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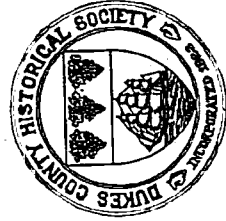
THE HISTORY  
OF  
MARTHA'S VINEYARD

DUKES COUNTY  
MASSACHUSETTS

IN THREE VOLUMES

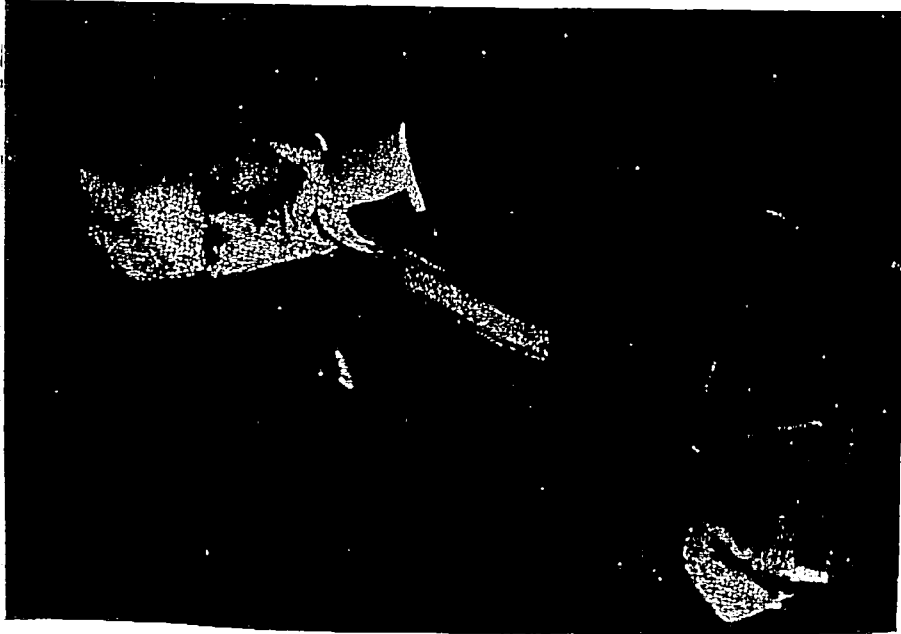
VOLUME I  
GENERAL HISTORY

BY  
CHARLES EDWARD BANKS, M. D.  
ASSISTANT SURGEON GENERAL U. S. P. H. S.  
(Retired)



EDGARTOWN  
PUBLISHED BY THE DUKES COUNTY  
HISTORICAL SOCIETY

1966



*Charles E. Banks*

## PREFACE

The following pages represent the net results of twenty years of constant accumulation of material which I have collected to illustrate the history of the Island of Martha's Vineyard and its dependencies, although it need not be said that all of that time was actually employed in this task. Official duties have been a constant obstacle to its rapid fulfillment, and the prosecution of the work has been followed, at times, under the most discouraging circumstances. Since it was begun, in 1890, when I first became interested in, and connected with, the Vineyard, I have not had the advantages of a continued residence on the Island, beyond a few weeks at a time, and have served at six different posts elsewhere in the meanwhile. This has entailed the transportation of my manuscript material, arranged in half a hundred volumes, over the entire eastern half of the country from time to time, and, it can be said, with truth, that this history has been written in Maine, Canada, New York, Washington, Illinois, Florida, besides in our own Commonwealth, under conditions not favorable for systematic or continuous work. Being thus away from my "base of supplies," much of the time has been consumed in necessary correspondence connected with the records, in verification of data obtained therefrom, and the numerous other incidental processes following this situation, all tending to lengthen the period required for its completion.

These materials have been gathered from National, State and local archives, in England and America. The principal sources in England are the Public Record Office and the Prerogative Court of Canterbury, both of which I visited, together with some local depositories examined by me in search of special information. In our own country the State Archives of New York and Massachusetts have yielded the greatest stores of original material, much of which has never before been published. The county archives at Edgartown have been the foundation of this history as far as persons and estates were involved, while the secular and church records of the several towns afford material for the construction of a narrative of these distinctive communities, as integral parts of

## History of Martha's Vineyard

the whole. In addition to this there is in the Library of Congress, at Washington, a considerable collection of valuable original papers, of the date of the first quarter of the 18th century, consisting of documents, and drafts of legal instruments prepared by James and Jabez Athearn in their capacities as officials and attorneys. These I have consulted and will refer to as the "Athearn Mss." in my notes. In addition to these public depositories I have had the benefit of numerous private papers held by families or collectors of ancient documents, particular reference to which must be made in the text.

Before making the customary acknowledgments of assistance given to the author in the furtherance of his work, grateful thanks should first be rendered to the "townsmen" of Edgartown, Tisbury, Chilmark, Oak Bluffs, and West Tisbury for their material aid in encouraging this undertaking, without which it might never have been placed before the people for whom it has been written.

I next owe to Mr. William J. Rotch of West Tisbury a special debt of gratitude for his constant and hearty aid, and valuable counsel in the development of the work. He has ever been ready with his time and pen to procure material for me, besides which I have profited by his long and intimate knowledge of the island, its people and its traditions, when in need of light on an obscure matter. His enthusiasm has kept me from discouragement when others failed me.

Mr. Beriah T. Hillman, as Register of Probate, has not only given me the usual facilities of his office, but has been a frequent contributor to my store of material, always responding to my requests for particular information. But for the special privileges cheerfully granted to me by Mr. Littleton C. Wimpenny, the Register of Deeds, much of my scant time for studying the records under his control would have been lost, and I refer to his courtesies with pleasure in acknowledging my appreciation of his kindnesses. The same may be said in connection with the Office of Clerk of Courts, where Mr. Samuel Kenniston afforded me every facility for examining the judicial records of the County.

Mrs. Fannie Deane, of Edgartown, has loaned to me several historical papers prepared by her father, and Miss Annie F. Mayhew has rendered me distinct service in many ways, too numerous to mention. To these names I add that of Hon. Howes Norris, who rendered me special aid in the history of his native town.

## Preface

The town clerks of Edgartown, Tisbury and Chilmark have extended to me, or those acting for me, the privileges necessary for copying the records in their custody, but fortunately for my purposes the town records of Tisbury, and the vital records of Chilmark, Tisbury and Edgartown have been printed since I began my labors.

Mr. A. D. Hodges, Jr., of Boston, has been a valuable coadjutor in solving knotty genealogical problems, furnishing me with manuscript notes tending to their solution, at the evident expense of much time and labor, but "without money and without price." I hope he will find reward in the perusal of these pages to follow.

To Judge Wm. Wallace Tooker, of Sag Harbor, L. I., the Indian place-names of the Vineyard were submitted for the advantage of his authoritative knowledge of the Algonquian language, and he entered into the study of them with an interest which was continuous for several years. His deep learning and convincing logic in the rendition of these American terms will appear throughout the book, and our people owe him a debt of gratitude for the time he has spent, as a labor of love, in paraphrasing our place-names for the benefit of the present and future generations. It affords me pleasure to tender him thanks for his generous attention to our local aboriginal nomenclature, which now, for the first time, becomes a new inspiration to us.

In another place I shall consider the bibliography of this island, but it seems not out of place to refer to those who have gone before me in the same field. The late Richard L. Pease, of Edgartown, had in contemplation, as early as 1850, the preparation of a history of Martha's Vineyard, and for many years preceding his death, collected with the zeal of a true antiquary, everything of a manuscript nature which related to the island and its people. It was generally supposed that he was preparing such a work, but beyond writing occasional contributions for the local papers on genealogical subjects it is not known that he ever began the actual construction of a chapter of a general history. His collection of old historical manuscripts, which passed into the possession of his family after his death, was said by those who had seen it to be very valuable. It has recently been dispersed by the surviving heir of the estate. The genealogical portion of his papers, became the property of Prof. Alexander Graham Bell of Washington, D. C., who had become interested in the study of deaf-mutism

## History of Martha's Vineyard

and its heredity on the island, and under his direction, Mrs. Annie F. Pratt, of Chelsea, Mass. (the widow of one of my old and highly esteemed professional friends, the late Dr. John F. Pratt), began the arrangement of this material for future publication. An enormous amount of work was done by her, in person, and by the aid of others, notably the late Miss Harriet Marshall Pease, here and elsewhere, in the preparation of the genealogies of the Vineyard families, and their descendants throughout the United States. The extent of the task, and the vast quantity of material obtained through the course of several years, apparently caused its abandonment for other lines of research. With great liberality, characteristic of the man, this mass of genealogies was placed at my entire disposal for use in the preparation of my work. It has only been possible to employ a part of it as there is enough to fill a dozen volumes of printed matter in the manuscripts which Professor Bell's assistants had accumulated.<sup>1</sup>

To Edward L. Smith, of Boston, I owe more than a formal statement in acknowledging his ever-valuable assistance extending over the last years of my labor. A stranger to me personally, he tendered his aid freely while I was stationed at a distant post, and I found him a skilful and zealous coadjutor in solving many difficult historical and genealogical problems. His readiness to assist me has been seemingly without a sense of weariness in a work that had no special interest to him, and it has continued to this writing. Since coming to a more convenient location in the North I have had the opportunity of making his acquaintance and now claim a personal friendship begun under the above circumstances.

Mr. William W. Neifert has also been a valued contributor to my store of material, and cordially responded to my frequent appeals for his aid while I was beyond the reach of libraries and records.

It was my fortune to have the co-operation of the late Harriet Marshall Pease, during the last year of her life, and I recall with satisfaction the days I spent with her in comparing my notes with her own in special lines. She freely opened up the manuscript treasures of her father's collection as well as her own and loaned me important papers for transcription. I regret that her decease has deprived me of the pleasure of

<sup>1</sup>About 1890 the late Leander Butler, a native of Tisbury and resident of Boston, announced that he was preparing a history of the island, but it is not known what progress, if any, he had made, before his death, which occurred soon after.

## Preface

placing this finished work in her hands, a work that she anticipated as a devoted daughter of her native isle.

Dr. Walter H. Chapin of Springfield, Mr. John McIlvene of Northampton and Mr. Fred S. Ferrey of Pittsfield have been specially helpful to me in tracing Vineyard families who migrated to that section of Massachusetts.

For the indexes and some original drawings my thanks are due to Dr. M. M. Seiler, and the value of the work has been enhanced by this important portion of every historical and genealogical volume. The remainder of the original drawings were all done by the author specially for this history.

Among the many friends interested in this work, either from local or family reasons, I may record the names of Miss M. B. Fairbanks of Farmington, Maine, and Boston, an expert genealogist, who descends from Vineyard stock, and has always been ready to give me the benefit of her knowledge of those families who migrated to Maine; Mrs. Annie Daggett Lord of Franklin, Penn., a loyal daughter of the Vineyard, has helped me along the lines of island lore gathered from her forbears; while Mrs. Margaret N. Clag-horn of Vineyard Haven has given me bountifully of her store of the local traditions of Eastville.

In the course of a decade and a half it is probable that some have aided me, whose names I do not now recall, but I have not intentionally omitted them in this recital, and must include them in a general expression of thanks to all who have in any way furthered my efforts to prepare a full and accurate history of the Vineyard. I should, however, be remiss if I failed to mention the aid and encouragement given to me by my daughters, who devoted many hours of their time to the mechanical drudgery of copying from printed authorities, or transcribing my field notes into permanent books of record.

While all the foregoing references allude to the contributory sources and responsibility for the literary material of which this book is the finished product, it is incumbent on the author to make a last expression of his acknowledgment to the one who has made its presentation to the public an assured fact—the publisher. Mr. George Hamilton Dean, a son of Martha's Vineyard, and a successful printer in Boston, has given his mercantile credit to the financing of the work as it passed through the press, and shares with the author the responsibility for it in its permanent dress. The durable paper, new and large type used in the text, and other mechanical

## History of Martha's Vineyard

features, which only a skilful printer can obtain in artistic combination will be found in the pages that follow. If this is not apparent to those who consult this work nothing further that the author could say would help to such a conclusion.

The end is now reached, and the story ready for perusal. A work of this kind has in it the countless sources of error in dates, names, and events, and it would be folly for me to assert for it more than a reasonable freedom from mistakes. It may be that it is wanting in some materials here and there, now in private hands, but with a knowledge that this work was being prepared, criticisms for such omissions will not have good standing. I have been diligent in gleaning materials, but the last fact will never be found for many years to come.

CHAS. E. BANKS.

JANUARY 1, 1911.

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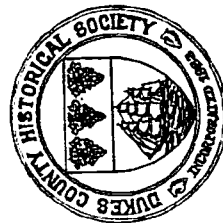
THE HISTORY  
OF  
MARTHA'S VINEYARD

DUKES COUNTY  
MASSACHUSETTS

IN THREE VOLUMES

VOLUME II  
TOWN ANNALS

BY  
CHARLES EDWARD BANKS, M. D.  
ASSISTANT SURGEON GENERAL U. S. P. H. S.  
(Retired)



EDGARTOWN  
PUBLISHED BY THE DUKES COUNTY  
HISTORICAL SOCIETY  
1966



REV. JONATHAN MAYHEW  
BORN CHILMARK OCT. 8, 1720; DIED BOSTON JULY 9, 1776

## PREFACE

Having now brought forward the narrative of events from the beginning of time, through the first occupation of the Vineyard by Englishmen for a permanent residence, and presented the story of its progress as a whole to our own day, the subsequent annals of the island, under its new tenants in segregated communities, will be considered in detail. Separate histories of each township growing out of the initial settlement, commencing with Edgartown, the eldest, taking each in turn according to its chronological relations to the parent towns, will follow, and the local developments of each one be particularly treated. In order to maintain this plan, however, certain arbitrary limitations will be necessary in its application to simplify the relation, owing to the divisions of Edgartown, to form Cottage City (now Oak Bluffs); of Chilmark to form Gosnold; and of Tisbury, to form West Tisbury. Therefore, for the purposes of definite historical study of these towns, the present boundary limits of each, although at one time a part of another, will be considered as originally belonging to the later incorporated community. For example, all that relates to persons and events in the present territorial limits of Oak Bluffs, although enacted when a part of Edgartown, will be related as happening in the history of that section now called Oak Bluffs. This topographical plan will prevent duplication of statements and constant explanation of the relation of events and places to each other, and give proper credit to the scenes enacted on each one's particular soil.

In the quotations from the early records, which will be found in the text of the work in each volume, the reader may miss the familiar word "ye" a fantastic affectation of the ignorant to indicate the definite article "the," as if our ancestors were in the habit of using, or even ever used, such absurd expressions as "ye house" or "ye cow." In the early days of printing the Saxon *th* was represented by a symbol which looked like a *y* or *þ*, and when the Roman alphabet was employed exclusively there was no symbol to represent this *th* sound and the letter *y* was used as a substitute; but always

## History of Martha's Vineyard

pronounced as *th* and not as *ye*, as it looks. This explanation may help to correct an absurd error which is perpetuated by persons unfamiliar with the true reason for the apparent archaism.

The reader is also reminded of the differences in the calendar in the Colonial period before 1752, by which there occurred the "double dating" between January 1st and March 25th of each year. An explanation of this is given in Vol. I., pp. 489-90, and an understanding of it is required to interpret dates correctly when a double date occurs.

It has not been deemed practicable, in view of the necessity of economy of space, to supplement the Annals with long and dreary lists of town officers which have but little meaning to most people; nor to extend the details of present-day affairs to the extent of composing a business and social directory for future reference. All that can be done in such a comprehensive work as this is to bring down the narrative of events to the memory of the living. Some day in the future an historian for each principal town will be able to use the foundation I have laid as the basis for a complete superstructure in each case.

C. E. B.

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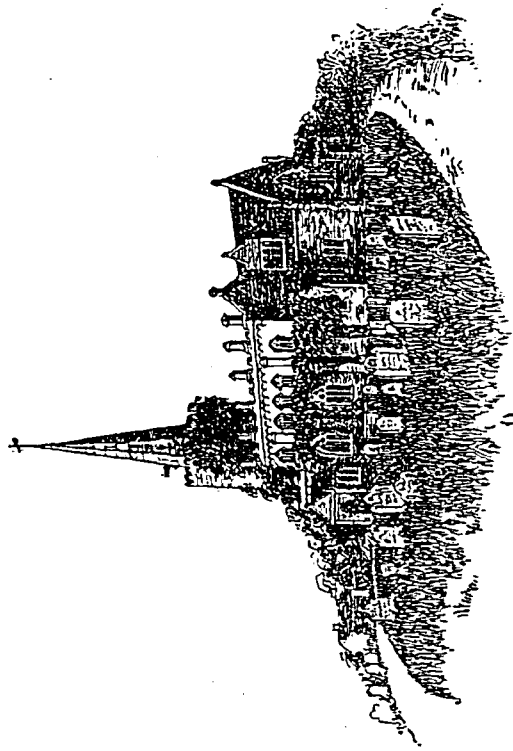
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## History of Martha's Vineyard

B. Sprague was its first President (1878-82), and he was succeeded by Prof. William J. Rolfe, the well-known Shakespearian critic (1882-7), and Col. William A. Mowry, Ph.D., LL.D. (1887-1905). The Institute was disbanded in 1905 and its charter surrendered.

### PRESENT STATISTICS OF THE NEW TOWN

Since its incorporation as Cottage City this township has passed through thirty years of exaggerated and normal periods of growth. At the time of its change to Oak Bluffs (1908) the following statistics taken from the assessors' books show its material condition. Personal estate assessed, \$143,375; real estate assessed, \$1,806,075, of which two-thirds is held by non-residents; total tax assessed, \$38,520, including tax on 293 polls. Acres of land, 3,423; dwelling houses, 1,126; horses, 108; cows, 100; tax payers, 1454, including 110 who pay poll tax only. It will be seen upon comparison with the statistics of the other towns that although the youngest community, it has the largest valuation and raises the greatest tax on the Vineyard.



S. MARY'S CHURCH, GREAT BADDOW, ENGLAND,  
WHERE JOHN PEASE WAS BAPTIZED.

# ANNALS OF GAY HEAD

DOVER CLIFF, 1602

The discovery and christening of this peninsula has a definite date, in 1602, and an authentic sponsor in the person of Bartholomew Gosnold. "The four and twentieth of May," wrote the journalist of that voyager, after they had left Nomans Land, "we set sail and doubled the cape of another island next unto this, which we called Dover Cliff, and then came into a fair sound." The resemblance of this remarkable headland to the famous high chalky cliffs at Dover on the English channel, doubtless suggested to Gosnold and his companions the appropriation of the name for these new-found cliffs of like character. This name, however, did not survive the pages of Gosnold's journal, and it remained for later comers to apply a name to it of their own conception. Some time before 1662 it was "called . . . by the English Gayhead," and this name has lasted as its title ever since. This name, of course, was given to it as descriptive of the gaily colored cliffs seen from the west when approaching the island from the sea.

The Algonquian names at that period were Aquinnuuh and Kuhtuhquchtuet, which are elsewhere considered in their philology.

## BOUNDARIES

Under a resolve of the General Court, approved March 9, 1855, three commissioners, appointed by the Governor to establish a boundary between the Indian lands on Gay Head and the lands of the white inhabitants of Chilmark, determined upon the following lines:

Beginning at a rock on Nicodemus' Neck, on Squibnocket pond, thence due south across marsh and beach to the sea. From the same rock S. 55° E. across Squibnocket pond to a rock on Hillman's Point, so called; thence N. 10½° E., crossing said pond to the southern end of a stone wall on Nashawaqueedsee, which parteth that neck from Gay Head; thence N. 25° E., three rods, by said wall; thence N. 47½° E., sixty-seven rods, by said wall; thence N. 26° E. three and three-quarter rods, by said wall to its

<sup>1</sup>Dukes Deeds, III, 12. It is always written Gayhead, as if one word, with a lower case *k* in head.

northern end, by Menamsha pond. Thence N. 51½ E. crossing said Menamsha pond, in the direction of a rock upon Pease's Point, so called distant about four hundred and fifty rods, until it strikes the middle of the channel or outlet from said pond to the Sound; then by the middle of the said channel as the same now is, or hereafter may be, — the said channel being somewhat subject to change — unto the Vineyard Sound.<sup>1</sup>  
 On all other sides it is bounded by the waters of the Sound and ocean.

The stone wall referred to has been the dividing line between Nahaquitsa and Gay Head for nearly two centuries. It was first set up in 1714, shortly after "The Corporation" acquired control of the land.<sup>2</sup> The other lines are modern.

POPULATION

There is very little accurate material at hand for a resumé of the population of this town, except within recent years. The inhabitants being of Indian extraction and of a roving disposition, gave but little concern to the census takers before the 19th century. In 1698 there were 260 souls reported as attending church services at Gay Head.<sup>3</sup> There were fifty-eight houses on Gay Head neck in 1712 (Sewall). In 1747 the guardians of the Indians stated that they were "in number about one hundred & twelve, men women and children,"<sup>4</sup> a decrease which is not understood, as shortly before 1786 they numbered 203,<sup>5</sup> and in 1790 there were reported to be 276 Indians living in the peninsula.<sup>6</sup> In 1806 a traveler, visiting the island, states their number to have been 240 that year,<sup>7</sup> In 1838 there were 235 residents in the town.<sup>8</sup> In 1860 an official report states there were 46 families actually resident, comprising 204 souls, of whom 106 were male and 98 female. In addition to these there were 49 persons of the Gay Head "tribe" living elsewhere, temporarily, but claiming tribal rights, making a total of 253 belonging to the town by birth

<sup>1</sup>House Document, No. 48, pp. 8-9. Report of the Commissioners, John Vinson, Asa R. Nye and J. Whelden Holmes. A previous commission had run a division line about 1830 between Gay Head and Squibnocket, but no record of it remains.

<sup>2</sup>Sewall Diary.

<sup>3</sup>Report of Commissioners for Society for Propagating the Gospel.

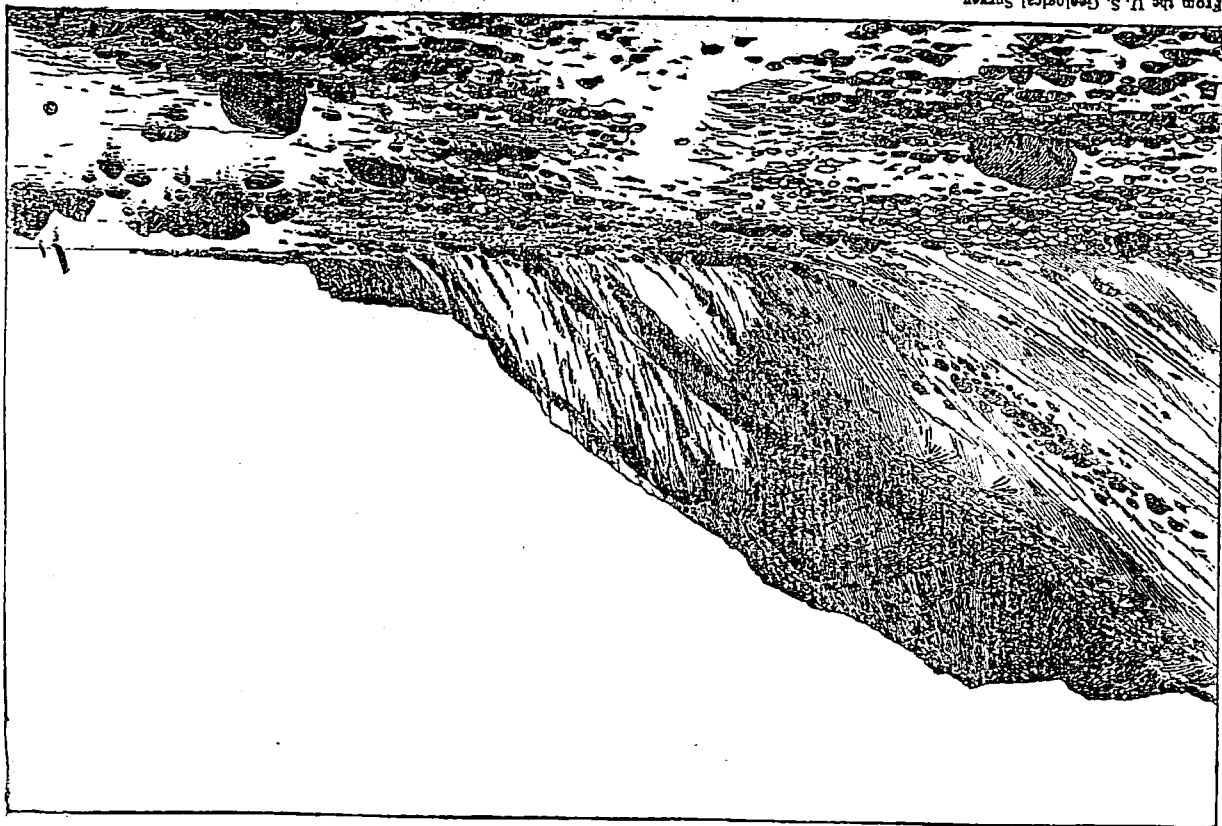
<sup>4</sup>Mass. Arch., XXXI, 590. There may be an error of 100 in the count. The report states: "the number of houses at Gayhead is 28; we compute four persons to a house which is 112, and of these about 19 Labouring men."

<sup>5</sup>Memoirs of American Academy, II, 153.

<sup>6</sup>Information furnished by Capt. Thomas Jernegan and Benjamin Bassett that year (1st Mass. Hist. Soc. Coll., I, 206).

<sup>7</sup>Kendall, "Travels," II, 196.

<sup>8</sup>Barber, "Historical Collections" (Mass.), 148.



THE GAY HEAD CLIFFS

From the U. S. Geological Survey.

## History of Martha's Vineyard

or residence.<sup>1</sup> The oldest was 86 years of age, and six others were over seventy.

Since the incorporation of the town four national censuses give the following figures: 1870, 160 persons; 1880, 161; 1890, 139; and 1900, 173. The state census of 1905 showed a population of 178.

### ANCIENT LANDMARKS

#### ALGONQUIAN PLACE NAMES

*Aquiniuh* (1662).—This name as applied to Gay Head, is composed of the words, Ukque-adene-auke, or Acqui-adene-auke, meaning "land under the hill," perhaps referring to the shore under Gay Head itself.

*Kugh-tuh-quick-e-wuit* (1681).—This is the Indian name for the narrow neck of land joining Nashaquitza and Gay Head. Kuh-kuh-equht-wuit, or Kuh-tuh-que-i-yeu-ut, means "at the going up," as of a hill, and probably refers to the topography of that region, the ascent to the Gay Head plateau. A variation used in 1687 was Catakutchu (Deeds, IV, 128).

*Mash-atan-auke*.—This aboriginal name has been curiously corrupted into "Shot and Arrow" and "Shot Nigher" hill! It is a compound word, meaning the "great hill land," descriptive of the hilly character of the neck.

*Wanummutt*.—This name occurs but once (1681) in the records, without any indication of its exact locality. It marked the terminal point of the sachemship of Metaark, starting from Nashaquitza, and may refer to the Gay Head cliff.

#### THE EARLY SACHEMSHIPS

Ever since the settlement of the Vineyard, in 1642, Gay Head has remained an Indian reservation and town, and very little of its annals in two hundred and sixty-seven years of existence relates to the white man or the white man's customs and development. Every attempt of the Caucasian to introduce himself with a view to permanent attachment has resulted in his withdrawal from the field, and today this peninsular and insular town is unquestionably Indian in the warp and woof of its very fibre.

<sup>1</sup>Report of Indian Commission to Governor and Council, 1861. Senate Document, No. 96, pp. 30-1.

## Annals of Gay Head

As usual the English made early efforts to obtain it from its owners. The first occasion was when "Womsuttan alias Alexander, chief sachem of Cossomsett & of the rest of the country thereunto adjacent," sold Gay Head to William Brenton, merchant of Newport, on May 5, 1661-2.<sup>1</sup> This sachem was the elder brother of King Philip and son of Massasoit of the Pokanoket tribe. In this sale he reserved one-twelfth to himself. Nothing ever developed from this grant, as Brenton never made any attempt to claim the rights deeded to him. It may have been that the Sachem of Gay Head, Nohtoaksæt, refused to recognize this transfer made by a chief on the mainland, but for some reason it had the distinction of being recorded in our local land records and in the registry at New York.<sup>2</sup>

After the death of Nohtoaksæt his younger son, Metaark, succeeded to the sachemship in the absence of an elder brother. In 1675 this elder brother returned to the Vineyard and claimed a portion of Gay Head as his birthright. The negotiations are thus recorded:

This was at Gayhead in 1675.

To me Mittark Sachim at Gayhead there came the person called Ompohhannut, and said I am older than thou art, and I ought to be the Sachim, for I am the first born of our father Nohtoaksæt; or otherwise I should have some part of the land of the Gayhead parted off to me, that so I may be still (or quiet) as may be found right by the Indian Sachims and Chiefsmen.

Agreable hereunto I Mettark, Sachim, and my Council (or chief men) and also the Common Men of Gayhead did appoint a Great Court. We called the Sachims of this Island, and the people as far as the main land to find what might be right with respect to us and Ompohhannut, relating to his claim of land, or of the Sachimship; and we held a Court at that time in Sept. 1675; and we found or did thus in our Court:—we made or sent a jury to judge of the matter of Ompoh-hannuts rights in Gayhead and we gave them, the jury, such proves that what they should determine we would confirm. And these were their names:—Samuel Cashornon foreman, Hosea Manhut, John Hannet, Masquattukquit, Joshua Momatehagin, Stephen Togomasun, Japheth Hannet, Isac Ompany, Samuel James, Pattompan, Matthew Nohnahshesket, Joseph Pem-mahchohoo.

And we the jury have found by persons knowing that Ompohhannut speaks true and in the whole, therefore, we now judge that in a division of four parts of the Gayhead, one belongeth to him, and all his heirs forever.<sup>3</sup>

<sup>1</sup>Dukes Deeds, III, 12. This sale was "certified" by Tahcomahhatack, Papamoo, Pestuccook, Foxine, Akemo, Calencanute, Tcequanum, "natives and Inhabitants on the westernmost end of Nops."

<sup>2</sup>It was recorded in 1670 at Fort James.

<sup>3</sup>Dukes Deeds, VI, 369.



## History of Martha's Vineyard

In accordance with the decision of the "Sachems and Chief Men" Mettaark executed a deed conveying to his brother, Ompohhannut, one-quarter part of Gay Head, and requested the "Great Rulers among the English" to confirm the deed.<sup>1</sup>

Several years after this, on Sept. 11, 1681, Mettaark issued a formal declaration, signed by himself and some of his chiefs, that none of the lands in his sachemship should be alienated. In the quaint formulary of the Algonquian language this idea was expressed as follows:

I Mettack Sachem att Kuthuquehtuet and Nashauaqueget as far as Wanumuset:

Know yee all People that I Mettack and my principall men my children & people are owners of this: this our land forever. They are ours, and our offspring forever shall enjoy them: —

I Mettack and we principall men together with our children and all our people are agreed that no person shall sell any Land; but if any person will stealingly sell any Land: take yee your Land because it is yours forever: but if any one will not perform this Covenant he shall fail to have any of this Land at Kuthuquehtuet and Nashauaqueget forever:

I Mettack and we principall men and our children say this shall be forever  
I Mettack sachem and my chief men speak this in the presence of God it shall be thus forever.<sup>2</sup>

### GAY HEAD SOLD TO GOVERNOR DONGAN

The authenticity of this document was disputed twenty years later, and it was alleged to be a forgery, as will be explained further on. Shortly after this the old sachem died, Jan. 20, 1683, and was succeeded by his son, called Joseph Mettaark. Two years later (April 25, 1685) Matthew Mayhew received the grant of the "Manor and Lordship of Martin's Vineyard" from Governor Thomas Dongan of New York, and less than a month after (May 12th) the latter had purchased from the grantee the title and the property appertaining to it, as previously detailed.<sup>3</sup> The property appertaining and remaining was the Gay Head peninsula principally, and in pursuance of the policy adopted by the Mayhews he quieted the Indian "rights" to it by a purchase from "Joseph Mittark Sachim of the Gay Head in Martin's Vineyard, Indian native,"

<sup>1</sup>Dukes Deeds, VI, 370.

<sup>2</sup>Mass. Archives, XXXI, 10. This was signed by Mettaark, John Keps, Puttuh-quanon and Tasuapinu. The paper was used in 1700 at Barnstable before a committee of which William Bassett was a member. At that time Mettaark had been a "praying Indian" for nearly twenty years.

<sup>3</sup>Vol. I, 174-7.

## Annals of Gay Head

for £30 of all his interest therein. This transaction was dated May 6, 1687, and took place in New York, whither the Sachem had gone, evidently with Matthew Mayhew, who was one of the witnesses.<sup>1</sup>

This sale was in direct violation of the covenant of the old Sachem and his "principal men," made six years previously, and may be taken as an evidence that the document was, as alleged, a forgery. With this transaction began the manorial system in this Indian settlement, and soon the Indians were gravely paying "ears of corn" as quit rents to the Lord of the Manor.<sup>2</sup> As the years passed by the natives found they had no rights in the soil which their ancestors had peopled and which they were now tilling and improving; and after the change of government from New York to Massachusetts had taken place, complaints were made to the new authorities of the injustice of their situation. These complaints were repeated until the General Court, in 1703, appointed a committee to investigate the conditions of the Indians on Gay Head.<sup>3</sup> In their report, dated Aug. 18, 1703, the committee took up the question of this "covenant" of the Indian Sachem offered in evidence by the complainants:

In the contest about Gay Head it appears to us by deed that Colonel Dongan bought it of Joseph Mataack, sachem; but the Indians object and say that old Mataack by his will did settle it on his sons for the use of Gay Head Indians never to be sold or alienated from them; and to prove it produce an old writing; and upon inquiry into the truth of it, an Indian called Josiah Hosewit, which seemed to be a sober, honest man, came before the committee and owned that he wrote that writing long since Mataack's death; and by the testimony of sundry other Indians we have good reason to think that said writing was forged and not true.<sup>4</sup>

This conclusion was not satisfactory to the Indians, who seemed to have faith in the document as genuine, and two years later (1705) the General Court, upon petition of Moses Will and Samuel Assewit (Horswet), ordered a rehearing. Summonses were issued to Matthew Mayhew, as steward of Lord Limerick, and the Indians affected by the decision and

<sup>1</sup>Dukes Deeds, IV, 128.

<sup>2</sup>Josias Hosoe (Hoswet) saith that he took up with Gov's Dungans terms, brought a Red Ear of Corn to Mr. Thomas Mayhew to signify it. Terms were to pay a Peck of Wheat yearly for a while and then to pay a Bushel of Wheat *per annum*. (Sewall, Diary, II, 432.)

<sup>3</sup>The members of this committee were Barnabas Lothrop, John Thacher, Stephen Skiffe, John Otis and William Bassett.

<sup>4</sup>Mass. Archives, XXXI, 17; comp. CXIII, 436. This confessed forgery was afterwards the native Baptist preacher at Gay Head.

## History of Martha's Vineyard

it was ordered that the will of Mataark the Sachem, with the proofs thereof be laid before the Governor and Council.<sup>1</sup>

Meanwhile the steward of Dongan, "by force and virtue of attorneyship," began to make grants or leases of land; "forever," to various natives, by metes and bounds, usually of forty acres each, the consideration being the payment of a quit rent yearly. Some of these unlimited leases were assigned to the English residents of Chilmark later for trifling payments, or in liquidation of debts incurred in business dealings with the whites. This became a source of friction between the natives and their neighbors who had become land owners, and complaints of these irregular transactions reached the agents of the Society from time to time.

### THE EARL OF LIMERICK SELLS THE LORDSHIP TO THE SOCIETY FOR PROPAGATING THE GOSPEL

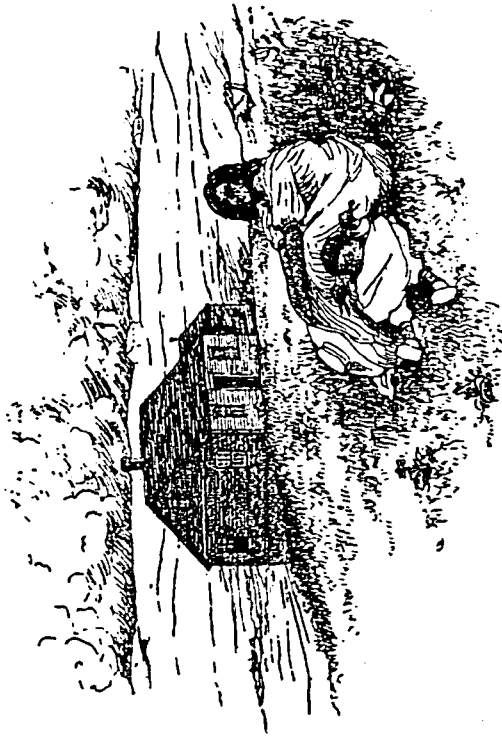
The Irish peer who held the Lordship of the soil in this town was an absentee landlord. It is not of record that he ever visited his domain, and his business interests here had been attended to from the first by his steward, Matthew Mayhew. The quit rents were collected, and leases prepared by the Major until his death in 1710, and this event probably hastened the change of ownership which followed shortly after. The Society for Propagating the Gospel had been for many years looking out for the moral and spiritual welfare of the natives, and its representatives in New England, comprising some of the most influential and wealthy men in the Province, saw that this state of affairs, with a landlord across the ocean, was not for the best interests of their wards. Accordingly they entered into negotiations with Lord Limerick to buy out his interests in the Manor of Martha's Vineyard. This was successfully accomplished, May 10, 1711, and the company, upon payment of £550, "lawful monies of Great Britain," secured the title of Lord of the Manor and the fee of Gay Head. This purchase was made, as Judge Sewall states in his diary, "with the main design of benefiting the aboriginal natives." Livery and seizure was completed Oct. 6, 1712, when Major Benjamin Skiffe and Samuel Sewall, Jr., as agents for Lord Limerick delivered to Penn Townsend, Esq., attorney for "the Corporation," as the society was generally designated here, the lands and hereditaments of the Manor. It was simply a

<sup>1</sup>Mass. Archives, XXX, 501.

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change of landlords for the natives, and they were still tenants on the soil once owned by their fathers.

In 1714 a "ditch of four feet wide and two feet deep" was dug across the neck and "set within with Thorns and Barberries," and the Corporation gate erected and closed to signify the exclusion of the public from the reservation. The Corporation, "with the main design of benefitting the aboriginal natives" and to put a stop to the abuses of the indeterminate leaseholds, decided (in 1727) to make a part of this reservation a source of income, and to invest the inhab-



CHEEPEY'S CORN-FIELD.

itants with the sole use and undivided occupancy of the remainder. Accordingly, on May 10, 1727, Abel Hosuit and nine other chief men, "in consideration of the great care, kindness and expense toward us, the inhabitants of Gay Head," executed a quitclaim deed of a tract of eight hundred acres in the northeast corner of the peninsular, bordering on Menemsha pond and the Sound.<sup>1</sup> In consideration of this resignation Pain Mayhew of Chilmark and Samuel Wells of Boston, "attorneys to the Honorable the Company for Propogating the Gospel &c," on the same day, "set off and settled upon the said natives and their posterity, that now inhabit or shall

<sup>1</sup>Dukes Deeds, IV, 199.

## History of Martha's Vineyard

inhabit, said Gay Head, while they dwell on said Gay Head, the westerly and southerly part of said Gay Head: that is to say, all the lands of Gay Head aforesaid except what is resigned by said natives to said company."<sup>1</sup> For this residuary tract the tribe was to pay to the Corporation, "as an acknowledgment annually, on the first Monday of November, one ear of Indian corn for each family," with the understanding that the natives and their posterity were to be "always under the direction, government and stent of said Company." The tract of eight hundred acres was immediately leased, the same day, to Ebenezer Allen of Chilmark for a term of twenty-one years at a rental arranged on an increasing sliding scale, which yielded a total of £845 to the funds of the Corporation.<sup>2</sup>

### STATE CONTROL OVER THE TRIBE

In addition to the authority of the Corporation in its capacity as landlord over the natives as tenants, and their agreement to be under the "direction government and stent" of this Company, the Province of Massachusetts exercised its sovereign power of supreme control of them as wards of the government. As in all like conditions the wards became restless under the condition of legal restraint over their property and freedom of action, and often, when excited by designing men, would prefer charges of favoritism, malfeasance and other breaches of trust against these guardians. It is difficult to estimate the true situation between charges and counter charges of the one and the other, but when the history of the cupidity of the whites is read in the light of the simplicity of the red men, we can believe that it was not all groundless complaint which the Indians made against the men who had the power over their persons and property. In 1747 this tribe entered two complaints relative to the leasing of their land for a new term, the undesirability of the persons who obtained the leases, the insufficiency of notice to the public, and the various other charges which were answered in detail by the guardians. This answer takes up each complaint and is given verbatim to show the character of the allegations and denial. After stating that they "sett Public notification . . . that on a Certain Day in them Prefix," bids would be received, they continue:

<sup>1</sup>Dukes Deeds, V, 51.

<sup>2</sup>Ibid., IV, 242.

## Annals of Gay Head

We Leas'd s'd Land for Four hundred and sixty five Pounds, old Tenor p annum the One half to be paid at the end of every Six Months. As to their Indian built houses to be taken off s'd Land it is no more than what they commonly practice themselves. As for their Fire-wood there is enough for their own use on that part of s'd Neck which is sett off to them which is as good wood as is generally growing on any part of s'd Neck of Land; and the wood that is growing on the Leas'd Land is very small. Scarcely a stick large enough for a hedge Stake. As to the Article of Complaint: our turning off their Cattle and not reserving Feed enough for them it is utterly false, for there is a great deal more Grass growing on the Land sett off to s'd Indians than their Cattle can Eat before the Winter will ordinarily spoil the grass, as will appear by the evidence herewith submitted. And as to the Objection made against the Persons to whom the Lease was made we answer it being sett up at a Publick Vandue every Person present had a right to bid for it; and they themselves had but a little time before Let the privilege of Feeding in the whole Neck to several of the same persons as appears by a writing in hands of their Com'tee herewith presented, and we doubt not but that the hon'ble Court will Dismiss s'd Petitions as groundless and Vexatious as we humbly apprehend they are, we having acted in the s'd affair with integrity, and with no other view than to serve their Interest and that we have used the likeliest methods, therefore we doubt not but that we could procure the Testimony of every unprejudiced Judicious person in the County.<sup>1</sup>

### DISAPPEARANCE OF "THE CORPORATION" AS LANDLORD

Evidence exists of the benevolent control exercised for years by the "Corporation" over the lands in this town, and elsewhere on the Vineyard, acquired by the purchase made of the Earl of Limerick. The political relations of the Province to the Crown, however, becoming more acute as we approach the period of the Revolution, necessarily had its reflex upon the activities of this English Society. The religious and political phases of this subject are considered in another volume of this history,<sup>2</sup> and it will only be necessary to state the fact that it resulted in a gradual withdrawal of contributions and a final loss of interest in the tribe at Gay Head, in common with the other beneficiaries. It is a singular fact that no record has yet been found, if one ever were made, which shows a conveyance of the rights of this corporation to the fee simple of Gay Head, and its other real property on the Vineyard occupied by the Indians. The exact legal status of the reservation during and after the Revolution is therefore a question of ethics and equity. Perhaps it may be held by those who

<sup>1</sup>Mass. Archives, XXXI, 350. Signed by Pain Mayhew, John Sumner and William Hunt.

<sup>2</sup>Vol. I, p. 255.

## History of Martha's Vineyard

are learned in the law, that as the corporation was the creature of the crown, all the rights to hold and manage property in this country ceased when the independence of the United States was recognized, and thus the lands escheated to the Commonwealth by arms and the right of eminent domain residing in sovereign power.<sup>1</sup> Whatever the theoretical condition may have been, the state practically assumed control, directly and indirectly, of the property, and in the confusion and antagonisms created by the war, no attempt was ever made afterwards to challenge this authority. The tribe at Gay Head became, in common with others elsewhere, the "involuntary wards of the state." They had no control over their lands and homes. They could make no sale of them to anyone except other members of their tribe; neither could they make a contract binding in law, or sue or be sued except for trifling sums in the courts of the county.

### THE LONG APPRENTICESHIP IN CIVILIZATION

The evolution of the natives from dependents to citizens, after the war, was a slow and retarded process. As an observer truthfully said: "It is hardly to be wondered at that the Indians were 'thriftless and unprovided' for some of the most powerful incentives to elevate man were wanting." They were themselves lacking in initiative by inheritance. There was but one English built house in 1727, but fifty years later they had outgrown their wigwam state. While this was progress in one line there was inertia in others. A visitor in 1786 states that "they burned nothing but bushes, this part of the island affording no wood, and suffered much from cold weather, though peat was procurable in plenty." Twenty years later the condition of the native was discouraging to another visitor, who recorded the opinion that they were intemperate, immoral, and dishonest, though he added that they were more industrious and neater in their person and houses than their people elsewhere.<sup>2</sup> Another traveler of this time said: "We sat by a peat fire, for this fuel is abundant on the

<sup>1</sup>No act of sequestration of this territory as the property of loyalists was passed by the General Court. See House Doc., No. 47, p. 12 (1856). The traveler Kendall, in 1807, says: "One third of the whole peninsula belongs to the Society for Propagating the Gospel etc [the one incorporated here in 1787] by which it is left to the use of the Indians" (Travels, II, 193). There seems to be no other authority for this statement.

<sup>2</sup>Memoirs of the American Academy, II, 153. Letter of Dr. William Baylies.

<sup>3</sup>Rev. James Freeman, in 1st Mass. Hist. Coll., III.

## Annals of Gay Head

peninsula, and wood is rare." This fuel still furnishes comfort to the present generation in seasons of inclement weather, unless a coal laden vessel unfortunately goes ashore here and jettisons or loses her cargo, when it is washed ashore in sufficient quantities to permit the adoption of metropolitan manners for a temporary period. In 1838 it was stated by an authority that "their dwelling houses, upward of 35, are mostly one story and are comfortably built."<sup>1</sup> Ten years later (1849) the commissioner said of them: "The Gay Headers are, in the main, a frugal, industrious, temperate and moral people; but not without exceptions. In these respects they have greatly improved within the last thirty years and particularly within the last ten or twelve years."<sup>2</sup> In 1861 the commissioners report showed further progress in the refinements of civilization. "They are generally kind and considerate toward each other," he states, "and perform their social and relative duties as well as do other people in whose vicinity they reside."<sup>3</sup> In 1869, at a hearing on Gay Head held by a legislative committee, there was testimony from three clergymen covering a period of seven years, that neither of them had seen a case of drunkenness nor heard profanity among them in that time.<sup>4</sup>

While this satisfactory development had been going on it was reached under conditions of material discouragement. Dependent on the state as wards, improving land they did not own, they were in the same class with aliens, paupers, idiots and the insane in their relations to the body politic. The reservation was still an undivided tract in 1800, and a visitor some years later stated that "each man cultivates as much as he pleases, and no one intrudes on the spot which another has appropriated by his labor."<sup>5</sup> This anomalous condition existed in 1849 according to the commissioner. "While one proprietor has but half an acre and another has over a hundred acres, there is no heart-burning, no feeling that the latter has more than his share. 'I have all I want' says the former, and he is content. This state of things is as happy as it is peculiar; how long it will continue is a problem."<sup>6</sup> He recom-

<sup>1</sup>Barber, Historical Collections (Mass.), 148.

<sup>2</sup>F. W. Bird (House Doc., No. 46, 1849).

<sup>3</sup>J. M. Earle (Senate Doc., No. 96, 1861).

<sup>4</sup>Senate Document, No. 14, 1870.

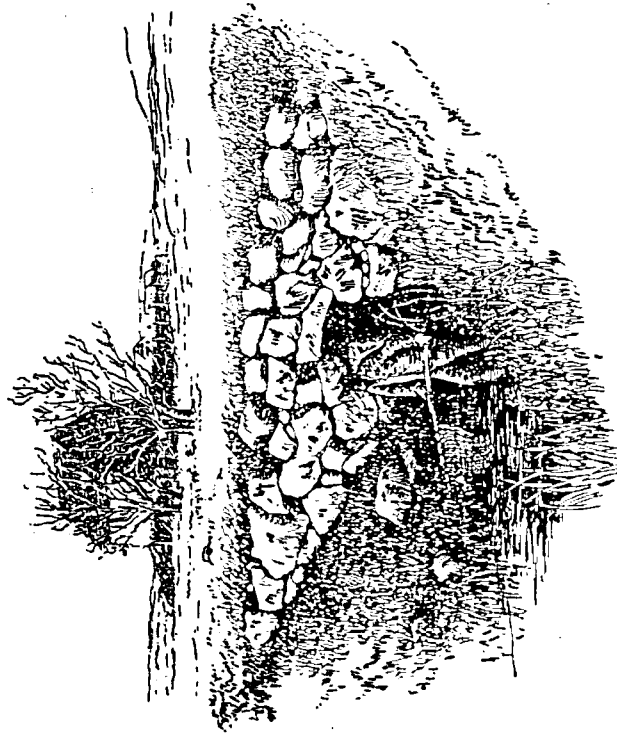
<sup>5</sup>North American Review, V, 319 (1817).

<sup>6</sup>House Doc., No. 46 (1849), F. W. Bird's Report.

## History of Martha's Vineyard

mended strongly the early confirmation of titles in severalty upon an equitable basis. Nothing however was done for a dozen years, and the commissioner, in his report for 1861, makes the following interesting observation upon this peculiar system of occupancy of the soil:

This law is the unwritten Indian traditional law, which from its apparently favorable working, is probably as well adapted to their condition as any that can be devised. At any rate they adhere to it with great



STONE WEIR.

tenacity, and are fearful of any innovations upon it. This, probably, is a prominent reason of their jealousy of foreigners, and of the rigorous exclusion of them from any foothold on their domain, except when inter-married with one of the tribe.<sup>1</sup>

### THE FINAL STEPS TO CITIZENSHIP

The General Court created this reservation into the "District of Gay Head" in 1862, and shortly after measures were instituted to ascertain and determine the existing boundary lines of such tracts as were held in severalty and the

<sup>1</sup>House Doc., No. 215 (1862), J. M. Earle's Report. About 450 acres were held in severalty, fenced and occupied at this date.

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common lands.<sup>1</sup> The person appointed to do this work, the late Hon. Charles Marston, died before completing it, and the General Court of 1866 authorized the Governor to commission "some suitable person" to perform this task. The late Richard L. Pease of Edgartown was appointed by Governor Bullock, and entered at once upon his duties.<sup>2</sup> It was a peculiar and delicate mission. Some of the claimants had the most hazy notions of their holdings. One woman entered a claim for "four rows of corn"! How well he performed it is certified by a legislative committee who visited the reservation during the progress of the work:

Under his active and judicious supervision, order is being rapidly brought out of chaos, and the limits of each person's lot marked out by stakes and bounds. . . . In the performance of his duties, Mr. Pease is obliged, upon such examination and evidence as is accessible, to decide as to the ownership of property, and his decisions are generally acquiesced in with a good grace and with a better spirit of acquiescence, no doubt, than if he were dealing with the ordinary run of white people.

This work covered five years of investigation and research into the family histories of the inhabitants to make a proper apportionment of the shares of each resident or their kin elsewhere, and his report was submitted to the Governor and Council in the spring of 1871, and was ordered printed in full. It was a most valuable document, comprising a mass of valuable historical notes on the people and their lands from the earliest settlement, with a complete census of the inhabitants to illustrate the subject of his report.<sup>3</sup>

### INCORPORATION AS A TOWN

While the work of Commissioner Pease was in progress, Governor Claflin, in his annual message to the General Court, called attention to the anomalous political condition of the Indians of the Commonwealth. A joint committee on this subject recommended the enfranchisement of the Indians and the final distribution of the lands of the Gay Head tribe.<sup>4</sup> Both measures were adopted, and the adult male population of the place made the recipients of the glorious privilege of citizenship in this Commonwealth — with a slight drawback. Being neither a town by themselves, nor part of any other

<sup>1</sup>Chapter 184, Statutes, 1862; comp., Resolves ch. 42, 1863.

<sup>2</sup>Resolves, ch. 67 (1866).

<sup>3</sup>Title: "Report of the Commissioner," etc., 8vo, pp. 60. Boston, 1871. His duties did not include a division of the "common" lands.

<sup>4</sup>House Docs., Nos. 483 and 502 (1866).

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town, this privilege could neither be exercised nor enjoyed! This political paradox received the attention of the General Court of 1870, which sent a committee here to report on the capacity of the natives for independent existence as a township. This committee made a strong unanimous report in favor of such a conclusion. They said, after reviewing the situation:

Because they are capable of self-government, as their history since 1862 abundantly shows; because they are worthy and well qualified now as they probably ever will be under the dominion of any neighboring town; because they are far remote from the nearest adjoining town by from four to seven miles; because the people of that town have been and are still strongly opposed to the annexation of Gay Head to them; because the people of Gay Head are (with one exception) unanimous for a separate township; because other things being equal, the wishes of the parties most interested ought to be consulted; and finally, because having already governed themselves in reality for the past few years (since 1862) a continuation of this control, while it would work no injury to any other interests, would be of great benefit to the people of Gay Head—giving them renewed assurance of the confidence of the Commonwealth in them and inspiring them to further effort towards improvement—we unanimously recommend that Gay Head be incorporated as a township by itself.

The recommendation of this committee was concurred in by both houses and the act of incorporation as drawn by them was approved by the Governor, April 15, 1870, by which, after two centuries of retarded development, the last of the Algonquian race on this island became American freemen. Nor were these newly-fledged citizens "without honor in their own country," for under the rotation plan of electing a Representative for the County of Dukes County, Mr. Edwin DeVries Vanderhoop, a native "Gay Header," had the distinction of going to the General Court (session of 1888) to legislate for the white people who had lately enfranchised him. The town is now in its fortieth year of existence, a self-respecting community of people, obedient to the laws, managing its affairs economically, fulfilling all the requirements of an incorporated part of the Commonwealth, and justifying fully the faith of the men who gave it this opportunity for independent development. But it is still an "Indian" town, for the white man has made no invasion here. The words of the Sachem Metark, spoken in 1681, now seem prophetic:

Know yee all People that I Metack and my principall men my children & people are owners of this, this our land forever. They are forever ours and our offspring forever shall enjoy them.

<sup>1</sup>Senate Doc., No. 14 (1870). This was signed by N. J. Holden and G. A. King of the Senate and E. Davis, J. J. Smith and A. C. Hart of the House.

## Annals of Gay Head

MATERIAL PROGRESS, 1870-1910

The town began its independent career with nothing in the treasury and with only a sandy peninsula to work out its destiny. The first year its receipts were \$342.75 and expenses \$261.68; ten years later the receipts were \$421 and expenses \$360.77, but in another decade the showing was rather disappointing. The receipts in 1890 had fallen to \$213.90, and the expenditures consumed it all. In the following ten years, however, a marked improvement had taken place, owing to the utilization of town lands,—the famous cliffs. These were leased to a corporation known as the Gay Head Clay Co. in 1893, at an annual rental of \$500, and the clay was shipped elsewhere to kilns as material for bricks. The variegated hues of the clay do not resist the heat of burning and disappear in the oven, coming out a uniform color. This added income, doubling their ordinary receipts, enabled the town to increase its expenses for permanent improvement of public property. In 1900 the receipts were \$1,025.97, and expenditures \$921.67 for all purposes. In the following ten years these sums have also been doubled, the financial condition of the town steadily improving, with annual unexpended balances of generous amounts to its credit. In 1910 the receipts were \$2,196.51 and expenses \$1,313.06 leaving a balance of over eight hundred dollars.

In 1910 the following record showed the general character of the town's condition: real estate assessed, \$30,875.40; personal estate, \$9,779.58; total valuation, \$40,654.98, after forty years of independence. Number of horses, 8; cows, 22; neat cattle, 56; houses, 48; acres assessed, 1,446.

The principal town officers this year (1910) are: W. H. Morton, Francis Manning, Linus S. Jeffers, Selectmen; Francis L. James, Clerk; Thomas C. Jeffers, Treasurer; Charles S. Hatch, Auditor; Harrison L. Vanderhoop, Tax Collector; Thomas Manning, James F. Cooper, Road Commissioners.

THE HISTORY  
OF  
MARTHA'S VINEYARD

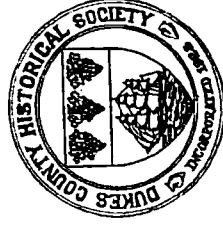
DUKES COUNTY  
MASSACHUSETTS  
IN THREE VOLUMES

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VOLUME III  
FAMILY GENEALOGIES

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BY  
CHARLES EDWARD BANKS, M. D.  
ASSISTANT SURGEON GENERAL U. S. P. H. S.  
(Retired)



EDGARTOWN  
PUBLISHED BY THE DUKES COUNTY  
HISTORICAL SOCIETY  
1966

## PREFACE

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It will be recalled that the first two volumes of this work (published in 1911), covered, (1) the general history of Dukes County and (2) annals of the six towns of the Vineyard, leaving the more important family genealogies to conclude the whole in a third volume. For a number of reasons, including a long illness of the publisher resulting in his retirement, the Great War following and the subsequent high cost of printing, the third and last volume has remained in manuscript ready for publication for the past ten years. The appearance of it now is due to the generous interest of about sixty men and women of the Vineyard (with some from other parts of the States) who have underwritten the expenses of printing and issue, trusting to the widely expressed desire from all sections of the country for the completion of the author's work.

This present volume contains, as far as the author has been able to gather the material, the complete genealogies of every family resident on Martha's Vineyard from 1641 through the beginning of the 19th century, transient and permanent residents inclusive. It has been found necessary on account of the limitation of space and human endeavor to make an arbitrary bound to the records of these families, and the year 1800 has been set as a line of demarcation. This brings into the field of consideration any family which had issue in that year, whether it was the first born or the last in that particular family. In some cases it will be noted that with a marriage occurring in 1799 a family of a dozen or more beginning in 1800 will be brought forward as late as 1825 or thereabouts, and thus the living of this generation can readily find the records of their fathers and grandparents. Nothing further would be



## History of Martha's Vineyard

practical, as an attempt to carry on the succeeding generations of 1800-1900 for forty families would require several volumes. As it is, the sixth and seventh, and frequently the eighth generations from the first settlers are here recorded, and when it is remembered that the genealogy of one family usually occupies one volume, sometimes two, the investigator who turns to these pages for help will readily understand that a stop had to be made somewhere. Those who contemplate a compilation of subsequent generations, or desire statistics of their immediate ancestors can turn to the published vital records of Edgartown, Tisbury and Chilmark and obtain therefrom ancestral data for either of these purposes.

Not only the families indigenous to the Vineyard from its first settlement are recorded herein, but the transient residents, are given equal consideration, for their stay here makes some hiatus elsewhere that the family genealogist will be glad to discover. In the course of the author's long preparation of the work he has been aware that the island has kept its attractive hold on many a stray person or family given up as "lost" elsewhere. The manuscript records of the Vineyard, until the very recent publication of its three volumes of vital statistics (Ch. 1904, Edg. 1906, Tis. 1910), were almost a "sealed book" to the rest of the historical world, and even these do not by any means tell all that is expected of them.

One would, for instance, expect to find in these vital records at least fifty per cent of the births happening in these towns, a ratio which will be admitted is a small percentage of such events actually occurring. The practical result, however, is even worse than this, as, for example, the Luce family. The author's manuscript notes contain the records of about one thousand males and females bearing this name who lived on the Vineyard between 1650 and 1800. The town and church records of the three settlements combined record less than four hundred births or baptisms under the name of Luce—less than fifty per cent of the known births. This proportion is not especially marked with this family, but has been noted in the case of

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## Family Genealogies

every family on the island, in greater or less degree.

From this the reader may infer the difficulties which have been met in constructing the genealogies from sources so incomplete, and the added difficulty of placing in proper relation members of a family, living contemporaneously, bearing the common baptismal names of John, William, Sarah and Mary.

The basis of all the following genealogies has naturally been the town record of births, marriages and deaths, but these are lamentably deficient, especially Chilmark. At one time it was the equal in population of the other two original townships and yet its record as printed makes but a meagre volume of 96 pages. Edgartown's volume, covering a period of thirty years before any other settlements began, has 276 pages, and Tisbury 244 pages. Family records before 1700 in many of the town books are an almost negligible quantity and it is safe to say that no genealogy in the book could be constructed if our main reliance were on our public records of births, deaths and marriages. It has been a constant source of wonder to the author why some of the most prominent families of the island in the first century of its existence as a settled community are not of record in any public depository. In this respect the town records do not compare favorably with other settlements elsewhere. There is no public record, for instance, of the early generations of the family of Governor Mayhew or Simon Athearn, Nicholas Butler, Nicholas Norton and a dozen other of the prominent pioneers of that day.

The church records are the next most valuable source of information, giving as they do (or should) the baptisms of children, marriages and deaths, limited to the membership of the several churches. Here, however, we are deprived of this invaluable help for the earliest church records of each town are either lost or destroyed. Edgartown has nothing prior to 1720; Tisbury, less fortunate, began in 1760, and Chilmark lags behind with the first existing record starting in 1788.

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## History of Martha's Vineyard

What has become of these first books dating from 1642 (Edgartown), 1670 (Tisbury), and about 1690 (Chilmark) is difficult of explanation. In the early days the ministers kept the records and regarded the books as their personal record and property and when they terminated connections with the parish took the volumes with them occasionally. That this happened in the case of Tisbury is known from a fragment of record made in 1760 when a committee of the parish waited on their late pastor, Rev. Nathaniel Hancock, to demand the church books which he was retaining in his possession. He refused to deliver them and as far as known never did so. Fortunately the late Richard L. Pease found somewhere the records of the church beginning with the pastorate of Rev. George Damon (1760) and made what appears to be a complete copy of them which is now in the possession of the author and it has proven to be an invaluable mine of information on Tisbury families not elsewhere found. The original of this has also disappeared since 1850, when the Pease copy was made, and but for his interest and labor we should never have found most of what his pen has saved. Various traditions have been told the author as to the last custodian of these volumes who held them as private property and finally committed them to the waste heap or to the flames.

The probate records constitute the third important source of family history, giving as they do the heirs of testators by name and relationship, in cases where wills were made, and of those entitled to participation as such when the descendants were intestate, but this source is also limited. There are not a dozen wills of record prior to 1700, and we know that does not represent the number of deaths of heads of families at that time. Neither do the probate records yield information on any of the considerable number of persons whose estate never was settled for one reason or another, and the author has noted the entire lack of any such reference to some of the most prominent persons known to have died here with real property in their possession. The deeds hold nearly an equal standing in

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## Family Genealogies

point of value to the genealogist, and they are practically complete from 1647 to the present time. They furnish many items of kinship not found elsewhere, and serve to distinguish individuals of the same name living contemporaneously, by the personal description of occupation, residence, relationship as "Senior", "Junior", "Tertia" (or Third) as well as furnishing the names of wives.

The court records, common pleas and quarter sessions, are fairly full from the year 1650 in various books, including the town records of Edgartown, and Vol. 1, Deeds, and frequently give unexpected valuable facts not elsewhere to be found. The "files" or original papers belonging to the thousands of suits, where we should expect to find depositions, documents relating to the case, accounts, etc. as at other county depositories, are entirely wanting at our clerk's office before 1800 with some unimportant exceptions. Nobody seems to know what became of these valuable papers.

After these sources had been exhausted, the compiler had recourse to a number of miscellaneous public archives in the Commonwealth and elsewhere, to fill in gaps in families or confirm doubtful inferences. Family Bibles have yielded up a lot of unrecorded births and deaths and in some instances family records in manuscript have been preserved for two hundred years. The Athearn record, children of Simon, the first, is an instance of this latter class of information.

But by far the most valuable material which came into the possession of the compiler were the genealogical manuscripts of the late Richard L. Pease, who began collecting information about the island families seventy five years ago. Born in 1814, he knew and conversed with old people all over the island, people born before the Revolution, and the results of his "interviews" were jotted down at the time on all sorts and varieties of scraps of paper until thousands of notes accumulated which he sorted and arranged in tabular form and constructed therefrom skeleton genealogies of nearly every family on the island, even including the Indians. In this work he

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## History of Martha's Vineyard

had the aid of an earlier antiquarian, Rev. Frederic Baylies, whose odd and crude methods of delineating a family tree are found among the Pease Miss. Mr. Baylies had the advantage of about twenty-five years priority in quizzing the ancient men and women and he obtained much knowledge "by word of mouth" which has been found by test of documentary evidence now available to be singularly trustworthy. The author regards the Baylies Notes as of the highest value. As stated in the preface of the first volume, nearly all these Pease Miss. were acquired by Prof. Alex. Graham Bell of Washington, D. C., who employed Mr. Pease to prepare them for publication. With the aid of the late Mrs. Annie C. Pratt, and his daughter, the late Harriet Marshall Pease, a great mass of material was collected to bring each family down to date, but the death of Mr. Pease, the magnitude of the task, and the length of time expended in the preliminary canvassing, had the gradual effect of shelving the project. These papers were generously placed in my hands through the agency of Mrs. Pratt, herself a descendant of a number of Vineyard lines, and it has been a veritable mine of facts to which the author has had recourse in all doubtful cases.

The National Census Records have been of much help in the adjustment of families, although the names of "heads" only were given until 1850. The records of the Pension Office have been of special value in the matter of personal information about soldiers of the Revolutionary War.

During two extended visits to England in English Ancestry 1922-1924, the author made special researches in various public and parochial records to fix the ancestral homes of the settlers of the Vineyard. In cases where he was successful the results appear in the appropriate places in each family record and for the first time appear in print. This part of the work is composed of entirely new material hitherto unknown.

## Family Genealogies

The first settlers of Edgartown came from a limited area, principally from the towns tributary to Boston, Watertown, Dorchester, Salem, Weymouth while a few were drafted from the several Cape settlements. The new town of Tisbury, after 1690, drew a goodly number from Sandwich and Plymouth, Hampton, N. H., and Salisbury. At the beginning of the 18th century there was a gradual influx of new inhabitants from the adjoining island of Nantucket, the towns on the shores of Buzzards Bay, and always a contribution from some of the contiguous villages on Cape Cod. About 1770 our first Portuguese resident (Jose Diaz or Joseph Dias) came to Tisbury and he was followed by several others before 1800. In the last century there has been a steady increment from the Western Islands. The only alien element in our population, excepting an occasional "stray".

It is an interesting fact that certain families who have lived on the Vineyard for two hundred years or more have been identified almost exclusively with the town where they originally settled. Considering the limited area of the island this is quite remarkable, but it is a fact that many families are scarcely ever known to have lived outside of the original habitation of their immigrant ancestor.

Edgartown has: AREY, RIPLEY, PEASE, STEWART, VINCENT.  
Tisbury has: LUCE, ATHEARN, LOOK, MERRY, WEST, MANTER.

Chilmark has: TILTON, HILLMAN, SKIFF.

The Mayhews are found in plenty in Chilmark and Edgartown, but almost never in Tisbury.

Certain families of the Vineyard are almost unknown elsewhere in New England, as Mayhew, Athearn, Luce, Hillman, Manter and it is safe to say that any person bearing those names anywhere in 1800 were descendants of our Vineyard blood. Exception is to be made, of course, to "strays" who wandered

## History of Martha's Vineyard

to America from England for transient residence.

Like all other people of their time with current custom pre-dominating, our island families preserved certain names in families. There has been a peculiar tendency to perpetuate family names as baptismal names, particularly names of the first settlers who left no male issue, as Bayes, Sarson, (corrupted to Sisson) Whitten, Eddy. There has been a Bayes Norton in the latter family from 1698 to the present day.

**Emigration to the Mainland** While there was a constant ebb and flow of people between Nantucket and the Cape and the Island, there was no exodus of distinct character until the last quarter of the 18th century. The newer settlements in northwestern Massachusetts were being opened up and land was freely granted there to desirable persons for the asking or it could be cheaply bought. This region between the outbreak of the Revolution and 1790 attracted a large number of Vineyard people to its fertile valleys and wooded hills. Whether this migration was due to surplussage of population here, the infertility of the soil, or the constant annoyance of vessels of war marauding the island, is not clear. But one thing is of traditional memory as a factor in the causation of the exodus. For several generations almost every family on the Vineyard had paid its toll of death to the remorseless ocean. Mothers, wives and sisters would see their "men folks" go forth in the frail craft of that period to scour the seven seas for the Leviathan of the ocean, never to return alive to their island home. In time this tribute of human life to the perils of the deep became a constant spectre haunting their visions by day and their dreams by night. They came to wish for the time to come spoken of in the promises of the Revelations—"and there shall be no more sea". The romance and mystery of the vast waters held no more charm for them and their one desire was to go to some remote inland country far from its sound and sight where they would have no more of the awful reminders of those tragic and

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## Family Genealogies

often unknown deaths tallied up at the season's close as "lost at sea". In this spirit doubtless many went to the hill country of western Massachusetts, and for a like reason, certainly, a large quota of Vineyard families sought the productive valley of the Kennebec in Maine about 1790 and became the pioneers of Farmington, Industry and New Vineyard. A considerable number went to eastern New York about the same time probably, attracted thither by their kinsmen, who had pushed on there after a brief earlier sojourn in the hill towns of Franklin County, Massachusetts.

About the time of the second British war another contingent left the Vineyard and went into the new "Western Reserve" called Ohio and aided in the development of that splendid state.

**Resident Families** About a score of families who were settled here prior to 1700 are still represented by name in the male lines at this time, viz.:—Allen, *Butler*, *Cottle*, *Cleveland*, *Chase*, *Coffin*, *Daggett*, *Dunham*, *Hillman*, *Lambert*, *Look*, *Luce*, *Mayhew*, *Manter*, *Marchant*, *Merry*, *Norton*, *Pease*, *Smith*, *Tilton*, *Vincent*, and *West*. Those printed in italics in this list have been here for 250 years or more, seven in all, and these seven are the most prolific of all the Vineyard families.

In this same period nearly two score of families have disappeared entirely from the Vineyard in the male line, either through failure of issue or removal. Of the former class may be named Bayes, Browning, Bland, Eddy, Gee, Harlock, Presbury and Sarson; of the latter class the names of Cathcart, Covell, Cartwright, Foster, Gray, Homer, Hunt, Hatch, Jenkins, Jones, Kelley, Martin, Milliken, Skiff, Trapp, Wass, Weeks and Wheldon have no male representation on the island today.

As above stated some families have maintained a numerical supremacy in the past two and a half centuries, and the following table will prove of interest in showing comparative results, viz:—

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NAME	1790 CENSUS	1800 CENSUS	1810 CENSUS	1850 CENSUS
Allen.....	13	19	21	11
Athearn.....	9	9	14	16
Butler.....	23	15	11	7
Chase.....	7	3	5	5
Cleveland.....	6	8	9	16
Coffin.....	13	14	13	19
Cottle.....	10	8	12	8
Daggett.....	15	14	13	21
Davis.....	8	3	5	12
Dunham.....	16	20	16	15
Fisher.....	14	13	20	17
Hillman.....	13	9	9	12
Look.....	10	10	10	10
Luce.....	41	45	49	66
Mantler.....	7	6	9	12
Merry.....	8	7	7	5
Mayhew.....	26	27	25	38
Norton.....	39	33	24	50
Pease.....	27	22	26	31
Tilton.....	16	14	18	21
Vincent.....	9	14	16	25

It will be noted that the Luce family was the leading factor in populating the island fifty years ago with Norton second, followed by Smith, Mayhew, Pease and Vincent in the order named. The Allen, Butler, Chase, Cottle and Merry families show a loss, the Butlers especially, with a drop from 23 to 7 households in the period of sixty years, 1790 to 1850. The others about hold their place without much loss or gain.

The genealogies are printed on what is known as the "Register" plan, whereby each child is designated by a number in sequence from the progenitor and the generation shown by a small numeral above the line. As the compiler of these genealogies had to construct his work on an elastic plan to make room, every now and then, for an unrecorded child in a family, he adopted a slight modification of the "Register" plan and treated each family as to enumeration in the same way that

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buildings are numbered in a city block. Each family is considered as a unit of ten persons and the first child of each family is given the number of 10, 20, 30, 40, and so on, instead of a number following that of the last child of a previous family. In this way as in a city block, numbers may be missing because there are not enough children to take up the count of ten. Sometimes it overruns, in which case the next family begins with the next decimal.

In order to avoid unnecessary statements and save space, the marriages of individuals are identified by their family number. Thus for example, James Adams m. Sarah Smith, (36), means that she is number 36 in the Smith family and that the searcher must turn to that family and look for number 36 to find her parentage. This saves the labor and space of stating a thousand times that the wife was "daughter of John and Mary (Jones) Johnson of Tisbury", for instance. In other respects the plan is simple enough to need no further explanation. Brevity has been aimed at for the same reason, to save space, and words in frequent use have been abbreviated but, most of these are self-evident contractions and should cause no doubt in reading the text.

In those cases where there was no record of a birth and the relative position of a child in the family problematical the author has given an assumed date, thus, Charles, (1787), to indicate that the exact date is not known and that 1787 is the probable year of birth. It would have been quite as easy to have left the space blank and permitted each of the readers to have a guess for himself, but the author has taken the position that because of his intimate knowledge of all of the circumstances connected with each family he can make a closer guess than one not familiar with the problem. Each family has been studied carefully from all angles to determine the possibilities where exact dates are wanting, such as precedence found in wills, signatures to deeds, order in baptism, the child-bearing period in case of females, as well as all other circumstantial evidence, and these assumptions of dates by the author

## History of Martha's Vineyard

have at least the foundation of studied effort to approximate the supposed and the actual but unknown dates. As the dates are italicised in brackets they are sufficiently contraindicated to prevent confusion with the regular type.

The labor of many years and of many hands is now finished and before the genealogical Acknowledgments public. If anyone expects that it is free of human errors it would be well for him to close the book right here and look elsewhere for perfection. In the following pages several million figures are printed and it is not in a spirit of humility that the author concedes the probability of mistakes—rather a recognition of the fallibility of mortals in dealing with such a multiplicity of dates.

In addition to the acknowledgments made for help given in the two previous volumes, the author cannot refrain from repeating his indebtedness to Mr. William J. Rotch of West Tisbury for continued aid, and to Mr. William B. McGroarty of Baltimore, Md., Mr. Marshall Shepard of Edgartown and Mrs. Emma Mayhew Whiting of West Tisbury for long and loyal supporting the final work of publication of this volume.

C. E. B.

## History of Martha's Vineyard

### GENEALOGIES

#### ADAMS FAMILY

34. ELIASHUB<sup>4</sup> ADAMS, (*Edw.*,<sup>3</sup> *Edw.*,<sup>2</sup> *Henry*<sup>1</sup>), the first of this name to reside on the island, was the son of Edward<sup>3</sup> of Barnstable and his wife Elizabeth, daughter of Rev. Thomas Walley of the same town, and was b. May 1699. He came to C. about 1728, and is called a cordwainer. He m. RELIANCE MAYHEW (112) 15 Feb. 1728-9; who was b. 1696 and d. 8 Jan. 1729-30, in childbirth, her first and only child. "She was a pious prudent woman of blameless conversation," wrote Parson Homes. The date of his death is not known to the compiler, but he was living in 1768. The genealogy of the Adams Family has been published (1898), and reference to it may be made for particulars of his ancestry.

40. MAYHEW,<sup>1</sup> b. 22 Dec. 1729.

40. MAYHEW<sup>5</sup> ADAMS, (*Eliashub*,<sup>4</sup> *Edw.*,<sup>3</sup> *Edw.*,<sup>2</sup> *Henry*<sup>1</sup>), b. 22 Dec. 1729, res. C., master mariner. He m. REBECCA MAYHEW (191) 27 Dec. 1750, who was b. 27 May 1730 and d. 11 June 1819. He d. 10 Sept. 1823, and his will dated 2 June 1818 was proved 19 June 1824.

45. ELIASHUB,<sup>4</sup> b. 15 Sept. 1751; d. 15 Nov. 1771, unm.

46. RELIANCE, b. 5 Nov. 1752; m. WILLIAM NICHOLS.

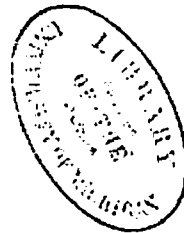
47. JAMES, b. 30 Sept. 1754.

48. REBECCA, b. 18 Aug. 1756; m. JOHN COTTLE (94), 22 Dec. 1774.

49. PARNELL, b. 15 Dec. 1757; m. THOMAS WADE MAYHEW (108), 21 Dec. 1780.

50. MAYHEW, b. 11 Mch. 1759.

EXHIBIT NO. 3



THE

**NORTH AMERICAN REVIEW**

*Wm* AND *Plumer's*

**MISCELLANEOUS JOURNAL.**

VOLUME FIFTH.



**BOSTON,**

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*University Press... Hilliard & Metcalf.*

1857.



1817.]

*Visit to the Elizabeth Islands.*

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*Visit to the Elizabeth Islands.*

[A party of gentlemen lately visited the old colony and the Elizabeth islands. The following letter, giving an account of their journey, may amuse some of our readers.]

DEAR —,

*Boston, 2 Aug. 1817.*

I promised to relate to you the incidents of my ride; and it is my first occupation to address you, 'to tell of all I felt and all I saw,' or rather of all that I remember; for I did not see and feel so little in a week, as to promise that I will recollect it all in a day.

Monday the 21st of July we left Boston for New Bedford. Near the road side in Abington we observed a remarkable tree, one of the ancient boundaries of the Plymouth Colony, whose inhabitants, after an union of more than a century with Massachusetts Bay, are still proud of their former independence, and of the superiour antiquity of their settlement. We were told that the road, on which we travelled, passed through the most fertile part of the Colony. The vegetation was certainly more forward than in the immediate vicinity of Boston. The rye was abundant, and in many fields ripe for harvest. In some, the reapers were actually employed. The Indian corn was backward and unpromising. The sides of the road were, during the first part of our ride, covered with roses in full bloom, and through the whole of it decorated with the red lily. In the town of Middleborough, thirty eight miles from Boston, we stopped a few moments on the banks of Assawampset pond, a lake six miles in length and three in breadth, whose deep coves, and bold and extensive promontories, present many beautiful scenes, agreeably diversified by wildness and cultivation. It is very shallow and its bottom consists of bog iron ore, which has been an article of commerce ever since its discovery in 1747. The lake is owned in 70 undivided shares by the assignees of the original settlers of the town. Any person may dig the ore, which is sold on the banks of the lake at from four to seven dollars per ton, according to its quality. The purchaser pays the further sum of one dollar per ton to the proprietors, and the ore is then smelted, and cast into hollow ware in this and the neighbouring towns. The quantity now dug here is much less than formerly, hardly exceeding one hundred tons a year. We rode

two miles along the western bank of this lake, and before we quitted it, saw on our right Long Pond, which in one place approaches so near it as to leave only a passage for the road between them.

On Assawampset was committed the murder of Sausaman, the immediate occasion of the war between our ancestors and King Philip, professedly a war of extermination, in which the two parties, struggling for existence, displayed a foresight and sagacity in planning their military enterprises, and a rapidity, fearlessness, and perseverance in executing them, which render that age one of the most interesting periods of our history; though the occasional acts of perfidy and atrocity committed on both sides make it one of the least honourable.

Now step forward again about a hundred and forty years from those scenes of blood, enter with us the peaceful dwellings of the Quakers of New Bedford, and say if humanity has not gained by the exchange. This town of New Bedford, where we arrived on Monday evening, and were detained by rain during the whole of Tuesday, is finely situated on a gentle acclivity, rising from the western bank of the Acushnet, and commands a perfect view of the town of Fairhaven and the hamlet of Oxford, which occupy lower and more level ground on the other side of the river. It contains about two thousand five hundred inhabitants, a large portion of them Friends. The remainder is divided into two societies of baptists and two of congregationalists. It contains also an academy for the instruction of both sexes, possessing a library of eight hundred volumes, the gift of Samuel Elam Esq. and a philosophical apparatus;—a charity school for the education of eighty two children, supported and superintended by young ladies;—a museum belonging to a society of gentlemen; and a social library. Many of the inhabitants are engaged in the whale fishery, and they wisely retain among themselves the profits of manufacturing, as well as of collecting the spermaceti. The plunder of the whales, pursued and destroyed in the Pacifick ocean, never quits their hands till it has gone through the whole process, which fits it for use, and is prepared to illuminate the ball room.

At seven o'clock on Wednesday morning we left New Bedford in a sloop, descended 'that stately sound,' Buzzard's bay, and anchored near the westernmost of the Elizabeth islands;

the first spot in New England occupied by Europeans, and the only one inhabited by them in the glorious days of Queen Bess.

In 1602, Bartholomew Gosnold and thirty one others left England in a small bark to seek their fortunes in America. Believing that the common route by the Canary islands was unnecessarily circuitous, Gosnold steered directly west, and on the fourteenth of May, after a passage of seven weeks, came within sight of the coast of Massachusetts bay. He did not land here, but sailing along the shore toward the south, passed Cape Cod, to which he gave the name it now bears, from the number of cod fish, that he caught there. Standing out to sea to avoid the Pollock rip, he overshot in the night the eastern entrance of the Vineyard sound, and afterwards, returning toward the land, coasted along the southern shore of the island now called Martha's Vineyard, supposing it a part of the main. To Noman's Land he gave the name of Martha's Vineyard, which has been since transferred, by some strange accident, to the larger island in its vicinity. After doubling a high ledge of rocks running a mile into the sea, he anchored in a cove of the island near them; naming it Elizabeth island in honour of the Queen. This island, possessing a very fertile soil, was then covered with trees and uninhabited. In the western part of it they found a pond of fresh water two miles in circumference, separated from the sea on one side by a narrow beach; and in this pond a 'rocky islet,' of about one acre, on which they determined to fix their residence. A part of the company remained there three weeks, occupied in throwing up a fort, digging and stoning a cellar, and building a dwelling house; while the rest explored the neighbouring continent and procured a cargo of sassafras and skins. It was intended that twenty of their number should remain in their new habitation, and that the others should return to England to sell their cargo, and procure the means of establishing a permanent colony. Some difficulties however were occasioned by a dispute about the mode of dividing the profits of the voyage; and soon afterwards the discovery that they had not provisions enough to victual both the fort and the vessel, and an attack on one of their boats by the natives, who had previously appeared friendly to them, completely discouraged them, and induced them to abandon the enterprise, and set sail for England on the eighteenth of

June, three weeks after their first occupation of the island. Dr. Belknap takes some pains to justify them for relinquishing their project so soon, by dwelling on the imprudence of remaining without the means of defence or of subsistence; but it seems to me that they need no justification. They were under no obligation to remain; they had voluntarily undertaken an expedition for profit, and had a right to abandon it as soon as they were weary of the enterprise.

The name of Elizabeth was afterwards given to the whole group of islands in Buzzard's Bay, and it seems to have been doubted which of them was occupied by Gosnold, till Dr. Belknap, visiting them in 1797, found the most westerly to agree perfectly with the description given of their residence by the adventurers; and even thought that he discovered the remains of their cellar. Some young gentlemen of New Bedford had since visited the spot without finding these remains; and it was one object of our journey to ascertain whether any such existed. Having landed on the eastern shore of the Island, and walked across it, we found at the other extremity a long, triangular pond, almost in the shape of a powder-horn, with its base near the western side of the Island, and its point directed toward the north. Its banks on the west and south are high; on the north it is separated from the sea by a curving beach not thirty yards wide, across which we dragged our boat and launched it into the fresh water of the pond. I call it *fresh* only because it is not *salt*, for it is too brackish even for the palate of a Bostonian. In the western end of the pond is a high islet, surrounded by a rocky margin and covered with a very rich soil, in which were growing the wild goosberry, the grape, elder, mallows, primrose, eglantine, yarrow, sumach, wild parsnip, beach plum, wild cherry, wild pea, Solomon's seal, the convolvulus, thoroughwort, and red clover. The stump of a red cedar stood near the shore, and we brought home a piece of it as a remembrancer of our expedition. On the northern bank of the islet about ten yards from the water, we found a small excavation overgrown with bushes and grass, on one side of which were three large stones in a row at the distance of three-feet from each other, having under them other stones of the same size lying in the same direction. Between these were smaller stones, which appeared by their form and smoothness to have been taken from the beach. In another

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slight excavation twenty eight yards south of the former near the centre and highest part of the islet, were similar stones, but very few in number, and not disposed in any apparent order. On digging in other parts of the islet, we found none of the same kind. We conjectured that the first excavation was all that remained of Gosnold's cellar, and the latter a part of the trench dug for the purpose of forming the fort. There can be no doubt that this was the place of his residence, for there is no other pond containing an islet in any one of the Elizabeth Islands. Every feature of the scene reminded us of the narrative of its discoverers. The trees indeed have fallen and left no trace of their existence, except the term *Copicut, shady*, the appellation of a lofty promontory, extending from the centre of the island toward the north; but the soil is still fertile, the beach, the lake, the islet are unaltered, and are rendered by their natural beauties, no less than by the recollections, with which they are associated, well worthy of the attention of a poet; and the gigantick rocks near the western coast of the island, against which the waves dash with the foam, and the fury, and the deafening noise of a cataract, would form as grand a picture in an epick poem, as *Acroceraunia* or *Charybdis*. But their names — These rocks are the *sow* and *pigs*;—the blooming islet is *Quarock* Island; the beautiful lake and the island, which contains it, are styled *Poocutohhunkunnoh* island and pond, which is sometimes elegantly abbreviated into *Cullyhunk*. What words for the lips of the muses!—The delicate ears of some of our party could not endure them, and we therefore gave to the pond and islet the name of their discoverer, Gosnold, and softened down the Indian appellation of the principal island into *Cuttoona*, which you and other poets are expected always to employ hereafter, except in those cases, where it may be necessary for the sake of the rhyme, to make use of *Quarock, Poocutohhunkunnoh, and Cullyhunk*.

We dined on Gosnold's Islet. On the beach which separates his pond from the ocean, we found the *murex caniculatus*, a shell confounded by the inhabitants of this part of the Commonwealth with the *murex carica*, under the common name of *perriwinkle*, which properly belongs to neither. The island of *Cuttoona* contains about 516 acres, and has two houses on its eastern end, occupied by three families, who hire the island for 250 dollars per annum, and keep on it 16 cows and

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500 sheep. We re-embarked in the afternoon, and with a fair wind and favourable tide, coasted along the northern shore of Nashawenna, and passed through Quicks' hole between that island and Pasque Island to Tarpaulin Cove, a fine harbour on the south side of Nashaun, where we slept. A lighthouse 32 feet high, built of granite found in the island, is just erected on the point of land forming the southwestern side of the harbour.

The next day, Thursday, we set sail for Gay Head, the northwestern extremity of Martha's Vineyard. It was called by Gosnold *Dover Cliff*, and owes its present name to the singular beauty of its appearance, when seen from the shore. In that direction it presents to the eye a perpendicular cliff 150 feet high, principally composed of white and blue clay, in which are irregularly interspersed vast beds of red and yellow ochre, and of a black substance, which has been thought to indicate the existence of coal in its vicinity. Excavations have been made to the depth of 30 feet, in the hope of obtaining that valuable mineral, without success. The ochres are of a very bad quality. The white clay is the only useful material found here, and is sold by the Indians deliverable on board vessels for three dollars and a half, and in the cliff for one dollar per ton. The black part of the cliff seems to consist of decayed vegetable matter, and abounds with pyrites and with long, slender crystals of gypsum, called by the inhabitants Maushop's needles. On the edge of the cliff is the Devil's Den, a vast and deep basin, one side of which appears to have been washed away by the sea. Its form has induced some persons to consider it as the crater of an extinct volcano, but we saw no volcanick appearances near it. It was once the dwelling of Maushop. According to the tradition of the Indians, when their ancestors first came from the west to this island, they found it occupied by Maushop, a benevolent but capricious being, of gigantick frame and supernatural power. His daily food was broiled whales, and he threw many of them on the coast for the support of his Indian neighbours. At last, weary of the world, he sent his sons and daughter to play at ball, and while they were engaged in their sport, drew his toe across the beach, on which they were, and separated it from the island. The returning tide rising over it, the brothers crowded round their sister, careless of their own danger; and while sinking themselves, were

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only anxious to keep her head above the waves. Maushop commended their fraternal affection, bade them always love and protect their sister, and preserved their lives by converting them into whale killers, a sort of grampus, whose descendants still delight to sport about the ancient dwelling of their great progenitor. The giant then hurled his wife Saconet into the air, and plunging himself beneath the waves, disappeared forever. Saconet fell on the promontory of Rhode Island, which now bears her name, and long lived there, exacting tribute from all passengers. At length she was converted into stone, still however retaining her former shape, till the white men, mistaking her probably for an idol, lopped off both her arms; but her mutilated form remains to this day on the spot where she fell, and affords lasting and unimpeachable evidence of the truth of the tradition.

The west end of Martha's Vineyard containing 3000 acres of the best land in the island, and including Gay Head, is reserved for the Indians established at this place and their descendants. The whole number of proprietors is said to be 250; only 150 reside here at present. The land is undivided; but each man cultivates as much as he pleases, and no one intrudes on the spot, which another has appropriated by his labour. They have not the power of alienating their lands, being considered as perpetual children, and their property committed to the care of guardians appointed by the government of Massachusetts. These guardians let a part of the territory to whites, and appropriate the income to the support of the Indians. Intermarriages between the members of this tribe and negroes are so common, that there now exist very few of pure Indian descent. One of these few we had the pleasure of seeing, when, tempted by curiosity, we had entered her miserable dwelling. It did not require a very powerful imagination to convert her into another Meg Merrilies. Her countenance bore the traces of extreme age, but her form, though slender, was erect, her voice firm, and her remarks shrewd and pertinent. The muscles of her face possessed a calmness and immobility, which seemed to prove that nothing agitated her feelings, while the quickness of her eye denoted that nothing escaped her observation. This cast of countenance, and the character it expresses, are not however peculiarities of the individual; they distinguish the whole race.

The Indians of Gay Head have lately sent a memorial to the General Court, stating their grievances, and a committee has been appointed to examine into the ground of their complaints. Idleness is undoubtedly the great evil that afflicts them. Can it be remedied? We should not be discouraged because the efforts hitherto made for the improvement of their characters have been ineffectual; for it is not certain that they have been properly directed. Schools have been occasionally established among them to teach them reading and writing, arts of which they know not the value. Missionaries are constantly employed to preach the gospel to them. But beings so indifferent to their fate that they will not make provision even for to day, cannot be expected to take much pains to prepare for futurity. They need some strong and direct excitement to rouse them from their torpor. It has been proposed to give them the power of alienating their property, which would soon be squandered. They would then be compelled to toil for a subsistence; and habits of industry once acquired might last longer than the necessity, in which they originated. Nor would there be any cruelty in thus permitting them to waste their property, if it were certain that the experiment would succeed. Could they obtain industrious habits in exchange for their lands, it would be a profitable bargain to them, as well as to the community. But it may be said, and I fear too truly, that the present generation, palsied by inveterate indolence and ignorant of any occupation capable of affording them immediate subsistence, would sink in despondency, and find it easier to die than to labour. Is there however no hope for their children? Might they not be collected in one seminary, where they should be taught the mechanic arts, and incited to exertion by emulation, the hope of reward, and the fear of punishment; and when their education should be completed, instead of being left here to be corrupted by their predecessors, sent forth to make their own way in the world? The Indians are not incapable of serving themselves and the public. Many of them are employed in the whaling vessels of New Bedford, and are distinguished by their activity and expertness. Such a project would indeed be expensive, but might ultimately prove less so than the present mode of providing for their support. We ought not to despise them because they are ignorant and degraded; for perhaps they are



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ignorant and degraded, only because they have already been so much despised. There is no school now at Gay Head.

We returned to pass another night at Tarpaulin cove, where we found excellent accommodations. Early on Friday morning our party set forward in a waggon, on horseback, and on foot for the northeastern end of Nashaun. This island is seven and a half miles long; and one and three quarters broad. It contains about two thousand sheep, and is in high repute for the excellence of its butter and cheese. While all the Elizabeth islands west of it have been stripped of their woods, the trees here, consisting of beech, pine, oak, and hickory, have been carefully preserved, and afford shelter to a hundred deer, one of which bounded across our path at a little distance before us. Our conductor was a lively and intelligent young farmer, who has the superintendence of the island, and resides at its northern extremity. We were quite pleased with the neatness and simplicity of his house; but imagine my surprise, on taking up a book, to find that it was the Fables of Lafontaine, which opened of itself at that exquisite, inimitable tale 'Les deux pigeons.' This was something romantick, and we began to look about us for a goddess in disguise. But on inquiry we found the sober fact to be, that our young farmer was a Frenchman, who had left his country at the age of fourteen, and acquired our language so perfectly, that even when acquainted with his origin, we could not detect the slightest foreign accent. After dinner we left Nashaun delighted with every thing that we had seen there. The Elizabeth Islands are part of Chilmark, a town on Martha's Vineyard;—their names are Cuttyhunk, Penquese, Gull, Nashawenna, Pesque, Nashaun, Onkatomka, Nannamisset, the two Ram islands, and the three Wepockets. They are generally stocked with sheep, the average weight of whose fleeces is full three pounds. Those brought from the main are far less likely to live here than those born on the islands themselves.

In the boat, which conveyed us from Nashaun to Falmouth, we observed the words 'O navis quæ tibi creditum &c.' written by the pencil of our friend Dr. B——, who had been on Nashaun four days before us, and knew that we should follow him. As our party consisted of seven, I considered myself entitled to a seventh part of the compliment, and was proud of my portion; but would have resigned it willingly

for the pleasure of his company. We sailed by Onkatonka, where one thousand five hundred bushels of salt are annually made by evaporation from sea water. The overseer receives, as a compensation for the whole labour, one fifth part of the produce. At Falmouth forty thousand bushels are made, valued at fifty cents a bushel. From the water remaining after this process they make Glauber's salts, worth two cents a pound, at an expense not exceeding that previously incurred by extracting the common salt. The fuel requisite for this purpose costs nothing more than the labour of cutting it. From Falmouth an excellent road led us to Sandwich, which we reached on Friday evening.

Saturday morning, after catching a mess of trout for dinner, we visited the ruined cellar of the sachem of Monumet, the neighbourhood of which was the scene of an interesting adventure in the life of Captain Standish. We also looked at the ground, through which it has been proposed to cut a canal seven miles long, connecting Buzzard's bay with that of Barnstable. It is said that their waters do not stand at the same level; but this inconvenience would be remedied by a lock. More serious objections are, that the navigation of Buzzard's bay is neither easy nor safe; that the force of the tides and the nature of the soil, which is pure sand, would obstruct the canal, and that in winter, when most needed, because the passage round Cape Cod is then most dangerous, it would be rendered impassable by ice. On the other hand, the advantages to be derived by our capital from such a passage are great and obvious. Even should it admit vessels of the smallest size only, it would induce those, who occupy the shores of the sound, to direct their commerce entirely to Boston, where they would find manners, and a mode of transacting business more similar to their own, than those of New York. It is by facilitating the means of intercourse between Boston and other parts of the state, that the former is to be rendered the great mart of our manufactures; not by establishing extensive manufactories within the limits of the town; they are always pernicious in populous places; nor have we any reason to expect an exemption from their evils, since the same causes, that produce so much mischief elsewhere, will operate here. In such establishments crowds of both sexes are collected from all parts of the country, suddenly exposed to many new temptations, removed from their

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early habits and associations; freed from the salutary restraints imposed on them by the constant presence of those, whose opinions they have been accustomed to respect; severed from all their natural connexions; torn from their native soil, from the spot where they had taken root and flourished; and thrown together to corrupt in a heap, under the heated atmosphere of the town.

Sunday we remained at Sandwich, and on Monday morning left it on a very sandy road for Plymouth. In the course of our ride we saw two large rocks, called Sacrifice rocks, from a custom, still prevalent among the Indians, of throwing sticks of wood or branches of trees on them whenever they pass. Nobody seems to know the date or motive of this practice. Near the road, seven miles south of Plymouth, is Clam Pudding pond, on whose borders the judges of the colony, when they made their pedestrian circuits in old times, were accustomed to stop, and draw forth from their wallets their homely meal, consisting of roasted clams and hard Indian pudding, the luxuries of that age of simplicity. At Plymouth we made it our first business to visit 'Forefathers' rock,' the landing place of the pilgrims of 1620, a more accessible, but far more interesting spot than Gosnold's islet. The men, who landed here, did not abandon their enterprise, though they had want and perils to contend with, as well as their predecessors. But they came with a different character and different motives; they had been inured to adversity, excited and invigorated by persecution; they knew that the hopes of their friends in Holland depended on their perseverance; and they had made a contract with the Virginia company in England, by which they were pledged to remain here. The unexpected difficulties which they encountered, the want of food, the severity of the climate, the disease which destroyed nearly half their number in the first winter, would have discouraged most men, and perhaps have justified them in returning to Europe, notwithstanding their obligations to remain. But these were not the men to urge the plea of necessity. In their estimation it was necessary to do their duty, but it was not necessary to live. And they have their reward. The evils endured by them, great as they were, are a cheap price for the blessings that they have purchased for their children. We are enjoying the recompense of their sufferings, and gathering the fruits of their labour.

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*Retreat for the Sane.*

[Sept:

The last interesting event, that I remember, was our sitting in Governour Carver's chair in the barber's shop at Plymouth.

Such are the incidents and reflections, which have pleased your friend ; but the greatest of my pleasures was the society of my companions ; and it was not the least of them to return.

*A Retreat for the Sane.*

Huc propius me  
Dum docco insanire omnes, vos ordine adite.  
HOR.

MR. EDITOR,

It is obvious, that in the present state of this country, when very little money can be spared from individual and national wants, even to publick institutions of the most general and acknowledged utility, none should be undertaken, but upon the surest and most permanent foundation, and of which the practicability, as well as usefulness is perfectly well ascertained. It becomes then important when a project of great and common interest is afoot, the plan and conduct of which, being once decided upon, do not readily admit of alteration, that a liberal discussion of the subject should previously be had, and the various obstacles to it freely exposed. Nor should the investigation in such cases be limited to those only, who, from their occupations and course of thought, might be supposed the most competent to decide questions of that particular nature. Many of the hints which fall, as it were by chance, from the comparatively stupid and unlettered, may, in the hands of the wise and well informed, be turned to very good account. The above remarks are made, by way of apology for offering a few thoughts upon the recent plan of an hospital for the Insane. I am well aware that in touching upon this subject, and advancing those notions about it which a most careful and thorough investigation has caused me to adopt, I have very many difficulties to contend with ; difficulties the more hard to be overcome, because they take their origin in our strongest and most confirmed passions and prejudices, and are fostered and established by the usual modes of education. A deep sense, however, of the good ef-

EXHIBIT NO. 4

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[Feb. 1849.]

HOUSE—No. 46.

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**Commonwealth of Massachusetts.**

M E S S A G E .

COUNCIL CHAMBER,  
February 21, 1849. }

*To the House of Representatives :*

I herewith communicate, for the use of the Legislature, the Report of the Commissioners, appointed under the Resolve of the Legislature, passed on the 10th of May, 1848, "to visit the several tribes, and parts of tribes, of Indians, remaining within this Commonwealth, to examine into their condition and circumstances, and report to the next Legislature what legislation, in their opinion, is necessary in order best to promote the improvement and interests of said Indians."

These scattered and poor remains of tribes, who were once the numerous and powerful occupants of our hills and valleys, our lakes and rivers, of which advancing civilization has dispossessed them, have the strongest claims upon the government of the Commonwealth to do every thing in their power to preserve their existence, protect their rights, and improve their condition.

I commend the subject to your consideration, with the hope that the Report of the Commissioners, who have given to it great labor and attention, will lead to such legislative provisions as are demanded by justice and humanity.

GEO. N. BRIGGS.

## Commonwealth of Massachusetts.

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*His Excellency* GEORGE N. BRIGGS :

The Commissioners, appointed by your Excellency under a Resolve of the Legislature, of May 10th, 1848, "to visit the several tribes, and parts of tribes, of Indians, remaining within this Commonwealth, to examine into their condition and circumstances, and Report to the next Legislature, what legislation, in their opinion, is necessary, in order best to promote the improvement and interests of said Indians," respectfully submit the following

### R E P O R T :

The duty imposed upon us by the first two clauses of the extract, recited from the Resolve, has proved far more laborious than was supposed, when its performance was commenced especially the recommendation of measures "to promote the improvement and interests of the Indians," requires a wisdom to which we dare not claim, and involves a responsibility which we hesitate to meet.

Unwilling, as we should have been, to have assumed the task, had we been aware of its difficulties and importance, we have yet endeavored to carry out, to the extent of our abilities, the intentions of the Legislature. We have visited all the tribes and parts of tribes of Indians in the Commonwealth except, perhaps, a few scattered over the State, who have long since ceased to be the wards of the State, and who are, practically, merged in the general community. We have seen them in their dwellings and on their farms, in their school houses and meeting-houses, have partaken of their hospitalities of bed and board, have become familiar with their private griefs and public grievances, have congratulated them upon their privi-

leges, and consulted with them on their disabilities. Encountering, at first, not unnaturally, jealousy and distrust, we have found that these, almost invariably, yielded before the exhibition of our own kind sympathies, and our assurances that the Commission had its origin in none but the most friendly motives on the part of the government of the State. Reserve once removed, we have found them, almost without exception, communicative and confiding. If we fail in making a satisfactory statement of their condition and wants, it will not be for want of opportunities of observation.

We are tempted to turn aside from the path to which our instructions point us, and enter upon a field full of materials for historical inquiry and antiquarian speculation. We are among the "stricken few" who remain of the once undisputed sovereigns of the Western World. The blood of Samoset and Massasoit runs in their veins; and the same spirit which prompted the "Welcome, Englishmen," which greeted the weary Pilgrims and relieved their fears of Indian hostilities, has ever since controlled the intercourse of nearly all the tribes, of which they are the remnants, with the whites.

During Philip's war, the "Praying Indians" formed a bulwark between the hostile Indians and the feeble colonists; and subsequently, when in their own quarrels, or as allies of a foreign foe, other tribes eagerly embraced the opportunity to take bloody vengeance for the wrongs of their race, these have, with more than Christian forbearance, uniformly favored their invaders. It might be useful to illustrate more fully this fact as constituting a claim for the most generous treatment by the State.\* It would be interesting to rescue from oblivion some of these fast fleeting mementoes of a people, soon to become extinct. We must leave, to the historian and the antiquary, what is not strictly within our province.

The names of the different tribes in the State are as follows: Chappaquiddic, Christiantown, Gay Head, Fall River or Troy, Marshpee, Herring Pond, Grafton or Hassanamisco, Dudley, Punkapog, Natick, and Yarmouth.

The whole number of Indians, and people of color, connected with them, not including Natick, is 847. There are but six or

\* See Appendix F.



eight Indians, of pure blood, in the State; one or two at Gay Head, one at Punkapog, and three, perhaps four, at Marshpee. All the rest are of mixed blood; mostly of Indian and African.

This fact, of the admixture of African blood, usually predominating, in amount, over the Indian, is the only one common to all the different tribes; beyond that, the condition and circumstances of each are so peculiar as to require separate consideration.—In giving the statistics, we have, in all cases, taken all known to belong to each tribe, respectively, and supposed to be living, who may, if they should return, be entitled to whatever privileges and immunities belong to this people.—Under the head of foreigners, we include all, one or both of whose parents are not of Indian blood.

*The Chapequiddic Tribe.*

This tribe occupies a part of the small island of the same name, being a part of Martha's Vineyard, and separated from Edgartown by a narrow arm of the sea, which forms the harbor of that town. Their territory comprises 692 acres. It is on a bleak exposure, and the soil is barren, and yields a precarious subsistence to the most unremitting industry. The location appears to be remarkably healthy, not an individual, at the time of our visit, being confined, by either chronic or acute disease. The whole number of the tribe is 85.\* In 1828, the number of the tribe was 110.

Families,	12
Males,	43
Females,	42
Natives,	75
Foreigners,	10
Under 5 years,	11
From 5 to 10,	3
“ 10 to 21,	19
“ 21 to 50,	39
“ 50 to 70,	10
Over 70,	3

The ages of the three oldest are 71, 82, and 94, all natives.

\* For names, see Appendix, A.

The Chappaquiddies depend for subsistence entirely, with the exception of those who go to sea, and of some few women who go out to service, upon agriculture. They are generally very industrious, securing, by economy and hard labor, a comfortable living and some few adding, from year to year, to their little property, generally in the way of improvements of their lands. A few realize considerable sums in the summer from the sale of blackberries to the people of Nantucket.

Under the judicious oversight and counsels of their guardian, Hon. Leavitt Thaxter, they are far in advance of any other tribe in the State, in improvements in agriculture, and, indeed, in the arts and even elegancies of social and domestic life. Twenty years ago, they were preëminently a degraded people, unchaste, intemperate, and, by consequence, improvident; now they are chaste, not a case of illegitimacy, so far as we could learn existing among them, temperate, comparing, in this respect, most favorably with the same population, in the same condition of life, in any part of the State, and comfortable, not inferior in dress, manners, and intelligence, to their white neighbors. These favorable changes, they attribute partly to the division of their lands under the act of 1828, each occupant now holding his land in fee, and not liable to be dispossessed at the pleasure of the guardian, as under the old law, but mainly to the salutary influence exerted over them by their guardian. The result has been, new incentives to industry and economy, arising from an assurance of their rewards, and a love of approbation, and self-respect, which are at once the fruits and the guarantees of progress. Nearly all live in good framed houses, most of them comfortably furnished, and many of them with their "spare room" handsomely carpeted and adorned with pictures and curiosities collected in the eastern and southern seas. Each family owns and improves from 5 to 30 or 40 acres. Generally they are tolerably well supplied with agricultural implements, and nearly all who live by agriculture have one or more yoke of oxen. The stock of the tribe is as follows:—1 horse, 31 horned cattle, 39 swine, 161 fowls, and 12 sheep. The value of estates, *at their own estimates*, varies from 200 to 1,000 dollars. Perhaps about half of the

land owners are in debt from 10 to 100 dollars, generally expecting to pay during the year.—Previous to 1828, the lands were all in common, the law of February 27, 1810, having provided that the commissioners appointed under that act should make a division which should continue ten years, and authorizing the guardian, at the expiration of that time, to make a new division. The commissioners, appointed under the act of March 10th, 1828, made a permanent division of the whole territory, dividing 187 acres among 17 families, and reserving 205 acres for public purposes, and for apportionment to any members of the tribe then absent who might afterwards claim a share. This division, though it was, of course, impossible to make it universally satisfactory, seems to have been made as wisely and fairly, as, under the circumstances, could be done.—The annual public income is about eight dollars, arising from the rents of the common lands, and applied to the support of the poor. There are now two paupers, who receive aid from the State, amounting, for the present year, to 128 dollars. We have no means of ascertaining the whole amount appropriated by the State to this tribe, as the guardian's account embraces also the appropriations to the Christiantown tribe. Both amounts will be stated when we come to speak of that tribe. Beyond the aid furnished, as above stated, by the State, the poor are assisted, so far as needed, in addition to the small sum received from the rent of the public lands, by voluntary contribution. As races, they have acquired, in the long school of oppression and proscription, a ready sympathy for individual suffering. In the language of Mr. Thaxter, "They are kind and considerate to each other in sickness and poverty."\*

They have a school taught by a female, for three or four months each year. When we visited them, the school was closed, so that we cannot speak particularly of its condition. They receive from the State about forty-six dollars annually, being thirty dollars from the school fund, under the act of April 18th, 1848, and one quarter of the income of 1,200 dollars of the surplus fund, under the act of March 21, 1837. This constitutes their whole means of support for the school, being

\* Appendix B.

really unable to increase the amount by voluntary subscription. The whole number, between the ages of 4 and 16, is 15. With so small a school, and such limited means, their educational privileges must be of comparatively very little value.—They have no preaching or religious teaching of any kind. They raise no money themselves for the support of the Gospel, and receive none from the State, or from benevolent societies. Formerly, they received, from the President and Fellows of Harvard College, who are trustees of the "Williams fund," a portion of the income of that fund. For reasons to which we shall refer more particularly when we come to speak of the Gay Head tribe, they have received, for several years past, nothing from that source. They are allowed to attend meeting, occupying a "respectful" position in the meeting-house of the whites on the adjoining territory.

Litigation is almost unknown. Probably in no part of the State, embracing an equal population, are there fewer difficulties resulting in a necessity for legal adjudication. At this moment, a difficulty in relation to a cranberry meadow exists, which will, however, undoubtedly be adjusted by the guardian. This fact, especially, considering the imperfect definition of their legal rights, is very creditable. They rarely commit offences, and they have learned patience under grievances.

The Chappequiddic tribe is governed by the act of March 10, 1828. As the same act applies to the Christiantown tribe, we reserve an examination of its provisions as applicable to both tribes.

Although litigation is rare, still, owing to supposed imperfections in the division of their lands in 1828, and to the illy defined position and maintenance of their legal rights against their white neighbors, there are difficulties among them, occasioning social alienations among themselves, and more or less of bitterness towards their neighbors. Difficult of adjustment as these are,—impossible of adjustment, indeed, as that class is which grows out of the prosperity due to the superior intelligence and thrift of a portion of the tribe, they are still such as to require legislative attention, and to justify, from a

good hope of the practicability of remedy, legislative interference.

The difficulties among themselves relate principally to the peat lands, the cranberry patch, and the fences. A portion of the peat lands are still held in common, and the arrangement is, that those, whose territory, under the division of 1828, did not include a portion of peat lands, might cut peat from the common lands, according to a particular rule. This arrangement almost necessarily leads to difficulty, and we concur with the guardian in the opinion, that it is desirable that these common lands should be wholly and finally divided.\*

The circumstances relative to the cranberry patch are fully stated by Mr. Thaxter. We agree with him in regard to the position of this dispute as a matter of equity, if not of law. But as there is some little ambiguity in the language of the Commissioners, and as the difficulty arises less from the value of the matter at issue, than from a propensity, in a few of the proprietors, to stickle for supposed legal rights, we endorse his suggestion that the conflicting claims should be settled by express enactment.

The Indians have as yet been, and still are, unable to fence, respectively, their allotments. They are obliged to pasture their cattle in the tethering rope. Farmers will readily understand the serious inconvenience of this necessity, and other troubles arising from the absence of fences.

By the act of January 26, 1789, the object of which was to provide for the division of the territory of the Island of Chapequiddie, "between the patentees and other purchasers, and the Indians on the said Island," the division line between the whites and Indians was defined, and it was declared that the "said patentees and other purchasers shall be at the sole and whole charge and expense of making, maintaining, and repairing the said divisional fence, and fences any law to the contrary notwithstanding." Additional acts, more clearly defining and enforcing this obligation, were passed June 19, 1790 and June 16, 1796; and, by the act of March 2, 1829, "the guardian is authorized to compel the patentees and other pur-

\* See Appendix B.

chasers of lands on said Island, or their heirs, to make and maintain the divisional fence, commonly called the Indian line fence.' It seems to us that this obligation cannot be legally evaded. The guardian however, entertains some doubt about it and has not yet thought best to attempt to enforce the law. The fence is now in a very bad state, and the crops of the Indians are constantly in danger from the cattle of the whites. Gradual encroachment upon the territory and the rights of the Indian,—the immemorial law,—has lost none of its prescriptive strength. No opportunity for its enforcement is still allowed to pass unimproved. The whole Island say the Indians belonged to their fathers. A large portion of it has been wrested from them, sometimes it may be, with the show, seldom with the reality, of an adequate consideration. By the act of 1789, the white man received the lion's share. They feel that they have the right to expect protection in the enjoyment of the few acres left to them. Whether additional legislation is necessary or not, the white proprietors ought to be compelled, as they have received the benefits, to fulfil the obligations of the act of 1789.

There is a tract of common land, covered, many years ago with valuable wood, now almost entirely worthless. It is unfenced, and, since the wood was cut off, the cattle belonging to the whites browse upon the young shoots, and prevent their growth. It is hardly worth enclosing, and the sooner it is sold for the benefit of the tribe or divided among them, the better. We believe provision now exists for dividing this land.

There is also some complaint of the want of well defined highways. Not unfrequently, if a "shorter cut" to a point of destination lies across a piece of cultivated land, drivers, particularly white men, do not hesitate to take it. In the case of one or two tracts, this is a matter of serious inconvenience. The Indians also complain, that the whole of the highway, from the landing opposite Edgar town, and surrounding their territory, is on *their* side of the line fence, thus depriving them of several acres of their territory, and preventing the fencing of their allotments, without crossing the highway; whereas they claim, and justly as it seems to us that one half at least,

of the highway, should be on the land of the white men, and that it should be fenced on both sides.

Our inquiries here, as well as elsewhere, were directed particularly to the question, whether they desire a removal of the guardianship, and the enjoyment of the privileges, with the liabilities of citizenship. A very few of the male adults, perhaps only one, wished the removal of the guardianship. Probably a majority consider, that, as far as themselves individually are concerned, they are able to take care of themselves; but wish, if the guardianship should be abolished, that a counsellor might be appointed to advise them in difficulty, and assist them to improvement, say for five or ten years, until they felt entirely capable of self-control. Upon the whole, however, they are of opinion, that it will be better for them, as a whole, to remain as they are. A few are now voters, being taxed for lands, which they own in Edgartown. As a general thing, they feel no inclination to enjoy the privilege of voting, and incur the liability to taxation. No portion of the Indians of the Commonwealth are so well prepared to exercise the elective franchise as the Chapequiddics. Still, we have been compelled to abandon the hope we had cherished, that we might recommend a removal of their civil disabilities, and to express our decided conviction that, in the present state of the tribe, and of public opinion, it is best they should remain as they are. Where shall they go? Few towns are willing to receive them, with the liability to support their paupers. Why should they go? The elective franchise is a barren privilege, unless it carries with it, not merely constitutional and legal, but practical eligibility to office. When the social disabilities resting upon a conquered and servile race are removed, the elective franchise may be a blessing worth coveting. While those exist, it cannot even be appreciated by an oppressed and proscribed people, still less desired.

*Christiantown Tribe.*

The territory of the Christiantown Indians lies on the north-western side of the Vineyard, bordering on the Vineyard sound, and comprises 390 acres. The soil is what farmers call hard

and strong, difficult of cultivation, but yielding, to persevering industry, remunerating returns. The location appears to be a healthy one; still, a comparatively large number have recently died, and, at the time of our visit, several were sick of both chronic and acute diseases. The whole number of the tribe is 49. In 1828, the number of the tribe was 48.

Families, . . . . .	11
Males, . . . . .	20
Females, . . . . .	23
Natives, . . . . .	45
Foreigners, . . . . .	4
Under 5 years, . . . . .	5
From 5 to 10, . . . . .	7
" 10 to 20, . . . . .	5
" 21 to 50, . . . . .	25
" 50 to 70, . . . . .	5
Over 70, . . . . .	1, aged 72.
At sea, . . . . .	9

The pursuits of this tribe are agricultural, with the exception of those who follow the sea.—A general remark may here be made, applicable to all the tribes, that those who go to sea are less thrifty, and more improvident, than those who depend upon agriculture for support.—Their condition is very similar to that of the Chappaquiddies, though behind them in intelligence, social condition, and domestic comforts. This is, probably, to a great extent, owing to their distance from the guardian, Mr. Thaxter, being some 12 miles, which renders so constant a supervision impossible, and to their isolated situation, deprived of the elevating influence which the vicinity of Edgartown imparts to the Chappaquiddies. This isolation is not, however, without its advantages, as the temptations to unchastity and intemperance are less.—Their stock consists of 2 horses, 17 horned cattle, 11 swine, and 56 fowls. Usually, they live in comfortable houses; their whole territory, as well as each individual allotment, is fenced, generally with

\* For names, see Appendix A.



a substantial stone wall. The lands are held by the same tenure as at Chappaquiddic, 350 acres being owned in severalty and 40 acres still held in common. The common lands contain valuable wood. The only source of public income is the sale of wood from common lands, from which seven or eight dollars are realized annually. This is appropriated to the support of the poor.

They have now no paupers, and receive no aid from the State. They receive the same amount from the State for schools as the Chappaquiddic tribe, forty-six dollars, and the remarks in relation to the school at Chappaquiddic, will apply to these. They have no preaching, or religious teaching, the fund formerly appropriated to them being withheld for reasons before alluded to, to be dwelt upon more fully hereafter. Litigation is unknown; they have no grievances for which they ask redress. They are a quiet, peaceable people. They are satisfied with the guardianship system, and have no desire to enjoy the privileges of citizenship. The saddest feature in their case is that they are too well contented in their condition of ignorance and disfranchisement.

Occasionally, an individual was found, who writhed under the crushing weight of civil and social disability. We have among our notes, the case of one young man, of 22 years, belonging to a family of nine children, six older than himself, all of whom had died in the pride of early manhood and womanhood, except one, and that one helpless and blind, in consequence, undoubtedly, of ill treatment at sea. This young man had been one of the best seamen who sailed from the South Shore, and had risen to be second mate; but had come home discouraged, disheartened, with ambition quenched, and now feeds the moodiness of a crushed spirit, by moping amid the graves of his kindred, soon, we fear, to lie down with them. "where the wicked cease from troubling, and the weary are at rest, where the oppressed sleep together, hearing not the voice of the oppressor." We tried to awaken him to effort and enterprise, but found it a hopeless task. "Why should I try?" he asked in bitterness. "The prejudice against our color keeps us down. I may be a first rate navigator, and as good a sea-

man as ever walked a deck." (and Mr. Thaxter assured us such was his reputation;) "but I am doomed to live and die before the mast. I might get to be second, first mate, and, when at sea, I should be treated as such, because I deserved it; but the moment we fall in company with other vessels, or arrive in port, and our captain invites other captains and mates to dine, I am banished from the cabin to the fore-castle. Why should I try?" We could not answer him, for we felt that we could not pluck from his heart that "rooted sorrow."

The Indians of Chappaquiddic and Christiantown are under the law of 1828, and under the guardian appointed under that act.—The division of the lands, under this act, has, undoubtedly, operated to improve their condition. A portion was then given to all natives, not under 21 years of age. Questions, growing out of the necessity of dividing the property of deceased persons among heirs, are arising, and puzzle the guardian and legal gentlemen. What is the law of descent? Fortunately, owing to the singularly unselfish disposition of the Indians, these questions have not yet become very complicated. In about all cases of the death of original proprietors, the lands remain undivided, or the heirs have made friendly partition among themselves. It is hardly possible, however, that difficulties will not, before long, be presented to the guardian, which will render legislative interference necessary.

In common with all the Indians in the State, they are civilly and politically disfranchised. For municipal purposes, if the anomalous meetings, which they are allowed by the act to hold, are entitled to the name of municipal, they can vote, and choose certain officers; but, as citizens of the State and the Union, they are totally disfranchised. They are required, by the act, to meet in the month of March, or April, at which meeting, it is the duty of the guardian to preside, in case of his unavoidable absence, they may choose a moderator, and then they may choose a clerk, two overseers, constable, field-driver, pound keeper, and other town officers." "It shall be the duty of said constable to carry into execution the laws of the Commonwealth, within the territory of said Indians and people of color." It will be seen, that the terms of the act leave it op-

tional with the Indians to choose these officers, or not as they please. Usually, perhaps uniformly, they have gone through the process; but the officers are merely nominal; the legal condition of this people being so anomalous, and so imperfectly defined, that we believe no attempt has ever been made to enforce municipal regulations. These meetings answer a good purpose, as affording an opportunity for mutual consultation, and advice from their guardian; beyond this, they cannot go. The rights of women are fully recognized, the females taking the same liberty of speech, and, when unmarried or in the absence of their husbands, enjoying the same right of voting with the men.— They cannot sue, or be sued, or be held to any contract, without consent of the guardian previously given; cannot receive wages for any voyage, if payment be forbidden by the guardian; may be sent to sea as “habitual drunkards, vagabonds, and idlers,” and the wages withheld by the guardian, and cannot, under any circumstances, alienate their lands, or any portion of them. These restrictions, particularly the latter, securing “the inalienability of the homestead,” and others, too numerous to mention, may mostly be necessary; still, in the hands of a guardian, disposed to abuse such powers, they might become insupportably oppressive to the Indians.

But the third article of section fourth is perfectly atrocious, and ought at once to be expunged. The material parts of this article, enumerating the powers and duties of the guardian, are as follows: “To punish, by fine, not exceeding twenty dollars, or by solitary imprisonment, not exceeding twenty days any trespasses, batteries, larcenies under five dollars, gross lewdness and lascivious behavior, and *disorderly and riotous conduct*, &c. And said guardian, or other justice of the peace, may issue his warrant, directed to the constable of said Indians and people of color, or other proper officer, to arrest, and bring before him, any offender against the provision of this act; and, after judgment, he may order execution to be done by said constable, or other proper officer. And if said guardian, or other justice of the peace, shall adjudge any offender to solitary imprisonment, such offender *shall not, during the term of said imprisonment, be visited by, or allowed to speak with, any person other*

than the jailer or said guardian or justice of the peace, or such other person as said guardian or justice of the peace shall specially authorize thereto. *Nor shall such offender be allowed any food or drink, other than coarse bread and water,* unless sickness shall, in the opinion of a physician, render other sustenance necessary.' But no physician can visit or speak with the prisoner, unless "specially authorized thereto" by the guardian, so that this furnishes not the slightest check upon one, not merely the guardian, but any Justice Shallow, who, for hire or personal malice, may be disposed to abuse this monstrous power. The article goes on to provide very gravely and magnanimously, "said guardian, or other justice of the peace, shall keep a fair record of his proceedings;" ("fair" probably means, in legible chirography,) "and any person, aggrieved at the sentence given against him by said guardian, or other justice of the peace, may appeal therefrom to the next court of common pleas, to be holden in said county," &c. The right of appeal, for reasons which will at once occur, when reflecting upon the circumstances of these poor Indians, is entirely nominal. It needs no explanation, illustration or argument, to show the character of these provisions; and though there is little danger that they ever will be abused, to the extent of which they are capable, still, they confer an irresponsible and summary exercise of power, which cannot safely be entrusted to any man. They were unnecessary at the time of their enactment, and have never, so far as we could learn, been enforced; and should no longer be allowed to deface our statute books, and disgrace the Commonwealth.

The amounts appropriated to these two tribes, for the last six years, are as follows:—

1843,	.	.	\$156 00
1844,	.	.	211 50
1845,	.	.	99 90
1846,	.	.	128 00
1847,	.	.	172 85
1848,	.	.	221 24
Salary of Guardian,	.	.	900 00
		Total,	<u>\$1889 49</u>

*The Gay Head Tribe*

This tribe occupies a peninsula forming the extreme western part of the Vineyard and connected with the rest of the island by a narrow isthmus, a few rods wide, called Stone Wall Beach. A small part of the eastern portion of the peninsula is occupied by whites. The Indian territory is, however, almost perfectly isolated, being bounded on three sides by the sea, and on the fourth, touching the land of the whites only by the narrow neck lying between Squipnocket and Menemsha Ponds.

The whole territory comprises 2400 acres. Of this, 500 acres are owned in severalty, and 1900 acres still held in common. The whole number of the tribe is 1747.

Families,	38
Males,	81
Females,	90
Unknown,	5
Foreigners,	12
Natives,	162
Under 5 years,	35
From 5 to 10,	25
" 10 to 20,	16
" 21 to 50,	77
" 50 to 70,	14
Over 70,	3

The ages of these that are 70, 75, and 80

At sea,	10
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The proportion of foreigners and of sea-faring men is less in this tribe than in any other. Twelve of the 162 classed as natives are from Marshpee, Christiantown, and Chappaquiddie, but have gained a settlement here by intermarriage.

The pursuits of this tribe are agricultural, with the usual ex-

\* The pronunciation from which the peninsula takes its name is *Gay-head* (GAY-HEAD), and the most appropriate which the original name of this tribe is entitled to the western side has given to the peninsula its appropriate name, *Gay Head*.

† See Appendix, A.

ception of sea-faring men; and of those even, the families usually own and occupy land, to which they look for partial support, and upon which the head of the family almost invariably settles for life, after following the sea for a few years. Upon the whole, their condition, as to the arts and comforts of social and domestic life, is inferior to that of the two tribes considered, though there are several families whose condition will compare favorably with any tribe in the State. As a general thing, they are industrious, provident, temperate and chaste. But three cases of illegitimacy are known to exist.

Generally, they live in framed houses, perhaps a majority having barns. Some of their buildings are of split stone. A number of families live in huts or hovels, some few in squalid poverty. Their stock, as they stated to us, consists of 15 horses, 132 horned cattle, 57 swine, and 242 fowls. Not improbably the horned cattle may be slightly overstated, as some few may have called cattle their own, which they pasture "on shares." Their territory is separated from that of the whites, by a rail fence, and the separate lots are fenced, usually safely. Almost the only articles cultivated, are Indian corn, with occasionally other grain, and potatoes. In this respect, they are far behind the Christiantown and Chappequiddic tribes, who are getting to appreciate the luxury of "sauce gardens." Most of them are in debt in sums from 10 to 400 or 500 dollars. Generally, they expected to pay these sums, in the autumn, from the proceeds of the sale of fatted cattle. Some of them will shelter themselves behind the exemption which the law provides. To the credit of the tribe, however, it should be said, that this number is small, and confined almost entirely to those who, by intercourse with the whites at sea and elsewhere, have contracted vicious and improvident habits. Each family has appropriated lands, varying in amount from half an acre to a hundred acres, and valued with improvements, *at their own estimates*, from 100 to 1500 dollars. The territory embraces almost every variety of soil; a portion of the land is of the very best quality, and capable, under good culture, of producing most abundant harvests.

The legal condition of this tribe is singularly anomalous.

By the act of June 25, 1811, the governor was authorized to appoint "three proper persons, to be guardians to the Indian, mulatto, and negro proprietors of Gay Head," which guardians, in addition to the usual powers given to guardians, in such cases, were "empowered to take into their possession, the lands of said Indians, &c., and allot to the several Indians, &c., such parts of said lands, as should be sufficient for their improvement, from time to time;" and the act further provides for the discontinuance or removal of the guardians, at the discretion of the governor and council. Under this act, three guardians were appointed, and, in 1814, a new appointment was made; since that time, no new appointment has been made. The Indians became dissatisfied with their guardians, who resigned, and the guardianship has disappeared. The act of 1828 provided that "whenever the Indians and people of color, at Gay Head, shall, by a vote in town meeting, accept this act, and shall transmit to his excellency, the governor, an attested copy of said vote, then his excellency may authorize said guardian to act as guardian, &c., at Gay Head, and may, upon their request, appoint suitable persons to divide their lands." The Indians, cherishing no very favorable recollections of the guardianship system, have never accepted the act.

For about thirty years, they have been without any guardian, and the division of their lands, and indeed the whole arrangements of their affairs, except of the school money, have been left to themselves.\* None of the lands are held, as far as we could learn, by any title, depending for its validity upon statute law. The primitive title, possession, to which has been added, inclosure, is the only title recognized or required. The rule has been, that any native could, at any time, appropriate to his own use such portion of the unimproved common land, as he wished, and, as soon as he enclosed it, with a fence, of however frail structure, it belonged to him and his heirs forever. That rule still exists. A young man arrives at maturity, and wishes for a home for a prospective family, or a shelter when

\* Whenever difficulties occur they apply to Mr. Thaxter, who though not sustaining to them the legal relation of guardian, is looked to as counsellor, and friend, and who has usually been successful in adjusting all difficulties.

he returns from sea ; he encloses half an acre, five acres, or ten acres, as the case may be, and he has acquired a fee in the estate ; and the most singular and most creditable fact, in connection with this, is, that, while one proprietor has but half an acre, and another has over a hundred acres, there is no heart-burning, no feeling that the latter has more than his share. "I have all I want," says the former, and he is content. This state of things is as happy as it is peculiar ; how long it can continue, is a problem yet to be solved.

As a part of this primitive system, almost realizing the wildest dreams of the communists, we may here refer to the sale of their clay, and the picking of their cranberries. The clay from the cliffs is of very fine quality, and valuable for various purposes. A vessel comes for a cargo of clay ; notice is immediately given to the whole tribe, and, on a day fixed, all who please, repair to the beach—men, women, and children, above a certain age, two women, or two children, drawing the same pay as one man. A bargain is made by agents appointed for the purpose ; all assist in the work of digging and loading, and, at the close, the money is equitably divided. Last year, they sold only about 80 tons ; usually, they sell from 150 to 300 tons annually, at prices varying from \$2 75, to \$3 00 per ton. The wages of a man are usually about \$1 25 per day, receiving nothing for the clay.—So, also, in relation to the cranberry picking. When the berries are in the proper state to be picked, notice is given to the whole tribe, and, on a certain day, all who wish, go and pick all they can, each being entitled to the gathering of the day. The yearly produce varies from 150 to 300 bushels, worth from \$1 25 to \$3 00 per bushel. These two sources of individual income are of great value to the tribe.

The public income is derived from pasturing, on the common lands, cattle sent from the Vineyard and the main. The income from this source, is about \$235 per year, and is appropriated, under the direction of a committee, to public purposes, mainly to the support of the poor.

Applications for assistance from the State are rarely made. For the last six years, only ninety dollars and thirty-seven cents have been appropriated by the State for all purposes.—Some



years since, an appropriation was made by the State, for the erection of a wind-mill, and the result has been of singular benefit to the tribe. They are now relieved from the necessity of going to Chilmark, "to mill," and thus saved from frequent exposure to temptations to intemperance and extravagance.—They receive sixty dollars per year, under the act of April 13, 1838, which comes to them through Smith Mayhew, Esq., of Chilmark, and is appropriated under his direction, and thirty dollars, as their portion of the surplus fund. These two amounts constitute their school fund. The school has a male teacher in the winter, and a female in the summer, and is kept, usually, about five months each year. During the past summer, it was taught by Mrs. Mary James, a native. The number present, when we visited it, was 23; 10 boys, and 13 girls. 19 boys and 24 girls had attended, more or less, during the summer. The whole number in the tribe, between the ages of 4 and 16, is 52. The wages of the present teacher is \$1 50 per week, she boarding herself. The appearance of the school was unpromising in the extreme. The children, generally, appeared bright, intelligent, and of active minds, but almost necessarily, from the difficulty of securing good teachers, they receive but little aid in the development of their powers. They are poorly supplied with books, particularly with writing-books. A few dollars' worth of the books of some of the new systems of penmanship, which have been supplanted by a newer system, and now lumber the back rooms of the book-stores, would be of great value to them. The great difficulty with this school, and with all the Indian schools, is, they are isolated. They are not under the supervision of the committee of any town, form no part of our common school system, and receive none of the impulses, which example and emulation impart to other schools. Remove, from the schools of any town in the Commonwealth, the influences which they receive as a part of the system, and how long would it be, before they would be sunk to the level of these Indian schools?

The tribe have no regular preaching. They raise from 30 to 50 dollars annually, by voluntary subscription, for the support of the Gospel. They are a moral and religiously inclined peo-

ple, and regret their deprivation of religious privileges. Until within a few years, the Indians of the Vineyard received one-third of the income of the "Williams Fund," and about the same amount from the Society for Propagating the Gospel among the Indians, the minister dividing his services among the three tribes. A difficulty occurring, in regard to their last minister, (without the slightest blame, we are satisfied, from a full acquaintance with the facts, on the part of the Indians,) the appropriations have since been withheld. We trust, upon a knowledge of the circumstances of the case, the appropriations will be renewed.—The Gay Head Indians are a quiet, peaceable, contented people. There are among them too many ignorant, degraded and vicious; but there are, also, particularly among the foreigners, some of the most intelligent men we have found.—Litigation is unknown; difficulties of any kind rarely occur. They do not know, and they do not want to know, under what law they live. They only know, that "while they behave well, they get along well enough."—They are jealous of the whites, and with too good reason. They will allow no white man to obtain foothold upon their territory. They have steadily refused to lease to white applicants a foot of land, for the erection of works for the manufacture of clay into the various articles which it is capable of making, though tempting pecuniary advantages have been held out to induce them to make only some temporary arrangement. They feel their political and civil disabilities; they feel that they are under the ban of an unrelenting social proscription; but they see no exodus from this bondage; and they only ask to be let alone, and not, by ill-advised legislation, to be constantly reminded of their vassalage.

If there is a promising missionary field in the world, we believe Gay Head is that field. Of certain kinds of religious teaching, they seem to have had quite enough. But the teacher who goes to them in the Spirit of his Divine Master, and of the early Christians, imitating the example of Him "who went about doing good" to the bodies as well as the souls of men, feeling that he has reason for gratitude to our Father in Heaven, not alone because he "forgiveth all our

iniquities," but, also, because he "healeth all our diseases," who will illustrate, in his daily life, the best mode of training body, mind and heart, and who will devote himself to an intelligent enforcement of the means of physical and spiritual improvement; such an one,—he need not be a great man,—would reap a reward to gladden a philanthropic and Christian heart. The cost of supporting a missionary in the other hemisphere, for a single year, would nearly support one at Gay Head for life.

We do not see that legislation can do any thing, immediately and directly, to improve the condition of the Indians at Gay Head. Whenever public sentiment shall have removed the social disabilities growing out of the unjust and unnatural prejudice against color, civil and political enfranchisement will follow, as a matter of course. Whatever recommendations we may make, will be intended to form the first step to a consummation so devoutly to be wished. The conqueror and the oppressor, with his heel upon the neck of his victims, should deal gently with their degradation.\*

#### *The Marshpee Tribe.*

The territory of this tribe is bounded on the north, by Sandwich, east by Barnstable, south, by the Vineyard Sound, and west by Falmouth.

The whole territory consists of about 13,000 acres, of which about 11,000 acres are owned in severalty, and 2,000 held in common. The whole number of the tribe is 305.†

Families, . . . . .	57
Males, . . . . .	154
Females, . . . . .	151
Natives, . . . . .	279
Foreigners, . . . . .	26
Under 5 years, . . . . .	57
From 5 to 10, . . . . .	32
" 10 to 21, . . . . .	56

\* See Appendix G.

† Appendix A.

From 21 to 50,	103
" 50 to 70,	48
Over 70,	9
Ages, 70, 73, 75, 77, 83, 85, 87, 104, 107.	
At sea,	30

The pursuits of this tribe, with the usual exceptions, are exclusively agricultural. The soil is various, but each allotment usually contains enough of good soil to yield comfortable support to industry and good management. The only articles produced are potatoes and the different grains, most of the families raising enough potatoes for their own use, and from ten to seventy or eighty bushels of corn annually. The larger portion of the tribe secure a tolerably comfortable living; quite a number are poor and improvident, ekeing out a scanty support by begging. They are behind the tribes already considered in the social arts and domestic comforts; none reaching the condition of the best, very many falling below the worst. The majority live in comfortable framed houses, while many still occupy huts and hovels, amidst filth and degradation. As to chastity and temperance too, they are behind the other tribes, though the uniform testimony is, that in both these respects, particularly in regard to temperance, there have been very great improvements during the last 15 or 20 years. The cases of illegitimacy, known now to exist, are 11. There is great deficiency of self-respect and of love of approbation, (with many laudable exceptions,) and, as a necessary result, of those high aspirations and aims, so essential to progress.\*

Their stock consists of 16 horses, 76 horned cattle, 43 swine, 554 fowls, and 19 sheep.

The legal condition of this tribe is peculiar. We do not propose to enter into an examination of the circumstances which led to the passage of the act of March 31. 1834, establishing the district of Marshpee. Those circumstances are still comparatively fresh in the minds of all who were at the time interested in them, and the facts connected with them are matters of full record. The animosities leading to, attending and resulting from, that controversy, have hardly yet died out; as far as possible, we would avoid reviving them. That act conferred upon,

\* Appendix C.

or recognized in, the proprietors of Marshpee, certain municipal rights, but left them under the same disabilities, as citizens of the State and the Union, with the other tribes. The commissioner, appointed under that act, is simply a guardian under a different name. The operation of the act has undoubtedly been favorable; still, perhaps not from any defect in itself, it has failed to accomplish all that was expected from its operation.

The act of 1834 recognized the existing divisions of the land, and confirmed each proprietor in the possession of such lands as he had appropriated. The act of March 3d, 1842, providing for the division of the common lands, has had a most important bearing upon the condition of the tribe. That act provided for the appointment of three commissioners, who were authorized so to make partition of the territory, as to give to each legal adult proprietor, male or female, to the children of such proprietors, and to every person of Indian descent, who was born in said Marshpee, or within the counties of Barnstable or Plymouth, and who had resided, or whose parents had resided, in Marshpee, for 20 years or upwards previous to the passage of the act of 1834, sixty acres of land in severalty, including what each proprietor might have previously occupied. The act of 1834 prohibits the alienation of lands to persons not belonging to the tribe, but allows of transfers among themselves. The proprietors "are exempt from State and county taxation;" and their lands, from liability to be taken in execution. The act of 1842 provides for the assessment of taxes for district purposes. One tax has been assessed, and about one half of it was collected; but it was found impossible to collect the balance, and this shadowy exercise of municipal power, flattering as it at first seemed to the proprietors, has been abandoned. Under this partition of the lands, nearly every family now holds 60 acres; a large number, where both husband and wife were original proprietors, 120 acres; quite a number, inheriting, in addition to their own allotments by the death of original proprietors, 180 or 240 acres.

A large portion of the land thus allotted in severalty, was, at the time of the partition, covered with valuable wood. This has nearly all been cut off and sold, very many of the less in-

dustrious proprietors relying upon the proceeds of its sale for support. In many instances, it has been cut at improper seasons, and sold for much less than its value; and now, not only is the wood gone, but the reliance upon this easy means of support has, in very many instances, engendered indolent and improvident habits, and many are just beginning to be thrown upon their own resources, without the industrious and economical habits which, but for the ill-advised kindness which has allowed this waste of their property, necessity would have compelled them to form. It is too late, now, to regret it; we have only to do with the remedy; but, had only an allotment of land been made to each proprietor, sufficient for purposes of cultivation and pasture, and the residue still held in common, the proceeds of the sales of the wood would, under judicious management, have constituted a fund which would have made the district independent for all coming time.

Some estimate may be made of the value of the wood of the whole territory, from the sum realized from the sale of the wood from the "Parsonage Lot." By the act of June 14, 1813, the "Marshpee Parsonage" was established, embracing, in 1845, 450 acres. For reasons, the nature or validity of which it is not material to discuss, the pastoral connection between the Rev. Phineas Fish and the district having been dissolved, and a compromise effected in accordance with which Mr. Fish relinquished the Parsonage, in July, 1845, the wood from that lot was sold for \$6952 00. The whole territory comprises 13,000 acres; it will be readily seen that enough might have been assigned to each proprietor, and a common territory left, which would have been a fortune to the district.\* We refer to this

\* Hon. Josiah J. Fisk, who was appointed Commissioner to visit the Marshpee Indians, in 1833 in his Report, (Senate Document, No. 14, 1834) says: "This plantation consists of 10,500 acres of land, (it has been since surveyed, and found to contain 13,000 acres) three fourths of which, at least, are said to be more or less covered with wood averaging by estimation, from five to ten cords the acre, consisting, principally, of pitch pine and oak, the first, of the value of one dollar, standing, the latter of the value of two dollars, standing. And there is a ready market for all this wood, at the landing places which lie upon the borders of the Plantation. By a Report of Commissioners made to the Legislature, in 1813, it appears that this whole territory at that time, was estimated at five dollars the acre and the Plantation was then *fourteen hundred dollars in debt*. From the late increased value of wood upon the sea board, this territory is thought to

as one of the mistakes of past legislation, throwing light upon the causes of the present improvident habits of the tribe, and suggesting the importance of care in avoiding similar mistakes in future.

The sources of public income are, the interest of the above amount, about one hundred dollars a year from salt marshes, and some small sums from sale of wood from common lands and from hiring out privileges of trout fishing. The last item, under good management, might become of considerable value to the district. The Annual Reports of the Commissioner, Hon. Charles Marston, contain so minute statements of the sources of public income to the district, and of its distribution, that we do not consider it important to enlarge upon this point.

Considerable uneasiness has been expressed in relation to the amount which the State is called to pay, from year to year for the support of paupers at Marshpee. The condition of Marshpee, in this respect, is peculiar. The number of foreigners is not unusually large. The per centage of foreigners to the whole population of the various tribes, is as follows: Chappaquiddic, 7 per cent., Christiantown,  $\frac{1}{3}$ , Gay Head,

have nearly doubled in value: its whole debt has been paid off, and the tribe have a balance of nearly a thousand dollars in the treasury. We have no doubt, that, from the continued increase of the demand for wood, the value of the territory had the wood been properly managed, would have doubled since 1833. This appears from the sale of the wood from the Parsonage, averaging about sixteen dollars per acre: so that in this proportion, the plantation, under good husbandry, might now have been worth, at least, 100,000 dollars. We would not be understood as blaming the present Commissioner, the fault seems to have been the unwise concession of the Legislature to the importunate demands of the Indians, to be allowed the entire control of their lands.

We agree however, with the Commissioner, and with the most intelligent men of the tribe, in the opinion, that it is fortunate that this source of support, if the lands must be thus allotted, is now exhausted. They are now thrown upon their own resources, and though it will be long before the bad habits formed have been overcome, we have no doubt better days await them. They may now enjoy the blessings of the primal curse.— In the sweat of thy brow shalt thou eat bread.

We do not question the necessity of a division of the lands, in 1842. The mistake was, in assigning so large a portion to each proprietor. The Commissioner, and others who were in favor of the division opposed the allotment of so much. Still, the owning of the land in severalty, for the same reasons as on the Vineyard, has operated favorably. The difficulty will soon regulate itself. As the law allows the transfer of land among themselves, the indolent and improvident will gradually dispose of portions of their lands to the more thrifty, and economical habits will be formed under the natural laws of distribution.

7, Marshpee, 8½. But it so happens that, at this time, a large proportion of the foreigners at Marshpee are very aged and infirm. Of the 9 persons, over 70 years of age, 4 are foreigners, 1 of whom is an idiot. Unless the Commonwealth resorts to a remedy of more than questionable humanity, the forcible removal of these poor creatures, several of whom are fugitive slaves, from a community where they meet with sympathy and kindness, it would seem that no consideration of niggardly economy should prevent the State from allowing the district, in the language of Mr. Marston, "the full sum actually and necessarily paid for the support of the State paupers." The district ask nothing for the support of native paupers. This class imposes a heavy burden upon the district, especially as practically, they are unable to assess taxes for their support. The overseers state, too, that this burden presses the more heavily, as the cost of supporting the county roads, which pass through their territory, is a serious item.

The amounts paid by the Commonwealth for the last six years, are as follows —

1843,	\$321 11
1844,	317 34
1845,	290 22
1846,	346 15
1847,	446 10
1848,	434 50
Total,	\$2155 42

The amount, it is true, is somewhat large. It may be more a matter of regret, when it is reflected that, with a more judicious rule of allotment, it might have been avoided; still, the necessity exists; and it seems to us that, until, under the operation of elevating influences which we do not despair of seeing brought to bear upon this people, they become capable of self-support, every consideration of humanity and of policy even, requires the adoption of a generous treatment.

One of the largest items of the State pauper account is an appropriation of a dollar and a quarter per week, for the sup-



port of Polly Cetum, a lunatic State pauper. This individual is under the care of Ebenezer Low and wife, who receive the above sum from the State. She is afflicted with one of the saddest forms of idiocy, and needs constant care and watching. We bear cheerful testimony to the extreme neatness of the domestic arrangements of the house where she boards, and of the apparently untiring efforts of Mr. and Mrs. Low, to minister to her comfort. They say, and we agree fully with them, that the sum paid by the State for her support is entirely inadequate.\*

One fact may be mentioned here, in relation to the cause of pauperism. Mr. Oaks A. Coombs, one of the selectmen, told us that the district had not a single district pauper, except such as are infirm from age or sickness, who is not intemperate. It seems not unreasonable, that, as the white man has introduced the sole cause of pauperism, he should provide liberally for the result.

There are two school districts. The State appropriates 160 dollars annually for purposes of education, 100 dollars under the 68th section of the 23d chapter of the Revised Statutes, providing for the distribution of the school fund, and 60 dollars from the income of the surplus revenue, under section 7th of the act of March 21st, 1837. The amount appropriated by the district, in addition to the above was, in 1846, \$111 97, and in 1847, \$50 43. The commissioner states, in his reports, that, in 1846, the school was kept in the north district  $2\frac{1}{2}$  months in the winter, at a cost of \$64 56, and 3 months in the sum-

\* There seems to be no reason for designating foreigners, residing on Indian lands, as "State paupers." The uniform legislation of the State has regarded all colored persons residing upon the Indian lands, as Indians, and subject to all the disabilities of Indians. As Mr. Hallet says, in his argument before the Committee in 1834, "By our laws, a negro in Boston, who pays \$1 50 tax, is a voter, while an Indian freeholder in Marshpee is put under guardianship. So the negro in Boston is free; but, if he moves to Marshpee, he is a minor." We disfranchise both foreigner and native; declare them incapable of making a contract; deprive them of their earnings; allowing them to assess, we take away the power of collecting, taxes for the support of paupers; and then throwing upon them, without a shadow of justice for the discrimination the support of native paupers, we higgie with them upon the questions, whether we shall pay them for the full support of what we term State paupers, or whether we shall allow them forty-nine cents per week.

met, at a cost of \$55 00, and in the south district 3 months in the winter at a cost of \$91 82, and 3 months in the summer at a cost of \$36 00. In addition, \$11 57 was paid for books. In 1847, in the north district, the winter school was kept 3 months at a cost of \$92 00, in the summer 17 weeks at a cost of \$37 50, in the south, winter school 7 weeks, cost \$53 93, and summer, 12 weeks, cost \$27 60. We regret that we are compelled to say that the condition of the schools, and the benefit derived from them, do not seem at all to correspond with the amount appropriated to their support.—The commissioner, in his report of 1846, says “the number of scholars, between 4 and 16, in both districts, is about sixty and the average attendance in both schools in the winter, is about 10, and in the summer about 25. The scholars are well supplied with text books.” In his report of 1847, he says after stating that the whole number was about the same, “The average attendance in both schools, in the winter, is about 26, and, in the summer about 30. The scholars are well supplied with books.” In his report of 1848, he says, the number remaining about the same, “The average attendance in both, in the winter, is about 40, and in the summer is about 30. The school houses are convenient and well located, and the scholars are well supplied with text books.” We have been unable to draw from observation, the inference which would seem to follow from the above statements of the commissioner, in relation to the schools. One only of the schools, the north, was being kept at the time of our visit. This was taught by Miss Lovell, a competent white teacher. The attendance during the past summer had been very irregular, owing, in some degree, to the prevalence of whooping cough. At the time of our visit, ten only were present. The whole number who had attended during the term was 45. (The whole number of children in both districts, between the ages of 4 and 16, is 77.) Every thing about the school, looked discouraging. We are compelled to believe that almost the whole interest taken in the schools begins and ends in the payment of the money. The teachers are labored with few of those friendly visits, which are so important as the aids and incentives to a teacher's effort. Hon. B.

F. Hallett, who became interested in this people during the difficulties of 1834, Rev. Mr. Shaler, lately their minister, and a few others from abroad, were the only persons who visited the school during the entire term.

The condition of the tribe, as to religious teaching, is about the same as in regard to schools. It is sad to be obliged to say, that sectarianism or denominationalism has pushed its own schemes, at the hazard, if not at the sacrifice, of the welfare of the Indians. We do not attribute wrong motives; there have certainly been melancholy mistakes.—The district formerly received, from the Trustees of the "Williams Fund," \$433 66 annually, being two-thirds of the income of that fund. This fund, amounting to \$13,000, in the language of the donor, was bequeathed "to Cambridge College, in New England, or to such as are usually employed to manage the blessed work of converting the poor Indians, to promote which, I design this part of my gift." Rev. Phineas Fish, a congregationalist minister, was ordained over the tribe, in 1811, and continued their minister until 1835. In May 1836, a large number of the Indians petitioned the President and Fellows of Harvard College, the trustees of this fund, for the appropriation of the whole or a part of this fund to them, most of the tribe being Baptists. In July of that year, the Board voted to pay to Rev. Phineas Fish, one third of the income of this fund for his services as missionary, and religious teacher and instructor to the Indians of Marshpee and Herring Pond, and one third to the district, to be expended, by the selectmen, under the supervision of the commissioner, "in such manner as shall in their judgment be best adapted to promote the religious instruction, improvement, and conversion of the Indians of Marshpee, they rendering annually, to this board, an account of the manner in which they have applied and expended the money so received, such account to be first examined by the commissioner." The principal reason for this change is stated, in the preamble to the votes, to be, because "a considerable number of the Indians of Marshpee, from various causes, not attributable to the default or neglect of Rev. Mr. Fish, in the discharge of his ministerial duties, do not, and probably will not, attend on his re-

religious instructions, and will not derive the benefit from this fund, in religious instruction and improvement, which was intended for them in common with the rest of the tribe. We have no means of knowing how large this "considerable number" was at that time; undoubtedly it constituted a very large majority of the tribe. Since that time the trustees have appropriated another third of the income of this fund to the district. This sum of \$423 66 constitutes the whole amount appropriated for religious instruction. In 1839, Joseph Amos, or "blind Joe," a native self-made preacher, was, in his own words, "ordained as a missionary" according to the Baptist order, and "preached round" Mr. Fish occupying the meeting-house. Since the dismissal of Mr. Fish, they have had several ministers, blind Joe among them. Last summer Rev. Mr. Wakefield was settled, or employed. The general complaint among the people is that the ministers do not visit the people, do not become familiar with their daily wants, and assist them in making improvements in their daily pursuits. Judging from the appearance of the congregation, on the Sunday when we attended their church, the labors of the ministers have been a most barren of beneficial results.\* Some fifteen or twenty natives were present; and though, as we were informed, the usual attendance is much larger, yet the neglect of public worship is too common. Habits of non-attendance, formed during the ministry of a single individual for twenty-seven years, are not easily overcome. There has been a sad want of adaptation in the preaching to their spiritual condition and wants; still there has been a great change for the better, in this respect, of late years, and its effect upon the people has been marked.—We are impressed with the conviction founded upon our own observation and the assurances we received of the very great improvements in the religious condition of the people within the last 15 years, that here, as on the Cayard, is a most promising field for a faithful minister.

\* The people are with a grateful remembrance of the services of Rev. Mr. Wakefield, who has ministered among them three years. His salary is £100 per annum, but he is obliged to leave the country, until the failure of his health compels him to leave.

Mr. Wakefield seems to have commenced his labors at Marshpee, with an earnest desire to do good; if there be connected with this, frequent pastoral visits, sympathy with their daily wants, and counsel as to their daily pursuits, we predict the happiest results from his efforts.—The want of a parsonage is a serious hindrance to the efficiency of the minister's labors. He is now obliged to reside at too great a distance from the people. We trust that, through the liberality of the State, or of benevolent individuals, this difficulty will, before long, be remedied.\*

The Legislature has no control over the disposition of the "Williams Fund;" but we trust it will not be considered out of place for us to suggest to the trustees of that fund the propriety of inquiring into the expediency of adopting a different rule for its appropriation. We doubt, whether the present mode of appropriation comes within the scope of the intentions of the donor. Rev. Mr. Fish is now the minister of a white congregation. This fund, with the addition of \$200, granted annually by the Society for the Propagation of the Gospel among the Indians,† constitutes his whole salary, with the exception of such

\* The place and occasion were fitted to awaken the most interesting memories, and to enkindle the most ennobling inspiration. The meeting-house is situated in a secluded spot, surrounded by the few "brave old oaks" which time and Mammon have spared. The graves of "the rude forefathers" of the tribe are beneath our feet, as we step upon the threshold; the spirits of Eliot and Mayhew are among the "great cloud of witnesses" to our solemn services. It seems impossible not to catch something of the spirit of the apostle to the Indians, now gentle and winning as the accents of Calvary, now terrible as the denunciations of Sinai,—"*quæ verba tot fulmina, ac many thunderbolts as words.*" We mourn that he left not his mantle behind him.—One feature of the service left a fresh and pleasant impression. It was the appearance of Mr. Amos, the native preacher. He was one of the choir; and, when he struck the first note upon his accordeon, the associations of so novel an instrument, we confess, somewhat disturbed our notions of propriety; but, as he warmed to the service, and stood tall and manly, with a phrenological development which Spurzheim might have envied, with his face turned to heaven, and his sightless sockets swimming with tears, he seemed the very personification of the loftiest spirit of rapt devotion.

† This society is probably one of the oldest private corporations in this country. Its act of incorporation was passed by the Legislature of the Commonwealth, in 1787, under the name of "The Society for Propagating the Gospel among the Indians and others in North America." It gives us pleasure to say, that the managers of this Society, as well as the Trustees of the "Williams Fund," have uniformly exhibited a disposition to yield to the denominational preferences of the Indians, both at Marshpee and on the Vine; and to allow them to choose their own minister, upon the sole condition that he should

voluntary contributions as his hearers choose to make. The average attendance of Indians upon his preaching is believed not to exceed five or six.\* It would seem that the good to be expected from his labors, "in the blessed work of converting" this number of "poor Indians," hardly justifies the annual appropriation of between 400 and 500 dollars. This mode of appropriation is, unquestionably, very satisfactory to the white congregation, who, literally, receive the Gospel "without money and without price." The justice of the arrangement we respectfully submit, is a matter worthy of the consideration of the trustees.

From the argument of Hon. B. F. Hallatt, before a committee of the Legislature, in 1834, we gather the following statistics of the tribe:—In 1767, the population was 292. In 1771, it was 327, of whom, 14 were negroes married to Indians. In 1832,

give good promise of usefulness:—We notice that, at a late meeting of the Board of Overseers of Harvard College, a distinguished member of the Board proposed that an application should be made to the Supreme Court or to the Legislature, for leave to appropriate the income of the "Williams Fund" to the support of a College Professorship of Divinity, at Cambridge. We would suggest that it would be as well to include the funds of the Society for Propagating the Gospel among the Indians. It is hardly worth while to make two bites of a cherry. True, the managers of this Society might object. But that would be a trifling obstacle. The clearly expressed intentions of the dead are to be disregarded—why not the rights of the living? Besides, the end sanctifies the means. It would only be a very "pious fraud." We take the liberty also, to suggest, that the most appropriate day for the consummation of this purpose would be the date of the will of Rev. Daniel Williams, giving this fund for the "blessed work of converting the poor Indians."—Seriously we have no fear that this proposition will be adopted, if public attention is directed to its nature; but we feel that we are entitled, in behalf of the "poor Indians" to enter their protest, in advance, against it, as a misappropriation of the property of the Indians, and a violation of the intentions of the donor.

\* On the Sunday in September when we attended his church, one Indian was present. On Sunday, February 11th, 1849, five were present. We have made careful inquiry, and the average attendance is put, by our different informants, from 5 to 10. One of our correspondents, who states the facts as known to him, by attending Mr. Fish's church and from inquiry of those who attend constantly says: "On last Sunday, (February 11th) five were present. I learn, upon inquiry of them who attend there constantly, that the average attendance is 6 or 9. There are sometimes but 2 or 3. The two women named above, Mrs. Amos and Mrs. Williams, are very constant. Sometimes there are as many as a dozen in attendance, and there are about 20 who sometimes attend there."—We think that justice to the Indians requires that these facts should be known. To all applications for appropriations for their benefit, the uniform answer has been—"See what large amounts have been appropriated by these benevolent societies, and then see how little good has been done." The true answer should be given—these sums have not been expended for the Indians.

it was 315, of whom 16 were negroes. In 1848, it is 305, of whom 26 are foreigners, all negroes or mulattoes.

For the last six years, we find that the principal expenditures of the district have been as follows:—

	1843.	1844.	1845.	1846.	1847.	1848.	
For the poor,	\$539 16	\$611 08	\$618 25	\$718 00	\$777 22	\$747 61	\$4011 32
“ schools,	252 78	235 32	271 25	278 97	237 43	173 76	1449 51
“ roads & bridges,	44 28	45 02	63 22	405 12	526 35	171 50	1275 56
For select-men's services,	145 00	145 00	145 00	145 00	90 00	90 00	790 00
Comm'rs and treasurer's services,	100 00	100 00	90 00	85 00	85 00	85 00	545 00
Clerk's services,	15 00	16 07	16 75	15 00			62 82
Incidental,	70 00	45 02	56 64	88 33	60 03	109 73	429 75
							<u>\$8533 98</u>

During that time, they have received from the State, as follows:—

	1843.	1844.	1845.	1846.	1847.	1848.	
School Fund,	\$100 00	\$100 00	\$100 00	\$100 00	\$100 00	\$100 00	\$600 00
Surplus,	55 00	55 00	60 00	60 00	60 00	60 00	350 00
State paupers,	321 11	317 34	290 22	346 15*	446 10	434 50	2155 42
							<u>\$3105 42</u>

Add to this, amount paid Charles Marston, and N. Hinckley, in 1843, commissioners for dividing Marshpee lands, \$905 50, amount paid the same, and S. Hinckley, in 1845, \$226 37, for bridge, \$140, and we have a total of \$4377 29, appropriated by the State for the last six years.—Deducting, from the whole amount of expenditures, \$8533 98 the amount included in these items, appropriated by the State, \$3105 42, and we have the sum of \$5428 56, which the support of their internal affairs has cost the district, being an average of \$904 78, per year, equal to a tax of \$15 87, upon every family, or \$2 96 upon every man, woman, and child, in the district. We are

\* Of this amount, \$116 20 was paid back, in 1847. This reduction would slightly vary the result.

not sure that this is not larger than the average paid by the citizens of the State, enjoying all the privileges of citizenship.—We do not think the guardians of the State treasury need be seriously alarmed. Especially when we compare this paltry sum of \$1377 29, with the princely donations which the State has during that time, made to her public charitable and benevolent institutions, we cannot believe\* that the too long oppressed remnants of the red man will form the only exception to the generous treatment, which it has been the pride and the glory of the Commonwealth to extend to the degraded and unfortunate.

This tribe have no particular grievances to present. Litigation among themselves is very rare. They suffer inconvenience from the encroachment of the whites upon their fishing privileges. For the adjustment of these, however, under the counsels of the commissioner and with the aid of legislation which may result from their petition to the present Legislature, adequate provision already exists. The intelligent men of the tribe hope that the time may come, when their political and civil disabilities may be removed. For the present, they suggest no material alteration of the system. They feel that they have not realized, from the act of 1834, all the benefit they expected. The difficulty is rather in the mode of administration than in the system itself. The misfortune is, that elevating influences have not been brought to bear upon them, which should gradually prepare them for the privileges of citizenship.

We feel that we should neglect our duty, did we not give our testimony to the wonderful improvement which has taken place at Marshpee, since the passage of the act of 1834. Previous to that time, they were indolent, ignorant, improvident, intemperate, and licentious. It is not strange that so general a distrust was entertained, at that time, of their ability to manage their internal affairs. But we believe it is admitted now, even by those who most earnestly opposed that law, that the experiment has succeeded, and, though the result may not be all that the most sanguine dreamed, yet, all circumstances considered, it has been all that could rationally be expected. That act provided for the withdrawal of the depressing and degrading influences of the guardianship system, protection against the



extortions of greedy and unprincipled speculators, and the partial removal of civil disabilities. All they need now is, judicious counsel and encouragement, in managing their schools, in introducing farther improvements in agriculture and in their domestic arrangements; and, above all, the opening of the way to complete civil and political enfranchisement. With these influences fully at work, we feel entirely confident, that, in a few years, the district of Marshpee may claim a place by the side of the other towns of the Commonwealth.

We cannot close the examination of the condition of this tribe in more appropriate language than the following eloquent appeal of the tribe, in their memorial to the Legislature in 1834:—“We do not know why the people of this Commonwealth want to cruelize us any longer; for we are sure that our fathers *fought, bled, and died, for the liberties* of their now weeping and suffering children, the same as did your fathers for their children, whom ye are, who are now sitting to make laws to suit your own convenience, and secure your liberties. Oh! *white man! white man!* the blood of our fathers spilt in the revolutionary war, cries from the ground of our native soil, to break the chains of oppression, and let our children go free!”

#### *Herring Pond Tribe.*

The territory of this tribe is in the easterly part of Plymouth a small portion lying in the westerly part of Sandwich.

It includes about 2500 acres, of which about 100 acres are owned in severalty. The whole number of the tribe is 55 \*

Families,	12
Males,	28
Females,	27
Natives,	49
including several from Marshpee and Yarmouth.	
Foreigners,	6
Under 5 years,	5
From 5 to 10,	9

\* See Appendix, A.

From 10 to 21,	16
“ 21 to 50,	22
“ 50 to 70,	1
“ 70 and over,	2
Aged 70 and 90.	
At sea,	2

The pursuits of this tribe are similar to those of the other tribes. There is one house-carpenter. Their condition is much superior to that of their neighbors at Marshpee. They live in comfortable houses, and will compare favorably with the Christiantown tribe in the arts and comforts of life. Their stock consists of 2 horses, 5 horned cattle, 6 swine, and about 100 fowls. They are generally free from debt, and the rule for dividing the land is the same as at Gay Head, each one appropriating such as he needs, under the direction of the treasurer. Fortunately, the common lands have never been divided, as were those at Marshpee, and they form the source of a fund now amounting to \$2511 69; and, under the judicious management of Mr. Marston, (the act of 1831, providing that the Commissioner of the Marshpee Indians shall be treasurer, and *quasi* guardian of the Herring Pond Indians,) this amount is increasing, from year to year. From the reports of the treasurer, we find that the net receipts from the sale of wood from the common lands, for the last five years, have been as follows —

1844,	\$324 91
1845,	456 93
1846,	267 26
1847,	264 58
1848,	793 24
	— — — —
Total,	\$2106 97

The plantation is free from debt, and, in pecuniary matters, is independent.—A comparison of the amount of territory at Herring Pond, with that at Marshpee, will show what might have been the condition of the Marshpee tribe, but for the unfortunate division of the lands of that tribe. Instead of being

in its present state, it might have been, at least, as independent as the Herring Pond tribe.

The whole amount paid by the State to the plantation, for the support of State paupers, and indeed for all purposes whatever, for the last six years, is \$169 52. The average cost per year, for several years past, of supporting the poor, has been about \$110.

The state of their school is somewhat better than at Marshpee; but, owing to similar causes, is far from what it should be. The number of children, between the ages of 4 and 16 is 23. The school was not open when we were there. It is kept from four to six months, each year. They receive from the State 38 dollars per year, for purposes of education; 20 dollars from the school fund, and 18 dollars from the income of the surplus revenue. In addition to this amount, from 70 to 80 dollars is appropriated annually, from the funds of the plantation, for the school.

The other principal items in the expenditures of the plantation are for medical services, and the salary of the commissioner and treasurer. Forty dollars per year is paid from the funds of the plantation, for medical advice. Eighty dollars per year is paid to Mr. Marston, for his services as commissioner and treasurer.

They have no regular preaching. By an arrangement with Rev. Phineas Fish, growing out of his former missionary relations to the Marshpee tribe, he is under obligation to preach for them one sixth of the time. Living, as he does, some 14 miles from the plantation, he very seldom sees them, except on this sixth Sunday, which is a sort of day of jubilee to this poor people. Mr. Amos has preached for them, more or less, of late years; occasionally, a stranger breaks to them the bread of life; but owing to the want of continued pastoral visits and counsels, their religious privileges are of the smallest possible benefit. They feel that "no man cares for their souls." We hope that their improving pecuniary condition will, before long, justify the appropriation of something to purposes of religious teaching. We hope, especially, that the appropriation, made by the "Trustees of the Williams Fund," and by the Society for

the Propagation of the Gospel among the Indians will be so arranged as to secure to the "poor Indians" the entire services of a Christian missionary.

The Herring Pond Indians are a quiet, industrious, temperate people. The children are unusually intelligent and interesting. The Mrs. Fletcher, Blackwell, Gardner and Bartlett are sisters from Yarmouth, of the maiden name of Lindsay. The families, in which they are wives and mothers, comprise 24 individuals, nearly half the tribe; and their condition elevates very much the average of the intelligence of the tribe. As a tribe, they are under the same disabilities, civil and political, as the Marshpees, in a sad state of conscious depression, ignorant almost of the nature, entirely of the remedy, of the social proscriptio which crushes them and their races.

*The Troy or Fall River Indians.*

The territory occupied by this tribe, is within the limits of the town of Fall River, some 3 or 4 miles from the village. The whole amount of territory is about 190 acres, of which about 20 acres are owned in severalty, and the remainder held in common. The soil is generally good; but the indolent and improvident habits of the tribe render it of little use to them as means of support. The population of the tribe is 37 \*

Families,	10
Males,	17
Females,	20
Natives,	29
Foreigners,	8
Under 5 years,	1
From 5 to 10,	2
" 10 to 21,	8
" 21 to 50,	15
" 50 to 70,	10
Over 70,	1
Cynthia Cuffee born in Westport, aged 74.	
At sea,	4

\* See Appendix A

Eighteen or twenty of the above, who are considered as belonging to the tribe, do not live on the territory. Many of them will probably never return, unless it should be to claim a portion of the territory, in case of a division.—The means of subsistence are mostly day labor. The whole stock of the tribe consists of 2 pigs and 20 or 25 fowls. They have no public income, (except some 25 or 30 dollars a year from rent of pasture lands,) no schools and no preaching. Of the five children under 16 years of age, 4 are bastards, belonging to a family not residing on the Indian lands.

The present guardian, Benj. F. Winslow, Esq., was appointed in May last, under the resolve of April 16, 1836, authorizing the governor to fill the vacancy in said guardianship whenever it should occur. The salary of the guardian, so far as we can learn, is not fixed by law. The usual sum allowed, of late years, has been \$35 00 yearly.—It might be expected, from the above statement of the condition of the tribe, that the appropriations by the State, for the support of their paupers, have been large. For the five years previous to 1848, they have received from the State the following sums:—

1843, . . . . .	\$107 69
1844, . . . . .	165 82
1845, . . . . .	76 50
1846, . . . . .	140 83
1847, . . . . .	252 40
Salary of guardian, for five years,	165 00
To Holder Wordell, in 1848, upon final settlement of guardian's account,	214 66
	<hr/>
Total for 6 years,	\$1122 90

The case of this tribe is clearly one in which the benefits of the system of guardianship have not been commensurate with its expenses.\*

*The Dudley Tribe.*

The territory of this tribe, amounting to about 30 acres, is in the town of Webster. It has never been divided. The territory

\* Appendix D.

originally occupied by the tribe lay in the centre of the town of Dudley. This was sold, some years since, by order of the Legislature, and the present territory purchased for them. The balance of the proceeds of the land has been expended. The whole number of the tribe is 48.\*

Families, about	11
Males,	22
Females,	21
Unknown,	2
Natives,	40
Foreigners,	8
Under 5 years,	6
From 5 to 10,	7
From 10 to 21,	8
From 21 to 50,	21
From 50 to 70,	5
Over 70,	1 aged 74.

About half of the number live on the territory. This tribe have reached a lower deep than any other in the State. A few are honest, living by cultivating their land, and by going to school. The rest subsist upon the bounty of the State, and are improvident, and degraded to the lowest degree. They have received from the State, as follows:—

1843,	\$101 97
1844,	146 99
1845,	507 48
1847,	85 22
Salary of guardian 5 years,	250 00
1848,	213 84 †
	1305 50
	500 00 ‡
	1805 50

The guardian is appointed, under the resolve of Feb. 24, 1829,

\* Appendix A.

† Including salary of guardian, and \$22 to Daniel Davis, for medical advice.

‡ For repairs of buildings.

and his salary, 50 dollars annually, was established by resolve of April 16, 1836. The present guardian was appointed in 1847.

*The Hassanamisco, or Grafton Tribe.*

This tribe are found in Grafton. The whole territory in Grafton, besides small amounts owned by individuals in adjoining towns, is 25 acres. They have no common lands. The number of the tribe is 26.\*

Families,	5
Males,	12
Females,	14

About two thirds of the above number may be regarded as residing on the territory. Generally, the Grafton Indians are industrious, temperate, and comfortable. They had formerly a respectable fund; but it was totally lost, while in the hands of a former trustee. By the resolve of April 9, 1839, an appropriation of \$50 00 annually, for ten years, was placed in the hands of the judge of probate, for Worcester County, to be applied, at his discretion, for their benefit. In addition to this sum, they have received from the State, in 1845, 30 dollars, and in 1847, 10 dollars. The State is still indebted to the tribe for the fund which was lost under her management.—Of course, this tribe has no separate schools, or preaching. Their children attend the public schools. They will soon undoubtedly lose their individuality, and become merged in the general community.—Their annuity expires this year. If there should be a necessity of continuing it or any portion of it, it will be provided for, under the general recommendation we shall have the honor to submit, towards the close of the report.

*The Punkapog Tribe.*

The remnant of the Punkapog Indians reside in Canton and Stoughton. The number is 10:—

Males,	4
Females,	6

\* Appendix A.

They have no lands and no property of any kind, the last of their lands having been sold by their guardian, Hon. Thomas French a few years ago, and the whole of the proceeds having been expended in support of the poor. With few exceptions, they are industrious, temperate, and capable of supporting themselves. Four have of late received aid as State paupers, but one of them has lately died, one has come into the receipt of a pension from the general government for military services of her deceased husband, and another who has long been in very feeble health, has recovered. The amount needed from the State will probably be materially less hereafter. The amount, paid by the State for 6 years, has been as follows:—

For support of paupers, . . . . . \$901 72

The salary of guardian was fixed, in 1847, at 50 dollars annually. In 1846, the sum of 200 dollars was paid to the guardian in full, for services for 20 years to that time.

#### *The Natick Tribe.*

We have taken no statistics of the Natick Indians. There are a few in and about Natick with more or less of the blood of this tribe in their veins, and others scattered over the State; but it is now several years since they have asked any aid from the State, and they will probably never ask more. Practically, the tribe is extinct. The last of their lands were sold under the Resolve of March 4, 1828.—There is a fund in the hands of Elijah Perry, Esq., their guardian, arising from the sale of these lands, amounting to \$1,291 13. The present guardian was appointed in 1838, at which time the fund amounted to \$1,226 86. Since that time, Mr. Perry has appropriated, annually, to certain individuals belonging to the tribe, none of whom now reside in Natick, small sums, amounting very nearly to the income of the fund.—By a resolve of February 27, 1810, the governor is authorized to appoint the guardians to the Natick Indians. By a resolve of June 11, 1814, this authority is renewed, with the addition, “the guardian thus appointed shall be held to render an account annually to the governor and council.” By a resolve of February 13,



1819, the guardians are "authorized to expend and appropriate, under the direction of the overseers of the poor of said town, all or any part of the funds in their hands, belonging to said tribe; and a certificate, under the hands of said overseers, of the expenditure and appropriation of said funds, shall be a sufficient voucher for said guardians in the settlement of their accounts as such." Through a misapprehension of his duties, Mr. Perry has rendered no such account since his appointment. He has presented to us a statement of the amount of this fund at the time of his appointment in 1838, and of the sums appropriated by him since that time, accompanied by a certificate of its correctness from the selectmen of Natick. He has allowed six per cent. interest, and has charged two per cent. on the amount of the fund for his services. The fund is invested at the discretion of the guardian, and upon his personal security. As far as we can judge, Mr. Perry has managed this fund judiciously; still, as the State holds it in trust for the benefit of the Indians, it will not be regarded as intimating a suspicion of Mr. Perry's integrity or responsibility, to express the opinion that something more than individual liability should be required for the security of the fund.

*The Yarmouth Indians.*

This remnant of the Yarmouth Indians reside in Yarmouth. They have no Indian territory, their lands having been many years ago sold to the whites. The Indians allege that these lands were illegally conveyed, they not having power to sell them without the consent of the Legislature. Whether this be so, and whether possession gives the white occupants a title to the lands, are questions which we have not assumed to decide. These Indians have generally intermarried with the whites, they have not received or asked aid from the State for many years, and most of them gain, by their own industry, an honest and comfortable living. Practically, they are a part of the general community.

The whole number is . . . . .	58*
Males, . . . . .	32
Females, . . . . .	26

\* See Appendix A.

*Recapitulation*

Chappequiddic	85
Christiantown,	49
Gay Head	174
Marshpee	305
Herring Pond,	55
Fall River,	37
Dudley,	48
Grafton	26
Punkapog,	10
Yarmouth	58
<hr/>	
Total number in the State, not including the Natick tribe	847

The following note is from the life of Eliot in Sparks's American Biography. Among the Massachusetts Indians are included the Nipmuck, whose territory now embraces the towns of Oxford, Uxbridge, Dudley, Webster, and Woodstock, the Natick, Nonantum, Neponset, Wamesit, (now Tewksbury,) and Punkapog, and some smaller tribes.

The following estimate of the whole number of 'Praying Indians,' in 1764, is taken from Judge Davis's Note to Morton's Memorial, (pp. 407-415,) where may be seen further statements of the situation and number of the Christian natives at subsequent periods:—

In Massachusetts, under the care of Mr. Eliot	1,100
In Plymouth Colony, by Mr. Bourne's and Cotton's account	530
Additional number, under Cotton's care, in Plymouth Colony	170
On Nantucket,	300
On Martha's Vineyard and Chappequiddic, under the care of the Mayhews,	1,500
<hr/>	
Total,	3,600

Upon a review of this whole matter one subject seems to

demand, both from its importance and from the prominence it held in the motives which led to the appointment of this commission especial consideration. We refer to

*The Pauper Question.*

We do not share in the alarm which some seem to feel, in regard to the amount of appropriations to the poor Indians. It appears, that, for the six years from 1843 to 1848, inclusive, the whole amount, paid by the Commonwealth, on account of the Indians, was \$10,059 25  
Of this amount there was paid to the commissioners for dividing Marshpee lands. \$ 1131 87  
Salaries of guardians. . . . . 1715 00  
-----2346 87

Leaving, as the amount received by the Indians, \$7212 38

being an average of 1202 06 annually, or about one dollar and a half to each individual. The total yearly cost of the State government is about \$900,000, or one dollar to each individual in the State. We submit, that 900,000 citizens, who enjoy all the privileges of citizenship, at a cost of one dollar per year, ought not to complain of the burden of paying one dollar and a half per year to the 800 persons who are kept in a state of complete political and civil disfranchisement. It would be difficult, we trust to find 800 citizens of the State, who would submit to the same disabilities, for fifty cents a year.

But the 900,000 citizens contribute to the support of the government." So would the 800, but for the almost immemorial unjust legislation of the State towards them.

But, be the cost of supporting them greater or less, we take the ground, that the State owes it to them, not as a gratuity, but as a debt which cannot be honorably, or even honestly, evaded. We have brought them into their present condition. The disabilities under which we have placed them, while they declare their unfitness to perform the duties, have produced and perpetuated their unfitness to bear the burdens, of citizenship.

The history of all conquered and proscribed races and classes,

illustrates the impossibility of elevating such races and classes, while under civil and political disabilities. It was among the principal objects of the colonization of this country, in the language of the charter of the colony of Massachusetts Bay, that "the good life and orderly conversation of the colonists may win and incite the natives of the country to the knowledge and obedience of the only true God and Savior of mankind and the Christian faith, which, in our royal intention and the adventurer's free profession, is the principal end of this plantation." But, until the conversion of the Indians was accomplished, they were treated as heathen, and, of course, unfit to be members of a Christian Commonwealth. The early colonial legislation in regard to the Indians was dictated by the spirit which excluded all, except members of the church, from any agency in political or civil affairs. The progress of civil and ecclesiastical liberality has released all but the Indian from these disabilities. The African, the Turk, the Japanese, may enjoy, in Massachusetts, all the privileges of American citizenship. The Indian alone, the descendant of monarchs, is a vassal in the land of his fathers. Even the Declaration of Independence, the Bill of Rights, our State Constitution, brought no deliverance from oppression, no recognition of unalienable rights, no constitutional guarantees to the poor Indian.—The inconsistency of our past and present treatment of the Indians, with the whole spirit, and, indeed, with the letter of our constitution, is so well exhibited by Mr. Hallett, in his argument before referred to, that we offer no apology for making the following extracts, as applicable to all the Indians in the State:—

"They must be either hereditary vassals, or servants by right of conquest, or public enemies held as hostages and prisoners, or paupers, or persons individually, not collectively, incapacitated and *non compos mentis*, or citizens."

The constitution recognizes no distinction of color, and no civil inability in classes or communities. It declares government to be a "social compact, by which the whole people covenant with each citizen, and each citizen with the whole people, that all shall be governed by certain laws, for the common good."

In the second article of the 1st chapter, it leaves all the rights

of citizenship to every male inhabitant, of twenty-one years and upwards, possessing certain property qualifications, "and, to remove all doubt concerning the meaning of the word inhabitant in this constitution, every person shall be considered an inhabitant in that town, district, or plantation, where he dwelleth or hath his home."

Inhabitant and citizen, therefore, are synonymous terms, with the sole exception of aliens, paupers and persons under guardianship, that is, under guardianship by general laws, affecting all citizens who come under their provisions, and not by special laws made for a whole community, without discrimination.

2. The Marshpee Indians are not aliens. They are not a domestic nation, as the Cherokees are declared to be, by the supreme court of the United States. They have no rights secured by treaty, and no other rights than those of property and person, applying to them as to all other citizens.

3. They are not our vassals, slaves, or servants. They were not conquered by our fathers, but were the friends of the whites, before the war of the revolution, and, in that war, fought on our side, for which some of them now receive pensions.

4. Are they paupers? They cannot come under this head, for they are all freeholders in common, and the law permitting them to take the poor debtor's oath, makes an express exception of their landed property.

5. Are they incapacitated? Not naturally. They are not *non compos mentis*. How then are they incapacitated? To justify the placing of the property and person of the citizen under guardianship, he must individually be incapacitated. Every individual of the Marshpee tribe must then be proved to be incapacitated, to justify taking away his rights of person and property, and they must be placed under the general laws of guardianship. You cannot declare a whole community to be incapacitated from the exercise of individual rights. As it regards the Marshpee Indians as a community, it is false reasoning to take it for granted that they are incapable of self-government; because they have never had a fair opportunity of testing their capacity, and because, they are now as well informed and as temperate as many of the plantations were,

when originally incorporated into towns. On what principle, then, is it, that there has always been a distinction between the laws made for governing the Indians, and those made for the whole people, when the constitution declares that "all shall be governed by certain laws for the common good."

It began in the necessity of guarding against the hostility of the Indian tribes; but this necessity ceased to exist, (if it ever did exist in relation to the Marshpee tribe,) long before the revolution. Now, by what process of reasoning can it be shown, that the Indian inhabitants of this Commonwealth, were not included in the first article of the bill of rights, viz.: "All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness."

We dwell upon this point, not to indulge in useless fault-finding or regrets over past legislation, but for the purpose of directing attention to these disabilities as producing and perpetuating the degradation of the Indians, and so constituting a claim upon the State which has established, and which still sustains, the system. No man can say what would have been the present condition of the Indians, but for these disabilities. It will not do to say that the Indian is incapable of improvement. The experiment has never been fairly tried. Efforts have been made to Christianize and elevate them; and we are gravely told, that, because they always have failed, therefore, they always must fail; but, it seems to have been forgotten, that the effect of these efforts has always been controlled by the crushing influence of civil and political disability, and, as a necessary result of these, of social proscription. It is, as Frederick Douglass says in relation to the incapacity of the African race for improvement—himself an eloquent refutation of the falsity of the affirmation.—"Sixteen millions of Anglo-Saxons grind to the very dust three millions of Africans. Take your heels off of our necks, and see if we do not rise."—We have treated the Indians as wards, serfs, vassals, slaves. We have taken the management of their property; and have allowed it to be squandered and lost. We claim the right to dispose of their persons, giving

their guardians the power to bind them out, as minors, and to appropriate the proceeds of their labor, at their own almost irresponsible discretion. That this power has not been abused is owing to the character of the guardians, and to a state of public opinion, which, unfortunately, has not yet infused itself into the laws. Can we hesitate, as to the duty of the Commonwealth to those whom Chief Justice Parker terms "the unfortunate children of the public?"

We need not argue the question of the legal obligation of the Commonwealth to provide for the Indians. In the case of *Andover vs. Canton*, (Mass. Reports, vol. 13, p. 547.) that matter was adjudicated upon and settled by the supreme tribunal of the State. The following extracts, from the decision of Chief Justice Parker, are pertinent and important, alike from the legal principles settled and the humane spirit which characterizes them. "It is not an admissible idea, that a tribe of Indians, of whom the Legislature had assumed the guardianship, whose land or other property is taken into public custody, and even whose labor is disposed of, without consulting the inhabitants of the town within which they may dwell, should become chargeable to the town, in case of poverty, merely because they lived within its limits. There is always supposed to be a *consideration*, past or present, for the obligations of towns to rest upon, in the support of paupers. They have received some benefit from their property or that of their ancestors, by taxation, or otherwise; and they may dispose of them in service. But with respect to this tribe of Indians, the town of Canton could never have received a benefit in any way, having no right to tax their property or their polls, or to diminish the expense of supporting them, by placing them out at service.

Probably the Legislature will consider the remaining tribes and parts of tribes of aboriginals, which yet remain within the confines of this Commonwealth, as the unfortunate children of the public, entitled to protection and support, when their means of subsistence fail, and when it shall be found that they are incapable of civilization, so far as to be admitted as citizens.

Such seem to have been the humane views of the successive Legislatures of the Colony, Province, and Commonwealth; they

having, at various times, empowered agents to take care of the lands which were allowed to be the property of native Indians; and, in several instances, having provided means for their support, comfort and instruction. It certainly would be more worthy of the liberal character of this Commonwealth, to make a general and permanent provision for the maintenance of such of the tribes, or individuals of the tribes, as shall be brought to indigence, than to throw the unequal burthen upon the towns where they may have chiefly resided; those towns not only never having derived any benefit from their labor or property; but, on the contrary, having generally suffered disadvantage from having considerable landed property exempted from taxation and from the unsettled habits and manners of such a population. It seems to us therefore, that from every consideration arising from our past treatment of the Indians, from a uniform recognition of the obligation by the Legislature, and from the simplest requirements of humanity and justice, we owe to them comfortable provision and support; not, indeed, such support as will perpetuate habits of indolence and improvidence, but such treatment as, while it shall relieve from present suffering, shall tend to form habits of self-reliance and self-support.

They should not be treated as paupers. We find that they nearly all have that feeling of pride, which shrinks from being the objects of charity. This feeling which is almost the only vestige, and which a wise legislation should foster as the germ, of a hopeful self respect, we should not wantonly wound.—They are not State paupers. The legislation of the last 150 years has recognized as Indians, all descendants of Indians residing upon Indian lands.—We plead for them, not as paupers, or as public beneficiaries, but as entitled to the pittance which is necessary to their comfort; and instead of compelling them to apply for scanty relief, year after year, to the Committee on Claims, which is generally composed of new men who cannot become acquainted with the subject, who are usually too much influenced by the fear of being regarded as more extravagant than their predecessors, and who, as the history of the past shows, and from the nature of the case, are liable both to withhold and



to grant unwisely, we think, to requote the words of Chief Justice Parker, "it would be more worthy of the liberal character of this Commonwealth, to *make a general and permanent provision*, for the maintenance of these unfortunate children of the public." How shall this be done?

It would be worse than useless to make this change, unless it formed part of a system which should tend to make them capable of self-support, and fit them for the privileges and duties of citizenship. This brings us to the most difficult part of our duty.

If we have succeeded in exhibiting the situation of this people, all will admit that the problem is, not to contrive means to supply their present wants, but to take them out of their present peculiar and anomalous condition. Under the present laws, any of the descendants of these Indians, now scattered over the world, in whose veins shall run a single drop of Indian blood generations hence, may return to the Indian lands, and claim to be treated as the wards of the State. The only remedy is to be found in annexing their territory to the adjoining towns and merging them in the general community. This must be done at once, or prospectively.

Almost without exception, they are opposed to being annexed to the adjoining towns, and the towns are probably equally opposed to receiving them. If there were no other obstacle, the liability of taxation would involve necessarily the alienability of their lands; and this alone, in their present condition, is an insuperable objection. The only alternative is, a system which shall, making due provision for their present wants, prepare them for the privileges and liabilities of citizenship.

During the time which has elapsed since we visited the Indians, and became familiar with their conditions and wants, we have given, to the solution of this problem, our constant and earnest study; and the result has been the following

*Basis of an Act*

for the improvement of the Indians and people of color residing on the Indian lands within this Commonwealth.

1st. A repeal of all laws relating to the Indians, (with a modification of those relating to the district of Marshpee, and the Herring Pond Plantation, at least, in relation to a separate commissioner,) and the enactment of a uniform system, to apply to all the tribes in the State, in the spirit of modern philanthropy.

2d. The merging of all, except those at Marshpee and Herring Pond, and Martha's Vineyard, in the general community, giving to the selectmen of the towns to which they are annexed, the management of the funds belonging to them, and of the sums appropriated by the State for their support, not as paupers, but as the wards of the State, the inalienability of their lands being secured, except when it is voluntarily surrendered, by the assumption of the elective franchise, as provided in the next section.

3d. Grant to any one who wishes it, the privileges of citizenship, involving the liability to taxation, when any one accepts the privilege of voting; the privilege of voting to be allowed to those accepting it, and paying a poll tax, whether the towns tax real or personal property, or not; and when the towns do tax the real or personal property of one thus accepting the privilege of voting, they shall become liable for the support of the individual and his descendants, as in the case of other citizens; and when the privilege of citizenship is once assumed, and the right of taxation once exercised, the individual, from that time forth forever, shall be, to all intents and purposes, a citizen of the State, and debarred from returning to the condition of an Indian.

4th. The appointment of one Indian Commissioner, who shall direct the application of all moneys appropriated by the State for the benefit of the Indians, and who shall devote his whole time, if need be, to their improvement, especially to devising means for gradually preparing them for the privileges of citizenship.

Upon the first point, we think there can hardly be a difference of opinion. The legislation has been exceedingly loose and variant, sometimes it has been in the form of a general law, sometimes, of a special law, sometimes of resolve, and, of the latter, sometimes an annuity has been settled upon a particular

individual, and, at another time, an appropriation has been made to a guardian, or judge of probate, for the benefit of an individual or a tribe. We have found it a most perplexing task, to go over the legislation of the last two hundred years, together with the records of executive proceedings, in order to ascertain the legal condition of each tribe; and we do not wonder that successive Committees on Claims and Accounts, amid the pressure of other legislative duties, have abandoned the task of inquiry as to laws now in force, in despair, and have been compelled to resort to a temporary expedient, which has only made the confusion worse confounded. This difficulty demands a remedy, and we believe the one we recommend is the only one which will fully meet it; that is, the enactment of a system of Indian laws, in compact and definite shape.

In this connection, we would urge particularly the importance of confirming the titles of proprietors of lands held in severalty, and of fixing the law of division and descent. At Gay Head, particularly, serious difficulties are already arising, which threaten the introduction of a spirit of litigation; a result which cannot be too earnestly deprecated. We regard the adjustment of these questions as a matter of the utmost importance to the future peace and welfare of this tribe.

2d. The merging of the smaller remnants in the general community. We entertain not the slightest doubt, that this, with the restrictions afterwards indicated, is desirable and practicable. The Fall River, Dudley, Grafton, Punkapog and Natick, are few in number; and, as the inducements to remain on their lands are small, they are more and more scattering every year, never to return. They have but little land, or property of any kind, have no separate schools or preaching, and receive no money for these purposes, either from the State, or benevolent societies. They will soon lose their individuality as other tribes have done. The lands of the Punkapog and Natick tribes are already all sold; the Legislature will undoubtedly, before long, be called upon to provide for the sale of the lands of other small tribes. The course we recommend, we believe to be in accordance with sound State policy, and with a humane regard for the welfare of the Indians.

3d. There are difficulties connected with the matter of gradually extending to the Indians the privileges of citizenship; but none, we are convinced, which may not be overcome by an earnest and intelligent effort to accomplish so desirable a result. We need not repeat our conviction, that the only way to provide for the permanent improvement of the Indian, is, to show him the path of escape from political and civil disfranchisement; and we believe that the plan we recommend, with the restrictions suggested, and others which will occur to those whose duty it shall be to arrange the details of the law, while it imposes no liabilities either upon the Indian or the town, which they do not voluntarily assume, opens to the Indian a certain prospect of civil, political and social elevation.

4th. But, whether the other recommendations be adopted or not, we regard the appointment of a single commissioner, instead of the several guardians and the commissioner of Marshpee, as indispensable to the improvement of the Indians. They have been so long under disabilities, as to be, as a whole, incapable at present, of self-government; still there is enough of the Indian impatience of restraint to make them dislike the idea of guardianship. They need counsel, advice, encouragement; almost universally they are teachable and accessible to kind influences. A single commissioner, intelligent, sagacious, and prudent, acting upon system, and devising means of *permanent* improvement, entrusted with discretion to apply the funds appropriated by the State for their benefit, would contribute, more than any other instrumentality we can conceive, to their permanent welfare and to prepare them for the privileges of citizenship. The influence of the guardian must be purely parental. The smallest element of dictation or control in any system designed for their improvement, will defeat all its aims. They have too good reason to be jealous of the white man, to be ready to acquiesce in any measures which are not, to their own comprehension, benevolent in their motives and tendencies. The whole success of any system of measures, the only hope of any permanent improvement, will depend upon the character of the commissioner. The amount now paid annually, for the salaries of the commissioner of

Marshpee and Herring Pond and the several guardians, is \$540 00. This is somewhat less than the average for the last six years. A small addition to this amount would secure the services of a competent person, as Commissioner, for the whole State. The advantages arising from the familiarity of the Commissioner with the facts necessary to be known to the Committees of the Legislature, would alone equal the amount of his salary. We earnestly recommend this matter to the favorable consideration of the Legislature.

We have endeavored to represent, faithfully, truly and impartially, "the condition and circumstances" of nearly 900 of the inhabitants of this Commonwealth. Our commission did not originate in any petitions by the Indians for redress of grievances; but in a humane design, on the part of the Legislature, in the words of the resolve, "to promote their improvement and interests." While, therefore, the Legislature should not impose upon them any change which they do not voluntarily adopt, they owe it to the advantages of their position to recommend such measures as they think would conduce to their improvement, and to tender to them every facility for a fair trial of those measures. Disfranchisement and depression have almost become the normal condition of the poor Indians; they cannot appreciate the almost miraculous power of a cordial recognition and a practical application of the principle of Liberty, Equality, and Fraternity, at whose Ithuriel touch, nations have, during the past year, been literally "born in a day." We boast of the successful solution of the problem of self-government; but we exclude from its operation, nearly a thousand of our citizens. It is not enough to assert, until the Indian has been brought within the reach, at least, if not under the full influence, of complete civil and political enfranchisement, that it will not exert the same vivifying influence upon him as upon the Anglo-Saxon. There is a profound philosophy in the words of our Savior—"If any man will do the works, he shall know the doctrine, whether it be of God, or whether I speak of myself." The operation of a system cannot be known until it has been fairly tried. We ask for the Indian a full share in the

rights asserted in the Declaration of Independence and our Bill of Rights, and guaranteed by our Constitution. If these fail, it will be time enough then to abandon the race, as forsaken of man, and cursed by God.

We leave this subject with the guardians of the interests and the honor of the Commonwealth, with the chosen protectors of the "unfortunate children of the public." We are shut up to the conclusion that a system, substantially like that we recommend, is the only one which can save this people from the fate which has befallen nearly their whole race. Expulsion or extinction has been the alternative. As the red man has witnessed and felt the gradual encroachment of the pale face, he has been compelled to say,—

" They waste us,—ay, like April snow  
In the warm noon, we shrink away ;  
And fast they follow—as we go  
Towards the setting day ;  
Till they shall fill the land, and we  
Are driven into the Western Sea."

We do not believe either this result, or its alternative,—extinction, is inevitable. If, as we confidently hope, the exhibition of the condition and wants of this people, which our appointment has enabled us to make, shall lead to the adoption of a system, wisely and humanely adapted to secure their entire political and civil enfranchisement, and thus their social elevation, we should cherish our agency in the result, among the most pleasant memories of our lives.

F. W. BIRD,  
WHITING GRISWOLD,  
CYRUS WEEKES.

## APPENDIX.

## APPENDIX A.

*Names of Members of the several Tribes in the State.*

## CHAPPEQUIDDIC TRIBE.

Lawrence Prince,	Aged 57	Francis Goodrich,	Aged 45
Love Prince,	45	Joseph Johnson,	60
William H. Murray,	30	Martha Johnson,	49
Charlotte M. Murray,	28	Jerrold Summons,	29
James Curtis,	30	Simeon Goodrich,	37
Frances E. Curtis,	21	Theodate Goodrich,	34
Love P. Curtis,	2	Louisa Goodrich,	5
Elizabeth Charlotte Curtis,	5 months	Samuel P. Goodrich,	18 months
Zadock Simpson,	48	David Belain,	32
Sarah Simpson,	45	Harriet R. Belain,	27
Ann E. Simpson,	16	Mary B. Belain,	4 months
George H. Simpson,	9	Ferriby Harris,	66
Simeon Simpson,	24	Hannah Webquish,	28
Joseph Sams,	45	Charles Frederick Webquish,	19 ms
Jane Sams,	53	William Johnson,	66
Roland Sams,	21	Elihu Johnson,	29
Sophronia Sams,	19	Hepsah Pells,	15
Marilla Sams,	16	Margaret Peters,	59
Angeline Sams,	14	Isaac Joab,	35
Joseph Sams,	12	Ann Joab,	25
Richard Gould,	28	Jane A. Joab,	14 months
Jane Saunders,	94	Abraham Brown,	58
William Jackson,	30	Lucy Brown,	50
Maria Jackson,	32	Charles Brown,	32
Jane A. Jackson,	8	Betsey Gardner,	25
— Jackson,	3 months	Salome Brown,	23
Daniel T. Webquish,	24	James W. Brown,	21
Eleanor Joseph,	69	Sarah Brown,	17

Emily Brown,	Aged 15	Thaddeus Cook,	Aged 23
Raymond Brown,	13	Frederick Cool,	21
Edwin L. Brown,	11	Joseph Belain,	18
Wealthy Wamp,	82	William Belain,	21
George A. Gardner,	27	Anstress Belain,	15
Isarah Belain,	41	William H. Mathews,	31
Laura Belain,	31	Margaret P. Mathews,	23
Isarah Belain, Jr.	6	Prince W. Mathews,	3
Harriet Belain,	3	Cornelius Johnson,	38
Lucretia Belain,	16	Aurilla Peters,	26
Philean Belain,	14	Paul Warren,	62
Joseph Curdoody,	24	Lydia M. Brown,	3
Thomas Laton,	35	Asa Johnson,	60
Mary Laton,	26		—
John D. Laton,	21	Total,	85
Henry Jonas,	22		

## CHRISTIANTOWN TRIBE.

Thomas James,	Aged 72	Charlotte Belain,	Aged 29
Judith James,	6	Joseph Simpson,	42
Charles James,	26	Lovice Simpson,	41
George E. James,	22	Eliza A. Simpson,	13
William S. James,	20	Hannah Simpson,	9
John A. Spencer,	35	Adriana Simpson,	8
Francis Spencer,	13	John Anthony,	30
John Spencer,	7	Betsy Anthony,	26
Eunice Elizabeth Spencer,	5	Rachael Anthony,	4
William Grant,	37	Infant,	1 day
Mary Grant,	14	Asa Peters,	24
Charles Grant,	12	Aurilla Peters,	30
William Grant, Jr.,	8	Leander Peters,	9
Samuel Mingo,	52	Charles Peters,	3
Jane Mingo,	50	Lydia Weeks,	60
Joseph Mingo,	22	Tristram Weeks,	35
Sarah A. Mingo,	10	Uriah Weeks,	40
James W. De Grasse,	30	James A. Weeks,	26
Lucinda C. De Grasse,	8	Charles Weeks,	22
Henry J. De Grasse,	5 months	Philura Weeks,	25
Francis Peters,	67	Sophonra Weeks,	30
Hephabeth Peters,	60	George W. De Grasse,	24
Martha Peters,	37	Frances De Grasse,	28
Almira Peters,	23		—
Asa Belain,	30	Total,	48



## GAY HEAD TRIBE.

Lew's Cook, . . . . .	Aged 38	Caleb Rodman, . . . . .	Aged 2
Abiah Cook, . . . . .	27	Leander Bassett, . . . . .	39
Jane Cook, . . . . .	8	Huldah Bassett, . . . . .	41
Jonathan Francis, . . . . .	50	Julia Bassett, . . . . .	10
Simon Johnson, . . . . .	33	Moses Bassett, . . . . .	4
James Boyer, . . . . .	34	Esther Bassett, . . . . .	1
Mehitable Boyer, . . . . .	37	Bethiah Bassett, . . . . .	3 weeks
John Williams, . . . . .	50	John Devine, . . . . .	35
Sophonra Williams, . . . . .	45	Parnal Devine, . . . . .	38
John Thompson, . . . . .	22	John Devine, Jr., . . . . .	13
Hebron Wamsley, Jr., . . . . .	28	Avis Devine, . . . . .	9
Eleanor Wamsley, . . . . .	27	Parnal Devine, . . . . .	2
Celestine Wamsley, . . . . .	8	Aaron Cooper, Jr., . . . . .	28
Tolman Wamsley, . . . . .	7	Phebe Cooper, . . . . .	16
Amy Wamsley, . . . . .	4	Isaac Cooper, . . . . .	5
Lavina Wamsley, . . . . .	1	Thomas Cooper, . . . . .	73
Esther Howaswee, . . . . .	52	Jane Cooper, . . . . .	67
Winifred Howaswee, . . . . .	18	Martha Cooper, . . . . .	23
John Salisbury, . . . . .	62	Zaccheus Cooper, . . . . .	24
Abiah Salisbury, . . . . .	56	Lucy C. Cooper, . . . . .	2 months
Johannes Salisbury, . . . . .	22	George Cooper, . . . . .	30
Emily Salisbury, . . . . .	18	William A. Vanderhoop, . . . . .	32
Druzilla Salisbury, . . . . .	16	Beulah Vanderhoop, . . . . .	33
Mehitable Ames, . . . . .	65	Louisa Vanderhoop, . . . . .	10
Patience Gershom, . . . . .	68	William Vanderhoop, . . . . .	8
Johnson Peters, . . . . .	66	Paulina Vanderhoop, . . . . .	6
Mary Peters, . . . . .	65	John Vanderhoop, . . . . .	4
Princee Johnson, . . . . .	48	Anna Vanderhoop, . . . . .	2
Eliza Johnson, . . . . .	40	Edwin Vanderhoop, . . . . .	8 months
Peter Johnson, . . . . .	10	Aaron Cooper, . . . . .	56
Jonathan Johnson, . . . . .	8	Abian Cooper, . . . . .	48
Algernon S. Johnson, . . . . .	6	Belinda Cooper, . . . . .	9
Jane Johnson, . . . . .	4	Remember Cooper, . . . . .	96
Julia Johnson, . . . . .	3	Samuel Peters, . . . . .	38
Methia Johnson, . . . . .	3 months	Saran Peters, . . . . .	36
Isaac D. Rose, . . . . .	37	Samuel Peters, Jr., . . . . .	8
Harriet A. Rose, . . . . .	27	Jesse Peters, . . . . .	6
Infant, . . . . .	10 days	Johnson Peters, . . . . .	4
Abram Rodman, . . . . .	40	Amos Peters, . . . . .	2
Charlotte M. Rodman, . . . . .	34	Simon Johnson, . . . . .	54
Mary Jane Rodman, . . . . .	7	Alexander Brown, . . . . .	75
Benjamin Rodman, . . . . .	4	Patrick Devine, . . . . .	38

Louisa Devine,	Aged 22	Joseph Jerrod,	Aged 5
Mercy A. Devine,	4 months	Abraham Jerrod,	24
Tristram Weeks,	45	Joel Jerrod,	22
Tamerzane Weeks,	40	Diadama Madison,	40
Triphosia Weeks,	10	Anna J. Madison,	12
Elizabeth Weeks,	3	Charles Madison,	
Mary James,	34	Charlotte Madison,	7
Lucina James,	15	Isaac Madison,	4
Patience Cole,	66	Zaccheus Howaswee,	58
Fanny Cole,	36	Elizabeth Howaswee,	18
John Cole,	5	Francis Mingo,	16
Tirzah Cole,		Hebron Wamsley,	62
George David,	8 months	Jane Wamsley,	50
Louiza David,	40	Isaac Johnson,	40
Elizabeth C. David,	34	Sarah Johnson,	38
Lydia David,	15	Thomas Green,	11
Rosanna David,	11	Beulah Aucouch,	35
Philena David,	9	Hepsibah Aucouch,	33
Alexander David,	7	Child, do.	5
Prudence David,	4	Elizabeth Dodge,	41
Amos Jeffers,	7 months	Bathsheba Hoskins,	50
Lydia Jeffers,	64	George Belain,	39
Alice Jeffers,	30	Sophia Belain,	32
Leonard Jeffers,	24	Melissa Belain,	12
Thomas Jeffers,	20	George Belain,	8
Absalom Nevers,	22	Betsy Belain,	5
Louisa Nevers,	25	Peter Belain,	1½
Ann E. Nevers,	20	William Belain,	20
Julia Corsa,	4	Joseph Belain,	18
Abby A. Corsa,	35	Francis Sylvia,	40
Moses Corsa,	7	Leonora Sylvia,	29
Lavelon Corsa,	4	Henry P. Sylvia,	6
Thomas Cooper, Jr.	35	James Sylvia,	18 months
Thomas Manning,	45	Joel Sylvia,	6 "
Alvin Manning,	40	Lydia Johnson,	65
Roxa Manning,	32	Anthony Jordan,	40
Marshall Manning,	26	Hepsibeth Jordan,	38
Abel Manning,	2	William Jeffers,	40
Almira Manning,	35	Laura Jeffers,	34
Mary Manning,	25	Laura A. Jeffers,	10
Willard Shepherd,	39	James Jeffers,	14
Clara Shepherd,	55	Mary C. James,	6
Mary Ann Shepherd,	42		
Josiah Jerrod,	5		
Olive Jerrod,	46		
	44	Total,	174

## MARSHPEE TRIBE.

Nancy Williams, . . . . .	Aged 55	Diadama Toby, . . . . .	Aged 41
Louisa Williams, . . . . .	22	Ebenezer Toby, . . . . .	22
Minerva Williams, . . . . .	20	Mary Toby, . . . . .	24
Gilbert Williams, . . . . .	18	Oaks A. Toby, . . . . .	18
Alexander Williams, . . . . .	12	Sylvanus Toby, . . . . .	16
Emily Jackson, . . . . .	27	Watson Toby, . . . . .	14
Thomas Jackson, . . . . .	25	Margaret Toby, . . . . .	13
Mary Jackson, . . . . .	3	Elisha Toby, . . . . .	8
Josephine Williams, . . . . .	2	Ephraim Jerrod, . . . . .	107
Alfred Ameer, . . . . .	60	Joseph Toby, . . . . .	31
Naomi Amos, . . . . .	53	Rachel Toby, . . . . .	12
Henry Amos, . . . . .	11	Henrietta Toby, . . . . .	10
Jesse Webquish, . . . . .	66	Sarah Toby, . . . . .	8
Prudence Webquish, . . . . .	46	John Toby, . . . . .	5
William Webquish, . . . . .	17	Jedediah Toby, . . . . .	3
Jesse Webquish, . . . . .	22	William Jones, . . . . .	33
Levi S. Webquish, . . . . .	18	Achsa Jones, . . . . .	27
Hannah P. Webquish, . . . . .	13	Mary Jones, . . . . .	3 months
Kilburn W. Webquish, . . . . .	10	Israel Amos, . . . . .	59
Naomi A. Sanford, . . . . .	21	Polly Amos, . . . . .	58
Elijah W. Pocknet, . . . . .	28	James Amos, . . . . .	42
Betsey Jordan, . . . . .	83	Persis Amos, . . . . .	32
Joseph Mills, . . . . .	70	David Robins, . . . . .	18
Dorcas Mills, . . . . .	24	Thomas James, . . . . .	45
William H. Mills, . . . . .	5	Betsey James, . . . . .	60
James S. Mills, . . . . .	3	Solomon Attaquin, . . . . .	40
Elizabeth S. Mills, . . . . .	2	Cynthia Attaquin, . . . . .	34
Timothy Pocknet, . . . . .	45	Melissa Attaquin, . . . . .	10
Martha Lee, . . . . .	30	Ebenzer Attaquin, Jr., . . . . .	37
William H. Simon, . . . . .	35	Rodolphus Attaquin, . . . . .	6
Lucy M. Simon, . . . . .	22	Lewis Attaquin, . . . . .	4
Love A. Simon, . . . . .	2	Ezra Attaquin, . . . . .	60
Daniel S. Simon, . . . . .	3 months	Sarah Attaquin, . . . . .	58
Susan Nys, . . . . .	27	Ezra Attaquin, Jr., . . . . .	25
Oaks A. Coombs, . . . . .	39	Sarah Attaquin, . . . . .	20
Dinah B. Coombs, . . . . .	25	Rhoda Attaquin, . . . . .	17
Maria A. Coombs, . . . . .	7	Watson Hammond, . . . . .	12
George R. Coombs, . . . . .	5	George Ockry, . . . . .	30
Daniel C. Coombs, . . . . .	3	Betsey Ockry, . . . . .	28
Darius Coombs, . . . . .	3	Euphrasia A. Ockry, . . . . .	4
William Cetun, . . . . .	15	Martha Sammons, . . . . .	85
Joseph Toby, . . . . .	53	John D. Brown, . . . . .	31

Sarah Brown.	Aged 39	Isaac Jones,	Aged 32
Azariah Brown,	2	Mary Jones,	31
Emeline Brown,	3 months	Olive Foller,	55
Joseph Amos,	43	Betsy Foller,	54
Abigail Amos,	44	Sarah Foller,	21
Anna F. Amos,	14	Anna Sewall,	30
Rebecca Amos,	13	Thomas Sewall,	29
Isaac C. Amos,	8	Moses Pocknet,	55
Sarah B. Amos,	5	Mary Pocknet,	38
Cordelia Amos,	3	Alexander Pocknet,	20
Noah Keeter,	21	Philena Pocknet,	16
Gideon Tompom,	42	Phebe Pocknet,	16
Mahala Tompom,	28	Sarah Pocknet,	14
Jacob Tompom,	10	Grafton Pocknet,	12
Sarah A. Tompom,	7	Susan Pocknet,	9
Celia Tompom,	6	Relance Pocknet,	7
Eusebia Tompom,	3	Henrietta Pocknet,	5
Lucinda Tompom,	8 months	Triphosa Pocknet,	3
Ebenezer Attaquin,	67	John Odiorne,	62
Leah Attaquin,	57	Mercy Odiorne,	63
Benjamin Attaquin,	35	Sylvia Casco,	55
Elizabeth Attaquin,	19	Sally Herrett,	60
Pamela Attaquin,	2 months	Hannah Herrett,	65
Abner Hicks,	64	Esther Cowit,	28
Sally Hicks,	64	Jacob Cowit,	2
Eleanor Hicks,	24	Daniel Quippish,	60
Amanda Hicks,	1	Abiah Quippish,	55
Jeremiah Hicks,	41	Joseph Quippish,	20
Hebron Hicks,	32	Isaac Simon,	83
Mercy Hicks,	30	Ebenezer Low,	75
Jerusha Hicks,	11	Cela Low,	57
Sarah A. Hicks,	8	Polly Catum,	75
Thomas Hicks,	5	Aaron Keeter,	43
Melora Hicks,	4	Mary Keeter,	36
Frances Hicks,	64	Nicholas Keeter,	21
Bersha Hicks,	55	Solomon Keeter,	17
Patience Gardner,	36	James Keeter,	10
Horace Gardner,	4	Lydia Keeter,	6
Andrew Gardner,	6 months	Sylvester Keeter,	4
Ophelia Cæsar,	62	Mercy H. Keeter,	12
Joseph Cæsar,	42	Samuel Godfrey,	30
Lucy Cæsar,	18	Hannah Godfrey,	23
Anthony Hinson,	60	Lysander Godfrey,	6
William Hinson,	50	Alonzo Godfrey,	4

Melissa Godfrey,	Aged 3	Fanny Young,	Aged 4
James Godfrey,	1	Elizabeth Young,	14
William Holland,	55	Robert Williams,	55
Mary A. Holland,	47	Solomon Webquish,	24
James Lippitt,	46	Alice A. Webquish,	22
Sarah Lippitt,	40	Isaac Simon, Jr.,	55
Spencer Edwards,	30	Matilda Simon,	54
Jane Edwards,	26	Peter Squib,	40
Lydia Jackson,	63	Joseph Squib,	50
Nathan S. Pocknet,	40	Thomas Jonas,	48
Charles De Grasse,	41	Rosanna Jonas,	33
Christina De Grasse,	67	Nancy Jonas,	5
Elias De Grasse,	32	Lot C. Jonas,	4
Susan De Grasse,	30	Cornelius Jonas,	3
Jacob Apells,	39	Jeremiah Mys,	65
Mary Apells,	34	Hannah Mys,	64
James H. Apells,	14	Sampson Alves,	49
Silas P. Apells,	10	Hannah G. Alves,	48
Foster Apells,	8	Charles F. Alves,	21
Olive Apells,	4	Rebecca J. Alves,	19
Mary F. Apells,	2	Ezekiel Alves,	10
Gustavus Apells,	4 months	Clarissa Alves,	4
Diana Wilbur,	24	Matthias Amos,	30
David Wilbur,	65	Clarissa Amos,	25
Amy Wilbur,	55	Daniel Q. Amos,	11
Joseph Wilbur,	25	Clarinda Amos,	5
James Wilbur,	18	Infant,	3 weeks
Adeline Apells,	28	Daniel B. Amos,	45
James Apells,	6	Delia Amos,	20
Joanna Cowit,	104	Joseph Gardner,	60
William Taylor,	60	Patience Gardner,	30
Martha Keeter,	45	Elizabeth Gardner,	17
Joseph Mills,	60	Oliver Gardner,	12
Dorcas Mills,	22	Ruth Gardner,	70
William Mills,	5	James Gardner,	8
James Mills,	4	Elizabeth Jackson,	50
Elizabeth Mills,	18 months	Nancy Jackson,	34
David Mys,	50	Ebenezer Jackson,	16
Margaret Mys,	30	William Mingo,	64
Child,	10	Leah Mingo,	57
John Young,	35	Walter Mingo,	10
Sophronia Young,	34	George Mingo,	77
Lucy Ann Young,	18	Mary A. Brown,	37
Anstress Young,	7	Russell Brown,	6

Philander Brown,	Aged 15 months	Susan Boyer,	Aged 8
Joshua Pocknet,	30	Henry Boyer,	5
Harriet Pocknet,	30	James Boyer,	4
Simon Low,	33	Simon Keeter,	32
Mercy Low,	33	Lydia Keeter,	28
Mary Low,	10	Abigail Moses,	73
Rosette Low,	8	John Hazard,	87
Uriah Low,	8	Bethia Hazard,	64
Susanna Low,	3	John Hendrick,	30
Cometa Low,	9 months	Chloe Hendrick,	30
John Mys,	30	Henry Hendrick,	17
Lydia Mys,	25	Isaac Hendrick,	12
Martha A. Mys,	3	Divers Quippish,	58
Infant,	8 months	Betsey Quippish,	23
James Mys,	28	Peter S. Foller,	41
Thomas Mys,	20	Dinah Foller,	47
William Mys,	18	Leah Quippish,	20
Joseph Whiting,	49	John Quippish,	33
Jane Whiting,	38	Leah Quippish,	36
Isabella Whiting,	12	Priscilla Quippish,	3
Gilbert Whiting,	9	Christopher Hinson,	65
Susanna Whiting,	7	Susanna Hinson,	65
Henry Boyer,	40		
Ophelia Boyer,	34	Total,	305

## HERRING POND TRIBE

Phebe Conet,	Aged 48	Betsey Hersh,	Aged 25
William Conet,	18	Cyrenus Hersh,	18
Adrian T. Caesar,	10	Cordelia Hersh,	13
Benjamin F. Conet,	5	Theodore Hersh,	8
Thomas J. Fletcher,	40	Mary Hersh,	5
Maria Fletcher,	37	William Thompson,	26
Georgiana Fletcher,	15	Sarah Thompson,	22
Maria E. Fletcher,	13	William Carter,	90
Sarah A. Fletcher,	13	Ralph Blackwell,	38
Nathan J. Fletcher,	10	Sally Blackwell,	40
Augustus R. Fletcher,	6	James H. Blackwell,	13
Julia A. Fletcher,	4	Roland T. Gardner,	39
Thomas Hersh,	45	Jane F. Gardner,	43
Mary Hersh,	50	John C. Gardner,	19

Foster Gardner,	Aged 18	David Parker,	Aged 3
Phebe A. Gardner,	16	Samuel Wood	48
Roland T. Gardner,	14	Abigail Wood	45
Eliza J. Gardner,	12	Lydia Fowler,	70
Isabella Gardner,	10	Clarissa Joseph,	50
Helen F. Gardner,	8	Love Joseph,	21
Russel G. Gardner,	4	— Joseph,	18
Solomon Bartlett,	63	Mary Joseph,	16
Betsey Bartlett,	48	Joseph Saunders,	42
Andrew Bartlett,	28	Love Saunders,	38
Ephraim Johnson,	42	Dorcas Saunders,	10
Salome Johnson,	45	Robert Courtland	18
Anthony Johnson,	10		—
George Johnson,	6	Total,	55
Catherine Parker,	39		

## FALL RIVER TRIBE.

Mahala Page,	Aged 36	Sarah Crank,	Aged 52
George Page,	15	Mark A. H. Crank,	21
Barton Page,	12	Catherine C. Crank,	20
Charles Page,	8	Thomas M. Crank,	18
William Page,	7	Rebecca Allen,	60
Cynthia Cuffee,	74	Adam Allen,	65
Ruth Cuffee,	68	Pamela Simonds,	40
David Perry,	54	Mary Simonds,	58
Hannah Perry,	55	Daniel Slade,	51
Lewis Perry,	30	Lucretia Slade,	41
David Perry, Jr.,	23	Sarah Slade,	35
Josephus Perry,	20	Hagar Talbot,	60
William Perry,	27	Jemima Freeman	55
Louisa Perry,	30	Lucy Terry,	44
Catherine Perry,	14	Stephen Terry,	40
Persis Crank,	49	Maria Terry,	42
Henry Crank,	39	Jane Lyndsay,	38
Eunice Crank,	39		—
William H. Crank,	21	Total,	37
Jane Crank,	16		

## DUDLEY TRIBE, WEBSTER, MASS

	Aged		Aged
Rhoda Jaha,	32	Barzillai Willard,	28
Martha A. Jaha,	15	Persis Willard,	7
William H. Newton,	7	James Willard,	5
Joseph E. Bowman,	2	Willard Willard,	2
Esther Humphrey,	74	Abigail Robbins,	68
Elizabeth Humphrey,	45	Huldah Kile,	38
George Humphrey,	23	Alexander Kile,	15
Mary Humphrey,	20	—	10
Cyrus Humphrey,	24	James E. Belden,	30
Ann Humphrey,	30	Nancy Belden,	25
Amy Freeman,	40	James E. Belden, Jr.,	10
Melansa Freeman,	21	Frances Belden,	8
Mercy Freeman,	22	Belden,	5
Theophilus Freeman,	15	Sarah Sprague,	55
Elizabeth Freeman,	13	Lydia A. Sprague,	19
Luke Freeman,	39	Israel Sprague,	15
Ira Freeman,	22	Matilda A. Maria Nichols,	2
Mary Freeman,	19	Henry Hall,	63
Daniel C. Jaha,	37	Matilda Hall,	58
Mary Jaha,	34	Ezra Pichens,	4
Julia Daily,	40	Noyes B. Shelby,	8
Augustus Daily,	9	Aaron Humphrey,	50
Levi Jaha,	36	—	—
Rebecca Willard,	30	Total,	48

## GRAFTON TRIBE.

	Aged		Aged
Henry Arnold,	60	Sarah M. Cisco,	29
Sarah Arnold,	57	James L. Cisco,	2
James L. Arnold,	26	Zona Gimba,	50
Patience P. Arnold,	19	James Heeter,	56
Joanna Arnold,	30	Susanna Heeter,	45
Mary A. F. Arnold,	25	John C. Heeter,	32
Gilbert Walker,	30	Julia A. Heeter,	34
Sarah Walker,	29	Richard A. Heeter,	24
Sarah E. Walker,	5	Elizabeth Heeter,	23
Samuel Cisco,	39	Peter E. Heeter,	2



## INDIANS

[Feb.

Moses C. Hector,	Aged 18	Susan J. Hector,	Aged 10
Simon F. Hector,	16	Cornelia A. Hector,	6
William H. Hector,	11		—
Asa E. Hector,	12	Total,	26

## YARMOUTH TRIBE.

Samuel Baker,	Aged	Russel Baker,	Aged 9
Sochronia Baker,	34	Abby M. Baker,	7
Jane Baker,	9	Stephen A. Baker,	4
William Henry Harrison Baker,	7	Ezekiah Baker,	1
Martha Emily Baker,	16 months	Barzillai Cash,	
Thatcher Baker,	4	Deborah J. Cash,	
Thomas Nickerson,	61	Charles Edward Cash,	9
Sally Nickerson,	59	Barzillai Cash,	6
Desire M. Nickerson,	41	Leander Cash,	5
Sophia Nickerson,	36	Lucy A. Cash,	3
Simeon Nickerson,	34	Deborah J. Cash,	16 months
Russel Nickerson,	31	Samuel Cobb,	
Deborah J. Nickerson,	29	Polly Cobb,	
David Nickerson,	27	Samuel Cobb, Jr.,	6
Polly Nickerson,	25	Edward Cobb,	4
Elizabeth Nickerson,	24	John Cobb,	2
Allen Cobb,	40	William Taylor,	
Sally Cobb,	31	Desire Taylor,	
Susannah Greenough,	29	Freeman Taylor,	16
Thomas Greenough,	3	Thomas Taylor,	12
Herman Rogers,		Emily Taylor,	14
Deborah Freeman Rogers,	27	Susan Taylor,	10
John G. Rogers,	2	William Albert Taylor,	4
John Brooks,		Julia Taylor,	17 months
Nancy Brooks,		William Nickerson,	
Louisa Brooks,	16	Susan Nickerson,	
John Brooks,	14	Thomas B. Nickerson,	26
Mary A. Brooks,	11	Frederick E. Nickerson,	22
Sylvester Brooks,	7	Susan J. Nickerson,	18
William Brooks,	6	Joseph Nickerson,	14
Ezra Baker,			—
Sophia Baker,		Total,	62

## APPENDIX B.

WE addressed to the Commissioners of the Marshpee District, and to the guardian of the Chapequiddic, Christiantown, and Fall River Tribes, the following questions. Their answers are given in full.

1st. What is the present condition of your tribe, and how does it compare with what it has been in former years?

2d. What peculiar laws are now in force in relation to the tribe, different from the general laws of the Commonwealth? Under what disabilities are they placed? Should they be continued? If not, how can they be removed?

3d. Is the present system of guardianship adapted to promote the best interests of the tribe? If defective, wherein? Would you recommend its continuance, modification or abolition? If either the two latter, what change or substitute?

4th. Is the tribe capable of self-government? and would you recommend the extension to it of the privileges of citizenship, with all its liabilities?

5th. Is the land held in severalty, or in common? If both, what amount of each? What is the whole amount of territory belonging to the tribe? What portion of it is public property? What other public property belongs to the tribe? What are the several sources of public income, and what the total amount?

6th. How many paupers? If supported by the tribe, how, and at what expense? If by the state, at what cost? Is the present system of supporting the paupers deficient in any respect? If so, wherein? Can any thing be done to prevent or diminish pauperism?

7th. Does the tribe, or any portion of it, suffer from contact or intercourse with the whites? If so, in what respect, and what is the remedy?

8th. Is there any trouble about fences, boundaries, or titles to their lands? If so, of what kind, and what is the remedy?

9th. What, in your opinion, has been, and is the effect of the admixture of foreign, or negro blood, by intermarriage?

10th. Are there any disputes or litigation among the tribe? If so of what kind, and to what extent? and what remedy would you propose?

11th. What are the principal avocations or employments of the

tribe? What are their habits as to industry, economy, and thrift, and do they generally receive a comfortable support?

12th. What is the condition of the tribe as to health, and what are their facilities for medical advice?

13th. What are the habits of the tribe as to chastity and temperance; and how do they compare with their past condition in these respects?

14th. What is the condition of the schools? How long kept? What amount of money raised by the tribe, and what amount received from the State, or other sources?

15th. What amount of preaching or other opportunities of religious teaching is enjoyed? What amount of money is raised by the tribe, and what amount by the State, or societies, for this purpose?

16th. Can you suggest any measures which the Legislature can adopt to increase the productiveness of the lands of the tribe? in a word, to improve the physical, intellectual, or moral condition of the tribe?

17th. Please state generally such facts, and make such suggestions, as may occur to you, in relation to the condition and wants of the tribe, and the means of its improvement.

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*Letter from Mr. Thaxter.*

EDGARTOWN, Dec. 28th, 1848.

DEAR SIR, — In compliance with your request, under date of 11th inst., I improve the first leisure moment to reply to the several inquiries therein contained.

Reply to Question 1st. They are generally moral, intelligent, and industrious, conducting their affairs with prudence and economy. They live in good frame buildings, comfortably furnished, and provided with most of the necessaries of life. Formerly, they were generally licentious, and immoral, given to intemperance, and other vices, and comparatively indolent and idle, frequently not having the necessaries of life.

Reply to Question 2d. They are now under the special act of March 10, 1828, which, in most of its provisions, seems well adapted to their present condition; but it seems to me that Art. 3d. of Sec. 4th, should be expunged from the Statute; the provision in the general laws being amply sufficient.

They cannot sell their lands, neither can they make any contract that is binding, without the approbation and consent of the guardian. These are salutary prohibitions, and satisfactory to the Indians.

I am of opinion that the law of 1828, except Art. 3, Sec. 4, should remain for the present. I come to this conclusion after much consideration, believing that it accords with the feelings and wishes of the Indians.

I come to the foregoing conclusion, partly from the fact that no tribe gives evidence of so great moral and intellectual attainments, or of so much industry, thrift, comfort, and happiness as the Chappaquiddic and Christiantown tribes, who are governed by said Act. They are rapidly advancing from a state of ignorance and poverty, to the dignity of men and women.

Reply to Question 3d. I think the present system of guardianship is adapted for the present, to promote the best interests of the Indians, but much must depend upon the character of the guardian.

Should the Act of 1828 be repealed it seems to me, that it should be done prospectively on the petition of a majority of the Indians. That provision should be made for the settlement of all difficulties between them and the neighboring whites, especially at Chappaquiddic, where the live-and-let-live fence between the Indians and whites, is frequently a source of trouble and sometimes litigation. The whites, often neglecting, though required by law, to make and maintain said fence. You are aware that the Indians, at Christiantown, have their lands well fenced with stone walls; but that very little land is fenced at Chappaquiddic, there being no material for that purpose.

At Chappaquiddic the cattle graze in the tethering rope, except during winter.

Reply to Question 4th. I think the tribes are capable of self-government, but not to the extent that more enlightened, and better informed communities are.

I think the extension to the Indians of the privilege of citizenship, with all its liabilities, would not be beneficial to them, and that they do not, at present, desire it.

Several of them enjoy the privileges of citizenship, in consequence of owning land not within the Indian territory.

Reply to Question 5th. A portion of the lands is held in severalty and part in common. By examining the Report of the Commissioners, appointed under the Act of 1828, deposited in the office of the Secretary of the Commonwealth, you will see the division of the land.

to the several persons therein named, the quantity of land undivided, and in common, and that set off for public uses.

The annual income of public land, at Christiantown, or Chappquiddic, which is their only public income, does not exceed fifteen (15) dollars. This sum is expended annually, in assisting the needy.

Reply to Question 6th. There are, at present, but two persons, both of whom are at Chappquiddic, who require permanent assistance. One is Jane Saunders, some 85 years old; the other William Johnson, about the same age; the former, blind, the latter, nearly blind. Jane receives seventy-eight (78) dollars, and William fifty (50) dollars a year, from the State.

Although the Act of 1828 provides for assessing taxes for the support of the poor, none have yet been assessed. They prefer to do what they can to assist the needy, by private charity. They are kind and considerate towards each other, in sickness and poverty,

Reply to Question 7th. I do not know that the Indians suffer from any illicit intercourse with the whites.

Reply to Question 8th. See reply to Question 3d, in part. The principal trouble, as to title, occurred last fall. The Commissioners, after dividing the lands, thought proper to say, (see the Report of the Commissioners,) "The privilege of picking *cranberries* shall ever remain *free* for the Indians, and people of color; but none shall be debarred from making any improvement upon cranberry swamps, within their respective territories, which shall render them more beneficial to their interest."

At the time, there were a few cranberries on land set off to Ferrabee Harris. By cutting out the brush, and clearing the land, the cranberries have gradually increased, so that the annual produce is now from 8 to 15 bushels.

Three of the Indians thought they had a right to pick these cranberries. I told them they had not, and advised them not to meddle with them, but they persisted, and picked them, having been advised by some white persons to do so, as it was plain, (as they said,) that they had the right.

In my opinion, the Commissioners transcended their authority,—the incumbrance was inconsistent with the enjoyment of the land. I shall probably be compelled to take some legal measures to settle this matter.

A Resolve was passed, March 4, 1830, authorizing Daniel Fellows, Jr., guardian, to bring suit against the whites, who would not make

their share of the divisional line fence; but it is thought to be inadequate and has never been tested. Perhaps, a law authorizing the guardian, whenever the whites neglect to make, or to maintain said fence, to make and maintain it, at the expense of the whites, would be best.

Reply to Question 9th. I think the admixture of negro or foreign blood, by intermarriage, has been beneficial.

Reply to Question 10th. There are occasionally disputes, but are generally settled by the guardian, without litigation.

Reply to Question 11th. Their principal avocation is farming. A few of the younger men go to sea, in the whaling business. These latter are not so provident and moral as the former. Some of the young women go out to service, in families, and are much esteemed as help.

Reply to Question 12th. They are generally healthy, but when medical assistance is required, they have to send from three to ten miles, for a physician.

Reply to question 13th. They are chaste, and temperate, with few exceptions, and compare favorably with the neighboring whites. Formerly it was far otherwise.

Reply to Question 14th. Their schools are well kept, and generally well attended. Their capacity for receiving instruction is equal to the whites, of the same class. Their schools are kept from three to four months, and supported by moneys received from the State, amounting to about forty-six (46) dollars, annually, to each of the two tribes.

Reply to Question 15th. Formerly, the Society for Propagating the Gospel sent missionaries to the Indians, viz: at Narragansett, Gay Head, Christiantown, and Chippequiddie; but in consequence of certain difficulties they discontinued the mission some few years ago. The Indians frequently hold meetings among themselves, and the more gifted exhort and pray. Occasionally, some one preaches to them. No money is raised by them, or the State, for the support of the Gospel.

Reply to Question 16th. I cannot now make any practical suggestion, in reply to this question, except one relative to the fences. At Christiantown, their lands are well fenced with stone wall, and are profitable, yielding a competence to the industrious and prudent.

At Chippequiddie they have no means wherewith to fence their land but by buying posts and rails. Some have done so, but others are unable, which lays those who can, under great disadvantage, as they cannot compel their neighbor to make his half.

A two-rail fence, the material for which would cost seventy-five cents a rod, would be amply sufficient, as they keep no sheep. If the State would furnish them with the material for such a fence, they would be able to erect and maintain it, and they would thereby be enabled to improve their lands to much greater advantage, and prevent many unpleasant disputes, which now arise, mainly from the fact, that they are compelled to pasture their cattle in the rope. Such a fence would, unquestionably, greatly improve their moral condition also.

Reply to Question 17th. I have endeavored to reply to your several questions, respecting the Christiantown and Chapequiddic Indians, and it would, in truth, be gratifying to me, if I were able to suggest something more tangible, for the improvement of the physical, intellectual, and moral condition of the Indians.

As the different tribes are surrounded with so many different circumstances, it seems necessary, to a proper understanding of the subject, that each tribe should be considered separately, excepting the tribes at Christiantown and Chapequiddic. They are both surrounded with a white population, with whom they have intercourse, the tendency of which, is, to assimilate them in manners, customs, &c.

The Gay Head Indians are differently situated. They live on a peninsula, and have little intercourse with the whites; consequently, they are more peculiar in their manners and customs, and are not so far advanced in the art and science of agriculture, as the two first-mentioned tribes.

They are extremely jealous of the whites, and not without cause. By Sec. 11th of the Act of 1828, it is provided that the Act aforesaid may extend to the Gay Head tribe, but owing to certain difficulties with former guardians, they have not, and I think they will not, accept of the said Act for their government. Time will not permit me to enlarge. I have not time for revision, and having written "*currente calamo*," I pray excuse me if I have not fully met your expectations.

Very respectfully, yours, &c.,

LEAVITT THAXTER.

F. W. BIRD, Esq., Chairman of Indian Commission.

## APPENDIX C.

*Letter from Mr. Merston.*

MARSTON'S MILLS, December 22, 1848.

F. W. BIND, Esq.

DEAR SIR,—Your communication, making certain inquiries respecting the Indians under my supervision, dated 11th instant, I duly received. In reply, I have to say, in reference to the *two* tribes, the Herring Pond Indians and the Marshpee Indians, of which I have the care, as follows:—

To question 1. The present condition of the Marshpee tribe is what most of them call tolerably good, but it is not so good as could be wished. Nothing is wanted to improve it, but their own industry, economy and sobriety. When compared with the past, their condition is better, in some respects, in others not so good. Their wood is nearly all cut off, as the Commissioners already have seen.

The condition of the Herring Pond tribe is much better than in times past.

2. See Act of 1834, and Act, March 3, 1842, in relation to Marshpee. They are placed under no disabilities, except what they wish, or most of them. They desire no alteration in their laws, nor do I think their good requires any. They do not consider themselves under guardianship.

3. They do not wish any alteration in the law, in regard to the Commissioner—they wish it to remain, believing it to be for their best interest. They desire such an officer to have a general oversight of their affairs, that they may not be led astray by designing white men, in various matters. They need aid, particularly in paper cases. In one instance, they might have been saddled with a whole family out for the untiring opposition of the Commissioner. A tract of land was about to be taken from the Herring Pond Plantation worth thousands of dollars, and was saved by the efforts of the Commissioner, and the title settled in favor of the tribe forever. At various times, disastrous fires have threatened and attacked their wood and it has been saved by the prompt and efficient action of the Commissioner, after the Indians had yielded, and left the wood to its fate. And, chiefly, they need the services of such an officer as treasurer, especially to have the care of their invested funds.



4. The Marshpee tribe have all the self-government they wish. The greater part of them do not care to have the privilege of voting for State officers, nor do they want to be taxed to enable them to have the right of suffrage. The Herring Pond tribe certainly do not wish it.

5. A small proportion of the land in Marshpee is held in common—the greater part in severalty—say 2000 acres in common and 11,000 in severalty. For the sources of public income, allow me to refer you to my reports, in former years, especially of the last two years. See Document, House of Representatives, No. 8, 1846, and Document Senate, No. 21, 1848.

6. Allow me, again, to call your attention to the printed documents, above referred to, in relation to paupers. I do not know as any thing can be done to prevent or diminish pauperism, besides what is doing.

7. Contact with the whites cannot be prevented, if it were desirable.

8. There is no trouble about boundaries or titles, except in one small matter, which, I think, the Commissioners have knowledge of.

9. The admixture of foreign, or negro blood, cannot be prevented. The mixture has been there so long, and to such an extent, that it is difficult to say whether it is an injury or not. My impression is, that the Indian and negro races would be better off, distinct and separate.

10. There is very little litigation, indeed.

11. The principal avocation, or employment, is agriculture—but in a small way—and seafaring. Their habits of industry are not very good—they do not appear to care about accumulating property. They procure, as a general thing, what they call a comfortable support, and, where they fail, it is because they are indolent, or intemperate, or both.

12. They are as healthy as the surrounding white population. There was considerable sickness among them, last summer and autumn, as there was among the whites—as you already know, I think. In former years they have had a physician, paid by the year, from common funds, for the whole tribe. For several years past, the poor have had a physician, paid by the District—those able to do so pay from their own means. They suffer no inconvenience in procuring medical advice. They employ the same persons as their white neighbors, and select for themselves, among the physicians in their vicinity.

13. Their habits of chastity I cannot state about, with any precision. There are very few illegitimate children—not more than one a year, for the last ten years—which is much less than the average in former years. There has been a great improvement in regard to temperance. In years past, more than two thirds drank freely of intoxicating liquors, and very few, if any, were free from the use of them. Now, few drink at all, and still fewer drink to excess—and much less would be used, if it was not furnished by the whites. Against this, there are now stringent penal laws in force.

14. Their schools, generally, are good. In Marshpee there are two schools, kept about six months each in the year. The average annual expense, for the last ten years, has been \$254.23, of which \$160 is drawn from the State treasury. The balance is from their own public income.

15. They have preaching most of the time. It is all paid for from money, from the income of the "Williams Fund"—\$416.66 annually.

16. I know of no measure, which I would now recommend to the Legislature, in regard to the Marshpee Indians, except as it relates to State paupers.

17. I have spoken in reference, chiefly, to the Marshpee tribe. The Herring Pond Indians are in good condition, have ample means of living, and comfortable dwellings. Their land has some good wood on it—and they have more than \$2000 at interest, and owe no debt. They have good medical aid, paid from their public treasury, a good school-house, and good schools. The poor and aged are well provided for. Nothing is lacking among them, but more religious instruction. They have stated preaching, once in six weeks, and other occasional preaching.

I should have been pleased to have replied more fully, and, at an earlier day, but many engagements, and absence from home, have prevented me.

Respectfully, your ob't serv't,

CHARLES MARSTON.

## APPENDIX D.

*Letter from Mr. Winslow.*

FALL RIVER, DEC. 14th, 1848.

DEAR SIR, — Yours of the 12th inst. is at hand, and I must ask you to make all possible allowance for the imperfect manner in which I must, necessarily, answer the questions you propound, from my limited knowledge of the former condition of the tribe; I will, however do what is in my power, towards answering the same. And

1st. The present condition of the tribe is decidedly poor, but better than in former years, in some respects.

2d. There are no existing laws, that I know of, in relation to the tribe, excepting a Resolve, passed June 9th, 1818, appointing a guardian; no disabilities, except their not being allowed to vote, and I think that to be no disadvantage to them.

3d. The present system of guardianship seems to be adapted only to the relief of those most needy, as far as their physical wants are concerned; I think it might be improved by a limited appropriation, to be expended by the guardian, for specified purposes, instead of leaving it at his discretion; and that he be instructed or directed by the Legislature, what course to pursue in regard to cultivation, or improvement of the lands of the tribe.

4th. I think the tribe would receive no benefit from the privileges of citizenship, if conferred upon them.

5th. The land is held, both in severalty, and in common, some four or five acres to each of four families, and the remainder is held in common; the whole amount of territory, is about one hundred and ninety acres. I suppose the whole territory to be public property, and to belong to the State, as it was conveyed to the province of Massachusetts Bay, by one Daniel Wilcox, and afterwards, in the year 1701, "it was ordered, that the Indians be accommodated with a settlement for a plantation upon said lands, *to be holden by them of his Majesty's government, within this province, during the pleasure of the government.*" There is no other property of any kind, that I know of; no source of income, excepting the small amount obtained from their woodlands, which are held in common.

6th. There are seven who have been supported in part at the expense of the State, at an average cost of about forty dollars each, per year, the present mode of supporting them is probably as good as any

I could suggest. I do not see any way in which pauperism can be diminished.

7th. The tribe, I think, have not suffered, in any respect, from contact with the whites, otherwise than by depredations committed upon their woodlands, in former years, by some of their white neighbors.

8th. There is some, and but very *little*, fence to be troubled about; the bounds which mark the several portions belonging to individuals, or allotted to them, are entirely obliterated; the bounds of the whole tract, at the corners can be found. I have employed a surveyor to run the lines, and find that the lands have been encroached upon, somewhat, by owners of adjacent lands; the tribe have no title whatever to the lands, I think.

9th. What is, or has been, the effect of amalgamation, I cannot say; but from present appearances, it seems that the half-negro is more disposed to labor for a living, than the full blood native.

10th. There are none, at present, but have been some in former years, I understand, in relation to the lands.

11th. The principal employment is day labor, and the majority being women and children, their labor amounts to very little; their habits are *not* remarkably industrious; some few exceptions, however; generally speaking, they are decently supported.

12th. The health of the tribe, generally, is *good*, with one or two exceptions, *very good*; those are brought on by intemperance; a few cases of small pox have lately occurred, in one family, but are now well; their facilities for medical aid, the same as other inhabitants in the same neighborhood, which are good.

13th. The habits of the tribe as to chastity, are not bad, and, as to temperance, probably will not suffer in comparison with the whites; there has been improvement, in latter years, in respect to both chastity and temperance, I think, from the best information I can get, relative to their history.

14th. The tribe have no schools, receive no money from the tribe, State, or any other source, for that purpose; but the children, generally, have access to the public schools, the same as the children of any citizens; there are not over five or six children, who are situated so they can attend school.

15th. The tribe enjoy the same privileges, in regard to religious matters, as they do in respect to schools, the families, (four in number,) living on the Indian lands, have no meeting that they can attend, within about four miles; those living near the village have all the privileges

they could wish for, and, by a few of their number, they are well improved; there is no money raised from any source, for the purposes before named, and never has been since they were under the care and superintendence of the Commissioners of the Society for Propagating the Gospel in North America, which superintendence was discontinued some time before any guardian was appointed. The first guardian was appointed in 1807, by a Resolve of the General Court.

16th. It seems to me, that, if the Legislature should, in their wisdom, deem it proper to make an appropriation, for the purpose of fencing the lands, and otherwise improving the same, in some degree, and make suitable provision for all such as will live upon, and improve the land, (or such part as may be assigned to them,) in the best way to obtain a living, that thereby their condition might be somewhat improved; or sell the land, and support them from the proceeds, who are unable to support themselves, (as far as may be.)

17th. The general state, or condition of the tribe is such, that it seems hardly possible to conceive of any plan, that would be conducive of any great good to them, as a tribe; for they are but a "miserable remnant," comparatively speaking, and are but little disposed to associate, or make a society of themselves, but seem to live isolated, and look for little else than the supply of their physical wants; therefore, it is almost impossible to do any thing for them, otherwise than in their individual capacity. There are four families living on the Indian land, and but two men among them, who are able to labor for their support; two families living in the village, composed of women and young children, mostly; the males generally are at sea, those above the age of sixteen years.

It seems, by record in the Secretary's office, that, in the year 1764, a Committee of the General Court appointed a surveyor, to renew the bounds, survey, subdivide, and plan the tract of land, which he made to be 190 acres and 64 rods, "granted by ye General Court, to Capt. James Church and Company Inds., and subdivided the same into twenty-eight equal parts, and erected suitable bounds, at ye corners of each divisional part, or lot;" each lot contained 6 acres and 128 rods, and were then allotted to so many families, or individuals, as the case might be. Now, I suppose, there is not one of the tribe, that can tell where his, or her lot is situated, or any thing definite in relation thereto.

I have the honor to be, respectfully, your ob't servant,

BENJAMIN F. WINSLOW.

F. W. BIRD, Esq., Chairman Commissioners, &c., &c.

## APPENDIX E.

The following statements were furnished at the Treasurer's office; the first, to the Chairman of the Committee on Claims, last winter —

*Amount paid by the Commonwealth for support of certain Tribes of Indians, from 1843 to 1847, inclusive.*

Tribes.	1843.	1844.	1845.	1846.	1847.	Total.
Chappequiddic and Christiantown, - - -	\$150 00	\$211 50	\$99 90	128 00	\$172 85	\$768 25
Dudley, - - -	101 97	146 99	-	507 48	85 22	841 66
Fall River, - - -	107 69	165 82	76 50	140 83	252 40	743 24
Gay Head, - - -	25 55	25 55	-	-	25 55	76 65
Grafton, - - -	-	-	30 00	-	10 00	40 00
Hassanamesit, - - -	50 00	50 00	50 00	50 00	50 00	250 00
Herring Pond, - - -	26 70	-	51 17	*38 01	40 55	156 43
Marshpee, - - -	321 11	317 34	290 22	*346 15	446 10	1720 92
Punkapog, - - -	100 00	100 00	150 00	150 00	229 00	729 00
	889 02	1017 20	747 79	1360 47	1311 67	5326 15
<i>Salary of Guardians not included above.</i>						
Chappequiddic and Christiantown Indians, - - -	150 00	150 00	150 00	150 00	150 00	750 00
Dudley " - - -	50 00	50 00	-	100 00	50 00	250 00
Fall River " - - -	25 00	35 00	35 00	35 00	35 00	165 00
Punkapog " for 20 years, at \$100 per ann., - - -	-	-	-	200 00	50 00	250 00
	225 00	235 00	185 00	485 00	285 00	1415 00
Charles Marston and N. H. Hinckley, as commrs. for partitioning Marshpee Lands, - - -	905 50	-	-	-	-	905 50
Do. and L. Hinckley, - - -	-	-	226 37	-	-	226 37
Bridge over Santuit River, - - -	-	-	-	140 00	-	140 00
	905 50	-	226 37	140 00	-	1271 87
Brought down, - - -	889 02	1017 20	747 79	1360 47	1311 67	5326 15
" " - - -	225 00	235 00	185 00	485 00	285 00	1415 00
Total, - - -	2019 52	1252 20	1159 16	1985 47	1596 67	8013 02

\* Of these two sums for support in 1845, there was paid back, in 1847, \$116 50 on account of Marshpee and \$11 46 on account of Herring Pond.

*Amount paid for support of certain Tribes of Indians, for the year  
1848, including salaries of Guardians.*

Chappequiddic and Christiantown, L. Thaxter, including	
\$150 salary - - - -	\$371 24
Dudley Indians, Daniel Davis, - - - -	22 74
"      "      Amos Shumway, - - - -	191 10
Fall River, Holder Wordell, - - - -	214 66
Gay Head, - - - - -	13 72
Hassanamesit, Judge of Probate for Wor. Co., - -	50 00
Herring Pond, Charles Marston, - - - -	25 55
Marshpee Indians, " - - - -	434 50
Punkapog, Thomas French, - - - -	222 72
	<hr/>
	\$1,546 23
Add amount for repairs of buildings for Dudley Indians,	500 00
	<hr/>
	\$2,046 23
Add previous amounts, - - - - -	8,013 02
	<hr/>
	\$10,059 25
Deduct amount paid back by Marshpee and Herring Pond. - - - - -	128 66
	<hr/>
Total amount paid by State in six years, - - -	\$9,930 59

These statements do not include amounts paid from school fund.

#### APPENDIX F.

We cannot avoid referring more particularly to the treatment which the "Christian Indians,"—the then powerful ancestors of the feeble remnants, whose case is now before us,—received during Philip's War. Not only were they really friends, but they were treated as enemies. "It was their hard fate," says Mr. Sparks, from whose life of Eliot these facts are mainly gathered, "to have the good will of neither party in the war; to be treated by Philip as allies of the English, and to be sharply suspected by the English, of a secret, but determined leaning towards Philip."

"The circumstances of the time account for this inflamed state of

popular feeling against the Christian Indians. A fierce and powerful enemy was ravaging the country. The flames of burning villages glared in the darkness of midnight, the scalping-knife, the arrow, and fire-arms, were lurking in ambush by day. The passions of the people were naturally exasperated to the highest pitch against those the dread of whose incursions disturbed the slumbers of night, and surrounded the labors of the field with peril. The usual epithets applied to the savage foe were "wolves, blood-hounds, fiends, devils incarnate;" and Increase Mather uttered the common sentiment, when he said, that the English did not cease praying to ~~kill~~ against Philip, until they had prayed the bullet into his heart."

By way of "accounting for, not justifying, this blind excitement, which would not stop to separate between the innocent and the guilty," Mr. Sparks says, "under intense alarm, men are apt to lose sight of the distinction between justice and injustice, between right and wrong." We fear that this "common proscription of the praying Indians" may be more justly accounted for by attributing it to the almost universal popular sentiment, which then, which had previously, and which has subsequently, regarded the Indians as outcasts and outlaws, — not only "aliens from the Commonwealth of Israel," but "strangers" to every "covenant of promise." It was precisely the same sentiment which justified, nay, demanded, the selling of the wife and son—the queen and heir apparent, of Philip of Pokanoket, into slavery. In the eloquent language of Mr. Everett's Address at Bloody Brook — "They were sold into slavery, — West Indian slavery! an Indian princess and her child, sold from the cool breezes of Mount Hope, from the wild freedom of a New England forest, to gasp under the lash, beneath the blazing sun of the tropics! 'Bitter as death,' ay, bitter as hell! Is there any thing, I do not say in the range of humanity — is there any thing animated, that would not struggle against this?"

It was under the influence of this rooted prejudice, inflamed by the circumstances of the case, that the "praying Indians" were subjected to the cruel treatment, to which we wish to direct attention. Without the slightest reason, in the conduct of these poor Indians, to justify the suspicion of favoring Philip, the Natick Indians were first ordered to be removed to Deer Island. When Capt. Thomas Prentiss, who was appointed to superintend their removal, "arrived at Natick, and made known to them the pleasure of the court, they sadly, but quietly submitted, and were soon ready to follow him. Their number was about



two hundred, including men, women, and children." They were first ordered to a place called the Pines, on Charles River, two miles above Cambridge; and "on the 30th of October, about midnight," (fitting hour for this 'deed without a name,') "they embarked in three vessels, and were transported to their destined confinement, on Deer Island." A melancholy parallel might be drawn between this scene, of a whole people torn from their friends and the graves of their fathers, with the venerable Eliot weeping his blessings and his farewell, and similar scenes which have since occurred, as tribe after tribe have been driven to the far West. The settlement at Wamesit, (Tewksbury,) was broken up, and the Indians scattered. The Punkapog and Hassanamesit, (Grafton,) were also sent to Long and Deer Islands. In the summer of 1676, a company of praying Indians, engaged in the war against Philip, and proved faithful and efficient, "slaying not less than four hundred of the enemy, in the summer of 1676." Philip himself, as is well known, fell by the bullet of one of these Indians.

The old and feeble men, and the women and children, suffered terribly in their confinement, especially after the able-bodied men were withdrawn. "Soon after this, the General Court gave permission for their removal from the islands, taking care, however, to provide that it should be done without any expense to the colony! They were taken to Cambridge, where Mr. Thomas Oliver offered them a residence on his lands, near Charles River." Here they lived, by fishing and upon charity, until spring, when most of them returned to their homes. Homes? Alas! the hand of the spoiler had stripped their plantations of the charm implied in that endearing word. Since that day, the Praying Indian has had no home.

This transaction gave a death-blow to the efforts for Christianizing the Indians. "After this rupture," says Mr. Sparks, "it was hard work to reunite sympathies, which were broken before they had time to coalesce firmly. There would be bitter remembrances, which might be smothered, but would hardly fail to throw a chill upon the persuasions of the English Christians."

It is in behalf of the descendants of these persecuted tribes, that we make an appeal,—feeble, and unequal to our own convictions and feelings, to the Legislature of a magnanimous and generous Commonwealth. We cannot add force to the eloquence of a simple statement of facts.

## SUPPLEMENT TO HOUSE NO. 46.

## APPENDIX G.

Since that portion of the Report, relating to Gay Head, was written, we have received the following communication. It was probably delayed by the obstruction in the transmission of the mails from the Vineyard to the Main:—

*To the Honorable Commissioners, that were appointed to visit the Indians of the Commonwealth.*

GENTLEMEN,—The proprietors of Gay Head very humbly ask you to present their petition, or make mention of it in your Report, asking that we may be favored with the foregoing regulations. Knowing that you were acquainted with us personally, we have drawn up this, without the aid of any person; so you will not be surprised at the feeble manner it is done in. It is with lively emotions of gratitude, that we call to mind the words that you said to us in the school-house, that you would do all you could, reasonably, for us; therefore, we put all confidence in your honors.

Done in behalf of the proprietors of Gay Head.

Yours, with much respect,

ABRAM RODMAN, *Proprietor's Clerk.*

GAY HEAD, February 14, 1849.

The petition, accompanying the above communication, is as follows:—

*To the Honorable Senate, and House of Representatives, in General Court assembled:*

We, the Indians and people of color, on Gay Head in Duke's county, would most respectfully represent, that we are satisfied with that section of the law that says, Be it further enacted, that no action shall be brought against any of the Indians, mulatto or negro proprietors of said lands, for any debt, hereafter to be by them contracted with any person or persons, for any sum whatsoever. And we are also satisfied with that act that says, no Indian, mulatto or negro, shall bring an action against any white person, for debt; and the presence

of this act shall be taken as evidence in any court in the Commonwealth. Therefore, we pray your honorable body to continue the same.

We would farther represent, that our bound against the whites has never been recorded; therefore, we pray your honorable body to run the line between us.

We would farther represent, that some men who have married women that belonged on Gay Head, never come to Gay Head to live, but lived in other towns, and were voters there. And, it so happened, that their wives died before the children could take care of themselves, so they were all sent on Gay Head. Others have married strangers, and never come on Gay Head to live, but their children or grandchildren will come, and claim to be full proprietors, which we think is not right. We are willing to do all we can for Gay Head poor; but we are not willing to maintain people that do not rightly belong on Gay Head, for we have no means of supporting them; therefore, we pray your honorable body to enact such laws as you may think best, to shield us from such unfairness. We have but a very little education, and, of course, cannot know much about the laws of the Commonwealth; therefore, we look to your honorable body, with confidence, to enact laws for us. And we, as in duty bound, will ever pray;

Zeacheous Howwoswee,  
Samuel Peters,  
Lewis Cook,  
Isaac Johnson,  
George David,  
Tristram Weeks,  
William Jeffers,  
Levi Cuff,  
Alvin Mannings,

Francis Silvia,  
Francis Mingo,  
Hebron Wamsley, Jr.,  
Hebron Wamsley, Sen.,  
Amos Jeffers,  
Isaac D. Rose,  
Jonathan Francis,  
Abram Rodman.

The line between the territory of the whites and that of the Indians, is distinctly defined by a substantial rail-fence; and we imagine there is little danger of encroachment from the whites. Still, it would put forever at rest a matter which might, possibly, otherwise, lead to litigation, to have the boundaries legally defined and recorded.

The other subject, viz., the division of the lands, is referred to on the 20th and 21st pages of the Report. Undoubtedly, the whole matter of division and descent, will require further legislation. Whether the time for legislative action has come, and what shall be its character, we leave to the wisdom of the Legislature, to decide.

EXHIBIT NO. 5

Massachusetts House of Representatives  
Document # 48 1856

2 GAY HEAD AND TOWN OF CHILMARK. [Feb.

State Library of Massachusetts  
Special Collections

Commonwealth of Massachusetts.

To His Excellency HENRY J. GARDNER,  
Governor of the Commonwealth of Massachusetts:—

The Commissioners appointed by your Excellency under the  
Resolve of the Legislature, Approved March 9, 1855, entitled  
"Resolve of the Pardon of How was-wee and others, Over-  
seers of the Gay Head Indians," to establish the boundary  
line between the lands of said Indians and the lands of the  
white inhabitants of Chilmark, in Dukes County, having  
attended to the duty assigned to them, respectfully submit  
the following

REPORT:

After giving due notice, by publication in the Vineyard  
Gazette, a newspaper printed in Edgartown, and extensively  
circulated throughout Dukes County, a meeting was held in  
Chilmark, on the 22d and 23d of August last, and all parties  
interested, who chose to appear, were fully heard in relation to  
the matter in controversy between the whites and the Indians.

The Indians were ably represented by Hon. Leavitt Tarter,  
who has, for many years, kindly aided them, as occasion has  
arisen, with his legal counsel and advice.

Mr. Albert Rodman, one of the inhabitants of Gay Head,  
their agent, and for several years, their clerk, gave his prompt  
attention to the business intrusted to him, proving himself a  
efficient and steady champion.

Beside the numerous of living witnesses, a large mass of

documentary evidence was laid before the Commissioners, exhibiting a continuous chain of title from the first settlement of the island by the whites. For this we were indebted to Richard L. Pease, Esq., of Edgartown, a gentleman whose intimate acquaintance with the records and history of Martha's Vineyard peculiarly fits him for the laborious task of searching the archives of the past, and educing facts long shrouded in obscurity.

The peninsula of Gay Head,—called by the Indians Aquinnah,—famous for its numerous fossil remains, and for its bold and lofty cliffs of variegated clays, which, when illuminated by the rays of a western sun, present a gay and picturesque appearance to the passing voyager, is an object of rare interest to every traveller; while to the geologist it is one of the most interesting spots in all New England.

It contains about two thousand two hundred acres of land, and is still the home of a remnant of that race, which, more than two centuries ago, the white man found here as lords of the soil. This peninsula is the south-western extremity of the beautiful island of Martha's Vineyard, which Thomas Mayhew and Thomas Mayhew, Jr., his son, of Watertown, purchased in October, 1641, by two deeds, from the agents of Sir Ferdinando Gorges and the Earl of Stirling; each of whom claimed it as lying within the bounds of his grant from the king of England.

The title thus acquired was repeatedly recognized as valid by successive governors of the Province of New York, of which Martha's Vineyard was an integral part from the date of king Charles' charter, March 12, 1664, up to the year 1692, when Massachusetts and Plymouth Colonies, and the islands then forming the County of Dukes County, were united under one government, as the Province of the Massachusetts Bay.

In 1671, July 8, a charter was granted by Francis Lovelace, Governor-General of the Province of New York, to Thomas Mayhew and Matthew Mayhew, his grandson, of certain lands, chiefly in the present town of Chilmark, termed, in the charter, Tisbury Manor. The Gay Head lands were not included in this grant; neither were they in the Act incorporating the present town of Chilmark, passed by the General Court in October, 1714. It will be seen, therefore, that Gay Head is not now, and never has been, included within the limits of any township.

There being certain lands not included in the several charters of Edgartown, Tibury and Tisbury Manor, all bearing date July 8, 1671. Governor Andros, upon the application of Thomas Mayhew and Matthew Mayhew, granted to them, November 19, 1679, "all that part or parcel of land on the Island of Martin's Vineyard, as yet unpurchased, to be by them duly purchased according to law."

On the 25th day of April, 1685, Governor Dongan made and constituted the Lordship and Manor of Martin's Vineyard, and granted the same to Matthew Mayhew. This same Lordship and Manor and all the lands owned by Matthew Mayhew, were, with certain specific exceptions, conveyed by him, on the 12th of the following month to Governor Dongan, who made Matthew Mayhew his agent and steward; in which capacity he served until his death, May 17, 1710.

Governor Dongan,—who, some years before, had become the Earl of Lincolnton,—made sale of all his interest in lands on Martin's Vineyard, May 19, 1711, to the "Company for Propagation of the Gospel in New England and parts adjacent in America," for the sum of five hundred and fifty pounds, "lawful moneys of Great Britain." This purchase was made, as appears by the diary of Judge Sewall, "with the main design of benefiting the aboriginal natives." And the income arising from leasing the lands of "the Corporation," as the society was generally called in the Vineyard Records, was devoted solely to promote the interests of the Indians. This society was an English corporation, whose affairs in this country were managed by Commissioners residing here, comprising some of the most influential and wealthy men in Massachusetts.

Judge Sewall, the Secretary of the Commissioners, in a letter, dated Boston, N. E., April 22, 1712, addressed to Jeremiah Dummer, Esq., London, after acknowledging Mr. Dummer's "good services in bringing forward the Company's purchase of my Lord Lyncolnton's interest on Martha's Vineyard," says: "As soon as was possible, I perfected the conveyance according to our law. The actual going on to the place was deferred till the spring, and now again to the summer time, when the surveyor pitchel upon may be obtained. One of the parchments is duly recorded at the office in Edgartown, in Dukes County, and lies there in readiness, for the taking livery and seisin,

according to the tenor of it." Possession was formally taken, as appears by the following extract from the records of Dukes County:—

"MEMORANDUM. That upon the sixth day of October, 1712, Major Benjamin Skiffe, Esq., and Samuel Sewall, Jr., Gent., by virtue of the power of attorney from the Right Honorable Thomas, Earl of Limerick, contained in the within written indenture, did peaceably enter into and upon the land, called Gay Head, part and parcel of the Manor lands, and hereditaments within mentioned, and intended to be granted by the within written deed, and possession and seisin thereof did take, for and in the name of the said Thomas, Earl of Limerick, as part in the name of the whole; and, after possession so had and taken, made livery and seisin, and gave full, peaceable, and quiet possession of the said Gay Head land, as part in the name of the whole of the said Manor lands, and hereditaments, to Peter Townsend, Esq., attorney, especially appointed for that purpose by the Company, for Propagation of the Gospel in New England, and parts adjacent in America, in the name and to the use and behoof of the said Company," etc. Done in the presence of six witnesses, who made oath to having seen the same duly performed.

After the purchase made by Col. Dongan, the Indians of Gay Head appear to have become his tenants, paying quit rents of little intrinsic value, annually, if so frequently called for by his steward. The term of the lease being, in some instances, "forever." They were also tenants of the Corporation, as will appear by certain documents on record, executed in the year 1727.

From the date of Mittak's deed to Governor Dongan, May 6, 1687, the Indians ceased to be owners of the soil. The fee subsequently became vested in an English Corporation, which long since failed to demand rents, and to exercise over it any jurisdiction or control. It is, therefore, an interesting point to decide whose the property became; whether it escheated to the Commonwealth, or remains with the heirs of the tenants.

Just prior to his death, in 1682, Thomas Mayhew deeded to his grandson, Matthew Mayhew, all that land, or lands,

\* See Appendix C and E.



lands and privileges, rights, titles and privileges, which is to me, the said Thomas Mayhew, granted, and now in my possession and tenure, by virtue of certain deeds or grants from James Forrett, gentleman, agent to the Right Honorable William, Earl of Sterling, and by Richard Vines, Steward-General to Fernando Gorges, Knight, of, in, and unto the Isles of Capowack, or Martha's Vineyard; or by virtue of later confirmation from the late Governor of New York; I say all lands not yet purchased of the Indians, which is usually understood and termed patent propriety."

Before the sale to Col. Dongan of these and other lands, by Matthew Mayhew, his brother, John Mayhew, had become the possessor of the neck of land called by the Indians Nashowaqued ee,—*"a place that lies between two waters,"*—bordering on Gay Head Neck, he having purchased the same of the Indian sachem. The present white owners trace their title direct from John Mayhew.

On the sixth of May, 1687, or about two years after the sale made to him by Matthew Mayhew, Col. Dongan made a purchase of the lands at the western extremity of Martha's Vineyard, of Joseph Mittark, sachem of Gay Head.\*

Squibnocket, another neck of land bordering on Gay Head, was conveyed to William Homes, April 3, 1690, by Matthew Mayhew, as the steward of Col. Dongan. The original deed, in a good state of preservation, was laid before the Commissioners, and a copy of it is appended to this Report †

On the third of April, 1691, William Homes sold the same to Thomas Mayhew, brother of Matthew; and it continued in his improvement, he making due payment of the "one lamb," annually, for quit rent, until June 8, 1709, when he conveyed it to his two sons, Zacheus Mayhew and Zophaniah Mayhew; from whom the present white owners trace their title direct.

A claim to these two necks was set up by the Indians about one hundred and fifty years ago. To consider this claim and some others of like character, the General Court appointed a committee of five,—Barnabas Lothrop, John Thacher, Stephen Skiff, John Otis, and William Bassett,—who, after a careful and deliberate investigation, made a report, from which the

\* See Appendix A.

† See Appendix B.

following extracts are taken:—(See *Mass. Archives*, vol. 113, p. 433, and vol. 31, p. 17.)

“6. The claim made by Josiah Wassaman to Squibnocket Neck, we find by the testimony of Japhet, the Indian minister there, and another evidence, that, after some controversies and contests at law, the said Neck was settled and stated upon two sachems and six other Indians; and Thomas Mayhew, Esq., makes it appear to us that he hath bought them all out, and now holds said neck in his own right; and that the writing, which the claimers now bring to prove an entailment of Squibnocket, is forged and not true.

“7. In the contest about Gay Head, it appears to us, by deed, that Col. Dongan bought it of Joseph Mattaack, sachem; but the Indians object, and say that old Mattaack, by his will, did settle it on his sons for the use of Gay Head Indians, never to be sold or alienated from them; and, to prove it, produce an old writing. And, upon inquiry into the truth of it, an Indian, called Josiah Hosewita, which seemed to be a sober, honest man, came before the Committee, and owned that he wrote that writing long since Mattaack's death. And by the testimony of sundry other Indians, we have good reason to think that said writing was forged and not true.

“8. Concerning Nashawaquidsee, we find, by deed, dated the 20th. October, 1684, that Joseph Mattaack sold it to Mr. John Mayhew, deceased; but the Indians object that said Joseph had not right to sell it, and endeavour to prove it by the afore-said will of old Mattaack. And by evidences that was given in to us, it appears that there hath, for some years since, been a fence maintained between this neck and Gay Head, one half by the Indians, and the other half by the owners of said neck: which gives us reason to think that the Indian, for many years past, did suppose it to be honestly conveyed from them to the said John Mayhew.” Dated at Barnstable, August 27, 1703.

The stone wall between Nashawaquidsee and Gay Head has existed for many years; and, by tacit agreement, has long been regarded as the true boundary line between the land of the whites and that of the Indians. Taking into consideration the graphic description in the deed of the sachem, Muttuk, and the peculiar physical configuration which the land presents, we

feel assured that "the place where the cask were rolled over out of one into the other pond," must have been near where the stone wall now stands. We, therefore, have recognized this wall, as hereinafter described, to be the just and proper boundary between the two necks.

About twenty-five or thirty years since, there being a dispute as to the exact location of the boundary line between Gay Head and Squibnocket, three men were selected, as appeared in evidence before the Commissioners, to establish the boundary; only one of whom, Job Gorham, Esq., of Tisbury, now survives. What their action was cannot now be definitely known. No record of their doings has been preserved; neither does it appear by what authority they were appointed.

Having closely examined and carefully weighed all the evidence and testimony presented to us, we have, after mature deliberation, determined thus "to establish the boundary line between the lands of the Indians of Gay Head and the lands of the white inhabitants of Chilmark," viz.:—

Beginning at a rock, which we have caused to be placed on a neck of land known as Nicodemus' Neck, near the westward part of Squibnocket Pond,—the rock near Smelt Creek bearing north thirty degrees east;—Gull Island, a small island in the pond, bearing north seventy-four degrees east; thence, due south, across the marsh and beach, unto the sea, or ocean. And from the same rock, south fifty-five degrees east, across Squibnocket Pond, to a rock on Hillman's Point, so called, on Squibnocket; thence, north ten and a half degrees east, crossing said pond, to the southern end of a stone wall on Nashawaqneedsee, which parteth that neck from Gay Head; thence, north twenty-five degrees east, three rods, by said wall; thence, north forty-seven and a half degrees east, sixty-seven rods, by said wall; thence, north twenty-six degrees east, three and three-quarter rods, by said stone wall, to its northern end, by Menamsha Pond. Thence, north fifty and one-quarter degrees east, crossing said Menamsha Pond, in the direction of a rock upon Pease's Point, so called, distant about four hundred and fifty rods, until it strikes the middle of the channel, or outlet, from said pond to the Sound; then, by the middle of the said channel, or outlet, as the same now is, or hereafter may be,—the said channel being somewhat subject to change,—unto the Vineyard Sound.

1856.]

HOUSE—No. 48.

9

The above-named rock, on Pease's Point, bears north seventy-three degrees west, from the nearest dwelling-house, now belonging to John L. Pease; and, south six and a half degrees west, from the dwelling-house, near the wharf in Menamsha Pond, formerly the residence of Truman Cottle, deceased, and now occupied by Franklin Tilton.

A plan of the premises, with courses duly marked, drawn by Jeremiah Pease, Esq., surveyor, is placed on file with this Report.

There being, at present, no divisional fence between Gay Head and Squibnocket, the sheep, cattle and horses, of both whites and Indians, roam unrestrained, to the great annoyance and injury of both parties. Some provision will, therefore, be requisite for the erection and maintenance of a suitable fence; either upon the line now established, or, if the same can be satisfactorily compromised between the parties, by a somewhat shorter and more feasible course, from the rock on Nicodemus Neck, south-westerly, to the sea.

Having ourselves seen, with much regret, the condition of a large tract of the Gay Head lands, we may be pardoned should we call attention thereto, in the hope that legislative wisdom may provide some adequate remedy.

Owing to too close Feeding, and other causes, the sands of the beach, no longer covered, as formerly, with an abundant growth of beach-grass, become the sport of the breeze, and are every year extending inland, covering acre after acre of meadow and tillage land; many acres of which have, within the memory of our informants, been thus swallowed up, and now lie wholly waste and useless.

It is painful to behold this Sahara-like desolation, especially when the conviction becomes irresistible that, unless some remedy is found, the whole will eventually become one cheerless desert waste.

JOHN VINSON,  
ASA R. NYE,  
J. WHELDEN HOLMES,  
*Commissioners.*

## APPENDIX.

## A.

To all people whatsoever to whom these presents shall come, or in any wise shall or do concern. Know ye that I, Joseph Mitanak, Sachin of the Gay Head, in Martha's Vineyard, Indian native and owner of the land hereinafter mentioned, for and in consideration of the sum or thirty pounds, current and in money of the colony, to me in hand paid or hereafter installing and delivery of these presents, by His Excellency, Thomas Dongan, Captain-General and Governor of the Province of New York, Sent the me by, witness I do hereby acknowledge and myself therewith to be fully satisfied and contented, have given, granted, bargained, and sold; and, by these presents, do give, grant, bargain, and sell unto the said Thomas Dongan, his heirs and assigns, and that tract of land called Catechu, or Gay Head Neck, situate on the west end of the Island of Martha's Vineyard; beginning at Mianmesha harbor, running southward along the east side of the Pond, or Bay, that runs up to the middle of the Island; and then in a straight line from the head of the said Pond, or Bay, unto a fresh water pond; and so, along the east side of that pond, over the beach, unto the sea; together with all and every the Neck, hills, mountains, valleys, woods, wood-land, meadows, fields, pastures, rivers, rills, ways, waters, water courses, fishing, fowling, and hunting, and also, all and every the mines, minerals, and all other privileges, properties, and commodities thereunto, or to any part thereof, belonging or appertaining; and all right and every of my, estate, interest, and title to all and every part and parcel of said bargained land and premises. To have and to hold the said tract of land, and all other the bargained premises, with their and every of their appurtenances, unto the said Thomas Dongan, his heirs and assigns forever. And I the said Joseph Mitanak, Indian native and owner of said tract of land, the said bargained land and premises, with ever

their appurtenances, and against me, and my heirs, to the said Thomas Dongan, and his heirs, forever, shall and will warrant, and, by these presents, defend

In testimony whereof, I have unto these presents set my hand and seal at the city of New York, the sixth day of May, 1687, and in the third year of his majesties reign.

JOSEPH MITTARK. [L. s.]

Signed, sealed, and delivered in presence of us,  
 ANTHONY BROCKHOLES.  
 FREDERICK FLIPSON.  
 W. COURTLANDT.  
 MATT. MAYHEW.

SECRETARY'S OFFICE, *New York*, June 13, 1726. A true copy, taken from the Record, examined and compared.

Per W. BOURNE, D. Secretary.

Entered, July 19, 1726.

B.

To all Christian people to whom these presents shall come. Matthew Mayhew, Gent., Attorney to Colonel Thomas Dongan, lord of the Manor and Lordship of Martha's Vineyard, sendeth Greeting. Know ye me, the said Matthew, by virtue of said attorneyship, to have given and granted, and by these presents do give and grant, ratify and confirm unto William Homes, a certain neck of land, lying on the south side of said Martha's Vineyard, commonly called and known by the name Squepunnacket; bounded northeastwardly, northwardly, and northwestwardly by a fresh pond; southwardly, southeastwardly, and southwestwardly by the ocean, called the South Sea; westwardly by a line drawn from the westward point, or part, of said fresh pond, southwardly, to the South Sea; eastwardly by the eastward side of a creek, on the east side of said Neck, commonly called the fish weir. To have and to hold the said neck of land, with all and every the rights, members, and appurtenances, swamps, woods, underwood, meadows, beaches, within the bounds and limits aforesaid, and every the profits and commodities to the said neck of land being, belonging, and appertaining to him, the said William Homes, his heirs and assigns, forever; therefor yielding, rendering, and paying to the

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said Colonel Thomas Dongan, his heirs, successors, or assigns, lords of the said Manor and Lordship, at such place as shall be, within the said Manor, appointed, one good ewe lamb, not under the age of six weeks, if demanded, yearly, and every year, forever, in lieu of all other rents and services. In witness whereof, I, the said Matthew Mayhew, have to these presents subscribed with my hand, and put to my seal, this third day of April, An. Dom., one thousand six hundred and ninety.

MATTHEW MAYHEW. [L. s.]

Signed and sealed in presence of,—

the word, "northwardly," in line 10,

was interlined before the en sealing of these presents,—

THOMAS MAYHEW.

SAMUEL SARSON.

The above-said Matthew Mayhew acknowledged the above-written to be his act and deed, before me,

THOMAS MAYHEW, *Justice of the Peace.*

MEMORANDUM. The above Matthew Mayhew, Gent., on the five and twentieth day of September, Anno Dom. 1690, gave unto William Homes, lawful and peaceable possession of all the lands in the within deed specified to be granted, according to the purport and true meaning thereof, in presence of

THOMAS MAYHEW, *Justice of the Peace.*

Entered upon the Records of Dukes County, page 136, October 29, 1690.

C.

"Know all men by these presents, that we, whose names are underwritten, Commissioners to the Honorable Company for Propagating the Gospel among the Indians in New England, and parts adjacent in America, have made, constituted, and appointed, and by these presents do make, constitute and appoint Mr. Saml. Wells, of Boston, in New England, gentleman, and Pain Mayhew, of Chilmark, in Dukes County, in New England, aforesaid, Esquire, our true and lawful attorneys, for us, and in our names, to adjust and settle all matters depending with respect to the lands at Gay Head, and other lands at Martha's Vineyard, belonging to the said Company; hereby consenting and agreeing, and holding for firm and valid what our said attor-

neys shall act or do in the premises, conformably to instructions they have received, or may receive, from us.

In testimony whereof, we have hereunto set our hands and seals, in Boston aforesaid, this fifteenth day of April, Anno Domini, seventeen hundred and twenty-seven, in the thirteenth year of the reign of our sovereign lord, king George, over Great Britain, &c.

Signed, sealed and delivered in presence of  
 RICHD. HUBBARD.  
 WILM. YOUNG, Junr.

PENN TOWNSEND.  
 EDWARD BROMFIELD.  
 THOS. FITCH.  
 ADAM WINTHROP.  
 JONA. BELCHER.  
 THOS. HUTCHINSON.  
 EDWARD HUTCHINSON.

SUFFOLK, ss. Boston, April 21, 1727. Richard Hubbard personally appeared before me, and made oath that he saw Penn Townsend, Ed. Bromfield, Thos. Fitch, Adam Winthrop, Jonathan Belcher, Thos. and Edward Hutchinson, sign, seal and deliver the above instrument to be their act and deed, and that he, with Wilm. Young, signed as witness.

NATHL. GREEN, *Justice of the Peace.*

Entered, May 11, 1727.

A true copy from vol. 4, p. 201, of the Land Records for Dukes County.

Attest, JOSIAH H. SMITH, *Register.*

D.

“Know all men by these presents, that we, Pain Mayhew, of Chilmark, in Dukes County, Esqr., and Samuel Wells, of Boston, in the County of Suffolk, gent., both in the Province of the Massachusetts Bay, in New England, attorneys to the Honorable the Company for Propagating the Gospel among the Indians in New England, and parts adjacent in America, for and in consideration of a quit-claim, or resignation, quietly and peaceably made, of eight hundred acres of land on the northeasterly part of the neck, called Gay Head, in Dukes County, aforesaid, under the hands and seals of several of the natives of Gay Head, aforesaid, on behalf of the whole, bearing even date with these presents, as may more fully and at large appear by said instrument, reference thereto being had; but, more especially, that the said natives may be under good advantages for cohabitation, have set off and settled upon the said natives, and their posterity, that now



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inhabit, or shall inhabit, said Gay Head, while they dwell on said Gay Head, the westerly and southerly part of said Gay Head; that is to say, all the lands of Gay Head, aforesaid, except what is resigned by said natives to said Company, and their successors, by the Instrument above referred to; they, the said natives, inhabitants, paying as an acknowledgement, annually, on the first Monday of November, one ear of Indian corn for each family, to said Company, and their successors, or their attorney or attorneys, agent or agents, on the Island of Martha's Vineyard: provided and is understood by both parties, that the said Indians, and their posterity, of Gay Head, aforesaid, shall be always under the direction, government, and stent of the said Company, or their agent or agents, attorney or attorneys, as to the part, proportion of the land of said Gay Head, set off to said inhabitants, as aforementioned, which they shall hold or improve in reference each to the other.

In witness whereof, we have hereunto set our hands and seals, this tenth day of May, in the thirteenth year of the reign of our sovereign lord, George, by the grace of God, of Great Britain, France, and Ireland, king, &c., Annoq. Dom. 1727.

PAIN MAYHEW. [L. s.]

SAMUEL WELLS. [L. s.]

Signed, sealed and delivered in presence of us,  
ZACH' MEYHEW.  
ELISHA BISBE.  
SARAH MAYHEW.

DEKES COUNTY, ss. *Chilmark*. On the day of the date of the aforesaid instrument, Pain Mayhew, Esqr., and Samuel Wells, aforesaid, personally appearing in their capacity of attornies, as before expressed, acknowledged the said instrument to be their voluntary act and deed, before me,

ZACH' MAYHEW, *Justice of the Peace*.

Entered, April y<sup>e</sup> 1, 1730.

A true copy, from vol. 5, p. 51, of Land Records.

Attest, JOSIAH H. SMITH, *Register*.

## E.

Know all men by these presents, that we, the subscribers, inhabitants of a neck of land, called the Gay Head, a neck of land commonly so called in Dukes County, in the Province of the Massachusetts Bay, in New England, in America, for and in consideration of the great care, kindness, and expense towards us, the inhabitants of Gay Head, aforesaid, of and by the Honorable the Company for Propagating the Gospel among the Indians in New England, in America and parts adjacent; and, also, for and in consideration of that the said Company have settled upon us, belonging to Gay Head, aforesaid, the bigger part of the land of said Gay Head, as may more fully appear by an instrument bearing even date with these presents, reference thereto being had, under, the hands of Pain Mayhew, Esqr., and Samuel Wells, gent., attorneys to the Honorable the Commissioners of said Company, in New England, aforesaid, for ourselves, and all others, the inhabitants or natives of Gay Head, or any way belonging thereto, or claiming thereon, and for our and their heirs, executors, and administrators, have remised and released, and forever quit-claimed, and by these presents do fully, freely, and absolutely remise, release, and forever quit-claim to the above-named Company for Propagating the Gospel, and their successors, all right, title, interest, claim, and pretence, whatsoever, to one tract or parcel of land, (now in the seisin or possession of said Company,) being the north-east part of said Gay Head, containing eight hundred acres of upland, more or less, butting and bounding as followeth:—Beginning at an heap of stones, near the westerly side of Menamsha Pond; from thence four hundred and thirty-two rods, about west and by north, to another heap of stones; then turning square, or upon a right angle, towards the Sound, about three hundred and forty rods, to an heap of stones near a fresh pond; and so, the same point, into the Sound; from thence, butting northerly on the Sound, to Menamsha outlet; from thence, southerly and easterly, on said outlet and said Menamsha Pond, to the first-mentioned bounds. The said Company making and maintaining all fence needful to enclose said eight hundred acres. Said inhabitants reserving and excepting, only, the liberty of passing and repassing, through gates or bars, to mow and carry off the hay growing on a few acres of salt marsh, and of fencing of said salt marsh and Menamsha beach adjoining; said inhabitants making and maintaining all fence needful to enclose said marsh and beach.

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In witness whereof we have hereunto set our hands and seals, this tenth day of May, in the thirteenth year of the reign of our sovereign lord, George, of Great Britain, &c., King, Annoque Domini, 1727.

Sealed and delivered  
in presence of  
EXPERIENCE MAYHEW,  
WILLM. HUNT.

ABEL HOSUIT.  
JONAH HOSUIT.  
ELIAB CASHAMUN.  
PETER OHQUONIT.  
SAML. POMIT.  
NOAH KESOO.  
JOSEPH PAUL.  
SOLOMON TENDON.  
JOSEPH PANEU.  
ZACHARY ASSOOIT.

Dukes County, *Gay Head*. The day of the date of the aforewritten instrument, Abel Hosuit, Jonah Hosuit, Eliab Coshomon, Peter Oquonit, Saml. Pomit, Noah Kesoo, Joseph Paul, Solomon Tendon, Joseph Paneu, and Zachary Assooit, subscribers to the said instrument, personally appearing, acknowledged the aforewritten instrument to be their act and deed, before me.

ZACHARUS MAYHEW, *Justice of the Peace*.

Entered, May 11, 1727.

A true copy from vol. 4, p. 199, of Land Records.

Attest, JOSIAH H. SMITH, *Register*.

These eight hundred acres were leased May 10, 1727.—Vol. 4, p. 242,—to Ebenezer Allen, Esq., of Chilmark, by Adam Winthrop, Treasurer of the Society for Propagation of the Gospel, for the term of twenty-one years, he paying for the same according to the following sliding scale:—for the first three years, £40 per annum; for the next four years, £50 per annum; for the next seven years, £75 per annum; and for the last seven years, £100 per annum.

EXHIBIT NO. 6

ACTS  
AND  
RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1862:

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOV-  
ERNOR, LIST OF THE CIVIL GOVERNMENT,  
CHANGES OF NAMES OF PERSONS,  
ETC., ETC., ETC.

---

PUBLISHED BY THE  
SECRETARY OF THE COMMONWEALTH.

---



BOSTON:  
WILLIAM WHITE, PRINTER TO THE STATE.  
1862.

to the amount of the tax, as provided in section thirty-three of chapter twelve of the General Statutes :

- For making a written demand, twenty cents ;
- For preparing advertisement, fifty cents ;
- For advertisement in newspaper, the actual cost of the same ;
- For posting up notices in one or more public places, twenty cents for each notice ;
- For posting up notices on each piece of real estate, twenty cents ;
- For copy of notice, and the publication thereof, and obtaining affidavit of disinterested person, fifty cents ;
- For recording affidavit at registry of deeds, the fees of the register ;
- For preparing deed, two dollars ;
- For poundage, four per cent. on the first hundred dollars, two per cent. on the second hundred dollars, and one per cent. on the balance of the tax.

And in the event that any delinquent tax-payer offers to pay the tax before the day of sale, such charges shall be added to the tax as have intervened at the time of said offer to pay.

SECTION 11. Section ninety-six of chapter one hundred and eighteen of the General Statutes is hereby amended, by adding at the end of the first clause therein, after the word "state," the words "or any county, city or town therein," so that county, city and town taxes shall be entitled to the same priority or preference as state taxes are now entitled to in cases of insolvent debtors. *Approved April 30, 1862.*

General Statutes amended.

AN ACT CONCERNING THE INDIANS OF THE COMMONWEALTH.  
*Be it enacted, &c., as follows :*

Chap. 184

SECTION 1. All Indians and descendants of Indians are hereby placed on the same legal footing as the other inhabitants of the Commonwealth, except such as are or have been supported in whole or in part by the state, and except also those residing on the Indian Plantations of the Chappaquidick, Christiantown, Guy Head, Marshpee, Herring Pond, Fall River and Dudley tribes, or those whose homes are on some one of said Plantations and who are only temporarily absent therefrom.

Civil rights declared.

Persons excepted.

SECTION 2. Any Indian or person of color belonging to any of the Indian tribes specially enumerated in the first section of this act, and to whom the rights of citizenship are not thereby extended, and who desires to possess such rights, may, if residing within the limits of any city or town of this

Accepted person may assume rights.

Commonwealth, certify his desire to the clerk of said city or town, who shall make record of the same; and, upon paying a poll-tax, he shall become to all intents and purposes a citizen of the state and shall not thenceforward return to the legal condition of an Indian. Settlement shall be acquired by those who thus become citizens, in the same manner as by other persons; and any such citizen becoming a pauper without having acquired a settlement shall be deemed a state pauper.

Act not to affect rights, &c., of existing tribes, except as after provided.

SECTION 3. The provisions of this act shall not be deemed or taken to change the existing laws affecting the rights of property or person, or the administration of the affairs, of the Indians or descendants of Indians continuing to be members of and to constitute the Chappaquiddick, Christiantown, Marshpee, Herring Pond, Fall River and Dudley tribes of Indians; except as is hereinafter provided as to the Gay Head tribe, and as to the registration of the persons or lands of those and of the other Indians.

District of Gay Head established.

SECTION 4. The Plantation of Gay Head, together with the Indians and people of color constituting the Gay Head tribe of Indians, are hereby made a body politic and corporate, as a district, by the name of the District of Gay Head, to possess the same powers and privileges and be subject to all the duties and liabilities, which are now provided by law for the District of Marshpee: *provided, however,* that no person shall be authorized to vote in municipal affairs, except natives of the Gay Head tribe, or of other Indian tribes of this state, married or having been married to a Gay Head woman, or such other person resident on the Plantation or only temporarily absent therefrom, and married or having been married to a Gay Head woman, as shall have the right conferred on him by two-thirds of the voters of the district. And the acting clerk of the Plantation of Gay Head shall by proper notice cause the male proprietors thereof to meet at some convenient time and place by him designated to organize the said district.

Powers, duties, &c.

Travel.

Registry of members of tribes.

SECTION 5. The clerks of the Districts of Marshpee and Gay Head, and the guardians of other Indian tribes, shall make or cause to be made a register of the existing members of said tribes, and shall hereafter keep or cause to be kept a register of all the members thereof, and of all the marriages, births and deaths therein; and they shall also make or cause to be made a register of the lands of each Plantation, as at present held, whether in common or severalty, and if in severalty, by whom held; and shall

hereafter keep or cause to be kept a register of all changes in the holding of the land of the Plantation.

SECTION 6. This act shall take effect upon its passage.

*Approved April 30, 1862.*

AN ACT RELATING TO THE DISCHARGE OF LIENS ON BILLS AND VESSELS. Chap. 185

*Be it enacted, &c., as follows:*

Whenever a contractor or sub-contractor shall unreasonably neglect or refuse to pay for labor by him procured to be performed in constructing, repairing or launching any ship or vessel upon which a lien shall exist therefor, the owner or other person who made the agreement with such contractor or sub-contractor, may pay the debt secured by said lien, and have the same claim against such contractor or sub-contractor as if the said lien had been enforced by judgment of court.

Upon neglect of contractors to pay for labor, owner authorized.

*Approved April 30, 1862.*

AN ACT TO INCORPORATE THE PUTNAM HALL ASSOCIATION IN CAMBRIDGE. Chap. 186

*Be it enacted, &c., as follows:*

SECTION 1. Knowlton S. Chaffee, George S. Mitchell, John H. Leighton, Augustus P. Griffing, and James M. Price, their associates and successors, are hereby made a corporation by the name of the Putnam Hall Association in Cambridge, for the purpose of providing and maintaining a building in said Cambridge, which shall contain a hall or halls, and other rooms.

Corporators.

Tit.

Purpose.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real estate, not exceeding in value, twenty thousand dollars, and shall be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Real estate.

Privileges and restrictions.

*Approved April 30, 1862.*

AN ACT TO REGULATE THE INVESTMENTS AND SECURITIES OF THE COMMONWEALTH. Chap. 187

*Be it enacted, &c., as follows:*

SECTION 1. All monies belonging to funds over which the Commonwealth has exclusive control, shall hereafter be invested in securities of said Commonwealth, or in the notes or bonds of the several counties, cities and towns thereof, or in the scrip or bonds of the several New England States, of the state of New York, or of the United States; and said investments shall be made by the treasurer of the Commonwealth, with the approval of the governor and council.

Trust funds, how invested.

SECTION 2. It shall be the duty of the governor annually, in the month of August, to appoint a committee of the

Council to examine the securities.



EXHIBIT NO. 7

COMMONWEALTH OF MASSACHUSETTS

DUKES COUNTY, ss.

PROBATE COURT

I, Elizabeth J. Hermann, Register of Probate court for said County of Dukes County, having, by law, custody of the seal and all the records, books, documents, and papers of or appertaining to said Court, hereby certify the papers hereto annexed to be true copies of papers appertaining to said Court, and on file and of record in the office of said Court, to wit:

First three(3) pages of "Set-off" book of Indian Lands at Gay Head

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this nineteenth day of September in the year of our Lord one thousand two hundred



Elizabeth J. Hermann Register.

# Indian Lands at Gay Head.

Joseph S. Pease and Richard S. Pease,  
Commissioners, appointed by Hon. Theodore S. Mayhew,  
Judge of Probate for Duques County, under authority  
derived from Statutes 1870, chapter 213, having been duly  
sworn to a faithful discharge of duty, and having given  
public notice of their appointment, have made and  
completed a division of the common and undivided  
lands of Gay Head, among all the inhabitants of that town,  
adjudged to be entitled thereto; and have made careful  
and correct descriptions of the boundaries and assignment of  
each lot in the division; and have also examined and defined  
the boundaries of those lots held or claimed by individuals of  
which no satisfactory record evidence of ownership existed.

In accordance with the almost unanimous desire of  
the inhabitants, the Commissioners determined to leave the  
cranberry lands, near the sea shore, and the clay in the cliffs,  
undivided: it being, in their judgment, impracticable to  
make a division that would be, and continue to be, an  
equitable division of these cranberry lands, and of the clays  
in the cliffs, owing to the changes continually being made  
by the action of the elements.

The numbers refer to a map, -- made under the  
direction of the Commissioners, -- accompanying this Report,  
which is respectfully submitted for the consideration and  
approval of the Hon. Court of Probate for Duques County.

Joseph Pease  
Richard S. Pease

Dukes County S.S.

At a Probate Court held at  
the Probate Office in Edgartown, within and  
for the County of Dukes County, on the  
twenty first day of December, A.D. 1878  
by adjournment from the second day of  
December A.D. 1878. The final Report of  
the Commissioners heretofore appointed by  
this Court, under authority derived from  
Statutes of 1870, Chapter 213. Having been  
considered is approved; and it is ordered  
that the same be recorded in the Registry  
of Deeds for said County, and it is fur-  
ther ordered that said Report after being  
so recorded, and the Map of Day Head  
lands with said Report submitted, be  
deposited in this Office, and that a  
copy of said Map and Report, prepared  
by said Commissioners, be deposited in  
the Office of the Town Clerk of the Town  
of Day Head, and said Commissioners  
are hereby directed to see that this Order  
is complied with.

Thaddeus C. DePree,  
Judge of the Probate Court  
for Dukes County.

The lots of common lands drawn, or assigned by the Commissioners, Joseph T. Pease and Richard S. Pease, duly appointed by Gen. Theodore T. Tappan, Judge of Probate for Dukes County, are numbered from N<sup>o</sup> 189 and upwards, in regular order. Lots N<sup>o</sup> 1 to N<sup>o</sup> 173, inclusive, were run out and bounded under previous provision of the Statutes. The record of these lots will be found in Land Records, Book 49, pages 89 to 198, inclusive.

Lots N<sup>o</sup> 174 to N<sup>o</sup> 189 were run out and bounded afterwards, by the Commissioners who made partition of the Indian Common Lands. The descriptions of these lots, their boundaries and ownership, are here given:

Lot N<sup>o</sup> 174 - one hundred seventy four.

Run out for the Heirs of Shaddens Cook, deceased, a tract of land in the South Pasture, bounded and described as follows:

Beginning at a bound by a corner of a wall: thence S 51° 10' W, by Lot N<sup>o</sup> 230, thirty three rods and six and a half feet to a bound on the top of a large rock: thence N 3° 4', by Lot 228, about eighteen rods and six and a half feet to a corner of the wall enclosing land of Thomas Joffe: thence by the same, N 15° 15' E, six rods and one foot; and still by the same N 27° 30' E, fourteen rods and fifteen foot to a bound; thence southeasterly, by land formerly belonging to John Salisbury, deceased, to the first mentioned bound, or the place of commencement.