

The Hard Case of the Founder of Old Hampton

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FROM THE BOOKS
IN THE HOMESTEAD OF
Sarah Orne Jewett
AT SOUTH BERWICK, MAINE



BEQUEATHED BY
Theodore Jewett Eastman

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Request of
Theodore Jewett Eastman



F. B. SANBORN. 1900

THE HARD CASE OF THE FOUNDER OF OLD HAMPTON.

WRONGS OF REV. STEPHEN BACHILER.

Read by his descendant, F. B. Sanborn, of Concord, Mass., at the reunion of the Bachelder family, Seabrook, N. H., August 9, 1900.

[The immediate occasion of the following address was a desire to make available to the people of the five towns originally founded by Rev. Stephen Bachiler,—Hampton, Hampton Falls, North Hampton, Seabrook, and Kensington, all once included in his original colony,—the facts of his life before his foes brought his name into scandal. Few persons are aware of them, and the recent historian of Hampton Falls, Mr. Warren Brown (my cousin), was misled by inadequate papers in his possession to revive the scandal in a manner very disagreeable to the many descendants of Mr. Bachiler. With this exception, however, and certain errors almost inseparable from a work so comprehensive as a town history being also excepted, Mr. Brown's history (printed by the John B. Clarke Company, Manchester) is a very useful and commendable volume. It contains much of the material of history, in the form of old records, antiquated documents, etc., and it gives a very satisfactory topography of the town in the account of the homesteads from one side of the boundaries to the other. Much more might have been written to elucidate some of the matters touched upon, but that would have required another volume,—and this one runs to 640 pages. The long list of marriages contains several interesting entries. When Massachusetts lovers were married in Hampton Falls (1725-'28), they got a license from Lieut. Gov. John Wentworth; two of these were Emersons—Daniel of Cambridge in 1726, and Stephen of Ipswich in 1728. Daniel Webster's grandfather, Ebenezer, was married to Susanna Bachelder, great-great-granddaughter of Rev. Stephen, at Hampton Falls in 1738; Dr. John Goddard of Portsmouth was married to Mary Langdon by her father, Rev. Dr. Langdon, at Hampton Falls in 1791; and Rev. Dr. Thayer of Lancaster, Mass., to Sarah Toppan (parents of the wealthy Thayers of Boston) by Dr. Langdon in 1795. "His Excellency, John Taylor Gilman, and Mrs. Charlotte Hamilton, both of Exeter," were married in Hampton Falls by Parson Abbot, Dec. 29, 1814. Mr. Brown adds a few facts to what was otherwise known of the insurrection, headed by Edward Gove in 1683, and prints at much length the documents relating to Meshech Weare and Rev. Paine Wingate in the long dispute of 1762-1776 over ministers and meeting-houses in Hampton Falls.—F. B. S.]



THE old Romans had a saying, *Bene facere et male audire regium est*: "To benefit mankind and get a bad name for it is a Ruler's privilege." And the good Bishop Fénelon notified his princely pupil, the Dauphin of France, to the same effect, thus: "Should it be your fortune to rule over men, you must love them for the love of God, without expecting to please them; nay, sacrifice yourself to benefit them,—but be well assured that they will speak ill of whoever governs them with moderation and kindness."

Seldom has a better illustration of this unhandsome trait of human nature been seen than in the case of our ancestor, the venerable and maligned Founder of this and the neighbor-towns of Hampton, Hampton Falls, North Hampton, and Kensington,—Stephen Bachiler of English Hampshire, who was one of the most learned and distinguished planters of New Hampshire,—yet not allowed to lay his aged bones here, any more than was the patriarch Moses permitted to be buried in Canaan.

Stephen Bachiler was a boy of

four when Shakespeare was born at Stratford, and he outlived the poet by forty-three years, dying at Hackney, now a part of London, in 1660, in his hundredth year. He belonged to a social class much above Shakespeare's in the fanciful scale of English rank,—of a mercantile family, perhaps, but turning to scholarship, educated at Oxford in St. John's college, of which his persecutor, Archbishop Laud, was afterwards graduate and Head,—and in 1587, when Shakespeare was beginning to write plays, after acting plays for some years, Mr. Bachiler was settled as vicar of the small parish of Wherwell ("Horrell") on the "troutful Test" river in Hampshire,—his patron being a powerful nobleman, Lord Delaware, from whom our American state and river take their name. Bachiler remained there, in pleasant surroundings, for sixteen years, and there his children were mostly born,—his son Stephen having entered at Oxford in 1610, and another son, Samuel, having been a chaplain in Sir Charles Morgan's English regiment in Holland so early (1620) that he must have been born before 1605.

In that year, the wretched James, son of the infamous Mary of Scotland, having come to the throne, and renewing the persecutions by the bishops, which had been for a time suspended, Mr. Bachiler was ejected from his vicarage, and became one among hundreds of wandering ministers, who from 1604 onward were harassed for their opinions, and often severely punished. He was sometimes in England, sometimes perhaps in Holland, where his religion was tolerated; sometimes he preached,

and from 1622 to 1630 owned land and probably resided at Newton Stacey, a hamlet near Wherwell. In 1630 he joined with a company of husbandmen and merchants, who had obtained a patent for a tract of many square miles in Maine, and he put in a sum of money, large for those times, to aid its colonization. His kinsman, Richard Dummer, was also interested in this "Plough Patent," which ran in the name of John Dye, John Roach, Grace Hardwin, and Thomas Jupe. Mr. Bachiler was to be their minister, when they should once be settled near Portland (then called Casco); and how he was regarded by his associates in this venture will appear by their letter of March 8, 1631-2, preserved among the Winthrop Papers. They said,—

"First let us not forget to remember you of your and our duty,—that we return humble and hearty thanks unto Almighty God, that hath filled the heart of our reverend pastor so full of zeal, of love and extraordinary affection towards our poor Society. Notwithstanding all the opposition, all the subtle persuasions of abundance of opposers that have been stirred up against us, yet he remaineth constant,—persuading and exhorting,—yea, and as much as in him lieth, constraining all that love him to join together with this Society. And seeing the Company is not able to bear his charges over, he hath strained himself to provide provision for himself and his family; and hath done his utmost endeavor to help over as many as he possibly can, for your further strength and encouragement. And although it may be, if he had stayed one year longer, you might have been better provided to have received him, yet through his great care of all your good, he will by no means stay longer from you. O let us never forget this unspeakable mercy of God towards us! We hope the Lord will make him an especial instrument to unite you all in true love to God and unto one another, which will be our strongest walls and bulwarks of defense against all our enemies. And we hope you will not forget to show your love unto him, and to take notice of the charges he is now at, and to appoint for him or his, as he shall desire, such shares or parts of shares as shall belong unto him for the charges; and

that his man-servant and his maid-servant may be received as members of the Company, and have such shares or parts as in that case provided for every member. As for his neighbors that now come with him, they promise all to join with you; but because they do desire first to see how you agree together in love, they are not joined to our body; and the Lord of his mercy grant that there may be no occasion on your parts but that they may join with you. Mr. Dummer's promise is also to join with you, if there be any reason for it. The Lord unite you all together! then shall you put to shame and silence many that do now shamefully rise up against us."

What do we infer from this statement? First, that the Society had some bond of religion other than that ordinarily existing between Puritans, and that Mr. Bachiler was the seal of this bond, and the most important person among them. Second, that for some reason there was much hostility to the new colony,—partly on account of the selfish interests of Sir F. Gorges, Richard Bradshaw, and others, who had land or claims in Maine. This appears by another passage in the letter:

"We gave you notice by Mr. Allerton¹ and we hope you have long since received it, that we have had much ado about our patent; and that there was one Bradshaw that had procured letters patent for a part (as we supposed) of our former grant; and so we think still,—but he and Sir Ferdinando think it is not in our bounds. He was frustrate of his first purpose of coming over; but is now joined with two very able captains and merchants, who will set him over, and we suppose will be there as soon as this ship (the *William and Francis*) if not before. We cannot possibly relate the labor and trouble we have had to establish our former grant; many rough words we have had from Sir Ferdinando at the first; and to this hour he doth affirm that he never gave consent that you should have above 40 miles in length and 20 in breadth; and saith that his own hand is not to your patent, if it have any more. 'So

¹ Isaac Allerton was a merchant, one of the Mayflower company, who in 1630, as John Winthrop was coming to port in Salem, met him, while on his own voyage to Pemaquid, where he had trading ventures. He was, therefore, a good person to communicate with the Maine coast; but the Plough colonists were no longer there, having come to Nantasket, in July, 1631.

we have shown our good wills, and have procured his love, and many promises that we shall have no wrong: we bestowed a sugar-loaf upon him of some 16 shillings price, and he hath promised to do us all the good he can. We can procure nothing under his hand; but in our hearing he gave order unto Mr Ayres² to write unto Captain Neal of Pascatoway, that Bradshaw and we might be bounded, that we may not trouble each other; and hath given the captain command to search your patent,—what it is you have under my Lord's hand and his. This controversy must be ended between yourselves and such Governors of Pemaquid as they have appointed."

This letter was brought by Mr. Bachiler himself, who landed at Boston, June 5, 1632; his cousin Dummer, with Rev. Mr. Wilson and others, had landed from the *Whale*, May 26. With Mr. Bachiler came Edward Winslow, returning from England to Plymouth, Rev. Thomas Weld, the libeller of Mrs. Hutchinson, and about sixty passengers in all; in the *Whale* were thirty passengers and sixty-eight cows,—Captain Graves being shipmaster. In the preceding year (July 6, 1631), the *Plough* had reached Nantasket Roads, near Boston, returning from Casco with the first small company of colonists, who did not like the seacoast of Maine well enough to stay there and make their beginning. Governor Winthrop, noting their coming, says:

"A small ship of 60 tons arrived at Natascot, Mr. Graves, master. She brought ten passengers from London. They came with a patent for Sagadahock, but, not liking the place, they came hither. Their ship drew ten feet, and went up (the Charles river) to Watertown; but she ran on ground twice by the way. These were the company called 'The Husbandmen' and their ship called *The Plough*."

Thus far the original entry in Winthrop's journal; but a later hand (perhaps his own in after years), added this opprobrium,—"Most of

² Thomas Eyre, an agent of Gorges, as Neal was.

them proved familists and vanished away." Some went, it seems, to Virginia, among them Brian Binckes and Peter Johnson; others may have remained in Watertown; that they were "familists" in the offensive German sense, we have no proof except this entry, but perhaps this term may give a clue to the special religious organization which should have bound the Husbandmen together, but did not. Their small ship, the *Plough*, after visiting Watertown, dropped back to Charlestown, started thence for the West Indies, but returned after three weeks, "so broke," Winthrop says, "she could not return home." In fact, she was almost worthless; the departure of her company from Casco (Sagadahock) put a stop to the going thither of Mr. Bachiler and his family; and he was left in New Town (Cambridge) with many debts owing him from the Plough Company, which were only in part paid; and his considerable estate was thereby much diminished. Of the total sum of 1,400 pounds sterling in the joint stock of this company, Mr. Bachiler had contributed 160 pounds, or more than a tenth part; his time was wasted, his parish failed to materialize, and he removed to Lynn with several of his grandchildren on his hands to be supported until he could make a position for himself; and he was seventy-one years old.

What then did this resolute old Christian do? Did he sit idly down, to be supported by his son-in-law, Christopher Hussey, a person of property and standing, who for more than forty years afterward lived in the old town of Hampton? Far from it. He began to organize a church in

Lynn (Saugus) where Mr. Hussey was then living; but his theological opinions, or his ideas of church discipline, being different from those of the Lords Brethren about Boston and Salem, the General Court made haste to order, in October, 1632, that "Mr. Bachiler forbear exercising his gifts as a pastor or teacher publicly in our patent, unless it be to those he brought with him for his contempt of authority." Like Roger Williams, John Wheelwright, Marmaduke Matthews, and other pious and learned ministers, Mr. Bachiler wished some freedom of conscience,—some escape from the intolerance of England; but he was in the jurisdiction of Massachusetts and had to obey. In 1635, having continued to preach in Lynn, he was again taken in hand, and agreed to leave Lynn and be settled elsewhere. He received a call to Ipswich, but did not go, at least as minister; he was living there, however, when Rev. R. Stansby, a silenced Puritan in England, wrote to his friend Wilson in Boston, April 17, 1637, complaining, on the report of others, "that many of the ministers are much straited with you; others lay down the ministry and become private members, as Mr. Bachiler, Mr. Jenner, and Mr. Nathaniel Ward. You are so strict in admission of members to your church that more than one half are out of your church in all your congregations; this may do much hurt if one come among you of another mind and they should join with him." From Ipswich, in the winter of 1637-'38, Mr. Bachiler, still seeking to found a plantation, went on foot to what is now Barnstable, six miles beyond Sandwich on Cape Cod,—100 miles

from his place in Ipswich. But, as Winthrop says, "He and his company, being all poor men, finding the difficulty, gave it over, and others undertook it." He then removed to Newbury, where he and Mr. Hussey owned land, and in October, 1638, having permission from the Massachusetts authorities to begin a plantation at Hampton, he went there with young John Winthrop and laid out the town, of which he at once became the pastor, receiving from the settlers a grant of 300 acres of land. A meeting-house was built, to which he gave a bell, and he built himself a good house and removed his library thereto. He was now seventy-eight years old, and his troubles seemed to be over; he might hope for rest at last under his own vine and figtree.

But in the seven years since Mr. Bachiler, with his grandchildren and his wife Helen, had been seeking rest, and finding none in New England, before this happy colonization of Hampton, much had been taking place in the Massachusetts oligarchy of ministers and magistrates. Their disaffection to the Church of England had been reported to King Charles and his meddlesome prelate, Archbishop Laud; efforts had been made by Capt. John Mason, who began the colonization of New Hampshire, and by Gorges and others, to restrict the power of Winthrop, Dudley, and their little circle; moreover, an enthusiastic sect of English Puritans, represented by Roger Williams, Sir Henry Vane, Rev. John Wheelwright, and Mrs. Anne Hutchinson, had come to Boston, with certain mystical doctrines, at variance with the formalism of Winthrop, Bulkeley, and the older members of the Massachusetts oli-

garchy. There is no doubt that Mr. Bachiler sympathized with these mystics to some extent, how far we may never know; indeed, their own tenets are much in doubt, from the antiquated and technical terms of theology in which they were expressed. They were put down in Massachusetts with a rigorous hand; Williams was banished to Rhode Island, Vane returned to England, to play his great part there in the Revolution of 1640, Wheelwright and his followers were disarmed,—that is, had their carnal weapons taken away, and withdrew first to Exeter, and then to one of the many Maine colonies; and the privileges of the oligarchy in Massachusetts were guarded with careful jealousy. Evidence of this, not often cited, is found in Governor Winthrop's comments on the effort made by Rev. Nathaniel Ward of Ipswich,—then under suspicion for some of his opinions,—to establish equity and civil justice in the ecclesiastical colony. In 1641, June 3, Winthrop says,—

"Some of the freemen, without the consent of the magistrates or governor, had chosen Mr. Nathaniel Ward to preach at this court" (the Election Sermon), "pretending that it was a part of their liberty. Yet they had no great reason to choose him, though otherwise very able, seeing he had cast off his pastor's place at Ipswich, and was now no minister, by the received determination of our churches. In his sermon he delivered many useful things, but in a moral and political discourse, grounding his propositions much upon the old Roman and Grecian governments,—which sure is an error. For if religion and the word of God makes men wiser than their neighbors, . . . we may better frame rules of government for ourselves than to receive others upon the bare authority of the wisdom, justice, etc., of those heathen commonwealths. Among other things, he advised the people to keep all their magistrates in an equal rank, and not to give more honor and power to one than another,—which is easier to advise than to prove, seeing it is

against the practise of Israel. Another advice he gave,—that magistrates should not give private advice, and take knowledge of any man's cause before it came to public hearing. Whereas, it is objected that such magistrate is in danger to be prejudiced, I answer that if the thing be lawful and useful, it must not be laid aside for the temptations which are incident to it; for the least duties expose men to great temptations."

Mr. Ward was a man of more general learning, especially in law, than either Winthrop or Bachiler; he was also a keen and witty author, which if Bachiler had been, he would doubtless have cleared himself from the vague charges which in this same year Winthrop brings against him, in connection with church troubles at Hampton. Two years earlier (1639), a younger minister had come over from English Suffolk, bringing parishioners with him, as was quite the custom then,—one Timothy Dalton; he was made colleague of old Mr. Bachiler, under the title of "Teacher." Trouble soon began between them, and, as was natural, each had his partisans; by 1641 the quarrel was very hot, and charges of immorality were made against the pastor, now eighty years old. He denied the charge, in itself improbable; but Dalton persisted, and secured his excommunication, after the church had forgiven his offense, whatever it may have been; for no names are given, and no prosecution was ever made, under the very strict laws then in force. Winthrop, who entered gossip of all sorts in his Journal, goes on to say:

"After this Mr. Bachiler went on in a very variable course, sometimes seeming very penitent, soon after again excusing himself, and casting blame upon others, especially his fellow-elder, Mr. Dalton (who indeed had not carried himself so well in this cause as became him, and was brought to see his failing, and acknowledged it to the elders of the other

churches, who had taken much pains about this matter). He was off and on for a long time, and when he seemed most penitent, so as the church were ready to have received him in again, he would fall back again, and, as it were, repent of his repentance. In this time his house and nearly all his substance was consumed by fire. When he had continued excommunicated near two years, and much agitation had been about the matter, and the church being divided, so as he could not be received in,—at length the matter was referred to some magistrates and elders, and by their mediation he was released of his excommunication, but not received to his pastor's office."

As it happens, we have among the Winthrop Papers Mr. Bachiler's own comments on his ill-treatment at Hampton, so that we know from his own pen what defense he would have put forward had his reasonable request for a public trial been granted by the Massachusetts brethren whom his free speech in former years had offended. Writing to Governor Winthrop late in 1643, he said:

"I see not how I can depart hence" (that is from Hampton, to accept one of two calls he had received, to Casco and to Exeter), "till I have, or God for me, cleared and vindicated the cause and wrongs I have suffered of the church I yet live in; that is, from the Teacher, who hath done all and been the cause of all the dishonor that hath accrued to God, shame to myself, and grief to all God's people, by his irregular proceedings and abuse of the power of the church in his hand,—by the major part cleaving to him, being his countrymen and acquaintance in old England. My cause, though looked slightly into by diverse Elders and brethren, could never come to a judicial searching forth of things, and an impartial trial of his allegations and my defence; which, if yet they might, I am confident before God, upon certain knowledge and due proof before yourselves. The Teacher's act of his excommunicating me (such as I am, to say no more of myself), would prove the foulest matter,—both for the cause alleged of that excommunication, and the impulsive cause,—even wrath and revenge. Also, the manner of all his proceeding throughout, to the very end, and lastly his keeping me still under bonds,—and much worse than here I may mention for divers causes,—than ever was committed against any member of a church. Neglecting of the complaints of the afflicted in such

a State, — wherein Magistrates, Elders, and brethren all are in the sincerest manner set to find out sin, and search into the complaints of the poor,—not knowing father nor mother, church nor Elder,—in such a State, I say,—in such a wine-cellar to find such a cockatrice, and not to kill him,—to have such monstrous proceedings passed over, without due justice,—this again stirs up my spirit to seek for a writ *ad melius inquirendum*. Towards which the enclosed letter tendeth, as you may perceive. Yet if your wisdoms shall judge it more safe and reasonable to refer all my wrongs (conceived) to God's own judgment, I can submit myself to be overruled by you. To conclude,—if the Apostle's words be objected, that this is thankworthy, if a man for conscience' sake shall endure grief, suffering wrongfully,—and therefore I ought to endure, without seeking any redress or justice against the offender,—I profess it was more absolutely necessary so to suffer, when the Church had no civil power to seek unto, than in such a land of righteousness as our New England is."

This manly appeal ought to have reached Winthrop's heart,—for he had occasion, a few years later, to stand up and clear himself in a Boston court, upon rather grave charges of partiality in office; and he did this, he said, that his posterity might not blush for him when he was no more.

But, for politic reasons, doubtless,—I can conceive of no other,—the request of the wronged old man for a public inquiry was not granted. It was just after Massachusetts had paternally taken the four New Hampshire towns under her government, and the Lords Brethren did not want any more public wrangling than was unavoidable in that part of their Mosaic despotism. They had trouble enough from the free-spoken settlers in Maine and New Hampshire, who were not too well pleased to be "trotting after the Bay Horse." At this point we have an important testimony to the high character of Mr. Bachiler from a source naturally hostile to him,—viz.: the Church of England

party in Maine, which was carrying on a controversy with the Puritan party,—the latter headed by George Cleeve, an original Casco settler, though not of the Plough Colony. Rev. Robert Jordan, a son-in-law of John Winter, and an Oxford graduate, like Bachiler, was an Episcopal clergyman originally, and continued of the Cavalier party, like Gorges and the Trelawnys. Writing to the Parliament member, Trelawny, who had a colony in Maine, Jordan said, after mentioning the fact that Mr. Bachiler had been chosen umpire in the disputes between Trelawny and George Cleeve:

"Mr. Stephen Bachiler, the pastor of a church in the Massachusetts Bay, was, I must say, a grave, reverend, and a good man; but whether more inclined to justice or mercy, or whether carried aside by secret insinuations, I must refer to your own judgement. Sure I am that Cleeve is well nigh able to disable the wisest brain."

Considering that this letter, written July 31, 1642, is that of the defeated party in the suit where Mr. Bachiler was umpire, and that Jordan was well placed to know what his real character was, a year after the slanders against him, there could be few testimonies more convincing. Soon after this, Mr. Bachiler's old friends in the Casco settlement, among them this same wise and ancient George Cleeve, invited him to resume his old purpose of founding a church there. Cleeve had obtained from Richard Dummer the original Plough patent, had induced Alexander Rigby, a more influential member of the Long Parliament than Trelawny, to purchase it of John Dye and Thomas Jupe, the leading grantees, and came back from England in 1643 as Rigby's deputy governor of the Province

of Lygonia, granted and named by Sir F. Gorges.¹ One of his first acts was to send to Hampton an invitation for Mr. Bachiler to leave his warring parishioners and slandering colleague, and become the minister at Casco. This shows, as does the commendation of Jordan, how little the Hampton squabbles affected the opinion of persons at a distance.

The loyal and friendly old Christian, living with his grandchildren across yonder meadows, after his own house had been destroyed by fire, and a malicious effort made to blast his good name, at once wrote to John Cotton and his church in Boston (who had been good friends of his friend Wheelwright, until overborne by the magistrates of Massachusetts Bay), asking their advice in the matter of accepting the Casco call. What he said in this letter of Christmas time, 1643, is interesting, as rehearsing his fortunes in the ministry since starting

from London with his wife Helen and some of his grandchildren in 1632 :—

“ Said I to my wife, considering what a calling I had, some 14 years ago, by that Company of the Plough, there to sit down with them, not as a Planter only, but as a Pastor also; and considering how the Lord shoved me from New Town to Saugus (upon that disaster which happened to the goods of the Company, by the false dealing of those entrusted by us with the Plough Ship, and our goods therein)—then from Saugus to Newbury, then from Newbury to Hampton; and now seems to do the like from Hampton to the very place itself (Casco),—all the former shovings and removings being still directly towards that place,—this, I thought in my mind, might have some resemblance to the Pharisees dealing with my Lord and Master.”

This thought occurred to him, he says, from a sermon of Brother Cotton's, in which he argued that all the proceedings of the Scribes and Pharisees “ did but thrust and shove at Christ, till they had thrust him into that very place to which the Father had appointed him.” But then, he proceeds, he could not be sure that this was really God's purpose,—“ seeing the intervenient callings were also of God, and the last, to Hampton, not least certain to me to be of God; also the last two removals not being so properly from God, as from Satan and some unjust instruments. This now, from Hampton to Casco, may be, after a sort, forced by like unjust proceedings, as well as by an honorable calling from Casco, and like honorable advice from you.” He therefore desires the advice and good will of Cotton, Winthrop, and the other church members at Boston, and goes on to say :

“ I have sent them of Casco this answer briefly,—I purpose, God willing, to come and confer with them about the last week of the next month, our first (January, 1644), and that the will of God shall overrule me against all the difficulties of the case. And indeed the being of my dear brother Jenner and Mr.

¹ My son, V. C. Sanborn, of Kenilworth, Ill., has sent me certain facts about the grantees of the Plough Patent, and its final absorption in the grant of Rigby, which are worth recording. John Dye lived in Philpot Lane, London, and Thomas Jupe in Crooked Lane; both seem to have been citizens, and probably artisans. Grace Hardwin was a man, a wax-chandler in Crooked Lane,—his wife was a friend of Mildred Hitch, who may have been akin to Christopher Levitt, the first settler at Casco. The three Binckeses were also from London. Richard Dummer, who had the custody of the patent, was one of a family which sent many members to Massachusetts. Archbishop Laud was informed in 1638 by one of his spies in the Isle of Wight (Oglander) that John Dummer of Swathling, and his son Thomas, with Thomas Dummer of Chickenwell, for his brother Richard, and Stephen Dummer of Townhill were all laying in provision for emigration, and several of them came over. Richard himself had come in 1632, but returned in 1638 to England, taking the patent with him; which afterwards passed to Rigby. In 1674, Serjeant Rigby, heir of Alexander, recited in his memorial the grant to Bryan Binckes, John Dye, and others, (June 26, 1630) “ of two islands in the river Sagadahoc and certain tracts of land; ” that in 1630 the said Binckes and his associates “ settled themselves in Casco Bay, laid out considerable sums of money in planting there, and made laws and constitutions for the government of said plantation; ” that in 1643 the survivors of Binckes, etc., granted their interest to Alexander Rigby; that in 1644, the earl of Warwick, Governor-in-Chief of America “ ratified and confirmed said laws and constitutions for the territory aforesaid, styling the same the Province of Lygonia; ” and that in 1646 “ the said Earl and the Council decided the title to the Province to be in the said Rigby and his heirs.”

Wheelwright established in those parts is not a weak motive to drive, or a cord to draw me that way."

Probably this casual mention of those punished heretics, Wheelwright and his friend, then ministers at Saco and Wells, on the way to Portland, and out of the Massachusetts jurisdiction, led the Boston brethren to discourage his removal to Casco; and he gave it up. But in the meantime, Wheelwright's colony at Exeter, adjoining Hampton, and likely to be fully informed about Mr. Bachiler's record in his own colony, had invited him to succeed Mr. Rashleigh as their minister,—a fact which goes to prove his innocence of anything serious in the Hampton imbroglio. It is to be remembered that Wheelwright and Bachiler founded their colonies side by side in the same years, when Massachusetts had not extended her rule over New Hampshire, and that, when this occurred, in 1641, Wheelwright moved over into Maine. His people invited Mr. Bachiler, but the Bay influence had divided Exeter, as Hampton was divided; and the Lords Brethren took advantage of this fact to forbid Mr. Bachiler's accepting the invitation. Governor Winthrop's version of this (dated Feb. 6, 1645) is as follows:

"Mr. Wheelwright being removed from Exeter to Wells, the people remaining fell at variance among themselves. Some would gather a new church, and call old Mr. Batchellor from Hampton to be their pastor; and for that purpose appointed a day, and gave notice thereof to the magistrates and churches; but the Court, understanding of their divisions and present unfitness for so solemn and sacred a business, wrote to them (by way of direction only) to desist for that time. To this they submitted and did not proceed."

An earlier record made by Winthrop in July, 1644, lets light in upon

the situation and the motives of Mr. Dalton, the persecutor of his pastor:

"The contentions in Hampton were grown to a great height; the whole town was divided into two factions, one with Mr. Bachellor, their late pastor, and the other with Mr. Dalton their teacher,—both men very passionate, and wanting discretion and moderation. Their differences were not in matters of opinion but of practice. Mr. Dalton's party being the most of the church, and so freemen (voters) had great advantage of the other, though a considerable party, and some of them of the church also,—whereby they carried all affairs both in church and town, according to their own minds, and not with that respect to their brethren and neighbors which had been fit. Divers meetings had been, both of magistrates and elders, and parties had been reconciled,—but broke out again presently, each side being apt to take fire upon any provocation. Whereupon Mr. Bachellor was advised to remove, and was called to Exeter, whither he intended to go; but they being divided and at great difference also, when one party had appointed a day of humiliation, to gather a new church and call Mr. Bachellor, the Court sent order to stop it."

Now let us see what Mr. Bachiler himself, who acted in this matter with entire moderation, so far as can be seen, had to say about the Exeter call (Hampton, May 18–19, 1644):

"Being clearly free from any engagement of promise to Casco, and no one misliking mine inclination to Exeter,—as the one, two or three opposites had no one word to oppose further, so were the whole residue of the plantation (brethren and others) thoroughly satisfied and encouraged to go forward. Upon my promise to accept of their calling and desire, they resolved to pitch upon the day of their constitution and coming into order, and sending forth their letters for help and advice unto the churches. Whiles I desired to delay for some further short time, . . . I could see no sound reason to desire further time, but freely consented to their desire and calling: only earnestly exhorting them to live in love and peace, and so to redeem whatsoever ill opinion the country had conceived of them. Whereupon they called a meeting, and agreed upon the persons and materials of their intended church, and the day of the helpers' meeting, which is the 18 of the next month succeeding (June, 1644). Which if it shall please your Worship (Gov. Winthrop) to communicate, with this poor relation, to your Reverend

Elders (to save me a little pains in writing), I shall stand thankful to you; and doubly thankful to my brother Wilson (as the ablest to travel) in case he would honor us with his presence,—and make it a progress of recreation to see his old friend, and so to do me this last service, save to my burial. For the establishment of a church-estate in Exeter, I have, of my own accord, freely consented to allow 41 pounds, out of the wages which they purposed to have allowed to Mr. Rashleigh yearly (and I think paid), to the purchasing of Mr. Wheelwright's house and accommodations thereto,—to be mine for my term only, and so to be left at my end of term to such as shall succeed."

Is there not something pathetic as well as truly Christian and gentlemanly in this statement? In his eighty-fourth year, after a troubled and toilsome life, he desires his old friend, one of the Boston ministers, to come and ordain him where he expects soon to be buried. Notwithstanding the reputation for contention which his enemies would fasten upon him, I could wish that they had ever manifested so much Christian spirit. But the Lords Brethren,—I must think against the wish of the gentle Winthrop,—refused to permit the Exeter heretics to gather a church. Having advised the wronged old man to leave Hampton for the sake of peace, and he having taken their counsel,—they now stepped in and frustrated his good purpose,—

Keeping the word of promise to the ear,
But breaking it to the hope.

In the full faith that now he is to find repose at Exeter, this aged Lear, so ungratefully treated by his brethren, not by his children, makes a further request, modestly and pathetically to this powerful "Court" which assumes to regulate church and state at once. The same letter of May, 1644, goes on:

"I must expect that, so soon as I am translated to my new place, the people of Hampton

will lay what rates they can upon my lot and estate in Hampton. Whether I may not obtain favor from our Government, to be favored and exempted, either for the short term of my life, or for some certain years, as shall be thought fit, from any rate? (1), For that I procured the plantation for them, as your Worship knows, and have been at great charges many ways since, for the upholding and furthering of the same. 2, For that I never had any maintenance from them hitherto. 3, I have had great losses by fire (well known) to the value of 200 pounds, with my whole study of books. It is considerable, that I voluntarily remove, for peace sake, and that my removing, though to so near a place, cannot be but both troublesome and chargeable. And lastly it can detract but a matter of 3 pounds or thereupon,—haply a little more, I do not know,—from the Teacher's maintenance, or otherwise; which yet may be a comfort and benefit to me. I have, in effect, little or no other means and maintenance to depend upon, but from my lot in Hampton.

"Whether I may not lawfully and reasonably desire such a favor from the state? if not, in your wise and conscionable judgment, and of my brothers, your Elders, I sit down in silence. If yes, then I shall beseech you as a friend and father, to propound my humble suit to the Court, as you best know how, with my reasons and considerations,—and cast the success upon the Lord above. And were it not that I know your Worship respecteth no trouble, so you may do any service for God, or any of His poor servants, I should not be so bold as I am thus to trouble you with my letters of complaint and advice. And even so I conclude, with my wife's and my poor service promised to your Worship and your Christian consort, mine ancient friend, with our faithful prayers for you and my reverend brethren. I cease and rest in the Lord, yours to command, His most unprofitable servant,

"STEPHEN BACHILER.

"Bear with my blotted paper,—my maid threw down mine ink glass upon it, and I had not *rescribendi tempus*" (time to write it over).

Here is the case truthfully presented; but whether the favor of relief from taxation in his own colony ("plantation") was ever granted, we may not know, for the imperfect town records of Hampton do not show it. He afterwards sued the town for ministerial services, and got a verdict in his favor.

Having sacrificed some 400 or 500 pounds in his fifteen years' endeavors to build up towns and churches in New England, the old Puritan was now compelled to sell his great farm in Seabrook, near the Massachusetts line, to maintain himself on the proceeds, without burdening his grandchildren, who by this time were prominent citizens of Hampton. This sale occurred during 1644, and was in the interest of the town of Hampton, to whom the buyers (Thomas Ward and William Howard) resold it, for the benefit of Mr. Bachiler's friend and successor, Rev. John Wheelwright, who seems to have been chosen as a means of reconciling the adherents of Bachiler and of Dalton. The beginning of the contract with Wheelwright is significant in this respect; it reads:

"The church of Jesus Christ in Hampton, having seriously considered the great pains and labors that the reverent and well-beloved Mr. Timothy Dalton have taken among them in the work of the ministry, *even beyond his ability and strength of nater*: and having, upon solemn seeking of God, settled their thoughts upon the reverent and well-beloved Mr. John Wheelwright of Wells, as a help in the work of the Lord with the said Mr. Dalton, our present and faithful teacher," etc.

It seems to have been further agreed to accept Mr. Bachiler's offer peaceably to remove from Hampton, where, in the meantime (1647), his wife, Helen, had died: he did in fact remove in the spring of that year, (and before Mr. Wheelwright came) to Strawberry Bank, as Portsmouth was then called. Soon after so removing, he conveyed (April 20, 1647) all his remaining estate in Hampton, including all grants not then appointed, to his grandson, my ancestor, Lieut. John Sanborn, who gave bond to pay the other three grandchildren in

America, Nathaniel Bachiler, William Sanborn and Stephen Sanborn, 20 pounds sterling each. The aged sufferer still complained to Winthrop of unredressed wrongs, and wrote to him (May 3, 1647) reminding him of a promise to open his case, when occasion should serve, in these words:

"I can shew a letter of your Worship's, occasioned by some letters of mine, craving some help from you in some cases of oppression under which I lay,—and still do,—wherein also you were pleased to take notice of those oppressions and wrongs: that in case the Lord should give, or open a door of, opportunity, you would be ready to do me all the lawful right and Christian service that any cause of mine might require. Which time being, in my conceit, near at hand, all that I would humbly crave is this,—to read this inclosed letter to my two beloved and reverend brothers, your Elders (Cotton and Wilson), and in them to the whole Synod. Wherein you shall fully know my distressed case and condition: and so, as you shall see cause, to join with them in counsel, what best to do for my relief."

Here the allusion is, no doubt, to the slanders against him in Hampton, as well as to the pecuniary indebtedness of his ungrateful colony, for services as pastor. What follows, in the same letter, opens a new source of affliction for the persecuted old man. He had gone to Portsmouth, apparently, upon a sort of engagement to preach there, as successor to "that godly man and scholar" James Parker, who had shortly before gone to Barbadoes, after missionary work among the ungodly at Strawberry Bank and Kittery Foreside for two or three years. It was a trading and fishing community, with little affinity for the Puritan strictness, to which Mr. Bachiler undertook missionary service; and he fell into the snares of the wicked there. One of Satan's shepherdesses, the Becky Sharp of a sailor's paradise,—a widow and adventuress, soon appeared on the

scene, and the old man, now a widower, and weakened in mind, probably, as so often happens in extreme age, became her victim. With his persisting generosity he thus opened the sad chapter to the Winthrop family :

"It is no news to certify you that God hath taken from me my dear helper and yokefellow. And whereas, by approbation of the whole plantation of Strawberry Bank, they have assigned an honest neighbor, (a widow) to have some eye and care towards my family, for washing, baking, and other such common services,—it is a world of woes to think what rumors detracting spirits raise up, that I am married to her, or certainly shall be ; and cast on her such aspersions without ground or proof, that I see not how possibly I shall subsist in the place, to do them that service from which, otherwise they cannot endure to hear I shall depart. The Lord direct and guide us jointly and singularly in all things, to his glory and our rejoicing in the day and at the appearing of our Lord Jesus Christ ! And so, with my humble service to your worship, your blessed and beloved yokefellow, (mine ancient true friend) with blessing on you both, yours and all the people of God with you, I end and rest your Worship's in the Lord to command."

Except for petitions and pleadings in court, these are the last written words of our ancestor that have been preserved, in that general loss of manuscripts which includes almost every line of Shakespeare's except his will. But his chivalrous defence of this later Mary Magdalen did not hold good. She inveigled him into a marriage early in 1648, without previous notice, as required by law ; and he obtained for her, now Mistress Mary Bachiler,—a title she coveted,—a lot of land in Kittery, Feb. 14, 1648.

This woman was, of course, much younger than her deluded husband ; but her original name and age are unknown. She soon passed over into the jurisdiction of Gorges' colony, living on her land in Kittery, and used her married name

as a cover for vice. In October, 1650, she was arrested on suspicion of adultery with one George Rogers, and a year later the York records show that she was convicted of the offence, and sentenced to receive forty stripes save one at the first town meeting held at Kittery, six weeks after her delivery, and be branded with the letter "A." Notwithstanding this notorious fact, the Massachusetts authorities made the following atrocious order upon the petition of her husband for divorce, then in his ninetieth year :

"That Mr. Batchelor and his wife shall live together as man and wife, as in this court they have publicly professed to do ; and if either desert one another, then hereby the court doth order that the marshal shall apprehend both the said Mr. Batchelor and Mary, his wife, and bring them forthwith to Boston, there to be kept till the next Quarter Court of Assistants, that farther consideration thereof may be had, both of them moving for a divorce : Provided, notwithstanding, that if they put in 50 pounds each of them, for their appearance, that then they shall be under their bail to appear at the next court ; and in case Mary Batchellor shall live out of the jurisdiction, without mutual consent for a time, then the clerk shall give notice to the magistrate at Boston of her absence, that further order may be taken therein."

The only possible justification for action like this must have been that Mr. Bachiler was so infirm as to be dependent on his false wife for daily care, and was willing to pardon and trust her further,—he then having a residence in New Hampshire and she in Maine. Nothing further is known of these legal proceedings, except that no divorce was granted ; but after his return to England, with his grandson, Stephen, to escape from this woman and from the unjust courts, she petitioned the Massachusetts authorities for divorce, with a mixture of falsehood and truth in her statement, as thus :

"Whereas, your petitioner having formerly lived with Mr. Stephen Bachiler in this Colony as his lawful wife, (and not unknown to divers of you, as I conceive), and the said Mr. Bachiler, upon some pretended ends of his own, has transported himself into old England, for many years since, and betaken himself to another wife, as your petitioner hath often been credibly informed, and there continues; whereby your petitioner is left destitute not only of a guide to herself and her children, but also made incapable of disposing herself in the way of marriage to any other without a lawful permission. . . . And were she free of her engagement to Mr. Bachiler, might probably so dispose of herself as that she might obtain a meet helper to assist her to procure such means for her livelihood, and the recovery of her children's health, as might keep them from perishing,—which your petitioner, to her great grief, is much afraid of, if not timely prevented."

At this time she could not have been more than forty. Neither of her children could have been her husband's, who was by this time ninety-five, and had never married again. Nor had he been in England "many years," for he returned with his grandson, Stephen Sanborn, who not only signed the Hampton petition in favor of Robert Pike in 1653, but was in Hampton in August, 1654. Upon leaving America, where he had been so ungratefully dealt with by all except his own kindred, he turned over the last remains of his American property to his son-in-law, Captain Christopher Hussey, ancestor of the poet Whittier, as two of his old neighbors testified later:

"They did hear Mr. Bachiler say unto his son-in-law that in consideration the said Hussey had little or nothing from him with his daughter, which was then married to the said Hussey; as also that this said son Hussey and his wife had been helpful unto him both formerly and in fitting him for his voyage, and for other considerations; he did give to the said Hussey all his estate, consisting in cattle, household goods and debts, for which his gift aforesaid he also gave a deed in writing and delivered a copy thereof to the said Hussey."

Released from the complications of his old age in New England, and returning to kindly and prosperous descendants and kindred in old England, Stephen Bachiler passed his latest years in tranquility and died peacefully at Hackney, now a part of London, in 1660, nearly a century old. His descendants in this country alone must number 5,000, in England perhaps half as many. His rancorous opponent, Dalton, left no posterity, and, in his penitent later years, gave much of his property, as did his wife, to the grandson of Mr. Bachiler, Nathaniel, whose posterity are before me to-day. It is, therefore, proper for us to pay the honor to our common ancestor which his character and services demand. A less agreeable task is to censure and correct the erroneous and injurious terms in which the historian of Hampton Falls has inconsiderately spoken of the planter of these five towns, which owe their existence to his zeal and aged activity. It should have been his pride, as it was his duty, to clear our Founder's name from the aspersions of his opponents.

Instead of this, his account of Mr. Bachiler will not stand judicial examination for a moment. It copies carelessly and defectively from Winthrop's secret journal, which did not come to light till more than a century after Bachiler's death, when all who had direct knowledge of the facts were also dead, and when its statements must be tested by probability, not taken as gospel truth. Valuable as Winthrop's manuscript journals are, for facts within his own knowledge, and where his judgment was not warped by superstition or preju-

dice, there are numerous instances where we now know his account to be false or exaggerated; many more in which his credulity and bigotry led him to the most ridiculous statements. He tells a story of the mice eating one of his son's volumes, in which were the Greek Testament and the book of Common Prayer. Disliking the latter, which Winthrop regarded as heretical or idolatrous in parts, he gives us to understand that his son John's mice acted under God's direction in nibbling the prayers and avoiding the Gospels! He can nowhere speak of Anne Hutchinson with moderation, and after she had been unjustly banished to Aquiday, near Rhode Island, he set down this gossip against her:

"Mr. Collins and one Mr. Hales (a young man very well conceited of himself and censorious of others) went to Aquiday; and so soon as Hales came acquainted with Mrs. Hutchinson, he was taken with her, and became her disciple. Mr. Collins was entertained at Hartford to teach a school; went away without taking leave, and being come to Mrs. Hutchinson, he was also taken with her heresies, and in great admiration of her. These and the other like (things) before, when she dwelt in Boston, gave cause of suspicion of witchcraft; for it was certainly known that Hawkins's wife (who continued with her and was her bosom friend) had much familiarity with the devil in England, when she dwelt at St. Ives, where divers ministers and others resorted to her and found it true."

Winthrop also recorded, a few years after, and not long before his own death, the wondrous evidence upon which Margaret Jones was hanged in Charlestown for a witch, and how the presence of her widowed husband in a loaded vessel in Charles river caused the ship to heel and roll until he was taken out and imprisoned! Now there is quite as much evidence for these three persons being

in league with Satan, as for Mr. Bachiler's alleged misconduct at Hampton; yet who believes now that they were witches? Had the offence charged, upon mere hearsay, by Winthrop, been committed by Mr. Bachiler, or provable, it would have been sharply prosecuted in the courts; for our ancestors were very severe against such offences,—whipping and even hanging for their punishment. That he made any confession is no more likely than that Bachiler's friend Wheelwright confessed the heresies for which the Lords Brethren unlawfully banished him to New Hampshire; his courteous expression of some slight fault was doubtless tortured into a confession, which he ever afterwards denied, and asked to have the matter brought to public trial,—not left in the secret conclave of church discipline. Judge Bachelder and other careful lawyers who have looked into the cases of Wheelwright and Bachiler, are unanimous, so far as I know, in saying that nothing could be proved, in a just court, upon no better evidence than Winthrop records. Nor would the scandal have received any attention, probably, had not Mr. Bachiler, in his failing old age, fallen into the hands of the wicked woman who enticed him to a wholly unfit marriage. His two former marriages had been long and undisturbed, so far as we know, by any domestic dissensions; his wives were not so many as Winthrop's (who married four times), but equally worthy; his children and grandchildren were honored and respected, and were much attached to him. The charge of immorality was the outgrowth of theological rancor, than which nothing is more slan-

derous, or less to be credited in accusation.

But it is also alleged by Winthrop that Bachiler was so contentious that there could be no peace in the churches till he was sent away. That he was stiff and passionate at times is not unlikely, though his extant letters do not indicate that; rather do they show courtesy and moderation. But for a Massachusetts Puritan to stigmatize a brother as contentious was merely to say, "Thou art truly one of us"; for Winthrop's whole journal is the record of quarrels among the brethren; and scarcely a church or a prominent man or woman escaped these squabbles, often of the most childish origin. The governor and magistrates were occupied for years over a stray sow from one of the Boston islands; and the colonial government came near breaking up over a trivial controversy in Hingham, growing out of the arbitrary rule of the minister, Hobart. The founders of Massachusetts were men of strong character, but narrow minds, and Bachiler was no exception, perhaps,—only his views had been enlarged by a more generous nature, and a wider experience than most of them had, except Winthrop and his son John. These two seem to have remained on friendly terms with Mr. Bachiler, who had been a visitor at old Adam Winthrop's in England, and always claimed acquaintance with the whole family; particularly with Margaret Tyndal, Governor Winthrop's third wife, a

daughter of the murdered Sir John Tyndal.

Even if these revived slanders had more foundation in fact than we now see they had, it was not the part of a good historian to gloat over them. Until he was eighty years old, Stephen Bachiler, though much in the Puritan agitations of England and New England, bore an unspotted name; it would have been natural to ascribe the events of 1641-1650 to that decay or perversion of faculties which we often see in the aged, and for which they are hardly more responsible than King Lear for his insanity. He might have said, as Lear does,—

I tax not you, you elements, with unkindness,
I never gave you kingdoms, called you children;
You owe me nothing; here I stand your slave,
A poor, infirm, weak and despised old man:—
But yet I call you servile ministers,
That will with two pernicious daughters join
Against a head so old and white as this.

Tremble, thou wretch,
That hast within thee undivulged crimes,
Thou perjured and thou simular of virtue,
That under covert and convenient seeming
Hast practised on man's life! I am a man
More sinned against than sinning.

But we have the right to withhold this excuse for acts of weakness or of generous trust; for, judged by what is known of his wrongs, sufferings, labors, and results, few of the patriarchs of New England are more worthy of praise and of sympathy than this untiring toiler, this true believer,—this intrepid friend of liberty, faithful guardian of his family, and deeply injured benefactor of mankind.

NOTE.—In 1683, the son of Richard Dummer, Mr. Bachiler's kinsman, informed the General Court of Massachusetts, which then controlled Maine, that his father "was wholly intrusted with the Plough Patent and the management of sundry concerns relating to the same, by virtue of a power derived from the patentees, and thereunder disbursed sundry sums of money; and thereafter, the said Patent being ordered home for England, the patentees granted him 800 acres and more, laid out at Casco Bay." This is the latest mention of the Patent I have yet found.

