

CS71

A95

1893

No. CS71.A95 1893



GIVEN BY

Elroy M. Avery

THE FOUNDERS
OF THE
AVERY FAMILY.



(GROTON BRANCH.)



This house was built at the head of Poquonnoc Plain, in the town of New London (now Groton), Conn., in 1656, and is still in good condition. Here its builder, Captain James Avery, lived until his death in 1700, since which time it has been the home of some of his descendants.

THE
GROTON AVERYS,

Christopher and James,

THE FOUNDERS OF THE FAMILY.

BY ELROY M. AVERY.

4331.120
1893
[Cleveland]

Univ. of
Dec 1331 116

*C571
.A95
1893

Elroy M. Avery,
Aug 27, 1893.

NOT PUBLISHED.

UNIVERSITY OF
MICHIGAN LIBRARY
ANN ARBOR, MICH.
1893

THE GROTON AVERYS.

CHRISTOPHER.

CHRISTOPHER AVERY, a weaver, was born in England about 1590. There are several traditions with regard to his immigration to the new world. One is that he came from Salisbury, Wilts County, England, in the "Arbella," with John Winthrop, and landed at Salem, Mass., June 12, 1630. Another tradition is that he came over with the younger Winthrop, in 1631, and that, on the voyage, the subsequent governor of Connecticut formed a strong and life-long attachment for Christopher Avery's young son, James. The shipping list of the "Arbella" is not known to be in existence, although it may form a part of the voluminous, unpublished and unexamined archives of the British admiralty office relating to that period. If it is ever found it will probably determine this doubt.

The family is very old in Cornwall, and the Christopher Avery branch may have originated there. In 1310, a Thomas Avery was found at Bodmin, Cornwall; in 1543, John, Thomas, David, and Richard Avery were assessed in Cornwall; in 1605, Thomas Avery was mayor of Tintagel; and in 1679, mention was made of Christopher Avery's meadow at Tintagel. The late Mr. John D. Baldwin, of Worcester, Mass., was of the opinion that Christopher Avery's ancestors came originally from Cornwall. A Christopher Avery buried his wife, Mary, at Salisbury, in 1591, and they may possibly have been the parents of our Christopher. See Appendix A.

There is also some question as to where Christopher Avery first took up his abode on this side of the water. Mr. Baldwin believed that he lived in Boston for several years and went to Gloucester about 1644, while Mr. Harris, of Groton, thinks that it is probable that he went directly to the fishing establishment at Cape Ann and settled on "the farms" adjacent, and that he had a close connection with the Rev. Mr. Blinman and his "Welsh Colony."



"Who would not, will not, if he can,
 Bathe in the breezes of fair Cape Ann—
 Rest in the bowers her bays enfold,
 Loved by the sachems and squaws of old?
 Home where the white magnolias bloom,
 Sweet with the bayberry's chaste perfume,
 Hugged by the woods and kissed by the sea—
 Where is the Eden like to thee?"

But it is asserted that Avery, the layman, did not well agree with Blinman, the minister at Gloucester, that he was presented at court for speaking "scoffingly of him," that he did not accompany the minister to New London, as most of his flock did, and that he did not join his son there until Blinman had gone back to England.

Christopher Avery was selectman at Gloucester in 1646, 1652 and 1654. At a court in Salem he took the freeman's oath, June 29, 1652; was chosen and sworn clerk of the band, constable, and clerk of the market. His wife did not come with him to this country, and, in 1654, he was relieved of a fine imposed for living apart from her, as the following shows:

From Records of Massachusetts, vol. 3, p. 364 :

"Oct. 19, 1654.—Christopher Auery being fined 20 li. at Ipswich Court for living from his wife, vpon his peticon to this Court, being aged & poore, & havinge vsed meanes to p cure his wife hither, his fine is remitted."

From Records of Massachusetts, vol. 4, part 1, p. 210 :

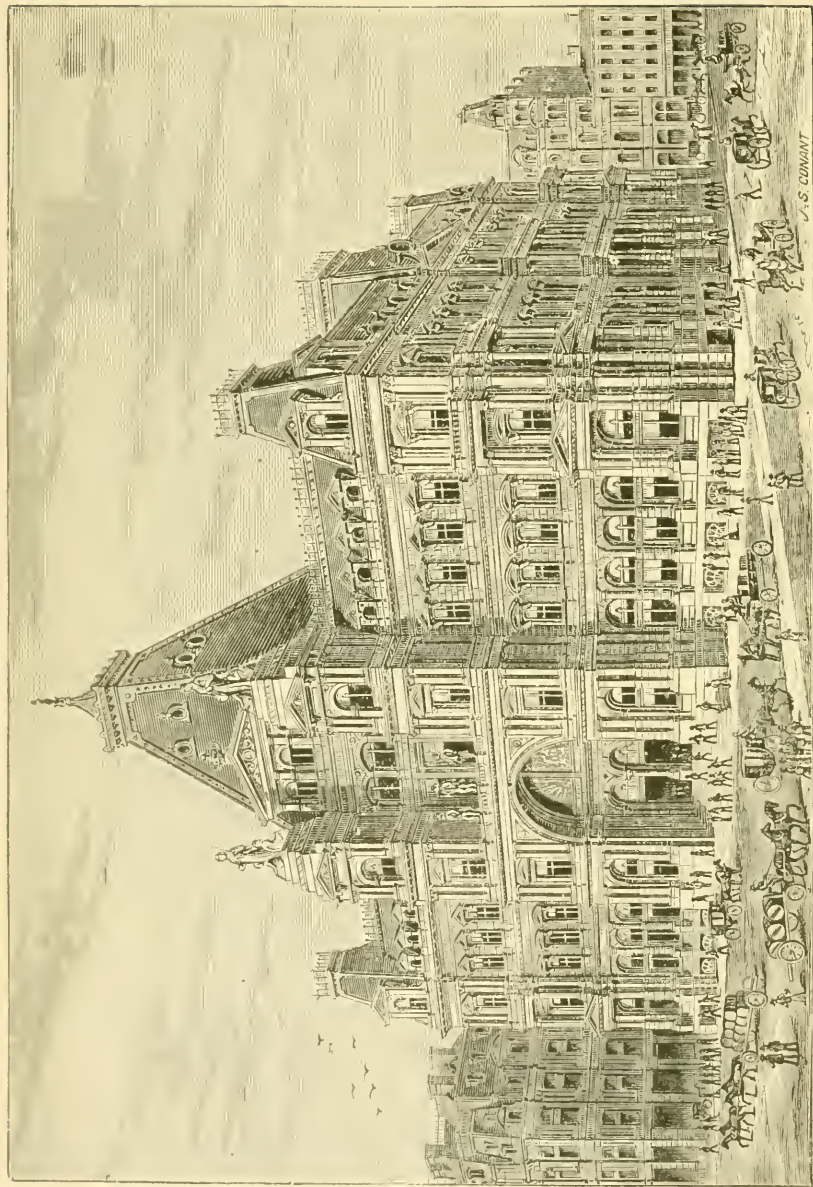
"In ans^r to the peticon of Christopher Awerey, the Court, vnderstanding the peticoner is very poore and aged, having nothing to pay, and that he hath vsed his indeavor to have his wife brought ouer to him, judge meete to remitt his fine and that his peticon is receaved freely."

In 1658, he sold his lands at Gloucester and removed to Boston, where, on the 18th of March, 1658-9, he purchased a home in what is now the business centre of Boston. The following is a copy of the deed :

From Suffolk Deeds, Book 3, p. 214 :

To all christian people to whom these presents shall Come John Samuell of Boston marrjner and Luce his wife send Greeting Know yee that the sajd John Samuell and luce his wife for and in Consideration of forty pounds part whereof in hand pajd the residue secured to be pajd Haue Given Graunted bargained Sold enfeoffed and Confirmed and by these presents doe giue graunt bargaine sell enfeoffe and Confirme vnto christopher Avery of the same boston weaver The one moyty or halfe part of theire dwelling house scittuate and being in Boston aforesajd videljzt the North end thereof conteyning one Under roome a chamber ouer the same and a vanc roofe ouer that with a sellar vnder the sajd Roome according as is marked and layd out by Leftenant Richard Cooke and Peter Oliuer with all the Chimneys belonging to the North end of sajd house so farre as by the sajd Cooke and Oliuer is marked out with so much of the Leantoo as extends to the sajd dividing marke of the sajd chimneys with the Ground on both sides the sajd house to extend so farre vpon a square from the sajd North End as the sajd dividing marke of the sajd chimneys which Ground was likewise lajd out by the sajd Cooke & olliuer and which ground so marked out as aforesajd for the sajd Avery is bounded & fronts next the streete west likewise bounded with the land of Mathew Coy north with the orchard of Henry Bridgeham east and with the residew or rest of the land belonging to the other halfe of the sajd house remayning in the hands and possession of them the sajd John Samuell and Luce his sajd wife South which sajd house with the appurtenances they the sajd John Samuell and Luce his sajd wife purchased of Captaine James Johnson as in the deede by the sajd

Johnson vnto them sealed bearing date the thirtjeth day of January in the yeare of our Lord one thousand sixe hundred fiftie sixe appeareth. To Haue and to hold all and euery parte of the sajd bargained prmisses so bounded Sett out & marked by the sajd Left Richard Cooke and Peter Oliuer as aforesajd vnto the sajd christopher Avery his heires and Assignes To the only proper vse & behoofe of the sajd christopher Avery his heires and Assignes for euer And the sajd Jno Samuell and Luce his sajd wife Doe by these presents Couenant and Graunt vnto the sajd christopher Avery his heires executors Administrators and Assignes that they the sajd John Samuell and luce his wife are lawfully sized of & in the sajd premisses & euery parte thereof with the Appurtenances thereof in their owne right to their owne vse of a Good estate of Inhaeritance in fee simple and are the true & proper owners thereof and haue in themselves full power good right & lawfull Authority to graunt bargaine & sell conveigh & Assure the same vnto the sajd Christopher Auery his heires and Assignes in such manner & forme as before in these presents is mencioned & declared for any act or thing donne by them the sajd John Samuell and luce his wife or either of them and for warranty of the sajd bargained Premisses they ye sajd John Samuell and luce his wife Doe for themselves their heires executors and Administrators further Couenant and graunt to and with the sajd Christopher Auery his heires and Assignes by these presents that the sajd bargained Premisses now be and at all time & times heereafter shall be Remyne Continew & Abide vnto the sajd Christopher Auery his heires and Assignes. freely Acquitted exhonored and discharged or otherwise from time to tyme and at all times hereafter well and Sufficyently Saued Defended and kept harmelesse of and from all & all manner of former bargaines Sales gifts Graunts and ffeoffements Joineures Dowes titles of Dower estates mortgages forfeitures seisures Judgments extents executions & all other Acts & Incombrances whatsoever had made Donne acknowledged or Committed by them the said John Samuell and Luce his sajd wife or either of them or any other person or persons clayming or having any title or Interest of in or to the sajd bargained premisses or any parte thereof or any of the appurtenances thereof by from or vnder them or either of them or the Assignes of them or either of them or donne or Comitted by their or either of their Assent means or procurement or had made Donne or Comitted or to be Donne or Comitted by any other person or persons whatsoever whereby the sajd Christopher Auery his heires or Assignes shall or may be lawfully evicted out of the possession or enjoyment thereof or any parte thereof as aforesajd: And further that they the sajd John Samuell and Luce his sajd wife and the heires of them or either of them at the Reasonable Request and at the



THE UNITED STATES POST OFFICE AND SUB-TREASURY BUILDING
Post-Office Square, Boston

Costs and chardges in the law of the sajd Christopher Auery his heires or Assignes shall and will performe and doe or Cause to be performed and donne any such further act or acts as they the sajd John Samuelli and luce his sajd wife or the heires of them or either of them shall be therevnto Advised or required by him the sajd Christopher Auery his heires or assignes for a more full or perfecting conveying and Assuring the sajd Bargained Premisses and euery parte thereof according to the lawes of this Jurisdiction In witnes whereof the sajd John Samuelli and Luce his sajd wife haue here vnto putt their hands & scales the eighteenth day of march in the yeare of our Lord one thousand Sixe hundred fifty eight or fifty-nine.

mrke *??*

JOHN SAMUELL & a scale
LUCE SAMUELL & a scale

Signed Sealed and
Delivered in the presence of

RICHARD COOKE,

Ita Attest Robt Howard not Pubes.

This Instrument aboue written was Acknowledged to be the act & deed of John Samuelli & luce his wife the 18th of the first moneth 1658 before me

JNO. ENDECOTT Gounor

Entred & Recorded 22th march 1658

p EDW RAWSON Recorder

The land thus sold for forty pounds sterling was a small lot about twenty-six by forty-six feet. It was located in what is now the centre of the post-office building, facing on Devonshire Street. The famous old spring, which gave the name to Spring Lane and which is now preserved under the post-office, was near. This Avery plot was a part of or at least adjoined the site of two notable resorts of later days,—the well-known restaurant whence first came the famous "Julien soup," and the "Stackpole House," not much less famous. The Wynthrop estate was not far away, and near by, in after years, Benjamin Franklin was born. Christopher Avery did not long retain this property, for on the "two and twentjeth day of march one thousand Sixe hundred Sixty & three," he sold the land to Ambrose Dew for forty pounds. There had evidently been no increase of value in the five years that he had held possession. After being owned by two or three different persons, it was bought by Mr. Stackpole about 1790.

Christopher Avery now followed his son James to Connecti-

cut, and, August 8, 1665, purchased a house, orchard and lot of Robert Burrows in New London. Here he claimed exemption from watching and training on account of age, in June, 1667, and was made a freeman of the colony, October, 1669. Charles Hill, the town clerk, made this record of his decease: "Christopher Avery's death, vide, near the death of Mother Brewster," but the date of her death does not appear. Minor, in his diary, however, records that Christopher Avery died March 12, 1679.

According to an affidavit in the probate court, he left an only son, James.

JAMES.

CAPTAIN JAMES AVERY, the only child of Christopher and properly the founder of the family that we call the Groton Averys, was born in England about 1620. He came to America with his father, and lived at Gloucester for several years. He married Joanna Greenslade, of Boston, November 10, 1643, as appears from the record at Gloucester. She received a letter of dismissal from the church at Boston to the one at Gloucester in 1644:

"17 of 1 mo. 1644. Our sister Joan Greenslade, now the wife of one James Averill had granted her by the Church's silence, letter of recommendation to the Ch. at Gloster."

Nothing is known of her ancestry. The only other trace of the Greenslade family in America, in the seventeenth century that I have found is a petition with the following heading: "1663. July 4, A Declaration of ye Townes of Scarborough & Talmouth Black Point & Casco to be Presented to ye Hon^d Court at York." This petition carries numerous signatures, including that of Thomas Greenslad. At that time, the province of Maine was claimed by the heirs of Sir Ferdinando Gorges and by the colony of Massachusetts Bay, the struggle for jurisdiction ending in favor of the Bay colony in 1677. A possible relationship between Thomas Greenslad and Joanna Greenslade is suggested by the fact that the first born son of the latter was named James (for the father) and that the second born was named Thomas.

Miss Caulkins's "History of New London," p. 67, says:

"On the nineteenth of October, 1650, grants were made by the townsmen to 'Mr. Blynman, Obadiah Bruen, Hughe Caukin, Hughe Roberts, John Coite, Andrew Lester, James Averye, Robert Isbell.'

“These were all from Gloucester, a town on the eastern coast of Massachusetts, situated upon the peninsula of Cape Ann. Mr. Richard Blinman had been the minister of Gloucester for eight years, and was now engaged to become the minister of the Pequot plantation. The others were a party of his friends who purposed to move with him, and came on to make preparatory arrangements.”

It appears that James Avery went back to Gloucester, sold his possessions there to his father and, in 1651, returned to New London. In March of that year, “the principal body of these eastern emigrants arrived. * * * * * Early in 1651, New Street, in the rear of the town plot, was opened for the accommodation of the Cape Ann company. This position was designated as ‘beyond the brook and the ministry lot.’ It was carved into house lots and took the name of Cape Ann Lane. The lots on this street were nine in number, of six acres each, extending both sides of the narrow street from the alder swamp in front to Cedar Swamp on the west. Beginning at the lower end, Hugh Calkins had the first lot by the Lyme road, or highway to Nahantick, as it was then called, and next to him was his son-in-law, Hugh Roberts; then Coite, Lester, Avery, Allen, Meades, Hough, Isbell.” These New Street home-lots were dreary and uninviting. Some of the new-comers became discouraged and went away and “even those who had the courage to settle down in this part of the plantation, soon abandoned the land to pasturage or waste and found other homesteads.”

The registry entitled “Births in New London” begins with the following record :

“Hannah, the daughter of James Avery, was born 11 Oct., 1644.

James, the son of do.—15 Dec. 1646.

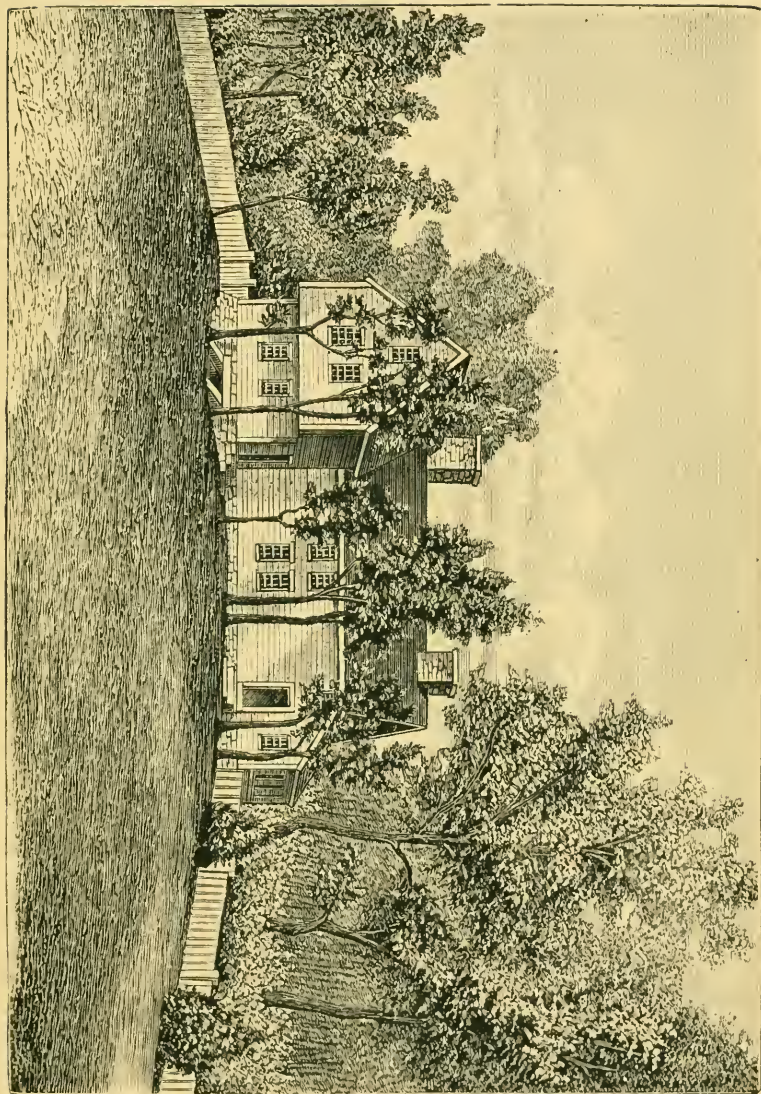
Mary, the daughter of do.—19 Feb. 1647.”

These three were born in Gloucester, and their births were there recorded; the transferred record “is not a solitary instance of loose and inaccurate registry.” The interval between the births of James and Mary, as above recorded, was fourteen months instead of two months, as at first glance appears,—a result of the observance of the Julian calendar in those days. The calendar-amendment act, an English statute of 1751, established the first day of January as the beginning of each year (instead of Lady-day, March 25), adopted the Gregorian or “new style” in place of the Julian or “old style” calendar, and cancelled the then existing excess of eleven days by making the

third day of September, 1752, the fourteenth. Hence the double writing of the year in dates falling in January, February and March, so frequently met with in the following century. The last date in the registry-record above quoted might be written, 19 Feb., 1647 (O. S.), or 29 Feb., 1648 (N. S.), or 19 Feb., 1647-'48.

In addition to his grant of land, October 19, 1650, and of a town lot on Cape Ann Lane, early in 1651, James Avery soon received a grant of the "Little Owl Meadow," "not far from the town plot on the North side of the Mill Brook." But ideas grew and there was a quick thirsting after large domains. About 1652, he was granted a farm in South Groton, where lands were especially desirable, as they might be cultivated immediately. He, however, continued to live with his family on his town lot for several years. Early in 1653, he secured another farm, one of the "Pocketannock grants," further up the river, in what is now the town of Ledyard. About 1656, he built "The Hive of the Averys," at the head of Poquonnock Plain, in the present town of Groton, a mile and a half from the River Thames. In June, 1684, the old Blman edifice at New London, "the unadorned church and watch-tower of the wilderness," was sold to Captain Avery for six pounds, with the condition that he should remove it in one month's time. According to tradition, the church was taken down and its materials carried across the river and added to the house he had already built at Poquonnock. In spite of this analytic and synthetic process, the house seems to have retained some of its sacred character and, even a century later, "the same timbers, the same boards, joyfully resounded once more to the ancient but well remembered voices of exhortation and praise." The antique dwelling, of which we give a fine illustration, is still in good repair and is occupied and owned, as it has ever been, by an Avery family. With its charming situation, the old-time combination constitutes one of the most interesting and picturesque farm-houses in the country. Here James Avery lived until he died. The present occupant (1893) is the Groton town-clerk, Mr. James D. Avery (No. 1623).

James Avery seems to have taken, at once, an active part in private business and public affairs. On the twelfth of October, 1667, he petitioned the general court as follows :



“The request of James Avery of New London to this Honored Assembly is, that whereas the Country have putt me upon some publique employment, and haue done what seruice I am capeable of, that this Assembly would please to grant me, as they have done to diuerse others, a percell of land which belongs to the Country, soe much as theyshall think meet, where it may be found; which I shall thankfully accept; and ever pray for your prosperity.”

In May of the following year, the general court made the following record:

“Lieutenant James Auery hath likewise by this Court granted to him a Hundred Acres of land for a farme, in which there may not be aboue twenty acres of meadow.”

A like reward for public services was made by the colony in 1675.

He soon became active in military affairs and is generally spoken of by the title of Ensign, Lieutenant or Captain. The region in which he had made his home was formerly the chief seat of the formidable Pequot tribe that had been almost exterminated by the English a few years before. The Pequot Fort, taken in 1637 by Captain John Mason, in command of the Connecticut troops and their Mohegan and Narragansett allies, was on the Mystic River, on the eastern line of Groton. After the Pequot War, a few survivors of that once dreaded tribe still lived in the haunts of their fathers, with the Narragansetts on the east, and the Mohegans, under their sachem, Uncas, near by on the west. In 1657, the Narragansetts made a wild foray and Uncas fled from the blood and fire that marked their course. He took refuge in a fort and was besieged by his unrelenting foes. But just in time, “Lieutenant James Avery, Mr. Brewster, Richard Haughton, Samuel Lothrop, and others well armed, succeeded in throwing themselves into the fort; and the Narragansetts, fearing to engage in a conflict with the English, broke up the siege and returned home.” The legislature approved of the measures that had been taken for the protection of the faithful ally of the English.

Great Britain proclaimed war with the States General in February, 1665, and, in June, America received tidings that the Dutch admiral, DeRuyter, had orders to visit New York with a large force. The northern colonies were alarmed at the approach of so formidable an enemy and began preparations for defence. The following item appears in the record of a session of the Connecticut general court, held at Hartford, July 6, 1665:

"This Court haucing by his Majestie's order bene informed that DeRuiter is likely to assault his Majestie's Colonies in these parts of the world and that it is his royall pleasure that his subjects here should put themselves in a posture of defence agaynst the comon adversary. In pursuance thereof, doe order that each plantation in this Colony should consider of some way for the discouery of the approach of the enemy: And that vpon the discovery of the enemy they presently giue notice thereof to ye Committee appointed by the Court, who are to act therein according to the power committed to them by this Assembly."

The committee in charge from Southerton to Guilford was "Maïor Mason, Ens: Avery, Thomas Minor, Robt Chapman, or any three of them." "Which said Committees being mett in their respectiue limits are hereby impowred to order and appoint how and in what way the order established for aid and reliefe in such cases may be effectually attended." In this same year (1665), the general court confirmed Ensign James Avery as "lieutenant to ye Trainband at New London."

In 1667, the Pequot remnant was transfered to a reservation, although, as the historian informs us, "Mr. Winthrop, Captain Denison, Captain James Avery and some other men of influence, dissented from these views and labored for the accommodation of the Pequots." The fair disposition and judicial temperament of Mr. Avery are here clearly shown—qualities that doubtless gave him much of the great influence that we know he possessed with the friendly Indians of that region. For several years, before and after this, the commissioners of the United Colonies referred almost everything relating to the Pequots to Messrs. Denison, Stanton and Avery for adjustment, and the Connecticut general court records contain references, too numerous to mention in detail, of which the following (May 11, 1666) must suffice as example:

"Lt. Avery and James Morgan are appointed and required by this Court to lay out the land for Coassatuck Indians according to ye determination of ye comittee; and likewise to lay out the northern bounds of Stonington, and also ye land granted to Thomas Minor and John Gallop respectiuely."

"Robin Cussinamo is appointed Gouvernor ouer the Pequots on this side Mistick Riuer, and Cushauinakim and Yoioamatim are appointed as Assistants to ye said Cussinemo in gouerneing the said Indians. And Lt. James Avery, Cary Latham and John Gallop are desired to assist by advice and counsell to these Gouvernors as occasion or necessity may present."

In 1678, the said commissioners granted Captain Avery five pounds "for his good service in assisting in the Government of the Pequots for sundry years past." See Plymouth Colony Records, Vol. 10.

In 1668, he and Cary Latham were chosen by the town to settle the boundary line with the sachem Uncas. The £15 that secured the desired formal deed was paid by James Avery and two others, each of whom was indemnified by the town with 200 acres of land. Captain Avery's services seem to have been often called for by the town and by individuals in the settling of such controversies.

In June, 1672, the general court ordered that Captain John Winthrop should be the "cheife military officer" for the county of New London, and Lieutenant James Avery, his second.

In 1673, danger was apprehended from the Dutch, and each county was ordered to prepare for defence. New London County was to add a hundred "dragoones" to her train-bands, and for "such forces as shall be called out of that county, James Avery [was] appoynted Captain."

New England's long continued freedom from the horrors of Indian war was abruptly ended in 1675. The name of King Philip became a terror to the English settlers from Connecticut to Casco Bay. In the summer months, Massachusetts suffered untold agony and, in October, the general court at Hartford practically put Connecticut under martial law.

"Forasmuch as this Court, by reason of intelligence (both from our freinds towards the Narragansetts and also from Major Andross) of great combinations and threatenings of the Indians against the English, and particularly against the greatest part of this Colony, and that speedily to be put in execution, the late experience and motion of the enemy seeming to suite such a designe, haue seen cause to call backe their present forces unto Hartford to be improved as farther occasion may call for; It is therefore hereby ordered, that each county doe speedily rayse out of their severall townes in their respective countyes, sixty souldiers, well fitted with hors armes and ammunition, as dragoones, who shall be imbodied for motion in their severall respectiue countyes for the defence of the Colony against any sudden assault of the enemy. And because of the difficulty and danger of moueing ouer the riuer at Saybrooke, this Court orders Saybrooke and Kenilworth to fall in with New Haven, as part thereof in this undertaking. The proportioning of each plantation and all other things necessary for the well ordering of the severall companies is left to the ciuill authority in each county to order as they shall judg most conduceable to the end afoarsayd; and that they be ready for the releife of each other upon notice, as any exigence may call for. And because there are the Moheags and Pequots dwelling amongst those fower townes of New London County, it is ordered that Captain James Avery take the command of forty English from the three townes of New London, Stoneington and Lyme, to be raysed together with such of the Pequots as he likes, and Captain John Mason shall take twenty English from Norwich with the Moheags; each party to quarter and lye where they may be of best vse for the end afoarsaid, and to joyne together as there may be any occasion or exigence, vpon notice from Major John Winthrop; they to appoynt such inferior officers as they shall thinke most meet."

At a meeting of the council of the colony in the following February, "there was order to Capt. Avery, Capt. Denison and Lt. Minor to raise some forces to surprize or destroy the enemy; as more at large by the letter on file may appear." From said letter, I clip the following sentence:

"The Council, considering the difficulty of collecting any considerable body of the enlisted soldiers from the several townes, for an immediate march against the enemy, order that Captains Avery and Denison, and Lieut. Minor, should forthwith gather as many men as possible, from the three nearest towns (New London, Norwich and Stonington), and, taking with them the Mohegan and Pequot Indians, march against the enemy." At a meeting of the council in the following month, it was written in the record that:

"For the encouragement of such as shall goe forth volunteers against our Indian enemies in the Narragansett Country and to prevent their gathering and settling there, we have thought meet to declare, that whosoever shall employ themselves in this service, whether Indians or English, and goe forth under the command of Capt. George Denison or Capt. James Avery or Lt. Thomas Minor or Ens: Tho: Leffingwell, shall have all such plunder as they shall seize, both of persons and corn or other estate, to be disposed by them in way of sale, so as they may best advantage themselves, provided Authority have had the first tender of their dispose of captives, allowing them the market price; to be divided amongst them, to the private souldiers, each man alike, and to the commanders so much a better part according as there is difference in their wages; and all wounded men to be healed at the Country's charge."

In the following August, "the Council agreed and ordered that the right and division of the captives be left to the decision and determination of Capt. John Mason, Capt. James Avery and Mr. Daniel Witherell, whoe are desired and impowered to dispose the said captives, whither in hands of the Pequots, Moheags or Narangansetts, to such persons to whome of right they doe belong, according to the severall agreements as the claymers shall make their demands by." The question of the disposition of booty again came up in the council and, in January, 1676-'77, it was ordered that "whateuer captives or plunder shall be taken is to be tryed and condemned by a Court Marshall, that so no wrong may be done. The Court Marshall for New London County are appoynted to be Major Ed: Palmes, Capt. James Avery, Lt. Samuel Mason and Lt. Tho: Minor, or any three of them."

The commissioners of the United Colonies of New England put a force of a thousand men under command of Governor Josiah Winslow of Plymouth. In early winter, he was in the hostile country where a great battle was fought on Sunday, December 19, 1675. The Narragansett fort was in what is South Kingston, R. I. It included five or six acres of dry ground, was surrounded by a swamp and defended by palisades and felled trees. The only entrance was by a bridge made by a felled tree and commanded by a block house. Within, were not fewer than 3,500 warriors. The fight was desperate, for, on either side, it was a clear case of conquer or die. Victory was for the English. It is said that 700 Indians were killed that day and that of their wounded, 300 died. The power of the Narragansett tribe was broken. In this fight, the Pequot allies were commanded by Captain James Avery; Captain John Gallop, who commanded the Mohegans, was slain.

The Narragansett fight enraged the Indians and made them desperate. The English plantations were in greater danger than before. In the following February, began "that series of forays into the Indian territory, which, issuing at short intervals from New London County and led by those noted Indian fighters, Denison and Avery, contributed in no small degree to the favorable result." In the third of these excursions, the chief surviving sachem of the Narragansetts, Canonchet, the son of Miantonomo, was captured—"one of the great exploits of the war." The particulars of his capture and execution may be found in Hubbard's "Indian Wars," pp. 165-9, and in Trumbull's "History of Connecticut," I. 343-5.

Captain Avery was equally prominent in the civil matters of the town and colony. He was chosen townsman, (*i. e.*, selectman,) in 1660 and held that office twenty years. What seems to have been one of his earliest acts in this official capacity shows a laudable desire to preserve the public documents and is thus recorded:

"Feb. 6, 1660.—For the settling, perfecting and fairly recording of all records, for the town's use and good of after posterity, wee agreed that there shall be a towne booke, with an Alphabet in it, wherein all acts passed, orders or agreements, shall hereafter be fairly recorded, whether past or to come, for the effecting hereof, we agree that all the old bookes of records shall be searched into for what is material concerning the public good, to be drawn out into a booke provided and paid for by the Recorder, who shall have *od.* paid him out of the town rate for every act, law or order recorded."

This is signed by the townsmen, Obadiah Bruen (who was recorder), Hugh Calkin, James Rogers, James Avery and William Nichols. Unfortunately, the full measure of the advantages which these wise townsmen intended to confer upon "after posterity" was made scant by the performance.

For the next few years, the records contain frequent references to James Avery in connection with such matters as the collection of tax-rates, arbitrations like that between "Goodman Packer and the Indians", the killing of wolves, for which he claimed the bounty of twenty shillings each, the laying out of the king's highways, the adjustment of the bounds between New London and Saybrook (which adjustment proved to be unsatisfactory to his fellow-citizens), the naming of a day for the cutting of wood for the minister, etc. In February, 1665-'66, it was "Voted by ye Towne that Leiff. Avery and James Morgan have power to agree with any person that hath a serviceable horse to be employed in fetching up Mr. Bradstreet and what agreement they make the towne to allowe and make good the same." The next year, and as a consequence of this *carte blanche*, Goodman Prentice received ten shillings for the use of his horse, and Goodman Royce fifteen shillings "for ye minister's dyet." On June 1, 1666, it was "Voted by a Vnanimous consent that Mr. Bradstreet is accepted to ye worke of ye ministry amongst us, and that he have 80 lb. pr yeare to encourage him in the worke, to be gathered by way of rate." The town also voted to build a girt house "36 foote in length, and 25 in breadth and 13 studd betwixt ye joynts with a stack of stone chimneys in the midst," all at a cost of a hundred pounds, with an extra appropriation to "paye ye masons for building a stone chimney and glaze ye house windowes." These records give us an interesting peep into the old New England town-meeting and throw an instructive side light on the characters of our fathers.

Originally, the Connecticut general court not only enacted the laws of the colony, but administered them, criminally as well as civilly. As it was difficult to try all of these cases at Hartford, and in answer to a petition from New London, the general court "doe order for ye present that there shall be an assistant and 3 commissioners in that Town who shall have full power to issue small causes, and ye punishing small crimes." Among the first

commissioners appointed for this particular court at New London, was Captain James Avery. The appointment was conferred upon him by the general court in 1663. His office as commissioner was much like that of a justice of the peace. The first court record of "Judge" Avery that I have found is dated May 31, 1664; "Deputy-governor Mason and Messrs. Talcott, Bruen and Avery on the bench." In 1666, the county of New London was constituted with its county court. Of this county court, James Avery was for many years one of the commissioners. Before this court came actions for small debts and complaints of evil-speaking and disorderly conduct. Wills were proved and marriages performed the same as in the higher courts. A few of the examples cited by Miss Caulkins may serve to illustrate the manners and customs of those days:

"June 30, 1664. Mrs. Houghton summons Mrs. Skillinger before the commissioners to answer for abusing her daughter in the meeting house; we not finding legal proofs hereof, judge it meet that Mrs. Houghton tutor her daughter better and not occasion disturbance by any unmeet carriage to her betters hereafter, and this being the first time, we enforce no further."

Another case was against "a person belonging to Seabrook for uttering contumelious speeches against his Majesty when in liquor; to be whipt immediately at New London and a quarter of a year hence at Seabrook; Mr. Chapman to see it done."

"1667. Goodwife Willey presented for not attending public worship and bringing her children thither; fined 5s.

"George Tongue and wife were solemnly reprimanded for their many offences against God and man and each other. On their submission and promise of reformation, and engaging to keep up the solemn duty of prayer and the service of God in the family, they were released by paying a fine of £3.

"John Lewis and Sarah Chapman presented for sitting together on the Lord's Day under an apple tree in Goodman Chapman's orchard."

"1673 James Rogers, Jr., for sailing in a vessel on the Lord's day, fined 20s.

"Edward Stallion for sailing his vessel from New London to Norwich on the Sabbath, 40s."

"Sept., 1674. Complaint entered against Stonington for want of convenient highways to the meeting-house. The court ordered that there shall be four principal highways according as they shall agree among themselves to the four angles, and one also to the landing place, to be stated by James Avery and James Morgan within 4 months."

That the county court had admiralty powers appears from the following:

"1680. Thomas Dymond vs. barque Providence, stranded on Fisher's Island, for salvage of goods."

"1682. New London was presented for not having a grammar-school; fined £10; also for not having an English school for reading and writing, £5."

There were numerous presentations of James Rogers for profanation of the Sabbath and kindred offenses. He had extensive lands and a greater interest in the trade of the port than any other person in the place. He and his family became dissenters from the established church and allied themselves to the Sabbatarians or Seventh-day Baptists of Rhode Island. After 1677, his son, John Rogers, drew off from the Sabbatarians, assumed the ministerial offices of preaching and baptizing and organized a new sect called the Rogerenes. Miss Caulkins says that "a great and predominant trait of the founder of the sect, and of his immediate followers, was their determination to be persecuted. They were aggressive, and never better pleased than when, by shaking the pillars, they had brought down the edifice upon their own heads. They esteemed it a matter of duty, not only to suffer fines, distraintment, degradation, imprisonment and felonious penalties with patience, but to obtrude themselves upon the law, and challenge its power, and in fact to persecute others, by interrupting their worship, and vehemently denouncing what they esteemed sacred." These offences were promptly met by penalties. "Fines were many times repeated and the estates of the offenders melted under the seizures of the constables as snow melts before the sun." "It is probable that all penalties would have been silently dropped had they not kept up the aggressive system of testifying, as it was called; that is, presenting themselves in the religious assemblies of their neighbors to utter their testimony against the worship. John Rogers and the elder sister were the principal offenders, they often carrying their work into meeting and interrupting the service with exclamations and protests against what was said or done." The foregoing is intended simply to illuminate the following from the records of the county court:

"April 14, 1685. Judges upon the bench, Fitch, Avery and Wetherell. John Rogers, James Rogers, Jr., Samuel Beebee, Jr., and Joanna Way, are complained of for profaning God's holy day by servile work, and are grown to that height of impiety as to come at several times into the town to re-baptize several persons; and when God's people were met together on the Lord's day to worship God, several of them came and made great disturbance, behaving themselves in such a frantic manner as if possessed with a diabolical spirit, so affrighting and amazing that several women swooned and fainted away. John Rogers to be whipped fifteen lashes, and for unlawfully re-baptizing to pay £5. The others to be whipped."

The Hon. Richard A. Wheeler, for many years the judge of probate at Stonington, Conn., says (Novembr 10, 1888): "Mr. Avery held the office of commissioner for a good many years, and, judging from his position in civil and military life, he must have been a man of marked abilities, fitted for the exigencies of the times in which he lived." Miss Caulkins says that "after 1666, for fifteen or twenty years, the commissioners (justices) for New London were almost invariably Messrs. Avery, Wetherell and Palmes." (History of New London, p. 180.)

Captain James Avery was twelve times elected to the general court from 1658 to 1680. Groton was set off from New London as a separate town in 1705. In 1871, Judge Wheeler published a list of representatives from Groton from its organization, at the end of which occur these words: "It is worthy of note that out of the 545 representatives of the town of Groton, 104 have borne the name of Avery and all were descendants of Captain James Avery."

There was then a close union between church and state, each being part of the other. The Congregational church was fully "established," wholly "orthodox," and the only one recognized by law. The minister's salary was raised by public tax and a few of the old rate-lists for this purpose are still preserved. In that for 1664, the names of 105 property holders appear. The name of "John Winthrop, Squire," heads the list. He was then a non-resident; his property was set down at £185. The estate of James Rogers is set down at £548—nearly double that of any other tax-payer. The next highest are John Pickett, £299, 10s.; James Morgan, £252; Robert Burrows, £246; James Avery, £236; and Cary Latham, £217. At *that* time, land was hardly taken into account in the estimate of the value of a man's estate.

James Avery was prominent in matters relating to the church, and the references to him in such connection are numerous. For example, in February, 1677-'78, when it was resolved in town-meeting to build a new meeting-house to take the place of the out-grown Blinman house, the building-committee consisted of Captain Avery and two others. In 1683, he was a member of a committee of which Major John Winthrop was chairman, to send a letter to the Rev. Mr. Mather and the Rev. Samuel Willard, at Boston, for advice concerning a successor for the Rev. Mr. Bradstreet, deceased. The church record kept by the Rev. Mr. Brad-

street, begins October 5, 1670, the day of his ordination. It begins with the following list :

“THE MEMBERS OF THE CHURCH.

Lieutenant James Avery and wife,

Thomas Miner and wife,

James Morgan, senior, and wife,”

and eighteen others. Thus we see that the wife, Joanna, was living in the latter part of 1670; the Rev. John Avery says that she was living in 1693. The date of her death is not known. She was the mother of all his children.

About 1655, a certain Abigail, surname unknown, was married to Samuel, the son of William Cheeseboro, the founder of Stonington. Their daughter, Abigail Cheeseboro, married John, the son of Captain James Avery. Samuel Cheeseboro was buried July 31, 1673, and on June 15, 1675, his widow was married to Mr. Joshua Holmes. Mr. Holmes died in 1694, and on July 4, 1698, his widow was married to the widowed Captain James Avery. Captain James Avery died April 18, 1700.; his widow was living as late as 1714. His four sons married and had twenty daughters. The four sons had thirty-two sons. At least twenty-five of the grandsons became heads of families, and there is nothing in the records to show that the other seven were not married. These twenty-five grandsons, of whose families we have the records, had one hundred and two sons. Of these, at least eighty-five might have married, and it is known that sixty-nine of them did marry.

In studying the records of those days, the careful student is strongly impressed with the fact that Captain James Avery was a very remarkable man. Living as he did in stirring times, he was a leader among strong men, enjoying their confidence and respect because he deserved them. Especially is it to be noted that, although the state then took cognizance of affairs which we now call private and interfered in the details of family life and personal relations in a way that would not be tolerated now, he was never censured or “presented” for any shortcoming or alleged dereliction of duty or propriety. Eminent in all the relations of life, his descendants look upon him with pride and affection as one *sans peur et sans reproche*.

Erroy M. Avery.

1630.



SALEM.

