

MAINE HISTORICAL SOCIETY

PROVINCE AND COURT
RECORDS OF MAINE

VOL. I

Under Sir Ferdinando Gorges and His Councillors

From 1636 until taken away by Parliament in 1646
and by the Colony of Massachusetts Bay in 1652

Under Ferdinando Gorges the Younger *etc etc etc*

Between 1661 and 1665 alternating with the Col-
ony of Massachusetts Bay, until taken away by
the Commissioners of Charles II

Under the Commissioners of Charles II *etc etc etc*

From 1665 to 1668 until taken away by the Colony
of Massachusetts Bay

WITH COLLATERAL PAPERS AND CITATIONS

PORTLAND
MAINE HISTORICAL SOCIETY
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- Sargent, Maine Wills—(Drawn from the same county records as York Deeds). William Mitchell Sargent, Maine Wills, 1640-1760 (Portland), 1887.
- Suff. Court Files—Ancient files of the General, Superior (circuit), County and other courts of the Colony and Province of Massachusetts Bay, now in the custody of the Clerk of the Supreme Judicial Court.
- Williamson, Hist. of Maine—William Durkee Williamson, History of the State of Maine [Hallowell, 1832], 2d ed. (Hallowell), 1839.
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P R E F A C E

The title of this book is sacrificed to the utilities of cataloging and citation; an apt title for its mixed contents, (starting with the records of the Province of New Somersetshire), would have been too involved. Mr. Samuel Maverick, in the swan song of his hopes for New England,^a bemoaned that the invaders from Massachusetts had taken over the records well and exactly kept for nearly thirty years under four changes of government. He must have counted: Gorges, Godfrey, Massachusetts, King's Justices; but strictly there were four more, so regarded by the actors themselves: New Somersetshire under the grant to the Council for New England, the provisional government set up by Richard Vines when quitting the country, the "breife interruption" by the Gorges heir in 1662, and the diplomatic recovery of control by Massachusetts in 1663; not to mention the Province of Lygonia, etc. The Table of Contents will supplement the title page.

The more accurate view of the time and place of these records is Hobart Wood Richardson's Introduction to Book I of "York Deeds," under which cover, (York County, Massachusetts), the deeds of New Somersetshire and the several eras of the Province of Maine are included.^b

Territorially, if the Gorges patent had been taken in earnest, the present work would have concerned the modern States of New Hampshire and Vermont more than Maine; roughly speaking the grant would lie three-eighths in Maine; one-half in New Hampshire, and one-eighth in Vermont. The headline of the patent would have reached approximately from the vicinity of Montpelier, Vermont, northeasterly to the southeast corner of Quebec. It would take in about half of New Hampshire, about one-seventh of Vermont, and only the southwest corner of Maine. Although the present State of Maine embraces nearly half of New England, it was a century before the English occupied more than a narrow fringe a hundred miles long on the coast and up the tide-water rivers, and during the wars the Indians held possession of all but three "towns." Governor Godfrey's "Province of Maine" consisted of only two townships.

^a N. Y. Col. Doc. III. 184. 173.

^b Cf. Willis, Courts and Lawyers of Maine.

The present volume, undertaken by the Maine Historical Society with aid from the State, is one of three designed to include all of our province and court records back of those printed as Volume V of *York Deeds*. The division into three volumes will be as follows:

Vol. I. All governments and courts not under the control of Massachusetts.

Vol. II. York County under the control of Massachusetts in disregard of the Gorges patent.

Vol. III. The Province of Maine under President Danforth; The Province of Maine under Governor Andros.

In carrying out the idea of presenting between two covers what was done in Maine free from dictation or involuntary guidance by Massachusetts, matters have been introduced not strictly germane to the volume, but useful in examining the situation here which confronted the magistrates and merchants of Boston. This remark applies especially to the *CALENDAR* and some of the documents printed with it. While several passages may be found in this volume where the methods devised by Massachusetts to meet pioneer conditions were imitated here, this was in each instance voluntary. Sir Ferdinando Gorges himself, his Councillors, Ferdinando Gorges, Esq., the King's Commissioners and the King's Justices all of them found something or other among the innovations of the Bay Colony to meet their approval.

The period of historical resurrection with its attendant rivalry in claims to priority, beginning after the State of Maine was set off from Massachusetts and reaching its climax in the two books, monumental volumes in that kind, *Sewall's Ancient Dominions of Maine*^c and *Memorial Volume of the Popham Celebration*,^d is now two generations past — long enough, it would seem, to clear the atmosphere for a balanced historical treatment. It is desirable to stay back of that heated period in gathering indications of the real judgment of men on the merits of the early troubles, except so far as the controversialists were able to make additions to the volume of contemporary materials, the events themselves having long passed beyond the scope of tradition before the battles of the historians came on. The too long delayed printing of our early

^c Rufus King Sewall, Bath: 1859.

^d Rev. Edward Ballard, Editor, Portland: 1863.

records will afford a more convenient opportunity than hitherto available for an adequate study of the development of government in northern New England and the gradual extension of Massachusetts control beyond the limits of her charter.

Of the ancient records preserved at the county seat of York County, (which county down to 1760 comprised the whole of Maine), five books originally separate and part of a sixth are here printed, four of them thin paper-covered blotters. The three oldest are now bound in one volume, the other two in another volume, and besides these the back end of the oldest Massachusetts book was made use of after that jurisdiction was ousted. A table of the existing record books follows, and explanatory notes are inserted at the head of different books. Reference should also be had to the prefaces of Volumes I-VI of our *York Deeds* and *Sargent's Maine Wills*.

What is printed as Part III of Book I of *York Deeds* is not court records or files, but a thin paper-covered record book which Recorder Garde used before he received his large book, whereupon he abandoned the thin book, leaving it mostly blank. The original cartridge-paper covers of this book are still preserved, and when it was turned over in 1786 by Hon. Daniel Moulton, Register of Deeds, to his successor, William Frost, the latter made an entry upon them that it was the oldest record book, and not paged. At some later period these covers were substituted in place of the lost original covers of Book I. When Recorder Hammond made his indexes, about 1710, he included the deeds in this thin book in his index of Book I, with the word "Blank" in place of the page numbers. The pages of the large book are numbered in Recorder Rishworth's unmistakable hand.

Nobody can go now to the original records without confronting *David Sewall* at every turn. Later he served many years as Judge of the United States District Court, (a predecessor of the President of our Society); as a young man, having developed a fine record hand, he assisted the county officials about their records, thus having access to the ancient volumes, which he found amusing. For a dozen years or more he served as Register of

Probate. In Judge Sewall's old age he gave to our Society a manuscript of extracts from these records, (preserved in our upper vault in a container marked "York County" and most of it printed in the earliest volume of our Collections¹), which he headed up thus: "The early Records for the Province of Mayne were made upon unbound Pamphlets or Papers of one or more Quires of Paper Stitched together and generally without any covering of Parchment or strong Cartridge Paper to secure them from Injury: and prior to 1774 had no particular marks to distinguish them. When upon examining them from mere curiosity, they were by *D. S.* marked with the Letters A, B, C and so on as far as G. × × These Papers before the American Revolution were in the Office of the Clerk of Inferior Court of Common pleas, in an old chest, with some other Papers to that office belonging, and are supposed to be now [1822] in the office of the Clerk of the Judicial Court in the County of York at Alfred." Besides paging the different books, as stated, he also made indexes on blank leaves of the records, wrote many entries or catch-words in the margins, and in some places revised the text — most notably by interlining an interpolation in our record of the charter. The young esquire's pen sometimes outgalloped his eyes, so that the reader must be on his guard, but fortunately his superior penmanship is unmistakable. Although his pagination was sometimes by folios, sometimes mixed, done before rearranging loose leaves and often renumbered without full examination, his work was on the whole helpful, as indicating the condition of the records in 1774. But the aged judge's recollection of a half-century gone exaggerated the ephemeral nature of the record books; out of his seventeen pages of extracts only a page and a half came from "quires of paper stitched together," all the rest from well bound record books whose yellow leather covers are still preserved. His lettering of the different books was done with equal spontaneity; listed in order of their period they are: A, B, E, F, C, G, D. Judge David Sewall, 1735-1825, must not be confounded with his kinsman Daniel Sewall, 1755-1842, who was Clerk of the Courts.

The records here printed are in seven or eight hands, Francis Neale's records preserved in London making eight or nine, all of

¹ Me. Hist. Soc. Coll. 1. 269-286, 1st ed.

them shown in facsimile in our frontispiece. Fit biographical sketches of Roger Garde, William Waldron, and Basill Parker, by Hobart Wood Richardson, may be read in the preface of Book I of York Deeds; that of Edward Rishworth underrates both his talents and his character.

Edward Godfrey started the first book of records remaining in northern New England. It has been said that he was never recorder, but records by him appear in most of the books. He signed himself at different times, Secretary, Clericus, Dep. Governor, Governor. Much has been written on this interesting character, largely based on his own numerous manuscripts. If the footnotes in this volume indicate that Mr. Godfrey's perpetrations have set up chronic inflammation in the Editor's fountain pen, the diligent reader's sympathy is counted on, others' indulgence craved. Apparently he could not let the records alone if he could get at them, and rarely got at them but to leave him muddled behind. Only for simple honesty and sturdy regard for his personal honor within the limits of his understanding, with a sort of archaic public spirit, his other traits would have shut him out from the pages of history. Our member, Col. Banks, in his forthcoming History of York, will add to his extensive accounts hitherto published of this gentleman, including much of the Godfrey family lineage and connections.¹ His grandfather, the son of a London goldsmith, held the office of Remembrancer of the First Fruits to five sovereigns. That gentleman's son, Oliver Godfrey, bought the manor of Wilmington, Kent, where Edward probably was born, as he became a citizen of London by apprenticeship to a mercer. As a merchant or factor he tried the Near East before New England.

Henry Jocelyn, gentleman — this name in our records for a half-century typifies that English character in its best light. Most of the records of the Province of New Somersetshire are in his hand. Derived of ancient lineage, the fifth surviving son of Sir Thomas Josselyn, Knight, of Willingale Doe, Essex, by his second wife, Theodora, daughter of Edmund Cooke of Lessness Abbey, Erith, and Mount Mascall, Bexley, county of Kent, he got his first-degree in 1623 at Cambridge, Corpus Christi College,

¹ Charles E. Banks, editor, *New England's Vindication*, by Henry Gardner (Edward Godfrey). London, 1660 (Gorges Society), 1884.

at about the age of 17.^g He probably served his time at one of the Inns of Court. Coming over in 1630 as one of the young men in Capt. Walter Neale's party under the Laconia Company, he spent three years on the Piscataqua River, ranking as Capt. Neale's lieutenant. On their return in 1633, after the breaking up of that company and the separation between Gorges and Mason, he was selected by the latter to come over as his personal agent; but he had not been in charge much over a year when the proprietor sickened and died, leaving the New Hampshire enterprise without support. By March, 1636, Jocelyn had removed to Black Point, (Scarborough), where he lived with his friends, the Cammocks, and linked his fortunes to the Gorges interests. After removing to Maine, his father, "an ancient old Knight"^h came over in 1638 to try the country, but soon returned, and his brother, John Josselyn the traveller, paid him two visits. Other kinsmen attracted across were doubtless Francis Neale and probably Peyton Cooke, who both served as recorder or secretary of Lygonia province. Indifference to his own affairs resulted in the loss of his estate, (the Cammock patent, left to him by Capt. Cammock's will), but he continued to live on it until King Philip's War. Left behind among the Indians when Scarborough was abandoned, they would not harm him; a long life of kind and liberal dealing had made them his friends. Going in an open boat to the Piscataqua,ⁱ he was soon selected by the New York government as head of the civil government at Pemaquid, where the remaining years of his old age were spent in high respect. He died shortly before 10 May 1683, when news of his death had reached the Council in New York.^j His life lends a fragrance to our knowledge of those rough times, but the interests he favored doubtless suffered somewhat from his predominant fair-mindedness and judicial temperament. At one period he was acting as judge both in his own province of Lygonia and in the neighboring province of Maine, continuing the latter service probably longer than he could afford to. In 1657 the court under Massachusetts ordered "that the foureteene pouds formerly due from the Countrey to

^g N. E. H. & G. Register lxxi. 246.

^h Doc. Hist. iii. 140, 243.

ⁱ H. A. Hill, History of the Old South Church (Boston), i. 210.

^j Me. Hist. Soc. Coll. v. 67.

Mr. Joclein is now to be paid him."^k This must have been for charges incurred many years before.

Temptation is strong to identify the accomplished penman who wrote pp. [17-28] of our records with Thomas Brooks, who later served as Recorder under the name of Basill Parker; but prudence counsels delay in this conclusion. The facsimile now printed of his hand may possibly result in a different identification; and in any event an hypothesis that, whoever he was, he quickly left the country can hardly be eliminated.

These three recorders were back of the opening of the records of deeds, and were not noticed by Mr. Richardson. To his sketches of Garde, Waldron and Brooks-Parker there is little to add.

It was doubtless our Roger Garde who was a "woolen draper" in Bideford, Devonshire, and buried his wife in 1635. Winthrop commented on a "city" with a "tailor" for mayor. Garde was a name in that region and there was an earlier Roger Garde in Poundstock, over the boundary of Cornwall. The woolen draper married Philippa Gist of Bideford in 1610 and had six children baptized from 1613 to 1626, one of them, John, baptized 8 Nov. 1618, who was a merchant in Boston in 1662, when he sold his father's land at York, and in Rhode Island in 1664 and 1668. John's wife was a daughter of William and Christian Tetherly of Bideford, and sister of Gabriel Tetherly who came to Maine. Another John Garde, doubtless some relation and also a merchant, came to Rhode Island by way of Fayal, and his and his wife's gravestones are the oldest in the oldest burying ground in Newport. This man died in 1665, aged 61. His (second?) wife was a daughter, or stepdaughter, of Governor William Brenton. One John Champlin, very likely a son of that Rebecca Garde who was married to William Champlin in Bideford in 1641, was heir to one of these Johns Garde in 1675 — not untangled as yet.* William Willis said that the court records kept by Mr. Garde indicate the hand of a lawyer, but attributes their form to the Deputy Governor, Thomas Gorges.^l

^k York County Court Records, County Court, 6th of July, 1657.

Cf. Charles E. Banks in *Maine Hist. and Gen. Recorder*, ii. 146-152.

* Not even by the efforts of G. Andrews Moriarty, jr.

^l N. E. H. & G. Register, lxxxii. 69-70, lxxxii. 69; Suff. Deeds. vii. 71, 72; *Magazine of New Eng. Hist.* (Newport), iii. 232; Portsmouth, R. I., Records, i. 135-138; 5 Mass. Hist. Coll. v. 355; Willis, Courts and Lawyers of Maine, p. 17.

Mr. William Waldron became by purchase a partner of the Shrewsbury men; Thomas Brooks alias Basill Parker was employed by the Shrewsbury men; court records certified by Mr. Waldron are in the handwriting of Brooks-Parker. Any associations thus indicated have not been followed down. Certain English documents of date 1640-1642 recorded in Boston by Mr. Waldron's son-in-law, Richard Scammon, in 1666, have led to confusion.^m Indications are not that Mr. Waldron carried any Maine records to New Hampshire.

Thomas Brooks first appears as a partner with Peter Weare living at Great Works, South Berwick; both removed to York. Basill Parker was elected an Assistant or Councillor as early as 6 July 1646. One Basill Parker became a citizen of London by admission to the freedom of the Company of Haberdashers, by servitude to Henry Kent, 4 May 1610; and in the next winter, 2 Feb., was married, "of St Gregory by Paul's haberdasher," to Anne daughter of _____ Saville of Humby, co. Lincoln, gent. deceased. Whether Brooks or Parker was an assumed name is undetermined.

Edward Rishworth was Recorder most of the time from 1651 to 1686. By methodical modesty he remained in the background of scenes where himself was the chief moving factor. During a period of perhaps 30 years he may be regarded as the most influential resident of Maine; the name of no one wielding a stronger influence occurs to the mind. Most of what may be called our State papers during this period are in his hand and reveal the coherence and cogency of his mental processes — his ability to marshal the forces of reason in commanding formation equipped with verbal arms apt for his objective. The petition of four towns printed *infra* (page 198) is an example. During most of the time of his recordership he was a judge on the bench — with the page white under his pen until a sound judgment had been reached. While evidently not bred to the law, the urge in his nature to see things go right developed him, with his opportunities, into a sound lawyer; with Mr. Rishworth on the bench the community felt safe and only miscreants afraid. An emigrant to Boston and son-

^m Mass. Arch. III, #40. Not only have place and period been mislocated, but the name Richard has been read *William* and *Nicholas* Scammon.

in-law of Mr. Wheelwright, his sympathies would naturally be for Puritanical manners *without* religious ostracism. He has been termed a turncoat, merely because he held the recordership during successive changes in government. A more accurate analysis seems to be that his influence had much to do with the successive changes in government. This is not true of 1652, for at the beginning the Massachusetts men took the Maine men's oaths of allegiance at face value and placed the new government in the hands of their stiffest opponents. At the first attempt of the younger Gorges to recover his province Mr. Rishworth opposed him, and was able to defeat him after Saco and Scarborough had gone over. At the second attempt, when Mr. Archdale presented himself after a ruling in Gorges's favor with a personal letter from the King, Mr. Rishworth and the Province yielded obedience. When the King's Commissioners arrived and at their wish the other Gorges Commissioners signed a petition to turn the Gorges government out, Mr. Rishworth withheld his signature, at the risk of his office. Men long after his day have taunted him, or his memory, with a base apology to the Bay men in order to be restored to office — but he had been appointed to his office a year before and declined. That apology has been printed, where all who will may read.ⁿ Obviously written by himself, he first states the occasion — elected by his townsmen as their deputy but "some affront" must be removed in order to his serving them, and to satisfy "whom it may concern" he goes on. First absolutely justifying his own course and twitting them with not supporting their adherents in Maine at critical times, he admits a fault in not communicating with them before taking his course, and *this* fault he hopes not to repeat, and clothes this substance with suitable verbiage according to his day and generation. Surely the leaders of the General Court must have blinked at each other (and Rishworth's eyes twinkled) while this apology was being read and they were voting to accept it.

Anthony Emery was responsible for less than one page of the records. He was a member of Governor Godfrey's expiring council. Perhaps he recorded what Mr. Rishworth would not — a futile attempt to get their administration out of debt by enforcing a tax levy after their authority had weakened. Goodman Emery

ⁿ Doc. Hist. vi. 33.

removed to Rhode Island during the Quaker persecution, and was a deputy from Portsmouth in the General Assembly in 1672; but he had come back by 1680, when he represented Kittery in the first General Assembly under President Danforth.

Mr. Francis Neale must have been a nephew of Esquire Jocelyn, whose half-sister Elizabeth married Francis Neile of London, gent., 25 May 1625, and had children Francis, John and Mary.^o Francis Neale, gent., "about 30 years since (*circa* 1653) went to live near Casco Bay" — presumably came to his uncle's house at Scarborough — according to his own deposition given at Boston 17 Nov. 1683. He was about 27 years old when he came.^p In a letter dated 9 Aug. 1686 Rev. John Higginson, in endorsing him for appointment as clerk to record vital records at Salem, classed him a gentleman born and bred and referred to his experience as clerk of courts at Casco. The young man soon found a wife, Jane Andrews, stepdaughter of Mr. Arthur Mackworth of Falmouth Foreside, where he settled. Despite his affiliations by blood he seems to have adhered at times to his uncle's opponents. Much inclined to politics and clerical employments, his course would be hard to analyze. He served as Secretary under the younger Gorges's first movement, yet apparently opposed his second attempt, although included in commission. His petitions to Massachusetts are extant.^q When Massachusetts came in in 1668 he was made an Associate; in 1670 he was Deputy from Falmouth. He was a refugee to Salem in Philip's War, and perhaps by aid of his uncle's influence was given a land grant in New York; he did not return to Maine, but continued at Salem, employed as conveyancer, schoolmaster and otherwise. His will dated 1 Aug. 1695 was not proved, but administration was granted on his estate 2 Jan. 1696-7.

Of the eight or nine men whose handwriting concerns us, Godfrey left descendants in England, very likely to this day; Jocelyn and "Basill Parker" died childless; Waldron and Rishworth have many descendants by a lone daughter each; Emery has a vast number of descendants through one son and one daughter. Neale left descendants through two sons. Garde came here a widower

^o N. E. H. & G. Register, lxxi. 249.

^p 1 Me. Hist. Soc. Coll. iii. 330; Essex Deeds, xvii. 171.

^q Doc. Hist. iv. 307 (1663), 221.

and probably left descendants in both old and New England — the Garde genealogy has not been done. Rishworth's daughter had four husbands (not Rev. Shubael Dummer), and Emery's daughter three.

In a footnote (p. 9) is given a list of books in which the Gorges patent has been printed. An account of the existing manuscripts of the patent is unsatisfactory. * Sir Ferdinando Gorges presumably received the original patent in duplicate, and he sent over a copy with each commission. Of these four(?) documents none is known to exist, although any of them is liable some day to be found among somebody's private papers on one or other side of the ocean.

There were two officers entitled "Clerk of the Patents" who had no dealings with each other and whose functions were quite different; both were permanent in office, likely to hold over under a succession of superiors. The Clerk of the Patents to the Attorney General and Solicitor General drafted a proposed patent under the instructions and subject to the approval of the Attorney General, and during the process was accessible to the agent of the private party interested. When completed and approved he engrossed it in triplicate, the three documents to be identical and unalterable. One of these eventually became "the King's Bill," sanctioned by the King's own hand; one "the Signet Bill," (sometimes called the Privy Seal Warrant), sanctioned by the Signet seal; and one "the Privy Seal Writ," sanctioned by the Privy seal. All preliminary steps converged in the Privy Seal Writ, and from it everything emanated that came after. The Clerk of the Patents in Chancery was an officer of the Lord Chancellor or Keeper of the Great Seal, and had charge of preparing the actual document which was to go out, unrecorded, but certified by him "By authority of the writ of Privy Seal," or "By authority of the King himself," with the Great Seal attached. He had nothing to do with the enrollments, which were done in the Six Clerks' Office; once a year the writs of Privy Seal were gathered up, arranged in order of their dates, and enrolled. The Privy Seal writs were preserved, but any copies that went out, after the original patents, were taken from the enrollment and certified by the

* Later: Cf. extended note at the end of this preface.

Keeper or Clerk of the Rolls.^r "Wolseley," the Clerk of the Patents in Chancery during the early colonial period, was Sir Robert Wolseley, 1587-1646, who was baroneted 24 Nov. 1628 and became the head of a distinguished family. Most of the existing copies and prints of our charter are attested by him, showing that they are copies, or copies of copies, of what was actually delivered to Sir Ferdinando Gorges. The following list is inclusive of all the earlier copies.

(1) The "Breif of the Patent," by which our patent was authorized and drafted; it is printed across the bottom of pp. 12-15 *infra*.

(2) The top part of the Signet Bill. Of the triplicate documents this is all that a limited search has discovered in the British Public Record Office. What remains of this parchment, the bottom part having at some time been torn off, is a skin about 30 inches wide and about 18 inches deep, with one line of writing across the top: "Right trustie and welbeloved Cousin and Councillor Wee greete you well and will and comaunde you that under our Prive Seale you cause our letters to be made forth to the keeper of our greate Seale of England comaunding him that under our said greate Seale he cause our letters to be made forth patents in forme following." On the back of this parchment is: "Martii 1638-1639 A° R° Caroli 14 & 15."^a

(3) The patent was docketed in the Lord Privy Seal's office as follows, with the side index "Sir Ferdinando Gorges:"

A grant unto Sir Ferdinando Gorges Knight his heires and assignes of a Proportion of land in the parte of America in New England called the Province of Mayne as the same is particularly bounded with the Island thereunto belonging Reserving to his Majestie a tenure in Socage as of his Majesties Mannor of East Greenwich and the fifth part of the cleare yearely profit of all Royall Mynes & of Gould & Silver found, and of Pearl fishing, and with a yearely Rent of one Quarter of Wheate, And with such powers priveledges & Declarations as were allowed of & ordered by the Lords Commissioners for forraigne Plantations by an Order dated the 23th of January 1637[8] Subscribed by Mr. Attor-
r Second Report of the Deputy Keeper of the Public Records, London 1840: pp. 26, 30, 33-35, 40, 41.

^a Privy Seal Office. 2. 112. Bundle of warrants, grants, etc., including the above.

ney Generall. By Warrant under his Majesties Signe manuall."

(4) The official enrollment in Chancery; it is printed *infra* pp. 9-29; also a section of it shown in facsimile, facing p. 9. This record takes about eight feet long by about eight and a half inches wide of small skins fastened together, in the middle of a roll about a foot in diameter. The day and month are written at the end of each patent but the year only on the outside of the whole roll.^t A marginal index shows the point where each patent starts, that for the Province of Maine reading: *De con[cessione] ad vitam Ferdinando Gorges Militi sibi & heredibus*. The outside of the bundle is marked: *Vigesima quinta pars Paten[tium] de anno Regni Regis Caroli quinto decimo*.

(5) Our record, which may be older than (4). On account of clerical errors we have substituted the enrollment for it, but it may be read in Hazard, Sullivan and Thorpe. Cf. note 10, page 9, *infra*. The original of our record was the copy sent over by Sir Ferdinando with his first commission, and probably was the copy taken to Boston and ruled out of court as "only a copy attested by witnesses."^u

(6) Richard Vines's partial copy sent to John Winthrop.^v This was taken from the original of our record, as it is without the interpolated clause. Cf. p. 29 *infra*.

(7) A copy of the patent itself, attested by Wolseley, used as Exhibit 2 in the trial of the case of Allen & Spencer in the Superior Court of Common Pleas held at Wells 4 July 1704. The plaintiff represented the Mason rights, and the issue was the land deeded by Sir Ferdinando Gorges to Capt. John Mason on the Maine side of the Piscataqua River.^w This copy, in a very large hand, made 79 pages, most of which are now bound in silk as pp. 97-153 of Volume 3 of the York County court records. The first and last folios have recently been found in fragmentary condition in the files. This copy may be later than (8), or much earlier. The handwriting and spelling would indicate a young man's work in 1650 or an old man's work in 1680, as an occasional archaic capital letter betrays a remodelled hand.

(8) A copy of the patent itself, (attested by Wolseley), attested by Joseph Dudley.^x This is probably a copy made directly
^t Roll No. 2865 (15th Charles I. 25th Part) No. 6. ^u Winthrop i. 314.
^v 4 Mass. Hist. Coll. vii. 348. ^w York Deeds ii. Introduction, p. 39.
^x Mass. Arch. vol. 87, pp. 130-134.

from the original patent turned over by Ferdinando Gorges, Esq., when he sold his province. Probably it was used in trips to Maine, or even to England, to avoid the risk of losing the original. It is an informal copy, but shows corrections made in comparing it, and is attested "Comparat" by J. Dudley. By the handwriting and spelling the period could have been from 1670 to 1710, but it was doubtless made before Governor Andros discarded the patent.

(9) A copy attested by Secretary Josiah Willard as a true copy of a record attested by himself as a true copy of the patent.⁷ The Massachusetts Archives now contain Volume III of a set of records of deeds, etc., with the first two volumes missing, probably burned in the Court House fire 9 Dec. 1747. Doubtless the original patent turned over to John Usher and by him turned over to the Province and recorded in one of these volumes, was the record attested by Secretary Willard. The original patent and the deed of Usher to Massachusetts are both missing, possibly burned in the same fire that destroyed the records. But in 1847 Secretary John G. Palfrey gave out a peculiarly worded attested copy of the deed from Gorges to Usher, first copying a copy attested by J. Willard from a copy made from the original by Edward Rawson, and then himself attesting it as "a copy of a deed deposited in and belonging to the Archives of this Department."⁸ Whether Mr. Palfrey had the deed before him at the time of making this attest, or designed only to claim it as public property in whosever private hands it might sometime be found, may not be known.*

(10) A copy in the British Public Record Office, Colonial Entry Book 59, (now class 5, 902), No. 61 (32 pp.). This may be older than (9). It is a late copy, modernized in spelling, of
⁷ Mass. Arch. III, 152-178.

* It may be possible that the original documents were sent to London with the instructions which authorized the Colony's agents "to deliver up the deeds for the Province of Maine" if this would save their own charter. Chalmers, *Political Annals*, 414; 1 *Me. Hist. Soc.* II, 260, 261; U. S. Senate Doc., *Northeastern Boundary* (1829), App. 93-98. *Mass. Records* v. 392.

* It is not improbable that Mr. Palfrey had actually compared the record with the original in the hands of Governor Joseph Dudley's descendants, but having had it shown to him by courtesy felt bound in honor to keep silence. It is now in the custody of the Massachusetts Historical Society.

the patent itself, attested "Wolseley," carelessly copied in places, but shows corrections and omissions supplied.

(11) A copy made by Hon. David Sewall for the Massachusetts Historical Society. This was made from a copy of the enrollment, not known to be accessible to him. It renders the outside markings of the roll: "*Vicissima quinta pars Patin de domino Rege Caroli Quinto decimo*," and the side index: "*D. Con ad vitam Ferdinando Gorges militis sibi & Hereibus*." In the same valuable paper he included a copy of one of the charters of the city of Gorgeana, then in the custody of the town clerk of York, and it seems most likely that Judge Sewall also found with this the copy of the patent sent over by Sir Ferdinando with his second commission. If so, the Lord Proprietor sent over, first, a copy of the patent in his possession, probably before the Writ of Privy Seal was enrolled, and, second, a copy of the enrollment.

Our Society has transcripts of (1) and (3), and photostatic copies of (4), (5), (7 in part), (8) and (11); also a copy made for Sullivan by Daniel Sewall, attested by J. Heard Bartlett, Clerk of the Courts. This copy, either for errors or because modernized, was not used by Sullivan, if ever seen by him.

As this charter was the hub around which Maine's fortunes revolved calamitously for half a century, it merits inspection; it has been rather gasped at than analyzed. Its outstanding absurdity is at its front end giving to the grantee all the powers of a Lord Palatine while at its back end making him take orders from the Lords Commissioners for Foreign Plantations.** The Bishop of Durham was held to possess all the powers, rights and privileges within the Palatinate⁸⁸ that the King had within the

** Sir Ferdinando Gorges's grant creating the city of Gorgeana recites that the King "hath created me absolute Lord of the Province of Maine" and given "unto me and my Heirs absolute power . . . over all the Inhabitants and People" living here then or "in time to come. While this misrepresented the terms of his patent, it gives all the clearer revelation of his ideals and purposes. As between himself and the King he was under "reglement," and as between himself and the inhabitants, except mere police regulations or putting down riots, he could govern only by laws approved by a majority of a legislative assembly of the freeholders. Cf. the CHARTER, pp. 16-19—Hazard, I, 480, 481.

⁸⁸ G. T. Lapsley, *The County Palatine of Durham* (London 1900) p. 31.

Kingdom — a kingdom within a kingdom. Impropropriety has been attributed to calling Sir Ferdinando Gorges our Lord Palatine, because himself never assumed the title.^{bb} On the face of his patent he was entitled to that rank, and might by others be given his title despite his own modesty; but it was a mockery. Yet in one of the charters of his city of Gorgeana, styling himself "Lord of the Province of Maine," he dated it "in the second yeare of my Principallity in Newe England."^{cc}

The charter may better be understood if read in connection with the records of the Council for New England and Sir Ferdinando Gorges's two pamphlets, bearing in mind that this Council of Plymouth was organized by Sir Ferdinando Gorges himself and while it lasted was commonly spoken of as his personal affair,^{dd} and that the pamphlets, although the first purported to be issued by the President and Council for New England, were largely identical, merely substituting "I" for "wee" in recounting things he had done in the name of the Council.^{ee}

Of the earliest proceedings of the President and Council we have no records. When they acquired a record book, space was left for the earlier records but the pages remain blank.^{ff} From the moment that we have the records the first object in view was an alteration in the patent; it had been unsatisfactory from the beginning and had been left in the Crown Office for amendment.^{gg} Their difficulty was the *tenure*. Under date of Nov. 2, 1622, is the entry: "The tenure of the manor of Greenwich must first be released before you can have a new Tenure."^{hh} The tenure of one of the King's favored manors did not lend itself to the purpose of these gentlemen. But the cat's head protrudes boldly from the

^{bb} Proc. Colonial Soc. Mass. viii. 203. ^{cc} Hazard, i. 470, 474.

^{dd} Edward D. Neill, Virginia Company of London (1869) pp. 133, 195. The Journal of Parliament under date of 17 March 1624 referred to the charter of the Council for New England as "Sir Ferdinando Gorges his patent for a plantation in New England." Chalmers, Political Annals, p. 103.

^{ee} A briefe Relation of the Discovery and Plantation of New England, London: 1622.

The Brief Narration, a manuscript left by Sir Ferdinando Gorges, written about 1639 and printed for his grandson in 1658. James P. Baxter, Sir Ferdinando Gorges i. 199-240, ii. 3-81; 1 Me. Hist. Soc. Coll. ii. 1-65.

^{ff} Am. Ant. Soc. Proceedings for Oct. 21, 1875, pp. 49-63.

^{gg} The Briefe Narration, 1 Me. Hist. Coll. ii. 35.

meal a few months later, when it was propounded by Sir Henry Spelman, as a provision to be asked for in their revised patent, that:

such as shall become tenant to any of the Pattentees and Settled in New England shall not depart from the place where he is once planted, without License from his Land Lord.^{hh}

Sir Henry Spelman, one of the few more persevering members of the Council, was the distinguished historian and law writer, accounted an authority on feudal land laws. In these records he was repeatedly requested to draft the new patent and submit it to the King's Attorney General. The import of this entry is unmistakable, and we have it still clearer. In a paper headed "Consideration by Sir Ferdinando Gorges × × necessary to be resolved upon in settling the Governor of New England," and endorsed "Nov. 1634," is the following passage: "such young persons as being married have neither howse nor home of their own, but what they can get by their labores & yet are subject to many children × × shall have a competent portion of land allotted unto them in perpetuity."ⁱⁱ

Here was the essence of villeinage. How could absentee landlordism be established if the emigrants and their posterity were left free to better themselves as opportunity offered? While villeinage in England still existed in the law books, such rights had been from time to time voluntarily relinquished by many landlords, let pass into desuetude by many others. About the year 1635 a young man named Bird, having been allowed to study at Oxford, and now having gotten his degree and been given a living, recited in a petition that his forefathers of that name had from time anterior to the memory of man been appurtenant to a certain manor in Devonshire, and craved that his condition might be altered so that he could lawfully go off that land to take charge of his parish.^{jj} While villeinage was flickering to extinction, the Council

^{hh} Am. Ant. Soc. Proceedings for Apr. 1867, p. 93.

ⁱⁱ James P. Baxter Sir Ferdinando Gorges iii. 265; Colonial Papers viii. 34.

^{jj} This is unfortunately stated by memory of many years standing, quite subject to error, a search for the authority having failed. Later: Too late for proper revision comes the January, 1928, number of Devon and Cornwall Notes and Queries, xv, p. 19, par. 20, stating that the "Burde Case" was "much earlier."

for New England was maneuvering to revive it. In bygone days, when it had flourished in England, part of the livestock on the manor was human, with no more rights in the King's courts than the cattle.^{kk}

Further confirmation, or matter tending to such, is not hard to find. The royal commission to Sir Ferdinando Gorges as Governor of New England contains the following provision:

Our further will and pleasure is that none bee permitted to goe into any those parts to plant or inhabitt but that they first acquaint Our said Governor therewith, or such other as shalbee deputed for that purpose during his abode heer in England, and who are to receive from him or them allowance to pass with his or their further directions where to sitt downe × × "

The mandate in the King's commission merely fell in with Sir Ferdinando's own petition for appointment "when I shall arrive in those parts, × × × that order may bee given that such as are to transport anie numbere of planters into those parts, may have recourse unto the Governor assigned, to receive from him directions where to settle themselves × ×."^{mm}

And in Sir Ferdinando's own Briefe Narration, in stating the frame of government for his province, he made this provision: "That no man to whom there hath been any grant passed of any freehold shall alienate the same without the assent and license of the Council first had and obtained."ⁿⁿ

The Crown grants to Capt. John Mason and Sir Ferdinando Gorges were by way of confirming to each the division already agreed on between themselves of their joint grant received from the Council for New England in 1622; thus "the Grand Patent" lay back of all. The speculative or exploitative nature of that undertaking is evident throughout. Starting with a royal grant to

^{kk} Paul Vinogradoff, *Villainage in England* (1892) pp. 55, 130, 134, 125, 143, 219.

^{ll} July 23, 1637. *Doc. Hist.* vii. 221. *Am. Ant. Soc. Proceedings* for Apr. 1867, pp. 120-122.

^{mm} March 21, 1634-5. James P. Baxter; *Sir Ferdinando Gorges* iii. 273-275; *Colonial Papers* viii. 52.

ⁿⁿ 1 *Me. Hist. Soc. Coll.* ii. 56.

forty men made up to include many of the Privy Council^{oo} and others who stood highest in the King's favor, it wound up with an attempted division of New England among eight,^{pp} of whom only the two Gorgeses and one other were among the original 40 patentees. The added five were Capt. John Mason and four new men high in court favor. A suggestive scene is that of King James himself acting as proxy for his favorite, Buckingham, in the first drawing of lots in 1623, to divide up New England on paper. Twenty double portions were drawn, with the right for each holder to substitute a new partner for such of the original forty as should forfeit their shares by refusing to pay the assessment of 110*li*. Almost juvenile entries appear in their records. They had the King send letters to the counties and cities urging that poor persons be turned over to them to be sent to New England, but without provision made for the expense of handling them.^{qq} Having been granted by the King the right to license fishing ships, they proposed to stipulate in the licenses that each ship when returning leave men behind for population, one in ten or two in seventeen of her crew, or one for every 30 tons of her tonnage, with each man's share of fish and two months' supplies. "Att the Leaving of a man, see what salt, Bread, Hookes, Lynes and Leads they will leave with them."^{rr} They built one ship; one vote was for the Treasurer to send to the master builder at Whitby £5 to buy screws; another to agree with parties for pumps and pulleys, and to advance £6 "to sett them on worke." These votes were passed in London; she was building at Whitby in Yorkshire. Calkers were called before the Council and a bargain made for seven of them, with a boy to spin oakum, to go eight days' journey to Whitby, of whom two went not. In June, 1623, a conference was held for securing money to clear the ship at Whitby, where she was "receiving great prejudice," and it was voted that every patentee put five emigrants aboard "when the ship is ready." Presently she was mortgaged for 2000 marks to several of the Councillors who would risk their money if thus secured. In January a boatswain and man had been put under pay to go in her, although the ship was still at Whitby when the early records

^{oo} *Am. Ant. Soc. Proceedings* for Apr. 1867, p. 127.

^{pp} *Idem*, 114-118.

^{qq} *Idem*, 85.

^{rr} *Am. Ant. Soc. Proceedings* for Apr. 1867, pp. 67, 73.

end—no more for eight years.” One “merchant” single-handed in ten years accomplished more actual carryings on than the Council for New England in its whole lifetime.”

As the lords and gentlemen who had consented to have their names used in the grant were largely unwilling to risk even 110*li* of their own money, it was voted to admit others in their places, to be “persons of Honor or gentlemen of blood” except not over six merchants; more than six merchants might forfeit control of their meetings, consisting sometimes of Sir Ferdinando and one other, and overturn their policies. A plan was considered to admit merchants in the fishing trade as Councillors, they to pay in £100,000, (£4,400 would have been the total paid in by the patentees if all had paid), but this was “respited in regard of the difficulty of finding security.”^{uu} All plans coming to nothing and the Spanish war coming on, Sir Ferdinando Gorges forgot his dreams and devoted several years to the service of his country. Here he was at his best.

In session after session of the Council the matter of *tenura* was brought up. “The tenure of the manor of Greenwich must first bee Released before you can have a new Tenure.” “It is propounded that the Tenure in the Grand pattend is thought meat to bee held of the Crown of England by the Sword.” “The tenure in a particular pattend vizt to hold of the Chamber of State *per gladium Commitatus*, that is by finding of 4 able men conveniently arrayed for the warr to attend upon the Governour for any service after 30 dayes warning.” “That the Council may have power to erecte tenures notwithstanding the Statute of 18 Henry III. either according to the Lawes of England, or the Feodall Lawes, or any other Lawes.” The limitation in the patent that the laws to be enacted be “as neere as may bee” to the laws of England, to be omitted in the new patent “for many reasons.”^{vv} Tenure by

^{ss} Id. pp. 79, 82, 65, 95, 96², 82. But in 1625 there was a lawsuit over this ship, brought by the master-builder. Jan. 22, 1624-5. Dispute about the amount Sir Ferdinando Gorges is to pay Andrew Dickson for the use of the Mayflower, built by Dickson and sent out by Sir Ferdinando Gorges, Doctor Gooch and certain gentlemen Patentees for New England. — Acts of the Privy Council, Colonial Series, The Unbound Papers, 132.

^{tt} Trejawnny Papers, Documentary History of Maine, Vol. III.

^{uu} Am. Ant. Soc. Proceedings for Apr. 1867; pp. 59-61.

^{vv} Am. Ant. Soc. Proceedings for Apr. 1867, pp. 69, 63, 77, 90, 91.

knight's service meant a government based on military subordination — landholders subject to be stripped of their livelihood by the displeasure of their lord — conditions such as the Normans set up when they conquered the English. Outrageous impositions naturally grew up under such a system, and at length intrenched themselves by custom recognized as law. A letter of 1630 says: “I am persuaded Sir Ferdinando (how loving and friendly soever he seems to be) knows he can, nay, purposeth to overthrow, at his pleasure, all the patents he grants.”^{ww} This is an unfriendly statement from a hardly honorable source, yet it only states the basis of tenure by knight's service, which Sir Ferdinando certainly wanted. Indeed, it was voted at a meeting after most of the patents had issued: “That all Pattendts formerly granted should be called for, and perused, and afterwards confirmed if the Councell shall see fit.”^{xx yy}

^{ww} 1 Mass. Hist. Coll. III. 71.

^{xx} Am. Ant. Soc. Proceedings for Apr. 1867, p. 111.

^{yy} Readers wishing to satisfy their judgment fully may do so by patiently absorbing every entry, weighing the motives, in the records kept by the Council for New England, bearing in mind that Sir Ferdinando dominated all their recorded sessions except in the period from 4 Nov. 1631 to 21 June, 1632 (pp. 97-106), and not overlooking the two-leaf insert pp. 96²-96⁴, which if missing is supplied on application to the Librarian of the American Antiquarian Society, Worcester, Mass. The records of the Council for New England remained with Edward Lord Gorges, and in 1674 were in possession of his son Richard Lord Gorges, who, after WILLIAM & MARY came in, filed a caveat not to grant to Massachusetts his patent to lands in New England — once supposed to be equal to Sir Ferdinando Gorges's patent. (Sainsbury, no. 1676.) The following memorandum, in the hand of Thomas Povey, Esquire, sheds additional light. (P.R.O. C.O.1. vol. 31, no. 88.) The entries which arrested Mr. Povey's attention appear on pp. 97, 107, 109-111, 118-120, 123, of their printed records:

Memorials upon veue of the 2 Books, one covered with vellum, and one other with Blewe Paper Lent to mee by the Lord Gorges Decem. 16. 1674. Being from 1631. to 1633.

In the Book covered with blewe Paper it is Observable that in the 4th Line of the 1st folio it is said videlicet 5 English miles, and *soe* by an *imaginarie Line* upp into the Maine North to the bounds of a plantation belonging & cet.

Pag. 9. In 1632. one Humphreys complains to the Councill meeting at Warwick House, for not permitting shippes and Passengers from hence for the Bale of the Massachusetts without Lycence to which they were free not only by a Patent graunted to them by the President and Councell of New England, but by a Patent of Confirmation from the King, which the Councell desiring to see, it was answered, That it was in New Eng: which had bin often writt for, but not yet come.

Pag. 11. June 7, 1632. The names of the Councell were now but 21. Whereas by the Patent they should bee 40 (*interlined: 19 of the num-*

Although they never secured the alterations in the tenure of their charter which they deemed essential to their purposes, yet in 1622, while their efforts in that direction were still active, the patent issued by them to Capt. Robert Gorges, Sir Ferdinando's son, actually stipulated tenure by knight's service, and after 1635, when their decision to give up the Grand Charter had been reached and there was no longer anything to lose, at least two other patents were issued with that same tenure,^{zz} which a few years later was forever swept aside, with other instruments of injustice, by one of the measures which reconciled the English nation to the rule of Charles II.^{aaa} The moving principle of this whole charter-granting epoch was conglomerate with the mental obsession that led the first CHARLES's head to the block. The concepts of Buddha were as fit to export across the Atlantic in a migration of men purposed to cope with a wilderness.

A gulf centuries deep separated Gorges and Warwick — if that gulf could have been bridged it might almost have connected the Middle Ages with modern times. The Earl of Warwick apparently revived the affairs of the Council for New England in

ber being Dead): They therefore in Councell desired their members to incite others to come in.

The E. of Warwick was desired to direct a course for finding out what Patents had bin graunted for New Eng.

Pag. 12 Novem. 1632. That a Surveyor bee sent for settling the Limits of everie Plantation according to Patent.

Alsoe that Commissioners bee sent over to heare and determine all Differences and relieve all Grievances there, if they can; if not to certifie the President and Councell heere in whom the fault is, that speedie order for redress bee taken.

Pag. 14. Commissioners made by his Majesty to examine abuses in New Eng.

Pag: 18. Memorandum: on the 10th daie of April. 1634 Leases for 3000 yeares were made of the severall Divisions to severall Persons.

And on the 10th of April severall Deeds of Feoffment were made to them.

19 A Petition to the King to accept a surrender of their grand Patent, and to graunt confirmations of everie particular Graunt derived from it.

20. A Declaration of the King of his pleasure for the establishing a generall Government in New Eng. for prevention of those Evills that might ensue for Default thereof. Apr. 25. 35.

Pag 22 An Act, or Instrument for the Resignation of the great Charter of New Eng.

^{zz} Doc. Hist. vii. 191, 195; York Deeds ii. 16.

^{aaa} Statutes 12 Charles II. Chapter 24.

order to give a patent for Massachusetts Bay;^{bbb} incidentally this took away Capt. Robert Gorges's abandoned province. We may not know what rent was reserved in that patent, but Warwick's own deed to the founders of New Haven reserved no rent or services, but was on this tenure:

*to have and to hold × × to them × × their Heirs
and Assigns and their Associates to their only proper
and absolute Use and Behoof for evermore.*^{ccc}

This was language not to be found by Sir Henry Spelman in the law books; to minds like his it meant economic imbecility and caste treason. The Council's records are missing for over eight years, but for a time Sir Ferdinando was in control of the record book, Warwick of the seal. For four years, from 1628 to 1632, Warwick's name appears on all of the known patents, sometimes signed by himself only. The rents reserved were sometimes small, sometimes nominal or nothing, especially when certain Councillors did not sign. Those who for years had hankered after the fleshpots of villeinage saw their President dissipating their resources and scattering their hopes to the winds. Notwithstanding that the Earl of Warwick had at every opportunity blocked his plans, Sir Ferdinando neither in the manuscript of his book nor in his extant letters disclosed that he was even aware of it, but left all doors open, for himself till death closed his lips, and after that for his progeny.

Both men had the *facts of the situation* open before their eyes. Sir Ferdinando himself in a letter to the Secretary of State about being sent over as governor said: Had I not obeyed the graunte I lately gott from his Majesty, I should not have been master of more than I occupied with my servants and those entrusted by me in that part my house standes in.^{ddd}

George Cleeve, "gentleman," said he would be tenant to never a man in New England.^{eee}

Edward Godfrey, a gentleman, as early as 1640 wrote: For here planters [*emigrants*] would have all common.^{fff}

George Fenwick, a gentleman, wrote from Connecticut in

^{bbb} 1 Me. Hist. Soc. Coll. ii. 51. ^{ccc} Hazard i. 318-319.

^{ddd} James P. Baxter, Sir Ferdinando Gorges iii. 294. Colonial Papers. x. 55.

^{eee} Doc. Hist. iii. 265. ^{fff} Doc. Hist. iii. 241.

1642: "We must all here be independent and supreme lords of our own land."^{xxx}

The brain of Gorges argued that the only way to meet the necessity was through the motive of escaping penalties, and that this, in a pioneer country, with an ocean intervening between landlord and tenant, was only practical through tenure by knight's service. Warwick knew that this could not be done at all. The one contemplated bending men to private uses by edict from above, the other would inspire their activities to swell the common wealth by opening the door of opportunity. Meanwhile the actual reducers of a wilderness into a fruitful new continent had left to them always the hazardous, albeit divine, right of rebellion, with the lure and dangers of the deeper woods for further withdrawal beyond the reach of noble, knightly and gentle greed.^{hhh}

A reliable list includes eight patents with the County Palatine clause,ⁱⁱⁱ the earliest to Sir George Calvert, by JAMES in 1623, granting "Avalon" in Newfoundland. All of the others follow this original, both in phrasing and framing.ⁱⁱⁱ The next in the series, dated 30 Oct. 1629, granting the main land south of Virginia, with the Bahama Islands, to Sir Robert Heath, is considerably paraphrased. Lord Baltimore's patent is in Latin, and has been deviously translated, but after the Avalon patent, granted to his father, was discovered, the Latin was found to render back into its original English perfectly.

The very phrasing of the Palatine clause confesses that powers now granted had already been lost in Durham. Intricate devices of forced construction had been commonly resorted to by tacit consent in the face of practical exigencies. Even to maintain theoretically the status of kinglet within a kingdom, the Lords Bishops had exercised high degrees of judgment and gone

^{xxx} Brit. Mus. Egerton Mss. 2648. f. 1.

^{hhh} *In contrarium vide* James T. Adams *The Founding of New England* (Boston 1921), p. 122. Herbert L. Osgood *American Colonies in the 17th Century*, 1904. B. W. Bond, Jr., *The Quit-Rent System in the American Colonies*, with Introduction by Charles M. Andrews.

ⁱⁱⁱ Proc. Colonial Soc. Mass. viii. 203.

ⁱⁱⁱ J. T. Scharf, *History of Maryland*, I. 34-40.

to extreme lengths of forbearance.^{kkk} Indeed, in the very year that the Gorges patent was being drafted, 1638, CHARLES ordered troops levied within the Palatinate, oblivious of the Lord Bishop's princely quality.ⁱⁱⁱ This being the situation where each succeeding Lord Palatine, elected by the clergy of the Bishopric, was sure to be a man of parts and capable of administrative discretion, what of the succession in these trans-Atlantic patents? In the Avalon patent, the King recited his especial trust and confidence in the "fidelity, wisdom, justice and provident circumspection of the said Sir George Calvert," but what of all the other grantees and the leaps after leaps in the dark regarding "heirs," and "assignes," and their heirs? In the two Carolina patents the grant was to eight persons, yet without striking out the Palatine clause — a very litter of princes at a birth.

With reason enough, others of these so-called Counties Palatine contained the same mockery as the Gorges patent, defeating by a later clause what purported to be granted at the outset. Instead of being under the "reglement" of the Commissioners for Foreign Plantations, the New Hampshire patent provided for control by ordinances under the Great Seal of England and for appeals to the Governor of New England; the Heath patent embodied the grantee's contract to obey written orders under the King's hand; the two Carolina patents provided for appeals to England. The Maryland charter was without such provision, but appeals were taken.

James Sullivan, born and reared in Maine, whose epoch was nearer to the Gorges patent than ours to the American Revolution, said: "King Charles, in that patent, gave to Gorges more and greater powers than had ever been granted by a sovereign to a subject."^{mmm}

Doyle says: [Maryland]. "It conferred on the grantee probably the most extensive political privileges ever enjoyed by an English subject."ⁿⁿⁿ

William T. Brantly said: "Maryland was the first Proprietary colony established in America; and its charter contained a

^{kkk} G. T. Lapsley *The County Palatine of Durham 1900*: pp. 31, 38, 41, 58, 323.

ⁱⁱⁱ *Idem*, p. 309.

^{mmm} *History of the District of Maine*, p. 307.

ⁿⁿⁿ J. A. Doyle *English Colonies in America*, I. 281.

more : e grant of power than was bestowed upon any other English colony."^{ooo}

John V. L. MacMahon called the charter of Maryland "the most ample and sovereign in its character that ever emanated from the English Crown."^{qqq}

* Hon. William Willis: [Maine] "More ample powers were never bestowed upon a subject."^{rrr}

Hon. James Savage: [Plowden] "Of as singular character as any of the grants by royal authority."^{sss}

The King's Commissioners in 1665 declared to the inhabitants of Maine the unreasonableness of the privileges granted against them to Mr. Gorges by his patent, affirming them to be too great for any subject."^{ttt}

Speaking humanly, a view of any one of these patents is justification enough for any resultant ejaculation, without altering dull fact. Conflicting statements have been made by modern writers regarding the origins of both the Maine and Maryland charters. The "Breife" authorizing the Gorges patent, containing no reference to the grantee or the lands granted, indicates a general form for drafting such patents, but this view is hardly borne out by the patents which were issued; the Brief contains provisions not in the other patents, and the other patents vary by including or omitting different provisions. But once the schedule of provisions had passed the Council, resort was evidently had to the earlier patents for the phrasing of each provision, except as opportunities for improved draftsmanship yielded clearer or stronger expression in fewer words. As regards excessive provisions, the omnibus clause in the patents to Plowden and Mason should award them the palm up to that time. Sir Edmund Plowden, besides the specific provisions in his patent and the powers and privileges lost or retained in the Palatinate of Durham, was granted by reference all such "titles, additions, dignity and privileges" as had been granted to

(1) "George Calvert, Knight, within the province or County Palatine of Glastonbury [*Avalon, in Newfoundland*] within our new lands:

ooo Winsor. iii. 517.

qqq Historical View of the Government of Maryland.

rrr Courts and Lawyers of Maine, p. 14.

sss Winthrop ii. 325 note. ttt Mass. Records iv (ii) 249.

- (2) or as the said lord of Baltimore [*his son had succeeded him*, in Maryland
- (3) or James, Earl of Carlisle, within the Anthill islands or those commonly called St. Christopher or Barbadoes
- (4) or as Thomas [*John*] Mason, late paymaster of our forces, in our lands of New England
- (5) or as by any other founder of a colony, or governor of ours where-soever ever heretofore had been held used or enjoyed or of right ought or was able to hold, have, use or enjoy."^{uuu}

The omnibus clause in the New Hampshire patent^{vvv} is similar, but nothing of this nature appears in the other patents, except of course the Palatine clause.^{www}

The Maryland patent, issued to his son but intended for himself, is identical with Sir George Calvert's patent of Avalon except for three additional provisions, power to convey lands to purchasers with waiver of the Crown's rights under the statute of *Quia Emptores*, power to create manors with courts baron and view of frankpledge, and a clause declaring Maryland independent of Virginia. Sir Robert Heath, Attorney General, got a patent for himself with more difficulty. The Palatine clause adds the specification "with Royall rights and franchises," but the liberality shown to Calvert was reversed. The exemption against taxation for all time was withheld, and, instead, a share in the profits, according to a paper left in the custody of the Crown office, was to go to the King; also the clause giving a ten-year exemption from import duties, and the clause giving to the grantee the import duties of his own province, were both withheld. But all these favors were restored in the patent of New Albion, also specifying the right to coin gold, and, to cover any omission, the omnibus clause. Sir Edmund Plowden took his patent seriously, lived here several years as "Lord Earl Palatine," only to reduce himself.^{xxx} The perpetual pledge against British taxation (with or

uuu Hazard i. 160, 162.

vvv York Deeds ii. Introduction 23.

www The genuineness of the New Hampshire patent was discredited by Hon. James P. Baxter for reasons stated, but a better view is that Robert Mason, under the advice of Mr. Joseph Mason and by agreement with Massachusetts to protect him in his lands if he would disclaim his rights of government, suppressed it, and stood on the grants from the Council for New England. — London Transcripts of the N. H. Hist. Soc. i. 144, 163, 209; Colonial Papers. xxi. 114, xxviii. 67, xxxiv. 68. Hutchinson, Hist. of Mass. i. 223.

xxx Winthrop ii. 396. Winsor iii. 457-468.

without representation) was included in the patents of Avalon, Maryland, New Albion and New Hampshire. Thirteen American colonies saw this promise kept, at the price of blood, four generations later. Tenure by knight's service, which the Council for New England and Sir Ferdinando Gorges could not get, was given to Sir George Calvert and Sir Robert Heath; the tenure in Sir Edmund Plowden's patent was *in capite* as of the Crown of Ireland.

The preposterous features of the Gorges charter are some of them to be found in other charters, some of them peculiar to itself. The *Briefe* which authorized the patent was taken largely from Capt. John Mason's patent, notably the two clauses of the brief rejected from the patent: instead of an appeal to the General Governor as in New Hampshire, the Province of Maine was to be under the *reglement* of the Crown; and instead of license to all people to transport themselves, no one could come to Maine without the Lord Proprietor's prior consent. Provisions in the brief not taken from the Mason patent are the following:

Treasure trove, felons, deodands, wrecks, etc.

The patentee to administer oaths to judges and officers.

Liberty to divide into provinces, counties and hundreds.

The religion of the Church of England to be established.

"None to trade thither and plant there but by the leave and allowance of" the patentee.

The Oaths of Supremacy and Allegiance to be given.

Admiralty jurisdiction.

The patentee empowered to act by deputy.

Subordination to the Commissioners for Foreign Plantations.

Some of the provisions of the patent not authorized in the brief are:

The royalties of hawking, hunting, fowling, warren and chase.

Sulphur and brimstone.

Power to revoke laws enacted by the General Assembly.

Power to license and control markets and fairs.

The patent to be irrevocable and binding in all courts against the King himself and his successors.

The patent not to be objected to in court for failure to identify the premises granted.

Prior grantees lawfully settled and in actual possession to retain their lands on condition of relinquishing any right of government and turning tenants to Sir Ferdinando Gorges.

Most of these provisions are merely specifications of powers of a Palatinate, but they go to show the pressure under which the clerks who drew the Gorges patent worked. Other indications of embarrassed draftsmanship are the *two* sections (not worked into one) for shutting out traders and emigrants, and the provisions added at the end regarding older patents, which would have been incorporated in the text. The provision allowing the patentee to divide his province into "provinces, counties and hundreds" takes the place of provisions in the other patents allowing the proprietors to alien, demise or enfeoff parts of their lands to those "willing to purchase," and to give estates of inheritance in fee simple.

A line of attractive phrasing in the earlier Palatine patents, "that our Subjects may be the rather encouraged to undertake this expedition with ready and cheerful mindes, through the hope of gaine and comfort of Privileges" (Avalon); "Moreover, as a new colony grows more happy by a multitude of people gathering in the same" the King grants freedom to his English and Irish subjects "to transport themselves and of chusing their seats" (New Albion); "that our subjects may be invited to this expedition with alacrity of mind" (New Hampshire), "may be made more happy and prosperous" (New Hampshire), disappear from the Gorges patent, in order to make room for the provisions prohibiting any person to emigrate to or trade with any part of his province without prior consent of the Lord Proprietor. The province was already settled by hundreds of families who supposed they had a right to live there and that they owned their lands; these could not have relatives and friends join them, or buy necessary supplies for themselves, except by license of the patentee. Most of the patents contained a royal mandate directing the courts not to upset them for technicalities (Acts of Parliament, etc.), but this provision in the Gorges patent goes to such extremes that it is hard to see how one could know what lands were granted except by asking the grantee himself what was "intended" — let alone questions to arise affecting abutters or prior patentees.

The closing phrase of the patent is substantially the same voted by the Council for New England 29 Jan. 1634[5], but has not been found at the end or in the body of the other patents. Also the provision to make the Gorges patent irrevocably bind-

ing on the present and later kings is unique. How these two provisions, one upsetting prior rights, the other prescribing perpetuity for itself, could pass out together under the Great Seal of England without spontaneous combustion, is not easily to be understood in our day. Construing the document as a whole (if mortal ever will), this closing phrase, taken in connection with the provision on page 10 [17], "*or in defaulte of such actuall and reall possession formerly taken wee doe by these presentes for us our heires and successors take the same into our actuall and reall possession,*" not claiming a new country by right of prior discovery, but "*by these presents*" divesting actual English settlers under legal titles of their lands in possession — leaves the mind in chaos. This was an incident of that period of hallucination — something that no king could do to an English subject, and live. England was without a parliament.

But if it is not obvious to us why these earlier patents should be thus brushed aside in favor of Gorges and the Gorges patent not stand subject to similar treatment at the mercy of a later whim, neither was it obvious to the King's two sons and successors. When the Massachusetts patent was taken away by legal process, the Gorges patent was merely forgotten — some matter of an unaccountable epoch in a past generation. The younger Gorges, now old, claimed the revision of his patent, as the purchaser from him could now neither hold nor sell it. His unquestionable technical rights, if his patent ever possessed validity, were apropos of nothing meriting attention.^{xxx}

Fact is we are reviewing a period when life had two phases, a period when the Englishman's freedom was hanging in the balance, with enthralled France held up as the model of a king's ambition. One phase was the actual movement of events, nothing really known till it had happened, and every following step conjectural and contingent on unknown actualities in the interim. The other phase was words — vast flights of more or less guarded *language* expected to be really binding on nobody. At a time when one king's head was chopped off, his successor's dead body exhumed and beheaded, and another king pushed off the throne; when an approved Puritan divine was urging upon English soldiers in Ireland "Cursed be he that maketh not his Sword vvy James P. Baxter, Sir Ferdinando Gorges II. 214-221.

starke drunk with Irish blood,^{xxx} and Catholics were torturing their own friends and relations to death to save their souls, what regard could we in reason expect for the phrasing of the be-headed king's grant of something never within his own reach? Sullivan^{aba} mitigates the ill character given to Sir Ferdinando Gorges by imputing the flexibility of his measures to "the instability of the times and the hazardous situation of the government under which he lived."

Any thorough treatment of these patents of the Seventeenth Century would be the task of a competent mind blessed with ample time, and would concern the relations of the Seventeenth to the preceding centuries rather than to our own. Mankind has survived such things. Practically, actual government under the Gorges patent of some 8000 square miles was confined to not over 400 square miles, during periods of a year and a half in 1636-1637, about five years in 1640-1645, possibly a year and a half in 1660-1662, and less than a year in 1664-1665. The administration under President Danforth in 1680-1686 was nominally under the Gorges patent but really under Massachusetts free of hindrance from it. £1500 was but the price of peace. A contemporary view of what was of practical consequence in the charter may be gathered from entries made in the margins of our record by Recorder Rishworth in his earlier hand.

Royaltys.

How Ecclesiasticall discipline to bee settled.

Pouer for makeing of lawes.

Lord Proprietor create Officers. Erect Courts.

Appeales to the Lord Proprietor.

In tymes of vacancy, in the pouer of the proprietor to make orders for present regulation.

To rayse armes.

To rayse armes & destroy Enemyes

Martiall law x x executed by them

Proprietor pouer to build Fortresses & fortify.

Costomes to be payd.

Priviledg of fishing.

Proprietor settle Cittys & Towns.

Granting of mannors

^{xxx} Nathaniel Ward, *The Simple Cobler of Aggawamm* (Salem, 1905), pp. 76, 102.

^{aba} James Sullivan *History of the District of Maine*, p. 73.

Pouer admiralty extends 20 leagues
 By whom oaths to bee administered.
 Proprietor to send out shippes.
 All unlicensed persons prohibited Trade in Province.
 Costomes to bee payd.
 x x x to inhabite without leave
 oaths of Allegiance to be taken.
 Assistance to bee given to the Proprietor.

The period from 1660 to 1668, during which back of the scenes Samuel Maverick was the central figure, is treated calendar-wise in this volume (pp. 181-194). This man's career was that of a strong nature held under voluntary subjection to meet uncongenial surroundings until he had passed his prime, and then let loose. As a young married man he was well established in Massachusetts before what we call Massachusetts came over. Although his aged parents and their other children came later, there was no religious motive in his own emigration, nor anything to distinguish him from the well-bred freeborn Englishman of his day. Very soon after Charles II had been enthroned, Maverick had gone to London, his own affairs left behind, and he remained there until his return as one of the King's Commissioners.^{abb} Whether his account of New England (which to his mind included everything between the Penobscot River and Maryland) was written in London or before going over may be only conjectured, but it apparently served as his introduction to Lord Clarendon, who promptly took up with his plans although delayed for years in putting them into effect. In the earlier part of this waiting period Mr. Maverick's letters to the opponents of Massachusetts in Maine had much to do with what little of success attended the first attempt of the Gorges heir to assume government. The scanty and scattered materials of this too little understood episode have been listed in the CALENDAR.

The accusation of bad faith put on record by Esquire Jocelyn and Major Shapleigh at the court held 4 Nov. 1662^{abc} could not have been entirely without foundation, but probably the Massa-

^{abb} Hutchinison, *Hist. of Mass.* 4, 250.

^{abc} York County Court Records, to be printed in our next volume.

Vide CALENDAR 1662, Nov. 4.

Massachusetts Commissioners laid the blame on the voters. The "collateral agreement" said to have been violated is not on record, but if Major Shapleigh had been sufficiently popular, with those allowed to vote, to be reelected to the bench, as Esquire Jocelyn was, the course of events might have been different. Massachusetts never violated the original terms of submission, that those who submitted at that time should be voters regardless of religious or property qualifications, but additions to the voting list were confined to those who had been admitted to church membership Puritanwise, with a few men of property. By the Gorges charter their magistrates were not to be elected by the people but appointed for them. *Demagogery* is the almost obsolete name, because now universal, for the methods by which the Bay emissaries at this time carried their point. There is room to surmise that Jocelyn, in declining his election, was influenced by the personal consideration of standing by Shapleigh, as well as by the expectation that the King's Commissioners would soon arrive.^{abd}

Esquire Gorges's second attempt to govern Maine, preceded by the sailing of the King's Commissioners with troops aboard four ships of war, and followed by his own commissioners being turned out by them, lasted about eight months. Mr. John Archdale, entrusted by his brother to bring over the King's letters and participate in the new government, did not arrive in Maine until November, 1664, five months after the date of the King's letters. He may have been serving in New York and waiting for the King's Commissioners to come east, but finally came alone. His efforts met some degree of success (Saco and Scarborough were prepared to receive him) until the arrival of the King's Commissioners in the following June, when they, proving as hostile to the Gorges patent as to the claims of Massachusetts, upset whatever Mr. Archdale had accomplished. He did not, however, at once return to England, but was here as late as October, when he executed deeds in the name of the Lord Proprietor to Capt. Champernowne and Capt. Barefoot.^{abe} His "Report of Mr. Gorges' Commissioner for the Province of Maine," made to the Lords Commissioners 6 Feb. 1671-2, is a model of analytical suc-

^{abd} Cf. William M. Sargent in *N. E. H. & G. Register*. xl. 490.

^{abe} York Deeds. iii. 99, 125.

cinctness, but errs in points of accurate memory.^{abf} The Archdales were an established family in Chipping Wycombe, Buckinghamshire.^{***} Thomas Archdale, Esq., the father of Mrs. Gorges and John Archdale, became by purchase one of the Lords Proprietors of the Carolina patent. The son managed that interest and later on succeeded to it. As resident proprietor and governor he lived on the patent from 1695 to 1696, and after his return to England published a pamphlet on that colony in which he defended himself from criticism. His whole career as disclosed indicates a character of honor, executive capacity, discretion, and fair-mindedness.^{abg} A contemporary Episcopalian clergyman called him a Quaker.^{abh} A letter of his own to George Fox, dated "North Carolina, 25th of First Month 1686," attributes to Fox's preaching his conversion to that sect, which "separated me from my father's house," but we may wonder whether a contributing cause was not his early observations at the house of Major Nicholas Shapleigh in Maine. This letter shows him acting as governor in the temporary absence of "my brother Sothell." Later in life he was elected to Parliament, but was rejected on declining to take the oath. Much and favorable may be read of him in Hawks's North Carolina,^{abi} notably the statement that he had descendants still living in that State "to this day." He made one or more later trips to Maine, presumably to satisfy his brother Gorges. In 1688 he made an affidavit in favor of the validity of the Pejepscot patent, perhaps sworn to in England,^{abj} and in 1695 he was certainly here as he acknowledged a deed given when he was here in 1665.^{abk}

A paper has been attributed to the period of preparation for sending the King's Commissioners over which is not included in our CALENDAR because evidently assigned to a wrong year; it belongs in 1675. This paper has been abstracted three times, so

^{abf} Cf. CALENDAR, 1665, Nov. "Read in Council" 6 Feb. 1671-2 Sainsbury, No. 753.

^{***} Four generations of our Col. John Archdale's lineage are given. Henry F. Waters, *Genealogical Gleanings in England*, i. 316-319.

^{abg} Winsor v. 316, 344; B. R. Carroll, *Hist. Collections of South Carolina* (1836) ii. 85-120.

^{abh} Colonial Records of North Carolina (1886) i. xix.

^{abi} Francis L. Hawks, *History of North Carolina* (Fayetteville, 1858) ii. pp. 378, 361, 497-500, 521.

^{abj} N. E. H. & G. Register. xiii. 303; xxix. 46. ^{abk} York Deeds. iii. 100.

diversely as to be unrecognizable.^{abi} It was based upon another which is clearly marked "Mr. Mason's Proposals to the Commissioners concerning New Hampshire" and endorsed "Read to the Lords of the Committee 1 May 1675,"^{abm} and is an hypothetical draft of a favorable report embodying assumptions that the negotiations with Mr. Gorges had been closed and Mr. Mason's patent purchased, and that "the King hath now a propriety as well as a dominion by the surrender of the grants to the ancestors of Mason and Gorges." Mr. Sainsbury with indicated doubts assigned the paper to 1664 out of deference to Dr. Palfrey. A plausible explanation of this confusion of periods which has befogged the sequence of events is that the papers of 1664 were sent for by the Council during the deliberations of 1674, that all the papers were put away together, and that later on in putting back the earlier papers one of the later period went with them. New England Entry Book No. 32 contains the steps by which this plan was rejected and a decision suddenly reached for sending Edward Randolph direct to the Council in Boston, to make demands and return with their answer within two months.

This expedition which made New Amsterdam New York was intended also to make New England a royal province. Having accomplished the one and failed in the other object, the King's Commissioners were ordered home, unless they could see chances for personal profit by remaining at their own charge. The outstanding document of that period (made use of by the Massachusetts General Court as something convenient with which to slap His Majesty's face) has not been given due historical importance, although Hutchinson printed it in full.^{abn} It came over in duplicate,^{abo} the original with, the copy without, the King's sign manual. Possibly a mistake by Mr. Maverick may have made an important difference in the course of Maine's history; he kept the original and delivered the copy to the Governor and Assistants. This was the King's "mandamus," commanding Massachusetts to send over their Governor and four others, and commanding not

^{abi} Palfrey's *New England*, ii. 578 note; Folsom, *Orig. Doc.* 60; Sainsbury No. 706.

^{abm} *Colonial Papers*, Vol. 34, No. 68. *London Transcripts of N. H. Hist. Soc.* f. 209-221.

^{abn} Hutchinson, *Hist. of Mass.* i. 547, 548, App. no. 19.

^{abo} Sainsbury p. 376 No. 1182 *Colonial Papers* xx. 55.

to interfere with the government set up by the Royal Commissioners in Maine. The General Court declined to admit its genuineness. The original was forwarded to Col. Nicolls in New York, who two years later sent it to Mr. Jocelyn at Scarborough, to be used in confronting the Bay Commissioners when they should come to York to seize the government. Mr. Danforth, who had never seen it before, admitted its genuineness, and said that the General Court might have taken a different course if they had received it. Cf. CALENDAR, 1668, Sept. 29. The treatment of 'the Mandamus' was the beginning of the end of government by enthusiasm in Massachusetts. The protests made by the more substantial and responsible elements in the community, although bringing temporary discomfort to some of the signers, marked the turning of the tide.^{abp}

The expedition was undertaken under surface circumstances pointing to quick and certain victory for the Gorges patent, only for a brief phrase tucked in at the end of the King's letter which made it mockery. Massachusetts was to turn Maine over to Esquire Gorges's representatives, "otherwise that without delay you show us reason to the contrary."^{abq} Of course they promptly replied with the answer which the King's letter put into their mouths — they would give their reasons why not. Archdale set this out epigrammatically in his testimony before the Council for Foreign Plantations in 1672.^{abr} This expedition, with all its flourishes, merely delivered to the Bay government an invitation to relinquish Maine if they so chose; if they chose not, the King's Commissioners were helpless. The formula that the Bay colony's reasons for not giving up Maine would be heard in London was only diplomatic pretence; there never was a moment when either side was uncertain what the decision would be when reached, the only uncertainty was whether England dare reach the decision. In such a situation there was no logical course open but that formerly pointed out by the General Assembly called together in Esquire Gorges's first attempt,^{abs} 26-28 May 1662, to leave affairs *in statu quo nunc* until London should be ready to take action;

abp N. Y. Hist. Soc. Coll. 1869, pp. 132-134; Proc. Mass. Hist. Soc. xxvi. 469; N. H. Prov. Papers. i. 296.

abq Vide CALENDAR 1664, June 11. abr Vide CALENDAR 1672, Feb. 6.

abs Doc. Hist. iv. 244; CALENDAR 1662, May 26-28.

but this course was not followed. For fifteen years the Puritan Bay Commonwealth and the restored King's Council continued to face each other, at cat and dog angle, both afraid and each hoping for inaction on the other's part. Under these circumstances, what could the King's Commissioners or their Justices in Maine have done more than they did? John Evelyn, who did not enter the Council for Foreign Plantations until 1671, found this state of judgment still unshaken. In his Diary, 1671, June 6; "I went to Council where was produced × × information × × of the best expedients as to New England, on which there was long debate, but at length 'twas concluded that, if any, it should be only a conciliatory paper at first, or civil letter, till we had better information of the present face of things, since we understood they were a people almost upon the very brink of renouncing any dependence on the Crowne," (*Etiamsque* June 20, July 4, Aug. 3.)

But in the midst of King Philip's War, when New England was exhausted and Maine largely abandoned to Indians, when New Amsterdam had become safely English, Holland's objections been dealt with and France for the moment was not threatening, and with England's own commonwealth sentiment grown old, London court circles did at last pluck up courage. In April, 1676, Massachusetts confessed to the King: "Wee are unwilling and ashamed, but necessitated to make knowne the trueth unto your honour [*the Secretary of State*] that for the carrying on of this warr & bringing of it to a good and hopefull conclusion, wee want [*lack*] money, amunition & armes, for the Country is become poore & brought very lowe;"^{abt} but the King was already seizing his opportunity.

The King's Commissioners have been unkindly dealt with by historical writers, although all but one of them, with reasonable ^{abt} Governor Hutchinson found nothing to show that such a letter was sent, although he printed a letter which crossed it. Yet he says "In the height of the distress of the war, and whilst the authority of the colonys was contending with the natives for the possession of the soil, complaints were making to England which struck at the powers of government; and an inquiry was set on foot which was continued from time to time until it finally issued in a *quo warranto* and judgment against the charter." Hutchinson, Hist. of Mass. i. 279-280. Doc. Hist. vi. 109, 113; Mass. Arch. lviii. 199-201.

opportunities, would have performed well. Not only was the home government unwilling to back them up if Massachusetts should resist, but the frame of their commission (three necessary to take any action unless Col. Nicolls were one) rendered them almost incapacitated from the start, quite so after Col. Cartwright's return. There should have been five commissioners, with power to fill vacancies, as planned for a later attempt. Also proper powers were not given them, nor proper funds or resources to work with.

Col. Nicoll's course under constant difficulties may be watched with pleasure. His personal task, to make New Amsterdam English, he achieved. Supplied with 500*li*, and small additions to this, he spent several fold the amount of his own and borrowed money to carry on.^{abu} It would be hard to word higher praise of a man than the second Winthrop accorded in a letter to London: "Being now assured, by his owne letter, of Colonell Nicolls his resolution shortly to returne to London, the sorrowfull aspect of the removall of so noble a friend doth greatly seize upon my heart: and indeed the people not only of that colony, both English and Dutch, but of the neighbouring places also are really sorrowfull at the report of his departure from that place, being as sensible of their losse thereby as they were of the good effects they saw from his wisdom and great abilities which have appeared in all his administrations."^{abv} Col. Nicolls stayed in command at New York longer than he wanted to; a joint official letter signed by himself and Francis Lovelace, his successor, bears date 5 June 1668,^{abw} yet he remained several months after that. In the following year letters were addressed to him "Richard Nicolls Esq³ one of the Groomes of the Bedchamber to his R. H. the Duke of York." In 1672, when war broke out with the Dutch, he served as a volunteer on shipboard, and was killed at Solebay. The cannon-ball that killed him is on his monument at Ampthill Church, Bedfordshire. Derived of an English Catholic family, he early

^{abu} N. Y. Coll. Doc. iii. 113, 104, 161. On page 249 *infra* is the name of Capt. Richard Nicolls as debtor to the Kittery tavern for a large amount. It is not known who else this was, nor what the debt was for unless for Sir Robert Carr's charges.

^{abv} Dated at Hartford 18 Aug. 1668, to Sir Robert Moray. Proc. Mass. Hist. Soc. xvi. 232.

^{abw} N. Y. Col. Doc. xii. 462.

became attached to the household of James II, and remained steadfast through life.^{abx}

Sir Robert Carr bore a conspicuous name illy; on this side the ocean he caused his fellow commissioners constant trouble. Owing his appointment to friends at court, as an opportunity for paying his debts and supplying his indulgencies, he pursued the opportunity with avidity, and at the same time would have got himself governor of Delaware, Maine, or what not. Sick in New York, he took shipping and died at the end of the voyage in Bristol. (Cf. CALENDAR.) He inherited his knighthood. His father was baroneted by JAMES; his father bought the castle and manor of Sleaford, Lincolnshire; his father was a wholesale merchant. A spurious pedigree claiming descent for himself from the Carrs of Northumberland has been given competent attention.^{aby} He was the second, his brother Sir Rochester (adjudged a lunatic in 1637) the fifth and last baronet. The third and fourth were our Royal Commissioner's son and grandson. Our Sir Robert has been confused with his son Sir Robert, whose fast company at his London house is mentioned in Pepys's Diary after the father's death. It was the son whose wife was sister of Sir Henry Bennet (Lord Ossulston) and whose daughter was the wife of the Earl of Bristol; and who was himself of the Privy Council. These were the friends at court. He died 14 Aug. 1667 and was buried at Sleaford on the 29th. He may have descendants through three daughters. His father founded the grammar school, and himself the alms-houses, at Sleaford.^{abz}

Col. George Cartwright was evidently in Col. Nicolls's confidence. His correspondence with his chief and with the Crown Office discloses reliance on the rectitude of his own course and fearlessness of being undervalued by his superiors. One of Mr. Maverick's letters preserves an incident indicative of such traits of character. "Sir Robert Carr & myself have signed a paper which this enclosed is a copy of, but Col. Cartwright will not although it be most reasonable and our former order unreasonable.

^{abx} Dict. Nat. Biog., and references there given.

^{aby} *The Genealogist*, iii. 193-206.

^{abz} Lincolnshire Pedigrees (Harleian Society, Vol. L.) i. 228-230.

Pray be pleased to signe it, if they bring it to you."^{acc} Nothing is found to indicate that Col. Nicolls signed it. Quickly grasping the situation at Boston and recognizing the hopelessness of accomplishing results, Cartwright's efforts were bent on getting back and reporting. Returning in Capt. Gillam's ship and taken by the Dutch, still he had reached London by October 29;^{acb} back in London he was helpful to Col. Nicolls in his hard situation.^{acc} Evelyn's Diary, under date of June 21, 1671, says: "To Council again, when one Coll. Cartwright, a Nottinghamshire man (formerly in commission with Coll. Nicolls) gave us a considerable relation of that country [*Massachusetts Bay*], on which the Council concluded that in the first place a letter of amnestie should be dispatch'd." George Cartwright was a younger son of Thomas Cartwright of Ossington, co. Notts., by Mary daughter of Sir Henry Perpoint of Homeperpoint. He married Christian, (baptized 1 June 1619), daughter of Christopher Beresford of Long Leadenham in Lincolnshire, (by Elizabeth, daughter of William Cartwright of Ossington),^{acd} and in 1672 had at least two sons, George, then at Cambridge (A.B. 1672, A.M. 1676), and Charles, aged 19. His brother Christopher Beresford was over here with him.^{acc} Cartwright's identity with that George Cartwright living at Fulham in 1661 and writing a drama in rhymed verse has not been proved, although one George Cartwright of Ossington had associations with Fulham in 1696.^{acc} The date and place of Col. Cartwright's death have not been learned. Although either he or his eldest brother preserved their pedigree down to 1672, (their remote grandmother Agnes, sister of Archbishop Cranmer, brought the manor of Ossington to the Cartwrights in 1514),^{acc} their later genealogy has not been done. In 1672 the two brothers and their four sons stood to prevent the extinction of the male line, yet in 1755 this had happened. It is probable that the famous Major John Cartwright, 1740-1824, whose father, of the

^{aca} P.R.O. C.O.1. xix. 74. One side of this letter is printed in N. H. Prov. Papers xvii. 509. Cf. CALENDAR, 1665, June 18.

^{acb} 4 Mass. Hist. Coll. viii. 104, 125. Cf. CALENDAR, 1665, July 16, [Aug.]

^{acc} Sainsbury, No. 1362. Vide CALENDAR, 1666, April.

^{acd} Lincolnshire Pedigrees (Harl. Soc. Vol. L) 1. 121-123.

^{ace} N. Y. Col. Doc. iii. 93, 94; Sainsbury no. 1007.

^{acf} Chester's Marriage Licenses, p. 250.

^{acg} Visitations of Nottinghamshire (Harl. Soc., Vol. IV), p. 109.

Norwell Cartwrights, married a daughter of one George Cartwright of Ossington, was a descendant of our Commissioner.^{acb}

Mr. Samuel Maverick was given nearly a hundred pages in Sumner's History of East Boston in 1858, since which time new materials have come to light. In a letter to Rev. Mr. Sampson Bond, dated at Fort James in the City of New York 30 May 1669, he claims him as a countryman, "borne at Northhill in Cornwall." Nothing has been known of the situation of Samuel Maverick's father, Rev. John Maverick, between his graduation at Exeter College in 1599 and the baptism of his children at South Huish, starting in 1606. He married Mary Guy at Ilington 28 Oct. 1600. These places are in Devonshire, but it seems likely that the father preached for a time in Cornwall. He was rector of Beaworthy 1615-1629, and resigned to come to Boston. As conjectured by Mr. Sumner, all of the Mavericks on our coast prove to be his sons. Samuel Maverick's grandfather and great-grandfather were also clergymen, the earlier buried at Awliscombe 14 Nov. 1573, where Mr. Peter Maverick, alias Bull, was vicar 1583-1616. In his letter to Mr. Bond he said "It is 45 years since I came into New England," and in his Briefe Description he said he built and fortified a house at what is now Chelsea in 1625. This was after Capt. Robert Gorges went back, and we are perhaps on as safe ground in conjecturing that he came over by the occasion of being related through his mother to Mr. John Guy, the colonizer, as that he came with Gorges. While Mr. Maverick was in England, Mrs. Maverick was with their daughter Mrs. Hooke at Saco,^{aci} but no more is known of her than that her son Nathaniel in Barbadoes left her a handsome annuity in his will. The will is dated 1 April 1670. Mr. Maverick's own will has not been found, and his whereabouts from his latest known letter, which was written from New York to Col. Nicolls 15 Oct. 1669, till his death sometime before 15 May 1676, is uncertain. It is certain that he left a will, as trustees under it on this date gave a deed of his house "in the Broadway" (now No. 50) for the benefit of his daughter Mary wife of Francis Hooke. He may have spent his failing years in this house, or he may have

^{ach} Dict. Nat. Biog. The Life and Correspondence of Major Cartwright, by Frances D. Cartwright (1826), omits genealogy.

^{aci} Folsom, Hist. of Saco, pp. 138, 139.

been that "one Mr. Maverick a gentleman of the Carolinas," mentioned 2 March 1670-1,^{acj} or this may have been his brother John, or his son John, we being ignorant of how many children Mr. Maverick had.^{ack} But the strongest bit of evidence points to his having gone to Barbadoes before or after his son Nathaniel's death, there buying real estate which he left to Mrs. Hooke. In 1685 Capt. Francis Hooke recorded an instrument relinquishing his rights as husband in two negro slaves, reciting that they were his wife's property, the income of the estate she had in Barbadoes worth 200*li* a year.^{ack} It is unlikely that Mrs. Hooke should acquire such an estate except by her father's will. Yet administration was granted in York County 27 Sept. 1681 on the *intestate* estate of Mr. Samuel Maverick. Mrs. Hooke was childless. Mr. Maverick's known grandchildren are the five named in his son Nathaniel's will and the two daughters of his son Samuel recorded in Boston, of whom Mary was in 1685 the widow of Samuel Smith, mariner. John Thomson, his stepson, has been much written about in connection with others of that common name. He became a master mariner and at one time kept his family at Limehouse, Middlesex, England, with no proofs of ever bringing them over to America.

The beaten path of recent and earlier historical writers in their treatment of New England colonization places Sir Ferdinando Gorges practically alone in the spotlight. Any general survey of the books and manuscripts of his own time shows clearly that his contemporaries took the same view. As a youth he was a co-worker with the enthusiasts of an earlier generation (or two generations earlier), and the course of nature, with some accidents, left him the sole survivor. Not only as a co-worker with the illustrious men who had laid the basis of England's possessions beyond seas, but also as the blood relation, or family connection, of most of the chief of them, and even of Queen Elizabeth herself, whose reign made England mistress of the seas, Sir Ferdinando was recognized wherever he went as the personifica-

^{ack} Sainsbury No. 432.

^{ack} N. E. H. & G. Register. lxxix. 146-159 and references there given; *idem*, lxxviii. 448; *New England Magazine* for 1887, pp. 221-229.

^{ack} York Deeds iv. 53.

tion of England's lust for extended dominions. The experience of his youth marked him for life, both in his own nature and in the public eye. The dreams of his boyhood never left him; neither did their vividness fade nor their form change.

Of the nine Gorgeses interesting to us, there is nothing to indicate that any of the others would have been concerned but for Sir Ferdinando. They belonged to the class of English who could and would provide well for themselves and each other at home. The Norman ancestry which the Heralds tried to graft on some native stock was theirs unquestioned, with the traditional superior privileges of a conquering race. These nine came from three brothers, one of them Sir Ferdinando's grandfather. Thomas Gorges, whom the younger Ferdinando called cousin, was his grandfather's second-cousin's son — a relation so distant that in common life it would have been long forgotten. But by marriage the relationships were closer, Sir Ferdinando's third wife was his second-cousin, a first-cousin of Thomas Gorges's father, and his fourth wife was his grandfather's niece (Thomas's grandfather's first-cousin) and sister of Edward Lord Gorges, who was Sir Ferdinando's most dependable supporter in his New England plans. The grandfather of the three brothers, Sir Edmund Gorges, had married a daughter of the first Duke of Norfolk. This Edmund was grandson of Sir Theobald Gorges, a great-grandson of Sir Theobald Russell, whose mother was a Gorges of Wraxall, so that he changed his name to Gorges. Five of our nine Gorgeses, Sir Ferdinando, his brother's son William, his own sons John and Robert, and John's son Ferdinando, were the progeny of a young married man, Edward Gorges, who died in 1568 leaving two little boys. The remaining three, Thomas Gorges with his two sons, belonged to the Batcombe branch, his grandfather having married the heiress of that manor. Sir Arthur Gorges, poet and translator, was Thomas's great-uncle. Whose training brought up the two little orphans does not appear. Ferdinando's military training has been attributed to his great-uncle, Nicholas Gorges.^{acm}

Sir Ferdinando Gorges justly professed himself a "man of warre;" hidden plans, strategy, and unexpected change of front

^{acm} *Collectanea Top. et Gen.* iv. 365-367; *Complete Peerage* (1892); N. E. H. & G. Register xv. 17-20, xxvi. 381, xxix. 42-47. James P. Baxter, Sir Ferdinando Gorges. ii. 151-192.

are the chief factors in winning battles; if we keep before our eyes the idea that these methods of war were liable to decide his course in emergencies, this will contribute to a needed explanation of some passages in his life.^{acn} Another justification, of greater import after CHARLES's character developed, was the general lack of good faith in court and official circles. More potent than anything else, however, was the influence of his inheritance, the subconscious survival of the Norman viewpoint — a master caste by virtue of force, a subject caste mercifully dealt with at a profit. Sir Ferdinando was as staunch a Protestant as ELIZABETH had been, but what he thought of John Wycliffe's social agitations must have been unfit for pen and ink. Also an overwhelming impulsiveness, an utter unwillingness to submit to defeat in his purposes, and a distrust of other men's fidelity, must be recognized as traits of his character. From all of these elements Maine suffered. The commanding ability of Sir Ferdinando Gorges, his resourcefulness in meeting situations, and skill in diplomacy, with his very high literary talent, and withal his fundamental loyalty, at all hazards, to the English Crown, make us wonder what figure he might have cut in English history if the idea of colonizing America had never entered his thoughts.

Capt. Robert Gorges [1595-1628]^{aco} had come to a wilderness without ways or means provided, and Capt. William Gorges [baptized and buried at Wraxall, 2 Feb. 1605-6—9 Feb. 1658-9] came over to set up a government with no real authority back of it — both projects soon abandoned. The motives which prompted Sir Ferdinando to attempt the province of New Somersetshire are creditable to the best in him — the thought of English settlements with no organized means for resisting even a small crew of pirates, and the will to meet the situation somehow. The effort was worth what it cost, and doubtless was helpful in a bad situation.

Ferdinando, the Grandson, was old enough to absorb as a boy all his grandfather's hopes for the Gorges race, centered in him. What was at all practical in those hopes he clung to while any hope lasted. He did sell to his and his Grandfather's enemies for

^{acn} Records of the Virginia Company of London (Washington 1906) 1. 410, 416, 428; N. E. H. & G. Register. viii. 141, 142; Chancery Proc. c. 2. James I. 1/26.

^{aco} William H. Sumner History of East Boston p. 44, 45.

£1,500 what he had priced £11,000 to the King, but that was after years of harsh lessons on English officialdom under Charles II. Besides his two attempts to set up governments he was still planning a third; a draft of a letter dated "From Chapell street, Westminster, London, 7th 7ber 1670," was phrased to be sent to some of his former commissioners to prepare their minds for it. The sincerity of his belief in the justice of his claims by birth and inheritance is evident, and he seems to have prosecuted his cause in a manner not to forfeit people's respect. Even his epitaph, after all was past, (he lived until 25 Jan. 1718-19; the inscription is at Ashley Church, Wilts.), recites that he was sometime Governor of the Province of Maine in New England.

Had such a thing been possible as that the Gorges patent should be granted to THOMAS GORGES, the course of events would have been far different. Alone of the family, he grasped the practical situation. Although he was true to his Lord and cousin, always reserving in his grants fair perpetual rentals for the Lord Palatine and his heirs, he promoted the development of the colony in all helpful ways. Returning to England he took the side of the Parliament against the King, and held a lieutenant colonel's commission. Entering Parliament for Taunton, he was Speaker in the late days of the Commonwealth. In a list of Speakers, 1656-1659, given in the Diary of Thomas Burton, M.P., his name appears, and a letter dated from the Speaker's Chambers, 1658, February 15, addressed to his "Good Brother" Dr. Robert Gorges, Secretary to Henry Cromwell, Lord Lieutenant of Ireland, is among the Lansdowne MSS. in the British Museum. He died at Heavitree, near Exeter, leaving a very long and very interesting will. It devises his 5000 acres of land at Ogunquit river in Wells, Maine,^{acp} to his son Thomas.

Henry and Ferdinando Gorges, sons of Thomas, went to Barbadoes, where their uncle Ferdinando Gorges [162..-1701] had acquired wealth as a merchant. Under date of 13 July 1685 Henry Gorges of the County of St. John, Island of Barbadoes, gave power of attorney to his brother to recover his lands in Maine from the heirs and assigns of their father's lessee, named Littlefield. Ferdinando won three (and lost two) suits against persons settled on the lands in 1688. He was here two years at least,

^{acp} Granted to him by Sir Ferdinando Gorges, with local powers of government, 4 March 1641-2. York Deeds 1 (11) 5.

and must be the Gorges who by a local tradition at York^{***} died here. As late as 26 March 1736 Malachi Edwards, who had married a widow of the Littlefield family, was granted administration on the estate of Henry Gorges of Barbadoes as principal creditor, and took oath to an unitemized bill of £681.^{acq} Four years later a writ was drawn, but not pursued, reciting that Henry Gorges, late of Barbadoes, had died "intestate and without heir to inherit," and claiming the lands by escheat to the Crown.^{acr} What is here printed may serve a curious reader as an introduction to the three volumes of Hon. James P. Baxter's *Sir Ferdinando Gorges and His Province of Maine* (Prince Society, 1890), if able to lay hands on it.

There have been three supposedly complete manuscript copies of these records, coming down to include all that is to be printed in our three volumes except the period under Governor Andros. The oldest of these copies was begun at the charge of the State in 1843 and is now in the State Library at Augusta; the second is the official copy in the office of the Clerk of the Courts at Alfred; the third was made for the late Hon. James P. Baxter, and is now in the library of the Maine Historical Society at Portland. Although the official copy at Alfred was certified to be a true copy of the original, the work of deciphering was done by Francis Bacon.^{acs} The manuscript for the printers was typewritten from Mr. Baxter's copy by Mr. Samuel Daiton Rumery, whose enthusiasm for all that pertains to Maine history accounts for this contribution and for his generous help in typewriting other materials. This copy was compared with the originals by the Ed-

^{***} A lease of "Batcombe, neere unto the Township of Wells," given to John Littlefield, Senior, by Ferdinando Gorges, gentleman, attorney unto Henry Gorges of the Island of Barbadoes, Esq., was dated 14 Dec. 1686. As early as 1764 Governor Hutchinson was told by the people of York that Thomas Gorges returned to York and died there. — Hutchinson, *Hist. of Mass.* 1. 163.

^{acq} York County Records and Files. ^{acr} Suff. Court Files 51691.

^{acs} Francis Bacon's name still lingers in connection with his unique and very pleasing handwriting, noticeable in the records of the different county offices of York County. He was a lawyer, a bachelor, a diletante in sundry directions, and for many years sufficiently participated in county politics to hold office. His work on the ancient records was on the whole excellent, and often showed remarkable keenness in penetrating obscure passages. He was born in Buxton, 17 Nov. 1814, a son of Dr. David Bacon, from Scarborough, and died in Kittery 5 April 1871. *Vide* Willis, *Courts and Lawyers of Maine*.

itor, and proved to be remarkably free from errors, considering its precarious descent—a copy of a copy of a copy, and never read back.

The earliest known body of extracts was made by David Sewall in 1774, as already stated. His original notes, now in possession of our Society, were partly copied by himself for the Massachusetts Historical Society, and extracts of these were printed in 1 *Mass. Hist. Coll.* i.101-104, before the original extracts were printed by us. Hon. James Savage had a large volume of extracts made for his *Genealogical Dictionary*, now in possession of the Massachusetts Historical Society, who kindly loaned it in hopes of supplementing the present condition of the originals. A considerable copy made for the late Lothrop Withington is supposed to have gone down with him in the *Lusitania*. Bradbury's *History of Kennebunkport* and Folsom's *History of Saco* were scanned in hopes that they might have had access to folios since lost. Apparently Mr. Folsom must have had such for the period 1671-1673, not concerned in this volume. Williamson's *History of Maine* was composed without access to these records.^{act}

The original records are in a sort of semi-shorthand, and while it was at one time thought that this sort of thing should be reproduced in type, it is not now the approved method. To spell the words out makes a saving in cost and makes the book more useful to most readers, as in fact the recorders themselves would have done if their work was to be printed, or else would have given orders to the compositor to spell the words out (or the compositor would have spelled them out without orders).^{acu} Mr. Sewall in his transcripts, himself a clerk of the ancient type, spelled all these words out. As for reproducing such ancient abbreviations as a curiosity, enough of that work has already been done to make specimens available to the curious in any library having an historical section. An exception is the character (3) necessary to use where the intended word could not be known from the context; and also in some other places used for convenience. In spelling

^{act} N. E. H. & G. Register. lxxi. 89. His perambulation of the Maine coast and preservation of living memories of that period are of large and permanent value.

^{acu} Cf. W. H. Whitmore in *Boston Record Commissioners Reports*, ii. (1881), p. 1.

words out, the most frequent among variant spellings has of course been used. Recorder Rishworth's usual method of writing *mm* was one *m* with an overstroke. When he did not use this he never failed to render a clear picture of the word intended, although a count of the strokes usually shows five, sometimes only four, instead of six. This book could have been peppered with *n* (*sic* = *m*), but it seemed wiser to treat Mr. Rishworth's excellent copy as any contemporary printer would have done, although Mr. Rishworth himself never wrote two *m*'s together in full unless they divided at the end of a line. Also we have made use of the two "new letters," *j* and *v*, as printers in that day gladly would have done if they had had them to use.^{acv}

The publication of this volume was placed in the hands of a special committee consisting of our President, Judge Clarence Hale, our Treasurer, Capt. Walter G. Davis, and Philip G. Clifford, Esq., whose cordial co-operation and encouragement in all ways practical it is our pleasure to acknowledge, at the same time exonerating them from anything in the volume which may be deemed deserving of criticism.

Readers who find any praiseworthy thoroughness in treatment of the original records are under obligations to the custodian of them, Hon. Frank D. Fenderson, Clerk of the Courts, whose co-operation has been entire, the which no more than accords with his general forward attitude. This may not be a wholly unfit place to record that in the fifteen years during which that gentleman has held the office, the face of things about the Court House at Alfred has been quite altered. Fireproof extensions at either end, the protection of the ancient records in silk, and improvements in filing arrangements and indexes, are among the improvements due in part or largely to his initiative and executive talents.

Likewise Mr. John H. Edmonds, Chief of the Massachusetts Archives, Mr. Julius H. Tuttle, Librarian of the Massachusetts Historical Society (with Mr. Worthington C. Ford's co-operation), and (a Portland boy) Mr. Frank H. Chase of the Boston

^{acv} Even to this day successive generations of printers have kept the original 24 letters in their original boxes in the case, placing the "i-consonant" or "tailed i" and the "u-consonant" or "peaked u" in the 25th and 26th boxes.

Public Library, have welcomed every opportunity to promote the work. A very long list of acknowledgments would be necessary to approximate completeness. Mr. H. E. Dunnack, Maine State Librarian, Miss Edith S. Freeman, Librarian of the New Hampshire Historical Society, and many others have responded in all ways. Needed help regarding the bad or "Law" Latin in the records has been given by Robert Hale, Esq. (our President's son), and Hugh Webster Babb, Esq., both Oxford men, by Josiah Colby Bassett, Esq., and his professional associate, James Noble Clark, of Boston, and by Henry Winthrop Hardon, Esq., of New York.^{acw} The research in London, within limits of expense, has been done by B. F. Stevens & Brown, American Agents, with their well-known spirit of co-operation and attentive watchfulness against possible errors creeping in. I would

^{acw} My translations in notes 29 and 33 (pp. 84, 94, unfortunately already printed) were disapproved by my helpers, all insisting that "*existente*" should be *existente*, and that it signifies a person. Mr. Babb and Mr. Hardon agree in regarding "*sede ante curia*" as a recorder's error for *sedente curia*, which they agree in translating: while the court was in session. Mr. Hale, who while he disclaims being a Latinist has been extremely helpful, translates Mr. Jordan's maxim: There is no legal remedy available regarding a non-existing person. Mr. Hardon's version is: No action lies against a dead man. Mr. Hardon contributes the following annotation on LANDER v. WINTER (pp. 83-85). Cf. Trelawny Papers, Doc. Hist. iii; 59, 92-95, 97.

LANDER v. WINTER was detinue for a debt. It appeared whether by the pleadings or on the evidence, that one Hawkins and the plaintiff and others had made a contract with Trelawny by which they bound themselves to carry on a fishing voyage for three years, deliver the product of the voyage from time to time to the defendant as agent for Trelawny, and take in payment for each delivery a bill of exchange drawn by the defendant on Trelawny to whom the plaintiff by the terms of the contract was to look for his share of the proceeds of the bill, that the defendant had drawn and delivered a bill as agreed, that thereafter the plaintiff broke his contract by abandoning the voyage for the last of the three years and so Trelawny had refused to pay the bill, that Trelawny is now dead, and the defendant's lawyer argued that the action does not lie against the defendant as agent for Trelawny for he says no action lies against a dead man, *de non existente non est ratio*, and therefore no action can lie against the former agent of a dead man, that if a party whether plaintiff or defendant dies after action begun the action abates and must be begun over again by or against the executor or administrator, as the case may be, and that no action lies against the defendant as executor or administrator for he has not that office, and therefore he prays a non-suit.

If this statement of facts was a plea it was a roundabout way of pleading that the defendant had not detained anything from the plaintiff or that the defendant was never indebted — a good defense in substance, and if proved the defendant should have had a verdict. But the jury found for the plaintiff, one penny damages. This was absurd. If the plaintiff had a verdict he should have had one for the full amount

like to recognize my obligations to Earl Augustus Tryon, compositor, John Albert Edward Noyes, proofreader, and Percy Richmond Vayo, make-up, with their mastery of their several branches, ready team-work, and unflagging efforts for good results — this without ignoring the office management which makes such conditions possible.

Unusual obligations are to be acknowledged to the helpfulness of two gentlemen. Chiefly our member, Col. Charles E. Banks, who for nearly fifty years has been employing his pen against the grasping Bay Colony, and less strenuously Mr. Raymond Gorges, now a naturalized American citizen, whose early life gave him insight into the human side of British institutions and social customs, have frankly criticised what has been submitted to them, with highly beneficial results, but without moving the Editor from his main position, to edit the volume from the settler's standpoint. Without criticising individuals for living in the generation they were born in, or for seeing in the environment they lived in, we may and should be open-eyed to what was actually going on, if we are to give attention to ancient days at all. Col. Banks has also been of great assistance in other ways, especially with matters gathered personally during several years in England, and Mr. Gorges has contributed new information on the Gorges family.

CHARLES THORNTON LIBBY.

Yarmouth, December, 1927.

of his claim with interest and costs. The verdict suggests that the jury found for the plaintiff as it did in order to get their share of the costs for which they might have had to "whistle" if they had found for the defendant.

I take the Latin in this record to be an echo of a maxim of law found in Coke's Institutes, the principal and perhaps the only book in the law library of a colonial lawyer of the time, the book which was the Blackstone of a later day. Coke uses twice the maxim *De non apparentibus et non existentibus eadem est ratio*, a sound rule both of law and logic.

Later: Mr. Babb sends the results of fuller consideration, which should have been printed in full. Making allowance for clerical abbreviations of Latin endings, and for bad grammar, he favors: (p. 251) "Having been requested, with knowledge of the identity of" the affiant; (p. 255) *offerentis* probably a contraction of *offerentibus*; (p. 84) "That which does not exist is not within the operation of any rule;" (p. 94) probably in full *sedente ante curia*.

Where Is THE ORIGINAL GORGES PATENT?

ALMOST too late for this volume, and quite too late to be properly incorporated, comes a report giving the results of a thorough official search conducted by Hon. F. W. Cook, Secretary of the Commonwealth, (through the Archives Division), for the original documents by which Massachusetts acquired the Province of Maine, especially the original patent. As the result of this search, it seems clear that the original documents were sent to Mr. Dudley in London in 1683, and brought back by him. He turned over to the Council the deed of Usher to the Colony in 1718, and Mr. H. A. S. D. Dudley gave the deed of Gorges to Usher to the Massachusetts Historical Society in 1869. (Proceedings xi. 201). The leading evidences discovered are these:

Suffolk Court Files, 12681/2, a copy in a clerk's hand of a receipt for £1250 received from the Massachusetts Bay Colony by John Usher, endorsed: "This is a true Copy Compared with its Original that I had in keeping and now by Order sent to Joseph Dudley and John Richards by Mr. Joells[?] this 2d of April 1683.

Boston, Dec. 6, 1718, Examined per J. Willard Secry" and then in Willard's hand "Copy Examined per J. Willard Secry."

(The report points out that 2 April, 1683, was the very day on which Secretary Rawson, Mr. Cooke and Mr. Addington were making a painstaking copy of the deed from Gorges to Usher.)

Executive Records of the Council 6/622-623, 628-629.

Nov. 20, 1718, Council Chamber in Boston.

"Whereas the deed of the Province of Main to this Government is not yet recorded & the original is now in the hands of the late Governor Dudley.

Voted that the Hon. William Dummer Esq., Addington Davenport & Paul Dudley Esquires be desired to enquire of the said Gov. Dudley concerning the said Deed and pray that he would deliver the same that it may be laid before this Board."

Nov. 28, 1718, Council Chamber in Boston.

"Voted that the thanks of this Board be given to the Hon. Joseph Dudley Esq. for his great care in safely keeping & returning the Deed of the Province of Main from John Usher Esq. to this Government, and that the Hon. William Dummer Esq., Penn Townsend and Addington Davenport Esquires wait upon him with the same. Voted that Governour Usher's Deed of the Province of Main to this Government be first put upon Record in the Secretaries Office & then be sent to be recorded in the Records of the County of York formerly the Province of Main."

Accordingly this deed appears on record in York Deeds IX. 158-160, attested by Joseph Hammond, Register, as "Recorded According to the Original March 10th, 1718-9," at which time it bore the certificate "Recorded in the records in the Secretary's Office in Boston the 12th day of Dec. 1718— Per J. Willard, Secretary." Doubtless this record was made in the lost volumes (Vol. 3 remaining) of the records of Charters, Commissions, etc. *Vide supra* p. xx and note 2.

This search discloses an additional copy, or record, of the patent, concluding "Per breve de privato Sigillo, Wolseley. Recorded & Examined." This record was made by Thomas Clarke, Deputy Secretary, between

1752 and 1764, and would number 10½ on p. xxi, *supra*. — Records of Charters, Commissions, etc., i 91-103.

Other materials discovered and cited include:

Copies of deed, F. Gorges, Esq., to John Usher, Esq.: Archives iii. 323-328. Attested by Secretary Willard's own hand. Suff. Court Files 2128/2. Endorsed in Secretary Willard's hand, "A true copy from the Files in the Secretary's Office in Boston.

Examined per J. Willard Secry." Records of Charters, Commissions, etc., ii (old volume iii) 1-4.

John Usher, Esq., to Massachusetts Bay Colony.

Records of Charters, Commissions, etc., ii (old volume iii) 4-6. This record is incomplete. The last two items are those furnished to the U. S. Government for use in the Northeastern Boundary controversy. *Vide note 2 supra*.

Suff. Court Files. 12681/2. A complete copy attested "Boston Dec. 6, 1718 Examined per J. Willard, Secry." and includes the Latin acknowledgement imitated by Recorder Hammond, and reproduced in York Deeds ix. 160, yet omitted in 1 Me. Hist. Soc. Coll. ii. 260-264.

Archives iii. 332. Receipt for £1250 from John Usher signed by "Ferdri Gorges" in the presence of Robert Lee *et al.*, original, armorial seal. With it is a memorandum showing that J. B. [? Jeremy Belknap, who died in 1798] found this but could not find the other documents in his day.

Mass. Records v. 183. "The 2 indentures about the Province of Maine were also read [*in the General Court*], & delivered in a black box to the Secretary to keep for the Court."

Executive Records of the Council, vii. 185.

Oct. 20, 1720, Council Chamber in Boston.

"The Secretary [Josiah Willard] represented to the Board how unsafe it is that the Charter of this Province & the Letters Patents of the Province of Main & the Records of them should be in the same house.

Voted that the Secretary remove the said Charter & Patent of the Province of Main to his own house."

(Still another, and perhaps the best, hypothesis is that the patent was not sent to London with the deeds in 1683, as the King relied on the enrollment in Chancery, and that it was safe down to 1720, and should have survived with the Massachusetts Charter.)

As regards Secretary Palfrey's certificate in 1847, the report suggests that (intentionally or otherwise) he may have certified a copy of Archives iii. 323-328 as "a copy of a deed deposited in and belonging to the Archives of this department," or that, if he had the original, it might have been included with other documents and records turned over in 1873 or thereabouts to the Land Agent of Maine. (The latter hypothesis is not supported by the present officials at our state capital, and such documents have not been found there by writers of Maine history.)

EARLY RECORD BOOKS IN YORK COUNTY COURT HOUSE
ALFRED, MAINE

Under Sir Ferdinando Gorges

COURT	DEEDS	PROBATE
Very large thin book started March 25, 1636 ended July 6, 1646	Paper-covered book started July 20, 1642 ended July 20, 1642 now Part III of Book I	Book I, "The Great Book of Records" started Mar. 20, 1643 ended Oct. 4, 1665 or later
Paper-covered book started March 26, 1647 ended June 27, 1648		

Under Governor Edward Godfrey

Paper-covered book started July, 1649 ended Oct. 14, 1652
—The three above now bound together.

Under Massachusetts

Large book started May 18, 1653 ended Sept. 10, 1671
"The Court Book of Associates" started Dec. 28, 1658 ended Sept. 16, 1679

Under the King's Commissioners

Paper-covered book Western Division started Dec. 28, 1665 ended Feb. 3, 1668
Paper-covered book Eastern Division started July 26, 1666 ended May 29, 1668

Book II, "The new book of records" started Feb. 12, 1666 ended June 27, 1676

Under Massachusetts

County Court Book started July 2, 1672 ended July 6, 1679

Book III started July 12, 1676 ended Jan. 29, 1684

Under President Danforth

Volume 4 started March 17, 1680 ended May 25, 1686

Book IV started Feb. 5, 1684 ended July 25, 1699

Probate book, now Book V of Deeds and Vol. 5 of Court Records started Apr. 6, 1680 ended Apr. 10, 1699

Under Governor Andros

Volume 6 started Oct. 12, 1686 ended Oct. 7, 1718

Book VI started Feb. 26, 1687 ended Apr. 3, 1704

Volume 1 started Sept. 14, 1687 ended Jan. 15, 1707

After the Revolution

Original minutes on loose sheets of courts "Paper-covered Book D" (containing deeds as

Original minutes on loose sheets of probate

COURT
Feb. 24, 1691-Jan. 2,
1694, now bound be-
tween pp. 57-104 of
Vol. 6 of Court Rec-
ords.

DEEDS
well as province, court
and probate records)
now pages 23-46 in
Vol. 6 of Court Records
started Dec. 20, 1689
ended June 18, 1690

PROBATE
courts June 18, 1690-
July 6, 1694, now bound
as pp. 65-74, 53-56, 105-
114, of Vol. 6 of Court
Records.
A 32-page quire of paper
now in a drawer in the
Registry of Deeds.
started Nov. 8, 1693
ended Aug. 16, 1694

"MARKS" IN SIGNATURES

Short of having engravings made of all imitations of "marks" of people who sometimes did not (many of them could) write their names, it has been deemed worth while to indicate the character of the different marks as follows:

- 1 An illiterate cross.
- 2 Apparently an illiterate scroll.
- 3 Apparently a trade symbol—carpenter's square, anchor, ox-bow, etc.
- 4 Apparently a crude attempt to write.
- 5 Apparently a feeble attempt to write.
- 6 "Printed" initial or initials.
- 7 Written initial or initials.
- 8 Monogram, "proper" scroll or flourish.

BRACKETS AND PARENTHESES

ITALICS WITHIN PARENTHESES for redundances can hardly be mis-
understood, and this use releases

ITALICS WITHIN BRACKETS for words interpolated by the Editor.

ROMAN WORDS WITHIN BRACKETS are supposed to be or to have been
in the original, but being now faded or frayed are restored
from earlier copies, the context or other sources; and the question-
mark is not used unless there is possible room for doubt in some
minds, or when a word is so obscure that the reader should be put
on his guard.

ADDITIONS AND CORRECTIONS

THIS volume closes without accounting for the discrepancy be-
tween what is said of Francis Bacon on p. 11, *supra*, and the state-
ment in Williamson's Bibliography of Maine, ii. 49, that Charles
Bradbury transcribed the State copy. The State copy was made
on appropriations of \$100, \$200, \$100, by the Legislatures of 1843,
1844, 1845, to be expended by the Governor and Council, and they
appointed Charles Bradbury their agent. The Bradbury Memorial
(p. 188) says that Capt. Charles Bradbury quit the sea at 30 and
became a schoolmaster, and that about 1844 he moved to Michigan
where he died. He was elected to the Legislature from Kenne-
bunkport in 1843 and 1844. Investigation may show that Capt.
Bradbury employed Francis Bacon. The State copy is in two hand-
writings.

Page 58, lines 13 and 11 from bottom, in the first suit alter the
defendant from Daniel Knight to Elizabeth Brady.

Page 172, alter the date in the headline from Oct. 14 to Dec. 30,
1651.

Page 198, enter the citation, Mass. Arch. iii. 269, on the Petition
of several of the Inhabitants of the County of York.

Page 221, line 6, *Walfe*, corrected from *Walse*, is a phonetic spell-
ing of *Wharfe*, pronounced with the *l* silent, like *walk* and *talk*.

Page 227, line 6, "cross caperers," abbreviated in the original,
probably should be altered to *cross caperes*. *Cross caperer* was a
nickname for a tailor, apparently derived from his shears, al-
though this sense is not illustrated in the New Oxford Dictionary

Page 299, line 13 from bottom, Rowland "Flavill" was doubtless
Rowland Flansall, and is probably a misreading.

1636, September 7th.

The book of rates for the minister, to be paid quarterly, the first payment to begin at Michaelmas next.

Capt. Rich: Bonython	03:00:00
Rich: Vines	01:00:00
Tho: Lewis	01:00:00
Henry Boade [altered from 01:10:00]	01:00:00
John Wadlow	00:15:00
Tho: Williams	01:00:00
Robt: Sankey	00:10:00
Theop: Davies	01:00:00
Geo: Frost	01:00:00
Clement Greenway	01:10:00
John Parker	01:10:00
John Smith	03:00:00
Samuell Andrewes	03:00:00
Will: Scadlock	02:00:00
Robt: Morgan	01:00:00
Henry Warrick	02:00:00
Rich: Hitchcock	01:10:00
Tho: Page	01:10:00
Ambrose Berry	01:10:00
Henry Watts	01:00:00
Rich: Foxwell	01:00:00

¹ Probably a flyleaf of the Province record book was used for this local entry, in the hand of Mr. Jocelyn.

Att a meeting of the Commissioners in the house of Capt. Richard Bonithon in Saco this 25th March 1636

Present

[5] Capt. RICHARD BONITHON Mr. THO. PURCHES }
 Capt. WM. GORGES Mr. ED. GODFREY² } gent.
 Capt. THO. CAMOCK Mr. THOMAS LUIS }
 Mr. HENERY JOSLINE, gent.

Ther was this day presented by Mr. Theophilus Davis officer for this place, John Wotten for being Drunck & giving ill tearmes to the officer.

John the Carpenter for being Drunck.

James Coale for being Drunck.

Wm. Scadlock for being Drunck.

John Wotten is by order of Court to macke a payr of Stockes by the last of Aprill, or to pay 40s in money for misdemeanor: Allsoe hee is fined 5s for being drunck.

John the Carpenter

James Coall

Wm. Scadlock

} ar fined 5s a peece for being Drunck.

Griffeth Evanes &

James Coale

} are bound in a recognisance of 10li a peece for ther good abearing till furdur order.

Mr. John Bonithon for Incontency with Anē his fathers servant, is fined forty shilling, & the said Anē 20s hee to keepe the Child.

The officer of Accomenticos per petition Craveth pardon for not appering & to his presentment.

Mr. Wm. Hooke is per order of Court fined one the return of the officers warrant, for an uprore committed 25th. pro in shouting of divers peeces in the night for which hee is fined 30s & order for to distrane.

To the petition of Mr. Edward Godfrey order is given to the officer of Accomenticos to apraise goods of Mr. Hooke for 19li, 3s & 30s damiges. Soe execution 20li, 13s.

Order given to the said officer to distrane one those that doe not or have not paid what they be assessed to the meting house.

Also to × × × goods and Chattels of Tho. Joanes & Ralfe × × × Hooke Which they should mack by the × × ×

² For facsimile of Mr. Edward Godfrey's handwriting, vide frontispiece. Cf. notes 6, 71.

MAINE HISTORICAL SOCIETY

PROVINCE AND COURT
RECORDS OF MAINE

VOL. II

YORK COUNTY COURT RECORDS

Colony of Massachusetts Bay

County Court, Volume I, 1658-1672
County Court, Volume II, 1672-1679
Court of Associates, 1658-1679

with interruptions by Ferdinando Gorges, Esq.
and by the Commissioners of Charles II

CHARLES THORNTON LIBBY

Editor

PORTLAND
MAINE HISTORICAL SOCIETY

1931

CR14 Vol 2

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MAINE HISTORICAL SOCIETY

PROVINCE AND COURT
RECORDS OF MAINE

VOL. III

PROVINCE OF MAINE RECORDS
1680-1692

Edited by

ROBERT E. MOODY, Ph. D.
Professor of History, Boston University

PORTLAND
MAINE HISTORICAL SOCIETY
1947

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Introduction

NEARLY twenty years ago, the Maine Historical Society announced its intention of printing in three volumes the early records of the courts of Maine. Volume I appeared in 1928 and Volume II in 1931, both edited by Charles Thornton Libby. Now, with the publication of Volume III, the project is completed, but with two important changes from the plans originally made. First, the terminal date, which was originally set at 1689, has been put at 1692, when the Province of Maine passed into history with the incorporation of its territory into the Province of Massachusetts Bay under the charter from William and Mary. And second, although Volumes I and II include the probate records before 1680, the Recorder then not having kept separate probate books, Volume III, except for some entries of administrations granted, does not contain the probate records for the period covered, that is, 1680-1692.

The principal consideration which led to the decision not to include probate records in this volume is the fact that the original probate book of the Province of Maine under President Danforth, started by Edward Rishworth 6 April 1680 and used by him for probate entries up to 6 June 1686 (folios 1 to 42) has been printed in *York Deeds*, Book V. That this manuscript volume is now in the Registry of Deeds is explained by the fact that Recorders following Rishworth used the remaining pages of the book for deeds as well as for other records.

The probate records for the period 1687-1692 constitute a different problem. They are in several places, chiefly in Volume I of the separate books in the Probate Office at Alfred. This volume, of which the first entry is dated 14 September 1687, was used for probate business down to 15 January 1707, except between July 1690 and January 1696. During those troublous times of Indian warfare, some of the probate records were kept on loose sheets. These are now bound into Volume 6 of the Court Records. Others, kept in an unbound quire of sheets, are in their original state in the Registry of Deeds. Still others, entered into the later pages of the Danforth probate book, were printed in *York Deeds*, Book V. Wills from all these sources were printed by W. M. Sargent in *Maine Wills* (Portland, 1887), but a single

MAINE HISTORICAL SOCIETY

Province and Court
Records of Maine

VOL. IV

THE COURT RECORDS OF YORK COUNTY, MAINE

Province of Massachusetts Bay

November, 1692—January, 1710-11

Edited by

NEAL W. ALLEN, JR., PH.D.

Associate Professor of History

Union College

Portland

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The Anthoensen Press, Portland, Maine

Preface

THE publication of these court records for the years 1692-1711 marks the resumption of a project inaugurated by the Maine Historical Society nearly thirty years ago. The first volume of *Maine Province and Court Records* appeared in 1928, and in the preface to that volume the editor, Charles Thornton Libby, described the proposed design of the series as a whole. There were to be three volumes, containing all the existing province and court records "back of those printed in Volume V of *York Deeds*."¹ Chronologically this meant from March 1636 through March 1689; or, from the first records of courts kept by Sir Ferdinando Gorges' commissioners to the last records of courts held under the jurisdiction of Governor Andros.

Accordingly, the first volume and the second (which appeared in 1931) embraced all such records through the year 1679, as found in the first four Record Books in the York County Court House at Alfred, Maine. With the completion of the second volume the project lapsed until after the war, but in 1947 the third volume was published and the series found a new editor in Professor Robert E. Moody. The last volume was marked by two departures from the original design. The terminal date was extended to 1692, so that the records of courts held between the fall of Andros and the beginnings of government under the charter of William and Mary were included; and Professor Moody decided not to print the existing probate records for the years between 1680 and 1692.²

From the appearance of the first volume the series amply justified the hopes of those who had participated in the publication of the records. The source materials which were thus made available have proven their value, not only to the student of colonial Maine but also to specialists in legal, social, and economic history. The two editors established for the series a justifiable reputation for editorial competence and accuracy.

¹ *Province and Court Records of Maine*, edited by Charles Thornton Libby and Robert E. Moody. 3 vols. (Portland, 1928-1947). Hereafter cited *M. P. C. R.* For the original plan for the three volumes, see Vol. I, viii.

² In his introduction to Volume III, Professor Moody has pointed out that the probate records for 1680-1686 are to be found in *York Deeds*, Vol. V, and that those for 1687-1692 are scattered through three different record books. See *M. P. C. R.* III, vii-viii.

Many of the reasons which prompted the Society to publish those records have been of influence in the determination to embark upon a continuation, and to carry the project forward to include the court records of colonial Maine after 1692. For there is no good reason to terminate the publication of our records at that date. From the point of view of the legal historian, indeed, the first half of the eighteenth century is of particular interest, and it is a period for which there is a paucity of published sources. Moreover, despite the fact that Maine was, during nearly the whole of the colonial period, a frontier region; that it was often in a state of virtual siege, or was the actual theater of war; that during much of the seventeenth century it had been an area of conflicting jurisdictions; and that its society was turbulent and uncouth to a great extent; despite all of these facts, Maine possesses a remarkably intact corpus of judicial records for the whole colonial period. There is no reason why we cannot hope eventually to see a complete series of such records, from the beginnings of settled government to the end of the eighteenth century. Such a goal will not be quickly achieved, but its accomplishment would be of great value. It need hardly be pointed out that the value of public record materials is very greatly enhanced by the two factors of extended continuity and completeness. Judged by those criteria, the court records of Maine are of considerable interest and value.³

It is a pleasure to express my thanks to the many persons who have helped make this volume a reality. Mr. Walter G. Davis, past president of the Maine Historical Society and now chairman of the Society's Committee on Publications, first suggested that I undertake the work. From the moment of my acceptance he has been a patient guide and a constructive critic, unsparing of his own time in assisting me. To Professor Mark DeWolfe Howe of the Harvard Law School, Professor Bernard Bailyn of the Department of History at Harvard, and Mr. Donald Philbrick, president of the Maine Historical Society, I am grateful for perceptive criticism and for many suggestions as to the form and content of the book. Professor Robert E. Moody, Director of Libraries, Boston University and editor of the third volume in this series shared with me his intimate knowledge of Maine colonial records and thus

³ The importance of legal records for political, economic and social history is gaining increased recognition; and familiarity with the history of the law can scarcely be considered a handicap to the lawyer or judge. Two out of many articles bearing on the value of such studies are: D. J. Boorstin, "Tradition and Method in Legal History," *Harvard Law Review* LIV (1941), 424-436; and Bertha H. Putnam, "Records of Courts of Common Law, Especially of the Sessions of Justices of the Peace," etc. *Proceedings of the American Philosophical Society* XCI (1947), 261-273.

rendered my initial tasks of editorship much less difficult than they would otherwise have been.

Hon. Albert W. Emmons and Hon. Ralph H. Ross, Clerks of the Courts for York County were most generous in making available the record books and file papers which are the basic ingredients of this collection; and I am equally appreciative of the coöperation and assistance extended to me by Hon. Chester A. Dolan, Jr., Clerk of the Supreme Judicial Court, Suffolk County, Boston, and by his staff. To Miss Marion B. Rowe, librarian of the Maine Historical Society and to her staff I am most grateful not only for reference assistance but also for providing me with ideal surroundings in which to do long hours of work. The President and Trustees of Union College granted me a leave of absence which made it possible for me to accomplish my task, and I am under a special debt of gratitude to the Danforth Foundation of St. Louis, Missouri for the award of a fellowship for this purpose. Mrs. William B. Bristol, Mrs. Raymond Rappaport and Mrs. William C. Stone were each responsible for typing portions of the records, and they had to contend not only with my own imperfect script but also with all those eccentricities of style, punctuation and orthography of which our colonial forbears were capable. I must record with particular appreciation my thanks to Mr. Walter G. Davis and Mr. Thomas M. Griffiths, who compiled the index of names and places. The index of subjects has been my own work. Finally, this volume stands as a very real tribute to the constant encouragement and help of my wife, and to the understanding, forbearance and coöperation of my children.

NEAL W. ALLEN, JR.

*Union College
Schenectady, New York
October, 1956.*

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Introduction

I. THE COURTS

THE present volume contains the records of the two quarterly courts which sat "within and for" York County from the fall of 1692 to the spring of 1711. Other material has also been included, and the nature of that material and its use in this volume will be explained below. But basically these are the clerk's records of the Inferior Court of Common Pleas and the Court of General Sessions of the Peace in York County. It is necessary, therefore, to say something about these two courts and the judicial system of which they were a part.

The Province Charter, under which Massachusetts was to be governed until the American Revolution, passed the seals in October, 1691, and came into effect upon its arrival in Boston with the first Governor, Sir William Phips, the following May.¹ The provisions of the charter relating to the judiciary and the courts may be briefly stated. The Governor, with the advice and consent of the Council, was granted the power to nominate and appoint "Judges Commissioners of Oyer and Terminer, Sheriffs, Provosts, Marshalls, Justices of the peace and other Officers to Our Councill and Courts of Justice belonging."² To the General Court was given the authority to enact legislation providing for the erection of judicatories and courts of record.³ "For the time being" probate jurisdiction was granted to the Governor and Council; and it was provided that in personal actions where the matter in difference exceeded the value of three hundred pounds sterling, either party might appeal to the King in Council.⁴ In accordance with the power of appointment granted to them the Governor and Council met on May 27

¹ Phips landed 14 May 1692, on the eve of the Sabbath. Strictly speaking, the new government went into effect the following Monday, 16 May. Thomas Hutchinson, *The History of the Colony and Province of Massachusetts-Bay*, edited by Lawrence Shaw Mayo, 3 vols. (Cambridge, 1936); II, 10.

² *Acts and Resolves, Public and Private, of the Province of the Massachusetts Bay (1692-1786)*, 21 vols. (Boston, 1869-1922.) Vol. I (1692-1714), 12. (Hereafter cited as *Mass. Acts and Resolves*.)

³ *Ibid.*, I, 14-15.

⁴ *Ibid.*, I, 15.

MAINE HISTORICAL SOCIETY

Province and Court
Records of Maine

VOL. V

THE COURT RECORDS OF YORK COUNTY, MAINE

Province of Massachusetts Bay

April, 1711—October, 1718

Edited by

NEAL W. ALLEN, JR., PH.D.

Professor of History

Union College

Portland

MAINE HISTORICAL SOCIETY

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Preface

THE present volume carries the publication of Maine colonial court records to the end of the year 1718, and completes the transcription of the court sessions minutes contained in the original sixth volume of York court books. The response to the printing of the earlier volumes in this series suggests the desirability of carrying the project forward. In a section on the records after 1718 in this introduction I have sought to indicate the nature and extent of the archive materials at Alfred for the middle and later years of the eighteenth century. Even one more volume of printed records is a step towards making this material available to the student of Maine's colonial past.

I am conscious of the debt which I owe to many persons. First of these is Mr. Walter G. Davis, chairman of the Society's committee on publications. His encouragement and wise counsel in all matters connected with this work have been of great value. With Mr. Thomas M. Griffiths he has rendered more particular aid in the preparation of the indexes of persons and places. It is a pleasure to record here my appreciation for their assistance in that task. Others in the Maine Historical Society to whom I am grateful for help in connection with this volume are Donald Philbrick, Roger Ray and Miss Marion Rowe, the Society's librarian. All these, and others in the Society who have been concerned with this work, have been understanding of the problems and forbearing in the face of delays which have held this volume up beyond the date which we originally hoped to meet for publication.

Through the cooperation of the Clerks of Court of York County and their staff, I have had full access to the records which form the basis of the present volume. In almost equal measure I am grateful to the staff in the office of the Clerk of the Supreme Judicial Court for Suffolk County, Boston, for making available on many occasions the files and record books of the Superior Court. The Social Research Center of Union College provided opportunity to pursue this task on several occasions when otherwise it would have been impossible to do so.

The following persons have assisted more directly with the preparation of this book: Mrs. Glendora Jacobson, Mr. James M. Nichols and Mr. Michael Chapnick. I am grateful for their assistance. Finally, those

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PREFACE

who have had anything to do with the preparation of this kind of material will know how much the editor depends upon the skill and knowledge of the printer. To Mr. Fred Anthoensen and Mr. Warren Skillings of The Anthoensen Press I am particularly grateful for the invaluable aid they have given in the preparation of this, and the preceding volume.

NEAL W. ALLEN, JR.

*Union College
Schenectady, New York
January, 1964.*

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HISTORY OF THE STATE OF MAINE.

EDITED BY
WILLIAM WILLIS.

VOL. I.

CONTAINING A

HISTORY OF THE DISCOVERY OF MAINE.

BY
J. G. KOHL.

WITH AN APPENDIX
ON THE VOYAGES OF THE CABOTS,

BY M. D'AVEZAC, OF PARIS.

PUBLISHED BY THE MAINE HISTORICAL SOCIETY, AIDED BY
APPROPRIATIONS FROM THE STATE.

PORTLAND:
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1869.

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MAINE HISTORICAL SOCIETY,
 in the District Court of the United States for the District of Maine.

B. THURSTON AND CO., PRINTERS, PORTLAND.

EDITOR'S PREFACE.

In offering this first volume of a new series of its publications, the Maine Historical Society believes it will confer a high gratification, not only upon historical students in our own State, but on all who take an interest in the early annals of our country residing within the limits of the charter granted by James I. in 1606, to the Council of Plymouth.

The Society, having long had the impression that the archives of the chief commercial nations of Europe contained rich materials relating to the discovery of these shores, and of the early attempts to colonize them, were anxious to explore those store-houses of hidden treasures. For this purpose they appealed to the State, and, in 1863, obtained a pecuniary grant to enable them to make a preliminary investigation. Sufficient encouragement was given by this appropriation, to induce the government to enlarge its bounty; and, in 1867, the Governor and Council were authorized to contract with the Society for the publication, annually, of a volume "containing the earliest documents, charters, and other State papers illustrating the history of Maine."

Stimulated by this liberal benefaction, the Society availed itself of the opportunity of a visit to Europe by the Rev. Leonard Woods, D. D., LL. D., late President of Bowdoin College, to obtain his aid in the necessary examinations. This accomplished scholar, being accredited by the highest recommendation in the country, and aided by his learning and personal address, had access to various public and private collections of rare and valuable documents, and an introduction to scholars of similar

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taste, availed himself of those advantages to promote the objects of his inquiry.

He explored the archives of the British State-paper offices, under the guidance of Mr. W. Noel Sainsbury, the familiar spirit of those obscure regions, through whom he obtained transcripts of valuable documents relating to our early history. He also visited the British Museum, and especially the map department, rich with early and authentic maps, and conducted by its head, the learned R. H. Major, F. S. A., etc., whose historical and geographical works have placed him among the first—*primus inter pares*—in those pursuits, gained access to that unrivalled collection. He also conferred with M. D'Avezac, the learned archaeologist at Paris, from whom he obtained interesting information pertinent to his object, and has since received from him a valuable communication which is placed in our Appendix. He then proceeded to Germany, where, in Bremen, he made the acquaintance of Dr. J. G. Kohl, whose reputation as a traveler, author, and cartographer, was eminent in this country, as well as in Europe. In him he found a congenial spirit, and a ready and hearty sympathy in the objects of his pursuit. It was not long, therefore, before he came to terms with Dr. Kohl, to give to our Society and State the benefit of his great learning and practical experience, in the accomplishment of our purposes.

Dr. Kohl was born in Bremen in 1808, and educated to the law at Göttingen, Heidelberg, and Munich. Several years after this, he was occupied as a private tutor in Courland and traveling in Russia. On his return, in 1838, he settled in Dresden, from which place he made excursions in all directions, visiting every important district of Europe, and published the observations and experience derived from his various expeditions, in a series of volumes. In 1854, he came to America, where he traveled four years, during which time he prepared for the government of the United States, a series of valuable maps relating to America. Since his return, he has been engaged upon a minute geographical survey and history of this continent. His

life has been filled with useful literary labor, and a portion of its fruit has been given to the world in nearly twenty distinct publications. Among these, are "Travels in Canada," 1855; "Travels in the United States," 1857; "Kitahi Gama, or Tales from Lake Superior," 1860. Another interesting and important work, published by him in 1861, after a severe course of study and preparation, is entitled "History of, and commentary on, the two oldest charts of the new world, made in Spain on the command of the emperor Charles V."

To secure the services of a man so distinguished, and so peculiarly qualified for the task by long experience in similar studies, was at once honorable to Dr. Woods, and most acceptable and valuable to our Society and community. The result of his labors, so promptly and amply furnished, are presented to the public in the volume before us. And I may venture to say, that the amount of authentic information here brought together on the discovery and early voyages to America, so fully and clearly illustrated by *fac-simile* copies of the earliest maps known to exist, has never been collected in so brief and limited a space. The maps, twenty-three in number, the latest of which is Mercator's of 1569, with the learned explications of them, reduced and lithographed in Bremen under the superintendence of Dr. Kohl, throw fresh light, not only upon the voyages and discoveries with which they are connected, but upon the condition of science and art in those departments of knowledge during that period. The value of the work is greatly enhanced by these illustrations.

The maps, of course, give an imperfect and inaccurate view of our coast, from the desultory and cursory manner in which the visits were made to it; but they furnish a general outline of the north-eastern shores; in most of them are represented the prominent points of Cape Cod, Penobscot Bay, the numerous islands along the coast of Maine, Cape Sable, and Cape Race, points which could not fail to arrest the attention of even a common observer. The ancient *Norumbega*, embracing sometimes the

whole of New England, has a conspicuous place on nearly all the early maps, and retained its name far into the next century, but over a narrower region.

Perhaps we ought not to be surprised at the imperfection of these maps, or of the narratives of those early discoveries, when we consider the ignorance which still prevails in Europe on the geography of America. A French author recently did Portland the honor to make it the capital of New England, and conspicuous points in the south and west of our country are often so transposed in the writings of some of their literary men, that we know not where to find them. It is a familiar fact, that before the Revolution, the name of Boston was often used for the whole of New England. But it is singular that the extraordinary discoveries and transactions of the sixteenth century, so much at variance with the routine occurrences of European societies, should not have been transmitted by contemporaneous writers with more fullness and accuracy than we have received them. Even Eden and Hakluyt, who may be called partisans in American discovery, fail to give us accurate representations of those wonderful and peculiar enterprises, which we should suppose must have made a deep impression upon the public mind. Humboldt says, "the extraordinary appearances of nature, and the intercourse with men of different races must have exercised an influence on the progress of knowledge in Europe. The germ of a great number of physical truths is found in the works of the sixteenth century."

But other events nearer home, and of more absorbing interest, cast a shadow over those remote, desultory, and exceptional transactions. Lord Bacon, in his "Reign of Henry VII," affords but two duodecimo pages to the Cabots, whose enterprises we are accustomed to regard as among the most important of that reign, and were indeed so, in their influence upon the future course of history; and in those few words, he entirely ignores John Cabot and his first voyage. We place this passage in the Appendix. And Speed, in his "History of Great Brit-

aine," published in London in 1611, takes no notice of those events except in these words, "and though some other actions, as Sebastian Cabot's discovery," he thought best "to postpone," that he might "couch all that concerns Perkin Warbeck here together;" so that we have no more of the Cabots, or of any other foreign undertakings to our coasts, in either of those works.

The editor of Bacon's Henry VII, therefore, in his preface justly says, "The original records of the time had not been studied by any man with a genius for writing history, nor gathered into a book by any laborious collector. The published histories were full of inaccuracies and omissions, which it is impossible to correct or supply, without laborious research in public archives and private collections."

In the present work, it gives us pleasure to feel, that Dr. Kohl has given, in a most compact and interesting form, the results of a careful and laborious research into the scattered original sources of information, relating to the eventful, but obscure period of which it treats, illuminating it by a comprehensive, profound, and impressive resumé of its record. We cannot but sympathize with him in his repeated lamentations over the loss of reports and charts of voyages, the neglect of the adventurers to indicate the course and progress of their discoveries, and of cosmographers to delineate them. These neglects and omissions will be particularly noticed in his analysis—dissection we may rather call it—of the maps introduced. The most elaborate and acute of these discussions is upon the celebrated map of 1544, unjustly, as he thinks, ascribed to Sebastian Cabot, and on the Cabot voyages, of which there have always existed contradictory opinions.

Dr. Kohl may, perhaps, be thought by some to have traveled beyond the primary object of the work, by introducing the movements of the Spanish and French in Florida. But he thought it not only useful, but necessary to the unity and fulness of the task he had undertaken, to bring these voyages within his

comprehensive review of the development of the northern and eastern section of the country in which we are more especially interested, and to which Thevet's account of Norumbega is an important appendage. In a private letter on the subject, he naively says, "You will perhaps at first sight be astonished to find in my work, not only a report on Cartier's voyages and explorations in Canada, but also one on the French settlements and discoveries in Florida. But by looking nearer into the subject, I hope you will find that these matters also, are so intimately connected with the history of every part of the east coast of the United States, with that of Maine and New England, that it was impossible for me to leave them out. Moreover, the *geographical* and *hydrographical* part of these voyages, in several modern works, has not been much cleared up. I hope you will find, that taking this into consideration, I have come to some new results."

The volume now presented to the public derives additional value from the very interesting communication of M. D'Avezac of Paris, to Dr. Woods, and translated by him, which, with his explanatory letter, will be found in the Appendix. It is most gratifying to be able to place side by side the arguments of such distinguished champions in the field of historical inquiry. M. D'Avezac and Dr. Kohl both reason from opposite views of the same admitted transactions; but Dr. Kohl is more full and minute in his examination of the still doubtful and disputed problem of the Cabot voyages and map. Both, wise and diligent seekers after truth, discuss the obscure and indistinct indications of the imperfectly revealed events of the time, in a spirit of impartiality and ability, which is exhaustive of the subject. It is a generous and honorable contest, which cannot fail to interest and instruct the historical student curious in such investigations.

It was the original intention of the Society to limit its inquiries and researches in foreign archives to the voyages and discoveries which related particularly to our territory, and to the

first efforts to colonize and bring it forward into the line of settlement and civilization. But as the subject was investigated, it grew in importance, until we were carried back for an initial point, to the penumbra of our history, in the earliest known authentic records of American discovery. And we could not but think that a carefully prepared summary of the voyages of the Northmen to the Gulf of Maine, and the later voyages along its coast in the sixteenth century, would be an appropriate and interesting introduction to the history of its actual and permanent colonization.

Our Society had been encouraged to undertake the task, whose results are partially contained in the present volume, by the successful example of other historical societies. Those of Georgia, Maryland, New York, Massachusetts, and others, aided by their respective governments, had pursued their investigations into the musty archives of the State and colonial departments of Great Britain, and had brought forth from them treasures of great value, long hidden, and unrevealed even to their possessors. Perhaps it is not too much to say that it was owing to the discovery of valuable documents revealed by the eager curiosity and persevering search of our American scholars, that a change was effected in the policy of the British government, by which these treasures, long neglected and carefully secluded from observation and use by their jealous guardians, were at length thrown open, and the government itself, becoming aware of their importance, undertook to arrange, classify, and calendar them, and furnish printed abstracts to the public. These valuable collections are thus made available to the cause of history, and have largely contributed to rectify errors and to furnish new facts for the illustration of the early and obscure periods of our history.

In the course of the researches undertaken for our Historical Society, Dr. Woods obtained possession of an *unpublished manuscript* of Richard Hakluyt, the ardent patron and recorder of American discovery; in which, as early as 1584, he urged upon

Queen Elizabeth with great earnestness and force, the prosecution of colonization upon our coasts. This interesting and valuable document, containing in the original draft sixty-two and a half large folio pages, will form part of a second volume of our Documentary History, to be published in the course of the present year.

It is with no unworthy pride that the Maine Historical Society now presents to the public this, their first documentary volume, richly freighted with rare and authentic materials, as a valuable contribution to American history.

I cannot close these introductory remarks without tendering my grateful acknowledgments to the Rev. Edward Ballard, D. D., Secretary of the Maine Historical Society, for his very valuable aid in preparing this volume for the press. His wide historical researches, and critical judgment, have supplemented my many deficiencies. The *Index*, carefully prepared and arranged by him, gives additional value to the volume, and will be cordially welcomed by historical students.

WILLIAM WILLIS.

A HISTORY

OF THE

DISCOVERY OF THE EAST COAST OF NORTH AMERICA,

PARTICULARLY THE COAST OF MAINE;

FROM THE

NORTHMEN IN 990,

TO THE

CHARTER OF GILBERT IN 1578.

BY J. G. KOHL,

OF BREMEN, GERMANY.

ILLUSTRATED BY COPIES OF THE EARLIEST MAPS AND CHARTS.

L'ensemble des faits, auquel nous donnons le nom d'histoire n'est qu'une portion—portion encore mutilée et rompue—des annales du genre humain.

WALCKENAER.

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INTRODUCTION.

THE Historical Society of the State of Maine honored me, in the month of March of this year, with an invitation to write for them a volume on the history of the discovery of the coast of Maine, which was to be published in the "Collections" of that Society, during the present year.

The volume was to begin with the history of the earliest discoveries made by Europeans on the east coast of North America, in the eleventh century, and proceed with the history of the subsequent discoveries down to the end of the sixteenth century, or to some period beyond the middle of that century, that might appear to be a proper point of division, if it should be found convenient to confine the volume within narrower limits.

This history, while it should include the discovery of the whole length of the eastern coast from Labrador to Florida, was to present a more particular account of all the voyages known to have been made during that period to, or along the coast of Maine, and show, as far as possible, by extracts from the originals, when it had been simply passed by, and observed from a distance, and when it had been seen more nearly, and more fully described.

The work was to be accompanied by fac-simile copies of such maps and charts, manuscript or printed, as would illustrate these discoveries. And it was desired that these maps and charts should be accompanied by such notices of their history, and such explanations of their contents, as would render them both interesting and instructive to the general student.

This was a difficult task; and the more difficult, because it was to be performed in a short time. But feeling a deep interest in the subject, and being to a certain degree prepared for the work by my previous studies, and the collections I had formerly made, I ventured to accept the honorable proposal made to me by the Maine Historical Society; and have tried to meet, in the following volume, the views and wishes

ERRATA.

Page 37, line 12	from bot.,	for 'eastern'	read 'western.'
" 38, " 8	" top,	" 'Bayo'	read 'Baye.'
" 48, " 9.19	" "	for 'indentated'	read " 'indented.'
" 49, " 9	" "	insert 'southern'	before 'entrance.'
" 49, " 1	" bot.,	for 'Riffs'	read 'Reffs.'
" 52, " 1	" "	'islands'	read 'inlets.'
" 55, " 5	" "	'Piscataquis'	read 'Piscataqua.'
" 64, " 11	" top,	for 'they'	read 'and.'
" 215, paging,	for '115'	read '215.'	
" 228, line 18	from top,	for 'Jean'	read 'Jacques.'
" 233, " 17	" bot.	" 'Terra'	read 'Tierra.'
" 235, " 20	" "	" 'Chan'	read 'Khan.'
" 238, " 2.3	" "	" 'coniectures'	read 'conjectures.'
" 359, " 12	" "	" 'deffro'	read 'de-fro.'
" 375, " 9	" bot.	" 'merc hant'	read 'merchant.'

they expressed respecting it, so far as my limited means and powers would permit.

Postponing to CHAPTER I. what I wish to say regarding the physical features of the whole country embraced in our survey, I propose in this Introduction to lay before the reader my manner of proceeding in the work I have undertaken; and, in this view, will now make some explanations; *first*, with regard to the history I am to give of the discovery of North America, and the limits within which it is to be confined; and, *secondly*, with regard to the maps by which this history is to be illustrated, the principles on which they have been selected and arranged, and the manner in which they are treated.

I. ON THE HISTORY.

1. *Its starting point.*

There may have been European navigators on the east coast of North America before the time of the Northmen; but of this we have only vague traditions and uncertain rumors. The first well-ascertained expeditions from Europe to these regions were made by the Northmen, or Scandinavians, near the end of the tenth and beginning of the eleventh centuries. The documents relating to these voyages are for the most part preserved in the well-written annals of Iceland. As the north-east coast of America was first seen and described by these Scandinavian adventurers in the eleventh century, our history ought therefore to begin with them.

2. *Its concluding point.*

After the discoveries of the Northmen, but more particularly after those of Columbus and the Cabots at the end of the fifteenth century, there followed a succession of expeditions to the east coast of North America, undertaken by English, Portuguese, French, and Spanish navigators, which may be generally characterized as diverse in their objects, disconnected in their plans, often separated from each other by long intervals of time, and unproductive of any great or permanent results. The period, during which this long succession of voyages took place, from that of Biarne in 990, in which the coast of North America was first seen by Europeans, to that of Sir John Hawkins in 1565, in which he sailed along the whole extent of our east coast,—a period of nearly six centuries,—may be justly regarded as the *early* period in the history of the discovery of North America, during which indeed the coast became gradually better known; but in which nothing was accomplished for the settlement of the country.

But at last, toward the end of the sixteenth century, a new era

dawned. Those two great and sagacious sovereigns, Queen Elizabeth of England and Henry IV. of France, began to pay more attention to the new world, and particularly to that part of it which lay opposite to their western coasts. Then commenced an uninterrupted succession of expeditions to these transatlantic coasts, led on by Gilbert and Raleigh, by De Monts and Champlain, who were supported by the commissions of their own sovereigns, and zealous to defend their rival pretensions. The east coast was now explored more minutely, and illustrated by better reports and better charts; particularly the coast of Maine, on which the rival claims of England and France came more immediately into conflict; and, what is more important, permanent colonies were now for the first time established.

It thus appears that, between the second voyage of Hawkins in 1565, and the first voyage of Gilbert and Raleigh under the letters-patent of 1578, there is a natural division in the history of American discovery, into an *early* and a *later* period. The termination of the early period will naturally form the concluding point of the historical narrative contained in this volume.

3. *Its contents, their arrangement, and distribution into chapters.*

As discoverers and colonizers of North America, the Northmen stand forth in the middle ages foremost and alone, without allies or rivals. Hence I have brought together all that is known of their successive expeditions, and have treated of them in CHAPTER II, adding to them only the little I have to say regarding the brothers Vadino, Genoese, and the brothers Zeni, Venetians, who appear to have sailed at nearly the same time, and in nearly the same direction, with the Northmen.

The old Scandinavian spirit at last died away. The expeditions of the Northmen to America gradually ceased, and their colonies in America were destroyed. Nevertheless, their knowledge of the west was never quite forgotten by them, being perpetuated by their traditions. The connection of their colonies in Iceland with Europe, and particularly with England, was never entirely broken off. The English and Hanse towns, in the thirteenth, fourteenth, and fifteenth centuries, maintained a lively commercial intercourse with Iceland on the old north-western route from Europe to America. This probably was not without an influence on the subsequent undertakings of Columbus and the Cabots. Columbus visited Iceland in the year 1477, and in 1497 the Cabots sailed from Bristol, the port which was the chief emporium of the intercourse between England and Iceland, for the discovery of North America. These trading expeditions from England to Iceland in the fourteenth and fifteenth centuries, following next in

order after the expeditions of the Northmen, and forming a connecting link between them and later enterprises, are treated of in CHAPTER III.

Inspired by the example of Columbus, whose discoveries are not here related, but assumed to be known, the Venetians, John and Sebastian Cabot, made their famous voyages of 1497 and 1498, in which North America, if not first discovered, was first re-discovered since the time of the Northmen, and in which almost its entire east coast was first surveyed. To these important voyages of the Cabots, CHAPTER IV. of our volume is devoted.

In imitation of the example of Columbus and of the Cabots, the adventurous Portuguese sent out, at the beginning of the sixteenth century, several exploring expeditions to the north-west under the command of the brothers Cortereal. These expeditions, though they do not appear to have touched the coast of Maine, are still particularly interesting to us, as having thrown much light on the neighboring regions in the north of Maine. They, moreover, conducted Portuguese fishermen to the Banks of Newfoundland; and these fishermen became, at the same time, active explorers of the north-east of America, and furnished the materials for several highly interesting charts of those regions. The expeditions of the Cortereals form the subject of our CHAPTER V.

Tempted by the advantages offered in the regions recently discovered, the Bretons, Normans, and Basques of the west coast of France, and also several English and Portuguese adventurers, followed thither the steps of the Cabots and the Cortereals. The French, with the Portuguese, for nearly the entire sixteenth century, took the lead in the fisheries on the Grand Banks, and in the exploration and delineation of the adjacent coasts. The interest thus created in these regions gave occasion, in France, for several exploring expeditions to the north-east of America; and also, in other countries, to diverse schemes and projects for such expeditions as were never performed. In CHAPTER VI. I have treated of all these expeditions, which followed after the Cortereals, whether simply designed or actually accomplished.

The explorations of our east coast, undertaken by the English, Portuguese, and French, which have been already described, began at Newfoundland in the north, and proceeded thence to the south. The Spanish explorations, on the contrary, usually began in the West Indies, and proceeded thence along the coast of Florida toward the north, and reached sometimes the coasts of New England. CHAPTER VII. treats of these Spanish operations, from the time of Columbus to about the time of Ayllon and Cortes, 1524.

In the years 1524 and 1525, two expeditions were sent out with the

particular object of exploring the east coast of the present United States: the first from France, commanded by Verrazano, an Italian, and the second from Spain, commanded by Gomez, a Spaniard. These expeditions, though proceeding from different countries, were similar in their plans and objects. They were both made at nearly the same time. The one was probably a consequence of the other. Both touched the coast of New England, and particularly of Maine. Through the entire first half of the sixteenth century, there were no other expeditions which contributed so much to the knowledge of these coasts. The expedition of Verrazano produced our best description, and that of Gomez our best chart, of the coast of New England. Each of them was also quite isolated. Neither Gomez in Spain, nor Verrazano in France, had an immediate successor. One English expedition, however, that of the year 1527, was somewhat connected with them, as to its date, its purposes, and its results. In view of these considerations, I have separated these two eminently important expeditions from the rest, and treated them together in CHAPTER VIII, to which, however, I have added the contemporary English voyage of 1527.

After Verrazano, the French paused for about ten years, and then renewed their efforts for the exploration of some section of the east coast neglected by him. From 1534 to 1543, at the suggestion of Cartier, one of their most eminent navigators, and under the commission of Francis I, they undertook a series of expeditions to the Gulf of St. Lawrence, by which, at last, the entire geography of this region was disclosed. These expeditions gave rise to some admirable reports and maps, which are especially interesting to us from the intimate relations existing between the regions described and the State of Maine. The history of this series of expeditions is given in CHAPTER IX. I have added to it, however, a short report of an unsuccessful English expedition, made to the same regions at the same time. Nearly all the English expeditions of the sixteenth century are so disconnected that they cannot be easily grouped together. Sometimes there are feeble imitations of the enterprises of other nations, or at the best, results of them; and I have therefore thought it proper to dispose of them, as in this case, under the head of some greater undertaking of some other nation, to which they seem to be most nearly related with respect to time, and perhaps also to plan.

In CHAPTER X. I have given an account of the continuation of the Spanish expeditions, including that of Ayllon to Chicora, in 1526; that of De Soto to the Mississippi, and that of Maldonado and Arias along the east coast of North America, in the years 1538-1543.

After the extensive explorations of Verrazano and Cartier, the

French gave the name of New France to a large section of North America, and sometimes even to the whole American continent; and they continued to navigate thither, especially to the Banks of Newfoundland and the neighboring coasts. Until near the close of the century they took the lead of other nations in the affairs of North America. At the time of their religious wars, soon after the middle of the sixteenth century, the Huguenots, who had friends in some of the western ports, desired to find upon the east coast of North America a suitable place, where they might establish a new home for the adherents of their religion, condemned and persecuted as heretical in France. They commenced, therefore, in the year 1562, a series of exploring and planting expeditions, under the command of their captains Ribault and Laudonnière, to the coasts of "French Florida," the name given by them to the region included in our present States of Georgia and South Carolina. On these expeditions some new and shorter oceanic routes were discovered, which afterwards became common, and were used in sailing to the coasts of New England. By these French expeditions to Florida, the Spaniards were also attracted to the same regions, and under their great navigator, Don Pedro Menendez, explored a great part of the east coast. The English also followed the French, under the command of Sir John Hawkins, and, conducted by French pilots, sailed from thence along the entire east coast of North America. Still another expedition, connected in a similar manner with these expeditions of the French Huguenots, and accompanied and described by the celebrated French cosmographer, André Thevet, sailed along the east coast, and came to anchor in Penobscot Bay. On the breaking up of this Huguenot colony, under the assaults of the Spaniards and the neglect of their own government, some of the colonists took refuge in England, where their reports and maps on the beautiful country of "French Florida" were the means of arousing the English nation to those enterprises, which ended at last in the establishment of the colony of "Virginia." In CHAPTER XI. I have treated on all the English, French, and Spanish expeditions here alluded to. The voyages of Ribault and Hawkins, described in this chapter, being the immediate precursors of the voyages of Gilbert and Raleigh, with which the later period commences, form the appropriate conclusion of our historical report.

In a concluding chapter, CHAPTER XII, I have summed up the whole contents of the volume; but discarding the chronological arrangement before adopted, have distributed this recapitulation under the heads of the different nations participating in the enterprises and discoveries herein described.

4. General remarks.

1.) In the history of the discovery of the east coast of North America, which I have given in these chapters, I have always had special reference to the discovery of Maine, as the particular object of this volume. I have accordingly described the discovery of the other, and especially the more remote sections of the coast, less fully, and in more general terms; and at the end of the chapters, in which these other sections have been treated, have stated the influence which their discovery may have had on the discovery of Maine; while I have at the same time given prominence to all those voyages and explorations which were intended directly for the coast of Maine, or in which it was incidentally observed and surveyed, taking care to give in full the original passages, in which this coast and the coasts adjacent to it are described. This particular coast, and also the entire east coast of the United States, are, as the reader will observe, often spoken of by me throughout the work, as *our coasts*. In using this expression, adopted sometimes for the sake of brevity, and sometimes for the sake of variety, I have not intended to convey the impression of my being a citizen of the State of Maine, or of any other State of the Union, but have rather allowed myself, almost unconsciously, to identify myself with my subject.

2.) The further we advance into our subject, and the more active the nations as well as individuals appear on the stage, the greater becomes the difficulty of grouping the whole mass of partially connected and disconnected enterprises in a strictly chronological order. Sometimes a series of voyages having the same object, and following the same route, and growing out one from the other, was prosecuted in one and the same country for a long course of years; while during the same period of time, expeditions and explorations were undertaken from other countries. In observing, therefore, a strict chronological order, and relating these enterprises year by year, as several Spanish authors, for instance Herrera and Barcia have done, I should have been forced to transport myself and the reader continually from one country to another, and there would have been no end of the breaking and the mending of the thread of the story. It appeared, therefore, to be evidently better, that, putting aside chronology, we should follow out the enterprises of one nation to a proper stopping-place, and then go back and resume the consideration of the contemporaneous enterprises of another nation.

But on the other hand, the division of the subject according to nations, which has been adopted by Forster, and other historians, has also its great inconveniences, if strictly and exclusively followed. The maritime enterprises of any particular nation, the English for example,

were, as a general thing, undertaken not so much from causes originating at home, as operating from abroad, and could not be justly described, without keeping in view the parallel enterprises of friendly or hostile nations, of the allied or rival powers.

From these considerations I have followed in my work a middle course, arranging its materials, partly according to the order of time, partly according to that of nationality. If I have met a group of connected enterprises, undertaken in one country, or under the influence of a single individual, I have traced it from beginning to end; and then arranged it chronologically with other groups, formed in a similar manner.

3.) With respect to the sources from which I have taken the data for my historical report, I have to make the following remarks. It has been my endeavor to obtain the best and earliest editions of the works on which I have relied as my authorities. But it has not always been possible for me to obtain the "best editions;" nor always, indeed, any editions of some works which I have wished to consult. In these cases, I have contented myself with secondary sources. I may say, however, that I have seen and consulted most of the great authorities in this department of learning, preserved in the libraries of Germany, Paris, the British Museum, Oxford, New York, Boston, and Cambridge; all of which, in the course of my travels, I have formerly visited for the purpose of collecting materials for a general history of the discovery of America.

It was my first intention to give an account of the standard works on the topics discussed at the beginning of each chapter; but this might have rendered the volume too bulky. Instead of this I have taken care to refer the reader, in foot-notes, to the works consulted, and the editions used. I trust, therefore, he will be satisfied of the solidity of my literary foundation.

II. ON THE MAPS.

Geographical maps and charts have been composed from time immemorial. The ancient Greeks and Romans, and after them the Arabs, composed maps. Even the Northmen of the middle ages did the same, so far as they were able. In the era of modern discovery, it became customary for explorers to draw, during each expedition, a chart, marking the configuration, and the latitude and longitude of the new country seen by them. These original charts of the discoverers themselves, made from actual survey, drawn on board their ships, or composed soon after they had reached home, with the assistance of their journals and notes, would be, if we possessed them, invaluable historical documents.

But the instances are rare in which they have been preserved. They came at first into the hands of hydrographers and map-makers, who copied and reduced them, and embodied their contents in the general maps of the world, or so-called "Portolanos,"—sailing-charts,—which they composed for the instruction of the public, or the uses of navigation. After having been employed in this manner, they were consigned to oblivion. A similar fate soon overtook the copies and compilations made from them. For a time, indeed, those great and splendid pictures of the new world, which were composed from the original charts of the great discoverers, had great celebrity, and were held in high estimation; but only for a time. We hear of new maps, which were hung up by kings in their palaces; and of others, which were discussed in the academies, and sent from city to city for the inspection of the learned. They were studied, copied, engraved, and painted over and over again; but only so long as they were *new*. When another *new* map appeared, which occurred often and after short intervals, the old map disappeared from the palace and the academy, and was laid aside and forgotten.

The maps which through age had become erroneous, were considered good for nothing, and even held in contempt; though their errors often had some good reason, and at least showed the ideas of their authors, and of the times in which they were composed. They sometimes contained excellent intimations of the better views which afterwards prevailed.

For these and other reasons it may be justly said, that there is no class of historical documents on which the "tooth of time" has been more busy, more cruel and destructive, than on old maps,—those compiled, as well as those made from actual survey, the manuscript, as well as the engraved and printed. We could point out some maps engraved and printed only a few hundred years ago, and then existing in hundreds or thousands of copies, of which now scarcely a copy is left, which is valued by amateurs at its weight in gold.

Nevertheless it has happened, that by chance and good fortune, a considerable number of old maps and charts has been preserved to our times, either in the public archives, or in the old State libraries of the nations of Europe. But even these maps and charts, which had been spared by all-destroying time, were scarcely noticed by the historians and geographers of the last century; sharing the neglect with which, during that period, Gothic buildings and other mediæval monuments were regarded. Indeed, during this interval, the old maps and charts were never invested with the dignity of historical documents. Even

those most learned and intelligent French geographers, D'Anville and Delille, who were still living in the time of our grandfathers, felt no interest in old maps, and did nothing to recover or preserve them; though they would have found in them some information not to be obtained elsewhere, and might have used them to illustrate and adorn their geographical works.

Historians, geographers, explorers, and travelers have sometimes laid down on their maps and charts certain facts, of which they have omitted to speak in their reports and books, finding it easier to speak to the eye than to the ear; or rather to convey the information they wished to impart, by using the brief and compact delineations of the map, instead of the diffuse and cumbersome phraseology of the book.

It is not seldom the case, that an old map will contain the only information we possess concerning some expedition or discovery. To give a single instance: our books and manuscripts give us very imperfect information about those highly interesting expeditions which Cortes ordered to be made in the Gulf of California, and along the western shores of the Californian peninsula. A chart of these regions, which was made by a contemporary of Cortes, and which, near the end of the last century, was discovered and published in Mexico, furnishes a most satisfactory supplement to our knowledge on this subject.

Moreover, the map-makers of former times were not content with merely giving the outline and name of a particular region, but they often affixed to it some inscription, legend, or notice, in which they informed the reader what kind of people lived there, what animals and plants were raised there, and, occasionally, by whom and when it was discovered. Now and then remarks like these are seen on those old maps: "In the year 1500 the Spaniard Bastidas sailed as far as this point;" or, "Here Solis was killed;" or, "In the present year Garay has gone out to this country, but is not come back as yet." We often see jotted down on the old maps, all kinds of observations, conjectures, and hypotheses, from which we can learn the ideas and notions which were current at the time when they were composed. These old maps were often highly embellished with pictures of the mountains, the forests, the animals, the cities of the newly-discovered countries, of their aboriginal inhabitants, and of the discoverer and his companions in their antique armor and costume, and the flags and crosses erected by them; to say nothing of the monsters in the surrounding waters, and the ships sailing among them to and fro; in great contrast with the dry and purely scientific character of our modern maps.

This will suffice,* at present, to show the great importance of the old maps and charts in the history of discovery. In more modern times this importance has come to be more generally acknowledged. Near the beginning of this century, a praiseworthy antiquarian enthusiasm was awakened; and under this impulse historians and geographers began to search after old maps in the archives and libraries of the different States of Europe; and when they were found, to have them carefully copied, collected, and published; thus repairing, as far as possible, the mischief resulting from the carelessness of former times, and restoring these lost documents to the common treasury of knowledge. To recite all that has been done in this way since the beginning of the nineteenth century by learned individuals and by scientific bodies, would be aside from my present purpose. Suffice it to say, that no work on the history of American discovery would now be regarded as complete, unless illustrated by copies of the old maps and charts, appropriate to the country of which it treats.

In accordance with these views, and with the wishes expressed by the Maine Historical Society, I have in this work paid particular attention to the subject of maps. From all which offered themselves for illustrating the discovery of the east coast of North America, and particularly of the coast of Maine, I have selected, in preference, those which come nearest to the first charts; those, too, made from actual survey, by the explorers themselves; and next to these, such as were made by distinguished contemporary cosmographers, and which are specially valuable, as exhibiting the leading geographical notions and ideas then prevailing.

The arrangement of the maps is attended with some difficulties. If there were a separate original chart for each distinct discovery, there could be no question, but that it should be placed in connection with the history of that discovery. But generally, even the earlier maps are only later compilations, and exhibit the results of several explorations made in different periods and distant places. However, even in such instances, there is commonly, on each map, some one discovery which constitutes its most prominent feature, and gives it a special interest. I have, therefore, arranged the maps according to their prominent and characteristic features, and annexed them to the chapters to which they are related by their principal or most important contents. In doing this, I have not omitted to notice those contents of the maps which are

* I take the liberty to refer the reader to a lecture on the subject of the old maps, delivered by me in the Smithsonian Institute in Washington, and published in the Annual Report of the Board of Regents of that Institution for the year 1856, pp. 93-147, where the subject is treated more fully.

of secondary and subordinate interest; and to connect them also, by references, with the chapters to which they are related by their subjects, to which they afford some illustration, and from which they receive in turn some explanation. And as the chapters and the maps are both numbered, the connection between them can be easily indicated.

I might have embodied the maps in the chapters they were designed to illustrate; but I have thought it preferable to place them in an "Appendage" at the end of these chapters, and to give the history and explain the contents of each map in a separate section of this Appendage. If, on this method, repetitions could not be wholly avoided, they are certainly reduced to the smallest possible number. In our examination of the maps it will often appear, that they not only confirm the facts related in our history, but often furnish additional information.

In accepting the proposals made to me by the Maine Historical Society, I understood, as they did, that fac-similes of the original maps were to be furnished. But in the strict sense of the term, a fac-simile is, in my opinion, an impossibility; and furthermore, if it could be had, it would avail nothing for our purpose. Whether fac-similes should be furnished, must always be a question of degree. To give a perfect fac-simile, one must make a copy of the old maps of the size, with the handwriting, with the gold and silver embellishments, with the yellow, red, and blue coloring; nay, with the very material, the rich vellum, of the originals,—a proceeding beyond the means ordinarily possessed either by individuals or societies.

In giving fac-similes of the old maps, it cannot certainly be understood, that the enormous size of some of them should be retained. I have, therefore, reduced them to more convenient dimensions. The reduced copy is not, however, necessarily a less exact copy of the original, than an enlarged copy would be.

Nor would a fac-simile necessarily require, that the rich coloring of the old maps should be followed in the copy. However much this might add to the beauty of the map, it would add nothing to its historical value. From all these various and costly colors, I have therefore retained only two; blue for the water, and black for the outlines of the firm land, and for the names.

Nor have I undertaken to reproduce exactly the quaint and often illegible handwriting, in which the names and inscriptions are written on the old maps; differing in fashion in different periods, different nations, and in different maps of the same period and nation. To have done this, would have been to throw a great deal of heavy work upon the reader. I have, therefore, taken this labor upon myself, and have written all the names and inscriptions in a uniform style, and in our

current letters. And if it should appear to the reader, that on this plan he finds, in the case of doubtful names, nothing but my own private opinion; it might be a question, whether he would fare better, in being left to decipher them for himself. Besides, my rendering of the old names, in many cases, is the same as had been given before by learned geographers, and is commended to the reader by their high authority.

To guard against all error in this matter, I have stated in my account of each map how far, and in what sense, it may be considered a fac-simile copy of the original.

At all events, the reader will understand, that in reducing the size of the old maps, and in modernizing their handwriting, I have not made my task any easier. The method I have adopted, and which I think is an invention of my own, is no labor-saving contrivance. It would have been a far easier task for me, to place the original in the hands of a competent artist, and simply to have required of him an exact and faithful copy.

I will add nothing to these introductory remarks, but the expression of my hearty wish, that the manner in which I have performed the difficult work assigned to me, and have solved the many intricate problems connected with it, may prove to be satisfactory to the members of the Historical Society of Maine, and to the patriotic citizens of that State, and that they will be kindly disposed to excuse its manifold imperfections.

BREMEN (Germany), 29 August, 1868.

DOCUMENTARY .

HISTORY OF THE STATE OF MAINE.

VOL. II.

CONTAINING A

DISCOURSE ON WESTERN PLANTING,

WRITTEN IN THE YEAR 1584,

BY RICHARD HAKLUYT.

With a Preface and an Introduction

BY LEONARD WOODS, LL.D.,

LATE PRESIDENT OF BOWDOIN COLLEGE.

EDITED, WITH NOTES IN THE APPENDIX,

BY CHARLES DEANE.

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NOTE OF THE STANDING COMMITTEE.

THE Standing Committee of the Maine Historical Society are happy, after so long delay, to offer to its members and friends this second volume of the series of "Documentary History," under the generous auspices of the State. Though an annual volume was contemplated by the resolve of the Legislature, it soon became apparent that so frequent an issue could not be kept up with credit to the State or the Society. The long interval since the first volume appeared, however, has been occasioned not only by the labor necessarily connected with the work in hand, but mainly by the disastrous fire which destroyed the library of Dr. Woods and several rare volumes besides essential to the prosecution of his work as editor, as also what he had prepared as an Introduction to the Discourse of Hakluyt which was waiting only for his final revision for the press. Then followed the serious disarrangement caused by the calamity; and, after he had begun the unwelcome effort of recovering what had been lost, the physical infirmity which forbade literary labor, and, indeed, threatened the entire loss of the fruits of his diligent and successful research. In this emergency, the Committee, under advice from Dr. Woods himself, were greatly relieved by being able to make an arrangement as set forth in the following paper from their records:

"Whereas, Dr. Charles Deane and Dr. Leonard Woods have been jointly engaged for some months in preparing for publication, for the Maine Historical Society, a Discourse of Richard Hakluyt; and whereas, under their superintendence, the stereotyping of said work is completed, and some advance has been made towards preparing Notes and an Introduction for the same, which are not completed in consequence of the impaired state of Dr. Woods's health, — therefore *voted*, that Dr. Deane be requested by the Standing Committee to assume the sole charge of the publication of this work, to finish what has been begun, and to write *de novo* what remains to be written, all on the same plan as has been entered upon by them, and thus far been so harmoniously and satisfactorily pursued."

The well-known accomplishments of Mr. Deane, and his special familiarity with the topics suggested by the matter in hand, justify the Committee in congratulating the Society, the State, and all who have been anticipating so interesting an accession to our material of historical facts and discourses, on this fortunate arrangement.

It is well known that other European powers preceded the English in enterprises of discovery and colonization towards the Western Continent. But during the reign of Elizabeth, the impulse in this direction was surprisingly developed in the English nation. As is remarked by Froude: "When the history of this era is written, its grandeur will be seen to be among the most sublime phenomena which the earth as yet has witnessed." The energy of statesmen and of the commercial class was turned towards the sea, and the memories of adventurous and heroic seamen are perpetuated in arctic and other regions.

A recent English writer, referring to earlier and later adventurers in arctic exploration, pronounces it "our Iliad,

if we have one, this siege of the arctic ice and night." Expeditions set on foot by private individuals or corporations were to some extent patronized by royalty and by such names as Burleigh, Leicester, and Walsingham. As Frobisher, a poor sailor adventurer, as some one calls him, was under way for Northern seas and was running by Greenwich, he was encouraged by seeing the Queen wave her handkerchief from the palace windows, in token of the favor and patronage vouchsafed by her Majesty to her enterprising subjects who had the means to furnish ships, or the ability and spirit to command them, and to go out into unknown seas to discover or conquer and take possession in the name of their gracious sovereign whom they loved to call "Queen of the Sea."

One of the most interesting spectacles revealed by history is the earnest rivalry between the governments of Europe and their parties of discovery or colonization, ever watchful of each others' projects, and carefully keeping their own counsels, in efforts to acquire and secure possession of the newly discovered continent. To us it is of special interest to trace the series of events and adventures which directed English enterprise to the northern coast of the continent, contrary even to their own plans and purposes, thus affording an illustration of the familiar saying, "Man proposes, but God disposes." For it is a well-known fact that in eager and persistent and fruitless schemes for discovery of a north-west route to the far-off Cathay, and after manifold hindrances, misadventures, and disasters, this northern coast was revealed to daring English voyagers. A paper drawn up by Sir Humphrey Gilbert, to prove the possibility, rather the probability, of such a passage, first turned the attention of the English and stimulated afresh the enterprise in that direction. Then followed the voyages of the intrepid Frobisher,

1576, who left a perpetual memorial of his adventurous spirit in the straits that bear his name; and those of Sir Humphrey himself, who, aided by the active interest of Sir Walter Raleigh, his half-brother, set sail in 1583, the Queen wishing him "as great goodhap and safety to his ship as if herself were there in person." We cannot but recall his memorable answer from his little craft of ten tons, which soon went down, in a tempestuous sea off Newfoundland, to the hail of his companion, the "Golden Hind," — "We are as near Heaven by sea as by land." Thus the spirit of enterprise kept at work on the problem of a North-west Passage. But that was not the path which Providence designed.

The search for a North-west Passage to the Indies was arrested for a time, we know, by the conjecture that a better route could be found in an opposite direction. It has been a problem with students of history what turned back attention to our coast.

The five volumes of the industrious and enthusiastic Hakluyt, containing notices of more than two hundred voyages, called by Froude the "prose epic of the modern English nation," have been a most valued storehouse of materials for the history of early discovery and colonization. The fortunate discovery of a lost manuscript of the same author, now first committed to the press, shows what may have exerted an important influence in awakening special attention of royalty and courtiers to the northern coast as a desirable field for colonization, and setting on foot a movement which, under Divine Providence, was to produce great results in human history and the progress of the races.

The text alone of such a Discourse would excite great interest in all who are curious regarding the earliest attempts to colonize this portion of the Western Continent. It seemed, however, unfitting to send out such a

paper without an introductory notice and such annotations as seemed to be required to explain allusions and elucidate obscure passages in the history of the period, not likely to be apprehended except by those who have given special attention to the subject, and to afford to every reader the best advantage for entering at once into the spirit of the writer.

A. S. PACKARD,
For the Committee.

BRUNSWICK, March, 1877.

EDITOR'S NOTE.

REFERRING to the preceding statement of the Standing Committee, I will simply add, in justice to Dr. Woods and to myself, that, out of his rough notes, happily not consumed when his library was burned, 8th August, 1873, I have deduced the following Preface and Introduction signed by him. These notes were written in several memorandum books, and on detached sheets of paper, intended evidently as hints to the memory for future use, and covered a wide field of investigation. What has been here written is mostly in his own language; and all has been submitted to him, and approved and adopted by him.

I can only add my regret, to that of the literary public, that the state of his health had deprived Dr. Woods of the opportunity of employing again his own eloquent pen in reconstructing the fabric so mercilessly destroyed by the flames.

Of the notes in the Appendix, the few signed "W." were written by Dr. Woods, and happened to be in my possession, along with the copy of the Hakluyt Discourse, when the fire occurred. The Discourse had already been stereotyped in Cambridge, under my supervision. Some of my own notes in the Appendix had been partially written, at the request of Dr. Woods, and had been laid aside.

I have appreciated the wish of the Maine Historical Society to publish this volume with as little delay as

possible; and for the past few months, since I have been requested to undertake the charge of it, have labored to that end. Part of my work has been of a delicate nature; and for the whole I ask the indulgence of the reader, being conscious of its imperfections. I will only add, in conclusion, that I feel a sense of satisfaction in placing my own name on the title-page of this volume along with that of my friend, Dr. Woods.

CHARLES DEANE.

CAMBRIDGE, Mass.,
March, 1877.

PREFACE.

It may not be without interest that I should give, in this prefatory note, in some detail, an account as to how this copy of Hakluyt's Discourse was obtained; and then a brief description of the manuscript itself. See also the Introduction, p. xxv.

I will premise by saying, in a general way, that it happened to me as it has to so many other investigators. The manuscript, having come into the possession of Sir Thomas Phillipps, was placed in the archives of his vast collection at Middle Hill, Worcestershire, — subsequently removed to Thirlestane House, Cheltenham, Gloucestershire, — and had remained buried for thirteen or fourteen years. Meanwhile, the following title had appeared in the printed catalogue¹ of his collection, a copy of which had been

¹ Sir Thomas Phillipps's Catalogue appears to have been issued in folio sheets, struck off from time to time. The title-page reads, "Catalogus Librorum Manuscriptorum in Bibliotheca D. Thomæ Phillipps, Bart. A.D. 1837. Impressus Typis Medio-Montanis Mense Maio, 1837." A copy was presented by him to the library of Harvard College, June 1, 1841, the sheets stitched and covered with blue boards, and containing all that had probably been printed up to that time, being 174 pp., the last number 10710. The subsequent issues of the Catalogue have not been sent to the library.

Sir Thomas Phillipps had a private press at Middle Hill, on which he printed a large number of books edited by himself. A list of many of them

presented by him to the library of the British Museum, — "A Hakluyt Discourse," number "14097." So far as I can learn this advertisement had remained unnoticed.

My attention had early been called to the collection of Sir Thomas by seeing an account, in the Proceedings of some Scientific Association, of a number of early American maps exhibited by him at one of its meetings; and on inquiring of Mr. Henry Stevens about this collection, he informed me that, besides these maps and other valuable documents, it contained a manuscript discourse of Hakluyt which had once been in his possession.¹ But this important information, which was communicated to me by Mr. Stevens with that freedom and friendliness with which he has always given of his treasures to those who have applied to him, was not the moving cause or the immediate occasion of the measures by which the manuscript in question was obtained. And I fear

may be seen in Bohn's edition of Lowndes, under Sir Thomas's name. After the death, in 1859, of Lord Northwick, the proprietor of Thirlestane House, Cheltenham, Sir Thomas became the owner of that estate, and removed to it his valuable and extensive library from Middle Hill. Thirlestane House was erected by Mr. Scott, at an outlay of £84,000, in the Ionic style, with Portland and Bath stone. (See Murray's Hand-book of Gloucestershire.) Sir Thomas himself died in 1872, and left his library to his daughter, Mrs. Fenwick, its present owner. — Ed.

¹ The manuscript appears to have come into the possession of Mr. Stevens some time previous to May, 1854. It is included in his catalogue — a copy of which is now before me — of valuable books and manuscripts to be sold at auction by Puttick & Simpson, 191 Piccadilly, London, "on Wednesday, May 24, 1854, and four following days (Sunday excepted), at one o'clock most punctually," and is entered there under number "474." The title-page is copied in full, after which we read: —

"A MOST IMPORTANT UNPUBLISHED MANUSCRIPT; 63 pages, closely and neatly written; in the original calf binding. From Lord Valentia's Collection. The following note, pencilled on the fly-leaf, is believed to be in Lord

that the knowledge I had received from him of the existence of this manuscript would have proved to me, as it had in several other cases, barren and unfruitful of any good result, if a new motive for seeking access to the Phillipps collection had not been imparted to me some weeks later from another quarter.

During a visit which I made to H. C. Harford, Esq., of Bristol, soon after New Year's, 1868, in pursuit of whatever might fall in my way, I made the acquaintance of the Rev. Frederick Brown, then rector of the neighboring parish of Nailsea. This parish belongs to the manor of Ashton Phillips, where Sir Ferdinando Gorges resided during the latter part of his life, and the rector had interested himself for many years in collecting materials for a complete history and genealogy of this distinguished founder of the colonization of our State. These materials he kindly exhibited to me, and among other things called my attention to a notice he had seen in the *Wiltshire Magazine of Archæology and Natural History*, Vol. I. p. 97, to the effect that the papers of Sir Ferdinando Gorges had been obtained by Sir

Valentia's hand: "This unpublished manuscript of Hakluyt's is extremely curious. I procured it from the family of Sir Peter Thomson. The editors of the last edition would have given any money for it, had it been known to have existed." In a printed list of "prices obtained at the sale" of these books as far as lot 1039, subsequently inserted in some copies of the catalogue, it appears that the Hakluyt Discourse, lot 474, brought £44.

This was not the only manuscript in this sale of rare books relating to America which came from Lord Valentia's collection. Lot 408, "Captain Luke Fox's Journal," is said to have belonged to his library. There may have been others. — Ed.

Thomas Phillipps from Ashley, and were now in his possession, bearing the number 7109 in his collection.

The Gorges Papers, justly regarded as more important than any now remaining to be discovered for the elucidation of the history of New England, and especially of Maine, were then, as it appeared, neither irrecoverably lost, nor left, according to the supposition of Dr. Palfrey, "undreamed of by their possessor, to feed the moth in the garret of some manor-house in Somerset or Devon, or in some crypt of London," but could be clearly traced to the collection of Sir Thomas Phillipps.

I conceived the confident hope of gaining access to these papers, and resolved that no efforts of mine should be wanting to accomplish this object. It only remained for me to follow the clew thus placed in my hands to find the way to this great depository, and to solicit from the generosity of its owner the use of the papers for the State most interested in them.

In pursuance of this purpose, immediately on my return to London, I called for advice on the late John Bruce, Esq., F.R.S., who had been mentioned to me by my friend, the excellent rector of Nailsea, as a correspondent of his on the subject of Gorges, and who was already known to me as the author of the interesting letter on the defence of Gorges, published in Vol. XXXIII. of the *Archæologia*, and republished at the end of Mr. George Folsom's *Catalogue of Original Documents relating to the State of Maine*, New York, 1858.

By the judicious and friendly advice of Mr. Bruce, I was directed to Mrs. Mary Anne Everett Green, well known as the editor of a number of the *Calendars of State Papers*, as a lady well acquainted with Sir Thomas Phillipps and his collection, and holding a high place in his esteem, and as better able to assist me in my purpose than any one in the circle of his acquaintance. On his suggestion, I introduced myself to Mrs. Green and made my objects known to her; and to the interest which she took in them, and her assistance in accomplishing them, and the influence she exerted in our behalf with Sir Thomas Phillipps, the Historical Society and the literary public generally are indebted for whatever benefit may be derived from the opening of his collections to our use.

Mrs. Green wrote immediately to Sir Thomas; and, on his courteous response to her request in our behalf, she visited Cheltenham (in January, 1868). I followed in a few days.

The original object we had in view in this visit to Cheltenham, nearly one hundred miles from London, in mid-winter, was to examine the papers of Sir Ferdinando Gorges, and to obtain, if possible, copies of them for publication in the *Documentary History of Maine*. But our quest was not confined to the Gorges Papers. In order to facilitate the business of this visit, and turn it to the best possible account, Mrs. Green had made, from her catalogue of the collection, a list of all manuscripts which it was thought might have some bearing on the history

of Maine, and which in that visit might well be examined in this behalf. In this list was included, besides the Gorges Papers advertised in the Wiltshire Magazine, and the maps before referred to, "A Hakluyt Discourse," No. "14097," which could, we thought, be no other than that mentioned by my friend Mr. Stevens, and against which she wrote, on my suggestion, "Copy entire, if relating to colonization in America."

Before my arrival, Mrs. Green had already made considerable progress in the examination of the manuscripts, maps, &c. ; and her report of her first impressions, so far as related to the principal object of our pursuit, was, in her own words: "The Gorges Papers turn out a sad disappointment; on the other hand, the Hakluyt Discourse is, I think, curious and valuable."

These first impressions were confirmed by the more careful examinations upon which we entered after my arrival. The Gorges Papers, No. 7109, entered in the catalogue as "Papers found in the Library of Ferdinando Gorges, of Ashley, Wilts, fol.," were found to consist of a few private letters about family property, in which a brief pedigree of Lord Edward Gorges was included. The disappointment with regard to these papers was in some degree qualified by some information kindly given me by Sir Thomas, with regard to the disposition of them on the breaking up of the collection at Ashley. But, after following up the clew which he placed in my hands, it led to no important results; and we are

obliged to rest in the conclusion expressed above by Dr. Palfrey.

But the Hakluyt Discourse, about which we had been doubtful whether it related to American colonization, and which I had apprehended might be one of the Discourses supposed to have been delivered by Hakluyt on the art of navigation, proved to be a treatise exhibiting, systematically and elaborately, the religious, political, and commercial advantages to be derived by England from the attempted colonization of America; and, what gave it a peculiar interest to the Maine Historical Society, having special reference from the beginning to the end to the colonization of Norumbega.

It required no extended examination for me to decide that it was a document most desirable to be copied and published in our Collections; and it required no labored persuasions to induce Sir Thomas to grant my request for that privilege. He courteously allowed a copyist to be sent, and a copy to be made for our use; and at the same time represented that it was for such service alone to the cause of truth that he was led to form his collection.

Under this kind permission, a copy of the table of contents or heads of the several chapters was made by Mrs. Green at the time, on the spot, and proved of great advantage in identifying the manuscript.

For various reasons, the entire copy was not made until several months later; and having been myself absent at the time on the continent, it did not come into my control until just before my return home.

It was made by Mr. G. W. Thompson, a clerk of the Public Record Office, and was pronounced by Mrs. Green as admirably done. Tracings of the original handwriting were made by him, and the abbreviations of the manuscript were retained in the copy. The spelling of the original, by no means uniform, and also the punctuation, are strictly followed; and, having been collated page by page with the original at the time it was written, it may be relied on as literally faithful.

The manuscript is written in a contemporaneous hand, though it is believed not in that of its author. A *fac-simile* of the title-page is given. The book consists of sixty-five pages in folio. It is sixteen and one-half inches long, and a little over eleven and one-half wide, and one-half inch thick. The written page is fourteen inches long, and eight and one-half wide, with a margin on the left of two inches for notes. The commencement of all fresh paragraphs is in a large *old English* hand. There are two numbers upon the back; viz., "474," the number against which it is entered in Puttick & Simpson's sale catalogue of May, 1854 (see page xvi. *note*), and "14097," its number in Sir Thomas Phillipps's catalogue. The following memoranda are written in pencil on the second blank leaf:—

"This unpublished Manuscript of Hackluyt's is extremely curious.

"I procured it from the family of Sir Peter Thomson.

"The editors of the last edition would have given any money for it, had it been known to have existed."

These memoranda are believed to be in the handwriting of Lord Valentia, at the sale of whose collection it was purchased by Mr. Henry Stevens, of London. From him it passed to the library of Sir Thomas Phillipps, through the auction sale of Messrs. Puttick & Simpson, of London, in May, 1854, for £44. The "last edition," referred to in the concluding pencil memorandum, must be that of Hakluyt's Collection, in five volumes, 1809-12, of which R. H. Evans was the editor.

In Mr. Stevens's Historical and Geographical Notes, published in 1869, p. 20, he says of this Discourse: "This valuable manuscript . . . was in the possession of the writer for two or three years, having fallen into his hands some sixteen or seventeen years ago by a piece of good luck, after a bibliographical tournament memorable as any recorded by Dibdin. After fruitless endeavors to find for it a resting place in some public or private library in America, and subsequently in the British Museum, it finally became the property of Sir Thomas Phillipps."

The earliest notice of the existence of this manuscript, after it had been lost sight of for nearly two centuries, is in the family of Sir Peter Thomson,¹

¹ Sir Peter Thomson, or Thompson, was a great collector of rare books, manuscripts, fossils, and other literary curiosities. He lived for many years in Bermondsey, County Surrey, but in 1768 he wholly retired to the place of his birth, at Poole, County Dorset, where he died in 1770, bequeathing his valuable library to a kinsman bearing his name. Part of it soon after came to the hammer; and the sale of the remainder, described as "The Library of Sir Peter Thompson, Knt., F.R.S., and F.S.A., containing many curious and scarce articles in old English Literature, MSS., and rare Books," took place at Evans's, 29th April, 1815, and the four following days. Lowndes frequently gives the prices at which some of the books were sold. See Nichols's *Literary Anecdotes*, V. 511-514, IX. 800, 801. — Ed.

from whom, if the above conjecture as to the author of the pencil memoranda is correct, it passed to Lord Valentia. From whom it came into the hands of Sir Peter Thomson is not known. Some clew may yet be furnished. The family of Lord Valencia belongs to Ireland.

It should be added that the copy of this Discourse has been strictly followed in every essential particular, in the printing. In a few instances, some liberties have been taken with the capital letters, and a point has been added or omitted in accordance with the author's general style of punctuation, or where the sense required the alteration. Some abbreviated words have been printed according to modern usage, when the spelling conformed to the usage of Hakluyt's time. The citations of the author from native or foreign writers have been compared in every instance wherever the editions or versions used by him have been accessible, and any required corrections made. The running-title in the printed volume has been added by the editor.

LEONARD WOODS.

INTRODUCTION.

AFTER I had made my arrangements, early in the summer of 1867, to spend a few months in foreign travel, I had the honor to receive from the Governor of Maine a commission, in pursuance of the Resolves of the Legislature in aid of the Maine Historical Society, authorizing me to procure materials from the foreign archives, libraries, and collections, for the early history of the State. This commission was accompanied by a circular letter from the Department of State at Washington, commending the object to the favor of those to whom it might be presented.

In discharging this commission, my first care was to obtain materials illustrating the discovery of the coast of Maine, and more particularly to obtain copies of the original maps and charts in which this discovery is progressively delineated. And here it was my good fortune to engage for the Society the service of one who was already prepared to render it by his extended researches and large collections, and who had already been employed by our government in a kindred labor. The result is seen in the first volume of the Documentary History of our State, published by this Society in 1869.

Another fruit of my visit to England was the following Discourse of Richard Hakluyt on the colonization of Norumbega. I have already stated, in a prefatory note, that the manuscript from which our copy was made belonged to the late Sir Thomas Phillipps, and was preserved in his noble collection in Thirlestane House, Cheltenham, England; and that, by his generosity and courtesy, the Maine Historical Society is now enabled to publish it for the first time, nearly three hundred years after it was written.

At the date of the Discourse, the memorable year 1584, the English, after a long slumber, were just beginning to awake to a sense of the value of these "Western Discoveries," and of the importance of occupying them with people of their own race. In the second patent granted to John Cabot, in 1498, permission was given him to transport English subjects to the "Londe and Isles of late founde" by him; but no settlement was then effected. And from that time, during a period of eighty years, none had been seriously attempted, until the enterprise of Sir Humphrey Gilbert, the complete failure of which had been ascertained only within a few months.

This failure of the English to take actual possession by colonization of the countries of the New World first discovered by them, and still unoccupied by any Christian nation, has been regarded as a perplexing problem by many writers, even by those who have not lived to see, in the subsequent grandeur of their colonial empire, that it was rather a fault than a misfortune.

In "The Epistle Dedicatorie" to the "Divers Voyages," published in 1582, near the close of this long period of inaction, Richard Hakluyt wrote as follows: "I marvaile not a little, that since the first discoverie of America, which is nowe full fourscore and tenne yeers, after so great conquests and plantings of the Spaniards and Portingales there, that wee of England could neuer haue the grace to set fast footing in such fertill and temperate places as are left as yet vnpossessed of them." Could he have foreseen the colonizing energy which has since been so eminently displayed by the English race, he would only have wondered the more that it remained so long latent, and that the power, which soon proved itself easily capable of overmastering all its competitors for the possession of the Continent, was so slow to enter the lists.

It is represented in several of the biographies of Sir Walter Raleigh, and also in some of the general histories of his time, that when, after the failure of his step-brother, Sir Humphrey Gilbert, he undertook the work of planting a colony in North America, he drew up and presented to the Queen and Council a certain discourse, or memorial, in aid of that enterprise, and that by this means he obtained the grant of his first Letters Patent.¹

In these several statements, this memorial, or discourse, is said to have been drawn up and written by

¹ See Oldys's and Birch's Lives of Raleigh, in Vol. I. pp. 50, 580, Works, Oxford, 1829; Mrs. Thomson's Memoirs of Raleigh, p. 89; St. John's Life of Raleigh, p. 85. Compare Napier in Edinburgh Rev., Vol. LXXI. pp. 9-11.

Raleigh himself, and presented by him before his patent was granted.

But, whatever this memorial may have been, it was not the identical Discourse with which we are now concerned. That bears unquestionable evidence throughout its pages of having been written by Hakluyt, by request and direction of Mr. Walter Raleigh, and before the return, and of course after the sailing, of the two barks sent out by him under the patent. As neither of these discourses was known at that time to be in existence, possibly they may have been confounded the one with the other. But, without taking notice of this possibility, it will appear not improbable, from evidence hereafter to be adduced, that this memorial, drawn up and ascribed to Raleigh, received a helping hand from Hakluyt, and furnished the germ of the Discourse written by the latter after the patent had been granted.

As I have already said, the memorial is described to have been written and presented before the patent was issued to Raleigh, 25th March, 1584. The Discourse purports, on its title-page, to have been written before the return of the two barks which had been sent out by Raleigh under that patent; that is, between the 27th April and the middle of September. It was written in London, and from several passages in its contents appears to have been in hand as late as after the month of August, 1584. Again, the memorial, or such part of it as may have been contributed by Hakluyt, must have been written in Paris, since Hakluyt had gone there the previous

year as chaplain, and he is known by his letters to have been there as late as 1st April, 1584.

In the year 1583, Hakluyt, then thirty years old, had gone to Paris as chaplain to Sir Edward Stafford. He had intended to join the last and fatal expedition of Sir Humphrey Gilbert, which sailed in June of that year. It was, however, probably thought that his services would be more valuable to the cause of Western discoveries and colonization, to which he had devoted himself from his boyhood, in the post of observation and influence to which he was appointed. If such an opinion had been entertained, it was fully justified by the service rendered by him in his new position. Two letters of his, written to Secretary Walsingham during the first year of his residence in Paris, were contributed by Mr. Payne Collier to the Society of Antiquaries in 1850, and printed for the first time in the *Archæologia*, Vol. XXXIII. pp. 287-291, and reprinted by Mr. John Winter Jones in his Introduction to his edition of Hakluyt's "*Divers Voyages*"; but the originals have since been indicated in the *Calendar of State Papers*, Dom. Eliz. Vol. CLXVII., No. 7, and Vol. CLXX., No. 1. From these letters, dated 7th January and 1st April, 1584, it appears that it was the expectation of the Secretary that Hakluyt should make "diligent inquirie of such thinges as may yeeld any light unto our westerne discoverie"; and that, on his part, he "nether has, nor will omitte any possible diligence," in collecting information of the Spanish and French movements, and in recommending measures for the

furtherance of the cause, — such as the establishment of a Lectureship on Navigation, and offering himself to go now in “this present setting forth,” as he had in the previous year; and, in general, to employ all his simple observations, reading, and conference in the service of God and his country.

In all this, however, his relations appear to be with Secretary Walsingham, or, in his illness, with his step-son, Christopher Carlyle, or his son-in-law, Sir Philip Sidney; and there is as yet no mention of his having any connection with Raleigh, or of his having written any thing in aid of his enterprise, though it was already on foot at the time these letters were written.

Indeed, no positive evidence has been hitherto accessible, so far as I am aware, of Sir Walter Raleigh's being beholden to Hakluyt for any services in aid of his Western discovery and voyage; certainly for any so valuable as contributions, either memorial or discourse, in that behalf. The first indication hitherto known even of any honorable acknowledgment of Raleigh's services in the Western discoveries, on the part of Hakluyt, is that found in his Dedication to Raleigh, 1st May, 1587, of his translation of Laudonnière's History of the Florida Settlement. His “Divers Voyages,” published in 1582, was dedicated to Sir Philip Sidney, and contains no mention of Sir Walter Raleigh. In these two interesting letters written from Paris, he represents himself as expected to supply information to Walsingham and Carlyle, and as sparing no pains in sending them whatever

might be useful. But there is no mention of his having rendered a similar service to Raleigh, or of his having stood in any relation to him whatever. There is certainly a probability that the great actor in this enterprise of Western discovery would have looked to the diligent student for instruction and information, but this probability has not been hitherto supported by a scrap of historical evidence.

On the first coming to light of this Discourse, the claim on its title-page, to have been written in London, by Richard Hakluyt, in the summer of 1584, at the request and direction of Mr. Walter Raleigh, could not be substantiated by any authority, after a diligent search by myself and others, with the best possible opportunity for finding whatever might exist.

But in a letter written 7th April, 1585, now for the first time published, we have clear and unexpected evidence from the pen of Hakluyt himself, not only of his being occupied in his position at the embassy in sending Raleigh information, and printed and written discourses respecting his voyage, but of his having written for him a Discourse, corresponding in its objects, time, and other circumstances with the manuscript which has come into our possession. This letter was found, soon after this Discourse came into my hands, among the State Papers, by Mrs. Green, while looking for documents for the Addenda to the Calendar of the reign of Elizabeth; and, seeing at a glance the conclusive evidence furnished by it for the elucidation of our inquiries, she kindly sent me a copy of it in advance of its publication in her Calen-

dar. It is printed below, and a *fac-simile* of the first page of the original manuscript is given in the Appendix.¹

¹ *Richard Hakluyt to Sir Francis Walsingham.*

Public Record Office. Dom. Eliz. Addenda. Vol. XXIX No. 9.

Yo' Honor's goodness extended diverse wayes unto mee at my being in England the last somer, doth much encourage mee at this present to crave yo' favour in a matter more then reasonable. Y' pleased her Ma^{ty} twoe dayes before my dispatch, upon the sight of a couple of books of myne in writinge, one in latine upon Aristotle's politicks, the other in english concerning M^r. Rawley's voyage (the copie whereof I purpose to send yo' honor immediately after Ester) to grant mee the next vacation of a prebend in Bristol, wch is a thinge of very small valewe. The words of my graunt are, that I shold enjoy yt next, whether yt be by death, vacation, resignation, or any other way howsoever. And yet since my cominge out of England I am advertised that one Mr. Sanders, a prebend of that place, ether hath or meaneth to resigne his roome to another, wch if yt be not hindered by yo' honor's favour, my reversion wil not be worth the money that the seales did stand mee in, for if these resignations be permitted, I may be these sevne and sevne yeares before I shal be placed. Therefore I am humbly to beseech yo' honor that yo wold not suffer my grante to be frustrated by any such dealing. How careful I have bin to advertise S^r Walter Rawley from tyme to tyme, and to send him discourses, both in printe and written hand, concerninge his voyage, I had rather you shold understand of him then of myselfe. I was loath to trouble yo' honor wth those by matters consideringe the busines of the tymes. And to medle in other matters that appertayne not unto mee without commission, I cold not tel howe y' wold have bin taken. Notwithstanding since these newe Grisons tumults, I have bin more vigilant and careful to seeke howe things goe then heretofore, and what I can lerne amonge them of the religion I alwayes bring unto my lord, wch can judge of reports, and advertise y^{our} of the truth. One thing I note, that the Spanish ambassadour, the Pope's nuncio, and the Jesuits, if any thinge fal out in any parte of Christendome on their side, they blase yt abroad by their swarmes of spies, to the uttermost in every corner. And if matter fayle them, they cease not every second day to coyne newe rumors and false bruits, wch, notwithstanding, they be most untrue and vayne, yet I find by experience that they worke very great and strange effects. On the other side if any thinge fal out against them, they seeke a thousand devises and shifts to suppress yt. As they covered conningly a good while their overthrowe in Februarie last amonge the Grisons: and nowe of late wth terrible othes they deny their defeyt upon the river of Andwerpe; wch we cannot urge soe farr fourth as we wold, unlesse wee had certayne advertisement thereof out of England. Notwithstanding I have bin advertised by men of good intelligence that whereas the Prince of Parma had purposed to have ayded

The chaplain of the embassy, not content with keeping Walsingham, Carlyle, and Sidney well informed regarding the Western enterprises, had also been careful, I repeat, to advertise Sir Walter Raleigh from time to time, and to send him discourses, both printed and written, concerning his voyage. As these are spoken of as sent from Paris, and not furnished in London, they may have been contributions of Hakluyt to the memorial above referred to, by means of which Raleigh's patent was procured.

It appears also by this letter that "two dayes before

Guise with fifteen hundred footemen and three hundred Albanese Horsemen, upon these newe accidents at Ostend and on the river, he hath been constrained to send a countermaund to stay them at home; wch matter of Andwerpe if yt be wel followed wil frustrate Guise of his forces that he hoped for out of the Lowe countreys and constrainne him and his faction to surcease his troubling of them of the religion, and to growe more willingly to composition with the King. Yt was told mee in secret that the King had sent by Marseilles a messenger to Constantinople within lesse than this moneth. Yo' honor may gesse why wee hear that here is looked for shortly a legate from Rome. I wold have sent yo' honor diverse Pamphlets both in writing and printed but that I knowe Mr. Wade hath them al for yo' Honor. Therefore for the present I surcease, beseeching the Almightye to blesse and prosper yo'. Paris the 7th of April 85, yo' honor's humble to command.

RICHARD HAKLUYT.

The rumor of S^r Walter Rawley's Fleet, and especially the preparation of S^r Francis Drake, doth soe much vexe the Spaniard and his fautors as nothing can doe more; and therefore I cold wish that although S^r Francis Drake's journey be stayed, yet the rumor of his setting forward might be continued. They have sent some to enquire of that action in conning manner of my Lord himself, as he told me.

They have given out here within these three dayes even in the French Courte, that diverse my Lords in England were up in armes, and the Catholicks with them, and that they had taken an Iland yea Creith, yo' man was diverse tymes demanded thereof.

[Addressed]

To the right honorable
S^r Francis Walsingham
principal Secretarie to
her Ma^{ty} give these
at the Courte.

[Endorsed]
7 April.

From M. Hackluyt.

his dispatch," — that is, before his return to Paris, evidently in the early part of the autumn of 1584, — he exhibited to the Queen a manuscript book in English concerning "Mr. Rawley's voyage," — a book thus agreeing with the purport of the title-page of our Discourse to have been written before the return of the two barks, which happened about the middle of September, and with the evidence within its pages that it was still in hand after August of that year.

It will perhaps be considered as sufficiently proved, therefore, that a discourse answering in a general way to our manuscript, as to its author, contents, time and place of composition, was written by Hakluyt, and presented to the Queen, say in September, 1584. But how can we know that that discourse was identically the same one here published for the first time; or that it might not have been another discourse quite different from this, which, having served its purpose, was like this permitted to fall into oblivion? This question is satisfactorily answered by another paper found in the Rolls Office, and indicated in Mr. Lemon's Calendar of State Papers of the reign of Elizabeth, 1581-90, Vol. CXCv., Art. 127, by the following notice:

"Copy, probably in the handwriting of James Lancaster, the navigator, of the 20 Heads of Chapters contained in the book of Sir Walter Raleigh's Voyage to the West Indies, which is offered for the rareness of the matter, and for that few or none (her Majesty excepted) hath seen the same. The bearer and author, Mr. Hakluyt, will present the book to the Secretary."

The same paper is indicated in Mr. Sainsbury's Calendar of the Colonial Series, East Indies, placed there on account of the head of the 17th chapter, while the other nineteen heads refer to the West Indies: —

"Heads of the Chapters contained in the book of Sir Walter Raleigh's voyage to the West Indies. In the 17th it is argued that by these Colonies [proposed to be planted] the North-west passage to Cathay and China may be easily, quickly, and perfectly searched out, as well by river and overland as by sea, and proofs are quoted from testimonies out of the three volumes of voyages, gathered by Ramusius and other great authors."¹ — (1513-1616, p. 94.)

This entry had already been copied for me by Mr. Sainsbury, among other extracts, from the Calendars; and, without attracting particular attention, had become familiar to my eye. Accordingly, when I read in the title-page of the manuscript of Sir Thomas Phillipps that the "Discourse is divided into twenty-one chapters, the titles whereof follow," this entry was vaguely recalled to my recollection, and a surmise suggested that this Discourse might be the lost book of Sir Walter Raleigh's voyage to which it refers. This surmise was strengthened by

¹ In the above abstract from Mr. Sainsbury's Calendar, he does not give the important information from the foot-note of the Heads of Chapters that Mr. Hakluyt was the author of the book of Sir Walter Raleigh's Voyage, as Mr. Lemon had done in the abstract quoted from his Calendar. Hakluyt's name seems also to have escaped Mr. St. John, in his Life of Raleigh (1839, p. 23), who appears to have consulted those Heads of Chapters, or the abstracts in the Calendars, as he attributes the lost book to Sir Walter Raleigh.

noticing that the title of the seventeenth chapter given by Mr. Sainsbury agrees literally with the title of the seventeenth chapter in the manuscript. It was accordingly with a strong presumption of the truth of my conjecture that I repaired to the Public Record Office, and, working again with the assistance of Mrs. Green, obtained access to the original paper; and on comparing with her *the 20 heads of chapters*, with the *titles of the 21 heads of chapters* into which the Discourse is divided, obtained not an absolute agreement, but an agreement in which the very differences only prove more clearly that they were copies of a common original.

To make this more obvious, a *fac-simile* of the original paper is here presented, followed by a literal copy of two or three of the heads of chapters, in which the words and parts of words torn away, or effaced from the original, by time or accident, are supplied, not by conjecture, but from the titles of our Discourse. The supplementary words and letters drawn from the titles of the Discourse tally exactly, in every instance, with the fragmentary parts of the Heads of Chapters. (See Appendix.)

The 21st chapter of the Phillipps manuscript is of the nature of an appendix, and was subsequently added. Its title is, "A note of some thinges to be prepared for the voyadge, which is sett down rather to drawe the takers of the voyadge in hande to the presente consideration, then for any other reason," &c.; and the heading of the concluding part of that chapter is, "Things forgotten may here be noted as they come to mynde," &c.

But a very important and interesting foot-note is written underneath the Heads of Chapters in the manuscript in the Record Office, of which the following is a copy, in modern spelling:—

"These twenty several titles are the heads of the chapters contained in the book of Sir Walter Raleigh's Voyage to the West Indies, which, because of the rareness of matter therein contained, and also for that few or none (her Majesty excepte) hath seen, I thought it best to offer your Worship my labor therein as one who best deserveth the same, and therefore have sent you the titles to know whether you like of the same or no. This bearer and author of the foresaid work, Mr. Hakluyt, doth at this instant present the book, written all with my hand, to Mr. Secretary, who hath very earnestly often times writ for it, and so hath the Earl of Leicester; but, as yet, this is the first exscription, and, if your Worship please, you shall have the second, when I shall understand so."

This foot-note is singularly interesting and singularly obscure and difficult of interpretation, were it not for the key furnished by papers recently come to light. It is in reality a letter, though it has nothing in the usual form to show when, where, and by whom it was written, or to whom it was addressed. These points, however, may be inferred, with reasonable probability, from the contents of the note, taken in connection with the Hakluyt letter of 7th April, 1585, and other contemporary facts. In that letter, written in Paris, Mr. Hakluyt informs Secretary Walsingham of his purpose to send his Honor, immediately after Easter, the copy of a manuscript book of his in Eng-

lish concerning Mr. Raleigh's Voyage, which had been shown to Queen Elizabeth two days before he left England the previous year. In the foot-note we read that Mr. Hakluyt, the bearer and author of the aforesaid book, doth at this instant present it to Mr. Secretary. What has led our good chaplain to alter his plan, and to be the bearer of his book instead of sending it by another? In his letter, he seems to be anxious lest his grant from the Queen of the next vacancy of a prebend in Bristol Cathedral should be frustrated by the dealing of Mr. Sanders, a prebend of that place.

Now, even if other evidence were wanting, it is to be presumed that he would have sent the copy at the time promised, unless he could count upon presenting it in person not far from that time; and we accordingly infer that it was not long after Easter that Mr. Hakluyt presented his copy to Mr. Secretary. The fact that he was in England again not far from Easter, in the spring of 1585, is confirmed by the following item extracted from the Records of the Chapter Book of the Bristol Cathedral; namely, on the 24th of May, 1585, Richard Hakluyt exhibited the Queen's mandate for the next prebend.¹ It would seem accordingly that, not con-

¹ From the Records of the Chapter Books of the Bristol Cathedral, it appears that on 24th May, 1585, Richard Hakluyt exhibited the Queen's mandate for the next vacant prebend. This is the statement of John Le Neve in his "Fasti Ecclesie Angl." In Browne Willis's "Survey of Cathedrals," II. 788-9, the statement is that he obtained, 24th May, 1585, the Royal mandate, which seems to be incorrect, as Hakluyt in his letter represents himself as having obtained it, and paid money for the seals, at the close of his vacation in England, the previous year. It would seem probable that

tent with having invoked the aid of Walsingham to prevent being frustrated by the dealing of Mr. Sanders, he thought it best, perhaps on the suggestion of the Secretary, and doubtless by the permission of the Ambassador, to visit England again, and exhibit in person before the Chapter of Bristol Cathedral the Queen's mandate, which he had received the previous year before his "dispatch" from England, and which was already signed and sealed.

It may then be safely inferred that Mr. Hakluyt presented the book to Secretary Walsingham not far from the time when he purposed to send it; that is, soon after Easter, 1585.

Having thus in duty bound presented the first copy to Walsingham, who would be thought of by him as best deserving the next? who sooner than his old fellow-student at Oxford, the steady friend of the Western planting, to whom he had himself dedicated his first work on the Divers Voyages (1582), whom he had almost persuaded the last summer to join in this voyage of Raleigh, the worthy and virtuous son-in-law of Walsingham, to whom in all his letters to

he exhibited this mandate in person, having some anxiety about the dealing of Mr. Sanders, and having his old friends the Aldworths to see, and desiring to learn something about the Western Navigations in that seat of maritime enterprise. It seems he did not have to wait "for seven and seven years before he should be placed," as he feared; for, before the close of the year 1585, the coveted vacancy occurred by the death of the Rev. Arthur Sawle, and he was admitted in 1586, and held it, together with his other preferments, till the time of his death in 1616. (Compare Biog. Brit., Vol. IV. 1757.) "Notwithstanding this preferment, he did not, as he informs us himself, give up his post of chaplain to the British Embassy, at Paris, until 1588, when he returned to England with Lady Sheffield, sister to his early patron, the Lord Admiral Howard, after a residence in France of five years." (Jones's *Introd. to Divers Voyages*.)

the Secretary he sent his personal compliments, — Sir Philip Sidney? What more natural than that, having made a copy of the titles of the Heads of Chapters, with a view of offering it to him, he should then and there write a note at the end of the extract, offering that first extract, and more if he desired it?¹

At the time of the presentation of this Discourse to Walsingham, and when the author made the copy of the Heads of Chapters for another person, the book could not have been wholly finished in its present form. Certainly an additional chapter (No. 21) was subsequently added, as a sort of appendix. The title-page which the Discourse now bears could not have been prefixed to the copy presented to the Queen, if we may suppose that she received it not long after it was written, — that is, “before the coming home of the two barks,” in September, 1584, — inasmuch as “Mr. Walter Rayhly, nowe Knight,” was not knighted till some months later, — between the 19th December, 1584, and the 24th February, 1585. In Hakluyt’s letter from Paris referred to, he speaks of this book presented to the Queen, as “Mr. Rawley’s Voyage in English”; and in the foot-note to the heads

¹ The copy of the twenty Heads of Chapters in the Record Office, with the note written underneath, evidently originating with Hakluyt, appears not to be in his handwriting. At least, Mrs. Green thinks it cannot be his, unless he had two hands differing considerably from each other. Mr. Lemon believed the document to be in the handwriting of Sir James Lancaster, the celebrated navigator, which is not confirmed. Hakluyt’s original paper may have been subsequently transcribed by another, as there is subjoined to the Record Office copy, in the same hand, some “particulars of the embassy from the King of Japan to Pope Gregory XIII., with the oration of the ambassador, and the answer of the pontiff.” Pope Gregory gave audience to this embassy on the 28d March, 1585, as we learn from Purchas (Pilgrimage, ed. 1614, p. 533).

of chapters, “as the booke of S^r Walt: Raighleyes viage to the West Indies.” Quite likely the present title-page was prefixed to the Discourse at the time the 21st chapter was added, concerning which we have no positive data.

It would appear from the foregoing that at least three, if not four, copies of this Discourse, were made by Hakluyt, besides the *original*, which he would naturally retain for himself. The first was presented to the Queen, as it was written for her own eye, and for those to whom she might choose to show it. It was not written for the press. The second was made for her chief secretary, Walsingham, who had heard of the book, perhaps had seen the Queen’s copy, and now desired a copy for himself. A third may have been made for his “Worship,” to whom the Heads of Chapters were sent; and the fourth, Sir Thomas Phillipps’s copy, which alone contained the 21st chapter, or appendix.

How many of these copies were in Hakluyt’s own handwriting we have no means of knowing, nor whether any other copies are now in existence. It is certainly not improbable that others may be hidden away in some royal chamber, buried in the dust of ages, or in some private collection; and that they may yet be brought to light by accident, or rescued from their hiding-place by some plodding antiquary. A manuscript so large as this, written by so renowned an author, under such distinguished auspices, relating to a subject more vital than any other to the welfare of England, could hardly, after its immedi-

ate use, have been treated with neglect or allowed to perish by the illustrious personages into whose hands it came, or, one would think, by their heirs and assigns.

At the time when this Discourse purports to have been written, in the summer of 1584, Raleigh, though only thirty-two years old, had already earned his position and entered upon the career as the founder of the transatlantic colonies of Great Britain. Every thing in the circumstances of his birth, his early education and subsequent experience, had contributed to qualify him for this position and work. Descended on his mother's side from the Champernouns, a family equally distinguished for rank and for public services, he had inherited a noble nature, instinct with loyalty, patriotism, and the spirit of honorable enterprise. These gifted powers had received an early bias in the direction of maritime adventure. He lived in the county of Devon, bordering easterly upon the sea, and saw the ships depart for the new-found lands, and, when they returned, heard the stories of the captain and sailor, of the wonders they had witnessed and the exploits they had performed. In his boyhood, he read the tales of Spanish discovery, conquest, and possession in the New World, and conceived a youthful admiration for the heroism in danger, and fortitude and patience in suffering, which he had occasion enough to remember in his own subsequent fortunes, and which he expressed in the review of his life, from the outlook of the Tower, in his *History of the World*.

But as he grew up, and began to enter into the great conflict of the age, and of the country, his admiration for Spanish heroism was supplanted by a detestation for Spanish aggressions. During the five or six years of his service in France for the Huguenots, under Coligny, he had learned the fate experienced by the Huguenot Colony in Florida at the hands of the Spaniards, and at the same time had listened to the story of the beauty and richness and extent of the country, stretching far away to the north; and had seen them drawn in lively colors by Le Moyne, whom he had brought to London and maintained at his own charges at Blackfriars, with a view to his own projects.

He seems thus early to have resolved that those fair regions beyond the seas should not be so easily abandoned to the Spanish power, but that the experiment of an English colony should be tried, by which Spain could be confronted on this new sphere, and this Land of Promise be wrested from her grasp, ~~with~~ all its beauties and treasures, and added to the domain of the sovereign Lady of Britain. His eyes were now turned to the West; and he saw, by faith, future colonies planted there in defiance of Spain, and could not be contented till he was engaged in the work.

Soon after his return from France, in 1576, he accordingly enlisted in the projects of his step-brother, Sir Humphrey Gilbert, who for more than twenty years had employed himself by successive petitions, and at length by an elaborate discourse, in

recommending to the Queen and the government to prosecute the Western discovery and colonization, but with no other effect than to set on foot the gold-hunting expeditions of Frobisher. These had nearly run their course, ending in disappointment and mortification, when Raleigh brought to the aid of Gilbert the enthusiasm and energy of his character, and impressed a new stamp upon the cause. There is some reason for thinking that the views of Raleigh differed in some respects from those originally advocated by Gilbert, and that, although he was younger by thirteen years, he exerted a strong influence in giving force and direction to the subsequent enterprises of Sir Humphrey.

He enlisted in the projects of his step-brother, and went with him on his first expedition, — from November, 1578, to June, 1579, — under the Royal Charter, which ended, indeed, in disaster, but at the same time, it is plausibly conjectured, furnished him that personal knowledge of the state of the Spanish possessions in the New World, so useful to him, and by which his future course was directed.

About the same period, for three or four years, he was employed in various military and diplomatic services in Ireland, and in the Netherlands, by which, if he was diverted temporarily from his favorite maritime enterprises, he was engaged in contending against the same omnipresent enemy, and gained that knowledge of the whole field of action and of the great actors in it, and that favor of the Queen and the Council, by which he became eminently

qualified for the great part he was soon to act, and was enabled to accomplish with such efficiency.

Relieved at length from these engagements, he returned to his more congenial projects, and early in 1584 aided his brother Adrian Gilbert in procuring a patent, and in fitting out an expedition for the discovery of the North-west Passage; having, in the previous year, assisted his brother Humphrey in setting forth his second and fatal expedition, under his patent of 1578. Though he did not embark in person, he spared no expense in equipping a ship, which bore his own name, but which, however, soon returned to port, either through the breaking out of some infectious disease, as reported, or by the treachery of the captain, as conjectured by Hayes.

On the 9th of September, 1583, the bark of Sir Humphrey Gilbert foundered, and this gallant adventurer went down. But the cause did not sink with him. When the news of his fate reached England by the return of the "Golden Hind," 22d September, it was resolved by the adherents of Gilbert that the cause should be prosecuted. There were many aspirants for the leadership; but Raleigh distanced all competitors, and obtained, 25th March, 1584, a patent from the Queen, renewing to him all the privileges granted to Sir Humphrey Gilbert. On the 27th of the next month, he sent out two barks with directions to explore the coast, and awaited their return and the report they should bring, before sending forth the first English colony.

To Raleigh's hands was now intrusted the work of

planting the English race on the shores of the New World. Under this grant of Elizabeth, till its forfeiture by the attainder of James in 1603, all that was done in this honorable service, during this twenty years, was under Raleigh's title.

What he did has been often told, and has left nothing to be desired, and does not concern us here. The reason which controlled his action, and the policy out of which this effort grew, have not been so fully exhibited. This policy was slowly developed by his experiences in France, in Ireland and the Netherlands; as also in his reading, and in his intercourse with Coligny, William of Orange, and other distinguished statesmen of the time.

Though Raleigh's Virginia enterprise failed, and he has not the honor of planting the English race in America, "his hopes were strong enough to withstand the failure of nine several expeditions, and the natural discouragement of twelve years' imprisonment. Just on the eve of his own fall from outward greatness, he had written: 'I shall yet live to see it an ENGLISH NATION.' That faith remained with him to the Tower, and he did live to see his prediction realized. . . His Virginia enterprise had failed, but his perseverance in it had sown broadcast the seeds of eventual success. . . Raleigh is the virtual founder of Virginia, and of what has grown thereout." (Edwards's Life of Raleigh, I. 91, 93.)

Having now assumed this great work of colonization, he felt its responsibility, and employed the in-

terval in making ready to avail himself of the report of his captains, when they should return.

The different interests, of those who had schemes of their own, and had been superseded, were to be conciliated. New adherents were to be gained. His grant was to be confirmed by Parliament.¹ The general reasons for engaging in this work were to be stated, and the particular reasons in the existing state of things were to be given. While the great public were to be influenced with the prospect of gold, the Queen and Council were to be informed of the necessity, arising out of the political condition of England, for immediate action. A text-book for the English Statesman, now that the nation was at length starting upon this great work, was to be prepared, which should embrace a summary of the reasons for this enterprise scattered through the Discourses of Carlyle, Peckham, and Hayes, already written, and which should include a statement of those additional reasons which had been suggested to himself: something which, if it could not be made public as a whole, might serve to confirm the faith and define

¹ With diplomatic skill, Raleigh bound to his interest the parties who each had separate schemes of his own to prosecute after the death of Gilbert. This was accomplished, in part, by his bringing about a marriage between Robert Sidney, the younger brother of Philip Sidney, and his lovely cousin Barbara Gamage, the heiress of large estates, by which Philip Sidney and his father-in-law, Walsingham, and the latter's step-son, Christopher Carlsle, and Sidney's uncle Leycester, were bound by family ties to his enterprise. And it is not, perhaps, ascribing too much to beauty and wealth, and the family ties resting on them, to suppose that Barbara had something to do in bringing about that accord which was witnessed in Parliament a few months later, when Walsingham and Sidney were on a committee to whom was referred the application for a confirmation of Raleigh's patent. (Life of Sir Walter Raleigh, by James Augustus St. John, 1809, pp. 87, 88.)

the views of those interested ; so that this might not prove as evanescent an interest as some of the preceding, — that Frobisher's quest of gold and Adrian Gilbert's search for the North-west Passage might not be the only motives, — but that a broad, comprehensive, national policy might be adopted.

Much of this work might be done by himself, but some of it, perhaps, might be better done by others. While the great policy had formed itself in his own mind by his far-reaching views, by his wide experience, the exhibiting it with the literary finish and the learned illustrations desirable might well be thought too much for one immersed in the practical business of fitting out this great colonial expedition. With few exceptions, the works by which Raleigh's fame as an author is established were not written until he was confined in the Tower. There were points of history, questions of title, theological and moral argumentations to be pursued, in which literary assistance might be wanted. Dr. Dee, who was a kind of literary secretary of this whole enterprise, and had often been consulted by navigators, was now absent in Germany.

To whom should Raleigh look for assistance but to the young preacher, Richard Hakluyt. Though still a young man, he had obtained a high reputation, and had made great proficiency in maritime studies. As has already been observed, he does not seem to have been previously in the confidence of Raleigh, or to have known his plans. As late as April, 1584, he did not know of Raleigh's having superseded Car-

lyle. All his relations appear to have been with Walsingham, Carlyle, and Sidney. He must however, soon after this, have learned the turn matters had taken, and that all other schemes were now merged into the one voyage of Mr. Raleigh ; and he doubtless held himself at the service of the new enterprise. We have already noticed that he was sent to Paris in the latter part of 1583, as chaplain of the embassy ; and from his letters to Walsingham, written in January and April of the following year, from the embassy, quoted above, it is obvious what was the chief object of his mission. He avowed his readiness to hold himself and all his talents at the service of the cause of Western planting.

What more natural than that Hakluyt should be sent for in the emergency to aid the new enterprise ? Such a hint he can hardly fail to have received from her Majesty's principal secretary, in Raleigh's behalf ; and, having obtained leave of the Ambassador, he placed himself for the time under the direction of his new patron, henceforth the great leader in the goodly work of Western planting. He was first of all to learn the aims and objects of Raleigh in his projected colony ; and he himself has said, in the Dedication of his edition of Navigations, 1589, that Raleigh was one of those from whom he had received the "chiefest light" into the Western Navigations ; implying that he had got some light here, which, with all his studies, he had not received before.

Having gained this new light and taken these in-

structions, he is soon found in London, actively engaged in advocating the new enterprise, striking high, and aiming to gain over the leading men of the times. He does not pass by his fellow-student at Oxford; but after Sidney had surrendered a part of the large interest he had obtained to Sir George Peckham, and bound himself to England by marrying the daughter of Walsingham, Hakluyt endeavors to persuade him to join in this new enterprise. In a letter from Sidney to Stafford, of 21st July, 1584, he says, "We are half persuaded to enter the journey of Sir Humphrey Gilbert very eagerly, whereunto your Mr. Hakluyt hath served for a very good trumpet." (Sidney Papers, I. 389.) "The journey of Sir Humphrey Gilbert" can be no other than the continuation of the enterprise by Raleigh, Gilbert having perished at sea the year before, and his patent having expired on the 11th of June, 1584.

It thus appears that, while he was "trumpeting" the cause in the ears of the great men of the nation, he was at the same time writing a book for the eyes of the Queen and her councillors; doing thus for his new patron what Sir Humphrey Gilbert, Sir George Peckham, and Christopher Carlyle had each done with his own hand for his own enterprise. Raleigh had in Hakluyt a scribe well instructed in the matters of the Western Navigation, and able from his own treasures to bring forth things new and old in the enforcement of the views of his oracle. It should not detract from the merit of this book, as an exponent of the views of Raleigh, that his own pen was

not employed in its production, inasmuch as it appears from all the circumstances to have been not, indeed, from his dictation, but from his suggestion and by his inspiration.

It might be supposed, from the title-page of this Discourse, reciting that it was written at the request and direction of the Right Worshipful Mr. Walter Raleigh, before the coming home of his two barks, that it would have for its object to advocate the purpose of settlement on those more southern regions afterwards taken possession of by him, — the so-called Virginia voyage, — thereby associating it with the particular expedition on which these vessels were sent; but it will be seen that Raleigh's name is not mentioned in it, neither does the Discourse advocate the scheme of any particular person or party. It recommends the colonization of Norumbega, and draws special attention to the region of Cape Breton, or the tract near by, as offering superior advantages for the beginning of the enterprise. The writer contends that England has a just title to all that firm land of America, from Florida northward to 67°, and not yet in any Christian prince's actual possession, as being first discovered by Sebastian Cabot at the cost of King Henry VII.; and that England should consummate this title by taking possession by colonization. And in the third chapter he gives a particular description of the soil, climate, and productions of the whole coast from 30° of latitude northward, so far as he is able to find such a description; beginning with Ribault, and citing Verrazzano, Gomez,

Cartier, Peckham and many others, whose published relations had come under his eye; showing the wealth that may be derived to England from that part of America, "if by our slacknes we suffer not the French or others to prevente us."

The term "Norumbega," which Hakluyt employs, had a different significance at different periods. There was the fabled city of that name, seated on a large river on the coast of Maine, — the Penobscot. Then there was the country of Norumbega, of wider extent, sometimes embracing Nova Scotia and New England, and at one time covering the whole coast from Cape Breton to 30° in Florida.¹ (See in *Ramusio*, III. 423, "*Della terra di Norumbega*.") Subsequently, it receded to narrower limits, and embraced only the region on both sides of the river to which reference has been made.

Hakluyt appears here to apply the term to a considerable extent of country, beginning at Cape Breton on the south-west, and extending along the coast in that direction without definite limit. And while it was evidently associated in his mind with the more northerly section, which was better known to navigators of that period, it might not have excluded the more southerly region, with which geographers were then less acquainted.

In his "Divers Voyages," published in 1582, —

¹ The name of "Florida" seems to have been restricted by Hakluyt, in its northern boundary, to a region a little north of the territory which now bears that name, and south of what was called "Wingandacoa," or Virginia, after the return of Raleigh's barks, in September, 1584. See note in Appendix to "p. 19" of Discourse.

dedicated to Sir Philip Sidney, and no doubt written in aid of the Gilbert enterprise, which was favored by Sidney and his father-in-law, Walsingham, — he designates, by its running title, the voyage of Verrazzano along the greater part of our east coast, as "The discoverie of Morumbega,"¹ as he also does, perhaps owing to the printer's error in continuing the headline, the account of the uncertain regions visited by the brothers Zeni. And Captain John Smith, as late as 1620, in the first edition of his "New Englands Trials," says, — "These fourteene yeres I haue spared neither pains nor money, according to my abilitie, in the discouery of *Norumbega*, where with some thirty seuen men and boyes, the remainder of an hundred and fieve, against the fury of the saluages, I began that plantation now in *Virginia*." It should be said that neither the maps of Hakluyt's time, including that of Lok published in the "Divers Voyages," nor those of an earlier or later period, give so wide a latitude to the name as this would seem to indicate.

But Raleigh's voyage and schemes of colonization should not be regarded as in opposition to the general plan of Sir Humphrey Gilbert, or of Gilbert's assigns. They all had one purpose, that of colonizing the country. After the return of the "Golden Hind," in September, 1583, bringing the news of the "heavy success" of that expedition, and of Gilbert's bark having foundered at sea, those interested in his patent, by having assignments of land under it, or in other ways, resolved to prosecute the enterprise each

¹ The "M" being without doubt a typographical error for "N."

for himself, and perhaps to procure a separate license or patent from the Queen. Among these several persons were Sir George Peckham, Sir Philip Sidney, Christopher Carlyle, and Walter Raleigh. Raleigh, by his superior activity, adroitness, and wealth, and by his great influence at court, was able to anticipate the more tardy movements of his friendly rivals, some of whom appear already to have concentrated their interest in his particular enterprise; and procured a new patent, almost identical in its terms with that of Gilbert, dated 25 March, 1584, and sent off his two barks before the expiration of the latter, which was limited to 11th June, of that year.

This Discourse purports to have been written in recommendation of an enterprise of planting the English race in the unsettled parts of North America discovered by Cabot and not yet occupied by any Christian people, of which possession had been taken the previous year by Gilbert; and, indeed, in advocacy of what was even then known as the voyage of Sir Humphrey Gilbert, of which Raleigh's separate enterprise was but a continuation. It commends this policy on high and patriotic grounds, urging the commercial benefits it will confer on the English people, and as a remedy for the existing political evils by which the State was threatened. It advocates the first planting on those more northerly regions, near which possession had already been taken, and to which the attention of the assigns of Gilbert had been particularly directed. In a letter

from Hakluyt to Walsingham, dated at Paris, 7th January, 1584, he speaks of commodities brought out of the more northerly parts, "whereunto our voyage of inhabiting is intended."

If the views of Sir Humphrey Gilbert and Sir Walter Raleigh were not quite as vague and comprehensive as the terms of their grants, they were at first, perhaps, far less distinct and definite than has been usually supposed. As to their destination, there was, perhaps, little divergence: the difference lay rather in the routes by which they should be reached. Sir Humphrey Gilbert would seem to have been in an impartial mood, until his last voyage, when, under the excitement of a prospect of gold or silver in Newfoundland, he declared himself to have become decidedly a northern man. Perhaps the case was the same with Sir Walter Raleigh. Afterwards, under the glowing pictures of Virginia given by his returned captains, the southern project absorbed his attention, and that of the government and nation. It was not, perhaps, until its complete failure and final abandonment, that the attention of the government and navigators was turned towards realizing the original projects.

Proposing as it does a remedy for existing evils and a deliverance from threatening dangers, and instinct as it is with the interests, the passions, and the aspirations of the hour, this Discourse cannot be justly estimated unless viewed in its relation to the period in which it was written; viz., the political,

religious, and commercial condition at that precise period in England, — a condition certainly critical in the highest degree, presenting just ground for the anxieties of its statesmen, and perhaps offering some apology for the measures which they were driven to adopt.

As “principal of the Princes of the Reformed Religion,” Queen Elizabeth was the main object of attack by Philip II., the chief aim of whose government was the suppression of heretics throughout the world. To compass her destruction by all the resources of his military and naval power, and diplomatic intrigue and private machination had been early avowed as his intention, and steadily pursued year after year by fair means and foul. The other objects by which his attention had been occupied in the European States were not so much regarded in themselves, as means to this great end of all his policy. If the Netherlands were to be reduced to obedience, it was to obtain a convenient footing for the invasion of England. If a hollow and temporary peace was to be patched with France, it was to gain liberty to pursue his great purpose of reducing England to the obedience of the Faith.

Sowing dissensions in Scotland, aiding insurrections in Ireland with more open succors, employing assassins to attempt the life of the Queen, were the by-play of this unscrupulous tyrant, who occupied the throne of Spain in the avowed name of the Ancient Faith. As if moved by the secret hand of the Escorial, the march of events seemed to be in the line

of the Spanish policy, and steadily advancing to the overthrow of England. The sea-girt island was reduced almost to a state of siege. In this eventful year 1584, the crisis seemed to have been reached, and the death-struggle was at hand. The Prince of Orange had fallen by the hand of the assassin, and the Duke of Parma was in the field. D’Anjou, that worthless prince to whom the worthy statesmen of the Netherlands had been reduced by their extremity to look for support, had also died, and with him the last hope of a French alliance; while the Catholic League under the Duke of Guise had taken new life, and stood ready to enter England by the door of Scotland and place Mary on the throne. The German Protestants, having won peace for themselves at the treaty of Passau, so far from extending its immunities to their suffering brethren of the Netherlands, were quite disposed to exclude them from it; being unwilling to mete the same measure of toleration to the Calvinists which had been dealt to them by the Papists.

To make the matter worse, England and Spain were nominally at peace; and the former, as then the weaker power, was reluctant to break even those feeble restraints upon the latter which such a state of things imposed. And, with the knife of the enemy at her throat, Elizabeth still temporized, and shrunk from every step by which the real enmity should lose its disguise and become open war. The nation was driven to allow courses which it was at the same time compelled to disclaim; and, in the view of its best

statesmen, this temporizing policy had brought it to the verge of the precipice. In the treacherous calm which had been maintained, they could hear distinctly the notes of preparation for the Invincible Armada.

There were signs that this policy had reached its last limits, and that a new and more open and resolute course must be adopted to save the nation from ruin. Just at this time, perhaps, the greatest despondency prevailed with the true-hearted statesmen of England. What was to be done to prevent the monarch of Spain from carrying out his designs against that power.

The question was seriously considered whether the policy to be adopted by England should be defensive or aggressive. That it should be aggressive, open, and avowed, was recommended by the greater part of her leading statesmen; namely, that the Queen should commit herself to the Protestant cause, assist the Huguenots and the Netherlanders, and form a Protestant League. Some were for assisting Don Antonio, the fugitive King of Portugal, and for carrying the war even "into the bowels of Spain." Sir Philip Sidney had sympathized largely in this offensive policy, having been imbued by his friend, Hubert Languet; but the indecision of the Queen had led him to doubt if any thing could come of it.¹ The proffered sovereignty of the Netherlands was rejected by Elizabeth. A joint protectorate with France was pronounced impracticable. An avowed intervention on the part of England in the Netherlands was at

¹ Fox Bourne's *Life of Sidney*, 433 *et seq.*

length decided upon as absolutely indispensable, not only for the Reformed Religion, but for her own safety. This was according to the advice of Raleigh, and was carried into effect.

But this was not Raleigh's peculiar plan. His scheme was not to await attack in the Netherlands or in England, but to attack Spain in the seas of the West Indies, and in her American possessions. It had been seen that her sudden greatness had grown from the wealth drawn from her mines, and transported in her treasure-ships and plate-fleets, and were the means by which all the trouble was made, — armies raised, fleets built and equipped, dissensions kept alive, the great men and whole states bribed, assassinations hired and rewarded. Just at this time, the Spanish ducats were moving round very briskly in doubtful provinces.¹

The weakness of Spain in America had been discovered by Hawkins and Drake, and had produced great effect all over Europe. Its result was to lead to direct attack upon Spanish possessions in that part of the world. This was now advocated as the best course for overthrowing Spanish tyranny. She was there weakest, though she derived thence the sinews of her strength. Her soldiers had been withdrawn from the colonies to increase the armies of Alva and Parma, and must be called back to defend them, and the attention of Spain be thereby diverted from European projects.

¹ "The ducats of Spain," wrote the envoy of Catherine de Medici to his mistress, "are trotting about in such fashion that they have vanquished the courage of multitudes." Motley's *United Netherlands*, I. 19.

This weakness of the Spanish power in America also furnished a direct inducement to colonization by England. The colonies there established beyond the reach of Spain would be positions from which she could be most advantageously attacked, and from which her treasure-fleets could be arrested.

Under the operation of the statutes of conformity, disaffection and strife had already become serious and alarming in England. Her statesmen who favored the colonizing enterprise, Burleigh, Leicester, and Walsingham, were all inclined to the Puritan side, and would have gladly seen a home provided for non-conformists and recusants; and, according to the view given of Elizabeth by Froude, she would not have been unwilling to see them provided for abroad, though she would not tolerate them at home. Thus the original policy of England's statesmen made provision for such colonies as afterward took place.

In causing this Discourse to be written and laid before the Queen, Raleigh had hopes to lead her to assume the position and duties of the chief of the Princes of the Reformed Religion, to influence her imagination, convince her judgment, and overcome her niggardliness. He well knew that it was not competent for himself alone, however great his energy and force of character, or however large his resources, to carry on this great national work and bring it to successful accomplishment. There was wanted for this enterprise, as for all the other enterprises against the Spanish power, what was so hard to obtain, the

hearty, open, and steady support of the Queen. And Raleigh felt the same need for this aggressive movement against Spain in America that Walsingham and his associates had felt in respect to the Netherlands. Elizabeth was fond of having her subjects serve her and the State at their own expense. Sir Humphrey Gilbert expressed his last hope that the Queen would, on his return to England, subscribe ten thousand pounds in aid of his enterprise. It was the settled conviction of Raleigh that nothing had been wanting to secure success but this active and liberal support of the government.

These motives, embracing the ordinary commercial views, intensified by the religious and political passions and interests of the hour, were those by which Raleigh was led to resume the enterprise which had failed in the hands of Sir Humphrey Gilbert, and to undertake the great work left unaccomplished for so many years.

L. W.

DOCUMENTARY

HISTORY OF THE STATE OF MAINE.

VOL. III.

CONTAINING

THE TRELAWNY PAPERS.

EDITED,

And Illustrated with Historical Notes and an Appendix,

By JAMES PHINNEY BAXTER, A.M.

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INTRODUCTION.

THE history of those who have lived in the past never fails to fascinate the reflecting mind, and especially is this true with respect to the history of those whom we regard as ancestors. The minutest incidents of their daily life, from birth to death, — their friendships and rivalries, joys and sorrows, successes and failures, and even the scenes amid which they lived, — engage our attention and awaken our sympathies. Though by some, who take a superficial view of the subject, such studies may be regarded as unimportant, I am sure that those who take a deeper view of it will agree with me that they exert a potent influence upon society, and that to rescue the names and deeds of our ancestors from oblivion is a pious and useful work, tending to foster that respect for the family which is an important factor in forming national character. It is doubtless true that the remarkable veneration which that unique people, the Chinese have ever entertained for their ancestors, has been a conservative force which has given solidity to a nationality which contains within its bosom elements of a nature sufficiently destructive to have disrupted it but for this beneficent and overruling force. In a country like ours, there

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should be no tendency in such studies to foster family pride or create class distinctions; indeed, the tendency should be to correct the assumptions of those who are weak enough to desire distinction based upon birth. The social purple is the only thing which can be assumed with us to mark distinctions, and this appears ridiculous enough when a step or two back in the genealogic scale brings to view the ancestor whose mark appears upon some petty document, and whose only coat of arms is the fish-hook, the axe, or the spade. Such a coat, however, may be better than that of the noble Glynn:—

"A robe of parchment Glynn about him beares,
 Charg'd with the armes of all his ancestors;
 And seems halfe raviisht when he lookes upon
 That bar, this bend; that fess, this chevron;
 This manch, that moone; this martlet, and that moind;
 This countercharge of perle and diamond:
 What joy can Glynn haue in that coat, or this,
 Wheras hys owne still out at elbers is?"

The brave man, unlettered and rude though he might have been, who, aspiring to a freer field of action, braved the perils of the ocean to found a home in the wilderness, displayed lofty virtues, which his descendants should be proud to imitate, and it should be deemed as honorable to trace back one's lineage to such an ancestor, though he were but one of John Winter's hardy fishermen, as to William surnamed the Conqueror.

The letters and other documents which are presented to the public under the title of THE TRELAWNY PAPERS, preserve for us many particulars concerning the lives of some of these hardy founders of New England, and present to

us many pictures of their political and domestic life; and though they may appear to some tame and uninteresting, I believe that, like the Diaries of Pepys and Evelyn, they will go down to posterity and increase in value as the years roll on. It has been my purpose in annotating the Trelawny Papers, not only to show their connection with contemporary history, but to present to the reader in somewhat tangible form many of the personages whom they briefly reveal to us like passing shadows. How imperfectly I have accomplished this purpose, no one can know better than myself.

As I have often been asked how the Maine Historical Society came into possession of the Trelawny Papers, perhaps it may be well for me here to answer the question. Some time in the year 1872 the late John Wingate Thornton, of Boston, Massachusetts, while looking over an English Catalogue, noticed a document advertised therein, which was said to bear the autograph of Robert Trelawny,—a name in which he was interested on account of its association with the locality where he was born, which he knew had once been held by Robert Trelawny, a Plymouth merchant, under a patent from "The Council established at Plymouth, in the County of Devon, for the planting, ruling and governing of New England." The original patent was not supposed to be in existence, as we know from Willis, the historian of Portland, who informs us that the wife of a descendant of Robert Jordan, "needing some paper to keep her pastry from burning, took from a chest of papers Trelawny's patent, and used it for that purpose, which thus perished, like many other ancient and valuable manuscripts."

¹ *Wid. Willis's History of Portland, ed. 1865, p. 33.*

Mr. Thornton, being an indefatigable antiquary, at once wrote the bookseller to forward him the document named, but was informed that it had been sold to the Rev. C. T. Collins Trelawny, of Ham, near Plymouth. With this gentleman Mr. Thornton opened a correspondence, and learned that he was a descendant of Robert Trelawny, and that in his ancestor's old house at Ham, still owned by the family, was a chest containing his papers. A list of these papers was shortly after sent to Mr. Thornton, who found that they comprised the original patent, and a voluminous correspondence between John Winter, the "Governor" of Trelawny's plantation, and the proprietor, with valuable letters from others, throwing new light upon the early history of Maine. At the urgent solicitation of Mr. Thornton the Rev. C. T. Collins Trelawny presented to the Maine Historical Society these important papers. Thus it will be seen that, but for the perseverance of the antiquary in following up an old document of uncertain value advertised by a London bookseller, these papers, which had been in the old house at Ham for nearly two and a half centuries, might never have seen the light.

Mr. Thornton, upon getting possession of the papers for the Society, of which he was a member, was so rejoiced, that he headed a letter to one of his associates, "Laus Deo!" and began it with these words: "Here is a consummation that has been so devoutly wished for." With a praiseworthy zeal he at once proceeded to have them arranged and copied, and had, indeed, received some sheets from the printer, when death put an end to his labors. The work was then taken up by Mr. John Marshall Brown; but, owing to a pressure of business consequent upon the

death of his father, he was obliged to relinquish it, and the Papers were placed in my hands for editing. A study of the work led me to believe that the interest of the Papers would be enhanced if illustrated by historical notes, and, abandoning the plan of my predecessors, I began the work *de novo*.

When I undertook the task, I had no conception of the labor before me. Had I supposed it to be as great as it has proved to be, I should not have undertaken it; but having concluded the task, I look back upon it with pleasure, having made in its progress many pleasant acquaintances, and, I trust, lasting friends. Among these I cannot refrain from mentioning William B. Trask, the patient antiquarian, whose correction of imperfect copies has been of great assistance to me; John Ward Dean, A. M., ever alert and never weary in helping a fellow worker in genealogical fields; the Rev. Edmund F. Slafter, A. M., Dr. John S. H. Fogg, and Dr. Samuel A. Green, who have done me many favors; Charles Deane, LL. D., to whose valuable suggestions I am much indebted; Dr. Charles E. Banks, the indefatigable delver in historic mines, who, possessing the broad generosity of the true student of history, has presented me with many things of value; William A. Goodwin and Edward C. Jordan, Civil Engineers, who have greatly aided me in preparing a map embracing the grants to Cleeve and Tucker, Trelawny, Cammock, and others; and Horatio Hight, Esq., who has ever been ready and willing to bring to my assistance his local knowledge in fixing places and determining boundaries in the vicinity of Black Point and the Spurwink, shown upon my map of this locality. Nor should I forget in this connection the Rev. Henry G.

Storer, to whom I have applied for local information, and Hubbard W. Bryant, the Librarian of the Maine Historical Society, who has always been ready to do me a favor. I should also acknowledge my indebtedness to the Rev. M. C. O'Brien for suggestions respecting Indian names, and to W. S. Danforth and W. T. Davis, Esqs., for aid in getting an accurate representation of the seal of the Council of Plymouth, which was attached to the patent of 1629, now in the Recorder's Office at Plymouth, Massachusetts. Across the ocean I have particularly to thank the Rev. Wollaston Goode of St. Budeaux, Devonport, and the Rev. Frederick Browne of Beckenham, Kent, for information respecting the families of Trelawny and Gorges.

Having performed the pleasant duty of acknowledging the favors received from these friends, I close this Introduction to the Trelawny Papers, with the hope that the reader will receive as much pleasure and benefit in perusing them as I have received in preparing them for publication.

JAMES PHINNEY BAXTER.

61 DEERING STREET, PORTLAND, MAINE,
May 1st, 1884.

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MEMOIR OF ROBERT TRELAWNY.

ROBERT TRELAWNY, the subject of this memoir, was born at Plymouth, in the county of Devon, on the 25th of March, A. D. 1598. His country residence was Ham, otherwise Weston Ham, in the parish of Pennycross, which he had rebuilt in 1639, within two miles and a half of the town. He was descended from a younger branch of the ancient and distinguished family of Trelawny, which had long flourished in the county of Cornwall, and at the time of the Norman conquest

DOCUMENTARY
HISTORY OF THE STATE OF MAINE

VOL. IV

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

BY JAMES PHINNEY BAXTER, A.M.

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4
INTRODUCTION.

THE documents in this volume have been gathered by me during many years, from the archives of Massachusetts, the office of the Public Records in London, and the Bureau of Marine and Colonies in Paris. They are not all of equal importance, and several might perhaps have been left unprinted without loss to the general student of Maine history; but when I reflected how important even trivial allusions to a subject, perhaps but the mere record of obscure names, frequently become to the special gleaner in the historic field, I did not feel willing to incur the responsibility of discarding from my collection those documents which did not seem to me to possess an interest of a marked character. My intention was, at the outset, to follow a strictly chronological method of arrangement; but some documents of an earlier date than others which had already been printed, having come into my hands while the work was in progress, I was obliged to somewhat depart from the order with which the work was begun.

I regret that it was impossible to correct my proof by the original documents, but I trust that important errors have been avoided; certainly those documents from the Massachusetts archives, which my venerable friend David Pulsifer, of Boston, has copied for me with a painstaking fidelity peculiar to the born antiquarian, should be as free from error as any such work performed by fallible man.

JAMES PHINNEY BAXTER.

61 DEERING STREET,
PORTLAND, MAINE, 1889.

E C / RL

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DOCUMENTARY HISTORY

OF THE

STATE OF MAINE.

Grant to Thomas Lewis & Rich: Bonython, Feb. 28, 1629.

To all Xian People to whome this p'sent writting indented shall come the Councill for the affaire's of New England in America send Greeting in Our Lord God everlasting Where-as King James of famous memory late King of England Scotland france & Ireland by his highness Letters Patents & Royall Graunt under the great seale of England bearing date the third day of November in the Eighteenth yeare of his Reigne of England france & Ireland &c: for the causes therein Expressed did absolutly Give Graunt and Confirme unto the sd Councill for the affaires of New England in America & their Successors forever all the Land of New England lying & being from forty to forty Eight De'g. of Northerly Lat. and in length by all that bre'adth aforesd from sea to sea throughout the Mayne Land together with all the woods waters Rivers soyles havens Harbours Islands and other Comodityes whatsoever thereunto belonging with divers Other priviledges preheminencies profits & libertyes by sea & Land as by the said Lr's Patents (amongst Other things Conteyned whereunto due Relacōn being had) more at Large it doth & may appeare Now know yee That the sd Councill for the affaires of New England in America as well for & in Consideracōn that Thomas Lewis Gentl hath already beene at the Charge to transport

DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. V

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A.M.

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INTRODUCTION.

A PRESSURE of affairs of a public nature for four years past has prevented me from giving to this fifth volume of the Documentary History of Maine the attention which the work demanded, hence what has appeared like unnecessary delay in its publication. As no one, however, was at hand who could relieve me of the labor of proof-reading, a not altogether inspiring task, as all know who are familiar with the vagaries in spelling which our illiterate forbears, it would seem, delighted to make as complicated as possible, the delay was unavoidable. What I have done I have tried to do thoroughly, and have carefully compared the proof-sheets with my copies of the original manuscripts, which I regard as most trustworthy, hence I believe that no material errors will be discovered.

To Mr. Edward Denham, of New Bedford, to whom our Society is so greatly indebted for unselfish labor in its behalf, am I under especial obligation for the excellent index which accompanies the volume.

JAMES PHINNEY BAXTER.

MACKWORTH ISLAND,

JUNE 1, 1897.

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DOCUMENTARY HISTORY

OF THE

STATE OF MAINE.

Marble head New Engl Aug^t 14^o 89. 2

(Coppys of Some Passages in Seuerall Letters from New Engl by way of Bilbas &c.)

— Abondance of Trouble & warr with the Indians & French att the East wards. this night wee haue had an Alarem att Haurill where are 5 men Killed/

Wee haue many Impresses for men, butt can gett butt few That will goe by reason y^e Gouvernm^t not Settled, & noe ship from England this Su^mer, Pemequide fort is taken with the Indians & french. there is about 20 men killed & 45 (?) carried Captiue & y^e Rest Surrendered, there was 70 Canoes wth 400 men. All the Rest of the East wards (butt only 2 Garrisons) are come into these partes/

A small Towne att y^e head of Piscataqua Riuer called Cocheechlan where dwelt Major Walden who had bin a Indian Trader. One night some Indians Lay in his Garrison & about midnight y^e Indians that were without killed & distroyed all & carried away to y^e Value of About 5000 £ in monye & Goods as wee haue acc^t & gaue noe Quarter many more things I might Add

John Legg/

In another viz^t

This day I haue accomp. of the Larem last night the Enemy are many. our People in a Confusion & a Riseing feared amongst vs./

Doc. VOL. v. 1

DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. VI

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A.M.

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1738

6

INTRODUCTION.

IN looking over the proofs of this volume, as it is about to be published, it strikes me as not impossible that some may question the wisdom of printing the numerous petitions relative ~~to land grants~~ which it contains, because of the limited number of persons to whom they appeal. I wish to say in reply, should such a question arise, that I have found such material of the greatest value to persons in locating residence and determining dates in family history. I have had cases myself where one of these documents would have been worth much more to me than the price of this volume, hence I have printed them in the belief that among the limited number of early Maine documents in existence they may not prove valueless.

The next volume, however, will probably comprise material of more general interest.

JAMES PHINNEY BAXTER.

61 Deering St.,
PORTLAND, ME.

EC/AL

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OF THE
STATE OF MAINE.

Last Will and Testament of Thomas Cammock.

Know all men by these pntēs that I Thomas Cammock of Black point in y^e province of Maine in New Engld in America Gentl^a for div'se good causes & considerations mee hereunto especially moving, as allso for the sumē of fifty pounds sterling to mee in hand paid before y^e ensealing and delivering of this p'sent Deed, doe at this time declare my last will & testam^t, wherein next after my soule bequeathed into the hands of Almighty God my Saviour & redeemer, I doe freely & for the causes abovesaid give and bequeath all my lands at Blackpoint aforesaid together with all my buildings goods cattells & chattells and all other my personall estate whatsoever, vnto my wellbeloved freind Henry Jocelyn Esquire to be by him possessed imēdiately after my decease out of this life, & after the decease of Margritt Cammock my now wife, & from thenceforth to be his owne lands & goods for ever, to him his heires & Assignes according to the true intent & meaning of these presents, for which cause I the said Thomas Cammock have appointed this my last will to be made irrevocable. And for the due performance hereof I doe bind my selfe and my wife Margritt in the sumē of one hundred pounds starling vnto the said Henry Jocelyn his heires & Assignes, Provided alwayes that I Thomas Cammock doe reserve onely out of this my deed of gift, five hundred acres of the said land to bestow

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DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. VII

CONTAINING

THE FARNHAM PAPERS

1603—1688

COMPILED

By MISS MARY FRANCES FARNHAM

MEMBER OF THE OREGON HISTORICAL SOCIETY AND OF
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PREFACE.

THIS compilation of "Documents Relating to the Territorial History of Maine" is the expansion of the results of a year's work under the direction of Professor Hart, in connection with the Seminary of American History and Institutions at Radcliffe College. With the belief that such a collection may prove a valuable aid to students of Maine history the work has been completed in its present form. In order to bring the series into reasonable limits it has been necessary to exclude all grants which led only to discovery or exploration, although England rests her claim to North America on the voyages of the Cabots. The beginning of the seventeenth century, under the patent to De Monts, witnessed the first permanent settlement within the limits investigated in connection with the present work. To bring together in chronological sequence documents that elucidate the leading facts, both in territorial development and the changes of government from 1603 to the present time, is the purpose of this compendium.

In selecting the sources from which these documents have been taken, the method adopted has been to choose what seemed the best available text; in all cases the original, if that has been accessible, otherwise an authentic transcript or reprint.

The head-notes which accompany each document are mainly designed to give a history of the sources as well as their bearing upon Maine history.

A special bibliography is also given in each case. The work of reading and investigation for that particular purpose has been materially lightened by the use of Dr. Justin Winsor's "Narrative and Critical History of America";

Channing and Hart's "Guide to the Study of American History"; and Hon. Joseph Williamson's "Bibliography of Maine."

In the titles of documents the terms charter, patent and grant are employed somewhat interchangeably in accordance with common usage or the reading of the text. No attempt has been made to discern a legal distinction between them.

A double set of dates is used until 1752; when the Julian calendar gave place to the Gregorian in England and Catholic Europe.

The work of compilation could not have been carried forward to completeness without many favors, some of which have already been suggested. The wide range of obligations makes it difficult to enumerate them all. Before all others, grateful thanks are rendered to Professor Hart, whose wise counsel and kindly assistance have guided the work at every stage; to the late Dr. Justin Winsor, librarian of Harvard University, for personal suggestions of great value on sources and authorities; to the Harvard College Library for the generous management which makes all books in the department of American History directly accessible to students of the Historical Seminary; to Mr. Hubbard W. Bryant, librarian of the Maine Historical Society, for access to the Archives; to Dr. Samuel A. Green, librarian of the Massachusetts Historical Society, for the privilege of examining "Colonial Letters and Papers," also for permission to make reprints from publications; to the Boston Athenæum for the privilege of consulting "The Acts of the Parliament of Scotland"; and to Mr. Edmund L. Barton, librarian of the American Antiquarian Society at Worcester, for the opportunity to transcribe a notarial copy of the Pemaquid Patent.

Among other favors, Hon. Joseph Williamson has generously loaned advance sheets of his "Bibliography of

Maine," with other papers of great assistance; Mr. Justin M. Leavitt, register of deeds for York County, courteously explained the condition and history of the "York Deeds," and arranged for the use of MS. volumes; at the Middlesex and Plymouth registries similar favors have also been extended. In the Boston Public Library, where much time has been spent, every opportunity has been given for consulting special libraries, especially the unsurpassed collection of United States Documents; the Massachusetts State Library has also afforded great facilities for studying legislative enactments of Massachusetts and Maine; and much kindness has been shown by the custodians of the Massachusetts Archives, which are so rich in Colonial documents.

A few extracts have been made from publications of the Prince and Gorges Societies, from "New Hampshire Documents," and from private sources; such favors are cordially recognized.

Finally, grateful acknowledgments are due to President Hyde, of Bowdoin College, and Hon. James Phinney Baxter, of Portland, for their kindness in examining manuscripts and valuable suggestions.

Errors and omissions will undoubtedly appear, but the aim of the compiler has been to present an accurate and painstaking study from the sources.

MARY FRANCES FARNHAM.

Pacific University, Forest Grove, Oregon.

INTRODUCTION.

THE desire for fuller knowledge of the every-day life of people whom the world has known through their works has created a most interesting department in literature. By means of published letters, youthful ambitions are made known, and the course of circumstances which have shaped eventful lives is traced. In the history of an individual State, documentary sources furnish opportunities to indulge something of the same inclination. Such material, far from being the dry bones of a dead past, becomes by the aid of an intelligent imagination a living personality. The record of beginnings is not only interesting, but is important, when read in the light of events which have developed from seemingly insignificant sources. The history of an industrious and law-abiding State of the present day hardly suggests the varied and stormy past that documentary evidence plainly reveals. By such an agency the progress from a passive submission to usurping authority, to an active resistance in the struggle for individual rights, is clearly set forth. The territorial history of Maine presents many complicated questions, not only from conflicting elements involved in the struggle for supremacy within her boundaries, but also from her frontier position. In the number of eventful crises the record of Maine is hardly surpassed by that of any other State.

The value of a documentary work, which is brought within the limits of an octavo volume, and yet is sufficiently comprehensive to represent important facts in the history of a State, lies in the use that may be made of it by students who cannot have access to large libraries, or original records. The study of special topics is greatly facilitated by illustrative material, which is brought together in a compact form.

When access can be had to a good public library such a handbook by means of bibliographies will serve as a guide to supplementary reading. It is believed that each document included in this compendium has a bearing on the ever-shifting policy of rival powers that dealt with provinces in the ancient limits of Maine like tennis balls given or returned in the game for territory; or it serves to illustrate the development of an independent government and the preservation of State rights.

One of the topics on which many students need information is the Great Council for New England which originated in the Northern, or Plymouth, Company under the first Virginia Charter, of 1606 [II.]. From the issuance of the Great Patent, in 1620, until its surrender in 1635 [VI.-XLV.] there are but few State papers directly relating to Maine that did not emanate from that body. In no other section of New England were so many grants conferred by the Great Council as within the limits of Maine, where from ignorance, or reckless disregard of geography, the Company issued, in quick succession, patents whose overlapping boundaries caused long and bitter controversies. It was remarked with grim humor that "it would require more lawyers to adjust the claims of rival adventurers than there were inhabitants in their whole territory." In the hope that a more intelligent acquaintance will be made, not only with that important Company, but also with the claims of original proprietors of the soil, it is attempted in this compilation to give some record of each grant under the Great Council, so far as it had relation to Maine territory. Where the original document itself, or an authentic transcript, has not been found, a minute to that effect is inserted from the Council records.

During the early Colonial period, not only Massachusetts Bay and New York; the Dutch and the French; Parliament and the King; but Puritanism and Episcopacy, all struggled

for precedence within the provinces of Maine and Sagadahoc. After Maine was consolidated with Massachusetts by the Royal Charter of 1691, her internal history was more peaceful, except for Indian wars. The number of documents presented by both English and French commissioners after the Treaty of Aix-la-Chapelle [CV.] is evidence, however, of the involved relations between Maine and Nova Scotia in regard to territorial claims; such sources also indicate that boundary questions were destined to occupy a prominent place in later years. Vague ideas concerning the somewhat synonymous names of Acadia and Nova Scotia increased the difficulties of a settlement. On the west, claims of the neighboring province of New Hampshire gave rise to other boundary commissions which require an inspection of the Gorges and Mason charters.

The importance of public lands as an economic factor in the personal concerns of both Maine and Massachusetts is a subject which legislative documents exemplify. The "Massachusetts School Fund" still derives a portion of its income from the sale of public lands in Maine. School and ministerial funds were invariably provided for in grants by the Commonwealth to settlers. The usual arrangements were similar to those secured for such a purpose in the Bingham Deeds [CXV.]. One of these documents is inserted because it elucidates the principles by which townships were laid out in Maine; it also explains the origin of the two extensive areas known as Bingham's Purchases. The various reports of Commissioners, appointed under the Act of Separation to divide "in equal moities" the public lands belonging to the two States, are included for the benefit of those who wish to trace the history of townships [CXXXIII.-CXL.].

Certain public transactions suggest that eighteenth century legislation was not always in the line of the highest ideals of civic virtue, and indicate a change for the better

in ethical standards. In 1786, a gigantic land lottery was arranged by the Commonwealth of Massachusetts, for bringing money into the State treasury [CXII.]. Such questionable methods of raising funds to carry on public works, or to endow institutions, the nineteenth century has stricken from the statute books.

The study of civil government now occupies an important place in the curriculum of even a secondary school, and the formation of Good Citizenship clubs in many towns makes it desirable that opportunities should be afforded for the study of State papers. To a student in the history of American institutions all the steps in the formation of a sovereign State are no less interesting than important; much space is therefore devoted to the various proceedings by which Maine arose from the rank of "District" to that of a separate and independent State. The documents connected with the Act of Separation alone are numerous, and relate not only to property, real and personal, but also to provisions for the two Indian tribes which are still wards of the State. As late as 1837 it was necessary to secure the consent of Massachusetts in order that the Act of Separation could be so modified that greater freedom would be secured in the control of ministerial and school funds.

Interdependence of the two States is again exhibited during the Northeastern Boundary controversy. Personal interest on the part of Massachusetts in the disputed territory was hardly of less moment than that of Maine, and on those grounds the cooperation of Massachusetts was solicited by the Twelfth Legislature of the State of Maine [CXLVII.]. As an independent State the policy of Maine in settling public lands, and opening up the resources of the country, is suggested by two interesting enactments [CLX., CLXI.], which relate respectively to the construction of a great railway system, and the founding of the colony of New Sweden, in 1871.

A documentary work affords an excellent opportunity for the study of diplomacy. During several centuries there was hardly a negotiation between England and European powers but had an influence, direct or reflex, on Maine history. In the clearer light presented by State papers diplomacy often appears as little else than intrigue, which the solemn introductions and formal conclusions of treaties but thinly disguise. Designations like "their High Mightinesses," "the most Christian King," and "the Lord Protector of the Republic of England," are only surpassed by "James, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith," etc. As late as the Treaty of Paris, in 1783 [CX.], the long-extinguished claim to France was preserved in the official title of English sovereigns no less punctiliously than "Defender of the Faith" — a privilege maintained alike by Protestants and Papists.

Personal inspection of old documents is of itself an excellent object lesson in ancient usages. Several patents which were issued by the Great Council are now in the possession of the Maine Historical Society, and the First Plymouth Patent [VII.], as well as the New Plymouth, or "Warwick Patent" [XXI.], are readily accessible at Plymouth. The signatures and seals of Robert Warwick, the Puritan, and of the redoubtable Sir Ferdinando Gorges, make those personages more real. To see an ancient deed [LXVII.], with the outline across the top so "indented" that the fitting of it to its counterpart would establish its validity, is a sufficient commentary on the original signification of the term "indenture." Comparison of state or official documents, written by clerks in concise and even hand, with private letters from gentlemen of rank is convincing proof that many great men, like Hamlet, "once did hold it, as our statist do, a baseness to write fair."

If such sources are not available, the textual study of good secondary material has an educational value. Philology is enriched by a comparison of early texts with modern usage. The Great Patent of New England abounds in opportunities for word study. The meaning of "comfort" as a derivative from *fortis* is obvious from the context, "that it shall be lawful and free for all Princes to persecute with Hostility the said Offenders and every of their Procurers, Aiders Abettors and Comforters in that Behalfe"; "undertaker" is removed from the grim significance of our own times; an "adventurer" was not of necessity the reckless personage these later years consider him, while a "planter" was not an agriculturist, but the promoter or founder of Colonial enterprise. The condition of the English language in the seventeenth century is still further illustrated by ancient spelling with peculiar abbreviations and accent marks, as well as by methods of punctuation and capitalization which have grown obsolete. Apparent anachronisms are seen in the texts of royal charters to Sir William Alexander [IX., XIV., XVI.], which are contemporaneous with grants by the Great Council; the difference is explained by the fact that the less archaic form is a nineteenth-century translation of the original Latin text. The English text of the Patent of Acadia [I.] is, however, an illustration of a seventeenth-century rendering of the original French.

According to the somewhat liberal franchise of the Great Patent the tenure of early territorial rights was that of "soccage," or the plough [*socca*], which, for personal security was preferable to "knight's service," otherwise designated a *per gladium comitatus*, or *sub capite*. Charles Kingsley in "Hereward, the Last of the English," and Conan Doyle in "The White Company," have revived "soccage" and "socman" from early times. Not only

illustrations of feudal tenure, but methods of conveyance, are better understood by aid of grants and records. Possession by "seisin," or "turf and twig" [XIV., XXXV., LXXXVI.] was the customary mode of legal transfer of property. A notable instance of the unique ceremonial was the "livery" by Worumbo at the Sagadahoc, which was performed with all due regard to ancient custom. Range of geographical knowledge is indicated in numerous grants that confer territory from "sea to sea," and by the so-called charter of Canada which "disponed" to Sir William Alexander "all and sundry islands, lying within the said river Canada, from the said mouth and entrance, up to the head, fountain and source thereof, whersoever it be, or the lake whence it flows (which is thought to be towards the gulf of California, called the Vermillion sea), or within any other rivers," etc. . . . "and likewise all and sundry islands lying within the said Gulf of California; as also and whole the lands and bounds adjacent to the said Gulf on the west and south, whether they be found a part of the continent or main land, or an island (as it is thought they are) which is commonly known and distinguished by the name of California." The name of "Province of Maine" is first used in the grant to Gorges and Mason, 1622 [XI.]; its origin is not difficult to trace in the frequent use of maine as applied to "maine land," and "along the main."

Individual character is often revealed by a study of the sources. Documentary evidence alone shows that both in politics and religion Sir Charles La Tour was a trimmer between England on the one hand and France on the other [XLVIII., LVI., LIX., LXIII.], while Colonel Temple was uniformly loyal and so sincere that he was known as "honest Tom Temple." Such an estimate of these two commanders in Nova Scotia is corroborated by the "Calendar of State Papers."

By all these means the true local color of England and America in the seventeenth century is perceived; and through the atmosphere in which the makers of New England lived, Colonial history is studied in its true proportions. Reading between the lines, thoughts and purposes of that age of social, political and religious unrest are better understood, and it is easier to be tolerant of religious zeal so strangely tempered with a worldly prudence that the very document which sets forth the lofty design to convert the savages, makes hardly less apparent their hope of gain [II.]; or with the "perusal" of the Massachusetts Charter [XVII.], which led to the incorporation of Maine into Massachusetts.

Although the student, even in a Historical Seminary, cannot well have access directly to official documents now stored in that vast treasury of State papers, the new Record Office in London, or in the *Depôt de la Marine et Colonies* in Paris, much valuable material has been carefully transcribed for Historical Societies, or published in Collections of State Documents. The work of such skilful copyists as Brodhead and Sainsbury, Pulsifer and Shurtleff, is hardly less authentic than the original, and more reliable than the copy of an amateur from archaic MSS. To transcribe the seventeenth century chirography requires faithful apprenticeship and the habit of disciplined attention.

Within reach of any student in the provincial history of Maine there are deposited within the State Archives all transactions relating to the separation of Maine from Massachusetts, also copies of all transactions of the Land Office, and a transcript of the early records which were kept at York. Under the guardianship of the Maine Historical Society are rare papers which include carefully indexed volumes of MS. records of the Pejepscot and Kennebec Proprietors, the Gardiner and the Trelawny Papers; a

series of certificated documents in support of the Mason claims; and papers used by Thomas Barclay, commissioner under the treaty of Ghent, besides a mass of correspondence and valuable individual papers.

The history of the York Records is of especial interest. No trace has been found of the Commission to Sir Ferdinando Gorges, but the records of his brief administration are the oldest that relate to any organized government in Maine. Those early records were made up of judicial, legislative and other transactions; a separate registry of deeds was begun in 1643. The Lease of Lands at Casco Bay [L.] was one of the earliest conveyances recorded by Roger Garde, the register of deeds, who also filled various offices in the province of Maine, at one time being the mayor of Agamenticus [York].

From the time when the province first came under the jurisdiction of Massachusetts until 1760, Yorkshire embraced the whole territory of Maine, and was the only place of registration. The "York Deeds" contain not only records of private conveyance, but grantees under the Great Council registered their "indentures" there to insure valid recognition of their claims. Muscongus Grant [XXIV.] and the Covenant of Madokawando with Governor Phips [XCVI.], were recorded together in 1721/2, and the Pemaquid Patent [XXXIV.] was not recorded until 1737, when rival claims under both the Patent and the Brown Deed [XV.] were first contested. Registry of certain deeds of the territory in dispute, both at Suffolk and at Middlesex, show how active a conflict was aroused by the Drowne claimants at Pemaquid.

Early records at York were kept on quires of paper which were stitched together, but were unbound; in 1731, the first volume had become so defaced that a transcript was made by the register, Joseph Moody, but the tattered original

is still preserved, and with it a quaint index still tied as in olden time with a strip of cloth. The other volumes are in excellent condition, and are open for consultation; eleven volumes, as well as a volume of "Maine Wills," have been published under the direction of the Maine Historical Society, assisted by the State.

For years all the public records were deposited in the ell of a wooden house at York. Once during the Indian wars they were transferred to Massachusetts for safe keeping. In 1816, when the county seat was removed from York to Alfred, all the records were deposited in the fire-proof rooms provided for them. The special providence which has followed important manuscripts during so many defenseless years, when private malice or public intrigue often defeated rightful claims, which only recent discoveries have vindicated, proves that there are documentary romances quite as thrilling as those of individual lives. The finding of the long-lost Trelawny Patent [XXX.] and the royal charter of New Hampshire are sufficient proofs of the fitness of such a parallel.

The object of this introductory sketch on the value of work from the sources, is to demonstrate that such a method of study is not only quite as interesting as from a detailed narration, but is more of an intellectual incentive. Personal investigation teaches far more than appears on the surface; by such methods intelligent judgment in weighing evidence is acquired, imagination is awakened, and the mind is stimulated to explore new fields of research.

DOCUMENTS RELATING

TO THE

Territorial History of Maine.

I.

EXTRACTS FROM THE PATENT OF ACADIA TO
DE MONTS BY HENRY IV. OF FRANCE.

NOVEMBER 8/18, 1603.

Sources.

The patent of Acadia granted by Henry IV. of France to De Monts, November 8/18, 1603, included all lands lying between the fortieth and the forty-sixth degrees of latitude. Under this commission the French established their first valid claims to lands within, or bordering upon, the State of Maine.

The original patent, or a contemporary copy, is in the Bureau des Marines et Colonies in Paris. It was printed by Marc Lescarbot, "Histoire de la Nouvelle France" (Paris, 1612), 433-439; and by the same author, "Nouvelle Edition" (Paris, 1618); also by Edwin Tross, *editeur*, a reprint of the first edition (Paris, 1866), II. 408-411. A transcript from Lescarbot is in the Massachusetts Archives under the rubric "Historical Documents, Collected in France for the Commonwealth," I. 443-445. Ben: Perley Poore, editor.

The patent has been many times printed from Lescarbot; by Ebenezer Hazard, "Historical Collections, Consisting of State Papers and Other Documents" (Philadelphia, 1792), I. 45-48; Mémoires des Commissaires du Roi et ceux de sa Majesté Britannique, sur les possessions et les droits respectifs des deux Couronnes en Amerique" (Paris, 1755), II. 441-445; and extracts are in Thomas C. Haliburton,

VOL. I. 2

DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. VIII.

CONTAINING

THE FARNHAM PAPERS

1698—1871

COMPILED

By MISS MARY FRANCES FARNHAM

MEMBER OF THE OREGON HISTORICAL SOCIETY AND OF
THE AMERICAN HISTORICAL SOCIETY

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HISTORY OF THE STATE OF MAINE

VOL. IX

CONTAINING

THE BAXTER MANUSCRIPTS

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By JAMES PHINNEY BAXTER, A. M.

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PREFACE

I HAVE been encouraged to continue the publication of my collection of Maine documents by the increasing use which is being made of them by students of Maine history, and as the present volume has to do with events which occurred in a particularly critical and interesting period of our history, I do not doubt that it will prove to be fully as useful as preceding volumes. I have to apologise for the reappearance on page 22, of this volume, of the short article entitled "Alliance with Maquas Indians, etc.," which concluded Volume VI of Documents. By an oversight it reached the printer with other copy, and was printed before attracting my attention.

JAMES PHINNEY BAXTER.

61 DEERING STREET,

PORTLAND, MAINE, January 1, 1907.

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DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. X

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M.

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PREFACE

THE documents in this volume fall within a period of great interest and importance to students of Maine history, and have been selected to largely embrace Indian affairs and questions of ownership of lands, which agitated those who were struggling to establish themselves along the outposts of civilization. This volume closes the present series, and the next will begin a new one.

JAMES PHINNEY BAXTER.

MACKWORTH ISLAND,
July 31, 1907.

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PREFACE

WERE it not that a serious error was made by giving the documentary publications of the Maine Historical Society the title given to the papers read at its meetings, viz: "Collections of the Maine Historical Society," with the addition of "Second Series," I could commence a new series with this volume, but I cannot call it a third series, for the Society is printing a third series under the same title of "Collections;" in fact, it has already printed another second series under the same title. I therefore think it best to continue future volumes of the "Documentary History" under the misleading title of "Second Series" to avoid further complications.

JAMES PHINNEY BAXTER.

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OF THE

STATE OF MAINE

Colonel Dunbar to M^r Secretary Popple.

Boston, New England Dec^r y^e 29th 1729.

Sir

Since My last of the 10th instant, I have received information (upon the promise I published of a reward) against a person who has cutt downe 76 Mast trees in the Province of New Hampshire. I hope from this man to gett a discovery of a Number of others concerned, and will prosecute them with all vigour, there is more reason to hope for justice in that province than in the Province of Maine, which is under this Governm^t. Upon this information I sent for M^r Waldo and M^r Westbrook, who provides the Masts for the Contractor, and desired they would take those 76 trees, or such of them as should be found fitt, and some which were seized & condemned last year, for his Majesty's use, w^{ch} would save the like number standing, M^r Waldo^s (the Agent for the contractor) answer was that he had agreed with M^r Westbrook for his whole number and could not take those in part, I Offered the last parcel to him, without a penny Expence, & those last year onely for paying y^e Court charges in condemnation, w^{ch} is not above three shillings p tree sterlin^s & for which I have no fund, M^r Westbrooks

DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. XII

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., Litt. D.

PUBLISHED BY THE MAINE HISTORICAL SOCIETY, AIDED BY
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PREFACE

THE present volume (number twelve of the Documentary Series) is the seventh volume of the manuscript documents which I have collected from American and European archives. My design has been to continue the publication of these documents to the time of the separation of the State from Massachusetts; but it is doubtful if I shall be able to do so. Should I not complete the task which I have desired to accomplish, it is my hope that someone may think it worthy of the labor required to finish it.

JAMES PHINNEY BAXTER.

MACKWORTH ISLAND,
Sept. 1, 1908.

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DOCUMENTARY HISTORY

OF THE

STATE OF MAINE

Petition of John Mitchell of Wells and Jacob Curtis of Arundel.

To his Excellency William Shirley Esq^r Captain General
and Governour in Chief The Honourable the Council
and the Honourable House of Representatives of His
Majestys Province of the Massachusetts Bay in New
England in General Court assembled

The Petition of John Mitchell of Wells and Jacob Curtis
of Arundell in the County of York Agents for the Petitioners
praying a New Parish may be Set off partly out of Wells and
part of Arundell

Most humbly Sheweth

That as the Setting off a New Parish as aforesaid will
greatly accommodate the Petitioners They therefore most
humbly pray this Great and Hon^{ble} Court would be pleasèd
to favour the Petitioners so far as to appoint a Committee to
View the Situation and Circumstances of the said Parish if
there shall be occasion and make report thereon what they
Judge most reasonable to be done in the premisses The Peti-
tioners paying the Cost and Charge of the Committees Ser-
vice in the premisses and what shall arise thereon.

And Your Peti^{on} as is duty bound Shall ever pray &c

John Mitchell }
Jacob Curtis } Agents

June 6th 1749.

DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. XIII

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., Litt. D.

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PREFACE

THIS volume contains correspondence of Thomas Pownall, whose prudent administration of affairs during his incumbency of the important office of Royal Governor of Massachusetts entitles him to an honorable place in our colonial history.

The publication of Charles A. W. Pownall's recent book "Thomas Pownall, M.P. F.R.S. Governor of Massachusetts Bay etc. etc., 1722-1805", in which he makes a notable addition to the controversy respecting the authorship of the Junius letters, which he believes should be ascribed to the Governor, will lend to this correspondence increased interest. A comparison of the hand writing of Governor Pownall with that of Junius strongly supports the claim of his kinsman, and we are obliged to pass unquestioned his assertion that the Governor's knowledge of political conditions especially fitted him for writing them. He says, "That no place in the province which this Governor worked so hard for while there, and had so deep an affection for always, derives its name from him. What is now Dresden on the Kennebec river, in the region which his expeditions opened for settlement was at first called Pownalborough, but at the beginning of the last century the present designation was adopted".

I was very glad to assure him that Governor Pownall has

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not been forgotten, and that a thriving town in this State bears his name.

I wish to acknowledge my indebtedness and that of the Society to Mr. Edward Denham, New Bedford, Mass., for his invaluable services in preparing the index for this and former volumes of the Documentary History.

JAMES PHINNEY BAXTER,
61 Deering Street,
Portland, Me.

September 15, 1909.

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OF THE

STATE OF MAINE

Letter, W^m Millar to L^t Gov. Phips

Wallpolle September: 12: 1755

To his honour Spenchior phips Esqu^r Governer in Chiefe for the time preasente: Sir this Night I Recieved the Inclosed express from C^pt Lithgow & C^pt Goodwin to forward Estward Which I-Done & thought it my Duty to send this Cobby to your honour that you With the honourable Councle in your Wisdoms may act for the safety of us the Exposed Inhabitants in thies frooters.

So I Conclude yours Honours most obeidiant

Humble Servent

William Millar

Letter, T. Fletcher to L^t Gov. Phips

These are To Inform, Your Hon^r that This Day, The Indians fell on us, Two Men were out A Small Distance from the Garrison, the Indians fired Upon Them, one Escaped, & the other is Missing, They began About Twelve of the Clock, & Continued firing on The Cattle Till Almost Night, I imediately, Dispatch' An Express To the Neighbouring Settlements, I judge There is a great Body of them, By their Appearance My Lev^t was on a March with Thirty Men,

DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. XIV

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., Litt. D.

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PREFACE

THIS volume bring us to the period of the Revolutionary War, a period of much interest to students of our history. I trust that persons having knowledge of unpublished documents relating to the subject will call my attention to them, that I may publish them in the next volume should they prove of interest.

JAMES PHINNEY BAXTER.

61 DEERING STREET,
January 12, 1910.

558654

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HISTORY OF THE STATE OF MAINE

VOL. XV

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., Litt. D.

PUBLISHED BY THE MAINE HISTORICAL SOCIETY, AIDED BY
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PREFACE

THE publication of the documents in this volume gives an idea of the important part sustained by the people of Maine in the War of the Revolution, and of the sacrifices made by them in what must have appeared to the world as an almost hopeless struggle. It also places in enduring form the names of men worthy of remembrance. I hope to be able to complete the publication of documents relating to the Revolutionary period within the next two years.

JAMES PHINNEY BAXTER.

MACKWORTH ISLAND,
August 30, 1910.

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DOCUMENTARY HISTORY
OF THE
STATE OF MAINE

Letter from Jon^a Warner July 22, 1777.

To the Hon^{ble} Council of the State of the Massachusetts
Bay — Gentlemen

I have this Minute Received an Express from Colo:
Warner which I thought it my Duty to forward to your
Honours Immediately. Accordingly thought it Expedient to
Issue Orders for Every Sixth man in my Brigade to March
to the Assistance of Colo. Warner by the way of Benning-
ton. and Desire your Honours would Give Direction in the
Matter as you Shall think proper, as I have Orders to March
On an Expedition to S^t John's River in Nova Scotia, your
Honours will Determine what is most Expedient in the pres-
ent Distressing Circumstances of Affairs

I am your Honours most Obedient Humble Servant

Jon^a Warner

Hardwick July 22 1777

at 11 o'Clock at Night

Letter from Stephen Smith July 31, 1777

Machias July 31, 1777

May it pleas your Honors

I have the Satisfaction to inform you, that I arrived safe
at this place on the 17 instant, and the people here making

DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. XVI

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

BY JAMES PHINNEY BAXTER, A. M., Litt. D.

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PREFACE

THE present volume presents to students a considerable portion of the documents in existence relating to the Penobscot Expedition, which, in its day, loomed into an importance to those affected by it almost equal to that sent in the reign of Elizabeth against the western coast of England, known in history as the Spanish Armada. As the story is unfolded of the brave efforts of a people in their extreme poverty to equip and maintain, to them, a great Armada to expel an invading foe from their borders, and to protect them from conquest, it must deeply engage the interest and sympathy of all who read it. I regret that space does not permit me to carry the story to its culmination in the following pages, and that it will have to be continued in a succeeding volume.

I wish to acknowledge my obligation to Mr. James J. Tracy and Miss Alice R. Farnum of the Massachusetts Archives Department for courtesies graciously extended to me in facilitating my researches therein.

JAMES PHINNEY BAXTER.

61 DEERING STREET, PORTLAND, MAINE,
November 15, 1910.

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OF THE

STATE OF MAINE

To the Hon^{ble} The Council and Hon^{ble} House of Representatives of the State of Massachusetts Bay. Tho. Child having been appointed Naval Officer for the Port of Falmouth in said State thinks it his duty humbly to lay before your Honors the following Queries respecting the duties of said Office, that your Honors may give him such directions therein as in your Wisdom you shall think proper.

1st Is it not required that all Boats and Lighters from ten tons and upwards shall have Registers, some Masters of such Boats and Lighters having neglected to procure them.

2 Is it proper that Vessels usually employed in freighting goods from one part of the State to another should go with a general Clearance by the year as Vessels employ'd in fishing and carrying Wood and Lumber, as some Masters Insist upon —

3 Should a Naval Officer make a Seizure and upon tryal there should be no Condemnation does he lay lyable to an Action for damages or is he liable to pay Costs, if he is how is he to be secured —

4 If a Vessel is found in the breach of the Naval Office Act, and the Officer makes Seizure thereof what Assistance is he to have in order to secure said seizure — Would it not tend to regularity in the business to require that all Vessels bound for any Port not within this State should previous to taking on board give Bond and take a permit for Loading —

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VOL. XVII

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THE BAXTER MANUSCRIPTS

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BY JAMES PHINNEY BAXTER, A. M., LITT. D.

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PREFACE

TO again resume the publication of the Documentary History of Maine, though a somewhat exacting task demanding time which I cannot well spare, is a great satisfaction, as I can see a prospect of being able to finish the work to which I set my hand many years ago. This volume, as it contains a large portion of the account of the grave disaster which befell the State in the mismanaged Penobscot Expedition, will, I believe, be welcomed by students of Maine history.

JAMES PHINNEY BAXTER,

61 Deering Street.

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OF THE
STATE OF MAINE

Letter John Gerry to Hon. Jer^d Powell

Marblehead August 13 1779

May it please your honor

Your Esteemed favour of this date is just come to hand & have the pleasure of informing your Honor that the request is fully Comply'd with upon your proposed Conditions — Viz that the Brigantine Terrible Cap' John Conway proceeds on her Cruise immediately after performing her convoy — the time of Notice being short had but few Minutes to consult with the Owners & Seamen; but it is probable the Vessel & her Company will Sail by twelve O'Clock to Morrow wind & weather permitting

We are with Esteem Your Honors most Obed' Humble Servants

p' Order & in behalf of the Select Men & Committee of Correspondence Inspection & Safety

John Gerry

Letter Sam Freeman to Hon. Jer^d Powell

Falmouth August 13 1779

Sir Cap' Greenfield Pote has just arriv'd in Town and says that being out a fishing the Day before Yesterday about

DOCUMENTARY
HISTORY OF THE STATE OF MAINE

VOL. XVIII

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., LITT. D.

PUBLISHED BY THE MAINE HISTORICAL SOCIETY, AIDED BY
APPROPRIATIONS FROM THE STATE

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1914

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INTRODUCTION

THIS volume contains the history of the Revolution in Maine and reveals the slipshod manner in which both parties conducted the war. Not only did the authorities on the American side proceed in a careless, unsystematic and blundering manner in the defence, leaving the soldiers engaged in it to starve and freeze until they heard a frantic appeal for help, but the British displayed no enterprise in prosecuting offensive operations. Had they possessed a single able military commander, they could have occupied and held the eastern part of Maine at almost any time. They were far from being offensive. No wonder that Horace Walpole ridiculed the English commanders for their display of "etiquette" in conducting the war.

I am printing at the end of this volume an interesting petition of 1672, for which I am indebted to the kindness of Mr. George S. Stewart, A. B., who copied it from the original. Action on this petition was taken a few months later, and is to be found at page 330 in Vol. 1 of my manuscript Series, or Vol. 4 of the Documentary History.

JAMES PHINNEY BAXTER,

61 Deering Street,

February 20th, 1914.

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HISTORY OF THE STATE OF MAINE

VOL. XIX

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., LITT. D.

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1914

CR16 Vol 19

PREFACE

THIS volume, even more than the preceding, discloses the depredations to which the scattered coast settlements of Maine were subjected during the long war of the Revolution. With a coast line too long for the Massachusetts Government to adequately protect, the more remote communities were ever exposed to extinction, hence their persistent, and almost futile cries, for assistance. As we read there always seems to be a chronic state of inefficiency on the part of the Massachusetts Government, and we can but suspect that some of those whose names shine on the roll of fame as patriots, have been overestimated; indeed, we know that then as now, there were men in control of important government positions, who regarded their public duties with a more languid interest than they did their political honors.

We should, however, keep in mind the fact that through the entire war, those at the head of affairs in Boston were always at their wits end to obtain supplies necessary to maintain a defensive position, and were continually appealing to the General Government for help. It was fortunate for us that the offensive operations of the enemy were managed with such evident inefficiency; had they not been, our history would have worn another aspect.

JAMES PHINNEY BAXTER.

Mackworth Island.

July 26, 1914.

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PRESS OF
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OF THE

STATE OF MAINE

Representation of Col^o Brewer.

To the Honorable Council of the State of Massachusetts Bay
 The Representation of Col^o Josiah Brewer Truck Master
 of the Penobscot Tribe of Indians, Humbly sheweth That
 he hath accompanied the Indians now in Town to Newport
 where they have been politely entertained & are very well
 satisfied with their reception there—That they are now in
 this Town & are desirous of Returning home—upon re-
 questing me to take the Charge of such things as your honors
 may se fit to grant upon thier late Petition—That your
 Petitioner would pray your honors to give an Order that the
 said Indians & thier Interpreter may receive ten Days pro-
 visions in order to enable them to return & likewise give an
 Order for the Discharge of the Account of John Marsh their
 Interpreter who was employed for that purpose by General
 Wadsworth—or otherwise to give such orders respecting
 them as your Honors may see proper

Josiah Brewer

Boston Oct^r 24th 1780State of Mass^{us} BayCouncil Chamber Oct^r 24^t 1780

Read & Ordered—That the Commissary General of this
 State be and hereby is directed to deliver Col^o Josiah Brewer
 for the Use of Six Indians with their Interpreter lately
 arrived from Penobscot ten Days Provisions to enable them

DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. XX

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., Litt. D.

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PREFACE

THIS volume brings us to the close of the American Revolution, and we now are introduced to the difficulties which faced our public men in their efforts to satisfy the demands made upon them by the sufferers in the war, and to preserve public order, a task which appalled some of our best statesmen and excited the cynical curiosity of foreign nations, who ridiculed the idea of ignorant farmers, fishermen and day laborers setting up and maintaining anything like a stable government. We have seen the result, an enduring monument to the cause of Popular Government.

JAMES PHINNEY BAXTER.

61 Deering Street,
November 3, 1914.

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OF THE

STATE OF MAINE

Petition of William Taylor.

To the Honble Senate & the honble House of Representatives
for the Commonwealth of Massachusetts in General
Court assembled

¶ The Petition of William Taylor Esquire of Milton in the county of Suffolk ¶ Humbly shews ¶ That on the thirteenth day of November one thousand seven hundred and sixty seven, your Petitioner being indebted to Thomas Lane Esq^r of London in the sum of one thousand nine hundred and twenty one pounds eleven Shillings, lawful money, he gave his bond for that sum upon interest, to said Lane, and as a collateral security for the payment thereof he gave his deed of mortgage of the following lotts of land, viz^t a Lott of land called No. 18 lying in Pownalborough containing thirty two hundred acres, also two lotts of land call'd N^o 11, & N^o 68. both lying in Hallowell containing four hundred acres each, also one other lott of land marked N^o 15 lying in Gardineston, containing five thousand acres—

That M^r Lane sued out the said Bond and at the Sup^r Court of Judicature held at Boston for the county of Suffolk in February 1772 recovered judgment thereon against your Petitioner for the sum of two thousand four hundred and fourteen pounds fifteen shillings lawful money. And Richard Lechmore esquire as agent & attorney to said Lane was very pressing upon your Petitioner for the money, but the

DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. XXI

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., LITT. D.

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PREFACE

THIS volume continues the story of the hard conditions confronting the people of Maine after the close of the Revolutionary War. They had made great sacrifices for the preservation of their homes, many of which, located upon land subject to conflicting claims, rendered their tenure insecure, and many whose titles were unquestioned were too poor to pay the taxes levied upon them by the Government for the expenses of the war and its own maintenance; in fact, they were subject to innumerable difficulties which compelled them to seek relief from the Government, which must have put its members to their wit's end to devise measures of relief. To attain a settled condition in the remoter parts of Maine was for many years a task which must have seemed almost hopeless to settlers and legislators. It was, however, at last accomplished, and in a manner which reflects credit upon all concerned.

As usual I am indebted to Mr. Edward Denham for the Index.

JAMES PHINNEY BAXTER,
61 DERRING STREET,
PORTLAND, MAINE.

January, 1916.

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OF THE

STATE OF MAINE

Amendment to Salmon Fishery Act.

Commonwealth of Massachusetts In the year of our Lord
one thousand seven hundred & Eighty five

An Act, for altering one Clause in an act passed Octo^r 24th
1783 Intitled an act to Regulate the Catching of Salmon,
Shad & Alewives and to remove & prevent obstructions in
Merrimack River & in the other Rivers & Streams runing
into the same within this Commonwealth

Whereas in the fourth enacting Clause of the aforesaid act,
it is enacted that no person or persons shall at any time catch
any Salmon Shad or Alewives with Sienes, nets, pots or any
other way at the mouth or Entrance of any of the aforesaid
Rivers or Streams or within Eighty Rods of the Same—
whereby all persons are prohibited fishing at any time at the
mouth of said Merrimack River, be it therefore Enacted by
the Senate & House of Representatives in General Court
Assembled & by the authourity of the same that any & every
Person has full Liberty to Catch fish in any way at the mouth
of Merrimack River aforesaid on Such days as is allowed by
the Law aforesaid.

In the House of Representatives March 14, 1785

This Bill having had three several Readings passed to be
Engrossed

Sent up for concurrence

Sam A Otis Spk^r

DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL. XXII

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., Litt. D.

PUBLISHED BY THE MAINE HISTORICAL SOCIETY, AIDED BY
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PREFACE

THIS volume, the twenty-second of the Documentary series of the Society, will be followed by a collection of interesting documents relating to the Indians of Maine, transcribed for me by Rev. Henry O. Thayer with painstaking accuracy, like all of Mr. Thayer's excellent work. They would have appeared some time ago had I not been averse to interrupting the history of Maine's activities in the war of the Revolution before reaching a point far enough beyond its close to give students knowledge of the difficulties with which the people of Maine had to struggle to enable them to establish within its borders a somewhat orderly condition of affairs. I hope that from the point where this volume ends the work may be continued to the separation of Maine from Massachusetts.

JAMES PHINNEY BAXTER.

61 Deering Street,
Portland, Maine.
March 23, 1916.

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OF THE

STATE OF MAINE

Report on York Petition.

Commonwealth of Massachusetts

In the House of Representatives March 26th 1788

On the Petition of Samuel Nason and others representa-
tives of the Towns in the County of York in behalf of the
Towns in said County praying that they may have a longer
time (than is by Law allowed) to collect and pay into the
Treasury of this Commonwealth the Back Taxes for reasons
set forth in said Petition.

Resolved that the Executions against the several collectors
of Taxes which were granted prior to the year 1784 in
the County of York which are expired and are not returned
be and hereby are revived and shall remain in full force until
the first day of June next, and all officers concerned are di-
rected to govern themselves accordingly, and it is further re-
solved that the executions which have been issued for said
Taxes against any Towns in said County which are not yet
returnable (if any such there be) be and hereby are continued
in full force until the said first Day of June and not return-
able til that Day any Law or resolve to the Contrary not-
withstanding.

DOCUMENTARY
HISTORY OF THE STATE OF MAINE

VOL. XXIII

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THE BAXTER MANUSCRIPTS

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PREFACE

IN my studies of the early history of Maine, it became evident to me that a documentary volume devoted to the native tribes of Maine, with whom the European settlers so often came in conflict, would be of use to students of history. In previous volumes I have published from time to time such documents relating to this subject as my former employee, Mr. David Pulsifer, transcribed for me. After his death I could not procure a satisfactory person to take his place until the Rev. Henry O. Thayer, who knew of the difficulty which I was experiencing, kindly offered to transcribe the Indian documents for me. This volume contains a part of Mr. Thayer's painstaking work, and the next volume will complete it.

JAMES PHINNEY BAXTER.
Mackworth Island Sept. 14, 1916.

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DOCUMENTARY

HISTORY OF THE STATE OF MAINE

VOL XXIV

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., Litt. D.

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PREFACE

THIS volume completes the documents relating to the Indians of Maine. I have added to them some documentary material taken from the records of the Pejepscot Company, whose land claims were the subject of so many disputes between the savage tribes and the pioneers who settled the eastern part of the state during a considerable portion of the eighteenth century. There can be no doubt that the Indians had valid reasons for opposing the Pejepscot Company's grants of territory to which they had but a shadowy title, if any, but the political influence of the Pejepscot Proprietors was so great, that in the end the Indians had no alternative but to yield.

With the preceding volume, which relates wholly to the Indians, and scattered documents to be found in the earlier volumes, the student will have all the unpublished Indian documents that I have been able to collect. I hope to continue the Documentary History from the date where I left it at the end of the twenty-second volume to the close of the century.

JAMES PHINNEY BAXTER.

61 Deering Street,
November 7, 1916.

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DOCUMENTARY HISTORY

OF THE

STATE OF MAINE

*Report of Committee on putting Forts and Garrisons into
proper posture of defence.*

“That the Walls of the Truckhouse of S^t Georges River be forthwith repaired and shingled or clapboarded on the out and Inside as shall be thought best.—

That there be 10 Cannon in this fort,—Viz’—

2: 9 pounders to be taken from Fort Frederick.

2: 6 pounders to be taken from Castle William which be-
longed to the province Ship, and

6. 4 pounders to be purchased by the province

2 good Cohorns and

50 good Small Arms with a Suffic^t number of Shott Shelles
& Stores for both the Cannon & Small arms

That the platforms be secured and other necessary repairs be made at Fort Frederick and as soon as the weather will permit that the Walls be new pointed

That there be 2 good Cohorns & 40 Small Arms with Suit-
able stores at this fort. There are a sufficient N^o of Can-
non, Shott, and Shells there already.

That Richmond fort be repaired & Shingled or Clap-
boarded as soon as may be.

That there be 6 Cannon at this fort Viz’—

6. four pounders.—2 Cohorns.—40 good Small arms & all
Stores Necessary for the Cannon & Small Arms

That the Block house on Saco River be repaired and sup-
plied with some few articles that are wanting there.