

# HISTORY OF MASON.

## CHAPTER 1.

Captain John Mason; Grants to him of Lands in New Hampshire; Settlements commenced by him; Controversies with Massachusetts respecting the title and jurisdiction; how settled; Title vested in the Masonian proprietors.

THE town of Mason is situated in the county of Hillsborough, in the State of New Hampshire. It lies upon the southern border of the State, about midway between the eastern and western extremities of its southern boundary. On the south it bounds upon Townsend and Ashby, on the west upon New Ipswich, on the north upon Temple and Wilton and on the east upon Milford and Brookline. It is in that portion of the State of New Hampshire which was granted by the council of Plymouth in 1621 to Capt. John Mason. As the town derives its name from that gentleman, and the title to the soil therein is in fact derived: and claimed under this grant to him, and sundry subsequent grants in confirmation thereof, and as the State is also indebted to him for its name, it being derived from that Of the county of Hampshire, in England, of whose principal town, Portsmouth, Mason was at one time governor, a brief sketch of his life and of the titles granted to him, and of the various and long-continued controversies to which the uncertain and indefinite descriptions of the boundaries of the original and subsequent grants gave rise, and of the manner in which they were finally settled will not be deemed an inappropriate introduction to these memorials of the place and its people. For the facts stated, the authority mainly relied on, is Belknap's history of New Hampshire.

CAPT. JOHN MASON was born in Lynn Regis in the county of Norfolk in England. Of his parentage and early life little is known. The year of his birth is not stated by the historians. It must have been not far from the year 1570, in the midst of the stirring times of Queen Elizabeth. His first engagement in active life, was as a merchant in London. Afterwards he entered the naval service, and served as an officer in the fleet in the war between Spain and the Dutch republics. After the peace of 1609, by which the independence of Holland was secured, he was appointed Governor of Newfoundland.

This island was discovered by Sebastian Cabot in 1497. It was taken possession of, in the name of Queen Elizabeth, by Sir Humphrey Gilbert, August 5th, 1583. The fisheries upon the banks became, at an early period, an important business, the tendency of which was to foster and promote voyages of discovery to the continent. At the time Mason was appointed its governor, this island was one of the most valuable English possessions in North America. In this post he remained long enough to become acquainted with the country; and he formed so high an opinion of its future destiny, as to induce in him a willingness to adventure his fortune in advancing its settlement. This led him on his return to England, into a close intimacy with those who were engaged in discoveries in the new world. He was, after his return, appointed Governor of the town of Plymouth, in the county of Hampshire; and upon a vacancy happening in the council of Plymouth, he was elected a member of that body, and was chosen their secretary. He was thus placed in the front rank of those who were actively engaged in promoting discoveries and encouraging settlements in North America. He gave to these enterprises, not only his countenance and advice, but he was willing to embark his fortunes in the business, and to devote to it his time and means. With that intent he procured from the council of Plymouth, in March, 1621, a grant of "all the lands from the river Naumkeag," now Salem, "round Cape Ann to the river Merrimack, and up each of those rivers to the farthest heads thereof, then to cross over from the head of one to the head of the other, with all the islands lying within three miles of the coast." This district was called Marianna. This was the first territorial grant made by the Plymouth council. It bears date March 9, 1621. Those to Plymouth colony are dated in 1621 and 1623; that to Massachusetts, March 19, 1627, all subsequent to Mason's. Of these last, each was granted to a company or association, or to an individual in trust for a company. Mason undertook his enterprise alone and single handed. No individual can be found, who exhibited more courage and perseverance in the cause, or more confidence in its ultimate success, or who expended his means with a more liberal hand, or in larger amount, in promoting the settlement of the country.

In 1622, another grant was made to Gorges and 'Mason jointly, "of all the lands between the rivers Merrimack and Sagadahock, extending back to the great lakes and river of

Canada," and this was called Laconia. The points of commencement of the first of these grants were wholly within what is now Massachusetts. The territory included is partly in New Hampshire and partly in Massachusetts. The second grant included a large part of New Hampshire, a portion of Maine and of Canada. The knowledge then possessed of the country, and of the courses of the rivers, was imperfect and uncertain, and consequently, these boundaries were found to be uncertain and indefinite. Settlements were by Mason attempted to be made, at a place called Little Harbor, in Portsmouth, where salt works were erected; and a house called Mason Hall, was built at Dover. In 1629, he procured a patent under the common seal of the council of Plymouth, for the land "from the middle of Piscataqua river, and up the same, to the farthest head thereof, and from thence northward, until sixty miles from the mouth of the harbor were finished; also, through Merrimack river, to the farthest head thereof, and so forward up into the land westward, until sixty miles were finished, and from thence to cross over land to the end of sixty miles, accounted from Piscataqua river, together with all the islands within five miles of the coast." This tract was called New Hampshire, a name derived from that of the county of Hampshire, in England, of whose principal town, Portsmouth, Mason was governor. Under this charter the towns of Portsmouth, and Northam, afterwards called Dover, Hampton, and Exeter were laid out.

The attempts at settlement were not prosperous. The views of those engaged in the enterprise, were chiefly turned to the discovery of lakes and mines, the cultivation of grapes and the advantages of trade and fishery. Little regard was had to agriculture. They often complained of their expenses, and might with reason, for they had not only to pay wages to their colonists, but to supply them with "provisions, clothing, utensils, medicines, articles of trade, implements for building, husbandry and fishery, and to stock their plantations with cattle, swine and goats. Bread corn was either brought from England in meal, or from Virginia in grain, and then sent to the windmill at Boston to be ground. Very little improvement was made on the lands, the lakes were not explored, the vines planted came to nothing, no mines were found but those of iron, and those were not wrought; three or four houses only, were built in the first seven years; the peltry trade with the Indians was of some value, and the fishery served towards the support of the

inhabitants, but yielded no profit to the adventurers, who received but inadequate returns in lumber and fish. They, seeing their interests sinking and withering away, grew dispirited, and the greater part of them either abandoned the enterprise, or sold their shares to Gorges and Mason, who were more sanguine than the rest, and who thus became either by purchase or by tacit consent of the others, the principal, if not the sole proprietors. They prosecuted the settlement with zeal, but met with many hindrances, among which were claims made by the Virginia company to have their charter revoked. Mason finally succeeded in procuring a new charter in 1635, extending from Nanmkeag to Piscataqua, and sixty miles northward within land. He did not long survive the issuing of this patent. He died Nov. 16th, 1635. In his will, he disposed of his immense estate, as follows: To the corporation of Lynn Regis in Norfolk, the place of his nativity, he gave two thousand acres of land in New Hampshire, subject to the yearly rent of one penny per acre to his heirs, and two-fifths of all mines royal, on condition that five families should within five years be settled thereupon. To his brother-in-law, John Wollaston, three thousand acres, subject to a yearly rent of one shilling. To his grandchild, Ann Tufton, ten thousand acres at Sagadahock. To Robert Tufton, his grandson, he gave his manor of Mason Hall, on condition that he should take the surname of Mason. He also gave his brother Wollaston in trust one thousand acres for the maintenance of "an honest, godly and religious preacher of God's word," and one thousand acres more for the support of a grammar school; each of these estates to be conveyed to [ffeooffees] in trust, and their successors, paying annually one penny per acre to his heirs. The residue of his estate in New Hampshire, he gave to his grandson John Tufton, he taking the surname of Mason, and to his lawful issue; or, in want thereof, to Dr. Robert Mason, Chancellor of the Diocese of Winchester, and his lawful issue, and to his own and other right heirs, forever; provided that it should not go out of the name of Mason. The residuary legatee was required to pay five hundred pounds out of the estate to his sister Mary, and all the grandchildren were to relinquish their right to one thousand pounds due from the estate to their father, Joseph Tufton. The estate in America was valued in the inventory, at ten thousand pounds sterling. It is under this will that the title to the soil: of the town of Mason is derived; and it is not a little remarkable, that so far as is now known, this town is the only representative of the name of Capt. John Mason in the State.

The little legacy of five hundred pounds given by the will to the sister of John Tufton, Would; if put and kept at interest and compounded, from the year 1635, when the testator died, up to the present time, 1858, amount to a greater sum than the total inventory and valuation of the real and personal property of the whole State of New Hampshire at the last valuation. Let those who doubt it try the figures, and let all who are paying interest for money borrowed or sums due, learn that unless the business or investment in which it is employed, is yielding more than six per cent. per annum, they must be sadly going behind hand.

It will be seen that Capt. Mason was particularly solicitous to perpetuate his name by attaching it to the ownership of his land in New Hampshire. He bestows it finally upon his "right heirs forever, provided it shall not go out of the name of Mason", but of all his vast estate, it is not probable that a single acre is now owned by any of his descendants, or that his name is now connected with any portion of the territory, except that of this town.

In 1638, after the death of Capt. Mason, his widow and executrix, Mrs. Anne Mason, sent over Francis Norton as her "general attorney," to whom she committed the whole management of the estate. But the expense so far exceeded the income, and the servants grew so impatient for their arrears, that she was obliged to relinquish the care of the plantation, and tell the servants they must shift for themselves; upon which they shared the goods and cattle. Norton drove above one hundred oxen to Boston, and there sold them for twenty-five pounds sterling per head, which it is said was the current price of the best cattle in New England at that time. These were a large breed imported from Denmark, from whence Mason had also procured a number of men skilled in sawing plank and making potashes. These Danes were the pioneers of the great lumber business, which has engrossed so much of the capital and enterprise of New Hampshire and Maine. Having shared the stock and other materials, some of the people quitted the plantation; others of them tarried, keeping possession of the buildings and improvements, which they claimed as their own. The houses at Newichwannock were destroyed by fire, and thus Mason's estate was ruined. These events happened between 1638 and 1644.

Lumber and the fisheries seem to have been the great objects in view in Mason's enterprise. These branches of business, though important in connection with other pursuits, form too narrow a basis for the foundation of a commonwealth. Persons who engaged in these employments, in those early times, did not possess that persevering industry and frugality required for the successful building up of a state. The character and manners of the fishermen of that day, are most vividly and happily painted in the following extract from Josselyn's two voyages, in Thornton's *Ancient Pemaquid*. The lumbermen would present a companion picture. Mr. Thornton says:—"Josselyn, who left Black Point for England in the summer of 1671, describes the people of Maine after several years' residence among them. He classifies them as "Magistrates, Husbandmen or Planters, and Fishermen; of the magistrates some be Royalists, the rest perverse Spirits, the like are the planters and fishers, of which some be planters and fishers both, others mere fishers; there are but few handcraftsmen, and no shopkeepers; English goods being kept by the Massachusetts merchants, here and there, on the coast, at a profit of cent. per cent., in exchange for fish." "They have a custom of taking Tobacco, sleeping at noon, sitting long at meals, sometimes four times in a day, and now and then drinking a dram of the bottle extraordinarily; the smoaking of Tobacco, if moderately used refresheth the weary very much, and so doth sleep"! The fisherman of that day he paints to the life. He says "to every Shallop belong four fishermen, a Master or steersman, a midshipman, and a Foremastman, and a shoreman who washes it out of the salt, and dries it upon hurdles pitcht upon stakes breast high and tends their Cookery; these often get in one voyage Eight or Nine pound a man for their shares, but it doth some of them but little good, "for there comes in "a walking Tavern, a Bark laden with the Legitimate bloud of the rich grape"; the conclusion of which is the costly sin of drunkenness." *Thornton's Ancient Pemaquid*. See *Col. Maine Hist. Society, Vol. 5. pp. 234, 235*.

If such was the character of Mason's planters and servants, no one can be surprised that his enterprise, though prosecuted with all his energy and perseverance, should prove to be a failure.

The character and object and results of Mason's efforts, are with much truth and pertinency thus summed up in Barstow's History of New Hampshire:—"In the midst of his fond anticipations of better fortune, Captain Mason was removed by death. This happened near the close of the year. (1635.) He had accomplished none Of the great purposes for which he came to this wilderness world. He embarked with vast expectations of boundless wealth and grandeur. \* \* Golden visions hovered around him to the last, in spite of the light of experience. He had no religious views in the purchase and settlement of New Hampshire. His whole energies were absorbed in the discovery of wealth, and the aggrandizement of himself and his family. 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 of the soil. For this he labored; for this he sacrificed his all; still dreaming of the profits of discovery, and the glory of founding a state. But though a dreamer, he was at the same time a man of action. \* \* Nothing daunted him. Nothing deterred him. Though adversity might cloud his prospects, it never depressed his spirits. The frustration of his efforts and the frequent wreck of his hopes only seemed to display the indestructible vigor of his mind. Amidst disappointment and discouragement he continued to attempt the foundation of a feudal empire, until death interrupted his toils and left him only a reputation for attempting impossible things. \* \* \*

Well was it for posterity that the unnatural eyes of Adventure, alone, could discern mineral wealth in the hills of New Hampshire. Fortunate was it that the soil was, for the most part, reserved for men who should settle upon it with no chimerical and vain hopes of treasure; but men viewing human life and society in a true light—not building the castles of avarice; but living by their industry—expecting only the rain and dew upon the seed they had sown--hoping for health and competence—and laying the only sure foundation for a great and flourishing country in intelligence and public virtue--good schools, good morals, government, and sober industry. These are the strength of a state."

[*Barstow's New Hampshire*, pp. 33,—37.

The inhabitants of towns finding it difficult to maintain any stable government, were with their consent, received into the jurisdiction of Massachusetts, about the years 1641, '42. The union continued about forty years. This extension of the colony's jurisdiction could

not fail of being noticed by the heirs of Mason; but the distractions caused by the civil wars in England, were invincible bars to any legal inquiry. The first heir named in Mason's will dying in infancy, the estate descended after the death of the executrix, to Robert Tufton, who was not of age till 1650. In two years after this, Joseph Mason came over as agent for the executrix, to look after the interests of her deceased husband. He found the land at Newichwannook occupied by Richard Leader, against whom he brought actions in the county of Norfolk, a county which then included the northeasterly part of Massachusetts and the New Hampshire towns. A dispute arose whether the lands in question were within the jurisdiction of Massachusetts, and the court of Norfolk judging the action not to be within their cognizance, recourse was had to the general court of Boston, which on this occasion ordered an accurate survey of the northern bounds of their patent to be made. A committee of the general court, attended by John Sherman and Jonathan Ince, surveyors, and several Indian guides, went up the river Merrimack, to find the most northerly part thereof, which the Indians told them was at Acquedochtan, the outlet of the lake Winnipiseogee. The latitude of that place was found to be  $43^{\circ} 40' 12''$ , to which three miles being added, made the line of the patent, according to their construction, fall within the lake, in latitude  $43^{\circ} 43' 12''$ . The same latitude was marked on an island in Casco bay, and an imaginary line drawn through these points from the Atlantic ocean to the South-sea, as the Pacific ocean was then called, was supposed to be the northern boundary of Massachusetts. This line included the whole of Mason's claim by his last patent. The committee of the general court to establish the line, were Capt. Edward Johnson, author of the History of New England, and Capt. Simon Willard, afterwards an assistant and a commander of a portion of the Massachusetts forces, in the Indian war of 1615. The expedition took up nineteen days in the months of July and August, and the whole expense was not less than eighty-four pounds. The following is a copy of the report of the surveyors:

"The answer of John Sherman, Sergeant at Watertown, and Jonathan Ince, Student at Harvard College in Cambridge, to Capt. Simon Willard and Capt. Edward Johnson, Commissioners of the General Court, held at Boston, May 17, 1652, concerning the latitude of the northernmost part of Merrimack river.

Whereas we, John Sherman and Jonathan Ince, were procured by the aforesaid Commissioners to take the latitude of the place above named, our answer is, that at Aquedahcan, the name of the head of Merrimack, where it issues out of the lake Winnapusseahit, upon the first of August, one thousand six hundred and fifty-two, we observed and by observation found, that the latitude of the place was forty-three degrees forty minutes and twelve seconds, besides those minutes that are to be allowed for three miles more north w<sup>ch</sup> run into the Lake.

In witness whereof, wee have subscribed our names, this nineteenth of October, one thousand six hundred and fifty-two.

JOHN SHERMAN,  
JONATHAN INCE,

Jur. coram me, *JOH. ENDECOTT, Gubr.*"

Having settled this matter, the Court were of the opinion that some lands by agreement of Gorges, and by purchase of the Indians, and by possession and improvements, were properly claimed by Mason, and they ordered a quantity proportionable to his disbursements, with a privilege of the river, to be laid out to his heirs.

The agent, finding it hopeless to prosecute the claim any farther, left the country. During the Commonwealth and the Protectorate of Cromwell, there could be no hope of relief; as the family of Mason had always been attached to the royal cause. On the restoration of Charles II Tufton, who had taken the surname of Mason, petitioned to the king for restoration of his rights. The petition was referred to Sir Geoffrey Palmer, the attorney general, who reported, that "Robert Mason the grandson and heir of Capt. John Mason had a good and legal title to the province of New Hampshire." Nothing effective was done to restore to him his rights. Edward Randolph who was a kinsman of Mason, was sent over with the king's letter to the government of Massachusetts, requiring them to send over agents within six months, to answer to the complaints which Mason and the heirs of Gorges had made, of their usurpation of jurisdiction over the territory claimed by them: all the answer he could get from Govenor Leverett and the council, was that "they

would see about it." The matter was pursued in England. Lieut. Gov Stoughton and Peter Bulkley, the speaker of the house of deputies, were sent to England in behalf of Massachusetts. The subject was referred to the judges. They reported that they could give no opinion as to the right of the soil, the proper parties not being before them; that Mason had no right of government, none having been granted to him with the soil; and finally, that the four towns Portsmouth, Dover, Exeter and Hampton, were out of the bounds of Massachusetts. It was also admitted that the title could only be tried in the place, there being no court in England that had cognizance of it. It became necessary, therefore, to set up a new jurisdiction before Mason's title could be tried. It was done. Thus, in consequence of this controversy and claim, New Hampshire was separated from Massachusetts, and was again organized under a distinct and independent jurisdiction. Randolph was appointed governor. He was greatly and deservedly unpopular. The whole number of voters in his province was 209, all in the four towns of Portsmouth, Dover, Hampton and Exeter. In the first assembly, the whole number of Representatives was eleven: from Portsmouth, Dover and Hampton, three each, and Exeter two. Mason came over from England in the latter part of the year 1681. He had been appointed one of the council, and took his seat as such. He attempted to enforce his claims in a haughty and arbitrary manner. He met with a sturdy resistance on the part of the tenants, and by his hasty and injudicious proceedings, lost the countenance and support of the council. The controversy with the council prevailed to such length, that a warrant was issued for apprehending him, which he avoided by making his escape to England. Finding the government, which he had procured to be erected, was not likely to be administered in a manner favorable to his views, he made it his business to bring about a change, and procured Edward Cranfield to be appointed Lieut. Governor. To provide for his support, he surrendered one fifth part of his quit rents, to the king. These, and the fines and forfeitures, were appropriated for the governor's support. Not satisfied to rely on these alone, he took from Mason a mortgage on the whole province for twenty one years, to secure the payment of one hundred and fifty pounds per, annum for seven years. On this encouragement, Cranfield relinquished a profitable office at home, with a view of bettering his fortunes by this arrangement.

His commission gave him almost absolute power.. He commenced his rule in 1682. Mason was named in, his commission as one of the council, and seems to have had a great share in the management of affairs. Suits were brought to enforce his claims. They were resisted. Nothing effectual was done to establish his title. When he succeeded in obtaining judgment, he was forcibly resisted in his attempts to get possession. Many of the tenants claimed under Indian deeds, which were then much regarded; others shew possession for from forty to sixty years, uninterrupted by any successful enforcement, of his rights. In 1686 a purchase was made of the Indians of a tract on both sides of the Merrimack river, six miles in breadth, extending from Souhegan river to Winnipisseogee lake. The purchasers were Jonathan Tyng, Joseph Dudley, Charles Lidgat, John Usher, Edward Randolph, John Hubbard, Robert Thompson, Samuel Scrimpton, William Stoughton, Richard Warton, Thomas Hinchman, Thaddeus Maccarty, Edward Thompson, John Blackwell, Peter Bulkley, William Blathwayt, Daniel Cox and "three other persons, to be thereafter named and agreed upon." Mason, by deed, confirmed this purchase, reserving to himself and his heirs a yearly rent of ten shillings. This was called the million acre purchase. About the same time he farmed out to Hezekiah Usher and his heirs, the mines, minerals and ores within the limits of New Hampshire, for the term of one thousand years, reserving to himself one quarter part of the royal ores and one seventeenth of the baser sorts; and having put his affairs in the best order the times would admit, he sailed for England to the hearing of a case appealed against him to the king.

The appeal was decided in his favor, and, returned in the spring of 1687, full of hope of realizing some thing out of his claims; but unexpected obstructions were in his way. The government, under Andros, was in the hands of a set of harpies, who could not look on without determining to come in for a share of his success. He succeeded in getting his case brought before the Supreme Court in Boston, but before he could get a decision he died at Esopus, N. Y., on a journey to Albany, where he had accompanied the governor, Sir Edmund Andros, leaving his sons, John and Robert, heirs of his claims and controversies. They sold their claim to Samuel Allen, of London, for seven hundred and fifty pounds. John Usher married Allen's daughter. He was a native of Boston, and by profession a stationer; was rich, was one of the partners in the million acre purchase, and

had sanguine expectations of gain from that quarter, as also, probably, from the mines he had purchased of Mason. He was appointed lieutenant governor, and administered the affairs of the province. He resolved to enforce Allen's claims. He found that Pickering, the defendant's lawyer, had with a company of armed men, taken out of the hands of Chamberlain, the secretary and clerk, the records and papers relating to the Mason suits. After having recovered the papers, he seems to have made no effectual progress with the suits. In 1700, Allen took the matter in hand himself, but found, when the records were examined, that twenty-five leaves were missing, in which it is supposed the judgments recovered by Mason were recorded. No evidence appeared of his having obtained possession, and the whole work was to be gone over again. Suits were commenced anew. The jury found for the defendant. Allen claimed an appeal to the king, which the court would not allow, and he was compelled to apply to the king by petition, on which his appeal was granted. Alien appointed Usher to act for him in prosecuting his appeal, having previously mortgaged one half the province to him for £1,500. When the appeal came on for hearing, it appeared that no proof was produced to show that Mason was ever in possession, and therefore judgment was rendered against him, but with the right to commence again in the courts in the province. New suits were commenced, ending as before, in judgment for the defendant and appeal by the plaintiff. Allen was now old and poor, and proposed a settlement by compromise, but before it was effected he died. His son, Thomas Allen, renewed the suits with the same result, judgment for the defendants and an appeal to the queen in council. Before the appeal was ready to be heard, Allen died in 1715. This put an end to the suit, which his heirs, being minors, did not renew.

When the sale was made by John and Robert Mason to Samuel Allen, in 1691, it took place in England, and by a fiction of law, the land was supposed to be in England and the conveyance was by fine and recovery in the king's bench. In this process the land was described as being in " New Hampshire, Maine, Masonia, Laconia, Mason Hall and Mariana in New England in America, in the parish of Greenwich;" a fiction of law by which a parish in England includes within its limits the principal part of two states of this Union. John Tufton Mason, the son of Robert Tufton Mason, after the death of his uncle and father, who were Allen's grantors, being advised that their conveyance to Allen

could give him only an estate for their own lives, and that the recovery in the king's bench in England was void for want of jurisdiction, prepared to assert his claims, but died in Havana in 1718, where he had gone to procure means to carry on his suit. His son, John Tufton Mason, came of age about the year 1738. The controversy between the provinces about the southern boundary of New Hampshire, was at this time renewed and brought to a crisis. Massachusetts claimed that the line should run three miles east from the river to a point three miles north of the junction of the Pemigewasset and the Winnipisseogee river; thence due west till it should meet the boundaries of the other governments. The commissioners doubted whether this should be the line, or a line commencing three miles north of the mouth of Merrimack river and running due west till it should meet the other governments, and they referred the question to the king in council. While this controversy was pending, negotiations were entered into both on the part of Massachusetts and New Hampshire for the purchase of Mason's title. The agent of New Hampshire, Thomlinson, made an agreement with him for the purchase, on behalf of that province, of his whole interest, for one thousand pounds New England currency, but no legal assent to the purchase was made by the authorities of the province.

The question of boundary was settled not in accordance with either statement of the commissioners. The reason for departing from the letter of the grant was, that when it was made it was supposed, the country not having been explored, that the course of the Merrimack river was from west to east, and therefore that the dividing line would run nearly west, and that so far then, as the course of the river corresponded with that supposed state of facts, a line three miles north of it should be the dividing line, and then the line crossing the river should take a course due west; and such a line was finally adopted and established. Thomlinson was the agent for New Hampshire, and Thomas Hutchinson for Massachusetts. The line was run by George Mitchell, from the ocean to the station north of Pawtucket falls, at which point the due west line was to commence; and by Richard Hazen from that point to Connecticut river. They were directed to allow ten degrees for the westerly variation of the needle. The work was done in February and March, 1741. "This determination," says Belknap, vol. I, p. 257, "exceeded the utmost expectation of New Hampshire, as it gave them a country fourteen miles in breadth and

above fifty in length, more than they had ever claimed. It cut off from Massachusetts twenty-eight new townships, between Merrimack and Connecticut rivers, besides large tracts of vacant land, which lay intermixed, and districts from six of their old towns on the north side of the Merrimack, and if as was then supposed, the due west line were to extend to twenty miles east of Hudson's river, the reputed boundary of New York, a vast tract of fertile country on the western side of Connecticut river was annexed to New Hampshire, by which an ample scope was given for landed speculation, and afterwards for cultivation and wealth."

The establishment of this line was undoubtedly a public benefit. It put to rest doubts and controversies about jurisdiction and ownership, which had seriously retarded the settlement of the country. But it occasioned in many places great heartburnings and trouble. It severed the ancient town of Dunstable into two parts, leaving them in different jurisdictions. The line passed through the town nearly in the centre, leaving the meetinghouse a short distance on the New Hampshire side. This town had been granted by Massachusetts nearly eighty years, and had been more or less settled more than one hundred years before this time. It had always claimed and been considered to be within the limits of Massachusetts. This decision placed their meeting-house, their minister, their grave-yard, and a large portion of themselves in another jurisdiction, and threw an air of doubt and distrust upon the validity of the titles to the lands upon the New Hampshire side of the line. The effects were most disastrous upon their interests and institutions, both of town and church. The church was broken up. The minister withdrew and left the place. The meeting-house was abandoned, and for more than half a century the results of this disturbance of the municipal and church affairs in that place, were apparent. Hollis was then a part of Dunstable, a precinct or parish, and shared in the troubles of the mother town. Most of Brookline was then included in Hollis, and Pepperell was a part of Groton, which lost a portion of its territory by the new line. In Townsend, the complaints of the wrong done, were long and loud. At a legal town meeting held Oct. 6, 1740, in that town, John Stevens was chosen moderator. The proceedings of the meeting on this subject are recorded as follows: "Being informed that by the determination of his Majesty and Council respecting the controverted bounds between the Province of Massachusetts Bay

and New Hampshire, now part of this township, is excluded from the Province of Massachusetts Bay, to which they supposed they always belonged therefore voted, that a petition be preferred to the King's most excellent majesty, setting forth our most distressed circumstances, and praying that we may be annexed to the Province of the Massachusetts Bay, and voted nemine contradicente, that Thomas Hutchinson, Esquire, of Boston, be and is hereby fully empowered to prefer a petition to his majesty, and to appear and fully to act for the proprietors and inhabitants in said town, respecting the subject: Also, voted that the aforesaid agent *shall have no demand on the town of Townsend for charges* in petitioning as aforesaid, separate from any other town in the Province; Also, voted, in case the said Thomas Hutchinson be not chosen by the major part of the towns, or if chosen, cannot engage in said affair, then Capt. John Stevens be fully empowered to join with other the towns of the Province in the choice of another agent to act in said affair, and that the aforesaid John Stevens have full power in behalf of said town to prepare and sign any petition to his majesty concerning said lines, as shall be necessary, and that he shall have forty shillings reward for his services in this affair." Town Records Vol. I, p. 31. It does not appear that any remedy or recompense for the wrong done, resulted from these proceedings. But the good people of Townsend looked for and obtained a remedy nearer home. The general court granted to the town a tract of land as a compensation for lands cut off by the New Hampshire line, and at a town meeting in 1786, the selectmen were directed to make sale of the lands so granted. The agreement made by Thomlinson' with Mason for the sale of his title, to the Province of New Hampshire before mentioned, was lodged in the hands of the governor, and was by him laid before the house. It lay on their table a long time without any formal notice. In the meantime Mason had suffered a fine and recovery in the courts of New Hampshire, by which he could convey his interest in fee. He sent in a memorial, stating that he would wait no longer, but consider inaction on their part a refusal, and intimations were given that if the agreement should not be ratified, a sale would be made to other persons, who stood ready to purchase. At length a resolution passed the house, that they would comply with the agreement and pay the price, and that the land should be granted by the general assembly, to the inhabitants, as they should think proper. A committee was appointed to complete the business with Mason, but he had on the same day, by a deed of sale for the sum of fifteen hundred pounds,

conveyed his whole interest to twelve persons in fifteen shares. The purchasers were Theodore Atkinson three fifteenths, Mark H. Wentworth two fifteenths, Richard Wibird, John Wentworth, (son of the governor,) George Jaffrey, Nathaniel Meserve, Thomas Packer, Thomas Wallingford, Jotham Odiorne, Joshua Pierce, Samuel Moore and John Moffatt one fifteenth each.

When it was found that the conveyance had been made, there was much dissatisfaction. Some attempts were made to negotiate with these purchasers for a conveyance to the Province, but without success. One obstacle in the way was, that the house would not make the purchase, unless with the stipulation that the land should be granted by the legislature, but the governor and council and the purchasers seem to have insisted, that it should be granted by the governor and council, and for that reason principally the negotiation failed.

In 1749 the purchasers took a second deed, comprehending all the Masonian grant from Naumkeag to Piscataqua, whereas their former deed, was confined to the lately established boundaries of New Hampshire. This deed was not recorded till 1753. After they had taken the first deed, they began to grant townships, and continued granting them to petitioners, often without fees, and always without quit-rents. They quieted the titles in the towns on the western side of the Merrimack, which had been granted by Massachusetts, before the establishment of the line, so that they could go on peaceably with their settlements. The terms of these grants were, that the grantees should within a limited time, erect mills and meeting-houses, clear out roads and settle ministers. In every township they reserved one right for the first settled minister, another for the ministry, and a third for schools. They also reserved fifteen rights for themselves, and two for their attorney; all of which were to be free from taxes, until sold or occupied. By virtue of these grants, many townships were settled, and the interest of the people became so united with that of the proprietors, that the prejudices against them gradually abated. The heirs of Allen menaced them by advertisements, and warned the people against accepting these grants. To this fact and claim undoubtedly, reference is had in that clause in the grant of the township, by which the grantors engage "to defend through the law to the King in

Council, if need be, one action that may be brought against them or any number of them," &c. By these proceedings, a way was prepared for giving to settlers a valid title to the lands, which had so long been a subject of doubt and controversy; and a grant was made to the proprietors, under which the settlement of the town was commenced and proceeded with as will be detailed in the next chapter.