

**HISTORY OF GRANTS UNDER THE GREAT
COUNCIL FOR NEW ENGLAND: A
LECTURE OF A COURSE BY MEMBERS
OF THE MASSACHUSETTS HISTORICAL
SOCIETY, DELIVERED BEFORE THE
LOWELL INSTITUTE, JAN. 15, 1869**

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History of grants under the great Council for New England: A Lecture of a Course by Members of the Massachusetts Historical Society, Delivered Before the Lowell Institute, Jan. 15, 1869 by Samuel F. Haven

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SAMUEL F. HAVEN

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*With the regards of
S. F. Haven.*

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OF A

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BY

S. F. Haven
SAMUEL F. HAVEN, A.M.

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HISTORY OF GRANTS

UNDER

THE GREAT COUNCIL FOR NEW ENGLAND.

THE subject assigned to me for a lecture to-night is, "History of Grants under the Great Council for New England."

However important this may be in a historical point of view, so far as pleasurable interest is concerned it certainly has a rather dry and unpromising aspect.

Moreover, it was said of this Great Council for New England, by the learned Dr. Belknap, after he had tried in vain to harmonize their proceedings, that —

"Either from the jarring interests of the members, or their indistinct knowledge of the country, or their inattention to business, or some other cause which does not fully appear, their affairs were transacted in a confused manner from the beginning; and the grants which they made were so inaccurately described, and interfered so much with each other, as to occasion difficulties and controversies, some of which are not yet ended."

So, too, Governor Sullivan in his work on "Land Titles in Massachusetts" declares that the legislative acts of the Council for New England and their judicial determinations "were but a chain of blunders;" and "their grants, from the want of an accurate knowledge of the geography of the territory, were but a course of confusion."

Possibly, it was with the hope of obtaining additional light upon these obscurities and perplexities, to the extent of reconciling apparent discrepancies, that the subject was selected for treatment in this series of historical lectures. But intricacies which learned historians and acute lawyers have failed to elucidate, it may be presumed are not susceptible of a distinct and

definite solution, such as Courts require for the establishment of a title to property; and we may be compelled to find in a narrative of the circumstances under which they had their origin their only reasonable explanation.

You will therefore be spared a technical dissertation upon charters, patents, grants, and other methods of conveying territorial rights, and be asked to listen to a relation of the rise, the character, the operations, and the end of the great corporation in England created by James I. on the 3d of November, 1620, consisting of forty noblemen, knights, and gentlemen, and called "The Council established at Plymouth, in the County of Devon, for the Planting, Ruling, and Governing of New England in America."

It will be necessary to go back a little; not indeed to the days of Adam and Eve, as did our distinguished New England chronicler, Dr. Prince, who devoted so much time and space to the preliminary annals of the *world*, that he died before completing those of this limited portion of the globe, which were the real object of his work, — but to the beginning of England's conventional title to American possessions. It was a *conventional* title, inasmuch as it rested upon an understanding among the so-called *Christian* powers, that the rights of nations and peoples, who were not at least nominally Christian, should be entirely disregarded. The sovereigns of Europe carried out in practice the principle which the Puritans of Cromwell's parliament were said to have asserted in theory, and apparently regarded the scripture promise that the saints shall inherit the earth as a mere statement of their own just prerogative. Among Catholics, the Pope, as an inspired administrator, distributed newly discovered regions according to his inclination and infallible discretion. His assignments of continents and seas by the boundaries of latitude and longitude were valid in Spain and Portugal and France; but in England the King, when he had become also the head of a church, claimed authority to empower his subjects to discover "remote, heathen, and barbarous lands, not actually possessed of any Christian prince or people, and the same to hold, occupy, and enjoy, with all commodities, jurisdictions, and royalties, both by sea and land;" of course, in subordination to his own paramount authority, but with no reference to the supremacy of the Roman pontiff.

John and Sebastian Cabot were commissioned, in like phraseology, by Henry VII, "to seek out countries or provinces of the heathen and infidels, wherever situated, hitherto unknown to all Christians, and to subdue and possess them as his subjects." If their discoveries had been followed at once by possession, the papal sanction might have been deemed essential to a sound title; but England had long been a Protestant country before steps were taken to maintain her claims to a portion of the New World. Remote events, like distant objects, are apt to seem crowded together, for want of a perspective to make the intervals which separate them evident to our perceptions. Thus we often fail to realize the duration of uneventful periods of history which come between the strifes and commotions, or other great occurrences which chiefly occupy the attention of both the historian and his reader. From A.D. 1495, the date of the commission to the Cabots, to A.D. 1578, the date of the letters patent to Sir Humphrey Gilbert, under which possession was first taken for the English crown, the lapse of time exceeds that of two generations of men, as these are usually estimated.

Meanwhile, circumstances were silently and indirectly, as well as slowly, preparing for the settlement of this portion of the American continent. Unrecorded voyages were annually made to our coasts for fish by the Spaniards, Portuguese, and French; the fasts of the church causing a large demand for that article of food in Catholic countries. The people bordering on the Bay of Biscay were hereditary fishermen. Their ancestors had captured whales in their own tempestuous sea; and Biscayans, or *Basques*, as they were more frequently termed, were in great request as experts for the fisheries at Newfoundland, and along the shores of New England. They professed to believe that their countrymen visited the same fishing-grounds before Columbus crossed the ocean. The business was so lucrative that the reports first brought home by the Cabots of the great abundance of codfish in those regions produced an excitement among the people engaged in that trade, not unlike that which rumors of gold in California and Australia have created in more recent times.

No account has been preserved of the *commencement* of fishing voyages to the American seas; but they can be traced back to

within half a dozen years of the return of the Cabots; and twelve or fifteen years later as many as fifty vessels of different nations were employed on the Grand Banks.

Of such voyages no journal was kept and no history was written; because it was the policy of the adventurers to keep these prolific sources of wealth, as much as possible, from attracting the attention of competitors.

The presence of European vessels on our shores, in considerable numbers, a century before the arrival of the Pilgrims, may account for traditions among the natives, and the occasional discovery of articles of European manufacture in their graves, that have been supposed to point to the visits of the Northmen at far more distant periods.¹

A process of preparation not less marked and effective was at the same time going on in England itself. Until the reign of Henry VII., that kingdom had been behind all other European States in mercantile enterprise. Italy, Spain, Portugal, Holland, and even Germany, were before her in commerce or manufactures. The fluctuations of trade, in the removal of its seats from one place or country to another, are among the marvels and curiosities of history. The chief wonders of the world — the costly and gigantic remains of decayed cities, where now all is silence and desolation — are the fruits of accumulated capital in what were once the forwarding and distributing stations of trade. Thebes, Babylon, Nineveh, Palmyra, Tyre, and Carthage were great and magnificent, because, as the prophet Nahum saith of Nineveh, "They multiplied their merchants above the stars of heaven."

Wherever traffic has found a seat and centre, art, architecture, enterprise, and political power have been its inevitable fruits. The growth and decay of these local influences, and their distribution in turn among the kingdoms of the earth, though springing from natural causes, belong no less to the mysterious operations of Providence. It was the commercial decline of Italy (the industrial Italy of the Middle Ages), whose prodigal remains of æsthetic splendor are the memorials of her merchant princes, that

¹ When Captain John Smith visited the Susquehanna Indians, in 1608, they had utensils of iron and brass, which, by their own account, originally came from the French of Canada.