

## APPENDIX B.

Information of considerable interest concerning the British post at Penobscot, established by Brigadier General McLean in June, 1779, is to be found in an unexpected quarter, namely, in the early records of the New Brunswick Court of Chancery.

The writer has before him a document, yellow with age but in an excellent state of preservation, entitled "The Answer of Margaret McPhail wife of John McPhail, Defendant, to the Bill of Complaint of Zebedee Hammond of Charlotte County, yeoman, Complainant."

The text of this interesting document is in the handwriting of Wm. Wyllly, Esq., the first King's Counsel of the province, a very able lawyer.\* The document was sworn to by Mrs. McPhail (who signs her name Margery McPhail) before Ross Currie, Master in Chancery, on May 6, 1786. The document need not be quoted in full. Its length and the monotony of legal verbiage are sufficient apology for a brief summary of the contents. Extracts bearing upon points of particular importance will, however, be given.

Mrs. McPhail lived with her husband at Penobscot from the time the place was taken possession of by his Majesty's troops until after the evacuation. At the time of the evacuation which was on January 15, 1784, many of the troops returned to Great Britain. McPhail seems to have sailed with them on his own private business. His wife remained at Penobscot endeavoring to dispose of their property. At that time the complainant, Zebedee Hammond, owned a vessel and made frequent trips between Penobscot and Passamaquoddy where the loyalists were settling. Mrs. McPhail, under a power of attorney from her husband, sold to Hammond for the sum of forty pounds a house that had been originally erected by the officers of the Seventy-fourth regiment as their mess-house. The house was a large building, at least sixty feet in length, with three stacks of chimneys, and is said to have cost upwards of £360.

During the period of British occupation McPhail and his wife kept the regimental mess. He was obliged to incur

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\*In 1787 William Whyly removed with his family from St. John to the Bahamas, where he was later Chief Justice. He left his law business in the province in the hands of his friend Ward Chipman. The document referred to above is filed among the Chipman papers. The wife of Wm. Wyllly was a daughter of Mr. Matthews, the last Mayor of New York under the Crown.