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THE EXPLORATION OF THE MERRIMACK RIVER, IN 1638
BY ORDER OF THE GENERAL COURT OF MASSACHU-
SETTS, WITH A PLAN OF THE SAME

COMMUNICATED BY JAMES KIMBALL

THE history of the first decade of the Colonists at Salem is very obscure. Unfortunately the early records of the proceedings of Gov Endicott, and the Court of Assistants, at Salem are missing. These records would undoubtedly give a more clear insight into the general policy, and plans agreed upon, for the organization and government of the Colonists upon their arrival at Naumkeag.

The earliest date of the records of Salem commence about 1635. In order to comprehend somewhat of the early life of the Colonists, we must examine the general instructions given to Gov Endicott for his guidance, by the Court of Assistants of the Company in London.

At a meeting in Feb, 1629, and at later dates measures were adopted, which were from time to time communicated to Gov Endicott, from these instructions we are led

to believe, that it was the desire and intention of the "adventurers" whilst keeping in view the great object of their organization, to provide for the common wants of the Colonists, at their own risk. The articles enumerated for the cargo of the first vessel indicate that their wants were but few and simple, and these confined to the common necessities of their daily life, and yet there are no doubts, but that the "adventurers" were encouraged by the hope and belief that they would be more than repaid for their risk in this venturesome undertaking.

They intrusted to Mr. Endicott, goods of various kinds, which he was to traffic with the Indians, for beaver, sea-otter, and other furs, which they desired him to ship home on the Talbott, which "was at a charge to them of £150, 00, 0, a month."

The wise precautions taken in relation to the selection of the Colonists, is shown in the minute instructions given to their agents. believing that to be successful and prosperous, the Colonists should be selected with great care, "they say they should be industrious and frugal, willing to be employed in such useful occupations, as would add to their own comfort and prosperity."

In making up their number they selected none but the most reliable and trustworthy, "men who were well reported," those that were skilled, as mechanics and artisans, with strong and positive characters, men who would not be readily intimidated by dangers of any kind, and who would at once be able by their skill and industry, to insure the permanent success and prosperity of the Colony.

They also required that all who cast their lot with them should be submissive to wholesome restraint, suggesting that "coercion is ordered for the foolish back, as necessary as food," and further say "Wee heartily pray you that all bee kept to labor as the only means to reduce to civil,

yea to Godly life, and to keep youth from falling into many enormities, which by nature wee are all too much enclined vnto ”

For the permanent organization of the Colonists, the General Court in London order “That thuteen of such as shall be reputed the most wyse, honest, expert, and discreet persons, resident upon the Plantaceon shall have the sole managing and ordering of the government and our affauns there, who to the best of their judgement are to endeavor to settle the same as may make most for the Glory of God, the furtherance and advancement of this hopeful Plantaceon, the comfort, encouragement and future benefits of us, and others the beginners and prosecutors of this soe laudable a worke ”

In the selection of John Endicott as their Governor, or chief, they were no doubt governed by the same rigid rules of choice, and in investing him with full executive powers they insured the success of their undertaking. His management of affauns proved him worthy of the trust reposed in him, possessing positive traits of character, unflinching firmness united with great executive ability, he overcame the difficulties that beset him on every side, and succeeded in the accomplishment of the most important trust, ever intrusted to any one person, the laying of the foundation, and shaping the institutions of a New World.

Within ten or twelve years after the arrival of Endicott, the Colonists are represented as being straightened “for want of land ” Hubbard, in his history of New England, says that Ipswich was so filled with inhabitants that some of them presently swarmed out to another place a little eastward.

During the same period seven towns were incorporated, viz, Salem, in 1629, Ipswich, 1634, Newbury, 1635; Lynn, 1637, Rowley, Salisbury and Gloucester, in 1639.

In consequence of the numerous petitions for "Farm lands" measures were adopted in the summer of 1638, to explore the valley of the Merrimack River to the "extreme Northerly" line of the Patent, or Charter granted to the Massachusetts Bay Company. This Charter, if interpreted according to its letter, would have embraced within its limits some of the most desirable portions of the State of New Hampshire.

The records of the Company describe it as follows (Vol 1, page 1, Mass Col Rec)

"Bounds of that part of New England granted to the Governor and Company of the Massachusetts Bay in New England

All that part of New England, in America, which lies, and extends between a great river there commonly called 'Monomack' alias 'Merrimack,' & a certain other river there called Charles River, being in the bottom of a certain bay there commonly called Massachusetts bay, & also all and singular those lands and hereditaments whatsoever lying within the space of *three* English miles on the South part of said Charles River, &c

And also all & singular the lands & hereditaments whatsoever which lie, & be within the space of *three* English miles to the Northward of the said river called 'Monomack,' alias 'Merrymack,' or to the northward of any & every part thereof. And all lands &c lying within the limit aforesaid, &c , &c "

An examination of a valuable historical paper, entitled "Facts about the Carroll County Keaisarge Mt of N H , by the Hon G V Fox," late Assistant Sec'y of the Navy of the U S , has led to a more careful investigation of an *ancient manuscript plan*, found a few years ago amongst the files of miscellaneous papers of the Court of General Sessions of the County of Essex. It is without date or accompanying documents, but bears on its face evidence of its being one of the earliest plans yet discovered.

It is endorsed

"Plot of Meremack River from y^e See up to Wenepe-soce Pond, also the Coises from Dunstable to Penny-cook. Jn^o Gardnei "

I would present a few suggestions in relation to this old manuscript plan, — and reasons for assigning its date as having been drawn previous to 1670, and for claiming it to be *the original*, or a copy of an original survey that was well known in 1652, growing out of the Order of the General Court in 1639,—without any intention of taking part in the discussion that has brought forth the valuable contribution of Secretary Fox in relation to the location of the true "Keaisaige," but simply to identify this plan as an outgrowth of the enterprise of the early Colonists of Naumkeag, and which may possibly assist in discovering the earliest name and location of this disputed mountain

It is without doubt the earliest survey yet discovered of Meremack River from its mouth to its source, giving the courses and distances from Dunstable to Penny-cook, with the lakes and the mountains in the distance

Its style of description proves it to have been prepared at a very early date, giving the descriptive names of rivers only, and would seem to indicate that the survey was made before the location of the oldest plantation. The names of Dunstable¹ and Penny-cook referred to at that early day to localities embracing from one to two hundred square miles, instead of incorporated towns or plantations

¹ At what time and by whom Dunstable was first settled is uncertain, but it must have been considerably earlier than the date of the Charter in 1673. Farms are mentioned as then existing. In 1675 orchards are mentioned as then in existence which must have been the growth of years. History of Dunstable, by Rev. C. J. Fox, p. 17

The earliest compact settlement of Dunstable, was near the mouth of Salmon Brook. Ibid, p. 25

The Colonists at Naumkeag had an especial interest in increasing their settlements inland, establishing new plantations at such points as would be most advantageous for trade with, or defense from, the Indian tribes in the unknown regions beyond them

Then adventurous spirit had led them, from time to time, to petition the General Court, for the locations of new plantations, some of which had been successfully established toward Agawam (Springfield) on the West, Casco Bay on the East, and upon the determination of the General Court to adhere to, and define the northerly line of the Colony, as set forth in the Patent granted to the Gov & Co of the Massachusetts Bay, their attention was directed to new locations up the valley of the Merrimack River,

"Which lie and be within the space of three English miles to the Northward of the said river called Monomack, alias Merrimack, or to the Northward of any and every part thereof, and all land, &c, lying within the limits aforesaid "

For the purpose of determining the Northern Boundary, it was ordered, at a Generall Court at Boston

6th 7 mo, 1638

"Goodman Woodward, Mr John Stretton, with an Indian & two others appointed by the Magistrates of Ipswich, are to lay out the line 3 miles Northward of the most Northernmost part of Merrimack for w^{ch} they are to have 5s a day a piece "

May 22d, 1639

"Goodman Woodward was ordered to have 3£ for his journey to discover the running up of Merrimack, 10s more was added by order of the Gov & Dep

And they which went with him, Tho Houlet, Sargent Jacob, Tho Clarke & John Manning to have 50s a peice &c "

5th 9 mo , 1639

"The treasurer was ordered to pay John Gardner 20s. for witness charge & carrying Goodman Woodward, his instruments to Ipswich "

The following order was passed 31st of May, 1652

"North line of y^e Jurisdiction

On perusal of our Charter, it was this day voted by the whole Court, that the extent of the line is to be from the northernmost part of the river Merrimack & three miles more north, where it is to be found be it an hundred miles, more or less, from the sea and thence upon a straight line east or west to each sea , & this is to be the true interpretation of the termes of the limitt Northward granted in the Patent "

At the same term of the General Court, separate Commissions were appointed , one to determine the latitude of the northerly line at the source or rise of the Merrimack River, the other to determine the corresponding latitude on the sea coast , also to ascertain the true line three miles beyond

"For the better discovery of the North line of our Patent, it is ordered by this Court that Capt Symond Willard & Capt Edward Johnson, be appointed as commissioners to procure such artists & other assistants as they shall judge meet to go with them, to find out the most Northerly part of Merrimack River, and that they be supplied with all manner of necessities by the Treasurer fit for this journey, & that they use their utmost skill & ability to take a true observation of the latitude of that place, & that they do it with all convenient speed, & make return thereof to the next session of this Court " Vol 3, p 278 also Vol 4, Part I, p 98, 109

"The answer of John Sherman, sergt at Wintertowne, & Jonathan Ince student at Harvard College in Cambridge, to Capt Symon Willard & Capt Edward Johnson, commissioners of the Genl Ct held at Boston May, 27th, 1652,

concerning the latitude of the northermost part of Merremacke River

Whereas we John Sherman & Jonathan Ince were procured by the aforesaid commissioners to take the latitude of the place above named, our answer is, that "Aquedah-tan," the name of the head of the Merremacke where it issues out of the Lake "Winnapusseakit," upon the 1st of August, 1652 we observed & by observation found, that the latitude of the place was 43° , $40'$, $12''$, besides those minutes which are to be allowed for the 3 miles more north which run into the lake " Vol 3, p 288

RETURNE OF THE COMMITTEE ABOUT THE EXTENT OF OUR
NORTHERLY LINE

"Capt Symon Willard & Cap Edward Johnson, a Committe appointed by the last Generall Court to procure artists to Joyne with them to finde out the most northerly part of Merremacke River, respecting the lyne of our patent, having procurred Sargeant John Sherman of Water Towne, & Jonathan Ince, student at Harvard College, as artists, to goe along with them, made then retourne of what they had donne, and found, viz

John Sherman & Jonathan Ince on their oathes say, that at Aquedahtan, the name of the head of Merremack, where it issues out of the lake called Winnapuseakit, vppon the 1st day of August, 1652, wee observed, and by observation found that the latitude of the place was 43° , $40'$, $12''$, beside those minutes which are to be allowed for the 3 miles more north which run into the lake

In witness whereof, they have subscribed their names, this 19th day of Oct 1652

Iur cor me

Jn^o Endecot, Guber^r "

(Vol 4, Part I, page 109)

The return "concerning the northermost line of our patent on the seaside, according to ye order of the Genl Ct."

"Mr Jonas Clarke & Mr Samuel Andrews, both well

skild in the mathematicks, having had the commund of ships uppon severall voyges, being appoynted to take an observation at the northerly bounds of o^r pattent, vppon the sea coaste, this retuene, as follows .

Our observation taken the 13th day of October, the place of o^r last observation, the altitude of the sun was, according to observation & o^r best judgm^t 34° , 34^{min} , the declination of the sun, according to calculation in England 11° 39^{min} , the differance of longitude betwixt this place & England, according to o^r best judgm^t is 63° which in time makes 4 howses & one fifth pt of a house, which adds to o^r declination 3 min & 40 seconds, all which altitude, declination, & meridionale differance, being added together makes, 46° , $16'$, $10''$, which being subtracted from 90° , gave us to be then in North latitude 43° , $43'$, $20''$, which was 8 seconds to the Northward of o^r latitude given, which we measured back agayne uppon a south lyne & there fell in a very playne place, where but few trees but we marked 4 or 5 trees, one of them marked with M B, & att the sea side where the lyne does extend, there lyes a grayish rock at high water marke, cleft in the middle, else, the shore being sand wthout stones, the line runs over the Northermost poynt of an island, as we judge, not above two or three above the high water marke The island is cald the Vpper Clapboard Island, about $\frac{1}{4}$ of a mile from the mayne in Gasco Bay, about 4 or 5 miles to the northward of M^r Makworths house To which retuene the p^ties abouesaid subscribed their hands, & M^r Cluke being absent, M^r Samuel Andrews, vppon oath testified to the truth herof before the Magistrates in Gen^l Court as follows You swere by the living God, that the retuene you made under yo^r hand of the observation you made on the 13th of October on the northerly bounds of o^r pattent is true according to the rules of Art and yo^r best judgm^t taken vppo oath, 19th Oct, 1654 "

(Vol 3, page 361, also Vol 4, Part I, page 207)

"The said Commissioners brought in then bill of Chudge, which they expended, and promised on, & to those that went that journey to finde out the most northerly pnt of Memmacke, which was 28£ 12, 10, which the Court

allowed, and ordered that the persons concerned should be satisfied out of the rate according as they were promised, and further doth order the Treasurer to satisfy to Captaine Willard and Captaine Johnson twenty markes a peece for their payes "

Vol 4, Part I, page 109

The northern line of the Massachusetts Patent having been established, and the course of the Merrimack River, with its advantages for new plantations becoming so apparent, a number of adventurers in Salem, requested the Selectmen to lay out Penny-cook as a plantation, engaging for the planting of the same

The reasons set forth in their petition were, "that the town had putted with so much of their soil, as not to have enough for the comfortable support of all its population; and whoever of them should have a new settlement allowed them, would become more helpful to Church and Commonwealth " (Felt)

This petition was presented to the General Court by the deputies from Salem, May, 28, 1663, and the following order was passed

Oct, 21, 1663 "In ans^r to the motion & request of the deputys for Salem & in there behalf, the Court judgeth it meete to graunt the inhabitants of Salem, a plantation at Pennicooke, of Six miles square, so as there be twenty families settled there wthin three years, & on the condition exprest in a former grant " Vol 4, Part 2, page 91, Records of Mass

In the same vicinity there was granted to Gov Endicott 500 acres of land, in the "wildernesse at Pennicooke," "36 acres of which was on an Island in the said River of Merrimacke, which Island lyeth at the very farthest end of that place called Pennicooke," the remaining 460 acres being on the east side of the river with two small Islands of about sixteen poles each, extending into the river.

A plan of this farm dated 1694, is filed in the Archives of Mass Book 45, No 228

This grant was made May 5, 1664, and confirmed May 12, 1668 (Mass Rec)

In 1672 The General Court also grant to Major William Hathorne, of Salem, a tract of one mile square, at or about Penecooke, instead of 500 acres, granted but not located in 1661, "provided it hinder not a township as is exprest in the grant "

Belknap, Hist of N H , Vol 2, page 69, gives us the date of what was no doubt the first full and complete survey of the "Lake Winnipiseoge," under date of 1726 It says

"Mass had, under the interpretation of her claim for 3 miles North, made a grant to Gov Endicott of some lands at Pennicooke A Committe was appointed to go to Pennicooke to confer with a Committe who were then employed in laying out the lands A survey of Lake Winnipiseoge was ordered, that it might be known what number of townships could be laid out independant of the Massachusetts claim " Also Vol 2, page 106, ibid

The success attendant upon the introduction of cotton and woollen manufactures into New England, had turned the attention of the most skilled engineers to the perfection of a system of works by which the waste water power of the Winnipiseogee Lake, flowing into the Merrimack River, might be stored up, as a reserved power to be used in times of need A preliminary examination was made about 1831 or '32 of the Winnipiseogee River, at the outlet of the Lake, preparatory to a survey for the construction of suitable works for the storage of the waste power for the use of the manufacturing establishments dependent upon the Merrimack River and its tributaries, as then chief source of supply

This examination brought to light what is now known as the "Endicott Rock," it is situated above the bridge at the Weirs, head of the Winnipiseogee River, and which, by reason of the improvements below and the many changes wrought by time had caused the river supply to flow back, damming up, and overflowing, what was once established as a monument of the most northerly line of the Massachusetts Bay Company's possessions as described in their Patent

It is an oblong boulder, surrounded with many others smaller in size, in the bed of the stream. Attention was directed to this work in particular, by its size and its peculiar markings, which on examination proved to be letters.

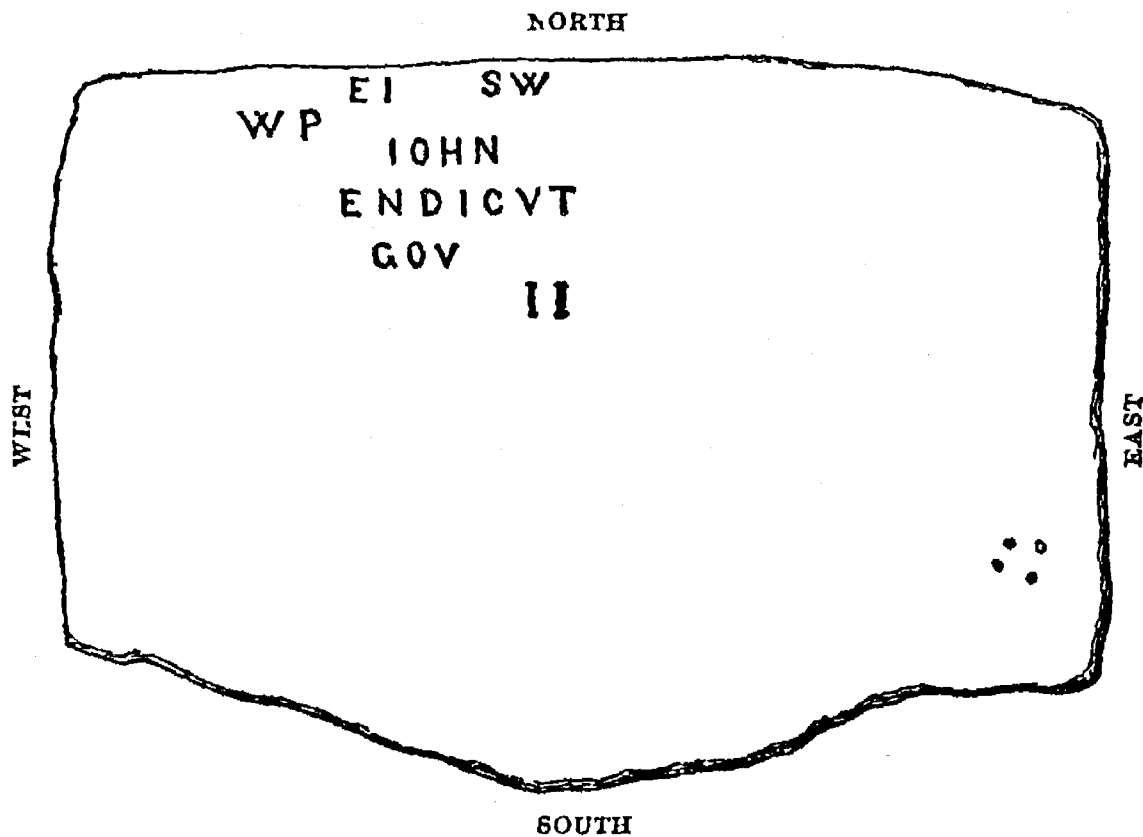
The following sketch of the rock, with its inscription, was furnished me by a gentleman of New Hampshire, well versed in the early history of this region, taken during the dry summer of 1876, when the top of the rock was entirely above water. The top is nearly flat, the south-easterly corner being a foot or more the highest, and slopes to the north-west.

Some portions of the inscriptions are not very distinct, for instance, the (I I . . .²) near Gov. On other parts of the rock, I find late inscriptions made in 1854.

The top of the rock has been exposed to ice, since the waters of the lake have been raised, and it appeared upon a close examination made in the morning sunlight, that other inscriptions were once upon it, faint traces indicating it to my mind. All over the rock, we find what seems like traces, or remains of what might have been

²I am inclined to think that the "Harvard student," Jonathan Ince was the "artist" who marked this monument, and that the obscure inscription (I I) below Gov. was the initials of his name, cut by him on the completion of this survey.

drill-holes, an inch and a half across, very shallow now, in some places nearly all worn out, in others nearly or quite half an inch deep I was unable to account for these holes, unless these "Artists" put them in all over the rock to mark it, and to render it conspicuous, as so important an object should be The letters which remain show the "artist" they are well cut, and in a way to show skill, and no doubt when they left it, it was stamped with the record of the latitude, and much more than can now be found



This is undoubtedly the monument established by the commissioners, Edward Johnson and Symon Willard, to designate the northerly line of the Merrimack River

The question of the most importance, in a historical point of view, connected with this plan is to determine its date, and the purpose for which it was projected

It bears on its face evidence of its being the earliest, and is no doubt the very oldest plan yet discovered of the Merrimack River, and with the practical views of the

leading minds of that early period it must have originated in some well matured purpose for the development of the resources of the valley bordering the Merrimack River

It must be borne in mind that the Governor and several prominent members of the Council of the Massachusetts Bay Co were located in Salem, which then embraced most of the southern portion of the county of Essex, and that they were anxious to occupy and develop, to the extreme limits consistent with safety, such portions of their grant as would be easy of access, those marked by water communication, being the first selected

The first Legislative action was in 1638, when the General Court appointed Commissioners to discover the sources of the Merrimack River Goodman Woodward, with others, was appointed, and no doubt performed the duty assigned them, as in May, 1639, they were paid for their services

The present plan not only meets all the requirements demanded by such a survey, giving the rivers flowing into the Merrimack, with the ponds, lakes, and mountains beyond, as they appeared at that early day

It also conforms to the survey made by Willard and others in 1652, as reported to the General Court, which report was more fully explained when they were required by the General Court in 1665 "to give testimony of what they did there" They say

"Wee indented wth two Indians well acquainted with Merrimack River & the great lake to which wee went, born & bred all their daies thereupon, very intelligent as any in all these parts, as wee conceived

We covenanted wth them, to lead us vp Merrimack R as far as the River was Merrimack R, when wee come short of the lake about 60 miles, there come two Rivers into, one from the westward of the north, & the other from northward of the East.—The westerly river to me

as I then thought, was bigger than the other, but taking notice of both these rivers & knowing we must make use but of one I called the Indians to inform us which was Merrimack River then answer was, the River which was next unto vs, that came from the easterly point, which river we followed unto the Lake

Witness our hands this 17th of the 3 mo 1665

Simon Willard,
Edward Johnson

Attested on oath before the Gov & Magistrate assembled in Genl Ct

As attests Thomas Danforth per order "

There can be no doubt about that part of the plan giving the "Coises from Dunstable to Pennicooke," is having been drawn between 1660 and 7, by John Gardner, who was at that time a resident of Salem

The fact that Gov Endicott and Major Hathorne having a landed interest, and both of them magistrates of the General Sessions of the Peace, may account for the plan being on the Court Files

The next question to be determined is, who was Jno Gardner, whose name is affixed to this plan, or survey, and can he be identified?

From a careful examination of all available documents, we are satisfied that he was the son of Mr Thomas Gardner, who removed with Conant from Cape Ann in 1626, and had a settlement in Salem on the arrival of Endicott in 1628. Thomas was one of the first over-seers at Cape Ann, one of the original members of the First Church in Salem, made a freeman in 1637, and elected a Deputy to the General Court the same year. He was for many years prominent in the administration of the public affairs of the town. He had a grant of 100 acres of land at the head of the North River, which from time to time was increased by other grants so that at his death, in 1674, it comprised several hundred acres.

²John Gardner, the son of ¹Thomas, is supposed to have been born before his arrival at Cape Ann, dying in 1706, at the age of 82, making his birth 1624, without any allowance for the uncertainty of the early record of arrival, and was the first, and until after 1653 the only, John Gardner that can be found in our records. He married the daughter of Capt Joshua Grafton, of Salem. Their son, the 2d John, was born the 20, 12 mo, 1653.

The first time the name appears in our Mass Coll Records is under date of 5th of 9mo, 1639.

We next find at a meeting of the town assistants

25th 11mo, 1642

John Endicott and Thomas Gardner, being present, granted unto Richard and John Gardner, each of them a ten acre lot at Mackerell Cove. His name is frequently mentioned with others in laying out of lots and measurements of land in Salem.

1657 Jno Gardner with others, were desired to join with Lynn to run the line from the sea to the great pond, etc (Boundary between Salem and Lynn)

1659 "Mr Walter Price, Mr Joseph Grafton & John Gardner, did severall tymes take contribution of those that were free in it and sett down from their mouths what they voluntarily gave for that end," for the procuring of a house and land for Mr Jno Higginson, our Pastor. Essex Hist Coll Vol 5, p 272.

1660 Jno Gardner of Salem was employed to run the bounds between Boston, Charlestown and Lynn. The report of his doings is handed down to us in a suit between the town of Lynn, vs Thomas Brown, in case of trespass the following testimony was put into the case.

"Mr John Gardner of Salem, being desired by the Selectmen of Lynn to Run the bounds betwixt Bostone, Charlestowne and Lynn vppon a Noi Norwest lyne, from the middle of Bride's brook vppon the foote Bridge by Mr Bennetts, by a Meridian Compass, he the sayd John

Gardner testifieth That the faime house which they call Roger Tylers is about One Hundred, or Sixscore Rods with in the sayd Lyne, and thit house the call Ensigne Bincrofts is about One Hundred or Sixscore Rods, and the field the call Mst Lyndall' field which lyeth of to the Norwestward of his faime house is wholly within the same Lyne

Per me John Gudner

This Lyne was run in the year, 1660, as appeas by the Towne Books

Veria Copia taken out of the Origgmall under M^r John Gardners hand

Attest John fuller Town Cluk "

In Mansfield *et al* of town of Lynn, vs Thomas Brown, in suit for trespass in 1682, the above certificate was put into the case

1663 ¹John with his brother Samuel were owners of one half of the new corn mill in Salem built in 1663 " $\frac{1}{3}$ of his Water mill at Salem left by will to his Grandson ³John Gardner," son of ²John who probably died before his father

Richard Gardner brother of John appears to have settled in Nantucket about 1666

The Essex County Court Records indicate that Richard and his wife sympathized with the doctrines of the Quakers, being both of them frequently fined for absenting themselves from the "Public Worship of God " At the County Court held in 1667, the Court remitt " $\frac{1}{2}$ of the fine of 40s against the wife of Richard Gardner because she had removed out of the jurisdiction to dwell "

It would appear that through the influence of Richard, a vote was passed by the authorities of the town inviting ¹John and his family to settle amongst them, as appears by the following proceedings

August, 1672

"The Freeholders, inhabitants, purchasers & Associates

of the Island of Nantucket, grant unto Mr John Gardner, of Salem, Maine, A Seamen Accomodation, with all Appurtenances belonging unto it, as fully as the other Seamen & Tradesmen have in their former grants, upon condition that he come to Inhabit and to set up the trade of fishing with a sufficient vessel, fit for the taking of Cod-fish, &c, &c " Nan Rec, Book 1, page 31

The proviso attached to the proposed grant was "that the sayd John Gardner to be here with his family before the 1st day of April, 1674 "

In 1676 "John Gardner now of Nantucket, conveys land in Salem to Dr Burton and John Saunders ' This land was situated near the present corner of Essex and Herbert streets (Essex Reg Deeds)

Soon after the arrival of John in 1673, the following vote was passed by the Freeholders

"Richard Gardner & his brother Capt John Gardner had license granted them to buy land on Nantucket of the Native Indians " (Provincial Rec of New York)

In 1673, John was appointed by Francis Lovelace, Gov of New York, 'to be Captain of the Foot Company in Nantucket '

He was also appointed Chief Magistrate of the Island in 1680, 2, and 4 After the transfer of the Jurisdiction of Nantucket to Massachusetts Bay Colonies, in 1692, he was appointed Judge of Probate, holding the office at the time of his death, in 1706 He represented the town of Nantucket in the General Court, in 1692-3. Was Tax Commissioner for Martha's Vineyard and Nantucket for the years 1692 and 1693. (Province Laws, Vol 1, p 93) Appointed a special Justice to try Strabo, an Indian of Nantucket, for the murder of his wife Mugaret, in 1704

Judge Gardner died in 1706 His grave stone, the old-

est on the Island, is about a mile west of the present town in the ancient burying ground near Maxey's Pond, but very much defaced Its original inscription was : —

“Here lies the Body of John Gardner, who died
May 6, 1706, Aged 82 years ”