

Report of the
Coastal Beach Land Deed Research
For the
TOWN OF WELLS & WELLS NATIONAL ESTUARINE
RESEARCH RESERVE



June 1, 2016

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Report of the Wells

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I. INTRODUCTION:

This report is the result of the Coastal Beach Land Deed Research Services as outlined in the request for qualification and proposal by the Town of Wells in collaboration with the Wells National Estuarine Research Reserve (Wells Reserve). The project was awarded to Maine Boundary Consultants, Robert A. Yarumian, II, (RAY) Professional Land Surveyor, as Principal Investigator. The Project Team includes: Edwin A. Churchill, Ph.D, (EAC) a Historical and Museological Consultant, as well as Matthew A. Sukeforth (MAS), Research Expert, and Daniel T. Yarumian (DTY), Professional Land Surveyor, both of Maine Boundary Consultants.

The primary goals of this project are as follows:

- To determine the authorizing land grants from the King of England for the area of land that encompasses the Town of Wells, and the source of the title of the original land grants into private ownership;
- To investigate how the deeds and source of ownership were conveyed forward in time to some of the current beach front landowners.
- To determine if the original land grants that reference the word “Seawall” for their easterly boundary line were changed to include portions of the beach extending beyond their original boundaries of the seawall or marshlands;
- To determine when the words in the deeds describing the boundary limits changed to include portions of the beach beyond the original lines of ownership.

As per the Colonial Ordinances 1641-47 *“the proprietor of the land adjoining shall have proprietie to the low water mark where the Sea doth not ebb above a hundred rods, (1,650 feet) and not more wheresoever it ebs father. And Everie Inhabitant who is an hous-holder shall have free fishing and fowling..... the passage of boats or other vesselsand passe and repasse on foot”* (original spelling preserved) see Massachusetts Body of Liberties § 16, December 10, 1641, and later amended “Liberties Common §2, The Book of General Lawes and Liberties Concerning the Inhabitants of Massachusetts, Boston, Mass. 1647 facsimile reprinted in 1 D Cushing, the Laws and Liberties of Massachusetts 1641-1691 at 41, 197.

Today the general public and the courts understand that this law simply says that as a general rule the upland landowner who owns land next to the ocean owns to the low water mark or low tide line. The area of land between high and low tide is known as the intertidal zone. However, the ownership of the intertidal zone (or beach) is subject to the right of the general public to fish, fowl (bird hunt) and navigate. This is generally true and accepted throughout the State of Maine. Private ownership of the intertidal zone is uncommon in other States where the upland landowner only owns to the high water mark (tide) and the State owns the intertidal zone.

However, in order for the upland landowner to own land to the low water mark a parcel needs to be conveyed to him/her by someone who actually has ownership of it in the first place. A person cannot convey land that he/she does not own.

The area of land along water bodies has historically been subject to separations at some point in time. Throughout history, there have been many court cases dealing with the separation of the upland owner with the intertidal zone, mud-flats, shore area, beach, marshes, etc.

This deed research investigation focused attention on the Wells Beach and Moody Beach areas. The results are not a complete investigation of these beaches. Rather, they represent a small fraction in order to give a general sample of the some of the parcels of land along these beaches.

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III. FINDINGS:

During their research investigation, the authors determined that the source of all land titles came from the Town of Wells, and not a private individual or individuals. Initially, the Deputy Governor of Maine, Thomas Gorges, on behalf of Sr. Ferdinando Gorges “Lord proprietor” of Maine, conveyed only five (5) parcels to individuals between 1642-1643. All of these were “leasehold” sources of title. All five (5) of these owners’ grants were confirmed by the Town of Wells and/or the Proprietors of the Town of Wells at a later date.

On July 14, 1643, Thomas Gorges granted Wells Plantation to John Wheelwright, Henry Boade and Edward Rishworth., [CR 1, 01] and [CR 1, 01,02]. The three men acted as Commissioners for Wells, not as individuals. This July 14, 1643 document would be the source title to the land for the Town of Wells. This source of title is confirmed by the June 30, 1715, Town meeting which stated:

At a legal meeting freeholders and other inhabitants of the Town of Wells voted Joseph Hill, Daniel Littlefield, Nicolas Cole, be a committee in behalf of the Town to run divided line between York Kittery and Wells and also the head bounds of this town eight miles from the Sea and parallel to the foot line by the sea shore according to the Grant our township from Mr. Gorges. see 1715-06-30 [CR 1, 20].

This above indicates that the township was from a grant from Sr. Ferdinando Gorges, and indicates that the town borders the **Sea**.

On November 22, 1652, the General Court of Massachusetts Bay Company granted and created York County and indicates the following:

a grant ofshall enjoy the same bounds, that are clear between Towne & Towne, as hath been formerly granted with Commissioners of each bordering Towne hath viewed, & returned to our general Court with a survey. That both each Towne, & every inhabitant shall have & enjoy all their just propriety’s, titles & interests, in the houses & lands which they do possess, whither by the grant of the Towne,..... this our grant, shall extend to determine the infringing of any persons right (w' possession is had) to any land or inheritance, whither by grant, by patent, or other- wise, but such titles shall be left free to be heard, & determined by due Course of law. see [YD 1(i),20]

Here the General Court is acknowledging the existing Commissioners of former granted towns and their rights to grant land. Wells was incorporated as a Town on July 5, 1653.

There are numerous Deeds found recorded in the early York County Registry of Deeds Books [YD] from the Town of York and Town of Kittery, between the mid-1600s to the late-1600s. However, there are only a few deeds found recorded in the early York Deeds Books from the Wells Commissioners, or the Wells Selectmen, to individuals between 1645 to about 1670. There is clearly a missing Book of the Town records. The known Town of Wells Clerk Record Book [CR] starts about 1713. The Town of Wells Clerk Records and Proprietors of the Town of Wells Records [PR] have numerous (dozens) references of prior grants between the 1660s and 1690s. As a result, there are many unrecorded (or lost) original land grants from the Town of Wells.

Initially the Town of Wells granted out parcels that were called “Town Lots,” and later known as the “Old Town Lots” see **Exhibit A: Map of Old Town Lots**. Each Town Lot usually included an additional “marsh,” “meadow,” “salt marsh” or “thatch bed.” These marshes were extremely valuable and sought

after by the early settlers. Without much effort the marshes provided housing materials and food for the animals. The Town Lots were “upland” (high and dry) parcels with a certain width and extended “up into the country on straight line” to complete a certain amount of acreage. Later, the Town decided that each Town Lot should extend two and one half miles (13,200 feet) inland. The Town Lot usually started at the “foot line” on or near Route One, or they extended to the marshes, and at times to a river or creek within the marshes. With the exception of two or three, none of the Town Lots extended beyond the marshes across the river(s) to the sea or ocean.

All of the original grants of the Town Lots that mention the marshes or other grants for individual marshes do not give a clear description of the marsh location. Sometimes when they were granted the location was based on “*A place convenient to the marsh as may be*”. See **1659-12-07 [YD 2, 82]** Or “*Of meadow if it may be found out of any man’s propriety*” See **1670-06-24[CR 1, 124]**. It was clear that the treatment of the boundaries of the marshes was based on the occupation.

During the research investigation, the term “Seawall” was used for nearly all of the parcels of land found in the Early Deed Books, Town Clerk Records, and the Proprietors of the Town of Wells Record from the beginning of time into the mid-1700s. See **Exhibit B Abstract**. The words “Sea” or “Beach” were only mentioned in a few documents.

It is clear that by the beginning of the 18th century, when Wells had a huge influx of new settlers, the salt marshes were already conveyed out. However there is evidence that the Town kept a large area of “Town Commons” or the “Town Marshes” in and around the salt marshes. See **1724-08-25[CR 1, 80]** and **1725-05-05 [CR 1, 88]**. It is assumed that this was close to the Harbor area and was not researched. What happened to the Town Marshes was not found during this research investigation.

Important historical note: When the Town of Wells was established and throughout much of its early history, it included what is today the Town of Kennebunk and the Town of Ogunquit. Kennebunk remained part of Wells until its incorporation as its own municipality in 1820; Ogunquit became its own municipality in 1980.

IV. CONCLUSIONS:

As a result of this research investigation, it was determined that clearly the Town of Wells was the source of the land titles for the original parcels in the Town.

It was also determined that any land that was conveyed out near the beaches were either marshes or islands.

The beaches were used for travel and during the mid to late 1700s the Town of Wells had appointed officials called “Beach Drivers” to take care of the beach, prevent mowing, and to prosecute anyone who offended the Beach Act of 1757.

The 1794 Plan of Wells on the cover of this report shows that a road along the beach crossing the rivers would have been what were called “wading places.” The area of land from Ogunquit Beach to Drakes Island is labeled as “*All this Blank Strip is a Beach of White Sand.*” The Plan also points out the “*Salt Marsh*” and “*Town River.*” The term “Blank Strip” indicates the attitude of the time period concerning the beach. It was not of much use other than as a convenient place of travel and to land boats.

The terms “island,” “seawall.” or “salt marsh” were used to determine the extent of the ownership of any of the parcels that were originally conveyed out near the beaches by the Town. The terms “beach,” “sea,” “ocean” or some other term to include the beach area were almost never found in the early grants, layouts, confirmations, and/or deeds.

The historical evidence found in the grants, layouts, deeds, confirmations, and other evidence such as the term “Blank Strip” leads this question: Was the beach area ever conveyed out by the Town of Wells to a private individual?

It wasn’t until the mid to late 1800s and early 1900s that the term “Atlantic Ocean” started to be used in the deeds. This happened only when ocean-front beach houses were being developed. It appears that during this time period, owners of marsh lands were conveying their land to an individual or developer and the marsh lands were expanded toward the ocean boundary.

V. ORIGINAL LAND GRANTS:

The coastal lands of Early Wells, Maine

Wells deeds: Authorities for land grants

A. Early Modern English Grants (Medieval to the 1600s)

All lands ultimately belonged to the Crown, then extended downward as leaseholds or indentures with various conditions, through Royalty down to freemen. No individual owned land as a freehold. The English system of grantees or proprietors (landholders) lasted only a short time in Maine before shifting to freehold ownership. The complex Maine-related patterns can best be understood by an explanation of the different types of proprietors and land-ownership parameters.

There were basically three major types of proprietors: primary, secondary, local:

- (1) Primary proprietors received Royal grants which were leases or indentures. These included: [1] the 1620 grant to the Council for New England & [2] the 1639 grant of Maine to Sir Ferdinando Gorge;
- (2) Secondary proprietors were individuals who received grants -- including the right to further distribute and lay out holdings of a tract of land -- from [1] the Council for New England [e.g. BM VII (Farnham Papers), 159-161];
(2) from Sir Ferdinando Gorges through his nephew Thomas Gorges or agent Richard Vines (and briefly George Cleeves) [e.g. YD I(ii), 9]. Gorges' agents also made several simple land grants to individuals. Note: The Plough or Rigby patent, originally a secondary grant from the Council for New England in 1629, when it was acquired by Col. Alexander Rigby in 1643 with George Cleeves as agent. It was essentially treated as a primary grant similar to Sir Ferdinando Gorges' 1639 grant of Maine
- (3) Local proprietors: Sometimes the secondary proprietors handled local land transactions, although after a relatively short time such transactions fell to the towns by actions of the freeman, selectmen, inhabitants or town proprietors

B. Early Primary & Secondary Land Titles

In terms of Maine, the major grants were made from the Crown to the Primary Proprietors, i.e., the Council for New England in 1620 & Sir Ferdinando Gorges in 1639.

The Council For New England made several grants to secondary proprietors including: a land grant on north side of Saco River to Thomas Lewis & Richard Bonighton on February 12/22, 1629/30 [Farnham Papers 7: 117-121]; a land grant on south side of Saco River to John Oldham & Richard Vines, February 12/22, 1629/30 [Farnham Papers 7: 125]; and a Black Point patent to Thomas Cammock, November 1/11, 1631. [Farnham Papers 7: 142] These were grants based on the grantees' intention to start plantations on their granted land. The grants also included the provisos that the grantees give 1/5th of any gold or silver ore to the King and 1/5th to the council, and that the grantees pay an annual quit rent of 12 pence of every 100 acres in use to the Council. [Note: it should be pointed out that no precious metals were discovered & that there is no evidence that quit rents were ever collected]

The 1639 charter to Sir Ferdinando Gorges was a very different grant. It gave him extensive governmental, military, trade, and land distribution powers over the territory of Maine from The Piscataqua River to the Kennebec river & inland 120 miles. He, heirs & assignees held this land “forever” in accordance to medieval terms: “of the Manner of East Greenwich in the County of Kent by fealty only in common and free soccage, not in Capite nor in Knights Service.” In simplest terms this meant he had only to pledge loyalty to the King and pay annual fees but he had no military or other obligations. He was obligated to pay 1/4 of all wheat, 1/5th all profits for refining gold & silver & 1/5th all gold & silver ore, & 1/5th profit from pearl fisheries. It’s a pretty safe bet there would not be much revenue from those sources. [Farnham Papers 7: 222-242]

C. The Americanization of Land Titles

Four terms which will probably be useful with the following discussion:

- 1) Freehold deed similar to modern warranty deed;
- 2) Freeman: inhabitant of the town allowed to vote-usually a landowner: unlike Massachusetts, in most Maine towns the freeman did not have to belong to a church; an individual had to be selected as a freeman by the other freemen in the town. [Note: when Massachusetts took over Maine towns in the period 1652 to 1658, it declared the inhabitants of each town at the time of takeover as freemen];
- 3) Selectman: representative of the town elected by the freemen;
- 4) Inhabitant: in individual legally residing in the town In Wells, there were three quite different types of grants, none by the standard Secondary proprietors, but by [and in one case to] agents for Sir Ferdinando Gorges:

First: Agents Grants in to Wells inhabitants which were simple land grants, all by agents for Sir from Sir Ferdinando Gorges. They were as follow:

[1] Sept. 20, 1642: (Thomas Gorges, Deputy Governor) to Mr. Cole---ratified grant between Cole & Stephen Batson [YD I(iii), 8]

[2] April 17, 1643: (TG, Dep. Govr.) to John Wheelwright and heirs forever---280 acres upland & 120 a. marsh and he to pay annually on September 29, five shillings for every 100 acres that shall be made use of [YD I(i), 28]

[3] July 14, 1643: (TG, Dep. Govr.) to John Sanders and his heirs forever---150 a., 50 of which was marsh, and he to pay six shillings & eight pence annually on September 29 [YD I(ii), 12]

[4] July 14, 1643: (TG, Dep. Govr.) to Edmund Littlefield and his heirs---100 a., a neck of marsh & sundry small parcels, and he to pay six shillings annually on September 29 [YD I(ii), 11]

[5] July 14, 1643: (TG, Dep. Govr.) to Francis Littlefield, Sr. & his heirs---50 a. & 8 a. marsh, and he to pay two shillings & six pence annually on September 29 [YD I(ii), 10]

[6] Nov. 20, 1645: (Richard Vines, agent) to John Wadleigh and their heirs & Edmund Littlefield---200 a. & they to pay ten shillings annually on September 29 [YD I(ii), 13]

There were two grants from Sir Ferdinando Gorges that did not fit the pattern of the others. The first was to his cousin and Deputy Governor of Maine, Thomas Gorges and heirs & assignees, forever, made on

March 4, 1641. This grant for 5000 acres in the Ogunquit area (then the southern part of Wells) gave extensive proprietary rights including land granting and governing. Thomas was to pay and perform “unto the said Sir Ferdinando Gorges his heirs and assignees such rents services and Duties as the tenants of the said Sir Ferdinando Gorges who hold land upon the River of Acomenticus in the said Province are by their tenure of land upon the said River bound and obliged to Doe and performe.” [YD I(ii): 5-6] Apparently, Thomas Gorges seems not have ever instituted the terms of this secondary proprietorship.

However, two years later, on July 14, 1643 he executed a grant as representative of Sir Ferdinando Gorges, to John Wheelwright, Henry Boade and Edward Rishworth with the right as commissioners “for admitting inhabitants and bounding [.] allotting and setting forth land in the plantation of Wells.” The document further reads that the three commissioners had “full and absolute power to allot, bound and sett forth any lotts or bounds unto any man that shall come to inhabitt in their Plantation, themselves paying for any lands they hold from Sir Ferdinando Gorges five shillings for every hundred acres they make use of, the rest five shillings for every hundred acres that shall be allotted unto them.” [YD I(II): 9]

For the next nine years the three commissioners or their replacements made a number of recorded grants. They granted a house lot and six acres of marsh to Ezekiel Knight on October 5, 1645 and a tract of marsh on June 3, 1646. [YD I(i), 1] Boade and Rishworth also granted Jonathan Wheelwright a tract of land bordering on one side the Ogunquit River. [November 25, 1651-YD I(i), 28] Townsmen who later served commissioners [generally filling vacancies caused by death or departures because of someone moving away] included John Wadleigh & John Sanders [deed to Francis Littlefield, August 13, 1647-YD I(i), 147], Henry Jocelyn [deed of a 100 hundred acre home lot, eight acres of meadow, and two parcels of marsh [one of which was located in Ogunquit] to George Rabone [June 30, 1648-YD I(i), 146]. In only one grant, that to Francis Littlefield in 1647, was there mention of a quite rent (Note a quite rent is not a tax, but rent paid by a freeholder to a higher owner). He was “to pay to ye Lord five shillings yearly”; this was the last reference to a quitrent or any other type of obligation tied to a land transaction in Wells. Further the 1648 deed to Rabone was a grant forever without any obligation—the definition of a freehold.

While the shift from leasehold to freehold happened quite quickly in Wells, the repudiation of the English lease/indenture system was already being soundly rejected by the Massachusetts government nearly a decade earlier. In 1640, under the heading “Lands free Lands” it was ordered by the Court “That all our lands and heritages shall be free from all fines and licenses, upon alienations, and from all bariors, wardships, Liveries, Primerseizins, year, date and wast[?], esEheates & forfeitures, upon the death of Parents or Ancestors, natural , unnaturall, casuall [?] or judiciaall and that forever.” [The Colonial Laws of Massachusetts, 1660 Edition...also The Body of Liberties of 1641. Boston, 1889, p. 168]

The shift to freehold occurred across in all Maine communities about the same time. It took place earliest in southwestern Maine and later as one moved northeast with Falmouth finally rejecting leaseholds by the 1660s. For all of Mainers, at that time, landholdings had become freeholds.

Even as Maine settlers were shaking off old-world theories of land holding, they suddenly found that they had another circumstance that could jeopardize their property titles; on October 23, 1651, the government of Massachusetts Bay had determined it had jurisdiction “over Kittery , and many miles to the northward thereof.” [Records of Massachusetts Bay 4: Part 1, p.70] On May 2, 1652 an order was passed by the Massachusetts General court to find their border three miles north of the northernmost part of Merrimack River, an intentional misreading of their charter that their border was three miles northeast of the Merrimack River, clearly meant to measured at the coast. [Hazard, Historical Collections, Vol. I, p.564.]

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Nonetheless, on May 31, 1652 the General Court voted to find the point three miles north of the most northerly point of the Merrimac River and draw a line east and west from there as the colony's northern border. [RMB IV: Part I, p.93]

On October 19, 1652, it was reported that the survey of Massachusetts' northern point found it to be 43 degrees, 40 minutes and 12 seconds. [Hazard, Historical Collections, Vol. I, pp. 571-572] The line from that point ran due east to the coast northeast of Falmouth. Massachusetts immediately claimed all Maine lands southwest from there as under their jurisdiction as per its charter. [See map entitled "Maine, 1651-1696: Encroachment of Massachusetts Bay Colony," plate Number Eight in The Maine Bicentennial Atlas: An Historical Survey, edited by Gerald E. Morris. Portland, Maine: the Maine Historical Society, 1976]

Wasting no time, four days later, on October 23, 1652, "Commissioners [were] chosen to settle the civil government amongst the inhabitants of Kittery, the Ile of Shoales, Accomenticus, and so to the northerly extent of our patent." [RMB IV: Part I, pp. 109-110] In order to lend credence to their claims, the Bay government began soliciting support from more prominent friendly Maine inhabitants. Among those stepping forward were Wells Commissioner Henry Boade and fellow townsman Thomas Wheelwright, who in May, 1653, petitioned the Massachusetts Bay government requesting that it take control of Maine, including Wells. [BM 4: 48-50]

Despite opposition from a fair number of royalist Mainers, the Massachusetts Bay government moved aggressively ahead. On June 7, 1653, a commission was selected to establish civil government among the inhabitants of Wells, Cape Porpois and Saco. [BM IV, 67-68] On the same day, a summons was sent to the inhabitants of Wells, requiring them to assemble at the house of Joseph Emerson on July 4, to be taken under the authority of Massachusetts Bay & to receive equal protection & privilege of other inhabitants of the Bay colony. [BM IV, 68-69]

From July 4 to the 6th, Massachusetts commissioners met at Wells with the town's inhabitants and wrought great changes

First and foremost Wells was brought under the jurisdiction of Massachusetts Bay and afforded the same privileges and obligations of all other Massachusetts towns.

Second [and probably most important], "every inhabitant shall have and enjoy all their Just properties titles and Interests in the howses and lands which they doe possesse whither by Graunt of the Towne[,] possession or of the former Genneral Courts."

Third, it was declared that all the present inhabitants of Wells would be designated as freemen. [Note: This raises an interesting issue in that at least some of these new freemen did not hold property—in other words, they were not freeholders. An unresolved issue was whether or not could they vote in town meetings because usually a freeman would also have been a freeholder; perhaps future research will answer this question]

Fourth, Henry, Boade, Thomas Wheelwright & Ezekiel Knight were appointed Commissioners for small claims, to keep the peace, etc. for present year, and

Fifth, Henry, Boade, Thomas Wheelwright, Ezekiel Knight, Jonathon Wadley & Jonathan Gooch to be selectmen for the next year. BM IV, 71-81] At the same conference, Saco was also brought under Massachusetts' jurisdiction with essentially the same terms. BM IV, 80-81]

On July 6, 1653, Massachusetts Bay commissioners declared their right to govern Wells, Saco & Cape Porpus, and would protest any effort to challenge this authority from anyone to the northward (i.e.: George Cleaves, who was the agent for the Rigby Patent, which was in conflict with Massachusetts over this area). [BM IV, 92-93] On September 9, 1653, the Bay government directly wrote to "Mr. Cleve," strongly asserting

Massachusetts Bay's legitimate authority over Wells, Saco & Cape Porpus, and they intended to defend their actions. [BM IV, 97-98] And for about a decade that was essentially the last word.

The Massachusetts' provincial take-over apparently had direct local effect. On October 27, 1654 Samuel Austin was given a grant of land at a "Towne meeteing Legally Called [by] Wee the Commissioners & selectmen of Wells." [YD, I(i), 147] This document seems to indicate a legal shift from the Commissioners to the town selectmen. From this point forward the office of commissioners disappears and nearly all recorded local land grants are made by the town's selectmen. They are as follow:

- (a) July 2, 1657: Land from "the selectmen of the Towne of Wells" to Jonathan Barrett [YD, I(i), 62]
- (b) December 7, 1659: Grant of land to Robert Wadleigh, Francis Littlefield, and Thomas Mills "by the freemen of the Town of Wells." [YD II, 82]
- (c) April 30, 1664: Thomas Littlefield notes his "grant [of land] from the freemen of the Town of Wells at a legal Town meeteing." [YD, II, 82]
- (d) April 20, 1668: 150 acres of land granted Joseph Cross by Wells selectmen [YD II, 110]; April 2, 1683: Joseph Cross to Francis Littlefield, Sr., a plot of land "given mee by the select men of Wells." [YD, IV, 38]

One recorded Wells Town grant was quite different. On September 9, 1685, William Frost noted a piece of land "granted to me by the Inhabitants of the Towne of Wells." [YD, VI, 5]

The lone Wells grant from the inhabitants to William Frost ca. 1680, [a newcomer who arrived in town just after the end of King Phillip's War], is almost certainly explained by its timing. The town was recovering from the traumas of the war, having suffered several attacks in which a number of townsmen had been killed, including leading citizens, and had several others were taken away as captives. Contemporaneously, Wells' inhabitants watched settlers from more easterly communities deserting their homes and fleeing to the safety of more westerly towns in Maine and Massachusetts until Wells was the eastern-most town still standing. The only eastward colonial presence was a small military garrison at Black Point (Scarborough) that could barely protect itself (in fact, it too was deserted for a time). Simply put, for the last years of the war, Wells was essentially alone facing extraordinary dangers from the forests to its east and north as well from potential attacks from the sea. There had been serious consideration about leaving but in the end the town held, in large part because of a solid sense of community. Wells, at the end of the war, was in need of reconfirming communal ties. Consensus was extremely important in early New England communities with no real social or legal system to handle disputes and

was even more important for a community dealing with major stress. (An excellent study on this subject is a book by Michael Zuckerman entitled Peaceable Kingdoms.) With this background in mind, it would have much more effective in integrating newcomer William Frost into the community by a vote of all the inhabitants than by three or four selectmen.

D. War and the Land

But even though the political menace to land titles seemed largely in the past, the savagery of the Colonial Wars, so deeply felt during King William's War, would have even far more horrendous effect during Queen Ann's War. On August 10, 1703, about 500 Indians with a number of Frenchmen carried out coordinated attacks from Casco to Wells. Cape Porpoise, Purpadook and Winter-Harbor were wiped out and all the other settlements took heavy losses, with many people captured. According contemporary soldier and historian Samuel Penhallow, "The Town of Wells, which valiantly stood its Ground both in former and later War, suffered now great Spoil, nor could escape without loss of 39 that were kill'd and taken." [Penhallow, p.5] This was followed by four more hit and run raid throughout the next nine year with loss of at least 11 more people. Before the war ended, the townspeople had to endure one last disaster which occurred at the wedding of Elisha Plaisted and Hannah Wheelwright. The action occurred "where happened a great concourse of People, who, as they were preparing to mount in order to their return, found two of their Horses missing: upon which Mr. *Downing* with *Isaac Cole* and others went out to seek them; but before they had gone many Rods, the two former were kill'd and the others taken. The Noise of the Guns soon alarm'd the Guests, and Capt: Lane, Capt. Robison and Capt. Herd, with several others mounted their Horses, ordering twelve Soldiers in the mean time to run over the Field, being the nearer way: But before the Horsemen got far, they were ambush's by another Party, who kill'd Capt. Robison, and dismounted the rest; and yet they all escaped excepting the Bridegroom, who in a few days was redeemed by the prudent Care of his Father, at the Expense of more than three hundred pounds." [Penhallow, pp. 73-74]

Such continued assaults had tremendous impact on the town's inhabitants but there was a physical impact as well. Some people left, others were left without breadwinners and adjustments had to be made. Empty land holdings had to be managed and filled; people had to be moved and resettled. More thought had to be given as to how to diminish the possibility of further attacks (, where to establish garrisons, where it was safe to build homes, how fields might be best cordoned off and timber cut to lower the opportunity for surprise attack). The layout of the community and the land had to be adjusted.

E. Addendum C.: MASS.-Crown-Gorges land disputes

Even before the wars broke out -- if fact, barely had Maine grown accustomed to the Massachusetts takeover -- that landowners found their land titles endangered by political struggles involving Massachusetts, Gorges' heirs and the British Crown. Complicating the picture was the fact that every one of the disputants had advocates in Maine which brought the chaos right down to the local level. It was a cauldron that had been brewing from the 1630s but only began spilling out in the 40s.

During the 1640s and 1650s, the period of the English Civil War and Puritan Oliver Cromwell rule, Massachusetts had a great deal of liberty to do what it pleased, including taking over Maine. In 1661, the Crown came back into power and seriously began examining the Bay Colony's past activities.

The Crown started looking at the issue of Gorges' grant, and Sir Ferdinando's grandson Ferdinando Gorges, confident of Royal support, was in Wells by December 24, 1661, proclaiming King Charles II. He declared that Maine was his & that all quitrents present and past, were to be collected. The quitrents is not ownership of land (non-fee title) but only a right to use it as a tenant. The annual quitrents would be an irritant but the cost of past rents would be really damaging. Furthermore, underlying this announcement was the presumption that individual land-holdings were only valid if held under the auspices of the Gorges grant. For Maine's land-owners, largely freeholders who had acquired their holdings directly from their towns or from others who had done so, the total impact could be catastrophic. Titles would have to be re-negotiated, almost certainly for a fee, and rents would be collected. The towns' commons would also be lost to Gorges' heirs. Not surprisingly, Massachusetts and allies in Maine protested vigorously. Still, there were long-time Royalists in Maine who had suffered under Massachusetts' rule, and they were ready allies with Ferdinando. Besides, they could hold the threat of Royal displeasure against those who opposed young Gorges. Thus began a two year political battle which appeared about over by mid-1663 and the Bay Colony finally seemed to have won out.

However, circumstances did not improve. Early in 1664, the King ordered Massachusetts to return Maine to Gorges or his commissioners, or "to show reason to the contrary." Now there was nothing Massachusetts was better at than stalling and "showing reason to the contrary." Gorges' representative, John Archdale, arrived in Maine in November, 1664. Gorges had learned not to challenge the titles of the inhabitants. However, he still wanted his quitrents and the town commons. Massachusetts proved a tougher opponent the second time around and Gorges' efforts were losing steam.

But things did not get better. A Royal Commission was established to, among other things, review Massachusetts' activities. In October, 1664, it was proposed "that lands be confirmed by the commission to their present inhabitants of Maine and New Hampshire by paying a 20th penny of present yearly value in rent and the same by way of a fine." [Moody, p.135] This appears to have authorized the Commission to ignore Gorges' claim completely and handle things directly. The Commissioners arrived in Maine in June, 1665. Most Maine inhabitants wished to remain under Massachusetts' rule which would leave their titles intact although some, because deeds had been given by Gorges, by Alexander Rigby & by towns with Massachusetts' authorization, felt it would just be best to be directly under the King and clear the whole thing up once and for all. The Royal Commissioners did take over Maine but Massachusetts, through intransigence, delay and "showing reason to the contrary," outlasted the commissioners. By 1668 circumstances ultimately returned to pre-1661 status. Interestingly, if the Royal Commission had been successful, it would have been of interest to see if deeds would have remained freeholds or would have reverted to leaseholds or indentures.

The peace was short-lived. In February, 1676 to 1677, the King again declared the Gorges Charter valid. Once more Massachusetts panicked. This time, the fear was that that King would create a Royal Colony next door, leaving the Bay Colony out in the cold with an unfriendly administration next door. The only option was to purchase the charter. Massachusetts knew it could not accomplish this outright as that would have angered the King. They sent a surrogate John Usher, a past Massachusetts treasurer, who bought the charter from the Gorges heirs for £2250 and promptly sold it to the Bay Colony and, as with their own charter, brought it to America. [Moody, 181-2, 190] The King was indeed outraged but at that moment couldn't do much. With the Gorges Charter in hand, Massachusetts decided to treat Maine as a colony to itself. It did not change the freehold land deeds, per se, but utilized the Charter to demand quitrents from those whose deeds were from Gorges or descended from such deeds. Landowners with deeds from other sources (e.g.: towns, Rigby) would be assessed annual fees. Payment was to be

monetary or, if not possible, in produce. In reality, Massachusetts had only modest success, probably the product of inadequate governmental apparatus to handle the task and the poverty of many in Maine.

This situation again began to deteriorate in 1684 when the Crown, tired of Massachusetts' defiance and skirting around the truth, formally annulled the Bay Colony's coveted 1630 charter and began a serious effort to regain control. Massachusetts' troubles continued with the creation of the Dominion of New England in 1685. An overarching governmental body encompassing New York and New England it set out to standardize American governments, enforce the Navigation trade Acts of the 1660s, which many colonies were flouting, and to bring Massachusetts to heel.

Appointed on Oct. 8, 1685 as interim head for the Dominion, Massachusetts-born Joseph Dudley received the Dominion charter upon its arrival in Boston on May 14, 1686. Dudley ruled with an appointed council but banned the representative legislature. Unable to raise money and making little headway in his efforts to bring Massachusetts in line regarding trade, he became one of a host of individuals who had difficulty with Bay Colony officials. The official Dominion leader, Edmund Andros, arrived in Boston on Dec 20, 1686; he, too, ruled with a council. He enacted thoroughly unpopular revenue laws and seeing town meetings a major source of resistance, restricted them to one meeting per year and limited the agenda.

Andros told Massachusetts inhabitants (including those in Maine) they must reconfirm land titles (for a fee to the Dominion) and pay annual quit-rents. Residents of the Bay State proper ignored him but Maine residents, having ridden the rollercoaster of political battles, were not so blasé. A fair number of Mainers did in fact reconfirm their titles, although there is no evidence that any Wells inhabitants did so. As with Gorges heirs, Andros had difficulty in collecting.

In December, 1688, England experienced the Glorious Revolution, in which Protestants William & Mary drove out Catholic James II. On April 28, Boston mob was instrumental in bringing about Andros' arrest, and he was soon shipped back to England. At that point, Massachusetts returned to its pre-1684 government organization, simply ignoring the act by which its charter had been annulled. Maine was again treated as a colony under the Gorges Charter. Land titles were not endangered but quitrents and fees stayed in place. Finally in 1692, Massachusetts, which included Maine, was put under a royal Charter. Maine inhabitants' deeds were validated as freehold deeds and had no specific quitrents or other obligation attached.

F. Wells Freeholders, Inhabitants & Town Proprietors

As the 18th century arrived and Wells shook off the effects off Queen Ann's War, the town had developed very new patterns of land granting. No longer was granting by the selectmen. A typical entry in the clerk's book, dated March 26, 1713, read "At a Leagall town meeting of the freeholders & other Inhabitants of the Town of Wells ... then by a Leagall vote (granted land)." [Wells Clerk's Records, p.6] Similar entries are found March 18, 1713/14 and March 23, 1714/15 [Wells Clerk's Records, pp. 10 & 22 respectively]. That the freeholders could vote was not surprising but what about those "other inhabitants?" Also unclear was the inclusion of the phrase "then by a Leagall vote."

The answer was revealed in an important town meeting to create a body of town proprietors to manage all "Common and undivided Lands" in Wells. The movement to create such bodies was articulated in Massachusetts legislation passed in 1713 which detailed the form and regulations of such bodies. [March 30, 1713, A&R 1: chapter 9, p. 704]

The town of Wells chose to erect such a body and on March 20, 1715/16, “At a Leagall town meeting of the freeholders & other Inhabitants of the Town of Wells Qualified to vote in town meetings ...continued by adjournment unto Tuesday the 27th of the same month and then passed [by] a Leagall vote by a major Part of the voters then Present that the rites & Propriety of all the Common and undivided Lands...” were to be handled by the elected town proprietors who were then listed.

This was an important and apparently not a unanimous decision thus the need to define “Inhabitants Qualified to vote in town meetings.” The rule governing voting had been passed by the Massachusetts legislature on November 6 1692 and was titled “An Act for regulating of townships, choice of town officers and setting forth their powers.” It stated that the eligible voters were “the freeholders and inhabitants of each town, who are rate able at twenty pounds estate at one single rate beside the poll [which all adult males paid], are impowered and to give their votes...” [A&R 1:chapter 28, pp.64-68; This law was further altered by legislation on July 3, 1737, January 27, 1738/9 and in 1742. [A&R 2: chapter 8, pp761-762 & chapter 26, pp. 980-981; Charters & General Laws of the Colony and Province of Massachusetts Bay, Boston, 1814, chapter 229, pp. 543-544. Among other changes in the Act over time one of the most significant was added commentary that suggests “freeholder” or not if you didn’t have an estate valued at £ 20 or over, you would not be eligible to vote. How rigorously this was enforced probably depended on local political conditions and issues.]

After the March 20, 1715/16 vote, one finds entries similar to both the March 26, 1713 format and others similar to the March 20, 1715/16 example. However, on post-holing through later entries, it appeared that the town leaders were trying to more carefully follow Bay Colony laws.

G. The role of Beaches in Early Wells Land Patterns

Because of recent Maine Supreme Judicial Court decisions, it is important to assess the role beaches played in early Wells and other parts of Maine. The starting point is a 1641 Massachusetts Bay law, which reads:

‘Every Inhabitant who is an householder shall have free fishing and fowling in any great ponds, bayes[,] Coves and Rivers so farr as the Sea ebbs and flows, within the precincts of the towne where they dwell, unless the freemen of the same Town or the General Court have otherwise appropriated them. Provided that no Town shall appropriate to any particular person or persons, any great Pond containing more then ten acres of land, and that no man shall come upon anothers propriety without their leave otherwise as hereafter expressed. The which clearly to determine, It is Declared, That in all *Creeks, Coves* and other places, about and upon *Salt-water*, where the Sea ebbs and flows, the proprietor of the land adjoining, shall have propriety to the low-water-mark, where the Sea doth not ebb above a hundred Rods, and not more wheresoever it ebbs further. Provided that such proprietor shall not by this liberty, have power to stop or hinder the passage of boats or other vesels, in or through any Sea, Creeks or Coves, to other mens houses or lands. And for great Ponds lying in common, though within the bounds of some Town, it shall be free for any man to fish and fowle there, and may pass and repass on foot through any mans propriety for that end, so they trespass not upon any mans Corn or Meddow.’ [The Colonial Laws of Massachusetts, 1660 Edition...also The Body of Liberties of 1641], Boston, 1889, p. 170]

To the report’s authors’ knowledge, this Law was never invoked, either explicitly or implicitly, in any Maine Court records. (See for example: PCRM, 6 volumes, Portland, 1928-1976]. Further it is

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contradicted in several ways. First, the statement that equates trespass with simply crossing another person's property. Although, perhaps a legal proposition could have been made at that time. The reality is that the charge of trespass was equated, in later legislation and physical fact, with damages. This was made imminently clear in a 1698 law titled "An Act for Preventing of Trespasses." The whole Act revolves around such actions as cutting someone's grass, robbing garden or orchards, pulling down or stealing fence rails, and so on, and then prescribing penalties. There is not one phrase about crossing someone's property without permission. [Charters & General Laws of the Colony and Province of Massachusetts Bay, Boston, 1814, chapter 52, pp. 311-312] Similarly, every recorded trespass suit in Maine Provincial Court records which includes the reason that case was brought without exception charges that some damage to the plaintive has occurred. [PCRM, volumes 1-6] Besides the complete post-1641 governmental and citizenry disregard of its proviso regarding trespass, by giving any townsman free right to fish fowl and navigate areas where 'the sea ebbs and flows,' the 1641 ordinance essentially made the primary economic activities between low and high water-mark free to all. That area as well as the sand beaches offered little in the way of economic advantage to those whose lands abutted the beaches. In fact, the beaches were often seen as a problem and several Maine towns, including Wells, passed ordinances that protected the beaches and marshes beyond from inundation from the sea and intrusion of the beach sands. Below are three examples:

1. Wells:

(August 31, 1757) "An Act to Prevent Neat Cattle, Horses and Sheep Running at Large and Feeding on the Be[e][a]ches Between Wells and Ogunquit Harbours, in the Town of Wells and to Prevent the Mowing of the Same," Acts and Resolves of the Province of Massachusetts, Vol. 4, p.27-29 [Renewed 1760, 1770, etc.]

2. Cape Porpoise:

(February 5, 1789) "An Act to Prevent Damage being Done on the Salt Marshes in the Town of *Arundell*, in the County of *York*, by horses, sheep and Cattle Being Suffered to Run at Large, on Certain Beaches, Flats and Necks of Land, Adjoining said Marshes [From the First Day of April to the Last Day of November Annually]," Acts and Laws of the Commonwealth of Massachusetts [1788-89], p. 74-75.

(June 8, 1795) "An Act, in Addition to an Act Entitled, 'An Act to Prevent Damage being Done on the Salt Marshes in the Town of *Arundell*, in the County of *York*, by horses, sheep and Cattle Being Suffered to Run at Large , on Certain Beaches, Flats and Necks of Land, Adjoining said Marshes, From the First Day of April to the last Day of April to the Last Day of November Annually' --: Passed in the Year of Our Lord, One Thousand, Seven Hundred and eighty Nine," Acts and Resolves of Massachusetts, 1794-95, p. 320.

3. Biddeford:

(April 22, 1749) "An Act to Prevent Damage Being Done on the Beach in Biddeford, and Meadows adjoining to said Beach, Commonly Known by the Name of Winter Harbour-Beach," Acts and Resolves of the Province of Massachusetts, Vol. 3 (1742-1757), p. 446-47 [Renewed 1752, 1770, etc.]

Besides the clear lack of need and opportunity, and even discomfort regarding beaches to abutting land owners, the beaches provided a public service, that for every town, overwhelming outweighed any private

interest. The beaches were the main, and often the only, road for travel along Maine's coast. For examples, see below:

4. Wells

June 30, 1647: Ezekiel Knight (Wells) had a lot "and likewise the marsh abutting against the upland and the hiewaye." (PCRM, I: 107-108)

July 1, 1662: "In reference to the Convenient passage of Travellers at all tymes of the Tyde over the River Ogunquett, the want whereof may prove prejudiciall to some, especially to strangers. It is ordered that there bee a good sufficient bridge made for horse & foot over the sayd River in the most Convenient place for strength & safety, for the Constant passage of all that have Occasion that way. And the sayd bridge is to bee done and finished by the Towne of Wells between this day & the last of April next Insewing, or the sayd Towne on Neglect thereof to forfeit 10li to the County." [PCRM II, 118]

July 13, 1664: Nicholas Cole to keep ferry over Cape Porpus River for 7 years. Sets fees for travelers and swimming horses-includes a price break for inhabitants of Wells. Cole was to "marke a way from his owne house toward the sea side into the road going to the eastward." Also, he was to "make bridges 2 or 3 what are needefull for convenient passage of horse & man from the sd. Nic. Cools own house over those cricks lying in the way between where he setts over people at Cape Porpus river & the little river." (PCRM, II: 155-156)

Oct. 7, 1673:(Court of Associates) "In answer to last county Court, about an high way from Wells unto Cascoe, the upper way by Sacoe Falls, this Court [is] ...informed ...that there are soe many bridges to bee made over the Swampes & Rivers, the way being soe exceeding bad, that the business therein is not feasible to bee done by any reasonable charge." (PCRM, II: 479)

July 7, 1674: (County Court) "For the more Convenient passage of the County [sic], strangers & others who have occasion to travel Eastward or from Wells to Cascoe, the expedition whereof is usually obstructed by a Compulsed observation of the Tyds in travelling the lower way, for the removing whereof It is hereby ordered by this Court:

That the towns of Wells, Saco, Scarborough & Falmouth shall forth with mark out the most convenient Way from Wells to Hene: Sayward Mills at Mousum, from thence to Sacoe Falls, & from thence to Scarborough, to make that way above Dunston, from thence soe fare as their bounds goeth towards Falmouth, every of the sd within mentioned Towns markeing out & making of the sd ways within their own limitts fit for horse & men to travel in vidzt a sufficient Common Road for travelers to be done & finished between the date hereof & the next County Court houlden for this County upon a pœnalty of Tenn pounds forfeited to the County upon any Town that shall bee found defective in premises." (PCRM, II: 280-281)

Dec. 12, 1674: Town selectmen agreed on a highway plan for the town, apparently including "the Country Road next the Sea." This agreement noted in records of the Court of General Sessions on October 6, 1702 (PCRM, IV: 283)

April 2, 1678: In answer to a Complaynt made about an highway to bee layd out between Mr. Naylers brooke & the sea Wall, & fagatie bridg, It is ordered” that town selectmen meet in two months and lay out the highway. (PCRM, II: 525-526) [War time]

Oct. 6, 1702: Court orders “that all highwayes agreed upon by the Selectmen of the Town of Wells December the 12th: 1674, Shall remain for the use of sd Town forever, Allways Provided that the Proprietors of the Land Adjoyning may Set up good Sufficient Gates on the Lower Side of the Country Road next the Sea of a Suteable bredth for Carts and Teams to pass.” (PCRM, IV: 283)

5. Wells to Cape Porpoise to Saco+

July 1, 1673: “For the more Convenient passage of strangers & others from Wells to Cascoe, the expedition whereof is daly obstructed by Tydes the lower way, which by this meanes may bee prevented,” the Court ordered the towns of Wells, Saco, Scarborough & Falmouth to lay out an [upper] highway sufficient for “horse & man.” [PCRM II, 255-256]

November 2, 1681 (Council) For the more Convenient passage of strangers & [*stricken out*: travellers] Inhabitants , whose Occassions Calls them to travell by land Eastward from Wells to Sacoe, & such as live Eastward to travell Westward, whose expedition in there Journey is oftymes intercepted by the Confluence of the tyde whereby the passages over the Rivers sometymes are difficult & dangerous,

For preventing whereof for [*fu*] ture, It is hereby ordered by the Counsill of this Province, that the Towns of Wells, Sacoe & Cape Porpus: First that Wells do make that hyer way now Made use off, a sufficient roade for strangers & travelers, by Cleareing of the brush, Mending the slows from Wells to Mowsum & from thence to Kenebuncke River, so fare as the bounds of the Town extends.

And the Towns of Sacoe & Cape Porpus are hereby Injoynd from the begining of there own bounds in the like manner from Kennebunke River to make a good passable way through Kennebunk swampe for horse & man & mend the slows & marke out & Mend the nearest way they Can Conveniently find for a Comman Roade to the Ferry at Humphrey Scammons, at Sacoe, which high ways are to bee done & finished according to this order at or before the next Court of pleas houlden for this Province In May next 1682: upon the poenulty of Tenn pounds forfitt to bee payd in to the Treasury of this Province, for each town that proves defective in the premises. (PCRM, III, 156-157)

Oct. 2, 1719: Select jury started the road would begin “at Cape nedick river & [go]... the Way to Wells as the road now goes till it Comes near to Jacob Perkinses, & from thence to Turn out upon the left hand as the trees are marked till it Comes to Josiahs river above the first falls, thence through the Town of Wells as the road now goes to the Corner of Nath’l Clarks field upon the Left hand & from sd Corner between Clark & Coles land till we come opposite the head of Cousinses land, then through Coles land to sd Cousinses land, from thenc between Cousinses & Coles as the line runs till We come to Little river where the old way formerly was, from thence keeping the Old way till we Come to Mousum river & from Mousum as the road now goes to Kenebunk river to the usual Wadeing place below the Mill, thence keeping to the Old road to Saco Lower Falls below the old fort.” (PCRM, VI: 29)

April 5, 1749 [a-See below, May 31, 1749]: Ca. 30 Wells inhabitants (Kennebunk area) & ca. 20 inhabitants request a second parish in Arundel because of the distance and “Difficulty also of Wading

Two Rivers Mousam & the Little River which if the Tide be up must travel round Thirteen Miles...” [BM 11: 455]

[May 31, 1749 [b-See above, April 5, 1749]: Other inhabitants from Arundel and from Wells responded to the April 5 petition [BM 11: 455-457] with petitions of their own claiming that there were not enough families to support a second parish and such an action would severely impact on the present parish. Further more, the Arundel petition stated that “thô the aforesaid Familys in the Eastern part of Wells in order to be set off plead their distance and the Difficultys of Wading two Rivers to get to their Meeting house our Familys have no such difficultys no River between them and the Meeting house erected in Arundel, nor are they at a greater distance than many other Familys in said Town” [BM 11: 469] The Wells petition stated “that but 5 families only are put to any difficulty thereby, and that but only every other Sabbath by reason of the Tide Suits every other Lord’s day to ride through them & the road is then pleasant & good being on plain beaches along the Sea, and when the Tide is in, by crossing Kennebunk ferry where there is a good boat kept, yhry may easily get to Arundel Meeting House...” [BM 11: 472]

The following was found in Edward Bourne, The History of Wells and Kennebunk, 1875, pp. 90-92. “In the year 1653, when Wells was ordered to make a road by the sea, the town of Kittery and York were ordered to make ‘straight and convenient way along the East for man and horse....in 1658 the way was required to be improved easterly as far as Kennebunk river. This road went along Hart’s Beach , over Great Hill and Gooch’s Beach to Reynold’s Ferry, so that settlers might conveniently locate themselves on any of the lands near the sea....In the year 1664...[an order was made for] a passable road made for all travelers on foot or on horseback.... This was the first established road to Kennebunk, the way by the house of William Symonds, being principally over the beach.”

6. Water

The difficulties resulting from rivers too large to ford and those that one could wade across at low tide were similarly well records. Those from Wells were frequently noted, including the following [items noted above are not included]:

October 21, 1645: Ordered that the Inhabitants of Wells make a sufficient bridg over Webhant river betweene this & the last of Aprill next. [PCRM I, 90]

June 30, 1647: “It is ordered that whosoever shall take John Sanders canoe of Cape Porpas [Mousam] river that by necligence his canoe be lost, broke or driven astray so that he is at charge to seeke hur shall paye the lose or damage hee sustaineth therby.” [PCRM I, 111]

July 12, 1658: “In reference to a Convenient passage which out to bee from the East side of Mr. Symonds his house at Wells, between that & the new feild, goeing towards the little River, which way is now exceeding badd, as alsoe to make a better way which may and out to bee made for more Constant passage over the River of Ogunquett,

It is therefore ordered that there bee a way made fitt for Travellers at or neare Mr. Symonds his feild, & that there bee a good sufficient bridge made for horse & foote over the River Ogunquett In the most Convenient passage of Travellers, which ways aforesaid are to bee done & finished by the Towne of Wells betweene this & the last of October next upon the forfeiture of Tenn pounds in to the County Treasury.” [PCRM II, 66]

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July 1, 1662: “Granted to Leeft: [John] Cheater the Ferry between the little River in Wells & Cape Porpus River. For strangers, horse & man, to have 12d for each River, & at Low water 6d. This order to continew for one yeare, & for the Towne of Wells to pay as formerly.

The sayd Cheater hath hereby leave to drawe $\frac{1}{3}$ barrell of strong waters which he hath In his house & likewise to draw wine & beare & keepe victalling.” [PCRM II, 123]

July 5, 1664: “It is ordered that Nicho: Coole of Wells hath lyberty to keepe the Ferry over Cape Porpus River for the Tearme of seven Yeares, hee providing a Conow & makeing bridges for conveniency of passage & travelling, as upon record is mentioned, for which hee is to have 6d for every single person that passeth over & 4d a peece If more, & 3d for every Townes man & the like some of 6d a peece for horses if they swimme.” [PCRM II, 158]

September 15, 1668: “Wee present the Towne of Wells for not making a Bridg over negunket [*Ogunquet*] falls. [PCRM II, 170]

July 2, 1678: “Wee present the Town of Wells for not repayreing of Ogunquett bridg Testes Jury. The Town of Wells is to reparaire the bridge at Ogunquet by the last of Aprill next or to pay Twentie pounds fine to the Countie and fees five shillings.” [PCRM II, 343]

May 30, 1682: “Wee present the Town of Wells & Town of Cape Porpus, for not keepeing of ferry at Kennebunke River.” [PCRM III, 95]

September 14, 1687: “Wee do present the Towne of Wells for Insufficiency in a Bridge Called Oguncuy Bridge.” [PCRM III, 263]

July 1, 1673: “For the more Convenient passage of strangers & others from Wells to Cascoe, the expedition whereof is daly obstructed by Tydes the lower way, which by this meanes may bee prevented,” the Court ordered the towns of Wells, Saco, Scarborough & Falmouth to lay out an [upper] highway sufficient for “horse & man.” (which like all previous order for an upper way was simply ignored) [PCRM II, 255-256]

VI. TOWN OF WELLS:

A. Grants and Deeds

There were at least ten (10) deeds found in the early York Deed Books [**volume 1 to 18 YD**] from 1645-1670 from either the Wells Commissioners or the Selectmen of the Town of Wells to certain individuals. This is a very small comparison (in number) than what is found in the early York Deed Books for the conveyance by the Town of Kittery and the Town of York. It appears that there was an early “Town Book” for the Town of Wells that recorded numerous original land grants and layouts from the Town of Wells in the 1600s, see **1659/60-03-12 [YD 1(i), 127]**. There are many references to this Book and early land grants by the Town of Wells for these original land grants.

On June 15, 1658, at a Town meeting, it was agreed that all present inhabitants shall have 100 acres of land.

*At legal town meeting it was agreed by all present inhabitants of the town of Wells that all the present inhabitants of well shall have a 100 ac. Of land above the now fenced in ground for every twelve poles in breadth that they do now enjoy to run into the country until it be fulfilled namely: John Sanderson and seventeen (17) others. See **1658-06-15 [CR 1, 124]***

Some of these early deeds indicate that these grants were given to individuals by the Selectmen of Wells. see [**YD 2,159**]. And the following:

*100 ac upland and 10 acres of meadow: We whose name are under written being selectman for town of Wells this present year 1670 with the full and free consent and approbation of the Inhabitants there of being Legally voted at Legal town meeting do give and grant and by these present confirm all our right title interest to and in 100 ac of upland on the southwest sided of Cape Porpos River running as the other lots do that are already granted and 10 ac. Of meadow if it may be found out of any man’s propriety See **1670-06-24 [CR 1, 124]***

Often a grant of land was made to an individual with certain conditions such as:

*100 ac. At a Legal meeting of the proprietors of Wells granted to G. Boston 100 ac. On condition of settling it and improving it within two years after this date and to improve it five years if not hindered by wars with the Indians or else to return to the town again. see **1719-05-12, [PR 1, 9]***

Or

*At a legal meeting of the Proprietors of ye Town of Wells give and granted 50 ac. Etc.....Upon the condition that Lydiard by himself or some other person improve the same by fencing and building upon the same within 2 years after this date and to continue settlement of the and 5 years except he or they are put of by an Enemy See **1720-07-12 [PR 1, 16]***

Or

At times these grants were forfeited and taken back by the town and then re-granted, or the grants were given or purchased by someone else. Often grants were granted with the conditions of a certain place that

“may be found”.

These grants may not have been the final conveyance of the land. They needed to be laid out at a future time once the condition was met and the location could be determined. Often these early grants and layouts were called upon to be confirmed by the Town.

B. Layouts

Most grants at some point in time were then laid out (surveyed) by the Town Surveyor to determine the actual location. The first Town of Wells Clerk Records Book [CR] is filled with dozens or perhaps hundreds of grants and layouts. Between 1713 and 1715 the Town of Wells granted at least 34 parcels, between 50 to 200 acres and most of them with 5 to 10 acres of meadows. Most of these meadows were fresh water meadows. Most of these grants also had conditions and were laid out at another time. None of these 1713-1715 grants mention the seawall, sea, ocean, and mostly were outside the area of the original “Town Lots”. Often layouts were made many years after the grants for example:

A return that surveyors Laid out 100 ac. for Josiah Winn, 100 ac. beginning a Naguntquit River a little above the bridge run Southwest line and from Josiah Winn’s land then run West nor West point until 100 ac. joining Naguntquit River See 1714-12-30 [CR 1, 15]

And

*We under written being Surveyors of the Town have by virtue of a deed of sale from Samuel Littlefield made unto Stephen Harding have laid out a certain tract of land lying and bound on the west side of his land now possess at Kennebunk as follows: Beginning at wood neckrunning by the **Sea at the foot** of a To east end of **the Sands**See 1717-05-03 [CR 1, 35]*

C. Confirmations:

Due to the wars in the late 1600s and the desertions and abandonment of the territory by the settlers, it was necessary for the Town to confirm prior land titles. Both the Town and Proprietors of the Town of Wells confirmed land titles to certain individuals. Most likely, these individuals abandoned their property but came back. All the land up the coast of Maine beyond the Town of Wells was subject to what is called the Eastern Land Claims Act, of the early 1700s, which required all landowners to make claim to the prior land holders to the Courts. The Town of Wells was not subject to this Act. However, internally it appears that they had their own call for confirmations. Some of the confirmations were recorded in the York County Deed Books, like the following from the Town of Wells to John Wheelwright:

William Hammond legally chosen by Town of Wells for laying out land according to power given to me have laid out unto Mr. John Wheelwright a tract of land granted unto said Wheelwright by Henry Boad, Edward Rishworth land bounded: From the fence that is set upon the North West side of Wheelwrights farm & so run upon a straight line to Ogunquit falls to a certain tree which I have marked with W. See 1667-05-24 [YD 2, 40]

Above the Town of Wells is confirming the boundaries of a 1651 deed, by the Wells Commissioners to: John Wheelwright. See 1651-11-25 [YD 1(i), 28].

Below are some other examples of confirmations by the Town:

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At a legal town meeting of freeholders and other Inhabitants of Town of Wells legal voted to Give and Grant unto and Confirm a former grant to:

- a.) William Sayer*
- b.) Jeremiah Storer*
- c.) Thomas Wells*
- d.) Nicolas Cole*

Do not modest nor hinder any of the freeholders or inhabitants of said Town in Cutting or caring of from said land any sort of kind of timber whatever. See 1713-03-26 [CR 1, 08]

And

- a.) Sam. Emery Gore land Grant of March 17, 1701*
- b.) Sam. Littlefield 100 ac. Grant of March 16, 1680*
- c.) Sam. Littlefield fresh meadow Grant of March 16, 1680*
- d.) Nat. Kimball marsh on Mousam Grant of June 14, 1678*
- e.) Dividing line at the Meadow and so running to highway and so running northwest from the highway and foot bounds 2.5 miles on a straight line as will appear by several marked trees in a line etc. See 1730-07-00 [CR 1, 136+]*

The above indicates that the Town was confirming and renewing bounds of the ancient grants during the time the Proprietors were active. Note that some of the above grants are fifty years old.

The Town confirmed and renewed bounds which were even older as per:

- a.) Renewed the ancient bounds of land granted and allotted unto John Wheelwright November 25, 1651, laid out and bounded by William Hammond as appears by return May 24, 1667.....by stoney brook Sam. Treadwell.....south south west to Ogunquit falls where the mill dam now stands....lower end of Abigail Wiggins.....See 1730-05-13 [CR 1, 134]*

VII. TOWN PROPRIETORS:

A. Creation:

Because of the influx of settlers in the early 1700s the Town of Wells voted to create the “Proprietors of the Town of Wells” at their March 20, 1716 Town Meeting:

At a legal town meeting of freeholders and other Inhabitants of the Town of Wells qualified to vote in town meeting began and held on 20th day of March 1715/16 and continued by adjournment unto 27 and then meet and past a Legal vote by the major part of the votes then present that the right and propriety of all the Common and undivided Lands within the said township doth belong to an forever hereafter shall be and remains unto the Persons hereafter mentioned and their Heirs forever in Proportion according to their Interest in the Town to be disposed of and Improved according to the directions of the Law in that case made Provided: Viz Col. John Wheelwright, and 34 others see 1716-03-20 [CR 1, 26] and [PR 1, 1]

After this time period the Proprietors of the Town of Wells took over the granting, laying out and confirming land in Wells. However, the Town also continued to do the same. It is unclear what the distinction was. It appears the Town may have laid out and confirmed older and existing grants. During this time the Proprietors granted and laid out land from what was known as the “Town common and undivided lands” or the “Town Commons.” However, it is very clear that the Proprietors were the “Town of Wells Proprietors.” Most (if not all) of the land the Proprietors granted and laid out was inland and not near the salt marshes. Only a few of the parcels mentioned in the Proprietors Book mention the seawall, sea or salt marshes.

One of the first orders of the Proprietors was: *Voted committee to search the town book relating to the former grants of the Town and to bring a Report to the proprietors as soon as may be of the forfeitures of considerable grants.*

See 1717-05-04 [PR 1, 2]

And

Voted committee to search the town book relating to the former grants of the Town and to bring a Report to the proprietors as soon as may be of the forfeitures of considerable grants.

See 1717-05-20 [PR 1, 3]

And

To the proprietors of the common and undivided lands in the town of Wells these are to notify you to appear at the meeting house May 14, 1717, to act on what maybe proper to be done at which a meeting particularly to admit proprietors if there be occasion to grant or confirm lands or forms grants to state the proportion of proprietors to procure a book for recording the act of the proprietors or what maybe proper See 1717-05-17 [PR 1, 5]

B. Grants

The Proprietors also granted land with certain conditions as follows:

At a legal meeting of the Proprietors of ye Town of Wells give and granted 50 ac. Etc.....Upon the condition that Lydiard by himself or some other person improve the same by fencing and building upon the same within 2 years after this date and to continue settlement of the and 5 years except he or they are put off by an Enemy and also do give and grant to Lydiard 10 ac. Of Meadow or Meadow grands where ye said Lydiard can find it out of any man's propriety. See 1720-07-12 [PR 1, 16]

On July 12, 1720, the Proprietors of the Town of Wells granted about 30 men various parcels of land, which were most likely laid out at later time. Most of these grants had certain conditions as mentioned to Lydiard above. Only the ones mentioned below contains the term marsh or thatches. Most mention only a meadow.

Also on July 12, 1720 the Proprietors of the Town of Wells granted *All the undisposed thatch beds on Ogunquit River except the Lowermost which is near against the rocky point.* See 1720-07-12 [PR 1, 16]

This grant was layout on December 28, 1722 as follows:

As per grant of 1720-07-12 laid out all the thatch beds in Ogunquit River between the saw mill and Rocky point except that thatch bed there was granted to Gersham Maxel (Girshom Maxey or Maxwell) the thatch bed lying on the north east side of the Maine channel of said River. See 1722-12-28 [PR 1, 49]

On April 08, 1722, the Proprietors were concerned about cutting trees on the “ground on the common”; they voted to have two lot layers (surveyors) layout any legal grant for the Town or Proprietors. They further requested that grants of land in the town since 1663 be confirmed if the conditions in those grants were met according to the following criteria:

- a.) *At a legal meeting of the proprietors of the Town of Wellsvoted that all pine and oak trees or logs that shall be found lying on the ground on the common Shall be free for any proprietors in the town of Wells to hall away cut up and improve*
- b.) *Voted that there be two lot layers to lay out land and that one of them are Empowered to Lay out land or both where any person can produce a Legal grant from the town or proprietors.*
- c.) *Formed a committee to take care that there be no trespass on one the common or undivided lands and to prosecute any person that shall be found trespassing on the commons excepting any of the Inhabitants of the town*
- d.) *A committee to look after the confirmation of lands and make Report to the next meeting ...and to examine the town books and proprietors books and find that the grants of lands in the town since the year 1663 are generally conditional and the grants lands are to return to the town or proprietors in case of nonperformance of a the conditions we therefore judge it proper for all such who have compelled with the conditions in there grants respectively to lay it before the proprietors at some meeting of the proprietors in order to the confirmation there of.*
See 1722-04-08 [PR 1, 45]

On December 30, 1734, the Proprietors voted that all men in the Town of Wells that have a house shall be a Proprietor:

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*At a legal meeting of the proprietors of the common and undivided lands of the township of Wells on Dec. 30, 1734 then passed a Legal vote that **all the men in said town of Wells that have a house and land within the same shall be a proprietor** See 1734-12-30 [PR 1, 110]*

On that day they voted a new list of 107(±) persons as Proprietors and assigned each a share which would have been based on the amount of land each person owned. See 1734-12-30, [PR 1, 139]

Also see page 271, "Proprietors of Common Land 1730", Hope M. Shelley "My Name is Wells I am the Town"

C. Layouts

After the grants by the Proprietors or by the Town a layout of the lots were usually recorded in the Proprietors Records or the Clerk Records. A layout would have a description of the property and signed by Surveyor (or Lot Layer) of the Proprietors or the Town.

On December 30, 1734, the Proprietors laid out and confirmed about 35 parcels of land, most of them according to the July 12, 1720 grants. see 1734-12-30 [PR 1, 90 to 111]. Only two of them mention marshes or thatch beds as stated above.

D. Confirmations

Soon after the Proprietors were created they began to confirm land grants. John Wheelwright, who was the Town Clerk at the time, was the first to have the Proprietors confirm his land. This was the second time John Wheelwright had his land confirmed. See 1730-05-13 [CR 1, 134].

At a Legal meeting of the proprietors of all the common and undivided land with the Town of Wells voted given granted and confirmed unto Col. John Wheelwright and his heirs forever all our right tittle and Interest in and unto all that tract of upland and marsh which he now dweleth on an is in possession of it being bounded: Southwest by Mr Samuel Hill Northeast by highway that joins to the land of Ben. Gooch Breath of the marsh 8 score poles And back into the country as the rest of the Lots And Marsh adjoining thereto.

See 1717-05-17 [PR 1, 6]

Francis Littlefield, Jr. also had his land soon confirmed by the Proprietors:

200 ac. The following grant was confirmed by Proprietor Granted to Francis Littlefield, Jr. by the selectmen of the town of Wells a certain tract - Southwest side of the fall of Ogunquit River - begin at Ed Littlefield on Southwest side - Run in breath to the creek on the southward side of the Clay Hill next to Mr. Joseph Boles and so to run from the river into the country until 200 ac be completed. see 1719-05-12 [PR 1, 9]

The Proprietors also placed certain conditions on their grants and voted:

At a legal meeting of the Proprietors Voted that conditional grants made by the town or proprietors to any person or persons heretofore who have failed in performing the conditions in such grants specified

are forfeited to the use of the proprietors. See **1720-05-09 [PR 1, 39]**

On February 25, 1726 the Proprietors called a meeting to confirm all ancient grants and rights:

*Call for meeting to confirming of all ancient grants and rights that shall be found to be needful.... The confirmation of all lot grants See **1726-02-25 [PR 1, 54]***

On April 22, 1727, the Proprietors voted that *All those by purchase or heir ship have a right to be proprietors.* See **1727-04-22 [PR 1, 56]**

At times the Proprietors confirmed ancient grants as follows:

*By Virtue of a grant of 100 ac. by the inhabitants of the Town of Wells to Jonathan Hammond on October 02, 1666, by virtue of the same I have this day laid out 50 ac. of said grant to Richard Kimball and also by virtue of a grant from the proprietors of said town to William Harmon 50 ac. dated July 12, 1720 laid out this day to Nathaniel Kimball each 50 See **1736-03-22 [PR 1, 126]***

And

*By virtue of several grants of land and meadow granted to John Sanders of Wells VIZ 150 ac of land and 50 ac of meadow by Thomas Gorges 1645 laying between the Mousam and Little Rover. See **1737-10-24 [CR 1, 195]***

This last one indicates that the Proprietors were confirming land grants from Gorges ninety (90) years later.

Lastly, the Proprietors chose a committee to check to see who laid out their land lawfully, and to pursue any grants that were forfeited:

*Calling for a meeting to choose a committee to examine the town and proprietors books secondly to see who has laid out there lands lawfully or not To make division of the common and undivided land or some part of them To pursue all grants that are forfeited except the person that with hold them unlawfully will give them up accordng to the true intend as they were given. See **1743-06-13 [PR 1, 142]***

And

*At a legal meeting voted for a committee to examine the town and proprietors books and to take copies or minutes from said books of all conditional grants and all said grants that are laid out where they once and to take out the Returns of the laying out all such grants from each of the foresaid books and lay the made before this meeting.... Also to see who has by confirmation of any former grants layed out that land elsewhere and on the land confirmed also lands that has been changed by holding booty grants. See **1743-07-18 [PR 1, 143]***

VIII. BEACH DRIVERS:

In the mid-1700s, the beaches were still being used for travel. However, by this time inland roads were being established connecting the town with other towns. As per the Town meeting on March 7, 1757, animal control and mowing the beach was a concern.

*Item 20, That Capt. John Winn be desired to set an act made by the great general Court to prevent neat cattle, horses and sheep going and feeding on the **Beaches** and also to prevent persons mowing said beaches.* See **1757-03-07 [CR 1, 300-301]**

On August 31, 1757 the Courts enacted “An Act to Prevent Neat Cattle, Horses and Sheep Running at Large and Feeding on the Beaches Between Wells and Ogunquit Harbors, in the Town of Wells and to Prevent the Mowing of the Same,” see Acts and Resolves of the Province of Massachusetts, Vol. 4, p.27-29 [Renewed 1760, 1770, etc.]. After the ruling concerning this, the Town followed suit:

*Item 15: John Jacobs John Stevens Samuel Emery to **take care of the Beaches** also put the law into execution relating to them.* See **1758-03-06[CR 1, 303-304]**

And

*Item 8: Voted certain men to **Drive the Beach** and take care and duly prosecute the act relating there to.* See **1759-03-19 [CR 1, 307]**

At the March 19, 1759 Town meeting, those present voted to appoint men to “Drive the Beach.” These people became known as Beach Drivers. In prior years the town would elect a “Field Driver.” A Field Driver was voted each year as part of one of the many Town officials. Other towns throughout York County had Field Drivers in the 18th and 19th century. The Town of Kennebunkport also elected Beach Drivers. The Field Driver was responsible to assist anyone who was moving animals from one part of town to another or from town to town. Also people were letting their animals run free during the summer time and the Field Driver was called upon to prevent dispute. A Beach Driver was the doing the same thing but were for the Beaches. For the decades to come, every year at the Town meeting Beach Drivers were voted as one of the Town Officials or Officers. At times they also voted men to “*take care of the Beach*” and “*to prosecute such as shall mow the Beach*”.

On March 3, 1768 they “*voted a committee to prevent such as shall mow the Beach between Wells and Ogunquit*”. They also voted certain men to “*prosecute all that pull down fences or leave upon bars (gates) in the way to the beach.*” This indicates that people were taking the dune grass and the Towns people were preventing it. The question is: During this time period did the Town and its people believe that they owned the beach and dune grass? See **Abstract 1757 to 1771 concerning Beach Drivers.**

IX. DEED CHAINS:

A. MOODY BEACH:

OCEAN FRONT LOTS OPPOSITE end of FURBISH ROAD and BOURNE AVENUE

The ownership of all of the ocean front lots on Moody Beach can be traced back in time to Charles W. Tibbetts. Between 1888 to 1913 ± Tibbetts obtained about 35 parcels of land from various owners.

Please note that some of the Tibbetts parcels are within Ogunquit Beach (Town of Ogunquit). Ogunquit Beach which was taken by Eminent Domaine by the Ogunquit Beach District (see 1925-04-02 YD 743,288 and Plan of Taking of Land by the Ogunquit Beach District, dated April 1952, unrecorded).

When Tibbetts obtained these various parcels, the **Atlantic Ocean** was mentioned in those deeds. This was the first time **Atlantic Ocean** was found in the deeds.

When Tibbetts conveyed out various lots, "**Atlantic Ocean**" was also mentioned in the various deeds as being the easterly boundary line. Therefore, the wording in the deeds was carried forward to the present owners.

All of the current ocean front lots on Moody Beach research during this time mentions the **Atlantic Ocean** as being easterly boundary line.

On November 23, 1888, Tibbetts obtained a deed from the Cyrus A. Packard "Agent to superintend and manage the sale and settlement of the Public Lands" of State of Maine, by virtue of the authority by law in such Agent vested, "*All the right title and interest the State of Maine has in and to the real estate at Ogunquit Beach in Wells.*" The deed mentions "*by the **Atlantic Ocean** three and a half miles*" and the "*tract of land the whole of Ogunquit Beach containing four hundred acres of land more or less.*" see [YD 426,45].

Researching the various Tibbetts parcels back in time one finds a drastic reduction in acreage called in the deed to Tibbetts as compared to the acreage found in the previous landowner deeds. Also, the easterly boundary line changes from Atlantic Ocean to the **beach, seawall** or **salt marsh**.

Below is a brief summary of the deed history of the Tibbetts parcels which relates to only a small portion of Moody Beach within the Town of Wells:

1. Tibbetts-Littlefield Parcel

1891-01-19 [YD 425,412] Joseph A. & Elizabeth Littlefield to Charles W. Tibbetts 5 ac.

*By the Ogunquit River toward the sea, southerly side of an **opening in seawall** through which the ocean comes to be filled up channel of River by opening to **Atlantic Ocean** Northeast by **Atlantic Ocean**.*

1852-09-22 [YD 229,33] Jeremiah Stevens to Joseph A. Littlefield
John Stewart 2.5 ac.±

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Trafton Marsh Salt marsh 2 and 2/4 ac. ±

1826-07-08 [YD 139,39] John Trafton to Jeremiah Stevens 2.5 ac.±

Beginning by the beachby the Ogunquit River to beach separates marsh of Amos Littlefield by the beach.

1819-11-05 [YD 102,217] Tabitha Trafton to John Trafton 2 ac.±

Southwest by River or Creek by the beach...Noah Trafton

No deed into Tabitha Trafton could be found.

2. Tibbetts-Maxwell Parcel

1887-10-06 [YD 417,206] Moses Maxwell to Charles W. Tibbetts 4 ac.

By Elizabeth Littlefield... Atlantic Ocean.

The above parcel was linked below due to abutters calls.

1819-11-05 [YD 104,34] Tabitha Trafton to Noah Trafton 2.6 ac.

By River or Creek, by Beach Jonathan Maxwell march

No deed into Tabitha Trafton could be found. These two above Tabitha Trafton parcels could be related to the following:

1696-08-08 [YD 6, 116] John Littlefield to: Josiah Littlefield, son Salt Marsh, and Thatch

a.) *Salt Marsh & Thatch lands on Southeast side of Ogunquit River bounded Against Daniel Littlefield Marsh where Creek comes home to Beach and so to run along between Creek and Sea Wall along ye Beach westward so far as the Sandy point be it more or less.*

1719-05-12 [PR 1, 11] Proprietors to John Littlefield. Thatch Beds

a.) *At a Legal meeting of the proprietors of town of Wells granted to John Littlefield the thatch beds between the creek commonly called the back creek and pine (pume?) Island on the south east side of Ogunquit River between it and the Sea*

John Littlefield is the son of Edmund Littlefield and therefore be related to the following:

1645-09-29 [YD 1(ii), 13] Richard Vines to: John Wadlow & Edmond Littlefield 200 ac.
For Sr. F. Gorges
Behalf of Thomas Gorges

a.) *200 ac.
Southwest side of Ogunquit River.
Begin at falls
Run along river southward to second creek abuts a little Island of pitch pine that are on the seawall.
Near and joining River mouth
So up into the main land all the breath aforesaid until 200 ac.*

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b.) *All the marsh land within the bounds aforesaid lying
West side of said River
The benefit of said river not entrenching upon the Liberties of the Town of Wells.*

3. Tibbetts-Cumoch Parcel

1890-01-23 [YD 437,94] John Cumoch to Charles W. Tibbetts 20 ac.

By Atlantic Ocean.

1882-10-25 [YD 391,89] Stachy Hall to John Cumoch 20 ac.

By Atlantic Ocean.

1882-10-20 [YD 390,304] Emma Littlefield to Stachy Hall 20 ac.

Beginning at the Beach or Sea lineto the Beach.... By the Beach

1869-08-11 [YD 340,176] Chris Kimball to Emma Littlefield 2 ac.

Beginning at the Beach or sea line... to Beach by the beach

1867-09-05 [YD 312,088] Thomas Bragdon to Chris Kimball 3 ac. salt marsh
Silas & Sewell Bragdon

3 ac. Salt March

Note Thomas Bragdon and Silas & Sewell Bragdon were the heirs of Nancy Wheelwright

1850-00-00 [YD 269,73] Benj. Wheelwright to Nancy Wheelwright n/a

Salt marsh which I bought of Nancy Wheelwright

1843-10-09 [YD 217,25] Nancy Wheelwright to Benj. Wheelwright 3 ac.

3 ac. Salt marsh to Beach ... by Beach

1828-01-28 [not recorded] Joseph Wheelwright to Nancy Wheelwright (daughter) n/a

1795-05-04 [YD 73-53] Joseph Wheelwright to Joseph Wheelwright, Jr. 31 ac.

*4/5 interest of all my Salt marsh in Wells 31 ac. where ever they are.
By trout brook by Beach by Farm Pond by salt marsh belonging to Elizabeth Littlefieldand
others.*

4. Tibbetts-Dixon Parcel

1888-09-11 [YD 428,101] John F. Dixon to Charles W. Tibbetts 20 ac.

By Beach

1873-07-03 [YD 337,464] Joseph Littlefield to John F. Dixon n/a

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*Against Daniel Littlefield Marsh where **Creek comes home to Beach** and so to run along between Creek and **Sew Wall along ye Beach** westward so far as the **Sandy point** be it more or less.*

1685-06-05 [YD 14, 131]

Abraham Tilton to: Abraham Masters

8 ac. marsh

- a.) 8 ac. Meadow lying in three parcels called Ogunquit Meadow
- Bounded by river runs from Ogunquit (Agunged) toward Neck of land And **Sea Wall**
 - Bounded next adjoining Meadow of John Littlefield on west of
 - Old Agnes Littlefield Meadow on East side
 - Being on East side of said Agnes Littlefield Meadow
 - On West side of John Crosse meadow

1645-09-29

[YD 1(ii), 13]

Richard Vines to: John Wadlow & Edmond Littlefield
For Sr. F. Gorges
Behalf of Thomas Gorges

200 ac.

- c.) 200 ac.
Southwest side of Ogunquit River.
Begin at falls
Run along river southward to second creek abuts **a little Island of pitch pine that are on the seawall.**
Near and joining River mouth
So up into the main land all the breath aforesaid until 200 ac.
- d.) All the marsh land within the bounds aforesaid lying
West side of said River
The benefit of said river not entrenching upon the Liberties of the Town of Wells.

B. WELLS BEACH:

The ownership of all of the ocean front lots on Wells Beach at the end of Mile Road or the southerly end of Wells Beach can be traced back in time to two Islands, known as Butland Island, to the south, and Storer Island, to the north. It may have been one island owned jointly by two people and divided into two at some point in time. These islands have also been known as Wardles Island, Hubbards Island, and Littlefield Island.

The division of these two islands can be seen on a relatively straight line at the Beach at the first lot north of the end of Mile Road, northwesterly across Ocean Avenue and Ox Cart Lane, to the marshes. The parcels to the north of this line can be traced back to Storer Island, The parcels southerly of this line can be traces back to Butland Island.

A few of the current owners for Butland Island from Mile Road to Folsom Lane mentions **Atlantic Ocean, seawall, high water mark of the Atlantic Ocean, without covenants** to the **Atlantic Ocean**, as the easterly boundary line. The current owner for Butland Island for the one lot just north of Mile Road, mentions to the **Atlantic Ocean** and along the **Atlantic Ocean** without covenants which means the Grantor is not warranting (guaranteeing) ownership of the land within the beach area.

Researching the area of land for Butland Island back in time one finds the easterly boundary line changes from **Atlantic Ocean** to the **seawall** or **Island**.

Below is a summary of the deed history of Butland Island, starting from the said one lot just north of Mile Road south toward Folsom Lane the approximate limits of Butland Island:

1. Butland Island:

1996-05-08 [YD 7699, 236] **Vander W. Forbes, Jr. to: Lafayette Wells, Inc.** Tax Map 122, Lot 91 part of **Mary E. Forbes**

- a.) *Thence **without covenants** continuing along the same course **to the Atlantic Ocean**; thence turning and running in a general southwesterly direction along the **Atlantic Ocean** a distance of 270 feet, more or less...*
- b.) *See "Plan showing a Standard Boundary Survey made for Vander W. Forbes, Jr. & Mary E. Forbes", dated January 8, 1996, and recorded in YD Plan Book 227, Page 43. This plan shows deed call of "**Atlantic Ocean**" as per YD 932, 169 and the location of the "**concrete seawall**".*

1976-12-06 [YD 2161, 621] **Marguerite L. Forbes to: Vander W. Forbes, Jr.**

1939-05-08 [YD 932, 169] **Rose E. Pike to: Marguerite L. Forbes** ¼ Ac.
(widow of George G. Runnells)

- a.) *¼ acre, known as "Ocean View Hotel", bounded southeast by the **Atlantic Ocean***

1911-08-22 [YD 602, 281] **Leo B. Trafton to: George G. Runnells** (½ Int.) ¼ Ac.

- a.) *¼ acre, known as "Ocean View Hotel", bounded southeast by the **Atlantic Ocean***

1910-03-17 [YD 591, 168] **Ida M. Stacy to: George G. Runnells** ¼ Ac.
Leo B. Trafton

- a.) *¼ acre, known as "Wenonah House", bounded southeast by the **Atlantic Ocean***

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1898-09-08 [YD 486, 510] A.J. Littlefield to: Ida M. Stacy ¼ Ac.

a.) ¼ acre, bounded southeast by the *Atlantic Ocean*

1896-05-20 [YD 477, 491] Melissa J. Wentworth to: Andrew J. Littlefield
Ida M. Stacy ¾ Ac.

a.) ¾ acre, bounded southeast by the *sea wall at Butland Island* (erroneously “Butten”).
b.) Also being depicted on a “Plan of Lot” within said deed, bounded by the “Sea”

1883-07-06 [YD 393, 531] Thomas M. Wentworth to: Melissa J. Wentworth (½ Int.) ¾ Ac.

a.) ½ Interest in ¾ acre, bounded southeast by the *sea wall*

1873-10-25 [YD 323, 221] John Littlefield to: Melissa J. Wentworth (½ Int.) ¾ Ac.

a.) ½ Interest in ¾ acre, bounded southeast by the *sea wall*

1871-04-06 [YD 323, 491] John Littlefield to: Thomas M. Wentworth (½ Int.) ¾ Ac.

a.) ½ Interest in ¾ acre, bounded southeast by the *sea wall*

1870-08-09 [YD 323, 490] Ivory Littlefield to: John Littlefield ¾ Ac.

a.) ¾ acre, bounded southeast by the *sea wall*

1810 to 1870 [YD unrecorded] George Butland to: Ivory Littlefield
(or other Grantor)

a.) Assumed unrecorded deed for ¾ ac. (or likely larger) bounded by the *sea wall*
b.) ****Note** – A few deeds to Ivory Littlefield were recorded in the late 1800s and early 1900s, most of which were signed and dated in the mid-1800s. This is a strong indication that a deed from George Butland (or other) was given, but was apparently never recorded.

1810-03-01 [YD 82, 91] Hannah Hatch to: George Butland
(widow of Elisha Butland)

a.) All real estate of my late husband Elisha Butland, being *upland and marsh*

ca. 1798 [YP Doc. 2131] Est. Elisha Butland (Buckland): 4 Ac. at Butland Island

a.) Died ca. 1798 with 4 ac. at *Butland Island*, presumed from George Butland.

ca. 1754 [YP Doc. 2309] Est. George Butland: 11 Ac. at Butland Island

1704-10-31 [YD 16, 261] Sarah Crik to: John Butland
(daughter of John Butland) George Butland 20 Ac. Butland Island

a.) All interest in her Father John Butland’s estate (Includes **20 ac. Island**) to her brothers
b.) John Butland got the southwest ½ of **Butland Island**, as per his deed to Nathan Butland, 1752-06-11 [YD 32, 219] and Nathan’s deed to William Cousins, 1769-06-12, [YD 48, 28], which conveyed the southwest ½ of 22 acre **Butland Island** (except two (2) 1½ ac. parcels).

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A few of the current owners researched during this area mentions **seawall**, or **beach** as the easterly boundary line.

Below is a brief summary of the deed history of the Storer Island, starting from an 1887 deed into Charles W. Matthews:

1887-11-07 [YD 418,261] Moses Littlefield, et al., to Charles W. Matthews 12 ac. upland & marsh

*Near Wells Beach commonly called **Hubbard Island** ... to **Seawall** and by **Seawall***

Moses Littlefield, et al., is the heirs of John Littlefield

1871-03-18 [YD 335,224] Henry Hubbard to John Littlefield 12 ac. upland & salt marsh

*Easterly by the **Beach** all that I own in vicinity of **Butland Island**.*

Henry Hubbard is the heir to Capt. Joseph Hubbard. The connection as follows is assumed. More research is needed.

1783-04-16 [YD 47,143] John Storer, Jr. to Capt Joseph Hubbard 2.5 ac. cove marsh

*Piece of upland ... commonly called **Storer Island** ... whole of the upland About 3 ac. bounded South West by an Island called **Butland Island**
And a piece of **salt marsh** called **Cove marsh**.*

1768-03-18 [YP Doc. 18194] John Storer, Esq. to John Storer, Jr. 1.5 ac. cove marsh

*3 ac. of upland
1½ ac. of **salt marsh** between **Beach** and **Webhannett River**
also one **Island of Marsh** and **Thatch beds***

More detailed research is need with Joseph Storer's parcels.

1720-05-19 [YD 10,69] Joseph Storer to John Storer n/a

½ of Real Estate

1721-02-15 [YD 11, 42] Lydia Storer et al. to: John Storer
Widow of Samuel Storer salt marsh – Knight Island

- a.) *Certain Island of Salt marsh lying on the South east side of the River of wells aforesaid formerly known by the name of **Knights Island**.*
- b.) *also a point of upland Joining to Said Marsh bounded by the sea wall on the southeast.
All the land that was Samuel Storer*

Note Lydia Storer was the Administrator of the Estate of Joseph Storer

1674-10-08 [YD 2, 158,158] Ezekiel Knights, Jr. to Samuel Storer 8 ac. marsh

- a.) *8 ac. salt marsh or meadow being between that part of **Webhannet River** called the **Fishing Hole** & **The sea wall**,
Being at a certain **Gurnet or Nose of land** compassed about with water,*

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*It lying upon said Webhannet River on the Southernmost side thereof,
Abutting upon the **sea wall**
About 7 or 8 ac.*

*b.) With a certain **skirt of upland or sea wall** which lyeth adjoining were we used to set our hay
reserving only liberty for myself to set two stacks of hay upon said upland if occasion be
To have and hold said marsh & skirt of upland.*

1646-06-13 [YD 1(i), 1] Wells, Commissioners to: Ezekiel Knight 6 ac. (assumed) Marsh
Henry Bode
John Wadleighs
Edward Rishworth

*a.) A tract of Marsh
Next to the **Sea Wall**
On other side of Webhannett River
Over against George Raboure
& Edward Rishworth Home Lot
Bounds beginning at the End of the left parcel of Marsh
Which was granted him one that Sid
And so along by **a certain Ridge** to outward most Bush
Butting upon the End of a little Creek which abuts John Crosse his creek*

3. Eaton's – Northerly Parcel

EATON SUBDIVISION:

The ownership of all of the ocean front lots on Wells Beach from a short distance north of lots opposite of Ivernia Street (Tax Map 125, Lot 96) north to almost Thibeau Street are part of series of 76 lots (more or less) created by the William H. Eaton under the name of Wells Beach Improvement Company between 1894 and 1950. (See the subdivision plans recorded the York County Registry of Deeds in Plan Book 11, page 84 and page 85, Plan Book 12, Page 50, and Plan Book 17, Page 52.)

(NOT SURE WHAT IS MEANT BY “The Said plans a series ...”)The said plans a series of lots between 40 to 50 feet wide and a depth of 100 feet between Atlantic Avenue and the beach area. The plans show a solid boundary line separating the parcel of land from the beach area, being a blank space 75 to 100 feet wide assumed to be the beach and wavy lines beyond that is labeled Atlantic Ocean, which appears to beyond the low tide line. The current landowners deeds has a verity of calls such as “**Beach, Atlantic Ocean, Sea Beach, Sea Shore, and Seawall,**” etc..

William H. Eaton, obtained three parcels of land from various owners.

Eaton also obtained a deed from the State of Maine 1892-06-20 [YD 453,151], which mentions the **Ocean**. The source of title by the State of Maine for this deed is also uncertain and questionable.

Researching the various Eaton parcels back in time one finds a drastic reduction in acreage called for in the deed to Eaton, as compared to the acreage found in the previous landowner deeds. One major parcel went from a 40 acres parcel of salt marsh and Beach hummocks, to a 4 acre thatch bed. Also the easterly

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boundary line changes from **Atlantic Ocean** to the **beach, seawall** or **salt marsh**.

Below is a brief summary of the deed history of the Eaton parcels which relates to this section of Wells Beach within the Town of Wells:

1891-09-28 [**YD 448,379**] **George Chaney to William H. Eaton (3/8int)** **40 ac. salt marsh & Beach hummocks**
1892-05-18 [**YD 446,401**] **Samuel Littlefield to William H. Eaton (5/8int)** **40 ac. salt marsh & Beach hummocks**

*a.) 40 ac. Easterly by Town River, To **Atlantic Ocean** ... Southwesterly along **Atlantic Ocean**.*

1874-08-20 [**YD 345,15**] **Joseph S. Littlefield to George Chaney** **4 ac. Thatch beds**

*a.) 4 ac. **Thatch Beds** at Wells Harbor Easterly by Town River*

Note the drop in the area from 40 acres to 4 acres. Research back in time for this parcel was not completed.

4. Eaton's – Southerly Parcel:

1891-01-07 [**YD 446,400**] **Alpheus Littlefield to William H. Eaton** **4 ac. Salt marsh**

*a.) 4 ac. **Salt marsh** hub westerly side of **seawall**, by **seawall** 37 rods.*

1860-08-10 [**YD 269,296**] **Christopher Littlefield to Alpheus Littlefield** **4 ac. Salt marsh**

*a.) 4 ac. **Salt marsh** hub westerly side of **seawall**, by **seawall** 37 rods.*

A deed from Joseph Hill to Christopher Littlefield was not found but the two can be connected by calls in adjoining parcels and the similar descriptions.

1707-10-30 [**YD 7,82**] **Joseph Bolls (Boles) to: Joseph Hill** **4 ac. marsh+**

*a.) 4 ac **Marsh** near the **harbor's mouth** bounded
Marsh of Samuel Austin and Thomas Wells*

Note Joseph Boles was one of seventeen (17) men who was granted land by the Town of Wells see **June 15 1658, [CR 1,124]**

5. Eaton's – Middle Parcel:

1891-09-14 [**YD 448,378**] **Trafton & Ivory Hatch to William H. Eaton** **10.5ac. Pine Island marsh**

*10.5 ac, **salt marsh** called **Pine Island marsh**, Beginning near the **beach** southeasterly by Branch till in comes creek to upland on the **beach** southwesterly as the **beach** or upland runs*

A deed between the Hatch's was not found

1833-03-23 [**YD 438,487**] **Estate of Clement Storer to Barack & William Hatch** **10.5ac. Pine Island marsh**

*10.5 ac, **salt marsh** called **Pine Island marsh**, Beginning near the **beach** southeasterly by Branch of creek to upland*

1829-06-27 [**YD 138,57**] **Joseph Storer to Clement Storer** **12 ac. salt marsh "Pine Island marsh"**

*12 ac, **salt marsh** called **Pine Island marsh***

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More detailed research is need with Joseph Storer's parcels.

1681-03-02 [YD 3, 108] Samuel Austine to: Joseph Storer 4 ac marsh

*4 ac. marsh at the sea wall - 2 ac marsh lying at the North east end of Francis Littlefield Island, and Joseph Boles on the North East side
And the other 2 ac. marsh lies next to Harbors mouth by the sea wall, with Joseph Boles on the North West side*

1661-10-23 [YD 2, 73] John Littlefield to: Samuel Austin 100 ac. upland 10 & 4 (2+2)ac. marsh

4 ac. marsh at the sea wall that belong to the home lot Which 2 ac lies North East end of Island called Waidels Island Which is now in the hands of Edmund Littlefield with Jos Boles on the North East side Other 2 ac. next to harbor mouth by sea wall with Nicholas Davison on the South West Joseph Boles on the North West.

This deed mentions land that the Town has given him.

1661-12-17 [YD 1(i), 147] Edmund Littlefield, heirs to: Francis Littlefield Island & 4 marshes +
Annas Littlefield, wife
Thomas Littlefield
Francis Littlefield, Jr.

- a.) 6 ac. Marsh (from all three)
- b.) **Island called Wardles Island.** (from Thomas and Francis Jr.)
- c.) 4 ac. Marsh at Ogunquit (from Annas)
- d.) 2 ac. south side of Wheelwrights neck (from Annas)
- e.) 6 ac. at sea wall next to Harbors mouth (from Annas)
- f.) A small neck of upland adjoining his marsh at home (from Francis Jr.)

Here it mentions Francis has present possession of the Island he obtained from Wells in 1647-08-00, see [YD 1(i), 147].

1647-08-13 [YD 1(i), 147] Wells, Commissioners to: Francis Littlefield Lot and Marshes
Henry Bode
John Wadleigh
John Sanders

- a.) Lot was granted unto Dearborne
- b.) Marsh adjoining Lot.
- c.) Half of Marsh by the **Neck of Marsh**
- d.) Half of Island joining to the River which parts Mr. Wheelwrights marsh & so from the River to the **sea Wall:**
The said Francis is to have the furthest part of the Stony beach down straight to the bushes and so to the River.
- e.) 6 ac. little strip of Meadow adjoining Edmund Littlefield
Upon the Neck between William Wentworth & Edmund Littlefield Marsh.

X. Definitions

A. Seawall

The Oxford English Dictionary, 2nd ed. (Oxford: Clarendon Press, 1991), Vol. XIV, p. 819.

Sea wall: a wall or embankment to prevent the encroachment of the sea, or to form a breakwater, etc.

In Old English: a cliff by the sea

Quote from Jacobs Wall, c.1440: “[The] {be in Old English} more [the] se is styred with [the] wynde, [the] more it flowyth & breakyth out, ouer [the] se-wallys in to dyurse [diverse] placys.” {Jacob’s Well: An English Treatise on the Cleansing of Man’s Conscience, edited by Arthur Brandeis from a Unique MS. About 1440 A.D. in Salisbury Cathedral, published in London, 1900.}

Quote from Cooper Thesaurus, 1565: “a water breake, a sea wall” {Thomas Cooper, Thesaurus Linguae Romanae et Britannicae, 1565}

Quote from Mortimer, Husb[andry], 1707(1721 ed.), Vol. I, p.29: “The ...making of Drains, Sea-Walls, etc.” {John Mortimer, The Whole Art of Husbandry or the Way of Managing and Improving of Land... 1707. This segment relates to barriers to exclude or drain sea water from agricultural lands.}

John Josselyn, An Account of Two Voyages to New England, 1674, p. 19. [Document copy in “early travel on the Beach” file]

(1664) Josselyn speaks of a merchant in the west of England, walking upon the Sea-bank, observing the smoothness of the sea.”

James Sullivan, History of the District of Maine, 1795, p.220.

“All the settlements in that day [ca. 17th and early 18th centuries] were on the sea wall. The road from Piscataqua eastward, was on the sea shore.” [Document copy in “early travel on the Beach” file]

Charles E. Banks, The History of York, Maine, Volume II, 1936, pp. 308-309.

In 1699, the York selectmen laid out a road, part of which was to run “A Long upon the Sea Wall or Ridg that lies between the Sands: and the frish Medow.” [Document copy in “early travel on the Beach” file]

B. Sea Bank

William Shakespeare, Othello, IV, I, 138, 1604

Quote: “I was the other day talking on the Sea-banke with certain Venitians.”

2nd Marquise of Worcester, Century of Inventions, 1655 #96

Titled “A Way to Make a sea-bank so firm asnd geometrically strong, that a stream can have no power over it.

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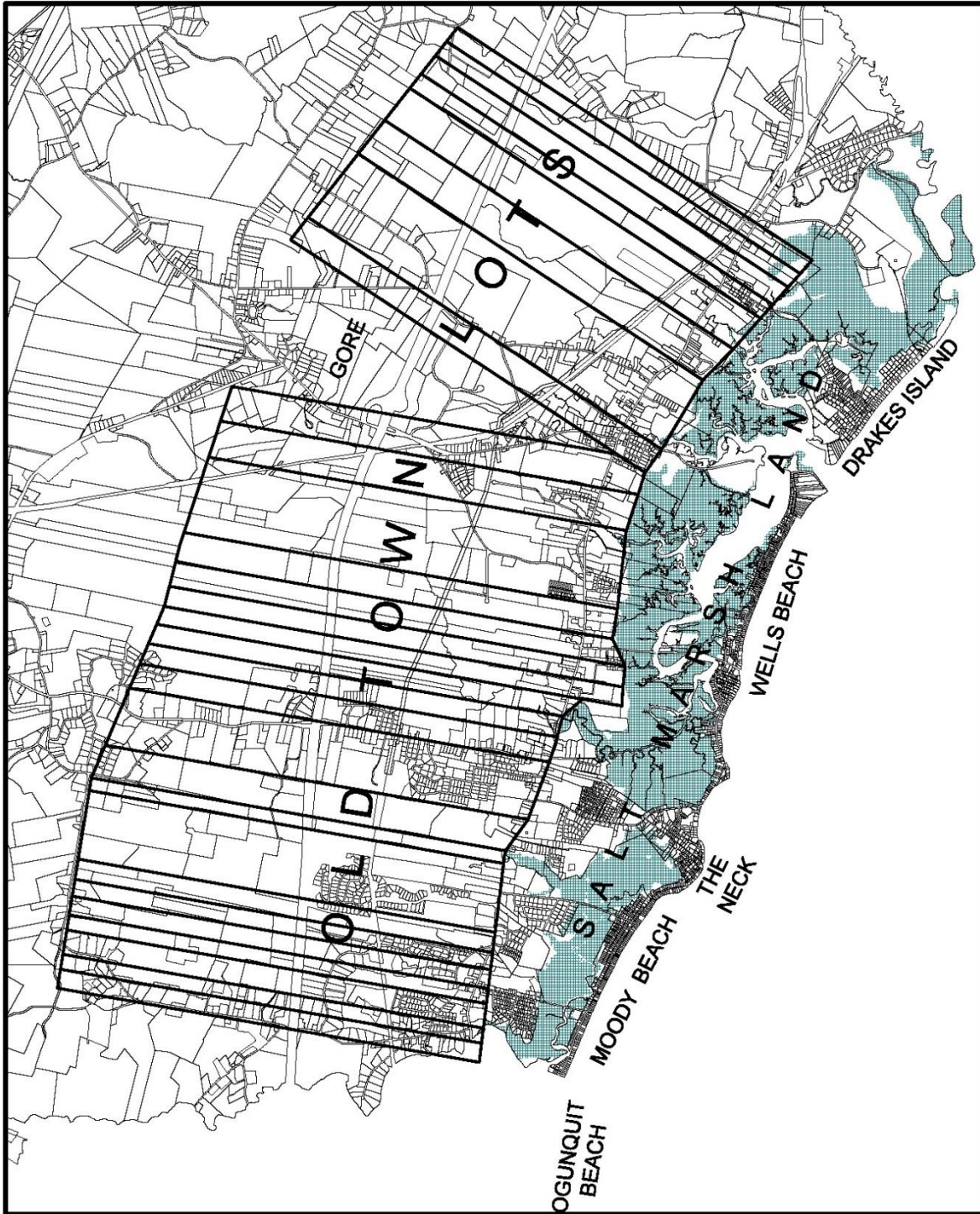
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XII. EXHIBIT A. MAP OF OLD TOWN LOTS

This map was prepared to show the general area of the original “Old Town Lots” created in the mid to late 1600s, and shows the general area of the “Salt Marshes.” As you can see throughout the entire coastal borders of the Town of Wells, the Salt Marshes separated the Beach Area from the original Old Town Lots.



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XIII. EXHIBIT B:**ABSTRACT**

The following Abstract was created during the research investigation to compile a summary of certain key documents which researching the early York County Registry of Deeds Books **[YD]**, The Town of Wells Clerk Record Book **[CR]** the starts about 1713 to 1774, (complete Book 1) and the Proprietors of the Town of Wells Records **[PR]** from state about 1716 to 1763. Some of the information in the Abstract is reported in the Deed Chain of this report. This Abstract has some other historical information which was not specifically addressed and reported in the Report.

1641-03-17 **[YD 1(ii), 05]** **Sr. Ferdinando Gorges to: Thomas Gorges** **5000 ac.**

*a.) 5000 ac. to be taken by election and choice of Thomas Georges, any place upon the Ogunquit River not already granted or possessed.
Also in enjoy all liberties of haukeing hunting fishing and fowling within 5000 ac.*

1642-08-10 **[YD 1(ii), 06]** **Sr. Ferdinando Gorges to: Thomas Gorges** **5000 ac.**
Memoranda

*a.) 5000 ac. to bounded
Northeast with Ogunquit River
Along the Ogunquit River inclusively
South side with the sea
West with the western most point of the great Ogunquit marsh
And from the **sea** to the westernmost point of that Marsh
Upon a northwest line till 5000 ac. be completed.*

Here the Deputy Governor of Maine Thomas Gorges cousin of Sr. Ferdinando Gorges “Lord Proprietor” of Maine, received authority of divide the land into manors and lordships etc.. Ferdinando Gorges appoints Richard Vines as steward General, Francis Champernoone William Hooke and Edward Godfrey as Attorneys. The parcel of land to Thomas is on the Southwest side of the Ogunquit River and it appears that Thomas Gorges never carried though with this grant.

1642-09-20 **[YD 1(iii), 08]** **Thomas Gorges to: Mr. Cole** **little tract of land**

*a. I gave a promise to Mr. Cole about 12 months since that he shall enjoyn a little tract of land lying between his own field and the field of Stephen Batson.
I confirm and ratify.*

1643-07-14 **[YD 1(ii), 09]** **Thomas Gorges to: John Wheelwright** **Wells Plantation**
Henry Boade
Edward Rishworth

*For admitting inhabitants and bounding allotting, and setting forth land in Wells.
Full and absolute power to allot, bound and set forth any lots or bounds unto any man that shall come to inhabit in their Plantation, themselves paying for any land they hold form Sr. Ferdinando Gorges.*

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*The bounds of Plantation:
Begin from the northeast side of Ogunquit River,
unto the southwest side of the Kennebunk River,
run eight miles up into country.*

Here the Deputy Governor of Maine Thomas Gorges on behalf of Sr. Ferdinando Gorges “Lord Proprietor” of Maine, gave power to these three men to grant land in Wells on behalf of Gorges.

1643-07-14 **[CR 1, 01,02]** **Thomas Gorges to: John Wheelwright** **Town of Wells**
Henry Board
Edward Rishworth

Witness with these presents I Thomas Gorges Dept. Governor of province of Maine according unto the power into me give from Ferdinando Gorges Knight Lord Proprietor of said province have for devise good causes and consideration me there into moving give and grant unto John Wheelwright minister of God words Henry Boads Edmund Rishworth of Wells full and absolute power to a lot bounds and set forth any lots or bounds unto any man that shall come to inhabit in ye plantation themselves paying for ay land they hold from F. Gorges five shillings forever hundred acres they make use of ye ??? five shillings for every hundred acres they shall be allotted unto then the said Wheelwright, Boad, Rishworth the bounds of the plantation to begin from the North East side of Ogunquit River to the South West side of Kennebunk and to run eight miles up into the country in case of differences arise between the above said Wheelwright Boad and Rishworth concerning the admission of any man in the plantation or of bounding any land the said difference shall be determined by aggend of agents of F, Gorges to whom full power is reserved of admitting any one into the aforesaid limits. July 14, 1643, Thomas Gorges Dept, Gov.

Memorandum at a Court on August 14, 1644, this grant was here exhibited and is by us allowed for further confirmation, by Richard Vines Dept. Gov. (agent) and other.

1643-07-14 **[CR 1, 01]** **Thomas Gorges to: Mr. Hutchinson** **Town of Wells Bounds**
Mr. Needam (sp?)
others

Whereas Mr. Hutchinson, Mr. Needam and some other of the plantations of Epeter (sp?) have been with me Thomas Gorges superintend of the affairs of Ferdinando Gorges proprietor of the province of Maine have desired in the behalf of themselves and other to a certain tract of land between Ogunquit River & Kennebunk for eight miles up in the country. Whereas part of the land is claimed by Mr. Stratton and others. I cannot give any further answers than this. That in the said Land shall be freely grated to them reserving to F. Gorges five shillings for every 100 ac. of land well marsh as up land they shall manner, and to me Thomas Gorges the parcel of Ogunquit River of which I have desired a patent wish when I have received I do promise to surrender or reasonable Demands anything that may be beneficial to them not doing my self any notable damage in the mean while they have free Liberty to build and take any lands that are there in Ferdinando Gorges power to grant to have and hold to them and their heirs and assigns forever. September 27, 1644 Thomas Gorges.

1643-04-17 **[YD 1(i), 28]** **Thomas Gorges to: John Wheelwright** **280 ac. & 8 ac. marsh**

a.) *All the neck of land adjacent to marsh on:*

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Report of the Wells

Professional Land Surveyor

Coastal Beach Land Deed Research

Moderation Center, 8 River Road, Buxton, ME 04093

June 1, 2016

North East of Ogunquit River

- b.) 120 ac. (six score acres) of said marsh adjacent to said neck of land, bounded:
Toward the sea with a Creek of Ogunquit River.
- c.) 280 ac. upland adjacent on the Northwest of said marsh,
Said neck being included within said 280 ac.

Here the Deputy Governor of Maine Thomas Gorges on behalf of Sr. Ferdinando Gorges “Lord Proprietor” of Maine, “granted and confirmed” land to John Wheelwright. A yearly rent of five shillings, due on each September 29.

1643-07-14 **[YD 1(ii), 10]** **Thomas Gorges to: Francis Littlefield** **50 ac.+ & 8 ac. marsh**

- d.) 50 ac. of land adjoining:
Edmond Littlefield on East side
20 poles in breath **toward the sea** up into the main land until 50 ac. is completed.
(330’x6600’)
- e.) All the marsh land between said land and **sea wall** 20 poles in breath.
- f.) 8 ac. of in Ogunquit Marsh.

Here the Deputy Governor of Maine Thomas Gorges on behalf of Sr. Ferdinando Gorges “Lord Proprietor” of Maine, “granted and confirmed” land to Francis Littlefield. A yearly rent of two shillings and six pence, due on each September 29. Also appoints Edmund Littlefield to be attorney for Gorges to enter premise....take possession....seisin & possession... deliver....unto Francis Littlefield.

1643-07-14 **[YD 1(ii), 11]** **Thomas Gorges to: Edmund Littlefield** **100 ac.+ & marshes+**

- a.) 100 ac. of land adjoining:
The mill
40 poles in breath into the main land until 50 ac. is completed.
(660’x6600’)
- b.) **All the marsh** land between said land and **sea** 40 poles in breath.
- c.) All of the Neck of Marsh ground between said 100 ac. & Webhannet River
- d.) 6 ac. of Marsh in marsh between Webhannet River and neck of land adjoining farm of granted to John Wheelwright.
- e.) 8 ac. of March in Ogunquit Marsh
- f.) 2 little parcels of Marsh and upland near Webhannet Fall on west side on above and one below the falls.
To have and hold aforesaid upland & Marsh.

Here the Deputy Governor of Maine Thomas Gorges on behalf of Sr. Ferdinando Gorges “Lord Proprietor” of Maine, “granted and confirmed” land to Edmund Littlefield. A yearly rent of six, due on each September 29. Also appoints Henry Boade to be attorney for Gorges to enter premise....take possession....seisin & possession... deliver....unto Francis Littlefield. Here the Deputy Governor.

1643-07-14 **[YD 1(ii), 12]** **Thomas Gorges to: John Sanders** **150 ac. & 50 ac. marsh**

- a.) 150 ac. of **neck of land** adjoining:

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Little River and Cape porpus
b.) 50 ac. of **marsh** each side of said Neck adjoining said Rivers.

Could be in Kennebunk or Kennebunkport

1645-08-20 [YD 1(ii), 11] **Ezekiel Knight to: John Sanders** **House and meadows**

a.) *My dwelling house with all out buildings lands meadows all fences*

1645-10-05 [YD 1(i), 1] **Wells, Commissioners to: Ezekiel Knight** **Home lot & 6 ac. Marsh**
Henry Bode
John Wadleighs
Edward Rishworth

a.) *House lot lying next to Francis Littlefield lot and **marsh**
..... Pole in breath running to the Webhannett River.*

b.) *6 ac. Marsh being at the landing place on the other side said Webhannett River
And go on a straight line to First Creek directly against a **Point of Upland** – pointing upon the
same.*

Here the “Commissioners of Wells” as per Grantee Index [YD 1] is Granting the land. It mentions by virtue of authority conveyed to us by Mr Gorges and the General Court.

1645-09-29 [YD 1(ii), 13] **Richard Vines to: John Wadlow & Edmond Littlefield** **200 ac.**
For Sr. F. Gorges
Behalf of Thomas Gorges

e.) *200 ac.
Southwest side of Ogunquit River.
Begin at falls
Run along river southward to second creek abuts a **little Island of pitch pine that are on the
seawall.**
Near and joining River mouth
So up into the main land all the breath aforesaid until 200 ac.*
f.) *All the marsh land within the bounds aforesaid lying
West side of said River
The benefit of said river not entrenching upon the Liberties of the Town of Wells.*

John Wadlow could be Wadleighs. Richard Vines, Steward General is doing this for Sr. F. Gorges in the behalf of Thomas Gorges A yearly rent of ten shillings, due on each September 29. To Thomas Gorges. It recognizes the Ogunquit river subject to the Town of Wells.

1645-10-21 [YD 1(ii), 13] **Maine Court Order to: Stephen Batson** **10 ac. Marsh**

a.) *10 ac. Marsh land, between
Mussel Ridge & Harbors mouth in Wells*

The document mentions Saco in the province of Maine 21 October Ordered by the Court that Batson shave land. Index mentions it is Maine a Grantor.

1646-06-13 [YD 1(i), 1] **Wells, Commissioners to: Ezekiel Knight** **6 ac. (assumed) Marsh**

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Henry Bode
John Wadleighs
Edward Rishworth

- b.) *A tract of Marsh*
*Next to the **Sea Wall***
On other side of Webhannett River
Over against George Raboure
& Edward Rishworth Home Lot
Bounds beginning at the End of the left parcel of Marsh
Which was granted him one that Sid
*And so along by **a certain Ridge** to outward most Bush*
Butting upon the End of a little Creek which abuts John Crosse his creek
- c.) *All the over plus of upland & Marsh at his Lot between*
The highway & home selfe
& all the Marsh belonging to the highway.

Here the "Commissioners of Wells" as per Grantee Index [YD 1] is Granting the land. This most likely is the same 6 ac. Marsh, as in 1645-10-05, [YD 1(i), 1]. The above contains a better description

1647-08-13 [YD 1(i), 147] Wells, Commissioners to: Francis Littlefield Lot and Marshes

Henry Bode
John Wadleigh
John Sanders

- b.) *Lot was granted unto Dearborne*
c.) *Marsh adjoining Lot.*
d.) *Half of Marsh by the **Neck of Marsh***
e.) ***Half of Island** joining to the River which parts Mr. Wheelwrights marsh*
*& so from the River to the **sea Wall**:*
The said Francis is to have the furthest part of the Stony beach down straight to the bushes and so to the River.
f.) *6 ac. little strip of Meadow adjoining Edmund Littlefield*
Upon the Neck between William Wentworth & Edmund Littlefield Marsh

Here the Commissioners of Wells is Granting the land. It mentions Littlefield is to pay to ye Lord 5 shillings yearly. Francis Littlefield obtained the other half of the Island from Edmund Littlefield heirs, in 1661-12-17, see YD 1(ii), 147].

1648-06-30 [YD 1(i), 146] Wells, Commissioners to: George Rabone 100 ac. & 8 ac. & 3 ac. marsh

Henry Joccin
Henry Boade
Edward Rishworth

- a.) *100 ac.*
One home lot 30 poles in breath
Beside 2 poles for highway.
East West into the country
*And down to **the seaward** to Webhannett River till 100 ac.*
(495'x8800')
- b.) *8 ac. meadow 32 poles in breath on:*
North side of Wheelwrights neck,

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*to run in direct line as John Wadleighs runs
to Webhannett River
which River lyeth on the North end of said Marsh
bounded by John Wadleighs on the East
Edward Rishworth on the West.*

- c.) 3 ac. of marsh at Ogunquit bounded
John Crosses on the north side.
Edward Rishworth on the South.*

*All upland and Marsh was given & granted unto said George by the consent of the said Town, which he
as possessed for 5 or 6 years.*

Here the Commissioners of Wells is conveying this land..

1649-10-18 **[YD 1(i), 128]** **Sagamore Thomas Chabinocke to John Wadleigh** **Native Rights Wells**

- a.) Sagamore Thomas Chabinocke of Nimscocke by last will and testament give bequeath and
grant unto John Wadleighs of Wells with consent of his mother Romanoscho after the death of
said Sagamore all Lands his whole right title & interest called b name of Nampscoscocke,
bounded between
Noguncoth (Ogunquit & Kennebunk
And up as far as Cape Porpus falls*

1650-03-31 **[YD 1(i), 129]** **John Wadleigh to Robert Wadleigh (son)** **Native Right Wells**

- b.) John Wadleighs took peaceable possession of Indian Right & delivered to his son Robert
Wadleighs as joint purchaser.
From Cape Porpus Falls
&so by straight line to Nogunquet (Ogunquit)
& so down to **the sea side**.
Inhabited to be liable to all charges and rates for the
Town of Praeston alias Wells*

1650-08-17 **[YD 1(i), 128]** **Romanascho mother of to: John Wadleigh** **Indian Right Wells**
Sagamore Thomas Chabinocke

- a.) As per will all right title & interest of land*

1650-04-?? **[YD 1(i), 146]** **George Rabone to: Francis Littlefield** **House, 8 ac. & 3 ac. marsh**

- a.) My house and grounds planted or not
b.) 8 ac. breath my house and ground planted or not:
At the Neck of land between
John Wadleighs & John Barrett his marshes
c.) 3 ac. of marsh at Ogunquit*

1650-10-15 **[YD 1(i), 12]** **General Court of Maine to: John Wheelwright** **Saw Mill at Ogunquit Falls**

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- a.) *A Saw Mill at Ogunquit Falls or some other convenient place.
Free and sole liberty of timber provided it is not within divided grant or lot formerly granted by
Ferdinando Gorges heirs or assignees*

Here the Court also said that Wheelwright would pay into the treasure or collector certain fees based on board feet of timber.

1651-11-25 [YD 1(i), 28] Wells Commissioners to: John Wheelwright Upland

- a.) *All land between Ogunquit River and his farm:
(except John Crosse)
Bounded:
SouthEast side with marshes
Northwest side is bounded with a straight line from Wheelwright fence set up on Northwest side
of his farm to the said Ogunquit River.*

Here the Henry Boade, Edward Rishworth the Wells Commissioners conveyed land.

1652-11-22 [YD 1(i), 20] General Court of Massachusetts Bay Co. to: create County of York

Whereas the Towne of Kittery hath acknowledged themselves subject to the Government of Massachusetts land as by the subscription under their hands doth appear: We the Commissioners of the General Court of the Massachusetts, for settling of government amongst them, & the rest within the bounds of their Charter Northerly.....do grant as follows:

- 1.) *That the whole Tract of land beyond the River of Pischatac, Norethwardly together, with the Ilse of Sholes within our said bounds, is & shall be hence forth a County, or shire, Called by the Name of York Shire,*
- 2.) *That the people inhabiting y' shall enjoy protection, equal.....with the rest of the people inhabiting on south side of the River of pischata.*
- 3.) *That Battery shall be & remain a Township, & have & enjoy the privileges of a Towne, as others of this Jurisdiction have & doe enjoy.*
- 4.) *That they shall enjoy the same bounds, that are clear between Towne & Towne, as hath been formerly granted with Commissioners of each bordering Towne hath viewed, & returned to our general Court with a survey.*
- 5.) *That both each Towne, & eGly inhabitant shall have & enjoy all their just propriety's, titles & interests, in the houses & lands which they do possess, whither by the grant of the Towne, or of the Indian or of the fore said General Court.*
- 6.) *And 7.) not abstracted*
- 8.) *The County of York shall have County Courts, with in themselves, in the most accommodated & fit places, as authority shall see meet to appoint.*
- 9.) *That every Township shall have 3 men appointed by y* County Court, to end small Causes, as others of the Township [es] in this Jurisdiction hath, with no magistrate or Commissioner resided.*
- 10.) *And 11.), 12.) not abstracted.*
- 13.) *.....nothing in this our grant, shall extend to determine the infringing of any persons right (w' possession is had) to any land or inheritance, whither by grant, by patent, or other- wise, but such titles shall be left free to be heard, & determined by due Course of law.*
- 14.) *Not abstracted*

The index in YD 1, mention the Grantor is Massachusetts Bay Company. Commissioners of the General Court

1655-06-02 [CR 1(i), 03,04] Wells – York – Kittery boundary line town bounds

At a legal meeting April 22, 1658 at Kittery it is ordered and agreed Layout bounds between Kittery and Wellsdue consideration and mutually consenthead bounds of York and Kittery

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*near a pond known as York pondmarked on South East side of pond run on a direct line ... to a known spring
Wells it being near upper end of tattnech marsh know by name of tatanx marsh
Signed June02, 1655.
NEED TO ABSTRACT IF USED*

1654-10-27 **[YD 1(i), 147]** **Town of Wells to: Samuel Austine** **10 poles broad**
Thomas Wheelwright
Ezekiel Knights
John Bush, et al.

- a.) *10 poles broad:*
Southwest side of his own lot
Other side by Robert Hethersy's lot
Highway between them
Run up into the country.

Here it states: At a Town meeting legal called we the commission and selectmen of Wells have granted and confirmed unto Austine. Only if the Town has any Occasion for timber to fence in marshes at end of Town.

1655-09-25 **[YD 1(i), 149]** **Samuel Austine to:** **Francis Littlefield, Sr.100 ac. Upland. 12 ac. meadow**

- a.) *100 ac. dwelling house bounded:*
With Robert Hethersys lot on one side
Francis Littlefield, Jr. other side
b.) *Meadow formerly of George Habornes bounded:*
South side by John Wadleighs
North side by John Barrett Sr.
Joining Mr. Wheelwrights Neck
c.) *12 ac. Marsh (assumed)*
Formerly of Francis Littlefield, Sr. and John Wheelwrights
Lying at sea Wall,
Right over against Mr. Wheelwrights farm

1657-07-02 **[YD 1(i), 62]** **Town of Wells to:** **John Barrett** **150 ac. upland & Meadow**
Edward Littlefield
John Wadleighs
John Sanders, et al.

- a.) *A certain tract of upland and meadow formerly granted & given to Ed. Rishworth*
When he was an inhabitant of Wells
Part of which in a home lot he built
Part of where Meadow at the Neck of land which house & land Edward sold to John Barrett Sr.
As by certain grant of all & every land and meadow
By sufficient evidence did appear to us the selectmen of Wells who in consideration of former grant is not exact
Do hereby give and grant ratify and confirm those lands & meadows specified in former grant to said John Barrett.

*One home lot 30 poles breadth.
Beside two poles for highway between
George Habornes lot on the west
Lot formerly of William Wentworth's on the East side.
Full breadth through the marshes adjoining said lot down to Webhannett River
Upon direct line as now fenced.
Same breadth upon a straight line into the country
Till 150 ac.
(495'x13,200 or 2.5 miles)
Upon straight line as now fence does stand.*

b.) *30 poles in breath*

*Meadow in Mr. Wheelwrights Neck of land bounded
George Habornes Marsh on the south side
William Wentworth on the North side
Same breath as now staked out to Webhannett River.*

c.) *3 ac. We ratify a parcel of Meadow quantity of 3 ac.*

*Lying at Ogunquit River bounded
George Habornes Marsh on the East side.
William Wentworth on the West Side.*

d.) *Half of Marsh by the Neck of Marsh*

e.) ***Half of Island joining to the River which parts Mr. Wheelwrights marsh
& so from the River to the sea Wall:***

The said Francis is to have the furthest part of the Stony beach down straight to the bushes and so to the River.

f.) *6 ac. little strip of Meadow adjoining Edmund Littlefield*

Upon the Neck between William Wentworth & Edmund Littlefield Marsh

Here the Town of Wells is Granting the land. Francis Littlefield obtained the other half of the Island from Edmund Littlefield heirs, in 1661-12-17, see YD 1(ii), 147].

1658/9-03-17 [CR 1, 02,03] Wells – York boundary line town bounds

Appointed by General Court to pitch and layout dividing line between Town of York and Wells from marked tree formerly marked by mutual consent of both Townsup into the county on a straight line unto the South West side of a certain marshes commonly called Tactneake Marshes directly ageing a certain Rock on the North East side of said marsh dividing the Town of Kittery & Wells

1658-06-00 [CR 1, 18] Town of Wells to: Thomas Wells 50 ac.

a.) *50 ac. 10 poles in breath bounded:
North side of William Symons near Little River
beyond Barrit on North side*

1659/60-03-12 [YD 1(i), 127] Harlakenden Symonds to: Daniel Epps 200 ac.

a.) *200 ac. upland adjoining:
East side of Cape Porpus River so-called, in Wells*

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*Being at North side fo Daniel Pearses upland
Also on the north side by old Littlefield marsh
Running up river 80 rods (1320') in breath till 200 ac. be completed*

This deed mentions "as its recorded in Town book of Wells.

1658/59-03-17 [YD 1(i), 81] General Court of Massachusetts Bay Co. to: create Town Line Wells - York

- a.) *A dividing line between town of York and Wells
From a marked tree my mutual consent of both Towns
Up into country on straight line
Unto southwest side of a certain marsh (called totnocke marsh) [Ogunquit]
Directly against a certain rock on the North East side of said Marsh.*

1658-06-15 [CR 1, 124] Town Meeting to All Inhabitants 100 ac.each

- a.) *At legal town meeting it was agreed by all present inhabitants of the town of Wells that all the present inhabitants of well shall have a 100 ac. Of land above the now fenced in ground for every twelve poles in breadth that they do now enjoy to run into the country until it be fulfilled namely:
John Sanderson
John Barit Jr.
Samuel Austin
Thomas Mills
Goodman Waideigh, Sr.
John West
William Hammond
Mr. Fletcher
Goodman Cross sp?
Nicholas Cole
John Barit sr.
John Littlefield
Joseph Boles
Mr. Knight
Edmond Littlefield
Frances Littlefield, Jr.
Frances Littlefield, Sr.
William Ashly*

**1659-12-07 [YD 2, 82] Town of Wells to: Robert Wadleigh 200 ac. upland & 10 ac. marsh
Francis Littlefield, Jr.
Thomas Littlefield
Thomas Mills**

- a.) *That tract of upland & marsh at place called totnocke that is to say all the rights the town has*
b.) *The marsh is at Totnocke & the Willows
A place conveniences to the marsh as may be*

Note: 75 ac. Of the above was surveyed and layout see

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1733-07-02 [CR 1, 153] Malachi Edward 75 ac.

a.) *Dividing line at the Meadow and so running to highway and so running northwest from the highway and foot bounds 2.5 miles on a straight line as will appear by several marked trees in a line etc.*

Note: 2.5 ac. Of the above was surveyed and layout see

1733-07-02 [CR 1, 182 * 184] Ben Gooch 2.5 ac.

a.) *Mentions the 1659 was a "grant of land from the fee men of the town of wells.*

1659/60-03-13 [YD 1(i), 126] John Wadleigh to Daniel Epps Indian Right Wells
Robert Wadleigh (son)

a.) *Certain parcel purchased of Indians
All land between Cape Porpus River & Kennebunk River
Land Excepted in possession of Buckland, Daniel Pearse, William Symons, John Cheater.
From sea wall between Cape Porpus River & Kennebunk River
So to the great falls on Cape Porpus River
Estimated to be 7 yo 8 miles from sea
Straight line to Kennebunk River,
Up into the country*

b.) *All land between Cape Porpus River and Little River
That lays behind the Town.
Expect the Town lots and land of John Sanders.*

The whole right I have by virtue of our Indian purchase

c.) *All Marsh on this side of Little River
Within 1.5 miles of Little River
So have as my Indian rights run
30 ac. excepted that I will reserve.*

This deed contains certain conditions.

1719-09-10 & 14 [CR1, 50] Town voted to investigate and defend all claims of Simons Epps relating to lands between Kennebunk River and Little river.

1660-05-01 [YD 1(i), 87] Cape Porpus -- Wells Boundary line

a.) *Cape Porus and Well mutually agree that the Kennebunk River shall be the bounds of town,
8 Miles up into country*

1660-05-10 [CR 1, 03] Cape Porpus -- Wells Boundary line

Chosen by the Town of Cape Porus and Wells for laying out the dividing line of each Town do mutually agree that the River Kennebunk shall be bounds of Cape Porpus and for the all most extend of both towns being eight miles up in the Country May 10 1660

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Edmund Littlefield, Morgan Howell, William Hammons, William Scadlocke all chosen by each Town.

1661-04-03 **[YD 1(i), 107]** **John Wakefield to: John Gooch** **10 ac. marsh & 2.5 ac. upland**

- a.) *Marsh on North side of Harbor abuts upon:
Sea South East
Mussel ridge West
Adjoins tract of upland on North side*
- b.) *Which said upland I have sold to Mr. Gooch
With Marsh on West side of John Cosses Island is bounded:
Old fence
The Marsh is 10 ac.
The upland 2.5 ac.*

1661-05-11 **[YD 1(i), 108]** **William Hammonds to: Bryan Pendleton** **130ac. upland 20 ac. marsh**

- a.) *130 ac. of upland & 20 Marsh with dwelling house bounded by:
on John West on one side and She Fletcher on the other.*

1661-10-23 **[YD 2, 73]** **John Littlefield to: Samuel Austin** **100 ac. upland 10 & 4 (2+2)ac. marsh**

- a.) *My home lot that I bought of Thomas Warriner deceased with all the additions the Town has given me at the upper end.
Home lot has 60 pole breath bounded
Old John Barrett on the North East
Mr. Joseph Boles on South East
So run to Webhannet River & up as high as other men. ½ Corn Mill*
- b.) *100 ac. upland & 10 ac. marsh above the great plains:
North East side of Her Simonds
16 poles wide upon South East
Run North West full extent until 100 ac.*
- c.) *10 ac marsh lies
North unto Har Simonds his marsh on the North West and
Be West thereof*
- d.) *4 ac. marsh at the **sea wall** that belong to the home lot
Which 2 ac lies **North East end of Island called Waidels Island**
Which is now in the hands of Edmund Littlefield with Jos Boles on the North East side*
- e.) *Other 2 ac. next to harbor mouth by sea wall with Nicholas Davison on the South West
Joseph Boles on the North West.*

This deed mentions land that the Town has given him.

1661-11-10 **[YD 5. 127-128]** **Robert Nanny to William Harmond**

- a.) *All the Upland and marsh I bought of Mr. Cole deceased.
25 Poles in breath beginning at Samuel Austine on Northeast side which is in controversy
So 25 poles to certain tree*

*So to run down to river along by an Elbow in Main Creek withal the points that run to the creek
So by Mussel Ridge up in the country as other lots
Hammond is to give me 165 ac. and 15 ac of marsh's that lies in above great plain above the Town Lots as laid out by the lot layers.*

1661-12-17 [YD 1(i), 147] Edmund Littlefield, heirs to: Francis Littlefield Island & 4 marshes +
Annas Littlefield, wife
Thomas Littlefield
Francis Littlefield, Jr.

- b.) 6 ac. Marsh (from all three)*
- c.) **Island called Wardles Island.** (from Thomas and Francis Jr.)*
- d.) 4 ac. Marsh at Ogunquit (from Annas)*
- e.) 2 ac. south side of Wheelwrights neck (from Annas)*
- f.) 6 ac. at sea wall next to Harbors mouth (from Annas)*
- g.) A small neck of upland adjoining his marsh at home (from Francis Jr.)*

Here it mentions Francis has present possession of the Island he obtained from Wells in 1647-08-00, see [YD 1(i), 147].

1662-09-11 [YD 1(i), 150] Robert Booth to: Francis Littlefield, Sr. 2.0 ac. Marsh+
John Littlefield Deposition

- a.) 2 ac. Marsh:
In harbor mouth
Adjoining sea wall
Which one half of what he (?) had there

In Johns Littlefield Deposition

I gave you brother 2 ac of 4 ac which I had
Abuts the **hill of sand toward the River Mouth***

1662-10-18 [YD 1(i), 127] Samuel Austine to: Daniel Epps 200 ac. upland & 14-16 ac. Salt Marsh+

- a.) 14-16 ac. Marsh:
The Marsh is bounded on
Northeast the side of Cape Porpus River
A little piece of marsh on the south east of about 5 ac. that was John Sanders
John Sanders upland on the South West side
Mr Goush marsh on the north west side*
- b.) 200 ac. Upland:
Lies higher up the River
River on the North East
Mr Goush land on South East side
Completed south west & northwest into country.*

This land could be in Kennebunk or port. The deed mentions that Samuel Austine when before the

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Commissioners of Wells (Ezekiel Knights and William Hammons)

1662-10-21 **[YD 1(i), 127]** **John Gouch Sr. to: Daniel Epps** **250 ac. upland & 30 & 40 ac. marsh**

- a.) *250 ac. upland adjoining:
South East side of Cape Porpus River so-called, in Wells
The upland begins a second creek
John Sanders his upland on the South East
The marsh and River on the North East,
Samuel Austines land was on the North West
Is completed South West*
- b.) *The marsh being next o Samuel Austines which was & formerly known as Cutts marsh.
Lying North West above
Having Cape porpus River on the South East
John Sanders his land on the North West unto a creek called second creek
So runs unto Lower Falls of Cape Porpus River*

1663-07-14 **[YD 1(i), 137]** **John Wheelwright to: Samuel Wheelwright (son)** **½ of Farm+**

- a.) *½ part of Farm at Wells
House upland, meadow & timber fenced or otherwise
Being ½ of tract of land from
Thomas Gorges 1643-04-17 and upland granted 1651-11-25
Which parcels lying on
North East side of Ogunquit River*

1663-12-19 **[YD 1(i), 149]** **John Wadleigh to: Francis Littlefield** **7.5 ac. Salt Marsh+**

- a.) *7.5 ac. Salt Marsh:
On Neck of Land side bounded:
Northwester by Joseph Bowles Marsh
Easter and South by John Gooch Sr. Marsh
West by Francis Littlefield, Sr.*
- b.) *2.0 ac. Of one half
What was formerly sold to Francis Littlefield, Sr.*

Its uncertain if the 2.0 ac. is 2.5 ac. or half interest.

1663-12-25 **[YD 1(i), 150]** **Annas Littlefield to: Francis Littlefield, Sr.** **Mills**
Thomas Littlefield
Ruth Littlefield, (wife of Thomas)

- a.) *½ Corn Mill*
- b.) *¼ Saw Mill
On Webhannett falls*

1664-04-30 **[YD 2, 82]** **Thomas Littlefield, to John Gattensby** **200 ac. upland & 10 ac. marsh**

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- c.) *That tract of upland & marsh at place called totnocke & the willows belonging to the Township of Wells it being
Forth part of a tract of upland & marsh granted to Robert Wadleighs Thomas Littlefield Thomas Mills and myself Francis Littlefield, Jr. by freeman of Wells at a legal Town meeting 1659-09-17, it being recorded in the Town Records of Wells
It being my forth part 200 ac. of upland*
- d.) *10 marsh, As estimated*

This deed mentions land granted by freeman of Wells at town meeting as recorded in Town records. Also Thomas Littlefield expects 10 ac. of marsh from town.

1664-05-22 **[YD 2, 82]** **Francis Littlefield, Jr. to John Gattensby** **200 ac. upland & 10 ac. marsh**

- a.) *That tract of upland & marsh at place called totnocke & the willows belonging to the Township of Wells it being
Forth part of a tract of upland & marsh granted to Robert Wadleighs Thomas Littlefield Thomas Mills and myself Francis Littlefield, Jr. by freeman of Wells at a legal Town meeting 1659-09-17, it being recorded in the Town Records of Wells
It being my forth part 200 ac. of upland*
- b.) *10 marsh, As estimated*

This deed mentions land granted by freeman of Wells at town meeting as recorded in Town records

1667-05-24 **[YD 2, 40]** **Town of Wells to:** **John Wheelwright** **Farm**

- a.) *William Hammond legally chosen by Town of Wells for laying out land according to power given to me have laid out unto Mr. John Wheelwright a tract of land granted unto said Wheelwright by Henry Boad, Edward Rishworth land bounded:
From the fence that is set upon the North West side of Wheelwrights farm
& so run upon a straight line to Ogunquit falls to a certain tree which I have marked with W.*

Here the Town of Wells is confirming the boundaries of 1651-11-25, [YD 1(i), 28], Wells Commissioners to: John Wheelwright.

1668-9-04-20 **[YD 2, 110]** **Town of Wells to: Joseph Cross** **150 ac. upland**

- a.) *150 ac. of upland bounded:
North East by Thomas Littlefield lot
South East by Wheelwright land
South West side by Ogunquit River
Until it becomes 30 poles wide then bounded by Francis Buckus lot
It to run West North West line until 150 ac. be completed.*

The deed mentions the undersigned being chosen Selectmen for the Town of Wells with free consent and approbation of the Inhabitants of said Town manifested by the votes at a Legal Town meeting have given and granted unto Joseph Cross.

1669-12-23 **[YD 2, 103]** **John Littlefield, Sr. to: Francis Littlefield, Sr. (brother)** **Mills**
Thomas Littlefield

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Ruth Littlefield, (wife of Thomas)

- b.) *½ Grant of Timber for Saw Mill on Ogunquit River*
- c.) *½ upper falls on Ogunquit River ¼ mile above lower falls*
- d.) *½ 2 ac. adjoining said upper falls on South West side of River*
- e.) *½ all pine timber growing on John Littlefield land*
- f.) *A highway of carting boards said falls or mill*

The said deed mentions. “ John Littlefield received a grant from the Town of Wells and the land and benefit of the Rover was derived originally from a grant made by Mr. Vines (Stuart General of F. Gorges)

1670-02-11 **[YD 2, 92]** **Johnathan Harmons to: Israel Harding,** exchange 200 ac. upland -100 ac. upland

- a.) **To Hammond:** *200 ac. of upland given to Israel Harding by Selectmen of Wells At Merryland back side of Wells. Not abstracted.*
- b.) **To Harding:** *100 ac. which I bought of John Barrett, bounded South West Stony Brook 9 poles South Westerly from the same thence 20 poles westward at the highway butting Samuel Wheelwrights land so run up into country till 100 ac.*

This deed mentions granted land by Selectmen in the Town.

1670-02-11 **[YD 2, 93]** **Israel Harding to: Johnathan Harmons** exchange 200 ac. upland -100 ac. upland

- a.) **To Hammond:** *200 ac. of upland given to Israel Harding by Selectmen of Wells At Merryland back side of Wells. Not abstracted.*
- b.) **To Harding:** *100 ac. which I bought of John Barrett, bounded South West Stony Brook 10 poles South Westerly from the same thence 20 poles westward at the highway butting Samuel Wheelwrights land so run up into country till 100 ac.*

This deed mentions granted land by Selectmen in the Town.

1670-06-24 **[CR 1, 124]** **Town of Wells to Benjamin Storer** **100 ac. Upland and 10 medow**

- a.) *100 ac upland and 10 acres of meadow: We whose name are under written being selectman for town of Wells this present year 1670 with the full and free consent and approbation of the Inhabitants there of being Legally voted at Legal town meeting do give and grant and by these present confirm all our right title interest to and in 100 ac of upland on the southwest sided of Cape Porpos River running as the other lots do that are already granted and 10 ac. Of meadow if it may be found out of any man’s propriety*

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1670-12-23 [YD 2, 159] James Johnson to: Henry Sayword Mills

- a.)
- b.) *by virtue of a grant or grants by Towns selectmen of Town of Wells any lands swamp river water or water course appurtenant or privilege to erect a Mill or Mills on Cape Porpus River.*

This deed mentions granted land by Town Selectmen of Town of Wells.

1671-07-06 [YD 2, 102] John Wheelwright agreement with John Littlefield Mills

- a.) *Wheelwright commences two action in Court with respect of grant made to Wheelwright by General Court 1650-10-15 Littlefield to give five pounds sterling for Mill on Ogunquit River.*

1671-07-06 [YD 2, 104] John Wheelwright to: John Littlefield & Francis Littlefield Mills

- a.) *Wheelwright was granted by General Court 1650-10-15 Saw Mill on Ogunquit River All my interest in the Saw mills*

The deed mentions John Wheelwright is in Salisbury Mass.

1671-07-13 [YD 2, 102-103] Mary Ladbrooke for. Barrett Deposition for John Wheelwright Fences

- a.) *Mary Ladbrooke formerly Barrett lived with her husband on farm of Wheelwright there was a fence North West side of said Farm order by Wheelwright about that place with Francis Littlefield, Sr. lived From thence were the gate now stands run along to stony brook & further south was another fence ran along from stoney brook on the south west side of said brook up into that tract land along by the marsh side to secure cattle.*

1671-09-21 [YD 2, 104] Johnathan Thing Deposition for John Wheelwright Fences

- a.) *Jonathan Thing said there was a fence up by Wheelwright beginning between a place called clay pit & land of Samuel Austine & so run along toward the South West by lot called Robert Hethersays and along to next stony brook down brook to swamp part of it and thence turned over a point of land to another brook called Crosses brook.*

1671-10-20 [YD 2, 130] Francis Backcus (Backhouse) to: Abraham Tillton 150 ac. upland, & 2ac. marsh + 10ac. fresh meadow

- a.) *150 upland **not abstracted***
- b.) *2 ac. marsh that John Wheelwright gave him*
- c.) *10 ac. fresh meadow granted from the Town in writing.*

This deed mentions granted land by Town.

1664-02-26 [YD 2, 149] Francis Littlefield, Jr. to Peter Cloyse 34.5 poles breath near mills

- a.) *A tract of upland being on the westerly most side of Webhannett River at the falls Where Francis built Saw Mill near his dwelling house which was formerly his father Edmund Littlefield deceased. The full breath upland carrying 34.5 poles from marked Rad oak And near a bridge next to lot of Francis Littlefield Sr. on the Easternmost side thereof*

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*Thence toward said land now Peter Cloyse lieuth and have built a house
Unto bound of land formerly Edmund Littlefield deceased
And now in possession of Francis Littlefield, Jr. going down toward the sea South Easterly to the
fence a small distance below the highway
& so run back into the woods so far in distance and length upon the line of the lots of town do
extend.*

*(Excepting the Hill on the southerly side of the River to run against the Mill stands reserving 1.5
pole upwards for an highway*

- b.) In which bounds a small parcel of marsh on the West side of Webhannett River*
- c.) And a convenience highway for town and county reserved toward Newgewanake*

1669-06-25 **[YD 4, 12]** **Nicholas Coole to: Thomas Wells** **Upland and Marsh**

- a.) Marsh & Thatch between
Sea Wall & Webhannett River toward mouth of said River
Which was formerly granted to Edmund Littlefield Sr., Joseph Bolls, John Littlefield & Nicholas
Coole*
- b.) Also upland which I formerly purchased of Francis Littlefield Sr.*

*Always provided ye said Wells or his assignees, shall allow the said Nicholas Coole the privilege
of a burying place for his generations & to fence in a place where the Dead Corps are already
buried.*

1671-10-20 **[YD 3, 11]** **Jonathan Hammond to: Thomas Averall** **200 upland& 10ac. fresh meadow**

- c.) 200 ac, upland in Mary Land
NOT ABSTACTED*
- d.) 10 fresh meadow
NOT ABSTRACTED*

1672-04-04 **[YD 3, 11]** **William Ashly to: Francis Littlefield, Sr.** **Salt marsh**

- a.) X ac. Salt & fresh marsh lying in the great marsh formerly of John Wadleighs Sr. bounded:
Sea wall on the South East
Samuel Wheelwright on South West
Ditch on North East
North West by marsh of Francis Littlefield Sr.*

1673-02-23 **[YD 3, 11]** **Thomas Averall to: Francis Littlefield, Sr.** **200 upland& 10ac. fresh meadow**

- a.) 200 ac, upland in Mary Land
NOT ABSTACTED*
- b.) 10 fresh meadow
NOT ABSTRACTED*

1673-02-23 **[YD 3, 11]** **John Cloyee to John Manning** **6ac. fresh meadow**

- a.) 6 of fresh meadow at place called Totnucke
¼ mile from Thomas Everlls house etc.!!!*

1673-02-20 [YD 2, 161] Francis Littlefield, Sr. to John Manning 5 or 6ac. marsh

- b.) 5 or 6 ac. Salt marsh at Ogunquit bounded:
By Ogunquit River which runs from Ogunquit toward the Neck of land
& the sea wall unto John Manning.
With the Thatch banks & skirts of Marsh

1673-02-28 [YD 2, 146] John Barrett to: Francis Littlefield, Jr. 3ac. marsh

- c.) 3 ac. Salt marsh or Meadow land lying in
Within my own meadow at the Neck of land
On North East side of Samuel Wheelwright farm
Next adjoins 2 ac. Meadow which lies between 3 ac. meadow & Webhannet River.
To run whole breath of my Marsh aforesaid.
The full breath from one side to the other.

1673-02-28 [YD 2, 146-147] John Barrett to: Francis Littlefield, Jr. 3ac. marsh

- a.) 3 ac. Salt marsh or Meadow land lying in
Near Ogunquit River bounded
North East side Marsh of Francis Backus
Wester most side Marsh of Goody Littlefield

1674-02-06 [YD 2, 166] Francis Littlefield, Jr. :Will dwelling house and marshes

- a.) To Joseph (eldest son): Home Lot, Saw Mill Corn Mill.
b.) To Nathan & Johnathan: all my land & meadow at Mary Land equally to be divided.
c.) To Job & David: all my Land at Ogunquit with 7 ac. of Marsh I bought of John Barrett.
Equally to be divided.

1674-04-01 [YD 2, 148] John Bates to: Nathaniel Fryer 120 -130 ac. upland

- a.) 120 or 130 ac. upland fronting against Samuel Wheelwright, bounded:
East side by John Trott
& western most side by William Hammonds
With small house or Tenement upon

1674-10-08 [YD 2, 158] Samuel Austine to Samuel Storer 100 ac. upland, 10 ac. meadow

- a.) 100 ac. upland which formerly purchased from John Littlefield.
b.) 1 ac/ meadow

Also see receipt 1674-10-08, [YC 2, 158] which mentions a court case dated 1661-11-23, and that Austine is Storer's father in law.

1674-10-08 [YD 2, 158,158] Ezekell Knights, Jr. to Samuel Storer 8 ac. marsh

- c.) 8 ac. salt marsh or meadow being between that part of
Webhannet River called the Fishing Hole &
The sea wall,
Being at a certain Gurnet or Nose of land compassed about with water,

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*It lying upon said Webhannet River on the Southernmost side thereof,
Abutting upon the sea wall
About 7 or 8 ac.*

- d.) *With a certain skirt of upland or sea wall which lyeth adjoining were we used to set our hay (reserving only liberty for myself to set two stacks of hay upon said upland if occasion be To have and hold said marsh & skirt of upland.*

1674-10-08 **[YD 2, 161]** **Francis Backcus to: Thomas Manning** **4 ac. meadow in two parcels**

- a.) *Adjoining Meadow of John Littlefield on West side
Old Agnes Littlefield on East side*
b.) *Other parcel lying on
East side of said Old Agnes Littlefield Meadow
West side of John Coss Sr. Meadow.*

1674-11-02 **[YD 2, 161-162]** **John Barret to: Thomas Manning** **150 ac. upland, 7 ac. Meadow**

- a.) *Lower end next to the sea beginning and butting Samuel Wheelwrights Farm
Lying on the Northeast side of John Cloyse Cross land
And run 30 poles breath Eastward up unto the country till 150 ac.
Upon the same line as other lots*
b.) *7 ac. meadow at a place called Duxbury
Upon the western branch of Ogunquit River
Adjoining Meadow of Nath. Masters
Other parcel lying on*

1675-02-07 **[YD 2, 186]** **John Barret to: Joseph Cross** **2ac. Marsh**

- a.) *2 ac. Marsh at the Neck of land
At or upon Samuel Wheelwright
2 ac. marsh is mowable
At the North East end bounded with Webhannet River
South West side Francis Littlefield Jr. marsh
North West side Joseph Boles marsh*

1675-04-12 **[YD 3, 10]** **John Barret to: Francis Littlefield** **2ac. Marsh**

- a.) *2 ac. salt Marsh lower end abutting upon the great river which runs from Mill
& joining to a small marsh of Francis Littlefield
& compassed round with a small Creek*

1680-06-05 **[YD 3, 92]** **Wheelwright's WILL to: Edward Rishworth son** **50ac.upland & xx Marsh**
Order by Samuel Wheelwright

- a.) *50 ac. upland beginning at lower end of John cloyse house lot
93 Poles East South East down to marsh
Then bounded by marsh till near falls on Ogunquit River
That is 84 poles South South West from POB*

- a.) 2 ac. salt marsh lower end of my father's Wadleighs marsh joining to the Town Marsh
Butting upon the sea wall joining the **Webhannett River**
- b.) One half of my marsh at neck of land which I had of my father Wadleighs:
East side of Thomas Littlefield
On the West side with John Cloyee
Both parcels of marsh lies on the East side of Wheelwrights Neck.

1681-12-17 [YD 3, 105] Thomas Mills to: Nathan Cloyee (son in law) Meadow

- a.) Full one moiety or half Meadow grant to me by my farther Wadleighs deceased: lying:
East side of Wheelwrights neck of land bounded
On the West side next adjoining marsh of Thomas Littlefield
On East side marsh of my son in law Nathan Cloyee his brother John Cloyee marsh

1682-12-29 [YD 3, 129] Isreal Harding to: Joseph Bolls 2 ac. marsh

- a.) 2 ac. Meadow Salt Marsh bounded:
Sea wall on South East
Creek on the North West
Joseph Bolls marsh on North West
Joseph Store on North East

1683-03-21 [YD 6, 141] Francis Littlefield, Sr. to: James Littlefield (son) various uplands, marshes & Island

- a.) House and Land I lately bought of William Frost bounded
On the Westernmost side of Webhannet River joining Francis Littlefield Jr. land and Mills
34.5 pole breath from tree at or near bridge next to my said Lot on the westernmost side thereof
And so toward land of for. Which was Edmund Littlefield deceased toward the sea Southeasterly
to fence as small distance below the highway
And so run back int woods until Lott of the Town grant fully extended
Reserving a highway for thow or County
- b.) And additional land out of my farm where fence now stands above to make it ????????
- c.) 100 ac. upland upon Merryland plains bounded by Thomas Littlefield ect.s
- d.) 2 ac. Marsh near Wheelwrights Neck land southerly
- e.) 5 ac. Marsh 10 poles upland there unto belong lying at Merriland on each side of River with my
Neck of Upland butting towards lower end of his lot
- f.) Salt marsh that belongs to said Neck bounded
- g.) Fresh Creek that runs into Salt River
- h.) All my **Island so-called, upon Sea Wall**
- i.) 4 ac. Salt Marsh butting to said Island
- j.) With 2 ac Salt Meadow Abraham Tilton bought formerly of Goodman Hamond on east side of
Creek
- k.) 200 ac. upland & 10 fresh Meadow at Merriland which I bought of Tomas Averil
NOT ABSTRACTED

1685-06-06 [YD 14, 131] Abraham Tilton to: Abraham Masters 8 ac.marsh

- b.) 8 ac. Meadow lying in three parcels called Ogunquit Meadow

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- *Bounded by river runs from Ogunquit (Agunged) toward Neck of land
And **Sea Wall***
- *Bounded next adjoining Meadow of John Littlefield on west of*
- *Old Agnes Littlefield Meadow on East side*
- *Being on East side of said Agnes Littlefield Meadow*
- *On West side of John Crosse meadow*

1684-10-06 [YD 6, 107] **William Ashleigh to: Jonathan Littlefield** 140 ac. upland, 6 ac. marsh +

- a.) *140 ac. Upland Francis Littlefield on North side
John Trott on South side
Abutting on highway next to Wheelwrights land
Run into country from Highway to as before
26 poles breath until 140 ac.
Together with fenced gardens pastures coons comage woods and uner woods*
- b.) *Mash **at Neck** bounded
Johnathan Hammond on Northeast
Sea wall on Southeast
Francis Littlefield marsh on other side*
- c.) *6 ac. Marsh which I Bought of Francis Littlefield*

1687-05-15 [YD 5, 92,93] **James Littlefield to: John Butland** Various parcels

- a.) *174 ac. Upland and Meadow my dwelling house
The lower end next the sea being at the river and bounded
By small brook next to my father Littlefield on the South West side
Joseph Littlefield on the North east side till unto **cart bridge**
130 poles in breath up into country until 150 acres.*
- b.) *5 ac. marsh at lower end of said land.*
- c.) *7 ac. marsh between great river and the ridge.*
- d.) *4 ac. joining Ezekiel Knights marsh and so
by an Island next to the sea on the other side*
- e.) *20 ac. ±, **Island***
- f.) *3 ac. marsh lying on the
Southwest side of Samuel Wheelwright next of land.*
- g.) *100 ac. upland at place called meryland
Lying on southwest side meadow at Meryland next to great swamp
Run from meadow southwestward 40 poles breath till 100 ac.*
- h.) *10 ac. meadow
Next to Thomas Littlefield meadow and to
Run up the river till 10 ac. .*

1693-05-15 [YD 5, 92] **John Butland to: Daniel Littlefield** 2ac. Meadow

- a.) *2 ac. Meadow at the Neck of land belonging Samuel Wheelwright
Thence toward a small pond
Sea wall or beach on one side southwestward
Coles marsh on the northwest*

1695-06-17 [YD 5, 126] Samuel Wheelwright to: John Wheelwright 500 ac.
Also it appears that
Katherine Naneny aka Nayler widow of Robert Nayler deceased bought of Mr. Cooly
And land given to Robert Nayler from John Wheelwright, father of Katherine

- a.) 500 ac. Upland, Meadow and Marsh
- b.) 30 ac. Marsh
Except: land bought of Mr. Cole see 1661-11-10 [YD 5. 127-128] Nanny to Cole
NOT ABSTRACTED SEEMS TO BE NEAR MARY LAND.

1696-08-08 [YD 6, 116] John Littlefield to: Josiah Littlefield, son Salt Marsh, and Thatch

- c.) Salt Marsh & Thatch lands on Southeast side of Ogunquit River bounded
Against Daniel Littlefield Marsh where **Creek comes home to Beach** and so to run along between
Creek and Sew Wall along ye Beach westward so far as the Sandy point be it more or less.

1698-06-09 [YD 4,125] James Gooch, Jr. to: John Wheelwright xx ac. Upland & 12 ac. upland
Heir to James Gooch, Sr, decesed

- a.) Upland & part salt marsh 25 poles in breath beginning at
Samuel Austin's on the Northeast side which is in controversy
And from there run 25 poles to tree
So to run down to River along by elbow in main creek with all the points yt runs out to the creed
So to Mussel Ridge so-called
Thence run up into country as hight as other lots
- b.) Upland lays Southwest side of certain Island called Drakes Island next to Mussel Ridge and
adjoining the marsh hereafter described.
- c.) 12 ac. Salt Marsh on the
Southwest side of last mentioned upland is butted and bounded
Southeast and Southwest by afore mentioned **Sea Wall**
Northwest by creek called Nannyes Creek
Northeast by land aforesaid upland
TOGETHE WITH ALL: ways easements waters watercourses profits privileges rights etc.

Note: parcel b.) could be Marsh.

1700-05-02 [YD 6,167] Francis Littlefield to: Moses Littlefield (cousin) Upland & Salt marsh

- a.) Upland & salt marsh 20 pole lot which was granted to me by **Ferdinando Gorges** bounded
Southerly by land which was my father's Edmund Littlefield
Westerly by Town Commons
Northerly by high way
Easterly upon the sea
It being 20 poles wide and the length of other lots.

1702-03-13 [YD 6,167] Moses Littlefield to: Samuel Emery 25 ac. Salt Marsh+

- a.) 25 ac. Salt marsh bounded
Southwesterly by land in possession of Ezekiel Knights formerly possessed by my father

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Thomas Littlefield

Southeasterly by Webhannet River

Northwesterly by Town Commons

Confirmed to me by Deed of my uncle Francis Littlefield and was formerly the place of our habitations

b.) *also fresh meadow 4 rods upon Northeast die thereof from high way to Marsh*

c.) *3 ac. fresh meadow at mashes called Merryland*

Being on half of 5 ac. Marsh undivided between me and my mother in law Sarah Knights

Except if the 4 ac I sold to John Buckland Jr. is not 4 ac then he can make up 4 ac. on the North side of River

1707-10-30

[YD 7,82]

Joseph Bolls (Boles) to: Joseph Hill

various Upland & Marsh+

b.) *230 ac. Upland low land Marsh & Meadow The whole farm of Joseph Bolls deceased bounded Southwest with land of Ezekiel Knights*

Southeast with the River

Northeast with land of Samuel Austins

Northwest with commons.

c.) *12 ac. Mash land which belongs with farm on Northeast side of Wheelwrights Neck bounded Marsh of William Ashly*

Southwest marsh lately belonging to John Barret

d.) *5 ac. Marsh bounded by*

Marsh of Francis Littlefield and William Hamond

e.) *4 ac Marsh near the **harbor's mouth** bounded*

Marsh of Samuel Austin and Thomas Wells

f.) *2 ac. Marsh in Common marsh being by the river near harbor mouth*

g.) *2 ac. Marsh bounded*

Marsh of Samuel Austin and Thomas Wells

All which premises do belong to said Farm or home place of Joseph Bolls deceased my grandfather.

h.) *2 ac. Marsh that was purchased of Israel Harden bounded*

Seawall on the Southeast

Creek on the Southwest

Marsh of said Joseph Bolls on the Northwest

marsh of Joseph Story on Northeast

1707-12-00

[YD 7,111]

Benjamin Gooch to: John Wells

Land & Marsh

a.) *Land Southwest side of Symonds farm*

RESERVING a piece of Salt Marsh which is

Westerly upon Marsh I bought of John Wells

Southerly by Gooch Creek

..... direct line to Easternmost side of Northeast end of Drakes Island.

b.) *Salt marsh bounded*

Northerly William Symons Marsh

Westerly by Samuel Hill Marsh

*Southerly by **Drakes Island***

*Easterly by **Sea wall***

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All the land my father John Gooch had in Wells

1713-02-24 **[YD 11,125]** **Abraham Masters to: Samuel Stuart** **150 ac.UpLand & Marsh+**

- a.) *150 ac. of upland is bounded as
Lower end **next Sea** Butted upon Sam. Wheelwrights farm
Lying on the North East side of John fleices Land
and to Run 30 poles in breadth Eastward
and to Run into Country Westward till 150ac. same Line as other Lot*
- b.) *7ac. of Meadow Called by the Name of Duxbury upon the
Westernmost Branch of Ogunquit River and
adjoining to meadow of my father Nath. Master, deceased which upland and Meadow above
Bounded : I bought of Timothy Yeales and was formerly in the tenure of John Barritt as per deeds
on Record*
- c.) *8ac.Meadow in Ogunquit Meadows and in three Parcels*
 - *one piece bounded by the river that runs from Ogunquit towards the **neck of Land and the sea Wall***
 - *another parcel to the Meadow of John Littlefield on the West side and old agues Littlefield's Meadow on East side*
 - *the other piece lying on East side of said agues Littlefield's Meadow and on west side of Meadow of John Crosse*

1713-03-04 **[YD 8, 251]** **Johnathan Littlefield to: David Littlefield
Samuel Hill** **Land & Marsh**

- a.) *Land that Joseph Cross conveyed to Samuel Hill*
- b.) *200 ac. Upland & meadow:
Northeast side land improved by Daniel Sawyer
20 poles in breath
Down to Webhannet River into country as other lots*
- c.) *Land and marsh 20 poles next to Cross brook
by brook to Webhannet River
below highway
from said highway upward as other lots*

NEEDS more attentions if USED

1713-03-26 **[CR 1, 05]** **Town of Wells to: Stephen Harding** **40 ac. Land**

At a legal town meeting of freeholders and other Inhabitants of Town of Wells legal voted to Give and Grant unto Stephen Harding and his heirs forever:

- a.) *40 ac. of land at the wood neck joining to his own land 20 poles in breath **by the Sea** and so to run up by his own land until said 40 ac. be completed in case it does not interfere on any former Grants*

1713-03-26 **[CR 1, 05]** **Town of Wells to: Daniel Boston (sp?)** **100 ac. Land, 10 Meadow**

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At a legal town meeting of freeholders and other Inhabitants of Town of Wells legal voted to Give and Grant unto Stephen Harding and his heirs forever:

a.) *100 ac. of land on the north side of the land formerly given to his father Thomas Boston deceased and of the same breath, having 8 poles for a high way above the old lots*

b.) *10 ac. meadow*

On Condition that he make improvements by settlement or tilling some part thereof with 2 years after a Pease with the Indians or else the land to Return to the Town again he not entrenching on any former Rits.

1713-03-26 **[CR 1, 05]** **Town of Wells to: James Boston (sp?)** **10 ac. Meadow**

At a legal town meeting of freeholders and other Inhabitants of Town of Wells legal voted to Give and Grant unto James Harding and his heirs forever:

a.) *10 ac. of fresh meadow, not entrenching on any former Rits.*

1713-03-26 **[CR 1, 06]** **Town of Wells to: Samuel Harmon** **10 ac. fresh Meadow**

At a legal town meeting of freeholders and other Inhabitants of Town of Wells legal voted to Give and Grant unto Samuel Harmon and his heirs forever:

a.) *10 ac. fresh meadow where it can be found in the Town Commons, not entrenching on any former Rits*

1713-03-26 **[CR 1, 06]** **Town of Wells to: William Laraby (sp?)** **100 ac. upland**

At a legal town meeting of freeholders and other Inhabitants of Town of Wells legal voted to Give and Grant unto William Laraby and his heirs forever:

a.) *100 ac. of upland on the northerly die of Mousam River 80 poles breath by the River and to run back to 100 ac be completed not intrushing on ay former Right or Conditions. That he make improvements thereof by fencing building soiling and tilling part of the land within two years after a or else it is Returned to the Town again.*

1713-03-26 **[CR 1, 07]** **Town of Wells Meeting** **Election of Officers**

At a legal town meeting of freeholders and other Inhabitants of Town of Wells legal chosen:

<i>John Wheelwright</i>	<i>Town Clerk</i>
<i>James Boston (sp)</i>	<i>Contable</i>
<i>Jonathan Hamond</i>	<i>Grand Jureirs</i>
<i>Daniel Littlefield</i>	<i>“”</i>
<i>Daniel Sayer</i>	<i>“”</i>
<i>Nicolas Cole</i>	<i>Jureirs of Trials</i>
<i>Samule Stuart</i>	<i>“”</i>
<i>Thomas Wormwood</i>	<i>“”</i>
<i>Nicolas Cole</i>	<i>Setectmen</i>
<i>Daniel Littlefield</i>	<i>“”</i>
<i>Joseph Storer</i>	<i>“”</i>

Joseph Littlefield	“”
Stephen Harding	“”
Caleb Kimball	Surveyors of Highways
Nathaniel Clarke	“”
George Butland	Fence Viewer
Thomas Wormword	Field Drivers
Daniel Boston (s)	“”
Joseph Storer	Surveyor of Land
Nicholas Cole	“”

Note the Surveyor of lands were also voted for 1715, 1716 [CR 1, 24]

1713-03-26 [CR 1, 08] Town of Wells to: William Sayer et al confirm land

At a legal town meeting of freeholders and other Inhabitants of Town of Wells legal voted to Give and Grant unto and Confirm a former grant to:

- e.) William Sayer*
- f.) Jeremiah Storer*
- g.) Thomas Wells*
- h.) Nicolas Cole*

200Ac. of land adjoin to their Mill at the Little River 80 rods above and 8 rods below where mill the hole breath by the river to be 160 rod and to run back till 200 ac..

Do not modest nor hinder any of the freeholders or inhabitants of said Town in Cutting or caring of from said land any sort of kind of timber whatever.

100 ac. of upland on the northerly die of Mousam River 80 poles breath by the River and to run back

1713-11-25 [CR 1, 41] Surveyors of the Town to: John Wheelwright 100 ac. upland & 50 ac. salt marsh

a.) Surveyors of land for Town of Well laid out for John W. his farm bounded:

Southwesterly by land of Sam. Hill

Northeast by highway that joining to the land of Ben. Gooch

Being in breath by the marsh 84 poles 1386' back into the country from the head of his enclosed lands the same breath due Northwest as other lots run and I height from the marshes

2½ miles NOT ALL ABSTRACTED

1714-12-27 [CR 1, 13] Town of Wells Meeting Survey Head Line

*At a legal meeting freeholders and other inhabitants of the Town of Wells voted Daniel Littlefield, Dependences Littlefield, Samuel Stewart, Nicolas Cole, and Joseph Littlefield, be a committee in behalf of the Town to run and layout the **bounds of the Township eight miles from the Sea up into the country** and so a head line above the town parallel to the foot line by the sea and if they find any persons trespassing within the limits of the township to forwarn all such in behalf of the town and to make Return of their proceedings.*

1714-12-27 [CR 1, 14] Town of Wells Meeting Survey Head Line

At a legal meeting freeholders and other inhabitants of the Town of Wells voted Joseph Hill, Francis

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Sayer and James Boston committee to run dividing line between York and Wells according to its ancient boundary's ordered by the General Court.

1714-12-27 **[CR 1, 14]** **Town of Wells Meeting** **New Pound**

Voted and ordered that a new Pound be Granted by Selectmen of the Town on the Town Lot at the charge of the Town.

1714-12-30 **[CR 1, 15]** **Town of Wells to Josiah Will** **100 ac. land**

A return that surveyors Laid out 100 ac. for Josiah Winn

a.) 100 ac. beginning a Naguntquit River a little above the bridge run Southwest line and from a Josiah Winn's land then run West nor West point until 100 ac. joining Naguntquit River

1715-03-23 **[CR 1, 19]** **Town of Wells to collect Rent** **Mills**

Voted that the rent due to the town from several persons for their mills be collected and gathered by the selectmen this year and they to render an account to thereof to the Town

1715-05-04 **[YD 8, 252]** **Nathan Clark to: Nathan Clark (son)** **Land & Marsh**

*a.) Land and Marsh granted to me by Town of Wells March 1713/4
By Little River, 198 poles length
NOT ABSTACTED*

1715-05-12 **[CR 1, 19]** **Town of Wells to Elizabeth Pittman (for. Belonging to Joseph Boles)** **100 ac. land**

A return that surveyors Laid out 100 ac.

a.) 100 ac. at the three mile brook leaving 8 rods above the head of lots on the north side of old path to Berwick NOT ABSTRACTED

1715-06-30 **[CR 1, 20]** **Town of Wells Meeting** **Survey Town Line**

*At a legal meeting freeholders and other inhabitants of the Town of Wells voted Joseph Hill, Daniel Littlefield, Nicolas Cole, be a committee in behalf of the Town to run divided line between York Kittery and Wells and also the head bounds of this town eight miles from the Sea and parallel to the foot line by the sea shore **according to the Grant our township from Mr. Gorges.***

1715-06-30 **[CR 1, 21]** **Town of Wells Meeting** **Survey Head Line**

*At a legal meeting freeholders and other inhabitants of the Town of Wells voted Jonathan Harmon, Joseph Storer, Francis Sayer, Samuel Harmon, be a committee in behalf of the Town to run a line at ??? the head of the old lots being two miles and a half up **from the marshes** dividing between the Lots and the Common Parcels to the foot line, as also a highway of 8 rods in breath above said lots from land of Ben. Gooch at the northeast end of the Town unto Neginquite River at the head of Dan. Littlefield land at the charge of the Inhabitants adjoining to with their land on each side of that high way afore said.*

1715-06-15 **[YD 9, 105]** **Eliab Littlefield to: Zachariah Goodale** **Land & Marsh**

*a.) 7 ac. Salt marsh lying & being in Seven bounded
Northwesterly upon the Easternmost branch of Ogunquit river*

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*Southwesterly by Marsh of Josiah Littlefield
Southeasterly by the beach or Sea Wall
Northeasterly by Daniel Littlefield being a piece of Marsh Almost Encompassed with branch of
River & Called Eliab's Island of Marsh*

1716-12-10 [YD 8, 251]

Samuel Littlefield to: David Littlefield

Mill

a.) *¼ part Falls and Mill at Kennebunk which was granted to my father Edmund Littlefield by
Town of Wells*

1716-03-20

[CR 1, 26]
[PR 1, 1]

Town of Wells Meeting

Create Proprietors

*At a legal town meeting of freeholders and other Inhabitants of the Town of Wells qualified to
vote in town meeting began and held on 20 th day of March 1715/16 and continued by
adjournment unto 27 and then meet and past a Legal vote by the major part of the votes then
present that the right and propriety of all the Common and undivided Lands within the said
township doth belong to an forever hereafter shall be and remains unto the Persons hereafter
mentioned and their Heirs forever in Proportion according to their Interest in the Town to be
disposed of and Improved according to the directions of the Law in that case made Provided:
Viz*

Col. John Wheelwright

Samuel Emery

Jonathan Hammond

Joseph Storer Hill

Capt. Joseph Hill

Jonathan Littlefield

Daniel Littlefield

William Sayer

Dependence Littlefield

Samuel Hatch

Nicolas Cole

Francis Sayer

David Littlefield

Joseph Littlefield

Ezekiel Knight

John Wells

Nathaniel Clark

Joseph Wheelwright

John Butland

George Butland

Samuel Stewart

James Baston (sp?)

Nathaniel Cloye

Heirs of John Clay

John Harmon

Stephen Harding

Zachariah Goodal

Moses Stephen

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Heirs of Benjamin Gooch
Heirs of Daniel Sayer
Heirs of Thomas Baston (sp?)
Heirs of William Persons
Thomas Wells
Jeremiah Storer
Samuel Wells

Note after the above vote the Town continued to Grant land

1716-03-20 **[CR 1, 27]** **Town of Wells to: Thomas Cousins** **Confirmed land**

Granted and confirmed unto the Heirs of Thomas Cousins forever all that tract of land formerly granted to Thomas Cousins deceased by grant dated April 29, 1684, leaving surfactant and convenient highway through the land for town and county

1716-05-16 **[CR 1, 114]** **Surveyors of the Town to: David Littlefield** **11 ac. salt marsh**

a.) 11 ac. Salt marsh east side of Mousam River between the great hill and the Pine point near the wading place with the Island of thatch ground adjoining to the marsh 100 ac

1716-07-05**[CR 1, 99]** **Surveyors of the Town`** **Old lots and Commons**

a.) Committee to run the divided land between old Lots and the commons at the foot at Ogunquit River at the lower end of Daniel Little field land and to run two miles and a half on a west northwest point

1717-05-03 **[CR 1, 35]** **Surveyors of the Town to: Stephen Harding** **30 ac. land**

We under written being Surveyors of the Town have by virtue of a deed of sale from Samuel Littlefield made unto Stephen Harding have laid out a certain tract of land lying and bound on the west side of his land now possess at Kennebunk as follows:

*Beginning at wood neckrunning by the **Sea at the foot** of a To east end of the Sands.....NOT ALL ABSTRACTED*

1717-05-04 **[PR 1, 2]** **Proprietors Vote for Committee** **Examine Town Records**

Voted committee to search the town book relating to the former grants of the Town and to bring a Report to the proprietors as soon as may be of the forfeitures of considerable grants

1717-05-20 **[PR 1, 3]** **Proprietors Vote for Committee** **View lands**

Voted committee to view land lying between the land granted and Kennebunk River and also to renew the bounds between Wells and Coxhall and to give a Report

1717-05-17 **[PR 1, 5]** **Proprietors** **Call for meeting**

To the proprietors of the common and undivided lands in the town of Wells these are to notify you to appear at the meeting house May 14, 1717, to act on what maybe proper to be done at which a meeting particularly to admit proprietors if there be occasion to grant or confirm lands or forms grants to state

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the proportion of proprietors to procure a book for recording the act of the proprietors or what maybe proper

1717-05-17 **[PR 1, 6]** **Proprietors to John Wheelwright** **Confirmed land**

At a Legally meeting of the proprietors of all the common and undivided land with the Town of Wells voted given granted and confirmed unto Col. John Wheelwright and his heirs forever all our right tittle and Interest in and unto all that tract of upland and marsh which he now dweleth on an is in possession of it being bounded:

Southwest by Mr Samuel Hill

Northeast by highway that joins to the land of Ben. Gooch

Breath of the marsh 8 score poles

And back into the country as the rest of the Lots

And

Marsh adjoining thereto.

1717-07-05 **[CR 1, 39]** **Surveyors of the Town to: John Gilman** **100 ac. upland & 50 ac. salt marsh**

a.) 100 ac. Upland North East side Mousam River NOT ABSTRACTED

b.) 50 ac. Salt marsh excepting Clay hill between upland Mousam River up to place called Round a bute 40 rods for William Laraby house

1717-08-06 **[YD 8, 252]** **Symonds Epes to: Nathan Clark** **300 ac/ ½ Land & Marsh**

a.) 300 ac. ½ part of Farm that was our Grandfather William Symonds Southerly & Northwesterly upon Gooches Land Southeasterly & Northeasterly upon Seawall & Little River

1717-03-18 **[CR 1, 42]** **Wells Town Meeting**

5.) Samuel Wheelwright Joseph Hill Surveyor of Land

*12.) Judah Paddoack & Henry Marsh have free liberty to go On Common Lands lying between East most branch of Little River and Mousam river **from Sea up** said river as high as the Path or County Road which leads from Wells toward Saco and not higher and there to gather Pitch Pine knots or Candlewood they may find for making tar on condition they pay or cause to be Paid to the Proprietors of the common and undivided land within this town the sum of Eighteen Pence for each Barrel of tar they shall make*

1719-05-12 **[PR 1, 9]** **Proprietors to Francis Littlefield, Jr.** **200 ac.**

a.) 200 ac. The following grant was confirmed by Proprietor Granted to Francis Littlefield, Jr. by the selectmen of the town of Wells a certain tract
- Southwest side of the fall of Ogunquit River
- begin at Ed Littlefield on Southwest side
- Run in breath to the creek on the southward side of the Clay Hill next to Mr. Joseph Boles and so to run from the river into the country until 200 ac be completed

1719-05-12 **[PR 1, 9]** **Proprietors to Gershom Boston** **100 ac.**

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a.) 100 ac. At a Legal meeting of the proprietors of Wells granted to G. Boston 100 ac.
On condition of settling it and improving it within two years after this date and to improve it five years if not hindered by wars with the Indians or else to return to the town again.

1719-05-12 [PR 1, 11] Proprietors to John Littlefield. Thatch Beds

b.) At a Legal meeting of the proprietors of town of Wells granted to John Littlefield the thatch beds between the creek commonly called the back creek and **pine (pume?) Island** on the south east side of Ogunquit River between it and the **Sea**

1719-05-17 [CR 1, 47] Surveyors of the Town to: John Gilman

a.) Surveyors for Well requested to run the dividing line between lots of Edmond Littlefield and Francis Littlefield near the head of Webhannet River now claimed by Joseph Littlefield and Samuel Emery and William Easton NOT ABSTRACTED
..... being the Easterly side of Francis Littlefield land right of land of Ezekiel Knight deceased according the (?????) of the grant from Thomas Gorges in right of said Francis & George Knight bearing date of July 14, 1643 then fromand **downward to the Sea** to a stake set in the ground on east **south east line of Webhannet River**

1719-09-14 [CR1, 50] Town of Wells Meeting

2.) voted to investigate and defend all claims of Simons Epps relating to lands between Kennebunk River and Little river.

6.) voted that John Wheelwright and John Wells draw a plat of the Town to present to the General Court at charge of town

1720-04-20 [PR 1, 13] Proprietors call for meeting

a.) To all the proprietors of the common or undivided land in the town of Wells these are notified you to appear at the meeting house in Wells on May 10, 1720, to act and ow what may be proper to be done as which a meeting to grant or confirm lands to bring in a List of proprietors to admit proprietors if there be occasion and to call in old grants that are forfeited.

1720-04-20 [PR 1, 14] Proprietors call for meeting

Voted that the common land next adjoin to Berwick bounds from baker s spring two miles North East in breath so up to the head of the township shall lay common and not be granted nor laid out to any person in twenty years after this date not debarring the privilege for a mill and land connivance to said mill....

1720-07-12 [PR 1, 16] Proprietors to Nicholas Lydiard 50 ac. Land, 10 ac. meadow

At a legal meeting of the Proprietors of ye Town of Wells give and granted 50 ac.

Etc.....

Upon the condition that Lydiard by himself or some other person improve the same by fencing and building upon the same within 2 years after this date and to continue settlement of the and 5 years except he or they are put of by an Enemy and also do give and grant to Lydiard 10 ac. Of Meadow or Meadow grands where ye said Lydiard can find it out of any man's propriety

1720-07-12 [PR 1, 17 to 40+]Proprietors to Various owners Land, and meadow

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Note on July 12, 1720 the Proprietors of the Town of Wells granted about 30 men various parcels of land which were laid out at another time. With certain conditions as mentioned to Lydiard above. Only the ones mentioned below mention anything to do with marsh or thatches. Most mentions only a meadow

1720-07-12 [PR 1, 16] Proprietors to Josiah Winn thatch beds
Geo. Jacob

All the undisposed thatch beds on Ogunquit River except the Lowermost which is near against the rocky point.

1720-08-31 [CR 1, 55] Wells Town Meeting

At a legal town meeting of the Inhabitants and Proprietors of the Town of Wells, August 31 1720 J. Hill and F. Sayer chosen agents for town to defend against the town by Daniel Epps and Simond Epps and to empower an Attorney to fight them and to plead the Town in any court that shall be brought.

1720-10-03 [CR 1, 58] Town of Wells to: Daniel Epps & Simon Epps 640 ac.

a.) 640 ac. one square miles or the quaintly of a mile square between Mousam River and Kennebunk River or between Mousam and Easterly branch of Little River as they may cause to take it. Where it may be found in the Town Commons free of any Grant before made between those Rivers

Note see CR 1, 177 which has lay out to John Stover for 560 ac + 80 ac..... Part of Grant of one mile square land formerly granted to Daniel Epps and Symons Epps.

1721-02-15 [YD 11, 42] Lydia Storer et al. to: John Storer 100 ac. Land & Marsh
Widow of Samuel Storer

c.) 100 ac. bounded:

N. E by the Land now in the Possession of Sam. Treadwell which was formerly Jonathan Plannonds decease" and on the south west with the Land now in the Possession of James Baston which was formerly one Reeds and on the South East by the highway North west by the Commons Containing 100 ac.

*d.) Certain Island of Salt marsh lying on the South east side of the River of wells aforesaid formerly known by the name of **Knights Island**.*

e.) also a point of upland Joining to Said Marsh bounded by the sea wall on the southeast. All the land that was Samuel Storer

1720-05-09 [PR 1, 39] Proprietors Vote

At a legal meeting of the Proprietors Voted that conditional grants made by the town or proprietors to any person or persons heretofore who have failed in performing the conditions in such grants specified are forfeited to the use of the proprietors

Created a

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land are to return to the town or proprietor in case of nonperformance of the conditions we hereafter judge to purport for all which who have compiled with the conditions in there grants respectively to lay it before the proprietors at some meeting of the proprietors in order to the confirmation there of Wells March 27, 1722

1722-04-21 **[PR 1, 44]** **Proprietors**

These are to give notice to all the proprietors of the common and undivided lands in Wells to assemble and meeting together ... to choose officers and empower a trustee or trustees to take care of and prevent trespasses one the common and to prosecute such trespasses and likewise to grant and confirm land that have been granted on conditions or to take the forfeiters of such as have completed with the conditions mentioned in there perspective grant to receive the report of a committee ... to examine the records concerning the grants of land etc..

1722-04-08 **[PR 1, 45]** **Proprietors**

- e.) At a legal meeting of the proprietors of the Town of Wellsvoted that all pine and oak trees or logs that shall be found lying on the ground on the common Shall be free for any proprietors in the town of Wells to hall away cut up and improve*
- f.) Voted that there be two lot layers to lay out land and that one of them are Empowered to Lay out land or both where any person can produce a Legal grant from the town or proprietors.*
- g.) Formed a committee to take care that there be no trespass on one the common or undivided lands and to prosecute any person that shall be found trespassing on the commons excepting any of the Inhabitants of the town*
- h.) A committee to look after the confirmation of lands and make Report to the next meeting ...and to examine the town books and proprietors books and find that the grants of lands in the town since the year 1663 are generally conditionally and the grants lands are to return to the town or proprietors in case of nonperformance of a the conditions we therefore judge it proper for all such who have compelled with the conditions in there grants respectively to lay it before the proprietors at some meeting of the proprietors in order to the confirmation there of.*

1722-09-11 **[YD 11, 43]** **Nathaniel Littlefield to John Littlefield (brother)** **all my land**

- a.) All my land and marsh all my right in common undivided I had by my father Josiah Littlefield deceased.
EXCEPT: the Lord Proprietor's Fernando Georges or his heirs*

1722-12-28 **[PR 1, 49]** **Proprietors to Josiah Winn and George Jacobs** **Ogunquit marshes**

As per grant of 1720-07-12 laid out all the thatch beds in Ogunquit River between the saw mill and Rocky point except that thatch bed there was granted to Gersham Maxel (Girshom Maxey or Maxwell) the thatch bed lying on the north east side of the Maine channel of said River

1722-06-26 **[PR 1, 50]** **John Wadleigh to Proprietors** **Release Native Deed**

For consideration of 200 ac. of land granted to me by the proprietors this date remise and release and quit claim to said proprietors or commoners of the town of wells heirs and assins and successors forever all my right estate tittle interest and demand whatever to that tract of land and marsh commonly called the town lot or meeting house lot which was conveyed to the town of wells by an agreement between my

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father dated March 8 51, and since that time possessed....

Also my right title and interest to the gore of land....

Any common right by virtue of my grandfather's being an inhabitant ... conveyed to me by my father Robert

Here John seems to release his right of the Native Deed

See:

1649-10-18 [YD 1(i), 128] Sagamore Thomas Chabinocke to John Wadleigh Native Rights Wells

And

1650-03-31 [YD 1(i), 129] John Wadleigh to Robert Wadleigh (son) Native Right Wells

1724-08-25 [CR 1, 80] Wells Town Meeting Town Marsh Land

*a. Voted for the payment of digging ditches in the **town marsh**.*

1725-05-05 [CR 1, 88] Wells Town Meeting Town Marsh Land

*a. Voted for Hill and Sayer let out the **towns marshes** to the best advantage for the town use this year.*

1726-02-25 [PR 1, 54] Proprietors Confirmation of Ancient Grants

Call for meeting to confirming of all ancient grants and rights that shall be found to be needful.... The confirmation of all lot grants

1726-09-21 [CR 1, 97] Surveyor of Town to Sam Treadwell & Joseph Littlefield 61.5 ac.

a. 61.5 ac. Layout by virtue of Grant 1682 by Little River

b. NOT ABSTRACTED

1727-01-31 [CR 1, 105] Surveyors of the Town to: John Ruffus 220 ac.

a.) 220 ac. Grant from Town of Wells May 04, 1675 as will appear by Wells Town Book and now in the possess of Elisha Plaisstead

1727-04-22 [PR 1, 56] Proprietors All owners to be Proprietors

All those by purchase or heir ship have a right to be proprietors

1728-01-27 [PR 1, 66] Proprietors to David Lasson 5 ac marsh

Laid out a certain marsh and thatch island 5 ac. by mousom River... containing three Islands.

1728-11-28 [PR 1, 68] Proprietors to Francis Littlefield Plat lotted in Wells

50 ac. more plainly appear by the plat lotted in Wells

1729-12-26 [CR 1, 121] Surveyors of the Town to: Isaac Littlefield 50 ac.

*a.) 50 ac part of a grant of land of 200 ac. formerly granted to Frances Littlefield Dec. 07, 1659, by the **common land***

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1729-12-26 [CR 1, 121] Surveyors of the Town to: James Littlefield 50 ac.
a.) 50 ac part of a grant of land of 200 ac. formerly granted to Frances Littlefield Dec. 07, 1659, by the common land

1729-03-19 [CR 1, 133] William Eaton - Samuel Emery Boundary line
b.) Dividing line at the boundary line is 16 poles wide above Kings Highway.... By Meeting house.... As far lots extend..... Down to the head of salt marsh.....by small ditch ...into small creek that runs into a great creek which run round the said Emery and Jonathan Littlefield Island..

1729-03-29/30 [CR 1, 128] John Wheelwright – Samuel Hill Boundary line
a.) Dividing line at the Meadow and so running to highway and so running northwest from the highway and foot bounds 2.5 miles on a straight line as will appear by several marked trees in a line etc.

The above indicates that the meadow would be the marsh land just below the road route 1.

1729-05-08 [CR 1, 129] Surveyor of Town to Samuel Hill Boundary line
a.) Renew the old bounds on the southwest side of the salt marsh formerly belonging to Sam Austin late of Wells deceased running from the upland straight with the old Ditch and several holes in the marsh and so on a straight course down to the Webhanett River

1730-05-13 [CR 1, 134] John Wheelwright Renewed Bounds
b.) Renewed the ancient bounds of land granted and allotted unto John Wheelwright November 25, 1651, laid out and bounded by William Hammond as appears by return May 24, 1667.....by stoney brook Sam. Treadwell.....south south west to Ogunquit falls where the mill dam now stands....lower end of Abigail Wiggins....

1730-07-00 [CR 1, 136+] Surveyors of Town Renewed various bounds
f.) Sam. Emery Gore land Grant of March 17, 1701
g.) Sam. Littlefield 100 ac. Grant of March 16, 1680
h.) Sam. Littlefield fresh meadow Grant of March 16, 1680
i.) Nat. Kimball marsh on Mousam Grant of June 14, 1678
j.) Dividing line at the Meadow and so running to highway and so running northwest from the highway and foot bounds 2.5 miles on a straight line as will appear by several marked trees in a line etc.

1730-07-22 [CR 1, 138] Road from Kennebunk River to Upper Landing Highway
a.) Reserved in a grant of March 16, 1680 from Kennebunk River from the falls and Mills down by River to common flowing of salt water to a Landing Place there commonly called the upper landing places. Four and eight rods wide.

1731-01-11 [YD 14, 73] Francis Sayer to Peter Littlefield 5 ac. Salt Marsh

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b.) 5 ac. Salt Marsh bounded
Northerly by Neck of land
Southerly by **beach or Sea Wall**
Easterly by Francis Littlefield Marsh
Westerly by Joseph Wheelwrights Marsh

1734-12-10 [PR 1, 87] Proprietors Sell additional land

Voted to sell additional land
NOT ABSTRACTED

1734-12-13 [PR 1, 93] Proprietors Francis Sayer and Joseph Sayer Confirm land

Running down to Webhannet River

1734-12-30 [PR 1, 91] Proprietors to John Gooch land

Mentions at the foot on a creek that is a common landing place.
2.5 Into country

1734-12-30? [PR 1, 97] Proprietors to John Butland Butland Island

The petition of John Butland of Wells desires a confirmation of his home lot with his brother George Butland equals with him to the head of their lots running 2.5 miles beginning at **the salt marsh with the Island commonly called buckland Island** and you will oblige your humble petitioner the above said petition was grated to the said John Butland and George Butland and to their heirs and assigns forever.

1734-12-30 [PR 1, 90 to 111] Proprietors Confirmation

Note on 1734-12-30 the Proprietors confirmed about 35 parcels of land the following is a summary of only a few that mentions the marshes

John Storer: [PR 1, 102]

South Easterly by **Webhannet River** together with all other the **marsh and thatches beds** in the said John Storer possession the aforesaid land running **from the marsh** 2.5 miles

John Storer: [PR 1, 103]

A piece of **salt marsh and thatch bed** in common
A certain Island commonly called **Drakes Island** it the Wells
And certain salt marsh adjoining to said Island NOT ALL ABSTRACTED

1734-12-30 [PR 1, 110] Proprietors

At a legal meeting of the proprietors of the common and undivided lands of the township of Wells on Dec. 30, 1734 then passed a Legal vote that **all the men in said town of Wells that have a house and land within the same shall be a proprietor**

1734-12-30 [PR 1, 139] Proprietors List

Whereas the subscribers was chosen on Dec. 13, 1734 to settle the common rights we therefore think that

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each person or right to have as follows:

List of 107± Men and their shares.

See page 271 Proprietors of Common Land 1730, Shelley “My Name is Wells I am the Town”

1735-03-12 [**CR 1, 177**] **Surveyor for Proprietors to: Joseph Sayer** **20 ac.**

a.) *20 ac. Of land ignore part of 209 ac. Granted and confirmed to Sayer by Proprietors of the Common and undivided land. In Wells on Dec. 30, 1734.*

Note the above is the first mentioned information concerning the Proprietors except the formation of them in **CR**.

It looks like between 1731 and 1735 and the years to come the **CR** indicate a change in the town affairs roads, schools addition to meeting house, and ministry was active along with additional officials. And the many layouts and confirmation of grants by the town in 1600 and early 1700 occurred

1735-05-12 [**PR 1, 116**] **Proprietors**

A committee to examine the old rights and make their report

1736-03-22 [**PR 1, 126**] **Proprietors to Richard and Nathaniel Kimball** **2-50 ac**

By Virtue of a grant of 100 ac. by the inhabitants of the Town of Wells to Jonathan Hammond on October 02, 1666, by virtue of the same I have this day laid out 50 ac. of said grant to Richard Kimball and also by virtue of a grant from the proprietors of said town to William Harmon 50 ac. dated July 12, 1720 laid out this day to Nathaniel Kimball each 50

1737-10-24 [**CR 1, 195**] **Surveyor for Proprietors to John Cutts** **400 ac land and meadow**

a.) *By virtue of several grants of land and meadow granted to John Sanders of Wells VIZ*
1.) *150 ac of land and 50 ac of meadow by Thomas Gorges 1645 laying between the Mousam and Little Rover.*
2.) *50 ac by Mr. Cleaves to said Sanders,*
3.) *100 ac by the selectmen of Wells to said Sanders*
4.) *Also 50 ac by the inhabitants of Wells to said Sanders.*
All the above said grants of land and meadow I have surveyed and laid out to John Cutts bounded and follows: VIZ

*Beginning on the east side of the Little River at the upper wading place and so running up and by said river to the second Creek to Henry Boothby's norther corner bounds, and from thence on a north north west point of the compass 250 rods then on a north north east point 160 rods then on a south south east point to the second creek on Mousam river formerly called cape porpus river and so down said river until it comith **to the sea** and so by the **sea wall** to the first bounds all land and meadows within said bounds containing*

400 ac.

Sam Wheelwright Surveyor of land for the Proprietors of Wells

1737-01-19 **[CR 1, 196]** **Dependence Littlefield – John Littlefield** **Boundary line**

- a. *Run the line and settle the bounds between then lying at Ogunquit pob pitch pine tree on Southward died of the River called the Little River below the falls where a saw mill of said John Littlefield so running from said tree and river on west by south point of the compass a little southerly with several marked trees in the line till it comes to the York line and so down with and as the line runs between the said John and Dependence down **to the sea** as thus Run.*

1741-10-01 **[PR 1, 135]** **Proprietors to Henry Maddox**

By Vertue of a grant of land granted by the inhabitation of the town of Wells Jan. 04, 1669 which grant of land was confirmed to me by the proprietors on the common and undivided land of Wells on July 14, 1735 part of said grant I have conveyed by deedlaid out 51 ac.

1743-06-13 **[PR 1, 142]** **Proprietors**

Calling for a meeting to choose a committee to examine the town and proprietors books secondly to see who has laid out there lands lawfully or not To make division of the common and undivided land or some part of them To pursue all grants that are forfeited except the person that with hold them unlawfully will give them up according to the true intend as they were given

1743-07-18 **[PR 1, 143]** **Proprietors**

At a legal meeting voted for a committee to examine the town and proprietors books and to take copies or minutes from said books of all conditional grants and all said grants that are laid out where they once and to take out the Returns of the laying out all such grants from each of the foresaid books and lay the made before this meeting.... Also to see who has by confirmation of any former grants layed out that land elsewhere and on the land confirmed also lands that has been changed by holding booty ? grants.

1744-07-01 **[CR 1, 221]** **John Butland – George Butland** **Division of land**

Layout by the Town Surveyor for John and George Butland to divided there land into two parcels. No mention of Island.

1751-07-13 **[PR 1, 149]** **Proprietors to John Maddox** **40ac.**

Laid out 40 ac. near Alewife brook for John Maddox it being part of a grant formerly granted to Thomas party January 04, 1669 and confirmed to Samuel Wheelwright and so conveyed to Shadnick Watson and purchased of Anthony Little field...

1752-03-02 **[CR 1, 272]** **Town Meeting** **Road layout**

- a.) *Voted there shall be a Road from the sea up by John Webber's and Doc. Says Land and by the head of land of John Storer Esq. to John Butland and Nath. Wakefield to Meeting house.*

1753-02-03 **[PR 1, 150]** **Proprietors**

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By virtue of a a grant of 200 ac granted to Thomas Paty by Inhabitants of the Town of Wells Jan. 04, 1669 and then confirmed by the proprietors of the common and undivided land of the township of Wells to Samuel Wheelwright and by a conveyance by deed Wells executed to Nathaniel Kimball by me the subscriber (Samuel Wheelwright) and by virtue of the sade I have this day surveyed and layed out 93 acres of said grant to Kimball

1756-05-10 **[PR 1, 153]** **Proprietors**

At a legal meeting:

- a.) choose John Storer and John Wheelwright survey of land*
- b.) Voted that every proprietor may bring in his Right that their votes or voice may be regulated that so they may vote according to Law*
- c.) to consider of some method for settling of the old lots from the gore to Ogunquit River and from said gore to Coles corner so-called.*
- d.) to consider of some method to prevent persons laying out the proprietors commons with a just claim and to choose a committee to enquire into the conduct of and as heave or may here after and to prosecute then in the law*

1757-03-07 **[CR 1, 300-301]** **Town Meeting**

Beach Drivers

*Item 20 That Capt. John Winn be desired to set an act made by the great general Court to prevent neat cattle, horses and sheep going and feeding on the **Beaches** and also to prevent persons mowing said **beaches***

1758-03-06 **[CR 1, 303-304]** **Town Meeting**

Beach Drivers

*Item 15: John Jacobs John Stevens Samuel Emery to **take care of the Beaches** also put the law into execution relating to them*

1758-05-29 **[PR 1, 156]** **Proprietors**

Voted a committee to settle the old ancient bounds and lines between all the old Lots from Ogunquit to Little River and also all the Maryland Lots and report to the proprietors for confirmation as soon as may be

1758-05-29 **[PR 1, 157]** **Proprietors to Samuel Emery**

60 ac. land

60 ac. grant on condition be build a house and fence in and break up five acres of land within three years and settle thereon otherwise to Return to the proprietors again.

1759-03-19 **[CR 1, 307]** **Town Meeting**

Beach Drivers

*Item 8: Voted certain men to **Drive the Beach** and take care and duly prosecute the act relating there to.*

1760-03-10 **[CR 1, 310]** **Town Meeting**

Beach Drivers

*Item 16: Voted certain men to **take care of the Beach.***

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1761-03-02 [CR 1, 315] Town Meeting

Item 15: Voted certain men to be **Beach Drivers**.

Beach Drivers

1761-05-11 [PR 1, 164] Proprietors

Voted that there be 12,000 acres of common be divided amongst the respected rights A committee to view the commons and to make Report to the proprietors in what part or parts of the commons said land may be left.

1762-03-15 [CR 1, 322] Town Meeting

Beach Drivers

Item 13: Voted certain men to **take care of the Beach**.

1762-05-10 [PR 1, 166] Proprietors

Report of committee that there is land on Kennebunk River and Mousom River land also land adjoin to York Line and Berwick Line suitable for that use

1763-03-21 [CR 1, 328] Town Meeting

Beach Drivers

Item 8: Voted certain men to **Drive the Beach**.

Item 9: Voted certain men to see that the **Beach ant mowed**.

1764-03-12 [CR 1, 332] Town Meeting

Beach Drivers

Item 13: Voted certain men to **Drive the Beach**.

Item 14: Voted certain men **Take care and Prosecute such as shall mow the Beach**.

1765-03-08 [CR 1, 335] Town Meeting

Beach Drivers

Item 13: Voted certain men to **Beach Drivers**.

1766-03-24 [CR 1, 341] Town Meeting

Beach Drivers

Item 15: Voted certain men be **Beach Drivers**.

1767-03-30 [CR 1, 344] Town Meeting

Beach Drivers

Item 11: Voted certain men be **Beach Drivers**.

Item 13: Voted certain men to **take care of the Beach and prosecute such as offends against the act relating there to**

1768-03-03 [CR 1, 349] Town Meeting

Beach Drivers

Item 12: Voted certain men be **Beach Drivers**.

Item 13: Voted committee to prevent such as shall **mow the Beach between Wells and Ogunquit harbors**

1769-03-20 [CR 1, 353] Town Meeting

Beach Drivers

Item 12: Voted certain men be **Beach Drivers**.

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Item 13: Voted certain men to prosecute all offences against the Beach act.

Item 12: Voted certain men to prosecute all that pull down fence or leave upon bars in the way to the beach

1770-03-12 **[CR 1, 359]** **Town Meeting** **Beach Drivers**

Item 10: Voted certain men be Beach Drivers.

Item 12: Voted certain men to prosecute such as shall offend against the Beach act.

1771-03-10 **[CR 1, 366]** **Town Meeting** **Beach Drivers**

Item 15: Voted certain men be Beach Drivers.

Item 13: Voted certain men to take care of the Beach and prosecute such as offends against the act relating there to

The following is a summary of Grants by the Town of Wells as found in the **CR 1**

Date:	Page:	Grantee:	Description:	width:	Area:
1713-03-26	[05]	Stephen Hardy	joining Hardy land on wood neck by the Sea		330' 40 ac. land
1713-03-26	[05]	Daniel Boston (sp?)	north side formerly his father's Thomas Leaving 132' for highway above old lots	??'	100 ac. land 10 ac. Meadow
1713-03-26	[05]	James Boston	Where he can find it	N/A'	10 ac. Fresh Meadow
1713-03-26	[06]	Samuel Harmon	Where he can find it in Town Commons	N/A'	10 ac. Fresh Meadow
1713-03-26	[05]	William Laraby	North side Mousam River	1320'	100 ac. Upland
1713-03-26	[06]	Samuel Treadwell	at Meriland	990'	100 ac. land
1713-03-26	[07]	James Willit	north side formerly of John Lowe Note: Willit forfeited this see next year	??'	50 ac. upland 5 ac. fresh Meadow
1713-03-26	[07]	Nathaniel Clarke	north side side of Little River	990'	100 ac. land 10 ac. fresh Meadow
1713-03-26	[08]	William Sayer Jeremiah Storer Thomas Wells Nicolas Cole	adjoining Little River Mills see abstract	2640'	200 ac. land
1714-03-18	[08]	Moses Stephens	land and meadow for. Granted to James Willit Willit forfeited to Town, plus 50 ac + 5 ac. meadow	??'	100 ac. land 10 ac. meadow
1714-03-18	[09]	Josiah Winn	North side of Ogunquit River joying his own land	??'	100 ac. land 10 ac. meadow
		See PR 1, 25]	certain conditions		
1714-03-18	[09]	John Locke	East side of Mousam River joying William Laraby	495'	100 ac. land 10 ac. meadow
1714-03-18	[09]	Caleb Littlefield	East side of Mousam River where it may be found Belonging to the Town	660'	100 ac. land 10 ac. meadow
1714-03-18	[09]	John More	East side of Mousam River where it may be found Belonging to the Town	660'	100 ac. land 10 ac. meadow
1714-03-18	[09]	Elisha Billeton	East side of Mousam River where it may be found Belonging to the Town	660'	100 ac. land 10 ac. meadow

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1714-03-18	[09]	Isaac Nash	East side of Mousam River where it may be found Belonging to the Town	495'	100 ac. land 10 ac. meadow
1714-03-18	[09]	Caleb Littlefield, Jr.	East side of Mousam River where it may be found Belonging to the Town	660'	100 ac. land 10 ac. meadow
1714-03-18	[09]	Nicolas Garland	East side of Mousam River where it may be found Belonging to the Town	660'	100 ac. land 10 ac. meadow
1714-03-18	[10]	Robert Linkler (sp)	Now Caleb Kimballs land	660'	100 ac. land 10 ac. meadow
1714-03-18	[10]	Joseph Getchell	by the land granted Caleb Kimball	660'	100 ac. land 10 ac. meadow
1713-11-05	[11]	James Boston (sp)	Layout of 10 meadow set doc. for metes bounds		10 ac. meadow
1714-03-18	[12]	Thomas Kinney	at Mereland near Joseph Credifer	660'	100 ac. land 10 ac. meadow
1714-03-18	[12]	Daniel Morrison	at mereland next to Thomas Kenney	660'	100 ac. land 10 ac. meadow
1714-03-18	[13]	Moses Littlefield	??? side of Mousam River near wading place	660'	100 ac. land 10 ac. meadow
1714-03-18	[15]	Nathaniel Clarke	Eastward side of Little River	495'	50 ac. land
1714-03-18	[16]	Joseph Storer	West side of Mousam River near wading place See <u>CR</u> 1,258 for layout	660'	100 ac. land 10 ac. meadow
1714-03-18	[17]	Joseph Hill Jonathan Littlefield G. Hatch Daniel Littlefield	Mill by Mereland beside their 75 ac. previous granted	xx'	150 ac. Upland
1715-01-24	[16]	Nathaniel Clark Thomas Wells	Layout w/ metes and bounds near Gooches Swamp	396'	?? ac. land
1715-06-02	[18]	Job Lowe	Layout w/ north side of Moses Stephens	825'	100 ac. land 10 ac. meadow
1715-03-23	[19]	Samuel Emery	where he can find it		5 ac. fresh meadow
1715-03-23	[20]	Robert Monson	between Daniel Morrison and Newchiwanach Path	xx'	100 ac. land 10 ac. meadow
1715-03-23?	[21]	Job Low	former Grant to Daniel Low on 1714-03-18 Not improved by Daniel	xx'	50 ac. land
1715-02-07	[21-22]	Thomas Penny	Layout above the Town Lots by Treadwell and path By Efester (sp)Meadow	xx'	100 ac. land
1715-02-07	[22]	Daniel Morrison	Layout above the Town Lots by Penny and path By Efester (sp)Meadow	xx'	100 ac. land

Note after the above review I stopped abstracting Grants and Layouts unless they seem to relate to the salt marshes beach area. However the following was some other key abstracts.

1715-03-23	[23]	David Littlefield	Salt marsh and Island of thatch easterly side of Mousam River between great hill and the ??? Point near the wading place		
1716-03-20	[25]	Town meeting	Voted that there be a compass bought by the Selectman for the xx of the Town		

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XIV. TIMELINE:

Town of Wells Timeline (land ownership)

1639: Sir Ferdinando's grant to Maine, the foundation grant from which the original Wells grants derived

1641: Two land-related Massachusetts actions with Maine & Wells implications: (1) The law which awarded ownership of all beach area to low water mark to the adjacent land owner out to 100 rods and forbidding trespass except for fishing, fowling & navigation, a law which was never enforced until Moody, Wells, a& Goose rocks Beach cases; (2) an act which essentially outlawed the many Old World fees and obligations on land holdings, essentially replacing leaseholds with freeholds

March 4, 1641: Thomas Gorge's Grant (Ogunquit area) 5000 acres

July 14, 1643: Wheelwright, Boad & Rishworth Grant & right to grant land

September 20, 1642; April 17, 1643; July 14, 1643 [3], & November 20, 1645: 6 individual deeds to Wells inhabitants from agents for Sir Ferdinando Gorges [up to this points all grants & deeds were leaseholds with annual fees or quit rents

1645-1651: Town grants of land were made by commissioners: with the exception of one grant [to Francis Littlefield in 1647], all grants and deeds in the town of Wells were issued as freeholds

1651-1653: Mass takeover of western Maine; July 4-6, 1653, Wells annexed by Massachusetts. All inhabitants designated as freemen; selectmen chosen (apparently 1st time)

October 27, 1654-Deed to land from commissioners & selectmen of Wells; apparently signal that land transactions would be made by the town selectmen.

1654-1680: Town grants of land were made by selectmen with single exception of September 9, 1685 grant to William Frost, given to him by "the Inhabitants of the Town of Wells"

1661-1668: period of political unrest (Gorges' heirs, Royal Commissioners)

1661-1664: Gorge's grant declared legal & heirs attempt to retake Maine-would have jeopardized deeds & forced payment of quit-rent past & present—failed

1664-1668: Royal Commission to America-put Maine under the Crown; status of deeds less threatened but small fee or quit-rent-never got off the ground, in 1668 Massachusetts simply returned and continued as before.

1675-1678: King Philips War (major episode) during war there were usually minimal land transactions; properties abandoned due to los of lives, captures and desertions (sometimes permanent

1677: Massachusetts purchased of Gorges' Charter

1678-1684: Maine ruled under Gorges' Charter-didn't touch deeds but those with deeds from Gorges' paid quit-rent, rest an annual fee

1684: Massachusetts' Charter annulled

1684-1688: Massachusetts part of Dominion of New England-individuals in Maine strongly pressured to reconfirm titles & pay annual quit-rents; a number of Mainers did get titles reconfirmed but no evidence that anyone from the town of Wells did so

1688-1692: Maine again governed by Massachusetts as in the period 1678-1684

1692: Massachusetts received Royal Charter & Main included as part of the Bay Colony. Land deeds finally secure from political conflicts

1688-1697: King Williams War (major episode)

1703-1713: Queen Ann's War:(major episode)

1713: Wells Town records Clerks begin: Typical entry: March 26, 1713, "At a Leagall town meeting of the freeholders & other Town of Wells...of the then by a leagall vote [Inhabitants granted land]"

1713-1715 The Town of Wells granted at least thirty five (35) parcels of land and mostly a meadow. The layouts came later.

March 20,1715/16: [Key document] At a Legal town meeting of the freeholders & other Inhabitants of the Town of Wells Qualified to vote in town meeting..." Postponed until Tuesday the 27th, same month, this was the meeting creating the Board of Town Proprietors. The authority for this action was a March 30, 1713 Act by the General Court outlining the structures and procedures for creating a board of town proprietors {a good number of Maine & Massachusetts set up similar groups about this time}. The verbiage of the clerk's account of this town meeting clarified the legal status of the "other inhabitants eligible to vote at a town meeting," On November 6, 1692, the Massachusetts Court passed an Act that those citizens ratable for £20 could vote in town meetings.

June 30, 1715: The Town voted a committee to survey the line between York-Kittery and Wells Eight (8) miles from the Sea and parallel to the foot line by the sea shore according to the Grant our township from Mr. Gorges.

May 04, 1717: The first Proprietors meeting, voted "committee to search the town book relating to the former grants of the Town and to bring a Report to the proprietors as soon as may be of the forfeitures of considerable grants.

July 07, 1720: The Proprietors of the Town of Wells, granted at least thirty (30) parcels, and meadows. The layouts came later.

April 04, 1722: The Proprietors voted a committee to look after the confirmation of lands andto

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examine the town books and proprietors books and find that the grants of lands in the town since the year 1663 are generally conditionally and the grants lands are to return to the town or proprietors in case of nonperformance of a the conditions we therefore judge it proper for all such who have compelled with the conditions in there grants respectively to lay it before the proprietors at some meeting of the proprietors in order to the confirmation there of.

February 25, 1726: The Proprietors call a meeting to confirm all ancient grants and rights that shall be found to be needful....The confirmation of all lot grants.

April 04, 1727: The Proprietors voted that “All those by purchase or heirship have a right to be proprietors.

December 30, 1734: The Proprietors confirmed about thirty five (35) land grants. Also they voted that “all the men in said town of Wells that have a house and land within the same shall be a proprietor.

1737-1742: A series of changes in voting laws during this period indicated that “freeholder or not,” one needed ratable at £ 20 or more to vote in town meetings, & almost for sure to members of the town proprietors board.

1757-1771 and on: The Town of Wells annually voted an official called “Beach Drivers” to prosecute such as shall offend Beach Act concerning the pasturing of animals, and mowing the grasses.

1870s: Major change as tourism, large hotels and beach activities changed the whole image of the sand beaches from roadways, areas to keep from invading marshlands and, except for such activities as seaweed collection, largely worth little, to areas of great economical potential