

The History of the Incorporation of the Town of Eliot Maine

by Eric R. Christian, Eliot Historical Society

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Today we mark the 200th anniversary of the Incorporation of the Town of Eliot. Two hundred years is a long time. For many of the children here today, this was the time that your grandfather's, grandfather's, grandfather's grandfather was alive. As long a time as that seems, the history of the land and the people who lived in what would become Eliot is even older. When Eliot first became a town, Europeans had been walking on this land for 187 years. Native people were fishing the rivers and farming the fields for thousands of years prior to that. In order to understand the history that led to our incorporation in 1810, it is necessary to explore some of this earlier history. A detailed study of this history could make for a very long speech, but I will try to provide a short summary of the events. A key part of that summary, as we shall see, is the fact that not everyone was in favor of a separation from Kittery, and the separation did not occur without some very vocal opposition. The issues that surrounded our incorporation represent a fascinating period of American history. A time when our republic was taking its first baby steps in this American experiment.

Before 1810 Eliot was a separate parish of the town of Kittery. A parish was a geographically convenient sub-division of a town. Each parish would have its own meeting house and parish minister. The parish meeting house was a combination church and town hall for the parish inhabitants. It did not seem strange then to combine church and secular matters in one meeting as most of the inhabitants all attended the same church. In 1660, the Massachusetts General Court, for Maine was then a part of Massachusetts, ordered the town of Kittery to build at least two meeting houses and employ two ministers to serve the spiritual needs of the inhabitants. The inhabitants, however, decided that at least three parishes were necessary as Kittery at that time encompassed, what is today, Kittery, Eliot, South Berwick, Berwick, and North Berwick. So on July 17, 1660 the area that is Kittery today, became the 1st or Lower Parish. Eliot became the 2nd or Middle Parish, and the Berwicks became the 3rd, or Upper Parish. This Upper Parish became known as the Unity Parish and in 1715 separated from Kittery to

become the town of Berwick with its own parish subdivisions. Subsequently, Kittery had only two parishes: the Lower Parish and the Upper Parish which was Eliot. In 1750 a new Third Parish was formed in the area of Spruce Creek so that at the time Eliot was incorporated, Kittery was made up of three parishes, of which the Upper Parish which would become Eliot, made up nearly half of the population of inhabitants and thus nearly half of the taxes assessed for the town.

On April 27, 1809, the inhabitants of the Upper Parish gathered at the Second Meeting House which was located at the intersection of today's Old Road, Fore Road, and River Road. In 1715, this parish meeting house replaced a smaller one which was located at the intersection of Greenwood Street and Main Street. At this parish meeting in 1809, the inhabitants voted to send General Andrew Pepperell Fernald to petition the Massachusetts General Court for a separation from Kittery. It is recorded that at this meeting there were only 13 dissenting votes. What led to this vote? Why would the inhabitants of the Upper Parish wish to separate from the town of Kittery? A town they had been a part of for 162 years? There were a number of reasons given for this action. Some of the reasons had been building up over the past decades as New England was moving from a region where one church dominated peoples' lives, to one of religious pluralism where many different protestant denominations established themselves and began to challenge the old "Standing Order" of Congregational dominance. This change accelerated after the ratification of the U.S. Constitution which enshrined the concept of religious freedom and tolerance, and prohibited government from the establishment of any single religious group or denomination as an official State religion. It was in this environment that the final decisive events occurred which convinced the leaders of the Upper Parish that they should petition the Court for a separation. In the spring elections that year, selectmen were nominated and chosen whom the proponents of separation felt did not represent the interests of their parish. Although the Upper Parish represented half the population of Kittery, the annual Town Meeting for the town of Kittery was held in the Meeting House of the Third Parish at Spruce Creek. The inconvenience of travel to the meeting from the Upper Parish, more than 7 miles for some at a time when a horse or one's own feet were the typical modes of transportation, inevitably led to a lower attendance and thus a lower representation at the annual town meeting for the Upper Parish. The selectmen who had been elected that spring to represent the Upper Parish, though they were legal inhabitants, were not members of the Congregational parish, but instead had loyalties to the church ministries of the Third parish. For the proponents of separation, this was akin to a complete lack of representation of the parish in town affairs and they felt this election had been decided in a surreptitious manner. They were wary of this situation due to an earlier struggle in 1792 when they had called the Reverend Samuel Chandler to become their new minister after their previous minister, the Reverend Alpheus Spring, had died. Some of the inhabitants who did not attend the congregational parish meetings sought to block his ordainment and instead wanted a different minister, for at this time in our history old traditions held and the settling of church ministers was still considered the business of town government. In the end, the leaders of the Upper Parish persevered and settled their new minister while some of those who were opposed petitioned the Court to leave the Upper Parish and become part of the Third Parish. This entire episode left a sour taste in the mouths of the leaders of the Upper Parish. This bitterness was renewed with the spring elections of 1809.

Another reason given by the proponents of separation in their petition was the fact that the people of the Upper Parish were different than those of the First and Third Parishes. The First and Third parish were farmers, mechanics, traders, sea-faring men and fishermen, while the Upper Parish were mostly farmers and a few mechanics and are described in their petition as “civil industrious”, which is a refined way of calling them hard working and ambitious whereas this adjective was not applied to the inhabitants of the First and Third Parishes. This subtle distinction was made in order to point out the difference in attitude among the inhabitants of the parishes with regard to the paying down of town debt. These “civil industrious” farmers of the Upper Parish hated to pay interest on public debts and were more inclined to raise monies specifically for the purpose of eliminating that debt, while the First and Third parishes were mostly against this type of fiscal action and were content to carry debts forward from year to year. To the proponents of separation this was a valid reason for incorporating their own town so they could have full control over their fiscal condition and policies.

In response to the petition for separation presented by Andrew P. Fernald, the Court of the Commonwealth of Massachusetts ordered that “all persons interested may then appear and shew cause (if any they have) why the prayer of said petition should not be granted.” A remonstrance to the petition for separation, written in May, 1809, sought to counter the arguments of the proponents of separation. In this remonstrance, the opponents of separation made the claim that the town of Kittery was not so large that administration of town affairs would become unwieldy, and that the three parishes have been able to conduct town affairs peaceably for many years. They admitted that the town was in debt, but pointed out that a large chunk of that debt was owed by the Upper Parish. The opponents also believed that a separation would result in a greater expense for both sides as schools and other public facilities would need to be built. They went on to claim that the decision to petition for separation was done in haste as an emotional reaction to the spring elections and not the result of “due reflection”. In fact a few of the early proponents of separation changed their minds after thinking it over. Stephen Neal, wrote to the Court that “on mature deliberation, I am now fully convinced that it will not be for the general good of said Parish to grant the prayer of said petition”. In January of 1810, the town of Kittery even sent a committee of representatives to the Court of Massachusetts to further argue their case against separation. They repeated many of the same arguments against separation but added that due to the barrenness of the soil of the First and Third parishes, there will always be more applications for public support from inhabitants of the First and Third parishes who cannot support themselves through farming. This burden had been jointly borne by all three parishes, but would now fall only on the First and Third parish if the petition for separation was granted.

A final parish meeting was scheduled for January 15, 1810 at the Upper Parish meeting house to decide whether the parish wanted to send agents to the General Court of the Commonwealth to carry the petition for separation into effect. There are a couple of interesting facts about this meeting. First, it is interesting to note that this meeting was scheduled by the assessors of the Upper Parish for January 15. January 15 was the exact same time as the annual parish meeting for the Third Parish. The opponents of the separation later argued that this was not mere coincidence, but was timed to cause a scheduling conflict which was meant to reduce the chances that those Upper Parish inhabitants with ties to the church of the Third Parish would be able to attend. Some of these inhabitants did choose to

attend this meeting and this is where the long simmering disputes came to a head. Andrew P. Fernald was elected moderator, and at some point during this meeting, some of those who were against the petition of separation rose to speak to the matter, at which time the moderator proclaimed that members of other religious denominations who did not pay a parish tax to the support of the congregational ministry would have no right to vote or speak at the meeting. Upon hearing this, many of the members of these other denominations who were opposed to a separation got up and walked out of the meeting. They were followed out the door by a few who did pay the parish tax, but walked out in sympathy for those who had been disenfranchised. After this tumultuous episode quieted down, the business of the meeting was continued resulting in Elisha Shapleigh, and Andrew P. Fernald being elected to represent the parish in the General Court to carry the petition of separation into effect. Those who had been shut out of the process filed grievances with the General Court, but these appear to have been ineffective as the bill to incorporate the Town of Eliot was drafted in February, 1810, with several readings taking place in legislative committees by the end of February leading to the bill's final passage and approval on March 1, 1810.

It is interesting to note that following the incorporation of Eliot, many of those who had opposed the separation took up positions of leadership to help the newly incorporated town find its own footing. The practice of New England towns mixing church and town business was on its way out. The "Standing Order" was officially abolished in Massachusetts on January 1, 1834, and in Maine it coincided with official statehood in 1820.

Today we celebrate this 200 year old achievement of separation and incorporation, and show our pride and thanks for those who came before us. We also learn from their example, that while an issue might divide a people, it is possible to reunite and work to build a more prosperous and "civil industrious" town for future generations.