HISTORY
OF THE PUBLIC LAND
POLICY OF MAINE, 1620-1820

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ABSTRACT

HISTORY OF THE PUBLIC LAND
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There have been many accounts of individual settlements in Maine and a few histories of the State, but no one has ever attempted a history of its land policy or analyzed the effect that such a policy or lack of policy might have had on the development of the State of Maine.

Maine was one of the earliest sections of the Atlantic Coast to be explored but one of the slowest in development. The latter may have been due to a number of factors but undoubtedly the lack of a definite, well developed land policy had much to do with the slow progress of settlement and development of this area.

The years 1602 to 1620 marked the beginnings of explorations along the Maine Coast principally by the English and French. In 1603, Henry IV of France granted all the American territory between the fortieth and forty-six degrees north latitude to Pierre de Gast Sieure de Monts. This territory was called Acadia. Soon after, in 1606 King James I of England
granted all the lands between the thirty-fourth and forty-fifth degrees north latitude to an association of noblemen of London and Plymouth. Later, King James I of England granted all the lands from the fortieth to the forty-eighth degrees of north latitude to a company called "Council established at Plymouth in the County of Devon; for planting, ruling, and governing New England in America." This company functioned from 1620-1635. In that time, it granted, through only a few Patents, nearly the whole seaboard from the Piscataqua River to the Penobscot River, excepting that lying between the Sagadahoc and Damariscotta Rivers. From 1635 to the Charter of William and Mary in 1692, the lands of Maine were the subject of many overlapping claims by both individuals and countries, France and England. In 1692, the Province of Maine became a part of Massachusetts.

Sales and grants of land in Maine were retarded for the greater part of the eighteenth century by a series of Indian wars, nor were they extensive until after the American Revolution.

In 1784, Massachusetts became a sovereign state of which the eastern most district was designated "The District of Maine" and as such it remained until
1820 when it became a separate state.

Up to the year 1784, land policy, if there was any, rested almost entirely upon the individual grantees. By this time, however, Massachusetts began to see in the development of Maine lands a means of paying her many debts incurred in relation to the American Revolution. In that year, Massachusetts established a land office and had agents appointed to survey and sell the land. This was the first time that lands had been available for purchase. Previously they had been granted in two hundred acre lots to settlers who would settle on them for a specified time and make certain improvements. From this time on, Massachusetts became land minded. Speculation was rife. Grants were made for every conceivable purpose, yet the sale of land was slow. One noteworthy policy, developed in this period, was that of reserving lots of land for future public uses and for the schools.

By the beginning of the nineteenth century, agitation had begun for the separation of Maine from Massachusetts which was accomplished June 19, 1819, and approved by Congress the following year.
# Table of Contents

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction, The Conflicting grants of France and England in this Country, 1602-1620.</td>
<td>1</td>
</tr>
<tr>
<td>1. The Colonial Period, The Struggle for Political and Religious Precedence in Maine, 1620-1692.</td>
<td>14</td>
</tr>
<tr>
<td>2. The Province of Maine, Encouraging People to Settle in Maine in spite of the long Period of Indian Wars, 1692-1778.</td>
<td>48</td>
</tr>
<tr>
<td>3. The District of Maine, Grants for every Purpose following the establishment of a Land Office, 1778-1802.</td>
<td>87</td>
</tr>
<tr>
<td>4. Maine Comes of Age, Speculation and Separation Fever, 1802-1820.</td>
<td>131</td>
</tr>
<tr>
<td>Conclusions</td>
<td>161</td>
</tr>
<tr>
<td>Bibliography</td>
<td>164</td>
</tr>
</tbody>
</table>
"-- You're just a ragged, home-spun state
   Perched on the Nation's edge
   A stretch of woods, of fields and lakes,
   Of ocean pounded ledge: --"

   Lester Melcher Hart
Introduction


There is no authentic evidence that any European visited the coast of Maine before 1602, but just how many centuries before that date the prows of European ships ploughed the waters of the Gulf of Maine no one can say. Norsemen, Basque fishermen, Spanish adventurers or Portuguese traders may have viewed the rocky shores of what is now the Coast of Maine.

Many of the English who were doubtless among the early visitors to this region came either to determine the natural resources of the country or to fish, while others came to find a passage to the East Indies. John Cabot, in his explorations along the Atlantic Coast in the fifteenth century may have seen the coast of Maine.

The sixteenth century in England witnessed the establishment of groups of "Merchant Adventures" who raised the funds and discharged the necessary financial obligations that sea-roving, exploring and colonizing might obtain.

At the beginning of the seventeenth century,
England was in a position, with the aid of these Merchant Adventurers, to further expansion in North America. By this time, tales of the abundance of fish and furs along the coast of the New World had spread over the continent of Europe and an active interest in sending expeditions to the New England coast for the purpose of trade or colonization appeared in both France and England.

In the latter country, the Earl of Southampton was one of the first to get an expedition under way. In 1602, under the command of Captain Bartholomew Gosnold, one small vessel with thirty-two persons touched at some point on the southern coast of Maine. From there they proceeded southward as far as Martha's Vineyard. Although they had come for the purpose of colonization, they remained only long enough to load their ship with sassafras, cedar, and fur and then returned to England.

In spite of Gosnold's failure to establish a permanent settlement, the merchants of Bristol and Plymouth were aroused more than ever over the commercial possibilities of the New World. The following year,


1603, another expedition of two vessels under the command of Captain Martin Poing set out on the course followed by Gosnold. Poing's landfall was upon Fox Islands in Penobscot Bay from which point he sailed along the entire coast of Maine making "a perfect discovery of all these eastern rivers and harbours;" and carrying back to England "the most exact account of the coast that had ever come to hand."

While the English were occupied with these two expeditions, Henry IV of France, contending that the explorations of Verrazano gave this region to his country, granted, in 1603, all the American territory between the fortieth and forty-sixth degrees of north latitude to Pierre de Gast Sieure de Monts under the name of "Acadia," a region extending on modern maps from Montreal to Philadelphia, thus including the present State of Maine.

This was the first actual grant or patent including the territory which is now the State of Maine. The real purpose of the grant was to establish possession of the continent for France. De Monts was made

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4 Ibid., pp. 188-189.
Lieutenant General of the whole tract with authority to make laws at his own discretion; to colonize where and as he saw fit; and to preserve these lands for the king of France in any other manner deemed necessary. He was also instructed to subdue and christianize the native inhabitants on his lands. He was permitted to reserve such lands to himself as seemed befitting to his rank and convenience, and to grant other lands, titles, and honors as he considered expedient to the speedy settling of the patent. He was urged to discover and examine all lands along the coast and to search for all sorts of metals and minerals. He was given a monopoly in the fur trade in this region. Finally, for the safety and comfort of all who might settle in these parts, De Monts was advised to erect such forts, towns, and dwellings as he considered necessary to the execution of this enterprise. The colonists were to be solicited chiefly from the vagabonds and ex-convicts of the realm.

The following year, 1604, de Monts, with some seventy colonists accompanied by Champlain and Pautrin-cour, attempted to make a permanent settlement on territory which is now a part of the State of Maine. They

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chose an island in the St. Croix River for protection against the Indians who were unfriendly and thievish, as well as quite numerous in this area. Here on the island, however, they suffered from the biting cold winds from the surrounding ice fields as well as from the lack of wood and water. They had also arrived too late in the season to harvest a crop. Amid these discouraging circumstances, scurvy assailed them and thirty-six of the seventy men died that first winter. Finally, most of these people were not of the best material for such trying experiences. There were a few skilled artisans among the colonists, but for the most part they were men upon whom little dependence could be placed in an enterprise calling for steadfastness and heroic endurance. The next year they explored along the coast as far as Cape Cod. Not finding a suitable new location, they returned to St. Croix and moved the colony onto the mainland across the bay.

By this time, there seem to have been associated with the English Earl of Southampton, in his project for another expedition to the American coast, his son-in-law, Thomas Arundell, Sir Ferdinando Gorges, whose

7 Williamson, W., op. cit., pp. 188-190.
name was to become so prominently identified with the history of early colonization on the Maine coast, and possibly Sir John Papham. The expedition which they sponsored sailed March 5, 1605, under the command of Captain George Weymouth, a Bristol naval officer who had been engaged previously in trying to find the famous passage to the Indies.

Captain Weymouth and his party landed on Monhegan Island on the coast of Maine and, after spending a few days in obtaining rest, planted a cross on the shore of Allen's Island—a token of England's claim to the territory. By this act of Weymouth's, there was announced the earliest known claim of the right of possession by Englishmen on the soil of New England. Weymouth and his men spent considerable time exploring the surrounding country, delighting in its natural resources and the advantageous location of the harbors which they discovered as they explored the rivers along the coast, especially those of the Penobscot. Wey-

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mouth was sure that he had found the promised land for English commercial interests for which he had been instructed to search, a land whose invaluable riches the Indians could "neither discern, use, nor rightly esteem."

Weymouth's voyage still further awakened public as well as private interest in England concerning American colonization. The active interest of Sir John Papham and Sir Ferdinando Gorges was greatly increased, and the mind of the former was soon busy with plans for taking possession of the territory thus open to English occupation and trade relations. His plans as they ripened involved the formation of colonies by chartered companies under license by the crown. An association of English gentlemen was now formed to plant colonists on the American coasts.

In 1606, King James I of England granted to an association of noblemen of London and Plymouth, England, known as the "North and South Virginia Company" all the territory between the thirty-fourth and forty-fifth degrees of north latitude, a territory including practically all of that previously granted by the French

11 Burrage, H. S., op. cit., pp. 50-51.
12 Williamson, W., op. cit., p. 196.
Crown to de Monts.

However, the English Patent incorporated a group of men into two companies under one General Council of Government with much attention being given to the rules for governing the new colonies; whereas the French Patent had been issued to a single individual with seigniorial rights, leaving all matters of government more or less to his own discretion. Under the English Patent there was to be a Council of thirteen resident in England which was to hold paramount jurisdiction, while two subordinate Councils, each of thirteen members resident in America, were to govern in accordance with instructions from the king, thus making a Charter as well as a Patent. The purposes of the two grants, the French and the English, were practically identical - to colonize, to trade, to christianize the natives. The English, like the French, were to use the vagrant and the dissolute as colonists in the New World.

Under this Patent, in June, 1607, the Plymouth Company, which had taken the territory north of the Hudson River, sent out two vessels, the Mary and John, commanded by Raleigh Gilbert - and the Gift of God,

14 a son of Sir Humphrey Gilbert.
a light draft boat commanded by George Papham. The one hundred and twenty colonists led by the latter landed on Monhegan Island which had been earlier touched on by Captain Weymouth, but they decided to build their settlement on the main land on the present location of Fort Papham, just east of what if called Hill's Point.

But again the severe cold of the Maine winter was too much for the Europeans so that in the following spring the settlement disbanded, showing as Gorges had said the colonists were not "not such as they ought." This was dishearting news to Gorges and other steadfast friends of English colonization in America. The collapse of the colony was complete. Years afterward, Gorges, in referring to the disaster and its effect upon himself and other patrons of the undertaking said, "All our former hopes were frozen to death!" Added to this was a series of unfortunate accidents as well as the deaths of the two Paphams, and the elder Gilbert. The remaining patrons were so thoroughly discouraged that no further attempts at

15 He was the nephew of Sir John Papham, Chief Justice of the Court of King's Bench.


settlement were made by the English for a number of years.

While the English were neglecting the opportunity to plant colonies on the North American coast, the French were making a new effort to secure a foothold on the continent. Before de Monts left Port Royal, Nova Scotia in 1607, because the king had revoked his fur monopoly, Jean de Biencourt (de Poutrincourt) requested a gift of that place which was granted and ratified by the king of France. In 1611, de Biencourt and the French Jesuit, Father Pierre Biard, who had arrived earlier in the year, erected a cross which bore the arms of France, emblematic of possession, upon Matinicus Island, Knox County, Maine. In 1612, Madame de Guercheville procured from de Monts a surrender of his patent and had it confirmed by a charter from the King of France. This included all the previous grant to de Monts with the exception of Port Royal which had previously been granted to Poutrincourt.

Although the French, as yet, had made few permanent settlements, they fished and traded along the coast as far west as the Penobscot and in 1613 Fathers Biard and Masse with a small company had settled on Mount Desert,

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19 Williamson, W., op. cit., pp. 200-205.
the first French Jesuit Mission in North America. Captain Argall of Virginia, fishing in these waters, learned of their presence and reported them to the Virginia Magistrate, Argall was commanded to expel the French colonists as intruders under the charter to the North and South Virginia Company. This was the initial clashing of arms between the French and English in their struggle for a continent which culminated one hundred and fifty years later in the treaty of Paris in 1763.

Between 1608 and 1614, no evidence whatever is found in authoritative sources that these were English colonists on the coast of Maine, and only faint glimpses of English vessels. The Plymouth Company remained inactive to the extent that they even disregarded the encroachments of the French; neither were they excited by motives of gain or emulation, though they saw vessels in the employ of the London Company return home in the midst of winter from the coast of New England with rich cargoes.

In the midst of this situation, appeared the celebrated Captain John Smith who came exploring, trading,
and fishing along the coast of Maine in 1614. Although his party searched for gold and copper mines and chased whales in vain, they did collect a varied and valuable cargo of fish and furs. He and his men spent some time exploring and making observations along the coast which he later included in a book entitled "A Description of a Voyage into New England," published in London in 1616. He also compiled a map including the area between Cape Cod and the Penobscot River which, while not wholly accurate, gives a great deal of valuable information concerning Maine geography. In his records, he mentioned many kinds of trees, birds, fish, and animals; he talked of the great fertility of the soil and of the great value of its products. In fact, he was so favorably impressed with what he saw during his summer on the American coast that he wrote, "of all the four parts of the world that I have yet seen not inhabited, could I have but means to transport a colony, I would rather live here than anywhere."

When he returned to England, he informed Gorges of his venture and gave him such an enthusiastic report that Gorges' ambitions and hopes were fired anew. His report also had much the same effect on the other members

23 Burrage, H. S., op. cit., p. 130.
of the Plymouth Company. Everywhere he went he talked of nothing but the wonders of America and passed out copies of his Description and his map, thus arousing considerable enthusiasm for new colonization projects.

Although there were no permanent settlements on Maine territory to speak of in 1620, a great deal was known concerning the geography and resources of this region. Already France and England had, in one patent each, granted most of the territory included in the present State of Maine — acts destined to be a subject of bitter contention for over one hundred and fifty years.
Chapter I

THE COLONIAL PERIOD, 1620-1692

The Struggle for Political
and Religious Precedence in Maine

Among all the Englishmen who were interested
in a proprietary form of colonization in the early 17th
century, Sir Ferdinando Gorges was by far the most im-
portant. Although he had furthered voyages of explora-
tion and had invested large sums of money in ships dis-
patched to New England waters for fishing, by 1620 he
had nothing to show for his trouble. As a leading mem-
ber of the Plymouth Company, he decided to obtain a char-
ter based upon his own ideas.

Gorges was an aristocrat, a representative of
the lesser feudal class of lauded proprietors and wish-
ed to reproduce in America the proprietary customs and
local manorial institutions with which he was familiar
in England.

Accordingly, he petitioned the king in the name
of the "Counsell for the second colonie... for the plant-
ation of the North Parts of Virginia in America" asking

1 Andrews, C. M., The Colonial Period in American
for an enlargement of their patent, "that they maye with
more boldness goe on as they have begun ... with the
alteration onely of some few things and the addition" of
others, a modest way of requesting an almost complete
change in the fundamental character of the patent after
a delay of eight months, which was occasioned by the in-
clusion of the exclusive right of fishing in the north-
ern waters, the patent was delivered in June, 1621.

It incorporated a group of forty men called the
"Council established at Plymouth in the County of Devon,
for planting, ruling, and governing New England in America".
To this company, usually known as the "New England
Company", King James granted all the lands from the
fortieth to the forty-eighth degrees of north latitude.
and from sea to sea.

The privileges of this Northern Company under
the new patent were of a liberal kind, with a tenure "in
free and common socage." The patent created a corporate
body with perpetual succession. Under the provisions
made for a civil government, the company was given all
necessary powers of administration. Most of the priv-

2 Ibid., p.322.

3 Report of the Committee Respecting Eastern Lands,
Senate Document No. 4 (Augusta, Maine, 1835), p. 3.
ileges of the former charter had been confirmed, including exclusive trade and fishery rights. Importations from England were to be allowed duty free for a period of seven years. Under the new charter, they were not allowed to coin money nor was any Catholic permitted to settle within its borders. As Andrews says:

"The most important part of its business, as events were to show, was to organize, govern and apportion this territory as one would a feudal principality and its main activity during the fifteen years of its history proved to be the making of land grants." 5

The New England Company or Plymouth Council functioned from 1620 to 1635. In that time, it granted, through only a few Patents, nearly the whole seaboard from the Piscataqua River to the Penobscot River, excepting that lying between the Sagadahoc and Damariscotta Rivers. Most of this latter territory, however, was claimed under the Kennebec Patent.

In no other section of New England were so many grants conferred by the Great Council as within the

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6 Williamson, W., op. cit., p. 243. See pp. 5-6.
limits of Maine, where from ignorance, or reckless disregard of geography, the Company issued, in quick succession, patents whose overlapping boundaries caused long and bitter controversies. It was remarked that "it would require more lawyers to adjust the claims of rival adventurers than there were inhabitants in their whole territory."

The first definite territorial grant of the Plymouth Council was to Captain John Mason, Secretary of the Council, and was dated March 2, 1621. The territory, called Mariana, embodied the lands between the Merrimack and Naumkeag Rivers, from their sources to the sea.

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8 Actually the first Patent of the Plymouth Council, which is still in existence, was a general commission to land in New England given to one John Pierce, citizen and clothworker of London. This document is little known as it was lost for many years. It was finally found among papers in the Boston land office in 1741, and in 1853, it was deposited in Pilgrim Hall, Plymouth. This is believed to be the oldest Colonial document in the United States. Joseph Felt claims that a settlement was actually begun under its provisions at a place called Broad Bay within the limits of ancient Pemaquid. Felt, Joseph E., The Ecclesiastical History of New England, (Boston, 1855), p. 69. The entire document is printed in full in the Collection of the Maine Historical Society, Documentary History, Second Series, vol., VII, pp. 45-53.

9 Williamson, W., op. cit., pp. 222-223.
Because of the French settlements located within the limits of the new Charter, Gorges procured from the council a conveyance to Sir William Alexander, whereby a large northern territory was assigned to him, later confirmed and enlarged by the King. His Patent was also to include all the territory lying east of the St. Croix and south of the St. Lawrence Rivers, thus embracing a great part of the French patent of Acadia.

The new proprietor named his territory Nova Scotia, since it was his intention to settle it with Scotch. This conveyance was felt by the other colonies to be an important barrier against the introduction of the French and Jesuits into Maine.

No provision for any civil government appeared in the Patent; the country was erected into a royal palatinate to be held as a fief of the Scottish crown. The proprietor was invested with regal rights and was to have the privileges of a count-palatine.


11 Felt, J. B., op. cit., p. 223.

12 Williamson, W., op. cit., p. 224.
A summary of the grants made by the Council within the present limits of Maine is as follows:

1. 1622, August 10, Gorges and Mason received a patent of all the country between the Merrimack and Sagadahock Rivers, from the Atlantic to the Rivers Canada and Iroquois. This tract they called the Province of Laconia. The grantees were authorized to establish such government as seemed necessary and which would be agreeable to laws of England.

2. 1624, Gorges received 12,000 acres on each side of the Agamenticus (York) River.

1627, the first Kennebec Patent for the New Plymouth Colony which was enlarged in 1629.

1629, November 7, John Mason, having agreed with Gorges to make the Piscataqua the divisional line between them, took a Patent to lands


14 Williamson, W., op. cit., p. 231. (Permanent settlement was begun at York and at Saco about 1623. Oldham and Vines received a Patent to Winter Harbor in 1623.)

15 Ibid., p. 233.
between the Piscataqua and the Merrimack, part of Laconia, and called it New Hampshire.

3. 1629, January 13, Kennebec or Plymouth Patent, William Bradford and his associates in the Plymouth colony received fifteen miles on each side of the Kennebec River, extending up to Cobbiscontee; this grant Bradford transferred to the Plymouth Adventurers. In 1661 these lands were sold to Antipas Boies, Edward Tyng, Thomas Brattle, and John Winslow for four hundred pounds sterling. This patent was hardly heard of again until 1751, since no effort was made to colonize the district. The heirs of the new patentees formed a corporation known as the "Proprietors of the Kennebec Purchase from the late Colony of New Plymouth," which remained in active existence until 1816.

16 Ibid., p. 236. The following are observations made in 1626 on New England conditions: "As the opposition of Parliament to the New England Patent is powerful, and there is a prospect of war with France, and other difficulties thicken, the proprietors of the Monhegan Patent dispose it to a smaller firm on easy terms." Felt, J. B., op. cit., pp. 95-96. Monhegan was permanently settled about 1622. Williamson, W., op. cit., p. 226.

This grant has historical significance.

It will be remembered that when the Plymouth Colony was founded, it was backed by Merchant Adventurers of London. After the establishment of the colony, these merchants demanded a return of their share of the investment. Opportunities to trade and fish had not been what the colonists had anticipated and they were unable to pay their debt. They knew that fur trading and fishing were good in Maine, but they needed a monopoly. They received their first grant in 1627 which was enlarged in 1629. On this land, the Pilgrims built a storehouse at Cushnoc, now Augusta. Since they were the only buyers from the Indians in this vicinity, they obtained great quantities of beaver for which they received such good prices that they were able to discharge their debt to the merchants three years before the final payment was due. J. B. Felt, writing of the Plymouth grant made the following statement: "January 13, 1630, The grant to Plymouth is confirmed and increased, with full exercise of government on the premises. Thus,

18 Bradford, W., History of Plimoth Plantation, (Boston, 1901 from the original MSS.) pp. 280-281.
a large extent of soil is brought under the 19 control of Nonconformists."

4. 1630, February 12, John Oldham and Richard Vines received a grant four miles wide by eight miles long on the west side of the Saco River at its mouth. This was known as the 20 "Saco Patent." This and the following patent were for the purpose of advancing the general plantation of the country with provision for holding it as a part of England's territory.

Also of the Same date, Thomas Lewis and Richard Boynton received a grant of similar dimensions on the east side of the Saco River at its mouth. The owners of each grant proposed, at their own costs, to transport fifty persons thither within the next seven years.

5. 1630, March 13, John Beauchamp and Thomas Leverett received lands from the seaboard between the Penobscot and Muscongus north:


without interfering with the Kennebec Patent to equal thirty square miles. This was known as the Muscongus or Waldo Patent and was granted for the sole purpose of an exclusive trade with the Indians. The patent contained no powers of civil government. The most interesting thing about this tract is the deed of grant itself. To show how indefinite and misleading were these early grants which afterwards caused so much confusion concerning land titles and because this turned out to be one of the most ambiguous grants, part of the deed is quoted here:

"All and singular those lands, tenements, and hereditaments whatsoever, with the appurtenances thereof, in New England aforesaid, which are situated lying, or being within or between a place then commonly called and known by the name of Muscougus, towards the south or southwest, and a straight line extending from thence directly ten leagues up into the main-land and continent, these towards the Great Sea, face commonly called the South Sea, and the utmost limits of the space of ten leagues on the North and Northeast of a river in New England aforesaid, commonly called Penobscot, towards the North and Northeast and the Great Sea, commonly called the Western Ocean, towards the east, and a straight and direct line extending from the most western part and point of the

said straight line, which extends from the Muscougus aforesaid towards the South Sea, to the utmost northern limits of the said ten leagues on the North side of the said river Penobscot, towards the west."

BeBeauchamp and Leverett soon died, but the grant was kept alive and bargained about for many years. During the next century the title fell to Brigadier General Waldo of the British Army and upon his death went to his children, one of whom was the wife of Thomas Flucker. General Waldo's daughter Lucy, married General Henry Knox. The heirs of General Waldo asked the General Court for a recognition and confirmation of the original grant which was given by a Resolve of July 4, 1785. When the tract was surveyed by the Committee, it was found that this grant overlapped that of the Plymouth Patent -- and thereby produced a deficiency.

6. 1630, forty miles square from Cape Porpoise to Casco was granted to John Dy and others and known as the Province of Lygonia, or the


24 Loc. cit.
"Plough Patent." This grant had the powers of a Colonial government annexed to it. The Husbandmen, as the settlers were called, displeased with their local situation and the wild appearance of the country, stayed only a year and then moved to Nantasket. Later, in 1643, their grant, in which settlements must have been few and feeble, was assigned to Sir Alexander Rigby.

In 1631, in making grants of land, the council for New England was even more active than in the previous year. It was in the latter part of the year, however, that this activity was manifest. During that year the following grants appear:

7. 1631, November 1, 1500 acres between Spurwink and Black Point was granted to Thomas Commack, a nephew of the Earl of Warwick. In 1631, Thomas Commack was president of the Council for New England. In exploring along the coast

26 Williamson, W., op. cit., p. 239.
27 Ibid., p. 240.
28 Burrage, H. S., op. cit., p. 207.
of Maine, he found at Black Point, on the northern shore of Old Orchard Bay, a more attractive location than that on the Piscataqua where he had been for two years. He was especially interested in fishing and trading.

8. 1631, November 4-14, a grant to Richard Bradshaw of 1500 acres "above the head of Pejepscot on the north side thereof" in consideration of the expense Bradshaw had incurred by having lived there some years before and that he now wished to settle there with other friends and also servants.

9. 1631, November 3-13, the Piscataway grant confirmed to Gorges and Mason and their associates. This grant was just west of the Laconia grant and was given for services rendered in discovering the surrounding country and transporting people thither. Captain Thomas Comack and Henry Jocelyn were appointed agents of the grant.

30 Burrage, H. S., op. cit., p. 207.


10. 1631, December 1, to Robert Trelawney and Moses Goodyear, prominent merchants of Plymouth, received a tract between Spurwink River and Casco Bay. This grant was made especially for fishing and trading purposes and included the use of Richmond Island.

11. 1631, December 2-12, the Agamenticus Grant. This grant, made to Ferdinando Gorges, Lieutenant Colonel Walter Norton, and others, included 12,000 acres of land on each side of the Agamenticus River, together with one hundred acres of land adjoining for each colonist transported thereto within the next seven years, and who should abide there three years.

12. 1631, December 2-12, the grant of Richmond's Island to Walter Bagnall who had been living


35 Son and heir of Sir John Gorges of London and grandson and heir of Sir Ferdinando Gorges.
there since 1627.

13. 1631, December 2-12, the grant of Cape Porpoise. This grant was made to John Stratton because he had lived in New England "these three years past" and "had expended 1,000.L in transporting cattle, providing caretakers, etc." His grant included 2,000 acres which were advantageous for fishing and trade. He was dispossessed by Thomas Gorges, who as deputy governor of the Province of Maine was here in 1640-1643, representing the interests of his cousin, Sir Ferdinando Gorges, in the government of New England.

14. 1631, February 20, the last grant by the Plymouth Council was the Pemaquid Patent, to Robert Oldsworth and Gyles Elbridge. This grant extended between the Muscongus and Damariscotta Rivers and northward to include twelve thousand acres to the grantees and one hundred acres to every settler who should be planted upon the territory within seven years and reside there three years. The


37 Ibid., pp. 163-165.

patent also included Damariscove Islands and all others within nine leagues of the shore. The grant was made in consideration of the grantees' former public services and their engagements to build a town. The patent included powers of establishing and administering a civil government.

In 1635, the Plymouth Council surrendered its charter to the Crown, first reserving all grants made by them. The King appointed eleven of his Privy Councilors "Lord Commissioners of all his American Plantations" and committed to them the general superintendence and direction of colonial affairs. The following bit of information concerning this transaction was recorded on April 28, 1634:

"Council surrender their charter to the king. This is the last entry upon their records. We have been bereaved of friends; oppressed with losses, expenses, and troubles; assailed before the Privy Council again and again with groundless

39 Collections of the Maine Historical Society, Documentary History, Second Series, vol. VII, pp. 165-172; Williamson, W., op. cit., p. 241. In 1741, this grant included 90,000 acres. Opposed to this were several claims under grants made later by Colonel Dunbar, agent of the Duke of York to whom the country between Pemaquid and the St. Croix River was granted by his brother Charles II, in 1664, also other claims derived from Indian deeds to Walter Phillips and others from 1625 to 1674. The claims were not finally settled until 1813. The towns embraced in all the claims were Bristol, Westport, and a part of Washington. Land Agent's Report of 1839, Report of Oliver Frost in relation to Land Reserved to the Several Towns in the State, p. 80.

40 Williamson, W., op. cit., pp. 158-159.
charges, and weakened by the French and other foes without and within the realm; and what remains is only a breathless carcass; we, therefore, now resign the patent to the king, first reserving all grants by us made, and all vested rights — patent we have holden about fifteen years."

True it is that the Council had been obliged to meet many difficulties in its attempts to increase trade, to advance religion and to enlarge the national empire on the American continent. Intruders had plundered and burned their forests, the best harbors had been encumbered, the possessions of proprietors and emigrants had been disturbed and the profits of trade with natives and the rights of fishery had been engrossed.

In the fight for free fishing, the mariners had viewed the charter of the Plymouth Council, a corporation with exclusive privileges created by the king, as a public grievance. This had given a great though temporary check to the measures adopted for colonizing the country and the Plymouth Company suspended plans and expeditions and concluded to call home the governor whose administration had been anticipated as a means of making the country happy and prosperous.

Practically all these grants contained were special fishing and trading privileges which tended

41 Ibid.,
42 Ibid., p. 227.
to make each parcel of land granted an entity in and of itself. Almost the only connection the people had lay in the source of their land titles. Most of the grants made by the Council of Plymouth had no provisions for civil government, education, or religion; where such provisions were included, their establishment never materialized to any extent. At any rate, the Council did succeed in granting nearly all of coastal Maine from the Piscataway to the Penobscot and many settlements had actually been begun under those grants.

Not only did the lands granted by the Plymouth Council, in the western part of what is now the present state of Maine, overlap each other, but the territory between the Penobscot and St. Croix Rivers which was included not only in the De Monts Patent of 1604 but also in the English Patents of 1606 and 1620 continued to be a matter of dissension throughout the seventeenth century.

These lands had a history somewhat distinct and in many ways unique from that of the rest of Maine. As has already been mentioned at the beginning of the chapter, the Council of Plymouth controlled only those lands between the Piscataqua and the Penobscot Rivers. It will also be remembered that, although Gorges and Mason claimed farther east than the Penobscot, they
secured a grant of land to Sir William Alexander who planned to establish a colony of Scotch people as a sort of buffer colony between Gorges' and Mason's possessions and the French and Jesuits of Acadia. His plans and the hopes of the other colonies, who looked with a great deal of favor on his scheme, came to naught for before he had time to put them into action the English king had, in 1625, by the marriage treaty of King Charles I with the French princess ceded the whole territory to France. This, in view of all Englishmen interested, cast a deep shade upon their American affairs. In spite of all opposition, however, it appeared that the French were in a fair way to acquire a considerable part of the long coveted country. However, Sir William Alexander succeeded in obtaining a confirmation to his grant from Charles I in 1625 and thereby kept Nova Scotia or Acadia from the French until 1632.

By the Treaty of St. Germaine of 1632, Acadia was given to France and with it all of Sir William Alexander's land. Part of his land Alexander had already, in 1630, granted to Claude St. Estienne de la Tour. In 1635, a concession of this land was made to Sir Charles La Tour by the Company of New France.

At the same time that this concession was made, Lord D'Aulna, the French Commander in that part of Acadia west of the St. Croix, received a grant to all the land from the St. John west to Castine where he already had a mill and other buildings. The two men fought continually for the possession of the whole province. During the next ten years, neither the settlements at Penobscot, Mount Desert, Machias, St. Croix, nor those to the eastward flourished at all for life and property were so insecure.

Not only did the grants made by the Council of Plymouth conflict and overlap, but the titles of the people who settled on them were insecure. Were these people under the jurisdiction of England or France or both? It was bad enough for one country to make conflicting grants but this situation was far more confusing. Furthermore, after the restoration of Charles II in 1660, all the territory between the Penobscot and the St. Croix was granted to the Duke of York and known as the County of Cornwall. Later by the Treaty of Breda, 1667, Acadia was again repos-

44 Williamson, W., op. cit., p. 308.
essed by the French. By the same treaty, the "Duke's Territory" of New York was again in the hands of the Dutch and western Sagadahoc was for a time without any organized government. But in 1673, this latter section was returned to him in the Treaty of Westminster made by England and the United Netherlands.

Upon the surrender of Acadia in 1670 by the French, Massachusetts included Pemaquid within her jurisdiction and the region east of the Kennebec became known temporarily as the County of Devon. But this along with other territory was renewed to the Duke of York in 1674. Government was established at Pemaquid under the name of the County of Cornwall with the privilege of having one representative in the General Assembly of New York. Major Edmund Ardros was given jurisdiction of this territory - from the St. Croix westward - in the name of the Duke of York.

In 1676, John Rhoades, with a commission of the Prince of Orange, conquered Nova Scotia and Acadia and took possession of them for the General West India Company of the United Netherlands. Cornelio Steenwyck


47 Ibid., pp. 322-326.
was appointed Governor over Nova Scotia and Acadia as far as the Penobscot. His connection with Maine history was brief but a Dutch Governor for eastern Maine is a fact significant for the possibilities of the situation and therefore should be mentioned.

By the Treaty of Westminster, 1678, the Dutch lost their temporary advantages in Maine territory and at the same time the claims of the English were strengthened over those of the French.

By the Charter of William and Mary, in 1692, Acadia was considered, along with Maine, as a part of Massachusetts, but in 1697 this situation of Maine was finally conceded to be the exclusive domain of the English Crown by the Peace of Ryswick.

From 1697 on, France no longer held control of any part of what is now the State of Maine, but the French and Indian wars still continued and the question of French or English supremacy on the continent was not settles until the battle on the Plains of Abraham in

48 Ibid., pp. 328-334.
49 Ibid., p. 341.
When the Plymouth Council made preparations for dissolution in 1635, they concluded to divide the whole patent into twelve Royal Provinces for which lots were to be drawn on February 3, 1635, in the presence of his Majesty. The Assignments were then to be made to several "individuals accordingly." Four of these provinces fell in what is now Maine but the plan for division was never carried into effect.

When Charles I came to the throne, he declared all the grants of James void and took upon himself the right and privilege of regranting all his North
American lands. From this time on, the settlers, old and new, were in a general turmoil. Some of the claims arising from this and following situations dragged out for two generations or more before final settlement was ever made.

In 1639, Sir Ferdinando Gorges succeeded in obtaining from the king a grant to all the lands between the Piscataqua and Kennebec Rivers extending one hundred and twenty miles into the country from the sea. The Province granted under the name of "Province of Maine" comprised about one-sixth of the present state.

This was truly a royal charter with privileges practically without limit. Only such churches and chapels could be erected in the province as Gorges deemed necessary and these were to be consecrated according to the ecclesiastical laws of England. Gorges was also given authority, with the assent of the freeholders, to make and publish laws, ordinances, and constitutions agreeable to the laws of England. To this authority was also added that of punishment including the power of life and death and the pardoning


54 Willaimson, W., op. cit., p. 276.
power. He had full powers in all matters pertaining to courts and to raising and employing troops. He could also erect forts, castles, towns, villages in such a manner as he saw fit. Liberty of fishing was granted to all of the king's subjects. Trading and settling within the province without the special license of Gorges was forbidden.

But even Sir Ferdinando Gorges' grant was not free from difficulties over land titles and boundaries. It will be remembered that in 1631, a tract of land between Spurwink River and Casco Bay, known as the Trelawney Patent, had been granted to Robert Trelawney and Moses Goodyear.

About 1630, a certain George Cleeve, of England, settles on Spurwink River in Falmouth. John Winter, who was agent for the Trelawney Patent on whose land Cleeve had settled, warned Cleeve against settling there; whereupon Cleeve moved to a site within the present city of Portland which, however was also within the same Patent. The dispute between these two men kept on for several years. Finally Cleeve went to England and pursuaded Colonel Rigby to purchase the old "Plough Patent" or Lygonia and to establish

56 See above pages 24-25.
his claim to the land where he had settled. In 1647, the Earl of Warwick and the Commissioners of Foreign Plantations heard the case which had been raised by Richard Vines of Saco, who was Gorges' deputy and who also laid good claim to this territory. The decision was in favor of Colonel Rigby and gave him all the land between the Kennebec and the Kennebunk, leaving only the small district between the Kennebunk and the Piscataqua to Sir Ferdinando Gorges.

To understand the full significance of this decision, it must be kept in mind that Sir Ferdinando Gorges was, as has already been pointed out, a loyal supporter of the king and a devout Anglican. Between the time of Gorges' original grant in 1639, and 1647, a number of circumstances had contributed to placing the Province of Maine in poor repute both in England and America. It was obvious by 1639, when Gorges obtained his grant to the Province of Maine, that the king's party was riding swiftly to a downfall and that soon it would be a political minority. And of course, such, very shortly, turned out to be the case. By 1647, Gorges and his supporters had not yet returned to favor. To be out of favor politically was, as always, unfortunate

57 Burrage, H. S., op. cit., pp. 325-341.
for many businesses including that of colonization in a new land. H. S. Burrage attributes much of the slow development of Maine to the fact that its colonial leaders were for the most part Royalists and members of the established Church of England, and therefore in the Minority Party most of the time.

At the death of Gorges in 1647, the present territory of Maine was under six governments, all entirely independent of each other. The whole country east of the Penobscot was held by the French; while west of that river was, first the Muscongus Patent, then the Pemaquid, next the Kennebec, then the Lygonia, and lastly the remnant of Gorges' Province of Maine.

There is one more tract of land which, though unimportant up to 1639, was to play an important part in arousing the possessive instincts of the Massachusetts Merchants and in the eventual downfall of Maine as an independent unit of colonization. This tract, known as the Pejepscot Purchase, was based on Indian deeds not received until years after the settlements were started. The boundaries described by those deeds were so vague and indefinite that this has been one of

58 Ibid., pp. 383-393.

59 Varney, G. J., A Brief History of Maine, p. 45.
the most discussed and most controversial purchases in the state.

It seems that Thomas Purchase and George Way started the Pejepscot settlements in 1624, but they did not receive the Indian deeds to their lands until 1654, when they obtained one from Worumbee and five other Sagamores entitling them to a large tract on the Androscoggin River. Thomas Purchase was evidently one of those far-sighted politicians who are somehow usually able to accommodate their politics to the changes of the time. Not long after he had started his settlement, he had realized how affairs were going in England, and had perceived the growing neglect of law and religion in the settlements adjoining him, he conceived a plan to protect himself and his property against pending political adversities.

Sometime between August 22 and September 1, 1639, he conveyed lands belonging to him to Governor Winthrop of Massachusetts forever with the further stipulation that all the inhabitants of Pejepscot were to receive the same protection as was enjoyed by the inhabitants

60 Williamson, W., op. cit., p. 574.

of the Massachusetts Bay Colony. Thus, Massachusetts through Thomas Purchase "acquired her first right of jurisdiction within the limits of Sir Ferdinando Gorges' original grant."

During the next few years, the Massachusetts government busied itself trying to find some scheme whereby it could legally impose law and order on its more or less annoying neighbor. The fact that Thomas Purchase had willingly given his lands into her care was encouraging, but all the other settlements stubbornly insisted on retaining their freedom in spite of the protection constantly proferred by Massachusetts.

62 Ibid., pp. 243-245.

63 Burrage, H. S., op. cit., pp. 303-304. This tract became the subject of long and bitter controversy between the Pejepscot proprietors and other claimants, a controversy which was not finally settled until about 1814. In 1753, several pamphlets were published by the opposing parties containing the arguments on the question. Eleazer Way, in a deed to Richard Wharton, of his right as son and heir to George Way, in 1683, alleged that Way and Purchase had a grant of the territory from the Council of Plymouth. See Collections of the Maine Historical Society, vol. I, p. 39. The whole tract was sold in 1714 to Messrs. Winthrop, Hutchinson, and others for one hundred pounds sterling. As finally determined, with some other small parcels conveyed by Indian deeds, the tract embraced the towns of Brunswick, Durham, Danville, and part of Poland and Minot on the west; Lewiston, Topsham, and a part of Greene, Leeds, Lisbon, Bowdoin, and Bowdoinham on the east. See Report of Oliver Frost, op. cit., pp. 81-82.
in those years following 1639.

In July, 1649, Wells, Gorgeana, and Piscataqua tried to secure an independent government since Gorges' death left these colonies without any established government. Then in 1651, the General Court of the Province of Maine petitioned Parliament for protection under the Commonwealth, but it was not granted. This occasioned so much uneasiness in Massachusetts, however, that the Colony was led to "a perusal" of its Charter in order to discover some grounds by which the authority it wished to exercise might be established by legal right. This marks the beginning of the active struggle between the Episcopalian party in the Province of Maine and the Puritans of Massachusetts.

It was decided that the northern boundary of the colony had been misinterpreted and that by merely correcting that small matter at least a good part of Maine would fall within the boundary of Massachusetts. The boundary was promptly resurveyed to take in all territory three miles above the source of the Merrimack River. Commissioners were immediately sent to Maine


65 Ibid., pp. 267-268.

to press the Massachusetts claim and so divided were
the people of Maine and so harassed in their land
troubles that one by one the towns in southern Maine
submitted to the protection and authority of Massachu-
setts. In November, 1652, the town of Kittery acknowled-
ged the government of Massachusetts, and the County
of Yorkshire in western Maine was formally created,
with the same rights and privileges that the inhabitants
south of the Piscataqua enjoyed. By 1658, most of
Lygonia was also under Massachusetts authority, a
county court was provided at either Saco or Scarborough
as well as at York.

Although the Province of Maine had thus virtually
fallen under the control of Massachusetts Bay Colony,
upon the restoration of Charles II in 1660, the des-
cendants of Sir Ferdinando Gorges fell heir to the claim
of their ancestor. In 1664, Francis Champernowne
and twelve others were commissioned by Ferdinando Gorges

68 Ibid., p. 288.
69 Maine, by this time, had several incorporated
towns, the first of which, Kittery, was incorporated in
1647. This was followed by York in 1652, and Wells,
Saco, Cape Porpoise and Kennebunk in 1653. Williamson, W.,
op. cit., p. 445.
to restore the government of the Province of Maine according to its ancient prerogative. In 1665 the General Court of Massachusetts petitioned the king for an extension of their authority over the Province of Maine but were refused. In the face of this refusal, by an order of the General Court, Massachusetts took over the responsibilities of that Province in 1688—a timely gift of masts to the king so pleased him that he asserted himself ready to listen to any of their just desires and requests.

Finally young Gorges was induced to sell his whole domain. By 1674, the country upon the seaboard between the Piscataqua and the Penobscot Rivers was in a flourishing, progressive state of trade and settlement which greatly pleased Massachusetts. However, various claims to this rich prize — by the Duke of York, Gorges' family, and the French — plus an Indian war which broke out in 1675 filled Massachusetts with perpetual anxiety concerning this territory. Rather than lose what control she had already gained in this region, the agent for the Massachusetts Bay Colony in England, John Usher, was instructed to offer Gorges five hundred

71 Ibid., p. 317.
pounds for his Province -- an offer which naturally enough was refused. After some negotiation, however, Usher was able to make a purchase of the Province, as it had been granted in 1639, for twelve hundred and fifty pounds sterling. Thus Massachusetts, which had cast covetous eyes upon it for some time, was in legal possession of the territory running from the Piscataqua River to the Kennebec River and extending one hundred and twenty miles into the country -- subject, however, to the effects of smaller grants from the Council of Plymouth, and purchases from the Indians.

This purchase was confirmed by the Charter of William and Mary of 1692, which united Massachusetts, Plymouth, the Province of Maine, and Sagadahock.

In 1691, the District of Maine, as it now came to be called, was held under two apppellations: that part which lay between the Piscataqua River and the Kennebec River was known as the Province of Maine, while the country between the Kennebec and St. Croix Rivers was called Acadia. Both of these names were preserved

72 Ibid., p. 446.
73 Ibid., pp. 343-346.
74 Williamson, W., op. cit., p. 600.
in the charter. Thus was Maine brought to the beginning of a new phase in the struggle for titles to its lands which was to continue with advantages and disadvantages to those concerned for over one hundred years.

"During the early Colonial period, not only Massachusetts Bay and New York; the Dutch and the French; Parliament and the King; but Puritanism and Episcopacy, all struggled for precedence within the provinces of Maine and Sagadahoc." 76

75 Sullivan, J., op. cit., p. 12.

Chapter II
THE PROVINCE OF MAINE, 1692-1778
Encouraging people to settle in Maine in spite of the long period of Indian Wars

Grants and sales of land were much more regular and definite after the Charter of 1691. There were a number of reasons for this. From this time until 1820, Maine had the same rights and privileges of government as did the people of Massachusetts. Beginning in 1692, Maine had an established civil government for which there had been a crying need for many years. The "godless" colony from this time on, allowed "liberty of conscience in the worship of God" to all Christians except popists. Education was explicitly provided for. Every town of fifty householders became finable if it did not support a schoolmaster constantly. When the number of families in a town reached one hundred, the instructor had to be able to teach sciences and learned languages. Land titles were a subject of great importance and early consideration. By a colony ordinance of 1652, confirmed by statute in 1692, peaceable possession, five years, acquired a title in fee-simple. For the special
benefit of Maine settlers, this law was to be applicable to those making a claim after the close of the second Indian war - then in progress. The policy concerning the sale and grants of land seems to have been largely for the purpose of persuading and encouraging people to settle in the region.

The chief difficulty encountered in settling Maine lands from 1692 to 1778 was the fact that most of the colonists were occupied with wars of one sort or another during those eighty-six years and probably had little time to think of pioneering. Trouble with the Indians, who were incited and assisted by the French, among whom was Baron de Castine, had already broken out by 1675. It was not until 1763 that the colonists of Maine were again to know real peace, although there were intermittent periods of comparative peace when settlements would be revived and crops planted and harvested for a brief space. During these brief intervals, the people, believing that peace was really established once more, built mills and new villages all along the coast as far east as the Penobscot.

2 Frost, O., _op. cit._, p. 83.
At any rate, records of land sales in this period are exceedingly few in consideration of the length of time covered. However, a considerable number of townships and smaller tracts were sold and granted to individuals and companies. "These grants, including the prior ones from the Crown, and purchases from the Indians, comprehend, with the exception of a few small parcels, the most of the now settled part of the District."

When the Province of Maine came under the Charter of William and Mary, there were eight towns included within its limits: Kittery, York, Cape Porpoise, (Kennebunkport) Wells, Saco, Scarborough, Falmouth, (Portland) and North Yarmouth. At the close of King William's War in 1697, all the towns and settlements, except Wells, York, Kittery, and the Isles of Shoals were overrun. Peace was only temporary, for in 1703 the third Indian war began. By 1707, the remaining

3 Greenleaf, Moses, A Statistical Survey of the District of Maine, (Boston, 1816) p. 101. According to the repost of Oliver Frost, these grants were within the limits of the present towns of Buxton and Lebanon in the County of York; Baldwin, Gridgton, Gorham, Gray, Harrison, Naples, New Gloucester, Otisfield, Raymond, Sebago, Standish, Windham, and part of Poland and Minot in Cumberland County; Bethel, Canton, Freyburg, Gilead, Hebron, Lovell, Livermore, Norway, Oxford, Paris, Rumford, Sweden, Turner, and Waterford in Oxford County; and Jay in Franklin County.

people in the Province found conditions very trying. Because of the constant Indian menace, they were obliged to crowd their families into garrisoned houses. Under the circumstances, they could till but very little land so that many of the fields were fast growing to brush. The Lumber, fishing, and fur trades were completely gone. Many people filled with discouragement left the country. Worst of all, there seemed to be no prospect of relief.

Yet in the midst of all these hazards, there was little thought of abandoning these lands to the French or the Indians. Massachusetts gave what assistance could be spared to hold these frontier posts because they meant further protection for the Bay colony. Soldiers were posted at York, Kittery, and Wells. £100 was granted from the public treasury towards the support of a gospel ministry. Wells, in particular, was aided in building a meeting-house. Settlements were also undertaken on both sides of Pejepscot Lower Falls. The General Court established a Committee of Claims of seven members to examine all titles and claims to lands in the eastern provinces. Massachusetts also helped to repair and maintain forts

at strategic places - Fort William and Mary on Great Island opposite Kittery, at Winter Harbor and Pemaquid. For several years all taxes on Maine towns were remitted by Massachusetts.

With the advent of peace in 1713 came the long awaited opportunity to begin the revival and advancement of settlements in the Province. So eagerly were these tasks undertaken that before the end of the year the northern settlements of Kittery, called "the parish of Unity" and the "precinct of Berwick" applied for incorporation and became erected into the town of Berwick, the ninth town established in Maine.

The General Court appointed a new Committee of eastern claims and settlements in 1713 and also authorized the resettlement of five towns - Saco, Scarborough, Falmouth, North Yarmouth, and Arrowsick Island. It was thought to be more conducive to the people's safety if they were to replant themselves in neighborhoods of twenty to thirty families near the seaside - upon lots of three or four acres to a family; united in a defensible manner, and possessed of out-lands in quan-

6 Ibid., pp. 30-77.

7 Ibid., p. 77. The other eight towns at this time were Kittery, York, Wells, Cape Porpoise, Saco, Scarborough, Falmouth, and North Yarmouth.
ties equal to their necessities or wishes.

The resettlement of Saco was so rapid in the section of Winter Harbor that that part became the town of Biddeford in 1718. Original settlement had been made there about ninety years before. Falmouth was restored to all corporate powers in 1718 and Cape Porpoise became reestablished in the same year under the name Arundel. Scarborough which had been without inhabitants for about ten years was reestablished and its records returned from Boston in 1719.

The enthusiastic ardor, manifested since the return of peace in the enterprise of reviving the eastern settlements and claims still appeared to increase. In 1714, the Pejepscot Purchase was sold to Mssrs. Winthrop, T. Hutchinson, Ruck, Noyes, Watts, Minot, Mountford, and two others for only £ 100. The new owners requested the General Court to confirm this sale and to encourage them in the settlement and defense of three new townships which they proposed to have called Brunswick, Topsham, and Harpswell.

Advertisements of lands and of inducements for

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8 Ibid., p. 81.
9 Ibid., pp. 81-85.
10 Ibid., p. 87.
settlers are valuable guides in a study of this nature because they give important information on the progress of settlement and show the types of inducements offered to settlers to persuade them to come to Maine. An advertisement of June 24, 1715, for encouraging the speedy peopling of the towns of Brunswick and Topsham in the Province of Maine is of such interest in regard to the general policy of the government through this period that many of its details are worth noting here. The stone fort near Pejepscot Falls in Brunswick was to be repaired and maintained with fifteen men for the assistance of the two towns. Anyone who should settle there would be exempted from any tax to the Province for five years. Further encouragements included the following: one hundred acres of land were to be given free to anyone who would build a house and occupy the land for three years; a saw mill was to be built to facilitate the building of the houses; a vessel was to be provided within a month to transport, free of charge, any prospective settlers and their goods; portions of land were to be set aside for the minister, the ministry, and for a school; and, to insure the speedy settling of a minister, the proprietors promised to furnish glass, nails and other materials for the building of a meeting-house
and also the sum of forty pounds a year for five years towards the minister's salary.

These towns were not, however, very speedily settled. Brunswick, the first of these three to be incorporated had not a single family dwelling house in 1718 except within the walls of the fort.

Arrowsick, the most remote place to be resettled, was given special assistance as it furnished a barrier in time of war. This together with Parker's Island became the town of Georgetown in 1716, the tenth town.

These movements, especially the resettlement of Georgetown, encouraged the proprietors of the Plymouth (Kennebeck) patent to make improvements and offer inducements on their territory. Like the Pejepscot proprietors, they offered to families one hundred acres of good land and free transportation if they would become settlers, promising them also contributions towards supporting a minister. For the protection of the people against the Indians, Doctor

11 Baxter Manuscripts, Collections of the Maine Historical Society, Documentary History, Second Series, pp. 244-245.

12 Williamson, W., op. cit., p. 88. Brunswick incorporated in 1738, Topsham in 1764, and Harpswell in 1758.

13 Ibid., p. 89
Noyes of Boston, one of the Plymouth proprietors, built a fort of stone at Cushenoc—said to have been the best fortification in the eastern country.

The field for settlement not only was wide but presented many attractions to settlers. Various projects were devised to induce settlers to return to places formerly inhabited and to establish others, especially eastward of Kennebec river. In 1719-20 two more forts were built—St. George's on St. George's River and Fort Richmond on the Kennebec opposite Swan Island. The last effort at resettlement for a number of years was made in 1722 when it was voted by the General Court to revive North Yarmouth, which had laid waste since destroyed by the Indians in 1688. This was an important township because it formed a connecting link between Georgetown and the towns westward upon the seaboard.

Another Indian War from 1722 to 1726 interrupted all resettlement plans. At the close of this war a new Committee of Claims was appointed to study land claims and especially to use all practicable means to satisfy the Indians concerning conveyances to the

14 Ibid., p. 90.
15 Ibid., p. 97.
English.

It was the custom during colonial days, a custom followed later by the United States government, to make grants of land to the soldiers who fought in the wars, to the families of those who died, and to others who suffered losses of homes or other property as a result of the wars, rather than pay these people in money for their services. Money in those confused times was apt to be very scarce but land was to be had in an abundance.

Soon after the close of Lovewell's War in 1726, the General Court of Massachusetts laid out a tier of back towns from Berwick to Presumpscot which divided into lots and offered to the soldiers as rewards for service. They also hoped to encourage foreign immigration but the authorities were so very strict concerning the qualifications of foreigners to be

16 Ibid., p. 156.

17 Varney, J. G., op. cit., p. 145. Captain John Lovewell was the leader of an expedition against the Indians in western Maine and eastern New Hampshire. They proceeded into the wilderness and came upon the Indians not far from the pond now known as Lovewell's Pond in the town of Fryeburg. The whites were greatly outnumbered but they determined to fight to the end rather than be captured and tortured by the Indians. They fought so stubbornly and so well that at the end of the day the Indians withdrew completely. What few men remained finally arrived safely home where word had been received of the ambuscade by the savages from which no one was expected to return alive.
admitted to the Province, that this plan was not particularly successful. The old settlers in this vicinity were, however, very much pleased at the idea of not having to bear alone the brunt of attacks from the French and Indians any longer.

One project of this period, although a failure, deserves notice because it is one example of attempts made at different times to settle religious and racial groups in Maine. This attempt was complicated by the fact that the title to the land in question was claimed by several people. There is a pamphlet entitled, "To the Right Honourable the Lords Commissioners for Trade and Plantations, Respecting the Right to a Tract of Land Lying between Kennebec and St. Croix" signed by P. Yorke and C. Talbot, and dated August 11, 1731, which states that some Protestants from Ireland and from the Palatinate wished to settle upon the valuable unpopulated and unimproved tract that had been taken over by Great Britain from France in 1710. The king seems to have directed his surveyor of lands in Nova Scotia to assign lands, as they desired.

In the meantime, however, it must not be forgotten

that this land was a part of the Lincoln or Waldo Patent which had in 1630 been granted to John Beauchamp and Thomas Leverett. To add chaos to the confusion, in 1694, Sir William Phipps, Governor of New England, not knowing of the Plymouth Council grant to Beauchamp and Leverett, made grants of all these lands after making a bargain with Chief Madakowando, the Indian Chief of that region.

Leverett, who had survived Beauchamp as the sole heir to their grant, finally obtained Phipps title and set about to settle and improve the lands. Each one of his associates was to settle two towns of eighty families each, to erect two saw mills, and to set aside the proper lots for the minister and the schools. They built two large blockhouses, and bought a sloop to transport people to their colony. In 1721, the colony was nearly destroyed by the French and Indians, but the report states that in 1730 several families were still settled on that territory. At the close of the Indian wars, however, David Dunbar, Surveyor General of His Majesty's woods in America, forbade them to continue with the settlement because he said the settlers were all supposed to take their grants

19 Loc. cit.
It seems that Mr. Dunbar harbored dreams of a colony of his own within the territory of Sagadahoc. He made the English Ministry believe that a large number of protestant Irish and German Palatinates were desirous of emigrating to this country. He received a royal proclamation directing him to settle, superintend, and govern the Province of Sagadahoc on condition that he would reserve 300,000 acres of the best pine and oak for the use of the crown. He had arrived in the spring of 1729 where he immediately set to work repairing the fortification at Pemaquid. He laid out the territory between the Sheepscot and Muscongus rivers into three townships which he proposed to have called Townshend (Boothbay), Harrington (Bristol), and Walpole (Nobleborough). At Pemaquid point he laid out the plan of a city. He threatened to expel any person from his possessions who refused submission to his claim. In addition to the one hundred acres of land offered to any settler on his lands, he also promised a year's provisions.

Needless to say, many other claimants were dis-

20 Loc.cit.
turbed by the actions of Dunbar and soon spread their grievances before the General Court. Samuel Waldo even went to London to petition the King and Council for Dunbar's removal. Massachusetts was finally acknowledged sole proprietor of this Province and Dunbar was removed in 1732. After this incident a garrison was kept at Pemaquid for about four years.

For several years the General Court had been debating the best methods for planting a number of new townships. It was felt by many that desirable settlers had been going in large numbers to other colonies instead of taking up lands in Maine. As a result of these discussions, on April 20, 1733 a new town was ordered to be surveyed six miles square and located on the east side of Salmon River above Berwick. The lots were ready for assignment in October; and the township has since come to be known as Lebanon.

In consequence of the frequent wars with the natives, the government was anxious to have all new settlements compact and defensible. As the general terms, conditions, and requirements prescribed in the location of this town form a leading case to which

22 Ibid., pp. 169-177.
23 Ibid., p. 180.
subsequent grants with few alterations refer, the im-
portant items are stated:

"In general, about 60 lots of 100 acres, severally,
were surveyed and offered to as many settlers,
each one engaging to take actual possession, and
within three years, to clear from five to eight
acres fit for mowing and tillage; also to build
a dwellinghouse at least 18 feet square, and 7
feet posts. Collectively, they were also required,
within five, or six years, to build a meeting-
house; settle a learned orthodox or Protestant
Minister; and make provision for his comfortable
support. Likewise in the allotments and appro-
priations of this and other new townships,
there were usually reserved three lots for
public uses, namely, the ministry, schools, and
the first settled minister; - to which there
was, at a subsequent period, added another reser-
vation of a lot for the future disposition of
the government." 24

These reservations were not, however, uniform in
quantity. In some instances, the school lot was
required to be reserved and at a still later period
an additional lot was reserved for Harvard College.

The services and claims of the soldiers of Massa-
chusetts again received the attention of the General
Court. For the 840 men, or their heirs, who were in
the Narraganset expedition, seven new townships of
six miles square were laid out and offered to them
gratuitously for settlement - five in Massachusetts
and two in Maine. These are now Buxton and Gorham. 26

26 Williamson, W., op. cit., p. 181.
The following year, encouraged by the liberality of the General Court, representatives from Marblehead stated that some of their townsmen were desirous of settling a new town in Maine. The following spring a township of 25,600 acres was surveyed to them which they called New Marblehead, now Windham. The town of Sanford was laid out at about the same time and under the general conditions.

In the present good mood of the General Court, individuals were equally successful in their applications. Christopher Baker, who had been a prisoner in Canada for twenty-five years, was granted five hundred acres. Any persons severely wounded, bereaved of husband or father, made cripples or captives, were upon request, sure of receiving the legislative bounty. In some cases gifts were made in consideration of services rendered between forty and fifty years before.

In May, 1736, the town of Gloucester, Massachusetts was granted an application for a new town in Maine which has retained the name New Gloucester. Nine townships were granted to the officers and soldiers, and heirs of those deceased, who were in the expedition

27 Ibid., pp. 181-182.
28 Ibid., p. 182.
against Canada in 1690. These were called the Canada Townships, two of which were in Maine — Jay and Turner. In March, 1739, the Boundaries between Massachusetts and New Hampshire, and Maine and New Hampshire were finally settled.

The population of Maine in 1742, just before the last Indian war, was about 12,000. There were at that time eleven incorporated towns. Naturally the population of the other New England colonies had increased to a much greater extent than had that of Maine because none of them were ravaged by Indian attacks to the extent that Maine had been since the dawn of the century.

For the purpose of promoting new settlements, it was proposed by the Governor, that our wild lands be offered to foreign protestants, upon such terms as would encourage them to transplant themselves and their families to this eastern country and begin new plantations. He pointed out that Pennsylvania, by pursuing this policy, had increased beyond any example within the American colonies. Emigrants had already

29 Ibid., p. 187.
30 Ibid., p. 199.
31 Ibid., pp. 212-213.
been introduced on a very small scale, from Ireland by Dunbar and his friends; from Germany by General Waldo and the Muscougus patentees; and from some parts of New England by Drowne of the Pemaquid Patent and other proprietary claimants. Between 1733-1735-6, Irish protestants of Scottish descent settled in the "Upper and Lower towns" on the St. George's River; also on lands towards its mouth (now Cushing); and 33 at Broad-bay.

The settlements on and near St. George's River begun by Samuel Waldo had progressed quite rapidly within the past ten years. He built mills and erected block-houses at the "Narrows" and at the mouth of the river. These settlements later became the towns 34 of Warren, Thomaston, and Friendship.

In the autumn of 1750, Richard Hazen was employed at the public expense to make surveys, and form a correct map of the whole coast between the Merrimack and the St. Croix. Also two new townships were, in consideration of military services, appropriated, and ordered to be surveyed. One was assigned to Captain Pierson and his associates and one to Captain Hobbs.

33 Williamson, W., op. cit., p. 284.
34 Ibid., p. 238.
and his company - all of whom were in the expedition against Louisbourg. Each was to be laid out and settled on the general terms. Both now form the town of Standish,

By 1752 relations with the Indians were so peaceful that residents and landholders were encouraged to undertake some new improvements of their condition and estates. Settlements in what are now Woolwich, Edgecomb, Bath, Dresden, Bowdoinham, Topsham and many other places were found to be permanent and increasing. The people of Wiscasset, Sheepscot, and Merryconeg were severally desirous of being incorporated into towns. The proprietors and settlers of the Plymouth patent petitioned the General Court for the erection of their settlements into a new county - which was not granted at that time because of apprehensions of another rupture with the Indians.

With the advent of new settlements the question of conflicting claims was again revived by the Indians as well as by rival proprietors. The Indians again complained of encroachments as they did every time there was a revival of interest in white settlements.

36 Ibid., p. 287.
A committee of seven investigated these complaints and reported that the lands on both sides of the Kennebeck had long before been conveyed by the chiefs to the English; and settlements made by the consent of the Indians many miles above Fort Richmond; that they within sixty years, had repeatedly engaged by solemn treaty not to molest any of the English.

The Lieutenant Governor stated in his speech to the General Court on June 12, 1753 that

"the two principal and perhaps only material obstacles to the settlement of the eastern country were its exposed situation to the Indian enemy in case of rupture, and the great controversy about titles, by reason of different claims to the same tracts of land."

He recommended a special committee to settle land titles and the adoption of all practicable measures for filling the country with inhabitants.

About this time Florentius Vassal, from Jamaica, proposed to the General Court that if the territory between the waters of the Penobscot and St. Croix were granted to him and his associates, they would settle there within a stipulated time a number of inhabitants as a barrier to the French and as a check

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38 Ibid., p. 289.
to the Indians. The General Court was so impressed with this plan that it assured him that if by May 1758, he would obtain the permission of the King of England, introduce 5,000 settlers, a proportionate number of protestant ministers, and satisfy the Indians as to their claim, the emigrants should have all the land they would settle and all the Islands within three miles of the coast.

The first municipality established within the territory of Sagadahock was that of Sheepscot plantation which was incorporated June 19, 1753 by the name of Newcastle.

The following year, 1754, perceiving that a war with France was inevitable, Governor Shirley of Massachusetts told the Canibas Chiefs that he had decided to build a fort at Teconnet, on the point of land between the Kennebeck and Sebasticook rivers at their confluence. They immediately objected to such an act until they were shown by deeds that the territory had already been conveyed.

The building of this fort, called Fort Halifax, stimulated the new proprietors of the Plymouth patent

40 Ibid., p. 290.
to build two forts that same season, both on the eastern side of the river, Fort Western at Cushnoc designed especially as a depository of provisions and military stores for the upper garrison, and Fort Shirley situated in the plantation of Frankfort (now Dresden). A road between Fort Western and Fort Halifax was ordered to be cleared and made fit for the passage of wheel carriages.

For nearly a century nothing had been done to improve or settle this tract. A Corporation by the name of the Proprietors of the Kennebec Purchase from the late Colony of Plymouth was formed in 1753. In 1756, after claims by four adjoining companies had been settled, the Patent extended from Merrymeeting Bay to Norridgwock, and was about thirty-one miles in width. The Kennebec River flowed through its center, and the grant included Bath and Phippsburg below this line on the west of the river.

Among the new proprietors at the time of the organization of the new company was Dr. Sylvester

41 Williamson, W., op. cit., pp. 300-301.

42 Gardiner, Robert H., "History of the Kennebec Purchase or the Proceedings under the Grant to the Colony of Plymouth, of Lands on the Kennebec," Collections of the Maine Historical Society, vol. II.

43 Loc. cit.
Gardiner who spent much of his own personal fortune to encourage settlement on the Kennebec. For several years the proprietors tried all available inducements to get as settlers some Germans who had come to Boston but their efforts seem to have been unsuccessful. Finally they decided that the Indian menace was responsible for their failure to attract colonists -- these were the worst years of the Indian wars -- so the proprietors petitioned the General Court and Governor Shirley to build a fort at Cushnoc.

Later Dr. Gardiner attempted settlement on his own responsibility. He built a large sloop which he kept running constantly, summer and winter, between Boston and his settlements. The proprietors granted him four hundred acres at what is now Dresdan village where he built houses and mills and cleared up a farm. Following this, he was granted much of what is the present town of Gardiner. Here he built two saw mills, a grist mill, fulling mill, potash mill, wharf, stores, and many houses and cleared a number of farms.

Grants began to be more desirable and in 1757 the proprietors voted to insert in all of the grants

44 Gardiner, Robert H., Loc. cit.
of land a condition that the settlers should be required to expend three days labor per year on the highway and two days a year on a ministerial house for twenty years.

In May 1763, the proprietors drew up an advertisement which they had published in various parts of America and also in Great Britain and Ireland, offering lots of two hundred acres each to each family settling thereon. They also offered mill privileges and larger grants to those who would erect mills.

In a Memorial presented to the Legislature just before the Revolution, the Company stated that they had given away 300,000 acres of land, and had expended $150,000 in promoting the settlement of the Patent.

The thirteenth town to be incorporated in the State was Harpswell, January, 1758, vested with all the powers and privileges of a town except that of sending a representative to the General Court. It was first settled permanently about 1720.

On October 20, 1759, the plantation of Nauseag was erected into a town by the name of Woolwich. The

45 Gardiner, Robert H., Loc. cit.
46 Gardiner, Robert H., Loc. cit.
47 Gardiner, Robert H., Loc. cit.
48 Williamson, W., op. cit., p. 329.
first settlers were Edward Bateman and John Brown who resided there as early as 1638. The following year they took from Robinhood, an Indian Chief, a deed embracing most of the present township.

Pownalborough was incorporated February 13, 1760. It embraced the three present towns of Dresden, Wiscasset, and Alna and also Swan Island. As there was a petition pending to divide Yorkshire the bill for incorporating the town was pushed through in haste and preparations were made to build a court house there with the intentions of making this a shire town if possible.

York County embraced the whole territory of the present state since Sagadahoc territory had been added to it in 1716. The people in the eastern territory felt much inconvenienced at having to travel so far to attend the courts and as early as 1752 the proprietors and settlers of the Plymouth patent petitioned the General Court to divide the county. Since no action was taken at the time the proposition was revived immediately after the reduction of Quebec. In 1760, Falmouth petitioned for a new county and

49 Williamson, W., op. cit., p. 343.

50 Ibid., p. 352.
asked that it be made its shire town. At the same time the proprietors of the Kennebec Purchase again voiced their desire for a separate county. The time was now ripe for action and the General Court decided to grant both requests. The counties of Cumberland and Lincoln, which included all the rest of the un-divided lands, were duly set off with Falmouth and Pownalborough as shire towns respectively. No further county divisions were made until 1789.

When the new tax valuation was completed in 1761, it was estimated that the population of the Province of Maine was about 17,500. There were at that time 19 towns and plantations of which Falmouth was the largest and most important. The Neck, (now Portland), contained 136 dwelling houses, besides four shops which had families in them.

M. Greenleaf tells us that there were also "a few detached townships on the sea coast of the Penobscot" in addition to the grants already mentioned. These


52 Williamson, W., op. cit., p. 357.

53 Ibid., p. 357 note.

townships east of the Penobscot were not only the first English settlements east of the Penobscot but they were also the first individual grants of land east of the Penobscot by the English. It is interesting to note just how these isolated townships came to be granted at this particular time.

Up to 1760, it had been customary for each colony to award lands to its own soldiers somewhere within its own boundaries. At the close of the French and Indian War in 1763, however, the situation was somewhat different. The demand for new lands had now greatly enhanced their value; dormant claims were revived; and the Plymouth proprietors, for instance, thought their patent to be in fact above all price. Some towns in Massachusetts had already voted in town meeting that there was no more land to be had within their respective boundaries other than that needed for their own inhabitants. Thus it happened that the new land grants were made in the Province of Maine rather than in the colony proper.

Possession of the Penobscot country and the prospect of a long peace, drew to the General Court

a large number of officers and soldiers with petitions for their "services and sufferings." The General Court directed lists to be made of all their names, beginning with those in the first expedition against Louisbourg, and directed a second tier of townships eastward of Union River and all the islands upon the coast, except Mount Desert, to be surveyed, "in order that some further reward for their brave services might be given them in the unappropriated lands of this Province."

In 1750-1761, the shores of Eastern Maine began to be explored. Lumber, fish, and meadows were found in abundance, whereupon a number of proposals were made to the General Court for settling a number of townships east of the Penobscot River. A new and most favorable impulse to settlement was given by the conquest of Canada and the prospects of a perpetual peace with the Indians. Losses of settlers by removals or deaths were fewer than in any former wars and were soon repaired. Ship-building, trade, and settlement were even promoted by stories of soldiers who having recently seen the country gave extravagant representations of its goodness, beauties,

56 Williamson, W., op. cit., p. 371.
and water-privileges.

In January, 1762, David Marsh and three hundred fifty-two others petitioned for a grant of land between the Penobscot River and Nova Scotia. On February 20, 1762, the General Court granted six townships of land between the Penobscot River and Mount Desert (now Union) River. These were No. 1, now Bucksport; No. 2, now Orland; No. 3, now Penobscot, Castine, and Brooksville; No. 4, now Sedgwick and Brooklin; No. 5, now Blue Hill; No. 6, now Surry and part of Ellsworth.

At the same time six more townships were granted east of Union River; No. 1, now Trenton, which included part of Ellsworth and part of Hancock; No. 2, now Sullivan which included part of Hancock; No. 3, now Gouldsborough; No. 4, now Steuben which included part of Cherryfield; No. 5, now Harrington which included Millbridge; No. 6, now Addison.

These grantees, as voluntary associates and tenants in common, individually bound themselves,

58 Ibid., p. 361.
59 Oliver Frost, op. cit., p. 84.
60 Ibid., p. 84.
their heirs and assigns, in a penal bond of 50, conditioned to lay out no one of the townships more than six miles in extent, on the bank of the Penobscot or on the seacoast; to present to the General Court for their acceptance plans of the survey, by the thirty-first of the following July (actually presented in June, 1763); to settle each township with sixty protestant families within six years after obtaining the king's approval, and build as many dwelling houses, at least eighteen feet square; also to fit for tillage 300 acres of land, erect a meeting house, and settle a minister. There were reserved in each township one lot for parsonage purposes, another for the first settled minister, a third for Harvard College, and a fourth for the use of schools. Each patent closed with a proviso that the grantee "yield one fifth part of all the gold and silver ore, and precious stones found therein."  

Although these were the first English grants east of the Penobscot, owing to the fact that the earlier French claims and grants had not been recognized or quieted when Massachusetts granted and surveyed these twelve townships, many complaints of overlapping claims began to arise immediately which caused much

trouble and hardship for a number of years. But before these complaints had become loud enough to reach the ears of the officials in Boston, another incident occurred which tended to make matters more difficult -- the granting of Mount Desert to Governor Bernard.

At the time of this movement to the eastern coast of Maine in the years 1760-1762, the Governor of Massachusetts was Francis Bernard. Governor Bernard was very much interested in the so-called eastern lands because he wished to make stronger the hold on the Province of Maine which Massachusetts was tightening whenever the opportunity presented itself. It might be added that at this particular time Governor Bernard's financial circumstances were not altogether satisfactory owing to his tastes and mode of living. Since land was more abundant than money, Governor Bernard appealed to the General Court for a grant to make up the deficiency in his revenues. The Governor had previously prepared rather an extensive paper, a justification of the claim of Massachusetts to the land between the Penobscot and the St. Croix, which had evidently pleased the General Court, so on February 27, 1762, Governor Bernard was awarded the
Island of Mount Desert.

Nearly one hundred years previously, 1688, when the country east of the Penobscot was in the possession of France, the Crown of that country had granted the Island of Mount Desert to Monsieur de la Motte Cadillac. Later, both French and English settlers laid claim to the same sections under grants from their respective governments. No sooner had Governor Bernard taken over his grant in 1762 than he was confronted with the complaints of Bartholemew and Maria Theresa De Gregoire who claimed the grant by virtue of the fact that Madame De Gregoire was the granddaughter of de la Motte Cadillac. During the Years 1788 to 1794 the Island was divided by commissioners who gave De Gregoire and his wife the part lying easterly of Somes Sound, and the other part to the heirs of Governor Bernard. Thus ended another series of disputes which appeared only too frequently in the distribution of Maine lands.

Although Governor Bernard may have obtained his grant for political or financial reasons, it must be

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63 See page 36, footnote 51.
observed that he was thoroughly and genuinely interested in colonization. He even made a visit to his new possessions with all the pomp and ceremony that became a Governor of one of the King's colonies in America. Needless to say, he was very much pleased with his Maine Estate. It is said that there were three or four families already settled on Mount Desert, one of which was undoubtedly that of Abraham Somes who apparently has the distinction of being the pioneer settler on that famous island. Governor Bernard immediately began to encourage settlement by every available means nor did he spare his purse in making improvements. Southwest Harbor, which he laid out with the greatest precision, was the center of his new colony. He had lots surveyed for sale, houses built, and a dam and a mill erected. His original proposal was to settle a colony of Germans to whom he made the most liberal offers at Mount Desert. Every family who would settle there was to receive twenty-five acres which were to be allotted, four acres fronting the streets, as they were then laid out, ten acres adjoining the home lots to be called the first out lots; eleven acres near the town

64 Street, G., *op. cit.*., pp. 128-136.
to be called the second out lots, and a piece of salt marsh to be held in common for everyone.

Each family in turn was to build a house not less than twenty feet square and of seven foot shed, to settle there within three years, to stay for six years, to clear four acres within three years, and to pay annually one dollar to build a church and maintain a minister.

Although, as has been noted, Governor Bernard's well laid plans came to naught, the arguments here cited, the Governor's spectacular visit upon receiving the land, and the inducements he offered to settlers were probably excellent publicity for this somewhat remote part of the country.

In the prevalent passion for new settlements, other grants were obtained, some in the Old Province of Maine where the king had no territorial rights. One was that of a township to Joseph Frye, now Fryeburg, upon the general conditions common to most of the other grants. The liberality manifested by the government in these numerous grants was a pledge

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65 Maine Historical Magazine, vol. 5, 1889-1890, p. 1; Street, G., op. cit., pp. 107-120, quoted from Sparks MSS., vol. X.

66 Williamson, W., op. cit., p. 363.
of public patronage, encouraging to emigrants as well as settlers.

There were three plantations incorporated in 1762. These are known as the towns of Windham, Buxton, and Bowdoinham - the sixteenth, seventeenth, and eighteenth towns to be incorporated. Topsham, Gorham, and Boothbay were all incorporated into towns in 1764. The next year, 1765, there were two towns incorporated, namely, Bristol and Cape Elizabeth, the latter being still united with Falmouth in the choice of a representative to the General Court for eleven years. The twenty-fourth town to be incorporated was the plantation of Towwoh under the name of Lebanon in June, 1767.

Machias, which had received much attention from both the English and French since 1633 when the Plymouth colonists established a trading house there, was granted in 1767 to Ichabod Jones and seventy-nine others upon the usual terms of settlement.

Great affront was taken about this time to the reluctance and often the actual refusal of the Governor to sign acts incorporating plantations into towns with the usual rights and privileges. He con-

67 Williamson, W., op. cit., pp. 365-381.
68 Ibid., pp. 380-381.
tended that the rapid multiplication of towns would swell the size of the House beyond anything contemplated in the charter and therefore could not be countenanced. The settlers argued that under the charter every town of at least forty freeholders could choose one representative and reminded him of the hardships endured by them in establishing these settlements. Later the Governor received royal instruction to sign no bill for incorporating new townships without a clause to suspend the right of sending a representative to the General Court.

Opposed as the Governor was to any legislative acts by which the House of Representatives might be enlarged, it is not strange that there was only one town incorporated in 1768 and none in the two succeeding years. The one now incorporated was Sanford which up to this time had been the plantation of Philipstown. This land was originally obtained from the Indians by Major William Phillips between 1661 and 1664. At that time he received from Fluellen Hobinowill and Captain Sunday, Indian Chiefs of Saco River and Newichawannock several quit-claim deeds of a territory extending from Saco River to Berwick and

69 Williamson, W., op. cit., p. 360.
Lebanon and from the rear line of Wells so far back as to embrace about four townships of the usual size.

In 1770, Thomas Hutchinson became the Governor of Massachusetts. He, like several of his predecessors, objected to settlements on the public lands eastward of the Kennebec, saying they were direct encroachments on Crown lands and should be prosecuted and more provident care taken of the royal woods. The General Court, however, was not at all in accord with his view and did nothing to stop the settlers from entering this region. As a matter of fact, by this time settlements extended along the banks of the Penobscot to the head of the tide and, through the efforts of the Plymouth proprietors, settlers on the Kennebec River had, since the reduction of Quebec, increased in number beyond parallel.

There is one very interesting and important fact, however, which should be remembered in connection with that turbulent era. Just before the Revolutionary War occurred, there began a migration to Maine from the other colonies which, in the history of the United

70 Williamson, W., op. cit., p. 383.

71 Ibid., pp. 386-390. In 1768 there were not more than ten white inhabitants in Vassalborough and Sidney.
States, is the only important migration eastward instead of westward. Naturally such a sudden and pronounced movement toward Maine caused quite an interest among the Boston merchants and the government officials.

In the short space of eight years from 1771-1779, fifteen new towns were incorporated in Maine.

1. Hallowell 1771
2. Vassalborough 1771
3. Winslow 1771
4. Winthrop 1771
5. Saco (Pepperellborough) 1772
6. Belfast 1773
7. Waldoborough 1773
8. Edgecomb 1774
9. New-Gloucester 1774
10. Warren 1776
11. Fryeburg 1777
12. Thomaston 1777
13. Lyman (Coxhall) 1778
14. Gray 1778
15. Pittston 1779


73 Williamson, W., op. cit., pp. 390-467. Pittston was the last town established by the General Court under the royal charter.
In 1778, Congress, having by resolves, assumed appellate jurisdiction of all maritime causes, as incident to the rights of making peace and war, divided the state of Massachusetts into three districts, the southern, middle, and northern; the last embraced the three eastern counties of York, Cumberland, and Lincoln, and acquired a distinctive name—the "District of Maine," which it retained until the separation.

Although Massachusetts, after the Charter of 1691, tried every practicable method of encouraging new settlements in Maine, it was not until after 1763 that sales and grants of parcels of land appreciably increased. By the close of the Revolution, about 500,000 acres had been granted. A large proportion of these grants were made as indemnities for lands previously granted within the limits of the original charter of Massachusetts, but which upon settlement of the boundary between Massachusetts and New Hampshire had fallen within the latter province. Grants were also made in compensation for services in the war, and other claims against the province. In addition to this, some lands were sold for cash.

74 Williamson, W., op. cit., p. 467.

Chapter III
THE DISTRICT OF MAINE, 1778-1802
Grants for every purpose following the establishment of a Land Office

Shortly after the Revolution, lands in Maine became an important subject of conversation once more. Massachusetts saw in these lands a new and easy way to meet many of the debts incurred during the years of war. For the first time in history, these lands were now to be disposed of in some orderly fashion.

Among the first acts of the new government of Massachusetts was the granting of a whole township to Mr. Sheppard in 1779, for labor expended in making a map of Maine; the granting of 6,000 acres on the Saco River to Arthur Lee in 1780, to remunerate him for services rendered the State in London after the return of Doctor Franklin in 1775; and the incorporation of Bath as a town in February, 1781.

In May 1781, the General Court of the Commonwealth passed a Resolve respecting the Eastern Lands,

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1 Williamson, W., op. cit., p. 479.
2 Ibid., p. 506.
3 Ibid., p. 488.
as they were called, to the effect that a Committee was to be appointed to examine into all trespasses and illegal entries on the unappropriated lands belonging to the Commonwealth. The Committee was made up of Jedediah Preble of Falmouth, Jonathan Greenleaf of New-Gloucester, David Sewall of York, John Lewis of North Yarmouth, and William Lithgow of Georgetown. They were also to examine the authority of claims to the unappropriated lands and to survey any lands necessary and to have plans taken of such lands.

By 1780, the Penobscot region had become a resort for Loyalists from all parts of Massachusetts, drawn there by the probability that this territory would be the center of a new district to be called "New Ireland." Williamson states that the project had the approval of the ministry and the sanction of the King of England. The project was probably started to provide an asylum for Tories and may have been a revival of the 1730 project. "Should this district

4 "Respecting the Sale of Eastern Lands with the Reports of the Committee appointed to sell said lands, from March 1, 1781 to June 22, 1803" Resolve May 1, 1781, Resolves of the General Court of the Commonwealth of Massachusetts, (Boston, 1803), pp. 3-4.

be severed from the Province of Massachusetts Bay, and erected into a province under the authority of the Crown, and the claims of the inhabitants quieted, it would be settled with amazing rapidity."

According to Williamson's account, the territory between the Penobscot and the St. Croix was to be New Ireland with Castine, or Bagaduce, as the seat of the new government. The plan was even matured to the extent of suggesting the officers who were to be in charge. He goes on to say that a Constitution was drawn up favoring the absolute power of the British Parliament. To keep the people from republicanism, there was not to be an elective assembly, and lands were to be granted in large tracts so that there might be great landlords and a tenantry as a further security to aristocratic power. Naturally, in a province of this nature, the Church of England was to be the Established Church. The scheme was well planned, it seems, but Massachusetts had a way of upsetting

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6 Williamson, Joseph, Collections of the Maine Historical Society, vol. VII, p. 205. (Quoted from a despatch of Lord George Germaine, British Secretary of State to Sir Henry Clinton in 1781.)

the most carefully laid plans if they failed to co-
incide with her ideas of colonization. She still
contended quite emphatically that her boundary ex-
tended to Nova Scotia. The Loyalists, not wishing
to be a part of another land dispute, let their plan
die a natural death.

The Massachusetts legislature in 1783 asked that
the Loyalists be removed from the Penobscot region,
a request which was carried out in 1784. In that
same year, Massachusetts confirmed to settlers twelve
townships east of the Penobscot which conflicted
with this grant but Massachusetts had never acknow-
ledged Great Britain's jurisdiction over this territory.
The original settlers, who, except for those at Machias,
were generally loyal to Great Britain, petitioned
that country for a title to their land and even went
so far as to suggest that they have a separate gov-
ernment. For their convenience the British Crown
erected this section into the Province of New
Brunswick.

On July 11, 1783 a Resolve was passed to appraise

8 Williamson, J., Collections of the Maine Historical
was not until 1798 that the boundary between Maine and
that Province was finally established.
and survey certain pieces of land in York and Cumberland counties and report the conditions of public lands as a suitable means of revenue for the government.

On October 28, of the same year, a Resolve directed that a committee be chosen to execute certain business in Lincoln County and to see how far grantees had complied with the conditions of sale, to ascertain limits of land allowed the Indians for hunting grounds and to consider the expediency of laying out a number of townships in the eastern part of Lincoln County bordering on the St. Croix River.

To encourage soldiers and emigrants, desirous of settling upon new lands, the Committee were further instructed by the government to offer every such adventurer, at one dollar per acre, his choice of 150 acres anywhere upon the rivers and navigable waters of Maine; or to give him 100 elsewhere if he would clear 16 acres in four years.

A significant point in the development of a public land policy in Maine is the fact that Massa-

9 Resolves, 1781-1803, pp. 5-7.
11 Williamson, W., op. cit., p. 195.
achusetts was in exceedingly poor financial condition at the close of the American Revolution. The method of a regular settlement by lots, checks, and ranges was not practiced anywhere in the Province before 1734, nor had the Massachusetts government kept any plans of its lands. Succeeding governors granted lands which had already been granted and even settled. Thus each governor made his own land policy, provided he was at all interested in settlements in the eastern lands. Case after case and an endless array of petitions, concerning overlapping claims and trespasses, were heaped upon the General Court for over a hundred years, yet nothing definite was done and no system was evolved for handling such situations. At last in 1781, there were faint beginnings of attempts to clear up the evils of a century. Suffice it to say, that it was not until 1816 that the last of these age old complaints was finally and satisfactorily concluded. At any rate, the members of the General Court had finally been made to realize that they never could sell or settle their Maine lands unless something was done to establish the titles to land in many sections of the Province.

When the discovery was made, the General Court awoke to the realization that Maine lands were financially a very fine investment, that they were an excellent item for speculation. The lure and possibilities of huge profits was too much to resist. It is no wonder that the Boston merchants became conscious of Maine, and it was certainly to Maine's advantage that they did. Notice that they even proposed laying out a number of townships in the eastern part of the Province bordering on the St. Croix River. They must have contemplated quite extensive sales of land. Perhaps the fact that Massachusetts was now a sovereign state rather than one of His Majesty's American Colonies may have had something to do with awakening her responsibilities toward her public lands. Whatever the case may have been, Massachusetts set up a land office in 1784 and had agents appointed to survey and sell the land. Although as yet no system was established for settling the lands or improving the country, lands were offered for sale on very reasonable terms. This was the first time that lands had been available for purchase. Previously they had been granted in two

13 See pages 89-90.
14 Williamson, W., op. cit., p. 507.
hundred acre lots to settlers who would settle on them for a specified time and make certain improvements. Beginning in 1784, lands were offered for sale to actual settlers in lots of one hundred and fifty acres for $1.00 per acre, on any navigable river or bay while elsewhere they were free if the grantee would clear sixteen acres in four years.

The year 1784 also marks the beginning of a consistent program of land reservations for public uses and for schools, a system which aided materially in both the advancement of public education in Maine and in the building of roads, bridges, canals, and in some cases public buildings. Although this program originated in 1784, it was a number of years before it reached the height of its popularity, and when that time came there were records of land grants for almost every conceivable project.

A Resolve of March 22, 1784, called for the reserving of fifteen hundred acres for public use in each of eight townships which were to be laid out, four on each side of the Penobscot River. No person was to be sold more than five hundred acres -- and at a rate of not less than five shillings per acre.

Each person who settled within a year was to get one hundred acres free, but he was also to clear four acres annually for the first four years.

On July 9, 1784, in a Resolve of that date, the amount and type of reservations was changed to the more common method of requiring in each township of six square miles, that two hundred acres be appropriated for the use of the ministry, that a like amount be granted to the first settled minister, that two hundred and eighty acres be reserved for the use of the grammar school, and that two hundred acres near the center of the town be set aside for the future disposition of the General Court.

The separation of Maine from Massachusetts had now been a subject of general conversation for many months. Several meetings were called to make a list of grievances against Massachusetts and to arouse interest in the project. A petition was actually voted to be sent to the General Court for the erection of the three eastern counties into a separate state but nothing was done about it as opinion at

that time was not fully crystalized on the matter.

Massachusetts, wishing to abate the separation fever, now employed very generous and conciliatory measures. Wild lands were exempted from taxation for ten years; the fee bill was revised; two roads were ordered to be laid out at the public expense - one between the heads of the tide in the Kennebec and Penobscot rivers, and the other between the Penobscot and Passamaquoddy bays. Every permanent inhabitant settled upon any of the public lands before the year 1784, the Legislature ordered to be quieted by a deed of 100 acres on his paying the sum of five dollars. A term of the Supreme Court for the first time, and an additional term of the Common Pleas and Sessions were established at Pownalborough in 1786 and on term of the lower courts was established at Hallowell (Augusta) and Waldoborough. The establishment of a College in the District also received some attention. Thus was the subject of separation lulled to a slumber from which it did not awaken for several years.

Beginning in 1785 and continuing for a number of years, Massachusetts became land minded. Salaries,

18 Williamson, W., op. cit., p. 532.
favors, gifts, rewards for service, appropriations for all kinds of projects were accomplished in terms of varying amounts and types of land in the District of Maine. All of these grants and bequests, however, were subject to the usual reservations and in many cases to an additional reservation of 1/64 of a Township for Harvard College.

As late as February 7, 1785, the General Court awarded a township under the usual conditions on the petition of Josiah Bowers and William Thompson, agents for the proprietors of Tyng's Township in consideration of their sufferings and services in performing a dangerous march in the winter season of 1703 upon snowshoes in quest of the Indian enemy. It seems they had been granted one township which, however, fell on the New Hampshire side of the line when that boundary had been drawn. So it was resolved that a new township in the unappropriated lands be given them.

In the meantime, the Waldo or Beauchamp and Leverett Patent had still not been settled. In the report of the Committee on Unappropriated Lands dated June 1, 1785, the Committee stated that they had received applications for purchases in the unappropriated lands amounting to about 350,000 acres or more, but

that about 200,000 of these acres lay in the neighborhood of the Penobscot River in the Waldo and Indian lands which could not be sold until the grant to Beauchamp and Leverett and the authority of the Indian titles to lands on this river could be located and disposed of.

On June 14, 1785, on the recommendation of the Governor, 9,350 acres were granted in one body to the eastward of Penobscot River to Jonathan Eddy and eighteen associates who were refugees from Nova Scotia. They were to pay $16,000 within a year and also settle thirty families between June 1, 1785, and June 1, 1786.

The Islands in Penobscot Bay were also surveyed and the settlers quieted upon them for very small considerations. Their lots were in fact intended as mere gifts, in consequence of the plunder and privations suffered from the enemy during the late war.

There was a passion for obtaining settler's lots, mill sites, and water privileges. Though the State Surveyor, Mr. Putnam, had laid out several townships

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21 Ibid., pp. 18-20.

22 Williamson, W., op. cit., p. 517.
in the southeastern section of the District, applications for land were so numerous and varied that he was unable to do the work alone and Barnabas Dodge was appointed his assistant.

Thus the Committee continued to grant, if possible, or give away in one manner or another what land they could, but up to November 1786 their plans and efforts had met very little encouragement. It was proposed by a Resolve of November 16, 1786, for expediting the sale of public lands at the eastward, that no taxes be assessed on said lands for ten years.

From May 1, 1783, to November 16, 1786, about twenty-five Resolves had been passed by the General Court concerning the sale and disposition of the Eastern Lands, but still land affairs were not booming so well as could be expected so new schemes to speed up land sales were considered. The first of these was the one just mentioned of not taxing certain lands

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24 Resolves of the General Court, 1781-1803, p. 61.

25 On November 9, 1784, £ 875.6.8 were paid into the Treasury -- the proceeds from the sales of land in Maine. Between this date and February 21, 1787, £ 134,141.11 were turned in. Collections of the Maine Historical Society, Documentary History, Second Series, vol. 21, p. 335.
for a given period. At about the same time, another scheme was proposed — the land lottery, which, with more or less success, was used at various times for the next century or whenever the government, Massachusetts and later Maine, was in especial need of funds.

Hon. Samuel Phillips, Nathaniel Wells, John Brooks, Leonard Jarvis, and Rufus Putnam, were appointed Managers of the first lottery. Among their duties was the requirement that they make sure that the scheme was properly advertised in several of the daily newspapers.

The first lottery was not very successful — possibly because they started out on too grand a scale. At any rate, fifty townships between the Penobscot and St. Croix were offered for sale. They contained in all 1,107,396 acres. 2,720 tickets were offered at £60 each, but only 437 tickets were ever sold. It is interesting to note that the title of this act reads, "An Act to bring into the public Treasury the sum of One Hundred and Sixty-three Thousand and Two Hundred Pounds, in public securities by the sale of a part of the Eastern Lands; and to establish a lottery for the purpose." There was to

26 Ibid., vol. VIII, pp. 82-88. The act was dated November 14, 1786.
be reserved out of each of these fifty townships the usual four lots of three hundred and twenty acres each for public uses.

The prizes were to be as follows: One prize of one township; two of half a township each; four of a quarter of a township each; six of three miles by two miles each; twenty of two miles by two miles each; forty of three miles by one mile each; one hundred and twenty of two miles by one mile each; four hundred of one mile square each; seven hundred and sixty-one of one mile by one-half mile each; thirteen hundred and sixty-six of one-half mile square each. Altogether there was a total of 2721 lots or prizes -- in other words a prize for every ticket.

All lots of land which were to be drawn as prizes were to be exempted from every State or Continental land tax for fifteen years and no State or Continental tax on the pools of such persons as should settle and reside on such lots as should be so drawn as prize, or on their estates actually within the same, should be levied or assessed for and during the term of fifteen years from the date of the Act, November 14, 1786.

Provision was also made -- elaborately so it seems, for preventing forging or counterfeiting, or assisting in either of these tasks. Anyone convicted of any of
these acts, or combinations or varieties of them could be fined not exceeding one thousand pounds, or less than one hundred pounds, or imprisoned not exceeding twelve months, or be sentenced to be publicly whipped, not exceeding thirty-nine stripes, or made to sit on the gallows with a rope about his neck for the space of one hour, or to be sentenced to hard labour, or to suffer all or any of these punishments at the discretion of the Justice of the Supreme Judicial Court.

But in spite of all the precautions taken and the lure of prizes, the Committee had to admit that the scheme had been a financial failure. The effects of the war were too recent, and the value of the land not well enough known to encourage purchasers. These tickets, the 437, were to be drawn in March 1787. So few had been sold, however, that a new act was passed March 17, 1788, to continue selling the tickets of the 1786 lottery until the following October. Still another inducement to buy was added to this act to the effect that if any "Adventurer," as the ticket buyers were called, should draw prizes in different townships, he should have leave to exchange them or at least a

part of them so that his lots might lay together, provided he applied to make the change within three months from the drawing of the Lottery.

The act passed by the General Court of Massachusetts, October 11, 1786, whereby a treaty made with the Penobscot tribe of Indians was confirmed, is the first of a series of negotiations with Indian tribes which was begun by the commonwealth of Massachusetts and finally assumed by the State of Maine.

The territorial claim of the Tarrantine tribe or Penobscot Indians deserved great regard. Their fidelity and friendship had not only merited protection but the government had promised it. The Provincial Congress, June 21, 1775, had strictly forbidden all wastes and trespasses upon lands, called theirs, six miles in width on each side of the Penobscot River, extending from the head of the tide, as far up the river as the tribe claimed.

By the agreement made in 1786, the Indians re-

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30 Williamson, W., op. cit., p. 516.
leased all claims to the lands on the Penobscot from
the head of the tide to the mouth of the Piscataquis
on the western side, and to the Metawamkeag on the
eastern side; reserving to themselves Old-town Island
and all the others in the river above it to the ex-
tent mentioned. In consideration of all this, the
government promised that the tribe should enjoy in
fee all the reserved Islands and also White and Black
Islands near Naskeag point (opposite Sedgwick); that
all the lands on the waters of Penobscot River above
the Piscataquis and Metawamkeag "should lie as hunting
grounds for the Indians, and should not be laid out
or settled by the State" or "engrossed by individuals"
and that 350 blankets and 200 pounds of powder with
a suitable proportion of shot and flints should be
given them as a present.

Sales of land were still slow and no large pur-
chases were made until July 1791, when the Committee
made a contract with General Henry Jackson of Boston,
and Royal Flint of New York, to sell them two million
acres of Maine lands for ten cents per acre, one mil-
lion acres to be at or near the head waters of the
Kennebec and one million acres in what are now Hancock

31 Collections of the Maine Historical Society, Docu-
and Washington counties. In that same month Jackson and Flint assigned their contract to William Duer of New York and General Henry Knox, Secretary of War under Washington, for $265,000.

Between the years 1796 and 1791, little more than twenty townships had been sold. They were sold at from twenty-five to fifty cents an acre and generally on credit with an agreement by the purchaser to place forty families on each township within seven years. Early in 1791, General Benjamin Lincoln, a friend and fellow officer of General Knox, having explored part of the State's land and realizing how valuable it would come to be, advised General Knox to purchase all the land that had been surveyed if he possibly could. At that time there were already surveyed a total of ninety-two whole townships, all of which the State would sell at a low rate if all could be included in one sale. Naturally General Knox became excited over the prospect of making a fortune by speculation in Maine lands.

32 "Respecting the Sale of Eastern Lands with the Reports of the Committee appointed to sell said lands. From March 1, 1781 - June 22, 1803," (Boston, 1803.) Resolves of the General Court of the Commonwealth of Massachusetts, Resolve of May 1, 1781, pp. 3-4.

33 Allen, William, "Bingham Land," Collections of the Maine Historical Society, vol. VII., Article XX.
Although he did not have the available funds at the time, he was so sure of the handsome profits he would soon be making that he made the purchase of the whole ninety-two townships on a short credit amounting to $275,000 with the same agreement concerning settlement of the land that other purchasers were making. The following year General Waldo, with whom General Knox was connected by marriage, purchased the title to the old Beauchamp and Leverett grant and assigned it to General Knox.

By this time, General Knox had all the land he wanted and more than he could handle. His duties as Secretary of War kept him completely occupied in Philadelphia, then the Capitol, so that he had very little time for land speculation. In 1793, he came in contact with William Bingham, a wealthy banker of Philadelphia, who was willing to take his contract and all its responsibilities off his hands. The General Court consented to sell the whole of Knox's contract to Bingham for twelve and one-half cents per acre or $311,250. Bingham immediately paid the full price and had a deed made which was not to be delivered

until he could give evidence that forty families had been placed on each township within seven years, and that each settler who had been upon any part of his purchase prior to 1784 should be assigned one hundred acres on the payment of $5.00. The same assignment was to apply to those who had settled there before 1800 upon the payment of $25.00. Bingham appointed General David Cobb and John Richards as his agents to attend to his lands in Maine; he also had valuable land estates in Pennsylvania and New York. Shortly afterwards, he closed up his accounts, retired from business, and went to London where he lived the rest of his days with his daughters who had married Alexander and Henry Baring, distinguished English bankers.

During the next thirty-five years, sales made on the Kennebec tract were insufficient to pay the taxes. In the eastern fifty-two townships, on the other hand, enough timber and land were sold to meet all taxes and expenses. For many years Colonel John Black, whom Bingham had sent over from London, served as the sole manager of the whole estate, and he proved to be both skillful and judicious in making sales of these lands. He married a daughter of General Cobb

and settled in Ellsworth where he built mills. W. W. Allen, to whom we are indebted for an account of the Bingham lands, was employed by Colonel Black for twenty-seven years as auctioneer in the sale of timber land and as overseer in making roads through the Bingham lands.

It is interesting to note that at first the timber lands on this estate, which are now some of the most valuable in the state, sold at auction for seventy-five and seventy-six cents an acre. Later they were bid in for as high as eight to ten dollars an acre. Lands suitable for settlement were uniformly sold at two dollars, refuse land went for fifty or sixty cents, and the mountain lands were practically given away until finally all the lands on the million acres were sold.

Much of the story of the Bingham lands takes place after the period with which this study is concerned, but it is told here to show how slow the people of Massachusetts and Maine were to realize what valuable resources existed in Maine lands. If the sales of timber and areas favorable for settle-

37 Ibid.
ment were slow and brought only bottom prices in the most valuable sections of the state, it can naturally be concluded that sales in other sections were equally slow and unremunerative. Of course other factors enter into this. It is known that some settlement was discouraged at first because of overlapping claims. Later it became harder to get land along the coast, since that was taken up first, and for a long time very few, if any roads penetrated the interior to any extent. This inaccessibility alone kept many prospective purchasers from buying. Here again, both the government and large property owners were exceedingly slow in realizing the necessity of roads. They felt that the cost was too great — and they doubted whether the roads would raise sufficiently the value of their lands to warrant such an expense.

The Committee for Public Lands continued its labors, constantly reminding the legislature that land titles should be examined, located, and disposed of before they could expect to get many applications for their valuable Eastern Lands. The operations of the Land Office were now conducted under an Act of

November 21, 1787, which marked a decided step forward in the land policy of the State. This Act was passed to encourage land sales that the public debt might be lessened by an increase of population and wealth in the Counties.

By the terms of this Act, the Committee for Public Lands was directed to make plans of all the located lands in the Counties of York, Cumberland, and Lincoln and also to mark out the unlocated lands into townships of six miles square to be subdivided into lots one mile square. There were to be the usual reservations of four lots of three hundred and twenty acres each in each township. Also there was to be appropriated a tract of land six miles square, to be laid out northerly of Waldo's Patent. It was to be as nearly central, between the two rivers Kennebec and Penobscot, as a good tract for the purpose of a public Seminary of Learning as could be found. The Act also made provision for foreigners obtaining lands, to the effect that any foreigner could buy any of these lands providing he would agree to settle it within three

years from purchase -- one family to each square mile of land. After twelve months residence, and after taking the Oath of Allegiance, any foreigner would be entitled to all the privileges of a natural born subject of the Commonwealth.

None of the public lands were to be sold for less than two shillings per acre in the Consolidated Notes of the Commonwealth if sold in tracts or townships of six miles square, nor less than three shillings per acre if sold in smaller tracts.

The report of the Committee for March 24, 1788, shows that land sales were still not very rapid. They reported only one township sold since the last session of the General Court, and that was one adjoining Machias and the island in front of Machias for which Messrs Lucas and associates, the purchasers, paid 40 L 6s. 170.

It is noticeable in the Resolves passed by the General Court of the Commonwealth during the years 1785 to 1795 that Massachusetts was conscientiously trying to straighten out, at last, claims and disputes over the land titles to various sections of

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the District of Maine. It appears that the chief and longest drawn out of these disputes was one involving the so-called Plymouth Company. The Plymouth Company and the Beauchamp and Leverett grant comprised practically all of the then granted lands in central and eastern Maine and until the metes and bounds of these two claimants were settled, further sales and settlement were almost impossible.

On November 21, 1787, there was a Resolve to lay out 39,088 acres on the North line of the Waldo Patent since that much of their lands conflicted with the claims of the Plymouth Company, but a report of the Committee on Lands January 19, 1789, shows that this claim was still unsettled and asks the advice of the General Court in the matter.

Evidently the Legislature was too busy with other matters or else they did not see the necessity for clearly defined and securely possessed tracts and plots of land. It was not until November 17, 1788, that there was a Resolve of the General Court authorizing a Committee appointed by both Houses to settle


42 Ibid., vol. 22, pp. 140-141.
and adjust the boundaries of the Kennebec Purchase with the proprietors or their agents upon such terms as would appear equitable. They were to execute any deed of release or confirmation provided they did not exclude any claimants from asserting their claims to any of the lands, that the Company grant one hundred acres to each settler who was on the land at the mouth of the Wesserunsett river before 1775, and to those settled since that year one hundred acres.

A Resolve of June 12, 1789, states that all matters in dispute between the Commonwealth and the proprietors of the Kennebec Purchase were adjusted with the records of the Commonwealth. Thus, the conclusion of one dispute finally opened up the territory between the Kennebec and the Penobscot for clear titles to all settlers.

On June 25, 1789, the General Court established two new counties - Hancock and Washington. Penobscot (now Castine) became the shire town of Hancock County and Machias that of Washington. This division was made to facilitate the convenience of the people re-

43 Resolves of General Court, 1781-1803, p. 82.
44 Ibid., p. 100.
45 Williamson, W., op. cit., p. 548.
siding on and eastward of the Penobscot River in attending the courts. The division had been first considered in 1788 but due to the lack of a competent number of corporate towns was not carried out at that time. Within the next fifteen months, however, twenty new towns were incorporated which resulted in the addition of two new counties instead of one.

Another matter which the Committee continually recommended to the Legislature was that the District of Maine needed roads to facilitate and expedite the sale of the Eastern Lands by providing easier communication through the District and for convenience in exploring the soil. At last the Committee of Public Lands realized what settlers and prospective buyers had known for a long time. The next thing was to convince the General Court.

It was recommended by the Committee that a road be opened from the line of New Hampshire to Passamaquoddy Bay and also a road from the Penobscot River to the Kennebec River. It was proposed that the expense, arising from surveying and clearing this road, be defrayed from the unappropriated lands within the limits of that division where the expense should be,

46 See Table II, pp. 127-130.
provided that the whole charge should in no case require land more than one mile in depth on one side of this road.

The first Resolve concerning roads was that of February 16, 1789, empowering the Committee for the Sale of Eastern Lands to agree with some persons to lay out and clear a road through the lands of the Commonwealth in the County of Lincoln. In June 1794, one Jacob Abbott was to be granted 4000 acres of land on his having completed a road. In each of the next two years he was given an extension of time to complete his road which was to extend from the head of navigation on the Kennebec River to the Penobscot River.

A very interesting bit of evidence of the way land office affairs were conducted during these days is found in a petition of forty settlers of the District of Maine, dated January 21, 1789. To show what hardships the people underwent, their story is quoted


48 Resolves of General Court, 1781-1803, p. 87.

49 Ibid., p. 136.

50 Ibid., pp. 143, 158.
as they presented it to the legislature of the Commonwealth:

"...That your Petitioners in the time of the late war sat down on certain lands in the County of Lincoln supposed to be State Lands, encouraged so to do by a report then circulated and generally supposed to be true that the Government wished to have these lands settled and would quiet if not reward the settler -- Your Petitioners went on these lands when they were only base creation. By their industry they have brought them into a Cultivated state and feasted themselves with the hope that they were serving the State and laying up an inheritance for their little ones --But alas! they have learnt that these lands do not belong to the State, but are private property and so have lost the labor of many years and are necessitated again to enter the wilderness and begin anew. They have now fixed on lands most certainly belonging to this State -- these lands are situated on the North East side of the Androscoggin River near to lands granted to S. Livermore and others -- Your Petitioners humbly pray Your Honors to take their distressed case into your wise consideration and to make them a grant of said lands, six miles square or otherwise to afford them relief, as to you in your great wisdom may seem fit, and Your Petitioners as in duty bound will ever pray. Bowdoin, January 21, 1789."  

In regard to this petition, nothing can be found that would possible have had any connection with it except that several years later, March 21, 1793, there is a Resolve directing the Attorney General to prosecute certain persons who have unlawfully entered on lands of the Commonwealth on both sides of the

Androscoggin River. Nor is there any account of the incident afterwards. Let us hope that the situation was satisfactorily concluded. The squatter problem was a long and difficult one to handle and baffled even the National Government.

Another interesting Resolve, one that marks the beginning of a great many of its kind, is that dated June 23, 1790, confirming to the "President and Fellows of Harvard College" three hundred acres of land in Maine for the use of Harvard College. Up to this time grants to other educational institutions, or institutions of any sort for that matter, had not become popular. This was the beginning of a system of encouraging the establishment of academies and other literary institutions by an endowment of land, and in the space of six years, as many academies were endowed with a township each. The principle became established that wherever an academy was endowed by private persons to a certain amount, the legislature would add half a township of land. Since

52 Resolves of the General Court, 1781-1803, p. 128.

53 From May 1758 to May 1774, 1/64 of 25 different townships granted in those years was set aside and reserved to Harvard College. Baxter MSS., Collections of the Maine Historical Society, Documentary History, Second Series, vol. 21, pp. 142-143.
then "almost every enterprize of a public nature has claimed and very generally received, a liberal share of legislative patronage, in grants of the Eastern Lands." Even roads, bridges, and canals got their share.

On June 24, 1794, Bowdoin College was established in the town of Brunswick, the first classical seminary founded in this state. It was endowed by the Legislature with five townships of land, Dixmont, Sebec, Foxcroft, Guilford, and Abbot.

The original Report of the Committee for the Sale of Eastern Lands from October 28, 1783 to June 16, 1795, is still in existence. It is only through this report that any accurate details concerning land sales for this period can be obtained. The Resolves of the General Court give general information but no figures. Because this report furnishes such important links in the long chain of Maine's land distribution

<table>
<thead>
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<th>Name and Place</th>
<th>Date of Incorporation</th>
<th>Amount of land granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berwick, S. Berwick</td>
<td>March 11, 1791</td>
<td>23,040 acres</td>
</tr>
<tr>
<td>Hallowell, Hallowell</td>
<td>March 5, 1791</td>
<td>23,040 &quot;</td>
</tr>
<tr>
<td>Fryeburg, Fryeburg</td>
<td>February 9, 1791</td>
<td>12,000 &quot;</td>
</tr>
<tr>
<td>Washington, Machias</td>
<td>March 7, 1792</td>
<td>23,040 &quot;</td>
</tr>
<tr>
<td>Portland, Portland</td>
<td>February 24, 1792</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Lincoln, New Castle</td>
<td>February 23, 1801</td>
<td>11,520 &quot;</td>
</tr>
</tbody>
</table>


55 Williamson, W., op. cit., p. 563.
policy, it is kept in the vault at the State Library in Augusta.

The report is in the form of twenty-three tables which show the amount of lands sold within this period, the amount contracted for, the names of grantees, dates of deeds, and the amounts paid. It includes also the amount of notes and money paid into the Treasury from the Eastern Lands, the charges attending surveys, the account of money due on contracts, the list of lands conveyed to academies, and, finally, an account of the townships surveyed for Henry Jackson and Royal Flint (later known as the Waldo and Bingham estates).

Table 22 of this report shows that, during their years of operation, this committee sold 4,427,848 acres of land, contracted for the sale of 1,298,657 acres more, granted to schools and academies 385,000 acres, and had surveyed in various townships 3,795,860 acres including the tract surveyed for Henry Jackson and Royal Flint. The committee estimated that £ 4,509,808 were still due from their transactions after they had paid into the Treasury £ 219,327.29.95.

In addition to the townships and tracts already men-
tioned they pointed out that there still remained for the future disposition the great Isle De Haut containing 4968 1/4 acres and more than a hundred other islands lying between the mouth of the Penobscot and Passamaquoddy Bay. These islands, they stated, ranged all the way from 1 1/4 acres to 828 acres, all of which had been surveyed and recorded in the books of the committee. And finally, besides over three million acres surveyed and marked on the plans as belonging to the State, they surveyed and marked on the plan for townships 10,995,960 acres which belonged to the Commonwealth of Massachusetts in the District of Maine.

In 1795, the General Court directed the Committee to complete all unfinished bargains, make a detailed report of their official transactions, and suspend their sales until further notice. Three hundred copies of this report were printed and distributed.

The troubles in Europe had induced great numbers to emigrate to this country whose circumstance demanded public attention and assistance. The eastern lands were still plenty, cheap, and good; mechanic skill and manual labor were in great demand; so actually by a spirit of benevolence the Massachusetts Society for the aid of emigrants was formed by a group
of wealthy men and was incorporated in 1795. Hundreds of foreigners were deeply grateful for the assistance they received.

In January 1796, a grant of 1000 acres in the unappropriated lands was made to Lemuel Cox for his invention of a machine to cut cardwire. Cox also projected the first powder mill in the state, and "made other valuable discoveries in various mechanical branches."

Early in 1796 a serious controversy arose between the inhabitants upon the Penobscot and the Tarratine Indians. The Chiefs insisted they still held lands six miles in width on each side of the River indefinitely as theirs, and that they would not relinquish them without being paid a consideration. A new treaty was therefore made in August, 1796 by which they agreed to relinquish all claims to land on the mainland. In consideration, the government delivered to the tribe 150 yards of blue woolens, 400 pounds of shot, 100 pounds of powder, 100 bushels of corn, 13 bushels of salt, 36 hats and a barrel of rum. The government also agreed to pay

57 Williamson, W., op. cit., p. 569.
58 Resolves of the General Court, 1781-1803, p. 147.
them, so long as they should continue a tribe, a certain stipend every year consisting of 300 bushels of Indian corn, 50 pounds of powder, 200 pounds of shot, and 75 yards of blue woolen fit for garments. The Chiefs who signed this agreement were Joseph Orono, 'Squire Osson, Nictum Bowit, Joseph Pease, Wiarro-Muggascet, and Sabbatis Neptune.

The territory relinquished by the treaty was subsequently surveyed into nine townships and found to contain 189,426 acres. Already there were thirty-two settlers, who were presently quieted on their lots. In 1798 the residue was offered for sale in quarter townships at a dollar an acre. Marsh Island, containing 5000 acres, was not included in these lands. This, the government confirmed to John Marsh, the first settler, for a small consideration.

By 1799, the progress of settlement in the eastern lands was such that the northern part of Lincoln county was erected into a new county by the name of Kennebec with the shire town Augusta. At the same

59 Williamson, W., op. cit., p. 571.
60 Ibid., p. 572. Salem Towne, Esq. was appointed agent for the sale of these nine townships; and in 1798-9, he sold so much of them as to obtain securities for $25,884. (note, p. 572.)
61 Williamson, W., op. cit., p. 572.
time the County of York was also divided crosswise along the Great Ossipee and all the inhabitants and territory north of that river were formed into a District for the convenience of registering deeds.

The public lands were uniformly in some way, a subject of great interest. In 1801 every soldier who had served three years in the Revolutionary War, or his widow and heirs, was offered 200 acres of land on the eastern frontier or twenty dollars in specie, as a new gratuity for services or sufferings. The government purposely made the offer of money so small wishing to induce every one to prefer land and undertake a settlement. At the same time, ninety acres of land at Pleasant Point (now in Perry) on the westerly bank of the Schoodic were granted by the General Court to the tribe of Indians at Passamaquoddy, to be possessed and used by them until further order of the government. They have since built their village there.

It appeared that no less than 24 new townships had been granted or sold within the last six years,

62 Williamson, W., op. cit., p. 582.

notwithstanding an order was then passed for suspending sales. Several of the grants, however, were donative, and the others had yielded no great revenue to the State for unfortunately one member of the land committee had become a defaulter. All of them were then discharged and this important trust was committed to two land agents, John Read and Peleg Coffin. They were empowered to complete all the bargains of their predecessors whenever the faith of the State was pledged and none other.
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### TABLE II

**Towns incorporated, 1781-1801**

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CHAPTER IV

MAINE COMES OF AGE, 1802-1820

Speculation and separation fever

In 1803 the Committee on Eastern Lands was discharged and two agents were appointed to fulfill the contracts and bargains entered into by the Committee and to superintend the public lands in the District of Maine. They were given special powers to resist or prosecute trespassers and intruders. Little of actual value was accomplished by these agents for a number of years. Land sales were exceedingly slow for the most part; speculation was rife; and even the grants to institutions and special projects were not as successful as had been anticipated. These latter, however, take up most of the space concerned with Maine affairs in the Massachusetts Resolves from 1803-1811.

What exhibited the rising importance of Maine to the best advantage in the years 1803 and 1804 was the establishment of twenty-one towns.

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1 Report of Committee Respecting Eastern Lands, Senate No. 4, 1835, p. 11.
2 Williamson, W., op. cit., p. 597.
As the increase of population and business required, an Act was passed, March 4, 1805, incorporating the northerly portions of York and Cumberland into a county by the name of Oxford with Paris as the shire town.

What eminently distinguished the administration of Governor Sullivan was the "Betterment Act" as it had been called, which was a remedial statute for the relief of tenants in possession of lands converted by them into cultivation, who were, nevertheless, not owners of the fee. Great numbers of our most enterprising eastern inhabitants were in this condition. None were in a worse predicament than the settlers between the Kennebec and the Muscongus for their soil was claimed by several competitors who were contending for the title among themselves. The Betterment Act humanely provided that in all actions instituted to recover lands held for six years or more, by possession or improvement, that whenever the jury found for the demandant, they should at the tenants' request also ascertain the increased value of the premises at the time of the trial, in virtue

3 Williamson, W., op. cit., p. 600.
of his buildings and improvements; and also to find the value of the land if it were then in a state of nature. The proprietor then had his choice, either to abandon the land to the tenant at the price set by the jury, and receive the money within twelve months, or to sue out a writ of possession at the end of the year. If he did not abandon, he was bound to pay the tenant in one year the price of his improvements as appraised by the jury or lose the land. Although the proprietors of large tracts were highly displeased with the law, it was one of the most equitable and effectual acts passed for a long time. It has been said that the remedy provided by this statute was originally suggested by Hon. William King, one 4 of the Senators from Maine.

In the meantime the grants to institutions and special projects continued. In 1806 William Eaton was granted 10,000 acres for his services at Tripoli where he released a large number of prisoners from slavery. Also in the same year, Gloucester received one half a township to help defray the expense of

4 Williamson, W., op. cit., pp. 606-608. However, this act did not in fact receive the Governor's signature until March 2, 1808.

5 Resolves of the General Court, 1804-1911, p. 52
making a harbor at the northeastern port of that town.

Three years later a township of land was granted for the maintenance of the Professorship of Natural History at Cambridge. And the next year the Massachusetts Medical Society received a township of land in Maine. In 1810, one and one half townships were granted the inhabitants of Taunton to assist in improving the navigation of Taunton River.

Another important subject during these years was that of roads. In June, 1807, the General Court resolved to appoint a committee to examine the different ways from the bridge of Augusta to Bangor and ascertain the best route for a road. They must have felt the matter to be very urgent for the next day, June 20, there was a Resolve appointing Charles Turner to explore and mark out the most direct route from the Penobscot River to the eastern line of the

---

6 *Resolves of the General Court, 1804-1811*, p. 78.
7 Ibid., p. 102.
8 Ibid., p. 106.
9 Ibid., p. 119.
10 Ibid., p. 74.
It was three more years before there was another Resolve concerning road building.

Another new county was established March 1, 1809. This was Somerset County, taken exclusively from the northerly part of Kennebec County. Norridgewock was made the shire town.

On March 3, 1810, Charles Hammond was appointed to lay out a road from the Kennebec River to the Penobscot River. Of the same date was a second Resolve to grant half a township of land towards making a county road from the Kennebec River to the Penobscot River. Also of the same date, a third Resolve provided for laying out a road from the Kennebec River to the River Chaudiere, and so the matter rested.

In spite of the difficulties and delays encountered in the building of roads, Maine was devel-

---

11 Resolves of the General Court, 1804-1811, p. 77. In 1802 a committee had been appointed to lay out a road between Augusta and Bangor and present an estimate of its cost at the next session of the General Court, but apparently nothing had been done. Resolves of the General Court, 1781-1803, p. 154.

12 Williamson, W., op. cit., p. 611.

13 Resolves of the General Court, 1804-1811, p. 111.

14 Ibid., p. 112.

15 Ibid., p. 113.
oping rapidly and more and more new towns were being established. By 1811, however, the old matter of conflicting and overlapping claims was pressing for attention. In that year, in consequence of the pressing Memorials from the inhabitants of Bristol, Edgecomb, Nobleborough, Newcastle, and Boothbay, there were appointed by the Governor and Council three commissioners to go into the County of Lincoln and investigate thoroughly "the nature, causes, and state of the difficulties" which had so long agitated the possessors and claimants of the lands lying between the Sheepscot and Muscongus rivers and extending from the sea-coast back to Jefferson inclusive.

After these men, Perez Morton, Jonathan Smith, and Thomas Adams, had made a complete examination of the situation, they made a detailed report of the facts to the Legislature on May 20, 1811. The facts of this report are interesting to note as an example of how complicated the titles to land in just one section had become. They presented distinctly the grounds and supports of the "Drowne Claim," founded on the patent of the Plymouth Council, February 20, 1631, to Elbridge and Aldsworth; the "Tappan Right."

derived from Indian deeds of 1661-1662, and 1674; the "Brown Right," traced from another Indian deed of 1625; and the Grant to the Duke of York in 1664; stating that the Drowne Claim covered all the town of Bristol, and parts of Newcastle and Nobleborough; that the Tappan Right and Brown Right as claimed, each covered the most of Bristol, and all of Nobleborough and Jefferson, also the lands granted to Lincoln Academy; and that the Tappan and Drowne Claims partly interfered with each other; but that no part of the lands within the towns of Edgecomb and Boothbay fell within the lines of either of the three claims, Boothbay being settled about 1730, under a grant to Denny and McCobb, by Colonel Dunbar. It also appeared that "the Plymouth Company made conveyances of lots situate in the towns mentioned," which they had claimed.

On January 26, 1813, the Commissioners awarded to the proprietors of the Plymouth Patent or Kennebec Purchase, as an equivalent for lands of theirs within

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17 Order of Both Branches of the Legislature of Massachusetts to Appoint Commissioners to investigate the Causes of the Difficulties in the County of Lincoln and the report of the Commissioners Thereon with the Documents in support thereof, (Boston, 1811). pp. 5-25.
the disputed territory, "a tract of six miles square;" - and to the proprietors under the Drowne Right a half township of 11,520 acres to be chosen in each case from the public unlocated lands in Maine, with the usual reservations to public uses; and they further advised the Legislature to grant a half township to the heirs of the late William Vaughn in consideration of services performed and monies expended and not in virtue of the Brown Right claimed; - no one else was entitled to any lands in the towns of Bristol, Edgecomb, Newcastle, Nobleborough, Waldoborough, Jefferson, or Boothbay. The State made the grant of one half township to Vaughn's heirs and also other assignments 18 suggested in the report.

The ninth county to be incorporated was that of Penobscot, February, 1816, with Castine as the shire town. That was the last county established 19 prior to the separation.

During the past twelve or thirteen years

18 Ibid. The number of assignments made were about fifty-two. More than $3,000 was paid to the referees for their services in straightening out this complicated situation. Williamson, W., op. cit., p. 624.

19 Williamson, W., op. cit., p. 661.
since the committee of eastern lands had been discharged of their official duties and William Smith had been the agent, merely to oversee the lands, complete the Sales previously made and collect the debts, there had been only seven or eight townships conveyed in that whole time, otherwise than as donations or gifts by special resolves of the General Court. These latter, however, amounted to about 450,000 acres. Now it was discovered that the eastern lands were in demand for settlement and that the people were anxious to have the sales resumed.

In 1816, the General Court passed an Act "to promote settlement of the public lands" limited in time to three years. The act, established a Land Office in Boston; created three commissioners and gave them very general powers. They were authorized to make surveys and lay out roads. The Act also provided for the appointment of a Surveyor General and settled the disposition of proceeds of the sales.

As soon as peace returned in 1815 after the War of 1812, the subject of separation became a topic

20 Williamson, W., op. cit., p. 662.

21 Report of the Committee Respecting Eastern Lands, 1835, Senate No. 4, p. 12.
of great interest and general discussion and continued to be more and more so until after the actual separation four years later. Another subject, essentially interesting to the prosperity of Maine, was the great wave of emigration to the western states, sometimes called "Ohio-fever," which had begun to rage early in the preceding year. In fact, it has been said that Maine lost between ten and fifteen thousand inhabitants by this migration.

Since the establishment of the land-office, the attention of the public had been again drawn to the consideration of the value and importance of the extensive territories in Maine yet unappropriated. The nine townships released by the Indians in 1796, specially reserved in all subsequent grants on account of their superior value, were now ordered put up for sale. Sales of these lands up to the time of the separation were, however, inconsiderable, probably not exceeding 10,000 acres.

Above the north line of these nine townships, the Indians still claimed lands six miles in width.

22 Williamson, W., op. cit., p. 665.
23 Ibid., p. 667.
to an indefinite extent on both sides of the Penobscot. The General Court intended that the use of these lands be restricted to hunting, fishing, and cultivation, but the Indians had, from time to time sold timber and even conveyed some of these lands to speculators so great was their need for money. In 1818, they "manifested a desire to release to the State their rights in ten townships more." Three commissioners were appointed to meet the tribe at Bangor to discuss the matter. On June 29, 1818, ten of the principals executed to the Commonwealth a quit-claim of all the lands on both sides of the Penobscot River above the tracts of thirty miles in extent previously resigned except four townships, six miles square - one at the mouth of the Metawamkeag, one on the western shore of the Penobscot directly opposite, two to be surveyed contiguous to the ninth range of townships— all of which and the Islands in the Penobscot River, above Old-town Island inclusive, were to be enjoyed by the tribe without limitation of time.

In consideration of this assignment, the Com-

24 Williamson, W., op. cit., p. 669.
missioners engaged to procure for the use of the tribe two acres of land on the bank of Penobscot River in Brewer, fronting Kenduskeag-point; to employ a suitable man to instruct the Indians in the arts of husbandry; to repair their church at Old-town; to deliver at that place in October of every year, 500 bushels of corn, 15 barrels of wheat flour, and 7 of clear pork; one hogshead of molasses; 100 yards of broadcloth alternately red and blue; 50 Indian blankets, 100 pounds of gunpowder, 400 of shot, and 150 of tobacco; 6 boxes of chocolates and 50 dollars in silver.

It is interesting to note that Massachusetts reserved the right to make and keep open all necessary roads through any of the lands reserved for the future use of the Penobscot Indians.

In February, 1818, lots were put up for sale on the new road from the Kennebec towards Canada. These lands, in 100 acre lots, however, to be conveyed to not more than fifteen applicants on the condition that each applicant commence settlement within a year.


27 Ibid., p. 130.

28 Massachusetts Resolves, 1816-1819, chapter 69.
$500 was to be donated to erect a saw mill with a
grist mill on Hale's Stream near Moose River provided
someone would finish it. Such a person was to receive,
on completion of the job, fifty acres with privileges
to these mills.

Roads were also to be opened through lands
adjoining the east side of the Penobscot to promote
settlement. The money was to be obtained from land
sales, not to exceed $200.00 a mile and lands could
be obtained by settlers on the same terms as those
quoted above from this Resolve.

Evidently these actions finally brought about
the long looked for results, for a Broadside printed
by A. D. Allyne of Dedham, Massachusetts, in March
1818, further encourages settlers to come to Maine.
He invited attention to the fact that a road had been
opened in the county of Somerset, north of the settle-
ments on the Kennebec in the direction of Canada. He
stated that according to information from the Land
office, settlement could be made within one hundred
miles of Quebec, sixty miles of which was through a
settled country, and that the bridge over Moose River
on that road would be completed by the following August.
Also he mentioned that the long worked for road from
the Penobscot towards St. Johns had been opened for a considerable distance and that settlements were being commenced. The point of the broadside is to be found in the statement that for $5.00 any person could on a suitable settling location on this road if he would take a water passage from Boston early in May.

Thus slowly did the fight progress to make Maine lands in the interior accessible to prospective settlers. This spurt of road building does not by any means mean the battle had been won, for the records show that as late as 1839 and even later road building was still the most serious problem facing the success of future land sales.

In May, 1818, seventy towns sent a petition to the General Court for the separation of Maine from Massachusetts. The rapidly growing interest in this subject for the past few years, as well as the origination of the movement in 1786, has already been mentioned.

As one can well imagine, there were plenty of people in Massachusetts plus also a certain minority

29 "Encouraging Massachusetts Citizens to Emigrate to the District of Maine in 1817," Sprague's Journal, vols. 8-9, 1920-1921, p. 36. This material was taken from the Dedham Historical Register, vol. 10, no. 3, July, 1899.
in Maine who were decidedly against any such move
for a number of very obvious reasons, some of which
were openly stated in a Memorial to the Massachusetts
Legislature in 1816. One unusual reason given was
that they felt it injurious to the welfare of the
nation to increase the number of states! They fin-
ished by declaring: "the time will come, and shortly,
too, when by all honest men of all parties, it will
be deeply regretted and deplored."

In spite of such an ominous warning, the bill
for separation was finally passed by both houses of
the Legislature and received the approval of Governor
John Brooks, June 19, 1819. It was approved by Con-
gress the following year in the famous Missouri Com-
promise. Thus did Maine become a state after three

30 "The Memorial of Mark Langdon Hill and others, to
the Legislature of Massachusetts, 1816," North American
Review 1816 3: pp. 362-424; Report of the Land Agent, 1839,


32 Sources of information on the matter of Separation:
1. Niles Register June 26, 1819.
2. Niles Register, September 4, 1819.
3. Niles Register, March 4, 1820.
4. "Act Relating to the Separation of Maine from
Massachusetts Proper, by the General Court of
Massachusetts. June 19, 1819," Collections of
the Maine Historical Society, Documentary History
Second Series, vol. 8, CXXIV.
5. Schmeckeler, L. F., "How Maine Became a State,
Collections of the Maine Historical Society,
Second Series, vol. IX.
centuries of a stirring and turbulent existence.

Between 1785 and 1810, one hundred and fifty townships were transferred by sale or gift. Land prices were low until 1820 and after, the average price being about twenty cents an acre. The Committee on Eastern Lands reported that between 1783 and 1821 there had been granted for public purposes 1,217,328 acres of lands, one-fourth as much land as was sold during that same period (4,692,544 acres). At that time, it was estimated that practically one-third of Maine had been disposed of since 1776, with only $924,000 going into the treasury. Just as a matter of comparison, it is interesting to note that from 1820 to 1844, a period about half as long as the earlier one, $972,000 was paid into the treasury for land sales.

The grants which the Legislature made to the various academies were all in wild land and with few exceptions all grants were equal in size although the value received from the different grants varied greatly due to the location of the lots.

Most of the academies incorporated between 1791 and 1820 were founded by private donations but were supported mainly by funds derived from the proceeds of lands which were granted them by the Legislature. By 1820 there were in the state twenty-four academies and two colleges incorporated and endowed with Maine lands by Massachusetts.

The following table lists these institutions showing the amount of land granted.

<table>
<thead>
<tr>
<th>Name and Place</th>
<th>Date of Incorporation</th>
<th>Amount of Land Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gorham, Gorham</td>
<td>March 5, 1803</td>
<td>11,520 acres</td>
</tr>
<tr>
<td>Hampden, Hampden</td>
<td>March 7, 1803</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Bluehill, Bluehill</td>
<td>March 8, 1803</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Hebron, Hebron</td>
<td>February 10, 1804</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Bath, Bath</td>
<td>March 6, 1805</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Farmington, Farmington</td>
<td>February 18, 1807</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Bloomfield, Bloomfield</td>
<td>February 18, 1807</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Warren, Warren</td>
<td>February 25, 1808</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Belfast, Belfast</td>
<td>February 29, 1808</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Bridgton, Bridgton</td>
<td>March 8, 1808</td>
<td>11,520 &quot;</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name and Place</th>
<th>Date of Incorporation</th>
<th>Amount of Land Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bath Female, Bath</td>
<td>March 11, 1808</td>
<td>11,520 acres</td>
</tr>
<tr>
<td>Limerick, Limerick</td>
<td>November 17, 1808</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Monmouth, Monmouth</td>
<td>June 19, 1808</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Thornton, Saco</td>
<td>February 16, 1811</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>N. Yarmouth, N. Yarmouth</td>
<td>February 4, 1811</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Young Ladies, Bangor</td>
<td>January 27, 1818</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Cony Female, Augusta</td>
<td>February 10, 1818</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>China, China</td>
<td>June 12, 1818</td>
<td>11,520 &quot;</td>
</tr>
<tr>
<td>Bowdoin College</td>
<td>June 24, 1794</td>
<td>181,968 &quot;</td>
</tr>
<tr>
<td>Waterville, Known as Maine Literary Theological Institution</td>
<td>February 27, 1813</td>
<td>23,040 &quot;</td>
</tr>
</tbody>
</table>

There is shown here only the amount of the original grant to each institution. Many of these received several further grants, in all probability because they did not receive the expected sums from their other grants, possibly on account of the poor location of many of them. The givers were generous but in many cases they knew no more about what they were giving than where it should be located on the

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map. There were, of course, a number of other academies then existing in Maine which had not at that time received any grants of land. There were also a large number of schools, both academies and colleges in Massachusetts which received many acres of Maine land from time to time.

Greenleaf estimated in 1816 that about three-fourths of the land in Maine was still a wilderness, most of which was owned by the State of Massachusetts, and that of the remainder, most of it had been bought by individuals solely with a view to the profit of resales. At that time, he felt that there was enough unsettled land in Maine to form about six hundred and fifty good townships. It is interesting that he also considered that at the rate of settlement from 1800 to 1810 the whole state would be settled in one hundred years or one hundred and forty at the most. It has now been over one hundred and thirty years and the whole of Maine is still a long way from being wholly settled.

In the years between 1800 and 1820, about one hundred and eighty townships of Maine land, not subject

37 Ibid., p. 79.
to taxation, were owned by non-residents. There were also 1,264,000 acres of taxed land in Maine which was owned by non-residents. This land was distributed as follows:

<table>
<thead>
<tr>
<th>Counties</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>York</td>
<td>21,000</td>
</tr>
<tr>
<td>Cumberland</td>
<td>63,000</td>
</tr>
<tr>
<td>Oxford</td>
<td>233,000</td>
</tr>
<tr>
<td>Lincoln</td>
<td>122,000</td>
</tr>
<tr>
<td>Kennebec</td>
<td>108,000</td>
</tr>
<tr>
<td>Somerset</td>
<td>179,000</td>
</tr>
<tr>
<td>Hancock</td>
<td>184,000</td>
</tr>
<tr>
<td>Penobscot</td>
<td>235,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,264,000</strong></td>
</tr>
</tbody>
</table>

This land was worth on an average $3.00 an acre. On the whole the non-resident owners added nothing to supply the place of what they withdrew from circulation.

The fact that so much of the District's land was owned by non-residents may also help to explain why Maine seemed to grow so slowly during the first decade of the nineteenth century. It will be recalled that by this

time people were pushing rapidly into the regions across the Appalachians, that in 1803 Ohio had been created out of the Northwest Territory, and that adjoining territories were growing rapidly. It will also be recalled that it was people from the coastal states and particularly from New England who helped to make these new territories grow. Ohio was for many years called the "New England of the West."

There were a number of reasons why those people did not come to Maine. One might suggest first the fact that there were yet in Maine between 1800 and 1820 several large sections of territory over which were still unsettled disputes concerning proprietorship and boundary lines, disputes which would tend to discourage many people from coming there. One might also mention the danger of trespassing, which had grown to quite enormous proportions by this time and which was particularly characteristic of the lumbering regions. There was, in addition, the fact that much of the territory in the North and Northeast of the District was involved in the boundary

39 Resolves of the General Court, 1804-1811, pp. 4, 82.

controversy with Great Britain, a controversy which continued until 1842. Naturally a great many people would be discouraged from entering such a region in spite of the lure of huge profits to be made in lumbering. Lastly, there were the difficulties of traveling in Maine, a condition that points to what was probably the biggest drawback and obstacle in the way of Maine settlement and progress, the non-resident proprietors.

The non-resident proprietors on the whole were merely speculators. As such they were not particularly interested in improving their possessions. Resale at as huge a profit as possible was their chief aim as a rule. If a proprietor did not want to build roads through, and across his possessions he could not be compelled to do so, a fact that sometimes made conditions very difficult for his neighbors. Very often the settlers themselves could not afford to build the roads necessary to bring them and their produce nearer to a market. Strange as it may seem, it took the large land owners a long time to see that with roads through their property they could sell their lands more quickly and at a much higher profit than when those means of communication and transportation
were lacking. As might be expected, when they did come to this realization they went to the other extreme and the state as well as individual owners granted land recklessly, as did the National Government, for the building of roads, bridges, and railroads, but that is all in the future and beyond the scope of this study.

In connection with the Act of separation, a Board of Commissioners was appointed who declined to enter on their duties until a compensation should be allowed them. Instead of providing a compensation, a resolve was passed proposing to sell the whole of the State of Maine. A Committee of both branches of the Legislature was raised who, with a body created by the Legislature of Maine entered upon their labors. The result was a proposal on the part of Massachusetts to convey to Maine the fee of the whole domain for the sum of $150,000 payable by the State of Maine at her option any time within forty years, and bearing an annual interest of five per cent, this agreement subject to ratifications of the Legislatures of both States within three months. It was accepted by Maine and concurred in by the House of Representatives of Massachusetts, but the Senate took time for deliberation.
In the meantime, an inquiry was started and the facts discovered were so conclusive that the project was given up. They found that Massachusetts owned more than five and one half million acres in Maine which had been offered for sale at a price less than a single township of the same territory has since brought.

Governor King's recommendations concerning the public lands of Maine were stated in his message to the Legislature in 1820.

"The lands belonging to the state will also deserve your attention. Should a system be adopted for their management, calculated to prevent speculation, at the same time giving every encouragement to the real settler, the expectations of the best friends of Maine will be fully realized in an extended cultivation and an increased number of inhabitants. The system which has hitherto been pursued, you will probably think has little to recommend it for further experiment. The inconveniences and embarrassments, which the settlement, as well as the settlers themselves, have in many instances experienced from the large proprietors, will it is presumed, long be remembered in order to be guarded against by future legislators. A part of the public lands is covered with timber which hereafter will be valuable; at the same time the land itself is not generally well calculated for settlement. The preservation of the timber, therefore, will be highly interesting to the State."

41 Report of the Committee Respecting Eastern Lands, Senate, No. 4, 1835, p. 15.

42 Resolves of the Maine Legislature, 1820-1824, (Portland, 1820-1824), Governor's Message, June 2, 1820.
In August 1820, the Penobscot tribe of Indians signed two treaties, one releasing the Commonwealth of Massachusetts from all further obligations under the treaty of June, 1818, the other substituting the State of Maine in the place of the Commonwealth.

The Commissioners entered upon their duties of dividing the lands in 1821 and from time to time set off to each State in severalty, by townships and fractions of them, such quantities as had been surveyed and divided up to 1827, amounting in the whole to 2,541,425 acres to each State.

Subsequently in 1853, Massachusetts decided to sell all the timber and lands in Maine still in her possession. The State of Maine decided to retain the lands and a contract for their purchase for the sum of $362,500 was arranged by the Commissioners in Boston, July 23, 1853, which was ratified in September.


44 Ibid., pp. 215-233; 239-248; 249-254; 254-257; 264-270.

Towns Incorporated in Maine, 1802-1820

<table>
<thead>
<tr>
<th>Number</th>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Minot</td>
<td>1802</td>
</tr>
<tr>
<td>2</td>
<td>Chesterville</td>
<td>1802</td>
</tr>
<tr>
<td>3</td>
<td>Brownfield</td>
<td>1802</td>
</tr>
<tr>
<td>4</td>
<td>Vienna</td>
<td>1802</td>
</tr>
<tr>
<td>5</td>
<td>Avon</td>
<td>1802</td>
</tr>
<tr>
<td>6</td>
<td>New Vineyard</td>
<td>1802</td>
</tr>
<tr>
<td>7</td>
<td>Danville</td>
<td>1802</td>
</tr>
<tr>
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<td>Baldwin</td>
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</tr>
<tr>
<td>9</td>
<td>Lincolnville</td>
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<tr>
<td>10</td>
<td>Waterville</td>
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</tr>
<tr>
<td>11</td>
<td>St. George</td>
<td>1803</td>
</tr>
<tr>
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</tr>
<tr>
<td>13</td>
<td>Athens</td>
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<td>20</td>
<td>Dixfield</td>
<td>1803</td>
</tr>
<tr>
<td>21</td>
<td>Wilton</td>
<td>1803</td>
</tr>
<tr>
<td>Number</td>
<td>Name</td>
<td>Date</td>
</tr>
<tr>
<td>--------</td>
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</tr>
<tr>
<td>22</td>
<td>Rome</td>
<td>1804</td>
</tr>
<tr>
<td>23</td>
<td>Madison</td>
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<td>Dixmont</td>
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<tr>
<td>42</td>
<td>Palmyra</td>
<td>1807</td>
</tr>
<tr>
<td>43</td>
<td>Pawnal</td>
<td>1808</td>
</tr>
<tr>
<td>44</td>
<td>Freeman</td>
<td>1808</td>
</tr>
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</table>
The 154th town incorporated since the close of the Revolution, a period of about thirty years.
<table>
<thead>
<tr>
<th>Number</th>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>68</td>
<td>Sweden</td>
<td>1813</td>
</tr>
<tr>
<td>69</td>
<td>Freedom</td>
<td>1813</td>
</tr>
<tr>
<td>70</td>
<td>Levant</td>
<td>1813</td>
</tr>
<tr>
<td>71</td>
<td>St. Albans</td>
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<td>Phipsburg</td>
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<td>73</td>
<td>Searsmont</td>
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<td>74</td>
<td>Belmont</td>
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<td>76</td>
<td>South Berwick</td>
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<tr>
<td>77</td>
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<td>Etna</td>
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Making 236 towns established in Maine before it became an independent state.

CONCLUSION

Certain definite reasons seem to stand out, as a result of this study, as the explanation of the slow and for the most part unspectacular growth and development of Maine and its extremely slow rise to statehood.

The fact that there was no definite system for surveying lands for sale and settlement in Maine until claims and grants became so entangled and confused as to cause hardship for a century or more would certainly be one good reason why settlement of valuable land was much retarded. These overlapping claims and grants plus several changes in ownership of various large sections of Maine, which have been discussed, tended to discourage many people from venturing into a land of such circumstances when territories with much clearer claims and more secure titles were beckoning eagerly. First a lack of and finally a confused and often changing policy of selling the settling and timber lands did not invite the industrious settler as often as the speculators.

The speculators and non-resident owners themselves helped materially to retard the development of Maine lands simply by their delay in making
improvements on their possessions and their frequent refusals to build roads and bridges across their property. Lack of means of transportation, as has been carefully pointed out, was quite obviously the reason for the slow growth of settlements, particularly in the interior section of Maine. If there were no roads and bridges, markets could not be easily reached for the lumber and agricultural products, and without accessible markets there was no stimulus for settlement on such lands.

In fact, the basic idea of Massachusetts in settling the wild lands of Maine seems to have been at fault. Massachusetts made no attempt to increase the value of the Maine lands, to tap their resources, and to promote their welfare by conserving the natural wealth of their forests. Instead, Massachusetts attempted to turn the lands into money as rapidly as possible by placing them in private hands at the prevailing price without giving attention to the type or quality of the areas thus disposed of. This latter policy, however, did have its advantages because the low prices which prevailed almost consistently through the years 1785 to 1820 did undoubtedly induce a large number of people to enter Maine who could not have purchased land at higher prices.
The program of reserving lots for educational and public uses was an admirable one and one which is found continued in varied forms in many parts of the country.

The policy of granting lands to soldiers for services rendered was commendable and so on the whole was the treatment of the Tarratine Indians.

Such then was the situation concerning the public lands in Maine when she was admitted in 1820 as a separate state in these United States. The full realization of the resources and value of these lands was still in the future as was also the development of a single policy in regard to their disposal.
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BIOGRAPHY

Margaret Esther Fowles was born in Belfast, Maine, June 13, 1911. She received her early education in the Belfast schools and was graduated from Crosby High School in 1928.

In 1932, she received the Degree of Bachelor of Arts in History and Government, Cum Laude, from the University of Maine. While in College, she became a member of Neai Mathetai, Der Deutche Verein, Phi Kappa Phi, and Phi Beta Kappa. She won a Trustee Graduate Scholarship which made it possible for her to continue her studies at the University the following year, 1932-1933. During that year she was the Assistant Director of the Home Economics Practice House.

She became a teacher in the English department of Lisbon High School in the fall of 1933, a position which she held for two years. In 1935, she was transferred to Lisbon Falls High School to take charge of the history department. The summers of these years were devoted to working on the material for the graduate thesis.

Miss Fowles became Mrs. Herman E. Wilde, June 13, 1936. They make their home in Lisbon Falls where Mr. Wilde, U. of Maine, 1923, is the Chief Chemist at
Worumbo Manufacturing Company. They have two sons -- Herman E., Junior, born July 26, 1937, and William Frederick, born November 17, 1938.