The Rise and Fall of the Province of Lygonia, 1643–1658

HANNAH FARBER

DURING the 1630s and 1640s, various individuals, companies, and political factions struggled to gain control of the territory of New England, but their efforts lacked coordination. English rulers granted land patents with vaguely defined or overlapping borders. Colonies competed for natural resources not only with one another but with independent settlers, fishermen, and traders who engaged, as the speculator Sir Ferdinando Gorges wrote, in "promiscuous trading without order and in a dis-joynted manner."[1] Plantations were chartered and abandoned; patents were granted and canceled; and provinces the size of kingdoms rose and vanished within a matter of years.

The Province of Lygonia, a territory of approximately sixteen hundred square miles located in the southern region of present-day Maine, was established by two men who had grown powerful in the service of Sir Ferdinando Gorges, an Englishman closely allied with King James I. The first of Lygonia's founders was Thomas Morton, a London lawyer primarily remembered as the nemesis of Plymouth Colony's William Bradford and of Massachusetts Bay's John Winthrop; the second was George Cleeve, a settler and judge prominent in Maine's local histories.[2] Gorges had hired Morton and Cleeve to defend his claim

[1] Sir Ferdinando Gorges, "A briefe Relation of the Discovery and Plantation of New England" (1622), in James Phinney Baxter, *Sir Ferdinando Gorges* (Boston: Prince Society, 1890; reprinted, New York: Burt Franklin, 1967), p. 223.

[2] See, e.g., Henry S. Burrage, *The Beginnings of Colonial Maine, 1602–1658* (Portland: Marks Printing House, 1914); William Willis, *The History of Portland, from 1632*

The New England Quarterly, vol. LXXXII, no. 3 (September 2009).

to the Province of Maine, but the two men betrayed their employer, carving the territory of Lygonia out of Gorges' Maine and fashioning it into an independent province.

To create and maintain New World settlements, English investors pursued a number of different strategies, some more successful than others. Karen Kupperman has contrasted the fortunes of a colony such as Massachusetts Bay, which offered settlers at least rudimentary self-government, and a colony such as Providence Island, which was subject to the strict control of its proprietors in England. Massachusetts Bay proved viable; Providence Island did not.[3] Although Lygonia was not, strictly speaking, a colony, examining its rise and fall can deepen our understanding of the conditions that promoted or curtailed the longevity of New World English settlements. In some senses, the odds were in Lygonia's favor. Unlike Providence Island, or even Massachusetts Bay, it was established by men who had years of firsthand New World experience. Furthermore, the settlers of Lygonia enjoyed at least limited rights to participate in their local government. However, in his capacity as Lygonia's deputy president, George Cleeve failed to take into account the ways in which the constitution of authority was evolving in mid-seventeenth-century New England. As circumstances changed, Cleeve's approach to Lygonia's governance proved inadequate, and before long, the province foundered.

A captain knighted for his service in the armies of Elizabeth I, Sir Ferdinando Gorges became directly acquainted with the New World when Captain George Waymouth gave him three Indians that he had captured on a venture to Maine

to 1864 (Portland: Bailey & Noyes, 1865); and George Folsom, *History of Saco and Biddeford* (Saco: Putnam, 1830; reprinted, Somersworth: New Hampshire Publishing Company, 1975).

[3]Karen Ordahl Kupperman, *Providence Island, 1630–1641: The Other Puritan Colony* (New York: Cambridge University Press, 1993). The success of an English colony, Kupperman asserts, depended on "The granting (or seizure) of land ownership . . . a representative assembly . . . [and] citizen control of the militia" (p. x).

and brought back to England in 1605.[4] Fascinated with the men and their distant homeland, Gorges sponsored a series of subsequent expeditions to New England. These early ventures met with little success, but Gorges' fortunes improved dramatically when King James I authorized him to form the Council for New England in 1620.[5] A vast monopoly, the council granted its members exclusive rights to issue land patents north of present-day Long Island, to control trade in New England, and to fish off its shores.[6] Gorges, who headed the council, immediately issued himself and his partner, John Mason, a patent for the "Province of Maine," which encompassed land lying between the Merrimack and Sagadahoc Rivers and extending sixty miles inland.[7] To govern this territory, Gorges planned an executive structure fit for an empire: comprised of eight bailiwicks divided into sixteen "several hundreds," the colony would be administered by such officers as a chancellor, a treasurer, a marshal, an admiral, a master of the ordnance, and a secretary for the public service.[8]

Although Gorges theoretically controlled English access to Maine, in practice his authority faced significant challenges. Independent English hunters and fishermen had been harvesting the area for decades, and they constantly engaged in the "promiscuous trading" Gorges and other organized interests found so objectionable. Moreover, members of Plymouth Colony, which had been founded with fewer than sixty inhabitants but had rapidly become more successful than any of

[4]Richard Arthur Preston, *Gorges of Plymouth Fort* (Toronto: University of Toronto Press, 1953), p. 36.

[5]Gorges' failed expeditions were John Popham's voyage of 1606 and the *Mary and John* expedition of 1609. See Preston, *Gorges of Plymouth Fort*, pp. 140, 148.

[6]The full text of the 1620 Charter of New England (for the Plymouth Council) is available in Francis Newton Thorpe, *The federal and state constitutions, colonial charters, and other organic laws of the state, territories, and colonies now or heretofore forming the United States of America* (Washington: Government Printing Office, 1909), pp. 1827–40.

[7]"Grant of the Province of Maine," reprinted in Henry S. Burrage, *Gorges and the Grant of the Province of Maine, 1622* (Augusta: Printed for the State, 1923), p. 169.

[8]Sir Ferdinando Gorges, "A Brief Narrative of the Original Undertakings in New England," *Collections of the Maine Historical Society*, vol. 2 (Portland: Maine Historical Society, 1847), p. 46.

Gorges' own attempts at settlement, had begun to encroach on the territory that Gorges and Mason had claimed.[9] By 1625 Plymouth settlers were sailing many miles up the Kennebec River—Plymouth's eastern border, which divided it from Maine, —to trade their corn with Indians in exchange for furs that were almost certainly procured within Maine's borders.[10]

The growth of Plymouth Colony jeopardized Thomas Morton's business interests as well. Forty miles north of Plymouth, Morton built a profitable, independent fur trading business during the 1620s that competed with Plymouth's. William Bradford, Plymouth's governor, approved of neither the competition nor Morton's "licentious" lifestyle.[11] In 1628, Bradford had Morton arrested and sent him to England to stand trial for violating a royal proclamation against trading guns to Indians.[12] Bradford's decision to have Morton tried in England demonstrates his faith that the English legal system—and, most important, Gorges himself as the Council for New England's leading member—would defend the interests of a colony in possession of a legal patent. Gorges, however, was more concerned with the threat Plymouth posed to his own territory and resources than with the threat Morton posed to Plymouth. As more reports of territorial conflict reached him, Gorges, who had no plans to leave the royal court, realized that he needed someone to defend his New England interests on the ground. Morton, a successful fur trader with a legal background and a grudge against Bradford, seemed an excellent candidate. Instead of prosecuting Morton, Gorges hired him and sent him back to New England.

Apprehensive about Morton's motives for returning to the area near his colony, Bradford rearrested Morton in December

[9]Richard D. Brown, *Massachusetts: A Bicentennial History* (New York: W. W. Norton & Company, 1978), p. 33.

[10]William Bradford, *Of Plymouth Plantation, 1620–1647,* ed. Samuel Eliot Morison (New York: Alfred A. Knopf, 1952), p. 178.

[11]Bradford's account of the initial confrontation and his justification for arresting Morton can be found in Bradford, *Of Plymouth Plantation,* p. 205. Morton gives his interpretation of events in *The New English Canaan of Thomas Morton* (Boston: Prince Society, 1883), pp. 282–88.

[12]Bradford, *Of Plymouth Plantation,* p. 210.

1630, burned down his house, and once again expelled him from New England.[13] Six months later, Bradford's suspicions were confirmed. John Winthrop, governor of the new Massachusetts Bay Colony, intercepted and opened a letter from "Sir Ferdin. Gorges (who claimes a great parte of the baye of mass[achuset]tes)" to Morton "by . . . which Lettre it appeared that [Gorges] had some secreat designe to recover his pretended right."[14] Winthrop, like Bradford, despised Morton and had long suspected that Morton was working against him. But by the time Winthrop had discovered the incriminating letter, Morton was safely back in England designing a legal action that he hoped would bring an end to the Massachusetts Bay Colony, an even greater obstacle to his ambitions than Plymouth.

On 9 December 1632, at Gorges' house, Morton and two other men signed an allegation drafted by Morton that the Massachusetts Bay Colony had, as John Winthrop would later describe it, "intende[d] rebellion, to have cast off our Allegeance, & to be wholly separate from the church & lawes of E[ngland]; that our ministers & people did continually rayle against the state, churche, & Bishops there &c."[15] When Morton first brought these charges before the English Privy Council in late 1632, the council dismissed them, even going so far as to rebuke Gorges for encouraging Morton's schemes.[16] The political climate changed, though, when Archbishop William Laud assumed control of the Commission for New England and the Commission for Foreign Plantations in 1634. As Hugh Trevor-Roper has written, these two bodies were created "for the express purpose of dealing with New England Puritanism" and had wide-ranging authority "to legislate for the colonies, to

[13]Bradford, *Of Plymouth Plantation,* pp. 216–17.

[14]*The Journal of John Winthrop, 1630–1649,* ed. Richard S. Dunn, James Savage, and Laetitia Yeandle (Cambridge: Belknap Press of Harvard University Press, 1996), pp. 52–53.

[15]Date from Charles Francis Adams, *Three Episodes of Massachusetts History* (Boston: Houghton, Mifflin and Company, 1903), p. 264. Adams notes that the original affidavit has been lost. Winthrop's quotation is from his *Journal,* p. 90.

[16]W. L. Grant and James Munro, eds., *Acts of the Privy Council, Colonial Series, 1618–1783,* 6 vols. (Hereford, Eng.: Printed for His Majesty's Stationery Office by Anthony Brothers, 1908), 1:183–85.

punish and imprison ecclesiastical offenders, to remove and examine governors, judges, and magistrates, to set up courts both civil and ecclesiastical, to hear and termine complaints, and to regulate charters and patents."[17] Laud's two commissions took Morton's allegations seriously and reopened the case against Massachusetts Bay. Delighted, Morton was convinced that the impending legal judgment against the colony would be sufficient to destroy it. He wrote to a friend, "The King and Council are . . . incensed against [the Massachusetts Bay Colony. . . . I shall see my desire upon mine enemies."[18]

While Thomas Morton was working for Ferdinando Gorges in London, another competition was emerging in the new province of Maine. George Cleeve, a member of the minor English gentry, bought a Maine land patent from the Council for New England in 1630 and crossed the Atlantic with his family, one servant, and his business partner, Richard Tucker.[19] Settling on Richmond's Island, a few miles south of present-day Portland, Cleeve and Tucker built homesteads, fished, and traded furs.[20]

Almost immediately, Cleeve and Tucker were challenged over their rights to the land. Due to a mapmaking mistake or poor recordkeeping, the Council for New England had sold Richmond's Island twice. The other deed to the island was held by two prosperous merchants in England, Robert Trelawny and Moses Goodyear, who planned to invest in developing a fish-drying operation on the disputed property.[21] Although no local authority was empowered to adjudicate such matters, Trelawny and Goodyear's operatives prevailed by means of physical intimidation. In 1633, Trelawny's agent

[17]Hugh Trevor-Roper, *Archbishop Laud, 1573–1645* (London: Macmillan, 1988), pp. 260–61.

[18]Letter to William Jeffreys, quoted in Charles Francis Adams Jr., foreword to Morton, *New English Canaan*, p. 62.

[19]James Phinney Baxter, *George Cleeve of Casco Bay, 1630–1667, with Collateral Documents* (Portland: Gorges Society, 1885), p. 26.

[20]Baxter, *George Cleeve*, p. 45.

[21]Baxter, *George Cleeve*, p. 41; Charles E. Clark, *The Eastern Frontier: The Settlement of Northern New England, 1610–1763* (New York: Alfred A. Knopf, 1970), p. 21.

John Winter, backed by some "thirty brawny fisherman" of the new fish-drying operation, compelled Cleeve and Tucker to abandon their homesteads and move a few miles north to Casco Bay. They lived there for the next several years, all the while continuing to clash with John Winter.[22] Finally, Cleeve sailed back to England, where he met with Gorges in 1636 to plead for his claim to the land. Realizing that the energetic, competitive, and litigious Cleeve could be an asset to his own interests in the Province of Maine, which still existed almost exclusively on paper, Gorges hired Cleeve that year.

An episode recounted by the wealthy London merchant Matthew Cradock, who had served as the first governor of the Massachusetts Bay Company before it sent its first vessel across the Atlantic, illustrates how Cleeve and Morton set about confounding Gorges' competitors. On 15 March 1637, Cradock wrote Winthrop about a disturbing encounter he had had with Cleeve and Morton in London. Cradock explained, "One Mr. Cleve and Mr. Tucker who this last year were with me and pretended great good to our plantation and great favor they could have at Court . . . desired my approbation of some[thing] they intended." Cradock responded, sensibly, that he "could say nothing till [he] saw what it was." Cleeve and Tucker then "brought me a writing which having seen I utterly disliked and disavowed for having ought to do therein." Cleeve suggested that Morton be summoned to speak in favor of the "writing." But Cradock, as a former leader of the Massachusetts Bay Colony, knew Morton's reputation very well and refused to hear him out. "I having noe desire to speake with Mooreton alone," Cradock continued, "putt him of a turne or 2 on the exchange till I found Mr. Pierse and then Caled him to me and in his presence disavowed to have aney thing to doe therein."[23] It is unfortunate for posterity that Cradock did not record the nature of Cleeve and Morton's proposition, but his decision to inform Winthrop suggests that it was connected to

[22] Clark, *The Eastern Frontier*, p. 21.

[23] Matthew Cradock to John Winthrop, 15 March 1636[37], *Winthrop Papers*, vol. 3, ed. Allyn Bailey Forbes (Boston: Massachusetts Historical Society, 1944), pp. 377–79.

Gorges' plans to destroy the Bay Colony. As Cradock's letter indicates, Cleeve and Morton were indeed collaborating against Massachusetts Bay, and their actions posed a grave hazard to the colony's well-being.

In 1637, Cleeve returned to Maine. With the support of Ferdinando Gorges, his fortunes had improved significantly. Gorges had sold Cleeve and his partner, Tucker, an additional fifteen hundred acres in Casco Bay, which increased their landholdings beyond those of their rivals Trelawny and Goodyear.[24] Cleeve's new lands were a better base for the fur trade than Trelawny's; not only were they situated farther to the north, but they encompassed the mouth of a large river that allowed for easy transport of goods. In addition, Gorges commissioned Cleeve to govern the portion of Maine between Casco Bay and Sagadahoc and "withal to oversee [Gorges'] servants and private affairs." Finally, Gorges issued Cleeve three "protection[s] under the privy signet": "For searching out the great lake of Iracoyse, and for the sole trade of beaver, and [for] the planting of Long Island."[25]

Dismayed by the extent of Cleeve's new powers, Winthrop wrote to Gorges. He cautioned Gorges that a "generall dislike [had been] conceaved aganst Mr. Cleeves" among leaders of the English settlements in Maine and Massachusetts, and he claimed that Cleeve was sending "misreports" to Gorges about "miscarriages" committed by the Bay Colony.[26] Winthrop demanded that Gorges rein Cleeve in. The stakes were high: if Cleeve and Morton were to prove their long-standing allegations of misconduct on the part of Massachusetts Bay, England might revoke the colony's charter.

Halfheartedly apologizing, Gorges told Winthrop that he would make amends for Cleeve's actions. He blamed Cleeve's rumor-mongering on "such promises as Moorton his agent [i.e., Cleeve's agent] assured him" and sought to convince Winthrop

[24]"Patent of Sir Ferdinando Gorges to George Cleeve, Jan. 27, 1636," in Baxter, *George Cleeve,* collateral document 2, pp. 216–21.

[25]Quotations describing Cleeve's "protections" are from Winthrop, *Journal,* p. 224.

[26]Baxter, *Sir Ferdinando Gorges,* p. 281.

that Morton was "wholly casheered from intermedlinge with any our affairs hereafter."[27] This was a lie: Morton continued to draft and witness Gorges' patents over the next few years, and he continued to pursue Gorges' lawsuit against Massachusetts, which bore fruit only a few months later.[28] Upon the recommendation of Archbishop Laud, England's Commission for Regulating Plantations ruled the Massachusetts Bay Company to be invalid and ordered the seizure of its assets in early 1638.[29]

With this legal coup accomplished, Gorges' New England empire was at its peak, at least on paper. In 1635, Gorges had dissolved the Council for New England as part of his ongoing effort to dislodge the Bay Colony, and in 1639, the Crown had issued him the exclusive patent to Maine (John Mason had died in 1635).[30] According to this second patent, Maine's southern border ran northwest from the Piscataqua River; its eastern border ran north along the Kennebec River. It was the largest territory in New England under the control of a single man.[31]

As representatives of Ferdinando Gorges, Cleeve and Morton wielded a great deal of authority, but this authority depended largely on their patron's fortunes and his continued goodwill toward them. Both Cleeve and Morton had originally traveled to New England to stake their own claims to New England territory. They had accepted employment with Gorges primarily

[27]"Sir Ferdinando Gorges to Sir Henry Vane, John Winthrop, and Others," in Baxter, *George Cleeve,* collateral document 4, p. 226.

[28]Evidence of Morton's involvement with Gorges' legal work is visible in Gorges' 1640 grant in *York Deeds: Book II* (Portland: John T. Hull and B. Thurston & Co, 1887), fols. 85–86, and his 1641 grant in Charles Edward Banks, *History of York, Maine,* 2 vols. (1931–35; reprinted, Baltimore: Regional Publishing Company, 1967), 1:435–39.

[29]Due to growing trouble within the English Parliament and the impotence of Laud's commission, this act had no long-term consequences for the Bay Colony. As Dunn explains in his edition of Winthrop's *Journal:* "Since the Laud Commission had no way of carrying out the court order, it directed several of the MBC leaders to govern until further notice—but never sent them an official warrant" (p. 221n). During the period immediately following the commission's order, however, Gorges, Cleeve, and Morton had reason to hope that Winthrop's colony would not trouble them for much longer.

[30]"Extract from the Patent to Sir Ferdinando Gorges April 3 1639," p. 1, collection 61, vol. 7, Pejepcot Papers, Maine Historical Society, Portland.

[31]Public Record Office, 29 March 1639, *Calendar of State Papers, domestic series, of the reign of King Charles I,* ed. John Bruce Esq., FSA, and William Douglas Hamilton (London: Longman and Company, 1871), p. 624.

to gain advantage over their local competitors. It is therefore understandable that as soon as they decided that they had become sufficiently powerful in New England to work independently, they began to disobey Gorges' orders.

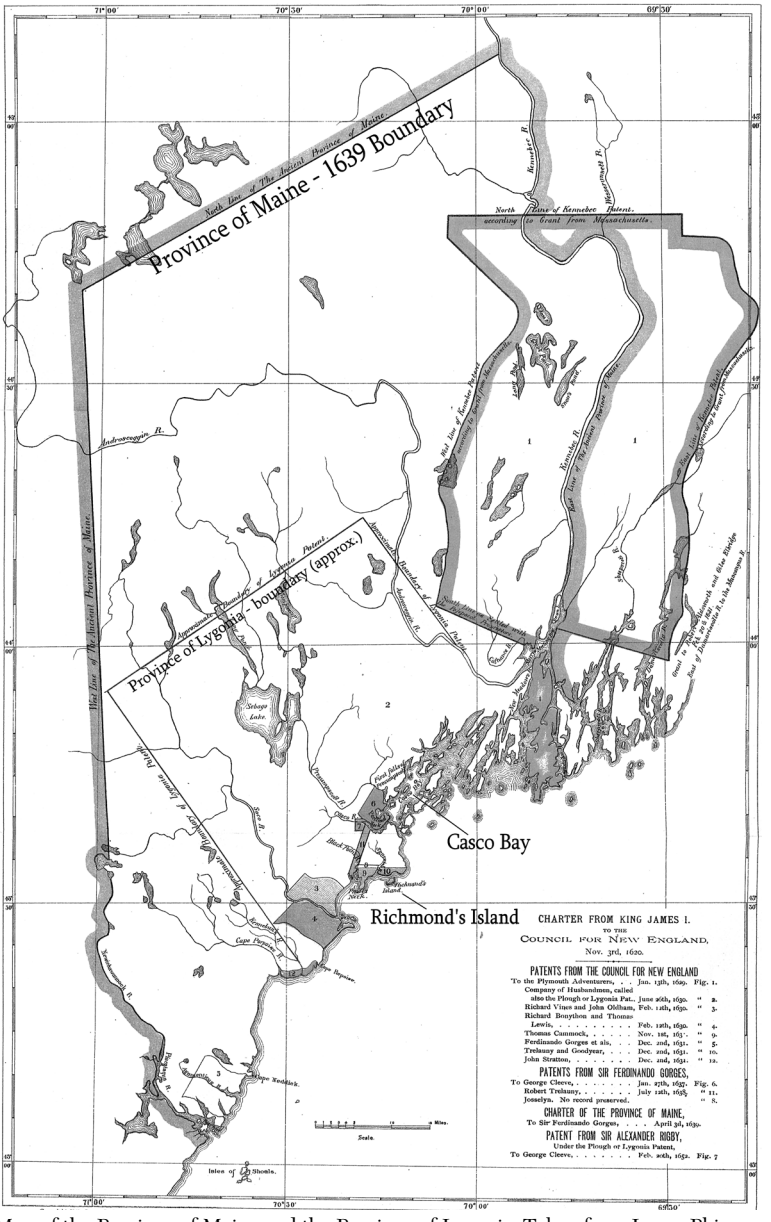
Reports of Cleeve's and Morton's insubordinations appear in a number of sources. In September 1641, Morton refused to hand over certain legal documents to Gorges' young cousin Thomas, a fellow agent. Taken aback, Thomas reported to Sir Ferdinando on "the letters of Incorporation being committed [to] the care of Moorton. We have receaved none, only a letter from him to Mr Godfrey. . . . [Morton] demands 20 nobles [gold coins] from it for his great payns & travell & that we shall have them."[32] In January 1641, Gorges asked his agent Richard Vines, who administered Maine, to collect a legal fee from Cleeve, who refused to pay. Vines wrote to Gorges, noting "Cleives sayes we have nothing to doe, neither have wee any power to levy moeny here upon any writts that come out of England." He asked Gorges "what Course is to be taken that I may free my selfe from blame and the malice of Cleives."[33] Though Gorges theoretically controlled an empire, he in fact had little authority over his own agents.

It was around this time that Cleeve learned about the Lygonia patent, an immense tract of land that the defunct Council for New England had awarded to several London investors in 1630 and that Gorges had named in honor of his mother, Cicely Lygon.[34] Estimates of Lygonia's size vary. The province's southern border ran northwest about fifty miles from the mouth of the Kennebec River, and its northern border ran northwest approximately thirty miles from the mouth of the Androscoggin River. According to the maps provided by James Phinney Baxter in his *George Cleeve of Casco Bay, 1630–1667,*

[32]*The Letters of Thomas Gorges: Deputy Governor of the Province of Maine, 1640–1643,* ed. Robert E. Moody (Portland: Maine Historical Society, 1978), p. 55.

[33]*Winthrop Papers,* vol. 4, ed. Allyn Bailey Forbes (Boston: Massachusetts Historical Society, 1944), p. 309.

[34]Baxter, *George Cleeve,* pp. 22, 24.



Map of the Province of Maine and the Province of Lygonia. Taken from James Phinney Baxter, *George Cleeve of Casco Bay, 1630–1667* (Portland: Printed for the Gorges Society, 1885), p. 150, and modified by Hannah Farber to accentuate province borders.

Lygonia totaled perhaps sixteen hundred square miles and made up about a third of Gorges' 1639 Province of Maine.[35] By John Reid's calculations, it occupied a smaller proportion of Maine, but Lygonia's importance in New England extended beyond its size.[36] Cleeve's tracts in Casco Bay, John Winter's fishing and trading station at Richmond's Island, and most of Maine's more densely populated south all fell within Lygonia's boundaries. Lygonia also included almost the entire length of Maine's coastline; whoever owned it could control access to the coast and to most of Maine's rivers. Furthermore, the Lygonia patent, unlike any later patents issued by the Council for New England, possessed two important legal characteristics. It authorized its owners to rule themselves as they saw fit, and it predated Gorges' 1639 claim to Maine by a full decade.[37]

When Sir Ferdinando Gorges dissolved the Council for New England and reconfirmed his exclusive title to Maine, he had probably forgotten about Lygonia. Its London-based owners, who lost interest in New England after only a few years, made no effort either to retain or to sell the patent.[38] Therefore, in the language of the time, it had become a "broken tytle."[39] Such titles were extremely common in New England during the 1630s and 1640s. Once abandoned, it was generally assumed, a broken title could not be reclaimed. But Cleeve realized that if he could resuscitate the patent, he could assert that it superseded Gorges' 1639 claim to Maine. By creating an independent Lygonia, Cleeve could control southern Maine's fur trade and its access to the sea. He could even establish his own government.

On 4 June 1642, Cleeve sailed to England and obtained an audience with Parliament. As far as anyone in New England

[35]Author's estimate using map insert in Baxter, *George Cleeve*.

[36]John G. Reid, *Maine, Charles II, and Massachusetts: Governmental Relationships in Early Northern New England* (Portland: Maine Historical Society, 1977), maps 6 and 7, pp. 250–51.

[37]Baxter, *George Cleeve*, p. 22.

[38]Adams, foreword to Morton, *New English Canaan*, pp. 84–85.

[39]"Richard Vines to John Winthrop," in Baxter, *George Cleeve*, collateral document 16, p. 260.

understood, his mission was to "make his complaints known about his treatment in Maine"—to press his claims to land and trading rights within Maine and to denounce his many enemies, among whom were Ferdinando Gorges' agent Richard Vines, the London merchant Robert Trelawny, Trelawny's agent John Winter, and of course the government of Massachusetts Bay.[40] Thomas Gorges, then serving as Maine's deputy governor, resented Cleeve's constant carping. "I believe we should have found matters sufficient against [Cleeves] to cut his ears & banish him," he wrote to his cousin. "Never was there such a factious fellow in a Collony." The younger Gorges also confided to Sir Ferdinando that he believed Cleeve was spying on him. "He is gone in the Virginian ship," he added, "& if possibly he can, I know he will intercept my letters."[41]

But Cleeve had a different agenda. When he reached London, he presented Parliament with a petition that leveled numerous accusations against his long-time employer:

> Sir Ferdinando Gorges hath of late years without any lawful authority, set over your petitioners and the said other planters several Governors and other officers, who contrary to the said her patent exercise unlawful and arbitrary power and jurisdiction over the persons and estate of your petitioners and the said other planters to their great oppression utter impoverishment and the hindrance of the plantation in these parts.[42]

During the rule of James I, such a petition would have almost certainly been rejected out of hand. Ferdinando Gorges supported his monarch faithfully, and when the king first gave him authority over New England, the legality of his holdings would have been considered secure. But Gorges' standing in court had gradually waned after James I's death in 1625. Gorges had spent his own fortune on the colonization of New England as

[40]Thomas Gorges, *Letters,* p. 93n. Moses Goodyear died in 1637 (see Burrage, *The Beginnings of Colonial Maine,* p. x).

[41]Thomas Gorges to Sir Ferdinando Gorges, 29 June 1642, in Gorges, *Letters,* p. 113.

[42]"Cleeve, George. Petition to Parliament ca. 1642," Collections S-1979, misc. box 96/2, Maine Historical Society.

well as that of the three wives he had outlived, but he had found no precious metals and had been unable to monopolize the trades of fish, fur, or lumber. His several agents had established themselves more or less successfully as local leaders but had raised scant taxes from Maine's fishermen, itinerant traders, and impoverished settlers. And now, England's political climate was shifting dramatically. King Charles I was locked in fierce battles over taxation and religion with the increasingly rebellious Parliament.

The new Parliament, not surprisingly, sympathetically attended to the Puritan Cleeve's petition against the royalist Gorges. Although the petition recommended no particular remedies—Cleeve had only suggested that Parliament "take the premises into due consideration, and to cause redress thereof to be made and due recompense to the parties grieved"—Cleeve in fact had a specific course of action in mind.[43] On 3 April 1643, he assembled the remaining owners of the 1630 Lygonia patent and oversaw the patent's sale to prominent Puritan Parliamentarian Alexander Rigby.[44] Under King James, the Lygonia patent would likely have been deemed a broken title, but the Parliament of 1643 was happy to undermine the holdings of Gorges by recognizing a competing land grant newly transferred into Puritan hands.

For Cleeve's ambitions, Alexander Rigby was the ideal proprietor. Deeply involved in the brewing English Civil War, he had no intention of closely governing his vast new province. He appointed Cleeve "Deputy-President of Lygonia" and sent him back to New England to manage the territory's affairs. Nominally, Cleeve was Rigby's agent, obligated to obey his directives, but since Rigby issued almost no directives, Cleeve effectively became Lygonia's ruler.

Though no historian has proven that Thomas Morton had a role in establishing Lygonia, the evidence of his involvement is

[43]"Cleeve, George. Petition to Parliament ca. 1642."

[44]"An abstract of the title of Edward Rigby Esq to the Province of Ligonia in New England 1620 1686," 3 November 1620, Collections 61, vol. 7, Pejepscot Papers, p. 8a, Maine Historical Society.

strong. First, although Morton was serving as Gorges' solicitor and spy as late as September 1641, as soon as Lygonia was made over to Rigby, Morton began working for him instead. Most notably, Morton witnessed the 1643 deed by means of which Rigby officially granted Cleeve his longtime home of Casco Neck.[45] Second, only a few months after Rigby bought Lygonia, Morton wrote his will. In it he claimed to own "One parcell of Land in the Province of Ligonia containing two thousand acres lying in Casco Bay," which would have bordered on Cleeve's Lygonian properties, as well as "two Islands in Casco Bay called the Clapboard Islands . . . [and] all that one Island called Martin's Vineyard."[46] Though Morton's deed to these lands does not survive, he likely received the land from Rigby almost immediately after Rigby assumed the Lygonia patent.[47]

George Cleeve had resided at his Casco Bay homestead between 1637 and 1642, the five years before Rigby purchased Lygonia. He would have had little opportunity to assess the suitability of Rigby—who had no previous involvement with New England—as a proprietor or to make contact with him. Morton, on the other hand, had spent those years in London. He was well situated to evaluate Rigby's potential interest in the property and to keep abreast of the political changes that made double-crossing Gorges feasible. Morton could easily have met with Rigby as discreetly as he had met with Matthew Cradock a few years before.

Although historians have been noncommittal on the issue, the leaders of Plymouth and Massachusetts Bay firmly believed that Morton and Cleeve continued to work together after leaving Gorges' employ. In 1643—the year in which Rigby bought

[45]"Grant of Casco Neck and Hog Island from Sir Alexander Rigby to George Cleeve," Baxter, *George Cleeve,* collateral document 13, pp. 246–50.

[46]"Will of Thomas Morton of Clifford's Inn, Gent," 23 August 1643, in Charles Edward Banks, ed., "Thomas Morton of Merry Mount," *Proceedings of the Massachusetts Historical Society,* vol. 58 (Boston: Massachusetts Historical Society, 1925), p. 163.

[47]Though he has a reputation as a trickster, Morton almost never made indefensible legal claims. In addition to Lygonian land, Morton's will assigned to his heirs the island of Martha's Vineyard; this too is plausible, for the island was part of Gorges' original Maine grant. After Morton's death, no other claimant stepped forward and it remained officially "No Man's Land" until 1650. See Charles E. Banks, *The History of Martha's Vineyard,* 3 vols. (Boston: George H. Dean, 1911), 1:132.

Lygonia and Morton wrote his will—Morton returned to New England. On 7 November, prominent Plymouth colonist Edward Winslow alerted Governor Winthrop that Morton had been seen in the area. Winslow did not believe that Morton posed an imminent threat—"He cannot procure the lest respect amongst our people," Winslow wrote, and "liveth meanely at 4s per week"—but he was troubled that Morton was claiming an assignation from Alexander Rigby. "The truth is I much question his pretended employment," Winslow wrote, "for he hath heer onely shewed the Frame of a Common weale and some old sealed Commissions, but no inside knowne." The sealed commissions do not survive, and it is possible that Morton had indeed forged them, but whether the papers were false or legitimate, Winslow was certain that Morton and Cleeve were allies in a plot against his colony. His letter to Winthrop continued:

> As for Mr Rigby, if he be so honest good & hopefull an instrument as report passeth on him, he hath good hap to light on two of the arrantest known knaves that ever trod on New English shores to be his agents East and West, as Cleves & Morton; but I shall be jealous on him till I know him better, & hope others will take heed how they trust him who investeth such with power who have devoted themselves to the ruine of the country as Morton hath.[48]

After assisting in Lygonia's founding, Morton seems to have had no further dealings with the province. He lived out the final years of his life in the town of Agamenticus (present-day York), fifty miles southwest of Casco Bay. The last record of his life is a deed dated August 1646 that bears his signature as witness; the precise date of his death is unknown.[49]

As deputy president of Lygonia, Cleeve immediately set to work organizing the province's government. In 1640, he instituted a Lygonian circuit court that rotated sessions among

[48]Edward Winslow to John Winthrop, 11 November 1643, in *Winthrop Papers*, 4:428.

[49]Sybil Noyes, Charles Thornton Libby, and Walter Goodwin Davis, *Genealogical Dictionary of Maine and New Hampshire*, s.v., "Morton, Thomas" (Baltimore: Genealogical Publishing Co., Inc., 1988), p. 495.

the towns of Casco, Black Point, and Saco.[50] To supplement the court, he "nominated Commissioners, a Coronell Generall, Provost Marshall, and other officers."[51] Given his firsthand knowledge of the territory and its inhabitants, Cleeve knew that these positions would prove more effective than the feudal offices Gorges had sought to establish for Maine years before. Denominating himself "Geo. Cleeves Gentl. & Agent for ye Allexander Rigsby presedent & ppriatr of the provinc of Ligonya," he sold settlers parcels of Lygonian land.[52] Although he referred to himself as Rigby's agent in these deeds, the ambiguous placement of the title "presedent & ppriatr" beneath the two men's names suggests how Cleeve was positioning himself. He even made an effort to garner grassroots support, sending his longtime partner, Richard Tucker, from town to town to persuade the new Lygonians to "set there handes to" participation in the new government "for the better approving of what they [had] begun."[53]

In spite of his impressive title and thoroughly respectable backer in England, Cleeve still had to contend with Richard Vines, who administered what remained of Gorges' Maine. Though Parliament had recognized Lygonia, it could not guarantee the province the respect of it neighbors. Furthermore, the outbreak of civil war in England proved an obstacle to Cleeve's easy assumption of authority. The powerful men who claimed New England property and who had influence within the English legal system could not spare the time to mediate among their deputies abroad. Between 1644 and 1645, while Oliver Cromwell's armies routed King Charles's forces, Gorges fled London and Rigby served as one of Cromwell's colonels. Letters from New England to both men

[50] Baxter, *George Cleeve*, p. 151.

[51] "Richard Vines to John Winthrop," in Baxter, *George Cleeve*, collateral document 8, p. 233.

[52] [George Cleeve], "A True Copy of the deede that Ncoles White took for the land that John Wallis now possesseth of mr Cleeues," DS George Cleeve, August 1648, transcription by John Plummer, George Cleeve Association, Portland, Maine.

[53] "Richard Vines to John Winthrop," in Baxter, *George Cleeve*, collateral document 8, pp. 233–34.

went unanswered.[54] Though George Cleeve and Richard Vines still portrayed themselves as agents fighting to protect their patrons' rights, during the years of the Civil War, Maine and Lygonia received little direction from England.

Since judgment from abroad proved impossible to obtain, both Cleeve and Vines requested that Massachusetts Bay issue a temporary verdict until word arrived from England. As John Winthrop noted,

> When Mr. Cleaves . . . called a court at Casco, Mr. Richard Vines and other of Sir Ferdinando Gorges' commissioners opposed, and called another court at Saco the same time: whereupon the inhabitants were divided; those of Casco, etc, wrote to Mr. Vines that they would stand to the judgment of the magistrates of the bay till it were decided in England, to which government they should belong.[55]

Cleeve and Vines's agreement to abide by a decision from Massachusetts would set an important precedent for the relationships among the governments of Maine, Lygonia, and Massachusetts.

In his interactions with Massachusetts Bay and other local entities, Cleeve leaned heavily on Rigby's name to ensure his legitimacy. On 3 May 1645, he wrote to the Massachusetts Bay government that he had "Receved from Mr Rigbie lettars of derection & advice to pcede in the Government of his pvinc of ligonia." He asked Winthrop "to writ by yor Jenerall lettar to our oposits to deter them from there illeagall psedings and a lettar to our people of legonia to advice and incoridg them that . . . they may and ought to adheare to mr Rigbis lawfull Athoritie." He signed this letter, as he signed many others, "GEORGE CLEEVE for and in behalfe of the people of Ligonia."[56]

In 1645, events in England tipped the scales decisively in favor of Lygonia's legitimization: Oliver Cromwell's Puritan

[54]See Winthrop, *Journal,* p. 618. In his entry of 26 March 1646, Winthrop notes that the jurisdictional conflicts between Maine and Lygonia had not been resolved, as news of the decision in favor of Lygonia had not yet arrived.

[55]Winthrop, *Journal,* p. 496.

[56]"Letter of George Cleeve to Massachusetts Authorities," in Baxter, *George Cleeve,* collateral document 15, p. 256.

faction took control of Parliament. Though a lifelong royalist, Gorges posed little danger to the new regime; he was well into his seventies and penniless. Cromwell confined him to his country estates, where he spent his last days writing about the beauty of the New World he had never seen.[57] Cleeve, seeking further to discredit Gorges' authority, spread a rumor that he had died attempting a "flight into Walles," while Vines countered by claiming to have a letter "which . . . import[ed] Sir Fferd: Gorges his good health, with the restauracion of his possessions again."[58] With no word forthcoming from Gorges, however, Vines—who depended on Gorges far more than Cleeve depended on Rigby—could no longer maintain his authority, and in 1645 he left Maine for Barbados.[59] Sir Ferdinando Gorges died fewer than two years later and was buried on 14 May 1647.[60] George Cleeve, who had been administering Lygonia since 1643, petitioned Cromwell's government to confirm his authority over the province. Eventually, he prevailed. In March 1646, the Puritan Parliament appointed new commissioners for North America, and they promptly acknowledged Rigby's Province of Lygonia.

At last, Cleeve's authority over Lygonia appeared incontrovertible. With Morton's assistance, he had taken a third of Gorges' Maine, established therein an independent government, and won acknowledgment for it both locally and in England. In fact, Cleeve seemed so formidable that the residents of neighboring Maine wondered if he would try to take control of their towns as well. In 1649, the circuit court of Maine, which Gorges had created in 1640, recorded a defensive resolution: "In case Mr. Cleaves or any other shall make any

[57] Baxter, *Sir Ferdinando Gorges,* p. 194.

[58] "Richard Vines to John Winthrop," in Baxter, *George Cleeve,* collateral document 8, p. 235.

[59] Baxter, *Sir Ferdinando Gorges,* p. 194. Also see *Genealogical Dictionary of Maine and New Hampshire,* s.v., "Vines, Dr. Richard," pp. 705–6.

[60] Adams, foreword to Morton, *New English Canaan,* p. 120n.

clame which cannot legally apeare of the people of Welles, or any people of this province . . . then the sayd persons . . . shall [give] mutuall assistance . . . as nede shall require to secure them from any such unnecessary molestations."[61]

The precaution proved unnecessary. Within a few years of Parliament's ratification of his authority, Cleeve's regional influence had already ebbed. Ironically, it had done so because of the very government he had sought to institute. The General Assembly of Lygonia, which was established on 22 September 1648, had installed Robert Jordan, a former agent for Cleeve's rival Robert Trelawny, as its president and Cleeve as its deputy president.[62] Cleeve, Jordan, and a former agent of Gorges' named Henry Josselyn became the judges of the province. As the nominal agent of powerful Englishmen—first Gorges, then Rigby—possessing a largely unwritten agenda, Cleeve had been free to take whatever course of action he thought best; as the deputy president of a government composed of his peers, he was accountable to his fellow landowners. Moreover, as local infrastructures in New England grew in importance, the value of Cleeve's personal relationship with the Rigby family dwindled. In a sense, he had made the same mistake as had his former employer Gorges; he had trusted that legal rulings in England, combined with an ongoing relationship to high-ranking members of the English government, would be sufficient to protect the legitimacy of his title.

Cleeve was aware that his authority in the province was slipping away. In 1652, in an effort to reclaim full control of Lygonia, he sailed to England to meet privately with Edward Rigby, who had inherited Lygonia upon his father's death. Cleeve must have defamed the province's other judges convincingly, for he returned to Lygonia with a new thousand-acre patent and a demand from Rigby that the current elected Lygonian leaders "desist acting any Thing Virtute officii . . . until you hear further

[61] *Province and Court Records of Maine,* 6 vols., ed. Charles T. Libby, Robert E. Moody, and Neal W. Allen (Portland: Maine Historical Society, 1928–75), 1:136.

[62] George Folsom, *History of Saco and Biddeford* (1830; reprinted, Somersworth: New Hampshire Publishing Company, 1975), p. 61.

from me."[63] With Cleeve's encouragement, Rigby intended to govern Lygonia as Gorges had governed Maine: through agents, orders, and commissions. "I shall with all convenient Speed," Rigby added decisively, "not only send back Mr. Cleeve [to Lygonia] but a near Kinsman of my owne with Instructions and Comissions." But the Lygonians ignored Rigby's orders, and Rigby seems to have taken no further action.

Even more than the decline of English authority, the growth of Massachusetts Bay, a local power, proved the undoing of Lygonia. By the mid-1650s, the Massachusetts Bay Colony's government was larger and better organized than the governments of its northern neighbors. Its citizens enjoyed the rights of trial by jury and the freehold tenure of land; members of each individual town elected councils to write bylaws as well as deputies to attend sessions of the General Court.[64] The population of Massachusetts had grown to approximately 14,000 by 1650, and it was expanding rapidly.[65] Though the colony had experienced a depression throughout much of the 1640s, colonists continued to farm and trade, and by the end of the decade the Massachusetts economy had stabilized.[66]

By contrast, Lygonia's settlements remained small, scattered, and impoverished. In 1650 only about twelve hundred English lived in Maine year round.[67] Although the region's abundant fish and lumber had enriched individual merchants, Lygonia had not profited as a whole, and its economy was languishing. Even the fur trade was failing. The province's government, though certainly functional, consisted essentially of a

[63]"Edward Rigby's Letter to the Inhabitants of Laconia," in Baxter, *George Cleeve,* collateral document 24, pp. 285–86.

[64]Edmund S. Morgan, *The Puritan Dilemma: The Story of John Winthrop* (Boston: Little, Brown and Company, 1958), pp. 171–72.

[65]Colonial Statistics, "Estimated Population of American Colonies: 1610–1780," *Historical Statistics of the United States, Colonial Times to 1957: A Statistical Abstract Supplement* (Washington, D.C.: U.S. Bureau of the Census, 1960), ser. Z 6, p. 756.

[66]James McWilliams, *Building the Bay Colony: Local Economy and Culture in Early Massachusetts* (Charlottesville: University of Virginia Press, 2007), pp. 63–65.

[67]Colin Woodard, *The Lobster Coast: Rebels, Rusticators, and the Struggle for a Forgotten Frontier* (New York: Viking, 2004), p. 103.

bare judiciary of local landowners.[68] Little had changed in Lygonia since John Winter described it to his sponsor Robert Trelawny in 1639:

The people about these parts ar very poore, for I Cannot Conceave what the Can have out of the Country to by them Clothes. The bever trade doth faile which was their Cheffest stay for buy them Cloths. The woules do kill their goates & swine, wherin the had a good hope to gaine som thinge about them. Now they Can hardly keep so many to find them meat. Som Indian Corne the sell at harvest tyme, but ar faine to buy againe before harvest Comes againe, & som have no bread in 2 moneths before harvest Com that their Corne be ripe, for wants of meanes to buy ytt.[69]

Massachusetts saw an opportunity in Lygonia. As John G. Reid has written, the colony's leaders were aware of the region's natural resources and were "uncomfortable" with the minimal government regulating such an important buffer region.[70] The Bay's commissioners, under the pretext of resolving an old border dispute, began traveling from town to town, suggesting that settlers in Maine and Lygonia might better secure their prosperity and legal rights by joining Massachusetts Bay.[71] Cleeve, of course, was dismayed and protested to John Winthrop that it was unfair for Massachusetts' commissioners to approach the citizens of a sovereign province in this way. The Massachusetts government replied simply, "We have not endevoured to infringe the liberties of the planters of those lands, but have offered them the same with ourselves."[72]

The settlers living north of Massachusetts found this proposition attractive. Town by town, the residents of Maine voted

[68]Reid, *Maine, Charles II, and Massachusetts,* writes: "In March 1640, Gorges had appointed seven council members equipped with full powers to proceed against pirates, to judge cases, both civil and criminal, and to imprison offenders. Beyond this no powers were granted, and thus the government of Maine consisted basically, up until 1652, of a government by a judiciary" (p. 8).

[69]*Trelawny Papers,* ed. James Phinney Baxter (Portland: Hoyt, Fogg, and Donham for the Maine Historical Society, 1884), p. 171.

[70]John G. Reid, *Acadia, Maine, and New Scotland: Marginal Colonies in the Seventeenth Century* (Toronto: University of Toronto Press, 1981), pp. 130–31.

[71]Folsom, *History of Saco and Biddeford,* pp. 84–85.

[72]"Answer of Massachusetts to George Cleeve Respecting her Northern Boundary," in Baxter, *George Cleeve,* collateral document 27, p. 295.

to bring themselves under the protection of the government of Massachusetts Bay. Though Lygonian towns held out longer, they too soon accepted Massachusetts' jurisdiction, and on 13 July 1658, Cleeve, along with his fellow judges, Jordan and Jocelyn, formally agreed that Lygonia would become "subject to the Government of the Massachusetts Bay."[73] Cleeve was allowed to remain in the government as a commissioner for Falmouth, formerly a Lygonian town. From the rank of deputy president of a New World province, he fell to the position of a small-claims judge with a two-town jurisdiction, able to hear cases up to the value of fifty pounds without a jury.[74] Though he retained this role to the end of his life, Cleeve apparently remained discontented: one of the last documents bearing his name is a public statement he made on 26 July 1666, at the age of eighty-two, pledging "to bee of good behaviour towards all men."[75] He died soon thereafter.

During its brief existence, Lygonia possessed two of the three characteristics Karen Kupperman has identified as critical to the success of a colony: it offered its residents the right to land ownership and to a rudimentary form of self-government.[76] If Lygonia had adopted the third measure—a militia under civilian control—Cleeve might have been able to ward off Massachusetts' advances, assert his province's sovereignty, and ensure its independence. Alternatively, if Lygonia had fashioned a strong local economy, its residents might have felt more committed to its ongoing autonomy. Given his firsthand knowledge of New England, his entrepreneurial spirit, and his enviable associations, Cleeve's failure to develop Lygonia may seem puzzling, but his ultimately unsuccessful approach to its governance can best be understood as a continuation of the strategy that had enabled him to establish the province a decade earlier. Together with Thomas Morton, Cleeve built Lygonia through legal and political maneuvering, and he sustained the

[73]"George Cleeves chosen, at a Court houlden at Yorke July 12, 1658, as one of the Commissioners for Falmouth for the yeare Insewing," in Baxter, *George Cleeve,* collateral document 30, p. 299.

[74]Baxter, *George Cleeve,* pp. 174–75.

[75]*Province and Court Records of Maine,* 1:316.

[76]Kupperman, *Providence Island,* p. x.

perception of its legitimacy through his connections to powerful men in England. When Parliament acknowledged Lygonia, Cleeve believed that his authority was secure. But as the Massachusetts Bay Colony grew and as its leadership began to gain broader acceptance across New England, Cleeve's ties to English authority lost much of their significance. The English Civil War, too, contributed to the development of local authority, because it disrupted communication across the Atlantic at a critical moment in the history of New England's settlements.

Thomas Morton captures the importance of the trend toward local authority in New England in one of the more melodramatic passages of his *New English Canaan,* where he reflects on the 1630 arrival of the settlers of Massachusetts Bay, who, along with those of the Plymouth Colony, made it impossible for Morton to live as he pleased in New England. "These men have brought a very snare indeed," he wrote, "And now [I] must suffer."[77] The "snare" of the Puritans, in Morton's metaphor, was the body of laws they had created for their colony. More than the actions of any single individual, the existence of an organized government in Massachusetts Bay, with its own legal system, barred Morton from pursuing his own and his sponsor's aims in New England. He, and Cleeve after him, could outmaneuver any number of enemies, so long as they were independent of one another. However, neither Morton nor Cleeve could best a flourishing, coordinated local government that was widely recognized by the region's English inhabitants. "[My] doome before hand was concluded on," Morton grimly reported. "They have a warrant now."

[77] Morton, *New English Canaan,* p. 311.

Hannah Farber *is a graduate student in American history at the University of California, Berkeley. This article is adapted from an essay that received Yale University's 2005 John Addison Porter Prize for best undergraduate essay on the political, constitutional, or economic history, condition, or future of the United States.*