

PROCEEDINGS.

SEMI-ANNUAL MEETING, APRIL 30, 1884, AT THE HALL OF THE
AMERICAN ACADEMY OF ARTS AND SCIENCES, BOSTON.

THE President, HON. STEPHEN SALISBURY, LL.D., in the
chair.

The record of the last meeting was read and approved.

The following members were present (the names being
arranged in order of seniority of membership): George E.
Ellis, Edward E. Hale, Edward Jarvis, Nathaniel Paine,
Joseph Sargent, Stephen Salisbury, Jr., P. Emory Aldrich,
Samuel A. Green, Elijah B. Stoddard, Rufus Woodward,
George S. Paine, Edward L. Davis, James F. Hunnewell,
Egbert C. Smyth, Robert C. Waterston, George H. Preble,
Edward H. Hall, Albert H. Hoyt, Reuben A. Guild,
Charles C. Smith, Charles O. Thompson, Hamilton B.
Staples, Edmund M. Barton, Charles Devens, Thomas L.
Nelson, Lucius R. Paige, George H. Moore, Samuel S.
Green, Justin Winsor, Henry W. Haynes, Edward I.
Thomas, Horatio Rogers, Frederick W. Putnam, Solomon
Lincoln, Andrew McF. Davis, J. Evarts Greene, Charles
M. Lamson.

In the absence of Hon. JOHN D. WASHBURN, EDWARD
L. DAVIS was elected Recording Secretary *pro tempore*.

The following gentlemen having been recommended by
the Council were unanimously elected to membership in
the Society, by separate ballot on each name:

JOHN BACH McMASTER, Esq., of Philadelphia, Pa.

JOHN FISKE, Esq., of Cambridge, Mass.

SAMUEL STOCKWELL EARLY, Esq., of Terre Haute, Ind.

WILLIAM BARCOCK WEEDEN, Esq., of Providence, R. I.

Rev. DANIEL MERRIMAN, D.D., of Worcester, Mass.

Señor JUSTO BENITEZ, of Mexico.

Señor ARTURO SHIELS, of Campeche, Mexico.

Hon. P. EMORY ALDRICH read the report of the Council.

NATHANIEL PAINE, Esq., Treasurer, and Mr. EDMUND M. BARTON, Librarian, read their semi-annual reports.

CHARLES DEANE, LL.D., in moving to accept the several reports and to refer them to the Committee of Publication, expressed his interest in the report of the Council and his sympathy with the conclusions therein contained. He hoped that the writer would add still further to its value by developing the idea contained in his report and by putting in more elaborate form what is there suggested. In the course of the discussion which followed, Dr. GEORGE E. ELLIS said :

Such knowledge as has come within my reach of the origin and method of the New England Town Institutions has led me to a very simple and easy explanation of all the facts involved in them. Whatever models, resemblances, or analogies may be found in the previous history of the other hemisphere, classical, mediæval, Teutonic or Anglican for the New England Town system, I think we must recognize in it elements of novelty and originality peculiar to our own institutions, in part to be referred to new circumstances, in part to the characteristic qualities of the people. We may find resemblances, like features and methods in municipalities abroad earlier in time than our own, but nothing that identified them to the extent of showing that we copied them, or followed them as precedents. It would seem as if the nearest parallelisms with our own institutions were to be found in Scotland, after the Reformation, in the numerous parishes which had their petty local magistrates, their ministers and schools, though territorial proprietors, lairds and patrons had rights and powers which

subordinated all the municipal and ecclesiastical liberties of the people. Our own Court Records seem to offer a full explanation of the origin and method of our Town System. The Court had the disposal of all the territory within the patent or Charter. Grants of land, of moderate compass, of defined bounds, or to be surveyed, were made to individuals, for services, but in no case did these grants extend to large reaches of territory like the manorial possessions in New York and the Southern Colonies. Only to companies of men who had petitioned the Court for a grant with a view to a new settlement were extensive allotments made; and the conditions of the grant, with the proceedings necessary to make it available, carried with them all that was characteristic and essential in the construction and development of a New England town. The single, prime exaction, that "a sufficient orthodox minister" should immediately be obtained and provided for in the settlement, solely at the discretion and charge of those to whom the allotment was made, seems to me to designate an entirely original pattern in the idea of a new and independent municipality. The grantees immediately on their occupancy of the allotted territory, proceeded to constitute such a new town, with all the means and processes for self-government within the bounds defined; and the pattern set from the first was so satisfactory that it was strictly followed in all cases afterwards. The territory was parcelled into lots of meadow, tillage and woodland, with a reserve for a common, and sites for meeting-house, school-house and burial-place. So long as there was danger of assaults from the Indians the inhabitants were forbidden to plant their dwellings beyond a certain prescribed distance from the meeting-house. These actual occupants of the territory were competent to plan and carry out all these arrangements after free discussion among themselves, a majority of voices turning the decision in all cases of variance. The General Court designated, or gave the people power to designate, a few

persons who should have authority to "settle small causes" of claims or contention. "Selectmen men," so called, were charged with powers of an executive nature in carrying out the directions of the people in town-meeting. A clerk and other functionaries were chosen as circumstances called for them, not in imitation of what had been heard of in other places, but as the inhabitants found them necessary, as for example, fence-viewers, hog-reeves, etc. A minister was chosen and put in office, his support being derived from a common tax, which covered alike the school, the roads, bridges, etc. In all the affairs and relations which connected this so far independent municipality with other like municipalities, or with the general interests of the whole colony, it was under subordination to the General Court, in which its freemen were represented by delegates.

I find nothing wholly like this in earlier examples in the old world, or in other than the New England Colonies of this. Our municipal system was the product of the circumstances and necessities of the case. No reference is made on the court or any town records to any obligation or help to be found in following old precedents.

In occasional ramblings in our southern and middle States, especially in Maryland and Virginia, I have noticed in churchyards and in other burial-places, that the occupants of the graves are described as born in or belonging to some "county," never to any town. This is a very striking reminder of the different usage in the New England States, where the names of the deceased are always connected with the name of the town where they were born, resided or died. I cannot recall any instance of the latter class of memorials where a county is mentioned. And this difference of usage is significant of the fact that only the New England colonies had towns in the fulness and limitations of the accepted use of the term. In New York, under the Dutch, the West India Company made territorial grants of vast reaches of territory bordering for many miles on the

Hudson and the Mohawk, and running back indefinitely into the wilderness behind. These were manors of which the patrons were substantially autocratic magistrates holding "leet courts" for their tenants. Cases like that in which the scene of the battle-ground where Burgoyne surrendered was known as "Schuylerville," did not imply that it was in any sense a town, the name being given to it from General Schuyler's mills, which were situated there.

Brief remarks were also made by Rev. EGBERT C. SMYTH, D.D., and the three reports as together constituting the report of the Council were accepted and referred to the Committee of Publication.

GEORGE H. MOORE, LL.D., offering (as a supplement to Dr. HERBERT B. ADAMS's paper on Tithingmen, presented to the Society in 1881) some ancient laws of the Massachusetts Colony, said:—

On reading the interesting paper by Dr. HERBERT B. ADAMS, presented to the Society in October, 1881, on "Saxon Tithing-Men in America," I recalled an early publication by the authorities of the Colony—setting forth expressly "*Tything-Men's Duty*" in "*Sundry Laws made by the General Court, wherein the duty of Tything Men is expressed.*" It was printed on three pages of a folio sheet, ornamented with the old engraving of the colony seal—with the Indian and the "Come over and help us" motto.

I have thought that it might be well to reprint these laws as an appropriate supplement or appendix to the paper to which I have referred. They will correct some errors and present the whole contemporary Massachusetts law on the subject.

Tything-men's Duty.

SUNDRY LAWS made by the General Court. *Wherein the Duty of Tything Men is expressed, viz.:*

IT is Ordered, that all private unlicensed Houses of Entertainment be diligently searched out, and the Penalty in the Law strictly imposed; and that all such

Houses may be the better discovered, the Select-men of every Town shall chuse some sober and discreet persons, to be authorized from the County Court, each of whom shall take the charge of ten or twelve Families of his Neighbour-hood, and shall diligently inspect them, and present the names of such persons so transgressing to the Magistrate, Commissioner or Select-men of the Town, who shall return the same to be proceeded with by the next County Court, as the Law directs; and the persons so chosen and authorized, and attending their duty faithfully therein, shall have one third of the Fines allowed them, but if neglective of their duty, they shall incur the same penalty provided against unlicensed Houses. Made *Octob. 15, 1675.*

*W*HEREAS the sin of Idleness (which is a sin of Sodom) doth greatly increase, notwithstanding the wholesome Laws in force against the same: As an Addition to that Law.

This Court doth Order, that the Constable with such other person or persons whom the Select-men shall appoint, shall inspect particular Families, and present a List of the Names of all idle persons to the Select-men, who are hereby strictly required to proceed with them as already the Law directs, and in case of obstinacy, by charging the Constable with them, who shall convey them to your Magistrate by him to be committed to the house of Correction.

*T*HIS Court being desirous to prevent all occasions of Complaint referring to the profanation of the Sabbath, and as an addition to Former Laws;

Do Order and Enact; That the Select-men do see to it that there be one man appointed to inspect the ten Families of their Neighbours; which Tything-man or men shall, and hereby have power in the absence of the Constable to apprehend all Sabbath-Breakers, Disorderly-Tiplers, and such as keep licensed Houses, or others that shall suffer any Disorders in their Houses on the Sabbath day, or evening after, or at any other time, and to carry them before a Magistrate or other authority, or commit to Prison (as any Constable may do) to be proceeded with according to Law.

And for the better putting a restraint and securing Offenders that shall any way transgress against the Laws *Tit.* Sabbath, either in the Meeting-house by any abusive carriage or misbehaviour, by making any noise, or otherwise, or during the daytime being laid hold on by any of the Inhabitants, shall, by the said person appointed to inspect this Law, be forthwith carryed forth and put into a Cage in *Boston* which is appointed to be forthwith by the Select-men set up in the Market Place, and in such other Towns as the County Courts shall appoint, there to remain till Authority shall examine the person offending, and give order for his punishment, as the matter may require according to the Laws relating to the Sabbath. Made *May* 23, 1667. [1677.]

IT is ordered by the Court and the Authority thereof; that the Law *Tit.* Oathes and Subscriptions, pag. 120, Sect. 2, requiring all persons, as well Inhabitants as Strangers (that have not taken it) to take the Oath of Fidelity to the Country, be revived and put in practice through this Jurisdiction.

To inspect the taking the Oath of Fidelity.

And for the more effectual execution thereof, It is ordered by this Court: That the Select-men, Constables, and Tything-men in every Town, do, once every quarter of a year so proportion and divide the precincts of each Town, and go from house to house, and take an exact list of the names, quality and callings of every person, whether Inhabitant or Stranger, that have not taken the said Oath, and cannot make due proof thereof; and the officers aforesaid are hereby required forthwith to return the names of such persons unto the next Magistrate or County Court, or Chief Military Officer in the Town where no Magistrate is who are required to give such Persons the said Oath prescribed in the Law, wherein not only Fidelity to the Country, but allegiance to our King is required. And all such as take the said Oath shall be Recorded and Enrolled in the County Records by the Clerk of each County Court. And all such as refuse to take the said Oath they shall be proceeded against as the said Law directs. And Further this Court doth Declare, that all such refusers to take the said Oath, shall not have the benefit of our Laws to implead, Sue, or recover any Debt in any Court or Courts within this Jurisdiction, nor have

protection from the Government whilst they continue in such obstinate refusal.

And furthermore, it is ordered, That if any officer intrusted with the Execution of this Order, do neglect or omit his or their duty therein, they shall be fined according to their demerits, not exceeding five pounds for one offence, being complained of, or presented to the County Courts or Court of Assistants. And this Law to be forthwith Printed and Published, and effectually executed from and after the last of *November* next. And that all persons that administer the Oath abovesaid, shall in like manner make return of the Names of such persons so sworn to the respective Clerks of the County Courts. Made *October* 10, 1677.

AS an Addition to the late Law made in May last, For the Prevention of the Profanation of the Sabbath, and Strengthening the hands of Tything-men appoint to inspect the same:—

It is Ordered, that these Tything-men shall be, and are hereby appointed and impowred to inspect public Licensed Houses as well as private, and unlicensed Houses of Entertainment; as also [*Ex Officio*] to enter any such Houses, and discharge their duty according to Law: And the said Tything-men are impowred to assist one another in their several Precincts, and to act in one anothers precincts with as full power as in their own, and yet to retain their special charges within their own bounds.

And it is Ordered, That the whole Fine raised by the penalty of this Law upon Delinquents, either in public or private Houses, shall be remitted to the County Treasurer, and the Tything-mans allowance made payable from him.

IT is Ordered by this Court and the Authority thereof, that henceforth the Select-men of each Town take care that Tything-men be Annually chosen in their several precincts of their most prudent and discreet Inhabitants, and sworn to the faithful discharge of their trust (where no Magistrate or Commissioners are) before the Select men of the place, and the said Tything-men are required diligently to inspect all houses licensed or unlicensed, where they shall have notice, or have ground to suspect that any person or persons do spend

Further
direction and
power about
the Sabbath.

Tything-men
to be annually
chosen.

their time or Estates by night or by day; in Tipling, gaming, or otherwise unprofitably, or do sell by retayle within dores or without, strong drink, wine, ale, Cider, Rhum, Brandy, Perry, Metheglin, &c. without license, and into said houses where such disorders shall by them be found, they may, and are hereby required and impowred to enter into and make search in their Cellars, or any other places within or about the same where they may suspect, or have notice, that Wines, strong beer, Ale, Cider, Perry, Matheglin, Rhum, Brandy, &c. are lodged; and in case they shall find any quantity of either, whereof the owners do not give said Tything-men a satisfactory account of their having the same, any three of them agreeing, they shall by Warrant from any Magistrate, or Commissioner invested with Magistratical Power, or (where no Magistrate is within five miles of the place) they shall without Warrant requiring the aid of the Constable, seize, carry away, and secure all such Wines, strong Beer, Ale, Cider, Perry, Matheglin, Rhum, Brandy, etc. and present an account thereof with the names of the persons from whom they took it to the next Magistrate, or Commissioner of the Town where any be that are invested with Magistratical power, who may, and are hereby impowred to proceed against said delinquent partyes, and dispose of said Wines, Strong Beer, &c. as to them shall seem meet; and if for value more than ten pounds, they are then to bind said partyes over to the County Court, to be there proceeded against as the Law directs. In all which cases full recompence shall be made to the Tything-men, and other officers for all their care, trouble and expences in searching and securing said goods, and the remainder of the goods seized or value thereof, where the Magistrate, County Court, or Commissioners Court, that have orderly Cognizance thereof, shall not see reason to return the same to the partyes from whom it was taken, the same shall be put into the County Treasury.

Also the Tything-men are required diligently to inspect the manner of all disorderly persons, and where by mere private admonitions they will not be reclaimed, they are from time to time to present their names to the next Magistrate, or Commissioner invested with Magistratical power, who shall proceed against them as the Law directs, as also they are in like manner to present the names of all

single persons that live from under Family Government, stubborn and disorderly Children and Servants, night-walkers, Typlers, Sabbath-breakers, by night or by day, and such as absent themselves from the public Worship on God on the Lord's dayes, or whatever else course or practice of any person or persons whatsoever tending to debauchery, Irreligion, prophaness, and Atheism amongst us, whether by omission of Family Government, nurture and religious duties and instruction of Children and Servants, or idle, profligate, uncivil or rude practices of any sort, the names of all which persons, with the fact whereof they are accused, and witnesses thereof, they shall present to the next Magistrate, or Commissioner, where any are in the said Town invested with Magistratical power, who shall proceed against and punish all such misdemeanours by Fine, Imprisonment, or binding over to the County Court as the Law directs.

[*Tything-mans Oath.*]

WHEREAS you *A. B.* are chosen a Tything-man within the Town of *D.* For one year, until others be chosen and sworn in your room and stead, you do here swear by the living God that you will diligently endeavour, and to the utmost of your Ability perform and intend the duty of your place according to the particulars specified in the Laws peculiar to your Office, So help you God.

By the Court, *Edward Rawson*, Secr.

[October 15, 1679.]

NOTE. The following order was made shortly after the publication of the foregoing collection:

4th February, 1679-80. It is ordered by this Court, that every person, legally chosen, in any toun within this jurisdiction, to serve in the office of a tythingman according to law, and doe refuse to take his oath, shall pay as a fine to the toun forty shillings, and another to be chosen in his room for that yeare; and so from time to time, the same course is to be observed in all tounes. And further it is ordered, that the constable of each toun, from time to time shall assist the tything men in the execution of their office, being thereto desired by the said tything men or any two of them. *Mass. Records*: V. 261. Compare also with reference to the foregoing laws, pages 61, 62, 133, 240 and 241.

right of suffrage excluded all but the godly and righteous, members of churches,¹ careful precautions had to be taken against cheating in elections—two methods of fraudulent voting being denounced in the law with penalties appropriate to the offence.

Unfortunately there is a volume wanting among the incunabula of Massachusetts, for which I would give more than for the lost books of Livy—the first edition of the Massachusetts Laws, 1648.

Turn therefore to the second edition and find on page 27, and the same on page 47 of the third edition, the law of

Elections.

It is Ordered by this Court and the Authority thereof, That for the yearly chosing of Assistants, the Election by Indian corn and beanes. freemen shall use Indian Corn and Beanes, the Indian Corn to manifest Election, the Beanes contrary, and if any freeman shall put in more than one Indian Corne or Beane for the Choice or Refusal of any publick officer, he shall forfeit for every such offence, Ten Pounds, and that any man that is not free, or hath not liberty of voting, putting in any vote shall forfeit the like Summ of Ten Pounds. [1643.]

“The Governour, Deputy Governour, Major Generall, Treasurer, Secretary and Commissioners of the United Colonies, by writing the names of the persons elected, in *papers* open, or once foulded, not twisted nor rouled, that they may be the sooner perused.” [1647.]

How or when or why the change was made in the law by which *corn* was made the vehicle of approbation I have failed as yet to discover.

In the first attempt of the Plymouth pilgrims at exploration, when they sought out a place of habitation, their most timely and important discovery was that of the rude and simple granaries of the Indians—“baskets filled with

¹ As Mr. Bancroft says: “It was the reign of the church, it was a commonwealth of the chosen people in covenant with God.” “To the end the body of the commons may be preserved of honest and good men, it had been ordered and agreed, that for the time to come, no man shall be admitted to the freedom of this body politic but such as are members of some of the churches within the limits of the same.” *Hist. U. S.*, i. 390, 391.

corne and some in eares, faire and good, of diverce collours, which seemed to them a very goodly sight (*having never seen any such before*).” They also found among the stores of the natives “their beanes of various collours.” These fruits of the land they appropriated and carried with them to their ships, “like ye men from Eshcol” for the comfort and encouragement of their brethren. They found opportunity to pay for these supplies afterwards—which they did not neglect.

I am unable from any sources within my reach at present to point out the continuous history of this curious form of the ballot, but the later example of its use, which I am now to present, is very significant.

In the House of Representatives, June 1, 1776: the House continuing the examination of the returns of the Members, begun on the day previous :

“It being represented to the House, that at the Election of the Gentlemen returned from *Salem*, the Electors voted by *Kernels of Corn and Pease*. It was moved, that the Sense of the House be taken, whether their Election was made agreeable to Law, and the Question being put, it passed in the negative.

“And thereupon,

“*Ordered*, that a Precept should issue to the town of *Salem*, for a new Choice.”

The gentlemen who appeared were, on the

First Day: May 29, 1776.
 Hon. Richard Derby, Jr., Esq.
 John Pickering, Jr., Esq.
 Jonathan Gardner, Jr., Esq.
 George Williams, Esq.
 Timothy Pickering, Jr., Esq.
 Mr. Warwick Palfry.

Second Day: June 5, 1776.
 Mr. John Pickering, Junr.
 Jonathan Gardner, Junr., Esq.
 Capt. George Williams.
 Mr. Warwick Palfry.
 Capt. Samuel Carlton.
 Timothy Pickering, Jun., Esq.

The persons returned being the same with the exception of Capt. Samuel Carlton, instead of Hon. Richard Derby, Jun., Esq., who had been chosen Councillor on the first day and signified his acceptance of the office the day after.

I am unable to give any explanation of this proceeding. I do not know whether the irregularity was in the use of *peas* instead of *beans*, or that the citizens of Massachusetts

had ceased to regard with favor the use of any species of pulse or vegetable as a proper instrument for the exercise of the elective franchise. It was a singular "survival," even if the men of 1776 did pronounce against it as the "fittest."

In our day, numerous patents for voting apparatus illustrate the progress and status of the ballot. In England, six patents were issued from October, 1852, to December, 1869. In the United States, up to October 16, 1883, thirty-one patents had been issued for ballot boxes, and seventeen patents for voting machines.

Nor is the ballot box without a place in poetry—John Pierpont's famous lines have consecrated it:

" A weapon that comes down as still
As snowflakes fall upon the sod;
But executes a freeman's will
As lightning does the will of God.
And from its force, nor doors, nor locks
Can shield you; 'tis the ballot box."

The fathers of Massachusetts had ancient and classical authority for their chosen method of voting for Assistants. They feared the fables of the heathen nations, and were not without anxiety respecting the influence of the classical mythology upon the morals of a Christian people; but they never wholly neglected the lessons of profane history, and often sought the oracles of Greece and Rome in their studies for culture. The correspondence between Thomas Shepard and the elder Winthrop¹ indicates the sensitive point, and Cotton Mather's horror at the "wicked Homer"² was a sort of final Puritan echo (with astonishing emphasis of reverberation) of the Patristic theories which made him the author of the Pagan Mythology. Yet on the whole, the early New England literature bears witness to a good degree of familiarity with the classics.

In all the popular states of antiquity the election and

¹ Winthrop Papers: 2d Series, 272.

² "The Song of *Deborah* is a Rare Poem, and one that it seems the Wicked *Homer* was no more a stranger to, than he was to our *Eighteenth Psalm*, when he formed the cursed *Iliad*, with which he brought in upon the World, a Flood of Debaucheries and Impieties." *Accomplished Singer*: p. 4.

rejection of magistrates were signified by *beans*. Among the Athenians, on account of the use of beans, the *δημος* is called *κναμοτρῶξ* by Aristophanes, *Eq.*, 41. The ancient *faba*, the *κναμος* of the Greeks thus played a very important part in politics—though other forms of the ballot were well known. Balls of metal or stone, pierced or whole, black or white, the former of each *against*, the latter *for*, the defendant, were used in criminal proceedings.

“*Mos erat antiquus niveis atrisque lapillis
His damnare reos, illis absolvere culpas.*”

Ovid: Met. xv. 41.

“A custom was of old, and still remains,
Which life or death by suffrages retains:
White stones and black within our view are cast,
The first absolve, but fate is in the last.”

Dryden.

The well known maxim of Pythagoras, “abstain from the bean,” signified “abstain from elections to political appointments”—“keep out of politics.” The fathers of Massachusetts certainly did not share the opinion of Pythagoras, but thought nobly of the ballot and no way approved his opinion concerning the *bean*.

Its use has not yet disappeared. None is more dignified or honorable than its revival by the Massachusetts Historical Society, which still maintains in its by-laws, the regulation adopted August 29th, 1815, when “on motion of Mr. McKean” it was

“*Voted*, unanimously, that, in balloting for members, and in taking any questions by yeas and nays (which shall be done when required by one-third of the members present), the law and custom of our forefathers be adopted, as it stands in the Statute of Elections, 1643, *mutatis mutandis*, ‘For the yearly choosing of assistants, the freemen shall use Indian corn and beans, the Indian corn to manifest election, and the beans contrary.’” *Proc.*: i. 249.

I have thus given the earliest and the latest facts within my knowledge on this interesting topic, and must leave it to our associates who have opportunity of constant reference to the original sources of information to fill up the long interval.

Hon. HAMILTON B. STAPLES, LL.D., read a paper on the history of the Colony of Massachusetts, as gathered from the laws of the province.

Judge ALDRICH added some supplementary information regarding the publication of old laws.

STEPHEN SALISBURY, Jr., Esq., presented a paper by Prof. HEINRICH FISCHER, translated from the German by PHILIPP J. J. VALENTINI, on East Indian, Chinese and Babylonian stone implements, going to prove that a belt of these extends from Eastern Asia to middle Europe although as yet the complete connection has not been discovered.

J. EVARTS GREENE, Esq., presented three Japanese tiles, forwarded by his brother, Rev. Daniel Crosby Greene, D.D., and offered an explanation of the characters upon them.

DANIEL G. BRINTON, M.D., presented, through STEPHEN SALISBURY, Jr., Esq., a memoir of Dr. CARL HERMANN BERENDT.

FREDERICK W. PUTNAM, Curator of the Peabody Museum of American Archaeology at Cambridge, made a few remarks bearing upon the antiquity of man in America, based upon objects recently received at the Museum.

He presented photographs of four blocks of tufa each containing the imprint of a human foot. These blocks were cut from a bed of tufa sixteen feet from the surface, near the shore of Lake Managua, in Nicaragua, and were obtained by Dr. Earl Flint, who has been for several years investigating the archaeology of Nicaragua for the museum and has forwarded many important collections from the old burial mounds and shellheaps of that country. The volcanic materials above the foot-prints consist of eleven distinct deposits, probably representing several distinct volcanic eruptions followed by deposits of silt. In one bed, apparently of clay and volcanic-ash, above the foot-print layer, many fossil leaves were found. Specimens of these are now in the museum and their specific determina-

tion is waited for with interest. While there can be no doubt of a great antiquity for these foot-prints, only a careful geological examination of the locality and a study of the fossils in the superimposed beds will determine whether that antiquity is to be counted by centuries or by geological time.

He also exhibited a portion of the right side of a human under-jaw which was found by Dr. C. C. Abbott in place in the gravel, fourteen feet from the surface, at the railroad cut near the station at Trenton, New Jersey. It will be remembered that in this same glacial gravel deposit Dr. Abbott has found numerous rudely made implements of stone, and that in 1882 he found a human tooth about twelve feet from the surface, not far from the spot where the fragment of jaw was discovered on April 18, 1884. Both the tooth and piece of jaw are in the Peabody Museum, and they each show the wear and rolling they were subjected to when carried along with the gravel from their original place of deposit. That they are as old as the gravel deposit itself there is not the least doubt, whatever age geologists may assign to it, and they were also deposited under the same conditions as the mastodon tusk which was found several years since not far from where the human remains were discovered. While there is no doubt as to the human origin of the chipped stone implements which have been found in the Trenton gravel, a discovery to which archaeology is indebted to Dr. Abbott, the fortunate finding of these fragments of the human skeleton will be convincing proof to all that man existed previous to the formation of the great Trenton gravel deposit.

The various papers presented were accepted with the thanks of the Society, and were referred to the Committee of Publication.

The meeting was then dissolved.

EDWARD L. DAVIS,

Recording Secretary pro tempore.

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