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REPORT

TO THE

GOVERNOR AND COUNCIL,

CONCERNING THE

Indians of the Commonwealth,

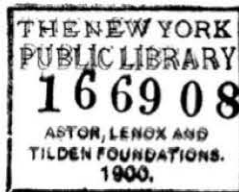
UNDER THE ACT OF APRIL 6, 1859.

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BY JOHN MILTON EARLE,  
COMMISSIONER.

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BOSTON:  
WILLIAM WHITE, PRINTER TO THE STATE.  
1861.



Commonwealth of Massachusetts.

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EXECUTIVE DEPARTMENT, COUNCIL CHAMBER, }  
BOSTON, March 8, 1861. }

*To the Honorable the House of Representatives :—*

I herewith transmit for the information of the General Court, the Report concerning the Indians domiciled in this Commonwealth, made by the Commissioner appointed in accordance with the provisions of chapter 266 of the Acts of the year 1859.

JOHN A. ANDREW.

## Commonwealth of Massachusetts.

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IN SENATE, March 15, 1861.

The Committee on Claims, to whom was committed the Report of John Milton Earle, Commissioner under the Act of April 6, 1859, concerning the Indians of the Commonwealth, have considered the same, and recommend that the same be printed.

EDWIN WALDEN, *Chairman.*

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SENATE, March 15, 1861.

Accepted.

Sent down for concurrence.

S. N. GIFFORD, *Clerk.*

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HOUSE OF REPRESENTATIVES, March 16, 1861.

Accepted, in concurrence.

WILLIAM STOWE, *Clerk.*

## Commonwealth of Massachusetts.

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To His Excellency, JOHN A. ANDREW :

The undersigned, Commissioner under the Act of April 6, 1859, concerning the Indians of this Commonwealth, having attended to the duties of his appointment, presents in conformity with the provisions of that Act, the following

### R E P O R T .

By the provisions of the Act, under which he received his appointment, the Commissioner is required "to examine into the condition of all Indians and the descendants of Indians domiciled in this Commonwealth, and make report to the governor, for the information of the general court, on the following matters, namely :

"1. The number of all such persons, their place of abode, their distribution, whether by tribes or otherwise, classifying them by age and sex, and distinguishing between the married and single; and also the number of persons reputed Indians, who are of mixed or other race.

"2. The social and political condition of all such persons, including their municipal, religious, and educational organization, and their relation, individual and municipal, to the counties, towns, or districts in which they dwell.

"3. The economical state of all such persons, including the specification of all property of theirs in lands, and whether the same is held in severalty or in common, and whether now in their own possession, or unlawfully possessed and occupied by others, and, in the latter case, by what color of alleged

title; and also what proportion of such persons are paupers, dependent on the towns in which they dwell, or on the State.

"4. All such facts in the personal or social condition of the Indians of the Commonwealth, as may enable the general court to judge whether they can, compatibly with their own good and that of the other inhabitants of the State, be placed immediately and completely, or only gradually and partially, on the same legal footing as the other inhabitants of the Commonwealth."

Immediately on my appointment, I entered upon the duties thereof. I soon found that I had entered on a wide field of research, with much ground to traverse and little to gather, and that little so scattered and hidden in the mass of other matter, everywhere surrounding it, as to make the pursuit a matter of much labor, with comparatively insignificant returns. Yet these returns were necessary, and must be had, at whatever sacrifice of time and labor. Had the inquiries been confined to the Indians and descendants of Indians who are residents of the reservations, who compose somewhat distinct communities, and who are considered the special wards of the State, the labor would have been comparatively trifling; but even to obtain fully and accurately the facts and statistics in relation to these, is no small work. Situate as most of them are, near the seaboard, in the immediate vicinity of our fishing and commercial ports, the temptations to a race naturally inclined to a roving and unsettled life, are too great to be resisted, and nearly all of the males, first or last, engage in seafaring as an occupation. Thus, the men are drawn away from home, and are often absent for years at a time, frequently without their friends knowing where they are. The women, left behind, seek employment wherever it can be had, usually in the neighboring towns and cities. It was found, that, in New Bedford, alone, there were about one hundred and fifty persons of the Indian race, drawn from various tribes, exclusive of the very considerable numbers at sea in New Bedford ships, whose residence is elsewhere. Few of these consider themselves permanently located there, but generally, are looking forward to the time, more or less remote, when they shall return to the places of their nativity, finally to mingle their dust with that of their fathers. After thus leaving home, they frequently

remove from place to place, keeping up no correspondence or communication with those they have left; till at last their place of residence ceases to be known to their friends, and all trace of them is lost. Several such cases have occurred, in some of which, after much correspondence and inquiry, the parties have been found, while in others all investigation has been fruitless. The difficulty of tracing them is much increased by their humble social position and obscure station in life, known only to a few directly about them, and those mostly persons whose position in the community is similar to their own.

An incident that occurred during the progress of my inquiries will illustrate the facility with which they lose the knowledge of each other's residence and the consequent difficulty of procuring the desired statistical information. At one of the public hearings, a claim was entered for a tract of land in an adjoining town, of which the complainant alleged that he was the heir by collateral descent, there being no heir by direct descent surviving, and that the land was unlawfully possessed and occupied by another. The original Indian title to the property was found to be good, but, on investigation, it was ascertained that there were numerous heirs by direct descent living, and that two of them had resided during their whole lives within three or four miles of the property, and, at that time and for years preceding, had dwelt within six miles of the complainant, yet without either he or they having any knowledge of each other. This appears the more singular, as the complainant had been pursuing the matter for years, without any suspicion of the existence of other heirs, till he was informed of it by the Commissioner.

In another case, a woman 45 years of age, a widow, on being questioned as to her family, replied that she had none living. She had had, as she said, one daughter, born when she was in her fifteenth year. Five years afterward, her husband deserted her, taking the child with him. This was twenty-five years since, and as, during that time, she had never heard any thing of her daughter, she supposed that she must be dead. In the further investigations of the Commissioner, it was found that the daughter was living, a respectable woman, the wife of a white man, and the mother of three children; and she was as

ignorant of her mother's existence as the mother was of hers. They had for many years resided within twenty-five miles of each other, and, for none of the time, more than forty-five miles apart. When such difficulties attend the investigation concerning those who belong to tribes having distinct organizations, it may well be inferred how greatly they are multiplied, in relation to the very large number scattered in various parts of the State, who have no organization, no central point, no records, and no common bond of union, whose descent itself is unknown, even to themselves, except by the tradition that they are Indians, confirmed by their physical characteristics, and frequently where these characteristics have been so effaced by admixture with other races, that they are not recognized as Indians, by the people among whom they dwell.

The imperfection of the early records of towns where there were Indian settlements has been a source of much embarrassment, and has caused no little extra labor. Enough was often found to encourage further research and inquiry, which, too frequently, ended in leaving the subject in a state of as much perplexity as when first commenced. The records of most of the towns which have been examined, contain a few of the marriages, births, and deaths, but, of far the greater portion, no record whatever could be found, while, of the marriages and deaths, which are recorded, the parentage of the parties is given in so few instances, that the information derived therefrom is far less satisfactory than it would have been, had that addition been made.\*

To ascertain all the facts required by the law, under such unfavorable circumstances, concerning some sixteen hundred persons, scattered in various parts of the State, the residence and even the existence of a considerable portion of whom was not previously known, and had to be ascertained, required not only a wide range of personal observation and inquiry, but an extensive correspondence, most of which was necessarily with individuals feeling no personal interest in the subject of inquiry,

\* The records of Yarmouth have furnished more complete and satisfactory information than any other that have been referred to. By the kindness of the town clerk, the Commissioner obtained a very complete record of the Yarmouth tribe, which enabled him to settle some doubtful questions, also, in reference to individual members of other tribes.

and who, therefore, consulted their own convenience or inclination as to the time of replying, or whether to reply at all. Among those most relied on for information have been town officers, particularly town clerks. To the inquiries addressed to these, numbers have responded in the most cheerful manner, and have rendered much assistance. Others have failed to notice, at all, inquiries repeatedly addressed to some of them; sometimes, it is believed, from a vague but groundless apprehension, that their answers might possibly compromise the interests of their towns. For this reason, the return is more deficient as to the political relations of individuals, to the towns in which they reside, than it otherwise would have been, and more so, it is believed, than it is in relation to any other subject of inquiry.

The distinct bands, communities, or tribes, having funds or reservations, or which have had them and are recognized as wards of the State, are the Chapequiddick, the Christiantown, the Gay Head, the Marshpee, the Herring Pond, the Natick, the Punkapog, the Troy or Fall River, the Hassanamisco, and the Dudley. The Indians and descendants of Indians, of whom there are considerable numbers in any one vicinity, whose descent can be distinctly traced, but who do not stand in the same relation to the State, are those of Dartmouth and Yarmouth. There are, in addition, considerable numbers, belonging originally to some of the tribes before named, as the Gay Head, Marshpee, etc., but who, having left them to reside elsewhere, have lost their original rights, as members of the tribes, and are not acknowledged as belonging to them; and some others, residing either in neighborhoods, or scattered abroad in the community, who originated from other sources, or whose descent is not precisely known, but, of whose identity as Indians, there is no doubt.

Of all these, it is safe to assume that there is not one person of unmixed Indian blood. There are a few who claim it, but their claim does not seem to have any satisfactory basis. When it is considered that the intermixture, both with the whites and the blacks, commenced more than two hundred years ago, and that, in the course of ten or twelve generations, there has been an opportunity, from intermarriages among themselves, for the foreign blood early introduced to permeate the whole mass.

and when it is considered, that the intermixture has been constantly kept up, from the outside, also, down to the present time, it would be a marvel indeed, if any Indian of the pure native race remained. Of the publications of colored persons entered on the early records of Dartmouth, by far the larger portion are those of negro men to Indian women. In Yarmouth, a large portion of those of Indian descent have intermarried with the whites, till their progeny has become white, their social relations are with those of that color, and they are mingled with the general community, having lost their identity as a distinct class. The same has happened with a portion of the Hassanamisco tribe, and it would have been a fortunate thing for all the tribes, if it had been so with them all. But the mixture in most of the tribes has been more with the negro race than with the white, till that blood probably predominates, though there are still a considerable number, who have the prominent characteristics of the Indians—the lank, glossy, black hair, the high cheek bones, the bright, dark eye, and other features peculiar to the race.

The social, economical, and moral condition of this people, varying somewhat, as it does, in the several tribes, will be referred to in treating of them separately; yet some general considerations in reference thereto are appropriate here. Much ignorance and misapprehension prevail in the community at large, among those who have not had the opportunity of personal observation relative to these remnants of their race. They seem to suppose that they have hardly emerged from their aboriginal state, and although the painted face may not now be seen, nor the war whoop, the tomahawk, or the scalping knife be actually encountered among them, yet that they are not more than a step or two removed from these things; and the questions: “What sort of people are they?” “Do they dress like white folks?” “Can they speak the English language?” “Do they live in wigwams?” or others of a like nature are continually asked. If the querist would reflect that, for more than two centuries, they have lived commingled in a community with the white race, or on their little plantations surrounded by them and in constant intercourse with them, that they are few and the whites are many, and that the tendency of such bodies always is, for the few to assimilate to

the many, especially where the latter have the stronger characteristics, they would hardly ask such questions as these. A large proportion of the males of the several tribes have always been sailors or laborers of various kinds, and are thus, almost from childhood, brought in constant personal contact and association with the whites, and so afforded the opportunity of acquiring their habits, customs, and modes of thinking. Many of the females, also, have been at service in white families of elevated social position, where they become to a greater or less extent, familiar with the manners and usages of civilized and refined society. The people are, nearly all, comparatively poor, but some of their dwellings will compare, not unfavorably with those of other people of equal means, in their furniture and the order in which they are kept. I have repeatedly partaken of their hospitality, and their tables, their cookery, their lodgings, and whatever else came under my observation, in their humble dwellings, exhibited a neatness not excelled in the mansions of the more affluent whites. The tender of their hospitality was always made with propriety, dignity, and good taste; and, in no instance, was any insincere, mawkish, or embarrassing apology made or attempted, for the quality of the repast provided. It is granted that this was among the better portion of them, and that, like other people, they have those who are rude, vulgar, coarse, and degraded. But, in my visits to them, embracing nearly every family of all the tribes, and some of them two or three times, I have never met an incivility of word, look, or action, from old or young, and, though many of them are shiftless, improvident, and very poor, I have not seen, with but a few exceptions in two or three of the tribes, the squalor of extreme poverty and destitution that are often to be found among the lower class of whites in our large towns and cities.

It would be fortunate, if no shade more gloomy could be given to this picture. But the prejudice of caste, social exclusion, and civil disfranchisement, have done a fearful work with the race. The weight which these have brought to bear on them seems to have almost crushed out even the wish to have it removed, and the mass appear to be sunk into that state of constrained apathy, with which we submit to physical evils that we know are inevitable. On them, moral purity, social refine-

ment, and intellectual strength and culture, confer no distinction, or give them even an equal position to those of the dominant race who may be far their inferiors in these respects. Having never enjoyed equality of civil and social rights, the conviction seems stamped upon their minds, that, in being created Indians, they were necessarily doomed to their present condition, and that it is vain to contend against their destiny. Thus all aspiration is suppressed, and, where there is no aspiration, there can be no achievement. This feeling, however, is not universal. There are ardent spirits among them who are impatient of the guardianship, and chafe under the disabilities to which they are subjected, and who would gladly find some way of escape. Perhaps some Moses may yet arise among these, who will prepare the minds of the people, and lead the way to their civil and social emancipation.

The natural and almost irresistible tendency of this legal and social proscription is, to laxity of personal morals. He who sees his own rights habitually trampled upon, without the means of redress, becomes regardless of the rights of others; and, where the sources of the higher enjoyments, of emulation and aspiration are taken away, where self-respect is crushed out, and where the acquisition of knowledge, itself, brings with it but a keener sense of degradation and suffering, it is not strange, constituted as men are, that they should seek the means of enjoyment in sensual indulgence. The use of intoxicating liquors, the prolific source of demoralization, prevails more or less in all the tribes, and in some of them to a sorrowful extent, notwithstanding the efforts that have been made to suppress it. No such liquors, it is believed, are sold on any of the plantations, but there are grogeries about their borders, kept by whites, and the laws are inefficient to prevent their introduction on the reservations. As an almost necessary concomitant, licentiousness and other vices more or less prevail, though less in several of the tribes than formerly, and the cases of illegitimacy in most of them have materially diminished.

One of the most hopeful indications for the future of this race, is the repugnance with which they almost universally look upon a state of public pauperism. It seems a puzzle to reconcile this with the apparent want of self-respect manifested in

some other ways. But, of its existence there is no question. Many of them will live in a state of extreme poverty, deprived of most of the comforts they might enjoy, if they did not shrink from the name of pauper, as a contamination. This feeling, if properly cultivated and directed, might do much toward their social elevation and improvement. To it, we must attribute the comparatively small number of paupers among them, considering the general poverty of the whole as a class. Even in those tribes where the State annually pays more or less toward their support, the recipients of the bounty, generally do not look upon it as charity, or admit that they are paupers. They have a vague idea that the State has large funds drawn from the sale of lands which would have been theirs, and that this belongs to them as a portion of the interest of the proceeds, or that the State has in some other way become obligated to their ancestors, so that whatever they receive is but a just due, for which the State has received an ample equivalent.

It appears that the whole expenditure of the State, for the benefit and support of the Indians, and for State paupers residing among the Indians, for the ten years ending December 31st, 1859, was \$29,964.37. This amount includes about \$2,500 expended in the construction and repair of meeting-houses, school-houses and other buildings for their use. But it does not include the interest of the Indian school fund, annually applied to the support of their schools.

Of this whole amount, the Dudley Indians have received \$7,989.99; Fall River, \$5,488.80; Chappaquiddick and Christian-town, \$4,908.74; Marshpee and Herring Pond, \$4,829.90; Punkapog, \$2,891.29; Gay Head, \$2,314.79; Hassanamisco, \$1,476.00; Nantucket,\* \$366.44. There remains a balance of about \$200, paid mostly under the head of State paupers, but which cannot be traced to any particular tribe. Of the sum put to the Hassanamisco tribe, \$1,000 was deposited with the judge of probate for Worcester County, to be expended for their benefit as he may direct, after paying a claim for the support, &c. of one Benjamin Phillips, to which more particular reference will be made in our notice of that tribe.

\* Within the last ten years, Abraham Quarry, the last of the Nantucket Indians, died at an advanced age.

The payments on account of the Dudley Indians were about \$2,000 for the lot and buildings now occupied by them at Webster, and the balance, about \$5,900, for their support and the guardian's salary; those to the Fall River and Punkapog Indians chiefly for their support; a small portion of that to the Chapequiddick and Christiantown tribes, for the last sickness and funeral charges of some of their members, but mostly for the support of State paupers (not Indians) resident among them, and therefore not properly chargeable to the Indians. The Marshpee and Herring Pond payments were mostly for State paupers, (not Indians,) and for county roads laid out through Marshpee. Those to the Hassanamisco tribe were entirely in consideration of the loss of the proprietary fund of the tribe by agents of the State, of which a further statement will be given in the notice of that tribe. The payment to Nantucket was for the support of the last of his race on that Island, and he is now dead.

From this it will be seen that there are only three tribes, whose poor are now dependant on the treasury of the State for their support. These are, first, and largest in amount, the Dudley tribe, next, the Fall River, and lastly the Punkapog. The expenditures for the Fall River tribe are somewhat diminishing, while those of the Punkapog are increasing, and the amount required for the two will not probably vary much from five hundred dollars per annum, each, for two or three years to come. With the proper husbanding of the means of the Fall River tribe, it would seem as if some further reduction might be made in their expense to the State. Of the Punkapog tribe, I cannot see any chance for a speedy reduction of their expense, and the State will probably have tangible evidence, in the course of the coming ten years, that it is not as nearly extinct as it has sometimes been represented to be. The diminution of the Marshpee fund, and its early prospective extinction, make it probable that the State will soon be subjected to some expense for the maintenance of the poor in that District, also. Beyond this, no occasion is apprehended of much increase of expense to the State on this account, for some years to come.

The condition of the several tribes presents a broad field for the exercise of a wise benevolence, in the improvement of their social and religious state, and in furnishing the means of better

education, whenever the resources of the treasury will justify it, of which the legislature, in its wisdom, will judge, as occasion may offer. I have felt it my duty to present some cases, in the separate notices of the several tribes, where small appropriations for specific objects seem, almost imperatively, to be required.

#### CHAPPEQUIDDICK TRIBE.

The Chapequiddick Indians occupy the northerly portion of the island of that name, lying on the easterly side of Martha's Vineyard, from which it is separated by Mattakeset Bay, forming Edgartown Harbor. The Straight, at the northerly part of Edgartown Village, is very narrow, not more than an eighth of a mile wide, and there is a ferry between the two islands. The whole population of the tribe, including one family in New Bedford, and one in Edgartown, is seventy-four, as follows:—

Families, . . . . .	17
Males, . . . . .	36
Females, . . . . .	38
	— 74
Foreigners, . . . . .	7
Under 5 years of age, . . . . .	2
From 5 to 10 years of age, . . . . .	7
10 to 21 years of age, . . . . .	15
21 to 50 years of age, . . . . .	39
50 to 70 years of age, . . . . .	8
Over 70 years of age, . . . . .	3

The three persons over 70 are of the ages respectively of 76, 78, and 83; the two latter females and widows. The whole number returned by the commissioners in 1849 was eighty-five, from which one should be deducted, who was only a visitor from Christiantown, leaving the whole number eighty-four.

The mortality here, as in several of the other tribes, has been enormously large during the last eleven years. In this respect it takes the fourth rank, Christiantown tribe having lost in that time, of those who were living in 1848, sixteen out of forty-eight, or just one-third; Marshpee ninety-two out of three hundred and five, or 30 per cent.; Herring Pond twenty out of fifty-five, or



almost 30 per cent.; and Chapequiddick twenty-three out of eighty-four, or about 27½ per cent. The births, during the same period, of children now living, have been only eleven, or less than half the number of deaths, so that the population, as will be seen by the tabular list, (see Appendix,) has been reduced from eighty-four to seventy-four, notwithstanding the addition of two or three by marriage within that time.\* In 1828 the number of the tribe was one hundred and ten, showing a falling off since that time of thirty-six, or about one-third—a most fearful diminution. The commissioners' report in 1849 says: "The location appears to be remarkably healthy; not an individual, at the time of our visit, being confined by either chronic or acute disease." Yet, without any fatal epidemic having been among them, they dwindle away and disappear. The sea-faring life, which nearly all of the men follow, to a greater or less extent, is, unquestionably, unfavorable to the increase of the population, but is not sufficient to account for the great diminution that has occurred. There are those who believe there is some inherent physiological defect in the constitution of the race, which unfits them for the habits of civilized life, and that they must necessarily sink under its influence, and pass away. But such a theory is irreconcilable with the sound philosophy of the adaptation of the whole human race to a state of progressive advancement and improvement, and with the ordering of a wise and beneficent Providence; and the gradual increase of the population of Gay Head, though placed under unfavorable circumstances, indicates that no such radical defect exists. More satisfactory reasons for this mortality may be found in the following causes:

1. The comparatively sudden change from the habits and modes of living of barbarous life to those of civilization, without waiting for that progressive physical and mental development which takes place when the process is more gradual, and which would adapt them to the change.

\* It will be noted here that the deaths of children born within the last eleven years are not included in this statement, no account having been taken of them. Allowing only the usual rate of mortality among that class, it would swell the whole number of deaths in this tribe to over thirty, being equal to an annual average of one death in every twenty-eight persons, or about double the average of the country towns of the State.

2. The habits of intemperance and licentiousness, which always, for a time, follow the contact of civilized and barbarous races, which not only carry off their victims prematurely, but so far impair the constitutions of their immediate descendants, as to make them more vulnerable to the ravages of disease.

3. The destitution, want, and suffering, resulting from poverty, which operate so powerfully to increase mortality in all the lower walks of life.

If these are the true causes of this sad mortality, there is much reason to hope for the future. A favorable and progressive change has taken place, in respect to temperance and morality, in consequence of which, they are better able to guard against the exposures and privations to which they were formerly subjected. With these advantages in their favor, Time, the corrector of evils, will, in due season, provide them with the physical and mental developments, adapted to the changed condition of their being.

In the division of the island, between the Indians and the whites, the latter, as usual, obtained much the better portion. That belonging to the Indians, is bleak and exposed, the soil light, sandy, gravelly, and barren, and without wood for either fuel or fencing, yielding, as was well said by the commissioners in 1849, "a precarious subsistence to the most untiring industry." Their fuel is peat procured from meadows on the territory. What fencing they have, is of material procured from abroad, which is so expensive that little is used, and they are obliged to pasture their cattle in the tethering rope—a mode unknown to most of the population of the State. Were their dependence on farming alone, for a living, their case would indeed be a most hopeless one, unless they changed their location. The young men usually go to sea, or seek other employment, away from home, till they have obtained money enough to build them a comfortable house, so that they have a home, and then employ their time in fishing, or any other paying employment which they can obtain, and their land gives them work for any time that is not more profitably occupied.

Their immediate vicinity to such a place as Edgartown, gives the Chapequiddicks a great advantage over the members of any other of the plantation tribes, in furnishing them with many

kinds of employment, and in the many comforts and conveniences of life, with which it familiarizes them, and brings within their reach. We consequently find them in a better condition, social and intellectual, than the other tribes. Morally, probably the inhabitants of Gay Head are at least their equals, and perhaps those of Herring Pond, also. The report of 1849 says: "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, or intelligence, to their white neighbors." This picture, though rather strongly drawn, was substantially correct, and it is satisfactory to know that what was true of them in these respects at that time, is true now, and it is hoped that they have not become stationary, but are still progressive, though this cannot be affirmed with entire confidence.

Most of the residents have framed houses, and things in and about them have a neat and comfortable appearance, as much so as among their white neighbors; indicating, if not thrift, the absence, at least, of any pressing want. A large proportion of the proprietors have barns, with the usual farming tools, cattle, swine, &c. The number of horned cattle is thirty-four, swine eleven, and one horse; divided among eight families, as will be seen by the accompanying tabular list.

Under the law of 1828, the territory of this tribe has been divided, and in some cases subdivided among the inhabitants. In the original division, a certain quantity was assigned to each individual, including those of every age, but it was not set off to each, but the whole amount assigned to any one family was set off in one lot to the family, and the father held and occupied the same during the minority of the children, and usually during his lifetime, as, if divided up among the children it would not leave enough for the support of the parents, nor yet sufficient to make it any object for the children to settle upon it separately. Consequently the children have usually either retained their home with their parents, or sought means of subsistence and homes elsewhere, and left the land originally assigned to the family undivided. In the law, provision was made, that in the

division, regard should be "had to the rules of birthright and descent, established among said Indians and people of color, and to those rights which individuals and families may have acquired by virtue of a possession and improvement;" yet it is singular that it established no rule for subsequent division and descent of the shares, nor did it indicate whether it should be according to Indian rules and usages, or according to the laws of the State. Disagreements and controversies have, of course, arisen in relation to this question; but, thus far, none which the guardian has not been able to settle, if not in all cases to the satisfaction of the parties, at least with their acquiescence. More serious difficulties may arise, but sufficient unto the day are the evils thereof, and perhaps it is not best to anticipate them by legislation, as it will be easier to provide a remedy, with an actual case, presenting the different points, than it would be in acting upon any supposed case.

Like all the other Indians of the State, who stand in the legal relation of Indians, those of Chapequiddick are disfranchised, with the exception of two families who reside on the other side of the line, in Edgartown, and own property there, for which they are taxed. The law of 1828, which, it will be recollected, applies only to Chapequiddick and Christian-town, establishes a sort of municipal organization among the inhabitants. The commissioners' report of 1849, says: "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 Union, they are totally disfranchised. They are required by the Act to meet in the month of March or April, at which meetings 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 optional with the Indians to choose these officers or not, as they may 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 imper-

fectly defined, that we believe that 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 woman 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 the 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."

The commissioners then refer to the third article of section fourth, relating to the power of guardians or justices of the peace, to punish the Indians in certain cases,—a notice of which will be found in this report in treating of the Gay Head tribe,—and characterize it as "atrocious." They say that though there is little danger that its provisions "will ever be abused, to the extent to which they are capable, still, they confer an irresponsible and summary exercise of power, which cannot safely be intrusted 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 objectionable character of these provisions does not consist merely in the irresponsible and summary power which is conferred, and which might be abused, but as much in the singling out of the Indians, and making them the special subjects of cruel and unusual penal enactments, to which no other class of our population is subjected for the same offences. It is on this point that they are most sensitive, and they seem to consider it as but another manifestation of the same feeling, which has subjected them to civil proscription and social degradation.

Since the report of 1849, the provisions of the laws of 1829, providing for making and maintaining the divisional fence between the Indian proprietors and their white neighbors, which were then in abeyance, have been carried into effect. A substantial fence has been built on the north side of the highway which runs between the Indian and white proprietors. This disposes satisfactorily of another cause of complaint by the Indians; that, where a shorter cut could be made, by leaving the highway and travelling, with cattle and carriages across their cultivated lands, the white inhabitants did not hesitate to do it, and the Indians were thus subjected, in some instances to serious inconvenience and loss. The settlement of every question of this kind, is a cause of felicitation, as doing away with one of the causes of irritation, to those who feel as if they were the subjects of oppression and wrong, without the means of protecting themselves in the enjoyment of their rights.

The Chappaquiddicks have no religious organization, nor have they any religious services or instruction, distinct from their white neighbors. They attend meeting at the "Marine Church" at Sampson's Hill, across the line, whenever there are services there, which is at irregular intervals. They manifest a disposition for religious instruction and improvement, and would doubtless be punctual in their attendance, if they had any constant meeting of easy access. They receive one hundred dollars a year from the school fund,\* which gives them about five months' schooling. The average attendance the past season was twelve, which, considering that there are but sixteen children of Indian descent, between the ages of four and sixteen, on the Island, is a very good proportion, indicating a very commendable interest on the part of the parents, in the education of their offspring. The amount of schooling is considerably abridged by the necessity of purchasing fuel, there being no wood on the plantation. It is unfortunate that this school, and those of the other tribes, make no part of the great school system of the State, that they are isolated and cut off from the

\* The special grant of \$104 a year from the school fund, to be equally divided between the Chappaquiddick and Christiantown tribes, which was made in 1856, expires in 1861. The Commissioner believes that the policy which dictated the grant was wise, as well as beneficent, and he cannot too earnestly recommend its renewal and continuance.

rest, and cannot, therefore, be expected to make the progress which system, combined effort, emulation, and vigilant and enlightened superintendence impart to our common schools. Where it is practicable, it would be far better to bring the children into the adjacent district schools, the Indians and whites paying according to the number of scholars furnished by each respectively, or uniting on such other just and liberal basis, as might be agreed upon. It is believed it might be a mutual advantage to both classes, as the same money would give more schooling, combined in one reasonable sized school, than divided between two small ones; it would create a mutual and beneficial emulation, and, by bringing the children together, mitigate, if not remove, the mutual prejudices which more or less prevail.

The tribe has no source of public revenue for any purpose whatever. Individually, although many of them have stock or other personal property in possession, most of them owe more or less for it, and it is believed that, if their debts were paid, very few would have as much left as the law exempts from attachment. There are at present no paupers among them, recognized as such, except one aged man,\* a foreigner, who has been entirely blind for a long time, and for the last two or three months he has been quite sick. The State pays fifty dollars a year towards his support, a sum quite inadequate to meet the expense, under existing circumstances. There are among them four aged widows, some of them with families, and all of them feeble, and able to do but little for a living. Their lands, those that have any, naturally poor, are worn out and exhausted, and if this people were not, in the language of their former guardian, Hon. Leavitt Thaxter, "kind and considerate to each other, in health and in sickness," some of them, at least, would find it hard to get a living without public aid. They shrink instinctively from the idea of pauperism, and will do almost any thing for themselves and for each other, rather than be placed in that predicament. A striking instance of this has occurred in the case of one of these aged widows, Mrs. Eleanor Joseph, familiarly known as "Aunt Nelly," now well advanced in her eighty-fourth year. Though in low circumstances

\* Since deceased. The term foreigner is used here and elsewhere to designate one not an Indian.

herself, she has boarded and nursed one aged sister, who was entirely destitute, to the value of more than three hundred dollars, up to the time of her death, without any assurance of compensation from any quarter. She also attended upon and assisted another aged and sick sister, without compensation, to the value of near forty dollars. She is now needy herself, and has no one to do by her as she has done by her sisters. The Commissioner was informed that application would be made on her behalf, to the legislature, for compensation for the services rendered her sisters. Should that be the case, the Commissioner believes from information derived from reliable sources, that the application is one that commends itself to the justice of the State, and presents a much stronger claim than some others, which, within his own knowledge, have been granted. Should this act of justice be done her, it will give her present relief, and, very probably, render her descent to the grave free from further pecuniary trouble.\*

The attention of the Commissioner was directed, particularly at this place, to the question of the enfranchisement of the Indians, and placing them on the same footing as other citizens,

\* The State has paid but very little for this tribe as compared with some others. It will be borne in mind that Wm. Johnson, toward whose support the State has annually contributed \$50, as already stated, is a State pauper; and, so far from the payment being a gratuity to the tribe, it does not probably amount to a moiety of the actual expense of his support. But the old man had been the husband of one of their women, and so the tribe, to prevent his being subjected to the sundering of the ties which bound him to them, generously contributed the additional sum necessary for his support, and thus averted the necessity of his removal to the State asylum. Excluding this, and also the money received from the school fund and their portion of the surplus revenue, for their school, the payments from the treasury on their account, for seven years, to 1859, inclusive, were as follows:—

1853, Sept. 1.	For board and burial expenses of Jane Saunders, an aged woman, . . . . .	\$48 21
1855.	Paid Abraham Brown for board and funeral charges of Nabby Latham, an aged woman, the mother of over twenty children, . . . . .	40 50
1857, Feb. 20.	For the repairs and painting of the school and meeting-house, . . . . .	100 00
1858, April 9.	For board and funeral charges of Margaret Peters, an aged maiden woman, who died of cancer, . . . . .	69 00
	Total, in seven years, . . . . .	\$257 71

inasmuch as their state of advancement, socially, morally, and intellectually, together with their more favorable situation for acquiring a living, gives them an advantage for assuming the responsibilities of this position, over any other of the tribes. On his first visit, two of the men, one of them a man of good ability and considerable intelligence, were very decided and earnest in favor of the immediate consummation of this object. They urged upon his consideration the disabilities under which they suffer; that they can make no contract that is binding without the consent of the guardian; that, having property in their possession, they cannot pledge it to raise money, with which to make improvements, if desired; and other difficulties which embarrass and discourage them, in their present condition; and expressed a decided wish to have the disabilities promptly removed. They appeared to speak, however, chiefly in reference to their own particular cases, feeling a confidence in their own ability to manage their affairs, and to meet successfully the new responsibilities under which they would be placed. They expressed no opinion, however, of the effect which such a change might produce on the general interests of the tribe. They held that equal privileges were the natural right of all, and they did not choose to be deprived of them. On the other hand, older members of the tribe, thoughtful, considerate, and prudent persons, were equally decided in the opinion that no change ought, at present, to be made. They believed, if it were made, it would operate disastrously on the tribe; that most of them would soon become the prey of shrewder and sharper men outside, that the little property they possess would be wrested from them, and that they would be turned out, destitute, upon the cold charities of the world. The community would be consequently broken up, and scattered among those who would have no particular sympathy with them, and who would not render them the aid which they now receive, in time of trial and of need. Such change should not be sudden. The generation on whom the new responsibilities were to rest, should grow up with them in view, and with the knowledge that they must be prepared to meet them. For themselves, although feeling sensibly the evils to which they are subjected, they would rather submit patiently to them, than in their efforts for relief, to encounter new ones, to which they

are unaccustomed, and which, consequently, they do not know so well how to meet and overcome. Such was said to be the general feeling of the tribe; and on the last visit of the Commissioner, he was assured that the individual who, at first, was most earnest for a change, on taking a more enlarged and comprehensive view of the matter, was satisfied that it was best the change should not be made, being quite willing to forego his own individual feelings and preference, for what he believed to be best for the tribe.

With the conclusion to which the Indians themselves have arrived on this question, the Commissioner fully concurs, believing that for a while at least, it is best that the protection which the law now throws around them, should be continued to this tribe, and that whenever a change is made, it should be done prospectively, giving the Indians ample time to prepare for it.

#### CHRISTIANTOWN INDIANS.

The little village of Christiantown is situated in the group of hills which skirt the shores of the Vineyard Sound on the north-west side of Martha's Vineyard, and in the town of Tisbury. The whole number of inhabitants belonging to the tribe is fifty-three, as follows:—

Number of families, . . . . .	14
Males, . . . . .	23
Females, . . . . .	30
	— 53
Natives, . . . . .	53
Foreigners, . . . . .	0
Under 5 years of age, . . . . .	7
From 5 to 10 years of age, . . . . .	5
10 to 21 years of age, . . . . .	10
21 to 50 years of age, . . . . .	24
50 to 70 years of age, . . . . .	5
Over 70 years of age, . . . . .	2

The two over 70, are aged 71 and 83 years, respectively. The number of the tribe in 1828 is said to have been forty-eight.

The number reported by the commissioners in 1849 was forty-nine. As there are fifty-three now, there would appear to have been a gain in numbers since 1849, but such is not the fact. Two families were somehow omitted in the enumeration then, and there have been but two or three additions by marriage from other tribes. The mortality here has been unaccountably large during the last eleven years, exceeding that of any other tribe. Of the forty-eight persons whose names were returned by the former commissioners, sixteen, or just one-third of the whole, have died! During the same period there have been thirteen births, so that the deaths have exceeded the births by three, although the number of births has been large, in proportion to population. Of these births five have been in one family and four in another. In one family, there has been a most remarkable mortality. When the commissioners visited the plantation in 1848 there was a widow named Weeks, aged 60, with four sons and two daughters, whose ages varied from 22 to 40, and at the corresponding period of the year, in 1859, every member of the family was dead, and there was not a person of the name left on the plantation! In another family consisting, in 1848, of a father aged 37, and three children, the father and two of the children were dead in 1859.

The territory of the tribe, containing about three hundred and ninety acres, was divided under the law of 1828, with the exception of a lot of about ten acres, called the common. This common lot is a good pasture, and formerly yielded considerable revenue (of which it is the only source held by the tribe) but for the last seven years, the gross amount received from it does not exceed twenty dollars. The land is hilly and stony, yielding an abundance of material for wall, with which the lots are mostly fenced. The soil is rough and hard, but much better in quality than that at Chappaquiddick, and is capable, with patient toil and skilful culture, of being made quite productive; but here, as elsewhere among the tribes, the culture seems to have been managed with reference to getting a present crop at the least expense, rather than to the permanent improvement of the soil. The land is consequently much worn out and exhausted, and requires capital, labor, and skill to renovate it. Although agriculture is the leading employment of a large number of the inhabitants, it is not relied on solely

for a living, but the people here, as at Chappaquiddick, seek other employments as a means of obtaining their necessary supplies, whenever the state of their farm work will allow; and, in many cases, it is apprehended, they take other employment whenever it offers, without reference to the necessity of work on their farms. This necessity for procuring such articles as the farm does not supply, is one principal cause of the deterioration of their cultivated grounds. The young men nearly all go to sea, to obtain the money necessary to give them a start in the world. The past season, a young married man returned early in the spring from a successful whaling voyage. The proceeds of his share built him a neat and comfortable house, which was ready for occupancy in the summer, procured the necessary furniture, and left him forty dollars in pocket. While such results occur, though they may be but occasional, the chance of success offers too great a temptation to be resisted, as compared with the very moderate accumulations to be expected under the most favorable circumstances, from farming labor. The Indians are much sought, as seamen, on board the whaling ships, and can, generally, if smart, have the situation of boat-steerer—an important position, and one which draws an extra share in the proceeds of the voyage. A large ship owner in the whaling fleet remarked that an Indian would always draw a larger share than another man of like general qualifications, in whatever situation he was placed; and an old whaling captain said that an Indian would see a whale further than any other person, and, as a boat-steerer he was more sure to capture it, than any others. It is not strange, therefore, that so many of the young men are induced to resort to this mode of employment, during the most active portion of their lives; nor would it be regretted, but for the habits it is too apt to induce, which are unfavorable to the patient, persevering, unremitting toil, necessary to success in agricultural pursuits in after life, and to the economy and thrift so desirable in families and communities.

The people at Christiantown are, most of them, comfortably housed, and, in the arrangements of their household, modes of living, and domestic comforts and conveniences, are much like those of Gay Head. In these respects as well as in refinement and general intelligence, they fall below those of Chappaquiddick, whose proximity to Edgartown gives them an advan-

tage in the facilities of acquiring a living, and of improvement by social intercourse, which has made a marked difference in the condition of the two tribes. It has been said that this isolation of the Christiantown tribe "is not without its advantages, as the temptations to unchastity and intemperance are less." If this is so, it is much to be feared that they have not properly improved the advantages of their position, for, although there may not be more intemperance in proportion to numbers, than at Chapequiddick, or Gay Head, yet, in general morality, there is good reason to fear that they fall decidedly below either of those tribes.\*

In their general character and conduct these Indians are quiet and peaceable, but disputes arise with each other, and occasionally with their white neighbors, giving rise to contention, and sometimes to litigation, though the guardian has been able, except in one instance, to settle these differences without having the courts troubled with them.

For some years past this tribe has had no regular stated public worship. Occasionally they employ a preacher for eight or ten Sabbaths in succession, but most of the time they have none. When they are destitute, those who feel so disposed have the opportunity of attending public worship with the whites at Middletown, about two miles distant, an opportunity which is not improved so much as would be best, and for obvious reasons, it is not to be expected that it should be. Had they meetings of their own, where there would be something like an equality of condition among those who attended, and where they would not feel that they were looked upon by most of those present as a proscribed race, there is no reason to believe that their attendance would not be as good as that of the community in general among whom they reside, or elsewhere.

The amount expended for schools here, is \$100 a year, the same as at Chapequiddick. It is partly drawn from the school fund, and is made up, the remainder, from the interest

\*As corroborative of this, it may be stated, that, since the foregoing was written, and during the year 1860, although there were but five females unmarried over the age of 16, in the tribe, there were three cases of bastardy, and one other birth, which occurred in about eight hours after the marriage of the mother.

of the portion of the surplus revenue set apart by the State for their benefit. This gives them about five and a half months' schooling in the year, the last two terms having been two months in the winter, and three and a half months in the summer. There are only about fifteen minors on the plantation, of age suitable to attend school, and of these, two or three of the girls, whose parents are very poor, have been obliged to be out at service to obtain suitable clothing for themselves, so that the school is of no benefit to them. The average attendance, the last season, has not been more than from eight to ten scholars.

There are none here now that are considered paupers, and there is no appropriation from the State for any such purpose for this tribe. The municipal organization here is the same as that at Chapequiddick, under the law of 1828, as already detailed, and the two tribes are under the same guardian, B. C. Marchant, Esq., of Edgartown, who has held the office for about seven years past, and who appears to have discharged its duties with a good degree of success. The people appear to prefer their present political position to any change that would be likely to be made, and are not so well prepared for a change as some others would be; the remarks therefore, on that subject in relation to Chapequiddick, have still more force as applied to this tribe; and the withdrawal of the care and guardianship which has hitherto been extended to them, it is believed, would be consonant neither with justice, the wishes of the inhabitants, their best interest, or a wise and humane policy on the part of the State.

#### GAY HEAD TRIBE.

The western end of Martha's Vineyard is divided into three peninsulas, Nashaquitsa, Squipnocket, and Gay Head. They are nearly cut off from the main land of the Island by Menemsha Pond which comes in from the north by a narrow strait, so shallow as to be easily fordable at low-water, and extends across to within a few rods of the south side, leaving an isthmus over which passes the highway to Nashaquitsa, and thence to Gay Head. Nashaquitsa connects with Gay Head by another

narrow isthmus, which has Menemsha Pond on the north-east, and Squipnocket Pond on the south-west, the latter pond bounding Gay Head on its south-east side, and dividing both Gay Head and Squipnocket from Nashaquitsa, except by another narrow neck, which connects them at the eastern extremity of Squipnocket. Gay Head is of nearly equal length and breadth, the outline somewhat irregular, between a circle and a square in form, and contains, within its area, about two thousand four hundred acres of land. About four hundred and fifty acres of the land is held in severalty, and is fenced and occupied by the several owners, and the remainder is held by the tribe in common.

In this tribe, unlike some of the others, the population appears to be gradually increasing, and the increase would be more apparent, but for the emigration which has taken place, in search of more profitable sources of employment, and easier means of living, than are afforded by the isolated situation of the plantation, and its consequent limited choice of pursuits. The whole population of the plantation, including a few in the vicinity, who are recognized as having rights as members of the tribe is two hundred and four, viz. :—

Families, . . . . .	46
Males, . . . . .	106
Females, . . . . .	98
	— 204
Natives, . . . . .	194
Foreigners, . . . . .	10
Under 5 years of age, . . . . .	15
From 5 to 10 years of age, . . . . .	23
10 to 21 “ . . . . .	61
21 to 50 “ . . . . .	69
50 to 70 “ . . . . .	29
Of 70 and over, “ . . . . .	7
	— 204

Those of 70 years of age and over, are respectively of the ages of 70, 75, 76, 76, 77, 80, and 86 years. The births in the last eleven years have exceeded the deaths by about twelve. There are a considerable number in addition to the foregoing,

who have left the plantation, either temporarily or permanently, who nevertheless claim to belong to the tribe, together with the families of such as have them. The number of these could not be ascertained. The names of such as were reported to the Commissioner—chiefly by themselves, or, as it was understood—by their request, are arranged in a separate or supplementary table. It should be remarked, however, that, although these went from Gay Head or are the descendants of those who did, they are not recognized by those residing there, as having retained any rights, as members of the tribe. Of those included in this supplementary list, the whole number is forty-nine.

Families, . . . . .	8
Males, . . . . .	22
Females, . . . . .	27
Unknown, . . . . .	0
	— 49
Foreigners, . . . . .	5
Under 5 years of age, . . . . .	4
From 5 to 10 years of age, . . . . .	6
10 to 21 “ “ . . . . .	16
21 to 50 “ “ . . . . .	15
50 to 70 “ “ . . . . .	0
Unknown, . . . . .	8
	— 49

Making in the whole, 253, of whom 128 are males and 125 females.\*

\* Combining the whole, we have the following result, viz. :—

Whole number, . . . . .	253
Families, . . . . .	54
Males, . . . . .	128
Females, . . . . .	125
Natives, . . . . .	237
Foreigners, . . . . .	16
Under 5 years of age, . . . . .	19
From 5 to 10 years of age, . . . . .	29
10 to 21 “ . . . . .	77
21 to 50 “ . . . . .	84
50 to 70 “ . . . . .	29
Of 70 and over, “ . . . . .	7
Unascertained, . . . . .	8



Twelve of those classed as natives in the first list were born on the other plantations, but, by the Indian rule, by intermarrying at Gay Head, have acquired all the rights of natives. This rule applies only to such as belong to the other plantations, and to such as the tribe may think it to their own advantage to concede the right to. They are very cautious in the concession of this right, as they are jealous of the influence of foreigners, having had much trouble with some of those who have intermarried with their women and settled amongst them.

The surface of Gay Head is uneven and somewhat hilly, with a great variety of soil, some of it of excellent quality, affording fine pasturage for cattle, and this constitutes almost the sole resource of the tribe for revenue to support their poor. Cattle are brought hither from other parts of the Vineyard, and from the main, for pasturage, and the income therefrom is paid into the public treasury. It amounts to about \$225 a year, and is wholly applied to the relief of the poor. The only other sources of income, are, from their cranberry bogs and their clay. These are both public property. The cranberries are not allowed to be touched till a given day, when, after previous notice, the picking is to commence. Then, all go to work, each one gathering according to his ability, till the crop is exhausted, and retaining to his own use and profit, whatever he may gather. The annual value varies much, according to the season and the price, ranging probably from one hundred dollars to three hundred a year.

The clay is the plastic variety, used extensively for making alum and some other manufacturing purposes, and is found no where else in New England, except on the Vineyard. When a vessel comes for a cargo, notice is given, and men, women, and children over a certain age, all have a right to go and assist in the loading, and, when the work is complete, each receives an equitable share of the pay, according to the time he has labored and his ability to perform. Formerly, this was a source of considerable individual revenue, as the amount received for the clay, when on board, would average somewhat better wages than could be earned by the people at any other obtainable employment. But, recently, this source of income has become almost entirely unproductive. There are beds of clay, of the same kind, in the adjoining town of Chilmark, the propri-

etors of which are able to deliver it on board vessels, at a price, which will not yield to the people of Gay Head, ordinary day wages. In consequence of this, they have almost entirely monopolized the business, and the sales at Gay Head have nearly ceased.

The land is generally rough, affording abundance of stone for fencing, and a considerable portion of what is not taken up and enclosed, or is not used for pasturage, is grown up to bushes, which afford convenient summer fuel for common culinary purposes. Any member of the tribe may take up, fence in, and improve as much of this land as he pleases, and, when enclosed, it becomes his own. The benefit to the plantation of having more land subdued and brought into cultivation, is considered a fair equivalent for its value in the natural state, and the title to land, so taken up and enclosed, is never called in question. How long this state of things may continue, and no difficulty grow out of it, is not easy to be foreseen, and will depend upon some contingency, which shall bring rival interests in collision. To outsiders it seems strange that such a community should live together in peace, from generation to generation, holding real estate in common and in severalty, yet without any recorded title of that held in severalty, or any written law regulating its transfer or descent. Yet it is no more remarkable than the whole civil polity of the tribe, by which a community residing in the State, and nominally of the State, and subject to its laws, is yet a sort of *imperium in imperio*, not governed by the laws to which it is nominally subject, but having its own independent law, by which all its internal affairs are regulated. This law is the unwritten Indian traditional law, which, from its apparently favorable working, is probably as well adapted to their condition and circumstances as any that can be devised. At any rate, they adhere to it with great 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 intermarried with one of the tribe. The rule, to "let well enough alone," is perhaps the true one to adopt in this case, and it is believed that no advantage will accrue, either to the Indians or the State, by any change or modification of the system, till some contingency shall arise that imperiously demands

it, and then it should be done only with a thorough understanding of the subject in all its bearings and relations, and with a knowledge of the system and its operation, and of the rights acquired under it, and of those which will be affected or acquired by a change,—an understanding which no man living now possesses.

The people of Gay Head, like those of the other plantations, are a mixture of the red, white, and black races. They have, also, an infusion of the blood of the chivalry of the South, as well as of the Portuguese and Dutch, as might be inferred from the names of Randolph, Madison, Corsa, Sylvia, and Vanderhoop being found among them. Nearly all their young men, heretofore, have gone to sea, and many of them never return; some dying at sea, and others finding new homes in distant lands. The places of these are supplied by others, chiefly sailors, from abroad, who, getting acquainted with the Gay Head men at sea, come here, and marry Gay Head women, and settle here for life. By this continual efflux of native males, and influx of foreign males, the Indian names have almost become extinct, and but for two or three families, a list of their names would never suggest an idea of their aboriginal origin. The admixture is much like that on the other plantations, with, perhaps, a less infusion of the African than in some of them. A few are so strongly marked with the Indian characteristics, as to induce the belief that they are very nearly of pure blood; but there are none so nearly white, as in some of the other tribes.

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, so that, it is believed, they will bear a favorable comparison with any of the other tribes. They have made great efforts to promote the cause of temperance and of general morality, in which the mass of the population have united; but a few individuals have stood aloof and thrown their influence against these desirable reforms. They are generally kind and considerate toward each other, and perform their social and relative duties as well as do the other people in whose vicinity they reside. It is a somewhat remarkable fact, that, of less than two hundred per-

sons, who live on the plantation, over sixty, or about one-third of the whole number, are communicants of the church, and many of them adorn their Christian profession by the purity of their lives and conversation.

It has already been stated that Gay Head is a peninsula. Across the narrow isthmus which connects it to the main island, passes the boundary between the Indians and the whites, and a substantial stone wall is built upon the dividing line, except, where the road passes, bars are placed, and these have to be removed whenever a carriage crosses the line. Thus surrounded by the sea, except at this one point of ingress and egress, situated at a distance from the main or any other land, except the small island of "No-man's-land," about three miles distant, they are almost isolated from the rest of the world. This comparative isolation has both its advantages and its disadvantages. While it removes them from direct contact with the vices of the outside community, the concomitants of civilization, it cuts them off from most of the comforts, conveniences, and enjoyments peculiar to refined society, and a more perfectly developed social state. It subjects them to loss of time, and to expenses which bear heavily on them, and trench severely on their limited means. For their blacksmithing and various other kinds of mechanical work, for their physician, drugs, store supplies, &c., they are compelled to go from seven to fifteen miles, and every grist of grain that they have ground, must be carried ten miles to mill, and then, if it cannot be ground at the time, they must make another journey to get it. This isolation also deprives them of the opportunities for profitable employment, and debars them from most of the ordinary means of making money and acquiring property; so that most of them are kept more or less in debt, notwithstanding their frugal habits and self-deprivations; and many of them find it difficult to procure money sufficient to supply themselves with such things as are considered absolute necessities in the most humble household. For want of the necessary capital, they are not in a condition to bring new land into cultivation, to procure labor-saving machinery, or to avail themselves of the improved systems of husbandry, which prevail elsewhere.

Laboring, as they do, under these difficulties and discouragements, we could hardly look for much improvement in the con-

dition of the tribe. Yet it is an unquestioned fact, that they have, in reality, made more progress, during the last ten or twenty years, than any other tribe in the State. Twenty or thirty years since, a considerable portion of them lived in wigwams. The commissioners under the Resolve of the legislature, passed May 10th, 1848, in their report, dated February 21, 1849, speaking of this tribe, say: "Generally, they live in framed houses, perhaps a majority having barns." "*A number of their families live in huts or hovels, some few in squalid poverty.*" At the present time, they all live in frame or stone houses, most of them comfortable ones, and every inhabited house on the plantation *has been built within twenty years past.* These, however, have not been built from their home resources, but generally at the sacrifice of the best portion of the men's lives on the ocean. Nearly every man on the Head has spent a greater or less portion of his life at sea, usually at whaling. They commence young, frequently before getting the schooling necessary for business; and those who are successful, when they have accumulated enough to build a house, return and settle down; while those who are not, usually continue seamen through life, or find a new home abroad. This necessity of spending so much of their lives at sea, and the casualties contingent thereon, are among the prominent causes why the population of this and the other tribes is so nearly stationary, or, in some of them, retrograde.

Some of the evils to which the tribe is subjected, in consequence of the straitened pecuniary condition of most of its members, present a claim on the State for relief, which good policy and humanity would seem alike to demand, should not be ignored. The report of the commissioners in 1849, already referred to, in speaking of this tribe, says: "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.*" In a tornado which swept over the Head, a few years since, the mill was

totally demolished, and the inhabitants were thus deprived of a longer enjoyment of the blessing which it had conferred on them. Having no means of their own for rebuilding it, and being unwilling again to ask the State for aid, they have quietly and patiently submitted to the deprivation, and would not, of their own accord, bring the subject to the notice of the legislature.

The people have, in former times, suffered so much from outward interference in their affairs, that they have become very fearful of it, and for that reason are always indisposed to make any want known to the legislature, lest it should be made the occasion of such interference as would be unwelcome to them. During the whole intercourse of the commissioner with them, no suggestion was made by any individual of a desire for an appropriation of any kind for their benefit; and when, after their great need of a mill had been pressed upon his attention from other quarters, he inquired of one of their leading men concerning it, he mildly replied that a mill would indeed be a great benefit to them, and was very desirable, but they did not think of asking the State for one.

Another most urgent need is of suitable and sufficient books and stationery for the children at school. These cannot be had without ready money, and a large portion of the residents find it as much as they can do, to provide clothing such as will make their children appear decent at school, and it is believed that much of the benefit which might be derived from the schooling is lost, for the want of such books and stationery as are necessary for the use of the scholars. This waste of time and loss of opportunity for education, should not be permitted by the State, to one of the most unfortunate classes of her population. In view of the improvement they have made, under such adverse circumstances, and of the disposition they have manifested for bettering their condition, it is but reasonable to believe, that the proposed assistance would afford at once an opportunity and a stimulus for further progress in the right direction.

Such improvements have been made, of late years, in the construction both of wind-mills and of mills for grinding grain, as to make both better adapted to such a case as the present, and it is believed that an appropriation of                    dollars

would purchase those of sufficient size, to erect a suitable building for their accommodation, and to put them in operation. And it is believed that an appropriation of fifty dollars per annum, to be applied to the purchase of school-books, stationery, and apparatus, for the school at Gay Head, would meet the necessities of the case. Such appropriations would, unquestionably, be most gratefully received, and the backwardness of the Indians to ask for them, is an argument in their favor, rather than against them. Of all the noble charities of the State, by which suffering is removed or alleviated, or by which the condition of the unfortunate is improved, none, it is believed, present stronger claims on the representatives of an enlightened people, or will yield a more adequate return, according to the amount expended, than those now recommended; and the Commissioner cannot but express the most earnest hope for the success of the recommendation.

The inhabitants of Gay Head, like all others in the State, whose legal condition as Indians is recognized, are the involuntary wards of the State. It has taken their property into its own keeping, so far as any transfer of it is concerned—they can make no sale of their land or improvements to any but other members of the tribe, and as all of them have as much or more than they have means of improving, there are no purchasers. They can make no contract that is binding in law, and can neither sue nor be sued in the courts. They are therefore tied to the plantation by the act of the State, with all its disadvantages and their own disabilities, or if they leave it, it must be at the sacrifice and loss of the income of all their rights there. Such is the legal relation of the individuals of the tribe to the State. That of the tribe, as a tribe, is thus spoken of by the commissioners in 1849.

“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 part 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 guardian-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 arrangement of their affairs, except of the school-money, have been left to themselves.”

To this day they never have accepted the Act, and probably never will. Had they accepted it, they would have been placed in the relation of minor children, under 14 years of age, who have not the right to choose their own guardian. As it is, they are the direct wards of the State, without the intervention of a guardian, and as such it would seem that the State is bound to protect them in all their interests with paternal solicitude.

The provision for the appointment of a guardian was not the only objectionable feature of the Act of 1828. The guardian was empowered “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, and for the sale of spirituous liquors within the territory, or on the lands of said Indians and people of color; 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 provisions 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.*" With such a provision in the Act, making a discrimination so odious and unjust, between themselves and other prisoners, the Indians would have been greatly wanting in self-respect had they accepted it. It is a provision disgraceful to the statute book of the State, and discreditable to the civilization of the age. Yet two tribes, the Chappaquiddick and the Christiantown, were made subject to the provisions of this law, without the power to accept or reject it, and are governed by it to this day.

The municipal organization consists, mainly, of three overseers, a clerk, treasurer, school committee, and committee on public lands, and by these their municipal affairs are regulated and managed. The school committee performs the duties incident to such committees in the towns, and those of prudential committee also. The school is kept, usually, about seven months in the year, and is well attended, but its value is greatly impaired by the inability of the parents to procure suitable books, stationery, &c., as already spoken of. The same want was noticed by the former commissioners, in their report in 1849. May we not hope it will soon be remedied.\*

The religious organization, here, is that of a Baptist church, belonging to the Barnstable Association, to which it sends delegates. The society for propagating the gospel among the Indians contributes, annually, two hundred dollars for the

\* During my visits to Gay Head and my correspondence with members of the tribe, the only appropriation of money for their benefit that was suggested by any one of them, or about which they appeared to be particularly solicitous, was one to enable them to secure the services of a minister a greater portion of the time than they are now able to have one. They seemed to consider the want of this as their greatest deprivation. It is to be hoped that some missionary or other religious association, especially of the denomination to which this tribe is attached, may extend to them the desired aid. They could hardly find a more promising missionary field according to the expenditure required.

support of the ministry, and the inhabitants contribute, in labor and otherwise, about seventy dollars more, for the same purpose. They have, also, a very comfortable parsonage, which is occupied by the minister, when they have one. When they have none, they hold frequent meetings, at which they exhort and pray. They appreciate and improve their religious privileges, and manifest a regard for their religious duties and a sincerity in the performance of them, more general than has been observed in any other tribe.

The support of the poor, at Gay Head, is a very severe tax upon the people, absorbing the entire revenue of the public lands, which is the largest, best, and most valuable portion of the property of the tribe, including that belonging to individuals as well as to the public. There are four paupers at the present time, for the support of one of whom, alone, about two thousand five hundred dollars has been paid. One of the others is a foreigner, toward whose support the State pays fifty-two dollars per annum. Another of them is partially insane, and has been in the insane hospital at Taunton, but has been removed to the almshouse at Bridgewater. Others receive partial and occasional relief, as their condition and circumstances require.

It seems fortunate, in every point of view, that the Act of 1828 was not accepted by the tribe. That Act made provision for the division of the public lands, a measure which has proved disastrous to the interests of the Marshpee tribe, and which would, unquestionably, have proved equally injurious, had it been carried out at Gay Head. It would have taken from the tribe its only source of public revenue that can be permanently relied upon, while a considerable number of those to whom it would have been distributed, never would have realized from the land, the means of paying their proportions of the support of the poor and other public expenses. The effect of it would also have been, probably, to concentrate in a few families, nearly all of this domain. In the natural course of things, some families multiply rapidly, while others remain stationary, or run out, and become extinct. This has been remarkably the case among the Indians, and we find, on the one hand, single families, the sole representatives of numerous families a few generations back, and on the other, where one family, a hundred years since, has now numerous families of descendants,

so that, while in one case the patrimony of numerous families would be concentrated in one, in the other, that of only one family would be subdivided among many. An inequality would also grow up, as it does in other communities, in consequence of the greater shrewdness and business capacity which some individuals possess over their associates.

As this question of the division of the lands has been, more than once, agitated, and may be again, it may not be amiss to inquire, why a division should be made. What is to be gained by it? The legal condition of the inhabitants should be considered. The State has declared them incompetent to take care of their own, to be mere children—of a larger growth, it is true—but incapable even of choosing their own guardian. It has, in conjunction with the popular opinion which rules with the law-making power, placed them in such a position and surrounded them with such circumstances, that the process of development, which shall qualify them to take their position as citizens, in the general community, with all the responsibilities and liabilities of that state, must necessarily be a slow one, requiring much time. Till the time arrives when that may safely be done, it is not perceived what better arrangement could well be made, in relation to the territory of the tribe than the one which now exists. If any man wishes for more land than he has, he has only to go upon the public domain and select what he wants, wherever he chooses, and fence it in, and it then becomes his own. If he will not do so much as this, for the sake of the land he wants, why should he have it? And, if he cannot do this, what would he do with a still larger tract, in case of division, which could be enjoyed in severalty, only by being fenced off? By the present system every young man, whenever he becomes of age, or whenever he is in a situation to need land, may take it up and occupy it. Thus an equality of rights and of possessions is kept up, which is most desirable in such a community as this. But, let the public domain be divided, and the sources of public revenue be dried up, the land having, a portion of it, passed into the hands of the improvident and thriftless, and more still, perhaps, into the hands of those who would prefer living abroad, and thus avoiding the public burdens, and it would not be long before the State would be obliged to provide for the poor, or the burden

of it would fall with great severity on a small portion of the tribe.

All the reasons against a division of the territory apply with still greater force against changing the present relations of the tribe toward the State, and making them citizens. Indeed, if there has been a time, when that experiment should not be made, it would seem to be the present, so far as this tribe is concerned. They have been so long accustomed to a state of pupilage, that they are not prepared for the change; yet the steady progress that they have made for twenty years past, gives the encouraging hope, that, with the fostering care and encouragement of the State, the time may not be very remote, when the initiatory steps may be taken, for consummating that change. At any rate, while they are improving, there can be no reason for a change, unless they desire it, as it would, very certainly, involve them in difficulties and embarrassments, and bring additional burdens on the State. At the time of the public hearing, the expression of opinion was strong and decided against a change, all the most intelligent and respectable portion of the residents concurring therein, and it was understood that none desired a change, except a very few, whose bad character and vicious habits have rendered them a nuisance to the place. I may add, that all the friends of the Indians, and all those who are best acquainted with the circumstances of the case, so far as I could learn, most decidedly concur in the belief that the present relations of the tribe to the rest of the community, and to the State, should remain unchanged. The prejudices of color and caste, and the fears of the burdens it might impose, would much embarrass any attempt, at present, to incorporate them into the general community. The Commissioner was assured by municipal officers of the town of Chilmark, that, if they were made citizens, and the territory should be annexed to that town, the voters would, at once, surrender their town charter.

Believing that no essential change should be made, at present, in the external relations or internal polity of this tribe, and that too much rather than too little legislation on their behalf is to be deprecated, there are, nevertheless, some points on which the interposition of the legislature seems to be required. The Indian traditional law, so far, has worked well, and seems

adapted to the condition and wants of the tribe, but its success has resulted from a general acquiescence in its administration, there being no legal authority by which its provisions may be enforced, or its results guaranteed. The rights, therefore, which have been acquired under it, from generation to generation, are insecure; and, whenever disputes shall arise, which lead to litigation, or whenever disaffected or unprincipled individuals may be disposed to take advantage of this anomalous state of things, for their own benefit, or for the injury of others, much difficulty and embarrassment may ensue, with possibly great wrong to innocent and deserving parties. The sanction of the law ought, therefore, to be, at once, extended to the rights thus obtained in good faith. Another case for legislation, is, the extension of the sanction and authority of law to the school of the plantation. At present, the school committee are without legal authority, with no power to punish or exclude contumacious or rebellious scholars, and thus parents disposed to make difficulty have the opportunity, if they choose to take advantage of it, greatly to mar the usefulness of the school, if not even to break it up. For this evil an adequate remedy should be applied.

Complaint was made to the commissioners, on behalf of the tribe, in 1849, but not in season to be embodied in their main report, of an evil which still exists, and for which they think they are entitled to relief at the hands of the legislature. A young woman of the tribe, for instance, goes to service at New Bedford, or Boston, or some other town, and while there marries an inhabitant of that or another town, of which he is a citizen and voter, having a legal settlement therein. After a lapse of years, the husband dies, and then the widow, with a family of children, returns to Gay Head and claims support for herself and family of foreign children. Such cases, it is alleged, have frequently occurred, imposing an onerous, and, as they think, an unjust burden upon the tribe. They think that they ought to be relieved from the support of those, who voluntarily leave the tribe and acquire homes elsewhere, or, at least, that a time should be fixed, beyond which they cannot return and claim support; and that, where the husband has a settlement abroad the wife should follow that settlement and not be allowed, ever, after marriage, to claim support of the tribe. It may be added,

that any legislation on the subject, should apply, as well to other cases of voluntary withdrawing from the tribe, as to that of women marrying abroad. Cases have occurred of a young man's leaving and spending his whole remaining life away, and, after death, his children and grandchildren would return to the place for support.

The registration of marriages, births, and deaths, ought to be provided for. Had there been one heretofore kept in the several tribes, such as is now required in the several towns, it would have saved your Commissioner weeks of labor in his investigations and enabled him to ascertain some facts of consequence which he has been unable to determine. In case of the enactment of a law, legalizing the present proprietorship of lands in severalty, and regulating the division and descent, it would add to the necessity of extending the law of registration to this tribe.

The tabular list accompanying this Report, shows the present population of the tribe, as near as it could be ascertained, distinguished and classified as required by the law establishing the commission. It will be seen, that the quantity of land, held in severalty averages but little to a family, and that the number of cattle is also small. Some of the inhabitants hesitated about giving an account of their stock as they owed for much of it, and in some cases it is but nominally theirs, the persons of whom it was obtained holding a lien upon it for its value. Few individuals have personal property beyond the amount of their indebtedness, more than is exempted from attachment to poor debtors, by the laws of the State.

The Commissioner avails himself of this opportunity of acknowledging his obligations to Capt. Flanders, superintendent of the light-house at Gay Head, for his attentions and aid in procuring the statistics of the tribe. And, more particularly, are his acknowledgments due to Hon. Leavitt Thaxter, for the ready, prompt, and cheerful aid, which, from first to last, he has rendered in conducting the investigation—an aid which his long and intimate knowledge of the Indians and their interests peculiarly qualified him to give, and which no other man could have given. To this tribe in particular, and, nearly in the same degree, to all the other Indians of Dukes County, he has been a long and steadfast friend, watching over their interests

with even paternal solicitude, counselling them in their need, adjusting disputes between them and their white neighbors, and between each other, with many other acts of kindness of various kinds, for all which, he has constantly refused any compensation from them. This unselfish kindness has endeared him to them, and won their entire confidence, so that he has an influence with them that none other can possess, and, when he is gone his memory will be cherished as a benefactor, and none, it is feared, will be left to fill the place vacated by him.

Since my Report was completed, I have ascertained that the annual grant of sixty dollars to the Gay Head school for five years, expired in 1859, and, believing that the reasons which prompted its first appropriation have acquired increased force, and will commend themselves to the legislature, I have reported a resolve for extending the grant for another term of ten years.

#### MARSHPEE TRIBE.

The District of Marshpee, the residence of the largest distinct body of the descendants of the Indians, now remaining in the State, is situated on Cape Cod, in the westerly part of Barnstable County, and is bounded on the north by Sandwich and Barnstable, on the east by Barnstable, on the west by Falmouth, and on the south by the waters of the Vineyard Sound. The whole number of the tribe, so far as is ascertained, is 403.

Families, . . . . .	93
Males, . . . . .	186
Females, . . . . .	216
Unknown, . . . . .	1
Natives, . . . . .	371
Foreigners, . . . . .	32
Under 5 years of age, . . . . .	50
From 5 to 10 years of age, . . . . .	44
“ 10 to 21 years of age, . . . . .	97
“ 21 to 50 years of age, . . . . .	146
“ 50 to 70 years of age, . . . . .	46
Of 70 and over, . . . . .	20

Of those who are 70 or over, six are 70 years old, one is 71, one is 74, four are 75, three are 76, two are 77, one is 87, and two are each 93 years of age. The two oldest persons are Lois Pells and Betsy Smith, both widows.

It appears by a statement made before a committee of the legislature in 1834, by Hon. Benj. F. Hallett, counsel for the tribe, that their population in 1767 was two hundred and ninety-two; in 1771, it was three hundred and twenty-seven, of whom fourteen were negroes, married to Indians; in 1832 it was three hundred and fifteen, of whom sixteen were negroes. By the commissioners' report in 1849, it was three hundred and five in 1848, of whom twenty-six were foreigners, all negroes or mulattoes; in 1859, the tribe numbered, as will be seen by this report and the accompanying tabular list, four hundred and three, including thirty-two foreigners, married to natives of the tribe, all negroes or mulattoes, or various mixtures of negro, Indian, or white blood—none of them being pure whites. Sixty-six, out of the whole number of the tribe, at the time of the enumeration, were not residents of the District; but fifty-two of them were considered as retaining their rights in the tribe, and more than half of the sixty-six were understood to be only temporary residents abroad, expecting, at some time, to return to Marshpee, and make it their permanent place of residence. A few others, as a matter of personal convenience, are now residing just over the line, and are so returned, but they consider themselves as identified with the tribe in all respects, and are so considered by the tribe. Fourteen individuals, included in the above sixty-six, whose names are in the “Supplementary List,” own no land in the District, but have been gone so long from it, that they are not now recognized by residents as members of the tribe.

In this tribe, as in several of the others, the mortality, within the eleven years preceding, and including the autumn of 1859, was very great. The commissioners' list made in 1848 gives the names of three hundred and five persons, and of these, ninety-two, or 30 per cent. of the whole number were dead in 1859. The number of births during that period, and of deaths of those born within the time, are not known. But there were one hundred children living in 1859, who had been born since the commissioners' report, being an excess over the deaths of only eight. The additional excess in numbers, of the present



return over that of 1849, consists of persons whose names are not on that return. It is much to be regretted that no provision exists for a registration of the Indian tribes. This is a manifest defect in our law. The value of statistics consists chiefly in their accuracy and completeness, and it seems strange, when so much pains has been taken to perfect our system of registration and to publish the results, that this portion of it should have been overlooked or neglected. It is necessary to the completeness of the system, and if extended to the several tribes, would be valuable, as affording the means of interesting comparisons of the vital statistics of the tribes with those of the other people of the State, and would be an essential aid in any future investigations into their condition, &c. It is therefore earnestly recommended that the registration, in some form, should be extended to all the tribes.\*

The whole District of Marshpee has an area of over sixteen thousand acres, comprising

Indian lands held in severalty, acres, . . . . .	10,231 $\frac{1}{2}$
“ (upland), in common, . . . . .	2,300 $\frac{1}{2}$
“ Parsonage, . . . . .	450
“ Cedar swamps, . . . . .	250
“ Salt and fresh meadows, . . . . .	150
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Total Indian lands, . . . . .	13,382
Marshpee and Wakeby Ponds, acres, . . . . .	850
John’s Pond, . . . . .	350
Cotuit, or Santuit Pond, . . . . .	250
Ashumete Pond, . . . . .	200
Aggregate area of these ponds, . . . . .	1,650
Land held by whites, estimated at . . . . .	700
Roads, rivers, and small ponds, . . . . .	400
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Whole area, acres, . . . . .	16,132

A large proportion of the District is light, sandy, and barren, nearly destitute of water, and is of little value except for wood-

\* Rightly construed, the Registration Law probably applies as well to Marshpee as to other portions of the State; but it does not appear to be so understood by the officers of the District.

land; and the growth of wood is comparatively small and stinted. Formerly, most of it was covered with a growth of wood, which, if it had been properly husbanded, would have been an unfailing source of revenue to the tribe, sufficient to place them beyond the reach of want for the support of their poor and all other municipal purposes, and would, beside, have given all the inhabitants an adequate supply of fuel; but, by the Act of March 2, 1842, provision was made for the division and distribution of this domain, so that each legal adult proprietor, male or female, each of the children of such proprietors, and every person of Indian descent, who was born within Marshpee, or within the counties of Barnstable or Plymouth, and who had resided, or whose parents had resided in Marshpee for twenty years or upwards, previous to the Act of 1834, by which the District was constituted, should receive sixty acres of land in severalty, including what each proprietor had previously occupied. The provisions of this Act were substantially carried out in the division which ensued. A large proportion of the land, thus divided, was covered with wood, as already indicated. An idea of its value may be formed, from the fact, that the wood on the parsonage lot, containing only four hundred and fifty acres, was sold in 1845, and the sum of \$6,950 was realized from the sale, averaging over fifteen dollars an acre for the whole lot. Almost the whole of the wood that was standing on the land, when it was divided, is gone, and the people have nothing to show for it. The noble patrimony has wasted away, and the whole property of the District, real and personal, would not sell for as much money, now, including buildings and improvements, as the wood on the land was worth when it was divided; and it is doubtful whether a large proportion of the families are as comfortably situated, as well provided for, and in as good a condition to meet their future wants and necessities, as they would have been, had no more been divided to each, than would be sufficient for cultivation and to give them a suitable supply of fuel for their own use. Relying on the sale of their wood, to procure whatever they might want, agriculture was neglected, idle and improvident habits were acquired, and a general unthriftiness ensued, that pervaded the whole District. The marks of this are strikingly apparent at the present day, exceeding any thing of the kind to be found

on either of the other plantations, with perhaps the single exception of the few families on the Fall River reservation. The new growth of wood, which was coming up on most of the allotments, as well as that on the parsonage lot, which had attained considerable size, has, to a great extent, been destroyed by fires that have, within two or three years, burnt over about five thousand acres of woodland in the District. This calamity falls with peculiar severity on several widows with dependent families, to whom this was almost their only resource. The lesson which the people are now taking is a severe one, but it may be worth its cost, and, if it shall teach them wisdom for the future, they will not have suffered in vain.\*

It will have been seen, that sixteen hundred and fifty acres, or more than one-tenth of the whole District, is occupied by ponds of fresh water, without including some of minor size. These afford fine fishing, and are a source of some public

\* At the present day, and in the light which subsequent events have thrown on this matter, it is difficult to imagine what influences could have operated on the legislature, to induce it to sanction such an Act, as that which authorized the distribution of the Marshpee lands, or how it could have failed to perceive what consequences must almost inevitably flow from it. Here was a people held in a state of pupillage, under a quasi guardianship, forbidden by law to transfer a foot of their land to any but a proprietor of the District, without authority of the legislature—not allowed, even in their collective capacity, by a vote of the whole body, to appropriate a dollar for any public purpose, without the consent of the commissioner—a people, who, by being subjected so long to these restrictions and disabilities, had, to a great degree, lost self-respect and self-reliance, and become, from disuse, unaccustomed to pecuniary responsibility, or the proper management of prudential concerns. Under this law, nearly every married couple among them received one hundred and twenty acres of land, with sixty acres more for each and every child they had; and thus a property was at once placed at their disposal, in the wood growing on the land, of many times the value of the naked land, which the law did not permit them to sell. Without any training to a prudent forecast, having never had the opportunity of acquiring the habit of husbanding their resources; and, accustomed, as they were, to live from hand to mouth, this looked to them like a fund that could never fail, and it is not strange that even the best of them should yield, to some extent, to the temptation to rely on that, rather than their own efforts, for a living, and that the neglect, waste and improvidence ensued, which they have so much reason to deplore. Yet, in truth and justice, we are bound to say, that they, who had the power to prevent it and yet authorized it to be done, are more inexcusable, than are the unfortunate sufferers of the folly.

revenue. Marshpee and Wakeby Ponds are substantially one, being united by a very broad, deep strait, and present one of the finest sheets of fresh water to be found in the State. Situated in a sandy region, with but little soil or vegetable matter washed into them, to make mud or sediment, much of the shore, for a considerable distance into the water, is nearly a pure white sand and gravel, and the water of such remarkable purity and clearness, as to render every thing distinctly visible at the bottom, almost as much as if there was no water there. Being almost entirely supplied by springs, the water is of a very equable temperature both in summer and winter, and affords a congenial home for large quantities of the finest trout that can any where be found. At the outlet, a stream, sufficiently large to operate a mill, is constantly discharged. This finds its way to the sea, a distance of some eight or ten miles, over a bed of the same kind of sand and gravel as that of which the shores of the ponds are composed. Most of the way, the stream is somewhat rapid, with occasional quiet pools, affording to the trout a desirable and agreeable egress from the ponds to the sea, which is their principal feeding-ground. Here they become very fat, and attain an enormous size, often weighing from three to six pounds, and sometimes reaching eight or ten pounds. No other trout in the market are considered equal to them, or command so high a price. In their passage to and fro, between the ponds, which are their place of residence, and the sea, where they take their meals, the little river is alive with them throughout its whole course, and the sport, thus afforded to the fishermen, is indescribably fine. This fishery is a perquisite of the tribe, and no other person is allowed to fish in the stream without a permit from the proper officer, for which permit a fee of five dollars a day is required for each person. The amount received from the sale of these permits varies from one hundred and fifty to three hundred dollars a year. Between the times of my first and second visit to the District, two young men from a neighboring town obtained permits for two days, during which time they caught over one hundred and seventy pounds of these fine trout, realizing, at a low market value, two or three times the amount paid for their permits. The pickerel fishery, in the ponds, is also very good, and this, too, is a source of some revenue to the tribe. The herring

fishery, during its season, is usually abundant, the river and ponds being a favorite resort for them, and, though it brings no public revenue, it is a source of some private emolument, and furnishes a liberal supply of a favorite and convenient article of provision, for the use of all the families who choose to avail themselves of it, throughout the year. The season of 1859 was as good as usual, though the run was generally small at other places in that region.

The extensive tracts of woodland, here, reaching into Sandwich and Barnstable, and perhaps into Plymouth, afford a home and shelter to considerable numbers of deer, this being the only place in the State, except perhaps Naushon Island, where they have never been exterminated. The hunting of them has heretofore been a subject of legislative enactment, and, now that the destruction of the wood by fire on so extensive a tract, has circumscribed their range, and, in the same proportion increased the facilities of the huntsman for pursuing them, it is much to be feared, that, without some stringent statutory provision for their protection, they will at no very distant day become extinct in this region.

By the Act of 1834, constituting Marshpee a District, the organization is similar to that of towns, the proprietors electing their clerk, selectmen, (who are also overseers of the poor, surveyors of highways, and school committee,) and one or more constables, and voting the amount necessary for the support of the poor and their medical attendance, the repair of highways, the support of schools, and other necessary District charges. These several officers have duties corresponding to those in towns. In addition to these officers, it provided that there should be a commissioner, appointed by the governor and council, who must be a resident of Barnstable County, in the vicinity of the District, whose duty it was "to exercise a careful supervision over the affairs of said District" and to preside at all meetings of the proprietors, with the powers of moderator. All rules and regulations for the management of the public domain, and all appropriations for any public purpose, must receive his sanction to make them valid. By virtue of his office, he was treasurer of the District, and of the Herring Pond Indians, and, as such, was required to give bonds to the satisfaction of the governor and council for the faithful performance of his trust. He was

also required to report annually to the governor and council, for final settlement, an account of the receipts and disbursements of the treasury, with his own charge for necessary services, countersigned by the selectmen of the District, with their approval or disapproval of the same. By the Act of 1853, (chap. 186,) the office of Commissioner of Marshpee was abolished, and the office of Treasurer of Marshpee was established, to be also treasurer of the Herring Pond Indians, and he was required annually to report to the governor and council for settlement, an account of all receipts and disbursements, to be countersigned by the selectmen of Marshpee, and some person appointed by the Herring Pond Indians for the purpose, with their approval or disapproval of the same. By the same Act, the District was authorized to choose its own moderator, and to select its own officers, for the performance of all the duties heretofore devolving on the commissioner, so that it now enjoys all the rights of towns, except that of representation and the election of its treasurer.

The Act of 1842 empowers the proprietors to assess taxes for the purposes of the District, but the provision is practically nugatory, for the want of power to enforce their collection. The experiment, when tried, has utterly failed and had to be abandoned. About one-half of the residents paid their taxes, and the remainder refused or neglected to do it, and, as there was no power to levy on the land and sell it for the taxes, there was no remedy. When the public hearing was held at Marshpee, a strong feeling prevailed in favor of a grant of the necessary power for this purpose. But it is not seen how it could be exercised, consistently with the settled policy of the State in reference to the Indians, as, by existing laws, none of the territory can be alienated and pass into the hands of others than proprietors, and there are now, hundreds, if not thousands of acres of land in the District, which could be bought for a price almost nominal, yet find no purchaser, because such proprietors as are able to buy, already hold in severalty more land than they have any occasion for. There would, consequently, be no purchasers. If provision were made that others might become purchasers, it would initiate a vital change in the policy of the State, and lead to a gradual, but certain alienation of a consid-

erable portion of the lands of the tribe, whose owners would, probably, in that event, be thrown upon the public for support.

The organization of the District has unquestionably been advantageous to the tribe, in preparing them gradually for the change which must eventually come, in their political relations, when they shall be endowed with the rights of citizenship, with the duties, responsibilities, and obligations it imposes. It took away one ground of complaint, by enabling them, substantially, to manage their own affairs. In the same way it encourages their self-respect and adds to their feeling of individual responsibility. Their town meetings are, to them, what such meetings are to our country towns—schools which bring into exercise talents that otherwise might have lain dormant, and aid in better preparing them for other responsible duties. It is said that at some of the town meetings, the discussions are very animated, and are marked by considerable ability. At the public hearing given by the Commissioner at this place, the debates on the subjects introduced were as well conducted as similar debates are in any of our towns, and some of the speakers acquitted themselves very creditably. One of them, in particular, evinced much native humor and a fertility and aptness of illustration rarely equalled, indicating natural talents, that, with the advantages of an education, would have qualified him to shine in any station of life.

The expenditures of the District are, for the support of the poor, of the schools, and the highways, the pay of public officers, the treasurer's salary, and contingent expenses. These amounted, for the year ending September 30, 1859, to \$2,398.02, but, in this amount is included between \$700 and \$800 for making new county roads through the District, the most of which expense was refunded by the State. The number of paupers in the District, dependent for their entire support, is seven, of whom three are State paupers, for whose support the District received in 1859 \$189.85. The annual payments by the State, for the support of State paupers, for the last eleven years, have been as follows:—

1849,	.	.	\$389 75	1856,	.	.	\$212 00
1850,	.	.	299 45	1857,	.	.	117 00
1851,	.	.	247 69	1858,	.	.	147 18
1852,	.	.	436 62	1859,	.	.	189 85
1853,	.	.	426 52				
1854,	.	.	392 00				\$3,131 90
1855,	.	.	273 84				

The average amount for the eleven years has been \$284.72. For the six years preceding 1849, the average payment by the State for the same purpose was \$359.24, while, for the six years last past the average has been only \$187.97, or but a trifle more than one-half the average of the former period. The annual expense of the paupers of the District including payments for those who receive assistance as well as those requiring entire support, is about \$400 per annum.

For the support of the schools of the District, formerly, \$100 a year was appropriated from the school fund and \$60 a year additional was received, as the interest of \$1,000, which was set apart as the District's portion of the surplus revenue, making, in all, \$160 a year. But, in 1856, the legislature added \$165 a year to the amount, on condition that the District should appropriate \$75, and thus make the whole up to \$400 a year. This has been done by the District, so that the average annual length of the two schools is about eight months. A marked improvement has resulted from this increased appropriation, in the character of the schools and in the interest manifested in their success; an interest which, if properly sustained, promises most beneficial results in the future. The people are now anxious for increased advantages of this kind, and instructed the undersigned Commissioner, through their committee, to ask, on their behalf, an additional appropriation from the school fund of seventy-five dollars a year, on the condition that they will add twenty-five dollars a year, and thus make up the full sum applicable to the support of their schools, to five hundred dollars a year. This would give them about ten months schooling; and when it is considered that a great portion of the children are obliged to leave the schools as soon as they get to an age which makes their services valuable, in obtaining the means of support for themselves and the families

to which they belong, it seems very desirable, that, during the short period of their school life, they should have the opportunity of attending school as large a portion of the time, as is consistent with a sound and healthy physical development. The schools are now in good condition, compared with what they were formerly, and the average attendance is about 80 per cent. of the whole number of scholars, which, considering the tender age of many of them, and the great distance that a portion of them have to travel, to reach the school, may be considered very good. The school in the North District, the past year, (1859,) was kept by Miss Ann Fallon, who appears every way competent to the situation, and manifests a laudable interest in the improvement of those under her charge. The visit of your Commissioner to the school was quite satisfactory to him. He did not have the opportunity of visiting the school in the South District, which was taught during the last summer by Miss Nellie C. Davis, but he had a satisfactory report of its condition. The state of advancement of the pupils in these schools, will not, of course, bear comparison with the district schools in our towns. The time has not yet come for that, but, considering the former low state of education in the District, and the disadvantages under which they labor in the want of instruction at home and of association with educated people, with others incident to their peculiar condition, the progress is such as to give cause for hopeful anticipations for the future; and the Commissioner is decidedly of the opinion, that, if the additional amount asked for by the District can be appropriated from the school fund, without essential detriment to other public interests, on the conditions on which it is asked, it will be a good expenditure of the money.

For the support of public worship, no expenditure is required from the funds of the District, except for incidental and contingent expenses, the salary of the missionary laboring among them being paid from the income of the "Williams Fund" for the evangelization of the Indians, in charge of Harvard College. Formerly a minister was settled here, with whom, theologically, the inhabitants did not agree, and this led, gradually, to alienation of feeling, and personal bitterness between them. The consequence was an almost entire abandonment by the people, of attendance on his services, ending, finally, in a lawsuit,

which was settled by a compromise in 1849, and, since that time, they have enjoyed the privilege of selecting their own spiritual adviser and guide. The Rev. Daniel Hawley is now ministering among them, to apparent satisfaction. He has been with them for one year, and has been re-engaged for the present year.\* He manifests a commendable interest in the spiritual and temporal welfare of his charge, but the habit of neglecting or omitting the attendance on religious services, which grew up during the difficulties with a former pastor, had become chronic, and it will probably take some time longer, yet, entirely to overcome it. Yet an increased interest is manifested in religious concerns, and a great improvement, in this respect, is conceded to have taken place within the last fifteen or twenty years, an improvement which may be continued and accelerated by the patient and faithful services of a self-sacrificing pastor. For such a one, this is a promising field of labor, a field where not the Sabbath alone may be profitably employed, but every day of the week, in advice, example, and encouragement, in secular as well as religious affairs. Ignorance, poverty, and want, are favorable neither to morality nor religion, and, with such a people as this, every improvement in their social condition, and every advance in knowledge, whether in literature, science, art, or domestic economy, prepares them for the more ready reception of the vital truths of religion, and qualifies them the better for the discharge of the duties devolving on them, as moral and accountable beings. Especially is the inculcation of industrious habits important, and he who will manage to interest them more in the pursuit of their avocations, who will teach them so to diversify their pursuits as to make them productive, and thus render them agreeable and attractive, will confer a favor on them, the extent and value of which can hardly be appreciated. There is nothing which strikes a stranger, visiting the District, with more force, than the want, among many of the people, of habits of patient, persevering, well-directed industry, and he who should effect a change in this respect, would be a public benefactor.

It should have been stated that the family of the missionary occupy the parsonage belonging to the District, connected with which, is about three acres of pretty good land under cultiva-

\* 1859. He continued with them through the year 1860.

tion. The meeting-house of the District is a neat building, sufficiently capacious for the accommodation of the people, and, by the bounty of the State was put in good repair in 1855. It is beautifully situated in a fine grove, where the land slopes gently to the south and west, on one of the most prominent elevations in the District, commanding a good view of the adjacent country. The secluded situation, at some distance from any human dwelling, with no external sound but the rustling of the foliage in the breeze, the choral song of the feathered songsters, and, perhaps the distant roar of the ocean, is well calculated to inspire a religious and devotional feeling.\*

The resources of the District from which to meet their expenditures, are, \$325 from school fund and surplus revenue, toward the support of the schools; interest on the fund created by the sale of the wood on the parsonage lot, so called, which now amounts to about \$120; fisheries, about \$200, and rent of meadows, about \$100. Aside from some other trifling occasional receipts, this is all the regular income that can be relied on, and whatever this falls short of meeting the expenditures, has to be taken from the principal of the fund. The amount of the expenditures for the year ending the 30th of September last, has already been stated at \$2,398.02, including the amount paid for new roads. After deducting the amount received for school money, and \$715, received of the State, on account of the new roads, the whole revenue of the District was insufficient by the sum of \$677.04 to meet the expenditure, and that amount had to be taken from the principal of the fund and diminished it to that extent. At this rate, in less than four years more, the fund will be exhausted. When that is gone, there was formerly a prospect that its place might be supplied, to a considerable extent, at least, from the wood growing upon the common lands. There was a good growth again coming on, upon the parsonage lot, besides what stood upon the other common lands, but the great fires of the last season have nearly destroyed it all.

\* Since this was written, during the year 1860, the Sabbath School Library of the District has been largely increased by donations from the Baptist friends of this people, in Boston, through the influence of a Boston lady who visited them, and interested herself in their Sabbath schools.

The tabular list, herewith presented (see Appendix, A) gives, in addition to the quantity of land held by the respective proprietors in severalty, a valuation thereof, with the improvements, and a valuation, also, of such personal property as is held by them, respectively, beyond what is exempted by law from attachment. This valuation was very carefully made, and, it is believed, presents a fair estimate of the value of property held by individuals in the District, to which, if the public property be added, will present the following aggregate of the value of all the property of the District:—

Value of 10,171 acres of land held in severalty, with the improvements thereon, . . . . .	\$67,055 00
Value of personal property . . . . .	3,598 00
“ of 2,300½ acres held in common, . . . . .	9,202 00
“ “ 450 “ “ “ (parsonage). . . . .	2,250 00
“ “ 250 “ “ “ (cedar swamp) . . . . .	1,000 00
“ “ 150 “ salt and fresh meadows, . . . . .	2,250 00
	\$85,355 00
Public property, \$14,702; private property, \$70,653.	

This valuation would have been considered a low one, two or three years since, before the devastating fires had swept over the District; but it is higher than the property would probably sell for, now, if put into the market.\* This value, then, must be considered prospective rather than actual, to be enhanced as the wood again grows up. The amount of land held in severalty, gives an average of nearly one hundred and ten acres to each of the ninety-three families of the District, which, to those residing in sections of the State, where the soil is fertile, and valuable for cultivation, would seem to place them in very comfortable circumstances. But it must be remembered that most of this land is of no value, except for the wood it produces; that the wood is of very slow growth, and that nearly all of it has just been burnt off, so that a long time must elapse before it

\* By this, is meant, if put into the market, with competition open to everybody. If put up at auction with the existing restriction, that none but proprietors of the District could be purchasers, much of this land would hardly bring enough to pay the auctioneer's fee.

will again yield any income. A better estimate of their condition may be made, by considering that the whole value of the real estate held by individuals in the District, averages only the nominal sum of seven hundred and seventy dollars to a family, including buildings and all improvements, and that a considerable portion, even, of this amount, is in land that will yield no income whatever, for nearly, or quite twenty years. But, the real poverty of the people is more strikingly evinced, by the fact, that the whole personal property of the District, saving such necessary articles as the law exempts from attachment, throughout the State, averages only about forty dollars to each family. In this almost entire absence of material prosperity, we cannot reasonably look for much social advancement. And, it is an undoubted fact, that there has been very little improvement, either socially or morally, in the District, within the last ten years. In the northern part, there has been some progress in these respects, while the central and southern portions have remained nearly or quite stationary, except in one or two instances.

The stock kept in the District, the value of which is included in the estimate of the value of the personal property, consists of eight horses, twenty-four oxen, twenty cows, thirty-four young cattle, fifty-five swine, and six sheep, being an increase, in the last eleven years, of two-horned cattle and twelve swine, and a diminution of eight horses, and thirteen sheep. The diminution of the horses has probably been in consequence of the destruction of their wood, being no longer required to carry it to market.

The amount paid from the State treasury for the last eleven years for the support of paupers, has already been stated. As the District supports its own paupers, and, as this money was paid for the support of State paupers, who happened to be residing there, it is not properly chargeable to the District. The amount drawn from the school fund, for the use of schools in the District, has also been stated. The payments by the State for other purposes in the District, during the same time, are as follows:—

1852, for parsonage house, . . .	\$600 00
1855, for repair of meeting-house, . . .	500 00
1856, further sum for the same, . . .	350 00
1855-6, for repairing school-houses, . . .	525 00
1859, for new roads and bridge, . . .	715 00
	<hr/>
	\$2,690 00

One of the county commissioners for the county of Barnstable has called the attention of the Commissioner to the subject of the expenditures of the county, incurred for the making of roads in Marshpee, and for the expenses of criminals belonging to that District.\* The copious extract from his letter, contained in the annexed note, fully explains the ground of complaint,

\* A letter from Edward W. Ewer, Esq., the county commissioner referred to, says: "Since I saw you I have been constantly engaged, so that I present you with general, only, rather than specific results in our accounts with the District of Marshpee. First, the road commencing near Solomon Attaquin's and running past the school-house in the North District, and which is purely local in its advantages, cost the county (land damages and fencing) \$274.2. Second, the road passing near the meeting-house and extending to Waquoit Mills is of more general utility, and cost the county for construction \$610. There was no land damage or fence to pay for on this road. Total for roads during the last year, exclusive of commissioners' bills, sheriffs' services, clerk's fees, advertising, &c., \$884.23, which the State has been petitioned to refund to the county.

"The expenses at the jail for board of prisoners during the year 1857 were \$1,062, of which \$82 was for natives and residents of Marshpee, and about as much more on account of prisoners, whose crimes, but for their contact with this, unfortunately, weaker race, had never been committed. In 1858 the whole expense at the jail at Barnstable was \$1,226, of which \$95.00 was for Marshpeeans, with the same allowance as above to Marshpee, as the procuring cause. Thus, about 8 per cent. of the cost of boarding prisoners at bar is directly referable, and twice that number indirectly, to our contiguity to the District. This does not look so large as it would when we consider that, probably, about the same proportion of our criminal costs, so far as they are paid by the county, of the expense of constructing and maintaining county buildings &c., is chargeable to the same source, and this, too, when the State has assumed the guardianship and support of this race.

"We have a jail in Provincetown for that and the adjoining town of Truro, the expense of which, I think, is less than for the District of Marshpee alone. We consider our case anomalous. We do not object to bearing our full proportion of public burdens. Do we not, in your opinion, have to bear more?

and, as the subject has been brought by the county before the legislature, the Commissioner has not felt bound to make any investigation of the matter; but he feels at liberty to say, that the question is one, which appears to have another side to it, and that he does not consider it quite clear that the county is entitled to remuneration from the State, for *all* the expense it may be subjected to, by the incident of having this tribe within its limits. That incident is one for which the State is not responsible. The Indians are in their own home, their own, by the strongest and most sacred of rights, original and uninterrupted possession, and the guaranty of the State added thereto. The adjacent and surrounding country was settled by the whites with a full knowledge of the existence of this incident, and of the liabilities to which they would be subjected by its existence. The interference of the State has been purely of a beneficent character, advantageous both to the Indians and the surrounding population, and therefore imposing no new obligations on itself, to protect the latter from any of the inconveniences incident to their proximity to the former. Had the State omitted its guardianship of the Indians, their property would have been squandered, they would have commingled with the other population of the county, pauperism among them would have greatly increased, and the concomitant evils, from which the people of the county are now exempt, would then have fallen upon them, without any shadow of a claim on the State for relief. The amount of crime, in that contingency, and the consequent expenses of its suppression and punishment, would, in all probability, have been at least as great as they are now, yet no one would think the county entitled to relief from the State. The presence of the Indians in the county may be a disadvantage to the other inhabitants; but all localities have their peculiar accompanying advantages and disadvantages, and when the government of the State undertakes to equalize these, it departs from the legitimate purposes of its institution.

In drawing toward a conclusion, we have to lament that a more favorable account could not be given of this, the largest community of the descendants of our aborigines in the State. Here, wider extremes are found than in almost any of the other tribes in the State. A portion of the population are industrious,

frugal, and moral, with some among them who are earnest in their aspirations and endeavors for a higher and better state of things in their tribe. Others are idle, improvident, and, to a greater or less extent, immoral, and some among them are living in a state of more wretched poverty and degradation than are to be found in any other tribe, with a very few exceptions. The circumstances of the southern portions of the District are peculiarly unfavorable for progress. It lies between two bays, which project inward, and cut them off from communication with others, on either side. The natural poverty of the soil, and this comparative isolation precludes them from obtaining profitable employment at home, and almost inevitably drives the men to a seafaring life, as a means of subsistence. In that life, habits, uncongenial to steady application and industry in other pursuits, and to thrift in any avocation, are acquired, while their families are left at home, too often neglected and uncared for, to get along as best they may. Here, away from the avenues of public travel and intercourse, aside from the excitements of business or pleasure, without the incitements to effort, which are induced by the contact of refined and polished society, it is very natural for them to subside into a listless and apathetic state, careless for almost any thing beyond the supply of absolute physical wants, for the time being. Such, substantially, has been the effect of the combination of circumstances in which they are involved. But there is still hope for the future. The steady, though somewhat slow progress of temperance principles and practice, the consequent improvement, in some instances, in their economical and social condition, and especially the increased interest manifested in the proper education of their children, all afford ground for encouragement.

In the existing state of things, in the District, it must be obvious that this tribe is not prepared to assume the responsibilities of citizenship. To force this condition upon them, with the consequent withdrawal of the guardianship of the State, would inflict a wrong, and would be a violation of the implied faith of the State—implied by its former action, which is equivalent to a pledge, that, so long as they desire the special protection of the State, and it shall be necessary to prepare them for the struggle of life in open and free competition with others, it shall not be withheld from them. Nothing but the demand of citizen-



ship, with its privileges and responsibilities, by the Indians themselves, as a right they are desirous of possessing, would justify the extending of it to them. And it is satisfactory to know, that the Indians take a correct view of the matter. At the public hearing, given at Marshpee, the question was brought up for consideration. One of the first speakers, a foreigner,\* who married a woman of the tribe, and who has resided but a short time in the District, near the border, among the better conditioned and more intelligent portion of the inhabitants, advocated the application to the legislature for the extension of the right to them, but after a full and free discussion, the vote was unanimous in favor of remaining as they are, the individual who had spoken on the other side voting with the rest.

A committee was appointed at the public hearing, to consider the wants of the District, and to report thereon to me. In their report, they request me to ask three things of the legislature, on their behalf, † viz. :

1. That authority be given, by law, to the District to nominate their own treasurer, subject, of course, to the confirmation of the governor and council.
2. That an addition of seventy-five dollars be made to the annual appropriation from the school fund, for the benefit of their schools, on condition that they add twenty-five dollars additional to it, so as to raise the amount annually expended for their schools from four hundred to five hundred dollars.
3. That they be empowered to elect a delegate to represent them in the legislature.

Superficially examined, there is much plausibility in the first of these requests. The youth of fourteen, who is left without a parent, is permitted to choose his own guardian, subject to the approval of the judge of probate; and why should not this community be allowed the same privilege, in relation to their treasurer, who, so far as the keeping of their funds is concerned, it is held, is a *quasi* guardian, under another name. If the same principles were involved in both cases, there would seem to be no good reason why the tribe should not have the privi-

lege they ask. But they are not. In the case of the ward, who chooses his own guardian, the State has no interest other than that it has in the welfare of every other citizen of the State. The only duty that the guardian, as such, owes to the State is to protect the rights and guard the interests of his ward. But, in this case, the Marshpee District has not the means of providing, to the full extent, for its public charges, such as maintaining its poor, building and repairing its highways, supporting its schools, &c., and whatever deficiency there may be, in meeting these exigencies, the State provides for. It has, therefore, a direct interest in the safety of the funds of the District, and has virtually taken them into its own keeping, and thus become responsible for them. While, in a spirit of just liberality, it has relieved the District of the restraints formerly imposed on it, and conceded to it the right to elect its own officers, to manage its own public affairs, and to have control of all expenditures of money for such purposes, it has interposed its own authority only for the security of their funds from the danger of loss, to which all public moneys are so peculiarly exposed, and to which, from the circumstances of the case, those of the District would be more liable than most others. Having assumed this responsibility for the safe keeping of the funds, it is most obviously proper, that it should be unrestrained in the selection of the treasurer by whom that duty is to be performed. He is the officer of the State, and not of the tribe, and, if the view here taken is correct, it is the State and not the tribe that is to be affected, favorably or unfavorably, as this officer shall perform his duties with fidelity or otherwise. This being so, the appointment should obviously proceed from the party whose interest he represents. He should feel that he is the officer of the State, and not dependent on the proprietors of the District for the place he holds.

With this view of the question, I cannot recommend the change that is asked for. In the exercise of the duty which devolves on the governor, in making the appointment, there is no reason to fear that he will ever needlessly wound the sensibilities of the proprietors, or that he will not lend a patient ear to any representations they may make on the subject, and give them a candid consideration.

\* This word is used in the Indian sense, to imply any one not a native of the plantation, or of one of the kindred tribes.

† See Appendix, B.

The request for an addition to the school money of the District has already been favorably noticed, but I cannot let the opportunity pass, without again urging its favorable consideration on the legislature. The establishment of permanent schools in both sections of the District, with only the necessary vacations, usual in such schools, under the charge of suitable teachers, would be a great blessing to the tribe; and I look upon it as one of the most effective agencies at our command, for its regeneration.\*

The third request involves considerations less vital than the second, and it is, therefore, much less important how it may be determined. Some advantages would undoubtedly be secured by granting it. It would give to the members of the tribe a more general interest in the affairs of the State, and conduce to their political education, preparatory to the time when they may be required to assume the duties of citizenship. It would afford a healthy stimulus to the people, to qualify themselves, by intelligence and moral worth, for the office of delegate. The delegate would carry back from the legislature an amount of information and a general influence, that would not fail of being useful to the tribe, and the legislature itself would secure a source of information on matters pertaining to the Indians, in such a delegate, not readily accessible in any other mode. I would therefore commend the request to the candid consideration and sound judgment of the legislature. It is understood that the applicants would be satisfied with a biennial or even a triennial representation, and it will be understood of course, that, if allowed a delegate, he could have no right to vote.

I would here acknowledge the obligations I am under to Hon. Charles Marston, Treasurer of Marshpee, for the patience with which he has submitted to the protracted interrogating, to which I have had occasion to subject him, relative to the inhabitants and affairs of the District, and for the promptness and uniform courtesy with which he has responded to my inquiries, and which have marked his whole intercourse with me, the more

\* It may not be inappropriate to say that my views, as here expressed, in favor of the proposed appropriation, and in relation to the importance of increased facilities for the education of the children of the tribe, have received the full concurrence of the treasurer of the District, to whom they have been submitted.

grateful, because it contrasts favorably with my experience in some other quarters. To Solomon Attaquin, one of the selectmen of Marshpee, for 1859, I am also under particular obligations, for the cheerful and ready aid he has afforded, and for the large amount of desirable information he has communicated. If the District had a few more men, combining in each, his intelligence, probity, and general character, we might look hopefully for its future progress in the right direction.

#### HERRING POND INDIANS.

This tribe is located on the east side of Herring Pond, on a neck of land lying between that pond and Cape Cod Bay, the territory being chiefly in the south-easterly part of Plymouth, but a small portion of it is in the northerly part of Sandwich; the nearest convenient point of access to it being from the railroad station at North Sandwich. The whole number of the tribe, excluding women who have married and live with their husbands in other tribes, is sixty-seven.\*

Number of families, . . . . .	19
Males, . . . . .	31
Females, . . . . .	36
	— 67
Natives, including those who were born in other tribes but married and live on the plantation, . . . . .	62
Foreigners, . . . . .	5
Under 5 years of age, . . . . .	9
From 5 to 10 years of age, . . . . .	5
10 to 21 years of age, . . . . .	12
21 to 50 years of age, . . . . .	32
50 to 70 years of age, . . . . .	8
Of 70 and over, . . . . .	1
	— 67

The mortality in this tribe, within a few years past, has been remarkably great, exceeding, even that at Christiantown and Chappequiddick, already referred to. Of fifty-five persons returned by the commissioners as belonging to the tribe in

\* Having homes on the plantation, forty-five, residents elsewhere, twenty-two.

1849, twenty\* are now dead, making a mortality of more than one-third, in the short space of eleven years—a rate, which, if continued would soon make the tribe extinct. This does not, of course include the deaths that have occurred among those who have been born within that period. During that time, there have been only ten births of children who are now living, so that there has been a reduction of ten in the number of residents, and but for the additions which have been made to the present return, including three families which do not reside on the plantation, and a few that were accidentally omitted in the former return, it would show an actual reduction in the number of the tribe, to that extent. Only four of the deaths were of persons who were of 50 years of age and over, in 1849, and one only under 10 years of age—two periods of life that usually show the greatest number of deaths.† Whatever the causes of such great mortality may have been, it is hoped they are not such as are permanent in their character.

The territory of this tribe is mostly light and sandy, and of little value for cultivation. In 1850, by virtue of a Resolve of the legislature, about 1,800 acres of it was divided among the inhabitants, by whom it is now held in severalty, as will be

\* The whole mortality of residents of the District, including children, during the eleven years, was twenty-five from the following causes, viz. :—

Consumption, . . . . .	14
Old age, . . . . .	2
Drowned, . . . . .	2
Infantile, . . . . .	4
Smallpox, . . . . .	1
Unknown, . . . . .	2

—25

being equal to one-half of the average population of the plantation during that time, the whole number in 1840 being fifty-five, and at the present time forty-five, averaging just fifty. The number of deaths of members of the tribe not residing on the plantation is not known. The mortality by consumption is most extraordinary, amounting, as will be seen, to more than one-fourth of the whole population, in the short period of eleven years.

† The report of the commissioners, made in 1849, says: "The Mrs. Fletcher, Blackwell, Gardner, and Bartlett, [they might have added, Conet, also,] are sisters from Yarmouth, of the maiden name of Lindsey. The families, in which they are wives and mothers, comprise twenty-four individuals, nearly half the tribe; and their condition elevates, very much, the average of the intelligence of the tribe." It is a melancholy fact to record, that these women, thus justly eulogized, have all gone, to swell the numbers of those, whose deaths

seen by the accompanying return. The remainder—about 1,200 acres—remains in common and is at present unproductive of income. It was formerly covered with wood, which has all been cut off, and, being pitch pine land, none of the new growth has attained sufficient size for cutting, nor will it for some time to come, as a fire ran over the portion of it on which was the largest growth, a few years since, and destroyed the wood which was nearly large enough to cut.

The people at Herring Pond have no municipal organization. They are in the practice, however, of meeting together and consulting in relation to their affairs, much the same as if they were regularly organized. They make their wishes known to their treasurer, with whom they appear to have a good understanding, and between him and them, the confidence and satisfaction appear to be mutual. The resources of the tribe, aside from the common land, not now productive, consist in a fund created by the sale of the wood on their land, which amounted, according to the recent report of the treasurer, to \$8,179.46, on the 30th of September, 1858, and to \$7,604.63 on the 30th of September, 1859, last past, showing an excess of expenditure over the income of the fund, in one year, of \$574.83.\* Such an excess, if continued, will, in a few years, absorb the whole fund, and leave the tribe without resources for public purposes, other than is derived from the growth of wood on the common land, which, there is no reason to believe, will make good the deficiency, or afford an adequate revenue for the future, unless the present rate of expenditure is quickly and largely reduced. Whether such reduction, so greatly to be desired, can be effected to an extent that will give satisfactory assurance of sufficient provision for the future, must be left to the wisdom, firmness, and concerted action of the treasurer and people. And the suggestion is worthy of consideration, that it is a dictate of a no more than reasonable prudence, for them to husband their resources against the occurrence of that more than possible contingency, when the State may think it best to withhold from

\* By the treasurer's report of Sept. 30, 1860, it appears that the State paid during the last year \$300 towards the repairs on the missionary house, and that the balance of the fund on hand, at the date of the report, was \$7,705.43, and that the actual expenditure for the year preceding that date, was \$189.20 more than the income of the fund.

them any aid, other than such as is afforded to all the indigent inhabitants of the Commonwealth.

The expenditures of the tribe are, for the support of the poor, in sickness and in health; for the salary of their physician, who receives a fixed annual stipend of \$40 for his services; for repairs, &c., on meeting-house and mission-house; for funeral expenses; for tuition of children in the public schools; for a portion of the missionary's salary; and \$80 a year for the services of the treasurer; beside some other contingent expenses; a full account of all which will be found in the annual reports of the treasurer.

The moral and social condition of this tribe is at least as good as that of any other in the State. The people are generally temperate and industrious. Formerly, one of them was intemperate and some others were addicted more or less to drinking habits, but they all appear to have reformed in that respect. Though not possessed of much property individually, they are mostly above the condition of suffering and want, and what poor they have are comfortably provided for. Socially, there has been a great improvement within the last twenty years, and the improvement still continues. Their dwellings are comfortable and decent, and generally have an appearance of neatness and order.

Their educational privileges are the same as those of the other children in the vicinity, with whom they attend the public schools, in the towns in which they reside. The average attendance of the children is about 80 per cent. of the whole number. They receive an annual allowance from the school fund of the State, and any deficiency, to meet the expense of schooling, is taken from the fund of the tribe. They are provided with a good meeting-house, and have the regular services of a missionary, employed by the year, at a salary of \$300, of which \$200 is contributed from the income of the Williams fund in Harvard College, and the other \$100 is paid from the fund of the tribe.

Of those whose homes are on the plantation, eight are seamen, one is a carpenter, one a barber, and the rest of the males are farmers and laborers. Of those who reside elsewhere, two are barbers, one a shoemaker, one a seaman, and the occupations of the others are unknown. Most of those residing away, will probably never return to the plantation. Two families of these are in California, another has been in Nantucket more than

forty years, and another is settled in mechanical business in New Bedford.

In concluding this brief review of the condition of the Herring Pond tribe, the Commissioner can see no good reason for changing its relations to the State. Its relative condition, as compared with former years, though not all that could be desired, is satisfactory, as showing a steady progress in the march of improvement, with a reasonable assurance of its continuance. With the faithful services of a competent and conscientious missionary, the careful supervision of the Commissioner, the continued encouragement of education by annual appropriations from the school fund, and the other moral and social influences which may be brought to bear upon them, we may hope, that, at no very distant day, they may be in a condition safely to be intrusted with the entire management of their own affairs, and to be placed on the same footing as all other citizens of the Commonwealth, entitled to share their rights and privileges, and charged with their responsibilities and duties. But, at the present time, such an experiment, it is believed, would prove a disastrous failure, sacrificing the best interests of the tribe, and imposing new burdens on the State or portions thereof. The provision, recommended to be made in the general Report, by which individuals who choose, may come into possession of the rights of citizenship, is all, it is believed, that good policy or justice require to be done for the present.

#### NATICK INDIANS.

Of all the tribes which held reservations, and were placed under guardianship by the State, the Natick Tribe is nearest extinct. There are, scattering about the State, and commingled with other tribes, particularly the Hassanamiscoes, those who can trace descent back to the Naticks, but of those who claim, now, to belong to the tribe, only two families remain, and one of these is descended equally from the Naticks and the Hassanamiscoes. Their whole number is twelve, viz.:

Families, . . . . .	2
Males, . . . . .	7
Females, . . . . .	5

Under 5 years of age, . . . . .	1
From 5 to 10 years of age, . . . . .	1
10 to 21 years of age, . . . . .	5
21 to 50 years of age, . . . . .	4
Over 50 years of age, . . . . .	1
	— 12

This tribe has no common lands. The last of their reservation was sold under a Resolve of the legislature, of the 4th of March, 1828, and the amount arising from the sale was received by the guardian, and constitutes a fund, from which payments have been made, as were needed, for relieving the wants of members of the tribe. The fund amounted in 1838 to \$1,226.86, in 1849 to \$1,291.13, and, in 1859, to \$1,122.11, as appears by the guardian's report of this year. The guardian allows six per cent. interest on the fund, and charges a commission of two per cent. for having the charge of it.

The original Resolve, authorizing the appointment of a guardian, was passed February 27, 1810. This authority was renewed by the Resolve of June 11, 1814, which Resolve also required that "the guardian, thus appointed, shall be held to render an account, annually, to the governor and council." Another Resolve of February 13, 1819, authorizes the guardians "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 in the hands of said guardians, in the settlement of their accounts, as such." From a misapprehension of his duties, a former guardian omitted to render the required annual account to the governor and council, but the present guardian, Hon. John W. Bacon, has conformed to the legal requisition in this respect. Whether he has also conformed to the requisition to make his expenditures under the direction of the overseers of the poor of the town, and obtained their certificates, as vouchers of his accounts, does not appear from the report. There is no reason, however, so far as appears, to suppose that the fund has not been judiciously managed, and the subject would not have been alluded to, but for the irregularities which have prevailed in the man-

agement of Indian affairs elsewhere, through which, the funds have been wasted and lost.

With the diminished numbers claiming to belong to this tribe, no sufficient reason can be perceived for continuing the guardianship. As there are but two families, it would seem just that the remaining fund should be equally divided and so invested as to give the benefit of a moiety thereof to each family. The overseers of the poor in the towns where they reside, would unquestionably be willing to take charge of the fund, in their official capacity, and thus save the expense of the guardianship—a sum, which, though small in itself, is yet an object of some importance to the poor and needy. If the fund could be so applied, as to secure to each of the families a permanent home, to be held in trust for their benefit, it would confer a blessing on them, and be likely to stimulate them to renewed efforts to obtain a comfortable and respectable livelihood. Should it be placed in the hands of the overseers of the poor of the towns, they would be able to judge whether such investment would not be the best that could be made of it. The fund thus disposed of, there would be nothing in the way of placing this remnant of a tribe on the same legal footing with all other citizens of the State.

There are a few other individuals, descended from this tribe, but who consider themselves as belonging to another tribe, into which, the ancestor belonging to Natick intermarried. There are some others, who claim to be of the Natick Tribe, but the claim appears to have no foundation other than that one of their ancestors formerly resided in Natick, but it is believed that he never was supposed to belong to the tribe.

### PUNKAPOG INDIANS.

The Punkapog Tribe of Indians were formerly proprietors of a tract of land in Canton, Norfolk County, containing five thousand acres, which was granted them by the general court. None of this property now remains in their possession. The last of it was sold by the guardian, about twenty years since, in pursuance of a Resolve of the legislature. The full-blood Indians of the tribe are all extinct. Their descendants, who,

like those of all the other tribes in the State, are of various grades of mixture, of Indian, white, and negro blood, number, so far as is ascertained, one hundred and seventeen persons, as follows:—

Families, . . . . .	31
Males, . . . . .	53
Females, . . . . .	64
	— 117
Natives, . . . . .	103
Foreigners, . . . . .	14
Under 5 years of age, . . . . .	16
Of 5 to 10 years of age, . . . . .	11
10 to 21 years of age, . . . . .	23
21 to 50 years of age, . . . . .	52
50 to 70 years of age, . . . . .	13
70, and over, . . . . .	2
	— 117

The two who are over 70 years of age are Rebeckah Davis, aged 71, and Mary Roby, aged 85. Included in the above one hundred and seventeen, are about fourteen persons of other races, who have intermarried with members of the tribe. The greater facilities for procuring employment and obtaining a living in and about Boston, and at other places, had gradually drawn away a considerable portion of the tribe, and there being no registration of it, an impression had become prevalent, that the tribe was nearly extinct. Only thirty-one of its members now reside in Canton, and of these some five or six are of other races. The commissioners' report, in 1849, put the whole number of the tribe at ten—four males and six females; and the guardian's report, in 1857, says: "The Punkapog Tribe of Indians is nearly extinct; only some fifteen or twenty, and those mostly of mixed blood, remain." It now appears that there are over one hundred, without including those of other races, intermarried with the tribe, and it is probable that there are others not yet ascertained. This lack of reliable statistics prevents the making of any comparison of the present number with what it has been at former periods, so as to show whether the tribe is

increasing or diminishing. There are instances, however, of great mortality, similar to those which have prevailed in some of the other tribes. One of these occurred in the family of a venerable woman, a widow, now 71 years of age, a communicant of the Baptist church, and a State beneficiary, who resides near the State House in Boston. She has been the mother of sixteen children, all of whom she reared to adult age. She also brought up, in like manner, eight of her grandchildren, whose parents died in their infancy, or childhood, making, in all, twenty-four children brought up by this "mother in Israel." Yet, while herself enjoying a green old age, not one of her sixteen children is living, and the whole of her posterity, now alive, is not half so many as the original number of her own children. Speaking of her success in bringing up so many children, she said: "I have been a very smart woman in my day. My mother brought up seventeen children; and I always told the family that I intended to do as well as she; and," she added, energetically, "I should, and more, too, but that *I lived five years a widow.*" Old as she is, and so lame that she can get about but little in the winter, she has managed to get a comfortable living, with the aid from the State, of a sum sufficient to pay her rent. Notwithstanding her straightened circumstances, every thing about her house exhibits the neatness and order that characterize the good housekeeper.

The Punkapogs have no organization. Those who reside in Canton are not taxed, and do not exercise the right of suffrage. Those residing in other towns, so far as is known, stand on the same footing as other people, no reference being had to their being of Indian descent. Both in Canton and elsewhere, they enjoy educational and religious privileges in common with others, and avail themselves thereof to the extent that is usual with those in their condition of life. The children attend the public schools, and some members of the tribe are connected with the churches where they reside. No case is known of any pauper in the tribe dependent on the public for his entire support. Five persons have received aid from the State. The amount paid for each, during the last seven years, ending on the 1st of April each year, has been as follows:—

	1853.	1854.	1855.	1856.	1857.	1858.	1859.
Isaac Williams, .	\$50 00	\$50 00	\$50 00	\$50 00	\$50 00	\$50 00	\$82 71
Rebeckah Davis, .	50 00	51 00	50 00	50 00	50 00	50 00	50 00
Polly Crowd, .	50 00	50 00	50 00	50 00	50 00	50 00	50 00
Elizabeth Bancroft,	48 90	51 10	50 00	52 00	52 00	52 00	82 00
Sally Burr, . . .	-	-	-	-	-	-	45 00
	\$198 90	\$202 10	\$200 00	\$202 00	\$202 00	\$202 00	\$309 71

The annuities paid to the above are permanent annual payments, except that to Sally Burr, to whom a grant was made in 1859 for one year only. Her necessities require its continuance, and the age and increased infirmities of Mrs. Davis will probably require additional aid hereafter. There are one or two other cases that, it is feared, may before long require aid from the State.

The Punkapogs are a quiet and peaceable race, and are believed to be as moral as those of the same condition in life, in the general community with which they are commingled. Few of them are possessed of property, and only three of them are known to hold real estate, the names of whom will be found in the tabular list. It is claimed, by some members of the tribe, that there is a tract of land, including a valuable cranberry meadow, which was a part of the original reservation, that has never been legally alienated, but is wrongfully held by others in derogation of the Indian rights. Complaint thereupon was verbally made to the Commissioner, but, at so late a period as to preclude a public hearing of the case. The Commissioner is informed that the subject has been before a former legislature, and was referred to a special committee, who, after such investigation as they were able to make, reported "leave to withdraw," to the petitioners. The occupants claim that they have had possession of the premises something like a hundred years, during the whole of which period, the Indians have had a guardian, whose duty it was to guard and protect their interests, and who, had their claim been a good one, would have enforced it. The Indians reply to this, in part, that, in relation to a portion of the lands in question, they were held by the occupants under an ancient lease, so that the guardian could not legally interfere; but, that this lease has expired, or is about to expire, by

its own limitation, when their claim to the land will be perfect. Such is the case, as represented to the Commissioner; but of the facts he does not, of course, pretend to speak, having made no investigation; but, as the case was brought before him, he felt it his duty to take this notice of it in his report, and leave it for the Indians to take such action thereupon, hereafter, as they may deem best.

Scattered, as the Punkapogs are, in the general community, of which a large portion of them now practically form an integral portion, having no distinct organization, and no reservation, to give them a distinct interest, or to form a common bond of union among themselves; sustaining, moreover, as most of them do, the moral character and social relations to fit them for good citizens; the Commissioner can see no good reason why the rights and privileges of citizenship, which have so generally been conceded to them in the places where they reside, should not receive a legal recognition, reserving to all adults of the tribe the right, if they choose, to retain their present legal relations to the State. Their case is widely different from that of those who are congregated together on reservations, and the sooner every mark of distinction between them and the rest of the community is effaced, consistently with existing rights, the better it will be for them and for the people among whom they dwell.

#### FALL RIVER TRIBE.

The reservation of the Fall River, or Troy Tribe, is situated on the east shore of the North Watuppa Pond, in the easterly part of Fall River, about five miles from the business portion of the city. The whole number of the tribe, so far as is ascertained, is seventy-eight, viz. :—

Families, . . . . .	16
Males, . . . . .	41
Females, . . . . .	37
	— 78
Natives, . . . . .	72
Foreigners, . . . . .	6

Under 5 years of age, . . . .	8
From 5 to 10 years of age, . . .	5
10 to 21 years of age, . . . .	21
21 to 50 years of age, . . . .	32
50 to 70 years of age, . . . .	8
Of 70 and over, . . . . .	3'
Unknown, . . . . .	1
	— 78

Those over 70 are of the ages, respectively, of 71, 71, and 76 years.

When the notices of the great mortality in four of the other tribes were written, the facts in relation to the same thing in this tribe had not been ascertained. From an examination of the statistics, it appears that death has been no less busy in this tribe than in the others, in proportion to its numbers. The whole number of persons, returned by the commissioners in 1849, as belonging to the tribe, was thirty-seven, the names of whom were given, as was the case in reference to the other tribes. Of these thirty-seven, it is known that twelve are dead, four others are supposed to be, and the residence of two others, whose ages, if living, are now (December, 1859,) 71 and 76, respectively, are not known, and they may, or may not, be living, so that the actual mortality is somewhere between 32 and 50 per cent. of those who were living in 1848.

The original Indian reservation at Fall River formerly belonged to a person who was convicted, in 1693, of "high misdemeanors." He was sentenced to pay a fine of £150, but managed to escape from the officer having him in charge, and fled to Rhode Island. After a few years, being desirous of returning to the State, Major Benjamin Church presented a petition on his behalf to the general court, proposing that, for the satisfaction of said fine of £150, which was imposed upon him, he would convey to the Province certain lands therein indicated, and praying that on completing a deed for said lands, he should be set at liberty, and be permitted to return to his family. In answer to the petition, it was resolved, in March, 1701, "that the prayer therein be granted," and Ebenezer Brenton, Esq., the said Major Benjamin Church, and Mr. William Pabodie were appointed "a committee to take care that sufficient deeds of

conveyance of the lands be made and executed" by the petitioner. In conformity therewith, the deed was duly executed the 27th of November, 1701. The general court by Resolve of the same year, 1701, granted the land, thus acquired, to Captain James Church and certain members of his company of friendly Indians, in consideration of services rendered by them to the Province.

It does not appear that any division was made of these lands among the proprietors till 1707, when they petitioned the general court for an exchange of a portion thereof for others adjoining, which would better accommodate them, and for a division of the whole, to be held in severalty, by them, their heirs, and assigns. The petition was granted, so far as to make the desired exchange of land, and the division thereof; and, on the 27th of November, 1707, the lands were confirmed to them in severalty, and to their heirs, forever; but on the condition that the lands were "not to be assigned or alienated, but continued forever, an Indian Plantation." Under this arrangement the land was surveyed and divided into separate lots, by marks and bounds, and the several lots were respectively assigned, by number, to individual members of Capt. Church's Company, to which division and assignment more particular reference will be made hereafter.

Owing probably to the vagrant habits of a considerable portion of the Indians, to whom these lots were assigned, it appears that but a small portion of them were ever improved or built upon, and that, where improvements were made, it was but to a very limited extent. Several of the proprietors having died without posterity, the general court, in 1763, appointed a committee to cause a new survey of the land to be made and the bounds renewed, with a plan of the same and its subdivisions, and a new assignment of the lots of those who had died and left no posterity. Their report, with that of the surveyor, and the accompanying plan designating the several lots, with the names of the present proprietors of both those who had inherited the same and those who had become so by the new assignment, are in the office of the secretary of State. The report was accepted, and the lands confirmed to the several persons, agreeably to the report, on the 3d day of February, 1764. (See Appendix, C.)



It appears by the report and accompanying plan, that the plantation contained one hundred and ninety acres and sixty-four rods of land, which, being divided into twenty-eight equal parts, gave to each part, six acres and one hundred and twenty-eight rods. Four of these parts were originally laid out in one lot, marked No. 1 on the plan, for the heirs of Captain James Church, and the remaining parts were each laid out in separate lots, which were numbered from 2 to 25 inclusive. The report of the committee refers to the several lots in detail, giving the names of the original proprietors of each, and the names of the then present proprietors of all such as had owners living, from which it appeared that the original proprietors of nine lots were dead without leaving any posterity. The report proceeds to say:—

“And whereas sundry of the soldiers belonging to the company under Captain James Church have left no posterity, and there being no provision made for Lieutenant Manchester, and twelve others in the same company, the committee have, agreeable to the direction of the court, assigned, to those who have left posterity, the *lots* of those who had *lots* assigned to them, and whose posterity is extinct.”

All the details of the original laying out, together with the new assignment of the nine reverted lots, will be found in the report of the committee, a copy of which is hereunto annexed. (See Appendix, C.)

From the notes on the plan accompanying the report, it appears that the only improvements which had been made on the plantation up to that time, a period of fifty-seven years from the first assignment of the lots, were as follows:—

Lot No. 1, containing twenty-seven acres and thirty-two rods, had a house thereon, and about three acres under improvement, “and some of said improvements made by Capt. James Church, about fifty years ago.”

No. 2. A house, and three-fourths of an acre improved.

No. 4. A house, and half an acre improved.

No. 6. A house, and two acres improved.

No. 7. A house.

No. 9. A house, and one acre “anchently” improved.

No. 10. A house, and one acre and three-fourths improved.

Thus it will be seen, that, on these twenty-five lots, divided among a still greater number of distinct proprietors, after the

lapse of more than half a century, only nine acres, or less than one-twentieth part of the whole, had been brought under cultivation, and only seven houses had been built, and most of these, we have satisfactory reasons for believing, were only miserable hovels or huts. This state of things does not seem to have been much improved by the addition of the recruits, brought in under the new assignment of the reverted lots; for, at the present time, after the lapse of almost a hundred years, since that last assignment was made, only about twenty-five acres of the land has been cleared, and a part of that is not cultivated by members of the tribe; and of six families residing on the plantation, five receive assistance from the State. So little attention was paid to the property by the proprietors, that the division into lots ceased to be recognized, the dividing lines were forgotten or lost, and the marks which indicated the boundaries became obliterated; and their former position could be determined, now, only by a new survey. Such appears to have been the case as long ago as 1818, when the guardianship was instituted, and the successive guardians have recognized the uncultivated portion of the plantation, or the woodland and pasturage, only as common property. Indeed, the present generation of those on the plantation did not seem to be aware of the division and assignment, by which it was formerly held in severalty, until a claim was recently made by Mrs. Mitchell, a descendant of one of the original proprietors, for the possession of four lots, as the legal heir and representative of that ancestor. This case was brought before the Commissioner, and is the subject of a separate report.

This brief reference to the history of the plantation has seemed necessary, because a petition, signed by several members of the tribe, was presented to the Commissioner, and a copy of it is forwarded herewith, (see Appendix, C.) setting forth, that since the division of their lands, the families of several of the proprietors have become extinct, others have abandoned the lands entirely, and some have claimed rights to the land, (referring to Mrs. Mitchell's claim,) whose title thereto they think is doubtful, and praying the general court that a new division be made, giving a portion to each family or individual who may be found entitled thereto, to be held by him or them in severalty. It is very obvious that the title acquired by the

several individual proprietors, when the lots were assigned to them in severalty, was absolute, "to them and their heirs forever," that this title cannot be changed, but by their consent, except that the right to sell and alienate the same, which was then withheld, may be conferred on them by the general court, if, in its wisdom, it should ever see fit to do so. If any of the families have "abandoned the lands entirely," their title is not thereby lost, but is merely held in abeyance, and may be resumed, and their right of possession enforced, at any time they choose. Whenever, therefore, a new division and assignment of the lands may be deemed advisable, it must be done in reference to existing rights, and the first step to be taken therein, very clearly, should be to ascertain what those rights are.

The Fall River Indians, as may already have been inferred, were not originally a distinct tribe or community, and the word "tribe," as applied to them, is used simply as a matter of convenience to designate the descendants of those friendly Indians, who served the whites in the company of Capt. James Church, in the war against King Philip, and received from the government of the Province of Massachusetts the land constituting their present plantation, in consideration of those services. They are descendants of the tribe of the Wampanoags, and are distinct from the remaining Indians of the region thereabout (who had a common origin with them) only by the fact of their possession of the plantation, and, in consequence thereof, being placed under guardianship by the government of the State. The facts from which to compile their statistics are very meagre and unsatisfactory. The number of persons named in the document assigning the several shares of their land, in 1764, was seventy-two, but there is reason to believe that several of these had children who were not named therein. From that time forward there appears to be no record, either of their names or numbers, till the visit of the State commissioners to their plantation in 1848, a period of about eighty-four years. In the report of those commissioners, it is stated that "the population of the tribe is thirty-seven," and, of these, "eighteen or twenty, who are considered as belonging to the tribe, do not live on the territory." From the present enumeration of the tribe, which gives them seventy-eight members, it is quite certain that the number in 1848 must have been over eighty, as the deaths

which have since occurred among those whose names were then returned, exceed the number of births in the same families by not less than five, the deaths having been at least twelve, and perhaps more, while the births in the same period have been only seven. There are at present on the plantation six families consisting of twenty-one persons; of those not residing on the plantation there are nine families and fifty-seven persons, if we include five whose present residence has not been certainly ascertained, and some of whom, possibly, may not be living. Of those not residing on the plantation, it is believed that none except the families of Mrs. Mitchell and Joseph C. Robinson have acquired settlements elsewhere, and all of them, with that exception, would, as members of the tribe, in case of want, look to the guardian for assistance.

This tribe has no municipal or other organization. The entire management of the land, except the trifling portion that is cultivated by the residents thereon, with the income derived from rents and the sale of wood, is in the hands of the guardian, and all expenditures of money derived from those sources, or from the State, for the benefit of the tribe or any of its members, are made by him, at his own discretion. The children attend the public schools, and have the same advantages for education as other children in their vicinity, so far as they choose to avail themselves thereof. The legislature of 1857 appropriated one hundred and sixty dollars, with which the guardian purchased three pews in the North-Westport meeting-house, convenient to the plantation for the use of the members of the tribe.

The quality of most of the land on this plantation is good, estimated to be worth fifteen or twenty dollars an acre, on the average; in this respect much excelling that of any of the other Indian reservations, unless we may possibly except the small one at Webster and a portion of Gay Head. Its location is in the near vicinity of a busy and thriving manufacturing city, where industry and its fruits always command an adequate reward, and, in the midst of an industrious, moral, and intelligent community, whose example ought to exert a beneficent influence. With these advantages in their favor, we might reasonably look, here, for a better state of things,—more comfort, more respectability, and a better development of character than is to be found in any of the other tribes. But it is not so.

Most of those residing on the plantation are indolent, negligent, and improvident, apparently alike wanting in self-respect and careless of the respect of others—sunk in the destitution and squalor of abject and hopeless poverty—hopeless, because it appears to be willingly acquiesced in, and the determination seems to be wanting even to put forth a hand to remove it. Of the six families on the plantation, five receive aid from the guardian, and three individuals are considered permanent paupers. Six families, not on the plantation, have also been assisted. Generally, the condition of those not on the plantation is better than that of those who are upon it. There is, among them, more self-reliance, more industry, and more ambition to do something, and to be something; and it must be conceded that the plantation system, as here exemplified, is conducive neither to the moral, physical, social, intellectual, or material progress of the people, and should be essentially modified or entirely abolished, as soon as it may be done consistently with the rights and best interests of the tribe and of the general community.

The moral condition of the tribe, as will already have been inferred, is rather low, and intemperance and unchastity are but too prevalent. It is but justice, however, to those on the plantation, to say that the *hardest cases* are among those who do not reside there. In two families, resident elsewhere, there have been twelve cases of bastardy, and, in one of them, it is said, that, of eight children, the paternity was apparently about equally divided between the Indian, negro, and white races. The prejudice of color and caste, and the social proscription to which the colored people are subjected, has a twofold unfavorable effect upon them; first to detract from their self-respect, and so to weaken the moral instincts, and then to throw them into the association of the more dissolute and degraded of other races, where they fall an easy prey to immoral habits. There are, however, in this tribe, as well as the others, instances of those who rise above all the evil influences with which they are encompassed, and maintain a good standing, as worthy and respectable members of the community. It would be a cause for gratification, if it could be said truly that these are increasing, or that there was any decided progress in the general character of the tribe. But, from all the evidence that can be

gathered, it does not appear that, for the last twelve or fifteen years, there has been much, if any, improvement in their moral and social condition.

The expenditures for the support and relief of the poor of the tribe are met, so far as it will go, by the proceeds of the rent of land, and of wood sold from the plantation, and the balance, whatever it may be, is drawn from the treasury of the State. The amount expended for several years past, and the proportion derived from each of the sources, are shown in the following table:—

	Received from Rents and Wood.	Received from the State.	Total Expenditure.
In the year 1848, . . . .	\$11 25	\$266 72	\$277 99
1849, . . . .	66 97	309 93	376 90
1850, . . . .	268 64	164 27	432 91
1851, . . . .	180 86	209 65	390 51
1852, . . . .	78 43	314 37	392 80
1853, . . . .	68 40	318 90	387 30
1854, . . . .	58 56	384 56	443 12
1855, . . . .	100 49	467 49	567 98
1856, . . . .	192 91	582 56	775 47
1857, . . . .	145 94	504 57	650 51
1858, . . . .	82 99	373 44	456 43
1859, . . . .	73 44	369 35	442 79
Aggregate, for 12 years, . .	\$1,328 88	\$4,285 90	\$5,614 78

It thus appears, that, in twelve years, the whole amount expended for this purpose was \$5,614.78, averaging \$467.90 a year, of which only \$1,328.88 was derived from the plantation, while \$4,285.90 was paid by the State. It is worthy of note, that in the three years, 1855, 1856, and 1857, as if from the infection of the times, the amount paid for the support of these Indians was \$1,993.96, averaging \$662.65 a year, or more than \$200 more than on the year next preceding, or than the average of the two following years.

In accordance with the provision of the law, which requires the Commissioner to designate what lands are held in severalty by members of the several tribes, he has placed against the names of several of the members of this tribe, in the table accompanying this Report (see Appendix) the numbers of acres held by them, as returned to him by the guardian. Theirs is,

however, rather a nominal than a real possession, of a portion, at least, thereof, as the amount actually occupied by them, is as follows: Thomas M. Crank, Persis Crank, Hannah Perry, and William Perry, each about one acre, and Henry Crank about two acres; making, in the whole, only about six acres occupied by residents on the plantation, while all the rest of the cleared land, amounting to about twenty acres, partially covered with bushes, is rented by the guardian for pasturage. The woodland all lies in common, and the several families resident on the plantation, cut fuel from it, as their necessities require. When Mrs. Mitchell claimed her right in the plantation, the guardian assigned two acres of the cleared land to her use, as indicated in the table. On this she placed a house which she purchased and caused to be removed there, for a dwelling for herself and family. But while the work was going on, to fit it for occupation, the hostility which had been manifested toward her, from the first presentation of her claim, broke out in acts of violence. The windows were broken in, and other outrages were perpetrated on and about the house, so that Mrs. Mitchell felt compelled to abandon the intention of making it her residence, and to press her claim before the Commissioner. The house has since stood, unfinished and vacant, and Mrs. Mitchell has never occupied the land set against her name.

If the plantation and guardian system are to be retained at all, it would appear, at first thought, that a tribe so favorably located, as to soil and the general facilities for obtaining a comfortable and respectable living, should be one of the last to be deprived of whatever advantage may be derived from the system. But, the peculiar circumstances that make it desirable, still longer to sustain it with the Cape and Island tribes, do not apply here. Those tribes are, more decidedly, distinct and isolated communities, nearly all the members residing on the plantations, with local organizations, more or less perfect of their own. They generally provide not only for their own wants, but also for the paupers they have amongst them, and are in a state of gradual advancement and improvement, that would be greatly endangered by any radical change. It is quite otherwise with the Fall River tribe. They have no distinct organization. A great portion of them have, for some

time, been mingled with the general community, their families separated alike from those on the plantation and from each other, while those remaining on the reservation are almost entirely in the incipient or more advanced stages of pauperism; and it is an unquestionable fact, that those who have left the plantation are, as a whole, in a better condition than those who remain upon it. What possible reason can there be for perpetuating or prolonging such a state of things? The commissioners said, in 1849, "the case of this tribe is clearly one in which the benefits of the system of guardianship have not been commensurate with its expenses." This is no less true now than then, and it is believed that the sooner measures are initiated for a change, the better it will be for all concerned. To this end steps should be immediately taken for ascertaining the legal rights of the respective members of the tribe in the plantation, and for determining what portion of it has become common property, by the extinction of the families of the former proprietors. The longer this investigation is delayed, the more complicated the question will become, and the more difficult it will be to ascertain, correctly, the facts necessary for its solution.

#### HASSANAMISCO INDIANS.

The Hassanamisco, Hassanamessett, or Grafton Indians, as they are variously called, and as known in the legislation of the State, are the descendants of the seven original proprietors of Hassanamisco, or Grafton, where they resided, and where each of the seven families had a reservation. Two or three of these original families have become extinct, and the descendants of some of the others, if any survive, cannot now be traced. At this time one family only remains on the heritage of its fathers, and that family retains less than three acres, out of all their former domain. All the other families have left Grafton, and the greater number, following the current of emigration in that region, have settled in Worcester. In addition to those who would now be entitled to a right in the proprietary fund, if it still remained, are certain others of Indian descent, claiming to be Hassanamiscoes, whose descent cannot be satisfactorily deter-

mined. They are probably descendants of other Indians than the proprietors of the town, or of some of those whose interest in the fund was extinguished in the last century or early part of the present.

In the tabular list accompanying this Report, those entitled to an interest in the proprietary fund occupy the leading portion, and the others are entered in the supplementary list. By this list, it will be seen that the whole number, recognized as descendants of the ancient proprietors is seventy-three, viz. :—

Families, . . . . .	20
Males, . . . . .	33
Females, . . . . .	40
	— 73
Natives, . . . . .	56
Foreigners, . . . . .	17
Under 5 years of age, . . . . .	13
From 5 to 10 years of age, . . . . .	6
10 to 21 years of age, . . . . .	8
21 to 50 years of age, . . . . .	39
50 to 70 years of age, . . . . .	6
Over 70 years of age, . . . . .	1
	— 73

The whole number, including those not recognized as descendants of the original proprietors, is ninety, viz. :—

Families, . . . . .	26
Males, . . . . .	41
Females, . . . . .	49
	— 90
Natives, . . . . .	70
Foreigners, . . . . .	20
Under 5 years of age, . . . . .	18
From 5 to 10 years of age, . . . . .	7
10 to 21 years of age, . . . . .	9
21 to 50 years of age, . . . . .	46
50 to 70 years of age, . . . . .	9
Over 70 years of age, . . . . .	1
	— 90

Complaint has been made to the Commissioner that the government of the Province of Massachusetts, early in the last century, had taken into its own keeping, a large fund, belonging to the tribe, and had intrusted the same to the keeping of certain agents, trustees, or guardians, and that said agents, in the appointment of which the Indians had no voice, and for whose mismanagement they ought not to be made sufferers, had applied portions of said fund to their own use, and otherwise had squandered a large portion thereof; for which loss, they deem they have a just and equitable claim on the Commonwealth. The investigation of this matter has caused a great amount of labor and research, in the course of which, all the difficulties in ascertaining the facts in the case, referred to in the body of the Report, have been encountered; and on some points, which will be alluded to hereafter, a long and patient examination failed to lead to any satisfactory result. Enough, however, has been satisfactorily established, to show that the complaint is not made without cause. This inquiry will necessarily require a more minute and detailed statement, in relation to the affairs of this tribe, than has been deemed necessary respecting the others, the more especially, as some members of it, now in years and needing aid, feel that they have a claim to it, as a personal *right*, not depending on those general principles of justice and humanity, which dictate the aid which is rendered by the State to some of the other tribes.

Early in the last century, seven families of the Hassanamisco tribe possessed the territory known as Hassanamisco, constituting the whole or the most important part of the present town of Grafton, in the county of Worcester. At that time, no sale of land by the Indians to white men was valid, without consent of the general court. In the year 1725, the general court authorized the sale of this territory, and a subsequent Resolve, in 1727, fixed the value at £2,500. Whether this was so much "lawful," ( $\$3.33\frac{1}{2}$  silver to the pound) or whether it was "old tenor," is not ascertained. "Old tenor" was based on the "bills of credit" which were issued by the government, and represented no fixed value, but fluctuated in their depreciation, according to the amount in circulation. At the time of this sale this depreciated currency was equivalent to seventeen shillings for an ounce of silver, and the ounce of silver was worth

about \$1.18 $\frac{13}{100}$  in gold. If the sale was reckoned in "old tenor" it was equivalent to \$3,270.22; if it was "lawful," it was equivalent to \$8,333.33 standard coin. The territory comprised about 7,500 acres. The writings were completed on the 19th of March, (old style) 1727.

By the terms of the sale, it was stipulated that forty English families should settle on the territory, each of whom should, within three years, build a good habitable house, and break up and fence in, at least four acres, and that they should, within that term, build and finish a decent meeting-house for the reception of both English and Indians. They were bound, further, to separate twenty acres of land, for a school, forever, and to build a suitable school-house in which the Indian, as well as the English children should be received and taught; to set forth a lot of land, equal to the other allotments, to the first ordained minister, and constantly to maintain and duly support a minister and a school-master among them; all without charge to the Indians. A reserve was also made of a dividend or allotment of land to each of the Indian proprietors, equal to that made to the English proprietors, comprehending their improved lands, and also one hundred acres in addition, to said Indian proprietors, their heirs and assigns, forever. Trustees were appointed by the legislature, whose duty it was, to receive said sum of £2,500, and invest it as a permanent fund, the interest thereof to be paid out to the Indian proprietors, from time to time, as the general court should direct, and to render an account of their proceedings therein, annually at the May session. These trustees invested the proceeds of the sale in bonds on the land, and laid out the lots, and presented a report of their proceedings therein to the general court. This report was accepted June 18, 1728.

In the absence of evidence on the point, it will be assumed that the sale was reckoned in old tenor, that position being most favorable to the government, and least so to the Indians, and that, consequently, the value to be received was at that time equivalent to \$3,270 in standard coin. The record book of the trustees shows payments to have been made to the Indians, from time to time on account of the interest received by them, and also an account of Indian lands rented out, till April 9-10, 1745, when, in the language of the record, "the trustees met

'agreeably to notification put in the public prints, in order to receive the interest due, and to *exchange* the bonds; some of which we exchanged, and, for every 28s. 8d. old tenor, due as principal on a bond, we took one ounce of coined silver of sterling alloy—and, in that proportion, we agreed to exchange *all* the bonds.'

By this arrangement the fund was reduced to \$1,939.33, making a loss of \$1,330.89. No blame attaches to the trustees for this loss, as, being the agents of the government, they would have been obliged to receive the government securities at their nominal value, in payment of the bonds, had they been tendered, and they probably made the best bargain that they could, under the circumstances. But, as the government, on the hypothesis most favorable to itself, received what was equivalent to \$3,270.22 in standard coin, and invested it in its own way, without any agency of the Indians, it is difficult to say on what principle they should seek to turn them off with only \$1,939.33, or subject them to a loss of more than \$1,300, because, in the mean time their own bills of credit had depreciated to that extent, owing to the excessive issue, and refusal to pay what was promised. The sum thus abstracted from the fund, at compound interest at the rate of six per cent., would amount, now, at the end of one hundred and fourteen years, to *more than a million dollars*, and, at simple interest to between eight and nine thousand dollars; the former sum sufficient to place all that remain of the tribe in independent circumstances, and the latter, if put to interest as a permanent fund, sufficient to yield the requisite relief, annually, to all the poor and needy among them.

On the principal of the fund, thus reduced, the trustees annually paid over to the several Indian proprietors, the interest, amounting to £34 18s. 2d. lawful, equivalent to \$116.34, up to the 17th of March, 1772. From that time forward, there is no record, for twenty-four years, till 1796, but, by the records of the general court, it appears that on the 17th of January, 1776, upon petition of Eliza Sampson and others of the tribe, it was "*Resolved*, that whereas, Hon. Artemas Ward, Esq., one of their present guardians, is necessarily employed in the continental service, and the others, [Timothy Paine and Ezra Taylor, Esqs.,] have neglected to relieve those Indians,—it is become

necessary that new guardians should be appointed," &c., and on the twenty-sixth of the same month, Edward Rawson, Stephen Maynard, and Deacon Willis Hall were chosen guardians. In April the then "present trustees" were directed "to make inquiry, as soon as may be, conveniently, whether the five pounds and interest, as mentioned by the petitioner, (Elizabeth Sampson) be really due from the former trustees, and, if so, that they improve proper methods, as the law directs, for the recovery of debts, to procure said money for the use and benefit of the petitioner."

On the 5th of November, 1785, on the petition of Joseph Aaron and the other Indians, complaining, that, for the last seven years, they had not been paid one-quarter part of their interest money, it was "Resolved, that the said trustees be, and they hereby are directed to lay their accounts respecting said Joseph and others before the general court, on the second Wednesday of their next sitting, for examination." There is no record that their accounts were presented at that time, and it appears that the difficulty was not removed, for, on the 29th of February, 1788, a report was made to the general court, as follows:—

"The committee of both houses, appointed to go to Grafton to settle the matter between the Grafton Indians and their trustees, have attended to that service, and notified all parties, and, after a full hearing of the matter, have settled the accounts between them, and are unanimously of the opinion, that the said trustees have done as well in all respects, by the said Indians, as the nature of the matter would admit of."

On the 4th of March, 1788, a Resolve was passed, authorizing the trustees to pay to Esther Freeborn, "her dower," and, by subsequent records, it appears that her portion, being three-eighths of an original share, (a share being one-seventh of the whole fund,) was paid, and her right in the remaining proprietary fund was extinguished.

On the 14th of June, 1790, the two houses chose, in concurrence, Benjamin Heywood, Esq., and Capt. Isaac Harrington, trustees, "in the room of Willis Hall, resigned, and Capt. Stephen Maynard who has removed out of this Commonwealth." There is reason to believe that Deacon Hall was induced to resign, by dissatisfaction with the doings of the other two

trustees, for it appears, that they had become individually liable for a large portion of the fund they held in trust, as an execution (now on file) was obtained against one of them, in April, 1794, for nearly four hundred dollars, which was not finally settled till after the lapse of nearly eight years, while the other owed a much larger sum, for which nothing was ever realized, but which was totally lost to the fund.

In 1796, the record again commences, Benjamin Heywood, Isaac Harrington, and Edward Rawson being trustees. At this time it appears that so large a part of the remaining fund had become unproductive, that only fifty-eight dollars and six cents was received as interest money that year, and only fifty-one dollars and forty-one cents in 1797. In 1803, a debt against one of the trustees having been collected on execution, the fund amounted to \$1,043.85½, exclusive of the right of Esther Freeborn, which had been paid in full, and excluding also, in the language of the record, "a desperate debt against Capt. Stephen Maynard, deceased," the amount of which is not specified, but which is ascertained by comparison of other portions of the record, as will be indicated hereafter.

The interest on the amount last named, \$1,043.85½, was regularly received and accounted for, till 1807, when the right of Submit Wamsquam, being three-eighths of an original share, was extinguished, pursuant to a Resolve of the general court, by the payment of \$118.16½, leaving the available fund \$925.69, exclusive of the debt of Capt. Stephen Maynard, before mentioned. In 1809, the right of Joseph Aaron, being three-eighths of an original share, was extinguished by authority of the general court, by the payment of \$118.16½, so that the productive fund was further reduced to \$807.52½; and, in 1813, it was again reduced to \$413.62½, by the payment to the heirs of Abigail Printer, alias Burnee, deceased, of \$393.90, by which their right to two and one-half shares of the original fund was extinguished.

In ascertaining the amount of the debt due from the estate of Capt. Maynard, we find, that, in 1807, Eli Whitney, Esq., one of the two remaining trustees, died, and his place was not filled by another appointment, so that Judge Heywood was left as sole trustee. In rendering his annual statement to the general court, in the February following, Judge Heywood accounted

for \$2,258.18½, as the amount of the fund in his hands. His record of the same year, of the interest received and paid out to the Indians, says, the proprietary fund "after deducting a desperate debt due from Capt. Stephen Maynard, deceased, is \$925.69, and one year's interest is \$55.54, which was divided according to the respective rights of said Indians," &c. The former sum, being the whole amount of the fund, and the latter, being the amount, *exclusive*, of the debt of Capt. Whitney, when deducted from the former, shows that the debt was \$1,327.49½. This sum, at compound interest, would now amount to above \$27,000.

On the 8th of February, 1814, Judge Heywood was discharged from his trust, at his own request, and Asa Goodell, of Millbury was appointed in his stead. From the time of Judge Heywood's last record, September 6, 1813, till 1828, no record of the doings of the Trustees is found. In the latter year, Cyrus Leland, of Grafton, was appointed trustee, and on the 28th of August of that year, a memorandum was furnished to him by the late trustee, Jonathan Leland, Esq., of Sutton, accompanied by a certificate, that said memorandum contained an account of the personal property, lately in his hands, belonging to the Grafton Indians. This memorandum was as follows:—

Phillips family, original fund,	\$111 50		
One-half Otis Newman's original fund, due from him,	28 00—\$139 50	Int.,	\$8 37
Brown family, original fund,	111 50		
Avails of land sold,	310 00— 421 50	"	25 29
Lucy Gimbee, original fund,	27 83		
Avails of land sold,	80 00		
One-half O. Newman's original fund, due from him,	27 83— 135 66	"	8 15
Moses Gimbee, original fund,	27 83		
Avails of land sold,	90 00— 117 83	"	7 07
Polly Johns's family, original fund,	55 83	"	3 35
			\$870 32

By this memorandum, it will be seen that only \$390.32 of the original fund is accounted for, as remaining, and the bal-

ance, \$480, going to make up the principal of the fund as it existed at that time, viz., \$870.32, was the avails of lands belong to three of the families—the Brown family, and Lucy and Moses Gimbee, which had recently been sold. The Phillips family owned real estate at that time, and it has been sold by leave of the legislature, within a few years past, and the proceeds were received by Gilbert Walker, of Worcester, whose wife is the only heir of that family now living.

A schedule is also on record of the property received by Mr. Cyrus Leland from the late trustee, consisting of certain notes of hand, amounting, with the interest due on them, to April 1, 1828, to \$962.21, or \$91.89 more than the principal of the fund, with which the trustee charges himself (less three cents, caused by a mistake in adding) as the *disposable* fund to be paid out to the several Indians, according to their respective shares in the fund. Mr. Leland died in 1831 or 1832, and Thaddeus Read was appointed administrator of his estate, and Moses Roberts, trustee of the Indians, in place of said Leland. It appears that on settlement of the accounts of the trust, at the probate office, that the balance due the Indians, in the hands of the administrator, was, \$1,005.72. This was cancelled as follows:—

Sundry notes turned over to the trustee, amounting (principal and interest, cash to April 1, 1832,) to	\$886 68
Cash paid the trustee,	119 09
	<hr/>
	\$1,005 72

No further record appears till July, 1841, when Mr. Roberts rendered his account to Pliny Merrick, Esq., district-attorney, who had been authorized to adjust the same.

In the account he charges himself with the money received of the former trustee,	\$119 09
Cash collected on notes,	161 91
	<hr/>
	\$281 00

And credits himself with his services, nine years, cash paid out, " &c., &c., &c.,"	\$190 96
Cash paid P. Merrick, to balance account,	90 04
	<hr/>
	\$281 00



Thus it appears, that on the notes received in 1832, amounting then to \$886.63, only \$161.91 had been collected, as principal or interest in over nine years, while the simple interest on them alone is, \$496.04, up to that time.

Notes, April 1, 1832, . . . . .	\$886 63
Interest, to July 27, 1841, . . . . .	496 04
	<hr/>
	\$1,882 67
Amount collected on Notes, and accounted for, . . . . .	161 91
	<hr/>
Balance, . . . . .	\$1,220 76

This balance does not appear ever to have been accounted for. Charles Brigham, Esq., of Grafton, was appointed in 1841 to succeed Mr. Read, as trustee, and states, in rendering his account, that he was appointed without any funds, and accounts only for money received from subsequent sales of land, and from the treasurer of the Commonwealth. The notes in which the funds were invested, amounting, as above, to \$1,220.76 in July, 1841, and which, at simple interest only, would now amount to over \$2,500, are supposed to have become worthless, as several of the promisors are known to have been insolvent some years previously. There appears to have been great neglect of duty on the part of the trustees, both in making investments, without adequate security, and in omitting to collect the notes, or to have them properly secured, when it had become obvious that they were doubtful in their character.

This investigation, which has required no little time, labor, and patient research, if it result in no other good, will show, at least, that thus far this tribe has been no tax on the government, and if, hereafter, their aged or infirm should need assistance, they would present a claim, the force of which could hardly be resisted. The State, in its sovereign capacity, took their property into its keeping, and has suffered it to be squandered and lost. To recapitulate :—

1. The government originally received what was equivalent to \$3,270 in standard gold or silver coin, and afterwards, to wit, in 1745 through its agents, in effect, substituted therefor, its own depreciated paper, making a loss thereon of \$1,330.89

which was taken from the fund, and, for which, the Indians have received nothing, either as principal or interest, to the present day.

2. Subsequently to the above, and between the years 1772 and 1796, the trustees permitted one of their number to become indebted to the fund on his own personal obligation, and, as would appear, without other security, in a sum, which, in 1807, amounted to \$1,327.49½. The said trustee became insolvent and neither principal or interest of the claim was ever paid.

3. Prior to July 27, 1841, the small remnant of the original fund, together with the proceeds of the sale of the land of some individuals of the tribe, amounting, at that date to \$1,220.76, had been invested by the trustees in such securities, that neither principal nor interest was ever paid.

It should be remarked of the latter, that the notes, when given, were probably supposed to be good, and so, perhaps they were, for a short term, but they were not first class securities, or such as funds should ever be invested in, that are held in trust. They were, moreover, unreasonably neglected by the trustees, and, in some instances were allowed, while yet collectable, to run many years without even the interest being paid, and finally to remain, uncollected, till they became worthless.

The question arises, what is the obligation of the State, under these circumstances? The Indians say, very naturally, "Give us our own. You took of us £2,500, disposed of it as you pleased, without any agency of ours; you have repaid us only a part of the principal and but a small part of the income of it. The State is rich and powerful, we are few, poor, and weak, and we ask not of your riches, but simply our own, which you have taken and withhold from us, or at least the income of it, for the sustenance of those amongst us who have not other means to live." If it is objected that the property has been lost, the ready answer to that, is, "If it is lost, it was not by our agency, but yours, and you have no right to make us the sufferers by your misdoings."

The State itself has sanctioned the principle contended for by the Indians, and admitted an obligation growing out of the loss of this property. By a Resolve of April 9th, 1839, the sum of \$50 per annum, for ten years was appropriated, to be placed in the hands of the judge of probate, of Worcester County, to

be distributed at his discretion among the members of the tribe, as their wants or necessities might require. This grant was based on the ground of the loss of the fund by the agent of the State. In 1849, by chap. 50, of the Resolves of that year, the same amount was continued for ten years longer, on the same conditions. In 1858, a further sum of \$200 was placed in the hands of the judge of probate of Worcester County, to be distributed in the same manner, and, in 1859, on a petition of Gilbert Walker, praying for compensation for the support of Benjamin Phillips, one of the tribe during his last illness, a Resolve was passed, allowing to the tribe, "the sum of one thousand dollars to be paid over to the judge of probate and insolvency of the County of Worcester, and by him invested or disbursed at his discretion, for their benefit, in such manner as shall most effectually meet the present or future wants and necessities of the surviving members of said tribe of Indians, and in payment of the claim of Gilbert Walker, or of any other claims which may exist for their former support." The claim of Gilbert Walker here indicated, amounted to about \$300, and was paid from the sum granted.

The committee of finance which reported this Resolve based their report in favor of it, expressly on the ground of the obligation of the State, growing out of the loss, by its agents, of the Indian fund. This last grant, it will be perceived, is considerably less in amount, than the sum last lost to the fund, while the former grant of fifty dollars a year, for a limited period, is not nearly equal to the current interest thereon during the time, to say nothing of the accumulated interest for a long period preceding. And it is worthy of note, as showing the loose manner in which the special legislation in relation to the Indians has been transacted, that while these grants have been based on the obligation growing out of the loss of the fund, they have been made in terms, and on conditions, inconsistent with their application to meet that obligation. The fund was not a common one, belonging to the tribe, but a specific one, belonging to certain individuals in distinct and well-defined proportions, as much as do the stock and funds of a bank, a railroad, or an insurance company; and other members of the tribe had no more right or interest in it, than the members of any other tribe, or than their white neighbors, yet the grants

have been made, as if it was a common fund, to be applied to the general purposes of the tribe, as the circumstances or necessities of its members might require.

Having, as he trusts, presented this subject in its true light in a manner, as he hopes, that will make it better understood, than it has been by our legislators in years past, the Commissioner feels that he has done all that is required of him, without recommending what definite action should be had thereupon. To judge of that, is the special province and the right of the legislature, and he feels sure that the representatives of a free and enlightened people, acting in a government that was instituted to guard and protect the rights of the weak, and to establish justice, will not perpetuate a wrong, especially against a people, who, by the action of that government, for no wrong of theirs, have been degraded from the condition of citizens to that of subjects. It may be pertinent to add, in this connection, that, while appropriations by the State for various purposes, have been made for almost all the other tribes, some of them requiring a considerable amount every year, this tribe has never been a tax upon the government for one cent.

In their personal and social condition, their intelligence, education, and general character, the Hassanamiscoes will compare favorably with any other tribe in the State. They are, as a whole, an orderly, industrious, and moral people. Only one case of habitual intemperance is known to exist among them, and that is a man not an Indian, who belongs to the tribe only by having intermarried with one of their women. Within the last twenty years, but one case of illegitimacy has occurred, and that was under a promise of marriage, and the young woman has, aside from that occurrence, sustained a good character. In consequence of that, she has required assistance from the town; and this is the only case known, where any member of the tribe has received such aid. Several of them are now growing old, and one of them has already received assistance from the appropriation in the hands of the judge of probate and insolvency, and will require constant aid from some source, to enable him to sustain life. About \$700 of the last year's appropriation remains, and no more will be required, at present, if the judge is satisfied that he can draw on the principal thereof for such purposes.

The reservations that were made for the Indians, at the time of the original sale to the proprietors of Grafton, have all, with the exception of about two and a half acres, been sold at various times, by leave of the legislature, mostly for the payment of debts or the support of the proprietors. The proceeds of the sales of the last remnants, belonging to two or three families, were invested by the guardian in the notes which proved worthless, and were thus lost. The last real estate belonging to the Phillips family was sold at a more recent date, and realized, with the wood that had previously been sold from it, a considerable sum, which has been invested in real estate in Worcester by Gilbert Walker, the husband of the last surviving heir of the family. The sale last made, was of the land belonging to John Hector, the proceeds of which were invested by the guardian in a place costing \$700, for Hector's residence in Worcester. Andrew C. Brown has a place of two acres, in Holden, worth \$400 which was deeded to the guardian, in trust for him. Elizabeth Brown owns a place of about the same size in Framingham, worth about \$900, on which she owes about \$400. The land remaining unsold in Grafton, belongs to Sarah Maria Cisco, wife of Samuel Cisco, (colored.) It has a small dwelling-house on it, and the whole property is worth some \$600 or \$700. This is believed to be all the real estate in Massachusetts belonging to the tribe. It is claimed that there is a tract of woodland, lying in New Hampshire, which was owned by Moses Gimby, deceased, and of whose estate John Hector is the surviving heir. There is a deed on record, in the registry of deeds of Cheshire County, of such a tract, and it is understood that there is no record of any transfer of the property by Gimby. But, whether his title was a good one, or whether, if good, it may not have been subsequently lost, is unknown. The subject was brought before the Commissioner by Hector, but he failed to substantiate his claim for want of pecuniary means to pursue the investigation. (See Appendix, D.)

This tribe, having no common territory, but living scattered among other people of their respective vicinities, have, of course, no municipal, educational or religious organization, but their educational and religious advantages are the same as those of others among whom they live, and so far as is known, they

avail themselves thereof about in the same proportion that other people do. Probably about one-half of them are citizens in the towns where they reside, while the remainder have retained their legal relation of wards of the State.

But little trace of Indian descent is apparent in the members of this tribe. It is most marked in the few who have mixed chiefly with the whites, yet some of these have no perceptible indications of it, and have become identified with the white race. The remainder of the tribe have the distinguishing marks of African descent and mixed African and white, of various grades, from the light quadroon and mulatto, to the apparently nearly pure negro, and, in every successive generation the slight remaining characteristics of the race become less apparent.

There is little property held by individuals of this tribe, aside from the small parcels of real estate already referred to. The men, being mostly mechanics and laborers, generally obtain a comfortable support for their families, and live much as other people do in their condition of life. Under the circumstances thus presented, no good reason is apparent, why the right of citizenship should not, at once be granted to them, and they be placed on the same legal footing as other inhabitants of the Commonwealth.

#### THE DUDLEY INDIANS.

The Dudley Indians, so called, are a remnant of that portion of the Nipmugs, called the Pegan tribe, which formerly inhabited the track of land in Worcester County, now known as Charlton, Dudley, Sturbridge, Oxford, Southbridge, and Webster, with portions of some of the adjoining towns. These Indians were visited in July, 1663, by the Apostle Elliot, accompanied by Hon. Daniel Gookin, who informs us, that "the seven new praying towns, in the Nipmug country, under the jurisdiction of Massachusetts, began to harken to the gospel about three years since, or thereabouts." They were visited again in September, 1674, for the purpose of settling teachers and establishing civil government among them. The towns visited were:—

Manchage, (now Oxford) containing	60	persons.
Chabunakongkomun, (Dudley) "	45	"
Manexet, (N. E. part of Woodstock,*) containing	100	"
Quantisset, (S. E. part of Woodstock) "	100	"
Wabquisset, (S. W. part of Woodstock) "	150	"
Packachoag, (S. part of Worcester & Auburn) "	100	"
Warunlug, (Uxbridge) "	50	"
	<hr/>	
	605	persons.

When the Indians made sale of their lands, they reserved two plats of each five miles square, which were laid out in 1685, one of them in Woodstock, Conn.; the subsequent disposition of which is not known, and the other comprised the territory which afterwards constituted the town of Dudley. This last was sold by order of the legislature, in June, 1797. The consideration of this sale was, the relinquishment of a debt of \$300, then due from said Indians to their guardian, a lot of land situated in Dudley, (now Webster,) containing twenty-six acres and fifty-eight rods, being the same on which the Indians resided till recently, and which is still occupied by them, and the further sum of \$1,667, to be paid to the treasurer of the State, the interest of which was to be paid over to the guardian of the Dudley Indians, for their own use and support.

Whether the fund of \$1,667, which was paid into the treasury, became merged in the general funds of the State, or was kept distinct till it was exhausted in the support of the Indians, does not appear from any authority at hand. Unfortunately, no records are to be found, of the doings of the guardians of these Indians, from which the facts in reference to this question or to the general concerns and statistics of the tribe could be drawn. It may, however, be safely assumed, that whether it was kept a distinct fund or not, the Indians must have had the full benefit of the whole fund, as the average annual payments, on their account, for many years past, largely exceed the interest of that sum.

The whole territory of the tribe now consists of the before mentioned lot of twenty-six acres and twenty-eight rods, and a lot of one acre bought for their use by the Commonwealth in

1857. Heretofore the families were located on the larger lot. It is situated at some distance from any public highway, and the buildings, being in a small clearing, surrounded by woods, and thus obscured from public observation, became a resort for the idle and dissolute of the country about, to the great detriment of morals and annoyance of the sober and orderly portion of the community. Their buildings having become so dilapidated as to require extensive repairs or rebuilding, it was thought best to transfer them from that location, and bring them more directly under the public eye, where a healthy public sentiment could have its sanitary influence, and where the civil authority could have a more direct supervision over them. To that end, the lot of one acre was bought. It is situated on the public highway, about half a mile from the principal village in Webster, and about one-fourth of a mile from the lot they had hitherto occupied, and convenient of access to it. On this was erected a good building of five tenements, for their occupation, to which they were removed, and their former habitations were demolished. The experiment has been measurably successful—the irregularities and disorder which formerly prevailed among them, have, to a considerable extent, been suppressed, and it is to be hoped, that, under a careful supervision, such as has been exercised over them by their present guardian, Asher Joslin, Esq., the evils which have been such just cause of public complaint and reproach, may be still further mitigated.

The whole number belonging to the tribe, including those, as well, who have gone out into the community, and by obtaining a legal settlement and exercising the rights of citizens, have abandoned the *legal* condition of Indians, as those who have not obtained a settlement or exercised those rights, and those, who, remaining on the reservation, are to a greater or less extent, dependent on the State for support, so far as has been ascertained, is ninety-four, viz. :—

Families, . . . . .	19
Males, . . . . .	41
Females, . . . . .	51
Unknown, . . . . .	2

\* Woodstock was then in Massachusetts jurisdiction.

Natives, . . . . .	83
Foreigners, . . . . .	11
Under 5 years of age, . . . . .	17
From 5 to 10 years of age, . . . . .	9
10 to 21 years of age, . . . . .	18
21 to 50 years of age, . . . . .	35
50 to 70 years of age, . . . . .	9
Of 70 and over, . . . . .	4
Unknown, . . . . .	2
	— 94

Those of 70 and over, are of the ages, respectively, of 70, 75, 80, and 85. Of the foregoing, five families, consisting of thirteen persons, reside on the reservation, and receive support or assistance from the State. They are:—

Males, . . . . .	6
Females, . . . . .	7
Under 5 years of age, . . . . .	1
From 5 to 10 years of age, . . . . .	1
10 to 21 years of age, . . . . .	2
21 to 50 years of age, . . . . .	5
50 to 70 years of age, . . . . .	2
Of 70 and over, . . . . .	2
	— 13

Of those who do not live on the reservation, three families, consisting of nineteen persons, including, in two of them, foreign husbands of Indian women, reside in neighboring towns, and, if they should need assistance,—which is quite probable,—would, as members of the tribe, look to the State for relief, having never acquired a settlement in the towns, or exercised the rights of citizenship. The remainder of the tribe, as will be seen by the accompanying table, are scattered in various places, and some of them could not be found, nor their present residence be ascertained. These latter have long ceased to identify themselves with the tribe, and more or less of them, it is probable, have acquired local settlements.

Two, only, of this tribe, claim to be of pure Indian blood, and of the validity of their claim, there is much reason to doubt. There are several others in whom the Indian blood is so strongly characterized as to indicate its predominance, but

by far the larger portion are so mixed with foreign blood, that the traces of the Indian race are slightly or not at all discernible. A few are nearly white, but most of them have the general appearance of Africans, either pure or with a greater or less admixture of white blood. In their personal characteristics, habits, manners, and modes of life, there is generally nothing to distinguish them from the mass of our colored population, with whom they are mostly commingled. A very few, in whom the native blood predominates, have the roving disposition and unsettled habits so characteristic of the race. This trait is remarkably prominent in one of the families. Five of them, all of whom had been heads of families, and one of them having, at this time a family of minor children, could neither of them be found, although the several places where they had all resided within from one to four years past were ascertained.

As will be inferred from what has already been stated, this tribe has no municipal, religious, or educational organization. The greater portion of them, scattered in various towns, belong to those municipal organizations, and have the benefits of religious and educational institutions, such as are common to those in their condition of life. Those who reside on the reservation, although subject to the legal disabilities of Indians, enjoy the benefits of the public schools of the town, and have the usual opportunities for religious worship and instruction, so far as they choose to avail themselves thereof.

The moral condition of that portion of the tribe residing on the reservation has already been alluded to; in connection with the notice of the change made in the location of their residence, a few years since. But the Commissioner does not feel that he would be justified, in view of statements that have been made, and impressions that have to some extent prevailed in the community, in leaving the matter, without a little further explanation. The report of the commissioners, in 1849, says: "This *tribe* have reached a lower deep than any other in the State. A few get an honest living by cultivating their land, and by going out to work. The rest subsist on the bounty of the State and by prostitution. They have no schools and no preaching, are ignorant, improvident, and degraded to the lowest degree."

This statement, to say the least, does *the tribe* great injustice, and could have been based only on information of an unreliable character. The members, both on the reservation and off of it, have the same advantages for education in the public schools, and for religious instruction, that other people do, in the communities where they respectively reside, and the whole are of as much average intelligence as those of the other tribes in the State. The remarks were true, to a certain extent, as affecting the *moral* standing of a *small* portion of those residing on the reservation, where, formerly, intemperance prevailed to a considerable extent, and, in some instances, its not unusual concomitant, licentiousness, carrying in their train moral and social degradation. The writer of this would not seek to disguise or palliate these evils, fearful as they are, where they do exist, and so much to be deprecated. He only wants the truth, and the whole truth be known, and that this tribe should stand before the world, positively and relatively, in its true character. He does not believe, that, eleven years ago, there was much more, if any, of moral and social degradation in it, than in some of the other tribes, and he is sure, from personal observation, that the external evidences of its prevalence, at the present day, are not so great as in some others. The use of intoxicating drinks, with the evils that flow therefrom, still prevail to too great an extent on the reservation, yet, in this respect there has, unquestionably been considerable improvement, and the present guardian is deserving of special commendation for the firmness and decision he has manifested in promoting this desirable reform.

The whole number of the tribe, reported by the commissioners in 1849, was forty-eight, of whom it was stated that about one-half resided on the reservation. The number now residing there is thirteen, a reduction of nearly one-half in eleven years. Of those remaining, seven vary from 40 years of age to 75, two of them being unmarried females between 40 and 50 years of age. There is but one young married couple, and but four children, two of whom are boys of 17 and 12 years of age. The former of these earns his own living and the latter will soon be able to earn his. Under these circumstances, no good reason can be perceived, why all who are now minors should not, as fast as they come of age, be placed on the same legal

footing, as all other residents of the State, who are born upon its soil. It evidently would not be just, toward the towns where they reside, to throw those who are now adults and in a state of actual or impending pauperism on them for support.\* But the youthful portion of the tribe, growing up with the knowledge that they must provide for themselves, or take their chance with all other paupers, and that they have no reservation to go to, when either from misfortune, shiftlessness, or an evil and immoral course of life, they may be in want, will scatter themselves abroad in the community, seeking profitable employment wherever it may be found, and will thus, not only diminish the evil of having congregated together, numbers who do not feel, so strongly as they should, the duty of self-reliance and the responsibility of self-support, but will, by such distribution, equalize whatever burden may hereafter be incurred by the public for their maintenance.

Of those residing on the reservation, one is entirely blind, between 40 and 50 years of age, three others are old and infirm and can do little towards their own support, three others are too young to labor, and some of the others are more or less infirm—all requiring partial assistance, which has been given from time to time, by the guardian, as seemed necessary. Their fuel is one of the heaviest charges. Formerly there was wood upon the lot, which furnished what they wanted and contributed something towards their support, but this is now exhausted.

The families on the reservation all reside in one building which was erected in 1857. It contains five tenements, entirely separated from each other by permanent partitions. It is kept in neat and decent order both within and without.

The expenditures of the State, for the support of this tribe, since the report of the former commissioners, in 1849, have been as follows:—

\* This remark is made, and a similar one in the notice of one of the other tribes, in consequence of a fear being expressed by town officers, at the public hearings, both in Webster and Gay Head, that the State was about to place the Indians on the same legal footing as other inhabitants, and, at the same time, to throw the charge of such as might, now or hereafter, be in want, upon the towns where they might happen to reside.

In 1850, for support during the year 1849,	.	.	\$327	12
1851, " " " 1850,	.	.	282	63
1852, " " " 1851,	.	.	304	13
1853, " " " 1852,	.	.	365	12
1854, " " " 1853,	.	.	329	87
1855, " " " 1854,	.	.	439	38
1856, " " " 1855,	\$107	33		
1856, for support to February, 1856,	439	74		
			547	07
1856, " " to August, 1856,	\$571	08		
1857, " " to Jan'ry 27, 1857,	693	38		
			1,264	46
1857, " " to July 16, 1857,	\$683	02		
1858, " " to January 1, 1858,	406	13		
			1,089	15
1858-9, " to January 1, 1859,	.	.	757	94
1859-60, " to January 1, 1860,	.	.	731	25

This is exclusive of the salary of the guardian, the amount of which, there are no means at hand of ascertaining for a portion of the term. For 1858 it was \$95.53; for 1859, \$100.

In addition to the amounts paid for the salary of the guardian, there should be added to the above—

For one acre land bought in 1857,	.	.	\$75	00
For block of houses built on the same,	.	.	1,500	00
For fencing and improving the lot in 1859,	.	.	400	00

The exhaustion of the wood on the reservation took place in 1855, and the expense for fuel since that time has been about \$150 a year, and the increased expenditures since that time are, to that extent, chargeable to that cause.

### THE YARMOUTH TRIBE.

This tribe, if tribe it may be called, which has no organization, or scarcely any characteristic by which to distinguish its members from the mass of the community with which it is intermingled, reside mostly in Yarmouth, a few being settled

in the neighboring towns. The whole number, with the exception of a branch that has become merged in the Herring Pond Tribe, is *one hundred and twenty-six*, as follows:—

Families,	.	.	.	.	.	.	23
Males,	.	.	.	.	.	.	66
Females,	.	.	.	.	.	.	58
Unknown,	.	.	.	.	.	.	2
						—	126
Natives,	.	.	.	.	.	.	105
Foreigners,	.	.	.	.	.	.	21
Under 5 years of age,	.	.	.	.	.	.	17
From 5 to 10 years of age,	.	.	.	.	.	.	24
10 to 21 years of age,	.	.	.	.	.	.	36
21 to 50 years of age,	.	.	.	.	.	.	45
50 to 70 years of age,	.	.	.	.	.	.	3
Of 70 years and over,	.	.	.	.	.	.	1
						—	126

These are all descended from one man, who was born in Yarmouth in the first half of the last century, some one hundred and fifteen to one hundred and twenty years since, the son of an Indian mother and white father. One of his daughters married a Herring Pond Indian and removed to that plantation, where she has many descendants living at this time. With this exception, nearly all of his descendants have intermarried with whites, down to the present day, so that they are substantially merged in the general community, having their social relations with white people, with the exception of one or two families. By the accompanying tabular list (see Appendix, A,) it will be seen that in all the families, in which both heads are living, there are only two in which one of them is not pure white, and it may be added, that the one having the Indian blood is usually so little colored, that it would hardly be noticed by one not acquainted with the fact. Some of them have but one-sixteenth part of Indian blood. Of the two widows, one was the wife of a white man. The other was a Marshpee Indian, her husband one of the Yarmouth Tribe; and her associations are with the colored population.

These facts are presented, as pertinent to our subject, from the lesson they teach. Wherever the Indians have

been subjected to the full influence of the unholy prejudice of caste and race, to consequent social proscription and civil disability, their economical, social, and, usually, their moral condition have remained in a comparatively low state, scarcely advancing, under all the genial influences which may have been otherwise brought to bear upon them. Under this withering blight, too, they have hardly been able to keep their own numbers good from generation to generation, but, in most cases have actually diminished, and are less numerous, now, than they were a century or a century and a half ago. But, the Yarmouth Tribe, situated where, from some cause, that prejudice appears to have been less active, and the proscription less exclusive, and where, too, their civil rights were conceded to them, present a very different aspect. Instead of remaining stationary, or receding in numbers, they have, in the course of a century, increased from one person to more than thirty families (including the Herring Pond branch) and one hundred and fifty individuals. Instead of a proscribed class, seeking a precarious support, to eke out a comparatively comfortless existence, with their hands raised to the legislature, now imploringly, for aid and relief, and now deprecatingly, lest some new disability or wrong should be inflicted on them, we find them in possession of their civil rights, nearly all in a condition of domestic ease and comfort, the peers of the community about them; not in high social circles or advanced political positions, it is true, but with the barriers removed which would prevent their aspiration to them, with the prize in view, as the reward of their own personal energy, industry, and perseverance. Who shall say, that some of their number may not, at no distant day, attain to the fruition of such aspirations.

It does not appear that any of this tribe are paupers, and, considering the relation in which they stand to the community and the State, it did not appear to be necessary to prosecute those inquiries into their economical condition, which, under other circumstances might be required. Before my visit to them, I was informed that one of the elder members desired to see me for the purpose of presenting a claim for land now in the possession of others. While there, the subject was spoken of, but no intention was manifested to pursue the matter, and with the view of it, which had been presented to me, I

did not think it proper to encourage such a movement. It is said that the land was sold by the Indian proprietors, and payment received for it, and the only ground of the present claim is, that the consent of the legislature to the sale, as was then required by law, was not obtained, and that, consequently, it was illegal and void. It is believed that the chances of sustaining a claim resting on such a basis, after the occupants have been for a century or more in quiet possession, would hardly be worth the money which must be spent in its prosecution.

#### THE DARTMOUTH INDIANS.

The Indians of the Dartmouth country belonged to the Wampanoag tribe and were sub-divided into Acushnets, Acoaxets, and Aponegansets, by which names the several localities of their residence are still known. Their descendants are still found in the same region, comprised in the ancient town of Dartmouth, which embraced the present towns of Dartmouth and Westport, and the city of New Bedford. Their present residence is divided between these places, the most numerous settlement of them being on the west side of Westport River. A number of the families have emigrated to western New York, California, &c., and others are temporarily absent from the State. The number of those resident here or who are supposed to be only temporarily absent, is one hundred and eleven, viz. :—

Families, . . . . .	29
Males, . . . . .	58
Females, . . . . .	53
	— 111
Natives, . . . . .	99
Foreigners and unknown, . . . . .	12
Under 5 years of age, . . . . .	10
From 5 to 10 years of age, . . . . .	7
10 to 21 years of age, . . . . .	25
21 to 50 years of age, . . . . .	44
50 to 70 years of age, . . . . .	19
Over 70 years of age, . . . . .	6



Those over 70 are respectively, 73, 74, 75, 77, 80, and 84 years of age.

Having no common lands or common fund, these Indians have escaped the special paternal care and guardianship of the State, and, relying on their own exertions, and mingling more with the general community than those on the plantations, are above the average of the Indians in civilization, general intelligence, and the enjoyment of the comforts and privileges of social life, contrasting very favorably in this respect, with their near neighbors and brethren of the same original tribe, who have enjoyed the privilege of the State's guardianship, on the Indian Reservation at Fall River. So far as is known, they are entitled to, and are in possession of, the rights and privileges of citizenship, in the towns where they reside.

The celebrated Paul Cuffe, well known both in this country and Europe, for his efforts in behalf of African civilization and Christianization, some forty-five years since, was a native of this tribe, of mixed Indian, African, and white descent. He visited the western coast of Africa, once or twice, in a vessel of his own, fitted out, freighted, and commanded by himself, and manned entirely with colored men. On one of his voyages, he visited England, and was received with marked attention in that country, even in the saloons of the nobility, and of royalty itself. He was a man of great probity of character, and one of the few men of his race who have accumulated property, so as to place themselves in circumstances of pecuniary independence. Some of his descendants still reside in the vicinity of his former residence, but a larger number have emigrated to California.

It has already been stated that these Indians have no common lands. They lay claim, however, to tracts of considerable extent, situated in Dartmouth and Westport, of which their white neighbors are in possession, and, to which, they affirm that the Indian title was never extinguished. There was an examination of their claim, at the public hearing at New Bedford, the last session of which was held on the thirty-first of August last, (1859,) a notice of which is the subject of a special report.

None of these Indians are permanent paupers. One of them, in consequence of natural imbecility of mind, has required and received some assistance. There was said to be a female

residing in one of the families named Amelia Lewis, aged 24, who claimed to be a descendant of the Gay Head Tribe, who, in consequence of a cancer had been obliged to rely, to some extent on private charity. I made an effort to see her, to investigate the matter, but failed, in consequence of her absence from home. It appeared, however, from what I could ascertain, that her grandmother belonged to Gay Head, but the family have been so long away from that place, that her claim for support would not be acknowledged by that tribe, nor does it seem just that she should be thrown upon them. Should she become a public charge, it would seem that her support should necessarily devolve on the State.

The statistics of these Indians, (see tabular list in Appendix, A,) are not so full as I had intended, in consequence of failing to receive returns from town and city clerks, which I hoped to get. The deficiency, however, considering the relation in which they stand to the State, was not thought of sufficient consequence to incur the expense which would be necessary to remedy it.

#### MAMATTAKEESET INDIANS.

The Mamattakeeset Indians had their original location in the vicinity of the Mamattakeeset Ponds, in Pembroke. It appears by the Plymouth Records, that about the year 1675 a council of war ordered the removal of the Mamattakeeset tribe to Clark's Island. This movement contemplated their safety from the attacks of hostile tribes. The numbers of this tribe, so far as they have been ascertained, is twenty-five, viz. :—

Families, . . . . .	5
Males, . . . . .	13
Females, . . . . .	12
	— 25
Under 5 years of age, . . . . .	5
From 5 to 10 years of age, . . . . .	2
10 to 21 years of age, . . . . .	5
21 to 50 years of age, . . . . .	7
50 to 70 years of age, . . . . .	5
Of 70 and over years of age, . . . . .	1

The person over 70 years of age is Jane Hyatt, single woman, aged 71.

There is reason to believe there are several other persons belonging to this tribe, but as they all enjoy the rights of citizenship, it was not deemed necessary to pursue the inquiry further. Of those whose names are returned, (see Appendix, A,) one only is a pauper, and he has been supported by the town for about ten years past. None of them hold any real estate or other taxable property.

#### TUMPUM TRIBE.

The "Tumpums" are supposed to have been a local tribe, or subdivision of a tribe, whose former residence was in Pembroke and vicinity. Traces of them have been found in other places where they have intermarried, and the name is still found in Marshpee. The number remaining, who are not included in other tribes is fifteen.

Families, . . . . .	4
Males, . . . . .	6
Females, . . . . .	9
	— 15
Under 5 years of age, . . . . .	3
From 5 to 10 years of age, . . . . .	3
10 to 21 years of age, . . . . .	2
21 to 50 years of age, . . . . .	5
Over 70 years of age, . . . . .	2
	— 15

Those over 70 are Abigail Christopher, aged 75, and David Fuller, aged 71.

The members of this tribe appear to be capable, intelligent, and moral. One aged person has received some public assistance. They are understood to be in the enjoyment of their civil rights, as citizens of the State.

#### DEEP BOTTOM INDIANS.

Some five or six miles westerly of Edgartown, the road leading from that place to West Tisbury, Chilmark, and Gay Head, crosses a deep valley, which, commencing in the central portion of the island, slopes gradually down southward to the sea. This valley is called "Deep Bottom." Near its southern extremity, a little way up the western acclivity, is a small settlement of Indians, called, from the name of the valley, the Deep Bottom Indians. Their whole number is thirteen, viz. :—

Families, . . . . .	4
Males, . . . . .	7
Females, . . . . .	6
	— 13
Natives, . . . . .	13
Under 5 years of age, . . . . .	2
From 5 to 10 years of age, . . . . .	1
10 to 21 years of age, . . . . .	2
21 to 50 years of age, . . . . .	6
50 to 70 years of age, . . . . .	2
	— 13

The ancestors of these Indians have occupied this locality from the first settlement of the island by the whites. I am unable to say precisely how much land is held by them. I was disappointed of the opportunity at which I expected to obtain the particulars, and my subsequent inquiries, relative thereto, were ineffectual, owing to the secluded situation of the parties. The larger portion of what they hold is a tract of sixty or seventy acres, which, for a long period, was in the possession of others, but was awarded to them in 1858, by a commission instituted by the State to investigate the matter. Pending the inquiry, the occupants of the land cut the wood off, and sold it. For the value of this wood, the Indians had a just claim, but, on recovering possession of the land, they compromised this claim for a trifling consideration. They now complain that they were grievously wronged by the compromise, and that they submitted to it, only in consequence of their pressing necessity for something, and the want of means for litigating their claim, so

as to secure a just equivalent for the value of the wood. The land recovered is worthless for cultivation, and, being stripped of its wood, would sell for very little, and will yield no income till it shall be again grown over with wood, and this will require twenty years or more, before it will be of a size suitable to cut. Thus the award added nothing to their present means of support, except the pittance they were induced to accept, as an equivalent for the value of the wood. That pittance was soon exhausted, and one family, that of Isaac Easton, when I was there, was in very destitute and straitened circumstances. His wife, a woman near 70 years of age, had been confined to her bed, of a distressing malady, for many months, without any prospect of speedy relief, and without the means, except through the charity of others, of obtaining medical aid and articles necessary for a person in her condition. Their case will probably be brought before the legislature by a petition for relief.

The land held by them, aside from that already spoken of, is a small patch adjacent to each of their humble dwellings, and they have no other property. They lay claim to other land in their vicinity, and had intended to present it for investigation at the public hearing held on the island, but failed to do so in consequence of the absence from the island, of the person on whom they relied, till it was too late to give him time to make the necessary preparations, and of their pecuniary inability to employ any other person to do it. Of the validity of the claim, I have no personal means of judging, but intelligent persons, having some knowledge of the facts, expressed the opinion that it was well founded.

The Deep Bottom Indians have no organization of their own, religious or municipal; they have never been under guardianship, and are not considered as entitled to the rights of citizenship. They are generally intelligent, and sustain a fair moral character. The natural sterility of the soil they occupy, compels them to seek other means of subsistence and keeps them in indigent circumstances; yet none of them have been supported as paupers, and, with the exception of the family above named, it is not apprehended that they will, for the present, become a public charge.

## MIDDLEBOROUGH INDIANS.

The Middleborough Indians were formerly located in the vicinity of what is called "Betty's Neck," in the present town of Lakeville. The whole number, reported to me is ten, viz. :—

Families, . . . . .	4
Males, . . . . .	3
Females, . . . . .	7
	— 10
From 10 to 21 years of age, . . . . .	2
21 to 50 years of age, . . . . .	7
50 to 70 years of age, . . . . .	1
	— 10

It is understood that none of these now reside in Lakeville or Middleborough. The three males are all seafaring men, and two or three of the other families reside in New Bedford. It is believed that they all are entitled to the privileges of citizenship. They have no distinct organization, and have no lands in possession, either in common or in severalty. They lay claim to a tract of land, in the neighborhood of their former location in Lakeville, and the matter was brought to my notice, by one of the claimants, at one of the public hearings in New Bedford, and would have claimed my further attention, but that I found a special commission had been instituted by the legislature, charged with the specific duty of investigating all Indian land claims within the county of Plymouth, and, on inquiry, I found that this subject was in the hands of that commission. Under these circumstances, it appeared to me, that my duty required me to suspend any action in the case, and await the report of the commissioners, whose special duty it was to act therein.

Nothing is known of the peculiar circumstances, character, or condition of these Indians, which should prevent their being placed, with the other unorganized Indians of the State, on the same footing, and, in all respects, in the same legal relation to the Commonwealth as all the other citizens thereof.

It is not known that there are any paupers among these Indians.

## MISCELLANEOUS INDIANS.

Beside the descendants of Indians who are classified, there are others whose classification may be doubtful, some of them having the blood of two or three tribes in them, and others, who possibly may have been descended from some tribe out of the State. I have put these in a separate list under the head of Miscellaneous Indians. The number of these, of whom I have returns is sixty-nine, viz. :—

Families, . . . . .	18
Males, . . . . .	34
Females, . . . . .	35
	— 69
Under 5 years of age, . . . . .	3
From 5 to 10 years of age, . . . . .	6
10 to 21 years of age, . . . . .	20
21 to 50 years of age, . . . . .	28
50 to 70 years of age, . . . . .	8
Of 70 and over, . . . . .	2
Unknown, . . . . .	2
	— 69

These are divided, in the list, into five sections, those in each section being of one kindred. Some claim descent from the Natick Indians, some from the Punkapogs, and others from the Narragansetts, while others, still, confess ignorance of what tribe they are descended from. None of their claims, on investigation, appeared sufficiently conclusive to decide on their classification. None of them are known to possess any land, and none of them it is believed are paupers, with the exception of one aged man, who has received some assistance. So far as could be ascertained, they are all allowed the rights of citizenship. They are all in indigent circumstances, though most of them obtain a good living. In their moral and social condition there is nothing peculiar, to distinguish them from the mass of the community in their station in life, many of them being respectable and intelligent, and performing their social and relative duties faithfully.

From the foregoing we find that the census of the several tribes and scattered families of Indians and the descendants of Indians in the State presents the following

## AGGREGATE.

Whole number of persons, . . . . .	1,610
Families, . . . . .	376
Males, . . . . .	775
Females, . . . . .	829
Unknown, . . . . .	6
	— 1,610
Natives, . . . . .	1,438
Foreigners or unascertained, . . . . .	172
	— 1,610
Under 5 years of age, . . . . .	188
From 5 to 10 years of age, . . . . .	165
10 to 21 years of age, . . . . .	379
21 to 50 years of age, . . . . .	636
50 to 70 years of age, . . . . .	174
Of 70, and over, . . . . .	55
Unknown, . . . . .	13
	— 1,610

The aggregates of the Plantation Tribes are as follows, viz. :

Whole number of persons, . . . . .	1,241
Families, . . . . .	291
Males, . . . . .	588
Females, . . . . .	650
Unknown, . . . . .	3
	— 1,241
Natives, . . . . .	1,126
Foreigners, . . . . .	115
	— 1,241
Under 5 years of age, . . . . .	147
From 5 to 10 years of age, . . . . .	123
10 to 21 years of age, . . . . .	277
21 to 50 years of age, . . . . .	494
50 to 70 years of age, . . . . .	136
Of 70 and over, . . . . .	143
Age unknown, . . . . .	11

Having passed the several tribes, &c., in review, we come to the consideration of the question, for the solution of which the statistics and other information embodied in this Report were required to be collected, viz., whether the Indians of the Commonwealth "can, compatibly with their own good, and that of the other inhabitants of the State, be placed immediately and completely, or only gradually and partially, on the same legal footing as the other inhabitants of the Commonwealth." In this consideration, the subject very naturally and conveniently separates itself into three divisions, viz. :—

1. In reference to those Indians and descendants of Indians, who, with their ancestors, have never been under the special guardianship of the State, who have no reservations, and who are either scattered and mingled with the other population, or reside in neighborhoods, without any distinct organization.

2. Those tribes having reservations, on which most of them reside, with little or no intermixture of whites amongst them, and who are, or have been, under guardianship—including the Chappaquiddie, Christiantown, Gay Head, Marshpee, and Herring Pond tribes.

3. The tribes which have reservations, or have had them, and are, or have been, under guardianship, but of which the smaller portion only, or none at all, of them now remain on the reservations. These include the Fall River, Punkapog, Natick, Dudley, and Hassanamisco tribes, and to these may be added those of the second division, who have left their reservations, and reside elsewhere.

The Commissioner, distrusting his own ability to judge correctly on a question so complex, and involving considerations so important, and perhaps vital to the interests of so many individuals, would have been better satisfied if his responsibility ended here, and if, having collected and arranged the facts, he was at liberty to submit them to the wisdom of the legislature, without expressing any opinion of his own. But as the law requires him to report for the consideration of the legislature, bills founded on these facts, "in view of consummating the present provisions for conferring civil and political rights on the Indians of the Commonwealth," a further duty rests upon him, which, after anxious and careful consideration, he proceeds to fulfil.

Of the first class of Indians, above named, he has no hesitation in saying, that in its moral and social condition, it stands decidedly ahead of the other two; that, nowhere among them, did he find the improvidence, penury, ignorance, and personal degradation, which are found combined in individual cases, in nearly all the plantation tribes, while a very considerable portion of them, whether mechanics or others, in the towns, or laborers in the farming districts, live as comfortably as their neighbors, and their character and general intelligence would not be discreditable to them in any community. This class, generally, rests under no legal disabilities; but, being exempt by law from taxation, some have chosen to avail themselves of that exemption, and submit to consequent disfranchisement, while others, who would prefer to exercise the rights of citizens, have submitted to the deprivation thereof, under the supposition that the towns had the right, by omitting to tax them, to debar them from the exercise of those rights, and that for this exclusion they had no remedy. The undersigned can see no reason for the exemption, as applied to this class, and would, therefore, respectfully recommend that they be at once put on the same footing, in every respect, as the inhabitants of the State, who are not of Indian extraction.

The second class is the most interesting of the three, both on account of its greater numbers—comprising eight hundred and fifty persons, or more than one-half of the whole—and of the anomalies which their case presents. Here are five communities within the State, but not of it, subject to its laws, but having no part in their enactment; within the limits of local municipalities, yet not subject to their jurisdiction; and holding real estate in their own right, yet not suffered to dispose of it, except to each other. In the five, without any good reason for the difference, three measurably diverse legal conditions prevail. Chappaquiddick and Christiantown tribes are under guardianship,\* and no person belonging to either of them, however capable or shrewd he may be, can make any contract, either to buy or to sell, which shall be valid in law, without the written consent of the guardian; and, for sundry petty offences, the guardian is authorized to inflict punishment unusual and

\* See Act of 1827.

cruel, and such as is not permitted in any other case, nor to any other offender, under the laws of the State. The law provides a semi-municipal organization for these tribes, but the provision is held in abeyance, and the law, in that respect, is not carried into effect. In Marshpee, a municipal organization is established,\* with authority to assess taxes, yet without any power to enforce their collection; with authority for the management of the public lands and fisheries, for the establishment and maintenance of schools and the support of the poor; in brief, with the powers of a town, but not entrusted with the charge of their own funds, which are held by a Treasurer, appointed by the Governor and Council. The people of Gay Head were authorized to accept the provisions of the Act of 1827, relating to Chappaquiddick and Christiantown, and it was provided that, whenever they should do it, the Governor might authorize the Guardian of those tribes to act as the Guardian of Gay Head, also. But, never having chosen to avail themselves of this *privilege*, this tribe, whose territory is not included within the limits of any town or municipality of the Commonwealth, have no legal organization whatever. The management of their public lands and funds, the disbursement of money for the support of schools and the poor, and for other purposes, and all other acts of a public nature, which are necessary, are managed through the agency of voluntary association, without any legal authority derived from the State to enforce their doings, or to give them validity. The difficulties to be encountered and overcome, under such a system, may well be imagined, and the repugnance with which they contemplate the idea of a guardianship may be inferred, from their having so long submitted to these difficulties, rather than accept the provisions of the Act of 1827.

But, with all this diversity of systems, in the tribes, the primary relations of the inhabitants to the State, and the mutual obligations between them and the State, are the same in all, and, in coming to a correct solution of our question, a clear understanding of that relation is necessary. The commissioners under the act of 1848, present a view of the matter in their report, that appears to me to be so correct, that I feel justified

\* See Acts of 1834, and 1833.

in quoting freely from it. All these tribes had received more or less pecuniary aid from the State, which, though granted mostly for public purposes, is, after all, a contribution of so much toward their support. The commissioners, after showing that these contributions were comparatively small, proceed to say:—

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 Saviour 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 except 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 guaranties 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 make no apology for making the following extracts, as applicable to all the Indians of 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*

"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 covenants 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 first 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 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 never have 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 rights 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 have always 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 Douglas 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 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. xiii., 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 and 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 obligation 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, as shall be brought to indigence, than to throw the unequal burden 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 a 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 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 one hundred and eighty 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 re-quote 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."

It is the pride and glory of Massachusetts, that all the "unfortunate children of the public" within her borders are suitably cared for. The lunatic, the deaf mute, the blind, and even the poor idiot, partake of her bounty, bestowed not stintedly and grudgingly, but with that liberality of her great heart, which blesses, at once, the giver and the receiver. The Indians stand in this relation to her by a double tie, that of nature and adoption—an adoption, which, however well meant it may have been, has not been, thus far, prolific of blessings to them, for, in attempting to take care of their property, it has withheld from them the opportunity of learning to take care of it themselves, and, in depriving them of the right of citizenship, on the pretence that they were not qualified to exercise it, it has deprived them of the means of preparing themselves for the discharge of its duties, and of the incentives which would influence them to do it. Shall they, then, be an exception to the beneficent rule which has governed our action toward other classes. Or, shall not the State, rather, discharge to their full extent all the obligations, which these peculiar circumstances impose upon her? We have discharged but a small part of them, when we have appropriated a little money to repair a meeting-house or a school-house, for the



support of such State paupers as accident may have thrown among them, or even when we may have provided for any trifling balance which may remain uncanceled in their annual expenditures. They will not be fulfilled, till we see that they are qualified, so far as their respective mental endowments will permit, to provide fully for their own wants, that they are prepared for the enjoyment of the rights and privileges, which, by nature and our social and political systems, are their due, and that they are secured in the possession of them.

The disabilities under which they labor can be remedied, only in part, by legislative action. The bitter prejudice of color and caste, and social exclusion can be remedied only by a more liberal, just, humane, and Christian public sentiment, and a satisfactory change in this respect must necessarily be a work of time. But civil and legal disabilities may be removed at any time, and the questions at issue are, as to the time when, and the manner in which it shall be done. That the Indians have an absolute *right* under our constitution to be citizens, few, probably, would deny. But, as the skilful physician, when, in consequence of weakness or disease, the light has been excluded from that delicate organ, the eye, does not let it suddenly in upon it, but only as it becomes strong and able to bear it, so should we treat the mental and moral weakness which our wrong has induced. We have despoiled them of most of their lands, and then, assuming that they are incapable of taking care of the rest, we have deprived them of their civil and legal rights, and, as a consequence, placed them under a social ban, wounding their self-respect, and taking away the incentives to improvement and progress, and have thus aggravated and perpetuated the very evil which we made the apology for the wrong. They have so long labored under these disabilities, and so long been subject to the encroachments, exactions, and sharp dealings, of the shrewder and more practiced men by whom they are surrounded, that they have come to look upon the laws which place them in this position, as their only safeguard from entire ruin. There is no doubt that if those on the larger plantations, included in this class, were placed at once on the same legal footing as the other inhabitants of the Commonwealth, they would become a prey to the unprincipled and unscrupulous; the patrimony of many, if not the most of

them would soon be gone, and they would be left without the energy, skill, and self-reliance, necessary to acquire a living—a tax and a burden on the public. So well satisfied of this are the more intelligent among them, that I hardly found a man of this class, that did not deprecate the idea of such a change at the present time. At Marshpee, after a full discussion, the vote was unanimous against a change. At Gay Head and Chappaquiddick a similar feeling prevailed. There are individuals, who feel deeply the deprivation of their rights, and who have no fears on their own account, of the responsibilities which their restoration would impose on them; but, with a laudable abnegation of self, they seek rather the welfare of their race than the gratification of their own aspirations. There are a few, who are urgent for an immediate removal of their legal disabilities, but they are generally the intemperate and dissipated, or the idle and unprincipled, who seek a freer scope for the gratification of their appetites, or a better opportunity of preying on the substance of others.

In view of all the facts in the case, carefully ascertained, and of the deductions, which, on mature consideration, seem necessarily to flow from them, I have come to the decided conviction that the tribes, which are arranged in this class, can not, “compatibly with their own good, and that of the other inhabitants of the State, be placed immediately and completely on the same footing as the other inhabitants of the Commonwealth.”

It is equally apparent, that it is not compatible with their own good or that of the other inhabitants of the State, that their present condition should be perpetuated, and it would afford special satisfaction, if we were prepared now to prescribe the limits of its duration. Whether it shall be shorter or longer, must depend in a great measure on the influences, which, by legislation or otherwise, shall be brought to bear upon them. They need education—not school learning merely, though that is necessarily comprehended in the term,—but the education of the whole man, and a better development of his powers, and a better appreciation of his possibilities and his responsibilities, than now prevails among them. They should be led to aspire for a better condition, and be trained to habits of

patient, persevering, earnest, hopeful, and systematic industry as the means of attaining it.\*

Of the existing agencies, which might be, and which ought to be, rendered more efficient to this end, the school teacher and the pastor are most prominent and available. The teacher should be fully impressed with the conviction that the book-knowledge which he imparts is not the end sought, but only a means to a higher and nobler end, and that it is often in his power to contribute to that end, more efficiently and successfully, than by the mere ordinary routine of school instruction. It is eminently in his power,—and what can be more legitimately in his province?—by the influence which an earnest and qualified teacher acquires over his pupils, to mould their minds, and give them a direction which will influence, and possibly control, their whole subsequent life; and he should let no opportunity pass unimproved, to elevate their tone of thought and feeling, and to instil into their minds those lessons of practical wisdom and virtue, which give a zest to their studies, and add so much to the value of their learning, when acquired.

The influence of the pastor may be made more immediately perceptible in its practical results than that of the school teacher. Bearing in mind that Christianity is not the religion of barbarism but of civilization, and, in its better manifestations, of culture, and of refinement; that it purposes, not merely to save the soul, but to make it worth saving; that, in proportion as the mind is so cultivated, improved, and enlarged, as to enable it to comprehend and appreciate the beauty, simplicity, and sublimity of the great truths of religion, are the probabilities increased of its being brought under their influence; that we best perform our duty to our Maker when we make it include all our social and relative duties; a faithful pastor, among this people, will find that he has more duties than those of the Sabbath, to perform, and that, during the week, his time may be as profitably employed, in preparing those under his charge to become *good* Christians, as it can be, on that day, in

\* Nothing strikes the visitor for the first time, to some of the plantations, more forcibly than this want of habits of systematic, well-directed industry. The use of spirituous liquors has unquestionably had much to do, in inducing the evil, but even this may be met and overcome by proper counteracting influences.

the somewhat doubtful attempt, of persuading them to be, what only they can be, in their present condition, very indifferent ones. He will find, in fact, that both times have their appropriate and correlative duties, each auxiliary to the other, and each necessary to the success of both.

Combined with these influences, properly applied, if the legislature will provide for a single Commissioner for all the tribes, who will devote his whole time and energies to the improvement and amelioration of their condition, it will have made an important advance forward in the right direction, and prepared the way, it may be hoped, for an early consummation of the proposed change. Of this latter proposition there will be occasion to speak more fully, after we have treated of the tribes in the third class. With the exception of the substitution of the single Commissioner for the present Treasurer of Marshpee and Herring Pond tribes, and the Guardian of the Chapequiddick and Christiantown tribes, and giving him advisory powers in the Gay Head tribe, no farther change would be recommended in their political relations to the State, till the experience of the Commissioner shall demonstrate its necessity and indicate what it should be.

The moral and social condition of the tribes embraced in the *third division*, varies so much as to make the disposition which shall be made of them a more complex question. The Hassanamisco and the Natick tribes, and a portion of each of the others, including also the off-shoots from the tribes of the second division, who have abandoned their plantations and settled elsewhere, stand as well as those of the first division, and should, of course, follow the same destination. Those of the Fall River and Dudley tribes, who reside on the reservations, fall below the average of the second division in their general character, leaving the remainder of this division in an intermediate grade. No reason is perceived, sufficiently imperative, to prevent the placing of all in this division, with the exception of those residing on the plantations of the Fall River and the Dudley tribes and those who are beneficiaries of the State, at once, upon the same legal footing as the other inhabitants of the State. They have been, for some time, commingled with them in the same community, generally under as favorable circumstances, in most respects, as the other colored population of the State, to which

they assimilate, and have not been subjected to the peculiar present disadvantages under which those labor who are residents of the plantations.

The plantations of the Fall River and **Dudley** tribes seem to have become little better than eleemosynary establishments, where pauperism is perpetuated from generation to generation. Still, if a Commissioner, having oversight of the Indians of the whole State, should be appointed, it would probably be the wisest course to delay any essential changes in relation to them, till he shall have had the opportunity to acquaint himself with their circumstances and condition, to consult with the present guardians, and then to consider what further action may be required. If such an officer should not be appointed, I would recommend that the guardianship be abolished, and that these two plantations be turned over to the charge of the overseers of the poor of Fall River and Webster, respectively, with such powers, limitations, and restrictions, as the legislature may see fit to impose.

In brief, it is recommended:—

I. That no change be made in the legal relation to the State, of those *residing on the plantations* of the Chapequiddick, Christiantown, Gay Head, Marshpee, Herring Pond, Fall River, and **Dudley** tribes, and those who may be only temporarily absent therefrom, and that all the other Indians of the State, except such as are now its beneficiaries, be placed at once on the same legal footing, as the other inhabitants of the Commonwealth; and that none may have reason to complain of unjust and illegal deprivation of their constitutional rights, it is recommended that any member of the above named tribes, who wishes to become a citizen, may do so by filing a certificate to that effect with the clerk of the town where he resides and paying a poll tax; whereupon he shall be entitled to all the rights and privileges of citizenship, and shall, thenceforward, be debarred from ever again returning to the legal condition of an Indian.

II. That a Commissioner be appointed, who shall perform all the duties now required of the treasurer of Marshpee and the guardians of the other tribes, who shall have advisory powers in relation to the Gay Head tribe, and whose duty it shall be, to watch over the interests of the Indians of the State,

to guard and protect their rights, and to promote their general welfare and improvement.

It is believed that the same amount of good can be realized in no other way, at so little cost, as by the appointment of such a commissioner. He should have the whole subject of Indian affairs and relations under his charge, and should reduce it to a well-digested system, adjusted to the circumstances of the present time and the wants of the future. There has been neither order, system, nor uniformity of purpose, in our legislation concerning the Indians. The subject has not been studied, nor the facts ascertained, or the relations correctly understood, by successive legislatures, and consequently much of the legislation has been special in its character, and too often dictated by mere expediency for the occasion, to get over a present difficulty. Thus, grants of money have been unwisely made and indiscreetly applied, and the whole matter has become so complicated, that he must be a patient man who will trace out the legislation and digest it, and a wise one, if he can tell, when he has done it, precisely what the legal relations of the Indians are, and what their various rights, in relation to property, whether held in severalty or in common, having reference as well to the Indian traditional law as to the statutes of the Commonwealth. The commissioners under the law of 1848 encountered this difficulty. They say:—

“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 a resolve; and, of the latter, sometimes an annuity has been settled on a particular individual, and, at another time, an appropriation has been made to a guardian or judge of probate, for the benefit 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 the laws now in force, in despair, and have been compelled to resort to a temporary expedient, which has only made the confusion worse confounded.*”—(House Doc. No. 46, 1849, page 55.)

With one year's experience in the discharge of his official duties, the commissioner would probably be prepared to report to the legislature, as a substitute for existing laws, some general

plan in relation to Indian affairs, by which order and system should be brought out of the present confusion. All expenditures of moneys appropriated by the legislature for the benefit of the Indians, should be made by him, as well to secure its economical use, as its faithful application to the purposes intended. All claims upon the State, for services rendered to the Indians or for articles furnished to them or for their benefit, and all petitions in which the rights, interests, or welfare of the Indians are specially involved, should come before him, to be reported on to the legislature. This would save that body from the danger of being misled and imposed upon, as it has been sometimes heretofore, by being obliged for want of some such source of information to rely on the *ex-parte* testimony of interested or incompetent witnesses.

But the great object sought to be secured by this appointment, would be, the institution of measures which should result, at no distant day, in such an improvement in the character and capabilities of the race, that they may safely be left to manage their own concerns and to rely on their own resources, without any supervision or aid, on the part of the State, more than it exercises in the affairs of every other individual. In this direction, if properly qualified for his place, he might accomplish much, by aid and counsel, in the developing and husbanding of their resources, and the judicious application of them, in the systematizing of their industry and giving it a profitable direction, in teaching them the value of their time, and such an appropriation of their leisure as shall make it a season of improvement or profit, instead of wasting it in idleness, or in hurtful or criminal indulgences—in fine, in the thousand ways in which a superior, cultivated, and practical mind may be useful among such a people.

But, as a guaranty of success, he must be fitted for the place. He must be prudent, judicious, discriminating, and impartial, with a greatly human heart, and must engage in his work in the true missionary spirit, more for the love of it, and for the good he may do, than for the pecuniary recompense he is to receive. He must win the confidence of the Indians, and having established that, he may exert an almost unlimited influence over them. This has been exemplified in the person of Hon. Leavitt Thaxter of Edgartown, who for a long period

of time, has been the umpire of the members of the Vineyard tribes, in the settlement of nearly all cases of differences between them, and it is not known, that, in any instance, there has been an appeal from his judgment.

The appointment of such a commissioner was urgently recommended by the commissioners under the Resolve of 1848, as will be seen by reference to their report. They say:—

“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 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.”—(House Doc. No. 46, page 57, 1849.)

If the legislature believe that such an appointment would be advantageous to the Indians, the expense should not deter them from authorizing it. If it were only in consideration of the benefit accruing to them, it should be done, on the same principle that appropriations are made for other benevolent purposes, having this advantage over most of them, that it promises in the long run, to be pecuniarily remunerative. But considered simply in its economical aspect, it commends itself to our judgment. In the first place, it will save the salaries of the treasurer of Marshpee, and of the guardians of the other tribes. It would probably save its cost, in a short time, in the diminished amounts annually required for the aid and relief of the Indians, and the commissioners' report in 1849, before quoted, says: “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.” But, in this point of view, the important consideration is, that it would be likely, at a period not very remote,

to enable us to dispense entirely with any appropriations in behalf of the Indians.

Viewing the whole subject in the light of all the facts and experience that can be brought to bear on it, there seem to be three prominent modes of disposing of it, each susceptible, however, of modifications which would not essentially change their character, from which we have to choose.

I. To leave things as they now are, with the certainty of the necessity of continued annual appropriations, and annual legislation, for an indefinite period of time, to meet the exigencies, which, to a considerable extent are constantly occurring.

II. To place the Indians at once on the same legal footing as the other inhabitants, with an equal certainty that appropriations, at least as large as heretofore, will be necessary for some years to come, and the strong presumption that they must be largely increased in the future, to meet the prospective pauperism which the change will induce: Or,

III. To adopt the proposed plan of a single commissioner, with the powers and duties already indicated, in the reasonable hope that, while it will conduce largely to the welfare of the Indians, it will not, for the present, essentially, if at all, increase the expenditure required under the existing system, and that it will be the means of saving it all, or nearly all, at no distant time in the future.

The economical view, though obviously the least important, has been most dwelt upon, for the reason that, practically, such considerations, more than any other, have influence in determining questions of this sort. Viewed in reference to other considerations, the reasons in favor of the change acquire an immensely increased force. In the decision of the question is involved the welfare of nearly a thousand of the unfortunate children of the State, and their posterity—unfortunate, because, for no fault of theirs, they have been despoiled of their property, robbed of their civil rights, shorn of their manhood, and made the unoffending and unresisting victims of a most cruel social proscription. It is proposed that we should, now, by such means as can safely and prudently be applied, prepare to lift from their shoulders the heavy burden we have imposed on them, and aid them in ascending to the position they ought to

occupy. Their hands are stretched out imploringly to us for relief, and all they ask, and more than all they ask, is justice, so long delayed,—simple, naked justice. Shall not Massachusetts, with her large means, with the most intelligent, free, and prosperous community on the face of the earth, accord so much to her sorrowing and long-suffering children? Justice, Humanity, and Religion, unite in pleading, trumpet-tongued, in their behalf, and consistency to our own professions, our honor, our love of the right and hatred of the wrong—our own interest even—all, demand that we should aid, so far as we can do it by legislation, in lifting them up and preparing them for the full enjoyment of their civil rights, and, when prepared, that we should secure them in the enjoyment of them; and that we should, as nearly as circumstances will permit, place them on a perfect equality in all respects with every other citizen. All this we should do for them, because it is their due, and with any thing short of it we should never rest satisfied.

In conclusion, I have prepared Bills embodying the recommendations herein contained, which are presented for the consideration of the legislature.

All which is respectfully submitted,

JOHN MILTON EARLE.