

# The HISTORY OF MALDEN, Middlesex, Massachusetts.

## DECLARATION of AMERICAN INDEPENDENCE from GREAT BRITAIN.



- At a Legal Meeting of the inhabitants of the **TOWN OF MALDEN**, Boston, in the Colony of Massachusetts Bay, on **May 27, 1776**, it was voted unanimously that the following instructions be given to their Representative, Mr. EZRA SARGEANT.

Sir,

A **RESOLUTION** of the **HONOURABLE HOUSE OF REPRESENTATIVES**, calling upon the several Towns in this Colony to express their minds in respect to the important question of **AMERICAN INDEPENDENCE**, is the occasion of our now instructing you.

The time was, Sir, when we loved the King and the People of Great Britain with an affection truly filial; we felt ourselves interested in their Glory; we shared in their Joys and Sorrows; we cheerfully poured the fruit of all our labours into the lap of our Mother Country, and without reluctance expended our **BLOOD** and our **TREASURE** in their cause.

These were our sentiments toward GREAT BRITAIN while she continued to act the part of a PARENT STATE; we felt ourselves happy in our connection with her, nor wished it to be dissolved; but our sentiments are altered, it is now the ardent wish of our soul that AMERICA may become a FREE and INDEPENDENT STATE.

A sense of unprovoked injuries will arouse the resentment of the most peaceful. Such injuries these Colonies have received from Britain. Unjustifiable claims have been made by the King and his minions to TAX us without our consent; these claims have been prosecuted in a manner cruel and unjust to the highest degree. The frantic policy of administration hath induced them to send FLEETS and ARMIES to America; that, by depriving us of our trade, and cutting the throats of our brethren, they might awe us into submission, and erect a system of despotism in America, which should so far enlarge the influence of the Crown as to enable it to rivet their shackles upon the people of Great Britain.

This Plan was brought to a crisis upon the ever memorable 19th of April. We remember the fatal day! The expiring groans of our Countrymen yet vibrate on our ears! And we now behold the flames of their peaceful dwellings ascending to Heaven! We hear their blood crying to us from the ground for vengeance! Charging us, as we value the Peace of their Names, to have no further connection with.

Who can unfeelingly hear of the slaughter, and composedly sleep with their blood upon his soul? The manner in which the War has been prosecuted hath confirmed us in these sentiments; Piracy and Murder, Robbery and Breach of Faith, have been conspicuous in the conduct of the King's troops. Defenceless Towns have been attacked and destroyed. The ruins of CHARLESTOWN, which are daily in our view, daily reminds us of this. The cries of the widow and the orphan demand our attention; they demand that the hand of pity should wipe the tear from their eye, and that the sword of their country should avenge their wrongs.

We long entertained HOPE that the spirit of the British nation would once more induce them to assert their own and our Rights, and bring to condign punishment the elevated villains who have trampled upon the Sacred Rights of Men and affronted the Majesty of the People.

We hoped in vain; they have lost their Spirit of Just Resentment; we therefore RENOUNCE with DISDAIN our connexion with a KINGDOM OF SLAVES; we bid a FINAL ADIEU to Britain.

Could an ACCOMMODATION now be effected, we have reason to think that it would be fatal to the LIBERTIES OF AMERICA; we should soon catch the contagion of VENALITY and DISSIPATION, which hath brought Britons to lawless domination. Were we placed in the situation we were in 1763: were the Powers of Appointing to Offices, and Commanding

the Militia, in the hands of Governors, our Arts, Trade and Manufacturers would be cramped; nay more than this, the LIFE of every Man who has been active in the Cause of his Country would be endangered.

For these reasons, as well as many others which might be produced, we are confirmed in the opinion, that the present age would be deficient in their duty to God, their Posterity and Themselves, if they do not establish an **AMERICAN REPUBLIC**. This is the only form of Government which we wish to see established; for we can never be willingly subject to any other King than HE who, being possessed of infinite wisdom, goodness and rectitude, is alone fit to possess Unlimited Power.

We have freely spoken our sentiments upon this important subject, but we mean not to dictate; we have unbounded confidence in the wisdom and uprightness of the Continental Congress: with pleasure we recollect that this affair is under their direction; and we now instruct you, sir, to give them the strongest assurance, that if they should declare **AMERICA** to be a **FREE** and **INDEPENDENT REPUBLIC**, your Constituents will support and defend the measure, to the last drop of their **BLOOD**, and the last **FARTHING** of their **TREASURE**.

**On July 2, 1776, Congress voted to declare Independence. Two days later, it ratified the text of the Declaration.**



**E**xtract from the HISTORY OF MALDEN, Middlesex, Massachusetts  
by Deloraine Pendre Corey (1899)



Map of Malden, Middlesex, USA

■ **JOSEPH RALPH HILLS** (1602-1688) and **JOHN WAYTE** (1618-1693).

Of the early Settlers of MALDEN, these two men, above all others, filled prominent positions in the local affairs of the Town and took no mean part in the Civil and Religious concerns of the Colony.

Closely united by family ties, they were no less intimate in their public lives; and the stories of their careers will be found to have much in common, both in what they performed and in the honours which they received. They earliest bore the responsibilities and honours of the highest Offices in the gift of their fellows; and for a period of 34-years, from the incorporation of the Town until the elder had removed and the younger had been stricken with blindness, they were the only Representatives of the Town at the General Court, the

CONGRESS of the young Colony. Each in his time was the **SPEAKER of the HOUSE OF DEPUTIES**, an Office which no other Citizen of Malden has taken to the present time (1899).

Both are nearly forgotten in the Town where their busy lives were passed, and which owes them much for what they did in its earlier days. Nothing remains of one, save the memory of the old Town Well at the corner of Main and Salem Streets, — Joseph Hills's Well.

Of the younger, we have a thick old English slatestone in the "burying place near Sandy Bank," and an ever present Memorial in the sturdy form and honest name of Wayte's Mount.

■ **JOSEPH RALPH HILLS** (1602-1688) was an inhabitant of Maldon, a Town in the County of Essex in England, where, with his wife ROSE HILLS (born CLARKE), he lived, it is said, as "*a woollen draper, having large transactions at London.*" Whatever his calling may have been at that time, his apparent skill in legal matters and his career in New England justify the assertion that if he was not a lawyer by profession he was so by his tendencies and habits and perhaps by education.

We have his own testimony, given in 1639, in which, calling himself "*of Charlestown in New England, Woollen-draper, aged about 36 yeares,*" he tells of the transportation of goods from Maldon to London "in an Ipswich Hye," (a small boat or "tender" to transport goods) which he cleared at the Custom House "in the ship called the **Susan & Ellen of London**, whereof the Master was EDWARD PAYNE," in which he arrived in Massachusetts Bay, July 17, 1638.



■ About the same time, or perhaps with him, came JOHN WAYTE (1618-1693) a son of SAMUEL WAYTE (1577-1648) of Wethersfield, a Town about 18-miles from Maldon, Essex, England. His mother, MARY ANN WAITE (born WARD), was an Aunt, or a Sister, of the celebrated REVEREND NATHANIEL WARD of Ipswich, whose book entitled *The Simple Cobler of Aggawam in America* and his services in compiling the *Body of Liberties* have given him an undying name among the Founding Fathers of New England.

JOHN WAYTE, who was in 1638 about 20-years of age, soon married, if he had not already done so in England, MARY, the young daughter of JOSEPH RALPH HILLS, and following into the forests of Mystic Side he seated himself near his father-in-law, on the south-west side of Mount Prospect, which took from him its later names of CAPTAIN'S HILL and WAYTE'S MOUNT.

■ The coming of JOSEPH RALPH HILLS as a Wool Trader in the ship which brought him to New England gave him, perhaps, some distinction over humbler adventurers; and his abilities soon brought him into notice and employment. He was received into the Church of Charlestown, with his first wife, Rose, soon after his arrival; and, although he was not admitted as a Freeman until 1645, he was chosen a Selectman of the Town in 1644. Although he appears in the BOOK OF POSSESSIONS as the owner of a house "in the middle row," near the market place, it is probable that he soon removed to the land which was granted him at Mystic Side.

He represented the Town of CHARLESTOWN in the House of Deputies during the years 1646 and 1647, and was chosen Speaker in the latter year. It was during these years that he became "active for to bring the Lawes of the County in order." This service, which was fully recognized at the time, was forgotten in the course of years.

In 1867 the honours which he had earned by a series of faithful labours were appropriated for another; and EDWARD JOHNSON, of Woburn, the author of the *WONDER-WORKING PROVIDENCE OF ZIONS SAVIOUR*, passed into written history as the compiler of the Massachusetts Laws of 1648. This error, originating in a work of importance and ability, has been repeated by later writers with an air of authority, which might effectually stifle all doubts were not the records extant in which the whole story is clearly related.

The able Editor of the *WONDER-WORKING PROVIDENCE* gives his author a prominent part in the labour and honour of the compilation of the Laws, although he does not claim that he was the Chief compiler. He declares, however, that, "when Captain Johnson was on the Committee, then, and only then, efficient progress was made in the work."

That Mr. Poole had overlooked a more important person than Lieutenant Johnson was promptly shown by a writer in the *HISTORICAL MAGAZINE* and soon after by the present writer in the *MALDEN MESSENGER*.

What the latter, with its limited local circulation, did not accomplish, the former, then the leading historical publication in America, also failed to effect; and the truth in relation to the real compiler remained comparatively unknown. Nine years later the claim of EDWARD JOHNSON was reasserted in a report of the Council of the American Antiquarian Society, with an appearance of certain knowledge which can hardly fail to ensnare the unwary reader; but it remained for **GEORGE COOKE**, a writer in the **WINCHESTER RECORD** to perfect the work.

After a reference to a strife which he assumes took place between the Magistrates and the Deputies over the Laws, the latter writer says:

*“Committee after Committee had been appointed, whose work was frustrated, until LIEUTENANT JOHNSON was put upon such a Committee in 1648, when the work was speedily done.”*

He devotes a Chapter in his book to exultation that the thing so long desired was at length accomplished, yet he does not speak of *what every one else knew*, his own agency in the matter.”

Considering the insufficiency of the foundation of the Claim in its original form, this exaggerated statement is an eminent example of how theories, growing by transmission, appear at last as facts, and take the place of authentic history in the minds of those who write without investigation.

The three writers here intimated that the work of the Committees was purposely delayed or their purposes frustrated, except when Lieutenant EDWARD JOHNSON was present. A more eminent authority, writing in 1860, says:

*“There is no reason to suppose that they who now had the business in charge desired to frustrate it; but it was not of a nature to be, at the same time, well and hastily done.”*

Referring to the late **FRANCIS CALLEY GRAY**, whose well-known article is still the best that has been written on the early history of our Laws, it is said that “*it is remarkable that Mr. Gray should have failed to connect Johnson with the original publication of these Laws.*”

Mr. Gray's article is clear in its statement of facts and polished in their presentation. It is the work of a scholar and careful investigator; and it would have been remarkable had its author anticipated the later error and given Lt. EDWARD JOHNSON a place to which he had no right.

He did mention, in several extracts from the *COLONY RECORDS*, the name of "the leading man;" and JOHNSON, himself, speaks of **JOSEPH HILLS** as "*active for to bring the Lawes of the County in order.*"

The facts which Mr. Gray did not recognize as important, and on which is based the undeserved distinction of Lieutenant Johnson, are that he was a member of the Committee at times; that, in 1648, he was "pressed wth many urgent occasions " and that he mentioned with apparent pleasure the completion of the Laws. Not a very firm foundation is this on which to build the reputation of "*a wise and energetic legislator.*"

It is not the purpose of this Chapter to tarnish the merited fame of EDWARD JOHNSON but to restore to one who deserves them the honours which time has obscured.

In the year 1641, the **COLONY OF MASSACHUSETTS BAY** adopted for a trial of three years the first CODE OF LAWS in New England. This was the famous *LIBERTIES* of the Massachusetts Colony in New England, better known as the **BODY OF LIBERTIES**, of **REVEREND NATHANIEL WARD**, which, after remaining in manuscript for 200-years, was found by the late FRANCIS C. GRAY and printed in 1843.

These Laws being proved by experience during the allotted period, the necessity of the establishment of a permanent Code, in which the fundamental Laws that **Reverend NATHANIEL WARD** had presented should be revised and enlarged, became apparent.

Several ORDERS, anticipating such a work, had been passed since the presentation of the *BODY OF LIBERTIES*. It has been said that little was accomplished under these Orders by "*the Magistrates, who did nothing, and whose interest was to do nothing*" but I infer that the Magistrates wisely desired to test the Code by its operations and a careful consideration, as its tentative adoption allowed, rather than to hazard the permanent acceptance of Laws which might be adverse to the interests of the Colony and unsuited to the temper and habits of the People.

When the appointed time was fully expired, the following Order was passed:

■ **July 1, 1645**

*It is Ordered, ye Several Persons out of Each County shall be Chosen to Draw up a BODY Of LAWS, And To Present Them To ye Consideration of ye GENERAL COURT, at their Next Sitting.*

Under this Order, COMMITTEES of SIX PERSONS from each of the four COUNTIES of the MASSACHUSETTS BAY COLONY were appointed. At the next session of the GENERAL COURT, in October, 1645 some changes were made in the formation of these Committees, and they were desired to appoint their own MEETINGS for the accomplishment of the end so desired, & to make their returne of what they shall do herein to the NEXT SITTING of ye GENERAL COURT.

The COMMITTEE from MIDDLESEX COLONY was composed of:

1. HERBERT PELHAM of Cambridge,
2. INCREASE NOWELL of Charlestown,
3. REV. THOMAS SHEPARD of Cambridge,
4. REV. JOHN KNOWLES of Watertown,
5. JOSEPH HILLS of Charlestown, and
6. LIEUTENANT EDWARD JOHNSON of Woburn.

It is worthy of notice, as an evidence of some peculiar fitness in the person chosen, that while the Committees, except in this instance, consisted of Magistrates, Ministers, and Deputies, JOSEPH HILLS, who was neither, was placed upon the Middlesex Commission. He was not appointed upon the Commission as it was first constituted; but upon the resignation of CAPTAIN GEORGE COOKE of Cambridge, who was SPEAKER OF THE HOUSE that year, JOSEPH HILLS was put "in Captain Cooke's place, at his own request."

(Note: Lt. JOHNSON and Rev. KNOWLES appear to have taken no part in the deliberations of the MIDDLESEX Committee.)

It does appear that the work of the COMMITTEES, whereas it was simply preparatory, was NOT fully and promptly performed and there is reason for believing that a Code drawn by JOSEPH HILLS from the Statutes of England and other sources was accepted (fraudulently) by the MIDDLESEX COMMITTEE as the result of their collective labours, which, along with the Reports of the other Committees, was before the GENERAL COURT at the Session in May, 1646.

The book submitted by JOSEPH HILLS was afterwards lost; and "although it were in harvest time," he made another copy for the use of the Committee, which was appointed by the Court in the following Order:

■ May 6, 1646.

THIS COURT thankfully accepts ye labour of ye several COMMITTEES of ye several SHIRES as they are returned by them, & ye COURT being very unwilling such precious labours should fall to ye ground without good success as is generally hoped for, have thought it meet to desire Richard Bellingham & Lester Duncan, Mr. Nowell & Lester Johnson, Mr Symonds & Mr Warde, to cause each Committee's Return about a Body of Laws to be transcribed, so as each Committee have the sight of ye other's labours, and ye persons mentioned in this Order be pleased to meet together at or before August 10th. next at Salem or Ipswich and on previewing and examining ye whole labour of all the Committees with ye abbreviation of ye Laws in force, which Mr. Bellingham took great store of Paynes and to good purpose, in and upon ye whole do make return to ye next session of ye Court at which time ye Court intends by ye favour and blessing of God, to proceed to ye establishing of so many of them as shall be thought most fit for a BODY of LAWS amongst us.

There was not a great advance in the work during the months which intervened between this and the succeeding session of the Court. There were Codes of the Shire Committees to be brought into unity and to be compared with the existing laws; and the lost compilation of Mr. Hills was to be restored. There were also other affairs which could not be passed by; and it was not strange that the Committee could not present a completed Code at the appointed time.

That they did not is evident from the action of the COURT. Although, misled by confidence in LIEUTENANT JOHNSON'S presence, it is said that "the Committee completed their labours."

In the ORDER of the COURT thereupon, the failure of the COMMITTEE to perfect its work is recognized. There is no indication of dissatisfaction at the result nor is a censure implied in the action which was taken; but a full sense of the importance of the labor and the necessity of care in its performance is expressed. It may be observed that Mr. JOSEPH HILLS, whose labor had forwarded the work, was now given a place, by name, upon the committee and that LIEUTENANT JOHNSON was not reappointed.

■ [November 4, 1646]

The General Court, being deeply sensible of ye Ernest expectation of the Country in general for this Court's completing of a body of laws for ye better and more orderly wielding all ye affairs of this Commonwealth, willing also to their utmost to answer their honest and hearty desires therein, unexpectedly prevented by multitude of other pressing occasions, think fit & necessary yet this Court make choice of two or three of our honoured Magistrates, with as many of ye Deputies to pause, examine, compare, transcribe, correct & compose in good

order all ye Liberties, Lawes & Orders extant with us & further to pause and perfect all such Oaths as are drawn up, & to present such of them as they find necessary for us, as also to suggest what they deem needful to be added, as also to consider & contrive some good method & order, titles & tables for compiling ye whole, so we may have ready recourse to any of them upon all occasions whereby we may manifest our utter disaffection, to arbitrary governing, & so all relations be safely & sweetly directed & effected in all their just rights & privileges, desiring thereby to make way for printing or laws for more public & profitable use of us & our successor.

Our Honoured Governor, MR BELLINGHAM, MR HIBBENS, MR HILL, & MR DUNCAN, as a COMMITTEE for ye business above mentioned, or any THREE of them meeting, having Notice thereof, shall be sufficient to carry on ye work.

There is no evidence that the work of compilation and comparison was not diligently followed, although the writer before quoted sees that, as the "working man" had been removed, "little or nothing was done." Care and deliberation, no doubt, retarded a labour which it would have been unwise to hurry or imperfectly perform. At the next COURT, the inadequacy of the time was admitted; but it is apparent that the new Code was so far advanced that a limit could be placed for its completion.

**LIEUTENANT JOHNSON** was now restored to the Committee.

■ [May 26, 1647.]

The COURT, understanding ye COMMITTEE for perfecting ye Laws appointed by ye last GENERAL COURT, through straits of time & other things intervening, have not attained what they expected, & on all hands so much desired, touching a BODY OF LAWS, think meet & necessary our honoured Governor Mr Bellingham, Mr Hibbens, ye Auditor General, Leif Johnson, and Mr. Hills be chosen as a COMMITTEE of this COURT to do ye same, according to ye aforesaid Order against ye next sessions in ye 8th Month or ye next GENERAL COURT.

The connection of **LIEUTENANT JOHNSON** with the Committee may not have delayed its action. There is also no evidence that it hastened what was already near completion. The work of the COMMITTEE at large now appears to have been one of criticism or approval. The weightier labour of preparation and arrangement had been left to Mr. **JOSEPH HILLS**; and that it had been left in careful and skilful hands the Code of 1648, as it has been preserved in that of 1660, bears ample proofs.

At the next session of the COURT the results were evident. **"Five Books or Rolls,"** prepared by **JOSEPH HILLS**, were presented and the transcription of a perfect copy for the press was authorized. This action was taken in two ORDERS, the latter of which was passed towards

the close of the session. EDWARD JOHNSON, whose presence upon the Committee had been intermittent, was again dropped and appeared no more in connection with the compilation of the early Laws.

■ [November 11, 1647.]

The laws being to be put in print, it is meete yet they should be conveniently penned; before it is desired yet ye Committee for drawing up ye laws will be careful therein, & to that purpose they have liberty to make some change of form, to put in apt words, as occasion shall require, provided ye sence & meaning in any law, or part thereof be not changed.

■ [November 11, 1647.]

The Laws now being in a manner agreed upon, and ye Court drawing to an end, it is time to take Orders:

1. How all alterations of former Laws may be, without mistaking, compared & fair written;
2. Yet all old laws not altered be also written in ye same copy;
3. Yet ye be a Committee chosen for ye business to be made ready against ye first day of ye first month next, so as ye Court of Assistants, if they see cause, may advise for a General Court, to prepare for ye press;
4. Yet there be large margins left at both sides of ye leaf, & ye heads of each law written on ye two outsides thereof, & upon ye other margin any references, scriptures, or ye like;
5. Yet these be written copy wise.

The Governor Mr Bellingham, Mr Hill, Mr Auditor, & Mr Ting are joined in ye Committee, to act according as ye paper is expressed.

The new Code, being completed and approved, although there is no record of its formal acceptance, was now in the hands of the Committee for its final examination. Two copies were made for the press, one, perhaps, by JOSEPH HILLS himself, the other, certainly, by his son-in-law, John Wayte. The following orders contain the action of the Court concerning the two copies; and it was by the authority of the second order that the new laws were sent to the press.

■ [March, 1647/1648.]

The Court doth conceive it meete that John Wayte of Charlestown Village, shall be allowed out of the next country rate, for his writing one booke of the laws, & for finding paper for both books, £4 18 sh 30d.

■ [March, 1647/1648.]

The Court doth desire that Mr Rawson & Mr Hill compare ye amendments of the books of Laws passed, & make them as one; & one of them to remain in ye hands of ye Committee for ye speedy committing of them to the press, & ye other to remain in ye hands of ye Secretary, sealed up, till ye next Court.

In May 1647/1648 the new Code was at the press, and it seems probable that the printing was completed during the year, although, perhaps, not until after the adjournment of the Court in the Fall.

It may be remarked that the AUDITOR- GENERAL, NATHANIEL DUNCAN, and JOSEPH HILLS, are the only persons who are mentioned in connection with the work of printing.

■ [May 13, 1648.]

It is ordered, that the Copy of Laws in the two Rolls, which were by Order of COURT sealed up, with intent that, if hereafter any question should arise about the copy now at the press, it might be examined by this, whereby the faithfulness of the Committee might be tried, & that the other copy, now remaining with Mr JOSEPH HILLS, shall forthwith be sent for, for the use of the COURT.

■ [May 13, 1648.]

It is ordered, that the AUDITOR GENERAL & Mr JOSEPH HILL shall examine the laws now at the press, & to see if any material Law be not put in or mentioned in the Table as being of force, & to make supply of them.

■ [October 27, 1648.]

It is ordered by the COURT, that the Book of Laws, now at the press, may be sold in quires at 3-shillings the Book; provided that every Member of this COURT shall have one without price, & the AUDITOR GENERAL & MR. JOSEPH HILLS, for which there shall be 50 in all taken up, to be disposed of by the appointment of this COURT.

So the LAWS and LIBERTIES OF MASSACHUSETTS BAY®\* the first printed CODE OF ENACTED LAWS in New England, was given to the World, in the words of EDWARD JOHNSON, who would have been surprised at the claim which a later generation has made for him.

To be seen of all men, to the end that none may plead ignorance, and that all who intend to transport themselves hither, may know this is no place of licentious liberty, nor will this people suffer any to trample down this Vineyard of the Lord.

This book, which was printed by STEPHEN DAY at the press in CAMBRIDGE, was probably issued in an edition of 600-copies. MR. WHITMORE has shown, by the traces which are left in the Laws of 1660, that it contained about 56-pages of text; and other matter may have filled out the 68-pages of the 17-sheets which appear to have been used. It was carried to each Town in the Colony, and was in the hands of all the leading men.

It was carried out of Massachusetts, and left its impress upon the Laws of at least two Colonies. Yet it has utterly disappeared. In less than 10-years "no copies were to be had for the supply of the Country."

How long stray copies may have remained may not now be known; but none have been found in the old collections which were being gathered when such copies might well have been in existence. For half a Century, Antiquaries and Scholars have looked in vain for the one copy which, if found, would be one of the most precious books known in American bibliography.

It is worthy of note that, while a Supplement to the Laws was published in 1651, and others, perhaps, in 1654 and in 1657, not a leaf or scrap has been recognized as belonging to them. Nevertheless, the work of JOSEPH HILLS has not wholly passed away; for as the Code of 1672 contains the form of that of 1660, so the latter has preserved for us its predecessor of 1648 ; and the careful Student, by the help of its marginal references, may reconstruct, in part, the pages of the earlier book.

At the session of the GENERAL COURT in May, 1649, when the printed Code was presented as a finished work and may have received its final approbation, the services of Mr. Hills were recognized in the following vote:

[May 11, 1649.]

Mr. JOSEPH HILL is granted, as a gratuity, £10-pounds, to be paid him out of the Treasury, for his pains about the 40-printed Laws.

At the same COURT, with RICHARD BELLINGHAM, the Secretary, INCREASE NOWELL, and EDWARD RAWSON, MR. JOSEPH HILLS was appointed to examine and put in fitting order the Public Papers received from the late GOVERNOR, JOHN WINTHROP and in the Fall of the same year, the Court, by the following Order, showed its appreciation of the printed Laws and its approval of the labours of JOSEPH HILLS.

■ [October 18, 1649.

The Court, finding by experience the great benefit that doth redound to the Country by putting of the Laws into print, do judge it very requisite that those Laws also that have passed to the consent of the GENERAL COURT since the book of Laws were printed should be forthwith committed to the press, and therefore have appointed RICHARD BELLINGHAM, ESQ, MR INCREASE NOWELL, MR NATHANIEL DUNCAN, CAPTAIN ROBERT KAIN, AND MR JOSEPH HILL, or any three of them, a COMMITTEE to revise and prepare them, wth those Laws also referred to in the end of the printed Laws, wth a suitable Table, making their return to the next COURT OF ELECTION, that they may be printed.

The work thus ordered was apparently performed with care, and was not completed until a year had passed, when the result was presented to the Court and approved by its action.

■ [October 18, 1650.]

It is ordered, that RICHARD BELLINGHAM, Esq. the Secretary, and Mr. JOSEPH HILLS, or any two of them, are appointed a Committee to take order for the printing the laws agreed upon to be printed, to determine of all things in reference thereunto, agreeing with the President for the printing of them with all expedition, and to allow the title if there be a cause.

This book, which was printed by SAMUEL GREEN, the successor of Day, at the Cambridge press, contained some Laws which had been left out of the former Code and all others to the close of the year 1650; and it is referred to as *Liber 2* in the margins of the Laws of 1660 and 1672.

JOSEPH HILLS was afterwards placed upon several Committees for the examination of New Laws; and in 1654, when the printing of a second Code appears to have been contemplated, it was ordered :

■ [May 1654.]

That Mr Samuel Symonds, Major Denison, & Mr. Joseph Hills shall examine, compare, reconcile, & place together in good order all former laws, both printed & written, & make fit Titles & Tables for ready recourse to any particulars contained in them, & to present the same to the next COURT OF ELECTION to be considered of, so that order may be taken for the printing of the same in ONE BOOK, whereby they may be more useful than now they are or can be.

In 1661, the Laws having been reprinted in the Edition of 1660, JOSEPH HILLS was joined to a Committee with the DEPUTY-GOVERNOR, RICHARD BELLINGHAM, and others "to pursue such Laws as are un-printed & un-repealed, & commit them to the press, so far as they shall judge convenient."

- That the services of JOSEPH HILLS in the preparation and codification of the Laws should have been forgotten is somewhat remarkable in view of the distinctness with which he appears in the records which we have cited. More remarkable still is it that, after more than two Centuries had passed, another, who receives but a meagre mention in connection with the transaction, should have been brought forward to claim his hard-earned honours.

However, JOSEPH HILLS, unconscious that he was writing his defence against a far-off generation, twice put upon record, while his story, if false or overstated, could have been disproved, such full and distinct statements of his labours that no room is left for doubt; and those statements were admitted by those who had an intimate knowledge of his life and services. The first of these was that PETITION he addressed to the General Court in 1653.

### To the Honoured Court

In as much as it hath pleased the General Court to engage me in sundry great and weighty services in reference to all the general Laws here established & now in print for public good, in Consideration whereof as I receive a Gratuity of Ten Pounds was Appointed to me by the Treasurer which as it holds forth the good acceptance of the Honoured Court, that my Great care pains & studies in these difficult Employments was not truly informed or understood, I desire briefly to tender you an Account thereof as follows :

1. First it pleased the General Court to employ me in a Shire Committee to draw up a Body of Laws in which I took unwearied pains, pursuing all the Statutory Laws of England in Pulton at Large out of which I took all such as I conceived suitable to the condition of this Commonwealth which with such others as in my observation Experiences & Serious Studies I thought needful, all which drew up in a Booke close written consisting of 24-pages of paper in folio which upon the Committee's perusal viz Mr. Noel, Mr. Pelham, Mr. Thomas Sheppard and myself I was appointed to draw up for the use of the General Court which book was by some means lost and could not be found for further improvement by another Committee of the General Court viz. Mr. Bellingham, Mr. Nathaniel Ward and whereupon Mr. Bellingham spake to me to help them to another copy of the aforesaid Booke which in tender Respect to public good, to the Honoured Court & Committee, I did forthwith again Transcribe out of my first copy although it were in harvest time.
2. After that it pleased the General Court again to engage me in the perusing all the Laws in the Books of Records to Consider, Compare, Compose and Transcribe all laws of public Concernment, copy-wise all which I did draw up together, and Drew up in five

Books or Rolls, which done were examined by the Committee & presented to the General Court:

3. Thereupon, I was Ordered by the Court to Transcribe the five Books aforesaid with some other new Laws, all which (save only a few the Auditor did) I with Great care and vigilance performed & frequented the press & otherwise took care to Examine them during printing the same.
4. Since which it pleased the General Court to Appoint me with some others to Compose & Transcribe the Second Booke of Laws Copy-wise which I also did; which after Examination by the Committee was also presented to the General Court: who were pleased further to employ another Committee; whereof I was one, to fit them for the press. In all which Services in reference to public good I put forth my self to the uttermost to the Great Neglect of my personal & particular occasions Devoting myself there unto for the most part of Two years time (as near as I can remember) the benefit whereof doth I hope very manifestly Redound both to Court & Country who doubtless upon a right understanding will not be unwilling to afford such Due encouragement & Recompense as services of such Importance & Advantage to the Country doth Require.

Your Humble Servant,  
Joseph Hills.

- The MAGISTRATES Refer the consideration of the Petition to their brethren the Deputies :

Edward Rawson, Secretary  
May 27, 1653

- The DEPUTIES think meete to allow Mr Hills £10 out of the next County rate in reference to what is herein expressed if the honoured Magistrates please to Consent thereto.

William Torrey, Cleric

- Consented to by the MAGISTRATES hereto.

Edward Rawson, Secretary

The connection of JOSEPH HILLS with public affairs was not confined to his labours on the Laws. Having been elected a Representative of CHARLESTOWN in 1646 and 1647, he was in the latter year SPEAKER OF THE HOUSE OF DEPUTIES; and upon the formation of the Town of MALDEN he became its first Representative and continued in that Office until the close of the year 1656.

For some reason the Town was not represented at the General Court from the beginning of the year 1657 until December, 1660, when JOSEPH HILLS again appeared as its Representative and so continued until the end of 1664.

■ In the following March he married, as his fourth wife, ANN, the widow of HENRY LUNT of Newbury, and he is supposed to have re-moved, soon after, to the home of his wife, where he lived until his death.

He was Deputy from Newbury in 1667 and 1669, after which he appears to have retired to private life, perhaps in view of the increasing infirmities which burdened his latter days. During all the years of his public life he is often found upon important Committees and serving in various Trusts; and the records of the Colony and of the County of Middlesex show, in their many references, how busy was his life in the performance of the manifold duties which came to him.

Besides that for the labour upon the Laws, he appears to have had claims upon the Colony for money contributed as adventurers, both by himself and Edward Mellows, the first husband of his second wife. In the record of a grant of land made to William Parke in 1653, mention is made of "the land lately granted to MR JOSEPH HILLS, at a place called NANACANACUS."

Three years later this grant was confirmed, or perhaps an additional grant was made, which was afterwards laid out in accordance with the following votes:

■ [May 22, 1656.]

This Court doth grant unto MR JOSEPH HILLS 500-acres of land near Northwootucke, where Mr Bradstreet & others have grants; and it is in consideration of an adventure of 16s. 8d for several services to the Country.

■ [April 1, 1656.]

Mr JOSEPH HILLS of Maldon being presented by the GRAND JURY for marrying of himself, contrary to the Law of this Colony in Ye Old Booke. He freely acknowledged his offence therein, and his misunderstanding the grounds whereon he went which he now confessed to be unwarrantable, and was admonished by the Court. In this he had followed the example of his Associate, GOVERNOR BELLINGHAM, who married himself in 1641 to Penelope Pelham, and escaped censure by his position on the bench as a Magistrate.

Mr. Hills married ANN LUNT at Newbury, March 8, 1664.

■ [May 31, 1660.]

In answer to the Petition of MR JOSEPH HILLS, the Court judged meete to grant that Mr JONATHAN DANFORTH & Jn or JAMES PARKER be empowered to lay out unto Mr. JOSEPH HILLS the 500-acres formerly, in 1656, granted him in any place not formerly granted.

NORWOTTOCK or NANOTUCK is now Northampton, Massachusetts; but the grant was probably laid out at DUNSTABLE, where he owned 500-acres at the time of his death. He appears in the records of the Colony in a pathetic Petition, where he again recites in detail his former Public Service.

■ To the Honoured GENERAL COURT held at BOSTON on MAY 24, 1682

The Petition of JOSEPH HILLS, humbly showing,

“How it hath pleased the righteous God to lay upon ye Petitioner, a smart hand of visitation in the later part of his pilgrimage totally bereaving him of the sight of his eyes, for more than 4-years now past, (besides sundry years dimness before) by means whereof he hath been utterly incapable, of getting or saving anything towards his necessary subsistence, being now also more than 80 years of age besides other infirmities of body, which long have, and are like to accompany him to his grave, your Petitioner hath not been backward to his ability to be serviceable with his person & estate to the Commonwealth: for besides other ordinary services, it pleased ye court to make him one of the County committee to draw up some Orders necessary for ye country, in which service I went over all ye Statutes in Pulton at large, collected such as I deemed just & necessary, drew them up in a small book in folio, and transmitted them according to order to the Grand Committee at Boston (viz) Mr Winthrop, Mr Ward & others, after this it pleased the Court to appoint a Committee to draw up a Body of Laws for the Colony (viz) Mr Winthrop & sundry others whereof your Petitioner was one, to examine all ye Court Records, from ye first to that time, which for ye avoiding of far greater charge it being the work but of one fell to my lot to be active in, in which went over ye 2 old books of ye records, & ye Book of Liberties, & ye great booke then & since in ye hands of Mr Rawson, which Laws I brought together under their proper headings copy-wise with exact marks of ye several recommendations one way or other made therein which (after examination & approbation of ye Court) I was ordered to prepare for the press, which I did, putting them together under their proper heads with ye dates of sundry Lawes in the foot thereof, in the year 1648 in an alphabetical order, with an apt table for ye more ready recourse to each law: for which last service it pleased the Court to make me some allowance, which was to my Satisfaction, though short of the elaborate care, pains and time spent therein (these things I should not have touched upon, but that there are few of ye Court as now constituted that had opportunity to have cognizance thereof.

The premises considered, my Petition is that may be freed from all public assessments to my Country, County, (and secular things for ye Town if it may be) for my infirm person and little Estate now left, during the remaining part of my pilgrimage in this Vale of Tears. So with my daily prayers to God only Wise Just, & Merciful to guide you in all your momentous concernments I crave leave to subscribe myself."

Your very humble servant,  
Joseph Hills

- In answer to this Petition the Magistrates judge it is meet that ye Petitioner be freed from Country & County rates during his life, their Brothers the Deputies hereto consenting.

June 1, 1682 :

P. Bulkeley

Consented to by the Deputies.

William Torrey Cleric

A little longer JOSEPH HILLS lingered in the darkness and the infirmities of age, dying at Newbury, February 5, 1683, at the age of 85-years.

- In the year of the removal of JOSEPH HILLS to Newbury, the Town was not represented at the General Court; but the next year, JOHN WAYTE, who had followed his father-in-law as Captain of the Trainband, was elected as his successor in the office of TOWN REPRESENTATIVE. For an unbroken series of 19-years he filled this Office, an honourable service, the duration of which is unparalleled by that of any other Representative in the history of the Town. Like his predecessor, he filled many places of trust and importance in the Colony, the County, and the Town. In 1680 he was appointed upon a Committee to revise the Laws, a duty with which his labour in 1647 and his long experience as a legislator had doubtless made him familiar; and in 1683 he received the honor of a nomination to the Magistracy or Court of Assistants.

At this time the strife between the people of New England and the Mother Country (ENGLAND), as represented by its rulers, had begun. On the one hand spies and informers were busy, and the ground was being prepared for the short and tyrannical rule of Andros. On the other side stood the party of liberty, at times with Petitions to the King, at others with Prayers to the Ruler of Nations, but always with an unflinching hold upon their Duties and their Rights.

Colonial Governor Andros was born in London, England. He became Governor of the newly created Dominion of New England (including Massachusetts, Plymouth, Maine, Connecticut, Rhode Island, New Hampshire) in 1686. His aristocratic manner and Anglican sympathies alienated the Bostonians and he was overthrown in a citizens' revolt in 1689.

Arbitrary Orders were openly disobeyed or silently disregarded. **CAPTAIN JOHN WAYTE** was identified with the Popular Party, and his name is on the Roll of Honor in the "Articles of High Misdemeanour exhibited against a faction in the General Court," in which EDWARD RANDOLPH denounced to the BRITISH GOVERNMENT the 8-MAGISTRATES and 15-DELEGATES who defended their Chartered Rights.

In 1684 he was chosen SPEAKER OF THE HOUSE OF DEPUTIES. In the quaint language of a document relating to him, he soon after became "dark" and ended his public life when most honoured. The Petition in which he related his misfortune and asked relief from his Military duties is elsewhere given.

**Captain John Wayte died September 26, 1693, at the age of 75-years.**

JOHN WAYTE had received a grant of 8-acres in the vicinity of **WAYTE'S MOUNT** from the Town of Charlestown in 1647. In 1654 he bought of John Coggan, who had married the widow COYTMORE after the death of her second husband, **GOVERNOR JOHN WINTHROP**, several parcels of the Coytmore land, one on land which, in 1885, was owned by the heirs of OTIS TUFTS. On this site, in a house which probably contained a portion of the old building, if it was not that structure itself, died in 1797 Edward Newhall, to whom it had come by an unbroken descent in the fifth generation. It was afterwards owned and occupied by the late JOSEPH WARREN TUFTS.

In the division of the Estate of **CAPTAIN JOHN WAYTE**, his house and lands near WAYTE'S MOUNT became possessed by his third son, SAMUEL; and, at the death of the latter in 1720, they passed to his younger children, Edward and Jabez. Edward retained the old house and land east of the Reading road, which passed at his death to the Newhall family. Jabez took his share in the westerly land and built the house which recently stood at the corner of Main and Clifton Streets. This house, occupied successively by the son and grandson of its builder, was known from them as the Micah or Peter Waite house. In its later days, it passed through the descending conditions of dilapidation and ruin, until at last, no longer habitable, it was burned, October 10, 1593.

The grant of land to **JOSEPH HILLS** and his early purchase of the 20-acres of Thomas Ruck and a portion of the lot of Thomas Coytmore have been elsewhere noticed. The land embraced in these parcels lay on each side of the Salem Path, and was described, in 1638, as woodland. That on the northern side extended from the way now known as Main Street to the rocks at Faulkner. On the southern side, it began at the present easterly line of the High School land and ran to the swamp which began at the ancient path now called Cross Street. Southerly, it was bounded by Pemberton's Brook; but, later, Mr. Hills became possessed of all the land south of the brook and north of Cross Street to its junction with Ferry Street.

Whether THOMAS COYTMORE had built upon his land at the present corner of Salem and Main Streets and dug the Well, which for nearly 250-years yielded its cooling waters for the use of man and beast is unknown; but there is reason for believing that JOSEPH HILLS was in the enjoyment of both House and Well as early as 1650.



Salem & Main Streets today (2023).

To this House he refers late in life as his "**lesser House and ground**," he having built another House upon the Salem Path near the present Sprague Street, to which he may have removed and which he sold in 1681, with sixty acres of land to THOMAS NEWHALL of Lynn who had married his granddaughter, REBECCA GREEN. This farm was bounded on the north by Mount Prospect, or **WAYTE'S MOUNT**, and on the south by the water course, or Pemberton's Brook.



Wayte's Mount (or Waitt's Mount)

**THOMAS NEWHALL** removed to Malden and became the ancestor of that branch of the Newhall family which still remains here. Two years before the sale to Thomas Newhall, **JOSEPH HILLS** had sold to **JOSEPH WILSON**, for £85, the house with 8-acres of land, at the corner of the Salem Road and Reading Road. **JOSEPH WILSON was a blacksmith; and his smithy was one of the public places of the Town where notices were posted.**

It may have been upon the westerly side of Main Street, as tradition says, that rubbish of a forge was found there while excavating many years ago. To the land bought from Joseph Hills, Wilson added, in 1699, 6-acres of the Wayte land, which gave him a strip of 14-acres from the Salem Road to Wayte's Mount. This land, with other lots in various parts of the Town, he owned at the time of his death in 1705.

In 1741, after the death of their father, **JOHN WILSON**, **ELIZABETH** and **TABITHA WILSON**, spinsters and granddaughters of **JOSEPH WILSON**, were joint owners and occupants of the house. Tabitha married **BENJAMIN PARKER** in 1768; and 9-years later, Elizabeth, at the age of 65-years, became the third wife of **JAMES MARSON KETTLE** who is variously styled as baker, tavern-keeper, Deputy Sheriff and Jail Keeper. It was he who transformed the house of Joseph Hills into a tavern, the succeeding history of which will be considered elsewhere.