

Old Gaol
York, Maine

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PHOTOGRAPHS

WRITTEN HISTORICAL AND DESCRIPTIVE DATA

District of Maine

Historic American Buildings Survey
Josiah T. Tubby, District Officer
537 Congress Street, Portland, Maine

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"OLD GAOL" (King's Prison)

York, York County, Maine

Owner

York Village

Date of Erection

1653

Builder

Built by the Province of Maine after an act passed 1646.

Present Condition

The gaol has been extensively repaired as to the exterior. Walls clapboarded, sash replaced, roof and chimneys re-newed. The interior has also been altered. Fireplaces have been rebuilt and several partitions have been changed. The dungeon remains unchanged.

Number of Stories

Two

Materials of Construction

Stone foundation. The walls and floor of the dungeon are of stone. All the stone in the structure appears to have been laid in shell mortar. In the section of the building used as quarters for the sheriff and his family, the walls are nearly all of plain board finish, whitewashed. A few of the rooms are plastered. Lumber used in the structure is oak and pine. Iron gratings in dungeon windows.

Other Existing Records

Old Colonial Houses in Maine-Nason. Agamenticus, Gorgeana, York 1623-1914 by Edward C. Moody. History of York, Maine by Charles Edward Banks.

Additional Data

It is difficult to state specifically what parts of the Old Gaol are original. Court records prove that the jail was in use as a court and prison after 1653, although a note in the History of York, Maine page 235 states that twenty years after the Gaol was started, it was still in the process of completion. It is believed that the stone dungeon section of the structure was built first. Probably shortly after, the south end of the present structure was added. The dungeon is built without light or exposed windows.

Both the first and second floors were used for prisoners.

The sheriff in charge of the Gaol, occupied the living quarters in the building on the first floor and it is said that it was common for the wife of the sheriff to keep the jail while her husband was employed elsewhere.

The court room was at the southwest end of the building. The higher courts were not often held in the gaol building but usually were conducted in the meeting house.

Well behaved prisoners were permitted the privilege of the "yard", - the yard being only certain prescribed limits extending around the gaol. One limit extended to the Meeting House door, and prisoners were allowed to attend meeting.

Records of the court show that women as well as men were imprisoned here. People were imprisoned and punished for miscellaneous causes, such as, a school teacher was imprisoned for teaching school without being qualified according to law. A woman was imprisoned for petty theft. Imprisonment for indebtedness was common.

The location of the whipping post and stocks was on the little knoll at the north end of the gaol.

The Old Gaol is believed to be the only building of its kind still remaining from the early Colonial Period. It was used as a prison for the entire province of Maine until 1760. From 1760 until 1802, it was county jail for York County, and up to 1860 was in use as a prison.

The building is now used as a museum and is open to the public during the summer months. There are old prison records on exhibition showing names and descriptions of prisoners.

Eleanor E. Jannell

Approved: *Frederic J. Tubby*

Date: *April 15, 1937*

PW

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YORK COUNTY GAOL (OLD)

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An addendum to
Old Gaol
York, York County, Maine
in HABS Catalog (1941)

- Location: 4 Lindsay Road, southeast corner of Lindsay Road and Maine Street (U.S. Route 1 A), York (York Village), York County, Maine.
- Present Owner: Town of York (building) and First Parish Church of York (land).
- Present Occupant: The Old Gaol Museum Committee of the Old York Improvement Society.
- Present Use: Museum.
- Statement of Significance: Traditionally built in 1653 and reputedly the oldest public building in English America, the Gaol, although evidently an eighteenth-century construction, is nevertheless of major significance as a very early surviving American jail with many original fittings intact. The building was declared a National Historic Landmark on November 24, 1968.

PART I. HISTORICAL INFORMATION

A. Physical History:

1. Original and subsequent owners:

- 1719 Court of General Sessions of the Peace ordered on October 6, 1719 "that a prison ... be built ... in the Town of York ... to be finished at or before the last day of June next At the charge of the County. That the Old prison & the land it stands on Shall be disposed of & a piece of land purchased near the meeting house in sd York to build a new prison upon." (York County Court Book, vol. VII, p. 10)
- 1812 First Parish Church granted York County use of land for 100 years, or more years, if needed. (Apparently land had been ceded for term of years instead of purchased as Court ordered in 1719). County owned building but not site, which still belongs to First Parish Church.

1868 County Commissioners appointed Handen Fairchild of Alfred "to sell the old Court House and Jail at York in said county ... to Washington Jenkins of York for \$200.) Jenkins sold to Town of York for same sum.

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1879 Town voted to allow town police to use Gaol for prisoners. For many years a Mrs. Rhoda Abbott was associated in an ill-defined way with the building, possibly renting rooms.

1900 At suggestion of William Dean Howells, Gaol was opened as a museum.

1927 Lease for 25 years from Town to Old Gaol Museum Committee of the Old York Improvement Society was renewed.

1952 Lease was renewed for another 25 years.

2. Date of Erection: Circa 1720 and following. NOTE: In refutation of the traditional date of 1653, the following comments and documentary citations have been compiled by Professor Neal W. Allen, Jr. It should be observed that the dimensions given in Document No. 18 correspond to the outside measurements of the stone portion of the present structure.

Although complete certainty is impossible, thoughtful consideration of the records suggest the following history of jails in York up to the year 1720.

The first building serving that purpose probably appeared in the late 1650's or early 1660's. To this extent (but only with respect to a jail of some sort), the local tradition of the 1653 date reflects the facts. (See Document No. 3.)

By 1666 the earlier building - if such existed - was already insufficient. In late 1666 the Court ordered that a "sufficient pryson" should be built. (See Document No. 4)

If a prison was built in 1666-67, it was clearly inadequate, being reported as unfit for use in cold weather as early as November, 1667. This suggests either that the former prison continued in use, or that the building ordered built in 1666 was unfinished. (See Document No. 5.)

There seems to have been a common jail in the period 1670-1700, but it was clearly not adequate and was in chronic need of repair. As late as 1686 there was no chimney (see Document No. 6), and ten years later the Court asked a committee to view the prison "to see what's amiss in it". (See Document No. 7.) By 1707 it would appear that although there was a jail in Kittery (which was also "out of repair"), there was apparently no jail in York. (See Document No. 8.)

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From the 1680's to 1714 the region faced its most trying ordeal. An examination of the Massachusetts Archives reveals the extent to which Maine suffered during the frontier warfare of those years. Population dropped, the towns east of Wells were abandoned, and tax revenues also dropped sharply. Under such conditions it seems clear that few public works of any magnitude could be carried out. Document No. 8 indicates that there was a jail at Kittery after 1700. Because this had fallen into disrepair, there seems to have been a move to erect a suitable jail or prison in 1707 in York. (See Documents Nos. 8, 9, and 10.) If that plan was carried out, and it is by no means certain that it was, it seems incontestable that the resulting structure was no more satisfactory than its predecessors; as early as 1710 the familiar complaint arose that the prison was "insufficient" - again, because it lacked a chimney. (See Document No. 13.)

Even when peace came, and with it resettlement and increased population, it was some time before the magistrates moved to provide an adequate prison. In 1715 and again in 1719 the sheriffs of those years entered formal protests that the jail was "insufficient". (See Documents Nos. 14-17.) In October, 1719 the Court finally decided to build, and the last citation (Document No. 18) seems to make it clear that the authorities were no longer content with "repayrs". It is significant in estimating a date for the present structure that they ordered the purchase of land "near the meeting house" and directed that "the Old prison and the Land it Stands on Shall be disposed of".

My own editing of the York records has not proceeded beyond the year 1727, and I have had little opportunity to examine the court books and file papers after 1730. I could wish that documents relating to

the court order of October, 1719, would turn up, especially the "Just acco't" that the building committee was told to lay before the Court; but I have not found this, nor any other corroborating evidence that the order of 1719 represents the true founding date of the present building. In all fairness, we come to the Scotch verdict "not proven". I believe that the oldest portions of the old jail may date from the 1720's. The evidence of the documents is to me convincing, if not absolutely conclusive. If the documents do not provide us with proof of a firm date of erection, it seems to me that they are solidly against the traditional date of 1653, and indeed against any date earlier than 1720.

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Documentation:

I am including all the documentary evidence known to me, from the beginnings of settlement under the grant to Sir Ferdinando Gorges to 1720. I do not include all passing references to committals, jailor's accounts, or other incidental references to the existence of a prison, jail, or house of correction. Such references appear in the records from the 1660's, but they are ambiguous with respect to the actual existence of particular buildings.

1. September 2, 1639. First commission from Gorges to his Council. Those "duly convicted" to be kept "in safe prison".
(1 Province and Court Records 34)
2. December 30, 1651. "Certen Orders agreed upon and Lawes enacted by the Generall Court held for this Province ... "
"4 It is ordered that the Townes of Georgeanna (York) & Kittery are to build each of them a pryson betwixt this and Michalmisse day next ensuing & in case they be not built the said time prefixed, they shall pay Tenn pounds a peece each place ... "
(1 Province and Court Records 171)
3. October 25, 1653. "An order of Court"
"Whereas the remoteness of this County from the other Convenient prysons makes itt soe uncapable from transmitting there delinquents unto other places of durance that for want thereof such persons as are detected for there misdeamenurs

do upon Occasion find there fitter opportunity of Escape; For preventing whereof Itt is therefore ordered ... That every Towne & village within the Lymitts of this County of Yorke shyre, upon there receaving of warrants from Capt: Nic: Shapleigh Treasurer for this County shall proportionally send in there pay ... for the building & Compleating of that pryson there which henceforward shall bee and remaine for the Generall usse of the Whole County ... "
(2 Province and Court Records 24)

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From the early 1660's there are references to a jail or prison in the records. Thus, on December 10, 1662 Mr. Rishworth let Daniel Goodwin, Constable of Kittery, out of jail and bound him over to the next Court. (1 Province and Court Records 184: Mass. Archives, III, 261) On July 18, 1665 there is reference to "the Common Goale". (1 Province and Court Records 224) In June, 1666 the clerk refers to "John Parker, the pryson keeper at Yorke". (1 Province and Court Records 264) Later the same year, however, the following entry appears:

4. October 10, 1666. Under a list of "orders" of the Court: "Itt is ordered that this Western devision of the Province of Mayn shall build a sufficient pryson at Yorke before the last of September next, 1667."
(1 Province and Court Records 278)

(On July 26, 1666 the Court had also ordered that a prison "bee erected & sett up for the Eastern Devision of this Province In some Convenient place in Cascoe Bay, alias Falmouth ...")
(1 Province and Court Records 315)

In spite of the orders given in 1666, commanding that suitable prisons be erected by the next year, the following entry suggests that no action - or at most, inadequate action - had been taken in York.

5. November, 1667. "In regard of the Couldness of the present season & the Inconveniency & unfitness of the pryson to Intertayne the prysoners this winter tyme, It is therefore ordered that untill a more convenient pryson bee erected or the season bee more moderate, it shall be lawfull for John Parker, his Majestys Goaler at

Yorke, to remove his prysoners to his house, which
untill the Court take further order shall bee allowed
& compted as the lawfull pryson ... "
(1 Province and Court Records 304)

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Twenty years later the problem seemed no nearer solution,
or else it had recurred.

6. October 12, 1686 - Court of Common Pleas.
"Court Order for Goales - This Court doth order
and appoint that the Prison at Yorke shall be
sufficiently Repayred, with the addition of a
chimney ... (further matters about a prison at
Falmouth) ... both which Goales shall Serve as
houses of Correction ... "
(3 Province and Court Records 239-240)

Ten years later the prison was still in need of "Repayrs".

7. April 7, 1696 - Court of Quarter Sessions.
"Pryson to be Repayred - It is ordered by this
Court that Mr. Samuel Donnell, Lieut Preble &
Mr. James Playsted shall forthwith view the
Prison at York & see whats amiss in it, and
cause it to be repayred and to be payd by the
Sheriff out of that ten pounds which was given
to the County by the General Court."
(4 Province and Court Records 69)

My hypothesis is that whatever existed as a jail or
prison in the seventeenth century had probably
fallen into such bad condition by 1700 that there
was no longer any question of mere repairs. From
the late 1680's Maine had been on the front line of
a savage and destructive war, and, even more to the
point, there is extensive evidence that population
declined and that the little resources available
has to go towards defense. Not until after 1714 did
the "Eastern Parts," as the region was called, begin
to recover the population and wealth it had enjoyed
prior to 1690. The fact that at least for a number
of years the jail seems to have been at Kittery is to be
noted. It is also significant that the Court ordered a
prison to be erected in York. This clearly argues against
there being any useable building for that purpose in that
town by 1707.

8. April 1, 1707 - Court of General Sessions of the Peace.
"Whereas the Goal at Kittery is out of Repair and inas-
much as the Courts of General Sessions of the Peace and
inferiour Court of Comon Pleas is Appointed to be holden
at york dureing the warr, Ordered that a Smal Prison be
Erected in york forthwith."
(4 Province and Court Records 335)

9. July 1, 1707 - Court of General Sessions of the Peace.
"County Rate - It is ordered By the Court that forty pounds be forthwith Assessed on the Inhabitants of this County for Erecting a prison, payment of Juriors & other Necessary Charges ... "
(4 Province and Court Records 336)
10. October 1, 1707 - Court of General Sessions of the Peace.
"Ordered that Peter Nowell & Francis Rains have twenty two pounds paid them out of the County Treasury when they have erected a prison According to Bargain Bareing date the 8th July 1707 the sd prison to be 24 foot Long, 16 foot wide & 7 foot between the floors & ca."
(4 Province and Court Records 342)
11. April 6, 1708 - Court of General Sessions of the Peace.
"Thomas more ... Appointed keeper of the prison at york ... "
(4 Province and Court Records 355)
12. October 5, 1708 - Court of General Sessions of the Peace.
"Correction House - Ordered that Thomas More the prison keeper be also Master of the house of Correction."
(4 Province and Court Records 358)
13. July 11, 1710 - Court of General Sessions of the Peace.
"Mr. Charles Frost Sheriff of the County Informs this Court that the prison is Insufficient by reason there is no Chimney therein."
(4 Province and Court Records 381)
14. April 5, 1715 - Court of General Sessions of the Peace.
"Memorandum. Mr. Abraham Preble Sheriff of the County of york Enters a protest against the Common Gaol for that it is Insufficient to keep prisoners in."
(5 Province and Court Records 164)
15. October 1, 1717 - Court of General Sessions of the Peace.
"It is Ordered by this Court that the Sheriff

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of this County Take Care forth with that the Goal at York be Sufficiently repaired and Lay his Acco't before the next Sessions for Allowance & Payment."
(5 Province and Court Records 202)

16. July 7, 1719 - Court of General Sessions of the Peace.
"Capt'n John Leighton Sheriff of the County of York protested in Court ag'st the County Goal as being Insufficient and desired the Court to take order thereabouts."
(York County Court Book, vol. VII, p. 8. Alfred, Maine, York County Court House)
17. October 6, 1719 - Court of General Sessions of the Peace.
"Capt'n John Leighton Sheriff of this County Continues his Compl't against the County Goal it being yet Insufficient."
(Ibid., p. 9)
18. October 6, 1719 - Court of General Sessions of the Peace.
"Ordered that a prison of thirty foot long Eighteen foot wide & Eight foot wall be built with Stone or brick in the Town of York & Sufficiently Covered with Timber to be finished at or before the last day of June next At the Charge of the County. That the Old prison & the Land it Stands on Shall be disposed of & a piece of land purchased near the meeting house in sd York to build the new prison upon. And that Abram Preble & Lewis Bane Esquires & Cap'tn John Leighton be a Committee with full power to Accomplish the Same & that they keep a Just acco't of their proceedings therein & lay it before this Court for Allowance."
(Ibid., p. 10)

(Letter dated January 2, 1969 from Neal W. Allen, Jr., Professor of History, Union College, Schenectacy, New York)

3. Architect: Not known.
4. Original plans, construction, etc.: None known.
5. Alterations and additions: In 1736 five pounds were paid Joseph Young for digging a cellar, and

in 1737 it was ordered "that an addition be made to the said Gaol with a cellar, gutters to be placed on the old Gaol and the same to be repaired" at a cost of 100 pounds. The wooden dining room (probably originally a parlor), kitchen, and the two south chambers (now opened into one) are thought to have been built as jailor's quarters circa 1737. In 1738 repairs and a fence were ordered. Circa 1750 the jailor was sued by a creditor for the escape of a debtor shoemaker. In the court records Abiel Goodwin, who repaired the break, described the 2½ foot thick wall with double-grated window, the grates set in iron bars, one set on the inner edge of the wall behind oak sheathing, the other set midway in the lime and stone of the wall.

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It was reported in 1763 that "the apartments in the Jail in York usually appropriated to the reception of Prisoners of every denomination consist of two rooms with a fireplace in each and a necessary in one of the rooms for the use of both. There is directly under it a room enclosed with stone with a fireplace without a necessary a small grated aperture at each end. This stone apartment was prior to the year 1760 the only place of confinement. Since the rooms above it have been provided, this stone apartment has generally been used by the Prison Keeper as a place for a store room and cellar as the only cellar under the Prison House is the small one under the western room." This indicates that the space under the gambrel roof was not fitted with cells before 1760 and seems to indicate that the large southwest cell was not fitted up until after 1763. Evidently the stone cell was not partitioned into two sections until after the 1763 report. From 1759 to 1785 repairs and additions were ordered but not described. During the 1780's the yard was extended, and the upper rooms were "ironed" with additional bars.

In 1795 the Court was told the jail was unsafe, the north wall having fallen down. In 1799 a 16' x 18' new stone cell adjoining the older one on the north was ordered. There is no evidence that the order was carried out. After the turn of the century a southeast addition, the present parlor, was ordered, and in 1806 that addition and a new cellar were reported as finished. The cellar has

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gradually filled in and no longer exists. A narrow stairway to the second floor from the new room was later removed. The new addition was painted with Spanish brown suspended in fish oil. In 1825 two coats of light stone-colored paint were ordered applied. During the 1890's, when the building was used as a school, a movable paneled partition hinged at the ceiling was installed between the two west chambers.

6. Important old views: Oldest known view, apparent-dating from circa 1880-90, is in possession of Society for the Preservation of New England Antiquities, 141 Cambridge Street, Boston, Massachusetts. Other old photographs are in possession of Old Gaol Museum Committee, York, Maine.

B. Historical Events Connected with the Structure:

Building served as York County Jail from circa 1720 into early nineteenth century and subsequently served as town jail at least as late as 1879.

C. Sources of Information:

Interview with Barry Greenlaw, Director, Old Gaol Museum, July, 1965.

Manuscripts in possession of Old Gaol Museum Committee compiled September, 1960 by Wilhelmine B. Ernst from Records of the Court of Quarter Sessions, Documentary History of Maine, York Deeds, and Province and Court Records.

Interview with George B. Wagoner, Director, Old Gaol Museum, November, 1967.

Letter from Neal W. Allen, Jr., Professor of History, Union College, Schenectady, New York, January 2, 1969 in Historic American Buildings Survey files. (Vide supra, pp. 2-9)

Prepared by Martha Kingsbury
Research Assistant
National Park Service
August, 1965
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National Park Service
March 20, 1969

PART II. ARCHITECTURAL INFORMATION

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A. General Statement:

1. Architectural character: Building is relatively large gambrel roofed framed structure enclosing small one-storied stone nucleus on three sides. Interior contains prison cells and jailor's quarters. Building is notable as early example of colonial jail with numerous original fittings.
2. Condition of fabric: Excellent.

B. Description of Exterior:

1. Overall dimensions: 76'-0" (seven-bay front including 16' one-story wing) x 37'-6", one-and-a-half stories.
2. Foundations: Coursed dressed rubble on hardpan and rocks.
3. Wall construction: Coursed dressed rubble (stone section of west wall) and clapboards of varying widths with lapped joints.
4. Framing: Mortised and tenoned post and girt framing.
5. Porches, stoops, bulkheads, etc.: Single stone steps at both east entrances sheltered by pentice roofs. Low gable-roofed enclosed bulkhead on east wall.
6. Chimneys: Large rectangular brick chimney aligned with northeast entrance straddles roof ridge. Large square brick chimney straddles roof ridge at south gable. Small square brick chimney at southwest corner of wing roof.
7. Openings:
 - a. Doorways and doors: East wall has two rectangular doorways with plain architraves. Northernmost of two doorways has rectangular three-light transom. Southerly door has glazed top panels; both doors are six-paneled. Doorway in north wall has plain rectangular architrave. Door has vertical flush sheathing backed by horizontal boards.

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- b. Windows and shutters: All windows have wooden double-hung sash. Muntin patterns vary from eight-over-eight-light and nine-over-six-light to four-over-four-light with six-over-six-light predominating. Architraves are plain with very slightly projecting capping boards. No shutters.

8. Roof:

- a. Shape-covering: Gambrel roof, composition shingles. Modified "saltbox" gable roof over south wing.
- b. Cornice, eaves: Simple flush raking cornice boards on gable ends. Eaves incorporate wooden gutters. Wooden downspouts.
- c. Dormers: Two dormers on east slope have shed roofs, clapboard siding, six-over-six-light double-hung sash.

C. Description of Interior:

1. Floor plans:

- a. First floor: Shallow northeast entry 5'-0" x 11'-6" opens north into dining room 11'-10" x 17'-0" and south into kitchen 11'-11" x 19'-1". Kitchen opens west into stone cell 11'-9" x 12'-11" which opens north into second stone cell. (Cells were originally one.) North exterior wall has door into 4'-6" space between stone wall of second cell and wooden outside wall. (Stone cell east wall also stands free from west wall of dining room.) Kitchen opens west into southeast 6'-8" wide entrance hall which opens west into southeast chamber 12'-0" x 17'-4" and south into southwest chamber 16'-0" x 19'-2". Chambers are opened into one by paneled partition hinges at ceiling. Southeast chamber opens west into parlor occupying wing.
- b. Second floor: T-headed stairs from northeast entrance open north into bedroom 11'-9" x 14'-9½" and south into guard's room 14'-10" x 16', which opens south into "debtor's cell" 14'-8½" x 21'-6" and west into "mental cell" 10'-3" x 22'-5". Guard's room also opens south into space under east slope of roof. "Mental cell" opens north into "woman's cell" in northwest corner.

2. Stairways: T-shaped stairs ascend west seven risers from northeast entry to landing. Five-riser second runs ascend north and south from landing to bedroom and guard's room. Stairs have 8" treads and 9" risers with one extra high riser said to have served as prowler alarm. Square railing and newel posts are simple.
3. Flooring: Board of various widths, some painted, others natural finish.
4. Wall and ceiling finish: Stone cells are sheathed with horizontal and vertical heavy oak planking. Other walls are finished with plaster on split or accordian lath or with vertical feather-edged sheathing. There are some vertical board partitions. Stone cell ceilings are heavy oak planking. Most ceilings are plastered and have exposed beams with beaded edges.
5. Doorways and doors: Stone cell doors are composed vertical planks backed by horizontal planks. Other doors are composed of one thickness of vertical planks. One doorway has heart-shaped aperture above door.
6. Decorative features and trim: Fireplace wall of dining room and chimney breasts of south first-floor chambers are paneled. Dining room has built-in corner cupboard. Wall hinged at ceiling between south first-floor chambers is paneled on one side. "Mental cell" has wooden privy in southeast corner.
7. Notable hardware: Cell doors are strengthened with vertical iron straps and strap iron hinges. There is a variety of early hardware - wrought iron hinges, pintles, nails, bolts, thumb latches and keeps, and wooden keeps and block locks.
8. Lighting: Modern electric lighting.
9. Heating: Kitchen fireplace has two ovens and related hardware. Dining room and one stone cell have fireplaces. First-floor chambers have fireplaces set back to back at forty-five degree angle. Parlor has corner fireplace with exposed flue and semicircular hearth. Five upper floor rooms have fireplaces. Several fireplaces have no surrounds. Three rooms have modern electric heating.

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D. Site:

1. General setting and orientation: Building faces southeast on sharp rise of ground with rear toward Lindsay Road and village green around which are widely separated eighteenth-century buildings comprising a museum complex. First Parish Church of York is at head of green across Maine Street (U. S. Route 1 A).
2. Enclosures: None.
3. Outbuildings: Small wooden building at west end of wing serves as toilet.
4. Walks: Dressed stone paving at southeast elevation.
5. Landscaping: Informal landscaping with trees at south and at west.

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Prepared by F. Blair Reeves
Architect
National Park Service
August, 1965
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May 6, 1969