

RHODE ISLAND HISTORY

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DAVID WALLIS REEVES, 1838-1900
Leader of the American Band of Providence, 1866-1900

[see inside front cover]

ISSUED QUARTERLY AT PROVIDENCE, RHODE ISLAND

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DAVID WALLIS REEVES

David W. Reeves, whose picture is on the front cover, was born in Owego, New York, February 14, 1838. Even as a youth his chief interest was in music, and when only nineteen years old he was made leader of the Owego Band, in which, when he was less than fifteen, he had first played.

In 1866 Reeves was selected by Joseph C. Green, who had led the American Band for the twenty-eight years of its existence, to be his successor. Reeves's greatest triumph in Providence was in 1878 at which time he presented the Gilbert and Sullivan operetta, *Pinafore*, on a ship built in a small lake near Broad and Adelaide Streets.

On June 5 of this year the Cities Service radio program was dedicated to Reeves, and similarly a program was so dedicated in Roger Williams Park on June 11.

The early records of the band, many of the instruments played by the members, and much of the music used by the band in its later years are in the Society's museum and library.

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THE EARLY HISTORY OF RHODE ISLAND'S COURT SYSTEM

by JOHN T. FARRELL*

IT WAS no part of the Rhode Island tradition to despise wholesome laws, "conformable to the Lawes of England, soe far as the nature and constitution of our place will admit,"¹ and it was with some testiness that the historian Samuel Greene Arnold refuted the slanders of neighboring colonies which "from the absence of any law religion at either Providence or Aquedneck, freely charged them with a disregard for both law and religion."² There was certainly a lack of order in the early history of the settlements made in and around

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¹John Russell Bartlett, ed., *Records of the Colony of Rhode Island and Providence Plantations in New England* 10 Vols. (Providence: Printed by the Order of the Legislature, 1856-1865) I, 158. Hereafter this will be cited R.I.C.R. Material for this article was acquired in the course of preparing an introduction to the volume on the Rhode Island Court of Equity, 1741-1743, scheduled for publication in the series of *American Legal Records* on the Littleton Griswold fund. Because of the importance of the seventeenth century background to a proper appreciation of later Rhode Island legal history, it has seemed desirable to have in print a treatment of that aspect of the colony's institutional history which authorities have so far covered in such a way as occasionally to mislead their readers. Preoccupation with the personalities of Roger Williams, William Coddington *et al*, has not resulted in any corresponding interest in the solemn efforts made by the colony's founders to construct a government of laws. On the legal history of Rhode Island the chapter in Edward Field's *State of Rhode Island and Providence Plantations* (Boston, 1902) III, 89-169, by E. C. Stiness, is entitled "The Struggle for Judicial Supremacy." Like the article by A. M. Eaton, "The Development of the Judicial System in Rhode Island," in the *Yale Law Journal* XIV (Jan. 1905), 148-170, it is more concerned with the divorce of legislative and judicial powers in the nineteenth century than in any coherent explanation of origins. Wilkins Updike's *Memoirs of the Rhode Island Bar* (Boston, 1842) and Thomas Durfee, *Gleanings from the Judicial History of Rhode Island* (Rhode Island Historical Tracts No. 18, Providence, 1883) are very helpful only for the eighteenth century.

²Samuel Greene Arnold, *History of the State of Rhode Island and Providence Plantations* I (New York, 1859), 138.

Narragansett Bay, but that was a state of affairs to be attributed to the enforced scattering of refugees from the other colonies which remained hostile to their exiles' efforts to achieve "soul liberty" in that neighborhood.³ As the records of the colony reveal,⁴ there was no lack of intention on the part of the settlers—particularly those in Portsmouth and in Newport—to provide for themselves a regular system of courts and as much of their common law heritage as could be adapted to their circumstances. The judicial office derives obscurely from "disposers" for Providence as well as from "judge" and "elder" for Portsmouth and Newport, while the conventional term of the rest of New England, "magistrate," was looked upon as too pretentious while there was no settled jurisdiction.⁵ The men of

³On the early history of the colony, besides Arnold, *op. cit.*, there is I. B. Richman, *Rhode Island, Its Making and Its Meaning* 2 Vols. (New York, 1902); also Charles M. Andrews, *The Colonial Period of American History* 4 Vols. (New Haven, 1934-1938) II, 1-66. Roger Williams began the settlement of Providence on the mainland in 1636; Pocasset (afterwards Portsmouth) and Newport, on the island of Aquidneck, were founded in 1638 and 1639 respectively by William Coddington. Of the extensive literature on Roger Williams the biographies found useful here include, James Ernst, *Roger Williams, New England Firebrand* (New York, 1932), and Samuel H. Brockunier, *The Irrepressible Democrat, Roger Williams* (New York, 1940). A straightforward, friendly account of Coddington is to be found in Emily Coddington Williams, *William Coddington of Rhode Island* (Newport, 1941), but the unfavorable comments of H. E. Turner in the *Rhode Island Historical Tracts* (Ryder, ed., No. 4) are better known.

⁴For the period down to 1706 (R.I.C.R. I, II, and III), the published records of the colony are adequate for the legislative activities of the Assembly, including its work of erecting and supervising a judiciary. Barlett might well have included the scanty records of the General Court of Trials to 1670, that is, to the point where they were kept along with the records of the Assembly, but he did not see fit to do so. They are now available in *Rhode Island Court Records; Records of the Court of Trials of the Colony of Providence Plantations* [sic], 1647-1670 2 Vols. (Providence: Rhode Island Historical Society, 1920-1922). Also in print are the "Aquidneck Quarter Court Records" for 1641-1646, in H. M. Chapin, *Documentary History of Rhode Island* 2 Vols. (Providence, 1916-1919) II, 132-165, and a short (fifteen pages) pamphlet, Helen Capwell ed., *Records of the Court of Trials of the Town of Warwick R. I. 1659-1674* (Providence, 1922). Cf. Richard B. Morris, *Early American Court Records: A Publication Program*. Anglo-American Legal History Series, Series I, No. 4 (New York, 1941). In the office of the Clerk of Superior Court, Newport, is the series of Court of Trials and Superior Court Ms. volumes, beginning with the very interesting "First Book" for 1671-1724, which I examined through the courtesy of Mr. Chester Oakley, Clerk, and with helpful guidance on the part of his predecessor of many years service, Mr. John Greene, now Clerk of the Supreme Court of Rhode Island. For the order of the Assembly directing the General Treasurer to secure a separate book for the Court of Trials records in 1671, see R.I.C.R. II, 400.

⁵"We have no Patent, nor doth the face of Magistracy suit with our present condition." Williams to Winthrop 1636, *Narragansett Club Publications* VI, 4-5, cited in Brockunier, *op. cit.*, 106. Magistrate and Assistant were terms used in Massachusetts and Connecticut, as they were soon after this used in Rhode Island,

Providence were of the opinion that arbitration was a generally suitable method of settling differences, and if not the rule in all cases in neighboring "states" it was at least forbidden nowhere. They therefore agreed to enforce what was "but common humanity between man and man" at the instance of five disposers who might order disputants to choose arbitrators or, if the parties refused, to name such themselves.⁶ In the absence of very many records for this period of Providence history it is not possible to estimate the results of this venture in compulsory arbitration.⁷ Court records appear first, not at Providence, but in the records of the Aquidneck towns.

The settlement of Pocasset, shortly to be called Portsmouth, was made at the northern end of Aquidneck by some antinomian zealots in company with a group of substantial Massachusetts people. The latter were marked only by their willingness to associate with the excommunicated in a migration which was not authorized by the Bay Colony. Within a year, however, there occurred a secession led by the former Massachusetts magistrate, William Coddington, which resulted in the founding of Newport at the opposite end of the island.

to describe members of the Governor's Council. By the end of the seventeenth century these colonies all had Justices of the Peace who would be called Magistrates. In Rhode Island "Commissioners" were never as such judicial officers, the term applying rather to the representatives of the towns in the Assembly after 1651; but in Connecticut, for a brief interval, Commissioners were those who held particular courts outside the three river towns. Cf. *American Legal Records* IV, xiii and note. The Rhode Island Assistants did not become a separate legislative house until May, 1696. R.I.C.R. III, 313.

⁶"But if men refuse that which is but common humanity between man and man, then to compel such unreasonable persons to a reasonable way, we agree that the 5 disposers shall have power to compel him either to choose two men himselfe, or if he refuse, for them to choose two men to arbitrate his cause, then to see their determination performed and the faultive to pay the Arbitrators for their time spent in it: But if those four men doe not end it, then for the 5 disposers to choose three men to put an end to it, and for the certainty hereof, we agree the major part of the 5 disposers to choose the 3 men, and the major part of the 3 men to end the cause having power from the 5 disposers by a note under their hand to performe it, and the faultive not agreeing in the first to pay the charge of the last, and for the Arbitrators to follow no employment till the cause be ended without consent of the whole that have to doe with the cause." R.I.C.R. I, 29.

⁷There are some few items in the *Early Records of the Town of Providence* XV, 1-10, but the entry is simply one of appearance and award given. Arbitration remained the frequent recourse of litigants after the establishment of a rudimentary court system for the mainland and island settlements, but this is of course not a peculiar characteristic of seventeenth century Rhode Island. Cf. "Aquidneck Quarter Court Records" in Chapin, *op. cit.*, and *Records of the Court of Trials*, *op. cit.*, *passim*.

The more secular minded appear to have joined in this movement, which gave Coddington a better vantage point from which to develop his plans to secure a proprietary title over both settlements. Nevertheless it was possible for the two groups to reunite, in March of 1640, under one government, with Coddington as chief magistrate. At most their differences had been personal in origin, and there were no pronounced contrasts between their respective legal or governmental arrangements. Despite all the theocratic overtones in the first recorded minutes of the Pocasset settlement, the inhabitants soon declared that they were bound by the laws of King Charles.⁸ Coddington is supposed to have taken with him to Newport his biblical notions of government, but there also, in November, 1639, the settlers agreed that they were "Natural subjects to our Prince, and subject to his Lawes."⁹ In each town the freemen met in quarter courts for general legislative purposes until the reunion of the inhabitants of the whole island in March of 1640. Three months before this event it had been resolved by Newport to make its March meeting an occasion for the readmission of certain Pocasset inhabitants to the "body politique" and to have an election of officers at that time. By way of deference to the sensibilities involved it was arranged to choose a Governor and half of the Assistants from one town while the Deputy Governor and the remaining half of the body of magistrates were to be selected from the other. By carrying through these constitutional measures at Newport, the islanders laid the foundations upon which was built the later governmental structure of all Rhode Island and Providence Plantations.¹⁰

⁸R.I.C.R. I, 70. This declaration followed upon the successful assertion of influence by Anne and Thomas Hutchinson, and Samuel Gorton, in April 1639. The next month Coddington took his party to found Newport. There is no need to exaggerate the importance of scriptural titles; despite the early indications that judgments were to be in accordance with the "word of God," there is no record of any specific invocation. However, Andrews (*Colonial Period II loc. cit.*) and Richman (*op. cit.* I, 127-140) stress the theocratic pretensions of Coddington, and each sees the revolution of Gorton and the Hutchinsons as a triumph of law over inspired personal rule. The events do not point at all clearly to this effect. It does not appear from the records that Coddington ever governed alone either at Pocasset or at Newport before the union of 1647, which he admittedly did not like. It would appear rather that in both of the island settlements the whole body of the freemen always had much to say about government. Cf. Arnold, *History I*, 130-131, and R.I.C.R. I, 27-31, 63-64.

⁹This Newport declaration of the Coddington group would seem to be just as important as the preceding one made at Pocasset. It appears in R.I.C.R. I, 93.

The first reference which reveals any courts in operation on Aquidneck concerns the establishment at Pocasset in November, 1638, of the offices of Constable and Sergeant "to execute the Lawes and penalties thereof."¹¹ The Constable was "to see that the peace be kept, and that there be no unlawful Meetings, or any thing that may tend to Civill disturbance practised; and furthermore he is to inform in Generall of all manifest Breaches of the Law of God, that tend to civill disturbance, and . . . he hath authority to command partie or parties, one or more as need shall require, to assist him in the discharge of his office." The Sergeant was "to attend all Meetings of the Judge and Elders, and to execute the sentences of the Court; and he is to serve all warrants directed unto him; and to inform of all breaches of the Lawes of God that tend to Civill disturbances: And further he is to keep the prison, and such who shall be Committed unto his custody with all safety and diligence. And unto him is granted authority to command partie or parties, one or more as need shall be, to assist him in the discharge of their [sic] severall offices." Samuel Willbore was chosen Constable, Henry Bull was chosen Sergeant, and it was ordered that the prison be "sett neare or joyned unto" the latter's house. The following April provision was made for a jury of twelve men "to doe right betwixt man and man" at the quarterly meetings of the freemen, while the magistrates by themselves were to consult together and put an end to controversies amounting to no more than forty shillings.¹² No further record of their progress in establishing a court structure appears before the reunion with the Newport settlers. These, on departing from Pocasset, had included not only "Judge" Coddington but also "Secretary" Dyre¹³ and "Sergeant" Bull. In October at

¹⁰For Rhode Island the work of the Newport Court of Election in 1640 is comparable in importance to the drafting of the "Fundamental Orders" for Connecticut in 1639. Cf. R.I.C.R. I, 100-102, and *The Fundamental Orders of Connecticut* (Conn. Tercentenary Pamphlets XX). As events developed, the Newport arrangements were the bases for a negotiated union with the mainland settlements in 1647 under the broad allowances of the Williams charter of 1644. Later, Dr. John Clarke of Newport was to draw up the petition for the royal charter of 1663 which, like the Connecticut grant from the king in 1662, ratified in the main the form of government worked out by the settlers themselves.

¹¹R.I.C.R. I, 65-66. The principal officer of the courts was not called the Sheriff until 1671. It was at that time ordered that anyone chosen to be Sergeant or Sheriff must qualify by knowing how to read and to write. Cf. R.I.C.R. II, 399-400.

¹²R.I.C.R. I, 71.

¹³The Secretary had been ordered to serve as a prosecutor, and for each failure to perform his duty he was supposed to forfeit forty shillings. R.I.C.R. I, 95-96.

Newport they had ordered that, added to the quarterly meetings of the inhabitants, there should be a session of "Judge and Elders" on the first Tuesday of every July to hear and determine "all such causes as shall be presented."¹⁴ The constitution making of the next year made this last order superfluous.

The Court of Election of 1640—for the whole island—eliminated the traces of religiosity when it ruled "that the Chiefe Magistrate of the Island shall be called Governour, and the next Deputie Governour, and the Rest of the Magistrates Assistants; and this to stand for a decree." It was further "agreed and ordered that the Governour and Assistants are invested with the offices of the justices of the Peace, according to the Law."¹⁵ In May provision was made for these magistrates "and Jurors" to hold "particular Courts" on the first Tuesday of each month, one at Newport and another at Portsmouth (*quondam* Pocasset), with full power to judge and determine "all such cases and actions as shall be presented."¹⁶ However, in August there was made a distinction between these monthly courts for each town, which the local magistrates were to hold regularly with a jury, and the quarter courts for the whole island, which were to be in session the day before each of "the two Parliamentarie (or Generall) Courts" of March and October, as well as on the first Tuesday in January and the first Tuesday in July. Only in these quarter courts could there be tried any matter of "Life and Limb."¹⁷

With all these provisions for courts the structure appears much too elaborate for two communities which listed together only sixty freemen on March 16, 1641.¹⁸ They could have been anticipating a period of very rapid growth or they might have been concerned with the importance of the propaganda value in England and New Eng-

¹⁴*Ibid.*, 90.

¹⁵*Ibid.*, 100-101.

¹⁶*Ibid.*, 103.

¹⁷Although it was allowed that, "if so be a Plaintiff had commenced his suit, and the defendant cast, he shall have libertie to make his appeal to the Quarter Sessions," no examples of such appeals are discernible in the rather brief entries for each case. Cf. again Chapin, *op. cit.*, II, 132-165. For the relevant legislation, including changes in the times for holding courts, cf. R.I.C.R. I, 106, 107, 110, 113, 114, 115.

¹⁸R.I.C.R. I, 110-111.

land of an extreme regard for the administration of justice. An effort to economize produced the following modifications in 1642:¹⁹

It is ordered, that the ordinaries shall no longer make Provision of diett for the Courts at the countries charge.

It is further ordered, that the three shillings a day allowance shall be taken off from the Officers, and that the Secretarie shall have the fees and customes allowed by the Lawes and Constitutions of England; also he shall execute the Clarke of the Peace his office; and for what time the said Secretarie shall expend for writing or enrolling the Court's Acts, satisfaction shall be made out of the Treasury; Also the Sarjeants shall have the fees allowed them by order of Law for their arrests and summons, etc.; or upon the States service their attendance, to be satisfied; Provided also that by this order their bills for the last yeare be not frustrated.

It is further ordered, that ther shall be but one Generall Court in the yeare, vidg't, the Court of Election, and that to be held according to the ancient form and custome; and but two Quarter Sessions in the yeare; vidg't, the one in June, the other in December; and they to be held according to the ancient forme and Custome; Provided, that if ther shall appear speciall occasion, then the Governour and Deputie with the rest of the Magistrates, or two of them, shall have Powre to call eyther Generall Courts, or more Session Courts; and what former orders are contrarie hereunto to this Present act, are made void.

A General Court did meet, possibly on special summons in the following September with important business to transact, among other things to appoint a committee to secure a patent "for this Island and Islands, and the lands adjacent." At the same time it was considered necessary to resume the two quarter courts of March and September.²⁰

¹⁹R.I.C.R. I, 122-123. The Secretary was, before this, supposed to have three shillings a day for attendance upon the General Courts and Quarter Sessions. *Ibid.*, 110. The records here imply a familiarity with the "Lawes and Constitutions of England" as well as a particular appreciation of the functions of a Clerk of the Peace. There is also for this period a reference (R.I.C.R. I, 123) to wager of law—which was not to be permitted in prosecutions for the sale of weapons to the Indians—but no court cases for this period show any use of this procedure. Later (Sept. 1673), the Assembly was to rule that where an Indian accused anyone of selling him liquor, the testimony was to be held valid, "except the party accused doe in the manner of a wager in law, produce six freemen of the town to testify." R.I.C.R. II, 502-503.

²⁰R.I.C.R. I, 124. This was also the occasion for the making of the rule that juries were to be chosen by the freemen in town meeting, the jurors to qualify for service "by virtue of the Tenure and grant of their Lands which is freehold."

[to be continued]



STAGE CURTAIN OF THE OLD PROVIDENCE THEATRE

Painted by John Worrall of Boston between 1808 and 1812

The stage curtain, portraying a section of the East Side of Providence, is one of the outstanding possessions of the Rhode Island Historical Society. It has been lent to the Rhode Island School of Design and is on display in the Museum.

THE PROVIDENCE FRANKLIN SOCIETY

by ROBERT J. TAYLOR*

IN THIS DAY of federally sponsored education, correspondence courses, and coast-to-coast radio hook-ups, it takes some imagination to appreciate the resoluteness of a handful of men who set out in 1821 to improve their knowledge of chemistry. They had no simplified textbook, no erudite professor. To give each other mutual aid, they founded a society which was to last one hundred years, and which contributed to the cultural life of Providence in many different ways. The Providence Franklin Society sponsored courses of public lectures; it gave substantially to the Athenaeum building fund; it brought prominent scientists here as speakers; and it participated in the movement for a free public library. Among its members were leaders in politics, education, manufacturing, law, and medicine.

The men who organized the society probably had no dreams of the influence which their institution would have; or if they did, they did not record them. The history of the society begins officially on April 10, 1821, when a constitution was drawn up and officers were elected for the Philosophical Association, the name first adopted by the group. According to the recollection of one of the early members, several men had been meeting informally before this at the home of Joseph Balch, a druggist on South Main Street;¹ later they rented a room from Christopher Burr on Benefit Street. At the first formal meeting in April the officers elected were William T. Grinnell, president; Daniel S. Lawrence, secretary; Charles Hadwen, treasurer; and Stanford Newell and Owen Mason, general committee.² Grinnell owned a paint and hardware store on South Main Street, and must have been a substantial citizen, for in 1833 he was one of two men chosen by the town council to meet President Jackson at New York and accompany him to Providence.³ In 1831 Grinnell received an

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¹Records of the Providence Franklin Society, III, May 9, 1871. MS. in the Rhode Island Historical Society. Except for the first volume, pages of the records are not numbered.

²*Ibid.*, I, 1.

³Rhode Island Historical Society *Proceedings*, 1878-79 (Providence, 1879) p. 94.

honorary M.A. from Brown University.⁴ He served as president of the society from its inception in 1821 until his death in 1835. Stanford Newell, a member of the Providence Association of Mechanics and Manufacturers, ran an iron foundry and later manufactured cotton machinery.⁵ Owen Mason had a shoe store on North Main Street, and in his spare time performed chemical experiments in his rooms. Members of his household were reportedly relieved when he transferred his experiments to the rooms of the society. Mason was a member for a time of the Providence School Committee, a founder of the Rhode Island Horticultural Society, and a director of the Providence Athenaeum.⁶

Although the minutes of the society state that a constitution was adopted, no hint is given of its provisions; indeed, the minutes in the early years are almost always exasperatingly brief, for the founders had no suspicion that they were making local history. The organization went by the name of the Philosophical Association for almost two years, but by the end of 1822, members thought it desirable to secure a charter from the General Assembly. The committee appointed to draft the charter recommended changing the name to the Franklin Association. In December, 1822, the membership voted unanimously to adopt the title Chemical Association, but at the next meeting the organization reconsidered the question and chose its permanent name—The Providence Franklin Society⁷—and under this name it was incorporated by the General Assembly on January 28, 1823.

Listed as incorporators besides Grinnell, Lawrence, Hadwen, Newell and Mason, were Massa Bassett, Loring D. Chapin, Joseph Balch, Jr., William T. Smith, and George Baker. Of these, Baker was to achieve the greatest prominence in the community. He was in the jewelry business on North Main Street and as a sideline rented chronometers to ships. Electricity was his scientific specialty. At one time and another he was president, director, and trustee of the Providence Mutual Insurance Company, president of the Mechanics Association,

⁴*Historical Catalogue of Brown University, 1764-1894* (Providence, 1895) p. 361.

⁵*An Account of the Seventy-First Anniversary of the Providence Association of Mechanics and Manufacturers* (Providence, 1860) p. 49.

⁶R. I. Society for the Encouragement of Domestic Industry *Transactions, 1873* (Providence, 1874) pp. 158-62.

⁷Records of the P.F.S., I, 26.

treasurer and cabinet keeper of the Historical Society, and vice-president and president of the Franklin Society. He was also chosen with Grinnell by the town council to meet President Jackson at New York.⁸

The preamble to the constitution drawn up for purposes of incorporation is worth quoting as a statement of the aims of the group. It reads as follows:

The advantages of Scientific knowledge are conspicuously important in all the concerns and avocations of civil society. Whatever contributes to the necessities, the conveniences, or the luxuries of man, is principally dependent upon the practical application of science to agriculture, to commerce, and the useful arts. Independently of these physical advantages, the prosecution of scientific researches has a moral operation upon the mind. Impressed with these considerations, and desirous to avail themselves of the superior advantage of associated means, the undersigned agree to unite themselves under the name of the Providence Franklin Society and to be bound and governed by the following articles.⁹

The constitution itself called for four officers and a standing committee to be elected annually; the by-laws provided for a semi-annual tax, not exceeding five dollars, on each member. New members were to be propounded four weeks in advance of election to membership; the society was to meet weekly; and the standing committee was charged with obtaining a lecturer for each meeting.¹⁰

So much for the fundamental organization of the group. Changes in the by-laws were made from time to time, but these changes, if significant, will be mentioned in their proper place. Of primary interest are the scientific activities and community projects of the society. The history of the organization divides itself conveniently into several periods. From its inception in 1821 until 1826 the society was chiefly concerned with improving the members' knowledge of chemistry. The introductory lecture in this science was given May 8, 1821, by Joseph Balch, Jr.,¹¹ who ran an apothecary's shop with his father. Thereafter lectures occurred at irregular intervals throughout the first year and finally settled down to a weekly schedule. Members were ordinarily given about four weeks' notice so that they could pre-

⁸Biographical details from R. I. Hist. Soc. *Proc., 1878-79*, pp. 91-96.

⁹Records of the P.F.S., I, 31-32.

¹⁰*Ibid.*, I, 32-34.

¹¹*Ibid.*, I, 1.

pare themselves adequately. After Balch's paper, there followed in order lectures on light and heat, affinity, oxygen, nitrogen, hydrogen, carbon, sulphur and phosphorous, alkalies, acids, vegetable substances, animal substances, earths, water, fermentation, galvanism, atmospheric air, combustion, etc.¹² For the most part the minutes of the society are content with a bare listing of lecture titles, but the one on hydrogen is described in enough detail to show the nature of these lectures:

Mr. Chapin delivered a lecture on Hydrogen, which subject was illustrated by obtaining the principle of Hydrogen free from its combination with Oxygen, and burning it, issuing from a tube attached to the vessel in which it was procured. A bladder was filled with the gas, and the gas pressed through a stop-cock, into soap bubbles, which rose by their specific levity, these on applying a light exploded: the bladder being partly inflated with atmospheric air, the intonation was much louder. The subject was further explained, by obtaining Hydrogen combined with carbon and Phosphorous, which combinations were distinctly Carburated and Phosphuretted Hydrogen gas; they were burned under different circumstances, exhibiting some pleasing and interesting appearances.¹³

Obviously, demonstration was the core of these lectures, and the society began early to accumulate apparatus for illustrative purposes, most of the money for purchases coming probably from the semi-annual tax on members. Evidently the amount of apparatus grew rapidly, for beginning in May, 1822, a committee of two was appointed every four weeks to arrange and keep in order the apparatus belonging to the association.¹⁴ This practice continued for a long period, and occasionally the entire membership devoted an evening to cleaning and arranging the equipment. About two years later, the treasurer was authorized to obtain a loan of \$200 to buy more apparatus, since the society wished to take advantage of William Grinnell's proposed trip to Europe.¹⁵ The members also voted to insure the equipment they already had. Thus the "philosophical apparatus," as it was called, became the nucleus of the society's collections, which were to grow greatly in size and diversity with the passing years.

¹²*Ibid.*, I, 1-6.

¹³*Ibid.*, I, 3.

¹⁴*Ibid.*, I, 8.

¹⁵*Ibid.*, I, 57.

Most of the additions to the collections came after 1826 and may be more appropriately discussed later, but in addition to the accumulation of apparatus, this period saw the beginning of two other divisions of the collections. On June 4, 1822, after a lecture on mineralogy by Loring D. Chapin, it was resolved that "It shall be the duty of each member to present to the association such specimens of minerals as he may be able to obtain in three weeks from this time."¹⁶ Here was the beginning of the mineralogical cabinet, which grew ultimately to contain several thousand specimens. And a few months later, the library of the association had its official inception with the resolution that each member deposit at the laboratory on loan scientific books to be under the care of a librarian chosen by the members.¹⁷

The society was not exclusively concerned with self-improvement, for even as early as July, 1822, the members were making plans for a public exhibition, which was actually held on October 23. The program consisted of six lecture demonstrations upon subjects already presented to the society. Owen Mason led off with "Crystalization and Affinity," followed by D. S. Lawrence and L. D. Chapin on "Electricity," Sanford Newell on "Hydrogen," Joseph Balch, Jr., on "Oxygen," George Baker on "Light and Heat," and William T. Grinnell on "Combustion."¹⁸ Apparently these first efforts at public education were entirely successful, and the following year a series of similar lectures was given before the apprentices of the Mechanics Association, the association paying the costs for the course.¹⁹ Since several of the founders of the Franklin Society were also members of the Mechanics Association, it was probably through their suggestion that the two groups so cooperated. This was but the first of several times when the two organizations worked together for their mutual benefit.

By 1823 the society had moved from Christopher Burr's building on Benefit Street to rooms hired from Truman Beckwith on South Main Street. For a time the society continued with its weekly lectures given by members appointed well in advance, but in the years 1825 and 1826 interest lagged, and the minutes become spotted with tell-

¹⁶*Ibid.*, I, 10.

¹⁷*Ibid.*, I, 21.

¹⁸*Ibid.*, I, 12.

¹⁹*Ibid.*, I, 40-41, 50-51.



OWEN MASON, 1796-1873

One of the incorporators of the Franklin Society, Mr. Mason in addition to the hours spent in the boot and shoe business had the taste and found the time to study mineralogy, botany, chemistry, and horticulture. He had one of the best collections of minerals in New England; and the mineral, Masonite, found in Rhode Island, was named for him. Brown University recognized his abilities and conferred the degree of A.M. upon him in 1838.

tale records such as "no quorum present" and "no business transacted." Perhaps the first sign of decay was a resolution in January 1825 permitting the lecturer to invite as many spectators to his lecture as he wished.²⁰ Increasingly often no lecturers at all were appointed, but a general topic for discussion was proposed for the next meeting. Thus a discussion of "caloric" was on the docket for six meetings, competing feebly with the secretary's entries of "no quorum present." On October 10, 1826, the organization shook off its lethargy and resolved the following: "Encouraged by the success that has hitherto attended our efforts to obtain a knowledge of the Science of Chemistry, and anxious of enlarging the usefulness of our institution, it is expedient that its object should be extended so as to embrace the sciences generally and general literature."²¹ With this resolution the Franklin Society entered upon its second phase, which lasted until the Civil War period.

Besides broadening the aims of the society, the members decided to make an effort to get "men of talents" into the organization so that the enlarged program would be possible. At the next meeting fourteen new members were propounded, and soon afterwards the admission fee was reduced from five dollars to three. The society returned to its planned lecture system and the titles of subsequent lectures reveal the change that had taken place. Dr. Richard Brownell delivered a "rapid sketch of the general constitution of man, and the vital principle;" and Dr. S. B. Tobey lectured on the circulation of the blood. In 1828 Josiah Lawton gave an introductory talk on botany. In 1829 Dr. Joseph Mauran lectured on phrenology; Samuel Eddy vindicated the use of certain words used by New Englanders; W. H. Patten talked on prejudices against law; and William Grinnell discussed the proposed charter for city government. In 1830 Albert Gorton Greene lectured on sculpture and statuary.²²

The names of the lecturers suggest that "men of talents" had been secured. Doctors Mauran and Tobey were both leading physicians, Tobey being also chancellor of Brown from 1854 until his death in 1867 and one of the founders of the Rhode Island Hospital.²³ Albert

²⁰*Ibid.*, I, 68.

²¹*Ibid.*, I, 88.

²²*Ibid.*, *passim*.

²³Biographical details on Mauran and Tobey from the *R. I. Biographical Cyclopedic* (Providence, 1881) pp. 263-64, 330.

Gorton Greene was a prominent judge and a president of the Historical Society. The years following 1826 brought into the organization many leading citizens; a few names will suffice to suggest the diversity of professions represented. Among the most notable were Zachariah Allen, inventor, author of books on the transmission of power, a founder of the second Athenaeum, a trustee of Brown, and superintendent of the construction of Butler Hospital;²⁴ Moses Brown Lockwood, teacher at the Friends School, member of the Providence School Committee, manufacturer, and director of a bank and an insurance company;²⁵ Joseph K. Angell, prominent lawyer and writer on legal matters;²⁶ and Walter R. Danforth, city council member, mayor, and customs collector for the Port of Providence.²⁷

Somewhat later the society included on its rolls Charles S. Bradley, Chief Justice of the Supreme Court and later professor of law at Harvard; Amos Perry, educator, consul at Tunis, and secretary and librarian of the Historical Society; Merrick Lyon, principal of the University Grammar School, member of the School Committee, and a trustee of Brown; Rev. Edwin M. Stone, Unitarian minister, historian, and biographer; and Seth Padelford, governor of the State from 1869 to 1873.²⁸ Other important names could be added, too, though it should not be concluded that the society had no room for ordinary citizens as well. In 1830 the number of resident members was forty-nine; in 1834, fifty-three; and in 1857, seventy-six.²⁹ Perhaps the peak was reached in 1878 when one historian gave the total membership as being over three hundred.³⁰ The term "resident member" resulted from a classification of the membership made in 1828 into resident, corresponding, and honorary members. The first honorary members elected were Col. Francis Peabody of Salem, Massachusetts, and Prof. John De Wolf, Jr., of Bristol.³¹ Later the

²⁴*Ibid.*, p. 259-61.

²⁵R. I. Soc. for Encouragement Dom. Indus., *Trans.*, 1872, pp. 140-44.

²⁶*R. I. Biog. Cyclopaedia*, pp. 251-53.

²⁷R. I. Soc. for Encouragement Dom. Indus., *Trans.*, 1861, pp. 139 ff.

²⁸Biographical details from *R. I. Biog. Cyclopaedia*, *passim*. Details on Stone from Records of the P.F.S., III, Jan. 15, 1884.

²⁹*Charter and By-Laws for the Prov. Franklin Soc.*, for the years 1830, 1834, and 1857.

³⁰[Edward D. Hitchcock] ed. *History of the State of R. I.* (Philadelphia, Hoag and Wade, 1878) p. 269.

³¹Records of the P.F.S., I, 111.

honorary members included Benjamin Silliman, famous chemistry professor at Yale, and Francis Wayland, president of Brown. Corresponding members were admitted from as far away as Manila and Canton. The relations between Silliman and the society were particularly cordial, for in 1824 he was sent a brooch of "Bristol amethyst and fine gold" in recognition of "mutual acts of courtesy;" and in 1830 a brief history of the society was sent to him for inclusion in his journal.³²

Besides the diversification of lecture subjects and the addition of many new members, the growing size of the collections testified to the new vigor of the society. Some of the most important additions were in natural history. To the members' own collections of minerals were added a collection given by Steuben Taylor in 1824 and another of one hundred sixty specimens of Derbyshire minerals and fossils in 1828.³³ By 1876 the mineral cabinet contained some five thousand specimens, exclusive of two special collections—the Jackson collection of Rhode Island rocks and minerals and the Reynolds collection of ores.³⁴ In 1827 Miss Betsy Earle presented the society with a collection of shells and an idol from the Sandwich Islands, thus originating two important branches of the collections. By 1876 the section on conchology contained a nearly complete collection of Rhode Island shells as well as two hundred species from all over the world.³⁵ Captain Aborn, a corresponding member of the society, made notable additions to the South Sea Island material, and in time this collection was unusual in its richness, containing war clubs, lances, idols, canoes, and other objects used by the natives. The society also accumulated insect specimens, herbaria of the plants of Rhode Island, Providence, and other places, and specimens of birds, the latter numbering three hundred by 1876.

Donations poured in upon the society so rapidly in 1828 and 1829 that the organization, in true scientific spirit, resolved that each important contribution should be turned over to a committee which would write a report for the membership on the scientific significance of the gift. This practice was followed for years. And it was also

³²*Ibid.*, 63, 135.

³³All information on donations is taken from the ms. record of donations kept by the society. MS. in R. I. Hist. Soc.

³⁴Records of P.F.S., II, Jan., 1876.

³⁵*Ibid.*, III, Jan., 1906.

resolved in 1829 that printed instructions be drawn up and given to ship captains and other likely persons to guide them in collecting material for the society.³⁶ Nor was apparatus for the physical sciences lost sight of as the number of donations in natural history increased. In 1830 Colonel Peabody donated "a handsome set of electrical tubes;" in 1833 Crawford Allen gave \$150 to buy "a set of instruments to illustrate the mechanical powers;" and in 1835 John Farnum presented a solar microscope. William Grinnell in 1833 gave \$500, which was to be invested and the income used to purchase chemical and physical apparatus; at his death the society received another \$500 to be used in a similar way. As with the natural history material, there has remained no catalog of the society's apparatus, but a listing in 1861 of the ten most important pieces of equipment³⁷ is suggestive:

1. an "electrical machine with other electrical apparatus sufficient for a full course of experiments in frictional electricity"
2. an air pump
3. a "large pneumatic trough, with suit of glass receivers"
4. "Atwoods machine"
5. "Copper gas holders and oxy-hydrogen blow-pipe"
6. an analytical balance with weights
7. apparatus illustrating the principles of mechanics
8. "Wightman's model of the steam engine"
9. a model of a hydraulic press
10. tools and materials for the preservation of natural history specimens

Not everything that found its way into the society's collections was of purely scientific interest. Besides numerous coins, more or less rare, all sorts of curios were deposited in the cabinets. One suspects that householders cleaning out their garrets and hating to throw away good things relieved their consciences by sending their mementos to the society rather than to the trash heap. Thus the donation book lists "a curious specimen of radish root," a box made from the wood of the *Gaspee*, specimens of stones from the Waterloo battleground, and as the crowning glory perhaps, a chip from the rock on which Captain Cook was allegedly killed.

The growth in size and diversity of the collections made it expedient to divide the members into departments or committees, each devoted

³⁶*Ibid.*, I, 121-22.

³⁷*Ibid.*, II, May 21, 1861.

to some special pursuit. In 1832 eight departments were set up: zoology, botany, geology and mineralogy, conchology, history and antiquities, mechanics and useful arts, fine arts, and miscellaneous.³⁸ From time to time new departments were added and older ones were dropped so that the listing of them in the minutes of annual meetings indicates clearly the changing scientific interests of the Franklin Society. In 1833, for example, a department of phrenology (one of the scientific fads of the early nineteenth century) was added, but it was dropped some seven years later. As interest in zoology increased, sub-departments of entomology and ornithology appeared, and by 1858 they were listed along with their parent as full-fledged departments, as was the department of herpetology. This same year brought an end to the departments of fine arts and agriculture, the latter having been first formed in 1844. In 1859 the biological sciences had everything their own way, new departments being created in anatomy and physiology, mammalogy, ichthyology, articulata, and micrography; and in 1860 came departments in crustacea, mollusca, and radiata.³⁹ It is worth noting that the department of micrography did some work in micro-photography, its photographs of the scales of the pond shiner being supposedly the first examples of such work in Providence.⁴⁰

³⁸*Ibid.*, I, 293.

³⁹*Ibid.*, *passim*.

⁴⁰*Ibid.*, II, Mar. 20, 1860.

[to be concluded]

NOTICE

The Rhode Island Historical Society wishes to continue to expand its genealogical collection of southern New England families. Through the generosity of the Genealogical Society of Utah we are at this time able to do this by means of microfilm.

Many family records have been kept for generations in manuscript form; but since they are unpublished, they are not available to searchers. If anyone has such records, we shall be pleased if they will notify us. We can then arrange to have them microfilmed for our library.

GODFREY MALBONE'S ARMORIAL SILVER

by RICHARD LEBARON BOWEN

[concluded from April, 1950, v. 9, no. 2, p. 51]

MALBON ARMS

The best account of the Malbon family is in Hall's *Nantwich* (Nantwich, 1883). It does not give a chart pedigree of the family, but gives a great deal of information about various members for a considerable period. It says that arms, *or, two bendlets componé argent and gules*, are on the memorial of Thomas Malbon of Bradley, who died in 1658.

Ormerod, in his *History of Chester*, III, p. 318, states that the ancient arms of the Malbons of Bradley Hall, *or, two bendlets componé argent and gules*, were disallowed by Dugdale in the Visitations of 1663/4. This is not a true statement of fact for the arms disallowed were *or, a bend counter-componé argent and gules*.

E. Alfred Jones in his article in *Antiques* describes the arms on the Malbone mug as *or, two bendlets gobony ermine and gules* and adds that these arms of Malbone were granted in 1683 to George Malbon of Bradley, Cheshire.

The 1613 Cheshire Visitations has a pedigree of Malbon, but no arms. In the 1663 Cheshire Visitations is the following five-generation pedigree, beginning with a William Malbon of Bradley and ending with a George, born *c.* 1649, which was disallowed by Sir William Dugdale, Norroy King of Arms.

MALBON

Arms: *Or, a bend counter-componée argent and gules.*

No proofe made of these Armes

William Malbone of Bradley = Catherine, a widow 19 Eliz.

George Malbon =

Thomas Malbon =

George Malbon of Bradley = Katharine da. of Thomas = Elizabeth
born *c.* 1610 2nd wife

Admon. (Chester) 1679

George born *c.* 1649

[*Cheshire Visitation Pedigrees, 1663*, Pub. of Harleian Soc.
(London, 1941) XCIII, p. 75.]

Dr. Arthur Adams, F.S.A., librarian of Trinity College, Hartford, Conn., who edited²⁰ the *Cheshire Visitation Pedigrees, 1663*, says that the 1613 and the 1663 Visitation Pedigrees do not piece together; at least he cannot tell where the man who begins the 1663 pedigree belongs in the 1613 pedigree. In the original official 1663 Visitation book in the College of Arms, London, he found a note on the margin of the page (apparently referring to the statement that no proof was made of the arms), "see Book of Grants III."

In LXVI (1915) of the Harleian Society Publications, entitled "Grantees of arms named in Doquets, and Patents to the End of the XVII Century, Preserved in the British Museum," etc., appears this: Malbon, George, of Bradley, Cheshire, 20 Aug. 1683, by Sir William Dugdale and Norroy, Harl. MS 6834, fo. 178; Grants III, fo. 205. The blazon of the arms is not given and for some unexplained reason does not appear in any of the visitations.

At the College of Arms we find that the arms granted by Dugdale and Thomas St. George on 20 Aug. 1683 to George Malbone of Bradley, Cheshire, are *or, 2 bends goboné ermine and gules* with Crest—a lion's head erased or gorged with a double collar gobonated ermine and gules.



Dr. Adams interprets these records to mean that in 1683 George Malbon secured a grant of the Malbon arms referred to in 1663 as without proof of right. The cross reference in the official 1663 Visitation book in the College of Arms to the Grant book make him confident that George Malbon took a new grant, not being able to produce proof satisfactory to the Heralds of a right to the arms submitted in 1663.

It would seem, nevertheless, that the grant was much in the nature of a confirmation, since the change from a *bend* to *2 bends* is just the sort of "difference" the Heralds introduced in cases where a grant of arms approximated a coat that had been used without authority by the family to which the grant was made. Then there is the change from *componé argent* to *goboné ermine*, which has yet to be explained.

²⁰Dr. Adams, a member of the Rhode Island Historical Society, has the distinction of being the only American to edit one of the volumes of *Visitation Pedigrees* published by the Harleian Society, London.

Other than giving the official blazon of the arms, the grant recorded at the College of Arms tells us nothing about George Malbon, beyond the fact that he was a person of good reputation and of competent estate to support the condition of a gentleman.

Although no proof is known to the writer, it seems probable that Peter Malbone of Virginia was of an armigerous family. Col. Godfrey Malbone was forty-three years old in 1738 when his father Peter died at Norfolk, Virginia, at the age of seventy-one. He undoubtedly knew from his father the name of his grandfather and the place in England where he lived.

It would seem from his Virginia will, dated 1737, that Peter Malbone was a man of considerable wealth and possessions. His bequests included two lots with the houses, etc., situated on Main Street, Norfolk, Va.; a small house with kitchen, smoke house, store, milk house, stable, garden, and other conveniences on the land next adjoining the old Court House; land, on which the old Court House stands, with buildings and improvements; land and houses next this parcel; two lots of land in Church Street with the buildings and improvements; land, held "for lives," from Peter Godfrey; a plantation called "Walnut Cod;" household furniture; horses and cattle and stock in Princess Anne County, negro slaves, etc. (*Malbone Papers.*)

Peter Malbone's first wife was Elizabeth, whose maiden name is unknown. His second wife's name was Margaret. His first son, Godfrey, born in Princess Anne County, Virginia, was perhaps named after his grandmother who may have been a Godfrey. His second son was named George (which may be significant or merely coincidental), and his third son Peter, probably named after his father.

When Colonel Malbone ordered his armorial silver made in England in 1742, he must have sent the silversmith a drawing in colors of these arms for the engraved Malbone arms are complete in every detail, even to the tinctures. The arms are those of Malbon, Bradley, Cheshire, granted in 1683, with 2 *bends* instead of a *bend* and the *composé argent* changed to *goboné* [*composé*] *ermine*.

As for his wife's family, Colonel Malbone certainly knew that their arms were those of Scott Hall, co. Kent, for her brother, Judge Edward Scott, was the owner of the ancient Scott Pedigree Roll showing the impaled arms of nine generations of this family. Just how the wrong Scott arms came to be engraved on this silver will never be

known. Probably what happened was that Colonel Malbone thought that these arms were so well known that he simply specified that "Scott Hall" arms be engraved on the silver and that the silversmith, unable to find any such arms, used the only Scott coat shown in Guillim's *Display of Heraldry* (1724).

When the chest of Malbone armorial silver arrived in Newport, both families must have been very much upset over this mistake, but the silver was bought and paid for, and there was nothing that could be done about it.

Forty-one years ago, in 1909, the descendants of Hon. William Hunter erected a tablet on the south wall opposite the Malbone pew in Trinity Church to the memory of Colonel Godfrey Malbone and his wife. On this tablet are the arms of Malbone impaling those of the wrong Scott family, as shown on the 1742 Malbone silver. In the interest of historical accuracy, these Scott arms should be replaced by the correct arms.

FAMILY LETTERS

Among the Malbone Papers are many important letters that have never been published. The following letters tie in with the period of the Malbone armorial silver and are of sufficient historical interest to warrant their publication here.

The first was written from Newport, Rhode Island, by Katherine Malbone to her son Godfrey Malbone, Jr., then a bencher in Lincoln's Inn, London, England. It starts off with the parents' usual lament about their children not writing to them, in which respect, Godfrey, Jr., seems to have established some sort of a record, for he did not write to his father or mother for eight months, which if nothing else, proves conclusively that this particular student was not out of funds.

October ye 6. 1745

Dear Godfrey,

You complain in your letter in february of not hearing from none of your frends and now it is 8 months since you have writ to any body hear, if your father or my self omits writing to you, think it not for want of affection and be not negligent and not write to them for i am but a poor pen woman and can not give you an account of things as i would, but fearing your sisters do not write so often as they should i take this oppor-

tunity to let you know what i can, as for ye young godfrey²¹, she is gone for being in consort with a Jamaica privateer they went to carthage to ransom a prize, the governor fitted out two vessels which took her, for her consort run away your father has had such bad luck it is thought by most people he has lost forty thousand pound but he will not give over for he is now a fitting out two Ships [*Prince of Wales* and *Duke of Cumberland*] which i hope will be as lucky as the rest has been unlucky for we had so long a run of bad luck i hope the good is to come for your father is as anxious for you all as ever he was or he might make him self very easy, for we are now at the farm and a pleasant habitation it is which i pray you may live to enjoy, as for your brothers i think they are two as promising boys as can be but I think they are not favored with so good a master as you had when you was here what your father intends to do with tom²² i know not but i think he can not aford to send him where you are [Oxford] your father says nothing of sending for you home att present, but i hope it will not be long before you will be accomplished for new england, for it is 4 years senc you left it, you say in your letter you think it will be the plesanths part of your life while you are there [Oxford] but i hope to live to see you return and answer ye expectation of all your friends in making a good man as well as a brite one, i have had four children sens you lefe me the last a gurl²³ which

²¹Howard M. Chapin, *Rhode Island Privateers in King George's War, 1739-1748* (Providence, 1926), pp. 86, 87, tells us that "the privateer *Young Godfrey* [Capt. Nicholas White] was owned by Godfrey Malbone and Sueton Grant. She was fitted out as a privateer in 1743 and named after Malbone's son, Godfrey Malbone, Jr.

"The sloop *Young Godfrey* was commanded by Capt. Nicholas White and captured the French schooner *Elizabeth*, 50 tons, Capt. Louis Calmel, off the west end of the island of Cuba. She brought the *Elizabeth*, which was laden with wine and brandy into Newport during the second week in March, where on March 20, 1743, Judge Lockman declared the vessel not a prize. . . .

"The *Young Godfrey*, [still under the command of] Captain White, cruised in consort with the Jamaica privateer sloop *Kouli Kan* and captured a large and valuable prize. They conveyed her to Cartagena to ransom her, but as they approached that port they encountered two French privateers of much superior force. A terrible conflict ensued in which Captain White and his crew were all cut to pieces and his vessel taken. The *Kouli Kan*, after being badly shot to pieces, finally had the good fortune to escape and reached the old harbor, Jamaica, on the evening of August 21, 1744."

²²Son Thomas, b. 7 May 1733; d. *s.p.* 5 August 1754. Educated at Cambridge, Mass., where too much study is said to have undermined his health.

²³This girl was Deborah, the thirteenth child, b. at Newport, 23 Nov. 1744, the record agreeing exactly with the mother's statement. She m. at Newport, 13 Sept. 1761, Dr. William Hunter. After his death she went with her children to England and died there.

The Newport *Vital Records* list Godfrey Malbone's last two children as Catherine, b. 21 Oct. 1737, and Deborah, b. 23 Nov. 1744. According to Godfrey Malbone's unexecuted will of February, 1741, Catherine Malbone was with child, and she herself says she had four born between 1741 and 1745. This unborn child must have been the first of the four, and Deborah the fourth. Trinity Church

will be a year old ye 23 of next month, the unhappy accident²⁴ that happened ye 19 of Sept 44 of Mr. Grant Gidley, N. Coddington & a stranger being blone up by gunpowder in a ware house by which they all lost their lifes. Mr D Aroll & Coll. vyn Dike have lost thair wives and married a gain, Aroll to H. Brinton, & vyn Dike to W. Wantons widow, as for what you writ concerning your uncle turns out to be nothing but i believe he had some thots of that lady but i think she will never marey again. if she should i shall be glad to call her sister for she is a wouery woman, your sister Betty is gone home with Mrs Hatty Brinley she spent the summer with us and i believe Bet will tarry thare this winter, for they have contracted so grat a friendship that they can hardly live apart, as for the success we have had at Cape Briton i must leve to some better pen and conclude with senceur disers and hearty prayers for you health and hapynes from your affecte Mother

Katherine Malbone

[*Malbone Papers*, Book E, pp. 10-12.]

In the following letter written from Newport, Rhode Island, to Godfrey, Jr., at Lincoln's Inn, London, England, Colonel Malbone tells his son he has lost "near £50,000" since the war started and that he is fitting out two more ships. These were also lost at a cost of some £40,000 more. We now know for the first time the extent of his privateering losses—some £90,000.

records the baptism of four Malbone children between 1737 and 1745: John, bapt. 2 May 1742; Peter, bapt. 4 July 1742; William, bapt. 21 Aug. 1743; and Deborah, bapt. 30 Nov. 1744. The first three children undoubtedly died young. The name John, as given in the printed church records, must be an error, for Godfrey Malbone already had a son John who was later his father's executor.

²⁴The printed accounts of this accident vary so materially that it is difficult to determine the true story. The facts seem to be that on 17 Sep. 1744 the privateer *Prince Frederick*, a 95-ton sloop, armed with 12 carriage and 12 swivel guns and carrying a crew of 120 men under command of Capt. John Dennis was awaiting stores. The owners of the privateer, Capt. Sueton Grant, Mr. Nathaniel Grant, Jr., and John Gidley, Esq., together with Mr. Taylor, a stranger employed to look after the stores of privateers, were surveying stores in Taylor's warehouse when a pistol was accidentally discharged, setting fire to about 500 wt. of gunpowder in several casks. The blast blew away the roof and the planks on the sides and end and discharged 50 grenades and 60 powder flasks, a large jar filled with 50 wt. of powder and all manner of instruments of death and a number of muskets and pistols.

All of the men were blown out of the building and Captain Grant, Mr. Coddington, and Mr. Gidley, three of the town's principal citizens, were either killed outright or later died of their wounds.

Mr. Coddington was a grandson of Governor Coddington and held many offices in the colony; Mr. Grant, a native of Scotland, and a respectable merchant of Newport, was the maternal grandfather of the late Christopher G. Champlin; and Mr. Gidley, an enterprising merchant, was the son of Judge Gidley, of the Vice-Admiralty Court. (Chapin, *Rhode Island Privateers*, p. 3; Peterson, *op. cit.* p. 67.)

Rhode Island 7th Oct. 1745.

Son Godfrey

This comes by Capt Tillinghast and to acknowledge the Receipt of yours by Capt Addams since which I have not bin favourd with a Loine from you Although their is Several Ships Arrived att Philadelphia & New York, I answered Your Letters fully (via) of Boston which I hope you have Received; I have had very ill Success Since the war commenced

I have Lost nigh fifty Thousand pounds our currency—however I am now a maiking a Vigorous Attempt I have the half commandor²⁵ a Large Sloop²⁶ Willm Higons comandor of which I own the one half of now att Sea & Two fine New Ships now a fitting I own the Whole of one²⁷ of the Ships & half the othe²⁸ Capt Thos Breever Commands one [*The Prince of Wales*] & Capt Benjn Cranston the other [*The Duke of Cumberland*] they will carry Upwards, of twenty carriages & thirty Swifels Guns Each I shall have a hard Tasque to fitt them out and shall be much Stratned for they will cost a great of money, I am in hopes this will find you at the Temple or sum of the of courts & am in hopes you have so well Im- ployed Your time that you Begin to think of coming home which I shall Expect the next year. I had Gott a horse & a Negro boy for Mr Tomlin- son and the Like for you but the War prevented my sending them

²⁵Probably the sloop *Charming Betty*: 80 tons, 10 carriage and 10 swivel guns; commander, Benjamin Wickham. Letters of marque were issued 30 Aug. 1739 (the third privateer commissioned from Newport, preceded by the Sloop *Revenge* and *Virgin Queen* on the 28th and 29th August respectively). The bond was £1500, and the bonders were Benjamin Wickham, mariner, principal; Godfrey Malbone and Joseph Wanton, merchants, sureties, all of Newport; witnesses were Edward Scott (brother-in-law of Malbone) and James Martin. This sloop had letters of marque issued 17 June 1740, 21 July 1740, and 23 June 1744. Capt. Josiah Jennings was commander in the latter year. The *Charming Betty* was named from Godfrey Malbone's daughter Elizabeth, who afterwards married Shrimpton Hutchinson, son of William and nephew of Francis Brinley of Roxbury (Howard W. Preston, *Rhode Island and the Sea* (Providence, 1932), p. 100; Chapin, *Rhode Island Privateers*, pp. 66-73).

²⁶This was the sloop *Hector*: 100 tons, 80 men, 12 carriage guns; commander, William Higgins. Letters of marque were issued 1 June 1745. The bond was £1500, and the bonders were William Higgins, mariner, principal; Godfrey Malbone, merchant, equipper; and Joseph Wanton, Esq., sureties; all of Newport. Witnesses were Ebenezer Richardson and James Martin. Letters of marque had previously been issued to this sloop on 23 June 1744, at which time Joseph Thurston was Commander, (Preston, *op. cit.* p. 111.)

²⁷This was the ship *Duke of Cumberland*: 180 tons, 130 men, 20 carriage guns, 30 swivels; commander, Ben. Cranston. Letters of marque were issued 28 Nov. 1745. The bond was £1500, and the bonders were Benj. Cranston, mariner, principal; Godfrey Malbone, merchant; and George Wanton, Esq., sureties; all of Newport. Witnesses were Jacob Hasey and James Martin (*Ibid.* p. 105).

²⁸This was the ship *Prince of Wales*: 200 tons; 130 men, 22 carriage guns; commander, Thomas Brewer. Letters of marque were issued 28 Nov. 1745. The bond was £1500, and the bonders were Thomas Brewer, mariner, Newport, principal; Godfrey Malbone, Jahleel Brenton, merchants, Newport, and John Cole, gentleman, North Kingstown, sureties. Witnesses were Jacob Hasey and James Martin (*Ibid.* p. 124).

I hope this will find you well and should be Glad to hear of Mr. Tomlinson Recovering his health Give my Best Respects to him & his family

From your Affectionate father

Godfrey Mallbone

[*Malbone Papers*, Book E, p. 12.]

The following letter was written from Newport, Rhode Island, by Judge Edward Scott²⁹ (brother of Colonel Malbone's wife) to his nephew Godfrey Malbone, Jr., at Lincoln's Inn, London, England:

Newport on Rhode Island 4th August 1746

Dear Sir,

It is with very great Regret & a deep Concern that I send you the following advise, In Decr past your Father fitted out from hence on a Cruise against His Majesty's Enemies two fine new Ships³⁰, of which he was sole Owner, excepting a Quarter Part of one of them, & which had on board Ten of his best Slaves, the Night after they sailed there was a most violent Snow Storm, & it is much to be feared that they both then founder'd neither of them having been since heard of, so that every body here as well as your Father himself give over said Ships as lost, his Interest

²⁹Judge Edward⁴ Scott, b. 13 June 1703, d. unm. 30 June 1768 (3 mos. and one week after the death of Colonel Malbone), was Col. Godfrey Malbone's wife's brother. For upwards of twenty years he was one of the Judges of the Inferior Court of Common pleas for the County of Newport, the last fifteen of which he was Chief Justice. He was the fourth generation owner of the ancient armorial Scott Pedigree Roll mentioned on a previous page (Bowen, "Arms of Richard Scott," *N. E. Hist. & Gen. Register*, XCVI, 1942).

Under date of 20 Aug. 1744, Dr. Alexander Hamilton notes in his diary "Att 7 o'clock I went with one Mr. [Edward] Scott to a club which sits once a week upon Mondays called the Philosophical Club; but I was surprised to find that no matters of philosophy were brought upon the carpet. They talked of privateering and building of vessels . . ." (Bridenbaugh, *op. cit.*, p. 151).

³⁰In 1745 Col. Godfrey Malbone fitted out two large privateers and named them after his Majesty's two sons. One was the *Duke of Cumberland*, a ship of 180 tons carrying a crew of 130 men. Malbone is given as the sole owner (cf. note 26). Jahleel Brenton and John Gale were associated with Malbone in sending out the *Prince of Wales*, a ship of 200 tons, carrying a crew of 130 men. Both vessels carried provisions for ten months (cf. note 27).

Sheffield tells us that "according to the custom of the time their horoscope was cast and the figure had disclosed that they should sail on Friday, the 24th of December, 1745." The two vesels sailed on that date "at the commencement of a northeast snow storm, which increased in great violence during the following day, and were never heard from again."

Peterson says that "upwards of 400 lives were sacrificed and nearly 200 women became widows by this disaster." This double shipwreck was one of the greatest calamities to befall Newport, and helped complete the financial ruin of Col. Godfrey Malbone (Chapin, *Rhode Island Privateers*, pp. 172, 173).

in them was very considerable not less as he has informed me than Forty Thousand Pounds, this heavy Loss renders your Stay at London any longer too burthensome for him & his present Circumstances will by no means admit of it, he is certainly very much embarrassed & complains that he is greatly at a loss how to raise Sterling Money to defray the Expence of your Education, this being the case, You see there is a real Necessity that You should embrace the first Opportunity that presents to return to New England either in one of His Majesty's Ships of War, a Mast Ship, or Merchant-man under Convoy. It would be, I doubt not, more agreeable to your Inclination to tarry longer, but as your Father's great Losses since the Commencement of the present War with France, amounting in the whole to above Sixty Thousand Pounds, incapacitate him to support so great an Expence as must unavoidably attend your prosecuting your Studies at the Inns of Court in London, You ought & must submit to return home without Delay, unless you choose to involve him in inextricable Difficulties, or are in a Capacity to defray your own Charges, which I presume you are not. Your Father has wrote you several Letters, expressing his Desire of your Speedy Return but is apprehensive that said Letters have miscarried & it being now past doubt that the Ships above mentioned are lost, he not caring to write himself on so disagreeable a Subject requested me to do it, and I beg leave to add that your Return home is extremely desired not only by him, but also by your Mother & other Relations, who all greatly long to see you as doth in particular

Your affectionate Uncle

Edward Scott

[*Malbone Papers*, Book E, pp. 14, 15.]

Godfrey, Malbone, Jr.,³¹ and his younger brother John, who was executor of his father's estate, were important merchants in Newport. John Malbone never married, but lived with Patience Greene (spinster) by whom he had six children. Just why he and Patience Greene chose to live together for a lifetime and bring a large family of children into the world without the formality of a marriage ceremony is difficult to understand.

Their third child was Edward Greene Malbone, destined to become the famous miniaturist. He never married and died of consumption in 1807 at the home of his first cousin, Robert Mackay, in Savannah, Georgia, and is buried there in the family lot in the old cemetery on South Broad Street.

³¹Among the many interesting letters in the Malbone Papers is one written by Godfrey Malbone, Jr., from Pomfret, Conn., 17 Dec. 1790, to his brother John Malbone at Newport, in which, among other supplies required, he asks John to "contrive to send up a few white stone chamber Pots for the Use of the pretty Ladies, the next Summer."

On 20 February 1793 when Patience Greene and oldest child George were deceased, John Malbone conveyed by deed the title to his house in Newport to his remaining heirs "for and in consideration of the affection I bear to my five children had by Patience Greene." This deed was not recorded until the day before his death, 14 October 1795.

The future miniaturist taught himself to paint by the tedious work of copying pictures whenever his time permitted. Without telling his father, he abruptly left Newport and established himself in Providence where his first commission as a painter appears to have been for a miniature of Nicholas Brown which he signed and dated 1794.

His father gave him a legal right to the name Malbone, for which Edward thanked him in the following letter:

Providence October 11th 1794

Honoured Sire

Pardon me for leaving Newport so abruptly without informing you of my intention to stay at Providence, nor would I have you think me so bigoted to ingratitude as not to wish to repay with future services the many favours I have received from you, As I thought it was highly necessary for me to do something I chose this for my first attempt which is like to prove successful as I have hitherto been fortunate enough to give general satisfaction and have met with publick approbation I hope I may never be guilty of an action that may merit your displeasure and sincerely wish that I may soon be able to render the family those services which cannot yet be expected it shall be my fervent prayer that I may be qualified to succeed you (in that respect) before you make your exit. I must conclude with making use of that name which I shall study never to dishonour.

Your dutiful Son

John Malbone Esq.

Edward G. Malbone

[*Malbone Papers*.]

Since the foregoing article was written, an inspection of McIntosh's *Lower Norfolk Wills* (1637-1710) shows that the Malbones were in Virginia at a much earlier date than is generally supposed. These early Virginia records, together with the *Malbone Papers*, suggest that a little research might definitely connect the Rhode Island family of Malbone with that of Cheshire, England. To illustrate: among these Norfolk wills is one of Robert Davis, dated 21 April, proved 16 June 1662, in which we find a Peter Malbone named as one of

the executors. This might be the grandfather of Godfrey Malbone of Newport whose father Peter was born in 1667 and died at Norfolk, Virginia, in 1738 at the age of 71. Godfrey Malbone's father Peter was born five years after this Peter Malbone was named in this 1662 Davis will.

Another Norfolk will, that of Sarah Porten, wife of William Porten of Elizabeth River, dated 28 Sept. 1675, mentions "her daughter Sarah Malbone", probably wife of Peter. Evidently her first husband had been a Godfrey for she also mentions her two sons Mathew and John Godfrey [Godfree]. William Porten in his will says that his wife Sarah may dispose of her children by deed of gift or by will. Peter Malbone, father of Godfrey, in his Norfolk will dated 1737, mentions "land held for lives, from Peter Godfrey". (*Malbone Papers.*)

NEWS NOTES

In addition to the monthly meetings of the Roger Williams Family Association and the Society's program of lectures the following organizations have met at John Brown House: on January 12, Providence County Garden Club (Mr. Kenneth Simpson, speaker); January 18, Shakespearian Society; January 20, Providence League of Women Voters (Mr. William Ward Harvey, speaker); February 11, Saturday Review Club (Mr. Clarence E. Sherman, speaker); February 14, Harvard Foundation for Advanced Study (Prof. John Finley, speaker); February 15, Pottery and Porcelain Club (movies of Eighteenth Century Williamsburg); February 22, Sons of the American Revolution (Annual Meeting); March 6, Colonial Daughters of the Seventeenth Century (Mr. Clifford P. Monahan, speaker); March 10, Providence League of Women Voters (Prof. Charles P. Kindleberger, speaker); March 11, Saturday Review Club (Mr. Chesley Worthington); March 17, D. A. R., Rhode Island Independence Chapter (Miss Alice Cullen, speaker); March 28, English Speaking Union (reception to Hon. G. C. S. Corea and Mrs. Corea); March 31, Rhode Island Wellesley Club (Prof. Harriet Creighton, speaker); April 13, Providence County Garden Club (Mrs. Earle V. Harrington, speaker); April 15, D. A. R., Sarah Scott Hopkins Chapter; April 16, Block Island Historical Society (Annual Meeting); April 21, D. A. R., Independence Chapter (Mrs. Howard

Kent, speaker) April 25, D. A. R., Beacon Pole Hill Chapter (Mrs. W. Russell Greenwood, speaker); April 27, Colonial Dames of Rhode Island (Mrs. Richard B. Hobart, speaker); May 16, Radcliffe Club of Rhode Island (Open House Day with tea at John Brown House.)

* * *

The Society is acquiring the microfilm of the Providence *Journal* from 1829 to 1885 to complement its file of films of this newspaper. In addition the library will also have a complete run of the *Evening Bulletin* from its beginning, the *Manufacturers and Farmers Journal*, and the suburban editions of the two Providence papers.

* * *

The *Bulletin of the Friends Historical Association*, v.39, no. 1, Spring number, 1950, contains an article by Charles H. Nichols, Jr., on and excerpts from the letters of Harriet Peck of Coventry, Rhode Island, a Quaker school teacher in North Carolina in the 1830's.

* * *

Of interest to genealogists are the history of two Rhode Island families: *Elder John Crandall of Rhode Island and his descendants*, by John Cortland Crandall and *The Hoxie Family, three centuries in America*, by Leslie R. Hoxie.

BOOK REVIEW

Rhode Island Imprints, 1727-1800, edited by John Eliot Alden, Curator of Rare Books, University of Pennsylvania. New York, the Bibliographical Society of America, R. R. Bowker Company, 1949. xxiv, 665 p., 8 vo. \$15.00.

A study of the output of the printing press of Rhode Island during the eighteenth century is particularly rewarding, since Little Rhody was more cosmopolitan and more broadminded than her neighbors and so her literature is more varied and interesting. In addition to the usual almanacs, official documents, and unchristian commentaries on other people's brands of christianity, it is pleasant to find as the seventh entry in the volume a hitherto undescribed poem on *Mr. Samuel Gorton's Ghost* and such other examples of secular literature as *The Virgin's Advice; An elegy on the much lamented Death of Sarah Wanton* (another newly discovered poem); *Fair Rosamond* (seventeenth century British ballad); a playbill for a performance at Providence in 1762; *Verses on Doctor Mayhew's Book of Observations; A Looking Glass for the Times*; an invitation to "a Petticoat Frisk, to be held in the afternoon at Mrs. Goddord's;" *The Prodigal Daughter; The Renowned History of*

Giles Gingerbread; Tom Thumb's Play Book; An Account of the Pirates; The Unfortunate Lovers; The History of Jack and the Giant; Phyllis Wheatley's An Elegiac poem. On the death of . . . George Whitefield; Benjamin Church's The Entertaining History of King Philip's War; Nathaniel Morton's New-England's Memorial; and The First Book of the American Chronicles of the Times, all printed in Rhode Island before the Revolutionary War.

The gentle but erudite reader might argue against the necessity of compiling such a work as this, since Evans's *American Bibliography* lists imprints to 1799 and the learned George Parker Winship edited a catalogue of *Rhode Island Imprints* in 1915. Our present compiler has anticipated this criticism however, for he tells us that this admirable new volume contains fifty per cent more titles for the same period than Evans, that about a quarter of his titles were unknown to Winship, and that over ten per cent had never been described by any previous bibliographer, which certainly is evidence enough of the value of this new and laborious excursion into Rhode Island bibliography.

This volume, which is properly limited to the description of books, pamphlets, and broadsides, describes 1712 titles printed in Rhode Island between 1727 and 1800 plus 13 Southwick imprints printed in Massachusetts during the British occupation of Newport in 1777-1779. The useful table of printers at the end of the volume tells us that Newport had sixteen, Providence ten and Warren one printer during this period, including such well known names as James Franklin (the first printer), Solomon Southwick, and Peter Edes of Newport and William Goddard and John Carter of Providence.

The compiler, with painstaking accuracy, has given for each item its complete title, collation, and height in centimetres, together with references in previous bibliographies and the location of copies in over 250 public and 20 private collections. An excellent index makes the work quickly usable and the beautiful and accurate typography of the Anthoensen Press gladdens the heart of the user. It is not too much to say that this is the finest imprint bibliography so far produced in this country. A great many people, mentioned in the introduction, had a hand in the compilation of this great work, for no such bibliography can ever be successfully done single-handed; but the main responsibility and labor as well as the chief credit should go to John Eliot Alden, who has produced a model imprint bibliography for future compilers to aim at. It was Rhode Island's good fortune to be chosen as the subject for this admirable compilation, which should find its way into every Rhode Island library, every historical society, college, and university library and the important national, state, and public libraries. It goes without saying that this book will also be a necessary purchase for private collectors of Americana and for the reference shelves of the dealers who supply them with their treasures. If one of them should find a Rhode Island imprint of the eighteenth century which is "not in Alden," it will indeed be a rarity. The substantial ghost of Douglas C. McMurtrie should look down on this child of his American Imprints Inventory with great pride.

R. W. G. VAIL

The New York Historical Society

ACCESSIONS

Gift of Franklin and Julia Cushman, a highboy, mahogany drop leaf table, slant top desk, comb back Windsor and two side chairs, belonging to Moses Brown, a field desk of Moses Brown Lockwood, a sampler of Avis Harris, an engraving of Moses Brown, a copy of a painting of the Moses Brown home, an original sketch of Moses Brown by William J. Harris.

By purchase, *A catalogue of 257 splendid modern European paintings*, Stoddard and Smith. (Providence, 1842.)

Gift of Harry Parsons Cross, *A brief history of the colonial wars in America from 1607-1775*.

From Library of Congress, *State censuses taken after the year 1790 by states and territories of the United States*.

From Elmer E. Chase, miscellaneous pamphlets, dealing largely with railroads.

By purchase, *Isaiah Thomas, printer, patriot and philanthropist*, by Clifford K. Shipton.

By purchase, microfilm of the diary of Susan Lear, 1788.

Gift of Col. Hunter C. White, St. Paul's Church, *The Village Fair*, 1938, 1939, 1940, 1942, 1943, 1944, 1945, 1947, 1948, 1949.

By purchase, *Yankee science in the making*, by D. J. Struik.

Gift of the author, *200th anniversary of Warren, R. I., historical sketch and program, 1747-1947*, by Henry J. Peck.

Gift of the author, *Occupational marks and other physical signs*, by Francesco Ronchese, M.D.

Anonymous gift, *Inscriptions on stones in the Arnold graveyard on Pelham Street, Newport, R. I.* (ms.)

From Mrs. John M. McGann, a doll, doll's couch, doll's chair, and trunk filled with doll's clothes, made by Mary Ann Clifford for her first granddaughter, Mary Clifford Eastman.

From Elton Manuel, *Newport Tower*, by Kathleen O'Loughlin.

By purchase, genealogies of the following families: Allen, Allen-Witter, Bailey, Baldwin, Baxter, Bevier, Braley, Benton and Bishop, Chauncey, Clark, Clarke, Cornwall, Crandall, Denny, Edwards, Funston-Meade, Feltus, Flint, Field, Fish, Folsom, Foote, Gates, Greenleaf, Greene, Gerould, Gurley, Hayward, Hershey, Hill, Holcomb, Hewley and Mason, Higgins, Hemenway, Hosmer, Hutton, Jauncey, Johnson, Jones, Kendall, Lake, Lyman, Lee, Leavitt, Lancaster, Lindeman, Mason, Morrison, McFarland, Newton, North, Pinney, Pratt, Potter, Randall, Reed, Richardson, Ryder, Robinson, Staples, Starkweather, Stowe, Smith, Stanton, Sturges, Sargent, Tirrell, Wiard, White-Clarke, Wingate, Wylie, Wentworth, Yowell, Zink.

Gift of the author, *The Old Stone Mill*, by Herbert Olin Brigham.

By purchase, *American silversmiths and their marks, III*, by Stephen G. C. Ensko.

Gift of the author, *St. George's Church, Schenectady*, 2 v., by Willis T. Hanson, Jr.

RHODE ISLAND HISTORICAL SOCIETY



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