

UCLA

American Indian Culture and Research Journal

Title

Red-White Power Relations and Justice in the Courts of Seventeenth-Century New England

Permalink

<https://escholarship.org/uc/item/1vn9x8p0>

Journal

American Indian Culture and Research Journal , 3(4)

ISSN

0161-6463

Author

Koehler, Lyle

Publication Date

1979-09-01

DOI

10.17953

Copyright Information

This work is made available under the terms of a Creative Commons Attribution-NonCommercial License, available at <https://creativecommons.org/licenses/by-nc/4.0/>

Peer reviewed

Red-White Power Relations and Justice in the Courts of Seventeenth-Century New England

LYLE KOEHLER

Recently, there has been considerable disagreement over how well or badly Puritan magistrates treated Native Americans who appeared before them.¹ No one has, however, systematically compared, colony by colony, the penalties assessed red and white offenders who committed similar seventeenth-century crimes. Nor do most observers recognize that European dealings with the Indians constituted a dynamic, changing reality that depended significantly on how secure the early whites considered themselves from any native threat.² This essay will attempt to describe how Puritan legal policies toward and punishment of red offenders developed variously throughout southern New England, with particular reference to that issue. Although the New England colonies dealt with Indians in a far from uniform manner, we shall see that white men generally exhibited considerable fairness only when they believed that their safety was at stake. They demonstrated an ethnocentric and, by late century, even racist unfairness once they had achieved some dominion over the Native American peoples around them. When that point was reached, the sentences Calvinist justices handed down to red and white offenders reveal remarkable differences.

In the earliest years of white settlement, it was expedient for the Pilgrim and Puritan newcomers to deal fairly with the Indians. Few in number, these transplanted Europeans could hardly afford to alienate nearby tribes. Although the Massachusetts, the Penna-

Lyle Koehler is director of Tutorial and Referral Services at the University of Cincinnati.

cook confederacy of what would become New Hampshire, the Abenaki of Maine, and the Cape Cod residents had been decimated by epidemics from 1616 to 1619, the Narragansetts to the south and Pequots to the west could still muster sizable contingents of warriors. Even the Massachusetts and Wampanoags, despite heavy losses, collectively outnumbered the early English.³

Even before boarding the *Mayflower*, Pilgrims fretted about the "continual danger" posed by a "savage people" whom they stereotyped as "cruel, barbarous, and most treacherous."⁴ Despite a quick alliance with the Wampanoags, antipathy soon developed between the English and Native American groups such as the Nausets, Massachusetts, and Narragansetts. In fact, some Pilgrims, appalled at the ease with which the Indians acquired arms and ammunition, complained to the King's Council for New England, "We shall be forced to quit the country . . . ; for we shall be beaten with our own arms if we abide."⁵ Miles Standish acted in a singularly cocky manner toward red warriors, but his action scarcely covered up the Pilgrims' underlying general anxiety.⁶

Puritans came to the new world in greater numbers, but with similar feelings of insecurity. Although an occasional leader might bluster that "40 of our musketeers will drive five hundred" Indians "out of the fields,"⁷ he and his contemporaries soon discovered that Indians did not fight English-style in the open. And while the first colonists at Salem in 1628 had a great quantity of guns, powder, and bullets, they were beset by illness and could spare almost no one to use the firearms at a time when reports of a Narragansett-led "conspiracy" were rife. One of the major concerns of the party of English settlers who landed at Charlestown in June 1630 was aptly expressed by Roger Clap. He wrote, concerning the Indians, "Alas, had they come upon us, how soon they might have destroyed us!"⁸

The Calvinists carefully settled on lands depopulated by the 1616 to 1619 plague, where, they rejoiced, "there is none to hinder our possession, or lay claim to it." Soon after settlement, Pilgrims successfully established friendship with the Wampanoag sachem Massasoit.⁹ On a 1623 voyage to Plymouth Virginian John Pory marvelled to find that the Indians "generally do acknowledge" the English occupancy of that locale "and do themselves disclaim all title from it; so that the right of those planters to it is altogether unquestionable." Such a "favor," he related, "since the discovery of America, God hath not vouchsafed, so far as ever I could learn, upon any Christian nation within that continent."¹⁰

The earliest Puritans to arrive in the Bay Colony received orders from the New England Company in 1629 to "make composition" with any local sachem who "pretended" ownership of land, in an effort to "avoid the least scruple of intrusion."¹¹ The transplanted Puritan authorities respected the spirit of that injunction. English settlers at Dorchester acquired the occupancy right from Native Americans, then "for a valuable consideration" purchased some extra territory.¹² Seeking both trade goods and allies against their Abenaki enemies, the 300 Indians at Charlestown welcomed English residency.¹³ Sachem Wonohaquaham gave the English "liberty" to locate there. Other colonists secured the right to inhabit Saugus from the ruler of that area,¹⁴ while the first white Bostonians acquired the occupancy right there from the only two remaining Indian inhabitants, as well as from the Massachusetts chief sachem Chickataubot.¹⁵ Another local leader "sold" Nahant to Thomas Dexter for a suit of clothes.¹⁶

Many sachems had little apparent objection to the English settling on the depopulated seacoast lands they governed. Unfortunately, no record of the contracts early Indians made with the whites remains.¹⁷ It may be that the English, claiming ultimate title from the King anyway, had no pressing need to preserve an account of their dealings with the natives, who obviously could not read it. All that mattered, for purposes of white security, was that the Indians be reasonably satisfied. The gift of some trade goods could insure that, since red people did not conceive of nourishing Mother Earth as a merchantable commodity.¹⁸ Native Americans continued to hunt, fish, and plant on lands inhabited by the whites. Indeed, Indian-English land conveyances recorded between the late 1630s and early 1660s almost always guaranteed such privileges.

In an effort to enhance their own standing with red neighbors and thereby insure their security, the Bay Colony authorities acted in accordance with a New England Company directive to punish any Englishman who injured a native, if only "in the least kinde."¹⁹ When Puritan cattle destroyed Indian maize, adequate compensation was awarded.²⁰ Red victims of other property destruction or theft received damages.²¹ One Massachusetts couple was "very well satisfied" when Puritans whipped a settler for soliciting the squaw's sexual favors.²² Similarly, if a red man shot an English pig or assaulted a white person, the authorities expected the appropriate sachem to penalize the offender, a practice consistent with Indian custom.²³ Neither Puritan nor Pilgrim attempted to interfere with the internal affairs of any tribe.

Such fairness in English-Indian relations occurred at a time when New England Calvinists had considerable concern over their precarious position, not only vis-a-vis the Indians, but also with respect to the French in Acadia and the Anglicans at home in England. In 1632 the French looted the Plymouth trading house at Penobscot and a year later took another post at Machias. This, coupled with a Privy Council order to stay ships carrying Puritans out of England and the final revocation of the Puritan charter, made friendly relations with the Indians imperative.²⁴ Calvinists could not hope to survive in the event of war with the French, English, and Native Americans.

In the mid-1630s the Calvinists became somewhat more confident of their position. The reason was that epidemic illness in 1633 again hit the Massachusetts and Pennacooks hard and claimed 700 victims among the powerful Narragansetts.²⁵ In May 1634 John Winthrop declared, "For the natives, they are neere all dead of the small Poxe, so as the Lord hath cleared our title to what we possess."²⁶ In 1636 the Puritan Assistants felt secure enough to punish the Indian Chausop in a white court. That red man was sentenced to perpetual slavery for some unspecified offense.²⁷ After the quick war in 1637 between the Pequots and the English with their numerous red allies, Calvinists had no compunction about making servants out of Pequot women and children and shipping many Pequot males off to slavery in Bermuda,²⁸ practices rarely used in European wars. Pequot servants who rejected the subsequent English effort to force their attendance at Sabbath assemblies and reading classes by running away from their appointed masters were, upon apprehension, branded on the shoulder.²⁹

The Puritans assumed some jurisdiction over the weakened Narragansetts as well, even though that tribe had fought against the Pequots. In 1638 Bay Colony Assistants ordered one Narragansett who had killed a cow to supply satisfaction or directed that the same be taken from the tribe. Four years later, the same court ordered the Narragansetts to send another of their people to Boston for allegedly attempting to rape a Dorchester woman.³⁰

Puffed up with pride after the defeat of the Pequots, Puritans no longer simply notified the appropriate sachem whenever any difficulty arose. Now, in some instances, they demanded that tribes hand over Indians who committed crimes against whites to Puritan magistrates, although they never relinquished any whites guilty of crimes against the Indians to an offended tribe for trial. The Bay

Colony legislature went so far as to pass two laws specifically directed against Indians. In 1637 one ordered all towns to restrain Native Americans from profaning the Sabbath, and in 1641 another directed that Indian substitutes be taken from those peoples who refused to return runaway servants.³¹

It appears, however, that the Calvinists' new-found confidence after the Pequot War had its limits. Massachusetts magistrates did not yet interfere much in intertribal affairs or punish Indians for crimes against other members of the same tribe. Nor did the Puritans actually summon any red Sabbath violators into court. Sometimes white leaders even extended considerable justice to their red contemporaries, albeit not necessarily from the purest motives. For example, when an ex-Pequot War soldier and three servant runaways from Plymouth Colony killed a Narragansett for his wampum, his tribesmen captured and brought them before the Rhode Island authorities. Bay Colony magistrates, when consulted, recommended that the killers either be sent to Plymouth or, since the murder occurred outside English jurisdiction, that the ringleader be turned over to the Narragansett sachem Miantonimo (though with the caution that the Indians should not torture him).³²

The Rhode Islanders ultimately delivered the murderers to Plymouth officials. Despite talk from "some of the rude and ignorant sort . . . that any English should [not] be put to death for the Indians," Plymouth hanged the offenders on September 4, 1638. Quick action, however, may have been forthcoming only because Roger Williams informed John Winthrop that the victim's "friends and kindred were ready to rise in arms and provoke the rest thereunto, some conceiving that they should now find the Pequots' words true, that the English would fall upon them." Only hesitantly did Native American witnesses to the crime show up in the Plymouth court, for they feared the English could more easily kill them there.³³ Plymouth magistrates may have felt it particularly necessary to extend the Narragansetts justice because of the dispersion of the colony's small population; between 1632 and 1639 Plymouth colonists expanded into seven new communities.³⁴

In yet another instance, Connecticut officials considered the case of the Wongunk sachem Sequin, who had joined the Pequots after the colonists at Wethersfield drove him and his people away by force. Later, when Indians killed nine Wethersfield settlers, Sequin's accountability became a matter of concern. Ultimately, the Connecticut magistrates concluded that Sequin's war had been "just" and appointed commissioners to compose the differences between him and the colonists.³⁵

The extension of justice to Sequin and the Narragansetts may have been in part designed to woo potentially hostile Native Americans into accepting the white man's law. Connecticut's fairness to Sequin was a part of that colony's tentative approach toward the Indians. Located near the still powerful Narragansetts, Pocumtucks, and Connecticut River tribes,³⁶ this most westerly of Puritan colonies had only about 800 white inhabitants in 1637.³⁷ In 1638 the Connecticut General Court directed private citizens not to imprison, restrain, or whip Indians. Any menacing speeches by white persons were illegal unless hurled at Indians discovered assaulting a settler's person or property. No law required Native Americans to return runaway servants or to respect the Sabbath. In 1640 Connecticut deputies decided that Indians should merely supply double restitution for theft, although white thieves usually received that penalty plus a whipping.³⁸ (From the Indian perspective, however, even that punishment was too severe, as Native American custom specified only that the value of the stolen goods be returned and, in intertribal relations, held the group, not the individual, responsible.³⁹)

Still, Connecticut practices were far from equitable overall. The General Court held sachems accountable for any English swine or cattle killed in their territories, even if the act were done by an Indian of another tribe (1638).⁴⁰ Yet, no English colony would ever hold a local magistrate accountable for a crime committed in his jurisdiction. Similarly, Connecticut magistrates bound all Indians who had received Pequot captives, in a post-war distribution, to pay tribute to the colony—a practice inconsistent with the post-war division of spoils among European allies. On occasion, the white authorities could also threaten to use force against smaller tribes, for the most unreasonable of reasons. In 1638, for example, the deputies sent six men to the Waranots to learn why those Indians "saide they are afraid of vs, and if they will not come to vs willingly then to compell them to come by violence."⁴¹

Notwithstanding such actions, Connecticut could not afford to become overly belligerent. Relations between that colony and Massachusetts Bay had deteriorated after the Pequot War, as a consequence of Connecticut's declaration of independence. Indeed, Connecticut made a separate treaty with the Narragansetts and told them their 1636 treaty with the Massachusetts Puritans was no longer binding.⁴² Furthermore, some of the River tribes disliked the English alliance with the Mohegan sachem Uncas. One River

leader, Sequasson of the Waranots, went so far as to pay a Pocumtuck to assassinate three prominent Connecticut magistrates; the prospective killer was told that he should "give it out that Vncas had hired him for so much Wampum," so that the English would go to war against the Mohegans.⁴³ The assassination plan was not successful; the authorities were also concerned because, whenever English constables did incarcerate an Indian for committing an offense against whites, the man usually escaped, an act which presumably increased Indian "insolence."⁴⁴

Worried over their vulnerability, Connecticut settlers took precautions against the possibility of Indian-English conflict. They levied a fine on any red man who handled English weapons.⁴⁵ The deputies procured a type of armor for distribution at the major villages, required every plantation to keep a magazine of powder and shot, and directed every militiaman to keep a quantity of powder, bullets, and match at his home.⁴⁶

Connecticut was not alone in its apprehensiveness. Despite the assumption, by Massachusetts and after 1639 by Plymouth, that white courts could try Indian offenders, Pilgrim and Puritan prudence forced the magistrates of every colony to leave Native Americans relatively free to govern their own intratribal relations and most of their intertribal affairs. Existing court records indicate that the only crimes Calvinists actually prosecuted Indians for were theft, murder, assault against whites, and, in one instance, adultery with a white woman.

Calvinist New Englanders had good reason to pursue a cautious course. There were fears that local tribes might join the anti-English alliance being forged by Miantonimo between 1639 and 1643. The Narragansett sachem's charges that the English had sent smallpox among Native Americans, depleted the game supply, spoiled Indian cornfields by allowing livestock to run free, and permitted their hogs to ravage the clam banks made too much sense to be taken lightly.⁴⁷ The Narragansetts, in particular, also resented the fact that, on a 1632 journey to Boston, Governor Winthrop had "with some difficulty" persuaded Miantonimo "to make one of his sanapps [*i.e.*, minor officials]" beat three members of his party who "being pinched with hunger . . . broke into an English house in sermon time to get victuals."⁴⁸

Such punishment for "burglary" greatly upset the Narragansetts because it violated one of their most deeply held customs—the tradition that any traveler could enter an Indian residence and

expect to be fed. If the wigwam's inhabitants were absent, the stranger then simply helped himself to the available food. The concept of theft had no meaning to the Indian in this context, unless the traveler carried off a large portion of the existing food supply or some of the occupants' personal possessions. Even then Native Americans simply reprimanded a thief for his first offense, and beat him only when he repeated the crime.⁴⁹ Miantonimo's reluctance to whip the alleged thieves is understandable. He may have done so only to appease the numerically superior Puritans at Boston. Once the Narragansetts had returned, however, many of that tribe hurled "divers insolent Speeches" at Englishmen and refused to frequent Puritan houses any more.⁵⁰

The English responded quickly to the threat posed by Miantonimo's plans for Indian union. Winthrop believed that if war should begin "we must then be forced to stand continually upon our guard, and the desert our farms and business abroad, and all our trade with the Indians, which things would bring us very low." The Massachusetts governor shuddered at the thought of a conflict in which Indians could flee into the wilderness after ambushing parties of English.⁵¹ White settlers in the four Calvinist colonies (Massachusetts, Connecticut, Plymouth, and New Haven) kept a constant watch, fortified English habitations, formed convoys to travel between plantations, secured heavy cotton wool coats for protection against arrows, and made every effort to increase their stock of easily transportable, efficient wheellocks and flintlocks over the supply of the less useful matchlocks.⁵² Finally, in May 1643 commissioners from these colonies formed a league for "offence and defence, mutuall advice, and succour upon all occasions."⁵³

Meanwhile, Miantonimo had difficulty getting his alliance off the ground. In 1639 and 1640 another smallpox epidemic destroyed numbers of his confederates among both the Abenaki in Maine and the Long Island Indians.⁵⁴ The western Connecticut tribes and remaining Long Islanders became embroiled in war with the New Amsterdam Dutch, thereby decreasing the possibility that they could be mustered against the English. The Indians suffered approximately 900 casualties in that war.⁵⁵ The Shawomets, tributary to the Narragansetts, caused Miantonimo problems at home by attaching themselves to the Bay Colony.⁵⁶ Ultimately, the Narragansetts endured a serious loss when their Puritan-allied enemies, the Mohegans, captured and, with Puritan authorization, killed Miantonimo.⁵⁷

The Narragansett sachem's death brought Miantonimo's plans for Indian union to an untimely end, as smaller groups of Native Americans located between the Merrimack River and Taunton in Plymouth Colony now submitted to Calvinist rule.⁵⁸ Finally, in 1645 the Commissioners of the United Colonies declared war on the Narragansetts and Niantics. Three hundred English troops forced the Indian leaders to attend the next Commissioners' meeting at Hartford. There the Indians signed an oppressive treaty.⁵⁹

After the intimidation of the largest Indian group in New England, the Calvinists had reason to feel more secure about bringing their brand of "civilization" to Native Americans. The small seacoast tribes could not have anticipated that Puritans would view submission as a legal justification for cultural dismemberment. White missionaries began bringing Calvinist ideas and values to red populations in eastern Massachusetts, Plymouth, Martha's Vineyard, and portions of Connecticut.⁶⁰ In 1646 Massachusetts became the first colony to attempt regulation of virtually all aspects of Indian behavior. Bay Colony Indians were expected to cease powwowing and worshipping their own gods. The Massachusetts General Court agreed not to force any Native Americans to become Christians, but levied the death penalty on any red person who obstinately denied "the true God" or reproached Puritanism "as if it were but a polliticke devise to keep ignorant men in awe."⁶¹ Within a year Puritan magistrates in that colony began keeping courts for the trial of small cases among the Indians. Soon, pro-Puritan Indian magistrates would also hold court in the several new praying villages.⁶²

The newly-created Massachusetts Indian courts sought to use the power of Puritan law to transform Native American ethical standards. Local Indian ruling officials were expected to assess fines for idleness, lying, Sabbath profanation, eating lice, polygyny, and fornication, none of which were offenses before the Puritan intrusion. The strong cultural taboo calling for isolation of a menstruating woman collided with a new law penalizing that action. Native Americans who sought to release tensions or generate excitement through the gambling so common at Indian festivals now risked prosecution. Puritans particularly wanted to curb the expressiveness and sensuality of the Indian life style. Men and women who greased themselves paid a five shilling fine, so that the traditional Indian measures of attractiveness and allure—the dark-stained cheeks and nose, the deep black eye hollows—might give

way to the aesthetic wasteland Calvinism offered. The man who bore long locks and the woman who wore her hair loose about her shoulders, instead of "tied up," could also be fined. So could the Indian woman who exposed her breasts in public, even though that was common before the English arrival. The expressively mournful markings, called "disguises" by the Puritans, and the cathartic howls of anguish which accompanied Native American funerals gave way to the inexpressive solemnity of Calvinist graveside ritual.⁶³ Obsessed with their belief in the essential sinfulness of the Indian's "degenerate" and "disordered" nature, Calvinists attempted to remove what joys and emotional outlets Indian society possessed, substituting for them a morbid introspection.⁶⁴ By preaching self-blame, Calvinism helped to devitalize Indian response to the readily apparent erosion of their culture.

Massachusetts prosecutions for fornication, in particular, probably struck "pagan" Indians as incomprehensible. Young Native Americans of both sexes appear to have indulged freely in sex and even discussed their lovers with their parents.⁶⁵ As early as 1637 one Pequot maidservant fled to Rhode Island, complaining of having been beaten with firesticks at Boston, "because a fellow lay with her."⁶⁶ Moreover, Indians did not feel they had to hide their sexual contacts from the prying eyes of neighbors or limit them to the cloaking darkness of night.⁶⁷ Their spontaneity created an image that led William Bradford of neighboring Plymouth Colony to imagine lusty red bucks leading chaste English women astray; and when that did not happen, he attributed the result not to Indian disinterest but the "Gods great mercy."⁶⁸

In the 1640s and 1650s Massachusetts officials had a difficult time determining whether "the foul demon of lust" and other offensive Indian practices were being systematically beaten down by the praying village courts.⁶⁹ The justices in county and colony courts did, however, begin to punish those red persons who lived in English households. Before 1665 one red man and two female Indian servants received minor whippings for fornication, penalties which were generally consistent with what English fornicators received. Another Indian man was sentenced to pay a fine for adulterous "lewdness."⁷⁰ Bay Colony magistrates made no further effort, however, to bring all Indian offenders into white or praying village courts.

Plymouth officials, cognizant of their colony's small white population and of the proximity of sizable numbers of Wampanoags

and Narragansetts, pursued a less zealous course than their Bay Colony contemporaries. Plymouth missionaries also established many praying villages, but the colony authorities did not try Indians for offenses committed against other Indians, even though they did expect native peoples to abide by colony law in their relations with the English. Between 1639 and 1665 Plymouth magistrates fined a few Indians for thievery—the only red thief lashed was not from Plymouth but Nantucket—and whipped one red man for adultery with a white woman.⁷¹ Pilgrim courts were also careful to uphold contracts made with Indians, to limit the number of Europeans who could legitimately purchase land from them, and to fine whites who assaulted Native Americans.⁷²

In Connecticut, where the Indian presence was strongest, Puritans were unable to intrude much upon Native American life. Many of the Native Americans there had not submitted themselves to rule by the English, nor could they be forced to do so. Those red peoples opposed the extension of Christianity into their villages,⁷³ with the result that praying villages could not be established. The General Court began locating smaller tribes on reservations as early as 1659 and prohibited red men from hunting within the limits of Puritan towns on Sundays,⁷⁴ but generally the authorities made no effort to impose Puritan law upon their red neighbors. Even though the deputies worried about the “immorality” attendant upon the frequent mixing of Indians and English laborers, those legislators took no action against Native Americans who entertained such laborers.⁷⁵

The relative freedom Native Americans enjoyed to govern their own affairs—at least outside of Massachusetts—was eroded sharply in the years following the mid-1660s. Calvinist security was insured by the recurrence of epidemic illness among the Indian populations of New England, including “an universal sickness” on Martha’s Vineyard in 1645, a wide-ranging “Plague and the Pox” in 1650 and 1651, the “Bloody-Flux” in Massachusetts villages in 1652, and small pox on Long Island in 1658, 1659, and 1662.⁷⁶ As illness decimated and enervated Native Americans, the populations of Calvinist locales, particularly in Massachusetts, swelled both from natural increase and immigration. By 1665 the Bay Colony had fully 23,467 people. Connecticut could claim another eight or nine thousand, and Plymouth about 4,000.⁷⁷ Moreover, Massachusetts and Plymouth by that date had established enough praying villages to buffer the whites there against their potential enemies. By 1670

Plymouth magistrates no longer chose to consider Native American tribes as separate nations, adequately dealt with only at the highest levels of colonial government. Instead, the authorities attempted to bring all Indians under the purview of the selectmen who supervised town affairs.⁷⁸

As a consequence of these population changes, Calvinists began to bring more Native Americans before the county and colony courts and for a wider variety of offenses. No longer did Indians receive light penalties. They appeared in court for murder, manslaughter, assault, drunkenness, contemptuous remarks, theft, resisting the authority of the Indian court at Nantucket, fornication, rape, adultery, and bigamy. More often than not, the sentences levied on Indians were severe, when compared with those assigned to their white contemporaries for the same offense. When an Indian was the victim, the offender usually escaped with a lesser punishment. In Plymouth and Massachusetts discrimination, rooted in Calvinist ethnocentrism and racism, became readily apparent.

Between 1665 and 1699 all of the Bay Colony's courts revealed such discrimination. Although fornicators, adulterers, rapists, and murderers received equal sentences, regardless of their race, at least once the Massachusetts General Court considered hanging a red adulteress, even though for thirty years the courts had not inflicted that penalty on an English offender.⁷⁹ Red men who killed whites during war hanged, as did at least one red, one Black and three white rapists.⁸⁰ However, those English who maliciously killed non-hostile red persons during wartime could usually get away scot-free.⁸¹ Decisions in manslaughter cases were more directly inequitable. Between 1670 and 1690 the Massachusetts Court of Assistants tried sixteen men, including two Indians, for manslaughter. Eight white offenders paid fines of £5 to £20, but both Indians were ordered whipped. Magistrates directed nine of the offenders to pay the father or widow of the deceased a sizable sum. While white widows received £10 or £20, John Dyar paid just £6 to John Ahattawants' widow after that Englishman had "wickedly" shot the Indian in the back.⁸²

When an Indian thief came before the Massachusetts justices, he or she often received more severe treatment than whites convicted of the same offense. The Suffolk County justices between 1670 and 1692 sentenced only 3.5% (six of 170) of the white males convicted of stealing or receiving stolen goods to as many as thirty lashes,

plus threefold restitution, while 28.5% (six of 21) of Indian males were penalized that severely. This court ordered 5.8% (ten) of the whites and 14.3% (three) of the Indians to be branded on the forehead with a B, for burglary. The harshest punishment for theft was executed on Sam, an Indian who stole goods valued at but five shillings in 1685, and Thomas Carr, a white who committed burglaries on two consecutive Sundays in 1675, taking goods valued at £19.5s.7d. The magistrates forced both Sam and Carr to submit to a branding, the removal of one ear, and the usual threefold restitution.⁸³ By contrast, two whites who stole goods valued at as little as five shillings had only to supply triple restitution.⁸⁴ Additional examples of inequitable sentencing abound. Three white hog stealers paid triple damages, but two Indians received for the same offense that sentence *plus* thirty lashes each.⁸⁵ Whites who broke into homes or warehouses but did not take anything paid fines; Indians were lashed twenty or thirty stripes.⁸⁶ Red women also received more severe corporal punishment. Two of three such thieves, but just four of thirty-five pilfering white women, felt the sting of the constable's lash as many as twenty times.⁸⁷ And when the victim was red, the white thief who stole some corn, wampum, or a canoe did not even have to pay triple restitution; replacement of the goods or their value was enough. Whites did not receive whippings for theft from Indians and they only occasionally paid a fine.⁸⁸

Distinctions are also readily apparent in the penalties assigned persons convicted of assault. In Suffolk County (1670-1692), 32 of 96 white assailants paid a fine of ten shillings or less (plus the usual cost of the physician's treatment of the victim). Only thirteen Englishmen received a sentence of corporal punishment, the maximum of thirty lashes being given to one man who wounded a prominent Hingham resident, and to a servant who cut his master with a knife.⁸⁹ By contrast, seven of the nine Indians convicted of assault suffered bodily punishment. Those who attacked whites got twenty or thirty lashes. Tom of Martha's Vineyard in 1685 became the only assaulter to face a branding.⁹⁰ When the victim was red, penalties were considerably less. One Indian who assaulted another received a sentence of ten—instead of two or three times as many—lashes and the Suffolk magistrates allowed him to discharge that sentence by paying a fine.⁹¹ Essex County justices ordered Papaqueeste to pay Jackstrow only six fathoms of wampum for pulling that red man's hair out by the roots, although

damages *and* fines were usual in cases of white assault.⁹² Similarly, the Superior Court of Judicature ordered Ephraim of Hingham to pay just the costs of the cure for wounding his wife.⁹³ Whites who struck or wounded red men, once they had paid the costs of treatment, escaped without a fine or whipping.⁹⁴

Indians convicted of drunkenness also experienced more harsh courtroom treatment in Massachusetts than did white inebriates. The Suffolk County Court corporally penalized only six of the 39 white males but all four of the Indians guilty of immoderate drinking. In Essex County three Native Americans were given ten strokes each for drunkenness, while the 382 white offenders almost always paid a small ten shilling fine. Judge Pyncheon's magistrates' court in western Massachusetts directed that two of seven white drunkards be well-whipped, both of whom were convicted of several other offenses as well; he also ordered two of three Native American offenders to be lashed, although neither of them was charged with any other crime.

A similar pattern of discrimination emerged in the Plymouth Colony courts between 1667 and 1699. Before 1667, Plymouth officials ordered none of three recorded Indian thieves to be whipped or sold into slavery; but after that date sixteen of twenty-one offenders were so punished, including one man for merely "lurking about" a house from which £8 turned up missing.⁹⁵ The few Englishmen guilty of theft had the option of paying a fine or being whipped. Five red thieves, on the other hand, were sold as slaves, while seven were lashed, two banished, on branded, and the remainder less severely punished. Only one Indian was given the option of buying his way out of a lashing.⁹⁶ The same inequities existed with respect to assault punishments. Whites who physically abused or fought with other persons usually paid 3s.4d. fines, irrespective of the victim's race,⁹⁷ but Indians who assaulted whites paid 5s. or more. One red man, Sampson, was severely whipped and branded in the shoulder for threatening and abusive carriage toward three women,⁹⁸ a punishment far beyond anything any white assailant received.

Historians have made much of the fact that one Indian rapist received a whipping in Plymouth because he was "in an incapacity to know the horribleness of the wickedness of this abominable act," instead of the hanging specified by law.⁹⁹ Such treatment, however, reveals no leniency on the part of the Plymouth officials, because white rapists were not hanged either. The authorities

ordered offenders of both races lashed. It is therefore noteworthy that capital punishment was even considered and then only in the case of the Indian.

Clearcut distinctions existed in the prosecution of Indian and European offenders in Massachusetts and Plymouth, but in the remaining Calvinist colony conditions were different. Connecticut, even after its incorporation of New Haven Colony, had about one-third the population of Massachusetts in nearly the same area, with 10,000 potentially hostile Indians residing in or near the colony.¹⁰⁰ Connecticut courts directed 26.2% (11 of 42) of red thieves and 27.5% (28 of 102) of whites to be punished corporally. Two Indians and eight Europeans were allowed to discharge their sentence by paying a fine. All assaulters received equal treatment.¹⁰¹ So did drunkards. Just two of twenty inebriated Indians were sentenced to a lashing, compared to five of 110 whites, and the Indians were permitted to discharge the corporal punishment by paying small fines.

Even in Connecticut, however, instances of discrimination existed. When one white man sexually assaulted a red woman he became the only rapist in all of New England to escape with merely a fine. The colony Assistants threatened either to hang or banish three Indians who burglarized a white man's house, if they fell into such miscarriages again, but no white thief of record was ever frightened with capital punishment.¹⁰² Moreover, only 11.8% of Indians but 31.4% of white offenders were allowed to pay a fine in lieu of a whipping. Out of court, examples of unfair treatment were even more blatant. Connecticut officials usually favored their Mohegan allies in any intertribal difficulties.¹⁰³ Like their associates in Massachusetts and Plymouth, those persons designated to purchase land from the Indians, especially after King Philip's War, often no longer made any provision for protecting Indian hunting and fishing rights.¹⁰⁴ Sometimes Englishmen paid drunken, often impoverished Indians for land with wampum or English money, instead of trade goods.¹⁰⁵ Despite many Indian protests about land sales,¹⁰⁶ Massachusetts and Connecticut speculators purchased thousands of acres in Nipmuck, Pennacook, and Mohegan territory after 1676 or just appropriated land without purchasing it.¹⁰⁷

In all fairness to the Calvinists, it should be mentioned that they did not assume Indians had no rights before the law. The Massachusetts, Plymouth, and Connecticut authorities directed white

settlers to fence Indian lands, as well as their own, so that stray livestock would not ruin Native American maize fields; made some effort to determine contested land claims to the satisfaction of all parties; and compensated injured red men. Notwithstanding this, the Suffolk County magistrates ordered just 5% of white but fully 40% of all red offenders to face a whipping of thirty lashes, or worse. The Pynchon courts sentenced to a lashing or branding 37.5% of all Indians and 15.1% of all English appearing before those two justices. Plymouth authorities whipped, stocked, branded, or hanged 9.8% of the guilty English but 47.3% of the Indians brought before them.¹⁰⁸ All the Calvinist colonies attempted to extend their legal authority over the many Indian tribes of New England. Connecticut and Plymouth waited until after King Philip's War before they began prosecuting Indian sexual offenders, but before that time they brought some Indians into court for crimes committed against other Indians.

In all of New England south of the Merrimack River, just one colony made no effort to extend English law over neighboring Indians, to provide red people with English clothing to help civilize them, to regulate the moral behavior of Native Americans in intricate detail, or to interfere in intra- and intertribal relations. Between 1649 and 1699 white magistrates in Rhode Island and Providence Plantations prosecuted no red person for fornication, adultery, wearing long hair, eating lice, or drunkenness. The General Assembly, in fact, did not create a law against Indian drunkenness until 1673, and then only after consultation with the sachems of five different tribes. That law specified not a whipping but a minor fine of 6s. or a week's labor, and not one Indian was ever penalized under that enactment.¹⁰⁹ The Rhode Island authorities apprehended Native Americans for only the most serious crimes committed against whites. They placed in custody thirteen Indians for theft, three for destruction of English property, two for murder, two for rape, and one for assault, although six of these escaped from the constable or jailor.

The Rhode Island courts did not penalize red offenders any more harshly than whites for the same offense. Murderers and rapists hanged, irrespective of race. Red and white thieves faced usual whippings of fifteen lashes, and only one Indian received as many as thirty lashes. In 1659 the General Assembly enacted a severe measure, one penalizing with sale out of the colony as slaves those Native Americans who stole over £1 worth of property

and then refused to make restitution. Again, however, the authorities never actually implemented that law, only going so far as to threaten two thieves with it. Justices did sentence some *white* thieves to West Indian slavery, however, and in one case ordered that a white burglar be hanged, a verdict later suspended.¹¹⁰ In the land of religious "errors," then, it appears that Calvinist practice was turned on its head: white thieves sometimes fared worse than their red counterparts. Moreover, the white "heretics" sharply punished Englishmen who violated that which the Indians held in sacred trust. In a notable example, when four settlers dug open and robbed some Narragansett graves of what the whites considered a few worthless relics, the offenders were all whipped ten lashes, fined £1 each, and ordered to return everything to its proper place.¹¹¹

Rhode Island also became the first colony to utilize Indian jurors, and pagan ones at that. In 1673 the General Assembly asked two sachems to select six Indians to comprise a jury in one murder case involving members of different tribes. This was the only time of record that the Rhode Island authorities intervened in any intertribal criminal matter, and it was apparently done at the request of the respective Narragansett and Niantic sachems.¹¹²

Perhaps because of their fairness, Rhode Island officials enjoyed good relationships with the Narragansetts and Niantics, even at such times as those Indians were antagonistic to the Calvinists. It was, of course, expedient for the few white settlers in that colony not to alienate their 5,000 Indian neighbors. However, even after King Philip's War had dispersed and sharply decreased the numbers of Native Americans there, Rhode Island policy makers did not begin to intrude in Indian affairs or lifestyles, at least until the eighteenth century.¹¹³ Such Englishmen, believing in the radical religious notion of freedom of conscience, had less need to "civilize" their red contemporaries,¹¹⁴ even though they did appropriate 10,000 acres of land in Narragansett country after the defeat of that tribe in King Philip's War.¹¹⁵

But were the Calvinists really so different from their Rhode Island counterparts? Were the Bay Colony and Plymouth officials motivated by more practical, than racist or ethnocentric concerns, after 1665? Did they not, in two instances after 1665, give red offenders lesser sentences because the Indians "know not our law?"¹¹⁶ Did they not merely whip Native Americans because Indians were poor with little maize to discharge a fine at a time

when wampum no longer served as lawful currency? And did not Calvinists whip poor whites as well as poor Indians? These issues must be cleared up before the charge of discrimination can be conclusively proven.

Since, as Kai T. Erikson has pointed out, Calvinist justice was coldly righteous,¹¹⁷ the fact that two red offenders received lightened sentences appears suggestive. One of these, however, lived in Connecticut, where the Puritans pursued a more cautious course. The other, the Plymouth rapist, as previously mentioned, in actuality received no lessened punishment.¹¹⁸ Harsh treatment, instead of leniency, was the rule. Such harshness was not due to the Calvinist desire to punish red pagans as unregenerate sinners, since it "is the genius and nature of *all* men out of Christ, to be unrighteous."¹¹⁹ Red pagans could not be trusted, even though whites who had been excommunicated from the Puritan churches or were non-church members, also technically "out of Christ," did not receive harsher treatment in court than church members.

Indian poverty, coupled with the colonial rejection of wampum as legal tender, fails to explain the more severe treatment of red offenders, because almost *all* of the white offenders, at least in Boston and New Haven, were also poor.¹²⁰ Three-fourths (31 of 41) of all criminals tried between 1675 and 1685 and who appear on the 1680 New Haven tax list were rated at £30 or less, while 56.1% of all family heads possessed more than that amount. An additional eleven offenders were propertyless servants or seamen.¹²¹ At Boston, 82% of all offenders tried between 1680 and 1692 and appearing on the 1687 tax list held realty valued at £20 or less. This category comprised 65% of all rated persons. When two vagabonds, 48 servants or slaves, eighteen seamen, and one seaman's wife are added to the offender totals, fully 90.5% of all criminals owned less than £20 worth of real estate. As many as 26.9% of all New Haven and 43.6% of Boston offenders owned no ratable property at all. Therefore, the comparisons made between white and red criminals are, by and large—and especially when the type of crime is held constant—actually comparisons between Indians and poor whites. In fact, virtually every white person accused of theft was rated extremely low on the tax lists.¹²² Yet, these offenders, unlike their red counterparts, were still often given the option of paying a fine, even though the fine plus three-fold restitution of property usually totaled more than the rated value of their estates. Even propertyless offenders were allowed to pay a fine, thus enabling them to enlist the assistance of friends or

relatives for the requisite amount. White servants or poor white offenders were sometimes allowed to work off a fine, but only Connecticut made such a provision for Indians and then just for cases of drunkenness.¹²³ All in all, the question of relative ability to pay a fine obscures the essential issue of discrimination, for it does not explain why Indians received more lashes for the same offense.

Nor does the argument wash that Calvinists punished Indians more severely to curb an Indian crime wave. Aboriginal society underwent considerable modification at late century, but no evidence can be found to substantiate an Indian crime wave. A much smaller percentage of the Indian population appeared in any English court than of the white population.¹²⁴ Moreover, Puritans expressed no concern that red crime was on the upsurge, even though they complained about the increase of crime among servants, seamen, and adolescents. And these groups were not punished more severely than other English offenders, though it might be reasonably hypothesized—from the Puritan perspective—that such white offenders needed to be taught a lesson.

White Calvinists simply could not view red people as a tawny version of themselves, deserving of equitable treatment. They made little effort to help Indians with courtroom procedure, even though only one of every thirty Native Americans summoned into court had ever been there before in a criminal matter. Not until 1698 did Indians enlist the assistance of white attorneys and then only at their own initiative.¹²⁵ The use of praying Indian jurors after 1674 undoubtedly helped to iron out some difficulties concerning language and the credibility of Calvinist law, but their support for any offender was countermanded by their pro-Puritan sympathies. Hand-picked by the white authorities, these jurors never comprised more than half the members of any jury and never sat on a case in which an Englishman was tried for an alleged wrong done to an Indian. Believing from the earliest years in their own superiority to these people they called savages, rattlesnakes, lazy drones, hellish fiends, and the most sordid and contemptible part of the human species,¹²⁶ Puritan and Pilgrim alike only reluctantly allowed Indians to testify against whites and then only because Calvinists wished to combat the increased sale of spiritous liquors among Native Americans.¹²⁷ Indeed, the Indian who in Plymouth Colony could not make good his charge that a white sold him or other red persons strong liquors was ordered whipped.¹²⁸ Whites, of course, were not similarly penalized.

Even religious conversion could not erode Calvinist racism. Puritans and Pilgrims made no distinctions in punishments assigned red servants, the inhabitants of praying villages, or tribesmen.¹²⁹ No praying Indian ever sat as a judge over Englishmen. No red Christian helped the Calvinists revise their laws. And no Indian, church member or not, was allowed to punish an Englishman. One Plymouth law directed constables to procure some person to lash offenders, "Provided, an Indian or Negro shall not Whip an Englishman."¹³⁰

In summation, then, neither the argument that Calvinists "respected the ability as well as the interests of the natives"¹³¹ nor the equally static view that the invading English ran roughshod over New England Indians from the earliest years of settlement makes good sense. Not being fools, Calvinists treated Indians fairly when red "savages" proved dangerous. As part of a policy to ease white fears of, as William Bradford put it, those "brutish men, which range up and down little otherwise than wild beasts,"¹³² Calvinists initially made a considerable effort not to offend their red neighbors. Only later, in Massachusetts and Plymouth—areas depopulated of Indians—did Puritans and Pilgrims begin dragging Native Americans into white courts and sharply whipping them for violating Calvinist laws. Connecticut, less secure, pursued a more tentative course, but that colony too interfered by late century in intertribal and intratribal matters and often failed to respond positively to Indian charges of land fraud. Only the Rhode Islanders, those reputed "riff-raff" of New England, appeared to be much motivated by tolerance and fairmindedness, especially after King Philip's War. By 1700, it had become clear to the red peoples of southern New England that, with the exception of Rhode Island, white courts controlled Native American behavior in a most self-serving fashion.

NOTES

1. As early as 1953 David Bushnell concluded an article in *The New England Quarterly* with the words, "It is true that the Pilgrims generally treated the natives as a race apart, but there is no evidence that, on the whole, they dealt more harshly with the Indians than with one another." More than a decade later, Alden Vaughan emphatically asserted, "Puritan laws—except for the special proscriptions on guns, liquor, and other potentially dangerous items—made no distinction between red man and white; sentences were meted out with fine

impartiality; and the eventual admission of Indians to jury status indicates that the Puritans respected the ability as well as the interests of the natives." Although Francis Jennings has criticized such contentions by describing how Calvinists held red men accountable for offenses which were not crimes in Native American culture, he provides no evidence as to whether Native Americans arrested for various offenses actually received the same treatment as white offenders. Only James Ronda maintains that red criminals faced more severe punishment than their white counterparts, at least in Plymouth Colony after 1680, but he does not provide much hard information by which his claim might be substantiated. Another scholar, Yasuhide Kawashima, describes the jurisdiction of colonial courts over Massachusetts Indians in the eighteenth century and points out that the inhabitants of praying villages, tribal peoples, and individual Indians living with the English faced similar treatment; he does not, however, compare the sentences of red and white offenders. See David Bushnell, "The Treatment of the Indians in Plymouth Colony," *New England Quarterly* 26 (1953): 218; Alden Vaughan, *New England Frontier: Puritans and Indians, 1620-1675* (Boston and Toronto, 1965), p. 194; Francis Jennings, *The Invasion of America: Indians, Colonialism, and the Cant of Conquest* (Chapel Hill, 1975), pp. 147-49, 217n, 241; James Ronda, "Red and White at the Bench: Indians and the Law in Plymouth Colony, 1620-1691," *Historical Collections of the Essex Institute* 110 (1974): 214n; and Yasuhide Kawashima, "Jurisdiction of the Colonial Courts Over the Indians in Massachusetts, 1689-1763," *New England Quarterly* 42 (1969): 532-50.

2. William Burton and Richard Lowenthal, "The First of the Mohegans," *American Ethnologist* 1 (1974): 589-99, represent the new trend of ethnohistorians who view Indians as creative initiators of historical events, not merely as simple reactors to white action.

3. J. Franklin Jameson, ed., [Edward] Johnson's *Wonder-Working Providence, 1628-1651*, Original Narratives of Early American History (New York, 1910), p. 41; Thomas Morton, *New English Canaan; or, New Canaan, Containing an Abstract of New England* (London, 1632), reprinted in Peter Force, comp., *Tracts and Other Papers, Relating Principally to the Origin, Settlement, and Progress of the Colonies in North America, From the Discovery of the Country to the Year 1776* (Washington, 1838), II, no. 5, p. 19; Daniel Gookin, "Historical Collections of the Indians in New England, 1674," *Collections of the Massachusetts Historical Society*, 1st ser., 1 (1792): 148; Sherburne F. Cook, "The Significance of Disease in the Extinction of the New England Indians," *Human Biology* 45 (1973): 486-91; Alfred W. Crosby, "The Plague and the Pilgrims: The Classic American Indian Virgin Soil Epidemic," paper presented at American Society for Ethnohistory 25th Annual Meeting, October 14, 1977.

4. William Bradford, *Of Plymouth Plantation, 1620-1647*, ed. Samuel Eliot Morison (New York, 1953), p. 26.

5. "Governor Bradford's Letter Book," *Mayflower Descendant* 6 (1904): 208-209. For a further account of Pilgrim fears, see Crosby, "Plague and Pilgrims," pp. 6-7, 10.

6. In March, 1623, Standish and a small party marched north from Plymouth. Upon reaching the Massachusetts, two Indian leaders commented on the captain's diminutive stature, and he responded by stabbing one of these in the chest. In the ensuing battle, seven Massachusetts died. (Morton, *New English Canaan*, pp. 72, 76; Bradford, *Of Plymouth Plantation*, p. 117.)

7. Francis Higginson, *New England's Plantation* . . . (London, 1630), reprinted in Alexander Young, ed., *Chronicles of the First Planters of the Colony of Massachusetts Bay, From 1623 to 1636* (Boston, 1846), pp. 257-58.

8. Thomas Cobbet, "A Narrative of New England's Deliverances," *New England Historical and Genealogical Register* 7 (1853): 210; "The Early Records of Charlestown," *Memoirs of Roger Clap* (1731) in Young, ed., *Chronicles of Mass.*, pp. 377-78, 350.

9. Bradford, *Of Plymouth Plantation*, pp. 80-85, 98-99; G. Mourt [Bradford and Edward Winslow], *Relation or Journal of . . . Plimoth in New-England* (London, 1622), reprinted in Alexander Young, ed., *Chronicles of the Pilgrim Fathers of the Colony of Plymouth, From 1602 to 1625* (Boston, 1844), p. 245.

10. John Pory to the Earl of Southampton, January 13, 1622/3, in Sydney V. James, ed., *Three Visitors to Early Plymouth* . . . (Plymouth, 1963), p. 6.

11. Nathaniel B. Shurtleff, ed., *Records of the Governor and the Company of the Massachusetts Bay in New England* (Boston, 1853-54), I: 394-400.

12. T. H. Harris, "Chronological and Topographical Account of Dorchester," *Collections of the Massachusetts Historical Society*, 1st ser., 9 (1804): 159.

13. *Memoirs of Roger Clap*, pp. 349-59; Alonzo Lewis and James R. Newhall, *History of Lynn, Essex County, Massachusetts, Including Lynnfield, Saugus, Swampscot, and Nahant* (Boston, 1865), p. 36.

14. Before 1633 there was, however, some question about the boundaries of the allowable English occupancy. See Increase Mather, *A Relation of the Troubles which have hapned in New-England, By reason of the Indians there From the Year 1614 to the Year 1675*, ed. S. G. Drake (Boston, 1864 [1677]), p. 110.

15. John Smith, *Advertisements For the Unexperienced Planters of New-England, or The Path-way to experience to erect a Plantation With the yearly proceedings of this Country in Fishing and Planting, since the yeare 1614 to the yeare 1630* (London, 1631), reprinted in Charles Herbert Levermore, ed., *Fore-runners and Competitors of the Pilgrims and Puritans* . . . (Brooklyn, 1912), II: 767; E. Hale, trans., "Indian Deed of Boston," *Proceedings of the Massachusetts Historical Society* 17 (Boston, 1879): 52.

16. A. Lewis & J. Newhall, *History of Lynn*, p. 40.

17. Francis Jennings, "Virgin Land and Savage People," *American Quarterly* 23 (1971): 519-41, makes much of the fact that no deed remains from the pre-1633 period, and he assumes, without sufficient support, that malicious Puritans rode roughshod over their Indian neighbors. A written deed certainly would have had no value to Native Americans, who could easily grant an occupancy right without one; therefore before 1633 it had little utility for Calvinists either. In the years before the Pequot War, Puritans did not, as Jennings asserts, seize land "by their common practice of fining the Indians for some violation of the omnicomprehensive law." The one case he uses to prove his point is actually a misreading of a 1636 deed. In this document Kitchamakin acknowledged receipt of "the vallow of twenty-eight fathoms of Wampum, being the full payment of the fine." From this, Jennings deduces that the "valuable consideration" granted Kitchamakin for his land "was the remittance of his fine." However, the deed does not say that; instead, it relates that the English paid the sachem a considerable amount of wampum as "the full payment of the fine." It makes no sense for Puritans to pay an Indian for land when he is the one being fined. The matter becomes more clear when we recognize that in the seventeenth century the word "fine" referred to land conveyed in a transaction.

18. Frederick Webb Hodge, *Handbook of American Indians North of Mexico*, Smithsonian Institution Bureau of Ethnology Bulletin no. 30 (Washington 1912), I: 756; Paul Marashio, "Puritan and Pequot," *Indian Historian* 3 (3), (1970): 12.
19. Shurtleff, ed., *Mass. Bay Records*, I: 393, 399.
20. John Noble and Joseph F. Cronin, eds., *Records of the Court of Assistants of the Colony of the Massachusetts Bay, 1630-1692* (Boston, 1904), II: 29, 46 (hereafter cited as *Assistants Records*); Shurtleff, ed., *Mass. Bay Records*, I: 121.
21. John Sagamore in 1631 charged Assistant Richard Saltonsall's servant with burning two wigwams, and the Court of Assistants then ordered Saltonsall to satisfy the sachem. Soon after, the Court required Josias Plastowe to pay a £5 fine, restore eight baskets of maize to the Indians, and "be degraded from the title of a gentleman" for stealing, with his servants, four baskets of maize. See *Assistants Records*, II: 11, 19; James Kendall Hosmer, ed., *Winthrop's Journal: "History of New England," 1630-1649*, Original Narratives of Early American History (New York, 1908), I: 68.
22. *Assistants Records*, II: 19; Hosmer, ed., *Winthrop's Journal*, I: 67.
23. See, for example, Hosmer, *ibid.*, I: 89.
24. Darrett Bruce Rutman, "A Militant New World 1607-1640" (Ph.D. diss., University of Virginia, 1959), II: 540-5; Bradford, *Of Plymouth Plantation*, pp. 245-46; Hosmer, *ibid.*, I: 82, 113; J. Munro and W. L. Grant, eds., *Acts of the Priory Council of England, Colonial Series, 1613-1783* (Hereford, Eng., 1908-12), I: 199; William Hubbard, "A General History of New England" (1680), *Collections of the Massachusetts Historical Society*, 2d ser., 5 (1815): 153; James Truslow Adams, *The Founding of New England* (Boston, 1921), I: 158-60.
25. Hosmer, *ibid.*, I: 111, 114-5; Bradford, *Of Plymouth Plantation*, pp. 260, 270-71; Cook, "Significance of Disease in Extinction of Indians," pp. 491-2; Jameson, ed., *Johnson's Wonder-Working Providence*, p. 48; Samuel G. Drake, *The Old Indian Chronicle; Being a Collection of Exceeding Rare Tracts, Written and Published in the Time of King Philip's War, By Persons Residing in the Country* (Boston, 1867), p. 27.
26. John Winthrop to Nathaniel Rich, May 22, 1634, *The Winthrop Papers*, ed. Allyn B. Forbes (Boston, 1929-47), III: 167.
27. Shurtleff, ed., *Mass. Bay Records*, I: 181.
28. Bradford, *Of Plymouth Plantation*, p. 398.
29. Hosmer, ed., *Winthrop's Journal*, I: 225-26, 260.
30. *Assistants' Records*, II: 78; Shurtleff, ed., *Mass. Bay Records*, II: 23. The Bay Colony's Assistants punished four other Indians for crimes committed against whites, including two women for "insolent carriage, and abusing Mrs. Weld," another woman for running away from her master, and one other red man for an unspecified offense. (*Ibid.*, I: 297; *Assistants' Records*, II: 95, 118.)
31. Shurtleff, *ibid.*, I: 209, 329.
32. Bradford, *Of Plymouth Plantation*, pp. 299-300; Hosmer, ed., *Winthrop's Journal*, I: 273-74; Shurtleff and David S. Pulsifer, eds., *Records of the Colony of New Plymouth in New England* (Boston, 1855-61), I: 96; Hubbard, "General History of New England," p. 144.
33. *Ibid.*
34. Douglas Edward Leach, "The Military System of Plymouth Colony," *New England Quarterly* 24 (1951): 349-50.
35. Hosmer, ed., *Winthrop's Journal*, I: 265-66; J. Hammond Trumbull, ed., *The Public Records of the Colony of Connecticut* 1 (1850): 19-20; Alden

Vaughan, "A Test of Puritan Justice," *New England Quarterly* 38 (1965): 335-38.

36. Benjamin Trumbull has estimated the Indian population of Connecticut at twelve to twenty thousand in 1633, including at least three or four thousand warriors among the heavily populated river tribes. See Trumbull, *A Complete History of Connecticut, Civil and Ecclesiastical, From the Emigration of Its First Planters From England in the Year 1630, to the Year 1764; And to the Close of the Indian Wars* (New Haven, 1818), I: 40.

37. Evarts B. Greene and Virginia D. Harrington, *American Population Before the Federal Census of 1790* (New York, 1932), p. 47.

38. Trumbull, ed., *Conn. Records*, I: 14, 52.

39. Roger Williams, *A Key into the Language of America* (London, 1642), reprinted in *Publications of the Narragansett Club*, 1st ser., 1 (1866): 102.

40. Trumbull, ed., *Conn. Records*, I: 19.

41. *Ibid.*, I: 17; Hosmer, ed., *Winthrop's Journal*, I: 289. The Connecticut officials ultimately eased Waranot concerns by leaving two white men with them as "pledges" that no harm would come to the abducted Indians.

42. Hosmer, *ibid.*, I: 287, 289-90.

43. Mather, *A Relation of the Troubles 1614 to 1675*, pp. 201-205.

44. Trumbull, ed., *Conn. Records*, I: 532.

45. *Ibid.*, I: 52.

46. *Ibid.*, I: 14-15.

47. Lion Gardiner, "Leift. Lion Gardener his relations of the Pequot Warres," and "Relation of the Plot—Indian," *Collections of the Massachusetts Historical Society*, 3d ser., 3 (1833): 154-55, 161-64; Hosmer, ed., *Winthrop's Journal*, II: 6, 74; Edward Winslow, *the Danger of Tolerating Levellers in a Civill State* . . . (London, 1649), p. 72; William Bradford to John Winthrop, June 29, 1640, *Winthrop Papers*, IV: 258-59.

48. Hosmer, ed., *Winthrop's Journal*, I: 89; Hubbard, "A General History," p. 144.

49. Trumbull, *A Complete History of Conn.*, I: 52-3; Forrest Morgan, *Connecticut as a Colony and as a State, or One of the Original Thirteen* (Hartford, 1904), I: 54.

50. Thomas Prince, *Annals of New England* 2 (2), (1759), reprinted in *Collections of the Massachusetts Historical Society*, 2d ser., 7 (1826): 67.

51. Hosmer, ed., *Winthrop's Journal*, II: 76.

52. Thomas Hutchinson, *This History of the Colony and Province of Massachusetts Bay*, ed. Lawrence Shaw Mayo (Cambridge, 1936 [1765]), I: 98; *Records of the Town of Plymouth* (Plymouth, 1889), I: 11, 15, 17; Shurtleff and Pulsifer, eds., *New Plymouth Records*, II: 63-65; Trumbull, ed., *Conn. Records*, I: 74; Charles J. Hoadly, ed., *Records of the Colony and Plantation of New Haven from 1638 to 1649* (Hartford, 1857), p. 78; Winthrop, *A Declaration of Former Passages and Proceedings Betwixt the English and the Narrowganset, with their confederates, Wherein the grounds and justice of the ensuing warre are agreed and cleared* (Cambridge, 1645), p. 2. The costly self-igniting flintlock and the spark-producing wheelock replaced the matchlock, which was unusable on windy or rainy days, easily seen in the dark, and complicated to load. The latter firearm weighed up to twenty pounds, required a forked rest, and was inaccurate above fifty yards, disadvantages which the flintlock and wheelock did not possess. Before the Pequot War, matchlocks were the most common weapon mentioned in estate inventories, but after that conflict the settlers shifted almost

totally to the more efficient firearms. See Harold L. Peterson, *Arms and Armor in Colonial America, 1526-1783* (New York, 1969), pp. 14-23; Peterson, "The Military Equipment of the Plymouth and Bay colonies, 1620-1690," *New England Quarterly* 20 (1947): 201-204; Patrick M. Malone, "Changing Military Technology among the Indians of Southern New England, 1600-1677," *American Quarterly* 25 (1973): 52-3; Malone, "Indian and English Military Systems in New England in the Seventeenth Century" (Ph.D. diss., Brown University, 1971), pp. 75-95.

53. Pulsifer, ed., *Acts of the Commissioners of the United Colonies*, in Shurtleff and Pulsifer, eds., *New Plymouth Records*, IX: 3-4.

54. Gardiner, "Relation of Pequot Warres," p. 158; John Duffy, "Smallpox and the American Indians," *Bulletin of the History of Medicine* 25 (1951): 329.

55. Hosmer, ed., *Winthrop's Journal*, II: 95-96, 134, 138, 161; Allen W. Trelease, *Indian Affairs in Colonial New York: The Seventeenth Century* (Ithaca, N. Y., 1960), pp. 67-83.

56. Hosmer, ed., *Winthrop's Journal*, II: 122-23, 125-26; E. Winslow, *Hypocrisy Unmasked*... (N.Y., 1968 [1646]), pp. 2-3, 32-33; Samuel Gorton, *Simplicities Defence against Seven-Headed Policy* (London, 1647), reprinted in *Collections of the Rhode Island Historical Society* 2 (1835): 265.

57. Hosmer, ed., *Winthrop's Journal*, II: 134-36; Winslow, *Hypocrisy Unmasked*, pp. 72-74; Gorton, *Simplicities Defence*, p. 157; Bradford, *Of Plymouth Plantation*, pp. 331-32; Jameson, ed., *Johnson's Wonder-Working Providence*, p. 220; *Acts of Commissioners of United Colonies*, I: 11-12.

58. Hosmer, ed., *Winthrop's Journal*, II: 156, 160; Shurtleff, ed., *Mass. Records*, II: 55.

59. *Acts of Commissioners of United Colonies*, I: 32-48; Bradford, *Of Plymouth Plantation*, pp. 437-40. The Indians were forced to pay the Massachusetts Commissioners a tribute of 2,000 fathoms of white wampum, or its equivalent in black wampum, in four installments over a two year period. They were to return all Moheagan captives to Uncas, along with all canoes taken, and supply satisfaction for all maize destroyed. Pequot servants who ran away from the English must be restored or a yearly amount paid in lieu of that. No wars could be conducted without the Commissioners' consent. Nor could the Narragansetts or Niantics occupy any of the territory taken as a result of the Pequot War. Moreover, the sachems were required to send four of their children to Boston as hostages until the 2,000 fathoms were received by the English.

60. Hosmer, ed., *Winthrop's Journal*, II: 276; Trumbull, ed., *Conn. Records*, I: 531; Francis Jennings, "Goals and Functions of Puritan Missions to the Indians," *Ethnohistory* 18 (1971): 197-212; Margery Ruth Johnson, "The Mayhew Mission to the Indians, 1643-1806" (Ph.D. diss., Clark University, 1966). See also "Tracts Relating to the Attempts to Convert to Christianity the Indians of New England," *Collections of the Massachusetts Historical Society*, 3d ser., 4 (1834).

61. Shurtleff, ed., *Mass. Records*, II: 166, 176-78.

62. *Ibid.*, II: 188. The creation of praying villages and Indian courts represented the first step in what would become Massachusetts reservation policy. For a full description of that policy, see Yasuhide Kawashima, "Legal Origins of the Indian Reservation in Colonial Massachusetts," *American Journal of Legal History* 13 (1969): 42-56.

63. [John Wilson,] *The Day-Breaking, if not the Sun-Rising of the Gospell with the Indians in New England* (London, 1647), reprinted in *Collections of the*

Massachusetts Historical Society, 3d ser., 4 (1834): 20; Thomas Shepard, *The Clear Sun-shine of the Gospel Breaking Forth Upon the Indians in New England* (London, 1648), reprinted in *Collections of the Massachusetts Historical Society*, 3d ser., 4 (1834): 39-40; Jameson, ed., *Johnson's Wonder-Working Providence*, pp. 149-50.

64. An excellent account of the Puritan modification of Indian culture and some treatment of its effect appear in Neal Salisbury, "Red Puritans: The 'Praying Indians' of Massachusetts Bay and John Eliot," *William and Mary Quarterly*, 3d ser., 31 (1974): 27-54.

65. Ezra Stiles, *Extracts from the Itineraries, with a Selection from his Correspondence*, ed. Franklin B. Dexter (New Haven, 1900), p. 144; Isaak de Rasieres to Samuel Blommaert, c1628, in James, ed., *Three Visitors to Plymouth*, p. 70.

66. Williams to Winthrop, July 15 and November 10, 1637, *Winthrop Papers*, III: 452, 509.

67. Shepard, *Clear Sun-shine of the Gospel*, p. 62.

68. Bradford, "Verses," *Proceedings of the Massachusetts Historical Society* 11 (1870): 467.

69. Yasuhide Kawashima, "Indians and the Law in Colonial Massachusetts, 1689-1763," (Ph.D., diss., University of California, Santa Barbara, 1967), p. 72.

70. David Pulsifer, trans., "Records of the County of Middlesex in the Commonwealth of Massachusetts" (1851; at Middlesex County Court House, Cambridge, Mass.), I: 71, 73, 218; George Francis Dow, ed., *Records and Files of the Quarterly Courts of Essex County, Massachusetts* (Salem, 1911), I: 337.

71. Shurtleff and Pulsifer, eds., *Plymouth Records*, I: 132; III: 90; IV: 22, 92, 112. The penalty for adultery, from the Indians' perspective, was quite understandable, since they allowed the irate husband to divorce his wife, cut her face, or severely beat and perhaps even kill her partner. See Stiles, *Extracts from the Itineraries*, pp. 142, 146; Williams, *A Key into the Language of America*, p. 168; de Rasieres to Blommaert, in James, ed., *Three Visitors to Plymouth*, pp. 72-73.

72. Ronda, "Red and White at the Bench," pp. 204-206.

73. Henry Whitfield, *The Light Appearing More and More Towards the Perfect Day* . . . (London, 1651), in *Collections of the Massachusetts Historical Society*, 3d ser., 4 (1834): 139-40; "Additional Memoir of the Moheagans and of Uncas, Their Ancient Sachem," *Collections of the Massachusetts Historical Society*, 1st ser., 9 (1804): 86.

74. Trumbull, ed., *Conn. Records*, I: 335; II: 33-34.

75. *Ibid.*, I: 149, 186.

76. [Wilson,] *Sun-Rising of the Gospell*, p. 16; Whitfield, *Light Appearing*, pp. 133-34; Whitfield, *Strength out of Weaknesse* . . . (London, 1652), in *Collections of the Massachusetts Historical Society*, 3d ser., 4 (1834): 165; John Eliot and Thomas Meyhew, *Tears of Repentance* . . . (London, 1653), in *Collections of the Massachusetts Historical Society*, 3d ser., 4 (1834): 259; Jacqueline Overton, *Indian Life on Long Island* . . . (Port Washington, N. Y., 1963), p. 128. For a good treatment of the disruptive effects of illness, in conjunction with other factors, on the spiritual belief systems of one northern tribe, the Micmacs, see Calvin Martin, "The European Impact on the Culture of a Northeastern Algonquian Tribe: An Ecological Interpretation," *William and Mary Quarterly*, 3d ser., 31 (1974): 1-26.

77. Greene and Harrington, *American Population Before the Census of 1790*, pp. 11-12, 14, 47.

78. Shurtleff and Pulsifer, eds., *New Plymouth Records*, XI: 227-28.

79. Shurtleff, ed., *Mass. Bay Records*, IV (II): 407-08.

80. Five Indians were convicted of taking violent sexual liberties, with two white women and three Native Americans. The authorities sold one offender as a slave, hanged another, and lashed a third. The final disposition of a fourth case is unknown. See *Assistants' Records*, I: 22; III: 210, 216-17; *Historical Records Survey, Abstract and Index of the Records of the Inferiour Court of Pleas (Suffolk County Court) Held at Boston 1680-1698* (Boston, 1940), p. 132; Shurtleff, ed., *Mass. Bay Records*, II: 23. For white rapists executed, see *Assistants' Records*, I: 50, 199; III: 199-200. The Black man is in I: 74.

81. *Assistants' Records*, I: 57; Daniel Gookin, *An Historical Account of the Doings and Sufferings of the Christian Indians in New England, in the Years 1675, 1676, 1677*, in *Archaeologia Americana: Transactions and Collections of the American Antiquarian Society* 2 (1836): 467, 474-75, 482-83, 491-92.

82. *Assistants' Records*, I: 188.

83. *Historical Records Survey, Abstract and Index of Suffolk County Court*, p. 126; Suffolk County Court Records photostat, "Suffolk, 1680-1698," II: 352 (at Suffolk County Court House, Boston); *Records of the Suffolk County Court, 1671-1680*, I: 556-57, vols. 29 & 30 of *Publications of the Colonial Society of Massachusetts* (Boston, 1933). In 1690 the Suffolk County magistrates ordered Sam branded again for burglary and theft and to pay £19.14s.6d. to his victim. Two other whites and one Indian were sentenced to be branded. The red man, Joseph Aramatus, was directed to be branded in the hand with "a hott Iron marked with ye Letter T" after he admitted taking three sheep and other properties from a Hingham man. See *Abstract and Index of Suffolk County Court*, pp. 117, 127, 133; *Records of the Superior Court of Judicature, I, Special Courts, 1686-1687*, pp. 17-21 (at Suffolk County Court House).

84. *Records of Suffolk County Court*, I: 234, 556-57.

85. *Historical Records Survey, Abstract and Index of Suffolk County Court*, p. 129.

86. Three would-be red burglars received twenty lashes and another three thirty. *Records of Suffolk County Court*, I: 119, 147-48; II: 720. Whites appear in I: 23-24, 257; II: 631.

87. For the two Indian women who were sharply whipped, see *Historical Records Survey, Abstract and Index of Suffolk County Court*, pp. 131, 135.

88. Middlesex County Court Files, Folios 37, 43, at Middlesex County Court House; Otis G. Hammond, ed., *New Hampshire Court Records 1640-1692, Court Papers 1652-1668*, New Hampshire State Papers Series (Concord, N. H., 1941) XL: 202-03.

89. *Records of Suffolk County Court*, I: 412; II: 866.

90. *Ibid.*, I: 147, 559; *Historical Records Survey, Abstract and Index of Suffolk County Court*, pp. 127-28.

91. *Historical Records Survey, Abstract and Index of Suffolk County Court*, p. 128; Court Files—Suffolk County, XXVI (1683-84), no. 2210, 2231; Essex County Court of General Sessions 1686-1688, 1692-1723, p. 19 (at Essex County Court House, Salem, Mass.).

92. Dow, ed., *Essex County Court Records*, V:400. Six fathoms of wampum was equal to about thirty shillings. Damages in white assault cases were usually twice as high.

93. *Records of Superior Court of Judicature, I, Special Courts, 1686-87*, p. 12. The court gave Ephraim twenty days to pay for the cure and court costs or

threatened to sell him out as a servant for seven years. It is important to note that he would not have been sold for injuring his red wife, but for non-payment of the white doctor's fees.

94. *Records of Suffolk County Court*, I: 149, 151; Pulsifer, trans., "Middlesex County Court Records," III: 231. These whites claimed the assault was "accidental" or "upon provocation," but such arguments failed to temper the sentence when used in other assault cases.

95. Shurtleff and Pulsifer, eds., *New Plymouth Records*, V: 238.

96. *Ibid.*, IV: 22, 167; V: 100-101, 151-52, 238, 253, 270; VI: 98, 104, 108, 116, 153, 190; VII: 308.

97. For fines of whites who attacked Indians, see *ibid.*, IV: 177; V: 31, 152; Records Sessions of the Peace—Plymouth County—1686-1721, p. 147 (at Pilgrim Hall, Plymouth, Mass.).

98. Shurtleff and Pulsifer, eds., *New Plymouth Records*, IV: 51, 136-38.

99. *Ibid.*, VI: 98.

100. These 10,000 included 5,000 Narragansetts, 3,000 Wappingers and River Indians, and 1,700 Pocumtucks. Another 2,500 Mahicans could also be added. See Cook, *The Indian Population of New England in the Seventeenth Century*, University of California Publications in Anthropology, vol. 12 (Berkeley, 1976), pp. 49, 53, 58, 60-84.

101. For sentences meted out to assaulters, see Connecticut Archives: Crimes and Misdemeanors, Ser. I, 1662-1789, v. I 1663-1706, p. 103 (at Connecticut State Library, Hartford); Dexter, ed., *New Haven Town Records 1649-1662*, v. I of *Ancient Town Records* (New Haven, 1917), pp. 459-60; Dexter, ed., *New Haven Town Records 1662-84*, v. II of *Ancient Town Records* (New Haven, 1919), pp. 196-97; *Records of the Particular Court of Connecticut, 1639-1663*, in *Collections of the Connecticut Historical Society* 22 (1928): 216.

102. Records of the Hartford Probate Court, IV: 29; Records: Court of Assistants, 1669-1686, in Records of the colony of Connecticut, LIII: 16 (both at Conn. State Library).

103. Trumbull, ed., *Conn. Records*, III: 69-70; John W. DeForest, *History of the Indians of Connecticut from the Earliest Known Period to A. D. 1850* (Albany, 1871), pp. 303-46; Samuel Greene Arnold, *History of the State of Rhode Island and Providence Plantations* (New York, 1859), I: 460-61.

104. Many documents of land conveyances exist in both manuscript and secondary accounts of all Calvinist colonies, but unfortunately they are very scattered. Harry Andrew Wright's *Indian Deeds of Hampden County . . .* (Springfield, Mass., 1905) is indeed unique as the only systematic compilation of Indian-white land transactions in seventeenth-century New England. The deeds in this work reveal that, between 1636 and 1662, four of eight Hampden County conveyances provided for the protection of Indian hunting, fishing, and planting rights. However, from 1665 to 1674, of eleven deeds, just two allow Indian hunting and three fishing on ceded lands. Conveyances between 1678 and 1687 extended such privileges in two of eight cases. No allowance to plant occurred in any deed signed after 1662.

105. In Hampden County six of eight land conveyances made between 1636 and 1662 exchanged trade goods for real estate, but that number decreased to three of eight in 1665-74 and just one of six in 1678-87. The Indians received wampum in four of the earliest transactions, seven during the middle period, and but one in the later time frame. English money was exchanged in one, zero, and

four of the transactions in the respective periods. An analysis of the land conveyances mentioned in Ebenezer W. Peirce, *Indian History, Biography, and Genealogy: Pertaining to the Good Sachem Massasoit of the Wampanoag Tribe, and His Descendants* (North Abington, Mass., 1878), yields a similar result. Three of four deeds signed between 1649 and 1659 grant trade goods for land, but twelve deeds of the 1665-75 decade (excluding those where the medium of exchange is unspecified) all substitute English money for goods (pp. 34-35, 52-53, 192-94, 229-32, 238-42). Compare also the early transactions in DeForest, *History of the Indians of Conn.*, pp. 163-66, 175-77, with later sales on pp. 266, 291-92, 305-307, 351-52.

106. Trumbull, ed., *Conn. Records*, III: 55, 102; IV: 184-85, 208; DeForest, *History of Indians of Conn.*, pp. 303-46; "Podunck Indians to the General Assembly, October 1686," *Wyllys Papers*, in *Collections of the Connecticut Historical Society* 21 (1924): 288-89; Shurtleff and Pulsifer, eds., *New Plymouth Records*, VII: 195; Wright, ed., *Indian Deeds*, p. 43; Kawashima, "Indians and the Law in Colonial Mass.," pp. 115-16.

107. Theodore B. Lewis, "Land Speculation and the Dudley Council of 1686," *William and Mary Quarterly*, 3d ser., 31 (1974): 255-72; Trumbull, ed., *Conn. Records*, III: 93, 231, 233, 200n; IV: 98, 107, 257; DeForest, *History of Indians of Conn.*, pp. 307-17.

108. Statistics on the offenders break down as follows:

Court	Total Indian Offenders	N. Corporally Punished	%	White Off.	N. Corp. Pun.	%
Suffolk County	40	16	40.0	1,229	61	5.0
Pyncheon Courts	8	3	37.5	146	22	15.1
Plymouth	55	26	47.3	702	69	9.8
Connecticut	74	17	23.0	1,447	185	12.8

These figures include only those offenders for whom a sentence exists in the available records. All acquittals, which comprise less than 5% of all cases, are excluded. The number corporally punished includes all persons sentenced to be whipped, stocked, branded, mutilated, or hanged, except in Suffolk County. There the authorities were much more inclined to administer the lash freely, and I have therefore deleted all lashings under thirty in number from the above table. The Connecticut figure is unnaturally distorted by the overrepresentation of thieves among the Indian offenders. In compiling this data the *Records of Suffolk County Court*; Historical Records Survey, *Abstract and Index of Suffolk County Court*; Suffolk County photostat, "Suffolk, 1680-92"; Suffolk Files; Joseph H. Smith, ed., *Colonial Justice in Western Massachusetts (1639-1702): The Pyncheon Court Record* (Cambridge, 1961); Shurtleff and Pulsifer, eds., *Plymouth Records*; Plymouth County Records of the Peace; Records of Bristol County Probate and Criminal Courts (at Bristol County Court House, Taunton, Mass.); Connecticut Assistants' Records; Conn. Archives: Crimes and Misdemeanors; Dexter, ed., *New Haven Town Records*; New London, New Haven, and Hartford County Court Records; and assorted cases from diaries and letters were used. Neither the complete *Essex County Court Records* nor the fragmentary Middlesex County records have enough Indians listed to bear comparison with white offenders.

109. John Russell Bartlett, ed., *Records of the Colony of Rhode Island and Providence Plantations, in New England* (Providence, 1857), II: 486-87, 501-02

(hereafter cited as *R.I. Records*). The Indian could be fined an additional pound if he refused to give the name of his supplier.

110. *Ibid.*, I: 412-13; General Court of Trials. Newport County, 1671-1724, pp. 2, 4, 8 (at Newport County Court House, Newport, R. I.), carries the account of such white thieves.

111. Newport Court of Trials, pp. 32-33.

112. Bartlett, ed., *R. I. Records*, II: 509.

113. Connecticut, of course, also continued to penalize red and white offenders quite equally after 1676, but that colony then had the largest Indian population in southern New England, one not substantially diminished by warfare. Most, in fact, supported the English cause, and with King Philip's defeat the Wappingers and Mahicans continued strong in the west and north. On the other hand, the Wampanoags, Massachusetts, Nipmucks, Pocumtucks, and Narragansetts lost perhaps 7,875 of 11,600 people in battle casualties, exposure, disease, sale abroad, and retreat far inland. See Sherburne F. Cook, "Interracial Warfare and Population Decline Among the New England Indians," *Ethnohistory* 20 (1973): 15-21.

114. Rhode Islanders were not, however, lacking in a degree of ethnocentrism and racism themselves. Even though Roger Williams applauded the Narragansetts for their hospitable kindness, this divine considered them "barbarians," "another miserable drove of Adams degenerate seed," and "beasts wallowing in idleness, stealing, lying, whoring, treacherous witchcrafts, blasphemies, and idolatries." See Roger Williams to Sir Henry Vane and John Winthrop, May 15, 1637, and Williams to Winthrop, ca June 30, 1637, in *Winthrop Papers*, III: 412, 436; Williams to Massachusetts General Court, Oct. 15, 1655, in Thomas Hutchinson, ed., *A Collection of Original Papers Relative to the History of the Colony of Massachusetts Bay* (Boston, 1769), pp. 277-80.

115. Arnold, *History of the State of R. I.*, I: 426-28.

116. Shurtleff and Pulsifer, eds., *New Plymouth Records*, VI: 98; Dexter, ed., *New Haven Town Records 1662-84*, p. 77.

117. Kai T. Erikson, *Wayward Puritans: A Study in the Sociology of Deviance* (New York, 1966), pp. 188-89.

118. Refer to footnote 116.

119. [John Cotton,] *A Discourse about Civil Government in a New Plantation* (Cambridge, 1663), p. 20.

120. Criminal offenders are taken from "New Haven County, Connecticut. County Court Records, 1666-1855," I; Dexter, ed., *New Haven Town Records 1662-84*; Historical Records Survey, *Abstract and Index of Suffolk County Court*; and Court Files—Suffolk County. Tax lists appear in Dexter, pp. 405-10, and "Tax List and Schedules—1687," in *First Report of the Record Commissioners of the City of Boston* (Boston, 1876), pp. 91-127.

121. These 55 offenders (including three Indians) comprised one half of all persons who appeared before the New Haven courts during those years. The remainder were located in other areas of the county. The Boston figure of 173 criminals (including 26 Indians) comprises about 30% of the Suffolk County totals. Many others did not appear on the tax list because they were transients. The actual number of offenders in Boston was actually much higher, since more than half of the Suffolk County records are missing. The New Haven County records are, however, complete. At New Haven only 6% of those persons rated at more than £50 were criminally charged, but 10.5% of those worth £31 to £50 and 23.7% of those valued at £0 to £30 were so charged.

122. None of the 48 Boston thieves tried between 1680 and 1692 possessed realty valued at more than £6. Eight of sixteen New Haven thieves who appeared before the courts between 1675 and 1685 were servants and the remainder owned property valued from £0 to £35. Fourteen of the sixteen had less than £12 worth of possessions.

123. Trumbull, ed., *Conn. Records*, II: 257.

124. The available court records give the names of over 15,000 white offenders in the seventeenth century and 220 Indians, yet the whites hardly outnumbered the Indians seventy-to-one.

125. Kawashima, "Indians and the Law in Colonial Mass.," p. 352. Calvinists failed to supply illiterate whites with attorneys as well, but the whites could more easily and did enlist the support of knowledgeable neighbors. Moreover, Puritans—being a well-read lot—appeared familiar generally with English legal practice.

126. Christopher Levett, *A Voyage into New England, Begun in 1623, and Ended in 1624* (London, 1628), reprinted in *Collections of the Massachusetts Historical Society*, 3d ser., 3 (1843): 174, 177-78; Thomas Lechford, *Plain Dealing: or NeVVes from New-England* (London, 1642), reprinted in *Collections of the Massachusetts Historical Society*, 3d ser., 3 (1843): 102, 104; Connecticut—County Court. New London County. Record of Trials, 1661-1855, V: 95, 156 (at Conn. State Library); Cotton Mather, *The Way to Prosperity* (Boston, 1690), pp. 27-34; Mather, *Magnalia Christi Americana: Or, the Ecclesiastical History of New-England from Its First Planting in the Year 1620, unto the Year of Our Lord, 1698* (Hartford, 1830 [1702]), II: 344, 537-38; William Hubbard, *A Narrative of the Troubles with the Indians in New-England from the First Planting thereof in the Year 1607 to this present year 1677*, ed. S. Drake (Boston, 1865 [1677]), II: 96; Bradford, *Of Plymouth Plantation*, pp. 25-26. For treatments of Puritan racism, see G. E. Thomas, "Puritans, Indians, and the Concept of Race," *New England Quarterly* 47 (1975): 3-27; David F. Beer, "Anti-Indian Sentiment in Early Colonial Literature," *Indian Historian* 2 (1), (Spring 1969): 29-33, 48; Peter Lloyd, "The Emergence of Racial Prejudice Towards the Indian in Seventeenth-Century New England: Some Notes on an Explanation" (Ph.D. Diss., Ohio State University, 1975).

127. Pulsifer, trans., "Middlesex County Court Records," I: 301; *Severall LaVVes and Orders Made at the General Court Held at Boston, the 23d of May, 1666. And on the 12th of October following* (Cambridge, 1666), p. 2; *The Generall Laws and Liberties of New Plimoth Colony. Revised and Published by the Generall Court, in June 1671* (Cambridge, 1672), p. 45; *The Book of the General Laws for the People within the Jurisdiction of Connecticut* (Cambridge, 1673), p. 41.

128. *The Book of the General Laws of the Inhabitants of the Jurisdiction of New-Plimoth* . . . (Boston, 1685), p. 41.

129. Kawashima, "Jurisdiction of the Colonial Courts Over the Indians in Mass.," pp. 539-50.

130. *Book of General Laws of Plimoth*, p. 14.

131. Vaughan, *New England Frontier*, p. 194.

132. Bradford, *Of Plymouth Plantation*, p. 25.