

**POPHAM'S TOWN
OF
FORT ST. GEORGE**

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Popham's Town of Fort St. George by Rufus K. Sewall

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RUFUS K. SEWALL

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BY RUFUS K. SEWALL,

OF WISCASSET, MAINE.

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1876.

POPHAM'S TOWN OF FORT ST. GEORGE.

ANTECEDENTS.

IN May, 1605, following the track of the Concord, Gosnold, master, of 1602, the Archangel, Weymouth commander, being forced by embaying shoals and a most uncertain ground to stand off from Cape Cod in the midst of a gale of wind and raging sea, at evening twilight descried land. It appeared a "highland of the main in the N. N. East," but proved to be an island midway between the 43° and 44° north latitude, on the coast of Maine,—known to the French as *E. mmetinic*,* (and contracted to "*Pémquit*" and in English hardened into Pemaquid,) and thereafter applied to the nearest mainland, which, projecting five or six miles toward it into the open sea, forms a narrow cone-shaped peninsula. At its base winds a short, navigable river, whose waters are curved into a beautiful and deep harbor basin, as they pour into the sea by a passage not more than one hundred and fifty feet wide and many fathoms deep. Entering here, five of the natives of Pemaquid were captured, one of whom was a chief, and taken to England in the Archangel. Before this "Pem-

* "Capⁿ. Plaistrier de Houffleur cy devant nommie voulant aller à Kenibequé, il fuit saisy prisonir pour deux navires anglays, qui estoimet en un isle appelleé E. mmetinic 8 lieurs du dit Kenibequé"

"aquid" had become known in the maritime transactions of Europe; and on the highest historical authority it is alleged that the discovery* of Pemaquid and the capture of its inhabitants form the initial period of New England colonization.

April 10, A. D. 1606, organized movements of the English race for actual possession of the continent of the new world in New England, in the right of that race, began to take legal form; and in 1607 the great commercial centers of England, Bristol and London equipped three vessels, the Gift of God and her tender, a fly-boat, and the Mary and John of London, and embarked an hundred and twenty subjects of "Great Britain," who were sent to execute the movements so organized; in the prosecution of which the colonial fleet reached the coast of Maine in safety; and made a landing in latitude $43^{\circ} 44'$ north, at "Sagadahoc." Covering the Sagadahoc end of this expedition there has been an over-hanging cloud of uncertainty, shading the transactions, and leaving in doubt the fate of one of the leading vessels of the expedition; and the number and relations of the returning colonists; and the actual facts as to the result of the movement. The confusion is a natural incident to cross purposes and divided counsel of changed administration, or of partisan policy in the succession of a subordinate to authority.

The movements of the ship of the Popham command, the flag-ship of the expedition and her tender, after the Mary and John reached anchorage by her side at the site chosen for settlement; or their mission further; or their fate beyond the landing of the Sagadahoc emigration, have never been satisfactorily traced.

A series of facts exist however, in isolation, whose aggregation, in natural order, under logical relations, will

* Thornton's Ancient Pemaquid, Vol. V., M. H. Soc. Coll., p. 157.

throw clear and concentrated light into these beginnings of New England homes and history.

COAST PECULIARITIES.

The coasts of Maine for a degree and a half of latitude between $43^{\circ} 30'$ and 45° , have ever been remarkable, as well for physical features of sea and shore, as for historic nomenclature of aboriginal origin, wafted from ante-colonial periods.

Pemaquid, Sagadahoc and Muscongus are all names of remote antiquity, of native origin and import, designating contiguous sections in the above latitudes, notable in the beginnings of European life as points of eminent attraction, where the earliest fluxes of European emigration were felt. They were well known to European fishermen and fur dealers as eligible and eminently prolific in resources of commercial value, before the voyages of Champlain, De Monts, Weymouth, Popham and Smith. Originally Pemaquid was styled and ranked as a "Kingdom." Muscongus and Sagadahoc were its provinces and dependencies.

These grand old names covered the fattest fishing grounds and fur depots of these latitudes; and were tripartite centers of commercial industries and colonization at the opening of the English colonial epoch.

The exclusive possession and control of these territories were state prizes in the reign of Elizabeth of England and of James I.; and led to desperate, protracted and bloody contests, settled with Spain in the catastrophe of her great Armada, by force of then aval achievements of Drake, 1688; and with France on the heights of Abraham, before Quebec in September, 1759, between the English General Wolf, and Montcalm of the French.

INTERNATIONAL LAW.

The commercial treasures of Pemaquid and her dependencies, Muscongus and Sagadahoc, pertained to the

Baccalaan resources of these shores stocked with cod-fish ; and had arrested the attention and excited the cupidity of maritime Europe, prior to A. D. 1565. "Spain and Portugal had grasped and divided these regions between themselves. The Pope made the partition by force of a "Vatican state paper called a 'bull.'"

Stimulated by greed of empire, provoked at the Pope's partiality toward Spain and Portugal, France and England controverted the right of this partition, and determined to get possession of that section of the new world covering the fat fishing grounds. Rival interests quickened the emulation of rival states.

INTERNATIONAL PROTEST.

France, by her king, Francis I., said in challenge of the rights accruing in virtue of this partition: "Spain and Portugal are quietly dividing the whole country of America between themselves, without allowing me to come in for a brother's share. I would be very glad to see the clause in Adam's will which makes that continent their exclusive inheritance."

England declared, "that discovery and prescription are of no avail unless followed by actual possession." This doctrine she prepared at once to enforce; and massed her guns and marshaled her naval force, to give the effect of international law to her common law formula, "*prescriptio sine possessione, hand valebat.*"

England immediately reduced her legal postulate to practice, in application of the theory of her common law title to real estate, to her trans-continental interests, in defiance and in derogation of the assumptions of the vatican and its legal maxims, under the Pope's vice-gerency.

INITIAL MOVEMENTS TO ACQUIRE TITLE.

In this behalf, on the tenth of April A. D. 1606, England opened contracts with her own subjects, known to

the law as a "charter," whose stipulations were conditional.

It was in terms a grant, covering agreements. "We do grant and agree," is the language of the compact. The tenor, in fact, was a royal license, hedged about with prospective grants, based on conditions to be fulfilled, adequate to the legal purposes of the government.

The transaction consisted of stipulations expressed and implied, which were conditions precedent to future and further concessions, to be made available to the grantees, on petition, after the fulfillment.

The transaction was the legal and formal conception of a valid and permanent title and possession in the new world, covering the purpose of practical and enduring defensible foothold of the English race upon it.

CHARTER PURPOSES.

The object of the stipulations was expressly declared to be "*Making of habitations, by leading out and planting colonies, subjects of Great Britain.*" The grantees were termed "adventurers;" and were organized into bodies corporate. They were required "to build and fortify" where they should inhabit; and their colonies were to be "*of such and so many of the subjects of Great Britain as should willingly accompany*" on their voyages thither. The adventurers, by the terms of their contract with government, were restricted to a *voluntary emigration*; and this fact negatives every hypothesis of "legal enforcement" of the men they should lead out of England, as illegal; and George Popham and Rauleigh Gilbert were leading associates and executive agents, as parties to the Royal License of April 10, 1606.

They were allowed any place on the coast, where they should think fit and convenient, between limitations of latitude below the 45° north, and required there to make their abode and begin habitation.

Permanency of possession, homestead establishment alone, could fulfill the conditions of their undertaking.

The salient points of the contract of April 10, 1606, for seizing and holding actual possession at or near the 44° north latitude, are clearly made. English emigration, domiciliation of the race, military occupancy at points fit and convenient, in and about the above latitudes, on the shores of the new world, were the declared purposes, both of the English government and its grantees, the adventurers of this charter.

Such an emigration with purposes aforesaid accomplished, insured under stipulation, that, on petition in that behalf, George Popham, Rauleigh Gilbert, "*their heirs and successors*," should be endowed with plenary rights to the fruits of their undertaking, in a crown deed or "Letters Patent," of the country by them so seized and occupied.

Such were the charter conditions of the voyage of Popham and Gilbert, made in pursuance of the contracts aforesaid.

EMBARKATION.

They set sail from west of England in the spring of the year ensuing, (1607,) taking their departure from Plymouth in three vessels,* one from London, and with a west of England and London emigration combined. They landed at Pemaquid, and debarked in latitude 43° 44' north, at "Sagadahoc,"—a precinct of the Pemaquid country,—fortified the peninsula of Sabino,—and from thence distributed their colonists in conformity to their stipulations, in execution of the contract of April 10, 1606, and so as to hold the Pemaquid country,—beginning with the erection, in August, 1607, of Popham's town of Fort St. George.

* Gorges.