

CSL RG003
 N. L. Co. Crt. Records
 Native American; Box 1, Folder 44
 Page 1
Transcribed by Laurie Pasteryak

To John Richards Esq^r one of His Majesty's Justices of the
 peace for the County of New London
 Stephen Gardner of Norwich in S^d. County here by Informes & Complains
 That Cesar a Molatto Man Servant And Ann a Spanish Indian Squaw
 And Ann an Indian Girl and Phillis an Indian Girl att which are
 Servants and Slaves To the Complainant, in the Night Next after the
 3^d. Instant Contrary To them Retainer Deserted their S^d. Masters Service
 in ~~Said~~ Norwich afors^d. the Complainant therefore prayes process against
 the Said fugative Servants and that they may be Arrested and brought
 before Your worship and further dealt with According To Law
 Norwich, October the 4th 1743 Stephen Gardiner

To the Sheriff of New London County his Deputy or Either of the Constables
 of the Towns of New London or Norwich within Said County Greeting
 Stephen Gardiner of S^d. Norwich, came before me the Subscribers one of
 his Majesty's Justices of the peace for the County of New London & Complains
 that Cesar, Ann, and Ann, and Philiss his Indian & Molatto Servants
 and Slaves on the Night Next after the s^d. Instant in Norwich, afors^d.
 Deserted there Masters Service contrary To them Retainer and hath
 pray'd process against the Said fugative Servants and Slaves that they
 may be Arrested and dealt with According To Law as p^r. Complaint on
 file, Dated Octo^r. 4th 1743

These are Therefore In his Majesty's Name To command You or
 Either of Your or [?]^{ts}. thereof the Body's of the S^d. Cesar, & Ann, & Ann
 and Philiss, To Arrest and them forth with bring before me the Subscribers
 at the Dwelling house of the Said Stephen Gardiner in Norwich afors^d.
 To be Examined upon the premises and further dealt with as the Law
 Directs fail not and Lawfull Return Make of this writt with your
 Doings thereon Dated at New London October the 6th Day Anno.
 Dom: 1743 John Gardiner Jus^t. Pec^s.

The foregoing and True Coppys as on file
 Examined p^r. John Richards Jus^t. Pec^s.

Novemb^r Term [Second?] 1743 and Now the Defend^{ts} Comes into Court and Defends
 and Says that they Are not Guilty in manner and forme and thereof
 that them selves upon the Country Backus Lee for me Defen^{ts}
 and the plantif in Like maner [illegible] for plantif

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At a Court held in Norwich in the County of New London
 before John Richards one of his Majesty's Justices of the peace for^d.
 County October the 6th Day of A.D. 1743

Cesar A Molatto man, And Ann an Indian Spanish Squaw & Ann An
 Indian Girl and Philis An Indian Girl all Servants and Slaves unto Stephen
 Gardiner of Said Norwich being arrested and brought before this Court to Answer
 the Complaint of the Said Stephen Gardiner, who Complains that all the S^d. Servants
 And Slaves contrary To their Retainer on the Night, Next following the 3^d.
 Day of October Instant deserted his Service, &c as p^r. [?]eutt and Complaint on
 file, Dated October 6th. 1743

And the Said Ann the Eldest, and Ann and Phillis and Cesar Came into
 This Court and pleaded as follows that the Said Ann the Eldest was a Mohawk
 Squaw and born free, and that the Said Cesar and Ann the Younger and Phillis
 were born of her the Said Ann the Eldest, and therefore ought not to be holden
 in Service, &c and they were heard in their pleas and the Case being above
 the province of this Court to determine, it is Considered by this Court that the
 Said Cesar Ann and Ann and Phillis hath become bound with Sufficient Surety in
 the penall Sum of Two Hundred and Fifty pounds Lawfull Money of this Colony
 of Connecticut to the Treas^r. of the County of New London by way of Recognizance
 that the Said Cesar Ann, & Ann, & Phillis and Each of them the s^d. Servants & Slaves
 Shall Answer at the County Court to be holden at Norwich, within [?] for the County
 of New London on the fourth Tuesday of November Next, and Answer the s^d.
 Complaint and Abide the Judgement of Said Court in the premises

M^r. Ebenezer Backus of Norwich afors^d. Acknowledged himselfe bound
 To the Treas^r. of the County of New London in a Recognizance of Two Hundred &
 Fifty Pounds Lawfull Money of the Colony of Connecticut, that afors^d. Cesar Ann
 & Ann, & Phillis and Each of them Shall Answer before the County Court to be
 holden at Norwich within and for the County of New London on the 4th Tuesday
 of Nov^r. Next and Answer the afors^d. Complaints and Abides the Judgement of
 S^d. Court, in the premises Acknowledged in Court, Test John Richards Jus^t. Pec^s.
 Cost taxed at 20/ Lawfull Money

The foregoing Are True Coppys of Recou^r
 Examined p John Richards Jus^t Pec^s.

[written upside down, bottom of document]

Stephen Gardiner

~ 6-1-7½

Cesar &c

Coppye 2/ Lawfull
 money

(110)

[illegible, written over/under previous writing]

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Elizabeth Rogers ^{^of Lawfull age the} wife of Jonathan Rogers Son of Samuel Rogers
 Dec^d Testifieth that about four years ago, a young Indian Woman Serv^t
 to Stephen Gardiner of Norwich was at our house in order to be Cure^d
 of a Sore She had & Stayed about three Weeks, in which time a
 She told me She was a Serv^t to the S^d Gardiner and that her
 mother was a Slave and was a Spanish Indian or what I
 understood to be a Spanish Indian & that ~~they~~ ^{She} was of the Same
 Country with Indian John who was a Serv^t to m^r. Livingstone
 Late of New London Dec^d. and in a few months after that an
 Indian Woman came to our house and told me that her
 name was Ann & that She was a Serv^t to Stephⁿ Gardiner
 of Norwich and that She was the mother of that Ann
 that had been Lately at our house to be Cared and that
 She was a Spanish Indian of the Same Country with Indian
 John who was M^r. Livingstones Servant

NewLondon So November the 28th. 1743 the above named
 Elizabeth Rogers (not being able to attend the Court by Reason
 of Bodyly Infirmary.) made oath to the above written evidence, (the
 adverse party being notified but not present

before me J: Hempsted Justice of the Peace
 New London In Norwich[?] at a County Court Nov^r [?] 1743:
 this Evidence was[?] ~~into Court~~ and was opend in
 Court p^r Isaac Huntington Jus^t of y^e [illegible]

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Abigail Powers aged upwards of Sixty years Testifieth that about 28 or 29 years ago I Lived at the ferry at Boston neck in the Naharagansit Country, and then and there I most well acquaint^{ed} Ann an Indian woman, Now Suing for her freedom from Stephⁿ Gardiner of Norwich, I Saw her & Spoke with her when She was ~~before~~ ^{at the house} of Justice Richards in New London this fall I Suppose in September Last. when I first Saw her it was at Brother William Gardiners at S^d Boston Neck he had newly bought her at Newport ~~with~~ and Divers others were brought over from Newport for Several other persons at the Same time and they were all Called Spanish Indians & So Esteemed & understood by us & the neighbors, this Same Ann I was Invited by Brother ^{William} Gardiner to buy her but She was not in good health & I Refused, and afterward in a few Days ~~Brother~~ Stephen Gardiner aboves^d bought her of his Brother William & She hath Lived with Brother Stephen Gardiner Ever Since till this fally & hath had Several Children Two Sons one named Cesar & one abraham, that I was acquainted with & the other Children I was not acquainted with. I very well Remember that the Sd. Ann had a Strake on one of her Leggs down her Shin ⁱⁿ in her gartering place flowered after the Indian fashion. I very well Remember her first Son was Born before the great Snow which was about 27 years ago

the abovenamed Abigail Powers made oath to the above written Evidence (She not being in health of Body to attend y^e Court) the Adverse party being Notified but not present this 28th Day of November 1743

before me J: L: Hempsted Justice of Peace
 N: London [?] County Court [illegible] Novm 1743
 Opend in Court pr Isaac Huntington Justc of Peace[?]

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Evidences for
the C. Court at
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The testimony of Martin Kellogg of Weathsfield
 aged fifty Seven years: testifies and Says that he has
 Lived Some years In Canada among the mohawks
 & french In Which time he got to Knowledg
 of a Considerable part of the mohawk Language ~~and~~
 Now having ^{^had} opportunity to discourse With ann indi
 = an Syman Said to be Claimed by Stephen Gardner
 testimony as his slave: do finde that She talk Mohawk and
 according to the best of his understanding ~~is~~ a hurone
 which nation is one of the five nations Caled:
 mohawk. and having asked her many Questions
 which She answered & ^{^in Mohawk} without Shuting her Lips
 which is peculiar to the mohawk tribes Exampts
 of all other nations that Is Ever heard of
 the method he took Was to ask her many questions
 over night all Which he Writ down with Every ans
 = wer therto & Called y^e afores^d, ann the next morn
 = ing ask^t her y^e Same questions over again to which
 She made y^e Same answer/ In mohawk

martin Kellogg

The testimony of Rebecca Kellogg aged forty Seven
 years testifies and Says that She lived twenty four
 years among the mohawk In Cannada In which -
 time She Learnt the mohawk tongue
 and now having had opportunity to discourse with
 ann indian Squaw Said to be Claimed by Stephen
 Gardner of norridg as his Slave: do finde that She
 talks mohawk and according to the best of her
 Judgement She is one of the Hurone which nation is
 one of the five nations Caled mohawk & Says
 She ask^t y^e s^d ann indian Squaw many questions
 In mohawk Which S^d ann answered in mohawk
 Without Shutting her Lips Which She thinks is peculiar
 to the Mohawk tribe Exempt of all other tribes She
 Know's

Her

Rebecca Kellogg

Mark

Norwich S. County Court Nov^r. Term 1743.

Given into Court under Oath by S^d Martin & Rebechah
 Test Daniel Coit Clerk

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[written sideways, middle of page]

To
The Honble" Judge of his Majesty's
Inferior Court of Common Pleas
to be held at Norwich on the fourth Tuesday
of November. AD. 1743 for the County of
New London

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Newport Is.} The Deposition of Abigail Almy the Wife of Cap^t: Job
 Almy of Newport, in the County of Newport Merchant
 being duly Sworn on Oath

Deposeth, and Saith that between Twenty five and Thirty years
 past her former Husband M^r: William Gardner late of Boston Neck
 in South Kingstown, in Kings County ~~Deceas'd~~ Yeoman Deceased
 bought at Newport, in the County of Newport out of a Vessel as her said
 Husband told her, One Carolina Indian Woman Named Ann; and
 some short time after her said husband had bought the aforesaid
 Indian Woman named Ann, he sold the said Indian Woman to his
 Brother Stephen Gardner who then lived in Kingstown, and ^{^now} in Norwich
 in the County of New London, in the Colony of Connecticut Yeoman, and
 this Deponant further saith that her aforesaid Husband William
 Gardner deceas'd; bought the aforesaid Indian Woman, for a Slave
 and Sold the s^d: Indian Woman to his aforesaid Brother for a Slave
 and that her s^d: Husband Gardner bought one Indian Man a Slave,
 at the same Time he bought the said Indian Woman; & her husband
 sold the said Indian Man a Slave some time after he had bought
 him to Nicholas Gardner of Kingstown Yeoman and further
 saith not

her
 Abigail Almy
 mark

Sworn in Newport this 19th day of November A.D. 1743
 Before me John Freebody Jun^r Just^c Peace
 Norwich Nov Term 1743

This Evidence Come Sealed & was opened in Court
 p J: Hempsted Justice of Peace

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the deposition of John Gardner of South Kings town in
Kings County in the Coloney of Rhodeisland being of lawfull
age testifieth and saith that a bout twenty five
Or thirty years a gon I heard my father William Gardner
late of boston neck in South Kingstown in Kings County
yeoman deceased bought att newport in the County of
new port as my said father told me one carolina
indian woman named ann and my said father sold sd
Indian woman to his brother stephen Gardner
who then Lived in Kings town and now in norwich
in the County of Newlondon in Coloney of connecticut
yeaman and then deponant further saith that my
fore said father William Gardner deceased bought
the fore said Indean woman to his fore said brother
for a slave and further saith not

John Gardner

Sworn in North Kingstown the 23rd day of

November of AD 1743 Before Me Dan Coggeshalls Assit^s.

Norwich Nov. Term 1743

the Evidence came Sealed & was opened in Court

p. J: Hempsted Justice of Peace

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In this Case the Jury finds
the Defendants not Guilty in
manner and form & therefore
find for them there Cost