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State of Maine ✓

Report of

State Historian

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1910

STATE OF MAINE.

OFFICE OF STATE HISTORIAN, December 31, 1910.

To His Excellency Bert M. Fernald, Governor of Maine:

SIR:—I have the honor to present herewith my report for the years 1909 and 1910.

Respectfully yours,

HENRY S. BURRAGE,

State Historian.

REPORT OF STATE HISTORIAN.

The office of State Historian was established by the Legislature of 1907. Concerning its action in this particular I had no information whatever until I was asked by Governor Cobb to accept an appointment to the office thus created. In my first interview with the Governor, and before accepting the appointment he had tendered to me, I called his attention to the limitations of the duties of the State Historian as indicated in the act passed by the Legislature and which had received his approval under the title, "An Act to encourage the compiling and teaching of Local History and Local Geography in the Public Schools." In reply, the Governor suggested that the work of the State Historian could be enlarged by subsequent enactments, and I was urged to accept the office in the hope that by added legislation the work assigned would be broadened to such an extent as to include the care and preservation of the public archives and the collection of the materials of our history before Maine became a State. Impressed with the great possibilities that such an enlargement of the duties of the State Historian offered, I accepted the appointment.

In my first report, accordingly, which was sent to the Governor at the close of 1908, I called attention to the importance of enlarging the work of the State Historian, presenting among other considerations facts concerning existing conditions in the public archives of the State as disclosed in a report made by Professor Allen Johnson, of Bowdoin College, under an appointment of the Public Archives Commission. That report had not then been printed, but a manuscript copy had been placed in my hands by its author. It has since been printed by the United States government under the title, "The Archives of the State of Maine."

In my reference to this report and the facts which it disclosed concerning the condition of our public archives, I referred to

the important work which the Public Archives Commission is doing, and to the progress that has been made in other states in recent years in the endeavor to secure adequate provision for the care and preservation of all public records. The several methods in use were outlined, and emphasis was laid upon that method which establishes a Department of Archives and History in the Capitol, and has received the approval of the American Historical Association.

In accordance with a purpose which I announced in my report, and in which I had the heartiest support of the President of the Maine Historical Society, Hon. James P. Baxter, and others greatly interested in our State history, I appeared before the Legislative Committee on the Library and urged the establishment of such a Department. I called the attention of the committee to facts that had come under my own observation and especially to the disclosures that would soon publicly be made in Professor Johnson's report to the Public Archives Commission. The following is the opening paragraph of that report:

"Since the year 1832, when the seat of government was removed from Portland to Augusta, the capitol has been the depository of the archives of the State of Maine. The original building has been remodeled and enlarged, but it has long been altogether inadequate to the growing needs of the administrative offices. Lack of office room in nearly every department has led to very general carelessness in the preservation of records not in use. As the congestion has become unbearable, one office after another has resorted to various expedients to procure storage room. The Adjutant General's office has taken possession of a closet in the room assigned to the Commissioners of Pharmacy, the Secretary of State's office has dumped many of its older volumes of records in a storage room in the basement; for the relief of other offices, rude wooden shelves have been erected in the basement. And it is to be feared that even these dubious makeshifts do not hold all the 'rubbish' consigned to the basement. That this inflammable material, so loosely heaped upon the floor, creates a very real danger to all the records can hardly be denied; but with the indifference which familiarity with such conditions always breeds the officials at the capitol pin their faith to the attendants who maintain a fire

guard day and night. So long, however, as reliance is put upon the watchfulness of guards rather than upon fireproof vaults the State archives cannot be said to have the care to which they are entitled."

Of course the conditions to which reference is here made are those that existed in the State House before its present wise enlargement. Hereafter the public archives will have ampler accommodations and a security they have not known hitherto. But of themselves these ampler accommodations are not sufficient to meet just demands with reference to our public records. Much still remains to be done in the endeavor to make up, so far as is possible, existing deficiencies which are the result of past neglect.

Then there is the period of our history before Maine became a State, when Maine was a part of Massachusetts and even antedating that period—a period covering nearly half a century in which Maine was the scene of colonizing enterprises contemporary with those of Plymouth and Massachusetts Bay—the whole period extending over more than two centuries. How scanty the materials of our history in this period! In the search that has been made for them the State has done little more than to aid the Maine Historical Society by occasional appropriations for the publication of its Documentary Series. Such aid has been well deserved and should be continued with even greater liberality. But a larger work can be done—and it cannot be commenced any too soon—in which shall be secured the amplest materials of our history that can be gathered, arranged and made accessible for use on the part of the constantly increasing number of our people who are interested in the beginnings of Maine.

Accordingly, as strongly as I could, I urged the establishment of a Department of Archives and History not only in order that our State archives might receive the attention they deserve, but also in order that we might enter at once upon the work of making such a collection of the earlier materials of our history as it is now possible to secure.

But the members of the Committee on the Library, while admitting the force of the statements thus presented, were of the opinion that favorable action by the Legislature could not be secured because of financial considerations. Impressed, how-

ever, with the importance of giving at once some attention to the care and preservation of the public archives, the committee recommended to the Legislature the passage of the following resolve:

Resolved, That the sum of one thousand dollars be and hereby is appropriated for the year nineteen hundred and nine, and one thousand dollars for the year nineteen hundred and ten, to be expended by the State Historian in arranging, classifying, collecting, preserving and indexing books, manuscripts, records, documents and papers, now or hereafter in the possession of the State of Maine, so that the same may be made accessible to all persons desiring to use them and who may be entitled to do so. And the State Historian shall report biennially to the Governor and Council the results of the work done under this resolve.

The resolve was passed without opposition in both branches of the legislature and was approved by the Governor March 19, 1909. At my suggestion, it was amended subsequently by adding the following words: "Or in purchasing books, manuscripts, records, documents and papers relating to the history of the State," and the act amending the resolve was approved by the Governor April 2, 1909.

During Professor Johnson's investigations at the State House, he found in a closet in the basement a large collection of correspondence relating to the Civil War. It was in the possession of the Adjutant General, but comprised not only the correspondence of the Adjutant General and Quartermaster General in those battle years but also that of the three Governors who served the State of Maine in that eventful period of the nation's history. Nearly half a century had passed since the close of the Civil War, but this correspondence still remained inaccessible and otherwise unavailable not only to the historian, but to the survivors of the war as well as to the relatives and friends of those who laid down their lives in the service, or had died after the war was over.

Knowing the interest which Maine soldiers have in all matters pertaining to the Civil War I went before the Governor and Council May 27, 1909, and asked permission, under the above resolve, to take this correspondence to my residence at the National Home for the purpose of arranging it chronologically, pressing it, repairing it wherever necessary, mounting it and card cataloguing it. I stated to the Governor and Council that

in no other way could I give to the work personal supervision. I also laid before them what I had learned as to methods, etc., from correspondence with the Librarian of Congress and with officials at several State capitols where a like work had been in progress for some time. The matter of security from fire received attention; and after careful consideration the request was granted, and I entered upon my task immediately after the first boxes of the correspondence were received through the Executive Department, June 18, 1909. The correspondence as it came to me was arranged alphabetically and under various designations. The only separation of the correspondence which the plan adopted required was the separation of the letters received by the Governors from those received by the Adjutant General. Each letter, after it had been spread out and made as smooth as possible in a hand press, was repaired if necessary and then mounted on heavy White Scotch paper by the use of a hinge of gummed tissue paper, so that in case the hinge covered any part of the letter itself the writing in no way would be obscured. The paper on which the letters were thus mounted measured twelve inches by nine and a half, and the sheets, properly numbered, were placed in pasteboard boxes also properly numbered. When the entire correspondence had been arranged in this manner it comprised one hundred and sixty volumes, seventy-eight of the Civil War correspondence of the Governors (also one volume of Governor Washburn's correspondence not relating to the Civil War), seventy-five volumes of the correspondence of the Adjutant General and six volumes of the correspondence of the Quartermaster General.

The preparation of a card catalogue of this large manuscript material, commenced October 19, 1909, was so far advanced in October, 1910, that on November 1, 1910, seventy-eight volumes were sent to the Maine State Bookbinding Company. The work of the bookbinder on this part of the collection has been satisfactorily completed and the volumes have been placed in the care of the Adjutant General. The card catalogue, however, will not be available until the catalogue work on the remaining volumes is completed.

The State then will have, easily accessible, this large amount of correspondence concerning Maine's part in the Civil War. In it are represented not only many of the officers and soldiers

who served in Maine regiments, but also almost every Maine man prominent in civil and military life in the Civil War period. Indeed, merely as a collection of autograph manuscripts these one hundred and sixty volumes are of priceless value. But they comprise more than a collection of autograph letters. They show us how Maine men in the Civil War were organized for service; how they were armed and equipped; how money for this purpose was loaned to the State by Maine banks; how bounties were voted and paid; what the response was to the draft, and what provision was made for aid to soldiers' families. In a word, the correspondence furnishes abundant material for those who wish to obtain information concerning Maine's part in the great struggle in which slavery was destroyed and the Union preserved.

In my previous report, I referred to the fact that I had secured from the archives department at the State House in Boston a roll giving the names and residence of a thousand and eight officers and men from what is now the State of Maine, who were in Washington's army at Valley Forge in the memorable winter of 1777-8. The Maine Society of the Sons of the American Revolution, at my suggestion, published this roll with an account of the unveiling October 17, 1907, of a marker, erected by the State on the line of Washington's intrenched encampment at Valley Forge. But it seemed desirable that the story of Maine at Valley Forge should have a wider circulation. Of the one thousand dollars appropriated by the Legislature for the expenses of the State Historian in the two years, 1907 and 1908, there were turned back into the treasury of the State, at the close of 1908, nearly nine hundred dollars. In order that a new and enlarged edition of "Maine at Valley Forge" might be published without calling on the State for an appropriation for this purpose, I asked from the Legislature of 1909 the enactment of an amendment to chapter 88 of the Public Laws of 1907, entitled "An Act to encourage the compiling and teaching of local history and local geography in the public schools," granting to the State Historian authority to use, in publishing historical matter pertaining to the State of Maine, money appropriated for his expenses. This authority was granted by the addition of the following amendment to the above mentioned Act:

"Sect 6. The State Historian is authorized to expend, under the direction of the Governor and Council, any portion of the amount appropriated by this act, in the publication of historical matter and data relating to the history of Maine."

In accordance with the authority thus granted, an edition of eight hundred copies of "Maine at Valley Forge" was printed in 1910, and a copy of the same, by direction of the Governor and Council, has been placed in every public library in Maine. Copies also have been placed in such State and Historical Society libraries as are on the exchange list of the State library. The remaining copies are available for distribution to members of the Legislature and others under the direction of the State Librarian.

In my previous report I also referred to my endeavors to obtain the facts with reference to the part which Maine had in the capture of Louisburg in 1745, in which what is now the State of Maine was represented in such large numbers as to comprise at least a third of the entire land forces engaged in that memorable undertaking. In the absence of any official rolls, I prepared as full a list of the men in the three Maine regiments at Louisburg as now seems attainable, and these, together with an account of the expedition and some collateral matters, I have published in a volume entitled "Maine at Louisburg in 1745," and from the same appropriation as "Maine at Valley Forge." The same number of copies were printed as in the case of "Maine at Valley Forge," and were placed in the hands of the State Librarian for distribution.

Both of these volumes call attention to important services performed by the sons of Maine in the building of the nation, but for which due credit has not been received hitherto.

In amending chapter 88 of the Public Laws of 1907, the Legislature of 1909 added the following section:

"Section 7. The marking of historical sites, as authorized by the Legislature, shall be under the direction of the State Historian."

The addition of this section was not at my suggestion. Indeed I was not consulted with reference to it and had no knowledge of it until after its enactment. A matter of so much importance should not be under the direction of any one man. In my opinion it should be placed in the hands of a Historical Commission, serving without pay, and consisting of five mem-

bers appointed by the Governor, of which the State Historian shall be one. I would also suggest that the powers of the Commission shall be made to include the character of the memorials erected on these historic sites and the inscription placed upon them.

During the past two years, as I have found opportunity with many duties pressing upon me, I have continued my interest in the sources of our history before Maine became a State. Much valuable material is being made accessible in the Baxter manuscripts published by the State in the Documentary Series of the publications of the Maine Historical Society. The value of this work cannot be over-estimated as it brings sources not otherwise easily available within the reach of those who frequent our public libraries for information relating to our earlier history. But this work should be extended. Careful inquiry, under competent direction, cannot fail to bring to light books, pamphlets, manuscripts, etc., which are of priceless worth. Not unfrequently such treasures are offered for sale in the libraries of deceased collectors. There have been such sales during the past year at which, if my other duties had not prevented, I might have secured historical materials pertaining to Maine which should have a place in the State House, but are now in possession of parties outside of the State.

Some such papers, however, I have secured from various sources. Especially should I make mention of a gift of valuable historical material presented to the State by Miss Elizabeth T. Thornton of Lexington, Mass., collected by her father, the late J. Wingate Thornton, Esq., of Boston, Mass., but a native of Maine and a grandson of Thomas Gilbert Thornton, Esq., a well-known physician in Saco, and the United States Marshal of the District of Maine in the administrations of Jefferson, Madison and Munroe. Mr. Thornton's grandmother, the wife of Thomas Gilbert Thornton, was a daughter of Thomas Cutts of Saco, a son of Richard Cutts of Kittery and a grandson of Robert Cutts, brother of John Cutts, President of the Province of New Hampshire. J. Wingate Thornton retained a very deep interest in his native State, and was not only a diligent and pains-taking collector of the materials of its history, but a valued contributor to various historical publications, his writings including such papers as "Gleanings in the Early His-

tory of Maine and New Hampshire," "Ancient Pemaquid," "Samoset, Indian Chief," "Witches in Maine," "Colonial Schemes of Popham and Gorges," "The Kings of Scarborough and New York," and a "Biographical Sketch of James B. Thornton." The letters and documents of various kinds which Mr. Thornton's daughter has given to the State extend back as far as 1663 and furnish not only many an interesting glimpse of men and places in Maine in colonial times, but also during the period that followed the Revolution until Maine became a State in 1820.

Of the documents I have purchased for the State especially worthy of mention is the commission issued to George Lilly of Pownalborough in 1774 by the Commissioners of George III, "for managing and causing to be levied his Majesty's Customs and other Duties in America." This document, which has been in the possession of the Lilly family in all the intervening years, was purchased of Mr. Herman P. Lilly of South Dresden, Maine, through Mr. Charles E. Allen, of Cedar Grove. Its story briefly told is this: The harbor of Boston had been closed by the infamous Boston Port Bill, which after June 1, 1774, transferred the business of the Custom House from Boston to Salem. But officers must be found who would collect the customs charges imposed by the British government upon the protesting colonists, and the Commissioners, the representatives of the government, acting under royal authority, appointed and "empowered" George Lilly "an extra tidesman [inspector] at the port of Salem and Marblehead . . . to do and perform all things to the said office or employment belonging, by virtue whereof he hath power to enter into any Ship, Bottom, Boat or other vessel and also in the day time with a Writ of Assistants granted by his Majesty's Superior or Supreme Court of Justice and taking with him a Constable, Headborough or other public officer next inhabiting, to enter into any House, Shop, Cellar, Warehouse or other place whatsoever; not only within the said Port but within any other Port or place within our jurisdiction, there to make diligent Search and in case of resistance to break open any Door, Trunk, Chest, Case, Pack, Truss or any other parcel or package whatsoever for any Goods, Wares or Merchandizes, prohibited to be exported out of, or imported into the said port, or whereof the Customs or other Duties have not

been duly paid, and the same to seize to his Majesty's use and to put and secure the same in the Warehouse in the Port next to the place of Seizure."

The Commissioners signing the commission were Benj. Hallowell, Wm. Burch and Hen. Hulton, and on the back of the commission in this endorsement: "Custom House, Salem, 10th January, 1775. Oath of office has been duly administered to the within named, George Lilly, before J. Fisher, Coll. C. Shimmin, Compt."

The seal attached to the commission has disappeared as is so frequently found in old documents. The commission is marked "No. 517," but inquiry at the State House in Boston, the Massachusetts Historical Society, the Boston Public Library, the New England Historical and Genealogical Society, the Bostonian Society, the American Antiquarian Society, the Essex Institute and the John Carter Brown Library of Brown University with its priceless collection of Americana, has not been rewarded by the discovery of another of these 517 commissions. Mr. George Parker Winship, Librarian of the John Carter Brown Library, writes that the Lilly commission is "As rare as it is interesting. We have nothing of the sort here, nor do I know of another elsewhere."

Several years ago the Hon. Whitelaw Reid, our present Ambassador to the Court of St. James, secured in London three impressions of the copper plate from which these commissions were printed, and one of these impressions he presented to the Public Library in Boston. The following is the presentation letter:

451 Madison Avenue,
New York, January 8th, 1908.

Librarian Boston Public Library,
Boston, Mass.,

Sir:

One of the few articles of antiquarian value which survived the destruction of the London Custom House by fire in 1814 was the original copper plate of the form of commission they had been in the habit of issuing to the Customs officers in Boston during the years immediately preceding the Revolutionary War. The board recently had a few impressions taken from this plate, and just as I was starting on my present leave of absence they sent me three copies to be offered to public museums or other institutions in the United States, if I should think them of sufficient interest.

I have felt sure that one of these copies would be considered worthy of preservation in your collection, and, with the approval of the President, take pleasure in transmitting it.

I have the honor to be, Sir,

Your obedient servant,

(Signed)

WHITELAW REID.

This impression, taken from the copper plate original, is in agreement, word for word, line for line, and also as to the scroll work, with the commission now in the possession of the State of Maine. If the copper plate impression in the Boston Public Library is one of the treasures of its manuscript department, this commission issued to George Lilly, which the Lilly family now intrusts to the State, is a document of rare historical interest and value.

The use of the designation "Writs of Assistants" in the commission (not "Writs of Assistance" as commonly printed) recalls the fact that it was against the granting of these writs that James Otis argued before the Supreme Court of the Colony of Massachusetts Bay in 1761, an occasion that has been impressively commemorated in recent years by a painting on the walls of the great staircase in the enlarged State House in Boston. John Adams, who was a law student in Boston when James Otis made his memorable argument, was present and took notes of the words that fell from the speaker's lips, and in his old age, reviewing the scene, and from his personal familiarity with the events through which the colonies were passing at the time, he wrote: "Then and there was the first scene of the first act of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born." The weak points in the argument made by James Otis have since been indicated by competent historical scholars; but there can be no question that his burning words in a large measure inspired the colonists, and that because of them they were moved to enter at length upon the great struggle in which American independence was achieved.

The Commissioners from whom George Lilly received his commission were well-known Boston Loyalists. Benj. Hallowell, whose name is perpetuated in that of the city of Hallowell, was one of the proprietors of the Kennebec Purchase, and the appointment of George Lilly, whose memory the commission perpetuates, was probably of his initiation.

Concerning George Lilly, Mr. Charles E. Allen writes: "Though by birth an Englishman he lived many years in Pownalborough, now Dresden, and died there. The diary or journal of Rev. Jacob Bailey mentions his name several times. He was a teacher or schoolmaster, who took a fee from those who could afford to pay, and taught poor children gratis. Dresden tradition calls him an excellent teacher, although he was severe with the rod. After Mr. Bailey went to Nova Scotia he gave Lilly's name in a list of Kennebec Loyalists.

"After old Fort Shirley, which stood where Dresden's old court-house still stands, was dismantled, George Lilly took the timbers of one of its block houses to a point of land on the bank of the Kennebec river, now known as Carney Point in South Dresden, and there made for himself a dwelling. Later he built a farm dwelling there, which is still standing. The census of 1766 places him in a log house with a wife, and two children under sixteen years of age. The earliest record that I find of him is in 1763, after which time his name appears quite frequently. The tradition says that he came from Boston to the Kennebec in an open boat, and that Lilly was an adopted name. In 1769, he was a warden of Jacob Bailey's church. After his appointment to the Salem Custom house in 1774 his name disappears from Pownalborough records for some years. He took the oath of allegiance and fidelity to George III. In 1787, four years after the treaty of peace, he took the oath of allegiance to Massachusetts, after which time he held several offices in Pownalborough and Dresden. As he conveyed several parcels of land of which he owned much, it would appear that his estate escaped confiscation. I am unable to fix the date of his death."

The Legislature of 1907 passed the following Act (Chapter 108), which received the approval of the Governor March 22, 1907:

An Act to secure the preservation of and to make public the early records of Towns and Plantations.

Section 1. All persons, other than registers of deeds, having possession of or owning the records of the original proprietors of any town or plantation in this State may deliver the same to the Maine Historical Society for preservation and safe keeping. Said Society shall cause a true copy thereof to be made and certified by the secretary of said society and said copy shall thereupon be filed in the registry of deeds

in the county in which said town or plantation is situated, and be kept there as a public record. Any transcript from said copy from said records, certified by the register of deeds, may be used in evidence in all cases in which the same is material and with the same effect as though the original records were produced.

Section 2. Whoever, having possession of, or owning any such original records, may deliver the same to said Maine Historical Society as provided in this act and shall be paid from the State treasury such sum of money as shall reasonably reimburse him for all expenses incurred by reason of his obtaining possession or becoming the owner thereof, which said sum, when certified by said Historical Society to the Governor and Council and approved by them, shall be paid by the State Treasurer; and the cost of making and filing said copy in the registry of deeds shall be paid to said Maine Historical Society by the State Treasurer whenever said cost shall have been certified to and approved by the Governor and Council, provided, however, that the sums to be expended in any year under the provisions of this act shall not exceed in the aggregate the sum of five hundred dollars.

Section 3. This act shall take effect when approved.

My attention has been called to such original records which the towns to which they belong are unwilling to place in the possession of the Maine Historical Society because of a desire to retain them for consultation by persons who come to these towns expecting to find the records there. The town officials are willing, however, that copies of the records should be made and placed in the office of the Register of Deeds for public use as provided in the act here cited. It is important that this should be done. I would suggest, therefore, that the above act of the Legislature of 1907 be amended so as to allow copies of such early records to be prepared and made available for public use under conditions like those provided in the act of 1907, the expense of the same to be paid out of the State treasury upon certificate of the Register of Deeds in the county in which the town possessing these early records is located. Had such copies of the early records of our older towns in Maine long ago been made and suitable care taken for their preservation, losses now irreparable would have been prevented.

In his report to the Public Archives Commission, Professor Allen Johnson makes the following statement concerning the early records of York County:

"Among the most venerable records in the State of Maine are the documents styled 'Early Records of the Province of Maine' in the office of the county clerk at Alfred in York

County. The region between the Piscataqua River and Casco Bay had already passed under several jurisdictions when Massachusetts secured the submission of the scattered settlements and extended her administration over them. The miscellaneous records of the Gorges regime were then collected and deposited with the county recorder at York, where they seem to have remained until their final removal to the new shire town of Alfred. When Judge David Sewall, of York, examined them in 1774, in the office of the clerk of the inferior court, he found a number of the books rudely made by stitching several quires of paper together, some of which were bound in parchment; others in coarse paper covers. He endeavored to reduce this miscellaneous collection to order by lettering the books with red ink as 'A,' 'B,' 'C,' 'D,' 'E,' 'F,' 'G.' Repeated handling has since disarranged the leaves to these loosely bound books, so that at the present time only 'A,' 'B,' 'E' and 'G' are recognizable. 'E' has no covers. One parchment-covered book is without any red letter, but bears the title, 'The records of York Court begun March 17, 1679-80.' Another set of sheets, torn and dog-eared, is inclosed in a worn manila-paper cover without title of any sort. Still another set of sheets is without cover or title. Finally, there is a package of loose leaves rapidly crumbling, which can only be deciphered with difficulty. Only a most careful examination can now reduce these loose sheets to their chronological order."

Several transcripts of these early York County records have been made. One of them, in the possession of the State Library, was made under the provisions of a resolve passed by the Legislature of 1843. But the condition of the original records, "our most venerable records" in the words of Professor Johnson, should awaken immediate and earnest solicitude. Inasmuch as in the office of the clerk of York County there is a transcript of these records made in 1870, will not this transcript meet the needs of those who have occasion to consult these early records at the county seat, leaving the originals to receive that attention with reference to their care and preservation which their value would seem to demand? I venture the suggestion because of the very deep interest which the State of Maine must ever have in records that belong to the beginnings of its history.



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