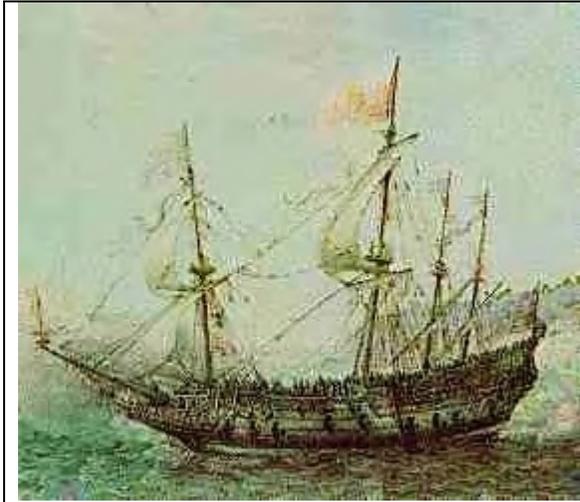


## FIRST GENERATION

1 JOHN EMERY SR. s/o John Emery and Agnes (Northend), probably of Romsey, Hants, England was born in England 29 Sep. 1598, bp. 29 Mar. 1599 Romsey, Hants, England [St. Mary's & Ethulfrieda]. This baptismal date has been given as follows over the years:

In the NEHGR (89:Oct 1935:376), Walter Goodwin Davis Indicates the baptism date of 29 Nov 1599, but in The Ancestry of Sarah Miller (1939), Davis gives a baptism date of 29 March 1599. In The American Genealogist (17:98) the March date is confirmed and the November date reported to be erroneous.



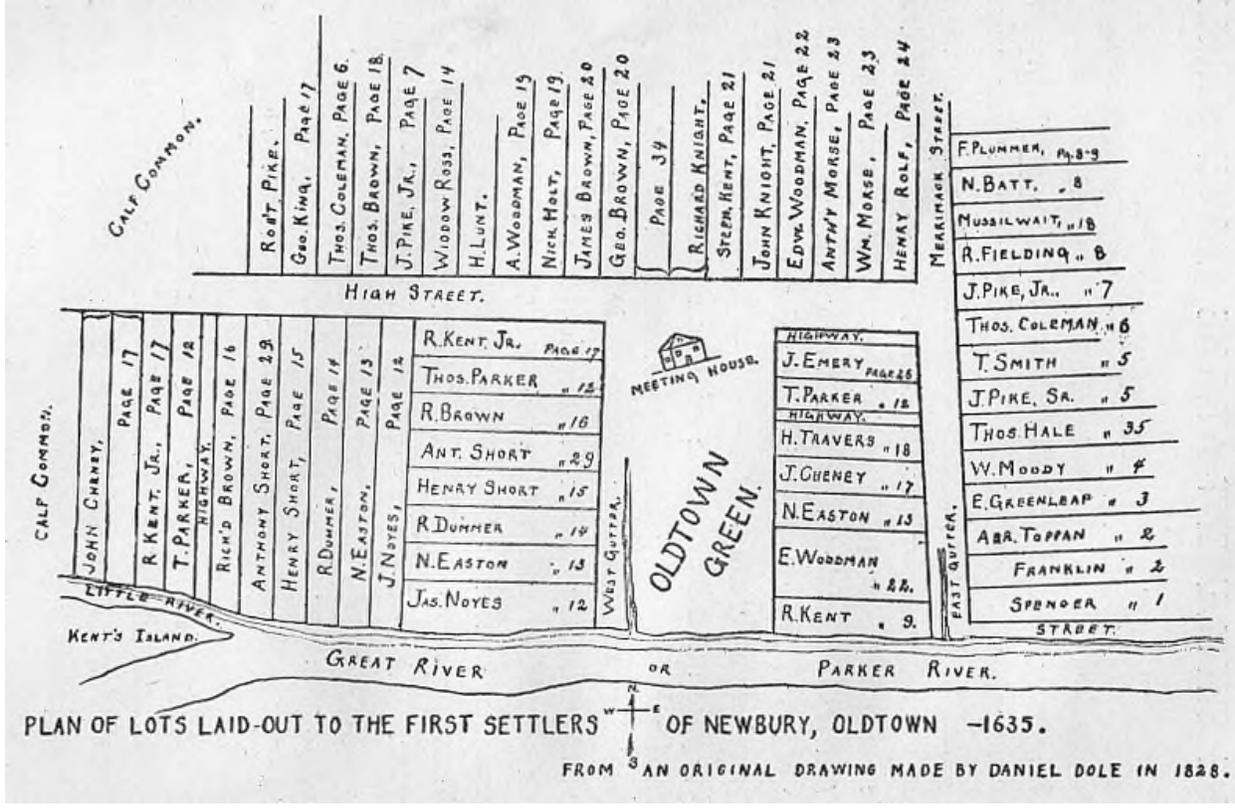
He sailed from Southampton 3/5 Apr. 1635 with his brother Anthony, in the ship James of London, William Cooper, master, their wives and one or two children each probably with them; they landed in Boston, Ma. 3 Jun 1635. New World Immigrants Vol. 1 Editor Michael Topper gives the names of the passengers on the ship James including those of John and Anthony Emery. This gives their trade as carpenter and that they appeared to have a servant, William Kemp. The ship was 300 tons and gives sailing date as 6 April 1635.

And went soon to Newbury where John Sr. had a town grant for half an acre for a house lot. The Emery's and others of his parishioners migrated under the influence of Rev. Joseph Avery, the vicar of Romsey, who came to New England in 1634 and who was drowned on a voyage from Newbury to Marblehead in 1635.

In the inventory of Avery's estate is an item: "Due him from John Emery, carpenter, 07:00:00" The record continues: "John Emery denies his debt; but Richard Knight, Nicholas Holte, and John Knight all three of Newbury can and will testify and prove it to be due." Possibly Emery borrowed the seven pounds from Parson Avery to help pay the ocean passage money of himself and his family.

John Emery was fined by the town on 22 Dec 1637 twenty shillings for enclosing ground not laid out, or owned by the town contrary to town order on 1 Feb. 1638, the town granted him that part of ground which was already enclosed.

Here is Here is a map that was drawn of Newbury, Massachusetts and the lot holders:



On May 18, 1638 the town, for £3, granted to John Emery, "that parcel of land called the Greene." "About 3 akers more or less, bounded by the half aker lotts on the west, the hyeway on the southeast, and his own land on the North, being in the triangle, only the 20 rodods is reserved in said land for a burying place, as it is, bounded by stakes with a way to the East." John Emery had been given the right to build at the end of the Green, that is, the field where the Jackman-Willett House now stands. In 1679 he conveyed his homestead and one-half the land granted him by the town to his son and moved farther north. Jonathan Emery, in 1729, sold William and Richard Dole seventeen and one-half acres "Excepting and reserving the 20 Rods reserved for a burying place." William Dole conveyed one-half of his estate to Joseph Ilsley in 1793 and Joseph Ilsley's heirs conveyed to Paul Ilsley a part of their right, title and interest in the property. The land surrounding the burying place, now owned by the heirs of Mrs. Joseph Ilsley, is still known as the "Emery Field."

Here is a map of Newbury, Massachusetts of 1640.



MAP OF NEWBURY, 1640.

He was made a freeman 2 Jun 1641, and recorded as one of the ninety-one freeholders of the town 2 Dec 1642, A man might be a freeholder and not a free-man; and vice versa. A man must take the freeman's oath which entitled him to vote in the election of magistrates, deputies and representatives. A freeholder had by grant, purchase or inheritance a share in all common and undivided lands.

In 1642 he was appointed with three others to make a valuation of all the property in the town, for the purpose of proportioning each man's share in new division. On 10 Apr. 1644, he had a grant from the town of twenty-two acres and five rods being his own and Henry Palmer's portion of "Dividant" land in the great field beyond the new town.

Anderson, et. al. make this pithy statement: "Over the years John Emery expended considerable energy on the affairs of his stepchildren." He spent much time in the Courts over affairs of theirs and his own. John, himself, had an affair with the wife of one Henry Travers, for which he was hauled into court & convicted. On 29 September 1646, "John Emery, for his miscarriage with the wife of Henry Travers, fined £3 or to be whipped, and pay witness fee to Christopher Bartlet. bound to good behavior and not to frequent the company of the wife of Henry Travers."

On 18 May 1647, the town for three pounds, granted John Emery "that parcel of land called the greene, about three akers, being more or lesse, bounded by the half-acre lots on the west, the hyeway on the southeast and his own land on the north, being a triangle, only the twenty rods is reserved in said land for a burying place as it is bound with stakes with a way to it from the East.", it is called the Emery lot. John Emery had been given the

right to build at the end of the Green, that is, the field where the Jackman-Willett House now stands (1935). In 1679 he conveyed his homestead and one half the land granted him by the town to his son and moved farther North. Jonathan Emery in 1729 sold to William and Richard Doe 17 1/2 acres "Excepting and reserving 20, the 20 rods reserved for a burying place was owned by the heirs of Mrs. Joseph Isley and still known as the "Emery Field".

On 25 March 1651, John deposed in the case between his son-in-law John Chater & Nathaniel Weare over steers.

On 14 October 1651, in "answer to the petition of John Emery, of Newbery, power is granted him, according to his desire, to sell a certain island which was left to three of his wife's children, & alsoe a house & six acres of land which was bound to make good twenty pounds to other three of her children, provided he give security to the County Court at Ipswich to pay the children the full price the land shall be sold for, & make the three children's twenty nobles apiece eight pounds apiece, & pay the daughters their portions at eighteen years, & the sons at twenty-one years old"

On 14 May 1653, John Emery, Sr. was one of seventeen Newbury men who dissented from a town vote to levy funds to support a free school.

On 28 March 1654, John joined a "class action suit" of sorts with the other leading men of the town to sue John Merrill for selling town lands without permission to do so[7,13].

Along with most of the men in Newbury, John signed & supported a petition praising Lieutenant Robert Pike of Salisbury, Essex co., MA[14]. On 19 October 1654, the General Court instituted investigations into the answers of men who refused to repudiate their signatures; John's name was first on this list[15]. When confronted by the commissioners to answer for his signature, "John Emerry demanded their commission and a sight of the petition before he would answer. He then said that the commissioners had no power to demand who brought the petition to him, and hearing John Bond answer, he told him that he was a wise man, in a bold manner." [7,16]

At the General Court meeting of 19 Oct. 1654 John Emery, Senior was the first name listed among eight men of Newbury and eight of other towns who "had not given satisfaction" and who were ordered to post 10 bond and answer before their county court for their offence. The Records of the Colony of the Massachusetts Bay in New England Vol. 3 1644-57 Ed. Nathaniel Shurtleff, William White (1854) pg. 367.

He served Newbury in numerous capacities, being one of a committee of three to value town lands in 1644 and serving on the county trial jury (1638,1659,1660,1672,1673,1675,1678), the grand jury (1651,1662,1667), as constable (1655), clerk of the market (1656), and selectman (1661), fence viewer (1666), and appointed to carry votes to Salem (1676). He took the oath of allegiance and fidelity in 1677. In various dispositions and records his age was set down as seventy in 1670, seventy-three in 1671, eighty-one in 1679 and eighty-two in 1681. Too old for active service he supplied a new saddle and bridle, a sword and belt, powder and bullets for use in King Philip's war, and in addition received 2s 6d for "Cureing a soldier."

He was also prominent in the case of Lt. Robert Pike. Emery was a

courageous man who did not hesitate to back his opinions with action. When Lt. Robert Pike was in difficulty with the colonial government in 1654, John Emery and his son John signed a petition in Pike's favor which so irritated the authorities that they appointed a commission to examine (and seemingly to intimidate) the signer's. "John Emery demanded (to see) their commission and a sight of the petition before he would answer, He then said that the commissioners had no power to demand who brought the petition to him." The Pike petition involved a group of Essex county men who petitioned the General Court to forgive its censure of Lt. Robert Pike in early 1654 according to Pierce pg. 60...the case of Robert Pike of Salisbury. An account of this is found in The Essex Antiquarian Vol. 4 No. 8 Aug. 1900 pg. 113-4 as follows In 1653, at the age of thirty-six Lieutenant Pike suddenly found himself involved in a conflict with the general court. Up to that time no court was allowed to be criticized, not even the county courts. Though only the representatives of the people, the general court claimed the right of supreme control over them and regarded its judgement as infallible, any hostile criticism being to it an audacious and criminal offence. Robert Pike broke the spell by denouncing a law it had enacted, and declaring "that those members who had voted for it had violated their oaths as freeman; that their act was against the liberty of the country, both civil and ecclesiastical; and that he stood ready to make the declaration good." The law referred to was that making it a misdemeanor for anyone to preach to the people on Sunday who was not a regularly ordained minister of the church. It was designed to restrain Joseph Peasly and Thomas Macy of Salisbury, believers in the Baptist doctrines, with Quaker tendencies, from exhorting the people of Salisbury on Sunday, in the absence of a minister. To defend them was, in effect to defend the hated Quakers, and it was this thankless task that Robert Pike undertook. The incensed and amazed general court instantly arraigned the culprit, disfranchised him, disabling him from holding any public office, and from pleading any case except his own in any court, bound him to his good behavior, and fined him twenty marks (thirteen pounds, six shillings and eight pence). The punishment thus inflicted on Lieutenant Pike caused a great sensation in Salisbury and the neighboring towns. Petitions were immediately drawn up and signed, and presented to the general court. They were signed by nearly all the men of Newbury, Andover, Hampton, Salisbury, etc.,

earnestly entreating the magistrates to remit the punishment and fine. This event is a most interesting and instructive one in our early history. It exhibits the watchful jealousy of the people of any encroachment upon their civil or ecclesiastical rights, as well as the determination of the magistrates not to have their authority lightly called in question. The general court immediately chose a committee to call the petitioners of the several towns together, to ascertain their reasons for putting their names to such a document; and repealed the obnoxious law. The committee acted at once. The petitioners gave various reasons for signing, - some, that it was done without reflection; some, because they were asked to do so, and some, because they thought it was a proper thing to do; etc. But there were found fifteen refractory spirits who either vouchsafed no explanation, or asserted their right to petition whenever they thought fit, and denied the right of anybody to interfere. These incorrigibles were duly reported, and turned over to the tender mercies of the general court. The names of these fifteen "humble immortals," who thus valiantly asserted, for the first time in our land, the right of petition were John Emery, sr., John Hull, Benjamin Swett, John Bishop, Joseph Plummer, Daniel Thurston, jr.; Daniel Cheney and John Wolcott all of Newbury; Samuel Hall, Philip Challis, Joseph Fletcher, Andrew Greely, and George Martin, all of Salisbury; and

Christopher Hussey and John Sanborn, both of Hampton...These fifteen men claimed certain rights, which today are ceded in all the civilized world, and they refused to give them up. They represented the men of stamina and conviction in their several towns, and were the advance guard of the already conceived spirit and power of the Revolution. As these men were evidently bound to maintain the position they had taken, and many in the various communities really, though secretly and only tacitly sympathized with them, their cases were never called for trial. Lieutenant Pike paid his fine, and his disfranchisement continued until 1657, when it was removed. His townsmen immediately elected him as their representative to the general court, which did not graciously accept the return of this contumacious citizen.....

In The Records of the Colony of the Massachusetts Bay in New England Vol. 3 1644-57 Ed. Nathaniel Shurtleff, William White (1854) pg. 354 the General Court referred to Pike's offence as no less than defaminge this courte & chargin them with breach of oath' &c, and took offence at the petition since Pike had not petitioned himself or acknowledged his offence and ordered an investigation of the petitioners why they had signed and who had carried the petition.

On 9 April 1657, he was one of several Newbury men who testified on behalf of "their neighbor William Titcomb" that they "had known him for years, and observed him to be honest and Christian like in his conversation, and not a liar." And signed a certification of William Titcomb's good character.

Also in 1657 he dissented from the vote in favor of a school and schoolmaster.

In 1658, and also headed an agitation and petition about the local military company so vigorously that they were brought up before the court

"On 19 October 1658, the 'Court, having heard the case relating to the military company petition of Newbury, preferred by John Emory, Senior, who, with his sons, John Emory, Junior, & John Webster & Solomon Keyes, have been so busy & forward to disturb the peace of the place by their actings in several respect, & occasioned much trouble to this Court in reference thereto, judge it meet to order that the said John emory, Senior, John Emory, Junior, John Webster, & Solomon Keyes be severally admonished to beware of the like sinful practices for time to come, which this Court will not bear; and that they pay the several charges of their neighbors the last Court & this, in coming for relief from such under courses"

John Emory was presented to the court at Ipswich by Henry Jacques, constable of Newbury for entertaining travelers and Quakers. Evidence was given that two men and two women Quakers held a meeting in his house, after which the two men "were entertained very kindly to bed and table" the account of which is found in reminiscences of a Newburyport Nonagenarian as follows: "At the Court of Salem 5 May 1663 John Emory was fined four pounds for entertaining Quakers. His offense consisted of granting food and lodging to two men and two women, who were travelling east.

In George Bishop's "New England Judged", will be found this narration: "Edward and George Preston, and Mary Tompkins and Alice Ambrose alias Gray, passed eastward to visit the seed of God in those parts, and in their way through Newbury, they went into the house of one John Emory (a friendly man), who with his wife seemed glad to receive them, at whose house they found freedom to stay all night and when the next morning came the priest, Thomas Parker, and many of his followers came to the man's house, and much reasoning and dispute there was about truth; but the priest's

and many of the people's ears were shut against the truth. And in the time of their discourse, the wind striving in Mary Tompkin's stomach, making some noise, she having received no sustenance for space of near forty-eight hours. One Joseph Pike, after they were departed the town said she had a devil in her. After awhile the priest perceiving that the battle might be too hard with him, rose up and took the man of the house and his wife out of doors with him and began to deal with them for entertaining strangers. The priest said it was dangerous entertaining such as had plague sore upon them. Which the woman, began to take the priest to do for saying such false, wicked and malicious words, but he hasted away.

Mary Tompkin's called to him to come back again, and not to show himself to be one of those hirelings that flee and leave their flocks behind them, but he would not." It appears that John Emery wasn't completely over awed by the bold but mistaken Parker: "The testimony of Henry Jacques aged about 44 years, saith, that I heard Joseph Noyes say that after that time the Quakers had their meeting at John Emery's, that he saw two more Quakers at John Emery's house, and John Emery bade them welcome, and further saith that I heard Joseph Noyes say, that John Emery had entertained Quakers both to bed and table, after the time they had their meeting at John Emery's house, and this he testified before the church at Newbury, and further I do testify that I heard John Emery and his wife say that he had entertained Quakers and that he would not put them from his house, and used argument for the lawfulness of it. Henry Jacques sworn in court 7 May 1663, before Robert Lord, clerk. The disposition of Joseph Noyes aged 26 years: This deponet saith yt. as he was going to Goodman Emery's Sr., he staid until he went away. Goodman Emery was in ye chamber, (as he knows because he ym Quakers, at his house wn Mr. Parker was yr. Farther he had understood by those yt wr eye-witnessess, yt two men Quakers wr yr entertained very kindly to bed and table, and John Emmerie shook ym by ye hand and bid ym welcome. Ye substance of ys he or his wife in presence told him and owned it (according to his best remembrance) more yn once. This also ws several days after meeting above said. Taken upon oath 24. 4th. 67 before me, Simon Bradstreet."

At this period one can scarcely depict the commotion such an incident must have caused in the secluded and quiet settlement of Quanscacunquen, on the banks of the Winding River, or appreciate the courage evidenced by John Emery and his wife in thus rising above popular prejudice, fanatical bigotry and intolerance."

For this offense he was fined four pounds, cost and fees and although the selectmen and fifty of his fellow citizens joined in his petition to the General Court that the fine be remitted it met with denial. The petition as follows:

Copy of the petition of John Emery Sr. of Newbury to the Massachusetts General Court in relation to his fine for "Entertaining Strangers", 21 May 1663 to the Honorable General Court now assembled at Boston - the Humble petition of John Emery humbly showeth that your petitioner dwelling in Newbury, it so fell out of Providence of God that a certain gentleman (names Henry Greenland) coming from England upon his occasion was by reason of his acquaintance with Capt. Barefoot and about inclinable to settle in ye country if hee liked, and to make use of his pratise of Physic and Chirurery amongst us; but being as yet unsettled and uncertaine where to fix until his wife (whom he hath sen for) did come by reason of some employment by ye providence of God presented itself to him; hee was necessarily put upon it to reside neer such patients as had put themselves into his hands for cure.

Among which one being more than ordinarily disordered hee desired entertainment. And your petitioner, did for reason above mention receive and entertain him this winter past for which I am fined

four pounds by ye hon'rd court at Ipswich for Breach of a law; not having (at first) license under the hand of a magistrate he himself being a stranger and not knowing the law, nor your petitioner, -- humble request of your petitioner is, that his honobl court would bee pleased to remit ye saide fine (it being sd.) where in ye Gentlemen hath by God's blessing been furthered and been of much good by his calling; both in Physick and Chirurgery and your pore Petitioner shall ever pray. We the selectmen and such other as are subscribed, considering the usefulness of his practice in our towne, do humbly desire to same it this hon'd court please.

John Pike	Josif Taniey	William ____
Richard Thurlo	Robt. Adams	Thomas Hale Jun.
Thomas ____	Anthony Short	Stephen Swett
Peter Godrie	Rich____	Richard Loell
James Ordway	Jermei Guthridge	Anthony Sumerbee
Lionel Worth	Saml _____	James Jackman
Abell Huse	Abraham Toppan	Richard Bartlett
Joseph Plummer	John Bayley	John Willcutt
Thomas Brown	Samuel Pore	Will____
Thomas ____	Edw. Richardson	John _____
John Cheney, sen'r	Robere Coker	Peter Toppan
James Mearell	Richard Fits	Stephen _____
John Parker, senior	Robert _____	John Poore, sen.
William Titcomb	Lanslet Granger	John Cheney, jun.
John _____, jun	John Knight	Willi____
William Morse	_____ Brown	Anthony Morse, sen

2,3,63 The Magistrates, hve comnsidered the grounds of the petitioner and consent not to any revision of the con. court's sentence. Tho. Danforth, P.E.R.S. Consented to by ye deputy provided they may have tenn shillings agayne. William Torrey, clerk. The magists consentyes. Edw Rawson Secry."

This ancient document being much worn, some of the names are in part or wholly illegible.

On 25 March 1662, "John Emery and wife Mary" sued James Merrick for "detaining and keeping Issraell Webster, son of the said Mary Emery, without consent of John Emery and wife Mary, or any other person who had oversight of him". The case was withdrawn

On 25 November 1662, "Israell and Nathan Webster, sons of John Webster, deceased, presenting their desires in writing, together with their mother's consent, with John Cheny, sr., Rob[er]t Long and W[illia]m Elsly as witnesses, and said Israell Webster being present in Court and manifesting his desire also, that his father-in-law John Emory and brother-in-law John Emory, jr., might be appointed guardians, the court appointed them guardians, and also ordered that the bond given into Ipswich court for security for the children's portions remain in full force."

In connection with the above Dr. Henry Greenland stayed at John Emery's house for four months. Greenland seems to have been a traveling doctor with a keen eye for women. In Newbury he became involved with Mary, wife of John Rolfe, and they were charged with adultery. Elizabeth Webster, step-daughter of John Emery, was living with Mary Rolfe during Rolfe's absence, and the Emery household contributed much testimony on both sides of the case.

Robert Anderson, et. al. provide this terse discussin of a rather interesting case involving the Emery family "...On 31 March 1663, Henry Greenland was charged with solliciting Mary, the wife of John Rolfe, and found guilty.

1663 March 31: Dr. Henry Greenland was charged with making indecent proposals to Mary, wife of John Rolfe. He was convicted and sentenced "to go from hence to the prison, there to remain until the next session of the court and then to be brought forth and whipt unless he pay a fine of thirty pounds." [Ipswich Court Records, at Salem, vol. 1, leaf 115. Currier, p. 142]

The extensive testimony in the case revealed that John Emery's step-daughter, Elizabeth Webster, was a maid in the Rolfe household and had witnessed several untoward passages instigated by Greenland. John Emery, on the other hand, had turned a deaf ear on Mrs. Rolfe's pleas for assistance even when Greenland had pulled her down into his sickbed in Emery's presence. Emery and his household paid several fines as a result of their behavior in these events..."

Laurel Thatcher Ulrich, in her book *Good Wives: Image and Reality in the Lives of Women in Northern New England 1650-1750*. (New York: Vintage Books, 1980, 1982, 1991), 89-92. describes it better:

"...In the spring of 1663 John Rolfe, a Newbury fisherman, went off to Nantucket, leaving behind a comely and "merily disposed" young wife named Mary. Being "a verie loving husband," Rolfe arranged for Mary to "live Cherfully as he thought and want for nothing" in his absence. Betty Webster, a single woman in the neighborhood, agreed to stay with Mary. Betty's stepfather, goodman John Emery, promised to be a father to both. But Rolfe's careful arrangements proved a snaere. No sooner had he sailed out of Newbury harbor than two strangers from old England sailed in. Henry Greenland and John Cordin, physicians and gentlemen, came to lodge at the Emery house.

Mary confided to Betty Webster that "Mr Cording was as pretty a Carriadg man as Ever shee saw in hir life." But Greenland proved more interesting still. He was uninhibited by the pious manners of the Newbury folk. At supper, before Goodman Emery could half finish prayer, "Mr Grenland put on his hatt and spread his napkin and stored the sampe and said Com Landlord light supper short grace." Mary was both enticed and troubled by his attentions. When he pulled her toward him by her apron strings, she resisted at first, only giveing way, as she said, "to save my apron." One minute she rebuked him for acting "An uncivell part." The next she was laughing and eating samp with him out of one dish and with one spoon.

Late one night Betty was in bed with Mary, who was nursing her baby, when Henry Greenland knocked on the window. Frightened, the women made no answer. "Bettye, Bettye," Greenland called, "Will you let me stand here and starve with the cold?" Betty answered that they were already in bed, that they would not let him in, that they were afraid of him. When he continued to pleased, protesting that he "would doe them noe hirt, but desired to smoke a pipe of tobacco," Betty let him in. Still in bed, Mary told her to rake up the fire to give Mr. Greenland some light. While the maid bent over the hearth, Greenland pulled off his clothes and climbed into bed with Mary, who fainted.

"Sir," cried Betty, "what have you done? You have put the woman into a fitt."

"The Devell has such fitts" said Greenland, scrambling out of bed. "It is nothing but a mad fitt."

"What offence have I given that you should spede such words?" Mary exclaimed. Seeing that his conquest was conscious, Greenland jumped back into bed. "Lord help me," she cried.

At that moment Henry Lessenby, a neighbor's servant, just happened to walk by. He had earlier observed Greenland's attentions to goody Rolfe. Hearing the cry, he ran to the Rolfe door and knocked loudly. "Lye still," whispered Greenland, "for now there are two witnesses, we shall be tried for our lives." But Lessenby was not to be discouraged by silence. He climbed through the window, stumbled into the room in the dark, and felt his way to the bedside. In the dim light from the fireplace he discerned a gentleman's clothes on a box by the bed.

Reaching for the pillow, he felt a beard. Just as he suspected, it was Greenland.

Lessenby might have raised a commotion, but he chose instead to act the part of the stage servant who, loving a secret, is drawn through vanity or cupidity into the intrigues of his betters. As he later reported it, "The woman and I went adore [outdoors] to Consider what was best to be done so we thought because he was a stranger and a great man it was not best to make an uproar but to let him go away in a private manner." ... Goody Rolfe had a pious mother and an observant sister. At meeting on Sunday, Sarah Bishop saw that Mary had been crying and alerted their mother.

Goody Bishop visited the Rolfe house the next morning. As she approached, she met a boy rushing out with a glass -- to get liquor for Dr. Greenland, he said. For two hours she sat in the house, watching and observing and waiting for Greenland to leave. Finally she had a chance to question Mary, who seemed to fear telling her mother all that had happened. Mary admitted that the gentleman had "with many Arguments inticed her to the act of uncleanness," but she insisted that "God had hitherto helped her resist him."

"Will you venture to lay under these temptations & concealed wickedness?" exclaimed the mother. "You may Provoke God to Leave you & then you will come under Great Blame."

"I know not what to do," Mary sighed. "He is in Credit in the Towne, some take him to be godly & say he hath grace in his face, he have an honest look, he have such a carriage that he deceive many: It is said the Governour sent him a letter Counting it a mercy such an Instrument was in the Country, and what shall such a poor young woman as I do in such, my husband being not at home?"

Goody Bishop was troubled. "These things are not to be kept private," she insisted. "Goodman Emery being a grand Jury-man must present them." But when confronted, Goodman Emery proved unwilling to act the part of moral guardian. (Had he seen too much "merriness" on Mary's part?) He promised to keep closer watch on Greenland, to lock up the hard drink, and to see that the Doctor stayed home with half drunk, but he felt matters were best kept quiet for the moment. He could see no harm done.

Goody Bishop was not to be soothed by promises. One her way home, she encountered Goody Emery and explained to her all that had happened. The wife proved more sympathetic than the husband. Together the two women returned to the Rolfe house, pressed Mary and Betty further, and concluded that Greenland's actions had been "more gross" than they had first believed.

"I dare not keep such things as these private upon my own head," said Mary's mother as the two women parted.

"Do wisely," answered her friend.

That night, having asked for God's direction, Goody Bishop revealed all that she knew to a "wise man" in the town, asking for his advice. He directed her to the magistrates. Henry Greenland was tried by jury at his own request, perhaps counting on his good reputation in the town, but was convicted of attempted adultery and fined the whopping sum of £30. The citizens of Newbury supported the pious mother against the dazzling stranger. John Rolfe returned from Nantucket avenged..."

In the Parker-Woodman church controversy at Newbury from about March 1669 through April 1671, Emery was an active partisan of Mrs. Woodman, and was fined 13s 4d.

On 30 March 1669, "John Emery, bringing in acquittances of the discharge of the portions ordered by the court, was to have his deed delivered, but one being incomplete, he and his son John Emery, jr., bound themselves to bring in an acquittance from the youngest child of John Webster"[19,20].

On 29 March 1670, Benjamin Rolfe sued John Emery for cutting hay on John Musslewhite's land.

In a 1678 dispute over the Newbury militia accounts, the following

items are entered for "John Emery Sr.": "a new saddle & bridle" 28s; "sword & belt," 12s; "2 pounds powder & bullets," 4s.; "curing a soldier," 2s. 6d.; "2 pecks of wheat & a bridle lost," 7s.; "powder & bullets," 2s.; and "saddles & cloth," 23s.

Also in 1678 John Emery gave testimony about the will of Nicholas Batt:

Deposition of John Emery, Sr. and Mary his wife, that in 1653 John Webster married Ann Batt, daughter of Nicolas Batt and in consideration of their marriage Nicolas Batt promised to give to the said John Webster with his daughter Ann his house he then lived in and all his lands that he had with all the priviledges belonging unto them after his and his wife's decease, and did immediately give to the said Ann possession of part of it in lieu of the whole and John Webster hath enjoyed it as his own proper estate to this day without molestation; furthermore Nicolas Batt promised to weave all the cloth that she made for nothing.  
Sworn in Ipswich court Mar. 26, 1678  
Deposition of John Emery, Jr. aged about fifty years, that in 1653 on the day that John Webster was contracted to Ann Batt eldest daughter of Nicolas Batt of Newbury he being at this father Emryes house heard Goodman Batt say that while he lived he would weave her cloth and after his decease and his wife's she as his heir should have all his houseing and lands for as his eldest dughter she should have a double portion and he accounted the houseing and land would amount to such a vaule; further Batt said that he would give his other children their portion as he could in his life time as he was able and in case he should die the other two daughter should have their portions out of his other estate.  
John Emery, Jr. confirmed this testimony Feb. 28, 1677  
before Jo. Woodbridg, com.  
Sworn in Ipswich court, Mar. 26, 1678

On 8 April 1679, "John Emerie, Sr., aged agout eighty-one years, testified that about forty years ago he saw laid out to William Estow then living in Nuberie a four-acre lot, being a house lot, and twelve acres of meadow, ... which land said Estow sold to William White, and White to tho[mas] Jones of Hampton, and Jones to deponents for William Ilsly, Sr., who had peaceably enjoyed it from 1643 to date"[22,27].

On 29 March 1680, "Richard Knoght, aged seventy-eight years, and John Emery, Sr., aged eighty-two years, deposed that in 1656 after the division between Rowley and Newbury was made, a committee was appointed, of which they were two, to lay out the land... Deponents were also of the committee at the second division in 1662...".

The estate of Rev. Joseph Every of Newberry contains the line that "Due to him from John Emery, carpenter...£7"[The Probate Records of Essex County I:3.].

It seems probable, from his will, that he made provisions for his children by his first marriage before or at the time of his marriage to the widow Webster. One instance of this is found as follows: *In answer to the petition of John Emery of Newbery, power is graunted him, according to his desire, to sell a certayne iland which was left to three of his wiues children; & also a howse & six acors of land which was bound to make good twenty pound to other three of her children, pvided he giue securitie to the County Court at Ipswich to pay ye children the full prise eight pounds a peece, & pay the daughters their portions at eighteen*

yeares, & the sonnes at twenty one yeares old." from the Second Session of the Genral Court held at Boston, 14 Oct. 1651 Proceedings of the House of Deputies. The Records of the Colony of the Massachusetts Bay in New England Vol. 3 1644-51 Ed. Nathaniel Shurtleff William White (1854) pg. 254.

In 1675 he deeded one-half of his Newbury house and land to his son Jonathan. He died in Newbury, Ma. 3 Nov. 1683.

The will of John Emery, sr. was made as follows:

This is the last will and testament of me John Emry senior of Newbury in the County of Essex in New England who by the grace of God am at this tyme in my right mynd and tollerable composure of spirit notwithstanding my bodily infirmityes yet not knoweing how it my please the Lord to deal with me as to the tyme of my departure out of this workld doe therefore commit my spirit to the Lord that gave it and doe desire that my body my be committed to the earth whence I was taken: (by desent buriall) in his good tyme and also commit and commend my deare wife and children to the gracious protection of our great creator and mercifull redeemer. And for my wordly goods I give and dispose in way and manner and to the persones as followeth which is according to my will and full intent in this eight-third year of my age.

First. I the said John Emry doe give unto my daughter Ebenezer Hoag one acre and half of upland at the west end of my home lot joyneing to that parcel of land which I formerly gave her at the said west end of my land together with this acre and half of land now mentioned I doe give to my said daughter Ebenezer and her posterity forever.

Item. I the said John Emry doe give and confrim unto my sone Jonathan Emry and to his posterity forever all my lands in Newberry both upland and meadow, together with my freehold and rights of common in Newberry together with my houseing fencceing upon the said land with all the priviledges and appurtenances belonging to all and singular to every part and parcel thereof, the on half whereof I have formerly given him and doe now confirmer to the said Jonathan and his heires forever, and the other half of the said premises I doe also confirm unto my said sone JONathan upon condition and in condideration that the said Jonathan shall manadge and manure that one half of the said land both upland and meadow for the use and proper behooff of me the said EMery and my wife his mother so long as we both or either of us shall live. Thatr is to say he shall at his own charge teil my upland according to our order we finding seed of such sort as we shall see cause and also laye it in the barn or house, harvesting of it and every thing thereto belongeing in due season and after is is harvested we to take care of it for the threshing and what and bring home the hay thereof for me and my wife. On the said ladn to lay half the dung which shall be produced by fodder growing on the said lands or medow on that part of the land which he tilleth for our use and to make and maintain all fenses belonging to the said lands and to repair the barn and houseing thereunto belongeing. And also the said Jonathan is to pay fifty pound in good marchantable corn and neat cattellunder eight yeasre old to be payd at the dwelling house of me the said Emry according to my order by the said Jonathan or his heires in fivew yeares after my decease and the decease of my wife that is ten pound by the yeare.

The which fifty pounds together with my chattells and moveable goods I doe order and dispose of as followeth my will and intent is that Mary my wife shall have ten pound of the said estate to dispose of at her deceas to whom she pleaseth and my grandchild Mary Emerson I doe also give unto her ten pounds which shall be pd

to her out of the said estate and my will is that my debts shall be all payd out of my stock and goods and that fifty pounds before expressed, and then my will and intent is that what is left of my said estate shall be equally divided between my six children and said Mary Emerson. I doe also appoynt my sones John Emry and Abram Merrell to be overseers of this my will and in case any of them dye before all the particulars therein mentioned be performed Then I appoynt Joseph Boyle in his roome as witness my hand May 1th 1680.

John Emry Sen.

This was owned and signed by John Emry., sen'r to be his will as witness.

Joseph Pike

James [I. O. his mark] Ordway

Joseph Pike and James Ordway made oath in Court at Salem the 27 9 mo. 1683.

That the within John Emry senior signed and declared the above written to be his last will and testament and was then of a disposing mynd to their understanding and that there is no latter will of his that they know of and these deponents signed thereto as witnesses.

Attest. Hilliard Veren ele.

Will proved the 27 9mo. 1683 Rec. (O.S.) B. 2 P. 50.

His son John was granted administration cum testamento annexo and filed an inventory of 263 pounds, included in which was a set of surgeon's tools, valued at 2:10:0, possibly held in payment of the gallant Dr. Greenland's board-bill. Among the debts listed was 60:10:0 due to the widow as a remainder of what was promised her at marriage, further evidence of a pre-martial family settlement.

After his brother's death, Jonathan Emery was appointed administrator d.b.n. 8 Jun. 1696, but declined to serve and John Emery, a grandson, was named in his stead.

Parts of the will can be found in the Salem Quarterly Court, Records and Files of the Quarterly Courts of Essex County Massachusetts Vol. 9 Sep. 25, 1683 to Apr. 20, 1686 (1975) Essex Institute pg. 132-3. reading as follows [different than the above will]:

"Unto my daughter Ebenezer Hoag on acre and halfe of upland att the west end of my whome lot Joyning to that parsell of land which I formerly gave her at ye sd west end of my of land Nest the Coman the which land together wth this acre and halfe of land - mentinoed I doe giue to my sd Daughter Ebenezer and her posterity for ever all my lands in Newbery both upland and meadow together with my freehold, and rites of Coman in Newbery together with my houseing desing upon ye sd land with all the prin---es and apurtenances belonging to all and singulas to every part and parsell thearof: the one halfe whearof I have formerly given to him and doe now Confirme to him ye sd Johnathan and his heires for ever and ye other of the sd premeses I doe allso Confirmer unto my sd sone Johnathan upon Condition and in Consideration that the said Johnathan shall maneg and manure that one halfe of the saide lands both upland and medow for the use and proper behalfe of me the sd Emry and my wife: his mother soe long as we both or either of us shall live: that is to say he shall att his own Charge till my upland acording to our order: we finding seed of such soas we shall se Cause and also laye it in the barne or house harvested we to take the Care of it for thrashing and what else is---- done to it: also to Cut one halfe of al the medous and make and bring whome the hay thearof for me or my wife: on the sd land also to lay halfe the dung which shall be prodused by foder growing on al

sd lands --medow on that part of ye land which he tilleth for our use and to make and maintaine allfenses belonging to sd lands and to repair the barne & housing thear unto belonging and allso the sd Johnathan is to paye fifty pounds in good & merchantable CORne and neat Cattell under eight years old to be paide at the now dwelling house of me sd Emry acording to my order by sd Johnathan or his heirs in five years after my deceas and the deseas of my wife that is ten pounds by the year the which fifty pounds togetherr with my Chattels and mouable goods

I order and dispose of as followeth: my will and Intent is that Mary my wife shall have ten pound of the sd estate to dispose of at her deceas to whom she pleas and my grand Child Mary Emarson I doe also giue unto her ten ownds which shall be pd to her out ye sd Estate and my will is that my bebt's shall be all payed out of my stock and goods and that fifty pownds befor expressed shall be equally deuided between my sixe children and sd Mary Emarson I doe allso apoint my suns John Emry and Abraham Merrell to be ouerseers of this my will and in Case either of them dey before all the perticullars thearin mentioned be prformed then

I apoint Joseph bayle in his roome."

The above same source pages 133-4 list the inventory of the estate of John Emery Sr. as follows:

Inventory of estate of John Emery., sr., of Newbury, who deceased Nov. 3, 1683, taken Nov. 13, 1683, by John Kally and Joseph Pike:

	£	s	d
INVENTORY			
six acres of plow land with a small orchard,	48		
halfe a farme and houseing	15		
ten acres three quarters of pasture land	43		
eight acres of meadow att	8		
p acre	64		
four cowe and a clafe	17		
sixe sheep and a halfe	2	15	
seaven swine	4	8	
weareing clothes	6		
bookes	1	10	
two feather bes, bedsteads and furnetture, pillows & bolsters	20		
3 pr. of sheets, pillobeers and table lining	31	10	
30 lbs. of Corne	4	10	
15 bushels of barley	3		
mopny and silver	9		
sixe Chests and a boxe	1	10	
three Chaynes, spade and stockbounds, Iron bar	2	8	
Carpenter and turners and Joyners tooles	4	7	
old Iron		12	
Armes, sword and halbeard		17	
whhel, reel, saws, and a brake		10	
tubs and barels	1	1	
earthen wear		6	
lead waights		5	
hour las & other things	1	15	
brase	1	9	6
pewter	1	4	
Iron weare	2	19	6
dishes & spoons		10	
2 yards of cloth		10	
flaxe yarne and wool & seales	1		
barrel of sider		10	

buscket		2	
meal trough and Coffe		6	
danel bradles bill	2		
Chayars and stools		5	6
a maultt mill	2		
a sadle and pillion		15	
Total	263	11	
Debts due from the Estate:			
to Marchant Dole	7	11	8
Jno. Emry	3	19	3
Coffin	2	5	
Ensn. Greenleif		13	4
Johnathan Emry	6	7	
Ebenezer Hoag	2	5	
Abraham Merrill		10	
Jno. Webster, jr.		9	6
Hugh Mathes, 2 dayes and his wife for eight weeks attendance	1	10	
ye widow Mary Emery for ye remainder of what She resarued on marriage	6	10	
Total	33	3	9
more demanded by			
Nath-----		8	
Isreal Webster		6	
Johanthan Emry		4	

Summary: the inventory of the estate of John Emery Senior of Newberry totaled £263 11s. (against which were debts of £33 3s. 9d.), of which £170 was real estate: "six acres of plowland with a small orchard," £48; "half a barn and housing," £15; "ten acres three quarters of pasture land," £43; and "eight acres of meadow," £64 [EPR 302:101-2; EQC 9:133].

and is also found in Essex County Massachusetts - Essex Probate Docket # 8976.

<p>Death: Nov. 3, 1683 Newbury Essex County Massachusetts</p>	
<p>Burial: Burying Ground of the First Settlers Newbury Essex County Massachusett</p>	

The name of John Emery's first wife, married in England, is not known. An interesting and very great possibility is the marriage of John Emorye and ALICE GRANTHAM on 26 Jun 1620, at Whiteparish, Wiltshire, England about eight miles from Romsey. d/o Walter and Eleanor Grantham of West Dean, Wiltshire will proved 5 Feb. 1622/3 which starts as follows: In the name of God Amen; I Walter

Grantam... I give more over unto Alice Emery my grandchild six schillings eight pence and if she dye to be payed to her mother at the death of her grandmother...

While this evidence is more convincing than that of the 1890 book that supplies what appears to be a synthetic name, Mary, and a date for her death, Apr. 1649, which does not appear in the printed vital records of Newbury. Frederick J. Nickleson has done the research on this and in his article Alice Grant(h)am, probable wife of John Emery of Newbury, Massachusetts in The American Genealogist whole number 260, October 1990, Vol 65, No. 4.

Also more proof is offered by court records that have been found and If we give him the benefit of the doubt we may say his first wife died before Sep. 1646, when he was fined for his attentions to Bridget, wife of Henry Travers, and bound not to frequent her company. Of which and account is found in Ipswich Quarterly Court 29 Sep. 1846 Vol. 1 pg. 110 as follows: *John Emery, for his miscarriage with wife of Henry Traverse, fined 3 punds or to be whipped, and pay witnessess fee to Christopher Bartlett. Bound to good behavior and not to frequent the company of the wife of Henry Traverse.* Discharged from bond at the next court, Ipswich 30 March. 1647.

Children:

- \*3 ELEANOR EMERY bp. 7 Nov. 1624 Romsey, Hants, England [Listed as Helena on parish records]
- \*4 ALICE EMERY b. c. 1625 [1622] Romsey, Hants, England.
- \*5 JOHN EMERY b. c. 1628 England; bp. 3 Feb. 1628 Romsey, Hants, England
- \*6 ANNE EMERY b. c. 1631 England; bp. 18 Mar. 1631 Romsey, Hants, England  
— daughter Emery Birth: circa 1635 Romsey, Hampshire, England -  
NEEDS verification
- \*7 EBENEZER EMERY (dau.) b. 16 Sep. 1648 Newbury, Essex, Massachusetts  
[V.R.'s list first 14 Sep. and then 16 Sep. S.Dup]

His second wife was a widow MARY (SHASTWELL) WEBSTER, they were married on 29 Oct. 1650 and also has been given as the probable date of their marriage has been 29 Oct. 1647 Newbury, Essex, Ma., a year after her first husband's death and when his bond in the Travers case was discharged [29 Oct. 1750 as given by the 1890 Emery book] she was d/o John and Judith Shatswell and widow of John Webster of Ipswich; [2 Oct. 1648 Hadley, Hampshire, Ma.]

Inventory of John Webster's lands and goods sworn to 29:7:1646 by his widow, Mary Webster, who is appointed administratrix. Ipswich Quarterly Court Records, vol. 2, leaf 5)

Petition of Mary widow of John Webster, that her eldest son, John, should have the land called the farm, of about 32 acres, which lyeth between Mr. Rogers oxe pasture and Thomas Bishop's farm, when he is twenty-one years, he to pay Nathan the youngest child 5li at fourteen years or if he refuse that Elizabeth, Abigail and Israell have 20 nobles each, when twenty one; the dwelling house and 6 acres of land tied to make it good. The Court, Nov 4, 1646, granted that the estate be ordered as the widow desired and apointed her administratrix, to give bond for security in such sum as the next Ipswich court shall approve and receive of her the inventory amount to 147li. 5s. (Mass Bay Colony Records, vol 2, p. 184.)

John Emery of Newbury married Mary, widow of John Webster, late of Ipswich, and she had power from the Court to administer and dispose of his goods to his children. Some of

the children now grown, almost ready to receive their portions, John Emery petitions for liberty to sell the Island which is devided to three of the children, and also the house and 6 acres of land which was bound to make good the 20li. to the other three, and upon grant of this, binds himself to pay the children the full price he shall sell it at, and to the other three children, who are to have 20 nobles, to make good to them the 8li. apiece and to pay the daughter their portions at eighteen and the sons at twenty-one years. (Mass Archives, vol 15B, p. 147)

The above petition was granted Oct 14, 1651. (Mass Bay Colony Records, vol. 3, p. 254)

Source: Printed "Probate Records of Essex County, Massachusetts; 1635 - 1681," In three volumes, The Essex Institute; Salem, MA; 1916 (Ipswich Quarterly Court Records, vol. 2, leaf 5)

Emery was very active in caring for the property of John Webster, his wife's first husband, and as guardian of the younger Webster children.

GUARDIANSHIP OF ISRAEL WEBSTER OF IPSWICH

Israell and Nathan Webster, sons of Jon. Webster, deceased, presenting their desires in writing, together with their mother's consent, with Jon. cheney, sr., Robt. Long and Wm. Elsly as witnesses, and said Israell Webster being present in court and manifesting his desire also, that his father-in-law Jon. Emory and brother-in-law John. Emory, jr., might be appointed guardians, the court 25:9:162 appointed them guardians, and also ordered that the bond given into Ipswich court for security for the children's portions remain in full force.

[Salem quarterly Court Records, vol. 4, page 105]

Petition of Israel Webster, aged eighteen years, and Nathan Webster, aged sixteen years, for appointment of John Emery, sr., and John Emery, jr., as their guardians, signed also by Mary (her mark) Emery. Witness: John Cheney, sr., Robert Long and William Elsly.

[Essex co .Quarterly Court Files, vol. 8, leaf 88]"

The will of widow Mary Emery, who died 28 Apr. 1694 Newbury, Ma., its preamble in an easily deciphered hand was written in its more important parts by an inexperienced penman who succeeded in making much of it illegible. It was dated 1 Apr. 1693, and proved 11 Nov. 1696 [docket # 8994]. To her son Jonathan Emery she gave 10 pounds "that my husband gave me in his last will" and forgave him 30s which he had borrowed of her. To her daughter Ebenezer "the rest of my wearing cloths." witnesses: James Gulmar, Elizabeth Bricket.

There appear to be differences about whether or not Mary Shatswell had children with John Emery. Savage notes some of these, Vol 2, p. 119. See also Clarence Almon Torrey's article, John Emery's Wife in The American Genealogist 973, 1940/41.

children 2nd marriage:

\*8 JONATHAN EMERY b. 13 May 1652 Newbury, Essex, Massachusetts

Note some are listing Lydia Emery as the daughter of John Emery and Alice Grantham:

Lydia EMERY Birth abt 1621, England Death 29 Apr 1704, Rowley, Essex, MA married James BAILEY Birth abt 1612, England Death Aug 1677, Rowley, Essex, Ma.

John BAILEY Birth 2 Feb 1642, Rowley, Essex, MA Death 19 Nov 1690, Canada 17 Jun 1668, Rowley, Essex, MA married: 17 Jun 1668, Rowley, Essex, MA Mary MIGHILL Birth 1 Mar 1649, Rowley, Essex, Death 30 Mar

1694, Rowley, Essex, MA daughter of Deacon Thomas MIGHILL (1606-1654)  
and Ann PARRAT (~1620-1694)