

Sturgis Library Archives

MS. 188

Ancient and Rare Court Records of the County of Barnstable, Massachusetts From the Reign of Wm 3rd to George 3rd dating from 1663 to 1788

Extent: 1 volume in 1 box

Scope and Content Note: A fascinating and curious collection of early court records, spanning over a century, for all manner of crimes and misdemeanors, including swearing, drunkenness, birthing a “bastard,” dancing or working on Sunday, theft of whale oil, assault, birth of child 2 months after marriage, abuse of domestic workers, etc. Also included are deeds, writs, demand notes, testimony records, receipts, etc. Some documents pertain to “Indians,” “Negroes,” and “Mulattos.” **The documents are coded alphabetically, and there is a key to the coding at the rear of the volume.**

Usage restrictions: VERY FRAGILE. Handle with care. May not be photocopied. Users may photograph pages if needed.

Access: Unrestricted. Credit Sturgis Library Archives for publication purposes.

Acquisition: Donated to Sturgis Library by the Barnstable Historical Society in 2022. Originally purchased by the Society in July of 1956.

Processed by: Lucy Loomis, December 2022.

CONTENTS:

One volume of documents with a handwritten alphabetical key at the rear of the volume. The volume is protected by a custom-made phase box, which is labelled on the spine with the title.

KEY TO ANCIENT DOCUMENTS

The documents are each assigned a letter (or double/triple letter). This key expands on the handwritten key in the back of the volume.

- (A) 1702 Town record of Barnstable assigning individual lands
- (B) 1681 Deed transferring land from Jabez Howland to Thomas Clark
- (C) 1672 Earlier transfer of same land John Howland to Jabez Howland
- (D) 1686 Settlement of debt William Gifford to William Weeks
- (E) 1703 Codicil to will
- (F) 1721-1727 Account for services and merchandise, Ebenezer Smith

The documents on the next two pages were unlettered:

- (1) 1703 dispute regarding whale hunting Thomas Howes and Elijah Hodge

- (2) 1703 testimony regarding _____ Lothrop and dispute about ownership of whale
- (3) 1762 Joseph Lawrence account against Rebecca Gomes for spinning 6 skeins of yarn in exchange for boarding, schooling, and clothing her son Barnabas
- (4) 1714/15 Testimony of Richard Bourne alleging that Nathan Fish appeared drunk, his speech was slurred, and he was staggering.
- (5) 1714/15 Additional testimony regarding Nathan Fish by Thomas Snell who said that Fish was kneeling and praying at length, and when challenged he left and then fell by the side of the road.
- (6) 1714 Account to Deputy Sheriff Nathaniel Otis regarding the conduct of a number of people including “Indian” Peter, Nathan Fish, Peter Newcombe and others who partook of honey drinks, and were turbulent and disorderly.
- (G) 1758 Assault on the body of Thomas Smith, an infant, and several other items regarding crimes committed.
- (H) 1720 Grand Jury indictment of man for stealing half a barrel of pork from Sloop
- (I) Presentments:
 - 1. Traveling on Sunday
 - 2. Drinking until 9 on Saturday evening
 - 3. Same as #2
 - 4. Striking a man
- (J) Hannah Baker vs. William Gage 1758
 - 1. Summoned to testify re fornication
 - 2. Complaint against Gage
 - 3. Hannah’s testimony
 - 4. Hannah’s oath
 - 5. Order to arrest Gage
 - 6. Costs
- (K) Child of Mary Soweg, an Indian single woman, recorded as a bastard.
- (L) Testimony regarding parenthood of Mary Freeman’s bastard.
- (M) Ordering arrest of Mary Soweg (see K, above), an “Indian” woman.
- (N) Jane Maker says William Freeman fathered her child
- (O) 1750 Hannah Latham says Oliver Arnold fathered her child
- (P) 1745 Ordering arrest of John Taylor for fathering child of Mary Nickerson
- (Q) 1715 Ordering arrest of Samuel Lemech for fathering child of Lidia Wixson
- (R) 1709 letter from Jonathan Bassett to his father Major Bassett regarding the Port Royal Expedition “during the Old French War.”
- (S) 1716 Hannah Tobey midwife testifies to birth of child to Timothy Nye and Mary Freeman Nye 2 months after marriage
- (T) 1725 Denial of slander under oath
- (U) 1711 Husband believes that Anne Body’s child is a “mulatto.”
- (V) 1765 Order to arrest numerous people for dancing at a Publick Tavern
- (W) 1715 Thomas Shiverick attesting to the pregnancy of Sarah Rowly
- (X) 1765 Order to arrest Benjamin Howland for striking and punching Dorcas Crocker
- (Y) 1713 Thankful Bodfish attested that Nathan Bodfish killed a wolf

- (Z) Joanna Tupper, wife of Eliakim Tupper, called him Satan and serpent, and dumped the contents of the chamber pot over his head and struck him with the pot.
- (AA) 1734 Nathaniel Gould testified that Lewis Day grabbed his neck, stuck a pin in him, and would not let him go during a service in the meetinghouse.
- (BB) 1734 John Hambleton “a strangers or transient” assaulted Samuel Goodspeed of Barnstable and a Deputy Sheriff, who was serving a warrant on John executed by James Otis Esq. At that time Hambleton threatened them with a knife, threatened to cut their guts out, and called them “damned pumpkin-head sons of bitches.”
- (CC) 1713 The declaration of Simon Pompmoo and Ben Quanset, “Indians”, both of Harwich, were at the house of Edward Kenwrick where they say Amos Sipson, an “Indian”, was in a very great rage using very profane and provoking words. Sipson struck Kenwrick on his head and pulled on his periwig, and also kicked Kenwrick’s father and called him a “damned devil and a dog.”
- (DD) 1744 Nero Vinsut, “Negro,” testified how he and a “mulatto” separated two fighting “Indian” women, at Capt. Ruggles’ stable.
- (EE) Attesting to the witnessing of several men assaulting and abusing several boys in the Town of Sandwich.
- (FF) 1758 Testimony by Jonathan and Mary Hiller that they witnessed the marriage of Joshua Lombard and Priscilla God___? At the house of Samuel Smith.
- (GG) 1740 Judah Young testifies that he lost whale oil, whale bone, old iron, and nine mahogany planks that he had purchased.
- (HH) 1724 Tabitha Dimock testified that she was at the home of her brother Joseph Lothrop in Barnstable. She observed the servant Rebekah Covel and how she appeared, dressed in a shift and a red “Cherry Derry Jacket”, and that she saw no blood. She later said she had heard that Rebekah had been abused.
- (II) Mary Howland testified that Captain Joseph Lothrop (see above) had beaten a servant in the cellar, bare-backed, drawing blood.
- (JJ) 1721 Demand note James Fuller & Ebenezer Handy
- (KK) 1768 Demand note Abiel Ellis and Elnathan Ellis
- (LL) 1706 Bond Elnathan Fish
- (MM) 1758 Demand Note Isaac Howland
- (NN) 1758 Fined for swearing
- (OO) Josiah Thomas fined for swearing
- (PP) 1765 Mary Delap fined for swearing
- (QQ) 1765 Achelus Graves convicted of swearing
- (RR) 1713 John Jackson testifies that William Clapp of Cape Cod said to his “Negro” man “God damn you if you do not fetch your mistress here I will knock your brains out.”
- (SS) Jonathan Weeks of Woods Hole petitions the Town of Falmouth for a license to open a Publick House.
- (TT) 1758 Temperance Rogers petitions the court not to release the bond on her husband. She could not attend in person because she was fearful of his continued abuse, and that she had an ailing and sickly child.
- (UU) 1701 Constables abused in making an arrest.
- (VV) 1759 Samuel Atwood of Eastham convicted of swearing
- (WW) Thomas Hinckley of Chatham convicted of swearing
- (XX) 1744 William Freeman has paid a fine for working on Sunday

(YY) Fear Broadbrooks was convicted of swearing

(ZZ) 1714 Petition of Judith Beetle, single woman of Sandwich, whose body was defiled by fornication, and who has a baby of fifteen months old, asks that the father Sam Smith be ordered to pay for the needs of the baby.

(AAA) 1765 Petition of Joseph Hall to be excused from Grand Jury duty due to age and ill health.

(BBB) 1732-33 Bill & account of purchases, mainly for "drink."

(CCC) 1739 Richard Avery petitions to be excused from court "for very good reasons."

(DDD) 1788 Enoch Gardiner of Sherburn, Nantucket County, sells land in Sherburn (the former name of Nantucket) to Gideon Worth.