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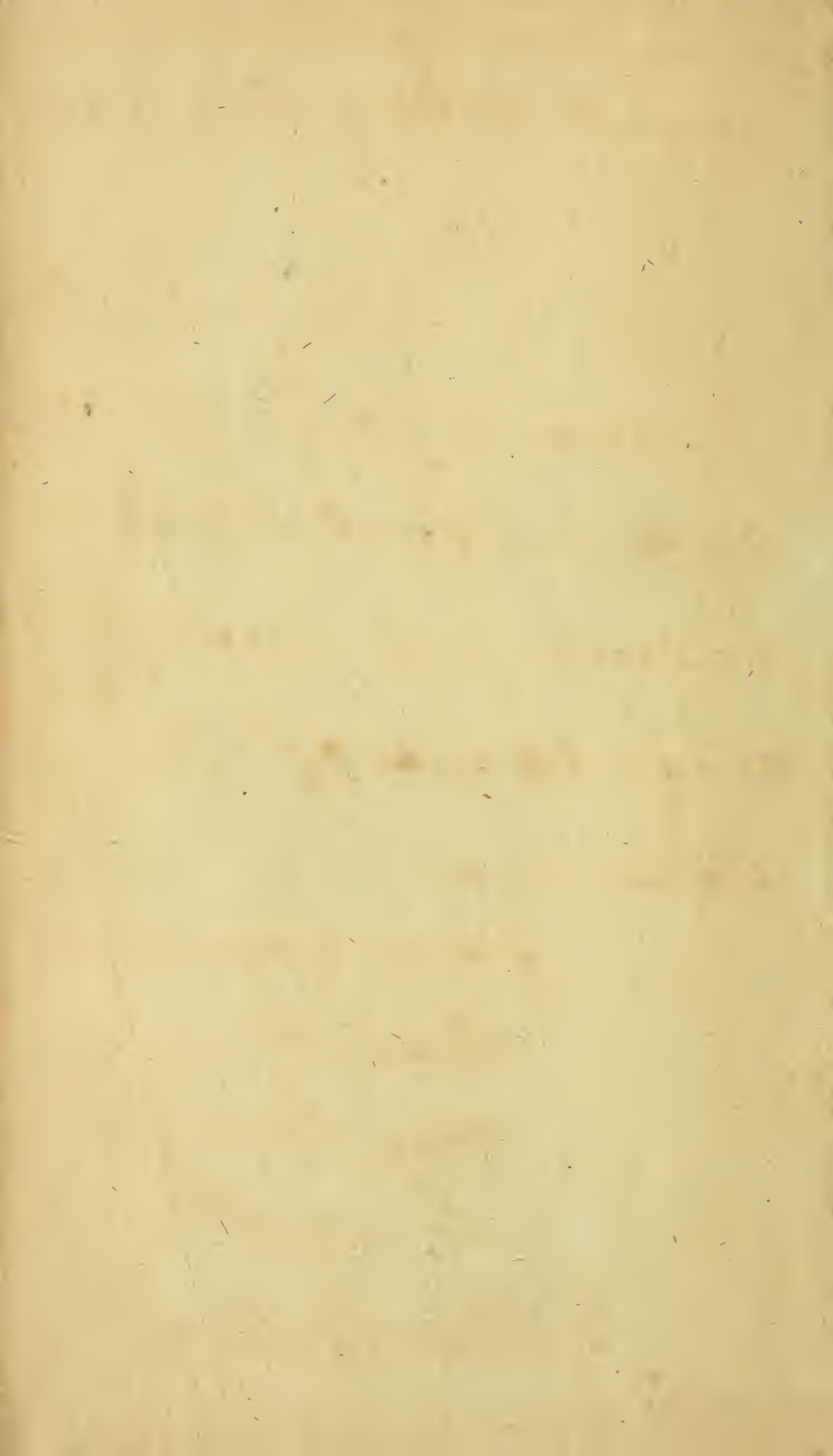
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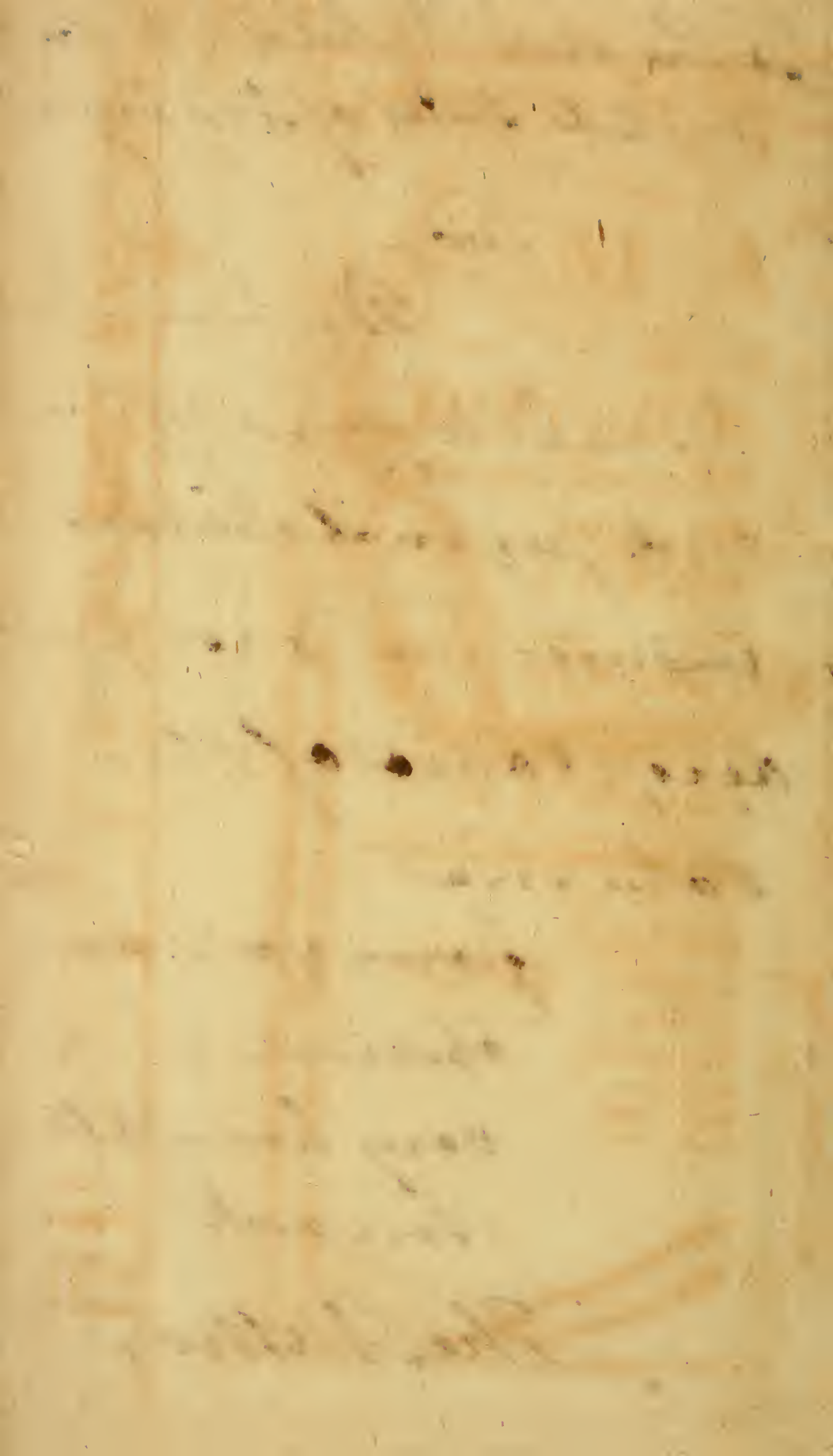
To the Vice President of the  
United States of America.

Sir

The high respects  
I have to your official  
and personal character  
induces me to ask your  
acceptance of this  
volume

from your most  
obedient and  
very humble  
servant

The Author



Water  
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co River  
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30



# MAP of the DISTRICT of MAINE Down from the high Stumps and other high AUTHORITIES by Oliver Catelon.

Scale of English Statute Miles

## Explanation

- Mountain
- Boundaries of Towns
- Boundaries of Counties
- Coast, Towns or Places where Courts are held
- Quarries



# MAP of the DISTRICT of MAINE Down from the high Stumps and other high AUTHORITIES by Oliver Catelon.



THE  
HISTORY  
OF THE  
DISTRICT  
OF  
MAINE.

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By JAMES SULLIVAN.

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Illustrated by a new correct MAP of the DISTRICT.

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*Boston.*

PRINTED BY I. THOMAS AND E. T. ANDREWS,  
FAUST'S STATUE, No.  NEWBURY STREET;

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1795.

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To His Excellency the GOVERNOUR, His Honour the LIEUTENANT GOVERNOUR, the Honourable COUNCIL, the Honourable SENATE, and HOUSE of REPRESENTATIVES, of the COMMONWEALTH of MASSACHUSETTS.

IN a country where the advantages of education are placed equally within the reach of all the people, and the principles of literature are universally disseminated, an author must seek for support in the merit of his own production. It may therefore, not be proper, in this country, for a writer to solicit the patronage, of even those, whose virtues and abilities, justly estimated by their fellow citizens, have raised them to places of publick trust and authority. Yet, as an original member of *The Massachusetts Historical Society*, I embrace this opportunity to pay my acknowledgments to that government which gave it birth. It ~~be~~ <sup>is</sup> ~~ing~~ intended by that Institution, to collect, and preserve, those documents and materials, which will aid in the completion of a perfect history of United America.

THE encouragement which the Society has been favoured with already, in various parts of the

United States ; as well from men eminent for their learning and patriotism, as from governments, and civil departments, must establish its usefulness commensurately with the objects of its institution.

I SHOULD *The History of the District of Maine*, be received by the publick, as a proof of my ardent wish that the Society may answer the publick expectations, I shall consider myself fully compensated for my labour.

SOME of the facts, and events, which compose the History of this part of America, have been mentioned by other writers, as incidental to their plans ; but I have attempted to arrange these, with others of equal importance which have been neglected, into a distinct History of an extensive, and important part of our country. Whether I am so fortunate as to deserve the approbation of my fellow citizens, or not, yet I have snatched from the grasp of oblivion, many valuable and useful facts.

HAVING not assumed this task from mercenary views, or with an ambitious desire to obtain the reputation of an Author, and being constantly under the pressure of many publick, and private avocations,



tions, I have not paid much attention to the dress, in which the History is introduced to the publick. I have endeavoured to render it intelligible, and useful.

THE History of ancient, political transactions, and events, exhibits to the present, a picture of the former age ; and, like experience, has a tendency to prevent evils, and to render mankind more wise and happy.

THE History of the District of Maine, involves a great variety of facts, measures, and events, which tend to evince the utter impracticability of establishing a government in the principles of the feudal law, or in an hereditary authority, over any other than a conquered people. It also exhibits in a strong point of view, the great calamities, and insupportable misfortunes, which necessarily result from a relaxed, and unsettled state of civil government.

FROM a comprehensive view of the schemes, the delusions, and the disappointments, of the first adventurers to the District of Maine, it may be concluded with the highest reason, that though deep speculations, and alluring projects, may dress a country, or an enterprize, in the glare of imagina-

ry

ry wealth, yet the constitution of our world is such that the habits of industry, and frugality, are the only substantial foundation, on which national prosperity can be confided with safety.

FROM the histories of all countries, and governments, this great truth is firmly established, that the political happiness of a people, will be always commensurate with their virtue and morality : and that public schools, academies, and colleges, aided by teachers of piety, religion and morality, are necessary, to give efficacy to the civil institutions of a free country.

THE part of our country which is the subject of this history, was, for a long time after its discovery, under the dominion of different European sovereigns : detached from all the other colonies in America, it consisted of several separate, independent governments. From the confusion and misfortunes, which existed amongst these, the necessity of a constitutional union, of the present sovereign States of America, by one general government acting on the people of the whole, for national and federal purposes, may be clearly seen.

UPON an attentive review of the history of each part of our country, we cannot fail to be convinced, that the genuine seeds of *republicanism*, which  
have

have produced our glorious *revolution*, with a rich harvest of civil liberty, were planted by our ancestors, in the soil of America, at a very early date ; and that nothing but an unreasonable indulgence of a disposition to avarice, and ambition, groundless jealousies, a criminal supineness in public concerns, or an unpardonable inattention to the modes of education, can ever deprive us, of that elevated prosperity and happiness, to which, under the direction of a good and wise Providence, the principles of civil freedom, well understood, and wisely exerted, have raised our *nation*.

I have the honour to be,

With all respect, and the highest sense of duty,

Your Excellency's, and Honours',

Most obedient,

And most humble servant,

JAMES SULLIVAN.

*March, 1795.*







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## ADVERTISEMENT TO THE READERS.

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THE particular description of bays, harbours and rivers ; or the topographical description of towns, or places in the District of Maine, or the characters of individuals who had a part in the ancient transactions of government, or societies, cannot equally engage the attention of the readers : but the author found that many of the people of that territory would expect these, as essential, in their opinion ; and therefore, as others may pass those matters over unnoticed, he hopes that no solid objection will be made to the following History, on account of its being so very minute and particular.

ERRATA.

- Page 117, line 6 from top, for *fourteen* hundred, read *four* hundred.  
— 135, line 2 from top, for *thirty*, read *eighty*.  
— 148, last line, for *Vichedabant*, read *Nickadehunt*.  
— 170, in note, for 1778, read 1768, and line 14 from top, for *walls*,  
read *wells*.  
— 176, line 12 from bottom, for *Hamden*, read *Haynden*.  
— 215, line 16 from bottom, for *Blue Point*, read *Black Point*.  
— 241, line 8 from bottom, for 1740, read 1750.  
— 247, line 3 from bottom, for *Bonabeag Pond*, read *Bonabeag Point*.  
— 286, line 15 from top, between *river* and *having*, read, *excepting the*  
*magistrates*.

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T H E  
H I S T O R Y  
O F T H E  
D I S T R I C T o f M A I N E.

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CHAPTER I.

*Of the Extent and Situation of the Country.*



THAT part of the Commonwealth of Massachusetts, which is now the District of MAINE, and contains the counties of York, Cumberland, Lincoln, Hancock, and Washington, lies between the forty third and forty seventh degrees of north latitude. This extensive country is bounded, beginning at Piscataqua River, which finds the sea in the latitude of 43 degrees 4 minutes north from the equator, and extends northerly on that river to the source of its main branch, about forty miles from the sea; and then North two degrees west, on the line of New Hampshire,

Hampshire, about one hundred and twenty miles to the Province of Quebec : then easterly, on the Highlands, which divide those rivers, that empty themselves into the St. Lawrence, from those which fall into the Atlantic, to the north west corner of Nova Scotia ; and southerly to the source of the river St. Croix, and from that river to the sea ; and on the sea, until it intersects a line drawn south from the middle of the mouth of Piscataqua River. This includes a part of nine small Islands, which are situated three leagues without the mouth of the river last mentioned ; some of which are inhabited. The extent, by a strait line, on the sea coast, is two hundred and forty miles : and ninety miles on an average back into the country. The distance on the crooked margin of the sea, is much more extensive, than the line above mentioned, and the distance from Piscataqua to St. Croix, as the road must be made, will be two hundred and eighty miles.

The season for vegetation, in the northern part of this country, is about fifteen days shorter, than it is in the southern, or rather western part ; but there is no great difference in the quantity of snow which falls in the various parts of it.

The idea adopted on the first settlement of the country, was, that the severity of the winters would render the climate unhealthy, and uncomfortable ; and that the soil would never be productive of those vegetables, and of that kind of sustenance which habit had rendered necessary to the life of Europeans : but this is now found to be a mistake. The soil on the sea coast is hard, and reluctant to the plough ; but farther back from the sea, it is yielding ; and the crops of grain are  
equal

equal to what can be procured in the western parts of New England. This is however, but a late discovery ; for until the American Revolution, the greater part of the bread, which was consumed in the district, was brought from the middle States of North America.

The weather in the District of Maine, as well as in every part of North America, is found to be colder, than it is in same degree of latitude on the other continent.

There has been many attempts to account for this circumstance, and the hypothesis of Dr. Robertson, seemed to have given satisfaction : but some discoveries have been lately made, which have left the mind still on the search. The Doctor supposes, that as our East winds generally produce soft, and our North and West winds generally produce very cold weather, and as our higher mountains generally, even in South America, have snow on their tops, that our cold is occasioned by the northerly and westerly winds being raised on the mountains and chilled before the inhabitants are saluted by the gales. It might be observed, that if this was the true cause, we should certainly find, that on the southerly shore of the Southern Ocean, the east and south winds would give as cold weather, as the north and west winds give to us ; and yet our ships which have lately sailed over the Pacific Ocean, in their route round Cape Horn, to China, have found vegetation in full vigour, and the fruits of the earth in the highest state of perfection on this continent, in the fifty first degree of north latitude, in the month of December. But the trade winds may prevail there, coming over the sea, so as to prevent the cold, and preserve a degree of temperature in the weather.



If the coldness of our climate, is in any measure owing to our country being covered with thick and heavy forests, we have an assurance that time, and the labour of man, will change it for the better; and even if the cold arises in a great measure from our lakes, the opening of the country, will have a tendency to give a remedy to the evil, if it is one.

One of our own philosophers has lately suggested another reason for the coldness of our country: Dr. Holyoke imagines it to be, in a great measure, owing to the great number of *ever greens* in our woods. This idea is new, but it is a very satisfactory one, and applies itself with great force in the District of Maine, where the forests are composed, almost altogether, of hemlock, spruce, pine, and fir trees.\*

We do not wish to part with the blessings we enjoy, but we wish to accumulate, and to add others to these: and perhaps, for the sake of novelty, we may wish a change, where it would be to our disadvantage. The people of the District of Maine, may, in a tedious winter, long for the soft breezes of Virginia and the Carolinas; but they would be very unwilling to take the fever and ague, and the other disorders incident to those States, with the gentle weather, in exchange for our northern snow banks.

However disagreeable the winters of a northern climate may be, yet the northern part of every country is more healthy, than that part which is nearer to the equator: and we know that the human race is increased between the fortieth and fiftieth degrees of latitude, much beyond what it is any where else. It is very certain,

\* Second Vol. of Transactions of the American Academy of Arts and Sciences, Part I.

tain, from observations, that there are more children born in the District of Maine, than there are from the same number of parents in the State of Massachusetts, west of New Hampshire; and that the mortality attending children is not so great there, as it is farther to the southward. Besides this, an enquirer will be clearly convinced, that there are not so many pulmonic complaints there, as are found in the other parts of New England. Yellow or bilious fevers are very rare, and the fever and ague is now hardly known to the inhabitants: but it was frequent there within sixty years last past.

On a late census, there were found, about ninety six thousand inhabitants in the District; there are now more than one hundred thousand; and yet, in the year 1750, there were not ten thousand in the territory. There has been an accession of inhabitants from Europe, and from the other parts of New England, since that time, as there had been at all times before. This may be considered as one reason for the increase of inhabitants by birth, in a greater proportion, than happens in the other parts of the State. That policy which prohibits marriage amongst near relations, will encourage an intercourse with strangers: And we find that removals from one climate to another, are favourable to health and longevity.

The animals found in the District, are such as are generally found in other cold countries. In all parts, there were formerly numerous flocks of deer, of a much larger size than what they are in the parks in England, or in the woods in the southern parts of North America; but in the western part of the District these are nearly all cut off. There was an animal which was pecu-



liar to the northern parts of this country, of a monstrous size, called the *moose*. He was commonly seven or eight feet high, fed on the brush, his gait was a trot, in which he would go over the highest fences with ease, and distance the fleetest hound. There are but few of these to be seen now.

The wolf, the bear, and the fox, are inhabitants of all northern climates: and the beaver, which has been so valuable in our District, is well known to the world.

There is no one species of animals which are capable of being domesticated, or rendered usefully docile, that was found in the territory under consideration. It has been related by historians\* that when the Europeans came to the continent, the Savages were exceedingly frightened, at the appearance and barking of a dog. But *Charlevoix* says, that the North American Savages had dogs before they had any communication with the Europeans: that the dogs accompanied their masters in hunting, and were treated cruelly by them. When the North American Indians first had a direct intercourse with the the Europeans, by the latter having gained a settlement in the country, the Spaniards had been for more than a century in South America: and no doubt the tribes had handed the use of several species of animals from one to another, towards the northern regions. And it is very possible that dogs had been raised in North America. *Charlevoix* says, the Savages treated their dogs with cruelty; by this he must mean, that it was done after the Europeans had gained a settlement here; because that a bare discovery of the country, could not give the Europeans a knowledge of that fact. There is no pretension for what has been said.

\* Purchas and Ogilby.

said by some, that the wolf of America in course of time may be tamed and rendered obedient as the dog. They are clearly another species of animals, possessing faculties very unlike those which are possessed by the canine race.\*

There was an animal called by the natives the *buc-carebou*, which was peculiar to the District. He appeared to be in stile between the moose and the deer, and was seldom seen. He was very swift, and his flesh was by no means valuable.

The cattle, sheep, and horses, now found in America, were brought from Europe, and are as easily raised and multiplied in the District of Maine, as in any part of the continent.

The horned cattle, with the same attention, are raised to as large a size, on the banks of the Piscataqua, Kennebeck and Penobscot, as in any part of New England. The sheep are much larger on the Kennebeck, than they are in the old colony of Massachusetts; the mutton is of a higher and better flavour, and the fleeces much heavier than in the old colony. The horses are not so tall, their necks so long, nor their chests so full, as farther to the southward, but they are very hardy, capable of enduring great fatigue, and possess great strength and firmness.

There were never any lions or tigers, or other animals, which preyed on human flesh, in this part of America. The bear and the wolf were never offensive

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to

\* John Josselyn, in his account of his two voyages to New England, says, Page 94, that, "the Indian dog is begotten between the wolf and the fox, which they make use of, bringing them up to hunt, &c." There is great reason to doubt the truth of this piece of natural history: for there has been none of this mongrel species of animal found lately in the woods, and old Indians have said that they never heard of any such. The Author has made particular inquiry of them.

to man, or ever attempted his injury, unless, when hardly pressed, they might do it in their own defence. The rattlesnake is the only poisonous serpent which inhabits the country, and these are very rarely seen in the District.

There are no offensive flies, excepting for a few weeks in the heat of summer, and the musketo is the most troublesome of these.

The District of Maine, at the time of the charter of William and Mary, in the year 1692, was held under two appellations : that part which lies between Piscataqua River and Kenebeck River, was known by the name of the Province of Maine; that part which lies between St. Croix and Kenebeck, was called by the ancient French name of Acadie, and both these names were preserved in that charter.

The Province of Maine was not then considered as extending more than one hundred and twenty miles from the sea. All the country beyond that distance from the ocean, was considered as Crown Lands.

## CHAPTER



## CHAPTER II.

### *Bays, Capes, Islands, and Rivers.*

THE course of the sea shore from Cape Ann to Cape Neddick is northeasterly. There is no island in the bay between these, excepting nine small islands, called the Isles of Shoals : three of which only are inhabited. There is a rock, three miles from the shore, generally bare, containing nearly an acre in surface, known by the name of Boon Island ; memorable for a shipwreck in the year 1710. Several other islands are separated from the main, by small inlets of water, such as the Great Island in New Hampshire, Gerrish and Cutt's Islands in the District of Maine, and others situated like these. From Cape Neddick the sea shore takes a more easterly course to Cape Porpoise, which is about thirty miles east from the west line of the District. There are no islands between Cape Neddick and Cape Porpoise, excepting a few which are so near the main land, as to be considered as appendages to it.

From Cape Porpoise to Cape Elizabeth, the extent of the sea coast is more easterly, and includes a bay of about thirty miles, from the southerly to the northerly side of it. In this bay we find but two islands which deserve attention, these are Wood Island and Richmond Island ; the former is a forest ; the latter is but little improved, and neither is inhabited. From Cape Elizabeth to Small Point, within the distance of forty miles on the sea coast, are found the waters called *Casco Bay*. Within this bay, three hundred and sixty five islands

are said to be numbered : but perhaps this is an error, and that three hundred is the full amount. Some of these are inhabited, and nearly all are more or less cultivated. The land on the islands, as well as on the sea coast opposite to the bay, is better for agriculture than any where else, on the borders of the sea, within the District. There are several other bays within that of Casco Bay : some of which are frequently mentioned in the history of this country : the most noted of these is the bay of *Maquoit*, which lies about twenty miles north of Cape Elizabeth. This is a bay of shoal waters, where the Indians were used to land with their canoes, and from thence to carry those vessels over to Pejepscott Falls on Androscoggin river. This was done by the Savages with the toil of only four miles walk. From these falls, they went down into Kenebeck river, and from thence continued their rout up that river to Wesserunfett, and thence over to the St. Lawrence ; or turned and went down through Monseag Bay towards Penobscot ; or from the falls they continued their progress up the river of Androscoggin beyond the White Mountains, and over to Connecticut river, and from thence to Lake Mesremagog, and down to the limits of Canada. There are several arms or inlets of salt water, extended into the country from Casco Bay. The waters go up to New Meadows River, where vessels of a considerable size are carried by the tide, and where it flows within one mile of the waters of Kenebeck.

The people there are cutting a canal to open a communication between the waters of the river Kenebeck, and those of Casco Bay, through this arm of the sea, which has gone by the name of Stevens' River. The point called Merryconeag, projecting itself into the bay,



bay, together with an island called Sebascodagan, and several other small islands, are incorporated into a town by the name of Harpswell. The waters extended round the Island of Sebascodagan, are continued near to the waters of Kenebeck, and with these form what is called Small Point. From that river there are only two miles for a carrying place, to the waters of Casco Bay, on the north end of the island last mentioned. On the north side of Small Point, the sea coast is more easterly still. Here we find several very important islands, which from being near to the main land appear to the navigators passing by, to be annexed to the continent. These all are within the points or capes, and are inhabited. The first is Parker's Island at the mouth, and on the east side of the river Kenebeck. This island contains about eighteen thousand acres of land, and is tillied by the labour of more than sixty families. Near to this, and parted from it by a narrow strait of waters, is the island of Arrowlike; not so large as Parker's Island, but is within the same town, and bears the house of public worship. On the south of both these is Stage Island, which is of no consequence, excepting what it has derived, from its being the first land inhabited in New England by a civilized people. There are no inhabitants there at this day, nor are the eight acres which it contains, capable of much improvement, by the hand of agriculture.

On the east side of Kenebeck, there is an island called Monheagan, which is not now inhabited; but on which Captain Smith landed his party in the year 1614. The chimneys, and remains of the houses, are there at this day.

On

On the northeast side of the islands of Arrowlike and Parker's, is the large island of Jeremysquam, containing a number of inhabitants, and dividing the bay of Monseag from the river of Sheepscut. When we have passed these islands, the sea coast is east by north generally in its course. From the land on the east side of Sheepscut river, we pass to the bay of Pemaquid, which contains a number of islands: many of these are under subjection to the plough. Next to Pemaquid, and between Pemaquid Point on the west, and Pleasant Point on the east, we meet the waters of Broad Bay, which are on the shore of an ancient Dutch settlement of that name. Monheagan, and other valuable islands, are in this bay. As we pass on an eastward course from this bay, we go by a point of land, east of the one called Pleasant Point: on the former is a town called Thomastown, but the point itself has no particular appellation. It projects however, some way into the ocean, though not so far as Pemaquid Point. We next meet with Penobscot Bay; the east side of which is made by an island called Burnt Coat, and a point of land called Naskag. On this point, and extending into the country up to the town of Penobscot, is the town lately incorporated by the name of Sedgwick. From the point on which Thomastown is, to the island and point on the other side of the bay, is about sixteen leagues on a line nearly east and west. The principal islands in the bay of Penobscot, are the Fox Islands, Haut Island, Long Island, and Deer Islands. There are a multitude of small islands, rocks, and ledges, which there is no necessity for describing. Through this bay to the mouth of the river, the western channel goes up by a head land on the west, called Owl's Head, and between

tween Long Island on the west and Cape Rosier on the east to Bagaduce point. The eastern channel is between Haut Island on the west, and Burnt Coat Island on the east, and through a reach called Long Reach, formed by the shores of Naskeag, or Sedgwick on the east, or north east, and Deer Islands on the west, or south west, till it unites, between Point Rosier and Long Island, with the other channel.

The bay called Blue Hill Bay is formed by Naskeag Point on the west, and the island of Mount Desert on the east. This body of water extends northerly, nearly up to a mountain on the east of Penobscot River, which from its appearance to those who observe it at sea, is called Blue Hill. The river called Union River brings its waters to this bay.

The island of Mount Desert, lying in what is now called Frenchman's Bay, is a large and valuable island: but of an irregular form, intersected deeply in the middle, by waters flowing from the sea, into the south side of it. There is a narrow channel, between that and the main land, but the water is of easy navigation all round it. This island divides Blue Hill Bay, from what is now called Frenchman's Bay: the latter being formed by the east side of the island on the south west, and by Schooduck Point, the towns of Goldborough and Sullivan on the north east. There are two considerable islands on the south east side of Mount Desert, called Craneberry Islands, and which assist in forming a harbour in the gulph, which is thrown in on the south side of that island.

From Schooduck Point, on the east of what is now called Frenchman's Bay, to the mouth of St. Croix, the general course of the sea shore is east and by north. There

is



is a body of waters, between Goldsborough and Machias, a part of which is called Naraguagus Bay : from thence for the space of sixty or seventy miles, the navigator finds, within a great number of fine islands, a secure and pleasant ship way. Many of those islands are inhabited, and make a fine appearance. From Machias Bay, to the mouth of the St. Croix, there are a great many islands, but the navigation is generally without these in the open sea.

In the year 1704, when Colonel Church made an attack on a French plantation on the River Shooduck, he found one Lutterelle, a French nobleman, on one of these islands, and removed him. The island still retains the Frenchman's name. There was also on a point, which forms one side of the entrance of Shooduck River, in the place below where General Lincoln's plantation now is, a French Lady's settlement, which she abandoned in those times, and took refuge in Quebeck ; but the place has the appellation which she gave it.

There are a great number of inconsiderable bays, or coves, which under particular names intersect the country ; but which are of no great importance in the design of this work, and are therefore not spoken of. The waters, and usefulness, of these are inconsiderable, and the names are not necessary in describing either the situation of grants of land, or the places of any memorable transactions.

Having thus given a general sketch of the bays, and capes, I shall proceed to describe the rivers, which pass through the main land to the ocean.

The first river demanding attention is that of Piscataqua, which gives the western limits of the District.

This



This river finds the sea in forty three degrees five minutes of northern latitude ;\* and at the distance of thirty miles on a north course from the head of Cape Ann. The Isles of Shoals shew themselves opposite to and southerly from the mouth of the river. These islands are three leagues from the points which form the river's mouth. As we pass up this river, we have Kittery on the east, and Newcastle, Portsmouth, and Newington on the west. The waters are sufficient to bear ships of the largest size for the space of ten miles from the sea ; but the tide is very rapid : at this distance from the sea, we meet with the waters of several rivers, the confluence of which forms the aggregate of the waters, which are so deep and useful in the main river for navigation.

At this place, ten miles from the ocean, we meet with the waters which issue from Exeter river, Newmarket river, Durham or Oyster river, Quochecho river and Back river : these all come from New Hampshire. Leaving the waters of these rivers, we proceed up the river of Newichwawanick to Berwick. The waters of the last mentioned river are sufficient to bear vessels of nearly one hundred tons burthen, up to a place four miles within the town of Berwick. Below this, in the town of Kittery, is a small creek, called Sturgeon Creek. It has been related by the aged people of this part of the country, that the fish called sturgeon were plenty at the mouth of that Creek in the early day of the country : but there have been none seen in the river within the memory of any person now living. This creek will be occasionally mentioned in other parts

\* This is according to Holland's observations. Others place it in forty three degrees four minutes north.

parts of this history, which renders it necessary to notice it in this place. Above the head of the navigable part of this river, the tide flows over a small fall of water nearly the space of one mile; and within that space, the river receives another, called the Great Works River, and by some Chadbourne's river. This river arises from a pond called Bonnebeag Pond, about thirty miles from its mouth, and is said to have taken the appellation of the Great Works River, from there having been anciently a saw mill on a great fall in it, at the distance of one mile from the river wherein it loses itself. This mill, as is reported, was erected by one Ledgors. None of his posterity live in the town at this day. As the story is, he had eighteen saws which were moved by one wheel; but the force necessary to set these in operation was so great, and so difficult to continue, that the project was soon laid aside. The river was called Chadbourne's River, because Mr. Chadbourne, one of the first settlers of the country, purchased the lands on the mouth of it, of the natives, in the year 1643. His posterity continue to hold the lands at this day. Nearly the whole of the tract is now in the possession of the honourable Benjamin Chadbourne, Esq. the great grandson of the first purchaser. The Indian name of this river is lost. There are several valuable mills on the river, within and above the town of Berwick.

At the head of the tide in the river Newichwawanic, we meet the falls of Quampeagan. The natives gave this appellation to the place, because fish were there taken with nets.

The language of the Abenaguies, or eastern Indians, was very barren: and it is not possible at this day to  
form

form a just idea of the mode in which they compounded their words, to render their language significant in its use. The word *eag* signified *land*, and when they intended to express lands of a particular property, quality or situation, they joined such other word to that, as would with it express their meaning. The lands at Salem were called Naunkeag: this, in the Indian dialect, signified the land where the water is winding in its course. We shall find many instances of this kind in the progress of this work.

At the falls on Quampeagan are a set of saw, and other mills. Here also is the Great Landing Place, where immense quantities of lumber are rafted, or carried in scows. From Quampeagan, the river Newickwawanick loses that name, and assumes the English appellation of Salmon Fall river. This name was given by the English, by reason of the plenty of salmon which the waters afforded. The aged people, who lived within fifty years last past, related, that when they were young, that kind of fish was so plenty on the falls now called Salmon Falls, one mile and a half above Quampeagan, that the people used to take them with spears on the rocks: but there is no man now alive who remembers to have seen any there. The saw mills, where the dams extend across the stream, are the sure destruction of that species of fish. The people have tom cod, or what they call frost fish, smelts and also alewives in great plenty, there, in the proper seasons. The place called Salmon Falls, is covered with useful mills. Above these, at the distance of four miles, we meet what is called the Great Fall, where saw mills are continued to great advantage. On many places on the  
river



river from Quampeagan to the pond, from whence it issues, we meet with mills for boards and corn.

There are only two rivers above the head of the tide, which run into Salmon Fall river from the District of Maine: These are both in Berwick. The one is called Worster's River, and the other Little River. These are neither noted for usefulness, or for the quantity of water, which the shores conduct to the principal river. The head of Newickwawanick, is in a pond forty miles nearly from the sea; and is fed by two other ponds: these three are called Salmon Fall Pond, the North East Pond, and Lovell's Pond.

There are several small rivers in the western part of the District of Maine, which on account of the navigation, or of the waters within the banks, are not worthy of notice; yet as the boundaries of ancient grants, and townships, are known from these, and as the wars which are to be treated of, have carried destruction and distress, on the places, known anciently, by the names which the rivers now bear, it will be necessary to describe the situation of those streams.

A small creek, called Spruce Creek, urges its winding way, through the marshes from the mouth of Piscataqua River, five or six miles up into Kittery. When we have passed that, we have to travel four miles to the river in the centre of York, formerly called Agamenticus River. Vessels of small burthen are allowed to enter the mouth of this river, which receives no considerable aid from any stream of fresh water, but being indebted immediately to the ocean for its existence, it returns the waters again, at the distance of four miles southerly of Cape Neddick River.

The



The river called Cape Neddick River, brings a small stream from the foot of Agamenticus hill down to the sea near the cape, and in return receives a supply from the sea, which affords a very inconsiderable navigation for fishing vessels. The ebbing of the sea carries the water so entirely out, that the mouth of the river is fordable at half tide.

The river next to Cape Neddick, would not be worth attention, if it had not been mentioned one hundred and fifty years ago, as the boundary between York and Wells. This river is called Negunket, perhaps formerly Ogun-tiquit. There is no navigation on this river, nor are the mills of any value there. The tide urges itself into the marshes at Wells, a few miles east of Negunket, and forms a harbour for small vessels.

Further east, and within the town of Wells, the river Moufom is found coming from ponds of that name, about twenty miles from the sea. The stream of this river, turns several mills, and is increasing in its use and consequence. There is no good harbour within the river, but the inhabitants are opening one by means of a canal.

Within two miles of Moufom, is the river Kenebunk : a good harbour is found, at the mouth of this river, from whence great quantities of lumber are shipped for a market. There the lumber of Moufom is shipped at present. This river divides the towns of Wells and Arundel, and coming but a few miles from the inland parts of the country, is, together with the two last mentioned rivers, lost in the sea between Cape Porpoise and Cape Neddick.

On the east of, and four miles from Cape Porpoise, we meet the river Saco : At the mouth of this river is  
a bar,

a bar, which injures the navigation very much : a vessel of more than one hundred tons burthen, cannot generally pass the bar, if fully loaded. Without the bar, and between a peninsula now called Fletcher's Neck, and the main land, is a body of waters called the Pool, where vessels of any size may lie at all seasons of the year, and take in their lading at pleasure. There is a narrow neck of land between the Pool and Saco River, and on the west side of the latter, which may be opened, by a canal, to carry lumber and produce into the Pool without engaging in the hazard of passing the bar.

As we pass up this river, with an easy tide, five miles from the sea we meet the fall of water called Saco Falls. The river flowing with great force, from a great distance, is here divided by an island containing about thirty acres ; and on each side of it tumbles over a precipice of rocks, and mixes with the tide. The appearance of these falls, more especially on the east side of Indian Island, is very sublime and majestic. The perpendicular height was never taken, but it may be conceived, that from the level of the water, where the fall begins, to the level of the tide below the island, at low water mark, the fall may exceed forty feet. Below the island is a fine basin where the vessels take in their lading ; and on the falls are mills carrying in all more than ten saws, continually employed in cutting boards : there are also three or four corn mills on the same place. Salmon are taken here as well as further up the river, in a great abundance. Up the river, ten miles from Saco Falls, is a fall of water, which from the plenty of salmon taken there, is called Salmon Fall.

It

It is remarkable that the great number of saw mills on that river, has never destroyed, or lessened, the quantity of salmon in it. The mill dams do not extend across the river, and there is a curiosity in seeing the exertion of those fish in making their way up the falls. When the sun shines clear in the morning, they are frequently seen engaged in this enterprise, and moving from one rock to another, by great exertion, and resting on each, in spite of the cataract which opposes their progress, until they have gained the still waters above.

On the branches of this river as well as on the main stream, are a great many mills, and valuable works. Thirty miles from the sea, in the river's course, the small stream issuing from a pond in the state of New Hampshire, called the Little Ossipee, throws itself into the Saco. And within twenty miles further up, the river of Great Ossipee, coming from another pond in New Hampshire, swells the Saco and impels its course. We proceed up the river Saco until we find its source on the side of the White Mountains, in New Hampshire. For a description of those mountains, I must refer the reader to Dr. Belknap's history of that state.

From these mountains the waters run into Connecticut River, Saco River, and Androscoggin River ; the latter is a branch of the Kenebeck. Saco river meanders through the ancient Indian village of *Peckwalket*, now Fryeburgh, sixty miles from the sea.

In the year 1775, the river Saco was found to swell suddenly, and in a manner very singular in its appearance to the inhabitants on its banks : as there had not been rain sufficient to encrease the waters so much, they



were at a loss to account for the appearance : but it was finally discovered to be occasioned by a new river having broken out on the side of the White Mountains, and issuing into the Saco. That river continues yet to aid the Saco, with considerable waters ; though the exact quantity gained from it, is not ascertained by any traveller, yet it is generally considered as furnishing Ellis' river, a branch of the Saco, with half its waters.

When this new river issued from the mountain in October 1775, a mixture of iron ore gave the waters a red colour for several days, and the people who inhabited the upper banks of the Saco, had a report that the river was bloody, and considered it as an ill omen on the public concerns.

East of Saco, are the rivers of Dunstan, Spurwink, and Nonsuch. These have no consideration, excepting that the former offers a difficult harbour to vessels of a small size. There are creeks formed in the marshes by the sea, near Blue Point and Black Point. These, together with the Saco, hold their connexion with the sea, between Cape Porpoise and Cape Elizabeth.

On the east of Cape Elizabeth, is the arm of the sea, called Stroudwater. Further east is the river Presumpscott, formerly called Presumpca, or Presumpkeag. This river communicates with the waters of Casco Bay on the east of Portland. Several valuable mills are placed upon the stream of Presumpscott, but the extent of it into the country is not great ; and the waters are conducted by it from Sebago Lake to the ocean.

Six miles from Presumpscott, another river called Royal's River, by the natives Westcuscatego, flows into  
Casco



Casco Bay : on this river are some mills, and a good harbour for small vessels is found in the mouth of it, but a fall of water near the sea prevents its being navigable, for more than two miles from its mouth. This river generally appears on the maps of this part of the country, as a very large river ; but this is a mistake. The description given of the river in this work, is from the author's own observation.

There are no rivers between Royal's river, and the Kenebeck. Some creeks or arms of Casco Bay throw themselves into the main, affording harbours for small vessels, and intersecting the country in various forms.

The river Kenebeck loses its waters in the Atlantic, eastward of Casco Bay : and on the northeast side of Small Point. This river, known at its mouth by the name of Sagadahock, is rendered memorable, as well for its having been discovered and taken possession of by the French in 1604, as by the English in 1607. The marks of ancient possessions on the banks of the river, may be omitted until we come to a proper place in the description of the ancient towns in the District. The islands at the entrance of the river have been already mentioned. We proceed up this river, a northerly course, upon a very urgent tide, to what is called the Chops of Merry Meeting Bay.

Georgetown is on both sides, at the river's mouth, and at ten miles from the sea we have the town of Bath on the west, and Woolwich on the east. The Chops is a strait where the ebbing and flowing tides are alike rapid and hazardous to navigation. Ships of a large size seldom attempt to pass into Merry Meeting Bay. From the Chops up to the head, the river is called Kenebeck : below this, it was called Sagadahock.

In the Abenequies language the mouth of a great river is called Schunkadarunk. How the mouth of Kenebeck came by the name of Sagadahock, cannot now be determined : the mouths of the rivers of Penobscott and Saco, had the same name, in the year 1630. Whether that is a corruption of the Indian word above mentioned, or a name given by the Indians to the tides in those rivers, or a name given by the English, can only be a matter of conjecture at this day. When we have passed by what is called the Chops, we are in a large tract of waters, which has the appearance of an inland sea, or lake.

Here the violence of the flowing tide is checked by several streams, which unite in opposition to its strength ; and at the same place destroy its force and saline quality. This bay is called Merry Meeting Bay. Whether this water has obtained that appellation from its being the general receptacle of waters, from several rivers, or because the Savages, by an easy inland navigation in their canoes, were used to assemble there for the purpose of uniting in an enterprise, is not now known.

From this place we will carry the reader up the several rivers which have a confluence here. On the south of the bay, and near the head of the Chops, is a creek, extending into the land on a south course, and running with great violence for the space of two miles, commonly called, by the natives, Whiskeag ; but by the English called Whisgig. From Merry Meeting Bay, we proceed westerly, up what is now called Brunswick River. In the course of two miles from the inlet of Whisgig Creek, we leave on the south a narrow neck of land, of not much more than one mile wide, which  
divides

divides the waters of Stevens' River, before described, as an arm of Casco Bay, from the waters of Brunswick River.

A company has lately been incorporated for the purpose of cutting a canal through that isthmus. This was formerly called the Carrying Place, because the Indians coming principally by inland navigation, from Penobscott, from Sheepscott, Kenebeck, Norridgewalk on that river, and down the river now called Brunswick, from Canada, through Lake Mefremagog, passed over it with their canoes, on their way to Casco. It was called Stevens' Carrying Place, because one Stevens, an ancient Indian trader, lived near it.

On a westerly course, three or four miles further up, we come to a great fall of water, which puts an end to the tide ; and is now called Brunswick Fall. This river, was by the Indians called Pejepscott, as far up as to those falls ; and the falls had the name of Pejepscott also. The river above the fall was called Androscoggin. There has been no actual survey of this river, nor is it so well known as to allow of an accurate description : but the general course of it from the White Hills is east. Those hills are in New Hampshire, and lie northwesterly, sixty miles from the sea at Casco Bay.

On the falls at Brunswick are a number of very valuable saw mills. And though the waters are not navigable within two miles of the mills, yet great quantities of lumber are shipped from the river : some is brought from streams which empty themselves into the principal river. There are other falls in the river which may hereafter be rendered very valuable by improvement. When we have gone forty or fifty miles



up the Androscoggin or *Amariscoggin*, we pursue the southern or western branch to the White Mountains in New Hampshire ; from whence the river of Saco, and one branch of the Connecticut take their origin. The north, or northwestern branch of the Brunswick, or Androscoggin, stretches itself on the northern side of, and beyond the White Mountains, about forty miles, perhaps half way over to the main branch of the Connecticut, and receives the waters of Lake Umbagog, and in its way takes those of divers ponds and brooks, which issue from the high lands.

On the northern side of the river of Brunswick, and not more than seven miles from the mouth of it, three small rivers, Abagadusset, which is so called from a Sachem of that name, who lived there one hundred and thirty years ago, Cathance, and Muddy River, empty themselves into the west side of Merry Meeting Bay.

As these rivers are neither navigable, nor useful for mills, or of note on account of the extent of the waters brought down to the bay, a further description is unnecessary.

On the east of the bay, and six miles from the Chops, the waters of Eastern River flow from a small pond, at about twenty miles distance, in the river's course, from its mouth. This river is not worthy of attention, excepting for mills, which were formerly erected on it, by the late Sylvester Gardiner, Esq. on the north of Kenebeck.

Having thus had a general description of the small rivers which unite with the Kenebeck, at Merry Meeting Bay, we will proceed up that river with as much accuracy of description as is necessary to the present work.

There

Three miles from the Chops, the Island called Swan Island, divides the waters of the river. This island is found to be seven miles long, and was anciently the seat of the Sachem Kenebis, who sold, or pretended to sell all the country on both sides of the river, and also the island. The river Kenebeck, no doubt took its present appellation from a race of Sagamores of the name of *Kenebis*. The waters which form Swan Island, are navigable on both sides of it, but the channel on the east side is mostly used. Thirty eight miles from the sea, we find a small island, called by the natives, Nahunkeag, which signifies the land where eels are taken. Within three miles of this island, a small river coming west, from ponds which are in the town of Winthrop, runs into the Kenebeck, and is known by the name of Cobbeseconte, as the English pronounce it, but by Indians was called Cobbisseconteag, which in their language is the land where sturgeon are taken.

Six miles further up the river we find the head of the navigable waters. This is a basin forty six miles from the sea, and very commodious for the anchoring of vessels.

On the east bank of the small fall which terminates the navigation of the Kenebeck, is Fort Western, which was erected in the year 1752. From that fort to Tacconnet Fall it is eighteen miles. This is a great fall of water : and on the bank of it, on the eastern side of the river, is the fort which was erected under the orders of Governor Shirley, in the year 1754, and called Fort Halifax. This fort is on a point of land, which is formed by the confluence of the Sabastacook with the Kenebeck, by which the latter is increased one third by  
the

the waters of that river. The Sabastacock comes from lakes nearly north from its mouth : and in its windings receives brooks and small rivers, for the space of one hundred and fifty miles.

Thirty miles above Fort Halifax, as the river's course is, the stream called Sandy River, loses its waters in the Kenebeck, at the point where the ancient town of Noridgewock was. Forty miles, or near that distance further up, the river Kenebeck takes a southwestward course.

The Kenebeck turning again westward, receives the eastern branch, at fifty miles distance from Noridgewock. The main branch of the Kenebeck, winding into the wilderness, forms a necessity for several carrying places, one of which, called the Great Carrying Place, is five miles across, and the river's course gives a distance of thirty five miles, for that which is gained by five on the dry land. At one hundred miles distance, or perhaps more from the mouth of the eastern branch, the source of the main or western branch of the Kenebeck is found extended a great distance along side the river Chaudiere, which carries the waters from the high lands into the St. Lawrence.

The best description of this branch of the Kenebeck, is had from the Officers who passed this route under the command of General Arnold, in 1775 : among them, there is not any one more capable of giving a description of the river than General Dearborne, who is now a member of Congress : a great part of the description of this branch, is taken from him. There are no lakes, but some few small ponds and morasses at the source of this branch. The carrying place from boatable waters in it, to boatable waters in the river Chaudiere, is only five miles over.

The



The eastern branch of Kenebeck, which unites with the other above Noridgewock, issues from a body of waters which lie north about twenty miles from the confluence of the two branches. These waters are called Moose Pond or Moose Lake. The sides of the lake are so crooked that the body of waters hath an irregular figure : but the lake contains three times as much water as is found in Lake George. There are very high mountains to the north and west of this lake, and from these the waters run by many channels to the St. Lawrence.

The Kenebeck affords great quantities of lumber, and is inhabited by several species of valuable fish, in the season suited to their kinds. Salmon and sturgeon are taken in great abundance there, and shad and alewives relieve the wants of the necessitous part of the inhabitants.

The river Kenebeck, forms the nearest sea port for the people on the upper part of the river Connecticut ;\* several surveys have been made across the country, and the land is said to be capable of furnishing a good road at an ordinary expense. The town of Portland may consider this as a rivalry to their claim upon the country beyond the White Mountains, to which there can be no reasonable objection, because this kind of emulation tends much to a promotion of the public interest.

Next to the river Kenebeck in our progress eastward, we meet with the river called Sheepscott River. The waters of this and the last mentioned river hold a communication, by a strait at the head of Arrowlike Island, and through the bay of Monseag. From one river to  
another

\* The distance has been measured in 1793, and found to be 90 miles from the tide in Kenebeck to the Upper Cohos.

another on the sea coast is about twelve miles. The islands which lie between have been already mentioned.

Sheepscott River has at its entrance Boothbay, on the east, Parker's Island, and Jeremysquam Island on the west, and as we go up the river we have the towns of Edgecumbe and Newcastle on the east bank, and Woolwich and Pownalborough on the west. Before we come to Newcastle we find the termination of the easy and extraordinary navigation of this river.

When we come near to a point of land which forms the east side of Pownalborough, called Wiscasset Point, we pass through a strait of waters called the Narrows ; and fall into a pool or basin called Wiscasset Bay. On the east is the strait mentioned, and on the south the Narrows which divide the waters of the bay from those of Monseag Bay ; and called Cowseagan Narrows. On the north is a strait called Sheepscut Narrows, above which there is only a navigation for small vessels.

The distance from the sea to this basin is about twenty miles : the water in the whole distance is very deep and easy of navigation : the communication with the bay on the west prevents the tide from being rapid, and the river bears no ice, even in the utmost severity of winter.

Ships of any size can anchor and load at Wiscasset Point with the utmost safety, and sail from thence at any season of the year. Above the point the tide flows five miles to Sheepscott Falls. The river issues from ponds about twenty five miles from the head of the tide, and in its progress turns a great many saw mills. This river is noticed for the early settlement upon its banks, which will be attended to in the proper place. Sheepscott River does not abound with fish, but several kinds of fish are found there at suitable seasons.

From

From the mouth of Sheepscott to the mouth of Damariscota River is six miles on the sea coast. The latter river bears the tide about fourteen or perhaps eighteen miles from the sea : here a fall of water stops its progress, and empties the redundancy of Damariscota Ponds into the channel where the salt water receives it. There is no fresh water river : the fall mentioned, divides the tide from a communication with ponds which spread themselves twelve miles or more into the wilderness. The river carries small vessels as far as the tide flows, where very considerable quantities of lumber are taken in for foreign markets.

The river of Pemaquid, is ten miles east of Damariscota : this river is supplied by ponds which lie within thirty miles of the sea. There is a large bay through which we pass to enter Pemaquid harbour, or river. This bay is full of islands, the greater part of which are settled. At the distance of fifteen miles from the sea, we meet the fall which terminates the navigation. The river affords a great plenty of lumber, but is most of all to be noticed for the ancient settlements on its banks. The fort, called Fort George, was on a point at the mouth of the river, and on the east side of it. The remains of the fortrefs are there at this day.

Ten miles east of Pemaquid, is found the river St. Georges. The tide goes fifteen miles up that river and meets a fall which, checking its progress, offers lumber in great plenty. There are large ponds at the head of the tide, which, as it is said, may be rendered navigable a great way into the country : one Barret is now engaged in a project of that kind upon the ponds.

The



The fort was placed on the east side of the river, and was in the year 1756 attacked by three hundred French and Indians. The contest lasted one day; when the enemy drew off without either suffering or doing much injury. The fort was commanded by Mr. North, a valiant and worthy man. There are more than fifty islands at the mouth of the river and near it, the greater part of which are inhabited.

Penobscott river,\* which was the ancient seat of Acadie, demands a particular attention. There is no river which offers a more inviting harbour, than is here found. The bay of Penobscott is filled with fine islands; many of which are cultivated and settled.

Twenty miles from the outermost islands, we find on the east side of the river a point of land, or a peninsula called, Bagaduce Point. Here was a fort erected in the year 1626, by the people of the colony of New Plymouth, and which afterwards through a variety of changes submitted to the French, the Dutch, and the English. On the west side of the river, which appears like a capacious bay, is another peninsula, where Fort Pownal was erected. Twelve miles up from Bagaduce Point, an island called Orphan Island divides the waters into two rivers; that on the east of the island takes the name of Eastern River, while the west branch continues into the country under the name of Penobscott. On the west side is Frankfort; on the east is Penobscott; and on the head of that the town called Buckstown.

Forty miles up the river from Bagaduce Point, the Great Falls which prevent further navigation, are met with. At the head of the falls is an island containing a considerable quantity of land, against which

\* Anciently called Pemtegeovett.

which the river from the west, called Pooshaw, and the Great Works River, from the east, unite with the Penobscott. At this place was the Indian Old Town. As we proceed up about three miles we meet the small stream, called the Sunkhaze, coming from the east. The main river appears beautified with small islands for a considerable space; and at the distance of forty miles from the head of the tide we see the river Passadumkeag emptying its waters into the Penobscott from the east.

Three miles further brings us to the Pasquatiquais which comes from the west. Twenty eight miles further up, or one hundred and twenty miles from Bagaduce, we meet another river coming from the east: here is the Indian Upper Town, on the north side of the river's mouth; but the principal place of their habitation at this day, more especially in the winter season, is on the island near the first fall in the river.

Fifteen miles further up, on the east side of Mount Fadder, another river comes from the north into the Penobscott. There are two branches indeed, which unite themselves near the place where the principal river receives the waters which these bring; the most easterly of the two comes but a few miles, serving to convey, towards the general receptacle, the redundant waters of a small lake: the other finds supplies in two ponds near the high lands, about one hundred and fifty miles, as the river's course is from the sea.

The west branch of Penobscott takes its waters on the north west of the eastern branch of the Kenebeck, and in its course runs so nigh to Moose Pond as to give a carrying place of less than two miles from the one to the other; here the Savages come from Quebeck to Penobscott,

Penobscott, with carrying places of seven miles only in the whole. Seventy miles in one reach above the first fall, the water is smooth, and flows with majestic silence, uninterrupted by falls.

The river Penobscott may well be considered for beauty, convenience, and usefulness, the first in the District. There is none which equals it for the ease of navigation, or exceeds it in the plentifulness of fish, the excellency of its timber, or the commodiousness of its mill privileges. They who are acquainted with it do not wonder, that it was anciently considered as a suitable place for the capital of a government.

I have mentioned the situation of two forts on the river Penobscott ; that on the east side of the river, on the peninsula called Bagaduce Point, which was first erected by the colony of New Plymouth in the year 1626, and was alternately subjected to the French, Dutch, and the English, is now but the ruins or appearance of a fort, and known by the name of Casteen's Fort : that on the west side was erected while Mr. Pownall was Governour of Massachusetts, and remained as a garrison until the year 1774 : at which time the commander, Mr. Goldthwait, left it to fly to the standard of royalty. The fort which was the object of the American expedition in the year 1779, was on Bagaduce Neck, not on the same peninsula with Casteen's Fort ; but nearly half a mile to the northward of it : There is a basin on the north side of Bagaduce Neck which formed a harbour for ships, attending on that fort.

Union river is more than sixty miles from the mouth of Penobscott, by water, but it is said to be only thirty or forty across the country. The waters of it flow from the inland parts of the continent, which have not  
yet



yet been explored, and will not at present, for want of being more fully known, admit of an accurate description. This river is navigable fifteen miles from the waters of Blue Hill Bay, where the mouth of it is seen as a fine stream producing very considerable quantities of lumber. It is said that this river is a gathering from a number of small streams, and not fed by any pond or lake, but extends a great way into the country. There are a number of lesser streams, that carry their waters to the bays which have been described : and a great number of creeks and arms of the sea, which intersect the main land, forming points and peninsulas ; but which would be difficult to describe, and a description of which may be considered as unnecessary in this work.

Twelve miles east of Schooduck Point, we meet the river Naraguagus. This river is considerable for the quantity of lumber procured in it, but the navigation of it is but a small distance from the sea : while the extent of the fresh water into the inland parts of the District is very considerable.

About five miles further on, as the coast is, we find a stream called Pleasant River. A general description of this would be very similar to that of the one last mentioned.

Chandler's River is twelve miles further east, and supports mills and produces lumber ; but has nothing which requires more at present than to show its local situation.

Between Chandler's River and Pleasant River is a small arm of the sea called Indian River.

The river of Machias, is ten miles from Chandler's River. There is not a great supply of fresh water to  
that

that stream : but the lumber procured is very good, and the river easy of access, though the navigation does not extend more than ten miles into the country ; nor is the river extensive above the tide.

There are several islands at the mouth of Machias River ; and in the bay between that and the Shooduck, are some which are very valuable.

Upon leaving the bay of Machias, we go round a point called Pleasant Point, and enter into a deep bay called Passamaquaddy Bay. This is formed by Cape Proe on the east, and Pleasant Point on the west : having in it Deer Island, Moose Island, and Passamaquaddy Island. On the north west angle of this bay, the River Schooduck finds the general receptacle, and extends westerly a great way into the country. Two hundred miles from its mouth, as its courses are, that river comes within one mile of the east branch of Penobscott, where there was an Indian carrying place, from the one to the other.

The English now possess the country as far west as the east bank of the Schooduck, at its mouth. But if this is the St. Croix mentioned in the treaty with that nation, they will have nearly all the county of Washington, and a great part of the county of Hancock.

A line from the northwest corner of Nova Scotia to the source of the Shooduck, is west of south ; perhaps a south south west course.

After Miller had made his survey for Governour Bernard in 1764, the Governour conceived the idea of obtaining a grant of one hundred thousand acres, south of the Schooduck. He could not obtain an act of the General Court for the grant. The land in Acadie, by the charter of 1692, was thrown into such an awkward situation,

ation, that the crown could not grant it without the aid of the General Court, or the General Court without the Crown.\*

Bernard therefore proposed to obtain a grant from the Province of Nova Scotia : in order to which it became necessary to throw the territory coveted, under the jurisdiction of that government. To effect this, he called to his aid a number of influential characters, and had a survey made by one Morris, a surveyor of Nova Scotia. The hundred thousand acres were laid out on the south of the Shooduck, and marked for Francis Bernard, John Mitchel, Thomas Thornton, Richard Jackson, and James Morris. In order to carry the land into Nova Scotia Province, it was necessary to bring the St. Croix to the west of the Shooduck. Morris, therefore, in forming his map, marked the Cobscook with the name of St. Croix. This river is nothing more than a communication between the sea and a salt pond, and is ten miles south of the Schooduck. There is no fresh stream, besides that of a very inconsiderable brook, which issues from the country to the salt pond.

A river, which the natives called the Mackagadawick, is found on the north side of Passamaquaddy Bay, twelve miles north east and by north from the mouth of the Schooduck. This is much less than the river last mentioned, and we go up the stream of it seven miles from its mouth, on an east course, then turning we go north nine miles ; at the end of which distance we find the forks ; then on an east course fifty miles, as the river runs, or about that distance, we come to a pond which  
is

\* Report of Talbot and York to the King in 1731.



is the fountain of the east branch. The other branch has its source fifty miles in its course north of the forks. A line from the northwest angle of Nova Scotia to the source of this branch would be south easterly, and would cross the St. John's, which goes round the St. Croix, and extends beyond the sources of several streams which run into the St. Lawrence.

The year before Morris's survey, Bernard had employed Mitchel to survey the country. He procured the affidavit of several Indians, who made oath that the Mackagadawick was always called the St. Croix : but this did not comport with the governor's wishes to obtain a grant. There is another river between the Schooduck and Mackagadawick which issues from a pond not far from the bay, called by the Indians Makagambo.

These rivers afford a great plenty of salmon, and of other kinds of fish common to the rivers of northern climates. Lumber is obtained in these, but not so plentifully as it is further to the northward.

I do not mean to give an exact geographical description of the District : but a general idea of the extent and situation of the country, is necessary, in order to have the several parts of this history understood.

No writer has undertaken the geography of America, excepting a reverend author, whose information with regard to the District of Maine, has deceived him in too many instances ; but it is to be hoped, that on a revision of his works, he will obtain a better, and more perfect knowledge of that country.

## CHAPTER

## CHAPTER III.

*Of the Discovery, and taking Possession of the Country, by the Europeans.*

THOUGH the District of Maine may boast as early a discovery as any part of North America, and as early a settlement as any part of New England ; yet there has been a combination of causes to impede the progress of its improvement.

The first adventurers to this continent, did not place their dependence, in the enterprize, on the profits which might be produced by agriculture : and where, in the northern part of the new world, their hopes of discovering mines of precious metals had been disappointed, they turned their attention to the fur trade, and to the fishery. In the more westerly part of the District of Maine, they gave the lumber business the preference, because it procured for them an immediate supply of provisions. They believed the soil of that part of the country to be unfavourable to agriculture, and incapable of yielding a supply of bread for the inhabitants. This idea, destructive as it was to the increase and prosperity of the country, was continued until the American Revolution took place.

Prior to that event, the greater part of the bread, which was consumed in the District, was imported from the middle colonies of North America.

The severity and length of the winters, were very discouraging ; but as the wilderness is opened, these

become more mild, and yield much sooner to the influences of the spring than they formerly did.

The depredations of the Savages, from the year 1675, to the year 1760, with but little intermissions of their wars, was the greatest injury to the settlement and growth of the country.

The settlements, before the reduction of Quebeck, were generally on the sea coast; where the soil is much more unyielding to the plough, and much less productive than it is further back in the country. The contest between England and France, for territorial possessions, made the country of this District the theatre of savage wars, and for a long time together the principal place of those alarms and distresses, which arise from predatory parties.

At the time when the reduction of Quebeck was effected, there were not more than thirteen thousand people in the District, from whence, on a late census, more than ninety five thousand have been returned: and we may with safety allege an encrease of four thousands more at this day.

Newfoundland was the first territory which was discovered or possessed in North America, by either the French or English. From the discovery of the shores there, and from a pretence of right by prior dominion, the English claimed all North America, and the French a great part of it. Under this claim the settlements of the nation last mentioned, were extended, at an early period, as far westward as to the river Kenebeck; on an idea of a new government by the name of Acadie.

The success of Christopher Columbus in finding another continent, in his attempt to explore a navigable  
route



route to the East Indies, called forth the genius of many men of learning and fortune ; who exerted themselves upon his laudable example, and were inspired by his courage and perseverance. The Venetians about this period, excelled other nations in the business of commerce, and consequently possessed a superior spirit of enterprize.

Among the many of them who had settled in England, was John Cabot, a man capable of great and arduous undertakings. He was well skilled, for the time in which he lived, in navigation and seamanship. Fired with the success of Columbus, and highly ambitious to immortalize his name by discovering new countries ; he, in the year 1495, applied to Henry the seventh of England ; requesting encouragement to throw himself into that business. The King, ambitious to imitate his brothers on the continent, and no doubt, being touched with the spirit of the day, yielded to the solicitation of the Venetian. A grant was made by the King, to John Cabot, and his three sons, Lewis, Sebastian, and Sanctius, by letters patent, authorizing them to discover and claim, in his name, new countries, possessed by the heathen nations of the world.

The commission issued by that Monarch, contained pretended powers to sail to all countries, and seas, to the east and west, and to the north, under his royal banners and ensigns : and with five ships, *on the proper charge of the adventurers*, to seek out, discover, and find, whatsoever isles, countries, regions, or provinces *of the heathen and infidels*, wheresoever they might be, which had before that time been unknown to all Christians ; and to set up banners and ensigns in every village, isle, or main land so newly discovered.

The adventurers were to give the king one fifth part of all the ore, mines, and other profits of the adventure : in consideration of which, he granted to them, their heirs and assigns, all the lands they should chance to find. One fifth part of the ore, was of great consequence, according to the expectations of the adventurers.

These letters patents, were granted in the year 1495. The assistance given by the merchants and others, enabled the patentees to fit out a fleet ready to sail in the spring of the year 1496.

An account of this voyage was written by Sebastian Cabot, from which it is conjectured, that his father died before the fleet was ready for sea. He relates, “ that, in the year 1496, in the beginning of the summer, I began to sail north west, not expecting to find any land but China ; but after certain days I found the land ran towards the north, which was to me a great displeasure : nevertheless, sailing along the coast, to see if I could find any gulph that turned, I found the land still continued to the 56th degree under the pole.”\*

There is an account, on a map in London, in which it is said, that, “ in the year 1497, John Cabot, a Venetian, and his son Sebastian, with an English fleet, set out from Bristol, and discovered that land which no man, before that time, had attempted. That this happened on the 24th of June, about four of the clock in the morning. This land he called *Prima Vista*, that is to say, first seen from the sea. The island which lieth out before the land, he called *St John's*, because it was discovered on the day of Saint John the Baptist.”†

This

\* Collection of Voyages.

† Purchas.



This account is not reconcileable to the conjecture of John Cabot \* having died before Sebastian his son proceeded on the voyage : but the whole is reconcileable, on the supposition that Sebastian and his father went in two different ships, and that the account given by Sebastian was a history of his own voyage.

That account, on the margin of the map, further relates, that the natives, found on the shore, were armed with bows and arrows ; that the waters of the country abounded with fish ; but that the soil was barren and inhospitable. There are accounts, which may perhaps be relied on from the antiquity of their publication, that some of the natives were carried over to England by Cabot, on his return, and that they fed on raw flesh, and were clothed in the skins of beasts.†

In the year 1494, the Kings of Spain and Portugal, came to a resolution, or an agreement, with the Pope's approbation, and under the authority of his grant, to divide this quarter of the world between them. The English writers say, that Henry the eighth of England was the first monarch who denied the justice and right of such partition : and that he, in the year 1527, sent two ships to make discoveries in the new world : the one was called the *Mary Guilford*, and the other the *Sampson*.

In the former was one Albert Prato, who was a wealthy man, and a man of mathematical learning. The *Sampson* was cast away near Newfoundiand, but the other arrived safely into the bay of St. John's, from which place the Captain wrote the King a letter : This letter serves to exhibit the stile of the day ; the familiar respect which was paid by the subjects to the

D 4

King

\* Collection of Voyages, and Ogilby.

† Purchas.



King of Great Britain at that time, as well as the motives to these voyages ; I shall therefore give the reader a copy of it.

“ Please your honorable grace, to hear of your servant, John Rutt, with all his company, here in good health ; thanks be to God, and your grace’s ship, the Mary of Guilford. And if it please your honorable grace, we ran our course to the northward, till we came into fiftythree degrees : and there we found many great islands of ice, and deep water. We found no founding ; and then we durst go no further to the northward, in fear of more ice ; and then we cast about to the southward, and within four days we had a hundred and fifty fathom : and then we come into fifty-two degrees, and fell in with the main land : and within ten leagues of the main land we met a great island of ice, and come hard by her, for it was standing in deep waters ; and so we went in with the Cape De Bar, a great harbour, and many small islands, and a great fresh river going up far into the main land ; and the main land all wilderness and mountains, and woods, and no natural ground, but all moss, and no people in these parts : and in the woods we found the footings of divers great beasts, but we saw none in ten leagues.

“ And please your honorable grace, the Sampson and we kept company all the way till within two days before we met with all the islands of ice. That was the first day of July, at night : And there arose a great and marvellous storm, and much foul weather.

“ I trust in almighty Jesu to hear good tidings of her. The third day of August we entered into a good harbour, called Saint John’s.

“ And thus Jesu save and keep your grace, and all your honorable race. The

“The third day of August, written in haste, 1527, by  
your servant John Rutt.”\*

It may be observed, that the idea of this part of the country having been discovered before by Cabot, is agreed to in this letter, by Rutt's saying that they arrived at a good haven called *Saint John's*. The object of this voyage, as well as that of Cabot, was to find a passage northward to the East Indies.

A letter, dated “*Apud, St. John's, in terris novis,*” the tenth of August, 1527, was written by Albert Prato ; addressed to Cardinal Woolsey, and sent by the same conveyance.

The English say that this expedition was made several years before the French made an attempt of the kind : we shall hear what the French have to say upon the subject in their turn.

In the year 1536, Henry caused another expedition to be undertaken to the northern part of America, by Mr. Hoar, Mr. Butts, Mr. Rastral, Mr. Weeks, Mr. Dawheny, Mr. Wade, and Mr. Joy. These were all men of distinction, learning and property. The people who were embarked in this expedition were gratified with the sight of the continent, but their sufferings from famine and sickness were so great, that the description of it would be very disagreeable. They must inevitably have all perished, had it not been for the arrival of a French vessel, in the bay of St. John's, which their hunger urged them to plunder. It is said that King Henry made amends for this necessary theft, out of his privy purse.†

After

\* This letter is taken from a publication in New Jersey, in the year 1755, and is in the Collection of Voyages, in the College Library.

† Collection of Voyages.



After the death of Henry, the matter of discoveries, and the taste for new kingdoms rather declined ; but there were some men so interested in the business, from the advantages of the fur trade, and the fisheries, that they continued to send vessels into the seas of North America ; and procured an act of Parliament, in the reign of Edward VI. for the government of the traffic of Newfoundland. This was the only exertion which was made in that short and feeble reign, respecting North America.

When Elizabeth ascended the throne of England, her genius, urged by her pride and ambition, gave a new turn to the public opinion of that country, and inspired that people with a spirit of emulation, and a disposition to novelty and enterprize, which they had never before possessed.

Under her orders, another voyage was undertaken to North America, by Sir Humphrey Gilbert. The Queen delivered to him her letters patent, containing a grant of privileges, franchises, and immunities, for himself, his heirs, and his and their associates, which were very singular, and very flattering. He had for himself, his heirs and assigns, free liberty, and full license, at all times, to discover, find, search out, and view, such remote and *heathen* countries, barbarous lands, and territories not actually possessed by any *Christian Prince* or people, as to him should seem good ; and to inhabit and remain on the same. Yielding one fifth part of the gold and silver ore which should be found therein, to her majesty, her heirs and successors.

In consequence of this charter, Sir Humphrey, in the year 1583, made a voyage to North America, and  
took



took possession of Newfoundland, on the third day of August, in a very formal and solemn manner. There were a great number of vessels from several nations in Europe, engaged in the fisheries on those seas at that time : and numbers of people engaged on the shores in the fur trade. Sir Humphrey issued a general summons to all. The people of thirty six vessels presented themselves before him, and heard the authority of good Queen Elizabeth, her claim to dominion over the sea, and over the wilderness, over the whales, and over the Savages, promulgated in a solemn and awful manner : and they then departed, each one to his own concerns.

Sir Humphrey also made grants of several parcels of territory along the shores. When he had done all this, he sailed southerly, claiming the country as he passed along, and making further discoveries. The idea of going further north than the former voyagers had gone, seems, by this time, to have been given over.

How far Gilbert came to the southward is not ascertained, but a storm arising, he found it very hazardous to continue on an unexplored coast, and therefore bore away for Europe. It is very probable that this was the storm of the autumnal equinox for that year : because it was in August that he erected his government at Newfoundland ; and it is probable that he tarried some days, to see how his new dominion would sit upon the people. On his way to England, his ship grew weak, the storm increased, and he with all his ship's company perished. There were two other vessels with him ; and on the evening before he was lost, he appeared on the quarter deck, exhorting the companies in the other vessels to courage, but could not be prevailed on by them to leave his own ship, which then  
appeared

appeared to have been more injured than the others. Whether this was because he thought there would be more hazard in making, than in neglecting the attempt, or whether he thought it unmanly and cowardly to leave his company in that danger which he wished to shun himself, or whether he had a good opinion of his own vessel, is unknown, but he was no more seen.

Queen Elizabeth was by no means discouraged by this misfortune, but in the year 1584, made out her letters patent to Sir Walter Raleigh, her particular favourite, and one whose inclination to marvellous things prompted him to novelty of enterprize, with the same powers, privileges, and franchises as she had granted to Sir Humphrey Gilbert. Raleigh turned his attention to the southward, and settled Virginia. From that time, to the beginning of the next century, the idea of a settlement on the northern part of America, was treated as rather impracticable.

The people of Europe, however, continued to visit the sea coast, for the benefit of the fur trade, and the fishery : and thus practically convinced the world that the seas might be navigated, and the shores inhabited.

The next movement towards a settlement in the northern part of the continent by the English, was in the year 1607. Sir John Gilbert, who was brother to Sir Humphrey, and inherited his estate and title, was persuaded, at a very advanced age, to revive his brother's claim. In pursuance of this idea, he engaged with Sir John Popham, and several others, to fit out a fleet for the continent. Perhaps a jealousy arising from a Frenchman's having, in the year 1604, been into, and taken possession of the river Kenebeck, and the country to the eastward of it, under the King of France, urged the English to revive a claim which had begun to be considered as obsolete. Be their motive what it might,



might, they revived the old knight's claim, which he had begun to establish under the patent of Queen Elizabeth, and sent out ships to assert their title, and to regain the possession.

They arrived at the mouth of Sagadahock, on Kenebeck river ; where they spent a miserable winter, principally on an island since called Stage Island. Their intention was to begin a colony on the west side of the river, at what is now called Small Point. Sir John Gilbert died that winter. The spirit of colonizing became faint. The encouragement was withdrawn, and the adventurers returned to England the following year.

The suffering of this party, and the disagreeable account which they were obliged to give, in order to excuse their own conduct, discouraged any further attempts by the English, until the year 1619, and the year 1620, when the first settlement was made at Plymouth : and even that company intended to have gone as far south as to the Hudson, but were deceived by their pilot, and brought to Cape Cod.

It may now be necessary to turn our attention to the claim of the French, to that part of the District of Maine which lies to the east of Kenebeck river.

The English say that the contract made by the kings of Spain and Portugal, to divide the new world between them, was never interrupted or contended against, until Henry the VIII. of England, exhibited his claim.

The Abbe Raynal, in his philosophical and political history of the East and West Indies, informs us, that Francis, the King of France, in the year 1523, sent Vazzarini, a Florentine, on discoveries. By him Newfoundland was seen, but he made no stay there. In the year 1531, James Carthier, a Frenchman, and an experienced



rienced navigator, revived the project of Vazzarini. The Spaniards and Portuguese, who had a grant from the Pope, considered all attempts of this nature, made by other nations, as an invasion of their rights, and as a vile oppugnation of ecclesiastical authority.

To this, the Abbe says, that Francis pleasantly replied, "The King of Spain, and the King of Portugal, are quietly dividing the whole continent of America between them, without allowing me to come in for a share as a brother; I should be very glad to see the clause in Adam's Will, which makes that continent their inheritance exclusively."

The Abbe says that Carthier went further northward than Vazzarini had gone, and made further discoveries than had been made before. He continued his voyages for many years under the orders of the King of France; who put in his claim with his brethren, the kings of Europe, and demanded the northern part of the continent as a fief to his crown, by the right of prior discovery, and precedency of occupancy, under the appellation of New France.

Carthier went up the river St. Lawrence, then called Hochelaga.\* He was there received by an Indian King whose name was Donnacana, and his title, Agouhana, with all that pomp of royalty which is suited to the state of a Savage chief.

We have no accounts of a further progress being made by the French in this business, until the year 1603. At that time Monsieur De Motte was appointed by Henry IV. of France, governour of Canada. There can be no doubt, but that the French nation had in the apparent interim between the voyages of Carthier

\* Collection of Voyages, 8 vol. and Ogilby's Voyages.

thier and De Motte kept up a communication with the northern part of America, had made advantages by the fur trade, and the fishery, and perhaps had insinuated a great number of their people as settlers.

Governour De Motte coasted along the sea shore ; and having met with many disasters incident to a navigation where there were no charts to direct ; and where the shoals, banks, and harbours, were unexplored ; he arrived in the bay, which has since been called Port Royal. From that bay he crossed over to the main land, into a great river about twenty five leagues west from the bay, which they called St. Croix. This name was given to the river, and the country on its banks, because De Motte erected a cross fifty feet high on his landing. Here they set their miners to search for silver and gold ore, according to the hopes they had entertained in the adventure.\*

When the spring returned, the general having grown weary of so unpleasant, long, and inactive a season, as he had before passed ; and intending to carry his discoveries and possessions to a climate more similar to that of his native country, he fitted out a small vessel for that purpose ; and sailing south, found the river of Kenebeck : from which, as it is said, he proposed, and thought from the accounts he gained from the natives that he had got a nigher path to Canada, than he had found by the bay of Chaleur.†

The Indians, from St John's to Kenebeck, had the general name of the Etechemins.

The next year the Island of St. Croix, which was situated at the mouth of the river of that name, was abandoned

\* Purchas and Ogilby.

† Abbe Raynal.



bandoned by the French, and their capital was removed to the east side of the bay of Fundy, and placed at Port Royal. When this was done, and the place fortified, De Motte returned to France, taking with him several of the natives. His success had been so great, and was no doubt so much magnified by himself and his friends, that the public interest required his return without delay, to the land of promise : and he accordingly returned in 1604, and went to Kenebeck, Pemaquid, Saco, and Wells, \* taking possession of those places, for, and under the authority, of his master.

While De Motte was thus engaged on the shores of the Atlantic, the French acquired the possession of the country up the St. Lawrence as far as Montreal, where Monsieur Champlain was placed as governour.

The object pursued by the Sovereign, was dominion ; gain stimulated the subject. The King of France made a grant to De Motte, of all the country from the 40th to the 46th degree of northern latitude. This territory had the general name of New France : but the French were interrupted by the English, who settled New England, and by that were prevented extending their settlements to the west of the river Kenebeck : The French, being thus restricted in their settlements, the territory which they called New France, or Acadie, withdrew itself to the eastern banks of the Kenebeck, and the appellation of New England was established on the western shore of that river. Thus by the extreme points of national strength and exertion, a boundary seemed to be settled, not as the line of peace and concord, but as the place of future controversies.

All

\* Hutchinson.



All the lands, from the river Kenebeck to the Narragansett country, being granted to the company called the Council for the Affairs of *New England*, and being reduced to possession under the grants of that company, assumed that name by common consent.

The French have preserved in their history of discoveries a great variety of incidents, which took place while they were in the progress of the discovery and settlement of Acadie; there are however not any which appear to have happened in the District of Maine, and therefore there will be no propriety in a recital.

The patentees of the French King made grants of land to the settlers, and others; but their records have been carried away, and there has been but one instance of a reclaim to title under those grants.

Lewis XIV. issued his grant to M. Cadillac for a large tract of land lying on Frenchman's Bay in Acadie, with a large island opposite to it within the government of New France. It is not certain, whether this grant was made by the king immediately, or whether it was carved out of the grant to DeMotte, by that governor to M. Cadillac.

When DeMotte first came to America, there came one Nicholas D'Aubri, a French Ecclesiastic of very good family connexions. Nicholas went on shore upon the west side of the bay of Fundy, which at that time had no name appropriated to it, but was considered as belonging to the waters of Acadie. Curiosity, which had brought him from Europe, led him into the woods; and the boat from which he had landed left him to his fate.

His

His account of his sufferings was no doubt very pitiful ; for he remained three weeks in the wilderness, wandering from place to place under the most terrible apprehensions, until the boat of the same vessel, by accident found him on the shore, and restored him to the ship's company.\* From this accident the waters of the whole bay of Fundy were called Frenchman's Bay.

The bay has a great many islands, and in order to know which island was granted to Cadillac, it is necessary to ascertain the main land which was granted opposite to it ; and in order to find the main land granted, it is necessary to find the island.

It is said that the heirs of Cadillac, have made several unsuccessful attempts to reclaim this grant, against the British government, on the east side of the bay, where very probably it was originally intended to be. The inner part of the waters called Frenchman's Bay finally gained the appellation of the Bay of Fundy, and the ancient appellation became appropriated to the western side of the waters, and near to Mount Desert. Madame De Gregoire, who proved herself to be a descendant of Cadillac, appeared in Massachusetts, in the year 1785 ; and exhibited her claim to the Island of Mount Desert, and to a large tract of land over against it, as lying in and on the waters of Frenchman's Bay. The feelings of the general assembly of Massachusetts, towards the French nation, were such as to prevent a nice scrutiny ; and in 1786 she was confirmed in a great proportion of her claim.

There were, anciently, many French settlements on that part of the bay, which is opposite to the banks

\* Abbe Raynal, and Carthier's Voyages.

banks of Mount Desert, as well as on the island itself. The right, arising from discovery, seemed to have been abandoned very early, and that arising from pre-occupancy was much relied on among the people on both sides. But in subsequent treaties, the right of prior discovery and priority of grants, were contended for between the Sovereigns. In the treaty of Ryfwick, in 1698, the French and English attempted to settle the controversy, and to establish a line between New England and Acadie. That treaty fixed the eastern boundary of the British dominions, at the river St. Croix: but still it remained a question which of two rivers this was. The French contended, that the river now lying on the east side of the settlement of St. Andrews, called the Makagadawick, was the boundary: but the English contended for a large and respectable stream, twenty leagues east of that, and which is now called the St. John's.

The truth was, that when the French landed on the west bank of what is now the Bay of Fundy, they erected a cross on the land, and gave the whole country the name of the *Holy Cross*. The rivers had no name at that time, but such as were expressed in the Indian language, and therefore among the Europeans took the general name of the country, and were all for that time called St. Croix.

Since the treaty of Paris in 1783, the English have made the river of Schooduck the St. Croix, and thereby have brought it twelve miles on a strait line farther south than the French contended for.

The seas of North America were crowded with fishing vessels from Europe in the early days of the country. The fur trade had become lucrative, and in some



measure compensated for the disappointment which the adventurers suffered in not finding mines of the precious metals in North, as the Spaniards had in South America. But the permanent wealth arising from the fishery, from agriculture, and from commerce was very soon discovered to be of more value, and much superior to that produced by the bowels of Mexico and Peru.

The expectations founded on the advantages of mines of gold and silver ore have never failed to produce idleness, profligacy, and dissipation of manners ; while commerce, agriculture, and the fisheries necessarily urge the people to industry, frugality, prudence, and economy : and have a direct tendency to render man an active, virtuous and respectable creature. It is concluded, with great strength of reasoning, that if the earth should yield a spontaneous support for its rational inhabitants, they would not be so happy as they now are : yet they go on complaining of the toil, labour, and anxiety, to which their lot exposes them.

The world, in all ages, has been filled with the groans and complaints of mankind. The great object supposed to be pursued, is a state of ease and leisure ; and all their labours are directed to it : but it so happens, that when the point is so far gained, as that there is property enough accumulated for the accomplishment of the end in view, the possessor has encreased his views, enlarged the measure of his taste, or become so habitually anxious in regard to his possessions, that he finds himself at a vast distance farther from a state of ease and quiet, than he was when he first began his career : this he confesses as a solemn warning to the rising generation, but they pursue his track, go through his sufferings, and end their lives like their ancestor, with  
saying,

saying, all is vanity and vexation of spirit. This propensity to enjoy an exclusive right to external things, has, however, its proper use in the government of the world, and is well suited to the constitution of human nature : It collects the passions and inclinations to a certain point, and directs the exertions of man to those things which have a tendency not only to prevent evils, but to encrease the public felicity. While civil societies ought to encourage this propensity, and to preserve its vigour, there never can be a dangerous consequence resulting from it, if the laws are wisely made, and equally and inflexibly administered.

We may conclude, that the advantages of the northern part of the continent, exciting to industry and toil, are much superior to those in the south, where wealth is expected, without the toil and labour of the proprietor.

But we are under no kind of necessity to depend upon abstract reasoning, for the proof of the comparative excellency of our part of America : the increase of population, the flourishing state of the arts, our immense quantity of commerce, the refinement of sentiment, and the wisdom of our civil institutions, all appear as witnesses in its favour.

The discovery of the river of Piscatawa, by Captain Smith, in the year 1614, fixed the people in England to a determination to make a settlement on that river.

Gorges and Mason, being both active members of the Council for the Affairs of New England, pursued this design with unabating ardour, until they had accomplished it.

## CHAPTER

## CHAPTER IV.

*On the Motives and Views of the First Adventurers.*

HOW the Princes of Europe could possess a right to grant the lands on the continent of America, is a question which can never be answered in such a manner as to justify the proceedings that have taken place under their authority. The continent, when the Europeans found it, was in the quiet possession of a part of the human race. Though this was but a rude occupancy, by no means tending to the encrease of mankind, the encouragement of the arts, or the promotion of the sciences, and might place the country on a footing with an uninhabited waste, yet the sovereigns of Europe had, as such, nothing to do with it. To quiet the feelings of conscience, and to preserve the appearance of justice, there was a necessity of raising a false system of morals, pretendedly on divine revelation. Nothing could be better fitted for this purpose, than a claim founded in an authority infallible in itself, because it came from the voice of inspiration.

In that age of the world the Bishop of Rome was considered by Europe as the Vicegerent of Christ, as possessed of infallible wisdom and consequently uncontrollable authority. He cast down kings, and disposed of empires ; led the princes in fetters, and brought the mighty sovereigns to the foot of his sacred throne. We now stand astonished at this piece of history ; but when we reflect that public opinion is the most forcible of all human laws, and that the Church had been for



for three or four centuries the engine or instrument of the state, we cannot wonder that she had gained such an ascendancy on the mind of a fanatic age, as to take her turn to rule.

The Pope was the supreme infallible head of the Church. The Bible was his charter of authority, and the cardinals and lesser officers under them, were united with him in the same point of interest. The heathen nations were driven out of old before the Jewish Church, and the same land given again to the heathen, when the chosen people in rebellion restored the temples of idolatry. In the prophetic language of scripture the Messiah had the promise of the heathen for his inheritance, and the uttermost ends of the earth for his possession.

Under impressions of this kind, it was an easy matter for a covetous christian, or even an ambitious infidel, to persuade himself that the time had arrived, when these glorious promises were to be fulfilled. The adventurers to America had found the uttermost ends of the earth ; and had discovered the heathen nations, who ought either to submit to the dogmas of the holy infallible church, or to an extirpation by the sword.

However odious this representation may appear at this day, yet there is too much evidence that some of the Europeans acted under such impressions, to admit of a contest on the subject. But perhaps philosophy, and the natural rights of man, may assign for the migration to America, a motive more honourable to the characters of the first adventurers, and as well supported by evidence, as the one already mentioned. The stile of the day, in which the country was peopled by Europeans, had like others its peculiarities ; and

although there were among the first adventurers, men, who with a degree of ostentation, unbecoming a christian character, professed to be under the influence of religious principles as dictated by divine revelation, in whatever they did, and to claim a right under the precepts of religion to the soil which they came to inhabit ; yet there was a mixture of philosophy and good policy in their proceedings.

To engage the public attention, while an attempt shall be made to exhibit other motives for the extraordinary exertions of our ancestors, and to assign other causes than those of puritanism and bigotry,\* for the wonderful effects which overflow our country with peace, wealth, and liberty, it will be necessary to consider the characters of the adventurers, and the manners of the people who were found in the possession of America.

For the space of six hundred years, from the commencement of the fourth century, Europe was agitated with wars, invasions, and all those distresses which are incident to the conquests of nations. The idea of a balance of power in Europe is very recent ; and there was in those times, something necessary, but which could not be found, to give that centre to the public opinion, which would fix the basis of peace and tranquillity. At length Christianity extended the spirit of peace to all those nations, and united them in one general idea of religion. The avaricious and ambitious members of the communities, were by this deprived of their most forcible arguments in favour of war against the neighbouring nations. There could be no longer a cry for appeasing the *manes* of their ancestors, by  
shedding

\* Josselyn and Governour Hutchinson have counted too much on religious prejudices.

shedding the blood of the human race, or a pretence of regaining or defending the temples of their gods.

The mortal, and disgraceful controversies which were supported between the Arians and Trinitarians, when considered as a controversy respecting the doctrinal principles of a religion, which breathes only peace and good will to the world, appear as an unaccountable phrenzy ; or rather a disgraceful hypocrisy ; under the sanguinary banners of which, the men of ambition led the credulous multitude to acts of cruelty highly dishonourable to that religion, which both sides, with equal confidence, pretended to support.

Whether the Roman Christian religion breathes slaughter and cruelty to unbelievers or not, yet one thing is certain, that where neighbouring nations had been united in their forms of worship and religious sentiments, they always had less wars between them and more humanity towards each other than there would have otherwise been. When there were no standing armies, ready at the call of a sovereign to invade nations whom he chose to conquer or scourge, it was very difficult to produce a motive sufficient to unite the body of the people in a hazardous and expensive enterprize.

Had the nations of Europe continued to this day, united under the Bishop of Rome, and submissive to the tenets of the infallible Church, their part of the world would have exhibited an appearance very different from what it now does. The press could not have gained any degree of freedom, the mind of man could not have been expanded by those noble and laudable investigations, those bold conjectures, and those manly pursuits,



pursuits, which have raised him at our day so far above what he ever before has been. Therefore, while we lament the wars and distresses, which have been the consequences of religious dissensions, yet we may, without blushing, acknowledge the advantages that have flowed from this source of human calamity.

The mind of a nation seems to be well represented by the ocean, which is forever in motion and tumult, with but short intervals of calmness, and yet always, by the nature of its specific weight, tending to a state of quiet.

When from the conquests made by the northern nations, their expulsion again by the natives of the countries they had subdued, the uniting of petty states, the consolidation of separate tribes into empires, the union of contending members under the same sovereign power, the overthrow of the Roman Empire, and the general opinion against, and leagues and treaties to prevent future conquests in Christendom, Europe began to realize the advantages resulting from a balance of power, that part of the world began to rest. There was then no common enemy against whom the nations could unitedly unsheath the sword of war. The petty controversies between great men there, respecting the right to exercise the sovereignty of their nations, is a subject which has no connexion with this history.

The eleventh century presented an object, which the princes of Europe thought worthy of their attention. To gain the possession of the holy sepulchre would be an achievement, which would reflect the most lasting honours upon the united powers of all Europe.

The

The toil and expense, the waste of men, for the long space of time through which this controversy was carried, are unnecessary to be dwelt upon. The crusade against the city of Constantine was equally unsuccessful.

In the sixteenth century the people were again divided in their sentiments of religion, which gave the monarchs an opportunity to revive the old idea of a national or state religion, and which in the European kingdoms was at length reinstated in its former force and efficacy. The lines were drawn; and each form of worship in the christian religion was evinced as the true one by a cloud of witnesses; who, under the extreme tortures of the rack, and the flames, gave testimony to its truth and evangelical purity: yet all agreed that the unbelieving world were the common enemy: This was the only point in which they were entirely united at that time.

But as the mind of man is naturally turned for enterprize, there was wanting in that day some incitement suited to the taste of the age. The art of printing, which may be considered as a mode of conversation in the great circle of the world, had then lately been introduced. Whether this invention encouraged and rendered more general the art of writing or not, we know, that it was little practised in Europe before, and that it was never known in Russia until the fifteenth century. The use of the mariner's compass, the great conductor of foreign voyages, and the sure director of distant commerce, was then but a late discovery.

The Europeans of that age were sunk by a civil derogation of human nature, and acted from the force of habits resulting from the feudal system. There  
were

were few persons besides those who were classed in two grades of subjects, the lord and the vassal, or the master and the slave.

Commerce was but little known, the arts not much practised, and the sciences but little attended to. Though the crusades were over, yet there were a vast number of idle men supported by the labour of the multitude, who were, from having nothing to employ themselves upon, naturally excited to adventurous deeds, and hazardous enterprises. The age of chivalry was not over; and the religion of the day raised the imagination to delight in whatever was marvellous. Though the wars, civil and foreign, had prevented the kingdoms from being filled with inhabitants; yet, in the then imperfect state of agriculture, the yieldings of the soil were not commensurate with the wants of the people. Thus situated, there seemed to be a necessity for Europe to find a place where her supernumerary inhabitants could be cast. They had no expectation of discovering a country, where they eventually found this; but they hoped for conquest in Africa, and for commerce with India.

There was finally another stimulus for the English and French to this kind of adventure. The Pope had granted an exclusive right of new discovered countries to the kings of Spain and Portugal; these princes were much devoted to the See of Rome. Francis, the French king, and Henry VIII. of England, were not so much under the Pope's influence. The latter had set his authority at defiance, and the former had treated it with neglect. These princes could not view with a tranquil eye, the division of one quarter of the globe, in a manner which excluded them from a share in it; they therefore made grants, at an early date, to such of  
their



their subjects as would undertake the labour and expense of discovering and possessing new countries uninhabited by civilized nations. The king of England was further urged in this enterprize, by an idea that, as he had claimed the office of infallible head of the church in his own empire, and denied the greatness and authority of the see of Rome, if he suffered the Pope to grant away one quarter part, or perhaps, including Africa with America, one half of the terraqueous globe, the fanatic age in which he reigned might make comparisons very unfavourable to his power and influence. The subjects of these princes were urged by others, but by as cogent motives as those which governed their masters. The *precious metals*, before the discovery of South America, were far from being plenty : those indeed were acknowledged as the most suitable representative of property, and the most manageable medium of commerce. Money has been less understood than any other subject which claims the public attention : the philosopher has considered it as a subject beneath his attention, and the men of the world regard only the use, and the current comparative value of it. The people in Europe, at that time, were very far from calculating, that as the quantity of the precious metals should be augmented, their value, as compared with labour, the standard of the value of all property, would be lessened. They believed that the bowels of all America were gold and silver, and that the encrease of their wealth would be commensurate with the quantity of gold and silver which they should produce to the light. From expectations of this nature arose those reservations to the crown in the ancient deeds and charters, wherein one fifth part of the mines of gold  
and

and silver, which might be discovered,\* was to be to the grantors. The French, on their taking possession of Acadia in the year 1604, in consequence of their ardent expectation of discovering riches in the earth, imagined that a very high rock, “between the two bays of the sea, with curious small stones growing in it glittering like diamonds, and appearing very curious to the eye, were of inestimable value.” Some of these were carried to France, and, for a time, received as a very valuable acquisition. The English had as high a relish for the precious metals as the Frenchmen or the Spaniards. There were other incitements to the pursuit of American possessions. The fur trade with the natives had become very lucrative, and the abundance of fish on the coast invited the voyagers to return again. But above all, the idea of extent of territory, of shires, and manors, invited the great, to urge the small, to become adventurers, under the hopes of having a better life of vassalage in America, than they could obtain in Europe. The ideas of liberty of conscience, and the enjoyment of a particular form of devotion, had no influence on the first adventurers to America; though such motives afterwards had a share in the settlement of the District of Maine. How far the first settlers of Massachusetts, and of the Colony of New Plymouth, acted under a sense of the necessity and propriety of religious liberty, has been fully considered by others, and is very foreign to the business in hand. There were a great number of christians, called Puritans, in the District of Maine, at an early period: and John Josselyn, in his voyages, considers the submission of the people there

\* Ogilby's voyages, where he treats of the discovery of Newfoundland, New England, &c.—*Belknap's Collection*.

there to the Massachusetts government as resulting from that cause.

The character of John Mason has but little connexion with the history of the District : because he was very soon separated from it by a partition of the first charter, made to him and Sir Ferdinando Gorges, jointly. In the year 1639, Gorges obtained a grant from Charles I. of the whole Province of Maine : and as this grant is to be considered as the origin of the western part of the District, the character of Sir Ferdinando may be connected with the history of it.

Sir Ferdinando Gorges was born at Ashton Phillips, in the county of Somerset, in the kingdom of Great Britain, in the year 1573, of an ancient, but not opulent family. He had been an officer in the navy, and governour of Plymouth in England, and was no doubt urged by the poverty of his situation as compared with others of his rank, to undertake some adventure that might encrease his rent roll : his expectations were very great from the American adventure but all his hopes were disappointed, and he finally complained of having spent twenty thousand pounds sterling money, and of having reaped only toil, vexation, and disappointment.

The people who came to the other New England colonies had views very opposite to those which inspired Gorges and Mason. The latter were after manors and provinces ; pursuing a system nearly allied to the feudal principles which had prevailed in Europe, and expected to enjoy the profits at their ease without crossing the Atlantic ; but the former wished to get out of the reach of arbitrary power, and delighted in equality of civil and religious privileges. Gorges and Mason were devoted to episcopacy, and forwarded settlers  
who



who would promote their views, but the others hated the hierarchy of the church. The colonies, thus divided in sentiment, very soon became unfriendly to each other; and the popular principles held by Massachusetts, were too inviting to the adventurers to allow their eastern neighbours to encrease in numbers. The disorderly and bad part of the people, found an asylum in the Province of Maine, and while this encreased the number of inhabitants, it rendered the country disorderly and tumultuous. Thus situated, Gorges and Mason united in an unsuccessful attempt to obtain a general government over the New England planters.

The reign of Charles I. afforded a favourable crisis for an establishment of such a government. Charles hated the republicans, and well knowing that the New England colonies were filled with them, he had considered the extensive grants of his predecessors, to the Council for the Affairs of New England, as dangerous to the royal prerogatives, and opposed to the measures he had adopted. Gorges was a firm royalist, and consequently had some share of influence with his prince: the general government was granted, but the situation of the king soon became such as demanded all his care and attention to his own safety. Gorges adhered to him, through all his troubles, ruined his own fortune, and died before the restoration. The colonies of Massachusetts, New Plymouth, Rhode Island, and Connecticut, formed a Congress of commissioners in the year 1642, for the ostensible purpose of guarding themselves against the Dutch, who had taken possession of the territory on the south of them; and as under apprehension, that hostilities might be commenced by the Narragansett Indians; but, perhaps, a union in an  
opposition

opposition to the general government proposed, had as much weight in their minds, as the danger they apprehended either from the Dutch, or the Savages. The records of the commissioners' proceedings are in the town of Plymouth ; and appear to be continued in regard to this union from 1642 to 1652. The death of Charles, in 1648, and the establishment of a pretended republican government, though both could not take away the danger arising from the Dutch, or from the Narragansett Savages, yet these were sufficient grounds for suffering the exercise of the united exertions of the colonies by their commissioners to be neglected.

Sir Ferdinando was a man of great ambition, very avaricious, and very despotic. He was impatient under disappointments ; and was never considered as a man of integrity. The flexibility of his measures may be imputed perhaps to the instability of the times, and the hazardous situation of the government under which he lived : he adhered to Charles, and the royal side of the civil war, until his ruin was involved in that of the cause to which he had devoted himself.

The death of Charles, was the temporary death of Gorges' patent, and though it was in some measure revived under Charles II. yet it languished until the colony of Massachusetts purchased the territory. The exercise of the government there, in stile of a colony or province of Massachusetts, was very inefficient and troublesome. From the tenor of Gorges' patent, and the ancient papers and grants founded upon it, we may discover the intention of the adventurers under him. Giving these papers a place in this history, will be consistent with the plan of it, and will preserve the evidence of important transactions



after the records which now hold the evidence shall be lost. The paper, on which some of these are recorded, is now so much decayed, and the strength of the ink so far exhausted, that the writing is scarcely legible. A few years more will take the letters out of the reach of the eye, and turn the enquirer over to the historian for information.

The first adventurers to South America could have had no idea of finding a country filled with the precious metals. Columbus was in search of a new track to the East Indies, those round the Capes being then not discovered. As soon as the mines of Mexico and Peru were opened, the Europeans changed their taste for chivalry and conquests, to a most violent propensity for the obtaining of wealth by fortuitous events : and, therefore, the first adventurers to the northern part of the continent, paid their attention principally to that object. The Savages in North America, by their natural sagacity, discovered the leading passion of their visitors, and encouraged the fruitless pursuit, by informing them of mountains of ore which never existed, and of riches in the interior parts of the country which have never yet been found. The White Mountains, which are placed north north west from Casco Bay, have a singular appearance when viewed at a distance ; their tops are white like snow. There was an early expectation of finding a gem, of immense size and value, on this mountain : it was conjectured, and it is yet believed by some, that a carbuncle is suspended from a rock, over a pond of water there. While many in the early day of the country's settlement believed this report, each one was afraid that his neighbour should become the fortunate proprietor



proprietor of the prize, by right of prior possessor. To prevent this, credit was given to the tale of the natives, that the place was guarded by an evil spirit, who troubled the waters, and raised a dark mist, on the approach of human footsteps : this idea was necessary to those of avaricious credulity, who had attempted in vain to obtain the prize, and were in hopes of a more fortunate adventure.

There was another tradition, that three hills of rocks, were situate up Saco River, about forty miles from the sea, as full of silver as the mountains of Peru : fully persuaded of this, William Phillips, of Saco, purchased these mountains of Captain Sunday, a Sachem, in the year 1660 ; but he, or his posterity, have never been able to possess the expected wealth from those hills.

Under an impression, so very unfavourable to the interest of society, as well as subversive of the quiet of individuals, but at the same time so much cherished by many, the people in New England continued, and received from an accident a deeper influence. A Spanish galleon had been lost near the Bahama Islands. The vessel had a great quantity of bullion on board, and the expectations of a vast number of the people in France, Spain, England and America were fixed upon obtaining so great a treasure from a fortunate discovery of it. William Phips, who was born on a peninsula on Monseag Bay, and within the town of Woolwich, was a man of great industry, enterprize and firmness : like Julius Cæsar, he knew how to distinguish difficulties from impossibilities : the former he was ready to encounter on proper motives ; the latter, he had too much understanding to attempt. In his day there was a very extraordinary delusion abroad in the world ;

visions, dreams, witchcrafts, and familiar spirits, were every where talked of : and the good man, who had a dream, which turned out to be true, or which as the phrase then was, came to pass, was considered as a prophet, and the secret of the Lord was with him. This temper and spirit, whatever was the real cause, raged generally at that day through Europe and America. Many innocent persons fell as victims to the delusion, under an accusation of their having entered into special covenants with the devil, and having derived miraculous power from him. This horrid consequence of the dementia, did not extend to the Province of Maine, or to the territory of Acadie : the people prosecuted, fled into those places from the sword of destruction. Mr. Phips had removed from Sheepscott to Boston, where he engaged in the business of ship building. It was reported, that he had dreamed where the galleon was laid. Whether his extraordinary spirit of enterprise, led him to undertake the search of the wreck, and taking advantage of the delusive spirit of the times, he pretended to the favour of a vision which he never had, in order to procure assistance in an undertaking which a rational calculation might not render worthy of the hazard attending it ; or whether having placed his imagination upon the scheme, his mind embraced the object in an agreeable manner, when he was asleep, or whether there was a divine special influence in his favour, is not yet decided. It is very certain, that his success in the business, was an event which raised him to singular honours, and to great usefulness in his day. He was afterwards governour of Massachusetts, by the royal authority, under the new charter of 1692, and had the dignity of knighthood conferred upon him.

In



In the early day of civilized America, the ships of Europe did not cover the ocean, and control every floating thing, as has since been done : nor could the maritime powers extend a corrective hand to the American seas, so as effectually to prevent piracies : and the infant governments here, were too feeble, separately considered, and too much divided among themselves, to unite in raising a force sufficient to prevent the robberies, which distressed the coasts. But necessity will finally give force to every thing within the power of human exertion. Those rovers were at length subdued, and some of them executed : some of them, previous to their execution, flattered the persons to whom they had access, with the idea of great wealth being hid by the pirates on the sea shore, and at places remote from the sea. These confessions were made under the delusive hope of obtaining pardons ; but the money has never been found. The temper of the times was such, that the public mind would not bear a debate on the greatest absurdity, or a contradiction of the most palpable error, without the danger of contentions or commotions : perhaps it was owing to this, that Sir William Phips never disclaimed the idea of a special divine interposition in his favour. He was liberal for the time in which he lived. This was evinced, by the methods which were taken by himself and his wife to save from destruction some of the distressed people, who were under the sentence of death for witchcraft. It was necessary, in the system adopted by the Romish church, to establish a power incomprehensible to human reason, and too sacred for rational investigation. The alliance between the throne and the altar was well formed by Constantine. The advantage



which the latter might derive from a close connexion with the former was well understood by him. Though the realm of England had been severed from the power of the Pontiff by Henry VIII. yet the mysteries of the Church continued in a great degree. All governments which have attempted it, have found it to be an arduous undertaking to alter the habits of the body of the people: and in a country where there is any share of freedom, there is no way to do it, but the slow process of persuasive reasoning, and the temptations of interest and emolument.

The controversies between the Protestants and Catholics were warm, because religion had only an ostensible concern in it, whilst the politics of the country were the origin and support of the contest. As the quarrel of the Dissenters and the Episcopalians had but little to do with religion, the church of England must have sunk, if there had not been an earthly, powerful, and infallible head to give it support. Without secular authority to punish for gross infidelity, the church would soon be robbed of the attribute of infallibility in divine things. The sovereign of the empire had the most secular authority, and was therefore the most suitable head for the church. The religion of the Dissenters was tinged with the principles of republicanism, which led to equality in matters as well civil as ecclesiastic; and therefore naturally opposed itself to monarchs, prelates, and every species of dignitaries. The first settlers of New England were Dissenters, but had no more enthusiasm in this country, than they left with their brethren in Europe. Sir Ferdinando Gorges was as warm in the cause of the national church, as he was in that of royalty; and the  
adventurers.

adventurers who came out to his province were of his sentiment in both : but they soon began to waver, when they got into the neighbourhood of the other New England colonies. There never was any thing like persecution in the District of Maine, nor was there much pains taken, in the first settlement of it, to establish a regular support for the clergy : the want of this was a great injury to the people, for experience fully advocates the point, that without a regular fixed mode of establishing teachers of piety, religion, and morality, a country can never be made virtuous and happy.

There is a great degree of evidence in favour of religion, resulting from the certainty that all nations have found the profession and practice of it necessary to their peace and prosperity. That which tends, obviously, to render man happy here, and to secure his happiness hereafter, must emanate from the tender Parent of all beings, and must be right. If the first settlers of New England, erred through a zeal upon this idea, we cannot but applaud their motive, if we censure their conduct.

The characters of several individuals, who were of note among the first planters in the District of Maine, shall be hereafter given, in a place more proper than this.

## CHAPTER

## CHAPTER V.

*Of the Manners of the Natives.*

MANY conjectures have been published, respecting the origin of the Americans : but when the curious inquirer has pursued this long beaten track, through the wide field of ingenious conjecture, until the chace is ended, he sits down amused, and perhaps delighted, but by no means satisfied with any one hypothesis.

That the extreme northern parts of Europe, contains a race of men, living in the most savage state of barbarity, dwelling in dens and caves under the earth's surface, and resembling in their appearance, and in their manners, the Esquimaux and the Greenlanders of America is well known ; but whether the ancestors of those on our continent migrated from the other, or whether the ancestors of the Finlanders and Laplanders, ferried themselves over the icy ocean, from the frozen coasts of America, to find a more comfortable climate in the same degree of northern latitude in Europe, is not yet decided ; nor is it yet settled whether the native Americans were a race of men who never had the remotest connexion with the Europeans.

There is a great degree of similarity between the original inhabitants in every part of our continent. The men appear as having no beard. Some writers say that nature would furnish the Savage as liberally with this mark of virility, as she does the European,  
but



but that there is a uniform resistance to her operations in this point.\*

It is very extraordinary that this subject should be open to controversy at this date. The evidence however is in favour of the natural distinction ; for the savages are seen at all times, and in every part of the continent without a beard. That they pluck it out by the roots depends upon the testimony of men, who speak rather from conjecture than from facts under their own observation. To oppose these, there are circumstances which are very strong indeed. The writers respecting the Indians in the south, say that the sick and the aged are neglected ; but no one describes an aged or sick man with a long beard ; nor has there ever been found in the furniture of a savage's camp, an instrument adapted to the use of plucking out the beard.

The men are described as having a contempt for the other sex, and as quite insensible to the charms of female beauty. Where the excellency of the person lies in bodily strength, agility, and prowess, the deficiency of the female in these endowments must place her in a contemptible point of view. It requires a great degree of refinement in the manners of a nation to give the fair sex their rank, and to raise them to a proper pitch of estimation.

In some parts of America the women are enured to toil equally with the men ; in others the husbands feel themselves proudly raised above the drudgery of hard labour, and lay the whole burden on their wives.

One custom generally prevails ; the women nurse their children until they are six or seven years old. The men are averse to having a numerous issue. The

Abbe

\* Robinson, Carver, and Josselyn.

Abbe Raynal apologizes for this apparent defect, by saying that the support of animal life, by proper nourishment, is the first, and the loudest call of nature ; and that men depending upon the precarious provision of the chase, have but little time and less inclination for the soft scenes of dalliance. Nor can they have strong wishes for the multiplication of their species, where the means of maintaining life are scanty and depend upon fortuitous events.

No traces of the European arts have been found in North America. There appears to have been some approximation to the arts in the South. The first adventurers to South America, found the savages as having made some beginnings towards the art of painting, of drawing pictures, and of making images as well as in that of architecture. The dawnings of civilization were discovered by a fixed form of social worship ; and though the mind of the traveller was shocked at the idea of human sacrifices, yet there was a kind of apology contained in the recollection that this practice had formerly prevailed in countries more civilized. Much labour had been spent on roads and bridges by way of public expence in South America ; but nothing of that kind was to be found to the northward of the *Mississipi*. Fortifications, and towns walled for defence, were found in New Spain, but there was no appearance of a regular fortification north of the Chesapeake.

The dress of the Mexicans and Peruvians were very slight ; none of them had garments as a defence against the weather ; but they delighted in the rude ornaments suited to a savage pride. In the northern parts of the continent, the rigid winters urged the inhabitants to  
fortify

fortify themselves with the skins of the wild beasts, against the frost of the climate.

The remains of regular fortifications are now seen on the banks of the Ohio, and large sepulchral piles or mounds are existing in that country; but who raised these, or whence came the numerous hordes which have been gathered there to sepulchral honours, is and ever will be unknown. If the license of a conjecture might be indulged, I would inquire, whether the wars of the northern against the southern nations, might not make the banks of the Mississippi, and of the rivers which pay tribute to it, the ancient theatres of bloody contests? In that part of America, the remains of such fortifications are found as were at first discovered in South America; these must have been raised by the people of Mexico and Peru, because the northern nations never possessed the art. Had the northern Indians been capable of such means of defence, the remains of their forts at least, would have been seen. The northern people of all nations, have been found to possess more strength of body, than those of the south; and from that circumstance, or from envy, because the southern people have excelled them in skill, there have been perpetual conflicts; and why is it improbable that the northern Indians, like the Goths and Vandals, overran a great part of the continent, and drove the southern tribes from their line of forts on the Mississippi, and raised the piles for their dead, which are now found in that part of the country.\*

When the country of Louisiana, lying between the Mississippi and the Gulph of Florida, was discovered, it  
was

\* General Parsons' communication to the American Academy, and Doctor Cutler's account of his travels on the Ohio.



was found to be inhabited by numerous small tribes of Indians, independent of, and perpetually at war with each other : these are the common effects of a dissolution of government, and are generally found in a space where contending powers have alternately usurped a dominion over the wretched inhabitants. The French adventurers to that part of the continent describe the people found there, as the remaining crumbs of a broken and dispersed nation.\*

The original inhabitants of Spanish America, as well as those in Louisiana, and on the Chesapeake, were not so strong and robust as those found in New England and Canada. On the same degree of latitude south of the equator, the people were found to be more vigorous and strong than they were nearer the line. The northern latitudes, from forty to forty six degrees, produced men in a much higher state of perfection than the natives either more northerly, or nearer the equator.

The Savages found in Canada were in no way different in their manners, in their size, or in their habits and customs, from those on the sea shore of New England. They were tall, strait and nervous ; their muscles strong, and their eyes small and piercing. They had great agility of body, and were as remarkable for a kind of savage cunning, as for any thing else.

The easy way of communication through the rivers and lakes, between the Atlantic and the borders of Canada, rendered the Savages, inhabiting both, more like one nation, than they were in the same width of circle any where else.

On

\* Voltaire, and Abbe Raynal.

On the north part of the continent, in what is now called Greenland, the natives are described as not being more than four feet in height. Their heads are large, and out of proportion to their bodies ; and their hands and feet are exceedingly small.\*

The people of the Esquimaux seem to be under the same sentence of degradation : their size is nearly the same with the Greenlanders ; their faces are flat, their nose small, and their manner of life more wild and savage. The Esquimaux depend altogether on the bounties of the tide for their subsistence.

The Greenlanders and Esquimaux are both alike intrepid and active in their attacks on the whale, on the sea dog, and on other animals inhabiting the waters of their coasts ; but the whale frequently gives many of them at once, with the stroke of his tail, to the multitude, which under his monstrous shadow seek their food among the fragments of his board. These people have no incentive to a regular course of exertion of their natural powers : a desire to satisfy the immediate calls of animal nature, without any provident attention to futurity, is their only aim. No keen ambition fires their breasts, urging them to conquest and dominion ; or prompts them to the destruction of their own species. Perhaps the presence of a favourite female may urge the enamoured Esquimaux to feats of valorous activity against a sea dog ; but as the passion of love is seldom raised in their bosoms, their souls are dull as their winter nights ; and we have no reason to believe them to be capable of a lively stroke of fancy, or of one ray of brilliant imagination.

I have

\* Buffon.

I have said that there is a great degree of similarity among all the people found in the new world. This is in general true. The people of South America are not so black as those who are in Canada, The former are of a reddish brown colour, but the latter are as black as the lighter coloured Africans, and have but a very little of the red mixed in their countenance.

The Savages of North America possess some habits very much in common with those of the southern part of the continent. Their governments were nearly the same, excepting that the southern Indians had empires, separate in their dominions, each acknowledging one independent sovereign. The other parts of the continent were under the weak and inefficient dominion of petty princes, or sachems, to whose government very little respect was paid.

The appearance of the men in each part of the continent, as to shape and size, was similar, excepting what has been observed, that in the mid way between the equator and the highest degrees of northern and southern latitude, there might be observed a higher degree of perfection in the human frame than was to be seen nearer to the line. In South America, there were tribes or families of Indians of a complexion which was never seen among the northern nations. A pale ashy colour was there considered as a mark of degradation fixed on those whose lot it was to have it : and the same grade of distinction seemed to be preserved by the others against them, as is preserved in civilized America, between the white and black people.\*

The savages had very few inducements to speculative inquiries ; moved by the force of appetite alone, they  
formed

\* Robertson's History, and Voltaire's Manners of Nations.



formed no abstract ideas, nor had any regard to the consequences of, or apprehensions respecting future events ; from whence their language was marked with poverty, and their signs of ideas not complex or multiplied.

Public religious ceremonies are generally the first marks of civilization, and the solemnity of marriage the next : upon the first depends in a great measure the habits of virtue and morality : on the second, the good order and regularity of civil society. The contracts for marriage among the southern Indians were not so permanent as they were among the Indians in that part of the country which we have under consideration ; but they had made greater progress in the establishment of forms of social worship. In the southern part of America, the state of helpless infancy is sooner over than it can be in the more rigid and severe climates of the north ; and therefore the continuance of the marriage contract between the parents is not so necessary. Among them the care of the mother may be amply sufficient to rear the young Savage to a state of independence, while the tender attention of both parents may be demanded for that purpose further to the northward. In all parts of the continent, the wives were obtained by purchase, and consequently considered as they are in Asia, a higher order of slaves ; and were treated as such by their husbands. This measure is assigned by some writers as the cause of the sterility among the American women.\*

The only object of parental care among the savages is to preserve the life of the child, and to prevent a deformity of body. The natural appetite, with the ex-  
amples

\* Abbe Baynal.

amples arising from the exertions which are necessary to the procurement of daily subsistence, are fully sufficient to introduce the young Savage to the mysteries of the chase, and to accomplish him for the few duties resulting from a rude life. The young man having derived but few benefits from his natural parents, very soon forgets the obligations of filial respect, and on ordinary occasions appears to live like a stranger among the connexions of consanguinity.

The weak incentives among those people to social life, afford but a precarious foundation to friendship ; and therefore he who looks for favour from a Savage, or for truth in a North American Indian, must raise his hopes upon something which will affect the immediate interest of the Savage or gratify his prevailing appetite.

The Savages found in the country \* southward and westward of Sagadahock and Piscataqua, were under the general name of the Abenakis. They were divided in tribes, under particular sachems or chiefs, and had above these higher officers called Bashabas. But what the qualifications of those officers were, or in what manner they were inducted, is not ascertained : nor is their power, if defined among them, so well known to us, as that we can describe the lines of it. The Indians east of Sagadahock, had from the French the general name of Etchemins.

The only law necessary to a state of savage life, is that by which a man can guard his possession of the article he holds in his hand ; and the dread of retaliation for injuries, all the sanction which can be had. There were as few rules established for the decision of questions

\* Purchas, Gorges, Raynal, Belknap.



tions of property among the Abenquais or Etchemins; as among any people discovered on the globe. They had no established tribunals to apply to for justice: nor any executive officers to carry decrees into execution. Their plighted faith for the permanency of marriage contracts, appeared to be more obligatory upon them than any other general rule. The writers on the manners of the Savages in South America, and the travellers among the Savages on the banks of, and beyond the Mississippi, give an account of those people's practice respecting constancy in marriage, and the chastity of their women; very different from what has been observed among the natives in New England, in Acadie, and in Canada. It is said that the women in South America, and on the banks of the river mentioned, are prostituted by their parents and husbands for the gratification of strangers, and that the marriage contract is frequently dissolved by consent of the parties. The Savages in our part of the continent have been rather chaste than otherwise, and the husbands have been found jealous of their wives, and watchful of their exclusive marriage rights; and there have been frequent instances of resentment, where strangers have been found guilty of rudeness to the Indian women. There is no instance which has fallen within the reach of my inquiries, wherein a separation between husband and wife has taken place by mutual consent.

De Motte, in his journal, mentions, as the Abbe Raynal says, an instance, where a young man of his family debauched a young Savage, and that it was highly resented by her father, who was a chief on the banks of the Machakadawick; but that the injury was finally compensated by the marriage of the parties.



This is very wide from the accounts given by Ogilby, and other writers ; but I believe that those large volumes contain a great deal of misinformation. Perhaps the practice of promiscuous cohabitation is a very important line between a savage and a civilized state. Where we find the public opinion well established in favour of the permanency of marriage compacts, and in favour of female chastity, there we find the bounds of civil government commensurately strong, and property well secured : and however weak the bonds of government might be, on the natives of North America, yet the toil of raising their offspring in this inclement country, might maintain an idea of the necessity of permanency in the marriage obligation. Where there is no idea of civil government, generally speaking, there can be no solemnity in the rite of marriage. A distinction of property, excepting what arises from immediate and unceasing occupancy, is not to be found among a people who have no established rules of justice. The Savages of North America selected wives, and though they did not possess those high degrees of passion which are found in the breasts of Europeans, yet they had a jealous regard to the exclusive rights of a husband. They indulged themselves in some instances in a plurality of wives, but this was merely a mark of distinction which is found among the Asiatics, as well as amongst the Americans.

Obedience and respect from children, depends altogether on the sacredness of the contract between the parents. The duty of the father to protect, and to provide for his children, depends for its existence on the matrimonial bond alone.

What

What rules of distributive justice were established among the Abenakis is unknown to us, but we may safely conclude that they had but very few which they regarded. Where laws are well made, and properly executed, there is always a constant accession of members and strength to the community. The idea of security connects and consolidates different tribes into one nation : we have instances of this among the Italian and Grecian tribes, as well as among others of a later date. But where there are no established tribunals or permanent rules of justice, each tribe is hostile to its neighbours, and the sword, without rule or measure, decides each controversy.

Gorges, in his narrative, informs us, that there was a Bashaba, near Pemaquid, who presided over a large tract of territory : that he was at war with the Tarratines, who came upon him, surprized and killed him, and carried away all his women, &c. He adds, that after his death, the Sagamores, having no common head, made war with each other, and destroyed their people : that the calamities of famine and pestilence, which are generally consequent to a war, took place, and swept the people away. The account is, that this plague, so fatal to the natives, did not affect the Europeans, who were in the country : but that they lodged in the desolated cabins of the Savages in perfect safety.

Dr. Belknap mentions a chief, or king, called a Bashaba, who was found by Smith on the river Piscataqua : and James Carthier, in his voyage to Canada, found a sovereign of similar rank.

This kind of empire among the Savages of North America, was not continued long after the Europeans had got possession of the country on the borders of the sea.



The little we have known among the natives, has led us to believe, that a very weak kind of aristocracy, supported by the valour and wisdom of a few, upon the interested feelings of the whole, has been the only government which they were ever capable of supporting.

Madockawando, was the chief of the Penobscott tribe. He was the adopted son of Assaminasqua. Whether the chiefs claimed an hereditary right of rule in their families or not, it seems that they had a power to point out their successor.\* If the law or rule for directing the descent, or the continuance of power, provided that when the sachem or chief of the clan found his own children too weak, or too wicked to govern, he might appoint a suitable successor ; it was an institution more suitable to justice, than the practice of succession in Europe is.

Squanto was the late chief on Saco River, and the Ossipees ; Robinhood, at Sagadahock ; but we hear of no acknowledged chief at Newichawanic, since the one called Passaconoway, spoken of by Dr. Belknap. This chief, according to the Doctor's account, presided over a number of lesser sachems in that part of the country. There appears, if we take the sale of lands by the natives as evidence, to have been a great number of sachems or chiefs, from the year 1660 to the year 1675 ; but we have no other evidence of their possessing authority, than what arises merely from their executing deeds. There is no dependence for evidence of the possession of a governing power, to be collected from acts of this nature, because they sold the land every where, and to every one who applied ; and for very little consideration, and without any evidence of an exclusive right in the grantors.

In

\* Hubbard.



In a treaty held at Boston, in the year 1676, with the government of Massachusetts, which was then extended over the Province of Maine and Acadie, as far as Penaquid, Mugg appeared as a deputy from several sachems;\* which shews that no one Indian had the sovereign authority of making peace and war. Had there been a Bashaba, with kingly power, extended over that country, or any part of it, the ambassador would have appeared as his representative. As there were no wars between the Savages and the white people in the Province of Maine and Acadie, before the year 1675, we can have no evidence of a general chief on our public records, excepting it should be found in the registry of conveyances: there being none there, our enquiries may be terminated without satisfaction.

The Penobscott tribe was much under the influence of the French; and we have no record of any concerns with them, excepting in one instance only. One Castine, who had been a Colonel of the regiment of Corignon, and who, according to Voltaire and the Abbe Raynal, was a man of family and fortune, became an adventurer to America, about the year 1670, and married the daughter of the Penobscott chief. He was a mortal enemy to the English, and by his influence with the Savages did an infinite deal of injury to them. By him the Savages were at all times filled with a jealousy, which the English had not prudence or address enough to dissipate. That man's character has been treated as a mystery by his own countrymen, and the writers of that nation confess that they cannot find any satisfactory motives for his conduct.

The habitations of the Savages in the District were erected by sticking poles into the ground, and forming a roof with the bark of trees. These were generally on the banks of the rivers or ponds, where the waters yielded a spontaneous supply of provisions.

If some of the great men, among the Indians, indulged themselves in bigamy, it might be rendered necessary from the loss of numbers in their frequent wars. James Carthier, in his voyage of 1593, found a custom among the Acadians, by which the widows were never allowed to marry; but were obliged to black their faces with charcoal mixed with grease, as an outward signal of the situation to which a cruel tyranny subjected them. This, on a supposition of a great loss of males in their wars, might have the appearance of an equitable provision: for if some of the sex were to be excluded from matrimony, it was but reasonable that those who had once been married should be the subjects of the excluding edict.

That authority which nature gives to the parent, was not wholly disregarded among the wild tribes of our wilderness. It is very clear, that the respect rendered by children to their parents, is generally commensurate with the dependence the former have upon the latter. As the children felt very little obligation to the parents for the gift of existence, and had no dependence on them after they arrived at an age when they were capable of engaging in the chase, the connexion which is so strongly fortified, and so long continued in civilized nations, was soon ended with the natives of America. At what age the young Savage became his own guardian is very uncertain; nor is it probable that any general rule was observed in the tribes.

We



We are told that one of governour De Motte's family attempted in vain to obtain a daughter of a chief at St Croix, until by evidence of a superior skill in taking salmon, he gained her father's consent.

We have no accounts of any idiots, or distracted people, among the Savages, or of any persons deformed by sickness. Whether they had laws for the destruction of such miserable objects, or whether their manner of life, and the simplicity of their diet, prevented the productions which are so very distressing in civilized countries, we must leave to the conjecture of the curious.

Whether the original people of St. Croix, were a part of the Pemaquid and Penobscott tribes is uncertain. The tribes known to us, as originally of Acadie and the District of Maine, were the Penobscotts, the Noridgewocks, the Abagadufets, the Pickwockets, the Offipees, which were a part of the tribe last mentioned, and the Pennycooks, which were a part of the Newichewanicks. Whatever other names there may have been, these were the tribes known in that country, and the others were only divisions of them. These tribes were all, excepting the Penobscotts, extirpated before the peace of Aix la Chapelle, in 1747. Those of the Noridgewocks, who did not choose to submit to the English government, went away to Canada and St. Croix, and lost themselves in the tribes of those regions : but the Penobscotts, as a tribe, and part of the Noridgewocks, threw themselves into the protection of our government, and have remained under it until this day. James Cargill, in the year 1756, was charged with the murder of two of that tribe ; but was acquitted, and drew a bounty of two thousand dollars from the treas-



ury for their scalps, as taken from hostile Indians. The depredations made in the District during the late French war were committed by the Savages of Canada, guided by the refugees who had gone over to them from the tribes which had submitted.

Of the various tribes which once overspread the wilderness of Acadie, and Maine, there remains only seven individuals of the Noridgewocks, and less than three hundred of the Penobscotts. The tribe last mentioned, are extremely anxious at the idea of becoming extinct. They cause their children to intermarry while they are young, they wean their infants early, and do every thing within their power, the practice of temperance excepted, to preserve their numbers ; but all is in vain. A few years more will oblige the philosopher to content himself with the history of the savage life only, for there will be no examples to be seen.

The natives on the sea coast found great advantage from the shell and other fish which they had in great abundance. The more sluggish of the scaly tribes they took by spears, pointed with sharpened bones or flints : and the others were taken with nets made of yarn spun, or rather twisted, from the bark of trees. They were not so expert in this kind of manufactory as the natives on the Falkland Islands are ; but the great supply which the oyster and clam banks afforded, with the blessings of the chase, gave them a subsistence. They did not depend on these alone, but in some measure urged the soil for a supply of bread. The art of raising maize, or corn, was not much practised on the north of Piscataqua River.

The soil there is very far from yielding to the feeble and inefficient attacks of the savage implements of husbandry.

husbandry. There is on all the sea coast, from the west to the east end of the District, no soil which could be moved by the savage tools of agriculture, excepting in a small part of the town of Wells : nor is there any considerable quantity, at a distance from the sea in the country, which could be subjected by them. Where the soil was loose, the trees were too great to be felled by their stone hatchets, or to be removed by their strength when on the ground. The subsistence of thirty Savages called for as great an extent of territory as would support five thousand civilized people. Necessity, therefore, led the natives to the sea coast, and rendered the country back very thin of inhabitants. The companion of famine, the pestilence, frequently raged in the interior parts of the country : and De Motte, in his journal, says, that in the year 1606, when he was making his establishment in Canada, the country was nearly desolated.\* The same observation was made by the first settlers in New England.

That the Savages in this part of the continent were, when the country was discovered, but little acquainted with the use of fire, appears from their eating raw flesh. This fact is attested to by the writer of Purchas' Pilgrims, and by the journals kept by those who first came among them from Europe.

We are well assured that a sudden alteration was made in their manner of dressing their food, in their apparel, and in their mode of living. They at once quitted the burthen some use of skins, for the more easy garments manufactured by the Europeans. But nature seems to have fixed their capacity for refinement to a very narrow compass. Three centuries have rolled on since the  
Savages

\* Abbe Raynal,



Savages have lived with people in the practice of useful arts, and their progress is not of any note or consequence. The world does not afford another instance of this kind ; nor is there any hope remaining that they will either be lost in a connexion with the white people, or rise to national character themselves.

Some of the vices of Europeans they have readily adopted. The intemperate use of ardent spirit prevails every where with the natives. Though they knew little, if any thing, of intoxication, before they knew the Europeans ; yet they soon, and universally, became devoted to it. We have in exchange from them the use of tobacco : but we have improved upon the use of that most nauseous weed, by chewing and snuffing it, which the Savages never condescended to do.

The Savages have been accused of great cruelties in their wars, and of exercising the most horrible tortures upon their captives. All nations have at one time or other considered the captives of war, as the property of the captors, and have generally held them as slaves, or have parted with them for a ransom.

The Indians did not want them, nor could they hold them as slaves, and therefore, in the wars among themselves, they had considered it as lawful to kill their captives. Their cruelties to the English might arise from a retaliation for injuries, or from the idea instilled by the French priests, that heretics ought to be destroyed. There never has been one instance of an unchaste attempt among them on a female captive.

There is something in the nature of a Savage of America, very different from what has been found in the Savages of other countries. There has been no instance in history but where the laws and religion of the conquerors,



querors, and the arts brought with them, have been established among the barbarians found in the country subjected. The ancient historians assure us that the first inhabitants of Greece lived without intercourse, or the exercise of social offices with each other : That they wandered in the fields and woods, without laws or leaders ; having caves and dens for their habitations ; that they were ignorant of the use of fire, and knew not how to prepare food, but ate raw flesh, and sometimes devoured one another.

The Savages of America, were by no means so barbarous as these : yet the tribes which came from Asia to take possession of Greece incorporated themselves with the natives of that country, and taught them their religion and laws.

The Russians were in the fifteenth century, as has been before observed, quite ignorant of the art of writing, yet they very soon made great proficiency in it. But there has been no instance of an American Savage being able to compose with propriety, or to trace effects to their causes, or connect figures so as to solve mathematical problems with accuracy and ingenuity.

The combination of sounds by fixed and intelligible characters, was first produced in Egypt, but at what period is uncertain ; be it when it might, it soon spread among all the nations of Asia.

Acosta, in his history of the conquest of Mexico, as we have it in Robertson, says, that the Mexicans gave advice of the approach of the Spaniards on the sea coast to Montezuma, by sending him a large cloth, on which they painted what they had seen. The Peruvians used small cords with knots, which aided their recollection, and served as signs. This was the method with the Chinese,

Chinese.\* But we do not find that the natives of North America were capable of those arts.

The nations of Europe did not understand the use of an alphabet, until a late period ; but when it was proposed, their genius at once embraced the inestimable advantages resulting from the use of it. We do not find that the Savages of America, as a people, have any taste or ambition urging them to such improvements.

In those things where the mere wants of animal nature can prompt to exertion, the Savages of our country excel in a species of cunning, and artful address, similar to what has been observed in the fox, the elephant, and other animals of the brute creation ; but there has never been any kind of evidence that their organs were made capable of the higher enjoyments of social refined life.

There have indeed been some instances where young Savages have been taken away from their tribes, and taught to read, and write, perhaps something more : and there have been instances, where lower ranks of animals have been taught to do extraordinary things. But the main distinction between the Americans, and the barbarians which have been found in the European countries is, that the latter have been always capable of being inspired with a thirst for fame arising from mental accomplishments, but the latter have no conceptions of any other glory than what is the result of the strength, the beauty, and agility of their bodies.

If Dr. Robertson's history of South America is to be relied on, as no doubt it is, there is in many instances a difference between the manners of the southern and the northern Indians. It is true, as he observes,  
that

\* History of China,



that while we can trace the difference of manners in some instances to the difference of climate, yet there are other circumstances which can never be accounted for, on that, or any other hypothesis yet given to the public.

We know but little of wars among the Savages of North America. It is said, that in South America, the Savages treat their captives with the utmost cruelty.\* Some writers believe that they are not only killed by extreme torture, but that their flesh is sometimes made food for the captors.

We have the fancy of the European poets, in the death songs of the captive Savage, and as the mind delights too much in the contemplation of scenes of the most horrid distress, we are led by the extravagance of fancy, to tragedies which exist in imagination only.

There is no evidence to prove that the Savages of North America, frequently treated either the natives or the white people, whom the fate of war had placed within their power, with extraordinary cruelty; unless in some few instances mentioned in the histories of this country, wherein the writers could only relate the facts as they were reported, at a time when it was absolutely necessary to stimulate the people to revenge, by every circumstance that could be brought to view.

As there is no evidence either of frequent acts of cruelty in the Savages of our hemisphere, to their prisoners, excepting in the heat of action, and immediately on the surrender of a fortress, or of their inviting the neighbouring tribes to partake of repasts, served up with human flesh, it is only necessary to refer the reader,

\* Robertson. This account Dr. Robertson receives from a number of French and Spanish writers, which may possibly be depended on.



er, who wishes an entertainment of this kind, to the first volume of Dr. Robertson's history : where he will find it translated from the Spanish writers, and faithfully given to the English readers in an elegant stile.

In South America, the Savage has but little dress ; and what he uses is chiefly for ornament. That the burthen of vestments may not be grievous in that sultry climate, they generally ornament their bodies with paints.

The Savages of our part of the continent, found the skin of a beast necessary throughout the year ; and therefore ornamented themselves by decking their heads with feathers, and by painting their faces. The alteration made in their dress, since their intercourse with the Europeans, is, that they have changed the bear skin for the woolen blanket, and the beaver skins for other vestments. The men delight much more in ornaments than the women, and like the South Americans, they use these not to increase their beauty, or to conceal any defects in their form, but to inspire their enemies with horror.

There is one distinguishing feature in the character of the northern Indians from those of the southern nations : when the infant is born, the parents wrap him in the bark of trees, and swathe him with cords of the rind in such a manner as to impress the tender body with a regularity of figure, and to preserve it in a beautiful rectitude of appearance. But the Savages of the south, on the contrary, were accustomed to disfigure their infants, “ by compressing the bones of the skull, while soft and flexible ; some would flatten the crown of the head, and some squeeze them into the shape of a cone,  
and

and others would form them as much as possible into a square figure.”\*

On the contrary, the North American Savages had a real taste for beauty, and were remarkably tall and naturally elegant in their appearance. Nor did they treat their females with the contempt and neglect which are ascribed to the manners of the Savages nearer to the equator. As they have few ideas, and still fewer words, the North American Indians have the same want of sociability, the spirit of jealousy, and the same moroseness and fullness of disposition as are found among the natives of South America.

The inclemency of the northern sky compelled the Savages in North America to pay more attention to their habitations, than was done by the southern Indians. In South America, or New Spain, some of the Savages roamed at large, without any particular home. Their habitations were mere slight coverings from the rains under shelter of the bark stripped from trees ; or in dens made in the earth ; or in natural caves in the mountains ; where they were hid from the scorchings of a clear sky, as well as from the drenchings of the storm.† In Mexico, Peru, and other places, there were habitations slightly erected, by which towns were formed. In our hemisphere the Indian's cabin was made with great care and art. However small it might be, yet the roof was tight against the rain, and the sides proof against the storm. A small aperture remained for an entrance to the wigwam, where the master and the dog entered to shelter or rest, and before which, a small fire warmed the family within, while reclined on the bear skins, or the soft leaves of the forest, or on rushes wove into mats.

The

\* Robertson Vol. I. p. 370.

† Ibid.



The utensils of the family were very few : a dish made of wood, or perhaps of a soft species of stone, and a bucket of birch bark. In the latter they served up the water. If ever they boiled their food, or warmed a liquid, it was by kindling a fire round a hollow rock. But their meats were generally roasted, after they learned the use of fire, their vegetables baked under their fires, and their bread on flat stones set up on edge, on which it was spread to receive the heat.

It is said that they hollowed pieces of wood, into which they put water, and threw in hot stones to boil it.\* If this process was ever in use among them, it was so much opposed to their natural indolence, that it was never much practised. The utensils of a wigwam were increased soon after the natives were acquainted with the Europeans, to a kettle, a dish, a hatchet, and a knife : in which stile of living they have generally continued to this day.

The canoes used by the North Americans are made of the bark of birch trees, peeled with a great deal of art, and sewed on ribs formed from ash wood : and constructed so very light, that an Indian squaw carries on her head one which will bear eight persons over the waters of a lake, several miles, with safety.

The natives of North America had no form of worship ; nor had they an idea of sacrifices. Their religion, whatever the license of travellers who delighted in returning with marvellous stories might be, was nothing more than some incoherent and irregular ideas like the Manichean scheme. They believed that there was a great Evil Spirit, and a great Good Spirit, who governed

\* John Ogilby's book.



ed the world; both these they worshipped; the former to appease his rage, and to obtain his complacency; the other to induce his benevolence to supply, and to protect them. It is very doubtful, whether they ever had any idea of a future state of rewards and punishments for disembodied spirits, before it was taught them by the ministers of the Christian religion.

The fanciful historians have said much respecting the Savage's hope of felicity in fine fields beyond the gates of death, where he should meet his ancestors; and be happy in a state of immortality; this may be all true respecting the South Americans, but from any conversation had with the Indians here, or from any thing which can be gathered from those who have been more with them, there is no reason to believe that the northern Savages ever had ideas of that nature. They were, and as yet are very superstitious; believing in a great number of good and bad spirits, who under the two great ones influence their success and control their fates. With these, they believe some of their wise men have a familiar intercourse, learning the art of deciding on future events, and from that have an established habit in favour of soothsayers and fortune tellers.

When the Savage is interred, his friends place his pipe, his bow and his arrows by him; this is done under an idea of his future necessity to use these implements of war and amusement. Whether this was done before the Jesuits promulgated the doctrine of the resurrection among them, does not certainly appear: if it was not practised before that event took place, we may conclude, that this absurd ceremony had its origin in the crude ideas adopted by the Savages from the gospel truth: in either way, it serves as evidence that they

H. had

had no belief of a state where the soul could enjoy, or suffer, separately from the body.

There is a practice in South America, by which the aged and incurably infirm are cut off from life; under a pretence of giving relief against the oppressions of age and disease: that this is practised in South America may be supposed true,\* but the practice never prevailed among the Northern Indians. The aged are treated with peculiar and very great veneration; and the sick are attended to with as much tenderness as the rude state of savage life can admit of. An aged Savage is now existing in the Penobscott tribe who has numbered one hundred years since his birth, and who is treated with very great respect by his tribe.†

John Carver, the man whose curiosity obliged him to travel far among the Indian tribes, tells us, that there is a great veneration among the North American Indians for their aged men, that they regard them as prophets, and treat the grandfathers with more respect than they treat their immediate ancestors.

This traveller gives his readers some disagreeable accounts of the want of delicacy in the females among the Savages, but does not go so far as some more modern travellers allow themselves to go in those disgusting accounts.

\* Robertson.

† Some years ago I was on the banks of the Kennebeck and saw a Savage who I supposed was of the Norridgewock tribe. His name was Quenockrofs. He had in his family, his mother and his wife. He had been wounded in the war, and was lame in one of his feet. His mother was very aged; he had her in his canoe, with a blanket carefully spread over her: and when he came ashore he kindled his fire, took her out in his arms, and laid her tenderly down by it. When he had cooked his mess, he gave it to her, and he and his wife waited until she had done eating. Upon seeing me notice it, he exultingly pointed to her, and said, *she was his mother.*

counts. However unchaste the Savages may be in some parts of the continent, there is a great want of evidence to prove that to be a part of their character in this. Governour Winthrop gives us an anecdote in his journal much in favour of the morals of the Indians near Boston. In 1639, an Indian complained against a white man for attempting to seduce his wife : the proof was sufficient, and the man was sentenced to be whipped, and the Savage and his wife were gratified in seeing the sentence executed. Another anecdote is given by Charlevoix, from the voyages of Carthier and La Motte. A young female native was seduced by a Frenchman ; the crime was at length made public, in the usual mode of evidence in cases of that nature. The parents of the young woman were enraged, and would not consent to a marriage until there appeared to be an ample provision for her according to the savage ideas of support.\*

The priests are the physicians of the North American Indians. We do not find that the sick are treated here as they are treated in South America, by being abandoned to their fate and neglected.

On the whole we are obliged to conclude, that the Savages of North America, are, and always have been, more humane and less cruel than those of the South ; or that the Spanish writers, in order to excuse the unexampled cruelties of their nation, have deceived the world with tales which had no foundation, but in the imagination of the historians : or what may be

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more

\* John Josselyn tells us that the young women were unchaste, but that the married women were faithful to their husbands. But there is not much dependence to be placed on that writer's opinions, or on the facts he gives to the public.



more probable still, is, that the Spanish writers were indebted for the stories they have published, to men whose avarice led them to travel for the sake of plunder, and whose levity led them to relate falsehoods for amusement; or perhaps the horrible accounts given by those people respecting the barbarity of the natives, were found necessary, in order to excuse the cruelty of their sanguinary visitors.

## CHAPTER

## CHAPTER VI.

*Of the European Grants of Lands.*

THE question, whether the sovereigns of Europe had a right to grant the lands in America, can never be answered in the affirmative, with any pretensions to justice and reason.

The sovereign is but the representative of his nation, and as such, can never represent subjects, where they have no right to appear themselves; nor grant that on their behalf, which they could not grant in their natural capacity. The idea of a nation's acquiring territory, can arise only from conquest, from pre-occupancy, or from purchase. There was no pretension to a right by purchase, and no conquest was ever made, before James I. granted the lands on the continent from the fortieth to the forty eighth degree of northern latitude; and therefore all the grants of Henry, Elizabeth, and James, were nugatory, and but mere imitations of those made by the Pope. The grants were of lands which these sovereigns never had in their natural capacity, nor was the nation, which they represented, ever entitled to the soil. How far the landing men upon a defenceless coast, may be called a conquest, is easily settled. The writers on the laws of nature, and nations, all agree, that the conquest of an inoffending country is wrong; but yet the stronger powers have always found a pretext to sanction the robbery; and the monarch, who commands an invincible armament, laughs at the philosophic disquisitions of men of morals.

The Savages had not offended the Europeans, by any other injury, than that of not becoming Christians before they had heard of the gospel. There was then, no cause of quarrel, or pretext for conquest. If their not being christians was a just cause of quarrel, they made reparation for the injury as soon as they could, for they became converts ; not only so, but some of them became zealous burners, and destroyers of heretics, according to the rights and ceremonies of the holy political Mother Church.

I said, that a nation, as such, must come to the possession of territory, either by purchase, prior occupancy, or conquest. The origin of a nation is from the union of a number of individuals, who unite their persons and property for mutual defence and safety. And when it is thus formed, there is no other mode than those above mentioned, for it to add to its dominions.

As the earth is given to the children of men, the origin of all exclusive right to possession is founded in a prior occupancy. There has seldom, perhaps never, been an instance, in which there was a prior occupancy by a nation in its corporate capacity. The most ancient history which we have, is of the settlement of some of the Grecian states from Egypt, but it is evident that before the Titans or other strangers came there, the country was inhabited by a people, who finally incorporated themselves with those strangers. The Savages were found in possession of America, but have never yet been incorporated with the Europeans. How far their kind of occupancy, would exclude individuals, under certain circumstances, from taking possession of the wilderness, will be considered in another place.

It



It is very clear, that neither the Pope, or any of the princes of Europe, had a right to grant the lands of America.

In the year 1606, James I. of England, granted all the lands from the fortieth to the forty eighth degree of northerly latitude, to the Council established at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing of New England in America; and in that breadth from the one sea to the other. Sir Ferdinando Gorges, and John Mason, being of that council, conceived themselves as having a right to a choice of the lands. It has been observed, that the discovery of Newfoundland, was the discovery of North America; and that the District of Maine was discovered by voyages from that part of the country. De Motte was in Kenebec, Saco, and Wells, in the year 1604: Captain Smith discovered the river Piscataqua in 1614; and both these sailed from Newfoundland westward.

When the country called Naumkeag, and the river Merrimack, were discovered by the Europeans, is not known. But Gorges and Mason, in the year 1624, obtained a grant from the council, of all the lands from Merrimack River, to the River Sagadahock, or Kenebeck. This grant was four years before the grant of the colony of Massachusetts to Southcott and others, but after the settlement of Plymouth.

When James made the grant to the council of Plymouth, the expectations of the grantees were fixed upon wealth from the mines, and upon rank from the possession of manors and great estates. An idea of equality in obtaining the means of subsistence from the labour of each holder of a fee simple estate, would have

overthrown all the spirit of adventure. Even the common people of Europe had no idea of living in a state of independence, on lands to be disposed of by the possessor at his pleasure, or to be transmitted by legal rules to his heirs indiscriminately. The people of Europe had been too long shackled by the feudal system to have conceptions of this kind. The ambition of the great, and the weakness of the small, were by this means combined to give birth to a New World. And it may here be added, that the same causes have had a powerful effect in rendering that same world free and independent. For a sense of dependence of the small and idle part of the community, urged Great Britain to seek a revenue where she found the sword of Liberty.

Gorges and Mason, were very efficient members of the council, and went as fully into the idea of manors and mansions, tenants and vassals, as any men of their day.

There has been no age of the world, in which this disposition to inequality has not prevailed ; this it was that urged the hordes, or tribes in Asia, and in Europe, to move, as nations, over large tracts of countries, to conquer the innocent possessors ; or to expel them from their native soil. This has moved great nations, formed by a combination of tribes, to deluge the earth in blood, without provocation from the victims of their cruelty. This has rendered rulers the tyrants of their subjects ; and united the people in their attempts to subvert arbitrary sovereignties. However the calamities of our world may be multiplied by the irregular conduct, and the inordinate passions of men ; and however wicked the authors of these calamities may be, yet the world proceeds, under a wise  
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and perfect government, which overrules the vices and follies of individuals for the general good of the whole.

While the grant to Mason and Gorges existed, as a grant under the Council of Plymouth, several other grants were made, which were incompatible with that, and which proceeded from a total ignorance, in the council, of the geography of the country.

Gorges and Mason, found some people on the banks of Piscataqua river, who had been induced by Smith's discovery to come there for the purposes of fishing, and trading with the natives : These people submitted to the lords proprietors, but the want of a regular form of government, and of a proper control by the overseers, disappointed all the hopes of those great men. As the settlers increased, the want of government was acknowledged, and one was actually formed in the year 1640, by them, independent of the proprietary lords.

The grants of the council interfering with each other, and each containing independent powers of government, which the grantees were too feeble to exercise, added very much to the confusion.

In the year 1629, the council granted to Richard Vines, and Thomas Oldham, a tract of land, lying on the west side of Swagadahock, or Saco, extending from the river four miles towards Cape Pourpus, and from the sea running eight miles into the country, and continuing the breadth of four miles. In the same year another grant was made, by the council, to Thomas Lewis, and Richard Benythen, of a tract on the east side of the same river, extending east towards Black Point, four miles on the sea, and holding the breadth of four miles, for the extent of eight miles into the country.

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These were all the tracts, which were granted by the council in the Province of Maine, excepting one to John Dy, John Smith, and others, and one in the year 1629, to the old colony of Plymouth, on the river Kenebeck, a part of which was within the Province of Maine.

The grant to John Dy and others, from the Council of Plymouth, was made in the year 1630. This grant was very soon transferred to Alexander Rigby, who is said in Hubbard's history to have been of Lancashire in England, but by his conveyances he is stiled of Gray's Inn, in London. He afterwards had the title of Sir Alexander Rigby. This tract was called Lygonia, and extended from Cape Porpoise on the sea coast forty miles east, to what, as the claim then was, is now called Clabbord Island, in Casco Bay; and forty miles in extent northward into the main land. This description included the two grants before mentioned on the river Saco. The two grants to Lewis and Beny-thon, to Vines and Oldham, had no powers of government annexed to the titles. The grant to Dy and others, which was assigned to Rigby, had the powers of a colonial government annexed to it, and including the other two grants, exercised a jurisdiction over a people on each bank of Saco River. The operations of that government will be mentioned in a proper place. Sir Alexander appointed George Cleaves his agent. Cleaves called himself, in his proceedings, "*Agent to Colonel Alexander Rigby, President and Proprietor of the Province of Lygonia:*" and in that capacity sold to Gregory Jeffrey two hundred acres of land in the village of Cape Porpoise, near the sea; for the yearly rent of one farthing an acre. This deed was dated in 1661. The same agent, in the same year, sold to John Bush, and Richard

Richard Moore, four hundred acres each in the same village, for the rent of ten shillings sterling a year, for each four hundred acres. These grants are sufficient to shew, that the Province of Lygonia extended as far west as Cape Porpoise. There was in the early day of the country one Robert Trelawney, who came over at the instance of Rigby ; he had a grant of nearly all the lands in Cape Elizabeth, of the lands on the neck of Casco, and extending some way into the country. His seat was at what is now called Spurwink, on the west line of Cape Elizabeth, or on the east line of Scarborough. Trelawney carried on the fishery, and had his store at Richmond Island, on the east side of the entrance to Saco River :\* he died soon after he came over, and John Winter, who was his agent, obtained administration of his estate, from the government of Lygonia ; but Winter died soon after, and Robert Jordan, who came over as an Episcopalian minister, and who married Winter's only child, took administration on Winter's estate. Trelawney's heirs had returned to England, and being engaged, on the royal side, in the civil war then existing in that country, they paid no attention to the adventure of their father : this obliged Jordan to seek a recompense for the services rendered by his intestate, in the court of Lygonia ; and in the year 1648, the whole grant from Rigby to Trelawney was set over to Jordan, in recompense for Winter's demand. There is now in the District of Maine, a numerous posterity of Parson Jordan, who are in possession of a great part of the land derived from Trelawney, but there is a great and valuable part of it which they have lost by neglect, and by the usual clashing of indeterminate grants in that District.

Cleaves

\* Winthrop's Journal. Josselyn's Voyages.

Cleaves made several other grants which are maintained at this day; amongst those is one to Michael Mitten, of lands in Portland, which is held by the family of Brackets. How Sir Alexander Rigby became divested of his government, will be shewn hereafter. But this grant last mentioned, appears to be under the title of Gorges, from whom Cleaves had also an agency dated in 1646. There was a grant made in the year 1629, by the council of Plymouth, to Eldridge and Aldsworth, of a tract between the rivers of Damariscotia and Gorges, including a number of valuable islands, and extending to the head of the tide on both rivers. When the danger from the Savages was over, one Drowne and others appeared to claim that land, as the assigns of Eldridge and Aldsworth. To this claim the settlers opposed the title of Walter Phillips, under the Indians, and the grants from governour Dungan, under the duke of York; but the patentees prevailed, and established their title.

The grant made by the Council of Plymouth, to the colony of New Plymouth, is described as "all that tract of land, or part of New England, in America, which lyeth within, or between, and extendeth itself from the utmost limits of Cobisecontee, alias Commafacontee, which adjoineth the river Kenbec, alias Kenebekike, towards the Western Ocean, and place called Neguamkike, in America; and fifteen miles on each side of the river commonly called Kenbec River." This grant was made in the year 1629, and the consideration expressed is, that the colony of New Plymouth had no convenient place for trading or fishing within their territory, between the Massachusetts and Narragansett countries. The trade intended in this grant, could



could be no other than the peltry trade with the Savages ; and the fishing, must mean the salmon, and other river fisheries ; because the colony of New Plymouth, was itself well situated for the cod and whale fisheries.

This tract was sold by the colony of New Plymouth, in the year 1661, for fourteen hundred pounds sterling money, to Antipas Boies, Edward Tyng, Thomas Brattle, and John Winslow. From the sale of the patent until the year 1751, we hear but little of it. The title was shifted by divers descents and conveyances, and very few of the heirs of the original four grantees had any share in it. The claim was in the hands of men of great influence in the government, to whom Shirley, who was then governour, was very attentive. The easy passage which the Indians found from Canada, down the Kenebeck, to New England, rendered the influence of the proprietors effectual with the government, to erect a chain of forts on the river. The forts called Richmond, and Frankfort, were erected in the year 1751, and the upper forts, as has been observed, afterwards ; and the proprietors associated under the stile of the Kenebeck company.

Upon the reduction of Quebec, by the English, in 1759, the property of the company was much enhanced in value, and on the treaty of Paris, in 1763, the value was considered as almost above appreciation. Settlements had been made on both sides of the river as high as Merrymeeting Bay, from the year 1714, under titles opposed to that of the company. The company contended, that the words, *to the utmost limits of Cobisecontee towards the Western Ocean*, extended their boundaries to the sea, including, by other expressions, the land for fifteen miles on each side of the river. A  
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strong argument was supported on the idea suggested in the patent, that the place granted, was intended for the accommodations of a fishery ; which could not be effected unless the grant extended to the sea. The word Cobisecontee was, by all parties, confined to the idea of a river, and it was therefore contended, by the opposers of the patent, that the utmost limits of Cobisecontee towards the Western Ocean, could mean only that part of the river called Cobisecontee, which was nearest to the sea. That river loses itself in the river Kenebeck, at the distance of forty miles from the sea ; but in its windings through the country, one bend of it approaches so near to the sea shore, that a line east and west, through it, will come across the lower end of Pownalborough, and be within thirty miles of the mouth of the Kenebeck. To give the patent this construction, would quiet all the ancient settlers under adverse titles, and save the towns of Woolwich, Topsh-town, Brunswick, and Georgetown from destruction ; and yet give the proprietors a vast extent of valuable territory. The superior court was then composed of Mr. Hutchinson, who was Lieutenant Governour, and was afterwards commander in chief of the Province of Massachusetts Bay, of Mr. Lynds, Cushing, Oliver, and Trowbridge. After many controversies, in which all the eminent lawyers were engaged on the one side or the other, the court gave it as their opinion that the south line of the Plymouth patent, was a line drawn east and west through that bend of the River Cobisecontee, which was nearest to the Western Ocean. There can be no pretension that this was the true construction of the patent ; for there is no doubt, that the lands granted by the Council of Plymouth, was a tract  
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of land called Cobbeseconteag by the Savages, which in their language meant the lands where sturgeon were taken. This fish was exceedingly plenty in the River Kenebeck, and were taken in every part of it as high as where the rivers, called by the name of Cobisecontee, runs into it. But the construction given by the judges was popular ; and was, under all circumstances of settlements under the adverse titles, very equitable and just. There is something in popular opinion, which never fails to influence the tribunals of justice in a country ; and though, where the prerogatives of the sovereign may be opposed to the interest of the people, the point may be carried against them ; yet it is always more agreeable to the judges to have a coincidence of public opinion for their support. In the case above stated, the rights of the crown were not concerned, and the decision was popular.

These grants, and patents, excepting that to Eldridge and Aldsworth, and that part of the Plymouth patent, which was on the east side of Kenebeck, were all within what had been granted to Gorges and Mason, in the year 1624. They were crowded on every side. Massachusetts began to claim an extension of the patent under which they held, to a line drawn east and west through a place or point, three miles north of the most northerly part of Merrimack River. Rigby had the powers of government, and claimed a tract from Kenebunk River, on the sea coast, to a line several miles east of Portland, and extending forty miles back from the sea. This included the grants to Lewis and Benynton, Vines and Oldham, on the River Saco ; but they submitted to Rigby's jurisdiction, over the Province of Lygonia ; and he reciprocated their goodness by allow-  
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ing them to feel secure in his open and express acknowledgment of their title ; though he had the powers of government. There was no superintending power to correct the injuries done by one set of patentees to another : and there were other causes besides those of clashing of titles, which produced animosities amongst the granters of the several patents. Rigby was in favour with the colonies of Massachusetts and Plymouth, because he was opposed to Gorges and Mason. These colonies had been originated upon the principles of republican and equal governments ; upon the idea of liberty of conscience ; and the first settlers came over that they might enjoy those inestimable privileges. The first adventurers in the discovery of the country, had nothing of this kind in view ; but expected great riches, from mines, and from erecting extensive manors, from which valuable rents were to be collected. Gorges and Mason, were full in the support of this original plan : while the principles of equality, the liberty of conscience, and a participation in the powers of government, held out in offers by the other colonies, intoxicated all the settlers, excepting high Royalists, and Episcopalians, in the territory between the river Merrimack and Sagadahock, then under the jurisdiction of Gorges, Mason, and Rigby. To cure an evil so fatal to them, they attempted divers expedients : one of which was to obtain a general government over the whole.

Perplexed, defeated, and disappointed in their attempts, Gorges and Mason had almost given over their enterprize, when an opening was made to give them relief.

Charles

Charles I. began to find that his ancestors had done wrong in giving the people so large a share in the government. The contentions between the kings and the nobility had been carried to great lengths, in which, however, the latter always prevailed. There were then no standing armies attached to the royal standard; or systems of revenue devoted to a ministry; but the kings were dependent upon their subjects in common, civil life, for support against the barons, who had a multitude of vassals devoted to their call. The kings, by grants of territory, of franchises, and of privileges, had engaged the people against the barons: but these grants, aided by the light which commerce and the disquisitions upon the great revolution in matters of religion, which was effected under Henry and Elizabeth, threw upon the public mind, gave the body of the people a taste for civil and religious liberty. Charles began to see that his arbitrary intentions, or what he called the hereditary prerogatives of his crown, were in danger: wherefore he began to recal the grants of his predecessors, under the idea that they had been deceived. When a sovereign has the inclination to vacate a charter, he can easily find a pretext for it, and can establish a court, who, with great gravity, affected solemnity, and a kind of plausible reasoning, which men of sense despise but may not dare to encounter, will aid him in the fraud. Charles had prohibited his subjects from going over to the colonies before he vacated that grant.

The grant of king James to the council of Plymouth, was the foundation of all the grants in New England. To overthrow this would involve the whole in ruin. King Charles was the more disposed to this measure,



because all the middle colonies were possessed by people who were themselves opposed to the principles, which he attempted to govern upon; and held charters for governments, favourable to republican principles. He therefore had the grant of James declared void, and assumed the right of granting all the lands in North America over again.

Gorges and Mason, supposed that they had now their enemies under their feet, and agreeing to divide their territory, Gorges, in the year 1639, obtained from the King a very extraordinary grant of all the lands between the river Piscataqua, and the river Kennebeck or Sagadahock, and extending one hundred and twenty miles into the country from the sea. This was granted under the name of the Province of Maine. Prior to this grant, the name of Province, or County of Maine, was never known; but what legal jurisdiction there was, arose from, and was exercised under Rigby's Province of Lygonia. We do not find that any courts, or tribunals of justice, were erected by Gorges or Mason, within the District of Maine, before the date of this grant.

After the vacation of the charter before mentioned, Charles made several grants. Gorges had aid from his friends in England, and if we may take his own account of his situation, he realized great causes of triumph and exultation, when he had carried this important point.\*

Gorges says, that the whole continent, after the vacation of the charter to the council of Plymouth, was divided as follows: "Beginning from our westernmost bounds, eastward to where the lord Mulgrave began  
his

\* Gorges' History, 44 and 45.



his limits, and ended the same at the river called Hudson's River. To the eastward of the river was placed the Duke of Lenox, since Duke of Richmond, to the end of sixty miles eastward. Next to him was placed the Earl of Carlisle, and next to him the Lord Edward Gorge, and next to him was settled the Marquis of Hamilton, next to him Captain John Mason, and lastly myself, whose bounds extended from the midst of Merrimack to the great river Sagadahock, being sixty miles, and so up into the main land one hundred and twenty miles."

I believe that an error which appears in this narrative must have been of the press. Gorges gives Mason a place next to the Marquis of Hamilton; and says that his own Province extended from Merrimack to Kenebeck; which would exclude Mason entirely, for it is very clear that the land divided to the Marquis of Hamilton, was what is now Massachusetts, and that Mason had New Hampshire. Gorges therefore, by the river Merrimack intended the river Piscataqua, which on a strait line is about sixty miles from the river Kenebeck.

But to return to Gorges' opinion of his own situation, he says, "Being now seized of what I travelled for above forty years, together with the expenses of many thousand pounds, and the best time of my age, loaded with troubles and vexations from all parts, as you have heard, I will now give you an account in what order I have settled my affairs in that Province of Maine, with the true form and manner of government, according to the authority granted me by his majesty's royal charter."

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The great powers granted to Sir Ferdinando Gorges by that charter, may be seen by examining it; it is therefore given to the reader in the Appendix, No. I.

The civil wars came on in England, in the year 1644, from which time Gorges neglected his government. The colony of Massachusetts seized that opportunity to extend their claim eastward; and by taking what is called the partings in Merrimack river for the most northerly part of those waters, and fixing a point three miles north of that place, they drew a line east and west for their boundary, and carried their patent below what is now the town of Portland. Gorges died before the restoration, and his heirs would never have reclaimed their estate in the Province of Maine, if that event had not taken place. In the year 1674, an end was put to the controversy, by the sale of the whole to John Usher, who purchased it for the colony of Massachusetts, for the sum of fourteen hundred pounds English money, of the grandson of Sir Ferdinando. In the year 1692 the charter of William and Mary, placed that, together with Acadie, under the government of Massachusetts, but the Province had no right to grant lands east of the Kenebeck.

Sir William Alexander had a grant from King Charles, of the land from Kenebeck to the bay of Chaleurs; this was called Nova Scotia, in honour to the grantee's country. A part of it is still known by that name. The English court was at that day, from the influence of the queen, much devoted to France: and there is but little doubt, that the grant was made to Alexander with an intention, that he should convey it to the French, which he did very soon after the date of his patent. The government which the French exercised

exercised over Acadie, as a part of the Province of Nova Scotia, or rather as a part of New France, established by the purchase of Sir William's patent, will have its place in this history.

If the French ever made any grants the evidence of the titles have been carried away by the removal of the proprietors, and we know nothing of the records.

Sir Ferdinando Gorges, in the year 1637, made a grant to Sir Richard Edgcomb, of Mount Edgcomb, in the kingdom of Great Britain, of eight thousand acres of land, lying between the river Sagadahock and Casco Bay, at a certain distance from the sea. The bounds of this grant were very uncertain; and the grant was perhaps intended, rather as an obligation to locate, and convey, that quantity near the river Sagadahock, than as an absolute grant of that quantity anywhere. But the situation of Edgcomb in England, after the commencement of the civil war against Charles I. rendered the completion of this conveyance impossible. In the year 1718, the heir of Sir Robert attended to this grant, and caused his claim to be entered in the book of claims of Massachusetts: but nothing more was done in regard to it until the year 1756, when the heir to the estate of Mount Edgcomb, under the title of lord Edgcomb, of Mount Edgcomb in the kingdom of Great Britain, empowered Sir William Pepperrell to attend to the matter for him. The death of his lordship's agent, laid the title asleep for some time; but, in the year 1768, the claim was revived by Nathaniel Sparhawk, Esq. who married the only daughter of Sir William Pepperrell, and who had received powers from lord Edgcomb to claim eight thousand acres on Kenebeck river. One Springer, of



Bowdoinham, was sued by Mr. Bowdoin, who claimed the land where he had settled under the proprietors of the Plymouth patent, and as evidence of his title, shewed the patent, and also a deed from Abbagadusett, an Indian, which the assigns of the patentees had purchased in aid of the extension of their grant to the sea. The terretenant called to his aid the title of lord Edgcomb; exhibited Gorges' grant to his ancestor, and a copy of the claim entered in the book of claims. The description in the book of claims was more certain than that in the original grant; it was there described as eight thousand acres near the lake of New Somerset, fifteen miles from Casco Bay: but the council for lord Edgcomb endeavoured to fix it on a grant fifteen miles from the sea on the west side of the river Kenebeck, and adjoining to Merry Meeting Bay, calling that the lake of New Somerset. Had there been no interest opposed to this construction, and the matter had stood quite indifferent, as to the place which should be improved to supply the grant, that place might have been suited to it: but the prior acts of possession by the Plymouth proprietors, the Indian deed produced, and the arguments for extending their patent towards the sea, so far as to include the soil in controversy, were too powerful for an obsolete indefinite grant; and his lordship lost his case, and with it his title to be a freeholder in Massachusetts.

There were persons who came from England, by the name of Edgcomb, and settled on Saco River. Their posterity is there now: and it is said that they were a branch of Sir Richard's family. The claim made for Sir Richard Edgcomb, in the year 1718, was made by one John Edgcomb, who lived in the District

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of Maine, and was one of the family of Mount Edgcomb in Great Britain.\*

In the year 1632, and for a few years after, Walter Neal, who was agent to Gorges and Mason, sold lands on the east side of Piscataqua River. There are no other grants, from Gorges and Mason jointly, to be found on record.

Another grant was made, in the year 1629, by the council of Plymouth, to Beauchamp and Leverett, of a tract of land on the river Penobscott, lying and being between the river Muscongus on the south west, and extending ten leagues north east of Penobscott River, and ten leagues into the country. The heirs of Brigadier General Waldo, have the fee of that tract, and the general court have established the boundaries of it.

If the European princes had no right to grant the lands on the American continent, it may be asked why those grants, which proceeded from the one made by King James, are now held sacred? the answer to this question is, that if individuals who, from the nature of things, and from the exigencies of their own circumstances, were obliged to leave a country filled with inhabitants, and to seek a subsistence from such parts of the earth as were useless to the human race, had come into the country promiscuously, without a power to whom they were answerable for their conduct, and which, while it defended their several possessions against the invasions of each, could superintend their conduct,

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\* There is no doubt, but that Gorges and Edgcomb, intended the lands contained in the grant to be on the west side of Saco River, which was then called Sagadahock. The Edgcombs who have been mentioned were no doubt of the younger branches of Sir Richard's family, and were sent over to possess the territory, which was then in the possession of Dr. Smith and others, under a grant from the Council of Plymouth.

they would have been unable to have proceeded in their settlements. The first settlers, from each European nation, being united in one sovereign power, and coming to America, under the idea of a government, had an advantage which a promiscuous unassociated multitude could not possess. The grants then from the several princes of Europe, served to unite the subjects of each, under the laws of their parent state; and to protect them against the invasions and hostile combinations of each.

The council of Plymouth, in the year 1629, granted to Thomas Commock, five thousand acres in Black Point, now in Scarborough, which are held on the east side of that town, under the title of that grant, at this day. Commock was the nephew of the Earl of Warwick, and came over in 1663, and died at Scarborough. It appears, that the council made all their grants in the years 1629 and 1630. Whether they were thus hurried by an apprehension, that the crown would vacate their charter, and reassume the power of granting, can not now be certainly determined; but it seems to be very evident, that they were hurried by that idea, into the mistakes and confusion which attended their proceedings.

A part of the grant made to Commock, was afterwards under the disposal of the proprietors of Scarborough. And a part was sold to Joshua Scotton. One Jossylin was an inhabitant within that patent, and remained on the lands until the town was destroyed by the Savages in the year 1690. Jossylin was a great friend to Gorges, and an enemy of the New England Puritans.



## CHAPTER VII.

*Of Titles from the Natives.*

THERE may be as many objections against the right of the Natives to sell lands in America, as there are against that of the Europeans : and there may be, therefore, an inquiry for the origin of land titles in the country. If a patient hearing is given whilst a few arguments shall be offered, it will appear that neither the Europeans or the Savages had a right to sell the lands ; and yet, that the titles are fairly and regularly derived, and held.

The earth was made for man. Without applying to any evidence of an express grant, we must be assured, that man was created with a superiority over other animals, which preheminance gave him the government and disposal of the world. The exigencies of his nature compel him, by toil, to till the earth for food, and the faculties of his mind, prompting him to an excellency in the arts, give a certain indication, that he was intended to beautify with dress, and to ornament with architecture, that part of creation which was assigned to him. The propensities of his nature, irresistibly urge him to multiply his species, while a numerous progeny must be considered as the glory of his existence, and one part of the great design of his creation.

The nature and powers of the earth, afford convincing proof, that it was made, not merely for a substance to support the weight of, and to produce food for animals, but that it was intended to employ the  
noble

noble faculties of rational nature, in new modifications and improvements. This amounts to even a divine precept, that man shall cultivate the soil, and carry the mass of matter over which dominion is given to him, to the highest pitch of usefulness to which his powers can raise it ; to neglect to do this, would be criminal, because, by such neglect, he would refuse to exercise those faculties, which his Creator has bestowed upon him.

That the whole earth is intended ultimately to be improved, in the highest stile to which improvement can be carried by men, is a proposition that no reasonable person will dispute. This improvement must, in the nature and constitution of the world, be progressive. The mighty mountains, and the deep and dangerous morasses, will in their turn become subject to the hand of agriculture, and yield to man a compensation for his labour. As the globe shall be filled with inhabitants, necessity will compel men to subdue those rugged ridges which appear now to lift themselves proudly above the dominion of human art. The useless places of the sea, and beds of the unnecessary rivers, will support the high raised columns of architecture, and bear cities crowded with busy inhabitants. Thus, in the general order of the world, the earth is to progress from being a rude mass of matter, till it has reached the highest state of elegance to which the noblest refinement of human reason can bring it. Separated from a chaos, it exhibits a barren surface ; then becomes an uninhabited and desolate desert ; then the habitation of beast, and birds ; then the haunts of roaming and unsocial barbarians ; then the dwelling of savage tribes ;

tribes ; and finally the high cultivated, and beautifully decorated soil of civilized nations.

To assert that the Savages of North America had no property in the soil of the country, will be expressing a new opinion ; and may perhaps draw the attention of those, who feel from habit, or education, the strong force of an old and very different one.

To give this question a fair chance, it will be proper to state some general ideas of the origin of property.

Mr. Lock, Vattel, and other great men, have considered property in external things, to have originated from man's annexing his labour to some part of the great mass of matter, and by thus separating it from the common stock. The part to which the labour is annexed, is changed in its form, or in its situation, and thereby rendered more useful to the person by whose force it is altered ; while the portion thus rendered apt for use, holds the form, or keeps the position to which the exertion of the agent has brought it, the property will remain in the man, who has thus acquired it ; or in some person who by succession, inheritance, or transfer, on legal principles, shall represent him.

Antecedent to an established government, a nation cannot acquire property : and an individual must acquire it as I have stated.

Had the whole human race been created without ability to gain advantage from the improvement, and the cultivation of the earth, it might be justly doubted, whether there could be such an idea as that of exclusive permanent property in land. Indeed, in that case, the earth would appear, not to be made for man, but for some superior order of animals. But with the powers and faculties now possessed by the human race, they are  
exactly



exactly suited to the place in creation which they occupy. The cultivation of the earth has been always progressing to a state of equality: where a country has been in the possession of barbarians, some of the members of those nations, who have possessed the art of calling the powers of the earth into exertion, have migrated to the unimproved wilderness, and taught the barbarous natives the benefits of agriculture. And where agriculture has been carried to higher perfection in one realm than it has been in another, the people of the former, by parting with the small circumference of their stinted fields, have exchanged their situation for one, where a larger share of skill and labour has been remunerated with an augmentation of produce. And where a want of skill, or industry, in a country, has exhibited one man's field in a fruitless point of view, his wary neighbour has generally, at a cheap price, succeeded to his possessions, and clothed the same field with a smiling harvest.

The land in America, which could support one Savage only, according to his mode of living, is capable of being brought to support five hundred. If then the encrease of the human race, is the encrease of glory and happiness, and if the glory and happiness of mankind is intended by the author of their nature, to be brought to an higher state of perfection, that perfection will not be completed until the powers of the earth, and the sea, are all exerted in the support of as great a multitude as can be supported by both.

If man has a natural right to any thing, it is to a support from one of his parents, during his helpless state of infancy: this he has in common with other animals. He has also an exclusive right to his bodily and mental powers,

powers, and consequently a right to existence ; and therefore, when the country is so full of inhabitants, that a part must suffer, any one of them has an indubitable right to seek subsistence in a country less crowded. If in the country to which he shall migrate, there is no soil but what is the property of the nation existing there, or some individual member of it, he must come in by purchase ; but if he can find a spot not thus appropriated, he has clearly a right to seize upon it as his own. The difference of nation, or country, is no objection, because the earth belongs to the sons of men indiscriminately, until there is an exclusive appropriation. His not having force enough to maintain his possession against his neighbours, is no objection to the principle.

There may be a suggestion, that the wilderness of America, in the state it was found by Europeans, was suited to the nature, state, and habits of the people found here, and that therefore, it was unjust for the Europeans to take possession of the country. There is no argument in this suggestion ; for if the encrease of mankind is an object, it could not be effected by the manner of a Savage life ; and if the author of human nature had intended this continent, as only a field for the chase, the earth in America would not have been endowed with those powers, which at the same time invite and reward the hand of agriculture.

We know, that whatever a man in a state of nature becomes fairly possessed of, is his, while his possession continues ; but the moment he abandons it, the next possessor has the same claim. There is a question that carries the mind near to the line which divides the principles of simple natural rights, from the first step to municipal laws. When a Savage has killed his deer,

deer, and satiated his then present appetite, he hangs the residue on a tree to keep it from the wolves and foxes, until he shall return : and the question may be, whether his property is still continued in the venison, exclusively of all others. Where there is no tribunal to punish, there can be no sanction to civil law ; and it is very clear, that the Savages had none ; but the fear of a retaliation may be such among them, as to prevent the violation of such a kind of possession as the one above mentioned.

When a whale, or other fish, is subdued, either by a Savage or any one else, we conceive that the person who has subdued it, has an exclusive property in the fish. In subduing the sea animal, those who are engaged in the business, do not gain a property in the waters which they pass upon. Nor do the Savages, while they traverse the wilds, in the chase, for subsistence, gain a property in the soil they pass over. There has been, no doubt, a practice for distinct tribes to divide the wilderness for the purpose of hunting ; and that they have generally held such divisions sacred, there may be good evidence of ; but those divisions were never intended as the lines marked for tillage and other improvements. There is a faint specimen of agriculture among the nations who live on the banks of the Lake Ontario ; but the fields are not the inheritable estates of families. When the one who has the possession dies, the land reverts to the nation, or tribe, and is by them again assigned to such person as they chuse to give it to. We have an instance of this nature in the district. The Penobscott tribe who now exist there, are considered as the ancient possessors of a quantity of land there. The government has in consideration  
of



of that, assigned them a larger tract of about the contents of twelve miles wide, and thirty miles long. The people of that tribe have no division among themselves, but hunt in common upon it; nor does any part of it descend to any man or family among them.

As the Savages had no ideas of a permanent use and improvement of the soil, or ever had a personal, or individual right in it, or ever by annexing their labour to it, rendered it better, or more apt for the use of man, I am led to conclude, that they had no more property in the soil on which they hunted, than they had in the waters in which they fished. They raised some corn, beans, pumpkins, and other vegetables in New England and Canada,\* but did not claim a permanent exclusive right in a particular place, or to any particular part of the lands.

But if the Savages had no property in the soil, how can the people of America derive titles from them? or if the European sovereigns had no right to grant the lands in America, why are the titles under their charters held sacred?

The answer to the first is, that the purchases were always of a sachem, or of some one who pretended to that dignity of character. And that if the Indians made a chief for the purpose of leading them in war, and to declare when a war should begin, and when it should end; and to determine on the causes of war, and on the motives to peace, it would by no means follow, that he should have power to sell their lands. The Indian conveyances clearly amounted to nothing more than a contract, made by the chief, on consent of his tribe, that the Savages should not make war on the white people

\* Ogilby's Voyages.

people for taking lands to a certain extent into possession. In this way, we may account for one sachem's selling the same tract to several different purchasers: for if the deed was only an agreement upon peace and friendship, there could, in the Indian's view, be no immorality in making the contract with as many as might appear to demand it. And a wish in some of the Savages to trade with the white people, and to learn the art of agriculture, might be a principal motive.

In answer to the second question, it may be observed, that by the answer to the first, it appears that the wild lands of America, are considered as not being under any special appropriation to any man, or nation of men, but as belonging to the common stock of mankind: and therefore, that he, who ever he might be, who first possessed himself of the spot with an intention to cultivate it, ought to be considered as the proprietor, in exclusion of all others.

The sovereigns of nations have always claimed a dominion over their subjects, even when they have been without the realm: and as this continent was discovered about the same time by the Spaniards, the French, the English and the Dutch, the distinction between the subjects of each, in this country, would have been lost, if they had not been severally governed by the laws of their several states. The subjects of the English King would have very soon got into deadly contentions amongst themselves, if there had not been laws to govern them. The bounds and limits of their titles were indispensibly necessary to a state of civil government; and such boundaries and limits necessarily led the settlers to acknowledge a certain superintending power; from which, by a legal fiction, appurtenant to royal prerogatives.



prerogatives, they supposed they drew their titles. But the fact was, that they held their titles by a right of prior occupancy, and the lands have been handed down by inheritance, or transfer, from that day to this, under a title originated by taking the land at first as the gift of God to man, as soil which had never been appropriated to the use it was created for, until an European possessed it, and as the right of the first possessor who annexed his labour to it.

The grants from the Savages took away one pretext to war, and the charters from the sovereigns compelled the planters to be at peace among themselves, and led them to acknowledge and apply the same principles of government to their property here, as were applied in the kingdom from whence they came.

That the opinions of the people of this country in general, have been contrary to this hypothesis, is no solid objection to it. There have been many instances, in which mankind have acted from motives, founded on principles of which they have been totally ignorant. Had the first planters in North America, seized upon the wilderness here, as upon unappropriated and vacant lands, they would have been obliged to enter into a compact with the Savages that they should enjoy their possessions without interruption: and as men from several countries came here at the same time, the English were obliged to look to their parent state for protection; and to some superintending power, as an arbiter between the different colonies, and between the individuals of the same place or plantation.

If nations crowded with inhabitants, could not migrate, the consequence would be, that they must die of hunger, or destroy each other. In China the people

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have no idea of colonizing, because there is no part of the world, excepting that empire, which is suitable to the supposed dignity of a Chinese: they therefore contrive many ways to sanction the destruction of the human species, by acts of violence. Many children are destroyed, by being thrown into the water, and by other means, under pretence of their being decrepid, deformed, or being born on inauspicious days. And the aged, or infirm, are dispatched on principles of pity, to relieve them from an insupportable load of years. Whether the burning the wives with the corps of their husbands, in the empire of Indostan, is founded in the same policy, is not certain. There can be nothing clearer in reason and philosophy, than that a people thus situated, have a right to change their residence, and to gain a subsistence on any part of the terraqueous globe, where they can find the soil, neither appropriated, or possessed with an intention to appropriate it to the use for which it was made.

There is an objection to this mode of reasoning, which ought to have its full share of consideration. If the Savages cannot be incorporated with the emigrants, or become civilized as a nation, it will clearly follow, that they will by degrees be extirpated, and finally cease to exist as a nation. A writer is not obliged to hold himself accountable for the consequences of any of the established principles, upon which this world is projected: whether we see it or not, all are established in wisdom, and will be improved for the highest advantage of the human race collectively. The religion of nature, the light of revelation, and the pages of history, are combined in the proof, that God has ordered that nations shall become extinct, and that others shall take their places.

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The Savage has his day ; and enjoys life according to the taste and habits he possesses ; he casts his eyes abroad, over the extensive wilderness of his wild domain, and sighs at the apprehension that his nation and race must cease to exist, and that his mighty forests must finally bow to human strength ; and that the hills and the vallies, where he has enjoyed the chase, shall be covered with the cities and the cultivated fields of white men. His agonies, at first, seem to demand a tear from the eye of humanity : but when we reflect, that the extinction of his race, and the progress of the arts which give rise to his distressing apprehensions, are for the increase of mankind, and for the promotion of the world's glory and happiness ; that five hundred of rational animals may enjoy life in plenty, and comfort, where only one Savage drags out a hungry existence, we shall be pleased with the perspective into futurity.

If there is a contention on this point, it must be with the decrees of Heaven, and let them gird on the sword of contest who chuse to do it. But without explanation there may be an apparent foundation for a charge of advancing a position, that the civilized people may take the land of the Savages when they shall please.

It has only been said, that when a nation is crowded, some of the inhabitants have a right to migrate, and to take lands where they shall find a country unimproved, in the way which nature intends. There is no privilege, or right, but what may be practised upon, in a licentious and erroneous manner. There is nothing that has been advanced, which will justify a man's taking the land of a Savage, or rather land in a savage country, but an absolute necessity to gain a subsistence which he cannot obtain without.

The idea of obtaining vacant lands to sell again, is clearly wrong, unless the purchase is made, to promote a settlement of a number, in similar circumstances of want and distress. The purchase of preemptive rights, either with, or without the license of a government, is clearly wrong ; because the very form of the purchase, is evidence that the soil is not then wanted for the subsistence of man ; and the anticipation of the possession, only tends to raise the price to be given, when there shall be a necessity to cultivate the wilderness for the support of a part of the human race.

If the contracts made by individuals with the Savages respecting territory, were only for an uninterrupted possession of lands contained within certain boundaries, it was of great consequence to the governments, whose subjects made the contracts with the Indians, that those should be such, as would secure that object ; and the governments had therefore a great interest in the fairness and rectitude of the contracts. This produced an indispensable necessity for each government of the colonies, to control, and direct the trade with the Indians, respecting their sales of license to improve lands.

The colony of Massachusetts, at a very early date, in the year 1633\* passed an act prohibiting the purchase of lands from the natives without license obtained from the government. The deeds of the lands in Concord, Sudbury, and Marlborough, have an attestation of such license annexed ; and all the titles were undoubtedly attended with the same circumstance, so far as there were purchases made within the settled limits of the old colony : though there are no deeds on record in  
Massachusetts

\* Recited in a law made in 1701.



Massachusetts Colony prior to the year 1640, which were executed by the natives.

There is something rather curious in the mode of treatment given by the Massachusetts and by Plymouth colony, to the purchases of territory from the natives, within what is now the District of Maine.

Gorges and Mason had been considered, before the year 1640, as enemies, in principle, to the New England colonies; they were both anti-republicans, and were strong Episcopalians. They settled no orthodox clergymen, according to what the neighbouring colonies called orthodoxy, nor indeed did they before that year, establish or support any kind of government; or ever attempt to establish any form of worship; nor did they pay any attention to public schools. It was very evident that they held all the Puritan regulations in contempt. Their government over their servants, vassals, and tenants, from a want of those regulations, became weak and inefficient; and we therefore find their constant complaints of being plundered by their servants, cheated by their agents, and of being deserted by their vassals.

The civil wars coming on in England, gave Massachusetts a fair hope of extirpating a neighbour from whom she in a future day might suffer. The general court therefore contemplated an extension of their charter to the east, as far as would take in the whole country to the grant on Kenebeck, made to their sister colony, New Plymouth ; this would swallow up both Gorges' and Mason's patents.

Gorges wishing to have the other colonies annihilated, and to have a general government over the whole country, urged the point of the king's reassuming the

lands granted by his ancestor, and making new grants of the whole ; and according to this idea, he and Mason having surrendered their title, he took the charter in the year 1639 for the Province of Maine.

The Massachusetts, in the year 1643, came to a resolution to extend their charter as far east as Casco Bay. They were, however, very conscious that this construction might at least be a doubtful one, wherefore, though they had expressly prohibited the unlicensed purchase of lands from the natives within their colony, and though they extended their colony near to the New Plymouth patent, yet they cherished and countenanced the plan of individuals obtaining deeds of the natives at their own pleasure, and where they pleased, in the Province of Maine, and in as great quantities as suited their convenience, or would gratify their taste. This mode of procedure alarmed the colony of Plymouth ; for if the Indian deeds should be held as paramount to the grants of European princes in one instance, the idea being popular, would soon become universal ; and their title as a colony, to a colony, might eventually be rendered nugatory. To prevent this, in the year 1643, the government of that colony passed an act in these words. " It is enacted by the court, and the authority thereof, that no person, whether inhabitant of this government, or other, shall purchase, hire, or receive of gift, of any Indian, or Indians, any lands that ly within the lines of this colony." By *this colony*, they meant, as well the patent, as the charter on Cape Cod. They did not allow the people on the patent to vote or act in the general court ; or the people there, being few, and inconsiderable, did not chuse it : but as the patent had no governmental powers, it was considered as under the laws

laws and government of the colony to which it was granted.

The government of New Plymouth, attempted to establish a government on the banks of the Kenebeck, in order to prevent the evils which they saw would arise by means of the purchases from the natives : but this attempt was too feeble to render their interest any essential service, and they found it necessary to be quit of the trouble, by a sale of the patent.

A detail of purchases from the natives, will be a dull entertainment for the readers in general ; but those who may be inhabitants of the District of Maine hereafter, may be gratified by finding in print, a history of the origin of their titles to their estates.

The first conveyance from the natives, which can now be found, of lands within the District, was made by Mr. Knowles, in the year 1643, to Humphrey Chadbourne, the great grandfather of the Hon. Benjamin Chadbourne, Esq. who is now in possession of the lands conveyed.

Another was made in the year 1650, by Mr. Knowles, the sachem of Newickawanick, to Thomas Spencer, of the lands at Quampeagan, and extending up to Salmon Fall brook, but how far back from the river is uncertain.

From the year in which Chadbourne purchased, to the year 1649, there was a doubtful contest in the government of Great Britain, which had a very peculiar effect on the purchases from Indians. The lands had all been granted by the crown, and a re-grant had then been lately made to several noblemen, of all the lands in North America. If king Charles was able to support his contest against the parliament, the Indian titles would become nugatory, and be held as void ;



but if the republican side should prevail, then the Indian deeds, as opposed to royal grants, would be held valid.

The year 1648 settled the matter in England, for a time at least, and the succeeding year gave a system of proceedings respecting such purchases in this country. Charles was dead, and the republican party established; and of course any claim against a royal grant would have weight, among the republicans who found those large patents dangerous to that equality, in church and state, which was found to be necessary in a popular government.

In the year 1649, John Richards, who lived on an island on the east side of Kenebeck River and near the sea, called Jeremysquam, purchased the Island of Robinhood, the sachem of the country. John King, who was a witness to the deed, appeared before governor Bellingham, and made oath that he saw Robinhood execute the deed. The governor's certificate, on the deed, is in these words. "John King testifies upon oath, that in his presence Robinhood did seal and deliver this writing, unto which he set his mark as witness to the same. Taken before me 22 6mo. 1654. Ric. Bellingham governor." I do not find any deed, excepting the two which I have mentioned, that was given before the oath taken on the deed to Richards before governor Bellingham. The proof of an Indian deed before the governor, was at once giving a sanction to all purchases of that kind, and a complete acknowledgment of the Indians' right to convey. There is no record of the public opinion on this subject at that day; but we have no reason to believe that Bellingham acted against, or even without the support of the government,

ernment, and the concurring opinion of the people of the colony.

One John Parker, who lived on an island near to that called Jeremyfquam, and on the east of the mouth of Kenebeck or Sagadahock River, called by the Savages Reskeagan, now called Parker's island, purchased that island of one Damaze, an Indian, in the year 1649, with all the land on the west side of Kenebeck, from the sea up to Winegance Creek. When this land was claimed and entered in the book of claims, in the year 1718, it was claimed as a purchase from Robinhood. It may be supposed that the Indian who sold, had, as usual, several names. The land on the west side of the river, includes what is called Small Point, and is bounded by the waters of Casco Bay on the west. The purchase of Parker is now the greater part of Georgetown; and some of his descendants live on the land at this day.

The lands on Arrowfike, or as the Savages called it, Arrofeag Island, were sold in the year 1660 to Roger Spencer, and Thomas Clark. This island contains the residue of Georgetown, and has the meeting house upon it. Sir Biby Lake was afterwards interested with Clark in the Indian conveyances, but how he came in is of no consequence in the present inquiry.

All the lands on both sides of the river Kenebeck, were purchased of the Savages, between the year 1649 and the year 1660.

Kenebis, and Abbagaduffett, sold to Spencer and Clark all the lands on the river, ten miles on each side, and up to Neguamkeag and Teconnett Falls. In 1654, Robinhood sold the town of Woolwich, on the east side of the river, by the name of Neguasseag, to Edward Bateman and John Brown. The town is now

held

held under the Indian right. The lands on Muddy River, were sold to Thomas and Samuel York, by Jerumpkin and Devele Robin, in the year 1670. The lands on the west of Kenebeck and on Stevens' river were bought by Thomas Stevens, of Elderumkin, and Daniel Robins Nenement. The river called Stevens' River, took its name from this planter's living on the bank of it, under this purchase. The lands over against Swan Island, on the west side of Kenebeck, were sold in the year 1672 to Margaret Stevens, who was, as is supposed, the widow of Thomas Stevens. Near to Stevens' purchase, and on the sea, is a neck of fine land, called Merryconeag, now in the town of Harpswell, which was purchased in the year 1674, by one William Lyman; but after the purchase from Gorges' grandson by the colony of Massachusetts, and in the year 1682, the lands were granted by the government to the college. The Indian grantee and the college were treated alike by the ancient settlers: neither got any thing of consequence by their grant.

There was a very extensive grant of the lands on the river Androscoggin, made in the year 1654 to Thomas Purchase. The people who claim that land have extended it far up the river; but as there is a contest begun between the proprietors and the commonwealth, it will not be fair to publish an opinion upon the extent of the deed under which the Peppscott proprietors claim.

Jerumpkin sold the lands on Muddy River to Thomas York, in 1670. There has been no claim established under that conveyance. Between the above mentioned tracts and the river Saco, there were no grants of consequence made by the natives; we may therefore return to the Indian titles east of the Kenebeck.

Land



Land which has since been called Trott's Neck, in the southerly part of Woolwich, was sold in 1685, by Agamagus, otherwise called Moxus, Egremet, and Effemensco. Moxus was a noted warrior, and an acknowledged chief in his day. It ought to have been mentioned that the sale of Swan Island, in Kenebeck River, was made in the year 1667, to Humphrey Davie, by Abbagaduffett. This was afterwards claimed under that title by a Sir John Davie, sometimes called in England Sergeant Davie. He was a sergeant at law in that country.

The sachems called Kenebis and Abbagaduffett, were generally united in their grants, and appear to have sold nearly all the lands on the Kenebeck River, to one and another, and the greater part several times over.

If any of the Indian titles could have been established in opposition to that under the Plymouth patent, one made in the year 1649, by Kenebis, to Christopher Lawson, and assigned in the year 1653, to Clerk and Lake, would have succeeded. This deed was fortified by several others, and contained the land up to the fall of Teconnett, but the proprietors under it, became discouraged, and were contented to settle a line south of Eastern River, where the head of Woolwich now is.

The Indian deeds last mentioned, were obtained with a view to oppose the right of the new Plymouth colony, and were never attended to, until that government attempted to establish an exclusive right to the trade and fishery of the river. To this it may be added, that the purchases were made, much under the countenance

countenance of the people and government of Massachusetts.

Walter Phillips, who lived on Damariscotia River, purchased, in the year 1661, certain lands at the lower end of the Pond in Damariscotia, and so extending over to Canisflex River northwest, and three leagues up into the country from the mouth of Fresh Falls. This deed was signed by Josle, and his brother, and Agelke his wife. He calls himself the Sachem of the land there. The deed was recorded in a book called the Sheepscott Records in the year 1667. Another deed appears, as made by Wittenose, and Eludugles, to the same Phillips, in 1662, of certain lands whereon he lived, from Pedgodagowake down below the house of said Phillips, where the natives used to carry their canoes over to the river Canisflex. Where that river was, may be uncertain; but perhaps it was the Sheepscott. The grantees in this deed were the sons of Josle, and meant to confine their father's grant. Both these deeds begin with these words; "Walter Phillips *may well and peaceably enjoy and possess* from the date hereof," which shews that these grants were intended only as an agreement not to disturb his possession. The same Wittenose sold lands at Sheepscott Falls in the year 1666.

There were lands purchased in the year last mentioned, of one Jack Pudding, on Monseag River, near Cowseagan Narrows. This is now called the Cowseagan claim, and held under that deed.

One George Davie, was an early settler on Sheepscott River, and had his house not far from Wiscassett Point. He purchased a large tract of land in the year 1663, of Vichodehant, Quassememock, and Obias,  
alias,

alias, Daniel Dick Swash and Diogenies, natives and Sagamores of Sheepscott. This purchase was to extend to Kenebeck westward ; but the Cowseagan claim, and the deeds to Clark and Spenser, have been so managed, as to restrict the bounds of the tract to a line within one mile of the west side of Sheepscott River. The flourishing village of Wiscassett is under this title ; and two other deeds, made by the same Indians, of the same date, convey the lands on the opposite side of the river, to the same George Davie. These lands came by inheritance and transfer to a number of wealthy men, who in the year 1734, at Boston, associated under the name of the Boston company : but afterwards held their regular meetings under the name of the Jeremysquam and Wiscassett proprietors.

The Indian wars, which were commenced in the year 1675, and continued with but few and short intermissions, until the year 1747, rendered the eastern lands of little value to the nonresident proprietors ; but as soon as the white people had gained such strength as to expel, or reduce to amity the savage tribes near the sea, the proprietors were very industrious in recommencing their claims, and in reviving their obsolete titles. The Indian deeds, while the boundaries clashed with, and intersected each other, completely covered all the grants made by the crown, and the council of Plymouth, excepting a part of Gorges' patent. The deeds were taken for that purpose. From this was produced a scene of confusion and distress, which retarded the settlement of the country, and ruined a great number of the inhabitants : innumerable law suits were commenced,



commenced, and every title, in its turn, was called to the aid of some suffering or distressed settler. The grants under the European titles conveyed the same lands to several different grantees, and the Indian deeds did the same. This obliged the courts, finally, to come to a determination that where there had been actual entries, and ancient settlements, these should be preferred to any other title whatever. This was done on the idea that neither had a right to sell. But from this arose other difficulties which increased the number of unhappy litigations. The government held the Province of Maine under a grant from the crown to Gorges; it would not do to relinquish that; wherefore it was decided that where there had been no actual entries, or ancient possessions, the European titles should have the preference. This principle established the proprietors of the Plymouth patent, in the right to a large tract of country. The idea of actual entries, and ancient possessions, being superior to Indian or European grants, suggested the idea of holding against both, by mere possession: and as a jury was to try each issue, the hope was in a prevailing partiality, let the opinion of the judges be as it might. Before the time of the trials on the patents and Indian deeds, there was no instance of taking possession without some colour of title. All these principles and circumstances combined to fill the country with law suits and controversies, to the great distress and impoverishment of the inhabitants. Nor is the calamity yet over; and it may be added, that unless some measures can be taken by the legislature to put an end to the litigations, the District will groan under the injury for a long time to come.

There

There was a deed obtained, in 1694, by governor Phips of Madockawando, to cover the lands granted to Beauchamp and Leverett on Penobscott river ; but the patent being always considered as valid, no use has been made of the deed.

When the general court of Massachusetts, in the year 1718, appointed commissioners to receive the claims in the eastern country, a book was provided for the registry of the proceedings. This measure was necessary, because the war, which was then over for a short time, had drawn the people in the Province of Maine and territory of Acadie, from their habitations, and nearly depopulated the country. Besides this, the titles upon the records, appeared so numerous and were so uncertain in their descriptions, that some particular evidence had become necessary.

When the book of claims was opened, John Miliken appeared to claim a tract at the head of Dunston River. His title he derived from one John Alger, his grandfather, on his mother's side ; and the evidence produced to support it, was the declaration of an Indian woman, who in the book of claims was called Jane, but in the depositions taken, was called Janap Hannum. She declared that her husband surrendered the possession of the lands, to Alger, and that she heard him declare that Alger should have the same. Alger was killed by the Savages, and his heirs appeared with their claim when the war was over. The family of Milikens, in Scarborough, and their grantees, are in possession of the tract at this day. The courts always adjudged the title to be good.

Notwithstanding the grants from the council of Plymouth to Gorges and Mason, to Dy, Vines, and Oldham,

on the river Saco, one William Phillips, commonly called Major Phillips, who lived on that river, purchased of the natives all the lands from the sea up into the country.

One deed, dated in the year 1661, was made by captain Sunday of Three Hills of Rocks, thirty five or forty miles above Saco Falls. This was intended to grant, what Phillips supposed was a treasure of great value; for there was then, and since has been an idea, that some rocks on Saco River, or near it, which shine very much, by reason of their having a great portion of isinglass, or talke in the cliffs, were richly impregnated with silver: but there are so many hills there, which have the same appearance, that it has never yet been ascertained which were the hills intended to be granted. Nor would it have been of much importance where those hills were placed, if another deed had not made those an important boundary.

Fluellen, or a sachem, called Fluellen Sumptimus, in his deed, conveyed in the same year, to the same Phillips, all the lands from Saco River over to Cape Porpoise River, and so extending in all that breadth up to Sunday's rocks. When the soil became of consequence, it was necessary to find the rocks; if the rocks are really found, yet there has been no silver produced from the adventure. Another deed was made by an Indian to Phillips, of lands at the head of Cape Porpoise and Wells townships, which are now held in Sanford and Waterborough under that title.

There has been always an opinion, that Phillips was a friend to Gorges' family. The towns of Kittery, York, and Wells had been granted by Gorges; Cape Porpoise lands were held by Rigby, under the grant to Dy and others. The deeds from the natives



to Phillips, contained all the lands on the west side of Saco, as far as the country was then explored, or known, excepting the towns settled under Gorges' grants: and when Gorges' grandson sold to Usher for the colony of Massachusetts, in 1676, he expressly reserved to Phillips all the lands which he had purchased of the Indians. This he would never have done, if Phillips had purchased in opposition to the family's title. It may be easily conceived, that when the colony of Massachusetts had usurped the government of Gorges' Province, denied the validity of his patent, and countenanced the purchases from the natives, that Gorges' son, or grandson, finding the government of the republic then set up in England, adverse to his interest, and despairing of ever being reestablished in his province, might obtain Phillips' agency to secure his own property, and to defeat the claim of Rigby and Vines, who were active against him. That they opposed the government of Lygonia to that of Gorges' province, will appear when we come to treat of the changes of civil government, which have taken place in the District.

There was a small grant by a sachem, to Saunders, Bush and Turbel, of four miles square, at the head of Wells and Arundle. The lands are now held under that deed and incorporated by the name of Coxhall.

Captain Sunday sold to Francis Small, all the lands between the Ossipee Rivers. The original deed, unrecorded, was found in the year 1770, among the papers of the family, who, with their assigns, hold the towns of Parsonsfield, Washington, Limerick, Franciscoborough, and Limington, under it.

The

The lands on the south of the Little Ossipee were sold by an Indian to the same Small, and one Nicholas Shapleigh of Kittery. They appear to have been partners in trade, and to have bought the lands of Sunday in partnership. The town of Shapleigh is held under that title. Small went to Cape Cod, on the commencement of the Indian wars, and died there. Shapleigh continued at Kittery, where there is a very numerous posterity of his at this day. He was a man much in public life, and will be again spoken of in the course of this work.

There may be some titles to small tracts under the conveyance of Savages which are not mentioned ; but none have been omitted with design.

## CHAPTER

## CHAPTER VIII.

*A Description of the ancient and principal Towns ; including the Incidents in their Settlements, and the Wars they have had with the Natives.*

THE Province of Acadie, was, in the first settlement of it, connected with the government of Newfoundland ; and as the country between the Makagadawick and the Scoodic, was settled originally under that government, and may be now considered as a part of the District of Maine, a description of it can be no injury to the design of this history.

St. Andrews is on a point of land, situated on the north of the Scoodic, and on the south of the river which we call the St. Croix, and which the natives call the Makagadawick. The village of St. Andrews, and all the country between those rivers, contain now about ten thousand inhabitants, including those who live on the islands in Passamaquaddy Bay. This place was settled very early under the French government, and continued to be inhabited without interruption until the year 1704.

The Abbe Raynal gives a very romantic description of the manner of life, which the French led in the country of Acadie. They had no trade, litigation, or controversy, according to his fanciful account of their manners.

Colonel Church, in the year 1704, went up the river Scoodic as far as he found inhabitants, and destroyed all the houses, and killed, took or drove away all the people.



We do not find that the French ever renewed their settlements, to the southward of what we call the St. Croix, and what the natives called the Makagadawick, after their extirpation by Church. The treaty of Utrecht, in 1712, settled the boundary at the St. Croix. In the year 1762, the Province of Quebec being reduced by the power of the English government, several persons went to the north of the Scoodic, to begin an English settlement. Where the French improvements had been, they found the land grown over with young cherry trees and birches : where the buildings had been destroyed, they found the remains of chimnies and cellars. In the cellars were found a great number of spades, axes, pickaxes, and other implements of husbandry. The place being well situated for the fishery, and a trade with the Savages, it has increased in wealth and numbers since the Anglo Americans have taken the possession of it. While the war continued between England and America, the settlement was again broken up, because the inhabitants living too near the line of the two governments, to take a decided part with either, were subjected to the depredations of both ; and were plundered by the privateers of each party.

On the west side of the Scoodic, where general Lincoln now owns the soil, there were French settlements, which were destroyed by colonel Church's party, or abandoned immediately after his successful attack on that place,

From 1635 to 1654, the country between Penobscott and St. Croix, was in the possession of the French.\* The Sieur de la Motte left some of his people there in 1603.† The French erected a fort at Mount Desert, which  
place

\* Report to Council, 1762.

† Ibid.

place they called Mont Mansell ; the fort they called Sauveur ; and they were driven away by Sir Samuel Argal in 1613.\* These were all the considerable settlements between the river Penobscott and St. Croix.

There were no ancient settlements between those on the Scoodic and the Penobscott, excepting a few houses on the river Machias, which were erected by one Martion, a French trader. The French nation extended their claim along the sea shore as far as the Kenebeck, and had, on the good harbours, houses, or rather sheds, for the purpose of trading with the natives. But there were no permanent settlements, or good houses, nor had they or the English at that time an inclination to improve the country for the purposes of husbandry.

In the year 1633, New Plymouth colony sent people to Machias to set up a trading house ; but the French, under the government of de l'Atour, killed two of them and carried the others away.†

### P E N O B S C O T T.

THIS is an early settlement, and in giving the history of Penobscott, we give a history of all the towns near it. The river was called by the French who first discovered and took possession of it, Pentagoet,‡ or Pentagoevet.§ The people of the colony of New Plymouth, erected a trading house there in the year 1626. This was three years before their patent for lands on Kennebeck, and before they had any pretence of claim there : but their possession was in opposition to the French claim, therefore they had not any body besides that nation to contend with on the subject.

There

\* Purchase, and Smith.

† Winthrop's Journal, page 57.

‡ Council Records of Massachusetts.

§ Collection of Voyages, in College Library, 8 Vol.

There is no doubt but that the French had trading houses on the Penobscott, though nothing is said of it either by their writers or ours. In the year 1626, the Americans of New Plymouth colony took possession of the country, and continued there until the place was taken from them by the French in 1635. The French, by a stratagem, rifled the garrison in 1632, but the people continued their possession until 1635. The manner in which the French reclaimed that, with other parts of the country, will be mentioned hereafter. The French government held the place until 1654.\* In that year Oliver Cromwell, under a pretence of an expedition against the Dutch, at Manhatoes, now New York, sent one Major Sedgwick, who turned his course that way. Sedgwick took the fort at Penobscott, and conquered all the country from thence to Port Royal. Cromwell granted the country to colonel Temple and others, who carried on a trade at Penobscott, until the year 1667, when the country, by the treaty of Breda, was ceded to the French by Charles II. There was no settlement by the Europeans for the purpose of agriculture.†

After the treaty of Breda, a Frenchman, called Castine, took his residence at Penobscott. Some people supposed him to be a Jesuit, and others considered his personal character as equivocal. All were, however, convinced of his entire enmity to the people of New England. Voltaire, and the Abbe Raynal, consider his character as a very extraordinary one. They say, that he was colonel of the regiment of Carignon; a man of good connexions, and of good abilities. He married

\* Report of Solicitor and Attorney General in 1731.

† Report of Council in 1762.



married the daughter of an Indian chief, and lived a savage life, secluded from the world. In the year 1690, Sir William Phips, with an army from Massachusetts, conquered the country from Penobscott to Port Royal ; and Castine the younger, and his tribe, became the professed subjects of the king of England at a treaty held in 1693. There were frequent hostilities committed by that tribe, after that treaty, which prevented the settlement and growth of the plantation, on the river Penobscott. The town is bounded on the east by Sedgwick, on the south by the sea, and on the west by Campden ; and extends up the river to Buckstown on the east side, and to Frankfort on the west side. This place has never been, from the first settlement of Acadie, until the year 1781, without a garrison in it, and has always been dealt with by the nations under whose government it has been, as a place of great consequence. The access to it from the sea is very easy, the harbour is adorned with a great number of fine islands ; the lands are very good ; and the advantages derived from the fine and extensive river which passes through it are very great. There are now within the town thirteen hundred inhabitants ; and that number is increasing by the constant accession of new settlers from every part of the country.

#### PEMAQUID OR BRISTOL.

THE land where the town of Bristol is, was granted to Elbridge and Aldsworth, by the council of Plymouth, in 1639. This town is on the river Pemaquid.

There were inhabitants at Pemaquid before the year 1629 ; for the council for the affairs of New England, acknowledge, in their patent to Elbridge and Aldsworth, that the patentees, by their tenants and ser-

vants, had been for more than three years in the possession of the country. There were people constantly on the sea coast, engaged in trading and fishing, from the time when Sir Humphrey Gilbert took possession of it under queen Elizabeth, until a settlement was made by the Plymouth council under the grant of king James. They were strangers to the coast, and appear from their movements to have been afraid of venturing far to the southward, before the accidental settlement took place at Plymouth.

In the year 1629, Elbridge and Aldsworth took possession of the lands at Pemaquid; but their patent contained no powers of government, and we hear but little of them before the year 1666. The bands of civil government being broken in the mother country, the people under the patent were left very much to themselves. Charles I. in 1633, though he had given up the forts in Acadie to the French, yet he said his subjects had a right to fish and trade in the country,\* which declaration brought over a number of disorderly people.

In the year 1665, there was a new claim to the land under a grant of Charles II. to the Duke of York, who was afterwards James II. This grant extended from the place "called St. Croix, to a certain place called Pemaquina, or Pemaquid, and up the river thereof to the farthest head of the same,† tending to the river Kenebeck, and so up to the northward, the shortest course to the river Canada."

The people of Pemaquid, who had never been under any regular government, were very soon submissive to this. The power of the restored monarch, the adulation paid him by his friends, the forced respect of his

enemies,

\* Ogilby.

† Council Files, Report in 1762.

enemies, and the powerful aid of the French nation, gave a full and ready submission to the government which had his countenance and support.

In the year 1665, commissioners who were appointed by the Duke of York settled the boundaries between the towns of Pemaquid and Sheepscott; but a particular account of those transactions, will do much better under the head of *revolutions of the governments in the District.*

Settlements from the year 1665 were increased in Pemaquid. There were a number of people who came down from the Dutch settlement at the Manhattoes, or New York. The Duke of York had the New Netherlands, or what is now New York, granted him in the year 1664. His governour, named Dungan, was over this eastern grant, as well as that on the Hudson. The settlements increased until the year 1680. The government under the Duke erected a fort at Pemaquid, near the remains of which is the ruins of a town: there is yet under the rubbish a paved street, and the cellars of nearly thirty or perhaps forty houses. The lands there were granted under the Duke of York's title, and many deeds, made by his governour have been exhibited in the courts in that country within thirty years past.

There are several copies extant, attested by the late secretary Willard, in the year 1730, "from the records of Sheepscott as then in the secretary's office;" but there is no such book of records to be found at this day. It is very probable that the book was taken out by governour Hutchinson, and destroyed when his house was injured in the time of confusion respecting the stamp act: or perhaps it was burned in the town house



house in the year 1760. This book was the record of Sheepscott, kept by Walter Phillips, under the government of the Duke of York, and contained the records as well of Indian deeds, as of the grants under the Duke, and under the same person as king James II. Phillips, when the country was destroyed in the year 1680, fled to the westward, and as the tradition is, died at Charlestown in Massachusetts. The titles of the Duke have never prevailed against the grant to Elbridge and Aldsworth, nor against the Indian deeds. The conveyances were as of lands under the government of New York. One conveyance may serve as an example, and shew the tenor of the whole.

“ JOHN PALMER, Esq. one of the council in  
 (L. S.) his majestys plantation and colony of New  
 York, and commissioner for the granting and  
 confirming of lands within the county of Cornwall in the said colony,

To all to whom these presents shall come or may concern greeting. Know ye that by virtue of the commission and authority unto me given by the right Honourable Colonel Thomas Dungan, lieutenant and governour of the said colony, for and in behalf of our most gracious sovercign lord James the second, by the grace of God, of England, Scotland, France and Ireland king, defender of the faith, supreme lord of the plantation and colony aforesaid, I have given, granted, ratified, and confirmed ; and by these presents do give, grant, ratify and confirm unto John Dalling, of Monhegan, in the county of Cornwall, yeoman, all that certain mesuage or tenement situate lying and being on the island of Monhegan, and whereon the said John Dalling  
 now

now dwelleth : and all, and singular the house, out houses, edifices, buildings, ware houses, barns, stables, orchards, gardens, enclosures, yards, back sides, and way passages, water, water courses, lights, easements, profits, commodities, advantages, hereditaments and appurtenances whatsoever, occupied, possessed, or enjoyed, or attempted, deemed, and taken, as part or parcel or members thereof, or any part or parcel thereof, and also the several other parcels of land there now fenced or inclosed by the said John Dalling for planting of Indian corn ; with a full third part of a certain marsh or meadow, on the said island, and the stage and back room for the fishery there ; with the liberty to fence in, and inclose any other part or parcel of land on said island for his use and accommodation, not exceeding six acres. To have and to hold the said mesuage, or tenement, and all and singular other the premises, with their appurtenances, unto the said John Dalling, his heirs and assigns, to the sole and only proper use, benefit, and behalf of the said John Dalling his heirs and assigns forever. *Yielding and paying therefor yearly and every year unto our sovereign lord the king, his heirs or successors, or to such governour, or other officer as from time to time shall be by him or them appointed to receive the same, on every twenty fifth day of March forever, as a quit rent, or acknowledgment for the said land, one bushel of merchantable wheat, or the value thereof in money.* In witness whereof I have hereunto set my hand and caused the seal of the colony to be hereunto affixed, and these presents to be entered of record at James Town, the thirteenth day of September, in the second year of his majesty's reign,  
Annoque



Annoque Domini one thousand six hundred and eighty six.

J. PALMER.

Recorded the day of the date hereof.

JOHN VELF, D. Secretary."

The royal grants, and those of Sir Ferdinando Gorges, and Sir Alexander Rigby, were all of a tenor quite opposed to the principles of government and tenures established in the New England colonies, and tended in their nature to the destruction of equality in legal rights. This rendered the New England colonies rather inattentive to the eastern country until Gorges had sold his province to Massachusetts, and even then, as the colony had nothing to do with the country below Kennebeck, and as Indian conveyances, and the grants under the great patentees had swallowed up the greater part of the territory west of the river, the government had but little incitement to spend money in defence of the country.

Sir William Phips, however, in the year 1692, made an expedition to Pemaquid, and there erected a fort. Whether this was done on account of the influence of the owners of Aldsworth's patent, or to keep up the claim, which had but that year arisen, to the province by the new charter, is uncertain.

This fort was held by the government until the year 1696, when in August of that year a French ship came from Mount Mansell, now Mount Desert, and united with the Savages in taking the garrison.

The plantation of Pemaquid was settled before Boston; and in Winthrop's Journal page 46, we have this note, that in November 1632 letters came from Capt. Neale, that D. Bull, and fifteen more of the English  
who



who kept about the coast, had turned pirates, and had taken divers boats, and had *rifled Pemaquid*.

The country of Pemaquid being laid waste by the Savages in the year 1676,\* continued to be uninhabited until after the peace of Utrecht, in the year 1712; and after that time, until the year 1717, there was no aid given by the government to the resettlement of it. In that year, there was an order for the reestablishment of the garrison, and the fort was repaired: the country was, however, but thinly inhabited; the Penobscott Indians, rendered more cruel by the former influence of Castine, and Le Masse, a priest, were near by, and the access for the Savages, from every part of the country, was easy. In the year 1747, the Penobscott tribe came into a treaty of subjection to the government of Massachusetts, which they never afterwards openly violated. The fort, called St. George, was attacked, in the year 1654, by Canada Indians, and defended with great spirit by Colonel North, who then commanded it.

The town of Bristol, which is the principal part of what was Pemaquid settlement, was incorporated by the name of Bristol in the year 1765, and at the time of the late census contained seventeen hundred inhabitants.

### NEW CASTLE.

THE town of New Castle, was formerly under the government of the Duke of York, and known by the name of Dartmouth in the county of Cornwall. There was a settlement there as early as in any part of the Pemaquid country. There was a fort on a neck of land on Sheepscott River, which, with all the buildings, were destroyed by the Savages, in the year 1680, and the settlement intirely broken up. This land was sold

by

\* Hubbard.

by Jack Pudding and Robinhood, two Indian chiefs, to one John Mafon, who lived there in those times. One Randolph came to New Castle some years ago, from New Jerfey, claiming lands under John Mafon, his ancestor on his mother's part: he faid, that his parents informed him that he was born there, and that they fled with him, from the Savages, when he was an infant, and carried him away to New Jerfey. He produced papers certified by Walter Phillips, and had a copy of governour Dungan's commiffion with him. New Castle is bounded on the east by Bristol, on the west by Pownalborough, Sheepscott River being the line between that and the town last mentioned; and by the town of Edgcomb on the fouth. Damarifcotia wafhes the east bank of it. When the late census was taken, that town contained nine hundred inhabitants. It was incorporated by the name of New Castle, in the year 1758. The progress made in the fettlement of New Castle has been very flow. There was a fettlement there in the early day of New England. The cellars of the old houfes remain as proof of the country's destruction by the Savages.

Pownalborough extends on an east and west line about eight miles, from Sheepscott to Kenebeck River. The line begins above the town of Woolwich, and takes in what is called Wiscasset Point on the north fide of it.\* The part of Pownalborough, which lies on the east bank of the Kenebeck, had no fettlements in it, that are recollected, until the year 1752; when the proprietors of the Plymouth patent erected a fort there called Frankfort. The courts were feated there when the county of Lincoln was created in the year 1760, and  
some

\* N. B. This town is now divided, and the west part incorporated by the name of Dresden, in the year 1793.



some very good houses were there erected : but as the navigation of Kenebeck River is several miles above that town, the settlements encrease above it, on the river, and that part of the town has been long stationary as to encrease of settlements. There are however some very good farms there, and the land is generally good. This part is called the west parish. The north Parish is on the west side of Sheepscott River, at what is called Sheepscott Falls. There were in the year 1630, eighty four families, besides fishermen, about Pemaquid, and St. Georges and Sheepscott.\*

The most ancient and respectable settlements in Pownalborough, are in the east parish, at the principal head of the navigation in Sheepscott River.

These settlements include what is called Wiscassett Point ; where there is a very good meeting house, and a number of dwelling houses, many of which are elegant. This village encreases exceedingly, and will very soon become a place of great trade.

The settlements there began in the year 1663, under one George Davie, who purchased the soil of the natives, as has been before mentioned. Davie lived on the west bank of the river, about half a mile north of where the meeting house now is, but was driven away in the year 1680, when the eastern country was destroyed. There were no settlements again on that river, until after the peace of Utrecht, nor do we find any proceedings of the proprietors of the land until the year 1730. There were on Sheepscott River, in the year 1630, fifty families, on what was called the Sheepscott farms.†

In

\* Sylvanus Davis' account, Council files.

† Report of Sylvanus Davis, Counsellor, in 1707.



In the year 1730, the settlements began again. One Robert Hooper was the first settler on Wiscasset Point.\* Foye and Lambert came there in the year 1734; and the proprietors soon after letted out the lands for settlement. The Indian wars, soon after, prevented the progress of the business, and kept the people within their fort, which stood on a rock forming an eminence on the point.

In the year 1747, Jonathan Williamson, who had come from the west of England to settle in the country, was captured by a body of Indians from Quebeck, and carried through the woods to that city. Williamson was a man of eminence among the people, and was known to the Savages. They let two others, who were after their cattle, pass by them unmolested, and took Williamson, who was in the rear. Upon his asking the reason of this, they told him, that they were sent out by the governour of Quebeck, to take a person who could give him intelligence of the movements of the English. Captain Williamson, from whom this account is taken, says the Savages treated him very well, and gave him his full share of every thing they procured for subsistence on their route to Canada. He was exchanged, the next year, and sent back by way of Boston, and has continued on the river ever since.

Pownalborough was incorporated in the year 1760, and took its name from the pride of Pownal, who was then governour of Massachusetts. It contains two thousand inhabitants, has three parishes, but had no settled minister before November 1773. On the south of Pownalborough is the town of Woolwich. That town is bounded west on the river Kenebeck, east on  
Monseag,

\* Williamson and Cargill's depositions, in Lambert's case, Sup. Court.

Monseag, south on Georgetown ; from which it is divided by a strait of waters, which forms the north end of Arrowlike Island. The island of Jeremysquam is also within the town. There is nothing very remarkable in the progress of the settlement of that town. Brown and Bateman, who purchased the soil of the natives, lived there in 1666, and Sir William Phips was born on a peninsula now within it. The Indian name of Woolwich was Nauseag, and the early settlement of it was about the year 1660, under Clark and Lake, who erected mills there.\* The Savages prevented the progress of the settlement, until it was urged by Cadwallader Ford, Esq. one of the assigns of Clark and Lake, since the year 1750. The town was incorporated in 1759, has a good meeting house, and a minister, who has been settled a number of years. There are eight hundred people in the town.

The history of Georgetown is the history of the River Kenebeck. That town is situated on both sides of the river, and was, not long since, what is now Georgetown and Bath : the town now comprehends the island of Arrowlike, and Parker's Island, which have been already described ; and the land on the west side of the river, called Small Point, up as far as Winnegance Creek. This town, on the late census, bears thirty three hundred inhabitants, and was incorporated in the year 1718.

On an island already spoken of, called Stage Island, was the landing place of Popham's party, in 1607. Governour Winthrop says they came in 1609. Ogilby, in his collection, which he made in the year 1671, says,

\* Sir Biby Lake's petition to the king in 1710.

says, that they landed on the west side of the river, on a peninsula, and there began a plantation. Hubbard says, that a party came from England, and settled at Kenebeck, in the year 1619. Soon after Popham's party left the river, in 1608, the French took possession of it.\* In the year 1613, Sir Samuel Argall went from Virginia, and removed them. On the island are the remains of a fort, several wells of water, and several cellars; the remains also of brick chimneys have been found there,† and it is very clear that the bricks which were used in the buildings, must have been brought from Europe. On the west side of the river is the remains of a fort, made of stone and earth: there are also eight old walls now to be seen, and the ruins of several houses. Whether these buildings were erected by the English, or by the French, is uncertain; but the probability is, that the former were the erectors of the works. The English settlements continued without interruption until the year 1675:‡ for Hubbard says, that there was perfect peace between the white people and the Savages to that time: yet the proceedings of the colony of Plymouth, respecting the sale of their patent, suggest that depredations had been committed by the Savages. From the proceedings of that colony we find, that, from the year 1626 to the year 1660, there were inhabitants, traders and settlers on the river. In the year 1670, there were twenty families on the west side, and thirty on the east side of the river. The names of those, who, in the year 1654, took an oath of fidelity to the colony, would amount nearly to the number of so many heads of families. Clerk  
and

\* Hubbard. † The Author saw these remains, causing the ground to be opened, in 1778. ‡ Council Records.



and Lake came on the river soon after the year 1660, erected forts and houses, and continued their possessions until they were driven away in the year 1675.\* The settlements were not finally destroyed until the year 1680. There were settlements much farther up the Kenebeck than what is now Georgetown, or Bath. The remains of a blacksmith's forge were discovered at Teconnet Falls, when the troops of the government went there in the year 1754, to build fort Hellifax.† There is a point about twenty seven miles from the head of navigation, on the east bank of Sabestacook, a branch of the Kenebeck, where within six years now last past, the owner, intending to form a brick kiln, set his people to dig for clay; when they had removed the soil, they found the remains of an ancient kiln, with mouldered or decayed bricks. There was a hemlock tree upon the place where the kiln had stood, of more than two feet diameter.‡.

In the year 1675 there was a fort on the east bank of Kenebeck River within the town of Georgetown. One Hammond, a trader, lived in the fort, and probably was the person who built it. The business of his trading carried him up to Teconnet Falls, where he was imprudent enough to rob the Indians of their furs, while they were intoxicated. This offence was retaliated by a sack of his fort. When Phillip had made open war with the people of the old colony of Plymouth, he sent his emissaries down to the country of Sagadahock to incite a war against the settlers there.

Phillip's

\* Report to the King by the Attorney General, in 1730.

† Colonel Lithgow's account.

‡ Account given by Judge North and several others.

Phillip's enmity was not against the white people at first. He had no French priests in his country to kindle the flames of war, or to excite jealousy : but he knew that the settlers at Kenebeck had been under the jurisdiction of the colony with which he had made war ; and the Savages, could not, either in that, or any other quarter, keep up a distinction between the people of different colonies ; besides this, the French were contending against the English for the government of New France, and Charles had ceded a great part of the eastern country to that nation.

On a Sunday morning, while the white people were at their devotion, in Hammond Fort, the Savages rushed in, and having entered, they killed Hammond and plundered his house. There was another fort within two miles of Hammond's, which was built by Clark and Lake ; the people in this, being also surprised, defended themselves as long as they could, but were overpowered by the number of the Savages ; Captain Lake, and one Sylvanus Davis, attempted to escape, but the former was shot by a Savage as he fled in a canoe. His bones were found and brought to Boston in 1675, by major Waldren.\*

All the eastern country was soon after abandoned by the settlers, and the houses and mills were burnt by the Indians. The people could obtain no assistance from the Massachusetts colony, because the jurisdiction of that government over them was denied by those who contended to hold it under the Duke of York, and part of the country, which was east of Penobscott, was said to be under the government of lord Sterling.

The

\* Hubbard's History.

The territory, between Penobscott and Kenebeck, was under New York ; and the land on the river, belonged to Brattle, and others, who had purchased it of the Plymouth colony. The whole country, was, therefore, broken up, before the year 1692, and was not again settled until after the charter of William and Mary had placed the territory under the acknowledged government of Massachusetts Province.

The fort which Clark and Lake erected, was near where the meeting house in Georgetown now is. The remains of it were buried by the plough, within thirty years now last past, by major Denny, the then proprietor of the soil where it had stood.

Hammond's Fort, was at a place, now called Stinson's Point, on Arrowfike's Island. Mr. Hubbard, in his account of the destruction of that place, says, that the Savages came in the evening, and appeared in such a manner, that they terrified a girl, in the house, who ran over to Sheepscott, and alarmed the people there ; and that the family was destroyed, in such a manner that not one, excepting the young girl, escaped.\*

Francis Card related, that the Indians killed Richard Hammond, Samuel Smith, and Joshua Grant ; and that they took him a prisoner at the same time. It is very clear, that this mischief was done by the Norridgewock Savages ; for a peace was made that year with the Penobscott and Pemaquid tribes ; and Card, in his narrative, says, that Madockawando, the Penobscott sachem, was not united with Squando, the sagamore of the Norridgewocks, in the war at that time. The Savages destroyed all the plantations in Georgetown, in that

\* Hubbard's History, page 245.



that summer, and laid the whole country on the river waste. There was no check put to the depredations of the Savages until major Church was sent by Sir William Phips, into the river, in August, 1692. The Savages were soon defeated in the action with the forces under the orders of Church ; he pursued them to their village at Teconnet Falls, and having laid that waste, returned to Pemaquid. In the years 1703 and 1704, the forces of Massachusetts went into the Kenebeck, and skirmished with the Indians.

The colony of Plymouth had a fort and trading house at Kenebeck River in the year 1642. Where their fort was, does not now appear with certainty : but it may be believed, that it was on what is now called Small Point, on the west side of the river, and near the sea. Tradition assures us, that Popham's party, made their landing on the island now called Stage Island ; and as there are the remains of an ancient fort on Small Point, and wells of water of long standing, with remains of ancient dwelling houses there, which have been mentioned, it may be concluded that the Plymouth Fort was at that place. Governour Winthrop, in his Journal, mentions, that " the Indians at Kenebeck, in the year 1642, hearing of the general conspiracy against the English, determined to begin there ; and one of them, knowing that Mr. Edward Winslow did use to walk within the palisadoes, prepared his piece to shoot him, but as he was about it, Mr. Winslow, not seeing him, nor suspecting any thing, but thinking he had walked enough, went suddenly into the house, and so God preserved him."

In the year 1714, John Watts, of Boston, who had married a grand daughter of major Clark, one of the proprietors of Arrowlike Island, carried bricks from  
Medford

Medford to Georgetown, and erected a large house with two flankarts, bearing cannon, on the bank of the river, on the island, at a place now called Butler's Cove. This house was standing in the year 1770, but the flankarts were taken down some years before. About the year 1728, major Denny came from England and settled there. His fort was very near the house erected by Watts. Denny's sister married Mr. Prince, minister of the Old South Meeting, in Boston. He lived on the island till the year 1773, and died possessed of a large estate. He held many offices, and was, when he died, first justice of the court of pleas, and president of the court of sessions in the county of Lincoln.

In the years which succeeded that of 1714, the people began to reclaim their old possessions in Georgetown, and on the whole of the river : all the claims which have been before mentioned, were, in the year 1718, entered in the book of claims : but in that year, there was no house in Georgetown, excepting the brick house on the island, and one at the head of the island built by one Preble,\* who died there about the year 1769. There were two families then on the west side of Kenebeck, at the mouth of Winnegance Creek. Several other families had set down on Swan Island, and on the main, on both sides of the river. The Indian wars were frequent, and the settlements were very few, until the Norridgewocks were attacked by Moulton and Hammond in the year 1724.

This attack was in the month of August, and was so sudden, that many of the Savages were killed, and the residue so distressed, that they never appeared formidable

\* Preble's deposition, on Sup. Court's files, and Dunning's evidence.



formidable again.\* They afterwards incorporated themselves with tribes on the borders of Canada, and were very mischievous as guides to the scouting parties, which frequently attacked the frontiers.

In the year 1752, the forts at Richmond and Frankfort twenty six miles from the sea, were erected, which in some measure put a stop to the depredations of the natives. But in the year 1755 the Savages, notwithstanding they had made a treaty with the government in 1753, beset the plantation, and killed several persons and carried others into captivity. In that year one Barret was killed at Teconnet Falls, and one Wheeler was taken as he was going from Fort Western to fort Hellifax. John Tufts, and Abner Marston, were taken near Frankfort, in the same summer. The people on Swan Island were attacked about the same time: and at the head of Arrowlike Island, one Preble, the son of the one already mentioned, with his wife, who were in the field planting Indian corn, in the spring 1756, were killed. The Savages took their three children, who were then very young, and carried them into Canada. There was then in Woolwich, at a place now called Hamden's Ferry, a fort inhabited by one captain Hamden, who had removed to that place from the county of Middlesex. Preble's wife, who fell by the hand of the Savages, was his daughter: and after the reduction of Quebec, by the English, he went into Canada, and brought his grand children home. I have conversed with one or more of them, on the subject of their captivity. They assured me that the Savages treated them with great kindness, on their way to Canada, giving them a share of whatever they could procure for subsistence, and carrying them on their backs at the places where they could not go by water.

\* Hutchinson's History.



water. They added, that they suffered more in being separated from their Indian parents, than they had suffered before.

In the same year, a strong party of Indians appeared before the fort on the lower end of Arrowlike Island, but could not take it. The people within were not able to go out of the garrison to attack the enemy; this gave the Savages an opportunity to kill all the cattle on the island, and to enjoy the spoil at pleasure.

The Reverend Mr. Emerson is the first clergyman who was ordained on the river Kenebeck, or within the county of Lincoln. He is yet the minister of Georgetown; and not very far advanced in years.

#### THE TOWN OF BRUNSWICK.

BRUNSWICK was incorporated in the year 1738; and contains fifteen hundred people. There are two meeting houses erected, one on the west, and the other on the east part of the town, for the convenience of holding public worship in each alternately. The late reverend John Miller was the first, and the reverend Mr. Coffin is the present settled minister of the place. Brunswick is bounded northerly on Androscoggin River; westerly on a town lately incorporated by the name of Freeport; southerly by a part of the waters of Casco Bay, called Maquoit; and easterly in part by the towns of Georgetown and Bath; the waters of New Meadows, or Stevens' River, being between that and the two towns last mentioned.

The first settler in this town was one Mr. Purchase, who lived near the head of Stevens' River, and traded with the Savages, of whom he obtained grants of lands, in the year 1675.\* The account of the first onset by the

\* Hubbard.

the Savages is given in Mr. Hubbard's history. He says, that in September, 1675, about twenty Indians joined "in robbing the house of Mr. Purchase, an ancient planter about Pegypscott River, and a known trader with the Indians. The Savages killed a calf or two, plundered the house of strong liquors, and destroyed and injured the beds and furniture. Purchase and his sons were gone abroad, but no incivility was offered to his wife." In the year 1676, the destruction of Brunswick, and all the country east of Casco Bay, was almost completed. The depredations were generally committed by the Amocogan, or Amoriscogan, and Norridgewock Indians. In November, 1676, a treaty was made with the Penobscott Savages, who appeared by Mugg, as representative of Madockawando, and Cherribina, sachems of Penobscott. This treaty had an influence on the others, and gave a short respite from hostilities.

The inhabitants of Brunswick collected again, but it was only to suffer new misfortunes; for in the spring of the year 1690, the town was intirely depopulated.

There was at that time, a universal conspiracy among the Indians to extirpate the Europeans from their country. The Savages of St. Johns, St. Croix, and the bay of Fundy, were in league with the Abenequis, and the Western Indians, for this purpose. The general rendezvous was at Merrymeeting Bay, on Kenebeck River; and the place of entertainment was at Ameriscogan, or what is now called Brunswick Falls. There had been a stone fort erected near the falls, on the north side of the river; and another about four miles distance, at Maquoit Bay, which was called Pegypscott-Fort.

In



In September 1690, the government of Massachusetts, considering the eastern country, as far as their purchase under Gorges' patent extended, to be under their protection, united with the government of New Plymouth, to send Colonel Church, with four hundred men, on the special errand of relieving the plantation of Pegypscott, which had been, the spring of the same year, sacked by the Savages, and was then in their possession. Colonel Church landed at Maquoit, and went immediately to Pegypscott Fort, but found no person, either Savage or white man, there. The orders of Colonel Church were from the governments of Massachusetts, New Plymouth, and New Hampshire. Those from the latter, were signed by Robert Pike, and ordered the expedition against the French and Indians at "their head quarters at Ameriscogan, Pegypscott, or at any *other place*." Therefore, when Church found none of the enemy at Pegypscott, he marched immediately for the fort on Ameriscogan Falls. He kept on the south side of the River ; and on the plain, a mile south of the Falls, he saw an Indian, who was known by the name of Young Doney, with his wife, and two white captives. Doney fled and got to the fort, but his wife was killed, and the captives set at liberty. Church with great difficulty crossed the river, and gained the fort, but not until Doney had alarmed it, and the Savages, excepting one man, and two or three women, had made their escape. The Indians ran under the fall of water, where a place is left between the cascade and the rock, and by that, and by other means, made their flight successful. There were several white captives in the fort, among whom was the wife of Capt. Huckins, who had been taken in a garrison at Oyster River, now Durham.



Durham. The wives of Worumbo and Haken, two sachems of the Ameriscogan tribe, made a successful application, for their own lives, and those of their children. There was an Indian taken in the fort, who was there on a visit from the Pennecooks. The squaws begged his life, and obtained it, by bearing testimony to his humanity to captives, and of his helping them to escape, when their lives were in jeopardy. He was taken a prisoner, but on the march of the army, being terrified by threatnings, he made his escape. The Savages, excepting the wives of the two sachems, and their children, and the prisoner mentioned, were knocked on the head and buried.

There was a great quantity of corn, of furs, and other articles collected in that place. Worumbo, and the Indians of the Ameriscogan tribe, had gone to Winter Harbour for ammunition and provision. Church sailed from Maquoit in the evening, and arrived at Winter Harbour in the next morning, about day break. He discovered the fires of the Indians near, and between him and Scammon garrison. The garrison was on the east side of Saco River, nearly two miles below the falls. When the scout, or advanced party of Church, came near the garrison, they found that the Indians were on the west side of the river. They killed three, who were in a canoe, and took old Doney, the father of a Savage they had killed at Pegypscott : from him they learned where a great quantity of peltry was concealed at Brunswick, and detached a party, were was successful in searching for it.

The above account is an abridgement of Church's own history of the expedition, with the addition of places, and some circumstances, which are furnished from  
the

the stories preserved and handed down, from those who lived in that part of the country in those times.

Colonel Church, like Julius Cæsar, was always the hero of his own commentaries. His writings are, however, generally correct, as to facts, and very intelligible; but how it happened that the Savages should kill and destroy all the people in the country east of Casco Bay, in the year 1690, and that they should be allowed to come to Saco River, in the fall of the same year to trade, is not well explained. Perhaps there was some jarring in the government there, after the Massachusetts had purchased Gorges' patent; or a peace with some tribes, to which others were not parties.

In the year 1714, there were exertions made by the assignees of the Indian grants, to Mr. Purchase, in order to obtain from government a garrison at Brunswick Falls. The country began to obtain a value, and was under the acknowledged jurisdiction of the Province of Massachusetts. There was then a real reason for placing a garrison on the falls of Androscoggin River. That place was as a key, to open all the western part of the Province of Maine, to the Indians. At this place the tribes from Canada, from Penobscott, and Norridgewock, met the Ameriscogans, and the Abbagaduffett Indians, to advise on their intended expeditions against the white people. There had been a fort there of ancient date, but while the country lay desolate, it had fallen into ruin. In the year last mentioned, the government began a strong fort, which was finally completed, with two bastions, and two half bastions, with flankarts on the top, sufficient for cannon. The fort finally assumed the name of Fort George, and was supported as a garrison until the reduction of Quebec,

in

in the year 1760. The remains of the garrison are now to be seen in the place.

In the year 1718, there was no house in the town, excepting the one in the fort, and a block house on the south part, near Maquoit Bay, where Lieut. Woodside kept a guard in order to protect the stores, which were to be landed in the bay, for Fort George. These fortresses have prevented the depredations which might otherwise have happened in the town. Topsham, which lies on the north side of the river, was a part of the ancient Pegypscott settlement, and suffered with the town of Brunswick in the hostilities of the Savages.

## N O R T H Y A R M O U T H.

THE earliest mention made of North Yarmouth is in an instrument from President Danforth, dated, "Fort Royal, 22d September, 1680." Recorded in the Proprietors records, by order of the committee, or trustees, appointed by the general court, to resettle the town, in the year 1722, expressed in the following words: "For the further enlargement to the settlement of the township by the governour and company, of the Massachusetts colony, on the easterly side of the West Cusligo," now Royall's "River, on Casco Bay; it is hereby granted unto them, that the waste lands lying between the said grant, and Falmouth, shall be added to the township called Damerras Cove. It is also hereby ordered, and declared, that the name of the plantation shall be, North Yarmouth."

THOMAS DANFORTH, President.

By an after confirmation of the above grant, made by president Danforth, in the name of the governour and company of the Massachusetts colony, dated July 26th,



25th, 1684, it appears, that there had been a grant of a township, prior to this, made by Sir Ferdinando Gorges, lying easterly of Westcuffigo, or Royal River, and called by the name of the river Westcuffigo, extending from said river easterly by the bay, about six miles to the mouth of Burgomungomug, alias Burgeomug River, which retains its Indian name to this day. But how long before the above grant by president Danforth, or to whom that grant was made, the records are silent.

After the above instrument by president Danforth, of September 22d, 1681, a committee, consisting of Bartholomew Gidney, Joshua Scottou, Sylvanus Davise, and Walter Gendall, empowered as the records say, "by the governour and company of the Massachusetts colony, to order and regulate the settlement of said town," proceeded to make several rules and regulations for that purpose. As first, "that the building and settling of the town shall be on land commonly called Maine's Point, (which includes the ground on which the meeting house now stands,) and to be ordered so on the laying out, as may be compact, and most capable of defence." Particularly, first, "that forty rods square of plain land be laid out for the accomodation of the meeting house, burial place, minister's house lot, market, and school. 2d. That an interval of four poles wide, be left round about the above forty rods square, for streets and highways. 3d. That round about the highways, house lots be laid out, eight poles in breadth, and ten poles deep, butting in breadth on the high ways. 4th. That a common field be laid out as near as conveniently may be, so as it may hold forth in proportion to each house lot six acres." It was further

ther determined at this time, "Mr. Walter Gendall, Mr. George Pearson, Mr. John Royall, do take care in behalf of the town to procure and settle among them a pious, orthodox minister, and with consent of the people to appoint and provide for his maintenance; and in order thereunto, that they in the first settling of the town lay out a good farm, containing three hundred acres, to be forever for the use of the ministry, and also that they lay out another farm, likewise to be forever for the school, among them, containing three hundred acres."

By the after confirmation of said township, made by president Danforth, mentioned above, viz. on July 26th, 1684, to Jeremiah Dummer, Walter Gendall, John Royall, and Jno. York, "trustees on the behalf and for the sole use and benefit of the inhabitants of the town of North Yarmouth," it appears that said inhabitants were to pay a quit rent to the governour and company of the Massachusetts colony, as an acknowledgment of Sir Ferdinando Gorges' and his assigns' right to the soil and government, which was to be twelve pence for every family whose single country rate is not above two shillings; and for all that exceed that sum in a single rate, three shillings per family, annually, in money, to the treasurer of said province, for the use of the chief proprietors thereof. And in case of failure, distress was to be made on the estates of said inhabitants, not only for said rate, but also for all costs and charges arising and accruing from the same. It appears farther from said records, that, in the year 1685, the trustees above named, together with the selectmen of the town, proceeded to lay out and make grants of land, both upland and salt marsh, of different contents, to sundry persons, inhabitants of said town.



town. A garrison was also built on the west side of Royall's River, for the accommodation and defence of the inhabitants ; among whom, at this time, were Walter Gendall, John Royall, Thomas Bearkfield, Henry Combes, William Ashfell, William Larrabee, Samuel Larrabee, Amos Stevens, John Provender, John Shove, Samuel Lime, Joseph Harris, John Acton, John Shepherd, and Peter Blackman. There are still living in the town, some of the posterity of Royall, Harris, Larrabee, and Blackman. About the year 1685 or 1686, there came on a bloody Indian war, in this part of the country, at the beginning of which, Gendall was killed by the Savages, as he was passing from the garrison above mentioned, to the east, to the relief of a party of men belonging to the garrison, who were attacked by the Indians, on the western side of the river. This party were employed in providing materials for, and erecting a garrison on the western side of Royall River, and early in the morning of the day on which captain Gendall was killed, had sent two of their company, or servants, over the river, to the garrison, to look up their oxen, by the time the others should come over. These unfortunate persons were taken and secured by the Indians, before the rest of the company went over. The Savages, for some time, had appeared furly, and inclined to quarrel ; accordingly, soon after, the party appeared on the other side of the river, a number of Indians met them, and provoked them to quarrel, by assaulting and insulting them. One Indian, having pushed one of the Larrabees, he cocked his gun, and shot him dead on the spot, on which the contest became general ; the party from the garrison, knowing themselves to be much in-



ferior in number to the Indians, soon retreated below the bank of the river, where they were better secured from the enemy's fire, and could not be surrounded, without greater difficulty. Here they maintained the fight, with great bravery, and without the loss of a man, on their own side ; and were well assured that some Indians fell, besides the one first shot by Larrabee. Their ammunition was at length expended, which the garrison perceived, by the intermission of the fire. Captain Gendall, who was an Indian trader, and well known among them, took a quantity of ammunition, and went into a float, with a servant to paddle him over to the party ; standing erect, imagining that the Indians, knowing him, and restrained by former connexions, would not shoot him ; but, as the float touched the shore, he was shot through the body, and expired, having only time to throw the ammunition on shore, and to say, *he had lost his life in their service*. The party were now enabled to maintain their ground, till night came on, and the Indians retreated. That night, the Indians went on to an island, called Lane's Island, where they butchered the unfortunate victims who fell into their hands in the morning, together with another captive, whom they had previously taken farther east, in a most savage and cruel manner. Their bodies were found by some of the garrison, and buried on the main. Soon after this, the garrison removed to Jewel's Island, one of the most distant from the main land, in Casco Bay, and built a fort there, to secure themselves, till they could return to Massachusetts. Not long after the building of the fort, it was attacked by a large party of Indians, from the main ; but was resolutely defended, until many of the Indians  
being

being killed, the others thought proper to leave the island. A vessel, soon after, took the inhabitants off the island, and conveyed them to Boston, in which, and its neighbourhood, they dispersed themselves. And thus the settlement of North Yarmouth was intirely broken up at this time.

In May, 1722, a petition was preferred to the general court of Massachusetts, by Jno. Smith, and others, on behalf of himself, and others, proprietors and assignees of the former proprietors of North Yarmouth; praying a corporation of the former grant of said township, and that suitable persons might be appointed to manage and carry on the settlement, in the room of Jeremiah Dummer, and others, the former trustees, appointed under President Danforth, and that the number of proprietors might be augmented to sixty. The prayer of this petition was granted, and the Hon. William Taylor, Esq. Elisba Cook, and William Doby, Esq. Mr. Jno. Smith, and Mr. John Powell, were appointed accordingly. These gentlemen held their meetings at Boston, for ordering and managing the business of their appointment, till May 16th, 1727, which is the first that is mentioned of their meeting at North Yarmouth. No regard in the settlement of the town, was had to the former laying out, excepting that some few of the original proprietors, held their old farms, particularly Gendall's, and Royall's assigns, and those of Lane, and Shepherd, and some few others; but all who could make out their claims, as former settlers, were admitted as proprietors, in the resettlement. No provision was then made for the payment of the quit rents, as in the grant by president Danforth. The town was now laid out in ten acres to each house lot,



and increased afterwards to 106. Each house lot to draw an equal share in the upland and salt marsh, in the after divisions, which, including the gore on the back of the town, afterwards granted by the general court, amounted to above five hundred acres each right, exclusive of house lots, and island rights. The salt marsh was laid out in four acre lots to each right, and equivalents in upland to supply the deficiency in marsh, to the number of house lots. The house lots were all lotted for, except such as were allowed to be pitched by the old proprietors. The house lot for the first settled minister, and that designed for the ministry, and all others, without exception, took an equal chance in the after division. One right through the town was to be given to the first minister that should be settled, and continue in the ministry in the town for five years. One right also, through the town, was appropriated to the use of the ministry forever, and in lieu of a right through the town for a school, two hundred acres of land, laid out in a square, to the use of a school forever. It was also agreed by the above committee, with a number of proprietors present, at North Yarmouth, May 16th, 1727: "That a convenient house for the public worship of God, be erected and built in three years from the first of June, of fifty feet long, and forty feet wide, and twenty two feet stud, at the charge of the committee; and that a sufficient quantity of land, adjacent to the meeting house, be left and reserved as a burying ground, common, or training field, pound, and other public uses, as may be hereafter thought needful and adviseable. That a ministerial house shall be built, as the committee shall hereafter order, the charges to be borne as aforesaid, and that a  
good



good orthodox minister be provided to reside there forthwith." The meeting house was accordingly erected, agreeably to the above dimensions, where the meeting house now stands. It was enlarged in 1762, by the addition of twenty eight feet, in the middle, which expense was borne by the pew ground made by the alteration. The first settled minister was Ammi Ruhamah Cutter, who accepted his call September 24th, 1730, and continued in the office till December 5th, 1735. The Rev. Nicholas Loring succeeded him, who was ordained October 18, 1736, and continued in the office until his death, July 31st, 1763. The Rev. Edward Brooks, his successor, was ordained July 4, 1764, and continued till February 1, 1769. The Rev. Tristram Gilman, the present minister in North Yarmouth, was ordained December 8, 1769.

The town, after its resettlement, was quiet from any disturbances from the Indians till after the war between Great Britain and France commenced in the year 1744. The Indians were frequently in among the inhabitants, and seemed peaceable and friendly. Many families usually resided in the town, during the winter, for the benefit of fishing, &c. But, in 1745, the Indians became very troublesome, and continued to be so as long as the war continued with France. Many families were obliged to leave their dwellings and improvements, and crowd together in garrisons for their mutual defence and safety. They dared not go far from their garrisons without their arms, nor into the remote parts of the town to carry on their business, unless in companies; and while some were working others were on their guard. Those who went to public worship carried their arms, while others remained at home to keep

guard. Numbers were killed during the war, and many made captives by the Savages and carried to Canada, where they were usually purchased by the French, and kindly used by them. A house at Flying Point, belonging to one Maines, was attacked one morning before the family were up. The Savages broke into the house and forcibly took out Mr. Maines, who making resistance was immediately killed, and his daughter was carried into Canada. A man who lodged in the house, discharged a gun at the Indians, from the chamber, and it is thought killed one of them. The Indians in consequence of it retreated from the door, and gave Mrs. Maines an opportunity to bar the door, and to secure it so as to prevent the Indians from entering the house again. During the attack the youngest child of Mrs. Maines was killed in her arms, by a shot from one of the Indians; the same shot wounded her in the breast, but she fortunately escaped falling into the hands of the enemy.

The first person killed after the war began was Mr. Phillip Greely. As he was passing early one morning in May, 1745, from one garrison to another, about a mile, he was shot from an ambush. The number of Indians together, at this time, were supposed to be thirty at least; they had lined the fence, by which Mr. Greely had to pass, and would, probably, have done him no injury, had not his dog discovered them; this discovery frustrated their main design, which was to take the garrison, to which Mr. Greely was going, as soon as the men who belonged to it were gone out to their work. Thus the loss of one man's life, might be the means of saving not only the garrison to which he was going, but that also from which he came. Many  
other



other persons were killed within the limits of the town, during the war, some of whom did not belong to the town. The last person killed, who belonged to the town, was Mr. Ebenezer Eaton. He was shot and scalped near the meeting house. He was in company with two others, one of whom was taken and the other escaped. The Indians, after having killed Eaton, spread along on the ledge back of the meeting house, continued a fire on the houses below, and on the men who were collecting together, on having been alarmed at the report of the guns. No injury was done to any one, until the people were sufficiently strong to pursue them, and the Indians were soon lost in the woods. The Indians, during the whole course of the war, had the good fortune to escape their pursuers, although the inhabitants never omitted pursuing them on such occasions, and sometimes came very near them, as afterwards appeared by accounts given by the captives. Besides the above calamities, the inhabitants suffered exceedingly from the loss of their stock and other property, which rendered this war, from its long continuance very discouraging and distressing, so that they might well adopt the language of the scripture, and say, "There is no peace to him that goeth out, nor to him that cometh in. We get our bread at the peril of our lives, because of the sword of the wilderness." However, there were some mercies mixed with these calamitous judgments. The captives were treated with much less barbarity than had been expected, and all were again returned to their families and connexions. During the war, there was no addition to the town, by the introduction of new settlers; but on the peace, by the reduction of Canada to the British gov-



ernment, this part of the country began again to grow. In 1789, the town was divided, and the north part of the town was incorporated by the name of Freeport.

### F A L M O U T H.

THE territory now included within the towns of Falmouth, Cape Elizabeth; and Portland, was once the town of Falmouth only. This was anciently known by the name of Casco. What particular idea, significant in the native language, was affixed to that word, is not now known. As the country was formerly described, it was bounded on the sea southerly and easterly, on Scarborough westerly, on North Yarmouth, northerly, and on the land which is Gorham, north-westerly. The town of Falmouth was incorporated in the year 1718, and the District of Cape Elizabeth was set off from it, in 1765, and Portland in 1786. The latter contains only a neck of land, surrounded by the tide on all sides, excepting a small space on the west, where at high tides the water nearly insulates the whole. The town is not more than three miles in length, and is, perhaps, on an average, less than half a mile wide. There are two dissenting meeting houses, and one Episcopalian place for worship: in these, twenty four hundred people attend divine service. There is no farming business, excepting by two or three persons, within the town. The harbour is always open, very commodious, and the trade and inhabitants of the town increasing. There is a spirit of enterprize and industry in Portland, which cannot fail, under the natural advantages bestowed upon it, to render it a populous and wealthy place.

The

The town of Cape Elizabeth, before the American revolution, joined with Falmouth in the choice of a representative ; but in all other respects was a separate corporation. This town is bounded, easterly and southerly on the ocean, northerly on Fore River, which divides it from Portland, and westerly on the town of Scarborough. This place was anciently known by the names of Spurwinck, and Purpooduck. The whole of the land was granted under the government of Sir Alexander Rigby. There is an island on the south of the town of Cape Elizabeth, called Richmond's Island, formerly called Richman's Island.\* This island, with the land adjacent, and that in all Casco, was granted by Rigby, before the year 1646, to Robert Trelawney, who established a fishery on the island, and sent one John Winter over as his agent to conduct the business. Rigby sent one Richard Gibson to his province as an Episcopalian clergyman ; he wandered away to Piscataqua, and finally became a preacher to fishermen at the Isle of Shoals. Soon after this, Robert Jordan, and another Episcopalian clergyman, came over, under the encouragement of Trelawney : he married John Winter's daughter, and in him all the name of Jordan in the country are to acknowledge an ancestor. Winter died in the year 1646, and Jordan administered on his estate, and in the year 1648, obtained an order of the court, under Rigby's government, to sequester the whole of Trelawney's estate, for a debt due to Winter for services. The record of that judgment will be mentioned under the head of Rigby's government. A large tract of land is now held by the posterity of Robert Jordan, under that order of court, and within the town of Cape Elizabeth ;

\* Winthrop's Journal, 246.



Elizabeth but there were so many clashing titles under Gorges, Rigby, the Indians, and others in the town of Falmouth, and in Cape Elizabeth, that the greater part of the land has been lost to Jordan's heirs, who never seemed to contend for their right until it became too late to reclaim it. The most fatal stroke to the titles under the plough patent, so called, held by Rigby, was the early claim of Massachusetts down to Casco Bay.

The town of Cape Elizabeth has suffered, though it does not seem to prosper with Portland. When the country was cut off by the Savages in 1692, that town became desolate : but the settlement again revived in 1710. The government was settled over it, with the other parts of Casco Bay, in the year 1718. The Rev. Mr. Smith was settled as the minister of Falmouth in the year 1727. Cape Elizabeth was then a part of his parish : there was a blockhouse, held by some few families, over at Purpooduck Point, and a garrison, and a few families, at Spurwinck ; at these places he used alternately to minister to the people.\* There was at sometimes a Mr. Henry from Scotland, who used to preach there. He was an eccentric character, and rendered himself contemptible, by his levity and indiscretion. Mr Allen was the immediate predecessor to the Rev. Mr. Clark, the present minister of Cape Elizabeth.

The soil of Cape Elizabeth is hard, rocky, and unpleasant. The ground does not yield much bread, but is very good for grazing and the advantages of the contiguity of the sea, renders the place able to maintain nearly fifteen hundred inhabitants.

Some

\* Mr. Smith's relation to the Author.



Some people have supposed that Trelawney had a patent from the council of Plymouth, but this I believe to be a mistake. His title was under Rigby's patent, which was originally granted to Dy and others. But these patents were all treated with neglect, or contempt, during, and after the civil wars between Charles and the parliament : and nearly all the lands in Cape Elizabeth were taken up anew, under president Danforth's administration of the Massachusetts government in that part of the country.

There has been no recent calamities by the Indian wars, in Cape Elizabeth. In the reign of Queen Anne there was an attack of the Savages, on the people at Purpooduck, or Spring Point. The wife of Josiah Wallis was killed, and two children taken from her. The wife of Benjamin Wallis was killed ; the wife of Joseph Wallis, Thomas Leavit, and one Medeford, with their families, were carried into captivity. Josiah Wallis fled to Scarborough, and carried his son John, then a boy, on his back, and saved him from the Savages.\*

The method of a regular settlement by lots, checks, and ranges, is quite a modern contrivance in the District ; and did not exist, or was not generally practised, before the division of the townships, granted in the year 1734, at the head of Falmouth, Scarborough, and Biddeford, called the Narragansett townships. When a settlement was made under a patent, it was done by grants of the land proprietor, or of his representative. When the Savages sold, they sold very much at the pleasure of the purchaser : and in either case there was no regularity in the location of the lands.

Casco

\* Deposition of said John Wallis, Mary Jordan, and Rebecca Sawyer, taken in the year 1749.

Casco Bay, or what is now called Falmouth, and Portland, was taken up very early, by traders and fishermen, who did not expect to make permanent settlements, but who sold their privileges, or rights of pre-occupancy, from one to another, as suited their convenience.

In the year 1643, Sir Alexander Rigby sent George Cleaves over, as governour of the plough patent, or Province of Lygonia.\* This tract had not been under any regular government. The patent on Kenebeck, did not extend to it; the patents on Saco River, were within the bounds of it; and these, together with Camock's patent in Scarborough, were much in the way of Rigby's charter. The Massachusetts took advantage of these controversies, and extended their claim so as to comprehend Casco Bay, or a great part of it. When Cleaves set his commission on foot, he was opposed by Vines, who held the patent on the west of Saco River, granted to him and Oldham, in the year 1629. Cleaves, as agent to Rigby, made a deed to Michael Mitten, in the year 1643, of two thousand acres of the land which is now in Portland. George Mountjoy had a grant from Gorges, of lands in or near the same place. The title under the deed to Mitten has been preserved, from the wreck of Rigby's patent. Rigby granted to George Cleaves, in the year 1650, one thousand acres in Casco, but that grant has become obsolete.

The contentions continued until the restoration, after which nothing was said respecting Rigby's patent: and when the Province of Maine became the property of the Massachusetts Colony, an end was put for some time to all other claims. Some time between the year

1680,

\* Winthrop's Journal.

1680, and 1690, president Danforth, under the authority of the colony, made a deed to Anthony Bracket, and seven others, of land in the town of Falmouth, in trust. The Indians had renewed their depredations, at that time, and the war continued until the year 1692, when the town was intirely broken up. The inhabitants began to return again, about the year 1708 ; but the claims were not settled until the year 1718, at which date a book of claims was opened in the secretary's office, to register the claims. It was then found that there had been such a variety of titles, as rendered it necessary to give more weight to actual possession, than to ancient conveyances. This again called up the possessions under grants from all the old patentees, and originated a controversy between old and new proprietors, which has never yet been settled. The town was incorporated in the year 1718, and those who call themselves the new proprietors, had the management under title and authority from Massachusetts. There was no distinction between town meetings, and proprietor's meetings, prior to the year 1730, but settlers were admitted as proprietors, on paying a certain sum of money ; and thus the heirs and assigns of the ancient settlers and grantees of Gorges and Rigby, were generally excluded, unless when by an ancient and continued possession, they supported their claims.

The records, if there were any before the year 1692, were not preserved, although there was no other town which was then broken up, where the records were not saved ; but there was no other place where the desolation was so complete, as it was in the town of Falmouth. It will appear that the records of the towns

on



on the west of Falmouth, were preserved, as well as those of the town of North Yarmouth.

The wars which the inhabitants of Falmouth have been engaged in, with the Savages, can never be correctly given in history, to the public. There were never any exact accounts made of these distressing transactions, by the generation which suffered under assaults of the Savages. And the historians who have mentioned the calamities of the eastern country, have been unacquainted with the geography of it ; and have only made those wars incidental matters to their writings. Mr. Hubbard wrote expressly, and professedly, on the Indian wars, in the District, but did not give such an account of the depredations committed by the natives, as will at this day point us to the places where each fact happened. We have a relation of hostilities being committed in Casco Bay ; but whether this was in what is now in North Yarmouth, Falmouth, Portland, or Cape Elizabeth, does not appear from the history, because all these towns are on the waters of Casco Bay, and were anciently all known by that, as a general appellation. We are therefore obliged to find from ancient deeds, or records, or to obtain facts from tradition, to satisfy us of the particular place where the ancient settlers and planters lived, in order to decide where the depredations of the Savages were committed.

When the eastern Savages were instigated to hostilities, by Philip, the sachem of Mount Hope, who had his place within what are the present lines of Rhode Island state, they usually made their place of rendezvous at Pegypscott, which is now Brunswick, and nearly thirty miles from what is now called Portland.

In

In July 1675, the Indians attacked the house of one Wakefield, who lived on a point of land on the east side of Presumpscott River, in what has since been called New Casco, and now within the second parish in Falmouth. Wakefield's place was consumed by fire, his wife, three of his children, and a young woman in the house, with himself, were killed, and a young daughter carried into captivity, from whence she was returned by the agency of Squando, the sachem of Saco, the next year. One Ingersol, who lived on the neck of land, now in Portland, saw the fire at Wakefield's, and the next day went to his plantation, and had evidence of the catastrophe of the unhappy family. In the same year Ingersol's son was killed, when his father was abroad, and his houses reduced to ashes. Ingersol lived on Casco Neck, where Portland now is, and owned lands at the place now called Capisick.

There was a cessation of hostilities obtained for that year ; but in the year 1676, in the month of August, the Savages killed and captured a great number of persons in Casco. They carried away Anthony Bracket, with his wife, and one of his children. Bracket lived on the land granted by George Cleaves, to Michael Mitten, and where the family of Bracket has remained ever since. One Robert Corbin, who lived not far from Bracket's, was killed, together with Humphrey Durham, and Benjamin Atwell. Two of the women who were in Corbin's house, were carried away as captives. Thomas Bracket was killed at the same time, and his family captivated. There was a garrison on the hill now called Mountjoy's Neck, east of where the town of Portland is, but Mountjoy and his people had not confidence in its strength, sufficient to induce them



to tarry there, and they therefore fled from it, to an island in the bay, called James Andrew's Island, which is now said to be that which is called Great Jebeag. The inhabitants received a general alarm, from having thirty four of their neighbours killed, or carried away by the Savages; and therefore fled to Jewel's Island for safety, and fortified a house for their defence; but in this situation they were obliged to seek for a subsistence from the main land, and from the waters. While some of them were employed in bringing corn from their fields on the main, and others in getting fish from the creeks, and on the shores; one Potts was near the shore taking fish, and his wife was on the bank within his sight, the Indians surprized and carried her away, with all his children. A son of his attempted to fly to his father for aid, but was pursued into the water and taken. One of these children married a Clark, at Berwick, in which town she had lived with one Torier, her mother's brother, after her return from captivity. She has often related the story of her captivity in the hearing of the Author. The Indians attacked the fort, but did not take it. They assaulted the people of the garrison, who were abroad, but were repelled by their courage. As some of the people who were abroad were flying to Richmond's Island in their canoes, they met a small armed vessel, who came immediately to the relief of the island, and carried the people away to Richmond's. There were several white people killed in this assault, and some of the Indians fell in the action, but how many is unknown.

The people at the westward, as well in Massachusetts as New Hampshire, were determined to give relief to the settlers on the eastern parts of the country. Accordingly



Accordingly Captain Hathorne marched that way, in command of a considerable force, but never came up with any of the Savages. Yet while he was there the Indians destroyed Mountjoy's Island, and killed some of the people, and captivated others. After this was done they moved off to the wilderness, and left the country which they had laid waste.

There is no account of further wars in that part of the country until the year 1686, when Sir Edmund Andros was appointed governour of Massachusetts. There were no doubt hostilities frequently committed, but there are none of the particulars, which took place between 1676 and 1686, preserved. In 1676, there was a peace made between the government at Boston, and the Indians of Penobscott; whether the influence of that treaty extended to all the Savages, or whether they had other motives to peace, is now unknown.

In 1689, the Savages again attacked the eastern country, and colonel Church was employed in the command of forces raised near Boston to support the people at Casco Bay. His orders were from Thomas Danforth, president of the Province of Maine. He was to rendezvous at Falmouth, in Casco Bay; there was also an order from governour Bradstreet, who had been elected by the people after Sir Edmund Andros was sent away. By this commission he was to rendezvous at Falmouth, to have under his command captains Williard and Hall, and to make war against the Savages in and about Casco Bay.

There was then a sort of some consequence at Casco, and when colonel Church arrived at what is now Portland, he received intelligence that there were seven hundred French and Indians on the island, assembled

for the purpose of taking the fort. The next day there was an engagement between the troops under Church and the Indians. There is no account of this action, excepting what Church gives in his history, and he has, from his being unacquainted with the country, described the place where it happened in such a manner, that it is very difficult now to fix upon it, with any degree of certainty. He says, that he carried his army unto the woods before day, and after fixing out his scouts he returned to town; when, after sunrise, one of Bracket's sons informed him that the enemy were in his father's orchard. It is clear from this circumstance, that the Indians must have gone either up Fore River and landed above the town, or have gone up Back Cove, and landed to the head of it. The latter may be believed to be the most probable, because Church says, that he fought the Indians across the river, and was informed that they had run round the head of it, to go into town; and we may well suppose this river, to be the creek, which runs up from the waters of Back Cove. Besides this, the Indians drew off to the northward, which they could not have done, if they were on the south side of Fore River. The action was terminated in favour of Church; and though his troops suffered very much, yet he saved the town, and the whole eastern country, by that action. There were no more attempts made by the Savages, on Falmouth, in that year.

In the spring of the year, 1690, the Savages attacked the town again. There was a fort, near the water side, where Dearing's house now stands, and another on the hill, near where the burying ground is, and another on the rocky ground, south from the place  
where

where the first meeting house stands. The two last mentioned, were not very capable of defence ; the people abandoned the one near where the burying ground is ; and, in order to injure the assailants, placed a burning match in a hole bored into a barrel, which contained gun powder, with a hope, that, as the Indians entered, the powder would kindle, and give them an explosion ; but the first who entered, spied the match, and extinguished it. They then proceeded, and carried the fort by the water side, by an assault, and the other surrendered. By this success, one hundred people fell into their hands, and the town was desolated.\* The slain had no funeral solemnities, though their bones were gathered up by colonel Church the next year, and laid under the earth. The country, then being under the government of Massachusetts Province, measures were adopted for its protection. A strong fort was erected, near the water side, in Portland, called fort Loyal, and commanded by Captain Tyng. Divers other forts and garrisons were made in the town, by which the inhabitants were generally protected, and the town was increased in number of inhabitants.

In the year 1727, the town of Falmouth, including then, what is now Falmouth, Portland, and Cape Elizabeth, settled the Rev. Thomas Smith, as their minister ; he is yet alive, and in the ministry at Portland. The Rev. Dr. Dean, was settled as a colleague with him, in the year 1767. Portland is what was the first parish in Falmouth : the Rev. Mr. Brown is the minister of the second parish, and is the first minister  
ever

\* Hutchinson, and the relation of aged people.



ever settled there. The Rev. Mr. Williams is the successor of the Rev. Mr. Wiswall, who was the first minister in the third parish.

As the country settled round Falmouth, the neck of land, which is now Portland, became important. The harbour is very easy of access for the largest ships, and the trade increased, in proportion with the inhabitants: and in the year 1775, there were upwards of two hundred houses, nearly together, upon the isthmus; a large Congregational meeting house, which yet remains, a very elegant Episcopalian church, and a court house, were the public buildings. A new province was in contemplation, and Falmouth was rising to be the metropolis; but we know not the fate of tomorrow.

The sharp contention of politics between England and America, did not extend itself to Falmouth, until after the year 1770. There was a custom house there, and officers of various denominations, under the crown. It is a very extraordinary fact, that change of place or prospect, will too frequently change a man's political opinion. The crown officers had no doubt on their minds, "that the parliament had a right to legislate for the colonies in all cases whatever:" and the committee of the town were as clear in the reverse of the proposition. Besides this, the Episcopalian minister conceived the hierarchy to be in danger, unless the supremacy of the king was supported over the civil governments, as well as over the church. To have an ecclesiastical head, without civil authority, would be a fundamental error, according to the dogmas of the church. Mr. Wiswall, and the greater part of his society, took a decided part with the parliamentary claims. Civil disputes can generally be managed with calmness

ness and humanity, unless there is a mixture of religious tenets, with political opinions. The animosities between what were then called the whigs and tories, increased daily, and finally became so exceedingly bitter, that the Episcopalian clergyman, the custom house and other crown officers, with many others, fled for protection to the British army at Boston.

There was then, and for some years before had been, a small sloop of war, commanded by Captain Moet, who had been frequently at Falmouth, and had been treated with great hospitality there. Emboldened by the former courtesy of the inhabitants, he ventured to land in the town, in the year 1775, after hostilities had been commenced by the British troops, at Lexington. There were no acts passed, for fitting out armed vessels to cruise on the British ships, until the month of October, in that year. Captain Moet regaled himself with walking on the hill at the east part of the town, when, to his great surprize, Mr. Thomson, of Brunswick, who is now known by the title of brigadier Thomson, rushed from a copse of pines, with a small party of volunteers, under no orders of government, and made him a prisoner. He had no friend nigh, for the tories were all gone over for protection, and his leaving his ship was an act of imprudence which would undoubtedly forfeit his commission. He, however, obtained aid from a quarter, where he did not look for it. The people at once became alarmed at an act, which, while it could by no means contribute to the aid of the common cause, might endanger the town: for if he should, having been taken there, be held in captivity, there were strong reasons to apprehend that the admiral, then at Boston, would resent the insult, by distressing,

if not by destroying the town. Upon these ideas, colonel Preble, and colonel Freeman, the leaders of the whig party, applied for, and obtained his release, upon their becoming answerable to Mr. Thompson for his future conduct. As soon as he was set at liberty, he sailed for Boston.

It might have been supposed, from this piece of attention and kindness, that Captain Moet would have been the friend of the people, from whom he had received it; but that was not the return which their urbanity received. The men who had fled from the town united with Captain Moet, in soliciting the admiral for the destruction of the place. No doubt, some of those refugees may be excused from a charge, which nothing but the heat of a civil contest could instigate any civilized people to commit.

On the 18th day of October, in that year, Captain Moet returned to the harbour of Falmouth, with his sloop of war, a brig, and two or three small vessels. He gave the people notice, that he was under orders to reduce the town to ashes; and that he should begin the business the next morning at sun rise. We may wonder, at this day, that no opposition was attempted: but when we reflect on the distress into which the inhabitants were thrown, the anxiety they must suffer, and the propensity which each one must have possessed, to save some share of his goods from the general conflagration, our wonder will cease. To this may be further added, that a contest with cannon, was quite a novelty to the people, and the force of a ship of war, had, from the habit of thinking in the country, obtained a terrible idea: besides this, there were only two six pounders, and for them there were no cartridges



bridges prepared. The people employed themselves, during the night, in removing such of their effects as they could carry away, and the next morning the town was in flames. The ship, and other vessels, lay before the town all day, and, without cessation, threw shells, carcasses and hot shot, until the public buildings, (excepting the Congregational meeting house) with one hundred and thirty dwelling houses, besides stables and appendages, were reduced to ashes. This being done, Captain Moet, with his fleet, drew off. They tried to save the houses of the refugees, and succeeded in several instances. Thus the pride of the Province of Maine was laid desolate in one day : and one hundred and sixty families, who, the day before, were in eligible and comfortable circumstances, were reduced to want, and had not where to shelter themselves from the autumnal storms, or the approaching winter.

There was an alarm, which spread itself in a very extraordinary manner, soon after the catastrophe of that unfortunate town : all the sea coasts were alarmed on the same night, from Boston to Kenebeck, with an universal cry that the British troops were landing to burn the habitations of the people. This alarm urged the people to throw up slight fortifications, on the harbours ; and whilst the towns west of Falmouth, were employed in that business, Captain Symonds came into the harbour of that town, with a ship of more force than all those which had destroyed it. An express was sent to the other towns, and a number of volunteers went to the assistance of the remains of Falmouth, and joined the people there. When they arrived, the captain of the ship sent on shore, to forbid their throwing up any works ; they however proceeded, and prepared

the materials for a battery ; and fitted two six pounders, which were all the artillery they had : on seeing that they were determined to attack the ship with the means they could command, the captain forgot his threatening, and went out of the harbour as soon as he could get away. The general court, on having this matter stated to them, ordered, that a sufficient force should remain there all the winter, with four hundred troops, raised for the purpose of defending the sea coast, and with authority to call in all the militia of the District, if it should be found to be necessary. Brigadier general Fry was sent, by general Washington, to take the command, in the succeeding spring ; but there never was another attempt on the place. The forts which were thrown up hastily and without much skill, before general Fry came, are to be seen there now.

The town has increased exceedingly, and, like the Phoenix, arises from the ashes of its parent, with great magnificence and prosperity.

Amongst all the calamities which Falmouth had suffered, from its first settlement, there was none like this. The Savages had sacked the place twice, and at divers times had assaulted and killed some of the inhabitants ; but no act of theirs was marked with such deliberate cruelty, and ungenerous perfidy, as this was. The Savages scalped women and children to obtain a bounty, they robbed houses for the sake of the plunder ; but Captain Moet, wantonly, without the hope of gain, cruelly, and without provocation, destroyed the subsistence, and blasted the hopes of a whole community.

As an appendix to the history of Falmouth, that of George Burroughs, may be introduced, to relieve the  
mind

mind from the impressions made by attending to the unfortunate destruction of the town.

Burroughs was born in the county of Essex ; what his education was, or where he acquired it, is not known at the present day. Governour Hutchinson says, that he was sometimes a preacher at Wells ; perhaps there is no mistake in that ; but we know, that he, in the year 1685, was a preacher in Falmouth. The cellar of his house was seen, since the year 1770, south of the Rev. Dr. Dean's meeting house. When the town was sacked by the Indians in the year 1690, Burroughs made his retreat to Danvers ; where he resided in the year 1692. He was a man of a bad character, and of a cruel disposition. In the year last mentioned he was indicted of witchcraft, and tried at Salem, before judge Sewall, and judge Hawthorne. The indictment was in the words following, viz.

“ *Essex, ss.* The jurors for our sovereign lord and lady, the king and queen, present, that George Burroughs, late of Falmouth, in the Province of Massachusetts Bay, clerk, the ninth day of May, in the fourth year of the reign of our sovereign lord and lady, William and Mary, by the grace of God, of England, Scotland and Ireland, king and queen, defenders of the faith, &c. and divers other days, and times, as well before as after, certain detestable arts, called witchcrafts and forceries, wickedly, and feloniously hath used, practised, and exercised, at and within the town of Salem, in the county of Essex aforesaid, and in and upon, and against one Mary Walkot, of Salem Village, in the county of Essex, single woman, by which said wicked arts, the said Mary Walkot, the ninth day of May, in the fourth year aforesaid, and divers other days, and times,



times, as well before as after, was, and is tortured, afflicted, pined, consumed, wasted, and tormented, against the peace of our sovereign lord and lady, the king and queen, and against the form of the statute, in that case made and provided." Three other bills were found against him, amongst which one was for practising upon one Ann Putman.

Governour Hutchinson says, that he was charged with holding out a gun of seven feet barrel with one hand; and of carrying a barrel of cider from a canoe to the shore, and of cruelty to his wives. This is not an accurate account of the evidence. The affidavits of the witnesses were taken in writing, and sworn to in open court, and are now on the files of the court of common pleas in Salem.

Samuel Webber testified that, "about seven or eight years before that time, he lived at Casco Bay, George Burroughs was then minister there, and having heard much of his great strength, and the said Burroughs coming to our house, we were in discourse about the same, and he then told me, he had put his fingers into a bung hole of a barrel of molasses, and lifted it up, and carried it round him and set it down again."

There was another man, who testified, that he saw "parson Burroughs put his fore finger into the muzzle of a large gun and hold it out strait."

Susannah Shelden testified, that Mr. Burroughs' apparition came to her, and told her "that he had killed three children of his neighbours, his own two wives, and two of his own children."

Mercy Lewis testified thus, "Burroughs took me up on an high mountain, and shewed me all the kingdoms of the earth, and offered them to me, if I would  
write .

write in his book, and said he would throw me down, and break my neck if I would not ; and said that he kept the devil as a servant in his shop."

Before the grand jury Ann Putman testified, as follows, " on the 8th day of May, 1692, I saw the apparition of George Burroughs, who grievously tortured me, and urged me to write in his book, which I refused : then he told me, that his first two wives would appear to me presently, and tell me a great many lies, but I must not believe them. Then immediately appeared to me the forms of two women in winding sheets, and napkins about their heads ; at which I was greatly affrighted ; and they turned their faces towards Mr. Burroughs and looked very red and angry, and told him that he had been very cruel to them, and that their blood cried for vengeance against him ; and also told him, that they should be clothed with white robes in heaven, when he should be cast down into hell, and he immediately vanished away. And as soon as he was gone the two women turned their faces towards me, and looked as pale as a white wall, and told me they were Mr. Burroughs' two first wives, and that he had murdered them. And one told me, that she was his first wife, and he stabbed her under the left breast, and put a piece of sealing wax in the wound, and she pulled aside the winding sheet and shewed me the place. And also told me that she was in the house where Mr. Paris\* then lived, when it was done. And the other told me that Mr. Burroughs, and a wife he hath now, killed her in the vessel, as she was coming to see her friends from the eastward, because they would have one another.

\* The minister of Danvers who first set the matter of prosecuting for witchcraft on foot.

er. And they both charged me to tell these things to the magistrates, before Mr Burroughs' face ; and if he did not own them, *they did not know* but that they should appear. This morning also, Mrs. Lawton and her daughter, told me that Mr. Burroughs murdered them. This morning also appeared to me, another woman in a winding sheet, and told me that she was Goodman Fuller's first wife, and Mr. Burroughs killed her, because there was a difference between her husband and him. Also on the 9th day of May, during the time of his examination, he did most grievously torment Mary Wolkot, Mercy Lewis, Elizabeth Hubbard, and Abigail Williams, by pinching, pricking, and choaking them."

There was some other evidence to corroborate this. Burroughs was found guilty, on all the indictments, and was executed.

There was an extraordinary delusion in the old colony of Massachusetts, at that time, as well as in Europe. In both countries many innocent people suffered an ignominious death ; and there can be no doubt, but that the people who appeared to be tortured, were possessed by evil spirits of some kind or other ; nor have we any reason to doubt, whether there was not some extraordinary cause from the state of the atmosphere, or from something else, which operated on the nerves of the judges, and on the people at large, depriving them in a great measure of their rational faculties.

If Burroughs had continued at Falmouth, he might have fallen a victim to the Savages, but he would not have been executed for witchcraft, because there never was a prosecution for that crime to the eastward of Piscataqua River.

SCARBOROUGH.



## S C A R B O R O U G H.

THE town next to, and on the west side of what was anciently Falmouth, or Casco, is Scarborough. One part of this town was known under the appellation of Black Point, and the other of Blue Point. The territory which was under the former name, is now the east parish, where the reverend Mr. Lancaster is minister; and the part which was called Blue Point, is the west parish, where the reverend Mr. Chadwick is settled. The whole town is bounded on the south by the sea, on the east by Cape Elizabeth, on the north by Gorham and Buxton, and on the west by Pepperellborough: it was incorporated by its present name in the year 1658, by the Massachusetts government. There are now two thousand five hundred inhabitants in the town.

The first settlements there were under Rigby's government. The lands in the east parish, near the sea, are held generally under Cammock's patent, a grant to Josselyn; those in the west parish are held under the Indian conveyance to John Alger, and a part of the patent to Lewis and Benython. With these are intermixed a number of town, or proprietary grants, which were made in opposition to the ancient titles. The upper part of the town is held altogether under such grants.

The first account of a settlement at Black Point is in Winthrop's Journal; he says, that at a general court held in Boston, in the year 1642, "appeared one Richard Gibson, a *scholar*, sent some three or four years since to Richman's Island, to be a minister to a fishing plantation there, belonging to Mr. Trewlaney, of Plymouth in England." Gibson did penance for speaking  
against

against the government, and on submitting to its power had leave to depart the country.

The plantation was very inconsiderable when it was incorporated, and there are no town records of an earlier date than the year 1669. In these, there is not any thing worthy of notice until the year 1681. In that year a list was taken of the inhabitants, for a tax to the province of Massachusetts, which had then succeeded by purchase to Gorges' right. Two thousand seven hundred and seven acres of land and marsh were returned, sixteen horses, eighty cows, and sixty four rateable inhabitants. In September, the same year, there was a list returned of fifty six inhabitants only, but this must have meant rateable inhabitants.

In the year 1681, Philip Foxwell, Jonathan Tenny, Samuel Oakman, and Henry Williams were selectmen. In that year the inhabitants erected a fort on the east side of the town, near where the east parish meeting house now stands. In the year 1685, the town voted to build a meeting house on the plains near the fort. The best lands were on what is called Nonesuch, a small stream which loses itself in a creek that comes up near Black Point, through a great body of salt marsh. The lands on the east side of the stream are not so valuable, as those on the west side ; but on the banks of that water were the principal settlements in the year 1669. From the goodness of the soil on the west side, it is said the stream took the name it bears at this day.

In the year 1682, there was a vote in the town "to raise a tax of two shillings and one penny, on each person, for the *Lord*. But there was very soon a controversy respecting the place where the meeting house should be erected, and Edward Tyng and Francis Hook were

were appointed by the council to settle the dispute : who reported to have it near the fortification. The next year the line was settled between that town and Falmouth.

The records are continued regularly until the year 1690, but there is nothing worth notice in the proceedings of the town.

In the year 1675, the town had its share in the troubles of the times. A woman, and six men, were killed there, in that year ; and twenty houses burned. In the succeeding year an attack was made on John Alger, who lived in what is now the west parish, on lands he had purchased of the natives ; after a warm engagement of more than an hour, he received a mortal wound, of which he died, and his brother was killed by the Savages within a few days after.

The same year there was an assault made on the garriſon in the eaſt pariſh, or at Blue Point, as it was then called ; Mr. Joſſelyn commanded the fort wherein the people had retired for ſafety, but was induced to give it up by the addreſs of one Mugg, an Indian, who had been much among the Engliſh. While Joſſelyn was in treaty with Mugg, the people fled from the fort and went over to Richmond's Iſland : Joſſelyn, upon this, ſubmitted with his houſehold ſervants to the mercy of the Savages. Upon hearing of this unfortunate affair, a party ſet out from Great Iſland, in New Hampſhire, under the lead of James Fryer, to relieve this diſtreſſed plantation ; and landing from their veſſel, they fell into an ambuſh of the enemy, and ſome of them were killed, and the others taken. Fryer was mortally wounded, and ſoon after died. The Savages uſed the priſoners with humanity, and ſuffered ſome of them to  
be



be ransomed immediately ; others they carried to their winter quarters. Among those who were carried away, was a Mr. Cabbot, the son of the minister of Ipswich. He was carried to the winter quarters of his captor, at Mount Desert, from which he was sent to Penobscott, and redeemed of Madockawando, the sachem there, for a red coat.

The town was not broken up by this misfortune, but continued garrisoned at Richmond's Island until the year 1678, when an Indian peace took place. They thought themselves secure under the government and protection of the Massachusetts, and cheerfully submitted to be taxed : but in the year 1690, they were comprehended in the general destruction of the eastern country : and though the government they confided in, could not protect them, yet it provided for their retreat to a place of safety. The town records were brought to Boston, where they were preserved by the governour and council, until the year 1719, and were then delivered to the town.

There is on the town records the form of two oaths then administered in New Hampshire, by lieutenant governour Wentworth, to William Cotton, who had brought the records of Scarborough from Boston, to deliver the same to the agent of the town, who was sent to Portsmouth to take possession of them. The oath was in the words following, viz. " You swear by the name of the great God, that this book of records is the whole, which you received from the governour and council, and the seals have not been broken since you received the same."

The records were delivered to James Jeffries, and he was sworn as follows : " You swear by the name of  
God,

God, that, as you are desired fairly and faithfully to copy out every thing written in this book of records of Scarborough, that you will neither directly, nor indirectly, add to or diminish therefrom, and that you will deliver the same unto lieutenant governour Wentworth, for the use of the town." The copy taken by Jeffrey, was lodged with governour Wentworth, but what became of it is uncertain, as no accident ever created a necessity to call for it.

However flattering the resettlement of the place might be, yet the prospect was very soon blasted by a succeeding war.

In the year 1723 the Indians began their cruelties, and in the spring, eight of the people of Black Point were killed; among them was Captain Hammon, a respectable leader, who died of fifteen gun shot wounds. The attack was sudden, but the people defended themselves in the fort. The Indians proceeded on to the west side of the town, and in their way killed the wife of Roger Dearing, who lived on a farm, since known by the name of Nonesuch, and carried three of his children into captivity. The next year one Mitchell was killed at Black Point. There was a cessation of hostilities soon after this, and a peace concluded between the French and English, which gave safety to the eastern frontiers, until the year 1744. In the year 1746, two or three persons were killed at Blue Point, but as the Ossipee tribes, and the Pickwocket Indians, were broken up, and a line of forts established on the eastern frontiers, and the towns of Buxton and Gorham planted above, Scarborough had not much to fear from the Savages.

The

The Rev. Mr. Thompson, was the minister of the first parish, after the town was resettled. And the Rev. Mr. Elvin, was the minister of the west parish, before the gentleman who is there now.

The town of Scarborough is, in general, good land, and those who have depended on the soil for subsistence, have done very well; but those who have gone much into the lumber business, have been greatly impoverished. The advantages of soil are very good, and when the inhabitants shall attempt to change their extensive salt marshes into fresh meadows, they will reap great advantages from that mode of agriculture.

#### B I D D E F O R D.

THE river Saco invited people, for the purpose of the fisheries, at a very early date; salmon, shad, and other fish, were plenty there, and the sea afforded cod-fish, in great plenty, near the river. These advantages drew a number of fishermen together, previous to any grant of the soil from the Europeans; and soon after the grants were made, there came over a number of very respectable men: The posterity of several of them, notwithstanding the wars which have distressed the country, remain there to this day.

In the year 1636, the inhabitants of the plantation, then called Saco, agreed to raise a tax for the support of public worship. The assessment of that tax, as it stands recorded, has preserved the names of the first settlers. Richard Benynton, Richard Vines, and Thomas Lewis, were taxed three pounds each; Henry Boad, John Wadlon, Thomas Williams, forty shillings each; and Robert Sankey, Thomas Davis, George Frost, Oliver Greenway, John Parker, John Smith, Samuel Andrews,

William



William Chaddock, Robert Morgan, Henry Warrick, Robert Hitchcock, Thomas Page, Ambros Berry, Henry Watts, and Richard Foxwell, twenty shillings each.

On Saco river, was the first exercise of civil government within the Province of Maine. Courts were there erected, and a control of jurisprudence submitted to at a very early period ; but this will come more properly under the head of *Revolutions of Governments*.

The plantation of Saco, was begun at a very early period. In the grant of the council for the affairs of New England to Oldham and Vines, in the year 1629, it is recited, that " John Oldham, of New England, gentleman, planter, had for six years last past, lived in New England, and had, at his own expence, transported divers persons there, and undergone great labour and danger ; and that he, with Richard Vines, gentleman, and others, their associates, had undertaken to transport fifty persons thither, within seven years, to plant and inhabit there, to the advancement of the general plantation of that country, and the strength and safety thereof, against the natives, or any other invaders." In consideration of these exertions, the council granted to Vines and Oldham, " all that tract known by the name of Sagadahock, being between the cape or bay, called Cape Elizabeth, and the cape or bay, commonly called Cape Porpoise, containing from east to west, along the sea, four miles, and eight miles into the country, on the south side of Sagadahock, yielding one fifth part of all the mines to the king, and paying to the council, twelve pence, sterling money, annually, forever, for each hundred acres." The deed was signed by Ros

Thomas Smith, and livery of seisin given in the year 1630.

Richard Vines, afterwards, in the year 1645, sold his share in the patent to Robert Childs, Esq. Doctor of Physic; and the patent, after that, was called the patent of Oldham and Childs; Vines was a high Royalist, which made it inconvenient for him to tarry in America, after the year 1645.

In the year 1629, the council of Plymouth, granted to Lewis, and Benython, a patent on the east side of Saco River, four miles wide on the sea shore, and extending on the river eight miles into the country. The river was then called Sagadahock, and the plantation called Saco. It is to be observed, that all the settlements in that day were on the sea wall. The road from Piscataqua eastward, was on the sea shore, through Cape Porpoise, and over the mouths of Saco River, Blue Point River, Black Point River, and through Cape Elizabeth, over a ferry kept on Fore River, to where Portland now is, until the year 1750, when the post road now used, was laid out by order of the county court.

The first settlements in Saco were on Winter Harbour, and along the sea shore. There does not appear to be any regular settlement made at Saco before the year 1636. The various contentions for jurisdiction, between Gorges and other claimants, must have been very discouraging to the planters. What added still more to their difficulties, afterwards, was, that the success of the parties here, depended much upon the termination of the civil war in England. If Charles prevailed against the people and parliament, then Gorges' claim would rise superior to all the others,

ers, and the Massachusetts could not contend against him ; but if the people prevailed, then there would be an end to the royal patent : this controversy continued until the year 1648 ; nor could the event be known here, until 1649. The people were raised from their state of suspense and hesitation, in the year 1653, and took their lands under the Massachusetts, notwithstanding they had before held under Vines and under Rigby. The men who appeared, were William Phillips, of Boston, Ralph Tristram, Peter Hill, and others, who had before agreed to have lands and meadows of Vines and Oldham : yielding one day's work annually, and one fifth part of all the mines and minerals, to them, their heirs and successors. The same William Phillips afterwards lived at Saco, on the west side of the river, near the corner on which the traveller turns to go to the bridge. The cellar of his house remains so far as to distinguish the place of his ancient habitation ; he was the ancestor of the present president of the senate of Massachusetts. He afterwards purchased the same lands, and divers other large tracts on the river, of the natives.

In the year 1653, the freemen of Saco met, and divided their meadows. There was a claim by the inhabitants to the mill privileges on the river, according to which they allowed Roger Spencer, in the year 1655, to erect a saw mill, he paying the town twelve thousand feet of boards, and employing townsmen in preference to others. The settlers multiplied, and James Gibbons, and divers others, in the year 1655, were made freemen. In the year 1661, seven men were chosen to take care of the town affairs, under the denomination of *prudential men*.



One Seth Fletcher was the first preacher there. A vote is recorded in the year 1666, for seating the women in the meeting house, and Mrs. Phillips, the wife of the gentleman before mentioned, and Goody Booth, who was, no doubt, the wife of Robert Booth, Esq. were placed in the most honourable seat. In the year 1667, the town voted to raise fifteen pounds sixteen shillings and eleven pence, to be paid in wheat at five shillings and six pence a bushel, and Indian corn at three shillings and six pence, and other things in proportion. From this it may be concluded, that there was no great scarcity of money in the country at that time. In the year 1669, the vote of the town was unanimous, to continue Mr. Fletcher as a minister; and to pay him fifty pounds a year, as salary; for which purpose, it was ordered, that every simple man should pay fifteen shillings, and all the others according to their estates. How long Mr. Fletcher continued their minister does not appear; but it is very probable, that he was there until the Indian wars came on in 1675. There seems, after that time, to be a chasm in the records. In the year 1717, Mr. Short was settled as a minister, and the next year, the general court made a grant of forty pounds to support a minister at Winter Harbour, for that year, and ordered that the inhabitants should be invested with town privileges, according to the ancient bounds of the town: provided the order was not to infringe on titles, and that at least fifty families be admitted and settled in a compact and defensible manner, as soon as may be, according to the direction of the honourable John Wheelwright and others, a committee for regulating eastern settlements, and that the name thereof be *Biddeford*.”\* By this it appears, that the town was  
thus

\* Biddeford Records.

thus incorporated in the year 1718. It was a corporation by the name of Saco, as early as 1644, under the government of Sir Alexander Rigby.

In the year 1718, the town agreed to build a meeting house, thirty five feet long and thirty feet wide. That house was erected near Winter Harbour, five miles below where the post road now is. How long Mr. Short continued their minister does not appear; but, in the year 1723, there was a committee raised to apply to the town of Arundle, to engage that town to allow their minister, the reverend Mr. Eveleth, to preach half the time at Biddeford; and he agreed to come for twenty six pounds. In the year 1729, they voted to give Mr. John Moody an invitation to settle, but he declined; and the same year the Rev. Mr. Willard, the father of the present president of Harvard college, was settled there; after his death, which happened within a few years after he was ordained, the Rev. Mr. Morrill was settled, and on his death in 1777, the present minister, the Rev. Mr. Webster, was ordained.

The town of Pepperellborough was incorporated in the year 1772; and contains that part of Biddeford, which was on the east side of Saco River, comprehending all the patent of Lewis and Benyton, excepting a small part, which has fallen within the jurisdiction of Scarborough. The Rev. John Fairfield is the first settled minister there. The town contains fourteen hundred inhabitants, and Biddeford eleven hundred.

The land in Biddeford on the bank of Saco River is very good, but farther back the soil is rather indifferent. This occasioned the lots to be laid out in an awkward manner, which has retarded the settlement of the place. The lots are from thirty to one hundred rods wide on

the river, and extend four miles in length across the patent of Vines and Oldham.

Saco suffered in common with the other eastern plantations by the Savages.

John Benython, who was the son of the ancient patentee, lived on the patent about half a mile below the Fall, on the east side of the river, and a quarter of a mile from the water. Within thirty years past, the foundation of his chimney was turned up by the plough, and an odd formed brass candlestick, with other old fashioned utensils, were found where the cellar is supposed to have been. The house was burned by the Indians, in the year 1675, as will be mentioned presently.

Vines lived near Winter Harbour, on the sea shore, but major Phillips erected his house on the west side of the river, near where the bridge is now standing. When the Indians, under the sachem Philip, and the Narragansett tribes, made war on the white people, Phillips and Benython fortified their houses, because they were apprehensive of an attack from the Savages, who were instigated by the western tribes.

The Indians, and white people, were in close neighbourhood on Saco River, from the first period of their settlement to the year 1675, and held a friendly intercourse together ; nevertheless the white people generally fortified themselves against an expected invasion of their habitations. An Indian woman was affronted by a foolish curiosity in one of the people of Saco. It had been said that the Savages had such a natural propensity for swimming that they would keep themselves from sinking before they were a day old : to make the experiment he cast an infant into the river ; the child sunk, and the mother immediately plunged in the water



to save her infant from drowning. This happened at an unlucky moment, when the western Indians were instigating the Abenakis to hostilities.

In September 1675, a friendly native gave Mr. Beny-thon notice, that a strange Indian had come from the westward, and was then among them. Alarmed at this circumstance, Beny-thon came over the river to the garrison of major Phillips for safety. He had not been there an hour, before he saw the flames of his own buildings. The Savages crossed the river in the afternoon, and made an assault on the garrison of Phillips; the major, and the few people who were with him, made a courageous, and successful defence. In the evening, the enemy contrived a stratagem, designing to carry the place by assault. They took the large wheels which were used at the mills for the lumber business, and erected a battery upon the axletree, and taking hold of the spear ran it back towards the garrison; Phillips stood ready for an opportunity, and there being soft ground on the bank of a brook, which is now to be seen at the corner of the way as the traveller turns towards Saco Bridge, and near the cellar of Phillips, one wheel sunk into the mire, and the other holding its motion, turned the spear, by which the Indians were pushing the wheels, so that they were all exposed to the fire of the fort, which was so well directed that they were discouraged from any further attempt. The Capt. of the assailants was mortally wounded, and several others killed. Before the Indians erected the battery on the wheels, they burned the saw mills, and all the out houses, and tenants' habitations. The Indians having lost fifteen of their number moved off towards Blue Point.

The

The principal settlements at Saco, at that time, were on the sea shore, near Winter Harbour, which was then called the town : and the place where Phillips lived on the falls of Saco River, was considered as a frontier. He urged the people from the town to come to his assistance, but they declined it, and he therefore deserted his fortress ; which soon after was destroyed by the enemy. Major Phillips, and several of his people, were wounded in the defence of his garrison. In that fall, several people were killed at Saco, and some carried into captivity. The whole of the plantations, excepting the fishermen's huts, which were on a neck of land, formed by the waters of the pool, and by the ocean, were in that season of the year, destroyed by the Savages.

There was no further attack upon Saco, and a peace took place the latter part of the year after.

There were no other hostilities until the year 1688, when Castine, a Frenchman, whose character has been mentioned, furnished the Indians with powder and other stores, for making war. This he was moved to do, because his house was plundered at Penobscott by the white people while he was abroad. One Blackman seized eighteen Indians at Saco, and carried them prisoners to Boston ; but they were set at liberty by Sir Edmund Andros, governour of the Province.

In the year 1693, Captain Convers, who had the command of four or five hundred men, under the pay of Massachusetts, and raised for the defence of the eastern country, erected a stone fort on Saco River, not far from where the garrison of Phillips' had been ; the remains of it are to be seen opposite to the Lower Fall on the river at this day. That fort was well placed,  
and

and strongly built. The Indians never attempted to take it, and the settlers derived great security from its existence.

There were frequent assaults from the Savages, and frequent cessations for short periods, but there is no account of any further depredations on Saco, until the year 1710. In October, Bomazon, a noted sachem, appeared at Saco with sixty or seventy men, and killed several people and captivated several others. There was a long truce after the treaty of Utrecht, in 1712; but hostilities were commenced in the year 1723. In July, Dominicas Jordan, who lived on the neck of land at Winter Harbour, was assaulted in his field, but being a man of great courage and firmness, he took up, and presented his gun, and without discharging it, went backwards and recovered his garrison. He received three wounds in his retreat. The garrison house is there at this day. The posterity of Jordan are the principal men in the town, in the present time; one of his grandsons is president of the court of sessions, and first justice of the court of common pleas, and another is a magistrate, and was lately a senator from that county.

The long peace which preceded the war of 1744, gave a respite to Biddeford in common with the other frontiers. A garrison, called a block house, was erected in that war, at the distance of five miles from Saco Falls up the river. There were one or two people killed in or near Biddeford, in that war; but as the Ossipee tribes, and the Pickwocket nation, were nearly extirpated, there was no great danger from Indians. There are the remains of several garrisons on and near the river. There was a garrison called Scammon's Fort,  
in



in the year 1690, the remains of which do not now appear. It must have been on the high land about one mile below the meeting house in Pepperellborough, and about one quarter of a mile from the river. In that year, the famous colonel Church, and captain Convers, exchanged a few shot with the Indians, near that garrison, and killed several of them.

The Indians had several towns up the river Saco ; and on the Ossipee Rivers, which empty their waters into the Saco, they had a residence for several tribes ; but their capital town was fifty miles from the sea, where Fryburgh now is, and was then known by the name of Pickwocket.

Governour Winthrop, in his Journal, page 247, gives an account of the adventure of one Darby Field, in going up to the White Hills in the year 1642. There can be no doubt, from the description there given of the hills, agreeing so exactly with what is given by late travellers, that Field went to the top of these mountains. He called it the distance of one hundred and sixty miles from the sea, but it is now found to be half that distance only. He was eighteen days, with an Indian guide, in his journey to the Hills, and other people since that time have accomplished it in four days. At the foot of the Hills, he said, there was an Indian town with two hundred houses : There can be no doubt but that this was Pickwocket, though that settlement could hardly be said to be at the foot of the hills. The highest part of the Mountain is more than thirty miles from the village, but the hills rise above each other, in continuation, from Pickwocket to the summit of the Mountain.

ARUNDLE.

## A R U N D L E.

THE ancient village of Cape Porpoise was incorporated by the name of Arundle in the year 1718. That town is principally on a cape, known on the charts by the appellation by which the village was formerly called.

The lands granted by the council of Plymouth to Vines and Oldham, on the west side of Saco River, was allowed to its original grantees by the favour of Massachusetts government ; but Cape Porpoise being held by grants under Rigby, who by his patent, claimed the powers of civil government, had not much respect paid to the title of lands within it. On the west side of the village was the town of Wells, held by a deed given to parson Wheelwright, by Gorges, and bounded on Kennebunk River, then called Cape Porpoise River, so that Arundle was limited on each side, and on the northerly part is not more than two miles wide.

The patent of Sir Alexander, extended from Cape Porpoise, eastward to Casco Bay ; and a great number of grants were made by his agent George Cleaves.

In 1648, a deed was made to Morgan Howell of one hundred acres, at Cape Porpoise, and sixty acres on Eastern River. In 1661, he conveyed to John Bush four hundred acres, to Gregory Jeffrey two hundred acres in Cape Porpoise near the sea, and without the boundaries of Saco patent. To Richard Moore four hundred acres. These lands are all described in the deeds, as being within the village of Cape Porpoise, and in the Province of Lygonia. Upon these grants an annual quit rent of ten shillings for each hundred acres was reserved to "Colonel Alexander Rigby, Esq. president of the Province of Lygonia."

There

There must have been grants of an earlier date than those mentioned, but if any were made they were never recorded; nor was the patent of Rigby ever recorded in this country. The patent was made in 1629, and there were settlements at Cape Porpoise as early as 1632; for in Winthrop's Journal, page 42, we have an account, that in that year, one Jenkins went from Dorchester to that place, and travelled up into the country, with goods to trade with the natives, that he was in a wigwam with one of Pasceconomy's men, and was killed while he was asleep.

The plantation of Cape Porpoise, being shielded by Wells and Saco, and on a neck of land stretching into the sea, did not suffer much at an early day by the hand of the Savages. In what was called the three years war, beginning in the year 1723, some persons were killed there. One Smith, and one Baily, were among them; the former was killed on Vaughan's Island, and the other at a place near where the old meeting house stood, on the sea shore. Afterwards, in the year 1726, two families were assaulted at a place on Kenebunk River, one mile below where the post road now goes; a Mrs. Baxter, and her child, were killed, and several persons were carried away to Canada. One John Durrell, who is now alive in that town, was one of the captives. The Savages took a bible of Baxter's, and carried it about half a mile, where it lay all winter, and is now in the town\* of Arundle in good order.

We have no early records of the settlement of ministers in Cape Porpoise. It appears by Saco records, that the Rev. Mr. Eveleth preached at Arundle, and at Saco, alternately, in the year 1723.

The

\* Rev. Mr. Moody's Letter.



The first gentleman who was ordained there, was the Rev. Thomas Prentiss. He was settled in the year 1730, and afterwards was removed to Charlestown, in 1738. The Rev. John Hovey, was settled at Cape Porpoise in 1741, and dismissed in 1768. The Rev. Silas Moody, who is now there, was ordained in the year 1771.

## W E L L S,

CALLED by the Indians Webhannet, took its original settlement from a religious controversy. In the year 1636, Mr. Wheelwright, a learned minister, and brother in law to the famous Mrs. Hutchinson, embraced her doctrines: and in January, 1637, preached an Antinomian sermon, for which he was called to an account by the general court at Boston, where he resided; and he refusing to make an acknowledgment of his error, was sentenced to be banished from the colony. In the present day, the public mind seems steadily fixed to a principle in government, that no man is to be persecuted or punished for his religious opinions or sentiments, however wrong or absurd the same may be, provided he does not disturb others in their religion: but that for those actions only, which are open breaches of the laws, are men to be called in question before the civil authority. While we felicitate ourselves upon this progress in the art of government, we ought not rashly, or suddenly, to condemn the conduct of the rulers, who had the management of the infancy of the New England colonies: the light they had, was very well suited to the habits and feelings of the people over whom they were placed as rulers.

There

There was a peculiarity of thinking in that age, both in Europe and America, which we can hardly realize at this day. An enthusiasm raged over a great part of the world, which, in its consequences, promoted the discovery and the settlement of new countries. Rulers and ruled were alike affected with it, while candour and charity were, as we are at this day ready to suppose, too generally excluded. In the present state of our governments in America, and in the enlightened age in which we live, religious opinions, however strongly they may be expressed, or however forcibly they may be urged, can do us no hurt ; but it will by no means follow from thence, that no injury could arise from the reception of Antinomian principles, in the early day of the country. The number of people was then very small, every one was in search after, or inculcating some new tenet in religion ; and if the greater part of the community, could have been brought to believe, that their future happiness did in no way depend upon the morality of their conduct in this life, it might have endangered the well being of the colony.

Mr. Wheelwright being banished from the colony of Massachusetts, soon after the year 1636, with several people who adhered to him, began a plantation in New Hampshire, which they called Exeter, and which has been ever since called by that name. There was a controversy in the year 1639, between Wheelwright, Underhill, Larkam, and one Knolles, as they pretended, respecting matters of religion ; but, it was in fact a contention for the chair of government over the new colony. Such was the rage of that day for religious disputes, and so fond were the people to engage on the one side, and the other, that when parties wished to gain

gain numbers in political contentions, it was good management to give the controversy a religious complexion. Underhill excelled Wheelwright, in practice upon the Antinomian plan, for he clearly shewed by his manner of life, that he did not depend upon the law, but upon faith alone for future happiness ; and he obtained the government.\*

They made a very dutiful address to Charles the first, and submitted their colony to his royal pleasure. This at once raised the jealousy of Massachusetts, who were opposed as much as they dared to be, to all claims of royal authority. That government took the opportunity, while the Exeter men were engaged in their quarrel, to pass a resolution extending their patent further northward, so as to take in Mason's claim, and consequently, the plantation of Exeter was included.

Wheelwright finding himself in danger of being again within a jurisdiction, from which he had been banished for heresy, thought it best to remove himself further eastward ; and applied himself to the government of Gorges. In the year 1643, Thomas Gorges, deputy governour of the Province of Maine, made a deed to John Wheelwright, pastor of the church in Exeter, of a tract of land in Wells, in the county of Sommerfett, bounded northeast of Ogunquit River. This town was first applied for, by Mr. Hutchinson, as appears on the first book of the town records. This, no doubt, was Edward Hutchinson, the husband of Ann : he was banished from the Massachusetts, in the year 1641, and afterwards settled in Rhode Island, where he died in 1642. Wheelwright was of the same

\* Winthrop's Journal, 158.



same sentiments, as has before been observed. The deeds to Wheelwright, and his associates, are in the Appendix, No. II. and III.

Mr. Storer, and Mr. Littlefield, followed Mr. Wheelwright to Wells, and their posterity, in the fourth degree, are there at this day. The descendants of Mr. Wheelwright, are found both in Boston and in Wells.

The power of Massachusetts seemed to extend itself against Gorges' government with so much success, that Wheelwright found himself obliged to submit, and make his acknowledgment for his former heresy. He went afterwards to England, and was noticed by Cromwell. When he returned he became minister of Salisbury in the county of Essex. He died in the year 1680, and his will was proved in the Province of Maine in 1681, where it is recorded.

Wells was incorporated in the year 1653, by an order of Massachusetts colony. As it was called by the same name, in the deed of Gorges to Wheelwright; and as it was a part of the county of Sommerfett, there can be no doubt that it was a corporation under the government of Gorges, though the charter cannot now be found.

The ancient bounds of the town, have been preserved; it is bounded southwesterly by York, from which it is divided at the sea by Aguntiquitt River; southeasterly by the sea; northeasterly by Arundle, from which it is divided at the sea shore, by Kenebunk River; and northwesterly by the new towns of Coxhall and Sandford. There is a small part of the westerly corner which joins upon Berwick. The land is not very good in Wells, but there is a great body of marsh which the people avail themselves of. There

is a considerable trade, more especially in the east parish, on Mousum River.

There are now two parishes there, in both of which ministers are regularly settled, according to the Congregational mode.

After Mr. Wheelwright, there was no minister settled until the year 1701, when Mr. Samuel Emery was ordained. Mr. Samuel Jefferdson succeeded Mr. Emery in the year 1725.

In the year 1750, the town was divided into two parishes, and in 1751, the Rev. Daniel Little was ordained in the second parish, and has continued there to this time. Mr. Richardson succeeded Mr. Jefferdson in the year 1754, as minister of the first parish, and was succeeded by Dr. Hemmingway, in 1759.

When the town was divided in the year 1750, it contained only one thousand inhabitants ; it now contains three thousand.

Wells has endured its full share of suffering, in the conflict with the Savages. In September 1675, Mr. Gouge, was shot from his horse as he was going home from public worship, and his wife, who was on the same horse, was mortally wounded with hatchets. Soon after their unfortunate death, George Farrow, fell by the enemy. The same month, the Indians made an attack on Isaac Littlefield, who refusing to yield himself a captive, was shot, and died instantly on the place where he fell.

Several others suffered in the wars; which continued with few, and short intermissions, until a truce in 1688. In the mean time, the inhabitants, by aid of the government of Massachusetts, fortified themselves with several garrisons ; the principal of which, was at the



house of Mr. Storer, one of the first settlers. That fort was near where the old meeting house stood, and nearly half a mile south of the present place of public worship ; and was standing since the year 1760. An army of French and Indians attacked that garrison, where all the people of the town had fled for safety, in the year 1692. The French were commanded by one Labrocee, and the Savages by Madockawando, the sachem of Penobscott. They were repulsed, but set on fire some vessels, which were in the harbour, by means of fire arrows, but the fire was extinguished, and the shot from the fort caused them to go off. The women courageously gave aid to the men, both by serving them with ammunition, and by discharging muskets at the Indians. The siege, or rather assault, continued forty eight hours, in which Labrocee, and several of his people fell. There was no injury done to the garrison : but one John Diamond, who was passing from the vessels to the fort, was killed, and great destruction was made among the cattle.\* In the year 1696, the wife and children of Thomas Wells, were killed, and a Mr. Sayer, and his family, and two other men who were going to Wells, from Kittery, with the news of major Frost's being killed, were ambushed and slain. In the year 1712, divers assaults were made upon the town, and several persons killed, and others taken. Among the captives, was one Mr. Plaisted, who went from Portsmouth to be married to Captain Wheelwright's daughter. The next day after the wedding the company wanted their horses from the pastures, but as there were strong apprehensions of danger from the Indians, the servants and the other people were afraid

to

\* Hatchinson.



to venture out of the garrison; Mr. Plaisted, to exhibit his prowess, ventured with some of his company, fell into an ambush of the enemy, and was made a prisoner; the Indians knew their advantage too well to kill so valuable a prisoner, and therefore offered him for, and obtained, a ransom of three hundred pounds.\* That year, the treaty of Utrecht influenced the natives to propose a peace.

In the three years war, which commenced in 1723, several persons were killed in the town. In the war which began in 1744, Wells had become an inland town, and the incursions made by the government's forces on the Ossipee and Pickwacket tribes, had dispersed the Savages to the frontiers of the French settlements. The expeditions which dispersed those tribes will be mentioned in another place.

## Y O R K.

SIR Ferdinando Gorges, was a very ambitious, and a very unfortunate man in his enterprizes. He wished to accumulate a fortune, and to achieve a character. To perpetuate his reputation as lord proprietor, he gave the plantation of York the name of Gorgiana. The earliest grant of lands in York, is by a deed from Sir Ferdinando Gorges, to his nephew Thomas Gorges, of five thousand acres of land on the river Orgarnug, and the lands of Agimintius. This deed was in the seventeenth year of the reign of Charles I. and sezin and possession was given in 1642.†

In 1641, Sir Ferdinando granted a charter of incorporation, as a city, to the plantation, composed of a may-

or

\* Hutchinson.

† County Records.

or and eight aldermen. Thomas Gorges was the first and last mayor of the city.\* No great obedience was paid to his authority, but the people governed themselves by associations, which we shall mention hereafter.

It is very probable that the records of the city proceedings were carried away upon the revolution which took place in the Province of Maine, in the year 1653; for no records of a date earlier than that, of either town or city proceedings, are to be found. From the year 1642, to 1653, the grant of lands in York, by the agents of Sir Ferdinando, were very frequent.

York is bounded southeasterly by the sea, northeasterly by Wells, northwesterly by Berwick, and southwest-erly by Kittery. There are no considerable rivers in it; and the land is exceedingly good.

We do not find that they had ever a preacher there under the government of Gorges. In the year 1660, one Burdet, who had been expelled from Exeter, for misdemeanors, became a preacher to those who chose to attend upon him; but he was punished for lewdness by the civil authority, and soon ceased to be a public teacher.

In the year 1675, Mr. Shubael Dummer was regularly settled in the ministry there, and was killed by the Indians in the year 1692. He lived near the sea side, at a neck of land near what is called the Roaring Rock; as he was attempting to escape from the Savages, he was shot through the back, and fell dead on his face. A great part of the town was destroyed, on the same day. The inhabitants, upon this calamity, were about to abandon the place, but taking courage, and finding a support from the government, they continued their possession; and in the year 1700, settled

\* Hutchin-son.



settled the Rev. Samuel Moody as minister. He continued until the year 1747, when he died, respected by the country, and beloved by the people. He had many singularities in his conduct, which may serve as curious anecdotes in the present day, but he was a pious and useful man, as a gospel minister. After his death, in the year 1749, the present minister, the Rev. Mr. Lyman, was ordained.

There are two parishes in York. In the second, the Rev. Joseph Moody, son to the reverend gentleman before mentioned, was the first minister. His immediate successor, the Rev. Mr. Lancton, is minister there at this day.† A son of Mr. Joseph Moody has lately been the preceptor of Dummer Academy, at Newbury, and now lives with others of the family in York. The second parish in York is generally called, Scotland parish. In the time of the civil war between Charles and the parliament, Cromwell gained a victory over the troops which had assembled under the royal standard in the north of England, and not knowing how to dispose better of his prisoners, he banished them from the realm of England, and sent them to America. Among them were the McIntires, the Tuckers, the Maxwells, &c. those came to Gorges' government, because he was a royalist, and settled in what is now the second parish in York, from which circumstance the place was called Scotland.\*

In governour Winthrop's Journal, page 206, there is a circumstance respecting the first settlement and government of York, which it will be well to transcribe into this history. "This summer, (1640,) here arrived

\* Judge Sayward's Narration.  
history has been in the press.

† Mr. Lancton has died since this



ed one Mr. Thomas Gorges, a young gentleman of the inns of court, a kinsman to Sir Ferdinando Gorges, and sent by him with a commission for the government of the province of Summersetshire. He was sober, and well disposed ; he stayed a few days at Boston, and was very careful to take advice of our magistrates, how to manage his affairs, &c. When he came to Accomenticus he found all out of order ; for Mr. Burdet ruled all, and had let loose the reins of liberty to his lusts—that he grew very notorious for his adultery ; and the neighbours finding Mr. Gorges well inclined to reform things, they complained of him, and produced such foul matters against him, as he was laid hold on, and bound to appear at the court at Saco ; but he dealt so with some others of the commissioners, that when the court came, Mr. Vines, and two more stood for him ; but Mr. Gorges having the greater part on his side, and the jury finding him guilty of adultery, and other crimes, with much labour and difficulty, he was fined under thirty pounds ; he appealed to England, but Mr. Gorges would not admit his appeal, but seized some of his cattle, &c. Upon this Mr. Burdet went into England, but when he came there, he found the state of things so changed, as his hopes were frustrated, and he, after taking part with the cavaliers, was committed to prison.”

After the revolution of the Province of Maine, in 1653, the town was incorporated by Massachusetts, by its present name, and bounds ; and has now two thousand nine hundred inhabitants. There are only two places of public worship, and there is neither Quaker, Baptist, or Episcopalian in the town.

The town of York has suffered greatly from the depredations of the Savages. The Indians from the  
western

western part of Massachusetts and New Hampshire, used to meet the Pickwocket and Ossippee Indians on the river Newichawanick, and to render their combined force terrible to the towns, on and near that river. In the year 1676, they assaulted the settlement of Cape Neddick, in York, where they killed and carried away all the inhabitants, amounting to about forty persons. There were some cruelties practised upon the people, which had not at that time been usual among the northern Savages, and which are too shocking to be mentioned.\*

In January 1692, the town was intirely destroyed, fifty of the people were killed, and one hundred carried into captivity. There were four houses which had been garriioned, and which held out for some time. In the year 1712, there were people killed within the town.

There was not much injury done in that town in the three years war. The sea defended it on one side, Wells on another, Kittery on the third, and Berwick by that time had become a very considerable plantation, with several forts, and fortified houses, extending itself above York towards the wilderness. But a house stood where the parsonage house now is, in the first parish in York, which had a picketed fort, and bastions round it, in the year 1740; and the people used to attend public worship with their arms in their hands in the year 1746.

## K I T T E R Y.

KITTERY lies on the east bank of Piscataqua River, and extending from thence to York, is bounded southeasterly on the sea, and northwesterly on Berwick. It contains three parishes, and has one Quaker meeting house in it, which together with one in Berwick and  
another

\* Hutchinson.



another in Falmouth, is all the places of public worship which that denomination of churches have in the District of Maine. This town was incorporated by the Massachusetts in the year 1653, and now has three thousand and three hundred inhabitants.

The first parish is on the sea wall where the late Dr. Stevens was minister. Mr. Newmarsh was the first settled minister there. The second parish was at Sturgeon Creek, where Mr. Rogers was minister, who was succeeded by Mr. Spring, who was lately succeeded by Mr. Chandler. The third parish has Mr. Litchfield for its minister.

There were settlements here at a very early date. The river was discovered by Captain Smith, in 1614, and from his account published when he returned to England, some people were induced to become adventurers. Many however were deterred by the resentment shewn by the Indians, on account of some of their people being carried away by Captain Hunt, who commanded one of the vessels in Smith's squadron. Dr. Belknap, in his history, says that the settlers followed the example of the people in Plymouth, by purchasing lands of the natives; but there is no record of any deed from an Indian, of lands within the town of Kittery, nor of any in the towns nigh it, of an earlier date than the year 1640. But all the lands in Kittery were granted in the year 1632, and from that time to 1635, by Walter Neal, who was an agent, both to Gorges and Mason.\* When the Massachusetts colony claimed, and assumed, the jurisdiction of that part of New England in 1653, the property of the lands in Kittery was confirmed to the original grantees. When I speak of  
the

\* York Records.



the lands in Kittery, I mean only the lands which are now within the town. The town of Berwick was once a part of Kittery; and there were several purchases from the Indians within what is now Berwick, before the year 1653. By the town records it appears, that in the year 1651, the inhabitants approved of an Indian purchase made by one Spencer of Quampeagan, which is now in Berwick. In the year 1673, what is now Berwick was a parish in Kittery, and called the parish of Unity.\*

There are no records in Kittery, prior to the year 1648; but it evidently appears by the records which are now extant, that there was another book, which the first book now in being has reference to. If there had been any land conveyances from the Indians, the deeds would have been preserved in the county records. There was a lot of fifty acres, laid out in the year 1699, by the town of Kittery, in the parish of Unity, on the north side of the road, leading to Wells, for the minister; but it is not known now where the lot was.†

The town, before the year 1653, was called by the name of Piscataqua.‡

The plantations on Piscataqua River, suffered much more from the hostile attacks of the natives than York, Wells, or Cape Porpoise did. The river assisted the labours of the Savages in their marches, furnished them with subsistence, and guided their rout to the place of destination.

There were originally, several numerous tribes in the neighbourhood of that river, and they were not far removed from the sea side, when they united with the southern Indians against the white people.

On

\* Kittery Records. † Kittery Records. ‡ York County Records.

On the sea shore in Kittery, the people who carried on the fishery, established their habitations ; but those who depended on agriculture went further up on the Piscataqua, and settled on Sturgeon Creek, where the land was very good, and an advantage was derived from the salt marshes. On the head of the creek, and on the road now leading from Berwick to the sea, was the habitation of major Frost, who was then the leader of the plantation : his house has been seen, rather in ruins, by the Author, within forty years past.

In the year 1675, the Savages, after committing depredations on the people in Berwick, or what was then called the parish of Unity, came down the river and burnt one house, and killed two men near Frost's dwelling house ; and he himself escaped, though there were several guns discharged at him. He saved his house after he had escaped to it, by giving the word of command, as if he had a sufficient number of men in it to make an effectual defence. Hubbard gives this account in his narrative ; and there have been persons living in Kittery, within sixty years past, who remembered the fact, and used to repeat it with pleasure : but Frost was afterwards killed by the Savages, in 1697.

The Indians went down the river, in the year 1676, and burned a house over against Portsmouth, near where the ferry ways now are. The people of Portsmouth discharged a cannon from Church Hill across the river, which affrighted the Savages, so that they drew off : and, being pursued, left a great part of their plunder.\*

The discharge of the cannon from Portsmouth, terrified the Indians so much, that though the upper part of the

\* Hubbard's Narrative.



the town of Kittery, and what is now called Berwick, were nearly destroyed, within the year 1676, they did not come down the river, opposite to Portsmouth again. Nor is there any account preserved in history of a further assault until the year 1712, when several people were killed, and some carried away.\* The particulars of that transaction have not been preserved, but the story has been repeated within forty years now last past, by those who were inhabitants of the town when the assault was made.

The treaty of Utrecht took place in 1712, and gave an interval of peace until the year 1723. At this period the town of Kittery had become an inland town; Dover, Newington, and Portsmouth shielded it on the west and south. Sommerfworth and Berwick, were on the north, and York on the east: by means of which the inhabitants, though they partook of the general calamity incident to a war, and had many alarms, and considered their habitations as being in jeopardy, yet there were no lives lost.

As late as the war which began in 1744, the people had garrisons, and carried their arms to public worship. On the south bank of a brook, which divides Kittery from Berwick, on the main county road up the river, was a fort standing since the year 1750, called Shorey's Garrison: and within one mile south of that, on the same road, the garrison of John Neal, was as lately seen. Two miles further down towards Sturgeon Creek, was Heard's Garrison.

### B E R W I C K,

WAS anciently, a part of Kittery; the two towns were called the plantations of Piscataqua and Newichawanick.

\* Hutchinson. † York Records, Book first.



Newichawanick. The first settlers on Sturgeon Creek, began the plantation where Berwick now is. Those were the Frosts, Heardes, Shapleighs, and Chadbournes. The ancestor of the Chadbournes came over on the invitation of Gorges and Mason, and under them erected a famous house, at Little Harbour in Portsmouth. In the year 1643, he purchased a tract of land of an Indian called Mr. Knowles, sometimes called Mr. Knolles, being a neck between the Basen, in Newickawanick River, at Quampeagan, and the Great Works River. The other early settlers were Spencer, Broughton, Leden, and Wincall. Broughton had lands purchased of the Indians, and confirmed by the town of Kittery, in the year 1643, situated above Spencer's, and between that and Salmon Falls. Wincall and Broughton, had a grant of the lands on Salmon Falls, from the town of Kittery, upon condition of their erecting a saw mill there.\* It is imagined, and may possibly appear from ancient conveyances, that the brook called Salmon Falls Brook, was the line of division between Broughton and Wincall. Above those tracts, the lands are held under proprietary grants, all of which have been made since the plantation, in the year 1673, was incorporated by the name of the Parish of Unity.

The first minister settled in Berwick, was John Wade, who was ordained in 1702, and died in 1703. Jeremiah Wife was ordained in 1707, and died pastor of the church there in 1756. He was a man of eminent piety and goodness. The learning in which he made great proficiency, was of a kind suited to the age in which he lived, and like that of the Mathers, and other great men, partook more of the scholastic modes, than

\* York Records.

than of the belle letters, or of philosophy. Soon after the death of Mr. Wife, the Rev. Jacob Foster was ordained, and in 1777 was dismissed, at his own request, and the Rev. John Tompson, the present minister, succeeded him.

In the year 1751, the town was divided into two parishes. In the second, John Morfe, a valuable, and pious young man was settled, but died in early life. His successor was the Rev. Mr. Meriam, who is the minister there at this day.

There are two small Baptist, and one Quaker society in the town. There are no other religious persuasion, or denomination of christians, excepting what have been mentioned.

The inhabitants of the town of Berwick, have been very careful in supporting grammar, and other schools. The Rev. James Pike, who was the first minister of the town of Sommerworth in New Hampshire, and who died since the year 1790, aged ninety two years, was the first grammar schoolmaster of Berwick. There is an Academy lately established in the town.

The towns of Kittery and Berwick, while considered as one town, had no particular bounds, or description as to the extent of the territory up the river, until the year 1711, when the general court ordered the town to be laid out. The town of Berwick was made a separate corporation in the year 1713; and there appears to be a report made in the year 1720, which extended the town eight miles above Quampeagan to a fall in the river, called Stair Falls, and to run from the river northeast, and by east, eight miles, to Bonnebeag Point, then southeast to a pine tree, at Baker's Spring, and a rock, being the bounds between York and Kittery.



tery.\* This extent of eight miles up the river, was according to the ancient grant to Wincall and Broughton ; but the town lines are not established by a possession on these boundaries.

There was, as early as the year 1699, a ministerial lot, laid out by the town of Kittery, on the north side of the road leading to Wells.†

The inhabitants of Berwick, the principal of whom were the Chadbournes, the Lords, Goodwins, Gerishes, Keys, Smiths, Spencers, Shoreys, Prays, Plaisteds, Hills, Abbots, Smiths, &c. claimed a part of the proprietary lands with Kittery, and a line of division was established, by which the Berwick people had the lands comprehended within three miles of the river, and the Kittery proprietors took the residue.

The settlements at Berwick were several times destroyed by the Savages, and the present settlement may be considered as one recently made. Seventy years ago there were no houses between Quampeagan, and Canada.‡ This delay, or rather interruption of settlement, was occasioned by the attacks and depredations of the Savages, which shall be attended to.

Berwick being contiguous to New Hampshire, the calamities which the people suffered by the hostilities of the natives, have been related in Dr. Belknap's elegant history of that state ; one or two circumstances are omitted in that work, and agreeably to the plan proposed for this history, it will be proper to give a general account of the wars in which the people have been engaged.

In

\* Kittery and York Massachusetts Records, Vol. II. † Kittery Records.

‡ Hon. Judge Chadbourne's Manuscript, written in 1793, wherein he says, "I am now seventy five years old, and since I can remember, there was no house between mine and Canada."



In October, 1675, Hopegood, with a party, assaulted the house of John Tozier. That house stood about half a mile above the mills on Salmon Falls. Tozier was one of Broughton and Wincal's party. There were fifteen persons in the house, who were all saved by the courage of a girl of eighteen years old, who alarmed the people, and barred the doors. This retarded the attack, until the rest of the people had secured themselves in another house. When the Savages had hewed down the door, they wounded and left the girl dead, as they supposed, but she survived and lived a great number of years afterwards. The next day they attacked the settlement again, but upon the people's coming out of the garrison, they fled to the wilderness, having previously burned the house of Captain Wincal, which stood near where the upper mills now are. The cellar perhaps remains; it has been seen within forty years last. On the seventh, a man was shot, as he was passing on horseback from one garrison to another; and two young men were killed within one mile of the garrison, on the same day. On the 16th, one hundred Indians attacked the plantation. They killed Tozier, and took his son a captive. Upon hearing the guns, Captain Plaisted sent out a small party, two of whom were killed. Immediately upon this, Plaisted sent an express to major Waldron of Cochecho, informing him that Richard Tozier, James Burrey, Isaac Bottes and Tozier's son had been killed, and requesting help. This letter was signed by Roger Plaisted and George Broughton.

Plaisted, wishing to bring off the bodies of those who had been killed, yoked a pair of oxen, and took a cart for that purpose. They recovered Tozier's body, and

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while

while they were attempting to get the others, they were attacked by one hundred and fifty Savages. The small party made a desperate defence, and killed many of the Savages; and Plaisted, denying to surrender himself as a captive, which the Indians repeatedly urged him to do, he fell in the action; his eldest son was also killed, and another of his sons badly wounded.

There is a tombstone, near the road in Berwick, on the land which was Plaisted's, and near where this battle was fought, upon which there is the following inscription, "Here lies interred, the body of Samuel Plaisted, Esq. who departed this life, March 20th, 1731, *Æ.* 36. Near this place lies buried the body of Roger Plaisted, who was killed by the Indians, Oct. 16, 1675, *Æ.* 48 years; also the body of his son, Mr. Roger Plaisted, who was killed at the same time." His father was Ichabod, the grandson of lieutenant Roger Plaisted, who lived at Salmon Falls; the widow of Capt. Plaisted married one Brown of Salem; after Brown's death, she returned to Berwick, and lived in what was called the great house, which after her death, was burned by accident in 1738.

The Indians attacked Saco, Wells and other towns on the sea coast, which urged Captain Wincal to go to their relief, but he was attacked and lost several of his men.

In the year 1690 a party under the command of one Hertel, a Frenchman, and Hopegood, a sachem, assaulted the plantation of Newichawanick; they killed thirty men, and the rest of the people, after an obstinate and courageous defence, surrendered at discretion. The captives were fifty four, the greater part of whom were

women



women and children. The enemy burned all the houses, and mills, and taking with them what plunder they could carry, retreated to the northward. A party of one hundred and forty men collected from the neighbouring towns, pursued and came up with the Savages on Worster's River, at a narrow bridge. Hertel had expected a pursuit, and had placed his people in a posture of defence. The engagement was warm, and continued the whole of an afternoon; but as the men on both sides were shielded by the trees and brush, there was no great slaughter; four or five of the English, and two of the Savages were killed, a Frenchman was wounded and taken prisoner.\*

There were some great cruelties exercised on some of the captives taken by the Savages. These are strongly described in Mather's *Magnalia*; and were the truth of the facts evinced beyond a doubt, there would be no necessity for repeating the disagreeable tale in this place. The weak and infirm died by cruelty or neglect, and the more robust and hearty were sold in Canada as slaves.

There was, before this time, no bounty bid by the French, on the scalps of the English; when that practice was introduced, it caused a great encrease of cruelty in the savage wars. The idea of selling a captive as a slave, might induce the Indians to save the lives of all those who would surrender; but when the capture or death of an enemy, became equally lucrative, and the latter more sure and less troublesome than the former, the Indians chose to slay all who were unfortunate enough to fall within their power. This vile practice was set on foot by the priests, under the sanction of christianity,

\* Belknap's History, Vol. II.



christianity, and upon the foundation, that hereticks ought not to be suffered to live.

The war which began in 1709, was more favourable to the plantation of Newichawanick, than the former had been; but the three years war, gave the people there much more trouble than they had ever met with after the year 1690. One Thompson was killed in April, 1724, and his son carried away. Thompson lived on the road which leads from Quampeagan to Wells, at Love's Brook. One Stone, a boy, was mangled, and scalped, near where Thompson fell, by the same party, but he survived it, and lived to be an old man. His life was miserable, he wore a silver caul on his head, went on crutches, had the use of only one hand, and was subject to strong convulsion fits.\*

In the year 1754, the Savages had parties infesting the frontiers, for the sake of obtaining the bounties which the French government offered for scalps. A daughter of Peter Morrill, a Quaker, on the northeast side of Berwick, went out on a Sunday morning into the woods, near her father's house, to gather hemlock bows for a broom; the Savages shot her, and carried away her head, not having time to take off her scalp.

The practice for an alarm, as agreed upon and understood, was, to fire three muskets in succession, with short intervals between them. This alarm was given on the killing of Morrill's daughter, and the people in the upper part of the town removed to garrison houses. From that time until the year 1759, the inhabitants carried their fire arms to the houses of public worship.

There

\* The Author knew him personally.

There may be an amusement to those who shall succeed the present generation, in that town, in reading the account of the places where the garrisons were erected. There was a fort and block house, a mile from Quampeagan landing, on the west side of what is called Salmon Fall Brook. One William Gerish owned the place and lived there. The Author of this history, remembers being at garrison in that place. Another block house was one mile further up, called Key's garrison, which has been standing within a few years. Further up, and near that, were Wentworth's and Goodwin's block houses. Indeed all the houses which were built there, between the year 1690, and 1745, were of hewed logs, sufficient to oppose the force of small arms. One fort was at Pine Hill, called Hamilton's garrison, which was standing in 1750. There was a picketed fort, made of pales set in the ground, about twenty feet high, and sharpened at the upper end, on the height of land at Pine Hill, which stood there as lately as the year 1760. There was no dwelling house in that fort, but it was intended that the people should assemble there on an alarm, and continue to defend themselves, until aid should arrive from the people further down the river.

The Hon. Mr. Chadbourne, who is now alive, says, that he remembers several Indians, who used to come down in the summer, and reside on Chadbourne's River. These were said to be of the Ossippee Tribe. This was in the long interval between the three years war which ended in 1727, and that which commenced in 1744.

When the war in 1752 was commenced, there came in from St. François, to Berwick, an Indian, named



Amberuse, with his wife ; he said that he hated war, and only wanted a place where he could make his brooms, and his baskets, and live in peace ; he was indulged with a place on the bank of Worster's River, a few rods south of the road, where he remained peaceable for several years, and finally removed to the river Kenebeck.

The posterity of the first settlers remain in Berwick at the present day. Judge Chadbourne, is the great grandson of Humphrey Chadbourne, who came over in 1636, and purchased land of the sachem Knowles, in 1643. Captain Samuel Lord's wife, was the grand daughter of Tozier, who was killed in 1675. She died since the year 1758, and has left a numerous posterity.

There are facts attending the history of the Indian wars in the District, which have no necessary connexion with the history of any particular town ; and it may be very proper to take some notice of these in this place.

When the English landed in this country, they found the Savages on the margin of the tide, where they resided in the summer, and from whence they removed to the interior part of the wilderness, in the winter. The use of fire was but little known, and to that of iron they were perfect strangers. There can be no doubt, but that the use of gunpowder, of iron, and of fire arms, made them believe, that their visitors were an higher order of beings than themselves, or as the poet has it ; that they were,

“ The Gods that thunder from on high.”

They would make no pretensions of opposing these instruments of war and death, with their bows and arrows.



rows. It must have been very curious and amusing, to have seen a Savage observe the effect which the discharge of a musket had on the animal, on which it was discharged. The English made it a point, to prevent the natives from learning the use of fire arms. The dread of those engines of death, kept the Savages in fear, from the first settlement of the country until the year 1675. The French had an early contest with the English, respecting the right to the country by priority of discovery and possession ; but they were affraid to trust the Savages with arms, lest they should turn the force against the donors. The court of France always made it a point, to gain an exclusive possession of the country, and when that nation, through the address of their missionaries, who were generally priests, had gained an ascendancy over the natives, they found it for their interest to teach the Savages the use of the musket. There can be no doubt but the Count Castine, was sent by the French court, for this purpose, and that he had arms and ammunition committed to his care, for the use of the Indians. In the year 1675, the Savages were as expert in the use of the musket as the white people.

The white people, by that time, had possessed themselves of all the sea coast, and the Savages were convinced that those people must be expelled, or that they themselves must be extirpated.

There seems to be a jealousy of that kind, which they had long embraced, and which inspired all the tribes excepting the Mohawks, and a few others, from the Hudson, to the bay of Chaleurs. This jealousy was exceedingly irritated, by their observing the encreasing number of fortresses, erected by the English. The Sav-

ages had their communications by runners, from one part of New England to the other, and previous to the breaking out of the wars, in the early day of the country, those runners from the west and south, were seen among the eastern tribes.\* Notice of a message of this kind alarmed Phillips and Benythton of Saco, and saved that plantation. When the Indians of Virginia began a war with the white people there, the Savages, on the east of Piscataqua, appeared to be infected with a hostile disposition. The settlers on the river Kenebeck expressed their jealousy, and some few arms, and a small quantity of ammunition, were brought in, and deposited with Captain Lake, Mr. Sawyer, and Mr. Paterfall, in July 1675 ; but those appearances of a peaceable disposition, on the part of the Savages, were deceitful ; for they were plentifully supplied by Castine of Penobscott, with the implements of war, and concealed the same, with an intention to deceive and surprize the white people. At Amariscoggin some Indians brought in their arms, but it afterwards appeared that they were very insincere, in those overtures of peace. They were under no obligation to be faithful in yielding obedience to a request which the others had no just authority to make, and they were, no doubt, irritated by a demand so derogatory to the rights of a free people, and could not do otherwise than to shew a resentment to the treatment. The next day after the arms were given up by the Amariscoggin Indians, one Robinhood, the then sachem of Kenebeck, made a great dance, after which, the Indians appeared shy ; and soon after commenced hostilities, in manner before related.

The



The Savages who had made war, were of the Pickwocket, the Norridgewocks, and the Ossipee tribes. In 1676, the government of Massachusetts formed an expedition against these tribes, under the command of general Dennison. The severity of the weather prevented the plans being executed ; but the same severity of the season, obliged the Savages to sue for peace, which was obtained ;\* but there were some other circumstances which urged the natives to sue for peace. Captain Hawthorne, captain Fill, and captain Hunting, with one hundred and thirty men, besides forty friendly Indians, were sent to join major Waldron, and major Frost, with such forces as they could raise in New Hampshire and in the District, to march into the country of those tribes. Though these forces did not do much against the enemy, yet the idea of such force being raised, filled the Savages with terror.

On the sixth of November 1676, one Mugg, appeared as the ambassador of Madockawando and Chiberrina, sachems of Penobscott, and chief sagamores of all the Indians about Pemaquid, and made a treaty with the Massachusetts government. As the treaty relates to the country under consideration, it will be proper to preserve a copy of it in this history. It therefore has a place in the Appendix.

This treaty was ratified by the sachems, and many prisoners, and captives, returned to the embraces of their anxious friends.

In the year 1685, when Cranfield was governour in New Hampshire, he terrified the Indians at Pennicook, Pickwocket, and Ossipee, by threatening to bring the  
Mohawks

\* Belknap.



Mohawks upon them. This induced them to come into a treaty with the people of New Hampshire and Maine, which lasted until the year 1688. In this treaty, it was agreed, that the Pennicook and Saco Indians should have redress for any injury done to them, that they should have notice of the approach of an enemy; but if they should remove their families away, it should be deemed a declaration of war on their part. It was also agreed, that the English should protect them from the Mohawks, while that treaty was complied with, and fulfilled on the part of the natives.

By the treaty of Breda, the territory from Penobscott to Nova Scotia, was ceded to the French, and Castine resided there, as an influential sachem, with a number of wives, which he had selected from among the natives. The grant which had been made to the duke of York, who was at the time of the above mentioned treaty, called James the second, comprehended all the lands between Kenebeck and St. Croix. Upon a dispute arising respecting the landing of a cargo of wine, which the owners supposed to be landed within the French government, a new line was run, which took Castine's seat into the duke's patent, in the spring 1688.

This gave a pretext to the commander of the Rose frigate to plunder Castine's house of all his goods and implements of war. The French sachem, provoked by this insult, inspired the Savages with a disposition to hostilities. When a people are involved in a war, they always magnify those injuries which they before had been content to pass over in silence. On this occasion the English were charged by the natives, with having not paid a tribute of corn which had been stipulated by

by major Moody, and others, in a treaty, of obstructing the fish in Saco River with seines, and of suffering their cattle to eat the Indians' corn, and of granting lands without their consent. Those complaints were well founded, when applied to the white people as a part of the British nation. There was no possibility that the white people and natives should live together in peace. Their manners, their views and intentions were widely different, and the jurisdiction of one country could never hold both as possessors of lands jointly together. The English charged the Savages with the most atrocious acts of cruelty and perfidy. The whole of this will appear by the record of the proceedings of the united Colonies which is given in the Appendix.

In August 1689, major Swaine, with a considerable force, marched into the District of Maine, and was soon followed by major Church from Plymouth colony, who commanded a considerable force of white people, and friendly Indians. These forces had some skirmishes with the natives, and erected some forts on the frontiers.

In the year 1694, the Sieur Villieu was in command at Penobscott, and with the aid of Thury, the religious missionary, persuaded the eastern sachems to break their treaty with the English, and to prepare for hostilities. Things being prepared, Villieu, with two hundred and fifty Indians, from St. Johns, Norridgewock, and Penobscott, marched against the people on Oyster River, in New Hampshire, which place they nearly destroyed. This party came from Penobscott in their canoes.

In the year 1698, the treaty between the French and English, commonly called the treaty of Ryswick, was concluded. The Indians were discouraged as to  
supporting



supporting a war without the aid of the French, and finally came to a treaty at Casco, in 1699, when they affected to lament their former perfidy, acknowledged themselves subjects to the king of England, and promised to maintain a peace on such terms as the commissioners should dictate. This concession was made, because the French had withdrawn their support from the Savages, and ceded to the English crown all the territory, as far east as the river St. Croix.

The distresses occasioned by these wars, were very great. The manner in which the Savages made war, was such, as frequently deprived the white people of using any precaution, and rendered no situation, excepting that of a fortification, safe for them.

Their cruelty to aged, sick, and infirm captives, as well as to those who had killed any of their people, might arise from three causes; from an idea that war on their part was at all times justifiable in the defence of their own country, that those who had killed any of their people, had been guilty of murder, and that there was no mercy to be shewn to, and that no faith was to be preserved with heretics.

While the war last mentioned was continued, Sir Edmund Andros erected a fort at Pemaquid; one at Sheepscott; and another at Brunswick: and placing troops in each, gave the command to Captain Brackett.

After the treaty of Ryswick, in 1698, and the subjection of the Castine Indians in the year 1699, the French contrived to remove a great part of the natives from Penobscott, Norridgewock, Pigwacket and Ossipee to St. François in Canada, where they were ever after known by the name of the St. François Indians.\*

\* Hutchinson.



This took away the pretext, which the government might have to punish them for treason, placed them beyond the watch of the people on the frontiers, gave them an opportunity to serve as guides to Savages who lived remote, and in this way rendered them much more dangerous than they were before.

There were however, tribes remaining in the country; and in the year 1703, colonel March went with about four hundred men to Ossipee, and Pickwocket, in quest of some of them. He killed about twelve. At this time, the general court offered a bounty of forty pounds for each scalp. In the spring of 1704, a company of a hundred of friendly Indians, was procured from Connecticut, and placed at Berwick; but these did no execution.

In this year, the famous colonel Church, with five or six hundred men, and a number of vessels, and whale boats, proceeded to Penobscott, and took a daughter of Castine, and several other French prisoners. He also killed several of the natives: from thence he proceeded to Menis, and plundered and burnt the town: and having taken a number of French prisoners, he dismissed one with a message to the governour of Canada, threatening to retaliate for his cruelties, unless he put a stop to such barbarous depredations, as had been committed on the English frontiers.

At this time governour Dudley, by order of the king, urged the house of representatives, to grant money for the purpose of rebuilding the fort at Pemaquid; which they refused to comply with, because, as they said, it was not in the Indians' rout, by which they came to attack the frontiers, and therefore it could be of no use to the government. That the expense would be so

very

very great, that the Province could not, with the other necessary public burdens, support it.

In the year 1710, the territory of Acadie was subdued by the capture of Port Royal. This was effected by an army under command of general Nicholson, raised by the New England colonies. Upon the success of that enterprize the governour and council sent major Livingston, with Castine the younger, across the country to Quebeck, with a message, informing the governour, that Acadie was subdued, and that if he sent his parties to commit cruelties, the same should be retaliated on the people of Nova Scotia and Acadie; to this Vaudreuil returned a message by Rouville and Vauquait, two partizans, that the French were never guilty of any cruelties; for the truth of which he referred the governour and council to the testimonies of their own people, who had been prisoners; and that the inhabitants of Acadie, and Nova Scotia, being within the protection of the capitulation, under which they surrendered, were protected by the laws of war, and could not be the subjects of retaliation.

In this year colonel Walton, who lived at Sommerworth in the colony of New Hampshire, went with a party to Norridgewock, and killed several of the enemy.

There was nothing very interesting as to the Indian wars in the Province of Maine, or Territory of Acadie, that happened, excepting what has been mentioned in the description of the ancient towns, until the war which was commenced in the year 1723, commonly called the three years war.

There was in the three years war, no particular circumstances, within the District, but which have been already mentioned, excepting two instances, which have been much celebrated by tradition and history.

The



The one was of Captain John Lovel, which has been described by Dr. Belknap in his History of New Hampshire, in a manner which does so much justice to the subject, that it is best to refer the reader to his history for it.

In the same year, 1724, an expedition was conducted under Hammon and Moulton, against Norridgewock. They attacked and destroyed that village, and killed a number of the Savages, with Ralle, a Jesuit, who resided there. This and the battle of Captain Lovel, were of great consequence to the people of the province of Maine. These tribes were all the Savages which remained of the numerous bodies who once inhabited that territory. These held their villages as resting places for the Canada Indians, and were themselves the guides of the scouting parties who came from thence on our frontiers. These decisive actions, relieved the people from great apprehensions, and saved the frontiers from great calamities.

Colonel Hammon lived, much respected, for many years, and Moulton had the expressions of gratitude, which the people generally bestow on men who have distinguished themselves by warlike and heroic actions. He afterwards was colonel of a regiment at the reduction of Louisbourg in 1745; was sheriff of the county of York, afterwards first justice of the court of common pleas, and judge of probate. He died in 1765; his son and grandson, were sheriffs of the county, and another of his sons was judge of the court and register of deeds.

Colonel Westbrook went from Kenebeck to the river Penobscott with three hundred men; and other parties



parties were ordered to Norridgewock, Ossipee and other places, but no Indians were found.

There was a long cessation from hostilities, between the three years war and that which commenced in 1744. A peace being concluded in 1747, the settlers pushed themselves out into the frontier parts of the country. Lebanon and Sandford were settled under the names of Towwoh, and Phillipstown. When the war began in 1753, it became necessary to defend the frontiers by scouting parties. One Captain Gerish, who is now alive, commanded a company which passed once a fortnight from the head of Piscataqua River over to Saco River, and another was employed in marching from Saco over to Brunswick. A line of forts was established on Kenebeck, in 1754, and the fortifications in all the eastern country repaired. The reduction of Canada, put an end to the troubles and dangers arising from the hostilities of the natives, and gave security, wealth, and happiness to the inhabitants.

One circumstance, which ought to have been mentioned in the description of the manners of the natives, may have a place at the end of this chapter, rather than to be omitted intirely.

It has been observed, that in the first wars with the Savages, which happened in the District of Maine, their practice was to carry their captives to Penobscott, and to other eastern Indian settlements. There did not then appear to be any connexion, or intercourse, between the tribes in the District, and nations in and about Canada. Nor do we know of any between those tribes, and the western Indians, excepting that runners were received from the westward, under the appellation of strange Indians. When the eastern Savages made

an hostile expedition westward they were not seen to come further northward than to Saco River ; and their head quarters, the residence of Madockawando their chief, and afterwards of Castine their Gallic prince, or sachem, was on Penobscott River.

The eastern Indians were in appearance, and in their manner of life much like those who lived in Massachusetts and New Hampshire : but they were clearly a distinct people. Their language was dissimilar, and it is now rendered certain that the Savages on the east of Saco River could not understand the language of those further west within New England.

Mr. Elliot, a missionary to the Indians, in New England, assumed the toil of translating the Bible into the Indian language, and the christian religion was read and preached to them, according to that translation. The reverend Mr. Little, who was lately employed as a missionary, to the eastern Savages, carried one of those Bibles to the Penobscott and St. John's tribes, but there was not one word of their language in it, nor could they by any means understand it, or any part of it. That reverend gentleman compiled a Vocabulary of the dialect of the Indians, to whom he was sent, which is a very perfect one ; but none of the words in it are found in Elliot's Bible. There was a Mr. Cutter who had been a minister in North Yarmouth, but after leaving the ministry, was about fifty years ago, a commander of a fort, and keeper of a truck house on Saco River. In order to conduct his business with the Indians, which were altogether of the Pickwacket and Ossipee tribes, he composed a Vocabulary, which yet remains, and has been found by Mr. Little to be exactly, or very nearly similar to the one

he prepared, with the Penobscott and other eastern tribes. This is not the only circumstance, though it may be sufficient to induce us to believe, that the river of Saco was an important dividing line between the Savage nations of the east and west parts of New England.

## CHAP.



## C H A P. IX.

*The Revolutions of Government.*

IN this chapter, it will be necessary to consider, distinctly, the governments which have taken place in the several parts of the District, as there was no one government, before the year 1692, which embraced the whole of the territory.

There has been a confusion of ideas, arising from the want of information, and from the inattention of the persons who have undertaken to describe the country east of Piscataqua River.

The provinces of Laconia, Lygonia, Sommersett, and Maine, have been confounded in such a manner, that no one historian has described those places with accuracy. Laconia, and Lygonia, have been generally taken for the same province.

Laconia, in governour Hutchinson's history, is said to be an imaginary country, and that author further adds, that Captain Neale, and three others, came over as agents to Gorges, and went in search of Laconia, but returned to England without finding it. What authority there is for this assertion is not now known. Neale was an agent to Gorges, and lived in Kittery. He granted nearly all the lands within that town, under the authority of the proprietor of the Province of Maine. Whether he searched for Laconia or not, Gorges had an accurate description of it, and is the only one who kept it distinct from the other territories, which were the objects of enterprize at that day. As Gorges was never here himself, he obtained the description which he gave of that territory, very probably, from Neale. John Josselyn, in his history, gives the appellation of Laconia to Gorges'

patent. The brother of John Josselyn goes into the same error, in his complaint to the king against the Massachusetts government.

The province of Laconia, was intended to be in the interior part of the country, on the great lakes which extend from what is now called Vermont, through what is now the Upper Canada. The proprietors had a description of the country from the Savages, and believed every idle tale, respecting mines, diamonds, and precious stones, with which the Indians chose to amuse their avaricious and credulous minds. But the distance of the country from the sea, and the toil and labour necessary to get to it by land, the French being in possession of the St. Lawrence, discouraged the adventurers.

As Sir Ferdinando Gorges describes the territory of Laconia, it was intended to include the lakes of Iroquois and St. Sacrament, since called Lake Champlain, and Lake George, with the Lakes Ontario, Huron, Superior, &c. He says, "it was between forty four and forty five degrees of northern latitude, having Sagadahock and Merrimack Rivers on the south of it, towards the sea, with great lakes, and extending to California in the South Sea on the west ; and on the north east to the river of Canada."

This description excludes the whole of the sea coast in the District of Maine, and that part of New Hampshire which is near the sea.

Doctor Belknap supposes the province of Laconia, to be the province which Gorges held afterwards under the grant from Charles ; but it is very clear that it was a very different country : the description of Laconia places Merrimack and Sagadahock Rivers on the south

south of it ; but if the Province of Maine was the ancient Laconia, the river Sagadahock must have been on the east, or rather north east of it. Besides this, the grant was of a tract which was between the 44th and 45th degrees of latitude, whereas the grant of the Province of Maine, and the other grants in general, were bounded by great rivers, and run across the latitudes. This grant was bounded north east on Canada River, and there was never a pretension, that the Province of Maine extended to that water.

There was one other province, or country, which was called Norumbegua, described as lying between Nova Scotia on the north, and New England on the south. There were so many different appellations, and such a confusion of grants in the country, that with the want of maps under which the people then laboured, it was impossible to distinguish the several territories with any degree of accuracy. Virginia was a general name for all the country, and was said to contain New England, and Novum Belgium, with all North America.\*

The people of Norumbegua, were supposed to be an ancient people, who lived on the river Penobscott, then called Pemptegeovett, near to which, as it was imagined, a great city once stood, called by the name of Norumbegua. The bounds of New England was conceived to extend to the river Pemaquid, and the country of Norumbegua to be bounded west on that, and to run as far east as Penobscott, including Sheepscott River, then called Chavacovett. Some supposed it to be a collection of Indian huts, and others an ancient town. In Ogilby it is conjectured to be the ruins of an ancient town,

\* Collection of Voyages.



town, which the natives called Arambeck, and had deserted it. Some thought that the country was called by this name, because a colony of Norwegians had anciently been settled there.

The appellation of this part of the country, and of the several parts which were supposed to be within the same; and of the rivers supposed to be there, are not known in the Indian language; nor have the natives any tradition of such towns, or cities, as are conjectured in the old writers of the American History. On the whole, it may be safely concluded, that there never was an ancient country or city called Norumbegua, but that the rage of the day for new discoveries, and the idle tales of the voyagers, gave an imaginary existence to such a place.

The variety of governments, which have, from time to time, been exercised over different parts of the District, are not easily to be described, because there are no perfect records of their proceedings to be found.

That part of Acadie, which is now comprehended within the District of Maine, was rather an appendage to a large tract of territory, which the English called by the general name of Newfoundland; and the French by the name of Acadie. This territory extended from the gulph of St. Lawrence, and from the river of that name, along the sea shore westward, taking the Bay of Chaleurs, and the Bay of Fundy; and so on to the river Kenebeck. This is now divided into the provinces of Nova Scotia, New Brunswick, and a part of Massachusetts; which by the treaty is separated from the province last mentioned, by a line extending northward on the river St. Croix, and north from the source of that river to the Province of Quebec, or

Lower

Lower Canada. When we speak of the government, which was at first established over a part of our District, we must refer ourselves to the government established by the English in Newfoundland, and by the French in the same place, under the name of Acadie.

In the second year of Henry VI. of England, an act of parliament was passed, entitled "An act against the exaction of money, or any other thing, by any officer, for license to traffic into Ireland and Newfoundland."

The act of parliament was in these words. "Forasmuch as within these few years now last past, there have been levied, received, and taken, by certain of the officers of the admiralty, of such merchants and fishermen, as have used and practised the adventures and journies into Ireland, Newfoundland, Ireland, and other places commodious for fishing, and the getting fish in and upon the seas, or otherwise by way of merchants in those parts, divers great exactions, as sums of money, doles, or shares of fish, and such like things; to the great discouragement and hindrance of the same merchants and fishermen, and to the no little damage of the whole commonwealth, and thereof also great complaints have been made, and informations also yearly to the king's majesty's most honourable council; for reformation whereof, and to the intent also, that the said merchants and fishermen, may have occasion the rather to practise and use the same trade of merchandizing and fishing, freely without any such charges and exactions as are before limited; whereby it is to be thought that more plenty of fish shall come into this realm, and thereby to have the same at more reasonable prices. Be it therefore enacted by the king our sovereign lord, and



by the lords and commons in the present parliament assembled, and by the authority of the same, that neither the admiral, or any other minister, officers, or ministers of the admiralty for the time being, shall in any wise hereafter, exact, or receive, or take by himself, his servant, deputy, servants or deputies, of any such merchant or fisherman, any sum or sums of money, doles or shares of fish, or any other reward, benefit, or advantage whatsoever it be, for any licence to pass this realm to the said voyages, or any of them, nor upon any respect concerning the said voyages nor any of them, upon pain, to forfeit for the first offence treble the sum, or treble the value of the reward, benefit, or advantage that any such officer, or minister, shall hereafter have or take of any such merchants or fishermen : and for the second offence the party so offending not only to loose and forfeit his or their said office or offices in the admiralty, but also to make fine and ransom at the king's will and pleasure."

The grant of the continent in the year 1606, from thirty four to forty eight degrees of northern latitude, was divided into two parts ; the first was to the city of London, the second was to Bristol, Exeter and Plymouth. The second, or what was afterwards called New England, was mountainous and unpromising.\* There had been no attempts by the English to establish a government in the country, after that begun by Gilbert, until the year 1606 : previous to which a government was attempted by the French nation.

Bartholomew Gosnold landed some people near the river Kenebeck in the year 1602, but could not induce them to tarry, and therefore took them away; and began  
the

\* Hubbard.



the plantation at the Vineyard,\* on islands now within the commonwealth of Massachusetts. In the year 1603, the king of France granted to De Motte, all the country from the fortieth to the forty sixth degree of northern latitude ; and in the year 1604, De Motte came into the country and took possession of the soil : he was appointed lieutenant governour and commander in chief of the province of Acadie, which was then supposed to be bounded on the east by the middle of the river St. Lawrence, and on the west by Kenebeck River. What is now called the bay of Fundy, was then called Baie Françoise, or Frenchman's Bay. Port Royal, since by the English called Annapolis Royal, was considered as the capital. The French people under this provincial government, settled along the shore as far west as to the river Kenebeck. There was not then so much as a cabin erected by the French in Canada.†

This French colony was not supported with any considerable degree of energy by the mother country. Henry the fourth of France, who granted the charter, was a wise and benevolent prince, and delighted in the happiness of his subjects. He ruled by established laws, and made the honour and happiness of his kingdom the only end of his mild and generous government.

But the ideas of a religious reformation, had been kindled in France from Geneva, and the Low Countries : these naturally led to the subversion, as well of the throne as of the established national church. Henry was too much engaged, in a conflict necessarily resulting from these causes, to pay a great attention to the new colony of Acadie. His death threw the nation into the hands

of

\* Hutchinson.

† Abbe Raynal.

of a weak minority. Cardinal Richelieu had the government in his own hands. The great object was to suppress the republican spirit of Calvinism ; to effect which, a great number of wise and good men were brought to public execution. When this great plan was accomplished, he encreased the power of the crown, made the parliaments subservient to the king's pleasure, and raised the court to a degree of pomp and splendour, which had never before been seen in that nation. To do this, *exclusive privileges and immunities were granted to companies of men, and particular subjects ;* so that finally, the influence of the government was only felt through these, while individuals, as mere subjects, knew nothing of, nor scarcely felt the blessings of a national authority.

The inconsiderable colony of Acadie, was in this period neglected ; and the people of Virginia, in the year 1613, sent Sir Samuel Argal, with a party to displace the French from Sagadahock. He seized Port Royal, St. Croix, Mount Mansel, now called Mount Desert, and carried away their ordnance stores.\*

There was no government established in that territory, by the English, or any settlement, until the government of the colony of New Plymouth erected a fort there in the year 1621 ;† but the king sold the country of Acadie, in the year 1630, to Sir William Alexander, who was a favourite of his majesty, and a particular counsellor to the queen, who was a native of France. Alexander, in the year 1630, aliened his patent and government to the French crown. Previous to Sir Alexander's transferring the country, which in his patent, had the name of Nova Scotia, in honour

\* Hubbard, Abbe Raynal.

† Hutchinson.



honour to the country which gave birth to that favourite, he attempted to govern it by a particular commission, which he issued for that purpose. Upon his selling his patent, the king of France granted to M. de la Tour, all the country of Acadie and Nova Scotia. This grant is said to have been confirmed to M. de la Tour by the king of England, and to add honour to his achievement of territory, he was made a baronet of Scotland.

After Sir Samuel Argal, in 1613, removed the French from Acadie, and carried them to Virginia, Charles I. married Henrietta Maria, a daughter of France, and restored the possession of l'Acadie and Nova Scotia to the French crown.

But the people of New Plymouth had established a trading house at Penobscott, in the year 1626. The French kept possession, however, of Mount Mansel, now called Mount Desert, until the year 1627, when Charles made another grant of the country to Sir William Kirk, and his brother. These gentlemen fitted out at their own expense, an armament, and took eighteen French vessels, and one hundred and thirty five pieces of ordnance, intended for fortification there and at Quebeck. The whole of the country, and that of Quebeck, was taken by the Kirks, from the crown of France; and Alexander Kirk was made governour of the whole.

In the year 1632, the whole was ceded (as has before been observed) to the crown of France; from that day to the year 1760, Quebeck remained in the hands of the French. Charles reserved for his subjects, the right of trading with the Indians, and granted the same exclusively to the Kirks, in compensation



of what they had surrendered, and for the sum of fifty thousand pounds sterling, which they had expended on the city of Quebec, and for forts on the river St. Lawrence: the Kirks, on this, fitted out a ship to trade in Canada, but the French condemned her as forfeited by their arrets of navigation and commerce.

The Jesuits about this period began to gain an influence. The duke of Guerheville, who was the favourite of Louis XIII. was in their interest. They promised him a share in the new plantation, and he caused them to be amply supplied with what they needed. By this means, they made themselves masters of Port Royal, and began a fort on Penobscott; but Argal put a stop to their proceedings, and in an action, killed Duthet, who was their principal military character, and thus put an end to the expectations in North America of an association of men, whose art, intrigue, ability, and extreme cruelty, have since that time, done great injury to Europe, and disgraced the annals of more than a century of years.

In the year 1632, by the treaty of Germain, the whole country of Acadie was again ceded by the English king to the crown of France. Upon this cession De la Tour obtained a grant in 1634, of the Isle of Sables, of Port Royal, and a tract ten leagues square into the country; and of Menis, with all the adjacent islands. Razilla had the general command, and appointed Mons. d'Aulney de Charnify his lieutenant over the west part of the country, from St. Croix to the river Kenebeck. D'Aulney came in the year 1635, and rifled the truck house, which the colony of Plymouth had erected at Penobscott, and drove their servants and agents away. Upon the death of Razilla, De la

Tour

Tour and d'Aulney contended for the chief command, and made war on each other. The French king, in the year 1638, ordered d'Aulney to confine his government to the country of the Etechemins; but no one knew the limits of that territory.

The court of France was, in that age, too much debauched, and the manners of the nation too much depraved, to afford the government any considerable share of energy; and therefore these contending commanders, at a distance from the throne, having no other power to appeal to, la Tour and d'Aulney applied to the government of Massachusetts at Boston, for aid, and severally stated their claims, and laid their complaints before that government. The governour and magistrates did not think it advisable to give aid to either, but consented that de la Tour should hire ships and men to support his contest against d'Aulney. De la Tour hired four vessels, and obtained about eighty men, and attacked the fort of his adversary at St. Croix. D'Aulney fled to Penobscott, and was pursued and his party was defeated. He went to France, and was expected to return in the year 1644, with such forces as would give him success. De la Tour, under this apprehension, applied again to the governour of Massachusetts for aid, and though there was a predilection in favour of de la Tour, who was a French Protestant, and a dread of his rival, as a troublesome neighbour, yet the magistrates would not agree to take any measures in favour of the former. They advised governour Endicott to write to d'Aulney, to inquire why he had interrupted their trade, and had taken the ships of some of their merchants, which had been employed in trading with de la Tour, and to inform him that they  
would



would support their trade against his invasions. Notwithstanding this, d'Aulney took some vessels which went from Saco to trade with de la Tour. In the summer of that year, de la Tour attempted to take Penobscott from d'Aulney : he went first with his party to the farm house, which was about six miles from the fort, and burned that, but was defeated. Waneaston, who aided de la Tour, was killed in the attempt, and those of the party who survived came to Boston.

In September, d'Aulney sent letters to the governor of Boston, which were conceived with much address, apologizing to the government, for the aid it had given to his rival, and wishing for a peace and a good correspondence with the colony of Massachusetts. He mentioned that he had further instructions from the king of France, which he should communicate very soon. Not long after this, he sent a commissioner, attended with ten men, under a commission issued from the great seal of France ; and papers evincing, that de la Tour was proscribed by the French government, as a rebel. There could be no reconciliation between the parties ; and d'Aulney, having an evident superiority of interest in the French court over de la Tour, who, by being reputed to be an huganot, had lost all favour, and was abandoned to his fate, articles of peace and friendship was concluded with his rival : the agreement was in these words, as given in governor Hutchinson's History, and taken from the general court records.

“ The agreement between John Endicott, Esq. governor of New England, and the rest of the magistrates, and Mons. Morie, commissioner of Mons. d'Aulney, knight, governor of, and lieutenant gener-



al for his majesty the king of France, in Acadie, a province in New France, made and ratified at Boston, in the Massachusetts aforesaid, October 8th, 1644.

“The governour, and all the rest of the magistrates do promise to Mons. Morie, that they and all the rest of the English, within the jurisdiction of the Massachusetts, shall observe and keep firm peace with M. d’Aulney, and all the French under his command in Acadie; and likewise the said M. Morie, doth promise, in behalf of M. d’Aulney, that he and all his people, shall also keep firm peace with the governour and magistrates aforesaid, and with all the inhabitants of the jurisdiction of the Massachusetts aforesaid; and that it shall be lawful for all men, both French and English, to trade with each other, so that if any occasion of offence should happen, neither party shall attempt any thing against the other, in any hostile manner, until the wrong be first declared, and complained of, and due satisfaction not given; provided always, the governour and magistrates, aforesaid, be not bound to restrain their merchants from trading, with their ships, with any persons, whether French or others, wheresoever they dwell. Provided also, that the full ratification, and conclusion of this agreement, be referred to the next meeting of the commissioners of the United Colonies of New England, for their continuation or abrogation, and in the mean time to remain firm and inviolable.”

Notwithstanding this treaty, de la Tour was allowed to hire a vessel to carry supplies to his fort, with which he returned home.

This treaty was ratified by the commissioners of the united colonies. D’Aulney, however, became very troublesome, and seized the vessels which attempted to trade

trade with de la Tour. Upon this the governour and magistrates expostulated with him on the infraction of the treaty ; but he replied in a very haughty manner, with threatenings of the resentment of the king of France.

The colony could not return a defensive answer, that their king was able and willing to protect them against the French king ; because the government of Great Britain was then torn by factions, and on the eve of a civil war. Charles, who was then on the throne, was a greater enemy to the New England colonies, than the king of France was. He considered the colonies as a place of refuge for fanatics and republicans, had a few years before, by a proclamation, prohibited his subjects from migrating thither, and was content to leave the people there for a prey to any adventurous invader : convinced of this, the governour and magistrates sent a reply, which originated in a sense of their defenceless situation. They said, that “ they were not affraid of any thing that he could do for them, and as for his master, they knew he was a mighty prince, but they hoped he was just as well as mighty, and that he would not fall upon them without hearing their cause ; but if he should, they had a God in whom they put their trust when all failed.”

In the year 1645, d'Aulney made an attack upon de la Tour's fort, which was defended by de la Tour and his wife with success. The assailant being disappointed in that enterprize, affected to be in a rage against Massachusetts, and charged the government with a breach of the treaty, in allowing his enemy to go away from Boston after the treaty was made, in a vessel belonging to some of the people there. The  
governour



governour sent captain Allen to inform him, that the vessels de la Tour engaged at Boston, were vessels from London which happened to be at Boston at that time. D'Aulney at first refused to answer the letter, and treated the commissioner with haughtiness and contempt. The commissioners of the united colonies, determined to demand of him a ratification of the treaty, but when the general court came together, they determined to send the deputy governour, general Denison, and Capt. Hawthorne to him. There was a debate in the court, whether to propose the meeting at Penobscott, which was then confessedly within the territory of Acadie, or at Pemaquid, which from the grant to Elbridge and Aldsworth from the council of Plymouth, was considered to be within the territory of New England, and was then an English plantation. But on having their intentions communicated, he assumed a more pacific appearance, seemed pleased with the honour they were about to shew him, and agreed to send commissioners to Boston in August 1646, to enter into a treaty with the government. In September, Morie and Lewis, his commissioners, arrived at Boston, on a Sunday, and were received, and conducted to proper lodgings. After service was over, major Gibbons escorted them to the governour. The next day, they entered upon business, and renewed the treaty. Among other presents made to d'Aulney, was that of a rich sedan, which had been made for the viceroy of Mexico, and taken by a captain Cromwell, and presented to governour Winthrop. This treatment was very flattering to d'Aulney, and no less humiliating to the colony of Massachusetts. The governour and magistrates knew the united colonies, or perhaps either of them, to be superior to d'Aul-

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ney,



ney, but they had no mother country to defend them, and they dreaded the power of France : but that nation was torn by intestine broils, sunk to the lowest ebb of debauchery and weakness, and was vainly attempting to aid Charles of England against the republicans, who had threatened all the crowns in Europe. Had not this been the case, de la Tour and d'Aulney would not have been suffered to contend in the manner they did, as subjects of the French king. While the treaty with the colony was in hand, d'Aulney made a successful attempt against his enemy's fort, and plundered it of furs, money, and jewels to a great value. De la Tour fled to Newfoundland for protection, but was disappointed, because Kirk did not incline to interfere in the quarrel. From thence he came to Boston, and obtained a credit of four or five hundred pounds, with which he went to Hudson's Bay, in order to trade with the Indians.

D'Aulney died in the year 1651, and the next year de la Tour returned and married his widow. There is no notice taken of the death of de la Tour's wife ; she assisted her husband in the defence of his fort in 1645, and no doubt died that year. By the second marriage he had several children, who by the devise of d'Aulney's daughter by the same mother, had the whole of her father's estate.

The colony of New Plymouth kept possession of their trading house and fort, at Penobscott, until it was taken by Rossillon, a Frenchman from Nova Scotia, in 1635. The French at that time considering the plantation at Pemaquid, as within New England, did not concern with it.

In the year 1653, major Sedgwick proceeded on an expedition under Oliver Cromwell, ostensibly against  
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the Dutch, who had settled on the Hudson ; but that commander, either without orders or pursuant to such as were given him in secret, suddenly turned his course to Acadie, and though there was a peace existing between the English and French nations, he removed the French from Penobscott. The French complained of the injury, and requested a restoration of the territory, but never could obtain it in Cromwell's time.

In the year 1670, Charles II. ceded all Acadie to the French, upon which they obtained a repossession of the territory ; but the Dutch, within three years after, expelled the French and possessed themselves of the country ; and the people of New England, soon after expelled the Dutch. It was a very imprudent attempt in the Dutch to take possession of a country, so remote from the Hudson, where they had fixed their colony.

After the restoration, in the year 1670, Charles II. ceded "Nova Scotia, and the rest of Acadie, by the treaty of Breda, to the French." Sir Thomas Temple, to whom Oliver Cromwell had granted the country, thought himself injured by this cession ; but the order of the the king was repeated and positive, and he was obliged to comply, by delivering up the possession of the forts and country. The French made but little progress in the improvement of the country, which might be owing to the want of accuracy in the description, and the clashing of titles, with which they were constantly perplexed.

When the Dutch and French had before been in possession of Acadie, the people of the English colonies were very uneasy at being destitute of the protection of the parent state ; but their being Puritans, effectually prevented their having any assistance from the other

sides of the water. In the year 1635, the plantations in New England, appointed Edward Winslow, as an agent, to represent to his majesty, that his territories were encroached upon by the French and Dutch, and to pray that his majesty would either procure peace with those nations ; or give authority to the English colonies to act in their own defence.

As Mr. Winslow offered, on the part of the colonies, to be at all the expense, which might accrue by the war proposed, his petition was very favourably received by the lords commissioners of trade and plantation ; but finally, archbishop Laud was at the board, and having heard that Winslow was a Puritan, interrogated him on the subject. Winslow was an honest man, and openly avowed his sentiments ; by means of which, on the zealous importunity of Laud, he was committed to the fleet prison, where he laid four months. Thus ended the embassy of Winslow.\*

In the year 1635, upon the petition of Gorges and Mason, the crown proposed a division of New England into twelve provinces : the first was from St. Croix to Pemaquid, and the second was from Pemaquid to the river Sagadahock. As Massachusetts, Rhode Island, and Connecticut, were included in this act of partition, there was an opposition to it, which was successful against all the efforts that could be made by Gorges and Mason, so that there was nothing more done on that plan of government, in the time of Charles I. and the whole proceeding, by the parliamentary government, after his death, was regarded as unconstitutional, and illegal, by his successor. When Charles II. returned to England, in the year 1660, notwithstanding his fair pretensions, the world was soon convinced that he intended

\* Hutchinson.



tended to reign upon the same principles which had brought his father to the scaffold. His intention with regard to the colonies, was, to reduce them to the plan of twelve royal provinces, according to the ideas adopted by his father, in 1635, and to have a viceroy over the whole. According to this plan, he sent commissioners over, in the year 1665, with authority to reduce the Dutch settlements on the Hudson ; to settle peace, and to establish good government in the colonies. Colonel Richard Nichols, who was afterwards governor of New York, was joined with Sir Robert Carr, George Cartwright, and Samuel Marverick, in the commission. The Dutch settlements at New York, Albany, and other places, were subdued by the English in that year ; and the commissioners turned their attention to matters of government, but met so warm an opposition from the general court of Massachusetts, that nothing was done there. More attention was paid to them at Rhode Island and New Plymouth colonies.\*

With those commissioners, came over one Archdale, as agent to Gorges, the son of Sir Ferdinando ; and brought orders under the sign manual of the king, to restore to Gorges his patent, which the Massachusetts government, "had shamefully encroached upon in the time of the civil wars."†

The commissioners, finding nothing to do in Massachusetts, went into New Hampshire, and finally, into the Province of Maine. Their intention was to maintain the twelve governments of 1635 ; and the king appointed his brother, the Duke of York, afterwards king James II. viceroy of the country. The exercise  
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\* Hutchinson.

† Josselyn's Chronology.

of this government was not extended to any other places, than to the Province of New York and to the Province of Maine, and the territory east of it, then called the county of Newcastle.

The attempt was, to consolidate the Province of Maine, and the other eastern division, into one government. The court holden by the commissioners, was at Sheepscott, fifteen miles east of the Province of Maine; where they appointed a number of those persons, who were firm royalists, and who lived within the Province of Maine, in Scarborough, York, and Kittery, justices of the peace, under the duke of York's government; and established admiralty and other courts within the same. There is no record of any of the people who lived on the west of Kenebeck river, having come in, and taken the oath of allegiance to the duke's government, but a great many east of that river did. There are some extracts from the records of that proceeding, which shew, more particularly, what was done at the first court under that government. The extracts are as follows.

“The rolls of such acts and orders, passed first sessions, holden in the *territories of his highness duke of York*; on the eastern and northward side of Sagadahock; and extending to Nova Scotia. Holden at the house of John Mason in the River Shipscot, this 5th day of September, in the seventeenth year of the reign of our sovereign lord the king; Anno Domini 1665.

Henry Jocelen, Esq. Mr. Robert Jordan, Mr. George Monjoy, Capt. Nicholas Raynalds, Mr. Thomas Gardiner, Mr. Wm. Dyer, appeared in commission, and declared their acceptance of the office and duty, by  
taking

taking the oaths of allegiance and supremacy, as also that of a justice of the peace.

The inhabitants by letter admitted, and accordingly appearing, who to take the abovesaid oath of allegiance and supremacy, to and under our sovereign lord the king, are as under listed.

*Of Pemaquid and Winnegance.*

Henry Chamnefs,	George Buckland,
Edmund Arrowsmith,	Mr. Thomas Albridge.

*Of Monhegan.*

None.

*Of Capaneldagen.*

None.

*Of Sheepscot.*

John Mafon,	John Tayler,
Thomas Mercer,	John White,
Walter Phillips,	William Markes,
Nathaniel Draper,	Robert Scott,
Christopher Dier,	Andrew Stalger,
William Dole,	Moses Pike,
William James,	Thomas Gint.

*Of Sagadahock.*

Richard Hamons,	John White,
Thomas Parker,	Markes Parsons,
Robert Morgan,	John Miller,
Thomas Watkins,	William Friswell.

A true copy from Sheepscot record, examined per  
J. Willard, Secretary.

Jossylyn lived at Black Point, Jordan lived near by him, Dyer lived at Saco, Montjoy at Casco, Robert Cutts at Kittery, and Joshua Scottow at Black Point. Others whose names are not mentioned, in the above extract of the records, to wit, William Phillips of Saco, and John Wincall of Berwick, were in the appointment.



The republican party, or as they were more generally called, the Puritans, did not come in on the call of the commissioners, but were still under the influence of the Massachusetts. This is complained of by Josselyn in his second voyage, wherein he says, that the magistrates of the Province of Maine, meaning no doubt, those appointed by the commissioners, were royalists, but that the others were perverse spirits. He also observes, that Massachusetts had encroached on the province of Gorges, and that the people seemed willing to join them; "Birds of a feather will rally together," was his ill-natured remark.

The oath administered by the order of the commissioners, to the magistrates, was as follows, "You swear as a justice of the peace in the Province of Maine, you shall do equal right to the poor and rich, after the laws and customs of England, according to your cunning and power. You shall not be of council to any party. You shall not let for gift, or other cause, but well and truly you shall do your office of a justice of peace."

The commissioners issued a religious constitution, which was as liberal, at least, as what they had proposed to Massachusetts when they first arrived. Josselyn was appointed to decide, when the justices, including himself, were divided in their opinion, and the side he gave his vote on, prevailed on such division. This is the only institution of the kind which has ever been in the country or in England. The planters were to remain in quiet possession of their lands; and commissioners were appointed to hear and decide on the claims within the jurisdiction. Edward Rushworth, who had long  
been

been recorder in the Province of Maine, was ordered to give up the records in his possession.

There were courts held at Falmouth, under the authority of the government, but the Massachusetts charged the commissioners with fomenting disorders in the eastern parts, and had influence enough with the people, to prevent a court from being held by their authority further west than Casco.

The courts at Saco and York, still claimed jurisdiction on the east of Kenebeck River.

The principal influence of the duke's government, was at Sheepscott, and Pemaquid. What is now called Newcastle, anciently Sheepscotte, was, under that government, called Cornwall, in the county of New Castle : all the lands there, were bought of the Indians by John Mafon ; but governour Dungan, who was governour of New York, as well as of the eastern country, granted a great part of the territory over again. The deeds serve to shew the nature of the government under which the same were made ; a specimen of which has been already given, under the chapter of *Grants of Land by Europeans*

There is a mystery in the proceedings of this government, which it is impossible, from any documents now remaining to explain ; a number of the magistrates who appeared at the duke of York's courts on Sheepscott River, were inhabitants of the territory west of the river Kenebeck, and without the claim of his authority over Acadie. It may be conjectured, that when they appeared there to take the oath of magistracy, before the commissioners, that their appointment was for the Province of Maine only, and that they only went to Sheepscott to be qualified.

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The precepts issued by the justices on Sheepscott River were confined in their direction to the officers on the east side of Kenebeck River ; and no record of any precept which was issued under the authority of his royal highness on the west side of that water is now to be found.

The governments of the New England colonies were a check and an impediment, in that early day, to the strides of monarchy. The principle of an hereditary authority, is easily established in the moment of conquest, over a conquered people ; but the New England colonies may emphatically be said to be *born free*. They were settled originally upon the idea, expressed at this day in all their forms of government, that “ all men are born free, equal and independent.”

There is an original writ of *capias* existing, which was issued under the government of the duke of York, in the territory of Acadie ; it is in the words following.

“ To the constable on the eastward side of Kenebeck River, or his deputy.

“ By virtue hereof you are required in his majesty’s name, and under the authority of his highness the duke of York, to apprehend the body, or goods of Christopher Lawson, and to take bond of him to the value of one hundred and twenty pounds, with sufficient surety or sureties, for his personal appearance at a special court to be held at Arrowlike, the 27th of this present November, then and there to answer to the complaint of Edmund Dawner, for not yielding a debt due by bill, bearing date the 3d day of June, 1665. Hereof you are not to fayle, as you will answer it at your peril, and so make true return, under your hand, dated this first day of November, 1665. Nicholas Raynal, *Jus. Pacis*.

*The*



*The Return.* “ I have attached the body of Christopher Lawfon, and have taken bail for his appearance at the next court, to answer to the complaint of Edmund Dawner, in an action of the case. This is a true return, Richard Lemons, *constable*.”

Governour Dungan, the agent of the duke of York, removed many Dutch families from the banks of the Hudson, to his new province on the Sheepscott; They tarried there, until the settlements were broken up by the wars which were soon after commenced by the Savages.

The government under the duke, had never much energy or force in it, and would very soon have been subverted by the Massachusetts, if the measures pursued in England, in order to take away the colony charter, and the hostilities of the natives in this country, had not prevented it.

In the year 1671, the general court of Massachusetts took measures to ascertain the eastern boundary of their colony, and Thomas Clark was appointed agent in the business. He appointed George Mountjoy to run the line. Mountjoy made his return in 1672; by which the eastern line comprehended the territory one mile and three quarters east of Damariscove, a part of Pemaquid, and most of George's Island. This was done to furnish a pretext for opposition to the duke's government, and extended so as to comprehend the seat of it. The grant to Elbridge and Aldsworth, from the council for the affairs of New England, gave Pemaquid, whereon the patent of twelve thousand acres was located, the reputation of being within New England. This furnished a strong argument

ment for opposing the charter of Massachusetts colony to the claim of the royal prerogatives over that land.

There is, and always has been, something in the sentiments of the Americans, more especially with those of the northern part of the country, peculiarly opposed to monarchy. The same principles which have been supported with success here, have been urged in other countries, by the wise men, and the philosophers ; but it has so happened in Europe, that the body of the people have been lost in ignorance and superstition ; and have not been possessed of information sufficient to enable them to practise on the doctrines inculcated. In our country, the public schools, the advantages of education, and the elevated hopes of enjoying the rights of freemen, have given, to public measures, a tone, by which those of other nations have never been influenced or conducted.

The process against the charter of Massachusetts, by which it was vacated in 1686, gave that colony a permanent check, in its zealous measures, for the extirpation of a royal government, in the eastern part of New England. Besides this, the distresses of the Indian wars, from 1675 to 1692, rendered the country of very little consequence, either in Great Britain or in Boston. The country was nearly broken up in 1676, and entirely destroyed in the year 1690. To this, it may be added, that there were reasons to apprehend, that the country might be again ceded to the crown of France. But when the royal charter of 1692, was issued, the opposition to royalty was lost for a while in the love of that toleration which the charter guaranteed to the people of the Province.

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In Acadie there was another territory east of the then county of New Castle, which was not comprehended within the duke's Province of New York. This was, perhaps, the ancient Norumbegua. It extended from Pemaquid to St. Croix, comprehending Mount Mansel or Mount Desert, and the territory of Penobscott. The French were, with the Indians, in possession of that part of the continent, until they were removed after the year 1692, by Sir William Phips, the first governour of the Province of Massachusetts, under the charter of William and Mary.

It was there, that the people of New Plymouth erected their trading house in 1627, which was taken by the French, was afterwards taken by the Dutch, and retaken by Sedgwick under Cromwell. There de la Tour and d'Aulney, attracted the attention of the American colonies, there the baron Castine taught the natives the European art of war.

When the revolution of 1688, took place in England, the eastern country was in a wretched state of warfare, and before the year 1692 was intirely depopulated. And therefore the incorporating it with the province of Massachusetts, was no real advantage to that government, otherwise than as the people there, wished to avoid having a regal government established in that part of the continent.

The government of New Plymouth, over a part of the Province of Maine, and a part of the country of Acadie, is next to be considered.

The council for the affairs of New England, had granted to the colony of New Plymouth, in the year 1629, a tract of land on both sides of the river Kennebeck, extending fifteen miles on each side the river.

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The limits of the patent, as has been before observed, were finally restricted to a line drawn east and west through that part of the waters of Cobbissecontee, which is nighest to the sea ; but there is a certainty, that the original patentees considered the patent as lying on the sea shore.

The government took possession of the country at the mouth of the river, and erected a fort on the west bank of the same, and on the margin of the sea, in the year 1634. In Winthrop's Journal it is mentioned, that as governour Winslow, in that year, was walking on the wall of the fort, an Indian attempted to kill him, but was prevented by his going down before the Indian had taken his aim.

The remains of the fort, and of the houses erected there, and a number of wells which were sunk for the use of the plantation, remain there now.

In the year 1634, one Hoskins came in a vessel to trade in the river. The two magistrates of the colony of Plymouth, who resided on the river, to superintend the government, forbade him, and on his persisting to trade with the natives, sent a party to cut his cables ; upon their attempting to do it, he shot one of them, whereupon the others killed him. A kinsman of Hoskins complained to the general court of Massachusetts on the occasion : on that complaint, the court ordered John Alden, one of the magistrates, who was present when Hoskins was killed, and had given orders to cut the cables of his vessel, to recognize for his appearance to answer for the offence ; and wrote to the government of Plymouth to certify whether it would take cognizance of the matter, and do justice in the case. The man who was killed by the Plymouth people, was

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at Kenebeck, under the license of the lords Say and Brooks, and Massachusetts was afraid that the outrage, if it should go unpunished, would draw on New England the resentment of the king, and be an excuse for the appointment of a general government.\*

Soon after that event happened, Mr. Bradford, and Mr. Winslow, two of the magistrates of Plymouth colony, with Mr. Smith the minister there, came to Boston upon the affair of Hoskins' death. It was considered by the pastors, and government in Boston, to be a scandal to christianity, to shed human blood on a question respecting the right to trade for beaver. And the magistrates and pastor from Plymouth came to confer with those in Boston upon the case, as a case of conscience. Mr. Winthrop, Mr. Cotton, and Mr. Wilson, met them on the occasion, and finally, after prayer, searching the scripture, and attending to all circumstances of the case, they concluded, that it was excusable, inasmuch as Hoskins would have killed some of their people, if he had not been killed himself. Governour Winthrop wrote letters of excuse for them to England, and thus ended the matter.

There was a tribunal of justice, erected at Kenebeck, with an appeal to that of the government of Plymouth. In all things the old government treated that on the river, as a colony or province, under its own government ; and an oath was exacted under pain of banishment, of the magistrates and people, who went to trade or inhabit within the patent, that they would bear true faith and allegiance to the government of the colony of New Plymouth, and that they would render a due obedience,

\* Winthrop's Journal.

obedience, as well to the laws, as to the orders and decrees of the magistrates.\*

The patent granting lands on Kenebeck, to the colony of New Plymouth, was dated in January, 1629. Livery of seizen was made by John Alden, the agent of the council, in the same year.

The government of New Plymouth was so remote, that its force become inadequate to the exigencies of the plantation of Kenebeck, and therefore, in the year 1649, a new measure was adopted, from which more efficacy was expected. The general court, on the 8th of June, appointed a committee to "let the trade at Kenebeck." The committee accordingly did let the same to William Bradford, Edward Winslow, Thomas Prince, Thomas Willet, and William Paddy, for the term of three years. It is added, in the record of the proceedings, that these tenants should have the trade as they had before had it, which is expressed in the indenture, to be for fifty pounds sterling a year. This contract extended to the year 1652.

In the year 1652, the trade was sold to the same men for three years longer : but there was a condition annexed to the indenture, which obliged the lessees to stay in the country themselves, and the trade was forfeited to the government if they should leave the river. Whether the colony was alarmed by the claim of Massachusetts or not, does not appear. In that year, an actual survey of Massachusetts' east line, was made, which carried their patent no further than to Clabbord Islands in Casco Bay. But John Parker had purchased Rousegan Island, and the land on both sides of the mouth of Kenebeck River, in the year 1649, and Jeremysquam,

\* Old Colony Records.



mysquam, which was within the patent, if it came down to the sea, had also been purchased of the Indian, Rogomock, by George Davie. It is very evident, that the colony was alarmed by such proceedings, and found that a government within the patent was necessary ; for in the year 1653, on the 7th of March, the general court came into these proceedings.

“ Whereas fundry have intrenched upon the liberties of the trade belonging to Kenebeck ; and whereas also, letters patent have been granted, and sent over from the honourable court of parliament, and council of state ; thereby giving and granting unto this jurisdiction the aforesaid liberty of trade in the aforesaid river with enlargement, as also requiring that such due course be taken, as that the English, residing in said river, shall be orderly governed and carried in a way of peace for their common good in civil government. The court taking these premises into due consideration, did constitute, authorise, and commissionate, Mr. Thomas Prince, one of the honoured magistrates of this jurisdiction, with full and ample power to summon all, and every of the inhabitants, as he shall see meet, dwelling within the aforesaid river Kenebeck, unto some convenient place, to receive from him such instructions, and orders extant, which he hath received from the aforesaid general court ; full power to require their observance ; with full power also to assemble unto himself, any person or persons whatsoever, to be assistant unto him in the premises.”

The instructions were, 1. That the people should take the oath of fidelity, to the state of England, and to the government of New Plymouth. 2. That “ he acquaint them, with the body of laws of the government,

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ment, and that the intention was not to expect their strict observance of every thing peculiar to ourselves; but considering the distance of the place, we do allow them liberty to make choice of such to be assistant as we shall approve of, for making such further orders as may best conduce to their welfare." 3. "None were to be inhabitants there, but such as should take the oath of allegiance." 4. "None could vote for an assistant, but such as should take the oath."

The oath required, was in these words, "You shall be true and faithful to the state of England, as it is now established, and whereas you chuse at present to reside within the government of New Plymouth, you shall not do, or cause to be done, any act, or acts, directly or indirectly, by land or by water, that shall, or may tend to the destruction or overthrow of the whole or part of this government, that shall be ordered, erected or established; but shall contrarywise, hinder, oppose, or discover such intents and purposes, as tend thereunto, to those that are in place for the time being; that government may be informed thereof with all convenient speed; you shall also submit, and observe all such good and wholesome laws, ordinances and officers as are, or shall be established within the several limits thereof, so help you God, who is the God of truth, and the punisher of falsehood."

In May, in the year 1654, Thomas Purchase, John Stone, Thomas Ashly, John Richards, James Smith, William James, Thomas Parker, John White, John Brown, William Davis, Thomas Webber, Thomas Atkins, James Cole, John Parker, Emanuel Hughs, and Alexander Thaways, took the oath of allegiance to the government. After being thus qualified they made  
choice

choice of Thomas Purchase as an assistant and John Ashly for constable.

Purchase lived near the head of Stevens' River, in what is called New Meadows, within the town of Brunswick, and had obtained a deed from the Indians of what is called the Pejepscott claim, on the river Androscoggin. John Parker had obtained a deed of the land whereon he lived, at the mouth of Kenebeck. How those men could take the oath without surrendering their title is not easy to determine, but some compromise was then had, by which the government was made easy; and the jurisdiction being soon after abandoned, the patent sold, and Indian conveyances countenanced, the descendants of these men held by their Indian deeds.

There very soon arose an uneasiness in the colony of New Plymouth, respecting the selling the trade on the Kenebeck River. The people had possessed high expectations, with regard to the profits which might arise, as well from an exclusive right to trade with the Savages, as from the fishery there. Bradford, Winslow, and Prince were the chief men in the colony, and had been the lessees of the trade. There is always, in every free government, a jealousy of men in power, and the officers, though dependant on the people, have, too frequently, by some part of the community, the worst motives assigned for their most patriotic actions. This has always been produced as an objection to a popular form of government; and a late learned writer has, perhaps without intention, to prove that, which we all wish did not exist, produced a multitude of instances which have happened in past ages, and in other nations, to shew, that virtue, patriotism, and valour, have

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generally, in popular governments, been rewarded by disgrace and calumny. But if mankind were so perfect, as that the whole of the people could observe merit without feeling envy, and exalted virtue, without wishing to lessen the glory of it, perhaps there would be no need of any kind of government. If good men suffer in a republic, they are as liable to be injured in a monarchy.

The jealousy of the people had raised itself to such a pitch, against Bradford, Prince, and the assistants, that in the year 1655, a special warrant was issued to every town in the colony, requiring them to send their minds to a general court, to be held on the fifth day of March in the same year, "to treat and conclude about the letting of the trade in Kenebeck." The trade was that year set at thirty five pounds per annum, "to be paid in money, or moose, or beaver, at the current price." The lease was for seven years, and the rent to be paid half yearly, during which term Bradford, Prince, and Willet, the lessees, were, "to improve the trade to the best advantage to themselves and the country."

"It was further agreed by the parties above expressed, that notice should then be forthwith given to the several towns, that in case they or any of them should dislike what was done as abovesaid, they should send in their dislike thereof in fourteen days after this court."

There does not appear to have been any objection made to the contract; but the next court exhibited transactions which fully evinced the uneasiness and disappointment which prevailed. In July, 1655, a committee, was appointed, consisting of "Josias Winslow, sen. Josias Winslow, jun. Mr. Hinckley, and Robert Stutson,

Stutson, to meet with the magistrates, to treat with them about letting the trade of Kenebeck, and about regulating the disorder of the government there ; and also to take the accounts of the treasurer, and Mr. Paddy, in behalf of the country, and also to take order for the securing the country's powder, and to take order for mending of Jones' River bridge, in behalf of the country."

This proceeding shews that the government, or rather the people, became discouraged as to improving the patent. The next year there was a vote obtained, for letting the trade at the rate it was set at before.

In the year 1659, their hopes seemed to be intirely given up, and the project of improving the colony was at an end.

On the 7th of June, in that year, Thomas Prince being governour, the following proclamation was issued by the governour and assistants. "Forasmuch as we have good information, that things are in such a posture at Kenebeck, in reference to some troubles among the Indians, some of them being slain, some carried away, and thereby also discouraged, that there is a present desisting from their hunting ; and so a cessation of trade, whereby such as have rented the trade of the country, are so far discouraged, that they see, and it probably appeareth, that they will not only be disabled for paying the expected rent ; but will be likely to suffer great losses ; and do also fear they may be forced wholly to desist and to call home their estate there ; whereby the trade may be endangered to be lost for the future, if some course be not taken about it : The court do therefore recommend it to the severall townships' consideration, and desire they would

depute some in whom they can trust, to signify their minds at the sittings of the general court in October next, and to impower them to act on the premises."

At the court in October, 1659, the deputies agreed to let the trade at ten pounds, for that and the next year, and the reason given for reducing the rent, was the troubles among the Indians. The contract was in these words. "That the rent of the said trade for the year 1659, fully complete, on the first day of November, shall be ten pounds." And they were to leave "said Kenebeck trade, free without engagement, unto the countries dispose as they should think meet; not leaving above five hundred skins in debts to be required of the Indians."

What the uneasiness was among the Indians, at that period, which urged the colony to these measures, is unknown. There is no historian who has given in an account of a war with the natives in that part of the country, before 1675. Hubbard relates, that on an apprehension of an intention in the Savages, to commit hostilities, about the year 1665, it was agreed by them, and the English, who settled under Aldsworth's Patent, that a court should be established to try the question, and settle the dispute.\*

By the foregoing resolve, it appears, that the colony began to entertain thoughts of relinquishing the government on Kenebeck. The people did not go into the idea of establishing plantations, but gave all their attention to the peltry trade, and and the river fishery.

The opinion in favour of purchasing from the Savages had become so general, and had gathered so many advocates in its favour, that the grants, under a government

\* Hubbard's History.



government involved in an unhappy civil war, did not engage the body of the people, as supporters. The attempt of an exclusive right to trade, was alike disgusting to the Savages and the white people ; for there never was an instance, where such right was exercised without oppression. The men who became the tenants of this extraordinary privilege, were few in number, and while all the people were jealous of them, they made but little by the kind of commerce which they pursued. The question of the extent of the patent was agitated, and the people without its limits did not regard the laws or regulations of the government.

In the year 1660, the towns sent in their deputies, with full power to act respecting the trade on the Kennebeck, and when they were assembled, it was agreed, “that any former agreements, notwithstanding, it shall be lawful for the governour, and his partners, *things being as they are*, to call home their estates and servants there, when they shall see cause ; and that on the other side, it is also mutually agreed, that the country, or any that they shall allow of, may at present, or when they please, go and make some beginning of trade there, notwithstanding any bargain with the partners to the contrary, and, that if five hundred pounds sterling can be obtained for the country’s interest there, it shall be sold.”

Major Southworth, Constant Southworth, and Comett Stutson, were appointed a committee to sell the patent. The record of the proceedings in this part of the business, appears to be that of the general court, but the order for selling is signed by eleven men who call themselves a committee. The next year the patent was

fold to Tyng, Brattle, Boies, and Winslow for four hundred pounds sterling.

From the sale of the patent, to the year 1750, there were no measures of consequence attempted by the assignees, nor did they ever attempt to exercise any powers of government; but the powers granted by the original charter were vacated, if not by the acts in the reigns of Charles I. and Charles II. yet the pretence of civil authority in the assignees, was totally overthrown by the charter of William and Mary to the Massachusetts in 1692.

The territory on the west of Sagadahock, or Kenebeck, has been under a variety of contending powers, which must be considered all together; and in order to understand the changes and incidents of the governments which have taken place there, it will be necessary to consider the transactions of all, according to the times in which they happened.

In the year 1622, the council for the affairs of New England, granted to Mason and Gorges, the lands from the river Merrimack to the river Sagadahock; under this grant, a number of persons were sent over in the year 1623; but there were no regular settlements, of any consequence, made before the year 1630.

In the year 1630, there was a grant of the council of Plymouth, to Dye, Smith, and others, of a tract bounded westerly on Cape Porpoise, and extending easterly to Cape Elizabeth, and extending forty miles into the country. The patent was described as partly lying on the west side of Sagadahock, by which, no doubt, from other descriptions, was intended the river Saco. In the year 1631, there was a vessel fitted out with ten planters, which arrived at the river in July; but  
they

they did not like the place, and went to Boston, and from thence to Watertown.\*

The land on the west side of Saco, is very unpromising, rocky and hard, and it cannot be wondered at, that people coming from England should be discouraged. The patent granted to Dye, Smith, and others, was taken with an intention to pursue the business of agriculture, in some measure, as well as of trade and the fishery. The vessel which came over in 1631, was only sixty tons burden, and drew ten feet of water; she was called the Plough. The idea of agriculture was treated with contempt, by some of the adventurers of the day, and the patent was, by way of ridicule, called the Plough Patent.

Gorges had a government, or an authority, in the year 1636; one Bradbury in that year sold five hundred acres of land to John Johnson. This deed appears to be made by Thomas Bradbury, as agent to Sir Ferdinando.

The government had no efficacy, and the idea of a general government over the twelve districts of New England, caused the small share of authority which had existed, to lessen exceedingly; but as the new general government was to be founded upon a vacation of the charters, and as the same danger comprehended and embraced all the charters of corporations in England, there was great opposition to the measure, and the royal court found it impossible to carry those plans into execution.

The people being in distress for the benefits of a government, entered into combinations for civil societies in several parts of the country. There was one on the north

\* Winthrop's Journal.



north side of Piscataqua, river, including the plantations of Piscataqua, now Kittery, and Accomenticus, now York.\*

Mr. Neal had been sent in the year 1630, by Gorges and Mason, to be their governour at Piscataqua : he granted a great quantity of land, in what is now Kittery, but returned to England in the year 1635 ; and there was no government after that, but what arose from the voluntary and inefficient agreements of the people.

The people on Saco River, who had settled on the patents of Vines and Oldham, Lewis and Benython, and in Scarborough on the grants to Josslylyn and Cammock, came into similar associations. In the year 1636, there was a court held at Saco, at the house of John Benython, which was on the east side of Saco River. Several persons were fined for drunkenness, and others punished for other immoralities.† The court was said by the records to be holden under the authority of the province of Lygonia, which was, no doubt, the government of the Plough Patent. These courts were continued until the year 1640 ; but this government was weakened by the attempt of a general government : though the intended division of New England into twelve provinces, would, if effected, overthrow the civil authority, granted by the charters of James I. yet the titles to the lands would remain untouched. The proprietors of the Plough Patent, or the government of Lygonia, appear to have been discouraged until the year 1643, when the province of Lygonia was sold to Alexander Rigby, who sent his agent over, as will be related hereafter.

The

\* Belknap.

† York Records.

The want of civil authority within the territory, naturally introduced vagabonds, lewd and disorderly persons, and those who fled from the claims of justice.

Gorges finding that his plan for one general government over twelve districts, could not be carried into execution, and finding that his province would soon come to destruction, procured a charter separate from that which he had jointly obtained with Mason, and which is in the Appendix.

King Charles, in that patent, gave to Gorges, more and greater powers, than had ever been granted by a sovereign to a subject. He enjoined little else in particular, than an establishment of the Episcopal religion. The officers whom Gorges appointed by his commission, of the tenth of March 1639, was, Thomas Gorges, Esq. who lived at Accomenticus, Richard Vines of Saco, Henry Joslylyn of Black Point, Francis Champernoon of Piscataqua, now Kittery, Richard Benythton of Saco, who was his nephew, William Hook of York, and Edward Godfrey of Kittery. These men were counsellors for the due execution of the government, according to an ordinance annexed to the authority delegated in the commission.

The territory was then called the Province of Mayne, by way of a compliment to the queen of Charles I. who was a daughter of France, and owned as her private estate, a province there, called the Province of Meyne, now called the Province of Maine. But since the general government has made our territory a district, it has lost one of the letters which formerly was used, and is now called Main. The commission and ordinance is in the Appendix.

The

The commissioners under Gorges immediately put the government into exercise ; and the people on the west side of the territory readily submitted to the force of it.

The first general court was held at Saco, in June 1640 ; at which several officers were sworn, and the government appeared to be completely organized. John Winter, has been mentioned as the agent of Mr. Trelawney ; he was indicted at this court for extortion. This idea was taken from the Massachusetts colony, wherein the laws made it criminal to take more than five per cent. advance in trade : that kind of prohibitory provision, however unsuitable it may appear, in a day when commerce has arrived at maturity, and become a general business, was necessary to the infancy of the country.

The proceedings in this court, as preserved in the records of the county of York, appear to be very regular. The inhabitants of Accomenticus appeared, and claimed some privileges, and spoke of grievances, but the only trouble which moved their exertions, was the courts being carried to Saco, instead of being held at York.

The courts were kept up in usual form until the year 1646. In the first court held at Saco, there were a number of officers appointed ; amongst the others, Robert Sankey was appointed provost marshal ; Nicholas Frost, constable of Piscataqua, Michael Mitten, constable of Casco, John Wilkens constable of Black Point.

At this court in 1640, the people of Piscataqua, now Kittery, petitioned to be relieved of the burden of going to Saco to court ; and it was ordered that they  
might



might attend at Accomenticus, and that they should not be compelled to go to Saco. But it was necessary to have a court at Saco, as an exercise of Gorges' government in opposition to another under the Plough Patent. There was a court holden at Accomenticus in September 1641, when George Burdet, who had fled from Exeter, and had resided at Accomenticus, in the character of a preacher, was, on a charge of adultery with the wife of one Purington, found guilty, and fined ten pounds sterling.

In 1645, there was a court at Saco, in which John Trelawney, who then was of Piscataqua, impleaded John Winter in an action of account, respecting the fishery at Richmond's Island. The cause perhaps was not finished until Winter died, which happened soon after.

There were several other trials of a criminal, as well as of a civil nature, the description of which might be amusing at this day, but the public cannot have much interest in the relation of the crimes or the forms of process, by which the perpetrators were brought to punishment.

We may now return to the government of Lygonia. We have mentioned the patent made by the council for the affairs of New England, to Dye, Smith, and others, in the year 1629 ; and that a vessel called the Plough, brought over ten persons for settlers thereon, in the year 1631, who declined settling, and went to Boston, and from thence to Watertown. We have also mentioned, that patent under the head of *European Grants* ; and in the description of Arundle have taken notice of sundry grants of land sold by George Cleaves, as agent to Sir Alexander Rigby.

Governour

Governour Hutchinson has confounded Lygonia with the Province of Maine ; but had he revised his history, he might, in some measure, have distinguished the two governments. The confusion has arisen from not understanding, that any other river besides that of Kenebeck, was called Sagadahock. The grant to Vines and Oldham, where Biddeford now is, was of lands on the west side of Sagadahock ; and the lands to Benython and Lewis, was on the east side of the same river ; but the patent is well known at this day, and is in Pepperelborough, and Scarborough, on the east side of Saco River. From these facts it clearly follows, that the council for the affairs of New England, called the river, which we call Saco, by the name of Swagadahock. The plantation on the banks of this river was called Saco, at an early period, and the ancient name of the river, was at length lost in the name of the settlements on its banks.

The grant of the province of Lygonia to John Dye, John Smith, Bryan Brincks, and others, is of “ two islands in the river Sagadahock, near the south side thereof, about three score miles from the seas, being under the 43d and 44th degrees of northern latitude.” There are no such islands in any river of the Province of Maine, or in the country of Acadie.

The tract of land of forty miles square, of which the province of Lygonia was to consist, is to “ extend south of the river Sagadahock to Cape Porpoise.” As that cape is on the south side of Saco River, there can be no need of a further search for the river. The patent was to extend east on the sea forty miles, to Cape Elizabeth, including the two capes ; which will give between thirty and forty miles on the sea coast, and might  
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in those days be considered as full forty miles in extent ; for indeed the people in England were very ignorant of the geography of the country.

The acts of possession done, the grants made under the province of Lygonia, the claims supported, and the acts of its government, prove beyond a controversy, that the province extended from the west side of Cape Porpoise, to the east side of Cape Elizabeth, and forty miles back from the sea.

An ancient manuscript found in governour Hutchinson's collection of papers, and which it is probable led him to confound Lygonia with Gorges' patent, mentions, that in the year 1630, Bryan Brincks, John Smith, and others, went into New England, and settled themselves in Casco Bay, near unto the south side of the river Sagadahock, and laid out several sums of money there, made laws, and constitutions, &c. for the governing said province. In the year 1630, the colony of New Plymouth was in the possession of the lands on the south side of the Kenebeck, and the name of Smith or Dye, was not known there, or at Casco ; but there has ever been people of the name of Smith and Dyer, on the south side of Saco River.

This appears to be an English manuscript, from the mode of expression, " Bryan Brincks, John Smith, and others, went into New England." This may probably be the same company which governour Winthrop mentions in his Journal, to have come in the year 1631, in the vessel of sixty tons called the Plough, and Smith and Dyer, might have tarried in the province, and the others have come to Boston. There never was any person by the name of Brincks, inhabiting within the District.



The seventh of April 1643, Dye, Smith, and others, the survivors of Bryan Brincks, and others, granted the province of Lygonia to Alexander Rigby, of the county of Lanester, Esq. in fee simple, and delivered him the patents and the deeds of conveyance.

Governour Winthrop gives us this account of Rigby's character. "One Mr. Rigby, a lawyer and a parliament man, wealthy and religious, had purchased the Plough Patent, lying at Sagadahock, and had given commission to one Mr. Cleaves, as his deputy to govern the people there."

Cleaves came over, and landed at Boston in the year 1643, and being apprehensive that he should meet with opposition from the governour and council of Gorges, applied to the general court of Massachusetts for aid and support. This he expected to succeed in, because Rigby, his principal, was on the side of the parliament, against the monarch Charles I. to whom Gorges was devoted. He could not prevail on the general court at that critical moment, to aid him, but the governour wrote to the men in power, in his own name. Thus the colony took care not to offend the royal party by taking a side with the others, nor did they offend the republicans by refusing their aid to Rigby, who was much respected. The letter of the governour did not avail any thing in Cleaves' favour, for when he arrived at Casco, and proclaimed his commission as deputy governour of the province of Lygonia, Richard Vines,\* and the other gentlemen of Gorges' government, which clearly, by its description, comprehended, the whole of Lygonia, called a court at Saco, in opposition to the  
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\* This agent is called Umes, in Hubbard's history, but this must be an error of the Press.

one called at Casco by Cleaves. The Province of Lygonia had been granted by the council for the affairs of New England, under the charter of James I. but Charles had recalled his father's charters in the year 1635, and as Gorges expresses it, in his second commission, issued in the year 1640, had taken all the governments into his royal direction, and had, in 1639, granted to Gorges the Province of Maine, which included Lygonia. The parliament contended, that this was an undue exercise of the royal prerogative, and void in itself. And the royal party contended in favour of the measure, as good and legal, because that king James was deceived in his grant.

Upon this question, the people were divided, not upon any principles of legal reasoning, but on ideas resulting altogether from political considerations, and the affections of party. The republicans determined to adhere to, and support Mr. Cleaves, and the royalists were in support of Gorges. The party who supported Cleaves, knew that Massachusetts was on their side, and therefore offered to submit the contest to the decision of that government for the present. Of this offer one Tucker was made the bearer; but when he had arrived from Casco to Saco, Vines and his party threw him into prison, but finally took bonds for his appearance at Saco court, and for his good behaviour.

Cleaves had finally, only thirty persons who supported him: with them he made application to the magistrates of Massachusetts, offering his government as one of the confociation of the united colonies, and praying to be assisted against Vines and his party. Vines was steward of Gorges' government, and probably, as Thomas Gorges had then gone to England, was presi-

dent of magistrates ; but his government was not associated with the united colonies. Had the magistrates of Massachusetts, taken a part either way, they might have drawn the vengeance of the prevailing party upon them ; they therefore answered Cleaves, that they could not, by the existing confederation, receive such as were in the church of England communion ; and thus Rigby's government was excluded, though he was of the republican party in England.

Soon after this, Vines came to Boston himself, to make friends of the magistrates there ;\* but as they had then conceived an idea of extending their patent over the whole of the territory of the contending parties, this furnished an additional reason for their preserving a neutrality.

The people of Kittery, York, and Wells, had nothing to do with the controversy, as they were clearly without the Province of Lygonia. Cleaves had therefore, in Saco, Cape Porpoise, and Black Point, only a party equal in number to that which supported Vines.

There are records remaining, by which this controversy can be accurately traced to its end and conclusion : the success of the contending parties in England, gave a tone to these petty governments. When the royal party prevailed, Gorges' province gained strength, and as the parliament obtained success, Rigby's government gained respectability.

There was a controversy between Gorges and Rigby, in the year 1645, respecting their provinces of Lygonia and Maine, and upon a hearing before the earl of Warwick, and the other commissioners, appointed by parliament, for settling the affairs of foreign plantations,

\* Winthrop's Journal.



plantations, who heard the parties and reported that, "the said Rigby is the rightful owner and proprietor of the inheritance, and fee simple, of the said tract or Province of Lygonia, by virtue of the deeds and conveyances, &c. whereby the planting, ruling, ordering, and governing of the said tract or Province of Lygonia, is settled, the same being a territory, or tract of land, containing forty miles in length, and forty miles in breadth, lying on the south west side of the river *Sagadahock*, and adjoining unto the great ocean, or sea called *Mare del Nort*; and further the said committee do order all the inhabitants of the said province, to yield obedience to the said constitution, of the said province, and that upon resistance of the inhabitants, the governour of Massachusetts province shall assist the officers appointed by the said Alexander Rigby."\*

Cleaves himself was an equivocal character, and acted with great duplicity. He obtained a letter of agency from Sir Ferdinando Gorges, acted as deputy governor to both, and sold lands under the title of each, as appears from the registry of the deeds which he executed. In his deed to one Tuckerman, he calls Casco in the Province of New Sommerfett. There was an early mistake in calling the Province of Maine New Sommerfett, which was the county, not the provincial name of the territory.

Sir Ferdinando Gorges' interest sunk commensurately with the fall of the royal prerogative, and Rigby's government increased in power proportionably to the fall of that of his rival. The claim of Massachusetts, was extended as far as Cape Porpoise, as early as the year 1643; and the republican party in the Province of

Maine, who were within that line, supported the claim. The colony of Massachusetts finally prevailed over the whole territory, and quieted the proprietors and settlers in their titles under both the provinces, which were swallowed up by the extension of the charter. The Massachusetts gathered all the records of the judicial proceedings of both provinces into one place, under the care of Edward Rushworth, the recorder. From this circumstance, there appears a mixture of records, under the Province of Maine, and under that of Lygonia. Gorges and Rigby, died about the year 1650, and the government of the latter continued after that of the former was dissolved. One of the last acts recorded in the transactions of Lygonia, is the suit of Robert Jordan, administrator of the estate of John Winter, against John Trelawney. In this suit Jordan addressed his petition in the year 1648, to a court holden at Saco, within and for the Province of Lygonia, under the right honourable Sir Alexander Rigby, president of the said Province of Lygonia; and finally obtained judgment, and by an execution sequestered the whole of the patent which Rigby had made to Trelawney; that land was in Casco, Spurwink, and Cape Elizabeth, and is now a great part of it holden under the extension of that execution. These, and a great number of other judicial proceedings, the records of which remain entire, prove that the Province of Maine, and the Province of Lygonia, though the latter was within the bounds of the former, were different provinces, owned by different proprietors; and that there was a long contention between the governours, the jurisdictions, and proprietors.

After Rigby died, Cleaves proved very unfaithful to the interest of an heir, who was not able to manage his

own

own concerns. Edward Rigby, the heir of Sir Alexander, took no methods to maintain his government, nor was there any thing done by him, or said concerning him, until the year 1652, at which time he addressed a letter to a number of gentlemen who lived within the patent. The letter will exhibit the deplorable situation of the expiring government of Lygonia, and therefore it is inserted.

“To Mr. Henry Jocleing, Mr. Robert Jordan, Mr. Arthur Macworth, Mr. Thos. Williams, as also to Robert Booth, Morgan Howel, John Wadleigh, Jonas Balle, Thos. Morris, Hugh Moscer and to all others whom these may concern these present in Lygonia.

Gentlemen, it having pleased the great Disposer of all things to call out of this troublesome world my dear father, and by this means to entitle me to the presidentship of the Province of Lygonia, and being made acquainted by my father's late deputy president, of several miscarriages and illegal proceedings, which have been acted and done within my province by your instigations and advice, I have thought necessary at this time to acquaint you, that I disrelish your actions and shall not sit down with the wrongs and abuses offered to our authority, without a particular and real submission; and to that end I do require and command both yourselves and the rest that were by commission from my father the publick officers of the province, to desist acting any thing *virtute officii*, yours and your commissioners being determined by my father's death, until you hear further from me, which I assure you, shall be with all possible speed. Truly gentlemen, I am sorry to hear that notwithstanding my father's indulgence towards most of yourselves, in particular, you should still act so



directly against him and his interest, as you do ; but I once again assure you if upon the receipt of this, you do not desist from your private and secret combinations and practices and joyn unanimously with me, my deputy and other officers, for the peace and quiet of the province, I shall take such course as shall not only force a submission, but also a reparation for all your misdeeds. I shall not at present, numerate or particular your misdeeds, and illegal proceedings, nor dispute with you about them, only observe this to you, that I conceive all acts done, either by the deputy president, the six assistants, the judges or any other officer whatsoever which had commission from my father, since his death, which was in August 1650, are void by reason their commission ended with his death. I am not ignorant of some complaints formerly made to my father by some of yourselves and others, and desire that you will be confident, that I shall strive to do equal justice in all things, according to my office and duty : and to the end, that equal justice may be done to all men, I shall, with all convenient speed, not only send back Mr. Cleeve, but a near kinsman of my owne, with instructions and commissions to such as I shall conceive fitting, not doubting but that upon the receipt hereof you will desist from your former illegal proceedings and joyn with such as I shall commissionate. The rest is the respects of him that is your real friend if yourselves be not your enemies. Edw. Rigby.\*"

Soon after this letter was sent, Charles II. was restored to the throne, and of consequence, the influence of Sir Alexander Rigby's heir, was at an end. For none of the families of the members of the old republican

\* York County Records.

lican party dared to appear before the throne, either to demand justice or to ask for favours. In the year 1710, there appeared one of Rigby's heirs, as a claimant, but the land there was the property of Massachusetts, by a purchase from Gorges' heir, and the claim was not attended to.

Thus ended the plough patent, or the Province of Lygonia. When the plan was revived of making a general government over twelve provinces, of which the duke of York was viceroy, no notice is taken of the Province of Lygonia; and in the charter of William and Mary, in 1692, it was comprehended within the Province of Maine, but not mentioned. Usher, in the year 1674, purchased Gorges' province for Massachusetts, which led that government to consider the claim of Rigby's heirs as a nullity. One Tumey was appointed as agent for the heir, in 1710, but he did not effect any thing; all the interest in the country was combined against the title, which was, in the year 1646, so solemnly settled and established by a committee of parliament.

When the decision was had, in March, 1646, by the commissioners of parliament, on the controversy between Gorges and Rigby, respecting their several provinces, and that of Lygonia was established, Gorges had nothing left him, excepting Kittery, York, Berwick, and Wells. Several of the council he had appointed, were within Rigby's government, and were obliged to profess fealty and submission to that. The cause in which Gorges had engaged in England was evidently sinking, and within two years after was intirely ruined. Sir Ferdinando was taken prisoner, and died before the restoration; and there was no representative

of him, who would head the government, which he had established in his province.

The people being left without a government in that part of the country, which was on the west side of Lygonia, again formed a civil combination for their defence and safety.

Edward Godfrey was chosen governour, Richard Leaders, Nicholas Shapleigh, Thomas Withere, and Edward Ristworth, assistants, or counsellors. Rushworth was secretary or recorder. The government of Lygonia was also losing its efficacy, and each inhabitant made rules for his own conduct. There was a general court held in Wells in 1646; which was under the authority of Gorges, and these courts continued to be held at York and Wells, until the death of Charles I. In the year 1649, the combination for an independent government took place by an association of the inhabitants of Piscataqua, Gorgiana, and Wells. The general court was held at Gorgiana in July, 1649. The name of Kittery had been given to Piscataqua plantation, in 1647; and York had been incorporated by Sir Ferdinando Gorges, as a city, in the year 1642.

In the courts held under Gorges and Rigby in their several governments, there was no partition of the judicial and legislative powers; but the general courts made laws, and tried cases, and by their own members caused their sentences to be executed. The same method prevailed, when these governments had lost their power, and the people had entered into associations for civil purposes. The records are filled with curious cases, and more curious laws, whimsically arranged in the books. On the same page perhaps, will be found, a law for the encouragement of killing wolves, and another for the baptism of children. Civil actions and criminal



criminal decided by the general court, and all done in a stile and manner, which may serve to excite ridicule, but can have no tendency to instruct the reader, or to give valuable information to posterity.

In the last combination, the Provinces of Maine and Lygonia were blended, but divided into two districts, for judicial purposes. The west division extended as far east as Arundle, which had been the west side of Lygonia government.

The people, however, were divided and contentious. Their lives and properties were rendered insecure, and they severely felt the necessity of a steady government. Many of them were convinced, that they never could obtain so valuable a blessing without a foreign controlling power. The inhabitants had seen so many changes of government, and had found each one so weak and contemptible, that they had lost all reverence and respect for civil authority and for their magistrates. The Episcopalian party dreaded the tyranny of Massachusetts Puritanism, and knew that the colony claimed the country as far as Rigby's patent. Jocelyn, Benython, and Vines, though they had submitted to Rigby's government, still wished to keep separate from Massachusetts; and having never had a sincere regard for Lygonia, but having some of them been in authority, under Edward Rigby, they wished to get the province to themselves, that they might plunder it as they pleased. Cleaves, who had removed to Wells, procured a petition to the parliament, in 1651, in which a part of the people in Kittery, Gorogiana, and Wells, united for the parliament to acknowledge that part of the country as a separate colony. The petition was as follows.

“ To

“ To the right honourable, the counsell of state, appointed by parliament. The humble remonstrance and petition of the general court assembled in and for the Province of Mayne, in New England, 5 December, 1651. Whereas the parliament have declared, by an act of the 3d of October, 1650, that the islands, and other places in America, where any English are planted, are, and ought to be subject to, and dependent upon England, and hath ever since the planting thereof been, and ought to be subject to such laws, orders, and regulations as are, and shall be made by the parliament of England, and forasmuch as we take ourselves to be members of that grand body, thinking it our greatest honour and safety so to be, freely, and willingly subjecting ourselves unto the present government as it is now established without a king or house of lords, and therefore we begg the benefit of the common safety, and protection of our nation and humbly crave leave to present unto your honours our remonstrance and petition as followeth. Humbly sheweth, that whereas divers of the inhabitants of this province, by virtue of fundry patents and otherwise, have this twenty years engaged our lives, estates, and industry here, and regulated under the power of Sir Ferdinando Gorges, who had these parts assigned him for a province ; now he being dead, and his son, by his great losses, here sustained, hath taken no order for our regement, and the most of the commissioners dead and departed the province, we were forced and necessitated to joyne ourselves together by way combination, to govern and rule according to the laws of England. Our humble request unto your honours, therefore, is to confirm our said power and authority for our better regement, by power

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er from yourselves, that you would be pleased to declare us members of the commonwealth of England, and that we and our posterities may enjoy our immunities and privileges as free born Englishmen, together with the continuation of such other rights as we enjoy as planters, as also equal share of your favours bestowed on the colonies in these parts—Per me Ed. Godfrey, Gov. in the behalf of the general court, vera copia.\*

There were a great number of the people uneasy at this procedure, which was at first a secret transaction. A general court was called on the alarm, and depositions, as appears by the records, were directed to be taken, in order to prove, that Cleaves was the principal in the business. The colony of Massachusetts immediately claimed the jurisdiction, and had interest enough with the parliament to prevent an interference. It was well known, and no doubt strongly represented, that this petition, however respectfully it might be worded, was originated by the adherents to the royal cause, and it was as well known, that the government of Massachusetts was devoted, from principles of religion and politicks, to the parliament side of the question, and therefore, there was no attention paid to the petition.

As soon as the people in the Province of Maine, had been defeated in their attempt to gain the attention of parliament, as a government, the colony of Massachusetts became determined to subjugate the colony. This they considered as necessary for divers reasons, some of which had, and ought to have had great weight and consideration: amongst which, was that of preventing the

\* Records at York.



the natives from learning the use of arms. There had been great reason to apprehend an attack of the Savages, from the first settlement of the country, and perhaps nothing but their total ignorance of the use of those engines of destruction, and the dread of those novel impliments of death, (which they found in the hands of their visitors) prevented their making an early assault on the people, whom they could not but consider as intruding strangers. It was an object of the first importance, to continue the Indians in the same state of ignorance in that respect ; but if there was no government, rule, or order, in the Provinces of Maine, and Lygonia, the people there, and all strangers, who should visit the country for the purposes of trade, could furnish the natives with the means of extirpating the white people entirely.

To demand subjection without pretence of right, would be quite inconsistent with their profession, and perhaps could not be justified by the exigencies which then existed ; but in the year 1652, a committee was appointed to find the northern boundary of the patent of Massachusetts. The Indians said, that the northerly part of the outlet of Winnepseogee Pond, was the northerly part of the river Merrimack. The place or point, three miles to the northward of that, was in the latitude of forty three degrees, forty three minutes, and twelve seconds, and an island in Casco Bay, three miles east of where Portland now is, was found to be in the same degrees, minutes, and seconds. This gave Massachusetts the whole of New Hampshire, the greater part of Maine, and all Lygonia,

This point being thus established, the general court at Boston, came into a resolution, to assert their claim,  
and

and to demand the submission of the people ; but Rigby's patent of Lygonia appeared to be more respectable, as well from the then late decision of the committee of parliament, as from the republican principles, and popular influence of its late owner, and the court did not, therefore, incline to attack both at once.

Godfrey, as governour, and Leader as assistant, were by the combined voice of the people in possession of all that remained of Gorges' government, and the west of Lygonia. This consisted of Kittery, which included what is now the town of that name, and Berwick, of York, then called Gorgiana, and of Wells. The town of Kittery had been called Piscataqua, until 1647, when the name was altered by Godfrey, Leader, and their party.

There were a great number of messages, proposals, and conferences, on the subject of a submission, but all were rejected, and nothing decisive done until April 1652, and as it appears by some memorandums, before the line was ascertained on the sea coast : though it is probable that the same was settled by a survey, previous to the one had by Clark and others, but was not accepted and recorded until a second observation was made.

The letter was recorded by Godfrey, in May, and has relation to a former correspondence on the business. The letter, inserted at full length, taken from the records of the county of York, is as follows.

“ A copy of a letter, sent by Edward Rawson, secretary from the court of the Massachusetts, in answer to a letter sent by Ed. Godfrey, governour of the Province of Mayne, touching the Massachusetts claim of the 8th province. To the worshipful, his much respected friend  
Edward

Edward Godfrey, Esq. at Accomenticus, these present, Sir, our general court, having by one Richard Leader, received a letter, dated the last of May 1652, signed by yourself in the name of the Province of Mayne and therein intimating your ill resentment of our laying claim and title to the said Province of Mayne, without leave from the proprietors or from those to whom it belongs, which you say, this court intends to affect, by their patent, or line, or consent, or all of them, &c. In answer whereunto, with what else in your letter expressed, I am required by our general court to return you this answer, that whereas you are pleased to write that in April, 14th of his majesty's reign, both our patents and divers others were then questioned at the councill table and quere made of the validity of any patent but this of the Massachusetts, and that many of our inhabitants and some of our agents there, stood mutte, but yourself answered the objections in clearing the ship stayed, as other things that concerned the good of this country : we answer, first, that our patent only, was then questioned, and sued by a quo warranto, and sent for, yet it hath pleased God, so to order in his good Providence towards us, that it proceeded not to judgment, but the patent doth still stand firm according to the first grant under the great seal, and since the most honourable commonwealth of England, hath owned us, our patent, and jurisdiction, whereas, the grand patent of Plymouth, as we are informed is called in, by a quo warranto, in the chief court in Westminster, and then all other patents from and under them arrested fall through, subduing of lands, legal possession are ever to be allowed and confirmed, and if our agents, and as you write some of our inhabitants, stood  
mute,



mute, we believe they thought it their wisdom so to do : knowing that the then counsell, had not legal power to proceed against the patent, and therefore they needed not, to speake in it : but whereas yourself was pleased to answer objections, we cannot but thankfully acknowledge your kindness towards us ; and whereas you writt that in our answer the 6th of September, ditto, we were then well satisfied to hold our owne ; we say we are so still, as appears by what hereafter followeth is expressed ; for whereas you seem to set out the limits of our patent, 3 miles northeast of Merrimacke or Mounmacke River, at the side which then was known, and the river is of another denomination upwards : in answer whereunto, we say that if you had well perused the words of our patent, and the true sense of them, we believe you would change your mind : and that no line is intended to be stretched by us, beyond the true intent of the patent granted to us, neither is it in our thoughts to bereave you of any of your just rights, immunities, or priviledges, which you say, you have so dearly bought. Furthermore, whereas you say, if you were under our jurisdiction, it hath been but little charity that we should take so little care of your regement or religion, and therefore we must excuse you if you be the more wary to preserve your rights, &c. Our answer is, that it was some years after we came hither before we knew the extent of our line, the date and validity of other patents contained therein or bordering thereupon, as now we do, and therefore were slow to do any thing that might occasion any clashing therein, till all doubts in that respect were removed, as you cannot but observe in our proceedings with those of Piscataqua, so in regard of your selves,

selves, though we have been long since satisfied by those whom we employed to run our northerly line, that the place where you inhabit did fall within our jurisdiction : yet forasmuch, as the people sat down and governed by virtue of a patent, and kept good correspondences with us and the people there, so far as we know, being well contented with government there established, for these and some other reasons, we contented ourselves, with a less formale challenge of our right and prosecution of the same, yet were we not wanting to assist our right, as occasion was given ; but understanding of late, that you had resisted the patent which is now submitted to us in point of jurisdiction, and incroached farther upon our limits, and that a considerable part of the people there, are desirous to come under our government, we judge it hy time, now fully to claim our right ; and accordingly to take order for the government of the inhabitants there ; and therefore, Sir, I am required to signifie unto you that our court doth hereby challenge, claim, and demand our just right with you and over your respective jurisdiction, over your persons and lands not appropriated to any under the colour of pretended right, by patent or combination, hitherto you have exercised ; assuring you and every inhabitant with you, that every person amongst you shall equally share in all acts of favour and justice, which by virtue of government any of ours do enjoy or may expect : nor shall any person we hope, have any just cause to complain, but if still notwithstanding what hath been and is clearly demonstrated, you shall not hearken unto us, nor comply in submitting to us ; our court doth hereby protest against any further of your actings, or proceedings, by virtue of  
of



of any pretended patent, or combination whatsoever ; and though we are fully and clearly satisfied that the extent of our line runs so far from the northerly part of Marremack, alias Monnomacke River, as takes in not the land only, which you claim or pretend jurisdiction over, but much farther ; yet for your satisfaction, if you desire it, we shall be willing that our line shall again be stretched from 3 miles northward to the northernmost branch of Merremacke River, by a strait line from the East to the West Sea ; according to the words of our patent ; and this to be done by able artists who shall upon oath, make a true return thereof, and so you may be put out of doubt of the right of our claim and interest, and therefore we have for the present, sent our trusty and well beloved friends, Capt. William Hawthorne, Capt. John Leverit, and Mr. Hen. Bartholomew, to impart our further minds to you, and to receive your answer or otherwise, fully to make such accord with you, as may advance God's glory, promote the peace of us and yourselves, which is equally aimed at by, Sir, your loving friends, Edward Rawson, *Secretary*. By order of the general court. A true copy taken out of the original, sent and subscribed by Mr. Rawson.

Godfrey, and his party, were very far from submitting upon the delivery of the foregoing letter by Rawson ; but entered their protest against the claim, proposed by the commissioners from the government of Massachusetts, and appeared determined to support their right to a government founded on the voluntary association of the people, until the parliament should interpose, and establish one for them. The protest on the record is as follows.



“ An adddress having been presented to us by, and in behalf of the jurisdiction of Massachusetts, that if the inhabitants here, shall not submit unto them, they shall freely and quietly possess and enjoy all their lands, goods, chatells and that we shall enjoy equal favours in acts of government. These proposals are not, in our judgments meet, the time, places and persons considered, we patiently bear them and submit to be judged by those whom we acknowledge to be our supreme judges, against exercise and jurisdiction ; we resolve and intend to go on, till lawful power command us to the contrary, as subordinate and depending upon the commonwealth of England, given this 9th July, 52, Edw. Godfrey. Gov. Rich. Leader, Nico. Shapleigh, Thos. Withers, Edw. Rishworth.”

Another answer to this was as follows.

“ 9th *July*, 52. Whereas we, Edw. Godfrey, governour, Mr. Richard Leader, Mr. Shapleigh, Thos. Withers, and Edward Rishworth, recorders, sworne magistrates for this Province of Mayne, have received a paper in the nature of a protest, from Capt. William Hawthorne, Capt. John Leveret, and Mr. Henry Bartholomew, intimating to us, not to produce a commission one or other, to which we answer, that if either they or their principals did or had shewed us any commission, or power of command from the parliament of England, or counsell of state, we would readily have given them an account ; and for their words of declaration to the inhabitants of the province in general and all people, that our power appears not, and that we have no power of regement and that the tract of land and all this Province of Mayne is within the lymits of the Massachusetts ; yet the truth doth and shall appear, that  
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where their bounds were set up more than 20 years passed, and both before and since, many patents granted for the peopulating and propagating the land, 35,000, hath been spent; a lawful jurisdiction hath been exercised in this place, by some of us acknowledged and owned by you of the Massachusetts, approved and justified in England, and now for these gentlemen to come with a declaration monatory in the name only is a very injurious proceeding."

Besides this, Godfrey sent an explicit answer to the letter of Massachusetts, which taken from the records at York is as follows.

"Sir, I received a letter bearing date, 12 D. M 4. 52, signed by yourself, wherein we perceive you are owned by the state of England; under the covert of whose wings our safety chiefly depends. For your information of the grand patent of Plymouth, sued to a quo warranto, it no way toucheth us. The full of other patents thereby, is but onely your conjecture, seeing that an act of parliament, Nov. 28, 43 doth seem to evince the contrary: for our perusal of your patent, and your line; we apprehended the bounds thereof were set more than twenty years last past, at the sea side and so up into the country from sea to sea, 3 miles on this side Merrimacke as all other patents were which are no less than tenn in number, that we perceive by the extension of your unknown line you now willingly labour to engraspe: for subduing and clearing land a possession is good (true) but what tract, immunities and priviledges we have is doubtful; if we part with them we may be shortened of as well as so many years past, you did not procure any for settling or procuring patents; for our limiting either a trespass



upon you, or unadvisedly to gather a cracked title to our improvements and possessions, I hope must be as in your letter long since you counselled us, left to those whom it concerns to determine. If this 21 years you have been contented we should govern by virtue of a patent with distinct acknowledgment of our lawful authority and have kept good correspondence with us, we must marvel, how you should now be discontented ; of which we neither have nor (we hope) shall give you any just occasion, for resisting any patent or encroaching upon your jurisdiction, for submitting any patent to you, if you have right thereto it needed not we utterly disowne. For a considerable party of the people we know of none (two persons only excepted) whose ill deportment, have been such as the hand of justice hath born witness against as well amongst yourselves, as us ; and were the number of such persons more considerable , it were little honour for you to proceed upon such an account. For pretended jurisdiction over our persons and lands, not appropriated as you say ; they are appropriated to us and must not so easily be parted with ; for sharing your favours to us ; by your favours, gentlemen, we are loath to part with our pretious liberties for unknown and uncertain favours, for hearkening to submit to you and your protest against us for any farther proceedings either by patent or combination. We resolve to exercise our just jurisdiction till it shall please the parliament, the common weale of England, otherwise to order under whose power and protection we are. For your streight line from the East Sea, to the West Sea, I marvel you go from your bounds to the inland for artists to measure your extent if occasion of necessity require  
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we shall understand a little geografy and gofmogrify. For peace and equity we have ever aimed at and still continued and will to the utmost of our power, endeavor the glory of God, the peace and good of the country in general, remaining Province of Mayne, Pisca. River's mouth, your loving friend.

July 9, 52. EDW. GODFREY, *governour.*"

To this letter the commissioners made the following reply, they being then within the territory.

"In the township of Kittery in the Province of Mayne over against the great harbour. Whereas we William Hawthorne, John Leverett, and Henry Bartholomew, appointed commissioners as may appear by order from the general court of the Massachusetts, bearing date, 11th June, 1652, to repair and to treat with the gentlemen of the eastward, in the Province of Mayne, according to which order and commission, we the above named have repaired to and had some conference with Mr. Edward Godfrey, Richard Leader, Nicholas Shapleigh, Thomas Withere, and Edward Rishworth, who declare themselves to be persons in present power for the ordering and managing of whatsoever might be of concernment to the people of the said province, though the said persons produced no commission thereunto either one or other; we therefore the above named William Hawthorne, John Leverett, and Henry Bartholomew, do hereby declare unto the inhabitants of the Province of Mayne and to all people whome these may concern, that there doth not appear to us any power or right of power that the said Edward Godfrey, Richard Leader, Nicholas Shapleigh, Thomas Withers and Edward Rishworth hath of regement in the said province, but that the said Province of Mayne and all the tract of land within the same, doth lye with-

in the limits of the patent of the Massachusetts and so by grant and charter under the great seale of England to be under the jurisdiction thereof. Further we do declare in the name and on the behalf of the jurisdiction of the Massachusetts, that all the inhabitants within the said province that shall submit thereunto, shall freely and quietly possess and enjoy all the lands, goods, and chattels, appertaining to and possessed by any or every of them, and that the said inhabitants and every of them have right and shall equally share in all acts of favour and justice, which by virtue of government, any one the inhabitants within the said jurisdiction do, or may expect to enjoy, upon the premises recited, we the said commissioners of the general court of the Massachusetts do declare and protest against any person or persons within the said Province, his or their exercise of jurisdiction over the inhabitants within the same or any part thereof, after the 10th day of October, 1652, next ensuing the date hereof, without order from the general court or counsell of the Massachusetts. In witness whereof, we have hereunto put our hands, this 9th day D. July, 1652, William Hawthorne, John Leverett, Henry Bartholomew. July 14th, 52."

The people did not submit at that time, but despairing of having any thing done by the parliament, while Massachusetts opposed them, seeing the absolute necessity of a civil government, and many of them being in favour of the religious sentiments of Massachusetts, a majority of the inhabitants of Kittery, submitted, the November after, as appears by a record of the transaction, which is in these words.

" November



“November 20, 1652. Whereas the town of Kittery hath acknowledged themselves subject to the government of the Massachusetts, in New England, as by the subscription under their hands doth appear: we the commissioners, of the general court of the Massachusetts, for the settling of government amongst them, and the rest within the bounds of their charter, northerly to the full and just extent of our line, have thought meet, and actually do grant, as followeth, viz.

1. That the whole tract of land beyond the river of Pischatay, northwardly, together with the Isle or Isles of Sholes, within our said bounds, is and shall be henceforth, a county, or shire, called by the name of York-shire.

2. That the people inhabiting there, shall enjoy protection, equal acts of favour and justice, with the rest of the people inhabiting on the south side of the river of Pischatay; and within the liberties of our whole jurisdiction.

3. That Kittery shall be and remain a township, and have and enjoy the priviledges of a town, as others of this jurisdiction have and do enjoy.

4. That they shall enjoy the same bounds that are clear betwixt town and town, as hath formerly been granted when commissioners of each bordering town hath received and returned to our general court their survey.

5. That both each town and every inhabitant shall have and enjoy all their just proprieties, titles, and interests, in the houses and lands which they do possess, whether by the grant of the town, or of the Indians, or of the former general courts.

6. That



6. That the town of Kittery, by their freemen shall send one deputy yearly, to the court of election, and it shall be in their liberty to send to each court two deputies, if they think good.

7. That all the present inhabitants of Kittery, shall be freemen of the countrie, and having taken the oath of freemen, shall have liberty to give their votes for the election of the governour, assistants, and other general officers of the countrie.

8. The county of York shall have county courts within themselves, in the most comodious and fit places, as authority shall see meet to appoint.

9. That every township shall have three men appointed by the county court, to end small causes, as others of the townships in this jurisdiction hath where no magistrate or commissioner resideth.

10. That the shire may or shall have three associates to assist such commissioners as the present commissioners or the authority of the Massachusetts shall send, and such magistrate as shall voluntarily come unto them from time to time.

11. That the whole county of York, shall not be drawn unto any ordinary general trainings, out of their own county, without their consent.

12. That the inhabitants of Kittery shall have also the same priviledges that Dover had upon their coming under the government.

13. That all such as have or shall subscribe voluntarily as the rest have done before the ending of this court shall have the priviledge of indemnity for acts of power exercised by the former gentlemen until the protest, and for and in respect of such criminal matters as are breaches of penal laws within the whole government;

ment; provided also, that each person within the county hath liberty to appeal in respect of his case, provided always that nothing in this our grant shall extend to determine the infringing of any persons right, where possession is had, to any land or inheritance whether by grant, by patent or otherwise, but such titles shall be left free to be heard and determined by due course of law. The commissioners do intend at their better leisure to write also, their grounds and proceedings to this conclusion. Provided and it is hereby declared that nothing in this grant shall extend to restrain any civil action or to review former civil causes, which review shall be brought to any of the courts within one year now ensuing.

14. And whereas there are certain debts and imposts due to the inhabitants of Kittery and Agamenticus, and some debts which are due from them to particular persons for publick occasions. It is therefore ordered and agreed, that Mr. Nicholas Shapleigh shall have power forthwith, to collect such sum or sums of money as are due to the foresaid inhabitants, and pay such debts as are justly due from them, and give an account thereof within one month, to the commissioners that shall be then in present being: and if it shall then appear that there is not sufficient to discharge the peoples engagement it shall be supplied by way of rate according to the former custom. Simion Bradstreet, Bryan Pendleton, Thomas Wiggins, Samuel Simonds."

On the 22d of the same month the inhabitants of Gorgiana came into a similar submission, and had their priviledges preserved as follows.

"At a court holden at a place called Agamenticus or Gorgiana 22d Nov. 1652, by the commissioners of the general court of the Massachusetts. The inhabitants  
aforesaid,



aforesaid, having jointly acknowledged themselves subjects to the government of the Massachusetts in New England, we the aforesaid commissioners have granted unto the said town.

1. All the liberties and priviledges above specified, and granted unto the inhabitants of Kittery.

2. Further we do consent that the town now called Agamenticus, shall be henceforward called York.

3. That one court shall be kept yearly in the said town, by such magistrate or magistrates, and other commissioners as the general court of the Massachusetts shall from time to time appoint, and for the present, by such commissioners as shall be authorized by the aforesaid commissioners of the Massachusetts, which court shall have the same power for trial of causes civil or criminal, arising in the county of York, as other county courts have in the Massachusetts jurisdiction.

4. That such of the present inhabitants, as shall take the oath of freedom, shall be thenceforth capable of giving their votes for the choice of governour, assistant, and other general officers, and of being chosen to any of the aforesaid places of honour and trust.

5. It is further agreed, that the inhabitants of York and Kittery shall set out their bounds betwixt them, and the inhabitants of Wells and York shall set out their bounds betwixt them, within one year next ensuing, otherwise it shall be done by commissioners appointed by the general court, and the head line of York bounds into the county shall be upon a streight line by the south east side of a certain pond, about two miles into the county beyond the northerly branch of a certain marsh, now improved by some of the inhabitants of York, and so the division lines betwixt the

towns



towns beforementioned, and if it so fall out, that any part of the marshes now reputed to belong to York, and improved by the inhabitants thereof, shall fall within Kittery bounds, yet the propriety of the said marsh, shall belong to the inhabitants of York, to whom it is granted, and if any of the lands or marshes, now reputed to belong to Kittery, and improved by any of the inhabitants thereof, shall fall within the bounds of York, yet the propriety of the said land or marsh, shall belong to such of the inhabitants of York or Kittery, to whom it is granted. Symon Bradstreet, Samuel Symonds, Thomas Wiggine, Bryan Pendleton. Recorded 15th February, 1652.

A true copy of an order made by those commissioners, which took in Portsmouth to the government of the Massachusetts, being on the south side of the River of Piscataqua at the same time they took them in. "It is ordered that the associates at Piscataqua shall have power to trie any cause under twenty pounds, though no other be sent unto them."

Upon submission of the people in Kittery, and York, a general court was held, and the following laws were enacted.

"At a general court of election, held at Boston, the 18th of May, 1653. It is ordered by this court and the authoritie thereof, for preventing of any such trade as may bee of dangerous consequence to ourselves, as the strengthening of persons in hostilities, to our nation or ourselves, that from the publication hereof, all persons in our jurisdiction are prohibited from carrying provisions, as corne, beefe, pease, bread, or porke, &c. into any of the plantations of Dutch, or French, inhabiting in any of the parts of America; and in case any shall

shall see doe, they shall pay tribute the value so traded, upon legall conviction of which, and caution shall be given by all shippes, or smaller vessels that shall transport any provisions for trade, that they shall not deliver directly or indirectly any of the before prohibited provisions to any of the persons or their assignes before excepted. In pursuance whereof, if any person transporting as before intended, shall not give in caution to the double vallue to the clarke of the county courts or to the secretary at Boston, where they sayle from, to assure his fidelity to this order, hee or they shall forfeit such vessell and goods, one fourth part to the informer, and the rest to the country.

Whereas by the providence of God, the number of our plantacions are increased, divers of which, especially in their beginning, are destitute of persons fitly qualified to undertake the work of the ministry, whereby they are necessitated to make use of such help as they have to exercise, and preach publiquely amongst them, by occasion whereof persons of bolder spirits and erronious principles may take advantage to vent their errors to the infection of their hearers, and the disturbance of the peace of the country; for the preventing whereof, it is ordered by the court, that no person shall undertake any constant course of publique preaching, or prophesying, within this jurisdiction, without the approbation of the elders of the four next neighbouring churches, or of the county court to which the place belongs. And if any person shall after publication of this order, continue such a practice, the next magistrate or magistrates who shall be informed thereof, shall forbid such person, and who if he shall not forbear he shall binde him over to the court of assistants, who



who shall proceed with such person according to the meritt of the fact. The execution of this lawe is suspended till the next sessions.

There having been more than ordinary expences this year, by reason of the troubles, and other needful and urgent occasions, so that the annuall country levie will not reach to satisfacion of our engagements. It is therefore ordered by this court, that the treasurer shall forthwith issue out warrants to the constables of the severall townes in the jurisdiction, requiring them to signifie to the selectmen of each towne, that at the tyme appointed for the yerely making of rates, each townes proportion be as much more as hath been usually in tyme past both in regard of lands and estates ; and do therefore order the selectmen to act herein accordingly.

It is ordered by this court, that the commissioners at Portsmouth, shall have equal power for tryall of actions within themselves to the value of tenne pounds, as Kittery and Yorke have, which shall continue till the court shall take further order. And the county courts of Dover and Portsmouth shall annually be held upon the last Tuesday in June, and the county of Yorkshire, shall have their county courts, the Thursday following.

The returne of the commissioners, who upon the commission granted by the general court, bearing date the 28th of October, 1652, viz. Mr. Simon Bradstreet, Mr. Samuel Simonds, Capt. Thomas Wiggins, and Mr. Bryan Pendleton, in obedience to their commission repaired to those partes, at their arrival at Kittery they summoned the inhabitants to appear before them.

To the inhabitants of Kittery. Whereas the generall court holden at Boston, in the last month, did appoint us whose names are hereunder written, as by  
their



their commission under the seale of the colonie of the Massachusetts, as doth, or may appeare, by summons to assemble the inhabitants of this towne together in some place which we should judge most convenient, and to declare unto them, our just right and interest to, and jurisdiction over the tract of land where you inhabit, requiring their submission thereunto, assuring them they shall enjoy equall protection and priviledge with themselves. This is therefore to desire you, and in the name of the government of the Massachusetts to require you and every of you to assemble together before us, at the house of William Everett, between seaven and eight. of the clocke in the morning, the 16th of this present November, to the end aforesaid, and to settle the government amongst you, which we hope will tend to the glory of God, and to the peace and welfaire of the whole. Dated the 15th November, 1652, and signed,

Simon Bradstreete,

Thomas Wigginn,

Samuel Simonds,

Brian Pendleton.

Att the time appointed, the inhabitants appeared, a court was held. And whilst matters were in debate between the inhabitants and the commissioners, a complaint was made against one John Bursly, for uttering threatening words against the commissioners and such as would submit to the government of the Massachusetts. Michael Brance and Charles Frost were witnesses against the said Bursly.

The said Bursly upon his examination, at length, in open court did confesse the words, and upon his submission was discharged.

After long agitation with the inhabitants about the whole business in hand, they offered to come under the government of the Massachusetts, provided that the articles and conditions tendered by themselves, might be denied

received as the ground thereof, which being wholly denied by the commissioners, who told them they must first submit to the government, and then they should be ready to afford them such privileges and immunities, as they should think meet to grant; whereupon, at length they did submit as followeth.

Wee whose names are under written doe acknowledge ourselves subject to the government of the Massachusetts Bay, in New England.

Thomas Withers,	John Greene,
John Wincole,	Hughbert Mattome,
William Chadbourne,	Gowen Willson,
Hugh Guninnson,	William Palmer,
Thomas Spencer,	Jemima Shores,
Thomas Durston,	John Hoord,
Robert Mendam,	Thomas Spinny,
Richard Thomas,	Nathaniel Lord,
James Emerie,	Joseph Mile,
Christian Remich,	Nicholas Shapleigh,
Nicholas Frost,	Anthony Emerie,
Charles Frost,	Reynold Jenkins,
Humphry Chadbourne,	John White,
Abraham Cunley,	Thomas Jones,
Richard Nason,	Denis Downing,
Mary Baylie,	John Andrews,
Daniell Paule,	Daniel Davis,
John Diamond,	Phillip Babb,
George Leader,	Antipas Manerrick,
Jonathan Symonds,	William Everett.
Robert Weighmouth,	

The grant to Kittery, November 20th 1652. Whereas the towne of Kittery hath acknowledged themselves subject to the government of the Massachusetts Bay, in New England, as by their subscription under their hands,

hands, bearing date the 16th of this instant it doth appear; we the commissioners of the general court of the Massachusetts, for the settling of government amongst them, and the rest within the bounds of their charter, northerly to the full and just extent of their line, have thought meete, and actually doe grant as followeth, viz.

1. That the whole tract of land beyond the river of Piscataqua northerly, together with the Isle of Shoales, within our said bounds, is and shall be henceforth, a county or shire, called by the name of Yorkshire.

2. That the people inhabiting there, shall enjoy protection, equal acts of favour and justice with the rest of the people inhabiting on the south side of the river Piscataqua, within the limits of our whole jurisdiction.

3. That Kittery shall be and remain a township, and have and enjoy the priviledges of a towne as others of the jurisdiction have and do enjoy.

4. That they shall enjoy the same bounds that are there betweene towne and towne, as hath been formerly granted, when commissioners of each bordering towne hath viewed and returned to us or to the general court their survey.

5. That both each towne, and every inhabitant shall have and enjoy all their just proprieties, titles and interests, in the houses and lands which they doe possesse, whether by the grant of the towne, or of the Indians, or of the former general courts.

6. That the town of Kittery by their freemen, shall send one deputie yerely to the court of elecion, and that it shall be in their liberty, to send to each court two deputies, if they thinke good.

7. That



7. That all the present inhabitants of Kittery, shall be freemen of the countrie, and having taken the oath of freemen, shall have liberty to give their votes for the election of the governour, assistants, and other general officers of the countrie.

8. That this county of York shall have county courts within themselves, in the most comodious and fit places, as authority shall see meet to appoint.

9. That every township shall have three men appointed by the county court, to end small causes, as other townships in this jurisdiction hath, where no magistrate or commissioner resideth.

10. That the shire shall or may have three associates to assist such commissioners as the present commissioners or the authority of the Massachusetts shall send, and such magistrates as shall voluntarily come unto them from time to time.

11. That the inhabitants of the county of Yorkshire, shall not be drawn to any ordinary general trainings, out of their own county, without their consent.

12. That the inhabitants of Kittery shall also have the same priviledges that Dover hath upon their coming under this government.

13. That all such as have or shall subscribe voluntarily as the rest have done before the ending of this court shall have the priviledge of indemnity for all acts of power exercised by the former gentlemen until the protest, and for and in respect of such criminal matters as are breaches of penal laws within the whole government. Provided that Abraham Cunley hath liberty to appeal in respect of his case, wherein he was fined tenne pounds, Anno 1651.

14. Provided always, that nothing in this our grant shall extend to determine the infringing of any person's right to any lands or inheritance whether by grant, by pa-

tent or otherwise, where possession is had, but such titles shall be left free to be heard and determined by due course of law.

Provided, and it is hereby declared, that nothing in this grant shall extend to restrain any civil action or review for former civil causes, which review shall be brought to any of our courts within one year now ensuing.

And whereas there are certain debts and imposts due to the inhabitants of Kittery and Agamenticus; and some debts which are due from them to particular persons for publick occasions. It is therefore ordered and agreed, that Mr. Nicholas Shapleigh shall have power forthwith, to collect such sum or sums of money as are due to the aforesaid inhabitants, and pay such debts as are justly due from them, and give an account thereof within one month, to the commissioners that shall be then in present being: and if it shall then appear that there is not sufficient to discharge the peoples engagement it shall be supplied by way of rate according to the former custom.

Simon Bradstreet,

Thomas Wiggin,

Samuel Simonds,

Bryan Pendleton.

Whereas the generall court holden at Boston, in October last, graunted Mr. Nicholas Shapleigh, protection for one yeare freely to come into the jurisdiction of the Massachusetts, and to returne to his owne house without molestation. Wee the commissioners appointed by the said court to settle the civill government at Kittery, &c. upon the request of the said Mr. Shapleigh, have thought meete, and accordingly graunted that no former judgment or execution formerly obtained by any creditor in any court of the Massachusetts against the said Mr. Shapleigh shall be of force against his person for one yere from the date of the said protection, notwithstanding the place of his habitation is within the jurisdiction



jurisdiction of the Massachusetts aforesaid ; provided nevertheless, that this priviledge and proteccion now granted, shall not barre or lett any person whatsoever, from suing or recovering by lawe, any debt due by bill or bond or otherwise, from the said Mr. Shapleigh, upon a new accout, either in the county court of Yorke or Kittery, or within the jurisdiction where any such creaditor may inhabit ; his person still to be free from restraint for the term aforesaid. Given at Kittery under our hands this 24th November, 1652.

20th November, 1652. Thomas Dourson, and Robert Mendam, were chosen and sworne constables for the towne of Kittery. Phillip Babb of Hogg Island, was appointed and authorized constable for all the Ilands of Shoales, Starre Iland excepted.

Mr. Hugh Gunison was licenced to keep an ordinary, and to sell wine and stronge water, and for one yere he is to pay but twenty shillings the butt.

Whereas the generall court held at Boston in October last, hath appointed and authorized us whose names are under written to settle the civill government in this place of Kittery, now in the county of Yorkshire, as by their commission under the seal of this collonie, dated 28th of the aforesaid October, doth or may appear.

Wetherefore the said commissioners, with the free and full consent of the inhabitants of Kittery, have and hereby doe constitute and appoint the right trusty Mr. Brian Pendleton, Mr. Thomas Withers, commissioners, and Mr. Hugh Gunison as an associate, and invested them with full power and authoritie together with one assistant of the government of the Massachusetts, to keepe yerely one county court at Kittery, and every one of their commissioners hereby have magistratticall power to heare and determine small causes like as other magistrates that are assistants have, whether they are of



a civill or criminall nature ; also power is hereby given to the said commissioners and associates assembling together betweene the county courts to heare and determine without a jury in the said towne any cause not exceeding tenne pounds ; any of the commissioners may grant summons or attachments and executions if need require. Any of the said commissioners hereby have power to examine offenders, to committ to prison unless baile be given and taken. Also each of theis commissioners have hereby power when they shall judge needful, to bind offenders to the peace and good behaviour. Also, each of these commissioners hath hereby power to administer oaths according to lawe. Also marriage shall be solemnized by any of the commissioners, according to lawe. Also the county court shall appoint a shire treasurer, to whom fines and matters of the like nature, are to be accompted and paid for the use of the country. Also, any of the said commissioners may administer the oath to such of the present inhabitants as shall desire to be made free. Also two of theis commissioners may, till other order be taken, graunt or receive lycences for ordinaries or selling wine, or stronge water. Also two of the said commissioners hereby have authority to impower military officers under the degree of a captain. Also power is hereby given to two of the said commissioners, and they are required to enjoyne the towne of Kittery to procure the bookes of lawes and such alsoe as are not yet printed and enacted since the last booke came forth in print. And it is intended that both grand juries and juries for triall shall be summoned for the county court out of York and Kittery proportionably. Given under our hands at Kittery, this twentieth day of November, 1652.

Simon Bradstreet,  
Samuel Symonds,

Thomas Wigin,  
Brian Pendleton.

The

The returne of the commissioners, who upon the commission granted by the general court bearing date 28th of October, 1652, viz. Mr. Simon Bradstreet, Mr. Samuel Symonds, Capt. Thomas Wiggin, and Mr. Brian Pendleton, in order to their commission, after they had been at Kittery, repaired to Accomenticus or Gorgiana, and summoned the inhabitants thereof to appeare before them.

Whereas the generall court holden at Boston in the last month, did appoint us whose names are hereunder written, as by their commission under the seale of the collonie of the Massachusetts, doth or may appeare, by summons to assemble the inhabitants of this towne together in some place which wee should judge most convenient ; and to declare unto them our just right and interest to and jurisdiction over the tract of land where you inhabit, requiring their submission thereunto, assuring them they shall enjoy equal protection and priviledge with themselves. This is therefore to desire you in the name of the government of the Massachusetts, to require you and every of you to assemble together before us at the house of Nicholas Davis, between seaven and eight of the clocke on Monday next, in the forenoone, to the end aforesaid, and to settle the government amongst you, which we hope will tend to the glory of God, and to the peace and welfare of the whole. Dated the 20th day of November, 1652.

Subscribed,

And was directed to Mr. Nicholas Davis, and Mr. John Davis, who were required and authorized to warne the inhabitants aforesaid.	} Simon Bradstreet, Samuel Simonds, Thomas Wiggin, Brian Pendleton.
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Upon the 22d of November 1652, the commissioners held their court, and the inhabitants appeared, and after some tyme spent in debatements and many questions answered, and objections removed, with full and joint consent, acknowledged themselves subject to the government of the Massachusetts in New England; only Mr. Godfrey did forbear, untill the voate was past by the rest, and then immediately he did by word and voate expresse his consent. Also the names of those that tooke the oath of freemen were,

Francis Rayne,  
 Thomas Crockett,  
 John Alcocke,  
 William Dixson,  
 Richard Codagon,  
 George Parker,  
 Andrew Everet,  
 Robert Knight,  
 William Rogers,  
 Samuel Alcocke,  
 Peter Wyer,  
 Philip Adams,  
 Mr. Edward Godfrey,  
 ——— Lewis,  
 Robert Edge,  
 Phillip Hatch,  
 Joseph Alcocke,  
 John Davis,  
 Nicholas Bond,  
 Edward Johnson,  
 Hugh Gaile,  
 William Gomfey,  
 Richard Banks,

Mary Tapp acks. only,  
 Edward Wentom,  
 George Beanton,  
 Mr. William Hilton,  
 William Moore,  
 Henry Donell,  
 Edward Stiet,  
 Rowland Younge,  
 John Parker,  
 Arthur Bragdon,  
 William Ellingham,  
 John Tuifdale, sen,  
 Thomas Curtoones,  
 Silvester Stover,  
 Thomas Donnell,  
 Edward Rufworth,  
 John Harker,  
 Nicholas Davis,  
 Sampson Angier,  
 Henry Norton,  
 Robert Hetherse,  
 William Freathie,  
 John Davis,

John



John Tuisdale, jun.                      Mr. John Gouge,  
 Mr. Abraham Preble,                  Mr. Thomas Wheelwright.

The commissioners (some after) granted unto them severall priviledges and liberties, subscribed under their hands, the same which they granted to the inhabitants of Kittery, with these additions, viz.

Further, wee the commissioners aforesaid doe consent and agree that the towne now called Accomenticus shall henceforth be called Yorke.

And that one court shall be kept yerely in the towne by such magistrate or magistrates and other commissioners, as the general court of the Massachusetts, shall, from tyme to tyme appoint, and for the present, by such commissioners as shall be authorized by the aforesaid commissioners of the Massachusetts, which court shall have the same power for trial of causes, civill or criminal, arising in the county of Yorke, as other county courts have, in the Massachusetts jurisdiction.

4. That such of the present inhabitants as shall take the oath of freedom, shall be thenceforth capable of giving their votes for the choice of governour, assistants, and other general officers, and of being chosen to any of the aforesaid places of honour and trust.

5. It is agreed that the inhabitants of Yorke and Kittery, shall set out their bounds, betwixt them, and the inhabitants of Wells and York, shall set out their bounds within one yere nowe next ensueing, otherwise it shall be done by commissioners appointed by the general court, and the head line of Yorke bounds, into the country shall be in a streight line by the southeast side of a certain pond, about two miles into the country, beyond the northerly branch of a certain marsh, now improved by some of the inhabitants of Yorke,

and so to the division lines betwixt the townes before mentioned. And if it shall so fall out, that any part of the marshes now reputed to belonge to Yorke and improved by any of the inhabitants thereof, shall fall within Kittery bounds, yett the said proprietie of the said marhe, shall belonge to the inhabitants of Yorke, to whome it is granted. And if any of the lands or marshes now reputed to belong to Kittery, and improved by any of the inhabitants thereof, shall fall within the bounds of Yorke, yett the proprietie of the said lands or marsh, shall belong to such of the inhabitants of Yorke or Kittery, to whome it is granted.

Simon Bradstreet,

Thomas Wiggin,

Samuell Simonds,

Brian Pendleton.

Att the same court, held at Yorke the 22d of November, 1652,

Mr. Nicholas Davis was chosen and sworne constable.

Mr. Edward Rishworth was chosen recorder, and desired to exercize the place of clarke of the writts,

Mr. Henry Norton, was chosen marshall, there.

John Davis was licenced to keep an ordinary there.

Then was the commission granted to the gentlemen of Yorke, as followeth, viz.

Whereas the general court holden at Boston, in October last, hath appointed and authorized us whose names are under written, to settle the civill government in this place, now called Yorke, in the county of Yorkeshire, as by their commission under the scale of this colonie, dated the 28th of the aforesaid October, doth or may appeare ; wee therefore, the said commissioners, with the free and full consent of the inhabitants of the said towne, have, and doe hereby constitute and appoint the right trusty Mr. Edward Godfrey, Mr. Abraham Preble, Mr. Edward Johnson, and Mr. Ed-

ward



ward Rishworth, commissioners, invested with full power and authoritie, together with one assistant of the government of the Massachusetts, to keep one county court yearely at Yorke, and every of these commissioners hereby have magistratticall power to heare and determine small causes like as other magistrates that are assistants have, whether they are of a civill or criminall nature. Also power is hereby given to any three of the said commissioners assembling together betweene the county courts, to heare and determine (without a jury) in the said towne, any cause not exceeding tenne pounds. Any of the commissioners may graunt summons or attachments and executions if neede require ; any of the said commissioners hereby have power to examine offenders, to commit to prison, unless bail be given and taken. Also each of theis commissioners have hereby power to administer oathes according to law. Also any of the commissioners have hereby power when they shall judge needful, to binde offenders to the peace or good behaviour. Also marriage shall be solemnized by any of the commissioners, according to law. Also a county court shall appoint a faire treasurer, to whom fines and matters of the like nature, are to be accompted and paid for the use of the county. Also any of the said commissioners may minister the oath to such of the present inhabitants as shall be made free. Also two of these commissioners may, till other order be taken, grant or renew licences for ordinaries or selling wine or stronge water. Also two of the said commissioners hereby have authoritie to impower military officers under the degree of a captaine. Also power is hereby given to two of the said commissioners, and they are required to enjoyne the towne of Yorke to procure the bookes of lawes, and such also as are not yet printed  
and



and enacted since the last booke came forth in print ; and it is intended that both grand juries and juries for triall shall be summoned for the county court out of Yorke and Kittery, proportionably. Given under our hands, this 23d of November, 1652.

Symon Bradstreet,

Thomas Wiggin,

Samuel Simonds,

Brian Pendleton.

The court having viewed this retourne of the commissioners at Kittery, &c. do approve thereof, and orders that due and hartly thanks be rendered for their paines and service therein.

This is a true copie of the severall lawes made at the first sessions of the general court, with the retourne of the acts of the commissioners, at Kittery, &c. taken out of the court records."

The towns of York, and Kittery, being thus brought into submission to Massachusetts, the same principles which affected their subjugation claimed with equal force, a superintendency over the towns farther east. Wells, Cape Porpoise, and Saco, had but little communication with the other towns abovementioned. The roads were not made through the wilderness, nor was the distance from the one to the other well known. Wells was without the Province of Lygonia, but the idea entertained by Massachusetts with respect to the extension of their patent, was equally opposed to the existence of that province, as to the voluntary associated governments at Portsmouth, Dover and Gorgiana. Commissioners were therefore appointed in the year 1653, to reduce Wells, Cape Porpoise, and Saco, to the same obedience as had been consented to by York and Kittery.

Governour

Governour Bellingham, and others, were on the commission ; they repaired to Wells and opened their court in form. Their report, with the consequent judicial proceeding, and the continuance of the arrangement made by the commissioners, are the only evidence of the transaction.

The court could not get any farther than Wells for want of a road to travel in ; besides, as there was a government at Saco, established by the commissioners of the parliament only five years before, there might have been some hazard in going there with their commission. A number of the people of Cape Porpoise, and Saco, attended at Wells on the 5th of July, 1653, and subscribed to a form, or covenant of submission, drawn up by the commissioners, and were admitted to the dignity of freemen. But among the names of those who submitted we do not find those of Vines, Benynton, or any of the advocates of Gorges or Rigby. This division of interest wore a threatening aspect, and it was a matter of great importance to form a balance for it. The men who submitted, were generally those who had taken lands by possession, and wished an assurance of the same from some power who did not expect a very valuable consideration. The commissioners quieted all who submitted, in possession of their lands, and gave them the privilege of freemen. They also granted aids to the inhabitants for publick purposes, and by that means obtained a majority in favour of the Massachusetts government.

The return of the commissioners is as concise a description of the whole business as can be given, and it is therefore inserted at large.

“ At

“ At a general court called by the governour and council, and held at Boston the 30th of August, 1653.

The return of the commissioners, who upon the commission granted by the general court, bearing date the 7th of June, 1653, viz. Richard Bellingham, Esq. deputy governour, Capt. Thomas Wiggins, Daniel Dennison, serjeant major general, Edward Rawson Secretary, and Mr. Benjamin Pendleton, who in order to their commission, repaired to Wells, and sent out summons to the inhabitants of Wells, Saco, and Cape Porpus, to appear before them the 4th of July, 1653.

At Wells, 4th of July, 1653, at Mr. Emerson's house, the commissioners above mentioned, by virtue of their commission above mentioned, held and kept court there, and caused the inhabitants of Wells, by name, particularly to be called according to their summons, and those whose names are hereunder written, made their appearance and acknowledged themselves subject to the government of Massachusetts, as witness their hands this 4th July, 1653.

Joseph Emerson,

Ezekiel Knight,

Jno. Gooch,

Joseph Bowles,

Jno. Thing,

Jno. I. Barrett, sen.

After their subjection, the commissioners judged it meet to grant them to be freemen, and accordingly administered the oath of freemen to them. And for the better effecting the ends of their commission they appointed Jonathan Thing to be constable for one whole year, and gave him the constable's oath accordingly.

And whilst the names of the inhabitants of Wells, were calling over, William Wardell, one of the inhabitants there, coming by, was called to come in and answer to his name, which he refused and contemptuously turned



turned his back on the court, for which contempt the court granted out a warrant to the constable to fetch the said William Wardell before them to answer his contempt, and so adjourned the court to Mr. Ezekiel Knight's, to which place the constable brought the said Wardell, the rest of the inhabitants of Wells accompanying him. The court demanding a reason of the said Wardell for his contemptuous behaviour, who excused himself that his intent was not to condemn the court, but rather to endeavour to get the rest of the inhabitants of Wells, that had not appeared, to come in and make their appearance. The court at the request of the inhabitants, who promised the said Wardell should be forthcoming the next day, dismissed the said Wardell, and adjourned the court till the next day at eight of the clock, at which time the court met again, and the inhabitants of Wells were called according to their summons, and appearing did subject themselves as followeth.

We whose names are here underwritten, inhabitants of Wells, do hereby freely acknowledge ourselves subject to the government of Massachusetts, as witness our hands this 5th of July, 1653.

Francis Littlefield, jun.	Thomas Littlefield,
Nicholas Cole,	Henry Boads,
William Cole,	Jno. Wadly,
William Wardell,	Edmund Littlefield,
Samuel Austin,	Jno. Saunders,
William Homans,	Jno. White,
Jno. Wakefield,	Jno. Bush,
Thomas Millot,	Robert Wadly,
Auth. Littlefield,	Francis Littlefield, sen.
Jno. Barrett, jun.	

The

The court at the request of the inhabitants, accepted the submission of William Wardell, and to these above-mentioned also, the commissioners granted they should be freemen, and in open court gave them the freeman's oath. And further, whereas the town of Wells hath acknowledged themselves subject to the government of the Massachusetts Bay in New England, as by their subscriptions may appear; we the commissioners of the general court of the Massachusetts, for the settlement of government amongst them and the rest within the bounds of their charter, northerly to the full and just extent of their line, have thought meet, and do actually grant,

1. That Wells shall be a township by itself and always shall be a part of Yorkshire, and shall enjoy protection, equal acts of favour and justice with the rest of the inhabitants on the south side of the river Piscataqua, within the limits of our jurisdiction, and enjoy the privileges of a towne as others of the jurisdiction have and do enjoy, with all other liberties and privileges to other inhabitants in our jurisdiction.

2. That every inhabitant shall have and enjoy all their just proprieties, titles and interest, in the houses and lands which they doe possess, whether by grant of the town possession, or of the former general court.

3. That all the present inhabitants of Wells shall be freemen of the country, and having taken the oath of freemen; shall have liberty to give their votes for the election of the governors, assistants and other general officers of the county.

4. That the said town of Wells shall have three men approved by the county court from year to year, to end small causes as other townships in the jurisdiction hath  
where



where no magistrate is according to law ; and for this present year Mr. Henry Boade, Mr. Thomas Wheelwright, and Mr. Ezekiel Knight, are appointed and authorized commissioners to end all finall causes under forty shillings, according to law. And further, these commissioners or any two of them, are and shall be impowered and invested with full powers and authorities, as magistrates to keep the peace, and in all civil causes to grant attachment and executions, if need require. Any of the said commissioners have power to examine offenders, to commit to prison, unless bail be given according to law, and where these, or any of these, they shall judge needful, they shall have power to bind offenders to the peace, on good behaviour. Also, any of the commissioners have power to administer oaths according to law, also, marriages shall be solemnized by any of the commissioners according to law.

It is further hereby ordered and granted, that for this present year Mr. Henry Boad, Mr. Thomas Wheelwright, Mr. Ezekiel Knight, John Wadley, and Jno. Gooch, shall be selectmen, to order the prudential affairs of the town of Wells for this year.

Mr. Henry Boad, Mr. Thomas Wheelwright, and Mr. Ezekiel Knight, took their respective oaths as commissioners or associates used to do. Lastly, it is granted that the inhabitants of Wells, shall be from time to time, exempted from all public rates, and that they shall always bear their own charges of the courts, arising from among themselves. Mr. Joseph Bowles, was appointed Clerk of the writs to grant warrants, attachments, &c.

Mr. Ezekiel Knight is appointed to be grand jurymen for the town of Wells for one year, and took his  
oath



oath accordingly. The cause between Morgan Howell, and Jno. Baker, is continued and referred to be determined by the next county court in Yorkshire. Jno. Baker did acknowledge himself bound in twenty pounds to Richard Russell, gent. treasurer of the Massachusetts jurisdiction, on this condition that he shall appear before the next county court in Yorkshire, to answer the said action or complaint against Morgan Howell. Several articles were exhibited against John Baker for abusive and approbrious speeches uttered by him against the minister and ministry, and for upholding private meetings and prophecying to the hindrance and disturbance of publick assemblings, some of which being proved against him, he tendered voluntarily to desist from prophecying publickly any more. The court proceeded to censure him to be bound to his good behaviour, and forbad him any more publickly to preach in this jurisdiction. John Baker did accordingly acknowledge himself bound in twenty pounds to Mr. Richard Russell, treasurer of the Massachusetts, on this condition, that he will be of good behaviour between this and the next county court, and make his appearance at the said court, if he be in this jurisdiction.

That the commissioners of the Massachusetts, for settling the government at Wells, Cape Porpus, and Saco, being informed of several differences amongst the inhabitants of Wells, which were principally occasioned, as was professed in the court, by those that called themselves of the church there, which differences we were very desirous to compose, and therefore were willing to be informed of the proceedings of those persons, and the success of their church estate. After we had heard what both parties would say, with the relation of Mr. Boad, Edmund Littlefield, and William Wardell,

Wardell, we were fully satisfied that their church relation was dissolved; whereupon we advised them to desist from further disturbance of that place by asserting their pretended church relation, and to apply themselves for the future to some other course, which might conduce more to the peace and settlement of the place, which if they shall neglect to do and shall continue their ungrounded assertion of their church relation, we profess ourselves bound to bear witness against them for endangering the disturbance of the peace and welfare of those people unto whom (wee have cause to hope through the blessing of God) our endeavours for their their good, will prove successful; and do therefore earnestly desire they may not be rendered fruitless by those especially who profess themselves before others to be the children of peace. The court also proceeded to make this protestation, which was by the marshall publicly publisht.

Whereas we have declared the right of the Massachusetts government to the town of Wells, Cape Porpus and Saco, and the inhabitants thereof being summoned, did appear before us at Wells on the 5th of July 1653, and acknowledged themselves subject thereunto, and took the oath of freemen and fidelity to the said government, which by us, their commissioners, have appointed and settled a government over them. We do therefore, hereby protest against all persons whatsoever that shall challenge jurisdiction or exercise any act of authority over them or over any other persons to the northward, inhabiting within the limits of our patents, which doth extend to the latitude of forty three degrees, forty three minutes, seventy two seconds, of northerly latitude, but what shall be derived from us the commissioners of the general court of the Massachusetts.

Z



chusetts. Given under our hands at Wells in the county of York, 6th of July, 1653. Signed,

Richard Bellingham,	Edward Rawson,
Thomas Wiggin,	Benjamin Pendleton.
Daniel Dennison,	

It was ordered also, that the selectmen of the town of Wells shall, and are hereby impowered to appoint a meet person to keep an ordinary there, for the entertainment of strangers.

John Saunders and Jonathan Thing, as serjeants, are appointed to exercise the soldiery there.

At a court held at Wells by the abovementioned commission the 5th July, 1653.

The inhabitants of Saco being by name, particularly called, made their appearance according to their summons, and those whose names are hereunder written acknowledged themselves subject to the government of the Massachusetts, as witness their hands this 5th of July, 1653.

Thomas Williams,	Thomas Rogers,
William Stradlock,	Phillip Hinckson,
Christopher Hobbs,	Peter Hill,
Thomas Redding,	Robert Booth,
Jno. West,	Richard Cowman,
Thomas Hale,	Ralph Tristream,
Richard Hitchcock,	George Barlow,
James Gibbins,	Henry Waddock.

The commissioners judged it meete to grant them to be freemen, and accordingly gave them the freemen's oath which they took in open court. And whereas the inhabitants of Saco have acknowledged themselves subject to the government of the Massachusetts Bay in New England, as by their subscriptions may appear. We the commissioners of the general court of the Massachusetts



setts for the settling of government amongst them and the rest within the bounds of their charter northerly to the full and just extent of their line, have thought meet, and do actually grant,

1. That Saco shall be a township by itself and always shall be a part of Yorkshire, and shall enjoy protection, equal acts of favour and justice with the rest of the people inhabiting on the south side of the river of Piscataqua, or any other within the limits of our jurisdiction, and enjoy the priviledges of a towne as others of the jurisdiction have and do enjoy, with all other liberties and priviledges to other inhabitants in our jurisdiction.

2. That every inhabitant shall have and enjoy all their just proprieties, titles and interest, in the houses and lands which they doe possess, whether by grant of the town possession, or of the former general court.

3. That all the present inhabitants of Saco shall be freemen of the county, and having taken the oath of freemen, shall have liberty to give their votes for the election of the governor, assistants and other general officers of the country.

4. That the said town shall have three men approved by the county court from year to year, to end small causes as other the townships in the jurisdiction have where no magistrate is according to law; and for the present year Mr. Thomas Williams, Robert Booth, and John West, are appointed and authorized to end all small causes under forty shillings, according to law. And further, these commissioners or any two of them, are and shall be impowered and invested with full power and authority, as a magistrate to keep the peace, and in all civil causes to grant attachments and execution, if need require. Any of the said commissioners have power to

examine offenders, to commit to prison, unless bail be given according to law, and where these, or any of these, they shall judge needful, they shall have power to bind offenders to the peace, on good behaviour. Also, any of the commissioners have power to administer oaths according to law, also marriage shall be solemnized by any of the commissioners according to law.

It is further hereby ordered and granted, that for this present year Mr. Thomas Williams, Robert Booth, and Jno. West, shall be the selectmen to order the prudential affairs of the town of Saco for this year, and they took their respective oaths as commissioners or associates used to do.

Lastly it is granted that the inhabitants of Saco shall be from time to time exempted from all publick rates and that they shall always bear their own charges of the courts, and arising from amongst themselves. Ralph Trentum was appointed constable there, and took his oath. William Stradlock was appointed clerk of the writs there, and also grand jury man for this year, and took his oath.

Richard Hitchcock, was appointed and authorized as a serjeant to exercise the soldiery at Saco.

The commissioners being informed that John Smith, of Saco is necessarily detained from coming to yield subjection to the government, and that it is his desire to subject himself to the government, they do grant that on his acknowledgement of subjection to this government any two of the commissioners at Saco may, and hereby have liberty to give him the oath of a freeman. The like liberty on the like terms is granted to the commissioners of Wells to administer the like oath

to

to Richard Ball, Richard Moore, John Elson, Arthur Wormthall and Edward Clark.

The commissioners being informed that Saco is destitute of a good minister, where is much desired that all due care be taken to attain the same, and in the mean time that their peace may be preserved, they do declare and order that Robert Booth shall have liberty to exercise his gifts for the edification of the people there. Several persons complaining that George Barlow is a disturbance to the place. The commissioners at their request thought it meet to forbid the said Barlow any more publickly to preach or prophecy there under the penalty of ten pounds for every offence.

It is ordered that the inhabitants of Wells, Saco and Cape Porpus, shall make sufficient highways within their towns from house to house, and clear and fit for foot and cart, before the next county court, under the penalty of ten pounds for every town's defect in this particular, and that they lay out a sufficient highway for horse and foot between towns and towns within that time.

At a court held at Wells, 5th July, 1653. The inhabitants of Cape Porpus was called and made their appearance according to their summons and acknowledged themselves subject to the government of the Massachusetts as followeth.

We whose names are underwritten do acknowlege ourselves subject to the government of Massachusetts, as witness our hands,

Morgan Howell,

Christopher Spurrell,

Thomas Warner,

Stephen Batons,

Gregory Holkeries,

Peter Tuebatt,

Griffin



Griffin Montague,  
Jno. Baker,  
William Renolls,

Jno. Cole,  
Simon Teoft,  
Andrew Buffey.

To these above mentioned also the commissioners granted they should be freemen, and in open court gave them the freemen's oath. And further, whereas the town of Cape Porpus, have acknowledged themselves subject to the government of the Massachusetts Bay in New England, as by their subscription may appear. Wee the commissioners of the general court of the Massachusetts for the settling of government among them and the rest within the bounds of their charter, northerly, to the full and just extent of their line, have thought meet and do actually grant,

1. That Cape Porpus, shall be a township by itself and always shall be a part of Yorkshire, and shall enjoy equal protection, acts of favour and justice, with the rest of the people inhabiting on the south side of the river Piscataqua or any other within the limits of our jurisdiction, and enjoy the privileges of a town, as others of the jurisdiction have and do enjoy with all other liberties and priviledges granted to other inhabitants in our jurisdiction.

2. That every inhabitant shall have and enjoy all their just proprieties, titles and interest in the houses and lands which they do possess whither by grant of the towns possession or of the former general court.

3. That all the present inhabitants of Cape Porpus shall be freemen of the country, and having taken the oath of freemen, shall have liberty to give their votes for the election of the governour, assistants and other general officers of the country.

Morgan Howell of Cape Porpus, did acknowledge himself bound in fifty pounds to the treasurer of the  
county

county on this condition, that he will prosecute his action against John Baker, at the next county court to be held at York. Griffin Montague was chosen and sworn constable there.

Gregory Jefferys was chosen a grand jurymen there for one year and took the oath accordingly.

Capt. Nicholas Shapleigh was chosen treasurer for the county of Yorkshshire, and is allowed.

Richard Bellingham,	Daniel Dennison,
<i>deputy governour,</i>	Edward Rawson.

The court having viewed this return by the commissioners that went to Wells, Saco, and Cape Porpoise, do approve thereof, provided that the county of York, bear their proportion of charge equal to and with other settlers. And ordered that due and hearty thanks be rendered to them by this court, for their pains and services therein, and shall be willing and ready to make them further satisfaction in the grant of some lands to each of them, respectively, when any shall be presented.

The matter of religion had a great effect on the minds of the people : hence arose the objection which is mentioned in the proceedings of the commissioners, that the inhabitants of Cape Porpoise could not submit consistently with the tenor and obligation of their church government. The commissioners in the plenitude of their power, dissolved the church connexion, and thus relieved the consciences of those, who were labouring under those scruples.

John Smith was one of the grantees of the Plough Patent, and did not personally submit ; but the commissioners readily received his excuse of ill health, and took his submission by proxy.



In the year 1653, Edward Rishworth was a member of the general court at Boston, from York, and John Wincall from Kittery; he then lived in that part of Kittery which is now Berwick, at Salmon Falls. Those towns continued from that time to the restoration to send representatives to Boston.

It has been mentioned, that matters of private interest had weight with those inhabitants of Saco who submitted to Massachusetts. This observation is supported by the fact, as recorded on Saco records, that on the twelfth of July 1653, the freemen of Saco met and admitted many others to that freedom, which they had obtained from the commissioners; and divided the meadows among them. Edward Rigby, in his letter of 1652, charges his agents there, with embezzelling his property. There was not much order established under the regulation of 1653: there was a party still opposed to Massachusetts, the leaders of which were, Josielyn, Jordon, and Benynton.

This Benynton was the son of Richard, who first came over to Saco. It is not certain when Richard made his exit. His grave remains on the east side of Saco river, at a place called Rendezvous Point.\* He could never be cordial to Massachusetts, which had invaded, and taken the Province of Maine from Gorges.

Of all the men who were named by Gorges as counselors, none of them have left any posterity of the male line in the territory, nor is the name of any one of them, excepting that of Jocelyn, to be found in New England.

\* The parties were warm and abusive in those times, which occasioned an ill-natured inscription on the grave of the patentee.

“ Here lies Benighton the sagamore of Saco,

He lived a rogue, and died a knave, and went to Heckomocko,



England. He continued in the Province of Maine, until Scarborough was destroyed by the Indians, and then went into the colony of Plymouth, where his posterity remain.

Jordan succeeded Trelawney, in his right in the plough patent, as has been already mentioned. Henry Jocelyn removed to Scarborough as one of Gorges' council. These, together with John Benythton, were principals in the opposition to Massachusetts. In the year 1657, that government found it necessary to take decisive measures against them; and therefore caused Josslyyn and Jordon to be apprehended, and bound to appear before the general court in Boston. Benythton absconded, so that he could not be apprehended, whereupon the general court issued an edict of outlawry against him, which yet remains on the general court records, and from a copy of which, here given, we may judge of the determined resolution of the government of Massachusetts, to support its authority in every part of the Province of Maine.

“Colony of Massachusetts Bay.—At a general court held 1658.—Whereas the town of Saco, within the line of our pattent, in or near the bounds whereof John Bonighton liveth, have generally submitted themselves and their lands to the government and jurisdiction of the Massachusetts: and whereas there are great and frequent complaints made to this court, by several credible persons, that the said Bonighton, attending no government, doth molest both his neighbours, and others that occasionally traffic or fish in those parts, and by his outrageous carriages hath maimed some, and put others in danger of their lives, by his lawless and imperious actions, And whereas legal courses have  
been

been taken, and much patience have been used for his reducement into some tollerable demeanor, hitherto not only in vain, but instead of compliance, he hath sent contemptuous and rayling returns to this government or authority here. Whereupon, this court considering the premises, doth declare the said Bonighton a rebel, or common enemy, and intend to proceed against him accordingly; yet because this court is very loth to use extremities, if it may stand with justice our peace and honor to exercise some further delay, therefore this court doth hereby express themselves willing to give the said Bonighton time till the first day of August next, peaceably to render himself into the hands of the governor, and such other of the magistrates as shall then be in or near Boston, that his case being duly and seasonably considered, there may be such an issue put to the same, as shall be meet; which clemency thus tendered, if neglected or contemned, it is resolved by this court, to proceed against him as a rebel or common enemy, to the people of these parts of New England and this government, in special to the people inhabiting near unto the place of his residence. And further this court doth empower any person that hath submitted to this government after the first of August, to apprehend the said Bonighton by force, and bring him, alive or dead, to Boston, declaring and proclaiming, that whosoever shall so do, shall have twenty pounds paid him for his service to the country, out of the common treasury, which may be levied, with other charges, upon the said Bonighton, his estate."

Jordan and Joslylin appeared in 1657, before the general court at Boston, and had their recognizance discharged. Benython held out until the next year,  
when



when he made his submission, and had the process, or edict of outlawry against him reversed.

A court was holden at Falmouth in July 1658, by Samuel Symonds, Thomas Wiggins, Nicholas Shapleigh, and Edward Rishworth, who were stiled, "the commissioners of the general court for settling of the civil government in the remote parts of our patent."

A proclamation of pardon was issued by the commissioners for Benythton, in the words following, as it stands recorded in the records of York county.

"Whereas John Benighton for several offences mentioned in a proclamation of the last general court, had time afforded him for his yielding himself into the hands of authority; and to give satisfaction touching the same, otherwise after the first of September to stand in peril of his life, as by the said proclamation doth appear, and whereas the court sent us their commissioners, whose names are hereunder written, invested with power, amongst other things, to grant protection and immunities, and to settle the government in Yorkshire to the utmost extent of their line; the said Benighton did personally appear before us, setting in open court, and after some time spent in setting forth the evils of such miscarriages, and provoking offences, as were set forth in said proclamation mentioned, he the said Benighton, made his full and satisfying acknowledgement under his hand, and yielded, and subscribed his subjection to this government, whereby any man may now have his legal course in any civil action against him. The people of these parts, also having fully submitted themselves unto the government of the Massachusetts; wherefore we thought it necessary forthwith, to make this matter known throughout the country, that the dangers of the  
life



life of the said John Benington may be prevented, which if henceforth any should attempt it, is contrary to the intent of the general court, the end being obtained which was intended, namely, his reducement; and we hereby declare his discharge." Signed by the commissioners.

Though the general court had extended the jurisdiction of the Massachusetts government, as far as Falmouth, yet the magistrates were cautious of going further at that time. In the year 1657, one Elizabeth Way, commenced an action against Thomas Purchas, who was an ancient settler at Pegypscott, and he having pleaded to the courts jurisdiction, the jury returned a verdict in his favour. But the commissioners who held the court, being zealous in the execution of their commission, refused to record the verdict; whereupon the cause, according to the then existing laws, was brought before the general court at Boston, to be decided there. The general court, upon a consideration of the matter, said they were not satisfied that the plantation where Purchas lived, was within the Massachusetts jurisdiction; but in 1671, they employed Mountjoy to run a new patent line, and carried it east of the mouth of Sagadahock.

The country from Falmouth inclusively, to Piscataqua River, was in a state of obedience to the Massachusetts, and there appeared to be tranquillity established for three or four years. At this period however, the government had doubts of its property in the soil, and therefore allowed individuals to purchase of the natives, nearly all the lands in the District.

There was, soon after, a violent opposition to the government, on an idea of reviving the provinces of  
Gorges

Gorges and Rigby. In 1663, the government regranted all the lands in Falmouth : and in that year William Hilton of Arundle, was fined for tearing off the seal of a warrant for electing a deputy, in open contempt of the authority. Francis Chaperneon, Nicholas Shapleigh, Richard Hitchcocke, Trilram Stone, James Gibbins, Nicholas Edgcomb, Edward Saunders, John Smith, Thomas Rogers, John Broughton, were punished for opposing the government. Thomas Wiggins was fined for swearing by God, that if a dish of fish which he had in his hands, was poison, he would give it to the Bay magistrates. When he was brought into court he denied their authority, and said he was a marshall under Gorges ; but he was laid under bonds for his good behaviour. The town of Scarborough, was fined for disobedience, and Robert Ford was fined for saying that John Cotton was a liar and had gone to hell. Francis Neal, and Francis Small were punished for contempt. That Francis Small, was in company with Nicholas Shapleigh, and had purchased large tracts of land of the Indians in the country, between the Ossipees, which is held under his purchase at this day.

Gorges in selling his province to Massachusetts, reserved to William Phillips, the lands which Phillips had purchased of the Indians. The deeds of Phillips and Small were, in some instances, incompatible. Small had been obnoxious to the government, and when it was possessed of Gorges' right, Small became discouraged and went away to Plymouth colony, and his title was dormant until 1770, when the claim was revived by his heirs, and supported by proof of their ancestors' possession.\*

When

\* Depositions in trial at York, Small's proprietors, v. Libby.



When John Benython died is not known ; he left a daughter, who married Richard Foxwell, who in her right became seized of Benython's half of the patent to Lewis and Benython, a part of which is now in the possession of Thomas Cutts, Esq. of Pepperellborough, her great grandson.

When Charles II. was restored to his kingdom, he did not contend against the extent of the charter, but wished to establish a royal government over the whole country.

When his commissioners arrived in New England, the old claim under Gorges began to revive. In 1665, Robert Carr, George Cartwright, and Samuel Maverick, the commissioners from Charles, came into the Province of Maine, and attempted to erect a government. They appointed courts and commissioned magistrates under the duke of York, and in the name of the king. This kind of government continued until the year 1668, when some of the principal inhabitants being greatly oppressed with the tyranny of the commissioners, in their support of Gorges' claim, made application to the general court of Massachusetts, to take the country again under its protection, and jurisdiction. The Indian deeds were by the commissioners, considered as void, and all the divisions of lands on the rights of freemen, as well as the grants under Lygonia, were set aside, and the old idea of quit rents was brought up again, and made the foundation of all freehold estates.

The general court issued a proclamation professing loyalty to the king, supporting their charter rights, and requiring the inhabitants of the county to yield obedience to the colony : and directed them also, to chuse  
officers



officers according to the regulations which had before been established within the county. The proclamation, as on the records of the general court, is as follows.

“Whereas this colony of the Massachusetts in observance of the trust to them committed by his majesty's royal charter, with the full and free consent and submission of the inhabitants of the county of York, for sundry years, did exercise government over the people of that county, and whereas about three years now past, some interruption hath been made to the peace of that place, and order there established, by the imposition of some who pretended to serve his majesty's interest with unjust aspersions, and reflections up to this government here established by his royal charter, have unwarrantably drawn the inhabitants of that county to submission unto officers that have no royal warranty, thereby infringing the liberty of our charter and depriving the people now settled of their just priviledges, the effect whereof doth now appear to be not only a disservice to his majesty, but also the reducing a people that were found under an orderly establishment to a confused anarchy. The premises being duly considered, this court doth judge meet, as in duty they stand bound to God and his majesty, to declare their resolution again to exert their power of jurisdiction over the inhabitants of the said county of York, and do hereby accordingly in his majesty's name, require all and every of the inhabitants there settled to yield obedience to the laws of this colony, as they have been orderly published, and to all such officers as shall be there legally established by authority of his majesty's royal charter, and the order of our commissioners, whom this court hath nominated and impowered to settle all  
affairs

affairs necessary for the government of the people there, and to keep a court this present summer the first Tuesday in July, at York town, as hath been formerly accustomed, and for that end, we have commanded our secretary to issue out warrants to the inhabitants there in their respective towns, to meet to chuse jurors, both grand and petit, constables and other officers for the service of that county as the law requireth, the said warrant to be directed unto Nathaniel Masterfon, who is by the court appointed Marshall of that court as formerly, and by him the said warrants are to be delivered to the severall constables to be accordingly executed, a due observance whereof, with an orderly return to be made to the court to be held as aforesaid, is hereby required of all persons respectively concerned, as they will answer the contrary at their peril.

By the court.

EDWARD RAWSON, *Sec'y.*

The commissioners appointed were, major general Leverett, Mr. Edward Tyng, captain Waldron, and captain Pike. They made return to the general court, who gave them thanks for their good services, allowed and approved of what they had done, and ordered their proceedings to be entered upon their records as followeth.

Upon receipt of this court's commission, which is recorded in the last session, we presently appointed Peter Wyer, clerk of the writs, and hearing Masterfon, appointed by the court, was imprisoned, we appointed another marshall, by warrant under our hands, but the former marshall being set at liberty, the other did not act. The court being by law to be kept in York, the first Tuesday of July, 1668, being the 7th day of the month, we repaired to York on Monday the sixth day.

Mr.



Mr. Jocelin and several others stiled justices of the peace, coming nigh to the ordinary where we were before the door, after salutes passed, they told us they desired to speak with us in the morning. To their desires we complied, and gave them a meeting, where we acquainted them we were ready to hear what they had to say, but not as sent to treat with them about what we had to do by virtue of the general court's commission. They acquainted us that they had lately received, in a packet from colonel Nichols, his letter to the governour, and magistrates of the Massachusetts colony, which they desired us to read, and first their commission, the which we read, and having read them, we told them that those concerned the general court and had been under their consideration, all by the letter from colonel Nichols, and that they had sent their declaration into the county, so that we had nothing to say, only that we did not understand that the commissioners had power to make any such temporary settlement, his majesty having before him the case, for that the Massachusetts had in obedience sent their reasons why they did not deliver up the government of that country to Mr. Gorges, which was according to his majesty's command. Then Mr. Jocelin told us there was not above five or six of a town for us; to which we replied we should see by the returns made to the court's warrants and appearances, and further told them we must attend our commission, in prosecution whereof we should attend his majesty's and the country's service, not our own, and if we met with opposition, we should advise what to do. Many other things passed, but with mutual respect. They said they must attend their commission. We parted and repaired to the meeting house,



and there opened the court by reading our commission publickly and declaring to the people wherefore we came, whereto there was great silence and attention. Then by the marshall we called for the town returns to be brought in for the election of associates, and returns were made from five towns, the other two being hindred (as they said) by the justices, yet in one of them, above half the electors sent in their votes ; whilst the court was busy in opening, sorting, and telling the votes, the justices came, and without doors, by some instrument, made proclamation that all should attend to hear his majesty's commands, upon which orders were given to the marshall, and accordingly he made proclamation, that if any had any from his majesty they coming and shewing it to the court, the court was open and ready to hear the same. Thereupon these gentlemen came in and manifested their desire that what they had shewn to us in private might be read in court to the people ; to whom we replied, that the court was in the midst of their business, in opening the returns of the county, from the several towns of election, and so soon as that was over, and after dinner, they should have their desire granted ; so they left us, and we proceeded to see who were chosen associates, had the returns of the jurymen and their names entered, both the grand jury and that of trials, also of the constables, but did not swear any one, but adjourned the court and went to dinner ; in which time we heard that the gentlemen were going to the meeting house to sit as an assembly, they having before issued out their warrants for the towns to send their deputies, whereupon we sent to speak with them after dinner. They returned they would not proceed any further till we spake

spake with them. We sent them word we did engage it. They sent us word they would meet with us at the meeting house, and presently after their marshall and Nathaniel Phillips, went up and down, and at all public places published a paper or writing, whom meeting upon their return, it was demanded what, and upon what authority, they had published to the people to make a disturbance, they answered, they published what they had, in the king's name ; they were demanded to shew their order or authority ; they answered, that was for their security ; so refusing to shew it, they were committed to the marshall. Then we went to court, where we found the house full and the gentlemen to have taken up our seats, so room being made, we went up to them, and told them we expected other things than that they would have put such an affront upon the court, nor should motions hinder us from prosecuting our commission ; we could keep the court elsewhere. Some of the people began to speak, but we commanded silence, and the officer was commanded by us to clear the court, whereupon Mr. Jocelin spake to some nigh him to depart ; so they coming from their seat we came to private discourse, and they insisted to have their commission and the king's mandamus of 1666, to be read ; we told them we would perform what we had promised when the court was set, so we repaired to our seat, and they being set by us desired that their commission might be read, which was done, and the grounds of it expressed to be from the people's petitioning, who were told that they could best give answer thereto, but said nothing ; then that part of the mandamus of 1666, which they desired might be read, was read. After which they desired that Col. Nichols' let-



ter to the governour and magistrates of the Massachusetts, might be read, but that not being of concernment to them there, save only for information of the justices, of what had passed from him to the governor and magistrates to whom it was directed, it was refused ; some short account being publickly given, that which had been read, for the matter, having been before under the consideration of the general court, they had the declaration of their intendments, in prosecution whereof we were commissioned to keep court, and settle country, which work we had begun, and God willing, would prosecute, to perform the trust committed to us, and have declared to the people that we were not insensible how that at the time of the interruption of the government, in the year 1665, by such of the gentlemen of the kings commissioners as were then upon the place, they had manifested their displeasure by telling the people that the Massachusetts were traitors, rebels, and disobedient to his majesty, the reward whereof, within one year, they said, should be retributed, yet we told them, that through the good hand of God and the king's favor the Massachusetts were an authority to assert their right of government there, by virtue of the royal charter derived to them from his majesty's royal predecessors, and that we did not doubt but that the Massachusetts colony's actings for the forwarding his majesty's service, would outspoke others words, where there was nothing but words for themselves or against us. Which done, the gentlemen left us, and we proceeded to the work of the court, to impanel the grand jury, gave them their oaths and charge, and then the associates present we called to take their oaths, one of them, viz. Mr. Roger Plaisted, expressed publickly, that



that he was sent by the town he lived in, accordingly he had applied himself to the major general more privately, to know how we reassumed the government, and how they were to submit to it, which he now mentioned in public that he might render himself faithful to them that sent him ; to which he was answered in public as he had been in private, that we reassumed the government by virtue of the charter, and that they were to have the like previledges with ourselves in the other counties. We had also, from Scarborough, a paper presented, which we herewith present to the court. Then having sworn the constables present, impannelled the jury for trials, sworn them, and committed what actions were entered and prosecuted to them, in which time the gentlemen sent to desire that at our leisure time they might speak with us ; they were sent for, and presented us with a paper. After we had received it, we attended to settle the business of the military officers, and trained bands, and commissioned for York, Job Alcock lieutenant, Arthur Bragdon ensign, for Wells, John Littlefield lieutenant, Francis Littlefield jun. ensign, for Scarborough Andrew Augur lieutenant, for Falmouth George Ingersfield lieutenant, for Kittery Charles Frost captain, Roger Plaisted lieutenant, John Gaffingsley ensign, for Saco, Bryan Pendleton major, and he to settle Black Point. Mr. Knight of Wells, the morning before we came away, being Thursday the 9th of July, came and took his oath in court, to serve as an associate. The court made an order for a county court to be held the 15th of September, there at York, and for that end continued the commission to Capt. Waldron, Capt. Pike, and others, for the better strengthening the au-

thority upon the place, as by their commission may appear. The associates that are now in place are, major Pendleton, Mr. Francis Cotterell, Mr. Knight of Wells, Mr. Raynes of York, Mr. Roger Plaisted of Kittery. Which is humbly submitted to the honourable general court, as the return of your servants,

John Leveret,  
Edward Tyng,  
Richard Waldron."

The 23d of October, 1668.

John Josslylyn, a brother to Henry the counsellor, under the government of Gorges, made a second voyage to America in the year 1663; and tarried in the country at Scarborough, then called Black Point, where his brother's seat was. He gave a short account of this revolution; he wrote under great prejudices, and does not deserve much credit as a historian. He calls the Province of Maine, the country of the Troquoës; and said it had been called Laconia, or New Somersetshire: that it belonged to the grandson of Sir Ferdinando Gorges; and that, "Sir Ferdinando had expended twenty thousand pounds in planting several parts of New England, and when between three or four score years old, did personally engage in our royal master's service, and particularly at the siege of Bristol; and was plundered and imprisoned several times, by reason whereof, he was discountenanced by the pretended commissioners for foreign plantations, and his province encroached upon by Massachusetts colony, who assumed the government thereof."

He says that the king's commissioners attempted to reduce the Massachusetts to its proper bounds, and to put Gorges in possession again; but that as soon as the commissioners had appointed judges, and other magistrates,



trates, and had established laws and ordinances for the government of the province, they went to England, whereupon the Massachusetts government came with an armed force of foot and horse, expelled the judges from their benches, and usurped the government.

The force used by the government over the people in Casco, was in the year 1668, and by this the country was again reduced to a subjection to the Massachusetts jurisdiction; and Richard Collicut was sent as representative from Falmouth to the general court in Boston in the year 1668, and in the year 1669. This would no doubt have been a very serious business, but Gorges, the successor of Sir Ferdinando, was a man of no resolution, was exceedingly necessitous, and became quite discouraged as to prosecuting the project of a province. Indeed it had become quite impracticable; for all the lands on the sea coast had been taken up under other titles; and to have turned the people out of possession, would have required great force, and the effecting of it would have depopulated his territory. Besides this, the tenor of the people's conduct, in New England, gave convincing proof, that the project of manors, quit rents, &c. could never be rendered successful here; and the ideas of riches from the discovery of the precious metals, and other fortuitous means, were only delusory, and could not be depended on. This was a favourable moment to put an end to all the controversy, by purchasing his right in the country. He carried his complaint before the king and council, against the usurpation of Massachusetts; but while the matter was in discussion, the agents for Massachusetts offered Gorges twelve hundred pounds sterling for his province, which he accepted, and made a conveyance



to Mr. Usher. The king was displeased at the purchase, and demanded an assignment of the patent to himself, that he might protect his subjects there, from the supposed abuse, which they would suffer from the colony government,\* and offered to pay the consideration money which the agents had given. The agents agreed to restrict the colony patent to where it now is, three miles north of the mouth of Merrimack River, and to resign their claim to lands within Mason's grant, which is now the Province of New Hampshire, into the royal hands. That territory had been greatly under the Massachusetts, from the year 1641. Thus the great and long controversy was amicably settled by the parties in interest.

The Indian war which was commenced in the year 1675, rendered the Province of Maine of less consideration than it had been before in the estimation of its new owners and lords proprietors. There was no kind of government attempted upon it after the commencement of the Indian wars, until the year 1679, but the remains of the old government, faintly supported the rights of the people, and defended their property against invaders. There was but little call for the exercise of civil authority, while the Savages were committing depredations on the inhabitants. Nor was there any regular established civil authority, in any part of the district, between the years 1675 and 1692.

The new lords of the soil seemed doubtful, whether the territory could be governed by the laws of the Massachusetts colony, as the claim of jurisdiction had been withdrawn from it. On the whole, they concluded to consider it as the province of a colony, and to govern

\* Hutchinson.

govern it by a deputy governour, according to the civil tenor of the grant originally made to Sir Ferdinando Gorges.

Thomas Danforth was appointed president of the province in the year 1679. Mr. Danforth was the son of a clergyman in England ; he was born in the year 1622, lived at Cambridge, and as governour Hutchinson says, had a great share in the conduct of publick measures ; he was an assistant in the year 1659, and lived until the year 1699. In the year 1681, he appeared as a zealous defender of his country's chartered rights, and was at the head of the opposition against the unjust claims of the royal prerogatives upon the chartered colonies. Mr. Danforth left no male issue, but had several daughters. Mr. Foxcroft, now of Cambridge, descended from him in the female line ; he had two brothers, the one a clergyman of Roxbury, from whom descended the late judge Danforth, of Middlesex county, and a physician of that name, now living in Boston, and well known for his learning and usefulness. The other brother was a minister in Billerica.

The transactions under president Danforth, were not very memorable ; he opened his court at York, and granted several parcels of land, more especially about Casco. Where there were different grantees claiming under Gorges and Rigby, he did what he could to quiet the controversy ; having a regard to priority of possession. He was a man of great integrity, and fairness of dealing, and no man could, in the same circumstances, have acted with more prudence and wisdom than he did. The people did by no means relish the subordination in which they were attempted to be placed by the sale of the Province of Maine, and many  
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of them were inveterately opposed to the Massachusetts as a government. Danforth came occasionally into the Province of Maine, but resided at Cambridge, and in 1681, was opposed to Dudley as a candidate for governor of Massachusetts, and came within thirty votes of a choice.\*

The government of the Province of Maine was further weakened, by an expectation that a general government would be sent over by king James, and the idea of Kirk's being appointed, depressed the republicans exceedingly. This alarm had not subsided when Sir Edmund Andros arrived in 1696, as governor of New England. This at once put an end to Danforth's government over the Province of Maine.

Sir Edmund Andros took possession of the fort at Pemaquid, and claimed a right to govern as far east as St. Croix: he raised an army of eight hundred men, and marched with them into the eastern country in the winter season. They suffered greatly, but found no enemy. He erected a fort on Pejepscott falls in Brunswick, and placed a garrison there, under the command of Brockholt, who was one of his counsel.

When Sir Edmund was arrested, and sent home, and the revolution of 1688 had taken place, the Province of Maine seemed to be neglected by Massachusetts, with respect to matters of civil concernment; the war raged in every part of it, and the whole country, excepting Kittery, York, and Wells was destroyed by the Savages, or abandoned by the inhabitants. Thus situated, when a new arrangement was made in 1692, the country could be considered as only a burden to

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\* Hutchinson.



the colony, or province, with which it should be connected; but as the Massachusetts had purchased the soil, they were content to take the burden of protecting the territory as far as the Province of Maine extended; and it was an object to obtain a control over Acadie, lest some change in government should again put it in the power of the French crown. On these ideas, Massachusetts, as one colony, extended from Rhode Island and Connecticut to St. Croix, embraced the district as a part of its government, and has to this day continued in that situation.

But the charter of 1692, incorporated the Province of Maine, and the lands between Nova Scotia and Sagadahock River, with the old colony of Massachusetts; with the provision already mentioned, that the general court should not grant any lands in Acadie, or east of Kenebeck River, without the consent of the crown. In the charter, there was a reservation of all the pine trees of twenty four inches diameter, for the use of his majesty, his heirs and successors. On this reservation, acts of parliament were made, prohibiting the cutting of pine trees under very severe penalties, recoverable in the admiralty courts. The crown would not trust a jury to try causes arising on the supposed breaches of those acts of parliament. Agents were appointed to take care of the pine trees; but as the country was cleared, fires were kindled, which run into the forests, and destroyed the pine timber, wherever it came. Moreover, as the forest trees were cut down, the tall pines became unable, when unshielded by the lesser woods against the winds, to withstand the storms. The agents generally, for their own emolument, gave license to cut such trees for other uses, as would not answer

swer for navy masts, and sent deputies to mark the trees which were to be preserved ; this was managed generally on the principles of bribery and corruption, and while the agent and his deputies became rich, great havock was made amongst the king's trees. The governours of New Hampshire were the the last agents before the revolution. One John Bridges, who came over with lord Bellamont, was the first surveyor, and had orders to survey all the woods, but the people resisted him. When the charter government of 1692, began to exist, the counsellors were nominated by Mr. Mather the agent, and appointed by the king. Sylvanus Davis, who lived then at Sheepscott, was appointed for Sagadahoc, but in the election of the next year was left out, and never after chosen. Alcot and Donnell were counsellors from the Province of Maine, afterwards, for several years. There was a war with both the French and Indians, when this new government commenced, and continued until the peace of Ryswick in 1698 ; when all the country, as far east as the river St. Croix, was ceded to the crown. A peace was made the next year with the Indians ; but Villebon, governour of St. Johns, wrote governour Stoughton a letter in 1668, which is found in a marginal note in governour Hutchinson's history, and on the council records, claiming the lands as far as Kenebeck. "I am (says he) ordered by his majesty to maintain the bounds between New England and us, which are from the head of Kenebeck River unto its mouth, leaving the course of the river free unto both nations ; and I expect that you will no longer consider the Indians inhabiting there as your subjects." The French erected a church on Kenebeck River, and continued their claim to the country.

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They were attacked and driven away by colonel Church; and the taking of Port Royal, in 1710, and the peace of Utrecht, in 1712, settled the matter as to claim of territory between the nations.

The king of Prussia, in the third volume of his works, Berlin edition, says, that this cession was made in 1712, by the French crown, with an intention to detach queen Ann from the powers in Europe, then at war with the French; and without any intention, finally, to yield the territory of Acadie to the British crown. The subsequent conduct of the French court was correspondent to that idea.

In the year 1718, the next conflict commenced respecting the territory. One captain Coram projected a scheme for settling Nova Scotia, and the territory of Acadie, for the purpose of raising hemp, making pitch, &c. but he did not succeed. By the charter of 1692, the crown could not grant the lands without the consent of the province; and the government gave Dummer, the agent, orders not to make any concession of the kind. In the year 1730, Coram procured an order to Mr. Phillips, governour of Nova Scotia, to take possession of the county between St. Croix and Kenebeck River, and a party was sent to take possession of Pemaquid. Colonel Dunbar came over and took the command of the fort, and set up a government over that part of the country. The general court requested governour Belcher to defend the right of the Province of Massachusetts, against the intrusion; whereupon he issued his proclamation, exhorting the people to obedience, fidelity and subjection. Dunbar came to Boston, and treated the governour with illiberal reproaches; but the minds of the people were  
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so much enraged against him, that he could not proceed in his government, and was obliged to give it over.

The proprietors under Beauchamp and Leveret, of what is now called the Waldo patent, became interested in the controversy, and appointed brigadier general Waldo their agent. He went to England on the business. Sir Biby Lake was likewise united with him, and the proprietors under Eldrige and Aldsworth lent their aid, because their patent was involved in the general danger.

The Massachusetts instructed its agent on the subject, and sent an account of their acts of possession, relying much on the survey in 1671, made by Mountjoy; which included St. Georges, Damaris Cove, Monhegan, and part of Pemaquid. The agent had also those extracts from the record of Massachusetts, which related to the acts of authority exercised over that part of the country, prior to the charter of 1692. The most forcible of which are here inserted.

*Boston, March 7th, 1673.*

Present, John Leveret, govr. Samuel Simons, dept. govr. Richard Russell, Thomas Danforth, Edward Tyng, and Thomas Clark, Esqrs. and appointed constables for Kennebeck, Cape Nawagen, Damaris Cove, and Pemaquid.

*March, 1701.*

Capt. Sylvanus Davis, gives this account of the several English settlements that he hath known to be formerly at, and to the eastward of Kenebeck, or Sagadahock, along the sea coast to Mintinicus. Sundry English fishing places, some 70, and some 40 years since.

At

At Sagadahock many families, and 10 boats. Sometimes more.

At Cape Nawagen many families, and 15 boats.

At Hypocris Island, 2 boats.

At Damaris Cove. 15.

At Two Bacon Gutt. } fishermen

At Holmes Island. }

At Pemaquid. 5 } fishing vessels.

At New Harbour. 6

At Monhegan, near 20

At St. Gorges fishers.

At Mintinicus Island. 20

*Farmers Eastward.*

At and near Sagadahock, 20

East side of Sagadahock to Mery Meeting, 31

From Cape Nawagen to Pemaquid, 6

At Pemaquid, 15

At New Harbour, 10

At St. Georges, west side, Mr. Foxwell, } 1

At Saquid Point, 60 years ago, } 1

On the east side of Quisquamago, 1

Philip Swaden, fifty years ago, besides fish-

ermen 60 or 70 years. 84

Farm-  
ers.

St. Georges  
84 Families.

*Within Land.*

Between Kenebeck and Georges River, 12

At Sheepscot town, besides farms, 50

Between Sheepscot and Damariscotta River, 10

At Damariscotta, 7 or 8

Between Damariscotta, Misconcus, and } 12

Pemaquid and Round Pond. }

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91 fam.

Many

Many more had began to settle, many taken lots with intent speedily to settle, but were disappointed by the war. Besides the great improvements, houses, mills, stores, mauling, building ships and vessels, the inhabitants daily increasing. Monhegan Island was sold by Mr. Jennings of Plimouth, to Alderman Aldwarth and Mr. Gyles Elbridge, March Anno 1626, and improved ever since till the war, 1688. Pemaquid 12000 acres bounded from the head of Damariscotta River to the head of Misconcus River, thence to the sea, with all islands within three leagues. In the same grant 100 acres to every passenger, and 50 acres to every person born there within seven years, amounts to about eighty persons. Granted by the council of Plimouth, to Alderman Aldworth, and said Elbridge 1629, and possession given by their attorney, Capt. Walter Neal, of 12000 acres.

From Sagadahock to Pemaquid, is	6	} leagues.
From Pemaquid to St. Georges River, is	5	
From Pemaquid to Monhegan Island,	4	

Leverets patent is from Misconcus to Penobscott River, 10 leagues into the land.

A copy taken from commissioners from the governor and council, book No. 5.

Memo. That the aforementioned Sylvanus Davis, was by the charter appointed first councillor for those lands to the eastward of Sagadahock, and was a dweller at, and well acquainted with those parts.

The whole being referred to the board of trade, they called the province agent before them, and a state of the case was ordered to be drawn up, setting forth the province's claim; how little expence the province had been at in defending or improving the country, the conquest



conquest made in 1696, by the French, and the reconquest in 1710; and the lords of trade referred this state, with the two following queries subjoined, to the consideration of the attorney and solicitor general, viz.

1. Whether the inhabitants of the Massachusetts Bay, if they ever had any right to the government of the tract of land, lying between St. Croix and Kenebeck, have not, by their neglect, and even refusal to defend and take care of, and improve the same, forfeited their said right to the government, and what right they had under their charter, and now have to the lands.

2. Whether by the said tracts being conquered by the French, and afterwards reconquered by general Nicholson, in the late Queen's time, and yielded up by France to Great Britain, by the treaty of Utrecht, that part of the charter relating thereto, became vacated, and whether the government of that tract, and the lands thereof, are not absolutely revested in the crown, and whether the crown has not thereby, sufficient power to appoint governors, and assign lands to such families as shall be desirous to settle there.

The attorney and solicitor general, heard council on behalf of the crown, and on behalf of the province, and proprietors; and on the 11th of August, 1731, made report, viz.

That upon considering the said case and queries, and the evidence laid before them, and what was alleged on all sides, it appeared to them, that the tract of land, lying between the rivers of Kenebeck and St. Croix, was (among other things) granted by the said charter, to the inhabitants of Massachusetts Bay, &c. Also that the right of government granted to the said province, extended over this tract of land.

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That

That it did not appear to them, that the inhabitants of the said province, had been guilty of any such neglect or refusal, to defend this part of the country, as could create a forfeiture of their subordinate right of government over the same ; or of the property in the soil that was granted to them by the said charter. It being sworn by several affidavits, that a fort was erected there, and for some time defended at the charge of the province, &c.

And as to the question stated in the case, upon the effect of the conquest of that tract of the country by the French, and the reconquest thereof by general Nicholson, they conceive, that the said tract, not having been yielded by the crown of England to France by any treaty, the conquest thereof by the French, created according to the law of nations, only a suspension of the property of the former owners, and not an extinguishment : and that upon the reconquest of it by general Nicholson, all the ancient rights both of the province, and private persons, subjects of the crown of Great Britain, did revive and were restored, *jure possessorii*, for which reasons, they were of opinion, that the said charter still remained in force, and that the crown hath not power to appoint a particular governor over this part of the province, or to assign land to persons desirous to settle there, &c.

This report was made in the year 1732, and settled the controversy.

The whole district remained in one county until the year 1761, by the name of the county of York. The courts of common pleas were held at York, and Falmouth, and the superiour court at York.

In the year abovementioned, an act was passed bounding the county of York on the east of New Hampshire,



Hampshire, extending on the sea to the east corner of what was then Biddeford, now Pepperrelborough, and comprehending the town of Biddeford, and the plantation of Narragansett, number one, now Buxton, and on the head of the town last mentioned, to Saco River, then up the river as far as a plantation then called Pearfontown extends thereon, and running north two degrees west to the head of the province.

The above line from the east corner of Pepperrelborough, gives the west line of a new county then created and called the county of Cumberland. The east side line of this county begins at Small Point and runs north-westerly upon Casco Bay to New Meadows River, then up the river to Stevens' Carrying Place, then across that carrying place to Merry Meeting Bay and Androscoggin river, then up that river thirty miles, and from thence north two degrees west, to the utmost northern limits of the province, including all the islands in Casco Bay. All the residue of the district was called the county of Lincoln. The inferior courts were held at Falmouth, for Cumberland county, and at Pownalborough, for Lincoln. The superiour court was held at Falmouth for both counties.

Since the revolution, the county of Lincoln has been divided into three counties; one of which retains the former name, and the supreme judicial court sits in it, for that, and the other two, which are called Hancock and Washington. Hancock is next to Lincoln, and is bounded west by Lincoln county, and on the east by the northeast corner of Gouldsborough, and extending north to the Highlands and to Canada line.

Washington comprehends all the territory between Hancock and the Province of New Brunswick, and



ought to be extended to the St. Croix, or what the natives called the Magacadava, but the English have crowded in on the states as far as the Cobscook.

This extensive country is so large and populous, and its situation so peculiar, that it cannot remain long a part of the commonwealth of Massachusetts ; but the difficulty of fixing on a seat of government, and that of travelling from one part to another of the extensive territory, and the reluctance which the inhabitants of the western part, have to going further east on governmental concerns, will for a while prevent a separation from the western part of the state, and retard the commencement of a new government in the northern part of United America. But whenever the people can agree upon and procure a separation, it will give an energy to their public conduct, and a spirit of enterprise to their private exertions, which can never be produced by any other means. Events of such magnitude, generally take place as soon as the nature of things and a proper concurrence of circumstances render it fit and proper. While we lament the prospect of losing a part of our civil society, and suffer under the disagreeable apprehensions of being deprived in some measure of the advantage of our political acquaintance with so many good and valuable characters, we rejoice in the anticipation of that elevated prosperity, and high degree of importance, to which the District must, from its peculiar advantages, be finally raised.

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# A P P E N D I X.

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*Grant of the Province of Maine to Sir Ferdinando Georges, April 3, 1639.*

CHARLES by the grace of God, king of England, Scotland, France and Ireland, defender of the faith, &c. To all to whome these presents shall come greeting. Whereas Sir Ferdinando Georges knight; hath bin an humble suitor unto us; to grante and confirme unto him and his heirs a part and portion of the country of America, now commonly called or knowne by the name of New England in America, in these presents hereafter described, by the metes, and bounds thereof, with divers and sundry priviledges, and jurisdictions, for the welfare and good of the state of those colonies that shall be drawn thither, and for the better government of the people that shall inhabite within the limits and precincts thereof, which parte and portion of the said country we have, amongst other thinges, for us, our heirs and successors, taken into our actual and real possession, and in defaulte of such actuall and real possession, formerly taken, We do by these presents, for us; our heirs and successors, take the same into our actuall and real possession: Know yee, therefore, that of our speciall grace, certaine knowledge, and mere motion, wee have given, graunted, and confirmed; and by these presents, for us, our heirs and successors, doe give; grante and confirme unto the saide Sir Ferdinando Georges; his heirs and assignes, all that parte, purparte and portion of the main land of New England, aforesaid, begining at the entrance of Piscataway Harbour, and soe to passe up the same into the river Newichawocke, and through the same into the farthest head thereof, and from thence northwestwards till one hundred and twenty miles be finished; and from Piscataway Harbour mouth aforesaid, northeastwards; along the sea coast to Sagedebadocke, and up the river thereof to Kenebecky River, and through the same to the heade thereof, and unto the land northwestwarde; until one hundred and twentie milles be ended; being accounted from the mouth of Sagedebadocke, and from the period of one hundred and twenty miles aforesaid, to crosse over land to the hundred and twentie miles end, formerly reconed up into the land from Piscataway Harbour, through Newichawocke River, and also, the north halfe of the Isles of Shoals, together with the Illes of Capawock, and Nautican, nere Capocod; as also, all the islanis and illets, lying within five leagues of the maine. all along the said coasts; between the said rivers of Piscataway and Sagedebadocke; with all the creeks, havens, and harbours thereunto belonging; and the revercion and revercions; remainder and remainders; of all and singular, the said lands, rivers, and premises; all which, said parte, purparte or portion, of the saide maine lande, and all and every; the premises herein before named, wee doe, for us, our heirs and successors, create and incorporate into one province or county; and we do



name, ordayne and appoint, that the portion of the maine land and premises aforefaid, shall forever hereafter, be called and named the Province or Countie of Maine, and not by any other name or names whatsoever; with all and singular, the soyles and grounds thereof, as well drye as covered with waters, and all waters, ports, havens, and creeks of the sea, and inlets of the Province of Maine, and premises, or to them or any of them, belonging or adjacent, as also all woods, trees, lakes, and rivers, within the said Province of Maine, and premises or limits of the same, together with the fishings of what kindes soever, as well pearles as fish, as whales, sturgeons, or any other, either in the sea or ryvers, and also, all royalties of haukeing, hunteinge, fowleing, warren, and chases within the said Province of Maine, and premisses aforefaide, deer of all sorts, and all other beasts and fowles of warren and chase, and all other beasts there, and alsoe, all mynes, and oare of gould, silver, precious stones, tinne, lead, copper, sulphure, brimstone, or any other metal or mineral matter whatsoever, within the said province or premises, or any of them, opened or hidden, and all quarrice there, and all gould, pearle, silver, pretious stones, and ambergreece, which shall be found in the said province and premises, or any of them, and the lymits and coasts of the same, or any of them, or any parte of them, or any of them, and all and singular other profits, benefits and comodities, groweing, comeing, accrewing, or happeninge, or to be had, perceaved, or taken within the said province and premises, limits and coasts of the same, or any of them; and also, all patronadges and advowsons, free dispositions and donacions, of all, and every such churches and chappelles, as shall be made and erected within the said province and premises, or any of them, with full power, licence and authority, to build and erect, or cause to be built and erected, soe many churches and chappelles there, as to the said Sir Ferdinando Georges, his heirs and assignes, shall seeme meete and convenient, and to dedicate and consecrate the same, or cause the same to be dedicated and consecrated, according to the ecclesiasticall lawes of this our realme of England; together with all and singular, and as large and ample rights, jurisdictions, priviledges, prerogatives, royallties, liberties, imunities, fraunchises and hereditaments, as well by sea as by land, within the said province and premises, and the precincts and coasts of the same, or any of them, or within the seas belonging or adjacent to them, or any of them, as the bishop of Durham, within the bishoprike or countie palatine, of Duresme in our kingdome of England, now hath, useth or enjoyeth, or of right ought to have, use and injoy, within the said county palatine, as if the same were herein perticularly mentioned and expressed. To have and hould, possesse and injoy the said province and premises, and every of them, and all and singular other the premisses, before graunted or mencioned and intended to be graunted, with their and every of their rights, members, and appurtenances, unto the said Sir Ferdinando Georges, his heirs and assigns, and to the sole only use of the said Sir Ferdinando Georges, his heirs and assigns forever; to be houlden of us, our heirs and successors, as of the mannor of East Greenwich, in the countie of Kent, by fealty only, in free and comon socage, and not in Capite nor in Knight's service, for all manner of services whatsoever, yeelding and paying therefor yearly, to us, our heirs and successors, one quarter of wheat, and also yeelding and paying to us, our heirs and successors, the fifth part of the cleare yearly profit of our royall mines of gould and silver, that from time to time, and at all tymes hereafter, shal be there  
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gotten and obteyned, and the fifth parte of all gould found upon the sea shore, or in rivers, or elsewhere, within the bounds and limitts of the said province and premises, and the fifth parte of the cleare yearly profit of pearle fishings; and wee doe, for us, our heires and successors, further graunte unto the said Sir Ferdinando Georges, his heires and assignes for ever, all treasure, troves, goods and chattels, of fellons, and of fellons themselves, waives, estraits, piratts goods, deodons, fines, and amerciaments of all the inhabitants, and others hapeninge, growing, or arising in the said province and other the premises, or any part thereof, or in any voiadge or passage to and from the same, as well for offences committed against ourselves, our heires and successors, or things concerning ourselves, our heires and successors, or our profit, as against others, or things concerning others, or the profit of others, and all and all manner of wracks of ships or merchandize, and all that which to wracks belongeth, by what means soever, hapening within, or upon the havens, creeks, coasts, or shoares of the premises, or any part thereof. And we do, for us, our heires and successors, create, ordaine and constitute the said Sir Ferdinando Georges, his heires and assignes, the true and absolute lords and proprietors of all, and every, the aforesaid Province of Maine and premises aforesaid, and all and every, the limits and coasts thereof, saving always the faith and allegiance, and the supream dominion due to us, our heires and successors; and for the better government of such, our subjects and others, as shall at any time hapen to dwell or reside within the said province or premises, or passe to or from the same, our will and pleasure is that the religion now professed in the church of England, and ecclesiasticall government now used in the same, shall be ever hereafter professed, and with as much convenient speed as may bee settled and established, in and throughout the said province and premises, and every of them; and wee doe, for us, our heires and successors, give and grante unto the said Sir Ferdinando Georges, his heires and assignes, power and authoritie, with the assent of the greater parte of the freeholders of the said province and premises, for the time being, when there shall be any to be called thereunto, from time to time, when and as often as shall be requisite, to make and ordeyne and publish lawes, ordinances and constitucions, reasonable and not repugnant and contrary, but agreeable as nere as conveniently may bee, to the lawes of England, for the publike good of the said province and premises, and of the inhabitants thereof, by imposing of penalties, imprisonment or other corrections, or if the offence shall require by taking away of life or member, the said lawes and constitucions, to extend as well to such as shal be passing unto, or returning from the said province or premises, as unto the inhabitants, or residents, of or within the same, and the same to be put in execution by the said Sir Ferdinando Georges, his heires or assignes, or by his or their deputies, lifetenants, judges, officers or ministers in that behalfe, lawfully authorised; and the same lawes, ordinances and constitucions, or any of them, to alter change and reveke, or to make voide and to make new, not repugnant nor contrary, but agreeable as nere as may bee, to the lawes of England, as the said Sir Ferdinando Georges, his heires and assignes, together with the said freeholders, or the greater part of them, for the time being, shall from time to time, thinke fit and convenient. And wee doe further by these presents, for us, our heires and successors, give and graunt unto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie, and that it shall and may be lawfull to and for him, the said Sir

Ferdinando Georges, his heires and assignes, to erect courts of justice, as well ecclesiasticall as civill and temporall whatsoever, and to appoint and constitute from tyme, judges, justices, majistrates, officers, as well of the said courts, and courts of justice, as otherwise, as well by sea as by land, for the hearing and determining of all manner of causes whatsoever, within and concerning the province and premisses, or any of them, or the inhabitants and residents there, and passengers to and from the same, as well by land as by sea, and to order and appoint what matters and things shall be heard, determined, done or ordered in any of the said courts, or by any of the said judges, majistrates, and officers, with such power and such forms as it shall seem good to the said Sir Ferdinando Georges, his heires or assignes, and the said judges, justices, magistrates, and officers, and every or any of them, from time to time, to displace and remove, when the said Sir Ferdinando Georges, his heires or assignes, shall thinke fitt, and to place others in their rooms and stead; and that the inhabitants and residents within the said province and premisses, and passengers to and from the same, may within fortie dayes after sentence given in the said courts, where appeales in like courtes within this kingdome are admitted, appeale to the said Sir Ferdinando, his heires or assignes, or his or their general governour or chief deputie, of the said province or premisses, for the time being, to whom we doe, by these presents, for us, our heirs and successors, give full power and authoritie to proceed in such appeales, as in like cases of appeal within this our realme of England. And we doe further, for us, our heirs and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie to pardon, remit, and release all offences and offenders, within the said province and premisses, against all, every, or any of the said lawes, ordinances, and constitutions, and to do all, and singular other things, unto the execution of justice appertaining, in any courts of justice, according to the forme and manner in such courts to be used, although in these our letters pattents, there be no particular mention of the same: but we doe, nevertheless, hereby signify our will and pleasure to be, that the powers and authorities, hereby given unto the said Sir Ferdinando Georges, his heires and assignes, for and concerning the government, both ecclesiasticall and civill, within the said province and premisses, shall be subordinate and subject to the power and reglement of the lords and other commissioners here, for foreign plantations, for the time being; but for all and whatsoever doth, shall, or may concerne the propertie of the said province, partes, and coastes of the same, or any of them, or any ownership in any lands, tenements, or other hereditaments, goods or chattels, or the nominating or appointing any officer, or officers, the same is left wholly to the said Sir Ferdinando Georges, his heires and assignes, according to the tenor, intent, and true meaning of these presents. And because such assemblies of freeholders, for making of lawes, cannot alwayes be so suddenly called, as there may bee occasion to require the same, we do therefore, for us, our heirs and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie, that he, the said Sir Ferdinando Georges, his heires and assignes, by him and the \* selves, or by his or their deputies, magistrates, and officers in that behalfe belonging, and lawfully constituted, shall or may, from time to time, make and ordeyne fitt and wholesome ordinances, within the province or premisses aforesaid, to be kept and established, as well for the keeping of peace as for the better government of the peo-



ple there abiding, or passing to and from the same, and to publish the same to all to whom it may appertaine or concerne: which ordinances we do, for us, our heires and successors, straightly commande to be inviolably observed, within the said province and premisses, under the penalties therein expressed, soe as the same ordinances be reasonable and not repugnant or contrary, but as neat as may be agreeable to the lawes and statutes of our kingdome of England, and soe as the same ordinances doe not extend to the binding, chardging, or takeing away of the right or interest of any person or persons in their lives, members, freeholds, goods or chattells whatsoever. And because in a country so farre distant, and seated amongst so many barbarous nations, the intrusions or invasions, as well of the barbarous people, as of pirates and other enemies may be justly feared. We doe therefore, for us, our heires and successors, give and grant unto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie, that he, the said Sir Ferdinando Georges, his heires and assignes, as well by him and themselves, as by his and their deputies, captaines or other officers, for the time being, shall or lawfully may muster, leavy, rayse, arme; and imploy all person and persons whatsoever, inhabiting and residing within the said province or premisses, for the resisting or withstanding of such enemies or pirates, both at land and at sea, and such enemies and pirates, if occasion shall require, to pursue and prosecute, out of the limits of the said province or premisses; and them, if it shall soe please God, to vanquish, apprehend, and take, and being taken, either according to the law of armes to kill, or keep and preserve them at their pleasures; and likewise by force of armes to recover from any person or persons, all such territories, dominions, places, goods, chattells and wares, which hereafter shall be taken from the said Sir Ferdinando Georges, his heires or assignes, or from his and their deputies, officers or servants, or from any, the planters, inhabitants or residents within the said province or premisses, or from any other members, aiders or assisters of the said Sir Ferdinando Georges, his heires or assignes, or from any other, the subjects of us, our heires and successors, or others in amitie with us, our heires and successors, in the said province and premisses, and coasts, or any of them, or in their passage to and from the same. And we doe further, for us, our heires and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, in case any rebellion, sudden tumult, or mutiny, shall happen to arise, either upon the said land, within the said province or premisses, or any of them, or coasts of the same, or upon the maine sea in passing thither or returning from thence, or in any such expedition or service as aforesaid, it shall and may be lawful to, and for the said Sir Ferdinando Georges, his heires and assignes, as well by him and themselves, as by his and their deputies, captaines and other officers, under his or their seale, in that behalfe to be authorized, to whom we also for us, our heires and successors, do give and graunte full power and authoritie to do and execute the same, to use and execute martiall lawe against such rebells, traitors, mutineers, and seditious persons, in as ample manner and forme as any captaine-generall in the warres, or as any lieutenant, or lieutenants of any countie within this our realme of England, by virtue of his or their office or place may or have ben accustomed in time of warr, rebellion, or mutining, to doe and performe. And wee doe for us, our heires and successors, further give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, and to all and every commander,



commander, governor, officer, minister, person and persons, which shall by the said Sir Ferdinando Georges, his heires or assignes, be thereunto authorized or appointed, leave, licence, and power to erect, rayse and builde, from time to time, in the province, territory and coasts aforesaide, and every or any of them, such and soe many forts, fortresses, platforms, castles, cities, townes and vilages, and all fortifications whatsoever, and the same and every of them to fortifie and furnish with ordinances, men, powder, shot, armour and all other weapons, municion, and habilliments of warr, both for defence and offence whatsoever, as to the said Sir Ferdinando Georges, his heires and assignes, and every or any of them, shall seeme meet and convenient; and likewise to comitt, from time to time, the government, custody, and defence thereof unto such person or persons, as to the said Sir Ferdinando Georges, his heires and assignes, shall seem meet. And to the said cities, boroughs, and townes, to graunt letters or charters of incorporation, with all the liberties and things belonging to the same; and in the said severall citties, boroughs, and townes, to constitute such and soe many marketts, martts, and fayres, and to graunte such mete tolles, customes, dutties, priviledges and freedoms to and with the same, as to the said Sir Ferdinando Georges, his heires or assignes, shall bee thought fitt. And for that plantacions are subject to divers difficulties and discomodities, therefore wee favoring the present beginning of the said plantation, and having a provident care, that those who are grieved in one thing may be releaved in another, do of our speciall grace, mere motion, and certain knowledge, for us, our heires and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, and to all other our subjects the dwellers or inhabitants that shall at any time hereafter be the planters of, or in the said province or any of the premisses, free lycence and liberty for the landing, bringing in, unlading, or otherwise disposing of all the wares and merchandize, profitts and comodities of the said province or any of the premisses, both by sea and by land, either by themselves or their servants, factors or assignes, in any of the ports of us, our heires and successors, within our kingdome of England or Ireland, paying only such customes, subsidies, and dutties as our naturall born subjects of this our realme of England, shall or ought to pay, and now other; and to have and enjoy all such liberties, freedoms and priviledges, for and concerning the exporting of the same againe, without paying any more customes or dutties, and for having a gain of import in such manner, and in the like beneficiall sorte as any of our naturall borne subjects of this our realme, shall then have and enjoy: and we doe for us, our heires and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, full and absolute power and authoritie, to make erect and appoint, within the said province and premisses, such and soe many ports, havens, creeks, and other places for the lading and unlading of ships, barques, and other vessels, and in such and soe many places, and to apoint such rights, jurisdictions, priviledges and liberties unto the said ports and havens, and creeks, belonging, as to him or them shall seeme meete; and that all and singular shippes, hoyes, barques and other vessels to be laden and unladen in any way of merchandize, shall be laden and unladen at such portes, havens or creekes, soe by the said Sir Ferdinando Georges, his heires or assigns, to be made, erected and appointed, and not elsewhere within the said province premisses and coasts, and to appoint what

reasonable

reasonable tolles shall be paid for the same, and the same tolles to receive, take and enjoy, to the behoofe of the said Sir Ferdinando Georges, his heirs and assignes, to his and their own use, without any account thereof to be made to us, our heires and successors, any use matter or thing to the contrary, notwithstanding : Saving alwayes to all our subjects of our kingdom of England, liberty of fishing, as well in the sea, as in the creeks of the said province and premisses aforesaid, and drying of their fish and drying of their netts ashoare of the saide province and any the premisses, any thing to the contrary thereof notwithstanding ; which said liberties and priviledges our pleasure is, that the saide subjects of us our heires and successors, shall enjoy without any notable damage or injury to be done to the saide Sir Ferdinando Georges, his heirs and assignes, or the inhabitants of the saide province or in any of the premisses, or in any of the portes, creekes, or shores aforesaide, but chiefly in the woods there growing : and we do further, for us, our heirs and successors, give and graunte unto the saide Sir Ferdinando Georges, his heirs and assignes, full power and authoritie, to devide all or any parte of the territories hereby graunted or mencioned to be graunted as aforesaide, into provinces, counties, cities, towns, hundreds, and parishes or such other part or portions as he or they shall thinke fitt ; and in them and every or any of them to appoint and allot out such portions of land for publique uses, ecclesiasticall and temporall, of what kind soever, and to distribute, graunte, assigne and sett over such perticular portions of the said territories, countyes, lands and premisses, unto such our subjects or the subjects of any other prince or state in amity with us, our heirs or successors, for such estates, and in such manner and forms as to the said Sir Ferdinando Georges, his heirs or assignes shall seeme meet and convenient, and the said person or persons, according to the said estate and estates, so assigned and graunted, to have and enjoy the same, and to make erect and ordain in and upon the said province and premisses, or on and upon any of them, or any partes or parcel of them, for many severall and distinct mannors as to the said Sir Ferdinando Georges, his heirs and assignes from time to tyme shall seeme meete, and to the same severall mannors to assign lymitts, and to appoint so much land distinctly and severally for demesne lands of the said manors and every of them as to the said Sir Ferdinando Georges, his heirs and assignes, shall and may seeme necessary and fitt ; and the said mannors, or any of them to call by such name and names as the said Sir Ferdinando Georges, shall please ; the said mannors to be houlden of the said Sir Ferdinando Georges, his heirs or assignes, by such rents and services as to him or them shall seme meet : and also, that the said Sir Ferdinando Georges, his heirs and assignes, shall and may at their pleasure, graunt in freehold soe much of the said demesne lands tenements and hereditaments belonging unto any of the said manors, to any person or persons their heirs or assignes, for and under such rents and services as to the said Sir Ferdinando Georges, his heirs and assignes shall be thought fitt to be houlden of the said Sir Ferdinando Georges, his heirs and assignes, as of the said mannors or any of them respectively, the acte of parliament made and enacted in the eighteenth yeare of king Edward the first, commonly called *Quia Emptores Terrarum*, or any other statute whatsoever, or any other matter or thing whatsoever to the contrary thereof in any wise notwithstanding ; and that the said Sir Ferdinando Georges his heirs and assignes, shall have, hold, and keepe within the said severall mannors, soe to be made and erected, such and soe many courts, as well courts leites,



as courts barons, as to our lawes and statutes of England shall be agreeable. And we doe further for us; our heires and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes for ever, all admirall rights, benefits, jurisdictiones, and likewise all priviledges and comodities to the said admirall jurisdiction in any wise belonging or apperteyninge in or upon the seas, rivers and coasts of, or belonging to the said province and premisses, and every or any of them, or within twentie leagues adjoining to the said province or premisses, or any of them, and in and upon all other the creeks and rivers thereof; and likewise power to heare and determine all manner of pleas for, and concerning the same: saving alwayes to us our heires and successors, and to the lord high admirall of England, for the tyme being of us our heires and successors, all and all manner of jurisdictiones, rights and powers, benefits and authoritiss whatsoever, incident or belonging to the said office of high admirall, which it shall and may be lawfull from tyme to tyme to us our heires and successors, or to the lord high admirall of England for the tyme being, to have, use and exercise within the said province and premisses, and the seas and rivers thereof, or within twentie leagues of the same as aforesaid, when wee shall thinke fitt. And we do further for us, our heires and successors, give and graunte unto the said Sir Ferdinando Georges, his heires and assignes, full power and authoritie, at any tyme or tymes hereafter, by him and themselves, or by his and their deputies, to administer reasonable oathes to all judges, justices, magistrates and other officers whatsoever, by the said Sir Ferdinando Georges his heires and assignes or their deputies to be elected, at the election of them to their severall offices and places, or within convenient tyme after; and allsoe that the said Sir Ferdinando Georges his heires and assignes, shall have full power and authoritie, as well by him or themselves, as by his or their deputies or other chiefe magistrates or officers, by him or them, in that behaulfe, to be appointed to give and administer reasonable oathes to all or any person or persons of what degree or qualittiesoever imployed or to be employed in or about the said province premisses and territories aforesaid, or any of them, or in or about the coastes of the same; and likewise to all or any inhabitant and others that shall be and remaine within the said province and premisses or any of them, for the true and faithful execucon and performance of there severall chardges and places, as for the examinacon and clearing of the truth, and likewise for the informacon, and better direction of his and their judgments in any cause or matter whatsoever and concerning the said Sir Ferdinando Gorges his heires or assignes, and any member, inhabitant or person belonging or repairing to the said province, and premisses, or any of them or any parte of them; and in all acccons, causes, suits and debates, there to be begune and prosecuted as the nature of the cause shall require. And further of our more especial grace mere motion and certain knowledge, wee doe hereby for us our heires and successors, graunte unto the said Sir Ferdinando Georges, his heires and assignes, that it shali and may bee lawfull to and for the said Sir Ferdinando Georges, his heires and assignes and every of them, from time to time, to set to sea, such and soe many shippes, pinaces, barques, boates, and other vessells as shall be thought fitt by the said Sir Ferdinando Georges, his heires and assignes, prepared and furnished with ordinance, artillerie, powder, shot, victuals, ammunicon, or other weapons, and habiliments of warre, as well invasive as defensive, in warlike manner or otherwise,

and



and with such number of men women and children, as the said Sir Ferdinando Georges, his heirs and assigns shall thinke fitt in such voidages into the said islands and places, or any parts thereof as well for the plantacon and for fortification as otherwise, and that these presents shall be a sufficient licence and warrant for any person or persons that shall be by him or them sent and employed thither to goe beyond the seas, and in the manner soe as the persons soe to be shipped sent and transported as aforesaid be not such as are or for the time being shall be prohibited by proclamation of us our heirs and successors, or by any order or orders of the lords and other commissioners for foreigne plantacons for the time being. And we doe for us our heirs and successors, further covenant and graunte to and with the said Sir Ferdinando Georges, his heirs and assigns, that only he the said Sir Ferdinando Georges his heirs and assigns, and his or their factors, agents, and such as shall be employed, sent, licenced or allowed by him or them, and noe other person or persons whatsoever (except before excepted) shall repaire or goe into the said Province of Maine and premises aforesaid, and the places within the limits and coasts thereof, or any of them, to dwell inhabite and abide there, nor have, use, or enjoy there the liberties use and priviledges of trade and traffique unto, in, or from the said province and premises or any of them, or buying, selling, bartering or exchanging for or with any wares, goods or merchandizes there, whatsoever, and likewise that it shall and may be lawfull to and for the said Sir Ferdinando Georges, his heirs and assigns, and for all and every other person and persons that shall be licenced or allowed by the said Sir Ferdinando Georges, his heirs and assigns, from henceforth and at all times, and from time to time, after the date of these our letters pattents, according to the orders and constitutions of the said Sir Ferdinando Georges, his heirs and assigns, not being repugnant to our proclamacions, and orders of the lords and others our commissioners aforesaide, to take, convey, carry and transporte for and towards the plantacon of the said province and premises or any of them; or to be used there or in the passage thether or returning thence; and there to leave, abide, and inhabite all such, and soe many of our loving subjects or any other strangers that will become our subjects and live under our allegiance, as shall willingly transport themselves, or be transported thither, and that such our subjects or strangers may, together with there persons, send, carry, or convey thither, as well shipping, armour, weapons, munition, powder, shote, and habilliments of war, as victualls, canvas, linen, woollen cloth, tooles, implements, furniture, swine and pullen goods, wares, merchandize of all kinds and sorts whatsoever, fitt and necessary for the food and livelihood, habitacon, apparell or defence of our subjects which shall there inhabite or bee, and all other wares, merchandize, goods whatsoever, not prohibited by the lawes and statutes of this our kingdome, paying custom, and other duties as other our subjects doe in such cases: and of our further royall favour we have graunted and by these presents, for us, our heirs and successors, wee doe graunte to the said Sir Ferdinando Georges, his heirs and assigns, that the aforesaid province, rivers, and places hereby before mentioned to be granted or any of them, shall not be traded in or unto nor inhabited by any of the subjects of us, our heirs and successors, without the speciall licence of the said Sir Ferdinando Georges, his heirs and assigns: and therefor we doe herby for us, our heirs and successors, further charge and command, prohibit and forbid:  
all

all the subjects of us our heires and successors, of what degree qualitie or condicon soever they be, that none of them directlie or indirectlie presume to trade or adventure, to traffique in or from, nor to inhabite or habite in the said Province of Maine, islands, dominions, places, hereby menconed or intended to be granted, or any of them, other than the said Sir Ferdinando Georges his heires and assignes, and his and their deputies and factors, unless it be with the licence and consent of the said Sir Ferdinando Georges his heires and assignes, first had and obteyned in that behalfe under his or their hands and scales, under payne of our indignacon and, also of such penalties and punishments as by the lawes and ordinances of the said Sir Ferdinando Georges his heires and assignes to be made in that behalfe, shall be appointed; and wee doe further for us our heires and successors, graunt unto the said Sir Ferdinando Georges, his heires and assignes, that all and every the persons being the subjects of us our heires and successors which shall goe and inhabite within the said province and premisses or any of them, and all and every the posteritie and children descending of English, Scottish or Irish parents, which shall happen to be borne within the same or upon the seas, in passing thether, or from thence, and from henceforth ought to be and shal be reputed and taken to bee of the allegiance of us our heires and successors, and shal be able to plead and be impleaded shall have power and be able to take by a discent, purchase or otherwise, lands, tenements, or hereditaments and shall have and injoy all liberties franchises and immunities of or belonging to the naturall borne subjects of this our kingdome of England, within this our kingdome and within all other our dominions, to all intents and purposes as if they had bin abiding and borne within our kingdome or any other of our dominions: and wee do further for us, our heires and successors give full power and authoritie unto the said Sir Ferdinando Georges, his heires and assignes, or any person or persons to be thereunto nominated by the said Sir Ferdinando Georges his heires and assignes, to give and administer oaths of supremaey and allegiance; according to the formes now established within this our realme of England to all and every such person and persons as they shall thinke fitt, that shall at any time or tymes goe or passe into the said province and premisses or any of them, or shal be resident or abiding there. And our further will and pleasure is, and wee doe by these presents, for us, our heires and successors, covenant and graunte to and with the saide Sir Ferdinando Georges his heires and and assignes, that if the said Sir Ferdinando Georges, his heires and assignes shall at any time or tymes hereafter, upon any doubt which he or they shall conceive concerning the validity and strength of this our present grante be desirous to renew the same from us our heires or successors, with amendment of any such imperfecons and defects as shall appeare fitt and necessary to be reformed by us, our heires and successors, that then upon the humble petition of the said Sir Ferdinando Georges his heires and assignes, such further and better assurance of all and singular the premisses before graunted or menconed and intended to be graunted according to the true mening of these our letters patent, shall from time to time by us our heires and successors be made and graunted unto the said Sir Ferdinando Georges, his heires and assignes, as by the attorney generall of us our heires and successors for the time being and the learned counsell of the said Sir Ferdinando Georges, his heires and assignes shall in that behalfe reasonably devised or advised; and further we doe hereby for us our heires and successors, chardge and command, all and singular admiralls, vice admiralls, generalls, commanders,



ers, captaines, justices of peace, maijors, sheriffes, ballifes, constables, customers, comptrolleres, collectors, waiters, searcherers, and all other the officers and ministers of us our heires and successors whatsoever, as well now as hereafter for the time being, to be from time to tyme, in all things aiding and assisting unto the said Sir Ferdinando Georges, his heires and assignes, and to his and there officeres, factors and agents, and to every or any of them upon request made, as they tender our pleasure and will avoide the contrary at their perilles : and wee do will, and farther for us our heires and successors doe declare and ordeyne that the said province and premisses shall be immediately subject to our crown of England, and dependent upon the same forever. And further we will and by these presents, for us, our heires and successors doe grant to the said Sir Ferdinando Georges, his heires and assignes, that these our letters pattents or the inrollment of them, shall be in all things, and to all intents and purposes, firme, good effectuell and sufficient in law against us, our heires and successors, as well in all courts as elsewhere, within our kingdome of England, or any other our kingdomes or dominiones as in the said province or premisses aforesaid, or any of them, and shall be construed, reputed and taken as well according to the true meaning and intent, as to the words of the same, most benignely, favorably and beneficially, to and for the said Sir Ferdinando Georges, his heires and assignes ; no interpretation being made of any word or sentence, whereby God's word, true christian religion now taught, professed and maintained, the fundamentall lawes of this our realme, or our allegaunce to us, our heires and successors, may suffer prejudice or diminutions ; any omission, misinformation, want of certaine expresseion of the contents limitts and bounds, or the certaine situacon of the said province and premisses aforesaid herby ment or intended to be graunted, or in what latitude or degree the same are, or any law statute or other cause or matter to the contrary notwithstanding. And although expresse mencon be not made of the true yearly value or certaintie of the premisses or any of them, and notwithstanding any misnaming, and not certaine and perticular naming of the said province, places, lands, teretories, hereditaments, and premisses whatsoever, before by these presents given, graunted, confirmed, menconed and intended to be graunted and confirmed, or any parte thereof, or the mis naming, or not naming, or not rightlie naminge of the degrees or coasts wherein or whereupon the same or any of them do lie, or any acte of parlyment, statute, ordinance, proclamacon, or restraint heretofore made, ordeyned, or provided, or any other thinge, cause or matter to the contrary notwithstanding. Nevertheless our intent and meaning is, that out of the premisses hereby graunted, or menconed to be graunted, there shal be alwaies saved and reserved to all and every such person and persons as have or hath any lawful graunte or graunts of lands or plantacones lawfully settled in the devision and premisses aforesaid, the free houlding and enjoying of his and there right, with the liberties thereunto appertaining, hee and they relinquishing and laying downe his and there *Juria Regalia*, if he or they have any, to the said Sir Ferdinando Georges, his heires and assignes, whome wee have hereby made proprietor of the province, division and premisses aforesaid, and paying some small acknowledgement to the said Sir Ferdinando Georges, his heires and assignes, for that he or they are now to hold their lands anew of the said Sir Ferdinando Georges, his heires and assignes.



In witness whereof, wee have caused these our letters to be made patents. Witness our selfe at Westminster, the third day of Aprill, in the fifteenth yeare of our raigne.

The foregoing is a copy from the first book of the records of the court of common pleas and sessions for the county of York, leaf 2d. and onwards. Examined by Daniel Sewall, assistant clerk of the common pleas and sessions for York county. }  
July 3, 1793.

## No. II.—PAGE 234.

### *Deed to Wheelwright and others.*

**K** NOW all men by these presents, that I, Thomas Gorges deputy govr. of the Province of Mayne, according unto the power unto me granted from Sir Ferdinando Gorges, knight, proprietor of the said province, being hereunto especially moved, for divers good reasons and considerations, have given, granted, bargained, sayled, enfeofed and confirmed, and by these presents do give, grant, bargain, sell, enfeof and confirm unto Mr. John Wheelwright, pastor of the church of Exeter, his heirs and assigns, a tract of land lying at Wells, in the county of Summerstett, to be bounded as followeth, viz. all that neck of land next adjacent to the marsh on the north east of Ogunquett River, with six score acres of the said marsh, next adjacent to the said neck of land, being bounded towards the sea with a crick of Ogunkigg River, also two hundred and four score acres of upland, being next adjacent on the north west of the said marsh, the said neck being included within the said number of 280 acres, the said premisses to have and to hould unto him the said John Wheelwright, his heirs and assigns forever, yielding therefor, and paying unto the said Sir Ferdinando Gorges, his heirs and assigns, on the 29th of September yearly, and forever hereafter, the sum of five shillings for every hundred acres that shall hereafter be made use of, either by inclosure or otherwise, for meadow or tillage, by the said John Wheelwright, his heirs or assigns. In witness whereof I have hereunto set my hand and seal at Armes this 17th April 1643. Thomas Gorges dept. govr. Gorgeana, signed, sealed and delivered in the presence of us. Joseph Hull, Will. Coole.

Vera copia taken out of the original. Edw. Rishworth, Record.

There was another deed in 1643, from Thomas Gorges, deputy governor of the Province of Maine, wherein he granted to John Wheelwright, minister of the word of God, Henry Boade, and others, the lands in Wells, from the northeast side of Ocgungig River, to the west side of Kenebunk; on condition that they should come to settle there, and pay a quit rent to Sir Ferdinando, of five shillings yearly for each hundred acres. This grant was the origin of Wells.

## No. III.—PAGE 234.

*Another Deed to Wheelwright.*

**K**NOW all men by these presents, that we, Hen. Boad, and Ed. Rishworth do, according to power given unto us, grant and allot unto John Wheelwright, pastor of the church of Hampton, all that tract of land lying betwixt Ogunquett River and his farme, except that which is already allotted unto John Crosse, which tract of upland is bounded on the south east side, with the marshes, and on the north west side, is to be bounded with a streight line from his, the said John Wheelwright fence, set up on the north west side of his farme to the said river of Ogunquett to have and to hold the said land to him and his heirs forever. In witness whereof we have hereunto sett our hands, Novr. 25. 1651. Hen. Boade, Edw. Rishworth.

This deed with those premisses above written, recorded 26 March 1653.

## No. IV.—PAGE 257.

*Boston, Nov. 6th, 1676.*

**C**OVENANTS and agreements made and concluded by, and between the governour and council of Massachusetts colony in New England, of the one part; and Mugg, Indian, in behalf of Madockawando, and Cheberina, sachems of Penobscott, on the other part.

1. Whereas the said Mugg hath been sent, and employed by the said sachems upon a treaty, with the said governour and council relating to a conclusion of peace, doth hereby covenant and engage for himself and in behalf of the said sachems, that from henceforth they will cease all acts of hostility, and hold an intire union and peace with all the English of the colonies in New England.

2. That immediately upon the said Mugg's return, the said sachems shall deliver up unto such Englishman, or men, as shall by order of the said governour and council be sent with him, all such English captives, vessels and goods whatsoever, arms and great artillery belonging to the English, as are in their custody, or under their power, as have been taken from them during the time of the late hostility.

3. That they will use their utmost endeavours with all possible speed to procure pay, wherewith to make full satisfaction unto the English, for all such injuries, losses, and damages, as they have sustained by them in their housing, cattle, or other estate, during the time of the late hostility; or else to pay such a number of beaver skins yearly, in order thereunto, as shall be agreed on between the said sachems, and such person, or persons as shall be sent unto them from the said governour and council for the ratification hereof, to be paid at such time and place as shall be then agreed upon.

Cc

4. That




4. That upon condition of the English furnishing them with powder and ammunition for their necessary supplies and maintenance, they do covenant and promise not to trade for, or buy powder or ammunition, but of such persons as shall from time to time be deputed by the governour for that end.

5. That if it doth appear that Walter Gendal, and the man sent with him, in the vessel from Piscataway, with goods from Mr. Fryer, for the redemption of captives, according to agreement, or any of them, are surprized and slain by any of their Indians, or any other whom they can bring under their power, that they shall forthwith execute such murderer, or murderers, or otherwise deliver them up into the hands of the English.

6. That if the Amascoggan or any other Indians in the eastern parts, that are in hostility with the English, shall not fully consent unto these covenants and agreements but shall persist in acts of hostility against the English, that then the said sachems shall and will hold all such Indians to be their enemies, and to take up arms against them, and engage them as such.

*Lastly.* The said Mugg, as a pledge and assurance of his own fidelity, and that he is impowered by the said sachems for the end aforesaid, and for the performance of the aforementioned agreements, doth freely and willingly deposit himself, and his life in the hands of the English, to remain with them as a hostage, until the said captives, goods, and vessels, shall be delivered up. Signed in presence of

John Earthly,  
Richard Oliver,  
Isaac Adington.

The  mark of  
Mugg Indian.

This treaty was well observed by the Penobscott tribe.

## No. V.—PAGE 259.

*The Council of War of their Majesties Colony of New Plymouth in New England, to major Benjamin Church, Commander in Chief.*

**W**HEREAS the Kenebeck and Eastern Indians, with the confederates, have openly made war upon their majesties subjects, of the Provinces of Maine, New Hampshire, and of the Massachusetts colony, having committed many barbarous murders, spoils and rapines, upon their persons and estates. And whereas there are some forces of soldiers, English and Indians, now raised and detached out of the several regiments and places within this colony of New Plymouth, to go forth to the assistance of our neighbours and friends of the aforesaid provinces and colony of the Massachusetts, subjects of one and the same crown: and to joyn with their forces, for the repelling and destruction of the common enemy. And whereas you, Benjamin Church, are appointed to be major and commander in chief of all the forces, English and Indians, detached within this colony, for the service of their majesties as aforesaid.

These



These are in their majesties name, to authorize and require you to take into your care and conduct, all the said forces, English and Indians, and diligently to intend that service, by leading and exercising of your inferior officers and soldiers, commanding them to obey you as their chief commander, and to pursue, fight, take, kill or destroy the said enemies, their aiders and abettors, by all the ways and means you can, as you shall have opportunity. And you to observe and obey all such orders and instructions as from time to time you shall receive from the commissioners of the colonies, the council of war of this colony, or the governour and council of the Massachusetts colony.

In testimony whereof, the public seal of the said colony of New Plymouth is hereunto affixed. Dated in Plymouth the sixth day of September, Anno Dom. 1689. Annoque Regni Regis et Reginae Willielmi et Mariae, Angliae, &c. Primo. Thomas Hinkley, President.

And now marching them all down to Boston, then received his further orders and instructions, which are as follows.

*Boston, September 16th, 1689.*

To all sheriffs, marshalls, constables, and other officers military and civil, in their majesties Province of Maine.

Whereas, pursuant to an agreement of the commissioners of the united colonies, major Benjamin Church, is commissioned commander in chief over that part of their majesties forces, (levyed for the present expedition against the common enemy) whose head quarters are appointed to be at Falmouth in Casco Bay. In their majesties names, you, and every of you, are required to be aiding and assisting to the said major Church, in his pursuit of the enemy, as any emergency shall require, and to impress boats or other vessels, carts, carriages, horses, oxen, provision and amunition, and men for guides, &c. as you shall receive warrants from the said chief commander, or his lieutenant so to do. You may not fail to do the same speedily and effectually, as you will answer your neglect and contempt of their majesties authority and service, at your uttermost Peril. Given under my hand and seal the day and year above writted. Annoque Regni Regis et Reginae Willielmi et Mariae, Primo. By Thomas Danforth, President of the Province of Maine.

By the governor and council of the Massachusetts colony to major Benjamin Church.

Whereas you are appointed and commissioned by the council of war, of the colony of New Plymouth, Commander in chief of the forces raised within the said colony against the common Indian enemy, now ordered into the eastern parts, to joyn with some of the forces of this colony, for the prosecution repelling and subduing of the said enemy. It is therefore ordered that Capt. Simon Willard, and Capt. Nathaniel Hall, with the two companies of souldiers under their severall command, belonging to this colony now in or about Casco Bay, be and are hereby put under you, as their commander in chief for this present expedition. And in pursuance of the commissions severally given to either of them, they are ordered to observe and obey your orders and directions as their commander in chief untill further order from the governor and council or the commissioners of the colonies. Dated in Boston, the 17th day of

September, Anno Dom. 1689. Annoque Regni Regis et Reginae,  
Guilielmi et Mariæ Angliæ, &c. Primo. S. Bradstreet, gov.

Past in council,

Attest, Isaac Addington, Secretary.

By the commissioners of the colonies of the Massachusetts, Plymouth and Connecticut, for managing the present war against the common enemy.

Instructions for major Benjamin Church, commander in chief of the Plymouth forces, with others of the Massachusetts, put under his command. In pursuance of the commission given you for their magesties service, in the present expedition against the common Indian enemy, their aidors and abettors: reposing confidence in your wisdom, prudence and fidelity, in the trust committed to you, for the honor of God, good of his people, and the security of the interest of Christ in his churches, expecting and praying, that in your dependance upon him, you may be helped and assisted, with all that grace and wisdom which is requisite, for carrying you on with success in this difficult service. And though much is, and must be left to your discretion, as providence and opportunity may present from time to time, in places of attendance. Yet the following instructions are commended unto your observation, and to be attended so far as the state of matters with you will admit. You are, with all possible speed, to take care that the Plymouth forces, both English and Indians, under your command be fixed and ready, and the first opportunity of wind and weather, to go on board such vessels as are provided to transport you and them to Casco, where if it shall please God you arrive, you are to take under your care and command, the companies of Capt. Nathaniel Hall and Capt. Simon Willard, who are ordered to attend your command, whom together with the Plymouth forces, and such as from time to time may be added unto you: you are to improve in such a way as you may see meet, for the discovering, pursuing, subduing, and destroying the said common enemy, by all opportunities you are capable of; always intending the preserving any of the near towns from incursions, and destruction of the enemy, yet chiefly improving your men for finding and following the said enemy abroad, and if possible to find out and attack their head quarters and principal rendezvous. If you find you are in a rational capacity of so doing, the better to enable you thereto, we have ordered two men of war sloop, and other small vessels for transportation, to attend you for some considerable time. You are to see that your souldiers arms be always fixt, and that they be furnished with amunition, provisions, and other necessaries, that so they may be in readines to repel and attack the enemy. In your pursute you are to take special care to avoid danger by ambushments, or being drawn under any disadvantage by the enemy in your marches, keeping out scouts, and a forlom before your main body, and by all possible means, endeavouring to surprise some of the enemy, that so you may gain intelligence. You are to suppress all mutinies and disorders among your souldiers as much as in you lies, and punish such as disobey your officers, according to the rules of war herewith given you.

You are according to your opportunity, or any occasion more than ordinary occuring, to hold correspondence with major Swaine, and to yeald mutual assistance, when and as you are capable of it, and you may have reason to judge it will be of most public service: and it will be meet, you and he should agree of some signal, whereby your Indians may



may be known from the enemy. You are to encourage your souldiers to be industrious, vigorous, and venturous in their service, to search out, and destroy the enemy, acquainting them, it is agreed by the several colonies that they shall have the benefit of the captives, and all lawful plunder, and the reward of eight pounds, per head, for every fighting Indian man slain by them, over and above their stated wages, the same being made to appear to the commander in chief, or such as shall be appointed to take care therein.

If your commission officers, or any of them, should be slain, or otherwise incapable of service, and for such reason dismist, you are to appoint others in their room, who shall have the like wages, and a commission sent, upon notice given; you to give them commissions in the mean time. You are to take effectual care, that the worship of God be kept up in the army, morning and evening prayer attended as far as may be, and as the emergencies of your affairs will admit, to see that the holy Sabbath be duly sanctified. You are to take care as much as may be, to prevent or punish drunkenness, swearing, cursing, or such other sins as do provoke the anger of God. You are to advise with your chief officers, in any matters of moment, as you shall have opportunity. You are from time to time to give intelligence to governour and council of the Massachusetts, or commissioners of the colonies, of your proceedings and occurrence that may happen, and how it shall please the Lord to deal with in this present expedition.

If you find the vessells are not likely to be serviceable to you, dismist them as soon as you may. Capt. Sylvanus Davis is a prudent man and well acquainted with the affairs of those parts, and is writt unto to advise and inform you all he can. Such further instructions as we shall see reason to send unto you; you are carefully to attend and observe, and in the absence of the commissioners, you shall observe the orders and instructions directed unto you from the government and council of the Massachusetts. Given under our hands in Boston, Sept. 18th, 1689.

Thos. Danforth, *President.*  
Elisha Cooke,  
Samuel Mason,  
William Pitkin,  
Thos. Hinkley,  
John Walley.

## No. VI.—PAGE 307.

### *Charter to Gorges.*

**T**O all christian people to whom this present writing shall come; I Sir Ferdinando Gorges, knight, lord, and owner of the Province of Mayne in New England in America, doe send greeting in our Lord God everlasting:—Know yee, that whereas by my commission and ordinances, bearing date in September last past, I have made and established a councell in my said province for the due execution of justice there, according to the power unto me given by his majesties letters pattents, bearing date the third day of Aprill, in this present fifteenth yeare of his highness raigne. Now for that I am not certaine whether my said com-



mission and ordinances be safely arrived within my said province, whereby justice may be duly executed according to the tenor thereof, I have thought fit to reestablish a councill therein for the execution of justice according to the ordinances hereunto subscribed, and according to the power unto me given by the said letters pattents, a true coppie whereof is hereunto annexed : by virtue of which power, I hereby nominate and appointe my trustie and wellbeloved cosen Thomas Gorges, Esq. Richard Vines, Esq. my servant and steward general, Henry Joselin, Esq. Francis Champernoone, Esq. my loving nephew, Richard Bonithon, William Hook and Edward Godfrey, Esqs. to be my councillors for the due execution of justice in such manner and form as by my subscribed ordinances is directed, and as by the said letters pattents I am enabled, and I doe alsoe give them power to administer oathes to any person or persons within my said province for their better direcon and clearing of the truth in anie cause or matter which shall depend before them, and to doe and performe all other things unto the execution of justice in such manner and forme as by my said subscribed ordinances is ordained, and the said royall charter I am enabled or authorised ; and doe alsoe give my said kinsman Thomas Gorges, Esq. and my said steward, general, or either of them, full power and authoritie to administer the oath of allegiance, according to the form now used in this his highness' realme of England, and the oath in the said subscribed ordinances inserted unto the rest of the said councillors, and after the administration thereof unto them, as aforesaid, I do will and authorize them or any two of them to administer the said oathes to the said Thomas Gorges and Richard Vines, and so to proceed unto the execution of justice according unto the power unto them given in the said subscribed ordinances, as by the said letters pattents, I am appointed or enabled. And forasmuch as there have bin sundry complaints unto me exhibited, of the piracies, spoiles and other dangerous attempts that have bin made upon the inhabitants of my said province by the natives and other piraticall persons, contrary to the law of nations, and to the disheartening of other good subjects to plant therein ; for prevention whereof, I do, by virtue of the power unto me given by the said letters pattents, authorize my said councill or any five or more of them, whereof the said Thomas Gorges or Richard Vines, Esqs. to be one, by commission under the publique seale of my said province, directed to the provost marshall or such other person or persons as they shall thinke meete, to leavy and take such forces as the said province will afford, and therewith to make head by land or sea against such piratts, and them to pursue by all good wayes and means out of the said province, and if it shall soe please God to apprehend, kill or take them, and being apprehended either according to martiall law to proceede against them, or otherwise to dispose of them as by my said councill or the greater part of them shal be thought meete at their next sessions or assembly to be held for publique deteminacion of causes within the said province, according to the said subscribed ordinances, which ordinances doe follow in these words :

Ordinances made and established and ordained by me Sir Ferdinando Gorges, knight, lord, and proprietor of the Province of Mayne in New England in America, and to be put in execution by the persons hereafter menconed.

*First.* Having desired nothing more than the happiness and prosperity of my said province, and that the inhabitants thereof may be peaceably and

and prosperously governed, I have thought fit, according unto the power unto me given by his majesty's said letters pattents bearing date as aforesaid, to nominate and appoint my trusty and well beloved cosen Thomas Gorges, Esq. Richard Vines, Esq. my servant and steward generall, Henry Joselin, Esq. Francis Champernoon, Esq. my loving nephew, Richard Bonithin, William Hooke, and Edward Godfrey, Esqs. and such others as I shall hereafter appoint, to be of my said councill duringe my will and pleasure only: and I doe hereby give my said cosen Thomas Gorges, Esquire, and my said steward generall Richard Vines, Esq. or either of them power and authority to call together so many of my said councill as shal be sufficient to determine and order any suite or matter depending before them or which shall hereafter depend before them (according to these my ordinances) and that there may be a certaine place and time for determininge of suites and causes, I have thought first to assigne the place to be as neare as may be unto the midit of that partt of the said province which is most inhabited, and that your meetings be upon a day certaine once a month to be appointed by my said councillers or any three of them, whereof the said Thomas Gorges or Richard Vines to be one; and at those meetings I doe give my said councill, or any three of them, whereof the said Thomas Gorges or Richard Vines to be one, power and authoritie, and do ordaine, that they shall examine, determine and punish all blasphemyes, mutinies, murders, felonies, burglarries, manslaughters, robberyes, pettilarceny, rapes and ravishments, swearing, drunkenness, adulteries, fornication, incest, riots, routs, unlawful assemblies, spreaders of false newes, oppressions, exactions, extorcons, forestallinge, regrateinge, and all other undue raisinge the prices of the commodities whatsoever, and alsoe all forgeryes, perjuryes, and all other offences don or committed within the said province, contrary to the peace of our soveraigne lord the king, his royall crowne and dignitie; and that my saide councill or any three of them, as aforesaid, whereof the said Thomas Gorges or Richard Vines, to be one, shall and may inflict such paines and punishments, upon any person or persons duly convicted or found guilty before them, for committing anie of the offences aforesaid, as by his majestyes laws or statutes now in force in this his highnesse's realme of England are made and provided for such offenders in as large and ample manner as by the said letters pattents I am enabled and no otherwise. And I doe further ordeyne that my said councill or anie three of them whereof the said Thomas Gorges or Richard Vines, to be one, shall heare, determine and order all complaints to them exhibited within the said province for controversies arising between party and party, touching breach of covenants, debts, detinues, assumptits, bonds, bills, legacies and all other causes and actions whatsoever that doth or may concerne any person or persons in their goods chattels or freeholds, within the said province, and to make such orders upon hearing thereof for the relief of the complainant as the justnesse of the cause shall require, and as to the lawes and statutes of this his highnesse's realme of England are agreeable, and to award such costs and damages to the plantiffe or defendant upon hearinge thereof as they shall thinke meete. But I doe limitt and restraine the power before menconed for punishinge the offences before expressed and hearinge and determininge differences arising betweene party and party from extending to the punishinge, orderinge, or arbitrating any cause or



offence which shall depend before my said councell (saving such offences and causes as they shall punish and order according to the power unto me given by the said letters pattents, not exceeding or varyinge any thing from the same according to the intent and true meaning thereof. And I do further ordeyne that my said councell or any three of them as aforesaid, whereof the said Thomas Gorges or Richard Vines, Esqs. to be one, shall punish all persons that contemptuously refuse to give obedience unto such orders as my said councell shall make at their sittings or sessions, and to impose fynes, and committ the parties soe contemninge them, to prison, until they give obedience thereunto : and that there may be an orderly course held, for summoninge of apparance to any that shall be called to answer before my said councell, I have assigned this shorte forme of procefs to be there used :—

To *A. B.* of *D.* in the said province, greeting, These are to will and command you to come and appeare before us the councell established for the Province of Mayne upon the first day of, &c. to answer to the complaint of *E.* Given under the seale of the secretary of our said councell the     day of, &c.

But in case of felony or any capitall offence, the warrant is to be directed to the provost marshall or constable of the peace, and to be after this forme :

These are to command you, presently upon receipt hereof, to take with you a sufficient guard, and to use your best meanes for apprehending of *A. B.* and him to bringe before us to answer unto such matters of felony as shall be objected against him. Hereof fail not, &c. Given under the seale, &c.

And I doe further ordeyne that you appointe some able sufficient clarke, to register all your proceedings, and record all your orders of courte ; and to assigne such other officers as shall be fitt, to attend your courte : and I doe alsoe ordeyne that if any person or persons shall contemne any of your orders, made according to the power unto me given by the said letters pattents, that you then assigne your provost martiall, to goe with a sufficient guard for apprehencion of such delinquents, and him or them to deteyne in safe prison, till you further determine of them ; but in case resistance be made, then the provost martiall is to proceede to the killinge of such resisters as in like case of rebellion, you giving him warrant for soe doinge, which warrant is to be after this manner :

To the provost martiall, &c. Forasmuch as sufficient proofe hath been made before us of the mutinous demeanors of *E. D.* contrary to the honour of justice, and to the breach of severall orders in that behalf provided, These are therefore strictly to charge and command you, to take with you a stronge guard well armed, and that you omit not to apprehend the said *E. D.* and him to bringe before us or some of us to be dealt withall accordinge to the nature of his cryme : and in case resistance, be made, or that he fortify his house against you, that you then omit not by fire or otherwise to proceed against him, as against a dangerous rebell.

But before this be granted, the court is to proceede unto a diligent hearing of the complainte and to be well assured of the proofes made of the matters he stands accused of, which done, sentence is to be given specifying the proofes whereupon the order is grounded ; and for the execution of such orders, and keeping of prisoners, you are to make a provost martiall, who is to have a house built for that purpose at the common charge, for that it is for the publique good. And I doe further ordeyne



dayne that my said counsellors before they procede to the orderinge or punishinge any of the offences or causes before expressed, shall take the oath of allegiance according to the forme now used in this his highness' realme of England for their loyaltie to his majestie, and also the oath hereafter expressed for the due execution of justice without respect of persons, which oath doth follow in these words :

I doe sweare to be a faithful servant and counsellor unto Sir Ferdinando Gorges, knight, my lord of the Province of Maine, and to his heirs and assignes, to doe and perform all dutiful respects to him or them belonginge, concealing their counsell, and without respect of persons to give my opinion in all cases according to my conscience and best understandinge, both as I am a judge for hearinge of causes, and otherwise freely to give my opinion as I am a counsellor for matters of the state, or commonwealth ; and that I will not conceale from him and his said counsell any matter of conspiracy or mutinous practise against my said lord, his heirs or assignes, but will instantly after my knowledge thereof discover the same unto him and his said counsell, and seeke to prevent it, and by all means prosecute the authors thereof with all severity, according to justice : and thereupon I kisse the booke.

And that all suites or causes that shall depend before my said counsell may proceed in an orderly manner without confusion or uncertainty, I do hereby nominate and appoint my said kinsman Thomas Gorges, Esq. to be secretary of my said counsell, and have delivered him a seale for sealing of all proceses or warrants which shall issue from my said counsell ; and doe ordayne that all proceses or warrants which shall issue there without being duly sealed with the said seale, after the publishinge of these my ordinances, shall be utterly void and frustrate, and such persons as refuse to give obedience thereunto, not to be punished for their foe doinge. In witness whereof, I have hereunto put my hand and seale, the tenth day of March, in the fiftenth yeare of the raigne of our most gracious soveraigne lord, king Charles, annoque Domini, 1639.\*

When Charles had attempted to recall the charters made by his father, and taken, as he conceived, the whole of New England into his own hands, Georges issued another commission and another ordinance to the same persons to execute the government of his province. That commission was as follows.

**T**O all christian people to whome this present writinge shall come, I Sir Ferdinando Georges, lord proprietor and owner of the Province of Maine in New England in America, do send greeting in our Lord God everlasting. Know yee, that whereas it hath pleased the king's most excellent majestie to take into his owne actual and reall possession, all the territories and tracts of land, now called New England in America ; and hath, out of his royall favour, by his royall charter under the great seale of England, bearing date the third day of April, in this present fiftenth yeare of his highness' raigne, graunted and confirmed unto me the said Sir Ferdinando Georges, all that part and porcion of land lying and being in New England aforesaid, which by the meetes and bounds thereof, extendeth itself from the entrance of Pascataway Harbour unto the river of Sagadahocke, and soe up into the maine land one hundred and twentie milles, and hath declared his royall pleasure that the said

portion

\* *Tork Records.*

portion of maine land aforesaid shal be henceforth called and named the Province of Maine, with all the soyles, rivers and brookes thereof, and hath also, by his said royall charter, given me power and authoritie to make and establish ordinances for the better government and wellfare of the inhabitants of the said province, and publique peace thereof, with divers other royalties, priviledges and immunities, as by the said royall charter, a true copy whereof is hereunto annexed, wherunto relation being had more at large, it doth and may appeare ; by vertue whereof, I have upon deliberate consideration, made and established the ordinaunces unto this commission subscribed, for the better government of my said province, and until my further pleasure shall be signified for the revocation and making voide thereof, or untill I shall assemble the freeholders of my said province for enacting such lawes and statuts as may agree with the welfare of the publike state of the said province : wherefore, of the speciall good opinion which I have conceived of my trusty and wellbeloved Sir Thomas Josselin knight, Richard Vines, Esq. my steward general, Francis Chapernoon, Esq. my loving nephew, Henry Josselin, and Richard Bonithton, Esquires, William Hooke and Edward Godfree gentlemen, I doe hereby constitute, ordaine and appoint them, the said Thomas Josselin knight, Richard Vines, Francis Champernoone, Henry Josselin and Richard Bonithton, Esquires, William Hooke and Edward Godfree, gentlemen, to be my counsellors for the due execution of justice in such manner and forme as by my ordinances hereunto subscribed is directed, and as by the said annexed royall charter I am inabled, and doe alsoe give them power and authoritie to administer oaths to any person or persons within my said province for there better direcon and clearing of the truth in any cause or matter that shall depend before them, and to doe and performe all other things unto the execution of justice belonging in such manner and form as by my said subscribed ordinances is ordeyned, and the said royall charter I am authorised, and I do alsoe give full power and authoritie unto the said Richard Vines, Esq. my said steward generall, to administer the oaths of allegiance according to the form used in this his majesties realme of England, and the oath in the said ordinances exprest unto the rest of my said counsellors, and after the administration thereof unto them as aforesaid, I doe will and authorize them or any two of them to administer the said oaths unto the said Richard Vines, and soe to proceed to the execution of justice according to the power unto them given in my said ordinances, as by the said annexed copy of royall charter I am appointed. And for so much as there hath been severall complaints, to me exhibited, against the piracies, spoyles, and other dangerous attempts that have bin made upon the inhabitants of my said province by the natives and other piraticall persons, contrary to the law of nations, and to the disheartening of other good subjects to be planters therein, for prevention whereof I do by the vertue of the power to me given by his majesties said royall charter, give full power and authoritie unto my said counsellors, or any five of them, whereof the said Sir Thomas Josselin, or Richard Vines, Esquires, to be one, by there commission under there hands and seales, directed to the provost martiall, or such other person or persons as they shall thinke fitt, to levy armes, and take such forces as the said province will afoard, and therewith to make head, either by land or by sea, against such piratts or other persons, and to use all the means they can, for the vanquishing of them, or driving them out of the said province, and if it shall soe please God,



God, to apprehend, kill or take them, and being taken, to proceed against them according to marshall law, or otherwise to determine of them as by the said councell shal be thought convenient, or the major voyce of them shall adjudge at there next assembly or sessions, to be held after apprehension of such piratts or other persons. All which sessions or other assemblies are by them to be held at such convenient tymes as they or the greater parte of them, whereof the said Sir Thomas Josselin, or Richard Vines, Esquires, to be one, shall thinke fitt for the due execution of the said ordinances, which ordinances doe follow in these words.

Ordinances made, established and ordeyned, by me Sir Ferdinando Georges, knight, lord proprietor and owner of the Province of Maine in New England in America, which ordinances are to be put in execution by my trusty and well beloved Sir Thomas Josselin, knight, Richard Vines, Esq. my servant and steward generall, my loving nephew Francis Champernoone, Esq. Henry Josselin, and Richard Bonithton, Esquires, William Hook, and Edward Godfree, gentlemen, and such others as shal be by me appointed hereafter, to be of my counsell in my said province. For soe much as I have desired nothing more than the happines of those plantacons of New England in generall, and of the peaceable government of my said province, the same being wholly appropriated to me my heires and assignes with full power and authoritie to dispose of matters both for government and teretore as may best sorte with the happines of the inhabitants thereof; by vertue whereof I have thought fit to nominate and appointe you my trusty and well beloved, Sir Thomas Josselin, knight, and the rest of the persons above named, to be my counsellors for the due execution of my ordinances according to the power to me given by the said royall charter, during my will and pleasure only; and I doe therefore give full power and authoritie unto the said Sir Thomas Josselin, and my said steward general or either of them, to call together soe many of the said counsell as shal be sufficient to determine and order such suites and causes as shal be commenced or depend before them: and that there may be a place appointed for the hearing and determining of causes, I have thought to assigne the same to be as nere as may be, in the midst of that part of the province which is most inhabited, and that there be a house builde for that purpose at my own charge, if it cannot otherwise be settled. And I doe ordeyne, that your meeting be upon a day certaine, to be appointed by the said counsell, or any three of them, whereof the said Sir Thomas Josselin or Richard Vines, Esquires, to be one, and I do give my said counsellors, or any three of them, whereof the said Sir Thomas Josselin, or Richard Vines, Esquires, to be one, full power and authoritie, and doe ordeyne and declare, that at their said meeting they shall examine, heare and determine all muttines, felloneyes, murders, rapes, manslaughter, burglaryes, petty larceny, forgeries, adultryes, incests, fornicacones, spreaderes of false newes, drunkenes, swearing, affrayes, ryottes, routes and unlawful assemblies. And doe ordeyne that my said counsellors, or any three of them, whereof the said Sir Thomas Josselin or Richard Vines, Esqs. to be one, shall inflict such paynes and punishments upon any person or persons duly convicted or found guiltie before them, for committing of the offences aforesaide, as by his majesties lawes and statutes here in his majesties realme of England, are made and ordeyned for punishment of the like offences, in as large and ample manner as I am enabled by the said royal charter to doe and performe the same: And I doe further ordeyne,



deyne, that my said counsellors, or any three of them, whereof the said Sir Thomas Josselin or Richard Vines, Esqs. to be one, shall heare, determine and order, all complaints to them exhibited within my said province, for controversies arising between partie and partye, touching breach of covenantes, debts, detinues, bondes, bills, legacies and all other matters that may concerne any person or persones, in there goods, chattells, or frehold, and to make such orders therein for the relief of the complainant upon hearing thereof as the justice and equitie of the matter or cause shall deserve, and as to his majesties lawes and statutes, in this his highnes' realme of England are agreeable, and also to award such costs or damages to the plantiffe or defendant as they shall thinke fitt upon hearing thereof in such manner and forme as by the said royal chartter I am inabled and authorized. And I doe further ordeyne, that my said counsell, or any three of them, whereof the said Sir Thomas Josselin, or Richard Vines, to be one, shall have power and authoritie to punish any person or persons that shall breake, or not give obedience unto such orderes as they shall make at there said sessions, or meetinges, and shall impose fines upon the persones soe breaking them, and comitt them to prison till they shall yeeld obedience thereunto. And that there may be an orderly course held for sumoning of appearance to those that shal be called to answer before my said counsellors, I have assigned this short forme of procefs to be there used, viz. To our welbeloved A. B. greeting, these are to will and command you to come and appeare before us, the counsell established in the Province of Maine, upon the day of            to answer to the complaints of            Given under our hands and seales.

And in case of any felonie or capitall crime, the warrant is to be directed to the provost martiall or the constable of the peace, and to be after this forme. These are to will and comand you presently upon recite hereof to take with you a sufficient guard, and to use your best means for the apprehencion of A. B. and him to bring before me to answer unto such matters of felony, as shal be objected against him; hereof fail not. And the delinquent soe apprehended, is by the constable to be kept either in irons or some stronge house, or to sett a garde upon him untill he shall give sufficient securitie for his appearance at the next generall sessions to be by the said counsell held for the said province, or shal be otherwise disposed by the said counsell, or any two of them, whereof the said Sir Thomas Josselin or Richard Vines, Esq. to be one. And I doe further ordeyne, that you shall appoint some sufficient clarke to register all your proceedings, and recorde all your orders of court, and to assign such other officers to attend your said courte as shall be fit. And I do further ordeyne, that if any persone or persones shall conteme or refuse to give obedience unto such order or orders, which you shall make at any of your said meetinges or sessions, and being duly convicted thereof, that then you assigne your provost martiall to goe with a sufficient garde and to apprehend such a delinquent, and him to kepe in safe prison till his cause be further ordered; and in case resistance be made, that then the provost martiall proceed to kill, or otherwise apprehend and take such resisters as in case of rebellion or mutiny, you giving him warrant under your handes and seales for soe doing, which warrant is to goe after this forme. Forasmuch as sufficient procefe hath bin made before us, of the contemptuous and mutinous caridge of            These are therefore straightlie to chardge and comand you, that you take with

you a strong and safe garde well armed, and that you omitt not to apprehend the said and him to bring before us, or some of us, to be further dealte withall, according to the nature of his crime. But in case theire shal be resistance made or that he shall fortifie his house against you, that then you omitt not by fier or otherwise, to proceed in the execution of this our warrant as against a publique enemy, or dangerous rebell. Given under our hands and seales.

But before this is to be graunted, I doe ordeyne that the court shall proceed to a diligent hearing of the complaints, and to be well assured of the truth of those complaints he stands accused of : which done, sentence is to be given and recorded, specifying the proofes whereupon the order is graunted. And I doe further ordeyne, that for the execution of such orders and keeping all manner of prisoners, you make a provost martiall, who is to have a fitt house builte for that purpose at the common charge for that it is for the publique good. And I doe further ordeyne and declare, that my said counsellors and every of them shall before they intermeddle with the hearing, ordering or punishing any of the matters or offences before rehearsed, take the oath of allegiance according to the forme now used in this his highness' realme of England, and shall alsoe take the oath hereunto subscribed, for the due execution of justice without respect of persones, and that they presume not to intermeddle therein till they have taken the said oaths, and that to be done at the first publique sessions, which the fit for the execution of these my ordinances, which oath for the execution of justice followeth in these words.

I doe sweare and protest before God Almightye and by the holy contentes of this booke to be a faithfull sarvent and counsellor unto Sir Ferdinando Gorges, knight, my lord of the Province of Maine, and to his heires and assignes, to do and performe to the utmost of my power all dutifull respects, to him or them belonging, concealing their counsell, and without respect of persons to do, performe, and give my opinion in all causes according to my conscience and best understanding, both as I am a counsellor for hearing of causes, and otherwise freely to give him or them my opinion, as I am a counsellor for matters of state or commonwealth ; and that I will not conceale from him or them, and their counsell any matter of conspiracie or mutinous practice, against my said lord, his heires and assignes, but will instantly after my knowledge thereof discover the same unto him and his said counsell, and by all means seeke to prevent the same, and prosecute the authors thereof with all dilligence and severitie according to justice, and thereupon do humbly kisse the booke.

And lastly, I doe ordeyne that comission and ordinances be publicquely read at the first assemblee, and sittinge of my saide counsell, whereby the inhabitants of my said province may know how they are to be governed. In witness whereof I have unto this my said comission and ordinances putt my hand and seale, this second day of September, in the sixteenth yeare of the raigne of our most gracious soveraigne lord, king Charles, anno Domini, 1639.\*

\* *York Records.*

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