

## CHAPTER IV.

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### RUMFORD INCORPORATED.

FROM 1731 till 1733 the settlement at Penacook was in a transition state from a plantation to an incorporated town. The petition of Henry Rolfe, Esq., Dec. 1732, was so far successful that, as we have seen, "the inhabitants" of Penacook were allowed to hold legal meetings, for the choice of officers, and to raise money for necessary town purposes. But they were under the immediate direction of "the Great and General Court," who appointed the moderator of the meetings. This state of things continued till near the close of the year 1733-4, when the Act of Incorporation for the township by the name of RUMFORD, was obtained.\* The origin of this name we have been unable to determine. It is supposed to have been given from that of a parish in England, from which some of the proprietors originated; but which of them, we cannot tell.

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\* The proceedings preliminary to the Act of Incorporation were as follows :

"Samuel Game, Esq., brought down a petition of Henry Rolfe, Esq., for himself and the other grantees of the plantation of Penny Cook, praying that they might be heard to make it appear to the Court that they have fulfilled the conditions of their grant, and that thereupon they may be allowed to bring in a bill to erect the plantation into a township, for the reasons mentioned.

Passed in council.

February 8, 1733, *Read and Ordered*, That Thomas Cushing and Edward Godard, Esqrs., with such as shall be joined by the honorable house, be a committee to consider of this petition, and report, as soon as may be, what may be proper for this court to do thereon.

Sent down for concurrence.

The proceedings of the inhabitants while in transition from a "plantation" to a township, are not otherwise important than as illustrating the order and resolution with which the "inhabitants carried forward their enterprise. Capt. Ebenezer Eastman was moderator ;\* twenty shillings were offered "for encouragement of killing wolves in the township," and six pence for rattle-snakes,—“provided that the destroyer of such snakes shall bring in a black joint of the tail, or with the tail, to the selectmen ;” also, “a penny for killing of black-birds—the head being brought to the selectmen, or any of them, and burnt.” In December, 1733, thirty pounds were voted to be drawn out of the treasury for the use of the inhabitants and freeholders of the plantation ; also, a sum sufficient to pay all just debts, and “sixteen pounds *for to pay a school* for this present winter and spring following ; and that the selectmen shall find books for the use of the inhabitants and freeholders, on the town’s cost, so far as they shall think necessary.”

In January, (16,) 1733–4, fifty pounds were appropriated to Rev. Mr. Walker, “for building of him a dwelling-house in Penny Cook, provided he gives a receipt that he has received in full

Read and concurred. Capt. Hill, Mr. Hobson and Mr. Hall are joined in the affair.

February 9, 1733. The committees reported thereon that the petitioners had leave to bring in a bill.

*“ An Act for erecting a new town within the County of Essex, at a plantation called Penny Cook, by the name of Rumford.*

Whereas, the plantation of Penny Cook, so called, of the contents of seven miles square, and one hundred rods, extending on the south bounds the full breadth of said plantation, which has by this court formerly been [and hereby is] declared to lie in the County of Essex, is competently filled with inhabitants who have built and finished a convenient meeting-house for the public worship of God, and some time since have settled a learned Orthodox minister among them ; and have, to full satisfaction, complied with all the articles and conditions of their grant respecting their settlement, and thereupon have addressed this court to be erected into a separate and distinct township, and hold and enjoy equal powers and privileges with the other towns in the province :

Be it enacted by His Excellency the Governor, Council and Representatives, in General Court assembled, and by the authority of the same, That the plantation of Penny Cook, in the County of Essex, as the same is hereafter bounded

\* See list of officers, at the close of this chapter.

for his salary in times past, until this day, for the decay of money—it not being equal to silver at seventeen shillings the ounce.”

### 1734.

From this period the affairs of the new town proceeded with regularity and safety, till 1737. The proprietors' books and papers, that had been faithfully kept by John Wainwright, Esq., were delivered into the hands of Benjamin Rolfe, Esq., who was both proprietors' and town clerk. May 19, 1735, Mr. John Chandler, town treasurer, was ordered to make the several collectors that are in arrears, forthwith to pay in what was due; and Benjamin Rolfe, Esq., was appointed attorney in behalf of the town, “to sue for and recover in the law, any sum or sums of money which Mr. John Chandler, treasurer, is indebted to the town.” In September, money was raised for building a bridge over Suncook river,—“one third part of the expense of building said bridge to be at the cost of the town.” Deacon John Merrill and Mr. James Abbot, or either of them, were empowered to hire a man to keep school four months the next winter and spring; and Capt. John Chandler, Benj. Rolfe, Esq., Dea. Merrill and Abner Hoyt, appointed a committee “to take care that the bridge over Suncook be well done.”

### 1736.

Fifty pounds were granted to Rev. Mr. Walker, to enable him to clear a pasture and bring it to English grass: thirty pounds

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and described, be and hereby is constituted a separate and distinct township, by the name of Rumford; the bounds of said township being as follows, viz.: Beginning where Contoocook river falls into Merrimack river, and thence to extend upon a course east seventeen degrees north three miles, and upon a course west seventeen degrees south four miles, which is the northerly bounds of said township; and from the other parts of that line, to be set off southerly at right angles until seven miles and one hundred rods shall be accomplished from the said northern bounds; and the inhabitants thereof be and hereby are vested and endowed with equal powers, privileges and immunities that the inhabitants of any of the other towns within this province are or ought by law to be vested or endowed with.

Passed in Council, February 22d, 1733.

Sent down and read a first time. Bill passed, February 27, 1733.

of the said fifty pounds to be paid in 1736, and twenty pounds in the year 1737. Henry Rolfe, Esq., was authorized "to use proper means to get the County of Essex divided into counties." Edward Abbot was "empowered to repair and fit up the seats in the meeting-house, and make a door to the pulpit, and put up the windows." On the 18th of May the question of sending a Representative to the Great and General Court in Boston, was tried in town-meeting, and decided in the *negative*. The same question was decided in the negative the *next* year, and still again in 1738.

### 1739.

The school was ordered to be kept from the 20th of October to the 20th of April, 1740. Seventh of November, *Voted*, "That there shall be a good and sufficient garrison built around the Rev. Mr. Timothy Walker's dwelling-house, as soon as may be conveniently, at the town's cost." Benj. Rolfe, Esq., Dea. Merrill, Dea. Ephraim Farnum, Lieut. John Chandler and Edward Abbot, to build the said garrison, at the town's cost, "as they shall think best." Five pounds were also granted to Mr. Barachias Farnum, to enable him to build a flanker to defend his mills,— "provided he give security to the town that in case he shall not keep a garrison at his dwelling-house, the town shall have liberty to take said flanker, and convert it to their use." Mr. Farnum's mill was on Turkey river, and his house also in that neighborhood.

Mr. JAMES SCALES,\* afterward minister of Hopkinton, was allowed "liberty to build a pew in the one half of the hindermost seat at the west end of the meeting-house, that is next the window."

\* *To the Church of Christ in Rumford, the First Church of Christ in Boxford sends greeting :*

*Reverend and Beloved :—*We dismiss from our to your holy communion, our beloved and worthy brother, Mr. James Scales, desiring you to receive him as becometh saints, and pray for us.

Your brethren in Christ,

JOHN ROGERS, *Pastor*,

with ye consent of the brethren.

Boxford, July 3, 1737.

*Rumford, July ye 17, 1737.* This dismission and recommendation was read to the Church, and thereupon Mr. Scales was received to full communion here.

TIMOTHY WALKER, *Pastor*.

Joseph Eastman and Lieut. John Chandler were appointed "to inform of all breaches of an act for the better preservation and increase of deer within the province, and to take care that the violators thereof be duly prosecuted and punished."

At this early period there appears to have been a FERRY across the Merrimack from Hale's Point in a "Great Boat," and a road was laid out from the landing-place along the bank of the river "to the old fort," through land of Mr. Nathaniel Abbot and William Barker.

### 1740.

June 11, Benjamin Rolfe, Esq., "was elected and deputed to serve for and represent the town in the Great and General Court" in Boston, and empowered, in behalf of the inhabitants, "to prefer a petition to His Majesty, that they may be quieted in their possessions, and remain under the jurisdiction of the Massachusetts Bay, or for any thing that may be proper or convenient."

In order to understand the ground and reasons for the disquiet implied in the foregoing, it is needful to refer, briefly, to the controversy at this time going on between Massachusetts and New-Hampshire respecting their boundary lines.

The point in controversy between the governments of the two provinces, so far as affected Rumford, was the southern boundary line of New-Hampshire, or which is the same, the northern boundary line of Massachusetts. The latter by virtue of her charter and grants claimed to "hold and possess" all the lands "on the southerly side of New-Hampshire, beginning at the sea, three English miles north from the Black Rocks, so called, at the mouth of the river Merrimack, as it emptied itself into the sea sixty years ago; thence running parallel with the river, as far northward as the *crotch*, or parting of the river; thence due north, as far as a certain tree, commonly known for more than seventy years past by the name of ENDICOTT'S tree, standing three miles northward of said crotch or parting of Merrimack river, and thence due west to the south sea" — which they said they were "able to prove, by ancient and incontestable evidence, were the bounds rightfully belonging to them and within their jurisdiction."

The "crotch" above spoken of was the point of confluence of

the Pemigewasset and Winnepissiogee rivers at Franklin, on the southeast side of the home-farm of George W. Nesmith, Esq.; the "Endicott tree," standing three miles north,— which cannot be identified at this time,— must have been near to Sanbornton Bridge; a line thence due west to the south sea or Pacific ocean, might have taken in some of the gold mines of California, as well as the rich interval lands of Penacook!

On the other hand, New-Hampshire claimed "that the southern boundary of her province should begin at the end of three miles north from the *middle* of the channel of Merrimack river, where it runs into the Atlantic ocean; and from thence should run on a straight line west, up into the main land, (toward the south sea,) until it meets His Majesty's other governments;" that is, until it should reach New-York.

At this time New-Hampshire and Massachusetts, as provinces of His Majesty, were so far united that they were under one Governor, — JONATHAN BELCHER, — who resided in Massachusetts, and was supposed to be in her interest; while DAVID DUNBAR, Esq., was Lieutenant Governor of New-Hampshire, who, with a majority of the Council and of the House of Representatives, was opposed to Governor Belcher and to the Massachusetts claim.

In order to settle the conflicting claims as to boundary, appeal was finally made to His Majesty, and a royal order obtained, constituting a board of commissioners, to be selected from the counsellors of the neighboring provinces — Nova Scotia, New-York, New-Jersey and Rhode-Island, with power to settle the contested lines. This commission first met at Hampton, August 1, 1737. BENJAMIN ROLFE, Esq., then and afterward of Rumford, was appointed one of the clerks. Arrangements had likewise been made for a meeting at about the same time, August 10, for the legislative assemblies of the two opposing provinces: that of Massachusetts at Salisbury, and of New-Hampshire at Hampton-Falls — five miles apart. This was done in order that the claims of each might with greater facilities be represented before the commission, and that the Governor, who *professed* to be equally the father of both, might seem to discharge his duty in the premises with entire impartiality. This

great occasion was conducted with pomp and parade. Governor Belcher was escorted from Boston by a troop of horse, and met at Newbury by another troop, who, joined by three more at the supposed divisional line, conducted him to the "George tavern," at Hampton-Falls, where he made a speech to the assembly of New-Hampshire.

No doubt this procession, with the Governor riding in state, attended by members of the Great and General Court, was an imposing spectacle; but such was the temper of the times, that it was made the subject of burlesque in true Hibernian style.

"Dear Paddy, you ne'er did behold such a sight,  
As yesterday morning was seen before night;  
You, in all your born days saw, nor I did'nt neither,  
So many fine horses and men ride together.

At the head, the lower house trotted two in a row,  
Then all the higher house pranced after the low;  
Then the Governor's coach gallop'd on like the wind;  
And the last that came foremost were troopers behind:  
But I fear it means no good, to your neck or mine,  
For they say, 'tis to fix a right place for the line!"\*

While the assemblies were in session, and the commissioners were devising to settle the disputed claims, Gov. Belcher, with a select company, made an excursion of three days to the falls of Amoskeag—an account of which was published in the papers, and concluded in the following manner: "His Excellency was much pleased with the fine soil of Chester, the extraordinary improvements at Derry, and the mighty falls at Skeag."

Among the questions which puzzled the commissioners, and which it required all their wits to settle, were, "Whether Merrimack river, at that time, emptied itself into the sea at the same place where it did sixty years before? Whether it bore the same name from the sea up to the crotch? and *whether it were possible to draw a parallel line three miles northward of every part of a river; the course of which was in some places from north to south?* The first and second questions might be settled historically, or by competent living witnesses, but the last must have required wiser heads than Solomon's to decide!

\* See Belknap's Hist. N. H., 1737. Note.

The commissioners at this session evaded the main point on which the controversy turned, which was, "Whether the charter of William and Mary granted to Massachusetts all the lands which were granted by the charter of Charles the First?" If the former, then the claim of Massachusetts must be granted; if not, then it must fail. Making, therefore, an evasive decision, the commission adjourned, and left the parties to pursue their contentions as best they could, by means of agents, before His Majesty's Council in England. The New-Hampshire interest was represented by John Tomlinson, Esq., who employed a Mr. Parris as solicitor — a man of shrewdness, penetration and artful address: Massachusetts employed as her agent Mr. Edmund Quincy, who died in 1738, and afterward the affair was in the hands of Wilks and Partridge — neither of whom understood so much of the controversy as Tomlinson, nor had the address of Parris. The latter drew up "a petition of appeal" to His Majesty's Council, in which all the circumstances attending the transaction from the beginning were recited and colored in such a manner as to asperse the Governor and assembly of the "vast, opulent, overgrown province of Massachusetts;" while "the poor, little, loyal, distressed province of New-Hampshire," was represented as ready to be devoured, and the king's own property and possessions swallowed up by the boundless rapacity of the charter government.\*

To those who would look further into the merits of the question, I must refer to original documents, or to the condensed view in Belknap's History. It suffices my purpose to say, that after the agents of the respective governments had exhausted all their ingenuity and address to accomplish their objects, the whole subject was decided by His Majesty, in Council, on the 5th of March, 1740, on principles of equity and common sense; at least, so far as respects the course of the Merrimack river — which, at the date of the original charter of Massachusetts, was unknown, viz.: It was determined, "That the northern boundary of the province of Massachusetts be a similar curve line, pursuing the course of Merrimack river at three miles distance, on the north side thereof, beginning at the Atlantic ocean, and

\*See Belknap's Hist., Ch. 17, year 1737.

ending at a point due north of Pawtucket Falls ; and a straight line drawn from thence due west, till it meets with His Majesty's other governments." The northern boundary line of New-Hampshire was fixed as it remains essentially to this day.

By this decision of His Majesty all the towns that had been laid out by Massachusetts west of the Merrimack river, above Pawtucket Falls, and those bordering the river, and embraced within the "three miles north of the river," which Massachusetts claimed, fell within New-Hampshire.

In pursuance of this decision, the next thing was to run the line. Gov. Belcher received orders, 1741, to apply to the governments of both provinces, to join in appointing surveyors to run out and mark the lines ; and that if either should refuse, the other should proceed *ex parte*. Massachusetts failed to comply. New-Hampshire appointed three surveyors, one of whom was *Richard Hazzen* — surveyor of the interval lots at Penacook — who surveyed and marked the west line from Pawtucket Falls across Connecticut river to the supposed boundary line of New-Hampshire.\*

This decision respecting the boundary awakened deep concern in the inhabitants of Rumford. Strongly attached to the Massachusetts government, they were anxious, if possible, to retain their connection. On the 11th of June, 1740, in obedience to a precept from the General Court of Massachusetts, they elected their first representative, Benjamin Rolfe, Esq., and instructed him to prefer a petition to His Majesty, that the inhabitants "may be quieted in their possessions, and remain under the jurisdiction of the Massachusetts Bay ; also, to petition the General Court to use their influence with His Majesty in that behalf." At a meeting, also, September 26th, "the town being informed that by the determination of His Majesty in Council, respecting the controverted bounds between the province of Massachusetts Bay and New-Hampshire, they were excluded from the former province, to which they always supposed themselves to belong — 'Voted, unanimously, to prefer a petition to the king's most excellent Majesty, setting forth their distressed estate, and praying to be annexed to the said Massachusetts province.'"

\* Belknap, 1741.

At the same meeting, Thomas Hutchinson, Esq., agent of Massachusetts, "was empowered to present the said petition to His Majesty, and to appear and act fully in behalf of the town, with respect to it;" and in case he declined, Benjamin Rolfe was authorized to act in the matter, "according to his best discretion."

All, however, was to no purpose. In accordance with the decision of His Majesty, New-Hampshire extended her jurisdiction over all the inhabitants within her bounds, and on the 18th of March passed what was called the DISTRICT ACT, including a part of Salisbury and Almsbury; a part of Methuen and Dra-cut, Litchfield, Nottingham-West, [Hudson,] part of Dunstable, and Rumford.\* By this act the inhabitants of these several districts were subjected to *taxation* without *representation*.†

\* See Document for Chap. IV., No. 1.

† *Voted*, That Benjamin Rolfe, Esq., be hereby desired and empowered, in the name and behalf of said inhabitants, to prefer a petition to His Excellency our Governor, or to the General Assembly of this province, that they may be empowered to make choice of some suitable person to serve for and represent them in every session of the General Assembly from time to time, within this province. — *Rec.*, 1744.