills of Connecticut,	50:	00:	00
Tyed up in a bundell, some good Connecticut Bills, and some broken money, R ^b . Island, &c.			224:	10:	08
More, about 40s. tucked into y ^e string of y ^e foresd last,			002:	00:	00
More, tied up in a cloath, £61: 15s.			061:	15:	00
			<hr/> 366 18 08		

In the wholl, three hundred sixty six pound, eighteen shillings. Errors excepted.

J. TALCOTT.

M^r. Mumford's Recept.

[On back of the leaf.] Received in Behalf of y^e
Reverant M^r. Torry the full Contents Within
Mentioned,

Ⓜ Me, WILLIAM MUMFORD.

WARWICK, November y^e 2: 1739.

[Indorsed] Instructions to M^r. Cotton Palmer.

* See page 170.

JOHN READ'S MEMORIAL TO THE GENERAL ASSEMBLY.

*To the Honble the Gov^r, Council, and Representatives, in
Gen^t Court assembled, at Newhaven, 10 Oct^r. 1739.*

The Memorial and Petition of John Read of Boston, Gent.

May it please your Hon^r and this Honble Court: The Province of the Massachusetts Bay are Sending home M^r. Christopher Kilby, lately chosen by the house of Representatives their Agent at the British Court, to allow them to make Province bills, as in times past, as the only and necessary means of Carry- ing on their trade, as well as defending their fron- teirs; while the Governour loudly tells them their attempt will be utterly fruitless.*

The Colony of Rhode Island are from time to time multiplying their bills, after the old manner, & we take them, & are glad of them, tho they are still declining in value, & now one ounce of Silver is 28/ of them, or any others of New Eng- land old tenor bills, & will doubtless grow worse & worse.

The King & Council at home are concerned at our pitiful moans, & are privately inquiring what bills are out in New England,† & what hath been out & called in, & consulting the merchⁿ

* Felt's History of Massachusetts Currency, 96-7.

† "Connecticut. This is one of those Charter Governments which keeps very little or no Correspondence with our Office. But by a printed Book of the Acts of the Colony, it appears that they had in bills of Credit, Outstanding in 1731, about Forty Eight Thousand Nine Hundred Ninety four Pounds, five Shillings & four pence Value, for the Payment whereof there was no fund appropriated by the said Acts. What they may have issued since that time does not appear to us, having none of their Laws since 1731." Report of Commissioners of the Board of Trade to Committee of King's Council on State of Paper Currency in New Hampshire, Massachusetts, Connecticut and Rhode Island, Feb^r 9, 1736/7. — *Mass. Archives*, XX. 285.

that trade hither to find out some means to establish the value of our money or bills, & give no further relief than shall be found necessary.

Hearing and percieving these things, without inquiring, & whether I will or not, I have considered, & apprehend the present & best expedient will be the Coining of English half pence & farthings, out of the Copper produced in Connecticut, of Sterling value, make that the Standard of all your money, call in all y^e old bills, & emit so many new only as at y^e different value shall equal those called in, make a bank of the new bills & Copper money payable on demand, one half in bills now to be renewed and redeemable at y^e periods you have already set, (which then shall be redeemed with Copper money), & the other half in Copper money, which in a short Compass of time may be effected, & will Establish & forever preserve the value of your bills against all factors, Stock-jobbers and Chances, whatsoever. This will immediately supply a lasting money of Intrinsick value, & effectually supply us with small change, & bring in Silver also. For men's pockets are locked up now that have any Silver, because men can not trade in it, for want of knowing y^e value 'tis now of, & the value 'twill be of to-morrow, in Comparison with our bills, and so are afraid to part with it for fear of losing; but if they can once find the paper established, & y^eby y^e Silver, men will as soon part with that as with Copper or paper.

Now there are no people can expect to be favoured with a Patent from y^e Crown to Coin Copper in New-England, upon so good grounds as Connecticut, & I doubt not but you might obtain it; for Connecticut hath been the most innocent in the

point of paper money of any part of New-England, your stock being reduced very low, before the New London Society's presumption obliged you for y^e sake of saving innocents imposed upon by their bills, to make a quantity for y^e calling in of theirs, & to be paid for by them. And this is a great point at y^e British Court.

Connecticut is the Native Soil that produceth this Copper, & furnisheth a Strong Argument for you at Court, therefore, to gain this Patent, that you may improve your Own actual production & Manufacture.

Connecticut will be the first that finds an Expedient to rectify y^e value of our money, & Establish the value of it, which will be a strong inducement to the Court's favour.

And this is the luckiest Juncture you can possibly appear in it, as appears by the premises laid down & publickly known. I have heretofore for two years past had this very thought in my mind for substances. I have several times occasionally moved discourse upon it, and at last seem to be pretty much alone in my Sentiments; but this Juncture has made me the more Confident of the success, if y^e matter be prudently managed.

Now, therefore, if it will be deemed a real publick benefit to have money produced & multiplied among us of a certain value & steady continuance, I Offer this Honble Court to take upon Me the management of this affair, to procure a Pattent from y^e Crown to this Government to Coin Copper money. I will only desire their Orders to their Agent to Petition & use all his diligence to obtain it, and particularly under my directions; also an authentick account under the Province Seal of the sums and

times of Emitting & calling in your bills, a ballance drawn, shewing how much was outstanding at the time of your last Emission for y^e New London Society, & y^e Occasion of that Emission, & the Account Continued down to this time, to show what is now Out, & I will give all necessary directions to your Agent touching it: at y^e same time I will furnish your Agent with all the Sterling Cash to pay him for all his trouble, attendance & disbursments; And the Condition is that if I do not procure any Patten, nor fruit of my labour and expense in y^e Attempt, I will stand to & bear the loss all my Self & Such as I shall join with me, if anybody do join with me; & on y^e other hand, if I do procure such a Patent, or such like fruit of my Attempt as the publick will reap y^e benefit of a good Supply, I shall have all the benefit that may lawfully arise from it to the undertakers. And this I desire may be insured to me by y^e Government, as my encouragem^t to pursue it at this time, which I look upon to be the happiest that can well be.

This proposal of mine requireth Secrecy & dispatch, that no man but whom I trust may know it, till it rest in your Agent's hands at home in England. And if you send any Agents from home, (as I suppose you are about no such thing), they may know Nothing of it.

I am, may it please Y^r Honour, & this Hon^{ble} Court,

Y^{or} most humble Serv^t

JN^o READ.

BOSTON, 15. Oct^r, 1739.

[Indorsed] M^r. John Reed's of y^e 10th Oct^r, 1739, come to not until No^r 21st. 1739.

REV. BENJAMIN COLMAN, D.D., TO GOVERNOR
TALCOTT.

Sir :

I give your Honour the Trouble of this Line only with Respect unto some part of y^e Moneys collected in your Government for the assistance of y^e Rev^d M^r. Torrey of South Kingston,* in his Defence against D^r. McSparran.†

* Doctor Joseph Torrey came from Boston to South Kingston, in Rhode Island, before or about 1730, and settled there as a physician, and continued in practice until his death in 1783. When the first Congregational church was formed in South Kingston in May, 1732, Dr. Torrey was ordained the pastor, by the Rev. Samuel Niles, of Braintree, and continued their minister until his decease. The Petaquamscut Purchase was a tract of land sold by the chief sachems of the Narragansett Country to several of the first settlers in Kingston, in 1657. In 1668 five of these several purchasers passed an order, directing "that a tract of three hundred acres of the best land be laid out and forever set apart, the income and improvement thereof wholly, for an *Orthodox* person that shall be obtained to preach God's word to the inhabitants." For many years there was no settled minister, but in 1721 the Rev. James McSparran was sent over by the Venerable Society for the Propagation of the Gospel, and he, in 1723, upon a writ of ejectment, recovered possession against George Mumford, who had bought in 1719 the largest portion of the tract, but the original grant of 1668 being secreted, Dr. McSparran was cast in two trials. He appealed to the King in Council, but the S. P. G. refusing to meddle in the affair, Mumford kept possession. In 1732, Mr. Torrey, the Congregational minister, brought an action of ejectment against Mumford; both the inferior and Superior Courts gave verdicts for Mumford, but upon Torrey's appeal to the King in Council, the verdicts were disallowed, and possession ordered to the incumbent, Torrey, in 1734. In 1735, by advice from England, Mr. Torrey conveyed the 280 acres which he recovered of Mumford to trustees in fee, for the use of the Congregational ministry, and the trustees leased the land to Robert Hazard. In 1737 the original deed of the ministerial land in the Petaquamscut purchase coming to light, Dr. McSparran brought a new writ of ejectment against Hazard, the occupant of the land; he was defeated in the Rhode Island courts, but allowed to appeal to the King in Council. Dr. McSparran already held a portion of the land, as twenty acres of the original grant were delivered to him upon his first coming, by Henry Gardner, who had held possession of them from 1702. The case was finally decided by an Order in Council, confirming the decision of the Superior Court of Rhode Island.—*Uphike's History of the Narragansett Church, 70-82. Turell's Life and Character of Dr. Benjamin Colman, 114.*

† Rev. James McSparran, born in Ireland about 1680, educated at the University of Glasgow; ordained deacon Aug. 21, 1720, by the Bishop of London, and priest, Sept. 25, 1720, by the Archbishop of Canterbury. The next year he was sent by the Venerable Society for the Propagation of

It has pleased our General Court to order the Moneys collected here into y^e Hand of M^r. Prince* and my Self, to forward a Bill of Exchange to the Hon^{ble} M^r. Holden.† We judged seven hundred pounds would suffice of our Currency, but find it must be at least nine. To reach said Summ we have wrote to M^r. Torrey, and have been waiting to see or hear from him, to be furnished by him with at least two hundred of y^e Moneys from your Colony, but hear nothing from him, w^{ch} now makes us quite uneasie, for y^e Bill ought long agoe to have been purchased & Sent. Whether M^r. Torrey is Sick, as some say, or whether he has received any part of your Moneys, or whether it yet lies in your Honour's Hands, & might by your Honour be remitted to us in the proportion specified, we are at a loss. Therefore I presume to write to your Honour, that we be forthwith assisted if it ly in your Power, for by Delay all may be lost; not having

the Gospel as a missionary to Bristol, R. I., and neighboring towns, and continued for thirty-six years minister of St. Paul's church, Narragansett; he died in South Kingston, Dec. 1, 1757. He published sermons, but his chief work is entitled "America Dissected, being a Full and True Account of the American Colonies." His aim was to warn people against emigrating to America on account of bad climate, bad money, pestilential heresies, etc.—*Updike's History of the Narragansett Church*. *Appleton's Cyclopædia of American Biography*, IV. 162.

* Rev. Thomas Prince, D.D., of Boston.

† Samuel Holden, Director of the Bank of England, Governor of the Russia Company, M.P. for Eastlow in Cornwall, the acknowledged head of the Dissenters in Great Britain. Holden declined in 1738 the appointment to be agent for Massachusetts in England. He corresponded with Dr. Colman for more than forty years, and sent him nearly £5,000, Massachusetts currency, for charitable and pious uses. Dr. Colman preached a sermon on the death of Governor Holden, Sept. 4, 1740, in the presence of the Governor and the General Court, in Boston. Holden Chapel, Harvard College, was erected at the expense of his wife and daughter.—*Palfrey's History of New England*, IV. 560. *Massachusetts Archives*, VI. 31. *Quincy's History of Harvard University*, II. 37, 38. *Turell's Life and Character of Dr. Benjamin Colman*, 113-14. *Gentleman's Magazine*, X. 317.

y^e face to ask M^r. Holden to advance again for us, without discharging our past Debt, & furnishing him with Moneys for y^e new Trial.

I suppose the Gentlemen of Boston have in the former Trials given near a thousand pounds, & now liberally again contributed with our Congregations, so that it will be likely we shall not need to have remitted to us all your Churches have collected, yet I humbly think two-thirds of it should be remitted hither, & with y^e Surplusage in either Province no doubt but some very good Ends may be advised on & answered, for y^e common Interests of Piety & Support of y^e Gospel.

It will greatly oblige us if we might hear from your Honour as soon as is possible.

So wishing you a great Increase of y^e Comforts of Grace in your Age, I am,

Your Honour's most Humble

& Obedient Servant,

BENJ^A. COLMAN.

BOSTON, Octo^r 27, 1739.

For the Hon^{ble} GOVERN^r TALCOT.

REV. BENJAMIN COLMAN, D.D., TO GOVERNOR
TALCOTT.

Sir :

Two days agoe I wrote to Your Honour about part of y^e Moneys collected in your Colony for M^r. Torrey of South Kingston, w^{ch} we expected from him ere this, but hear nothing of late of it.

Y^e last Evening I received Letters from my Friend at London, M^r. Coram,* In answer to what I

* Thomas Coram, an English philanthropist, was born in Lynn, England, in 1668, and passed his early years in trading to the American Colonies as master of a vessel, then lived for a time in Taunton, Mass. He returned to England in 1703, and at that date he conveyed his farm to

wrote him of keeping his Letter to Cato* & y^e Moheag Tribe. He is much displeas'd at it, & sayes he will write then by y^e Way of New York to them, & that he loves Gov^r. Belcher so well that he has not told Sir Charles Wager† of his advising me against sending his Letter. He adds, that Mason is a most ungrateful Creature in never thanking Sir Charles, who got three hundred pounds Sterl. for him after his Father's Death to defray his Charges at London y^e last time.

His Letters to me bear date Augt 24 & Sept. 3, wherein he thanks me for forwarding to him Your Honour's & M^r. Wadsworth's last Letters to me, with y^e Copy of Owaneco's Declaration, & his Nephew Ben Uncas. It convinces him (he sayes) that Mason did what he could to cheat y^e Indians of their Lands, as every Body he thinks is ready to do. He assures me he had no Design, only to put y^e Tribe upon expressing their Gratitude to Sir Charles, who enquires after them, & had meant honestly to serve them.

the vestrymen of the Church of England in Boston, in trust, that "if ever the inhabitants of Taunton should be more civilized than they now are, and if they should incline to have a church of England built among them," this land to be devoted to that purpose. He established a Hospital for Foundlings in London in 1739. A project for establishing a school for the education of Indian girls was entertained by him, but he did not live to carry it out. He died in London, March 29, 1751. — *Palfrey's History of New England*, IV. 567. *Appleton's Cyclopaedia of American Biography*, II. 736. *Bayliss' Plymouth*, Part IV. 32, V. 68-9.

* The name of Cato occurs among the signers of the petition from the Mohegans to the King in favor of Mason (p. 160), and as his name is written without any mark he was probably one who had received some schooling, and he may have been educated at Mr. Coram's expense.

† Admiral Sir Charles Wager, Admiral of the White, M.P. for Westlow in Cornwall, Treasurer of the British Navy, First Lord of the Admiralty, Privy Councilor. He was made a Captain at the battle of La Hogue; commanded an expedition to the West Indies in 1707. It is said that he originated and matured the idea of Commodore Anson's voyage around the world. — *Gentleman's Magazine*, XIII. 275. *Century Magazine*, XLIII. 173.

Sir Charles (he sayes) has been at Piscataqua, Boston, Rhode Island, New York, Virginia and Southward, and knows y^e Importance of being well with the Indians on y^e British Frontiers; & that it was at his Desire he wrote to Cato, & is very Sorry his Letter was not forwarded by mee. He goes on to inform me, that as soon as Mason arrived he visited him, but he gave him a cold Reception for his base Ingratitude in not writing a Line to Sir Charles; & he dares say he will never come near him again; for he told him he should never have any favour from him, nor any Friend of his. He adds, "What Mason is doing now I know not, nor ever enquire about him; but I have mentioned my Dislike of him to Sir Charles."

I tho't it my Duty, Sir, to give your Honour this Information, whether it be of any Importance to you or no. The rather I do it because it has been intimated to me that Mason is favoured at London in his Sollicitations. I fear his fellow Traveller, M^r. Woodhouse, may serve him by a bold Introduction to some Scotch Lord. He has his Share of the *Fervidum Scotorum*.

However, I now inclose to Your Honour M^r. Coram's Letter to Cato, that you may send it to him if you judge it best to do so. You see it wil come by some other hand. I heartily wish no Evil may come to your Government by y^e restless Efforts of Mason. The Pretence will be—disabling y^e Natives on our Borders, & friendly ones especially, by unkindness & Injustice, w^{ch} however impertinent in y^e present Case, yet how great a matter may a little fire kindle.

I pray God, Sir, to defend Your Colony and his

Churches there, & to preside in all Your Councils
for that End, and am,

Your Honour's most Humble

& Obedient Servant,

BENJAMIN COLMAN.

BOSTON Octo^r. 29. 1739.

To y^e Hon^{ble}. GOV^r. TALCOT.

DUKE OF NEWCASTLE TO THE GOVERNOR AND
COMPANY.

WHITEHALL, 29th. Oct. 1739.

Sir: I am to acquaint you, that on Friday, the
19th. Instant, a great Council was held at Kensington,
where His Majesty approved & signed a Declara-
tion of War against Spain, & ordered, that the
same should be published on Tuesday, the 23^d. In-
stant, by the Heralds at Arms, in the usual Places,
& with the accustomed Formalitys on the like Oc-
casions, which was done accordingly; And I am
commanded to send you a printed Copy of the said
Declaration, & to signify to you His Majesty's
Pleasure, that you cause it to be proclaimed in the
Places under your Government, that his Subjects,
having this Notice, may take care to prevent any
Mischief which otherwise they might suffer from the
Enemy, & do their Duty, in their several Stations,
to annoy the Subjects of Spain; and His Majesty
would have you be very rigorous and severe, in
preventing any Ammunition or Stores of any kind
from being carried to them; And you to use all

proper Methods, that may be most effectual for this Purpose.

I am, Sir,

Your most obedient

humble Servant,

HOLLES NEWCASTLE.

[Indorsed] From Hollis Newcastell, 29th Octob^r, of
y^e King proclaiming war with Spain.

HOUSE OF REPRESENTATIVES.

In y^e House of Representatives, Oct^r. 30th: 1739.

This House taking into Consideration y^e great Difficulties y^e Inhabitants of y^e Colony labour under from y^e uncertain Settlem^t. of y^e Intestate Estates in y^e Colony for some Years past, and apprehending y^e utmost Confusion in time to come; Unless y^e Law for dividing y^e Estates of Intestates be y^e Rule for y^e Respective Courts of Probate within y^e Colony to regulate the Division & Partition of y^e Estates of Persons who may & have died Intestate;

as also y^e present probability of obtaining a Reversal of His Maj^{ty}'s Decree in Council, relaiting to y^e aforesaid Law.

Resolved That it is y^e Desire of y^e House that Jer^h. Allen Jun^r.. (*sic*) of Boston, (who has already been serviceable in this Affair), would use his utmost Endeavours at y^e Court of Great Brittain in Order to obtain a Reversal of that part of His Maj^{ty}'s Decree which relaites to y^e Intestate Law of this Colony.*

And, be it further Resolved That A. B. &c^a. be a Com^{ttee} to Acquaint M^r. Allen wth. this Vote, as

* [1739] "Aug. 7. Jerrey Allen Came to Town to push for to be employed in y^e affairs of this Governm^t at y^e Court of Great Britain."—*Manuscript Diary of the Rev. Daniel Wadsworth in the possession of the Connecticut Historical Society.*

also to deliever him a Copy of y^e Same signed by y^e Speaker, and Attested by y^e Clerk of this House, & to furnish him with what Papers he shall have Occasion for in this Affair.

[Indorsed] Agent, 1739.

RESOLUTIONS OF THE ASSEMBLY.

Cap^t. Edmund Lewiss, M^r. Eben^r. West & Cap^t. Sam^l. Hill are Appointed a Committee to Confer wth a Com^{ee} from the Hono^{bl} Upper House on the Following Questions, Viz:

1st. Whether it may be a proper & Good Opportunity to Endeavour the Recovery of our Vacated Intestate Law, in Some proper Manner? and Then,

2¹ What Means and Measures may be proper to be Used for the Obtaining that End, at 'This or Any Other Time? and 3¹ To Consider what proper Regards are Due to M^r. Jere Allyn for his friendly Service, w^{ch} he hath Already Done for this Colony On that affair? and Report to this Assembly.

Past in y^e Lower House

Test JN^o. RUSSELL, *Clerk*.

Concurr^d in the Upper House, Exclusive of the Word (Vacated) in the 1st Question, and Exclusive of the whole of 3^d Question, and James Wadsworth, Esq^r, and Nath^l. Stanly, Esq^r., are Appointed a Com^{tee} to Conferr &c.

Test GEORGE WYLLYS *Secret^r*.

In y^e Lower House
the above alteration or Exclusion made in y^e Upper House to this Bill Concurr^d with.

Test, JN^o. RUSSELL, *Clerk*.

[Oct. 1739]

REPORT OF COMMITTEE OF GENERAL ASSEMBLY.

To the Honourable the Generall Assembly:

Your Commete propose That his Honour the Gover^r. be desired with Such other persons as this assembly shall appoynt to make all Necessary prove-tion for an adress to be layed before his Majestie, that our Law in reference to Intestate Estates may be revived, that the Judges of the respective Courts of probate may proceed and Settle Such Estate according to our antient Usage, and that proper persons in N: Haven County, N: London County & Fairfield County, be appoynted to take out the Necessary Copies out of the probate Records in s^d Countys, that the Same with the Copies out of the Records in Hartford may be sent to M^r. Agent Wilks, and that M^r. Wilks be directed to assist M^r. Towsey,* or any other person against whome the elder brother shall bring his Complaint against, as he is heire at Law, and we thinke it proper for our agent to Inform his Majestie that the Settle-ment of any man's private fortune in this Colony ac-cording to the Rules of the Common Law, thereby to confirme the Lands upon the eldest Son, it will greatly effect this Colony, the Same being very Injurious to the groath of the Same, and contrary to the practice of all new Countrys, and thereupon to pray he may be heard, and that our agent be directed that if, in any such appeale or complaint, Judgment be renderd in favour of the Younger Brother, that then he do with all convenient speed, put in an adress in reference to the premeses, and that the Same be managed by our agent in the best maner, thereby if possible we may obtaine the King's favour in reference to the s^d Law,

* See page 88 *supra*.

and that the Gover^r gives his Instructions accordingly, & that a bill be drawn in form,
all which is humbly Submitted.

EBENEZER WEST	JAMES WADSWORTH
SAM ^{LL} . HILL	NATH ^{LL} . STANLY
	EDMUND LEWIS.

In the Upper House.

The within Report of the Com^{tee} read and Approved.

Test GEORGE WYLLYS *Secre^y*.

Concurred with in y^e Lower House.

Test J^{NO} RUSSELL, *Clerk*.

[Oct^r. 1739.]

GOVERNOR TALCOTT TO FRANCIS WILKS.

NEW HAVEN, October 31, 1739.

Honrd Sir:

Yours of y^e 24th of August I rec^d. on y^e 28th Currant; y^e Assembly being then Sitting I had y^e opportunity of Communicating it to them, who are very sensible of your Good conduct in y^t Affair. Y^e Assembly immediately proceeded to Chuse a Com^{tee}, who Made y^e Report enclosed to you.

I am something Surprized at Mr. Mason's Petition, y^e matters of fact are so falsely declared upon, y^e Reflections so Injurious and Severe y^t to clear up y^e truth in this matter will Necessarily take some time; but there shall no time be lost without improvement.

The Suddenness of y^e thing, the Necessity of some time to prepare an Answer, and considering how many hundred families of his Majesties Good English Subjects must be undone if Mr. Mason Finally Succeeds in his designs will doubtless prevail

with their Lordships to allow us time necessary for us to prepare our defence, and I Assure you one minute more shall not be wanted, if when we are prepared we have an opportunity to Send it, and y^e vessel meets no misfortune in her passage. I must entreat your Utmost Endeavours to obtain so much time for us.

I desire you would Spare no proper Cost in this Affair. You have not been pleas'd to acquaint us how y^e Accounts now Stand, but you may be assur'd y^t it is not our desire to be in Arrears, and as soon as you will favour us with your Account we shall rec. & discharge it with Honour.

I am Sorry y^t we have not y^e return of y^e Commissioners from N. York, But if it be of y^e same temper Mr. Horsmanden appeared in Court it dont want for partiallity.

But truth and Right are always y^e same, and I hope in as short a time as may be to enable you to Satisfy his Majesty and their Lordships y^t it is on our side.

I am, Honrd: Sr, Y^r Most Oblidged

Hum^{bl} Serv^t.

J: TALCOTT.

To FRANCIS WILKS, Esq^r.

REPORT OF COMMITTEE OF GENERAL ASSEMBLY ON
SAMUEL MASON'S PETITION TO THE KING.

To the Hon^{ble} The Generall Assembly:

Your Committee Report:—

That according to your Instructions, the Petition of Samuëll Mason for himself and his Brother, made to his Majesty, and now depending to be heard, a Copy whereof is now before this Assembly; We have Considered, and in oure Opinion it Contains

many false Representations of Matters of fact, and very Injurious Reflections on this Government, as well as on his Majesties Commissioners in Rhoad Island.

We shall not need to Rectify the perticulars; the Copy it Self being before your Hon^{rs}. Shall therefore, in the first place Observe, that if speedy and Effectuall Care be not taken to Set the Matter of fact in a true light, and to Take off those vile Imputations of Colusion, Treachery, & Abuse of his Majesty's Commission; This Corporation may not only Loose the benefit of y^e Judgment so Justly Obtained at Norwich, but Expose our Selves, together with y^e Hon^{ble} Commis^{rs} in Rhoad Island, to Stand in an Ill Light before his Majestie.

We are Sensible this Affair Requires hast, and if the utmost dispatch be not made, we may be by M^r. Mason Represented at home as affecting Delay; To prevent which we are obliged to make our Report without those advantages a longer time would Give us.

In the first place, we Observe that M^r. Mason Introduceth himself as Guardian to the Cheif Sachem, &c.; the very man that by his Counsell that Declared in Open Court John Uncass was Sachem; now in his Petition Saith there is no Sachem, produceth the Same John Uncass, Signing his letter of procuracy as an Ordinary Subject, hath offered no facts to shew that the Evidence admitted by the Court to prove Ben Uncass to be Sachem was not Sufficient; Or that the Court Erred in admiting and allowing him the Sachem.

And whereas, in said Petition John Walton is Represented so Just a man out of Abhorrence to Injustice & Treachery to Leave his place, at the

reading of the Deed from Uncass of 1640: We think it proper to produce Testimony that he was preferred to be Clerk, wholly by M^r. Mason; of his Incurable partiality all the while he was in the Office, of which his quitting his place upon the producing that Deed was a flagrant Evidence, since that Deed Contained all the Land that the Sachem had Reserved to himself.

And whereas in the Petition it is Asserted that the Commissioners from Rhoad Island Seem'd to be Determined from y^e Beginning to act Contrary to the King's Commission, and at all Events to prevent the Indians from being heard, and to Revoke the former Judgment, did therefore deny the Same to be Received or Read, when moved for by M^r. Shirley and M^r. Bollon, to which rule the Commis^{rs} from New York dissented;

We think it needfull Testimony may be Taken to prove those facts as they were, That is, That when the Court was opened, and the Corporation had appeared, M^r. Shirley and Mr. Bollon, who Could not but be Informed that the Sachem had been Summoned and was present, and now to prevent his being Called, or made party to the Tryall, moved to proceed forthwith to Tryall, and that the former Judgment should be Read. This the Commis^{rs} from Rhoad Island Refused, Observing that the King's Commission was Express, that the Sachem should be Summoned, & heard as a party: Thus 'tis True the Commis^{rs} from New York would have Overruled, and Gone to Tryall, without Ever admitting the Sachem, but were Overruled in it by the other Commissioners. We are of opinion the Setting this matter in a True Light will best Enable his Majestie to Judge wheather the Commis^{rs} from Rhoad Island abused

his Commission in Ruling that the Sachem should be Called before they went to Tryall, and Refused to receive the papers till that was Done; or the Commis^{rs} from New York, in Resolving to proceed to Tryall without him, on a Commission wherein it was Expressly declared he was a party.

We Observe the Petition complains of the Commissioners from Rhoad Island, as abusing the King's Commission, 1st, In Ruling the Sachem should be called before the Court proceed to Tryall; 2^{ly}, That upon a question who was the Cheif Sachem, they would Suffer that point to be Discussed, 3^{ly}, That when the Court, upon hearing, &c., had Declared Ben Uncass was Sachem, They Suffered him to Nominate his advocates, and did not Impose a Guardian upon him; 4^{ly}, That they did not allow his People to Set up above him, Or in Contrary distinction from him: Against all which Rules the Commis^{rs} from New York are so Just as to Dissent. Upon this we are of Opinion that care be taken to take off These Misrepresentations, and set this Matter in a True Light before the King; Thereby in the best Maner to Enable him to Judge which abused his Commission Most, those that thus ruled, or those that on all these Motions would have done the Direct Contrary, and when they could not attain their End, withdrew from attending the Service Required by the Commission. And for as much as this Imputation of Injustice and Colusion is laid in the Petition on his Majesties Commissioners in Rhoad Island, and said to be in Like Maner Reported by the Commissioners in New York, We are of opinion that the Commis^{rs} in Rhoad Island ought to have notice of it, that they may Vindicate their own Character and the Truth; And also, that Care be taken to Send to

oure Agent the Minute Book, as our Councill hath advised, with the Instructions, &c.

There are many other things and matters that want to be made Evident, and sent to Oure Agent in this Case, which want of time obligeth us here to Omit; which yet require utmost hast to be prepared. We therefore Recommend it to this Assembly to take such Measures that nothing be wanting in oure Defence.

And that, Lest by the Importunity of the Petitioner we might be Surprised with a Judgment before we can be prepared to make oure Defence, We purpose that his Hon^r forthwith send a letter to Oure Agent, Signifying the time he Received the packet, and that we are using all Industry to prepare our Defence, which shall be Sent as Early as possible this Winter, and Instructing the Agent to prevent if possible oure being Surprised.

JONATHAN LAW
ROGER WOLCOTT
EDMUND LEWIS
THOMAS WELLS
HEZ: HUNTINGTON.

CONNECTICUT SS. GENERALL ASSEMBLY,
NEW HAVEN, October, 1739.

This Assembly do Accept & Approve the above Report, and do appoint the Hon^{ble} Jonathan Law, Esq^r., Roger Wolcott, Esq^r., James Wadsworth, Esq^r., Thomas Fitch, Esq^r.,* and Joseph Fowler, Esq^r.,* to

* Thomas Fitch, born in Norwalk in 1700; Yale College, 1721; deputy to the General Assembly from Norwalk in 1726, and afterwards, from 1740 to 1750, one of the Governor's Assistants; Deputy Governor from 1750 until he became Governor in 1754. He was defeated by Pitkin in 1766, on account of the feeling with regard to the Stamp Act. He was Colonel of the 9th Regiment, and an eminent lawyer, and revised the laws of the Colony in an admirable manner. He was appointed agent

Assist his Hon' y^e Govern' in preparing Oure Defence against the s^d. Petetion.

Past in the Lower House.

Test, JN^o. RUSSELL, Clerk.

Concurred in the Upper House.

Test, GEORGE WYLLYS, Secret^y.

JOHN READ TO GOVERNOR TALCOTT.

12 Nov^r. 1739.

S^r.

I have Writ two letters to you at Newhaven, that I judged it of Great importance to Connecticut to procure the King's Patent to Coin the Copper of your own production: That I had desired M^r. Woodbridge, of Simsbury,* to intimate this to you. That the mine Adventurers,† M^r. Cradock & others, com-

for the Colony to appear before the Commissioners' Court in May, 1738. — *Yale Biographies and Annals*, 247-51. *Colonial Records*, III. 165. Joseph Fowler, deputy to the General Assembly from Lebanon 1726 to 1759; agent for the Colony before the Commissioners' Court in May, 1738; removed to East Haddam, where he died June 23, 1768. — *Genealogical Memoir of the Descendants of Captain William Fowler*, 17, 18. *Talcott Papers*.

*Rev. Timothy Woodbridge, minister at Simsbury from 1712 until his death, Aug. 28, 1742.

†The Simsbury copper mines were worked as early as 1707 by an association of the proprietors of Simsbury. Three clergymen—the Rev. John Woodbridge of West Springfield, the Rev. Dudley Woodbridge of Simsbury, and the Rev. Timothy Woodbridge, jr., of Hartford, afterwards of Simsbury—were engaged in the enterprise; and later, wealthy capitalists from New York and Boston embarked in the adventure, among them Governor Belcher. In 1731 a new company was formed, consisting of Adam Winthrop, George Cradock, James Bowdoin, Job Lewis, Joshua Winslow, Benjamin Pemberton, and North Ingham, all of Boston; who took a lease by which a sixth part of the mines was conveyed to them for the term of thirty years. Connected with these mines were works for boiling and refining the ore. This branch of the business, however, being prohibited by the laws of Great Britain, was carried on secretly, and consequently at a great disadvantage and loss. The ore procured at these mines which was not smelted was shipped to England.—*Phelps's History of Simsbury, Granby, and Canton*, 113-19. *Talcott Papers*, I. 307. *Colonial Records*, V. 104, VII. 339. *Connecticut Archives, Industry*, I. 307.

muned with me abo^t procuring it. That we had done; & if the Colony would give me their Name to their Agent, I would procure one at my own expense, but to my own profit. I wrote the first Monday after Oct^r Gen^l Court met, & the next Monday after, both by the Post, but never received One word of Answer; therefore only desire to know if you had them, proposed them, &c., or not, for I never had any Answer touching the premises. My Service to all friends. I am

Y^r honour's Most humble Serv^t.

JN^o READ.

[Superscription] To the Hoⁿble JOSEPH TALCOT, Esq^r.
Governour of Connecticut at Hartford.

GOVERNOR WANTON, OF RHODE ISLAND, TO GOV-
ERNOR TALCOTT.

NEWPORT, 12th Nov^r, 1739.

S^r.

I lately received a Letter from our Agent, wherein he Informs me that he had received the Packet we sent him, with a Copy of the Case, &c., relating Mason's Affair. And I am likewise to acquaint Your Honour that I am desired by Our General Assembly to let you know, That at their last Sessions they pass'd a Vote*, directing our Agent (in Conjunction with Others) strenuously to oppose at the next Session of Parliament the new additional Act relating to the Sugar Colonies in the West Indies,†

* Rhode Island Colonial Records, IV. 562.

† March 14, 1739, a petition was presented to the House of Commons from Planters, Merchants, and others, trading in the Sugar Colonies in America, representing the flourishing condition of the French Sugar Settlements, and the present *low condition* of the British Colonies, attributing this to the high duties on the English Sugars, as compared with the French, "and the restraints the British Colonies are under, as the Laws now stand, from sending any Sugars, Coffee, Cocoa, Indigo, and Ginger, to

which if pass'd will prove extreamly Prejudicial & Hurtful to the Trade of all the Northern Colonies, and therefore desire that You will please to move it to Your General Assembly, that proper Instructions may be given for that purpose. I have signified the Same to his Excel^{ty}, Gov^r. Belcher, and am with Respect, Hon^{ble} S^r,

Your assured Friend,

JOHN WANTON.

[Indorsed] GOV^R WANTON, Nov^r 12: 1739, to opose the sugar act.

JEREMIAH MILLER* TO GOVERNOR TALCOTT.

N. LONDⁿ. Dec^r y^e 7. 1739.

S^r.

Your Hon^{rs} Letter of Nov^r y^e 9th Ult is before me, together wth y^e other, from y^e Lords Com^{rs} of the Customs,† & y^e Blanks, and am to Say that I

foreign Markets, before they are first landed in Great Britain," and asking for the liberty of a direct Exportation of the Products of our Sugar Islands to the several foreign Ports in Europe, as the only means left to regain the former Sugar-Trade," &c.—*Journal of the House of Commons*, XXIII. 284. The Merchant Adventurers of Bristol protested against this petition; also those of Liverpool and London.—*Ibid.*, 318. "An Act for granting a Liberty to carry Sugars, of the Growth, Produce, or Manufacture of any of His Majesty's Sugar Colonies in *America* from the said Colonies directly to Foreign Ports, in Ships built in *Great Britain*, and navigated according to Law," received His Majesty's approval, June 14, 1739.—*Journal of the House of Lords*, XXV. 418.

*Jeremiah Miller was born in 1689, in East Hampton, Long Island; grad. from Yale College, 1709, studied medicine, and settled in New London. In 1714 he became Principal of the New London Grammar School. He represented the town in seventeen sessions of the General Assembly, between 1732 and 1749. In 1737 he was appointed Naval Officer of the Port of New London, and so continued until his death, March 15, 1756. His first wife was Mary, daughter of Governor Saltonstall, and his second was Anne, daughter of Governor Joseph Dudley, and widow of John Winthrop, the sturdy opponent of the Intestate Law of Connecticut.—*Yale Biographies and Annals*, 83-4. *A Short Account of the Winthrop Family*, 10, 11.

†See page 118.

Rec^d a printed Let^r from y^e Secretary of y^e Customs, of y^e same Date & Import wth that Sent to Your Hon^r., w^{ch} Came to my Hand ab^t. 3 Weeks before I Rec^d that from your Hon^r., and without Loss of time I Enter^d Immediately upon y^e Business Required, pursuant to y^e Instructions in s^d Let^r, have in y^e form prescrib'd Drawn out y^e acc^{ts} of y^e Q^{ty}. of Rum, Sp^{ts}, Sug^r, &c, from y^e year 1727 to 1737. This I have Compleated and Sent to Boston, and suppose it is gone from there before now. Duplicates of y^e Same I shall forward in Convenient time.

As to y^e List of Shipping, I know not where to Commence. Should I begin wth my Commission, it is probable that will be disaprov'd, and to go back to y^e first of y^e Office in this Colony, I fear would infer some inconvenience, and would be a task almost or Quite Impracticable, Since those Acc^{ts} must Corrispond wth those that have ben Sent Home from y^e Custom House at this Port, from time to time, by y^e Respective Collect^{rs}. It is supposed by judicious Gent^{mn}, that those Let^{rs} are Let^{rs} of Course, and y^e Import, what the King don't Expect, since never before now required, and no Salary alow'd to any Nav^l officer, who if He performs all these things, doth y^e Whole work of a Col^r. who has £80. Sterling Annually from Home, and 7 times y^e Nav^l Officer's fee to boot. However, I shall punctually pursue your Hon^{rs} Instructions, and Commands, in this and Every affair, Who am,

Your Hon^{rs}. Most oblidged Humble
Serv^t.

JER. MILLER.

P. S. M^r. Hull, y^e Col^r, says that Nothing is Expected from any N. Officer but at y^e Port of

N. L., and fears if Cap^t. Hill should Send any Acc^{ts} Home, it would be of Ill Consequence.

[Superscribed] To The Hon^{ble} JOSEPH TALCOTT, Esq^r,
Govern^r of His Majes^{ty's} Colony of Connecticut, at
Hartford.

FRANCIS WILKS TO GOVERNOR TALCOTT.

LOND^o. 24th Decem^r. 1739.

S^r.

I have been prevented by a very severe fit of illness to write you for some time past, of which, thank God, I am pretty much recover'd; do now reply to your favours ꝓ Capⁿ Roby and Capⁿ Homans. The Affair of the Mohegan Indians was heard at the Board of Trade the 19th & 20th ꝓsent, but their Lordships have taken till after the Hollidays to give their Opinion upon it. So soon as they have prepared their Report, you shall have a Copy of it sent you.

I will Consult M^r. Sharpe about the Intestate Law. We shall do all in our Power at proper time to Apply about it, and Acquaint you with our Success. Also, what Evidence or Papers may be wanting. Shall write you again by the Spring Ships, & am, with great Esteem,

Sir,

Yo^r. most Obed^t. Hum: Serv^t.

FRA WILKS.

To The Hon^{ble} JOSEPH TALCOTT, Esq^r.

[Indorsed] From y^e agent, Dec^r 24th, 1739, of MASONS
and PROBATES.

GOVERNOR TALCOTT TO DEPUTY GOVERNOR LAW.

HARTFORD, January 4th. 1739/40.*May it please Your Hon^r:*

Major Wolcott, who was employed to Moddle and compleat the paper Book, and to get the Judgment of the Court Signed by the Commis^{rs}, and to move the Commis^{rs} to Defend themselves from those Imputations of Treachery & Collusion Charged upon them in the Complaint of Mason, is now Returned, and brought with him two paper Books, Containing the whole Case as Given in the Court, & Left in the Clerk's office, with a Copy of the Commission, & y^e Judgment Signed by the Commissioners in each book, as also an Address to the King, Signed by the Rhoad Island Commissioners,* in Answer to what is Charged against them in the Compl^t. of Mason. The Obtaining of this has taken up so much Time that we are Thoughtfull we may be in Hazzard to be blamed at home, if y^e papers & Instructions be not Speedily Sent to the Agent.

To prevent which Some have been of Opinion that it might be best to Send the papers to Boston, to M^r. Read, by M^r. Fowler, & procure him to observe to the Agent what he thinks proper upon them, & Send them Speedily to England: but I would do nothing without your Hon^r's advice.

I Desire therefore that when you have Received this by the Express, you would Consider with youre Self whether this way of proceeding be admissable.

It will be most agreeable to me to see your Hon^r. here at Hartford, on this Affaire, and nothing could prevail with me to Give you a Dispensation

* This document has not been found in any of the collections of papers relating to the Mohegan Case. Apparently it was thrown out. See John Read's letter of April 1, 1740.

from it, but the feare of being too late with our papers.

If you shall Incline to Come up, I Desire you would forward the Express to M^r. Fitch. Major Wolcot & M^r. Fowler will be here on next Wends-day night, at which time I should be Glad to see youre Self & M^r. Fitch here.

But if you shall Decline to take this Journey, I Leave it with you wheather you will Send the Express forward to M^r. Fitch. The Express will Call at Cap^t. Wadsworth's* at his Return, & acquaint him what is Done, & bring him forward, if he can attend it. I am, Hon^{ble} S^r,

Yours Hum^{ble} Serv^t.

J: TALCOTT.

To y^e Hon^{ble} JONATH. LAW, Esq^r.

P. S. Cap^t. Tracy has also Taken out the whole case, & is now Sending it Mason.

[Indorsed] To Gov^r. LAW, Esq^r., Jan^r. 4th, 1739/40, to Assist in Masons Case, &c.

DUKE OF NEWCASTLE TO THE GOVERNOR AND COMPANY.

WHITEHALL, Jan^r 5th, 17~~39~~⁴⁰.
Gentlemen:

His Majesty having thought fit to declare War against Spain, and being determined, by all possible Means, to distress and annoy the Spaniards in the most effectual manner, and particularly by making an attempt upon some of their most considerable Settlements in the West Indies, The King has been pleased, for that Purpose, to order a large Body of Troops, under the Command of My Lord Cathcart,† a

* Captain William Wadsworth of Durham.

† Charles, eighth Baron Cathcart; died at Dominica, while there in command of the forces, in Dec., 1740. — *Gentleman's Magazine*, XI. 108.

Major General of His Majesty's Forces, to go from hence, with a sufficient Convoy of Men of War, to a proper Place in the West Indies, to be appointed for that Purpose, there to be joined by the Squadron, under the Command of Vice Admiral Vernon,* now in the West Indies; And by such a Number of Troops, as may be raised in His Majesty's Colonies and Islands in America.

As It has been represented to the King That a very considerable Number of Men may be easily had, upon proper Encouragement, in the British Plantations, and particularly in His Majesty's Colonies on the Continent of America, to serve in Conjunction with the regular Troops to be sent from hence, I am to signify to You His Majesty's Pleasure, That You should forthwith make the proper Dispositions for Raising as many Men as You shall be able to procure within your Government: And, as The King intends, That the Troops, to be raised in America, should be commanded by Colonel Spotswood,† The whole to be however, after They shall have joined the regular Troops, under the Command of My Lord Cathcart, General and, Commander in Chief of all His Majesty's Troops, sent to, or raised in, America, (with which I have, by this Occasion, acquainted Col^o. Spotswood,) It is His Majesty's Pleasure, that You should confer, or correspond, with Colonel Spotswood,

* Edward Vernon, born 1684, served in the British navy until 1727, when he was elected to Parliament. In 1739 he declared in Parliament that Puerto Bello, on the Spanish Main, could be taken with six ships. The ministry took him at his word, and sent him with six men-of-war to attack Puerto Bello, which he captured Nov. 22, 1739, after an assault of one day. In March, 1741, he attacked Cartagena, but was repulsed with great loss. He returned to England in 1745, and spent the closing years of his life in great retirement; died in 1757. — *Appleton's Cyclopaedia of American Biography*, V. I. 280.

† Alexander Spotswood, ex-Governor of Virginia, was appointed to command the expedition to the West Indies.

if You have an Opportunity, upon every Thing that may relate to the Performance of this Service.

Colonel Blakeney,* who is appointed Adjutant General in this Expedition, will set out from hence, as soon as possible, with His Majesty's Letters and Authorities to You, and the other Governors of His Majesty's Colonies on the Continent of America, for making the said Levies; And with the King's more particular Instructions and Directions relating to this matter. In the mean Time, the King has thought proper That I should give You this previous Notice, that You may be making the necessary Dispositions, in order to facilitate, as soon as possible, the Raising the Troops. Colonel Blakeney will carry with Him a considerable Number of Arms, some Samples of Cloathing for the Soldiers, and what Money, or Credit, shall be judged requisite for the Performance of this Service.

It is His Majesty's Intention to give all proper Encouragement to the new Levies, by ordering Them to be supplied with Arms, and a proper Cloathing, and to be paid by His Majesty; with an Assurance of their coming in for their Share of any Booty that may be taken from the Enemy, and of their being sent back to their respective Habitations, when the Service shall be over, unless any of Them shall desire to settle Themselves elsewhere.

His Majesty will order to be sent, by Col^o. Blakeney, a Number of blank Commissions, to be given, by the Governors, to the Officers that are to command the Troops under Col^o. Spotswood. The King has not thought proper to confine You to any

*Colonel William Blakeney, afterwards the hero of Minorca.

particular Number of Men to be raised within your Government, His Majesty depending upon your Care and Zeal for His Service, that You will procure as many as You possibly can.

You will consider how much the Time presses; and will therefore use the utmost Expedition in making your Preparations. It is hoped that My Lord Cathcart may be able to sail from hence in April, or May next; And consequently You will take care That the Troops to be raised within your Government may be ready to be transported, in Time, to the Place that shall be appointed for the general Rendezvous; With which Col^o. Blakeney will acquaint You, as well as with every thing else, that may be necessary for your further Information and Instruction.

You will be considering in what Manner to provide Transports and Provisions; and even, if it be necessary, You will secure Them out of hand, for such a Number of Men, as, You shall judge, You may be able to get within your Government; Or, You will correspond with any of the Governors of the neighbouring Colonies, relating to this Matter; in such Manner as You shall think proper.

I am persuaded, I need not say anything to induce You to use your utmost Care and Diligence in an Affair of this Importance; And for the Promoting the Success of a Service, in which the Honor of His Majesty's Crown, and the Interest of His Subjects, (especially Those residing in America,) are so essentially concerned. The many Injuries, and Cruelties, which the Inhabitants of the British Plantations have suffered from the Violence, and Depredations of the Spaniards, will, I doubt not, be an additional Motive to engage all His Majesty's faithfull Subjects there,

to exert Themselves, with an uncommon Zeal, on this Occasion.

I am,

Gentlemen,

Your most obedient

humble Servant,

HOLLES NEWCASTLE.

Governor and Company of the Colony of Connecticut.

P. S. Thô Colonel Blakeney will be dispatched as soon as possible, with His Majesty's more particular Instructions and Directions to You, Yet, that no Time may be lost, It is His Majesty's Pleasure, That, immediately upon the Receipt of this Letter, you should issue a Proclamation, in the proper Form, Inviting His Majesty's Subjects, within your Government, chearfully to inlist in this Service, and assuring Them of a proper Encouragement for that Purpose.*

HOLLES NEWCASTLE.

GOVERNOR TALCOTT TO FRANCIS WILKS.

HARTFORD, January 11th, 1739/40.

S^r: I hope you have already received my Short Answer† to yours of the 24th of August past, with y^e Resolve of the Assembly Inclosed; but youre letter coming to me just at the Rising of the Assembly, I Could then only Desire you to gain time for us to prepare oure defence. Since that, I have had time to peruse y^e copy of y^e Petition you Sent, & I see

* In the MS. Diary of the Rev. Daniel Wadsworth are the following entries:

[1740] April 15. The Govern^r had orders from home to Inlist volunteers &c. for y^e West Indies, and to proclaim war with Spain.

April 18. This day y^e King's declaration of war against Spain was published.

† See page 179.

these Masons have found out their former Errors in Informing his Majesty that the Mohegan Sachems were the Proprietors of the Land, that they have now found out that the Title Lyes in the Tribe.

Surely, had not these men been of such an Amphibious Nature that they can breathe in any Element, tho: Never so Contrary, they would not have dared from time to time to appeare before the Throne so Contrary to themselves.

But Politically done, however; for if they can Obtain a Commission from the King, making the Tribe the Party Plaintiff to try the Title with us, they Strip us of oure defence; for all oure Antient Grants from the Sachem will be of no Service to us in the Tryall.

And yet they must be in the wrong, to Lay so much blame on the Late Commissioners. The fault was in themselves, for that they Informed theire Sovereign no better. Had they Informed his Majesty better, and prayed out the Commission Right, the Commissioners from Rhoad Island might have done well enough; but a Commission declaring the Sachem to be the Prop^r, and Expressly ordering he should be Summoned as the party, & heard, was Enough to lead any men into the blunders Complained of, and the Case must have been forever Lost, had not the Masons made this Late Discovery, that Really the Title was not in the Sachem, but in part of the Tribe, & that it is foreign to the Tryall to Call for (or so much as discuss who is) the Sachem; a Matter never known nor thought of by themselves, nor any body else, till just now.

I have herewith sent you an address from the Commissioners of Rhoad Island, with another from the Sachem, the whole case in a paper Book. The

copy is not so fair as I Could wish. Your letter pressing us to Dispatch, put us upon putting Several penmen to assist the Clerk in Copying, which has occasioned Some Rasing and Interlining: this I hope will be excused on that account.

The Minutes of the proceeding, (Thro' the partiality of Mr. Walton, and want of Experience of Mr. Huntington,) are not so perfect, but indeed the Case lyes in the files, from whence you have it.

It will be necessary for me to make some Observations to you on the papers, to Inform you to what purpose they were given in, and I think may be Improved.

The first thing they Complain of against us, Is, that in the plea made by our Agents the authority of the Late Queen Anne to Grant the Commission is denied. This is Confuted by the plea it Self. The authority of the Commission to Constitute y^e Court is not denied. The plea is, that the Court acted beyond their Commissⁿ. The Commission directed the Court to Judge of Lands the Sachem had reserved in his first Sales to the English. The Judgment is of Lands passed in that Grant; Therefore Erroneous.

A Loud Complaint is made that y^e Commissioners from Rhoad Island Refused to receive and Review the former Judgment, &c.

In Answer to this I must refer you to the files of the Court, in which that very Judgment, &c., is found, & to the defence those Commissioners have made, herewith Sent you.

As to the Title of Ben Uncass to the Sachemship, it Appears he hath a Right by Decent, by the plan of Government Settled with his Father, and by Solemn Installment, and that Cap^t. Mason was not

only a Witness to, but very Active in all this, And that Major Ben Uncass Openly Invited Cap^t. Mason and his Children into an especiall freindship with the Sachem and his house. It must therefore be a great breach of Trust, as well as Truth, in the Cap^t. and his Sons, to Deny the Sachem's Title, Raise a Spirit of Rebellion in his Subjects against him, and Set up One Impostuer after another in his Room.

There is not the Least Evidence of the Title of John Uncass,* Only that his Father was Elder Brother to Major Ben. If Primogeniture & Proximity of Blood shall prevail against such Solemn Establishments, and the Decent Cast, I know not but that most of the Crowns in Europe may Totter. In this Case, this very argument will Destroy the pretentions of John Uncass, for Sachem Cesar, the Son of Owaneco, hath a Daughter,† now married to the Son & Heir of Sachem Ben Uncass, who is newly delivered of an Indian Prince.

They Complain that the Court Appointed three men of Connecticut to be advocates for the Sachem, who did not Defend, but give up, the Title to the Lands.

* Samuel Leffingwell, of Norwich, testified that he was well acquainted with the Mohegan Indians, and had been acquainted with the several Sachems, Oweneco, Cæsar, Major Ben Uncas, and the now living Ben Uncas, his son; "and I know and am acquainted with old John Uncas, but I have never heard he claimed any right to be Sachem, nor that the Indians looked upon him as such, but they have looked upon him as a disturber of their peace and quiet."—*Connecticut and the Mohegan Indians*, 205. John Richards, of New London, also testified that he never heard any one, either English or Indian, give John Uncas the title of Sachem, "or so much as lisp that he ought or that he pretended to be Sachem until the sessions of this Court."—*Ibid.*, 206. John Curtiss, of New London, testified also to the same effect.—*Ibid.*, 207. *Supra*, 56, 57.

† Jonathan Wickwire, of Norwich, testified in May, 1738, that he knew Oweneco, and was present when Cæsar, his son, was invested with the sachemship, and that Cæsar died, and left one only child, who is now the reputed wife of Ben Uncas, Junior, the grandson of Ben Uncas, the brother of Oweneco.—*Connecticut and the Mohegan Indians*, 209. See also *supra*, page 36.

By the Minutes you see these advocates were Appointed by the Sachem, therefore could not be Rejected. In the former Tryall, Cap^t. Clark, the advocate for Owaneco, was a Connecticut man; so were Mess^{rs}. Palms, the two Averys, Hooker, Leffingwell & Morgan, the Commissioners.

The Defence they made was the only one that could be made with Truth & Supported by Evidence, for y^e Grant of Uncass, 1640, by the face of it, by King Charles the Second allowing of it, when the Charter was prayed out, by the testimonys of Mess^{rs}. Hez. Wyllys, and George Wyllys, by the Mention of it in S^r Henry Ashurst's Memoriall,* & by the Acknowledgment of it by the Sachem & so great a part of his Tribe, in 1737 & 1738, is well Supported. It was therefore proper and necessary for the Sachem to give it in, being the Instrument that Contained the Lands Reserved, about which only the Controversy was.

The Releases made by the Sachem & his people, & by them Acknowledged in Court, are Complained of as treacherously Done; but you will find from the files these releases are well Supported, by the Grant from Uncass, 1640, by the League with Uncass, 1681, by the Deed to Jeremy Addams, 1662,† to John Stebbens, 1683,‡ & that to Nathaniell Foot, 1699, for the Land in Coulchester,§ & the Deed to Richard Haughton, 1658,|| for Massapeag, the Deed to Livingstone, &c: 1710,¶ & a friendly Settlement of the Remainder by the Court and Sachem, 1721,** for the

* Connecticut and the Moheagan Indians, 153.

† Ibid., 176.

‡ Ibid., 175.

§ Ibid., 149.

|| Ibid., 169. Colonial Records, I. 309.

¶ Ibid., 183.

** Ibid., 189.

Land between New London & Norwich,* & by the Deed to Haddam, 1702,† to the Land on the North Side of Lyme. But if there had been no Such Considerations to Support them, Ben Uncass, being the Sachem, had the same right to give Deeds or Releases as Uncass, Owaneco, Cesor, & others, his Ancestors had Done.

The Petition asserteth that the Tribe hath Lands unalienably settled upon them, not to be Disposed of without the consent of their Guardian.

The Terms themselves are very odd, unalienable, & yet to be disposed of with the Consent of their Guardian. Be that as it will, they doubtless intend the Deed of Major Mason, 1671.‡

Here you will observe that Deed was made to the Sachems, and if the lands passed by it were unalienable, they Can't belong to the petitioning part of the Tribe. The Sachem never Disposed of it to the Tribe with the Consent of his Guardian, nor till after he had Granted it to Sam^l & Daniell Masons in Feb^r. 1683/4. That this Title, be it what it will, being derived from an English Subject, it was not Cognizable by this Court to Try it.

If they Intend the Act of Court, 1660,§ it is nothing to their purpose, for you find by the Record that Major Mason Surrendered to the Colony the Land made over to him by the Sachem, Reserving to himself a Competency for a farm, and the Court appoint Major Mason Surveyor for the Laying out y^e Land into Farms & plantations, and it is provided that with the consent of Major Mason, the Sachem

* Connecticut and the Mohegan Indians, 178.

† Ibid., 171. May 13, 1703. — *Colonial Records*, III. 415.

‡ Connecticut and the Mohegan Indians, 41.

§ March 14, 1660, Major Mason's surrender of the jurisdiction power over the Moheags county (granted to him by Uncas and Wawequa) to the Governor and magistrates. — *Ibid.*, 42.

& his people shall be Supplied from time to time with planting Ground, as the Court shall see cause.

All that can be Inferred from this is, that whereas the Sachem in the Deed, 1640, had reserved his planting Land, he had now in his Deed to Major Mason, 1659, passed them away, & here it is Surrendred to the Colony, the Court yet provided the Sachem & his people shall be Supplied with a Sufficiency of planting Land as the Court see Cause, thereby reserving to themselves the power to determine where & what Quantity it shall be, to be Done with the Consent of Major Mason, their Surveyor. It can not be argued from this that the Tribe hath an unallieanable Title to any lands, for the Court doth Expressly reserve a power in themselves at all times to alter the place & Quantity, as their Numbers, more or less, should alter the Sufficiency for quantity.

If they Intend the Act of Assembly, 1721,* which is most to their purpose, they have no reason to Complain, for that land is well Secured to them, they have it, & it is much more than a Sufficiency.

The Petition Complaineth that had the Court Received the papers of 1660, 1671, 1683, 1684, 1692, &c: they could not give Credit to the Gift, 1640, for that the Lands contained in the former Judgment had long since been Settled upon the Indians by the Government it Self.

You will find that these papers, Excepting that of 1660, to which I have already Spoken, were given in, It remains to show that y^e other papers will not Discredit nor defeat the Grant 1640.

Here it is by us allowed that the Sachem in

*Connecticut and the Moheagan Indians, 194.

that Grant Reserved some lands to himself, & that y^e Assembly appointed Treat & Talcott to Set the Bounds between Uncass & the Plantations, 1683. In 1684 they report that a Large tract of Land, Containing neere half this Colony, & part of the Massachusetts, was the Native or Original Territories of Uncass, the greatest part of which they say is now Allienated to plantations, or particular persons.

Here Observe that it is most probable that this was an Error, being Contrary to the report of Denison, Stanton & Lathan, [*sic*] 1663,* but 26 years after the Pequot Warr, when the facts were fresh & Easily made Evident, but in 1684 that Generation was Dead.

2^{ly}. That they did not attend their Order, which was to Settle the Bounds between Uncass and the plantations; but here they take in all the plantations, therefore it is not the act of the Government, nor are they Concerned with it.

3^{ly}. They report the Greatest part of it is Sold to plantations and perticular persons: therefore to know what is Left, we must Examine into the Sales he had made, & it appears the Grant to the plantations of Connecticut, 1640, the Grants to Major Mason, 1659, 1661, & 1665, had passed it all over. Therefore by the report, Considered with the Sales refered to, it appears that there is nothing Left, & by this Instrument Settled on the Indians.

4^{thly}. If it were an Authentick Settling the title, it was to the Sachem from whom we have a Release.

*This was probably a survey ordered by the Commissioners of the United Colonies. In 1663 they recommended to the General Courts of Massachusetts and Connecticut that "some effectual course be taken for the laying out of convenient places for the setting of the said Indians, according to the former agreement, and Captain Denison, Mr. Stanton, and James Averill are desired in behalf of the Indians to see it done."—*Colonial Records, New England, 1659-1701, in the office of the Secretary of State, Hartford.*

What have the Tribe, or this Small part of the Tribe Petetioning, to do with it?

In 1692 the Assembly Allowed that the Lands Recorded to Uncass should belong to Owaneco, &c., not to be passed without y^e Consent of Samuell Mason.*

Here Observe that no lands are Recorded to Uncass. We have already Spoken to the Survey 1684, which only Declares what was once his Right, but now Sold. But what have the Petetioners to do with or Controvert the Sachem's Rights to Lands?

We have Observed that the Deed to Major Mason, 1659, was Surrendred to the Colony, 1660, and it appears by the Charter that Major Mason was one of the Petetioners that prayed it out, and Informed the King that the Conquest & purchase the Petetioners had made, made an Estate to the Crown, and thereupon prayed that they might be Incorporated, and the Lands Granted to the Corporation. It is Granted Accordingly, & he is made Deputy Govern^r., and a Grantee, which is a full Confirmation to the Colony of all that passed by those Grants from the Sachem.

And for them thus to Argue that the taking of after Deeds Destroys the first, is against all Law & Reason. The Strengthening of a Title Cant Destroy it; So this Covenant made between the Government & the Sachem, 1681,† wherein the Sachem Resigned up all his Lands to the Colony to Settle into plantations,

* "This Court upon request of Owanecoe doe fully approve of the lands of Uncass, which were by him given to Josiah, whoe is since deceased, be and belong to Mawhumett for the future, and doe declare that Mawhomet is and ought to be the next rightfull sachem of Mowheg after Owanecoe. And whereas Owenecoe hath desired that his father's lands recorded to him may be confirmed to him and his son, Mahomet, and that they may not pass it away to any, without it be by consent of Capt^e Samuel Mason, and be acknowledged before him, which this Court allows of." Oct., 1692. — *Colonial Records*, III. 86. *Connecticut and the Moheagan Indians*, 43.

† See page 40, supra.

and the Colony agreed with him that as Settlements were made a price should be paid to him as they should agree, is of the same Nature of the Grant 1640. The Land is again resigned up to the Government, and as there was but a Small Consideration given to the Sachem on taking the first Grant, it had been a Custom upon Setling new plantations for the Settlers to make him a further allowance, and take a Deed, and this was formally agreed to in 1681. It Cant be said here that the Colony now agreed to give up their Right to the Land; the Contrary is Expressly Stipulated. All that the Sachem Can Demand is a further Consideration, to be paid when new plantations are granted. This has been Done, & we have the discharge thereof from the Sachem. This Petetioning part of the Tribe can take no advantage of this.

Thus, S^r, I have endeavoured in a brief maner to let you know how these papers may be Improved. But you & your Councill are far more Sufficient to make them have their due force.

There are other papers of less Importance [moment] that were Given in, about which you will want to be Informed.

The Grant and Patent to New London* are to Shew that the Moheag feilds which lye within them were Saved.

The Indenture of the Sachem's Son† was Given

* Connecticut and the Moheagan Indians, 178.

† The indenture of Benjamin Uncas, Junior, to Thomas Russel, of Sherburn, in the county of Middlesex, *cordwainer*, for the term of three years, and about three months, ending the 28th day of February, 1737, the said apprentice to be dismissed with a new suit of apparel, *suitable to his degree*, dated Nov. 14, 1734, is given in *Connecticut and the Moheagan Indians*, 210. It was thought best that Ben Uncas, Junior, should marry Sachem Cæsar's daughter, and Samuel Avery, of New London, was sent to bring him home before his time expired. He was obliged to pay Russel £40, and applied to the General Assembly for repayment.—

in by Mason, to Blemish his Title by such an un-princely Act; but it operates to the Contrary, for the Sachem is Inclined to Christianity & the English way of Living; therefore he bound Out his Son to learn that Handy Craft, & to read & to wriht, which he hath obtained. In this Indenture Ben Uncass is Declared y^e Sachem, & Cap^t. Mason & Mr. Barbour are Witnesses to it, tho they have both since Set themselves against him.

The first model of the Government, in 1638, & the two Elections in 1639 & 1640, are put in to Shew that at the time of Taking the Grant of 1640 the People had a Governour & Magistrates to represent them herein.

The Memoriall of S^r. Henry Ashurst is to Shew that the Grant 1640, & report 1663, are no new things, but were offered to the Late Queen Anne, and were a principal Reason why her Majesty reversed the Judgment & ordered a Review.

When you have perused what full Evidence there is of the Title of Ben Uncass, and the perfect peace that hath Subsisted between him & his People, till after Cap^t. Mason went to England with Mahomet,

Connecticut Archives, Indians, I. 236. In the minutes of the meetings of the Commissioners in Boston of the Society for the Propagation of the Gospel, under the date of May 31, 1734, the Rev. Mr. Peabody, of Natick, is directed to visit the Mohegan Indians in Connecticut, and if he thinks proper, to remove Ben Uncas, Jr., the Sachem's son, from the house of the Rev. Mr. Adams, in New London, to his own house, to be put under his instruction. Aug. 5, 1734, Mr. Peabody was paid fifteen pounds for his charges in bringing Ben Uncas, Jr., to be boarded in his house, and for the supply of his pulpit during his absence. April 26, 1739, it was voted that Mr. Eliphalet Adams be desired to examine Benjamin, son of the Sachem, Benjamin Uncas, who served his apprenticeship with an English master, and learned to read and write, to judge whether he would be a suitable schoolmaster to the Mohegan Indians. That Mr. Adams' judgment was favorable we may conclude from the vote, Dec. 28, 1739, that Benjamin Uncas, Junior, the Sachem's eldest son, be allowed twenty pounds for his keeping the Indian School at Mohegan half a year. In 1748 he was still the schoolmaster at Mohegan.

you will be Surprised to find that on the first of March, 1737/8, a number of Indians met & renounced the Sachem.* I must therefore Open this Mistery of Iniquity to you.

After y^e Masons, Cap^t. Tracy, & others their party see they could not make a handle of the Sachem, they had recourse to and used this Strata-gem, to raise a Sedition in the Tribe against him, that so they might make him no Sachem, and put themselves in his place. The Indians were told that the Sachem gave up their Cause, the Country was theirs, and they might have it, if they would renounce their Sachem & Stand by y^e Masons. This had the desired Effect upon Some of them; the Pequots & Nianticks, fed with the same Hopes, Joyned with the discontented, and they met & do Just as Mason & Tracy would have them. This Action was very Mean in Mess^{rs}. Tracy & Mason, & Strange beyond precedent in the Indians. They never pretended from the beginning to Depose a Sachem, nor put in a Guardian. Their Government was always wholly in the Sachem, and it appears by the Deeds the Masons have Taken, & by the two Petetions they have preferred to the Throne, that the Title to the Land was always in the Sachem, & Certainly if they can now prevail thus to Dethrone the Sachem, and put themselves Governours over the Tribe in his room, alter the property of the Lands from the Sachem to the Tribe, and thereby Destroy all our Deeds, & Introduce themselves Lords of the Country, & unpeople a Colony, it is an Easy thing to do.

But they have no Such Judgment yet. The Judgment is that the Sachem is not thus to be Destroyed, nor the property altered. Their Insinuations that the

* See Appendix.

Indians are so Distressed for want of Land that they are Like to be driven over to the Enemy, is Still worse. You see by the Testimony that the number of Moheages above Sixteen years old is but forty-one, & they are Decreasing; of these, Thirty one of the principals have Signed the releases; that they have four Thousand Acres of Good Land secured to them, which is many times more than they either Do or Can Improve.

On the Other Hand, you find it proved that there is 367 families of his Majesty's Good English Subjects Settled on the foure parcels of land Contained in the former Judgment, and it is Supposed there are five times as many more in the Survey of 1684, & these men are decendants from those that Conquered the Country from the Pequots in 1637, and took the Grant from Uncass in 1640. Their Title is Confirmed by the Charter, by the Covenant with Uncass, 1681, by perticular Deeds from the Sachems, & by the Late Releases from the Sachem & Principall of his Tribe. They have a definitive Judgment of Court in their favour, & they have Subdued the Country from a wild Wilderness to a fruitfull field, have long been in possession of a Great part of it, and have no other means but their Lands whereby to Subsist.

If a Judgment should now pass Like that of Coll: Dudley's, that they shall all be Ejected, and the Colony again Ordered to do Execution, it would be so hard for the other half of the Colony to rise up and Expel out of their Habitations many of oure freinds, fathers and children, that I know not but that we should Rather Chuse to take oure Lot with them, & Rise up altogether, and Seek Some new

Country, as oure fathers did about a hundred years agoe.

But we are before the Throne of a Just & Gracious Sovereign: under whose Royall protection we have had that Safety that we Trust he will not Suffer half a Colony to be Destroyed without Just and sufficient Cause; much less, only to make room for Seventeen Moheagan Subjects Signing the Memoriall, who have Rebelled against their Soverⁿ., who never had nor pretended to have any title to the Land till now.

You see, S^r, this Matter is of the Greatest Importance to us. I would therefore Intreat you to Spare no pains nor proper Costs. We shall Redily Receive your Accounts, and Discharge them with Honour; and am, S^r,

Yours very humble Serv^t,

J: TALCOTT.

To FRANCIS WILKS, Esq^r.

[Indorsed] Copy of a Letter to Francis Wilks, Esq^r.,
Jan^r. 11, 1739/40.

GOVERNOR TALCOTT TO THE LORDS OF TRADE.

To the Right Hon^{ble} Lords Commissioners for the Board of Trade; and Plantations.

May it Please your Lordships:

In Pursuance to your Lordships desire by a Letter from Whitehall, dated y^e 5th: of July last pass^t; I herewith Send y^e Account of y^e Severall Yearly emissions of paper bills That has from time to time been paid out by this Colony, and what has been Yearly drawn in again, and y^e Summe Totall in bills of Credit that are now outstanding. And as this Colony is a place of but Small trade, compar^d with the Province of y^e Massachusetts Bay, I must

begg leave to referr your Lordshipps to the Account you shall receive from that Province for the vallue of Gold & Silver Yearly, as compar'd with our paper currancy; That Province governing in the Affair of Exchange between us & England; and our paper bills allways passing att an equall vallue with y^e bills of that Province.

The Account is as follows, viztt.

The 1 st Emission was in y ^e Year 1710 for defraying the charges that had arisen on y ^e Expedition to Canada,	£18941: 0: 6	Drawn into y ^e Treasury by a Tax on y ^e Inhabitants in y ^e Collony, Clear of all Charges,	£5202: 0: 9
		Remains outstanding,	13738: 19: 9
			18941: 0: 6
What remaind Outstanding last Year was,	13738: 19: 9	Drawn in by a Tax,	5298: 8: 8
And y ^e Collony emitted, 1711,	10246: 9: 6	Remains outstanding,	18687: 0: 7
	23985: 9: 3		23985: 9: 3
Remaind Outstanding last Year,	18687: 0: 7	Drawn in by a Tax,	4362: 19: 3
And y ^e Collony emitted, 1712,	9312: 10: 0	Remains outstanding,	23636: 11: 4
/	27999: 10: 7		27999: 10: 7
Remaind outstanding last Year,	23636: 11: 4	Drawn in by a Tax,	3459: 0: 0
Emitted by y ^e Collony, 1713,	4000: 0: 0	Remains outstanding,	24177: 11: 4
	27636: 11: 4		27636: 11: 4
Remaind outstanding last Year,	24177: 11: 4	Drawn in by a Tax,	2301: 18: 0
Emitted by y ^e Collony, 1714,	1000: —: —	Remains outstanding,	22875: 13: 4
	25177: 11: 4		25177: 11: 4
Remaind outstanding last Year,	22875: 13: 4	Drawn in by a Tax,	2385: 13: 4
Emitted by y ^e Collony, 1715,	2000: 0: 0	Remains outstanding,	22490: 0: 0
	24875: 13: 4		24875: 13: 4

Remaind outstand- ing last Year,	22490 : 0 : 0	Drawn in by a Tax,	3808 : 10 : 1
Emitted by y ^e Coll- ony, 1716,	5000 : 0 : 0	Remains outstand- ing,	23681 : 9 : 11
	27490 : 0 : 0		24970 : 0 : 0
Remaind outstand- ing last Year,	23681 : 9 : 11	Drawn in by a Tax,	4027 : 10 : 5
Emitted by y ^e Coll- ony, 1717,	780 : 7 : 6	Remains outstand- ing,	20433 : 7 : 0
	24470 : 17 : 5		24460 : 17 : 5
Remaind outstand- ing last Year,	20433 : 7 : 0	Drawn in by a Tax,	2853 : 1 : 10
Emitted by y ^e Coll- ony, 1718,	2500 : 0 : 0	Remains outstand- ing,	20080 : 5 : 2
	22933 : 7 : 0		22933 : 7 : 0
Remaind outstand- ing last Year,	20080 : 5 : 2	Drawn in by a Tax,	2909 : 10 : 8
Emitted by y ^e Coll- ony, 1719,	2651 : 0 : 6	Remains outstand- ing,	19821 : 15 : 0
	22731 : 5 : 8		22731 : 5 : 8
Remaind outstand- ing last Year,	19821 : 15 : 0	Drawn in by a Tax,	6401 : 14 : 1
Emitted by y ^e Coll- ony, 1720, att two emissions,	4407 : 18 : 3	Remains outstand- ing,	17827 : 19 : 2
	24229 : 13 : 3		
Remaind outstand- ing last Year,	17827 : 19 : 2	Drawn in by a Tax,	3183 : 5 : 9
Emitted by y ^e Coll- ony, 1721,	2842 : 13 : 4	Remains outstand- ing,	17487 : 6 : 9
	20670 : 12 : 6		20670 : 12 : 6
Remaind outstand- ing last Year,	17487 : 6 : 9	Drawn in by a Tax,	3488 : 11 : 4
Emitted by y ^e Coll- ony, 1722,	3500 : 0 : 0	Remains outstand- ing,	17498 : 15 : 5
	20987 : 6 : 9		20987 : 6 : 9
Remaind outstand- ing last Year,	17498 : 15 : 5	Drawn in by a Tax,	5506 : 0 : 7
Emitted by y ^e Coll- ony, 1723,	4839 : 3 : 9	Remains outstand- ing,	16831 : 18 : 7
	22337 : 19 : 2		22337 : 19 : 2

Remaind outstand- ing last Year,	16831 : 18 : 7	Drawn in by a Tax,	6168 : 14 : 5
Emitted by y ^e Coll- ony, 1724,	4000 : 0 : 0	Remains outstand- ing,	14663 : 4 : 2
	20831 : 18 : 7		20831 : 18 : 7
Remain'd outstand- ing last Year,	14663 : 4 : 2	Drawn in by a Tax,	4088 : 18 : 11
Emitted by the Coll- ony, 1725,	1624 : 2 : 6	Remains outstand- ing,	12198 : 7 : 9
	16287 : 6 : 8		16287 : 6 : 8
Remaind outstand- ing last Year,	12198 : 7 : 9	Drawn in by a Tax,	6299 : 13 : 10
Emitted by y ^e Coll- ony, 1726,	2076 : 1 : 1	Remains outstand- ing,	7974 : 15 : 10
			14274 : 8 : 10
Remain'd outstand- ing last Year,	7974 : 15 : 0	Drawn in by a Tax,	4284 : 5 : 5
Emitted by y ^e Coll- ony, 1727,	6583 : 12 : 1	Remains outstand- ing,	10274 : 1 : 8
	14558 : 7 : 1		14558 : 7 : 1
Remaind outstand- ing last Year,	10274 : 1 : 8	Drawn in by a Tax,	4559 : 19 : 2
Emitted by y ^e Coll- ony, 1728,	3505 : 16 : 9	Remains outstand- ing,	9219 : 19 : 13
	13779 : 18 : 5		13779 : 18 : 5
Remain'd outstand- ing last Year,	9219 : 19 : 3	Drawn in by a Tax,	4800 : 0 : 0
Emitted by y ^e Coll- ony, 1729,	2318 : 3 : 7	Remains outstand- ing,	6738 : 2 : 10
	11538 : 2 : 10		11538 : 2 : 10
Remains outstand- ing last year,	6738 : 2 : 10	Drawn in by a Tax,	4889 : 3 : 3
Emitted by y ^e Coll- ony, 1730,	2531 : 16 : 3	Remains outstand- ing,	4380 : 15 : 10
	9209 : 19 : 1		9209 : 19 : 1
Remain'd outstand- ing last Year,	4380 : 15 : 10	Drawn in by a Tax,	5021 : 18 : 3
Emitted by y ^e Coll- ony, 1731,	5307 : 15 : 11	Remains outstand- ing,	4666 : 13 : 6
	9688 : 11 : 9		9688 : 11 : 9

Remain'd outstand- ing last Year,	4666 : 13 : 6	Drawn in by a Tax,	5404 : 6 : 3
Emitted by y ^e Coll- ony, 1732,	3291 : 8 : 5	Remains outstand- ing,	2553 : 15 : 8
	7958 : 1 : 11		7958 : 1 : 11
Remaind outstand- ing last Year,	2553 : 15 : 8	Drawn in by a Tax,	4194 : 3 : 6
Emitted by y ^e Coll- ony, 1733,	3689 : 2 : 3	Remains outstand- ing,	2048 : 14 : 5
	6242 : 17 : 11		6242 : 17 : 11
Remaind outstand- ing last Year,	2048 : 14 : 5	Drawn in by a Tax,	2715 : 5 : 4
Emitted by y ^e Col- ony, 1734,	3150 : 2 : 6	Remains outstand- ing,	2483 : 11 : 7
	5198 : 16 : 11		5198 : 16 : 11
Remaind outstand- ing last Year,	2483 : 11 : 7	Drawn in by a Tax,	2820 : 15 : 4
Emitted by y ^e Coll- ony, 1735,	3161 : 5 : 1	Remains outstand- ing,	2824 : 1 : 4
	5644 : 16 : 8		5644 : 16 : 8
Remaind outstand- ing last Year,	2824 : 1 : 4	Drawn in by a Tax,	3071 : 0 : 11
Emitted by y ^e Coll- ony, 1736,	1500 : 0 : 0	Remains outstand- ing,	1253 : 0 : 5
	4324 : 1 : 4		4324 : 1 : 4
Remain'd outstand- ing last Year,	1253 : 0 : 5	Drawn in by a Tax,	2959 : 6 : 6
Emitted by y ^e Col- ony, 1737,	7445 : 2 : 10	Remains outstand- ing,	5738 : 16 : 0
	8698 : 3 : 3		8698 : 3 : 3

And by y^e foregoing Account Your Lordships may See that there is, to y^e Year 1737, outstanding bills, emitted for defraying y^e necessary charges of y^e Col-
lony, but y^e Summ of £5738 : 16 : 9, and y^e Collony
has granted two Taxes, one for 1738, & y^e other
for 1739, not yett brott into y^e Public Accounts,
which will near or quite Sink y^e whole of the bills
now outstanding: but y^e Collony has farther emitted
on Loane to y^e Inhabitants as follows, viztt:—

In y ^e Year, 1733,	Drawn in by Inter-	
Loand out by y ^e	est, 1734,	£ 770 : 18 : 11
Colony on Inter-	D ^o . more, 1735,	3666 : 9 : 2
est, y ^e Summe	D ^o . more, 1736,	3070 : 10 : 1
£49975 : 4 : 0	D ^o . more, 1737,	2961 : 18 : 11
	D ^o . more, 1738,	2903 : 17 : 0
	D ^o . more, 1739,	3007 : 0 : 8

		16380 : 14 : 9
	Remains outstand-	
	ing of y ^e Money	
	Loand out,	33594 : 9 : 3

		£49975 : 4 : 0

And allso y^e Summe of £33594 : 9 : 3, in Loane Money, which added to y^e foregoing Summe of £5738 : 16 : 9, makes in y^e whole bills of Credit outstanding in this Collony, the Sum of £39333 : 6. This being y^e exactest Accott can be made in the Affair Saving Errors, I hope will be agreeable to your Lordshipps' request, And in conformity to y^e Addresses of both Houses of Parliament to his Maj^{ty} relating thereuntoo, which is all att present, wth. my most dutifull respects to your Lordshipps, &. am,

Your most obedient humble Serv^{tt}

to Command,

J: TALCOTT.

Dated att Hartford, in y^e Collony of Connecticut, in New England: Jan^{ry}. 12th., 1739/40.

Duplicate Copia.

[Indorsed] Copy Letter to y^e Comissrs of Trade, with y^e acc^t. of our Bills. Jan^{ry}. 12, 1739/40.

ORDER IN COUNCIL.

AT THE COURT AT ST. JAMES'S,
the 29 Day of Janry, 1740.

PRESENT.

THE KING'S MOST EXCELLENT MAJ^{TY} IN
COUNCIL.

Upon reading at the Board a Report from the Right Hon^{ble} the L^{ds} of the Committee of Council for Plantation Affairs, dated the 26th. of this Inst. in the words following, viz^t.

"Their Excellencys the late Lds Justices, by
"their Order in Council of the 31st July last, thought
"Proper to direct the L^{ds} Comm^{rs} for Trade &
"Plantations to prepare a draught of a new Comi^{ss}-
"ion of Review to be past under the Great Seal
"of Great Britain, to re-examine, review, and deter-
"mine some disputes between the Mohegan Indians
"& the Colony of Connecticut, & to insert therein
"the Names of such P^{er}sons as they shou'd Judge
"Proper to be appointed for Executing the s^d Com^{ss}-
"ission, & to lay the same before this Committee:—
"Which the s^d L^{ds} Comm^{rs} having accordingly
"done—The L^{ds}. of the Committee this day took the
"s^d. Draft of a Comission into their Consideration,
"& do find that the P^{er}sons named therein to be
"the Comm^{rs}. are the Gov^{rs}. & Councillors of yo^r.
"Maj^{ty}s. Provinces of N. York & N. Jersey, who
"being no ways interested in the Matters in dispute,
"the Committee do therefore conceive they are P^{er}sons
"proper to be appointed Comm^{rs}. on this Occasion:—
"That the s^d. Draught appears to be drawn Conform-
"able to the last Comission issued in 1737, Except
"only that the s^d. L^{ds}. Comm^{rs}. have added a Clause

“giving Liberty to any of the Partys to enter their
 “Appeal within a limited time to yo^r. Maj^{ty}. in
 “Council, from the Determination of the s^d. Com-
 “m^{rs}., in Case they shall find themselves aggrieved
 “thereby, w^{ch}. Liberty the Co^mmittee conceiving proper
 “& necessary to be granted in order to a final de-
 “termination of the s^d. disputes, Do therefore agree
 “humbly to report to yo^r. Maj^{ty}. as their Opinion,
 “that the s^d. Draught of a Co^mmission is proper for
 “yo^r. Maj^{ty}’s. Royal approbation:— And their Lord-
 “ships take leave humbly to offer to yo^r. Maj^{ty}.,
 “that the Charges attending the passing of this
 “Co^mmission, and all other Dispatches relating thereto,
 “may, in regard to the great Poverty of the Indians,
 “be defray’d at the Expence of the Crown, in the
 “like Manner as was order’d by yo^r. Maj^{ty}. in issu-
 “ing the s^d. last Co^mmission, in 1737.

HIS MAJESTY this day took the s^d. Report
 into Consideration, & was pleas’d, with the Advice of
 his Privy Council, to approve thereof, & also of
 the s^d. Draught of a Co^mmission of Review, w^{ch}. is
 hereunto annex’d,* And to Order, as it is hereby or-
 der’d, that his Grace the Duke of New Castle, his
 Maj^{ty}’s. principal Secretary of State, do Cause a War-
 rant to be prepar’d for his Maj^{ty}’s. Royal Signature,
 to pass the s^d. Co^mmission Under the Great Seal of
 Great Britain, And his Maj^{ty}. doth hereby further
 order that the Charges attending the passing the s^d.
 Co^mmission, & all other Dispatches relating thereto,
 be defrayed at the Expence of the Crown, And the
 Right Hoⁿble the L^{ds}. Comm^{rs}. of his Majesty’s

* Apparently this draught was not executed at this time, for the Court of Commissioners held at Greenwich, Connecticut, May 8, 1743, met by virtue of a Commission of Review issued January 8, 1742.— *Connecticut and the Mohegan Indians*, 3-9.

Treasury are to give the Necessary directions herein accordingly.

N^o. 1. Being a Copy of the Estimate annex'd to the Pet^r former Petition in 1741 [*sic*].

An Acco^t of the Charges attending the Passing a New Com^{is}sion of Review, to Determine a Controversy between the Mohegan Indians & the Colony of Connecticut, together wth. an acco^t. of the Expences attending the Dispatches relating to the same.

1. The Costs in Reversing a former Judgm^t. and obtaining his Maj^{ty}s. order for passing the s^d new Com^{is}sion, Viz^t.

To Mr. Mason's passage from New England £10—0—0

<p>To Mr. Paris for moneys p^d. to Mr. Soll^r. Gen^l. & Mr. Murray, who were the Council for the Indians, & paid for sundry Re- ports & Papers at the Board of Trade, & for his own fees & Solicitation for near 2 Years, wherein (as he says) he has never charg'd above & Seldom so high as half Fees.</p>	}	93: 1: 5½
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<p>To Mr. Masons Expence in Wait- ing & Attending 2 Years in London on the Affair.</p>	}	100: 0: 0
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2. The Expences of the several Offi-
ces in passing the s^d. Com^{is}sion
& Dispatches will be as follow-
eth, according to Notes given
from the Sev^ral Offices—Viz^t.

At the Privy Council Office . . . 22: 7: 8

At the Duke of Newcastles . . . 17: 4: 6

At Mr. Soll ^r . Gen ^l	15: 10: 0
At the Signet & Privy Seal	15: 19: 0
At the Crown Office	45: 0: 0
For the Recepti	2: 10: 0

3. The Expence w^{ch}: the last Comission was attended wth. in the Execution on the other side, w^{ch} this must also be attended wth. there, Viz^t.

To Mr. Mason's Passage back to N: England 10: 0: 0

To Council for the Indians to attend the Comm^{rs}, w^{ch}. Council must go down purposely above 100 Miles from their habitations, } 50: 0: 0

To the Comm^{rs} Charges & other Necessary Costs of Court, the Comm^{rs} one half of them going above 200 Miles, & the other above 300 from home, to attend the Service, will be at least } 150: 0: 0

£ 531: 12: 7½

N^o. 2. An Acco^t. of Moneys disburs'd by the Pet^r. more than was express'd in the foregoing Estimate.

N^o. 1.

Paid one half of the Expence of Comm^{rs} for their Attendance on the Execution of the Comission } £ s d
255: 0: 0

Paid to Mr. Bollaⁿ, who attended the Comm^{rs}. as Council for the Indians } 106: 13: 4

Paid Dan ^l . Huntingdon, who attended the Comm ^{rs} . as one of their Clerks to take their Minutes, and paid for a Copy of Comm ^{rs} . proceedings Under Seal, & other Fees & Expences on the Executing the Commission.	}	54: 10: 9
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416: 4: 1

In y^e Estimate N^o. 1: these Articles
of y^e Expen^d was comput^d. at only . . . 200: 0: 0

Expended more than rec^d. £ 216: 4: 1

This Exceeding was occasioned by y^e
Circumstances mentiond in the Petition,
& could not be avoided.

N^o. 3. An Acco^t. of y^e charges attend. y^e Dispatches & Execution of y^e Commissⁿ. of Review to determine the Controversy between y^e Mohegan Indians & y^e Colony of Connect^t. more than was rec^d from y^e Treasury, & an Estimate of y^e Expences necessary for bringing y^e s^d. Affair to a final Conclusion.

P ^d . by M ^r . Sam ^l . Mason to y ^e Comm ^{rs} Counsil, & their necessary Expences attend ^g . the Executing y ^e Commiss ⁿ . more than he rec ^d ., as appears by acco ^t . N ^o . 2.	}	216: 0: 0
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The Costs & Expences on y^e present
Appeal to his Majesty, viz.

To M ^r . Masons Pass ^a . from New England	10: 0: 0
To M ^r . Masons Expen ^d in Waiting & attend ^g . 3 ye ^{rs} in Lond ^o . on the Affair	150: 0: 0

Paid the Solicitor for drawing & lodging the Appeal.	45: 0: 0
To Council Fees w th y ^e Petition of Appeal, The printed Case for the Lords, & on y ^e Hearing y ^e Appeal, w ^{ch} by reason of its extraordinary length, it is computed will take up at least 5 days.	126: 0: 0
To Chamber & other Fees at the Council Office, & to y ^e Solicitors bill for Briefs &c ^a . & attendances, w ^{ch} by reason of y ^e great length of y ^e Proceeding will amount to at least	200: 0: 0

£ 747: 4: 1

[Indorsed] His Maj^{ty}. in Councils Order in the Affair of the Mohegan Indians, in 1740, and S. Masons acco^t. of Expen^{ce}.

PETITION OF THE TOWN OF NEW LONDON.

To the Hon^{ble} Joseph Talcott, Esq^r., Govern^r. of His Majesties English Colony of Connecticut In New England.

The Petition of the Inhabitants of the Town of New London In the Colony afores^d. assembled in Town meeting on y^e 1st munday of Jan^{ry}. Instant Humbly represents

That His Majesty the King of Great Britain our Rightfull Sovereign: Takeing into his Princely Consideration the unjust Sufferings & Loss^s. of many of his good Subjects, by the unjust Depredations, Hostile Acts & unlawfull Captures made by the Subjects

of the King of Spain, hath for the obtaining Reparation thereof, Grant^d. Letters of Marque & Reprisall under the Great Seal of England against Spain

That the warlike preparations of the Nation & Progress of affairs between S^d. Kingdoms affords dayly a greater prospect of an Open Rupture & further Spread of War & Hostilitys

That we have the uttmost reason to Expect the Same will Extend to the Provinces & English Settlements in north america, & to this Colony among y^e Rest.

The Justice of w^{ch}. our apprehensions are abundantly Confirmed from our Experiences in y^e Last Warr; as also from y^e preparations the neighbouring Provinces are makeing to fortifye & defend themselves.

That y^e Town & Port of New London is in a very naked & defenceless Condition. That s^d. Port is an outward Port & y^e Cheiff haven & harbour In this Colony, & very Lyable to a Surprizal by the Sudden Approaches & Invasion of our Enemies. y^t. the advancement hitherto made by this Colony (w^{ch}. however we thankfully Acknowledge) are very ineffectuall to Defend against Said perrills or to Enable us to Resist and disapoint the weaker attempts of our Enemies, that the Success of the English force Lately had against the Enemy admonishes us of the Like Calamity by their Sudden attack.

That S^d. Town & Port being put into a proper State of Defence Greatly affects y^e navigation & Commerce of this Colony & his Majesties Subjects Trafficking with us by sea, & in Consequence is Greatly for y^e Interest of the Colony as well as the Safety & protection of the Town afors^d. as is very obvious to Every one who Considers y^t. all our ves-

sells are obliged here to Enter & Clear, y^t. there is no fort Erect^d. in any port or Haven upon all the Sea Cost thrôut this Colony, nor vessell of force to Guard y^e Same; & So no Safety to them who Go out, nor to them y^t. Come in: nor Refuge for the pursued; but much greater Danger in the Harbour yⁿ. without.

That this weak & undefenced State & Condition of the Town & port afors^d. Renders us an Easie Prey to the violence & Invasion of our Enemies & will in all Reasonable Construction Invite their attempts against us. Seeing or hearing Convincing us that we Live Carelessly without walls or Strong holds, or other defence under Heaven, & are unworthy the Care of Providence without the Exercise of prudent Endeavours for the Safety of our Lives & fortunes.

That we our Selves are unable to Sustaine the Charge of such fortifications & defences as the necessities & Circumstances of the Case Demand.

In this Dangerous Scituation of affairs not to be wanting to our Selves in Regard of what by the Laws of God & nature we are obliged to do In Defence of our Lives, familys & Interests, by & with y^e Common advice & vote of the Town afors^d. have Judged it Expedient to Lay this Remonstrance before your Hon^r., Praying your Hon^r. to take the Same Into your Wise Consideration & to order your Councill thereupon to be Convented, before whome the Premiss^a. may be fully Deliberated & Such Result thereupon made as Shall be Judged most Effectuall for the Security of the Town & Port afors^d. & for y^e prevention of y^e Calamity^a. Justly feared, & as we are very Sensible no Effectuall Relieff against the Impending dangers Can be afford^d. but by the

Gen^l. assembly of this Colony we therefore Earnestly beg y^t. the Same may with all possible Expedition be assembled at Such Place as your Hon^r. Shall Ap-
point upon So Speciall Emergent an Occasion of Equal Importance with y^e Lives, Estates, & Commerce of So many of His Majestes Loyall Subjects, & further to Enforce our Request we Beg Leave to observe to your Hon^r.

1st. that these dangers are not Shadows of the mountains but are too real, too well grounded, and too notorious to be denyed, & y^t. the neglect of the Case (with Submission to your Hon^r.) Can^t. be vindicated before God & the King.

2. y^t. the danger is Too Imminent & Threatning to allow the Day, matters & measures of a defence against the Same to be delayed untill the Stated Sessions of the Gen^l. assembly in May next. Then to have a fortification to begin, & to have to Send to England for armament to Equipp the Same, within w^{ch}. Time we may Reasonably Expect an Invasion. So y^t. Timely & Seasonable Succour will not be afforded in Case of such suspension, but Rather we at Best shall have a fort (or what Ever other muniment) to begin, when its use & Effects are most needed, & have it finished when there is nothing Left to defend.

3^{dly}. the Justice of our Request is most Apparent from y^e very nature, Grounds & Principle upon w^{ch}. y^e war we fear proceeds, viz^t. at the Instance of Some few of his Majesties Subjects, petitioning his aid & protection in Redress of their Loss^s. Sustained by y^e Injurious insults of y^e Spaniard, and we having Equal Right to the King's aid & protection for prevention as they, for whose sake this Commotion is made, had, or have for Reparation of

Loss^t., We may therefore Expect it of his Majestes Governm^t., Least their Loss^t. afors^d. be Retrieved at the Expence of our Lives & Estates too. A miserable Reprizall Indeed, & will poorly Countervail the King's damage — --- to Conclude —

Lastly. Forasmuch as the Colony hath not as yet been much Burthened, nor the publick Treasures Exhausted wth. Expensive fortifications & Garisons to defend their frontiers by Sea & Land, as the neighbouring Province^s. have, the Charges thereof Can not be Distressing nor Justly Esteemed Grevous to the Inhabitants at this day. But we Rather hope y^t. as all the other Provinces afors^d. are not only in a proper State of defence, but are Less or more provided for y^e offensive part & to Contend with y^e Enemy in Battle. So this Colony upon Like Occasion will Exemplifye that figure & heroick dignity it hath a Right to assume, as well for the Hon^r. of y^e Governm^t. as the Safety of its borders, & to provide, arm & Equip a Suitable vessell to Guard the Coasting vessells, & to be also Ready on other Occasions, as well as Erect proper fortifications to defend the Town & vessells in y^e Port afors^d. w^{ch}. Traffick managed by our Coasting vessells, as it is for y^e mutuall advantage & Interest of this & the neighbouring Governments, they very probably would Joyn us therein. But as to the Kind & degree of defence & fortification we shall Submit that, as a matter proper only to be Concert^d. by y^e Gen^l. assembly, when Conven^d., observing only y^t. a Liberall advancement for y^e protection & defence of his Majestes Subjects, (as it is y^e highest Instance of duty & Loyalty: to his Majesty,) will Greatly Serve to Recommend this Colony & y^e people to y^e Royal favour.

We pray y^r. Hon^{rs}. wisdom & Influence may be Exerted for us in Regard to the Important premiss^s., & being Intirely assured of your Hon^{rs}. due & Tender Regard of our Safety & welfare as also for y^e Safety & welfare of all the ppl. under your desirable administration,

We therefore Commit the Case & Success thereof to the Issue of Providence & wise Care of your Hon^r.

Ever praying as in duty Bound, &c.

Att a Town Meeting held in New London by Adjournm^t. on Monday the 7th. Day of Jan^{ry} A: D: 1739/40.

The foregoing Petition of the Town of New London being Read in Town Meeting is Approved and Voted Nemene Contradicente. And Mess^{rs}. John Curtis, Jer: Miller, John Richards, Tho^s. Prentiss and Nathaniel Saltonstall, are Desired Nominated and Appointed in the Name and Behalf of S^d. Town to Prefer and Lay the Same before his Hon^r. the Gov^r. and further Attend the Prosecution thereof before the Councill, and Gen^l. Assembly,* if they Shall be Convened on this Occasion.

A true Copy of Record Test

DANIEL COIT, *Town Clerk*.

[Indorsed] N. London Voat Laide before the Councill, feb: 7th: 1739.

40

GOVERNOR TALCOTT TO JOHN RICHARDS.

HARTFORD, March 13th: 1740.

S^r.: Youres of March 3^d. I have y^e favour of, and am glad youre people are, as I suppose, something more easie, in y^t they intend to apply to

* Colonial Records, VIII. 313.

our Next Gen^l Assembly, &c. But as to y^e concern of y^e Probates, this my 3^d letter comes to desire, and pursuant to y^e Intent as I suppose of y^e Gen^l Assembly, to direct, that you order y^e Clerk of youre Probates to make a Critical Inspection into y^e Records of Probates, and so farr back as he findes will Ellustrate that Lands as well as Moveables had been used to be distrybuted, and so downward, he may be able to sware that having carefully searched y^e Records, &c., and do sware and testified that from such a time to such a time: it was (universally) or y^e Gen^l practice in that County, & for our Courts of Probates in that County, to order the Lands of such as Died Intestate to be divided amongst all y^e Children of the deces^t, and the distrybutions Returned into y^e s^d Court are so as appears on Record (or file) in the Office. This to be sworn to by y^e Clerk. Then let him Draw out one or two of the most antient orders of Court, and Copies of Distrybutions upon y^e same, and attest them to be True, as appeareth on Record. Then I suppose from 171 or 2 the Courts in that and all y^e Government Distrybuted y^e Lands of Intestates universally, &c, untill in y^e Case between M^r Winthrop & M^r Leachmer, his Majesty was pleased to forbid it. This he must allso (if he can) make oath to. Then lett him take out severall orders of Courts, of such an one dying Intestate; administration was Comitted to, &c., acct. of inventory exhibited; Cleare Estate being so much, this Court order a distrybution on s^d Estate, so; such appointed Distrybutors; then a Copy of the Distrybution, and the Court's acceptance: and these Copys he must attest. I againe give you some short tho' plaine Directions Not to hinder your adding any thing Materiall: In yours I had in February, when

y^e Councill sat, you inform'd me y^t M^r Curtice, youre Clerk, with youre advice had drawn out these things, and now at Hartford I might Inquire of him about it. But as in my letter to you then, so now I informe you y^t I never saw M^r Curtice, nor knew he was in town untill y^e Councill mett me: and he went out of town before the Councill had finisht the business they mett upon; so y^t I had no opportunity to wait upon M^r Curtice: Nor did he say one word to me about it, Nor left me any Copy or Intelligence. And all other Clerks having sent, &c., and youre Lyeing behinde hinders me and y^e Gen^l Ass. in proceeding to send them with Instructions to y^e Agent, and as before desier you hasten y^e matter, or surely blame will ly somewhere.

I am, S^r,

youres to Searve,

J. TALCOTT.

FRANCIS WILKS TO GOVERNOR TALCOTT.

LONDON, 24th March, 1739.

The Hon^{ble}: JOS: TALCOTT, Esq^r.

Copy 7/ Capⁿ. Remick.

S^r: I received yours, the Contents of which have duly observed, & have had a Hearing before the Lords of Trade upon the Indian Affair, but they have not as yet made any Report thereon; a more particular Account shall send you in a few Days by Capⁿ. Fones. I find y^e Council clear in Opinion that if the Sentence of y^e Commissioners in Queen Ann's time had been produced & made part of the Record, no doubt would have remaind of getting y^e last Judgment affirm'd. Nothing farther can be done in y^e Affair at present. I have Consulted

about y^e Affair of the Intestate Law, but having been Confined by Illness for some time, have not done anything in it. If I find any prospect of Success, you may depend on my best Endeavours to serve y^e Colony. I am, with great Regard.

LONDON, April 5th, 1740.

S^r. The above is Copy of what wrote you last, which this Confirms, & Inclosed you have the Breviate* which y^e Council had when y^e Case was Pleaded before the Lords of Trade, by which you'll see what Instructions were given & spoken to. Their Ldships have not as yet made any Report upon y^e Case. When it's done, I shall send you Copy thereof, & write you further. In y^e mean time I am, with great Respect,

Hon^{ble}. Sir,

Your most Hum. Serv^t,

FRA WILKS.

JOHN READ TO FRANCIS WILKS.

BOSTON, 1st. April, 1740.

S^r. I Send you two letters to Messrs. Richard Partridge & Jon^a. Belcher, to have been given them in Case of your death, the Case between the Mohegan Sachem & Colony of Connecticut, in marble colored paper, a book of Evidences taken upon the late petition of John & Samuel Mason, a Letter to the Lords of Trade, Gov^r Talcot's letter to you, w^{ch} you will know what use to make of to the best advantage of y^e Gov^t, also a Letter to his Maj^{ty} from the Rhode Island Comissioners, which I think not proper. It comes, I perceive, between us, at the instance of some gent. of Connecticut. Tis enough for M^r. Horsmanden who misled his brother

* This inclosure is not among the Talcott Papers.

Comissioner from New York, to write epistles to the King. And an Indian letter from Ben Uncas to the King; do what you will with it, for all me.

You have my State of y^e Case, wherein observe the figures in the Margin shew the page of y^e Case tried, till you come to my Observations upon it, & there the marginal figures shew the page of the book of Evidences.

The Gov^r and Magistrate mentioned in the Writing of 1640 were English Gen^l.* Edward Hopkins† was he that made his Testam^t & devised £500. to the College in New England, recorded in the Court of Chancery ab^t 1710. George Wyllys was one that returnd to England with his Eldest Son, & died there at his own home,‡ leaving his younger Son one of the patentees in the Charter made 14 K. Charles 2^d. to the Colony, a Counsellor there till old age, & his Son is so after him, & his Grandson is the present Secretary. And they knew what they did, & would not have taken a Deed of Uncas for a foot of land, because they knew he had none.

* The Governor and Magistrates at the time of Uncas' deed of Sept. 28, 1640, were: Mr. Hopkins, Governor, Mr. Haynes, Deputy-Governor, Mr. Wyllys, Mr. Ludlow, Mr. Wells, Mr. Phelps, Mr. Webster, Magistrates. — *Manuscript volume relating to the Mohegan Case, in the possession of the Connecticut Historical Society.*

† Edward Hopkins, Governor of Connecticut in 1640, and after; one of the original proprietors of Hartford; he returned to England in 1652, where he was Warden of the Fleet, and Keeper of the Palace of Westminster; he died in London in 1657, leaving money in his will "for the building up of hopeful youths in the way of learning." — *Memorial History of Hartford County, I. 246.*

‡ This statement is incorrect. George Wyllys, who came to this country in 1638, was the third Governor of Connecticut, and died in Hartford in 1645. His eldest son, George, did remain in England, at the family estate at Fenny Compton, Warwickshire, where he died in Dec., 1670. Samuel, the younger son of Governor George, lived in Hartford, as mentioned in the letter; his son Hezekiah was the first Secretary Wyllys, and his grandson George was "the present Secretary" in 1740, and continued in the office until his death, April 24, 1796.

I have had these papers long in my hands, because they came in a time I could not attend them, & I was afterwards also hindered by indisposition: but hope the Earnest pursuit of y^e war with Spain will yet make them Early enough.

I am, S^r,

Y^r most humble Serv^t,

JN^o. READ.

[Superscribed] To FRANCIS WILKS, Esq^r, London.

INSTRUCTIONS FROM THE KING.

George R. Instructions for Our Trusty and Wel-beloved the Governor and Company of Our Colony of Connecticut in America, or the Governor and Company of Our said Colony for the time being. Given at our Court at S^t. James's, the Second Day of April, 1740, in the Thirteenth Year of Our Reign.

(L. S.)

Having been called upon by repeated Provocations to declare War against Spain, We are determined, by God's Assistance in so just a Cause, to vindicate the Honour of Our Imperial Crown, to revenge the Injuries done to Our Subjects, to assert their undoubted Rights of Commerce and Navigation, and by all possible means, to attack, annoy and distress a Nation that has treated Our People with such Insolence and Barbarity.

1. We have therefore given Orders for the equipping and setting forth of an Expedition against the Territories of the Catholick King in the West Indies; which will consist of a large Squadron of Our Ships of War, and of a considerable Body of Our Land Forces, with a suitable Train of Artillery, Store Ships and Transports. The Fleet to be

commanded by Our Trusty and Welbeloved Edward Vernon, Esq^r, Vice Admiral of the Blue Squadron of Our Fleet, and Commander in Chief of Our Ships, employed or to be employed in the West Indies; and the Land Forces, by Our Right Trusty and Welbeloved Charles Lord Cathcart, Major General of Our Forces, whom We have appointed Our General and Commander in Chief of the said Expedition. We have also determined to raise a Body of Troops in Our Colonies on the Continent of North America, to join those to be sent from hence, at a particular Rendezvous, which will be appointed for that purpose, and to act in Conjunction with them, under the Command of Our said General, in such Dispositions as shall be made for Our Service; And altho we have not thought fit to fix any particular Quota for Our Colony of Connecticut under your Government, because We would not set Bounds to their Zeal for Our Service, yet considering the great Number of Inhabitants in Our said Colony, and that they have of late Years been much encreased, We doubt not in the least but they will exert themselves upon this Occasion, as far as the Circumstances of the Colony will allow, being assured they cannot render a more acceptable Service to us, and to their Mother Country, or do any Thing more essential for their own Interest.

2. It is Our Will and Pleasure that you do, with the utmost Zeal and Diligence, promote and encourage so necessary a Disposition, for which purpose you will forthwith summon all Our Councillors to attend you in Council, and communicate to them these Instructions, that they may be the better able to advise and assist you in the Execution of them, and in the appointing of such Officers for the Command of the several Companys to be raised, as are known to be

Men of Interest in their Country, and well disposed to Our Service.

3. It is Our Intention, that the Troops to be raised in Our Colony of Connecticut shall consist of Companys of One Hundred Men each, including Four Serjeants, Four Corporals and Two Drummers, besides their Commission Officers, which shall be one Captain, Two Lieutenants and an Ensign; But We have reserved to Ourselves the Nomination of the Field and Staff Officers, and of One Lieutenant for each Company, who will be Men of Experience in Service, and sent from hence for their Assistance, to meet them at the General Rendezvous appointed in the West Indies. Your Troops will likewise be furnished with One Serjeant for each Company, by Draughts of Old Soldiers out of the Four Independant Companys at New York, for which purpose the necessary Orders will forthwith be given. All the other Officers are left to your Nomination, and you will receive Blank Commissions under Our Sign Manual, for them to be filled up with such Persons, as you shall think proper, Taking the Advice and even the Recommendation of Our Council therein, so far as may be consistent with Our Service, and the Dispatch requisite upon this subject. But if the Number of Blank Commissions, sent to you upon this Occasion, shall happen to be more than the Companys raised in your Government do require, you are hereby directed to return the Remainder by the first Opportunity to One of Our Secretarys of State. And you shall return a List of the Officers, whose Names you shall have inserted in any Commissions by Virtue of these Our Instructions, to whom the same shall be delivered free of all Charges, and without Fee, Gratuity, or Reward, upon pain of Our highest Displeasure.

4. You are likewise directed forthwith to issue a Proclamation, giving Notice of Our Royal Intentions in this behalf, inviting Our good Subjects chearfully to enlist in Our Service, and assuring them, that the Troops to be raised, in pursuance of these Our Instructions, as well Officers as Soldiers, shall enter into Our Pay, and enjoy the same Rank and Pay with the rest of Our British Troops, so long as they shall continue in Our Service.

5. And that you may be the more fully informed of Our Pleasure, with respect to the Troops to be raised in your Colony, We have thought fit to declare, that all the Serjeants, Corporals, Drummers and Private Soldiers shall be entitled to receive Our Pay from the respective Days on which they shall be enlisted, pursuant to such Certificates as you shall judge sufficient for that purpose; and that the Commission Officers shall enter into Pay from the Day their Commissions bear Date. And they shall take Post and Rank in the respective Battallions, into which they shall be formed, according to the Date of the Certificates, by which it shall appear, when each Captain respectively had compleated his Levys.

6. And as a further Encouragement to such Officers and Soldiers, as shall engage in the present Expedition, you may assure them in Our Royal Name, that the Soldiers shall not only be cloathed and armed, according to the Samples that will be sent herewith, and furnished with Tents, and entertained in Our Pay, but that after their Arrival at the General place of Rendezvous, they shall be provided for in every other respect, as Our British Troops; That they shall likewise have their just Share and Proportion of all Plunder, or Booty gained, or taken from the Enemy, according to their Services; And if, by

the Blessing of God upon Our Arms, any of the Enemy's Lands, or Settlements shall fall into Our Hands, Our American Troops shall have a Share thereof, as well as the rest of Our Forces, in preference to all other Persons, that shall not have engaged in the present Expedition.

7. And We do further declare, that so soon as the present Expedition shall be determined, whatever the Success thereof may be, all the Troops raised in Our American Colonies for this purpose, as well Officers as Soldiers, shall have free Leave to return to their respective Provinces, and shall be transported thither at Our Expence, except those only, that shall chuse, for their own Advantage, to settle, or remain in such Places or Garrisons, as may fall into Our Hands, where they shall receive all due Encouragement. And the Soldiers, whether they remain there, or return home, after the said Expedition, shall retain their Arms and Cloathing.

8. But We trust and expect, that Our Assembly of Connecticut will provide Victuals, Transports and all other Necessaries for the Troops to be raised in Our Colony, except their Cloaths, Tents, Arms, Ammunition and Pay, till their Arrival at the General Rendezvous in the West Indies, from which Time the said Transports shall enter into Our Pay. And you are hereby directed, without Loss of Time, to recommend to the said Assembly, in Our Name, to make such Provision, that the Expedition may not be retarded for Want thereof.

9. We recommend to you also to engage such Persons within your Colony in the present Expedition, both for the Transport and Land Service, as have at any time been resident in, or have a particular Knowledge of the Spanish Ports, Coasts, or Settlements

in the West Indies; And you may assure such as are able Pilots for the said Coasts, that their Service shall meet with all suitable Encouragement.

10. And that nothing may be wanting on Our Part towards the promoting and compleating of this important Design, we have thought fit to appoint Our Trusty and Welbeloved Major Gen^l. Alexander Spotswood to be Quarter Master General of all Our Forces in this Expedition, and to take upon him the Command, Conduct, Discipline, Disposition and Embarkation of Our American Troops, so soon as they shall be raised: You are therefore, from time to time, to correspond, confer and advise with the s^d Maj^r Gen^l Alex^r Spotswood in all Matters, that may tend to the promoting these Levys, and the Completion of Our Design.

11. We have also thought fit to dispatch Our Trusty and Welbeloved Colonel William Blakeney from hence, whom We have appointed to be Adjutant General of all Our Forces to be employed in the present Expedition, with Samples of Cloaths, and also with Arms, Ammunition and other Necessaries, for the use of Our American Troops: and whatever may be further wanting, shall be sent them either before their Embarkation, or shall meet them at the General Place of Rendezvous in the West Indies. And as We repose especial Trust and Confidence in the said Colonel Blakeney, it is Our Pleasure, that you should admit him also into all your Consultations, relative to these Instructions, whenever he shall be within your Precincts.

12. We depend upon your punctual Compliance with these Our Instructions; We recommend the several Matters therein contained to you, Our Governor and Company, to Our Council, to Our Assembly, and

to all other Our good Subjects in the Colony of Connecticut, so far as may concern them respectively. And We do expect, that you should by the first and every other Occasion, that may offer, send Us a full and clear Account of your proceedings herein, by Letter directed to One of our Secretarys of State.

G. R.

[Indorsed] Instructions for the Governor and Company of Connecticut, from his Majesty, Dated the 2^d of Aprill, 1740, for Raising Leavies, &c.

Come to hand

SECRET INSTRUCTIONS FROM THE KING.

George R. Secret Instruction for Our Trusty and Welbeloved the Governor and Company of Our Colony of Connecticut in America, or the Governor and Company of Our said Colony for the time being. Given at Our Court at S^t James's, the Second Day of April, 1740, in the Thirteenth Year of Our Reign.

(L. S.)

Whereas We have been graciously pleased to charge Ourselves with the Cloathing, Arming and Pay of the Troops to be raised in Our Colony of Connecticut under your Government, and have likewise given them many other great Encouragements to enter into Our Service, as, by your Instructions upon that Subject will appear, and therefore have Reason to hope that the Assembly of Our said Colony will make no Difficulty of complying with Our Eighth Instruction to you, whereby you are order'd to recommend to them to provide Victuals, Transports and all other Necessaries for the Troops to be raised by

them, except their Cloaths, Tents, Arms, Ammunition and Pay, till their Arrival at the General Rendezvous in the West Indies: However, that this Expedition may not be defeated, for want of an early and sufficient Supply of Transports and Provisions, in case Our said Colony shall heartily exert themselves in the Execution of the rest of Our Orders, and shall, within a reasonable Time, raise a large Body of Men for Our Service, if they cannot be induced forthwith to comply with Our Orders herein, you are hereby empowered to engage Transports and secure Provisions, for the purpose aforesaid, upon the best Terms you are able, and to draw upon the Commissioners of Our Navy for the Payment thereof.

G. R.

[Indorsed] Secret Instruction for the Governor and Company of Connecticut.

EX-GOVERNOR SPOTSWOOD* OF VIRGINIA TO GOVERNOR TALCOTT.

GERMANNA, IN VIRGINIA, Apr. 3^d, 1740.

Sir: The Pacquet, which I now transmit to you, from the Duke of Newcastle, His Majesty's Principal Secretary of State, came to my hands yesterday; the

* Alexander Spotswood, Governor of Virginia, was born in 1676, at Tangier, then an English colony in Africa. He served with distinction under the Duke of Marlborough. He arrived in Virginia in 1710, as the Deputy or Lieutenant of the Earl of Orkney, the non-resident Governor and Commander-in-Chief of the Colony. His administration was vigorous and efficient until his removal in 1722. As he possessed an extensive tract of land in the county of Spotsylvania, he remained in Virginia, engaged in the manufacture of iron. In the year 1730, he was made Postmaster-General for the American Colonies. He was appointed Major-General of the forces raised for the expedition against Cartagena, but while on the eve of embarking with his troops, he died at Annapolis, Maryland, June 7, 1740. — *Collections of the Virginia Historical Society. Official Letters of Alexander Spotswood, Lieutenant-Governor of Virginia, I. vii-xvi.*

Colchester Man of War being sent Express to bring the same to me; And as His Ma^y has honoured me with the Charge of Concerting Measures with all His Governors here on the Continent of America, for y^e assistance which their respective Provinces may afford towards an important Expedition now on foot, against the Spanish Settlements in the West Indies, I purpose for that end very soon personally to Kiss your hands.

In the mean time His Grace's Letter will, I doubt not, induce you zealously to set about the encouraging the People under your Government to engage in so glorious an Undertaking; which they may certainly look upon as a Golden Adventure: Especially when they learn that Vice-Admiral Vernon has already obliged the Inhabitants of Porto Bello to redeem their Town from being burnt, by the Payment of Three Millions of Pieces of Eight, besides his taking there 2 or 3 Spanish Men of War & 15 or 16 Merchant Men. Now if the Admiral could atchieve this with the Squadron at present under his Command, what Place on the Coasts of the Spanish West Indies can withstand our Attempts, when reenforced with another Squadron of Men of War and Eight or Ten Thousand Land Forces from Europe, together with five or Six Thousand Volunteers inured to the Climate of America, which we may probably raise upon this Continent & in our Islands in the West Indies?

As an Inducement to your People to engage in the intended Expedition, it may not be amiss to Remark to them the very prudent Care which his Ma^y has taken of their Interests, by appointing an old experienced Officer, (who has resided among them 25 years, and has his Estate fixt in this part of y^e World,) to have the particular Command of the North

American Forces, whereby they may assuredly expect that He will be a strenuous Stickler in their behalf to have Justice done them in their due Share of the Booty.

Your honouring me with your frequent Correspondence at this critical juncture, and informing me of the Progress you make in the intended Levies, or of what Success you expect therein, may very much conduce to the orderly carrying on the present Service; And whatever Government I may happen to be in, my Deputy Post-Masters will safely convey your Letters to, S^r,

Your Most Obedient
Humble Servant,

A. SPOTSWOOD.

Gov^r of Connecticut.

FRANCIS WILKS TO GOVERNOR TALCOTT.

LONDON, 5th April, 1740.

To The Hon^{ble} JOSEPH TALCOTT, Esq^r.

(Copy 7^d Cap^a Fones.)

S^r. The above is Copy of what wrote you last, which this Confirms, & inclos'd you have the Breviate which the Council had wⁿ the Case was Pleaded before the Lords of Trade, by which you'll See what Instructions were given & Spoken to. Their Lordships have not as yet made any Report upon the Case. When it is done, I shall send you Copy thereof, & write you farther. In y^e mean time I am, with great Respect.

LOND^o. 8th May, 1740.

S^r. The foregoing is Copy of my last. Inclosed you have the Votes of the House of Commons, by

which you'l see what Resolutions the House came to Concerning Paper Currency in the Plantations.* I was not well enough to Attend, but did what I could to Prevent it, though to no purpose. Something farther will be done next Sessions, by which I hope you'l send me proper Instructions to Represent the State of the Colony, & to Oppose any thing that you Apprehend will do damage.

I have not as yet reced Copy of the Report Concerning the Indians Claim. It is made, and waits only a Committee of Council to Order me a Copy, when it shall be sent you. I had The Rev^d M^r. Hillhouse† with me, who told me he had a Claim in

*“ April 10, 1740. Resolved that an Humble address be presented to his Majesty, That his Majesty will be graciously pleased to give Directions, That there may be laid before this House, Copies of the Instructions to the several Governors of the British Plantations in America, whereby they are directed to observe, and to put in Execution an Act of the Sixth Year of the Reign of her late Majesty Queen Anne, intituled an Act for ascertaining the Rates of the foreign Coins in America; and also relating to their not giving their Assent to any Acts of Assembly for the striking and issuing any Paper Bills of Credit in lieu of Money; and likewise relating to the passing any Bill, or Bills, whereby the Trade or Navigation of this Kingdom may be anyways affected.”—*Journal of the House of Commons*, XXIII. 518.

†The Rev. James Hillhouse was born in 1687 at Free Hall, in the County of Derry, Ireland, educated at the University of Glasgow, and came to Boston about 1720. He was called to the ministry in the North Parish of New London, and ordained there in 1722. In 1732 a number of the inhabitants of the parish petitioned the General Assembly, stating that there was much dissatisfaction in the church, and asking the Assembly to appoint a committee to account with Mr. Hillhouse about his salary. The trouble became more serious, and in 1735 Mr. Hillhouse memorialized the General Assembly that £400 of his salary had not been paid. The same year a council of neighboring ministers was held, which directed Mr. Hillhouse to resign. He did not recognize their authority, and continued preaching and administering the sacraments in his own house, and in 1736 he applied for admission to the Presbytery at Boston, who admitted him, deciding that there were no serious accusations against his character. In the mean time the committee of the Assembly decided that the parish was in arrears to Mr. Hillhouse for £587. 9. 3. of his salary, and advised that the Sheriff of New London County collect the money within two months. In June, 1737, another council or consociation of ministers met, and it being testified that Mr. Hillhouse had published

your Colony, which he Apprehended a very just One, but was in the Law about it, & might have much trouble, to Prevent which he was willing to leave the same to reference, & desired me to mention it to you, in hopes you would use your good Offices to get the Affair finished without coming over here by way of Appeal, and which I shall be glad to hear. If any thing can be done for the relief of the Colony in getting the Intestate Law Established, you may depend on its being done, about which I have and shall make enquiry, if any thing to be done. I apprehend it must be by Parliament, about which you shall have Advice in time for next Winter Sessions, they being now Prorogued.

I am, With great Respect,

Your Hon^{rs}

most Obedient Serv^t,

FRA WILKS.

an abusive pamphlet regarding the action of the council of 1735, and Mr. Hillhouse refusing to appear before the council or acknowledge their authority, it was ordered that he should be deposed from the ministry. Mr. Hillhouse still continued the exercise of his functions, and in 1738 again petitioned the General Assembly, claiming that the parish owed him £3,190, on account of arrears of salary, interest on the said arrears, and the loss caused by the depreciation of the currency since 1722. In 1739 the Rev. David Jewett was ordained over the parish, but Mr. Hillhouse still continued his ministerial labors. In May, 1740, he petitioned the Assembly again, but his petition was negatived. He died Dec. 15, 1740. Probably some of the trouble was caused by Mr. Hillhouse's following the Presbyterian order of church discipline, as in one petition his parishioners stated, "he is baptising, oblidging Parants to bring up their children according to y^e Westminster or Assembly's Catechism, and sett some men chosen by his Church apart by prayer to assist him in managing the prudential affairs of s^d church, which we understood was agreeable to the Practis of the church of Scotland."—*Connecticut Archives: Ecclesiastical*, VI. 148, 153, 157, 161, 166, 169, 170, 181, 183, 192. *Colonial Records*, VIII. 25, 44, 204, 315. *Miss Caulkins' History of New London*, 432-4. *Uptike's History of the Narragansett Church*, 504.

DUKE OF NEW CASTLE TO THE GOVERNOR AND
COMPANY.WHITEHALL, April 5th, 1740.

Gentlemen: I acquainted you in my Letter of January the 5th. with His Majesty's Intentions to send from hence a large Body of Forces under the Command of my Lord Cathcart, in order to make an Attempt upon some of the most considerable of the Spanish Settlements in the West Indies; which are to be joined by such a Number of Troops, as may be raised in His Majesty's Colonies and Islands in America; And at the same time I sent you His Majesty's Directions, to be making the necessary Dispositions, in order to facilitate, as soon as possible, the raising the Troops within your Government: And I informed you that Col^o. Blakeney, who is appointed Adjutant General in this Expedition, would set out from hence, as soon as possible, with the King's more particular Instructions and Directions to you, and the other Governors in America, relating to this Matter; and His Majesty doubts not but that, in Consequence of these Orders, you will have taken the necessary Steps to get the Levies in as much Forwardness as possible.

I now send you inclosed His Maj^{ty}'s Instructions, under His Royal Sign Manual, containing particular Directions for your Conduct in every Thing relating to the Performance of this Service, which are so full, that they leave me nothing to add, but to recommend to you the utmost Care and Diligence in the Execution of His Majesty's Orders, and particularly in procuring as great a Number of Men, as you possibly can, to enlist; which, by the great Encouragement which (you will see by your Instructions) His Majesty's [*sic*] has thought fit to give to such Persons as

shall enter into His Service, on this Occasion, it is hoped, may be easily done. You will see that Col^o. Blakeney carries with him from hence only 3000 Arms; You will not however limit the Number of Men to be raised within your Government, in proportion to that Number of Arms; since my Lord Cathcart will carry with him a Quantity of Spare Arms and Cloathing, in case it should be practicable to raise a greater Number, than the Three Thousand, for which Col^o Blakeney carries with him Arms, and Money for their Subsistence.

As you cannot but be sensible of the great Importance of this Service, and how much the Honour of His Majesty's Crown, and the Interest of His Subjects (especially Those in America) are concerned in the Success of this Expedition, I am persuaded, you will omit nothing on your part, that may contribute thereto, by doing all that lies in your Power to promote the Levies, as soon, and as effectually, as may be, in which you will judge, from the advanced Season, there is no Time to be lost, and you may be assured, that your Zeal in the Execution of the King's Orders on this Occasion, will be graciously accepted by His Majesty.

Major General Spotswood, whom His Majesty has been pleased to appoint Quarter Master General in this Expedition, and Colonel of the Troops to be raised in America, will receive His Majesty's Directions to sail with such a Number of the said Troops, as He can get together, so as to be at the Place appointed for the General Rendezvous by the latter End of August, or the Beginning of September next; And he will leave Directions with proper Persons to follow him with the rest of the Troops, as they shall be raised.

And if you should find Difficulty in raising the Men within your Government by the Methods, that may occur to you for that purpose, It is His Majesty's Pleasure, that you should, in that Case, permit Major General Spotswood, Col^o. Blakeney, or any Persons appointed by them, to beat up for Volunteers, and that you should, to the utmost of your Power, assist them in it.

I heartily wish you Success in the Execution of His Majesty's Orders, and am,

Gentlemen,

Your most obedient

humble Servant,

HOLLES NEWCASTLE.

Gov^r. and Company of Connecticut.

[Indorsed.] April 5th, 1740. Instructions from D. Newcastle to Gov. & Com. Connecticut.

GOVERNOR TALCOTT TO FRANCIS WILKS.

Sir: Our Generall Assembly, in Octob^r last, were Informed that there would be apeals brought, from some of our Courts of Probate of Wills & granting of administration, &c., to the King's Majestie in Council, and perticularly that one M^r. Sam: Clark of Milford would aply himself to the King, in reference to the Settlement of his father's Reale Estate, who claimes the Same as heire at law, &c: which Information occasioned the s^d Assembly to Consider the greate confution that must fall upon this Colony if we have not, or are not allowed to Settle Intestate Reale Estate according to our antient Law, which the King hath declared Voide: whereupon the s^d Assembly have desired me to write to you, and pray your care in the affaire; and if M^r. Clark or any

other person should bring their Complaint or appeal to the King's Majestie in reference to Reale Intestate Estates, that then you would assist the Younger Sons with your best Advise, and lend them (if need be) any of our papers in your hands: And we now Send you a New Set of Copies from off our Several Probate Records, which may perhaps be Servicable to some Younger Sons; And Since in that private Suite between Mess^{rs}. Winthrop & Lichmere, our Law, which was of a Publick Nature, and is of the greatest consequence to the Colony, was by the King declared Voide, and this Corporation Never heard thereon, we can't but hope that your appearance for any of the Younger Sons will have its weight, and be of Greate Serviss. And if there should any Matter Relateing to Real Intestate Estates come before the King, and the Eldest Son should not be able to carry his poynt, that then you take hold of such an oportunitie, and by a New Adress (in behalf of this Corporation) lay the Matter before his Majestie; we suppose we have much to say in favour of our s^d. Law, it is verry aparent it hath been the usage of all New Countrys, we might refer to the antient Records & Historys of the Greeks, Romans, & even of the antient English, before the conquest of Duke William; and as other nations, as well as our own, thought it Impracticable to Settle and build up a New Country without deviding the Lands amongst the Childeren of the Ancestor, we are Sure we have the Same Reasons to part our Reale Estates as they in other Countrys have had. It is now 104 Yeares Since our predecessors Settled in this Colony, who upon all occations (in their Courts of Probate) Settled Reale Intestate Estates amongst the Childeren of the Deceased ancestor, the eldest Son having a double por-

tion, which practice or Custom, when we procured a Charter of King Charles the 2^d, was presently Enacted into a Law, and Estates were accordingly Settled, untill the unhapie Controversie of the before mentioned Gent., when the King declared our s^d Law voide; and from the time of our Settlement heare, which was in 1636, unto the time that the King declared our s^d. Law voide, there had Elapsed above 90 Yeares, in which time almost all the Real Estate in the Colony had been Settled according to the above named Law; for the Inhabitants of the Colony, seeing that our Assembly had made a Law so well calculated for the good of the Colony, rested therein, and there was but few persons that Settled their Estates by Will: So that the admitting the eldest Son as heire at Law will make Such confutions and alterations in this Governm^t., that will certainly end in our ruin. Our Lands are not yet (but in part) Subdued, and a greate part are still wilderness. The Rents of our Lands are but verry Small; persons here can't live upon the Rents of their Lands, Much less give portions (as in Greate Britain) to their Younger children out of their rents, and if the Younger Sons were (as with You) brought up to Trade, they could not finde Employment, and for want of hands our Country would never be Subdued. Therefore we are forced to bring up the most of our Younger Sons at Husbandry Labour, and then must divide our Estates, that they may live in the way they have been brought up in. And in the Patent Granted as above mentioned by King Charles, we were Incorporated into a bodie politick, with power to make all wholsom & Reasonable Laws, not contrary to the Laws of England, whereby the Inhabetants might be Religiously, peaceably & civilly Governed; and Since the

Patent was Granted to the Patentees to Hold in Trust & thereby to Settle the Country, Inlarge the King's dominions, and to Increase the Trade of the English Subjects, None of which could have been attained without our s^d antient Custom of deviding Real Intestate Estates, for certainly the Colony would have failed if it had not been fallen into, therefore we can't think our Law about Intestate Estates will be looked upon to be contrary to the Laws of England, for the Colony Could not have been Settled without it.

The Charter of the Massachusets hath the Same limetation as our Charter hath, Yet theire Law hath been confirmed, and in a late tryall between Phillips & Savage, before his Majestie, the Massachusets Law hath been adjudged good. Our Settlements are all Since the planting of the Several Colonys in the Province of the Massachusets: therefore the s^d Law is more Necessary for us than them, and as the Necessitie of the s^d Law in that Province hath been Sufficient to Induse the King to confirme theire s^d Law, and his present Majestie, as above s^d, to declare the s^d Law good & vallid, we can't think that the line (which hath no breadth) between the two Governments, can make the said Law hurtful to this Colony.

We might add that this Country hath been obtained at the onely expence & cost of the planters: we first gained our entry by purchas from the Indian Natives; Yet notwithstanding our peacable entry, the Second Yeare of our predecessors being heare, the Indians made cruel war upon them, and at a greate Charge and Hazard they defended themselves & Subdewed theire enemies, after which our Colony had not much diffecultie with the Indians, until the Yeare Anno Domini 1675, in which Yeare the most of the

Indians in New England with their Joynt force made war upon this as well as the other Provinces in New England, and then we were oblidge to defend our Selves at a Vast expence and loss of Blood & Treasure. We have not put the Crown to any Charge to Subdew the Country for us, Nor to defend us by theire garrisons, and the Colony hath Increased, and flourished, even, beyond expectation, under the above s^d Custom of deviding our Lands. Therefore we can't but believe that if our circomstances had been known by the King, our law would not have been declared voide; and we cant but hope for his Majesties favour, if there should be such a favourable oportunitie as above hinted. We have lately been Informed that Mr. Lechmere intends to gaine a rehearing of his case. Whether that can be, we cant Say; but if it should be, we Suppose that will be a good oportunitie, and we dought not but that you will lay hold of that time, and gaine the King's favour.

J: TALCOTT.

HARTFORD, Aprill 12, 1740.

[Indorsed] Gov^r Talcott's Letter, 1740, about Mr. Clark and Tousey's action.

DUKE OF NEWCASTLE TO THE GOVERNOR AND COMPANY.

WHITEHALL April 18th, 1740.

Gentlemen: I send you herewith, by his Majesty's Command, a printed copy of an Act of Parliament,*

* An Act for the better carrying on of said war with vigor—for the encouragement of the officers and seamen of his Majesty's Ships of war, and the officers and seamen of all other British ships and vessels having commissions of letters of marque, and for inducing all British seamen, who may be in any foreign service, to return into this Kingdom and become serviceable to his Majesty, and for the more effectual securing and extending the trade of his Majesty's subjects in America and elsewhere. — *Pickering's Statutes, XVII. 360.*

which was passed this session, for the more effectual securing and encouraging the Trade of his Majesty's British Subjects to America, and for the encouragement of seamen to enter into his Majesty's Service; and I am to acquaint you with his Majesty's Pleasure, that you should cause the same to be made publick in his Majesty's Colony under your Government. I also inclose to you his Majesty's Royal Proclamation relating thereto.

You will observe, that there is a clause in this Act, by which the entire property of all Prizes, that shall be made by any Privateers, in consequence of commissions granted to them after the 4th. of January last, by persons authorized for that purpose, is vested in the captors, except as to the customs and dutys mentioned in the said Act. This, I am persuaded, will be a great inducement to the King's Subjects to fit out private ships against the Spaniards, which you will encourage those under your Government to do, as soon, and as effectually, as possible; and his Majesty doubts not, but you will employ your utmost diligence and attention, that the ends proposed by this Act may be fully obtained.

I am, Gentlemen,

Your most obedient humble servant,

HOLLES NEWCASTLE.

Governor and Company of Connecticut.

RICHARD NICHOLLS * TO GOVERNOR TALCOTT.

Hon^{ble} Sir: I Received your favour of the 18th Past, And, as I am Altogether a Stranger to what you Mention of Gov^r. Clarke's Refusing to pay the Express you Sent him; So Neither do's it any way Concern

* Postmaster of New York.

me; But as I believed the Pacq^{ts}, which I sent your Hon^r. by Express were of Consequence to your Governm^t, I hired that Express to Carry them, for which I have paid him Six pounds New York Money, And must referr it to your Hon^{rs}. Opinion whether I ought to be the Sufferer or not. As to those Pacq^{ts} being free, I can Say no more than that they came Chargd to me. But if Gen^l. Spotswood on his comeing here will Discharge me again, I Shall be Extreamly well Satisfyed. I need not trouble you further on this head, But am

Your Hon^{rs} most Humble Serv^t,

RICHD: NICHOLLS.

NEW YORK, 5th. May, 1740.

The Hon^{ble} Gov^r. TALCOTT.

[Superscription.] To the Hon^{ble} Joseph Talcott Esq^r.
Governor of the Collony of Connecticut at Hart-
ford. Free

RICHD: NICHOLLS.

[Indorsed] From y^e Post office, N. York.

JOHN READ'S MEMORIAL TO THE GENERAL ASSEMBLY.

To the hoⁿble the Gov^r & Company of the English
Colony of Connecticut in Gen^l. Court assembled
at Hartford the eighth of May, 1740.

The Memorial of John Read of Boston in the
Province of the Massachusets Bay in New-England,
gent.

Whereas the necessitys of New England require
some new devices to Supply them with the money
the standard to measure the value of all things, and
for this end his Majesty in Council hath now the
matter of our publick bills of credit in consideration,

and many experienced Merchants & gentlemen in the Province of the Massachusetts Bay have their well digested Schemes in hand to Supply us, I would humbly propose that his Majesty's Colony of Connecticut should lend their helping hand & do what they can towards this Supply.

Now I apprehended that if all the copper produced in Connecticut, or a reasonable part of it annually, were refined to some certain Standard & coined into Sterling farthings, half-pence, pence & Six pences, it would Sufficiently Supply New England with all Small change of intrinsick and unalterable value, & prove an unconceivable advantage to publick trade and business.

And therefore I propose that this his Majesty's Colony shall impower me to obtain for them a licence from his Majesty to coin the copper in this Colony produced, or So much of it as his Majesty shall think fit, into money, for the publick good & general advantage of New-England.

And if the Gov^r & Company will grant me the private advantage arising to the patentee & manager of this affair, I will prefer the petition to his Majesty, Solicit the suit, & do my utmost to bring it to perfection, at my only cost & charge. How be it in this or any other way I pray the advisement of this hoñble Court upon the premises, and then to do therein as to their wisdom shall Seem best, & I shall be Content.

I am y^e hon^{rs}

most humble Serv^t.

JN^o READ.

[Indorsed] M^r Jn^o Reed's memo. about Coper, 1740.

PROCLAMATION CALLING FOR VOLUNTEERS.

[Issued May 13. See orders of Gov. Talcott to Capt. John Monson p. 269.]

By the Honourable JOSEPH TALCOT, Esq^r. Governour of His Majest^y. Colony of Connecticut In New England In America, a Proclamation.

His Majesty having Tho't fit to declare War against Spain, and particularly to make an attempt upon Some of the most Considerable Spanish Settlements in the West Indies and for y^t. purpose has been pleased to order a large body of Troops under y^e Command of My L^d. Cathcart, a Major General of His Majest^y. forces, to go from Great Britt^a. with a Sufficient Convoy of Men of War to a proper place to be appointed for that purpose, There to be Joyned by the Squadron under the Command of Vice Admiral Vernon, now in y^e West Indies & by Such a Number of Troops, as may be raised in His Majest^y. Colonys & Islands In America.

I Have Tho't it proper by and with the Advice of the Councill & at the desire of the Representatives, for y^e Encouragem^t. of Such of His Majest^y. Subjects in this Colony as shall Voluntarily Inlist themselves to Serve in Conjunction with the Regular Troops to be Sent from Great Britt^a. &c., in said Expedition, hereby to Let them know That His Majesty had been pleased to Signify to me, That Such Troops as shall be raised In America are to be Commanded by Co^{ll}. Spotswood till Joyned by the Regular Troops from Great Britt^a., the whole then to be under the Conduct of My L^d. Cathcart, and That y^e Souldiers Inlisting for s^d Expedition in this Colony shall be Commanded by proper officers to be appointed by my Self to Receive his Majesty's Commiss^{rs}., that are Expected by the hand of Co^{ll}. Blakeney, for said

purpose. That yy shall be Supplied with Arms & proper Clothing and also be paid by His Majesty, with an assurance of Their Sharing in the booty that may be Taken from y^e Enemy, and That yy shall be Sent back to their Respective habitations when the Expedition shall be Over, Unless any of them shall desire to Settle Themselves Elsewhere: and would hereby Excite persons under my Governm^t. that are able and fitt, Cherfully to Inlist themselves for promoting the Success of an Expedition in which the Honour of His Majesty's Crown, and the Interest of His Subjects, Especially In America are so Essentially Concerned:

And Do Hereby Order and Direct That all Such able bodied Effective men as are willing to Ingage in said Service Do forthwith Enter their names with the Captains or other Chief officers of the Companys, to which they Respectively belong. And all such officers are ordered to return the Names of all such persons as shall Inlist themselves with them to my Self.

BOARD OF TRADE TO THE GOVERNOR AND COMPANY.*

WHITEHALL, May the 20th. 1740.

Gentlemen: In pursuance of an Address of the House of Commons to his Majesty on the 25th. April, 1740,† & of His Majesty's Commands, signified to Us

*A duplicate letter, with different signatures, is in the State Archives, *Foreign Correspondence*, I. 155.

† *Resolved*, That an humble Address be presented to his Majesty that he will be graciously pleased to give Directions to the Commissioners for Trade and Plantations to prepare in order to be laid before this House at the next Session of Parliament, an account of the Tenor and Amount of the Bills of Credit, which have been created and issued in the several British Colonies and Plantations in America, as well those under Proprietors and Charters as under his Majesty's immediate Commission and Government, that shall be then outstanding; distinguishing the amount of the same in each Colony or Plantation, and the respective Times when such Bill so outstanding were issued, with the

by his Grace the Duke of Newcastle, in his Letter dated 30th. April, you are immediately to prepare, and, as soon as possible transmit to Us, in order to be laid before the House of Commons at their next meeting, An Account of the Tenour & Amount of the Bills of Credit which have been created & issued in your Government, that are now outstanding, with the respective times when such Bills, so outstanding, were issued, with the Amount of the said Bills in money of Great Britain, both at the time such Bills were issued, and at the time of preparing your Account.

You are likewise to send therewith your Opinion what will be the most easy & Effectual manner of sinking and discharging all such Bills of Credit, with the least Prejudice to the Inhabitants of your Government, and Interruption of the Commerce of this Kingdom.

And we desire you will use all possible dispatch in this Matter, that we may have your Return early enough for Us to consider thereof, before the beginning of the next Session. So We bid you heartily farewell, and are

Your very loving Friends

and humble Servants,

MONSON,

R. PLUMER

EDW: ASHE

M. BLADEN

JA: BRUDENELL.

Amount of the said Bills in money of Great Britain, both at the Time such bills were issued, and at the Time of preparing the said account; together with their Opinion what will be the most easy and effectual manner of sinking and discharging all such Bills of Credit, with the least Prejudice to the Inhabitants of the said Colonies and Plantations, and Interruption of the Commerce of Great Britain."

Journal of the House of Commons, XXIII. 527-8.

P. S. We cannot omit upon this Occasion to take Notice that you have been greatly deficient in your Duty to his Maj^{ty}, in not having hitherto made any Return to our Letter of the 5th. July, 1739, upon the Subject-Matter of the Paper Currency & Gold & Silver Coin in your Government.*

MONSON.

Hon^{ble} Gov^r. and C^o. of Connecticut.

Endorsed by Gov. Talcott. Come to me the 3^d of Nov^r. 1740.

THE COMMISSION FOR EXECUTING THE OFFICE OF THE
LORD HIGH ADMIRAL TO THE GOVERNOR
AND COMPANY.

By the Comm^{rs} for Executing the Office of
(L. S.) Lord High Admiral of Great Britain &
Ireland &c^a.

Whereas by an Act passed the last Session of Parliament (intituled an Act for the more Effectual securing & Encouraging the Trade of his Majesty's British Subjects to America, and for the Encouragement of Seamen to enter into his Majesty's Service) it is amongst other Things therein enacted: "That
"any Person or Persons in any part of America, or
"elsewhere, by Us impowered and appointed, shall,
"from and after the fourth Day of January One
"Thousand Seven hundred and Thirty Nine, at the
"request of any British Owner or Owners of any
"Ship or Vessel, giving such Bail & Security as have
"been usually taken, upon granting Commissions or
"Letters of Marque (except only for the Payments
"of the Tenths of the value of Prizes which shall
"be taken, to the Lord High Admiral or Commis-
"sioners for Executing the Office of Lord High [Ad-

* Not found in the Talcott Papers or in the State Archives.

"miral] for the time being) cause to be issued forth
"in the usual manner, one or more Commission or
"Commissions to any Person or Persons, whom such
"Owner or Owners shall Nominate to be Comander,
"or in case of Death, successively Comanders of such
"Ship or Vessel, for the attacking, surprizing seizing
"and taking by and with such Ship or Vessel, or
"the Crew thereof, any Place or Fortress upon the
"Land, or any Ship or Vessel, Goods, Ammunition,
"Arms, Stores of War, or Merchandizes belonging to,
"or possessed by any of his Majesty's Enemys, in
"any Sea, Creek, Haven or River."

These are therefore to impower you, the Governor and Company of his Majesty's Colony of Connecticut in New England, and by these Presents We do impower and appoint you the said Governor and Company to cause to be issued forth, pursuant to the said [Act], by Warrant under your Hand and the Seal of the said Colony, directed to the Judge of the Admiralty of the said Colony of Connecticut in New England, Commissions or Letters of Marque, at the request of any British Owner or Owners of any Ship or Vessel, to any Person or Persons, whom such Owner or Owners shall Nominate to be Comander, or in case of Death, successively Comanders of such Ship or Vessel, and to cause such Bail & Security to be taken, as is directed by the said Act; and moreover to cause, that in granting such Commissions or Letters of Marque, all other Things be had and done comformable to, and as the said Act requires. For which this shall be your Warrant. Given under our Hands and the Seal of the Office of Admiralty the 20th of May, 1740.

J. LYTTELTON,
THO. CLUTTERBUCK.
H. POWLETT.

To the Governor & Company of his Majesty's Colony of Connecticut in New England in America.
By Comand of their Lordships.

J. BURCHETT.

[Indorsed.] May, 1740, from the Lords of y^e Admiralty to y^e Gov^r and Company.

BOARD OF TRADE TO THE GOVERNOR AND COMPANY.

WHITEHALL, May the 21st: 1740.

Gentlemen: His Majesty having, in pursuance of an Address of the House of Commons in the last Session of Parliam^t.,* commanded Us to prepare forthwith a compleat Collection of all the Laws which have been made & are now in force in any of the British Colonies in America, We must desire you to prepare a compleat Collection of the Laws in your Government to this present time & transmit the same to Us with all convenient Expedition. So We bid you farewell, & are,

Your very loving Friends & humble Servants,

MONSON.

EDW: ASHE.

R. PLUMER.

JA. BRUDENELL.

M. BLADEN.

Gov^r & C^o. of Connecticut.

* "*Resolved*, That an humble Address by presented to his Majesty, That he will be graciously pleased to give Directions to the Commissioners for Trade and Plantations, to prepare forthwith a complete Collection of all the Laws which have been made, and are now in force in any of the British Colonies in America, whether under Proprietors, or Charter Government, or Commissioners from his Majesty; distinguishing which have, and which have not had his Majesty's Royal Approbation, and the respective Times when such Approbation was given: And that his Majesty would be graciously pleased to cause the said Laws, when collected, to be printed and published."

Journal of the House of Commons, XXIII. 528.

LETTER FROM M^R. JER^V. ALLEN.

London, May 22^d, 1740. Sir, by Cap^t. Morris Who is unfortunately Lost in the Chanel I wrote you a perticular Acco^t of all your Affaiers here, Copy of which I intend now to send you, provided I can Get time anoffe before the Ship Sails, butt Least I should not be Abell by this oppertunity I now again Inclose you the votes of the house of Commons relating to our Paper Currenecy. By those votes you see the Danger youre Charter is in;* and I asure you no Discrimination has been made between Roadisland and Connecticutt, and for want of Better Information ————— Connecticutt has been putt in the same Light as Roadisland. Upon this to Give further demonstration of my regard to y^e Good people, as allso to show my Gratitude to youre Hous of Representatives, no Body appearing for you, I waighted on sum Gentellmen in Power, and told them it was not oweing to any Contempt of the Royal order y^t they had not Received from Connecticutt an Accompt, Butt to the distance of Connecticutt from Boston, they haveing no immediate Corrispondences with Gratte Britian, butt all their Corrispondences were carried on via Boston, y^t I could assure them from my own Knowledge y^e orders did not arrive till Late in the fall, and just as your Assembly was Rising, y^t Immediatly upon the receipt of them y^e General Assembly appoynted a Commitee to send home an accompt of the moneys, y^t that Commitee had mett, and had I believed Complied with the

*"Resolved, That an humble Address be presented to his Majesty, That he will be graciously pleased to give Directions, that there be prepared, to be laid before this House, the next Session of Parliament, copies of such Charters of his Majesty's Colonies in America, granted by his Majesty, or his Royal Predecessors, as are now subsisting, and in force."

Journal of the House of Commons, XXIII. 528.

Royal order, and y^t I had good reason to believe they had sent the papers by one Cap^t.: Curteny who we had an Account was taken by the Spaniards, from whence I would Infer it would be abhorrent from all Justice to punish a People for a Crime they had not been Gilty of, and I could assuer them Connecticut had no reason to Regrett their acco^{ts}. of their moneys becaus upon Examination it would be found they ware the Least Culpable of any of the Colonies: they Replyed y^t I had made a good Defence for them butt the Agent had said nothing upon the Affaier. I told them y^t it was well Known y^t the Gentellman who was their Agent had been, and still was Incapacitated by Bodily Infirmitys to attend at Court, which made their losse the harder, and y^t it was the standing maxiam of the Law, the Act of God shall work no ill to any man, y^t y^e Gentellman's Infirmitys ware the Act of God and y^t this maxaim was Stronger in favour of Communities than Individuals, upon this a Gentellman of Gratte Intrest in Parliament told me, if the facts ware true as I had represented them, it would be very hard to take steps against them, he was therefore for shaking the rod over them by calling for the Charter, that so they might have time to Defend themselves, which if they should still neglect they must not expect this Excuse would save them again, and he thought they ought to be advised of it. I therefore now send you this Letter, y^t you may appoynt a Joint Agent with Mr Willks (if you have not Done it all ready) to appear for you the next sesions of Parliament, which will be in October, butt if this should be oमितed you may depend upon it you will Loose your Charter, and Liberty once Lost is Lost for Ever. Thus I have discharged my Duty to the Coloney.

I have Attended at the Councell office and find y^e Comitee have reported that Mason have a new hearing, butt Commissioners are not as yet appoynted. I imediately went to M^r Sharp told him the Exceptions you had taken to the New York Gentellman, which must be thouroughly urged, this he promised me to do, and told me the Reason Mason was admitted to a new hearing was, becaus you had not Recorded the former Judgement, butt I fear the reason was, the negligence of Connecticutt, and you having nobody to appear here. Hence the absolute necessity (if not Done) of Joyning me with M^r Willks. You may Depend upon it untill I hear from Connecticutt I shall Do Every thing in my power for the Sarvis of the Coloney. _____ &c

and believe me to be as I assure you I Raly am Youres as wel as the Coloneys most faithfull Hum-
bel Sarvent

JER^s. ALLEN.

[Endorsed in Gov^r Talcott's handwriting] Extract of
a letter from M^r Jer^s Allen.

GOVERNOR TALCOTT TO GOV. WANTON, OF R. I.

HARTFORD, May 26, 1740.

May it please your Hon^r: I hope you are well
satisfyed that the Disapointment of the last Committee to run the line between the Two Collonys was merely from the Coming of the Complaint of Mason to us Just before the time apointed for that meeting.* The saving of ourselvess from the wrong Intended to us and the Dishonour Cast upon the Com^{rs} from Rhode Island made it Necessary to Imploy the Gentlemen in our Committee to prepare an Answer to

*Rhode Island Colonial Records, IV. 563-4.

that Complaint. A letter was timely sent to Coll^o. Abbott of this, but it failed of being Delivered.

The Complaints still Continuing between the Borderers, you will find by the Enclosed that our Assembly have made a new Apointment,* which I hope will meet with a ready Compliance on your part. If it doth, I shall be glad you would think of the time of their meeting and signify it to me, that so Care may be taken that there be not another failure of Doing the service.

I have lately received a packett from our Agent, who Informs mee the Case of Mason had a hearing before the Lords on the 19th & 20th of December Last, (which must be before our papers were Arrived,) but there was no Judgm^t Given when the packett was sent.

I am with all Due Respects,
 your Hon^{rs} Most obliged
 Very Humble serv^t,
 J. TALCOTT.

To the Honourable JOHN WANTON, Esq^r.

GOVERNOR WANTON OF R. I. TO GOVERNOR TALCOTT.

Hon^{ble} Sir: I received Yours of the 26th instant with the Inclosed Act of your General Assembly in order to run the Line again between the Two Colonies, which I shall lay before our General Assembly here at their meeting the next Month, and I shall use my utmost Endeavour to have a Committee appointed for that purpose.

I have for this Six Months past laboured under a great Indisposition of Body, which has reduced me

* Roger Wolcott, James Wadsworth, and Timothy Peirce appointed commissioners to run the line between the two Colonies, from the Ashawaug River to the monument at the west end of the twenty mile line.
 — *Colonial Records*, VIII. 294.

to a very low Ebb, and whether I shall be able to attend the General Assembly or not is uncertain, if not it shall be recommended to Them.

I am, with all due Respects,

Hon'ble Sir,
Your assured Friend,

JOHN WANTON.

NEWPORT, 30th May, 1740.

The Hon^{ble} JOSEPH TALCOTT, Esq^r.

GOVERNOR CLARK,* OF NEW YORK, TO GOVERNOR
TALCOTT.

N. YORK, June 23^d, 1740.

Sir: I do my self the Honor to send you the inclosed pacquet from His Grace the Duke of New-Castle, which I just now received from Coll. Blake-ney. I am,

Sir, .

your most obedient

humble Servant,

GEO. CLARK.

Do me the Honor to acknowledge the receipt of this, & of the inclosed pacquet.

Governor of Connecticut.

[Indorsed] Gov^r Clark of sending the packquets.

* George Clark was sent from England as Secretary of the Colony to New York early in the reign of Queen Anne. Later he was Clerk of the Council and Councillor, and at the time of the death of Governor Cosby in March, 1736, Clark was the oldest Councillor with the exception of Van Dam, who would have assumed the administration in consequence. The Council, however, claiming that he had been secretly suspended by Cosby, before the latter's death, proclaimed Clark Governor *pro tem*. This appointment was recognized by the home Government, who commissioned him Lieutenant Governor, July 30, 1736, the dispatches arriving Oct. 30. His administration was disturbed by frequent quarrels with the Council, who refused to pass many of the measures he proposed. He was much in favor of promoting commerce with the Indians, and missionary work among them. Governor Clinton was sent out from England to succeed him in 1743, and he returned to his native country in 1745, dying at Chester in 1763. — *Smith's History of New York*, II. 31-69. *Appleton's Cyclopædia of American Biography*, I. 633.

FRANCIS WILKS TO GOVERNOR TALCOTT.

LOND^o. 3^d July, 1740.To The Hon^{ble} JOSEPH TALCOTT.

Sir. Herewith you have mine which was designed by the Cambridge, Cap^a Morris, who met with the misfortune of running on shore soon after he left the Downes. Inclosed you have the Lords of Trade Report Concerning a new Commission. I took the best advice I could get, whether it was prudent to Petition the Lords Committee of Council to be heard against the said Report, (it being a Rule for the side Petitioning to give Security to pay all the Charge on both sides if so determined.) As no hopes Appeared of success, I thought it best to let the matter go without Opposition.

Yours dated the 11th. of January* did not come to hand till the 9th. of June, in which you are very strong, but as most of your Arguments had been taken notice of at the Hearing, we Concluded that Petitioning would only irritate their Lordships. I am inform'd the Report in favour of a New Commission of Review proceeds entirely from the Commissioners not taking notice of the former Sentence in Queen Ann's time, nor does it Appear so much as to have been read to them. My Counsel are of Opinion that if the said Sentence had been produced & made part of the Record, no doubt would have remaind of getting the last Judgement of the Commissioners affirmed. As any thing farther Offers, I shall advise you, and am, With great Respect,

Hon^{ble} S^r, Yo^r most Obedient

Humble Servant,

FRA WILKS.

* See page 195.

[Indorsed] Mr. Wilks of July 3^d. 1740. Read to y^e
Assembly Octob^r, 1740, at N. Haven.

[Inclosure]

REPORT OF THE LORDS OF TRADE.

To the Right Honourable the Lords of the
Committee of his Majesty's Most Honour-
able Privy Council.

My Lords: Pursuant to your Lordships' Order of the 24th of June, 1739, we have taken into our consideration the Petition of John and Samuel Mason of New London in his Majesty's Colony of Connecticut, in behalfe of the Cheif Sachem and Tribe of Mohegan Indians, complaining of the Proceedings of the government of Connecticut in Conjunction with several Commissioners from Rhode Island, appointed by his Majesty's Commission of review together with other Commissioners, to review, adjust and Determine several matters in Dispute between the said Mohegan Indians and the Colony of Connecticut, and directing us to Examine into the Allegations of the said Petition, and into the Return made by the said Commissioners, and to Report a State of the Case as it shall appear to us upon such Examination, together with what we conceive proper to be done thereupon. And

Pursuant also to another order of your Lordships, the 23^d of November, 1739, we have likewise considered the return made by the Governour and Assistants of his Majesty's Collonys of Rhode Island and Providence Plantations, appointed by commission under the Great Seal of Great Britain, bearing date the 3^d of June, 1737, together with the Lie^t Governour and Council of the Province of New York, to hear and Determine a Controversy subsisting between

the Governour and Company of Connecticut in New England and the Cheife Sachem of the Moheagan Tribe in that Colony. Whereupon we take Leave to Acquaint your Lordships,

That We have on this Occasion been attended by Council in behalfe of M^r Mason and the Moheagan Indians and also in behalfe of the Governour and Company of Connecticut, that we have heard what each side had to Offer in regard to this Complaint, and considered the return made to his Majesty's Commission.

It appears to us that this Commission was executed by two Commissioners from New York and seven from Rhode Island, who met and Entred upon Business the 24th of May, 1738, at Norwich Town.

This being a Commission of Review, the former proceedings and Judgement ought to have been Examined by the Commissioners, but it does not appear by the return referred to us by your Lordships that the said Judgement was ever taken into Consideration, or even read by the Court.

The said Commissioners refused to hear the Indians in their own behalfe whom they had Summoned and who were present in Court and desired to be heard, and likewise refused to hear M^r Mason, who is Guardian to the said Indians, without whose consent as it is alleadged the Indians could not alienate their Lands, the Legal property thereof being vested in the said Mason's Family as their Trustee.

But the Commissioners from New York being dissatisfied with these proceedings filed their protest against them and withdrew.

After the withdrawing of the said Commissioners from New York, those of Rhode Island proceeded without them and Declared one Ben Uchan [*sic*] to be cheif Sachem of the said Indians (of whose Right we

do not Think ourselves Competent Judges,) after which two Deeds were produced, Signed by the said Ben Uncas and a part of his Tribe, one Dated 28th Febry, 1737/8, and the other the 24 of April, 1738, both of them Subsequent to his Majesties Commission, whereby the said Uncas and part of his Tribe Released and quit-claimed to the government of Connecticut, not only all the Lands in Question, but likewise All the Right accruing to them from the Judgement given in their favour by Governor Dudley, and the other Commission^{rs} Joined with him in the former Commission, dated, 19 July, 1704.

Whereupon the said Commissioners from Rhode Island took upon them to repeal the said Judgement respecting the Lands in Controversy, with Exception only to a certain Tract at present in possession of the Moheagan Indians.

Upon the whole, we are of Opinion that the Proceedings in the Execution of this Commission have been very Irregular; wherefore we would submit it to your Lordships, whether his Majesty may not be advised to grant a New Commission of Review upon this occasion. We are,

My Lords,

Your Lordships'

Most Obedient and Most
humble Servants,

MONSON.

R. PLUMER.

JA. BRUDENELL.

M: BLADEN.

WHITEHALL, March 25 : 1740.

[Indorsed] March 25 : 1740, the Lord Comis^{rs} of trade's Representation of y^e Case between the Colony of Conecticut and y^e Indians.

COL. WILLIAM BLAKENEY* TO THE GOVERNOR AND COMPANY.

NEW YORK, 7 July, 1740.

Sirs: As the several Companies of the Regiment of Foot now raising in America commanded by the Hon^{ble} Col^o. Will^m. Gooch† are to remain till completed in the respective Provinces in which they are raised, it will be necessary to pay the Officers commissioned in America their Subsistence from the Dates of their Commissions and the private men from the Days of their being regularly attested before a Magistrate; and as it is thought most for the Interest of his Majesty's Service that the Governours in their several Provinces be entrusted with this Payment, I have sent you here inclosed an Estimate of the Subsistence of one Company for three months, amounting to £333. 11. 6 Sterling, which for the two Companies to be raised in your Province is £667. 3, which Sum, or as much thereof as there may be Occasion for, I desire you will advance and pay to the said Companies according to said Estimate, taking of each Captain one Receipt for the Subsistence of himself and Company, one Receipt of the first and second Lieu^{ts}., their Pay being the same p Day, and one Receipt of the Ensigns, mentioning in each Receipt

* William Blakeney, the defender of Minorca, born in 1672, served under Marlborough, but was an old man of sixty-five when at last promoted to the rank of Colonel in 1737. He was appointed Brigadier-General in the expedition against Carthage. He afterwards served in the Scottish insurrection of 1745, and in 1747 was made Lieutenant-Governor of the Island of Minorca. For his brave defense of this place in 1756, against the French, he received great honor, and was created Lord Blakeney of Mount Blakeney. He died in 1761, and was buried in Westminster Abbey. — *Dictionary of National Biography*, V. 186.

† Sir William Gooch, Bart., served with distinction under Marlborough; in 1727 he was appointed Governor of Virginia, in which office he continued until 1747. He was severely wounded in the expedition against Carthage in 1740. In 1749 he returned to England, and died in London Dec. 17, 1751. — *Appleton's Cyclopædia of American Biography*, II. 667.

the Exchange you pay them at for the Sterling in your Currency. Of these Receipts (a Form whereof is also here inclosed) the Officers are to sign four Duplicates of the same tenor and Date, one of which please to keep for your own Voucher and transmit the other three to me; and for your Reimbursem^t. of what you shall thus advance and pay please to draw on me here for the Same in Sterling at such Exchange as is most for the Interest of the Service, and your Bills shall meet with due Honour. I am, Sirs,

Your most obedient

humble Servant,

WILL: BLAKENEY.

The officers from Europe are paid Subſce to 24 Instant.

The Gov^r & Company of Connecticut.

SECRETARY WILLARD OF MASSACHUSETTS TO GOVERNOR TALCOTT.

S^r. I am commanded by the Governour and Council of this Province to acquaint your Hon^r. that a Number of Persons in this Province (and very few of them in Trade) have entered into an Agreement for making & emitting a large Quantity of Bills or Notes of Hand to pass in Commerce in Lieu of Money, and have now proceeded so far as to order the making their Plates;* That these Notes have but a Slender Foundation, and no Provision made to Secure any certain Value to the Possessor of them; So that if these Bills Should get abroad and obtain a Credit among some People for a little Time, (for it can't be long,) there is great Danger that they will be imposed upon to their great Loss & Damage; and therefore the Govern^r & Council have issued

*Felt's Historical Account of Massachusetts Currency, 98-9.

a Proclamacon, to inform all Persons concerned of their Hazard in taking these Bills; And as the Correspondence between the Inhabit^{ts} of Your Government & this may occasion these Notes getting among your People, the Govern^r & Council have directed me to advise you of this Affair, that so you may take those Measures you may think proper for Securing your People agst. being imposed upon by these Notes.

I am

yo^r. Hon^{rs} most Obedient
humble Servant,

BOSTON, July 17, 1740.

J. WILLARD.

Gov^r TALCOTT.

GOVERNOR TALCOTT TO GOVERNOR BELCHER
OF MASSACHUSETTS.

May it please your Excellency: By a Letter from Coll^o. Blakeney we are Directed to pay the Troops that are to be raised in this Colony the first three months, and Draw upon him for a Reimbusment.

By his Letter as well as by his Majesties Instructions the officers are to be paid from the Date of their Commissions, and by a Letter from Major Gen^l. Gooch I am ordered to Date the Commissions on the 9th of June past, and to Endorse the time of their Delivery which is at a different time from the Date. This makes some Dificulty with us: the officers Expect their pay from the Dates of their Commissions according to his Majesties Instructions and Coll^o. Blakeney's Letter. The Councill know not what to make of Endorsing the time of their Delivery and whether if we should advance their pay from the Date Coll^o. Blakeney might not deny to Reimburs us any further than the time of their Delivery.

We Conclude you have the same Instructions, and having alwais found you a redy and fast friend to us have presumed to pray your advice in this matter and to be Informed how you act in the case yourselves.

As also in Drawing your Bills upon Coll^o. Blake-ney, how you will sett the Exchange between sterling money and the Currency with us. It is best that since all New England have the same Currency, they should Draw their bills alike. I am,

your Most obliged, very Humble
Servant.

HARTFORD, July 18th, 1740.

J. TALCOTT.

To Gov^r. BELCHER.

GOVERNOR TALCOTT'S ORDERS TO CAPT. JOHN
MONSON.*

Whereas upon My issueing forth a Proclamation on the 13th of May Last, to Enroll an Indefinite number of Efective men to Enter themselves in his Majesties service, in the present Expedition against the Spanish West Indies, 600 men have returned their Names to mee to Inlist in that service:

And whereas I am now Instructed by a Letter from Major Generall Gooch That only 200 men is all that His Majestie Expects or Wants from this Collony at present, Whereby Althô many Brave Soldiers must be Disappointed in Distinguishing their Loyalty and Courage in his Majesties service, and in Coming in for their share of the Glory and profit of this hopefull Expedition:

Yett, to those that shall have the fortune to be Admitted, it must be a cheerfull Encouragement to find the designe so Well Laid and provided for that there is not Room left for many brave men that are pushing into it:

* Colonial Records, VII. 325.

And whereas, by the Advice of the Councill and Assembly, you are apointed to Enroll men for his Majesties service, and that there may be no delay in Calling to Gether the troops to be raised in this Colony:

These are to order and Command you to Enrole men in the County of New Haven, it being their Quota out of those that formerly Enterd their Names, all to be Efective men, and such as are free Agents to act for themselves, and such as you shall inroll you are to order to repair forthwith to the Town of New Haven, where they shall be put into Good quarters, Receive the Arms, bounty money, &ci., and where their officers are ready to Exercise them in the Discipline of War.

Given under my hand, at Hartford, this 17th day of July, in the 13th year of his Majesties Reigne, Anno Dom. 1740, by advice of the Councill of War.

J: TALCOTT, *Govl*.

[Indorsed] Copy of an Order to Cap^t. John Monson, to Enlist men in the County of N Haven.

ANDREW STONE TO THE GOVERNOR AND COMPANY.

WHITEHALL, July 20th, 1740.

Gentlemen: It having been represented to the Lords Justices, appointed for the Administration of the Government, during His Majesty's Absence, that some Persons, to whom Letters of Marque have been granted, have not conformed themselves to the Terms prescribed by the Treatys for their Conduct, in Time of War, towards the Subjects of Neutral Powers; Their Excellencys directed, that so much of the Treaties, as relates to this matter, should be transmitted to you, that you may be fully apprized of

the manner in which it is agreed that the Subjects of each Party respectively should behave towards the Subjects of the other, in case either Party should be engaged in a War, and the other remain Neuter; and that you may be thereby enabled to give proper Instructions to such Persons, as shall take out Letters of Marque within your Government, for their Conduct in this respect. I accordingly send you herewith an Extract of the Treaty between His Majesty and the States General relating to this matter,* and am to acquaint you with the Lords Justices Directions, that you should give strict Orders to the Commanders of all Privateers that shall be fitted out in His Majesty's Colony, under your Government, to conform themselves thereto;—The same must Serve also as a Rule for their Conduct towards the Subjects of all Powers in amity with His Majesty that shall remain Neuter in the present War; the Tenour of the Treatys between Great Britain and France, as well as other Powers being to the like Effect in this respect.

I am, Gentlemen,

Your most Obedient

humble Servant,

ANDREW STONE.†

GOVERNOR AND COMPANY OF CONNECTICUT.

[Indorsed] From the Lords Justices, Instructions sent for direction how to behave towards such as are for Newtrality.

*Treaty between England and the States General, concluded at London, Dec. 1, 1674. — *Chalmers's Treaties*, I. 177.

† Andrew Stone, son of Andrew of Lombard Street, London, gent., was born 1703; educated Westminster School; matriculated Christ Church, Oxford, June 6, 1722; B.A. 1726, M.A. 1728; became private secretary to the Duke of Newcastle (Thomas Pelham), was greatly esteemed by him and his brother Henry Pelham, and "frequently acted as a mediator in reconciling the differences between them" (Chatham Correspondence, note); in 1734 was made Under-Secretary of State; 1739, joint collector of papers

THOMAS HANCOCK TO GOVERNOR TALCOTT.

BOSTON, July 21st, 1740.Gov^r. TALCOTT.

Sir: This Covers you a Letter I Rece'd from M^r. Agent Wilks, this morning, which wish safe to your hands. I am Likewise to Inform you, That I rece'd your Favour & Coll. Stanly,* but not being at home when the Coll. Came to my House, I had not the Honour of seeing him, which am very Sorry for. I observe your kind Intentions of Geting me Some Allowance made for my Services done your Colony, for which I am much Oblidged to you, & you may always Depend upon my utmost Care of Every Particular you Commit to my hands; & if you & the Gen^l. Assembly think fitt to make me any Consideration for my Trouble & Service, it will be very Acceptable to your Honour's

Most Obed^t. Hum^l. Serv^t,

THO. HANCOCK.

P. S. I have Charged the Colony with 10/6 Postage of two Letters, which were put into the Post Office through a Mistake as I suppose, Last Novem^r. I Save you, one Year with another, 40/ or £3. a year in Postage of Letters, by the Interist I have with the Captains of our London Ships, who Deliver them to me: otherways, they would all Go to the Post Office.

in office of Secretary of State; 1741-61, M.P. for Hastings; 1741 and 1743, Secretary of State *ad interim* during the absence of George II. in Hanover (Zedler's Encyc.); 1742, Secretary for Island of Barbados; 1747, registrar of chancery for Jamaica; 1749-61, one of the Commissioners of Trade and Plantations; 1751, sub-governor to Prince George; 1761, treasurer to Queen Charlotte. He died Dec. 19, 1773.—*Alumni Oxonienses*, other places cited, references in Chatham and Walpole letters, *Gentleman's Magazine* 1773, etc.

*Nathaniel Stanley, Lieutenant-Colonel of the First Regiment, and a Member of the Council of War.—*Col. Rec.*, VIII. 279, 314.

[Superscribed] To the Hon^{ble} JOSEPH TALCOTT, Esq^r.
Govern^r. of His Maj^{ty} Colony of Connecticut, in
Hartford.

To y^e Care of M^r. W^m. Diodate.*

GOVERNOR BELCHER TO GOVERNOR TALCOTT.†

Sir: The 26 : Currant came to my hands your Honour's Favour of the 18 : by which I find His Majesty's Instructions to me respecting the ~~P~~resent Expedⁿ. are of the same Import with those to your Honour & so are the Letters I have received—from Coll^o. Gooch and Coll^o. Blakeney, & in Conformity to them I shall pay the officers from the Date of their Commissions & the men from the time of their regular Inlistment: and I dont suppose there will be the least Difficulty in a Reimbursement—Coll^o. Blakeney has sent me Bills this Post towards the payment of the Troops & will send the further needfull—when I can advise how much it may be—This is the method he has put the Business into here viz^t. by sending me his Bills on the paymaster Gen^l. at home, which Bills, I am to dispose of at the Best Exch^a I can to raise M^o. here, and yesterday the Gov^r. and Council appointed a Committee to make the best Inquiry they could into the Course of Exch^a. betwixt this & Lond^a., who reported the best Bills of Private Persons to be at 435 ~~℥~~ C^t. Exch^a. & publick Bills at 400, & at this latter Exch^a. I shall this day dispose of part of the Bills he has sent me & pay the Troops at the same Rate when I may be capable of

* Probably William Diodate of New Haven.—*Salisbury Genealogies*, II. 364-7.

† From the original in the possession of the Massachusetts Historical Society.

rendring you, or your Government any Services you
may with Freedom Command—

BOSTON

Sir

July 29 . 1740

Your Honours

Most obed^t.

Gov^r. TALCOTT

Hum. Serv^t.

J. B.

¶ Mr Allen—

ORDERS OF THE LORDS JUSTICES.

At the Council Chamber, Whitehall, the 31st of July,
1740—

Their Excellencys the Lords Justices in Council—

UPON reading at the Board a Report from the
Right Hon^{ble} the Lords of the Committee of Council
for Plantation Affairs, Dated the 22^d. of this Instant
in the words following Viz^t.

HIS MAJESTY having been pleased by his Order
in Council of the 12th of June, 1739, to refer unto
this Committee the humble petition of John and
Samuel Mason, of New London, in His Majestys
Colony of Connecticut, in Behalf of the Chief Sachem
and Tribe of the Mohegan Indians, Setting forth that
the Colony of Connecticut having made many and
great Encroachments upon the Mohegan Indians, and
having actually taken from them a Tract of Land
which they had reserved to themselves to plant, and
hunt in, The said Indians were obliged to make
Complaint thereof to her late Majesty Queen Anne,
who was pleased in the year, 1704, to cause a Com-
mission to be issued under the Great Seal of Eng-
land, directed to the then Governor and Lieutenant
Governour of the Massachusetts Bay, together with
nine other persons—

Authorizing and requiring them to Inquire into the matters aforesaid, and to determine all Disputes according to Justice and Equity—In performance whereof the said persons did Examine fully into the same and made a Determination in favour of the Mohegan Indians—that they should be restored to the Lands so taken from them by the Colony of Connecticut, But notwithstanding such Determination the s^d. Colony had refused to restore the said Indians to the possession of their Lands—Denying the Authority of her said late Majesty^s Commission and of the Commissioners thereby appointed to make such Determination. Whereupon, in 1736, Samuel Mason, one of the present petitioners, together with his ffather, and also Mahomet, the then Chief Sachem of the said Mohegan Indians (both of whom are since dead), came over and presented their humble petition to his Majesty, Setting forth that they could not obtain Restitution of their said Lands, and therefore prayed for his Majestys Royal Justice, which being referred to the Lords Commissioners for Trade and Plantations—Their Lordships found, upon examining the Books of their Office, that soon after the aforementioned Determination of the s^d. Comm^{rs}. The agent of Connecticut had petitioned her said late Majesty Queen Anne, Complaining of the s^d. Determination, Whereupon her said Majesty was pleased by her Order in Council of the 16th of June, 1706, to reverse the Sentence of Costs given by the s^d. Comm^{rs}. ag^t. the Colony of Connecticut, and to direct that a Commission of Review sho^d. be Issued to hear & determine the pretensions of the said Indians, Which Commission issued accordingly, but that it did not appear that any proceedings had been had by vertue of such Commission, Which matter being

referred by the said Lords Comm^{rs}. to his Majesty, and the said Lords Comm^{rs}. therefore proposing that a New Comm^{on} of Review sho^d. be Issued, Directed to the Lieutenant General and Governour and Council of his Majestys Province of New York, and also to the Governour and his Assistants in Rhode Island, to reexamine, review & finally determine the whole cause af^d., His Majesty was graciously pleased by his Order in Council of the 21st of April, 1737, to direct a Commission to be Issued under the great Seal accordingly—That this Commission being issued and carried over, two of the Council in New York, together with the Governour of Rhode Island & Six of his Assistants opened & published the same. But that the s^d Governour & his Assistants not suffering the Determination of the former Comm^{rs}. to be read, which determination they were required by the Commission to Review & Examine, and the two Councillors from New York having insisted upon the same as also on other material points, which were all of them overruled by the s^d. Governour and Assistants of Rhode Island, the s^d. New York Counselers protested ag^t. their proceedings, and then withdrew—After which the s^d. Rhode Island Comm^{rs}. proceeded to reverse the Determination of the former Comm^{rs}., except only as to one field, called the Mohegan field, which they have declared to be the property of the Sachem and Tribe of the Mohegan Indians—The Pet^{rs}. therefore pray in regard to the extraordinary proceedings of the s^d. Rhode Island Comm^{rs}. that his Majesty will be pleased to grant such Relief to the said Tribe as to his Majesty shall seem meet—And his Majesty having also been pleased by his Order in Council of the 22^d. of Nov^r, 1739, to referr unto this Committee the Return made by the Governour and Assistants of

Rhode Island & Providence Plantations—The Lords of the Committee have taken the said Comicon and return into their Considerations, & thought proper to referr the same to the Lords Comm^{rs}. for Trade and Plantations to examine into the allegations of the s^d. Petition, and also into the said Return, and report a State of the Case as it sho^d. appear to them upon such Examination, together with what they sho^d. conceive proper to be done thereupon—And the s^d. Lords Comm^{rs}. have accordingly reported to this Committee that they have been attended by Council in Behalf of M^r Mason, and the Mohegan Indians, and also in behalf of the Governour & Company of Connecticut, That they have heard what each side had to offer in regard to this Complaint and considered the Return made to his Majestys Commission, That it appears to the s^d. Lords Commissioners of Trade & Plantations, That this last Commission was executed by two Comm^{rs}. from New York, and seven from Rhode Island, who met & acted upon Business the 24th. of May, 1738, at Norwich Town—That this being a Comission of Review the former Proceedings and Judgments ought to have been examined by the Comm^{rs}., but it did not appear by the Return That the s^d. Judgment was ever taken into Consideration, or even read by the Court, That the s^d. Comm^{rs}. refused to hear the Indians in their own Behalf, whom they had summoned & who were present in Court, and desired to be heard, and likewise refused to hear M^r Mason who is Guardian to the s^d. Indians, without whose Consent as it is alledged the Indians could not alienate their Lands, the legal property thereof being vested in the s^d. Mason's family as their Trustee, That the Comm^{rs}. from New York being dissatisfied with the proceedings filed their Protest ag^t. them

& withdrew, and after the Withdrawing of the s^d. Comm^{rs}. from New York those of Rhode Island proceeded with^t. them and declared One Ben Uncas to be the first Sachem of the s^d. Indians (of whose Right the s^d. Lords Comm^{rs}. for Trade dont think themselves compleet Judges) after which two Deeds were produced, Signed by the s^d. Ben Uncas & a part of his tribe, one dated 28 ffebruary, 1737/8, & the other the 24th of April, 1738, both of them Subseq^t. in date to his Majestys Com^{on}icon, whereby the s^d. Uncas & part of his Tribe released & quitt claimed to the Govern^t. of Connecticut not only the Lands in Qu^{on}on, but likewise all the Right accrewing to them from the Judgm^t. given in their favour by Gov^r. Dudley & other Comm^{rs}. Joined with him in the former Com^{on}icon, dated 14 July, 1704—Whereupon the s^d. Comm^{rs}. from Rhode Island took upon themselves to repeal the s^d. Judgm^t. respecting the Lands in Controversy, with Exception only to a certain Tract at present in poss^{ion} of the Mohegan Indians, and therefore the s^d. Lords Comm^{rs}. are of opinion that the Proceedings in the Execution of this Commission have been very Irregular, and therefore Submit Whether his Majesty may not be advised to grant a New Com^{on}icon of Review upon this Occasion—The Lords of the Committee this day took the whole matter into their Consideration, And do agree to report to your Excellency, as their Opinion that the Proceedings of the s^d. Rhode Island Comm^{rs}. under the Com^{on}icon of Review issued in 1737, are very irregular and ought to be Set aside, And that a New Com^{on}icon of Review sho^d. be past under the Great Seal to Reexamine, Review & determine the Cause afores^d. and to that End that your Excellencys may be pleased to direct the Lords Comm^{rs}. for Trade & Plantations

to prepare the Draught of such a Com̃icon, & to consider of proper persons to be named for his Majestys Comm^{rs}. therein, & to lay the same before this Committee—

Their Excellencys the Lords Justices this day took the s^d. Report into Considera^{on} & were pleased with this Advice of his Majestys privy Council to approve thereof & to order that the Proceedings of the s^d. Rhode Island Comm^{rs}. under the Com̃icon of Review issued in 1737, Be, and they are hereby set aside, and that a new Comi^{on} of Review be past under the Great Seal to Reexamine, Review and determine the Cause afores^d. And to that End their Excellencys Do hereby order that the Lords Comm^{rs}. for Trade and Plantations do prepare the Draught of such a Commission, and consider of proper persons to be the Comm^{rs}. therein, and that they do lay the same before the Lords of the Committee of Council for Plantation Affairs.

REPORT OF THE BOARD OF TRADE.

To the Right Hon^{ble}. the Lords of The Committee of His Majesty's most Hoⁿble Privy Council.

My Lords

In Obedience to their Excellencies the Lords Justices Commands, Signified to us by their Order in Council of the 31 July last, directing us to prepare the Draught of a Com̃ion of Review to certain Persons, to hear and determine the pretensions of the Mohegan Indians, who complain of Grievances received from the People of Connecticut, and directing us likewise to propose the names of Such Persons as we shall judge most proper to be ap^pted Commissioners in this behalf; We have prepared the Draught of

Such a Com̃ion* which is conformable, mutatis mutandis, to the last Com̃ion, dated the 3^d of June, 1737, Except that we have added Two Clauses, which allow of an Appeal to his Majesty in Council. We send your Lordships the inclosd Copy thereof, Wherein we take leave to propose that the Governor or Commander in chief and y^e Councillors of New York: Or the Governor or Commander in chief and the Councillors of New York for the time being; the Gov^r or Commander in chief and the Councillors of New Jersey, or the Gov^r. or Commander in chief and the Councillors of New Jersey for the time being, may be appointed Commissioners; Those Colonies not appearing to us in any manner Interested in the matter in dispute between the Mohegan Indians and the people of Connecticut.

We the rather recommend so great a Number of Commissioners to be appointed from the greater probability that a Quorum may attend to finish this affair; And We further take leave to propose that a Quorum may consist of any five of the said Commissioners. We are

My Lords

Your Lordships

Most Obedient and most humble Servants

MONSON

M. BLADEN

JAS. BRUDENELL

AR. CROFT.

WHITEHALL }
Aug the 8th, 1740. }

* Apparently this draught was not executed at this time. The Commissioners' Court, which met at Greenwich in Connecticut, on the 4th day of May, 1743, met "by virtue and in pursuance of his majesty's letters patent under the great seal of Great Britain, bearing date at Westminster the 8th day of January in the fifteenth year of his reign, authorizing and empowering the persons therein named, to re-examine, review, finally decide, and determine the cause or controversy depending between the Governor and company of the English Colony of Connecticut in New England in America, and the Mohegan Indians."—*Connecticut and the Mohegan Indians*, 3-9.

[Indorsed] 8 Aug^t. 1740. Copy Report Board of Trade on the Draft of a Commission relating to the Dispute between Connecticutt and the Moheagan Indians.

GOVERNOR TALCOTT TO FRANCIS WILKS.

HARTFORD, Aug^t. 9th, 1740.

S^r: According to the Directions of yours of March 2, 1738^g, and August 24, 1739, I prepared the papers in the case with Mason, Containing the whole of the paper Book and files of the Commission Court, well attested, with other evidences taken since, accompanying an Adress to his Majestie from the Commissioners in Rhode Island, wherein they cleared themselves from the vile Imputation cast upon them by Mason, and Asured his Majestie that the former Judgment they were to Review was Given in and Considered. These I sent to M^r. Reed, at Boston, in January Last, for his perusal, and then by him to be forwarded to youre self, with his thoughts upon them, which he has since informed mee he hath done.

But neither by your Letters nor the pleadings of your Councill am I Informed that this packet Ever Came to your hand. If so, I fear the proceedings are now Gone so farr that we have Lost the benefitt of them. Indeed, if the want of Entering the former Judgment in the Records of the Last be fatall to us, we are without Remedy; for the Commissioners Could not alter their Records after they had read them off and Desolved their Court: but if that matter of fact, that they were received and Considered, may be proved by any other Evidence, we have plentiful Evidence for it, and it would be a Great service to us to have the oportunity to use them if it be now possible.

By a Letter from M^r. Jeremiah Allen we are Informed that a New Hearing is Granted, but no Commissioners yet Apointed.

By all acc^{ts} that I Can hear, there is no blame Laid on the Court in their manner of proceeding, nor the Injustice of their Determination, but only their omission in Not Recording the former Judg^t, or want of Clerkship in forming their own. If so, the management of Mess^{rs}. Cortland and Horsmanden are not Excusable, and Discover such a party temper in them that they are not fitt to be Commissioned again. 'Tis a Lamentable thing that this one Inconsiderable man, M^r. Mason, by his stirring up a principle of Rebellion in some of the Mohegan tribe, and pretending so many other strange Indians were of that tribe, should thus make him self a handle to Give us all this trouble; but it would be much more so, if he should prevail to Depopulate half a Colony, after they have so many Deeds and Releases from the Sachems, and at a vast Expence subdued the Countrey, and all this to make room for a very few Rebelious Indians, or rather for him self.

It is therefore of uttmost Importance to us that you do youre Endeavor that these two men, that have Discovered so much heat and party temper, be not again Intrusted. And Indeed I think no men can be thought so suitable to the service, as some Gentlemen in New England, who well understand the Customs, and understanding of both the English and the Indians with Respect to the purchasing the Lands from the Sachems, and settling the Country from the beginning of it.

Just now I have Received yours of May 8th, 1740,* with the Resolves of the House of Commons Accom-

* Not found among the Talcott Papers, or in the State Archives.

panying it. I am thankfull to you for your Care in giving us this timely Notice of it, and to prepare ourselves for the next sessions of the Parliament.

By a Letter from M^r. Allen we are Informed that we stand in the same light to the Legislature with those Governments that have Exceeded most in their paper Emissions, and much blamed that we have not returned an acc^t of our bills, according to his Majesties orders last yeare.

In Answer to this, I am now to Inform you that I received his Majesties orders in Octob^r Last, Just at the riseing of our Assembly. They Immediately apointed a Committee to Assist me in preparing and sending the acc^t, which was done with uttmmost cheerfullness and Dispatch. We had kept ourselves so much within the bounds taken by some other Governments that wee hoped we should not Incur His Majesties Displeasure, when he sees what we had Done. I cannot tell by what ship it went, because it being rare any shiping from Great Britain to this Colony is passing, I am forced to send all my Dispatches to M^r. Hancocks at Boston for Conveyance, as I did this, and he has not told mee by what ship it went. But if it has Miscarryed on the seas, in this time of War, I hope this act of God will not be Construed on us as slighting his Majesties orders.*

And I have herewith Enclosed to you a Copie of the acc^t. then sent, which I desire you would Give in to the board of Trade as soon as possible.

* Governor Talcott's letter of January 12, 1739/40, with account of bills of credit issued by the Colony, was presented to the House of Commons, January 22, 1740/41, by Colonel Bladen, from the Commissioners for Trade and Plantations, and also a copy of the Connecticut Charter.—*Journal of the House of Commons*, XXIII. 609.

By this acc^t. it will appear that the first acts for Emitting were in the years 1709, 1710, 1711, the first, foure years after the Massachusetts had made use of their Creditt, and in Each of those years, the Making use of oure Creditt was unavoidable, to Defray three chargeable Expeditions made by her Late Majesties speciall orders, two of them ag^t Canada, the other against Annapolis.

We have been so Carefull to Draw them in, that it will appear by the foot of the acc^t. that there is butt the sum of £5738—16—9 outstanding, Excepting the Loan of 30000^b, Granted in the yeare 1732, all which will be Drawn in 1741 and 1742.

We have alwaies had the Greatest regard to all Acts of Parliament that respect the Plantations, and hope we shall not be Condemned for Transgressing that made in the sixth year of her Late Majesties Reigne for Ascertaining the Rates of foreign Coins in her Majesties Plantations,* by making bills of Creditt, and making it obligatorie on all persons to take them in payment.

* "The currency of foreign money in her Majesty's colonies and plantations in America, was in so unsettled a state that coins of the same species were received at different rates in different places, by which means the money was drained from one colony to another. In order to obviate this inconvenience a table was formed from the assays made in the mint by which the value of the following coins was ascertained. [Then follows a table.] These values being thus ascertained, it was ordained by proclamation on the 18th of June, 1704, that after the 1st January next following, no Seville pillar, or Mexico piece of eight, though of full weight, should be received or paid at above the rate of six shillings each currant money, for the discharge of contracts or bargains to be made after the 1st January. And that the currency of all pieces of eight of Peru, dollars, and other foreign species of silver coin, whether of the same or of base alloy, should after that time stand regulated according to their weight and fineness, in proportion to the rate before limited, for the pieces of eight of Seville, etc., so that no foreign coin of any sort should be permitted to exceed that proportion, upon any account whatsoever. [Proclamation in the Royal Library. This being found insufficient, was enforced by statute. 6 Queen Anne, chap. 30.]"—*Ruding's Annals of the Coinage of Great Britain*, II. 61-2.

I observed to you before that our first Emissions were four years after the Province of the Massachusetts had Issued theirs, and by this time they were become a Considerable part of the Medium of Commerce; and here it must be observed that the three chargeable Expeditions, in the years 1709, 1710, 1711, with what was Necessary to support the Governments and defend the frontiers, had Exhausted most of the Silver and Gold species out of the Country, and the bills of Credit were almost become the only Medium of Commerce, and were understood by buyer and seller to be Contracted for, unless they Contracted specially for Silver, or some other thing.

Therefore it must appear Reasonable that where bills were Contracted for, the creditor ought to take them; and in that Case, a Rigorous Exaction of Silver Money, which was then Almost Gone out of the Country, would have been Oppressive. To prevent which, in October, 1718, An Act passed the Assembly, making the bills of Credit a Lawful tender, Express Contracts in writting for Currant Silver Money, or some speciality, alwaies Excepted.* This Act was after Revised in 1728, but it has been now expired for about 5 years, and not again Revived.

All Express Contracts for Silver, &c: being saved in this Act, was a saving to evry man that did not choose to Contract for bills; Nor have I ever heard of any Creditor that has Complained of it, or that he was forced to take bills when the Contract was Intended for Silver.

The present possessors of the outstanding bills in these plantations received them Imediately out of the Treasury, or Mediately from others, at a Manifold

* Colonial Records, VI. 73, VII. 219. Bronson's Historical Account of Connecticut Currency, 39.

Discount from the money of Great Britain, or silver, at the value sett by the Acts of the sixth year of her Late Majestie. These possessors are now the Creditors to the Inhabitants of the Plantations, who by their Assemblys have Emitted them.

And the House of Commons have Now Addressed his Majestie, to Direct the Commissioners for Trade and Plantations to Lay before the House at their next Sessions an Account of the outstanding Bills, with their Amount in the money of Great Brittain, with their opinion what will be the Most Easie and Effectuall manner to Discharge them, with Least Prejudice to the Inhabitants.

If this in the Judgment of the Parliament be found a reasonable and Necessary Care in them towards the Indebted Inhabitants, to keep them in this Case from a Rigorous Exaction of Money by their Creditors, we Cannot but hope the same Care in the like Case will be Excusable in this Government, Especially When it was provided that he that Contracts not for bills, but for silver, should recover accordingly.

We shall be alwaies cheerfull to our uttmost ability to Discharge our bills, according as his Majestie in his Wisdom shall order, or it shall be ordered by the Legislature; but since we have Hitherto kept our selves within such bounds, Considering our Necessity, as not to Incur the Displeasure of the Legislature, and Considering the Silver is now so totally Gone out of the Country that we Cant subsist our Business, or so well serve his Majestie, without making use of Creditt in Case of an Expedition, or what is Necessary for our own Defence, we hope we shall be allowd in the full Enjoyment of our Charter privileges as Hitherto, since our Charter, next to the

Loyalty we bear to oure Sovraigne, and our lives, is the Dearest thing to us on earth. Therefore if you Aprehend our priviledges to be in danger by the Parliament's desireing the Charter to be Laid before them, I Desire you would use your uttmmost endeavor in their Defence, for which I know you and your Council will be much more sufficient than my self; yett suffer mee to observe a few things on this head.

1. That the priviledges Granted to this Corporation was upon Different Considerations to those upon which the priviledges are Granted to the Corporations at home. These were never acts of favor. This one Consideration, that we had at our own expense and Endeavor Conquered or purchased and settled a Wilderness Country, and thereby made a Considerable Enlargement to his Majesties Dominions, this is not only reall matter of fact, but in the face of the Charter Given as the reason for Granting it.

2^{ly}. It is no Disadvantage to the Kingdom of Great Britain that we Continue in our priviledges. This Collony Consists allmost wholly of planters that are Husbandmen, and by reason of our Cold climate alwaies have and must Consume annually Great Quantities of the British Woolen Manufactures, and the more we are Encouraged, the more this Consumption must be. We have alwaies hitherto supported and defended ourselves, without any Expence to the Crown, which is not the Case of other Colonys, particularly that of New York, which have no Charter.

3^{ly}. The Taking away of our Charter will, in the effect, take away the Lands we Conquered and purchased, and hold as a Corporation. When our Corporation is destroyed, we Can neither hold nor Manage our property.

But as I s^d before, your self and Council are

best able to Defend us in this matter. Nor can I fear that our priviledges can be in much Danger from a British Parliament, who are the Barriers of the subjects liberty and property. The present Dificulty seems to be only from the paper bills, to which I have spoken before.

I am thoughtful we are in Arear to you, and have mentioned it to you sundry times, and prayed for your acc^{ts}, which we still wait for, and Assure you they shall be received and paid with Hon^r, and in the meantime beg Leave to depend upon your Generosity, that the want of money in Hand shall be no Disadvantage to our Business.

Your Letters of March 24, 1739/40,* are all that I have recd from you since my Last to you, which was in January Last, and altho it may now be too Late for any benefitt to us, yett I shall be Glad to be Informed from you if the papers afores^d in Mason's Case ever came to your Hand. I am, S^r, with great Regards,

Your verie hum^{ble}

Servant,

J. TALCOTT.

HARTFORD, August 9, 1740.

GOVERNOR TALCOTT TO FRANCIS WILKS.

HARTFORD, August 13th, 1740.

Sir: Altho' the letter herewith Sent to you, dated Apreil 12th, was then wrot, Yet because I had not received all the Inclosed certificates I thought it not proper to Send it to You, and shall now farther ad, that I should have been better pleased with the Clerks' certificats if they had been in an other form, tho' I thinke they do not in anything material differ,

* See page 226.

but do well agree. It is true that in the Yeare 1713,* our Assembly observeing that Some of our more Industrious Inhabetants were Increased in their moveable Estate, So that it might hapen that the daughters, in Some Instances, could Receive their portions out of their deceased fathers personal Estate, whereupon an act was made in an adetion to the Law Intitled An act for the Settlement of Intestate Estates, that the daughters should have the moveable Estate, to make up their portions, equal with the Younger Sons, So far as the moveables would hold out, and that so much of the Lands as was left when the daughters' portions were made out as afore s^d should go to the Sones, and some of our clerks have thought it proper to mention the s^d act in adetion to the firstmentioned act, and so the certeficats are to be understood, and the Settlements of Intestate Estates have been uniform, the Oldest Son a double portion and the Younger Sons & daughters Single Sheares, the moveables to the daughters if they did not exceed their Single Sheares.

The matter in referance to our Intestate Law is of the greatest consequence to us in this New Country. If our former Settlements should be unhinged, it will make so much confusion & disturbance that those who may live a little longer may most likelie meet with more diffeultie than our predecessors did when they first came here; for when they came they brought Suffetient to purchase of the Indian Natives the Land they Settled upon, which was nothing but

*The Clerk of the Probate Court of Fairfield states that all intestate estates were settled according to the law on pages 60, 61, 62, 63, 64, of the Colony Law Book, "excepting only those Estates which were settled after the year 1714 wherein the Male heirs had their parts in the Real estate as far as the estate would allow, according to the law then made."

what they expected, and when the Indians made war upon them it was a war with heathens and not with their fellow christians, but if our antient Settlements should be broke up we shall not be able in one Generation to know who to buy of, there will be so much uncertaintie, and our unhapie Law Suites must be with our bretheren & fellow Subjects; and Surely the mischief will be greater than anything that hath hitherto befallen us. We can't look upon our Selves in any other light but that we are the Subjects of our Sovereign Lord King George the Second, and we must beleive and hope he will look upon us as Such, and thereupon Indulge us with our antient Law, that so our Colony may flourish and Yet Increase. Certainly our having s^d. law can't hurt any other of his Majesties Countrys or Governments, and will be of Greate benefit to this Goverment: therefore we beleive we have reason to hope for the King's favour in this affaire. I am, S^r, with Regards to and dependence upon you,

youre very humble

Servant,

J: TALCOTT.

[Indorsed] To agent Wilks, August 15th: 1740, Respecting the Intestate Law.

[Inclosure.*]

COLONY OF CONNECTICUT }
IN NEW ENGLAND }

These may Certify that In the year 1718 I the Subscriber was appointed Judge of the Probates of Wills, and for Granting Administration &c: In the

* Similar certificates were sent by the Clerks of the Probate Courts of New Haven, Fairfield, and New London Counties.

County of Hartford in y^e Colony of Connecticut In New England, and have Continued In that office untill this time, and that I have & Did from My first entring into that office (untill the tryal before his Majesty in Councill, In the Case between M^r John Winthrop & M^r Tho^s. Leachmore [*sic*] In Feb: 1727: his Majesty was pleased to forbid it,) Settle every year a Considerable number of Intestate Estates, and Did in Setling s^d Estates proceed according to the Law printed In Connecticut Lawbook Entitled an Act for the Settlement of Intestate Estates as s^d law stands Entred In pages of s^d Book, 60, 61, 62, 63, 64.*

Colony of Connecticut

Ss Hartford, April 28th: 1740.

J. TALCOTT.

The Hon^{ble} Jos: Talcott Esq^r personally appeared & made Oath to the truth of the above Writen before me JOHN MARSH Jus. Peace.

COLONY OF CONNECTICUT

These may Certify all Concerned that I the Subscriber was appointed, Commissioⁿ. & Sworn Register or Clerk of the Court of Probates in Hartford County, in s^d. Colony In the year 1729, and have Continued in s^d. office ever Since, & am Still Clerk of s^d. Court at this time, and have Carefully examined the records of s^d. Court in s^d. County from the year 1699 Down to this present time, And Do Aver that all Intestate Estates from s^d year, 1699, untill it was his Majesties pleasure in the Tryall between M^r John Winthrop & M^r Tho^s Leachmore to forbid it, Do appeare from the Records of s^d. Court to be Settled according to the Law of s^d. Colony, Entitled an act for the Settlement of Intestate

* Connecticut Law Book, edition of 1715.

Estates, in pages 60, 61, 62, 63, 64. And further having carefully examined the Records & Distributions of Estates of Such as had died Intestate and Do find that both Real & personal Estates were Divided amongst all the Children of Such as Died Intestate.

Given under my hand at Hartford this 17th Day of Aprill, Anno: Dom. 1740.

JOS: TALCOTT, JUN^R., Clerk of s^d. Court.

Colony of Connecticut.

Mr. Jos: Talcott Jun^r. personally appeared & made oath to the truth of the abovewritten Certificates before me

JOHN MARSH Jus^t Peace.

A Court of pleas held att Hartford, March 7th, 1699/700.

1st. An Order for Distributing the Estate of Mr Sam^l. Wolcott of Weathersfield, Dec^d.

2^d. the Distribution it Self.

3^{ly}. the Acceptance thereof by the Court March 6th: 1700/1.

A Court of Probates held at Hartford, July 5th. 1714.

1. An Order for Distribution Estate Noah Coleman.

2. the Distribution. 3^{ly} the Return thereof at a Court of Probates, June 7th., 1715.

A Court of Probates Hartford, &c.: May 3^d. 1727.

1. Order for Distribution of Estate John Case of Hartford.

2. the Distribution.

3. y^e Return of s^d. Distribu: at a Court of Probates June 6th., 1727.

COL. WILLIAM BLAKENEY TO GOVERNOR TALCOTT.*

NEW YORK 18th Aug.^t 1740.

Sir: I have received a Letter from M^r. Willard,† in relation to his raising a Company in your Province for the present Expedition in which he mentions some things which he apprehends will obstruct the compleating and commanding the said Company when compleated. As to himself, he is to qualify as . . . by taking the Oaths to his Majesty, the same in all . . . as if you had a Commission to deliver to him; and the . . . are to be attested, mustered and paid in the same manner . . . under Captains who have already received their Commissions. He is to have the same Authority over his Company, when qualified, as any other Captain has over his; the end and . . . of the Certificate not being to give Power but only to sh[ew to] Lord Cathcart or the Commander in Chief for the time that M^r. Willard is the person who under your Warrant took . . . to raise a Company in Conformity with his Majesty's . . . to you that his Commission may be thereupon issued . . . by the said Commander in Chief accordingly. And as to [his sub]sistence and that of his Subaltern Officers and Company . . . to be paid to them in the same manner and as fully as to the other Officers and Companies, as I mentioned to you in my Letter of the 21st Ult^o. And tho I then remitted you Bills only for the Amount of about three months Subsistence for two Companies, yet if more are raised you are to use that money as far as it will go for

*The sheet on which this letter was written is badly torn, or eaten away.

†Perhaps Captain Samuel Willard, of Saybrook, who was commissioned Lieutenant Colonel of the Seventh Regiment in May, 1740. — *Colonial Records*, VIII. 317.

the whole, and when you let me know what is further needful it shall be remitted to you.

One thing I have to observe is that Mr. [Willard] seems to look on this three months Subsistence as . . . or Premium for the Men before they go out of the Colony, whereas the Remittances were made for about three [months] Subsistence to save trouble, and because in about th . . . we reckon to be going for the West Indies to join the forces from Great Britain; and should it happen that we remain here longer, which is not very probable, yet the Troops are to be all paid alike and are all of them, whether under Commission or having a Certificate to receive a Commission, equally under the Command of Colonel Gooch. Another thing is that he seems to think the Officers & private Men are to receive their Subsistence all at once for these three months, which was not intended, because not agreeable to the method of paying [the] Army. A Captain receives one Months Subsistence for himself and Company on or about the 25th day of the Month . . . Month following, that is from 25 of the present to 24 of the next both days included, and he is to pay the [priv]ate Men weekly and so on from month to month; and this is the Method of the Army and the method directed in my Letter of the 21st Ult^o. to be used, & will be used during [the] Expedition and the Continuance of these Troops raised . . . in the Service. And as to Arms and Clothing the Men will [ha]ve these from the Commander in Chief at the Rendezvous [in the] West Indies. Why all these things and more Commissions were [not s]ent was owing to a Supposition of the Merchants [and ot]hers at home, who informed the Ministry that such Numbers could not be raised in the Colonies; and the

Duke of Newcastle says in his Letter to the Governors that if the Commissions now sent are not all made use of, those that are not used are to be immediately returned to his Office in Great Britain, which evidently shows it.

The Officers who have received Commissions, it is true, are paid from the 9th of June, but that was not a favour but a Necessity, the Commissions running in the Thirteenth Year of his Majesty's Reign, and that could not be razed out, and there [was] no later day in that year proper to date them on, [otherw]ise they would have been dated and paid from the [time] they compleated their Companies. The private Men [were] mustered and paid from the 25 June, because most of them were enlisted before or about that time, but no [man] can expect to be paid before he enlists himself. If Mr. Willard therefore thinks proper to proceed, you will be pleased to [pay] him his own Subsistence from the Date of his Certificate which is to be given him on Compleating a Company, and his Men their Subsistence, thro his hands weekly, (he giving a Receipt for the whole) from the days of their [being] regularly enlisted; which is what is done by those who have taken Certificates in order to receive Commissions in the other Provinces, and according to my Instructions.

I am with all regard,

Sir,

Your most humble Servant,

WILL: BLAKENEY.

[Superscription] To the Hon^{ble} JOSEPH TALCOT, Esq^r.
Governor of Connecticut, at Hartford.

BOARD OF TRADE TO THE GOVERNOR AND COMPANY.

WHITEHALL, August the 19th, 1740.

Sir: We send you herewith inclosed the Copy of an Address of the House of Commons to his Majesty in the last Session of Parliament, by which you will perceive how much they apprehend the Commerce of Great Britain to have been affected by the large and frequent Emissions of Paper Currencies in his Majesty's Colonies in America; & His Majesty, in pursuance of the said Address, having sent circular Instructions to the sev^l Colonies more immediately under his Govern^t. not to pass any more Bills for the issuing of Paper money without a clause inserted therein, as proposed by the said Address,* to suspend the Execution till his Majesty's Pleasure shall be signified thereupon; We think it proper to acquaint you therewith, & at the same time to admonish & advise you to pay all due regard to his Majesty's Intentions; And to the sense of the House of Commons upon this Occasion. So We bid you farewell, & are

Your very loving Friends

& humble Servants,

MONSON.

CH. CROFT.

JA: BRUDENELL.

M. BLADEN.

JOS^H: TALCOT, Esq^r. Governor of Connecticut.

* "*Resolved*, That an humble Address be presented to his Majesty to return his Majesty Thanks for the Orders he hath already given, and humbly desire him, That he will be graciously pleased to require and command the respective Governors of his Colonies and Plantations in America, punctually and effectually to observe his Majesty's Royal Instructions, not to give Assent to, or to pass any Act, whereby Bills of Credit may be issued in lieu of Money, without a Clause be inserted in such Act, declaring, That the same shall not take effect until the said Act shall be approved by his Majesty." — *Journal of the House of Commons*, XXIII. 527.

[Indorsed] Instructions from the Lords Comiss^{rs} of trade that y^e Gov^r do not assent to any act for Creating or printing Bills without a Clause.

GOVERNOR TALCOTT TO THOMAS HANCOCK.

HARTFORD, Aug^t. 20th, 1740.

S^r: Youres of July 21st: Incloasing M^r. Wilkes', I have Rec^d.* Noted y^e contents of youres, Shall open and lay it before the Gen^l Assembly in Octob^r., and hope it will bring them to some proper allowance to you for your Care of our Letters.

I now Send you a larg pakquit to our Agent. Intreat you take the first good opportunity to send it forward, and you'll verie much oblige, S^r,

Youre Verie humble Servant,

J. TALCOTT.

[Indorsed] Copy to M^r. Hancock in Boston, Aug^t 20th, 1740.

JOHN COURAUD TO THE GOVERNOR AND COMPANY.

WHITEHALL, August 22^d, 1740.

Gentlemen: I herewith inclose an Additional Instruction signed by the Lords Justices, for effectually putting in Execution an Act passed in the Sixth Year of Her late Majesty Queen Anne, Intituled, *An Act for ascertaining the Rates of Foreign Coins in Her Majesty's Plantations in America*; You will please to take care that the said Instruction be duly complied with.

I am,

Gentlemen,

Your most Obedient humble

Servant,

JOHN COURAUD.

GOV^r AND COMPANY OF CONNECTICUT.

* See page 271.

INSTRUCTIONS FROM THE LORDS JUSTICES.

BY THE LORDS JUSTICES.

Jo. Cant.		Instructions to the Governor and
Wilmington P.		Company of His Majesty's Colony of
Hervey, C. P. S.		Connecticut in New England in
Dorset.		America, for the better Observation
Grafton.		of the Act of the 6 th . of Queen
Richmond	}	Anne, for ascertaining the Rates of
Lenox &		foreign Coins in America. Given at
Rubigny.		Whitehall the 21 st . day of August,
Bolton. L. S.		1740, In the Fourteenth Year of His
		Majesty's Reign.

Whereas an Act of Parliament was passed in the Sixth Year of Her late Majesty Queen Anne, Entituled *An Act for ascertaining the Rates of foreign Coins in her Majesty's Plantation in America*; And Whereas Complaints have been made, that the said Act has not been observed as it ought to have been in many of His Majesty's Colonies & Plantations in America, by means whereof many indirect Practices have grown up, & various and illegal Currencies have been introduced in several of the said Colonies and Plantations, contrary to the true Intent & Meaning of the said Act, & to the Prejudice of the Trade of His Majesty's Subjects, In Consequence of which Complaints, An humble Address was presented the last Sessions, by the House of Commons to his Majesty, "That he would be graciously pleased to require and command the respective Governors of his Colonies & Plantations in America effectually to observe the said Act of the sixth of Queen Anne; It is therefore His Majesty's Royal Will & Pleasure, and you are hereby strictly required & commanded to take the most effectual Care for the future, That the said

Act be punctually & bona fide observed & put in Execution, according to the true Intent & Meaning thereof. And to this end that His Majesty's Commands herein may be fully made known to all his Subjects within your Government, and that none of them may pretend Ignorance thereof You are hereby further required and commanded to publish this Instruction in such manner as may best answer his Majesty's Gracious Intention herein signified.

J. C.

W. P.

D. B.

H. C. P. S.

[Indorsed in Governor Talcott's handwriting] The Lords Justices Instructions for publishing their pleasure therein in the Most publick Maner.— and it hath to that end been ordered to be printed in our Law book.

Octo^r. 1740.

FRANCIS WILKS TO GOVERNOR TALCOTT.

Hon^{ble} Sr.: I recd a few days past Copy of the Order in Councill directing a Commission to be made out for examining the Indian Claim.* I find the Comander in Chief of New York, with the Councill, also that of the Jerseys, or any five to be a quorum are to be the Commissioners. In few days by Cap^t Hall shall send Copy of the Order, this being from my house near London. I am,

D^r S^r,

Your Hon^{rs} Most Obed. Serv^t,

FRA WILKS.

BLKHEATH, Aug^t. 30. 1740.

* See Page 274.

ROGER NEWBERRY* TO GOVERNOR TALCOTT.

NEW HAVEN, Sep^r 24 : 1740.S^r

I Take This opportunity to Let you Know [y^e] Circumstances of y^e Soldiers at New-Haven; we are Shiping them on Board y^e Transports and Expect to Leave tomorrow at farthest; Some of y^e men are Sick which [] Shall be obliged to Leave behind us; but [y^e] Greatest misfortune Is y^t one of my Souldiers Has [desert]ed (viz) Samuell Bayley of Had-dam for which at [my] own Cost I am obliged to Inlist an other: I Hope [that] your Honour & y^e Gen^l Assembly will Think of [a] way y^t Justice may be Done upon Such offenders, and Right to us y^t are y^e Losers, for Cap^t. Silliman† Labours under [y^e] Same Difficulty of which He will Inform your Honour. Bayley hath received y^e 5^s Bounty & y^e full Subsistence [for] three months, and Hath taken y^e oath of fidelity: and by His Desertion Hath Perjured Himself: I Hope Such measures may be taken as to Prevent y^e Like Difficulty.

I am your Hon^{rs} most obedient Hum^{bl} Serv^t.

ROGER NEWBERRY,

[Superscription] On His Majesties Service. To the Hon^{ble} JOSEPH TALCOTT Esq^r Att Hartford.

* Captain Roger Newberry, born in Windsor, June 4, 1706; graduated Yale College, 1726; deputy eleven sessions in the General Assembly; commanded one of the Connecticut companies in the Expedition to the Spanish West Indies, and was present at the repulse of Admiral Vernon at Cartagena, April, 1741; sickened, and died on the return voyage, May 6, 1741, about three days before the transport arrived at Jamaica. — *Stiles' History of Ancient Windsor*, I. 244, II. 519. *Yale Biographies and Annals*, 333. *Walker's Diary of Rev. Daniel Wadsworth*, 53. An entry in the last named book under date of Aug. 18, 1740, states that "Capt. Newberry set out for New-Haven in order to embark for ye West Indies."

† Captain John Silliman of Fairfield, deputy to the General Assembly, 1735, 1736. — *Col. Rec.*, VIII. 2, 52.

ROGER NEWBERRY TO ANDREW BURR, ESQ.*

NEW YORK, Sep^r. 28: 1740.

S^r: Yesterday we Had this misfortune: as we Came Thrô Hell: Gate Cap^t Keith† fell upon y^e Rocks with His Snow,‡ and Hath very much Damnified Her; and althô He Came off with Her again and Plyed His Pumps to y^e utmost, As Soon as She Came to New-York She Sank: y^e water not being Deep She filled about 18 Inches Deep above Her Cabbin floar. Her Bread, Peas, Beans, flower & Samp are spoiled, and we Have no ways to Supply them again. We Have No Letters of Credit Nor Directions from y^e Gov^{mt} nor means of our own to Procure what Is Necessary: Y^e Credit of y^e Government Lyes at Stake, and If we are not Speedily Supplied I am afraid It will be very Ill Resented. It Is a very Great misfortune but It Cannot be Helped: The Transports are all Ready to Sail Except this of Cap^t. Keith, which will be Ready (It Is Hoped) In three or four Days, and we must Then wait for Provision. Pray Let nothing Prevent you from Coming to us or Sending a Post to y^e Governour Directly for Direction, for our Case will admit of no Delay. Cap^t Nath^l Shaw§ Had a Dangerous Passage thrô Hell Gate, but

* Col. Andrew Burr, born in Fairfield, Sept. 3, 1696; deputy for Fairfield, 1727-46; Speaker, 1741-1745; Assistant, 1746-1761; Judge of the County Court, 1745-1761; Colonel of the Cape Breton expedition in 1745; died Nov. 9, 1763. — *Burr Genealogy*, 156. *Colonial Records*, VII. VIII. IX. X. XI.

† Captain John Keith, a native of Scotland, a sea captain, who settled in Hartford later as a merchant. — *Hoadly's Annals of Christ Church*, 43.

‡ A vessel equipped with two masts, resembling the mainmast and foremast of a ship, and a third small mast just abaft and close to the mainmast carrying a try-sail. It is identical with a brig, except that the brig bends her fore and aft mainsail to the mainmast, while the snow bends it to the try-sail mast. Vessels are no longer rigged in this way. — *Century Dictionary*.

§ Captain Nathaniel Shaw was a sea captain and a prominent merchant in New London. — *Miss Caulkins' History of New London*.

by Dropping an ancour Brought his Snow free of y^e
Rocks, yet Lost both Cable & ancour. I am, S^r,
your most

obedient Hum^{bl}^e Serv^t,

ROGER NEWBERRY.

P. S. Pray, S^r, forward the Inclosed, and you
will oblige R. N.

[Superscribed] On his Majesties Service.

To ANDREW BURR, Esq^r, att Fairfeild.

On the back of the letter is written in the hand
of Gov. Talcott, "Gov^r Clark of Col. Gooches Death."

ANDREW STONE TO THE GOVERNOR AND COMPANY.

WHITEHALL, 2^d: Oct^r, 1740.

Gentlemen, Their Ex^{cles} the Lords Justices, to
whom His Majesty has entrusted the Administration
of the Government during His Absence, having been
informed, that great Quantities of Provisions have
been exported from several of His Majesty's Colonies
in North America for the Use of Foreign Colonies,
which Practice may, in the present Conjuncture, be
highly prejudicial to His Majesty's Service; Their
Ex^{cles} have commanded me to signify to you their
Directions, that you should prevent, as far as possi-
ble, the Exportation of any Provisions from the Col-
ony under your Government to any Foreign Colony
whatever; And, in order thereto, that you should cause
all Ships laden with Provisions, and not in His Maj-
esty's Service, that shall sail from any of the Ports
within your Government, to give sufficient Security

to land the said Provisions in some of His Majesty's Dominions.

I am,
Gentlemen,
Your most obedient
humble Servant,
ANDREW STONE.

GOV^r & COMPANY OF CONNECTICUT.

GOVERNOR TALCOTT TO THE DUKE OF NEWCASTLE.

HARTFORD Nov^{br}: 6th. 1740.

May it please your Grace: On the 28th of Aprill Last I Received yours of the 5th of January, Directed to the Governour and Company of this Colony, Informing of us of the Expedition Intended by his Majesty against the Spanish West Indies, with his Majesties pleasure with Respect to the Plantations and this Colony in perticular, Relating to the Same.

In May the Assembly met, before whom I laid your Excellency's Letter, who appeared with a harty Zeal for his Majesties Service and Granted a premium of five pounds to be paid out of the Treasurie to Such Efective men as should voluntarily Inlist themselves, not to exceed the Number of five hundred men.

On the 13th Day of May I Issued out proclamation to Invite and Encourage men to Inlist in the Service, which I sent to the Cap^{ts} of the Trainbands throughout the Colony; one of which with the return upon it I have Enclosed to your Excellency for your Better Information of our proceedings. Upon this all the Trainbands were Mustered, the proclamations Read to them Respectively, the Drums beat for Volunteers, and such as Entred their Names were Re-

turned to my Self; the Number of the whole were about 450, but, as I have been Informed, many of them were persons not free to Dispose of themselves, & Some so young and Others so Impotent as rendered them not so fit for his Majesties Service as we desired.

On the 27th of June I Received his Majesties Instructions of April 2^d with your Excellency's Letter of April 5th, Whereupon I again Called the Assembly & Imparted to them his Majesties Open Instructions with your Letter, And am now glad to Inform your Excellency that I had no need to use his Majesties Secret Instructions. The Assembly with the Greatest Cheerfulness provided, at the Cost of the Colony, Victuals, Transports and what else was Necessary for the Troops, According to his Majesties Instructions, which I hope His Majestie will Graciously Accept as a Testimony of the Loyalty of this people, their Zeal for His Service, and Ambition to Deserve the continuance of his favour.

On July 12th I Received a Letter from Generall Gooch, Informing me that Two Companys of men were the Number at present expected from this Government, and therewith he Enclosed to me Six blank Commissions to be filled up to the persons here named:

The first Company.

Roger Newberry, Esqr. Cap^t.
John Slap, Lieu^t.
Joshua Smith, Ensigne.

The Second Company.

John Silliman, Esqr. Cap^t.
Macock Ward, Lieu^t.
Hull, Ensign.

And the British Lieu^{ts} John Abirnather, 1 Lieut. of Cap^t Newberrie's Company, and John Gipson, 1 Lieut. of Cap^t John Silliman's, all which persons had been Nominated by my Self and Councill to those places before the Commissions came. The Commissions were

dated June 9th 1740, and although the Captains of the Train bands Did not all muster the Companies for the Enlisting on the Same Day, it was Generally performed about the 10th or 14th Day of June.

The two Companies Consisted of one hundred men Each, and their Captains took Especiall care to fill them up of the most Efective and able men for his Majesties Service. They made a Good appearance upon the Review, and I hope will well Discharge their Duty to his Majesty in the Service.

The men, Transports, Provisions &c: were all ready before their orders for Imbarkation Came, which was in the Month of September, when they all went well and Cheerfully on Board and Sailed from hence for Virginia; and may the Blessing of God upon this Expedition preserve them and the rest of his Majesties forces, & make the Expedition Successfull.

I must beg your Excellency's pardon that this Account of oure proceedings comes so late to your hands but I thought that since the affair went on prosperously it would not be best to Send you a partial Account of it from time to time till I Could Send you the full of it Together, and beg Leave to Subscribe as I am,

Sir, youre Excellencys

Most Humble and Most Obedient Servant,

J. TALCOTT.

To the Most Noble

Hollis, Duke of New Castle, One of his Majesties principall Secretarys of State.

A memorandum on the same sheet by Gov. Talcott.

To y^e agent, to Informe if my letter to the Duke of New Castell of our proceeding in Raiseing men for his Majesty's Service was Come to hand, and how

our doings acceptable — y^e Scarcety of provisions &c. — and as for my Letter to you of March 13th 1740/1 I sent 4 bills of Exchange signed p^r Gen^l Coll^o Blakeney &c.

[Indorsed] Ruff draft to the most Noble, holis Duke of New Castell, Relating to oure cota of Men, &c. Nov^r 6th, 1740.

GOVERNOR TALCOTT TO THE BOARD OF TRADE.

HARTFORD, November 12th, 1740.

My Lords: Your Lordships' order dated the 20th May last Did not come to hand till 3^d Instant, and the Duplicate the 8th Instant, in which you direct "an Account to be prepared and Transmitted to your Lordships of the Tenour & Amount of Oure outstanding bills of Credit &c." — "Together with Oure Opinion what will be the most easy & Efectual maner of Sinking & Discharging all Such Bills of Credit &c.," Which you direct us to Return with all possible Dispatch; and, observe to us our deficiency in oure duty to his Majesty, in not answering yours of 5th July 1739, on the Subject Matter of the paper Currency & Gold & Silver Coin in the Government. Now I am Surprized to hear that our Return in Answer to that Order is not Come to your hands. That Order came to us the Latter end of October following, and an account was with all possible Dispatch prepared and Sent forward In January Last, and afterward in the Spring & Sumer (least the other should fail,) Duplicates & even Triplicates were Sent, Some one of which I hope is before this time come to Hand.

And I have now to Observe to your Lordships That it is Late before your Order of the 20th May as

above, and the Other of the 21st May which came with it, Respecting a Compleat Collection of oure Laws in force to this time, Came to my hand: But that I might make all possible dispatch in both, I this day had a very full Meeting of my Councill, Pursuant to whose advise I have given Out Warrants to call Together on the 26th Instant The Generall Assembly of the Colony, Especially to Give their Opinion, what will be the most easy & Efectual Maner of Sinking & Discharging the Outstanding Bills of Credit, with the Least prejudice to the Inhabitants of the Government & Interruption of the Commerce of the Kingdom.

All possible Expedition shall be used in the Affair; but the Season of the Year being Attended with Difficulty to get our Returns to you in Pursuance of your Orders, I Have therefore Thought fit, and att the desire of my Councill do request your Lordships' favourable Construction of the Matter, if the return should not come Soon to your hands as you have Desired and we should wish for:

In the mean time I do assure your Lordships, That nothing shall be wanting on my part to forward the matter with all Convenient Expedition.

I am,

my Lords,

your Lordships'

Most Obedient

& Most Humble

Servant,

J. TALCOTT.

To the Right Honourable

THE LORDS COMMISSIONERS OF THE

BOARD OF TRADE & PLANTATIONS.

THE GENERAL ASSEMBLY'S ANSWER TO THE LORDS
OF THE BOARD OF TRADE.*

This Assembly being met at this time by Special order and appointment of his Hon^r. y^e Governour of this Colony, with y^e advice of y^e Council his Hon^r. Laid before them two Letters Lately Rec^d. from y^e Right Honourable y^e Lords Commissioners for trade and Plantations. One baring Date y^e 20th and the other y^e 21st of May, 1740: Containing y^e occasion of his Hon^{rs}. Calling y^e assembly together at this present time, and Recommended y^e Matters Contained in their Lordships S^d. Letters to y^e Consideration of this Assembly —

And thereupon it is Resolved by this Assembly in compliance with their Lordships' Letter of y^e 21st. of May afores^d. that a printed book Containing the Laws of this Government to this time, inclusive of y^e acts of this sessions of this court, be prepared and transmitted to their Lordships by which they may best See y^e Laws y^t have been made & are in force in this Government.

And in Obedience to their Lordships Letter of y^e 20th of May afores^d. Requiring the Gov^r. & Company of this Colony to prepare and transmit to them an account of y^e tenour and amount of y^e bills of Credit which have been Created and issued in this Government that are now outstanding with y^e Respective times when Such bills so outstanding were issued &c. — and to Send therewith our opinion what will be y^e most Easy and Effectual Manner of Sinking and Discharging all Such Bills of Credit with y^e Least prejudice to y^e inhabitants of this Government and interruption of y^e Commerce of y^e Kingdom — it is

* Colonial Records, VIII. 356.

further Resolved by this Assembly that there shall be transmitted to their Lordships from y^e Governour and Company of this Colony an answer to their S^d. Letter of y^e 20th of May afores^d., Signed by y^e Gov^r. and y^e Secretary in y^e behalf of the Governor and Company of this Colony, and an answer being prepared accordingly is approved of and allowed and ordered to be Sent to their Lordships, and is in the words following, viz—

To the Right Honourable the Lords Commissions [ers] for trade and plantations the Answer of y^e Gov^r. & company of y^e Colony of Connecticut to their Lordships Letter of the 20th & 21st of May Last.

My Lords

In Compliance with yours of y^e 21st of May Last we have ordered a collection of y^e Laws of this Government to be prepared and transmitted to your Lordships by which you will See the Laws y^t have been made and are in force in this Government.

And in Obedience to your Lordships order of y^e 20th of May afores^d. We Do hereby Signify to and inform Your Lordships that in pursuance of y^e Royal Order by us Rec^d. in the Sessions of this Assembly in october A^dom. 1739, an account of y^e bills Emitted and y^e Respective times when Such bills were Emitted, and what were then outstanding hath been already transmitted to Your Lordships from y^e Gov^r. of this Colony, and Since y^t a Duplicate and a triplcate of S^d. acc^t. hath been Sent, to which account we Beg leave to refer your Lordships for an account of the affairs to that time.

We do further Acquaint Your Lordships that about £3000 of Loaned bills were Drawn in for interest for the year, 1740, and y^t y^e whole of y^e S^d. Loaned Bills will be Discharged by y^e year, 1742—

and y^t y^e Bills then outstanding y^t were issued to Defray y^e Charge of Government are Near or quite Sunk by the taxes of y^e years 1738 & 1739.

Your Lordships will See by y^e Laws herewith transmitted the tenour of y^e Several bills of Credit issued in this Government, and y^e amount of y^e old tenour bills in Money of Great Britain, by y^e account we conclude you have Received from y^e Massachusetts, to which we humbly Refer your Lordships as in the aforementioned account is Expressed, and y^e amount of y^e New tenour bills is Discovered by y^e form of y^e bill.

We Do further acquaint Your Lordships that y^e Emission of £4000 old tenour and £8000 New tenour bills in May Last, and £10000 bills of y^e old tenour In July Last, were all granted in Compliance with his Majestys Instructions to this Government Respecting y^e Expedition against y^e Spanish West Indies, and for y^e necessary Defence of this Government, without which it was impracticable for this Government to answer his Majestys Expectations.

And y^t the £22,000 New tenour bills, which were ordered to be Loaned to Supply our want of a Medium of Exchange is ordered to be paid in, the one half in four and y^e other in Eight years, and that y^e bills Loaned and to be Discharged by the year, 1742, and y^e S^d. £22000, are y^e only bills Ever Loaned by this government.

We also Signify to Your Lordships that y^e most Easy and Effectual Manner of Sinking and Discharging S^d. bills, according to your Lordships Letter, is in our opinion to Sink and Discharge the Same in the manner provided in the Several acts passed for y^e Emission thereof, to which we Referr your Lordships, by which your Lordships will See that the s^d. bills

will be gradually Drawn in and Sunk, which method we think will be y^e Lest prejudice to y^e inhabitants of this Government, and interruption of y^e Commerce of y^e Kingdom.

We Do also further Acquaint Your Lordships y^t y^e act of May Last for y^e Emission of £30000 bills of a New tenour, which made it obligatory on all persons to take y^e S^d. bills in payment of Debts, Dues, &c., was truly made with an honest and Real intent to prevent y^e S^d. Bills from Depreciating, which we were the Rather induced to by y^e example of our Neighbouring Government of New York, who we are informed, by Such an act in a great Measure have prevented their bills from Discounting, and we were not then in y^e Least apprehensive that the inserting Such a Clause in that act of May Last was any way inconsistant with or Contrary to y^e act of y^e Sixth year of her Late Majesty Queen Anne, Entituled *an act for Ascertaining the rates of foreign Coins in her Majestys Plantations in America*, having then had no intimations of his Majesty's intentions, nor of y^e Sense of y^e house of Commons on that occasion, and as soon as possible after y^e Receipt of your Lordships Letters we have Repealed those Clauses of y^e act of May Last, which made it obligatory on all persons to take S^d. Bills in payment as afores^d., and Your Lordships will See by y^e act of this court past at y^e present Sessions for Repealing y^e S^d. Clause.*

And on the whole we conclude Your Lordships will be of opinion y^t we have not Granted Large and frequent Emissions of paper Currency, and if compared with what Some other Colonys have Done will appear to be a Small proportion, and we Do assure your

* Colonial Records, VIII. 359. Bronson's Historical Account of Connecticut Currency, 59.

Lordships that we shall take Effectual care as much as in us Lyes, to pay all Due Regards to his Majestys intentions, and to y^e Sense of y^e house of commons on this occasion, and cannot omit to take notice of and Gratefully acknowledge your Lordships friendly admonition and Advice to us, who are

My Lords

Your Lordships most obedient & most Humble
Servants.

Signed by order of y^e
General Assembly of y^e
Colony of Connecticut

JOS. TALCOT.

P^r GEORGE WYLLYS *Sec^{ry}*

Past in the Upper House

Test GEORGE WYLLYS *Secret^{ry}*

Concurred in y^e Lower
house, Test^d, JOHN FOWLER *Clerk*.

[Indorsed] The Assembly's Answer to the request of
the Lords of the Board of Trade, Nov^r, 1740.

FRANCIS WILKS TO GOVERNOR TALCOTT.

LONDON 27th. Novem^r: 1740.

Hon^{ble}. Sir. Yours of the 9th. of August last I receivd, Inclosing sundry Papers relating to the Colony aff^{rs}., upon which I Consulted my Solicitor, M^r. Sharpe, and with his Advice now send you Answer.

I have sent the Account of Paper Currency in your Colony to the Board of Trade, which I think they had from you some time ago. Its Impossible to know at present what the Parliament will do about it. They met on Tuesday the 18th Instant, and nothing as yet has been mentioned about it. If

any thing to the Prejudice of the Colony or the liberty of the people be Attempted, you may depend I shall Oppose it in the best manner possible.

You have often mentioned my Sending you Account of my Charges on the Colony Affairs, and very generously always Assured me of a Speedy discharge of whatever I was in Advance. The small matter of Charge I was at Annually is what I could easily have sent, but for sometime past in which the greatest part of the Charge has Arisen, I Could not get Mr. Sharpe's bill, or you Should have had it Sooner. I now send it inclosed, Ballance due to the Colony being £18:7:4^d.

I assure you nothing shall be neglected for want of Cash, not doubting but the Colony will supply me with what shall be necessary to go through their Affairs. I shall be as frugall as I think Consistent with the honour & Interest of the Inhabitants, & am,

Hon^{ble} Sir,

Yo^r most Obed^t Servant,

FRA WILKS.

P. S.

I hope the General Court will take notice how small a Sum in Sterling I receive here, for what they are pleased to Vote me, the Exchange is grown so great.

Inclosed is copy of Mason's Petition in Answer to mine some time Ago, Copy of which shall send you by another Oppertunity.

A Bill is now depending in Parliament to Impower His Majesty at any time to Issue his Proclamation to Prevent Provisions being Carried from One Part of His Majestys dominions to another. Inclosed is Copy of said Bill, & of my Petition against it.

Hope to Prevent its passing, at least in the Shape it now is.

To The Hon^{ble} JOSEPH TALCOTT, Esq^r.

[Indorsed] Fra: Wilks Esq^r of Novem^r. 27th. of sending the am^t. of our Paper Currency to Lords &c. of y^e Board of Trade.

[Inclosure.]

PETITION OF FRANCIS WILKS TO THE PRIVY COUNCIL.

To the Right Honourable the Lords of the Committee of his Majesty's most hoⁿble the Privy Council.

The Humble Petition of Francis Wilks, Esq^r.,
Agent for his Majesty's Colony of Connecticut, for & on behalf of the said Colony —

Sheweth

That Mahomet who pretended to be Chief Sachem of the Moheagan Indians, and John & Sam^l. Mason of New London in the s^d Colony of Connecticut, in 1736 presented their Petition to his Majesty, complaining ag^t. the said Colony of Connecticut, as if they had made Encroachments on the Moheagan Indians, & taken from them a Tract of Land, which they had reserved to themselves to plant and hunt in, and that on a Complaint made hereof to her late Majesty Q. Ann in 1704, her Majesty caused a Commission to be issued under the Great Seal of England, directed to the then Governour & Lieutenant Governour of the Massachusetts Bay, together with nine other persons, authorizing & requiring them to inquire into the matter af^d., and to determine all Disputes according to Justice & Equity. In pursuance whereof the s^d. Persons made a Determination in favour of the Moheagan

Indians for restoring them to the Lands which had been taken from them with Costs, And that soon after this Determination of the said Commissioners the Agent for Connecticut petitioned her Majesty complaining of the said Determination, Whereupon her said Majesty, by her Order in Council of 16. June, 1706, reversed the said Sentence of Costs given by the said Commissioners against the Colony of Connecticut, & directed that a Commission of Review should be issued to hear & determine the Pretensions of the said Moheagan Indians, and which Commission issued accordingly but it did not appear that any proceedings had been had under the same, And as the said Lands as they alleged had not been restored They therefore prayed for his Majesties Royal Justice in the premises.

That the said Petition being referred to the Right Hon^{ble} the Lords Com^{rs}. of Trade and Plantations their Lordships proposed, That a new Commission of Review should be issued, directed to the Governour & Council of New York, and also to the Governour & Assistants in Rhode Island, to examine, review & finally determine the s^d. matter, in pursuance whereof his Majesty was pleased by his Order in Council of the 21st of April, 1737, to direct a Commission to issue accordingly —

That the said Commission being issued & carried over, The Governour of Rhode Island & Six of his assistants, with Philip Cortland & Daniel Horsmanden Esq^{rs}., two of the members of the Council of New York, attended the Execution of the s^d. Commission, But before any final Determination was made thereon the s^d. two New York Commissioners thought fit to withdraw their attendance, and the said Rhode Island Com^{rs}. by their Sentence of the day of reversed the said Determination of the s^d. former Com-

missioners in her late Majesty Queen Ann's time, except only as to a Tract of Land called the Moheagan Field, which they declared to be the property of the Sachem & Tribe of the Moheagan Indians.

That tho' this Sentence was to the entire satisfaction of Ben Uncas, the chief Sachem, & of the s^d. Tribe, Yet in June, 1739, John & Sam^l. Mason, of New London afores^d., took upon 'em to present a petition to his Majesty in behalf as they very untruly pretended of the Chief Sachem & Tribe of Moheagan Indians, setting forth the matters afores^d. & praying leave to appeal from the said Determination of the said Rhode Island Com^{rs}., & that his Majesty would be pleased to grant such relief to the s^d. Sachem & Tribe as to his Majesty should seem meet, which Petition being referred to your Lordships, your Lordships were pleased to refer the same to the Lords Com^{rs}. for Trade & Plantations, to examine into the allegations of the said petition, & also into the Return of the said Commission made by the Rhode Island Com^{rs}., & to report to your Lordships a State of the Case as it should appear to them upon such Exâiacon together with what they should conceive proper to be done thereon—

That the Lords Com^{rs}. for Trade & Plantations reported to your Lordships that the s^d. Comission was executed by the two Comissioners from New York & seven from Rhode Island, and that this being a Comission of Record the former proceedings & Judgm^t. ought to have been exâied by the Com^{rs}., But it did not appear by the Return that the s^d. Judgm^t. was taken into Con^d. or read by the Court, & that the s^d. Com^{rs}. refused to hear the Indians in their own behalf, & also to hear M^r. Mason, who alledges himself to be their Guardian, & that without his consent the Indians could not alienate their lands, the legal property

thereof being vested in the s^d. Mason's family as their Trustees, & that the s^d. New York Com^{rs}. withdrew, After which the Rhode Island Com^{rs}. proceeded without them & declared Ben Uncas to be chief Sachem of the Indians, of whose right their Lordships did not think themselves competent Judges, after which two deeds were produced, Signed by Ben Uncas & a part of his Tribe, one dated 28 Feb: 1737/8, and the other the 24 April, 1738, Whereby the s^d. Uncas, & part of his Tribe released & quitclaimed to the Governour of Connecticut the Lands in quēon, with all the Right accruing to them from the Judgm^t. given in their favour by the Com^{rs}. in the former Cōmicon, Whereupon the Rhode Island Com^{rs}. repealed the s^d. Judgm^t., respecting the Lands in Controversy with Exception only to a certain tract at present in possion of the Moheagan Indians, And their Lordships reported as their Opinion, That the proceedings in the Execution of this Cōmicon had been very irregular, & therefore submitted whether his Majesty might not be advised to grant a new Cōmmission of Review upon this Occasion— Pursuant to which Report your Lordships were pleased to report to their Excellencies the Lords Justices as your Opinion that the Proceedings of the s^d. Rhode Island Com^{rs}. under the s^d. Cōmicon of Review were very irregular & ought to be set aside, & that a new Cōmicon of Review should be passed under the Great Seal, to reexamine, review & determine the s^d. Cause, And to that End that the Lords Com^{rs}. for Trade & Plantations might be directed to prepare the Draught of such a Cōmmission & to consider of proper Persons to be named for Com^{rs}. therein, & to lay the same before your Lordships—

That agreeable to this Report of your Lordships, Their Excellencies the Lords Justices were pleased by

Order in Council, bearing date the 31st of July last to Set aside the proceedings under the s^d. Com^{ss}ion, & to order a new Com^{ss}ion of Review to be passed under the great Seal, And to that End, That the Lords Com^{rs}. for trade & plantations should prepare the Draught of such a Com^{ss}icon, & consider of proper persons to be the Com^{rs}. therein, & should place the same before your Lordships.

That on the 8th of Aug^t last the Lords Com^{rs}. for Trade & Plantations made their Report to your Lordships in obedience to this Order, whereby they reported to your Lordships, That they had prepared the Draught of such a Com^{ss}icon, which was a conformable *mutatis mutandis* to the last Com^{ss}icon, dated 3^d. of June, 1737, except that they had added two Clauses which allowed of an appeal to his Majesty in Council, and they inclosed a Copy thereof in their s^d. Report, wherein they proposed That the Governour, or Commander in Chief, & the Councillors of New York, or the Governour & Commander in Chief & the Counsellors of New York, for the time being, the Governour or Commander in Chief, and the Counsellors of New Jersey, or the Governour or Commander in Chief & the Counsellors of New Jersey, for the time being, might be appointed Commissioners, Those Colonies not appearing to their Lordships in any manner interested in the matters in Dispute between the Moheagan Indians & the people of Connecticut, and their Lordships gave as a reason for their recommending so great a Number of Com^{rs}. to be appointed from the greater probability that a quorum might attend to finish the affair, And they further proposed that a quorum might consist of any five of the s^d. Com^{rs}.

That, Tho it did not appear by the Return made of the Com^{rs}. under this last Com^{ss}icon of Review, That

the proceedings & Judgm^t. of the former Com^{rs}. were taken into Consideration, or read by the Court, Yet your petitioner in all humble manner begs leave to assure your Lordships from the certain Informacon he has of the fact from his Constituents, That such former Judgm^t. was both read & taken into Consideration by the s^d. Com^{rs}. under this last Comicon & that it's not being inserted in the Return was owing to the Mistake or negligence of their Clerk, and that Counsel were heard, both for M^r. Mason & the Moheagan Indians, and no less than twelve witnesses exâied on their behalf, And permission was given for any principal Moheagan Indians to be heard in person. But as the former Judgm^t. did not appear upon the face of the Return to have been read by the Court your Petitioner for that reason only declined giving your Lordships any trouble upon the matter of the first Report of the Lords Com^{rs}. for trade & plantations, but submitted to the issuing a new Commission of Review.

That your Pet^r. humbly hopes this mistake of the Clerk in omitting to enter the reading the s^d. former Sentence in the Record of the proceedings shall not be a reason with your Lordships to omit the Governour & Assistants of Rhode Island from being appointed Com^{rs}. in the new Comicon, Or if your Lordships shall think proper to omit them, That your Lordships will see at least as sufficient cause for leaving out of the present Comicon the s^d. Philip Courtland & Dan^l. Horsmanden, Esq^{rs}., the two Members of the Council of New York, who attended the Execution of the last Comicon, The s^d. two Gentlemen having as your Pet^r. humbly apprehends greatly misbehaved themselves in the Execution of the said Comission, & having as your Pet^r humbly conceives prejudged the matters in quēon as will appear as your

Pet^r. humbly apprehends from the s^d. Return, & also from a Representation made by the s^d. M^r. Cortland & Horsmanden to the Lords Com^{rs}. for Trade & plantations on the 10th of Aug^t., 1738, and a Letter accompanying the Same, dated the 20th of Nov^r., 1738, And therefore cannot as your Petitioner humbly conceives be considered as P^{er}sons so wholly indifferent between the parties as to be intrusted with a Judicial power to determine the matters in quēon, & difference between them.

Your Petitioner therefore humbly prays your Lordships that the Draught of the s^d. Com^{mission} of Review now under your Lordships Consideration may be altered & varied in the particular above mentioned, and that the Governour & Assistants of Rhode Island may be inserted in the s^d. Commission, And that the s^d. Philip Cortland & Dan^l. Horsmanden, Esq^{rs}., may be omitted thereout, and that your Pet^r. may be heard by his Counsel in Support of this Petition.

[Indorsed] Petition for Changing Comm^{rs}. Names.

[Inclosure.]

PETITION OF JOHN AND SAMUEL MASON TO THE LORDS
OF TRADE.

To the Right Honourable the Lords of the Committee
of His Majesty's Most Honourable Privy Council
The humble Petition of John Mason and Samuel
Mason of Connecticut in behalf of the Mohegan In-
dians in that Colony—
Sheweth

That His Majestys late Commission of Review
was directed to the Governor and Council of New
York, and also to the Governor and Assistants in

Rhode Island, and contained His Majestys Commands to those Commissioners to do three things only, namely to Review the former Judgment and Proceedings which had been given in the Indians Favour, to hear all Partys therein concerned, and to give such Judgment as should be Just.

That the Commissioners who Attended to Execute that Commission were the Governor and Six of his Assistants from Rhode Island, and two of His Majestys Council of New York only.

That the Rhode Island Commissioners, being Seven to two, Sett out with Resolving by their Majority that the former Commission should not be so much as read, and that the Indians who are the Persons interested should not be heard—Whereupon the two Councillors from New York Protested against the Rhode Island Commissioners Setting out in such a manner so directly Contrary to Common Justice, as well as to express Commands given by the Commission, and withdrew from the Meeting, that they might not by their Presence add any Sanction to such sort of Proceedings—

And the Rhode Islanders as soon as ever they were left to themselves compleated their Proceedings in like manner as they had begun, and made an entry that they reverst all former Proceedings—

That Your Pet^{rs}. humbly represented to His Majesty this high abuse of His Majesty^s Commission, and that Petition, and likewise the Return made by the Rhode Island Commissioners themselves, were both referred to, and the matter was heard before the Lords Commissioners for Trade, by Counsel on both sides, at a very long hearing for two days together near, a Year ago, And their Lordships after such Hearings made

their Report to Your Lordships, who were afterwards pleased to make your Report in the following Words:

That the Proceedings of the said Rhode Island Commissioners, under the Commission of Review issued in 1737, are very irregular, and ought to be set aside. And Your Lordships said Report was finally approved by Order in Council of the 31st of July last, and the Proceedings of the Rhode Island Commiss^{rs}. were thereby set aside accordingly, and a New Commission of Review was Ordered to be past, and the Lords of Trade were Ordered to Prepare a Draught thereof, and to consider of proper Persons to be Commiss^{rs}. therein, and lay the same before your Lordships—

And accordingly on the 8th of August last the said Lords Commiss^{rs}. made their Report of the Draught of such a Commission, and Proposed His Maj^{ty}. Gov^r. and Council for the time being of New York, and of New Jersey, to be Commiss^{rs}. Those Colonys not appearing to be in any manner interested in the Dispute—Which Report the Agent for Connecticut was allowed a Copy of by Your Lordships Order of the 13th of August last—

And at length on the 19th of November Instant the said Agent has thought fit to represent a very Long Petition to Your Lordships, (without any Security), attempting throughout to Arraign and weaken the former Proceedings So Solemnly Settled, and agreeably Praying Your Lordships that the Rhode Island Commiss^{rs}. may be appointed again in the new Commission, and that the two New York Councillors may be left out of the same, and to have a hearing by his Council upon his Petition, Plainly calculated to Alter the former Determination, and to introduce once more the like sort of Proceedings—

Which Petition Your Pet^r humbly hopes will ap-

pear to be a most undecent Attempt with Respect to Your Lordships as well as an affected piece of Delay, and Vexation against Your Pet^{rs}, (*sic*) who has now been more than Twenty two Months from his Dwelling in America, upon the great Grievance occasioned by the Partiality and Injustice of the Rhode Island Commissioners —

That Your Pet^{rs}. have not wherewith to Fee any Counsel, or even a Sollicitor in this Affair, but humbly Submit themselves to Your Lordships Justice, and beg leave to Represent —

That the Rhode Island Governor and Assistants are not His Majestys immidiate Servants, and to appoint them for Commiss^{rs}. again, and Entrust them with His Maj^{ty's} Authority, when their former Proceedings have been Adjudged so Irregular, and have been therefore set aside, would be to reward them for their former abuse of His Majestys Commission, and Your Lordships will discern that nothing less than an Assurance of their continuing to Act in the same manner as before could have induced any Agent in such a Case, whatever Instructions he may pretend to have received, to have desired any such matter. —

And with regard to the two New York Councilors, they never did or could possibly hear one Sillable of the Merits of the Cause, *but only Protested that the former Proceedings should be Reviewed, and that the Partys should be heard*, Points so just in themselves, and so expressly commanded by His Majestys Commission, and then immediately withdrew upon the Rhode Islanders Refusal, and which Proceedings of theirs Your Petitioners conceive have been well Justified by what has since past before Your Lordships — Wherefore Your Pet^{rs}. humbly Submit with what Decency the Connecticut Agent presumes to Affirm That "They

greatly misbehaved themselves and Prejudged the matter in Question," And the Omitting them now would be construed as a Censure on those Gentlemen for contending that the Partys should be heard, and that His Majestys Commission should be Punctually Obeyed, And Moreover the Lords of Trade have reported the Provinces of New York and New Jersey not to be in any Manner interested in the Matter in Dispute.

Your Pet^{rs}. therefore humbly Pray Your Lordships that the said Petition of the Connecticut Agent may be Dismist with such Censure as Your Lordships shall Judge it deserves, and that the Report of the said Lords Commissioners may be wholly Approved, and that Your Lordships will be pleased to Advise His Majesty on this Occasion as You did on the former that the Present Commission, and the Dispatches relating thereto, may issue at His Majestys Expence in regard to the utter Inability of the said Poor Injured Indians.

And your Pet^{rs}. shall ever Pray &c:

SAM^L: MASON

for my Brother and Self.

[Inclosure.]

PETITION OF FRANCIS WILKS TO THE HOUSE OF
COMMONS.

To the Ho^{nl}ble the Commons of Great Britain in Parliament Assembled.

The Humble Petition of Francis Wilks, Esq^r. Agent for Majesty's Colony of Connecticut in America* Sheweth

That by the Bill now Depending in this Ho^{nl}ble House, Entituled "A Bill to Enable his Majesty to

* Presented to the House, Dec. 1, 1740.—*Journal of the House of Commons*, XXIII. 543.

Prohibit for a time to be Limited the Exportation of Corn and other Provisions out of Great Britain, Ireland, and his Majesty's Colonies and Plantations in America," should the same Pass into a Law as it now Stands—your Petitioner most humbly Apprehends the said Colony of Connecticut would be very greatly Affected.*

For your Petitioner humbly Represents to this Honorable House that the Principall Branch of Trade, and upon which the Inhabitants of the said Colony Chiefly depend for their Subsistence and Support, Consists in Supplying his Majesty's Province of the Massachusetts Bay and the British Sugar Islands and other the British Colonys in America, with Corn and other Provisions for their Sustentation, by the Returns of which they are Enabled to Purchase Yearly from this Kingdom Great Quantity of the British Woolen and other Manufactures, so that unless the Colony of Connecticut be Excepted out of the said Bill, the said Colony will be at once deprived of this Valuable and Principall Branch of their Commerce, and be hereby Rendered incapable of Defraying the Necessary Expences of the Government there & of Purchasing not only the Conveniencys but even the necessarys of Life—The Trade Carryed on between this Colony and the Massachusetts Bay and British Sugar Islands, so necessary for the Mutual Support of each other be greatly Interrupted. The Manufactures of Great Britain so far as the Demands of this Colony Extend, lie Unpurchased.—The Numerous Shipping Concerned in the Trade of this Colony laid up for want of Employment ~ And the Massachusetts Bay and British Sugar Islands for want of that Supply of Provisions which

* The bill entitled "An Act to prohibit for a Time therein limited the Exportation of Corn, Grain, (Rice excepted,) Meal, Malt, Flour, Bread, Biscuit, Starch, Beef, Pork, and Bacon," was passed January 26, 1740/41. A copy is among the Talcott Papers.

they used Constantly to receive from Connecticut, and other his Majesty's Dominions, and without which they Cannot Subsist, be Reduced to a most Distressed Starving Condition.

Therefore and as this Bill so Matterially Affects the Trade and Commerce of this Kingdom with her Plantations in Generall, and the Trade and Commerce of the British Plantations one with another, And as the Massachusetts Bay and the British Sugar Settlements, and others, British Colonies in America, Cannot Subsist if Connecticut and the rest of his Majesty's Dominions are Prohibited from Supplying them with Provisions ~ And as the Colony of Connecticut Cannot Subsist but by the Returns Arising from this Commerce, and as the Supplying one Part of his Majesty's Dominions with Provisions from other Parts thereof, under proper Regulations and Restrictions, to Guard against the same being Carryed to fforeign Parts, Cannot as your Petitioner humbly Conceives be Attended with any of the Mischiefs intended to be Prevented by this Bill.

Your Petitioner most Humbly Prays this Hoñble House that the Colony of Connecticut may not be Included in the said Bill, but that the said Colony may notwithstanding, Continue to Export Corn and other Provisions of Victualls as Usuell into the said Province of the Massachusetts Bay, the British Sugar Islands and other British Colonies in America, on giving such Security as the Wisdom of this Hoñble House shall think proper for the Carrying and Landing the same in the said Province of the Massachusetts Bay, and that the same shall not be Reexported thence.

And your Petitioner as in Duty Bound
shall ever Pray, &c.

[Indorsed] Agent's Petition to the house of Comons
against an act to Enable the King, &c.

FRANCIS WILKS TO GOVERNOR TALCOTT.

LONDON, 27th. Novem^r: 1740.

Hon^{ble} Sir: The Several Papers in the Case with Mason containing the Paper book & Files of the Commissioners' Court, with the other Evidences taken since, with the Address to His Majesty from the Commissioners of Rhode Island, were all duly reced before the Hearing & Inserted in the Instructions given to our Council, but the Evidence taken since could not possibly be of any service, It being against the Rule of all Courts, and indeed against the reason & nature of things, to Admit Evidence taken after a Sentence given, to be read either to Support or Impeach the Justice of such determination, which can only be judged of by the Evidence y^t was taken & laid before the court at y^e time the Sentence was given. And as we could not read this Evidence, so neither could we, for the same reason, avail Ourselves of the Address of the Rhode Island Commiss^{rs}: or anything else to shew that the Sentence of Queen Ann's Commiss^{rs}: was read at this last Hearing, that being a Matter of fact that cou'd only be determin'd by the Record it self, and it not appearing by the record to have been read we were not at liberty to go out of the Record, it being a fixed & unalterable Rule, that the Record as transmitted is to determine & bind all the Partys, & that neither side shall be at liberty to Avert anything against it, and this Sentence not Appearing by the Record to have been read, was so very strong against us that it was impossible to be got over, for to reverse a decree without so much as having it read or considered by the Court, which it Could not be without reading it, was considered by both the Boards w^o had y^e affair under their Consideration, to wit: the Board of Trade and the Lords

of the Committee of Council, as a most barefaced Attempt and an Evidence of a Premeditate determin'd Resolution in the Rhode Island Commissioners to reverse the former Sentence, right or wrong, & indeed this Objection was too well founded & much too strong to be got over. It being impossible in the Opinion of your council & of Mr. Sharpe, & in truth of every body else, to Support this Sentence, as the former decree which it reversed did not Appear to have been laid before the court, and for this reason I did not judge it proper, after the Board of Trade had reported their Opinion, that there ought to be a new Commission, to Oppose it before the Lords of the Council.

The Report of the Board of Trade was, That this being a Commiss^o of review the former Proceedings & Judgment ought to have been examined by the Commiss^{rs}, whereas It did not appear by the return that the said Judgment was ever taken into Consideration or even read by the Court. They further reported that the Commiss^{rs}: refused to hear the Indians in their own behalf, likewise to hear Mr. Mason their Guardian, & that the two New York Commiss^{rs}., being dissatisfied with these Proceedings, protested against the same & withdrew, after which the Rh^d Island Commiss^{rs}: pronounc'd the Sentence complain'd of, & gave their Opinion that the Proceedings of the Rhode Island Commiss^{rs}: were very irregular & ought to be set aside, & that a New Commiss^o. of Review should issue, and the Lords of the Committee being of the same Opinion with the Board of Trade and Reporting y^e Same to His Majesty, His Majesty by his Order in Council of 31st July last was pleased to Order that the Proceedings of the said R^d. Island Commiss^{rs}: should be set aside & that a new

Commiss°. shoud issue, & that the Board of Trade shou'd prepare the draft of Such a Commiss°. & consider of proper persons to be the commiss^{rs}: therein & of all which I sent you a true & Exact Acco^t. in my former.

It was matter of very great Concern, both to my self & M^r. Sharpe, to find upon the receiving y^e Record, that y^e former Sentence, was not Entred as read, the Opinion we had formerly sent y^o. being founded (as you will find if y^o. please to turn to it) upon a Supposition that there was an Entry in the Record of the former Sentence, as well as of all the other matters mentioned in our former Letters, and it is matter of great Surprize to us how it Cou'd possibly be omitted, but so soon as ever we saw this defect in y^e record, we were sensible it was absolutely impossible for us to Support the Sentence. However, we made the Strongest Stand in our Power before the Board of Trade, but as it was totally impossible to Answer this Objection, and as we thought contending this matter before the Lords of the Council might rather Aggrevate yⁿ extenuate matters, & would most certainly have been attended with a very considerable & fruitless Expence, We thought it most prudent to decline Opposing a new Commiss°. before their Lordships.

On the 8th. of August last, The Lords of Trade laid the Draft of a Commission before the Committee of Council, which Commiss°. is the very same with the former, *Mutatis Mutandis*, Excepting that y^e Commiss^{rs}: are different and that there are two Clauses added, giving either side a liberty of Appealing to his Majesty in Council. The Commiss^{rs}: in this their Draft are The Governour & Council of New York,

& the Gov^r. & Council of New Jersey, who are Substituted in y^e room of the Gov^r. and Assistants of Rhode Island, who are Omitted.

This Draft is now under the Considera[~]con of the Lords of the Committee, and I have Petition'd their L^dships, praying that either the Govern^r. & Assistants of Rh^d. Island may be Inserted, or else that Mess^{rs}. Philip Cortland & Daniel Horsmanden may be Omitted, & I shall do every thing in my Power to succeed in this Application, tho' I am not without my fears that the draft will be Approved as it is, for I am pretty certain The Lords of the Committe will never suffer any out of Charter Governm^{ts}. to Sit in Judgm^t. any more upon Appeals of this Nature, and that they will rather think the withdrawing of the two New York Commiss^{rs}. ought to be Approved than Condemned, & if so, It would then be better we had made no Opposition to 'em at all, and which indeed we were in great doubt whether we shou'd or not before the Receipt of your Letter of y^e 9th Aug^t. * but that has determin'd us to Oppose their being named in y^e Commission to the utmost of our Power, & tho' so far from Answering for we greatly fear y^e Success, we will yet do every thing in our power to deserve it.

As to the Intestate Law for distribution of real Estates, had the Affair of Winthrop & Lechmere been properly Conducted & taken care of on Lechmere's part, that Law wou'd never have been repealed. But considering the Order that was made in y^t Case, I am afraid while that Stands whatever Appeals come before the Council Board on disputes between Elder & Younger Sons & daug^{rs}. will be determind according to that Precedent. However, you may depend

* See page 281.

whenever such Cases happen y^e Younger Sons shall have every Advice & Assistance in my Power: but I will beg leave to put you right in one thing, to prevent any mistake on that Head, for you seem to think as if the Papers you have sent me with your two Letters of the 12th of April & 13th of August last * may be of Service to the Younger Sons in such Appeals, Whereas nothing is more certain & established with us than that nothing can be made use of upon an Appeale here but what was made use of in the cause below, and laid before the Court and the Jury & Inserted & transmitted as Part of the Record, & therefore whatever may be thought material or necessary to Support the Right of the Younger Children, particularly the Evidence of the Custom and Usage from the first Settlement to this time, must be laid before the Court below and Inserted in & transmitted as part of the Record, or otherwise it cannot be read upon an Appeal here. The first Case of this kind that happens I shall lay hold of and Improve in y^e best manner I can for the Advantage of the Colony, and let it go which way it will, shall make an Application to the Crown on the behalf of the Colony, in such manner as Your Council & M^r. Sharpe shall advise to be the most Proper and Effectual.

I am wth: great Respect,

Y^r. Most Ob^t: Serv^t;

FRA. WILKS

To the Hon^{ble}. JOSEPH TALCOTT, Esq^r.

[Indorsed] from Fra: Wilks, Esq^r., Novem^r. 27th, 1740,
Respecting Mason &c.

*See pages 290-2.

THOMAS HILL TO FRANCIS WILKS.

WHITEHALL, Decem^r 11th 1740.*Sir*

I am commanded by my Lords Commissioners for Trade & Plantations to acquaint you that they desire to speak with you to-morrow Morning at Eleven, in order to appoint a day for hearing you, on the behalf of the Colony of Connecticut, and M^r Mason, on behalf of the Mohegan Indians, upon the subject of your respective Petitions to the Lords of the Committee of Council, referr'd to my Lords Comm^{rs}., and this Day laid before them. I am Sir

Your most humble Serv^t.

THO: HILL

FRANCIS WILKS, Esq^r.

REPORT OF THE BOARD OF TRADE.

To The Right Hon^{ble} The Lords of The Committee of His Majestys most Hon^{ble} Privy Councill.

My Lords

Pursuant to Your Lordships Order of the 5th Instant We have taken into our Consideration the Report of the Board upon the Draft of a Commission to Review Some Disputes between the Colony of Connecticut, and the Mohegan Indians, together with the Petition of Francis Wilks, Agent for Connecticut, praying that the Gov^r. and Assistants of Rhode Island may be Inserted as Comm^{rs}., or that two of the Council of New York who are appointed Comm^{rs}., by the former Commission may be Omitted in the present, and also the Petition of John and Samuel Mason in behalf of the said Mohegan Indians against the Petition of Francis Wilks.

That We have been attended on this occasion by

Mr. Sharpe and Mr. Paris, Sol^{rs}. for the respective Partys, and having heard what they had to offer in Support of the allegations of their said Petition, We take leave to Acquaint Your Lordships that Mr Sharpe, who appeared for the Colony of Connecticut wav'd the first point of his Petition for Inserting the Rhode Island Com^{rs}., But Insisted that Mr Cortland, and Mr Horsmanden, who had assisted as Comm^{rs} from New York under the former Commission should be omitted as being prejudiced persons, having declared their Opinion in this Dispute in their Report transmitted to this Board, But as their Conduct did not appear to us to be Irregular, We are of opinion that it would be a hardship upon them to be excepted by name out of a General Appointment of the Whole Council of New York. We are

My Lords

Your Lordships most

Obedient & most humble Servants

MONSON

R. PLUMER

EDW^d ASHE.

WHITEHALL }
19 dec^r 1740 }

[Indorsed] Report of the Board of Trade upon the petitions of the agent of Connecticut, & also of the Mohegan Indians relating to the Striking out the names of two of the Council in New York from the List of Comm^{rs}. to be appted for Settling the Disputes between the Colony of Connecticut & the Mohegan Indians.

R. 20 Dec. 1740

22 D^c Ord^d.

That a Copy of the Report be Delivered to the partys.

JOHN LEDYARD* TO GOVERNOR TALCOTT.

GROTON, 1 Jan'y. 1740.

May it please your Hon^r:

I acknowledge y^e Receipt of your Honour's Favours of the 3^d & 22^d Ult^o. The former came duely, the latter this Night came to my hand, broken up. M^r. Talcott, I conclude, is at New London, So shall in y^e Morning early send this over, and 'tis the first Opportunity of getting a Letter to Hartford that I could hear of Since your Honour's first directions to me.

In a former Letter of mine, which answer'd y^r. Honour's of y^e 19th July last, was mention'd that the Guns Sent for to England were Three Eighteen-pounders, and w^t: money remain'd to be lay'd out in Twelve pounders, and that the Generall Assembly's† Comm^{tee} who adjusted the Accompt I carry'd up to Hartford were fully acquainted hereof, So y^t the Hon^{ble} Assembly had early Notice y^t the money ordered was Insufficient to answer all y^e purposes intended, and y^t for want of more money we could not procure any Carriage or Swivel Guns for a Sloop. I just hint this, that we may not be thought to have been remiss in the discharge of our Duty.

I am now inform'd by my Friend in Boston that four large Guns are come from London, that they were not got to hand when he wrote; but I Since hear by a Travailer from Boston that my Friend has Shipt 'em on Board one Crary belonging to this

* John Ledyard was born in or near Bristol, England, in 1700. He came to America at an early age, and first taught a Latin school at Southold, Long Island. From there he crossed to Groton, Conn., where he long resided. Between 1745 and 1750 he removed to Hartford, where he became a citizen of great distinction and influence, and he was also a man of literary culture, and interested in the founding of Dartmouth College. He died in Hartford, Sept. 3, 1771.—*New York Biographical and Genealogical Record*, VII. 100. *Memorial History of Hartford*, I. 653.

† Colonial Records, VII. 275, 314.

Harbour, ready to Sail with first Wind. Have not yet got my Letters from England, but conclude the Guns arriv'd are 3 Eighteen pounders and one of 12. The above mention'd Travailler told me he Saw y^e weight on one of the Guns was upwards of 45^t. I conclude the Shot for the Guns are not come, as the Gen^l. who bought the Guns was directed not to purchase any in England, unless reasonable, and by a Letter Receivd from him Some time Since, he writes me y^t all sorts of Armament were dear and Scarce. Shot may be procur'd at Boston from the makers on reasonable terms. We have not money in our Hands to buy any. Soon as the Guns get hither, will write to your Honour the Diameter of them, that the Council of War (if they See cause) may purchase Shot. I lately had a Letter from the Gentlemen in Boston who make Shot, that they shall be glad to Supply the Colony with any Sorts or Quantity that may be wanted.

It is very little my business to trouble y^r. Honour with aught of my Sentiments concerning the Colony Sloop to be built,* but would beg leave to say thus much, that I heartily wish the Gen^l. concernd may think it worth while to take the Model of the Rhode Island Sloop, as I think She is a Compleat Vessel to answer y^e purpose for which She was built. I Remain

Your Honour's

Most Obed^t. Hum^le. Serv^t.

JOHN LEDYARD.

'Tis highly probable we have a French war Com-menced, and if so, it's as probable they will be on our Coast in March. The Nature of that People is

* Colonial Records, VIII. 314, 326, 361.

to begin with their utmost Fury, and Spread all their Force at once. I shall be pleas'd to find this Colony prepar'd to repel them.

[Inclosure]

JAMES GRIFFIN TO JOHN LEDYARD.

LONDON, Oct^r 18th, 1740.

JOHN LEDYARD, Esq^r.

S^r: On the other side you have the Sale of the Gold & Silver which You sent me before I Came from Boston, & which I Shipt on board the Scooner Bayley, Cap^t John Jones, which I Came a passenger with; also the Invoice of Four Large Guns shipt on board the Brittainia, Jeremiah Fones Com^r: for Boston. I have insurd the same & hope they will Come Safe to your hands: the ballance due to us on the same is £11..9..5½ sterling, which hope with the freight will be Immediately paid to my Partner. I assure you have had a good deal of Trouble in getting these Large Guns, all the Makers in England having Contracted for the Government, & the want of Water in the Beginning of the Year have put them all Backwards. It is Generally thought we Shall have a french War.

My humble service to your good family & all friends.

I am,

S^r,

Your most Humble Serv^t

JAMES GRIFFIN.

LONDON Oct^r 10th: 1740.

Invoice of four peices of Cannon Shipt by James Griffin on board the Ship Brittainia, Jeremiah Fones Comm^r, for Boston, on the proper Risque of the Colony of Connecticut, & goes Consign'd Mess^{rs}

Jones & Griffin of Boston, to be forwarded said Collony.

4 large Cannon, viz^t:

1. 12 pounder,	£34..3..10
1. 12 pounder,	34..2..
1. 18 pounder	40..1..10
1. 18 pounder	40..

£149..2..20 at 12s. 7^p C^t. £89 16 1

Charges, viz^t:

To cash paid Lyterage,	£ 0. 8.
do paid duty on the Guns, a 1s.	4.
do. paid Entry & Searchers fees	8s. 8.
Insurance £100 to pay £98 7 ^p Cent. in Case	
of Loss £4. policy 4s. 6d. Com ^a ½ 7 ^p Cent.	4..14..6
	£5..1..46
	95..10..7
To my Commission on the same 2½ 7 ^p Cent.	2.. 7..9
	£97..18..4

LONDON Oct^r 10th 1740

Errors excepted.

7^p JAMES GRIFFIN.

Dr The Collony of Connecticut to James Griffin Cr

To the Cost & Charges
of 4 Large Cannon
Shipt you 7^p the Brit-
tania, Jeremiah Fones
Com^r for Boston 7^p In-
voice on the other side
am^o to £97..18..4

By Cash recd from
John Ledyard, Esq^r,
7^p the hands of M^r
John Simpson, w^{ch}
Ship't on board the
Scooner Bayley, John
Jones, Sen^r, Com^r for
Bristoll, viz:
£350 in paper, w^{ch} bought
237 Ounces Silver at
29s. 6d. 7^p Oz. is £349
..11..6 Charges on the
Same 8s. 6d. said Sil-
ver sold in Bristoll for
5s. 4½ s^{ts} 7^p oz. is £63..13.10½
Recd 60 Ounces ditto at
5s. 4½, 16.. 2..6
2 Moidores 27s. 2..14..
12½ pistoles 16s. 10.. ..
£92..10..4½

LONDON Oct^r 10th 1740

Errors excepted

7^p JAMES GRIFFIN.

		Amt. brought over, £92..10..4½
		Charges to be de-
		ducted viz:
Primage paid Cap ^t		To Cash p ^d Cap ^t Jones
Fones Omitted 15s.		fr ^t 2 p ^d C ^t £1..17..
w ^{ch} makes the Bal-		To insurance £100 at
lance	£12..4..5½	4 p ^d C ^t & policy 4s.
		6d. 4..4..6 6..1..6
		£86..8..10½
		Ballance due on this
		Acco ^t 11..9..5½
		£97..18 4

Colony of Connecticut to Jones & Griffin D^r

1740
 Jany 21st. To Ball. of your Sterling acco^t p^d acco^t Inclosed
 £12..4..5½, adv^d 650 p^d C^t £91..13..5
 To Cash paid Cap^t Fones, Freight &c. 16..17..
 £108..10..5

BOSTON, Jany 21st: 1740

Errors excepted.

for Jones & Griffin,
 JOHN ROWE.

BOSTON, Jan. 21st 1740

JOHN LEDYARD, Esq^r. You have Enclosed the acc^t
 of four Large Guns Bo^t p^d M^r James Griffin for y^e
 Colony of Connecticut. They amo^t £12..4..5½ Sterling
 more yⁿ was sent, which mony^e we have chargd at 650
 p^d Cent. advance, which is y^e Very Lowest advance y^t
 any Goods are sold for here. We have likewise p^d
 Cap^t Fones for y^e Freight of s^d Guns £16..17.. so
 doubt not as y^e Whole is Cash advanc^d out of our
 own Pockets youl see y^t the mony is Immediately
 remitted us, Which will very much oblige

Your hum^{bl}^e serv^t. to Com^d.

for Mess^{rs} Jones & Griffin.

JOHN ROWE.

ORDER IN COUNCIL.


 L. S.

AT THE COURT AT ST. JAMES'S,
the 29th of January, 1740.

PRESENT.

The King's most Excellent Majesty.	
Arch Bishop of Canter-	Earl of Abercorn,
bury,	Earl of Waldegrave,
Lord President,	Viscount Torrington,
Lord Steward,	Lord Cornwallis,
Lord Chamberlain,	Lord Chief Justice Willes,
Duke of Bolton,	S ^r Charles Wager,
Duke of Athol,	S ^r John Norris.
Duke of Montagu,	
Earl of Pembroke,	

Whereas His Majesty in Council was this day pleased to Declare His Royal Pleasure, that in the Morning and Evening Prayers, in the Litany, and in all other Parts of the Publick Service, as well in the Occasional Offices as in the Book of Common Prayer, where the Royal Family is Appointed to be particularly Prayed for, the following Form and Order should be Observed: Viz^t

Their Royal Highnesses, Frederick Prince of Wales, The Princess of Wales, The Duke, The Princesses, The Issue of the Prince and Princess of Wales, and all the Royal Family.

And to the end that the same Form and Order may be Observed in all His Majesty's Plantations in America, His Majesty Doth hereby Order, that the Governor and Company of the Colony of Connecticut for the time being, Do cause the same to be forthwith Published in the several Parish Churches and

other Places of Divine Worship, within the said Colony, And Do take care that Obedience be paid thereto accordingly.

W. SHARPE.

[Indorsed] Directions for prayers for the King and the Royall Family.

GOVERNOR BELCHER TO GOVERNOR TALCOTT.*

Sir A Few Dayes agoe, I receiv'd a Letter, from the Hon^{ble}. Edward Vernon Esq^r, Vice Admiral of His Majestys Blew Squadron, and Commander in Chief, of all His Majestys Ships, in the West Indies—a Copy of which Letter I now inclose you, this I do, not knowing, whether His Honour has wrote you himself, when you have re'd it, you will presently observe, the vast Importance, of its contents—

BOSTON

Febru^a. 14, 1740/1.

The hon^{ble}

Gov^r. TALCOTT

same

to Gov^r. WARD†

(Post) and to care of—

I am,

Sir

your Honours

Ready Friend

and

Most obed^t. Serv^t.

J B

[Inclosure]

ADMIRAL VERNON TO GOVERNOR BELCHER.

PORT ROYAL JAMAICA 13th Novemb^r 1740.

Sir / An opportunity offering by one of our Contractors M^r Tickells Vessells bound to New York, I could not slip the opportunity of informing your Excellency of the arrival in these Seas not only of the Large Squadron of Twelve Spanish Men of War from

* From the original in the possession of the Massachusetts Historical Society.

† Richard Ward, Governor of Rhode Island, 1740-43.

80 to 60 Guns but likewise of Two as large Squadrons of French Ships from Brest & Toulon. I have also advice of as Large Reinforcements being under orders for coming to join me; so that in all human probability the Fate of this War is drawing to a Crisis & Decision in these Seas.— And as I think these Squadrons will rely on being supplied with Provisions from your Ports, either immediately from the French Ports before we may come to a Rupture with them, or from Statia & Curacoa afterwards; and as any misfortune befalling us might be fatal to our Possessions in these Seas I cant omit recommending it to you as most material for His Majesty's Service to have no one permitted at this Critical Juncture to clear out from your Government without giving sufficient Bond not to land his provisions at any French or Dutch Settlements, or any other but His Majestys Colonies, where all they can raise will probably be wanted for the subsistence of His Majestys Troops—

As the Publick Service sufficiently bespeaks your regard in this particular I can in no Sort doubt of your exerting your utmost zeal in it for His Majestys Service—

I am Your Excellencys Most Obedient and Most
humble Serv^t

E. VERNON.

I have the Favour of your Excellencys Letters & return to you many thanks for your good offices to Cap^t Percivall who arrived here happily to relieve our Necessities—As the Squirrel can be of no service at your Port in this Winter and as she sails well, I purpose to keep her for His Majestys Service here & shall return her in the Spring.

To His Excellency JON^A BELCHER Esq^r.

GOVERNOR TALCOTT TO FRANCIS WILKS.

HARTFORD, March 13th. 1740.

S^r.: Your two Letters of the 27th. of Nov^r. Last, with the papers Accompanying them* are Come safe to my hand, and take this oportunity to return your self and M^r. Sharpe my hearty thanks for your prudent Care and Industry in our Affairs.

It is our Great unhapiness that the Judg^t. of the Late Com^{rs}. in the Case of Mason is set aside, but since it is not done from any Defect in our Cause, but only the want of skill and Clerkship in the Com^{rs}. to make up their Records, I hope we shall finally suffer nothing by it, more than the Expence of a new tryall. And that if we shall be put upon it to Apeal from the Judgm^t. now Coming on, we shall Experience the like Care and faithfulness from your self and M^r. Sharpe to promote our Interest.

Your Endeavor to prevent the Bill in Parliament to lay an Embargo was very Necessary and timely for us, and I hope it will be successfull. The laying an Embargo here will very much Disadvantage the Husbandry, trade and Navigation of the Colony, as you have well observed, and the passing of such a Bill seems the less Needfull, because we have alwaies Complyd with his Majesties pleasure in Every thing as soon as it Could be known.

With Respect to our Intestate Estates I must Inform you that the Last month there was a finall tryall here between M^r. Clarke the Demandant, and M^r. Tousie Defend^t, for a parcell of Land, which M^r. Clarke sued for as heir at Law,† and the Defend^t held by a Distribution ordered by the Court of Probates, before his Majesties sentence on our Intestate Law.

* See pages 312-331.

† See page 87.

I think the Case was tryd upon the Generall Issue. The Dispute was Intirely whether the plantif should recover as heir at Law ag^t. the Defend^t. that claimd according to our Custom of settling Estates. What papers the parties put in, I am not Informed. The defend^t had not the benefitt of your Cautions in the Close of your Letter. The Jury found for the Defend^t., who had Judgment. The plaintiff is bringing his appeall forward before his Majestie and Councill, and you may Expect shortly to hear of it there, and will prepare your self accordingly. If it be needfull, we Can further furnish you with the evidence that from the first settlement of the Colony, which is now more than an hundred years past, our Intestate Estates have been settled by Distribution Amongst the children, and there Cant be an Instance produced that the Eldest son Excluded the rest as heir at Law. Indeed, in the begining of the Colony, the personall Estates were more accounted of than Lands, and then the Circumstances of the Estate Considerd, and sometimes it was Distributed not Exactly to the Eldest son a double portion, and the other children Equall shares, but for more than forty years the Custome has been to Distribute them in this manner.

The Nature of this Wilderness Country is such as Require it to be so, in order to subdue and plant it: and if M^r. Clark should prevaill, it would [stir?] up almost all our titles throughout the Collony, and turn many familys out of the houses they have built, and the Lands they have subdued and made valuable. You will therefore look upon this affair as a matter of the Greatest Importance to us, and Endeavour that Neither the Misconduct of M^r. Lechmere, nor the blunders M^r. Tousie may make, may not be a means to bring on this Generall Ruin upon our

planters. What papers your Council shall Judge may be further Wanted from us, lett us hear of by the first oportunity, and they shall be sent.

I am Glad to hear that our acc^t of our Paper Currency is arrived safe. I herewith Enclose you the Acts of our Assembly for the Emissions that have been made since that acc^t. was preepared, among which you will find an Act past last May* for the Emission of Eight thousand pounds of the New tenor, for defraying the Extraordinary and Incident charges, and twenty two thousand pounds for Loan, and the bills by this act were made a tender: but upon my Receiving the Last Instructions, the proceeding on that act stopt which was the reason I did not add those Emissions to my former account. But at the meeting of our Assembly in November Last, it was found that the charges of the War was not to be suported by us, without makeing use of our Credit, and that many people, in Expectation of the Loan, had put themselves under such Circumstances that they Must be undone if it did not proceed. Whereupon the Assembly did not repeal the Act, but took out that clause that made the bills a Tender to any but the Treasury, by which every Trader that Will may avoid them in his Contracts, or in payment. Lett this affair also have your Attention, and having writen to you before on this subject, rest it with you.

I am Glad to see by your Acc^t that you have not sufered for want of money, and thank you for your Generous offer to advance, in case of need. If this shall be the Case, your bills shall be received, and Discharged with Hon^r. I shall Lay what you offer Respecting your salarie before the Assembly at

* Colonial Records, VIII. 318.

their Next Session. I have also herewith sent you some bills of Exchange signed by Gen^l. Blakeney, and Drawn upon the Right Hon^{able} Henry Pelham, Esq^r. Pay Master Generall of his Majesties forces in America: All amounting to the sum of 667lb 3^s., which I desire you would Gett accepted, send me an acc^t. of their Acceptance, Draw the Money and keep it, to be improved for the service of this Gov^t. ment, and as this Gov^t.ment shall order and direct.

Yours very Hum^{ble} Serv^t,

J. TALCOTT.

[Indorsed] To M^r Wilks Esq^r agent, March 13th:
1740/1.

TWO LETTERS FROM ADMIRAL VERNON'S FLEET BEFORE CARTHAGENA.

I shall now Give you a Short account of our Proceedings Since we Came here, Which is as follows:

On the 9th of March last, his Majesty's Ships, the Shrewsbury, Norfolk, Russel, and Princess Amelia, attack'd two Forts, Called Terra Bomba and St. Philip, which Stand on a Rock about thirty foot high; one had nine Guns, the Other had four. The Princess Amelia Anchored a little too Soon, and the Shrewsbury having her Cable Shot Away, She Drove So far to Leward, that Instead of Attacking those two Fortresses, Came into the fire of Boco Chico Fort, by which Means She was much battered, having received about Seventy Shot in her Side. She had twenty five men killed & four wounded. Y^e Loss Sustained by the other Ships was but Little, Except the Norfolk, which was much Damag'd before our bombs began to Play upon Boco Chico and the

two Batteries above named. The two Last Soon fell into our hand, by our landing five hundred men.

On the 5th [15th] of March we opened the Trenches about four hundred & fifty Yards from Boco Chico Castle, & Entered twenty Cannon of twenty four Pound, without any Annoyance at all from the Enemy. The 21th, at Night, the weeds were cleared from the twenty Gun Battery, and the next Morning we began our Fire, and on the 23^d Cap^t. Douglas & Sanford were Killed at the Battery.*

On the same day, the Boyn, Hampton Court, Canterbury, Prince Fredrick, Tilbury & Suffolk went against Boco Chico, Where the Boyn Received nine Shot between wind & water, & the Masts much Damaged; The Other Ship pretty much Damaged, & my Lord Aubury,† Commander of the Prince Frederick, Killed.

The 25th, the Soldiers Stormed Boco Chico, & made a Breach, which was first Entered by a Serjeant & twelve men of the Forlorn; & Soon after by fifty Select Soldiers, who put all the Spaniards in the [omission of original copyist.] Don Blass had Some-time before Deserted this Fort, & Retired to the Ships under his Command, three of which he Sunk, in order to Spoil the Channel; but the fourth, Called the S^t. Phillip, of Seventy Guns, he left, finding that he was not able to Stand the Fury of our Soldiers & Sailors, after they had taken Possession of Boco Chico, & had Cut the boom to let in our men of war.

On the first of April, two of our men of war

* Colonel Douglas and Lieut.-Colonel Sandford. — *Gentleman's Magazine*, XI. 286.

† "Lord Aubrey Beauclerk, eighth son of Charles, first Duke of St. Albans, born 1711, was brought up in the sea service, and lost his life after a very noble behavior in the attack on the harbor of Carthagen, March 24, 1740-41. A monument is erected to his memory in Westminster Abbey." — *Collins' Peerage*, I. 249. *Gentleman's Magazine*, XI. 265. *History of St. Peter's, Westminster*, II. 231.

fired upon Castle Legrand, & finding no Return, Landed Some of our men & took Possession of it. From thence one of our Bomb Vessels Advanced so far as to let Play upon the town of Carthagena, which we Doubt not of being masters of it in a Short time.

Admiral Vernon has Sent the Spence Sloop, Cap^t. Laws, Master, with the Good news to England. It is Computed that our whole Loss of men in the Several Attacks amounts to About two hundred & fifty men. What Chiefly Contributed to the more Speedy Conquest of Boco Chico was a Detachment of Sailors Sent over a neck of Land, Drawing over their boats, to attack Fort S^t. Joseph, which Drew the attention [of the] Spaniards that way, & made them neglect the Land batteries.

ANOTHER LETTER OF THE SAME DATE, APRIL Y^E
THIRD.

Sir: I had but Short notice of the Vessel's Sail, & therefore Can't give you a Whole Detail of our proceedings, which have hitherto be[en] Crowned with wonderfull Success, we being now in possession of Fort S^t. Phillip, Fort Frederick Bombo, Boco Chico, & Fort S^t. Joseph. We have obliged our Enemies to Sink & burn thirteen of their men of war, & a Large Merchant Ship, a Snow, Some Sloops, &c, & one of our bomb Ships now Plays upon the town of Carthagena. Don Blass's fine Ship of Eighty Guns is now Lying aside of us. She was taken by twenty five of our men, from Seventy of Don Blass's men that were on board her. The Captain of her & a Captain of Marines were on board, & being French men are Sent Home in the Spence Sloop. The Pilate of Said Ship, being a Bermudian, will be tried here.

Their Orders were to Blow up & burn s^d Ship; but our men Got on board & took her before a Launch Came to fetch the men a Shore, & thereby Saved the Dons y^e Labour of burning her. I am this Moment Preparing to Goe on Shore, I believe, to Garrison Boco Chico, a fine large Fort of Seventy Guns, which we Stormed & took without the Loss of a man, through the Cowardice of the Spaniards, Who run out at the Salley Port as we advanced, by which means we Got to the boom or Chain they had Laid Across the Harbour. We Loosed the Same, & made way for our Ships to Enter. My Lord Audbury, a Colonel, & an Ensign are Killed. I cannot now Enlarge, but in a few Days I hope to write another Letter to you from the town of Carthagena.

P. S. We have now also in the Possession the Fort Legrand, & also another within a League of the Town. From on board the Ship Boyn, April the third, Seventeen hundred forty one.

A. PALMER.

[Indorsed] A. Palmer's Two Letters from Carthagena, when the Castle &c. were Taken, 1740.*

BOARD OF TRADE TO THE GOVERNOR AND COMPANY.

WHITEHALL, April y^e 17th. 1741.

Gentlemen: Two Acts having been passed this Sessions of Parliament, wherein the British Plantations are concerned, Viz^t.

An Act to prohibit for a time therein limited the Exportation of Corn, Grain (Rice excepted), Meal, Malt, Flour, Bread, Biscuit, Starch, Beef, Pork & Bacon.

An Act for licensing the Importation of Victual from Ireland, and other Parts beyond the Seas into Scotland, in Time of Dearth & Scarcity.

* The news of the taking of Carthagena was received in Hartford, June 1, 1741. — *Rev. D. Wadsworth's Diary*, 66.

We have thought fit to send you printed Copies of them for your Information and Government in the several Matters therein contained, So We bid you heartily farewell, and are

Your very loving Friends &
humble Servants,

EDW: ASHE
M. BLADEN
AR: CROFT
R. PLUMER
JA: BRUDENELL.

Hon^{bl} Gov^R & COMPANY OF CONNECTICUT.

[Indorsed] April 17th 1741.

Letter from y^e Right hon^{ble}
Lords of Trade Respecting
acts of Parlyment Restraining
Exportation of corn, &c.

THOMAS HANCOCK TO GOVERNOR TALCOTT.

BOSTON, May 2^d, 1741.

JOSEPH TALCOTT, Esq^r.

Hon^d S^r: This is to Acquaint you that your Letters to the Lords of Trade & Plantations, which I Rec^d last Fall @ the hand of Coll. Huntington, has Got Safe to their Lordships' hands. I sent it under Cover to my Friend, who Delivered it with his own hand at the Board. He writes to me upon it, viz^t. I Delivered your Inclosed at the Board of Trade the moment I recēd it, & believe it's short of what they Expected from Connecticut, which I excused by the Delay of our Spring Ships & their Distance from Boston, the best I could to their Lordships. They are Impatiently Expecting a most particular answer to their Lordships in the Spring. This,

S^r, I thought proper to let you know, and that I Rec^d the Paquet & Letters ^{of} Cap^t. Hooker for London, which I shall forward ^{on} a Good Opportunity, Which will offer in a few Days. I am

Your Honour's

Most Obed^t. Hum^{ble} serv^t.,

THOMAS HANCOCK.

Superscribed.

To the Hon^{ble} JOSEPH TALCOTT, Esq^r.
Gover^r of His Majesty's Colony of Connecticut,
In Hartford.

FRANCIS WILKS TO GOVERNOR TALCOTT.

Hon^{ble} Sir. I have formerly wrote you about the affair of M^r. Mason, all which I hope came safe to hand. I have been some time in expectation of a Line from you: hope it will be here soon. Inclosed you have two of the Acts Pass'd to prevent Paper money being made in America.* I very lately reced y^e Value of £150, your Currency, from M^r. Jn^o. Edwards of Boston, which I take to be what the General Court was pleased to Vote me in May 1740, and for which I thank them, & am,

With great Respect,

Hon^{ble} Sir, Your most Obed^t. Serv^t.,

FRA WILKS.

LONDON, 16th of May, 1741.

To The Hon^{ble} JOSEPH TALCOTT, Esq^r:

* An act for restraining and preventing several unwarrantable schemes and undertakings in his Majesty's colonies and plantations in America. — 14 George II. c. 37. One of the clauses prohibits raising public stocks or banks, and unlawfully issuing large quantities of notes or bills therein. — *Pickering's Statutes, XVII. 249.*

Wilks wrote to Secretary Willard, of Massachusetts, March 27, 1741, "A Bill is just passed the House of Commons to extend the Act commonly called the Bubble Act passed in 1720, to the Plantations in America, after

CAPT. JOHN MORGAN* TO GOVERNOR TALCOTT.

TO THE HONOURABLE GOUVERNOUR TALCUT

I the Subscriber being for Some years Agoe appointed Agent or Overseer to the Pequod Indians in Groton In Company with James Avery of s^d Groton — which office I have faithfully performed to the best of my Skill and Judgement but of Late their Is sundry Incroachments upon the Indians which I have to my Uttermost Labour^d to Prevent, but not being Able I Endeavored to Lay y^e matter before y^e assembly for y^e Indians but Cap^t James Avery would Not Joyn with me therein, but at All times Does all he Can to hinder me from doing anything to prevent or Remove such Incumbrances, I have been at Considerable Cost and am Grown old, Can't Endure y^e fatigue of Such an office when all y^e burthen (and More too) lies upon me. Therefore my Request is y^t Another may be put in with me y^e Indians having Sent a Memoriall to have M^r Jo^s Rose of Preston Joyn'd with me† an overseer to S^d Indians and Dismiss Cap^t Avery, but their Memorial came to Late to be Entered, and therefore I tho't it my Duty to Let your Honour Know y^t unless Some proper person be Joyn'd with me in S^d Gaurdianship I Can't Do anything further in s^d Affair, but Intreat your Honour to Communicate this to y^e Assembly that it

it had sundry alterations from what was first printed. I am satisfied it is the determined resolution of the Parliament to dissolve all companies in America who have put forth any Notes or Bills to pass in publick, and to prevent any from doing it hereafter." — *Felt's Massachusetts Currency*, 106.

* Capt. John Morgan of Groton, born June 10, 1667; chosen Lieutenant of the first military company in Groton, April 30, 1692; Captain, Oct. 8, 1714; Deputy from Groton, 1708, 1710, 1711, 1721, 1731; appointed Guardian of the Pequot Indians, with Captain James Avery, in the room of his uncle, Captain James Morgan, deceased, in May, 1720. — *Morgan Genealogy*, 31. *Col. Records*, III. 293; IV. V. 188, 200.

† State Archives, Indians, I. 234.

may be Known that I no Longer Look upon myself
An Agent or Overseer to s^d Indians. I am your
Honours most Humble Ser^t.

JOHN MORGAN *oversear*.

HARTFORD MAY THE 26, 1741.

GOVERNOR BELCHER * TO GOVERNOR TALCOTT.

Hon^{ble} Sir. I duly receiv'd your Favour, of 15th.
April, and was glad to find, you had Admiral Vernons
original Letter, before the Copy I sent, got to your
hands— You may Sir depend, I shall on all occa-
sions, give the earliest notice I can, of anything, that
affects His Majestys Honour, & Interests, in your
Government, on the Safety & Welfare, of the People,
under your care— I am obliged to you, for the can-
did opinion, you pass on that part, of my conduct, in
the administration, of the King's Government here,
which respects what is commonly call'd the *Land Bank*,†

* From the original in the possession of the Massachusetts Historical Society.

† In 1739 a scheme for a Land Bank was started in Massachusetts. A company consisting of some seven or eight hundred persons was to issue its notes to the amount of one hundred and fifty thousand pounds. The security was to be a mortgage of real estate by each partner to an amount proportioned to the share taken by him in the stock, or a bond with two sufficient sureties, and each partner was to pay annually three per cent. interest on the bills borrowed by him, and one-twentieth part of the principal in bills of the company, or in articles of the growth or manufacture of the Province at such rates as should be fixed by the company's directors. The project became a prominent political question, and a large majority favorable to it was secured in the House of Representatives, but Governor Belcher pronounced himself against it. July 17, 1740, he issued a proclamation warning "His Majesty's good subjects of the danger they are in, and cautioning them against receiving or passing the said notes, as tending to defraud men of their substance and to disturb the peace and good order of the people and to give great interruption, and bring much confusion into their trade and business." Later he issued a proclamation warning all military officers against "signing or giving any countenance to the passing of the said notes of hand," and threatening to dismiss them if they did so. This he did in a number of cases, and no lawyer was allowed to plead before the Council who was in any way concerned with the company. Felt

I believe all, even the warmest in that affair, too late see their Errour, & Folly, yet they are to be pity'd, & if the Government here, can by any wayes, or means, interpose for their Case, in getting the Severity of the Act of Parliament mitigated, I shall be ready on my part, to do as I would be done unto, in a like case— I thank you, Sir, for all your good wishes, & so I do all the good Gentlemen, of your Colony and shall be glad to render you, or them, any Service, in my power, & with such Respect, I remain,

Sir

I think we can never be	your Honotrs
happy in these Provinces in a	(& their)
Paper Currency till an Act of	Most Obedient &
Parliam ^t shall bring every	Most humble Servant
thing of such a nature, to one	J B
certain Standard, in all the Kings	
American Dominions	

BOSTON

June 23. 1741

Gov^r TALCOTT —

¶ —

says that no class of the community escaped the energetic inquisition of the executive authorities. Much resistance was manifested to these edicts, and many officers, both civil and military, resigned rather than not encourage the bills. The election of nearly half the Council, and of the Speaker of the House, were set aside by the Governor on account of the persons elected being officers and partners in the Bank. The General Assembly met in May, 1741, and showed such a disposition to support the Bank that the Governor declared the House dissolved. Belcher's enemies had been working against him in England, and obtained his dismissal, May 7, 1741. In the meantime the Act of Parliament called the Bubble Act, had been extended to the Colonies by a declaratory act passed in March, 1741, and its provisions bore very severely on the Land Bank. Each individual member was made liable, not only for the negotiable value of the bills, but for the sums at which, according to the stipulation on their face, they were redeemable in silver, with the further addition of interest from the time of their being put in circulation. — *Hutchinson's History of Massachusetts, II. 393-397. Felt's History of Massachusetts Currency, 76-110. Palfrey's History of New England, IV. 550.*

II.—45

FRANCIS WILKS TO GOVERNOR TALCOTT.

LONDON, 25th June, 1741.

Sir. I Wrote you the 16th of last month,* ~~of~~ Cap^a Evers, *Via* Boston. I have since reced my Solicitor's Bill for Charges (since the last sent, Charged in my Acco^t.) Amounting to £43.12, on the Colony's Account, Copy of which I shall send if you mention it. The reason I take notice of it now is to desire your Assistance in getting the Governm^t. to make me a Remittance to Answer what Charges may be required here on their Acco^t., in which I shall take as much Care and be as frugal as possible. I hope you'll get it done as soon as you Can. I am in hopes by next Ship to hear from you, when shall write again, and am, With great Respect,

Hon^{ble} Sir,Your most Obed^t: Hum^l. Serv^t.

FRA WILKS.

To The Hon^{ble} JOSEPH TALCOTT, Esq^r:

GOVERNOR TALCOTT TO FRANCIS WILKS.

HARTFORD, July 4th: 1741.

S^r: The favour of youre two Letters of Nov^r. 27th† and papers accompanying came Safe to my hand, and by my letter of y^e 13th March ul^t.‡ have answered youre affores^d., and in my Letter affores^d. I incloased foure bils of Exchange signed by Gen^l. Blakeney and Drawn upon the Right Hon^{ble} Henry Pelham, Esq^r, Pay Master Gennerall of his Majesties forces in America, in the whole amounting to the sum of £667 03. and least those have Miscarried I now send Incloased foure more of y^e same and of

* See page 350.

† See page 312.

‡ See page 342.

y^e same tenour and sum £667 03, and if the fores^d are not come safe to you, you are desired to get the Bills now Sent accepted, Send me an acc^t of their acceptance, draw the Money, and keep it Readie to Improve for the service of this Colony, &c., as they shall order and direct.

I have Laide the P. S. of youres before our Gen^l Assembly in May, and they have Granted youre Salery for this Current yeare to be £250, which I have sent to M^r. John Edwards of Boston, your Receiver, and now lett [you] know y^t youre doings on behalf of this Gov^tment, youre acc^t. Current &c., are all to great Satisfaction, and I am now to Render the thanks of the Assembly to you and M^r. Sharp.

I should be glad to be Informed if My Letter to y^e. Most Noble Hollis Duke of Newcastle,* Relating to our Raising Men for his Majesty's service in the West Indies, Came to his Grace; allso if our Law book with a letter from our Gen^l. Assembly Relating [to] our Bills† (with our opinions which was y^e best way to draw in our Bills as might be least prejudisciall to y^e trade &c. was come to y^e Right Hon^{ble} y^e Lords of Trade,) as we have sent according to their direction to us.

I have Not one lisp about Mason &c. Shall not add but that I am,

S^r,

youre assured friend and hum^{ble} Serv^t.

J. TALCOTT.

To FRANCIS WILKS, Esq^r
London.

* See page 303.

† See page 308.

CAPT. GEORGE PHILLIPS* TO GOVERNOR TALCOTT.

NEW LONDON, July: 8th, 1741.

Honorable Sir: The Sloop Defence† arrived here at (New London) y^e first day of Instant July; which since we have got the topmast with all the yards, booms &c. made, also the Rigging made, and we are now A Rigging and fitting her Ready for sailing if need Requires: which I Expectt will be Completed by the beginning of next weeke. I have got the number of Hands on board which was ordered by y^e Assembly, whose names I shall send to your Hon^r here Inclosed. I find itt difficult Gitting A Good Gunner. I have discorst with severall y^t I was Advisd to, but did nott suite. I had opportunity yesterday to see Cap^t. Thomas Manneren, who hath had Considerable practis in y^e artt of Gunnery. I Cant find

* Captain George Phillips was baptized in Middletown, March 24, 1695; Deputy from Middletown to the General Assembly 1729-1740; appointed Captain of the Colony Sloop Defence in May, 1741. He died in Middletown, Oct. 8, 1747. — *Colonial Records, Vols. VII., VIII. 412, 428. Manuscript letter of F. F. Starr, April 5, 1890.*

† In July, 1740, the General Assembly ordered that a sloop of war should be fitted out by the Council of War, for the protection of our coast, and seafaring men.

The Defence was launched before May, 1741, in Middletown. It was built in Middletown by Capt. Giles Hall, then taken to New London to receive her armament. The crew numbered at first twenty men, but in case of emergency the complement could be increased to one hundred persons. George Phillips was Captain, David Wooster, Lieutenant. In October, 1741, General Wentworth wrote from his camp in Cuba requesting recruits, and the General Assembly ordered the Defence to make a cruise to the Cuban coast. In 1742 David Wooster became Captain (afterwards General Wooster of the Revolution). In 1743 the sloop was refitted and put in commission for the war with France, and in 1745 she was ordered to Cape Breton to join the British fleet which was to undertake the reduction of Louisburg. After the fall of Louisburg, she shared to the extent of £5,000 in the prize money distributed to those who took part in that victory. In October, 1748, the Defence was stripped of her armament and sold in the following December to General Jabez Huntington for £4860. — *From Paper read before the Connecticut Historical Society by Judge S. W. Adams, Dec. 2, 1884.*

A man Likelier in these parts than hee, and if your Hon^r should think fitt to appoint him that post, beleive itt may anser well. He seems to insist upon Going Equall with y^e master as to wages &c. I shall menshon to your Hon^r those men whome I have had thoughts of for offisers, and if your Hon^r. thinks fitt to appoint them to y^e severall posts I hope itt may dwo Well &c. The men which I have Inlisted or shipt on board are prittey needy, and are often Urging of me for money, & I have payd sum and have Given Encurragment to others: so that they seem to Insist as marchantmen Give one months wages advance they are Very Urgant y^t y^e Goverment may Do the Like &c.

I have sum Expectations y^t M^r. Burnham [will?] be att Hartford on Satterday next and waite on your Hon^r, who will then have A further acco^t of our proceedings, and would Humbly Desire your Hon^r would Give me further ordors Respecting the proceeding with s^d Sloope when fitted and commishinated &c.

I hant any Remarkable nuse att preasent, y^e Post as yett not Come in &c.; saving Due and Humble Regards to your Hon^r, is from your Hon^r most obedientt

Humble servant to Com^d.

GEORGE PHILLIPS.

To The Hon^{ble} JOSEPH TALCOTT, Esq^r.
att Hartford, These.

NEW LONDON, July 8th: 1741.

A List of Men's Names Who are Inlisted and Shipt on board the Collony Sloope Defence.

1	Michall Burnham,	Mas ^{tr} .
2	Thomas Manerin,	Gun ^r .
3	Rich ^d Antoney,	Botswin.
4	Joseph Breede,	Carpender.
5	Avery Lucas,	Armorer.
6	Malichi Lewis,	Cook.
7	Will ^m Smith.	14 John Brown.
8	Will ^m Bartlitt.	15 Jno. Cammill.
9	Sam ^l Williams.	16 Hez. Wetmore.
10	Benj. Abbitt.	17 And ^w Sables.
11	Antoney Siser.	18 Edword Wells.
12	Will ^m . Tryall.	19 John Mackkee.
13	Thomas Scoott.	20 Joseph Daton.

The above-named parsons now belong to the sloop Defence, and I have menshond sum for officers which if your Hon^r should think proper to appoint them in theire severall posts they may be as Capable serving as Any I Know of att preasent &c. Is from your Hon^{rs} most Hum^{ble} Serv^t to Com^d.

GEORGE PHILLIPS.

TO CAP^t. GEORGE PHILLIPS, CAP^t. OF THE SLOOP
DEFFENCE.

Instructions.

Whereas it hath Pleased his Majesty, our Rightfull Sovereign King George the 2^d p^r y^e grace of God of Great Britton &c. King, Defender of the Faith, at his Court at Kensington on the Ninth day of October, 1739, for the honour of his Crown, the interest of his subjects, and that Regard that ought to be had to the most solom treaties, to declare war and did declare warr against the King of Spaine, and hath therein Required all his officers and Soldiers by sea and land to do & execute all acts of hostilitie

in the prosecution of this war against the King of Spaine, his Vassals and subjects &c.: In y^e first place you are to observe the 2^d, 3^d 7th & 8th articles in y^e trety Marine Now sent you, and you being Now appointed and Commissioned Cap^t of the Sloop Defence: In the second place, you are Instructed to take spesiall Care of the officers, Mariners and Soldiers that Now or hereafter shall be under youre Command, that they behave in Respects so as y^t they may Ingage the gracious Presence of God to go and abide with them, and then may they Expect his protecting providence over them, that going forth Not in their own Might but in y^e Name of y^e Lord, they may do valiantly; and doubt not y^e Cause is Just, the Call is of God and the King: Be of good Courag and do it &c.

3. Take Care that you Instruct youre under officers, soldiers and sailors in their Respective duties, according to their severall offices and places they sustaine, in all y^e feats of arms according to the Rules and Discipline of warr and Navigation.

4. You are to keep youre men well Employed in duty and descepline at all times by Sea or Land, that Idelness (y^e Mother of all mischief) doesn't throw them into scorbutik distempers or that which is worss.

5. You are to take care that they keep themselves Cleane and brave: that will in some measure induce them to behave bravely: for as is a man so is his praise.

6. You are duely to observe all acts of trade and Navigation, and be frugall of the Country stores put into youre hands and that Come into youre Care; and if you think Needfull you may procure and Ingage some certaine place in New London to secure

the stores that belong to s^d sloop, or any part thereof; taking Receipt &c.

And as you wright me word in youre Last that when y^e sloop is Redy fited and y^e officers Commissioned there was a suitable Number of saylors in and Nigh the town of New London that would enter under you and take a small turn out in s^d sloop without wages, only being allowed their board untill they Return to New London, which I do approve of, and if a suitable number appeare on those terms you are hereby ordered to saile with the sloop Deffence to Rhoad Island, and from thence to take a stretch towards Sandy Hook and to Martin's Vinyard, or where any News you may hear of shall seem to Call, at youre best discretion, and I should be well pleased if any of these brave men that make this Generos offer would Inlist under you to be in Redienne when occasion shall call you forth, that you may not then be at a nonplus. You will upon all occasions attend such further Instructions as you shall Receive from me or from youre other superiour officers; and you are Instructed Now and at all times as occasion shall Call to go forth and by all Lawfull and fitting ways and Means to Repell, take, bring into Condemnation or destroy, all pirats, Spanish privateers, or others that you meet with in an hostile manner Intending to hurt or annoy this Coloney or any of his Majesty's subjects, according to y^e Instructions now herewith given you.

Given under my hand In Hartford this 14th day of July In the 15th year of his Majesty's Reigne, George the 2^d, by the Grace of God of Great Britain &c. King &c. Anno Domini 1741.

J. TALCOTT, Gov^r.

JOHN COURAUD TO THE GOVERNOR AND COMPANY.

WHITEHALL, July 11th, 1741.

Gentlemen, Application having been made by Mons^r: Hop, Minister from the States General, that one La Vaux, a Captain and Enginier in the Service of the Dutch Company of Surinam, who retired from thence in January last in a clandestine manner, may be arrested and sent to Surinam, in case he should be found in any of His Majesty's Colonys in America, and the same having been under the Consideration of the Lords Justices Their Excellencys did not think fit to give immediate Orders for securing and delivering up the said La Vaux; but have commanded me to signify to you Their Directions, that you should cause Inquiry to be made for the said Person in His Majesty's Colony under your Government, and if he should be met with that you should procure the best Informations You can of the circumstances and occasion of his coming and transmit hither an Account thereof, that such farther Orders may be given thereupon as His Majesty shall think proper.

The said La Vaux is described to be pretty tall and thin, with a sallow Complexion and a black Beard, his Eyes standing far out of his head, and usually wears a black Peruque.

I am,

Gentlemen,

Your

most obedient

humble Servant,

JOHN COURAUD.

GOVERNOR & COMPANY OF CONNECTICUT.

FRANCIS WILKS TO GOVERNOR TALCOTT.

LONDON, July y^e 14th, 1741.

Sir: I am just favour'd with yours of y^e 13th March, which incloses Bills of Exchange amount. to £667 3. which are Accepted. I should be more particular in answer to yours, but this Ship's Departure so soon after yours come to hand that I have time only to advise you of the Bills being accepted, and shall write you again by next Opportunity, being with great esteem,

Hon^{ble} Sir,

Your most Obedient
humb^l Serv^t,

FRA. WILKS.

The Hon^{ble} JOSEPH TALCOTT, Esq^r.

CAPT. GEORGE PHILLIPS TO GOVERNOR TALCOTT.

NEW LOND. July 22: 1741.

May it Pleas your Hon^r.

I have Rec^d by M^r Burnham youre Hon^rs Letter: With y^e Commishions, Warrants and Instrucktions, which I shall Carefully Indeavour to Conform there-two, &c.

I would take Leave to acquaint your Hon^r. y^t on y^e 20th of this Instant Cap^t: Jn^o. Braddick Arived hear from Vergeney, who brings An Information that on y^e 12th Instant Cap^t. William Clark, In A Large Ship, upwords of 300 tuns, was bound from boston to Vergeney, and in sight of y^e Land was besett with two Spannish Privetears, and after sum Ingagement made his Escape in his boate, with all his hands, to the shore, who informs that it is highly thought that they are Designd. to be upon our Coast, &c; by which Information I have not

only Advisd with my officers, but with y^e prinsapill men of this town, &c., which yesterday Concluded to make procklimation for men to Inlist In order to take A Cruse on our Coast, and also to Discipline & Instruct those belonging to s^d Sloope, & Also those now Inlisting, which I have Great Reason to think is Highly Nessessary, in order to fitt them for servis. We expectt this week to have A soffishint Company of men on board to saile on A Cruse. I hear y^t Road Island Sloope Is now manned, designing to saile this weeke. I hope we shall have oppertunity to meete & Consort with her. I would take Leave to Inform your Hon^r that those men which Can be spaird to serve the publick in this affair are such as wonts prasant money; some to fit themselves out, some to supply their families with provisions, &c. I would advise your Hon^r y^t I hant ingaged those men which now Inlist to be under pay aney Longer than this Cruse, Except your Hon^r. should order othor wayes, = and should be hartily Glad to have your Hon^{rs} further advice and ordors in y^e above affaires, &c. The seamen which have been sum time on board the sloope are now Very Earnest to have one month's pay: & I hant money to pay them; so must be oblidged to send for sum.

With senceir Regards, is from

• Your Hon^{rs} most

Obediant Hum^{bl} Servant to Com^d,

GEORGE PHILLIPS.

[Superscribed] To The Hon^{ble} JOSEPH TALLCOTT, Esq^r.
att Hartford. These.

[Indorsed] From Cap^t George Phillips, July 22^d, 1741,
Respecting Privateers, &c.

GURDON SALTONSTALL* TO GOVERNOR TALCOTT.

NEW LONDON, Aug^t. 3^d, 1741.

Hon^{ble} Sr. When the Troops under the Command of the Cap^{ts} Whiting & Stilman were in this Town, I took the necessary care that they should be well provided for, agreeable to Your Hon^{rs} Order to me; And as we have not the late Military Act,† know not what the Govern^t. will allow for such provision. I have, therefore made an estimate of the charge, which is hereto annexed, (& indeed its much less than the expence really was; & I suppose its as low as it could have been in any Town in the Govern^t.) which if Your Hon^t. thinks as reasonable as Just, begg the favour that You would cause the money to be paid to the bearer, M^r. Sheriff Richards, whose care in the affair may be entirely rely'd on.

I am, with the Utmost respect,
your Hon^{rs} Most Obed^t.

Hum. Serv^t.,

G. SALTONSTALL.

To the Hon^{ble} JOSEPH TALCOTT, Esq^r.

1741. Colony of Connecticut D^r.
June, To Diet, Lodging & Horsekeep^r. for (I
think) 104 Troopers, 2 days each @ 5s. p^d
diem, amounts to £52.

*General Gurdon Saltonstall, son of Governor Gurdon Saltonstall, was born in New London, Dec. 22, 1708; Y. C., 1725; in 1739 he was appointed Colonel of the Third Regiment, comprising companies from New London, Norwich, and Lyme; he represented New London in the General Assembly eleven sessions, between 1744 and 1748; and again at six sessions, between 1754 and 1757; and in the intervening years was Assistant; he served at the siege of Louisburg, and was one of the Colony Commissioners for that expedition, and for those of 1746 and 1755 against Canada and Crown Point. He attained a commanding influence in the affairs of

† Colonial Records, VIII. 379.

CAPT. GEORGE PHILLIPS TO GOVERNOR TALCOTT.

NEWLONDON, Aug^t. 8th: 1741.

Honourable Sir: These May Acquaint your Hon^r that We are Now Coming . . . in order to take A Cruse on our Coarst, having on [board] 70 men, Which in order to make up that number . . . instruct them which We had before We took A . . . Newhaven, where we Gott about 20 men. We Dont [expect] be above 3 Weeks on this Cruse, Except sumething . . . Happens. I would Humbly Intreat your hon^r to [send] ordors here att our Return how I shall order in Res[pect to the] men which now Inlist for this Cruse, wheather [they are] to be Dismistt or Continew Longer on pay Wh[torn] A number of men Consumes A Large Quantity of Provisions besides other Charge &c., and if they are Discharg^d they wont their pay, which I would Humbly Intreet your Hon^r to ordor money out of y^e treasury for that porpos and other Neesessaryes for the servis. I shall att our Return Indeavour with all Dispatch to acquaint your Hon^r thereof, who am your Hon^{rs} Most obediantt Hum^{bl} servant to Com^d,

GEORGE PHILLIPS.

To the Hon^{ble} JOSEPH TALCOTT, Esq^r,
Governor of the Coloney of Connecticut,
att Hartford.

[Indorsed] Cap^t George Phillips, Esq^r, of august 8,
Going to Saile y^t day.

the Colony, and at the outbreak of the Revolution he was appointed Brigadier-General of the State Militia. When New London was burned by the British, in 1781, his house was consumed. He died in Norwich, Sept. 19, 1785. — *Yale Biographies and Annals*, 316. *Miss Caulkins' History of New London*.

GENERAL THOMAS WENTWORTH* TO GOVERNOR
TALCOTT.

FROM THE CAMP ON THE RIVER HUMBER,†
IN THE ISLAND CUBA, Aug^t. 12th 1741.

Sir: His Majesty having directed me to use my best endeavours to recruit his forces under my Command in his Coloneys in North America, I have appointed Cap^t. Winslow to repair for that end to your Province, not doubting of your giving him all the assistance in your Power, to Levy Soldiers, not only for completing Coll^o. Gooch's Regiment, but if practicable to raise a greater number, either to fill up Vacanceys in the two old Corps and in the Marines, or to form another Battalion, as it shall be found best for his Majesty's Service.

As I have here no means of Supplying the Recruiting Officers with money, You will, Sir, be pleased to give the aforesaid Cap^t. Credit for such Sums as may be wanted for that Service, and to draw upon the Right Hon^{bl} Henry Pelham, Esq^r., the Paymaster General, for the said use. As to the Particular Sums to be paid to the said Recruiting Officer, I refer you to his Instructions, which he will lay before you.

All such as shall Inlist themselves on this Occasion will be intitled to the Advantages offered by his Majesty, in his Instructions on the first raising of Coll: Gooch's Regiment.

* After the death of Lord Cathcart Dec. 20, 1740, the command of the forces devolved upon Brigadier-General Wentworth.—*Gentleman's Magazine*, XI. 555.

† "On July 1, 1741, the forces under Admiral Vernon and Major-General Wentworth set sail from Port Royal in Jamaica. They arrived in Cuba on the 18th with forty one Sail of Transports and Storeships, and with his Majesty's Ships and Tenders, sixty one Sail in all. To the harbour when they landed they gave the name Cumberland in honor of his Royal Highness the Duke. The place of their encampment was about twenty-three Leagues off St. Jago de Cuba."—*Gentleman's Magazine*, XI. 555.

I don't doubt, Sir, but you will take the proper Measures for their being transported hither; to support which Charge, I flatter myself, the respective Provinces will make a provision, as all his Majesty's Dominions in the West Indies are particularly interested in the Success of this Expedition.

I am, S^r,

Your most Obedient
Servant,

THO^s: WENTWORTH.*

The Hon^{ble} JOSEPH TALLCOT, Esq^r.
Governour of Connecticut.

INSTRUCTIONS FROM GENERAL THOMAS WENTWORTH,
TO ENLIST RECRUITS.

To Capt^r. Hopkins & Winslow:

You are Required without Delay to repair on Board the Sea Horse, Commanded by Cap^t. Allen, who is ordered by Vice Admirall Vernon to Conduct you to North America.

2^{ly}. You are as Soon as you Land, to repair to Such Province as you think the most Likely to afford you Recruits, of which you are to Raise as Many as you shall be able with all Expedition.

3^{dly}. You are only to Inlist able Bodyed men not Exceeding thirty five years of age, nor are you to Inlist any Native of Irland, except you have undoubted proof of his being a Protestant, and of a Good Character.

4^{thly}. You are to apply to the Governour of the Province where you propose to Raise Men, for Money

*This letter, with the instructions following, were laid before the General Assembly in October, 1741, after the death of Governor Talcott.—*Colonial Records, VIII. 439.*

to Enable you to begin your Recruiting, and may afterwards Receive from him Four pounds for each man you Shall have Raised, out of which is to be Deducted the Sum you shall have before Received on Account.

5^{thly}. As An Encouragement for Gentlemen to assist you In Raising men, I Shall Reserve Twelve Vacancies of Ensigns' Commissions, which Shall be given to those who Shall appeare to me from a Certificate Signed by the Governour of the Province (where is the seat of your Recruiting) and by your Self, to have been the Most Active in assisting you in Raising recruits; each Capⁿ. Employed in Raising men to Certify for Six.

6^{thly}. The Recruits are to be Subsisted at the expence of the Recruiting Officer, and he is to Stand to all Hazard of Death and Desertion till they Shall be Actually Embark'd, of which no less than fifty to be Embark'd at one time. After they shall be Embark'd, they are to be Subsisted at the publick expence & any loss by Death to fall upon the Regiment.

7^{thly}. As often as Shall be practicable, Accounts are to be Sent to the Officer Commanding Col^o. Gooch's Regiment, to be laid before the Commander In Chief, of the Number of Men Raised, and of what prospect there may be of Raising More.

THOMAS WENTWORTH.

From the Camp In the Isle of Cuba, August 12th:
1741.

[Indorsed] Copy Instructions from Tho^s. Wentworth, Esq^r., from the Camp in Cuba, August 12th: 1741.
To Capt. Winslow of Boston, Raising Men.

CAPT. GEORGE PHILLIPS TO GOVERNOR TALCOTT.

NEW LONDON, Aug^t. 26th, 1741.*May it Please your Honour :*

Last night I arrived from a Cruze from Martyn's Vinyard, as far as the Capes of Delleway, and I am to Inform your Honour that I Spoke with a Snow on the 15th: of thiss Instant, att Sea, in the Latitude of 38^d. and 50^m: who was Taken by the Spanyolds on the 3^d: of thiss Instant, and Sett at Liberty the 8th: in the Latitude of 33. 12: When we came up with said Snow, the Sea run so high that we Could not highst our yawl out without much hazard and Difeculty, But Ordered the said Snow's Company to highst out their Long boat and Come on board, which Accordingly they Did, and I Examind them: who Informd me that they were taken by a Spanish Privateer fitted out of the Havannah; the said privateer was about 45 foot Keel, and mounted Six Carriage Guns & ten Swivells, with about 150 men. The persons I Examind was one David Bivens of Philadelphia, and Lester Falknar of Boston, who was taken att the time abovementioned. And they further Informd me that the said Privateer had Taken Severl other Vessels and Carryed home. The said snow Belong'd to Glascow, and was bound to Cape Fair when she was taken, one John Orr, Commander: and the Spanyolds Gave her to the said Biven and Falknar, to Carry home English Prisoners in. She had Eighteen then on board: and was bound to Philadelphia. The above Said Snow was Cast on Shoar the night following, att about 12 a'Clock, near Cape Inlopen, the wind att E. N. E. a hard Gale with Rain. We See her in the Brakers, and the Sea Brook as high as her foretop. We had a Lee Shoar, and ware Obliged to Crowd hard, and the Sea Running

high, we Carried away the End of our Bolwsprit. The Day following, being the 16th: Instant, we Spoke with the Philadelphia Country Vessel, who Informd us that She was on a Cruze, and also that She was a Convoying a Ship of the Coast, bound home to London. Likewise I am to Inform your Honour that we have Spoke with Severel Vessels att Sea: and none of them Could Give me any intilegence of any Privat-eers on the Coast. I am to Inform your Honour that we are all in Good health, being Sixty Six in Number, and wait your Honour's further Instructions. In the mean time I shall Discharge some hands: they Insist upon having their pay: &c. I have no more to add att present, but Beg Leave to Subscribe my Self,

Your Hono^r. Most Obed^t: Hum^le. Serv^t.

GEORGE PHILLIPS.

To the Hon^{ble} JOSEPH TALCOTT,
Gov^r. of the Colony of Con^t.

COL. SAMUEL LYNDE* TO GOVERNOR TALCOTT.

Hon^d Sr: This waits on Your Hon^r on an important affair, in which I beg Your Hon^r to take the best advice, and Send me the result. This day Sevnight M^r. Davenport† came to this town, to M^r.

* Col. Samuel Lynde was born in Saybrook, Oct. 29, 1689; graduated from Yale College, 1707; in 1729 appointed a Judge of the New London County Court, so continuing until appointed in May, 1752, a Judge of the Superior Court. He represented Saybrook in the General Assembly in May, 1724, and in eleven subsequent sessions, and in 1730 was elected a member of the Upper House, which position he retained until his death. He was also from 1730 until his death one of the overseers of the Mohegan Indians. In Oct., 1739, he was appointed Colonel of the Seventh Regiment in the Colony. He died in Saybrook, Sept. 19, 1754. — *Yale Biographies and Annals*, 66, 67. *Colonial Records*, Vols. VII. VIII.

† Rev. James Davenport, a graduate of Yale College in 1732, was ordained at Southold, Long Island, October 26, 1738. He was an ardent follower of Whitfield, and in 1740 he left his parish and travelled as an

Hart's* Lodgings (where I hapend to be) and introduc'd himself, and was answer'd by M^r. Hart, as in the inclos'd brief acc^t: He preach'd that day, and once or twice a day every day Since. The Last Satterday I waited on M^r. James Pierpont,† (who is one of his attendants,) showed him the Law of this Colony in page 29, prayd him to advise M^r. Davenport to withdraw to Lyme, (whose minister was gone to Longisland to Supply his place and) who I understood were Like to be destitute, but notwithstanding, he preach'd here to a considerable number, from Volentown, Stoningtown, Lyme, and Some from our west parrish, but one that I have heard of belonging to ours, viz. James Harris. I have been strongly urg'd that they might be prosecuted, and much blam'd by Some that they have not been before now; but considering the countenance the Assembly gave itinerant preachers the Last May, and having

itinerant preacher with Whitefield. In 1741 he started on another journey, beginning at Stonington, and visiting places between there and New Haven. It was during this trip that the incident described in this letter occurred. The "brief account" alluded to, although in the possession of the Connecticut Historical Society a few years ago, cannot now be found. In this journey he uttered the most extravagant denunciations of the ministers with whom he came in contact, and provoked censure by what Dr. Benjamin Trumbull calls "his unrestrained liberty to noise and outcry in time of divine service." One result of his extravagances was the passage of an act by the General Assembly in May, 1742, "for regulating Abuses and correcting Disorders in Ecclesiastical Affairs," which was designed to prevent the intrusion of strangers into any parish, and persons who should presume to teach, preach, or publicly exhort, in any town or parish, without the desire of the settled minister and the major part of the church, were to be sent out of the colony as vagrants. Later in the same session, on the complaint of inhabitants of Stratford, Davenport was brought before the Assembly at Hartford, which judged that he was not in the full possession of his mental faculties, and ordered him to be taken back to Southold.—*Yale Biographies and Annals*, 447-450. *Colonial Records*, VIII. 482, 484.

* Rev. William Hart, minister at Saybrook, 1736-1784.

† James Pierpont, Jun^r., of New Haven, son of Rev. James Pierpont. He entertained Whitefield when he came to New Haven in 1740, and was in sympathy with the "New Lights."—*Yale Biographies and Annals*, 189-190.

So good an opportunity of asking Your Hon^r advise, thought it best to desist.

Coll^l Willard* (by whom this comes) can give your Hon^r a more full account, by whom (if not before) I hope for an answer, and am,

Your Hon^r most humble
and Obedient Serv^t:

SAMUEL LYNDE.

P: S.

I have thought whether this may not be alledgd in M^r. Davenport's favour, viz. that the Indians are Strongly attach'd to his ministry, and would not have attended any where else.

[Superscribed] To the Honourable JOSEPH TALCOTT, Esq^r, In Hartford. 79 Coll^l: Willard.

GOV. TALCOTT TO COL. SAMUEL LYNDE.

HARTFORD, Sep^r. 4th, 1741.

S^r: I received youres without Date, Inclosing an account of M^r. Davenport's Coming to Saybrook, with the questions put to him and his answers, — am Surprised that M^r. Davenport, a minister of y^e Gospell, should in so imperious and unwarrienable a manner take upon him to condemn any, and Especially our most Eminently pious and Industrious Ministers, to be Carnall, &c., which I look upon as usurping the authority of the Most High. — It is said, I will give to him a white Stone, &c. And his advice to people not to hearken to their Ministers by him condemned, but to go 10 or 20 miles &c., — and that they had better

* Captain Samuel Willard of Saybrook was appointed Lieutenant-Colonel of the Seventh Regiment in May, 1740. — *Colonial Records*, VIII. 317.

sett upon private meetings amongst themselves &c.,—all which is a violation and open contempt of y^e Laws of this Coloney, and so aparently tends to the breach of the peace of our Religious Sositates and subvention of all good orders in Church and State: that every stедie, Rationall Christian, I should think, would see it and prudently avoide such men, that so their pernicious proceedings might come to an End. And I think youre ministers will doe well to keep their pulpits from all such men, least they be partakers with them in their Evill Deeds,—and that youre Civill authority will do well to take all necesarie Care that peace and good order be maintained amongst you, and I hope they will observe and conduct them-selves with y^e Necessary care, prudence and Courage in their stations as the day Requires; and that y^e Civill authority, the Ministers and people, will all use their Joynt Intrest, by advice, Influence and authority, to Incourage what is vertuous and praiseworthy, and to Suppress every disorderly and Vile practice, and what so Ever tends to the hurt and Reproach of Religion.

Perhaps the least difficult and Most safe Method of dealing with so boysterous a person as your letter mentions might (at this day) be, to send him by boat or otherwise out of this Government, that he may go to his own people &c. And being (I hope) a sinceer wellwisher to peace, vertue and true Religion, shall say no more at present but that I am, S^r, (with due regards to y^e Revd M^r. Hart)

youre obliged hum^{bl}e Servant, J. TALCOTT.

To Collo. SAM^l LYNDE, Esq^r.

REV. WILLIAM WORTHINGTON* TO GOVERNOR TALCOTT.

S. BROOK Sept: 15, 1741.

May it please y^r Honour: I adventure to trouble you wth this Short Letter, w^{ch} comes but as a Just acknowledgement (due from me & indeed all Pastors of Christ's Churches in ys Coloney) for the fatherly Care & Holy Zeal y^r Honour hath shown wth respect to the Churches of Jesus Christ & our Most holy Religion. You have our most fervent Blessing & hearty prayers, both in our Studys & in y^e Sanctuary. Your Honour's Name will doubtless be Sweetly Mentioned, wth a Narrative of this your Zeal, to the next Generations. Suffer me, great Sir, to Commend it as a Matter worthy y^e Care of the greatest Ruler, to Defend y^e faith, Suppress Errors, Maintain Peace in Churches, to Support y^e faithfull & dutyfull Clergy, & to crush those who for Sordid Intrest would make Sale of y^e Country, y^r Consciences, the Spiritual kingdom of Jesus Christ & all y^t is sacred; And, in order to this in y^r Selfe, May the Great Lord Make you wise as an Angel of God; May he Increase y^r Honour's happiness & usefullness of y^r old age; & y^t all may be succeeded in God's time by a Most happy eternity, is the earnest prayer of your Honour's Most Devoted Obedient Serv^t,

WM. WORTHINGTON.

[Superscribed.] To the Honourable JOSEPH TALCOTT, Esqr. In Hartford.

* Rev. William Worthington was born in Hartford, December 5, 1695; graduated from Yale College, 1716; he was ordained the first pastor of a church in the west part of Saybrook, in 1726, then called Pochaug, now in the town of Westbrook. He died in Pochaug, November 16, 1756.—*Yale Biographies and Annals, 156-157.*

FRANCIS WILKS TO GOVERNOR TALCOTT.

*Copy of Cap^{ts} Cary.*LONDON, Sept^r. 22^d, 1741.

S^r: I am lately favour'd with yo^{rs} of y^e 4th July,* which gives me great pleasure to find that M^r. John Sharpe & my endeav^r. to serve y^e Colony meets with Approbatⁿ. In my former of Cap^t. Fones you had Account of my having receiv'd four Bills of Exchange drawn of Col^o. Blakeney for £667: 3: which were paid when due; and thinking it for y^e Service of y^e Colony, on y^e 14th of last Month I bought £500. Capital South Sea stock, at 100 $\frac{1}{4}$ of Cent., amounting to £503: 15: together with 12s. 6^d. Brokerage, is £504: 7: 6. I Debit y^e Colony for y^e Cost of said Stock for their Account, which Stock is now advanced & will sell for 103 of cent.

I have receiv'd from M^r. John Edwards, of Boston, a Bill of Exchange for £43: 3: 8, which is for what was remitted him from Connecticut for my Year's Salary. I think my Self greatly oblig'd by the Court's ordering me so handsome, & shall make it my endav^r to encourage their Generosity.

I have been in expectatⁿ of some farther proceeding in y^e Affair of M^r. Mason, but nothing as yet appears. My Solicitor tells me he hopes you'll observe y^e Directions formerly sent, in y^e Execution of y^e new Commission, & take care to see every thing duly inserted in y^e Record. You may be assur'd of our utmost endav^r to serve y^e Colony on y^e Return of y^e Commission, & do every thing in our power for their Advantage. Your Letter to His Grace the Duke of New Castle,† also that to y^e Board

* See page 354.

† See page 303.

of Trade* wth y^e Law Book, were safe deliv^d. As
Occasⁿ. offers shall write y^e. again, & am

Hon^{ble} S^r,

Yo^r most Obe^t. hum. Serv^t.

LONDON, Octo^r. 17th, 1741.

S^r: The foregoing is Copy of my last, since
w^{ch} I have not heard anything of M^r. Mason: when
I do, shall let you know, and am,

Hon^{ble} Sir,

Your most Obedient hum. Servant,

FRA. WILKS.

The Hon^{ble} JOSEPH TALCOTT, Esq^r.

CAPT. JOHN WINSLOW† TO GOVERNOR TALCOTT.

To the Hon^{ble} JOSEPH TALCOT, Esq^r. Gov^r. of the
Collony of Connecticut, &c.

May It Please your Honour: His Majesty's Service
Requires my being In this Province and In the Prov-
ince of New Hamshier, & Thereby I am Debarred
of Haveing the Pleasure of Waiting on your Hon^r.
& the General Assembly of your Collony Now Con-
vened. Have Therefore Impowered Liev^t. Joshua Bar-
ker, a Gen^t. Sent by his Hon^r. General Wentworth
to assist me in Raising Recruits, & one whose Faith-
fulness & Abilleyty is Well Known in the army as
Well as To me, to Whome I Desier, & Question not
you will Give, all Incouragement & assistance in your
Power. I am Senceable That Every Considerate Per-

* See page 306.

† Captain John Winslow, born in Marshfield, Mass., May 27, 1702; he commanded a company in the Cuba expedition of 1740, and was a Colonel in the expedition to Nova Scotia in 1755, and was General and Commander-in-Chief at Fort William Henry, on Lake George, in 1756. He was also a Councillor of the Province. He died in Hingham, Mass., in 1774. — *N. E. Historic-Genealogical Register*, IV. 302.

son must know the Great advantage that will of Coarse arise to your Collony if we hold Cuba, & am Persuaded We Shall be able to Do it, (God Willing.) I also am of Oppinion that there is No Great Hazard of Sickness There more than at Home, We being to Go Directly to Cuba and Not to Rendezvoze at Jamaica. This Province, to Say the two Houses, have Granted a Bounty of five Pounds to Each Man, Twenty Shillings More to Lay In Stores, & a Blanket, all which amounts to about Eight Pounds, & Their Billetting while hear & Transportation from hence to Cuba, and I Suppose the Grant Will be Immediatly Confirmed by his Excelency. I Question not but that Conneticut will at Least Do as far as the Bay have. My Letters & Instructions when I was with you were Lade before your Honour, (& What Since has been Done I Know Not,) In which you Will Finde a Clause that Directs to the Raising Money for the Recruiting officer to begin with, & four Pounds Sterling to be paid for Every Man Inlisted, Two Pounds of which is to the Person Inlisted. Hope There will be No Diffeculty in M^r. Barker's being Supplied, and the Proper Draughts for Such Sums as he Shall Receive Shall be Made on the Right Hon^{ble} Henry Pelham, Esq^r., Paymaster General of His Maj^{ty}'s Forces, in as ample Maner as if the Money was by my Self Received. And In Case a Sufficiant Number of Men Should be Raised in your Government & Persons Suitable to your Hon^r & M^r. Barker's Satisfaction appears, I Shall Certify with your Hon^r for Two Ensign's Commissions. Flater my Self that Men may be Raised. Am your Hon^r's Most Obedient Serv^t.

JN^o. WINSLOW.

MARSHFIELD, Oct^o. 10th, 1741.

EXTRACTS FROM REV. DANIEL WADSWORTH'S DIARY.

Oct. 3, 1741, he says, "y^e Gov. sick."

— 8. "y^e Govern^r. still very sick. I pray God to spare his life in mercy to thy people if it may be."

— 10. "y^e Govern^r. exceeding sick, I pray God to heal him. not heard.

— 11. Lords day. 15 minutes after 6 o'clock in y^e morning died my dear father Talcott, a pattern of piety, a good man and did good in our Israel, served his Country with faithfulness and to great acceptance in y^e stations of a Justice, an assistant, a deputy Govern^r. and then of Govern^r successively, he was also a Judge of y^e County Court, a Judge in y^e Super^r Court, and major of y^e Regiment in y^e County of H: for many years. he was made a Justice of peace in May, 1705, of y^e quorum in may, 1706, and in may 1710 appointed major of y^e regiment in y^e County of Hartford, in may 1711 he was Chosen into y^e Council, in may 1714 appointed Judge of y^e County Court and of y^e Court of probates. in Octob^r 1723 was chosen Dep: Govern^r. and in Oct. 1724 he was chosen Govern^r. while an assistant he was one year a Judge in y^e Superior Court. he continued Govern^r from y^e time of his being first Chosen to y^e day of his death, was accepted by the multitude of his people. O Lord sanctify this Loss to me and them. He was in y^e 72^d year of his age.

— 13. This day was Interred my very hon^d. father and dear friend Govern^r. Talcott, a pattern of piety, an eminently useful man in his generation what a breach is made in y^e Government, in y^e Town, and in our chh. its main pillar is fallen."—pp. 73-4.

* MAY 25, 1738. "This day died my dear Mother Madam Eunice Talcot, Consort to y^e Honb^{le} Joseph Talcot Esq^r. about 12 o'clock in y^e forenoon She was seized about 11 o'clock with (as supposed an Epileptick) fit, sitting in her chair in usual health.

— 27. This day in y^e afternoon Mad^m Eunice Talcot was Interred. Bearers were Maj^r. Elles, Capt. Standly, Capt. Whiting, Capt. Oz. Pitkin, Maj^r Pierce & Maj^r Burr,† the coffin covered with black cloath, and four escutcheons fixed upon it; there was a vast Concourse of people, it was y^e Largest funeral that ever I saw in Connecticut." — pp. 24-5.

* *Supra*, page 47.

† These gentlemen were all Assistants, or members of the Governor's Council: Major Samuel Eells of Milford, Col. Nathaniel Stanley of Hartford, Col. Joseph Whiting of New Haven, Capt. Ozias Pitkin of Hartford, Major Timothy Pierce of Plainfield, Major John Burr of Fairfield.

APPENDIX.

JEREMY DUMMER TO REV. TIMOTHY WOODBRIDGE.*

FEB^r 25, 1724/5.

I condole with you upon the surprizing death of your late Excellent Governour, whose Memory will be to me always precious. I need say nothing of his worth to you who knew him so well, But I always thought it so great that there was no other person but yourselfe in the Colony capable of Succeeding him in the Chair of Government. The Gentleman who is chosen Governour is wholly unknown to me, but by a letter I receiv'd from him he appears to be an honest & Sensible Gentleman. I desire you'l Assist him in an affair which I have a Commission to write to him of. The Indian Corporation have now a pretty large Sum of money in their hands,† & the Governour has promis'd me to propose to the Corporation that this money as well as their Constant Annual Remittance

*Rev. Timothy Woodbridge was born at Burford St. Martin's, Wiltshire, England, Jan. 13, 1655/6; came with his father, Rev. John Woodbridge, to New England in 1663; grad. Harvard College, 1675; ordained pastor of the First Church, Hartford, Nov. 18, 1685; one of the Founders of Yale College in 1699, Fellow from 1700 to 1732, and was offered the rectorship in 1722; a member of the Synod at Saybrook in 1708, and also largely concerned with the political affairs of the Colony. He died in Hartford, April 30, 1732.—*Woodbridge Record*, 14-15. *Sibley's Harvard Graduates*, II. 464-70:

FEBY 21. 1716/17.

†*Jeremy Dummer to Timothy Woodbridge.*

"As for D^r Williams' charity the will is not yet recorded for reasons I formerly gave you. But I have seen a Copy of it taken in Short hand, & what concerns us is in Substance this: He leaves a Mannor of a 120^l £ ann. for the propagating the gospel among the Indians, whereof one halfe is to Harvard College, and the other to the Corporation here, but Still for the same use. That the one moiety (which is 60 £ ann.) should be appropriated to your Colony is very reasonable because Your Indians hath bin hither to wholly neglected, and there is a word in the demise that seems to fix it there, for it saies *the neglected pagans*, which cannot be the Massachusetts Indians after so much pains have been taken with them. I deliver'd Yo^r Government's letter to the Corporation on this Subject, & gave them my opinion upon it, as I now write you, & I think I have interest enough with them to carry it so. However there is no immediate haste, because there's a life upon the Estate which must fall before it comes into hand. And yet it is fitting to take proper care, for the life is a poor one, being a very Sickly woman, who has already liv'd a good deal longer than the Physicians thôt was possible."—*Wylls Papers*.

Shall be divided for the future between your Colonie & the Massachusetts. He has already made a beginning by Nominating your new Governour One of the Society's Commis^{rs}. But before this thing can be Completed, Govern^r. Talcott must write Govern^r. Ashhurst a letter to be laid before the Corporation, showing what Number of Indians there are in y^r Colony, & what prospect you may have of doing good among them, & particularly setting forth that your Colledge is founded upon principles agreeable to the Religion of the Country, for they have heard a foolish Story, as if you design'd it as a Nursery for the Church of England. The Letter must be thus directed

To The Hon^{ble} Rob^t. Ashhurst, Esq.^r

Governour of the Society for propagating
The Gospel in America.

At London.

GOVERNOR TALCOTT TO THE SPEAKER.*

M^r Speaker.

You may Remember this time 2 years we weare at a loss what was due to our agent,† and our lying in arreers Cost two Gent^lmen great part of the time y^e Court sat to finde how that Matter lay: and at last I suppose partly accompted at some uncertenty to be about 400^l, which was sent him by our Late Gov^r., and then Last yeare we had a letter from y^e agent Signifieing that we would order his Salary annually in May, for the delay made it (through y^e discount of our bills) worth but very little when it Came. And therefore I think it best to grant his Sallary at this Court y^t we may not have any orders: for he writs word y^t the first alowance to our former agent, S^r Henry Asshurst, was an hundred pound in Silver & and so it was to him which did make 60^l^b Sterling: and now the discount of our bills are Such that the present alowance

* Captain James Rogers of New London.

† Colonial Records, VI. 363, 404.

of 100^{lb} of our bills is but about 10 Sterling, and tho he dos not love to beg yet he had allmost as leve have the hon^r of being agent for this Coloney for Nothing, as be under y^e Notion of 100^{lb} when it was so little worth to him. How ever (you or we may think as to y^e) I think his Sallary should be now granted.

J. TALCOTT.

This Assembly grants to M^r. Agent Dummer for his good Service as agent for this Colony for his Salary this present Year the Sum of One Hundred pounds out of the Publick Treasury in bills of Credit.

Past in the Lower House

Test THO. KIMBERLY *Clerk*.

Past in the Upp^r. House

Test HEZ: WYLLYS *Secret^{ry}*.

[Indorsed] Salary M^r Agent Dumer, May, 1725.

CAPTAIN JOHN MASON'S MEMORIAL.

The Honourable the Governour, Councill and Representatives of his Majesties Colony of Connecticut in New England, in General Court assembled at Hartford, On Thursday the 13th day of May, A. D. 1725.

The Memorial of Cap^t John Mason of Stonington Procurator and Gardian of the Mohegan Indians:

Humbly Sheweth:

Your Memorialist begs leave to introduce his Memorial before this Hon^{ble}. Assembly by exhibiting a Copsy of the Report and advice of the Lords of Trade and fforeign Plantations together with the opinion of M^r Attorney General to the late Queen Anne in the year A. D: 1703/4.

Upon the petition of Oneco Sachem of Mohegan to her Said Maj^{ty} Complaining of Injuries done to him and his people by this Government takeing from them those lands they had reserved for their planting and hunting:

Whereupon a Commission was made Out to Joseph Dudley Esq^r., and others, for the hearing, Examining and determining those Matters According to Justice.

Pursuant to the powers granted to the S^d. Commissioners the Court was Opened in Stonington, Augst. 23^d, 1705, And proceeded on the premises, as your Memorialist did formerly set forth to this Court in October, 1723, at New Haven, as will more fully appear by the S^d. Memorial, If this honoured Court will please to be refer'd thereunto.

Yet Nevertheless your Memorialist Still labours under those Difficulties that have for So long a time been very burthensome to him, and greivious to the Indians in whose behalfe he now Appears, Is therefore Oblig'd to Set forth the proceedings of the S^d Court with their determinations relating Matters of the S^d Complaint.

After hearing and Considering the pleadings, Evidences and Records, They were unanimously of Opinion that Oneco And the Mohegan Indians Ought to be Restored to And put into the possession of the S^d Lands, haveing been Unjustly depriv'd and dispossed of them, Any Act or Order of the General Court or other proceedings notwithstanding.

It is therefore considered & determined by the S^d Court of Our S^d Lady the Queen that the S^d Oneco Uncass, and the Mohegan Indians Shal be imediately put into the possession of all their planting ground lying between New London & Norwich, containing 8 mile in Length and four mile in bredth or thereabout as the same was Surveyd and Markt.

As also one other smaler tract lying upon the North bounds of Lyme containing 9 miles in length and two miles in bredth, the Westernmost end thereof lyes on the Conecticot River.

Also one other Large tract of hunting ground lying between Norwich, Haddam, Lyme, Labanon and Mattabeseck, granted to Colchester.

And Also that Oneco Uncass recover his just cost and charge, Allowed to £573.. 12.. 8. besides £80.. 00.. Expended afterward, wth your Memorialist has paid or Stands charged wth.

And that the Governour and Company of the Colony of Conecticot according to her Maj^{ty}'s plesure signified to them in her Maj^{ty}'s most gracious letter bearing date 23^d. March, 1703, be certified of the determination of the afore S^d Court and be required imediately to cause the S^d Oneco Uncass & the Mohegan Indians to be restor'd to the posession and enjoym^t. of the several tracts or parcells of Land above Recited.

A Copy whereof with a Letter from the S^d Court was transmitted to the General Assembly the next October. Now we presume all these transactions being laid before the S^d General Assembly, Upon consideration thereof they did at their sessions in October, 1706, appoint Sundry Gentlemen as a Committee for and in behalfe of the Goverment, to treat with Oneco concerning the differances ariseing upon his claims to the lands with in the bounds of New London & Colchester, Viz^t. Mess^{rs} Christophers, Woodbridg, & others, empowering them fully to agree wth him about the premises.* Accordingly they Mett at Norwich Novem: 29th., 1706, with the S^d Oneco & your memorialist pursuant to the ends afore S^d, and concluded as followeth.

Imprim. That the Mohegan boundaries Stated by Govern^r. Treat and Maj^r. Talcot, be continued as by them Stated and Recorded.

2^d as the Sequestred Lands on the West Side Mohegan River, as they were Set out by Maj^r. John Mason That be for, and for Ever ly to the Only and free improvem^t of the Mohegan Indians, their heirs & Success^{rs} for Ever, And that the towne of New London Shal grant a full and legal release to Oneco, his heirs & Succes-


* Colonial Records, IV. 469, 470.

sors, to all the Sequestred lands w^{ch}. were lately added by the General Court to the township of New London.

That all Sales and grants made by the S^d Oneco, where he hath had the consent and allowance of the late Maj^r. Samuel Mason dec^d., or the present Cap^t. John Mason, w^{ch}. were not in them Selves unreasonable and Extravagant, nor prejudicial to any township, according to the late Act of the General Court in Octo^r last for the granting Such confirmations, Shal be confirmed by the General Court in May Next, Upon application made by the particular persons therein Concern'd to the S^d Court for it.

That *whereas* Oneco haveing desired that the General Court Shal appoint and impower Cap^t. John Mason to be his gardian it Shal be done accordingly. That the antient amitie Settled by Articles between this Goverment of Conecticot, And Uncass and Oneco & their Successors, do remaine firm and Inviolable, Except those Clauses of the Articles in the year, 1681, Enabling them to Set a price and Value on the S^d lands that the Govern^t. had or Should improve that did belong to Uncass or Oneco, Oneco haveing passed away those Lands there intended, doth hereby Relinquish the s^d Clauses.

in Norwich 29th. Novem. 1706.

his
ONECO 

Mark

JOHN MASON

RICH^d. CHRISTOPHERS.
TIM^o. WOODBRIDGE
NEHE: SMITH
RICH^d BUSHNELL

Now after these articles were Signed by the Committee we your Memorialist And Oneco gave to the S^d Committee a full and ample deed of all the lands belonging to the S^d. Oneco (in behalfe of the Govern^t.) that was not before conveyd, Excepting only the Sequestred land.

In consideration whereof the Committee gave an

Obligation under their hands and Seals to pay the Sum of £700.00. in Silver money 15^d. weight.

This being Accomplished we gave an Obligation under our hands & Seals, we would If need Required give any farther Assuerances and Confirmations of the land So conveyd to the Government as the learned in the Law should advise. And also a General Release and Quitclaim to the Governor and Company of all dues, debts, Judgm^t. and demands w^t. So Ever.

At a General Assembly convened at Hartford May 10th. 1707, The Hon^{ble}. the Governour and Councill do recommend to the Serious consideration of the Hon^{ble}. house of Deputys that after Serious Reflections upon the Return of the Committee appointed to agree the differences ariseing upon Oneco's claims to lands in Colchester and New London, and Long and Solemn debates by Committees and in councill they cannot Se it their Way clearly to Comply with what hath been presented and propos'd in that behalfe, And are of Opinion that it is more Safe to leave that matter to some further *consideration* oportunity (hopeing that they may Receive some farther light therein) then by a hasty proceeding therein in the dark to hazzard the precipitation of her Maj^{ty}'s Subjects in this Goverment (whose peace and quiet they are under the most Solemn Obligations to preserve) in great & perplexing Vexsations.

A true Coppy

Test ELIAZER KIMBERLY *Secry*.

May it Plese your Hono^r.

I have patiently waited these 17 or 18 years in Expectation the Govern^t. would in their wisdom find out Some way either by a fullfillment of the Judm^t. of the S^d Court, or by Complying with the agreement made by the afore S^d Committee for the Relief of the Indians and your memorialist, who has allways Entertained a tender regard and trew Love to his Country.

But for as much as nothing has been done hither to for the Attainment of the end afore S^d, I account my Selve in duty bound (as well as Interest) for the Suport of my family, other wise I am a Debtor to my posteritie Should I omitt moveing to this Hono^{ble} Assembly for the full Satisfaction of that Judgment, That your Memorialist may not be necessitated to make his address for Relief Elsewhere.

Furthermore I take leave to Set forth to this Assembly that my Ancestors, Maj^r. John Mason, and his Son, Maj^r. Samuel Mason, in all their transactions about the Indians did Ever more Endeavor to preserve a good harmony between the Acts of this Court relating to the Indians, And the Leagues and Covenants Made with the Indians. Two whereof that I Shal Refer to. One made in Hartford, A. D. 1638, between Governour Haynes, M^r. Hopkins and M^r. Ludlow, On the One part, Miantinomy, cheife Sachem of the Narragansets, and Poquium (Alias) Uncass, cheife Sachem of the Mohegans on the other part.* And one other league made between this Government and Uncass May, 18th. 1681.†

And that the deed taken from Uncass by my Grand father in 1659‡ was A deed in trust to be improved for the Settlement of Plantations as well as a Sufficiency thereof to be Reserved for the use and benefit of the Mohegan Indians. Thus your Memorialist allways understood it and his practice there upon has been agreeable thereunto. And that Ever Since the trust has been Vested in him, he has Endeavored to persue the true Ends thereof. And is still willing to come into any proper measures that a greater benefit may be made for a quiet Settlement of those lands contained wth. in the S^d deed.

And doubts not that it may be improv'd as a good

* Connecticut and the Mohegan Indians, 33.

† *Ibid.*, 39.

‡ Talcott Papers, I. 348, *supra*, 203. Connecticut and the Mohegan Indians, 46.

Barrier against the pretensions of others that at this time are makeing their demands on this Goverment.

To Conclude your Memorialist wth. all becoming Submission prays this Hono^{ble}. Assembly to consider the matters Containd in this Memorial, And as we before offerd that the afore S^d Judgm^t. may be fullfilled or the fore Recited Agreem^t. may be Complyd wth, Or Some other Method may be found out in your Wisdom to answer the money & damages for so long a forbearance. All wth. is humbly Submitted.

And your Memorialist as in Duty bound
Shal ever Pray.

JOHN MASON.

REPORT OF COMMITTEE OF THE GENERAL ASSEMBLY.

Upon the Memorial of Cap^t. John Mason taking the principal Matters of fact therein contained to be

The Judgm^t of the Court of Enquiry att Stonington, August 23^d, 1705, That Oaneko & other Indians should be putt into the Possession of divers Tracts of land therein described and recover his Cost and Charge allowed to be £537-12s-8d.

The appointment of a Com^{tee} by the Gen^l Court in Octob^r, 1706, with full power finally to agree with Oaneco about y^e Differences arising upon his Claims to y^e lands in N : London and Colchester, and y^r Agreem^t wth him y^r upon, on the 29th of Nov^{br} following ; and this Assembly taking further time att y^r Session in May following to advise upon their Acceptance of the Agreement afores^d which they had impowd a Com^{tee} fully to Compleat.

That beside the Agreem^t afores^d the Com^{tee} gave an Obligation under their hands and Seals to pay y^e Sum of 700^{lb} Silver money 15 P weight, y^e s^d Oaneco having given to them on behalf of the Goverment a Deed of all his lands (y^e sequestred lands only excepted) & become bound to give further assurances if need so required.

And taking the prayer to be, That this Assembly would consider the Matters contained in this Memorial and see that y^e afores^d Judgm^t may be fullfilld or the Agreement Comply'd with, or some other way found out to answer the money and Dañages.

It is observ'd by this Assembly that y^e afores^d Judgement was fully Satisfy'd by the s^d Agreement.

That y^e s^d Agreement was made by a Com^{ms} fully impower'd finally to Issue the Controversy and did not depend on the Approbation of this Assembly, and no one Article therein Complain'd of as not Comply'd with. And the s^d Obligation, nor so much as a Copy y^e of produced to this Assembly.

That the Effect of the whole Memorial terminates in a Request for finding out some Expedient for the gaining the money for which its represented a Bond or Obligation was given by the s^d Com^{ms}, after they had executed y^e Trust comitted to them by perfecting the afores^d Agreem^t.

Whereupon It is Considerd by this Assembly, That it is proper to deferr the further Consideration of the s^d Memorial till the Memorilist produce the Obligation alledged to be given by s^d Com^{ms}.

Past in the Upp^r House

Test HEZ : WYLLYS Sec^{ry}.

The within Bill read thrice in the Lower house, and after Long Debate had thereon, the Question was put whether this house will concurr with the within Bill. Resolved in the Negative.

Test THO. KIMBERLY Clerk.

His Hon^r the Dep^t Gov^r and Maj^r Wolcott* are Appointed to Conferr with Such Gentlemen as the Lower House Shall Appoint on the difference of the House upon the within Bill.

* Roger Wolcott and James Wadsworth Esq^{rs}, were appointed a Committee to hear the further pleas and evidence of the Memorialist. 1725.—*Colonial Records, VI. 575-6.*

Past in the Upp^r House

Test HEZ : WYLLYS *Secret^{ry}*.

Cap^t. Pierce and M^r Brown are appointed a Com^{tee} from the Lower house to conferr with the above Gent. on the matt^r referred to.

Past in the Lower house

Test THOMAS KIMBERLY *Clerk*.

REPORT OF MESSRS. WOLCOTT AND WADSWORTH.

To the Honourable The Gov^r Councill and Representatives in Generall Court Assembled in Hartford May 31st Anno Dom : 1726.

Whereas this Hon^{ble} assembly at their session in October Last Were pleased to order and apoint us a Committee to hear y^r pleas of Cap^t John Mason Relating to his Memoriall then before the assembly and What hath been done on the part of this Government and Report the Whole Matter to this Assembly.

Accordingly wee do hereby beg Leave to Inform your Honour and this Honourable Assembly That Dureing the present sessions of this assembly wee have here in Hartford attended on said afair, and have heard said Memorialist on his pleas and Evidence Concerning his Memoriall : particularly

1st The s^d Memoriallist has Given in to us the Copies of the proceedings and Judgment of the Court of Inquiry mentioned in his Memoriall, holden at Stonington, August 24th, 1705.

By which it appears the sd Court did order Owanaco to be putt into possession of sundry Lands and did tax a bill of Costs for s^d Owanaco agt this Government to the sum of 573^{lb}-12s-8d. Wee then asked the Memorialist for a Copie of the Commission by which that Court was holden that wee might know their power to tax such Great Costs on this Colony, but the Memorialist said he had it nott.

Whereupon your Committee proceeded to Consider the Judgment of sd Court in taxing such Great Costs on this Colony and wee are not Informed whether s^d Court had sufficient power there unto; but if they had power to tax Costs it seems very probable to your Comitee such their power was Limited, and only to tax Moderate Costs, and that only for what was Necessarily Done in and about their proceeding in said Court after it was Commissionated. But in the bill of Costs Taxed there are many Heavye articles charged on this Government for things done Long before that Court had a being : particularly

To Cap ^t Clarke &c for Managing sundry Complaints at Hartford	Rs	s	d
for procureing the Commission	60	17	0
to Major Mason Dec ^d for Jorneyes & Expence	200.	00.	0
	66.	00.	0

Whereas that Gentleman was dead Long before that Court or the Controversie it self had a being, and Most if not all the other Articles in the opinion of your Committee are unintelligent, Extravagent, and far Greater than ought to be allowed in any Court.

The Memorialist did further Inform your Committee that this assembly in their sessions, October 10th, 1706, Did apoint and fully Impower Rich^d Christophers, Esq^r, with other Commissioners in the part of the Government to Treat and fully agree with Owanaco Concerning the claimes of their Lands, &c : and that accordingly they did meet at Norwich November 29th, 1706, and Entred into Articles of Agreement with Owanaco, as by the Articles in writting under the hands of the partys doth appear in which Articles it is no ways stipulated there this Govenment should pay the sd Costs or any Costs. The Memorialist then Informed us, as he doth the assembly in his Memoriall, that after the signing sd Articles the Memorialist and Owanaco Gave to the Committee a full and ample deed of all y^e Lands belonging

to Owanaco (in behalf of this Government), Excepting only his sequestred Lands : Hee further told us that the Committee Gave to him a bond of 700^{lb} Silver Money at 15^d weight in Consideration of sd Deed but saith that bond is now Lost.

Your Committee have searched the publick Records of this Colony to find if that deed was ever put upon Record and Cannot find it, but in searching have found Recorded a deed Dated Jan^r 2, 1744,* wherein the Memorialist Declaring his Right from his Grandfather, who, he s^d, purchased these Lands of Uncas, 1669, sold and Disposed of Almost all those Lands said to be within Uncasses bounds unto William Pitkin, Esq^r, and Company, as by the sd deed upon the publick Records now before this Court doth appear : And further your Committee have observed that this Assembly haveing taken into their Consideration that in the sd deed from the Memorialist to William Pitkin, Esq^r, and Company, The Memorialist declares it was his designe in that deed to quiet the Difficultys that had arisen in settleing those Lands. This assembly did therefore by this Committee in settleing Staford and Bolton, &c, settle upon the Grantees in sd Deed and their assignes sundry farmes and Quantytys of Land, which are as your Committee are Informed worth more than 1000 pounds.

Whereupon your Committee are humbly of opinion that since y^r Memorialist and Owanaco did not abide by that deed Given to y^r committee, but have Disposed of the Land by deed to William Pitkin, Esq^r, and Company, who have thereupon been Considered by this assembly as afors^d, wee say it is our opinion that if the sd bond Could now be produced this Government is not holden to answer it much Less since the partys themselves have Either taken up or Embezled it ; Neither can this assembly as your Com^{tee} conceives resolve any thing in relation to s^d Costs without the Com^{on} given

* *Supra*, 123.

to Joseph Dudley, Esq', &c., were produced; which the memorialist saith he can not do.

ROGER WOLCOTT.

J : WADSWORTH.

This report Considered and
Approved and Ordered to be kept on
file in the Secret^{ry} office.

In the Upp^r House

Test HEZ WYLLYS *Secret^{ry}*.

read in the Low^r house & concurred with this emenda-
tion, viz.^t that instead of its being kept on file in the
upper house, it be kept on file in the Secretary's office

Test THO. KIMBERLY, *Clerk*.

GOVERNOR TALCOTT TO CAPTAIN JOHN MASON.

HARTFORD, June 22^d. 1725.

Cap^t MASON

S^r

I rec^d youres of June 18th, 1725, giving me acc^t. y^t
y^e Mohegans have Mannifested their desier y^t their
Children may be instructed in y^e Christian faith: if they
continue this desier I shall indevor with all proper
methods may be taken for y^t end, & I hope the block
you speak of shall not hinder it: and I desier and Charge
you as you'l answer it before God and man that you
dont improve it or any other similar advantage of youre
own to disaffect y^e Indians against y^e Christian faith,
Nor their being Civilized, and their lerning y^e English
maners, and there by prepared for y^e Receiving y^e
Christian Religion. Nor do I know of the wrongs and
injurys (as you Speak of) done them by y^e Goverment
in taking from them their Lands with out a meet Rec-
ompence or Satisfaction: and you say which has much
disquiated y^e antient men: &c. Next you Re^comend
to me to Consider of some method how Justice may be
done y^e Indians on y^t acc^t. y^t all obstikels of prejudis may
be removed y^t Nothing may ly in y^e way to hinder y^e

good end proposed in Christianising y^e Indians. To y^e I answer in y^e last paragraph of this Letter—but I ans: I thought your memoriall laid before y^e Assembly in october, 1723, if mistake not y^e time, was intended for y^e end, and a begining I thought was then made in desiereing youre Self to Settell amongst them and do other things as p^r Record of y^e court: and I thought you intended further to have prosicuted y^e memoriall in may last, y^e y^e Assembly might have proceeded upon finding out some further method to have seen y^e if y^e Indians had rec^d any wrong they might have Justice done them, and this you proposed to me in aprill Last, &c., and I incoriged you y^e I would indevor [torn] proper for me to do should be done, y^e y^e Indians should suffer no wrong [torn], you never prosicuted y^e according to youre proposall to me as afore s^d, but let it wholly fall, and brought in a new memoriall, had it once read, and went out of y^e Court and Never moveing, Nor so much as appearing in Court againe before y^e Assembly Rose it intirely slipt my memory, and so lyes with out any Consideration or answer.

As to youre desiering I would order y^e Secret^r to attest y^e last mentioned memoriall and allso his affixing the seall to y^e former I told you I would advise with y^e Counsell and Send you word, which I did but y^e Secretery informed myself & the Counsell y^e you had taken y^e memoriall out of his office, y^e Counsell was of opininion it was now Impossable for him to attest to y^e memoriall being taken out of his office.

And as to y^e former memoriall, y^e you said nothing to y^e Last assembly about, y^e office is allways open and you may have any thing out of the office thats proper.

But whereas you did not prosicute y^e former, and the Last slipt my memorie, and No answer was made, Nor Consideration had upon it, if you see cause to Lay it before y^e assembly in october next you may doutless have an answer; or if you please to lay it before my Self

and Counsell for Consideration and advise or answer, So farr as may be proper for y^e Counsell, Lett me know youre minde and I'll send you the time y^e I'll Call y^e Counsell to hear you, and Shall do all that may be thought Convenient by y^e Counsell on y^e head, and hope my Self & y^e Council are as far from Suffering any wrong to be done y^e indians as any man what Ever. I advise you informe y^e Indians y^e I shall indevor yy shall not be wrongd in any thing where it lyeth in our power to help them, and am, S^r,
 youre humble Serv^t,

J: TALCOTT.

GOVERNOR TALCOTT TO COL. ADAM WINTHROP.

Sir :

Since I wrot to you I have Come to my hand an account of Some of the most Considerable tribes of Indians in this Coloney, and according to youre desier have so far as I can (as yet) sent you here the Numbers of them, viz: of men, women, and Children: the Number of the Moheegs are three hundred fifty and one: their Situation is between y^e towns of Newlondon and Norwich on y^e west side of Mohegan river: y^e N^o. of Niantik is one hundred sixty & three: their situation is at Niantik within the township of Lyme towards y^e South East corner Bounds of Lyme about 10 or 12 miles Westward of Moheegan: y^e Number of Pequots in Groton is three hundred twenty and two. Situate towards y^e Northeast Corner of Grotton bounds: about five miles Easterly of Mohegon. The Number of the Pequots Mixt in Relation with y^e Naragansets are at Stoningtoun, are in N^o. two hundred and eighteen, they live scattered amongst y^e English in all parts of y^e town. The oweantanag Indians, fourty and Nine live in New-milford, on y^e West Side of the s^d town. At Mideltown thirty and two, at a place Called Wingogg* on y^e east side of the river of Connecticut by y^e river side. At Farmingtoun on y^e west side

* Wangunk.

of s^d town live about thirty. At Hartford about thirty, and So in many other of our towns such small persells. In Woodbury about fifty live about 3 miles from s^d town. Am apt to think in this Coloney there are about 1500 or Sixteen hundred souls of Indians in y^e wholl, and in most if not all y^e towns they have land sequestreed for them that no Person may buy of them without liberty of the towns. Becaus Every town is to Reserve to y^e Indians in their town a Suffishancy of Lands for planting. I cant be very Certain how they will harken to Instruction, Some seem to be willing to it, Some silent at present, and are in a kinde of a muse about it, being a new thing to them, but time and tryall will give further lite into it. But the most of the Chiefs of the 3 biger tribes manifest a willingness to have their Children School'd, which I think will be y^e only best if not advantagos way, and y^e a School house be built at Mohegan. I am so much a Stranger as yet in that affaire as to y^e Money that I dont so well know what to say to y^e Indians or English if any should be imploy[ed] to build. I think if a Loe one story house was built with stone and lime, which are boath plenty at Mohegon: a fire place at boath ends, below and above, for them to lodg by nights, for their way, having but thin cloathing, is to ly by y^e fire. And I am reddy to think it best to bring them up from their own habits and Customs, & it must be by degrees. If about 20 or 30 of their Children might be kept to School, separate from their parents and under good government, Mixt amongst English Children, it may be best: and then y^e Indian Girls must allso be taught if it may be by School dames. Thus as to y^e places where the biggest N^{om}. are.

The small persils, I think best get all their Children y^e can be to live with y^e English, and our Laws will oblige them to teach them to read, but it might be boath males and females, or else as soon as they are for themselves will be gone to Look [for] mates. S^r: thus

having Just now oportunity have imparted my minde in a broken Short maner. Shall be very glad if I may be any ways Instruementall to Serve to any advantage in this weighty affaire, and am, S^r, youre hum^l. Sert.

J. TALCOTT.

[Indorsed] Copie of Leter to Adam

Winthrop, Esq^r, Sep^r 20, 1725.

Indian affaire.

GOVERNOR TALCOTT TO THE HON^{ble} ROBERT ASHURST.*

S^r Your Charitable purpose Intimated by the worthy agent of Connecticut Coloney, M^r: Jeremiah Dumer, for dividing the produce of the money given for promoting Religion with the native Indians of America between those of the Masachusetts and Connecticut, I can not but think to be very agreable to the truly Christian Ends designed by the first donors: and being informed that the hon^{ble} Corporation intrusted with that Great & Good affaire have seen meet to Incert my name in a Commission for the Improvement of y^e money Sent to New England, for promoting Religion with y^e Indians, I look upon my Self in^r particuler obliged to Seek the good of those that live within the bounds of this Coloney of Connecticut, who live and dy under the power of Darkness.

The blessing that hath folow'd the indevors of worthy persons y^e have Laboured in gospelizing the Indians in the Massachusetts appeares to be a frute answerable to the supplies that have from time to time been Sent from the hon^{ble}. Corporation: and under the Conduct of Divine Providence we may expect y^e the like frute may be in time Reaped amongst y^e Natives of Connecticut. We have a very Considerable Number of Indians in this Coloney that are separate from those of the Massachusetts, boath in Situation and Language, that have approved them selves faithfull to y^e English Interests, & in generall

* See Talcott Papers, I. 58.

are subject to the Regulation of y^e Laws of this Coloney: of these wee have promising hopes they may in time with due care be recovered from their Naturall Savagness unto a Civil life, and from their blindness to see and delight in the Glorious light of the Gospel. There hath formerly been made an Assay for instructing some of the tribes of the Indians of this Coloney, which was Supported by the hon^{ble}. Corporation, of which youre Self is now the worthy head, which hath been discontinued for maney years, and it being now to be revived under youre Conduct, it will be an increese of youre Charittable and true pitie by so much as it is further extended: and what you Shall See good to order for the benefit of our Indians I shall Carefully indevor it shall be aplied for y^e ends for which it is intended. Here are in this Coloney of Indians more than 1400 Soules, men women and Children, their Naturall Capacaties are Generally good, which may forme them for a reddier Receiving the impresshon of good litterature: and through Divine goodness we have an Academy where all usefull knowlidge is taught, which is under strict regulations, according to y^e Discipline of New England and can admit of no other: and as y^e Indian youths may be initiated in learning the hon^{ble}. Corporation's bounty will make the advancement of some to be teachers to their own Nation: and Constant Care shall be taken to give youre honou^{ble}. Corporation an account of y^e Improvement of the money and the Success with the Indians.

I shall thankfully wait youre Comands in this Important affaire, in the mean time hartily desier youre prosperity with the Rest of the worthy members of youre hon^{ble}. Corporation, and am

Sir your very hum^{ble}. Servant

J: TALCOTT.

To the honourable ROBERT ASHURST Esq^r.

Governour of the Society for propogating the Gospel
in America

At London.

And since I wrot my Letter have account of the Number of y^e most considerable tribes of Indians in this Colony, and have herewith sent them, of men, women and Children y^e Number of the Moheegs 351; their Syttuation is between the towns of N: Lond^a. and Norwich on y^e w^t. side of Mohegon River: y^e Num^r of y^e Niantiks is 163, their Syttuation is at Niantik within the township of Lyme towards y^e S. East Corner of s^d town, about 10 or 12 miles westward of Mohegon: y^e N^o. of Pequots in Groaton is 321, Sittuat towards y^e N. East corner of y^e town of Groaton, about 5 miles easterly of Mohegon: y^e Nom^r of y^e Pequots mixt in relation with y^e Naragansets living scattered amongst y^e English at Stoningtown are 218. Into these Num^r is taken a small persell that live at or Nigh Plainfield, and all live so y^t was there a Schooll house set up at Mohegan it might and I think would accomodate y^e whole for y^e present, to send their Children to it to be instructed, or at least some of y^e Chieffs of them, and y^e most of those manifest a willingness that their Children should be instructed in lerning y^e English tongue, and in y^e principels of religion: and if a School house might be built at Mohegon, which lyeth something Nigh y^e middest of y^e 3 tribes aforementioned, and about 30 or 40 of y^e Children of y^e Chieffs should be then schoold and kept under good government mixt among English children, and their Girls taught by School dames it may be an expedient proper to begin with, and they shew a willingness to imbrace it in this manner.

There are also many small persels scattered through out y^e plantations in this Coloney. At New Milford 49 live Nigh Owesatunak, alias Stratford river, in New Milford.* At Patatuk in y^e bounds of y^e town of Darby about 46: they live upon y^e East Side s^d River.† At Mideltown 32

* The Potatucks. — *DeForest's History of the Indians of Connecticut*, 351-4, 391.

† The Pangussets or Wapawaugs, *ibid.*, 354.

on the west side Connecticut River.* At farmingtown about 50 in y^e w^t. side of s^d town.† At Hartford about 40 Nigh y^e South Side of y^e town in y^e Medow. At Stratfield about 40,‡ and so in many other of our towns lurk small persels. I Suppose in y^e wholl about 1600 and as to those small tribes y^t live Scattering amongst y^e English I am of y^e minde y^e most Reddy way to Civillize and instruct them will be to get their Children into English familiys, boath male & female, and there instruct them amongst our own Children: the Indians that are grown but few of them seem at present to be willing to imbrace y^e motion of preaching y^e gospell to them. I therefore think it y^e best expediente to begin with their Children. There is allso at [a] place Called We-a-taug, Nigh y^e North W^t. Corner of this Coloney, lying upon Ow-see-tum-ac River, a tribe of about 50,§ and on s^d River about ten miles Northerly at a place called Ow-see-tum-ac, another tribe of about 30: these last as yet but seldom trade or Come many of them further into our Coloney than to New Milford. And Now haveing Come to my hand an abstract of y^e Commishion, and finding y^t there must be y^e advice of 3 for y^e acting, &c, I humbly offer whether upon Consideration of y^e Indians in y^e Coloney's being so Separate & distinct in sittuation, and different in Language from those of y^e province of y^e Masachusets, it may not be proper to have 3 persons of this Coloney appointed Comis^{rs}. on y^t affaire, y^t so yy might manage y^t affaire without y^e trouble of sending to Boston. All which I offer to y^t hon^{rs} wise Consideration, and am with due Regards, S^r

Yours Very hum^{bl} Obedient
Serv^t.

J. TALCOTT.

HARTFORD, Sep^r 30th. 1725.

* The Wangunks. — *DeForest's History of the Indians of Connecticut*, 364-69.

† The Tunxis, *ibid.*, 369-376.

‡ *Ibid.*, 355.

§ *Ibid.*, 398.

[Indorsed] Copie of a Letter to the hon^l. Robert Ashurst, Esq^r., Gov^r of the Corporation for propagating y^e Gospell in America.

JOHN GUNSTON TO GOVERNOR TALCOTT.

LONDON, Feb: 23^d: 1725.

S^r

This day a Court was held, when your Severall Letters of the 16th: of August & 30th of Sep^r Last both under Covert were read, and I am desired to returne you many Thanks for the great paines you have taken in Collecting an account of the Severall Families of the Indians, their Number and place of abode in Conecticute, w^{ch} hath been Very acceptable to the Comp^a.

Our Gov^r. Robert Ashhurst, Esqr., hath Languished a Long time under a great weaknesse and Indisposition Soe y^t I am afraid a few day^s will put a Period to his life, I pray God set us all for our great Change.

I am desired to acquaint you that your Continued advice of the State of the Indians in yo^r Province, And what advances are made in Civilizeing and Christianizeing of those people, will Alwayes be a real Satisfaction to us. I conclude S^r.

P. S.

March 16th, 1725.

S^r

Since the above it hath pleased Almighty God to remove our aforesaid Gov^r. out of this Changeable world y^e 25th past.* I shall Soone Call a Court, and you will be advised who they have thought to Choose for his Successor. I am

Ditto 24th, 1725.

S^r The foregoing is Coppy of w^t I wrote you y^e 23rd of Feb^r: & P. S. of the 16th of March, By the Eagle, Cap^t. Moall. This I designe by y^e Boston, Cap^t Robe, and Serves farther to give you Notice that at our Court held

* Talcott Papers, I. 75, 82.

y^e 22^d. Inst. was Chosen for Successor to our Late worthy Gov^r. Rob: Ashhurst Esq^r, One of the Oldest of our Members, The Worthy W^m Thompson, Esq^r, Bro^r: in Law to o^r. Said Late Gov^r whose Sister he Marryed, and Grandson to Major Thompson, who Succeeded The hon^{ble} M^r Boyle in y^e Governm^t: of this Comp^a. I doubt not but he will be as Serviceable to y^e Intrest of o^r. Comp^a. as he has been to those of the Banke of England whose Governour he now is also. For the future you will be pleased to write to him whatever you Shall thinke proper to be Comūicated, relateing to the affaires of our Company, And Direct to him in Bedford Row in London. I am

S^r Your humb. Serv^t.
JOHN GUNSTON, *Treas^r*.

[Superscribed] To The hon^{ble} J: TALCOT Esqr.
Governour of the Province of
Connecticute,

☞ y^e Eagle Cap^t Boston
Samⁿ Moall In New England

[Indorsed] february 23^d. 1725
from the Corporation for
propogating the Gospell
In America of the Choice
of W^m Thomson Esq^r to be
Gov^r.—It may now, february, 1736,
be proper to informe the Corporation
of the Evill coming on y^e Indians
by Jn^o Mason, &c.

[INCLOSURE] AN EXTRACT OF THE COMMISSION DATED
IN LONDON, MARCH 13, 1724.

To all People, &c, The Company for Propagating
the Gospell in New England and Parts adjacent in America
Send Greeting, That whereas they are Authorized by
their Charter dated the 7th of Feb: in the 14 Year of

K Charles 2 to Appoint Commiss^{rs} &c., They do therefore [Nominate] and Appoint His Excell: Samuel Shute Esq^r., Edward Bromfield, Esq^r., Thomas Fitch, Esq^r., Jonathan Belcher, Esq^r., Coll^o. Adam Winthrop, Treas^r., Thomas Hutchinson, Esq^r., Penn Townsend, Esq^r., Daniel Oliver, Esq^r., The Rev^d. Dr. Cotton Mather, The Hon^{ble} Joseph Tallcott, Esq^r., of Connecticutt, Samuel Penhallow, Esq^r., of New Hampshire, Edward Hutchinson, Esq^r., M^r Edmund Knight, Sen^r., of Boston, Mrch^t., the Rev^d. M^r. Benjamin Colman, and the Rev^d. M^r. Edward Wigglesworth, Or any Three or more of them for and on the behalf of the said Company, To treat, contract and agree with Ministers, Schoolmasters, & others, for Salaries and Allowances, and any other Persons, for Cloaths, Books, Tools, Implements, and any other Necessaries for the civilizing, employing, educating, or placing out any of the Heathen Natives or their Children in such English Families as the Commiss^{rs}. think fitt, and to be paid for the [torn] and likewise they are impowered to place them or any of them with or under any English Masters in any Trade, Mystery, or Lawfull Calling, And also to do Perform & Execute all and every other Act & Acts, Matters and things what soever, which shall or may any way tend or conduce to the promoting or propagating of the Gospell of Christ unto and Amongst the said Heathen Nations, And also for civilizing, instructing and teaching the said Heathen Nations, And their Children, Not only in the Principles and knowledge of the true Religion and immor[t]ality, and the knowledge of the English Tongue, and in other Liberall Arts & Sciences, but for the Educating and placing of them or their children in some Trade, Mystery, or Lawfull Calling, and that in such manner, and according to such Orders and Instructions as the said Commiss^{rs}. or any Three or more of them shall from time to time receive from the Gov^r. of the said Company, or any other nine or more of the Company for the time being, They the

S^d. Commissⁿ. or any Three or more of them from time to time Giving or sending An account in writing of their Proceedings herein, so often as they shall be thereunto required by the said Gov^r. or any Nine of the said Company.

ORDERS TO THE SHERIFF.

To the Sheriff of the County of Hartford Greeting

Whereas John Winthrop, Esq^r. Exhibited This day to His Hon^l. the Gov^r. in Council at the Generall Assembly now Conven^d. in Hartford a protest under his hand, and upon Consideration whereon Said Assembly Take Notice and are of Opinion that it has in it a great Show of Contempt to the Hon^l. Gov^r. the Assembly and the Authority by the Royall Charter here Established

These are therefore in His Majesties Name to require You to Comand the Said John Winthrop forthwith to Appear before and Cause him to be bro^u: to the Barr of Said Assembly to answer for the Contempt Manifested in Said Protest. Dated in Hartford the 25th day of May, Anno Dom — 1726.

Signed  Ord^r of Gov^r
& Councill

HEZ: WYLLYS, *Secret^{ry}*

HARTFORD SS. May 25, 1726.

Pursuant to this Writt I have Bro^u John Winthrop Esq^r before the Gen^l. Assembly, who is now attending

JOSEPH PITKIN, *Sheriff.**

* Joseph Pitkin, born in East Hartford, May 16, 1696; Sheriff of Hartford County, 1724-1726; Captain of the third company of the Trainband, Hartford, east side, 1738; Justice of the Peace; Deputy for Hartford twenty years; Judge of the County Court, 1735; Colonel of the First Regiment, 1751; Deacon of the Third Church, Hartford, from 1748 until his death, Nov. 30, 1762. He owned, with his brother William, afterwards Governor, two large fulling mills at Pitkin's Falls, now Burnside, and in 1747 he built a rolling and iron-slitting mill at the "Forge Falls."—*Pitkin Genealogy*, 14. *Colonial Records*, VI., VII., VIII.

And after the S^d Winthrop was Heard before the Assembly; and was again by the Comand of His Honour the Governour Comitted to my Custody: the s^d. Winthrop Did in the Night after the 26th. Curant Without Licence, and Contrary to his Word Make his Escape out of this Town: and my Custody, upon the Knowledge of which I Did Immediately Inform his Honour the Gov^r. and Councill *

JOSEPH PITKIN, *Sheriff*.

[Indorsed] John Winthrop Summ^d. to Answer at the Bar of the House for Contempt, 1726.

REV. STEPHEN MIX† TO GOVERNOR TALCOTT.

Hon'ble S^r

We have for a considerable time had many Needy persons (from the Eastern Towns principally) coming to us for corn, for the Support of their Familys; and they are Still dayly coming; Many that come (perhaps the generallity) Seem to be Sober & wel disposed persons, Shewing an honest Simplicity & freedom as I Imagin from the views apt to be found in our more populous & fuller Towns; this Evening I hear more than ever of their Streights & As its Said that Some Sel their beds that they may have wherewith to purchas bread that they may Live & not dye. If their Streights are Such as I believe, If ever with in my remembrance mercy was required to be Shown to the Needy this is a time. I can^t. but have trembling thoughts on the consideration of our living in peace & having a comfortable measure of the good things of life when these people are in Pinching want. I can^t. be Easy with out Applying to Your Hon^r. that this Hon^rable Assembly would please to

* Colonial Records, VII., 43, 44.

† Rev. Stephen Mix was born in New Haven, Nov. 1, 1672; Harv. Coll. 1690; ordained as pastor over the Church at Wethersfield in 1694; died there Aug. 28, 1738. — *Tuttle Family*, 671.

take the Case of Such Needy places & persons into Consideration & Extend Mercy to them. A General contribution was Some Years Since made in this Colony for the Needy of the Massachusets in the Eastern parts, If I mistake not, & we may be thought to be more obliged in Like distress to consider our Own. I can not Imagin that there can be Any Need that I Should observe to Your Hon' how positively the dutys of Mercy are Insisted on, & how exceedingly they are Incouraged by God himself, for I can't. but think the Sorrowful case of the poor alone Sufficient effectually to move Your Merciful Nature: And there is as little Need to direct in the Methods for their Supply, but If a brief were directed to Some of the fuller Towns I Should hope that It might be with out exception, & be very Acceptable, & I think the Blessing of those that are ready to perish Would come On Yo' Hon' & this Hon'ble Assembly, & the Service be Accept^d & turn to o' Acc^t. wth him who deals bountifully wth Some that they may dispence Mercifully to others. The pityful State that I See them dayly in & the greatnes of their Numb' that are in want are the Only movers of me here in, & yrfore I doubt Not that Yo' Hon' wil forgive the freedom of this Application to him who is Hon'ble S^r

Yoⁿ in duty &c.

STEPH. MICKS

WETHERSFIELD, May 26, 1726.

Superscription To The Hon'able
Gov'n^r TALCOTT
in Hartford.

GOVERNOR TALCOTT TO THE GENERAL ASSEMBLY.

Gen^l of Boath Houses: I had in my thoughts to Move to you on the head within proposed before this Came to my hand, and many of you may Remember that this Coloney has made Contrybution to Relieve the

Necisity of y^e Good people at the Eastward, when they weare destrest for want of food, and y^e Case is doubtless very hard and I dout will be hazardos of Life with Some, if youre Charity dont Releve. I was Last Night Inform'd that a poor man from Ashford came to buy or beg for Relief for him self and familly, and in a mournfull, afflicted and affected manner declared that he nor none of his familly had Eaten any bread or flesh in their familly for more than a month past—live wholly upon Brake-Roots and herbs and Such like food. I cant expect a more fitting opertunity to inquire into the Circumstances of the wholl Coloney than from you that Represent them from the Severall towns, and hope you'l give youre opinion and draw a Scheem for the gathering and distrybuting what you may think Needfull for the Relief of the Necesities (at least) of the miserably poor that are in y^e Coloney

J. TALCOTT.

The Com^{tes} are of opinion that 30^l* be taken out of the Treasury 15 whereof be lodged in the hands of Justice Strong of Coventry and with M^r Pierce and M^r Brown 7 = 10^s apiece, w^{ch} Shall be dealt to Such needy persons as shall be recomended by the minister and Select men of the towns where Such needy persons dwell, and from Wellington to be Recommended by John Cady and Thomas Ginnins, and that the County Court to be held In Hartford in June next take Care of and bind out any Children In Wellington serv^u [for] whom their parents cannot or will not Competently provide, Males to 21 and females to 18 years of age.

HEZ: BRAINERD†

in behalf of the Com^{tes}.

* The General Assembly voted that £30 be drawn out of the public treasury for the relief of the poor in the towns of Voluntown, Ashford, Willington, Stafford, Tolland, and Bolton. — *Colonial Records*, VII. 36.

† Hezekiah Brainerd of Haddam, Assistant; born 1681; Deputy for Haddam, 1713-1723; clerk of the lower house, 1720; Speaker, 1721, 1722; Assistant

GOVERNOR TALCOTT TO JEREMIAH DUMMER.

S^r

I have Rec^d youres of 10th Decem^r. 1725;* had then prevaild so farr with y^e Gov^r of Rh. Island y^t he had apointed y^e time for our Comishioners meeting to indevor an accomodation of the Controversy between the Gov^r-ments, about y^e Coloney line.† And I wrott word to their Gov^r of R^h. Island that according to his appointment of y^e time on aprill 16, 1726, our Comissioners weare upon their Journey to meett with theirs for a treetment on that affaie. But he sent me word back y^t y^e matter of treetment was over on y^t head, he having Rec^d. from their agent an acc^t. y^t y^e Lords of y^e board of trade had made their Report to his Majestie in favor of R^h Island &c., had Incerted y^e Lords Conclusion in Short; and utterly Refusd any further tetry on y^t head.‡

Since which I Rec^d. youres of aprill 6th. 1726,§ with youre Brief, with Remark upon y^r Lordships Return, and Remarks upon their opening: as allso y^e Report made by their Lordships, as allso y^e Lords of y^e privie counsills short Resolve,** with M^r Partridges†† petition to them for confirmation of y^e Return of y^e Lords of y^e Board of trade, and finding the matter seemed to be come Nigh to a conclusion, thought it too late to add any thing in our defence, if possable any thing might be found to add. But I think nothing can be added to the Reasons and arguments you have made on our Side, Except the Vast cost this Gov^rment was at in blood and treasur in y^e Conquest and purchase of the Narragansit Country. But when you

1723 until his death, May 24, 1727. His wife, Dorothy Hobart, was a sister of the wife of Secretary Wyllys, and he died at the house of his brother-in-law, and was buried in the old Center burying ground at Hartford. — *Brainard Genealogy*, 235; *Colonial Records*, V. and VI.; *Dr. C. J. Hoady*.

* Talcott Papers, I. 66.

† Rhode Island Colonial Records, IV. 369.

‡ Talcott Papers, I. 69, 74.

§ *Ibid.*, 70.

** *Ibid.*, 73.

†† *Ibid.*, 71.

have Said and done all y^t might be we must wait to heare y^e Conclusion of his Majestie upon y^e matter.

S^r I must Now inform you that I sent you a letter Decem^r. 1: 1725, with one inclosed for my Lord-Bishop of London.* They went from me by M^r James Pairepont,† who Intended to have gone to England at that time, but was perswaded to y^e contrary. But he lately wrot me word that y^e Ship (in which the fores^d letters of mine with his own) was cast away, y^e Ship & all lost, y^e persons lives only Saved. Upon which I send now, tho late, my letter herewith inclosed to my Lord, and Intreet you would please wait on my Lord with it, and that from youre Observations of him I may the better know how he accepts of things Relateing to our Ecclesiasticall affaires.

Our Assembly in Oct^r. last ordered youre Sallery of £100 which I drew and sent then forthwith to yo^r honb^l. Broth. W^m. Dumer, Esq^r., In Boston, who, the week before last, with divers others is gone to Casco bay to y^e treaty of peace with y^e Indians; and we have great hopes will be to good effect and y^e consumating of a lasting peace.

The Gov^t.ment of Newyork seem after so much paines taken by our Comisioners, to decline finishing the Runing and Assertaining the devision and partition lines between our Gov^t ments, alltho the Gov^r Burnit (I am perswaded and his Counsell) very well aprove of the Settlement last made by the full consent and agreement of y^e Comis^{rs} on both sides, sign'd and seal'd, and so well drawn y^t I think twill be impossible for Either Gov^t ment to avoid Complying with it.‡

I have sent you back one letter that I Rec^d from John Gunston, Tre^{sr} of the Corporation for propogating the Gospel among the heathen in America, with an addition of my own therein, and therefore, alltho I have not

* Talcott Papers, I. 64.

† Probably James Pierpont, son of Rev. James Pierpont of New Haven. — *Yale Biographies and Annals*, 189.

‡ Talcott Papers, I. 77.

had anything in any of youre late letters about y^e affaire Shall not add in this, but that as you have opportunity you'l please to promote the interest of this gov^m^t. with that hon^{ble}. Societie.

We are at present through divine goodness attended with y^e blessing of peace and helth in our Gov^m^t., and a prospect of a plentyfull former and latter harvest (in which the last yeare we weare much Shortened by Blast on y^e English, and frost on the Indian corn.) May we be inabled to make suitable Returns for all mercys, and improvements of all advantages.

And S^r, as I suppose you were the first mover to Robert Ashurst, Esq^r., Gov^r, &c., Late dec^d., In behalf of and for y^e Good of our Indians, so I doubt not but that you will still forward that Matter. You may Remember in my last I wrot on y^e head of y^e Necesity, or at least conveniency of two more being appointed in this Coloney to be of that corporation; because y^r must be 3 agreeing in Every act y^e Calls for y^e Expending any money, &c. — and the distance between my Self and those in Boston will much hinder my acting: for alltho I have writ my thoughts to the Gen^lmen in Boston in the Same manner as in those Letters I sent to y^e hon^{ble}. Gov^r. Ashurst Dec^d., they have only sent me word back they dont like my [pro]jections, and it may be likely thats all the answer I shall ever have from them if I project y^e Drawing any Money for y^e use of y^e Indians in this Coloney: I am, S^r, with due Regards

youre very

HARTFORD, July 29th. 1726.

hum^{bl}. Servt.

J. TALCOTT.

GOVERNOR TALCOTT TO HON. WILLIAM THOMPSON.

HARTFORD, Aug^t 2^d. 1726.

S^r

The Last Summer I wrott 2 letters to youre hon^{ble} predecessor, Robert Ashurst, Esq^r., Dec^d., and have not

any thing now but only that I have Rec^d. a letter from M^r John Gunston, Tres^r, Feb^r. 23-March 16th: Ditto 24th: 1725,* which gave me an acc^t. of y^e death of Robert Ashurst, Esq^r., and of the Choice made of youre Self to succeed him in that trust, to y^e great Satisfaction of all, and I thought it might be in some measure a Satisfaction to y^r hon^r., and therefore have herewith sent a copie of the Speches made by the Chieffs of the Indians, when they were calld together and informed that youre hon^{bl}. predecessor, Rob^t. Ashurst, Esq^r., with y^e Rest of y^e hon^{bl}. Corporation, had thought of sending one moiety of what was Raised on y^t bank to be improv^d for the good of them and their Children. I never before now have heard of so Gen^l. a likeing amongst them for their Childrens being instructed in Larning to Read, &c. Should be glad if by any means I might be inabled to contrybute to that good End, proposed by our fathers at their first coming into this land. As to my further thoughts Respecting the maner for attaining of it in this Coloney, and y^e conveniency of having 3 Gen^lmen in this Coloney impower^d to act I shall only Refer your hon^r to my former.

By the desier of Adam Winthrop of Boston, Esq^r., on this affaire I gave him and the Rest there concern^d y^e Same acc^t. of y^e Nom^r., situation and inclination of y^e Indians, and allso my thoughts how to bring them on: as in my former to Rob^t. Ashurst, Gov^r., &c., (and this was before I sent y^e acc^t. home), but Never Rec^d any answer untill June last; and that was: y^t y^e Gen^l.men of y^e Corporation in Boston did not approve of my projections for Schooling y^e Indians Children: they thought it would be too Chargeable, so y^t I have Never had their advice to proceed in that or any other method. According to y^e Direction of our Comission (viz) y^t 3 might be agreeing in it; Nor I dont know y^t Ever one penny of y^e money Raid from y^t Bank hath of Late years (if Ever) been Expended in this Coloney; Not to Complain knowing y^t

* *Supra*, 403.

y^e disposall thereof is wholly with your hon^r. and y^e hon^{ble}. Comp^s., and am not aprehensive but y^t it will be improved to y^e best advantage.

If your hon^r. hath thoughts of sending one Moiety; or any part of that money into this Coloney, and empowering a Number here y^t may be Capable of action according to y^e Regulation of y^t Comission I am aprehensive it may be of great service in y^e afaire to our Indians. All which is humbly Submitted to your hon^r. and y^e hon^{ble} Corporation. Sir, I wish youre hon^{ble} Gov^{ment} may be long and prosperous; I beg my best Respects may be made acceptable to you, for I am in Sincerity

Sir your hon^r Most
hum^{ble} Serv^t.
to Com^d.

JOSEPH TALLCOTT.

[Indorsed] To W^m Thomson, Esq^r.

Gov^r: of y^e Corporation
for propogating y^e
Gospell in America.
Aug^t. 2^d. 1726.

NOTE. In lines which he afterwards erased Governor Talcott suggests the names of "Christopher Christophers of Newlondon, Major Roger Woolcott of Windsor, Esq^r., both of y^e Counsell, the Rever^d Elifalet Adams of N. London, Pastor of y^e Chh.," for members of the Corporation in Connecticut, and also stated that "Newlondon lyeth y^e Nighest to y^e body of y^e Indians of any town in this Govern^t."

GOVERNOR TALCOTT TO THE LOWER HOUSE.

M^r. Speaker & Gen^l Representatives :

I Recomend to you that a Com^{te} be apointed to Consider w^t Laws are Necessary to be Continnewed, or made

for y^e Gen^l good of the Colony. Peticularly one ag^t Lottery,* and I think that if persons that Cast contempt upon the Resolves of y^e Gov^r & Counsell in acting Contrary and going about against such their Resolves and proclimations, cant be calld in question before this Assembly, then for y^e future its not worth while for the Gov^r and Counsell to send forth their proclimations. But if so it be I think it necessary that as by our Laws you have Inabled them to doe any thing as they think may be for the best good of ye Coloney (In y^e Intervals of the Gen^l Assembly) except that they have not power to Raise money: Nor to Raise men to send out of y^e Gov^rment. So I think a law should be made to punish those who Contemn the Counsil's orders or Proclimations; made pursuant to their power given as afores^d, & y^e same thing Gen^ly concluded and agreed to in both houses concerning signing blank writs.

A Com^{rs} apointed to Consider what may be proper for this Gov^rment further to doe to increese the lerning and civilizing, &c., of our Indians: let y^t Com^{rs} apply to me for letters Concerning that affaier: and as you Gen^l are very numerous and Live in all parts of the Coloney, and therefore must be suposed to hear what are y^e grevenceys and what Laws may be Necessary to be made to Redress the grevenceys in the Gov^rm^t., so I Recomend this to you to Consider and acquaint us of the Counsell, that whilst we are together we may indevor to Assist one another in doing what may be for the good of our Gov^rment.

J. TALCOTT.

[Indorsed] Gov^r Representation, May, 1728. Committees appointed in both houses.

* Act against Lotteries. — *Colonial Records*, VII. 172.

GOVERNOR TALCOTT TO JONATHAN BELCHER.

S^r. I have on the 15th currant Rec^d. the favor of yours of y^e 11th Instant,* have Noted y^e contents, am glad to hear y^t you still incline to undertake in behalf of this colony in so waity an affaire as at this time presseth us, and altho our perticuler business concerning the Vacateing our Law of Intestates be involved under an act of his Majesty in counsell, yet we having never had y^e opportunity to answer for our Selves, I must beleve y^t his Majesty will of his Clemency hear us on y^t head and Releve us too, if Either Law or Reason Requier it: as I hope we shall make appeare we have great Reason for it. I had the two letters you mentiond one to y^e Deputy Gov^r. y^e other to Major Wolcot, and Communicated them to y^e board, and I think to y^e wholl Assembly—yet y^e Assembly thought it not prudence upon divers good and waitty considerations to exclude M^r Dumer; 1. he hath benn our agent of a long time, and Nothing has yett appeared of his unfaithfullness in his trust, or Neglecting any of our business. 2. he hath had Winthrops Complaint, and our an^r More than a year since, and October was 12 months last we sent to him besides his stated sallery, in our bills, &c., £178. And this Last Sumer after y^e Rising of our Gen^l Court spesshall call on that occasion (as you mention in youres) I sent to his Brother Wm. Dumer, Esq^r., together with our instructions on y^e very matter of our Laws being Vacated, and y^e hon^{bl} Deputy Gov^r wrote me word back y^t he had sent forward to our agent then y^e s^d instructions, with the produce of £643 of our Bills, some in sillver, &c., the Rest under the most advantageous circumstances, as might be for our agent's advantage. So y^t he hath in this Cause Rec^d. beside his standing Sallery in y^e wholl y^e sume of $\text{£}48\frac{1}{2}$ 821, in our Bills, and all tho no doubt he hath benn at some paines in Studdieing, Cost in advising, and once went up with his

* Talcott Papers, I. 136.

counsell, yet we hope we have not nor shall not starve y^e Case as it lys in his hands, but he must be oblig'd in his good offices for us and no doubt will to y^e utmost of his power. And we upon y^e consideration of the fores^d and other Reasons, were loath to disoblige our old friend, and lose or throw away so much money intirely. And therefore I hope you will not Insist upon having a power of attorney wholly and separate &c. exclusive of M^r Dum^r, but I shall, if you please give you the power to act Either Joyntly, &c. or Separately (as occasion shall Requier), and S^r as in youres you take Notice of y^e 2^d Choice of y^e Gen^l Assembly &c. as y^e call of God, and therefore give youre Self up to it, youle be pleasd to consider in both the acts of y^e Gen^l court, ye Comission intended was not much varying, one from y^e other, and so y^e youl look upon y^e good providence directing in y^e one as well as the other, and will not pick and chuse it by parts, but take together and trust in y^e divine Conduct in y^e wholl—submitting y^e event, and success to y^e allwise orderer of all human affairs &c. with youre best indevors.

As to an adress to his Majesty and another to her majesty,—in our instructions to our agent Dum^r we directed him as well to draw the addresses as to lay them before their Majestys: how ever if you insist on it I shall draw and send you addresses under my hand with y^e Secretary's, and you may lay them before their Majestys as they come from us, or with such adetion or allteration as you with y^e advice of Counsell shall think best. I shall send you perticuler instructs^m, and allso more Gen^l.

But, S^r, I am concernd when I look upon that passage in yours (viz:) as to y^e time of my being Redy, I cannot at present determine, because I feare y^e long delays may be dangerous; y^e winter is y^e season for busi-ness at courts, and possibly M^r Winthrop may bring his

business on this winter. Indeed if youre Assembly should wholly stand out and not yeald their compllyence to his Majesty's 23 instruction,* &c., and his Majesty should throw that matter before the legeslature, and Winthrop's Complaints lying now before his Majesty, if upon such a provocation his Majesty should put us into the same box, we should doubtless want youre Self and all y^e friends and Counsill that we can procure in England. S^r I inclose to you y^e act of our Assembly, Relating to your Support,† doubt we cant procure but litle if any sillver &c. here. I heare of about 50 or 60^{lb}—which I hope to procure but cant yet tell, what I can gitt, and shall with all possable Speed be pressing forward Every thing that lyes with me to doe—and hope you'l make No Needless delays in this matter of so great importance, and am with Sincere Regards S^r

Youre Very Humb^l
Serv^t

J. TALCOTT.

HARTFORD, Novem^r. 20th. 1728.

(Indorsed) Copy to JONATHⁿ BELCHER Esq^r Nov^r. 20th. 1728.

DRAUGHT OF ADDRESS TO THE KING.

To the King's Most Excelent Majesty :

the humble address of the Gov^r and Companey of his Majestys English Coloney of Connecticut in New England in America.

We your Majestys Most Dutifull, loyal Subjects and humble Suplycants, being inform'd y^t in a tryall of our case between M^r John Winthrop of Newlondon, and M^r Thomas Leachmere‡ of Boston, Respecting the settel-

* Hutchinson's History of Massachusetts Bay, II. 353. Palfrey's History of New England, IV. Chap. V.

† Colonial Records, VII. 218.

‡ Thomas Lechmere was born June 18, 1683, a younger son of Edmund Lechmere, Esq^r., of Hanley, Co. Worcester, and grandson of Sir Nicholas

ment of an Estate formerly belonging to Major Wait Winthrop of Boston, and y^e hon^{ble}. Fitz John Winthrop, Late Gov^r of the coloney of Connecticut, Dec^r, that amongst other things youre Excelent Majesty in Counsell was pleased to declare that the law of this his Majestys S^d Coloney, Intitled an act for the settelment of intestate Estates, should be vacated, and that it was thereby Repealed and made Void.

Where upon we humbly prostrat our selves at the feet of youre Majestys throne, and with y^e greatest & most profound deference to youre Majestys S^d Judgment, under our pressing circumstances humbly beg that youre Majesty would be graciously pleased of youre Clemency to suffer us to shew that it hath been y^e uninterrupted practice of the people settled within the limits of this Gov^tment to make laws to govern themselves by, which now Runs well nigh to an hundred years—that y^e body of which Laws have been, more than 30 years past twice by order of y^e Lords of y^e Board of Trade, layd before his Majestys Royall Predecessors, and no exception taken against them, Nothwithstanding the first Law on y^e book doath declare y^e y^e people in this Coloney shall be governed by the laws of this Coloney, and when no Law is

Lechmere, Baron of the Exchequer under William III. Nicholas, brother of Thomas, having been Solicitor and Attorney-General, was created by King George I., Baron Lechmere of Evesham, in 1721. Thomas Lechmere came to New England early in life and became a merchant in Boston, in partnership with John Mico; he married in Nov., 1709, Anne Winthrop, daughter of General Wait Still Winthrop. He was not very successful in trade and went to England in 1721 to obtain aid from his family, and was appointed Surveyor-General of His Majesty's Customs in North America. This appointment was announced in the *Boston News Letter*, June 22, 1721, and he held the office until 1727, when he was superseded by James Stevens. The births of his children are recorded in Boston between 1711 and 1724. He went again to England in Nov., 1728; but returned eventually to Boston, where he died June 4, 1765. — Lechmere's Point, Cambridge, obtained its name from Thomas Lechmere. His descendants were loyalists, and their property was confiscated during the Revolution, as they had fled to England. — *Burke's Peerage and Baronetage*, 824. *Mass. Hist. Society's Collections, Sixth Series, V. 213, 316, 367, 401. Talcott Papers, I. 99, 140. Twenty-Fourth Report of the Boston Record Commissioners, Births, 1700-1800. N. E. Hist.-Gen. Register, XLVI. 180. Dr. Holmes' Hundred Days in Europe.*

provided by y^e word of God, that y^e way by which the Kings of Great Britton have establisht Law in this Coloney is by y^e acts of this corporation, pursuant to y^e Charter.

Y^e a further sanction of this authority hath allso benn given by y^e affirmation of Judgments here given by & according to those Laws; that if such an authority hath been here used for the space of 100 years and from the first date without Interruption tis humbly prayd it may not now be disallowed.

That dividing Intestate Estate among all a mans Children hath been y^e universall Custom in this Coloney from y^e beginning of its plantation, which is beyond y^e Memory of man as may be seen by the coppies of Record ancient and modern.

That this is a Reasonable Custom for the people in this Coloney, that many great mischiefs and inconveniencys must folow upon this Law's being vacated.

That above 30 years since at y^e desire of y^e Lords of trade our Late Gov^r Winthrop sent our laws and amongst the Rest y^e Law making Reall Estates when intestate, dividable amongst y^e Children, the Eldest Son having a double portion, was sent to their Lordships, and from that day (and long before) till this we have practiced accordingly and we never heard that Law was in the least faulted untill Now in the Case Winthrop *vs* Leachmer.

That we have only Copied after y^e Massachusetts, which could not be a Law to them if disapproved of by his Majesty, and Espesshally since our Coloney is Newer than theirs and therefore the Reason inforcing their Law is here stronger.

That our Charter grants power to us to make, ordain and Establish all manner of wholsom and Reasonable Laws, &c., and that y^e Charter does no where direct the administration to be by the Laws of England, and in y^e next place

that y^e end proposed in y^e folowing part of y^e Charter, (viz :) whereby our s^d people may be so Religiously, peacably, civilly Governd, as &c.

could by no possibility be obtained by a power to make & Repeall only by-Laws, and y^t whereas, *notwithstanding all this*, youre Majesty having determined, that to make such a Law is contrary to y^e authority given by y^e Charter; it being contrary to y^e Law of England, this being the determination of youre majesty in Counsell; youre Majesty's Distressed Subjects would with the deepest humillity humbly beg leave to say a few things, as to our Charter privileges, &c., that this does imply a power to make that to be law here which is y^e Law of England, and any good and wholsom law y^t is not contrary to y^e Law of England; whence it folows y^t y^e limitation is not to by-Laws only.

That an authority to make y^e Same Law here y^t is in England, or one y^t is not contrary to it, does imply that till it be made it cant be law here, and in y^e next place, with all submission, we would Represent to youre majesty that so farr as we have learn'd the Law of England is divided into three severall species or kinds, y^e Statute law, y^e common law, and reasonable customs, all which are liable to an alteration, and we would with the greatest prostration request youre majesty : y^t when we finde any Rule of Law needfull for the wellfare of youre majestys Subjects here, which is not contrary to, and agrees well with some one of y^e tryangles of y^e Laws of England, as it then is, or heretofore has been, when England might have been under y^e like Circumstances in y^t perticular, which we are when we make y^e Law, that it might not be determined to be contrary to y^e Law of England: and further

that this Coloney have made considerable enlargements to his Majestys dominion under y^e advantage of this Custom and Law : which could not have been without it, and now the assurances we have of his Majestys gratus

Declaration he hath early and often made from the throne of his desire to Establish the libertys of all his people, have not a little incorig'd us to petition, as we do at this time, that our Law for y^e Settlement of intestate Estates, declared to be void in y^e Case between M^r Winthrop & M^r Leachmeare, in which tryall we had no oppertunity to sett that matter in its Just light ; may be allow'd and aproved ; and trusting in y^e goodness of his Majesty to prevent y^e utter confusion y^t this Coloney seems to be threaten'd with, and grant to us y^e tokens of his Royal favor in comon with our Neighbouring Coloneys ; that our fears, confusions and discorigments y^t y^e most of our people at present labour under may be removed, and that we may under y^e benign smiles of heaven, and y^e favour of our king : still live peaceable and quiet lives, &c. ; and be allways induc'd to pray that God may prosper all your majestys indevors for y^e publick welfare, and give your subjects such a true sence of y^e blessing y^r : enjoy under youre government y^t y^r : may be as zealous by their unanimity, industry and vigor to make youre majesty a great and glorious prince, as youre majesty is by youre tender & paternall care to make them a flourishing & happy people.

J. TALCOTT.

DRAUGHT OF INSTRUCTIONS TO AGENT.*

Sir :

We are not a little Surprised to finde in the late hearing before his majestie in Council in the case depending between Winthrop and Leachmere ; that our Law for Settleing Intestate Estates is declared to be voide & not warranted by our Charter, Espetially Since the matter is of so vast consequence to this Gover^t and yet we were never heard in the case ;

* This draught is among the Talcott Papers, and evidently was prepared to be sent to Jonathan Belcher, in Nov., 1728, but the instructions printed in the Talcott Papers, I. 143-58, were subsequently drawn up and dispatched instead.

but since this Govr^t is thereby so sencibly touched our peace greatly threatened, and instead of the Countrys being farther Settled and the British trade advanced, the contrary may be expected.

Our Assembly have thereupon thought it their dutie to adress his majestie that the s^t Law may be continued in its full force and that Intestate Estates may be heare accordingly settled, have therefore by their act, (a copie whereof I now send you), desired you in the best method possible to address his majestie on the s^d affaire, and have desired me to send you one hundred and fivety pounds Sterling money (more than what was sent you last Yeare) to enable you to proceed in the matter, and I believe our Gover^t won't be wanting to you, but will in a Sutable maner reward you. Our people are very unwilling to part with s^d Law, and if you can get it allowed it will be a most acceptable Servis to them. We wholly depend upon your care & aplication in the affaire and as we now ask for the best of your Indevours, so we believe we shall experience that you will not be wanting, we are sencible your long acquaintance, great abilities, and Interest at Court, can't easilie be disappoynted in this affaire, since there is so much to be s^d for us, but I shan't inlarge heare since you are so thoroughly acquainted with all affaires at Court, and know how to move every wheele & set every spring at work.

Therefore, after haveing mentioned that what followeth, (some of which I supose may be profitably Improved in the adress to his majestie) possibly may be thought not so well consistant with it selfe, but what we intend is that what part is well consistant may be improved and the other omitted. Our unacquaintance with what will be the best arguments at Court, hath indused us to argue in a differing way, as followeth, (now insert the Dep. Govr^t arguments.)

The heads of Arguments to support our law concerning Intestate Estates.

That we can prescribe for an authority to make such laws. It has been the practice time out of mind for this

Society of people so to do without Contradiction ever since our first Settlement wth was in 1636 as may appear by all our Records, some of wth instead of y^e whole, we transmitt. By wth Rule many Corporations and Courts are holden at home. The Rule for dividing Inheritances among all a man's Children has been y^e Custome thrōut this Colony so long that no man's memory runs to the contrary, as is evident by y^e ancient and modern Monuments and Records, copies w^o of are herewith transmitted markt.

And as ancient Customs take place in England against y^e Rule of y^e Co^mon law and are irreversible by anything short of an Act of Parliament, unless they are Judged to be unreasonable and mischievous, so this Custome which has been more serviceable for y^e promoting y^e Settlement of this Colony and enlarging his Maj^{ties} Dominions than y^e Rule of the co^mon law would have been, as is manifest by the greater Increase of y^e people in this and the neighboring Colonies where this Custom has prevail'd, beyond y^e Increase of the people where y^e Rule of the co^mon law has taken place, as in N. York and other Provinces, on many other accounts under more induring Circumstances.

That this law should be favour'd and allow'd of, appears from y^e Inconveniency which will follow upon its being vacated, in as much as all y^e Alienations under such Settlements will be overthrown thereby, whereby almost every man in the Colony will be turned out of his house and land, or some part of his Improvements. Quarrells and law suits will abound, Great part of our lands will ly unoccupied, Multitudes will be undone and beggard when their lands are taken from them, not being brought up in Manufactures but Husbandry only, and the just designs of y^e dec^d to have y^e children provided for, by this law, after their death, defeated. That this law or Custome ought not to be vacated, in as much as this law or Custome being declared not to bear y^e force of a law it will necessarily follow, That y^e was a Society of mankind possessing some part of the earth without any law or Rule to direct

y^e Descent of y^e lands, w^{ch} is inconsistent with humane Society and renders it impracticable to plant a new Country, for y^e could be no pretense That y^e co^mon law of England could extend to them who did not then hold under y^e great Seal of England, which Custome being so commenced, was found by so long and constant Experience to be agreeable to y^e Settlement of a new Countrey as is manifest by y^e continuance of it and the Affirmation of it from time to time by the Legislature, and cannot therefore now be vacated without y^e Destruction of y^e Colony, w^{ch} is humbly deprecated to his Maj^{ty}.

S^r. If y^e Reviving our law cannot be obtain'd on all or any of the above Principles, nor any other which you can improve. It is desired, That it might be allowed to be good and effectual for the Support of the Distributions that have been actually made. If that should fail, That it might be some way or other declar'd, That the Reason why our law is determined to be contrary to the law of England, is that y^e Co^mon law is, That all Estates holden under the Great Seal shall descend according to y^e Rules of y^e Co^mon law.

S^r. If we should be so unhappy, That you can see no hopes of obtaining a Resolution of any of these things in our favour at present, Its rather chosen that you forbear any formal Motions for them, and procure y^e Opinions of the King's Attorney & Solicitor in our favour in Resolving such Points of law as may be serviceable for the Defence of y^e Settlements of Estates which have been heretofore made, which we think may be on such Questions as follow :

Whether it be the law of England, that in all Countries where the lands are holden under the great Seal of England, out of the Kingdom of England in other distinct Territories, are under y^e Regulation of the Rules of the Co^mon law with respect to Claims and Entries as they are with respect to Descents? Whether y^e Settlement of Intestate Estates

will not be a sufficient Barr to the Demands of the Heir at law till they are reverst? Whether those Settlements which were made according to the law as it was taken and understood before it was vacated should be reversed as erroneous? S^r, We endeavour to furnish you with that which is thought may possibly be of Service in our Cause, and leave it in your Discretion to improve all or any part thereof as in your Wisdome on which we rely, you shall find proper and safe.*

5. That which may be argued in favour of our law on y^e Charter itself on w^{ch} we have not been heard, is plain before you and shall be but just hinted att.

That we have power to make laws is allowd by all.

The Limitations of that power are one of these two:

1. That we have power to make only by laws founded on those words (according to the Course of other Corporations within the Kingdome.)

2. That we have power to make only the same laws as are made in England about any matter wⁱⁿ the law of England has provided, grounded on this Clause, (not contrary to y^e laws of this Realm of England.)

That no such Construction can be putt upon y^e Clause (according to y^e Course of, &c.) for that the end proposed in y^e following part of the Charter, Viz: Whereby our s^d people Inhabitants there may be so Religiously, peaceably and civilly Governd, as, &c. could by no possibility be attain'd by a Power to make and repeal only by-laws. It must be an ill Exposition that destroys the Text.

To the second Exception, Viz.: That we have power to make only the same laws that are made in England, &c.

We have to say, That this cant be a Reasonable Construction, because the same Power is given to repeal laws as is given to make them. And a power to repeal a law must imply a power to make another in y^e Rome of it, in those Cases wherein a law is necessary, as to Instance, if

*On the margin of the original this passage is marked "To be omitted,"

we make a law, That lands shall descend to the eldest Son, and we repeal this law, then unless we establish some other law of Descents, no body could inherit for want of a law, except itt be said that the meaning of the Charter is, That the law of England is the law here, which overthrows the Proposition of our having power given to make and repeal the same.

Whence it seems to be a necessary Consequence, That the Contrariety intended must be only to the laws made for the Plantations, which Opinion will be enforc'd by y^e Statute made in K. William's Reign pleaded in Leachmere's Case.

By the Approbation of y^e law of the Massathusetts whose Charter hath the same in it.

And, by our laws having lain this thirty years before their Lordships and but one Clause in one of them ever excepted against, and Exceptio firmat Regulam.

Contrary to the law of England :

this Clause must have Reference either to y^e time w^h y^e Charter was given, or to the time of our making a law. If to y^e first, then it may be made contrary to y^e law of England, as it might afterwards be. If to y^e second it might be contrary to y^e after changes of that law, whence of necessity it will follow that we may have a law that is contrary to the present law of England.

The law of England consists of three Branches, Statutes, Common and Customs; w^h in these are contrariant, either we may make no law at all, or that is not contrary which agrees to either of them, and the later is the more favorable Construction, and if Bracton say true such a Custom as our law has been in England.

[End of Gov. Law's hand-writing.]

And we farther Say, that above thirtie Years past, at the desire of their Lordships of the board of Trade, our late Gover^r Winthrop sent our Lawes and amongst them the Law makeing Reale Estate when Intestate, to be divided amongst the Children, the eldest Son to have a

double portion, was sent to their lordships, and from that day until this we never heard that our Lawes were faulted, excepting onely in one parrag: respecting quakers, which was heare repealed,* and also now in the matter of M' Winthrop, and truely we had the vanetie, (if it must be now so accounted,) to think that we were very safe, since their Lordships, (who acted as they s^d by an express order from his then Majestie King William,) found no fault in our s^d Law, and that we had copied after the Massac": which could not be a Law if disaproved of by his Majestie, and Espetially since our Colony is newer than the Massac": and therefore the reason enforcing their Law is heare Stronger.

The Common Law of settleing intestate Estates can't (as yet) be of advantage to us, a vast deale of our Lands being yet to Subdue, which can't possibly be done without the Younger Sons assistance, which in reason must not be expected if they have no part of the Inheritance; for in this poore Country if the Landlord Liveth the Tenant Starveth. Few Estates heare will let for little more than maintaining the fences & paying Taxes, and it ordinarily proveth ill when persons are put to live by new ways that they have not been brought up in. Our whole government (in a maner) live by Husbandry, and we raise considerable quantities of provetion, and from our Stores the Trading part in the Massac: & R^d Island are Suplyed. We subsist the fishermen, and most of the Shugars in the west Indies are put up in Casks made of our Staves. This way our predesessors left us in, & as they Suplyed themselves with almost all their cloathing, nailes & most other necessaries, from their Neighbours of Boston, (who transport the same from Greate Britaine,) so we do to this day. But if the Eldest Son must now onely Inherit, then we must of Necessitie alter our way of Liveing, and put our Younger Sons to trades, and truely as to many of the Trades Needfull they can't heare be learned, therefore if our Estates be Settled according to the rule of the Common Law you

* Colonial Records, IV. 546.

may quickly expect to heare of a Number of our youths sent over to Greate Britaine, or other parts of Urope, to lerne those trades Needfull, for then we can't possibly raise provetion to purchase British Goods, which doubtless will greatly hurt the fishery, as well as ourselves; and I suppose every knowing man can't but see it will presently effect the British trade; which altho' so very plaine to all that understand this Country, is, as we think what his majestie hath not yet thought of.

And as we have above hinted in relation to the Law of Massachusets, that the reason that indused the makeing that Law, and so consequently the King's alloweing of it, is heare stronger, for our Settlements are Newer & our lands not so much Subdued. And since the reason obtained for the law in Boston to be different from the Common Law of England, we hope we may have leave to mention the ancient maxim, the like reason, the like Law, and that is all we ask for. If this Gover^t with the Neighbouring Gover^{rs} did not increase and populate more under our Law of Dividing of Reale estates than our western Neighbours, (that are upon other accounts under greater advantages than we are,) we should not venter to say so much but certainly it must be allowed that New England is better peopled than Virginia, and the form of Gover^t and makeing Laws to Suite the Country is the cause, and more espetially our s^d Law greatly contributes to the Same.

And as our Assembly hath ordered an adress to his Majestie I should farther suggest whether a proper adress to the Queen may not be Serviceable to our desire, and leave it to your consideration, and hope if it be thought proper you won't omit it. I believe our Assembly won't Starve theire cause, and do depend upon you that you will rank every thing in the best order, and that no proper office to be done, be omitted. It is an old Saying, 'tis Good to have a friend in court; which you wont forget and doubtless you will conduct yourselfe accordingly.

The Sixth article

is that "they take no care to Secure & protect your majesties Subjects, nor to fortifie the port of New London, &c.—To which we answere that formerly when the state of our maletia by Order from her late Majestie Queen Anna, was inquired into we then gave answere that all males in this government from sixteen Years old to fivetie five were inlisted, and were a part of her Majesties maletia and were put under proper officers, which officers called their respective companys foure dayes in a yeare & exercised them in their armes. The Gen^t in civil authoritie together with the officers of the Churches are onely exempted from appeareing at such musters, but they as well as all others are oblidged to keepe arms and amunition; and our Lawes & practice upon them are still the Same, the maletia, both Horse & foot are exercised by their officers foure dayes in a Yeare, and every man keeps his armes & amunition, to be readie at the Shortest warning, and besides in every Town we have lodged a Stock of amunition belonging to the Town, which is always readie if there be occation; and we have also a publick Stock of amunition, which is provided upon the Charge of the Colony, all which are settled & established by the Lawes of the Gover^t. And as to the port of New London, we many yeares past, at the Charge of the Colony, raised a Battery there, and there is (besides other provetion) foure pieces of Cannon mounted at s^d place, which hath with the care taken by the Gover^t well secured s^d Harbour. No enemie, excepting onely once in the Reign of King William the 3^d, dare to attempt the takeing New London, at which time three or foure french Ships came into s^d Harboure & attempted to Land, the maletia of the Town were Imediately in armes, and in a few houres the Country round about came in, and the french were not able to Land, but were much gauled both by the

Greate & Small Shott sent from the Shore, all which was done without the loss of one of our men.

And we have at all times defended ourselves, altho' in the several french wars that were in the late reigns, the french & indians made theire attacks upon our frontiers, as they did upon other parts of New England.

To the 18th we ad that it hath often hapened that some of the Assis^s, who are members in our Generall Assembly, are appoynted Judges of our Supe^r Court; Yet when any writ of Error (or complaint) is brought to s^d Assembly, respecting any Judgment given by s^d Court, the s^d Judges have in such cases no vote, but onely, if desired, they give their opinion what the Law is in relation to the case then before the Assembly.

Look in y^e old Longe book at y^e end of y^e fundementalls for y^e date of y^e old Laws: as yy folow &c. Copie and attest.

Laws to be taken out; the first Law:—one Commission of y^e peace; one proclimation for thanks giving; two or 3 of y^e Capitall laws; Copie of y^e act of Assembly in october, 1728, Relating to M^r Winthrops being put into possession, upon M^r Ann Winthrops Letter to y^e Gov.*

Keep Copies of all thats sent without faile.

[Indorsed] The Letter and arguments to our agent for suporting y^e Law of Intestates. Now Repealld, &c. [On another sheet] Instruction to our agent Dum^r. Intestate. [On the last sheet.] To be added to our Instructions to our agent. Intestate Estates.

GOVERNOR TALCOTT TO THE LOWER HOUSE.

M^r: Speaker & Gen^lmen:

I propose to y^e Consideration of this Assembly that a com^{te} consider whether upon consideration of the many great contentions that arise, &c., Respecting the place for

* Colonial Records, VII. 217. Talcott Papers, I. 134.

building of houses for y^e worship of God, it may not be expedient that a Law be made to prevent such controversys by taking that affaire into y^e power of y^e Assembly, except a unanimous agreement.

Whether it bant best for this Assembly to sett some time for y^e calling in our torn and pattcht bills, and y^e as short a time as may be with conveniency.

As in the beginning of this Assembly so I now Recomend it to you y^e some thing may be further done for y^e Incorrigment of our Indian Schools at Moheegan, and that Cap^t. John Mason may be heard there upon by a com^{tee}.

What further Care ought to be taken about the Queen's arms now at New london. Many Controversys arising on Choice of Comishon officers, whether the choice of Military Comishon officers ought not in some Measure be Restrained to this Assembly, or other wise.

J: TALCOTT.

COMMITTEE'S REPORT ON GOVERNOR'S PROPOSALLS,
MAY, 1729.

The Committee are of Opinion

1st That the Congregations be allowed to agree upon the place of their Meeting House, and if upon aplycation to this Asembly on a Diference in any Society, this Asembly apoint the place for the Setting the meeting house, then speciall Care be taken to render such orders Efectual (passed over and Nothing voated)

2 That all the outstanding bills that are not printed in the back be Called in & burnt, by the 20 of May, 1730, and no bills torn in two halves or Quarters shall pass after that time, or be received into the Treasury, and that there be forthwith printed, signed, and put into the Treasurers hands a suficiency of bills for exchanging them.

3. That the Assembly order a brief thro the Colony to raise money to encourage the school at Mohegan, s^d money to be Disposed of to s^d use, according to the order of the Gov^r and Counsell. (Fifteen pounds to be drawn out.)

4th That arms be kept together at one place as the Assembly shall order, and there kept in order and safe by some person appointed by the Assembly.

ROGER WOLCOTT
DAVID GOODRICH
JOHN BURR
EDMUND LEWIS

On y^e Report y^e first matter past over.

On 2^d of Report the lower bills being call'd in and bills printed, &c., to exchange, voated in y^e affirmative.*

3. Relating to a brief, voated no such brief be ordered, but that there be 15^{lb} granted out of y^e publick Treasury, and put into y^e hands of Cap^t John Mason to improve for suport of y^e schoole at Mohegan under his Care.†

Report read in lower house & the 2^d article approved, & instead of brief 15^{lb} ut supra.

Past in the Upper House
Test HEZ: WYLLYS, *Secret^y*
Test JN^o. RUSSELL, *Clerk*.

MR. FANE'S‡ REPORT UPON THE PETITION OF THE INHABITANTS OF CONNECTICUT, DATED NOV. 24, 1730.

To the Right Honourable the Lords Comiss^{rs} for Trade and Plantations:

MY LORDS

In Obedience to your Lordships commands signified to me by M^r Popples Letter transmitting to me

* Colonial Records, VII. 243.

† Colonial Records, VII. 242.

‡ Francis Fane, of Fulbeck, Co. Lincoln, barrister-at-law, M.P. successively for Taunton, Ilchester, and Petersfield; Chairman of the Committee

Copies of the Charter of Connecticut, and the Petition of the Agents for that Colony, and also the Memorial of Mr. Winthrop, and desiring my opinion whether his Majesty can by Virtue of his Prerogative, and without the assistance of Parliament gratifie the said Colony in their Request, I have considered of the same and begg leave to observe to your Lordships, That I cannot pretend to say Whether the King by vertue of his prerogative can do what is desired by the petitioners. But I must Submitt it to Your Lordships consideration, Supposing the King had a power by his prerogative, of gratifying the Request of this Colony, whether under the Circumstances of this Case It would not be more for His Majesty's Service to take the Assistance of Parliament, as that method will be the least liable to objection, as well as the most certain and effectual manner of gratifying the Request of the Petitioners.

I am

My Lords,

Your Lordships most faithful
and most obed^t Humble Serv^t

FRAN: FANE

24th November. 1730.

[Endorsed] Mr. Fane's Rep^t upon the Petition of the Agents of Connecticut, and of Mr Winthrop, relating to His Majesty's Power of gratifying that Colony, concerning their Titles to Land without assistance of Parliament.

of Supply; Standing Counsel to the Board of Trade and Plantations, of which from 1746 to 1755 he was a member, as his father's second cousin Thomas 6th Earl of Westmoreland (d. 1736) had been before him; died May 28, 1757. He was grandson of Sir Francis Fane the dramatist, and eldest great-grandson of the third son of the first Earl of Westmoreland; five years after his death the earldom fell to his next brother as 8th earl. —[*Burke's Peerage*; *Haydn's Book of Dignities*; *Beaton's Parliamentary Register*.

*REPRESENTATIONS OF THE BOARD TO THE COUNCIL,
CONTAINED IN A REPORT FROM THEM UPON THE
PETITION OF THE AGENTS OF CONNECTICUT, MADE
DECEMBER 31ST. 1730.

Your Lordships were pleased on the 25th. April last* to refer to us the Petition of Jonathan Belcher & Jeremiah Dummer Esq' in behalf of the Colony of Connecticut,† praying His Majesty to confirm the Inhabitants in the Estates they now hold by virtue of an Act of Assembly of the s^d Province for the distribution of Real Estates of Intestates: you recommended us also to consider how & in what manner the Inhabitants may be affected by the annulling of the s^d Act, and what method it may be most advisable to take for securing them in the Possession of their Estates.

"Whereupon we take leave to represent to your Lordships, That it is not to be doubted, that the annulling of the said Act for dividing the Lands of Intestates must certainly be attended with great confusion amongst the people of Connecticut. And therefore we are of opinion, It would be an Instance of Fatherly Tenderness in His Majesty to comply with their request with regard to the quieting of Possessions already vested. And we think this may be done by his Majesty's Royal Licence to pass an act for that purpose, with a saving therein for the Interest of John Winthrop, Esq'. But we can by no means propose that the course of Successions to Lands of Inheritance in this Province should for the future be established upon a Footing different to that of Great Britain.

In return for so great a Favour from the Crown, we apprehend the people of Connecticut ought to submit to the Acceptance of an Explanatory Charter. whereby that Colony may for the future become at

* Talcott Papers, I. 200, 201.

† Talcott Papers, I. 187.

least as dependent upon the Crown & their Native Country as the People of the Massachusetts Bay now are, whose Charter was formerly the same with theirs.

And we think ourselves the rather bound in Duty to offer to His Majesty's Consideration, because the People of Connecticut have hitherto affected so entire an Independency on the Crown of Great Britain that they have not for many years transmitted any of their Laws, for His Majesty's Consideration nor any Accounts of their Public Transactions. Their Governours whom they have a Right to Choose by their Charter ought always to be approved by the King, but no presentation is ever made by them for that Purpose. And they tho' required by Law, to give Bond to observe the Laws of Trade and Navigation, never comply therewith, so that we have reason to believe, they do carry on illegal Commerce with Impunity, and in general we seldom or never hear from them except when they stand in need of the Countenance, the Protection & Assistance of the Crown.

But if this Method of giving Relief to the People of Connecticut should not be thought adviseable, His Majesty may allow them to apply to Parliament, in which case it is to be hoped, proper care will be taken by the Legislature of Great Britain, to Secure the Dependence of this Colony upon His Majesty & their Mother Country."

We are &c.

WHITEHALL,
Dec. 31st 1730.

REPORT OF THE BOARD TO THE COUNCIL UPON THE
PETITION OF MR. BELCHER & MR. DUMMER, IN BE-
HALF OF THE COLONY OF CONNECTICUT.*

MY LORDS,

Your Lordships were pleased by your order of the 25th. of April last to refer to us the petition of Jonathan Belcher & Jeremiah Dummer Esquires in behalf of the Colony of Connecticut in New England, praying His Majesty by His Order in Council *to confirm to the Inhabitants of that Country, the Estates they now hold by virtue of an Act passed in the Assembly of said Province for the Distribution of the R^{gal} Estates of Intestates*; & likewise to enable them to divide such Estates in the manner prescribed by the said Act for the future, with a saving clause for John Winthrop, Esq^r., the circumstances of whose case the Petitioners allege to be different from those of the Generality of Persons in the said Colony.

Your Lordships did also recommend it to us to consider how, & in what manner, the Inhabitants of Connecticut may be affected by the annulling of the said Act, *and what method it may be most adviseable to take for quieting & securing them in the Possession of their Estates.*

Whereupon we take leave to represent to your Lordships that it is not to be doubted, that the Annulling of the said Act for dividing the Lands of Intestates, &c., &c.†

* * * * *

We are

My Lords,
your Lordships most obedient
& most humble Servants

P. DOMINIQUE

T. PELHAM

M. BLADEN.

JA. BRUDENELL

AR. CROFT.

WHITEHALL }
Dec.^{ber} 31st 1730 }

* This and the two preceding documents were obtained for the Connecticut Historical Society from the records of the Board of Trade and Plantations in London, through the kind offices of Prof. Charles M. Andrews, of Bryn Mawr, Pa.

† See page 435 supra.

JEREMIAH DUMMER'S MEMORIAL TO THE COMMISSIONERS OF CUSTOMS.

To the Hon^{ble} the Commis^{rs} of His Majestie's Customes

The Memorial of Jer: Dummer, Agent for y^e Colony of Connecticut

SHEWETH

THAT having seen your Honours Letter to the Governour and Company of the Colony of Connecticut relating to their Ports, humbly prays that Whereas it is Ordered that all Vessells coming in to the Province shall be oblig'd to Enter and clear at New London*—that at the same time directions may be given that All Vessells Coasting from one Port to another in the Sound, and likewise to the Neighboring Colonys may be allow'd to enter and clear with the Naval Officers for the reasons following

1st That otherwise the Sloops with only a few Staves and fferkins of butter on Board, may be oblig'd to go a hundred Miles out of their way to find the Collector, which must of necessity destroy the Coasting Trade, and that being the Chief Trade of the Colony, it must be their ruin.

2. For that the passage thrô the West End of the Sound to New York, Philadelphia, and other neighboring Plantaçons, is not only a Shorter cut, but safe in a time of War, Whereas if the Vessells must clear at New London, and go out to Sea they will be very much expos'd.

3^d That it will be very unsafe to leave all the Ports but one without any Officer to inspect the Commerce and prevent illegal trade, and consequently the injury to the Crown will be as great as to the Subject.

JER: DUMMER.

[Indorsed] y^e agents Resons for more ports yⁿ one to enter & clear at. [Gov. T.'s handwriting]

* Talcott Papers, I. 234.

FRANCIS WILKS TO GOVERNOR TALCOTT.

S^r

By this Oppertunity I have wrote you what Concerns the Colony of Connecticut as to the Affaires at present depend: before His Majesty—This is in Answer to the favour you did me of a private Letter in favour of a Young Gentleman, Cap^a: Hez^b Wyllys.* I have not heard what M^r Dummer has done in the Affair of the Estate you mention to have fallen to him; but you may depend If I have any Oppertunity of serving him in it, I shall be very ready, and as any thing offers advise him by You. I shall always be proud to render any Acceptable service to you or any Friend you'll commend to me. I am

Hon: Sir

Yo^r. most Obed^t. Serv^t:

FRA WILKS.

LONDON,

13th February 1730/1To the Hon^{ble}: Jos: TALCOTT, Esq^r.

REPORT OF COMMITTEE OF THE GENERAL ASSEMBLY.

Mess^{rs} Elisha Paine, Sam^l Willard, Eben^r West, Jn^o Curtis, Sam^l Gun, are appointed to Conferr with Such as y^e Upp^r House shall appoint on y^e matters of y^e Government y^e are Depending in y^e Court of great Brittain and make report thereon to this assembly.

Past in y^e Lower HouseTest. JN^o RUSSELL, *Clerk*.

* Talcott Papers, I. 212. Governor George Wyllys, when he came to New England in 1638, left his oldest son, George Wyllys, in possession of his estate at Fenny Compton, in Warwickshire, but he retained the ownership of a portion, probably one-half. This property, or a portion of it, was still owned by the Governor's grandson, Hezekiah Wyllys, the Secretary, in 1730, and at that period and several years later, he and his son George appear to have had some trouble in maintaining their rights against the English heirs of George Wyllys, the younger. In 1764 Samuel Wyllys, son of Secretary George Wyllys, went to England and finally effected a sale of the Fenny Compton property.—*Wyllys Family Papers*.

Roger Wolcott and James Wadsworth Esq^r are appointed to Conferr with the Committee of the Low^r House on the affairs above mentioned. — and his Hon^r the Dep^t. Gov^r is desired to assist in Counsell with the above mentioned Committee.

Past in the Upp^r House.

Test. HEZ: WYLLYS, *Secret.*⁷

May, 1731.

The Com^{tee} appointed to Conferr on the Matters of the Gov^t that are depending in the Court of Great Britain take leave humbly to represent

1. That it is no wayes necessary for this Gov^t to accept of an Explanatory Charter.

2. That our Agent be directed to desist any further Motion to his Maj^y in Council till further Order from this Assembly.

3. That it is expedient for this Legislature to establish some Rule for the Descent of our lands.

4. That it is desirable for this Assembly to proceed at this time to pass an Act for that end.

5. That a law consonant to the Rule of the Common law of England is the only safe measure that can be taken at this time.

6. That a recital of the whole state of this Affair from our first Entrance into these lands, till this time, with all the Grounds and Reasons of our proceedings will be a proper, safe & most serviceable preamble to such an Act.

That a Psallery be settled on our Agent, and something granted for his extraordinary Services.

JONTH LAW in y^e name
of y^e Com^{tee}

And further it is the Opinion of
y^e Subscriber and three of the
Com^{tee} That y^e Bill herewith trans-
mitted be past into an Act.

JONTH. LAW.

AN ACT FOR THE SETTLEMENT OF INTESTATE
ESTATES.*

Whereas the first planters of this his Majesties Colony about the yeare of our Lord 1637 made their first entrance into the Same, and the next yeare by a bloody war with the Indian Natives of the Country, Conquered a great part of the Same, and soon after by purchase from the Natives obtained the rest to the English at the only Expence and Indeavor of the planters, and whereas the Law of naturall Equity is the Law of such a Country so obtained untill the Conqueror or his Successors have declared their Law there :

And whereas by the Law of Naturall Equity and Right all those that Joyned in making the Conquest, and those that Joyned in Subdueing the Country from a Wilderness (as it then was and in a great measure still is) to a Condition fit for tillage and profit, Should also Joyntly Share in the advantages that arise from this their Conquest and Industry, and accordingly the first Planters did Divide the Lands thus obtained among themselves, and it immediately became a Custom that the Ancestor dying Intestate his Inheritance Should descend to all his Children as Coheires, the Eldest Son a double portion :

And whereas his Late Majestie King Charles the 2^d, in the 4th yeare of his Reighn, Considering that the Said Lands were gained by Conquest or purchase at the only Indeavour and expence of the first planters and their associates, and thereby became an Inlargement to his dominion—Did of his Speciall Grace by his Royall Charter give the S^d Lands to them and others holding under them, by the name of the Gov^r and Company of his

* This draught of an act is in the State Archives, Foreign Correspondence, II. 146, but is unquestionably the act mentioned in the Committee's Report, in Civil Officers, II. 169. May, 1731. See letter from Francis Wilks to Governor Talcott, October 9, 1731.—*Talcott Papers*, I. 240. And also Wilks' letter of April 14, 1733.—*Ibid.*, 273.

Majesties Coloney of Connecticut in New England in America, by Said Charter also Giving to S^d Gov^r and Company power to make Laws for the Relegious and Civill Government of the people in Said Coloney, not Contrary to the Law of England:

And whereas the S^d Gov^r and Company in the 11th yeare of the Reighn of his Late Majestie King William the 3^d did pass an Act Intitled an Act for the Settlement of Intestate Estates, in which it was provided and Enacted amongst other things the Lands of persons dying Intestate Should be Inventoried and Remaine unsettled to the heires untill the Administrator had fully administered, and then by Speciall order of the Court of Probate be divided with the Goods and Chattels to all the Children of the Deceas^d in Equall Shares, Saving only that the Eldest Son or Such as Should Legally Represent Him a double portion:

And whereas his present Majestie, upon the complaint of John Winthrop Esq^r against Thomas Leachmere Esq^r, has been pleased to Repeale Said Act for the Settlement of Intestate Estates, because it ordered Lands to be Distributed as Chattells, whereby the rule for decents of Inheritance in this Coloney is again Reduced to the Law of Naturall equity, and the ancient Custom aforesaid founded thereupon, whereby the Lands of persons dying Intestate in this Coloney doth decend to all the Children of the deceas^d, Saving only to the Eldest Son, and Such as Legally Represent him a double portion. And now to prevent for the fewter Inheritances decending to the heires female with the male heires as according to S^d Custom

Be it Enacted &c and it is hereby enacted by the Gov^r, Company, and Representatives in Generall Court Assembled, and the authority thereof, That from and after the Last day of December next Ensuing that all Decents of Inheritance in the Line decendant, the Sons

and Such as Legally Represent them, Shall Inherit Exclusive of the Daughters, and in the Line Transversall the brothers and Such as Legally Represent them shall Inherit Exclusive of the Sisters, and the uncles and Such as Legally Represent them Exclusive of the aunts, any former Custom or usage to the Contrary notwithstanding.

For the rest of the Act now to be made let the former act be drawn as it is printed, Exempting wholly all that is said about the Lands and ordering the moveable Estate to be Divided to all the Children in Equall Shares, &c.

REPORT CONCERNING INTESTATE ESTATES.

To the Honourable the General Assembly Now Sitting at Hartford.

Whereas the Honourable Assembly were pleased to apoint us your Committee to Consider, Advise and Report to this Assembly, our Opinion what is Needfull and Best to be further Enacted for the Settlement of Intestate Estates, and how Creditors should obtain their Just Debts from the Estates of persons Deceased in reference to their Executors, Admⁿ or Heirs;

Which things your Committee having taken into Consideration, beg Leave to report their opinion thereupon as followeth.

1. That an Act be Made for Settlement of Intestate personall Estates in the same manner that the Late Law was, (Exclusive of the Reall Estate,) and that the preamble to this act be the Same as was sent to his Hon^r, by M^r Wilks,* unless the Assembly shall think best to make some small Alteration in the preamble.

2^{ly} That it be Enacted That when the Debts of

* Talcott Papers, I., 242, 273.

the Deceased surmount the Goods, Chathels, and Creditts of the Deceased, upon aplycation of the Ex^r or Adm^r to the Judge of the Court of Probates showing the same, the Judge shall apoint Commissioners according as it is provided in a Law of this Colony, Intituled an Act for the Equall Distribution of Insolvent Estates, who shall report to the Court of Probates in order to make an Average of the Chattells and personall Estates of the Dec'd Amongst the Creditors according as it is provided in s^d Law, and the Ex^r or Adm^r shall be charged no further than to Answer such Average.

3^d That the Creditors may Receive the Remaining part of their Creditts (That are over and Above the Average) by an Action in the Debett and Detinew against the Heirs of such Dec'd, and the Heirs shall be Lyable to answer the same as far as they have any thing by Descent.

That from and After the first day of May which will be in the year of Lord God, 1734, no heirs shall be charged with the debt of their Ancestors unless they are Expressly bound thereto by the deed of the Ancestor, (Excepting all publick rates and Dutys, Charge of his last sickness and funerall Expenses.)

And this our above Report wee humbly Submitt to the wisdom of the Assembly.

ROGER WOLCOTT
JAMES WADSWORTH
SAM^{LL} MATHER
EBENEZER WEST
RICHARD ABBE
SAM^{LL} HILL.

In the Up^r House

Read and Ordered to be Transmitted to the Lower House. Test HEZ. WYLLYS *Secret^r*.

(Indorsed) "Report Concerning Intestate Estates, May 1732."

REPRESENTATION OF THE BOARD OF TRADE TO THE
HOUSE OF LORDS, ETC.*

*To the Right Honourable the Lords Spiritual and Temporal,
in Parliament assembled:*

May it please your Lordships.

His Majesty hath been pleased, by his Order dated *June* the 15th 1733, upon your Lordships Address of the 13th of the same Month to direct the Commissioners for Trade and Plantations to prepare, during the Recess of Parliament, and lay before your Lordships, at your next Meeting, an Account of the Laws made, Manufactures set up, and Trade carried on, in any of his Majesty's Colonies and Plantations in *America* which may have affected the Trade Navigation and Manufactures of this Kingdom: distinguishing when any such Manufactures were first set up: what Progress has been made therein: and what Orders or Instructions have been given to discourage the same: and when any such Trade was first carried on: and what Directions have been given, or Methods taken, to put a stop thereto.

In treating these Subjects, we shall observe the Order prescribed in your Lordships Address to His Majesty: which leads us to begin with what regards the Laws of the Plantations: And that your Lordships may be fully apprised of everything that relates to this Head, we beg Leave to premise some particulars concerning the Constitution of the several Colonies, and the Powers vested in them for passing of Laws.

Many of the British Colonies in *America* are immediately under the Government of the Crown: namely, *Nova Scotia, New Hampshire, the Jerseys, New York, Virginia, and the Two Carolinas, Bermuda or the Summer Islands, Bahama Islands, Jamaica, Barbados, and the Leeward Islands.*

*This Report is mentioned in Talcott Papers, I, 294, by Francis Wilks, in his letter of March 29, 1734, as inclosed. The report being very full, relating to all the American Colonies, including the British West India Islands, the portions describing the objectionable laws in the Colonies, other than Connecticut, have been omitted.

Others are vested in Proprietors, as *Pennsylvania* and *Maryland*, and not long since, the *Bahamas* and the *Two Carolinas*.

There are likewise Three Charter Governments, the chief of which is the Province of *Massachusetts* Bay, commonly called *New England*: the Constitution whereof is of a mixed Nature, the Power being divided between the King and the People, in which the latter have much the greater share: for here the People do not only chuse the Assembly, as in other Colonies but the Assembly chuse the Council also: and the Governor depends upon the Assembly for his Annual Support: which has too frequently laid the Governors of this Province under Temptation of giving up the Prerogatives of the Crown, and the Interest of Great Britain.

Connecticut and *Rhode Island* are the other Charter Governments, or rather Corporations where almost the whole Power of the Crown is delegated to the People, who make an annual Election of their Assembly, their Council, and their Governor likewise: to the Majority of which Assemblies, Councils, and Governors, respectively, being Collective Bodies, the Power of making Law is granted; And, as their Charters are worded, they can, and do make Laws, even without their Governor's Assent, and directly contrary to their opinions: no negative Voice being reserved to them as Governors, in the said Charter. And, as the said Governors are annually chosen their office generally expires before his Majesty's Approbation can be obtained, or any security can be taken for the due Observance of the Laws of Trade and Navigation and hold little or no Correspondence with our Office. It is not surprising that Governors, constituted like those last mentioned should be guilty of many Irregularities, in point of Trade, as well as in other respects.

All these Colonies, however, by their several Constitutions, have the power of making Laws for their better Government and Support, provided they be not repugnant

to the Laws of Great Britain, nor detrimental to their Mother-Country. And these Laws, when they have regularly passed the Council and Assembly of any Province, and received the Governor's Assent, become valid in that Province, but remain repealable never the less, by his Majesty in Council, upon just Complaint and do not acquire a perpetual Force, unless they are confirmed by his Majesty in Council.

But there are some Exceptions to this Rule in the Proprietary and Charter Governments: for, in the Province of *Pennsylvania*, they are not only obliged to deliver a Transcript of their Laws to the Privy Council within Five years after they are passed: and if his Majesty does not think fit to repeal them in Six Months from the Time such Transcript is so delivered, it is not in the power of the Crown to repeal them afterwards.

In the *Massachusetts Bay* also, if their Laws are not repealed within three years after they have been presented to His Majesty, for his Approbation, or Disallowance they are not repealable by the Crown, after that time.

The Provinces of *Maryland*, *Connecticut*, and *Rhode Island* not being under any Obligation by their respective Constitutions, to return authentic copies of their Laws to the Crown for Approbation or Disallowance or to give any account of their Proceedings; we are very little informed of what is done in any of their Governments.

There is also this singularity in the Governments of *Connecticut* and *Rhode Island* that their Laws are not repealable by the Crown: but the validity of them depends upon their not being contrary, but as near as may be, agreeable to the Laws of England.

All the Governors of Colonies, who act under the King's Appointment, ought, within a reasonable Time to transmit Home authentick copies of the several Acts by them passed, that they may go through a proper examination: but they are sometimes negligent of their Duty

in this Particular, and likewise pass temporary Laws of so short Continuance that they have their full effect even before this Board can acquire due Notice of them. Some attempts have been made to prevent this Pernicious Practice: but the annual Support of Government in the respective Colonies, making it necessary that Laws for that Purpose should pass from year to year, the Assemblies have frequently endeavoured, in those Laws, as well as in others of Longer Duration, to enact proper Propositions repugnant to the Laws or Interest of Great Britain, of which this Board have never failed to express their Dislike to the Crown, when such Laws have fallen under their Consideration: and many Laws have, from time to time been repealed upon this Account.

But, as to such Laws as do not directly fall within the above Rule, against which no Complaint is made, and where the Board are doubtful of the effect they may have, it has always been usual to let them lie by probationary, being still under the Power of the Crown to be repealed, in case any Inconvenience may arise from them.

It has been usual, when a Law has contained many just and necessary Provisions for the Benefit of the Colony when it has passed, intermixed with some others liable to Objection, to let it lie by, and give Notice thereupon to the Governor of the Province, that it should be repealed, if he did not, within a reasonable Time, procure a new Law, not liable to the same Objection, to be substituted in the Place thereof: And from the constant Discharge of our Duty herein it has so happened, that upon the most diligent Inquiry into all the Acts passed in the several *British* Colonies since the Accession of his late Majesty to the Throne, there are none that have yet come to our Knowledge still remaining unrepealed, or unexpired, which are liable to Objection, excepting those in the following List: and even against them no Complaint has been made to this Board till very lately.

[No Connecticut laws are mentioned in this list.]

These are the Laws, passed since his late Majesty's Accession, that can reasonably be said to fall within your Lordships' Order: nor has any Complaint been made to us till very lately, of any other of more antient Date: but upon a late Petition to his Majesty from the Merchants of *London* in behalf of themselves and others complaining "That, as the Laws then stood in some of the Colonies his Majesty's Subjects residing in *Great Britain* were left without any Remedy for the Recovery of their just Debts: or had such only as was very partial and precarious: as also, that in several of the said Colonies and Plantations greater and higher duties and Impositions are laid on the Ships and Goods belonging to his Majesty's Subjects residing in *Great Britain* than on the Ships and Goods of Persons inhabiting the said Colonies and Plantations." We desired the said Merchants to acquaint us whether they knew of any particular Laws against which they had reason to object Whereupon they did deliver to us a List of Laws, wherein the said Colonies appear to have been very partial in their own Favour: in some of them exempting their Persons from Arrest, in others giving a Preference to the Inhabitants before the *British* Merchants in the Recovery of Debts, and in the Enacting of Duties: whereby a less Burden is laid upon their own Effects. than upon those of the *British* Merchants But, as some of the Laws in that List are already taken Notice of in this Representation, and others expired, or long since repealed. We shall only enumerate to your Lordships, such of them as we apprehend to be still in Force: viz.:—

An Act passed in *Virginia* in 1663 intituled *An Act concerning foreign Debts*; by virtue of which Debts owing to Person Non-resident are not pleadable, unless for Goods imported.

An Act passed in *Virginia* in 1664 intituled *An Act*

for the Priority of Payment to the Country Creditors by which the Priority in the Payment of Debts is given to the Creditors who are Inhabitants of that Province.

An Act passed in *Virginia* in 1668 intituled *Privilege of Virginia Owners*: by which *Virginia Owners* are exempted from paying the Duties of Two Shillings per Hogshead which the Merchants of *Great Britain* and other Owners of Ships are obliged to pay.

An Act passed in *Virginia* in 1669, *An Act for freeing Virginia Owners from Castle Duties*: by which the *Virginia Owners* are also exempted from paying the Castle Duty of One Shilling and Threepence per Ton which the Merchants and Others residing in this kingdom are obliged to Pay.

It appears, from the Dates in the Laws in the foregoing List, that most of them were passed long ago and might very probably be thought reasonable at the Time when they were enacted, as Encouragements to such as should be disposed to transport themselves, and lay out their small fortunes in America: which we conceive to be the Reason why no Complaint was ever made against them, that we know of, till the above mentioned Petition from the *Merchants of London* in 1731, which having been referred, by his Majesty's Order in Council to the Consideration of this Board, we did by our Representation to the King, dated Jan. the 21st, 1731-2, set forth, in a very ample manner, the Sense we had of the several Matters Complained of by the Merchants: and there being many things in that Representation which are pertinent to the present Inquiry, we beg leave to transcribe it in this Place and therewith to close what we have to lay before your Lordships, in consequence of the first Head, your Order concerning the Laws of the Plantations.

“To the KING’s Most Excellent MAJESTY

“*May it please your Majesty*

“IN Obedience to your Majesty’s Order in Council
“of the 12th of August last we have considered the
“humble Petition of several Merchants of the City of
“London to your Majesty, setting forth, That, as the
“Laws now stand in some of your Majesty’s Colonies
“and Plantations in America, your Majesty’s Subjects
“residing in *Great Britain* are left without any Remedy
“for Recovery of their just Debts in the said Colonies
“or have such Remedy only as is very uncertain and
“precarious: and that in several of the said Colonies
“greater Duties and Impositions are laid on the Ships
“and Goods of your Majesty’s Subjects residing in
“*Great Britain* than upon the Ships and Goods of Per-
“sons who are Natives and Inhabitants of the Planta-
“tions: which bring great Discouragements to the Trade
“and Navigation of this Kingdom, the Petitioners most
“humbly beseech your Majesty to take the Premises
“into your Royal Consideration, and grant them such
“Relief, as to your Majesty in your great wisdom, shall
“seem Meet,

“That we might be the better able to offer our
“Opinion to your Majesty upon these points we have
“discoursed with the Petitioners: who, in Support of
“their Complaint, have laid before us some particular
“Cases and Facts that have happened in the Planta-
“tions: and have also taken notice of several Laws
“now in Force in some of your Majesty’s Colonies in
“*America* wherein they conceive great Partialities have
“been enacted in favour of the Inhabitants of the
“respective Colonies where those Laws passed

“With respect to the Recovery of Debts due to
“Persons in *Great Britain* from those who reside in the
“Plantations, we conceive Suitors lie under Difficulties
“both as to the manner of making legal Proof of their

"Debts in Courts of Justice in the several Colonies:
"and likewise as to the Execution of the Law after a
"verdict has been obtained in favour of the Plaintiff"*

The first of these Grievances arises from the Expence and Difficulty of sending proper Persons from *Great Britain* to give personal Evidence in the Courts of Justice in the Plantations: which certainly ought to be redressed: and in our humble opinion when any Person, residing in this Kingdom, shall commence a Suit in any Court of Justice throughout your Majesty's Colonies in *America*, and shall transmit to his Attorney the necessary Accounts and Vouchers for Proof of his Debt, verified upon Oath before a proper Magistrate, and attested in due Form by a Notary Publick, or by an Instrument in Writing under the Corporation Seal of the City, Borough, or Town Corporate, where the same shall be taken, the said Affidavits ought to be received, and have the same Force and Validity for Proof of the said Debt, which the Oath of the Person deposing would have had, if he had given the same evidence *viva voce* in the said Court.

"The Difficulty attending the Execution of the Law, after a Verdict hath been obtained in favour of the Plaintiff, consists in Privileges claimed by some of the Colonies, particularly that of *Jamaica*, to exempt their Houses, Lands, and Tenements and, in some Places, their Negroes also, from being extended for Debt, But we conceive it be highly reasonable that all Lands, Tenements, Hereditaments, and Negroes, throughout the several Colonies and Plantations, should be made as liable to the Payment of just Debts, and Demands, as Lands, Tenements, and Hereditaments in *Great Britain* are, under the like Circumstances.

"These Two last mentioned Grievances have been more than once recommended to the Governors of *Virginia* and *Jamaica* for Redress; but the Assemblies of

* Talcott Papers, I. 264.

those Colonies could never be induced to divest themselves of their Privileges by any Act of their own ; and therefore, in our humble Opinion, these Points may be very proper Objects for a Parliamentary Consideration in *Great Britain*, as they are of Importance to your Majesty's Subjects in Great Britain trading to *America*.

“ As to the Laws cited by the Petitioners wherein
“ they conceive the British Merchants to be treated with
“ Inequality, we beg leave to acquaint your Majesty, that
“ some of them have never been complained of before,
“ And are of very antient standing, having been enacted
“ in the Infancy of the several Colonies when it might
“ be necessary to give the Inhabitants some particular
“ Encouragements, in order to increase their Numbers,
“ which was the point most essential to their Prosper-
“ ity ; But, with respect to Acts of later Date, such as
“ have fallen under our Notice : we have never fail'd,
“ upon Complaint, to represent against those that have
“ appeared to us to be prejudicial to the Trading Inter-
“ est of *Great Britain* : And so soon as we shall have
“ thoroughly considered the Nature and Tendency of the
“ several Laws complained of by the Petitioners we
“ shall lay such of them, as shall be found justly liable
“ to Objection before your Majesty for your Disappro-
“ bation ; and, in the meantime, we would humbly pro-
“ pose, that all the Governors of your Majesty's Colonies
“ should be strictly forbid, upon Pain of your Majesty's
“ highest Displeasure, to give their Assent for the Future
“ to any Laws, wherein the Natives or Inhabitants of
“ the respective Colonies under their Government, are
“ put on a more advantageous Footing than those of
“ *Great Britain* ; and that the said Governors should be
“ directed to pay due Obedience to your Majesty's Royal
“ Instructions whereby you have been graciously pleased
“ to forbid them to pass any Laws, by which the Trade

"or Navigation of this Kingdom may be any ways
"affected." *

CONNECTICUT.

We have had no Return to our Queries from the Governor of *Connecticut*: but we find, by some Accounts in our Office, that the Productions of this Colony are Timber, Boards, all sorts of *English* Grain, Hemp, Flax, Sheep, Cattle, Swine, Horses, Goats and Tobacco; of which they export Horses and Lumber to the West *Indies* and receive in Return, Sugar, Salt, Molosses and Rum. We likewise find, that their Manufactures are very Inconsiderable; the People being generally employed in Tillage or Building, and in Tanning, Shoe-Making and other Necessary Handicrafts, such as Taylors, Joiners, and Smiths Work; without which they could not Subsist.

Having thus laid before your Lordships the best Accounts we have been able to procure of the Laws, Manufactures, and Trade of the Plantations, which may have affected the Trade Navigation and Manufactures of the Kingdom, we come now to the latter part of your Lordships Order, whereby we are directed to distinguish what Orders or Instructions have been given to discourage the Same; and when any such Trade was first carried on; and what Directions have been given or Methods taken, to put a stop thereto.

We beg Leave to observe to your Lordships, that it is impossible for us to ascertain the particular Dates: when the several Branches of general Commerce, or the domestick Trades and Manufactures of the Several Provinces enumerated in this Report, were first undertaken.

Some of them are founded in Necessity and are undoubtedly as old as the first Establishment of the respec-

* See Instructions from the King, dated May 5, 1732. — *Talcott Papers*, I. 254.

tive Colonies, others of a more recent Date, having nothing in them inconsistent with the Trade and Welfare of this Kingdom, may for that Reason, have been practised for a long Time without falling under publick Notice; And, with regard to such as may have deserved the most early Check, for being repugnant to the Laws, or detrimental to the Trade of the Mother Country, it is not at all improbable, that Some former Governors of our Colonies, who may in general be said to depend too much upon the Assemblies of their respective Provinces for the Establishment of their Salaries, and other Appointments, may in Breach of their Instructions, have given their Concurrence to Laws, or have connived for many years, at the Practice of Trades prejudicial to the Interests of *Great Britain*, till the Evils arising from them became too Considerable to be any longer concealed.

But we beg Leave to acquaint your Lordships, in general, That there is extant in the Books of our Office, a Body of Instructions, relating to the Acts of Trade and Navigation, which were prepared by a Committee of the Lords of the Privy Council, with the Assistance of the Commissioners of the Customs, so long ago as the year 1686, in which we find mention made of former Instructions, upon these Subjects to the Governors of the Plantations, which do not appear in our Records.

But, from the first Institution of this Board to the present Time, it hath been a constant Practice, for the Crown to give a Set of Instructions to every Governor in the Plantations, relating to the Acts of Trade and Navigation, which have always been formed at this Board with such Additions to those of 1686 or such Variations from them as the Circumstances of each Province respectively, or the ordinary Vicissitudes incident to Subjects of this Nature may have rendered necessary.

The Purport of the principal Articles of these Instructions, which come within the meaning of your Lordships Order, is as follows:—

That the several Governors of the Colonies Provinces, and Islands in *America* do take care that all the Acts relating to Trade and Navigation be duly observed:

That all Naval Officers, appointed by any Governor, do give security to the Commissioners of the Customs:

That no Ships, but such as are built in the *British* Dominions, and are owned and manned by Subjects of *Great Britain* shall Trade in the Plantations:

That such Ships shall give security to bring the enumerated goods to *Great Britain* or to some of the Plantations:

That the Governors do transmit Accounts of the Trade of their respective Provinces to the Lords of his Majesty's Treasury, to this Board, and to the Commissioners of the Customs:

That no foreign European Goods be imported into the Plantations, except such as are shipped in *Great Britain*:

That no By-laws be allowed in the Plantations, contrary to the Acts of Trade and Navigation:

That the Governors correspond with the Commissioners of the Customs, and advise them of all Frauds, and of all Neglects and Breaches of Duty in their subordinate Officers:

That they endeavour to prevent the Exportation of Wool, or Woolen Manufactures, from one Province of his Majesty's Territories in *America* to another:

That they endeavour to prevent Frauds in the Importation of Tobacco:

That they endeavour to prevent clandestine Trade to the *East Indies*, *Madagascar*, etc. and to prevent the unlawful Importation of *East India* Goods:

These principal Instructions are supported by several others which are distinct Rules, contrived to enforce the Observation of the former: And the Several Governors are strictly enjoined to put them in Execution, under the Penalty of being deprived of their Offices: of forfeiting

the Sum of One Thousand Pounds and of incurring the Displeasure of the Crown: And Proprietors of Provinces are laid under the same Injunction, under the Penalty of forfeiting their Grants.

We beg Leave to acquaint your Lordships that besides these general Instructions this Board have never failed to represent their Sense of particular Grievances and point out the best methods for Redress of them, as often as we have received Complaints upon such Occasions, either for incorporated Bodies or private Traders; which, from the Variety of Accidents attending Trade in the several Governments of *America*, have been very frequent, and given Rise to several other Instructions, particularly to these following: some of which are General to all the Governors of the Plantations, and others peculiar to respective Provinces as the Reason of Things, or the Exigency of the Case may have required.

It is a general Instruction to all the Governors of his Majesty's Colonies, and Provinces in *America*: That they transmit to his Majesty, and to his Commissioners for Trade and Plantations, from time to time, an Account of the Wants and Defects of their respective Governments; what new Improvements are made therein by the Industry of the Inhabitants or Planters, and what further Improvements may be made, or Advantage gained in Trade by the Assistance or Interposition of the Crown.

THE FOLLOWING INSTRUCTIONS ARE LIKEWISE GENERAL TO
ALL THE GOVERNORS IN AMERICA.

That they examine what Rates and Duties are charged upon Goods exported, or imported: That they use their best Endeavours to prevent the ingrossing of Commodities: and to improve the Trade of their respective Governments by making such Orders and Regulations

therein, with the Advice of his Majesty's Council as may be most acceptable to the Generality of the Inhabitants:

That they give due Encouragement to Merchants, and such as bring Trade to their respective Governments particularly to the *Royal African Company*,* and other Subjects of Great Britain trading to Africa:

That they take care, that Contracts for Negroes be duly complied with, within a certain time according to Agreement:

That all Obstructions in the Course of Justice be effectually removed, and Courts frequently held, that Traders may not receive any undue Hindrance in the Recovery of their just Debts:

That, in time of War, they use their best Endeavours to hinder all Trade and Correspondence with the *French*, whose Strength in the *West Indies* gives very just Apprehensions of the Mischiefs that may ensue from thence, if the utmost Care be not taken to prevent them:

That, in times of Peace, they observe the Treaty of Neutrality concluded betwixt *Great Britain* and *France* in *November, 1686*:

* The Royal African Company was incorporated in 1662, under the patronage of the Duke of York and many persons of rank and distinction, succeeding an earlier organization called the African Company, incorporated in 1631. The second, or Royal African Company, was empowered to trade from Sallee in South Barbary to the Cape of Good Hope, their territory thus comprising the western coast of Africa. This Company undertook to supply the British West India plantations with three thousand negroes annually, and was also occupied in trading in gold-dust, ivory, and red-wood from Guinea. The trade in negroes was originally a monopoly in the hands of this Company, but in 1698 an Act of Parliament gave permission to all the King's subjects, whether of England or America, to trade to Africa on payment of a certain percentage to the Company on all goods imported or exported, negro slaves, however, being exempted from this contribution. The Company was constantly in trouble, chiefly with the Dutch, and was several times aided by Parliament. About 1750 a new Company was formed, and received from Parliament the privileges and possessions of the old Company, which was dissolved. In 1821 the charter of the Company was recalled and its forts and possessions annexed to Sierra Leone. — *Pinkerton's Voyages*, II. 98; *Anderson's History of Commerce*, II. 927, III. 575; *Lindsay's History of Merchant Shipping*, II. 203-4; *Encyclopedia of Chronology*, 19.

That they do not pass any Law whereby the King's Prerogative, or the Property of his Subjects may be prejudiced, or the Trade or Shipping of this Kingdom be any ways affected, until they shall have first transmitted the Draught of Such Act to his Majesty, and have received his Royal Pleasure thereupon; unless there be a Clause in the Act suspending the Execution, until his Majesty's Pleasure thereupon be known:

The Governors of all the Plantations are likewise directed to desist from their antient Claim of the Produce of Whales of several Kinds taken on the Coasts of their respective Governments, upon Pretence that Whales are Royal Fishes: and that, on the contrary, they give all possible Encouragement to Fisheries upon the Coast of the Plantations:

They are also instructed not to pass Laws whereby the Inhabitants of the Plantations may be put on a more advantageous Footing than those of *Great Britain*:

Not to pass any Law by which greater Duties or Impositions shall be laid on Ships or Goods belonging to the Subjects of Great Britain than on those belonging to the Inhabitants of the Plantations: nor any Law, whereby Duties shall be Laid in their respective Governments, upon the Products or Manufactures of *Great Britain*:

That they do not pass any Act whereby Duties upon Negroes shall be made payable by the Importer:

It is an antient Instruction to the Governors of *Virginia*, that all Tobaccos shipped in that Province, shall pay *Virginia* Duties:

The Governor of this Province is also directed to adhere strictly to the terms of the Act of Navigation, with regard to the Package and Shipping of Tobacco:

The Government of *New York*, the *Massachusetts Bay*, and the other Northern Provinces on the Continent of *America*, are directed to be aiding and assisting to his Majesty's Surveyor General of the Woods, and his Deputies, for the Security and Preservation of such Trees as

shall be found proper for the Service of his Majesty's Royal Navy:

The Governors of those Provinces are also instructed to enforce the Observation of the several Acts of Parliament of the Third and Fourth Years of Queen *Anne*, of the Eighth of his late Majesty, and the Second Year of his Present Majesty, for the Preservation of white Pine-trees and for encouraging the Produce and Importation of Naval Stores into this Kingdom from these Provinces:

But, having been required, by the Lords of his Majesty's Privy Council, in the Year 1728, to lay before them the best Information we could procure, of any Projects then carrying on, or that might have been undertaken for promoting the Silk, Linen, or Woolen Manufactures in any of his Majesty's Plantations: and to what Degree of Perfection the same might have been brought: we beg Leave to Close the Representation with the following Extract of our Report upon that Occasion, which we conceive will fall within the meaning of your Lordships Order:—

'Upon discoursing with several Persons who had 'been Governors of some of his Majesty's Plantations, we 'found, that in the Colonies of *New England, New York, New Jersey, Connecticut, Rhode Island, Pennsylvania*, and in 'the County of *Somerset* in *Maryland*, the People have 'fallen into the Manufacture of Woolen and Linen Cloth: 'for the Use of their own Families, but we could not 'learn that they had ever Manufactured any for Sale in 'any of the Colonies except in a small *Indian Town* in '*Pennsylvania*, where some Palatines have of late years 'settled.

The REASONS may be assigned why these People have begun those Manufactures, are:—

'I. That the Product of these Colonies being chiefly Stock and Grain, the Estates of the Inhabitants depend wholly upon Farming: and as this could not be carried on without a certain Quantity of Sheep their Wool would

be entirely lost were not their Servants employed, in Seasons when they had most Leisure, principally during the Winter, in manufacturing it for the Use of their Families.

‘II. That Flax and Hemp being, likewise, easily raised, the Inhabitants manufactured them into a coarse sort of Cloth, Bags, Plough-traces, and Halters for their Horses, which they found to be more serviceable than those imported from *Europe*.

‘III. Those Settlements which are distant from Water-carriage, and are remotely situated in the Woods, have no Opportunities of a Market for Grain: and, therefore, as they do not raise more Corn than is sufficient for their own Use, they have more time to Manufacture both Wool and Flax, for the Service of their Families, and seem to be under a greater Necessity of doing it.

Upon further Inquiry into this Matter, we did not find: that these People had the same Temptation to go on with these Manufactures, during the time that the Bounty upon Naval Stores Subsisted: which gave them Encouragement to direct their Labour into another Chanel, and more profitably both for themselves, and this Kingdom: For the Height of Wages, and the great Price of Labour in general throughout *America* make it impracticable for the People there to manufacture Linen Cloth for less than 20 *per cent* more than it would cost in *England*, or Woolen Cloth for less than 50 *per cent* above the Price of that which is exported from thence for Sale:

‘But as the small Quantities which the People of ‘*America* manufacture for their own use, are a Diminution ‘of the Exports from this Kingdom, it were to be wished, ‘that some Expedient might be fallen upon to divert ‘their Thoughts from Undertakings of this Nature: and ‘so much the rather because their Manufactures in Process of Time may be carried on in a greater Degree: ‘and the most natural Inducement we can think of to ‘engage the People of *America* to desist from these Pursuits would be to employ them in Raising Naval Stores

'with which we might be furnished in Return for our
'own Manufactures, and much Money be saved by that
'means, in the Balance of our Trade with the Northern
'Crowns, where those Materials are chiefly paid for in
'Specie."

All of which is most humbly submitted to your Lord-
ships great Wisdom.

Signed : —

WESTMORELAND
M. BLADEN
ORL. BRIDGMAN
AR. CROFT
P. DOCMINIQUE

WHITEHALL:

Jan 23

1733-4.

JUDGE AUCHMUTY'S* OPINION OF THE NARRAGANSET
MINIST^U LANDS.†

June 4: 1668. Petaquamscut purchasers Agreed y^t a
Tract of 300 Acres of the best Land, And In a conven-

* Robert Auchmuty was born in Scotland, but his father removed to Ireland in 1699. He came to Boston to practice law soon after 1719. He became eminent in his profession, and was appointed from time to time to act as Attorney General in the absence of that officer. He was also one of the Directors of the famous Land Bank. He was appointed Judge of the Court of Admiralty, *pro tempore* in 1728, after the death of Judge Menzies, but was superseded by Nathaniel Byfield the next year. After Byfield's death in 1733, Auchmuty was re-appointed, and held the office until September, 1747. In 1741 he was sent to England as agent for Massachusetts, to settle the dispute between Massachusetts and Rhode Island relative to the boundary line between them. While he was in England he published a tract, entitled "The Importance of Cape Breton to the British Nation, and a Plan for Taking the Place," suggesting the plan for the reduction of Louisburg, afterwards adopted so successfully by the Provincial troops. A copy of the pamphlet may be found in the Massachusetts Historical Society's Collections, V. 202, dated "from my lodgings in Cecil Street, the 9th of April, 1744." He died in Roxbury, Mass., in April, 1750. His son, Robert Auchmuty, was commissioned, July 6, 1767, Judge of Admiralty for all New England, and held the office as long as the authority of the Crown continued. He was one of the counsel in 1770 for the soldiers engaged in the Boston Massacre, and in 1776, being a zealous loyalist, he went to England. Another son, Rev. Samuel Auchmuty, was rector of Trinity Church, New York, and also a zealous loyalist. — *Douglass' Summary of the British Settlement in North America*, I. 484; *Appleton's Cyclopedia of American Biography*, I. 116; *Mass. Hist. Soc. Coll., Fifth Series*, VI.; *Sewall Papers*, II. 45; *Washburn's Judicial History of Massachusetts*, 183-4.

† *Supra*, 170.

ient place be Laid out and for ever Set apart As an Encouragement, the Income or Improvement thereof Wholly for an Orthodox person y^t Shall be obtained to preach Gods word to the Inhabitants.

Decem^r 1679. There was a confirmation of this Grant.

1693. The 300 Acres (Inter Alia) was Duely Layed out & Surveyed by Jn^o Smith Surveyor, And the word *Ministry* was Inscribed on y^t Lot in the plan.

1723. M^r M^c:Sparran as he was the Incumbent of y^e C^h of S^t Paul in the Petaquamscut purchase brought Ejectment Against George Mumford for 280 Acres, part of Said 300 Acres, and Grounded Said action on the Confirmation in 1679, and the Laying out in 1693. The Original Grant in 1668 Not being to be found; but as appeared afterwards was Industriously concealed by Jahleel Brenton Esq^r, & for want thereof Judg^m. was on two tryals for the Defnd^t.

1732. M^r Jo^a. Torrey Calling himself y^e Settled preacher of the word of God to the Inhabitants of South Kingston of the presbyterian persuasion, and having acquired the Said Grant, brought his action of Ejectment for the same 280 Acres, And at the Sup^r. Court y^e Jury brought in a Special verdict, Viz, for Torrey possession of y^e Land Sued for with cost, If y^e Judges were of Opinion y^t he was an orthodox minister according to Law, and thereupon Judgment was Rendred for the Defd^t. Costs of Court from w^{ch}. y^e Said Torrey Appeals to his majesty In counsel.

The Said Torrey in his S^d. Declaration wrighting y^e Grant artfully foisted in these words, viz: y^t a Tract of Land be Laid out &c: the Income &c: for a person *In their Sentiments* orthodox &c: Whereas in the Grant those words *in y^r Sentiments* are not Inserted; And Insinuated if tho he may not be an orthodox minister according to y^e Laws of England with in the words of the Special verdict, yet that he was an Orthodox Mins^r. According to the Sentiments of the Donors, the Major part of whom If

not all were presbyterians, And on Said Appeal Obtained Judgment for possession :

But the words *In y^r Sentiments* are not in the Original Grant, & All or the major part of the Donors were not presbyterians as by the following Evidences.

Peleg Mumford	}	Swears to his father Tho ^s Mum-
Aged 74 years		ford one of y ^e Donors that he
Henry Gardner	}	Lived and Died in the profession
to the same		of y ^e C ^h of England.
W ^m Case & wife	}	Swear that Capt Sam ^l Wilbour
Eliz : free love		another of the Donours was by
Morris free love, Jn ^o	}	Religion of y ^e C ^h of England.
& W ^m Wilbour		
Wil ^m Wilbour &	}	That Jn ^o Porter another of y ^e Do-
Henry Gardner		nors was of y ^e C ^h of England for
	}	many years after he came from
		England, but for y ^e want of y ^e
	}	publick worship in the Method of
		y ^e C ^h of England he fell off to y ^e
	}	Gortonians* & became a preacher
		among them.
Henry Gardner		that Benedict Arnold & W ^m Bren-
		ton were of the C ^h of England.
Peleg Mumford		that Sam ^l Willbour another of the
		Donors was not a presbyterian or
		Congregational.

* The Gortonians were a sect founded by Samuel Gorton, who was born in Gorton, England, about 1600. He came to Boston in 1636, hoping to enjoy greater religious freedom there than at home, but theological disputes caused him to remove to Plymouth, where he fared still worse, being fined, imprisoned, and finally expelled from the Colony in the winter of 1637-8, for preaching heresy. He then went to Aquidneck, now Newport, but was driven from there, and forced to take refuge in Providence. In 1642 he settled in Shawmut, on the west side of Narragansett Bay, and the next year got into trouble with the Massachusetts authorities, and in 1644 went to England to obtain redress. He procured a letter of safe conduct from the Earl of Warwick, and returned to Shawmut in 1648, re-naming the place Warwick in honor of his protector. After his return he preached on Sundays to the colonists and Indians. He regarded the clergy and all outward forms with contempt, and held that by union with Christ believers

1 Quere What is the Legal understanding of these words in the Grant, viz: the Improvement thereof wholly for an orthodox person that Shall be Obtained to preach Gods word to the Inhabitants, &c:?

Ans: I count one an orthodox person to preach Gods word, is but in other words an orthodox preacher; to be obtained must be understood Duely Obtained, then y^e question of what Legal understanding we have of an orthodox preacher Duely obtained, Which in the Sence of y^e Law must be a Mins^r. of the Chh of England Instituted and Inducted.

2 Quere If by the mind and intention of y^e Donors, it can be clearly understood that y^e words of this their Donation, Should have a Different Construction to what y^e Law Strictly Gives them, Shall they not be Expounded according to the Will of y^e Donors?

I'm of Opinion that y^e Will of y^e Donor in all Grants ought Greatly to be observed, but then that will must be manifested by apt word in the Grant, And not by any matters De hors, otherwise its forever Saifest to Expound the Grant according to the Legal Sence of the words.

3 Quere Are the Evidences in the Case Sufficient to Show that the Donation was not Intended by the Donors to Go to a Presbyterian preacher, but that y^e words thereof must notwithstanding be Expounded Strictly according to the Rules of the Land?

Anser. I am very Clear in it, that by the Evidences it Can^t Reasonably be collected y^t the mind of the Donor was, that the Donation Should go perticularly to a presbyterian Teacher, but Rather to

partook of the perfection of God, and that heaven and hell have no actual existence. He died in 1677, and his sect survived him about one hundred years.—*Cyclopedia of American Biography*, II. 690.

any other teacher, and more Especially to a mins^r. of y^e Chh of England, and Even admitting it Still remains a Doubt of w^{ch}. Denomination the Preacher they Intended Should be, Such Doubt by Law will forever be resolved In favor of y^e Chh of England by Law Estab^d.

4 Quere Can the present Incumbent of S^t Pauls Chh Aforesaid Maintain a new Ejectment for Said premises, or will he be Bar^d by the former Judgmt against him, or by the Determination of his majesty In Counsel?

Ans: I am fully Satisfied he may well bring a New Ejectm^t. and by the Rules of Law y^e Judgm^t Against him will be no barr, More Especially in Regard Such Eject^m. will be Against a person that was no party to that Suit, not holding Under the person that Recovered, & that his Declaration now will be founded on the Grant w^{ch}. before was only On the Confirmation and Laying out; & y^e y^e Determination of his majesty In counsel can be no bar, because he was no party to y^e Suit, but holds peramount to the title & possession of Mumford.

Last Quere In Such an Action upon an Appeal before his majesty In Counsel between the Said Incumbent and Said Torrey, Can it Reasonably be Supposed his majesty would otherwise Determine how the Donation Should Go than what he hath already Done?

Ans: I Verily believe he would for these Reasons (1) the artifice of M^r Torrey would then Appear, for Instead of Reciting In his Declaration the true words of the Grant, he untimely Inserted these words, *In their Sentiments*, (2) there upon unjustly Suggesting the Donors in Sentiments were presbyterians w^{ld} appear false in fact, (3^{ly}) The Evidence proving how Industiously the original

Grant was concealed from y^e s^d Incumbent and y^e by a presbyterian & to Serve this perticular purpose, (4th) for that under the Said Gift the Incumbent was for Many years in the actual possession, and Lastly for y^e by the Rules of Law y^e words of y^e Grant must be understood in the Legal Sence, If y^e Intent of y^e Donors in apt words, Does not manifestly appear to the Contrary; but to Expound the words of y^e Gift to pass y^e Estate to Torrey would be not only Against the Legal Sence of y^e words, but plainly Against the Minds of the Donors.

ROB^t AUCHMUTY.

BOSTON, 21st May, 1735.

We have Still further Evidence to prove that there was no Presbyterian or Congregational people Inhabiting this Colony So Early as y^e Date of y^e Grant *nimirum* 1668.

That Porter & Wilson two of y^e Donors Declared themselves Mem^{brs}. of the Chh of England before the Commissioners Sent by King Charles y^e Second w^{ch}. was between 1664 & 1668.

vera Copia

[Indorsed] Judge Auchmuty's Opinion of the Naraganset Ministerial Land.

GOVERNOR TALCOTT TO REV. DR. BENJAMIN COLMAN.

Rever^d. and Much Esteemed

S^r.

I have the favour of yours of the 12th instant, am glad of youre so good aprobation of the Sense I put upon the parragraph of youre letter to the Rever^d M^r Adams,* and pay my gratefull acknowlidgment for the whol you was pleased to write me, and as you intimate

* Talcott Papers, I. 327.

youre feares that Cap^t Masons aplycations home might affect our Charter priviledges was the Cause of youre So writing to the Rever^d M^r Adams, this goverment is under great obligation to you for such tenderness of what is so dear, and valluable to them; and as to those youre private or more publick indevors for the good of mankind here and their interest hereafter. I here incert a passage of youres to M^r Adams, (viz) *M^r Mason and Barbor hath been down here this ten days, and M^r Prince hath benn all this while giting redy some accⁿ of the Moheegs to be Read to the Comissionⁿ*: which seemed to Complicate Mason and Barbor in the motion; and was the great Reason of my thinking so, but I am glad that you inform me that you had no such intention, nor did M^r Barbor intermedle in Mason's Complaints as you know of.*

I have much at hart the present circumstance of the poor Indians, for that not only all the Cost and paines that hath been spent is in danger of being lost, but allso least the souls that we had some hopes of being saved should perish; and have written to the Hon^{ble} Col^o Adam Winthrop of what I have done in a letter this day to the Rever^d. M^r Adams of Newlondon, Respecting a Reconciliation between M^r Barbor and the Indians, hope he will Communicate it, so I shall not Repeet it here, tho am glad I had youre advice in what I so wrote, tho I had not then observed it when I wrot to Col^o Winthrop; have sent youres to M^r Barbor with a few lines of my own; all which I hope may have the desired good effect; and shall now only add my Earnest Request of youre prayers at the throne of Grace for me and this gov^tment, at all times of intercession for youre selves, and that I am Reverend Sir youre Sincere

friend and
hum^{ble} Serv^t.

J: TALCOTT

Dated HARTFORD January 19th: 1735/6.

* Talcott Papers, I. 342.

GOVERNOR TALCOTT TO BEN UNCAS.

To Ben Uncass, King and Sachem of the Moheeg indians:

Sir: I am informed by a letter from the Rever^d: and good Doctr Coalman of Boston that M^r. Barbor* youre minister did not Joyn with Cap^t Mason in his Motion to go to England, Nor ever as he knows of did move anything in prejudice of the Indian Rights: and this great and good man writes so to me, therefore I would have you and youre people consider tho M^r Barbor did unadvisedly ask you to Reject the Generall Court's Com^{ms}, and lett youre land to Captⁿ Mason, its verie like Capⁿ Mason overcame him by his perswasions, so to doe, and M^r Barbor did So, if he is now Sorrie for it, and will promiss you for the future, He to be carefull to doe nothing against your Intrest, but will in all Just and Right ways Seek both the temporall and Spirituall Interest of you and youre people, I advise you all to forgive him whats past; for I hope you are taught and will observe that Christian duty, viz: if thy brother ofend thee tell him of it, and if he Repent forgive him: and so I would have you doe: and incorige all your people so to do, for this is the word of God, and his will, and I believe if M^r Barbor would at present both preach to you, and be a Schole master to youre Children, it may be well untill we can heare from the good Gent^{l^m} Comis^r at Boston, to see what they will Say to it for they are not only

*Rev. Jonathan Barber was born in West Springfield, Mass., January 31, 1712/13; was graduated from Yale College, 1730; was licensed to preach by the Hampshire Association in 1732; he preached for a short time to the Indians in the southern part of his native town, now Agawam; in 1733 he was employed by the Commissioners at Boston for the Society for the Propagation of the Gospel in New England, as a minister to the Mohegan Indians, and remained there until about 1738 or 1739; he then went to Southold, Long Island; while there he became much impressed by the work Whitfield was doing, and when Whitfield came to this country he sent Barber to Georgia, as superintendent of his Orphan-House there. In 1758 he returned again to Connecticut, and was settled at Groton. In 1768 his connection with this church was formally dissolved, but he remained in Groton until his death, Oct. 8, 1783. — *Yale Biographies and Annals*, 410-11. *Talcott Papers*, I. 290.

great and wise but good men, and will give you truly their best advice, as does youre assured friend and Servant in these lines.

J: TALCOTT.

HARTFORD, Jen^{ry} 20th: 1735/6.

To y^e Rever^d ELIFALETT ADAMS to Communicate.

GOVERNOR TALCOTT TO THE FIRST CHURCH,
HARTFORD.*

To my friends and Bretheren belonging to the First C^h or Society in Hartford, now mett by adjournment this 29th Evening in January, 1735.

Concluding that our young men Especially at our former meetings and yett now are proper persons for voating, yett were not ever led into a Right understanding how this society proceeded in their former voats the Reasons of them and how our Committees Chosen did act in giving their Judgment for the lower place, and by what meens the last matter for obtaining a major voat of this society for setting the meeting house on Mad^m

*In January, 1727, a committee consisting of "His Hon^r, the Governour," Capt. Hezekiah Wyllys, Capt. John Shelding [Sheldon], and Deacon Thomas Richards, were appointed by the First Church to confer with "our friends of the New Church," "to see if they will engage with us to build a House and unite into one Society." "About this time the South Church had a house of worship, situated on the east side of Main street, nearly on the site of the residence of the late A. W. Butler, small and unpretending in its architecture, without steeple or cupola."—*Dr. C. J. Hoadly, Hartford Daily Courant, January 18, 1868*. This arrangement was not agreed upon. Dec. 16, 1730, the First Society appointed "His Hon^r the Governour" and Capt. John Sheldon a committee to ask leave of the Town to "sett a Meeting house Either in part or in Whole on the burying lott." But this was not carried through. May 2, 1732, immediately after Mr. Woodbridge's death, the Society agreed to build on the lot belonging to Mrs. Woodbridge, and a little later Mrs. Woodbridge deeded a piece of land to the Society. But nothing was done, and between January and March, 1735/6, four meetings were held to discuss the meeting-house question. The matter was not finally settled until 1737 in favor of the "burying lott," substantially the same site on which the First Church now stands.—*History of the First Church, Hartford, 278-87. Colonial Records, VII. 380, VIII. 74, 110.*

Woodbridge's* lot, I think it a duty incumbent on me at this time now to lay before them, and the incumbent duty of others that do know the matters of fact that I lay down to be true that they manifest it; but if they don't see cause to do it I shall give a true account of it and lett who will contradict it. The truth never sullys, but looks y* brighter and is the better understood the more it is looked into: And now as to the perticular matter of fact: At our society meeting held at this place to consider and voat a place for setting a meeting house the people on the North Side moved to have a voat to sett it on the meeting house green, then they on the South Side urged that y* North Side people would meet them at the burying lot, but some persons mentioning Cap^t. Williamson's lott† and after considerable discourse

* Abigail Warren, born in Boston, May 10, 1676, daughter of John Warren, and Elizabeth, his second wife. Mrs. Warren married for her second husband, Phineas Wilson, a merchant of Hartford, and after his death she carried on his business. Abigail Warren married, first, January 14, 1692/3, Richard Lord of Hartford, and second, about 1716, Rev. Timothy Woodbridge of Hartford. Mrs. Wilson, who died July 19, 1727, was a large landholder and bequeathed the geater part of her property to Mrs. Woodbridge, including the house and land called in the inventory "the Way lot," the site described below, and also "housing and land in Boston," worth £800. Mrs. Woodbridge died January 1, 1754, aged 77. — *Goodwin's Genealogical Notes*, 349; *Record Commissioners' Report, Births, Deaths, and Marriages, Boston, 1630-1699*, 139; *Hartford Probate Records, XII. 28-33*; *Suffolk Deeds, XV. 125; XVI. 393*.

* "Madam Woodbridge's lot" was north of the land on which St. John's Church now stands, about where the house stood, recently pulled down, just south of the Atheneum. Her barnyard was just south of land deeded by her to the Rev. Daniel Wadsworth, now the site of the Wadsworth Athenæum. — *History of the First Church*, 282; *Historical Discourse Delivered by the Hon. Thomas Day, Dec. 26, 1843*, 18-22.

† Captain Caleb Williamson of Barnstable, bought, February 5, 1707-8, of Samuel Gilbert of Colchester, 2½ acres of land on Main street, bounded "on the north partly by the street or highway, and partly with land belonging to the heirs of John Mitchell, dec^d., and partly with land belonging to the heirs of my late mother Mary Gilbert, dec^d., and on the West with a street or highway, and on the South with land belonging to Zachariah Sanford, and on the East with a Chase lane, and land belonging to John Pantry." This land was on both sides of the present Grove street, running back to Prospect street. Captain Williamson died December 24, 1738. — *Hartford Land Records, I. 458*. Rev. Daniel Wadsworth's *Diary*, 33.

after this they urged that we would meet them at the burying lot, and I did not hear one of them say we can't have it; and allso y^t if we would voat it off the green they would meett us any where in the great Street between M^r Colwel's* N. W. corner and the S. W. Corner of M^r Woodbridge's Corner. I urged y^e N^t Side people for peace and unity to comply with the proposalls made by y^e South Side and preevailed with them to voat it off the Green, then suposing y^t now it was left wholly with y^e North Side to determine the place any where on the great Street, Southward of M^r Colwel's Corner, and when by our discourse we Generally inclind to build at y^e burying lot because twas y^e place our South Side friends urged for. But some few mentioned Cap^t Williamson's, and I nor no man had any Reason by all the discorche that had past to conclude any other but that we should at that time determine y^e place in love either at the burying lot or Cap^t Williamson's, but James Ensign† then stood up and Moved prity Strenuously to have a voat for to Sett it on M^r Woodbridge's lot towards the

* This is the place called "Capt Benj Smiths Lott" in 1727, when the site to be chosen for the Meeting House was "from the north west Corner of Capt. Benj. Smiths Lott to the south west Corner of Mrs. Eliza. Wilson's Lott," *i. e.*, from Central Row to Arch Street. Benjamin Smith conveyed this property to John Caldwell and George Stillman, April 13, 1724. The property is thus described, "containing half an acre, bounded west and north on y^e Street, East on Jonah Gross, and South on land formerly belonging to Mary Gilbert;" consideration £150. Captain John Caldwell came to Hartford about that time from Beith in Scotland, and was the grandfather of Major John Caldwell, the first commander of the Governor's Horse Guards, and the first President of the Hartford Bank.—*History of First Church*, 279; *Memorial History of Hartford County*, I. 657; *Hartford Land Records*, IV. 139.

† James Ensign, born in Hartford, May 8, 1666; deputy from Hartford to the General Assembly, 1710-1724, also 1727 and 1729; he held many town offices; was also much concerned in the affair of the "Western Lands," (the townships ceded to Hartford and Windsor by the General Assembly), and was appointed in 1723 one of the Committee to appear before the General Assembly for the town of Hartford, to explain and defend the proceedings with regard to the lands.—*Savage's Genealogical Dictionary*, I. 124. *Colonial Records*, V., VI., VIII. *Memorial History of Hartford County*, I. 77.

S^t W. corner; this motion after y^e fores^d promiss seemed strange; y^e y^e S^t Side indeed at that time that any person should urge such a thing upon us after y^e fores^d promiss, but so it was, and then the discourse of our people was about the burying lot, Cap^t Williamsons lot (a strange) [choice] and the lower place. And it was urged still by some that y^e should be left to a com^{te} and it was so, and the comitte Making a question whether by the words of y^e voat y^e burying lot was fully included, ordered the s^d house should be sett on M^r Woodbridge's lott: and the North Side people concluding that it was the minde of almost every man in the Society that y^e burying lot was intended to be in y^e power of the Com^{te} to Judg of as well as any other in the Streett, and other the Com^{tee} doings on the premiss: Refused to proceed in building s^d house there, and that continued to be a controvercy between us untill the death of y^e Revrd M^r Timothy Woodbridg:* and then the people on the South Side declareing that now our minister was dead they were at liberty to go to which society they pleased; and if haveing the Judgment of the comitte afores^d that we should build at M^r. Woodbridge's lot, if we would not agree to build s^d house there they would leve us, go to y^e New Church, and not Joyn with us in Caling or Settelling a minister, nor building, or any Society charge. Upon that we then being surprised with it and concluding we should and Might be so broaken to pieces as in a moment, the North Side was lead or forct into a Voat to build at M^r Woodbridge's lot. And I do conclude and verily beleve that had it not been on the abovesaid threatening and conclusion that they might and would have left us at that time, the North Side people would not have voated nor signed to it, nor that such a voat could have been obtained. I shall not enter into any debate about it now but only give you

* Mr. Woodbridge died April 30, 1732.

this plaine and true understanding of it that you may every one consider, weigh & act accordingly, and knowing of it to be the truth I signe it, and if any one sees cause coming to me may see it, or have or take a copy of it. For I am youres to serve in any thing and every thing I may with a good conscience.

J. TALCOTT.

HARTFORD Jan^{ry}

[Indorsed] Gov^r TALCOT to Hartford Society, 1735.

REPORT OF BOARD OF TRADE.*

10th June, 1736. The Lords of Trade made their Report Stating that they had been Attended by the s^d: Sachem & his Agent & by the Agent for the Province of Connecticut & Examined the Records of their Office as to what had formerly been transacted upon the Same Subject, Upon the whole they Represented to his Majesty

That in Dec^r, 1703, & Jaⁿry following two Memorials were presented to y^e Comm^{rs}: who then Constituted that Board by M^r Nich^s: Hallam of the Colony of Connecticut on the part of Owenecoe† then chief Sachem of the Moheagan Indians—Setting forth their Ancient Alliances & Compacts with the English, their Services done to the People of Connecticut, their Sufferings from y^e Same People by y^e unjust Seizure of their reserved Lands & Distribution of them by Act of the Gen^l: Court of Connecticut, & their fruitless endeavours to obtain Redress of those Grievances by Application to the Legislature of that Colony.

That these facts (w^{ch}: as they Stood related in the s^d. Memorials agreed in Substance with those then under their Consⁿ:) were Supported by an Affid^t: of y^e: s^d: M^r Hallam. Upon w^{ch}: the Case of the Moheagan Indians was by that Board referred to the Consⁿ: of her late

* Talcott Papers, *supra*, 14.

† Connecticut Archives: Indians, I. 55, 56.

Majty^a Attorney Gen^l: Sir Edw^d Northey, who by his Report dated the 29th of Febr'y 170³/₄,* gave his Opinion that the Act mentioned in the Case to have been passed by the Gen^l. Assembly of y^e Colony of Connecticut for dispossessing the Moheagan Indians of certain Lands w^{ch}: they had reserved to themselves, And for adding the s^d: Lands to the Townships of New London & Colchester was Illegal & Void & that her Majty, Notwithstanding the powers granted to y^e Corporation of Connecticut might Erect a Court within that Colony to do Justice in this matter, And in y^e Erecting such Court might reserve an Appeal to her Majty in Council, And might Command y^e Gov^r: of that Corporation not to Oppress those Indians or deprive them of their Right.

That thereupon in Consequence of an Humble Representation from that Board to Her Majty, dated March 9th. 170³/₄, in w^{ch}: the afor^d: Case & Report of the Attorney Gen^l: was recited, Her Majty was soon afterwards pleased to Issue her Royal Commission to Joseph Dudley, Esq^r: then Gov^r: of the Province of the Massachusetts Bay, Tho^s: Povey, Esq^r., L^t: Gov^r: of the same Province, & to other persons there in named, requiring them to Repair into the s^d. Colony of Connecticut, and having Sumoned before them the Gov^r: & C^o: of the s^d. Colony or such as sho^d. be deputed by them together with the Chief Sachem of the s^d. Moheagan Indians, They sho^d. make enquirys & take Examinations upon Oath or otherwise in the best manner they might concerning the Complaints of the Mohegan Indians as also of any Injury or Violence Offered to y^e s^d. Indians or any of them by the Gen^l. Court or Assembly of the Colony of Connecticut, or by any Towns or P^{er}sons whatsoever relating to the s^d. Indian Lands, & having heard both partys to determine According to Equity & to restore the s^d. Indians to their Settlements in Case they were Unjustly disposed or otherwise to take

* Manuscript collection of papers relating to the Mohegan Case, in the possession of the Connecticut Historical Society.

Care that they sho^d. be continued therein. Her Maj^{ty} being pleased Nevertheless to allow to the partyes who sho^d. think themselves aggrieved Liberty to appeal to her Majesty in her Privy Council, they first giving Security to abide by her Royal Determination, a copy of w^{ch}: Commission they annex to their Reports.

That pursuant to these powers y^e s^d. Comm^{rs}: assembled at the Town of Stonington in the Colony of Connecticut in Aug^r., 1705, and having opened her Maj^{ty}'s Commission in the presence of the Indian Sachem & 6 assistants or Managers for the Colony of Connecticut the s^d. Managers read a Protest & refused to acknowledge y^e Jurisdiction of the Court; One of whom (who had been Complained of for Ent^ring upon y^e Indians Land) Saying that the Comm^{rs}. were no Court, That her Majestys Commands Contradicted One Another, And that he was forbidden to Answer by the Gov^r: of Connecticut; all w^{ch}: appeared more Clearly by a L^{re} from the s^d. Comm^{rs}: to that Board.

But that Notwithstanding this Protest the Queen's Comm^{rs}: tho^t. proper to proceed & having finished their Enquiry came to Sev^{al}: Resolutions in favour of the s^d. Sachem & Mohegan Indians & were unanimous in the following Judgm^t.

That y^e s^d. Owenecoe Unchas & the Moheagan Indians sho^d: be immediately put into the possession of all their Planting Ground lying between New Londⁿ: & Norwich Containing 8 Miles in Length & 4 in Breadth or thereabouts as y^e Same was Surveyed & Marked as also of Another Smaller Tract upon the North bounds of Lime, containing 9 Miles in Length, 2 Miles in breadth, y^e Westerly End whereof lyes upon Connecticut. And also One other larger Tract of Hunting Land between y^e bounds of Norwich, Lime, Lebanon, Haddam, & Macealeset, & also that y^e s^d. Owenecoe & the Moheagan Indians be restored to the Improvement of their Planting Grounds

called Massapeasne within New London afores^d. & that y^e s^d Owenecoe Unchas recover his just Costs and Charges.

That this Division was Signified to y^e Gov^r. & Company of Connecticut in a L^{re} from y^e Comm^{rs}: dated Aug^t: 25, 1705, And Coll^l: Dudley in his L^{re} to y^e then Comm^{rs}: for Trade having Expressed his Doubts that y^e Gov^{er}ment of Connecticut wo^l. not Comply therewith a Representation was thereupon made by that Board to her late Majty, wherein after reciting the sev^l: Transactions in this Case, It was humbly proposed that her Majesty sho^d. be pleased by her Order in Council to Signifye her Approbation of the s^d. Sentence that all p^{rs}ons concerned might render due Obedience thereto. But that soon after this Representation S^r: Henry Ashurst then Agent to y^e s^d. Colony having Petitioned* her Majesty & Appealed from y^e s^d: Sentence in behalf of the Gov^r. & C^o: of Connecticut & of sev^l: freeholders & Planters there her Majesty was pleased to refer this matter again to y^e Cons^{ns}: of a Comm^{tee} of Council who having made a Report thereupon her Majty was pleased by her Order in Council dated 10th: June, 1706, to direct that y^e Sentence of Costs given against the people of Connecticut in favour of the Moheagan Indians sho^d. be Reversed, And a Com^{mon} of Review be granted for hearing & Determining the pretensions of the s^d. Indians & in regard to their Poverty, It was Ordered That y^e s^d. Com^{mon} & all other Necessary Dispatches sho^d. be passed and expedited at her Majestys Charge.

That her Majesty was pleased to name the L^d: Cornbury then Gov^r: of New York to be one of the Comm^{rs}: & to referr it to y^e Comm^{rs}: for Trade to Name Such other persons as they sho^d: Judge proper to be Incerted in the s^d Com^{mon} with him, who thereupon did propose the Members of the Council in New York for that purpose & a Com^{mon} of Review was accordingly prepared & approved by her Majty in Council, 5th: Feby, 1706.

* Connecticut and the Moheagan Indians, 153.

That y^e L^d: Cornbury continued in y^e Govern^t. of New York till 1708, when he was Succeeded in his Com^{on} by the Lord Lovelace, but it did not Appear from y^e Lord Cornburys L^{tes} to that Board, or from any other Acco^{ts}: in the Books of their Office that any proceedings were had in this Case by virtue of the last mentioned Com^{on} of Review, And that M^r. Mason an Inhabitant of Connecticut who was Constituted Guardian of the Moheagan Indians by the Comm^{rs}: in her Majtys Com^{on} of 1704, had attended them & declared that he was not only Ignorant of any Proceedings had upon the Com^{on} of 1706, but never heard there was such a Com^{on} Issued out, tho' he was at that time residing in Connecticut & Guardian of the s^d Indians.

Whereupon there Lordships proposed to his Majty that a fresh Com^{on} of Review sho^d: be granted to such P^{rs}ons as his Majty sho^d: think proper, Investing them wth: the Same Authority & powers for Rehearsing & Determining all matters relating to this Case as were granted by y^e afores^d. Com^{on} of Review & that in regard to the Poverty of the Sachem, and the Moheagan Indians the Charge Attending Such Com^{on}, And all other Disputes relating thereto sho^d: be defrayed at the Expence of the Crown, agreeable to wh^{ch}: was Ordered by her late Majty upon y^e former Occation.

RICHARD TREAT'S * MEMORIAL.

To the Honourable JOSEPH TALCOTT Esq^r., Governour of his Majesties Colony of Conecticott, To the Honourable JONATHAN LAW, Esq^r Deputy Governour, To the worshipfull the Assistants, In Generall Court Assembled Att Hartford, May 11th, 1737.

* Rev. Richard Treat, born in Glastonbury, Connecticut, May 14, 1694: Yale College, 1719; he preached in Stonington for a time, and in 1721 was rector of the Hopkins Grammar School, New Haven. In 1722 he became the first settled minister of Brimfield, Mass., and remained there until 1734. From Dec., 1734, until June, 1735, he preached to and taught the Indians at Middletown. He preached in Glastonbury at intervals in 1738 and 1739.

The Memoriall of Richard Treat Humbly Sheweth—

That by the advice of Sundry ministers I began to Instruct the Indians at Middletown, Decem^r 26th, 1734, and after Some Short trial, I went to his Hon^r, The Gover^r and Informed him of what I had been doing and of the Success I apprehended I might have in Case I Could Continue with them, whereupon he not only approved of what I had been doing, and advised me to Continue in that Service, but Improved me to Carry it on. Accordingly I Continued in it for the Space of about four months—untill Such time as I found that it was unlikely that I should have any reward for my Services, and the Necessities of my family Calling me to do Something to their Support, was obliged to leave them, and betake my Self to Something that might Serve to that End.

For which Service I have never had any reward; wherefore I now Subjoyn My humble request that this honourable Councill would take my Case into Consideration, and Grant to me accordingly to the Service I have done for which I shall Ever Esteem my Self obligd to pray

RICH^d TREAT.

M^r TREAT'S STATEMENT, 1737.

In the fall of the year, 1734, I being at Boston, heard there that the Govern^r of that Province had newly recommended to the Court (which was then Sitting) their duty to take some further measures than had been taken towards the reformation and Conversion of the heathen in these american parts—which never was very agreeable with me; whereupon when I returned home I went to that party of Indians at Middletown (hoping that by

In 1748 he was in Sheffield, Mass., and after that time he seems to have been an itinerant preacher. He is supposed to have died about 1759, of small pox, while on his way to Quebec as a soldier, perhaps as a chaplain. His wife was Susannah, daughter of the Rev. Timothy Woodbridge of Hartford.—*Treat Genealogy*, 38-9. *Yale Biographies and Annals*, 212-13. *Talcott Papers*, I. 314.

Reason of that Good Understanding there has formerly been between my predecessors and them, I might the better win upon them) to treat with them about their Subjecting themselves to be Instructed in things of a religious nature; and offered them that if they would I would do wt I could that Some meet person might be Improved, in the first place to learn them to read—who took the Motion into Consideration, and after Some Considerable discourse among themselves told me that if I would come among them they would Submitt to my Instructions. I told them that it would be Something difficult for me by reason of my living So far distant from them, however I would take the Case into Consideration. I should then Immediately have waited upon his Hon^r the Gov^r for his advice and Instructions in the affair, but it was so difficult passing the river at that Season that I Could not. Wherefore I advised with Sundry ministers on that Side the river, who advised me to go as Speedily as I could and begin to Instruct them, particularly M^r Woodbridge* of Hartford, who told me that M^r. Joseph Pitkin had primers† sent to him to distribute, in order to forward that business. I went to him, and he helped me to Some, and accordingly I began to Instruct them, Dec^r. 26th, 1734, and Continued So to do untill the river was passible, by which time I learned Something more of their Inclinations, and readiness to receive Instruction. Then waited upon his Hon^r and Informed him of what I had been doing, and w prospect I had of Success. Upon

* Rev. Samuel Woodbridge of East Hartford, then the Third Church, Hartford.

† "March 7, 1733 [33/34]. Upon a representation from M^r Samuel Woodbridge, Minister of Hartford, that some Indian Families in his Neighborhood express an inclination to attend the Publick Worship of God at his Meeting-house, but pretend want of cloathing as a reason for their neglect, and signify their willingness to learn to read, Voted that Ten Blankets and Twenty Primers be sent to Joseph Pitkin, Esq^r, of Hartford to be distributed to them upon their engaging to attend Publick Worship, and to be instructed in reading."—*Manuscript Minutes of the Meetings of the Commissioners in Boston.*

which acct he discovered good Satisfaction, and also directed & Improved me to Continue with them. Whereupon I Continued to Instruct their Children which were there then present, to the number of about 12 or 14, and also maintained at least a weekly Conference with them, thereby to lead them into a Knowledge of the true god, and of our obligations to approve our Selves in his Service. Which Service was very difficult, for they were Such Strangers to the written word of God, that whatever I Quoted from them had but little effect, otherwise than as it was agreeable with those Natural principles upon which I was obliged to proceed with them. And besides it was very difficult to Impart to them anything of this nature by reason of their brokenness of Speech in the English dialect, and their unacquaintedness with things, as also an aversion thereunto, in Some of them. I shall give one Instance of the many that I might Instance in to discover this. I took occasion to Speak of the resurrection and Judgment to Come, &c., and either at that time or Soon after one of them (in a Scoffing and ridiculing manner), asked me (a pig then lying by the fire) whether that pig would rise again after it was dead as well as wee. It would not have done to have answered a fool according to his folly, and yet he must be answered according there unto, otherwise he would have been wise in his own Conceit, and with much adoe I Silenced him for that present, but it was a great while before I Could do it. Thus I Continued dayly to Instruct them, except a few Intervals, which my then late remove obliged me unto the whole of which amounted to about the Space of 3 weeks or a month. In April I began to preach to them upon the Sabbath, and Continued so to do till some time in June next following Except two Sabbaths, one of which I was prevented by high water, and the other when they were gone to the Election, as

well as to Instruct them, and answer their objections and little Slouffles as afore hinted, and then left them.

And the reason of my Leaving them is as follows. Notwithstanding the Gov^r his Sending to Boston (I suppose more than once) Giving an acct of my Service, and what prospect I had of Success, yet there was no return that I thought I Could in any measure depend upon, as an Incouragement to my progress therein, and the necessities of my family then Calling me to do Something that might serve to their Support, however as my occasions would alow and as I had opportunity, I did all that Summer, what lay in my power to beget a good opinion in them Concerning their receiving instruction in things before spoken of. There was one piece of Service more which I did, and if your patience will alow me I shall give an acc^t of, Viz. Some time in the latter part of that Sum^{er}, they had a Great dance, at which time I Supposed they would be together that I might get an acct of their number, as directed unto by His Hon^r the Gov^r and Comissⁿ at Boston, which I had before Endeavored to do but Could not. They mett upon fryday in the afternoon. and upon Satterday I went upon the business afores^d., as also not knowing but that I might be a means to prevent no little wickedness which they are Com^{on}ly Guilty of at Such times. When I Came I found them in a most forlorn Condition, Singing, dancing, yelling, huming, &c., the like to which I had never before seen, and so Compelling the rest of y^r number. Some of them, Seeing me Come there at that time, Came to me and asked what I was Come there for, and told me I had no business there, and bid me begone. I told them that others Came to see them, and others did so, which they alowed of, and asked them why they were so affronted at my Coming there. One of them, with no little fury, told me that I was Come to see if I might not preach to them the next day, which he said I should not do. I replyd that that was

not my business there at that time, however I was ready to do them all the Service that lay in my power to do. I Subjoyned that Seeing they were Come together to take off their mourning Cloths for one that was dead. I thought it was a proper Season for them to do Something to fit them for death; for others would put on their mourning Cloths for them as they had done, and were then puting them off for one that was dead. He told me that to morrow was their day, and therefore I should not preach there. However a number of Nahan-tick and moheegan Indians gathered together and told me if I would Come to a house adjacent they would Come there and hear me preach the next day.

Accordingly the next morning I went, but when I Came to the house none of them were there, they had other business to do. But understanding that one of the Indian Children was there very Sick, I thought I had a Good Excuse to go to them, and so lay my Self in the way of doing them some Service. When I came I went to see the Sick Child, and had not been there long before Sundry of them Came and did what they Could (Except violence) to Drive me away. However a number of them Interposed, and told me that if I would withdraw to a number of aple trees about ten or fifteen rods distant, they would Speedily Come to me and they w^{ld} hear me preach. I withdrew thither—I had not been there long before they began the most Dolfull noise that Can be thought of, it Consisted of Grunting, Groning, Sighing, &c., which was Caused by their Smiting upon their breast. I Cannot Express the forlorn, dollerous noise that they then made. In Short I Suppose they were in a paw wawe, and the reason of it was this, Viz., the then lately deceased Indian a little before his death, had a Quarrel with another Indian, and in the time of his Sick-ness Called for his Gun to kill that Indian, which made them suspect that that Same Indian had poisoned the

deceased, which was the Cause of his death—and they wanted to know of the Devil whether it was so. I was at a Great loss what to do at that time. However I Expected the devil would Speedily make his appearance, and in Short if he had been incarnate in Every one of them, I Cannot think there Could have been a much worse noise—however in the midst of this I broke in among them, and broke them up for that time—but I Cannot Express the rage Some of them were in and Seemed as thô they would Immediatly fall upon and rid the world of me. But there were some that again interposed, and told me that they desired that I would withdraw as before, and they would Speedily Come to me. I told them I was afraid they would do as they had before done, and return to their wickedness again—they urged so much that I went as before. I had not been there but a few minutes before they began their Infernall din as before—but then I presently broke in upon them again, and broke them up a Second time—and So from time to time till at last their hellish rout was broken up, and after Some time to Season them (for they were very unmeet) for divine Service, I began Divine Service among them, they were very orderly and no disturbance made—and afterwards their neighbours told me there never was Such a thing before among them, for the Evening after the Sabath there was but little if any noise as used to be at other times. The next morning they went off and dispersed, and I Cant learn that they have Ever been there since upon any like occasion.

Thus I've Given as Short a narrative of my doings as I Could & yet I fear I have tyred your patience—If I have I ask pardon of this honorable Court, and pray that you would Consid' my hard labour and toyl in that Service, and if it is worthy to recommend my request, you would Grant me according to what you Shall think I ought in justice to have.

DECLARATION OF INDIANS OF THE MOHEGAN TRIBE.*

To all People to whom these Presents shall Come

Tomockum alias Ashneon, John Uncas, & Sam Uncas, being two of the Sons of Old Ben Uncas, Chief Sachem of the Moheegan Indians, Wioet, John Tomockum, Moses Tomange, and old Wombaneag, Pompey Uncas, Zaccery Johnson, John of Moheegan, being Indians of the Moheegan Tribe in the Colony of Connecticut Sendeth Greeting.

Whereas Uncas, Late Sachem of the Moheegan Nation, on y^e 28th Day of September in the Year of Christ, 1640, did Grant unto the Gov^r and Magistrates of the English People on Connecticut all the Lands whatsoever (his planting Lands only Excepted) to them the S^d Gov^r & Magistrates to settle into Plantations or otherwise as it Shall Seem good to them; and whereas the S^d. Uncas Sachem in the Year of Christ, 1681, did renew his League of Friendship with the Gov^r and Company of the English Colony of Connecticut in New England in America and therein did acquit and Resign up all his Lands & Territories for Himself his Heirs & Successors to the S^d. Gov^r. & Company to be by Them dispos'd of into Plantations, Villages & Farms, as the S^d General Court in S^d Colony Should Grant. He the S^d Uncas always to receive Such Reasonable Satisfaction for his Property therein as He and the Settlers Should Agree.

And Whereas y^e S^d Gov^r & Company according to the S^d Grant from Uncas & Agreement with Him have granted, Patented out S^d Lands into Townships, Villages and Farms to Sundry English, Planted & Settled on the Same.

And whereas the S^d English People to whom the S^d Lands have been Granted and Patented as afores^d. from S^d Gov^r & Company have Duely paid to S^d Uncas or His Successors Sachems of Moheegan A Reasonable Price for S^d Lands, according to S^d Agreement.

* *Supra*, page 67.

Now therefore know ye y^t for and in Consideration thereof & for and in Consideration of the Settlers on S^d Lands have now paid unto Us y^e Sum of fifty Pounds & for other Causes & Considerations us hereunto Moving, we the S^d Tomockum Alias Ashneon, John Uncas & Sam Uncas, Wioet, John Tomockum, Moses Tomage, & Wombanage, & Pompey Uncas, Zaccery Johnson, John, Moheegan Indians in the Colony of Connecticut, do hereby declare y^t the S^d Gov^r & Company have hitherto duely and fully kept performed their Covenants & Agreements with the Sachem & Nation of the Moheegan Indians, & y^t all & every English Person or Persons, whomsoever, To whom the General Court in S^d Colony have Granted & Patented S^d Lands or any Part thereof, have duely paid a reasonable Price for the Same to the Moheeg Sachem, according to S^d Agreement, & y^t all and Every Person to whom the S^d Gov^r & Company have Granted & Patented S^d Land or any part thereof, their Heirs and Assigns, to whom such Lands are now descended or Accrued under Such Grantees or Patentees, have a good Right & Title to S^d Lands, to have & to hold the Same to them and their Heirs forever, from and against us or either of us or any Person or Persons Claiming from by or under us, as the S^d Lands are Bounded in Such Grants or Patents, or otherwise more particularly bounded out in Severalty on the Records of the respective Towns in which Such Lands lie.

And we do hereby for our Selves our Heirs and Successors fully, freely and absolutely Remit, Release and forever Quitclaim all the Right, Title, Interest & Estate y^t we or any one of us now have or might ought or could have To the S^d Lands and every Part thereof, to all every Person or Persons respectively to whom S^d Lands or any part Thereof have been Granted & Patented, as afores^d or to their Heirs or Assigns, to whom Such Lands are now descended or Accrued from and under Such Grants and Patents, to have & to hold the same respectively to them & their Heirs and Assigns forever, as the S^d Lands are

Bounded in Such Grants & Patents, or more particularly Bounded in Severalty on the Records of the Towns respectively in which Such Lands lie, without Let, Suit, Claim, Hindrance or Molistation from by or under us, & whereas of late one Mahomet late of Nehantick at the Instigation of Cap^t. John Mason, late of New-London hath pretended Himself to be the Sachem of the Moheeg Tribe of Indians, & as Such hath presented an Address to his present Majesty, George the 2^d, King of Great Britain &c, Therein Complaining to the King y^t y^e S^d Gov^r & Company have Broken their Leagues with the Moheeg Sachem and Nation, & have unjustly taken away their Lands, Contrary to their Covenant; upon which Complaint His Majesty Hath been prevailed upon to Grant his Commission To the Gov^r & Council of the Colony of New York and to the Gov^r & Council of the Colony of Rhode Island, or to any five of them to hear and determine S^d Cause.

And for as much as it is most evidently known unto us y^t the S^d Mahomet *was* not the Sachem of the Moheegan Nation, & y^t He with Cap^t Mason went with y^e Complaint to the King without ever Consulting us & Contrary to our Minds, And y^t S^d Complaint Contains Matter most untrue & as we acknowledge and declare we have no Desire or Right to take any Benefit thereby, we do hereby for ourselves our Heirs & Successors, Waive, Disclaim & Renounce S^d Complaint and all Processes, Trials, Judgments to be had, made, Mov'd or given by or before y^e S^d Commissioners to have & determine and Causes, Complaints, or Controversys thereupon. And we do hereby for our Selves our Heirs Release y^e S^d Gov^r & Company, and all other Person or Persons from a Judgment given by Joseph Dudley, Esq^r, & other Commissioners at their Court of Enquiry, holden at Stonington in Aug^r. 1705, and from all other Claims, Actions, Causes of Actions, Processes, Judgments, Costs, Executions, Dues & Demands whatsoever y^t have hitherto happned, been, had, made, mov'd, given & done, between the Sachem of

Moheegan or the Sachem and Tribe Moheegan and the
S^d Gov^r & Company or any other Person or Persons
whatsoever about or Concerning S^d Lands.

Sealed with our Seals, Dated in New London, April
24th A. D. 1738.

Signed Sealed & Deli^d
in presence of us

PYGAN ADAMS


JOHN CURTISS

JOHN RICHARDS

NEW LONDON Ss.

April 24th. 1738,

then Sam Uncas, John
Uncas, Wioet, Tomockum,
Tomockum Jun^r. & John
Tomockum the Signers &
Sealers of y^e within and
above written Instrument
personally appear'd & Ac-
knowledg'd the Same to be
their free Act & Deed

his
Sam  Uncas

mark

his

John  Uncas

mark

his

Wioet 


mark

his

Tomockum 

mark

his

Tomockum Jn^r 

mark

his

John Tomockum 

mark

his

Wombanega 

mark

Pompey Uncas

his

Moses 

mark

his







Zaccery 

mark

his

John 

mark

Torse	his  mark	Conte	
Jumph	his  mark		
Tom	his  mark		

Before me JOHN RICHARDS Just^s Pac.


MEMORANDUM, at the same Time the Above Nam'd Signers & Sealers being present before the same was Executed it was read to them & Samuel Avery a Person well Skilld in the Indian Language was then Sworn to Explain & Interpret the Same faithfully & truely unto them, Sentence by Sentence, who declar'd he perform'd the Same accordingly & they Express'd their Satisfaction therein & Then proceeded to Sign Seal and Deliver the Same.

Test JOHN RICHARDS Just^s Pac.

Entred May 18th 1738 on the Records of y^e Colony of Connecticut Book No 4 Fol: 6: 7: 8 for Patents, Deeds & Surveys of Land

GEORGE WYLLYS Secret^y

A True Copy of the Original on File.

Examined  Daniel Huntington Jun^r Clerk of the Court of Commiss^{rs}.

INSTRUCTIONS TO OUR AGENT, IN CLARK'S CASE AGAINST TOWSEY.*

S^r: You being appointed Attorney to M^r. Towsey are desired and directed to move to be heard also on y^e Colonies behalf, the Issue of this case very much Affect-

* Supra, page 87. Mr. Paris in his letter to Jeremiah Allen of Boston, 74-88, written in 1737, mentions the case of Clark ag^t. Tousey as having been brought to England. These instructions were sent to Eliakim Palmer, who had taken Wilks' place as agent for Connecticut, having been drawn up by John Read, one of the ablest lawyers in New England.

ing the Weal of this Government. You have the precedent of y^e Admission of y^e Massachusetts agent in a like case between Savage & Phillipps, about which matter in Wintropp's case our Agent was deny'd and have never been heard, doubtless the cause of such different decrees. In this case the demand is made by y^e Appellant as heir at Law. The Defendant takes y^e Gen^l Plea and casts y^e burthen of maintaining y^e Declaration upon y^e Plaintiff. What Evidence y^e is of y^e Matters of fact or Concessions on Record you will see but the Great Question is, Whether y^e Common Law of England Extends to Connecticut.

I Suppose that within the verge of y^e Common law all Titles of land shall be tryed ~~by~~ Pais, and if the Jury make a false Verdict an Attaint lyes and no Remedy can be had by the King in Council. So that it should seem this very appeal Contradicts y^e proposition and Shows it to be out of y^e Protection of the Common law.

It's more than a Century since the first Settlement of this plantation, and not one Instance has occur'd wherein Descents of Inheritance have taken place according to the Course of y^e Common law, but have Ever been divided. See y^e Certificates and Records from y^e Probates.

The Inconveniency then which would follow by admitting y^e Rule of the common law to direct y^e Succession of Inheritances would be destruction to y^e greater part of the families in y^e Government, thô they had Enjoy'd them time out of mind, to the Disquietment and Ruin of the whole Colony.

This Colony have a priviledge by y^e Charter, to make laws (as all other Colonies have by y^e Charters or Commissions) to direct and govern all their affairs, and have made a body of laws, which from time to time have been sent for and accordingly have been sent Home; by which body of laws it was Evident that it was y^e constant mistake of this Gov^t, (if it was a Mistake,) that y^e Common law of England, as such, was not in force

here, for which we never were Corrected or Other-ways Instructed from the Throne. And why should we be directed to make laws not Contrary to y^e laws of England if they were our laws; for what Propriety can there be in Making that a Directory to us in making a law which was our law before we made it. Surely the Direction had been, that in all Cases wherein y^e law of England has not provided a Remedy You are Authorized to make a law.

The law of England was made to be the law of Ireland by y^r own voluntary Act: So was it in Jersies, Isle of Man &c.

In Virginia they Imbraced the Common law by an Act of their Assembly, when they came to practice upon it, they found it so Disagreeable to y^r Circumstances that they Soon Repealed that Act. See Oldmixon.

In Rhode Island, Massathusetts and other Colonies, by Referring themselves to y^e law of England where they have none of their own they have made some of the laws of England to be their own laws: but this govern^t have not Referr'd y^mselves to y^e laws of England, but to y^e law of God, where they have not Express law of y^r own.

God and nature has Given unto mankind or humane Society a power of Assent & Dissent to y^e laws by which they are to be Govern'd, (those only Excepted which proceed from absolute Sovereignty;) and this is the known Priviledge of Englishmen, to be Govern'd by laws to which they have in Some form or Other given their Consent.

The only reason Assign'd, why the King's subjects who have transplanted themselves into an Uninhabited countrey should be govern'd by y^e laws of that countrey from whence they did proceed is a Presumption of y^r own Choice to be Govern'd by y^m till they had Consented to other Rules. And that our ancestors not Consenting to y^e Descent of y^r Inheritances to follow

y^e Course of the Co^mon law was founded on a well Regulated Judgment is Obvious to all who form in themselves any Just Idea of y^e true Estate of a new and Unpopulated Countrey, where Mankind are more wanted than land to Subdue & Cultivate y^e Earth and Defend its Inhabitants, as was and still is the Case of Connecticut.

The Co^mon law alwayes had its limits, Environ'd by y^e sea, Suffering also 'a Syncope by y^e Customs of particular places. A ne plus Ultra is Ever Enstamp'd on y^e high Seas: hitherto shalt thou come and no further, where the Co^mon law and its Courts have no Jurisdiction.

The Jurisdiction of the Co^mon law Courts must needs be Equally Extensive with y^e Co^mon law itself: but they have never Yet Challenged any Jurisdiction in Connecticut. If they had, the Appeal would have been to them and not to the King in Council, where the Co^mon law is never thôt to be the Rule of y^e proceedings. A Writ of Error lyes in the king's Bench in England from the King's bench in Ireland. And by our Charter is Granted to the Gov^r and Company an Authority to Erect Judicatories and Appoint Judges and Officers to putt our own laws, such laws as are made by force of y^e Charter &c. and not y^e Co^mon law, in Execution, with a Command to obey them, a warrantee and Express Seclusion of y^e Grantor, his heirs and Successors, from any Demand upon them for so doing. See the Charter. And all ministers of Justice have alwayes been Sworn to do Justice according to the laws of this Colony, not According to the Co^mon law of England.

The Parliament of Great Brittain, whenever they would have any law Extended to the Plantations, have alwayes named the Plantations to which they would have it Extend, but have never Enacted that y^e Comon law, or that Branch of it which Directs y^e Succession of Inheritances, Should Extend thither. Yea, they have ordain'd that all real Estates in y^e Plantations should

Stand Chargeable with Debts, as Chattels, in like manner as our law was and still is, which Implicitly Declares that they Shall not descend according to y^e Rules of the Common law of England. See y^e late Statute.

And it seems to have been the Judgments and Opinions of Even all Tribunals and gentlemen of the law, that y^e common law does not extend to y^e Plantations. M^r Attorney Gen^l & Solicitor Talbott and York,* in answer unto a Question in law putt by the L^{ds} of y^e Board of Trade, on Entaild lands in y^e Plantations, whether the Heir might be Barrd by fine and Recovery as in England, Gave their Opinions that he could not, Unless y^e Same law were made in y^e Plantations where the land lay, and then it would not be by force of y^e law of England, but because it was an act of the Assembly where the land lay. This y^e L^{ds} of the Board of Trade Orderd M^r. Popple to transmitt to us for our Instruction: and what could we learn by it, this Only Excepted, That y^e laws of England dont Extend to us, and if we would have any law of England to be our own we must make it our Selves.

To obviate this, some have Said that their Meaning was only in Reference to y^e Statutes made Since the Settlement of y^e Plantations in which y^e Plantations were not named, for that y^e Common law and all the Statutes made before y^e Settlements were Carried with them as y^e Birthright.

This Exception Seemeth frivolous: If the Common law and the Statutes on which Intails and y^e barring of the Heir in Tail Depends be of a More Ancient Date than y^e Settlement of y^e Plantations and Doubtless y^e Birthright of Englishmen is, to have the Benefitt of English laws when they are within the Verge of them, and

* Report of the Attorney General and Solicitor General to the Lords Commissioners for Trade, etc., on the power of the Colony of Connecticut to make laws affecting property, dated Aug. 1, 1730. — *Historical Manuscript Commission, 5th Report, Appendix, 292*. Probably in possession of Lord Lansdowne.

not like the Sweating Disease, that Seizd Englishmen in whatever Countrey they Happen'd to be. They are not by their Birthright Exempted from the laws of that Countrey in which they may happen to be, and are bound to Obey them as much as Other men.

Its Reported by Salked, that it was Resolved by the King's Bench in a Case from Jamaica on an Office Bond Contrary to a Statute of England, (I suppose of Edw^d y^e 6th.) that the law of England Extended not to a Conquer^d Countrey, and that the law of natural Equity Should take place there till the Conqueror shall Declare his law there. And to the like Effect in a Case from Virginia, about a Slaves being a proper Article of Debt, which y^e law of England allowed not of, because y^e law of Virginia where the debts was Contracted did allow of slaves. And in Divers other Cases, as also in many other Authors, as Your Council will be Able to produce.

The L^{ds} of the board of trade, in y^e Address to his Maj^{ty} in our favour, Representing our Deplorable State, Praying that our past Settlements might be Confirm'd and Desiring that his Maj^{ty} would not Allow us any Other Succession of Inheritances than what was at Home, dos plainly show they did not think that Matter already Settled by y^e Extent of the Common law.

LORDS OF THE BOARD OF TRADE AND PLANTATIONS.*

(during the period covered by the Talcott Papers.)

KING GEORGE I.

1720, June 24.

Thomas Fane, Earl of Westmore-

land.

John Chetwynd.

Sir Charles Cooke.

Paul Dominique.

Thomas Pelham.

Daniel Pulteney.

Martin Bladen.

Edward Ashe.

1721, September 4. Same Board, with addition of Richard Plumer.

1721, October 4. Sir John Hobart, vice Cooke.

* The Board of Trade originally formed under Charles II., in 1668, did

1727, August 8. Same Board, except Sir Orlando Bridgeman, vice Plumer; and Walter Carey, vice Hobart.
1728, June 1. Same Board, except Sir Thomas Frankland, vice Chetwynd.
1730, May 13. Same Board, except Hon. James Brudenell, vice Frankland; and Sir Archer Croft, vice Carey.
1735, Benjamin Mildmay, Lord Fitzwalter, vice Lord Westmoreland.
Edward Ashe.
Thomas Pelham. Sir Orlando Bridgeman.
Martin Bladen. Hon. James Brudenell.
Sir Archer Croft.
Richard Plumer, vice Dominique.
1737, June. Same Board, except John, Lord Mason, vice Lord Fitzwalter.

Note to page 254.

The Province Charter reserved to the Crown the power of establishing Courts of Admiralty, and the authority of granting commissions to the officers of such courts. No court of this kind was created in the Province until 1694, and Wait Winthrop was the first Judge of Admiralty. In that year a court of Admiralty was created, consisting of one Judge, a King's Advocate, a Register and a Marshal. The commission of these officers were either under the Broad Seal, or by warrant from the Lord High Admiral, but were in fact granted by the Lords Commissioners of Admiralty in England. The jurisdiction of the Court extended to all branches of the acts of trade, with a single exception, and the forms of proceeding were after "Doctor's Commons" in London.

not become a permanent establishment until 1696, under the style of "Commissioners for promoting the trade of the Kingdom, and for inspecting and improving the Plantations in America and elsewhere." This board had the exclusive superintendence of the commerce of the plantations, and also of their government until 1786, when a Secretary of State was appointed for the Colonies, and a Council for the affairs of trade organized on the present plan. — *Lindsay's History of Merchant Shipping*, II. 210.

Trials in this Court were not by juries, and in the absence of express acts of Parliament, the Civil and Maritime law was adopted as the rule for determining questions. Appeals lay from the judgments of this court to the court of delegates in England. Besides the Court of Admiralty there was also what was called a "Justiciary Court of Admiralty," which was convened as occasion required for the trial of Piracies, and other offences upon the high seas.

The territory over which the Judges of Admiralty exercised jurisdiction varied from time to time according to the extent of their several commissions. At first the northern district embraced New York, Massachusetts, Connecticut, Rhode Island and New Hampshire, and New Jersey was afterwards added to the district.

Roger Mompesson, Esq: April, 1703, had a commission as Judge for New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York and Jerseys. John Menzies, Esq. of the faculty of Advocates in Scotland, was appointed Judge, Aug. 26, 1715, for New Hampshire, Massachusetts Bay, and Rhode Island. Byfield and Auchmuty had the same commission. In Connecticut the Court of vice-Admiralty had the same officers as those for New York.—*Washburn's Judicial History of Massachusetts, 172-85; Douglas' Summary of the British Settlements in North America, I. 482; II. 169.*

EXTRACT FROM LETTER OF JEREMY DUMMER TO REV.
TIMOTHY WOODBRIDGE MARCH 25, 1725.*

As to the Affairs of your Colony I write particularly to your good Governour, for whom I can't but have a great esteem. His general Character and his letters to me Demonstrate him to be a Gentleman of Singular Worth and integrity. I wish an opportunity would present that I might do him some particular Service. Had we for our Sins bin Depriv'd of our Charter, Which I

* Wyllys Papers.

much fear'd, I determin'd to use my utmost interest that he might have bin the King's first Governour, Which would have been some small consolation to the Colony, and in such a Calamity a very great satisfaction to my Selfe. But it is much happyer as it is, and I dare say Governour Talcott thinks so, notwithstanding the Broad Seal of England and the title of His Excellency are tempting things.

Note to page 63.

John Read was born in Fairfield, Connecticut, January 29, 1679/80, son of William Read.—*O. P. Dexter, Norwalk, Conn.*

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