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Indian Lands at Gay Head

3

J. 174-130

Joseph T. Pease and Richard L. Pease, Commissioners, appointed by Hon. Theodore S. Mayhew, Judge of Probate for Dukes County, under authority derived from Statutes 1870, chapter 212, 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 or 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 Dukes County.

Joseph T. Pease
Richard L. Pease

Duke County
10201/921

Taking
907, 915
923, 925, 931

DUKES COUNTY REGISTRY OF DEEDS
BOOK 65 PAGE 150-405
DOC.# _____ CERT.# _____

A true copy, attest
12-2-2008
Darius C. Provost

Dukes County ss.

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 further ordered that said Report after being so recorded and the Map of Gay 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 Gay Head and said Commissioners are hereby directed to see that this Order is complied with.

Shaddens C. DeFriez
 Judge of the Probate Court
 for Nantucket County

The lots of common lands drawn, or assigned to the Commissioners Joseph T. Peace and Richard L. Peace duly appointed by Hon. Theodore S. Mayhew Judge of Probate for Dukes County are numbered from N^o 169 and upwards, in regular order. Lots N^o 1 to N^o 173 inclusive are run out and bounded under previous provision of the statute. The record of these lots will be found in Land Records 49th Vol. pages 746 to 198 inclusive.

Lots N^o 174 to N^o 189, were run out and bounded afterwards, by the Commissioners who made partition of the Indian Common lands. The description of these lots, their boundaries and ownership are here given.

Lot N^o 174 - one hundred seventy four

Ran out for the Heirs of Thaddeus 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 S51^o 10' W. by Lot N^o 230, thirty three rods and six and a half feet to a bound on the top of a large rock; thence N3^o W. by Lot N^o 228, about eighteen rods and six and a half feet to a corner of the well enclosed land of Thomas Jeffers; thence by the same, N15^o 15' E, six rods and four feet; and still by the same, N27^o 30' E, fourteen rods and fifteen feet to a bound; thence southeasterly by land formerly belonging to John Salisbury, deceased, to the first mentioned bound, or the place of commencement.

Lot N^o 175 - one hundred seventy five.

Ran out for Serena C. Randolph, a tract of land in Solomon's Place, bounded and described as follows.

Beginning at the point where the wall enclosing the Gershom Place, so called, meets the wall which separates Solomon's Place from the South Pasture; thence by said wall; and Lot N^o 290. N 69° 40' E. twelve rods and thirteen feet to a bound; thence by Lot N^o 276. S 20° 20' E. nine rods eight feet and a half to a bound; thence through the swamp S 86° 19' N. by Lot N^o 275; twenty five rods and five ¹³/₂₀ feet to a bound; thence still by Lot N^o 275. N 21° 43' N. six rods and six feet to the wall of the Gershom Place; thence by the same. N 79° 35' E. eight rods and six feet to a corner, and still by the Gershom Place. N 1° 37' E. ten rods and ten ⁷/₁₀ feet to the place of commencement.

Lot N^o 176 - one hundred seventy six.

Ran out for George J. Belain, a tract of land in the South Pasture, known as his wood lot, bounded and described as follows:

Beginning at a bound on the top of a large rock; thence S 77° 03' E. by Lot N^o 230, thirty eight rods and twelve ¹/₁₀ feet to a bound by the westerly side of a wood road; and on this same course by the same lot, four rods and five ¹/₁₀ feet to a bound; thence by Lot N^o 233, S 37° 43' N. thirty four rods and six ¹/₁₀ feet to a bound; and on the same course, by Lot N^o 537, three rods and five ³/₁₀ feet to a bound; thence still by Lot N^o 537, N 47° N. twenty ¹/₁₀ feet to a bound; thence on the same course, by Lot N^o 532, thirty three rods and three ¹/₁₀ feet to a bound; and on the same course still, by Lot N^o 703, five rods and six ¹/₁₀ feet to a bound; thence by Lot N^o 228, N 39° 27' E. sixteen rods and two feet to the bound on the top of the rock, or the place of commencement.

Lot N° 177 - one hundred seventy seven.

Ran out for Esther Howwasssee, a tract of land bounded and described as follows:

Beginning at a bound near a bar whence by Lot N° 242, S 36° W. two hundred sixty eight feet to a bound; thence by Lot N° 178, S 75° 55' W. four hundred ninety seven $\frac{20}{100}$ feet to a bound; thence still by the same lot, N 45° 50' W. two hundred fifty seven $\frac{20}{100}$ feet to a bound; thence still by the same lot, S 58° W. two hundred fourteen $\frac{20}{100}$ feet to a bound; thence by Lot N° 710, N 79° 25' W. two hundred twenty four $\frac{20}{100}$ feet to a bound; thence still by the same lot, N 25° W. one hundred fifty three $\frac{60}{100}$ feet to a bound; thence still by the same lot, N 15° E. sixty nine $\frac{60}{100}$ feet to a bound; thence by Lot N° 709, N 15° E. two hundred eighty three $\frac{60}{100}$ feet to a bound; thence by land of Hebron Wamsley, S 62° 45' E. two hundred thirty two $\frac{60}{100}$ feet to a bound; thence still by land of said Hebron Wamsley, S 81° 26' E. about ten hundred six $\frac{20}{100}$ feet, through the swamp, to the first mentioned bound, or the place of commencement.

Lot N° 178 - one hundred seventy eight.

Ran out for Elizabeth Howwasssee, widow of Jaachens Howwasssee, a tract of land in the South Pasture, formerly her husband's and left to her by his will, bounded and described as follows:

Beginning at the southeasterly corner bound of Lot N° 177, or the land of Esther Howwasssee; thence by Lot N° 241, S 2° 30' W. four hundred twenty two feet to a bound; thence still by the same lot, S 31° 15' E. one hundred thirty one feet to a bound, being a rock nearly level with the ground; thence by Lot N° 238, S 79° 10' W. two hundred sixty four feet to a bound; thence by Lot N° 713, N 34° W. three hundred thirty feet to a bound; thence still by the same lot, S 61° 15' W. two hundred eighty five $\frac{20}{100}$ feet to a bound; thence, on the same course, by Lot N° 712, four hundred twenty $\frac{20}{100}$ feet to a bound; thence by Lot N° 712, N 15° 16' E. six hundred twelve feet to a bound; thence by Lot N° 177, or the land of Esther Howwasssee, N 58° E. two hundred fourteen $\frac{20}{100}$ feet to a bound; thence by the same lot, S 46° 50' E. two hundred fifty seven $\frac{20}{100}$ feet to a bound; thence

still by Lot N^o 177. N 75° 53' E. four hundred ninety seven $\frac{3}{100}$ feet to the first mentioned bound, or the place of commencement.

Lot N^o 179 - one hundred seventy nine.

Run out for James Bowyer, a tract of land in South Pasture, being his homestead lot:

Beginning at the easterly corner of the tract: thence by Lot N^o 319. S 10° W. forty five feet to a bound; thence by Lot N^o 300. S 10° W. one hundred twenty two $\frac{2}{100}$ feet to a bound; thence by the same lot. S 21° 15' W. six $\frac{2}{100}$ feet to a bound; thence on the same course, by Lot N^o 299. three hundred seven $\frac{2}{100}$ feet to a bound; thence by the same lot. S 6° E. one hundred eighty one $\frac{6}{100}$ feet to a bound; thence by the same lot. South. two hundred twenty five feet to a bound; thence by the same lot. S 38° 15' W. one hundred fifty four $\frac{2}{100}$ feet to a bound; and still by the same lot. N 84° 30' W. seventy five $\frac{6}{100}$ feet to a bound; thence on the same course, by Lot N^o 254. ninety eight $\frac{2}{100}$ feet to a bound; thence by the same lot. N 80° W. two hundred fifty five $\frac{2}{100}$ feet to a bound; thence by Lot N^o 295. N 11° 19' W. four hundred fifty six $\frac{2}{100}$ feet to a bound; thence by Lot N^o 331. N 17° 20' W. one hundred seventy eight $\frac{3}{100}$ feet to a bound. thence by the same lot. N 63° 30' E. one hundred thirty nine $\frac{5}{100}$ feet to a bound and by the same lot. N 50° 15' E. one hundred fourteen $\frac{2}{100}$ feet to a bound; and on the same course, by Lot N^o 320. one hundred seventy $\frac{4}{100}$ feet to a bound; thence by Lot N^o 320. N 53° 45' E. one hundred fifty seven $\frac{2}{100}$ feet to a bound; and by the same lot. N 53° 30' E. one hundred twenty five feet to a bound; and still by the same lot. S 59° 45' E. ninety six $\frac{2}{100}$ feet to a bound; thence by Lot N^o 319. S 68° E. one hundred forty two $\frac{5}{100}$ feet to the first mentioned bound, or place of commencement.

Lot N° 180 - one hundred eighty
Ran out for Levi Cuff and Paul Cuff, a tract of land.

Beginning
at the westerly corner of Lot N° 158; then about S 61° W. about forty
two rods by land of William Jeffers; thence S 36° 30' W. three ²⁰/₁₀₀ rods
then S 36° 20' W. two rods to a bound; then by Lot N° 214 N 39° 20' W.
thirty one ⁷⁰/₁₀₀ feet to Lot N° 213; then by the same N 39° 20' W. two hun-
dred fifty six ²⁰/₁₀₀ feet to an angle, N 41° W. one hundred eighteen
⁴⁵/₁₀₀ feet; and still by the same N 24° 35' W. one hundred seventy
two ¹⁰⁰/₁₀₀ feet to a bound; thence by Lot N° 211 1/2, about N 4 3/4° E, about
forty five ⁷⁰/₁₀₀ rods; and then still by the same N 37 3/4° E, about ten
rods, or to Lot N° 181; thence by the same, easterly to a bound; then
still by the same lot, N 13° E, seven rods to Lot N° 183; then by the
same, S 60° E, ten ⁷⁰/₁₀₀ rods to Lot N° 184; thence by the same, S 31° 30' W.
five rods, and S 5° W. about thirteen and a half rods, and still by
the same, S 78° E, five ³⁰/₁₀₀ rods to Lot N° 187; then by the same, S 31° W.
six ²⁰/₁₀₀ rods to a bound; then S 72° W. four rods to a bound near a
brook; then easterly, by Lot N° 187, or land of the heirs of Lydia
Johnson, deceased, to a beech tree; thence still by the same lot
S 10° W. twelve ⁷⁰/₁₀₀ rods to Lot N° 158; then by the same about S 28° W.
one ²⁰/₁₀₀ rods to the place of commencement.

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Lot N° 181 - one hundred eighty one.
Ran out for David F. Round, a tract of land.

Beginning
at the southeasterly corner of Lot N° 122; thence by the same north
easterly to Lot N° 182, or the land of Mary Cuff; then by the same
N E, about twenty one ⁷⁰/₁₀₀ rods to a bound; then still by Lot
N° 182, S 2° 30' E, four ⁷⁰/₁₀₀ rods to Lot N° 183; then by the same, S 14° W.
eleven ²⁰/₁₀₀ rods to Lot N° 180; then by the same, S 13° W. seven rods to an
old ditch, or to land of Levi and Paul Cuff; then following by the
same, westerly, until it comes to the place of commencement.

Lot N° 182 - one hundred eighty two.

Ran out for Mary Cuff, a tract of land.

Beginning at the easterly corner of the lot, by the wall adjoining the land of heirs of Lydia Johnson; then by the same, S 35° W. three quarters of a rod; thence by Lot N° 183, S 86° W. thirty one $\frac{26}{100}$ rods to Lot N° 181; then by the same, N 2° 30' W. four $\frac{22}{100}$ rods to an angle; and still by the same, S W. about twenty one $\frac{90}{100}$ rods to Lot N° 122; then by the same, N 10° E. twelve $\frac{20}{100}$ rods to an angle; and still by the same, N 67° W. two $\frac{12}{100}$ rods to a corner; thence N 17° E. thirteen rods; then N 41° 30' E. six $\frac{68}{100}$ rods to the westerly corner of Lot N° 123; then by the same, S 85° E. two $\frac{100}{100}$ rods; S 76° 30' E. five $\frac{120}{100}$ rods; N 81° 30' E. eight $\frac{28}{100}$ rods; S 18° E. seven rods; and still by Lot N° 123, N 73° E. eleven $\frac{88}{100}$ rods, or to the line of the highway; then by the highway, S 30° 30' E. to Lot N° 198; then by the same, S 40° 30' E. one hundred sixty five $\frac{60}{100}$ feet to a bound; and still by the same, S 26° 20' E. twenty eight feet to the place of commencement.

Lot N° 183 - one hundred eighty three.

Ran out for the heirs of Lydia Johnson, namely the children of Hezekiah Bourdain, taking one half part, and the children of Laura Jeffers, taking the other half part.

Beginning at the northwesterly corner of Lot N° 184; then by Lot N° 180, or land of Paul Cuff and Levi Cuff, N 60° W. ten $\frac{100}{100}$ rods to Lot N° 181; then by the same, N 14° E. eleven $\frac{80}{100}$ rods to Lot N° 182; then by the same, N 86° E. thirty one $\frac{10}{100}$ rods to a bound by a wall; then by the wall, N 35° E. three quarters of a rod to another wall; then by the last named wall, or Lot N° 198, S 53° 15' E. two hundred sixty feet to an angle near the place where the path leading to the house of Hezekiah Barrett comes to the stile in the wall; thence by the wall, and Lot N° 183, S 43° W. six $\frac{100}{100}$ rods to Lot N° 187; then by the same, S N. by the

Lot N° 184 - one hundred eighty four.
Ran out for David F. Bound, a tract of land.

Beginning at a bound in the middle of a bar-way; then by land of the heirs of Lydia Johnson, or Lot N° 187, southwesterly, about twenty rods to land of Levi Cuff and Paul Cuff; then by the same, N 78° W, five $\frac{32}{100}$ rods; and still by the same, N 5° E, about thirteen and a half rods, and N 37° 30' E, five rods then, northeasterly, about eighteen rods, by land of the heirs of Lydia Johnson or Lot N° 183, to a bound, being at the southerly end of a line running S 21° W three $\frac{40}{100}$ rods from a large rock in a wall; then continuing easterly, by Lot N° 183, about ten rods, to a bound in the middle of a bar-way; then by land of said heirs, or Lot N° 187, S 14° W, about twenty one $\frac{32}{100}$ rods to the place of commencement.

Lot N° 185 - one hundred eighty five.
Ran out David F. Bound, a tract of land.

Beginning at the westerly corner of Lot N° 186; then by Lot N° 187, by the wall, about N 43° 30' W, two $\frac{700}{100}$ rods; then by same lot, by the wall, N 52° W, five $\frac{20}{100}$ rods to Lot N° 182; then by Lot N° 183, N 43° E, six $\frac{42}{100}$ rods to the southerly corner of Lot N° 198; then by the same, as the wall runs, about N 40° 40' E, eighty eight $\frac{75}{100}$ feet to the highway; then by the highway, southeasterly, by two courses, eleven and a half rods to a bound; then about S 55° W, by Lot N° 186, about eighteen and one half rods to the place of commencement.

Lot N° 186 - one hundred eighty six.
Ran out for Levi Cuff, a tract of land.

Beginning at the corner of the wall near a large beech tree; thence S 14° 05' E, by Lot N° 199, three and a half rods to a bound; thence, southwesterly, through the swamp, by Lot N° 187, or land of heirs of Lydia Johnson, to a bound; thence N 27° W, two $\frac{80}{100}$ rods, by Lot N° 187, to a bound; and still by the same lot, N 43° 1/2' W, one $\frac{700}{100}$ rods, to the southerly corner bound of Lot N° 185; then by the same

through the swamp, northwesterly, to the well, or about $N 55^{\circ} E$, about
eighteen and a half rods; then, southeasterly, by the well, to the
place of commencement.

Lot No. 187 - one hundred eighty seven.

Ran out for the heirs of Lydia Johnson, consisting of the heirs of
Hepsah Jourdain, late of New Bedford, Mass. who takes one half part,
and the children of Laura Jeffers, deceased, formerly wife of William
Jeffers, now deceased, late a resident of Gay Head, a tract of land.

Beginning
at the southeasterly corner bound of Lot No. 186; then $S 14^{\circ} 05' E$, by Lot No. 189,
about twenty one and a half rods to Lot No. 138, or the homestead of
Huldah Bassett; then by the same, $S 38^{\circ} W$, five rods; $S 82^{\circ} 20' W$, three
 $\frac{2}{100}$ rods; $S 64^{\circ} W$, five rods; $S 43^{\circ} W$, five $\frac{2}{100}$ rods; $S 47^{\circ} 30' W$, two $\frac{6}{100}$ rods;
 $S 45^{\circ} 15' W$, eleven $\frac{2}{100}$ rods; and still by Lot No. 138, $S 76^{\circ} 15' W$, six $\frac{3}{100}$ rods
to Lot No. 158. then by the same, $S 84^{\circ} W$, fifteen $\frac{6}{100}$ rods to land of Paul
Cuff and Levi Cuff; then by the same, $N 10^{\circ} E$, twelve and a half rods
to a bound near a spring, by a beech tree; thence, following the
general line of the brook, or about $N W$, about twenty four rods
by land of said Cuffs, to a bound by the side of the brook, near a
passway; thence by land of said Paul Cuff and Levi Cuff, $N 12^{\circ} E$,
four rods to a bound; thence, still by the same land, or Lot No. 180,
 $N 24^{\circ} E$, to land of David F. Bound, or Lot No. 184; thence by the same,
northeasterly, about twenty $\frac{2}{100}$ rods to the middle of a bar way;
thence by the same lot, $N 14^{\circ} E$, about twenty one $\frac{33}{100}$ rods to the
middle of another bar way; thence by the wall, northeasterly, to
the corner ^{to Lot 1857}; thence still by Lot No. 183,
then by the same, by the wall, $S 52^{\circ} E$, five $\frac{2}{100}$ rods to
a bound; then still by the wall of the same lot, $S 43^{\circ} 30' E$, two $\frac{6}{100}$
rods to Lot No. 186; then by the wall of the same, $S 43^{\circ} 30' E$, one $\frac{6}{100}$
rod to an angle on the wall; then $S 27^{\circ} E$, two $\frac{8}{100}$ rods to a bound,
thence, still by Lot No. 186, through the swamp, northeasterly, about
twenty rods, or to the place of commencement.

Lot number one hundred eighty eight - N° 188 -
 Lot number one hundred eighty nine - N° 189 - lying contiguous
 to lands of Jaechens Cooper, were assigned to him.

A portion of each of these lots was claimed by Jaechens Cooper
 as part of the tract heretofore held and improved by him under
 deeds from Sarah Johnson.

The boundaries as given in the deed not being very clearly
 defined, were not accurately stated when the tract was previously
 run out. The two lots are thus bounded and described:

Beginning at
 a bound near the edge of the cliff, being the southerly bound of
 Lot N° 734; thence N. 66° 35' E. eighty five feet to a bound; then on
 the same course, by Lot N° 734, four hundred eighty eight ^{two}/₁₀₀ feet to a
 bound; then by Lot N° 727, S 23° 25' E. one hundred seventy eight ^{two}/₁₀₀
 feet to a stone bound; then by Lot N° 57, S 28° 30' E. twenty five ^{two}/₁₀₀ feet
 to a bound; and on the same course, by Lot N° 57, four hundred sixty
 feet to a bound; then by Lot N° 53, S 65° 15' W. six hundred forty three
^{two}/₁₀₀ feet to a bound; then, northwesterly, following the edge of the
 cliff, to the place of commencement.

Lot N° 190 - one hundred ninety - was assigned to
 Jaechens Cooper. - Census N° 62. -

and is thus bounded and described:

Beginning at the wall of the South Head Place at a point where the
 wall of George J. Belain, enclosing his Lot N° 55 abutted against the
 same; thence, S 65° 20' W. by Lot N° 191, five hundred twenty two ^{two}/₁₀₀ feet to
 a bound; and then by Lot N° 496, on the same course, two hundred ninety
 feet to a bound; then continuing on the same course to the waters of the At-
 lantic Ocean; then by the same, northwesterly, until it comes to the range of a
 wall of the South Head Place; thence following the line of the said wall, which is
 quite irregular, until meeting the point of commencement.