

Chapter IX.  
Years of Bitter Injustice.

The Bow Controversy.

The final settlement of the boundary dispute in 1740, by which Rumford was transferred from the jurisdiction of Massachusetts to that of New Hampshire, carried with it the assurance by royal decree, that no private property should be affected by the change. Our townspeople felt little confidence in this pledge as the years went by. Not only was there indifference to Rumford's dire need under Indian attack, but a persistent delay on part of the provincial government to confirm the corporate rights bestowed by Massachusetts in 1733. This in defiance of the fact that those rights were "expressly approved by His Majesty in the year 1737." The District Act under which our town was governing itself, expired in 1748 and all local petitions to the provincial government to incorporate Rumford according to its original bounds, were consistently ignored.

In March 1749 (1748 ~~was~~) Rumford held its town meeting according to custom, but the record of that meeting ends abruptly in the middle of a sentence as if the clerk were suddenly aware of the futility of the business transacted. For sixteen years thereafter, the people were "without any town privileges"; they were "not able to raise any moneys for the support of their Minister, and the necessary charges of their school and poor, and other purposes; nor (had) they any town officers for the upholding of government and order." The Proprietors still owned the common and undivided land in the township and that became a chief source of public revenue. No records were kept until the final settlement of the matter in 1765, but it is self-evident that the resourceful men of Rumford devised the means to support their Minister, educate their children in the fundamentals and maintain community life in an orderly and dignified manner.

In spite of losses incident upon the years of Indian attack, the town had progressed steadily toward the goal of the pioneers. "From a

perfect wilderness, where not one acre of land had ever been improved, they have made a considerable town, consisting of more than eighty houses, and as many good farms," declares the petition sent in 1753 to His Majesty, the King. This was, indeed, a modest statement of the achievement made possible only by arduous toil under conditions often discouraging: Rumford's mowing lands and orchards, her fields of corn and rye, of oats and flax, the sheep on her hillsides pastures, the sturdy horses in her barns, the deep-chested oxen in her stalls—all had been hardly won and were, therefore, doubly precious. It was, indeed, a land of plenty but the men whose labor had created that plenty were now "grievously harassed" by those who schemed to loot the town of Rumford.

The first overt act in this scheme was a suit of ejectment from some eight acres of land "with the edifices and appurtenances thereof", brought in 1750 against one of the most estimable of Rumford citizens, Dea. John Merrill. This was the good Deacon's homestead property with the ferry right at the South End, in the very heart of the pioneers' enterprise of the preceding twenty years. The plaintiffs in this suit styled themselves "the proprietors of the common and undivided lands lying and being in the town of Bow."

The accompanying diagram, prepared for Bouton's History, illustrates the problem which was the supreme test of the courage and faith of our forefathers. The dotted line running east of and parallel with the river, indicates the original claim of Massachusetts within which she made the grant of Pennycook Plantation. The heavy black line encloses that seven mile square grant and the light line encloses the grant of Suncook which was also made by Massachusetts. East of the dotted line are the New Hampshire grants of Canterbury, Chichester and Epsom—all made in the spring of 1727. At the same time the grant of Bow was made by New Hampshire in the disputed territory and, as the diagram shows, it covered most of the Massachusetts grants of Pennycook (Rumford) and

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In all the years since the Bow grant had been made, "but three or four families had settled upon it, and those since the end of the late French war" (petition to the King) so practically all the original grantees had defaulted, and, according to agreement, their shares reverted to "the associates" who now attempted seizure of the lands made valuable by the toil of Rumford men. These "associates" were none other than Benjamin Wentworth, New Hampshire's royal governor, eight members of the governor's Council, and more than a score of his intimates and favorites. The humble folk of Rumford were at serious disadvantage from the start.

The suit which these "associates" brought against Dea. Merrill was in nature of a test case, possibly with the expectation that it would intimidate a people impoverished and weakened by the years of Indian terror. If such were the hope, it failed in purpose for the Rumford folk never even considered surrender to the plotters: rather, this suit and others which followed were a challenge to the men of Rumford. Stripped as they were of town rights for assembly and taxation, they immediately formed a voluntary association for mutual protection and pledged themselves to meet the expense of Dea. Merrill's defence. This pledge they extended to every future victim of the "Bow associates"

Every such suit was tried in Portsmouth and the defendants' "great misfortune is, that they cannot have a fair and impartial trial, for that the Governor and most of y<sup>e</sup> Council are proprietors of Bow, and by them not only y<sup>e</sup> judges are appointed, but also y<sup>e</sup> officers that impanels y<sup>e</sup> jury, and the people also are generally disaffected \*\*\*\*\* on account of their (i.e. Rumford defendants) deriving their titles from Massachusetts." Moreover the crafty "associates" avoided suit for any but minimum amounts, since provincial law provided that only suits for larger amounts could be appealed to the courts of England.

So dark was the outlook that the wonder is that our forefathers did not yield to persecution, surrender and drift away to less troubled fields. Instead, being men of true Faith and courage, they found a way to conquer the evils which beset them. Rumford had two leaders peculiarly gifted for this crisis- Rev. Timothy Walker and his good friend, Benjamin Rolfe, Esq. Denied the right of appeal on these cases to the English courts, these two wise men were inspired to a bold move- nothing less than a direct appeal to the Crown, the fundamental right of even the humblest of His Majesty's subjects. The townspeople adopted the plan and on Feb. 12, 1753, the voluntary association of citizens appointed the two leading men of Rumford to represent them in such an appeal.

The Minister was chosen to be the special ambassador for this courageous enterprise, and Benjamin Rolfe undertook to appeal to the General Court of Massachusetts for funds, an appeal which brought ready response. In the fall of the year (1753) Mr. Walker departed for London, taking with him the petition which he had drafted most ably, with the assistance of Col. Rolfe, addressed "To the King's Most Excellent Majesty in Council". During the long, fateful months of that trip across the sea, earnest prayer ascended to God from the homes of Rumford, for the success of this great venture undertaken by their Minister.

The petition<sup>\*</sup> is an admirable document, concise and logical and restrained in its presentation of the truth. Its effectiveness was enhanced by the simple dignity and intense sincerity of the man who presented it, as witnessed by the instant friendliness and sympathy accorded Mr. Walker in London. Proud Englishmen listened with interest to the self-possessed Minister from an obscure little town in the province of New Hampshire. They trusted him and espoused his cause.

At this time Mr. Walker was forty-seven years old, medium in height and the slenderness of youth was rounding into the portliness of his later life. Light in complexion and with blue eyes, his temper was nervous

\*Bouton's History, p. 214

to the point of irritability at times, but he acquired the Christian grace of self-control. Just and fair to a marked degree, he hastened to make amends on the rare occasions when quick temper betrayed him. Methodical in all his habits, business-like in all his dealings, he was a man of thought rather than words, although when occasion required, he talked well and with a certain quiet humor. No portrait of Timothy Walker has come down to us, but this description was given to Nathaniel Bouton by aged folk who remembered Concord's first Minister in his large powdered wig, cocked hat, short clothes and shoes with big bright buckles.

A very tender glimpse of the Minister's character is found in the letter written from London to his nine year old daughter, Judith:

"London, March 13, 1754

While I am addressing myself to each of my children, Judith surely must not be forgotten, which, altho' the youngest, yet is none the less dear to her tender hearted Father upon that account. My dear, I hope you have not forgotten your prayers and pretty verses which I used to hear you say over when you went to bed; but as you grow in years, you will advance in every endowment both natural and spiritual: for I have no greater joy than to hear that my children walk in y<sup>e</sup> truth. Fear God and keep his commandments, which is the whole duty of man. Honour your Father and Mother, which is the first commandment with promise. Be courteous and affable to your brother and sisters; let there be no family strife or contention, but remember that where Envy and strife is, there is confusion and every evil work.

I remain your loving Father,

Timothy Walker."

The men in London who sympathized with the Minister's cause succeeded in obtaining an order for a hearing on the Rumford petition, but since months must elapse before that event, the Minister decided to re-

turn home to assure the people their prayers for deliverance were being answered. But when the news of his success arrived in Portsmouth, the Assembly granted funds to the "Bow associates" with which to finance a counter appeal to the King. In 1753 the Assembly had obediently passed a special act ordering a town meeting to be held in Bow although the small number of actual Bow settlers made such a meeting only a farce. The order was carried out and selectmen were elected but the real purpose of the meeting was consideration of a further order that taxes be raised throughout that part of the Bow grant which lay within Rumford.

This task was a puzzling one and the committee appointed sent a petition to Gov. Wentworth: "We are at a loss as to the boundaries of said Bow and consequently do not know who the inhabitants are that we are to assess": added was this significant statement- (The Proprietors of Bow) "have, as we conceive, altered their bounds several times." Further confusion was produced because- "The inhabitants of Pennycook refuse to give us an invoice of their estates, alleging that they do not lie in Bow." The petition suggests that to force the issue would result "in so many suits as would in all probability ruin us and our estates." This small group of legitimate settlers in Bow then begged their royal governor to "fix the boundaries of said Bow, or otherwise give us such directions as you shall think proper."

The matter of these unjust taxes seems to have been held in abeyance pending the hearing in London which was appointed for the fall of 1754. Again the Minister crossed the sea, financed once more with the help of Massachusetts. This hearing resulted in favorable decision upon the case in point- the ejectment suit which attempted the seizure of the homestead property of Dea. Merrill. Shortly prior to this decision, the Minister addressed a letter to "Mrs. Sarah Walker at Rumford" as follows:

"London, Feb. 26, 1755.

"My Dear

Could I write to you as easily and often as I think of

you would wear your Eyes out to read my Letters & if in some of my last I seem to complain of your neglect in not writing to me it must be Imputed to my great regard for you & the great pleasure it gives me to hear of your welfare, however I have since received several Letters from coll Rolfe whereby I was to my Inexpressible Joy informed of your welfare--- it greatly troubled me to hear that altho you & my own Dear children were well yet so many of our Neighbours children have been swept away by y<sup>t</sup> most terrible throat distemp-erilitecant but fill me with continued pain & fear least God should suffer it further to,spread--- also the difficulties & Dangers you are exposed to on account of y<sup>e</sup> Indians is never long absent from my mind & I have no other relief but to recommend you all together with myself to his care in whose Hand our Breath is & whose are all our actions. I trust he will keep both you & me & bring us together again in his due Time. I hope our trial will come on some time next month soon after which I hope to Embark for New England remember my love to Each of my children & let them Know how much I long to see them & how earnestly I pray for their prosperity especially that their souls may prosper Remember me to Madam Eastman & tell her I heartily sympathize with her under so great bereavement as eight grandchildren thus wishing you Health & all blessings both here & hereafter I subscribe

Your Loving tender Husband  
 Mrs. Sarah Walker Timothy Walker

P:S am in good Health thro Gods Goodness T:W."

The original of this letter is in the Concord Room of Concord Public Library.

In spite of the decision protecting Rumford property, owners, the "Bow associates" continued their efforts at confiscation and by the

fall of 1759 conditions became unbearable. Benjamin Rolfe and six other Rumford men were sued and their goods and estates attached by the sheriff of the province to the value of a thousand pounds, on the claim that they occupied a thousand acres of land in the township of Bow. In the Court of Common Pleas these citizens lost their cases and lost again on appeal to the Superior Court of the province.

The controversy dragged on until, in 1761, the provincial government ordered an inventory to be made in Rumford, preparatory to a tax for the benefit of the "Bow associates". No townsman would perform the hateful task, but men from Canterbury finally did the work. The report shows the material resources of Rumford at that time: 154 polls; 91 houses, and 341 acres of planting ground; 498 acres of mowing land; 16 acres of orchards; 160 oxen; 222 cows; 77 horses; 6 mills; 6 negro slaves valued at 96 pounds, etc.

Homesteads and property were so endangered by this latest threat that the townsfolk decided that Rev. Timothy Walker must go once more to London and, in the fall of 1762, he made his third trip and brought this lengthy drama to a close. Money was scarcer than ever in Rumford, but each of the hundred Proprietors' shares was assessed to meet the expense of the trip. Each Proprietor gave his personal note for his assessment and Col. Rolfe, the only wealthy man in town, advanced the money which amounted to three-fourths of his available cash funds. Tradition tells that not a man failed to honor his note to Benjamin Rolfe.

The Minister reached London in season for the trial of Rumford's latest appeal and once again his English friends gave him warm welcome. Fortunately, one of these friends made during former visits, was Lord Mansfield, recently appointed chief justice of the King's bench, who presided at the special court held on such appeals. The result was wholly favorable to Rumford and its finality is indicated in this extract from the court's report:

"Notwithstanding His Majesty had been pleased at the time of issuing the commission to fix the boundary (i.e. between Massachusetts and New Hampshire) to declare the same was not to affect private property, yet certain persons in New Hampshire, desirous to make the labours of others an advantage to themselves, and possess themselves of the towns of Pennicook - otherwise Rumford - and Suncook, as now improved by the industry of the appellants and the first settlers thereof, whom they seek to despoil of the benefit of all their labours" etc.

But even then the victory was incomplete. As late as the year 1766, Rumford was so threatened with renewal of the suits that measures were taken to raise a new defence fund. Not until 1773 was there a final settlement whereby, upon payment of six hundred pounds assessed equally on all lands within her borders, Rumford acquired the final deeds to her own property signed by the "Bow associates". This story of the Bow controversy given in detail in Bouton's History, is evidence of the quality of Faith and character of our forefathers.

Across the years one may discern the beginning and the consummation<sup>n</sup> of divine purpose. It was not by chance that a primitive little town so persecuted by the wealthy and the powerful should, in the process of time, become the capital seat of New Hampshire's permanent government. It was God's purpose thus to set aside evil plotting, and His purpose was made possible by the Faith of the men of Rumford.

With especial gratitude we bear witness to the statesmanship of Rev. Timothy Walker, that servant whom God used as His means of deliverance. The townsfolk of his day rendered him his due in affectionate esteem. On the Sabbath at both morning and afternoon service, "The whole congregation stood until Mr. Walker went out - he respectfully bowing to those on each side, as he passed down the broad aisle." Rumford men abhorred subservience: all the more significant was this spontaneous tribute to their Minister of God - their ambassador to the King of England's

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The town paid its final tribute when it sought the privilege of erecting a stone to the memory of Timothy Walker where his body lies in our Old Burying-ground.