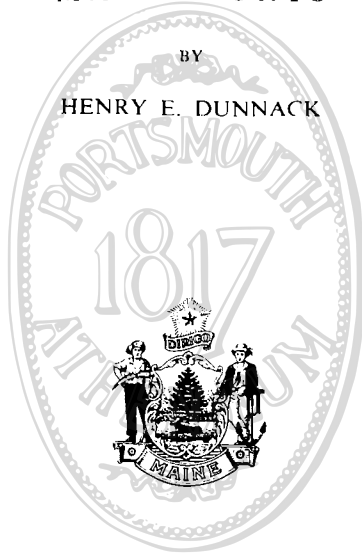


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A HISTORY OF
FORT McCLARY
MEMORIAL

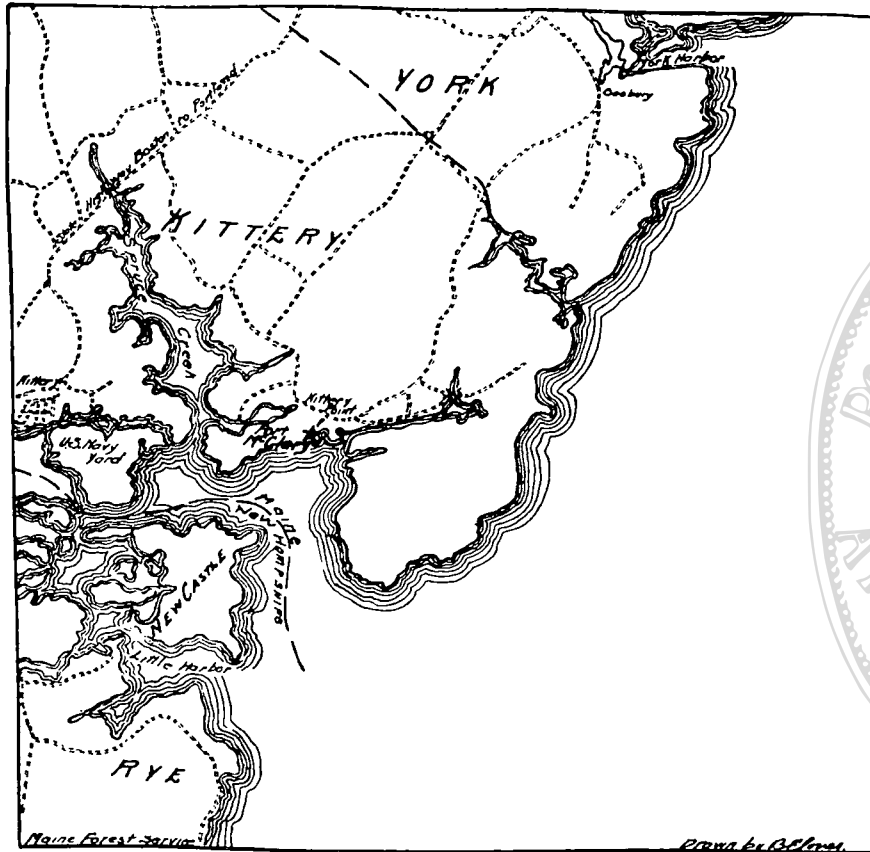
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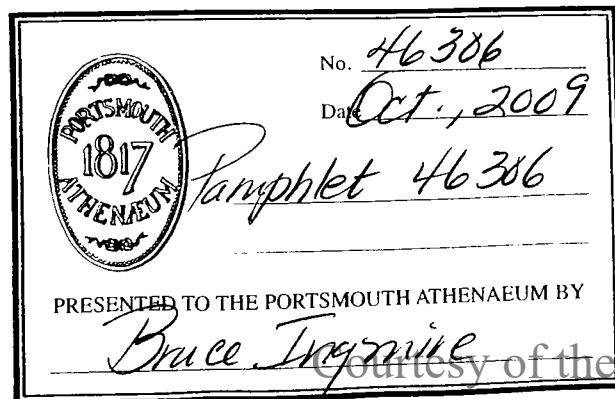


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AUGUSTA, MAINE
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FORT McCLARY



LOCATION OF FORT McClARY

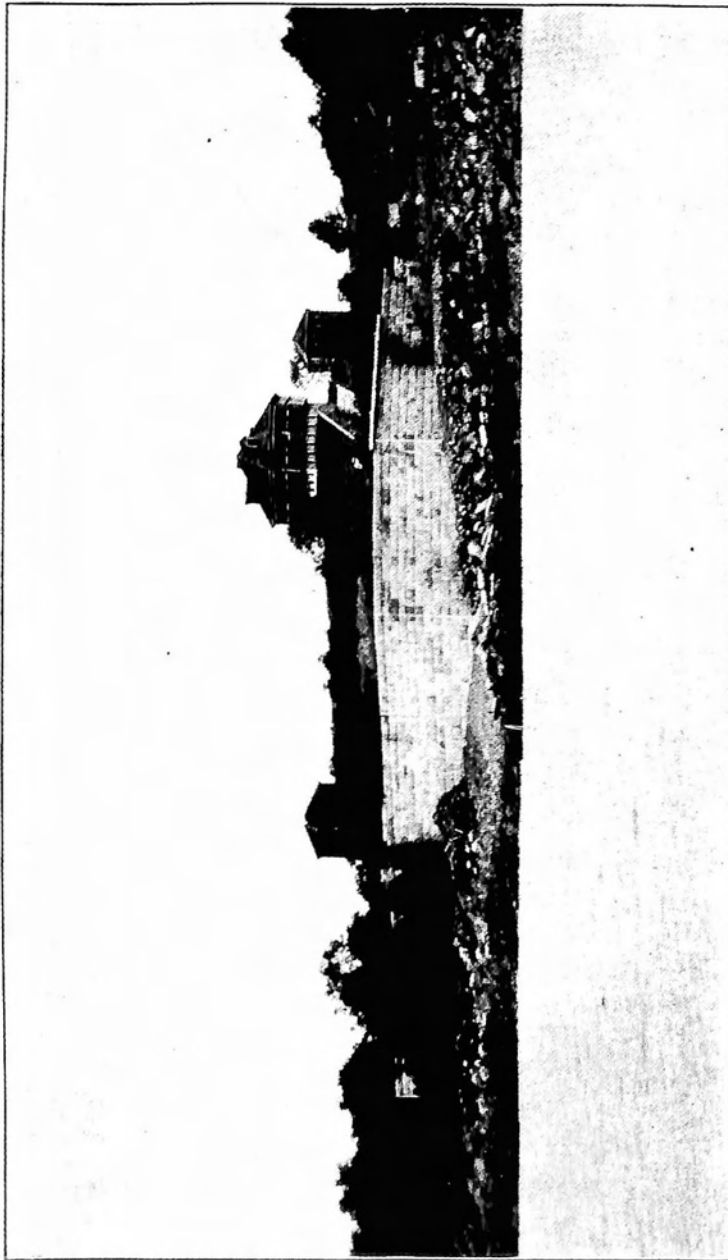


Fort McClary is in Kittery, which was the first organized town in Maine, incorporated by an act of the General Court under the Gorges Province November 20, 1647. Kittery is bounded on the Kittery northwest by Eliot, on the north by Eliot and York, southwest and south by the Piscataqua River and its harbor, and southeast by the sea. The town contains nearly 7,347 acres of land. The Isles of Shoals, which lie about nine miles south of Kittery Point, are divided by the line between Maine and New Hampshire.

Kittery forms the extreme southwestern part of York County, and of Maine. It originally comprised, besides its present territory, that of Eliot, Berwick, South Berwick and North Berwick.

This old town by the sea is a place of lasting interest to the historian, of fascinating charm to the seeker after romance and ever holds the lover of nature to her heart. More than three centuries ago the adventurers and traders began their pilgrimages to her coast. Scores of great pioneers famous in the old days, lived here by the sounding sea. Their deeds are written in fadeless letters; they faced with courage the bitter opposition of nature; they met and conquered their enemies and by their integrity, courage and vision they established civilization in Maine and gave to the republic a state whose sons and daughters have contributed their full share to making the United States first among the nations.

The death of Sir Ferdinando Gorges and his friend King Charles I gave the Massachusetts Bay Colony the opportunity to extend her jurisdiction over the Province of Maine. In 1652 commissioners were sent to Maine to negotiate with the Bay Colony people of the Province of Maine. The first meeting of this commission was held at Kittery, November 20, 1652. By the "articles of submission" it was agreed that Kittery should remain a town, that all inhabitants should be freemen, that they should be safe in their property, that they should have their own representatives in the General Court, that their militia should not be ordered beyond their borders without their consent and finally



FORT McCLARY, KITTERY, MAINE, 1924



the right of suffrage was not to be restricted to church members as in Massachusetts.

The honor of first having seen the banks of the Piscataqua is doubtless due Martin Pring, who in 1603, coasted along the shores of Maine from

First Penobscot in the "Speedwell" and "Discoverer" and sailed up the river three or four leagues, probably to Quamp-
Tourists hegan Falls. In the narrative of the voyage, particular
at Kittery mention was made of the beautiful groves and sundry sorts of beasts seen in the vicinity, but no natives were encountered to traffic with and as trade was the principal object of their visit, their stay was brief.

The first settlement in Kittery was at the Point about 1623. The town was a portion of the Mason and Gorges Patent, and many of the

First present titles came through Walter Neal, their agent, who, before 1634, by grant or sale, had conveyed all the lands
Settlement in the tract. The settlers of Kittery were mostly English who left cultured homes, braved the dangers of a voyage of two or three months in small vessels, denied themselves the luxuries and many of what we think to be the necessities of life, hewed for themselves plantations out of the forests, lived in log cabins with few articles of furniture, fought many long years against a wily and treacherous foe on every side, and struggled from poverty up to plenty. Such men and women were of heroic stuff. Their energy, courage, industry, persistency and intelligence laid the foundations of Maine.

It is generally believed that the first fort in Kittery dates back to the coming of the first settlers in 1623. I have failed to find any facts to establish this claim. It is possible that individuals built

The First simple breastworks, garrisons and blockhouses, but the
Fort at records, if there were any, have disappeared. A list of the
Kittery garrison houses found in the town in 1690 is as follows:

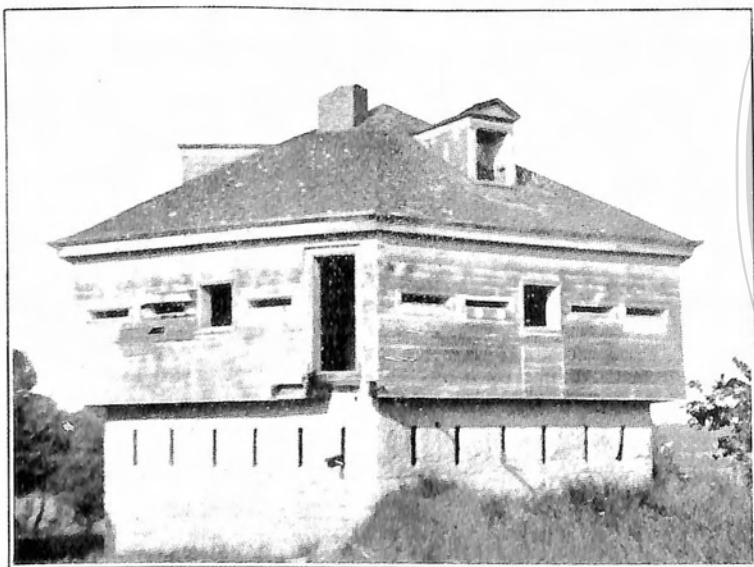
Lower part of Kittery 10 Garrisons (viz) Jn^o Morels, Jn^o Shapleys, Jos^o Hamonds, W^m Tutherlys, W^m furnells, Jn^o Alcots, Joseph Curtice, Jos. Wilson, W^m peprills & Wid^o Champernoons not one Souldier in them all, but kept & defended by their s^d Inhabitants. The vper Kettery—or Barwick 8 Garrisons (viz.) Maj^r ffrosts, Benony Hodgdon, Jon^r Masons, Daniell Stons, En^s Abetts, Rich^d Masons, W^m Spencer and Thomas Homes in all which Garrisons but six Sould^{rs}

The town records of Kittery show that on Sept. 15, 1722, the town voted that thirty-six houses "be made defensible." The names of those

houses are all given in the records. With the exception of five or six houses every residence was converted into a garrison house.

I find that the records of land transfers indicate that William Pepperrell owned the land on Kittery Point as early as 1662. These records are of such real value in tracing the history of the Fort that they are copied here for reference.

May 5, 1636, Sir Ferdinando Gorges conveyed to Alexander Shapleigh, a merchant of Kittery, Devonshire, England, all of Kittery Point but the extremity, upon which was then standing the wigwam of Philip Swadden. Subsequently, Nicholas son of Alexander Shapleigh acquired the whole of Kittery Point.



BLOCKHOUSE FORT McCLARY JULY, 1924

September 29, 1662, John Bray bought twelve acres of the Shapleigh tract, he also bought twelve acres from Jno. Alcots, on which stood the Longley house which was to be moved by April 1667. It is supposed that the Fort was on this land. On November 17, 1682, he allotted to his son-in-law, William Pepperrell, an acre located on the seashore at Kittery Point, which included a level spot beside the highway where Pepperrell proposed "to place his house." The following is an abstract

of the Ancient Title to the Tract of Land upon which the William Pepperrell House and Fort McClary are located at Kittery Point.

1. November 3, 1620, James I. of England, to the Council of Plymouth, England, all of Northern Virginia. (York Deeds, 1-20)
2. August 10, 1622. The Council of Plymouth to Sir Ferdinando Gorges and Captain John Mason, all of the territory between the Merrimac and Sagadahoc Rivers, styled the Province of Maine. (York Deeds, 1-35)
3. May 5, 1636. Sir Ferdinando Gorges (after provisional agreement with Captain Mason) to John Treworthy, as agent for Alexander Shapleigh, of Dartmouth, England, all of Kittery Point but the extremity. (York Deeds, 1-11)
4. July 6, 1650. Alexander Shapleigh to Nicholas Shapleigh. (York Deeds, 1-11)
5. Nicholas Shapleigh to Job Alcock (Unrecorded)
6. November 20, 1666. Job Alcock to John Bray, twelve acres where the dwelling of Thomas Langley was standing. (York Deeds, 2-11)
7. November 17, 1682. John Bray to William Pepperrell, one acre, with a level spot beside the highway for a house. (York Deeds, 3-121)

The next lot to the westward.

The first four transfers are identical with those in the abstract of the homestead, with the following additions:

8. May 29, 1683. Nicholas Shapleigh to John Shapleigh, less what tracts had already been sold. (York Deeds, 3-126)
9. July 14, 1685. John Shapleigh to Joan (Ameredith), Elizabeth (Gilman) and Lucy (Chadbourne, Willis), daughters of James Treworthy and granddaughters of Alexander Shapleigh. (N. E. Hist. & Gen. Reg., 5-348)
10. July 24, 1688. Joan Ameredith, Elizabeth Gilman and Lucy Wills to Benjamin Woodbridge. (York Deeds, 5-part 1-62)
11. April 19, 1689. Benjamin Woodbridge to William Pepperrell, twelve and one-half acres. (York Deeds, 5-part 1-62)
12. November 8, 1689. Benjamin Woodbridge to John Thurston, three acres and three quarters near the entrance to Piscataqua River. (York Deeds, 6-137)
13. November 15, 1689. John Thurston to William Pepperrell. (York Deeds, 6-137)

The next lot westward.
The first seven transfers are identical with those in the last abstract, with the following additions:

All of the above-described tracts were in possession of William Pepperrell at the time of the Revolutionary War and were confiscated under the act of September 23, 1779. Massachusetts sold the tract upon which Fort McClary was located to the United States Government in 1808.

The Pepperrell dwelling was built soon after the land was purchased. On April 30, 1690, the house of William Pepperrell was listed as one of the Kittery garrisons, which were merely palisaded dwellings used for protection against the Indians.

It is possible that early historians assumed that the site of the Pepperrell garrison and that of Fort McClary were identical, but while they were not far apart, the location of the dwelling was on a "level place" and that of the fort, upon a hill.

After he had completed his dwelling, William Pepperrell purchased an additional tract of twelve acres which were described as lying upon Kittery Point between Crodsett's Creek and "the salt water coming in at Piscataqua Harbors' mouth."

This land was in an ideal position for a fort—if at that time any such defensive establishment had been required on the Maine shore. Directly across the channel, however, was situated Fort William and Mary, at the northeast corner of Great Island, which all vessels must encircle upon entering the river.

The date 1690 is so near the date when the Province of Massachusetts Bay voted to build a fort at Kittery, that it is doubtful if any fort existed there before 1715.

Parsons, in his biography of William Pepperrell written in 1851, states that "a garrison house was previously erected and maintained at the Point, near Pepperrell's house, to which families might resort when threatened by sudden assaults from Indians, and as early as 1700 a fort was erected which went by his name. The celebrated warrior, Colonel Church, in his eastern expedition, in 1704, with 550 men, had orders 'to send his sick and wounded to Casco, now Portland, or to Pepperrell's Fort at Kittery Point.' This fort was probably a private concern, or at most built at village expense. Pepperrell had command of this fort, which gave him the rank of captain. He finally rose to the rank of lieutenant colonel."

The first reference in the Massachusetts laws to the fort at Kittery is found in the Acts and Resolves of the Province of Massachusetts Bay, dated June 1, 1715. It was voted "that the right of this Province in and to the river commonly called Piscataqua River be asserted and maintained: That a Breast Work of six guns be erected in some convenient place in the town of Kittery for the defense of the river: That six guns with shot and carriages be ordered to the

*Massachusetts
Orders a Fort
Built at Kittery*

town of Kittery upon their erecting a Breast Work and platform and obliging themselves to maintain the same: That his Excellency be desired to give his orders accordingly: That it is for his Majesties Services that a Naval Officer be kept in the Port of Kittery to avoid the unreasonable duties or impositions exacted from the inhabitants of this Province passing in and out the said river from the Naval Officer of the Government of New Hampshire: That all ships and other vessels that load and unload at the Port of Kittery be obliged to enter and clear with the Naval Officer there and pay the duties of impost and powder money according to law: That all harbors in Kittery and Berwick shall belong to the Port of Kittery."

It is evident that the purpose of this fortification at Kittery was to protect the merchants of Massachusetts from "unreasonable duties" imposed by New Hampshire.

Evidently there was some delay in building the foundations and placing the guns at Kittery. We find the Massachusetts Bay Colony taking further action concerning this fort June 14, 1721. Acts and Resolves of Massachusetts Bay 1721, Chapter 8. After reciting the origin of their title in Kittery, they go on to say,

notwithstanding which the naval Officer of the Government of New Hampshire exacts and takes from the Inhabitants of this Province, unjust duties and impositions for passing in their own vessels, in and through the side of the river, though they neither take in nor put out any sort of goods, wares or merchandise within that Government, their business being chiefly to go to the saw mills to load the produce of the Province and transport it to Boston and elsewhere

VOTED that the right of the Province in and to the River commonly called Piscataqua River, be asserted and maintained to avoid the Unjust demands of the Naval Officer of the Government of New Hampshire, and in order to effect the same.

RESOLVED, that a Breastwork for Six Guns be erected in some convenient place in the town of Kittery for the defense of the river. That six guns with carriages, powder and shot be ordered to the town of Kittery and that all ships and other vessels that load or unload at the Port of Kittery be obliged to enter and clear, with the Naval officer there and pay the duties of impost and powder money according to law, that all harbors in Kittery and Berwick shall belong to the Port of Kittery.

The first fort was probably a breastwork upon which guns could be mounted. Very early this fort was called Fort William in honor of Sir William Pepperrell, who was the most distinguished man in colonial Maine. His father, Colonel William Pepperrell, was a native of Ravistock Parish, Plymouth, in Devonshire, England, where he was born in 1646. When a boy he was apprenticed to the captain of a fishing-schooner employed off the coast of New England and the banks of Newfoundland.

William Pepperrell first began business in the fisheries at the Isle of Shoals. After a few years he married Margery, daughter of John Bray of Kittery, and in 1682 settled at the Point, where he built a house on a small lot given him by his father-in-law. Here he prospered in business and is said to have become the wealthiest man in New England.

He built many fishing and trading vessels and sent them to the Banks, to the West Indies and to Europe. He became a leader in the affairs of the colony. He was justice of the peace thirty-five years and from 1715 till his death in 1734 he served as judge of the court of common pleas.

Sir William Pepperrell was born in Kittery, June 27th, 1696. He had only the meagre education that could be obtained in the public schools of his time. He was taught business principles, to survey land, to sail a ship, to act as clerk, to manage men. By trading in fish, lumber and West India goods, by extensive ship-building, and by the purchase and sale of large tracts of land he became very wealthy. At one time he owned the greater part of Saco and Scarborough. Saco was first called Pepperrellborough in his honor. He was a justice of the peace at the age of twenty-one and captain of a company of cavalry. At age of thirty he held the rank of colonel and was in command of all the militia of Maine. About the same time he was appointed one of the Governor's council and held that office thirty-two years, eighteen of which he was president of the board. The people of Kittery elected him as their representative in 1726-27. The office of chief justice he held from 1730 till his death.

He was appointed in 1745 to command the expedition against Louisburg and contributed out of his private fortune five thousand pounds toward the expenses of that campaign. For his success at Louisburg he was knighted and received in London with many attentions. In 1756 he was commissioned Lieutenant-General in the royal army.

The remainder of his life was comparatively uneventful, and he died July 6, 1759. The Pepperrells were loyalists; therefore when the war broke out, the estate was confiscated. The large fortune accumulated by Sir William and his father was soon dissipated.

At the time of the Revolution there was intense excitement and great alarm among the inhabitants of Kittery. The British war ships had destroyed and captured many towns on the Maine coast, and they were expected to attack Portsmouth and Kittery. Every effort was made to be ready for the coming of the enemy. Hundreds of soldiers were hurried to Portsmouth and Kittery, the fort was put in order and garrisoned. The Province of Massachusetts Bay on June tenth, 1776, passed the following:

RESOLVED, that the Commissioner General be and he is hereby directed to deliver to the committee of correspondence, safety and inspection of Kittery aforesaid five hundred pounds weight of gun powder and eighty shot suitable for twelve pounders, and eighty ditto suitable for nine pounders to supply the cannon in the Battery aforesaid for which the said committee or town of Kittery shall be accountable to the General Court.

The fortifications were in such excellent condition and so well defended that Kittery and Portsmouth were not attacked. A British officer, after the war, told Colonel Walbach that he went up the Piscataqua and reconnoitered the town, disguised as a fisherman, to find out the feasibility of an attack with a view of destroying the Navy Yard. On his returning to the fleet and reporting that the town was swarming with soldiers and well defended, the British commander abandoned the project. The danger being past, the enemy having withdrawn to the Southward, the main part of the troops were discharged, leaving a small force as a garrison until winter.

The name of Fort William at Kittery was changed at the time of the Revolution to Fort McClary in honor of that gallant soldier, Major Andrew McClary, who gave his life for the republic at the battle of Bunker Hill. He was a member of Colonel Starks' regiment. This old fort is of great historical interest. It is located on Kittery Point and contains twenty-five and sixty-seven hundredths acres. The land was secured by the United States first from the Commonwealth of Massachusetts by an act of the Legislature, March 12, 1808—this was for a small piece of land

called Battery Pasture on which the fort stands; second, from Isaac Stevens, October 14, 1846; third, from the inhabitants of school district number twelve, Kittery, Maine, June 22, 1893.

Fort McClary was again garrisoned during the Civil War. Congress appropriated a large sum of money for fortifications at this fort for the year ending June 1864. It is probable that the blockhouse was rebuilt at this time, granite and brick taking the place of wood for the first story.

Among the interesting events connected with Fort McClary during the Civil War was the residence of Hannibal Hamlin. He enlisted in the army, serving as a private in Co. A, the State Guards Infantry, M. V. M., enlisting at Kittery in July, 1864, and being mustered out at Bangor in September of the same year. Hannibal Hamlin was born in Paris, Maine, and practised law in Bangor. He was prominent in state and governmental affairs and was elected Vice-President of the United States in 1860.

In reply to a letter sent to the War Department, the Adjutant General, Major General Robert C. Davis sent the following information descriptive of Fort McClary in 1870:

Fort McClary was originally established as a military post in 1812. The site contained an area of about fifteen acres, situated in York County on Kittery Point, a projection into the Piscataqua River, opposite Fort Constitution in Portsmouth Harbor.

In a description of the fort, written in June 1870, by the Ordnance Sergeant, U. S. A., in charge, the following is stated:

Quarters.—Officers' quarters, none. Men's quarters, a one-story brick building, containing two rooms. One room is 34 by 18 and one 19 by 18; will contain about fifty men; is very old and out of repair; occupied as an ordnance store-room. Kitchen and mess-room attached is a one-story wooden building. Kitchen 17 by 15; mess-room 17 by 17; is entirely out of repair; occupied by the engineer department as store-rooms. Chapel is a one-story brick building, 19 by 13, inhabitable. Blockhouse is a two-story hexagonal building, each square 18 feet 6 inches; first story built of granite-rock and pierced for musketry; second story is built of wood, has six pintle blocks and windows, intended for embrasures. First story is occupied as an ordnance storeroom; second story by the engineer department as an office and watchmen's quarters; is in fair repair. Magazine is a one-story brick building, 13 by 11, in fair order.

Hospital, guard-house, etc.—Hospital is a one and one-half story brick building; ward 30 by 22; surgery 9 feet 6 inches by 9 feet 6 inches; kitchen 18 feet 6 inches by 15 feet 4 inches; store-room 9 feet 6 inches by 9 feet six inches; built in 1863 by the troops at the post; is poorly constructed; unfinished above the ceiling; needs repairs; is occupied by the ordnance sergeant as quarters; is situated about 500 yards north of the fort on the reservation. The guard-house is a one-story brick building, 19 by 13; the roof partly destroyed; ceiling all down; unoccupied.

Sylvester has painted a picture of Fort McClary blockhouse as it looked in 1906.

Description of the Fort "It is a famous landmark hereabout, and is pitched upon what seems Kittery's highest outlook. It has a base of stone, and is of the same character as the blockhouse at Winslow, on the Kennebec, long known as Fort Halifax. It is hexagonal, with ample ports, and is patterned after the one first built here. It has an overhang above its base of split granite, after the manner of the garrison houses of the early period. Here is a government reservation of thirty acres or more. A rude board fence separates it from the highway, over which one climbs to plunge through the tangle of low birch and alder, to come out upon an elevated plateau, where tons of igneous rock have been blasted out of the solid ledge to make way for the granite bastions and angles broken here and there by embrasures for heavy guns which have yet to be mounted. Here is a suggestion of a road, and as one follows it one comes to its extreme easterly scarp, where by a flight of steps of split stone one reaches the highest level of the work. Here are the magazines and the barracks, and the crazy wooden bridge or steps on the landward side by which one mounts to the doorless entrance of its second story. It is a barren interior, stripped of every vestige of its once familiar appointments. A winding stair leads to the lower regions, where are dogholes of solid masonry occupying its central area, which may have been intended for the stowing away of ammunition or recalcitrant humanity. Thin ribbons of subdued light come through the numerous slits in the walls, which were for musketry, and as I stood there idly gazing I momentarily expected to hear the ominous jangling of keys or the hail of the guard; but the place was silent, deserted utterly. I mounted the wentle-strap—steep and narrow it was—with a feeling of pleasing relief. In my rummaging I found another stairway. This led to the garret, for I could liken it to nothing else; and from its four dormer windows that were built into its hip roof, I got a faraway view in as many directions that repaid me for my venture across the rotten, swaying stair outside that

was as suggestive of the bridge of Al Sirat as anything, for it bent and swayed under my weight ominously. From one of these cockloft dormers, I saw

The hills curve round like a bended bow;
A silver arrow from out them sprung.

the gleaming reach of waters that flow in and out of Crockett's Cove; the wider span of Spruce Creek that twists ingratiatingly inland to the northward, and wooded hills as far as the eye can go. From another there was a glimpse of

Old roads winding, as old roads will,
Here to the ferry, and there to the mill;
And glimpses of chimneys and gabled eaves.

and the huge bulk of Champernowne's Island of old; and away beyond, the woods of York, and the silver threads of the salt creeks and the yellow marshes between. Within another is framed,

The blink of the sea, in breeze and sun.

and the widening mouth of the historic river; and beyond the low wall of Fort Constitution, and light on Fort Point, and the gray roofs of olden New Castle, Portsmouth bar; the oasis of Ravistock in its turquoise setting of the sea; and farther out, the low spine of Whale's Back, with its single pharos; and nearer the dip of the horizon, the spectral figure of White Island's beacon, indistinct in the purpling mists, that overlook Appledore and Smutty Nose and their ragged kindred, as if each were under the ban since the dark tragedy that forever linked together the names of Louis Wagner and Annethe Christensen; a group of glistening sails that fade away under the immaculate sky, argosies to anywhere; while almost within the shadows of these weather-beaten window ledges, are the classic roofs of the Pepperrells and their ancient contemporaries.

Old Fort McClary is a ruin. The government work was long ago abandoned. The old derricks have rotted down. Only the huge piles of split granite and three heavy somewhat modern ordnance mounted on massive steel carriages indicate the scene of activity that at one time prevailed here. Down near the landing is a tier of heavy guns, unmounted and prone amid the lush grasses that half hide them. The sea

wall is of massive proportions, but unfinished, as if the work had been dropped suddenly for lack of energy or money. The real reason was, undoubtedly, that the advance in the mysteries of destructive projectiles was more rapid than the naval board could forecast; and perhaps it was thought best to wait until the climax of these inventions was in sight. It is a commanding site and covers the whole entrance to the Piscataqua; but as sunken batteries seem to be the trend, it is doubtful if the location will be further utilized.

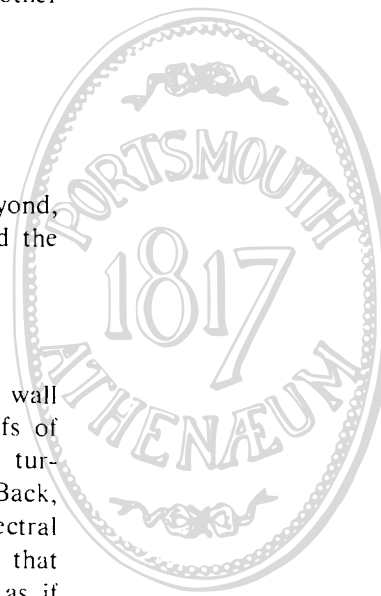
A barnlike structure of brick seems to have been used as a barrack. At either end are comfortable fireplaces, the chimneys running up the outside of the gable; and I note that the woodwork of one fireplace is entirely gone, and the other has lost its mantel. The first decorates the den of some souvenir crank, probably, and the latter may make up the litter that this sort of vandalism is always sending garretward. The gunracks are suggestive, and the door opens out directly upon the parade, which commands a magnificent view of the Piscataqua Harbor and its points of interest." (Old York, p. 245-247)

Fort McClary Military Reservation is 3.5 miles from the Memorial Bridge at Kittery and is located at Kittery Point. The public highway runs through the reservation. That part of the reservation on the east side of the road is wooded; here are many fine pine trees; the land slopes gradually to the water's edge. There is a clearing on which there is an old house and barn; when these are removed this point can be made one of the most beautiful parks in the state.

Passing through the reservation the tourist comes to the gate leading to the fortification. There is a very good automobile road and one can drive with safety to the fort. From the blockhouse there is a view of unusual grandeur. Just across the river is Portsmouth Navy Yard where the Russo-Japanese Peace Treaty was signed in 1905. Across the harbor is Fort Point Light; nine miles in a southerly direction lie the Isles of Shoals. There are many other islands in view every one of which is rich in legend and romance.

The fortification was one of the three important military works undertaken by the United States in the eighteenth century for the protection of the Maine coast. The other two were on the Kennebec and Penobscot Rivers.

Great walls of granite masonry surround the fort buildings. This wall is about five hundred feet long on the water side. Referring to



the picture: you see first on the right an old brick building; there are four port holes in each end and six on each side; on the extreme left of the picture is a similar brick house; these brick houses were probably for riflemen. In the rear of the blockhouse, not visible in the picture, is the magazine, the roof of which has fallen in. In front of the picture is seen a granite wall enclosing a long bank. The ground in front of the picture with loose granite blocks scattered about was the parade ground. Just beyond this ground was the sea wall made of granite blocks and running about thirty feet high. This wall extended all the way around the fortification in the form of a pentagon.

A battery with emplacements for ten cannon is in the wall facing Portsmouth Navy Yard. This battery is reached by a flight of stairs leading from the parade ground. Just behind the blockhouse is a flanker where the granite wall is built out about thirty feet. This flanker encloses the well and a powder magazine; here are emplacements for four cannon.

The blockhouse has three floors, the basement or first floor being constructed of stone and having six portholes on each of the five sides. In the center of this floor is a big room made of stone and brick—evidently a powder magazine. The second floor has a window on each of the five sides with two portholes on one side of the window and one porthole on the other. The door of the blockhouse is on the rear or land side. This door is in the second story and is reached by a long flight of stairs. The stairs have been torn down.

The second floor has a fireplace in one room and a stove in another. This floor and the attic were finished for officers' quarters. All the partitions have been torn from these rooms. In fact, the careless sight-seers have done their work in so thorough a fashion that the old blockhouse is a ruin.

The State Purchases The Department of War under date of October 22, 1923, offered to sell Fort McClary to the State of Maine.

My dear Governor:

The Congress of the United States by legislation approved March 4, 1923 (Public No. 501, 67th Congress), has authorized the Secretary of War to dispose of military reservations including that known as Fort McClary (opposite Fort Constitution), Maine. This reservation consists of 27.45 acres of land and the improvements thereon consisting of a blockhouse of granite and frame construction,

two old brick buildings and a wharf, as approximately shown in four parcels in red on the attached photostat map which is the best available. However, due to the fact that the parcel shown in green on the map herewith containing 1.87 acres was acquired by grant from the State legislature of Massachusetts for the sole purpose of erecting fortifications for the defense of the United States, it is not considered that the Government has a good title which it can convey and said parcel will not be included in any disposal at this time. The net area to be disposed of therefore consists of 25.58 acres of land.

The Fort McClary reservation has been duly appraised in accordance with the provisions of the above quoted legislation, in four parcels, shown on the inclosed photostat map as follows:

Tract No. 1.	\$ 800.00
Tract No. 2.	800.00
Tract No. 3.	1200.00
Tract No. 4.	300.00
Total	\$3100.00

You are hereby notified that the appraisal of the foregoing property, both as a whole and in parcels, with the improvements thereon, has been approved by me on October 11, 1923, in the amount of \$3,100.00. While the legislation in question provides that the state or the county or municipality in which the property is located shall be entitled to a period of six months from the date of approval of said appraisal in which to exercise the option contained in the above quoted Section 3 of the Act of March 4, 1923, I shall deem it a favor to be advised of the decision of the State, county or municipality in this matter if such can be reached before the expiration of the time provided by law. It is presumed in this connection that if the state does not desire the property you will take the matter up with the county or municipality.

Sincerely yours,

Dwight F. Davis,

Asst. Sec. of War.

To secure a clear title to the tract of land not included in the four parcels mentioned in the War Department's letter, the Secretary of War advised Governor Baxter of Maine as follows:

My dear Governor:

The State of Maine has recently exercised the option to purchase all the lands of Fort McClary, Maine, granted by the Act of March 4, 1923, except a tract of 1.87 acres which is the site of the old fortifications. This small tract has not been offered for sale as there was some question of the Government's title. It seems that this tract was donated to the United States for fortification purposes only by an Act of the Massachusetts Legislature of March 12, 1808.

As military need for this land no longer exists it is thought that a return thereof to the state might be advisable. To accomplish this, however, authority therefor must be secured from Congress. If such transfer meets with your approval it is suggested that the state authorities initiate and obtain the necessary Congressional action.

Sincerely yours,

John W. Weeks,
Secretary of War.

The act of the Massachusetts Legislature to which Secretary Weeks referred is found in the Massachusetts General Laws of 1808, Chapter 124.

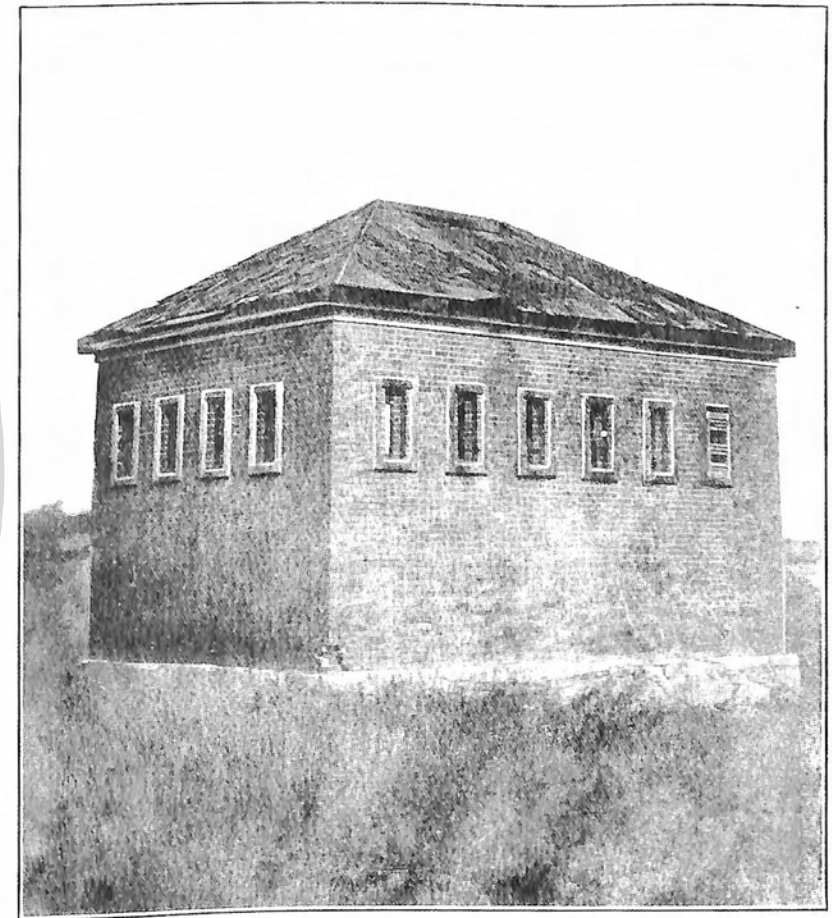
Sect. 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,

That all the right and title of this commonwealth to a certain piece of land in Kittery, in the county of York and Commonwealth aforesaid, called Battery Pasture, on which a fortification formerly stood, and is bounded on the north by the road, on the west by Frollet, on the south by the river, and on the east by Follet, and contains one acre and one hundred and thirty-nine rods, as will appear by the report made to the Hon. David Sewall, Esq., agent for this Commonwealth, by Benjamin Parker, surveyor, about the year seventeen hundred and ninety-eight, be, and hereby is granted and ceded to the United States, for the sole purpose of erecting fortifications for the defense of the United States.

Sect. 2. Be it further enacted, That the cession aforesaid is granted upon the express condition that this Commonwealth shall retain a concurrent jurisdiction with the United States, in and over the tract of land aforesaid, so far as that all civil and such criminal processes, as may issue under the authority of this Commonwealth against any person or persons charged with crimes committed without the said tract of land, may be executed therein, in the same way and manner, as though this cession had not been made.

In order to secure a clear title to this land Governor Baxter requested Senator Frederick Hale of Maine to secure the necessary action by Congress. The following bill was introduced in the Senate of the United States February 26, 1924, and was finally passed:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed to convey by quitclaim deed to the State of Maine all the right and title of the United States to that tract of land ceded to the United States by an Act of the State of Massachusetts approved March 12, 1808, described in the aforesaid act as a certain piece of land in Kittery, in the County of York and State of Maine, called Battery Pasture, on which a fortification formerly stood,



BRICK HOUSE FOR RIFLEMEN AT FORT McCLARY, 1924

bounded on the north by the road, on the west by Frollett, on the south by the river, and on the east by Frollett, containing one acre and one hundred and thirty-nine rods, as will appear by a report made to the Honorable David Sewall, Esquire, agent for the Commonwealth of Massachusetts, by Benjamin Parker, surveyor, about the year 1798, such land having been ceded to the United States for the sole purpose of erecting fortifications thereon and there being no longer any need of using such land for military purposes.

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of the sum of Three Thousand One Hundred Dollars (\$3,100.00), lawful money of the United States, in hand paid by the State of Maine, the receipt of which is hereby acknowledged, the undersigned grantor, the United States of America, by and through John W. Weeks, Secretary of War, acting under authority of the Act of Congress approved March 4, 1923 (42 Stat., 1450), has remised, released, and forever quitclaimed, and does hereby remise, release, and forever quitclaim unto the State of Maine, as grantee, the following described tract or parcel of land situate in York County, State of Maine, more particularly described as follows:

That portion of the property known as the Fort McClary, Maine, military reservation, located on Kittery Point, in Portsmouth Harbor, Me., containing approximately 25.67 acres,

Which was conveyed to the United States of America by the following conveyances:

Deed dated October 14, 1846, conveying 1 acre and 49 rods of land from Isaac I. Stevens, recorded in Book No. 190, pages 264-265 of the deed records of York County.

Deed dated October 14, 1846, conveying 13 acres and 62 rods of land from Isaac I. Stevens, recorded in Book No. 190, pages 263-264 of the deed records of York County.

Deed dated October 14, 1846, conveying 10 acres and 143 rods of land from Isaac I. Stevens, recorded in Book No. 190, page 263 of the deed records of York County.

Deed dated June 22, 1893, conveying a plot of ground approximately 62 x 64 feet in size, from the inhabitants of School District No. 12, Kittery, Me., by Horace Mitchell, their attorney, recorded in Book No. 458, page 527, of the deed records of York County.

Excepting and reserving from the above described property that parcel of land heretofore conveyed by the Secretary of War on behalf of the United States to the inhabitants of School District No. 12, Town of Kittery, County of York, State of Maine, by deed dated December 4, 1893, and described therein as follows:

Beginning at a point on the westerly side of the new road from Portsmouth, through the said military reservation two hundred and five feet from the intersection of the said new road with the westerly boundary line of said military reservation and running thence in a northwesterly

direction, at right angles to the said new road, 195 feet, more or less, to the westerly boundary line of said military reservation, thence along said westerly boundary line in a northerly direction 82½ feet, more or less, to high water line of Barters Creek; thence along high water line of Barters Creek, in a northeasterly direction, 17 feet, more or less, to a point at right angles to the said new road at a point 75 feet from the place of beginning; thence in a southeasterly direction, at right angles to the said new road, 247 feet, more or less, to a point on the westerly side of the said new road 75 feet from the place of beginning; thence along the westerly side of said new road, in the southwesterly direction, 75 feet to the place of beginning.

TO HAVE AND TO HOLD forever said tract or parcel of land unto the said State of Maine for use for public park purposes only; reserving to the United States immediate reversion of the title and right of possession thereto without notice, demand, or legal action, in the event that the said tract or parcel of land shall ever be put to any use other than that above set forth; or in the event that the same shall ever cease to be so used.

IN WITNESS WHEREOF, I, John W. Weeks, Secretary of War of the United States of America, this 10th day of March, 1924.

UNITED STATES OF AMERICA

By John W. Weeks
Secretary of War.

Recorded in York County Registry of Deeds, Book 727, p. 407.
Recorded in State Land Office in Vol. 1, p. 162 of Miscellaneous Records of Deeds.

The United States granted the following easements to parties who found it necessary to use part of the reservation for public service:

Easement:—Act of Congress approved June 18, 1888 (25 Stat., 188), granted to the York Harbor and Beach Railroad Company a right of way four rods in width across the reservation.

Lease:—November 27, 1912, to Horace Mitchell, of Kittery Point, Maine, of the reservation for a term of five years from November 1, 1912.

Revocable licenses:—May 8, 1897, to the Portsmouth, Kittery and York Street Railway Company, to conduct and maintain an electric street railway over the roadway through the reservation.

August 21, 1907, to the Kittery Water District to lay and maintain its water pipes or mains in the present road through the reservation.

August 22, 1907, to the New England Telephone and Telegraph Company, to construct a telephone line on poles along the north side of the road through the reservation.

The United States having transferred Fort McClary to the State of Maine Governor Baxter sent the following acknowledgment:

March twenty-five, 1924.

D. M. Griggs, Commanding,
Headquarters Coast Defenses of Portsmouth,
Fort Constitution, N. H.

My dear Sir:

I am in receipt of your letter of March 24th in regard to Fort McClary, Kittery Point, York County, Maine, which has recently been transferred by the United States Government to the State of Maine.

I acknowledge receipt of the premises referred to and accept the same on behalf of the State of Maine.

Believe me

Very truly yours,

Percival P. Baxter
Governor of Maine.

How to Reach Fort McClary Directions for automobile tourists: Near the east end of the old bridge across the Piscataqua between Maine and New Hampshire, turn south, pass the entrance to the Kittery Navy Yard and proceed past the Lady Pepperrell mansion to Kittery Point. Sir William Pepperrell's tomb is near at hand.

