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The laws of trade enacted in England were little regarded in New-England. There were for a long time no officers of the customs but such as the colonists appointed for their own purposes. When, in consequence of the agitations relative to the charter of Massachusetts, officers were sent from England to enforce the laws of navigation, they were met by the united hostility of the whole trading community, and resisted by the government and people, as violators of the rights granted by the charter. In February, 1681-2, the bark called the Gift of God, owned by Robert Elliot, arrived in the harbor of Piscataqua, and was seized by Capt. Barefoote, the deputy

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of Edward Randolph, his Majesty's collector of the customs for New-England, and his assistants, Hoskins and Thurton. Elliot, under the influence of the current opinions, immediately presented his petition to the president and council, setting forth the seizure of his vessel under pretence of his Majesty's authority, but without the knowledge or authority of the government established by his Majesty in his Province of New-Hampshire, and in contempt of it, and praying relief.

The president and council, who sympathized entirely with Elliot in hostility to the laws of trade, and entertained the Massachusetts notion of the independence and supremacy of the local government, immediately issued their warrant for the arrest of Capt. Barefoote and his assistants, who were accordingly brought before them and examined. Capt. Barefoote and the others admitted the seizure of the vessel, as deputy and assistants of the collector of the customs, for a violation of the laws of trade, and produced their depositions from him. The governor and council avowed their readiness to try and determine any question relative to the seizure, or forfeiture of any vessel which should be brought before them, but they pronounced a sentence upon the respondents that they should

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Instead of resorting to law, Elliot adopted the more speedy mode of redressing himself by retaking the vessel and sending her and her cargo of salt, rum, wine and other things, to Richmond's Island.

The customs officers submitted until after the arrival of Mason and Cranfield, in October, 1682. When the courts had been remodeled, and the selection of the juries vested in the sheriff, or perhaps, rather, of his superiors, Ran-

dolph, the collector, commenced, on the 27th and 28th of December, 1682, two suits against Elliot, one for abusing the officers of the customs, the other for retaking the vessel they had seized for the King's use, triable at the February court. On the last of these, Elliot and John Hinckes gave bond to the officers in the sum of five hundred pounds, and the jury having found their verdict for Randolph, execution issued in favor of Randolph, on the 13th of February, against Elliot for £300 and costs.

Notwithstanding this, before the close of the year Mr. Elliot was appointed, with Fryer, Hinckes and Randolph himself, members of the Council, in place of Martyn, Vaughan, Gilman and Waldron, Jr., removed, and continued in that office, so far as is known, till the publication of President Dudley's commission, in May, 1686, when, as he was not reappointed, he was superseded.

Mr. Savage says he was of Scarborough in 1685, and was a representative in the last assembly of Maine held by President Danforth for Massachusetts before the rule of Andros, to whom he accommodated himself, being a councilor in 1688, when he lived at Portsmouth. He was a justice of the peace for the Province under President Dudley's administration and that of his successor.

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In the History of Scarborough, (3 Me. His. Coll.) it is said **Robert Elliot** was one of the principal inhabitants during the last years of the first settlement. He came to this town from Kittery about 1670. He was selectman 1682, and the town's deputy to the General Court 1685. He died in 1720, leaving his estates in this town to the family of his son-in-law, Col. George Vaughan, of **Portsmouth**.

During the brief and scarce sensible connexion of New-Hampshire with Massachusetts, from April, 1689, to August, 1692, he held no official position.

Upon the reestablishment of a separate provincial government in New-Hampshire, in 1692, Mr. **Elliot** was ap-

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pointed one of the Council in Gov. Allen's commission. He withdrew from the Council in November, 1698, when Vaughan and Waldron were refused their seats by Gov. Allen, but resumed his seat July 31, 1699, upon the publication of Gov. Bellamont's commission, and retained his position till March 15, 1715. He was probably superseded, if living, by Gov. Shute's commission, when six new councilors were appointed. Mr. Savage says he was, in 1716, the eldest in the Council of New-Hampshire.

Superior Court, "February 9, 1702-3. Peter Coffin, John Plaisted, Robert Elliot, justices. Robert Elliot, Esq., being commissioned as on file for a member of this court, and qualified before the Lt. Governor, is admitted." He was probably a special justice.

He married Sarah, daughter of Councilor Fryer, and was father, as Mr. Savage thinks, of Humphrey, who married Elizabeth, daughter of Robert Cutt, before July 13, 1685, and had Champernoon named in the will of Francis Champernoon the next year; Jane, wife of Andrew Pepperill, and Simon Frost, and Elizabeth, who married, January 9, 1700, George Vaughan. Widow Elliot was taxed in Portsmouth in 1732.

Robt Elliot

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PROVINCIAL RECORDS

*To the Constable of **Portsmouth**, or either of them :*

In His Majesty's name you are hereby required to attach the goods, or, for want thereof, the body of **Robert Elliot**, of Great Island, merchant, and take bond of him to the value of two hundred pounds, with sufficient security for his appearance at the Court of Pleas, to be held at **Portsmouth** on the second Tuesday in February, next ensuing, then and there to answer to the complaint of Edward Randolph, Esq., collector, &c., of his Majesty's customs in New-England, in behalf of his Majesty, in an action of the case for affronting, abusing and assaulting his Majesty's officers: viz., Walter Barefoot, Esq., William Haskins, Thos. Thurton and Elihu Gunnison, after seizure made by them of the bark Gift of God, for his Majesty, as deputies to the said Randolph, in or about February last past, year of the Lord 1680, contrary to the statute 14 Charles II., in breach of the peace, and to his said Majesty's damage, one hundred pounds, or what shall appear justly, and with damages for the same. Hereof fail not, and make your return according to law. Dated the 28th of December, 1680.

By order: R. Chamberlain, *Clerk*.

1681.

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To the Marshal (or his Deputy) of the Province of New-Hampshire:

In his Majesty's name you are hereby required to apprehend the bodies of Thomas Thurston, Walter Barefoot, and William Hoskins, and to bring them before the council now sitting at **Portsmouth**, to answer for the abusing of authority and seizing a vessel of **Robert** Elliott without showing any power so to do. Dated March 7, 1681.

By order :

R. Chamberlain, *Sect.*

Vera copia : from

Rich'd Chamberlain, *Cl.*

*The humble complaint and address of **Robert Elliot** to the honored President and Council of His Majesty's Province of New-Hampshire, now sitting in **Portsmouth** :*

May it please you, that whereas it hath pleased his Majesty to put your honored selves as chief in authority in this Province, to manage the affairs thereof, and to see that his subjects be kept in peace and quiet, according to his royal commission, your humble complainant humbly presents to your honored selves the great abuse and injury done him within this fourteen days by Captain Walter Barefoot, William Hoskins, Elihu Gunnison, and one Thurton, who, without any power from the authority of the Province by yourselves granted,

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The Deposition of Andrew Peterson, of Great Island, mariner, taken upon oath the second day of January, 1682, before me, Honorable Edward Cranfield, Esq., Governor of this Province.

This deponent saith, that about the latter end of February last, he desired, by Mr. Robert Elliot, merchant, to go on board the bark Gift, then at anchor off in the river of Piscataqua, near unto Mr. Fryer's wharf, and help to get the sails on shore, which were then in the hold of the said bark. This deponent did refuse to go on board until the said Elliot had promised to keep this deponent harmless from any damage that might befall him, the deponent, by reason thereof, the bark being at that time under seizure for the king, as he (this deponent) was informed by Capt. Barefoot, who at the same time was on board the said bark.

And this deponent further saith, that he did see the king's jack set up on the stern of the said bark, to give notice she was seized, and Capt. Stileman being on shore at one Luck's, his wharf, did demand of this deponent, who set up the said jack; this deponent told him that it was set up by Capt. Barefoot, and that this said Capt. Barefoot was then on board the said bark. Then the said Stileman commanded this deponent to pull down the said jack, and told him he would save him harmless. Whereupon he, this deponent, did take the said jack down, and further saith not.

Vera copia, from the original.

Teste:

Richard Chamberlain, *Register.*

EARLY SETTLERS OF AMERICA.

Genealogical guide to the early settlers of America

Published 1898

to Barbados, from New England, came back, lived at Kittery, about 1663, built many vessels; by second wife Mary, had Richard, Elizabeth, who married Humphrey Eliot, Robert; Bridget, who married Rev. William Scriven; Mary and Sarah. His will, of June 18, 1674, probated July 6 following, names son Richard, also, so that we may assume he was born by former wife. In the inventory of 890 pounds sterling, large for that neighborhood, are included eight negro slaves, but their aggregate value is only 111 pounds sterl. His widow married Francis Champernoou.

REFERENCES:—Savage's Gen. Dict., vol. I, 494.

CUTTS. Hatch's Hist. of Industry, Me., 569; Maine Hist. and Gen. Rec., IV, 294; Brewster's Hist. of Portsmouth, N. H., II, 142; Wheeler's Hist. of Newport, N. H., 357; Richmond, Va., Standard, III, 6; Slaughter's Hist. of St. Mark's Parish, Va., 186; Wentworth Gen., vol. I, 312; Amer. Ancestry, IV, 138; N. E. Hist. and Gen. Reg., II, 276; Savage's Gen. Dict., vol. I, 294; Cutts Gen., (1892.)

[160] Know all men by this Present Bill of Sale that I **Robert Ellet** formerly of Scarbrough on None Such Riuer in the Prouince of **Maine** Now Inhabitant in Portsmouth in New hampsh^r NewEngl and for Diuers good Causes and Considerations me thereunto mouing But more Especially for and in Consideraçon of a valluable Summ of money to me in hand Paid by John Batson of Cape Porpus Carpenter the Receipt whereof I doe hereby acknowledge and my Self to be therwth fully Satisfied Contented and Payd : Have giuen granted Bargained and Sould and By these Presents doe

Genealogical and family history of the state of Maine, Volume 3 By Henry Sweetser Burrage, Albert Roscoe Stubbs

To all to whom these presents shall Come Robert Ellet of Kittery in the province of Main in New England Yeoman sendeth Greeting &c^a Know ye that I y^e s^d Robert Ellet for and in Consideration of the sum of fifty pounds Currant money of New England to me in hand before the ensealing and delivery of these presents by Roger Perry of Marshfield in the County of Plymouth in New England Husbandman well & truly paid wherewith I do acknowledge my self to be fully satisfied contented & paid & thereof do acquit & discharge the said Roger Perry his heirs Executors Administrators & assigns forever by these presents have given

BOOK IX, FOL. 259.

granted bargained sold aliened enfeoffed & confirmed & by these presents for me & my heirs do freely fully & absolutely give grant bargain & sell aliene enfeoffe & confirm unto the s^d Roger Perry a certain Tract of land containing about one hundred and fifty Acres be the same more or less which aforesaid tract of land is scituate lying & being in the Township of Scarbrow in the County of York In New England & is bounded, as followeth on the Eastward to the River called Esperwinck River & on the Northward side by a Crick called Crickhed & on the Southward side to the Sea shore till it Comes to a place where the water Ishues or Runs over the Clift & from that place running with a line due North West to a place that is called Crick head brook, To Have and To Hold all the afores^d Tract of Land bounded as afores^d with all & singular the benefits profits priviledges & appurtenances w^hsoever thereunto belonging or any ways appertaining either to the whole of s^d Tract of Land or any part or parcel thereof unto him the s^d Roger Perry his heirs & Assigns forever to his & their alone proper use & behoof for ever, And I the S^d Robert Ellet for me my heirs Executors & Administrators to & with the said Roger Perry his heirs & Assigns do promise Covenant & Grant in manner

tors & Administrators to & with the said Roger Perry his heirs & Assigns do promise Covenant & Grant in manner following That is to say that I the said Ellet have good right full power and Lawfull Authority to Grant & confirm the premises in manner as above expressed & that the same are free & clear & clearly acquitted of & from all other & former Gifts Grants bargains Sales Titles troubles Charges & Incumbrances whatsoever heretofore had made suffered or done by me or by my means privitty & procurement, And that I y^e s^d Robert Ellet my heirs Executors and Administrators to the s^d Roger Perry his heirs & assigns shall & will warrant & forever defend the same from all Lawfull claimes by these presents. In Witness wherof I the Said Robert Ellet have here unto set my hand & seal the twentyeth Day of August AnnoD omⁱ 1719. Rob^t Ellet (^a_{seal})

Signed Sealed & delivered

in presence of us

Joseph Calef

Sam^l Packman

York sc/ Novemb^r 9th 1719

This day the above named Rob^t Ellet psonally appeared before me y^e subscriber One of his Majestys Just^e of y^e peace for s^d County & acknowledged this above Instrum^t to be his free Act & Deed.

Will^m Pepperell

Recorded According to y^e Original Nov^r 9th 1719

p Jos : Hamond Reg^r

Elizabeth, the fourth daughter of Robert and Mary Cutt, married Humphrey Elliot, a resident on the Pascataqua. They had two sons, Robert and Champernowne. The latter, who was named heir and residuary legatee by Captain Champernowne, is supposed to have died in South Carolina.

Humphrey Elliot, with his wife and family, and his mother-in-law, Mrs. Mary Champernowne, accompanied or followed Mr. Screven to South Carolina, where it is supposed they continued to reside, and where they died. After the death of Humphrey Elliot his widow married Robert Witherick, also of South Carolina. Robert, son of Humphrey Elliot, married Elizabeth Screven, probably a daughter of the Rev. William Screven. The descendants of the Elliots and Screvens are numerous.

The Elliots of South Carolina and Georgia are for the most part descended from Joseph and Elizabeth Elliott, who removed from Barbados to South Carolina previous to 1697. It is not improbable that the Elliots of Pascataqua and the Elliots of Barbados were originally of the same stock, and nearly related by blood. Persons bearing this surname have been eminent in every succeeding generation, in Church and State, in arms and in civil life. By inter-marriage the family is connected with many of the families in South Carolina and Georgia who for more than a century have been most distinguished and influential.

The New England historical and genealogical register, Volume 44 By Henry Fritz-Gilbert Waters, New England Historic Genealogical So

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