

Mary Towne/Benjamin Towne

Benjamin Towne/Mary Towne

Benjamin Towne of Topsfield being complained of by William Towne for begetting his daughter Mary Towne with child illegally and being bound over by justice Appleton ye said Benjamin Towne appeared and pled not guilty that Mary Towne being dead and not giving oath to matter whilst she lived Its considred that he be dismiss paying fees of court.

Series IV, Sessions December 1709 to July 1726 Record Book

Salem Court, Dec. 27, 1720

Robert Perkins and wife, Elizabeth Perkins wife of Elijah Perkins, Josiah Towne and Margaret Davis were all ordered to attend court to give evidence in the bastardy case of Mary Towne/Benjamin Towne, all of Topsfield

Late fall, 1720

Mary Town of Topsfield Single Woman being deliver of a child (a Bastard Child) the sixteenth of Octob last in ye year of 1719 and upon her delivery wee underwritten do Testifie and sy that ye above sd mary did in her Extreimity did declare that Benj Town to be ye Father of her Child that she was deliverd off and no other person booth in her Travill and at her death

Mary Curtis the midwife and Elizabeth Perkins and Angelica Towne all of Topsfield appeared and made oath to the aforesaid

Before John Appleton, Sept. 26, 1720

Elizabeth Perkins saith I being at the house of William Towne and I asked him sd Towne if he thought he had not done wickedly in running away and he said he had not for if he had not run away she would for certainly have taken her oath against him then he must have been foorst to have maintained her bastard but now he did not for thare making him maintaining it for thare was no accuser but if the court is pleased to make me maintain it, I will take the barstard and sell (?) it.

This next one is described as a "strange letter" on the outside

Mr. William Towne [unclear] to heare of the paines and trouble you are to do me wrong and wast my estate as you [unclear] in your minds that you shall pay for the bringing up of your dafter's bastard but I have escape hither to go which I desire to bless God who hath delivered me out of your hand these 3 months since my prayer to God is that he would give you ten [unclear] the end of your ways and [unclear] for your folly. I shall not be your [unclear] if you want to see me if I thought you was a rather [unclear] man or would hear reson I would answer you in your request but there is nothing but law would serve you now and here after

you have nothing but [unclear] and that in the security if you don't mend your ways I pray God fit you for [unclear] and as for myself my request to god is that he would free me from you here and con[unclear] you of your [unclear] and fooley and Now I prosed to take up this Lamentation for myself answer is me forth I am as [unclear] gathered the summer fruit for there is none upright among men they hurt every man his brother and I will not trust in a friend for my enemies are the men that should be my help in the time of trouble Therefore I will look unto the Lord I will wait for the god of my salvation and god will heare me out against me oh my enemies when I let in darkness the Lord shall be a lite unto me and he will bring me forth unto the light then those that are my enemies shall see it and shame shall cover them

Know thou and see that there is neither evil nor Transgressions in my hands and I have not sinned against thee yet thou himself my soul so take it The Lord [unclear] between me and among me of

Sir if you will answer in righting do it with speed so no [unclear] at Present but my name

Benjamin Town

The deposition of Isaac Town and Margaret Willard both of full age testifieth and saith that in the beginning of October in the year one thousand seventeen hundred and nineteen we heard Mary Town afarm to Benjamin Town that she was with child by him and no other man and the said Town said why havent you told me of it before and the said Mary Town told him she had at his own house and in hur father's entry and the said town said what then other [unclear] had [unclear] so I was not drunk nor a boy I knew what I did I know when I greet a gurl with child

Sworn in Court

Joseph Capen of Topsfield

"where his daughter Mary Town was fallen & lying sick of ye sickness where of soon after she died and being [unclear] I took occasion to discourse with her about great concerns with her soul what provision she had made for death if such an hour of change should be at hand as it proved to be so in deed what were her hopes of obtaining mercy with God in such an hour and what were the grounds of her hopes . . . I thought it proper for one in my circumstances (without playing ye busy body or invading of office of such as can be invested with Civil Authority) to question her . . . about what she had charged Benjamin Town of Topsfield withall as to being the father of that child whereof she had been a mother yet so if she had charged him normally she might retract or recall her charge and lay it to the right person and so she might not go out of the world under guilt lying on her conscience of doing wrong to any person whatsoever if she should now die of this sickness she must appear before a righteous and omificient judge who hath a perfect knowledge and understanding of all persons and things To which my question and conversations she readily replied without

any hesitation or demur that she had done no wrong to said Benjamin Town . .
.for he was the father of her child and . . . and added that no person whatsoever
had to do with her in that kind but he ye said Benjamin Town moreover according
to ye account I have that concerning her she was a person of very sober and good
behavior in ye yes of all around her, not given to lying and blameless in her
conversation only this matter . . . and for this offense of hers she laid it to heart
exceedingly and seemed to be heartily grieved for her Roving.

Sworn in Court December 27, 1720

Essex County Court of General Sessions, Criminal Cases 1719-1722, Box 6