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DIVIDED OWNERSHIP, WILD SPECULATION:
AN INVESTIGATION OF THE CONNECTIONS BETWEEN THOMAS
HUTCHINSON AND LAND SPECULATION IN EIGHTEENTH CENTURY MAINE

by

Cory Michael Davis

A Thesis Submitted in Partial Fulfillment
of the Requirements for a Degree with Honors
(History)

The Honors College

University of Maine

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Abstract

This paper will highlight the clashes between the Kennebeck Proprietors and Thomas Hutchinson, the last Royal Governor of Massachusetts. The Kennebeck Proprietors were a company of influential Boston merchants who saw the Kennebec River valley as a lucrative opportunity on the Maine frontier. As the Proprietors expanded their claims Thomas Hutchinson often interceded to block their aspirations. These land disputes highlight the ambitions of the Proprietors and the actions Hutchinson took to block them. It would be these clashes that would motivate the Proprietors to have a direct interest in the events of August 1765.

The August 1765 attack on Thomas Hutchinson's mansion is one of the most violent reactions against Crown authority before seen in the colony and has been blamed on many factors. The influence of the Kennebeck Proprietors is one factor that this paper seeks to explore. Thomas Hutchinson had produced evidence in his efforts to curb the Proprietor's aspirations and historians have guessed that if they could destroy his collection of papers they would then be able to expand without his interference.

Highlighting this relationship also brings Maine history into the broader discussion of the pre-Revolutionary period. Actions in Maine impacted events in Massachusetts and decisions made in the Bay-Colony had profound implications for the settlers and establishments in Maine. Bringing these ideas to light allows a fuller understanding of the events in and of themselves as opposed to a mere precursor of the coming Revolution.

Dedication

This thesis is dedicated to the people that I have shared my experiences with in the Honors College. Specifically, I dedicate this work to the friends who stuck it out through the process as well as those who sought other opportunities in life away from the Honors College. We started this journey together and whether or not we all remain is not so important as the choice that we made to begin. I would not be where I am today without the guidance, support, laughter, and criticism throughout these past four years. This paper is for everyone who accepted the challenge of the Honors College and for the future successes and failures that we will face together. For your support, I thank you; this thesis is for you.

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I would like to thank my family. They have been unbelievably supportive of me throughout these past four years and have provided me with great opportunities to succeed in college and later life. Without you I would never have made it this far and I know that I will continue to rely on your extraordinary support for the rest of my life.

I would also like to thank my Honors Thesis Advisor, Dr. Liam Riordan. This thesis took fifteen months of careful cooperation, communication and dedication between Liam and myself, and it would not have come to fruition without Liam's steady guidance and insight. I was motivated by the careful thought and time that he invested in me to help me craft a piece of historical research that I am proud to call my own.

Finally, I would like to thank Dean Charlie Slavin and the Honors College for giving me this amazing opportunity and being supportive of me in my endeavors. I was in attendance when Charlie welcomed 300 first-year Honors students to campus back in the Fall of 2006, where he challenged us to meet him again at the Honors Celebration four years later. I am happy to report that challenge has motivated me to finish my Honors Thesis and meet him again in the Spring of 2010. To Charlie, Deborah, Barbara and the entire Honors faculty and staff I thank you for being there to challenge and motivate me in ways I could not have envisioned four years earlier.

Preface

I began this project under the guidance of Dr. Liam Riordan as an independent study course in January 2009. Initially I was charged with researching the life and ideologies of Thomas Hutchinson but the project took on greater importance and became my Honors Thesis. After an initial book review of popular interpretations of Hutchinson, by Bernard Bailyn, William Pencak and Andrew S. Walmsley, I took an interest in the Hutchinson house attack.

My next project was to begin indexing the 1,700 letters of Thomas Hutchinson's "Letter book" microfilm collection at the Raymond H. Fogler Library. This consumed most of my spring semester and culminated in an index that I have continued to revisit, revise and reference throughout the entire thesis process. This collection, transcribed in the 1950s from Hutchinson's original letters, was my first experience with primary source material concerning the man. It was an exhaustive project but taught me the value of archival research and the painstaking dedication and tenacity that often accompanies historical research.

In April 2009 I was able to attend a lecture given by John Tyler who was creating a professional index of the Hutchinson letters for the Colonial Society of Massachusetts. His talk, *One of the Finest Houses in New England: The Contents of Thomas Hutchinson's House at the Time of Its Looting, 26 April 1765*, allowed me to connect with a similarly-interested historian and as a mentor and source of guidance when I had become lost in the intricacies of Hutchinson's world.

In June 2009, I attended a conference at the University of Maine entitled "Loyalism and the Revolutionary Atlantic World". This conference brought historians

from across the United States and Canada to discuss the impact that the Loyalist population had in forming, defining and expanding the Revolutionary Atlantic. Once again I was able to meet many 18th century historians who gave me great advice on my topic and challenged me to think about different sources and approaches in my work.

I soon found myself looking at the Kennebeck Proprietors as a catalyst to the Hutchinson house attack. With funding from the Honors College I travelled to the Maine Historical Society in Portland, Maine to view documents and records of the company. With these records at my disposal I was able to replace secondary source material with my own interpretation of the actual papers. Given the opportunity I would go back and further my research by looking into the later company records and see what evidence I can find that more directly implicates their ambitions in the Stamp Act riots of 1765 and future land speculation.

In completing this project, I have been exposed to honest historical research that I did not expect to be doing as an undergraduate student. At the Maine Historical Society I wore tight, white gloves to handle the fragile 18th century documents; at the Colonial Society of Massachusetts and Loyalism Conference I was able to speak with eminent historians in the field and to express my passion for what I had been working on. Working with a microfilm collection was exhausting but it provided a basis for the work and has shown me what it takes to complete a truly unique and honest piece of historical work. I would not part with these experiences for as they have instilled in me the necessary skills and experiences to succeed at a higher level of historical inquiry and thought.

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I. Introduction

This thesis exposes the connection between the Kennebeck Proprietors and Thomas Hutchinson, and how their antagonistic relationship shaped land settlement in eighteenth century Maine. Furthermore, it draws together all-too coincidental evidence and proposes that the Kennebeck Proprietors may have played a key role in the Hutchinson house attack of August 26, 1765. Hutchinson, as the pinnacle of Royal power in pre-Revolutionary Massachusetts, was condemned by the leaders of this land company of men because of the personal interference he injected into their affairs. He played decisive roles in several land disputes that limited the expansion of the Kennebeck Proprietors' claims. The house attack exemplified the direct influence that the Kennebeck Proprietors sought to exert against Hutchinson. The Company had the resources and personal relationships that allowed them to influence the mob and further endorsed violence to achieve their ends. Leading members of the Company were interwoven with both Loyalist and Revolutionary forces in Boston, and through these connections they could exert greater pressure on Hutchinson. If the Company could reach Hutchinson through ulterior methods, they could then curb any future influence. By attacking his house, further evidence against the Company would be lost. By examining their antagonistic relationship we begin to see how these forces contributed to the house attack and how the attack impacted land settlement in Maine.

This paper also attempts to place the Hutchinson house attack in its more appropriate context of the mid-eighteenth century. Events in Massachusetts starting in 1765 have all too often been placed at the forefront of the American Revolution but this coming conflict was unknown to all in the 1760s. Historians Gary B. Nash, Edmund S.

Morgan and John R. Galvin have all included the Hutchinson house attack as a prelude to the greater Revolutionary events to come. Their interpretations are not wrong but simply not inclusive enough to accurately reflect key aspects of late-colonial society. Thomas Hutchinson has long been a dominant individual central to Loyalist history. Yet, prior to the 1970s, historians of the American Revolution merely noted his political commitment in their quest for greater insight into the Patriot movement. In the past few decades Thomas Hutchinson has become the subject of new scholarship that finds Loyalists as intriguing as their Patriot counterparts.

The historians who study Thomas Hutchinson fall into two competing views; one side claims that he was a tragic, sympathetic figure who became ensnared in the furor of the period. Bernard Bailyn is the most famous proponent of this view, but he is not alone as Peter Oliver, James K. Hosmer, William Pencak and Emory Washburn join him in echoing empathy for Hutchinson. Another view has reinforced the patriotic view of Hutchinson as a tyrant and bulwark of arbitrary Crown authority in British North America. For over two hundred years these views have overridden any fair interpretation of Thomas Hutchinson and turned many historians against him. Andrew S. Walmsley's recent work highlights many of Hutchinson's supposed flaws from this viewpoint. How can one man earn a legacy as the best known and thoroughly despised Loyalist? It has only been in recent decades that Thomas Hutchinson's ideas, beliefs and actions have outweighed his one-sided interpretations. In studying Hutchinson, one must overcome more than two hundred and thirty years of cultural, social and political chastisement of the Loyalists in the United States.

A more inclusive interpretation is provided by other historians who describe these events in broader social, political and economic terms. These historians have proposed facts and viewpoints outside the Revolutionary narrative to show that a discussion of this period should not focus exclusively on Boston as the hub of Revolutionary influences. John Frederick Martin, Robert A. Gross, Roy Hidemichi Akagi have been amongst the fine scholars who have explained a variety of less-explored forces at work in the Colonial period.

There have also been historians who have focused more specifically on the roles that land proprietors played in the late-colonial era in Maine. Historians Gordon E. Kershaw, Charles E. Clark, Alan Taylor and James S. Leamon have led the effort to explain the ways in which land speculation and the Kennebeck Proprietors stimulated Revolutionary events. By pitting these elite land holders against the cabal of established Crown authority these historians exhibit the diverse issues that came to a head during this period.

Ignoring the context of the Stamp Act riots would discredit the impact that it made in the period. This paper will focus on the events of 1765 to highlight the struggles between competing groups of Massachusetts elites. These events were not simply harbingers of the tumultuous years to come but define a historical niche all their own. Focusing attention on these disputes represents the desire to recognize the events of 1765 as independently influential within the broader Revolutionary period.

II. Thomas Hutchinson in Context

1: Life, Ideologies and the Maintenance of the Status Quo

Born on September 9, 1711, Thomas was the first son of Thomas Hutchinson Sr. and Sarah Foster. The elder Hutchinson, a colonel of the 1st Suffolk regiment of Boston and appointee to the Massachusetts Governor's Council, raised the younger Hutchinson in a privileged boyhood. His family home was located on Garden Court Street, modern Fleet Street, in the North End of Boston and was appropriately described as the "finest house in town." In 1723, Thomas entered Harvard College at the age of twelve and showed an early aptitude and dedication. While an enthusiastic student he recalled, rather nonchalantly, that he "knew little more at his graduation in 1727 than he did when he entered." After Harvard, he continued to live a life of wealth and would soon be drawn into Boston's commercial circles. At first he apprenticed in his father-in-law's trading business but quickly exhibited great talent for his age. At age 21 he joined in his father's commercial enterprises and showed great promise after having amassed £400-£500 through his own initiative.¹ His well to-do upbringing allowed him to become a youthful luminary in the commercial hub of the colony. Before long he transformed his mastery of the Massachusetts business community into loftier aspirations of political service.

His family had been involved with Massachusetts politics and public affairs since their first arrival in the Bay Colony. His most famous ancestor was his great-great grandmother Anne Hutchinson, famed for her role in the 1637-1638 Antinomian Controversy. His grandfather Elisha Hutchinson devoted much of his life to the service of the fledgling colony. He was the first Chief Justice of the Common Pleas and later rose to the post of Assistant and Commander of the Forces for Massachusetts. He retained that

¹ James K. Hosmer, The Life of Thomas Hutchinson: Royal Governor of the Province of Massachusetts Bay (New York: De Capo Press, 1972), 1-4.

position along with appointment to the Massachusetts Governor's Council, a position he held until his death in 1717. Thomas Sr., following in his ancestors footsteps, was also a leading member of the colonial community. From 1714 to 1739 he served on the Massachusetts Governor's Council and led the 1st Suffolk regiment of Boston, rising to the rank of colonel.²

Hutchinson's upbringing was influential in his personality as well as his policies and beliefs with which he governed. Emory Washburn describes Hutchinson as an artful, industrious and devoutly conservative character. The strength of Hutchinson's personae rested on his resolve to adhere to higher standards of law, order, King, Country and the maintenance of the colonial status quo. Hosmer and Washburn are not alone in their characterizations; Bernard Bailyn, Andrew S. Walmsley and William Pencak have all contributed to our modern understanding of Thomas Hutchinson. Some accused Hutchinson of putting personal interest above those of his fellow citizens. Walmsley, in characterizing the Hutchinson clan, wrote that he enjoyed "a tradition of assiduous wealth accumulation, public service, and a proprietary sense of belonging." Taking a more pointed, personal attack Walmsley also noted that Hutchinson never considered "that others resented his family's privileged position and his own advantages of birth."³ Some rationalized his actions. William Pencak wrote that Hutchinson "staked his self-worth and career on reconciling" the contentious pre-Revolutionary factions "but fell short of the comprehensive understanding needed to end their quarrel."⁴ No matter the interpretation

² Hosmer, Hutchinson, 4-5.

³ Andrew S. Walmsley, Thomas Hutchinson and the Origins of the American Revolution, (New York: New York University Press, 1999, 8, as quoted in Cory M. Davis, "Ideological Warrior: An Examination of popular Interpretations of the Theories and Ideologies of Thomas Hutchinson". HTY 597: Independent Study of History. Professor L. Riordan. January 28, 2009, 5.

⁴ William Pencak, America's Burke: The Mind of Thomas Hutchinson, (Washington, D.C.: University Press of America, 1982, as quoted in Davis "Ideological Warrior", 6.

a common theme emanates from each response; Hutchinson's pride was his greatest downfall. Washburn points out that "the passion that blighted his private happiness, and sullied his fame, was ambition."⁵ Hutchinson was unable to translate his abilities, talents and pride into a useful form that would gain the acceptance of Revolutionary leaders. Hutchinson had convinced himself that his own logic and beliefs would save the colonies, but this pride would only bring him trouble. As Bailyn noted, Hutchinson "knew that logic and experience were on his side," but because of this pride he was unable to acknowledge the true power of "the forces of innovation that would remake the Atlantic world."⁶

Thomas Hutchinson was ensnared in an era that quickly moved further and further away from the beliefs and ideologies he helped to create. He was surrounded with the constructs and institutions of an organized, hierarchical society in which he was comfortable. His life is comparable to the calm, steady waters of a lagoon sheltered from a passing storm. It was in the permanence and concrete structure of reason and the law that he placed his faith. Although a man of privilege, he presumed himself to bear the interests of every subject at heart. He was a man who tacitly grasped for more, a man of great ambition who, when left on his own, willingly and cunningly aspired to his loftiest dreams. Washburn believed that his status allowed him "to reach the summit of his loftiest ambition" but unknowingly reached too far. His clarity and logic, particularly in points of law, were often beyond reproach. Having ascended to his judicial positions without any formal legal training he busied himself with studies of the law and its

⁵ Emory Washburn., Sketches of the Judicial History of Massachusetts, from 1630 to the Revolution in 1775, (Boston: Charles C. Little and James Brown, 1840), 308.

⁶ Bernard Bailyn, "*Thomas Hutchinson In Context: The Ordeal Revisited*". Baron Lecture, Antiquarian Hall, Worcester, MA. October 22, 2004. Copyright 2006, 299.

interpretations. He surpassed the acumen of many lawyers in the province and “excelled in that most difficult property of a good judge, a clean and intelligible state of the case upon which he was to pass.”⁷ His intelligence and dedication allowed him to easily ascend in colonial politics but he was often chided by his peers for his unusual rise to power. Noting these important aspects of his character and life help to explain the ways in which his ambitions caused his greatest heartaches.

In order to draw an accurate interpretation of Hutchinson we must consider the time period in which he lived. Did his beliefs define the times or did the period put a more definitive mark on him? Washburn challenges the modern reader to carefully consider these tumultuous surroundings when considering Hutchinson. If “he lived at almost any other period in our history with the same industry and application of his powers,” Washburn lauded, “his fame would have survived as that of an useful, honorable and honored man.” His words insightfully note that historians should consider the man and his surroundings before his true impact in history can be ascertained.

One of the bulwarks of Hutchinson’s personality and personage was the intellect, care and concern he showed in the courtroom. As a justice he was characterized as fair and logical in his determinations and, according to Peter Oliver, “His placid Temper & his invincible Patience seemed marked out by the God of Nature for the discharge of this most difficult Office.”⁸

Hutchinson showed great care for the people of Massachusetts and used his numerous positions to best serve them. Hutchinson was highly ingrained into Boston public life, which may explain his strong support of the citizenry. His belief in the good

⁷ Washburn, Sketches of the Judicial History of Massachusetts, 308.

⁸ Peter Oliver, ed. Douglas Adair and John A. Schutz Origin & Progress of the American Rebellion: A Tory View, (Stanford: Stanford University Press, 1961), 33.

natured perspective of the American colonists was an exception within Boston politics. The care he showed for his fellow British North Americans is unrivaled amongst his fellow British officials. Peter Oliver, himself a native colonial working for the Crown, commented that “every Man was jealous of his Neighbour & seemed to wait for his Turn of Destruction.” Even the “Minds of the most pious Men seemed to be wholly absorbed” in the destruction of one’s in the pursuit of personal ambitions.⁹ Hutchinson’s paternal embrace of Bostonians undoubtedly stemmed from having grown up in the Boston area. However, being born and raised in Boston and occasionally irreverent of his privileged upbringing swayed him to greater sympathy and empathy.

His public status made him an easy target for anti-Crown furor. Colonists publicly aired his flaws, denounced his multiple appointments, and berated him for his unpopular policies and opinions on key issues. These tactics quickly turned Hutchinson into the most hated man in Boston. Regardless of the revolutionary propaganda against him he embodied more than a sounding board of public frustration, more than a tyrannical leader of Boston’s political and judicial system. He was logical and struggled to show his support for the common people. Hutchinson himself declared that he was “the patron of these people who cannot help themselves.”¹⁰ This comment highlights his self-understanding but we must strive to remember that it comes directly from Hutchinson’s own work. His support for the common people resurfaces in his own struggles against the predatory methods of other elite land holders. In later years he personally resisted these elites, but undoubtedly, he had the common interests in mind.

⁹ Oliver, Origin and Progress, 53.

¹⁰ “Thomas Hutchinson to Robert Wilson, 15 June, 1765,” Raymond H. Fogler Library Microform Collection. Orono, ME. Hutchinson, Thomas. "Letter book [microform]". [Boston?, MA: T. Hutchinson, 1720?] Vols. 25, 26, 27. Originals at: Microfilm. Cambridge, MA: Massachusetts Institute of Technology Libraries. [1960?] microfilm reels; 35mm, reel 1, frame 24.

Interpreting his personal interests in Maine land speculation is difficult, but an investigation of his role as a probate judge provides clues into these interests. His work as a judge allowed him an intimate knowledge of land deeds and grants. His position afforded him an ideal perch from which he gathered documents for his History of the Massachusetts-Bay. We may logically presume that as his collection for his History grew, he may have retained certain documents for his personal use. Writing to Charlton Palmer in 1768, Hutchinson recalled a deed that was amongst his papers when his house was attacked in 1765 and had been keeping safe for Palmer. Answering Palmer's distressed letter, Hutchinson wrote that "after the destruction of my house I saw this deed among the heaps of paper which were saved."¹¹ Since Hutchinson remembered Mr. Palmer's deed among the ruins of his house we may presume that Palmer's was not the only deed in the house and would implicate any of the mob attackers in a greater quest to destroy any deeds contained therein.

His land interests were intertwined with his positions and prompted him to take a greater interest in such disputes. His judicial position allowed him sweeping access to the land records of Massachusetts. A land-owner himself, Hutchinson was able to use his access to these records to manipulate grants for rival land companies.

As a judge, Hutchinson was often petitioned to settle issues. He noted that in one case a claimant came to him seeking solace from his wisdom. This man, "[a Mr. Dupee] is not always to be depended upon however as he has no other estate and is old and declining" Hutchinson thought it right to help him settle his affairs. Hutchinson therefore found it prudent to "take deed of the land and give him discharge for £150."¹² When

¹¹ "TH to Charlton Palmer, Boston, August 20, 1768," "Letter book", reel 2, frame 669.

¹² "TH to ?, 22 December, 1761," "Letter book", reel 2, frame 9.

faced with age, disability, and usually dismal economic opportunity, many felt relieved when Hutchinson offered compensation. The case of Mr. Dupee is a uniquely personal example of the concern Hutchinson showed for those in distress. Hutchinson held important positions in the Massachusetts courts system that engaged his personal abilities and allowed him to exhibit his compassion for the common people.

III. The Importance of Land 1: An Abundant Currency

To engage the passions that arose over these land issues we must examine the social and economic importance of land ownership. The basis of wealth in British North America at this time was land. Men were made, ships were sailed, companies were founded and fortunes were won and lost to acquire more land. What drove the Kennebeck Proprietors to take such a vehement stand in their own claims while at the same time, drawing Thomas Hutchinson to defend and assert his own interests? The importance of land is what brought both of these forces to a head. To illuminate the connection between Hutchinson and the Kennebeck Proprietors we must understand the importance of land in the American Colonies.

John Locke famously wrote that a man who encircled his land would have “a greater plenty of the conveniencys of life from ten acres, than he could have from an hundred left to *Nature*.” It was more beneficial to own ten acres of developed land than to own one hundred acres of undisturbed wilderness.¹³ Many land corporations in the eighteenth century adopted Locke’s view on development. They sought large tracts of open land to establish townships and settlements that would then be under their control. The idea then being that these property ownerships would lead the lease to aspiring settlers and reap the profits from the development and settlement of their rented land. The economic ascendancy of land ownership first began in Great Britain before spreading to the New World. With Crown charters, corporations like the East India Company and the Russia Company traveled the world looking to trade and colonize. They expanded their influence by purchasing land in new territory and profiting from the resources in the area.

¹³ John Locke, Two Treatises of Government: A Critical Edition with an introduction and apparatus criticus by Peter Laslett, (Cambridge: The University Press, 1967), 312.

The landed interests of these companies represented major commercial ventures and could reap great rewards if successful but could also be ruinous if turned to failure. The success of land corporations rose and fell depending on the value of the lands that they controlled. Taking land back from the wilderness was believed to benefit the individual as well as humanity as a whole. Ideals of international corporatization and colonization landed in the New World with the establishment of the Plymouth Company and the Massachusetts Bay Company. Upon arrival in New England they discovered that “there were little money, capital and labor” but that “land and its products abounded.” Historian John Frederick Martin believed that there were only two ways to utilize land as a commodity. Initially man would have to “convert more wilderness from public to private ownership; and, second, to improve land and thereby...increase its value.”¹⁴ Capital was not readily available so the earliest colonists had to make do with the landed resources that they had in abundance.

The Kennebeck Proprietors themselves proposed the development of land as necessary to their success. Robert Gardiner, a grandson of Proprietors Benjamin Hallowell and Sylvester Gardiner, deplored any man who “keeps back from the cultivation of the soil” and therefore “acts in dereliction of the principles upon which the tenure of property is founded.” Gardiner went on to say that such a man would have no right to complain if laws were enacted that punished that man “by a practical forfeiture of his rights.”¹⁵ It was by their adherence to the Lockean beliefs of land development that the Kennebeck Proprietors justified taking the land of others. Gardiner championed the

¹⁴John Frederick Martin. Profits in the Wilderness: Entrepreneurship and the Founding of New England Towns in the Seventeenth Century. (Chapel Hill: University of North Carolina Press, 1991), 123.

¹⁵Robert Gardiner, “History of the Kennebec Purchase”, *Collections of the Maine Historical Society*, Vol. II, 278.

aspirations of the Company when he described their actions over the years. They “were judicious and unremitting...they spared neither labor nor expense to promote the prosperity of the settlement.”¹⁶ He believed that it was their solidarity in action that the region had become so prosperous in the face of private land-owners who would not develop the land.

The founding colonists arrived with strong ideas about land ownership but those ideas needed refinement because of the limited opportunities the New World offered. Land was an abundant resource and would become the standard capital of early British North America. Family fortunes and reputations were built around the ownership of land and it solidified as a status marker in the newly formed colonies. James Bowdoin’s description of these vast natural resources that these land companies controlled fed the desire for greater speculation and settlement. Writing in 1748, he commented that “The woods [are] stored with Masts, Yards, Spars & a variety of other Timber.” They contained valuable resources such as “a great number of Pitch-Pine-Trees, which are that Source of Pitch Tar & Turpentine” and that that rivers and nearby sea were heavy with “Fish of most Sorts...Salmon, Sturgeon, Alewives, Shad, Mackerel, & beyond all Codfish.” If properly used, the natural riches of this land could bankroll an entire colony, let alone a single company who controlled their access. The temptation for profit was too lucrative for ambitious men to ignore as Bowdoin declared that these resources were only “some of the natural Advantages that we have.”¹⁷

The emphasis that was placed on land ownership, development and profit encouraged the creation of a new land company that focused its activity around the

¹⁶ Robert Gardiner, “History of the Kennebec Purchase,” 278.

¹⁷ Gordon E. Kershaw, The Kennebeck Proprietors: 1749-1775: “Gentlemen of Large Property and Judicious Men. (Somersworth: New Hampshire Publishing Company, 1975), 64.

Kennebec River valley, the Kennebeck Proprietors. Their initial claim was established through the purchase of a grant originally made to William Bradford, one of the earliest entrepreneurs and settlers in Maine. In 1629, Bradford and his associates received a grant from the Council of New England of “all that Tract of Land... which lyeth within or between and Extendeth it Self from the utmost of Cobestcont... Which adjoyneth to the Riuer Kenibeck... towards the Western Oceand and a place called the falls of Nequamkick... and the Space of ffifteen English milles on Each Side of the said River... and all the said Riuer called Kenebeck that Lyes within the said Limitts and Bounds Eastward Westward Northward and Southward afore mentioned.”¹⁸ Bradford formed the Plymouth Company around his newly minted grant which then allowed him control over the mouth of the Kennebec River. In the same year and under grant through the same Council of New England, the Pilgrim Colony of New Plymouth was granted the tract where they had themselves settled.

In 1640 Bradford surrendered his tract to the freeholders then living in the Colony of New Plymouth. The region was a rich source for timber, land and fishing but Bradford was only interested in exploring the region’s resources; he did not want to settle there. Without Bradford’s influence the region became dominated by the Colony of New Plymouth. This monopoly made them unpopular because they tightly controlled fishing and trading opportunities. Growing tired of the “vexation which this property had given them” they sold their tract in 1661 to Antipas Boyes, Edward Tyng, Thomas Brattle and

¹⁸ Maine Historical Society. Documentary History of Maine. *Collections of the Maine Historical Society, Second Series. Vol. VII, Farnham Papers*, 112.

John Winslow.¹⁹ This sale ended Pilgrim control of the region but eventually new leadership in the region would be established.

During the next eight decades the grant made to Boyes, Tyng, Brattle and Winslow passed through many hands, each with their own aspirations for settlement and development. These were met with little success and caused many to forget, or simply ignore, their stake in the Eastern Territory. The Pejepscot Proprietors were the most active company in the region and even enjoyed limited success but there was not a powerful desire to challenge their control over the region. The Council of New England had granted about eighteen patents similar to the original Plymouth Colony grant made in 1629; subsequently, both the Pejepscot Proprietors and Boyes and his associates could claim deed to some of the same lands.²⁰

In 1741, Samuel Goodwin took an interest in the old Plymouth patent. The patent had been lost and he searched throughout New England for the intriguing deed that held “potential of a tiny gift...one-half of his father’s purchase of one-third of one-quarter share.” If he discovered that patent he would be able to legally claim his portion of the land and perhaps revitalize interest in the region. He discovered the patent in the possession of a Pilgrim descendent, Perez Bradford, in 1744 and began to gather support to reinvigorate the proprietors. Goodwin was joined by Captain Robert Temple and together these energized, new leaders sought out supporters for their venture. Temple had been a shareholder in the Pejepscot Proprietors but had tried, unsuccessfully, to establish his own settlement near Bath. Recognizing his failure, he gave up his share of the

¹⁹ Maine Historical Society, Collections of the Maine Historical Society, (Portland, ME: Maine Historical Society, 1847), Vol. II, 275-276.

²⁰ Kershaw, The Kennebeck Proprietors, 18.

Pejepscot territory. In 1749, the New Plymouth Company was established under the leadership of Goodwin and Temple.²¹

Ten years after taking up his initial search for the old Plymouth patent, Samuel Goodwin had amassed engaged the interest of several motivated supporters. Among his backers he counted Robert Temple, Dr. Sylvester Gardiner, James Bowdoin II, Benjamin Hallowell, Thomas Hancock, Charles Apthorp and James Pitts. These core individuals established the new leadership of the Company. The descendents of the original land holders had long since ignored or taken little interest in their share of the region and were often bought out by these enthusiastic proprietors. They were very successful in consolidating their holdings in the region to bring all of the smaller, competing tracts under the banner of the new company.²²

In 1752 a new Massachusetts law made it possible for land companies to incorporate at which point Goodwin and associates wasted little time. Seeking to distinguish themselves from the earlier Plymouth Company, these men sought a name that bridged the old with new. “In June, 1753” Kershaw writes “the shareholders incorporated their land company under the official designation of ‘The Proprietors of the Kennebeck Purchase from the late Colony of New Plymouth’.” The title was legally valuable because it described the origins of their patent but was often too cumbersome. The “Plymouth Company”, the “Kennebeck Company”, and the “Kennebeck Purchase Company” were more commonly used.²³

Kershaw’s interpretation posits his discussion of the Kennebeck Proprietors in context with the actions of the rival Pejepscot Proprietors and shows us a broader scope

²¹ Kershaw, The Kennebeck Proprietors, 26-27.

²² Kershaw, The Kennebeck Proprietors, 28-30.

²³ Kershaw, The Kennebeck Proprietors, 30.

of events that defined the period. His views are fact-based and present an unbiased assessment of the events as they happened. His description of the founding of the Kennebeck Company withholds historical judgment of the company's future aspirations and actions and merely presents the facts as they happened.

In its renewed aspirations the Company sought to expand its commercial and political power by acquiring land. This emphasis led the Kennebeck Proprietors to vigorously acquire, extend and defend their claims. Acquisition seemed to only benefit the wealthy but many colonists benefited from land development. As the colonies expanded, the further development and incorporation of new settlements had become a necessity. Ordinary colonists attempted to band together to form a new settlement but "it took individuals of means to pay the considerable costs of starting a new town." It required the cooperation between wealthier individuals and those bands of settlers looking to start a new settlement. While those families could provide the menial tasks of clearing land, erecting homesteads and tending to farms, greater expertise was needed. "The wealthy and the prominent" provided this expertise as many realized that "the leaders of New England society were indispensable" in funding the expansion of the colonies²⁴. The entrepreneurs who partnered with these settlements also provided social and political support for the fledgling settlers. New settlements required the sponsorship of the Massachusetts General Court, and it is far from coincidental that many of the wealthy partners were members of the Court. Many of these men sat on the very committees that granted land and established frontier towns. They could be very influential partners by helping the settlers navigate the Massachusetts court. While the entrepreneurs helped their fellow settlers in their aspirations they also became more

²⁴ Martin, Profits in the Wilderness, 10.

personally vested in the success of those towns. New England historian Charles Clark has noted that in the early years of land speculation in British North America “proprietors and legislatures began...to remove the barriers to spontaneous, as opposed to planned, development.”²⁵ This spontaneous development prompted many companies to begin peopling their territories as quickly as possible. Through the work of the wealthy partners more New England land, especially in Maine, was being opened for development and settlement.

The influence of the wealthy in land speculation has been debated but there were necessary conditions that required their involvement. The expertise and resources the wealthy provided were often the basis upon which new settlements were established. Settler families would have carried too heavy a burden without the support of their wealthier partners. The colonists recognized their limitations and ceded that they could not fulfill their desires without such assistance. Their religious views would also influence their decisions to admit to such obvious limitations. The “pragmatic bent of Puritanism” prompted these settlers to allow the entrepreneurs to “do the work that, circumstances being what they were only they could do to advance town-planting.”²⁶ This precedent guided the Kennebeck Proprietors and the relationships they had with their constituents. The proprietors wanted the land as much as the colonists did and in cooperating to meet those desires, they formed systems of renting and lease holding. The social, economic and political change that characterized the early-Colonial period facilitated the complex cooperation of settlers and wealthy patrons. Superseding the ambitions of locals and the control of land companies, the land in Maine was still

²⁵ Charles E. Clark, The Eastern Frontier: The Settlement of Northern New England, 1610-1763, (New York: Alfred A. Knopf, 1970), 219.

²⁶ Martin, Profits in the Wilderness, 120.

governed by the Crown authority in London. To establish the level of autonomy that the settlers and companies desired, the yoke of direct English rule would have to be overcome.

The Crown's control of land in Nova Scotia was different from their control of land in the other colonies. The settlers of Nova Scotia were not allowed to emigrate or incorporate as a corporation, like many of the settlers in Maine. This allowed the Crown greater control over their interests in Nova Scotia. Massachusetts was different because of its well-established colonial system and would be able to challenge Crown rule. Settlers could petition the Massachusetts General Court over settlement and incorporation matters instead of appealing directly to London. This system allowed settlers easier access to land and also protected them from seemingly arbitrary authority of London. This difference enveloped settlers in Maine as the Massachusetts General Court and Parliament sought their own jurisdiction over the land.²⁷

Authorities in London eventually abandoned their attempts to micromanage land in New England and found it easier to leave jurisdiction to the individual colonies. Hutchinson became caught in the struggle to uphold the desires of the General Court and promoting the interests of the established settlers. Those duties included adhering to and enforcing the mandates of the General Court. The Court was charged with the preservation of the Maine land for use by the Crown but would take no action against those people already living in the area. The Massachusetts General Court refused to eject established settlers already residing in Maine and did very little to discourage continued

²⁷ Elizabeth Mancke, The Fault Lines of Empire: Political Differentiation in Massachusetts and Nova Scotia, ca. 1760-1830, (New York: Routledge, 2005), 27.

settlement in the Kennebec River valley. Hutchinson treaded on precarious ground as he tried to balance his support of the settlers with his General Court responsibilities.

The importance of incorporating lands into established townships was the next step to establish control over Maine lands. To survive on this frontier settlers banded together in the hope that community-based living helped them survive on the fringes of the Massachusetts Bay Colony. Elizabeth Mancke, in her examination of Maine settlements, asserts that townships came together to discuss the terms of their grants and to lay out plans for incorporation. She notes that the townships of modern-day Steuben, Addison and Harrington came together through local petitions in favor of incorporation. The cooperation on the part of these groups of settlers illustrates how effective they were in addressing the needs of their collective community.²⁸ It would seem that most of the incorporated townships in Maine cooperated with one another, but the towns settled along the Kennebec River valley were different. In contrast, these settlers were unique amongst the earliest settlers of Maine; while some came together for incorporation, the Kennebec and Pejepscot inhabitants often used incorporation as a tool against one another.

²⁸ Mancke, The Fault Lines of Empire, 74.

IV. The Kennebeck Proprietors 1: “Gentlemen of Large Property & Judicious Men”

To make the Kennebeck Company a success Goodwin and Temple appealed to influential figures that would share their enthusiasm for Maine lands. They recruited many well-known figures such as James Bowdoin II, James Pitts, Dr. Sylvester Gardiner and Thomas Hancock. These wealthy men were unaccustomed to having roadblocks overturn their own plans. They were particularly adept at evading the lawful, ordered colonial government that, in some cases, they had been elected to uphold.

The Kennebec Proprietors included families that remain influential in Boston to this very day. James Pitts exemplified the class of wealthy merchants who were drawn by the corporate lure of Maine settlement. A 1731 Harvard graduate, Pitts was an importer of iron, rope and coal from which he would amass a great personal fortune. Similar to Hutchinson, his wealth allowed him to own one of the twenty two carriages then registered in the Boston area. In 1732, he married Elizabeth Bowdoin and became involved with the wealthy and influential Bowdoin family. It was through the inheritance of his new father-in-law that he would come to own a share in the Kennebeck Company.²⁹

Clifford Shipton’s biography of Pitts presents a man whose interest went beyond the principled interests of other colonial leaders. Where others actively sought and supported public service, Pitts rejected many appointments while choosing to focus on his personal and business interests. Even though he was appointed a Justice of the Peace in 1756, a prestige he assuredly enjoyed, he disliked public service. Instead of traveling door to door on his magisterial duties he once opted to pay a fine in lieu of fulfilling his

²⁹ Clifford K. Shipton, Sibley’s Harvard Graduates. (Cambridge: Belknap Press of the University of Harvard Press, 1863), Vol. IX, 1731-1735, 76-81.

duties. He often chose his own interests over those of the people who elected him and paint a portrait of a self-interested, wealthy aristocrat.³⁰

Another Kennebeck Proprietor and influential man amongst the troupe of Boston elites was James Bowdoin II. A 1745 Harvard graduate, he inherited much of his wealth and status in inheritance from his father. He counted Harvard classmate John Adams amongst his friends, and each may have had a hand in the rise of the other. Amongst his earlier endeavors as a scientist and political leader he also partnered with James Pitts in his work with the West Indian trading community. These personal and business ties with his fellow elites undoubtedly strengthen their later bonds as magnates of Boston society. Like Pitts he was not interested in serving his fellow Bostonians as a subordinate public official. He considered it an affront to his status and only accepted a nomination to one of the more prestigious representative bodies. Even as a begrudging public servant, he accepted his election to the House of Representatives in 1753. Even as an acknowledged Whig, Bowdoin only moderately opposed the Stamp Act. While his fellow representatives raved against the tax implications of the act, Bowdoin argued that the issue was whether the tax was economically irresponsible because it would hurt trade with Britain. Three years later he would be appointed to the Massachusetts Governor's Council.³¹ Although he was a reluctant public servant, James Bowdoin II became a very influential and powerful opponent against Thomas Hutchinson.

His family was also unique in his personal connection with the Pitts family. In October 1732 Pitts married Elizabeth Bowdoin and became a member of Boston's most affluent families. With his new brother-in-law James Bowdoin II and the death of James

³⁰ Shipton, Sibley's Harvard Graduates, 76-81.

³¹ Shipton, Sibley's Harvard Graduates, 514-550.

Bowdoin Sr., Pitts inherited much of his wealth and Bowdoin's stake in the Kennebec Proprietors. Their union had the potential to rival the political and familial connections that three of Boston's leading families, the Hutchinson, Sanfords and the Olivers, had created. Thomas Hutchinson's wife, Margaret Sanford, was the second of three sisters. Her older sister Mary married Andrew Oliver who went on to become the secretary of the colony when Hutchinson ascended to the Lieutenant Governorship and then Lieutenant Governor himself when Hutchinson rose to the Governor's post. Their connection did not end there. In 1770, Hutchinson's daughter Sarah married a nephew of Andrew Oliver's; one Dr. Peter Oliver, Jr. A year later, Hutchinson's oldest son Thomas Jr. married Oliver's daughter Sarah. Finally in 1772 a third Hutchinson child, Elisha, married Peter Oliver's granddaughter, Mary Oliver Watson. The two families were not satisfied with their family connections and sought political connections as well.³²

Upon Thomas Hutchinson's ascendancy to the Governorship in 1771, Andrew Oliver became the Lieutenant Governor while his brother Peter became the Chief Justice of the Massachusetts Superior Court. Peter had been an associate justice in the Superior Court since 1756 and was also the father-in-law to one of Hutchinson's children. During the first three years of Hutchinson's governorship three of his children had married three Olivers. Since 1758, only a Hutchinson or an Oliver had been the lieutenant governor of the province and one had to look back before 1760 to discover a different surname for the position of chief justice of the superior court.³³ With the Pitts and Bowdoin families together they hoped to rival the power of the Hutchinson-Oliver clan. Through their joint

³² Bernard Bailyn, The Ordeal of Thomas Hutchinson, (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1974), 30-31.

³³ Bailyn, The Ordeal, 31.

efforts in the Kennebeck Company they sought to become wealthier and more influential in the colony.

The most influential Kennebeck Proprietors, men like James Bowdoin, James Pitts and John Hancock, were implicitly ingrained into a “social system that was by now only faintly disguising the pursuit of self-interest with traditional rhetoric about serving the public good.” It was their collective, and individual, aspirations that drove them to seek greater gain by attacking Royal authority for their own gain. Their desire to remain within Boston’s wealthy circles made them the leaders of “the opposition to the new regulation of economic life by England.”³⁴ By demonizing Royal government these men were able to undermine the power and status of Royal officials and promoted themselves as the new generation of colonial leaders. In an evolving world where economic productivity trumped the public good these aspiring men could then enshrine themselves in the political realm previously held by the Crown. During the 1750s and 60s these men realized that their moment was at hand; the time for them to ascend this emerging ladder had dawned, and they used their corporate assets to further that ascension. As these ideologies became the standard of the social-economic culture these aspiring men were able to rise to greater prominence. As their road to greater influence and prosperity opened only the established members of the colonial elite remained to oppose their ambitions.

As Gary Nash has noted, many of Boston’s liberal Whigs “were the striving men who had also embraced the bourgeois spirit of commercial life” and they sought to overthrow the ranks of established leaders. Many men of the day saw the vain

³⁴ Gary B. Nash, The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution, (Cambridge: Harvard University Press, 1979), 341.

aggrandizement of wealth and power by the Crown officials and, as is human nature, coveted the opportunities they could not enjoy. These feelings were shared amongst all professionals: coopers, artisans, importers, exporters, and even mid-levels merchants who, though not poor by relative standards, still sought an easier life and broadened financial stability. Often lacking the political acumen of Crown authority in the colony, these men probed every advantage to catapult themselves to higher status.³⁵ To properly understand these men historians must incorporate newer interpretations of these men. While some befriended the patriot cause and ideologies of the pre-war period they also aspired to greater social and financial inroads.

³⁵ Nash, The Urban Crucible, 341.

V: The Landed Interests of Thomas Hutchinson

To accurately judge Hutchinson's reactions to the Kennebeck Proprietors we must first understand his connections to the territory. He served as the Boston representative to the Massachusetts House from 1737 to 1749, had served as a councilor for seventeen years from 1749 to 1766 and finally became the Lieutenant Governor in 1758.³⁶ Apart from his role in the Massachusetts courts his family had also been very involved in land speculation. Many of his ancestors had been influential in the establishment of settlements in Massachusetts and Maine and were some of the earliest speculators in Maine.

The Hutchinsons had engaged in speculation and land company business generations before Thomas Hutchinson's conflicts with the Kennebeck Proprietors. Throughout their time in British North America, the Hutchinsons had used their wealth and influence to barter, trade and purchase vast tracts of land. Captain Edward Hutchinson, born around 1613, was the founding patriarch of these speculators. His personal land holdings were vast and undoubtedly vaulted him to be included in the influential circles of Massachusetts economy and society. In 1654, he owned and rented land in Lynn, Massachusetts, and was engaged in the area's iron production. At the same time he invested in Maine sawmills that, after discovery of the rich timber resources, were very lucrative. He maintained land in Boston, owned an island and was granted an unspecified tract of land from the General Court. Such vast land holdings were common among colonial leaders but it is still startling to note that Hutchinson's land accounted for two-thirds of the value of his estate. The great-grandfather of Royal Governor Thomas Hutchinson, Edward, served in the Massachusetts militia and was admitted to the

³⁶ Bailyn, The Ordeal, 14.

Atherton Company in 1659. This company comprised many of the leading Boston merchants of the day and perpetuated the trend of elite land speculators. He became an important man within the group; he recorded many of the company's proceedings, was a frequent visitor to the company lands and maintained many of the land records.³⁷ His accumulation of such extensive tracts would impart his descendents with the bountiful influence and wealth that the name of Hutchinson would become synonymous with. Edward's death in 1675 left those lands in the hands of his descendents that would carry on their now indisputable legacy of land speculation.

Edward's son, Elisha Hutchinson born in 1641, greatly expand the family's land speculation in Maine. During the 1690s, Elisha owned tracts in Braintree, Muddy River (now Brookline), Rumney Marsh (now Chelsea) and a part of Boston Neck, Massachusetts. In addition to his Massachusetts holdings he also owned land in Maine. During those years he married the stepdaughter of one of Maine's most prominent land speculators and investors: William Phillips. The inheritance of this intermarriage would allow Elisha to receive shares in a 19,000 acre plot that would become Sanford, Maine. Elisha continued to build upon his father's successful grants and around 1683 he would also own Maine lands in Scarborough, Small Point Neck (modern Phippsburg, Bath and West Bath), Sheepscot (near Wiscasset) and Damariscotta, Maine. Elisha also inherited land from Thomas Clark and Thomas Lake, the founders of the Clark and Lake Company. In the late seventeenth century he managed this patent and was a known visitor to the area. That territory, then called New Dartmouth but known more currently

³⁷ Edward Hutchinson Lease, 1657, photostats, Massachusetts Historical Society; York County, Maine, Register of Deeds, *York Deeds*, 1642..., 17 vols. (Portland, Bethel, Maine, 1887-), 1642, I, 57; Edward Hutchinson Inventory, August 24, 1675, V, 287-289; Will of same, August 19, 1675, VI, 70-72, Suffolk County Probate Registry, Old Courthouse, Boston, quoted in Martin, Profits in the Wilderness, 67.

as Newcastle, would form the basis of what would become the Pejepscot Purchase.³⁸ This would be the land that the later Kennebeck Proprietors, Clark and Lake Company, and Pejepscot Proprietors would seek to control in the decades to follow.

The task of maintaining the family's strong heritage of land speculation next fell to Elisha's sons Edward Hutchinson and the future Royal Governor's father, Thomas Hutchinson Sr. Edward, the uncle of the future Royal governor, was amongst twenty-three other leaders of the Clark and Lake Company. Edward's company would go on to develop Brunswick, Topsham and Georgetown, Maine in 1715, 1717 and 1716 respectively.³⁹ In 1714 Thomas Hutchinson Sr. became one of the original eight merchants who organized the Company of Pejepscot Proprietors.⁴⁰ Their claim to the Pejepscot area, a piece of land straddling the Androscoggin River, along with lands on Casco Bay and Merrymeeting Bay where the Androscoggin and Kennebec Rivers converge, was a coveted and fertile region.

The Company purchased their tract from Richard Wharton, a czar in an earlier period of Maine land speculation. Wharton's ownership was said to extend for over 500,000 acres in the surrounding territory; however he died before being able to have the title confirmed into his charge. On November 5, 1714 the Pejepscot territory was sold to

³⁸ Casey, "The Hutchinson Family", *Narragansett Historical Register*, II (1883-1884), 177-179; Edward Hutchinson Petition, Towns and Lands, VI, 69, Connecticut Archives; Elias Nason, *A History of the Town of Dunstable, Massachusetts...* (Boston, 1877), 26-27, 283; Proprietors of Commons of Braintree, etc., July 23, 1693, CXIII, 13, Massachusetts Archives; *York Deeds*, IV, 15, VII, 39,56, 58-59, 83, 93; Elisha Hutchinson's Lands, XLV, 194b, Massachusetts Archives; Franklin B. Hough, "Pemaquid Papers", Maine Historical Society, *Collections*, V (1857), 95-100; Henry Wilson Owen, *The Edward Clarence Plummer History of Bath, Maine* (Bath, Maine, 1936), 34-35, 56-57, 58, 60-63, quoted in Martin, Profits in the Wilderness, 67.

³⁹ William D. Williamson, The History of the State of Maine, 1602-1820, (Hallowell, Maine, 1832), II., 87-88.

⁴⁰ "Pejepscot Proprietors' Records, Mss., I; Maine Historical Society, *Collections*, XXIV: 218-233." As quoted in Roy Hidemichi Akagi, The Town Proprietors of the New England Colonies, (Gloucester, Massachusetts: Peter Smith, 1963), 246.

the men who would then form themselves into the Company of Pejepscot Proprietors.⁴¹ These proprietors laid “claim to certain Lands called the Pejepscot Purchase” and gained title to the tract through the efforts of “Mssrs: Thomas Hutchinson, John Wentworth, Adam Winthrop, John Watts, David Jeffries, Oliver Noyes, John Ruck and Ephraim Savage, Administrator to the Estate of Richard Wharton.”⁴² The role that Thomas Sr. played in the acquisition and settlement of this area is not clear. Regardless of the role of Hutchinson’s father, the strong ties between their family and their land holdings cannot be ignored. It would take nearly six decades for another Hutchinson to come to the defense of his family’s acquisitions.

Acquiring land played an integral part in establishing the aristocratic and entitled estate of the Hutchinson family. The successive speculation from generation to generation suggests one startling idea that we can say described the intentions of all of the Hutchinson ancestors. They may have acquired the land for themselves however they also wanted to leave their heirs in financial security. If one merely accounts for the contemporary concerns of each generation; a place to live, food for their families and enough substance to pay for living expenses, what would be their motivation for gathering more resources than they could have ever hoped to have used?

Like generations before them, the Hutchinsons bought land to succeed in their own lives and to provide a further sense of security for their offspring. They aspired to become the new aristocracy in British North America by positioning themselves as a New World model of the landed elites in England. Thomas Hutchinson undoubtedly

⁴¹George August Wheeler and Henry Warren Wheeler, History of Brunswick, Topsham, and Harpswell, Maine, (Boston; A. Mudge & sons, 1878), Vol. I., 21.

⁴²Maine Historical Society. “At a Meeting of the Pejepscot Proprietors at the Exchange Tavern in Boston, Wednesday, June 8. 1757”. *Kennebec proprietors papers*. Kennebec Purchase Company. *Loose papers, 1 June 1757 to 19 October 1757*.

acted in this frame of mind when he intervened in the land disputes with the Kennebeck Proprietors. The weight of his speculating ancestors necessitated his presence in the Maine land claims so that the hard work of his ancestors would not have been wasted. The future of Thomas Hutchinson's own children were further interwoven within the family land assets. If Hutchinson had not interfered he risked his children's financial and social stability. While he may rightly be accused of acting in his own self-interest, one must look behind that notion to see what those interests were. He was protecting and ensuring the survival of his family, both past and present, through his watchful attention to the land cases in Massachusetts and Maine.

VI: Expansion and Conflict in the Eastern Territory

1. The Early Years

In the struggle to attain power in the Eastern Territory of Maine, Hutchinson and the Proprietors were bound to cross paths. These conflicts encouraged both sides to use their power and influence to stalemate the ambition of the other. Prior to the events of August 1765, Hutchinson and the Proprietors waged a little-known, but highly contentious and influential battle amongst themselves. By investigating these early conflicts, we can better understand the connections between Hutchinson and the Proprietors.

Wary of their aspirations, Thomas Hutchinson cast an ever-watchful eye upon the Kennebeck Company; curbing their enthusiasms at many opportune moments. The scrutiny and frequent intervention of Hutchinson against the Kennebeck Proprietors derailed proprietary expansion at a few critical occasions. Governor Francis Bernard commented that the Hutchinson house attack had been carried out because of “private resentments against persons in Office.” That night that actors had insidiously “work’d themselves in and endeavoured to execute themselves under the Mask of the Publick Cause.”⁴³ Bernard believed that the attack was carried out by some of the very men who championed the causes of government at one instance but would swiftly turned their ambitions to more personal goals. In some twisted sense of public duty, these men may have thought they were acting in the best interests of the public they represented.

In the early 1750s, the Kennebeck Proprietors began to take direct action to enforce their dormant claim. In April 1750, the company began converting established

⁴³ "Bernard to the earl of Halifax, August 31, 1765," Sparks Mss., Houghton Library, Harvard University. As quoted in Robert Blair St. George. Conversing by Signs: Poetics of Implication in Colonial New England Culture. (Chapel Hill: The University of North Carolina Press, 1998), 268.

settlers into tenants by giving “them a quit clame of the lands in their possession.” They also encouraged newly arrived settlers by encouraging them to “call ameaditely a town meeting and vote to hold under the propritee”; a move that would secure the Proprietors control over those inhabitants.⁴⁴ The Company relied on Samuel Goodwin, now appointed as the Company clerk, to promote their interests in the region and to oversee the settlement efforts. Making his own home on the Kennebec River, he soon became a notorious and despised figure across the region. He managed the Company claims and was “empowered to appear for them” at any time and had the power to “prosecute & defend in any action or actions in any cort...to take cear of any actions wherein the Company of Proprietors are or shall be concerned...and to negotiate any and all the Companys affairs on their lands.”⁴⁵ Goodwin was responsible for all Company affairs and it was under his guidance that the public image of the Company unraveled.

Goodwin, undoubtedly under pressure from the proprietors, staunchly believed that many of his fellow settlers resided within the boundaries claimed by the Kennebeck Proprietors. Since the Company sought to establish and expand its influence in the region these settlers represented an intrusion into lands under title to the Kennebeck Company. These intruders presented a problem to the Company that they had not anticipated; how could they claim land where deeds and settlers had already established settlements? As more settlers arrived in the region the Company concocted a solution to control the established settlers. They would not prosecute these settlers but freely granted land to those settlers who willingly upheld the authority and claims of the Company. These grants pitted the Company against the settlers as they tried to assert their rights in the

⁴⁴Maine Historical Society, “Boston, 23 April, 1750,” *Kennebec Purchase Records. Vol. 1, 1661-1753*, 28.

⁴⁵ Maine Historical Society, “January 22, 1753,” *Kennebec Purchase Records*, 165.

region. Those settlers who chose to side with the Company were protected from the harsh practices employed by the Company and also encouraged other settlers to take accept Company tracts. The Kennebeck Company earned the distrust of local settlers who themselves being trampled upon by the avarice of the expansion-minded proprietors. Counter to what the Company would have argued it was not in the best interests to take up under claim with them. The settlers sought to maintain their independence and way of life by resisting the ambitions of the Company and those in their employ.

Samuel Goodwin was charged with claiming and allocating lands to the Company settlers under his authority as co-founder and clerk. He was instructed to “take Evidence With him and Order any such person or persons to remove from said Lands” and to take further action “if they due not immediatly comply with him.” He was further directed, in case opposition arose, to “hinder any person or persons from setting down on any unimproved Lands” thereby encouraging settlers to make their homes in the established townships of the propriety.⁴⁶ He was often the first and only representative of proprietary authority that these settlers encountered but by looking at the directives he was given we can see that he cast an important impression. The coercive and threatening directives he was given set the tone for future conflicts between the Kennebeck Proprietors and the settlers of the Kennebec River region.

The settlers were assuredly worried about the Kennebeck Company but their strongest frustrations were often directed against Samuel Goodwin. In part, he deserved the condemnation of local inhabitants for his personal influence but we must remember where his guidance came from. James Flagg, a resident of the nearby Sagadahoc River, recorded a scathing account of the near-intolerable conditions in the region. In vivid

⁴⁶ Maine Historical Society, “January 22, 1753,” *Kennebec Purchase Records*, 166.

detail Flagg described the actions of an individual mysteriously known as the Don, who “by his violent Proceedings, and oppressive Measures us’d on the Inhabitants that lived between Cobeseconte and the Sea” harassed the local settlers and threatened them to submit under the Kennebeck Company. Flagg wrote that the Don “has made himself and Company odious in the Esteem of the best Judges in the Province.”⁴⁷ The Don remained an unnamed figure but we may speculate that Flagg implicated Samuel Goodwin and the Don as one in the same. Goodwin had many personal interactions with the settlers and presumably made the most enemies in the course of carrying out Company orders. Local opinion was ignited in opposition against the Don because of his “impetuous and revengeful Temper, his perpetual Deceptions, his arbitrary and imperious Behavior.” His actions arrayed the settlers squarely against him and “has at last made him contemptible to many, feared by some, and hated by all.”⁴⁸

The Kennebec Proprietors were not as brutal as they initially appear. They showed some leniency towards established settlers and especially those that accepted their terms. In order to incorporate their townships they had to prove that their settlements were viable and worthy of the General Court’s endorsement. In this thread the Company committed itself to consider and compensate the claims of those settlers already living in region to encourage them to incorporate under them. “The Proprietors”, records of the Company noted, “would deprive none of such lands” as they rightly owned and not deprive them “of the Fruit of their labour” if they were already established. The Company would not seek legal action if the settlers would “peaceably persue their one

⁴⁷ James Flagg, “A Strange Account of the Rising and Breaking of A Great Bubble [With Amendments and Enlargement”. (Boston: Re-printed and sold at my office, at the sign of the Tree of Liberty, on Sagadahock-River, 1767). Archive of Americana; Early American Imprints, Series I: Evans, 1939-1800. Evans 10778. (American Antiquarian Society and NewsBank, 2002), 12.

⁴⁸ Flagg, “A Strange Account of the Rising and Breaking of a Great Bubble”, 14.

[own] Business and not obstruct the settlement” of the Propriety and their supporters.⁴⁹ The Company paid more than lip service to these settlers and took action to settle matters between the residents themselves. If contested claims arose the Company stepped in to moderate an agreement and often offered tracts of Company property as compensation to the losing party. “The latter grantee”, the Company wrote, “in case he shall apply to this Propriete, within two years after the said grant, shall have an allowance or equivalent granted to him his Heir or assigns.”⁵⁰ The Kennebec Proprietors courted disaffected locals and increased their influence by mediating settler disputes and granting compensatory tracts to affected parties. This technique indebted many settlers to the Company; the winning party for its favorable determination and the losing party for the compensatory gift of Company land. In the earliest years of settlement, hostile public opinion necessitated these courtship methods in order to increase the character and power of the Kennebeck Proprietors.

In order to encourage further settlement on its treacherous frontier, Massachusetts hatched plans to bring foreign immigrants to the Kennebec River Valley. James Bowdoin’s earlier assertions of the vast wealth of land and resources fell on the ears of Lieutenant Governor Phips. In 1750, Phips recruited a German immigrant, Joseph Crellius, to return to Germany as commissioner in charge of recruiting settlers. Crellius managed to gather a small group of immigrants and headed for the New World. This invasion caused discontent in the local Maine settlements from natives who had already established their own roots. Upon their arrival in Maine, Thomas Hutchinson commented

⁴⁹ Maine Historical Society, “January 22, 1753,” *Collections of the Maine Historical Society Kennebec Purchase Records*, 170.

⁵⁰ Maine Historical Society. *Collections of the Maine Historical Society Kennebec Purchase Records*, “January 22, 1753,” 168.

that the “the Germans are sending some of their number to the Eastern parts.” Having been promised fertile lands in Massachusetts, Hutchinson worries that these immigrants would be “inclined to go upon Lands belonging to private persons.” These immigrants and the few native settlers set about construction of the townships that the Kennebeck Proprietors desired. With the establishment of the town of Frankfort in 1751, English settlers arrived to try their own hand within the relative security of the established settlement.⁵¹

As the years passed, the Kennebeck Proprietors regained its harsh and domineering reputation. It continued to pursue its own interests without regard for the rights of other companies and often their own settlers. Highlighting the character of Samuel Goodwin exemplifies how actions taken in the name of the Company flavored popular opinion against them. Another interesting point must be made for the earliest make-up of the population along the Kennebec River. In order for the Company to develop and incorporate its tracts its needed settlers. English settlers would not move to their tracts without the security they enjoyed in Massachusetts which left the Company to fend for other settlers. By using the Germans, and later on French Huguenots, they were able to establish settlements that then enticed English settlers to the region. It is important to note that these condemning opinions come from multiple sources and that evidence to support the aspirations of the Company rarely surface except among their own records. Apart from the notes of Kennebeck Company itself, there are few contemporary accounts that highlight Maine settlement during the early 1750s and even fewer sources that specifically described the Company's ambitions and goals.

⁵¹ Kershaw, The Kennebeck Proprietors, 67. An in-depth account of the German immigrants can be found in Kershaw, The Kennebeck Proprietors, 64-74.

2. Rivals in the Valley

The Kennebeck Proprietors were not the only land companies looking to assert their influence in Maine. Throughout the 1750s, competing land interests settled colonists, incorporated townships and established their own presence in the region. While the Kennebeck Company continued to test their rival's claims by enticing local settlers, these rivals soon rose against them. Unbeknownst to the Standing Committee of the Company, Goodwin's actions were being carefully watched by rivals in the Kennebec River valley. These rival companies were infuriated by the abuse of the Proprietors and set themselves on an offensive against them. The two groups that challenged the Kennebeck Company were the Clark and Lake Company and the Pejepscot Proprietors. In an effort to survey their claims, the Kennebeck Proprietors were accused of coercing and threatening the settlers of their rivals. Both sought to defend their interests, and those of their settlers, in the region by attacking the expansion practices of the Kennebeck Proprietors. By appealing to the passions of disaffected Maine settlers, Clark and Lake became the first company to test the resolve of the Kennebeck Proprietors.

Members of the Clark and Lake Company claimed land that bordered the Kennebeck Proprietors on two sides; they held title from the mouth of the Kennebec River to the Cobbosecontee Falls along with lands farther up river, above the Kennebeck Company's territory. As boundary issues between the two companies flared, members of the Clark and Lake Company defended their territory by playing on the opinions of local settlers. The Proprietors responded in kind with public appeals of their own. This created a series of accusations and rebuttals in Boston newspapers from 1751 and 1754. Each company accused the other of encroaching on established deeds and attempted to gain

public approval behind their own territory. The papers were filled with company records, land documents, testimonies and, in the case of Clark and Lake, advertisements that asserted the rights of one company over the other. They traded insults as well as abusive threats that they lauded upon the settlers.⁵² What began as a conflict in the remote “Eastern country” had spread to the papers of Boston and would soon be tried in the courts of Maine and Massachusetts.

Clark and Lake took legal action against the Kennebeck Proprietors and filed suit in 1756 under pressure from the rival company. In describing the coercion, threats and physical force used by the Kennebeck Proprietors against their settlers, Clark and Lake sought a reprieve from the predatory actions of the propriety. In some cases the settlers were tricked and blatantly forced to accept the boundaries claimed by the Proprietors. Clark and Lake insisted that their holdings gave them control over the mouth of the Kennebec and surrounding area while leaving the Kennebec’s to control the land above the Cobbosecontee.⁵³ Clark and Lake attempted to solidify their case by presenting documentation, dating back as far as the 1600s, that showed the extent to which they had developed the land in their originally granted title. These extensive records weakened the claim of the Kennebeck Proprietors and forced them to settle for an out-of-court compromise.⁵⁴

In 1756, both companies agreed to present their case before a committee of referees to settle the matter. Both companies agreed that “all Controversies & Demands

⁵² Printed advertisement, Mar. 27, 1751, Pejepsot Papers, IV, 349 and Resolution to print an answer to Clark and Lake (with full text), May 29, 1754, Kennebeck Purchase Papers, Records, II, 70-73. James W. North believes this pamphlet was written by James Bowdoin II, as quoted in Kershaw, The Kennebeck Proprietors, 155.

⁵³ *Plaintiff's State of the Case; the Proprietors holding under Lake & Clark, Plaintiffs, against Proprietors from Plymouth Colony, Defendants*. Kennebeck Purchase Papers, 1-7. 7 pp., undated, as quoted in Kershaw, The Kennebeck Proprietors, 155.

⁵⁴ *Plaintiffs State of the Case...*, 6, as quoted in Kershaw, The Kennebeck Proprietors, 155.

subjects lying between the Two Companys” would be turned over to “a Rule of Court to be entred into at the Superior Court now sitting at Boston.”⁵⁵ By entering into the agreement each company became legally bound to the decision of a committee who would determine the outcome of the dispute. The agreement required that “five persons shall be appointed to settle & determines the Quantity and continuation of the Land which each Company shall hold.” These men were given the full faith in their abilities to soundly weigh the facts and make a decision but both companies agreed that each company would benefit by having the “Liberty of choosing one of their Lawyers” to represent them on the committee.⁵⁶ The Kennebeck Proprietors hired famed lawyers James Otis Jr. and Robert Auchmuty to represent them on the committee while Clark and Lake had chosen Benjamin Prat to represent their interests.⁵⁷ With the committee assembled, they began reviewing the arguments of each side but none could have guessed the surprising evidence that would soon be delivered to them.

Attending the meeting of the referees was Cadwallader Ford, a leading member of the Clark and Lake Company. While the referees reviewed the case material, Ford remembered that, “The Honourable Thomas Hutchinson, Esqr. brought in a Paper, and said to the Referees, Gentlemen, I do not know but I have found a Paper that may shorten your Work.”⁵⁸ The paper Hutchinson carried outlined an early agreement between Clark and Lake and the Kennebeck Company that defined the established boundaries between the two companies. The settlement “mentioned Obbecyconte at the lowermost Bounds

⁵⁵ Maine Historical Society. “Coppoy of Agreement between Kennbeck prop. And props. Holding under Lake and Clark. Boston. Aug. 19. 1756,” *Kennebec Proprietors papers*. Kennebec Purchase Company. *Loose Papers, 1776(Duplicates) and 1757 to 14 May*

⁵⁶ Maine Historical Society. “Coppoy of Agreement between Kennbeck prop. And props. Holding under Lake and Clark. Boston. Aug. 19. 1756,” Kennebec Purchase Company. *Loose Papers*

⁵⁷ Kershaw, *The Kennebeck Proprietors*, 156.

⁵⁸ “Testimony of Cadwallader Ford, June 8, 1765, Appendix to the Appellants' Case,” 14-15. As quoted in Kershaw, *The Kennebeck Proprietors*, 157.

between the said Agreement and Settlement”, thus establishing the southern and northern boundaries of the companies respectively. Hutchinson went on to say that the document was “signed by the Commissioners or a Committee from the said Colony...and Clark and Lake signed on the other Side.” If this was true then the two companies had already established their boundaries decades before the current case before the referees. “If he remembered right...the Paper was dated 1654.”⁵⁹ The paper, Hutchinson testified, had been in his grandfather, Elisha Hutchinson’s, possession and was a plan or a map that outlined the property lines that had been agreed upon by Clark and Lake and the Plymouth Colony in 1654.⁶⁰ This document negated any claim by the Kennebeck Proprietors and in December 1756 the committee of referees granted the majority of the disputed lands to the Clark and Lake Company.⁶¹

3. Hutchinson Defends His Interests

Thomas Hutchinson’s appearance before the referees must have surprised those that attended the referee’s deliberations. There can be little doubt that the committee knew who he was but what could have brought him to produce the crucial evidence that he did? How did he hear of the case? At the time of this case Hutchinson was still the Chief Justice of the Massachusetts Superior Court and had become the newest Boston representative in the Massachusetts House. The mail and news services were slower still, but he managed to hear of the case in enough time to gather his wits and begin to search his documents for any evidence he may have thought prudent. He may have read the

⁵⁹ “Testimony of Cadwallader Ford, June 8, 1765, Appendix to the Appellants' Case,” 14-15, as quoted in Kershaw, The Kennebeck Proprietors, 157.

⁶⁰ “Testimony of Thomas Hutchinson, Nov. 17, 1764,” 15, as quoted in Kershaw, The Kennebeck Proprietors, 157.

⁶¹ *The Award and Final Determination of the Referees respecting the Claims of the Proprietors of the Kennebeck Purchase from the late Colony of New Plymouth and the Company holding under Clark and Lake, relative to the Lands on each Side Kennebeck River*, Aug., 1757, Pejepsot Papers, Printed Papers, as quoted in Kershaw, The Kennebeck Proprietors, 158.

accusations and broadsides that each company had posted in the Boston papers; he may have even encountered pertinent legal documentation in his own work that would have sparked his interest. Were these factors powerful enough to motivate him to personally influence the proceedings? Even more baffling is that his attendance produced a document that effectively closed the case in favor of Clark and Lake. Could it be that he had prior knowledge of the case and had waited for the time to play his hand?

His position in the Massachusetts probate court may hold clues to the decisive impact he played in the Clark and Lake case. Hutchinson's judicial position may shed some light on how he may have acquired an interest in land cases. As a probate judge he had a unique knowledge of the wills, bills of credit, debts and personal estates in Massachusetts law. His expertise would have therefore been useful to the referees as they debated the rights of the two companies. Given his strong personal character and integrity as a judge he may have attended the proceedings to ensure that the committee came to the most judicial decision.

It is clear that Hutchinson played an integral part in the referee's verdict for Clark and Lake. Without the evidence and testimony Hutchinson provided the case for Clark and Lake may have turned out much differently. While coming to the aid of Clark and Lake, Hutchinson may have unknowingly set himself against the Kennebeck Proprietors. He had played a personal part in quashing their ambitions and had set the stage for future clashes.

After the favorable award to Clark and Lake, the Pejepscot Proprietors followed with a suit of their own against the Kennebeck Proprietors. The Pejepscot territory was another tract that was granted by the Council of New England. In the 1680s, the land was

acquired by Richard Wharton who was a magnate in the Boston mercantile scene of the time. Interest in Wharton's land company declined after his death in 1689 and was not taken up again until 1714. It was in that year that eight merchants organized themselves as the Company of Pejepscot Proprietors and began to take an active interest in Wharton's abandoned tract. These men included "Thomas Hutchinson, father of the future Royal governor...; John Wentworth, the later lieutenant governor of New Hampshire...; John Watts, David Jeffries, father of the later Kennebeck Proprietor of the same name; Adam Winthrop, Stephen Minot; Oliver Noyes; and John Rusk."⁶² The Pejepscots claimed land on both sides of the Kennebec River as far upstream as the conjunction around Cobboseconte Stream. They had also founded Brunswick in 1715 and Topsham in 1717 as strongholds of their company in the Kennebec River valley. By the time of their clash with the Kennebeck Proprietors, the Pejepscot Company had amassed a wealth of incorporated land and certified claims in the area.⁶³

Before any accusations or consequences could erupt the conflict ended with an agreement between the two companies. Meeting in June 1757, the Pejepscot Proprietors outlined their agreement. "In Order therefore to prevent any Controversy between said Proprietors, and Us" they decreed, the two companies "have mutually agreed, that the first mentioned Proprietors...called the Kennebeck Company shall release and Quitclaim to us [the Pejepscot Proprietors]" the disputed lands.⁶⁴ These early cases were monumental in curbing the expansion of the Kennebeck Proprietors and exhibited the personal influence that Thomas Hutchinson could wield.

⁶² Kershaw, *The Kennebeck Proprietors*, 19.

⁶³ Kershaw, *The Kennebeck Proprietors*, 151.

⁶⁴ Maine Historical Society. "At a Meeting of the Pejepscot Proprietors at the Exchange Tavern in Boston, Wednesday, June 8. 1757," Kennebec Purchase Company. *Loose Papers*.

While the overt ambitions of the Kennebeck Proprietors had been stalemated, the desire extended their claims remained. Not satisfied to compromise with Clark and Lake or the Pejepscot Company, the proprietors patiently developed their claim and waited for a future opportunity to expand. They would only have to wait a few years before such an opportunity presented itself. Their 1756 claim had fallen apart because of the dubious legality and one-sided interpretation of their claim but their second attempt would try to surmount those obstacles. The propriety used their wealth and influence to try and sway their legal cases in the local Maine courts. Moreover, Thomas Hutchinson continued to play a role in the outcome of these cases.

4. Trouble in the Courtroom

On July 21, 1760 the Massachusetts General Court established two new counties in Maine. The area of Southern Maine, around Falmouth, became Cumberland County, while the lands of the Kennebeck River valley became Lincoln County. Frankfort became the seat of Lincoln County and many suspected that the Kennebeck Proprietors had used their influence within the court to secure the county seat in their territory at Frankfort.⁶⁵ Their influence over the area seems to have been firmly secured; however the proprietors were always cautious about any interference with their power and sought to further solidify their control. Before the establishment on the new counties, the Kennebeck Proprietors granted Governor Thomas Pownal 500 acres of land in Frankfort.⁶⁶ Gifts to Pownall were not unusual. When he arrived in the colony to assume the governorship the General Court granted him Mount Desert Island as a welcoming gift. We may reasonably

⁶⁵ Maine Historical Society. "Answer of Nathaniel Donnell, June 6, 1764," *Maine Historical Society Collections, Documentary History*, 2nd Series, XIII, 347-350. As quoted in Kershaw, The Kennebeck Proprietors, 164.

⁶⁶ Proprietary grant to Thomas Pownal of Lot No. 20 at Frankfort (Pownalborough), May 14, 1760, Kennebeck Purchase Papers, Records, II, 247, as quoted in Kershaw, The Kennebeck Proprietors, 164.

assume that when the General Court considered the establishment of Cumberland and Lincoln Counties, Pownal's grant in Frankfort and Mount Desert Island weighed on the deliberations. Already nicknamed Pownalborough in honor of the Governor, Frankfort's importance as the county seat became the object of the proprietor's interests. To attain this seat they even volunteered to build the courthouse that would serve the new county. Around this time Hutchinson renewed his interests in the region and wrote that as soon as the end of year permitted him "to go myself or make enquiry into the state of the land" and until that time it "is not possible to[as]ertain the real value" that was at stake.⁶⁷ Hutchinson took it upon himself to try and determine the value of the land which the Massachusetts government had just invested in. Hutchinson's judicial position allowed him to assess the Massachusetts Court's investment as well as survey other interests in the area.

He did indeed travel to the region around that time as evidenced by his reaction to the most recent proceedings of James Otis Jr. in the Courts. "I have been absent upon the Eastern Circuit", he wrote to William Bollan, "which now extends to Falmouth in Casco bay and knew nothing of the affairs of the General Court." Apparently having a pleasant trip, he assured Bollan that "I was glad to be out of the way and shall be so until the Influence of Mr. Otis and men of his disposition is lessened."⁶⁸ Taking excursions around his jurisdiction allowed Hutchinson time to survey government and personal lands in Maine as well as vacate the tenacious antagonisms of his fellow Boston politicians.

As soon as the courthouse was built it was put to immediate use. The proprietors had hoped that by funding the courthouse and recruiting aspiring lawyers they could

⁶⁷ "TH to ?, Boston, December 22, 1761," "Letter book", Reel 2, frame 10.

⁶⁸ "No date; to William Bollan, Boston," "Letter book", Reel 2, frame 28.

sway their own legal cases. In previous years the local courts had deplored the actions, practices and threats of the Proprietors and sided with rival land companies and their tenants. The new courthouse was opened on September 12, 1761 and was “proper to receive the Court which Enter’d.”⁶⁹ With a new courthouse and a bevy of lawyers, the Proprietors were confident that their days in court would be much more fruitful. Their hopes were quashed as the courthouse they helped build allowed more input from the local settlers. Many of the jurors were drawn from areas that had been the targets of proprietary ambition and finding in favor of the company would hurt their own interests. Juror-settlers from Sheepscot, Wiscasset, Georgetown, Topsham and Brunswick remembered the threats, antagonisms and intrusions of the company as their deliberations in the courtroom attested. The Kennebeck Proprietors had not expended such great effort to have these jurors stand in their way; they needed a more practical approach to win their cases.

In 1763 the Kennebeck Proprietors petitioned the Massachusetts General Court to move their court proceedings to the inferior courts of Middlesex, Essex, Suffolk, or Worcester counties in Massachusetts. The proprietors accurately reasoned that local jurors were predisposed against their cases and that a “great Number of persons...are Some way or other concerned in the Event of them [the cases],” so that “it is very difficult, if not impossible that your Petitioners should have impartial Juries.”⁷⁰ The proprietors argued that they had no chance of a fair trial in their local courts, but their attempts to move their court cases were rejected by the General Court. In their

⁶⁹ “Gershom Flagg to David Jeffries, September 12, 1761,” Jeffries Papers, XIV, Massachusetts Historical Society, as quoted in Kershaw, The Kennebeck Proprietors, 65.

⁷⁰ “Petition to Governor Bernard from Kennebeck Proprietors (Praying to have its cases tried in Middlesex and other Mass. county courts),” December, 1763, Massachusetts Archives, VI, 534-535, as quoted in Kershaw, The Kennebeck Proprietors, 166.

deliberations, the General Court took testimony from disaffected local settlers to complete a rounded assessment of the situation. While they must have seen the logic of the company's argument, they could not neglect settlers like Nathaniel Donnell who believed that moving these cases would "have a direct Tendency to Enable the largest Purse and not the Justest cause to prevail" and that in those desired counties "the said Proprietors [are] Rich Numerous and [have] large connections."⁷¹ The Court could not act against such popular feelings against the Kennebeck Proprietors. They recognized the unique relationship between the Company and her settlers but would not act to reinforce the Company's hold over the settlers and territory. In June 1763, Hutchinson departed yet again to visit Maine after having spent the greater part of 1762 "in preparing a defense of the province title to the lands between Nova Scotia and the province of Main." He lamented the conditions that his travels put him in as he was "just beginning the eastern Circuit which now extends to Falmouth." The trip would have been more enjoyable "if we had the Conveniences and pleasures to which the Country in England affords."⁷² Upon his return to Massachusetts he became an integral player in drafting a petition to the King that sought to move Maine disputes to Massachusetts courts.

In February 1763, the Court "chose me their Agent to transact some affairs in England."⁷³ That security would have undoubtedly been aided by the displacement or removal of Thomas Hutchinson from any deliberations in the Massachusetts General Court but his presence helped their petitioning. Hutchinson described his view on the petition in a letter to Richard Jackson in London. On August 3, 1763 Hutchinson wrote

⁷¹ "Petition to Governor Bernard from Kennebeck Proprietors (Praying to have its cases tried in Middlesex and other Mass. county courts)," December, 1763, Massachusetts Archives, VI, 534-535, as quoted in Kershaw, *The Kennebeck Proprietors*, 166.

⁷² "TH to Richard Jackson, Boston, December 7, 1762," "Letter book", reel 1, frame 67; "TH to?, Boston, June 13, 1763", "Letter book", reel 2, frame 120.

⁷³ "TH to Robert Wilson, Boston, February 24, 1763," "Letter book", reel 2, frame 164

that he “never gave the least countenance to the proposals but discouraged every step that might forward them.” The Court’s support for his journey made Hutchinson skeptical of their intentions. The years weighed on him and as his own letters show the effects that age had had. “I am turned of fifty and so in the decline of life and could not so well bear the ungrateful returns which our American assemblies generally make to those who endeavor to serve them.”⁷⁴ Many in the court supported sending Hutchinson to defend the case in London however, “Upon consulting with the Governor [Bernard] he advised me not to go.” In their attempt to remove him, Hutchinson had “never imagined until then that a commission without any kind of business or perquisite could be intended to confine me to a particular place.” With his arrival in London, the Court would be free to draft the petition as they saw fit. When he declined to leave, he curiously noted that the Court was surprised “especially as many of the court” had expected him to sail for England.⁷⁵ They may have felt that, in sending Hutchinson, they were sending their most able official however the Court may have also been trying to rid the petitioners of his prying influence.

Hutchinson feared that his absence from the General Court would ruin the province and that as Chief Justice he wanted to be more than a mere bystander in the proceedings. He took care to consider the Maine land disputes and intended to consider a letter from Richard Jackson that highlighted the “exchange of the Province of Maine and Sagadahoc for New Hampshire” and an essay describing the “Boundaries, grants and claims in N.H. and Maine, Plymouth Claim-Waldo Claim-possible exchange with Maine

⁷⁴ “TH to Richard Jackson, Boston, August 3, 1763,” “Letter book”, reel 2, frame 126.

⁷⁵ “TH to Richard Jackson, Cambridge, February 3, 1764,” “Letter book”, reel 2, frame 170.

for N.H.” including an “Account of existing settlements in Maine.”⁷⁶ Only a few weeks later, “Mr. Bowdoin of the Council and two of the House” were appointed to draft addresses to the King around the court issue. With the petition stalled in committee, Hutchinson asserted greater influence by taking the “opportunity of shewing them the imprudence of every measure which looked like opposition” to the wishes of Parliament. After ten days of deliberation Hutchinson felt compelled to intervene with his own pen. “Then fearing they would unite upon something worse...I drew a petition to the House of Commons...as I thought the best I could hope for being accepted.” After Hutchinson’s draft the House “Committee of 21 unanimously accepted” his proposal. The proposal was ultimately rejected but Hutchinson wanted to make it clear why he rose to the occasion when he did. A source of constant fodder in the newspapers of 1764, Hutchinson was “particular in relating this proceeding lest any ill construction should be put upon my being at the head of a Committee...which will appear from the General Courts records.”⁷⁷ He recognized that his role in this petition could be turned against him and prompted him to protect his fragile public image. While assisting Mr. Bowdoin and his fellow petitioners Hutchinson used his political acumen to temper the aspirations of the petitioners and drafted a petition that satisfied both parties.

Land companies in Maine assuredly blamed Hutchinson for yet another failed court case. The proprietors certainly believed that his interference yet again played an important role in their aspirations. His continued interjection into their affairs illustrated the agitation that had festered between the Lieutenant Governor and the aspiring land corporations. Hutchinson, cognizant of his influence in drafting the petition, wrote that

⁷⁶ “TH to Richard Jackson, Boston, October 15, 1764,” “Letter book”, reel 2, frame 203.

⁷⁷ “TH to Richard Jackson, Boston, November 5, 1764,” “Letter book”, reel 2, frame 206.

resentment against his influence had arisen. As Jackson knew, Hutchinson had “not been able to remain altogether neuter” in the case and had caused angst amongst members of the Council. For his part Hutchinson hoped that an unknown individual would not “insinuate anything to my Prejudice” but that if he did, Hutchinson hoped that it would “make no impression until I have opportunity of making my defence.”⁷⁸ A month later Hutchinson wrote William Bolla and described the suspicious circumstances that he found himself in. “The land jobbers among us...are daily strengthening their interest” he wrote. “I have prevented one of two more attempts from passing the council” but the House had then proceeded to create “a Committee of their own members to receive the claims of all the grantees from the Province who were ousted of their lands.” Without his direct influence in these decisions Hutchinson feared that the verdicts of this Committee would leave “a great part of the Province of Maine...disposed of on one trifling pretense of another.”⁷⁹ With the company’s ambitions stifled once more they bided their time for yet another chance to extend their influence. Their ultimate goal was to extend their claim to the Atlantic Ocean, but they would develop their lands and strengthen their position in hopes for another push to the sea.

⁷⁸ “TH to Richard Jackson, Boston, January 25, 1765,” “Letter book”, reel2, frame 248.

⁷⁹ “TH to Richard Jackson, Boston, February 28, 1765,” “Letter book”, reel 2, frame 252.

VII: Appealing to the King in Council

1. Historical Precedent and Constitutional Right

The ambitious Company began to target local landholders as the key to their continued expansion. Specifically, they believed that if they could negate local claims based upon Indian deeds they could then fulfill their desire to expand to the Atlantic. The Company believed that it was acting justly, legally and fairly, while those settlers who purchased Indian titles were truly in the wrong. The Kennebeck Proprietors blatantly berated the resistance they faced from established settlers in the Kennebec River valley. “The prejudices, of the People in the Eastern Counties...are invariably in favor of those who claim land by title similar to their own”; those claims, while not founded on legal grounds, at least had the consent of the locals⁸⁰. Their political maneuvering and acumen was disturbed by what they perceived as a blatant disregard for the legal process.

Believing that a precedent had already been established that negated such Indian claims the Proprietors were incensed by the outcome. They claimed that these deeds were created “by a law of this Province since the incorporation of Plymouth with Massachusetts”, and were thereby “declared null and void if made since 1633 without license...of the respective General Courts of the said Colonies of Massachusetts and Plymouth.” These tracts were confirmed unto these owners “by Indian deed real or fictitious, or by possession only: and consequently against such a claim by Patent.”⁸¹ Since that time “four cases from Indians were forbid by the Laws of the Colony of Plymouth within.”⁸²

⁸⁰ Maine Historical Society. “Letter to Governor Pownall on Donnell’s Case”. Boston, December, 18: 1767. *Kennebec proprietors papers. Kennebec Purchase Papers, Letter book I 1766-1809*, 12.

⁸¹ “Letter to Governor Pownall on Donnell’s Case,” Boston, December, 18: 1767. *Kennebec Purchase Papers, Letter book I*, 12.

⁸² Maine Historical Society. *Kennebec Purchase Papers, Letter book I*, “Letter to Governor Pownall on Donnell’s Case”, 14.

After exhausting their chances in the courts of Pownalborough and being denied an opportunity to try their cases in supposedly friendlier Massachusetts courts, the Kennebeck Proprietors continued searching for a case that would certify their ownership of the lands they claimed. They concluded that they needed to appeal to a higher authority. With local courts arrayed against them and Hutchinson's presiding over Massachusetts, the proprietors decided that their best chance lay with an appeal to the King in Council.

Finding a case to push through to the King was their last resort. The Company was hampered by local courts since jurors had intimate experiences with the harsh policies, threats and actions the company employed. The Massachusetts General Court had also rejected the petition to move controversial and supposedly biased court cases to friendlier courtrooms in Massachusetts. Presenting the case in London would extract the local tendencies that had befallen their earlier desires and allow the wealthy Company to argue their case more effectively. A London court setting would serve another purpose because it would leave the most of the defendants, unable to afford the journey, in limbo while waiting for a determination. The King in Council was comprised of senior Royal ministers and advisors who met to preside over important matters within the kingdom. Their decisions had the weight of law and could override any decisions by inferior courts. Therefore, a successful appeal to the King in Council could cement the Kennebeck Proprietors land claims and grant them their coveted title and access to the Atlantic. An appeal to the King in Council would overturn any previous decisions by the lower courts of Pownalborough, York County and Massachusetts and give the company a near-impregnable legal title to their lands.

It was believed that any person had the right to appeal their case to the King so that a colonist, corporation or colony, could lay their plea before the King. Taking matters before the King in Council was not a novel idea but had produced mixed results. Land disputes in neighboring states, like Rhode Island, were tried on a regular basis but were met with varied success.⁸³ The King's determination was a powerful tool but opinions were mixed about its lawful application. As early as 1748, Massachusetts Attorney General Murray questioned the legality of the Kennebec Company's case saying that since "the questions do not arise between distinct provinces they cannot be determined nor the boundaries settled in this case." Murray describes the daunting road applicants must travel before appealing to the Council. "The matters must be first tried in the courts of the province", he said, "before the ordinary jurisdiction there [in the colony] and afterwards for final determination they may by appeal before the King in Council."⁸⁴ The Company continued to develop their claims throughout the late 1750s and early 1760s quietly waiting for a case to stand behind.

2. The Case for Jeffries-Donnell

In 1766 they would discover the case of Jeffries v. Donnell and use this dispute to expand their claims. The case involved a twelve thousand acre tract within the modern-day boundaries of Bath, Maine. This acreage was "claimed by David Jeffries in 1761, by purchase from the Kennebec Proprietors", who themselves laid stake to the land "under a deed from the Plymouth company." After a few years of peaceful inhabitation Jeffries brought suit against an encroaching land holder who believed that he also had rightful claims to the same territory. In this action Jeffries challenged "Nathaniel Donnell,

⁸³ Joseph Henry Smith, Appeals to the Privy Council from the American plantations, (New York: Columbia University Press, 1950), 165.

⁸⁴ Smith. Appeals to the Privy Council, 455.

Esquire, of York” to defend his own claim under the belief that Donnell “many years before had purchased...a part of the demanded premises.” Jeffries contended that his title of 1761 “relied upon the grant from the council of Plymouth in England” and was part of the tract given to William Bradford and his colleagues under the Plymouth Patent of 1629. However, this patent was surrendered to the Colony of Plymouth in 1640 and re-sold in 1660 to a group of men who, in 1751, became the Kennebeck Proprietors. Ten years later the company decided to grant “the tract of land within the limits of Bath to Sylvester Gardiner”, who then leased land to both David Jeffries and Nathaniel Donnell.⁸⁵

In his defense, Donnell claimed that he had “traced his title from the heirs and descendants of Robert Gutch, who resided on the premises prior to 1670, and who purchased” a part of the land “by deed dated May 29, 1660.” Donnell claimed that Jeffries had no ownership rights to the land and even if he did own some part of it, he had no right of entry onto the land itself without trespassing. The case was tried at the Supreme Court sitting in Falmouth in June 1766 where “a verdict returned in favor of Donnell.” This was the moment the Kennebeck Proprietors had been waiting for. The company controlled both tracts of land in the disputed case and, if Donnell’s case could be overturned, it would have negated the Indian deeds and previously established titles in the region. They may have also guessed that, if pressed, Donnell would not be able to finance his defense in London where it would stand a better chance of returning in

⁸⁵ Maine Historical Society. Collections of the Maine Historical Society. (Portland, ME: Maine Historical Society, 1847). Vol. II, 202-203.

Jeffries' favor. Immediately after the Supreme Court returned their verdict "a motion was made by the Plaintiff 'for an appeal to his Majesty in Council.'"⁸⁶

The Kennebec Proprietors had reason to believe that Jeffries' case was favorable. In a letter to ex-Governor Pownall the Proprietors described hopeful news from their London agent Florentius Vassall. In the mid-1750s Vassall encountered Lord Halifax and struck upon the topic of Indian deeds in Massachusetts and after sensing a positive outcome for the Proprietors, Vassall wrote back to the Company. Vassall wrote "that he had been the preceeding day with lord Halifax (then first Lord of the Board of Trade)...and told him that their Board had come to a resolution that no sort of Indian titles should be held good", excepting those that had been "Confirmed by Patents from the King of his Governors." If held in good faith throughout the years, this opinion certainly would have emboldened the Proprietors to push their case. In their own records, the Company resolved that their argument had been correct all along. "It seems impossible those Indian deeds should convey any title to land", they asserted.⁸⁷

"The issue of this Action is just as we expected it would be," the Company recorded after hearing of the dismissal of their case. In July 1769 Jeffries and Donnell received word that the Council had decided that an appeal would have "established a precedent that would be fatal in its consequences to the American colonies." Such a precedent would negate all claims established through prior Indian deeds and have a sweeping effect on the Maine landscape because of the prevalence of such deeds. Companies could then defend their territory with impunity through the protection of a verdict that favored Jeffries. The Council further disavowed the case on the belief that

⁸⁶ Maine Historical Society. *Kennebec Purchase Papers, Letter book I* "Letter to Governor Pownall on Donnell's Case", 14.

⁸⁷ *Kennebec Purchase Papers, Letter book I* "Letter to Governor Pownall on Donnell's Case", 14.

“the actions were triable locally”, and that the “poverty of inhabitants causes could not be defended in England.” The Council also determined that they could not rightly hear the case because both sides could not present themselves fairly and equitably. Allowing an appeal would have resulted “in a few rich litigants reducing the people to villeinage.”⁸⁸ The Donnell-Jeffries case was thrown out on the exact premises that the Kennebeck Proprietors had gambled on for its success. The opinion of the Supreme Court in Falmouth would stand and that “it was the unanimous opinion of the Court that an appeal doth not lie y the Royal Charter in this case.”⁸⁹ Ironically the settlers of the Kennebec River valley were saved by the same pretenses under which their land deeds were being questioned.

Thomas Hutchinson appraised the case in 1771. His poignant commentary does not reveal any personal influence, but his letter to ex-Governor Francis Bernard, then living in London, is an insightful view of his beliefs. “There comes into my mind a Law suit between Doctor Gardner and Company and Colonel Donnell” he writes, “for an Estate there [present day Bath] in which Donnell recovered in the Superior Court here [Massachusetts].” Hutchinson believed that Donnell “had a very clear case” but showing great persistence, “Gardner appealed to the King in Council.”⁹⁰ Hutchinson goes on to admit that he had personally studied the case and had succeeded in convincing some of his contemporaries that Donnell’s case was legally sound.

The legality of Donnell’s case, Hutchinson asserts, is based on established laws from the Massachusetts Bay and New Plymouth settlements. These laws, passed in 1633, negated all land purchases between settlers and Indians but did not apply to lands “in the

⁸⁸Smith, Appeals to the Privy Council, 164.

⁸⁹Maine Historical Society. Collections of the Maine Historical Society, 203.

⁹⁰“TH to Bernard. September 1771,” “Letter book”, reel 3, frame 381.

Country East of Piscataqua.” Contrary to what the Kennebec Proprietors stated, Hutchinson says that these laws did not apply to that territory and that only Indian purchases made “for further confirmation of their other lawful titles and possessions” would be valid in that region. The restrictive laws on Indian purchases were only meant for areas within Marthas Vineyard and Nantucket and would thereby allow the free purchasing of Indian lands elsewhere. On this basis, Hutchinson believed that “Indian deeds for Lands in the Eastern Country are not at all affected” as the Kennebeck Proprietors believed they were.⁹¹

Hutchinson’s letter also shows a personal concern for the difficulties Donnell would have while defending his case. He asked Bernard to directly intervene on Donnell’s behalf because “If the cause is sent back I doubt whether Donnell is able to go through another trial.” One must wonder at what point Hutchinson was looking out for Donnell’s interest as well as his own in impeding the Kennebeck Proprietors. As noted earlier, the decision to move the case to the King in Council would leave poor land owners sidelined while wealthier plaintiffs could personally present their case. Colonel Donnell was not a wealthy man as Hutchinson surmised that “want of money was the reason he did not appear to defend the case in England.” Hutchinson asked Governor Bernard to do everything that he could to sway the case in Donnell’s favor. Playing upon the heartstrings of the former Governor, Hutchinson implored him to act to avoid any further hardship if the case was again brought to trial.⁹²

Hutchinson certainly showed a unique interest in the case. However, unlike his involvement in these cases, we may never know how deep Hutchinson’s involvement

⁹¹ “TH to Bernard. September 1771,” “Letter book”, reel 3, frame 381.

⁹² “TH to Bernard. September 1771,” “Letter book”, reel 3, frame 381.

ran; we must rely on his supportive commentary and opinions. His involvement at the periphery of the case marks a fitting bookend to personal interests that spanned nearly two decades. In earlier years he exerted his personal influence where he could and to the greatest effect possible but as years progressed he clearly adopted a different role. Not whole-heartedly giving up his interest, Hutchinson continued to devote time and energy to consider actions and trials involving the Kennebec Proprietors. In this final instance the antagonistic relationship between the two forces ends much like its beginning; the company remained ambitious and Hutchinson remained watchful.

VIII: Thomas Hutchinson and 1765
1. Prelude to August

The violence of the American Revolution is often overlooked in favor of the sentimental portrait that Americans paint of the founding of our nation. The Revolutionary period witnessed thousands of Americans, Britons, soldiers, and civilians displaced, injured or killed. Similarly, acres upon acres of the American landscape were ravished by the conflict, including innumerable farms, homesteads and many residencies within American towns and cities. The destruction affected both sides as it physically manifested Revolutionary fervor into collective actions. Violence characterized the period as Arthur Schlesinger has noted, “Mass violence played a dominant role at every significant turning point of the events leading up to the War for Independence.”⁹³ Nowhere in the American Colonies was this more importantly and personally witnessed than in the household of Thomas Hutchinson.

August 1765 was a momentous month in Thomas Hutchinson’s life. Opposition to the Stamp Act had been brewing since early 1764 upon its first consideration by Parliament and with its passage in March 1765, tensions only increased. Charles Townshend defended the passing of that Stamp Act and asked, “And not will these Americans, Children planted by our Care, nourished up by our Indulgence until they are grown to a Degree of Strength & Opulence, and protected by our Arms, will they grudge to contribute their mite to relieve us from the heavy weight of that burden which we lie under?”⁹⁴ Many Royal officials in the British Empire agreed with Townshend’s assessment but Hutchinson fought for the rights of his fellow Americans. He believed

⁹³ Arthur Meier Schlesinger, “Political Mobs and the American Revolution, 1765-1776.” *Proceedings of the American Philosophical Society*, Vol. 99, No. 4(Aug. 30, 1956), 244.

⁹⁴ Edmund S. Morgan, “Thomas Hutchinson and the Stamp Act,” *The New England Quarterly*, Vol. 21, No. 4 (December, 1948), 466.

that the colonists claimed “a power of making Law and a Privilege of exemption from taxes except by their own Representatives” and that the colonists would submit if given proper representation in the British government. “It does not seem an unreasonable conclusion,” Hutchinson wrote, “that the inhabitants of [a] Colony are intitled to all the privileges they enjoyed in their mother Country” but what member of Parliament stood up for their interests and “can be said to be the representative of the Colonies?”⁹⁵ He fought for the English rights of the colonists but was overshadowed by more boisterous individuals who did not have a Royal appointment to uphold. It is important to recognize the position that Hutchinson was in. On the one hand his personal views favored British authority but he also believed that the system had wronged the colonists. It was in that error that the colonists then had a right to reject the demands made of them and to challenge the authority and justification of the levied taxes. “I never made any scruple in America or in my letters,” he wrote, “of setting the privileges of the colonists...in the most favorable light I could.” However, he never acted “a double part in the affair” but the passage of the act “bound me in discharge of my public trust to a conformity of it.”⁹⁶ Hutchinson walked a fine line between these competing interests and paid the price for withholding his private opinions in order to reaffirm his Royal responsibilities.

As the Act neared its November inception, public outrage abounded. Admonishment was placed upon individual British officials who, it was popularly rumored, were directly responsible for creating and promoting the bill. In these tumultuous times Thomas Hutchinson must have often felt adrift against a tide of rising fervor. In writing to William Bolla in 1762, Hutchinson asked “is the world more of a

⁹⁵ Morgan, “Thomas Hutchinson and the Stamp Act”, 464-465.

⁹⁶ “TH to Thomas Pownall, Boston, August 31, 1765,” “Letter book”, reel 2, frame 301-302.

theatre than it used to be and every man in it/more of a person?” As Massachusetts expanded and her citizens grasped for more land, power and privilege Hutchinson found himself at ever increasing odds against the public interest. Having served in the Massachusetts House and as the Chief Justice of the Superior Court he had been a part of many contentious issues in the legislature. In 1762 he knew that the “Writ of Assistance and my pernicious principles about the currency have take away a great number of friends” but that the House had also “refused to make any allowance at all to me as chief justice.” He resolved himself to continue on in his position and quipped that “At worst I hope to keep a *conscia mens recti* (A mind conscious of integrity).”⁹⁷

These hardships weighed upon him and led him to comment to William Bollan that Hutchinson “been so long upon the stages and have so few more scenes to go through.”⁹⁸ The use of theatrical metaphors was popular in 18th century writing and here Hutchinson uses it to allude to a future in which he will act out his final scene and leave the stage forever. Understanding Hutchinson’s beliefs about his surroundings is necessary to understanding the course of events of August 1765. By highlighting the days and tragedies preceding the night of August 26 historians will have a better grasp of how Hutchinson’s previous thoughts and actions impacted the events that unfolded.

The Secretary of the Province, Andrew Oliver, had recently been appointed Stamp Master in charge of collecting the new tax but was never allowed to fulfill his position. On the night of August 14, 1765 a crowd like many others in recent Boston history carried an effigy of Oliver “thro the court house the council then sitting about and carried it to a small building which Mr. O. had just erected and which was supposed to be

⁹⁷ “TH to William Bollan, March 3, 1762,” “Letter book”, reel 2, frame 15.

⁹⁸ “TH to William Bollan, November 15, 1762,” “Letter book”, reel 2, frame 59.

designed for the stamp office.” The building was leveled minutes afterward. The mob then proceeded to “carry the image to forehill being near Mr. O and then burn it.”

Without doubt he witnessed this gruesome scene from the safe recesses of his home and must have wondered when the full fury of the mob would be unleashed. Hutchinson arrived at Oliver’s house and “found his family in terror and advised them to quit the house.” Shortly after Hutchinson arrived, the mob set out to make a bonfire at which point “the attack upon the house began by breaking windows.”⁹⁹ Oliver managed to escape the violence but soon found himself yet again at the hands of a mob. Barely four months later, on December 16, after suffering further harassment and stone-throwing the Secretary, as his brother Peter described, "was carried to the Tree of Liberty...& there he was obliged, on pain of Death, to take an Oath to resign his Office." Standing at the mercy of the crowd Oliver resolved himself to resign his post at the humiliating jests of hundreds of his fellow Bostonians.¹⁰⁰ The day after the attack of the August 14, Hutchinson was convinced that "my turn would be next."¹⁰¹ This forecast turned out to be true. However, he escaped the violence and humiliation visited upon Andrew Oliver.

A day later, on August 15, Hutchinson’s Boston house was surrounded by "about 9 sevral 100" men intent on harassing and attacking the Lieutenant Governor in much the same way that Oliver had been harangued. Hutchinson, having a prior suspicion of the night’s roguery, had shuttered up his house and sent his children to stay with nearby friends. The crowd knocked furiously upon his door and Hutchinson recalled that the mob promised "to do no damage" but merely wanted his pledge that that he “had never

⁹⁹ “TH to , Milton, MA, August 16, 1765,” “Letter book”, reel 2, frames 291-295.

¹⁰⁰ Oliver, Origins & Progress, 53. See also Gordon Williams, The History of the Rise, Progress, and Establishment, of the Independence of the United States of America: including An Account of the Late War; and of the Thirteen Colonies, from their origin to that period. (Freeport, New York: Books for Libraries Press, reprint 1969; orig., 1788), Vol. I., 175-176.

¹⁰¹ "TH to , August 16, 1765. Milton, MA," "Letter book", reel 2, frame 293.

wrote to England in favor of the stamp act.” If he obliged them with his presence, they promised to “not hurt a hair on my head.” When the door to Hutchinson’s house remained locked the crowd prepared to tear down his house. By a stroke of luck a neighbor of Hutchinson's, having heard the obstinate commotion, came to his aid and told the crowd he had seen the Lieutenant Governor leave his home earlier in the day and had not returned. A voice from the mob repeated the request to meet with Hutchinson but the same neighbor continued to deflect the crowd’s harassment. This neighbor knew Hutchinson to be “in favor of no act that would hurt the country” and recounted the tireless efforts of Hutchinson in the service of the people of Massachusetts. With the neighbor’s words still fresh in the night air, the mob dispersed from its hour long siege. These actions illustrated the deep mistrust and suspicion the people of Boston had for the Stamp Act and those who encouraged it. As Hutchinson foreshadowed, these public outbursts would only cause “some tragical events in some or other of the colonies for we are not only in a deplorable situation at present but have a dismal prospect before us as the commencement of the act approaches.”¹⁰² Popular belief held that the avarice of Royal officials caused them to formulate a bill that supported their personal interests against the colonists. Many believed that Hutchinson was the type of official who had committed similar offenses against his own countrymen.

Hutchinson was convinced that “the people thro’ the continent are impressed with an opinion that they are no longer considered by the people of England as their fellow subjects” he wrote to Robert Jackson. Corrupt officials, it was surmised, operated under Crown authority but manipulated Colonial policy for their own personal benefit and profit. Men, like then Lieutenant Governor Thomas Hutchinson, were thought to interpret

¹⁰² “TH to , August 16, 1765, Milton, Massachusetts,” “Letter book”, reel 2, frames 293-295.

Royal authority without logic or consideration for their fellow countrymen. The *Boston Gazette* extolled the printers and people to take action into their own hands. “If the public interest, liberty and happiness have been in danger, from the ambitions or avarice of any great man or number of great men,” the paper accused, “whatever may be their politeness, address, learning, ingenuity and in other respects integrity and humanity” and in their actions, the people “have done yourselves honor and your country service, by publishing and pointing out that avarice and ambition.”¹⁰³ The *Gazette* fed more pointed attacks at those men of American birth who had risen within the Royal government. It was these Americans, who distorted the British constitution and neglected the needs of their fellow Americans, who were the greatest perpetrators against liberty and freedom. The paper asked Bostonians “how seldom do we find a Man who holds a Place dependent on the Crown who does not use all his Influence in Support of the Measures of the Ministry, however repugnant to Reason and Justice, even in Cases where the most sacred Interests of His Country are concerned.”¹⁰⁴ Hutchinson was clearly the sort of American-born, Royal official targeted by these attacks.

Hutchinson had managed to dodge a fate similar to Andrew Oliver but destruction and violence would befall the Lieutenant Governor sooner than he could have expected.¹⁰⁵ The crowd that surrounded Hutchinson’s house on August 16 would pale in comparison to the mob that would assemble on his doorstep a few days later.

¹⁰³ September 30, 1765, *Boston Gazette*, and *Country Journal*, Archive of Americana. *The Boston Gazette, and Country Journal*, September 30, 1765. America’s Historical Newspapers. NewsBank/Readex. Accessed on September 2, 2009: http://prxy4.ursus.maine.edu:2394/iw-search/we/HistArchive?p_action=list&p_topdoc=11, 2.

¹⁰⁴ September 30, 1765, *Boston Gazette, and Country Journal*, 3.

¹⁰⁵ “TH to,” August 16, 1765, Milton. “Letter book”, reel 2, frames 293-295.

2. The riot of August 26, 1765

On the night of August 26, 1765 anxiety filled the Boston air. Hutchinson, having heard rumors earlier that day that a mob would be on the prowl, nervously sat at supper with his family. At the time of the attack twelve people lived in the house; Thomas Hutchinson, his sister-in-law Grizzell Sanford, a housekeeper Rebeckah Whitmore, a maid Susannah Townsend, a coachman Moses Vose, Mark a negro, a town widow named Mrs. Walker, and Hutchinson's five children: Thomas Jr., age 25, Elisha age 22, Sarah (Sally) Hutchinson age 21, William Sanford Hutchinson age 13, and Margaret Hutchinson age 11.¹⁰⁶ Hearing the approaching mob, Hutchinson knew the crowd had "made me their object" and within moments "the hellish crew fell upon my house with the rage of the devils and in a moment with axes split down the door and entred." Witnesses to the destruction were treated to a violent spectacle unbeknownst in the colony apart from the recent occurrence at Oliver's house a few days earlier. Hearing the mob entering the house, Hutchinson's son "being in the great entry heard them cry damn him he is upstairs we'll have him."¹⁰⁷ Hutchinson's family barely escaped the mob and, dodged through fields, gardens and backyards, to find refuge with nearby neighbors. The mob uproariously descended upon the beautiful house and began the wanton destruction:

Not contented with tearing off all the wainscot and hangings and splitting the doors to pieces they beat down the partition walls...they cut down the cupola or lantern and they began to take the slate and boards from the roof...My garden fence was laid flat and all my trees &c. broke down to the ground...and emptied the house of every thing whatsoever...not leaving a single book or paper in it and have scattered or destroyed all the manuscripts and other papers I had been collecting for 30 years together besides a great number of publick papers in my custody

¹⁰⁶ John W. Tyler. *One of the Finest Houses in New England: The Contents of Thomas Hutchinson's House at the Time of Its Looting, 26 April 1765*. Colonial Society of Massachusetts. Boston. 16 April, 2009.

¹⁰⁷ "TH to Richard Jackson, Boston, August 30, 1765," "Letter book", reel 2, frames 296-298.

The crowd was insatiable as they dismantled the meticulously adorned house; the mob assailed every chair, painting, manuscript and absconded with “about £900—sterling in money.” The family escaped without any harm, but their possessions were carried off including “plate and family pictures household furniture of every kind” along with “my own my children and servants apparel.” The aftermath of the attack was devastating. The family’s wardrobe had been thrown to the winds leaving the Hutchinson without “cloathes enough in my possession to defend me from the cold and was obliged to borrow.” Many of the family’s articles were strewn about Boston but the furniture was “in general out to pieces before it was through out of the house and most of the beds cut upon and the feathers thrown out the windows.”¹⁰⁸ In recounting the attack to Lord Halifax, Hutchinson noted that his “commission for Lieutenant Governor was found a day or two after in the street” with its seal gone had worried Hutchinson about retaining his position. “Unfortunately”, he wrote to ex-Governor Thomas Pownall, “I had about a dozen pips of wine in my cellar” and “this with some liquor they met with at [Benjamin] Hallowell’s inflamed them and no daemons were ever more enraged.”¹⁰⁹ A pipe of wine is about 108 US gallons and provided nearly 1,296 gallons of fuel for the mob.

Whatever some may have thought of his character, Hutchinson was often exalted by his peers. Before the August attack he received letters of support for his situation. Nathaniel Rogers, a wealthy Boston merchant and Hutchinson’s nephew, wrote that in New York he had not “met anyone who has not expressed...the greatest respect for Your Character.” A month after the attack a Massachusetts missionary, Gideon Hawley, noted

¹⁰⁸ “TH to Richard Jackson August 30, 1765, Boston,” “Letter book”, reel 2, frames 296-298.

¹⁰⁹ “TH to Lord Halifax, Boston, August 30, 1765,” “Letter book”, reel 2, frame 299; “TH to Thomas Pownall, Boston, August 31, 1765,” “Letter book”, reel 2, frames 301-302.

that thousands “who never saw your Honors, and perhaps never so much as heard of the great humanity, integrity and goodness of your character, have express a mixture of grief and indignation” against the events in Boston. Future Patriot General Benjamin Lincoln, writing from Hingham in 1766, wrote that the people knew Hutchinson to be of good character from “your Honors uncommon Qualifications” for the lieutenant governorship and that he was beloved for the “Universal Satisfaction your former administrations gave the people of this County.”¹¹⁰ Many colonists came out in support of the Lieutenant Governor, but Colonial opinion did not overlook his unpopular policies and stiff Royal demeanor.

Popular history of the American Revolution has molded this attack as an outpouring of public frustrations against Thomas Hutchinson and the Stamp Act. The influence of the act should not be downplayed as a Revolutionary catalyst, but other factors may have been at work. We must consider other influencing ambitions to avoid creating a fragmented and diluted interpretation. To develop this understanding we must explore the various influences that cooperated on that fateful August night.

Colonists were the most powerful force in the mob and were often incensed under small, seemingly insignificant pretenses. Revolutionary mobs were effective in causing the social and physical changes that shaped the Colonial landscape of the mid-1700s. Colonists could address their grievances through their established representatives and political organizations or they could take matters more firmly in their own hands. The people used mobs to resolve issues that the citizenry as a whole deemed proper. These mobs were effective because colonial governments had little control over the very people

¹¹⁰ “from Nathaniel Rogers, New York, August 16, 1765,” “Letter book”, reel 1, frame 31; “from Gideon Hawley, Mashpee, MA, October 22, 1765,” “Letter book”, reel 1, frame 38; “from Benjamin Lincoln, Hingham, MA, December 12 1766,” “Letter book”, reel 1, frame 118.

that they were appointed to act for. In describing Revolutionary mobs, Pauline Maier asserts that the policing powers of government were derived from the community desire to apprehend criminals. In pre-Revolutionary Massachusetts these times were swiftly changing. More commonly the “eighteenth century magistrates turned to the *posse comitatit*, literally the ‘power of the country,’ and in practice all able-bodied men a sheriff might call upon to assist him.” Maier predicted the complexities of these mobs and warned that both the posse and militia “drew upon local men, including many of the same persons who made up the mob.”¹¹¹ In the experience of Thomas Hutchinson, we find her words ring true.

In the attempt to distinguish the true actors in the Hutchinson house attack many names and groups was been implicated. Gary Nash blamed the Stamp Act riots on a generally rebellious Boston mob, while Edmund and Helen Morgan believe that there were greater social forces at work encouraged by the fiercely pro-Patriot Sons of Liberty and mysterious Loyal Nine.¹¹² By exploring the ambitions and depictions of these groups we can see how a fourth group, the Kennebeck Proprietors, emerges as a plausible contributor to the destruction.

Patriot leader John Adams was also an adamant opponent of Hutchinson. Adams asked his fellow colonists if “his Honour the Lieutenant Governor” had not exposed himself “to the People in innumerable Instances” to show “a very ambitious and

¹¹¹ Pauline Maier. “Popular Uprisings and Civil Authority in Eighteenth-Century America”. *The William and Mary Quarterly*, Third Series, Vol. 27, No. 1 (January 1970), 19.

¹¹² Edmund S. Morgan and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution*, (Chapel Hill: University of North Carolina Press, 1953), and Gary Nash, *The Urban Crucible: Social Change, Political Consciousness, and the Origins of the American Revolution*, (Cambridge: Harvard University Press, 1979)

avaricious Desposition?”¹¹³ Associations with rabble-rousing men like Adams have led to weighty assumptions that implicate the Sons of Liberty and Loyal Nine. They noted that “the gentlemen who held the reins of the Sons of Liberty could not have succeeded without the lower orders of the people” and that the Revolution arrived in part through this cooperation between the lower classes and wealthier actors.¹¹⁴ The Morgans proposed that outside influences necessitated a shift in the emerging study of the American loyalists. Initial research on the Sons of Liberty and Loyal Nine have focused only on their biography and beliefs however, historians have begun to more carefully evaluate the American Revolution. The leaders of the American Revolution, Morgan asserted, found it “necessary to show the inferiors the consequences of Parliament’s right to tax.” Since the lower-classes would not have felt as directly impacted under the new taxes it was up to men of class and property to show them the true impact that greater taxes would have. These men saw the chance to use greater taxation to throw off the larger yoke of Royal authority in their commercial and private affairs.

Hutchinson surmised that there were more influential forces at play that night. A day after the attack Governor Francis Bernard called a meeting of the Governor’s Council to address the violence and it was during that meeting “upon enquiry, it appeared that one Mackintosh, a shoemaker, was among the most active in destroying the Lt. Governor’s house and furniture.” Hutchinson remained skeptical of the shoemaker role. “The true reason of thus distinguishing Mackintosh”, he wrote, “was that he could discover who employed him.” Mackintosh was the key to the plan since “the other persons

¹¹³ John Adams, ed. L. H Butterfield, Leonard C. Faber, Wendell D. Garrett: Diary and Autobiography of John Adams. (Cambridge: Belknap Press of Harvard University Press, 1961), Vol. 1: Diary 1755-1770, 260.

¹¹⁴ Morgan and Morgan. The Stamp Act Crisis, 186.

apprehended were such as had collected together without knowing of any previous plan.”¹¹⁵ Mackintosh was integral because he had information that could implicate the true masterminds behind the house attack. He would never stand trial after a mob threatened the local sheriff and rescued him from his jail cell. Men like Mackintosh allowed patriot leaders to control the lower-classes while simultaneously distancing themselves from any accusations of foul play on their own part. Mackintosh was a focal point in the pre-Revolutionary period because he transformed the ambitions of wealthier colonials into the actions and attitudes that motivated the lower-classes to action. The control of the masses by mysterious leaders was necessary “because the Stamp Act had little impact on the common people.”¹¹⁶ These leaders were the ones affected by the act and they needed to inflame the passions of the lower-classes to achieve their own ends. Highlighting the role Mackintosh played illustrates how wealthier colonists were able to act out their desires in the public sphere of Massachusetts.

Edmund S. Morgan has broadly attributed the Stamp Act events in the summer of 1765 to the Loyal Nine but blame for attack on Hutchinson’s home is a greater mystery. Morgan surmised that if a connection between Ebenezer McIntosh and the Kennebeck Proprietors could be found then there would be a “strong presumption that the assault on Hutchinson’s home had purely personal origins.”¹¹⁷

Morgan also noted the difference between the attack on Andrew Oliver and that of Hutchinson. Andrew Eliot, who witnessed the attack and recovered a portion of the manuscript for Hutchinson’s History, wrote to a friend in England:

¹¹⁵ Thomas Hutchinson. Ed. Peter Orlando Hutchinson. The Diary and Letters of His Excellency Thomas Hutchinson, Esq. (London: Sampson Low, Marston, Searle & Rivington, 1883), 70-72.

¹¹⁶ Morgan and Morgan, The Stamp Act Crisis, 187.

¹¹⁷ Morgan, “Thomas Hutchinson and the Stamp Act,” 470.

The good people of Boston are very careful to distinguish between the 14th and the 26th of August. The attack on Secretary Oliver, our S-p M-r-, it is supposed was under the direction of some persons of character. It is certain, people in general were not displeased. The 26th of August was under a very different direction. It was a scene of riot, drunkenness, profaneness and robbery.¹¹⁸

Morgan aligned himself with an increasing number of historians who questioned the role the Loyal Nine and Sons of Liberty played in the attack on August 26. He asserted that whatever the true cause of the destruction, the personal interests of Hutchinson's contemporaries deserved greater consideration. He does not ignore the multi-faceted arguments, suspicions and opinions against Hutchinson but argued that they were only a part of him. Hutchinson was inconsistent in his ardent support of colonial right at one moment and infallible support for the Crown at another moment.

The Reverend William Gordon also suggested early indications of the connection between the mob and the Kennebeck Proprietors. Gordon, an English clergyman who immigrated to America in 1770 and became a Congregational minister in Roxbury, Massachusetts, recorded many details in his The History of the Rise, Progress and Establishment of the United States published in 1788. He believed that there was a direct connection between the Kennebeck Proprietors and Thomas Hutchinson. "The mob", Gordon suggested, "was led on to the house, by a secret influence, with a view to the destruction of certain papers, known to be there." These papers, perhaps a mere handful of the ones the Lieutenant Governor had collected over the years, purportedly proved that "the grant to the New Plymouth company on Kennebec river, was different from what was contended" by the company. If the propriety absconded with these papers they could have expanded their claims without the fear of Hutchinson's influence. If these records were destroyed the Proprietors could monopolize their claims from an impregnable legal

¹¹⁸ Morgan, "Thomas Hutchinson and the Stamp Act", 471.

position. If Hutchinson possessed those papers he would have attempted to block the company whenever he could. Of the many items looted from the house on that August night those particular “papers were never found.”¹¹⁹ Gordon’s proposition demonstrated that the Kennebeck Proprietors had raised suspicions about their role in the destruction of Hutchinson’s mansion.

Historian George P. Anderson preceded Morgan’s interpretation, written in 1927, with his own ideas about Ebenezer Mackintosh’s role. Anderson suggested that Mackintosh was not a member of the Loyal Nine but another patriot who tried to loosen Crown authority. Examining John Adams’ diary and comparing lists of known Loyal Nine members and associates, Anderson asserts that Mackintosh had his own agenda. His role was independent of the Sons of Liberty and Loyal Nine while coincidentally reaching towards a similar end.¹²⁰ In quantifying those behind the Stamp Act riots historians have mistakenly lumped the Sons of Liberty, the Loyal Nine and Ebenezer Mackintosh together. Their cause and goal may have been similar but their motives, actions and actors, contrary to popular thought, different. Anderson states that these groups were united only loosely through a unique coincidence of location and objective. Historians should note the miraculous convergence of these groups in their desire to remove the roadblocks of Royal authority in the colony.

¹¹⁹ William Gordon, The History of the Rise, Progress and Establishment, of the Independence of the United States of America: including An Account of the Late War; and of the Thirteen Colonies, from their origin to that period, (Freeport, NY: Books for Libraries Press, first published 1788, reprinted 1969), Vol. I., 180. A confidant of George Washington, Gordon kept up correspondence with Washington throughout the war years and eventually returned to England in 1786 and published his History in 1788. See George Washington, The Writings of George Washington, collected and edited by Worthington Chauncey Ford. Vol. X, 1782-1785, (New York: G.P. Putnam’ Sons, 1889).

¹²⁰ George P. Anderson, “A Note on Ebenezer Mackintosh,” *Publications of the Colonial Society of Massachusetts*, Vol. 26, 1927, 356-359.

IX: Beyond the Stamp Act Hutchinson and land speculation after 1765

Thomas Hutchinson's interest in Maine land claims did not end with the tumultuous events of 1765 and the Stamp Act. He continued to exert his influence as Lieutenant Governor and then Governor, after Sir Francis Bernard's resignation from the post in 1769. Officially becoming Governor in March 1771, Hutchinson relentlessly maintained Crown authority. He presided over a Massachusetts government that looked to expand settlement into Maine while being pressured by London to preserve the vast timber resources for the King's navy. At the turn of the 1770s, some believed that "we are near a Crisis" and that "That Providence which has apparently in times past, been the Guardian of New England, will not I hope Cast us off, and bear us finally to ruin our Selves, or to be pray to others." But others found hope as the decade wore on in that "There is People in the Country that can now Express their minds freely and be attended to, which till lately had no Encouragement to do it."¹²¹ While the Patriot movement and tensions from the Boston Massacre of March 1770 cooled, Hutchinson became embroiled again in Maine land disputes.

During the 1770s the frontier of Maine had become a popular place for settlers in densely populated colonies to move. Westward movement was restricted through the Proclamation of 1763 which forbade American colonists from traveling west of the Appalachian Mountains. Regardless of the proclamation, some settlers ventured westward but most of the colonists had to move North or South to fill in the previously uninhabited fringes of British North America. As settlers moved into Maine they sought to incorporate their settlements to gain official recognition by Massachusetts. The people

¹²¹ "from Israel William, Hatfield, MA, November 20, 1769," "Letter book", reel 1, frame 348; "from Henry Young Brown, Portsmouth, November 28, 1770," "Letter book", reel 1, frame 483.

of Machias, one of the easternmost settlements in Maine, appealed to the General Court for a township grant. Writing to Lord Hillsborough in 1770, Thomas Hutchinson noted that “among the Acts and Doings of the General Court there will appear the Grant of a Township to 60 persons at a place called Machias between Penobscot and St. Croix.” He made a special exception to this grant because it appeared that the Grantees were “actual settlers upon the Lands granted,” while he had already refused “Grants of renewals of Grants of several other townships in the same part of the Province.” The people of Machias were one group amongst the “500 and 1000 families” who had already settled in Maine. He considered their petition because they had applied for a grant through the proper process to the Massachusetts General Court. The other settlements “which were conditionally granted by the Province...are full of Inhabitants without the consent of the Grantees.” Hutchinson was a Maine landowner himself having a stake in the Kennebec River region. If the King wanted to retain use of this area for mast and timber resources he needed to take direct control of the territory. The “greater part of the people are late Intruders and...have neither legal nor equitable Title.”¹²² If the King wanted those resources he needed to act swiftly.

Hutchinson implored Hillsborough to act. These lands held good timber for naval masts, but the settlers would soon make inroads into the region as well. For the time being “the Intruders are so poor that they have not Oxen sufficient to draw them and that little or no spoil has been yet made, but this will not long be the case.” The settlers would expand their settlements into the heart of these timber reserves and “make no scruple to cut down a Tree worth Ten or twenty pounds sterling for a mast.” There was little Hutchinson could do himself because of the General Court’s disposition to let the settlers

¹²² “TH to Lord Hillsborough, Boston, May 24, 1770,” “Letter book,” reel 2, frames 1074-1076.

do as they pleased. His appeals to Hillsborough highlighted that “their does not appear any disposition either in the Council or house to go into any measures for ejecting the Intruders nor for discouraging further Intrusions.”¹²³ The Court’s lack of ambition made Hutchinson suspicious of their lethargy and motivated him to act in the name of the King, if the General Court would not. The Court believed that it was their responsibility to encourage settlement wherever and whenever possible and in this case that belief clashed with Hutchinson’s beliefs. He again found himself caught between his responsibilities as Governor and the ambition, or lack thereof, of the Massachusetts General Court.

In June 1771, the Crown appointed Thomas Scammell as the “Inspector of His Majestys Timbers in the Eastern parts of this Province and in Part of Nova Scotia” to survey the value of the timber that lay therein. It took three months for Hutchinson to receive word of Scammell’s progress in the region, but the general view was that the sea coast from the Kennebec to the St. Croix Rivers had been “taken possession of by private persons.” Assuredly furious, Hutchinson wrote that these settlers “have no colour of Title unless the Grant of the general Court which is a mere nullity can give a colour.” The General Court believed that it was their responsibility to encourage settlement wherever and whenever they could, but Hutchinson stood firmly behind the idea that regardless of the improvements they had made to the land they had intruded on Royal property. Hutchinson needed Hillsborough and the King to act quickly to “prevent this whole Country from being swallowed up.”¹²⁴

¹²³ “TH to Lord Hillsborough, Boston, November 26, 1770,” “Letter book,” reel 3, frame 96; “TH to Lord Hillsborough, Boston, November 30, 1770,” “Letter book,” reel 3, frame 100.

¹²⁴ “TH to Thomas Goldthwait, Boston, June 11, 1771,” “Letter book,” reel 3, 312; “TH to Lord Hillsborough, Boston, August 9, 1771,” “Letter book,” reel 3, frame 373; “TH to Lord Hillsborough, Boston, September 1, 1771,” “Letter book,” reel 3, frame 401.

Hutchinson urged Hillsborough to take jurisdiction of the Maine territory away from Massachusetts, because the Assembly refused “to take any measures for preventing Intrusions and the Waste and Destruction of the Kings Timber.” If he could not stop the settlers from moving in, Hutchinson would at least establish regulations to protect the King’s territory. He implored Hillsborough to move against the trespassers so that they “may hence forward be brought and prosecuted.” However, in September 1771, Hutchinson was appalled when he found that “Settlers are continually moving back into this Country.”¹²⁵

Not all of the settlers in the Maine territory were as pernicious as Hutchinson depicted. In November Hutchinson met with Stephen Jones of Machias then acting on behalf of the Machias settlers. Jones headed the effort to petition the Massachusetts General Court to give the settlers a grant to their settlement. Hutchinson told him that grants from the Crown could be made upon request since “it was probablr Parliament would separate all the Country East of Kenebeck from the Massachusetts Province.” Jones had to appeal to the Crown because the “Grants made by the Assembly would not be confirmed” after the Crown regained controlled of the territory. Jones accepted this proposal and “did not doubt it necessary that the settlers would generally sign a petition to the Crown to hold their Lands on those Terms.”¹²⁶ Some settlers accepted the terms set forth by Hutchinson; however, one problem remained; the King had yet to proclaim any change in jurisdiction over the Maine land. Hutchinson acted under the belief that the King’s decree would come any day, but while he made these claims he kept an eye to the

¹²⁵ “TH to Hillsborough, Boston, September 15, 1771,” “Letter book,” reel 3, frame 417; “TH to Hillsborough, Boston, September 22, 1771,” “Letter book,” reel 3, 426.

¹²⁶ “TH to Sir Francis Bernard, No place, November 13, 1771,” “Letter book,” reel 3, frame 441.

horizon in hopes that Scammell's survey would solidify the jurisdiction of Maine once and for all.

Six months after his appointment as Inspector of the Kings Timbers, Thomas Scammell returned to Boston in December 1771. Upon hearing of his arrival, Hutchinson wrote to him saying that he expected "no more than a general state of the Kings woods" and instructed Scammell to prepare a report "as soon as Parliament needs." After leaving New Hampshire in June, Scammell set out for the Kennebec River with a Colonel Bagley and arrived at the Cobbosecontee soon thereafter. After anchoring at the nearby Kenduskeag, the local Indians were "very desirous of seeing me," and Scammell wanted their help in guiding him around the region. In return for their help and granting Massachusetts' access to mast timber, Scammell offered them the protection and preference of choice grants that the colony could give them.¹²⁷ After reporting to Hutchinson and drafting a report of his surveying, Scammell was again sent to the Maine frontier.

Only a day after his interaction with Scammell, Hutchinson was beset with a request from the Kennebeck Proprietors. Regardless of their dubious history, the proprietors of the "Plimouth patent" applied to Hutchinson relative to the Maine tracts that contained the Kings woods. In recalling the encounter, Hutchinson curiously asserted that he had nothing to do with the Company's earlier land claims in the 1750s. In writing to Lord Hillsborough, his constant London contact and source of information and opinion, he observed in January 1772 that "the whole of the Western side of Kenebec River is included in the Patent to Sir Ferdinand Gorges and although this patent was

¹²⁷ "from Thomas Scammell, Portsmouth, New Hampshire, January 2, 1772," "Letter book," reel 1, frame 534.

dated after that” the Kennebeck Proprietors could still not claim any of the land. Gorges patent was “founded upon a patent or patents from the same Council [of Plimouth] of a prior date to that of the Kennebeck Proprietors.” Hutchinson invariably remembered the previous conflicts with the Kennebeck Proprietors and, even at this tumultuous time of Maine settlement, denied their claims. Regardless of the “Kennebeck Proprietors claims from the Council of Plimouth,” Hutchinson found no reason to allow the aspirations of the Company to preclude the deeds of an older and better-established land grant.¹²⁸

With Scammell’s continued excursion in the Maine frontier there is little knowledge of his exploits in the summer of 1772. In May and July 1772, Hutchinson received letters from Scammell that discussed Scammell’s June visit to Boston. There is little factual account of Scammell’s progress except to note that he requested a greater salary at the expense of Lord Hillsborough. Hutchinson passed the word to Hillsborough but told Scammell that “he must bear the expence of what assistance is necessary to the speedy finishing of his business.” Throughout his employ Scammell requested greater compensation even when given the full assistance of Fort Pownall under the command of Colonel Thomas Goldthwait.¹²⁹

He must have been busy because a letter arrived for Thomas Hutchinson in September 1772 written by Scammell from Gouldsboro, Maine. He had obviously enjoyed his success as a land surveyor and had even taken a personal interest in the territory. He requested Hutchinson to grant him the “Honors of Justice of the peace throughout the Province of Main.” There is little direct evidence to say whether or not

¹²⁸ “TH to Lord Hillsborough, Boston, January 3, 1772,” “Letter book,” reel 3, frame 479.

¹²⁹ “TH to Lord Hillsborough, No place, no date, May 9-11, 1772,” “Letter book,” reel 3, frame 595; “TH to Lord Hillsborough, Boston, July 2, 1772,” “Letter book,” reel 3, frame 642; “TH to Lord Hillsborough, Boston, September 9, 1771,” “Letter book,” reel 3, frame 373.

Hutchinson granted the position to Scammell; however, with the character of the locals being what it was we may assume that Scammell would have made a fine judge. In Hutchinson's words "this part of the Province is looked upon as an Asylum...Criminals as well as Debtors flee there." Among them there are "some very bad people and but few of any tolerable character." Scammell would have made a fine judge when compared to the few settlers Hutchinson had picked "of whose Characters stand best to make them Justices in hopes of preserving some degree of order."¹³⁰ In pursuing the interests of the Crown, Scammell had managed to carve out his own personal reward for the duties in which he was employed.

With no Crown decision made upon the jurisdiction of the Maine territory, Hutchinson continued to deplore the settlers that were rapidly moved into the region. He wrote to Lord Dartmouth, the Secretary of State for the American Colonies at this time, and described that "the inducement to people to flock from the settled parts of this Province" into the Maine territory was the "profit which arises from the pine and oak Timbers" in the region. As the days passed, more and more settlers arrived and "as the Settlers increase the mischief increases." Looking to protect the claims of the King, Hutchinson again urged Hillsborough to consider restraining further settlement as the first step to preserve the timber. Hutchinson also considered that "for the preservation of His Majesty's Interest the Country should be subject to his sole direction." With the Crown slow to act, Hutchinson took it upon himself to find a solution. At the turn of 1773, he surmised that in the next summer there would be a "very great increase of

¹³⁰ "from Thomas Scammell, Gouldsboro, Maine, September 7, 1772," "Letter book," reel 1, frame 585; "TH to Lord Hillsborough, Boston, May 24, 1770," "Letter book," reel 2, frame 1074-1076.

Inhabitants” unless he could do something “to check it by some other aid than that of the General Court.”¹³¹

He contemplated a compromise between the Crown and Massachusetts that would have satisfied their mutual desires. The Crown would give Massachusetts control over the “Grants of Land in the District East of Sagadahoc,” if the colony released their claims to those lands that “appear proper to be reserved as Nurseries for Masts and Naval Timber” and would further “enact proper regulations for the preservation of such Tracts and preventing trespasses thereon.” He ruminated on his plan and explored who could initially claim the area in question. He was not sure who could claim the original title to “any part of the Country so far East as Penobscot” but was certain that “Mr. Waldo...about the year 1730” was found to have one of the most recent patents. He proposed his idea to Hillsborough in October 1773 and asserted that the English had always had the right of discovery in the region. The territory around Machias had often gone back and forth between the French and the English but “from Penobscot to Kenebec” the English dominated and the “French had had no actual possession.”¹³²

For over two decades starting in the 1750s Hutchinson played an integral role in Maine land disputes. The end of his “Letter book” collection is ripe with evidence about how he guided the Governor’s actions and behaviors until his departure from the colony in 1774. He never considered the Maine territory as an inferior part of the colony and fought to preserve Royal authority in the region. In the turbulent years that followed thousands of settlers streamed into Maine in search of their own piece of the new

¹³¹ “TH to Dartmouth, Boston, November 13, 1772,” “Letter book,” reel 3, frame 746; “TH to Lord Hillsborough, Boston, January 1, 1773,” “Letter book,” reel 3, frame 509.

¹³² “TH to Dartmouth, no place, no date,” “Letter book,” reel 3, frame 1029; “TH to Dartmouth, Boston, October 16, 1773,” “Letter book,” reel 3, frame 1046.

American nation most likely with little regard for the role Hutchinson had in the state. With the American Revolution looming in the foreground Hutchinson saw great implications for the future of land in Maine. It would take another ten years for Mainers to become independent from the British Crown and another fifty for their descendents to found the state of Maine. Hutchinson's last letter to Lord Dartmouth is perhaps the most illuminating of all. In October 1773, Hutchinson mildly supposed that the country between the Kennebeck River and Nova Scotia to be a country possessed by conquest not yielded by treaty.¹³³ Hutchinson's lasting thought on the territory proved to be his most accurate assessment of the region, its people and the role that he had played. Never satisfied to be lorded over, the Eastern Frontier had rebuffed dozens of aspiring men and challenged future generations with the lure of the frontier.

¹³³ "TH to Dartmouth, Boston, October 26, 1773," "Letter book," reel 3, frame 1050.

X: Conclusion Thomas Hutchinson and the Kennebeck Proprietors

The connection between the Kennebeck Proprietors and Thomas Hutchinson is too powerful to ignore. Their tumultuous relationship began with the beginnings of the Patriot movement and culminated with the attack on Hutchinson's mansion in 1765. That event did not end the ambitions and motivations of either party but became a catalytic moment in colonial history. Many of the events prior to 1765 have all too often been overshadowed by the looming arrival of the American Revolution where historians have often focused on how those events contributed to the Revolution. Historians can now take a greater initiative in considering these events for the value that they had in the period.

Land speculation in Maine forced the Kennebeck Proprietors and Thomas Hutchinson to clash over these issues and an evaluation of their true impact has not yet been determined. However, this discussion has brought Maine into the greater equation of pre-Revolutionary history. These events highlight the ways in which Revolutionary fervor impacted Maine and how issues in Maine influenced Revolutionary events in Massachusetts.

The Kennebeck Proprietors represented a trend in colonial history that suggested ideas of the common good were being replaced by private and corporate interests. As historian Gary Nash suggested, wealthy elites like James Bowdoin II, James Pitts and Thomas Hancock became part of an ideology that stressed personal and corporate gain over the public interest and that helping one's neighbor, a traditional colonial ideal, was quickly dissolving away. When looking at the actions of the Kennebeck Proprietors, their methods and their goals it is easy to see how ulterior motives guided these influential men to support Patriot politics in Massachusetts.

Examining Hutchinson's influence from the 1750s to the 1770s presents a continuum of interest in land speculation that is unprecedented in the late-Colonial period. Alan Taylor should have considered including Thomas Hutchinson in his Liberty Men and Great Proprietors because there was only one man who showed an interest in Maine land speculation that spanned two decades; Thomas Hutchinson. Exhibiting his interests during these years shows the importance that he placed on land speculation. He commented on Maine lands up until 1774, when he left for England, and always exhibited an impassioned plea for the defense and preservation of the territory. It is safe to say that Hutchinson, more than anyone before or after him, should be considered one of the most influential figures in Maine history. Without his presence, the rising land companies would have carved the state into competing regions and created divisions, rivalries and animosities that would have lasted for generations. Through his initiative, regardless of the Royal flavor, Hutchinson saved the Eastern Frontier from becoming the corporate stronghold for companies seeking to exploit the region.

William Gordon wrote that "It should oblige all, who have performed any distinguished part on the theatre of the world, to appear before us in their proper character...to render an account of their actions at the tribunal of posterity, as models which ought to be followed, or as examples to be censured and avoided."¹³⁴ His astute recognition that all historical figures must be thoroughly examined and openly critiqued applies to Thomas Hutchinson. Gordon recognized both the praise and condemnation Hutchinson drew from his fellow colonists. On one hand he was despised for "showing himself so strenuous in supporting government" a position that was slowly becoming the

¹³⁴ Gordon, The History of the Rise, Progress and Establishment, A2.

chosen target of patriots.¹³⁵ In Gordon's view, however, Hutchinson had become a victim of rising Revolutionary sentiment. The scale of the actions "was alarming" and were driven by "circumstance, co-operating with the general disposition of the people to tumult...will account for the excessive outrages against him in particular."¹³⁶ It has only been in recent years that historians have looked through his loyal persuasion to embark on a fuller description of the man.

¹³⁵ Gordon, The History of the Rise, Progress and Establishment, 180.

¹³⁶ Gordon, The History of the Rise, Progress and Establishment, 181.

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XII. Illustrations
1. The Seal of the Kennebeck Proprietors

THE
KENNEBECK
PROPRIETORS



SEAL OF PROPRIETORS
KENNEBEC PURCHASE

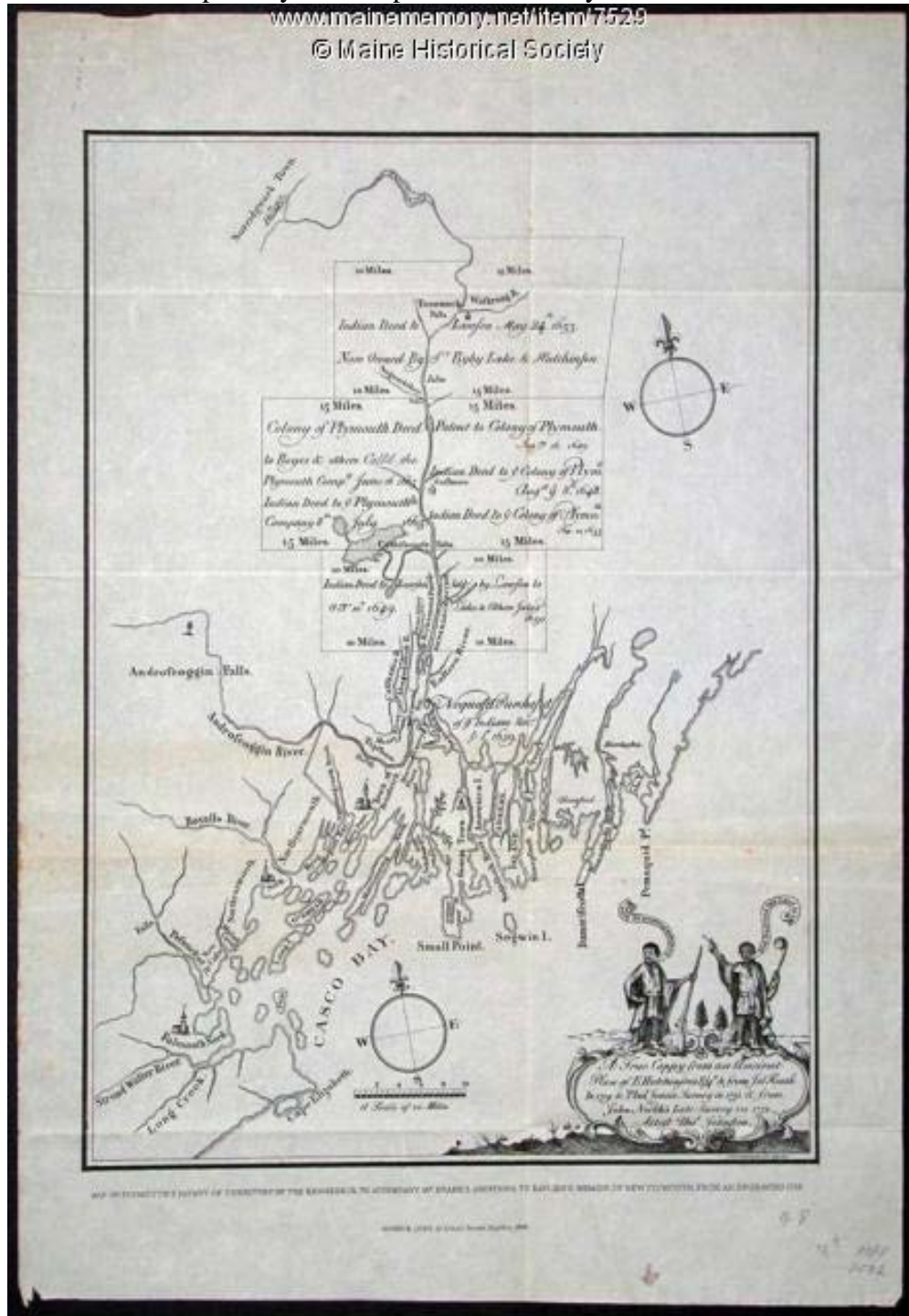
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¹³⁷ Kershaw, The Kennebeck Proprietors, xvii

2. Map of Plymouth's patent of territory on the Kennebeck

www.mainmemory.net/item/7529

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¹³⁸ Maine Memory Network. "Map of Plymouth's patent of territory on the Kennebeck". Accessed on Thursday, April 22 2010. <http://www.mainmemory.net/bin/Detail?ln=7529>.

3. Thomas Johnston's Map of the Kennebec River Valley

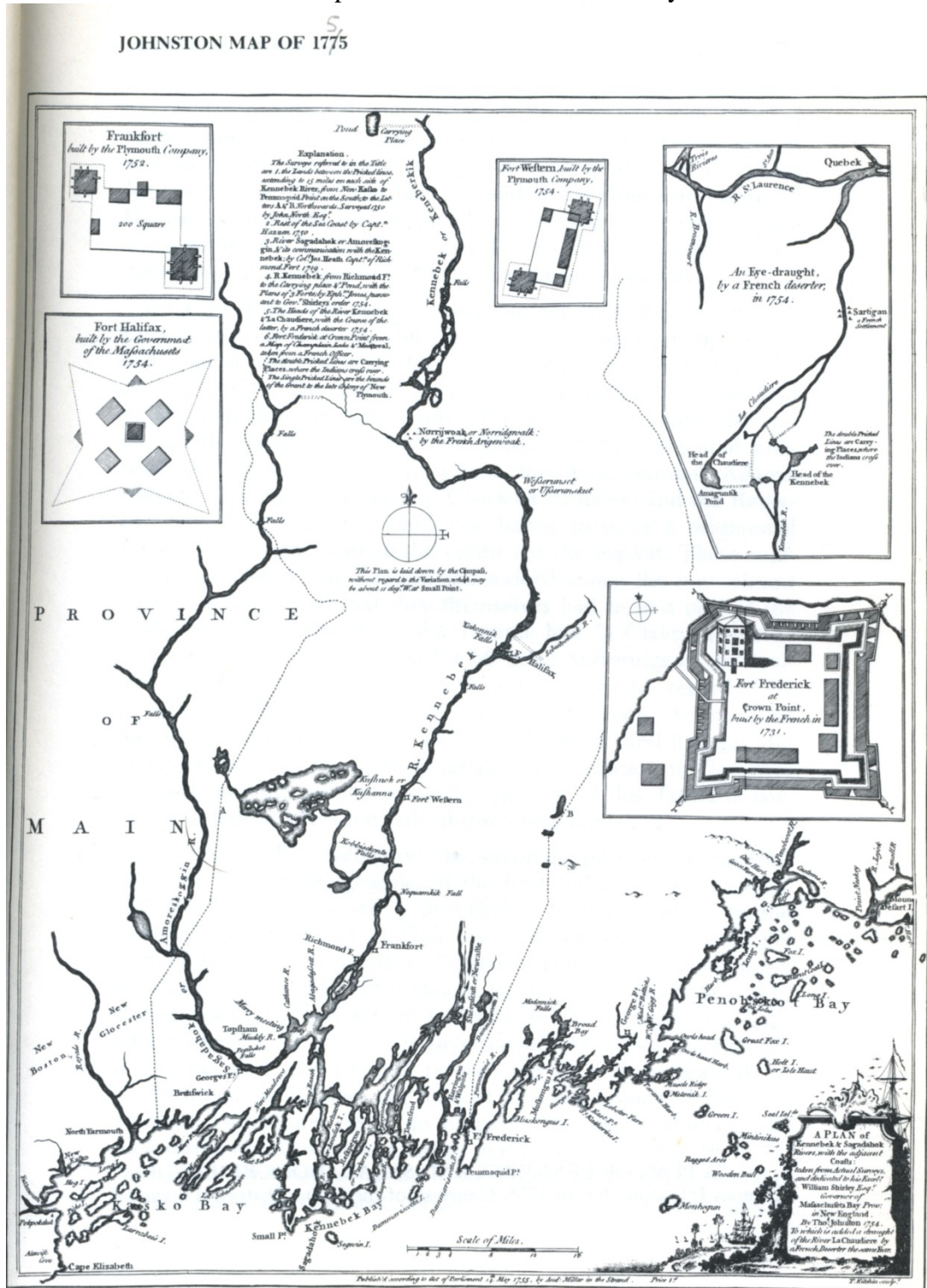


JOHNSTON'S MAP OF KENNEBEC.

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¹³⁹ William Bradford, *History of Plymouth Plantation: 1620-1647, In Two Volumes*, (Boston: The Massachusetts Historical Society, Houghton Mifflin Company, 1912), Vol. II, 176.

4. Thomas Johnston's Map of the Kennebec River Valley in 1755



¹⁴⁰ Kershaw, *The Kennebec Proprietors*, 272.

XII. Author's Biography

Cory M. Davis was born in Bucksport, Maine on November 5, 1987. He was raised in Bucksport and graduated from Bucksport High School in 2006. Majoring in history, Cory also has a minor in public administration. He is a member of Phi Alpha Theta, Phi Beta Kappa, the University of Maine "Screamin' Black Bear" pep band, the Class of 2010 Council, and the University of Maine Department of Residence Life.

Upon graduation, Cory plans to study Higher Education and Student Affairs to focus on his passion of daily contact with college students.