

HOUSE....No. 219.

Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT, BOSTON, }
March 23, 1866. }

To the House of Representatives :—

I have the honor to transmit herewith a Report of the Hon. Charles Marston, who was appointed under a Resolve of the legislature approved March 30, 1863, "to examine and fully and finally to determine all boundary lines between the individual owners of land located in the Indian District of Gay Head in the county of Dukes County, and also to determine the boundary line between the common lands of said district and the individual owners adjoining said common lands." A volume of records prepared in pursuance of this Resolve accompanies the Report.

It appears from the Report that the commissioner has been unable, from his advanced age and infirmities, entirely to complete the work. A little remains to be done, which can be easily accomplished, and at slight cost. I would, therefore, respectfully recommend that provision be made, in accordance with the suggestions of the Report herewith transmitted, for the recording of the accompanying volume in the registry of deeds of Dukes County, and for the completion of the work.

ALEX. H. BULLOCK.

His Excellency ALEXANDER H. BULLOCK, *Governor*, and
 the Honorable Executive Council of the Commonwealth of
Massachusetts :—

The undersigned, appointed by a Resolve of the legislature approved March 30, 1863, "to examine and fully and finally to determine all boundary lines between the individual owners of land located in the Indian District of Gay Head, in the county of Dukes County, and also to determine the boundary line between the common lands of said district and the individual owners adjoining said common lands," and for other purposes stated in said Resolve, concerning which he was "to make a report of his doings to the governor and council," respectfully represents and reports :—

That soon after the adjournment of the legislature of 1863, he caused the public notice of a meeting to be given as provided in the said Resolve, and met the Indian inhabitants of Gay Head at that meeting, and at other times, and had long and full conference with them upon the subject-matter committed to him. He patiently heard their statements, and compared and weighed the evidence of ownership and of boundary lines. The titles of individuals having, for the most part, been acquired by prescription, or by occupation acquiesced in by general consent, and having been imparted either by descent, or by verbal devise, or by informal writings which were not recorded and preserved, it was not easy to trace them with precision, or to ascertain the extent of possessions with accuracy. The only thing that was practicable was, by an equitable consideration of all the facts which appeared, and by drawing such inferences as seemed most reasonable and just where the facts were not clear, to arrive at conclusions approaching the truth, and making the result satisfactory to the people by explaining its reasonableness, so that it could be understood by them. The Indians were quite ready to acquiesce in results which appeared right on the whole, and were well disposed to a settlement of differences by equitable rules. To accomplish this, and to make the necessary surveys was a work requiring more time than was anticipated when the Resolve of 1863 was

passed; and upon this fact being communicated to the legislature of 1864, a further appropriation was made for the completion of the work. As much was done in 1863 as the Commissioner felt justified in doing without the consent of the legislature, having done more in that year than the appropriation of 1863 would cover.

In 1864 the undersigned intended to proceed to finish the work, so as to have it completed before the meeting of the legislature of 1865, but he was disabled by an unfortunate accident, while at Gay Head in the pursuit of this business, and was confined to his house for the residue of the season. As early as was practicable in 1865 he proceeded with the work as far as he was able, with the assistance of a competent surveyor, and made considerable progress, so that the business is now in great part completed; that is to say, a very large proportion of the lots of land have been surveyed, measured, described and recorded, and the adjustment of titles and claims has been made; which will appear by the book of records thereof, which is herewith exhibited, and of which another copy ought to be made, so that one could be used by the Indians, and one preserved in some place of safe deposit. Or it might be expedient to have the record copied in the registry of deeds of Dukes County, and there preserved, as of record, so that certified copies of the same from the registry might be legal evidence in the courts.

It is with regret that the undersigned submits this Report without having fully accomplished all that the legislature contemplated, and which he designed. But the infirmities of advancing age and sickness, which have heretofore greatly hindered in the performance of this service, have now become so great as to preclude all hope of his doing more to that end. What remains to be done is but a small part of the whole work, and can be easily accomplished if done now, and at small cost.

A report of what was done in 1863 was submitted to the governor and council in the winter of 1864, with statement of expenses to that time, which is in the hands of the council, as is supposed. The further expenses are hereto appended. It will be seen that the amount charged for services and expenses

is in excess of the appropriations of 1863 and 1864, but the cost has been unavoidable.

The undersigned regrets to submit his Report without going more into detail of what has been done, and how ; but he has not the strength of body either to do or to direct to be done, all that he could desire in that respect.

Which is very respectfully submitted,

CHARLES MARSTON.

COMMONWEALTH OF MASSACHUSETTS to CHARLES MARSTON, *Dr.*

For services and expenses in 1863, in and about inquiry into boundaries, &c., of Gay Head lands, advertising, &c.,	\$158 00
eight days' services and incidental expenses in October, 1864,	41 44
seventeen days' services, July 25 to August 11, 1865,	68 00
services of surveyor, 21 days, at \$2.50, per agreement,	52 50
ten days, making out minutes for records, and describing lands,	40 00
Paid for record book,	1 75

Expenses in 1865, of self, surveyor and horse and carriage, and for help in measuring lands—

To Wood's Hole, self and surveyor,	\$4 00
For passages and wharfage, and freight of horse and carriage,	8 57
Hotel bill,	1 00
From Holmes' Hole to Gay Head,	3 50
Use of horse and carriage while on the Vineyard,	8 00
Paid Isaac Rose, Jr., board of self and surveyor, and services claiming land,	34 00
Z. Howascoe for board,	10 00
A. Rodman, oats for horse,	2 00
Return passages, and horse and carriage,	12 64
Paid Nathaniel Hinckley for drafting and recording lands, seven days, \$1.50,	10 50
E. Marston, recording five days,	6 25
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	\$157 15

NOTE.—It was necessary to use a horse and carriage at Gay Head. It was thought best to take one from home ; and charge is made for usual passage to and fro, and for keeping of horse, &c., and a small sum (\$8) for use of horse at Gay Head.

CHARLES MARSTON

BARNSTABLE, MS.**FEBRUARY 27, 1866.**

Personally appeared Charles Marston, above named, and made oath that the foregoing account is just and true; that the money charged as expended has been actually and necessarily expended; and that the other charges are just and reasonable; and that the account of time spent is correct.

Before me,

GEORGE MARSTON,
Justice of the Peace.