9

Massachusetts, New Hampshire, Maine and New France

THE voyages to the New England coast of Bartholomew Gosnold in 1602, and of Bartholomew Gilbert and Martin Pring the following year, and that of George Weymouth two years later, and the voyages of the French fishermen to the adjacent waters, awakened in England and France an active interest in acquisition of land and colonization in America.

Weymouth gave to Ferdinando Gorges, governor of Plymouth, three of his kidnapped Indians, from which gift Gorges became interested in America.

On April 10, 1606, King James I granted to Thomas Hanham, of Plymouth, England, and three others named (the group known as the Plymouth Company), the land between the latitude of the present Virginia-Maryland boundary across the Delaware Peninsula, and the eastern boundary of Maine. However, the Virginia Company, whose charter was granted the same day, had the right to occupy the southern part of the Plymouth grant.

Under this grant to the Plymouth Company, the moving spirits of which were Gorges and Sir John Popham, Chief Justice of England, colonization was attempted along the New England coast.

They sent ships with colonists to Maine in 1606. One ship, with Captain Thomas Hanham and Martin Pring and Gorges' three Indians, sailed in October, and arrived at the Sagadahoc River (which is the lower reaches of the Kennebec River) four months before the first Virginia colonists arrived in the Chesapeake. The other ship, the "Richard," fifty-five tons, under Captain Henry

Challons, with twenty-nine Englishmen and two Indians, proceeded by way of the Canary Islands and was captured by the Spaniards in the West Indies and taken to Bordeaux.

The first ship remained at the Kennebec until the following spring, awaiting arrival of the "Richard," and then returned to England. Except for the capture of the "Richard," Maine, instead of Virginia, would have been the seat of the first permanent English settlement in America.

A vlei-boat, the "Gift of God," commanded by George Popham, brother of the Chief Justice, and a ship, the "Mary and John," four hundred tons, commanded by Raleigh Gilbert, nephew of Sir Walter Raleigh, sailed from Plymouth, England, in May, 1607, with one hundred and twenty persons, being about the number in the first Virginia colony which sailed four months previously.

Both these commanders were included as grantees of land. They formed the first settlement in New England, August 19, at Sabine, now part of Phippsburg, at the mouth of the Kennebec River.

They built a fort which they named St. George, and equipped it with twelve pieces of ordnance; built therein fifty houses, a church and a storehouse. They also built a pinnace of about thirty tons.

Popham died and was buried at Sabine. More than half the voyagers returned to England the following December, leaving forty-five in the colony.

After existing for a year on the Kennebec, the settlement broke up, some returning to England and others going to Virginia.

One French mariner had made forty voyages to America before the English settled at Jamestown in 1607, their first settlement in America. [5]

Champlain returned to the St. Lawrence in 1608, where he found a party of Basques trading with the Indians. He founded Quebec, and the following year explored Lake Champlain. With occasional trips to Paris, he lived in Canada until his death twenty-seven years later.

A party of Frenchmen from Port Royal, Nova Scotia, sailed to

the rivers St. John, St. Croix, Penobscot and Kennebec in 1611. After inspecting the fort which had been erected and abandoned by the English, at the mouth of the Kennebec, the French affixed to it a cross. [72]

The ship "Jonas" sailed from Honfleur, France, in 1613, with forty-eight persons taking horses, cattle, tents and munitions, and intending to found a Jesuit settlement on the Penobscot River. A prolonged dense fog prevented this, and they sailed to Port Royal. After five days there they went to Mount Desert Island, and landed at Saint Sauveur, Somes Sound, Frenchman's Bay. [72]

An English sloop of war of fourteen guns, from Jamestown, in command of Captain Samuel Argall, was just then making its annual trip to the fishing banks for a supply of cod. Following instructions of Governor Thomas Dale of Virginia, to keep a lookout for, and expel, any French settlements, he put in at Mount Desert. Discovering the French ship there, he fired a heavy volley on the ship, which was returned; but taken by surprise and unprepared for defense, the French surrendered after one man was killed and four wounded.

This was the first blow, in time of peace, and started a series of wars in America between England and France, which continued in America intermittently for 150 years, costing the lives of thousands of French and English and a countless number of Indians. [72]

Argall was subsequently accused by the French of having taken their ship, horses and cattle, and of plundering the Frenchmen of everything in their possession, even their clothes. He inhumanly put fifteen Frenchmen adrift in a small boat. They reached Nova Scotia and were afterwards taken to France. Fifteen others, who were ashore at the onset of the attack, later joined those in Nova Scotia. The remaining fifteen Argall took to Virginia.

The following October, Dale ordered Argall to return to Maine and Acadia, taking his French captives with him, and to destroy all the French settlements. One of Argall's ships carrying the French priest, Biard, became separated from the other in a storm, and was obliged to make for the Azores, then to England, whence the Frenchmen were sent to France. [72]

Nevertheless, the French continued to claim the region, maintaining trading stations and missionaries, and cultivating friendly relations with the Penobscot Indians.

France made a claim on England for the loss caused by the raids of Argall: for the value of the ship captured, for the horses and for great quantities of train and whalebone. The claim included the sum of a hundred thousand livres to reimburse Madame La Marquis de Guercheville, who had financed the settlements thereabout. [17]

Ferdinando Gorges in 1614 sent Captain John Smith, recently of Virginia, to explore the New England coast with two ships. Smith scanned the shore from Penobscot Bay to Cape Cod, locating for a while on Monhegan Island, where he built seven fishing boats. Meanwhile Adrian Block, the Dutch explorer, was sailing from Manhattan to the eastward through Long Island Sound, putting in at all rivers and bays en route, and discovering Block Island.

In July Smith sailed for England with one ship. The captain of the other ship, which was left on the coast, entrapped twenty-seven natives aboard, carried them to Malaga, and sold them as slaves to Spaniards. The free natives naturally retaliated on later-arriving English. [16]

Gorges, the following year, fitted out another vessel in command of Smith [16], but it met with mishaps and returned to England. [72] The two Weymouth Indians captured by the Spaniards were that year returned from England.

An excellent map of the New England coast, made by Smith in 1616, stands as a milestone in American cartography; upon it he placed the name of New England, the first map to bear that name.

Smith was subsequently to write: "In neither of those countries [Virginia and New England] have I one foot of land nor the very house I builded, nor the ground I digged with my own hands, nor ever any content or satisfaction at all, and though I see ordinarily those two countries shared before me by them that neither have them nor know them but by my descriptions." [62]

The prospective rise in value of land in Virginia from tobacco

growing quickened Gorges and his associates to obtain from the king a new charter to replace the defunct Plymouth Company grant. [16]

Some of the English Separatists who had been living in Holland for eleven years, and had learned of America from Dutch sailors, determined to go there. Accordingly, after long negotiation to procure funds for such an expedition, Thomas Weston organized a group of seventy merchants in England, who subscribed to about seven hundred shares at £10 each. [62] Land in the Delaware Bay region was obtained from the Virginia Company, which had been granted that region. [47]

The colonists were to engage in farming, fishing, building and trading. Every person over sixteen years of age of those who went, was to receive a share of stock. Children between ten and sixteen years were each to have half-a-share. The entire group bound themselves to work seven years and apply their net earnings to a common fund. At the end of seven years this fund was supposed to repay the loan.

After many false starts in two ships, which proved unseaworthy, 102 of the migrants finally got under way in the 180 ton ship, "Mayflower."

Owing to storms, or poor navigating, instead of making land at the Delaware Capes, they came to shore in Cape Cod Bay, December 29, 1620, and dropped anchor at the present location of Provincetown. That location being so exposed to north and northwest winds, they sought the west shore of the bay, where they made a settlement and named it Plymouth.

However, after a wretchedly uncomfortable, disease-engendering voyage of three thousand miles in winter weather over a watery waste, they found there ahead of them an absentee landlord—the reorganized Plymouth Company (Council of New England)—holding title to all the land in New England by grant made by King James I of England while the Pilgrims were voyaging westward.

They subsequently were permitted to occupy some land—without title being granted them.

The Plymouth Company (not the Pilgrims), was reorganized in 1620 as, "The Council Established at Plymouth in the County

of Devon for the Planting, Ruling and Governing of New England in America"; it became known as the Council of New England.

Following are excerpts from the grant which King James I made on November 3, 1620, to forty favored Englishmen [145]:

"We ordain that all the American continent between 40° and 48° N. [Philadelphia and Bay of St. Lawrence], from sea to sea, shall be the bounds of the second [the New England] colony and that it shall be called New England in America. [Virginia was called the first colony.]

"And we ordain that from henceforth there shall be for ever in our town of Plymouth [England] one body corporate which shall have perpetual succession which shall consist of forty persons for the planting and governing of New England and by the request of said petitioners we hereby appoint the following:

"Lodowick, Duke of Lenox, lord steward of our household; George, Lord Marquis Buckingham, our high admiral of England; James, Marquis Hamilton; William, Earl of Pembroke, lord chamberlain of our household; Thomas, Earl of Arundel; Robert, Earl of Warwick; Earl of Bath, Earl of Salisbury, Earl of Southampton, Viscount Haddington, Lord Zouch, Lord Sheffield, Sir Ferdinando Gorges, Sir Francis Popham, Sir Thomas Gates, Sir George Somers [and twenty-four others named].

"And we grant all the fisheries, mines and minerals as well royal mines of gold and silver, and quarries and other jurisdictions, royalties, privileges and franchises upon the main land and islands adjoining, *provided* they are not actually possessed by any other Christian prince, to have and hold the aforesaid lands and continent, and to profit therefrom, for ever to be holden of us and our successors; yielding and paying to us, our successors, one-fifth part of the gold and silver which may be found.

"And further we authorize said council shall from time to time distribute and convey such portions of lands hereby granted, respect being had to the proportions [investment of each] of the adventurers."

The capture of unlicensed ships and goods was authorized, "one-half of the value to go to the council and one-half to us." (There were restrictions as to Roman Catholics.)

"And we covenant that if the council at any time shall conceive a doubt concerning the validity of this grant or desire to have same renewed or confirmed by us or our successors we or our successors will forthwith make and pass under the great seal of England such further and better assurance of all the lands, royalties and privileges aforesaid granted or intended to be granted."

Bancroft [5] remarked: "Estimated at more than a million square miles, and able to support more than two hundred million people—given to forty individuals!"

This grant was opposed by the Virginia Company, which caused a delay of two years in beginning of operation.

The company announced that each stockholder was to pay in £110, but "only persons of honor or gents of blood would be admitted, except only six merchants to be admitted for services in trade and commerce." It purposed making a profit by grants of land to applicants, one such grant being to The Governor and Company of the Massachusetts Bay in New England, and to others as hereinafter related.

The grant of land in the Delaware region for the Pilgrims was obtained from the Virginia Company by John Pierce of Plymouth, England. As soon as Pierce learned the settlement at Plymouth was north of 40°, outside the Virginia Company area, he procured of the Council of New England, located in England, for himself and associates, land where the Pilgrims had located, at an annual land rent of 2*s* per hundred acres. This created him a landed proprietor. [112]

The grant to Pierce was the first one made by the Council of New England. It established no boundaries, but allowed a hundred acres for each person who should remain in the settlement three years. Pierce equipped and sent two expeditions to take possession of the Plymouth grant, but neither reached America, and he sold his claims for £500. [62] Governor Bradford afterwards wrote: "Pierce mente to keep it to himselfe and alow us what he pleased to hold of him as tenants."

The Mayflower colonists, seven years after they arrived, bought of the London merchants for £1,800 the seven hundred shares of stock for which the merchants had subscribed to send the Pilgrims to America. They were enabled to do this by granting

a monopoly to Governor Bradford and seven others—the monopoly of trading with the Indians.

The colony was thus released from communism, and land was then allotted to the individual settlers, though titles were never ratified by the crown. Each person was allotted one acre, and a few years later an additional twenty acres. Meadow lands were declared as commons, for the free use of all.

Governor Bradford said the experience with communism in Plymouth taught that self-interest checked "those most able and fitte for labour without advantage otherwise."

The Mayflower colony was founded by the common people, and was ignored by the crown and the Church until seventy-one years later, when it was suppressed by the crown and absorbed by the Massachusetts Bay Company.

The monopoly conferred upon the Council of New England was immense. Without the leave of the council, not a ship might sail into a harbor between Newfoundland and the latitude of Philadelphia. To protect its monopoly, like all subsequent colonial lords proprietors, the council did not permit settlers to trade with the Indians. Not a skin might be purchased of the Indians, not a fish might be caught on the coast, except upon license granted and payment of 5 per cent toll on all fish caught, not an immigrant might tread the soil. And the right was held to capture any vessel poaching thereon without a license from the council.

To avoid conflict with Spain, France or Holland, a proviso in the grant excepted, please note, all territory "actually possessed or inhabited by any other prince or state." The Dutch were then there.

Not only did the Council of New England hold all the land, but it had a monopoly of the ocean bordering thereon, just as today holders of title of beach-front land along the seashore of northern New Jersey exercise a monopoly right; erecting wire fences, and charging a fee for the privilege of bathing, or of even wetting one's feet, in the Atlantic Ocean.

A contention arose between Ferdinando Gorges and the London (Virginia) Company as to the monopoly rights of fishing along the coast; some contending that the sea was as free as air. [112]

Conflicting grants of land in Massachusetts, New Hampshire and Maine, were sometimes unscrupulously made by the Council of New England. Boundaries were ill-defined, which resulted in quarrels and fights. [47]

The Indian population in Massachusetts was estimated by Gookin to have been thirty thousand, prior to the plague, which killed a very large proportion of them shortly before the arrival of the Mayflower colony.

Williamson, in a *History of Maine,* said the European population of Maine in 1620 was twelve hundred distributed as follows: Piscataqua 200, Saco 175, Casco and Brunswick 75, Kennebec 100, Sagadahoc, Sheescot, Pemaquid, St. George and islands 500, and York 150.

The council made a formal complaint against the Dutch at New Netherland, whereupon the English government for the first time distinctly asserted the unlawfulness of the Dutch occupation. [16]

The region between Cape Cod and the Chesapeake was unexplored by the English, and almost unknown to them, until the Englishman, Dermer, sailed into New York Bay through Long Island Sound in 1619. [16]

At the request of King James I, the Council of New England in 1621 made a grant of land to Sir William Alexander, Secretary of State for Scotland, secretary to James, and later to become Lord Stirling. Under this grant, Alexander claimed he was entitled to land in Maine, between the St. Croix and Kennebec Rivers.

Ferdinando Gorges and John Mason, both of London, president and secretary respectively of the Council of New England, on August 10, 1622, granted to themselves jointly, their heirs and assigns for ever, all the land between the Merrimac and Sagadahoc (Kennebec) Rivers, to the farthest heads of said rivers and beyond—to a point not clearly discernible. There were many settlers in Maine when this grant was made. [169]

Joint ownership was apparently not satisfactory, and this grant was replaced by separate grants to each [145] of land within certain defined areas. On November 7, 1629, they, as officials of the council, granted to John Mason, his heirs and assigns, all the

land between the Merrimac and Piscataqua Rivers, to the heads thereof, including all minerals, fishings and jurisdictions, together with all islands within fifteen miles of the coast; he to pay to each, the council and King Charles I, one-fifth of all gold and silver discovered.

This grant was modified about five years later, to include additional land . . . together with all land rents for ever, reserving for his majesty, King Charles I, one-fifth of all gold and silver obtained.

The King in 1639 confirmed to Sir Ferdinando Gorges, knight, his heirs and assigns, a grant of all that part of New England between the Salmon Falls and Kennebec River, from the ocean to the heads of each; and also the north half of the Isles of Shoals, and all the islands within fifteen miles of the main land, and the islands of Capawock (Cape Poge) and Newticum (one of the Elizabeth Islands).

"And we ordain that the land aforesaid shall be called the Province of Maine, together with the fishing and whales, also all royalties of hunting and all mines of gold and silver and other metal, and ambergris, which shall be found, and all patronage and advowsons of all churches erected and to be consecrated according to the ecclesiastical laws of England . . . To be held of us our heirs and successors . . . yielding and paying to us our heirs and successors, one-quarter of wheat and one-fifth part of the gold and silver found, and one-fifth part of the yearly profit of pearl fishing.

"And we grant all treasure trove, chattels of felons and felons themselves, waifs, estrays, pirates goods, deodands, fines and amerciaments of all the inhabitants.

"Our will is that the religion now performed in the Church of England and Ecclesiastical government shall be forever hereafter professed throughout the province. We grant power to establish a government, erect forts, cities, boroughs and markets. Any want of certain bounds or situation of the province, latitude or misnaming of places or lands shall not invalidate this grant."

It is interesting to know something of these two men, and of the influences which caused them to be granted an empire within New England. Sir Ferdinando Gorges, soldier of Elizabeth,

friend of Raleigh, was a follower and favorite of Essex, and fell with him, but was later restored to favor and appointed governor of Plymouth, England. His interest in land in America was awakened when Weymouth presented him with three kidnapped Indians. He never was in America.

John Mason was a London merchant who was in the navy during the war; he was made governor of Newfoundland and came to America. He returned to England and was elected a member of the Council of New England.

It was said that Mason had no religious scruples to interfere in the manner of his acquiring land. [7] Neither Mason nor Gorges would recognize any right of the Indians to land. [5]

Robert Gorges, son of Ferdinando, and a shareholder in the Council of New England, was sent to America in 1622 to prevent fishing, except by those who paid a license as provided by the grant of the fishing monopoly. He "found the fishermen stubborn fellows and too strong for him," and he soon returned to England. [169]

He had a tract of land ten miles along the coast, and thirty miles inland, on the northeast side of Massachusetts Bay, granted to him by the council, partly in consideration of his father's services to the company.

Thomas Weston, who had arranged the financing of the Pilgrims' migration, obtained a grant of land near the site of the future town of Weymouth. He sent sixty men to the mouth of the Quincy River. There they built a trading post which later failed. [62]

In 1623, in payment for Monhegan Island, the first bill of exchange in America was drawn by Abram Shurt for £50, upon a firm in Bristol, England, in favor of Ambrose Jennens of London. [72]

People from Plymouth and Dorchester contended for land on Cape Ann, and the Mayflower settlers located outposts on Buzzards Bay and on a grant made to them along the Kennebec River.

A grant of six thousand acres and an island near the mouth of the Piscataqua River was made by the council, in 1622, to David Thompson, a Scotsman. Associated with him in the speculation

were three merchants of Plymouth, England. Thompson came to New England some months later and made a settlement at Little Harbor (Portsmouth) probably the first settlement in New Hampshire. The following spring, Gorges and Mason sent over some fish mongers and others to settle at Little Harbor, some of whom, including Edward Hilton, settled at Dover Neck. A few years later, Gorges and Mason, officials of the council, granted to themselves surrounding land, a part of which they later sold to some merchants of Bristol, England. In 1632 they sold the remainder, presumably, to Lord Say and Sele, and to Lord Brook and his associates. [169]

So many grants were made about the mouth of the Piscataqua River that it is difficult to define their boundaries. Grants were made at the mouth of the Saco River, on which Saco and Biddeford are situated. Others were the Muscongus grant, thirty miles square along the seacoast between the Penobscot and Muscongus Rivers, and the Laconia grant, stretching along the coast between the Kennebec and Cape Porpoise and forty miles inland. [112]

Captain Christopher Levett, of Somersetshire, England, a member of the council, obtained for himself a grant of six thousand acres of land, to be located at his pleasure. He sailed from England and in 1623 arrived at the present site of Portland, where he was welcomed by the native chief and urged to settle there, which he did. [80]

This area was, however, within the territory which Gorges and Mason, as officials of the council, had granted to themselves only nine months previously.

The council in 1623 divided, as the first dividend to its remaining twenty members, the land between Cape Cod and the Bay of Fundy; at a drawing by lot at Greenwich, in England, on Sunday, at which the king was present. [169]

In the drawing, the Earl of Arundel drew the eastern-most part of Maine; Sir Robert Mansell drew the Mount Desert region; the Earl of Holdernesse drew the Casco Bay (Portland) section; the Earl of Warwick obtained Cape Ann; the Earl of Buckingham got southern New Hampshire; Dr. Gooch received Cape Cod, and Gorges drew the prize of Boston harbor and its abutting land. [112]

Captain Wollaston arrived in 1625 with a group of indented servants, and located on the site of Quincy, but afterwards carried the servants to Virginia and sold them.

The earliest permanent settlement in Maine seems to have been at Pemaquid, in 1625, or the following year.

The Company of New France was organized in 1627 as a land-holding and trading company, composed of one hundred associates, of whom Richelieu was the head. The whole of New France, from the Arctic circle to Florida, and from Newfoundland to the source of the St. Lawrence and its tributary waters, was conferred on the Company for ever, with sovereign powers. The king of France gave two ships of war, armed and equipped. [114]

Thenceforth there were numerous French voyages to the St. Lawrence until the French had well-established settlements and forts, not only along the St. Lawrence but along the Great Lakes and the entire course of the Mississippi River and its tributaries. [47]

Supplying the Indians with firearms was forbidden in New Hampshire, as in most colonies, and an English trader from Massachusetts, who had done so, was arrested and sent to England. [7]

A grant of land, [145] and a charter to the Governor and Company of Massacusetts Bay in New England (Massachusetts Bay Company) were issued by the Council of New England, on March 19, 1628, to Sir Henry Roswell, Sir John Young, Thomas Southcott, John Humphreys, John Endicott and Simon Whetcomb, their heirs and assigns and associates for ever. The grant included all that part of New England lying along the Merrimac and Charles Rivers, from the Atlantic Ocean to the South Sea, and all islands in both seas. All jurisdictions and rights, all mines and minerals were ceded; yielding and paying to King Charles I, his heirs and successors, one-fifth of all gold and silver discovered.

It was provided, as in the original grant of 1620 to the council, that if any part of the land granted was "actually possessed or inhabited by any other Christian prince or state, the grant should be utterly void." This grant included all the land between Esopus, on the Hudson River, and the Mohawk River, then in

possession of the Dutch, and it conflicted with the grant to Gorges and Mason in 1622 and with a grant of three hundred miles square to Robert Gorges, subsequently compromised.

Charles I on March 4, 1629, confirmed the grant by his father James I, November 3, 1620, to the Council of Plymouth for New England (Council of New England), and the grant by the council to the Massachusetts Bay Company, just cited. To the latter he added the names of Sir Richard Saltonstall, Theophilus Eaton and eighteen others. [145]

The Massachusetts Bay Company, composed mainly of Puritans, was not dependent on capital from London investors, as had been the Mayflower colony nine years previously. It included some men of landed estates in England, some wealthy merchants, as well as members of professional classes, scholars and yeomen in the eastern counties of England. [10]

The company on August 20, 1629, voted to remove the seat of government from Plymouth, England to Massachusetts. The management of the company was to be by a governor, deputy-governor and eighteen directors. John Winthrop, forty-one years of age, a lawyer and landed proprietor from Groton, in Suffolk, was elected governor. A committee was appointed to consider the distribution of land.[a]

A few weeks later the regulations were submitted and accepted. Provisions were made for land to be granted to adventurers (investors) and to others settling in the colony.

John Endicott was selected to lead a party of sixty, taking the charter with him. John White, Puritan rector of Trinity Church, Dorchester, was of the party. Upon arrival in September, 1629, they united with the existing colonists and founded Naumkeag (Salem). Endicott served as governor until the arrival of Winthrop the following June.

During 1629 six ships arrived with 300 men, 80 women, 26 children, 180 indented servants, 140 head of cattle, 40 goats and abundance of arms, ammunition and tools. The leader of this company was Francis Higginson.

At Salem, a committee adopted a plan for dividing or allotting land, so as to "avoid all contention twixt the adventurers." In

[a]Mass. Col. Rec.

some places it was allotted by vote in town meeting, or by committees. Consideration was given to needs, and the ability to use the land. To later arrivals the allotment to each was to be reduced to fifty or one hundred acres. [63]

If the town plan had been made, and known publicly, no one was to build elsewhere. It was ordered that town lots of half-an-acre could be had in Salem by any who wanted them. Fifty-acre tracts were also allotted to shareholders, and a similar acreage to each member of a family that had come at its own expense. [112]

Winthrop was selected to lead a migration consisting of "Puritan gents and yeomen families" with their indented servants and cattle. With him was Thomas Dudley, later governor of the colony. They sailed from Plymouth, England, in April, 1630, with four ships, including the "Mary and John" of four hundred tons. During the voyage of ten weeks, "there was preaching and expounding every day."

No fewer than seventeen ships arrived during 1630, with sixteen or seventeen hundred immigrants, mostly from the western England counties of Devonshire, Dorsetshire and Somersetshire. [142] This migration to America, in two years, was the largest of any in a like period until a century later, when William Penn settled Pennsylvania.

They first located at Salem, but soon thereafter Endicott sent fifty persons to begin a settlement at Charlestown. The following September they founded Boston, where William Blackstone, an English clergyman and recluse, had previously erected a cabin on the Shawmut Peninsula, since called Boston. Samuel Maverick, son of an English clergyman was located on Noddle's Island, East Boston, and Thomas Walford, a blacksmith, was located on land at Charlestown.

Gorges claimed all these as his agents, and as was usual everywhere, payment was demanded for the right to locate there the future New England metropolis. Many settlements were made thereabouts which—strange to say at that early day—are stated to have failed because of "ungovernable persons, the very scum of the land."

It would seem that up to the time of the transfer of the company to America, a division of the land was contemplated. But

the rules for allotting land had been in force for some time when Winthrop came. After his arrival the company no longer acted as a land company or sought to profit by its landholdings. But as population increased, it was more difficult to obtain land because those who had early become possessed of it exacted ever-increasing prices from later arrivals.

The first grant of land, made to any one person, appearing in the records of the Bay, was one of six hundred acres made in 1631 to John Winthrop, the only entry for that year.

The settlers had dwellings of their own, a varied diet, few wants and rarely much education, but they had the great satisfaction which comes from hard, productive work, victory over nature, and, by reason of some land being obtainable, increasing opportunities for themselves and their children. [63]

The Mayflower colony held, by a grant from the Council of New England in 1628, the land along the Kennebec River, but the boundaries had never been clearly defined. A confirming grant, issued by the council in 1630 (but never confirmed by the king), read, in part:

"The council do give and grant to William Bradford and associates, heirs and assigns . . . the space of fifteen English miles on each side of the Kennebec River. Yielding and paying to our sovereign lord the king, his heirs and successors, for ever, one-fifth of all gold and silver discovered; and one-fifth part to the council."

Eleven years later Bradford and his associates surrendered a portion of this land to the freemen, and sold to Tyng and others for £500 one tract extending eight miles inland, which became known as the Kennebec purchase.

John Gorges, in 1629, tried to assert the validity of the claim of his late brother, Robert, by executing conveyances covering portions of it. One of these was made to John Oldham. Gorges further maintained that he retained possession of the country through the presence of his brother's tenants, Blackstone, Maverick, Walford and others, on the shore of the bay. [47]

To the chagrin of the land proprietors, the early immigrants in Maine, instead of taking up land for farming, found it more

profitable to apply their labor to the fur and fishery trades, but even these occupations involve use of land.

At first, all islands were reserved for the public benefit, to be let and disposed of by the governor, and accordingly many leases of islands were made to individuals. But in time, at the urge of land grabbers and speculators, the islands were granted like other lands; though some were granted only for life, at an annual rental.

John Stratton, claiming residence in New England for three years, was in 1631 granted land at Cape Porpoise, Maine. A grant of twenty-four thousand acres on both sides of the Acomenticus River, in Maine, was made to several persons, including Ferdinando Gorges, three years of age, a grandson of Sir Ferdinando. [169] Ten years later, part of the area, the present location of York, was chartered as the city of Georgeana, the first incorporated city in America. [72]

Roger Williams, a Welshman about thirty years of age, arrived in Massachusetts with his wife in 1631. Williams, "Lovely in carriage," "Godly and zealous, having precious gifts," had a degree from Cambridge. He had been a student in the law office of Sir Edward Coke, who had assisted in his education. [5] He was seeking a refuge from the autocratic rule of the later discredited and beheaded Archbishop Laud, ecclesiastic servant of Charles I.

Two years after his arrival Williams became pastor of a church at Salem. He wrote a pamphlet in which he took the broad ground, ethically sound, that the true and ultimate source of title in land in America was not the royal grant of some intruder like a so-called Christian king, but the Indians; [47] that "to rely upon a title to land derived from the crown was an usurpation, and a sin requiring public repentance."

He advocated equal protection of all forms of religion, separation of church and state, and other religious reforms. He again renewed his attack on the royal charter of Massachusetts, particularly "that part respecting the granting of land," and of which he complained in a letter to the king. [124]

Williams was charged with "teaching publicly against the

king's land grant, and that our great sin is in claiming right to the land thereby." [112] In consequence of this he was summoned before the court and was condemned by a council of clergymen. Having been sentenced to banishment, and on the verge of seizure for deportation to England, Williams, in the midst of bitter cold and snow in January, left Salem to seek a home in the Narragansett country. His activities there in founding a state are related in the chapter on Rhode Island.

The settlers at Massachusetts Bay denied any claim of Gorges to the land in Maine, and in 1632 he appealed to the privy council in England. [63]

In all the colonies a grant of land was often made as an inducement to erect a mill or perform other public service. After the first few years there were such grants as that to a Mr. Eaton, a teacher, "on condition that he continue his employment with us for life"; to E. Rawson, that "he go on in the business of powder"; to Stephen Day, "for being the first that set up printing"; to Goodwin Stowe, "for writing the laws"; to John Winthrop Jr., "on condition of his establishing salt works"; to Governor Endicott, "on condition that he set up copper works"; to others for establishing iron works and mining. Three to five hundred acres were given to different persons for ordinary civil services. [42]

The French claimed all the land in Maine, at least as far west as the Kennebec and Androscogin Rivers. The English would not admit the French claim to extend south of a line drawn through Houlton, Mount Katahdin and the north shore of Moosehead Lake. This English claim was based on the grant of King James I: "We give them all the land up to 45°N. which do not actually belong to any Christian prince." But at that time the French were in possession of the region south of 45° (the parallel which is ten miles north of Bangor).

Reports that the French were, in 1633, attempting colonization of the coast to the eastward, excited apprehension. It was decided that a settlement should be begun at Agawam (afterwards named Ipswich), thirteen miles north of Salem, "lest an enemy, finding it void, should take it from us."

The Council of New England had, by this time, granted the

entire territory between the Piscataqua and Penobscot Rivers. Settlements which had been made prior to the Gorges grant were respected.

Gorges took the northernmost Isles of Shoals and made them a part of Maine: Mason took the southernmost islands and annexed them to his province of New Hampshire. [79]

The council, about 1633, granted to former Governor Craddock a large area which extended "a mile from the riverside in all places." They also made two other grants of five hundred acres each, besides that of Taylor's Island.

New grants were exempt from payment of public charges (taxes) for a variable number of years up to six, or even more.[b] This made easy the holding of land out of use, forcing others who needed land on which to live to go farther afield from the protection of the settlements—which was the cause of many murders by Indians.

Furthermore, the exemption from taxes encouraged taking up more land than was needed for use, and holding it for an increased price from settlers as they came in needing land.

Naturally, many grantees neglected to improve their land, and presently it was ordered that if any large grant were not improved within three years the court might dispose of it.[c] But this was generally disregarded.

The population of Massachusetts was estimated by Winthrop, in 1634, at four thousand. About three thousand settlers arrived the following year. So much land had been granted and held unused by absentees that the pressure for land to use began to be felt. New arrivals were obliged to locate in the interior, or along the remote seacoast. This began on an extensive scale within fourteen years after the arrival of the first settlers, and was thereafter practically continuous.

Gorges sold to Mason a tract three miles in breadth along the northeast side of the Piscataquay River, from its mouth to its source. [7]

The southern part of the Isles of Shoals, held by Mason, became important in fisheries. The population increased to about

[b]Mass. Col. Rec.

[c]*Ibid.*

six hundred, which was greater than at any other settlement, and title to the island became of substantial value.

The first settlers in New Hampshire and Maine were from Devonshire, Cornwall, Bristol, and Dartmouth, and other south-western parts of England. [80]

The Plymouth Company (Council of New England) had been accused in England of maintaining a monopoly in land which led to adverse conditions. Sir Edward Coke, preceptor of, and undoubtedly prompted by, Roger Williams, declared in the House of Commons that the company is "a grievance of the commonwealth, for private gain." To which Gorges, a foremost member and beneficiary of the company, hypocritically replied that it was undertaken for the advancement of religion. After repeated hearings in the House of Commons, in 1635, the charter was declared forfeited.

Unlike the land of the Virginia Company charter, which, upon forfeiture eleven years previously had been appropriated by the king, the land of the New England Council was not forfeited. The company, in preparation of dissolution, distributed among its remaining eight members, original grantees, the residue of its land which lay along the coast and extended, generally, sixty miles inland. The company then surrendered its worthless charter.

In this, with previous distributions, Gorges and Mason, and some influential nobles at court, including Salisbury, Sterling, Arundel, Lennox, Pembroke and Buckingham, were allowed to parcel out among themselves a large part of the land in New England. [112]

Gorges was governor-general of New England, but he sent a nephew, William Gorges, to govern, who remained less than two years. [5] Gorges received from Charles I confirmation of his grant, and undertook the organization and settlement of the province of New Somerset, or Maine. [24]

With the death of Mason in 1635, and the aging of Gorges, several settlements along the coast north of Massachusetts were without adequate government, and Massachusetts, upon invitation of some of them, took over the government.

Three of the grantees of the Council of New England were apparently without interest in the land which had been allotted

them as dividends. The other five continued to meet, no longer as a corporation controlling the territory and government, but as absentee landholders desiring to obtain confirmation by the king of title to the lands granted them. Lack of geographical knowledge of the country prevented distribution of all their land, and such afterwards-discovered land again came into possession of the crown. The indefinite, or lack of, boundaries were, in the words of Sullivan, the historian, "but a course of confusion."

Upon these grants, about which there was so much dispute, rests the title of a great part of the land in New England. These grants are the fundamental documents, upon which were based the right to occupy and dispose of land. The grants were vague, and often in conflict. Few of the land titles in New England were legally correct. [63]

The territory under jurisdiction of the Massachusetts Bay Company included not only the original grant to the company but, during the more important part of its history, the territory of Maine under its various names, and of Plymouth; and also, for a time, the southern part of New Hampshire.

The town of Malden was granted one thousand acres for the use of the ministry for ever, but this was exceptional.

Some English peers, including Lord Say and Sele, and Lord Brook, became interested in obtaining land in America. As an inducement to come to America they exacted that the court (the legislative body) should consist of two branches, an upper and lower house, in the former of which they should have seats. This was granted, but the colonists objected to and defeated the proposal of an hereditary nobility in the province. [5]

Water-power was not recognized as subject to absolute private property. Sawmills and grist-mills were regarded as quasi-public utilities. [63]

In 1637 a committee was chosen to supply land to those who might want and deserve it. Fitness to receive land rested upon the ownership of common stock in the Massachusetts Bay Company, ability to improve the land, and the area already held.[a]

The court declared that the Indians had a natural right to only that land which they could improve, and that other land was open

[a] *Op. cit.*

to those who could and would use it. John Winthrop said: "It would be very prejudicial to the commonwealth if men should be forced to go far off for land while others had much and could make no use of it more than to please their eye with."

Disregard of this broad principle has created most of the world's economic and social welfare problems.

"Like Roger Williams, or worse," as the perplexed Winthrop exclaimed, was Anne Hutchinson, "of ready wit and bold spirit." In 1637 Mrs. Hutchinson, and Wheelwright, who was pastor of the church at Braintree, were brought to trial for expounding perplexing religious views, and were condemned to banishment. With her husband, they went to New Hampshire and founded Exeter. Winthrop wrote: "Mr. Wheelwright being banished from us, gathered a company and sat down by the Falls of Piscataqua, called their town Exeter, and bought land of an Indian, and then wrote us that they intended to lot out all these lands in farms, except we could show a better title."

Because of the rigorous climate they abandoned Exeter. Joining with others of their sect led by William Coddington, they settled for a while at Narragansett, as related in the chapter on Rhode Island.

Governor Dudley in 1637 received a grant of one thousand acres in Massachusetts, and the following year there were fourteen grants averaging 372 acres including one of fifteen hundred acres. [42]

Beginning in 1638, and continuing for many years, the peltry trade was farmed out for a fixed sum per annum, probably much as the Alaska seal catch was granted by the United States government after acquiring Alaska.

The number of Indians in Massachusetts at that time, in the opinion of Dr. J. G. Palfrey, the historian, did not exceed fifty thousand, of which one-half were in the Connecticut and Rhode Island regions, including eight or ten thousand Narragansetts, of whom one-fifth were fighting men.

A committee was appointed to report on all applicants for land, and in 1639 there were twenty-three grants, averaging 360 acres each. There were more than one hundred grants by the court to other individuals; the largest being 3,200 acres to the

executors of Isaac Johnson, in consideration of his large "adventure" (investment) in the stock.

There were granted to Mr. Saltonstall, 3,200 acres; to Mr. Nowell, 2,000 acres; and to Mrs. Winthrop, 3,000 acres. John Winthrop received 3,000 acres which had been conquered from the Pequots. [42] By this time the immediate wants of the leading men for land had been satisfied, and all others were referred to the promoters of the various towns to which the court had granted land.

At Rowley, the inhabitants labored in common, there being no individual landholders since the land was owned by the community. After five years, about 1639, this plan was abandoned. [158]

In Salem there were large areas of common land such as there had been in England. In such commons, ten or more fields were fenced and cultivated by numerous individuals or families. One field in Salem contained 600 acres and another 490 acres. The larger field was continued in cultivation until after the Revolutionary War. There were similar commons in most other towns.

Boston voted in 1640 to admit a carpenter named Palmer as an inhabitant, "if he can get a house, or land to set a house upon." In Charlestown John Greenland had a similar experience. [158] It seems ridiculous that, within only twenty years after the first white settlers arrived, all the land at Boston should have been privately appropriated. Certainly it could not have been occupied.

Meadow, pasture and plow lands were often held in common. At first, cultivation of land held in common was on a much larger scale than it was at a later day; the diminishment was probably owing to private allotments and fencing. [42]

The fathers of New England in the early days evidently intended, by the distribution of land, that every industrious man should have the means of obtaining an adequate share of the comforts of life. [89x]

Aside from grants of large areas by the king to court favorites, there was no land granted free in New England except that granted by the court, or later, by the court to town promoters, who distributed small patches to only the very earliest settlers. All subsequent settlers had to buy land of the town promoters.

The usual procedure for starting new towns was: The court granted to a group of promoters the site for a new town, and the promoters subscribed a small sum for promotion to attract settlers to help create land value. After allotting a plot to each settler attracted, the promoters retained the remaining land, which became the promoters' profit.

In general, a tract six miles square was thought the best size for a settlement. Some were eight miles square, which the court thought large enough for sixty families, and which would have given them more than one square mile each. [42]

Egleston [42] clearly defined the status of these proprietors: "'Commoners' were originally those to whom the court had made a grant of land in common for settlement. But the term 'proprietors' was also used with the same meaning as 'commoner' and became the legal term." Though probably not so intended, or even contemplated when this method of allotment was inaugurated, the proprietors in time assumed a vested privilege in the land, remaining unallotted, in that, "the right of a commoner, or proprietor, might be conveyed or inherited like other land. The commoner was not necessarily an inhabitant, nor entitled to vote in the town. Nor need a town voter be entitled to a voice in the control of the common lands, or any right to them whatever. The town promoters and the political community were distinct bodies. Separate records of these proprietors' meetings are very generally found in the older towns, where they form legal evidence of title."

There was no uniform rule, and land was variously distributed in different towns, and even in the same town. In a few towns, the least share was half as much as the greatest, or the poorest man received half as much land as the wealthiest. In others the smallest share was only one-third, or even one-tenth, as much as the largest. In some the inequality was much greater. [89x]

Some of the leading men of Ipswich were, in 1635, allowed to send settlers to form a settlement in Newbury. In 1641 the court granted land at Charlestown to seven promoters. The settlers there, comprising about sixty families, received tracts of varying sizes. "The poorest men and families received twenty-five acres upland and six or seven acres of meadow."

In Lancaster, in 1654, the promoters decided to limit allotments to thirty-five families, who were to become townsmen. Lots were laid out equally for the most part, among rich and poor, "partly to keep the town from scattering too far, and partly out of charity and respect to men of meaner estate. Yet that equallitie, which is the Rule of God, may be observed, we agree that in a second division and all other divisions of land, he that now hath more than his estate deserves, shall have so much less, and he that hath less shall have more." [110]

The earlier settlers in New England were able to get small patches of free land; which was preferable to the obligation imposed upon the settlers in all other colonies to pay to some lord proprietor, living beyond the sea, a perpetual land rent on all land obtained. Nevertheless, qualifications for obtaining free land in New England were shamefully restricted by the proprietors, or promoters, in most towns.

The area of land already held and taxes paid elsewhere, the amount invested in the new promotion, and the "quality" and qualifications of the applicant, were paramount factors in the distribution of free land in the new towns.

Such were the conditions at Springfield, Northampton and Ipswich, and the rule almost everywhere. At Barnstable one-third of the land was granted on that basis. The remaining land seems to have been allotted one-third to all equally, and one-third to those over twenty-five years of age. At Hadley, forty-eight promoters subscribed £50 to £200 each, and after a small allotment of land was made to each settler, including minors over sixteen years of age, the remaining land was divided among the promoters in proportion to their subscriptions.

Those under sixteen years of age, when they reached manhood, were obliged by those of the preceding generation who had become possessed of the land to pay for the right to produce and earn their living on unused land. And that uncivilized practice is universal today.

Roxbury promoters, sending settlers to Woodstock about 1661, agreed that if thirty men should go there and settle, they should have one-half of the land in one tract eight miles square, at their selection, together with £500 to be laid out in public buildings

to create a town.[e] The promoters were to retain the other half of the land.

In Dedham, married men received twelve acres each, unmarried men eight acres, although a certain few were allotted more. Keeping up the town promotion business, the proprietors of Dedham in 1661 sent men to found the town of Wrentham, and later exacted of the settlers who went there £160 in payment for the land on which they had settled.[f]

At Haverhill in 1663, it was voted that "he that is worth £200 is to have twenty acres, and every one under that sum to have acres proportionably." Fishers' Island was, in 1668, granted to John Winthrop, Jr., at an annual rental of one lamb, payable to the Duke of York, and the island was held by his descendants for nearly two centuries. [16]

The division of upland, meadow, marsh and rocky land in any equitable manner was most difficult, and resulted in widely separated strips of land of varying quality being in one ownership. Consolidation of these tracts occurred gradually through purchase or marriages.

Distribution of the common land might have been made to better advantage, to both the community and the individuals, by allotting tracts of land at an annual ground rent to the community. In that way he who wanted a choice tract would pay more rent than he who had a poorer tract; besides, had the rental charge been subject to increase as population made the land more valuable, speculation would have been discouraged and a revenue brought into the community treasury in lieu of imposing taxes to provide funds for schools, highways, and bridges. Duxbury did do this to some extent.

As the inhabitants of a town increased, the proportion of landless increased, and they actively resented this concentration of the common and unallotted land in the possession of a relatively few promoter-proprietors, who quite obviously formed a limited and privileged class. [172] Control of land acquired a monetary value in these growing towns and became an object of desire both to those already owning land and to those who had sought it. The

[e]Ellis, Roxbury

[f]Annals of Dedham

proprietors soon discontinued allotting to new arrivals the privilege of participation of ownership in the commons. After a time free land was denied, and a price put upon all land, payable to the promoter-proprietors or their heirs and assigns. [112]

In Watertown, as early as 1635, it was ruled: "No foreigner coming into the town, or any family [the younger generation] arising among ourselves, shall have any benefit, either of commonage, or of land undivided, but what they shall purchase."[8] In the name of greed, surrounded by unused land, they denied free land to their own children who wished to start their own homes. Thus arose on a continent where for centuries there has been unlimited unused land, the existence of an ever-increasing horde of landless people, the major cause of poverty and crime.

At the end of twenty years, the nineteen original promoters in Dedham, or their heirs, voted to discontinue allotting free land and exacted payment by new settlers. There then arose as in most towns, a dispute between the promoter-proprietors and heirs and the settlers, as to the division of the unallotted land and the monetary spoils. The court (council) had granted land from the public area to the town promoters without cost, and the question was raised: to whom belongs the land remaining ungranted by the promoters and their heirs?

The heirs and assigns of the original grantees claimed they were the sole proprietors. They were thus, in a small way, like unto the Calverts and the Penns. The opposition contended and maintained for two generations, and with reason, that the land had been granted by the court to all the original and future inhabitants collectively. [112]

Of the people of the old towns soon after their settlement, a much greater proportion were free-holders and independent farmers, than at any subsequent period. [89x] Land tended to concentrate in fewer hands, owing to the desire to reap the unearned increment in land value arising from increase in population—with what disadvantage to the rising generation we have already seen.

As a mutual protection against the claims of the Dutch, the threats of the French, and the danger from Indians, the four

[8]Bond, Watertown

New England colonies—Connecticut, New Haven, New Plymouth and Massachusetts (which included New Hampshire and Maine)—in 1643 formed a confederacy of the United Provinces of New England.

One article of the confederation read that: "The spoils of war on the Indians, whether it be in lands, goods or persons," were to be proportionally divided among the confederates. [16]

The expenses of war charged to each colony were based upon the proportion of its number of males between the ages of sixteen and sixty. The confederation continued for half a century until the British government terminated it. [71]

The confederated colonies contained thirty-nine towns, with a population estimated at 24,000. [47] The population of all Massachusetts was estimated at 26,000.

The Mayflower colony at Plymouth had, about 1630, established a trading post at the mouth of the Penobscot River, and another at Machias, near the extreme eastern edge of Maine. (Much of the information here given pertaining to the conflict over these settlements is from Osgood.) [112] There was a French trading post at the mouth of the St. John River, directed by Charles de la Tour, sanctioned by the Company of New France, and another, in competition, across the Bay of Fundy, at Port Royal, in command of D'Aunay Charnisay, under authority of the King of France.

The French had continued to assert that the bounds of New France extended west and southwest to the Kennebec River. Charnisay captured the Plymouth settlement at Machias, and three years later preempted the one on the Penobscot. He also captured and imprisoned LaTour.

LaTour, upon his release, went to Boston for help and proposed that he would assist the Plymouth people in recapturing their post. Some Boston merchants organized a filibustering expedition of four vessels and seventy men, and with the tacit consent of the Massachusetts officials sailed for Port Royal. In the encounter, three Frenchmen were killed and movable property captured. The expedition returned to Boston, and the Plymouth partners sold their claim against Charnisay to some venturesome mariners.

The following year LaTour organized an expedition at Piscataqua, and with about twenty men proceeded to attack Charnisay, at Penobscot, occasioning further loss of life. Subsequently, a Massachusetts vessel and the LaTour fort were captured by the Charnisay forces, and all the garrison executed, except LaTour, who escaped. In 1645 a treaty of peace was agreed upon.

Sir Ferdinando Gorges died in 1645, but the government in his interest continued at Saco and York. [112]

Gorges had held all the land between the Piscataqua and Kennebec Rivers in Maine, but did very little as lord proprietor. Upon the death of royal grantees of land there generally resulted much confusion about land titles and boundaries, which led to prolonged and expensive contentions. [63]

In Maine, the transplanted feudalism of Gorges, and the large grants from the Council of New England, were looked upon with disfavor by the people of the colonies, and were with difficulty maintained among them. These large grants were doubtless an injury to the provinces, hindered their development and, to a great extent, left them wastes. [42]

During his later career, Gorges was an advocate of the feudal type of colony, and could he have had his way, would have firmly established it in New England. [112]

Stuyvesant, the governor of New Netherland, in a letter to the New Haven authorities in 1647, claimed as part of New Netherland all the land between Cape Henlopen, Delaware, and Point Judith (which the Dutch called Cape Cod—the present Cape Cod, the Dutch called Cape Malabarre). Eaton, at New Haven, declared the Dutch director to be a disturber of the peace, "making unjust claims to our lands and rivers." [16]

Upon dissolution of the Laconia Company, shareholders brought suit between themselves and litigation continued several years. [169]

The British Navigation Act of 1651 injured Dutch commerce and the Virginia tobacco growers, but inadvertently helped build up a merchant marine in New England to carry contraband goods to Europe in swift vessels.

After appropriating the land of the Indians, the Massachusetts

court enacted that land might be allotted to Indians who adopted civilized customs.

The Sagamore of Nashaway having died, the selectmen of Lancaster in 1654 appointed a committee of two to go to the tribe to persuade them to appoint as the new sagamore one whom the selectmen favored.

There were repeated conflicts in Maine between the English and French and their respective Indian allies. The English attacked the French at the Penobscot and St. John Rivers in 1654. Nova Scotia was taken and in a few weeks the French were subjugated.

Thomas Mayhew, a Watertown merchant, in 1641 bought Martha's Vineyard, Nantucket and the Elizabeth Islands [112] of the Earl of Stirling, to whom they had been granted without cost.

Governor Winthrop, in behalf of the Massachusetts Bay Company, claiming that the northern limits of its royal grant extended to Casco Bay (Portland), took possession of New Hampshire and Maine in 1643 and retained them for nearly forty years, until 1679.

Cromwell, as Lord Protector, apparently considered himself the owner of the land in America in as complete a way as the king previously had been. In 1656 he granted Nova Scotia to Sir Charles St. Stephen, Thomas Temple and William Crowne, for a payment "yearly, and every year, to us and our successors, twenty beaver skins and twenty mouse skins." [6] Thirty-five years previously, at the request of King James I, Nova Scotia had been granted by the Council of New England to Sir William Alexander (Earl of Stirling).

Massachusetts claimed all land from the Atlantic to the South Sea (Pacific Ocean), north of 42° N. latitude, its present southern boundary. It granted land opposite Fort Aurania on the Hudson River, near Albany, to a number of English traders. Stuyvesant vehemently objected; the outcome is noted in the chapter on New York.

A proclamation by King Charles in June, 1664, ordered people of Maine to recognize the rights to the land of Gorges' heirs, and Gorges' grandson was appointed collector of land rents. But his

effort at collection proved futile. With land obtainable at low rental without payment of purchase-price, any one physically able could go and dig and hew a living; beggary was unknown, theft was rare.

While the French had, by 1671, established missions or forts along the Ohio and Mississippi Rivers, and about the Great Lakes as far west as Sault Ste. Marie (more than a thousand miles from the Atlantic seaboard), the English colonies, which were more than twenty times as populous, had no foothold beyond the sparse settlements contiguous to the Atlantic seaboard.

Bancroft [5] cites the presumed population of New England, in 1675, as 55,000 whites, and barely 30,000 Indians.

Brodhead [16] said: "Philip, the youngest son of Massasoit, and now sachem of the Wampanoags along the eastern and northern shores of Narragansett Bay, incensed at the arrogance of the English, revolted against the whites. The Puritan colonists had generally disregarded the feelings of the Indians. As the Puritans had already exterminated the Pequots, or sold them as slaves, so they now doomed to extinction or bondage the other natives of New England whose lands they coveted.

"Philip saw that the Europeans had crowded his people into narrow necks of land where they were jealously watched—especially about Bristol and Tiveton, in Rhode Island.

"Knowing of the kindness of his father, Massasoit, to the English, the pride of the aborigine was wounded. Their hunting grounds and parks became cultivated or used for grazing by the English.

"Cautiously visiting the neighboring tribes, he urged them to drive out the destroyers of their race. The Narragansetts were won to the task and preparations made secretly for a rising of the natives in the spring.

"They gathered seven hundred warriors within one stronghold near Bristol. In July, 1675, occurred the Indian massacre at Swazey, near Hope. In one engagement, nearly one thousand Indians and two hundred English were killed and wounded."

Philip's war extended from Connecticut and Rhode Island into Massachusetts and New Hampshire, at Exeter, Berwick, Dover and Lancaster. Dartmouth was beset. One hundred and fifty

Indians surrendered upon promise of amnesty. The Plymouth authorities sold them into slavery. [63]

One Laughton, from Piscataqua, or that vicinity, enticed aboard his vessel some Indians from about Cape Sable and sold them as slaves. [72]

In midsummer the next year, Philip and forty-three of his warriors were captured and executed, and the war terminated. One-half of the Indian population of twelve thousand, and nearly one thousand white men, were killed; twelve towns were destroyed, and more than forty others, including Providence and Warwick, were the scenes of fire and slaughter. [49]

Most of the Indian warriors were slain, or surrendered. Some captives were sold as slaves, but in the absence of additional buyers, some of the natives were set ashore on strange coasts and abandoned. A few were carried to the foulest of medieval slave marts, Morocco, where their fate was doubtless wretched enough. [49]

Scarcely had the red warriors ceased fighting when they suddenly realized that the English meant to exterminate them and take their lands, and they were finally compelled to submit to the power of the white man. [7]

Henceforth, the Indian figures no more in the history of New England except as an ally of the French. From central and southern New England he disappeared for ever as a power to be reckoned with. [49]

In Maine, the natives were doing great mischief. Fort Charles, with seven guns, was built at Pemaquid in 1677. No one could trade with the Indians there except through a permit from Governor Andros, who had arranged a peace.

Edward Randolph, a cousin of Robert Mason, was appointed by the Lords of Trade in London to investigate conditions in the American colonies, and arrived in Boston in 1677. The following year the king appointed him collector and surveyor-general there. He urged the Board of Trade to order collection of land rents, as revenue, and to compel the colonies to submit to royal authority.

Under Cromwell's rule, Massachusetts had extended its sway over Maine. Colonel Nichols and his commissioners, on instruc-

tions of Charles II in 1665, revoked it. Three years later, after the commissioners had gone home, Massachusetts took possession again. [49]

The High Court of Chancery in England rendered a decision that the acts of Massachusetts in taking military possession of Maine were illegal; that the province had descended as a fief to the heirs of Gorges. Thereupon, young Ferdinando Gorges, grandson of the first grantee and proprietor, offered to sell Maine to King Charles, who wanted to bestow it upon the Duke of Monmouth, his favorite son by Lucy Walters. [49] However, the French occupied the land west of the Penobscot, and claimed as far west as the Kennebec. [5]

Governor Leverett of Massachusetts bought for his province the Gorges claim of Maine, paying £1,250 cash. The king resented this vehemently, and demanded cancellation and refunding of the money. Massachusetts refused, with the result that the Massachusetts charter was annulled by a decree in chancery in 1683, and a viceroy was appointed by the king. [49]

In Newbury in 1679, as related by Osgood: [112] "It was voted that if ever the town commons of seven thousand acres be divided, every freeholder should have a like share. But several persons dissented. Seven years later it was voted that every freeholder should receive five acres in the commons. Fifteen dissented, but it was carried by a majority of five. Before the year ended this majority vanished and it was resolved that, in the division of the seven thousand acres only one-half should be divided equally among all, while the other half should be shared by those who, during the past two years, had paid taxes; and in proportion to the amount of taxes each had paid. The gradual breaking down of the majority vote for equal division causes wonder as to what kind of persuasion was used to effect it."

In Massachusetts and Connecticut towns, the general rule was that no person would be received as an inhabitant unless he was "well recommended as to character and of a non-contentious disposition," so great was their desire to avoid schisms. "To such, a house lot would be granted, but unless built upon within one year it would be forfeited."

Reviving a projected settlement begun fifteen years previously,

Worcester was planned in 1684. It was divided into 480 lots, of which 400 were to be taxable, and 80 free of taxes. The tax-free lots, except a few for certain public services, were donated to the agent for procuring the grant. Two hundred lots were apportioned to the promoters, and two hundred were to be sold to settlers and speculators.

The Duke of York's land rents at Pemaquid, Maine, were in 1684 ordered to be collected. Land being plentiful, Massachusetts gave land in sizeable tracts to certain men, merely because an ancestor had rendered some service to the colony.

After an existence of fifty-six years, the charter of the Massachusetts Bay Company was revoked in 1684, and Massachusetts became a royal province, with a governor appointed by the king, and all its unallotted land reverting to the king. Seven years later, a new charter was granted.

Governor Dongan in New York, representing the Duke of York, made extravagant grants to his favorites of land in the eastern part of Maine, the land rent payable to the Duke.

Charles II died in 1685, and his brother James, the Duke of York, came to the throne as James II. The following year James commissioned Sir Edmund Andros to succeed Dongan, and to become governor-in-chief over his "Territory and Dominions of New England in America." These included Massachusetts Bay, New Plymouth, New Hampshire and Maine, to the river of Canada (St. Lawrence), and from the Atlantic to the western ocean, with all islands. Andros was to govern with a council of forty-two of the principal landholding inhabitants. Two years later Andros' commission was enlarged to include Rhode Island, Connecticut, New York, and East and West Jersey. "We grant you full power with the advice and consent of our council to agree with all inhabitants concerning such lands as are or shall be in our power to dispose of, and under such annual land rents to be reserved to us."

Andros arrived in Boston from England in December, 1686. His salary of £1,200 was to be paid from the royal treasury until sufficient revenue was collected in the colonies. [12]

Landholders in Massachusetts asked that each county should have in the council a counselor who must be a large landholder,

and that no law be passed without the consent of a majority of these counselors. This proposition, if accepted by the king, would have placed the colonial government in control of a local aristocracy of landholders. [16]

Andros announced that upon land granted but not yet royally confirmed, an annual land rent of not less than *2s 6d* for each hundred acres was to be paid to the king. Settlers felt keenly the injustice of being obliged, after years of hard toil in establishing a farm, to pay part of the proceeds of their labor to a profligate king across the ocean. [63]

At a crowded meeting at Salem in 1688, the Rev. Francis Higginson, who fifty-nine years previously had led a group of Puritans to Massachusetts on the promise of free land, said: "The title to the land was derived by the people from God. As the crown had no claim to the lands before the English came, it could not subsequently confer any right to them." To which Andros exclaimed: "Either you are subjects, or you are rebels."

In a three volume compilation of his researches, Doyle [40x] wrote: "Andros was authorized to grant land on quit-rents. Some colonists foresaw that this was intended as a comprehensive claim to the land in New England. The theory accepted by the crown was that no claim to land based either on a grant from the Massachusetts Company or on purchase from the Indians was valid, and that no New England settler had ever acquired a legal title to his lands.

"It might be that the Massachusetts charter had been overthrown in due course of law, and that with it perished all those political rights to which it had given birth. It might be that no settler in New England had acquired a title to his land which could be recognized as valid by English law. It was contended that a corporation could not create a corporation, and that therefore no town in New England had any legal status" [by which it could grant land]. And yet, titles to a great part of the land in New England rest upon town grants.

At the first rumor of the abdication of King James, and that the Prince of Orange had landed in England, a flame burst forth in the American colonies. In Boston the people assembled in arms in April, 1689, and those "public robbers," as Andros and those

under him were designated, were made prisoners as Andros, disguised as a woman, was attempting to escape. His land policy was one of the chief causes of his overthrow.

Major Waldron, at the behest of the Boston troops, committed an act of treachery towards the Indians when he invited them in 1676 to a peace conference, and without warning, slaughtered or hanged large numbers of them, and sold two hundred into slavery. The Indians brooded over this for thirteen years, and then, prompted by a raid made by orders of Andros on the home of a French baron, de Castine, who had married a squaw and was beloved by the Indians, ferociously attacked the English, tortured many, and sold the English captives as slaves in Canada. [7]

With the cession of Nova Scotia to France by the treaty of Ryswick in 1697, the French became firmly established in Maine as far west as the Kennebec River. After the Peace of Utrecht in 1713, which ended the War of the Spanish Succession to the detriment of France, the Indians sought the friendship of the English, and there was a rapid increase in English settlements in Maine. However, the French in Nova Scotia continued as a menace to English occupation east of the Merrimac River.

So little value was placed on land of the Boston peninsula by the first settlers that they did not trouble to make an Indian purchase until Governors Dudley and Andros were disturbing the colony. Whereupon, Charles Josias, grandson of the old chief, was sought and in 1708 he signed a deed for the land to the colonists, which was accounted a valid Indian title. [158]

Until late in the 1600's and early 1700's there were continual disputes and litigation about titles to land in New Hampshire and Maine. These disputes were the cause of intermittent wars between the English settlers and the French and Indians during nearly forty years.

In a tract printed in Boston in 1716, was recorded: "Though this country be large, and much good land in it, which for want of people cannot be improved in many generations; yet a shame it is to say, this colony cannot provide themselves necessary food.

"In the first settling of this country, land was easy to be attained, and at a low price, which was an inducement to multi-

tudes to come over as indented servants; but now the land being so generally taken up, few come over that can live elsewhere . . . If the country should put a tax upon such tracts of land as lie convenient to settle upon, in order to make the holders willing to throw them up to the country, such yearly tax would be more justifiable, and more equal, than to tax a poor man ten shillings, that has much ado to live; those estates being valued worth hundreds of pounds by the owners thereof, who keep only in hopes that as other places hereafter shall be settled, they may advance upon the price. And in the meantime their poor neighbors must pay perhaps a greater tax than would be put upon him in the most arbitrary kingdom in Europe."

A letter from Major Sewall, a prominent man in Salem in 1717, to J. Dummer in London, shows how English capital was induced to engage in American land speculation more than two centuries ago:

"Sir: . . . We have a deed of conveyance from the native Indian proprietor thereof, and pray you to inform us whether you think a confirmation thereof might be obtained from the crown, whereby persons that are able would freely disburse for the settlement . . . Pray sir, give me a line on this head. We would willingly part with some few guineas rather than fail to help forward therewith, and take you in as a proprietor, equal with us, if your phancy leads you thereto. Our lieutenant-governor, your brother, is chosen one of the council."

Sixteen Scotch-Irish families settled at Londonderry, New Hampshire, in 1719, and these attracted 120 Presbyterian families from the north of Ireland the following year.

Barstow [7] said: "The Indians complained that they were cheated in trade. Avarice often led the English to obtain Indian deeds to land by deceit, and when they got the Indians drunk their land could be taken without an equivalent.

"Having no records, the new generations of Indians knew nothing of any land transactions in years past, and declared the former sachems had no right to sell the birthright of the younger generation.

"The English declared war against them as rebels, and in making peace styled them as British subjects. The French, on

the contrary, did not declare the Indians to be subjects of France. They left to all the tribes their native independence, and seldom sought to obtain their lands. The French sent them missionaries, which the English never did.

"When the English mistreated one of their favorite French missionaries, the Indians sought revenge in a frightful war which lasted four years, at the end of which the Indians were defeated, and driven to Canada. The English appropriated the conquered lands, large tracts of which were granted to those who had fought in the war and to descendants of all the previous wars."

The English in New Hampshire and Massachusetts in 1725 offered £100 paper for each Indian scalp, and many were taken. [49]

At Penacook, New Hampshire, on the Merrimac River in 1725, each settler paid the province £5 for his right to land. If he failed to clear and fence one acre within a year he was to forfeit £5 "to the community of settlers." Land was also granted for establishing needed industries. [158]

With the increase in population in Massachusetts, the consequent inevitable increase in price of land made its appearance in 1711. Three acres of woodland was quoted at £15 "silver or paper." At Hadley in 1722, meadow land was 2*s* 6*d* to 3*s* per acre, in silver. Six years later these lands were 7*s* to 8*s* per acre. There was a marked movement by individual speculators in Boston, Salem and other towns to buy wild lands in the new towns and in the commons of the old. [158]

Some fortunes began, in 1726, to be gained by increase in value of large bodies of land. [63] In Massachusetts, four acres and three roods of woodland sold in 1737 at £25, and six and one-half acres pasture near a village, at £32. These prices merely reflect the effect of increasing population in creating land value.

Projects for new settlements were continually being formed by town promoters, and an avaricious spirit of speculation in land prevailed everywhere in New Hampshire; but large areas of the best land remained unused, and the real prosperity of the country was thereby diminished. [7]

Prior to the purchase by Massachusetts of the Gorges claim to Maine, the Massachusetts colony was striving to extend its

boundary into that region. To render Gorges unpopular, the Massachusetts government supported the theory that the Indian right to land must be superior to the Gorges', or to any grant conferred by the Council of New England. Consequently, purchases of land from Indians became frequent, and were regularly upheld by the Massachusetts courts, a policy advocated by Roger Williams a century previously, and for which he was banished from the province. Such purchases became so extensive that the government in 1731 forbade all purchases from Indians without license of the legislature, and declared all deeds taken without such license to be null and void.[h]

New Hampshire became a royal province in 1741, with Benning Wentworth as governor; previously the governor of Massachusetts had acted also as governor of New Hampshire. As governor of the combined provinces he had made grants of the site of Concord, over which there was a struggle for forty years before it was decided in favor of the Massachusetts group of grantees. [172]

John Mason at the time of his death was negotiating for royal confirmation of title to his New Hampshire grant, but the grant was never confirmed by the king. He had not made any improvements on any of the land he held, or held jointly, except on the Laconia grant.

Barstow said of Mason: "His darling scheme was the introduction of the feudal system into New Hampshire; by which his family were to be the lords, and the people tenants on the land, with land rents and feudal tenure." [7]

Mason had sent seventy settlers to settle on his New Hampshire grant, and upon his death he was indebted to them. They demanded payment and, upon default, certain lands were seized and divided among them. [62]

Mason bequeathed all his land to his grandchildren, John and Robert Tufton, who for years thereafter distressed the homesteaders.

Mason's widow sent Joseph Mason to New Hampshire in 1651, with power to dispose of land. Mason brought suit against one Leader, for trespass in erecting a sawmill, and he asked "jus-

[h]Sullivan, Land Titles

tice" from settlers who had settled at other places on the land. He made public protest against the action of Massachusetts in extending its government over the Mason grant, but that colony apparently gave it no attention. [112]

Upon the death of the widow a few years later, Robert Tufton, then the executor and sole heir, came over and instituted suits against occupants of the land. The court decided that a portion of the land proportionate to Mason's expenditures, with the privilege of the river, should be laid out to the heir. Tufton, a strong supporter of royalty, considering it useless to apply to Cromwell for relief, gave up the remainder as lost to him. But at the Restoration of King Charles II, Tufton, who had taken the surname of Mason, determined to make another attempt to recover the vast region by appealing to parliament for redress. The attorney-general, Sir William Jones, reported that Mason had a good and legal title to the province of New Hampshire. [7]

Robert Mason, in 1661, obtained a decree which upheld his title to all land in New Hampshire. Massachusetts opposed it but, in 1674, the crown's attorney reported in favor of Mason's land rights. [12]

Three years later the Lord Chief Justices of England decided that Massachusetts had no right of jurisdiction over New Hampshire, and that the title and jurisdiction were in the crown, subject, however, to the vested rights of John Mason in the land.

Titles to land in New Hampshire, which had been granted by the Massachusetts Bay Company, were set aside. This decision, for many years, rendered land titles uncertain in both New Hampshire and Vermont. [42]

New Hampshire, comprising the four towns of Exeter, Hampton, Dover and Portsmouth, after being under the jurisdiction of Massachusetts for thirty-eight years, was in 1679 made a royal province. This marked a definite triumph for Mason. [12]

The government which was established favored the claim of Mason to the land. This was repugnant to the people; they viewed it as the triumph of a vested interest. It was difficult for them to see how a piece of parchment, taking precedence of contract with the natives, and of rights defended at the price of blood, should give title to vast tracts along the Piscataqua and Merrimac

Rivers. But this government had kindled new hopes in the breast of Mason. [7]

Mason came over the next year and began to push his claims. He offered to waive all rent arrears if the settlers would promise to pay a land rent of 6*d* in the pound on the annual value of all land which the settlers had improved and cultivated. The settlers, citing fifty years' occupancy, objected. Judgments were invariably in favor of Mason, but useless, because of local opposition. [12]

Citing that while the land in New Hampshire had been granted to Mason, the government thereof had not been granted to any one, Charles II appointed John Cutt to govern as president of a council of ten. At the same time, he called upon the settlers to pay to Robert Mason an annual rent of 6*d* in the pound (2½ per cent) on the value of all buildings, gardens, orchards and other improvements which they themselves had created; failing which, such settlers would be referred to the privy council in England.

After two years of administration by Cutt, Mason became dissatisfied with the government, and to bribe King Charles to appoint Cranfield as royal governor, Mason surrendered to the king one-fifth of his prospective land rents. But after Cranfield was appointed, to hasten his claim to the land and the land rents, Mason bribed the council to make an annual payment to Cranfield of £150. Subsequently, to protect itself against Mason's machinations, the council voted to pay Cranfield £250 per annum.

The next year a settler, Edward Gove, leading a body of men, marched from town to town in New Hampshire calling for reformation of the government. He was arrested, convicted of high treason, and sent to England, where he was imprisoned in the Tower of London. [7]

The governor called upon the inhabitants to take out leases, with land rent to Mason. This was rejected, and Mason threatened to seize the land of the principal settlers, but the people were determined not to submit. [7] Lawsuits about land became numerous. Mason having mortgaged his land, was unable to find a buyer. [5]

Like many royal grants of land in America to speculators in England, the Mason land remained unused for a long time. This was a common practice in all the colonies, notwithstanding stipulations that land granted must be put to use.

Forty-four years after the death of Mason, his heirs were still suing to obtain possession of the land which by that time, due to the increase in population, had assumed some value. [169]

Colonel Samuel Allen, a London merchant, bought the Mason claim to the province for the equivalent of $1,250, and became governor in 1692, but the active ruler was his son-in-law, John Usher.

Governor Bellomont in 1700 declared Allen's title defective, and brought charges that Allen had tried to obtain royal confirmation of the title by bribery. Allen litigated about it until his death in 1715. [107] Thirty years afterwards, 124 years after date of the original grant, a new generation of heirs having arisen, they revived the claim.

After being in controversy for 147 years, the claims were sold to twelve persons in Portsmouth, designated as the Masonian proprietors, who began exacting land rents of the settlers.

Lands throughout New Hampsire and Vermont were settled and granted without regard to Mason's claim.

In 1752 a party of English went to the location of present Charlestown, New Hampshire, to lay out a township. The Indians objected that the English were carving out more land than they could cultivate, and threatened hostilities. The Indians felt themselves the rightful lords of the land, and clung to the hunting grounds of their fathers. [7]

With sullen discontent, successive generations of Indians during the preceding century had seen the rapid spread of English settlements. The English cut the forest, erected mill dams, sawmills and forts, regardless of ill effects on the game and fish—the food of the Indians. Hunting grounds were growing narrower, and their game fled at the repeated sound of the woodman's axe. Indian minds began to be haunted with melancholy forebodings of eventual dispossession. They resented these encroachments and asked the English to set a boundary beyond which they

would not go, but the English were determined to take all the land and refused. [7]

Urged by the French, the Indians began hostilities, and fell upon the frontier settlements. English prisoners taken by them were sent to Montreal, where they were sold as slaves at good prices. The war soon became part of the French and Indian War.

Louis XIV in 1688, ignoring the grant made eighty-five years previously by a predecessor, Henry IV, gave Mount Desert Island, Maine, to Sieur de la Mothe Cadillac as a fief.

After driving out the Dutch at New Netherland in 1664, the Duke of York confirmed individual land grants made by the Dutch, but a successor, King George III, a century later, ignored that policy when he gave Mount Desert Island purportedly for inducing settlers to Maine, to Sir Francis Bernard, late governor of Massachusetts.

With the American Revolution, the island became the property of Massachusetts. Shortly after that war, Bernard's son, claiming that he had been loyal to the colonies, was given the west half, and Marie de Cadillac, granddaughter of the previous grantee, was given the east half.

The town promoters of Augusta, Maine, in 1761, to induce settlers, and for personal profit, divided nine hundred acres into lots. They retained four hundred acres for themselves, and to help run up the price of lots offered five hundred acres to whoever would come and settle there. [50]

Massachusetts in 1762 sold at public auction nine townships, and land in the Berkshires.

War between England and France, in both America and faraway India, continued for many years during the middle of the eighteenth century, with France gaining dominion over nearly all of India.

The French had a strong foothold in America until a short while before their surrender in 1763. Their strength had its origin when Samuel, Sieur de Champlain, in 1608 founded Quebec, where Jacques Cartier had made and abandoned a settlement seventy-four years previously.

The exhausted condition of the French treasury at the close

of the French and Indian War, due to unwise measures to meet expenses, presently caused discontent among all classes of French society. Public clamor arose against the authority and prodigality of the king's courtiers under Madame de Pompadour.

Riots ensued in both Paris and the provinces, and the government was even accused of kidnapping children for transportation to New France, in America. Louis XV, satiated with pleasure, and indifferent to the State, depended solely on those who could amuse him, of whom Madame de Pompadour was the chief. The command of armies depended on her favor, and Queen Maria Theresa of Austria addressed de Pompadour as "My Cousin." [58]

The Duke of Cloiseul, elevated by Madame de Pompadour to the ministry of War and Marine, in 1759 gathered a fleet of twenty-one vessels, and prepared to attack the English. But the English destroyed the fleet before it had well got into action. England was now triumphant on every sea. [58]

Replying to desperate appeals from Montcalm in Canada for reinforcements, Cloiseul wrote: "I am very sorry to have to send you word that you must not expect any reinforcements . . . There would be great fear of their being intercepted by the English." The necessity for peace was beginning to dawn upon Madame de Pompadour's little cabinet. [58]

That year the French were overcome by Wolfe on the Plains of Abraham. Quebec, all Canada, the Great Lakes and the trans-Appalachian regions became British by the treaty of Paris in 1763, and shortly after, the Quebec Act extended jurisdiction of Canada to include the Ohio and Mississippi regions and all conquered territory.

The French were among the bold pioneers of civilization in America, but they were hampered by wars in Europe and in India, which prevented rendering support in America. Very much as the Swedish military campaigns in Europe during the previous century were outstanding causes of Sweden losing New Sweden on the Delaware, so were the French military campaigns in India an outstanding cause of France losing New France in America. Two years after losing New France by the surrender at Quebec, France lost India by the surrender of Pondicherry.

Squatters in Maine, when complained against in 1778, wrote the court saying: "Opening the wilderness and turning the desert into wheatfields, while it supports individuals, is of great advantage to the public." They appealed for grants of land at fair prices. The land in Maine was held by various interests—absentees, individual proprietors, townships, corporations and the Province of Massachusetts. The township of Framingham, Maine, was divided into lots of 200 and 250 acres, the former given to settlers and the latter retained by the proprietors. [50]

Land in Maine was given freely to those who induced settlers to come there. During the Revolutionary War settlers were arriving there in large numbers, without making application for land.

The proprietors in Maine were required by the court in 1785 to allow every settler fifty acres free of charge, to include what improvements the settler had made, and the right to buy fifty acres additional at not exceeding 3*s* (75¢) per acre. Henry Rust, of Salem, in 1787 bought of Massachusetts six thousand acres in Maine, and sold them in small tracts to settlers at 50¢ per acre. [50]

For having represented the colony in London during the Revolution, Massachusetts granted to Arthur Lee, of Virginia, six thousand acres east of the Saco River.

General Knox had title to the land in what is now Knox and Waldo Counties, Maine, on which five hundred squatters had located. After the Revolution, the courts sustained the claim of ownership of land by Knox and other proprietors, but directed that each settler should be allotted a hundred at $2.25 per acre. The settlers had either to agree to the price and terms for the land, or go elsewhere. Some moved to uneconomic locations, but many remained on the land for a long period of time, using force to maintain their possessions. [50]