


1830

## History of Saco and Biddeford, with notices of other early settlements, and of proprietary governments, in Maine, including the provinces of New Somersetshire and Lygonia

George Folsom

A. C. Putnam

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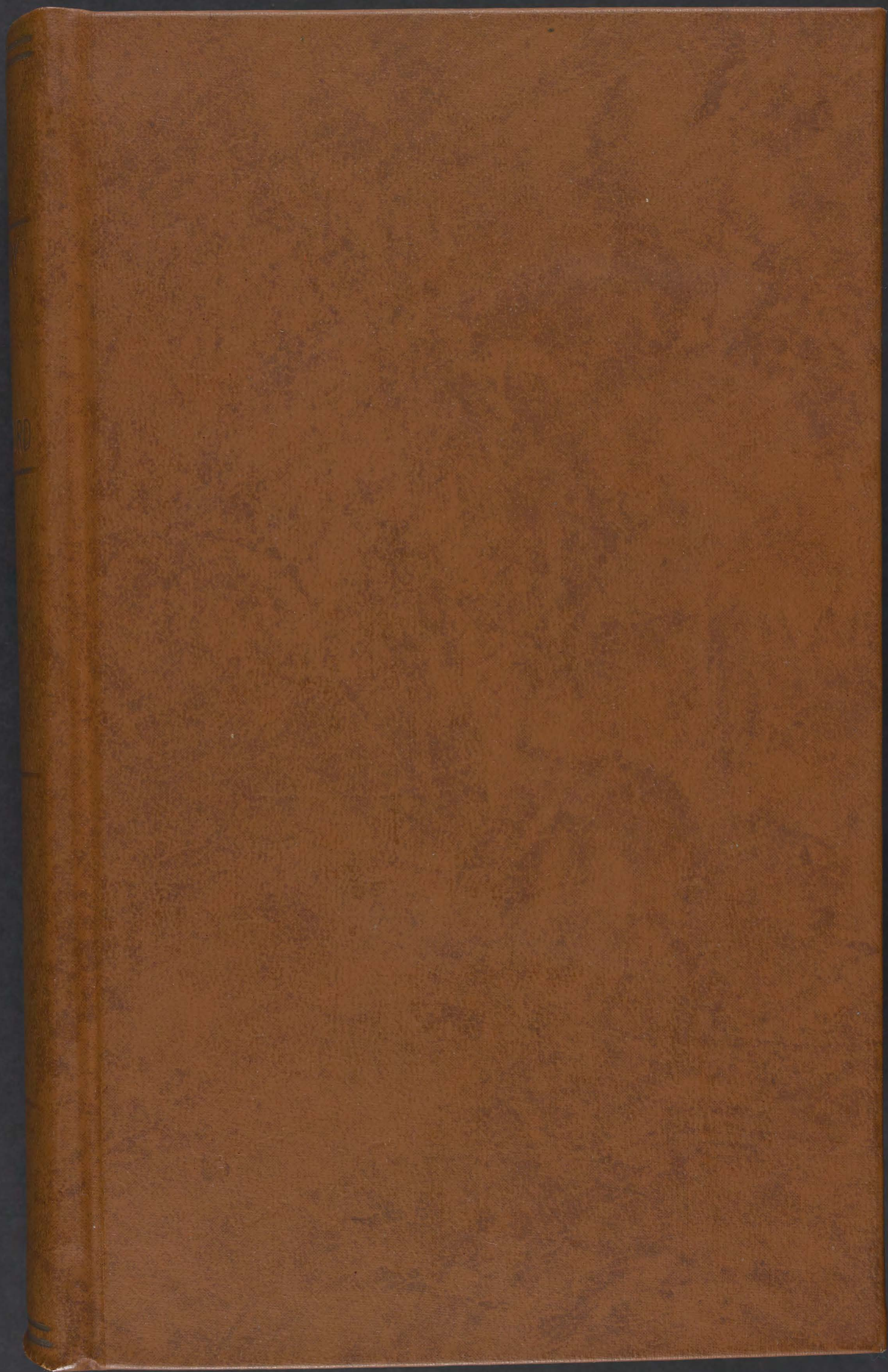
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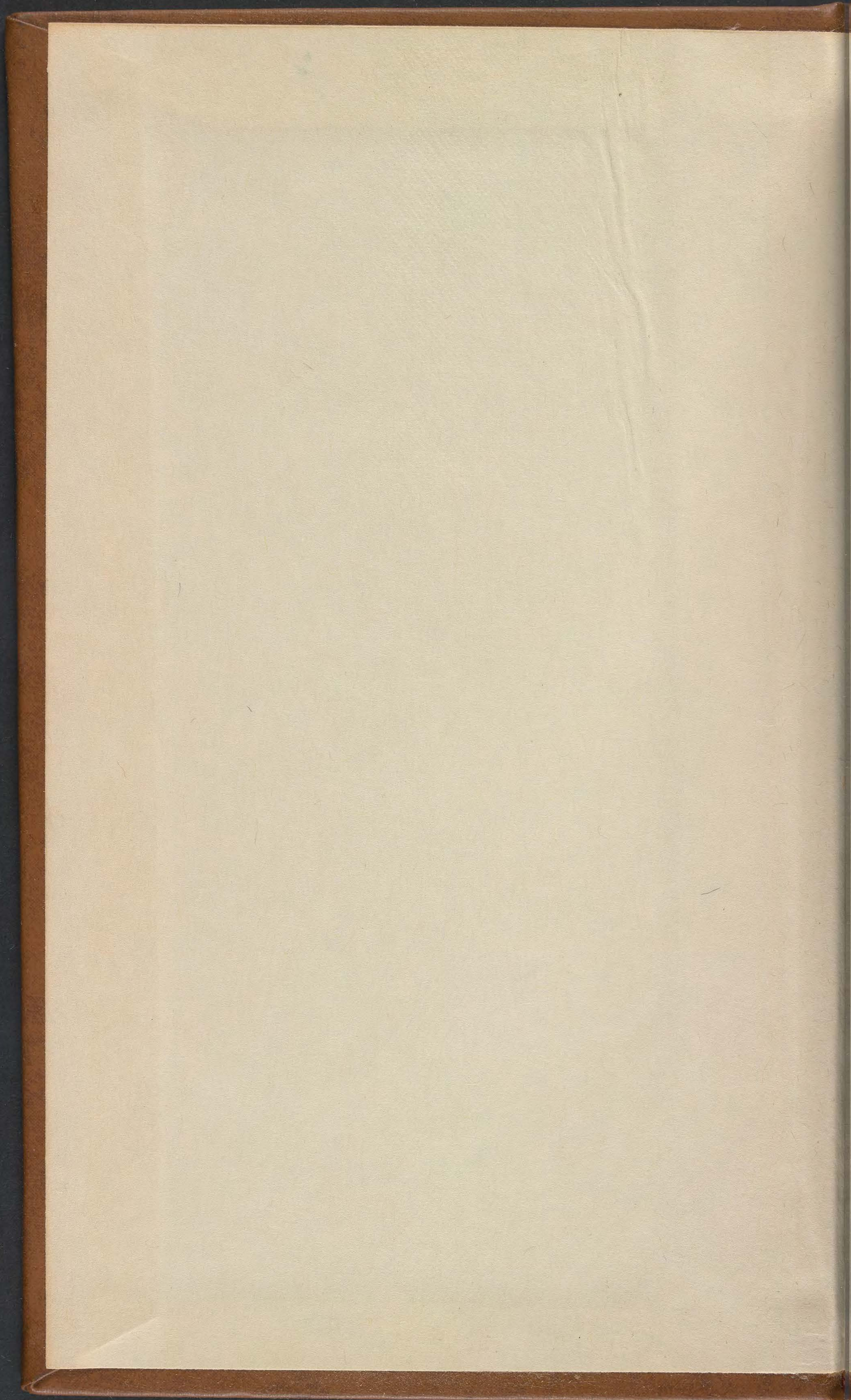
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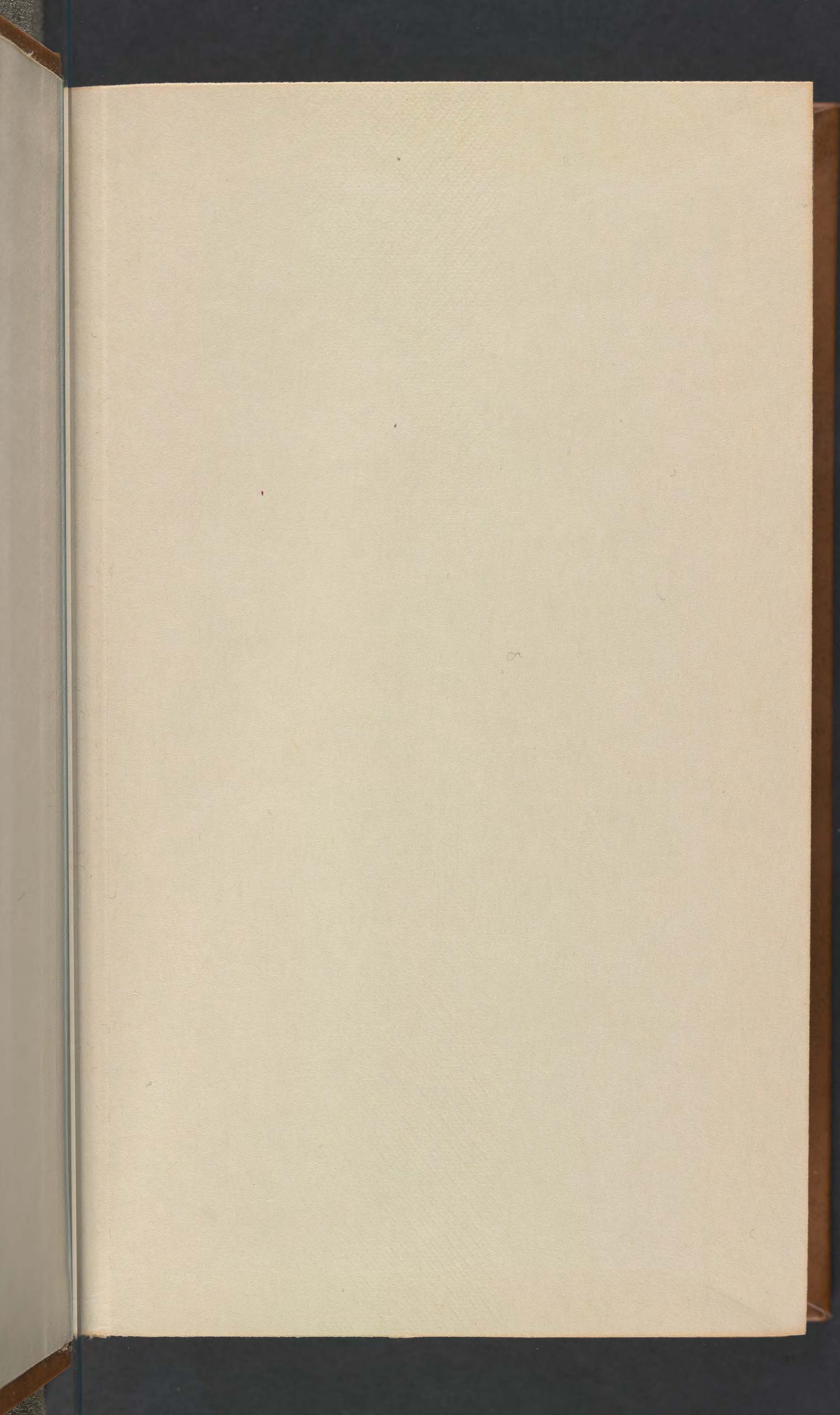




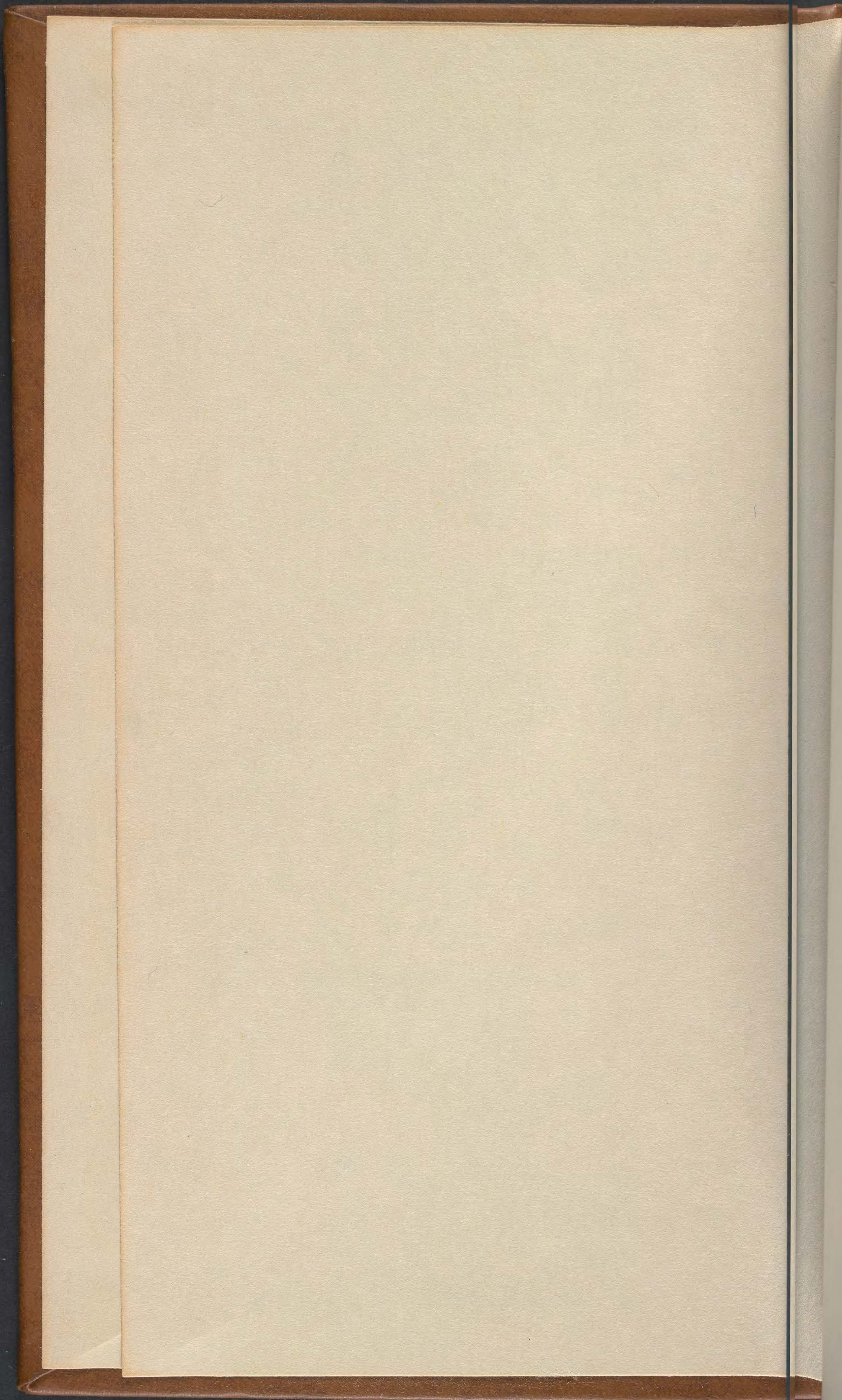








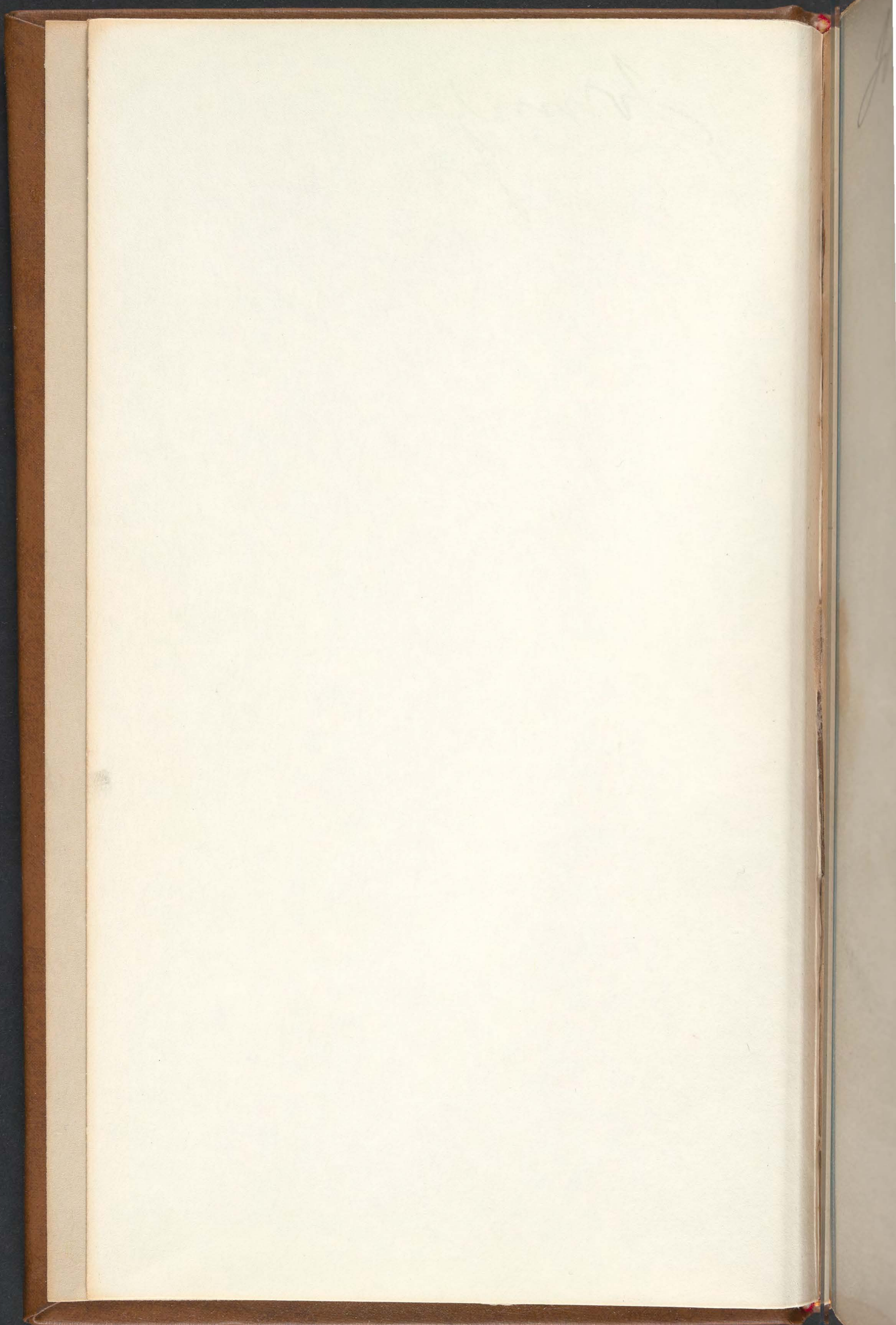














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# HISTORY

OF

## SACO AND BIDDEFORD,

WITH NOTICES OF OTHER

### EARLY SETTLEMENTS,

AND OF THE

Proprietary Governments,

IN MAINE,

INCLUDING THE PROVINCES OF

NEW SOMERSETSHIRE AND LYGONIA.

---

BY GEORGE FOLSOM.

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SACO:

PRINTED BY ALEX. C. PUTNAM.  
1830.



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DISTRICT OF MAINE, *to wit* :

*District Clerk's Office.*

BE IT REMEMBERED, that on the thirtieth day of April, A.  
L. S. D. 1830, in the fifty-fourth year of the Independence of the  
UNITED STATES OF AMERICA, *George Folsom*, of the said  
district, has deposited in this office the title of a book, the  
right whereof he claims as proprietor, in the words following, *to wit* :

"A History of Saco and Biddeford, with notices of other Early  
Settlements, and of the Proprietary Governments in Maine, including  
the Provinces of New Somersetshire and Lygonia. By *George Fol-*  
*som.*"

In conformity to the act of the Congress of the United States, enti-  
tled "An Act for the encouragement of learning, by securing the copies  
of maps, charts, and books, to the authors and proprietors of such  
copies, during the times therein mentioned;" and also to an act enti-  
tled "An Act supplementary to an act entitled, 'an act for the en-  
couragement of learning, by securing the copies of maps, charts and  
books to the authors and proprietors of such copies during the times  
therein mentioned;' and extending the benefits thereof to the arts of  
designing, engraving and etching historical and other prints."

J. MUSSEY, *Clerk of the District of Maine.*

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## ADVERTISEMENT.

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The materials for the greater part of the present volume have been gathered from unpublished and forgotten documents. Wherever the writer has derived aid from the labors of others, he has acknowledged the obligation by a reference to their pages. Unfortunately the settlements in Maine have been almost wholly neglected by New England historians. Until the publication of Gov. Sullivan's work, there was nothing found relating to them, except a few scattered notices in the earlier writers. The attempt of that distinguished gentleman to embody the history of his native District, in the midst of his numerous and important avocations, is honorable to his memory, and merits the gratitude of the people of Maine. It is a subject of regret, however, that in connection with so much valuable research, numerous errors of the transcriber, or the press, escaped the author, as well as others occasioned by a deficiency of materials, or a hasty examination of ancient records and documents. This circumstance renders the work an unsafe guide, and leaves the inquirer without the means of obtaining a satisfactory knowledge of the early history of Maine, unless he has recourse to original papers. There seemed thus to exist a necessity for presenting in the following pages a sketch of the old provincial jurisdictions under which the towns successively passed, which has accordingly been attempted.

The writer gratefully acknowledges the important aid which he has received in the prosecution of his inquiries, from gentlemen whose official situations have enabled

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them to render it. He is particularly indebted to EDWARD D. BANGS, Esq. Secretary of Massachusetts ; JEREMIAH GOODWIN, Esq. Register of Deeds, and JEREMIAH BRADBURY, Esq. Clerk of the Courts, in York County.

His thanks are likewise due to JAMES GRAY and EDMUND COFFIN, Esquires, clerks of Saco and Biddeford, for the friendly manner in which they have afforded access to the records in their possession. To various individuals of both towns he is indebted for the use of private papers, and the communication of facts, contributing to the local interest of the work.

In reference to ancient inhabitants of the towns who removed from or to other parts of New England, the writer has relied on the abundant information of Messrs. JOHN FARMER, of Concord, N. H. and JOSHUA COFFIN, of Newbury, Mass. to whom he is under great obligations for kindly according the assistance desired from time to time.

The feelings with which the writer dismisses his humble pages, are happily expressed in the following preliminary passage from a work to which the remarks are certainly far less applicable than to the present.

"To please all sorts of readers, I know is impossible : he, who writes with such hopes, is a stranger to human nature, and will be infallibly disappointed. My design is rather to inform than please. He, who delights only in pages shining with illustrious characters, the contentions of armies, the rise and fall of empires, and other grand events, must have recourse to the great authors of antiquity. A detail of the little transactions, which concern a colony, scant in its jurisdiction, and still struggling with the difficulties naturally attending its infant state, to gen-



# ADVERTISEMENT.

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lemen of this taste can furnish no entertainment. The ensuing narrative (for it deserves not the name of a history, though for brevity's sake I have given it that title) presents us only a regular thread of simple facts ; and even those unembellished with reflexions, because they themselves suggest the proper remarks ; and most readers will, doubtless, be best pleased with their own."

Saco, 30 April, 1830.



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## SUMMARY OF THE CHAPTERS.



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8. Notices of inhabitants. Religious Societies.
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# HISTORY

OF

## *SACO AND BIDDEFORD.*

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### PART FIRST.

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#### CHAPTER I.

THE discovery of New England may be justly ascribed to Bartholomew Gosnold, an enterprising and intelligent navigator, who in the year 1602, performed a voyage to this part of North America, before unknown to the civilized world. The Cabots had indeed sailed along the whole coast of the United States as early as 1497, but without setting foot on any part of it.\* During the succeeding century, the discovery of the river St. Lawrence, and a partial exploration of the coasts of Virginia and Florida, in the course of a few unsuccessful attempts to plant colonies in that quarter, comprised nearly all that was contributed towards a further knowledge of North America. At the period of Gosnold's voyage, no permanent settlement had been made by civilized nations north of the Spanish province of Mexico; from Florida to Greenland, says an accurate writer, not one European family could be found.† Although the discovery of the

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\*Rees' Cyclop. Art. America. †Prince N. E. Chronology. 1.



New world seems to have been at first duly appreciated in Europe, where it was proclaimed as the most remarkable event of the age, the North American continent was thus suffered to remain unoccupied, and for the most part unexplored, for more than a century after its existence was made known.

Gosnold had sailed to Virginia in the service of Sir Walter Raleigh by the old and circuitous route of the Canary isles and the West Indies. The voyage of 1602 was undertaken to prove that a shorter and more direct course to America was practicable. On the 26 March in that year, he set sail from Falmouth in a small vessel, accompanied by a few adventurers who embarked with the design of forming a colony in Virginia. The first land they discovered after a passage of seven weeks, was in latitude about forty three degrees north; and is supposed to have been some part of Maine. It has even been said that they landed on our coast, but this statement is believed to be incorrect. Continuing their course to the south, they discovered the southern shore of Massachusetts and disembarked on an adjacent island, called by them Elizabeth island, a name it retains to this day. Here they remained six weeks, visited the neighboring shore, and trafficked with the natives. The colonists made preparations for a permanent abode; built a storehouse and fort, the remains of which may be still seen\*; but on more mature deliberation, being ill supplied with the means of subsistence and of defence against the natives, should they prove hostile, they relinquished this design and all returned to England. Beside accomplishing the chief object of his voyage, by marking out a course nearly one third shorter than that which had been hitherto pursued†, Gosnold awakened the spirit of enterprise in England by favorable representations of the country he had accidentally discovered. Several of the adventurers who accompanied him, after their return published glowing descriptions of the fertility and delightful aspect of

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\*Belkn. Am. Biog. II. 115. †Robertson's America. book IX § 29.



these northern shores. "From the island," says one of them,\* "we went right over to the mayne, where we stood a while as ravished at the beautie and dilicacy of the sweetnesse, besides divers cleare lakes whereof we saw no end, and meadows very large and full of greene grasse, &c." They sowed several kinds of grain by way of experiment, which "in 14 days sprung up 9 inches." Among the spontaneous productions of the soil were "ground nuts as big as egges, as good as Potatoes, and 40 on a string, not two ynches under ground."

A country invested with so many charms, did not fail to captivate the imaginations of many adventurers. The shortness of the voyage also furnished an inducement to new enterprises in the same direction. Through the influence of Richard Hakluyt, a clergyman of Bristol, already distinguished by his labors for the advancement of geographical knowledge, the corporation and merchants of that city engaged to fit out two vessels for the further discovery of the country, which now received the name of North Virginia. These vessels, one of which was a ship of fifty tons, the other a bark of twenty six tons burthen, sailed from Bristol April 10, 1603, under the command of Martin Pring, who took for his pilot a man that had been with Gosnold the year before. Early in June they arrived on the coast of Maine, called by the natives MAVOSHEN, and harbored among the islands of Penobscot bay. Thence sailing towards the south and passing all the islands as far as the western part of Casco bay, they soon after entered four inlets which are thus described in the journal of the voyage :

"The most easterly was barred at the mouth, but having passed over the bar we ran up it for five miles, and for a certain space found very good depth. Coming out again as we sailed southwest, we lighted on two other inlets, which we found to pierce not far into the land. The fourth and most westerly was the best, which we rowed up ten or twelve miles. In all these places we found no people, but signs of fires where they had been."†

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\*John Brierton. Smith's Virginia. 107. †Purchas' Pilgrims.



From this brief description Dr. Belknap infers, that "the easternmost of the four inlets which they entered, was the mouth of the river Saco. The two next were Kennebunk and York rivers, and the westernmost and best was the Pascataqua." "The reason," he adds, "of their finding no people, was that the natives were at that season (June) fishing at the falls of the rivers; and the vestiges of fires at or near the mouths of the rivers, marked the places where they had resided and taken fish in the earlier months of spring."\* We can see no good cause to doubt the accuracy of this opinion, and are thus enabled to assign the date of the discovery of the Saco to the year 1603. Capt. Pring continued his course to the southern part of Massachusetts, following the track of Gosnold, where having laden his vessels with sassafras and furs, he returned to England after an absence of six months.

A second voyage, more particularly directed to the coast of Mavoshen or Maine, was performed by this "understanding gentleman," as Pring is styled by a writer of that period, in the year 1606, under the patronage of Chief Justice Popham. The journal of this voyage appears not to have been published; an omission which we the more regret, as Sir F. Gorges says, that a perfect discovery was then made of all the rivers and harbors on our coast, and the most exact account of it brought that he had ever received.

A geographical outline of this eastern territory, for which the materials were obtained from the journals of these and other early visits to the shores of Maine, was drawn up by Mr. Hakluyt, and published by Samuel Purchas in his great work, entitled "Purchas his Pilgrims, or Relations of the World," &c. The chapter containing it, is headed, "A Description of the country of Mavooshen, discovered by the English in the years 1602, 3, 5, 6, 7, 8, and 9."

"Mavooshen," says this writer, "is a countrey lying to the North and by East of Virginia between the degrees of

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\*Belkn. Am. Biog. II. 126.



43 and 45.\* It is fortie leagues broad, and fiftie in length, lying in breadth East and West, and in length North and South. It is bordered on the East side with a countrey the people whereof they call Tarrantines; on the West with Epistoman, on the North with a great wood called Senaglecouna, and on the South with the mayne ocean sea and many Islands. In Mavooshen it seemeth there are nine Rivers," &c. The most western of these rivers is thus described: "Seven daies journey to the South west of Ashamahaga there is another river that is sixe fathoms to the entrance: This river is named the SHAWAKOTOC, and is halfe a mile broad; it runneth into the lande fiftie daies journey, but foure daies from the entrance it is so narrow, that the Trees growing on each side doe so crosse with their boughs and bodies on the other as it is permitted not by any means to pass with boates that way; for which cause the Inhabitants that on any occasion are to travel to the head, are forced to go by land, taking their way upon the West side. At the end of this River, there is a Lake of foure daies journey long and two daies broad, wherein are two Ilands. To the North West foure daies journey from this Lake, at the Head of this River Shawakotoc, there is a small province which they call Crokemago, wherein is one towne. This is the Westernmost river of the Dominions of Bashabez."†

Such was the most accurate account of our river possessed by the English geographers at that period. The small extent of a day's journey may be estimated from the distance thus computed between the *Aponeg*, (Sheepscot,) and the Sagadahock, which is called three days' journey, but is only about twelve miles. No European, probably, had yet explored the country far beyond the mouths of the principal rivers, and the information of navigators respecting their sources and extent, must have been derived from the inexact descriptions of the natives. The supreme sachem who governed the country of Mavoshen, and bore the title of Bashaba, is

\*The sea-coast of Maine is comprehended almost exactly within these limits. †Purchas. lib. X. c. 6. Third Edition printed 1617.



repeatedly noticed by the first voyagers to this coast, and is said to have resided near the Penobscot. The subordinate chiefs, somewhat like the feudal barons, exercised a separate authority over their respective tribes. The province of Crokemago, probably, included the famous tribe of the Pequawkets whose principal town, known to have been of great antiquity, occupied nearly the site of Fryeburg. The large ponds in that vicinity were doubtless considered by them the sources of the Saco; one of which, the upper Kezar, principally in the town of Lovell, is about 15 miles in length, and from one to two miles in breadth, and contains two or three islands. The principal branch of the Saco, the Great Ossippee, terminates in a small lake; on this river, also, was seated a considerable Indian village.\*

A name similar to that in the preceding extract, was applied to our river by the celebrated Capt. Smith, who examined the coast from Penobscot westward in 1614, and two years after published a description of the country under the general name of New England. After describing the Kennebec, Smith proceeds: "Westward of this river is the country of Aucocisco (Casco) in the bottom of a large deep bay, full of many great isles, which divide it into many good harbors. SAWOCOTUCK is the next, in the edge of a large sandy bay, which hath many rocks and isles, but few good harbors except for barks, (that) I yet know."† Omitting the last syllable of this word, which was doubtless done for the sake of brevity, we have nearly the present name of the river. Smith drew a map of N. England, with the Indian names of rivers, islands, &c. and presented it to Prince, afterwards King, Charles, who at his request substituted English names in their stead. A few only of these were adopted by the inhabitants, when the country was settled. The name of Ipswich was bestowed on the Saco, but there is no reason to suppose it was ever used. The Kennebec was called Edinboro'; Agamenticus river, Boston, &c.‡

\*Sullivan. 228. †Smith's Virginia. II. 193.

‡Ibid. II. 177. There was a small tribe of Indians within the colony of Plymouth called *Sawcatuckets*. They lived in the western part of Harwich. Mass. Hist. Coll. I. 197. Prince. 63.



It can scarcely be a subject of regret that the aboriginal names have been retained in so many instances. Although often not remarkably euphonious, they serve to keep alive the memory of the former possessors of the soil, of whom so few vestiges remain. The deep feeling of interest excited by the unhappy fate of the powerful tribes, once inhabiting the banks of our rivers and lakes, is impressed on whatever survives the wreck of their fortunes, if it be only a name.

The French were somewhat behind the English in making voyages of discovery to the American continent. In 1524, John Verazzano, an Italian, in the service of the king of France, sailed along the coast from Florida to Labrador, and gave to the whole extent of territory the name of New France. Notwithstanding the discovery of the Cabots nearly thirty years previous, this navigator was regarded as having given to France a title to the greater part of North America, as the original discoverer. But it was not until early in the following century, that a permanent settlement was commenced by people of that nation on the shores of the new world. In 1603 the Sieur de Monts received a commission from his sovereign for the government of New France. His jurisdiction extended from the 40th to the 46th degree of north latitude. In the following year, De Monts arrived on the coast of Nova Scotia, then called Cadie or Acadie,\* accompanied by Samuel de Champlain, who had ascended the St. Lawrence the year before and obtained much information respecting the country. A small settlement was made on the island St. Croix, where they passed the winter, and the next season changed their location to Port Royal, now Annapolis, N. S.

In the meantime, De Monts and Champlain explored the coast toward the south for the purpose of selecting suitable places to establish colonies. The following

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\*In Latin Cadia or Acadia. This word is generally supposed to be borrowed from the *Arcadia* of the Greeks, as Douglas, Brit. Am. derives it. But it is a different word, even with the initial *a*, which it often wants. Being at first restricted in its application, it was probably of Indian origin, as is Pesmo-cadie, the French orthography for Passamaquoddy. All New France was often termed Acadie.



passage from the volume published by the latter descriptive of this voyage, it is confidently believed, refers to Saco river\* and the islands near its entrance.

"Having left the Kennebec, we ran along the coast to the westward, and cast anchor under a small island near the main land where we saw twenty or more natives. I here visited an island beautifully clothed with a fine growth of forest trees, particularly of the oak and walnut, and overspread with vines that in their season produce excellent grapes; the first I had seen since leaving Cape de la Heve, (N. S.) We named it the island of Bacchus. At high water we weighed anchor, and ran up a small river, barred at its mouth. There is but half a fathom of water on the bar at low tide, and about nine, sometimes twelve feet at high tide; within there is a depth of four, five and six fathoms. As soon as we had cast anchor, a number of Indians appeared on the banks of the river and began to dance. Their chief was not among them; he came two or three hours after with two canoes, and took a turn around our ship. This river is called by the natives Chouacoet."†

No settlement was made by the French at that time west of the river St. Croix. As late as 1613, they were not found beyond that limit except on the island of Monts Deserts, now Mount Desert, where two priests of the order of Jesuits had gathered a few adventurers in 1609. It is not a little remarkable that with all the country before them, the French should have fixed the seat of their jurisdiction so far north as Nova Scotia. Their title to that part of the territory of New France was not less defective than to a more southern position. The English regarded them as trespassers at Port Royal, and measures were taken for their removal in 1613.‡

\*Belk Am. Biog. II. 149. †Pronounced nearly, *Shwar'co*. Les Voyages de Sieur de Champlain, Liv. ii. c. 3.

‡Belkn. Am. Biog. I. 340 II. 52. Sullivan, Hist. Maine, p. 170, says that "soon after Popham's party left the river (Kennebec) in 1608, the French took possession of it," and refers us to Hubbard as an authority for the statement; but it finds no support in that author. Hist. N. E. 15. Ind. Narrative. 286. Hubbard says, however, that Argal found French settled at *Penobscot* 1613, and is followed in Ab-

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The claim of the latter people, founded on the discovery of the Cabots, extended from Newfoundland to Florida, and after various vicissitudes was ultimately sustained.

There are no definite accounts of voyages to this part of America by navigators of any other nation, unless we except Hudson in the service of the Dutch, who sailed along our coast towards the south in 1609, when he discovered the noble river that now bears his name. After that year the Dutch frequented the American coast, and established a trading house near where Albany stands as early as 1614\*. A geographical work of high reputation, written in the Latin language and published soon after that period at Leyden, comprises, probably, all the information relating to the new world gathered by the early navigators of that and other nations. The author, John de Laet, was a director of the Dutch East India Company, and distinguished for his scientific as well as geographical knowledge. In the account of Cadia or Acadia, (for the word is thus differently spelled in this work,) the writer has twice described the Saco under its French and English names. The first account, of which we subjoin a plain version, was chiefly derived from Champlain, with some additions; the other is an exact translation of Smith.

"Four leagues south of the Kennebec," says this writer, "following the direction of the coast, there is a bay containing in its bosom a large number of islands, from which are seen the lofty summits of mountains on the main land.† Eight leagues beyond, the river Chouacoet opens in lat. 43 deg. 45 min. having several islands near its entrance, one of which was called by the French navigators the

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bot and White's Hist. Belfast. 16. But Charlevoix, the historian of New France, tome I. liv. iii. does not authorize even this statement; nor is it supported by Prince, N. E. Chronol. 37; or Belknap, Am. Biog. art. Argal; or Holmes, Am. Annals, I. 178.

It is probable enough that Sullivan was led into the error of supposing the French settled at Kennebec, by the following passage of Prince, 25: "Upon the colony's (Popham's) breaking up, the French settle themselves within our limits." This doubtless refers to the settlement on Monts Deserts in 1609, and to the continued encroachments of that people on the Acadian peninsula.

\*Smith's Hist. of N. York. 14. †Casco bay and the White mountains.



island of Bacchus and by our countrymen Wiingaerden Eylandt, (Vineyard Island,) from the great abundance of vines found growing there. It is two leagues distant from the main; is agreeable to the eye from the fine appearance of the oaks and walnut trees with which it is stocked, and offers a good soil for cultivation. The river at its mouth is not of great depth, being not more than two fathoms at high water, but within it is three or four fathoms, and is well stored with fish. The land near the river is fertile, presenting to view either open plains, or groves of lofty firs, beeches and elms. The barbarians that inhabit here, are in some respects unlike the other aborigines of New France, differing from them both in language and manners. They shave their heads from the forehead to the crown, but suffer the hair to grow on the other side, confining it in knots, and interweaving feathers of various colors. They paint their faces red or black; are well formed, and arm themselves with spears, clubs, bows and arrows, which for the want of iron they point with the tail of a crustaceous animal, called signoc.\* They cultivate the soil in a different manner from the Indians who live east of them; they plant maize (Indian corn) and striped beans together, so that the stalks of the former answer the purpose of poles for the vines to run upon. Their fields are enclosed and kept free from bushes; they plant in May and harvest in September. Walnut trees grow here, but inferior to ours; vines are abundant, and it is said by the French, that the grapes gathered in July, make good wine. The natives also raise pumpkins,† and tobacco. They have permanent places of abode, not roving about like other savages. Their cabins are covered with oak-bark, and are defended from the attacks of enemies by a wall of palisadoes.†

It is quite possible that De Laet supposed the Chouacoet of the French, and the Sawocotuck of the English, to be separate streams; an error into which he was

\*The *Horse-shoe*. *Monoculus polyphemus*. †Not indigenous, but introduced at a very early period. Nuttall.

†*Novus Orbis*, (New World,) &c. lib. ii. c. 19. See Appen. A.



more likely to fall from the brief and less flattering description of Smith. Indeed, the whole coast of Maine was represented by the latter as dreary and desolate. "It is a countrey rather to affright than delight one," says he, "and how to describe a more plaine spectacle of desolation or more barren, I know not." The French adventurers, on the other hand, described the eastern country in very agreeable terms, imparting to its numerous islands, rivers and bays, a gay and picturesque coloring, not wholly fanciful at certain brief periods of the year, when the rugged features of our northern shores are clothed with a verdure and beauty unrivalled in more genial climes. The delineations of Smith, it must be acknowledged, however, are more faithful to the general aspect of the coast. It is but fair to add the sequel of the remarks of this celebrated traveller, in which he discovers no want of penetration. "Yet are those rocky isles," continues he, "so furnished with good woods, springs, fruits, fowl and fish, that it makes me think, though the coast be rocky and thus affrightable, the vallies and plains and interior parts may well notwithstanding be very fertile."\*

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\*Smith's Virginia. First published 1616. Capt. Smith arrived at Monheagan, April, 1614, with two ships. This island had been a resort for fishermen since 1608. Smith made it the centre of his operations during the summer. "Whilst the sailors fished, myself with eight others ranged the coast in a small boat. We got for trifles near 11000 beaver skins, 100 martins and as many otters, and the most of them within the distance of 20 leagues. We ranged the coast both east and west much further," p. 175. He returned to England in September; beside the furs, they carried home 47000 'dry and core fish,' made at Monheagan. A tradinghouse was afterwards established on this island, but was broken up 1626, when the goods being offered for sale, Gov. Bradford and Mr. Winslow of the New Plymouth colony, and Mr. Thompson of Pascataqua, went thither and purchased them. The moiety of the Plymouth planters amounted to £400. Prince. 161. The island was sold that year by Mr. Jennings, of Plymouth, Eng. to the future Pemaquid patentees, and continued to be a favorite resort for fishermen. Sull. 392.



## CHAPTER II.

THE unfortunate termination of Sir Walter Raleigh's attempts to colonize Virginia during the reign of Queen Elizabeth, had effectually checked the spirit of enterprise in England in relation to the settlement of America. The discoveries of Gosnold and Pring, and the shortness of their voyages, now caused the subject to be revived, and to excite more general interest than had before existed. On the petition of a number of gentlemen, a charter was granted by king James in the year 1606, dividing the country into two districts, called North and South Virginia, and authorizing the establishment of separate colonies in each district by two distinct companies. A right of property in the land fifty miles on each side of their first plantations, and extending one hundred miles into the interior, was granted by this patent. The first or Southern colony were allowed to settle any part of the country within the degrees of 34 and 41 north latitude; the second, consisting chiefly of persons resident at Plymouth and other towns in the west of England, and thence denominated the Plymouth Company, were allowed to choose a place of settlement between 38 and 45 degrees north latitude. As a considerable portion of the territory thus allotted was common to the two districts, a provision was added, that the colony last planted should not approach within one hundred miles of that already established.\*

The next year colonies were sent out by the two companies. One was fixed at Jamestown, of which Gosnold 'was the prime mover,' and Capt. Smith an active member; the other was established at Sagadahock, or the mouth of the Kennebec, led by Captains George Popham, brother to the Chief Justice, and Raleigh Gilbert. This colony consisted of 108 men†; whether accom-

\*Hazard's State Papers. I. 50. †Smith's Virginia. II. 174. The southern colony consisted of about the same number. Gosnold died the first year, Aug. 22. The Pilgrim Colony of 1620, comprised only 41 men; the rest of their number (60) being women and children. *N. E. Memorial*. 38.



panied by their families, we are not informed. They arrived on the coast near the island of Monheagan, a few leagues east of the Kennebec, in the month of August, and soon after entered the mouth of that river, where on the eastern side, on an island now forming a part of Georgetown,\* they commenced preparations for a permanent settlement without delay. Monheagan was agreed upon as a place of rendezvous for the ships before leaving England,† and although we are not directly told that the destination of the colony was determined before their arrival, there is no doubt of the fact. The great patron of the enterprise, Chief Justice Popham, we have already seen, obtained an accurate survey of the coast the year before, and doubtless selected the mouth of that "fair and navigable river," as the Kennebec is styled by Smith, as a favorable location for the seat of the colony.

The lateness of the season scarcely allowed the colonists time to erect a fort and the necessary places of shelter before the approach of winter, which proved excessively rigorous. More than half their number returned with the ships to England in December, in consequence of the severity of the cold and the scantiness of their supplies. Soon after those who remained had the misfortune to lose the greater part of their buildings and stores by fire. Capt. Popham died in the course of the winter, and an arrival in the spring brought news of the death of the Chief Justice. Raleigh Gilbert, who succeeded Popham as president of the Colony, was under the necessity of returning to England on account of the decease of his brother, of which intelligence was received by another arrival, and the colonists discouraged by so many adverse circumstances, resolved to abandon the country and return with him. Thus in less than one year from the time the settlement was commenced, the

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\*Called Parker's island, containing 28000 acres. Mass. Hist. Coll. i. 251. "Description of Georgetown." Prince supposes they landed on the peninsula of Cape Small Point, on the western side of the river. Belknap says a peninsula. Biog. i. 350. Sullivan, 15. 53. supposed Stage island was the spot, which contains only six acres. We follow the intelligent local authority cited above.

†Gorges.



northern colony was broken up; the country was denounced as uninhabitable, and no further attempts were made for many years to promote its settlement by the Company to whom it was assigned by the patent of King James.

Sir Ferdinando Gorges, a conspicuous member of the Plymouth Company, alone remained undiscouraged. The attention of this gentleman appears to have been first turned to this part of America in the year 1605, when Capt. Weymouth arrived in the harbor of Plymouth where he resided, on his return from a voyage for the discovery of the northwest passage. Falling short of his course, Weymouth had accidentally discovered the river Penobscot, from whence he carried to England five of the natives, "three of whom," says Gorges, "I seized upon; they were all of one nation, but of several parts and several families. This accident must be acknowledged the means under God of putting on foot and giving life to all our plantations." He retained these Indians in his family three years, and obtained from them much information respecting their native shores; they were afterwards sent back. Gorges henceforward took a deep interest in schemes for the settlement of North Virginia, and was rather chagrined than discouraged by the return of the Sagadahock colonists, and the unfavorable reports which they spread concerning the country. "He had too much experience in the world," he said, "to be frightened with such a blast, as knowing many great kingdoms and large territories more northerly seated and by many degrees colder, were plentifully inhabited, and divers of them stored with no better commodities than these afforded, if like industry, art and labor be used." Unable, however, to persuade the Company to undertake the planting of a second colony, Gorges engaged in private enterprises to this coast, which began to be much resorted to by English ships for purposes of trade with the natives, and of fishing. In the year 1616,\* he sent hither a party commanded by RICHARD VINES, for the

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\*Prince, N. E. Chronol. 25.



express object of exploring the country with a view to form a settlement. He contracted with them to remain during the winter, with the hope of removing the prejudice excited by the Sagadahock colonists against the character of the climate.

They arrived during the prevalence of a destructive disease among the natives, which spread throughout New England, commencing its ravages in the west. This pestilence is noticed by all the writers on the early history of New England, with some difference of opinion as to the precise year of its occurrence. A late and highly respectable writer supposes it to have prevailed in different places at different times, but a few years previous to the arrival of the Plymouth pilgrims.\* It was regarded by those pious colonists as a special interposition of divine providence in their favor, so great was the havoc it made among the tribes in that quarter. 'Thus,' says old Morton, 'God made way for his people by removing the heathen and planting them in the land.'

Mr. Vines and his companions penetrated into the interior, visiting the Indians in their villages and wigwams, who received them with great kindness and hospitality. Beside the ravages of sickness, they were at this time thrown into confusion by the death of the Bashaba or chief sachem, whom the Tarrantines, living east of the Penobscot, had attacked by surprise and destroyed with his family the preceding year. Great dissensions had immediately followed among the different tribes, who were engaged in a destructive war with each other when the pestilence made its appearance.† In the midst of these evils, the Englishmen passed with safety among them, and slept in their cabins without suffering from the contagion. They were in particular welcomed by the savages whom they had seen in the family of Gorges at Plymouth, and now met in their native homes. Having visited different parts of the coast, this little party prepared to establish themselves for the winter. The spot

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\*Judge Davis's edit. of N. E. Memorial. (1828.) p. 52. note.

†Gorges' History.



which they selected for their abode, we have reason to suppose, was at the mouth of Saco river, on the western side, near the capacious and sheltered basin now called the Pool, but in early times known as Winter Harbor. This interesting fact depends on the following statement.

The place chosen at that time by Mr. Vines for the location of a colony, was at the mouth of this river,\* where one was planted some years after under his direction. He was probably led to make this choice before winter, and he would naturally establish himself during that season on the spot selected for a permanent abode. In support of this reasonable supposition, we have the tradition of the inhabitants of that part of Biddeford, that an English vessel wintered in the Pool before the settlement of the country, and that the shelter thus afforded gave rise to the name of Winter Harbor. The following passage of the history of Gorges, adds stronger confirmation. "Col. Fra. Norton and Capt. Wm. Gorges went over (in 1623) with divers workmen for the building of mills, houses, and all things, necessary for the settlement of our designs," (an establishment at Agamenticus, now York.) "And we had the more hope of a happy success of these affairs, by reason that not far from that place there had been settled some years before Mr. Richard Vines, a servant (or agent) of his, (Sir F. Gorges,) of whose care and diligence he had formerly made much trial in his affairs."†

It appears from this extract, that Norton and Gorges were encouraged in their design of settling at Agamenticus by the fact that Vines had found the country habitable in the neighborhood of that river. It is not pretended, nor is there the slightest reason to suppose, that his

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\*Dr. Belknap, Biog. i. 377, says: "It has been before observed that Gorges had sent over R. Vines with some others on a discovery, to prepare the way for a colony. The place which Vines pitched upon was at the mouth of Saco river."

†These gentlemen had a grant of 24000 acres of land on both sides of Agamenticus now York river, as is stated by Gorges. Sullivan, p. 237, says, erroneously, the earliest grant in York was 1642. The late venerable Judge Sewall wrote a brief account of York, published in 1 Mass. Hist. Coll. iii. 6-12, but does not mention this early settlement. It was probably of short duration.



temporary settlement was made at any other place than at the mouth of the Saco.

Vines performed several voyages to our coast in the service of Gorges, and it is probable made Winter Harbor his principal resort. While he was occupied in exploring the country and trading with the natives, his men were engaged in fishing. How long he pursued this course, we are not informed, nor do we find him mentioned again until several years after his early residence at Winter Harbor.

A separate charter was obtained by the Plymouth Company in 1620, enlarging their powers and giving wider limits to their jurisdiction. The vast territory extending from the 40th to the 48th degree of north latitude, and from sea to sea, was placed at the disposal and under the government of the company, now styled the Council of Plymouth. Forty noblemen and gentlemen are named in that instrument as composing "the Council, established at Plymouth in Devonshire, for the planting, ruling and governing of New England in America."\* The right of property in the land was thus transferred from the crown to the Council, by whom grants of unequal magnitude were made at various times throughout New England. A degree of confusion rests on some of their acts, arising in a great measure from their imperfect knowledge of the geography of the country.† The earliest grant of the Council including a part of Maine, was made in 1622 to Sir F. Gorges and John Mason, two of their number, extending from the Merrimac to the Kennebec, under the name of Laconia.‡ The next year these patentees with other adventurers sent out David Thompson, Edward and William Hilton, to form a settlement on the Pascataqua. The grant received by Col. Norton and Capt. W. Gorges, already noticed, was under that of Laconia. In 1629 Mason took out a new patent for that portion of Laconia west of the Pascataqua, which he named New Hampshire, leaving the remainder with Gorges. In the meantime, however, the Council proceeded to make

\*Hazard's State Papers, I. 103. †Sullivan on Land Titles 36.

‡Belknap's N. H. I. 14.



new grants of the eastern part of Laconia as if no former one still existed.

Among these were two patents of lands on Saco river. The Biddeford patent, as we may now term it, conveyed to John Oldham and Richard Vines, a tract of land lying between Cape Elizabeth and Cape Porpoise, on the south side of the river Swanckadocke, (as the Saco is strangely denominated by the Council,) containing in breadth by the sea four miles, and eight miles up into the main land. These are nearly the present bounds of Biddeford. The other patent conveyed a tract of the same extent on the opposite side of the river, to Thomas Lewis and Capt. Richard Bonython.\* The limits of Saco are at present somewhat less than those of the patent, as will be shown in another place. The former of these instruments, was copied into the records of the Province of Maine, July 19, 1643. The latter was not recorded until April 5, 1731.† They are both dated February 12, 1629, old style, equivalent to Feb. 1, 1630. At that period the commencement of the year was reckoned from March 25, a practice that continued more or less to the following century. But it was not uncommon, to prevent mistakes, to write a double date for a day coming between Jan. 1. and March 25. Thus the date of the patents would be more easily understood, had the year been written 1629-30. The alteration of the day of the month is rendered necessary by the change introduced into the calendar, familiar to all, termed the new style.

The same year the grant called the Plough Patent, and forming the Province of Lygonia, was made by the Council.‡ It was intended to embrace a territory forty miles square, but fell short of that extent, as appears from the limits actually assigned to it. It was bounded on the east by Cape Elizabeth, or Casco, and on the west

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\*Pronounced as if written *Bonigh'ton*.

†See Appendix B, for copies of these patents. The original parchment, relating to the eastern side of the river, has been brought to light since the commencement of these enquiries, and deposited in the archives of the Maine Historical Society, at Brunswick. It was in the possession of Mr. Benj. Patterson.

‡Hubbard's Ind. Nar. Part. 2. p. 9. first edition.



by Cape Porpoise, a distance of about thirty miles on the sea coast, and extended forty miles into the interior. The patents on Saco river were thus included within the bounds of this grant; this is the more remarkable as they were made the same year. The names of the grantees as recorded by Hubbard, are John Dy, Thomas Impe, Grace Harding and John Roach of London; to which Sullivan adds from a manuscript of uncertain authority, John Smith and Bryan Brincks. Several of these gentlemen are supposed by Sullivan to have resided within the limits of their patent. "In the year 1630," says the manuscript, as quoted by our historian, "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."\* It is hardly possible that all this could be done by the proprietors of the Plough patent without leaving some traces of their operations among the ancient records of Maine. But not the slightest vestige has been found relating to any such transactions, and as the author and date of the manuscript are not given and were probably unknown, its statements are liable to be questioned. Sullivan himself acknowledges 'there never was a person of the name of Brincks inhabiting' in this quarter, but says further, that 'there have ever been persons of the names of Smith and Dyer on the south side of Saco river,' and he takes them to be descendants of the supposed patentees Smith and Dy. There was, indeed, a John Smith at Saco 1636, who was living 1685, at the age of seventy three years.† As he was but eighteen years old when the patent was granted, it cannot be rationally supposed that he was associated with the patentees in a grant so extensive. There is besides no notice, however slight, that he had any interest in the Plough patent, in the records of that period. Admitting the gratuitous change of Dy to Dyer, the latter name does not occur in the Saco records until more than fifty years after the date of the patent.

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\*Sullivan. 311. †Court Records.



The following passage of Winthrop's Journal is supposed to relate to this subject. "July 6, 1631. A small ship of sixty tons arrived at Nantasket, Mr. Graves master. She brought ten passengers from London. They came with a patent to Sagadahock, but not liking the place, they came hither. Their ship drew ten feet, and went up to Watertown, but ran on ground twice by the way. These were the company called Husbandmen, and their ship called the Plough." It was afterwards added: "Most of them proved Familists and vanished away." The Familists were a fanatical sect. It is plain enough, that whoever came in this vessel, and whether they entered Saco river, as Sullivan supposes, or the Kennebec, as is quite probable, they did not remain in this part of the country. They were probably a band of adventurers, sent out by the grantees of the Plough patent, but the appearance of the eastern country not equalling their expectations, they preferred to shape their course in another direction. This supposition is supported by Hubbard, who states that the patentees "took in as a partner, Mr. Richard Dummer\* of Newbury, N. England, in the year 1638, to whom they delivered the patent, with an order from them to take up the land described therein, but he being denied opportunity to effect it, as also a ship formerly sent for that end not accomplishing their desire," &c.† In consequence of these difficulties, they sold the patent soon after to Alexander Rigby, Esq. of Lancashire. The date of this transfer is stated by Sullivan to be April 7, 1643. At that period it seems to have assumed the name of the Province of Lygonia, when it became the source of much contention, as will be shown hereafter. It is a subject of regret that more definite information does not

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\*This gentleman came to N. England 1632, when he was admitted freeman. Winthrop ii. 363. He was one of the first settlers of Newbury, Mass. where he owned a large estate. He was 'equally rich and benevolent.' Lieut. Gov. Dummer was one of his descendants. Cushing's Hist. of Newburyport, p. 66. Eliot's Biog. Dict. The date of his arrival is incorrectly given by these writers, as it appears from the record of his admission to the rights of a freeman.

†Hubbard's Nar. Part 2. pp. 9-10. Edition of 1677. Sullivan, Savage, and other writers take notice of a mistake in Hubbard, Umes for Vines. It is not found in the old edition.



exist relating to the original grantees of this extensive patent: had they actually come to take possession themselves, we should doubtless know more about them.

There were two other grants by the Council in this vicinity, one of which conveyed to Robert Trelawney and Moses Goodyear of Plymouth, Eng. merchants, a tract of land extending from the mouth of a small stream called Spurwink river, on the line between the towns of Scarborough and Cape Elizabeth, fifteen miles into the interior, thence crossing eastwardly to Presumpscot river and so down to the sea.\* Portland and several other towns are situated within the limits of this patent.

The other was small, consisting of only 1500 acres, situated between the Spurwink and Black Point rivers, in the eastern part of Scarborough, including Black Point, of which Capt. Thomas Cammock, a nephew of the Earl of Warwick, was sole patentee. Stratton's islands, one of which is now called Bluff island, were included in this grant. These patents were both made in the year 1631.†

The colony of New Plymouth obtained a grant of eastern lands at this period, situated on the Kennebec and Cobbisseecontee rivers, to enable them to trade in that quarter. This patent was originally procured in 1628, but was enlarged and confirmed Jan. 13, 1629-30.‡

Farther east was the Pemaquid grant of 12000 acres, to Robert Aldworth and Giles Elbridge, of Bristol, Eng. made in the year 1631.¶

Finally, there was the Muscongus, or, as it has been since called, the Waldo patent, between the Penobscot and the Muscongus, extending ten leagues into the interior, granted March 13, 1629-30, to John Beauchamp of London, and Thomas Leveret of Boston, Eng.§

No other grants were made by the Council in this part of N. England. Some of these were the subjects of long and angry contentions, owing in part to the indefi-

\*The Spurwink is laid down on a map of N. England, published with C. Mather's Hist. N. E. 1702, as larger than the Saco!

†Court Records. Sullivan, p. 128, says 5000 acres, but we follow the records. The errors of Sullivan respecting Trelawney's grant are too numerous to be pointed out here. The principal one is in making Rigby the grantor. p. 115, et passim.

‡Prince. N. E. Chron. 172. 196. ¶Hazard Coll. I. 315. §Ibid. I. 304.



nite terms used in describing their limits, and to the neglect of the early proprietors to enter upon and mark out the bounds of their lands. This is particularly true of the Cobbisseecontee and Muscongun patents, so long the fruitful sources of controversy.

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### CHAPTER III.

On the twenty fifth day of June, 1630, Richard Vines took legal possession of the land granted him in conjunction with John Oldham on the south west side of Saco river. This ceremony was performed in the presence of Mr. Isaac Allerton, Capt. Thomas Wigen, Mr. Thomas Purchase, Capt. Nathaniel Waters, Capt. John Wright, and Mr. Stephen Reekes, mariner. The three last named were without doubt attached to the vessels in which Mr. Vines and a number of colonists with their families, had recently arrived. The others are well known in the early history of New England. Mr. Allerton was a gentleman of some note in the colony of New Plymouth, of which he was an original member. We learn from several sources, that having been sent to England on public business, he returned in the spring of 1630. The ship in which Mr. Allerton took passage, the *Lyon*, Capt. William Pierce, master, sailed from Bristol, Eng. for Penobscot with the agent of the Muscongun patentees, accompanied by four or five men, who were about to establish a tradinghouse at the mouth of the former river.\* When Gov. Winthrop and the other principal Massachusetts colonists arrived at Salem, June 12, the same summer, the *Lyon* was at anchor in the harbor of that place: "about an hour after," says Winthrop, "Mr. Allerton came aboard us in a shallop as he was sailing to Pemaquid." In the course of this trip to the eastward, he was enabled to be present at the delivery of possession to Mr. Vines. Mr.

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\*Mass. Hist. Coll. iii. 70. 72. Prince. 203. note.



Allerton was again at Saco the following year, arriving in the ship *White Angel* on his return from another voyage to England \* He appears to have been concerned in the tradinghouse at Penobscot, and in another at Machias, which was destroyed 1633.† The last notice we find of him in this quarter, is in a note from Thomas Mayhew to Mr. Vines, dated Medford, 20 May, 1636, in which the writer says he has engaged a quantity of stores "to go by Mr. Allerton."‡ Mr. Allerton afterwards removed from New Plymouth, probably to New Haven, Conn. where he seems to have been living in 1653.§

Capt. Thomas Wiggen, another of the persons who witnessed the possessory act of our patentee, was an agent of the upper plantation on the Pascataqua. He probably came to N. England this year, when the settlements on that river received great accessions. Capt. Wiggen resided at Dover for many years, and during the union of New Hampshire with Massachusetts, he became one of the Assistants of the Colony. He held this office from 1650 to 1664,|| by virtue of which we find him presiding at a term of the court at York 1659.

Mr. Thomas Purchase was settled at a very early period at Pegypscott, now Brunswick. Some account of him will be given in another place.

The attorneys of the Council for the delivery of possession, were the Rev. William Blackstone, of Shawmut, afterwards Boston; William Jefferies, an old planter of uncertain abode,¶ and Edward Hilton of Pascataqua. It does not appear which of these gentlemen executed the trust assigned to them.

The patentees on the eastern side of the river arrived the following year. On the 28th of June, 1631, Mr.

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\*Winthrop. I. 57. †N. E. Memorial. 393. ‡Court Records. Thos. Mayhew is stated to have lived at Watertown, as a merchant. In 1641, he was appointed Governor of Nantucket, Martha's Vineyard and the adjacent islands, when he removed to Martha's Vineyard, and became a distinguished benefactor to the Indians. Gookin. 1 Mass. Hist. Coll. i. 202.

§Winthrop. I. 25. note. ||N. H. Hist. Coll. ii. 207.

¶The Editor of Winthrop says he was a person of some distinction, settled probably at Weymouth, Mass. before 1628. I. 138. note.



Lewis entered upon this grant in the presence of Mr. Wigen, James Parker, Henry Watts, and George Vaughan of Pascataqua. Edward Hilton acted as the attorney of the Council.

Thus commenced the first permanent settlements on this river. What number of colonists accompanied the patentees, we are not informed; no record of their names occurs until 1636. It appears from the tenor of the patents, that they had stipulated to transport fifty persons to their respective grants 'to plant and inhabit there,' within seven years. This condition was probably fulfilled, at least by Mr. Vines, on whose patent the inhabitants have ever been more numerous until within a few years. His associate, Mr. John Oldham, appears to have taken no interest in the patent. We find no trace of his having been at any time within its limits. The name of Saco was used at that period to include the settlements on both sides of the river, and continued to be so employed for nearly a century. An agreement relative to "the setting forward the enterprise of clapboard making," between "Peyton Cooke of Saco, Gent. and Mr. Richard Williams likewise of Saco," bears date Jan. 27, 1635.

That part of Vines's patent situated below the mouth of the river, had previously received the name of Winter Harbor, as we have reason to suppose, which it has borne to this day, and the whole settlement was often so termed. In a list of the inhabitants dated 1653, we find them distinguished as living in East and West Saco.\*

The following document furnishes the names of the principal colonists and their relative standing, a few years only after the settlement began. "1636, 7 ber (September) 7: The booke of rates for the minister, to be paide quarterly, the first payment to begin at Michaelmas next. (Sept. 29.)

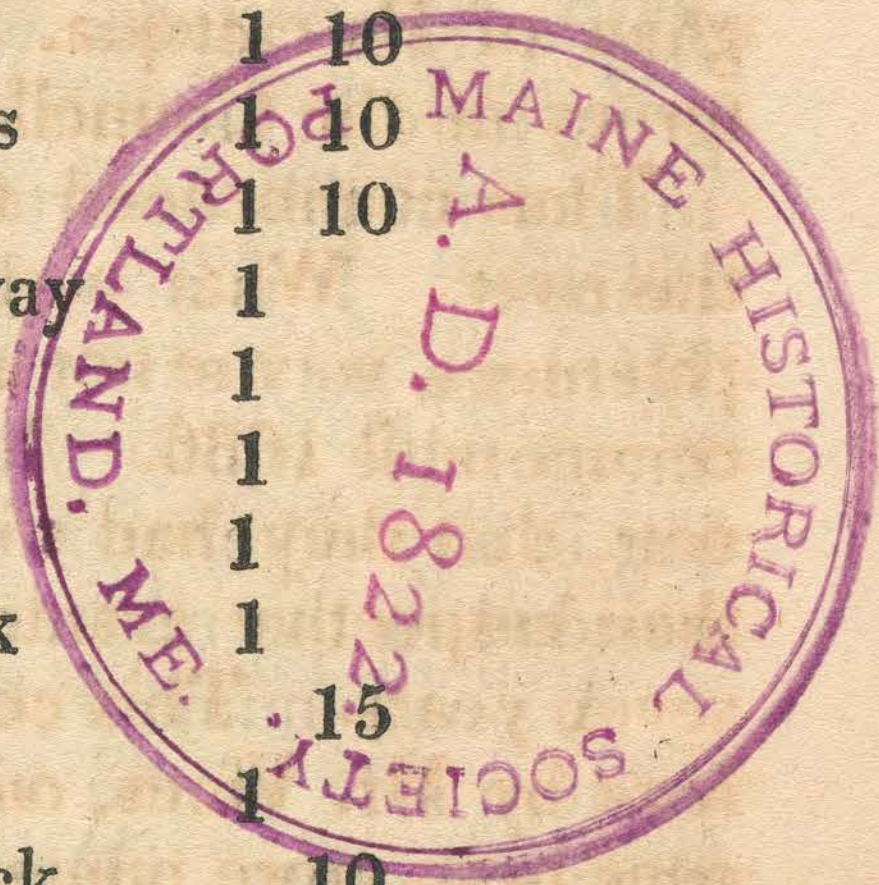
Capt. Richard Bonython	£3
Richard Vines	3
Thomas Lewis	3
Henry Boade	2

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\*Mass. State Records.



John Wadlow	£2
Thomas Williams	2
Robert Sankey	1 10
Theophilus Davis	1 10
George Frost	1 10
Clement Greenway	1
John Parker	1
John Smith	1
Samuel Andrews	1
William Scadlock	1
Robert Morgan	1 15
Henry Warwick	1
Richard Hitchcock	10
Thomas Page	1
Ambrose Berry	1
Henry Watts	1 10
Richard Foxwell	1 10."



To these names we add the following, derived from other sources: Francis Robinson, Arthur Mackworth, Peyton Cooke, Richard Williams, John West, Thomas Wise, Stephen Batson, John Baylie, Thomas Cole, John Wotten, James Cole, John Bonython, Morgan Howell, Arthur Browne, George Jewell, and Peter Hogg, servant of Mr. Greenway. Several of these persons removed to Casco before 1636. There were probably others here at the same date, whose names occur a few years later.

The colonists chiefly settled near the sea along the northern margin of the Pool, where Mr. Vines passed the winter of 1616-7. Andrews and Scadlock were on the west near Little River, and T. Williams and West on the other side of the principal settlement, the latter above the mouth of Saco river. The traces of ancient habitations may be still seen in all these places. One spot near the head of the Pool, deserves to be more particularly noticed. A point of land makes out here, long known as Leighton's point, on which, it is said, a court-house stood in the infancy of the settlements in Maine. Whatever degree of credit we attach to this tradition, it is plain enough that a considerable number of the first inhabitants dwelt near this spot. Several cellars, now filled up and



overgrown with antiquated shrubbery, are yet discernible ; the mouths of two or three wells may also be seen. Apple-trees rotten with age, and the English cherry, grow here in the midst of oaks and sumachs. Tradition marks out this deserted spot as the seat of the earliest settlement. It is now buried in the most perfect solitude. Here we may safely suppose Richard Vines passed that memorable winter when there was scarcely a civilized being in any other part of New England, and afterwards resided in the midst of his little colony.

A small number only of the planters settled on the eastern side of the river, now so much more populous than the other. Beside the patentees with their families, Foxwell, Watts, Warwick, perhaps Greenway, are all of those named in the book of rates, who appear to have pitched on this side. The two former were located at Blue-point, near the eastern limit of the patent, and when the line was accurately run, they were found to be without this limit. The right of Foxwell to his extensive farm at that place, is recited in an action brought by him against Capt. Cammock 1640 ; he declares, "that he hath for these four years or thereabouts lived at Black-point in the right of Capt. R. Bonython, his father in law, who settled him there and gave him as much freedom and privilege as by virtue of his patent he could, either for planting, fishing, fowling, or the like, which was the main cause of his settling there." Blue-point is near the mouth of Scarboro' river, on the south-western side, opposite Black-point or Prout's Neck. The plantations on both sides of the stream were embraced under the name of Black-point.

The house of Capt. Bonython stood on the left bank of the Saco, a short distance below the falls. The remains of the cellar may be still seen, in the field owned by James Gray, Esq. a few rods east of the meetinghouse of the Second Parish. In ploughing this piece of ground about seventy years ago, several articles of domestic use, such as spoons, candlesticks, &c. of an antique fashion, were urned up, supposed to have been buried in the ruins of the house, which was burned by the Indians 1675.

The early decease of Mr. Lewis, renders it difficult to ascertain with precision where he fixed his abode ; vari-



ous circumstances, however, lead us to suppose he lived in the lower part of the patent, not far from the river. His son in law, James Gibbins, who appears to have settled on Vine's patent 1642, where he purchased land 'late the property of Henry Boade,' after his marriage removed to the patent of Mr. Lewis, and probably occupied the house, as he inherited the estate of his father in law. Gibbins is known to have dwelt a short distance above the lower ferry.

The employments of the colonists were chiefly agriculture, fishing, and trade with the natives. Most of them combined these pursuits, and were styled husbandmen or planters.\* There were several mechanics among them. John Smith was a carpenter. R. Williams, the 'clapboard-cleaver,' was engaged in extensive business. At his death 1635, he had on hand clapboards of the value of £164 8 4, a large amount in those days. By the agreement before referred to, Mr. Cooke having advanced £30 10 6, sterling money of England, towards the undertaking, was to have "two full men's shares of all such clapboards as shall be made, or begun to be made upon Mr. Vines his patent in Saco by the latter end of June next ensuing, according to the number of persons, always respecting their quality and labor, who shall labor therein, he the said Peyton being at the charges only of two laborers for wages and dyett as shall be esteemed reasonable; the said charges to be deducted out of the profits arising out of said clapboards, beginning said charges 23 Oct. last, (1634,) and continuing during said laborers finishing the same. Likewise said sum £30 10 6 to be repaid to said Peyton on finishing said clapboards within the time above specified &c."

The husbandmen took up tracts of 100 acres, of which they received leases on nominal or small rents, from Mr. Vines. Some of these are now on record. An estate that had been in the possession of Thomas Cole, including 'a mansion or dwellinghouse,' was leased by Mr. Vines

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\*"Some are planters and fishers both, others mere fishers." Jocelyn's Voyages. 208.



to John West for the term of 1000 years, for the annual rent of two shillings and one capon, a previous consideration having been paid by West. The lease, which is partly in the latin language, was executed 1638.\* Another deed from Vines requires the lessee to yield and pay an acknowledgement and rent-charge of 5s., two days' work, and one fat goose yearly. In this manner were all the planters rendered tenants to the proprietor, none of them holding their estates in fee simple, as the term is now understood. The stock of these early farmers, being at first for the most part imported from England, was probably not very extensive. The ship *White Angel*, already noticed as arriving here 1631, brought a cargo of "cows, goats, and hogs," but they were chiefly intended for the colonies of New Plymouth and Massachusetts. Mr. John Jocelyn, who was in this part of the country in 1638, and again in 1663, says the farms were well stocked with cattle, but he probably refers to the period of his second visit.

Fishing was the most common occupation, as it was both easy and profitable to barter the products of this business for corn from Virginia, and other stores from England. The trade with the planters of Massachusetts soon became considerable. In 1636, Mr. Vines had a consignment of bread and beef from that quarter. Jocelyn remarks that 'Winter Harbor is a noted place for fishers; here they have many stages.' He describes the mode of pursuing this business in the following manner: "The fishermen take yearly on the coast many hundred quintals of cod, hake, haddock, pollock, &c. and dry them at their stages, making three voyages in a year. They make merchantable and refuse fish, which they sell to Massachusetts merchants; the first for 32 ryals (\$4) per quintal; the refuse for 9 and 10 shillings (\$2, and 2,25.) The merchant sends the first to Lisbon, Bilboa, Marseilles, Bordeaux, Toulon, and other cities of France; to Canaries pipestaves and clapboards; the refuse fish to the W. Indies for the negroes. To every shallop belong four fish-

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\*See a copy of it, Appendix C.



ermen, a master or steersman, a midshipman, and a shore man who washes it out of the salt, and dries it upon hurdles pitched upon stakes breast high, and tends their cookery. They often get in one voyage 8 or 9 barrels a share per man. The merchant buys of the planters beef, pork, peas, wheat, indian corn, and sells it to the fishermen."

The expense of each planter to provision himself was quite small, if we may judge from an estimate furnished by Mr. Jocelyn for the information of proposed emigrants. A similar estimate had been previously made by Capt. Smith with reference to Virginia.\* "Victuals to last one man a year; 8 bushels of meal, £2 : two bushels of peas, 6 shillings: two bushels of oatmeal, 9 shillings: one gallon of aqua vitæ, (brandy,) 2s. 6d.: one gallon of oil, 3s. 6d.: two gallons of vinegar, 2s." Total £3 3s, equivalent to \$14.

A considerable traffic was carried on with the natives by many of the planters, some of them visiting remote parts of the coast, or travelling into the interior for this purpose. English and French goods were bartered for valuable furs, particularly beaver. A man named Jenkins, is said by Winthrop to have gone, in 1632, from Cape Porpoise, in company with an Indian, up into the country with goods to truck, or trade, where he was killed, and his goods stolen, while he was sleeping in a wigwam. The goods were recovered by the chief, and sent back.† The furs obtained in the trade with the natives, were disposed of to the European vessels that frequented the coast, or at some of the few tradinghouses established in this quarter by the western colonies, and English merchants. The greatest resort in our vicinity for these objects, at the period referred to, was Richmond's island, now a part of the town of Cape Elizabeth. A man named Walter Bagnall traded there with one other person, in 1631, but having incurred the resentment of the Indians by unjust dealings with them, a party of the latter fell upon him and his companion, who was probably a native, murdered them, plundered the goods and set fire to the buildings.

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\*Travels. ii. 96. †Journal i. 89.



Winthrop rates the value of the goods at £400. This took place in the fall of 1631: Bagnall had lived on the island alone (as to white men) three years.\* This daring outrage was revenged in a summary manner more than a year afterwards, by a party from the westward, that had been to Pemaquid in pursuit of pirates; on their return, landing on Richmond's island, they found there Black William, a chief of the Saugus or Lynn Indians, who was suspected of being concerned in the Bagnall affair, and hanged him on the spot.†

The Casco patent of Trelawney and Goodyear, described above, included this island. Those gentlemen did not come over, but sent as their agent and associate, Mr. John Winter, to whom Mr. Vines, the attorney of the Council, delivered possession of the premises July 21, 1632. Mr. Winter established himself on Richmond's island, and made that spot the scene of extensive commercial operations for nearly fifteen years. The island is accurately described by Jocelyn, as distant four miles from Black-point, one mile from Spurwink, three miles in circumference, and having a passable and gravelly ford on the north side between the main and the sea.‡ Mr. Jocelyn at the period of his first voyage, passed a year with his brother, Henry Jocelyn, Esq. at Black-point. He had thus the means of becoming well acquainted with the principal inhabitants in this quarter. Mr. Winter, he says, is a grave, discreet man, and employs sixty men upon the design of fishing. Jocelyn notices a bark of 300 tons burthen that was spoken by the ship in which he came to New England, "loaded with island wine, bound for Richmond's island, fitted out by Mr. Trelawney of Plymouth." This was in 1638. From another source we learn that the bark Richmond sailed from that island in 1639, doubtless the same vessel. Three other ships belonging to Mr. Trelawney, were employed in voyages

\*Journal I. 62, 63. †Ibid. I 99. Lewis, Hist. of Lynn. 43. The beautiful frontispiece of this work, represents Black William selling Nahant to a planter for a suit of clothes.

‡The name of John Richmond occurs in the court records 1636-7. His servant is spoken of. He had perhaps lived on the island and occasioned its name.



to Richmond's island at that period, viz. the Hercules, the Margery, and the Agnes. The former sailed thence 1641, the Margery the year following, the Hercules again 1643. We learn from a statement drawn up 1648, that by the terms of agreement between Trelawney and Winter, "the full government of the plantation was wholly committed" to the latter, and that he received for his services one tenth part of the patent, the same proportion of all things in the plantation and profits that should arise, and £40 per annum in money.

Jocelyn speaks of the enormous profits made by the Massachusetts merchants, in this part of the country, who kept "here and there fair magazines stored with English goods." "If they do not gain," he says, "cent. per cent. they cry out they are losers." Similar complaints were brought against Mr. Winter by our planters. At the court of 1640, he was presented by the grand jury for extortion. "Imprimis," say they, "we do present Mr. John Winter of Richmond's island, for that Thomas Wise of Casco hath declared upon his oath that he paid unto Mr. John Winter a noble (6s. 8d.) for a gallon of aqua vitæ about two months since, and further he declareth that the said Mr. Winter bought of Mr. George Luxton, when he was last in Casco bay, a hogshed of aqua vitæ for £7 sterling, about nine months since."\*

The article had thus afforded the merchant a profit of 200 per cent., reckoning sixty three gallons to the hogshhead. This might be justly considered extortionate. "Mr. John West being one of the grand inquest, declared that he bought by William Cutts of Mr. John Winter a pottle of aqua vitæ at 2s. per quart, and one paire of greigh stockings at 2s. and shot at 4d. the pound, for which he paid by the said William Cutts in beaver at 6s. the pound, being good skinn beaver which he himself took at 8s. the pound. Richard Tucker being one of the greate

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\*Mr. Jocelyn returned to England 1639, with Capt. Luxton in the Fellowship, 170 tons, of Biddeford, in Devonshire. "Several of my friends (he writes) came to bid me farewell, among others Captain Thomas Warnerton (of Pascataqua,) who drank to me a pint of *kill-devil*, alias Rhum, at a draught." p. 26.



inquest declareth, that Thomas Wise of Casco coming from Richmond's island, and having bought of Mr. John Winter a flaggott of liquor, aqua vitae, for which he paid him as he said a noble, asking myself and petitioner if we would be pleased to accept of a cupp of *noble liquor*," &c.

After the death of Mr. Winter, which took place about 1648,\* the establishment on the island was broken up. On the opposite shore, near the mouth of the small river Spurwink, a few individuals were settled before Winter's arrival. The famous George Cleaves was one of them, who contested the title of Trelawney and Goodyear to that part of their patent, in an action of trespass on the case, brought at the June term of the court of 1640 against their agent. "An action of interruption" was entered at the same time. "Mr. Abraham Short (of Pemquid) and Mr. Thomas Williams became special bail to the plaintiff in £1000, that the defendant shall appear to both these actions at a court to be holden here (at Saco) 8 Sept. next. The plaintiff here declares in both actions, and the defendant is ordered by the court to bring in his answers unto Richard Vines, Esq. at or before Aug. 25, and the defendant is ordered likewise to put in his replies at or before Sept. 1 next." From the declaration of Cleaves in one of these cases, we learn that Capt. Walter Neal, an agent of Mason and Gorges on the Pascataqua, had put Richard Bradshaw in possession of a considerable tract at Spurwink, who soon after sold to Richard Tucker. Capt. Neal first came to New England 1630,† and Cleaves the same year took up a lot of land containing 2000 acres at Spurwink, by virtue of a promise made to him in England, as he declared, by Sir F. Gorges, who encouraged his coming over. Finding Tucker settled there, Cleaves entered into partnership with him; they joined their titles and agreed to build and plant together. This connexion had existed about two years, when Winter appeared with the patent of Trelawney and Goodyear, and succeeded in obtaining possession.

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\*Mr. Trelawney died three years before. Records. †Winthrop. 1. 38. Hubbard. N. E. 216.



Winter in this case pleaded the grant of the Council, and denied the validity of a verbal promise; Capt. Neal, he also stated, had no power then to dispose of lands in this part of the province, but only at Pascataqua. The jury, of which Richard Foxwell was foreman, found for the plaintiff, Cleaves, the house and four acres adjoining it, £80 damages, and costs of court. The court gave judgment on this verdict, except Vines, who dissented.

At the same term, there was a suit between the same parties for "a neck of land called by the Indians Machigony, beginning at a point opposite Hog island and running west," on which "Cleaves and Tucker had planted for divers years," having removed thither soon after the arrival of Winter. This neck of land is now the site of Portland. Cleaves recovered by pleading a proclamation of King James, "granting 150 acres of land to any subject of his who should transport himself at his own charge to America, and the same for every person he should carry thither; and that "finding this tract unoccupied, he had taken possession of it, and had retained possession now seven years." The whole tract which Mr. Cleaves claimed and recovered, comprised 1500 acres, extending some way into the country. Other planters established themselves about Casco bay at the same time, among whom were Mackworth, Robinson, Cooke, Wise and Browne, from the number of our colonists.

Capt. Thomas Cammock first settled on the eastern bank of the Pascataqua, where he obtained a grant of land from Gorges 2 June, 1633. It was conveyed to him by Walter Neale, who styled himself "Governor of the colonies to be planted within the precincts of Gorges, Mason, and their associates." Three years after, Cammock sold this tract 'extending half way to Agamenticus river' to James Treworgy (Trueworthy). Winthrop mentions his arrival at Boston Oct. 18, 1632, in Capt. Neal's pinnace from Pascataqua, with Mr. Godfrey, merchant, (afterwards governor of a part of Maine.) "They brought," says Winthrop, "16 hogsheads of corn to the mill."\* The Black-point patent dated Nov. 1, 1631,

\*I. 90. Belknap adds, "there was no mill at Pascataqua at that time." Hist. N. H. i. 25.



has the following clause : "Considering that for two years past he has inhabited in New England, and built convenient housings and spent several sums of money in the more ample discovery of the coasts and harbors of those parts," &c. Reference is here made without doubt to Cammock's operations at Pascataqua. His grant on that river was 'in consideration of his expence, and charge and desertful endeavor.' The precise year of Cammock's removal to the seat of his patent, is not known. Mr. Jocelyn first came over 1634,\* in the interest of Mason, with the intention of settling at the upper plantation on the Pascataqua, but on the death of that gentleman in 1635, he removed to Black-point.† Capt. Cammock died on a voyage to the West Indies 1643, having bequeathed his estate at Black-point to his friend Jocelyn, reserving 500 acres to his wife. Cammock's house stood on the Neck, probably occupying nearly the same spot on which one of his successors in that property, Timothy Prout, Esq. built an elegant mansion in the succeeding century. Mr. Jocelyn married the relict of the patentee, and continued to reside at Black-point during many years, taking an active and conspicuous part in the affairs of the Province.

The territory now embracing the towns of Kittery, Eliot, South Berwick, and Berwick, originally composed but one town, called Pascataqua. This name was retained until 1652, when it was changed to Kittery. Gorges, Mason, and their associates, who commenced the settlements on the Pascataqua, had a trading or fishing establishment on the Kittery side as early as 1632. In a letter to one of their agents at the close of that year, they say : "We have committed the chief care of our house at Pascataway to Mr. Godfrey, and written unto Mr. Warnerton to take care of our house at Strawberry-bank," (Portsmouth.) The agent in his answer, the next summer, writes that "Mr. Warnerton hath the charge of the house at Pascataway," and enumerates six persons with

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\*Belkn. Hist. Appendix viii. †Hubbard's Hist. N. E. 224. This writer has made some confusion of dates relative to these gentlemen. See page 216.



him there. Warnerton had land allotted to him at the same place, bounding Cammock's grant on the south. In 1634, the patentees divided their lands 'on the north east side of the harbor and river of Pascataqua,' when they 'not only each of them shipped people to plant on their respective lands at their own charge, but gave direction to invite, and authority to receive such others as may be had, to be tenants, to plant and live there for the more speedy peopling of the country.'\* Before 1640, a large number of planters arrived. Among them were Capt. F. Champernoon, Nicholas Frost, J. Trueworthy, Wm. Everett, Edw. Small, John Edgecomb, John Pickes, John Heard, Thos. Spencer, Peter Wyer. Humphry Chadbourne came over earlier, and built a house at Strawberry-bank, but was an inhabitant on this side of the river 1640. He lived at Newichawanock,† (S. Berwick.) Frost settled on Sturgeon creek, now in Eliot.

The following passage of Hubbard's History relates to both sides of the Pascataqua. "In the year 1631, when Edward Colcott first came thither, (who was afterwards, for want of a better, for some years together chosen governor of the plantations about Dover) there were but three houses (as he affirmed) in all that side of the country adjoining unto Pascataqua river, nor is it said that any were built by Capt. Neale; but after his return home for England (1633) Sir F. Gorges, Capt. Mason, and the rest of the adventurers, sent over other agents and supplies for carrying on their designs."‡

After the early operations of Col. Norton and Capt. Wm. Gorges at Agamenticus, before noticed, we first find inhabitants there in 1636. Capt. Gorges came over a second time 1635, with commissions for a general government, and probably renewed the settlement on that river. The next year, Edw. Godfrey and William Hooke appear to be resident there, and in the court held at Saco, 'the officer of Accomenticus' (in the words of the re-

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\*Letter from Gorges and Mason. Belkn. Hist. 1. Appx. vii. †This Indian name was applied to Salmon Falls river. It was often written Newgee'wanacke. ‡Hist. N. E. 219.



cord) 'per petition craveth pardon for not appearing.' A grant of land on the north side of the Agamenticus was made by Sir F. Gorges Dec. 1, 1631, to Samuel Maverick of Noddle's island, (Mass. Bay,) William Jefferies, and William Hooke. Mr. Maverick was living in the Bay when the Mass. colonists arrived, and is often noticed as a respectable planter by the early writers. Mr. Jefferies has been already mentioned.\* Mr. Hooke witnessed the delivery of possession of the Pemaquid patent 1633. In what year his residence at Agamenticus commenced, we are not informed. He married Mrs. Eleanor, the widow of Capt. Walter Norton, and removed to Salisbury, Mass. 1640, although appointed by Gorges a counsellor of Maine in that year. He died before 1654, and his widow returned to York. These gentlemen conveyed their grant to Roger Garde 1637, to whom it was confirmed by Maverick five years after. Mr. Garde sold to George Puddington 1645; Puddington's widow married John Davis of York, by whom it was assigned to John Garde, merchant, of Boston 1662. Mr. Hooke was interested in another grant, called the Agamenticus patent. In 1693, his son William assigned his part of it to James Coffin of Newbury. Edward Godfrey, Oliver Godfrey, (his son,) and Richard Rowe were associated in a deed of 1500 acres on the north side of Cape Neddock creek, 1638. They were required to pay a rent of 2s. per 100 acres to the agent of Sir Ferdinando Gorges.

The incorporation of Agamenticus as a city under the name of Gorgeana, in 1641, is a fact too singular in the monotonous character of our early settlements, not to be familiar to those least conversant with these subjects. The territory incorporated was on the eastern side of the river, extending seven miles into the land and three on the seaboard.† Thomas Gorges, Esq. was the first mayor of the city. The board of aldermen was composed of E. Godfrey, R. Garde, Geo. Puddington, Bartholomew Barnet, Edw. Johnson, Arthur Bragdon, Henry Simpson,

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\*Supra, p. 31. †York is now full eight miles square.



and John Rogers. Mr. Garde was also appointed recorder. The corporation were empowered to "keep court leete once every year within ten days either before or after Michaelmas, whereunto all persons above the age of twelve years may be warned to appear:" and they were exempted from the jurisdiction of any other officers for the administration of justice within the province of Maine, for any matter arising within the limits of the corporation. 'And in further consideration of the tender regard,' says the charter of Sir Ferdinando, "I have and bear to the further good and advancement of the happiness and weal public of the said city and of the said Province, and that trading and commerce may be the more readily advanced, I do appoint and establish a Market to be kept upon Wednesday in every week forever within said town, and that there shall be two Fairs held and kept there every year forever hereafter, viz. upon the feast days of St. James and St. Paul," &c.\*

Mr. Gorges returned to England 1643, and was succeeded in the mayoralty by Roger Garde, Esq. In the following year a woman of Gorgeana was tried in the mayor's court for the murder of her husband, condemned and executed. The officers of the Province by the invitation of the mayor assisted in conducting the trial; the terms of the charter prohibiting their interference without the special license and consent of the corporation. The inhabitants probably continued to enjoy the municipal privileges secured to them by their charter, until 1652, when they first acknowledged the jurisdiction of Massachusetts, and were incorporated as the town of York.

There were few settlers east of Casco before 1640, and even for several succeeding years. Mr. Thomas Purchase was settled at Pegypscot, now Brunswick, in 1639, and probably a few years before. At that date, he conveyed to the government of Mass. Bay a tract of land on both sides of the Androscoggin, four miles square, for the settlement of a new colony, reserving to himself a sufficient estate out of it. By the same deed, he placed

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\*York Records. Hazard's Coll. 1. 480.



himself under their jurisdiction. Mr. Purchase had no other than an Indian title to the land, or he would not have thrown himself upon the protection of that Colony. As it was included within the patent of Maine granted the next year, the intended colony was not planted, and Purchase himself after some delay acknowledged the jurisdiction of Gorges.

The colony of New Plymouth established a trading-house on the Kennebec in 1628,\* by virtue of their patent obtained from the Council. At a period long subsequent, there was much dispute respecting the location of this tradinghouse, in connection with the determination of the bounds of the patent. We have little doubt that it was situated near the mouth of that river. The object of the colony in obtaining a grant of lands, was to secure the whole trade of the Kennebec, and to defend the exercise of this claim, they built a fort at its entrance. In 1634, a contest occurred there in the presence of two of their magistrates with a trader from Pascataqua. The former, claiming an exclusive right to the traffic on the river, ordered the intruder to depart; he refused and was killed by a shot from the fort. The marks of a former settlement in the lower part of Phippsburg, are probably the remains of the fort and tradinghouse. An investigation of this affray was made at Boston soon after, 'lest' says Gov. Winthrop, 'it might give occasion to the king to send a general governor over, and that it might not bring us all under the common reproach of cutting one another's throats for beaver'. The Plymouth men acknowledged themselves 'under the guilt of the sixth commandment.'

An establishment was made at Penobscot immediately after the grant to Beauchamp and Leverett passed the seal of the Council. Mr. Edward Ashley was sent over for this purpose 1630,† furnished by the English adventurers with a plentiful stock of goods for trade with the natives. The New Plymouth people were solicited

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\*Prince. 172. †Gov. Bradford's Letter book. 1. Mass. Hist. Coll. iii. 72. Hutchinson and succeeding writers date the Penobscot establishment 1627, unsupported by Bradford or Prince.



to engage in this enterprise, for which they had no great fancy ; but their interest compelled them to fall in with the humor of their friends in England. The objection seems to have been to the character of the agent, who in less than two years after, on some pretence of violating the regulations of the tradinghouse, was seized by order of the colony, and sent to England. The direction of the whole establishment was then taken into their own hands.\* It was soon after robbed by the French, and in 1635, was captured by a French frigate from Nova Scotia, and retained until 1654. It is said to have been located where Castine now stands.

Pemaquid, now Bristol, about thirty miles east of the Kennebec, was settled as early as 1628 ; for the patent sets forth that the people or servants of Aldworth and Elbridge, the grantees, inhabited there three years previous to the date of that instrument. Legal possession was taken of the premises by Mr. Abraham Short, in May, 1633. Each settler was allowed to receive 100 acres, adjoining to the principal grant. It is said that the lineal descendants of some of the original planters now hold possession of the allotments thus made to their ancestors.† The first notice we have of Mr. Short, (sometimes written Shurd,) is as the restorer of the Lynn queen or the wife of the Lynn sachem, who was taken prisoner at Agawam, now Ipswich, by the eastern Indians, 1631. Short, who trafficked with those Indians, caused her to be restored for a moderate ransom of wampam and beaver the same year.‡

The first settlers came generally from the counties of Devonshire and Somersetshire, in the southwestern part of England. In the former county, the towns of Plymouth, Tiverton, Biddeford, and Hobberton, and the city of Exeter, respectively supplied our shores with inhabitants. Bristol, and places in the neighborhood of that city, in Somersetshire, are often mentioned in the transac-

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\*Prince. †Hist. of Belfast. 14. How does it appear that the patentees themselves came over, as stated in that work. p. 13.

‡Winthrop. I. 21. Lewis' Hist. of Lynn. 40.



tions of our colonists. Emigrants continued to arrive from time to time, encouraged to come over by Gorges and the other patentees, until the death of the former and the distracted state of the Province, arrested the progress of the settlements. The colonists of New Plymouth and Mass. Bay were for the most part from an opposite quarter of England, and widely differed from the eastern planters in their opinions and habits. It is, therefore, a mistaken notion that the puritans were the common forefathers of all New England. They were a peculiar and distinct people, with whom our early inhabitants had no community of feeling or interest. Much of the present population in this section of the country is, indeed, derived from that quarter, but the old stock of the original planters yet flourishes, and has spread its multiplied branches from the seats of the first settlements over every part of the inhabited territory of Maine.\*

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#### CHAPTER IV.

The powers of government were clearly vested in the Council of Plymouth by the terms of their charter. As early as 1623, a general governor of New England was commissioned by them, and sent out, accompanied by a number of colonists. But this attempt failed; the governor, Robert Gorges, a son to Sir Ferdinando, returned to England the following year, and the colonists were dispersed. The plan of a general government was revived in 1635; the country from St. Croix to Maryland was partitioned into provinces, over which Sir F. Gorges was to be appointed governor, to the great con-

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\*In a letter from Ambrose Gibbins, an agent of Mason and Gorges on the Pascataqua, dated 6 August, 1634, there is a reference to the business of R. Williams and others at this place, that should have been before noticed: "The 6th August, the shippe is ready to set sayle for Saco to load cloavebords (clapboards) and pipe staves." Belkn. Hist. i. Appx. ix.



sternation of the Massachusetts colonies. This scheme was also abandoned. Gorges exercised no jurisdiction in N. England before 1636 : so ill defined or feebly asserted was his title under the Laconia patent, that his right even to assign small parcels of land, except in the neighborhood of the Pascataqua, fell into dispute. No government therefore existing in this quarter, the planters, immediately after their arrival, apparently formed a Combination, similar to those afterwards established at Exeter and other plantations in New Hampshire ; voluntarily agreeing to obey the laws of England as administered by officers chosen from their own number. The compact was usually written and subscribed by the inhabitants ;\* and although no such document framed by our colonists has been preserved, we are unable to explain the following order of the court without supposing one to have existed. "Feb. 9, 1636-7. It is ordered that Mr. Thomas Lewis shall appear the next court day at the now dwelling house of Thomas Williams, there to answer his contempt, and to show cause why he will not deliver up the Combination belonging to us."

In 1635 the Council resigned their charter into the hands of the King, after granting a new patent to Gorges, comprehending the territory between the Pascataqua and Sagadahock. He forthwith took measures for establishing a government within these limits. For this purpose he sent over Capt. W. Gorges,† with commissions to Vines, Bonython, Cammock, Jocelyn, Purchase, Godfrey, and Lewis, as counsellors of the province, to which he gave the name of New Somersetshire. These gentlemen convened at Saco, on the eastern side of the river, soon after the arrival of Capt. Gorges. The record is commenced in the following form :

"At a meeting of the Commissioners in the house of Capt. R. Bonython in Saco, this 25th day of March, 1636, present, Capt. R. Bonython, Capt. W. Gorges, Capt. Cammock, Mr. H. Jocelyn, Mr. T. Purchase, E.

\*See a copy of the Exeter Combination, Hazard's Coll. I. 463.

†Jocelyn says: "In 1635, Capt W. Gorges was sent over Governor of the Province of Maine, then called New Somersetshire."



Godfrey and T. Lewis, Gents." The court was continued for several days. The petition of the officer of Agamenticus, craving pardon for not appearing, was presented the first day. A few extracts from the records will not be uninteresting. "Monday, 28, March, 1636. To the petition of Mr. T. Lewis for words of defamation spoken per Mr. T. Williams against Mr. T. Lewis: it is this present day ordered, that Mr. T. W. shall be bound to answer to the suit of Mr. Lewis at the next general court in the penalty of £100, and a sufficient jury of this PROVINCE to be returned to try the difference."

"To the request of Mrs. Joan Vines, and an order of Sir F. Gorges as per the same at large appeareth, and other circumstances us inducing, concerning the difference between Capt. R. Bonython and Mr. T. Lewis against Mrs. Joan Vines, concerning the planting of corn on the island where she planted formerly, and an order left per her husband now to plant: It is ordered for the preservation of the public peace and the general good of the country, that Mrs. Joan Vines shall peaceably plant what she hath formerly planted and what more she can plant. Also Capt. R. Bonython and Mr. T. Lewis to plant what they can except where Mrs. Vines planteth, and for trial of the title to said island, to rest till further trial may be made thereof, and this we register, ratify and confirm, although Mr. T.L. did opprobriously, in open court, lacerate and tear an order made to that purpose, and subscribed as per the same appeareth, when a fifth commissioner was to affirm to it." We thus learn one cause of dissatisfaction on the part of Mr. Lewis towards the new government, and perhaps of his refusal to surrender the instrument of Combination.

"It is petitioned per Mr. E. Godfrey that an attachment might bee of one brasse kettell now in the hands of Mr. E. Godfrey, belonging unto Mr. John Straten of a debt dew now 3 years from Mr. Straten to him," &c. The court decreed said *kettle* to be answerable to the suit of Mr. Godfrey at the next term. Stratton's islands off Black-point, included in Cammock's patent, probably derived their name from the defendant in this action. We find no other notice of him.



"March 29, 1636. It is ordered that any man that doth sell strong liquor or wyne, shall suffer his neighbor, laborer or servant to continue drinking in the house except men invited or laborers upon the working day for one hower at diner, or stranger or lodger there, the said offence being seene by one justis of the peace within his limits, or constable, or prued by tew witnesses before a justis of the peace, such seller of strong liquor or wyne shall forfeit for every such offence tenne shillings."

"April 4, 1637. It is agreed between Capt. R. Bonython, R. Vines, and T. Lewis, that the said R. Vines shall pay for a pair of stocks and a lock to them: ffor that J. West his corne was gathered contrary to order. And soe all controversies about the Ilands are ended, according to a former order in Mr. Richard Gibson's hands."

'Clement Greenway his affidavit. This deponent saith that the 5th July 1635, Mr. T. Lewis did hyre the said Greenway his servant called Peter Hogg till the midst of March following, and the said Lewis was to pay this deponent seaven £ for his servants hyre, and this deponent saith that he did not promise that the said Hogg could caulk boats very well.'

'It is ordered that every planter or inhabitant shall doe his best endeavor to apprehend, execute or kill any Indian that hath binne known to murder any English, kill their cattle or any way spoyle their goods, doe them violence, and will not make them satisfaction; if it shall be proved that any planter or inhabitant hath benne negligent therein, he shall be fined at the discretion of the bench.'

'Arthur Browne and Arthur Mackworth are empowered to make John Cosins pay satisfaction to an Indian for the wrong he hath done him.'

Among the civil suits, were Wm. Scadlock against Morgan Howell, an action of debt; John Richmond against T. Lewis, trespass; T. Page against J. Richmond, trespass; Mr. R. Gibson against Geo. Jewell, mariner, debt. A warrant is recorded, dated Sept. 6, 1636, requiring the constable of Saco to attach the property of George Cleaves to satisfy a debt of £6 13 8, in favor of William Ryall; signed by Vines, Bonython, Cammock, and Lewis.



John Wotton and three others were presented by the officer of the place, Mr. Theoph. Davis, for drunkenness, and fined 5s. 8d. a piece. John Bonython, for another offence, was fined 40s. R. Hitchcock was put in the stocks for abusing the court.

The records of New Somersetshire are not extended beyond the year 1637. It is uncertain, therefore, whether the courts continued to be holden until the new organization of the government in 1640. George Cleaves went to England in 1636, and it is probable gave no very favorable account of the affairs of the province to the lord proprietor; for the next year he returned with an order from Gorges to the authorities of Mass. Bay "to govern," in the words of Winthrop, "his province of New Somersetshire," as well as "to oversee his servants and private affairs."\* Cleaves at the same time obtained for himself and Tucker, a grant of the tract already noticed as in dispute a few years after; the form of the conveyance is, 'to G. Cleaves and R. Tucker, of Casco, in the Province of New Somerset, by Sir F. Gorges, Lord of said Province.'

Gov. Winthrop and the other gentlemen of Mass. Bay, to whom the commission of Gorges was addressed, declined executing his wishes, professing to be ignorant of his right to the government of the province. No great cordiality had existed between Sir Ferdinando and the members of that colony. His extensive claims to lands embraced in their patent, supported by the Council of Plymouth, had occasioned them no small degree of anxiety. In the manifesto of the Council, setting forth the causes of the resignation of their charter, the Mass. patentees are expressly charged with having 'surreptitiously' acquired a title to the tract formerly granted to Robert Gorges, 'whose servants, with certain other undertakers and tenants' in the service of some of the Council, were thrust out by those intruders.† It is not strange, therefore, that the commission of Gorges was treated with neglect; a result little regretted we suppose by the inhabi-

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\*Journal. i. 231. †Hazard. i. 391.



tants of the province. The artful representations of Cleaves were doubtless the occasion of its being sent. The character of the counsellors of New Somersetshire, and the re-appointment of several of them in the new organization of 1640, disprove the idea of any mismanagement of the powers entrusted to them.

In concluding a notice, necessarily brief, of the first provincial jurisdiction exercised in this section of New England, it is proper to advert to the fact that no account of it is found in the only history of Maine yet published. 'There was an early mistake,' Sullivan observes, 'in calling the province of Maine, New Somerset, which was the county, not the provincial name of the territory.' This remark seems to have been suggested by the deed to Cleaves and Tucker.\* Yet the respected author had before observed that 'Gorges had a government or authority in the year 1636'; founding this statement, however, on the solitary fact that Thomas Bradbury, as the agent of Sir Ferdinando, sold in that year a tract of land to Edward Johnson.† The records from which we have furnished extracts, of course escaped his notice. New Somerset was uniformly styled a province, not a county, in the instruments executed before 1640. Beside the deeds already referred to, an indenture or agreement between 'E. Godfrey, and W. Hooke of Bristol, now of Agamenticus, in the Province of New Somerset,' dated 1638, is found on record.

In 1639, Gorges obtained a charter from the King, confirming the grant of the Council, which directed that the territory 'shall forever hereafter be called and named the Province or Countie of Maine.' The name was bestowed in compliment to the queen of England, a daughter of Henry IV. of France, who was connected by title or estate with the province of Meyne in France.

Soon after obtaining the royal charter, Gorges issued a commission to Sir Thomas Jocelyn, Knight, Richard Vines, Esq. his 'steward general,' Francis Champernoon, his 'loving nephew'; Henry Jocelyn and Richard Bony-

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\*Erroneously printed Tuckerman. Sull. 315. †Sull. 305. The tract consisted of 500 acres near Braveboat harbor, York.



thon, Esquires ; William Hooke and Edward Godfrey, Gentlemen, to be his Counsellors for the administration of the government of the Province. This instrument is dated 2 September, 1639. Sir Thomas Jocelyn did not come over, and in March following, Gorges framed a new commission, substituting in place of that gentleman, his "trusty and well beloved cousin, Thomas Gorges, Esq."\* The arrival of Gov. Gorges in the summer of 1640, at Boston, is noticed by Winthrop, who describes him as "a young gentleman of the inns of court," (i. e. a lawyer,) "a kinsman to Sir F. Gorges, and sent by him with a commission for the government of his province of New Somersetshire. He was sober and well disposed : he staid a few days at Boston, and was very careful to take advice of our magistrates how to manage his affairs."†

The first general Court under this government was held at Saco, 25th June, 1640, when the Counsellors, except Gorges who had not yet arrived, were sworn into office, together with R. Sankey, provost marshal, Thomas Elkins, under-marshal, and Roger Garde, of Gorgeana, register. Nicholas Frost was appointed constable of Pascataqua ; Michael Mitten of Casco ; John Wilkinson, of Black-point. The inhabitants were required to attend this court, to profess allegiance to the new government : a list of those of Pascataqua, both who appeared, and who "made default in not appearing," twenty four in all, was placed on record. This court was an executive and legislative, as well as a judicial body, and exercised a general control over the affairs of the Province. It was holden in the name of "Sir Ferdinando Gorges, Knight, Lord Proprietor of the Province of Maine," who was made Lord Palatine, with the same powers and privileges as the Bishop of Durham, in the county Palatine of Durham. More ample powers, it has been said, were never bestowed on a British subject.‡ The paramount authori-

\*See Appendix to Sullivan's History. The last commission is dated March 10, 1639, which Sullivan, not attending to the old mode of computing the year, has taken to be previous to Sept. 1639. The instrument of the March date refers to another "bearing date in September last past."

†Journal. ii. 9-10. ‡Judge D. Sewall's Charge. 1790.



ty of the crown, seems scarcely to have been recognized. The style of the judicial proceedings supposed the presence of the lord proprietor. Thus Cleaves in the case before described, pleaded "a promise made unto him by you, Sir F. Gorges."

The second term of the court was holden in September, when "the Worshipful Thomas Gorges" was present with the other counsellors. At this time it was ordered that "henceforth there should be one General court holden at Saco, for the whole Province of Maine, every year, on the 25th day of June, if it fall not on the sabbath day, which if it shall, then the said court to begin the day following. But if urgent occasions require it, then the said Council to call another court at such time as they shall think meet." The other courts were to be held by a portion of the Council, at Gorgeana, for the inhabitants from Pascataqua to Kennibonke; at Saco, for the inhabitants from Kennibonke to Sagadahock; three times a year at each place. These inferior courts had no jurisdiction in capital felonies, or civil actions involving titles to lands. A few extracts from the records of 1640, will be added to those already given.\*

"Joseph Boles hath presented to the grand inquest Thomas Heard for being drunk. The last night after sunset the delinquent came to the plaintiff's house and offered violence to his person by striking him, threatening him with many violent words to break open the store to the great disturbance of himself and the people that were therein, and he further declareth that he received his drink at the house of William Scadlock. W. Scadlock presented by the grand inquest for this misdemeanor in his house, was fined 20s. by the Court, which upon his humble petition was remitted. T. Heard fined 5s. for being drunk. Paid." Mr. Bowles, the complainant, lived at Winter Harbor at that time. He was afterwards a respectable inhabitant of Wells. "John Bonython versus Richard Gibson, minister. Action of debt. Plaintiff declares that defendant oweth him 5*l*. due upon a bill

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\*Supra. pp. 39-40.



1 May last, and also 3*l.* 6*s.* upon account. The defendant by his attorney, Francis Robinson, in part confesseth the action and intreateth that the matter in difference may be referred to arbitration; admitted by the court with the consent of the Plaintiff, and the defendant by his attorney engages that the corn which he has growing in Saco, shall remain for security to the plaintiff for the payment of the debt according to arbitration or otherwise. Arbitrators, G. Cleaves and A. Mackworth."

"Action of slander. Arthur Browne versus Thomas Purchase. A. Browne cometh into this court and declar-eth that whereas he hath been bred a merchant from his youth upward, and lived in this country these seven years in good reputation and credit without scandalous reproach of false or injurious dealing, yet the defendant hath wrongly accused him of bribery and perjury," &c. Verdict for plaintiff, damages 5*l.*" "Richard Gibson and Mary his wife versus John Bonython, (son of Richard.) Action of slander. That on or about 28 April 1640, in the dwellinghouse of Thomas Lewis, deceased, he did slander the plaintiff for a base priest, a base knave, a base fellow," (not sparing his wife)—"all which he repeated in the house of R. Vines, Esq. Damages set at 500*l.* Verdict for the plaintiff; damages 6*l.* 6*s.* 8*d.*" "Mr. Arthur Browne is presented for swearing two oaths—fined 2*s.* John Payne is fined 1*s.* for swearing one oath. H. Watts and W. Frethy for profaning the sabbath in carrying of boards contrary to his Majesty's laws—fined 20*s.* one half remitted, the rest paid to the worshipful R. Vines. Capt. Cammock fined 1*s.* for swearing one oath."

The following declaration relates to a gentleman of whom much is said by the early historical writers.\* "Richard Tucker cometh into this Court and declareth that nine years since or thereabouts, there came one Sir Christopher Gardiner to the plaintiff in the name of the defendant, Thomas Purchase, and borrowed of him a warming pan, which cost here in this country 12*s.* 6*d.*, which the defendant hath all this time and still doth

\*He has more recently figured in a popular novel, 'Hope Leslie', as Sir Philip Gardiner.



wrongfully detain from the plaintiff. And also the said Sir Christopher did six months after or thereabouts, buy of the plaintiff a new fowling piece for 40s. which he promised to pay within a month after, which money both for the warming pan and the piece the plaintiff hath oftentimes demanded of the defendant who doth still refuse to pay the same to the damage of the plaintiff at least 5*l.* sterling, for which the plaintiff commenceth his action of trespass on the case against the defendant in this court, and humbly desireth a legal hearing according to law. T. Purchase denies ever authorizing Sir C. Gardiner to buy any warming pan or fowling piece for him, &c. Verdict for the plaintiff, 2*l.* 12*s.* 6*d.* for the two articles. 2*d.* damages. 12*s.* 6*d.* costs of court."

Sir Christopher came to New England 1630, and remained about two years, attended, it is said, by a young woman, his cousin, and several servants. He had travelled in the Holy Land, and received the honor of knighthood at Jerusalem. On his appearance at Boston, he was suspected by the Massachusetts government of having designs upon their patent, especially after a packet of letters came addressed to him from Sir F. Gorges, which being forwarded from Pascataqua by Capt. Neal under cover to Gov. Winthrop, were somewhat unceremoniously opened by the council of that colony.\* "By these letters it appeared," observes Winthrop, "that Sir F. Gorges (who claims a great part of Massachusetts Bay) had some secret design to recover his pretended right, and that he reposed much trust in Sir Christopher Gardiner." The cry of popery was soon after raised against the poor knight, confirmed by his alleged descent from Stephen Gardiner, the bloody bishop of Winchester of the reign of Queen Mary; vague charges of an immoral nature were also brought against him, but not substantiated. After suffering much abusive treatment in Massachusetts, he at length returned to England, where he co-operated with

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\*Some little dislike of this proceeding is indicated in a subsequent notice taken of it by Gov. Winthrop, according to the editor; but it probably occurred through his influence, if afterward regretted. Winthrop's Journal. I. 57. and note. ✓



Gorges and Mason in their plans relating to N. England.\*

The records of the courts between 1641-4, inclusive, are not preserved. Gov. Gorges sailed for England in 1643, leaving Mr. Vines at the head of the government. In 1645, the General Court sat at Saco, when were present R. Vines, R. Bonython and H. Jocelyn, Esqrs. and Mr. F. Robinson, Mr. A. Mackworth, Mr. E. Small and Mr. Abraham Preble, Magistrates. The following order was passed: "The General Court not having heard from Sir F. Gorges, appoint R. Vines Deputy Governor of the Province for one year, and if he depart within the year, H. Jocelyn in his place." The civil war was at this time raging in England, and Sir Ferdinando, although advanced in years, took up arms in defence of his royal master. He was in the army of Prince Rupert at the siege of Bristol 1643, and when that city was re-taken by the parliamentary forces in 1645, he was plundered and thrown into prison. It is not strange, therefore, that during this period Gorges paid no attention to the affairs of the province. The following order of the court 1645, shows that his fortunes were regarded as desperate: 'It is ordered that R. Vines shall have power to take into his possession all the goods and chattels of Sir F. Gorges, and to pay such debts as Sir Ferdinando is in any way indebted to any.' At the same time 'a publique fast was ordered to be solemnly kept upon Thursday, 20 November next, through this province.'

In the meantime, the controversy respecting Lygonia arose. Alex. Rigby, proprietor of the plough patent, was a member of the celebrated Long Parliament, and strongly attached to both the political and religious opinions of the republican or revolutionary party in England. Having purchased the patent in 1643, he appointed George Cleaves, then in England, his agent, and deputy governor of the new province, to which he gave the name of Lygonia, embracing the towns or plantations of Casco, Black-

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\*For a particular account of him, see N. E. Memorial—Davis's edition. 163. Judge Davis remarks: "Nothing criminal was proved against him, and the harsh treatment he received seems not only irregular but imprudent."



point, Blue-point, Saco, and Cape Porpoise. Cleaves had gone thither for the purpose of preferring complaints to Parliament against the government of Maine. The petition which he presented, was signed with the names of several planters without their consent, if we may trust the affidavits of Mackworth, Watts, Alger (Arthur), Hamans, West, Wadleigh, Weare, Wilkinson, and Smith, in which they say, 'they did not authorize Cleaves's charges exhibited in Parliament against Mr. Vines, nor knew of them until said Cleaves came last out of England, nor do they testify to any such charges against Mr. Vines.' Robinson certifies the same, and adds: 'I do moreover testify that Mr. Thomas Jenner, minister of God's word, told me he asked Mr. Cleaves why he put men's hands to a petition they never saw: his answer was, 'the Parliament bid him.' The result, however, was a commission from Parliament, dated April 28, 1643, to Gov. Winthrop of Mass. Bay, Mr. A. Mackworth of Casco, and others, to examine into the truth of the articles alleged against Mr. Vines.

Cleaves arrived at Boston in March, 1644, with his commission of deputy governor, and applied to the General Court of that colony for assistance in establishing the claims of Mr. Rigby. They declined interfering, except to recommend to Gov. Winthrop to write in his own name to the officers of Gorges' government, advising an acknowledgement of Rigby's authority.\* On reaching Casco, Cleaves distributed commissions, and summoned a court at that place in the name of the 'Lord Proprietor and President of the Province of Lygonia.' The counsellors of Maine forthwith called a general court at Saco, and protested against these proceedings. The plough patent, they insisted, was effectually revoked by the royal charter of 1640, which conveyed, without reserve, the territory and jurisdiction of the whole province to Sir Ferdinando Gorges, thereby disannulling all former grants, at least so far as related to the exercise of the powers of government. The inhabitants were divided

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\*Winthrop. ii. 154.



on the question, but we have reason to suppose that the claims of Gorges were generally favored. Cleaves at last proposed to refer the subject to the decision of the Mass. Colony, well knowing to which side they would lean, when the dispute was between a republican dissenter or puritan, and a zealous royalist. R. Tucker was the bearer of this proposition to the council at Saco, by whom he was treated as a disturber of the peace, and arrested; but on giving bonds to appear at the next court at this place, and for his good behaviour in the interim, he was set at liberty.

Cleaves next presented a petition signed by about thirty persons, to the Mass. Gen. Court, soliciting their aid to maintain the authority of Rigby. Mr. Vines, with a letter from an equal number of the inhabitants, went himself to Boston to obtain support. But that wary government, ever watchful of its own interests, had already conceived the idea of pushing its own limits into the heart of Maine, and resolved not to interfere. The dispute was then referred to the commissioners for foreign plantations in England. While it was pending there, the court of assistants at Boston consented to grant the parties a hearing, that an end might be put to the contention until the final decision was received from the commissioners. Messrs. Jocelyn and Robinson, on the part of Gorges, and Messrs. Cleaves and Tucker, on the other side, repaired thither; but no other result was produced than a recommendation to both parties to live peaceably until they heard from England. This was in 1646; the same year, the decision of the commissioners was declared in favor of the claims of Mr. Rigby.

Thus terminated the jurisdiction of Gorges over the towns included in the province of Lygonia. The last general court under his authority of which we find a record, was holden at Wells, July 1646, by H. Jocelyn, Deputy Governor, Capt. R. Bonython, and E. Godfrey. At length, in 1649, the inhabitants of Pascataqua, Gorgeana, and Wells, having received intelligence of the death of the lord proprietor, and in vain written to his heirs to ascertain their wishes, formed a Combination for the exercise of the powers of government according to 'the



laws of their native country.\* Mr. Godfrey was chosen governor, the style Province of Maine being still retained. This state of things continued until 1652-3, when the towns were annexed to Massachusetts.

In the meantime the government of Lygonia was regularly organized, and the inhabitants within its limits, even those who had been the most active adherents of Gorges, quietly submitted to the new jurisdiction. A mere fragment of the records of the General Assembly of this Province has been found, on diligent inquiry, enough to show, however, that its proceedings were conducted with great regularity. It is in the following form: "Petition of Robert Jordan to Alexander Rigby, President, George Cleaves, Deputy President, together with the whole body of the General Assembly of Lygonia, assembled this 22 day of September, 1648," &c. "Sept. 24, 1648. This petition is granted by this Assembly and referred to a committee of this House, viz. to Mr. George Cleaves, Mr. William Royall, Mr. Richard Foxwell, Mr. Henry Watts, to be set on the 10 October next at Richmond's Island, to make report of the state of things petitioned for to this Court at the next Sessions; under the hand of the Clerk of the Assembly, Peyton Cooke." The decree of the court founded on the report of its committee, made in December following, was adjudged legal by the Mass. authorities at a subsequent period.

In addition to the above, we find appended to an administration of P. Cooke on the estate of R. Williams the following approval, executed 'at a court holden at Black-point the last of May, 1648: We, the Judges for the Province of Lygonia, do by our authority ratify and confirm unto the said P. Cooke this abovesaid administration according to the full tenor thereof. Witness our hands under our Provincial Seal at the day and year abovewritten. (Signed) G. Cleaves, H. Jocelyn, R. Jordan.'

Alex. Rigby died August 1650, and was succeeded as proprietor of Lygonia by his son, Edward Rigby. A let-

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\*This Combination is printed 1 Mass. Hist. Coll. I. 103. and in Judge Freeman's 'Extracts from the Journal of Rev. T. Smith.' Appendix. 56.



ler is on record addressed by the latter to Jocelyn, Jordan, Mackworth, Williams, as also to Robert Booth, and others, who held commissions under his father, in which he states that he has been 'made acquainted by the late deputy president, with several miscarriages and illegal proceedings committed in his province by their instigation and advice'; and he requires and commands them to desist from acting by virtue of their commissions, determined by the death of his father, until they hear further from him. He moreover declares void "all the actions done either by the deputy-president, the six assistants, the judges, or any other officer whatever who had commission from his father, since his death." "I am not ignorant," he says, "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 own, with instructions to such as I shall conceive fitting." The letter is dated at London, 19 July, 1652.\* There is no evidence that the proposed measures were taken by Edward Rigby. The government of Lygonia was at an end, and no efforts appear to have been made for its restoration at any future period. The heirs did, indeed, endeavor in 1710, to revive their title to the soil, but without success.†

The town records of Saco now existing, commence after the dissolution of the government of Lygonia; we are thus deprived of the means of knowing what part was taken by the inhabitants in general, in relation to the affairs of that province. It is probable that Cleaves found few supporters here, at least until after the removal of Mr. Vines from the country, which took place before the termination of the controversy. When the authority of Rigby was

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\*A copy is printed in Sullivan's Hist. 317. and Hazard's Coll. I. 570. The latter mistakes Lygonia for Laconia. We do not perceive that the conduct of Cleaves was impeached by Rigby, or that the heir was unable to manage his own concerns, as stated by Sullivan. 316. †Sullivan. 319.



at length established, the opposition existed only in complaints against the procedures of his agent, which were forwarded to the President in England. What were the particular causes of dissatisfaction, we are not informed. Among the inhabitants who held commissions under this government, T. Williams and R. Booth are named in the address of E. Rigby's letter; the former is placed in a superior class apparently, who were perhaps Assistants or Counsellors. Mr. Booth was doubtless one of the magistrates. Mr. Rigby had wisely associated in his government some of the most ardent friends of Gorges.

We have thus endeavored to trace briefly the history of the early jurisdictions of Gorges and Rigby in this quarter. They were both of short duration. While justice and gratitude seem to have pleaded in behalf of the former, by whom the energies of a long and active life had been devoted to schemes for the settlement of this part of New England, it must be acknowledged that the title of the latter to the territory he claimed, was strictly well founded.

The true source of the grounds of dispute is found in the contradictory grants of the Council of Plymouth, which vested the powers of government, as well as a right to the soil, in both proprietors. A conflict was thus rendered inevitable. The smaller patents, on the other hand, conveyed simply a title to the lands, of which possession had been regularly taken at an early date. No attempt was made to subvert them, and the controversies of the provincial patentees only affected the proprietors of them, as subjects of a political jurisdiction.



## CHAPTER V.

Little is known respecting those members of the Gorges family who are so intimately connected with the early affairs of New England, more than appears in the general history of their exertions at that period. Lord Edward Gorges of Wiltshire, was President of the Council of Plymouth : his name occurs in most of the instruments executed by that body. Sir Ferdinando was born about 1575. He is styled of Ashton Phillips, in the county of Somerset, by Mr. Jocelyn ; this was probably the name of a family seat, as there is no town so called. The genealogy of the family is traced to the year 1350, when Theobald Russell, of the noble house of that name in England, married Eleanor de Gorges, and contrary to the custom of modern times assumed the patronymick of his lady.\* The first notice that history affords us of Sir Ferdinando, is in connection with the discovery of the treasonable enterprise of the Earl of Essex, near the close of the reign of Queen Elizabeth, which cost that nobleman his life. Information of this affair having reached our knight, he communicated it, as was supposed, to his friend Sir Walter Raleigh, by whom it was made known to government.† During the war with Spain, in the last years of Elizabeth, Sir Ferdinando served in the navy, and after peace took place 1604, he was appointed governor of Plymouth in Devonshire. The apparently trivial circumstance of his seeing four or five natives of our coast, who were carried to England by Capt. Weymouth, occurred the following year, and gave a colour to the events of his whole life. His attention was recalled from America in his old age only by the adversities of his royal friend and patron, Charles I. In 1624, when a jealousy of the powers granted to the Council of Plymouth prevailed in England, Sir Ferdinando was sum-

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\*MS. Genealogy of the Russells, in the possession of Rev. Dr. W. Jenks. The name began to be written Georges towards the close of the xvii century ; a change in the pronunciation taking place, probably, at the same time. †Hume. Hist. of Eng. chap. 44.



moned to the bar of the house of Commons, where the speaker, Sir Edward Coke, informed him that the patent of the Council was complained of as a grievance, and required it to be delivered to the house. Gorges replied that he was but one of the company, and that he had no power to deliver it without their consent. He then went into a full vindication of the patent, and of the measures pursued by the Council, and pointed out the vast importance of this country to England, 'which could not long remain unpossessed', he said 'either by the French, Spaniards, or Dutch, so that if the plantations were to be given up, the honor as well as the interest of the nation, must greatly suffer.' A committee was then appointed by the house to examine the patent and make objections, to be delivered to Gorges. These he fully answered, with the assistance of the celebrated Lord Finch, and Mr. Caltrap, as legal counsel. The Parliament, however, in its zeal to reform abuses of the royal prerogative, placed the grant to the Council of Plymouth on the list of grievances presented to the King. Although James did not see fit to recal it, the Council of their own accord suspended operations for a time.

The death of Sir Ferdinando is supposed to have occurred about the year 1647, when the civil war was at its height. It is almost unnecessary to add, that he never visited New England. He was succeeded in his title and estates by his oldest son, named John, a man of little energy, who did not survive his father many years. Sir John left a son Ferdinando, who inherited the title, and soon after began to interest himself in the affairs of Maine. He published a history of the plantations undertaken in N. England, mostly derived from the papers of his grandfather, in 1658.

Thomas Gorges, Deputy Governor, and Mayor of Gorgeana, was styled in the commission from Sir Ferdinando his 'well beloved cousin,' or kinsman. He was probably the son of a younger brother of Sir Ferdinando. He received from the lord proprietor, 1641, a grant of 5000 acres of land in any part of the Province at his election, not interfering with prior grants, to constitute a Barony, 'with full power to divide the same into manors



and lordships, and to hold court barons and court leets within said Lordship.' Thomas chose a tract in Wells, near the small river Ogarnug or Ogunquit, where he sold a parcel to the Rev. John Wheelwright in 1643. Henry, a brother of Thomas Gorges, brought actions of ejectment at the court of 1686, for lands contained in this grant, and succeeded in some of them.

Capt. Francis Champernoon, one of the council in the government of Gorges 1640, is styled his 'loving nephew' in the commission. He resided at Kittery, where he died 1687. Two of his daughters married in the Cutts family. A third married Humphry Eliot, whose son, Champernoon Eliot, was the principal heir of Capt. Champernoon, inheriting 'all his lands in old and New England.'

We have already stated, that Mr. John Oldham, the associate patentee of Mr. Vines, was not among the settlers at Winter Harbor. A brief notice of him is nevertheless due, from the agency which he probably had in procuring the patent. Mr. Oldham came to New England 1623, with a family of ten persons, and joined the colony of New Plymouth. The next year he became involved, together with the Rev. John Lyford, in a serious difference with the leading individuals of that colony, and received sentence of banishment. Returning thither in the spring of 1625, he was again expelled, and compelled to take refuge with his family at Nantasket, where he was joined by Mr. Lyford, Mr. Roger Conant, and some others, with their families, from New Plymouth. The cause of this secession from the colony seems to have been a dislike of the peculiarly rigid principles of the greater part of the pilgrims. Soon after a company in England, intending to establish a plantation at Cape Ann, appointed these gentlemen to superintend it. Mr. Conant, who commenced the settlement of Salem soon after, had the care of the planting and fishing; Mr. Oldham was to conduct the trade; and Rev. Mr. Lyford to be their minister.\* In 1628, Mr. Oldham went to England, when he appears to have regained the good opinion of the old col-

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\*N. E. Memorial. 117-8. note.



ony, who committed to his charge a prisoner of some consequence. It is uncertain in what year he returned. While in England, he was chiefly occupied with a grant made to him by Robert Gorges on Charles river. The Mass. Colonists complained much of his pertinacity in defending his right and title, notwithstanding their patent embraced the tract in question.\* Terms of agreement were proposed to him, which he at first rejected; but as we next find him living quietly under their jurisdiction within the limits of his grant, at Watertown, in 1632, some compromise probably had been made. In that year, a committee composed of two persons from each of the eight towns then forming the colony of Mass. bay, was chosen by the people to confer with the Governor and assistants on the subject of raising a public fund; when Mr. O. and one other represented that town.† This body was the germ of the General Court established two years after on the same basis of representation. We next find Mr. Oldham with three others travelling from Dorchester to Connecticut, through the wilderness, to view the country and trade with the Indians. The result of this journey, performed in 1633, was the first settlement of the English in Connecticut, the favorable accounts of the travellers on their return inducing a number of planters to go thither.‡ At the first Gen. Court holden May 14, 1634, Mr. Oldham was one of the two representatives of Watertown. His adventurous and enterprising spirit at length brought him to a tragical end. In the summer of 1636, while on a trading voyage to the coast of Connecticut, he was barbarously murdered by some of the Pequod Indians, who attacked him in his pinnace near Block Island. This was the second instance of murder committed by those Indians, and was followed by a war of extermination which put a period to the existence of that tribe.

The foregoing pages have narrated the principal events of a public nature, in which RICHARD VINES, the founder of our towns, bore a part. Whatever we have been

†See a letter to Gov. Endicott. Hazard's Coll. 1. 256.

‡Prince. I. 60. †Dr. Harris. Hist. of Dorchester. Hist. Coll. xi. A tradinghouse had been before set up on the Connecticut by the New Plymouth people, but without making a regular settlement.



able to collect relating to his private history, will be now presented to the reader. The following account derived from the journal of Gov. Winthrop, furnishes us with some knowledge of the extent of his transactions in the way of trade. About the year 1642, two rival French establishments existed at Penobscot and near the mouth of the St. John. At the head of the former was Monsieur D'Aulnay, and of the latter, De la Tour. So far did these adventurers carry their feuds, that they engaged in open hostilities against each other. The assistance of the Massachusetts Colonies was sought by both, to enable them to carry on their vindictive operations. La Tour came to Boston for this purpose in 1643, but before the object of his visit could be attended to, he was required to answer for killing two Englishmen at Machias, and taking away their goods to the amount of 500*l*. Mr. Vines was part owner of the alleged goods, and happening to be in Boston at this time, he was requested to appear with La Tour before the Governor and assistants, that the charge might be duly investigated. The facts were as follows. Mr. Vines being on a trading voyage to the eastward, fell in with La Tour, and sold him goods to the value of 400 beaver skins. At the same time, the French officer informed him that he had a commission from his government to make prize of all who traded in that quarter, and warned him to forbear in future, but gave him liberty to trade while on his return, provided he erected no tradinghouse or fort on the coast. Mr. Vines, however, landed his goods at Machias afterwards, and set up a wigwam or camp, in which he left five men provided with firearms, and a small vessel, and returned home. Two days after, La Tour cast anchor before this place, when one of Vines's men went on board his vessel to make the necessary explanations. In the meantime, some of the French crew landed, and as they were going towards the wigwam, apparently with hostile intent, one of the men left there attempted to discharge a gun. The Frenchmen immediately fired on them, and killed two of their number. La Tour afterwards made prisoners of the others and seized the goods, and sent them to a French port. The men were there discharged, but the goods were adjudged to



be lawful prize. Mr. Vines maintained that he did not exceed the liberty given him by La Tour, having merely set up a temporary shelter for his goods, which he showed to be of the value of 400*l*. La Tour, finding that the facts were against him, and wishing to quiet the minds of his judges, promised to have the circumstances investigated at a future time, and to make satisfaction, if it appeared that he had done wrong. Pacified by these promises, the governor permitted him to enlist ships and men in his service to act against his rival at Penobscot.

The following year Mr. Vines in company with Capt. Warnerton of Pascataqua, and Mr. Short of Pemaquid, made a visit to St. John for the purpose of collecting their debts. On their way, they put in at Penobscot, where they were detained several days by D'Aulnay. When liberated, they proceeded to St. John, and were hospitably received by La Tour. At this time an expedition was fitted out by him against Penobscot, in which a number of Englishmen embarked, who happened to be at St. John; among others, Capt. Warnerton. The enterprise was unsuccessful, and cost Warnerton his life.\*

A visit of Mr. Vines to the White Mountains, described by Winthrop, is worthy of notice. It was performed in the month of August, 1642, by him in company with Thomas Gorges, the deputy-governor. Darby Field, who was living at Exeter 1639, has the credit of being the first traveller to these mountains. His journey also is described by Winthrop, who says it was performed in the year 1642. He appears to have returned by the way of Saco. "The report he brought," says Winthrop, "of shining stones, &c. caused divers others to travel thither, but they found nothing worth their pains. Mr. Gorges and Mr. Vines, two of the magistrates of Sir F. Gorges' province, went thither about the end of this month," (August.) They set out, probably, a few days after the return of Field, dazzled by visions of diamonds and other precious minerals, with which the fancy of this man had

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\*The dissensions of La Tour and D'Aulnay have been made the subject of an agreeable tale, called "the Rivals of Acadia," printed at Boston 1827.



garnished his story. "They went up Saco river in birch canoes, and that way they found it 90 miles to Pegwagget, an Indian town, but by land it is but 60. Upon Saco river they found many thousand acres of rich meadow, but there are ten falls which hinder boats, &c. From the Indian town they went up hill (for the most part) about 30 miles in woody lands, then they went about 7 or 8 miles upon shattered rocks, without tree or grass, very steep all the way. At the top is a plain about 3 or 4 miles over, all shattered stones, and upon that is another rock or spire about a mile in height, and about an acre of ground at the top. At the top of the plain arise four great rivers, each of them so much water at the first issue as would drive a mill: Connecticut river from two heads at the north west and south west, which join in one about 60 miles off; Saco river on the south east; Amascoggin, which runs into Casco bay, at the north east; and the Kennebeck at the north by east. The mountain runs east and west 30 or 40 miles, but the peak is above all the rest. They went and returned in 15 days."\* This description of the mountains was probably communicated by Mr. Vines to Gov. Winthrop. It conveys a very accurate idea of them, as they now strike the traveller.

Mr. Vines removed to Barbadoes, W. I. about the close of the year 1645. From some expressions contained in the subjoined letters addressed by him to Gov. Winthrop after his departure, it may be inferred that he had become embarrassed in his private affairs. This circumstance, together with the prospect of being subjected to the authority of his political, and perhaps, personal enemy, Cleaves, probably induced him to remove. Great numbers of English planters flocked to the island of Barbadoes at that period, which was first settled only twenty years before, and yet, in 1650, contained a population of more than twenty thousand whites, and a much greater number of blacks and Indian slaves. The inhabitants were chiefly royalists, many of whom left England on account of the predominance of the republican party.†

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\*Journal ii. 89. †Mod. Univ. Hist. xli. 137.



## LETTERS FROM R. VINES TO GOV. JOHN WINTHROP.

“Right Worshipful and ever honoured Sir—I undertake not to give you a relation of this island, presuming you know more thereof than I can express. But my real respects to your worthiness enjoin me to salute you with a line or two, not only to show my gratefulness for former favors, but still desiring to keep correspondency with you, who have always respected me beyond my deserts. I shall be joyful you had any service here to command me, to make good my poor expressions in real actions. This gentleman, Mr. John Mainford, Mer. is coming to your port to trade for provisions for the belly, which at present are very scarce by reason of 5 or 6 months dearth, and not that only, but men are so intent upon planting sugar that they had rather buy food at very dear rates than produce it by labor, so infinite is the profit of sugar works when once accomplished. I have by God’s assistance settled myself in two plantations adjoining, containing 50 acres, which I hope after six months will maintain me and mine comfortably, besides my practice of physic which is worth at least 10,000 lbs. tobacco, per annum. Yet it is hard with me by reason of my great payments for my plantation and negroes and other necessary disbursements already paid to the value of 40,000 lbs. tobacco, which keeps me bare at present; I doubt not but the next crop proving well, to be better able to live than I have been many years. Mr. Parker\* with his wife and family is well seated in a good plantation of 20 acres, besides a good stipend and many good gifts, well approved of in his function, opposed by none unless by Antinomians and such like. I bless God my family continue in good health, all liking the Island well, notwithstanding the change of diet, which at present is yet but slender, yet far from want. I fear not but within 6 months to live as plentifully as any man upon this island, according to my proportion. I have at present 16 acres of corn planted at the least, as much (more) corn for my provisions be-

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\*Rev. James Parker, second minister of Portsmouth, N. H. where he was settled 1642. Adams’ Annals of Portsmouth.



sides tobacco. The next year I intend for sugar, at present I cannot. Thus ceasing further to trouble you save with my respective service to yourself, your virtuous wife, with your sons and daughters, and to the Rev. divines Mr. Cotton and Mr. Wilson, to my worthy friends Major Gibbons and Mr. Hill, leaving you all to Israel's protector—resting Your Assured friend and servant,

RICHARD VINES.

BARBADOES, 19 July, 1647."

R. VINES TO GOVERNOR WINTHROP.

"Barbadoes 29 April, 1648.

Right Worshipful and my ever honored friend,—Your kind letter of the 24 August I received, which was most welcome to me, esteeming it a high favor that you will vouchsafe to keep correspondence with so undeserving a friend. I perceive by your letter that the Lord did shake his rod over N. England; it was his great mercy only to put you in remembrance.\* We have felt his heavy hand in wrath, and yet I fear, are not sensible of it, for here is little amendment or notice taken of his great punishments. The sickness was an absolute plague; very infectious and destroying, in so much that in our parish there were buried 20 in a week and many weeks together 15 or 16. It first seized on the ablest men both for account and ability of body. Many who had begun and almost finished great sugar works, who dandled themselves in their hopes, but were suddenly laid in the dust and their estates left unto strangers. Our N. England men here had their share, and so had all nations especially Dutchmen, of whom died a great company even of the wisest of them. The contagion is well nigh over, the Lord make us truly thankful for it and ever mindful of his mercy. I saw your son here, he made but little stay but went for Christopher's with his cargo; he is a very hopeful gentleman. If the Lord please to send him here again or any other of your

\*An epidemic which appears to have been the influenza, prevailed throughout the American settlements in 1647, and proved very fatal. It extended to the W. Indies. Hubbard. 532. The recurrence of this disease at later periods, is noticed by Hutchinson, Hist. i. 141.



sons, I shall be ready to serve them in what I may. I hear the Lord hath graciously recompensed your incomparable loss with another most virtuous and loving wife: many and happy be your days together. Sir, I shall take it as a great blessing from God to give me a good occasion to serve you or any of your children, here or elsewhere, that I might exercise my thankful remembrances for all your courtesies. No more at present but my humble service to yourself and virtuous wife and to all your sons and daughters, committing you all to the protection of almighty God. Ever resting your assured loving friend and servant,

RICHARD VINES.

I pray, Sir, be pleased to present my best service to Mr. Dudley, Mr. Bellingham, Mr. Stebbins, and the Rev. ministers Mr. Cotton and Mr. Wilson.”\*

It is gratifying to perceive from the tenor of these interesting letters, that the personal worth and excellent character of our patentee were appreciated by Winthrop and other leading individuals of the Mass. Colony, notwithstanding his strong attachment to the interests of Gorges and of the royal party. Mr. Vines was, besides, a staunch episcopalian, but, as will presently appear, he was not unwilling to listen to religious instruction from a non-conformist, although offended by his covert attack upon the rites and ceremonies of the English church. The last year of his abode among us, Mr. Vines held the office of Governor by the election of the General Court. He had previously exercised the duties of that office before the arrival and after the departure of Thomas Gorges, by virtue of his commission as Steward General of the Province. That his administration of affairs was acceptable to the people in general, may be fairly inferred from the strong disapprobation of the attempts made by Mr. Cleaves in England to injure the reputation of his government, expressed by many of the inhabitants.

Mr. Vines sold his patent before leaving the country to Dr. Robert Child. The following certificate of the transfer is annexed to the copy of the original instrument

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\*Hutchinson's Coll. State Papers. 222.



on record. "I, Richard Vines, of Saco, gentleman, have bargained and sold the patent above specified unto Robert Child, Esq. Doctor of Physick, and given him livery and seizin upon the 20th day of October 1645, in presence of Mr. Adam Winthrop\* and Mr. Benjamin Gilman."

Dr. Child came to New England not long before the date of this purchase. He first appears as a petitioner with others for a plantation at Nashaway, now Lancaster, Mass. in 1644, where a considerable tract had been obtained of the Indians, and a trading house set up the year before.† Dr. Child resided in Massachusetts during the short time he remained in this country, where he became so much involved in political disputes, that he gave little attention to his property at this place. A deed of 100 acres to R. Cumming, in exchange for a like quantity on the other patent, dated July 14, 1647, is the only one executed by him found on record. The following order is without date: "Mr. Doctor Child, Mr. Joseph Bowles hath 100 acres of land next unto Mr. Mackworth's lot; as yet he hath not a deed for it—I pray you confirm it. Yours, Richard Vines." He appears to have had in view the working of mines of the useful metals. For this purpose he brought over from Derbyshire William White, a miner, who made trial, according to his own account, of the York (iron) mines, but "the spirit of solidity and fusion was not in them." White complained that the Doctor and others concerned, failed to fulfil their contract with him. He had been "promised 5s. per day for himself and son, and two cows, and house rent free, and land for himself and all his children;" but he acknowledges that 'the covenanters' had suffered greater loss than himself in the enterprise.‡ The York mines to which he refers, were perhaps in England, on the borders of Derbyshire, where he had been employed.

The severe and arbitrary character of the Massachusetts colonial laws at an early period of the history of

\*Son to the Governor of Mass. Journal. i. 68. note. †History of Lancaster, by J. Willard: published in the Worcester Magazine, ii. 273. Winthrop. ii. 161. note. ‡White's letter, dated July 24, 1648. 2 Mass. Hist. Coll. iv. 195.

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that government, is well known. The inhabitants however respectable, who did not fall in with the prevalent religious notions, were debarred from the exercise of many rights and privileges to which they were fully entitled as members of the civil community, according to the laws of England. In 1646, a number of individuals, 'persons of figure,' as they are styled by Hutchinson, attempted to obtain a modification of the legislative code, by which it might be rendered more conformable to that enjoyed at home. For this purpose, they addressed a petition to the General Court in behalf of themselves and others, in which they complained of the denial of civil rights to such as were not members of churches, and of christian privileges to all who were not members of the particular churches in the country; and prayed that civil liberty and freedom might be forthwith granted to all truly English, and that all members of the church of England or of Scotland of good standing might be admitted to the privileges of the churches of New England; or if the enjoyment of those liberties were denied, that they might be freed from the heavy load of taxes imposed on them. In case redress was refused, they were resolved to appeal to Parliament, "who, they hoped, would take their sad condition into consideration." The petition was signed by seven persons, at the head of whom was Dr. Child.\* The style of it being bold, and not over respectful, it created great excitement throughout that colony, generally adverse to the petitioners. The magistrates or rulers were filled with indignation, and immediately caused them to be arrested for contempt of government. They gave bonds for their appearance at the next court, when they were severally sentenced to the payment of heavy fines. The Doctor, "in regard he had no cause of complaint, and yet was a leader to the rest, and had carried himself proudly in the court," was fined 50*l.*, ten more than any other. The court in passing sentence, reminded them of the resemblance of the crime they had committed, to that of Korah and his troop,

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\*Hutchinson's State Papers. 188.



who were destroyed for rebelling against Moses and Aaron.\*

But the subject did not rest here. Dr. Child prepared to embark for England, to lay the subject before Parliament. This, however, he was prevented from doing by the interference of the magistrates, who caused him to be arrested the evening previous to his intended departure. His trunks were at the same time seized and searched. Similar violence was used towards another gentleman who had signed the petition, in whose 'study' were found copies of letters, &c. designed for England. Dr. Child was carried before the council, by whom he was told that provided his deportment became more respectful towards the gentlemen of the court, "he should be treated in a manner suited to his quality;" otherwise he was threatened with irons and imprisonment. The council then ordered the marshal to take him in custody, in whose keeping he remained until the ships had sailed, when he was permitted to continue a prisoner in his own house on giving bonds for his appearance at the next term of the Court of Assistants. He appeared, but it was agreed to refer his case to the cognizance of the General Court, and he was offered his liberty, restricted, however, to Boston, provided he would give security to appear before that body. The Doctor chose to go to prison rather than comply with these terms, and was accordingly committed. This was in March, 1647.† How soon he was set at liberty, does not appear, nor on what conditions; but the next year we find him in England, where his exertions to effect the same object were also defeated. He appears not to have returned to this country.

A full account of the proceedings in relation to this subject, was published in England after the return of Dr. Child, by his brother, Major Child of Kent, in which the conduct of the petitioners was vindicated. "There was a simultaneous struggle for toleration," says a late writer, "in the old colony, promoted by Mr. William Vassall."‡

\*Winthrop. ii. 291. †Ibid. ii. 284-301. ‡N. E. Memorial. Note by the Editor. 236.

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This attempt likewise failed. The want of success attending the petitioners of both colonies, has been ascribed to the skilful management of Gov. Edward Winslow, of New Plymouth, who was then in England, and in great esteem with many of the members of Parliament and the principal persons in power. In reply to the publication of Maj. Child, Mr. Winslow published a pamphlet entitled "New England's Salamander discovered," "pointing therein at Mr. Vassall," says Winthrop, "a man never at rest but when he was in the fire of contention."

Several members of the court of Assistants dissented from the harsh proceedings against Dr. Child and his fellow petitioners. But Gov. Winthrop, who contended for the divine authority of magistrates, was active in their prosecution. Nevertheless a strong party was raised in their favor, and the following year the re-election of the governor met with serious opposition.

Dr. Child studied medicine at the university of Padua, in Italy, where he received his medical diploma. This circumstance is alluded to in an answer to the remonstrance or petition, which was published with the sanction of the Gen. Court, in the following terms: "The first (and he that must be a leader in this design) is a Paduan Doctor (as he is reputed) lately come into the country, who hath not so much as tasted of their grievances, nor is like to do, being a bachelor, and only a sojourner, who never paid penny to any public charge, though (of his own good will) he hath done something for public use." Dr. Child appears to have been a gentleman of fortune; he of course intended to reside in N. England, and in conjunction with the others, driven out of the country at the same time, would doubtless have proved a valuable acquisition. One only of the petitioners remained in the colony, Mr. Maverick of Noddle's island, 'who had experience enough of the Mass. rulers,' says the candid editor of Winthrop's Journal, 'to know that their intolerance sometimes yielded to interest.' Our own inhabitants had great reason to regret the want of success attending these exertions to introduce the principle of toleration into the civil code of the puritans; since a pa-



tentee so liberal and enterprising as Dr. Child, might justly have been expected to promote the growth and prosperity of the infant settlement.

## CHAPTER VI.

Our early settlers, as we have already stated, were not like the other fathers of N. England, religious sectarians, flying from the intolerance of their native land. They were emigrants from motives of interest, brought hither by the same impulse that even at the present day carries men of an enterprising character to the very corners of the earth. Cherishing a strong attachment to the church in whose bosom they were reared, one of their first measures was to provide for the support of a religious teacher among them from her communion. In other respects, too, they carefully conformed to the institutions and laws of the mother country, designed to regulate the moral and religious character of the people. Profaneness, neglect of the sabbath, and immoralities of various kinds, were punished by the same penalties that were inflicted in England. In removing to so wide a distance, therefore, from the jurisdiction under which they had lived, the colonists brought with them the salutary restraints and venerated observances that existed there. A community strictly English in its character was thus established on our shores, and continued so to exist until changed in its features by the extension of the power and the principles, both civil and religious, of the puritan colonies.

The first clergyman who settled in the vicinity of Saco river, was the Rev. Richard Gibson. He is said to have come over at the desire of Mr. Trelawney, probably from his having resided at Spurwink near the establishment of that gentleman, and having been partly supported by him. His name first occurs in the records of the courts of 1636, already quoted. It appears from a later record that he had 'corn growing at Saco'; it is probable



enough that the English custom of paying tithes or a tenth part of the products, was practised, although a 'composition' in money was paid by many of the planters. At the close of 1640, or early in the following year, Mr. Gibson removed to Portsmouth. He is supposed to have been the first minister of that place.\* While at Pascataqua, he was summoned to Boston to answer the charge of marrying and baptizing at the isles of Shoals. The laws of the Mass. colony forbade the practice of the clerical duties to any of the church of England. "He being wholly addicted to the hierarchy and discipline of England," says Winthrop, "did exercise a ministerial function in the same way, and did marry and baptize at the Isle of Shoals, which was found within our jurisdiction." Mr. Gibson, moreover, had written a letter to a minister at Dover, Mr. Larkham, in which he spoke in no very respectful terms of the Mass. government, 'denying their title in those parts,† and thereby disaffecting the people.' For these heinous offences, on presenting himself at Boston, he was committed to custody, in which he continued several days, till at length "he made a full acknowledgement of all he was charged with, and submitted himself to the favor of the court. Whereupon" (continues Winthrop) "in regard he was a stranger and was to depart the country in a few days, he was discharged without any fine or other punishment." So great lenity would not have been shown, it seems, had not Mr. Gibson designed to leave New England immediately. These circumstances occurred 1642.

The Rev. Robert Jordan arrived from the west of England, probably in the summer of 1640. He was appointed in that year arbitrator in a dispute between Cleaves and Royal. Mr. Jordan married the daughter and only child of Mr. Winter, and on the decease of his father in law about 1648, he administered on his estate. In the inventory of property in joint ownership between Trelawney and Winter, the articles of use in the church service are enumerated; the communion vessels, cush-

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\*Adams' Annals of Portsmouth. †Referring without doubt to the prior title of Robert Gorges.



ions, &c. which had been furnished by Mr. Trelawney. In the account exhibited by Mr. Jordan against the estate, we find the following items : "For his charge (of the plantation) one half year, 20*l.*; for his ministry as by *composition*, one half year, 10*l.*" The plantation was deeply in debt to Mr. Winter, and by a decree of the court of Lygonia, the whole property of the patent and the personal estate, and every thing belonging to the establishment, was assigned to Mr. Jordan as his heir.

These early clergymen probably divided their sabbath ministrations between the Spurwink and Casco settlements, and Saco. We find 'the Church Point' mentioned in the boundaries of an estate at Winter Harbor in 1642 ; it is quite probable, therefore, that a small church was erected there. Mr. Jordan continued to reside at Spurwink until the breaking out of the Indian war in 1675, when he removed to Great Island, now Newcastle, at the mouth of the Pascataqua, then a part of Portsmouth. He died at that place four years after at the age of 78 years, bequeathing an immense real estate to his six sons, situated principally in the towns of Scarboro' and Cape Elizabeth. To his wife, whose name was Sarah, the daughter of Mr. Winter, he gave the old plantation at Spurwink, containing 1000 acres of land, and the Nonesuch farm in Scarboro' of 2000 acres ; the reversion of the former, after her death, to his youngest son Jeremiah ; the latter to be disposed of by her to any of the children at her pleasure. To his sons Dominicus, Jedediah and Samuel, each 1000 acres at Spurwink. To his oldest sons, Robert and John, he had before granted estates ; to the former "a tract of land commonly called Cape Elizabeth," making a reservation in favor of John of Richmond's Island, "of ingress and regress to Alewife's pond for bait." John's deed conveyed to him Richmond's island together with 'the houses, stages, and buildings thereupon,' and 300 acres of land lying next adjoining the marsh. The island contains about 300 acres, and is now the property of one of the numerous descendants of Robert Jordan.\*

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\*The name of Jordan was early introduced into the Virginia colo-



The Rev. Thomas Jenner, a non-conformist minister, was preaching here in 1641. The following letter is found in the valuable collection of original papers published by Governor Hutchinson 1769.

LETTER FROM THOMAS JENNER TO GOV. WINTHROP.

WORTHY SIR,—Your pious and good letter I received; for which I humbly thank you. Your judicious counsel therein I lovingly embrace, as concurring fully with mine owne judgment; hence have I not troubled the people at all with church discipline, or constitutions of churches, &c. but have bent my whole studdies to shew them their miserable and lost estate without Christ &c. nor have I enveyed (inveighed) in the least measure against the church of England (to my remembrance,) but have been (and still am) very fearfull to give one word of distast about those things, but altogether do seek to gaine them to Christ. True I do acknowledge that after I had been here for the space of a month or six weeks and perceiving them very superstitious (performing man's invention rather than the instituted worship of God) now that I might gaine their good esteeme of God's pure ordinances, and make them see the evil and folly of their superstition and will-worship, I made choice of Ps. 19 and 7 to handle it at large; and in one of the uses of reproof I bent myself as strongly as I could against the religion of the Papists, and condemned those practices which I saw people here were superstitiously addicted to, in that use against the Papists; whose religion I showed, at large, consisted either of new instructed worship not mentioned in the law of God, or of God's instituted worship miserably abused, either by their additions or diminutions: and showed the particulars wherein. Now, (I heartily thank God for it) it took a generall good impression, ex-

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ny, and still exists to some extent in the parts of that state first settled. Mr. Samuel Jordan is mentioned by Smith (Hist. of Virginia ii. 76) as 'fortifying and living in despite of the enemy' (the natives) after the dreadful massacre in that colony 1622. Thomas Jorden, admitted freeman at Boston 1647, settled in Guilford, Conn. Francis and Stephen were at Ipswich 1634-48. The latter died at Newbury 1670. Farmer's Genealogical Register.



cept Mr. Vines and one more who told me I struck at the Church of England, though I mentioned her not. Whereupon he pressed me to dispute with him about one part, of baptizing infants with godfathers and godmothers; the which I was very loth to dispute about; yet I saw that either I must, or else sit down with shame, for he had called together his whole family to hear it. Now it pleased God so to strengthen me (through the riches of his mercy) that he was utterly silent; and since that time hath manifested more respect and love to me and my master than formerly, and doth take notes of the sermons daily and repeateth them in his family very orderly as I am informed. Thus, Sweet Sir, I make very bold to confirme your worship with the truth of things, though not worth the writing. I have been solicited both from the inhabitants of Straten's Plantation (Black-point) and from those of Caskoe, to be a meanes to help each of them to a goodly minister; wherefore I do make bold to intreat your worship to do your endeavors to furnish them both. Thus hoping ere long to see your face, I leave you in the arms of our blessed Saviour, in whome also I rest, Your Worship's to command till death.

THOMAS JENNER.

Saco, 16 of the 2d, (April,) 1641.

Mr. Jenner settled at Weymouth, Mass. 1636. In a division of land made in that town the same year, two lots were assigned to Mr. Thomas Jenner, senior and junior;\* from which we infer that father and son were both there. Another minister, Rev. Joseph Hull, preached in Weymouth at the same time. In 1637, Winthrop informs us, "Divers of the elders went to Weymouth to reconcile the differences between the people and Mr. Jenner, whom they had called thither with intent to have him their pastor. They had good success of their prayers." It is conjectured that some misunderstanding arose on account of the close neighborhood of Mr. Hull, whose friends may have opposed the labors of Mr. Jenner.

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\*Letter from Hon. C. Webb of Weymouth, communicated by Rev. J. Bent.



There were at that period about sixty families in Weymouth, all living within the circumference of a little more than one mile. The town was represented at the General Court 1640 by Mr. Jenner.\* He soon after came to this place, where he remained about two years. Mr. Jenner was probably the first non-conformist or puritan minister that preached in Maine. He appears to have been pleased with his success in correcting the 'superstitious' notions of our people. In December, 1649, Thomas Jenner of Charlestown, sold to Elder Bate and John Whitman of Weymouth, his dwellinghouse and land in the latter town.† This however may not have been the clergyman, of whom we next hear in Norfolk, England, in a letter from Gov. Edward Winslow, dated at London, April 17, 1651. Mr. Jenner had left his library in this country, which Mr. Winslow then purchased, taking a catalogue of the books, and advancing 50*l.* to him on account of his 'pressing necessities.' Mr. Winslow was at that time the agent of a society formed in New England for the benefit of the Indians; a part of whose plan it was to establish seminaries of learning for their education. The library of Mr. Jenner was purchased in connection with this object. The corresponding committee of the society, in answer to the letter of Mr. Winslow, say: "We shall inquire after the catalogue of Mr. Jenner's books, and endeavor that neither your nor our end therein be frustrated. It is apprehended by some that according to the act of Parliament, an eye may be had in the distributions to the enlargement of the College at Cambridge, whereof there is great need, and the furtherance of learning not so immediately respecting the Indian design."‡

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\*It is supposed by the editor of Winthrop, i. 250, and by Mr. Webb, that it was the minister who represented Weymouth. Were it not against such respectable authority, we should conjecture differently. †Mr. Webb's letter. ‡Hazard. Coll. ii. 178-80.



## CHAPTER VII.

The political affairs of the Province, in which the inhabitants on Saco river bore a conspicuous part, will again demand the attention of our readers. A new claimant to the territory of Maine appeared after the death of Rigby, and assisted in defeating the expectations of the heir of Lygonia. This was no other than the colony of Mass. Bay. As early as 1639, this government set up a claim to Mason's province of New Hampshire by stretching their northern limit three miles above the head of the Merrimac. Their charter or patent conveyed to them "all that part of New England which lies and extends between Merrimac and Charles rivers," and also three miles north of the former, and every part thereof, and the same distance south of the latter. It is evident that the course of the Merrimac was supposed to be only east, parallel to that of the Charles, by the grantors ; but on discovering that its head was situated far to the north of the limit thus established, the Massachusetts patentees determined to take advantage of the error, and overthrow the titles of other proprietors, holding like themselves under the Council of Plymouth. This construction of the charter brought within their jurisdiction nearly all the settlements in Maine. But as Gorges had recently received a royal confirmation of his grant, no attempt was made at that time to extend their claim into his province. The misfortunes of the Lord Proprietor, and the divided state of the towns after the death of Rigby, afforded the colony a convenient opportunity for establishing its jurisdiction in this quarter. In 1652, a committee of the General Court, appointed to determine the northern limits of their patent, reported in favor of a point three miles north of an outlet of Lake Winnipiseogee, supposed to be the head of the Merrimac. A parallel to the equator running through this point, was found to strike Clapboard island in Casco bay, a few miles east of the town of Casco. Commissioners were sent "to treat with the gentlemen of the eastward," in the summer of that



year, who repaired to Kittery for the purpose of conferring with the officers chosen by the Combination. Gov. Godfrey, with his council, resolutely denied the right of Mass. to any portion of the Province of Maine. Thereupon the commissioners published a protest against the authority of Godfrey, declaring the province to be within the limits of the patent of Mass. and invited the inhabitants to submit to the jurisdiction of its government. This document is dated at Kittery, 9 July, 1652.\* An answer to the protest was issued the same day by the officers of the province, in which they say that the bounds of Mass. were determined twenty years before, since which time many grants had been made in this quarter; a sum of £35000 expended in promoting the settlement of the country; and a lawful jurisdiction exercised, which had been acknowledged by Massachusetts, and approved in England. A correspondence passed at the same time between Gov. Godfrey and the Secretary of Mass. in behalf of the General Court. Something was said by the latter, in a conciliatory style, of the favors that would be shown to the inhabitants on acknowledging their jurisdiction, to which Godfrey replies: "As for sharing your favors to us: by your favor, gentlemen, we are loath to part with our precious liberties for unknown and uncertain favors. 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."†

An appeal to Parliament had been made nearly two years before by the Combination, praying to be constituted a part of the Commonwealth of England, "that they and their posterity might enjoy the immunities and privileges of freeborn Englishmen;" but without success. It is conjectured that the object of this petition was defeated by the agents of Mass. who represented to Parliament that the petitioners, however respectful in their language, were but royalists in disguise. There was little reason for confidence in that body, therefore, at the present junc-

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\*Hazard. i. 568. †Ibid. i. 567. Sullivan. 331.



ture, and finding that the Mass. government were resolved to persevere with their claim, the inhabitants at length consented to acknowledge the authority of the commissioners, and the jurisdiction of that colony. The board was composed of Simon Bradstreet, afterwards governor of Massachusetts, Samuel Simonds, Thomas Wigen, and Bryan Pendleton, who met the inhabitants of Kittery at the house of William Everett, 16 Nov. 1652. The submission of Gorgeana followed on the 22d of the same month. "Mr. Godfrey did forbear until the vote was passed by the rest, and then immediately he did by word and vote express his consent."\* The commissioners made no farther progress that season. The following year a new board was appointed by the General Court, consisting of Richard Bellingham, Deputy Governor, afterwards Governor of the Colony; Thomas Wigen, one of the Assistants; Maj. General Dennison; Edward Rawson, Secretary; and Benjamin Pendleton. These gentlemen held their first session at the house of Mr. Joseph Emerson in Wells, July 4, 1653. The inhabitants of that town were then summoned to acknowledge themselves subject to the government of Mass. Six only appeared, but on the following day most of them submitted. At the same time, "the inhabitants of Saco being by name particularly called, made their appearance according to their summons, and those whose names are here underwritten, acknowledged themselves subject to the government of the Massachusetts, as witness their hands this 5th of July, 1653:" (Signed) Thomas Williams, William Scadlock, senior, Christopher Hobbs, Thomas Reading, John West, Thomas Haley, Richard Hitchcock, James Gibbins, Thomas Rogers, Philip Hinkson, Peter Hill, Robert Booth, Richard Cummin, Ralph Tristram, George Barlow, and Henry Waddock.† Power was granted to three of this number to receive the submission of others, and the same year we find these additional names: Ambrose Berry, Nicholas Buly, Andrew Auger, or Alger, John Halycom, John Leighton, senior, Roger

\*Report of the Commissioners. Mass. Records. †Ibid.



Hill, Edward Andrews, Mr. John Smith, William Scadlock, junior, Walter Pennell\*. The inhabitants became freemen of the colony by taking the customary oath of freedom, which bound them to be faithful to the government, and to give their vote and suffrage in matters of state, as they should in conscience judge best for the public good.† The limitation of freedom, or the right of citizenship, to members of the churches of the Colony, was still in force, but was dispensed with in relation to the inhabitants of Maine, from manifest necessity, the greater part of them being of the church of England.

A sense of the injustice of the Mass. claim and a deep-rooted aversion to the principles of that colony, operated strongly on many of the inhabitants, and led them to express an open contempt of its assumed jurisdiction. John Bonython, together with Mr. Jocelyn of Black-point, and Mr. Jordan of Spurwink, were so active in their opposition, that an order was issued for their arrest. The two latter were required to give bonds for their appearance before the General Court. Bonython escaped, whereupon a decree of outlawry was published against him in the following words :

“Colony of Massachusetts Bay. At a general court held 1658. Whereas the town of Saco, within the line of our patent, in or near the bounds whereof John Bonython 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 Bonython, 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 taken, and much patience has been used for his reducement into some tolerable demeanor, hitherto not only in vain, but instead of compliance, he hath sent contemptuous and rayling re-

\*Town Records. †‘Ancient Charters and Laws of Mass. Bay.’ p. 712.