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Historical Register

A MAGAZINE DEVOTED TO
THE ANTIQUITIES, GENEALOGY AND HISTORICAL
MATTER ILLUSTRATING THE HISTORY
OF THE

State of Rhode Island and Providence Plantations

A HISTORICAL MAGAZINE FOR THE PEOPLE

A record of ventures and of men,
For twelve full score years and ten.

JAMES N. ARNOLD, EDITOR.

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PROVIDENCE, R. I.

time of health. The cholera has not been in this vicinity.

N. B. I want you to state in your affidavit that I served as fife major. I was brevetted at Bristol 1776 By Adjutant David Richmond, and served as such the remainder of the time. I went on an alarm with you when you was Quarter Master either to Pawtucket or Warwick. Thomas Wood was appointed Captain of Artillery. You may state in your affidavit the place and the time we stayed. I have got Jabez's affidavit of some of the facts and I want yours of all you know. If you know of any other person get theirs &c.

I remain your affectionate Brother,

CALEB. ARNOLD.

If you do not get this time to forward your affidavit by the 3d mondy in January please to send it as soon as possible thereafter. Our County Court sits in February. Amos Westcott has got his papers allowed at Washington and will draw his Pension in March next

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[From the Boston Post Boy and Advertiser, Nov. 5, 1764.]

We hear from Newport, on Rhode-Island, That a very valuable Mineral of the Coal Kind, is discovered within the Limits of that Town, in Land belonging to Captain Benjamin Almy. Upon repeated Trials it is found to be a very good Fuel, emitting an intense Heat, and more durable than any of the Coal imported; and there is no doubt of its answering many valuable Purposes.—The Inhabitants are well pleased with this Discovery, at a Time when the Scarcity of Cash, and Decline of Trade, seems to be a universal Complaint. SAMUEL A. GREENE.

The Game Laws of Rhode Island.

BY F. C. CLARK, M. D.

THE germs of our present game laws laid not so much in our intelligent action on the part of the early settlers, as in the fear that the deer of the colony, from which considerable revenue was reaped, might be destroyed and with it the revenue.

The number of deer found on the island of Rhode Island seem to have been of sufficient account to receive, very early, the attention of the colonists, for we learn, that as early as 1683 the town of Portsmouth derived considerable revenue from the sale of venison. By an order of the town the purchasing price of this article, when bought from the Indians, was three half-pence a pound, and the selling price two pence; the treasury of the town thus making one farthing by the transaction. Four truckmasters, as they were called, were appointed to take charge of the venison trade of the town.

By an ordinance of the town of Newport in 1639, no deer might be shot by any person except on his own land. The Governor and Deputy Governor appointed persons expressly to do the shooting. As for the Indians, they were entirely left out in the cold and prohibited under any circumstances from killing deer on the island "at any time and any where," except when the permission was

given them, which was but seldom. The authorities were determined to have the monopoly of the venison trade. But fortunately this unjust law was repealed before the end of the year, and further complications with the Indians avoided. In 1641 the same town passed an order forbidding all persons from setting traps for deer except on his own land, and the order was so far modified the following year that any person might shoot deer at any time provided he gave half of what he shot for the use of the town.

In 1646 Portsmouth ordered that no person should kill deer for two months under the penalty of forfeiting the animal, one-half going to the informer and the other to the town's treasury. This order was passed for the purpose of making persons turn their attention to the destroying of the wolves which greatly infested the colony and produced great depredations. Large rewards were, in addition, offered from time to time for their destruction. This order, however, was modified the following year. The shooting of deer between May and the 1st of November was made illegal, and a fine of five pounds imposed on every offender.

Portsmouth, the previous year, had concurred with Newport in this matter. In the two other towns of Providence and Warwick, nothing can be found in this connection. It is not impossible that deer were occasionally found in these towns. The island of Rhode Island could easily be reached by the deer and, perhaps, was their chief resort, owing to its salubrity and other advantages.

But, suffice it to say, that these few municipal advances formed the basis of all subsequent legislation in this connection on and after the union of the four original towns of the colony.

There is a great gap, however, between these few simple orders and subsequent legislative enactments. But in the last order passed by the town of Portsmouth, in 1646, we see clearly the germs of our game laws, the early appreciation and establishment of a close or closing time, which was in after years extended to the fisheries as well as the game of the state.

In 1705, then, we find the first public law for the preservation of game for the use of the colony, and not for the purpose of reaping a revenue therefrom.

For quite a number of years no revenue seems to have been derived from the sale of venison. The law under consideration was entitled: "An Act for the Preservation of Deer in this Colony." The preamble read as follows:

"Whereas many persons yearly kill and destroy deer at unseasonable times, when the skin and flesh are of little or no value, which may be of great prejudice to the Colony and hinder their increase; *Be it enacted, etc.*"

It is particularly refreshing to know the reason of the passage of certain laws or customs long since abandoned. By this act no person was permitted to kill a deer in any way whatever, between the first day of January and the first day of July annually, under the penalty of six pounds for every animal destroyed. We thus see that the "close-time" by this time is somewhat extended—the old law beginning at May and ending at the first of November. The possession of the "skin, meat or horns, green," was sufficient, under this law, to convict.

This act remained in force until 1757. It had, however, been re-enacted over in 1728 with a few new provisions, but no vital change was made. The "close-time" was still further lengthened; and the last time it appears in the statutes was in 1767. Possibly deer needed no further protection. They had been probably exterminated on the island where they once abounded. It is difficult to learn when the last deer was shot within the limits of the state.

Rabbits and hares first received legislative protection in 1857, and again in 1860; and afterwards squirrels. The "close-time" is between the first day of January and the first day of September. It will be seen that the "close-time" in these and all cases, covers the breeding season when these animals are unfit for food.

The first legislative recognition of game-birds was in 1787, local in character, and had reference to the wild pigeon which seems once to have abounded in Rhode Island. They chiefly resorted to the marshes in towns of Providence and North Providence, by which towns a special act was asked for their protection. The petition was heard in an act passed at the June session, to the effect that, as the shooting of said pigeons in the aforesaid marshes had rendered these birds very scarce, so that the poor of the town were unable to procure them, every person was forbidden to shoot at any pigeon within a mile of the marshes under the penalty of three pounds lawful money. In 1796, at the representations of certain citizens of the town of Providence, the law was repealed.

It was not until fifty years after this, that state legislation in this regard began. Thus far the General Assembly was easily influenced one way and another, enacted and repealed to suit everybody. Very few of such laws can stand the test of time.

In 1846 the era of our game laws entered upon a new basis of life, which has vexed stronger rather than weaker. By a law enacted this year certain birds were not to be shot nor snared in certain months of the year; larks robins, woodducks, gray and black ducks, between February 1st and September 1st; partridges, quail, woodcock and snipe, between February 1 and October 1; grassplover between February 1 and August 1; grouse and heathhens, between January 1 and November 1. Certain penalties were attached to the law for shooting these birds out of season or in closing-time.

In 1860, 1867 and 1868 more stringent measures were passed, especially for the protection of quail, woodcock and partridges, now becoming very scarce.

In 1871 the law was extended to the protection of certain birds which destroy insects injurious to vegetation. Other laws followed, Certain predatory birds were permitted to be destroyed. On the introduction of sparrows, which were once thought would destroy the caterpillers and other insects which worry upon our sheds, trees, and otherwise do considerable injury to the repletion, they were protected by law. But within a year or two, as these birds had done more injury than good since their introduction, the law was repealed, and they are now falling a prey to air guns and other means of destruction. Now the reason for the repeal of the law was, that they drove away our native birds.

The game laws have been modified from time to time in proportion to the correct understanding of the habits

of the birds, and the close-time made to cover the breeding season. There have been attempts made to increase the number of game birds by artificial means, but how far successful is not known. In the case of game fish, and other edible fishes, the commission of inland fishers have been more than successful.

With the increase of the population, with the spread of towns and cities, and the constantly growing number of sportsmen, the game birds must naturally retire or be destroyed until they must be sought at long distances to be obtained, and this in spite of the most stringent laws.

In the larger state the number of game, under proper protection, will remain for many years undiminished. Were the sea as limited in extent as the land, even the members of the fishes would, after a time, sensibly diminish.

Notes and Queries.

Elkanah Humphreys (Josiah), born in Barrington, R. I., 1738-9 died 1818—Who did he marry?

Josiah Abbott, of Newport, died 1711; married Bethiah Mott, who was born 1664, had a child Abigail, Portsmouth, R. I.—Who were *his* parents?

Benjamin Waterman, of Johnston, R. I., died 1762, married Sarah Knight (?)—Who were her parents?

Stephen Hawkins, of Providence, married 1706, Hannah Coggeshall; after his death she married, 1713, Jona. Sprague—Who were *her* parents?

Philip Wheeler, born 1698, Prov.; married Martha Salisbury—Who was she?

Tefft–Gardiner. Sarah Gardiner married Daniel Tefft; had daughter Lydia (born May 29, 1778 or 9); she married Joseph Adams (born Apr. 25, 1770, died Sept. 10, 1848); Lydia died Mar. 7, 1873; she had a brother Allen. Want information of Gardiners or Teffts previous to Sarah and Daniel.

Clarke. William Clarke, of Richmond, town clerk of Richmond in 1749; member of General Assembly 1786, born 1702, died Mar. 28, 1786, had son James, born Aug. 4, 1733. Who was James' mother?

Kenyon. Elizabeth Kenyon, of Richmond, born Mar. 5, 1735, in Charlestown, died Dec. 12, 1819. Who were her parents?

BANGOR, Me., Sept. 17, 1890.

JAMES N. ARNOLD, ESQ.

Dear Sir—Can you add anything to what follows relating to my ancestor.

"Thomas Brastow (Bristow) at Bristol, R. I. Miss Elizabeth, died April 10, 1740–68. Children from Bristol town records, baptisms from church records.

I. Elizabeth born Dec. 14, 1706, baptized between April 24 and Nov. 24, 1723; she married Jeremiah Finney, Sept. 1, 1727.

II. Mary born Oct. 23, 1711; married ——— ———and died 1740."

III. Thomas born Mar. 10, 1714–15. He settled in Wrentham, Mass., and was my ancestor.