

CHAPTER III.

THE PLANTATION OF PENACOOK.

THE period had now arrived, in the order of Divine Providence, when the territory which had so long been desired and sought for a settlement, should become the abode of civilized life — when the “wilderness should be made glad,” and the desert become vocal with the praises of God. In this chapter we shall narrate all the measures that were adopted for the settlement of the place, and detail every incident of importance that attended the enterprise. While, for the general reader, we give a connected narrative of events, with original documents, anecdotes and illustrations, we would direct particular attention, also, to the RECORDS OF THE PROPRIETORS,* which were kept with great accuracy and care, and which are exactly copied and transferred to the printed page, except, in some cases, the *notifications* of

*PROPRIETORS' RECORDS.

THE ORDER OF THE GREAT AND GENERAL COURT.

THE committee appointed to consider what is proper for this Court to do on the petition of Benjamin Stevens and others, are humbly of opinion, that it will be for the interest and advantage of this Province that part of the lands petitioned for by the said Benjamin Stevens and company, be assigned and set apart for a township: provided, that the same be done in a good, regular and defensible manner, to contain seven miles square, and begin where Contoocook river falls into Merrimack river, and thence to extend upon a course east seventeen degrees north three miles, and upon a course west seventeen degrees south four miles, to be the northerly bounds of the said township; and from the extreme parts of that line to be set off southerly at right angles, until seven miles shall be accomplished from the said north bounds. And that the petitioners may be encouraged and fully empowered to prosecute their intended settlements — Or-

meetings are left out. The records embraced in this chapter extend through the period — about seven years — that Penacook was a plantation, and until incorporated into a township. It will be perceived that the dates of the records are according to the *old style*, when the year commenced the 25th of March instead of the 1st of January.

The petition of June, 1725, it appears, was successful. On the 17th of January following “the Great and General Court” decided “that it will be for the interest and advantage of this Province, that part of the Lands petitioned for by the said Benjamin Stevens and Company be assigned and set apart for a Township — provided that the same be done in a good, regular and defensible manner — and to contain seven miles square.” A committee of nine, of whom the Hon. William Tailer, Esq., Lieutenant Governor of Massachusetts, twenty-seven years, was chairman, and John Wainwright, Esq., clerk, was at the same time appointed by the court to take special care that the rules and conditions on which the grant was made should be punctually observed and kept by all such as shall be admitted as settlers — particularly that the land be allotted and divided into one hundred and three equal parts and shares, as to quantity and quality, and that one hundred persons or families — such only as in the judgment of the committee shall be well able to pursue and bring to pass their several settlements — should be admitted. Each settler to pay five pounds for his lot; be obliged to build a good house for his family within three years; break up and sufficiently fence in six acres of land within the same time; that the houses should be erected within twenty rods of each other, on the home lots, and in a regular and defensible manner; and that a convenient house for the public worship of God should be completely

dered, That the Hon. William Tailer, Esq., Elisha Cooke, Esq., Spencer Phipps, Esq., William Dudley, Esq., John Wainwright, Esq., Capt. John Shipley, Mr. John Saunders, Eleazar Tyng, Esq., and Mr. Joseph Wilder, (any five of whom to be a quorum,) be a committee to take special care, that the following rules and conditions be punctually observed and kept by all such as shall be admitted to bring forward the proposed settlements, namely :

That the aforesaid tract of land be allotted and divided into one hundred and three equal parts and shares, as to quantity and quality; and that one hundred persons or families be admitted, such only as in the judgment of the committee

finished within the three years. The settlers were also to pay twenty shillings each for the privilege of admittance, and to defray the whole expense of cutting a road through the wilderness to the plantation; of laying out the land into lots by surveyors and chainmen, and also the charges of the committee of the Great and General Court. The remaining three rights were reserved: one for the first settled minister; one for a parsonage, and one "for the use of the school forever."

The grant of the township being made, the next object was to begin and carry forward the settlement safely, but as expeditiously as possible. Accordingly, on the 2d of February, 1725, the committee of the General Court met at the house of Mr. Ebenezer Eastman, in Haverhill, for the purpose of admitting settlers. In this matter they proceeded with great care and caution. Persons were not admitted merely because they had petitioned for it; but the committee inquired into their character and their ability to fulfil the conditions. To aid them in this they officially invited some of the principal inhabitants of the towns to which the generality of the petitioners belonged, to attend and give the committee information of the circumstances of the petitioners and others, "*in order to the admitting of such as shall be thought most suitable.*" After such careful inquiry and examination, the requisite number — one hundred — was admitted. Among this number, as appears in the list on record, were the Rev. Samuel Phillips, of Andover, Rev. Bezaleel Toppan, son of Rev. Christopher Toppan, of Newbury, and Rev. Enoch Coffin, then a young preacher, also of Newbury. The

shall be well able to pursue and bring to pass their several settlements on the said lands within the space of three years at farthest from the first day of June next: That each and every intended settler to whom a lot, with the rights and privileges thereto belonging, shall be assigned, shall pay into the hands of the committee, for the use of the Province, at the time of drawing his lot, the sum of five pounds, and be obliged to build a good dwelling-house, fit comfortably to receive and entertain a family who shall inhabit the same; and also break up and sufficiently fence in six acres of land for their home lot, within the term aforesaid: And that the first fifty settlements shall be begun and perfected upon the eastern side of said river Merrimack, and the several houses shall be erected on their home lots not above twenty rods the one from the other, where the land will possibly admit thereof, in the most regular and defensible manner, the committee, in their best prudence, can project and order; the houses and home lots

following letters from Rev. Mr. Toppan and Rev. Mr. Phillips will evince the deep interest which was felt in respect to the admission of settlers.

LETTER OF REV. CHRISTOPHER TOPPAN, OF NEWBURY.

NEWB: Febr: 2, 1726.

MAY IT PLEASE YOUR HONORS:

It was my design to have waited on your Honours and the other Gentlemen appointed to be a Committee for Granting Lotts at Penny-Cooke, but being at present bodily Indisposed, durst not venture so far from home, have therefore sent my Sons to wait on you, and, in my name, to Request y^t you'd be pleased to Grant me or them a Lott amongst the Rest, and the Conditions of y^e Grant shall be performed by my Self or them. — And if your Honours would give me leave, I'd mention a few things relating to the Affair now before you, as

1. That it seems Just y^t Consideration be had to one Town as well as another, and that there be some Proportion, in that respect, as to the Number of Persons in each that the Lotts are granted to.
2. That those who have at any time before had Lotts allowed them in any New Township, should be excluded now.
3. That the Persons to whom the Lotts are granted be obliged [if it may be] to keep their Lotts and not sell y^m to others, at least not without the leave of the maj^r part of the Society to whom the rest of y^e Lotts belong. Some, no doubt, will desire Lotts under no other view than to make gain by Selling of y^m afterwards, [and 'tis pity such should have any.] Besides, if the Lotts should be presently bought and sold, it will be likely some of y^m at least may fall into the hands of Persons very undesirable for the first Settlement of a place.
4. That the Persons to whom the Lotts are granted be obliged, at their first Settling on the place, to build a Garrison or Block-House for their defence, and so live as near it as with Convenience may be; for it will be very unsafe at first for enny one to build and dwell on his own Lott. This will too much expose y^m to y^e Indians, in whom little trust is at any time to be putt; besides, we may expect they'l

on each side of the river to be alike subjected unto the above-mentioned conditions. That a convenient house for the public worship of God be completely finished within the term aforesaid, for the accommodation of all such as shall inhabit the aforesaid tract of land, upon such part thereof as shall be agreed upon by the aforesaid Committee, for the ease of the community; and that there shall be reserved, allotted, and laid out to the first minister that shall be lawfully settled among them, one full right, share, and proportion of and in the aforesaid tract of land, with all rights and privileges thereto belonging: his house lot to be laid out next adjoining to the land whereon the meeting-house shall stand. One other full right, share, and proportion of and in the aforesaid tract of land,

not a little resent it, when y^v come to understand that we are Settling upon a former noted Settlement of theirs.

5. That in case the Tract of Land at Penny-Cooke [the Settlement whereof is Designed] was formerly purchased of y^e Indians [as I have heard it was, tho' I know not by whom,] it seems but Just that He or They so purchasing, should have reasonable allowance made y^m out of the Lotts that shall be granted, as shall be to their satisfaction; for that Right I take to be the best in y^e Eye of Conscience, what ever it be in the Eye of the Law; besides, I know not how the Title can fairly be Justified against the Indians, if at any time they should demand it, but under the consideration of a former purchase.

Many other things might have been added, but 'tis not for me to direct your Honours. Begging therefore pardon, for my boldness in offering what I have, I take leave, so Subscribe my Self your Honour's most humble and obedient Servant,

CHRISTOPHER TOPPAN.

REV. SAMUEL PHILLIPS' LETTER FOR ADMITTANCE.

For his Honour WILLIAM TAILOR, Esq^r, and y^e other Honorable Gentlemen of y^e Committee for Pennecook, now at Haverhill.

For the Honorable members of y^e Board and House w^o constitute the Committee for y^e Settlement of Pennecook, now Convened at Haverhill:

GENTLEMEN,—

Having Intelligence y^t the Great and General Court have allowed of y^e Settlement of Pennecook, and made choice of your Honours to Effect and Complete the Same; and I the Subscriber, being one of y^e Petitioners [and having Expended somew^t already,] humbly pray y^t your Honours will please to Enter me one of y^e Proprietors.

I have Sons* growing up, and the Land w^{ch} I am here settled upon is Parsonage land.

The Articles I hope to fulfill, altho' I may not be an Inhabitant there.

to be appropriated for the use of the school forever; and one other ministerial lot of equal value with the rest — the home lot appertaining thereto affixed near to the meeting-house. And for the better enabling the intended settlers to perfect what they are hereby enjoined, and empowering them to remove all such lets and impediments as they may meet with in their progress and lawful undertaking, that when and so soon as there shall be one hundred persons accepted and allowed by the Committee to go on and improve those lands for the ends and uses above specified, upon application made to the aforesaid Committee, it shall and may be lawful for them to notify the undertakers to meet at some con-

* Two of these sons, *John* and *Samuel*, were founders of Andover Academy, and the former was the founder of Exeter Academy and of the Phillips' Professorship of Divinity in Dartmouth College.

Pray Excuse my not waiting upon your Honours in person, being oblig^d this day to attend part of y^e Duty and Business of my office.

Intreating that y^e Direction and Benediction of Heaven may always accompany you, I ask Leave [Gentlemen] to subscribe my Self your Honours' most humble and

Obed^t Serv^t,

SAMUEL PHILLIPS.

Andover, Feb : 2 : 1725 /6.

The persons who had the honor of being admitted on such conditions as settlers, proceeded with energy, and with entire unanimity, to forward their object. To save the committee of the General Court the trouble and expense of coming again from Boston, upon application of the admitted settlers, another meeting was held on the 7th of February, at which, with the approval of the committee, the settlers unanimously agreed and resolved to fulfil all the conditions and orders of the Court respecting the settlement; and in case of any settler failing to comply with said conditions and orders within two years and a half from the 1st day of June next, such settler shall absolutely forfeit the lot or lots by him drawn, with all the improvements thereon, to the other settlers. Also, it was agreed and resolved "*that no alienation of any Lott shall be made without the consent of the Community,*" on penalty of forfeiting the same. This regulation was in accordance with the suggestion of Rev. Christopher Toppan, and probably with special reference to the exclusion of the "*Irish people,*" against whom a strong prejudice then existed.

At this meeting, moreover, the committee of the court *voted* to appoint surveyors, and chainmen to attend them when they should go, to allot the said tract of land into one hundred and three shares, according to order; to meet at Dunstable, on the

venient time and place, they being seasonably notified of such meeting, who, when assembled, shall make such necessary rules and orders as to them shall be thought most conducive for the carrying forward and effecting the aforesaid settlement; provided, that three fourth parts of the persons present at such meeting are consenting to what rules or orders shall be then proposed and agreed upon, two or more of the Committee to be present at such meeting, who shall enter into a fair book, to be kept for that purpose, all such rules, orders, and directions agreed on as aforesaid, and give out copies thereof when required; the whole charge of the Committee to be paid by the settlers. And that when they shall have performed the conditions above expressed, provided it

5th of April next, at the house of Col. Tyng, in order to proceed thence to Penacook to lay out the land into lots; that Col. Tyng be desired to prepare fifteen days provisions for twenty men, and that the settlers be notified to pay the sum of forty shillings for defraying the charges of the committee, and "*that the money be ready at Col. Tyng's, at Dunstable, on or before the 5th day of April next.*"

1726.

On account of engagements as members of the General Court, the committee found it necessary to postpone the laying out of the lands at Penacook until the second Tuesday (10th) of May, 1726. They then started from Haverhill, with surveyors and chainmen, and "a number of admitted settlers attending them," and proceeded to Penacook and laid out one hundred and three home lots, or divisions, on the *west* side of the river, instead of the *east* side, as at first proposed. This was done with consent of the General Court, for reasons assigned, viz.: That "upon view and strict survey of the Lands on the East side of Merrymack, we find that there is little or no water; the Land near the River extream mountainous and almost impassible, and very unfit for and incapable of receiving fifty families, as the Court has ordered; more especially, considering that near the centre of the Town, on the East side of the River Merrymack, the Honourable Samuel Sewall, Esq., has a farm of Five Hundred acres of good

be within the space of three years, as before limited, that then the said Committee for and in behalf of this Court execute good and sufficient deeds and conveyances in the law, to all such settlers for the aforesaid tract of land, with all the rights, members, profits, privileges and immunities thereon standing, growing or being, for the sole use of them, their heirs and assigns forever, with a saving of all or any former grant or grants.

By order of the Committee.

N. BYFIELD.

In Council, January 17th, 1725. Read and ordered that this Report be accepted.
Sent down for concurrence.

J. WILLARD, *Sec'ry.*

In the House of Representatives, January 17, 1725. Read and concurred—

WM. DUDLEY, *Speaker.*

Consented to—

WM. DUMMER.

*See Documentary Chapter—Endicot Grant, &c., No. 1, chap. iii.

Land, formerly granted by this Court and laid out to Gov. Endicott."* This description refers chiefly to the high banks and bluffs that border the Interval on the east side of the river. Judge Sewall's farm embraced the island known by that name, and the intervals, with some upland east of it, including the farms now owned by Mr. Samuel B. Larkin, Samuel B. and John Locke, and what is known as the Thatcher farm.*

The first survey and laying out of the house and home lots, with the incidents connected therewith, are graphically related in the journal kept by John Wainwright, Esq., clerk of the General Court's committee, of which the following is an exact copy—every word of which is interesting to read.

A Journal of the proceedings of the Committee appointed by the Great and General Court or Assembly to lay out a New Township of seven miles square, at Penny Cook, on each side of Merrimack River:

1726. *Tuesday, May 10th* This Day, the Committee met at the House of Ebenezer Eastman, in Haverhill, in order to go to Penny Cook to lay out the Township according to order.

Wednesday, May 11th Present—The Hon^{bls} William Tailer, Esq^r, Jn^o Wainwright, Esq^r, Cap^t Jn^o Shipley, Eleazer Tyng, Esq^r, and M^r Joseph Wilder. This day, the Committee received of several of y^e Settlers forty shillings each, a list where of was taken: being to defray the charge of surveying the Lands, &c.; and prepared the necessary provisions for their Journey and their Attendants to Penny Cook. Lowry Weather, with some rain.

Thursday, May 12th Early this Morning, the Committee above named, with M^r John Sanders, one other of the s^d Committee, begun their Journey from Haverhill, in order for Penny Cook, being attended by twenty six persons, including the Surveyors, Chainmen, and such of the intended Settlers as were disposed to take a view of the Lands. About half ways between Nutfield and Haverhill, at a

ADDITIONAL GRANT TO PENNY COOK, AUG'T 1, 1728.

At a Great and General Court, or Assembly, for His Majesty's Province of the Massachusetts Bay, in New-England, began and held at Boston, upon Wednesday, the twenty-ninth of May, 1728, and continued by prorogation to Wednesday, the twenty-fourth of July following, and then met August 6, 1728—

In the House of Representatives, upon a motion made and seconded in behalf of the Penny Cook settlers—*Resolved*, That in consideration of the five hundred acres of land formerly confirmed by this Court to satisfy a grant made to the late Governor Endicott, which falls within their boundaries, the settlers be

*For plan of the farm, see large Map.

place called Providence Brook, we bated : About eleven or twelve of the Clock we arrived at Nutfield, *alias* Londonderry, and refreshed Our Selves and Horses with our own provisions at the House of one John Barr, an Irish Tavern keeper, as we were informed ; but we had nothing of him but Small Beer. Expences for our Trouble at y^e House, 5^s. About one or two, we proceeded on our Journey. This afternoon we forded two Brooks or Rivuletts, call Great and little, which proceeded from Great Massa Beseck and little Massabeseck Ponds and Empty themselves into Merrimack ; and about Five a Clock we arrived at a place called Amoskeeg Falls, on Merrimack River, and there Encamped that night.

At Amoskeeg Falls we found several Irish people catching fish, which that place affords in great abundance. We travelled in a Cart path from Nutfield to Amoskeeg, but it was very indifferent travelling. Cloudy Weather.

Friday, May 13th This morning we proceeded on our Journey. Very Hilly and Mountainous Land. About Eight a'Clock we pass'd by a Fall called Onnahookline, in Merrimack River, which is taken from a Hill of the same name. About Nine a'Clock we forded a pretty deep Brook or Rivulett, called [a blank,] and soon after we came upon a large Tract of Intervale Land, joining to Suncook River, where we baited and refreshed our Selves and Horses. About ten or eleven a'Clock we forded Suncook River, which is a rapped Stream, and many loose stones of some Considerable Bigness in it, making it

and hereby are allowed and empowered, by a surveyor and chainman, on oath, to extend the south bounds of that township one hundred rods, the full breadth of their town, and the one hundred rods of land is accordingly granted and confirmed unto them as an equivalent for the aforesaid five hundred acres.

IN COUNCIL : READ AND CONCURRED.

Consented to : W. BURNETT.

A true copy :

Examined by THAD. MASON, *Deputy Sec'ry.*

A true copy :

Examined by BENJA. ROLFE, *Proprietors' Clerk.*

At a meeting [held in the Council Chamber in Boston, the eighteenth day of January, Anno Domini 1725,] of the Committee of the Great and General Court or Assembly, appointed at their session began and held at Boston, upon Wednesday, the third day of November, 1725, Anno y R. Georgii. Mag. Britannia, &c. duodecimo, for bringing forward and settling a tract of land at a place called Penny Cook, on each side of Merrimack river, to begin where Contoo-cook empties itself into Merrimack :

PRESENT,

The Honorable William Tailer, Esqr., Elisha Cook, Esqr., William Dudley, Esqr., John Wainwright, Esq., Capt. John Shipley, Mr. John Saunders, Eleazar Tyng, Esqr., and Mr. Joseph Wilder.

Voted, That John Wainwright, Esq., be Clerk.

difficult to pass. One of our men going over, having a heavy load on his Horse, was thrown off into the River, and lost one of the Baggs of provisions, which we lost, not having time to look after it. Another of our men fell into y^e River. Here we met with two men Col: Tyng sent up before us with some stores, [Benj^a Niccolls and Eben^t Virgin, two of y^e settlers;] and about one a'Clock we passed Penny Cook River, [*alias* Shew Brook or Sow Cook;] pretty deep and very rocky. Here one of our Men tumbled into the River. In a short time after we came up as far as Penny Cook Falls, on Merrimack River, and then we steered our Course North, and travelled over a large pitch pine plain, [indifferent Land,] about three miles at least in Length, and proceeded on our Journey: and about five a'Clock, afternoon, we arrived at Penny Cook, and Encamped on a piece of Intervale Land or plain called Sugar Ball plain, which takes its name from a very high Head or Hill, called Sugar Ball Hill, whereon was the first Indian Fort, as we were informed, which the Indians in old times built to defend themselves from the Maquois and others their Enemies.—Just as we were making up our Camp,

Voted, That a book be bought for entering the votes and orders of the committee, and for the use of the community.

Voted, That the committee meet on Wednesday, the second day of February next, at the house of Mr. Ebenezer Eastman, inn-holder, in Haverhill.

Voted, That the clerk prepare advertisements of the above said meeting of the committee, in the words following, viz. :

“Pursuant to an order of the Great and General Court, or Assembly, at a session began and held at Boston, upon Wednesday, the third day of November, 1725, appointing a committee to bring forward a settlement of a tract of land at a place called Penny Cook —

“PUBLIC NOTICE is hereby given that the said committee have appointed to meet at the house of Mr. Ebenezer Eastman, inn-holder, in Haverhill, on Wednesday, the second day of February next, to treat with a number of persons, petitioners for the said tract of land, and others, in order to bring forward a settlement thereon according to the directions of the General Court.

By order of the Committee,

JOHN WAINWRIGHT, *C. Clerk.*

Dated at Boston, 18th day of Jan'y, 1725.

At a meeting of the committee of the General Court for bringing forward the settlement of a tract of land at Penny Cook, begun and held at the house of Ebenezer Eastman, in Haverhill, the second day of February, 1725 —

Present, John Wainwright, Esqr., Capt. John Shipley, Mr. John Sanders, Eleazar Tyng, Esqr., and Mr. Joseph Wilder.

There being but just a quorum of the committee present, and Mr. Chairman, with the remainder of the committee, being detained on the road by reason of the extremity of the weather,—*Ordered*, That the meeting be adjourned till to-morrow morning, ten o'clock.

there came up a smart Thunder Shower, and we had enough to do to save our Bread from the Rain. This Sugar Ball plain is a pretty large Tract of Land, encompassed on all parts with very high and mountainous Land, as steep as the Roof of an House ordinarily: only where the River runs round it, which encompasses the other parts of it. It is altogether impracticable for a Team, or indeed Horse Cart to get on y^e plains, y^e land is so mountainous round it; and there is no Spring on it, as we could find.

Saturday, May 14th This Morning Early we got together the Surveyors and Chainmen, and set them to Survey the Township according to the General Court's order. M^r Jonas Houghton, Surveyor, with Jonathan Shipley, Josiah Cop, Moses Hazzen and Benja^a Niccolls, Chainmen, being first Sworn truly and faithfully to discharge their respective Duty and Trust in taking the Survey, were sent to run the line of the Township, according to y^e Court's Grant: to begin on y^e East side the River, where Contocook falls into Merrimack. M^r Josiah Bacheldor, Surveyor, with John —, Ens. John Chandler, Chainmen, being first duly sworn, were appointed to Survey the Interval, on the East side of the River; M^r Richard Hazzen, Jun^r, Surveyor, with John Ayer, John Sanders, Jun^r, Chain-

Thursday, Feb'y 3d, 1725. At a meeting of the committee —

PRESENT,

The Honorable William Tailer, Esqr., Elisha Cook, Esqr., John Wainwright, Esqr. Capt. John Shipley, Mr. John Saunders, Eleazar Tyng, Esqr., Spencer Phipps, Esq., and Mr. Joseph Wilder —

Agreed and Voted, That some of the principal inhabitants of the towns to which the generality of the petitioners belong, be desired to attend the committee, and inform them of the circumstances of the petitioners and others, in order to the committee's admitting such of them as shall be thought most suitable for bringing forward the settlement of Penny Cook. Capt. John White, Mr. Obadiah Ayer and Capt. Joshua Bayley, of Haverhill; Capt. Benjamin Stevens, Messrs. John Chandler and John Osgood, of Andover; Messrs. Moses Day and David Kimball, of Bradford, did accordingly attend the committee.

Then the committee adjourned till to-morrow morning, ten o'clock.

Friday, Feb'y 4th, 1725. At a meeting of the committee: Present the same as yesterday.

The committee proceeded to inquire further into the circumstances of the petitioners and others who appeared and were desirous to be admitted to bring forward the intended settlement, and admitted several of them.

Then the committee adjourned till to-morrow morning, ten o'clock.

Saturday, Feb. 5th, 1725. At a meeting of the committee: Present as before. The committee further proceeded to admit settlers, and completed the number according to the order of Court. A list whereof follows, each of whom paid

men, being first duely Sworn, were appointed to survey the Intervale on y^e West side of the River Merrimack, in which Service they severally proceeded. About Twelve of the Clock this day, Mess^{rs} Nath^l Weare, Richard Waldron, Jun^r, and Theadore Atkinson, a Committee appointed by the L^t Gov^r and Council of New Hampshire, came up to our Camp, [being attended with about half a score Irish men, who kept some Distance from the Camp,] and acquainted us that the Governm^t of New Hampshire, being informed of our Business here, had sent them to desire us that we would not proceed in appropriating these Lands to any private or particular persons, for that they lay in their Government; and our Governments making a

twenty shillings to Mr. Chairman, upon their admittance to pay and defray the charge of the committee, viz. :

Zebediah Barker,	Christopher Carlton,	John Mattis,
John Osgood,	John Austin,	William Whittier,
Benjamin Parker,	Samuel Kimball,	Joseph Page,
Moses Day,	Nath ^l Clement,	John Bayley,
John Sanders,	Samuel Ayer,	Joseph Hall,
Robert Kimball,	Joseph Davis,	Benjamin Niccolls,
Nathaniel Abbott,	Nehemiah Heath,	John Jaques,
Stephen Osgood,	Nath ^l Sanders,	Bezaliael Toppan,
John Wright,	Abraham Foster,	Nathaniel Jones,
Ebenezer Stevens,	Nath ^l Barker,	Eben ^r Virgin,
Thomas Page,	Samuel Davis,	Thomas Wicomb,
Robert Peaslee,	Samuel Toppan,	John Peabody,
John Grainger,	Ammi Ruhamah Wise,	Jona. Hubbard, for
Timothy Johnson,	Jonathan Pulsepher,	Daniel Davis,
William White,	John Ayer,	Jacob Eames,
Samuel Reynolds,	Thomas Perley, for	Joshua Bayley,
Nath ^l Lovejoy,	Nath ^l Cogswell,	Richard Coolidge,
John Saunders, jun.,	David Dodge,	Isaac Walker,
John Chandler,	Benja. Carlton,	James Simonds,
Thomas Blanchard,	Nath ^l Page,	John Coggin,
Joseph Parker,	Edward Clark,	Jacob Abbott,
Nathan Parker,	Ephraim Davis,	Moses Hazzen,
John Foster,	Stephen Emerson,	Moses Bordman,
Ephraim Farnum,	Andrew Mitchell,	Nathan Fiske,
Mr. Samuel Phillips,	Benja. Gage,	Zerobabel Snow,
Eben ^r Eastman,	Nath ^l Peaslee,	Nathan Blodgett,
David Kimball,	William Gutterson,	John Pecker,
Nicholas White,	Enoch Coffin,	Richard Hazzen, jr.,
John Merrill,	Richard Urann,	Isaac Learned,
Samuel Grainger,	Ephraim Hildreth,	Jonathan Shipley,
Benja. Stevens, Esqr.,	Thomas Colman,	Edward Winn,
Eben ^r Lovejoy,	David Wood,	Nathan Simonds,
William Barker,	Joseph Hale,	Obadiah Ayer,
James Parker,	Nehemiah Carlton,	Henry Rolfe. 100.

Grant might be attended with very Ill Consequences to the Settlers, when it appeared the Lands fell in New Hampshire Government — and then they delivered a Copy of an order pass'd by th^r Honour, the Lt. Gov^r and Council of New Hampshire, respecting the Setling of the Land at Penny Cook, to which we refer. — We made them answer, That the Government of the Massachusetts Bay had sent us to lay the Lands here into a Township; that they had made a Grant of it to some particular men, and that we should proceed to do the Business we were come upon, and made no doubt but our Govern-

The committee received the following application from the admitted settlers, viz. :

To the Honorable Committee of the General Court, for bringing forward the settlement of Penny Cook.

We, the subscribers, being admitted settlers at Penny Cook, and being very desirous that the settlement may be brought forward with the greatest expedition, according to the rules and directions of the General Court, do therefore request that the community may be notified to appear at the house of Mr. Ebenezer Eastman, in Haverhill, on Monday, the seventh day of this instant, February, at twelve of the clock in said day, in order to make such necessary rules and orders as shall be thought most conducive for the bringing forward our intended settlements, agreeable to the order of Court.

Benjamin Stevens,	Jacob Abbott,	Thomas Page,
Jonathan Hubbard,	John Coggin,	Joseph Page,
Robert Kimball,	Bezaliael Toppan,	Benja. Parker,
Ammi Rhuhamah Wise,	John Jaques,	Samuel Toppan,
Thomas Pearley,	John Peabody,	Nath'l Clement,
Samuel Reynolds,	Nehemiah Heath,	John Mattis,
Ephraim Hildreth,	Benjamin Gage,	Richard Hazzen, jun'r,
John Sanders,	Stephen Emerson,	David Kimball,
Joseph Hale,	Ephraim Farnum,	Moses Hazzen,
Obadiah Ayer,	Nathaniel Page,	Nathaniel Sanders,
John Pecker,	Henry Rolfe,	Edward Winn,
Thomas Wicomb,	William Barker,	Joseph Davis,
Joshua Bayley,	Jacob Eames,	John Foster,
Nathan Blodgett,	William White,	Samuel Davis,
Ebenezer Eastman,	Samuel Kimball,	Ephraim Davis,
Edward Clarke,	Benja. Carlton,	John Merrill,
Thomas Colman,	David Dodge,	Nathan Parker,
Nathan Simonds,	Isaac Walker,	Nath'l Peaslee,
Andrew Mitchell,	Samuel Ayer,	John Chandler,
Enoch Coffin,	John Grainger,	Nicholas White,
James Simonds,	John Osgood,	Nath'l Lovejoy,
Zerobabel Snow,	Nath'l Barker,	Moses Day.
Nehemiah Carlton,	Ebenezer Stevens,	

And the committee having considered thereof, and for the avoiding considerable charge to the settlers, did concede to make the following order, viz. :

ment would be always ready to Support and Justife their own Grants, and that it was the Bisness of the publick and not ours to Engage in, in order to determine any Controversy about the Lands. We sent our Salutes to the Lt Gov^r of New Hampshire, and the Gent^lⁿ took their Leave of us and w^t homeward this afternoon. The Surveyors and Chainmen returned to us in Safety about Sun down. Fair Weather.

Sabbath day, May 15th This day Mr Enoch Coffin, our Chaplain, performed divine Service both parts of the day. Fair and Cool.

At a meeting of the committee for bringing forward the settlement at Penny Cook —

PRESENT,

The Honorable William Tailer, Esq., Elisha Cook, Esq., Spencer Phipps, Esq., John Wainwright, Esq., Capt. John Shipley, Mr. John Saunders, Eleazar Tyng, Esq., and Mr. Joseph Wilder.

Agreed and Voted, That proper notifications be given to the intended settlers now admitted, to assemble and convene in order for the making the necessary rules and orders, and at the time and place as within mentioned and requested.

Attest: JOHN WAINWRIGHT, *C. Clerk.*

Dated at Haverhill, February ye 5th, 1725.

Then the clerk published the said order to the settlers. Then the committee adjourned till Monday, ye 7th curr't, at 10 o'clock before noon.

Monday, February ye 7th, 1725. At a meeting of the committee — present, the same as last.

Agreed and Voted, That there be two surveyors and four chainmen to attend the committee upon the next adjournment, to allot out the said tract of land into one hundred and three equal parts and shares, according to the order of the General Court.

The settlers came into the following orders and rules for their future regulation and proceedings in their intended settlement, viz. :

At a meeting of the subscribers, admitted settlers of the land at Penny Cook, held at the house of Mr. Ebenezer Eastman, in Haverhill, the seventh day of February, 1725, the committee of the General Court for bringing forward the said settlement being present, and the subscribers being duly notified, the following rules and orders were unanimously agreed on and resolved, viz. : That the settlers will well and truly fulfil the conditions and orders of the Great and General Court for bringing forward the settlement at Penny Cook to all intents and purposes; and for the effectual accomplishing the same, it is *agreed and resolved*, That such and so many of the intended settlers as shall fail of plowing, fencing or clearing of one acre of land within twelve months from the first day of June next, shall each of them forfeit and pay to the community or settlers the sum of five pounds, to be used and employed for their service as they shall direct and order.

In case of failure of complying with the aforesaid article for bringing forward the intended settlement within two years from the said first day of June, and of

Monday, May 16th This morning at Sun Rising, according to Notification, we choose a Representative, *nem. con.*, viz^t, M^r Jn^s Sanders. Early this morning the Surveyors and Chainmen went out to their Business respectively. Four of the Company that came out with us returned to Haverhill this day. At night the Surveyors returned. M^r Houghton's Company brought in a Bever. M^r Hazzen's acquainted us they had caught a Hedge Hogg. Fine clear Weather.

Tuesday, May 17th This morning Early M^r Houghton and Company went over to the West side of the River, in order to run the Line of the Town on that side, and took two days' provision. M^r Bacheldor and Company went on with Surveying the Interval on y^e East side of the River. M^r Hazzen and Company went on with Surveying y^e Interval on y^e West side of y^e River. At Night the two last Surveyors and their Companys returned, and gave an acco^t that they had Surveyed the Interval on each side of the River. M^r Bacheldor informed the Committee that he was of opinion that Gov^r Endecott's Grant of 500 Acres of Land claimed by the Hon^{ble} Judge Sewall, lay on y^e Interval on the East side the River; that he discovered an Island in y^e River very much like that in the plan of y^e s^d 500 acre Grant. Fair pleasant Weather.

each settler having a sufficiency of timber felled, hauled, and adapted for building his house within six months after the direction of the committee of the General Court for building the same, such defective settler or settlers shall forfeit and pay the sum of ten pounds each, to be used and employed as aforesaid.

And in case of any settler or settlers failing to comply with the orders and directions enjoined him or them respectively, by the General Court, for bringing forward and effectually completing the settlement within two years and a half from the said first day of June next, such settler or settlers shall absolutely forfeit the lot or lots by him or them drawn, with all the improvements that shall be made thereon to the other settlers; and in such case it shall be in the power of the other settlers, with the consent of the committee of the General Court, to appoint and admit such person or persons to bring forward the settlements or allotments of the deficient persons as aforesaid, as may be judged will effectually bring forward the settlements according to the Court's order.

Agreed and Resolved, That no alienation of any lot shall be made without the consent of the community; and if any of the intended settler or settlers shall alienate his or their lots or settlements, to any person or persons, without the consent of the community first had and obtained, such sale shall be declared void of itself, and the settler that shall so pretend to alienate his lot shall forfeit the same to the community.

Agreed and Voted, That Messrs. Timothy Johnson, Moses Day and Joshua Bayley be a committee, in the name of the settlers, to wait on the Honorable Committee of the General Court for giving out notifications proper for the settlers to assemble and convene for the future, as shall hereafter be thought necessary.

Agreed and Voted, That Mr. Obadiah Ayer be desired and empowered, in the

Wednesday, May y^e 18th This morning Early some of y^e Committee went over to y^e West side of the River with M^r. Hazzen and Company, and some of them with M^r. Batcheldor and Comp^{ts}, to lay out the Home Lotts according to the order of y^e General Court. On y^e West side the Committee and Surveyor met with Great Difficulty to find a tract large enough to lay out the Number of Lotts and their contents agreeable to the Court's Act, but at length agreed they should be lay'd out on the Great Interval, over against Sugar Plain and the Land next adjoining thereto, having first made a Beginning on the Upland next adjoining to the Interval: but found it impracticable if not impossible to lay out the Land there into Six Acre Lotts so as to be fenced and broken up within Three Years: the con-

name of the settlers, to examine the General Court's Records, and see if there be any former grant made of any of the lands now granted and ordered to be settled at Penny Cook, and report to the settlers at their next meeting.

Benjamin Stevens,	John Peabody,	Bezalel Toppan,
Henry Rolfe,	John Sanders,	William Gutterson,
Enoch Coffin,	Benja. Carlton,	Nicholas White,
Edward Clark,	Samuel Kimball,	Thomas Wicomb,
Stephen Osgood,	Andrew Mitchell,	Thomas Page,
Zerubbabel Snow,	Joshua Bayley,	John Grainger,
Timothy Johnson,	Nathan Blodgett,	Nath'l Abbott,
William Barker,	Thomas Blanchard,	Ebenezer Lovejoy,
John Osgood,	James Simonds,	Moses Hazzen,
David Kimball,	Robert Kimball,	Nathan Lovejoy,
Joseph Davis,	Ephraim Farnum,	Nathan Parker,
David Dodge,	Saml. ^{His} × Reynolds,	Joseph Hall,
Ammi Rhuamah Wise,	Richard Hazzen, jun.,	Jonathan Shipley,
John Chandler,	Nath'l Sanders,	Richard Urann,
Moses Day,	Joseph Hale,	Thomas Colman,
Ebenezer Eastman,	Sam'l Grainger,	Joseph Page,
John Pecker,	Edward ^{His} × Winn,	Ebenezer Stevens,
Isaac Walker,	Benjamin Parker,	Nath'l Clement,
John Saunders, junr.,	John Merrill,	John Wright,
Nathan Simonds,	Nath'l Barker,	John Austen,
John Coggin,	Robert Peaslee,	Stephen Emerson,
Obadiah Ayer,	Benja. Gage,	John Jaques,
Nehemiah Carlton,	Abraham ^{His} × Fosters,	William White,
Ephraim Hildreth,	Jonathan Hubbard,	Nath'l Page,
Jacob Eames,	Joseph Parker,	Nath'l Peaslee,
Nehemiah Heath,	John ^{His} × Mattis,	Samuel Ayer.

A true copy of the original. Attest: JOHN WAINWRIGHT, C. Clerk.

Then the committee adjourned till to-morrow morning, ten o'clock.

tents being too large wholly to be lay'd out there. Towards Evening Mr. Houghton and Company returned to y^e Camp from the Line on the West side of the River, and at Evening the other two Surveyors and Comp^a returned. Mr. Bachelder informed they had taken y^e Copy of Gov^r Endicott's Grant, and been upon the Land they supposed to be the Land laid out formerly and Surveyed to satisfie the s^d Grant; that it agreed Exactly with the plan, and consisted principally of Interval Land, and that the Grant extended down the River within Eighty pole of the place where the Irish people had lately built a

Tuesday, February ye 8th, 1725. At a meeting of the committee — present, the same as before.

Mr. Wainwright, clerk to the committee, was sworn to the faithful execution of his office.

Coram : ELISHA COOKE, *J. Pacis.*

A true copy of the original :

Examined by JOHN WAINWRIGHT, *C. Clerk.*

Agreed and Voted, That the committee meet at the house of Col. Tyng, at Dunstable, on Tuesday, the fifth day of April next, in order to proceed to Penny Cook, to lay out the land into lots, according to the Court's order.

Agreed and Voted, That Col. Tyng be desired to prepare fifteen days' provisions for twenty men.

Ordered, That the clerk put up notifications that the committee expect and direct each of the intended settlers to pay into the hands of the committee they have appointed for application for calling of meetings, the sum of forty shillings, for defraying the charge of the committee, the money to be ready at Col. Tyng's, at Dunstable, on or before the fifth day of April next.

Attest : JOHN WAINWRIGHT, *C. Clerk.*

March ye 26th, 1726. Upon advice from Mr. Chairman, that the General Court would sit on the thirteenth of April next, and the committee being members of the Court, notifications were given out that the committee could not meet at the time proposed to go to Penny Cook.

At a meeting of the committee for bringing forward the settlement at Penny Cook, held at the house of Francis Holmes, in Boston, April 14, 1726 :

PRESENT,

The Honorable William Tailer, Esqr., Spencer Phipps, Esqr., William Dudley, Esqr., John Wainwright, Esqr., Capt. John Shipley, Mr. John Sanders, Eleazar Tyng, Esq., and Mr. Joseph Wilder.

Agreed and Voted, That the committee proceed to Haverhill on the second Tuesday of May next, in order to go to Penny Cook to lay out the lots and settlements, agreeable to the General Court's order.

Agreed and Voted, That Mr. Wilder provide one surveyor and Mr. Wainwright provide the other.

Agreed and Voted, That the settlers' committee, viz., Messrs. Timothy Johnson, Moses Day and Joshua Bayley, be desired to notify the settlers to get ready

fort : so that there remained but a small quantity of Interval, which would accommodate not half a score Home Lotts : so they had not laid any Lotts out that side the River. This day, fine pleasant Weather. It may be observed that divers Rattle Snakes were killed dayley by the several Companys in Surveying, but Thanks be to God no Body received any Harm from them.

Thursday, May y^e 19th This Morning the Com^{tee} agreed to send M^r: Houghton and M^r: Hazzen, with y^e Chainmen, (some of the Committee concluding to be with them,) to finish the laying out the Lotts

fifteen days' provision for the committee and their attendants, which will be about twenty persons, with the committee.

Agreed and Voted, That the settlers' committee be desired to notify the settlers that the committee expect and direct each of them to pay forty shillings to their Committee, to be ready at Haverhill on the second Tuesday of May next, which is to defray the charge of the committee, surveyors and chainmen, &c.

Attest : JOHN WAINWRIGHT, *C. Clerk.*

At a meeting of the committee for bringing forward the settlement at Penny Cook, held at Haverhill the tenth day of May, Anno Domini 1726 —

PRESENT,

The Honorable William Tailer, Esqr., John Wainwright, Esqr., Capt. John Shipley, Mr. John Sanders, Eleazar Tyng, Esq., and Mr. Joseph Wilder.

The committee, with the surveyors and chainmen, and a number of the admitted settlers attending them, proceeded to Penny Cook, and laid out one hundred and three home lots or divisions on the west side of the river, in equal proportion, according to quantity and quality, as near as the land would admit thereof, agreeable to the order and last direction of the Great and General Court, and then they returned to Haverhill, to receive the payment of two hundred pounds, to defray the charges of the survey of the town and laying out the home lots, as above said, and the said committee defrayed the said charges accordingly.

The settlers of the township at Penny Cook are hereby notified and warned to assemble and convene at the house of Mr. Francis Crumpton, at Ipswich, on Tuesday, the sixth day of September, at eleven of the clock before noon, to draw their respective lots according to the General Court's order, and raise the sum of one hundred pounds, to defray the charge of laying out a way to the township, and other necessary charges, which may be thought reasonable to be allowed.

By order of the committee :

JOHN WAINWRIGHT, *C. Clerk.*

Boston, August ye 27th, 1726.

At a meeting of the committee for bringing forward the settlement at Penny Cook, held at the house of Mr. Francis Crumpton, at Ipswich, the seventh day of September, Anno Domini 1726 :

PRESENT,

The Honorable William Tailer, Esqr., Spencer Phipps, Esqr., John Wain-

on the West side the River, agreeable to the Court's order. About Six of the Clock Col: Tailer, M: Wainwright and Col: Tyng, with M: Coffin and 13 others, took their Leave of y^e remaining part of the Committee and set out on their Journey back to Haverhill. Cloudy Weather and some small Showers. We baited on the Intervale to the Eastward of Suncook River, a few minutes, and then steered our Course for Amoskeeg Falls, where we arrived about Eleven a'Clock, and found abundance of Irish men catching fish. By the account we could get of them, we supposed they killed in the season Seven or

wright, Esqr., Capt. John Shipley, Mr. John Sanders and Eleazar Tyng, Esqr.

The settlers came into the following orders and rules for the bringing forward and effecting the settlement which the committee received from them, viz. :

At a meeting of the proprietors of the town of Penny Cook, assembled at Ipswich, September ye 7th, 1726 —

Agreed and Voted, That Capt. Benjamin Stevens, Esqr., be and is appointed treasurer, to receive of the Honorable General Court's committee the money which they have received from said admitted settlers, and not expended in defraying their own charges, the said money to be disposed of in marking out and clearing a way to Penny Cook.

Agreed and Voted, That there shall be three men chosen a committee to go out and clear a sufficient cart way to Penny Cook, the nighest and best way they can from Haverhill. For said committee were chosen, Ensn. John Chandler, of Andover; John Ayer, of Haverhill, and Mr. William Barker, of Andover.

Agreed and Voted, That the said committee be paid out of the money which may be in the treasurer's hands, so far as that will go, [for their said service,] the remainder, if any be wanting, to be defrayed by the community.

Agreed and Voted, That Mr. Obadiah Ayer be paid out of the treasury forty shillings, money for his service in searching the province records, in order to find out any former grant of Penny Cook.

Agreed and Voted, That Mr. Obadiah Ayer make application to the Honorable General Court at their next session in behalf of the admitted settlers of Penny Cook, in order to have the five hundred pounds abated, and the five hundred acres, [being an equivalent for Mr. Sewall's farm,] added to said township.

The settlers completed their payment of twenty shillings each, making in the whole the sum of one hundred pounds to Mr. Chairman, inclusive of what orders were given to their treasurer for the delinquents to pay him.

1726.

At a meeting of the committee for bringing forward the settlement at the township lately granted at Penny Cook, held at the Council Chamber in Boston, the third day of January, Anno Domini 1726 :

PRESENT,

The Honorable William Tailer, Esqr., William Dudley, Esqr., John Wainwright, Esqr., Capt. John Shipley, Eleazar Tyng, Esqr., and Mr. Joseph Wilder.

Agreed and Voted, That the charge of the settlers hitherto necessarily arising

Eight hundred Barrells of Shad. After some short tarry we set out for Nutfield, and in our way there we over took abundance of the Irish with loaded horses returning from Amoskeeg, and met a many of them going to the Falls for their Loads. About two a'Clock, afternoon, we arrived at Johny Barr's, at Nutfield, where we refreshed our Selves and our Horses, and made a considerable tarry there, and then sot out for Haverhill. We stoped a little while at Providence Brook, and about Sun down we arrived at M^r. Eastman's in Safety, by Divine protection. M^r. Bacheldor, the Surveyor, came back with us.

for laying out a cart-way from Haverhill to the aforesaid township, &c., and be laid before the committee appointed by the settlers, viz. : Lt. Timothy Johnson and others, for their perusal and examination, and that they report their opinion to Benjamin Stevens, Esqr., of Andover, treasurer to the settlers, what charges ought to be allowed and paid, who is hereby ordered and directed to pay the same accordingly out of the settlers' money in his hands.

Agreed and Voted, That the Honorable William Tailer, Esqr., William Dudley, Esqr., and John Wainwright, Esq., be desired to meet at the dwelling-house of Benjamin Stevens, Esqr., in Andover, on Tuesday, the seventh day of February next, in order to receive of each settler a bond, with sufficient surety, for the sum of five pounds, that so they may draw their respective lots, and proceed on the premises granted, and effectually bring forward the said settlement, according to the grant of the General Court.

Attest: JOHN WAINWRIGHT, *C. Clerk.*

At a meeting of the committee for bringing forward the settlement of the township at Penny Cook, held at Andover, the 7th and 8th of February, 1726 :

PRESENT,

The Honorable William Tailer, Esqr., William Dudley, Esqr., John Wainwright, Esqr., Capt. John Shipley, Mr. John Saunders.

The committee proceeded to take a bond of five pounds from each of the admitted settlers, under hand and seal respectively, for the payment of five hundred pounds for the use of this province, when the General Court shall order the committee to demand the same of them, on penalty of forfeiting their title and interest, &c., in and to the lands respectively, as by the said bonds lodged in the hands of Mr. Chairman, and the clerk may fully appear, reference being thereunto had.

The committee then allowed the settlers to draw their lots, which was accordingly done, as appears by the following list of their names and the lots entered to them :

Enoch Coffin, N. 36, 26.
 John Peabody, N. 37, 27.
 Richard Urann, 42, 6, 3d range.
 Andrew Mitchell, N. 19, 13.
 Mr. Samuel Phillips, N. 25, 38, 2d range.
 Samuel Ayer, N. 5, 9, island range.
 John Grainger, N. 1, 62, 2d range.
 Henry Rolfe, N. 45, 9, 3d range.

The Andover men parted from us after we refreshed our selves at Johny Barr's, at Nutfield.

Friday, May y^e 20th This Morning cloudy, Lowry Weather, and very Sultry hot; Wind Southerly. We sent for M^r. Browne, the Minister of y^e Town, to dine with us. M^r. Bacheldor, the Surveyor, was Employed in making a fair plann of the Interval on y^e East side of the River, which he surveyed.

Saturday, May y^e 21st Fair Weather.

The order of the Council of New-Hampshire, referred to in the foregoing journal, with other proceedings respecting Penacook, will be read with interest in the following documents, viz. :

Extracts from the Message of Lieut. Gov. WENTWORTH to the General Assembly, held at Portsmouth, April 11, 1726.

"The Massachusetts are daily encroaching on us. A late instance we have in voting a Township should be erected and settled at Penacook, which will certainly be in the very bowels of this Province, and which will take in the most valuable part of our Lands.

"I would therefore recommend this matter to your mature consideration; and am persuaded that you will consult such measures that

John Sanders, junr., N. 21, 15.
 Thomas Page, N. 3, 49.
 William Barker, N. 36, 59, 3d range.
 Isaac Walker, N. 28, 33, 2d range.
 Joseph Davis, N. 44, 8, 3d range.
 John Coggin, N. 10, 71, 3d range.
 Benjamin Parker, N. 37, 1, 3d range.
 Edward Clarke, N. 7, 4, island range.
 Stephen Osgood, 8, 3, island range.
 Benjamin Gage, N. 8, 0, lowest range.
 Moses Day, N. 25, 19,
 David Kimball, 24, 18.
 Benjamin Stevens, Esqr., N. 1, 5, island range.
 John Chandler, N. 7, 68, 2d range.
 Ebenezer Virgin, N. 6, 10, island range.
 John Pecker, 23, 17.
 Moses Hazzen, N. 31, 37.
 William Gutterson, N. 27, 21.
 Joseph Hale, N. 29, 45.
 Ephraim Davis, N. 10, 2.
 John Wright, N. 33, 29.
 Jacob Eames, N. 33, 40, 2d range.
 Jacob Abbott, N. 12, 47.
 Christopher Carlton, N. 5, 7.
 Nathaniel Page, N. 34, 28, 2d range.

may be not only serviceable, but for the honour of His Majesty's Province, which I assure you I shall cheerfully embrace.

"I have lately represented this affair to the Lords Commissioners for Trade and Plantations, and have transmitted the best and exactest draught of this Province, Merrimack River and situation of Pennicook to their Lordships, praying their favour in obtaining a settlement of the lines, giving instances where in it highly concerns the interest of the Crown."

The General Assembly, in reply to this part of the Governor's message, say :

"As to the settling the lines between the Governments, we shall take it under our serious consideration."

PRO: OF } *At a Council held at Portsmouth, May 10th, 1726.*
N. HAMP. }

PRESENT,

His Honour JNO: WENTWORTH, Esq., Lt Gov^r

MARK HUNKING, }
GEO: JAFFREY, } Esq^s.
SHAD: WALTON, }

RICH^d WIBIRD,
JOTH: ODIORNE.

It being reported to the board that in Pursuance of a late vote of the Gen^l Assembly of the Province of Mass^t sundry persons are going or gone to lay out and take possession of and settle upon some of

Samuel Kimball, N. 18, 103, 2d range.
Nathan Simonds, N. 31, 31, 2d range.
David Dodge, N. 4, 48.
Robert Peaslee, N. 26, 20.
Richard Coolidge, right drawn by Sam'l Jones, N. 39, 3, 3d range.
Thomas Wicomb, N. 14, 55, 2d range.
Robert Kimball, N. 43, 7, 3d range.
John Saunders, N. 13, 54, 2d range.
Nathaniel Clement, N. 6, lowest range.
Ebenezer Lovejoy, N. 4, 8, island range.
John Osgood, N. 11, lowest range.
Zerobbabel Snow, N. 35, 61, 3d range.
Ebenezer Eastman, N. 9, 70, 2d range.
Jonathan Shipley, N. 5, 66, 2d range.
John Austin, N. 7, 5.
Edward Winn, N. 34, 25.
Ebenezer Stevens, N. 17, 58, 2d range.
Joseph Page, N. 29, 32, 2d range.
Samuel Davis, N. 46, 10, 3d range.
Ephraim Hildreth, N. 10, lowest range.
James Parker, N. 28, 22.
Nathan Lovejoy, N. 22, 16.
Samuel Reynolds, N. 16, 10.
John Foster, N. 20, 14.

his Majesty's lands within the limits of this Province, at or near a Place called Pennecook, without the consent of this Govern^t for so doing; which is not only unneighborly, but unjustifiable, and has a tendency to the destroying the mast trees fit for His Majesty's service that may be growing thereon; which the Lieu^t Gov^t and Council in faithfulness to His Majesty, and in discharge of the trust reposed in them, cannot pass by without bearing testimony against: It is therefore

Ordered, That a Committee in behalf of this Govern^t, viz.: Messrs. Nath^l Weare, Theo^d Atkinson and Richard Waldron, jun., immediately repair to s^d Pennecook, and forewarn any persons whom they may find there or thereat from laying out, taking possession of, or settling at or near the place called Pennecook, or presuming to appropriate any other of His Majesty's lands within this Province, till they shall have the countenance and grant of this Govern^t for so

James Simonds, N. 41, 5, 3d range.
 Joseph Parker, N. 24, 39, 2d range.
 Nathan Fisk's right drawn by Zech. Chandler, N. 4, 65, 2d range.
 Zebediah Barker's right drawn by Edw'd Abbott, N. 16, 57, 2d range.
 John Bayley's right drawn by Samuel White, N. 14, 8.
 William Whittier, N. 6, 6.
 Joshua Bayley, N. 33, 24.
 Ammi Rhuhamah Wise, N. 26, 35, 2d range.
 William White, N. 7, lowest range.
 Nathaniel Peaslee, N. 1, lowest range.
 Thomas Colman, N. 8, 4.
 John Jaques, N. 17, 11.
 Obadiah Ayer, N. 5, lowest range.
 Abraham Foster, N. 3, 64, 2d range.
 John Mattis, N. 20, 43, 2d range.
 John Merrill, N. 27, 34, 2d range.
 Thos. Pearley, for Nath'l Cogswell, N. 38, 2, 3d range.
 David Wood, No. 9, 2, island range.
 Nathaniel Abbott, N. 12, 53, 2d range.
 John Ayer, N. 2, 6, island range.
 Nathan Blodgett, N. 15, 56, 2d range.
 Benja. Carlton, N. 18, 12.
 Jona. Hubbard, for Daniel Davis, N. 30, 36.
 Ephraim Farnum, N. 15, 9.
 Stephen Emerson, N. 9, 3.
 Timothy Johnson, N. 10, 1, island range.
 Nath'l Barker's right drawn by Solomon Martin, N. 19, 44, 2d r.
 Nehemiah Heath, N. 3, 7, island range.
 Nathaniel Sanders, N. 32, 30, 2d range.
 Nathaniel Jones, N. 6, 67, 2d range.
 Samuel Grainger, N. 22, 41, 2d range.
 Thomas Blanchard, N. 21, 42, 2d range.

doing; and to direct them in an amicable way forthwith to withdraw themselves from the s^d land, and their Pretensions to it by virtue of the aforesaid vote of the Gen^l Assembly of the Massachusetts.

R. WALDRON, *Clerk Couns.*

In obedience to an order of His Hon., the Lieu^t Gov^r, and the Hon^{ble} the Council, made the 10th Instant, appointing us a Committee, with directions to repair immediately to Pennecook and forewarn any persons whom we might find there from laying out or settling upon that place or any other of His Majesty's lands within this Govern^t, as by the s^d order will more at large and fully appear. We have been at s^d Pennecook, where we found his Hon., Col^o Will. Tailer, Esq., Jn^o Wainwright, Esq., and Col^o Elea^r Tyng, Esq., with sundry others, (mostly unknown to us,) to the number of near forty men, who were felling the trees and laying out the lands there: Whereupon we presented them with the order of Court aforesaid, and assured them that their proceedings were highly displeasing to the Government which sent us thither, and that their persisting

Nicholas White, N. 3, lowest range.
 Jonathan Pulsepher, N. 4, lowest range.
 Richard Hazzen, junr., N. 9, lowest range.
 Samuel Toppan, N. 2, 63, 2d range.
 Moses Bordman, right drawn by Josiah Jones, N. 32, 23.
 Bezaliel Toppan, N. 11, 52, 2d range.
 Thomas Learned, N. 40, 4, 3d range.
 Joseph Hall, N. 2, lowest range.
 Nehemiah Carlton, N. 13, 46.
 Benja. Niccols, N. 11, 1.
 Minister's lot, N. 1, 51
 Ministerial lot, N. 2, 50.
 School lot, N. 11, 60.
 N. Parker, N. 8, 69, 2d range.

Lots in number, 103.

The settlers came into the following orders, votes and rules, for the more speedy bringing forward and securely effecting the settlement, which were presented to the committee for their consideration, and allowed and approved of by them.

At a general meeting of the intended settlers of a tract of land called Penny Cook, held at Andover the eighth day of February, Anno Domini 1726,

Agreed and Voted, That a block house of twenty-five feet in breadth and forty feet in length, be built at Penny Cook for the security of the settlers.

Agreed and Voted, That John Chandler, Moses Hazzen, Nehemiah Carlton, Nathan Simonds and Ebenezer Stevens, be a committee, and they are hereby empowered to build, either by themselves, or to agree with workmen to build, a block house of twenty-five feet in breadth, and forty feet in length, as in their judgment shall be most for the security of the settlers.

Agreed and Voted, That Benjamin Stevens, Esq., be treasurer for the settlers.

therein would be at their peril; for that they might depend upon it when the controversial boundary between the two Provinces should be determined, the poor misled people who might be induced to settle there under the colour of a Mass. Grant would be dispossessed of the said lands, or suffer some other inconveniences equally grievous, and that the message on which we were sent, and the fair forewarning they had by us, would take away all occasions of complaint when they should be compelled to leave the s^d lands and lose the benefit of their improvement.

To which the gentlemen above named were pleased to reply, that as we were sent by the Govern^t of N. Hampshire, so were they by the Govern^t of Mass., and that when they returned home they shall lay before their Gen. Assembly the order of Coun. which we had delivered them, who without doubt would pass thereon, as they, the said Gen^l Assembly, should think proper.

NATH^l WEARE,
RICH^d WALDRON,
THEODORE ATKINSON.*

Dated at Portsmouth, the 18th May, 1726.

On the 28th June, 1726, Mr. Dummer, agent in London, was instructed by the government of Massachusetts "to take care and answer any complaint" that New-Hampshire might send home against the grant of Penacook, lately made; and he was furnished

Agreed and Voted, That Timothy Johnson, John Osgood and Moses Day, be chosen, appointed and empowered to examine the charges that shall arise in building a block house at the place called Penny Cook, or any other charges that shall arise in the bringing forward the settlement, and to allow, as in their judgment shall be just and equal, and also to draw money out of the treasury for the defraying of said charges.

Agreed and Voted, That the sum of one hundred pounds be raised and paid by the settlers into the hands of Benjamin Stevens, Esqr., treasurer for defraying the charges that are past, or that shall necessarily arise in bringing forward the intended settlement, to be paid in to said Benja. Stevens, Esqr., by the first day of March next, in equal proportion.

Enoch Coffin dissented.

Agreed and Voted, That a committee of five persons on oath, three whereof to be a quorum, be chosen out of the number of the intended settlers, to lay out the remaining part of the interval at the place called Penny Cook, that is not yet laid out, so that the whole of the interval already laid out, or to be laid out to the settlers, shall be equal in quantity and quality.

Agreed and Voted, That John Chandler, Henry Rolfe, William White, Richard Hazzen, junr., and John Osgood, be a committee, chosen and empowered to lay out the interval at the place called Penny Cook, that is not yet laid out, so

* Documents for Chap. III., No. 2 — "Expenses," &c.

with the necessary papers. And, on the 8th of August, Mr. Henry Newman, agent of New-Hampshire, addressed the following letter

To the Right Honorable, the Lords Commrs of Trade and Plantations.

MAY IT PLEASE YOUR LORDSHIPS :

I have just now received Letters from New-Hampshire complaining of the encroachment of the Massachusetts Province, by selling, granting and laying out great quantities of land near the centre of the Province of New-Hampshire, at a place called Pennecook.

I have some time since lodged in the Council Office, to be laid before his Majesty, a Memorial, requesting that the boundaries of these Provinces may be settled, so as to prevent any future disputes between their respective governments, which I presume will be referred to your Lordships ; but as that may require time to be considered, I humbly beg your Lordships would be pleased, in the meanwhile, to interpose your authority for securing his Majesty's interest in the Province of New Hampshire, from any detriment by the grants already made, and for suspending all grants of land on or near the boundaries in dispute, till his Majesty's pleasure therein shall be known.

I am, with the greatest respect,
Your Lordship's most obedient,
Humble servant,

Middle Temple,
8th August, 1726.*

HENRY NEWMAN.

that the whole of the interval already laid out or to be laid out to the settlers shall be equally divided among them as to quantity and quality.

Agreed, That Jonathan Hubbard be admitted a settler in place of Daniel Davis, who was admitted a settler of Penny Cook by the Honorable General Court's Committee, appointed to admit persons to settle Penny Cook.

Agreed and Voted, That three pence per tail for every rattlesnake's tail, the rattlesnake being killed within the bounds of the township granted at Penny Cook, be paid by the intended settlers ; the money to be paid by the settlers' treasurer, upon sight of the tail.

By the Committee of the General Court—*Agreed and Voted*, That Mr. Richard Hazzen, junr., be desired to draw a plan of the township of Penny Cook, at the charge of the settlers, to be annexed to the town's book, for the use thereof.

The committee adjusted the accounts of the sum of four hundred pounds they received of the settlers, the balance of which, being forty-nine shillings and five pence, was lodged in the hands of the clerk.

Agreed and Voted, That the settlers petition to the General Court about settling on the west side, founded on the report of the committee with the order of Court thereon, allowing their settlement on the west side of the river to be recorded, which is in the words following :

The committee appointed by the Great and General Court, in their session

*From the original in the Secretary's office.

At a meeting held at Ipswich, on the 9th of September, 1726, Ens. John Chandler, John Ayer and William Barker were chosen a committee of the proprietors "to go out and clear a sufficient cart-way to Penny Cook — the nighest and best way they can from Haverhill." Richard Hazzen, also, was one who went "to search out a way from the place where Chester meeting-house stands to Penny Cook, and mark the same." This way was partly cleared during the fall, and, according to tradition, several persons, among whom were Henry Rolfe and Richard Urann, passed the winter of 1726 in the settlement — suffering severely from the cold, and for want of suitable provisions; and that they were relieved by the aid of friendly Indians who still dwelt there.

In January, 1726, (the reader will bear in mind that this is old style — the year then commencing the 25th of March,) the committee of the Court, having taken a bond of five pounds from each of the admitted settlers for their lots, to be paid on demand,

begun and held in November last, to bring forward a settlement and admit one hundred persons therein on a tract of land lying on Merrimack river, at a place there known by the name of Penny Cook, and having given sufficient notice for any persons that were ready and would engage in the settlement, to meet the committee at Haverhill, the first week in February last. The committee at that time and place admitted one hundred persons or grantees into the said tract or grant, giving preference to the petitioners that appeared to us the most suitable therefor. And in May last we proceeded to the place, in order to lay out the whole township, and the lots directed in the order of the General Court, beginning at the mouth of Contoocook river, where that joins Merrimack river, and thence run a line east seventeen degrees north, three miles, and upon a course west seventeen degrees south, four miles, and so at right angles at the extremes of each of the aforesaid lines, seven miles southerly each, and thence from the termination of the seven miles which complete the grant, and is according thereto; and upon view and strict survey of the lands on the east side of Merrimack, we find that there is little or no water, the land near the river extreme mountainous and almost impassable, and very unfit for and incapable of receiving fifty families, as the Court has ordered; more especially considering that near the centre of the town on the east side of the river Merrimack the Honorable Samuel Sewall, Esqr., has a farm of five hundred acres of good land, formerly granted by this Court, and laid out to Gov'r Endicott. The committee, therefore, with submission to the Honorable General Court, thought it advisable, and accordingly have laid out one hundred and three lots of land for settlements on the west side, contiguous to each other, regularly, and in a defensible manner, as by the plat of them and of the whole grant, [which is hereby presented,] will appear; and inasmuch as the generality of the land answers not the grantees'

then allowed the settlers to draw their lots, which resulted as stated in the list presented above in the records. The figures represent the house and six acre home lots. Thus — “ Enoch Coffin, N. 36, 26,” means that Enoch Coffin drew house lot number thirty-six, and home lot — six acres — number twenty-six. All the house and home lots recorded in the list were on the *west side* of the river. By reference to the map at the close of this chapter — drawn from original plans, and carefully arranged by STEPHEN C. BADGER, Esq. — the primitive house and home lots may be identified, and their exact location determined. The ranges — such as “ 2d range,” “ Island range,” “ 3d range,” “ Lowest range,” &c. — are explained on the map.

1727.

The lots being drawn, the proprietors, at a meeting in Andover, on the 8th of February, 1726, voted to build a block-

expectation, and five hundred acres laid out as aforesaid, humbly offer that the like number of acres of the unappropriated lands adjacent to the township may be made to the settlers as an equivalent therefor.

All which is humbly submitted.

Signed by order of the Committee,

WM. TAILER.

In Council, June 15th, 1726. Read and sent down.

In the House of Representatives, June 15th, 1726. Read and ordered, That this report be so far accepted as that the settlers or grantees be and hereby are empowered and allowed to make their settlements on the western side of the river Merrimack, according as it is proposed in the said report, and projected in and by the said plan; the former order of Court notwithstanding, and the said committee are directed to proceed accordingly.

Sent up for concurrence.

WM. DUDLEY, *Speak'r.*

In Council, June 24th, 1726. Read and concurred.

J. WILLARD, *Sec'ry.*

Consented to :

WM. DUMMER.

A copy from file composed and examined from the original.

By J. WILLARD, *Sec'ry.*

A true copy. Examined by

JOHN WAINWRIGHT, *C. Clerk.*

Attest :

JOHN WAINWRIGHT, *C. Clerk.*

1727.

PROVINCE OF THE MASSACHUSETTS BAY.

To JOHN WAINWRIGHT, *Esq., Clerk to the Committee for bringing forward the settlement at Penny Cook :*

At the desire of the admitted settlers of the said town, these are to empower and direct you to set up a notification in the towns of Andover, Bradford and

house, twenty-five feet in breadth and forty feet in length, which should serve the double purpose of a fort and a meeting-house. Then, to meet and defray all expenses as they went along — or, rather, in *advance*, — they agreed to raise and pay into the hands of their Treasurer, Benjamin Stephens, Esq., the sum of one hundred pounds by the first day of March, in equal proportion; chose a committee to lay out the remainder of the interval “that is not yet laid out” — including all on the east side, and a portion also on the west side. In the records this is called “*The Second Division of Intervale at Penny Cook.*”^{*} This division was surveyed and laid out in May, 1727, by Richard Hazzen, Jr., surveyor, and was accepted by the Court’s committee in the following March. The division on the east side comprised

Twenty-four lots on the Mill Brook Interval, first range;

Twelve lots on the Mill Brook Interval, second range;

Sixteen lots on the Sugar Ball Plain;

Twenty-eight lots on the Middle Plain;

“Which lots were numbered from the upper end *down* Merrimack river.”

Haverhill, warning them to assemble and convene at the house of John Griffin, in Bradford, inn-holder, on Wednesday, the sixth day of March next, at ten of the clock before noon, then and there to receive the return of the committee of the settlers to lay out a way, &c., from Haverhill to Penny Cook, and to settle accounts with the treasurer, and to take effectual measures to oblige any settlers to pay the arrears of any former grants of money for the bringing forward the settlement, if any such there be, and generally empowering the settlers at said anniversary meeting to come into such good and wholesome rules, votes and orders for the speedy and effectual settlement of the said town, agreeable to the conditions of the grant thereof from the General Court, as they may then judge proper and necessary: — provided there be two at least of the General Court’s committee present at the said meeting, and approving of the votes the settlers shall then pass before they are entered in the town book.

Given under our hands at Boston, the twenty-sixth day of January, Anno Domini 1727.

WM. TAILER,
SPEN’R PHIPPS,
WM. DUDLEY,
JOHN WAINWRIGHT,
ELEAZAR TYNG.

[The meeting of the admitted settlers was held at the house of John Griffin, in Bradford, agreeable to notification, March 6, 1727.]

^{*} See Records, Mar. 7, 1727–8, and explanation at the close of this chapter.

The division of the *Lowest Interval*, on the east side, in which the "lots were numbered from the town line *up* Merrimack river, consisted of thirty-one lots, with a drift-way of three rods wide through the westerly end of the thirty-first lot.

In the same "Second Division" were included seventeen lots on "Rattle-snake Plains," numbered *up* the river; sixteen lots at "Frogg Ponds," together with lots to several individuals, as appears in the record. No plan being found of the lots in the Second Division, they cannot easily, if at all, be identified. By reference to the annexed list the quantity of lands and their locality, as designated by particular names, may be seen.

The section called "Rattle-snake Plains" included the interval lands from "Farnum's Eddy," so called, to the hills and bluffs which border the river, north-east of West Parish village. The

Agreed and Voted, That Solomon Martin be admitted a settler in the place of Nathaniel Barker's right, who, refusing to pay his proportionable charge, the same was paid by the said Solomon Martin to the treasurer, the 8th of Feb'y last.

Agreed and Voted, That the sum of twenty-six pounds be allowed and paid out of the settlers' treasury to the persons to whom the same is respectively due, to discharge the account of laying out the second division of interval.

Agreed and Voted, That the sum of one hundred and thirteen pounds seventeen shillings be allowed and paid out of the treasury to the persons to whom the same is respectively due, for building the block house, making canoes, &c., in full discharge of said accounts.

Agreed and Voted, That Ebenezer Eastman, Joseph Hall and Abraham Foster be a committee appointed and empowered to amend the new way to Penny Cook from Haverhill, and to fence in all the first division of interval,—the said fence to begin at the corner of John Peabody's house lot next the river, and so to run along the foot of the home lots to Horse Shoe Pond, where a gate is to hang; then to begin at the corner of David Wood's house-lot by the pond, and thence to the upper end of Walter Nummons' field, along by the hill side, and there hang a gate, or leave a pair of bars,—each proprietor to have liberty to fence in his proportion, or else to pay the committee for doing it,—which fence shall be erected and finished by the last day of May next. The eleven lots in the lowest interval are excepted out of this vote, and any person who neglects to make up his proportion of fence by the aforesaid time, he shall pay ten shillings per day to the committee who makes it up.

Agreed and Voted, That the committee aforesaid shall set out each settler's proportion of fence by the middle of May next.

Agreed and Voted, That Messrs. Joseph Hall and John Pecker be a committee empowered to agree with a minister to preach at Penny Cook the year ensuing, to begin the service from the fifteenth day of May next. The said committee are directed to act with all prudence, and not assure the gentleman

hill west of this interval was formerly called Rattle-snake Hill — now more commonly known as Granite Hill. Three pence *per tail* was offered as a reward by the settlers for every rattle-snake's tail that should be killed within bounds of the township — to be paid “upon sight of the tail.”

Richard Hazzen, Jr., who surveyed the “Second Division,” was desired by the committee of the General Court “to draw a plan of the Township of Penny Cook, at the charge of the settlers, to be annexed to the Town's Book;” but no such plan is now to be found. The tradition is, that he drew the plan, but, on account of some misunderstanding about the pay for it, he burnt it up. In a deposition given by Mr. Hazzen, in 1752, he says — “That during the time he was laying out said lots there was constantly near fifty of the Proprietors of said Plantation at work, or persons whom they hired, as he understood

more than after the rate of one hundred pounds per annum for his services, and to make report of their proceedings to the settlers.

Agreed and Voted, That the sum of one hundred pounds be forthwith raised on the settlers in equal proportion, and put into the hands of the treasurer for defraying the necessary charges that have already arisen, or which shall hereafter arise for effecting the settlement.

Adjourned to three o'clock, post meridian.

Agreed and Voted, That Ebenezer Stevens, Moses Hazzen, John Coggin and Benjamin Carlton, be, and are hereby empowered, appointed and chosen collectors, to demand and receive of the settlers respectively, as soon as may be, all such sum and sums as have been raised on said settlers and not paid by them or any of them, according to the grants for raising the money; and the said collector or collectors are hereby constituted and appointed attorney or attorneys respectively, if need be, in the name and behalf and for the use of the settlers, to sue for and recover in the law the sum or sums raised on any settler or settlers as aforesaid, who shall neglect to pay the same; and the said collectors are directed to pay the money they collect unto the treasurer, the charge of collection to be paid by the settlers.

Agreed and Voted, That Deacon John Osgood be chosen treasurer, and is hereby empowered to adjust accounts with Benjamin Stevens, Esqr., the former treasurer, and receive of him any money which he has received of any settler or settlers, and not yet paid out.

Agreed and Voted, To pay Deacon Osgood and Capt. Rolfe, out of the treasury, twenty shillings for the charge in preferring a petition to the General Court in behalf of settlers.

Agreed and Voted, That the treasurer be empowered and directed to pay to John Wainwright, Esqr., clerk to the committee, according to law, for recording all the votes of this present meeting, upon his certificate of the charge.

from them. Some were building the Meeting House; some were clearing and fencing in their lots, and others were plowing up their land: and that Ebenezer Eastman, one of the Proprietors, worked constantly in said Plantation during the whole time he was there, laying out lands." According to tradition, Ebenezer Eastman's team—six yoke of oxen, with a cart—was the *first* that crossed the wilderness from Haverhill to Penacook. It was driven by *Jacob Shute*, who, in order to get safely down Sugar Ball bank, felled a pine tree and chained it, top foremost, to his cart, to stay the motion of it down the precipice.*

While the proprietors of Penacook were thus vigorously bringing forward their plantation, under the auspices of the Great and General Court of Massachusetts, the government of New-Hampshire, on the 20th of May, 1727, made a grant to Jonathan Wiggin and others, of the tract comprised within the following

The consideration of the ferry and mills is referred to the adjournment of this meeting.

Agreed and Voted, That the treasurer be directed to pay to John Wainwright, Esq., for his service and expense in attending at the meeting of the Penny Cook settlers, according to the usual custom.

Agreed and Voted, That the treasurer be directed and empowered to pay Mr. John Sanders fifteen shillings, for his service and expense in attending on the present meeting.

A copy of the Settlers' Discharge to the General Court's Committee for the first four hundred pounds.

Received of John Wainwright, Esqr., clerk to the committee of the General Court, appointed to bring forward the settlement of Penny Cook, March 7th, 1727, the sum of two pounds, nine shillings and five pence, being the balance of an account of four hundred pounds paid by the said settlers of Penny Cook at sundry times to the said committee, which account was adjusted at a meeting of the settlers, held at Andover, the 8th of February, 1726, and the said balance was then lodged in the said Wainwright's hands, as appears by the Penny Cook book.

£2, 9, 6.

JOHN OSGOOD, *Treas'r to ye Settlers.*

A true copy of the original receipt.

Attest: JOHN WAINWRIGHT, *C. Clerk.*

This meeting is adjourned to Wednesday, the fifteenth of May next, at ten o'clock, to be held at the block house in Penny Cook.

Attest: JOHN WAINWRIGHT, *C. Clerk.*

*See further notice of Jacob Shute in Biographical Chapter.

bounds, viz.: "Beginning on the south-east side of the town of Chichester, and running nine miles by Chichester and Canterbury, and carrying that breadth of nine miles from each of the aforesaid towns, south-west, until the full complement of eighty-one square miles are fully made up." This grant, covering the greater part, both of Concord and Pembroke, and a part of Hopkinton, gave rise to a vexatious controversy between the claimants under each grant, which was continued from 1750 till 1762, of which we shall speak in full hereafter.

Robert Bradley, Esq., of Fryeburg, relates that his grandfather, Samuel Ayer, when a young man of eighteen years of age, drove a team of six or ten pairs of oxen from Haverhill to Penacook, with a barrel of pork; that on reaching Sugar Ball hill, he took off all but the hind team, and let the cart down the hill by fastening to it a pine tree, which was cut down and

At a meeting of the admitted settlers to bring forward the settlement of the township of Penny Cook, began and held at the house of John Griffin, innholder, in Bradford, the 6th day of March, Anno Domini 1727, and from thence continued by adjournment to Wednesday, the fifteenth day of May, then next following, at ten of the clock, and held at the block house in Penny Cook — Capt. Henry Rolfe, moderator, being present,

Voted, That Capt. Henry Rolfe, Messrs. Ebenezer Eastman and James Mitchell be a committee to agree with some person or persons to build a saw mill at Penny Cook, at some suitable place for a mill, and to oblige the persons who shall build the same to supply the town with good merchantable boards of yellow pine at thirty shillings per thousand, and good merchantable white pine boards at forty shillings per thousand, — or else to saw of each sort to the halves; the said mill to be ready to go and cut within six months; and to agree with some person or persons to erect and build a grist mill at Penny Cook, in some place convenient for the same, and to oblige the persons with whom they shall agree, to grind the town's corn of all sorts, well and free from grit, for the usual toll; said mill to be ready to go and grind within one year from this day, or as much sooner as they can. The said committee are to indent and agree with persons to build said mills upon the conditions following, viz.: That as soon as said mills are built, fifty pounds in bills of credit shall be paid by the community to the builders of the saw mill, and fifty pounds more to the builders of the grist mill; and, secondly, to lay out fifty acres of land to the said saw mill, as convenient as may be, and also fifty acres more to the said grist mill, to be laid out as convenient as may be. And lastly, that the persons that shall build said mills shall be entitled to the said lands and also the stream or streams upon which the said mills shall stand and be, so long as they are kept in good repair, and the end and design of the town in having said mills built answered. And in case the said committee cannot find persons that will undertake to build the

trimmed so that the sharp and stubby limbs dragging behind would retard the motion of the cart. In swimming the oxen across the river to the west side, one ox was drowned, but was immediately dressed for beef. Young Ayer is supposed to be the first person who ploughed a field in Penacook. He started, on his return to Haverhill, at sunrise, and did not arrive there till midnight. It is conceded that Ebenezer Eastman's family was the first that settled in Penacook in 1727.

The proprietors were exact in requiring each one to bear his part of expenses, as they were incurred; and in case of refusing to do this, the right to a settlement was forfeited. Hence Solomon Martin was admitted a settler in place of Nathaniel Barker; and, subsequently, (1730,) William Witcher, Nathaniel Sanders, Thomas Coleman and Thomas Wicombe, forfeited their rights, and their lots were taken by Joseph Gerrish, Henry

said mills as aforesaid, then they are desired to proceed and build the said mills at the cost and charge of the community, as soon as may be, not exceeding the time above-mentioned.

Agreed, That the undertakers to build the saw mill and grist mill shall be entitled to said lands of fifty acres to each mill, and the stream or streams, in case the mills are built as aforesaid and providentially consumed, that then notwithstanding, the builder or builders shall be entitled to the stream or streams, or lands.

Agreed upon and Voted, That Mr. Ebenezer Eastman, Mr. Abraham Foster and Mr. Joseph Hall shall be a committee to agree with some suitable person to keep a ferry on Merrimack river at Penny Cook, in the most convenient place they can find for that purpose; and that they lay out and clear the best way they can to the ferry place, and after they have stated the place where the said ferry shall be kept, that the ferry-men shall have and receive the prices following, viz.: For ferrage of each man and horse, six pence; for each horned beast, four pence; and this establishment to remain and be in force for six years.

Agreed upon and Voted, That Capt. Henry Rolfe, Mr. Ebenezer Eastman and James Mitchell be empowered to exchange Samuel Jones's house lot to some more convenient place, there being no conveniency for water where the lot is now laid.

Agreed upon and Voted, That this meeting be adjourned to the house of Mr. Griffin, in Bradford, on the last Tuesday of October next, at nine of the clock in the forenoon.

HENRY ROLFE, *Moderator.*

A true copy — Attest:

JOHN WAINWRIGHT, *C. Clerk.*

Rolfe, Esq., Nathan Webster and Joseph Parker — they paying, severally, five pounds for said lots.*

1728.

The spring of 1728 opened upon the new plantation with most favorable auspices. Eager to fulfil the conditions of their grant, and to become settled in their chosen home, a large number of the proprietors were early engaged in building houses; clearing, fencing and plowing their lands. The block, or meeting-house, was finished; canoes constructed for navigating the river; the new-way to Pennycook from Haverhill was improved, and the First Division of interval ordered to be completely fenced by the last of May. Messrs. Joseph Hale and John Pecker were chosen a committee to agree with a minister to preach at Pennycook — to begin the 15th of May, — but they were not to

1728.

ANDOVER, December the 10th, 1728.

To the Honorable Committee for Penny Cook :

Whereas those men which have been empowered for building the meeting-house at Penny Cook, and laying out land, are kept out of their money, are in want of it, and they can't come at it :

We, the subscribers, humbly pray that a meeting be appointed for the community and society of Penny Cook, to consult some way and method how every man may come by his just dues, and also to see if they can come into some way and method to preserve their corn,— we received great damage the last year in our corn for want of fence,— and also to see whether those men that first went to wait upon the Honorable Committee to Penny Cook may have allowance for their service therein, and to do such other matters as may be thought necessary for the interest of the settlers.

TIMOTHY JOHNSON,	JOHN FOSTER,
JOHN CHANDLER,	JOHN OSGOOD,
WILLIAM BARKER,	ABRAHAM FOSTER,
EBENEZER STEVENS,	JOSEPH ABBOTT.

Due notification being issued upon this petition, 1729, N. S.

At a meeting of the settlers of Penny Cook, regularly assembled at Andover, the 8th day of January, Anno Domini 1728, at the said meeting were present the Honorable William Tailer, Esqr., John Wainwright, Esqr., and Mr. John Saunders, of the General Court's Committee.

Voted, That Ens'n John Chandler be moderator of this meeting.

Voted, That Benja. Stevens, Esq., be chosen and empowered to prefer a petition to the Honorable General Court in behalf of the settlers of Penny Cook,

* See Document for Chap. III., No. 3.

“assure the gentleman more than after the rate of one hundred pounds per annum for his service.”

In answer to a petition presented by John Osgood, in behalf of the settlers,—praying that an allowance might be made them for the five hundred acres formerly laid out to the right of Gov. Endicott—the General Court, on the 6th of August, this year, authorized them “to extend the south bounds of the township one hundred rods, the full breadth of their town,” and the same was confirmed to them as an “equivalent for the afore-said five hundred acres.”

Arrangements were also made for building a saw-mill within six months, a grist-mill within one year, and to establish a ferry at the most convenient place. The first *grist-mill* stood at or near the bark-mill now owned by Robinson & Morrill, in the East Village, and the *saw-mill*, on the same stream, about half a mile above. The mill-crank was brought upon a horse from Ha-

that they will be pleased to declare the said township to lie in the county of Essex, or some county.

Voted, That the sum of six pounds be allowed and paid out of the settlers' treasury to the Honorable Col. Taler, and Col. Wainwright, Esqrs., for their service in the Penny Cook affair, January 8th, 1728-9, and Deacon John Osgood, the present treasurer, is directed to pay the same accordingly.

Voted, That the meeting be adjourned to the house of Mr. John Griffin, in Bradford, to Wednesday, the twelfth day of March next, at nine of the clock before noon.

Attest : JOHN WAINWRIGHT, *C. Clerk.*

Upon adjournment on the twelfth day of March, 1728, the proprietors and settlers of the lands called Penny Cook met at the house of Mr. John Griffin, in Bradford, and the moderator, Ensign John Chandler, opened the meeting.

Voted, That a good and substantial fence, according to law, be made, so as to enclose the great interval, and secure the corn and mowing grass from the encroachment of cattle, horses, &c., and that the said fence be made at the charge of the proprietors in said field in equal shares or parts, except Mr. John Ayer, who is excused for that he has no improvable land on the west side of the river, and that the said fence be made up and finished, completely finished, on or before the fifteenth day of May next.

Voted, That Messrs. Ebenezer Eastman, Ebenezer Stevens, John Chandler, John Pecker and Nathan Simonds, be a committee to view the fence and see that the same be made sufficient, according to law, and maintained accordingly ; and in case any one shall refuse to make and maintain his part of the fence, it shall and may be in the power of the committee to hire the fence made at the

verhill. Soon after commencing operations the crank was broken. How to remedy the evil they knew not, as there was no blacksmith nearer than Haverhill. One of the men, who had once been in a blacksmith's shop and seen them work, undertook to mend it. Collecting together a quantity of pitch-pine knots for a fire, they fastened the crank with beetle rings and wedges, and then welded the disjointed parts. The crank was afterwards used many years. For the grist-mill fifty pounds were allowed, and fifty acres of land granted to Nathan Symonds, as near to the mill as was convenient.

1729-1730.

It appears from the records that Rev. Bazaleel Toppan and Rev. Enoch Coffin, both of whom were proprietors, had been employed to preach to the settlers. The first was allowed and paid thirty shillings in full discharge for his services; and "the heirs

charge of the delinquent, and every such delinquent shall pay ten shillings per diem for every laborer who shall be employed and hired by said committee to make or repair such delinquent's fence.

Voted, That fourteen pounds, two shillings, be allowed and paid unto the several men who have laid their account before us for mending the highways to Penny Cook, in full discharge of said accounts.

Voted, That Mr. Bezaleel Toppan be allowed and paid out of the proprietors' treasury, for preaching and performing divine service at Penny Cook, thirty shillings in full discharge.

Voted, That the sum of four pounds be allowed and paid unto the heirs of the Reverend Enoch Coffin, deceased, for his preaching and performing divine service at Penny Cook, in full discharge.

Then the proprietors by unanimous vote desired the moderator to adjourn the meeting to this place, to the first Tuesday of May next, at nine o'clock, which was accordingly done. To which time this meeting stands adjourned.

Copy.

JOHN CHANDLER, *Moderator*.

1729.

At a regular meeting of the settlers of Penny Cook, begun and held at Andover, the eighth day of January, Anno Domini 1728, and from thence continued by sundry adjournments to the house of John Griffin, in Bradford, to the sixth day of May, Anno Domini 1729, and then met.

Ensign JOHN CHANDLER, *Moderator*.

of the Rev. Enoch Coffin, *deceased*," were allowed and paid four pounds for his services. But as the settlers were resolved to have a minister permanently established among them, in October, 1729, they voted to raise one hundred pounds "towards the support of an orthodox minister;" and, October 14, 1730, in obedience to the order of the General Court's committee, voted,

Whereas several persons the last year lost their corn which was growing at Penny Cook, by reason of sundry disorderly persons who failed in bringing forward their settlements as was proposed, and by reason of several other inconveniences we labor under: therefore,

Voted, That Benjamin Stevens, Esqr., Messrs. John Pecker and John Osgood be a committee to lay our grievances before the General Court's Committee, in order to prefer a petition to the General Court at the next session for relief in the affair.

Voted, That Mr. William Barker, Lieut. Timothy Johnson and Mr. Nicholas White be a committee to make a ford-way over Sow Cooke river, and clear a way from thence to Merrimack river, against the eleven lots, to be done at the charge of the community by the 16th of May current.

Voted, That Mr. Nehemiah Carlton be desired to build a ferry boat of about nineteen feet long, and of a spitable breadth, to be well timbered, and every way well built, workmanlike, at the charge of the community, and to be done by the 20th of May current. Said boat to be delivered at Penny Cook for the use of the society. And a pair of good and suitable oars to be made by said Carlton, for said boat, said boat to be well and sufficiently caulked, pitched or turpented, and finished fit to carry people and creatures.

Voted, That Messrs. John Osgood and John Pecker be desired to procure a minister to preach at Penny Cook, to the community there, the charge to be paid by the community.

Voted, That there be a floor of plank or boards laid in the meeting-house, at the charge of the community of Penny Cook, and that Lieut. Timothy Johnson and Mr. Nehemiah Carlton be a committee to get the floor laid as soon as may be conveniently.

Voted, That the sum of seven pounds, eighteen shillings and six pence, paid by several persons and several subscriptions, to the sum of forty-one shillings and six pence, be put into the treasurer's hands, and by him paid to Mr. Nehemiah Carlton for the ferry boat when it is finished,— which was accordingly delivered to the treasurer.

(Copy.)

JOHN CHANDLER, *Moderator*.

June 25th, 1729. The settlers of Penny Cook met at Mr. John Griffin's, at Bradford, taverner, and then chose Henry Rolfe, Esqr., moderator, and Mr. Obadiah Ayer, clerk for the present meeting.

The company met at two, afternoon, and immediately adjourned for half an hour. At five, afternoon, met again and chose Messrs. Deacon John Osgood, John Pecker, John Chandler, Ebenezer Eastman, Nathan Simonds, William

by the admitted settlers, "that we will have a minister," and "that the Rev'd Mr. Timothy Walker shall be the Minister of the Town." A committee was also appointed to agree with Mr. Walker upon terms of settlement. Mr. Walker was a native of Woburn, Massachusetts. He was then about thirty years of age — a graduate of Harvard College, in 1725. How

Barker, Joseph Hall, to be a committee to call and agree with some suitable person to be a minister of the town of Penny Cook, and pay him such salary as shall hereafter be agreed upon by the company of settlers.

Voted, That the minister of said town shall be paid by the community one hundred pounds per annum for his preaching and performing divine service there.

Voted, and allowed to Mr. Henry Rolfe five pounds for his building a ferry boat for the carrying the community and company over the river Suncook.

The following persons paid, viz. : Deacon John Osgood, 11 shillings ; John Pecker, 3s. ; Nath'l Lovejoy, 3s. ; Obadiah Ayer, 3s. ; Joseph Hall, 3s. ; David Kimball, 5s. ; Nathaniel Page, 3s. ; Ebenezer Eastman, 5s. ; Nicholas White, 4s. ; amounting in the whole to 40s.

Voted, That one hundred pounds be allowed and paid out of the company's treasury for and toward the settling of the first minister of Penny Cook, as an encouragement for settling as their minister, and taking the pastoral charge among them.

The moderator then adjourned to the last Wednesday in August next, at ten o'clock in the forenoon.

Attest : OBADIAH AYER, *Clerk*.

The within votes were passed by the settlers of Penny Cook regularly assembled as within mentioned.

HENRY ROLFE, *Moderator*.

Concordat cum originali.

Attest : JOHN WAINWRIGHT, *C. Clerk*.

Bradford, August 27th, 1729. At a meeting of the settlers of Penny Cook at the house of Mr. John Griffin, held by adjournment from a meeting of said settlers at the house of the above-said Griffin, on the 25th day of June, last past, when Henry Rolfe, Esqr., was chosen moderator. At the present meeting Mr. Nathaniel Coffin was chosen clerk for the present meeting.

Henry Rolfe, Esqr., was chosen to join with Benjamin Stevens, Esqr., and Mr. John Pecker to petition the General Court [as soon as may be] for to empower the settlers of Penny Cook to raise money to pay public charges by making that settlement a township, invested with powers and privileges, &c., or otherwise, as may be thought proper.

Voted, That Ensign Chandler and Mr. Ebenezer Eastman are desired and empowered to alter the way to Penny Cook in some places, if they can do it to good advantage, and also to mend said way as they think best on the proprietors' charge.

