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### SUMMARY HISTORY OF THORNTON'S FERRY, MERRIMACK, NEW HAMPSHIRE

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*Summary:* A ferry was maintained across the Merrimack River at the location now called Thornton's Ferry from some date in the early-to-mid eighteenth century until 1899. In the absence of bridges across the river between Merrimack and Litchfield, this ferry was an important and enduring transportation link for at least 130 years, and possibly for 160 years. As shown below, the site possesses documented historical significance. This significance could be enhanced by archaeological investigation, which may provide verification of the structure of the ferry landing, of a warehouse that was reportedly located at the ferry, and of the beginning and duration of the ferry's operation. Archaeology may also reveal aspects of the design and construction of an early ferry landing and of the material culture associated with ferry operations in the eighteenth and nineteenth centuries. Such investigation should assist future projects to avoid archaeologically sensitive areas and resources at the site.

*Narrative history:* The territory that was incorporated as Merrimack, New Hampshire, in 1746 was originally part of the ancient Dunstable grant of 1673. Old Dunstable embraced territory near the Merrimack River on both sides of the Massachusetts/New Hampshire border. Col. Matthew Thornton, a signer of the Declaration of Independence, eventually acquired title to the property.

Ownership of this land parcel has been traced back to 1739. In that year, Jonathon Cummings, a farmer of Litchfield, purchased an 81-acre portion of Lot No. 12 in the ancient 1656 Massachusetts grant of Brenton Farm (a large holding within the territory of old Dunstable) from the estate of Sandy Calley.<sup>1</sup> It has been asserted on several

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<sup>1</sup> Robert Richardson, administrator of the estate of Sandy Calley, to Jonathon Cummings, October 16, 1739 (recorded January 16, 1760). Title research, (typescript), National Register file, "The Signer's House

occasions, beginning in 1784, that Cummings operated a ferry across the Merrimack at this point. By one account, Cummings was granted the ferry privilege by the general court of the County of Middlesex in Massachusetts at a time before the boundary line between Massachusetts and New Hampshire had been fixed in its present location.<sup>2</sup> Cummings, in turn, sold the property in December, 1763, to Col. Edward Goldstone Lutwyche, who would soon establish a ferry crossing at this site under the authority of the Province of New Hampshire.<sup>3</sup>

Lutwyche was an active military figure in the years preceding the Revolution. In 1769, he was one of three officers appointed by governor, council, and assembly to inspect a military road that was to be built between Charlestown, N. H. (Fort No. 4) and Boscawen, and to complete the road for the passage of wheeled carriages if the road failed to meet specified standards.<sup>4</sup>

In 1766, Governor Benning Wentworth granted Lutwyche a charter for a ferry across the Merrimack between his Merrimack farm and the village of Litchfield. The charter grants Lutwyche

the Sole Priviledge of keeping a Ferry & of keeping using & Employing a Ferry Boat & Ferry Boats for Transporting Men Horses & Carriages goods & things from the Shore of Merrimack aforesaid where the Said Edward Goulstone Lutwych now Dwells cross the River Merrimack to the opposite Shore of Litchfield & from that last Mentioned Shore to Merrimack Upon the following Conditions Viz that the said Grantee does & Shall at all Times keep such Boats & Such Attendance as the Law now doth or may require To Have & to Hold the Said Ferry & Priviledge of a Ferry on both Sides of the Said River as aforesaid with all Ferriages Profitts & Advantages & Appurtenances unto him the Said Edward Goulstone Lutwyche his heirs Executors Administrators & Assignes from the Day and Date hereof to his & their only Proper Use & behoof forever and for the Encouragement of the Said Edward Goulstone Lutwyche to keep Such Boats & give such Attendance as aforesaid We do strictly forbid our Loving Subjects to interfere with the Same Ferry or set up any other Ferry within

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(Matthew Thornton House),” Merrimack, N. H., New Hampshire Division of Historical Resources, Concord, N. H.

<sup>2</sup> Merrimack Historical Society, *The History of Merrimack, New Hampshire, Volume 1* (Merrimack, N. H.: Merrimack Historical Society, 1976), pp. 52-53.

<sup>3</sup> Jonathon Cummings to Edward Goldstone Lutwyche, December 12, 1763, Province Deeds Vol. 72, page 130. Title research, (typescript), National Register file, “The Signer’s House (Matthew Thornton House),” Merrimack, N. H., New Hampshire Division of Historical Resources, Concord, N. H.

<sup>4</sup> *Laws of New Hampshire*, Vol. 3, Province Period, 1745-1774 (Bristol, N. H.: Musgrove Printing House, 1915), pp. 520-521.

the Space of Two Miles above or below the Same before granted Ferry upon or across the Said River Merrimack.<sup>5</sup>

As noted in an article on Matthew Thornton by C. H. Woodbury,

Thornton's Ferry, the place of his residence, was not so called prior to the time when he removed to Merrimack. Prior to that time it was called Lutwyche's Ferry. The Merrimack River forms the eastern boundary of the township, and the Ferry is across the river to the town of Litchfield on the east bank. The Ferry had been granted to Edward Goldstone Lutwyche in 1767. He was the colonel of the Fifth Provincial regiment, and at the breaking out of the hostilities was a Loyalist. He refused to call out his regiment at the time of the battle of Lexington, and on the night of April 20, 1775, left Merrimack for Boston within the British lines, and never returned. His mother remained. She claimed to be the owner of both the farm and the Ferry, but the committee of safety for both Merrimack and Litchfield forcibly took the Ferry from her, on the ground that it was her son's property, and therefore should be forfeited for the public good. She, on October 24, 1775, appealed to the congress then in session in Exeter, and they, on November 2d, promptly ordered it, together with the intermediate profits, to be restored to her. During the remainder of her life, she remained in undisputed possession. She died September 7, 1778, aged seventy-seven years, and the state committee of safety, on September 10, 1778, directed Colonel Nichols, Mr. Underwood, and Major Chase to take an inventory and possession of here estate. Her name was Sarah Lutwyche, and she is buried in the family lot of Matthew Thornton at Thornton's Ferry, where the stone at the head of her grave may still be seen.<sup>6</sup>

The History of Merrimack asserts that Edward Lutwyche "built a three-story building near the river. This served as a store and ferry house until the early 1800s."<sup>7</sup>

In 1780, Matthew Thornton, then of Exeter, purchased several adjoining parcels of land in Merrimack. Among them was a property purchased from William Spooner containing two parcels and including "all the buildings and improvements on both tracts and all my right, title, and possession to the Ferry."<sup>8</sup>

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<sup>5</sup> *New Hampshire Provincial Papers*, Volume 25, *Town Charters Granted within the Present Limits of New Hampshire* (Concord, N. H.: Edward N. Pearson, 1895), p. 339.

<sup>6</sup> C. H. Woodbury, article on Matthew Thornton in *Proceedings of the New Hampshire Historical Society* III (June 1895 to June 1899): 92. Edward G. Lutwyche did in fact sell his property to his mother, Sarah, as recorded in a deed of June 22, 1775, recorded in Hillsborough County Deeds, 1:525.

<sup>7</sup> Merrimack Historical Society, *The History of Merrimack, New Hampshire, Volume 1* (Merrimack, N. H.: Merrimack Historical Society, 1976), p. 52.

<sup>8</sup> Michael Wentworth, Esq., and Martha Wentworth of Portsmouth to Matthew Thornton of Exeter, a 220-acre farm on which Mrs. Rebecca Wentworth now dwells, October 20, 1780, Hillsborough County deeds

Following his purchase of the lands that formerly belonged to Col. Lutwyche, Thornton discovered that the grant of the ferry had evidently lapsed with the confiscation of the Lutwyche property by the Committee of Safety in 1778. Thornton was therefore compelled to petition for restitution of the ferry privilege. A law passed on April 14, 1784, outlined the circumstances in which Thornton found himself:

Whereas Matthew Thornton of Merrimack . . . hath petitioned the General Court, setting forth that Cap<sup>t</sup> Jonathan Cumings the former owner of the Lot of Land, on which the said Thornton now lives, & of which he is now the Owner, kept, & injoyed A Ferry, over said River, & Received to the use of the said Cumings, Ferriage for the transporting people, Cattle, & things, & that all those Holding said Lot under [after] the Said Cumings have held, & injoyed the Said Ferry, Untill the said Lutwyche became An Absentee, Since which time the Owners of said Lot have been interrupted in the injoyment of Said Ferry that the said Thornton had purchased the right to said Ferry with A prospect of having the Same Confirmed to him, his heirs, & Assigns, & that Such Confirmation would be of public utility.<sup>9</sup>

Some inhabitants of Litchfield, Merrimack, and Amherst petitioned against Thornton's request to reinstate the ferry. According to one remonstrance, submitted to the New Hampshire Council and House of Representatives and signed by over eighty men, local residents on the ancient Brenton's Farm had themselves maintained a ferry across the Merrimack following the cessation of Lutwyche's service. These petitioners stated that

. . . we are Inform'd that Matthew Thornton Esq<sup>f</sup> Has petitioned your Honors that he may have the Exclusive right of ferrying people over merrimack river where Col<sup>o</sup> Lutwyche formerly kept the ferry . . . We Humbly pray that this petition may not be Granted first Because it wou'd be unjust that he should have the Benefit of the ferry when the Owners & proprietors of Brintons farm have been at so much cost and Exspence in Reserving lands on both sides merrimack river keeping proper Vesels for & tending the ferry 2<sup>d</sup>ly because that Col<sup>o</sup> Thornton sence he has Lived there has paid little or no Attention to serve the publick in that way and if your Honors Grant his petition the public as well as your petitioners will be much Injured as all that are Acquainted with

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7:306; William and Mary Spooner to Matthew Thornton of Exeter, an 80-acre parcel and a second parcel with "all my right, title and possession to the Ferry" October 24, 1780, Hillsborough County Deeds, 7:307. Title research, (typescript), National Register file, "The Signer's House (Matthew Thornton House)," Merrimack, N. H., New Hampshire Division of Historical Resources, Concord, N. H.

<sup>9</sup> *Laws of New Hampshire*, Vol. 4, Revolutionary Period, 1776-1784 (Bristol, N. H.: Musgrove Printing House, 1916), pp. 552-553.

him know that he never did attend to such matters neither can it be Exspected he ever will.<sup>10</sup>

A second remonstrance, signed by thirty men, questioned the linkage of ferry rights at this location to the sale of the land on which the ferry landing stood.

Your petitioners are Owners & Inhabitants of a Farm of the Greatest part of the farm mentioned in the Petition Called Brintons Farm—An *Ancient Grant*—lying on both sides of Merrimack River and now known by the names of Litchfield & merrimack and principally included within said Towns & Conceive themselves Entitled in proportion to their Intrests to all the priviledges & Immunities within the Bounds of said Farm whether by Land or Water—and Humbly Conceive the public as well as themselves wou'd be Greatly Injured if the prayer of that Petition should be Granted. As it is not Likely the ferry will be tended in the manner it Ought to be while under the direction of Col<sup>o</sup> Thornton as hithertoo he has paid little Attention to it Notwithstanding he mentions the ferry to be the main Inducement to his buying the farm—neither should we be willing an Exclusive right of Ferrying there should be Granted to any person in such as manner as to become a part of his estate. It is suggested in said Petition that the Court of General sessions of the peace in the County of middlesex Appointed Jonathan Cumings to keep said ferry and that Cumings sold it to Col<sup>o</sup> Lutwyche. We don't know that the General session of the peace for the County of Middlesix Granting Licence to Cumings to tend said ferry Gave him a right to the ferry or in any manner Intitled him to Convey the same to any person whomsoever—we denye that Cumings sold it to Col<sup>o</sup> Lutwyche as not the Least mention is made thereof in Cuminges deed to Lutwyche.<sup>11</sup>

Despite these objections, the New Hampshire legislature passed an act on April 14, 1784, confirming the ferry privilege upon Thornton. Perhaps responding to the remonstrances quoted above by imposing on the grantee the obligation to bond himself for the faithful operation of the ferry, the legislature granted to Thornton

The Sole, & Exclusive privilege of Keeping a Ferry, over Said River in any part thereof within two Miles Above, or Below the said Matthew Thornton's now Dwelling house in Merrimack , be & are hereby Conformed to, & vested in the said Matthew Thornton, his heirs, & Assigns forever, he Giving Bond, with Surity, in the Sum of One thousand pound to the Clerk of the

<sup>10</sup> *New Hampshire Provincial Papers*, Vol. 12 (Concord, N. H.: Parsons B. Cogswell, 1883), p. 588

<sup>11</sup> *Ibid.*, pp. 589-591.

Sessions of the peace for the County of Hillsborough, that said Ferry Shall be Constantly Attended, & well kept, According to the Laws of this State, that now are, or Shall be made for the Regulation of Ferries.—And be it further Enacted by the Authority aforeseaid That if any person, or persons, Shall for hire, or Reward, transport over said River, within the limits of said Ferry, any person, Creature, or thing, any, & every person So Offending Shall forfeit & pay, the Sum of forty Shillings for every person, Creature, or thing so Transported, one half for the use of the County where the Offence is Committed, the other half for the use of the said Matthew Thornton, his heirs, or Assigns, to be Recovered by Action of Debt, before any justice of the Peace, or Court of Law proper to try the Same.—<sup>12</sup>

In 1797, Matthew Thornton sold for \$2,000 paid by his son, Matthew Thornton, Jr., several tracts of land in Merrimack. Among the parcels conveyed were

Two tracts of land I purchased of William Spooner and bounded as in said Spooner's Deed to me, excepting a small piece I sold to James Thornton. Also the ferry over Merrimac River now known by the name of Thorntons Ferry reserving to my son James Thornton the right of passing Fariage free with any of his family or property.<sup>13</sup>

The ferry continued through the era of Matthew Thornton, Jr., who is thought to have built the large tavern that remains on the site and has erroneously been called “The Signer’s House.”

Because no bridge was ever built between Merrimack and Litchfield, and because the Thornton Tavern continued in use as a public house until the Civil War era, ferry service continued at this crossing throughout the nineteenth century. The *History of Merrimack* asserts that “the ferry had several more owners until in the late 1800s it was operated by Isaac Center. Ferry travel had dwindled by this time and in 1899 Isaac Center petitioned the courts to discontinue the ferry. This petition was granted and Thorntons Ferry became part of the past.”<sup>14</sup>

Thornton’s Ferry is apparently the site of one of the longest-lived crossings on the upper Merrimack River. The site passed through the hands of many operators, was a crucial link between two agriculturally prosperous towns, had associated buildings near the river landing and, after about 1800, was also associated with the still-extant tavern operated by Matthew Thornton, Jr., and many subsequent owners. The site is one of cultural

<sup>12</sup> *Laws of New Hampshire*, Vol. 4, Revolutionary Period, 1776-1784 (Bristol, N. H.: Musgrove Printing House, 1916), pp. 552-553.

<sup>13</sup> Matthew Thornton to Matthew Thornton, Jr., Hillsborough County Deeds, 44:325. Title research, (typescript), National Register file, “The Signer’s House (Matthew Thornton House).”

<sup>14</sup> Merrimack Historical Society, *The History of Merrimack, New Hampshire, Volume 1* (Merrimack, N. H.: Merrimack Historical Society, 1976), p. 53.

complexity. The intactness of such a site demands evaluation. If the site retains integrity, its resources demand protection and interpretation.