# COMMONWEALTH OF MASSACHUSETTS APPEALS COURT

No. 2012-P-0260

MARIA KITRAS, TRUSTEE, et al., Plaintiffs-Appellants,

v.

TOWN OF AQUINNAH, et al., Defendants-Appellees

ON APPEAL FROM A JUDGMENT
OF THE LAND COURT

EXHIBITS VOLUME I

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Indians ... Gay Head Taybead August 25 1859 Respected Friends I have consulted with Dea I tolinson and others and we have concluded that it will be best to have our business meetings legalized at present we have nomeons of dothing our officers with autarity, if is wish to repair our roads or raise a little money for the School or keep publick buildings in repair or to deel with disorderly schoolers we have no meanes of dains The land that we hold in severelty which come by heirship or purchese inclosed or taken in the rough and cheared is ours according to all endian custom; in severelty, we think over titles to be confirmed Our poor have ben a greats burden one man has benea paufer 32 years at on average cost 1-50 per week which not much short 2-500 dollar we have others that we have to half by times more then "go perweek but not much less

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They friend Jurchens Hourwoswee

To John, Milton Earle

Gayhead August 25 1859

Respected Friend sir

I have consulted with Deacon S Johnson and others and we have concluded, that it will

be best to have our business meetings legalized at present we have no means of clothing

our officers with authority, if we wish to repair our roads or raise a little money for the

school or keep publick buildings in repair or to deal with disorderly schoolers we have no

means of doing. The land that we hold in severalty which come by heirship or purchase

enclosed or taken in the rough and cleared is ours according to all Indian customs in

severalty, we think our titles ought to be confirmed.

Our poor have been a great burden to us, one man has been a pauper 32 years at an

average cost \$ 1.50 per week which not much short of 2.50 dollars we have others that

we have to half by times more than \$1.50 per week but not much less

[page 2 -- continued]

If any further information write I will do the what I can.

Thy friend,

Zaccheus Howwaswee

To John Milton Earle

Worcester Mass

E 3

Idgartown, jan. 28. 1860.

My Dear Sir,

Deacon Simon jshuson of lay ofead is intenses of the land of the intenses of his people. He thinks that some our has written In. to the purpose that the people of lay Head desire a division of the lande. The beacon thinks a division of the land will not promote the best intenses of the people,

will not promote the best interests of the people but will be injurious to them and his I think is the opinion of most of the people there was

who are not foreigners.

The Committee on the Indians in Duke's brunty in 1827 reported a Bill which was ordered to be printed and distributed among the Indians for whose benefit the Bill was intended. March. 10. 1827.

on any bill relative to the Indians, till they shall have an Apportunity to examine its provisions.

hange, especially relative to the Indians of Lay Mind who are differently situated than any others, especially from their isotated position.

A Ballisausy Stouty West and Co.Co.

I should be glad to convene with i'm on this interesting and difficult subject, but I feel coup's dent that Ion will recommend any thing that you do not think conducive to the orifact of the Indians.

Ting outpedfully Frus Friends Fravill Thacter,

Yon. John Milton Earle, Indian Commissioner.

P.S. Vant Stelly poseph of Chappequiddic wishes me state to Son her claims against but too sisters, deceased. Tog. Against Betsey Carter, for writes to 136.00 altho Fon have no authority to settle the above, not such a case shorrs that from provision should be smade by the State, that she should perform all her Aligationsh The indians have been and are quasi oninots and wards of the State, who has voluntarily assumed Guardianshik tour them.

\* Formirly auna Nelly Gordoich nor pain Nelly foreple

Is I am not surprised that you was not prepared for the statement of the Inardian of the lehops and Christian trong indians. My animor to Question 15 on p. 72 of the Report = of the Indian Commissioners in 18248 was true them, and is equally true now, especially of the Cappeguiddic Indians. Mr Marchant, to say the least, had done them a grievous wring.

Levitt Thatter,

Lewith Thayton.

Edgartown, Jan. 28, 1860

My Dear Sir,

Deacon Simon Johnson of Gay Head is now with me, and expresses some anxiety

for the interests of his people. He thinks that some one has written you, to the purpose

that the people of Gay Head desire a division of the lands.

The Deacon thinks a division of the land will not promote the best interests of the

people, but will be injurious to them, and this I think is the opinion of most of the people

there, who are <u>not</u> foreigners.

The Committee on the Indians in Duke's County in 1827 reported a Bill which

was ordered to be printed and distributed among the Indians for whose benefit the Bill

was intended – March 10, 1827.

I trust that no <u>final</u> action will be taken or any bill relative to the Indians, till they

shall have an opportunity to examine its provisions.

I fear the consequences of any material change, especially relative to the Indians

of Gay Head, who are differently situated than any others, especially, from their isolated

position.

I should be glad to converse with you on this interesting and difficult subject, but

I feel confident that You will not recommend any thing that you do not think conducive

to the welfare of the Indians.

Very respectfully,

Your Friend,

Leavitt Thaxter

Hon. John Milton Earle Indian Commissioner

E 8

P.S. \*Aunt Eleanor Nelly Joseph of Chappequiddic wishes me [to] state to You her claims against her two sisters, deceased,

\_\_\_\_\_ Against Betsey Carter, for services. \$36.00

" Peggy Peters, for board. \$306.00

Altho You have no authority to settle the above, yet such a case shows that some provision should be made by the State, that she should perform all her obligations.

The Indians have been and are quasi minors and wards of the State, who has voluntarily assumed Guardianship too them.

I am not surprised that You w[ere] not prepared for the Guardian of the Chap. and (Christiantown Indians. My answer to Question 1 on p. 72 of the Report of the Indian Commissioners in 1848 was <u>true then</u> and is <u>equally true now</u>, especially of the Chappequiddic Indians. Mr. Merchant, to say the least has done them a grievous wrong.

Leavitt Thaxter

<sup>\*</sup> Formerly Aunt Nelly Goodrich, now Aunt Nelly Joseph

# STATE LIBRARY OF MASSACHUSETTS SPECIAL COLLECTIONS

HOUSE....No. 215.+

# Commonwealth of Massachusetts.

House of Representatives, March 30, 1862.

Ordered, That the Report of John Milton Earle in relation to the Indians of the Commonwealth, being Senate Document, No. 96, of the year 1861, be reprinted, together with the Act on which the same is founded.

W. S. ROBINSON, Clerk.

# REPORT

TO THE

### GOVERNOR AND COUNCIL,

CONCERNING THE

# Indians of the Commonwealth,

UNDER THE ACT OF APRIL 6, 1859.

BY JOHN MILTON EARLE,

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

# Commonwealth of Massachusetts.

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.

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.

SENATE, March 15, 1861.

Accepted.

Sent down for concurrence.

S. N. GIFFORD, Clerk.

House of Representatives, March 16, 1861. Accepted, in concurrence.

WILLIAM STOWE, Clerk.

# Commonwealth of Massachusetts.

### 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

#### REPORT.

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. 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 scafaring 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

In 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,

<sup>\*</sup>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 Chappequiddick, 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 Yar-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 publishments of colored persons entered on the early records of Dartmouth, by far the larger portion are those of negro men to Indian women. mouth, 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 groggeries about their borders, kept by whites, and the laws are inefficient to prevent their introduction on the reservation. 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.

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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 a charity, or admit that they are paupers. 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; Chappequiddick and Christiantown, \$4,908.74; Marshpee and Herring Pond, \$1,829.90; Punkapog, \$2,391.29; 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.

The payments on account of the Dudley Indians were about

<sup>\*</sup> Within the last ten years, Abraham Quary, the last of the Nantucket Indians, died at an advanced age.

\$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 Chappequiddick 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) residents among them, and therefore not properly chargeable to the Indians. Marshpec and Herring Pond payments were mostly for State paupers, (not Indians) and for county roads laid out through 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 dependent 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 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 Chappequiddick 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 Mattakeeset 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	
Pomoiou.							_	74
Foreigners,	•	•	•		•		_	7
Under 5 yea	rs of a	ge.		_	_		•	2
From 5 to to		of a		-	•	•	•	_
				•	•		•	7
10 to 2				•	•	•	•	15
21 to 5				•	•			39
50 to 7	0 year	s of a	ge.				•	8
Over 70 year			. ,	-	•	•	•	0
To you	io or a	5°,	•	•	•	•	•	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 Chappequiddick twenty-three out of

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 Chappequiddick, 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 Chappequiddick, 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,							٠	46
Males, .			•	•	•	•	٠	106
Females,	•	•	•	•	•	•		98
•								204
Natives,		•						194
Foreigners,	•	•		•	*	•	•	10
Under 5 yea	rs of	nge,	•	•	•	•	•	15
From 5 to 10	yea	rs of	age,		•	•	•	23
10 to 21		22			•	•	٠	61
21 to 50	)	46		,	•	•	•	69:
50 to 70	)	44		•	•	•	•	29
Of 70 and o	ver,	"		•	•	•	•	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,									
Males,		•	•	•	•	•	•		8
Females,	•	•	•	•	•	•	•	22	
Unknown,	•	•	•	•		•		27	
Olikitowit,	•	•	•	•	•			0	
Foreigners,								_	49
Under 5 year	rs of	onne.	•	•	•	•	•		5
From 5 to 10	) 7701	mge,		•	•	•	•	4	
10 to 21	, J. Ga	44	age,	•	•	•		6	
21 to 50		66		•	•	•	•	16	
50 to 70		44		٠	•	•	•	15	
Unknown		**		•	•	•		0	
CHRIONII	•	•	•	•	•	•		8	
								_	49

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

*Combining the w	hole.	wo l	12 TA	the C		,				
*Combining the w Whole number,	,	.,,	ave	rne n	0(10)#1	ng re	sult,	۲iz, :-	_	
Families,	•	•	•	•	•	•	•			253
Males,	•	•	•	•	•	•	•	•		54
Females,	•	•	•	•	•	٠				128
Natives,	•	•	•	•	•	•	•	•	•	125
Foreigners,	•	•	•	•	•	•	•			237
Under 5 years of	Ron	•	•	•	*	•		•	•	16
From 5 to 10 year	unge, instat	, , , , , , , , , , , , , , , , , , , ,	•	•	•	٠				19
10 to 21	**	age,	•	•	•	•	•			29
21 to 50	44		•	-	•	•				77
50 to 70	44		•	•	•	•	•			81
Of 70 and over,	4		•	•	•	•	٠			29
Unascertained,			•	•	•	•	•	•		7
•	-	•	•	•	•	•	•	•		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 Any member of the tribe may take up, fence in, and purposes. 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 soms 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 severality, 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

persons, 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 dificult 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

condition 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 huls 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 straightened 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 fow 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 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 indviduals 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 discon-

tinuance 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 of 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 Chappequiddick 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 support of the ministry, and the inhabitants contribute, in labor

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.

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 They have been so long accustomed to a state of concerned. 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 publie 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 guarantied. 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 At present, the school committee are without the plantation. 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 For this evil an adequate remedy should be break it up. 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, They think that they ought an unjust burden upon the tribe. 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 yea	rs of	age,	•			•	•	50
From 5 to 1	0 yea	rs of	age,		•	•	•	44
" 10 to 2	1 yea	rs of	age,	•	•	•	•	97
" 21 to 5	0 yea	rs of	age,	•	•	•	•	146
" 50 to 7	-	rs of	age,	•	٠	•	•	46
Of 70 and o	over,	•	•	•	•	•	•	20

GAY HEAD TRIBE.

	-	-						
NAME.	- <del>'</del> -'	Age.	Sex or Condi- tion.	Tribe or Race.	Occupation.	Besidence.	Stock.	Land in severalty.
Mehitable Ames, .	- <del></del>	 98	Widow, .	Gay Head,	1	Gay Head,	1	5
John Anthony, Mary C. Anthony, Ruchel B. Anthony, Joseph S. Anthony,	4551		Married, . Single, . Boy, .	Portuguese (for.) Gay Head,	Mariner,	***	1 horse, 1 swine,	d acres.
Leander Bassett, Huldah Bassett, Julia Bassett, Moses Bassett, Esther Bassett,	88888	<del></del> _	Married, Single, Boy,	Edgartown, Gay Head,	Farmer,	* * * * * * *	5 cattle,	6 acres.
George J. Belain, Sophia Belain, Betsy Belain, Peter Belain, Joseph Belain, Alonzo Belain, Daniel Belain,			Married, Single, Boy,	Chappequiddick, Gny Irend,	Mariner and farmer,		7 cattle, 2 horses,	12 acres.
William Belain, Laura Ann Belain, Frederick Belain, Priscilla Bowes,†	28	<del></del>	Married, . Boy,	Chappequiddick, Mariner, Gay Head,	Mariner,	333 2	1 ] [ 1	f

2 Andrew Cooper, son of Belinds, born February, 1860.

f Another daughter, Alice, born about January, 1860.

• Another son, John W., born in October, 1869. ‡ Another daughter, Ida, born about Nurch, 1869.

4 acres.	,			10 acres.	acres.	inc	2 acres.
2 cattle,	•	1 1 1	3 cattle, 2 swine,	· -	1 cow,	5 cattle, 4 horses and 2 swine,	1 cow,
	•						
.   Gay Head,	3	<b>\$ = =</b>	2 2 2 3	Chilmark,	Gay Head,	2 3 3 <u>3</u>	2 2 2 2
•	•				Farmet,	•	lind, .
Farmer,	Pauper,	1 1	Mariner, 	ı	Martner and Farmes, .	Farmer,	Pauper, blind,
Colored, (for'er,)   Farmer, Gay Head, .	Colored, (for'er,)   Pauper,	Gay Head,			Marshpec, Gay Head,	Marshpee, Gny Head,	
Married, .	Widower,	Widow, . Boy, Girl,	Married, . Girl, Single, .	Widow, .	Married, .	Married,	Boy, Single, Widow, Single,
45.5	98	77 16 11	ဗ္ဗ ဝ ဗ္ဗ ဗ္ဗ	63	446	20138	
• •	•	• • •	<del>∵</del> ,	•			
James Bowyer, . Mehitable Bowyer, .	Alexander Brown,	Patience Cole, . Andrew John Cole, . Tirzalı R. Cole, .	Thaddeus W. Cook,† Emily G. Cook, Christina Cook, Jothannes Salisbury,	Hannah Cooper,	George W. Cooper, . Sarah M. Cooper, . Snan Cooper, .	Aaron Cooper, § Pucha Cooper, Georgiana Cooper,	Nancy A. Cooper, Aaron Cooper, Jr., Thomas Cooper, Abiah Cooper, Belinda Cooper,

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2

3 A Y HEAD TRIBE-Continued.

NAN S.	_ <del>-</del>	Sex or Condi-	Tribe or Bace.	Occupation.	Residence.	Stock.	Land in severalty.
Zaccheus Cooper, . Martha R. Cooper, . Rhoda Frances Cooper, Abraham F. Cooper, Susannah T. Cooper,	88 80 10 ± 10 10 10 10 10 10 10 10 10 10 10 10 10	Married, Girl, Boy,	Gay Head, Marshpee, Gay Head,	Farmer,	Gay Head,	4 cattle, 1 horse, and 1 swine, .	10 acres.
Landon Corsa, Julia Corsa,	2	Married, . Single, . Boy,	Colored, (for'er), Gay Head,	111	Has run away, Gay Head,	1111	acre. 1
Levi Cuff,	-: 55 54	Single,		Mariner,		1 cow,	2 acres. 2 acres.
George David,* Louisa David, . Alexander David, . Prudence David, .		Married, . Boy Girl,	3 2 2 2	Farmer,	****	5 cattle, 1 horse, and 3 swine,	15 acres.
Patrick Devine, Louisa Devine, Mercy A. Devine,		Married, .	Marshpee, Gay Head,	Farmer,	# # # # # #	5 neat eattle, 1 horse & 1 swine,	9 acres.
Mannah C. Devine, Simon J. Devine, Grafion E. Devine, Patrick L. Devine,	ာရာ <u>ရွိ</u> ကြော	Boy,		   }		1111	1111

.002-1												
2 acres.	15 acres.	j 1	4 acres.		ı 1	ι	4 acres.	1 1	34 acres.	7 acres.		
1 1	4 cattle, borse, & I swine,	, 1	111		1 1 4	1	2 pigs,	] [	8 cattle, horse,	colt, and 2 swine,		hristian town.
Gay Head,			Gone to parts unknown, Gay Head,					= =		3 3		4 Aris A. Devins is rince married to William B. James, of Christiautown. Abiah Diamond, by Lawis Cook her first husband.
11	Farmer,		Uncertain,		1 1		Mariner,	Farmer,	Mariner,	Farmer,		† Avis A. Devine is since married to William B. Ja; Children of Abiah Dinmond, by Lewis Cook her first husband.
Gay Head,			Indian, (foreign,) Gay Head,		: : :	3	3	Christinatown,	Gay Head,			† Aris A.; ; Cuttdren of Abiah Dir
Single,	Widower, Single,	Girl, Boy,	ed, ·	Single, Boy,	Girt,	 	Single, .	Married, .	Single, .	Married, .	Single,	
102	3 2 3	ខ្មីរាក	36	322	1~ O		<del>1</del>	- 61 54	85	57 40	3 	1
Betsy Dodge,	Caroline Dodge,	Avis A. Devine,	James Diamond,	Abiah Diamond,	William Harrison Cook,† Forstona Cook,†	Maria I. Cook.t	Phillip Dodge,	Jonathan Francis	Sanuel Haskins,	Zaecheus Howwoswee, ·	Esther Howwoswee,	* Since deceased.

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GAY HEAD TRIBE—Continued.

NAME.	_ <del></del> ;	1,50	Sex or Condi-	Tribe or Race.	ė	Occupation.	_	Residence.	.	Stock.	Land in severalty.
William Holmes, .		- 61	Single, .	Gay Head, .	,	Servant, .	-	New York,	•	ı	•
Amos Jeffers, Lydia Jeffers,		ទីញ	Married, .   Single, .	Marshpee, . Gay Head, .	-, -	Farmer, .	•	Gay Head,	• •	1 cow, 1 horse,	, acre.
William Joffers, Eliza C. Jeffers, Mary C. Jeffers,	10 01	125	Married, . Single, .	Christiantown, Gay Head, .		Mariner,	•	3 2 3		5 cattle,	4 acres.
Hepzibal J. Jesfers, Lydia Johnson Jesfers, Isaac Newton Jesfers,	<del></del>		0 Girl,	***		1 1 1		===	· · · ·	111	111
James Jeffers, Mellissa Jeffers, Elzada Jeffers,	C1 21	10 50 01	Married, .			Mariner, .	•	= = =		1 1 1	111
Thomas Jeffers, Lucina Jeffers, Thomas C. Jeffers, Cordelia Jeffers, Amos Jeffers,			Married, Boy, Girl,	2222		Mariner, .	•	* * * * * *		1 cow,	7 acres.
Josiah Jerard, Olive Jerard, Josiah Jerard, Jr., . Jane Mingo, t				Sandwich, (for.) Gay Head,	(for:)	Mariner, .	•	Gay Head, Taunton,	leunton,	1 F 1 I	1 acre

3 acres.	t	30 acres.	10 acres.	1 (	1 [	1 1	t	1 (	16 acres.	1 1	1 1	1	8 acres.	1 1		t husband.
1 cow, 1 horse, .	ı	1 cow, 1 horse, .	i	1 1	1 [	1 1	ı	1 1	6 cattle, 1 swine,	1 1	1 1	1	3 cattle, 2 swine,	i	1	1 Jane and Charles Mago are children of Olive Jerurd, by her first husband. 5 Another daughter, Redecen I. Manufug, born in May, 1850.
•			•	-	• •	• •							•		•	children o I. Manufu
Gay Head,	3	<b>:</b>	2	Chilmark,	: 3 3	: <b>‡</b> =	: =	# # 	Gay Head,	;	3 2	:	<b>:</b> :	· •	<b>=</b>	f Jane and Charles Mago are childre ; Another daughter, Redecca I. Mass
•	•	•	•	•							•		•			e and C
.   Mariner, .	Mariner, .	Farmer, .	Mariner, .	=	; ;	1 I	ı <b>t</b>	I 1	J	1 1	Mariner,	i 1	Farmer,	1 1	1	t Jan
<del>-</del>	• •	•	•	•			•	• • •		•	• •		•	•	•	!!
Gay Head, .		3	=	= :			= =		* *	- = =		 : :	*		•	1860.
Married, .	Single,		3	Married, .	Single,	Boy,	Girl,	Bov.	Widow	Single,	Boy,	: :	Married, .	Cirl.	Boy	flers, February,
33	ខ្លួន	33	딿	57	2 2 3 3	9	==	=== ====	5	: R	2 <u>12</u>	<del></del> -	- <u>17</u>	1~ °7	: <del></del> .	C. Je
Joel Jerard,	Rosannah Jerard, Abraham Jerard,	Simon Johnson,	Simon Johnson, 2d,	Prince Johnson,	Elizabeth Johnson, Peter Johnson,	Jonathan F. Johnson,	Sarah F. Johnson,	Julia Johnson Methia II. Johnson	William Lines Comment.	Anna J. Madison,	Charlotte Madison, Charles B. Madison, .	Israe Madison,	Thomas Manning.	Resabelle Manning §	Thomas E. Manning, .	. A sen burn of Mary C. Jeffers, February, 1850.

• A san born of Mary C. Jeffers, February, 1880. ; Abraham is Joel's brother.

GAY HEAD TRIBE-Continued.

NAME.		A60.	Sex or Condl- tion.	Tribe or Race.	Occupation.	Besidenco.	A config	
Alyens Manne		;			_ -		- Days	Land in coveraity.
. Sulunganut mater	•	<u></u>	Married, .	Gay Head, .	Farmer,	Gav Hond		
Daniel Nevers,	÷	43	Single, .	<b>*</b>	Moning	' frear fan	Z Bwme,	12 acres.
Absolom Name			. ,	•	" " " " " " " " " " " " " " " " " " "			3 30700
Louisa Nevers.	·	8 <del>-</del>	Married, .		3	2		
Ann E. Nevers,	-		Single	· * :	,		1	•
Alexander Nevers, .	- 		Boy.	: 3	,		1	•
	_	_		•	1	3	l	,
Johnson Peters, Mary Peters,	1-1-		Married, .	Chappequiddick,	Farmer,		7 cattle 6 L	<i>i</i>
Metsy Peters, Alary Cuff.	47		Single, .		1 ,	= =		14 acres.
	<del>-</del> 		•		,		ı	ı
Samuel Peters, Sarah A. Peters,	50		Married, .	3	Farmer,		1	ı
Samuel Peters, Jr.,	737		Single		. 1		4 cattle, 1 horse,	8 acres.
Jesse P. Peters,	16	_	Boy	***	ı		· omine,	ı
Joseph Peters, 2d, .	7 °	<del>-</del> -			· ·		,	t 1
Francis Peters,			•		1		ı	ţ
	• 		•	•	1		,	1
John P. Randolph,	47		Married, . 1		Tabassa		ı	•
Margaret P. Randolph,	유 :			Gay Head,		•	1	1
Robert Morton,	: ::	<u>ج</u> و			•		ı	4 acres.
•	2	<b>1</b>		<del>,</del>	•		. 1	i
						-	_	

2 acres.	111 1	16 acres.		<b>i i</b> 1		1 1	t Since decemed.
4 8wine.	, , , ,			inc'blo			decensed.
= = = =	2224	Gay Head,	*	Wentto sea namy y 10. service in Bos. Tauntop, (inc'ble	Gay Head, .	# I ·	Sarah A. Peters is since deceased.
-	•	•	•	•	•		+ 8
	Farmer,	Mariner,	Pauper,	Mariner,	Mariner,	1	<b>:</b>
Narragansett,	Fall River, Gay Head,	Portuguese, (for) Gay Head,.		Colored, (for'ner,) Mariner, Gay Head,		" " Marsbpec,	the Marshope lief. † Sarah A. Peters is
Married, . N Single, . G Single, . Boy, Girl, Girl,	Married, . Boy, Girl,	Married,	Single, .	Married, . Single, .	*	 Married, .	
12 8 i i i i i i i i i i i i i i i i i i	384	15 15 8	93	88 88 89	26	음 왕 당	<u>;</u>
Abraham Rodman, Charlotte M. Rodman,	Isaac D. Rose, §	Francis Sylvia, Eleanor Sylvia, James Sylvia,	Maria Sewell,	William Shepherd, Clara Shepherd,	Joseph Stevens,	John Thampson,	Hannah P. Thompson,

HEAD GAY

NAME.	Λge.	Sex or Condi-	Tribe or Race.	Occupation.	Realdence.	Stock.	Land in ecveralty.
William A. Vanderhoop, .	#	Married, . Col. ff	Col. (for.) from Suringm,	Barber, now farmer, .	Gay Head,	4 cattle, 1 swine,	20 acres.
Beulah Vanderhoop,	45	2	Gay Head,	1		1	1
Louisa E. Vanderhoop,	ដូ	Single, .	, 3	t		1	1
Wm. A. Vanderhoop, Jr.,	10	· ·		1		1	ı
Paulina A. Vanderhoop, .	17			1		t	ł
John P. Vanderhoop,	15	Boy,		1		1	ĭ
Anna E. Vanderhoop, .	33	Girl.	_,	1		ı	1
Edwin D. Vanderhoop,	11	Boy,		;		1	1
Nannette C. Vanderboop,	<u>ක</u>	Girl		ι		t	1
Cuminings B. Vanderboop.	တ	Boy,		t		t	t
Leonard L. Vanderhopp.	-41		•	ı	•	ı	1
Hebron Walmsley,	39	Married, .	. ,	Carpenter,	,	•	5 acres.
Eleanor Walmsley,	38	<u>.</u>		. }		I	ŧ
Celestine Walmsley,	13	Single, .	· *	ı		1	1
Tolman Walmsley.	18	Bov.		1		1	t
Amey Walmsley,	15	Girl,	•	ŧ		t	1
Lavinia Walnsley,	ci.		=			ı	1
Hebron Walmsley, Jr.,	10	Boy,		ı		1	ı
Valentine Walmsley,	ÇÌ		3	i	•	1	1
Jane Wahnsley.	9	Widow.	*	1	-	3 cattle,	7 acres.
	•		•		•		
Tristram Weeks,	20	Married, .		Farmer,		4 cattle, 3 horses,	12 acres.
Tamezen Weeks,	7	3		ì		3 swine,	1
Elizabeth Weeks,	7	Girl,		1		1	ſ
Tristram Weeks, Jr.,	10	Boy,		1	•	1	1

1862.]	F	HOUSE—No. 210.
2 acres.	1	
1 cow,		10 ocre
Gay Head, 1	IST.	New Bedford, Chilmark, " " " " " " " " " " " " " " " " " " "
	SUPPLEMENTARY LIST.	Bricklayer,
Gay Head Mariner, Colored, (for.) . Boatman, Gay Head	SUPPLEMI	Gay Head, Br. Gay Head,
Single, .   G	-	Married, . Single, . Boy, . Girl, . Singlo, . Girl, . Married, .
15 16 16 16 18		74 74 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Tripbosa Thomas, Thomas, Thomass Green Cooper, John Williams, Sorbronia Williams,		Bathsheba Aucouch,  Daniel Deming, Mary A. Deming, Mary S. Deming, Charles W. Deming, Alice J. Deming, Janiel Deming, Angeline C. Deming, Catherine Francis, Jeminn Francis, Jeminn Francis, Lugene Francis, Jane E. Henry, Jane E. Henry,

. Daughter of Temezen Wocks, by first husband.

SUPPLEMENTARY LIST-Continued.

NAME.	¥ 96	Sex or Condi-	Tribe or Race.	Occupation.	Rezidence.	Stock,	Land in severalty.
James E. Henry, Jr., William Henry, Ranzaretta Henry,		Boy, Girl,	Gay Head,.	111	New Bedford.	1 1	1 1
William Haskins, Elizabeth P. Haskins, Margaret K. Haskins, Hannah Haskins, Caroline W. Haskins, Mary L. E. Haskins,		Married, Girl,	Colored, (for.) . Gay Head,	Master Mariner,			
Peter Howard, Almira Howard, Elizabeth Howard, Laura Howard,		Married, . Girl,	Colored, (for.) Gay Head,	1 1111		1 111	1 111
Anthony G. Jordan, Hepzibalı C. Jordan, Anthony G. Jordan, Jr., John P. Jordan, Julius L. Jordan, Lydia C. Jordan, Charles B. Jordan,	### SE 12 12 12 12 12 12 12 12 12 12 12 12 12	Married, . Single, . Boy, Girl,	Colored, (for.) . Gay Head,	111111		1 11111	1 11111
William P. Powell,	- 12	ed,	Colored, (for.) . Gay Head,	1 1	,		) 1 1

William P. Powell, Jr., .   25   Single, . Sylvester Powell,   - Boy,   Isaiah Powell,   Girl,   Girl,   Sanuel Powell,   Girl,   Girl,		8 1 1 1 1 1 1	Single, Boy, Girl, Boy, Girl,	Gay Head, .		111111	111111	11111
Catherine Ockray,	•	1	1	ı	1	New Bedford.	i	1
Amelia Lewis,	•	증	24 Single,	Gay Head, .		Westport.	1	1
		- ; ;						

parties interested in said lands, to be published in the Republican Standard, a newspaper printed in New Bedford, fourteen days at least prior to the day appointed by them for such hearing. And said commissioners are authorized and empowered to compromise, adjust and fully and finally to settle, justly and equitably, and as the interests of the Commonwealth, the petitioners and all other parties, may require, all the matters, claims and controversies, now existing, growing out of or in connection with the possession of the aforesaid lands; and they may use such means as are necessary to collect the desired information upon the subject. The commissioners shall make a report of their doings to the governor and council, and receive such compensation for their services as the governor and council deem reasonable, and a warrant may be drawn accordingly: provided, however, that nothing herein contained shall be so construed as to subject the Commonwealth to any pecuniary liability or responsibility, beyond such reasonable sums as shall be allowed to the commissioners for their services by the governor and council. Approved March 28, 1863.

Report.

Compensation.

Proviso.

# Chap. 41. Resolve in favor of the Guardian of the punkarog tribe of indians.

Appropriation for support of certain Indians, \$154. Resolved, That there be allowed and paid to the guardian of the Punkapog tribe of Indians, the sum of one hundred and fifty-four dollars, to be by him expended towards the support of the following persons belonging to said tribe, to wit: fifty dollars thereof for the benefit of Rebecca Davis, the same being in addition to the annuity she now receives; fifty-two dollars thereof for the benefit of Sally Burr, of Cambridge, and fifty-two dollars thereof for the benefit of Sally Burr, of Boston, and her son James Burr; and said sum is hereby appropriated for said purpose.

Approved March 28, 1863.

# Chap. 42. Resolve relating to the establishment of Boundary Lines of Indian Lands at Gay head.

Treasurer of Marshpee a commissioner to establish.

be, and he is hereby appointed and commissioned to examine, and fully and finally to determine, all boundary lines between the individual owners of land located in the Indian district of Gay Head, in the county of Dukes County, and also to determine the boundary line between the common lands of said district and the individual owners adjoining said common lands; and he, the said commissioner, is hereby authorized to adjust, and fully and finally to settle, equitably, and

as the interest of the petitioners and all other parties may

Resolved, That the treasurer of the district of Marshpee

Powers and duties.

require, all the matters, claims and controversies, now existing and growing out of or in connection with the boundaries of the aforesaid lands; and he may use such means as may be necessary to collect all desired information in relation to the matter, and cause a record to be made of the same, and good and sufficient bounds to be established between the said owners, and recorded in a book for that purpose.

And said commissioner shall cause this resolve to be pub- shall publish relished in the "Vineyard Gazette," on two different days, of hearing. and at least fourteen days prior to a day, duly specified and appointed, upon which all parties interested may have fair and impartial hearing; and with this resolve the said commissioner shall publish a notice of such hearing, designating the time and place appointed therefor. And said bounda-Award of comries, made and established and recorded by said commis- missioner to be sioner, shall ever after be and remain the true and lawful boundary lines between said parties forever.

And said commissioner shall make a report of his doings Shall report to to the governor and council, and receive such compensation council. for his services as they shall deem reasonable; and the Compensation. governor is authorized to draw his warrant accordingly; and a sum not exceeding one hundred dollars is hereby appropriated for the same. Approved March 30, 1863.

Resolve making an appropriation for maintaining agencies  $Chap.\ 43.$ OUT OF THIS COMMONWEALTH FOR THE CARE OF SICK AND WOUND-ED SOLDIERS.

Resolved, That the sum of twenty thousand dollars be Appropriation of hereby appropriated for the payment of any expenses which to be approved may be incurred under the authority of the governor and by governor. approved by him, in the maintenance of agencies at such places, out of this Commonwealth as he may find needful, for the oversight and aid of sick and wounded or distressed Massachusetts soldiers, and in the necessary and proper disbursements incident thereto. Approved March 30, 1863.

RESOLVE IN FAVOR OF RHODA M. TAYLOR.

Chap. 44.

Resolved. For reasons set forth in the petition of Andrew allowance of \$50 Davis and others, that there be allowed and paid out of the for relief. treasury of the Commonwealth to the selectmen of the town of Westport, the sum of fifty dollars, to be expended for the relief of Rhoda M. Taylor, a member of the Dartmouth

tribe of Indians.

Approved March 30, 1863.

degrees west forty eight and a half roots to a near of sione near the road, thence North fifty four and a half degree It twenty rods to the rock first named, Containing about 16 iport elating to the Doundaries of Certain Indian Lands at Tay Head, prepared by Hon. Charles Mareton; Commissioner appointed under Resolv Chap. 42. 1860, to assertain and determine the boundary lines of Indian Lands at May Head; Submitted to the Governor and Council, march 18.1866. Hoge

### Report

Relating to the Boundaries of certain Indian Lands at Gay Head, prepared by Hon. Charles Marston, Commissioner appointed under Resolv Chap. 42, 1863, to assertain and determine the boundary lines of Indian lands at Gay Head submitted to the Governor and Council March 13, 1866.

## HOUSE....No. 219.

## Commonwealth of Massachusetts.

Executive Department, Boston, March 23, 1866.

To the House of Representatives :-

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

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

ALEX. H. BULLOCK.

Mis Excellency Alexander H. Bullock, Governor, and Honorable Executive Council of the Commonwealth of Massachusetts:—

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

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

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

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

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

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

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

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

Which is very respectfully submitted,

### CHARLES MARSTON.

COMMONWEALTH OF MASSACHUSETTS to CHARLES MARST	'ON,	Dr.	
For services and expenses in 1863, in and about inquiry into bot daries, &c., of Gay Head lands, advertising, &c.,		<b>\$</b> 158	00
eight days' services and incidental expenses in October, 186		41	
seventeen days' services, July 25 to August 11, 1865,		68	00
services of surveyor, 21 days, at \$2.50, per agreement,		52	50
ten days, making out minutes for records, and describing lan		40	00
Paid for record book,			75
Zala idi icodia doda,			• -
Expenses in 1865, of self, surveyor and horse and carriage,	and		
for help in measuring lands—			
To Wood's Hole, self and surveyor,		84	00
For passages and wharfage, and freight of horse and carriage,		8	57
Hotel bill,		1	00
From Holmes' Hole to Gay Head,		3	<b>50</b>
Use of horse and carriage while on the Vineyard,		8	00
Paid Isaac Rose, Jr., board of self and surveyor, and services cla			
ing land,		34	00
Z. Howascoee for board,		10	00
A. Rodman, oats for horse,		2	00
Return passages, and horse and carriage,			64
Paid Nathaniel Hinckley for drafting and recording lands, se			
days, \$1.50,		10	50
E. Marston, recording five days,			25
			15
		<b>\$</b> 157	10

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

CHARLES MARSTON

BARNSTABLE, 88.

FEBRUARY 27, 1866.

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

Before me,

GEORGE MARSTON,

Justice of the Peace.

Look, each, the sum of two hundred and seventy-five dollars, in full for state bounty, as provided by chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-three. Approved April 25, 1866.

### Chap. 64.

#### RESOLVE IN FAVOR OF WILLIAM F. WILDER.

Appropriation for services as a sentor.

Resolved, That there be allowed and paid, and the same is hereby appropriated, to William F. Wilder, the sum of three hundred and seventy-six dollars, in full for compensation due him for ninety-four days services at the present session of the legislature, as a senator from the Franklin district.

Approved April 25, 1866.

## Chap. 65.

#### RESOLVES IN RELATION TO PLYMOUTH HARBOR.

Allowance anprotection of har-

Resolved, That there be allowed and paid out of the fund thorized from created by the one hundred and eighteenth chapter of the acts of the year eighteen hundred and sixty-three, two thousand dollars to be expended upon Plymouth Beach, in the town of Plymouth, for the purpose of protecting the harbor of said town; the same to be payable upon properly approved vouchers filed with the auditor.

Selectmen to expend.

Resolved, That the selectmen of Plymouth, without any expense to the Commonwealth for their services, have full power to expend such portion of the sum named in the first Resolve as may be needed for such purpose.

Duty of United States declared.

Resolved, That the expenditure hereby authorized is in anticipation of a duty which clearly belongs to the General Government, and is now assumed by Massachusetts in the present exigency, relying upon ultimate reimbursement therefor. Approved April 30, 1866.

#### Chap. 66. Allowance for rebuilding wharves at Island.

RESOLVE CONCERNING RAINSFORD ISLAND HOSPITAL.

Resolved. That there be allowed and paid from the treasury of the Commonwealth a sum not exceeding five thousand dollars to the inspectors of Rainsford Island Hospital, for the purpose of repairing and rebuilding the wharves at said Rainsford Island; the same to be payable upon properly approved vouchers filed with the auditor.

Approved April 30, 1866.

Chap. 67. Resolves in relation to the establishment of boundary lines OF INDIAN LANDS AT GAY HEAD.

Report of commissioner on cer-

Resolved, That the report of Honorable Charles Marston, tain titles con-appointed and commissioned to examine and finally to determine all the boundary lines of certain lands in the Indian district at Gay Head, under chapter forty-two of the resolves of the year eighteen hundred and sixty-three, communicated by message of the governor, dated March twentythird in the year eighteen hundred and sixty-six, as to certain titles in said report described, is hereby confirmed, and the secretary of the Commonwealth is hereby directed to Secretary to cause the book of titles prepared by said commissioner to be titles deposited deposited in the registry of deeds for the county of Dukes and recorded in registry of Dukes county, and to be also recorded in said registry; and the County as conclusive evidence. said book and the record of the same shall be held to be conclusive evidence of the title of the persons therein named to the premises therein described, and copies of said record, properly certified, shall be admitted as evidence of such title in any court.

Resolved, That the governor, with the advice and consent Governor may of the council, is hereby authorized and empowered to sioner to comappoint and commission some suitable person to complete resolve of 1863. the examination and determination of questions of title under said resolve, not passed upon by said commissioner, and such commissioner so appointed shall have all the powers in said resolve granted to the commissioner in said resolve, and the decision and finding of said commissioner so appointed, and his report thereof, when made to the governor and council, shall have all the force and effect of the decision, finding and report of the commissioner heretofore appointed and commissioned under said resolve; and the report of said Report to be deposited and commissioner, so made to the governor and council, shall be recorded as by the secretary of the Commonwealth deposited in the registry of deeds for the county of Dukes county, and be also recorded in said registry; and copies of said record, properly certified, shall be admitted as evidence of such titles in any court. Approved April 30, 1866.

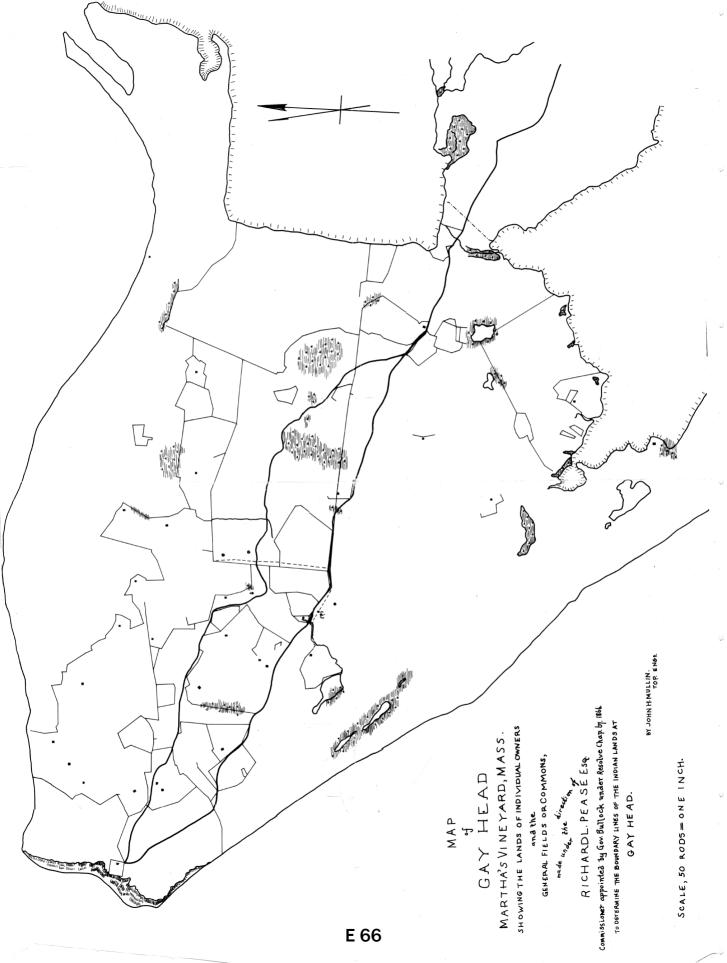
RESOLVE IN RELATION TO THE NORTH BRIDGEWATER BANK.

Chap. 68.

Whereas, The stockholders of the North Bridgewater Promble: stock-Bank, on the second day of April in the year one thousand hold-resurrender charter. eight hundred and sixty-six, at a meeting legally held for the purpose, by a majority of the votes which all the stockholders could have cast if present, voted to surrender and annul the charter of said bank, in the manner required by the one hundred and fifth section of the fifty-seventh chapter of the General Statutes; therefore,

Resolved, That said bank shall be exempt from the Exempt from payment of the bank tax, from said date.

Approved April 30, 1866.



## SENATE.... No. 14.

## $R \to P \circ R T$

OF THE

COMMITTEE OF THE LEGISLATURE OF 1869,

ON THE

# CONDITION OF THE GAY HEAD INDIANS.

JANUABY, 1870.

I Hereby certify that the attached is a true copy of

Sen. Dic. 14 of 1869

located in the Massachusetta State Libyry.

Ken at dem

## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-Nine.

[Chap. 103.]

RESOLVE in relation to the Gay Head Indians.

Resolved, That a joint special committee, consisting of two on the part of the senate and three on the part of the house, be appointed to sit during the recess of the legislature, for the purpose of visiting the Indians of the District of Gay Head, to inquire into their condition and to report to the next legislature.—Approved June 23, 1869.

On the part of the Senate, Messrs. Holden, of Essex, King, of the Island District, are appointed.

S. N. GIFFORD, Clerk.

On the part of the House, Messrs. Davis, of Lunenburg, SMITH, of Boston, HART, of Fall River, are appointed.

W. S. ROUINSON, Clerk.

I Hereby certify that the attached is a true copy of

Sen. Doc. 14 of 1869

located in the Massachusetts State Libert.

I Hereby certify that the attached is a true copy

Sen Dec. 14 of 1869

located in the Massachusetts State Libyary:

187.0.

SENATE-No. 14.

## Commonwealth of Massachusetts.

To the Hon. II. H. COOLIDGE, President of the Senate.

The Committee appointed under the preceding Resolve, having attended to their duty, and given the subject their careful attention, beg leave to submit the following

## REPORT:

Among the list of subjects to which the attention of the legislature of 1869 was called by the governor in his annual address, was that of the anomalous condition of the Indians of the Commonwealth. A joint special committee was accordingly appointed early in the session, consisting of three on the part of the Senate, and seven on the part of the House, who took tho whole matter into consideration, and in their final report, (Ho. Does. Nos. 483 and 502, 1869,) after presenting the facts and statistics so far as they had been able to gather them, and with an explanatory clause stating why no report was made concerning Gay Ifead, closed by recommending the passage of

- 1st. An Act to enfranchise the Indians of the Commonwealth.
- 2d. An Act to incorporate the Town of Marshpee.
- 3d. A Resolve in relation to the Gay Head Indians.

The first and third measures were adopted, but the second was lost; whereby the people of (Marshpee as well as of) Gay Ilead were made the recipients of the glorious privileges of Massachusetts citizenship in full—with the single slight drawback that being neither a town by themselves, nor part of any other town, the aforesaid privileges could neither be exercised nor enjoyed.

located in the Massachusetts State Library.

GAY HEAD INDIANS.

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Jan

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To prepare the way for remedying this continuation of the "political anomaly," as least so far as Gay Head was concerned, the present Committee visited the people of that district, and carefully noted their condition, their prospects, their situation, their views and opinions.

## THE DISTRICT OF GAY HEAD

has been often described. It is one of the three peninsulas situated on the western end of Martha's Vineyard, the other two being Nashaquitsa and Squipnocket. "They are nearly cut off from the main land of the Island by Menemesha 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 Gay Head by another narrow isthmus, which has Menemesha 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 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."\*

This was the "tenure" at the time of Mr. Earle's writing, from whose exceedingly able report we quote, (Scn. Doc. No. 96, 1861,) and is so now. Shortly after the establishment of Gay Head as a district, in 1862, (Stat. 1862, ch. 184,) steps were taken to ascertain and determine the existing boundary lines of the lands held in severalty. In 1863, (Resolves, 1863, ch. 42,) Hon. Charles Marston was appointed to perform this duty, but died before completing it, whereupon Hon. Richard L. Pease was appointed in 1866, (Resolves, 1866, ch. 67,) and under his active and judicious supervision, order is being

Subsequent surveys show that the whole number of acres is nearer 3,400, of which
a little less than one-half is now held in severalty.

rapidly brought out of chaos and the limits of each person's lot marked out by stakes and bounds. Some of these are exceedingly small; one woman, as Mr. Pease informed us, having had a claim of only four rows of corn. In the performance of his duties, Mr. Pease is obliged, upon such examination and evidence as is accessible, to decide as to the ownership of property, and his decisions are generally acquiesced in with a good grace and with a better spirit of acquiescence, no doubt, than if he were dealing with the ordinary run of white people. The settling of this matter of ownership has now become absolutely essential in connection with the new condition upon which these people are about to enter; and it is not improbable that, before a great while, a condition of things will arise by which all special care and aid on the part of the State may be safely withdrawn.

In addition to what is held in severalty, there is the large tract of some nineteen hundred acres held in common. land is uneven, rough, and not remarkably fertile. A good deal of it, however, is, or might be made, reasonably productive with a slight expenditure, and, doubtless, would be if the owners had the means; but, deficient as they are in "worldly gear," it is, perhaps, better that these lands should continue to lie in common for the benefit of the whole community as pasturage and berry lands, than to be divided up into small lots to lie untilled and comparatively unused. This, however, is a question of "property," which every "citizen" should have the privilege of determining for himself, and the people of Gay Head have cortainly the right to claim, as among the first proofs of their recognition to full citizenship, the disposition of their landed property, in accordance with their own wishes. Accordingly we have inserted in the bill accompanying this Report, a section making the same provision for a distribution of their lands as was made last year for the other tribes. [See Stat. 1869, ch. 463, sect. 3.7 The

## POPULATION

does not vary much from the tables given by Mr. Earle. The whole number of actual residents is a little over two hundred. Of these about ninety-four are males, and about one-half of these are of the age of twenty-one. These are mainly engaged in fishing and agricultural pursuits. Some few (and

mostly the young) go to sea, and remain away for many years, but almost invariably return to their native isle as they near the middle age of life, in preference to settling in more favored lands. Of the permanent residents a much better report can be made now than was made by the commissioners in 1849 (Ho. Doc. No. 46, 1849,) or even by Mr. Earle in 1861, who said—

"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 persons 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."

At the meeting held by the committee at Gay Head on their recent visit, the chairman of the selectmen said in substance,—

"In reference to the general character of the Gay Head people, he was inclined to be a little modest; but he said that Rev. Mr. Hatch, who lived there four years, and another minister who had lived there two years, had both given their testimony to the effect that they had never seen a case of drunkenness among the people during their residence. What the testimony of the present minister would be he was unable to say; but he could speak for himself, as he was present. Rev. Mr. Stone accordingly rose, and said that, not only had he never seen an instance of intoxication there, but he could say of this community what he could not say of any other within the range of his experience,—he had never heard a profane oath intered among these people."

This was not isolated testimony, but the unanimous expression of all who were conversant with the habits of these people the last few years. Of

#### PAUPERS,

they have but three at present; one, an aged woman, who requires partial assistance; the other two, an aged man and a young child, are boarded out at the expense of the district. This has been about the average for the past eight years. There is one

#### DISTRICT SCHOOL,

which is kept open about eight months of the year, by a male teacher in winter, and a female teacher in summer. Hitherto, the expense of this school has been borne by the State, and, in view of the peculiar situation of this people and their circumstances, we earnestly hope this aid will be continued. In no better way can the Commonwealth compensate the long years of degradation to which an unjust denial of the rights of citizenship doomed them, than by generous assistance towards the education of their children.

## THE CHURCH

is of the Baptist denomination, now presided over by the Rev. Gilman Stone. There are about forty communicants, and the average attendance at their meetings is quite large. They receive about two hundred dollars annually from the "Society for Propagating the Gospel among the Indians," and we cordially reiterate the wish of the first committee, as expressed in their report (Ho. Doc. No. 483, 1869,) that, although these people are now no longer technically "Indians," the Society will continue their benefactions as heretofore.

We come now to the consideration of the question, what shall be done with these people thus poorly circumstanced and distantly isolated. Shall they be annexed to Chilmark, or incorporated as a town? In view of all the facts as we have learned them by careful inquiry, and close observation, we unhesitatingly and unanimously answer:

## INCORPORATE THEM AS A TOWN!

But it will be said the population is too small. That objection comes rather late now. In looking over the list of towns we find that Gay Head is very nearly the size of Hull and Mount Washington, only about one hundred less than Nahant, only

about one hundred and fifty less than Montgomery and Holland, and actually larger than New Ashford, Monroe, or Gosnold. While, therefore, it may be ordinarily desirable that towns should be larger than these, since the exceptions have been made, for doubtless "good reasons," let them be continued for the benefit of Gay Head, whose "reasons" are certainly as strong as any urged for the towns above-mentioned.

By the census of 1865, the population of the towns abovementioned was as follows:—

Hull, .					•	260
Mount Washii	gton	, -				237
Nahant, .				<i>'</i> .		313
Montgomery,					•	35 <b>3</b>
Holland, .			•		•	368
New Ashford,			•			178
Monroe, .						191
Gosnold, .						108

But, they are too poor, continues the objector. Yes, they are poor, but this, instead of being an argument against, is an argument for, their being incorporated by themselves. Now, though poor, they are free from debt; annex them to Chilmark (the next adjoining town,) and they are immediately taxed to help pay, not only the ordinary yearly expenses, but also the existing town debt of Chilmark!

By themselves they can be as frugal and economical as a town as they now are as a district; put them with Chilmark and they become powerless before the greater numbers of that town, and, notens votens, must submit to all measures, however extravagant, which their wealthier neighbors may see fit to pass. As a district they now have all the essential forms of a town government, and manage the financial and other matters of local interest to their own satisfaction. They have, therefore, the benefit of experience, and we doubt not will continue to do prudently, wisely and well, whether you call them "town" or "district," provided, you only continue them in their experiment of self-government.

In this connection we are reminded of a matter which bears directly upon this question of town expenses. Not among the

least of these is the expense of repairing roads. Now it so happens that the road from Gay Head to Chilmark is in most deplorable condition of which your Committee had most "striking" proof. To put this road into fair travelling condition would cost more than Gay Head could possibly afford or Chilmark be willing to give. It is the main road leading directly to the United States light-house on Gay Head, and is much travelled in summer by people from the main land, pleasureseeking on the Vineyard; in fact, it would be as much for the benefit of summer travellers from the State at large as for either Chilmark, or Dukes County, to have this road repaired. Situated in Gay Head (all that portion requiring heavy repairs) it "belongs" to that town or district to keep it in repair. This they would doubtless gladly do, if the State would first put it in repair, as we think the duty of the Commonwealth requires. We should ever bear in mind that the Commonweal. has been the self-constituted guardian of these people, and, as such, was bound to look out for, and take care of, them and their interests; among the interests to be protected, we hold that the first in convenience if not of importance was the opening and keeping in order a good road whereby they could hold travelling communication with the rest of the State. Speaking of their distance from Chilmark and the disadvantages of their comparative isolation as compared with their being brought into quicker and readier contact with the outside world, Mr Earle mys:

"It has already been stated that Gay Head is a peninsula. Across the narrow 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, [and here] 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 disadvantages. While it removes them from the 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 ex-

penses 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."

For these and other reasons that will readily occur to any one acquainted with the subject, we recommend that provision be made at an early day whereby the road in Gay Head from the light-house to Chilmark shall be put in good travelling order at the expense of the State; and this, whatever may be the decision as to incorporating Gay Head as a separate town.

And now to resume the question of incorporating Gay Head. It was said in Adation to incorporating Marshpee, and may be and of Gary Head, that it is not good, sound policy to incorporate a whole town of negroes. Well; admitting the assertion to be true for the sake of the argument, (and we would not admit it for any other purpose!) we answer, first, that Gay Head would not be a whole town of negroes! That some of the people bear a large proportion of negro blood is true, but, (to quote again from Mr. Earle,)

"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 of 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."

Thus we find that so far from Gay Head being all of a class, or so exclusively made up of one race as to present a dangerous example of "caste," it is in fact decidedly mixed, while as yet, if any one blood predominates it is undoubtedly the Indian. But suppose it were otherwise, and that negro blood did indeed prevail; should it be said of Massachusetts that she refused to incorporate a body of her citizens into a town because they were black? God forbid. Whether the "fifteenth amendment" finally prevails or not, the time has long gone by when in the Commonwealth of Massachusetts equal political rights and privileges will be refused to any citizen or any body of citizens "on account of race, color, or previous condition of servitude."

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

In conclusion, we append the form of an Act which embodies the views of the Committee, and has been drafted so as to harmonize with chapter 463 of the Acts of 1869.

We also beg leave to refer for fuller statistics and information on the general subject, to the able reports already quoted from, made by Hon. F. W. Bird in 1848, J. M. Earle, Esq. in 1861, and again last winter by Mr. Bird from the first committee.

We desire also before closing to express our warm thanks to

the Hon. Richard L. Pease, of Edgartown, for very valuable assistance rendered us at Gay Head; to superintendents W. H. Bullock, of the Old Colony Railroad; W. Ladd, of the Fairhaven Branch; and E. N. Winslow, of the Cape Cod Railroad, for their courtesy in passing the Committee over their respective roads; and to Captain M. L. Eldridge, and his officers, of the schoolship Massachusetts, for the many attentions and generous hospitalities so freely rendered us while cruising with them to the Vineyard and back.

N. J. HOLDEN, G. A. KING, Of the Senate.

E. DAVIS,
J. J. SMITH,
A. G. HART,
Of the House.

## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy.

## AN ACT

To incorporate the Town of Gay Head.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—

- 1 Sect. 1. The territory comprised in the district
- 2 of Gay Head is hereby incorporated into a town by
- 3 the name of Gay Head. And said town of Gay
- 4 Head is hereby invested with all the powers, privi-
- 5 leges, rights, immunities, and subject to all the duties
- 6 and requisitions to which other towns are entitled and
- 7 subject by the constitution and laws of this Common-
- 8 wealth.
- 1 SECT. 2. All common lands, common funds, and
- 2 all fishing and other rights held by the district of
- 3 Gay Head are hereby transferred to the town of
- 4 Gay Head, and shall be owned and enjoyed as like
- 5 property and rights of other towns are owned and
- 6 enjoyed.

- 1 Any justice of the peace of the county 2 of Dukes county, may issue his warrant directed to 3 any principal inhabitants of the town of Gay Head, 4 requiring him to notify and warn the inhabitants 5 thereof qualified to vote in town affairs, to meet at 6 the time and place therein appointed, for the purpose 7 of choosing all such town officers as towns are liv 8 law authorized and required to choose at their annual 9 meetings, and shall be served by publishing a copy 10 of the same in some newspaper printed in the county 11 of Dukes county and by posting up copies thereof 12 attested by the person to whom the same is directed, 13 in three public places in said town, seven days at 14 least before such time of meeting. Such justice, or 15 in his absence such principal inhabitant, shall preside 16 until the choice of a moderator in said meeting. 17 At such meeting all inhabitants of said town quali-18 fied to vote in town affairs may vote, and no check-19 list shall be required for any purpose.
- 1 Sect. 4. The said town shall be and form a part 2 of the same representative, senatorial, councillor and 3 congressional district as the town of Chilmark until 4 constitutionally and legally charged.
- Sect. 5. The county commissioners of the county 2 of Dukes county shall, as soon after the passage of 3 this act as may be, proceed to lay out and construct 4 a road from Chilmark to the lighthouse on Gay 5 Head, and may appropriate such sum from the funds 6 of the county as may be necessary to defray the expense of the same; and thereafter, for a time not 8 exceeding five years from the passage of this act,

9 upon the application of the selectmen of Gay Head, 10 may appropriate such further sums as they may see 11 fit from the said funds of the county for the support 12 and repair of said road, and the governor, with the 13 advice of his council, is hereby authorized to draw

14 his warrant for the reimbursement of the same from

15 the state treasury.

1 Sect. 6. The district of Gay Head is hereby abol-2 ished; but all rights of any proprietors in any lands 3 in said district, and all rights of any persons under 4 lawful grants from said district, or from the treasurer 5 or agents of said district, are hereby confirmed.

1 SECT. 7. The judge of probate of the county of 2 Dukes county, upon the application of the selectmen 3 of Gay Head, after such notice as the judge may 4 direct to all parties interested and a hearing on the 5 same, if he shall adjudge that it is for the interest of 6 said parties that any or all of the common lands of 7 said tribe be divided, shall appoint two discreet, dis-8 interested persons commissioners to make partition 9 of the same, and their award, being confirmed by 10 said court, shall be final in the premises; but if he 11 shall adjudge that it is for the interest of said parties 12 that the same, or a part of the same, be sold, he shall 13 direct the said commissioners, after they shall have 14 given such bonds as the court may require, to proceed 15 to sell any or all of said lands, and to pay the pro-16 ceeds thereof to the treasurer of said town; and the 17 said judge of probate shall direct the said commis-18 sioners to examine and define the boundaries of the 19 lands rightfully held by individual owners, and shall

20 properly describe and set forth the same in writing, 21 and such description being approved by the court, 22 shall be final in the premises; and the same, together 23 with all deeds of partition, division or sale made by 24 such commissioners shall be recorded in the registry 25 of deeds in the county, and the expenses of said commissioners, including the cost of recording said deeds, 27 the same being approved by the judge of probate, 28 shall be paid out of the treasury of the Common-29 wealth, the same being also approved by the governor 30 and council; and the governor is hereby authorized 31 to draw his warrant accordingly.

Any person aggrieved by any order, decree or denial 33 of the judge of probate under this act, shall have the 34 same right of appeal, under the same rules and regu-35 lations as provided for in chapter one hundred and 36 and seventeen of the General Statutes: provided, that 37 the attested copies and notices required to be given 38 by said chapter shall be served upon such parties as 39 the judge of probate shall direct.

- 1 Sect. 8. All sums of moncy payable to the select-2 men or treasurer of the district of Gay Head, under 3 chapter thirty-six of the General Statutes, for the 4 support of schools, shall hereafter be paid to the 5 treasurer of the town of Gay Head, to be expended 6 in accordance with section four of said chapter.
- This section shall continue in force for five years.

located in the Massachusetts State Library.

GAY HEAD INDIANS.

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To prepare the way for remedying this continuation of the "political anomaly," as least so far as Gay Head was concerned, the present Committee visited the people of that district, and carefully noted their condition, their prospects, their situation, their views and opinions.

#### THE DISTRICT OF GAY HEAD

has been often described. It is one of the three peninsulas situated on the western end of Martha's Vineyard, the other two being Nashaquitsa and Squipnocket. "They are nearly cut off from the main land of the Island by Menemesha 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 Gay Head by another narrow isthmus, which has Menemesha 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 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."\*

This was the "tenure" at the time of Mr. Earle's writing, from whose exceedingly able report we quote, (Scn. Doc. No. 96, 1861,) and is so now. Shortly after the establishment of Gay Head as a district, in 1862, (Stat. 1862, ch. 184,) steps were taken to ascertain and determine the existing boundary lines of the lands held in severalty. In 1863, (Resolves, 1863, ch. 42,) Hon. Charles Marston was appointed to perform this duty, but died before completing it, whereupon Hon. Richard L. Pease was appointed in 1866, (Resolves, 1866, ch. 67,) and under his active and judicious supervision, order is being

Subsequent surveys show that the whole number of acres is nearer 3,400, of which
a little less than one-half is now held in severalty.

pose, shall have authority to represent the town at all meetings of the stockholders for the purpose of organizing said corporation, and at all future meetings of said corporation, and vote in behalf of said town upon the whole amount of stock so held by said town.

Section 3. This act shall take effect upon its passage.

Approved April 28, 1870.

Chap. 212 An Act to authorize John H. Cogswell and Richard T. Dodge TO EXTEND THEIR WHARVES IN IPSWICH.

Be it enacted, &c., as follows:

May extend wharves in Ipswich.

License is hereby granted to John H. Cogs-Section 1. well and Richard T. Dodge, or either of them, or their assigns, to enlarge their wharves in the town of Ipswich, by extending the south-westerly end of the Cogswell wharf south-westerly thirty-eight feet to a certain line drawn southeasterly from the Ledge ninety-five feet, to a point near lowwater mark; also to extend the same on the south-easterly side twelve feet, towards the channel of the river, to a line drawn straight from the last named point north-easterly two hundred feet to a point twelve feet south-east of the easterly corner of the Dodge wharf; and also to extend the Dodge wharf on the north-easterly side thereof two hundred and forty-five feet in a north-easterly direction, to the road leading to the shipyard: provided, that this license shall in no wise impair the legal rights of any person; and provided, further, that this license may be revoked at any time, and shall expire at the end of five years after its taking effect, except so far as valuable structures may have been actually and in good faith built under the same.

Provisos.

Section 2. This act shall take effect upon its passage.

Approved April 28, 1870.

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## Chap. 213

AN ACT TO INCORPORATE THE TOWN OF GAY HEAD. Be it enacted, &c., as follows:

Town of Gay Head incorporuted. District abolished.

Section 1. The district of Gay Head is hereby abolished, and the territory comprised therein is hereby incorporated into, a town by the name of Gay Head. And said town of Gay ? Head is hereby invested with all the powers, privileges, rights and immunities, and subject to all the duties and requisitions to which other towns are entitled and subject by the constitution and laws of this Commonwealth.

Common lands, fishing rights, to town.

Section 2. All common lands, common funds, and all Ec., transferred fishing and other rights held by the district of Gay Head are hereby transferred to the town of Gay Head, and shall be owned and enjoyed as like property and rights of other towns are owned and enjoyed.

Section 3. Any justice of the peace of the county of Warrant for Dukes-county, may issue his warrant directed to any princi- for election of pal inhabitant of the town of Gay Head, requiring him to town officers. notify and warn the inhabitants thereof qualified to vote in district affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings, and said warrant shall be served by publishing a copy of the same in some newspaper printed in the county of Dukes-county and by posting up copies thereof attested by the person to whom the same is directed, in three public places in said town, seven days at least before such time of meeting. Such justice, or in his absence such principal inhabitant, shall preside until the choice of a moderator in said meeting. At such meeting all inhabitants of said town qualified to vote in district affairs may vote, and no checki list shall be required for any purpose.

Section 4. The said town shall be and form a part of the To form part of \* same representative, senatorial, councillor and congressional chilmark. district as the town of Chilmark until legally changed.

Section 5. The county commissioners of Dukes-county, County comshall as soon as may be after the passage of this act, proceed missioners to to lay out and construct a road from the line of Chilmark road. and Gay Head to the light-house on Gay Head, and may appropriate such sum from the funds of the county as may be necessary to defray the expense of the same; and the sum Expense not actually expended for that purpose shall be reimbursed from \$5,000, to be the treasury of the Commonwealth: provided, the same shall reimbursed by not exceed the sum of five thousand dollars.

Section 6. The judge of probate of the county of Dukes-Common lands

county, upon the application of the selectmen of Gay Head, or by commissionof any ten resident owners of land therein, after such notice by the judge of as the judge may direct to all parties interested and a hear-probate. ing on the same, if he shall adjudge that it is for the interest of said parties that any or all of the common lands of said town be divided, shall appoint two discreet, disinterested persons commissioners to make partition of the same, and their award, being confirmed by said court, shall be final in the premises; but if he shall adjudge that it is for the interest of said parties that the same, or a part of the same, be sold, he shall direct the said commissioners, after they shall have given such bonds as the court may require, to proceed to sell any or all of said lands, and to pay the proceeds thereof to the treasurer of said town; and the said judge of Commissioners probate shall direct the said commissioners to examine and daries of lands define the boundaries of the lands rightfully held by individ- vidual owners.

ual owners, and to properly describe and set forth the same in writing, and the title and boundaries thus set forth and described, being approved by the court, shall be final in the premises; and the same, together with all deeds of partition, division or sale made by such commissioners shall be recorded in the registry of deeds in the county, and the expenses of " said commissioners, including the cost of recording said ·deeds, the same being approved by the judge of probate, shall be paid out of the treasury of the Commonwealth, the same being also approved by the governor and council; and. the governor is hereby authorized to draw his warrant accordingly. Any person aggrieved by any order, decree or denial of the judge of probate under this act, shall have the same right of appeal, under the same rules and regulations as provided for in chapter one hundred and seventeen of the General Statutes: provided, that the attested copies and notices required to be given by said chapter shall be served upon such parties as the judge of probate shall direct.

Right of appeal from order, &c., of judge of probate.

Support of schools.

Section 7. All sums of money payable to the selectmen or treasurer of the district of Gay Head, under chapter thirty-six of the General Statutes, for the support of schools, shall hereafter be paid to the treasurer of the town of Gay Head, to be expended in accordance with section four of said 🖟 chapter. This section shall continue in force for five years. Section 8. This act shall take effect upon its passage.

Approved April 30, 1870.

Chap. 214

An Act to incorporate the lancaster railroad company. Be it enacted, &c., as follows:

Corporators.

pose. Powers and du-

May maintain railroad from Worcester and Nashna Railrond in Lancaster to the Laneaster and Sterling Branch of the Fitchburg

Railroad.

and unite with Worcester and Nashua and Sterling Branch Railroads.

Section 1. Solomon H. Howe, Jacob Fisher, George A. Parker, their associates and successors, are hereby made a Name and pur. corporation by the name of the Lancaster Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general, laws which now are or hereafter may be in force relating to railroad corporations.

Section 2. Said corporation may locate, construct, maintain and operate a railroad, with one or more tracks, commencing at some convenient point on the Worcester and Nashua Railroad, in the town of Lancaster, and thence running by some convenient route through the towns of Bolton, Stow, Acton and Hudson, or any of them, to some point on the Lancaster and Sterling Branch of the Fitchburg Rail-May enter upon road Company; and may enter with its road upon, unite with and use the road of the Worcester and Nashua Railroad Company, and the Lancaster and Sterling branch of the Fitchburg Railroad Company, subject to the provisions of the gen-

Persons in Gay Head. Petition, Citation, and Decree for Recorded in Gen. Book. Nol. 23. page 504. Cutation on the Petron, and the Dieree, Recorded on paged 570.11, of the

Sug Head Sept-12 1810 To the Hon, Judge of Trobate, of the County of Dukes County. We the undereigned do most respectfully request-gour honor to appoint two proper persons to divide and set off our parts an severalty to us of all the common land in Gas Bead. On accordance with the Adt- to incorporate the Jown of Gas Foraid. Chap. 213. Seet. 6. 4. D. 18.70\_ Names. Names, Isuce I Siese This Weeks Elizabeth Tweeks - Simon Johnson Honfamin & Roum Sames. Manies. Shiah Dianouck Amir E. Nevers. Mosami G. Bodman Totala Davik Junes Fiancy Emily Johnson Robert 36 Moto Sirena Roundolph "Mangre - Houndoff Wille. Jusiah Sered

# Persons in Gay Head **Petition, Citation, and Decree for**

Division and Setting Off Our Lands in Gay Head. **Ret.** Dec. 5 **18**70

Recorded in Gen. Book Vol. 23, Page 504.

Citation on the Petition And Decree, Recorded on pages 510, 11 of the same Volume 23.

Gay Head, September 1st, 1870

To the Honorable Judge of Probate of the County of Dukes County.

We the undersigned do <u>most</u> respectfully request your honor to appoint two proper persons to divide and set off our parts in severalty to us of all the common land in Gay Head. In accordance with the Act to incorporate the Town of Gay Head.

Chap. 213, Sect 6, A.D. 1870.

Names. Names.

Isaac D. Rose Tris Weeks Elizabeth Weeks Simon Johnson Benjamin E. Rodman

Names.

Obiah Diamond

Rosanne G. Rodman

Lewis Cooke

Emily Johnson

Robert H Weaton

Names.

Amire E. Nevers

Yeovida Davik

Terrence Nevers

James Diamond

Sirena Randolph Margaret Randolph

Jossiah Jered

Detition of personding Gandbrad for Jurdion of Common Loands. Helidalept. 7. 1870. Recorded in Gen. Book. Not. 23, page 504.

E 90

It the Money Judge of Lichar for Tuckes Co. of Tooks We the Selectmen and other in holite of the Josen of Tay Head, do hereby respectful represent to yoken honor That a majority of the inhabitants of Said Sawn regard the Annediate partition of our sullie lands to be premative and unsafe, and as we believe must be attended with disagtions Consequences to up, as a people; therefore, We respectfully but comed pray, that no measury be taken to that and. I tand as dette bound will ever pray to. Buchery Comes Schatman Islamiel Deters Selection Sernon Johnson Flavor Stayer Cha Il mingo Samuel for Haskins Thomas Leffers Tighteam & Haustucker & Sill Johnson ! Leters William A. Vinderhoog. r John P. Vanderhoogi. William offers Daniel Never george W Cooper fariathan Frances

Remonstrance to the Petition of persons in Gay Head for Division of Common Lands.

Filed Sept. 7, 1870.

Recorded in Gen. Book. Vol. 23, page 504.

To the Hon. Judge of the Probate for Duke's Co.

We, the Selectmen and then inhabitants of the Town of Gay Head, do hereby respectfully represent to your honor What a majority of the inhabitants of said Town regard the immediate partition of our "Public Lands" to be premature and unsafe, and as we believe, must be attended with disastrous consequences to us, as a people; therefore, we respectfully but earnestly pray, that no measures be taken to that end.

And as in duty bound will ever pray [].

Zaccheus Cooper, Selectman Samuel Peters

Simon Johnson Aaron Cooper George J. Belain

Robert Mingo George J. Belain Thomas Jeffers Samuel J. Haskins

Johnson Peters William A. Vanderhoop, Sr. George W. Cooper William A. Vanderhoop, Jr.

John P. Vanderhoop

William Jeffers Daniel Nevers of the Petition in and Citizens of Gay Head for Division of Common Leaness. Oct. 17. 1070.

Rec. in Gen: Book. Vol. 23. pages 504.5.

In his nonventhe fully of Subal. the County of I whis County. he most respectfully referenced the part of the Common Canal in Gas Mead be set off to us my several of Space D. News and Sixteen others. He the underligated not. ing dequeil the whore muchioned for lition take this method to requere jour hours to put us me postssii of what belongs to us of the suid to mon land Wheepander S. Levers. Horam Hoolman. Thornas Mannie. Walliam Jeffers. Elijabeth Weffers. Alvin Manny.

Petition in and of the Petition of Citizens of Gay Head For Division of Common Lands

Oct. 17, 1870

Rec. in Gen Book Vol. 23, pages 504, 5.

To the honorable Judge of Probate of the County of Dukes County. We most respectfully represent that we shall be greatly benefited if our part of the common land in Gay Head be set off to us in severalty in accordance with the petition of Isaac D. Rose and sixteen others. We the undersigned not having signed the above mentioned petition take this method to request your honor to put us in possession of what belongs to us of the said common land.

Alexander B. Nevers Abram Rodman Thomas Manning William Jeffers Elizabeth Jeffers Alvin Manning

DUKES COUNTY, 88.

## PROBATE COURT.

To all persons interested:	GREETING:
WHEREAS, I Sase D. Roose and Suffeen a unhabitants of the town of Say Head, in Sa have presented to said Court their petition praying that two Suit	thous is County
off their parts in Leveralty to them of	not set
You are hereby cited to appear at a Probate Court to be bolden at West in said County of Dukes County, on the three Monday of Octo	tier !
next, at ten o'clock in the forenoon, to show cause, if any you have, against the said petitioners. All the said petitioners are copy thereof to each of you always, at least, before or, by publishing the same once a week for three successive weeks, in the	oy delivering said Court,
the last publication to be two days, at least, before said Court.  Witness, Cheodore G. Couphey. Esquire, Judge o	f said Court,
eighteen hondred and sixty thereway. Hebron brucen	Register.
I have served the foregoing Citation, as therein required, upon to ont by publication as ordered on Theate for	
DUKES COUNTY, SS. Sec. 5. A.D. 1870. Personally sabove-named And Telling and made oath of the above return by h in subscribed.	ppeared the
Before me, Hollow bucket, Justice o	f the Peace.

DUKES COUNTY, 88.

At a Probate Court holden at Callanto in and for said County of Dukes County, on the in the year of our Lord one thousand eight hundred and sisty Leventy

**Dukes County, ss.** 

#### PROBATE COURT.

To All persons interested:

**Greeting:** 

Whereas, Isaac D. Rose and sixteen others inhabitants of the town of Gay Head, in Said County have presented to said Court their petition praying that two suitable persons may be appointed to divide and set off their parts in severalty to them of all the common land in said Gay Head.

You are hereby cited to appear at a Probate Court to be holden at West Tisbury in said County of Dukes County, on the third Monday of October next, at ten o'clock in the forenoon, to show cause, if any you have, against the same. And said petitioners are ordered to serve this Citation by delivering a copy thereof to each of you Seven days, at least, before said Court, or by publishing the same once a week for three successive weeks in the Vineyard Gazette, a newspaper printed at Edgartown, the last publication to be two days, at least, before said Court.

Witness, Theodore G. Mayhew, Esquire, Judge of said Court, this fifth day of September in the year eighteen hundred and seventy.

Hebron Vincent, Register.

I have served the foregoing Citation, as therein required, to [ ] by publication as ordered.

Jos. L. Pease for Rose et al

Dukes County, ss. Dec.5 A.D. 1870. Personally appeared the above-named *Joe L. Pease* and made oath to the truth of the above return by him subscribed.

Before me,

Hebron Vincent, Justice of the Peace.

**Dukes County, ss.** 

At a Probate Court holden at Edgartown in and for said County of Dukes County, on the fifth day of December in the year of our Lord one thousand eight hundred and seventy.

On the petition of Isaac D. Rose and sixteen others of the town of Gay Head, supported by Alexander B. Nevers and five others for a division of the common lands of said Gay Head and that commissioners may be appointed to make such division among the inhabitants of said Gay Head entitled thereto.

A Remonstrance against the prayer of said petition signed by Zacheus Cooper, one of the Selectmen, and fifteen other persons of said Gay Head having been presented, and

Due notice of a hearing having been given to all parties interested, said hearing having been assigned for the third Monday of October, at West Tisbury, and no one appearing then and there to object to the prayer of the petitioners, nor yet at the following terms of the Court on the fifth day of December following the day of the date hereof, and

It appearing to the Court that it would be for the benefit of the people of said Town of Gay Head that their said Common Lands should be divided as prayed for and as the Statute in that case provides,

It is decreed that said Lands be so divided, and that Joseph L. Pease and Richard L. Pease Esquires, two disinterested persons, be appointed to make such a division and perform all duties required of them in the capacity of commissioners for said purpose.

Theodore G. Mayhew, Judge of Probate Court

Mariant for Devision of Yan Head Common Dands. Establishing Bom danies of Other Lands. Dec. 5. 1870. Recorded in Gen. Book Wol. 23, pages 505,6. 16.870 OR 213 Sec This warrant was re Turned into the Isobate Office for Dukes County lig Hoor. Joseph J. Jeale. Acc of the within names Commedsioners, May 12 A. C. 1879. attest yo brocent Court Prob. Court.

Commonwealth of Massachusetts. Probate Court. Dukes County, St. Tease and Bichard E. Pease. Cosquires. Greating: Trusting in your discretion and disinterestedness. I Theodore G. I Carphen, Esquire, Judge of the Brobate Don't in and for the County of Dukes County, by vir. the of the power and authority nested in me, do here by appoint you to be commissioners to make de bision of all the Common and Undivided Lands of the people in the Town of Gay Hoad, among those inhabitants of Raid Town cultilled to any portion of the same, defining the part thereof assigned to each one by Sintable meter and bounds; and sightfully held by individual owners, and to projectly describe and Let forthe the same in wit ing, as required by Chapter 213, Lection to, of the Statutes. of the year 1870. Trist being Iwom, you will give to all parties in terested due notice of the times and places appointed by you for making Inch division, and establishing Such boundaries and lines. You will make returns to this Court of your domas, together with this warrant, as soon as may be, Itating in your laid returns whether in your opinson it is for the interest of the parties owning the said Common and Undivided Lands, that the whole or any past thereof. Thould be hold, as provided in the alique named Chapter. In Witness Whereof, I have hereunto let my hand and caused the lead of Land Court to be diffixed this fifth day of December, in the year of our Lord one thousand eight hundred and leventy Murdout y, Maybler, Judge of the Probate Court.

## Warrant for Division Of Gay Head Common Lands And Establishing Boundaries of Other Lands Dec. 5, 1870.

Recorded in Gen. Book. Vol. 23, Pages 505, 6.

This warrant was returned into the Probate Office for Dukes County by Com. Joseph L. Pease one of the within named Commissioners, May 12, A.D. 1879

Attest H. Vincent Reg. Prob. Court

# COMMONWEALTH OF MASSACHUSETTS PROBATE COURT

Dukes County, ss.

To Joseph L. Pease and Richard L. Pease, Esquires

## Greeting:

Trusting in your discretion and disinterestedness, I, Theodore G. Mayhew, Esquire, Judge of the Probate Court in and for the County of Dukes County, by virtue of the power and authority vested in me, do hereby appoint you to be commissioners to make division of all the Common and Undivided Lands of the people in the Town of Gay Head, among those inhabitants of said Town entitled to any portion of the same, defining the past thereof assigned to each one by suitable metes and bounds:

Also to examine and define the boundaries of the lands rightfully held by individual owners, and to properly describe and set forth the same in writing, as required by Chapter 213, Section 6, of the Statutes of the year 1870.

First being sworn, you will give to all parties interested due notice of the times and places appointed by you for making such division, and establishing such boundaries and lines.

You will make returns to this Court of your doings, together with this warrant, as soon as may be. Stating in your said returns whether in your opinion it is for the interest of the parties owning the said Common and Undivided Lands, that the whole or any part thereof, should be sold, as provided in the above named Chapter.

In Witness Whereof, I have hereunto set my hand and caused the seal of said Court to be affixed this fifth day of December in the year of our Lord on thousand eight hundred and seventy.

Theodore G. Mayhew

Judge of the Probate Court.

Mariant for Division of Gan Head Common Dands. Establishing Bonn danies of Other Lands. Dec. 5. 1870. Recorded in Gen. Book Obol. 23. pages 505,6. 6.870 00 213 Sec This war and was re turned into the Probate Office for Suked County ly Took Joseph J. Jeale. Acc of the within named Commissioners, May 12, A. C. 1879. attest- 96 brucent Cogr Liob. Court.

Dukerbounty & Decem 6. 1870 Tensmally appeared I vereph Teccese and Richard I real within named and they made bath keverally, that they would under and by virtue of the within appointment Jumish Seade Refore one Sustice gehereace Not considering it best for the interests of the parties oming the lands referred to in the foregoing Handle that any part thereof should be sold, in which opinion said failes unalimously lon-cured, we have set of all divided the same among the people of the state of the same among the people Entitled Thereto.

And having performed the Devoice regimes of us, we return this Wanaut to the Probate bount for Duker bounty. Odgactome, May 12. 1879 Joseph Jesse Com = miesunen Richard Frase Dukes County s.s.

December 6, 1870

Personally appeared Joseph L. Pease and Richard L. Pease within named and they made both, severally, that they would impartially perform the duties required under and by virtue of the within appointments.

Before me

Jeremiah Pease

Justice of the Peace

Not considering it best for the interests of the parties owning the lands referred to in the forgoing Warrant that any part thereof should be sold, in which opinion said parties unanimously concurred, we have set off and divided the same among the people entitled thereto.

And having performed the service required of us, we return this Warrant to the Probate Court for Dukes County.

Edgartown, May 12, 1879

Joseph L. Pease

Richard L. Pease Commissioners

### REPORT

OF THE

COMMISSIONER APPOINTED TO COMPLETE THE EXAMINATION
AND DETERMINATION OF ALL QUESTIONS
OF TITLE TO LAND,

AND OF ALL

BOUNDARY LINES BETWEEN THE INDIVIDUAL OWNERS,

AT

# GAY HEAD,

ON THE ISLAND OF MARTHA'S VINEYARD.

Under A RESOLVE OF THE LEGISLATURE OF 1866, CHAPTER 67.

BOSTON:

WRIGHT & POTTER, STATE PRINTERS,
79 MILK STREET (CORNER OF PEDERAL).

1871.

Rec. Llen. Bk: Vol. 59 Page 235

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1871.

## Commonwealib of Massachuseits.

COUNCIL CHAMBER, BOSTON, May 22, 1871.

Ordered, That the Report of Richard L. Pease, concerning the Gay Head Indians, be printed, except the Tables, Maps and Documents accompanying the same; and that said Report and said documents be filed in the office of the Secretary of State, according

Adopted.

OLIVEE WARNER, Secretary.

### Commonwealth of Massachusetts.

To His Excellency William Chaplin, and the Honorable Council:

The undersigned, Commissioner under a Resolve of the legisture of 1866, chapter 67, to complete the examination and determination of all the questions of title to land in the Indian District of Gay Head, and of "all boundary lines between the individual owners," and other purposes in said Resolve named, having concluded his labors, respectfully submits the following

#### REPORT:

Gay Head, formerly called by the Indians Aquinnah, or Kughtuhquichewutt, is a peninsula at the western extremity of the island of Martha's Vineyard, being in length from east to west about three miles, with an average width of nearly two miles, containing thirty-four hundred acres.

Its peculiar geological characteristics have long attracted the attention of scientific men. Hitchcock speaks of it in enthusiastic terms, as "a most picturesque object of scenery," and says, "there is not a more interesting spot in the State to a geologist." Sir Charles Lyell, the famous English geologist, is highly laudatory of it. There is also enough of interest about it to attract the curious and the lovers of rare natural scenery, who are neither scientific nor learned.

"The territory embraces about every variety of soil, a portion of the land is of the very best quality, and capable, under good culture, of producing most abundant harvests." The surface is very irregular, abounding in hills and valleys, ponds and

swamps, fine pasture-land and barren beach, with occasional patches of trees and tilled land.

Increasing attention is paid to agriculture, but there is room for great improvement. As an abundance of that most excellent dressing, rockweed, can be procured, additional labor, energy and skill would bring a sure reward. A very large portion of the lands now inclosed, was, a generation since, wild, rough land, unfenced, and seldom tilled, and of course unproductive and of little value. As it has been cleared up, fenced and tilled, its value has largely increased. Some of the inhabitants keep a fair amount of stock, and cut hay enough to feed it. Their barns will compare favorably with those of many other sections of the State; and instead of the rude wigwam, formerly the only shelter and home of the Indian, there now is found the neat, commodious and comfortable wooden or stone house. While yet, as a community, poor and without any men of wealth, their circumstances are improving. marked A, in the Appendix, will show the amount of stock kept, the quantity of grain, roots and hay gathered.

The chief interest of Gay Head is not in its agricultural capabilities, which have never yet been developed, but in the rare scenery, the rich and varied colors its lofty cliffs present to the admiring gaze of the traveller and the passing voyager, in its singularly mixed clays and sands, and in the numerous specimens of fossils and petrifications found in its banks. Here are to be found "all sorts of fossils, from petrified quahaugs, as big as your thumb nail, to the skeletons of monsters that might have swallowed the whale that swallowed Jonali."

The bones and teeth of vertebral animals are more numerous than any other organic relics. Shark's teeth have been found, of most surprising size, showing what fearful monsters once had a home here. Some specimens are nearly four inches in length, and but slightly less at the base.

Fossil vegetables, or vegetable impressions, are to be found in the slaty, argillaceous iron ore, exhibiting very distinctly the minutest reticulations of the leaf. Large masses of lignite often occur, showing very clearly the structure of the wood and bark. This lignite is not fit to burn; it is so abundant, however, as to modify the color of much of the clay in its vicinity.

There are white, green and yellow sands, and white, gray, yellow, blue, blackish and red clays, and all the shades made by the varied commingling of these different colors.

A walk below the cliffs, just after a heavy rain has washed down and spread evenly over the beach to the water's edge the various colored clays and ochres, and before the sun has dried up the shining surface, is one of the things to live in one's

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The mineral contents of Gay Head are varied and abundant. memory. Here one may find large quantities of limonite, or the hydrate of iron, and sulphuret of iron, sulphate of alumina, and sulphate of lime, iron ore in large lumps of a reddish brown color, affording about twenty-five per cent. of metal. The iron from this ore exhibits a peculiar degree of smoothness and lustre. Long, slender crystals of gypsum are often gathered, called by the Clays, white, gray, yellow, blue natives " Moshup's needles." and red, abound in large quantities, and of excellent quality. Some of these clays have neither superior nor equal in New England.

Lyell says: "The highly inclined tertiary strata are gayly colored, some consisting of light red clays, others of white, yellow and green sand, and some of black lignite. They have been compared, by Prof. Hitchcock, to the tertiary beds of Alum Bay, in the Isle of Wight, which they resemble in appearance, though not in age. I collected many fossils here. The section is continuous for four-fifths of a mile, the beds dipping to the N. E. at an angle of from 35° to 50° and in some places 70°.

"Their entire thickness must be very great, exceeding 2,000 feet. The clays predominate over the sands. In the black beds containing lignites, coniferous wood is abundant, and amber is said to have been found. The organic remains prevail at intervals in various strata, but I extracted most of them from a bed of green sand, near the north-eastern end. They consisted of casts of shells, teeth of large sharks, the vertebræ of a dolphin and of a whale of great size.

"Near the lighthouse there is a great fold in the beds, where they are so bent as to have twice a north-easterly and once a south-westerly dip. One of these folded beds consists of an osscous conglomerate."

After speaking of the probable age of the formations at Gay Head, he adds, "but for this small island, we should have had no evidence of the development of a great series of subterranean movements in this part of the American continent."

What Gay Head may have been long ages since, when the slope of the bluffs was toward the water, and not, as now, from it, must be left for the imagination to picture. The combined effect of frost and of rains, and the dashing waves of the ocean, in wearing away the land, is most evident, and perhaps can nowhere else be better seen and studied. Whole ship-loads of clay and sand and rocks sometimes tumble down in a single hour, and, in a few weeks, the beach will present little or no indication of the catastrophe.

The lighthouse on Gay Head, from its position one of the most important on the whole coast, contains a Fresnel lens of the first class, composed of one thousand and three pieces of the best and clearest glass, of different forms, all cut and highly polished, and so scientifically arranged and accurately set as to throw, horizontally, the rays of light from the single powerful lamp, far out over the waters. It is indeed a most "magnificent illuminator, the finest on our coasts, and perhaps unsurpassed in the world."

The lamp burns three gallons of oil nightly, and the whole apparatus cost, some years since, sixteen thousand dollars. Few persons visiting Gay Head would like to leave without first going up into the lantern and seeing the rare and costly mechanism, which the government has provided to insure the safety of the passing voyager. A well-known writer<sup>2</sup> thus describes his experience at Gay Head: "At night we mounted the tower and visited the look-out gallery that belts the light-house at some distance below the lantern. Here we were surprised by a unique and splendid spectacle. The whole dome of heaven, from the centre to the horizon, was flecked with bars of misty light, revolving majestically on the axis of the tower. These luminous bars, although clearly defined, were transparent, and we could distinctly see the clouds and stars behind them. Of all the heavenly phenomena that I have had the

Lyell's Travels in North America, I. 256.

Porte Crayon, in Harper's Magazine for 1860, Vol. XXI.

good fortune to witness—borealis lights, mock suns or meteoric showers—I have never seen anything that, in mystic splendor, equalled this trick of the magic lantern of Gay Head."

South-westerly from the lighthouse, less than a quarter of a mile, is a grassy glen leading gently down to the shore, commonly called by the rather formidable name of the Devil's Den, although it is far from being the terrible place its name imports. Here those pass who seek the easiest path to and from the shore. Here, according to Indian tradition, old Moshup, or Maushop, the giant or tutelar divinity, resided many long years ago.

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In the Massachusetts Historical Collections, first series, Vol. I. p. 139, there is a tradition relative to this personage, "which was communicated some eighty years ago to Benjamin Bassett, Esq., of Chilmark, by Thomas Cooper, a half-blooded Indian of Gay Head, aged about sixty years, and which he says he obtained of his grandmother, who, to use his own expression, was a stout girl when the English came to the island. The first Indian who came to the Vineyard was brought thither with his dog on a cake of ice. When he came to Gay Head, he found a very large man, whose name was Moshup. He had a wife and five children, four sons and one daughter, and lived in the Den. He used to catch whales and then pluck up trees and make a fire and roast them. The coals of the trees and the bones of the whales are now to be seen."

Those who desire to know more of Moshup, and to learn the tragic end of his family, can consult the authority cited and the Memoirs of the American Academy, II., 153.

On page 147 of the last-named volume is a letter relating to Gay Head, addressed to Governor Bowdoin by Rev. Dr. Samuel West, in which he says that he was "a committee appointed by the Academy to examine the mineral productions of Gay Head, and to submit them to a chemical analysis." He invited Dr. William Baylies, of Taunton, to accompany him. Dr. Baylies' account of his trip is to be found in the same volume, pp. 150-155. He says he started from New Bedford in June, 1786, in an open two-mast boat. "A northerly wind carried us down the river into the midst of the bay, in an easy, agreeable manner. A calm then coming on, with a hot sun, and a constant rolling of the boat, I grew exceedingly sick.

Nothing could alleviate my disagreeable feelings but a view of Gay Head, through Quick's Hole, at the distance of about fifteen miles. A variety of colors, such as red, yellow and white, differently shaded and combined, exhibited a scene sufficient to captivate the mind, however distressed. In about two hours a fresh breeze sprang up from the south-west. . . . After our refreshment we made for the cliffs. In our way we found the soil to be good, wanting nothing but industry and proper management to render it capable of producing every kind of vegetable in perfection. It was rather light and dry, consisting of a grayish sand and vegetable mould, two feet or more in depth, intermixed with portions of a darker colored earth. It manifests to the taste a strong impregnation of vitriolic acid, and contains many bright, shining particles. Underneath this to a level with the sea, it is made up of a mixture of ochrey, sandy, stony, marly, and loamy earth, tasting also of the vitriolic acid. After our arrival at the cliffs, we looked round for a place of descent. This in a little time we found; but I must confess I proceeded on with great caution and some fear, knowing that one false step would bring me to the bottom much sooner than I could wish. On one side we had a red, unctuous, argillaceous earth; on the other a blue, white and yellow one, varie gated with gray, black and green spots, and masses of charcoal under our feet.

" A black, sooty powder, similar to lampblack, and made use of by painters, to serve the same purposes, under which a whitish matter resembling the gypseous earth calcined, intermixed with the same kind of earth uncalcined, were to be found in great quantities." The doctor was certain he saw evidence of volcanic action at Gay Head. He calls the Devil's Den the "crater of a volcano." It is, he says, "twenty rods over at the top, fourteen and a half at the bottom, and full one hundred and thirty feet at the sides, except that which is next the sea, where it is open. Here the Indian god Moiship had his principal seat. To keep up his fires, he pulled up his largest trees by the roots; on which, to satisfy his hunger, he broiled the whale and the great fish of the sea, throwing out the refuse, sufficient to cover several acres. He did not consume all himself, but, with a beneficent hand, often supplied the inhabitants with food ready cooked. To facilitate the catching these fish,

he threw many large stones, at proper distances, into the sea, on which he might walk with greater ease to himself. This is now called Dovil's Bridge. On a time, an offering was made to him of all the tobacco on Martha's Vineyard, which having smoked, he knocked the snuff out of his pipe, which formed Nantucket.

"When the Christian religion was received in the island, he told them as light had come among them, and he belonged to the kingdom of darkness, he must take his leave; which to their great sorrow he accordingly did, and has never been heard of since."

When Captain Bartholomew Gosnold first visited Gay Head, May 24th, 1602, he called it Dover Cliff, probably from some real or fancied resemblance to those famous cliffs of old Albion. Very interesting accounts of this voyage of Gosnold are to be found in Purchas Pilgrimage, and in the publications of the Hakluyt Society. See also the latter volumes of the Massachusetts Historical Collections.

John Brereton, who was with Gosnold, thus describes the Vineyard Indians: "These people are exceedingly courteous, gentle of disposition, and well conditioned, excelling all others that we have seen; so for shape of body and lovely favour, I thinke they excel all the people of America; of stature much higher than we; of complexion or color much like a dark olive; their eyebrows and their hair black, which they wear long, tyed up behind in knots, whereon they pricke feathers of fowles in fashion of a crownet. Some of them are black, thin-bearded; they make beards of the hair of beasts; and one of them offered a beard of their making to one of our sailors for his that grew on his face, which because it was of a red color they judged to be none of his own. They are quick-eyed and steadfast in their looks, fearlesse of others harms, as intending none themselves. Some of the meaner sort are given to filching, which the very name of savages (not weighing their ignorance in good or evil), may easily excuse. Their garments are of deer skinnes, and some of them wear furs round and close about their necks. They pronounce our language with great facility; for one of them one day sitting by me, upon occasion I spake smiling to him these words, How now, sirrah, are you so saucy with my tobacco? which words, without any further repetition, he suddenly spake, so plain and distinctly as if he had been a long scholar in the language. Many other such trials we had, which are here needless to repeat."

There are indications of a judgment less favorable in some of the early historians. Josselyn says, in his account of two voyages to New England, p. 125,—"At Martin's Vineyard, an island that lyes south to Plimouth in the way to Virginia, certain Indians (whilst I was in the country) seized upon a boat that put into a by-cove, killed the men and eat them up in a short time before they were discovered."

The introduction of Christianity, which followed closely upon the settlement of Martha's Vineyard, soon effected a wonderful change among these heathen.

Martha's Vineyard, or, as it is always called in the New York records, Martin's Vineyard, remained in the occupation of the natives for forty years after its discovery by Gosnold, in May, 1602. It became the property of Thomas Mayhew and his son Thomas,—afterwards so widely known for his abounding labors among the Indians,—by purchase from the two contesting claimants, Sir Ferdinando Gorges and the Earl of Stirling, in October, 1641. The following year, the Mayhews, with others, chiefly from Watertown and vicinity, commenced their settlement at what is now Edgartown, then by them called Great Harbor; but tradition tells of earlier settlers.

The condition and character of the Indians, of course, became an interesting study to the young pastor, Thomas Mayhew, Jr.; and soon after he had made himself familiar with their language, habits and customs, his sympathies appear to have been drawn forth towards them. In a letter of his, to Rev. Henry Whitfield, dated September 7th, 1650, he says, you may please to know that this work amongst the Indians had its first rise and beginning in the year 1643."

Thus it will be seen the honor of being the first in his labors for the conversion of the aboriginal natives, belongs to Thomas Mayhew, Jr. The labors of both Mayhew and his elder friend, Eliot, are matters of history, and their names will forever be associated with loving reverence, in the memory of those who can appreciate moral worth.

<sup>&</sup>lt;sup>1</sup> Purchas Pilgrimage, IV., 1652.

<sup>&</sup>lt;sup>2</sup> Mass. Hist. Coll. 2d series, IV., 109.

In a most interesting letter from Rev. Thomas Mayhew, Jr., dated October 22, 1652, he gives a copy of the covenant agreed to by the Christian Indians of Martha's Vineyard. It is short but excellent. He says, "About 30 Indian children are now at school, which began the eleventh day of the eleventh month, 1651. They are apt to learn, and more and more are now Market sending unto them.

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"When the Lord first brought me to these poor Indians on the Vineyard, they were mighty zealous and earnest in the worship of false gods and devils. Their false gods were many, both of things in heaven, earth and sea; and there they had their men-gods, women-gods, and children-gods, their companies and fellowships of gods, or divine powers, guiding things amongst men, besides innumerable more feigned gods belonging to many creatures, to their corn and every colour of it; the devil also with his angels had his kingdom among them, in them; account him they did the terror of the living, the god of the dead, under whose cruel power they conceived themselves to be translated when they died; for the same word they have for devil they use also for a dead man, in their language."1

The labors of Mayhew came to an untimely close, in the thirty-seventh year of his life. Being minded to go to England, he with his step-brother,2 Thomas Paine, and one or more Christian Indians, and about fifty passengers, "divers of them of great worth and virtue, both men and women," sailed in November, 1657, from Boston, for England, in a ship of four hundred tons, James Garrett, master, with a very rich lading of goods. Whether they fell a prey to some piratical craft, or were engulfed in some violent storm, was never known. No tidings ever came to relieve the weary watchings of the friends they lest behind them.

The loss of such a man was deeply felt. The father was long in giving up his only son as dead. "Mr. Mayhew was so affectionately esteemed of by the Indians that many years after he was seldom named without tears."

" Mr. Thomas Mayhew, after the loss of his son," concludes the work among the Indians " was of God and not of man; he

<sup>1</sup> Mass. Hist. Coll. 2d series, IV., 201.

<sup>2</sup> Paine was also his brother-in-law ; Mayhew having married his sister.

<sup>2</sup> Matt. Maybew's Narrative, p. 22.

therefore resolves to visit and encourage them often; he goes once every week to some of their plantations, and with the assistance of godly Indians, who taught and instructed their neighbors, on the Lord's days, persuaded the Indians of the Gay Head, who many years were obstinately resolved not to admit the glad tidings of the gospel among them (being animated by the Sachims of the continent), now to embrace it; so that now the Indians on the islands of Martha's Vineyard and Nantucket might justly bear the denomination of Christian; the number of adult persons on both islands being about three thousand; of which I have taken the more particular care to make an exact computation, that I might vindicate Mr Cotton Mather from the imputation of over-reckoning, when in the life of Mr. Eliot, he reckons the number supposed on Martha's Vineyard professing the Christian religion to be sixteen hundred." i

Mittark, sachem of Gay Head, was the first Christian Indian and minister there. He was converted about 1663, and died January 20, 1683. Mittark was the son of Nohtoakset, a sachem that came from the Massachusetts Bay many years before. Perhaps from this cause the Gay Head Indians were more under the influence of those on the main than others upon the island.

Says Matthew Mayhew, in that rare tract known as his narrative, found in the library of the Massachusetts Historical Society, "This I find written on the outside of a book in the library of Mr. John Mayhew, deceased."

Mittark, sachim (or rather Prince) of the Gay Head, on Martha's Vineyard, deceased January, 1683. This Prince's subjects being resolved to continue in their heathenism, notwithstanding his embracing the gospel, grew so disaffected to him that he, for a time, removed to the east end of Martha's Vineyard, whither, after three years' abode at the said place, he again returned, having persuaded his people into a willingness that such who would, might attend the glad tidings he pretended to bring; whereupon he himself opened to them the mysteries of the gospel, dispensing the word to such as came to hear him; insomuch that, at this day, that people are all Christians by profession.

<sup>1</sup> Matt. Maybew's Natrative, p. 23.

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"The day before his death, I, being with him, inquired of him concerning his hope; who, after he had treated some time of the mutability of an earthly life, said, I have hope in God, that when my soul departeth out of this body God will send his messengers who shall conduct it to Himself, to be with Jesus Christ; and then with great earnestness pronounced these words, where that everlasting glory is!"

Of native Indian ministers and helpers there were not a few. Hiacoomes, an Indian of Great Harbor, now Edgartown, was the first fruit of Mr. Mayhew's labor, and became an active and reliable helper in the evangelization of his people. He was one of the common people, and not of noble blood. His experience was sometimes a trying one, and his life was endangered by his separation from the worship of the heathen Indians and his consecration to the true God.

Some of the Indians became fair scholars. Two, at least, were educated at Cambridge, Caleb Cheeschaumuck and Joel, eldest son of Hiacoomes, both of them natives of the Vincyard. Joel was not only "a good and diligent scholar, but a pious man," though he was taken away by death before he came to maturity. Caleb took his degree of bachelor of arts, A. D. 1665, and, still young, died of consumption at Charlestown.

"These were hopeful young men, especially Joel, being so ripe in learning, that he should, within a few months, have taken his first degree of bachelor of arts in the college. He took voyage to Martha's Vineyard to visit his father and kindred a little before commencement; but upon his return back in a vessel, with other passengers and mariners, suffered shipwreck upon the island of Nantucket, where the bark was found put on shore."

Such was the readiness with which the natives received the truth that, by October, 1651, one hundred and ninety-nine men, women and children professed themselves worshippers of the great and ever-living God; and two Indian meetings were held, one three miles, and the other eight miles from the residence of Mr. Mayhew.

The schools kept for the Indians appear to have been generally well attended, and quite successful; for, in 1720, Rev. Ex-

Hist Coll., I. 173.

perience Mayhew says of the Indians, "I think the greatest number can read, either in the English or in the Indian tongue, and some in both."

When Rev. Thomas Mayhew, Jr., left for England, the Indian work was put in charge of "an able, godly Englishman, named Peter Folger, employed in teaching the youth in reading, writing, and the principles of religion by catechizing; being well learned likewise in the scripture, and capable of helping them in religious matters." This Peter Folger was the father of Abiah, the mother of Dr. Benjamin Franklin.

Soon afterwards he removed to Nantucket, and, changing his religious opinions, became a Baptist. While he failed to influence some whom he had taught when at the Vineyard, it is very likely that he was the medium by whom the tencts of his new faith were first introduced upon that island.

A letter from Rev. Zachariah Mayhew,-who, like his father Experience, his grandfather John, and his great-grandfather Thomas, was an Indian missionary,—under date of August 27, 1774, says, "My aged aunt informs me the first Baptist minis ter among the Indians on the island that she knew or heard of was one Isaac Decamy, who came from the main land, with his family, and preached and administered the ordinances of baptism and the Lord's supper a number of years. She is uncertain what year he came, but, according to the best of her memory, the said Decamy died near sixty years agone. The next Indian minister of this denomination, by the best intelligence I can get, was Josias Horswet, who preached and administered the ordinances to a small society of Baptists at Gay Head. The next ordained minister was Samuel Kakenchew, whom I had a personal acquaintance with; he lived at Chappaquiddick, and was esteemed by such as knew him, to be a man of sense and of a regular and Christian life and conversation. There were several other preachers among them, but not ordained, except Silas Paul, who is now living, and is an ordained pastor of the Baptist Church at Gay Head, and who also takes upon him the care of the small society of that denomination at Chappaquiddick, preaching occasionally and administering the ordinances to them. He is the only Indian minister of this denomination now upon this island."1

<sup>1</sup> Bachus I. p. 438.

This letter was directed to Elder Hunt, who says the said Paul informed him that he was then thirty-four years old, was baptized in 1758, ordained in 1763, and that the church at Gay Head had thirteen members, and the other sixteen. Josias Horswet, or Hosuit, was a Baptist preacher on the island in 1727.

Backus says, I. 437, "In 1694 there was a Baptist church on the Vineyard among the Christian Indians. The first Indian pastor on the Vineyard was Stephen Tackamason. He first joined the church of the other denomination, about 1690. He died in Chilmark in 1708."

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There are very many burial places upon Gay Head still marked by common, rough stones, picked up in the fields. Occasionally, until a comparatively recent date, a stone with inscription on it might be seen. One of these marks the burial place of the minister alluded to above. The inscription is a mixture of Indian and English, the meaning of which will be gathered from the subjoined notes:—

YEUUH' WOHHOK' SIPSIN' SIL' PAUL' NOHTOBEYONTOK' Aged 49: years' NUPPOOP' TAH', August' 24th, 1787.

The spirit of propagandism was then powerful, as it is now. They sought an extension of their principles. "As in the apostolic times the church sent forth from among themselves for the conversion of the nations, so these Indians on Martha's Vineyard did, not only to the island of Nantucket, being about 1,500 adult persons, but likewise to the main land." A full history of the Indian work has never been written; but there is quite abundant material which the diligent student of antiquarian tastes could gather from the many letters and tracts, or pamphlets, yet extant.

We get from the early historians and writers some glimpses into the social life of the Indians, and some ideas as to their manners and customs; but so great was the prejudice of many, perhaps the great mass, that unfair judgment must be presumed in many cases.

<sup>1</sup> Here 2 the body 2 lies 4 Silas Paul, 4 an ordained preacher, 4 died 7 then or in.

Josselyn says, "Towns they have none, being always removing from one place to another, for convenience of food, sometimes to those places where one sort of fish is most plentiful, other whiles where others are. I have seen half a hundred of their wigwams together in a piece of ground, and they showed prettily; within a day or two, or a week, they have been all dispersed." Speaking of children, he says, "their names they give them when they are men grown." This practice will account for the sometimes appropriate designations they receive. They gladly adopted English names.

Says a very intelligent observer, who had rare facilities for studying the habits and customs of the Indians, and probably few prejudices against them: "Their government was purely monarchical, notwithstanding in matters of difficulty, the Prince consulted with his nobles, and such whom he esteemed for wisdom; in which it was admirable to see the majestick deportment of the Prince, his speech to his council, with the most deliberate discussion of any matter proposed for their advice; after which what was by him resolved, without the least hesitation was applauded, and with at least a seeming alacrity attended.

"The crown (if I may so term it) always descended to the eldest son, (though subject to usurpation) not to the female, unless in defect of a male of the blood.

"As the Prince was acknowledged absolute lord on the land, so he had no less sovereignty at sea; for as all belonged to him, which was stranded on the shore of his seacoast, so whatever whales or other wreck of value, floating on the sea, taken up on the seas washing his shores, or brought and landed from any part of the sea was no less his own.

"I shall conclude this brief account of the Indians in general with what long since passed between the late much honored Mr. Thomas Mayhew, and an Indian Prince who ruled a large part of the main land.

"This Prince coming to Martha's Vineyard, with his usual attendants, being about eighty persons, well armed, came to Mr. Mayhew's house, and being admitted, sat down; Mr. Mayhew entered the room, but being acquainted with their customs, took no notice of the Prince's being there (it being with them in point of honor incumbent on the inferiour to salute the

superiour.) A considerable time being past the Prince broke silence, and said, Sachem, Mr. Mayhew, are you well? In which having a friendly reply, and treating of several things, and of the island, Martha's Vineyard, being peopled with English, the Prince desiring something wherein the English were concerned, Mr. Mayhew promising to effect what he desired, immediately subjoined that he must first speak with the inhabitants; the Prince demanded why he recalled his promise; for, said he, What I promise or speak is always true, but you English governours cannot be true, for you can't make your words nor intentions true; but mine are always true, for I make them true; greatly disdaining the popular government of the English in this country."

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Who this Indian prince was, we are not informed. It is very likely to have been King Philip, the grand Sachem of the Pokanokets, whose headquarters were at Montaup (Mount Hope), near Bristol. He is known to have visited the islands, over which he claimed some dominion, the exact extent of which is not now clearly understood.

During the war with King Philip, which was commenced in 1675,—probably before Philip had designed, and while his plans, broad and comprehensive as they were, had not been fully matured,—and which closed with the death of that master-spirit of his times, in 1676, "late in the season," efforts were made to induce the Indians of the islands to join in his plot. At that time there were upon the Vineyard only about forty-five Englishmen, "able to bear arms," and fifteen hundred Indians, most of them, perhaps, brought under the humanizing influence of Christianity. With numerous incentives, as it must in candor be acknowledged, to join the common league, still they steadfastly refused to do so, turning a deaf ear to the strong and earnest solicitations of the emissaries of Philip, some of whom were carried by them, as captives, to abide the pleasure of Gov. Mayhew, whose conduct during these "troublous times," shows a rare union of wisdom and moderation, prudence and firmness, with a power of self-control and an aptness to govern others, which commanded at once their respect and esteem. Regarding the Vineyard as a place of compara-

<sup>1</sup> Matt. Mayhew's Narrative, p. 7.

tive safety, many sought it as a temporary refuge from the danger that overshadowed the land; and, thanks to the genial spirit of Christianity, they were not mistaken, for the island enjoyed "a perfect calm of peace, and the people wrought and dwelt secure."

The claim of the Indians to the lands found in their possession when the Europeans first came to America, has been questioned by many able and wise men. Almost universally it has been regarded as theirs only in a qualified sense. The Indians, as individuals, had not, by their own usages, claims to the lands they occupied. The title, such as it was, was with the Sachem. He might, if he would, dispose of any of his lands, and his subjects were without redress, if not without cause of complaint.

"Of the European settlers on the American continent, the colonists of New England," says John Quincy Adams, in his address before the Massachusetts Historical Society, "were the first who ever held themselves bound to respect the prior right of occupancy of the Indian savage, and to purchase it of him for an equivalent. But the Indian could grant no more than he possessed, and, with the exception of his wigwam, which had no permanent location, his only right was to hunt and fish within certain determinate metes and bounds. The whole territory of New England was thus purchased, for a valuable consideration, by the new-comers; and the Indian title was extinguished by compact, fulfilling the law of justice between man and man."

"It is a fundamental principle in the English law," says Sullivan, "derived from the maxims of feudal tenures, that the king was the original proprietor, or lord paramount, of all the land in the kingdom, and the true and only source of title." The same principle has been adopted and is in force in this country. The sovereign power is the source of title.

The rights which Thomas Mayhew obtained by his two deeds from the agents of the Earl of Stirling and of Sir Ferdinando Gorges, passed to his grandson, Matthew Mayhew, except such as he had previously parted with or disposed of.<sup>1</sup>

In April, 1685, Matthew Mayhew received the grant of the

<sup>1</sup> See House Doc., No. 47, 1856, Appendix L.

"Manor and Lordship of Martin's Vineyard," from Col. Thomas Dongan, then governor of New York, under whose jurisdiction that island then was, who, during the following month, purchased the same from Mayhew for the sum of two hundred pounds. Matthew Mayhew was appointed the steward and agent of Col. Dongan, and so remained until his death, in 1710."

The following year, May 10, Col. Dongan, then Earl of Limerick, sold this manor of Martin's Vineyard to the "Company for the Propagation of the Gospel in New England and parts adjacent, in America," for the sum of five hundred and fifty pounds, lawful money. The income arising from the leasing of these lands by the company was devoted to the promotion of the interests of the Indians; the purchase having been made, as appears by the Diary of Judge Samuel Sewall, "with the main design of benefiting the aboriginal natives."

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After the death of Mittark, his son and heir made sale of all his right and title to Gay Head lands to Governor Thomas Dongan, afterwards Earl of Limerick, May 6, 1687.

Both before and after the sale by the Earl of Limerick, complaints were made to the General Court by the Indians of Gay Head, who doubtless believed themselves to suffer the wrongs they complained of. Investigations were ordered, and made by able and discreet men, and their reports, after due examination and a hearing of all objections urged, were accepted. mittee consisting of William Bassett and others, met at Barnstable, and there made investigation into the matter of Gay Head claims, August 18, 1703. In their report, Mass. Archives 31, 17, they say, "In the contest about Gay Head, it appears to us by deed that Colonel Dongan bought it of Joseph Mataack, sachem; but the Indians object and say that old Mataack by his will did settle it on his sons for the use of Gay Head Indians, never to be sold or alienated from them; and to prove it produce an old writing; and upon inquiry into the truth of it, an Indian called Josiah Hosewit, which seemed to be a sober, honest man, came before the committee and owned that he wrote that writing long since Mataack's death; and by the testimony of sundry other Indians we have good reason to think that said writing was forged and not true." 3

<sup>&</sup>lt;sup>1</sup> See House Doc. No. 47, 1856, Appendix M.

<sup>\*</sup> See Appendix C. \* See Appendix D.

This Josiah Hosewit, or Hosuit, is the same before named as an Indian minister. Whether this act of his was repented of before he became such we do not know. The pretended will is a quaint document, and was the cause of a good deal of trouble at the time and afterwards. When, two years later, "the report of the committee heretofore appointed by this court to inquire into the Indian claims to lands lying at Martha's Vineyard, in Dukes County, Nantucket, &c., being offered for acceptance, Moses Will, on behalf of himself and the Indians dwelling on Gay Head; Sam. Assewit, on behalf of himself and the Indians dwelling on No Man's Land (so called), within the said county, attended, praying to be heard as to their challenges.

"Ordered, That there be a hearing of the said Indians before this court on the first Tuesday of their next session, as to their challenge to Gay Head lands and other lands on Martha's Vineyard, and that the sheriff of the county notify Matthew Mayhew, Esq., agent for the Earl of Limerick, thereof, and such others as the said Indians shall name to him, and summon them then to attend to defend their claims, if any they have; and that the said Indians and their companions, dwellers on the said lands, be until then in peace, and not molested or disturbed in their improvements.

"And that in the mean time the will of Joseph Matanck, Indian sachem, with the proofs thereof, may be laid before the governor and council. And the sheriff of Dukes County aforesaid is hereby commanded to see this order duly observed."

While acting as steward of Colonel Dongan, Matthew Mayhew made grants or leases of lands to sundry Indians of Gay
Head, to each forty acres for a term of time illimitable, "forever," each grantee or lessee paying "two ears of Indian corn
as an acknowledgment, yearly," thus owning their subjection
to Colonel Dongan "as their lord and sachim." Some of
these leases were transferred by the lessees to their white neighbors; and perhaps owing to the fact of very doubtful boundaries, and possibly to a growing uneasiness of the Indians, the
Commissioners of the Honorable the Company for Propagating
the Gospel among the Indians in New England and parts adjacent in America, did formally, by their attorneys, on the tenth

1 Mass. Archives 30: 501.

of May, 1747, "set off and settle upon the said natives, and their posterity that now inhabit or shall inhabit said Gay Head, while they dwell on said Gay Head, the westerly and southerly parts of said Gay Head, that is to say, all the lands of Gay Head aforesaid, except what is resigned by said natives to said company and their successors, by the instrument above referred to; they, the said natives, inhabitants, paying as an acknowledgment, annually, one ear of Indian corn for each family, to said company and their successors, or their attorney or attorneys, agent or agents on the island of Martha's Vineyard.

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Provided, And it is understood by both parties that the said Indians and their posterity of Gay Head aforesaid, shall be always under the direction, government and stint of the said company, or their agent or agents, attorney or attorneys, as to the part or proportion of the land of said Gay Head set off to said inhabitants as aforementioned, which they shall hold or improve in reference each to the other.

Evidence exists of the control exercised for years, by the corporation, over the lands at Gay Head, and elsewhere at Martha's Vineyard, acquired by the purchase made of the Earl of Limerick; but no record has yet been found showing a conveyance of their rights. In fact, the corporation itself, one of the earliest missionary organizations in the world, with all its land titles and an accumulated mass of valuable papers and records, seems to have vanished away about the period of the American Revolution.2 Perhaps it may be held by those learned in law, that as the corporation was the creature of England, all its rights to hold and manage property in this country ceased when war was declared, or in consequence of the passage of some act of sequestration, and that thus the lands escheated to the Commonwealth. At all events, practically, since the Revolution the State seems to have had the control, directly or indirectly. For the Indians of Gay Head, like others of their race in the State, were the "involuntary wards of the State." They had not, as now, absolute control over their lands. They could make no sale of their lands to any except other members of their tribe, neither could they make any contract binding in law, or sue or be sued in the courts.

<sup>1</sup> See Appendix E., F. and G.

<sup>&</sup>lt;sup>5</sup> House Doc. No. 47: 12, 1855.

It is hardly to be wondered at, then, that the Indians were "thriftless and improvident," for some of the most powerful incentives to elevate a man were wanting.

Says one who visited Gay Head in 1817, "The land is undivided, but each man cultivates as much as he pleases, and no one intrudes on the spot which another has appropriated by his labor."

In the very able report of the Commissioners relating to the condition of the Indians in Massachusetts,-House Doc. No. 46, 1849,—Hon. F. W. Bird says, "None of the lands are held, as far as we could learn, by any title depending for its validity upon statute law. The primitive title, possession, to which has been added inclosure, is the only title recognized or required. The rule has been that any native could at any time appropriate to his own use such portion of the unimproved common land as he wished, and, as soon as he enclosed it with a fence, of however frail structure, it belonged to him and his heirs forever. That rule still exists. A young man arrives at maturity and wishes for a home for a prospective family, or a shelter when he returns from sea; he encloses half an acre, five acres or ten acres, as the case may be, and he has acquired a fee in the estate; and the most singular and most creditable fact in connection with this, is, that while one proprietor has but half an acre and another has over a hundred acres, there is no heart-burning, no feeling that the latter has more than his share. 'I have all I want,' says the former, and he is content. This state of things is as happy as it is peculiar; how long it can continue is a problem yet to be solved."

Since that report was prepared a different rule has obtained; the prior consent of the "selectmen," or the "land committee," became necessary to perfect title, as well as the payment of some small stipulated sum into the public treasury.

Hon. John Milton Earle, in his deeply interesting report concerning the Indians of the Commonwealth—House Doc. No. 215, 1862—says, "Any member of the tribe may take up, seuce 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

<sup>1</sup> North American Review, V. 319.

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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 will 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 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 footholds 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."1

In the closing part of his report, page 56, Mr. Bird says: "We would urge particularly the importance of confirming the titles of proprietors of lands held in severalty, and of fixing the law of division and descent. At Gay Head, particularly, serious difficulties are already arising which threaten the introduction of a spirit of litigation; a result which cannot be too earnestly deprecated. We regard the adjustment of these ques-

<sup>&</sup>lt;sup>1</sup> House Doc. No. 215, p. 34, 1862.

tions as a matter of the utmost importance to the future peace and welfare of this tribe."

The first step taken toward the adjustment of land titles was the passage of a Resolve, chapter 42, by the legislature of 1863, which provided that the treasurer of the Marshpee Indians be authorized "to examine and fully and finally to determine all boundary lines between the individual owners of land located in the Indian District of Gay Head, in the county of Dukes County, and also to determine the boundary line between the common lands of said district and the individual owners adjoining said common lands."

This Commissioner, Hon. Charles Marston, dying without completing his labors, the legislature of 1866, by Resolve, chapter 67, authorized and empowered the governor, with the advice and consent of the council, "to appoint and commission some suitable person to complete the examination and determination of questions of title under said Resolve,"-chapter 42, 1863,—"not passed upon by said commissioner; and such commissioner so appointed shall have all the powers in said Resolve granted to the commissioner in said Resolve, and the decision and finding of said commissioner, so appointed, and his report thereof, when made to the governor and council, shall have all the force and effect of the decision, finding and report of the commissioner heretofore appointed and commissioned under said Resolve; and the report of said commissioner so made to the governor and council, shall be by the secretary of the Commonwealth deposited in the registry of deeds for the county of Dukes County, and be also recorded in said registry; and copies of said record, properly certified, shall be admitted as evidence of such titles in any court."

Pursuant to this Resolve, the undersigned was commissioned by His Excellency, Gov. Bullock, and having completed the duties assigned to him, herewith respectfully submits to your Excellency and the honorable council the "Report" provided for by said Resolve.

In addition to the "Report" of the division, he most respectfully submits a map of Gay Head lands, and sectional plans of the same on a larger scale, for the accuracy of which he is indebted to the skill of Mr. John H. Mullin, of Boston, whom he was so fortunate as to secure for an assistant in the survey. Accompanying this Report is a census of the inhabitants of Gay Head, taken with much care, and giving every detail readily procurable as to the people, the stock they keep, and their farm productions.

This census has been of material benefit to the Commissioner in the discharge of his duties, and will still be of great service in the work, yet to be performed, of dividing the common lands, under the provisions of the Act by which Gay Head was made a township.

Accurate data for determining the Indian population in former years are wanting. Such as diligent search has revealed are here given.

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In 1642, the year Mr. Mayhew and his friends came to the Vineyard, the number of Indians is estimated at three thousand; although there may be some ambiguity in the statement. It may be that that was the population of the Vineyard and Nantucket jointly. Experience Mayhew says, "the number of Indians on the Vineyard, as was supposed, was 1,500 souls." In 1674, there were on Martha's Vineyard and Chabbaquiddick, a small island near the east end of the Vineyard, three hundred Indian houses, "Governor Mayhew having often counted them," as Gookin says, IX. 4. In 1692, although there had been many deaths, there were more than one hundred church members.

Matthew Mayhew, writing in 1694, and speaking of some date preceding, what is not clearly stated, says, "The number of adult persons on both islands," Martha's Vineyard and Nantucket, "being about three thousand." In 1698, "Abel and Elisha are preachers to at least 260 souls, who have here at their charge a meeting-house already framed." Mass. Hist. Soc. Coll., X. 131. On the whole island about 1,000 persons.

In 1720. Experience Mayhew says, "At present there are on the Vineyard six small villages, containing in all of them about 155 families, and the number of souls may be about eight hundred."

In 1747, there were on Gay Head 26 houses, and 113 souls. So says a report from their guardians.

In 1749, says an Indian petition, or memorial, there were on Gay Head about 165 souls, and 400 cattle.

1 Appendix B.

In 1764, "there were remaining in Dukes County 313 Indians, 86 in Edgartown, 39 in Tisbury, 188 in Chilmark." "About that period they began to intermarry with negroes, in consequence of which the mixed race has increased in numbers, and improved in temperance and industry. At present," 1764, "there are of pure Indians and of the mixed race, about 440 persons: 75 on Chabbaquiddick, not more than one-third pure: 25 at Sanchacantacket, not more than one-fifth pure; about 40 at Chilmark, about one-half pure; 24 at Nashowakemmuck, about three-quarters pure; about 276 at Gay Head, about one-quarter pure. In this account unmixed negroes are not given. This is from information given by Hon. William Jernegan, of Edgartown, and Benjamin Bassett, of Chilmark, in 1764, as found in Mass. Hist. Coll., I., p. 206.

In 1807, says Dr. Freeman,—Hist. Soc. Coll., III.,—at Chabbaquiddick, "they are much intermixed with white and negro blood, very few of them being pure Indians; and they have been improved in their industry and general habits by the intermixture." "Their numbers, which are probably increasing, are sixty-five, of whom nine are strangers intermarried; the framed houses are ten, the wigwams two." At Sanchakantacket twenty persons of a mixed race, who lived in six houses. At West Chop, in Tisbury, there is one Indian family of five persons. In Christiantown, nine families and thirty-two souls, of whom one male and six females are pure; the rest are mixed, chiefly with whites. The great body of the Indians is at Gay Head. The Indians have twenty-six framed houses and seven wigwams. The number of families is thirty-four, and of souls one hundred and forty-two; besides whom about one hundred are absent from Gay Head, some of whom are children put out to service in English families, and others are whalemen; making the whole number of proprietors about two hundred and forty. Every native, whether he lives off or on the island, is considered a proprietor. No sheep are kept. Of the Indians nine men are pure, and still more of the women. The mixed race is better than the pure Indians. The Indians in this part of the island are generally unchaste, intemperate, without forethought, and many of them dishonest. They are, however, more industrious and neater in their persons and houses than is common for Indians."

In 1848, the number of Indians at Gay Head was 174.

(Bird's Report.)

In 1860, the number reported at Gay Head was 54 families —287 natives, 16 foreigners. Total 253. (Earle's Report.)

In 1870, as will be seen by the census in the Appendix, the whole number is 227; families, 55; natives of Gay Hoad, 188; foreigners, or those not born there, 39. Of these two hundred and twenty-seven there were,—

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			-1	10	famales	_		Total,	27
Under 5 ye	Bars,	15	maies,	1	lemaics,	•	-	44	24
5 to 10	44	10	"	14	12	•	•	4.6	41
10 to 21		23	44	18		•	•		
	46	20	"	24	44		•	6.	44
21 to 30	••	_					_	46	27
30 to 40	66	12	66	15		•	•		14
40 to 50	<b>ξ</b> ξ	10	66	4	: 64	٠	•	6.	26
50 to 60	44	16	4.6	10	• • •	•	•		-
		5	44	6			•	"	11
60 to 70	"	Ð		_	•			44	9
70 to 80	44	4		5	,	•	•	46	4
Over 80	"	2	4.6	Ç	2 "	•	•	•	-
0.02	_		_		_			•	0.05
Totals,	•	117	-	110	0				227

It is not an easy matter to enumerate all who ought to be numbered as Gay Head Indians, and none but those; for the rule has been, "once a proprietor, always a proprietor." Those who have left, either permanently or temporarily, claim still to belong to the tribe, together with the families of such as have them. Not a few lead a roving, unsettled life, seafaring men, "often absent for years at a time, frequently without their friends knowing where they are." So this census, although prepared with much care, can only be considered as approximately correct.

The singularly anomalous condition of the Indians of Massachusetts had often engaged the attention of thinking men, but it was for your Excellency so effectively to present the matter to the legislature, in the executive address at the commencement of the session of 1869, as to change their entire relation to the State, and put an end to their long-enforced guardianship.

The address says, "It is unnecessary to enlarge upon the reasons why this political anomaly should so long have existed in this Commonwealth. It should exist no longer. These persons are not Indians in any sense of the word. It is doubtful if there is a pure-blooded Indian in the State. The largest number reside in or near the Marshpee District, and on Martha's Vineyard. A majority have more or less of the marked characteristics of the aboriginal race, but there are many without a drop of Indian blood in their veins. The marriage of a foreigner with a member of the tribe transforms the foreigner into an Indian. The result of this singular system has been a heterogeneous population, in which the characteristics of the white and negro races have already nearly obliterated all traces of the Indian.

It cannot be doubted that the Indians of this Commonwealth are as well fitted to exercise all the functions of citizenship as any other of our citizens in the same condition of life; or rather, as any other of our citizens would be who had labored so long under similar disabilities. It will hardly be denied that the tendency of these disabilities has been to increase and perpetuate their incapacity for citizenship; or that the shortest and best method to fit them to discharge its duties, is to place upon them all its responsibilities. There is no reason why the exceptional policy hitherto applied to these Indians should be continued, and the sooner they are merged in the general community,—with all the rights and privileges, and with all the duties and liabilities of citizens,—the better it will be for them, and the more creditable to the Commonwealth."

The action of the Legislature which followed the presentation of the reports made by the two able committees, who had in charge the matter in the Governor's Address relative to Indians,—House Doc., No. 483, 1869, and Senate Doc., No. 14, 1870,—forms an era in the history of the Indians and of the State.

Gay Head is now become a town, and its future history will, it is hoped, vindicate the wisdom of the course which has been pursued in relation to its inhabitants.

RICHARD L. PEASE.

### APPENDIX.

[A.]

Table of Stock and Farm Products at Gay Head.

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	Tabilar No.	Milch cows.	0.en.	Toung califo.	Horses.	Awfine.	Sheep.	Bushels of com	Barbels of puta- toestabled.	Spot crop, burb. 814.	Hay, tons cut.
Simon Johnson (desess), .	1	] _	-	1	2	_ :	_		- 1	-	i -
William Jeffers,	13	1	۱ ـ	1	ļ <u>-</u>	1	-	3	40	14	2
George J. Belain,	23	4	6	а	1	3	3	15	30	15	15
Diana Madison,	35	3	-	3	- 1	2	۱ -	23	12	6	5
Abiah Cooper,	46	¦ -	- 1	l -	-	ļ -	l -	- 1	4	1 ;	1
Aaron Cooper,	49	2	] 2	2	3	4	-	23	70	-	7
George W. Cooper,	63	1	i -	2	l –	1	-	50	40	ļ - i	3
Zacchera Cooper,	62	1	6	2	3	3	-	50	100	3	9
Patrick Divine,	2	2	2	5	1	4	-	20	13	10	10
Wm. A. Vanderhoop, .	GS	2	2	3	1	2	_	35	40	20	6
Leander Bassett	86	<u>'</u> 1	2	2	2	1	_	18	35	20	4
John Anthony,	90	1	2	2	2	2	-	20	40	5	7
Charles H. Minge,	97	1	-	1	<b>!</b> ⊷ '	2	_	33	14	20	3
Johnson Peters,	100	2	2	1	2	2	- 1	20	12	3	7
Samuel Poters,	164	2	2	3	-	2	-	30	250	5	4
Thomas Jaffers,	115	2	2	3	1	2	-	70	45	30	10
Thomas Manning,	10_	2	2	3	1	1 2	-	25	CO	20	8
John P. Randolph,	132	i -	2	1	1.	jı	<b>'</b> -	-	10	9	. 2
Alvie Massing	133	! -	-	2	-	ı	-	30	30	32	3
Louisa David,	141	9	-	2	-	1	-	15	15	15	5
Abram Redman,	150	i ŧ.	2	8.	2	1	- 1	25	10	20	18
Hebron Wamdey,	15\$	2	2	4	1	3	_	20	40	. 5	12
Simon Johnson, 24,	163	2	2	3	-	1	f -	33	220	5	4
James Diamond,	171	1	-	2	2	4	-	10	49	20	2
Jonathan Francis,	179	1 1	-	2	I	1	1	4	40	8	a
Jane Wamsley,	193	2	-	1	- 1	-	-	2	3	-	-
Zecchius Howwatswee, .	193	2	-	2	1	2	-	20	7.35	-	5
Tristram Weeks,	107	-	2	3	3	2	-	40	50	25	a
Iseac D. Rure,	265	3	2	3	-	1	-	18	35	35	6
Totals,		48	42	49	83	51	4	627	1,034	310	267

32

[B.] Consus of the Inhabitants of Gay Head.

Million Scholaring (Mesco)   10 Dist, Asp. 55. Def (First)   Copy   Long     Million Scholaring (Mesco)   11 Dist, Asp. 55. Def (First)   Copy   Long     Million Scholaring (Mesco)   12 Dist, Asp. 55. Def (First)   Copy   Long     Million Scholaring (Mesco)   13 Dist, Asp. 55. Def (First)   Copy   Long     Million Scholaring (Mesco)   14 Dist, Asp. 55. Def (First)   Copy   Long     Million Scholaring (Mesco)   15 Dist, Asp. 55. Def (First)   Copy   Long     Million Scholaring (Mesco)   15 Dist, Asp. 55. Def (First)   Copy   Copy     Million Scholaring (Mesco)   15 Dist, Asp. 55. Def (First)   Copy   Copy     Million Scholaring (Mesco)   15 Dist, Asp. 55. Def (First)   Copy   Copy   Copy     Million Scholaring (Mesco)   15 Dist, Asp. 55. Def (First)   Copy   Co	Silicon addition (General)	Į								
Silica Johnson (Accord)	Silices addition (Checom),   M. 1795, Aug. 55, Gay Freel,   Gay Free	ź	Мана	į		When Don.	Starifance,	Centilian.	Occupations	Ì
France Delete,   1   1988   549   25   26   26   26   26   26   26   26	Fainth Dillein.   18   1805, Aug. 9,   1805, Aug. 18   1805,	-	Simon Johnson (deacou),	j	Aug.	Gay firad.	Gry Hrad,	Never married,	Weaver and farmer	1 .
		\$c	Fatrick Divine.	×	¥ : E			•	Fubr.	
Hirry Ann Diving,   P. 100, May 10, 10, 11, 11, 11, 11, 11, 11, 11, 11,	Herry Ann Deline   P. 1809, Sept. 77   P. 1809, Sept. 78   P. 1809, July 31   P. 1809, July 32   P. 1809, July 33   P. 1809, July 34   P.	-	Louise Poetner, wife.	p.		Marshberg			,	_
	Historic Lawrence Drive,   11, 1904, April 20,   11, 1904, April	-	Blezev Ann Divine	6		Gay Hond.		•	•	
State Later Defect   11   1994   1997   19			Carrell C. Dieles				=	•	,	
Stead Johnson Diefer.   18 1909, 1479   11,	Since 3 Johnson 2 Johnso	•	Patrick Tames Of Paris	-	200		2	,	,	7 ,
Mark Sty Directs   Mark Sty Di	10   10   10   10   10   10   10   10	, ,	Mired Johnson Distan	i =			•			y
District Office,   P. 1994, June 17,   C. Fricker, P. 1994,	10 Anny Disher,   P. 1964, June 17,   P. 1964, June 18,   P. 1964, June 18	- 3	Company Production	-			2	•		
	Januaris Granda Britan   P. 1964, June 17, 18, 1864, June 18, 1	5 0	The principle of the control of the			- -			: 1	2¥
	10   Function direction   10   10   10   10   10   10   10   1	• ;		: :				:		
1   Care   Car	11   Joseph Dilling   18   1969, Jule   20   18   18   1969, Jule   20   18   18   1969, Jule   20   18   18   18   18   18   18   18   1	2	Tourselon (Flacial Estatus)	<u>:</u>	_			•	•	_
13   Carrell & Billing   15   15   15   15   15   15   15   1	13   C. Freducitk Dilling   18   1809, Jon. 27   18   18   18   18   18   18   18   1	=	Louise Divine,	<u>.</u>			:			
13   William Johney   14   15   15   15   15   15   15   15	11   Fairsbell R. Cooper, M. wife,   F.   1873, Appl. 2, Gylliandown,   1     Fairsbell R. Cooper, M. wife,   F.   1873, Appl. 2, Gylliandown,   1     Jacob R. Jeffers,   F.   1873, Appl. 1,   1873, About,   1     Herish R. Jeffers,   F.   1873, About,   1     Herish R. Jeffers,   F.   1873, About,   1     Highs G. Jeffers,   1	ä	C. Frederick Diefue,	Ę		•	·	,	,	
Fairsheit R. Cooper, M. wife, P. 183, April, P. 185, About, P. 1	11   Faltacheth N. Cooper, M. Wiele,   F.   1874, About,   1874, About,   1874, About,   1874, About,   1875,	51	William Jeffers,	#		Christiantown,	=	m Laura Johnson, .	ò	
Laura N.   1987, About,   1987, Ab	13   Janue W. Jeffers   74   1861, about   10   10   10   10   10   10   10   1	Ξ	Falsabeth & Cooper, 3d wife,	ú		Gay Head,		•	,	
10   Hersian C. J. Erre,   F.   1852, about,   1.   1852, about,		23	James W. Jeffers.	<del>,</del>	1834, about,	•	•	m Mellan Belufn, .		
19   Hernitan C. JErr.,   F. 1809, about,   c.   Cap Head,   stitler,   stitler,   c.   store, about,   c.   store,   c.   store,   st	13   Repulsah C. Jeffers,   7   1869, Abrill   18   1941a C. Jeffers,   7   1869, Abrill   19   19   19   19   19   19   19	=	Leure	p.	MATE, about.	-	Chapterandalist,	m William Dobla,	•	
10   174th C. Jeffers,   10   1860, April 16, Gry Head   11   175th C. Jeffers,   10   175th C. Jeffers,   10   1860, April 16, Gry Head   11   1860, April	18   1941s. C. J. Ferr,   18   1800, April 16, Gay Head,   18   1800, April 16, Gay Head,   18   18   18   18   18   18   18   1	: 5	Henry Back of Latina		-	=	Car Head	Simple	•	
Hones E. Jeffert,   F. 1889, April 14, Gay Fleed,   Cay Breed,   Cay	10   More B. J. fürt,   10   1000, April 14, Gay Head,   10   1000 Head,   1000	; ;	and the Control of th		i to other		Chaplesoniddick	er Frederick Wabnulch.	•	
Hores B. J. Birt.   1860, April 14, Gay Frad.   Ony Head.   One	10   Hores B. J. Barts   1, 1889, April 14, Gay Flead.   Coy Head.   Coy Head.   Continue D. J. Barts   Continue D. Co	1								
10   10   10   10   10   10   10   10	10   10   10   10   10   10   10   10							軍		70
10   10   10   10   10   10   10   10	10   Mores B. J. Grev.   10   1000, April 17   18   18   18   18   18   18   18			1		Gay Head,	Ony Head.	· ·		
Conting D. J. William D. W	20 Innits D. J. Greis, 17 1 1862, March 25, 18 1 18 1 18 1 18 1 18 1 18 1 18 1 18	9	_	<u>.</u>			•	1		
Guibert Lingweite Juffers   N. 1863, Nauch 20,   Screen R. Juffers   P. 1209, Jun. 23,   Screen R. Juffers   P. 1209, Jun. 23,   Screen R. Juffers   P. 1209, Jun. 23,   Screen R. Juffers   N. 1810, Nov. 27,   Screen R. Justin Brillo,   N. 1810, Nov. 27,   Screen R. Justin Brillo,   N. 1810, Nauch 21,   Screen R. Juffers   Screen R. Justin Brillo,   N. 1810, Peb. 17,   Cay Hend,   Screen R. Juffers   Screen R. Justin Brillo,   N. 1810, Peb. 17,   Cay Hend,   Screen R. Juffers   Screen R. Justin Brillo,   N. 1810, Peb. 17,   Cay Hend,   Screen R. Justin Brillo,   N. 1810, Peb. 17,   Cay Hend,   Screen R. Justin Brillo,   N. 1810, Jun. 18,	25 Secreta R. Jeffers. 25 Secreta R. Jeffers. 26 George J. Halslein. 27 Hals J. Mark. 28 Secreta R. Jeffers. 28 Secreta R. Jeffers. 29 Treet Belalo. 29 Joseph Relatio. 29 Joseph Relatio. 20 Joseph Relatio. 21 Hals J. Mark. 22 John W. Irelatio. 23 Mellera Brialo. 24 Hals Guff. 26 Hals Guff. 27 Hals Guff. 28 Hals Guff. 28 Hals Guff. 29 Heart Cuff. 20 John W. Irelatio. 20 Heart Cuff. 21 Hals John W. Hals J. 22 Hals Guff. 23 Heart Cuff. 24 Hals Guff. 25 Hals Guff. 26 Hals Guff. 27 Hals Guff. 28 Hals Guff. 28 Hals Guff. 29 Hals John W. Hals J. 20 Hals Shalton. 20 Hals John W. Hals W. 21 Hals John W. Hals W. 22 Hals Shalton. 23 Hals E. Madison. 24 Hals John W. W. 25 Hals Guff. 26 Hals John W. W. 26 Hals John W. 27 Hals John W. 28 Ann Judonn David. 28 Hals John W. 28 Hals John W. 29 Hals John W. 20 Hals John W. 21 Hals John W. 22 Hals John W. 23 Hals John W. 24 Hals John W. 25 Hals John W. 26 Hals John W. 26 Hals John W. 27 Hals John W. 28 Hals John W. 28 Hals John W. 29 Hals John W. 20 Hals John W. 21 Hals John W. 22 Hals John W. 23 Hals John W. 24 Hals John W. 25 Hals John W. 26 Hals John W. 27 Hals John W. 28 Hals John W. 28 Hals John W. 28 Hals John W. 28 Hals John W. 29 Hals John W. 20 Hals John W. 27 Hals John W. 28	. 8		¥.	1863, March 17,	•	•	•		
George J. Figure B. J. First.   F. 1809, Jah. 25,   Chapbandidek.   E. 1809, Jah. 25,   Chapbandidek.   E. 1813, Nov.   Chapbandidek.   E. 1813, Nov.   Chapbandidek.   E. 1813, Nov.   E. 1	25. Secreta R. Jeffers, R. 1892, Nov Chabbaquidulch	3	contract to demonstry Bellichts	z	1865, March 76,	•	-	•		•
25 Secreta J. Belah.  26 George J. Belah.  27 1817, May 19, Gay Brad.  28 Spohler Feler, wife.  29 Diver Plein.  29 Diver Belah.  20 John W. Irelah.  20 John W. Irelah.  20 John W. Irelah.  20 John W. Irelah.  21 1827, April Ro.  22 John W. Irelah.  23 Britter B. Caff.  24 1827, April Ro.  25 John W. Irelah.  26 John W. Irelah.  27 John W. Irelah.  28 John W. Irelah.  29 John W. Irelah.  20 John W. Irelah.  20 John W. Irelah.  21 John W. Irelah.  22 John W. Irelah.  23 John W. Irelah.  24 John W. Irelah.  25 John W. Irelah.  26 John W. Irelah.  27 John W. Irelah.  28 John W. Irelah.  29 John W. Irelah.  20 John W. Irelah.  20 John W. Irelah.  20 John W. Irelah.  20 John W. Irelah.  21 John W. Irelah.  22 John W. Irelah.  23 John W. Irelah.  24 John W. Irelah.  25 John W. Irelah.  26 John W. Irelah.  27 John W. Irelah.  28 John W. Irelah.  29 John W. Irelah.  20 John W. Irelah.  21 John W. Irelah.  22 John W. Irelah.  23 John W. Irelah.  24 John W. Irelah.  25 John W. Irelah.  26 John W. Irelah.  27 John W. Irelah.  28 John W. Irelah.  29 John W. Irelah.  20 John W. Irelah.  21 John W. Irelah.  22 John W. Irelah.  23 John W. Irelah.  24 John W. Irelah.  25 John W. Irelah.  26 John W. Irelah.  27 John W. Irelah.  28 John W. Irelah.  29 John W. Irelah.  20 John W. Irelah.  21 John W. Irelah.  22 John W. Irelah.  23 John W. Irelah.  24 John W. Irelah.  26 John W. Irelah.  27 John W. Irelah.  28 John W. Irelah.  29 John W. Irelah.  20 John W. Irelah.  21 John W. Irelah.  22 John W. Irelah.  23 John W. Irelah.  24 John W. Irelah.  25 John W. Irelah.  26 John W. Irelah.  27 John W. Irelah.  28 John W. Irelah.  29 John W. Irelah.  20 John W. Irelah.  20 John W. Irelah.  20 John W. Irelah.  20 John W. Irel	25 Secreta 3. Final Parish M. 1883, Nov Chabbaquiddick		The state of the s	<u></u>		•		,	Beamen and farmer.	
George J. Malden,   Y.   1877, May 19, Gay Broad,   1877, May 19, Gay Broad,   1877, March 23,   1877, March 23,   1877, March 23,   1878, March 24,   1877, March 24,   1878, March 26,   1878, March 27,   1878, March 28,   187	George J. Malden,   Y.   1817, May   M.   Gay Bread,   M.     Spapita Printer, wife,   M.   1847, May   M.   Gay Bread,   M.     Joseph Relato,   M.   1848, Nov.   27,   M.     Aborto Bedalo,   M.   1884, Aug.   M.     M.   M.   M.   M.     M.   M.	ដ	Selent at the selection	=		Chabbaquiddick		,		
25 Perter Belain. 26 Joseph Relain. 27 Aborro Belain. 28 Joseph Relain. 29 Aborro Belain. 20 Joseph Relain. 21 Levi Code. 22 Melle and Private. 23 Relate and Broad. 24 Joseph Relain. 25 Melle and Private. 26 Joseph Relain. 27 Johann Maddeon. 28 Johann Maddeon. 29 Johann Maddeon. 20 Johann Maddeon. 20 Johann Maddeon. 20 Johann Maddeon. 20 Johann Maddeon. 21 Johann Maddeon. 22 Johann Maddeon. 23 Johann Maddeon. 24 Johann Maddeon. 25 Johann Maddeon. 26 Johann Maddeon. 27 Johann Maddeon. 28 Johann Maddeon. 28 Johann Maddeon. 29 Johann Maddeon. 20 Johann Maddeon. 20 Johann Maddeon. 20 Johann Maddeon. 20 Johann Maddeon. 21 Johann Maddeon. 22 Johann Maddeon. 23 Johann Maddeon. 24 Johann Maddeon. 25 Johann Maddeon. 26 Johann Maddeon. 27 Johann Maddeon. 28 Johann Maddeon. 28 Johann Maddeon. 29 Johann Maddeon. 20 Johann Maddeon. 21 Johann Maddeon. 22 Johann Maddeon. 23 Johann Maddeon. 24 Johann Maddeon. 25 Johann Maddeon. 26 Johann Maddeon. 27 Johann Maddeon. 28 Johann Maddeon. 28 Johann Maddeon. 29 Johann Maddeon. 20 Johann Maddeon. 21 Johann Maddeon. 22 Johann Maddeon. 23 Johann Maddeon. 24 Johann Maddeon. 25 Johann Maddeon. 26 Johann Maddeon. 27 Johann Maddeon. 28 Johann Maddeon. 28 Johann Maddeon. 29 Johann Maddeon. 20 Johann Maddeon. 21 Johann Maddeon. 22 Johann Maddeon. 23 Johann Maddeon. 24 Johann Maddeon. 25 Johann Maddeon. 26 Johann Maddeon. 27 Johann Maddeon. 28 Johann Maddeon. 28 Johann Maddeon. 29 Johann Maddeon. 20 Johann Maddeon. 26 Johann Maddeon. 27 Johann Maddeon. 27 Johann Maddeon. 28 Johann Maddeon. 28 Johann Maddeon. 28 Johann Maddeon. 20 Johann Maddeon. 20 J	25 Peter Belain. 26 Joseph Relain. 27 Alorro Belain. 28 Joseph Relain. 29 Alorro Belain. 20 John W. Belain. 30 Mellera Belain. 30 Mellera Belain. 31 1946, Nov. 15 32 John W. Belain. 33 Mellera Belain. 34 Mellera Belain. 35 Mellera Belain. 36 John W. Belain. 37 Mellera Belain. 38 Mellera Belain. 38 Mellera Belain. 39 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 31 Hoof, Par. 32 John Midler. 33 Mellera Belain. 34 Mellera Belain. 35 Mellera Belain. 36 Mellera Belain. 37 Mellera Belain. 38 Mellera Belain. 38 Mellera Belain. 38 Mellera Belain. 39 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 31 Mellera Belain. 32 Mellera Belain. 33 Mellera Belain. 34 Mellera Belain. 35 Mellera Belain. 36 Mellera Belain. 37 Mellera Belain. 38 Mellera Belain. 38 Mellera Belain. 38 Mellera Belain. 39 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 31 Mellera Belain. 32 Mellera Belain. 33 Mellera Belain. 34 Mellera Belain. 35 Mellera Belain. 36 Mellera Belain. 37 Mellera Belain. 38 Mellera Belain. 38 Mellera Belain. 39 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 31 Mellera Belain. 32 Mellera Belain. 33 Mellera Belain. 34 Mellera Belain. 35 Mellera Belain. 36 Mellera Belain. 37 Mellera Belain. 38 Mellera Belain. 38 Mellera Belain. 39 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 31 Mellera Belain. 32 Mellera Belain. 34 Mellera Belain. 35 Mellera Belain. 36 Mellera Belain. 37 Mellera Belain. 38 Mellera Belain. 38 Mellera Belain. 38 Mellera Belain. 39 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 31 Mellera Belain. 32 Mellera Belain. 31 Mellera Belain. 32 Mellera Belain. 34 Mellera Belain. 35 Mellera Belain. 36 Mellera Belain. 37 Mellera Belain. 38 Mellera Belain. 38 Mellera Belain. 38 Mellera Belain. 39 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 30 Mellera Belain. 31 Mellera Belain. 32 Mellera Belain. 31 Mellera Belain. 32 Mellera Belain. 34 Mellera Belain. 36 Mellera Belain. 37 Mellera Belain. 38 Mellera	Ħ	Grotfe J. Relatu.			Gay Mend,	•	•	Sentita.	
25 Percer Belain. 26 Joseph Belain. 27 Alone Delain. 28 Indiana. 29 Indiana W. Irelain. 20 John W. Irelain. 20 John W. Irelain. 20 John W. Irelain. 21 Levi Cuff. 22 John W. Irelain. 23 Relie Cuff. 24 Roymond D. Man. M. 1869, Ceb. 17, Cay Brad. 24 Relie Cuff. 25 John W. Irelain. 26 Levi Cuff. 27 Lance E. Madleon. 28 John W. 1869, Ceb. 29, Ceb. 20, Ceb.	25 Peter Belain. 26 Joseph Relain. 27 Alone Belain. 28 Dealer Belain. 29 Dealer Belain. 30 Mellera Belain. 30 Mellera Belain. 31 Kellera Belain. 32 Relifera Belain. 33 Relifera Belain. 34 Relifera Belain. 35 Dealer B. Cuff. 36 George B. Cuff. 37 Heart. D. Medison. 38 Heart. B. Medison. 38 Heart. B. Medison. 39 Heart. B. Medison. 30 Heart. B. Medison. 31 Heart. B. Medison. 32 Dealer B. Cuff. 33 Heart. B. Medison. 34 Heart. B. Medison. 35 Heart. B. Medison. 36 Dealer B. Cuff. 37 Heart. B. Medison. 38 Dealer B. Cuff. 38 Dealer B. Cuff. 39 Dealer B. Cuff. 39 Dealer B. Cuff. 30 Dealer B. Medison. 30 Dealer B. Deal	z	Bophia Pelett, wife,	: :		•	•	•	=	
20 Joseph Belalo, M. 1989, Proc. 25, M. 1989, Mar. 35, M. 1989, Mar. 36, M. 1989, Mar. 36, M. 1989, Mar. 37, M	### Joseph Belalo, ### 1919, 100 - 20   1   1   1   1   1   1   1   1   1		Peter Belain	9 -		· ·	3	1		Inc
Abarro Belalu, M. 1885, Aug. 15, 1885, Aug. 16, 1885, Aug.	Aborro Beldin,	*		<del>-</del> -		-				
Pranter W. Hebelin,   M. 1884, Aust.   M. 1884, Aust.   M. 1884, Aust.   M. 1885, Aust.   M. 1880, Aust.   M. 1881, Aust.	Prairic IV, litchia,   11, 1884, Auff. 11,   1884, Auff. 11,   1884, Auff. 11,   1884, Auff. 18,   1887, April 18,   1884, Auff. 18,   1	Ħ		<u>.</u>	1830, 197c. V		•		ŧ	
John W. Brishe,  M. 1809, Aufr. 25,  Real Caff.,  N. 1809, Feb. 17, Gay Head,  Real Caff.,  Real	John W. Brish, B. 1869, Aug. 25, April 186, Aug. 26, Aug. 26, Aug. 27, April 186, Aug. 28, April 187, Aug. 28, Aug	i.	_	<b>=</b>	1856, Aur. 115.		•		•	-
Mithe & Brills   Mithe & Mit	Richea Brista,   E. 1877, April 189,   Earl Coff.   Earl Earl Fr. Coff.   Earl Earl Fr. Coff.   Earl Earl Fr. Coff.   Earl Earl Fr. Earl Earl Earl Earl Earl Earl Earl Earl	9 5	_	<del>-</del>	_	•	- -	m James VF. Jeffers," .		
Evi Cuff.  Evi Cuff.  R. 1800, Feb. 17, Gay Head.  R. 1800, Jan. R.  R. 1800, Jan. R	Revi Colf.   R.   1810, Feb. 17, Gay Head.   Carl Head.		_	×	1677, April 10,		or Head	. Alles Jeffers,	Bratth.	
Nettle Caff.   F. 1990, Jan. R.	Notific Confi.   F.   1995, Jan. R.   Notific Confi.	81	_	<u>=</u>		Cay Bends	000 1100		•	
Netlin Cuff.   Netl	Netliff Cuff.   F. 1998, Jan. 3,	=	_		_	•		;	•	
Grerge B. Cad., 11, 1859, Cet. 29, 11, 1859, Cet. 29, 11, 1859, Cet. 29, 11, 1859, Cet. 29, 11, 1859, Line 13, 11, 1859, Line 13, 11, 1859, Line 14, 1859, Line 15, 11, 11, 11, 11, 11, 11, 11, 11, 11,	George B. Cad., R. 1869, Cet., 29, R. 1860, Cet., 20, R. 1860, R.	R			-	· ·	· -	· ·	•	
Greige B. Caff., 195. 1867, Apr. 18, 1877, Apr. 18, 1871, Apr. 1871,	Creage B. Caff., P. 1897, Apr. 15, 11 Disna Medicon, M. 1897, Apr. 15, 11 Issae E. Madison, M. 1897, Mar. 16, 11 Issae E. Madison, M. 1897, Mar. 18, 11 Ann Judson Parid, M. 1898, Nov. 6, 11 Man Judson Parid, M. 1898, Nov. 1	8		<u>.</u>	380.044	· ·	· -		•	
Dhana Madheol.	Disna Madleon,   P.   Best, June   Charles D. Madleon,   M.   1845, June   Lease E. Madleon,   M.   1855, Mus.   Ann. Judenn Davida,   P.   1854, Nov.   Ann. Judenn Davida,   R.   1864, Avid.	Ä	_		1907, Apr.		· -	Wild, of Mecu. or over-	,	
Charles B. Madison, 31. 1865, Mar. 46, 10. Ann. Judion. Mills 1865, Mar. 46, 10. Ann. Judion. David. 18. 1886, Avic. 9, 1886, Avic. 9, 1886, Avic. 9, 1886, Avic. 9, 1886, Avic. 18. 1886, Avi	Charter E. Madtson, Ji. 1865, Muz. Jeane E. Madtson, Ji. 1865, Muz. Ann Judon Darlds, P. 1856, Nov. Ann Judon Parlds, R. 1868, Aug.	М		-	total from	-	• -	· •	•	
		•		<u>-</u>	1945	- -	· ·	•	,	
Ann Judian Darid. 9, 1838, Note. 9, 1838, Superand B. Realison, 18 1868, Aug. 9, 18 1858, Landy Jan 23, 18 1859, July 1959, July 195	Ann Judian Darid, P. II	. *		<del>-</del>	1845, Mar.		*	Tite, of Alva. David,	1	
Raymward B. Madleon, B. 1868, Avig. 9, L.	3	•		<del>-</del>	_		·	•	•	
Kaylman P. Tavild, 1990, Jan 23, 1	a a a a supply of the supply o	•	_	-	_	- :				
John 1906 A. Printer, and the second	Continue of the Continue of th	.,	_		1866, Jun		    -  -  -			11
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The state of the s			" Died Note Blots 4, 15.0.						•	

Course of the Inhabitants of Gay Head.

Incans of Gay Head.

m Lucy l'efets, . m Threpas Mares, Coulditien. Gay Head, When horn. 1819, 3544. 1630, Dec. ž Clariotte Madison, wife, Clearbotte E. Hankins, Baraft Atber Darid, . Photo Pockset, wife, Georgiana E. Cooper, George W. Cooper, . Batterel J. Hastint, Amat Ratting, . Ablalı N. Couper, Anem II. Cuoper, Ablah Gasper, Auron Cooper, . Month P. Cooper, Andrew Cooper,

1		1		ı			Marie Table Balletin Co. N.	A THE PARTY OF THE	
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					•	Con Wood		2 7 7 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
		<u> </u>	1856, Jope	7	Ger Head,	· · · · · · · · · · · · · · · · · · ·	Strathe B Attachia.	Seamin and farmer.	
3	Surah Coopet,			-;					
	Zarelieus Cooper,	7	1871, 5 10.	-		•			
<u> </u>		4	100,000	٠,	Marehpet	-	,		
s	Martha II. Attailmin and and and	:	_	_	Gar Head,			•	
2	Abraham F. Cooper,	<u> </u>	. 1662, at the	-		=	,		
	a deposit of	<u>ن</u> د	1864, Nov.	2			. Schlich Galchery.	Farmer.	
2	Seasonal P. Caralina	· ;	and Jen	-	Partmertho, Surland.			1	
8	William Adriana Vanderboop, .	-	-			•			
	a contract wife.	×	1635,	<u>,</u>	Gay Head.	;	,	Teacher.	į
B	Iscalled Sateronly with	;	total ties.	13.	New Dedford	•	:	3	(n
3	Charles Harrison,	<u> </u>				:	m Charles Itariton, .		di
	the state of the s	Ĺ	1639, July	4		-	•	Teacher.	ari
8	10001	2	317 2784	-				f	LE.
ę	Paulles Adeline Vanderboop, .	:_	-		1		,		زه
: :	. milashash Vanderhoop.	×	1617 Fcb.	<u></u>	Clay live at	,	,	Seamalu.	f (
Ε.	Anda Littack	-	1648 (340	S.				,	G
ŗ	Edwin Davries Vanderboop.	<del>-</del>	_	-	,	=	•	,	gy.
!	Carallar Tanderhoop,	Ŀ	1860, Jan.	÷			•	· ·	Ĭ
:	Students Carried	=	per Mar.	2				,	Te.
Ξ.	Cummeloge Bray Vandethoop	i _	_	- 1		<u>.</u>			<b>G</b> (
;	f conard Lowly Vanderhoops	zi.	1165, Frie	Ŗ.	•		m touten T. Wood, .	9+410=111	i.
:	_	_=	M. 1841, June	Ŧ	- •		,	•	
2	_	_	_		1	•		_	
C	Louise T Wood, wife,	-	•		1	-	m Abby Attit Cotacy, .		
: :	_	-	31, 1346, Mar.	Ä.	Gart Itenat.		,		
댔		_	e   neu Wall.	23	•	•		Comes and forfibries	
5	Abby Ann Coracy, wife,	· -	_	•	_	*	The Health Lefters,	_	
: 1			33. 1940, Oct.	÷	Farm Series Frogramme		,	•	
2	Carreer name :	_	T. 1 1609, Dec.	۶	Ory Hendy	· -		,	
=	I tuktah 31 ffers, wife,	<u>-</u>	_		. =	•	•		
:	Thether S Burnetti.	<del>-</del>	7 1817, Jaily	é	. !				8
2	_	-	11.						7
11		ì			: Sepond wife, Plache l'ochnet.	74.			

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	Indicas	of	Gau	Head
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Indians of Gay Head.

39

Anna J. Rules.  Ann J. Rules.  Ann J. Rules.  Battslees Occouch,  Battslees Occouch,  Chekling Street,  Chekling Street,  Chekling Street,  Butannah Talknot,  Rules Chekling Street,  Rules Street,  Rules Chekling Street,  Rules Str	Mother. Internal confidence, in Mathematical Control of Mathematical Control o	
	Hother, of J. Mothers, of J. Mothers, thatchers, and Telers, and Choper, and Choper, of the Cooper, of the Coop	Abrunder Laster, Ann J. Redien.  Ann J. Redien.  Michael Maditon.  Michael Maditon.  Michael Maditon.  Bottaned Cooper,  Ann Cooper,  Ann Cooper,  Mora Pochnet,  Mora Pochnet,  Mora Pochnet,  Mera Poch

	3		•		•		:		:	THE PERSON AND ADDRESS OF	Ě
	Graffe M. Cooper,	Sarah Pokati,	•	Gay Ilrad,	_	Gry Head,		NEST PARTY.	-	denis e braef.	ì
Jess, April 6,	Thrond Cooper, (2)	Susannah Telknot,	٠	= .		ì	٠.	Gay Head,	-	10000000000000000000000000000000000000	•
	•			Marrhpee, ,	_	,		•••	_		
;	Zarehrus Cooper,	Martha R. Altaquin, .	•	Gay Mead, .	_	Oaf Head,		Maribpee,	-	Benmen & furmer.	
	:	•	•	-	_	÷			_	:	
1637, Mar. 26,	Fra. F. S. C. Vauderbeop,	Inequiliers Destroyed,	-	Տուհուս,	_	Helband, .	٠.	Burlinem, .	•	Tax rossiver.	
	John Salibary,	Number Accounts,	•	Gay Hend,	_		_	Gay Mand,	_	Farmer.	
•	•	•		•	_	,		1	_	•	
:	Wot. A. Vanderbacht.	Reufen Batebury,		Gry Head,	_	Serbam, .		Gay Mond,	-	Famer.	
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1871, Feb. 21,		•	٠	•	_	•	•			•	
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1471, Jan. 18,	Wm. A. Vanderhoop.	Brutah Salibury,	•	Gay Hrad, .	<del>-</del>	Sarinam, ,		Gny 11cad,	<del>-</del>	Farmer,	
	Landon Corney	Jull. F. Jeffers,	٠	•	_		_			Beamin.	
1832, July 28,	Junea Barnett,	Enther Sharpers	•	Edgattenn,	_	Farm Neck,			_	<b>.</b>	
	Amai Jeffers,	lictitate Cooper,	•	Gny Brad, .	_	Middleborough,	ť			2	
,	Leunder Hurrett,	Habbit Jeffers,	•	•		Paris Nick,	•		-	•	

-	Haus.	_	_	:								10
<u> </u>	Decklink a December	7		When Born		Where flore.		Pasidence	900	Condition		) 
	Satural Spuller	·	<u></u>	1819, July		Ony Head,		3	1,		Octopasidos.	
- 2	Julia Ann Bargett, Mc.	•	Ä.	IEM, Nor.		N. Water			•	:	•	į
- E	John Julia Sandley	-	· :	141, 3111	≓ •	thay bread, .	-	-	•	To Julia Ana Daesett,	Kratting.	
- Ye	Souther Minworth Resilve.	-	<u> </u>	BSN, Pref.	<u>.</u>	:		-	,		,	
Ξ.	Leaniler Rassert Stauley,	-	. :	1862 1969.	-	•		•			•	
چَّ <u>8</u>	Samuel Smulley,		-	Jan.	ē,	•		-	_	•	•	Ь
- -	John Abthony,			1870, July	ន	· :		:	•		•	rdi
=	Mary C., Straig		<del>-</del>	1815, Mur,	2	After,		-	-		, -	an
-5 	Joseph B. Andhesse	-	<u>-</u> -	MH, N. D.	2	tlay liend,	•	· ;	·	er firtany Mingo,	Bennen and farmer.	s o
	John H. Laka	-		1818, Aug.	'n	Christianiores		; ;	•	•		f (
å	Rachel Assistant	-	-	IRD, April	ij	Sundwich Juland,	: =	:		Single,	- Setmas	Faj
-	The second of th	<u>-</u>	<u>~</u>	1814, Aug.	0			•	•	" Recbel Anthony.	! ., ≃	y 1
	ovim A. f.sier,	<u>-</u>	<u>=</u>	M7, Aprel	-	Can free t	:		<del>.</del>	1		Hei
	demuel Johnson Anthony.	<u>-</u>		INO, An: II				:	-	,		ıd.
5	Charles M. Minga,	_		100 change			•	=	-			
ž	Lydla Jeders, wife,	-				New Bedfard,	•	•	-	T Ledle Left.		
Ž	William C. Mago,	· :		MIN, Ped.	a R	Gay Head, .	•	,	-	· · · · · · · · · · · · · · · · · · ·	Mrchaple.	
ő	Johnson Peters.	-	-	P. Peb.	δ,		_		•	,	,	
N.	Mary Cooper, wife	<b>=</b>		1787, Jan.	FÊ	Chabbagaiddlek,	•	=	-	•	1	
Š	Delice Delect	-	<u></u>	1254, Jan.	Ιŝ	Gay Hend.			-	m Mary Cooper,	Beamen and farmer	
		<u>~</u>	Ē	MIL ANG.							,	
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į	F-0	-	, !		-		. ,					
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E :	SAMINE PROPERTY.	z :	_				٠	= :	•	m Barah Jeffen,	Statuth and Drings.	
4	Sermed Patents 1.	<u>.</u>		ino, April		TABRERO,			•	,		
	Trees, Course,	-	_									
	Description of Control	į ; —	<u> </u>			•	-	-	<del>.</del>	Strate	= =	
4	Land of the control o	4	1			•	-			Wish of Tandoh Others		
	Complex Westerner Contra	: =					-			Charles Control Colory)		
3	William S. James				_	· caropropropro				The Paris Date of	Dramati.	<i>)</i>
=	Hener G. James.	Ä	-			Gar Head.		Ŧ	. ,			die
A714	Arlı Gerrude James,	S	20		_	Christiatown		=		•		iri.g
E E	William Wallace Jemrs,	त्रं	<u> </u>	-		Gay Hrad	-	÷	_	:		of
II on	Thomas Jeffern,	ź	Ē				٠.	=		Lucia James.	Yatmer.	G:
1	Landau James, wife,	F.	Ę	Aug.	· +			E	•			ay.
Then	Thumas Course Joffers,	7	蓋		- 4	Gay Head,	•	=		,	•	He
Cord	Cordella Howard Jeffers,	£	ž	NSA, Bept.	_		-	•		,	•	ed
7	Inche Alialda Jeffers,	*	*	Mit, Dec.	F.		٠.	ī	•			
Hen	Henry Unbland Jeffeye,	#	<u> </u>	aune '298;	-5	:	-	<b>3</b>	-	,		
1	Amite Jeffere,	Ħ.	17.6	788, Kert.	- -	Mildleturaagh		=	*	Widower,	Beamus and farmer,	
Ē	Themes Menuling,	ź	ž	311, Oct.	-	Gay Head.	-	æ	<u> </u>	m Bearbelle M. How-	:	
1	Burbells M. Howarrate, wife,	Ρ.	E					=	-	What were a second	•	
7	Lebel Masslag,	2	3				-	=	<del>.</del>	,	•	
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Cousus of the Inhabitants of Gay Hond-Continued.

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ا و	Tilet married.	Farbet.	Ì	$\bar{\cdot}$	Mother.	;	l'arenta' rethieuce.	Talbar's biethplace.	Mother's Dirthplace.	l'atende rechence. Talhar's dictippiace. Mother's dictippiace. Father's occupation.
- 6		Leander Sassett,.	•	•	Muldak Jeffren,	٠	Uny Head, .	Farm Neck, .	Gay Mead, .	Bracoso.
I	1850, Jan. 28,	•	·		,		,	,	,	,
2		Leander Basett, .	-	•	Ifuldati Jeffers,	•	Gay Mead, .	Fares Neetl, .	Oay Brad, .	Seaman & farmer.
	,	Saconel Stadley,	•	•	Julla Ann Basett, .	•		New York,	;	:
4	,		•	-		•	-	•		1
E	,	:	٠	•	•	•	•	•	-	:
2		•	•	,	=	٠	•	•		=
8	:	•			,		Afrika,	Maines,	Anies,	1
	•	Johnson Peters,	•	-	Mary Camper,	-	4 July 11: sul.	Chabbaquiddick,	Ony Head, .	•
8		John Antheny, .	٠	-	Hetter Mingo,		•	Africa,	Christiantown,	:
8	18'6, Jan. 10,	,					Sandwich Ist.	Sandwich Jel., .	Bandwirt 1st.	
-	1	John Anthony.	٠	•	Deter Mingo,	•	Gar Head, .	Africa,	Christiantows,	Stamma & furmer.
8		John H. Luley, .	•	•	Itachel Anthony	٠	·	Bandwich Id.,	:	:
8	,	i	*		Surah Johnson,	-	•	:	:	:
۵	3861, Nov. 21,	William Micgo.	•		Offer Howwastre, .	•	New Bedford, .	Fall Rirer, .	Gay Hrad, .	Cablact-maker.
8	•	Amus Jeffers,	•		Betfalats Cooper,	•	Gay Brad, .	Hiddeborough,	:	Statusa.
8	, I		•		Mary C Jeffers,	•	-	,	;	1
8	1807, Oct	Salmurd Palace.	•		Patty Johnson,	•	Charlerquiddick,	Marabacis, .	Chabbaquiddick,	Всляви.
<u>=</u>	,	Thomas Conjert (1)	-		Mary Herrie,	•	Gay Head, .	Gay Head, .	Gay Brad, .	1
ğ		Johnson Peters.			Mary Counci.		=	Chaldren outstille k.	;	Renniso & Comer

Jonathan Cuff, Samuel Retra, Samuel Retra, Aman J. ffert, Aman J. ffert, Aman J. ffert, Thomas James, Therapy James, Therapy James, Therapy James, Therapy James,
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		whee Elleworth Alms fug	_		1			
				INCH.	_			Contration.
Just's Standard Namide,   F. 187, Mar. 19, Mar		theces Jana Manning.	_	the state of		Clay Mend, .		
District Anni Manining   P.   1894, Not. 24   1894   181		Marshall Marshall	_	1900, May	-	;		
State   Stat	_		<u>.</u> .	_			,	
State   Princip   Princi	_	· · · · · · · · · · · · · · · · · · ·	£.	1806, Pels, 29				•
Paratrie	_		¥.	1806, N. b.			,	
Princip Blancing   British   Briti	_	the M. Manulege	<u>-2</u>	1809 11		•		•
John P. Randelph,   N. 1985, June 11,	_	thein Manufag.	:				,	-
Percent C. Secretary wife,   N.   1915, Dec. 21, Sen Dondego,		the P. Mandeley	i	11 26m² '29m² .	•	=		•
Person C. Strengt, with   Person C. Strengt, with   Person C. Strengt, with   Person C. Strengt, with   Person S			ž		_		;	•
Marchael   Marchaely   15   1665, 1817 9, 1   1816, 1817   1817   181	_	CHA C. CHARLOT, WITE,	'n,	lane.			A Seroun C.B. Bunrey,	Stamon.
Joing P. Bradelph, 54,   11, 125, Jun. 27,   12, Jun. 27, Jun. 27, Jun. 27,   12, Jun. 27, Jun. 27, Jun. 27,   12, Jun. 27,	_	Water 1: Bandalph,	2		· · · · · · · · · · · · · · · · · · ·	=		
Williams Morriest		# P. Randolph, 24	: :	4 4117 '6491		•		
Mark   Herry foreign   Mark   Herry foreign   Mark   Herry foreign   Herry f	_	The first land	ä				1	
Altin Manufage, M. 1864, Dep. 21,	_	HAID DINEGER.	×			•		,
Attin Manning   Manth   Mant		ert Beney Morton,	>			•	Blagle	9
March   Marc	_	Termina .	į			z		Oresto R.C.
Maria   Mari	_	· · · · · · · · · · · · · · · · · · ·	ä					.=
Marshad Naming,   M.   Soly, June   Gray Head,   Gray H	_	Kent, wife,	í		•	•	" Koan Lowe,	
Louise David;   B.   1854, June   Gry Head,	_	And Manning	:	'inoge 'rec	Vertagnit,	•		
Absander Breith   British   Britis			Z		Gay Head.		'	: 
Google Heary David,   12, 1869, April 23,   1, 1869, April 24,   1, 1869, April 24,   1, 1869, April 25,   1, 18	_	an Uselli,	S.			•	,	Beams
Abrander Breit, 1 1 1969, Nov. 13, 1 196	_		:			•	Widow of Gan Danie	
Abrander Nevers,   M.   1857, Jan. 25,   M	_	<del>.</del>	÷.				PHARM CARD TO THE	:
Mana M. Caoper,   M.   1657, Jun.   25,   10,	_	•	Ä			-	,	1
Abrander Recent,  Abrander Recent,  Freduce David, vife,  Gits Jerrett,  Gits Jerrett,  Ji. 1867, Jan. 25,  Gits Jerrett,  Ji. 1867, Jan. 25,  Gits Jerrett,  Ji. 1867, Jan. 26,  Gits Jerrett,  Ji. 1867, Jan. 26,  Gits Jerrett,  Ji. 1867, Jan. 26,  Ji. 1867, Jan. 26,	_							•
Abrander Nevers, 11, 1845, Oct. 10, Gay Head, 11, 11, 11, 11, 11, 11, 11, 11, 11, 1		•					•	;
Abrander Nevers,						•		
Abrander Beeriq								
Produce David, wife,	_	nander Weverly	=			· · · · · · · · · · · · · · · · · · ·		
Other Jerrett,	_	dence Daeld, effe,	ĸ		•	•		;
Attachen Jerrett,		r.Jrezelf	Ä		- - -	•		
Abrain Bredning   18   1821, plant,   18   1821, plant,   18   1821, plant,   18   1800, gaps,   20, Rhode Island,   20, Rhode I		1	3		•		Storte.	Laborer.
Altahan Jerett,	_							
Abram Redinna,	_	abun Jestetl,	=	Mel, about,		•	-	
Rousean Gerbrow Darlot, 2d wife, 18   1899, April 125, Gay Head,   18   18   1891, Feb. 18   18   18   18   18   18   18   18		Are Redman,	ä		Rhode Beland,	-	en Chartotte Wamelny,	
Head with Ephtonia Rodmons,   18   1870, Mar.   19   1871, 19   1871, Mar.   19   1872, Mar.   19   1872, Mar.   19   1872, Mar.   19   1872, Mar.   19   1873, Mar.   19   19   19   19   19   19   19   1		sunn Gersham David, 2d wife, .	ŭ	1839, April 15,	Gay Hend,		a Joel Jarrett, '	t 1
Ellantectr Y, 100 men,   F. 1870, Mar. 9,   11 miles   120 Mar. 10,   11 miles   120 Mar. 10,   120 Mar. 11,   120 Mar. 12,	_	lands Kehnstu Rodman.	Ξ	1914, Fith. 18.	•	•		Beamen.
Abadama Lingdon Redman, M. 1870, Mar. 16, 11  Inches Wannier, M. 1870, Mar. 17, Middebroogh, M. Middebroogh, M. 1870, Mar. 18, Mar. 18, Ooy Read, M. 1870, Mar. 18, Ooy Read, M. 1870, Mar. 1870, Mar. 1871, Mar.	_	Company of the Company	2	Section 1	•	•	,	:
Abusanta Infoducia Godinaria	_		: :				,	
	_		i				100	Carrie tas & Cather
Heuron Wannier, Jr.,   M. 1892, Mar. 41, Ooy Brad.   Hearing B. Wannier,   H. 1892, Aug. 22,   H. 1892, Aug. 23,   H. 1892, Aug. 23,   H. 1892, Aug. 23,   H. 1892, Aug. 23,   H. 1892, Aug. 24,   H. 1892, Aug. 25,   H. 1892,	_	ron Komeley,	Ħ	1818, Jan. 17,	Hiddleberough			
Janton H. Wannier,		ron Mamiley, Jr.,	Ä	Ξ.	Oay Head,		•	•
Valenthe Wander,         35. 1857, Aug. 25.         1           Princilla R. Wander,         F. 1663, Dec. 25.         1           Franci Spaner,         B. 1804, John B. Christiantown,         1           Any Wander, wife,         F. 1645, Dec. 12, Gay Head.         1           Celectim W. Shencer,         F. 1670, May 21, B. Bander,         1           Salvent Johnson, M.,         F. 1671, June 24, B. Bander,         1           Indite May Add Johnson, B. B. 1671, June 24, B. Bander,         1           Hannah Johnson, B. B. 1662, June 25, B. Bander,         1           Hannah Johnson, B. B. 1662, Sept. 26, B. Bander,         1	_	fre H. Watpaley,	Ä			•		
Principa B. Warndry, P. 1963, Bre. 22, 11  Francis Spanier, B. 1963, Bre. 13, Christiantown, 11  Any Warnstry, Wife, P. 1963, Dec. 13, Cap Head, 11  Celectur W. Spenier, P. 1969, May 21, 11  Strong G Subburg, M.C., P. 1963, June 24, 11  Frong G Subburg, M.C., P. 1963, June 24, 11  Indite Many Additional, P. 1963, 941 23, 11  Indite Many Additional, P. 1963, 941 23, 11  Indite Many Additional, P. 1963, 941 25, 11  Indite Many Additional, P. 1963, 941 25, 11  Indite Many Additional, P. 1963, 941 25, 11  Indite Many Additional Processing Strong	_	and the Wasselson	×			,		ŧ
Principal R. Warmings   F. 1983, June 2, Childian forms   C. 1984   Principal R. 1984, June 2, C. 1984   Gay Head.   C. 1984   Gay	_		2		•	=	;	,
Francis Speniers,   M. 1986, John 9, Chitchiantown,   M. 1986, John 12, Gay Head,   Celevitar W. Speniers,   F. 1989, May 21,   M. 1989, May 22,   M. 1989, May 22,   M. 1989, May 23,   M. 1989, May 23,   M. 1989, May 24,   M. 1989, May 25,   M. 1989, May 26,   M. 1989, May 28,		Killing IV. at Michigal.	-			-		the same of
Any Wansity, wife, F. 1995, Nov. 13, Gay Brad		help Spenior,	ij	_	Christiantown	•	ì	
Celevitar W. Straner,	_	7 Wamaley, wife,	ď		Gay Head, , ,	<del>.</del>		*
Street Johnson, 24,   1819, John   6,   19   19   19   19   19   19   19   1	_	bettur W. Bjerners,	¥		•		•	:
Emily 6 Salsburg, wife, F. 1833, June 23, 11 11 11 11 11 11 11 11 11 11 11 11 11		Johnson, 24.	Ä		•	•	es Emily O. Cook, .	Beattan nad farmer,
Hartle Mary Addressing 1 F. 1863 May 23, 11 11 11 May Supt. 25, 12 11 11 11 11 11 11 11 11 11 11 11 11	_		. 2		-	-	. Thaddras Cook.	
Hattle Mary Addy Johnson, F. 1863, May Harnelt Johnson, E. 1863, 9ept.		L to Salsbarry, wife,	÷			-		
Hannah Johnson, F. 1821, Sept.		the Many Albit Johnston,	4			•	,	:
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Consus of the Inhabitants of Gay Head—Continued.

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Rather's occupation.	Brawan & Catmer,	= :	: :	:	:	Labour.	•	Statisti.	Sramas.	ŧ	Вгатив.	,	Scuales & Corener.	Farmer,		1		The state of the s	-	Ffruez.	,	Laborer	; 1	Notalit.	Sruthen & Carmer.	:	:	7.5 <i>(</i>	Carpenter. S	- :	, A	genaun.	ي	Bransu.	1	1	Scamma & flerioer.	-
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Census of the Inhabitants of Gay Head.

Indians of Gay Head.

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Indians of Cay Head.

Census of the Inhabitants of they Head-Continued.

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. 8	•		Frances A. Rose,	•	• .	Taunton	
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Census of the Inhabitants of Guy Head.

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Indians of Gay Head.

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[0.]

To all people whatsoever to whom these presents shall come, or in any wise shall or do concern. Know ye, that I, Joseph Mittark, Sachim of ye Gay Head, in Martin's Vineyard, Indian native, and owner of ye land hereinafter mentioned, for and in consideration of ye sum of thirty pounds, current silver money of this country, to me in hand paid, at or before ye ensealing and delivery of these presents by His Excellency, Thomas Dongan, Captain-General and Governour of the Province of New York, &c., the receipt whereof I do hereby acknowledge, and myself therewith to be fully satisfied and contented, have given. granted, bargained and sold, and by these presents, do give. grant, bargain and sell, unto ye said Thomas Dongon, his heirs and assigns, all that tract of land called Catackutcho, or Gay Head Neck, situate on ye west end of ye island of Martin's Vineyard : beginning at Manemshi Harbour, running southward along ye east side of ye pond or bay, that runs up to ye middle of ye island, and then in a straight line from ye head of ye said pend or bay, unto a fresh-water pend; and so alongst the east side of that pond, over the beach, unto the sea; together with all and every the neck, hills, mountains, valleys, woods, woodland, meadows, feedings, pastures, rivers, rivulets, ways, waters, water-courses, fishing, fowling and huntings; as also all and every ye mines, minerals and all other privileges, properties and commodities thereunto, or to all, or any part thereof, belonging or appertaining; and all my, and every of my estate, interest and title, to all and every part and parcel of said bargained lands and premises, to have and to hold the said tract of land, and all other the bargained premises, with their, and every of their appurtenances, unto ye said Thomas Dongan, his heirs and assigns forever. And I ye said Joseph Mittark, Indian native, and owner of said tract of land, ye said bargained land and premises, with every, their appurtenances, and against me and my heirs, to ye said Thomas Dongan, and his

heirs forever, shall and will warrant, and by these presents defend. In testimony whereof, I have unto these presents set my hand and seal, at ye city of New York, ye sixth day of May, 1687, and in ye third year of his Majesties reign.

JOSEPH MITTARK @

Signed, sealed and delivered in presence of us,
Antho. Brockholes.
Fred. Plipson.
W. Courtlandt.
Matt. Mathew.

SECRETARY'S OFFICE, NEW YORK, }
June ye 13, 1726.

A true copy taken from the Records, examined and compared.

Per W. BOBIN, D. Secretary.

Entered July ye 19, 1726.

Copy from Dukes County Land Records, Book 4, page 128.

J. S. SMITH, Reg.

[D.]

I. Mattack. Sachem at Kuhtuhquehtuut and Nashauakquetset, as far as Wasummesit. Know ye all people, that I, Mattack, and my principal men, my children and people, are owners of this-this our land forever. They are forever ours, and our offspring forever shall enjoy thereof. I. Mattack, and we principal men, together with our children and all our people, are agreed that no person shall sell any land; but if any person will stealingly sell any land, take yee your land, because it is forever yours: but iff anyone will not performe this covenant he shall fall (?) to, to have any of this land att Kuhtuhquehtunt and Nashauquetset forever. I, Mattack, and we principal men and our children, say this shall be forever. And I. Mattack, this I say, and my chief men, and these my sons, that if any of my sons looketh after my sachemship he shall be always sachem; but if my sons none of them keep my sachemship, but sell, they shall fail forever. And we, chief men, this we say, and our sachem, these our sons, whosoever keeps our

year of the reign of our sovereign Lord. George, by the Grace of God, of Great Britain, France and Ireland, king. &c., Annoq Dom. 1727.

PAIN MAYHEW.  $\oplus$  SAMUEL WELLS.  $\oplus$ 

Signed, sealed and delivered in prosence of us, Zace' Maynew, Elisha Bisse.
Saram Maynew.

Dakes County ss. Chilmark. On the day of the date of the aforesaid written instrument Psin Mayhew. Esq., and Samuel Wells, aforenamed, personally appearing in their capacity of attornies, as before expressed, acknowledged the said instrument to be their voluntary act and deed.

Before me.

ZACHI MAYHEW, Justice Peace.

Entered April 1, 1780.

Copy from Dukes County Land Records, Book 5, page 51.

J. S. SMITH, Reg.

## [F.]

Know all men by these presents, that we, the subscribers, inhabitants of a neck of land called the Goy Head, a neck of land commonly so called, in Dukes County, in the Province of the Massachusetts Bay in New England, in America, for and in consideration of the great care, kindness and expence towards us, the inhabitants of Gay Head aforesaid, of and by the honorable the Company for Propagating the Gospel among the Indians in New England, in America, and parts adjacent; and also for and in consideration of that the said company have settled upon us belonging to Gay Head aforesaid, the bigger part of the land of said Gay Head, as may more fully appear by an instrument bearing even date with these presents, reference thereto being had under the hands of Pain Mayliew, Esqr., and Sam' Wells, gent., attorneys to the honorable the commissioners of said company in New England aforesaid, for ourselves and all others, the inhabitants or natives of Gay Head, or any way belonging thereto or claiming thereon, and for our and their heirs, executors and administrators, have remised and

released and forever quitclaimed, and by these presents do fully, freely and absolutely remise, release and forever quitclaim to the abovenamed company for Propagating the Gospel. and their successors, all right, title, interest, claim and pretence whatsoever to one tract or parcel of land (now in seisin or possession of said company), being the north-east part of said Gay Head, containing eight hundred acres of upland, more or less, butting and bounding as followeth: beginning at a heap of stones near the westerly side of Menamsha Pond; from thence four hundred and thirty-two rods, about west and by north, to another heap of stones; then turning square or upon a right angle towards the sound, about three hundred and forty rods, to a heap of stones near a fresh pond, and so the some point into the sound: from thence butting northerly on the sound to Menamsha outlet; from thence southerly and easterly on said outlet and said Menamsha Pond, to the first mentioned bounds, the said company making and maintaining all fonce needful to enclose said eight hundred acres. Said inhabitants reserving and excepting only the liberty of passing and repassing through gates or bars to mow and carry off the hay growing on a few acres of salt marsh, and of fencing of said salt marsh and Monamsha beach adjoining, said inhabitants making and maintaining all fence needful to enclose said marsh and beach. In witness whereof we have hereunto set our hands and seals this tenth day of May, in the thirteenth year of the reign of our sovereign Lord. George, of Great Britain, &c., king, Annog Domini 1727.

ABEL HOSUIT.
JOSIAH HOSUIT.
ELIAB CUSHAMUN.
PETER OHQUONIT.
SAMI POMIT.
NOAH KEESOO.
JOSEPH PAUL.
SOLOMAN JONDON.
JOSEPH PANEU.
ZACHERY ASSOOIT.

Signed, sealed and delivered in presence of EXPERIENCE MAYNEW. WILL\* HUNT.



60

Indians of Gay Head.

Dukes County 33. Gay Head, the day of the date of the afore-written instrument, Abil Hosuit, Josiah Hosuit, Eliah Coshamon, Peter Chquanit, Sanutel Pointt, Noah Keesoo, Joseph Paul, Soloman Jondon, Joseph Panae and Zacherr Associt, subscribers to the said instrument, personally appearing, acknowledging the afore-written instrument to be their act and deed. Before me.

ZACHEUS MAYHEW, Just. Peace.

Entered 3isy 11, 1727.

Copy from Dukes County Land Records, Book 4, page 199.

J. S. SMITH, Reg.

[G.]

These presents do witness that whereas I, Matthew Mayhew, by force and virtue of attorneyship from Colonel Thomas Dongan, lord of the matter and lordship of Martha's Vineyard in New England, did accordingly give and grant unto several Indians of the Gay Bead Neck, to each forty acres of land; and whereas a certain grant of forty acres was accordingly granted to Joseph Kehannit of forty acres, but the certain bounds were not particularly set down. I, said Matthow Mayhew, do acknowledge the said forty acres to take beginning near the place where Nathowoqueedsee parteth from the Gay Head Neck, and ireth next to said place, save only the lands or forts acres granted to Amos Kenomp, Indian; and is bounded by said land of said Amos on one side towards said Nashowaqueedsee, and extends westwardly : bounded partly by Manamesha Pond northwardly, and a small brook or run of water that falleth into said pond; and southwardly by Squepunnockquit Pond and the like regulet; and to extend westwardly till the whole maketh up the said forty acres, to be holden according to the above grant or patent. Witness my hand and seal this seventh day of Angust, in the third year of her Majestics reign. An. Dom. 1704.

MATT. MAYHEW.

Entered August the 7h, 1704.

Copy from Bokes County Land Records, Book 1, page 35,

J. S. SMITH, Reg.

Land Titles

and

Boundary Lines

of the

Indian Lands

ar

Pay Head

Marthas Vineyard

Mass.

as Reported to his Excellency, the hovemore,

and the Honorable Commit,

Commissioner

Commissioner

## Alphabetical Index to land allotted on hay Head.

Ames Hetty hour of 17. 115. 116.

Bassett, Leander. Dassett, Huldah 27. 33. 34. 38, 88. 108.

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Bound, David & 127. 134. 185 Broacher Georgians 42, 40.

Ersk, ada 2. 18. 105, 104, 107, 108, 109.

Cook Christina Peter 2.18.105.106.107.108.109.

Cook Thadden Hours. 2. 18. 105.106,107, 118. 109.

Cook Lewis Heirs, 3.15, 17.

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Cooper Thomas 8 12.16.39.119

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Cooper Suca Hours

Cooper Zacahem 1. 8, 12.16.39.119.37.53,54.84.

Corsey - Julia 27. 30. 34. 58.88.

Cuff, Blossen

Jouff, Jonathan Obens 65.70.

Cuff Len 15.8

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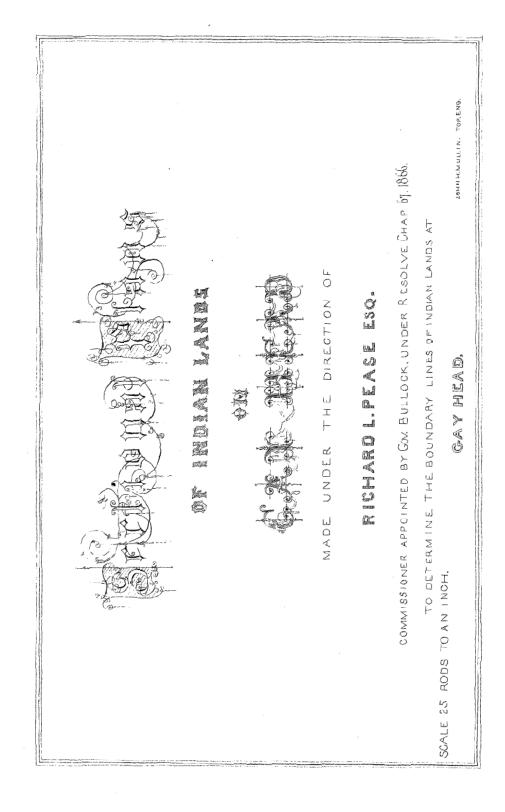
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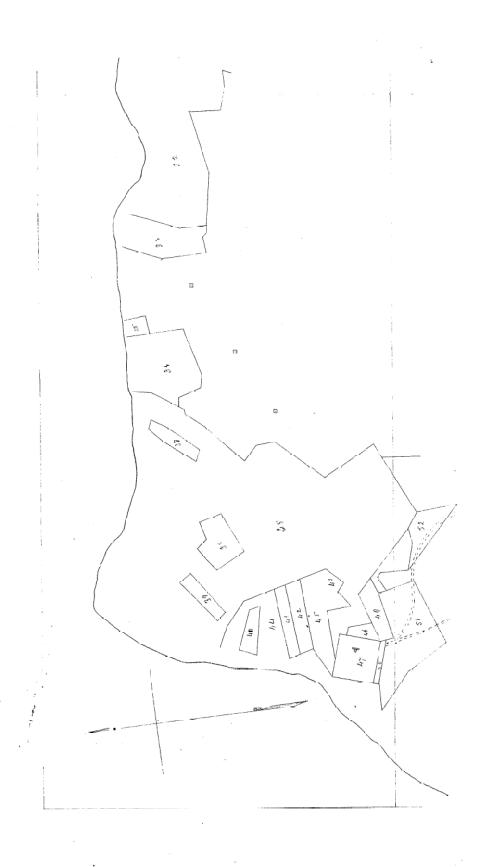
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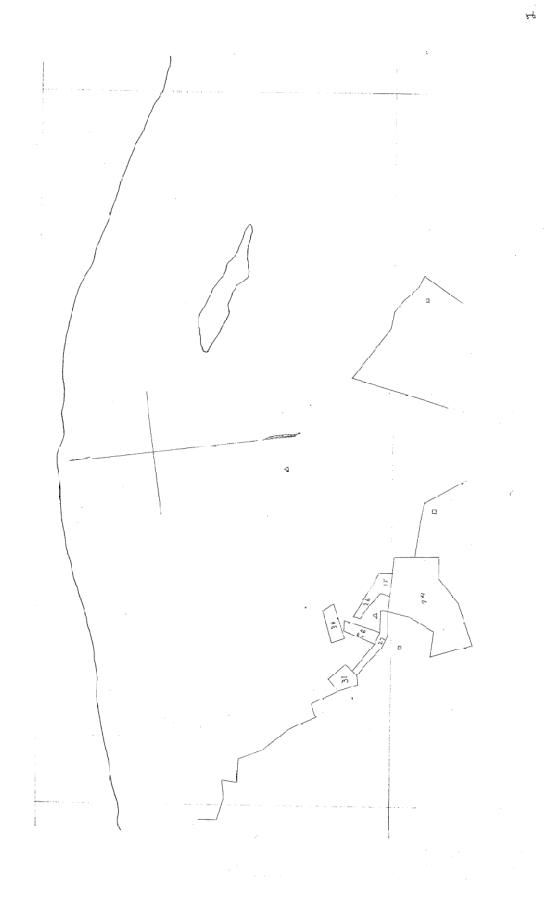
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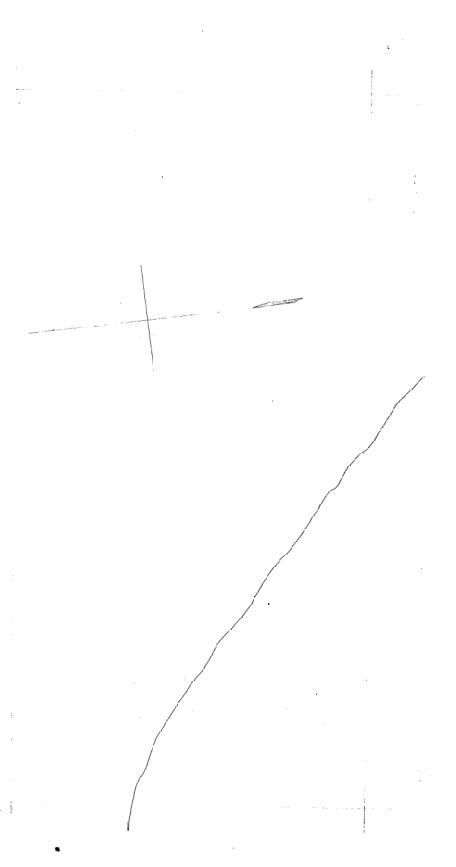
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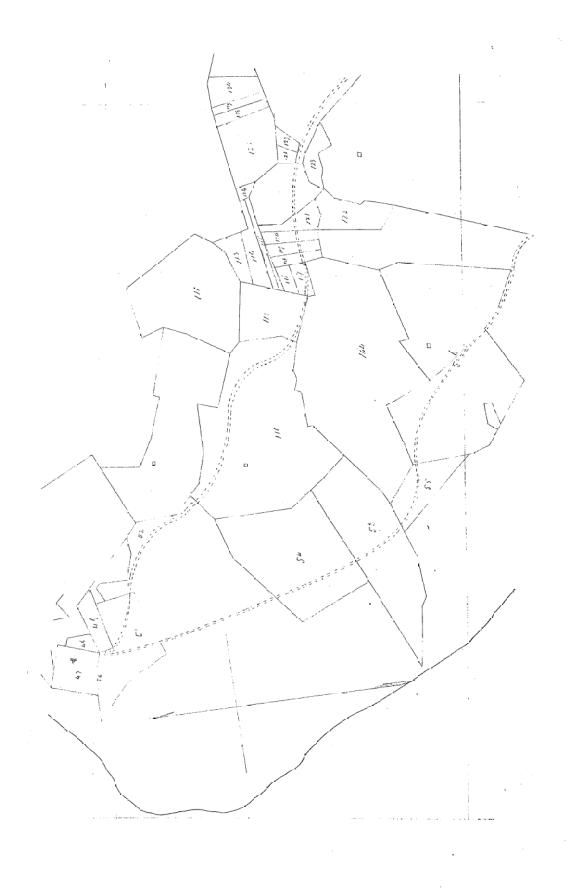


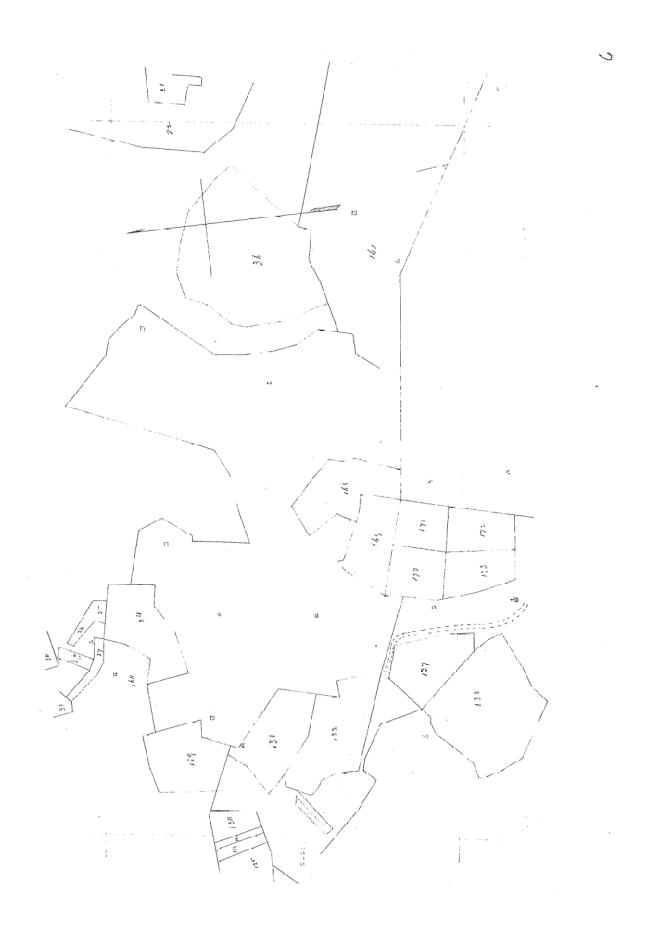


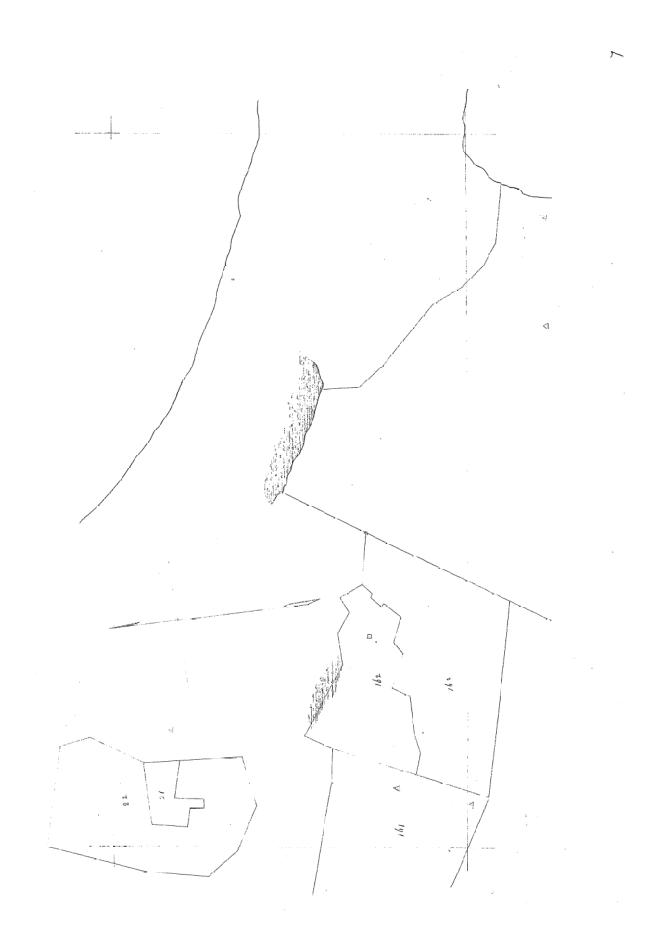




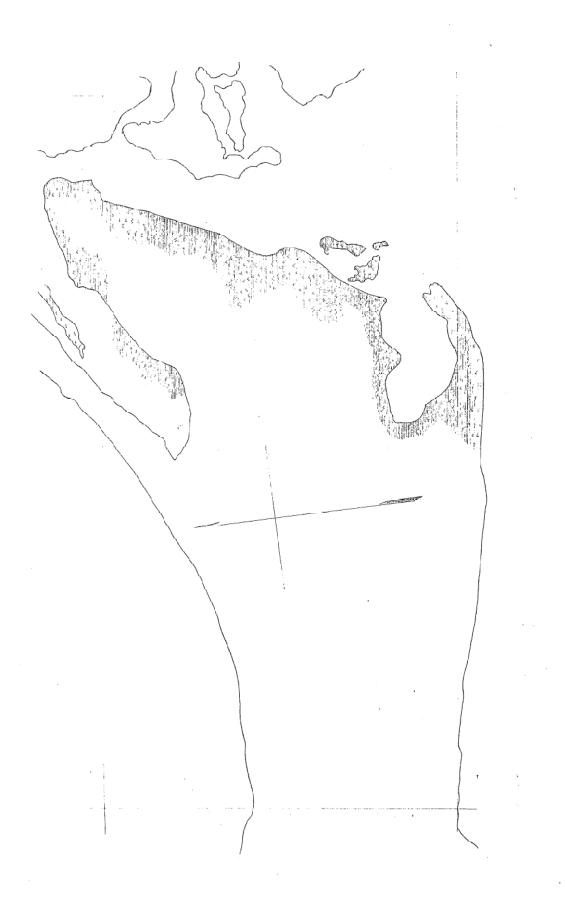


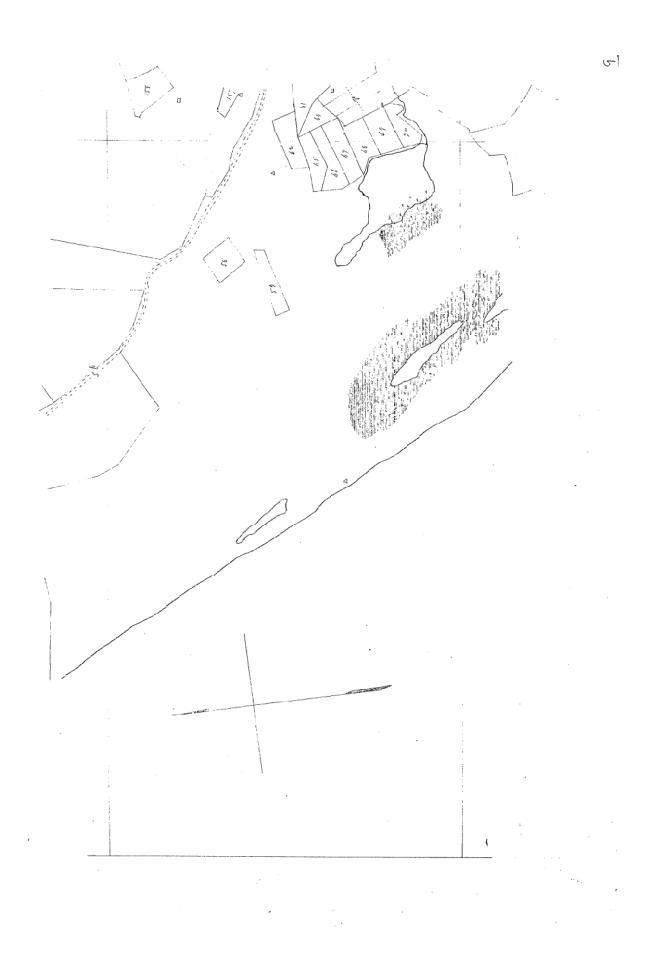


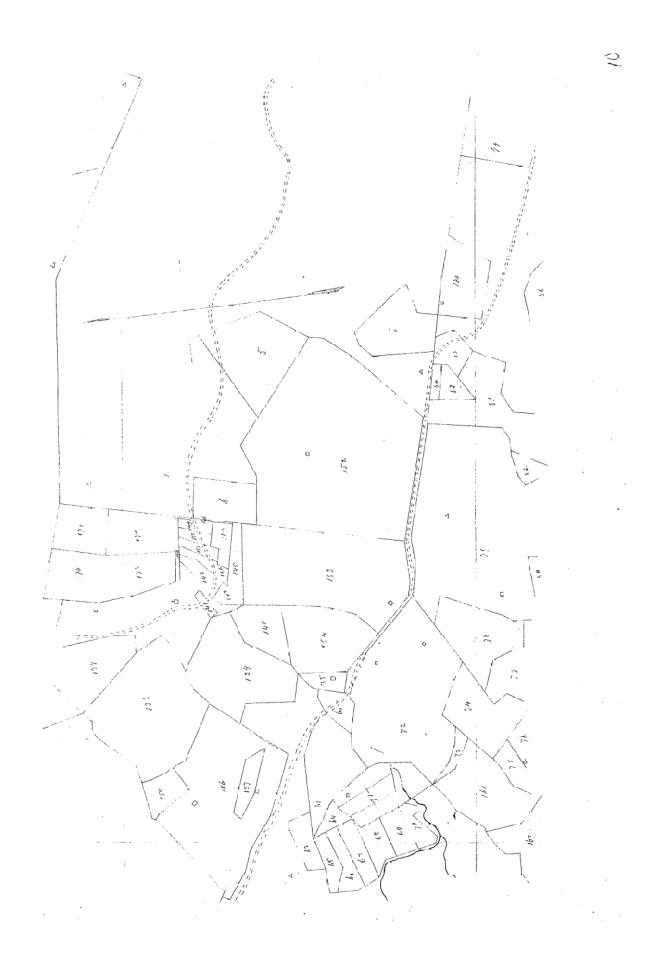


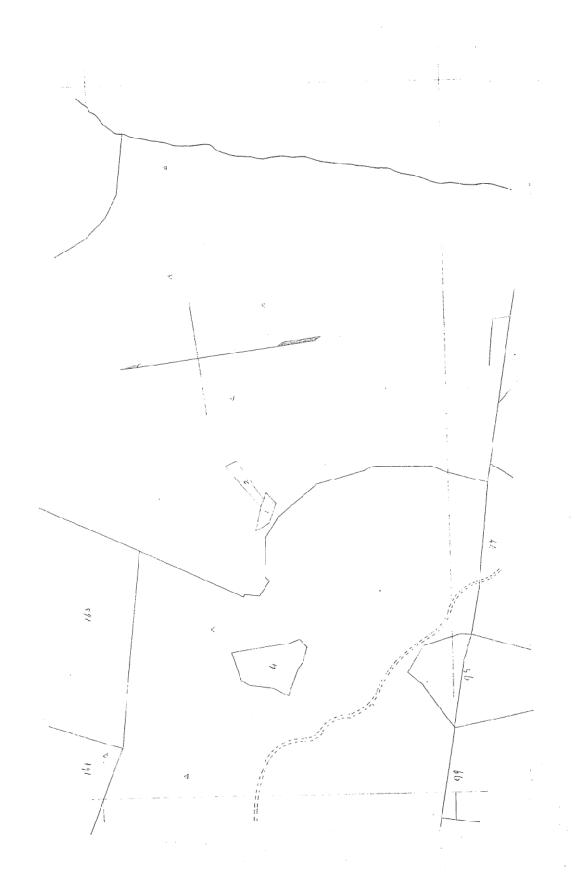




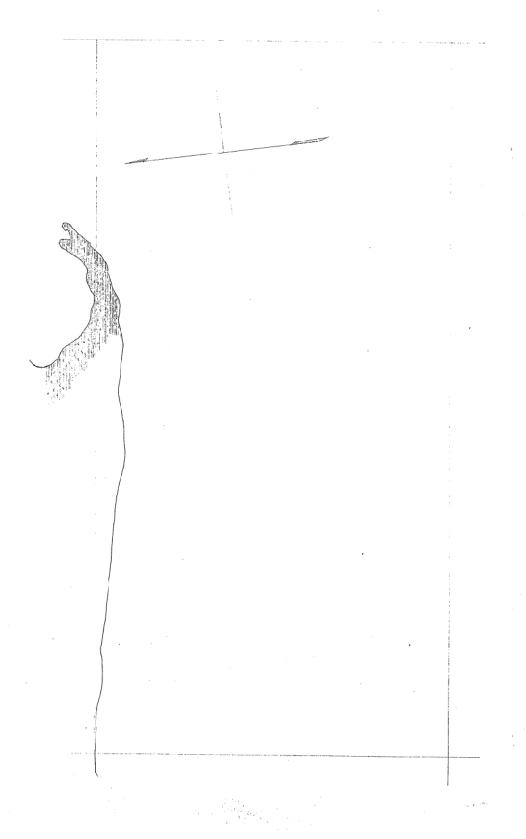




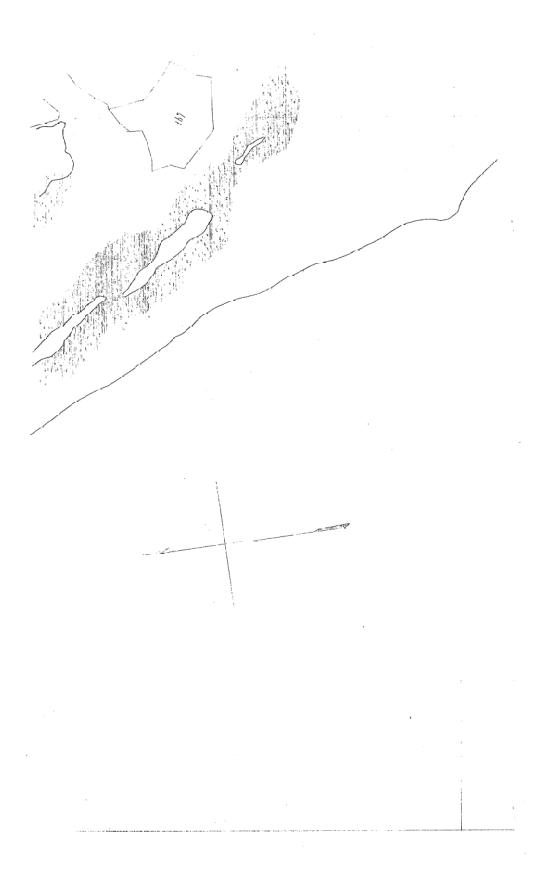








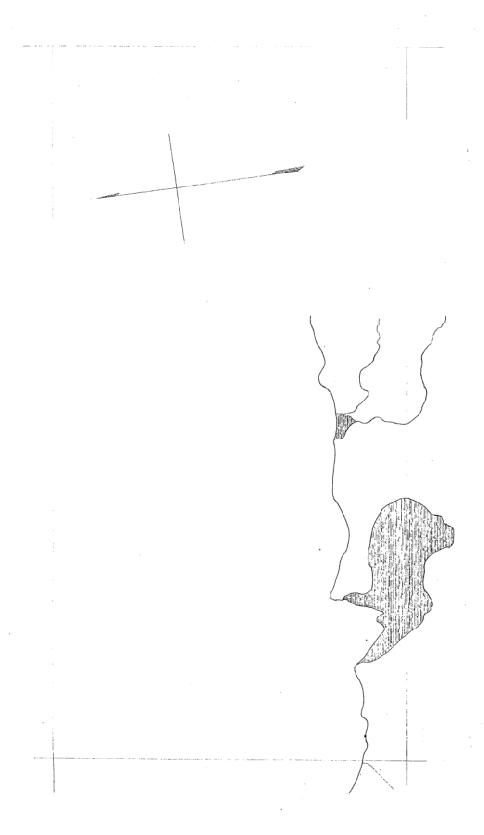


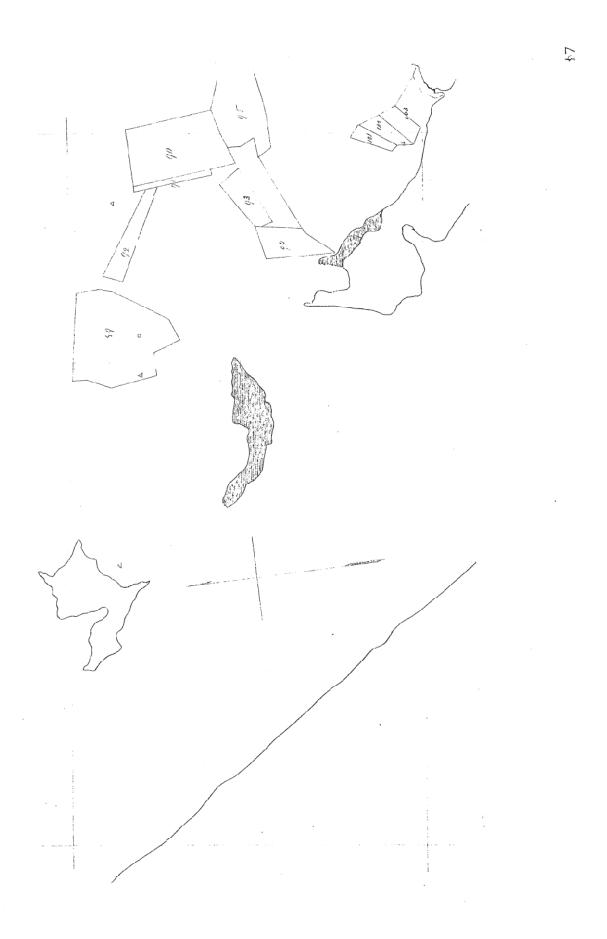


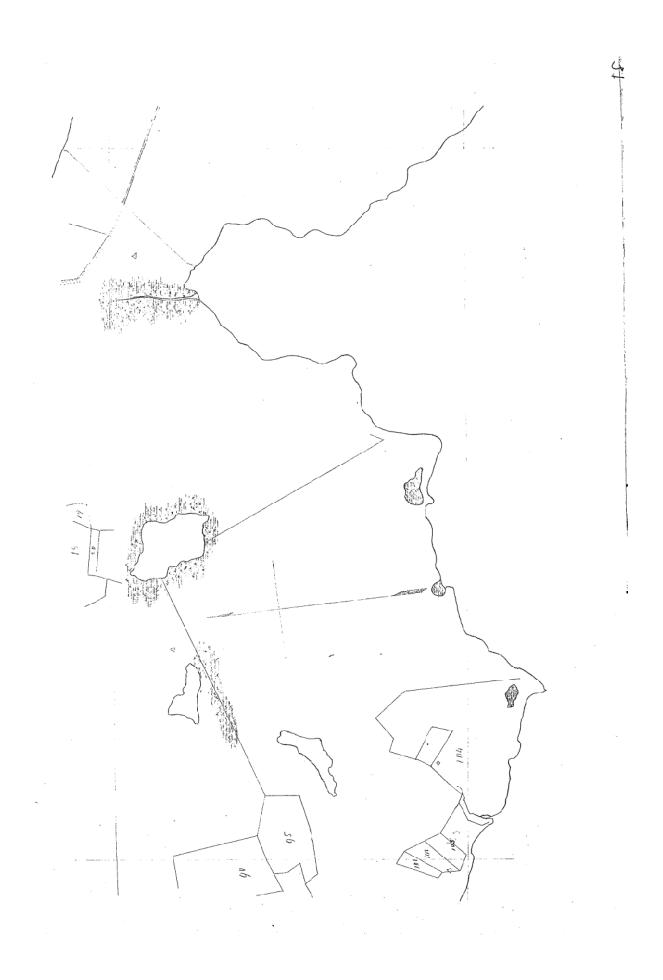


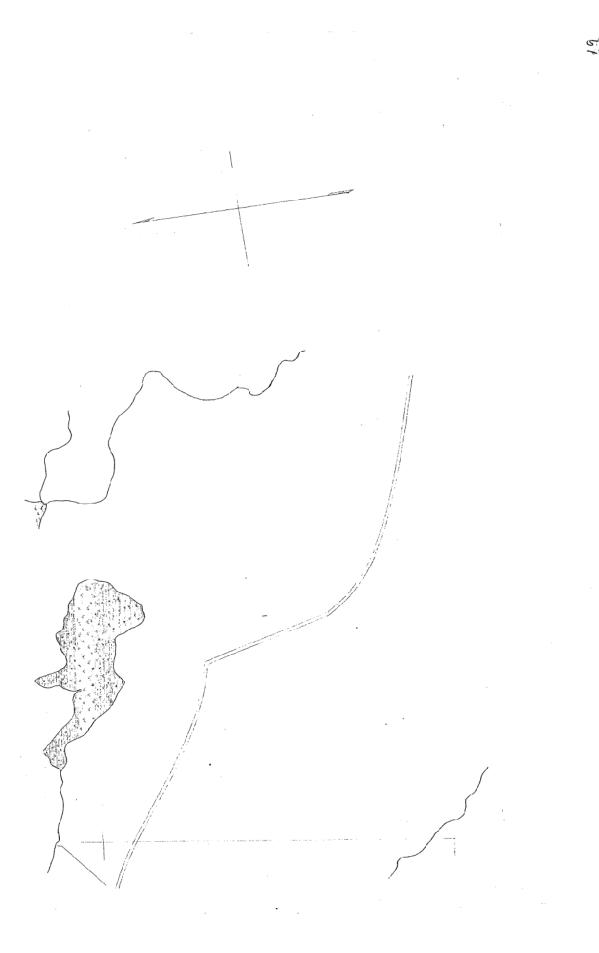


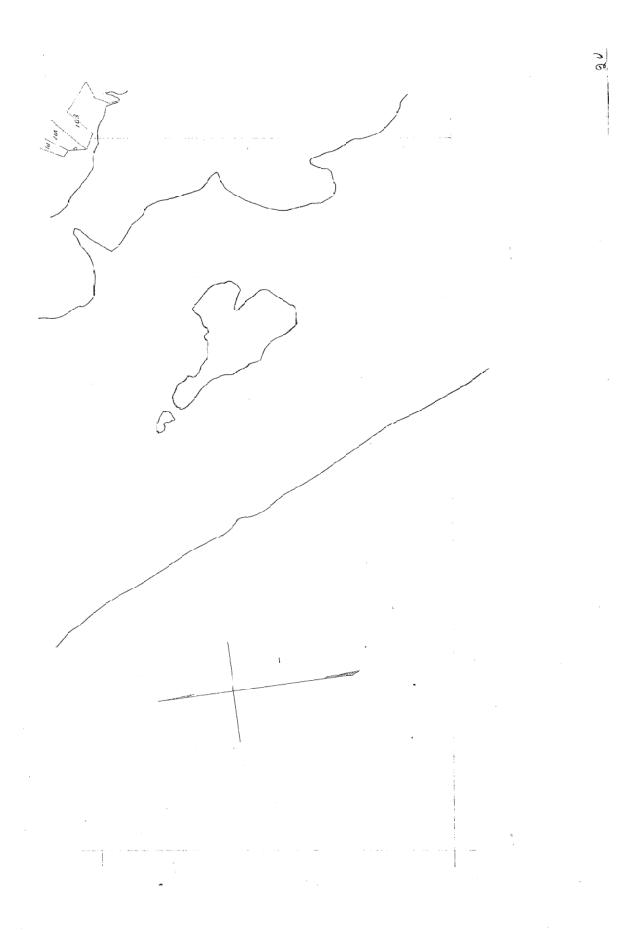


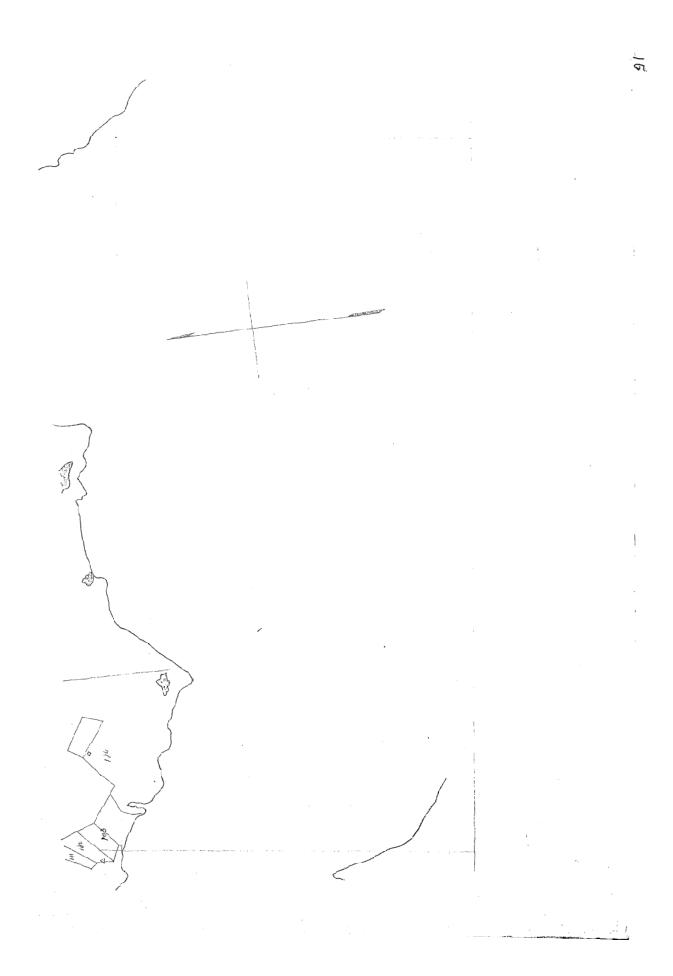












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Duke County for Oct. 26. 1871- at 5:30 8 W.
Award Slaw of Goy Court Land.
South



#### DUKES COUNTY REGISTRY OF DEEDS P. O. BOX 5231 EDGARTOWN, MA. 02539

TELEPHONE (508) 627-4025

DIANNE E. POWERS REGISTER

DEBRA S. LEVESQUE ASST. REGISTER

FAX (508) 627-7821

EMAIL registry@dukescounty.org

May 22, 2007

Mr. Benjamin Hall, Jr., Esq P.O. Box 5155 Edgartown, MA 02539

Re: Sectional Plans of Indian Lands at Gay Head

Dear Mr. Hall:

Based on research, information gathered from several sources and input from the chief examiner of the Land Court I have determined that the plans you referred to in your December 6, 2006 email are in fact a part of the document recorded on October 26, 1871 in Book 49, Pages 89 to 198. My apologies for the delay in this determination, but I needed to be 100% certain before I could make this statement.

For purposes of identification I have made a notation in the margin of the document in Book 49, a notation in the inside cover of the book containing the plans (copies enclosed) and have moved the plans to the appropriate location. Should you require certified copies of these plans unfortunately you will need to order the complete document as to the best of my knowledge we cannot certify anything other than a complete document.

If you have additional questions please feel free to contact me.

Sincerely,

Dianne E. Powers, Register

/dp Enc.

cc: James Decoulos

Nicholas Decoulos, Esq.

See "Sectional Plans of Indian Lands on Bay Heal" filed as part of this document under separate cover

Sand Titles

Boundary Lines

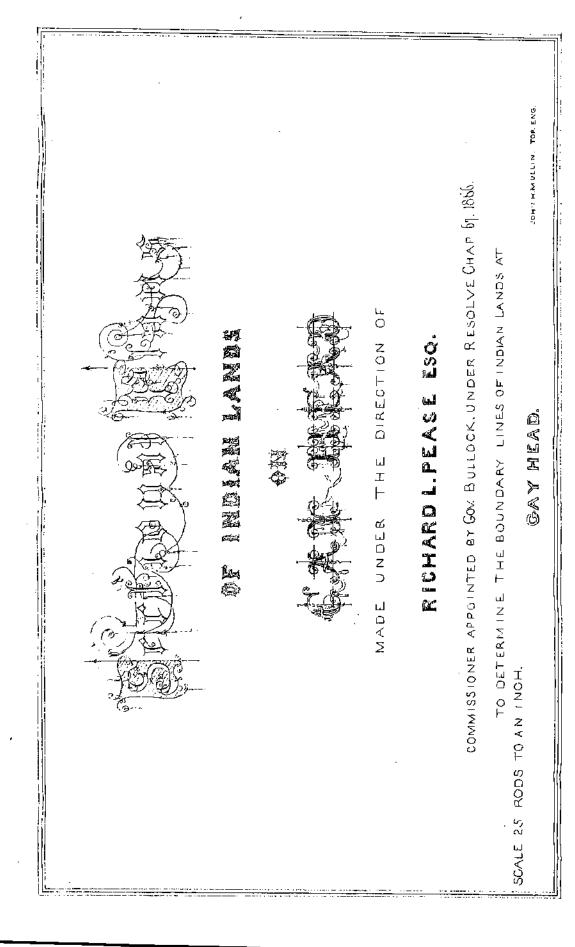
Indian Lands

Hay Head

Marthai Vineyard

as Reported to his Excellency the hoverno, and the Honorable Commil.

By Richard L. Lease, Commissioner.



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#### Indian lands Clay Head.

foreho J. Plane; and Wichard L. Plane, Commissioners. appointed by Hon. Theodore & Mayhow fuelys of Probable for Dukes
County, under authority derived from statutes 1870. Chapter 213.

having been duly sworm to a faithful discharge of duty, and having
given public notice of their appointment; have made and completed
a division of the common and undivided lands of bay Head. aproving all the inhabitants of that lown, adjudged to be entitled
thereto: and have made careful and correct descriptions of the
boundaries and assignment of each lot in the division: and
have also examined and defined the boundaries of those lots held
or claimed by individuals of which no salis factory record exidence of ownership existed.

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

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

Poseph J. Pease Hichard & Pease Dukes County S.S.

At a Probate Court held at the Probate Office in Edgactown within and for the County of Dunes County, on the wenty first day of December, A. D. 1878. by adjournment from the second day of December A. D. 1878. The final Report of the Commissioners kerclofore appointed by this Court. under authority derived from Statules of 1870. Chapter 213 having been considered is approved and it is ordered that the same be recorded in the Registry of Deeds for said County, and it is fairther ordered that said Deport after being so recorded and the Map of Say Head lands with said Report submitted be deposited in this Office. and that a copy of said Map and Weport prepared by said Commission. ers be deposited in the Office of the Town Clerk of the Town of Gay Head and Said Commis summers are hereby directed to see that this. Order is complied with.

> Thaddens & Defriez. Judge of the Bobate Court for Nantucket County.

The lots of common lands drawn or assigned by the Commissioners foseph I Peace and Nichard I Peace duly appointed by Hon. Theodore G. Mayhew Judge of Probate for Dakes County, are numbered from No 189 and represents, en regular order. Lots No 16 h 178 inclusive were run out and bounded under previous provision of the statute. The record of these lots will be found in Land Oceands & Book fages 116 to 198 inclusive.

Lots No 174 to No 189, were run out and bounded afterwards, by the Commissioners who made partition of the election dian Common lands. The description of these lots their boundaries and ownership are here given.

#### Dukes County Registry of Deeds Book 65, Page 150

#### Indian lands at Gay Head

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

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

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

Joseph T. Pease Richard L. Pease Dukes County Registry of Deeds Book 65, Page 151

Dukes County SS.

At a Probate Court held at the Probate Office in Edgartown, within and for the County of Dukes County, on the twenty first day of December A.D. 1878, by adjournment from the second day of December A.D. 1878, the final Report of the Commissioners heretofore appointed by this Court under authority derived from Statutes of 1870, Chapter 213, having been considered is approved; and it is <u>ordered</u> that the same be recorded in the Registry of Deeds for said County, and it is further <u>ordered</u> that said Report, after being so recorded, and the Map of Gay Head lands with said Report submitted be deposited in this Office, and that a copy of said Map and Report, prepared by said Commissioners be deposited in the Office of the Town Clerk of the Town of

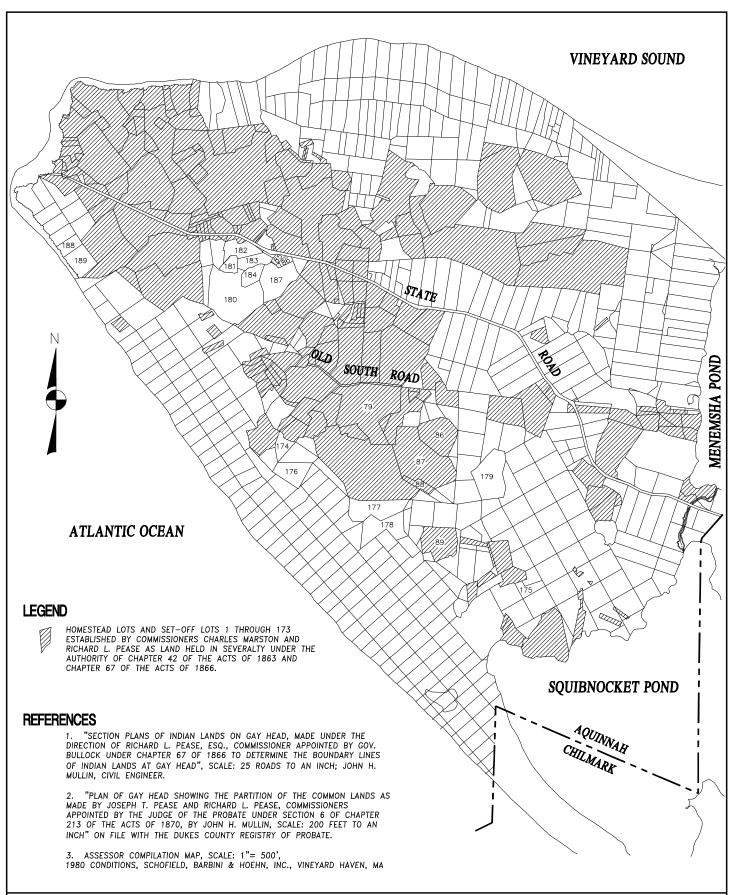
Gay Head, and said Commissioners are hereby directed to see that this Order is complied with.

Thaddeus C. Defriez
Judge of the Probate Court
for Nantucket County

#### Dukes County Registry of Deeds Book 65, Page 152

The lots of common lands drawn or assigned by the Commissioners Joseph T. Pease and Richard L. Pease duly appointed by Hon. Theodore G. Mayhew, Judge of Probate for Dukes County, are numbered from No. 189 and upwards in regular order. Lots No. 1 to No. 173. inclusive were run out and bounded under previous provision of the statutes. The record of these lots will be found in Land Records 49 Book pages 116 to 198 inclusive.

Lots No. 174 to No. 189 were run out and bounded afterwards, by the Commissioners who made partition of the Indian Common lands. The description of these lots, their boundaries and ownership are here given.



Summary Map of Gay Head lands depicting a substantial portion of lots partitioned from the common land by Joseph T. Pease and Richard L. Pease, prepared by John Mullin, Civil Engineer (1878).

Lots 1 to 173 and the homestead lots deeded between 1866 and 1871 are cross-hatched; and Lots 174 to 189 conveyed in 1878 are labeled.

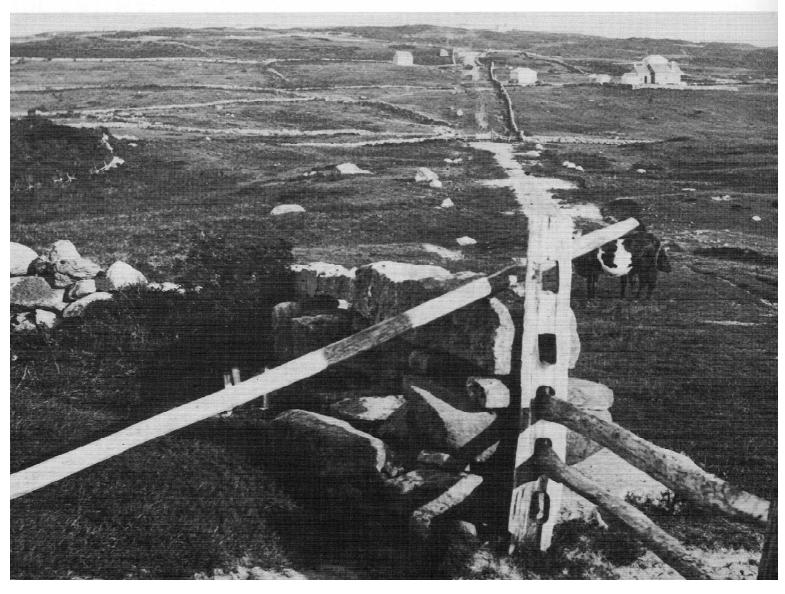
#### Gay Head, from the lighthouse

#### Plate 21A (ca. 1887)

This impressive view was taken by Richard C. Woodward, a photographer who had a studio in the Methodist Campgrounds in Oak Bluffs from 1870–1888. It captures the essence of nineteenth century Gay Head — wide open. Looking east from the entrance gate to the lighthouse, the eye traces this way and that across a network of stone walls, hesitating here and there at a farmhouse, perhaps, but no tree or bush interrupts the expanse. The view seems little changed from the 1844 description of Gay Head as "a level, desolate moor, treeless, shrubless, and

barren of all vegetation, save coarse grass and weeds, and a profusion of stunted dog-roses."

Most likely the exposed nature of the bluffs left the vegetation particularly prone to harsh winds and salt spray. Stone walls offered little protection, being built primarily to delineate property bounds and to enclose pastures. Despite the cow wandering down the road in this view, livestock were not abundant: an 1878 inventory recorded four sheep, 48 cows, 42 oxen, 71 cattle and 29 horses in Gay Head. There was little farming activity, as most of the inhabitants were engaged in fishing.



# THE HISTORY

### MARTHA'S VINEYARD MASSACHUSETTS DUKES COUNTY

VOLUME

IN THREE VOLUMES

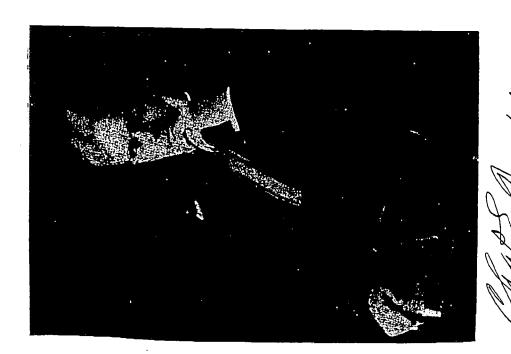
# GENERAL HISTORY

CHARLES EDWARD BANKS, M. D.

ASSISTANT SURGEON GENERAL U. S. P. H. S. (Retired)



PUBLISHED BY THE DUKES COUNTY HISTORICAL SOCIETY EDGARTOWN 1966



### PREFACE

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

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

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

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

whom it has been written.

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

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

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

#### Preface

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

Mr. A. D. Hodges, Jr., of Boston, has been a valuable

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

of these pages to follow.

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

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

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

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

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

and records.

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

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

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

For the indexes and some original drawings my thanks are due to Dr. M. M. Seiler, and the value of the work has grated to that section of Massachusetts.

been enhanced by this important portion of every historical and genealogical volume. The remainder of the original drawings were all done by the author specially for this history.

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

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

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

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

#### 11

# History of Martha's Vineyard

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

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

### CHAS. E. BANKS.

JANUARY 1, 1911.

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# THE HISTORY

OF

# MARTHA'S VINEYARD DUKES COUNTY MASSACHUSETTS

IN THREE VOLUMES

### VOLUME II TOWN ANNALS

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CHARLES EDWARD BANKS, M. D.

ABSISTANT SURGEON GENERAL U. S. P. H. S. (Retired)

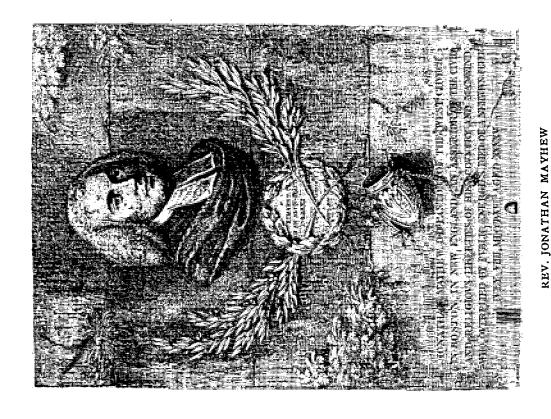
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EDGARTOWN
PUBLISHED BY THE DUKES COUNTY
HISTORICAL SOCIETY
1966

BORN CHILMARK OCT. 8, 1720; DIRD BOSTON JULY 9, 1776



found in the text of the work in each volume, the reader may miss the familiar word "ye" a fantastic affectation of the

expressions as "ye house" or "ye cow." In the early days

looked like a y or p, and when the Roman alphabet was employed exclusively there was no symbol to represent this

h sound and the letter y was used as a substitute; but always

of printing the Saxon th was represented by a symbol which

ignorant to indicate the definite article "the," as if our ancestors were in the habit of using, or even ever used, such absurd

In the quotations from the early records, which will be

### PREFACE

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

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

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

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

C. E. B.

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#### Mustrations

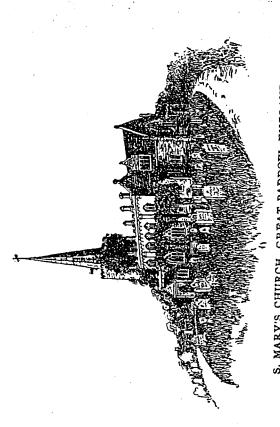
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B. Sprague was its first President (1878-82), and he was succeeded by Prof. William J. Rolfe, the well-known Shakesperean critic (1882-7), and Col. William A. Mowry, Ph.D., LL.D. (1887-1905). The Institute was disbanded in 1905 and its charter surrendered.

# PRESENT STATISTICS OF THE NEW TOWN

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



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

89

ANNALS OF GAY HEAD

# ANNALS OF GAY HEAD

### DOVER CLIFF, 1602

The discovery and christening of this peninsula has a definite date, in 1602, and an authentic sponsor in the person of Bartholomew Gosnold. "The four and twentieth of May," wrote the journalist of that voyager, after they had left Nomans channel, doubtless suggested to Gosnold and his companions as lasted as its title ever since.1 This name, of course, was Land, "we set sail and doubled the cape of another island next unto this, which we called Dover Cliff, and then came into a . by the English Gayhead," and this name to the famous high chalky cliffs at Dover on the English Gosnold's journal, and it remained for later comers to apply Some time before 1662 air sound." The resemblance of this remarkable headland he appropriation of the name for these new-found cliffs of like This name, however, did not survive the pages of given to it as descriptive of the gaily colored cliffs seen from the west when approaching the island from the sea. a name to it of their own conception. t was "called character.

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

#### BOUNDARIES

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

Beginning at a rock on Nicodemus' Neck, on Squibnocket pond, thence due south across marsh and beach to the sea. From the same rock S. 55 E, across Squibnocket pond to a rock on Hillman's Point, so called; thence N. rol<sup>9</sup> E, crossing said pond to the southern end of a stone wall on Nashawaqueedsee, which parteth that neck from Gay Head; thence N. 25° E, three rods, by said wall; thence N. 471° E, sixty-seven rods, by said wall; thence N. 26° E, three and three-quarter rods, by said wall to its

'Dukes Deeds, III, 12. It is always written Gayliead, as if one word, with a lower case k in head.

### Annals of Gay Head

crossing said Menamsha pond, in the direction of a rock upon Pease's Point, so called distant about four hundred and fifty rods, until it strikes the middle of the channel or outlet from said pond to the Sound; then by the middle of the - the said channel somewhat subject to change - unto the Vineyard Sound.1 said channel as the same now is, or hereafter may be,

On all other sides it is bounded by the waters of the Sound and ocean.

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

#### POPULATION

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

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

Sewall Diary.

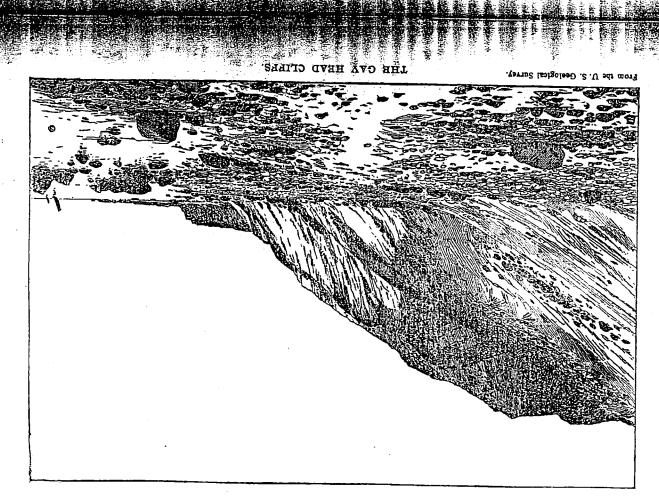
Report of Commissioners for Society for Propagating the Gospel.

to a house which is 112, and of these about 19 Lahouring men." th, XXXI, 550. There may be an error of 100 in the count. "the number of houses at Gayhead is 28; we compute four pe Mass. Arch., XXXI, 550.

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

Kendall, "Travels," II, 196.

Barber, "Historical Collections" (Mass.), 148.



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

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

## ANCIENT LANDMARKS

## ALGONOUTAN PLACE NAMES

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

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

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

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

## THE EARLY SACHEMSHIPS

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

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

### Annals of Gay Head

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

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

### This was at Gayhead in 1675.

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

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

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

<sup>1</sup>Dukes Deeds, III, 12. This sale was "certified" by Tahcomahhatack, Papamoo, Pessuccook, Poxine, Akeemo, Calencanute, Teequannum, "natives and Inhabitants on the westermost end of Nope."

'It was recorded in 1670 at Fort James.

ukes Deeds VI. 260

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

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

I Mettack Sachem att Kuhtuhquehtuet and Nashauakquetget as far as Wanummuset:

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

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

I Mettack and we principall men and our children say this shall be forever

Iorever
I Mettack sachem and my chief men speak this in the presence of
God it shall be thus forever.

# GAY HEAD SOLD TO GOVERNOR DONGAN

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

erma Lawre .

Dukes Deeds, VI, 37a

Mass. Archives, XXXI. to. This was signed by Metaark, John Keps, Puttuh-quannon and Tasuapinu. The paper was used in 1700 at Barnstable before a committee of which William Bassett was a member. At that time Metaark had been a "praying Indian" for nearly twenty years.

Vol. I, 174-7.

### Annals of Gay Head

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

the witnesses.1

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

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

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

Dukes Deeds, IV, 128.

Junes Design, 19, 120.

11. Josias Hosoe [Hose] that he took up with Gov's Dungans terms, brought a Red Ear of Corn to Mr. Thomas Mayhew to signify it. Terms were to pay a Peck of Wheat yearly for a while and then to pay a Bushel of Wheat per annum." (Sewall, Diary, II, 432.)

The members of this committee were Barnabas Lothrop, John Thacher, Stephen Skiffe, John Otis and William Bassett.

'Mass. Archives, XXXI, 17; comp., CXIII, 436. This confessed forger was afterwards the native Baptist preacher at Gay Head.

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it was ordered that the will of Mataark the Sachem, with the proofs thereof be laid before the Governor and Council.1.44

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

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

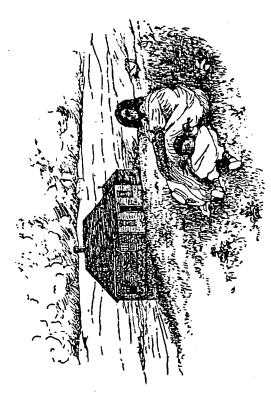
The Irish peer who held the Lordship of the soil in this Major until his death in 1/10, and this event probably hastened the change of ownership which followed shortly after. The Society for Propagating the Gospel had been for many years was made, as Judge Sewall states in his diary, "with the main design of benefitting the aboriginal natives." Livery and seizin was completed Oct. 6, 1712, when Major" Benjamin own was an absentee landlord. It is not of record that he ever risited his domain, and his business interests here had been The quit rents were collected, and leases prepared by the accomplished, May 10, 1711, and the company, upon payment of £550, "lawful monics of Great Britain," secured the title ttended to from the first by his steward, Matthew Mayhew. and its representatives in New England, comprising some of the most influential and wealthy men in the Province, saw that this state of affairs, with a landlord across the ocean, was not into negotiations with Lord Limerick to buy out his interests in the Manor of Martha's Vineyard. This was successfully This purchase Skiffe and Samuel Sewall, Jr., as agents for Lord" Limerick delivered to Penn Townsend, Esq., attorney for "the ooking out for the moral and spiritual welfare of the natives, he lands and hereditaments of the Manor. It was simply a for the best interests of their wards. Accordingly they entered Corporation," as the society was generally designated here, of Lord of the Manor and the fee of Gay Head.

'Mass. Archives, XXX, 501

## Annals of Gay Head

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

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



### CHEEPY'S CORN-FIELD.

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

Dukes Deeds, IV, 199.

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

## STATE CONTROL OVER THE TRIBE

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

Dukes Deeds, V, 51.

### Annals of Gay Head

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

# DISAPPEARANCE OF "THE CORPORATION" AS LANDLORD

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

'Mass. Archires, XXXI, 350. Signed by Pain Mayhew, John Sumner and William

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701. I, p. 255.

12

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

# THE LONG APPRENTICESHIP IN CIVILIZATION

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

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

<sup>3</sup>Memoirs of the American Academy, II, 153. Letter of Dr. William Baylies.

<sup>9</sup>Rev. James Freeman, in 1st Mass. Hist. Coll., III.

### Annals of Gay Head

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

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

Barber, Historical Collections (Mass.), 148,

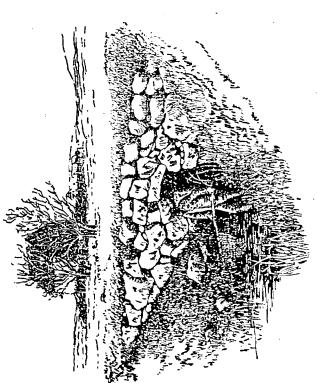
<sup>&</sup>lt;sup>3</sup>J. M. Earle (Senate Doc., No. 96, 1861). <sup>2</sup>F. W. Bird (House Doc., No. 46, 1849).

Senate Document, No. 14, 1870.

House Doc., No. 46 (1849), F. W. Bird's Report. North American Review, V, 319 (1817).

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

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



### STONE WEIR.

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

## THE FINAL STEPS TO CITIZENSHIP

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

'House Doc., No. 215 (1862), J. M. Earlo's Report. About 450 acres were held in severalty, fenced and occupied at this date.

### Annals of Gay Head

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

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

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

## INCORPORATION AS A TOWN

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

<sup>1</sup>Chuptor 184, Statutes, 1862; comp., Resolves ch. 42, 1863, <sup>2</sup>Resolves, ch. 67 (1866).

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

ouse Docs., Nos. 483 and 502 (180

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

Because they are capable of self-government, as their history since 1862 abundantly shows; because they are worthy and well qualified now as they probably ever will be under the dominion of any neighboring town; because they are far remote from the nearest adjoining fown by from four to seven miles; because the people of that town have been and are still strongly opposed to the annexation of Gay Head to them; because the people of Gay Head are (with one exception) unanimous for a separate township; because other things being equal, the wishes of the parties most interested ought to be consulted; and finally, because having already governed themselves in reality for the past few years (since 1862) a continuation of this control, while it would work no injury to any other interests, would be of great benefit to the people of Gay Head — giving them renewed assurance of the confidence of the Commonwealth in them and inspiring them to further effort towards improvement — we unanimously recommend that Gay Head be incorporated as a township by itself.<sup>1</sup>

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

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

'Senate Doc., No. 14 (1870). This was signed by N. J. Holden and G. A. King of the Senate and E. Davis, J. J. Smith and A. G. Hart of the House.

### Annals of Gay Head

## MATERIAL PROGRESS, 1870-1910

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

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

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

## THE HISTORY

OF

# MARTHA'S VINEYARD

DUKES COUNTY

## MASSACHUSETTS

IN THREE VOLUMES

### VOLUME III

## FAMILY GENEALOGIES

2

CHARLES EDWARD BANKS, M. D.

ASSISTANT SURGEON CENERAL U. S. P. H. S. (Retired)



EDGARTOWN
PUBLISHED BY THE DUKES COUNTY
HISTORICAL SOCIETY

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

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

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

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

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

### Family Genealogies

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

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

Information Source of

naturally been the town record of births, mar-The basis of all the following genealogies has riages and deaths, but these are lamentably de-

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

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

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

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

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

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

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

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

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

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

English During two extended visits to England in 1922-1924, the author made special researches Ancestry in various public and parochial records to fix

the ancestral homes of the settlers of the Vineyard. In cases where he was successful the results appear in the appropriate places in each family record and for the first time appear in print. This part of the work is composed of entirely new material hitherto unknown.

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Source of limited area, principally from the towns tribu-Immigration tary to Boston, Watertown, Dorchester, Salem,

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

It is an interesting fact that certain families who have lived on the Vinoyard for two hundred Peculiarities years or more have been identified almost ex-

clusively with the town where they originally settled. Considering the limited area of the island this is quite remarkable, but it is a fact that many families are scarcely ever known to have lived outside of the original habitation of their immigrant ancestor.

Edgartown has: Arey, Ripley, Pease, Stewart, Vincent. Tisbury has: Luce, Athernn, Look, Merry, West, Manter.

Chilmark has: Tilton, Hillman, Skiff.

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

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

to America from England for transient residence.

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

Emigration peor

While there was a constant ebb and flow of people between Nantucket and the Cape and the Island, there was no exodus of distinct

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

## Family Genealogies

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

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

Resident here prior to 1700 are still represented by name Families

250 Years Old in the male lines at this time, viz:—Allen, Butler, Cottle, Cleveland, Chase, Coffin, Daggett, Dunham, Hillman, Lambert, Look, Luce, Mayhew, Manter, Marchant, Merry, Norlon, Pease, Smith, Tilton, Vincent, and West. Those printed in italics in this list have

are the most prolific of all the Vincyard families.

In this same period nearly two score of families have disappeared entirely from the Vineyard in the male line, either through failure of issue or removal. Of the former class may be named Bayes, Browning, Bland, Eddy, Gee, Harlock,

been here for 250 years or more, seven in all, and these seven

through failure of issue or removal. Of the former class may be named Bayes, Browning, Bland, Eddy, Gee, Harlock, Presbury and Sarson; of the latter class the names of Cathcart, Covell, Cartwright, Foster, Gray, Homer, Hunt, Hatch, Jenkins, Jones, Kelley, Martin, Milliken, Skiff, Trapp, Wass, Weeks and Wheldon have no male representation on the island today.

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

МАМВ	1790 Census	1800 Свивов	1810 Cenbus	1850 Свиятв
Allen	13	19	21	11
Athearn	6	6	14	16
Butler	x	15	11	
Chare	7	က	ខ	ಬ
Cleveland	9	æ	6	16
Coffin	13	14	13	19
Cottle	. 01	œ	12	œ
Daggett	15	14	13	21
Davis	80	က	īĊ	12
Dunham	16	8	16	15
Figher	14	13	20	17
Hillman	. 13	8	6	12
Look	01	10	10	10
Luce	41	45	49	99
Manter	7	9	6	12
Merry	æ	7	7	c
Mayhew	56	23	25	38
Norton	39	33	24	20
Ревяе	27	22	26	31
Tilton	16	14	18	21
Vincent	6	14	16	22
	,	4	2	

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

The genealogies are printed on what is known plan of as the "Register" plan, whereby each child is Registration designated by a number in sequence from the

small numeral above the line. As the compiler of these geneal-ogies had to construct his work on an elastic plan to make room, every now and than, for an unrecorded child in a family, he adopted a slight modification of the "Register" plan and treated each family as to enumeration in the same way that

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

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

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

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the supposed and the actual but unknown dates. As the dates have at least the foundation of studied effort to approximate are italicised in brackets they are sufficiently contraindicated to prevent confusion with the regular type. The labor of many years and of many hands public. If anyone expects that it is free of human errors it would be well for him to close is now finished and before the genealogical Acknowledge-L'envoi and

following pages several million figures are printed and it is the book right here and look elsewhere for perfection. In the not in a spirit of humility that the author concedes the probsbility of mistakes—rather a recognition of the fallibility of mortals in dealing with such a multiplicity of dates.

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

# History of Martha's Vineyard

### **GENEALOGIES**

### ADAMS FAMILY

ELIASHIB ADAMS, (Edw., Edw., Henry1), the first of his name to reside on the island, was the son of Edward<sup>3</sup> of Walley of the same town, and was b. May 1699. He came to C. about 1728, and is called a cordwainer. He m. Rellance 1729-30, in childbirth, her first and only child. "She was a pious prudent woman of blameless conversation," wrote Parson Barnstable and his wife Elizabeth, daughter of Rev. Thomas Махнюм (112) 15 Feb. 1728-9; who was b. 1696 and d. 8 Jan. Homes. The date of his death is not known to the compiler, out he was living in 1768. The genealogy of the Adams Family has been published (1898), and reference to it may be made for particulars of his ancestry.

40. MAYHEW, b. 22 Dec. 1729.

MAYHEW (191) 27 Dec. 1750, who was b. 27 May 1730 and d. 11 June 1819. He d. 10 Sept. 1823, and his will dated 2 40. Maxhew Adams, (Eliashib, \* Edw., \* Edw., \* Henry!), b. 22 Dec. 1729, res. C., master mariner. He m. Rebecca June 1818 was proved 19 June 1824.

Едлавни, <sup>о</sup> b. 15 Sept. 1751; d. 15 Nov. 1771, unm. **RELIANCE,** b. 5 Nov. 1752; m. William Nichols.

JAMES, b. 30 Sept. 1754.

НЕВЕССОА, Б. 18 Aug. 1756; m. John Cottle (94), 22 Dec. 1774. Ранувіл, Б. 16 Dec. 1757; m. Твомав Wade Mathew (108), 21 Dec. 1780. Мактюм, Б. 11 Mch. 1759.

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1817.

### Visit to the Blivabeth Islands. 1817.}

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### Visit to the Elizabeth Islands.

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

Boston, 2 Aug. 1817.

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

collect it all in a day.

Monday the 21st of July we left Boston for New Bedford. Near the road side in Abington we observed a remarkable tree, one of the ancient boundaries of the Plymouth Colony, whose inhabitants, after an union of more than a century with Massachusetts Bay, are still proud of their former independence, and of the superiour antiquity of their settlement. We were told that the road, on which we travelled, passed through the most fertile part of the Colony. The vegetation was certainly more forward than in the immediate vicinity of The rye was abundant, and in many fields ripe for harvest. In some, the reapers were actually employed. The Indian corn was backward and unpromising. The sides of the road were, during the first part of our ride, covered with roses in full bloom, and through the whole of it decorated with the red lily. In the town of Middleborough, thirty eight miles from Boston, we stopped a few moments on the banks of Assawampset pond, a lake six miles in length and three in breadth, whose deep coves, and bold and extensive promontories, present many beautiful scenes, agreeably diversified by wildness and cultivation. It is very shallow and its bottom consists of bog iron ore, which has been an article of commerce ever since its discovery in 1747. The lake is owned in 70 undivided shares by the assignees of the original settlers of the town. Any person may dig the ore, which is sold on the banks of the lake at from four to seven dollars per ton, according to its quality. The purchaser pays the further sum of one dollar per ton to the proprietors, and the ore is then smelted, and cast into hollow ware in this and the neighbouring towns. The quantity now dug here is much less than formerly, hardly exceeding one hundred tons a year. We rode 314

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

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

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

At seven o'clock on Wednesday morning we lift New Bedford in a sloop, descended that stately sound,' Buzzard's bay, and anchored near the westernmost of the Elizabeth islands; 1817.

Visit to the Elizabeth Islands.

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

In 1602, Bartholomew Gosnold and thirty one others left England in a small bark to seek their fortunes in America. Believing that the common route by the Canary islands was unnecessarily circuitous, Gosnold steered directly west, and on the fourteenth of May, after a passage of seven weeks, came within sight of the coast of Massachusetts bay. He did not land here, but sailing along the shore toward the south, passed Cape Cod, to which he gave the name it now bears, from the number of cod fish, that he caught there. Standing out to sea to avoid the Pollock rip, he overshot in the night the eastern entrance of the Vincyard sound, and afterwards, returning toward the land, coasted along the southern shore of the island now called Martha's Vineyard, supposing it a part of the main. To Noman's Land he gave the name of Martha's Vineyard, which has been since transferred, by some strange accident, to the larger island in its vicinity. After doubling a high ledge of rocks running a mile into the sea, he anchored in a cove of the island near them; naming it Elizabeth island in honour of the Queen. This island, possessing a very fertile soil, was then covered with trees and uninhabited. In the western part of it they found a pond of fresh water two miles in circumference, separated from the sea on one side by a narrow beach; and in this pond a rocky islet. of about one acre, on which they determined to fix their residence. A part of the company remained there three weeks, occupied in throwing up a fort, digging and stoning a cellar, and building a dwelling house; while the rest explored the neighbouring continent and procured a cargo of sassafras and skins. It was intended that twenty of their number should remain in their new habitation, and that the others should return to England to sell their cargo, and procure the means of establishing a permanent colony. Some difficulties however were occasioned by a dispute about the mode of dividing the profits of the voyage; and soon afterwards the discovery that they had not provisions enough to victual both the fort and the vessel, and an attack on one of their boats by the natives, who had previously appeared friendly to them, completely discouraged them, and induced them to abandon the enterprise, and set sail for England on the eighteenth of 316

Sept.

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

The name of Elizabeth was afterwards given to the whole group of islands in Buzzard's Bay, and it seems to have been doubted which of them was occupied by Gosnold, till Dr. Belknap, visiting them in 1707, found the most westerly to agree perfectly with the description given of their residence by the adventurers; and even thought that he discovered the remains of their cellar. Some young gentlemen of New Bedford had since visited the spot without finding these remains; and it was one object of our journey to ascertain whether any such existed. Having landed on the eastern shore of the Island, and walked across it, we found at the other extremity a long, triangular pond, almost in the shape of a powder-horn, with its base near the western side of the Island, and its point directed toward the north. Its banks on the west and south are high; on the north it is separated from the sea by a curving beach not thirty yards wide, across which we dragged our boat and launched it into the fresh water of the pond. I call it fresh only because it is not salt, for it is too brackish even for the palate of a Bostonian. In the western end of the pond is a high islet, surrounded by a rocky margin and covered with a very rich soil, in which were growing the wild goosberry, the grape, elder, mallows, primrose, eglantine, yarrow, sumach, wild parsnip, beach plum, wild cherry, wild pea, Solomon's seal, the convolvulus, thoroughwort, and red clover. The stump of a red cedar stood near the shore, and we brought home a piece of it as a remembrancer of our expedition. On the northern bank of the islet about ten yards from the water, we found a small excavation overgrown with bushes and grass, on one side of which were three large stones in a row at the distance of three feet from each other, having under them other stones of the same size lying in the same direction. Between these were smaller stones, which appeared by their form and smoothness to have been taken from the beach. In another 1817.]

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

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

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

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

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### Visit to the Elizabeth Islands.

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

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

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[Sept.

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

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

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

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

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

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

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

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

Retre

[Sept:

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

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

### A Retreat for the Sane.

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

MR. EDITOR,

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IT is obvious, that in the present state of this country, when very little money can be spared from individual and national wants, even to publick institutions of the most general and acknowledged utility, none should be undertaken, but upon the surest and most permanent foundation, and of which the practicability, as well as usefulness is perfectly well ascertained. It becomes then important when a project of great and common interest is afoot, the plan and conduct of which, being once decided upon, do not readily admit of alteration, that a liberal discussion of the subject should previously be had, and the various obstacles to it freely exposed. Nor should the investigation in such cases be limited to those only, who, from their occupations and course of thought, might be supposed the most competent to decide questions of that particular nature. Many of the hints which fall, as it were by chance, from the comparatively stupid and unlettered, may, in the hands of the wise and well informed, be turned to very good account. The above remarks are made, by way of apology for offering a few thoughts upon the recent plan of an hospital for the Insane. I am well aware that in touching upon this subject, and advancing those notions about it which a most careful and thorough investigation has caused me to adopt, I have very many difficulties to contend with; difficulties the more hard to be overcome, because they take their origin in our strongest and most confirmed passions and prejudices, and are fostered and established by the usual modes of education. A deep sense, however, of the good ef[Feb. 1849.]

HOUSE-No. 46.

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### Commonwealth of Massachusetts.

MESSAGE.

Council Chamber, February 21, 1849.

### To the House of Representatives:

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

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

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

GEO. N. BRIGGS.

### Commonwealth of Massachusetts.

### His Excellency George N. Briggs:

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

### REPORT:

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

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

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

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

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

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

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

\* See Appendix F.

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

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

### The Chappequiddic Tribe.

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

5 110.			
Families,			
Males,	;	-	12
Females,	•		43
Natives,	,		42
Foreigners,		•	75
Under 5 years,			10
From 5 to 10,			11
" 10 to 10,			3
" 10 to 21, " 21 to 50,	•		19
ει το 50,			39
" 50 to 70,	•		10
Over 70,			3

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

<sup>\*</sup> For names, see Appendix, A.

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

Under the judicious oversight and counsels of their guardian, Hon Leav it Thaxter, they are far in advance of any other tribe in the State, in improvements in agriculture, and indeed, in the arts and even elegancies of social and domestic life. Twenty years ago, they were preeminently a degraded people, unchaste, intemperate, and, by consequence, improvident; now they are chaste, not a case of illegitimacy, so far as we could learn existing among them; temperate, comparing, in this respect, most favorably with the same population, in the same condition of life, in any part of the State, and comfortable, not inferior in dress manners, and intelligence, to their white neighbors. These favorable changes, they attribute partly to the division of their lands under the act of 1928, each occupant now holding his land in fee, and not liable to be dispossessed at the pleasure of the guardian, as under the old law, but mainly to the salutary influence exerted over them by their guardian. The result has been, new incentives to industry and conomy, arising from an assurance of their rewards, and a love of approbation, and self-respect, which are at once the fruits and the guarantees of progress. Nearly all live in good framed houses, most of them comfortably furnished, and many of them with their "spare room" handsomely carpet I and adorned with pictures and curiosities collected in the eastern and southern seas. Each family owns and improves from 5 to 30 or 40 acres. Generally they are tolerably well supplied with agricultural implements, and nearly all who live by agriculture have one or more yoke of oxen. The stock of the tribe is as follows:—1 horse, 31 horned cattle, 39 swine, 161 fowls, and 12 sheep. The value of estates, at their own estimates. varies from 200 to 1,000 dollars. Perhaps about half of the

[Feb. land owners are in debt from 10 to 100 dollars, generally expecting to pay during the year -Previous to 1828, the lands were all in common, the law of February 27, 1910, having provided that the commissioners appointed under that act should make a division which should continue ten years, and authorizing the guardian, at the expiration of that time, to make a new division. The commissioners, appointed under the act of March 10th, 1828, made a permanent division of the whole territory, dividing 187 acres among 17 families, and reserving 205 acres for public purposes, and for apportionment to any members of the tabe then absent who might afterwards claim a share. This division, though it was, of course, impossible to make it universally satisfactory, seems to have been made as wisely and fairly, as, under the circumstances, could be done.—The annual public income is about eight dollars, arising from the rents of the common lands, and applied to the support of the poor. There are now two paupers, who receive aid from the State, amounting, for the present year, to 128 dollars. We have no means of ascertaining the whole amount appropriated by the State to this tribe, as the guardian's account embraces also the appropriations to the Christiantown tribe. Both amounts will be stated when we come to speak of that tribe. Beyond the aid furnished, as above stated, by the State, the poor are assisted, so far as needed, in addition to the small sum received from the rent of the public lands, by voluntary contribution. As races, they have acquired, in the long school of oppression and proscription, a ready sympathy for individual suffering. In the language of Mr. Thaxter, "They are kind and considerate to each other in sickness and poverty."\*

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

\* Appendix B

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

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

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

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

good hope of the practicability of remedy, legislative inter-

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

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

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

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

\* See Appendix B.

chasers of lands on said Island, or their heirs, to make and main ain the divisional fence, commonly called the Indian line It seems to us that this obligation cannot be legalleraded. The guardian however, entertains some doubt about it and has not yet thought best to attempt to entorie the law The fence is now in a very bad state, and the crops of the Indians are constantly in danger from the cattle of the whites. Gradual encroachment upon the territory and the rights of the Indian,—the immemorial law,—has lost not e of its prescriptive strength. No opportunity for its enforcement is still allowed to pass unimproved. The whole Island say the Indians, belonged to their lathers. A large portion of it has been wrested from them, sometimes it may be, with the show, seldom with the reality, of an adequate consideration. By the act of 1789, the white man received the lion's share. They feel that they have the right to expect protection in the enjoyment of the few acres left to them. Whether additional legislation is necessary or not, the white proprietors ought to be compelled as they have received the benefits, to fulfil the obligations of the act of 17S9.

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

There is also some complaint of the want of well-defined highways. Not unfrequently, if a "shorter cut" to a point of destination lies across a piece of cultivated land, drivers, particularly white men, do not hesitate to take it. In the case of one or two tracts, this is a matter of serious inconvenience.—

The Indians also complain, that the whole of the lingituary from the landing opposite Edgarown, and surrounding their territory, is on their side of the line fence, thus depriving them of several acres of their territory, and preventing the fencing of their allotments, without crossing the highway; whereas they claim, and justly as it seems to us that one half at least,

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

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

### Christiantown Tribe.

The territory of the Christiantown Indians lies on the northwestern side of the Vineyard, bordering on the Vineyard sound, and comprises 390 acres. The soil is what farmers call hard and strong, difficult of cultivation, but yielding, to persevering inflastry, remunerating returns. The location appears to be a healthy one; s. Th. a comparatively large number have recently died, in L. at the time of our visit, several were sick, of both cinonic and acute discuses. The whole number of the tribe is 40.000 In 1828, the number of the tribe was 48.000

Families.	•		11
Males,			20
Females.			
Natives.			45
Foreigners,			1
Under 5 years		,	5
From 5 to 10	•		7
√ 10 to 20;			õ
6 21 to 50,			25
" 50 to 70;			Ď
Over 70,			$\mathbf{l}_{z}$ aged $72$ .
At sea,			9

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

\* For names, see Amendix A

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

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

Occasionally, an individual was found, who writhed under the crushing weight of civil and social disability. We have among our notes, the case of one young man, of 22 years, belonging to a family of nine children, six older than himself, all of whom had died in the pride of early manhood and womanhood, except one, and that one helpless and blind, in consequence, undoubtedly, of ill treatment at sea. This young man had been one of the best seamen who sailed from the South Shore, and had risen to be second mate; but had come home discouraged, disheartened, with ambition quenched, and now feeds the moodiness of a crushed spirit, by moping amid the graves of his kindred, soon, we fear, to lie down with them. "where the wicked cease from troubling, and the weary are at rest, where the oppressed sleep together, hearing not the voice of the oppressor." We tried to awaken him to effort and enterprise, but found it a hopeless task. "Why should I try?" he asked in bitterness. "The prejudice against our color keeps us down. I may be a first rate navigator, and as good a seaman as ever walked a deck?" (and Mr. Thaxter assured us such was his reputation;) "but I am doomed to live and die before the mast. I might get to be second, first mate, and, when at sea, I should be treated as such, because I deserved it; but the moment we fall in company with other vessels, or arrive in port, and our captain invites other captains and mates to dine, I am banished from the cabin to the forecastle. Why should I try?" We could not answer him, for we felt that we could not pluck from his heart that "rooted sorrow."

The Indians of Chappequiddic and Christiantown are under the law of 1828, and under the guardian appointed under that act.—The division of the lands, under this act, has, undoubtedly, operated to improve their condition. A portion was then given to all natives, not under 21 years of age. Questions, growing out of the necessity of dividing the property of deceased persons among heirs, are arising, and puzzle the guardian and legal gentlemen. What is the law of descent? Fortunately, owing to the singularly unselfish disposition of the Indians, these questions have no: yet become very complicated. In about all cases of the death of original proprietors, the lands remain undivided, or the heirs have made friendly partition among themselves. It is hardly possible, however, that difficulties will not, before long, be presented to the guardian, which will render legislative interference necessary.

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

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

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

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

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

1843,			<b>\$156</b>	00
1844,	•		211	
1845,			99	90
1846,	•		128	0ú
1847,			172	85
~ . 1848,		•	221	24
Salary of Guardian.			900	00
3	Total,		\$1889	49

# The Gay Head Tribe

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

The whole territory comprises 2400 acres. Of this, 500 acres are owned in severalty, and 1900 acres still held in common. The whole number of the tribe is 174.7

Families,			38
Male			81
Females.			90
Unknown			3
Foreigners			12
Nauves,			162
Under 5 years			36
From 5 to 10			25
· 10 to 21	•		16
= 21 m %			77
50 to 70;			14
Over 70.			3
The ages of these that a tief	78, 73 s	ai o	
At sea,			10

The proportion of fireteners and of sea-faring men, is less in this tribe, than in any other. Tayelve of the 132 classed as natures are from Marshpee Christiantown, and Chappequiddic, but have gained a settlement here by internarriage.

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

The prominions, from which the pomornial takes us name is corner to life 1930 ones, and the income appearance is such that a longer to local Codes compensate the momentum such takes promined to the momentum such takes and the Early Sec. Appendix, A

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

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

The legal condition of this tribe is singularly anomalous.

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

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

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

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

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

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

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

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

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

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

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

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

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

### The Marshpee Tribe.

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

The whole territory consists of about 13,000 acres, of which about 11 000 acres are owned in severalty, and 2,000 he d in common. The whole number of the tribe is 305.7

Families,	•	57
Males,	•	151
Females,		151
Natives,		279
Foreigners,		26
Under 5 years,		57
From 5 to 10,		32
i: 10 to 21,		56

<sup>\*</sup> See Appendix G.

<sup>1</sup> Appendix A

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From 21 to 50, 103
50 to 70, 48
Over 70, 9
Ages, 70 73, 75, 77, 83, 85, 87, 104, 107
At sea, 30
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The pursuits of this tribe, with the usual exceptions, are exclusively agricultural. The soil is various, but each allotment usually contains enough of good soil to yield comfortable support to industry and good management. The only articles produced are potatoes and the different grains, most of the families raising enough potatoes for their own use, and from ten to seventy or eighty bushels of corn annually. The larger portion of the tribe secure a tolerably comfortable living; quite a number are poor and improvident, ekeing out a scanty support by begging. They are behind the tribes already considered in the social arts and domestic comforts; none reaching the condition of the best, very many falling below the worst. The majority live in comfortable framed houses, while many still occupy huis and hovels, amidst filth and degradation. As to chastity and temperance too, they are behind the other tribes, though the uniform testimony is, that in both these respecis, particularly in regard to temperance, there have been very great improvements during the last 15 or 20 years. The cases of illegitimacy, known now to exist, are 11. There is great deficiency of self-respect and of love of approbation, (with many laudable exceptions,) and, as a necessary result, of those high aspirations and aims, so essential to progress.\*

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

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

\* Appendix C

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

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

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

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

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

<sup>\*</sup> Hon. Josiah J. Fisk, who was appointed Commissioner to visit the Marshpee Indians, in 1933, in his Report, (Senate Document, No. 14, 1814.) says: "This plantation consists of 10,000 acres of land, (it has been since surveyed, and found to contain 13 000 acres) three fourths of which, at least, are said to be more or less covered with wood averaging by estimation, from five to ten cords the acre consisting, principally, of pitch pine and oak the first, of the value of one dollar, standing, the latter of the value of two dollars, standing. And there is a ready market for all this wood, at the landing-places which lie upon the borders of the Plantation. By a Report of Commissioners made to the Legislature, in 1913, it appears that this whole territory at that time, was estimated at five dollars the acre and the Plantation was then fourteen hundred dollars in debt. From the late increased value of wood, upon the sea board, this territory is thought to

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

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

Considerable uneasiness has been expressed in relation to the amount which the State is called to pay, from year to year for the support of paupers at Marshpee. The condition of Marshpee, in this respect, is peculiar. The number of foreigners is not unusually large. The per centage of foreigners to the whole population of the various tribes, is as follows: Chappequiddic, 7 per cent., Christiantown, S<sub>3</sub>, Gay Head,

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

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

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

7. Marshpee, 84. But it so happens that, at this time, a large proportion of the foreigners at Marshpee are very aged and infirm Of the 9 persons, over 70 years of age, 4 are foreigners, I of whom is an idiot. Unless the Common wealth resorts to a remedy of more than questionable humanity, the forcible removal of these poor creatures, several of whom are fugitive slaves, from a community where they meet with sympathy and kindness, it would seem that no consideration of niggardly economy should prevent the State from allowing the district, in the language of Mr. Marston, "the full sum actually and necessarily paid for the support of the State paupers." The district ask nothing for the support of native paupers. This class imposes a heavy burden upon the district, especially as practically, they are unable to assess taxes for their support. The overseers state, too, that this burden presses the more heavily, as the cost of supporting the county roads, which pass through their territory, is a serious item.

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

1843,			\$321	11
1844,	,		317	34
1845,			290	22
1846,			346	15
1847,		i.	146	10
1848,			434	50
	Total,		\$2155	42

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

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

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

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

There are two school districts. The State appropriates 160 dollars annually for purposes of education, 100 dollars under the 68th section of the 23d chapter of the Revised Statutes, providing for the distribution of the school fund, and 60 dollars from the income of the surplus revenue, under section 7th of the act of March 21st, 1837. The amount appropriated by the district, in addition to the above was, in 1846, \$111 97, and in 1847, \$50 43. The commissioner states, in his reports, that, in 1846, the school was kept in the north district 2½ months in the winter, at a cost of \$64 56, and 3 months in the sum-

<sup>\*</sup> There seems to be no reason for designating foreigners, residing on Indian lands, as "State paupers." The uniform legislation of the State has regarded all colored persons residing upon the Indian lands, as Indians, and subject to all the disabilities of Indians. As Mr. Hallet says, in his argument before the Committee, in 1834, "By our laws, a negro in Boston, who pays \$1.50 tax, is a voter, while an Indian freeholder in Marshpee is put under guardianship. So the negro in Boston is free; but, if he moves to Marshpee, he is a minor." We disfranchise both foreigner and native; declare them incapable of making a contract; deprive them of their earnings; allowing them to assess, we take away the power of collecting, taxes for the support of paupers; and then throwing upon them, without a shadow of justice for the discrimination the support of native paupers, we higgle with them upon the questions, whether we shall pay them for the full support of what we term State paupers, or whether we shall allow them for the full support of what we term State paupers, or whether we shall allow them forty-nine cents per week.

mer, at a cost of \$55 (0) and in the south drance 2 nonths in the winter at a cost of \$91 S2, and 3 months in the summer at a cost of \$56 (0). In addition, \$11.57 vin jaid for books in 1847, in the north district, the winter school was kept 3 months, at a cost of 592 00 in the sammer 17 weeks at a cost of \$37.50, in the south, a later school, 7 necks, cost \$55.03 and summer, 12 weeks, cost \$27.00. We regict that we are compelled to say, that the condition of the schools, and the benefit derived from them, do not seem at all to correspond with the amount appropriated to their support - The formssioner, in his report of 1846, says the number of scholars, between 4 and 16, in both districts, is about sixty and the average at endance in both schools in the winter, is about 10. and in the summer about 25. The scholars are well supplied with text books In his report of 1847, he says after st ting that the whole number was about the same, "The average attendance in both schools, in the winter, is about 26, and, in the surmer about 30. The scholars are well suppled with hon!.s In his report of 1848, Le says, the number remaining about the same, "The average attendance in both, in the winter is about 40, and in the simmer is about 30. The school houses are convenient and well located, and the scholars are well supplied with text books. We have been mable to Ir iw from observation, the inference which would seem to tollow from the above statements of the commissioner, in retation to the schools. One only of the schools, the north, was hen g kept at the time of our visit. This was taught by Miss Lovell a competent white teacher. The attendance during the past summer had been very irregular, owing, in some degice, to the prevalence of whooping cough. At the time of our visit, ten on y were present. The whole number who had thenced I ming the term was 45. (The whole number of children in both districts, between the ages of 4 and 16, is 77) have y thing about the school, looked discouraging. We are compailed to believe that almost the whole interest taken in the a hoois begins and ends in the payment of the money. The teach i has labored with few of those friendly visits, which are so important as the aids and incent cas to a leacher's effort. Hon, B

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

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

ligious distructions, and will not derive the benefit from this find, it religious instruction and improvement, which was in tended for them in common with the rist of the tribe. have so means of knowing how large this monsion table intin ber was at that time; undoubtedly it constituted a very large majority of the tribe. Since that time the trustees have appropliated another third of the moome of this fairl to the distric: This sum of \$433 66 constitutes the whole on mut appropriated for religious instruction In 1839. Jos ph Amos. or blind Joe, a native self-made preacher, was, in his own vords, cordained as a missionary, according to the Paptist order." and "pre-iched round, "Mr. Fish proupying the meetinghouse. Since the dismissal of Mr. Fish, they have had several ministers, blind Joe among them. Last summer Rev. Mr. Wakefield was settied, or employed. The general complaint among the people, is, that their ministers do not visit the people do not become familiar with their daily wants, and assist hem in making improvements in the r daily pursuits. Judging from the appearance of the congregation, on the Sunday when we attended their church, the labors of the ministers Lave bann ost barren of beneficial results. Sonie fifteen or wellty natives were present; and though, as we were informed, the usual attendance is much larger, yet the neglect of public worship is too common. Halits of non-attendance ion and during the ministry of a single individual for eventyseven years, are not easily overcome. There has been a sad value of adaptation in the preaching to their spiritual condition and wants; still there has been a great chang for the better, in this respect, of late years, and its effect upon the people has been marked -- We are impressed with the consection founded upon our own observation and the assurances ve to cived of the very great improvements in the religious condinot of the people within the last to years that here, as on the ricyard is a most promising field for a buildful ministra

The projection risk a graneful refree to the first set for the following form of the results of

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

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

- \* The place and occasion were fitted to awaken the most interesting memories, and to enkindle the most ennobling inspiration. The meeting-house is situated in a secluded spot, surrounded by the few " brave old oaks" which time and Mammion have spared. The graves of "the rude forefathers" of the tribe are beneath our fect as we step upon the threshold; the spirits of Eliot and Mayhew are among the "great cloud of witnesses" to our solema services. Ir seems impossible not to catch something of the spirit of the apostle to the Indians, now gentle and winning as the accents of Caivary. now tertible as the denunciations of Sinai,-" quot verba tot fulmina, as many thunderbolts as words." We mourn that he left not his mantle behind him. - One feature of the service left a fresh and pleasant impression. It was the appearance of Mr. Amos. the native preacher. He was one of the choir; and, when he struck the first note upon his accordeon, the associations of so novel an instrument, we confess, somewhat disturbed our notions of propriety; but, as he warmed to the service, and stood tall and manly, with a phrenological development which Spurzheim might have envied, with his face turned to heaven, and his sightless sockets swimming with tears, he seemed the very personification of the loftiest spirit of rapt devotion.
- This society is probably one of the oldest private corporations in this country. Its act of incorporation was passed by the Legislature of the Commonwealth, in 1727, under the name of The Society for Propagating the Gospel among the Indians and others in North America. It gives us pleasure to say, that the managers of this Society, as well as the Trustees of the Williams Fand, have uniformly exhibited a disposition to yield to the denominational preferences of the Indians, both at Marshpee and on the Vine; and and to allow them to choose their own minister, upon the sole condition that he should

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

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

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

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

it was 315, of whom 16 were negroes. In 1348, it is 305, of whom 26 are foreigners, all negroes or multitoes.

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

	1643	1844	1845	1816	1847.	1849.	
For the poor,	\$539 lõ	\$611 08	\$616 <b>2</b> 5	3718 00	\$777 22	\$747.61	\$4011 32
·· schools,	252 78	235 32	271 25	278 97	237 43	173 ~6	1449 51
" roads & bndges,	} 44 29	45 02	83 22	105 12	526 38	171 อิง	1275 58
For select- men's ser- vices	145 00	145 00	145 00	145 00	9ú 00	90 00	750 00
Comm'rs and treasurer's services.							545 00
Clerk ss rvice	es, 15 00	16 07	16 75	15 00	)		62 B2
Incidental	70 00	45 02	56 64	88 33	60 03	109 73	429 75
							<b>5</b> 8533 98

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

 1843.
 1844.
 1845.
 1846.
 1847.
 1849.

 School Fund, \$100.00
 \$100.00
 \$100.00
 \$100.00
 \$100.00
 \$100.00
 \$100.00
 \$600.00

 Surplus, \$55.00
 55.00
 60.00
 60.00
 60.00
 60.00
 60.00
 60.00
 350.00

 State paupers, \$321.11
 317.34
 290.22
 346.15\*
 446.10
 434.50
 2155.42

Total 93105 42

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

 $<sup>^{*}</sup>$  Of this amount, 3:16-20 was paid back, in 1647. This reduction would slightly vary the result.

not sure that this is not larger than the average paid by the citizens of the State, enjoying all the privileges of citizenship.—We do not think the guardians of the State treasury need be seriously alarmed. Especially when we compare this paltry sum of \$1377.29, with the princely donations which the State has during that time, made to her public charitable and benevolent institutions, we cannot believe that the too long oppressed remnants of the red man will form the only exception to the generous treatment, which it has been the pride and the glory of the Commonwealth to extend to the degraded and unfortunate.

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

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

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

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

### Herring Pond Tribe

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

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

Families,	,			12
Males,				28
Females,				27
Natives,				49
including several from	Mar	shpee and	l Yarm	outh.
Foreigners,				6
Under 5 year	s,			5
From 5 to 10	١,			9

<sup>·</sup> See Appendix A

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15 19 ] HOUSE—No 46. 39

From 10 to 21, 16

21 to 50, 22

50 to 70, 1

70 and over, 2

Aged 70 and 90.

At sea, 2
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The pursuits of this tribe are similar to those of the other tribes. There is one house-carpenter. Their condition is much superior to that of their neighbors at Marshpee. They live in comfortable houses, and will compare favorably with the Christrantown tribe in the arts and comforts of life. Their stock consists of 2 horses, 5 horned cattle, 6 swine, and about 100 towls. They are generally free from debt, and the rule for dividing the land is the same as at Gay Head, each one appropriating such as he needs, under the direction of the treasurer Fortunately, the common lands have never been divided, as were those at Marshpee, and they form the source of a fund now amounting to \$2511 69; and, under the judicious management of Mr. Marston, (the act of 1834, providing that the Commissioner of the Marshpee Indians shall be treasurer, and quas guardian of the Herring Pond Indians,) this amount is increasing, from year to year. From the reports of the treasurer, we find that the net receipts from the sale of wood from the common lands, for the last five years, have been as follows -

1844,		\$324 91
1815		156 98
1846		267 26
1847.		264.58
1848,		793 24
		<del>-</del>
	Total,	82106 97

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

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

The whole amount paid by the State to the plantation, for the support of State paupers, and indeed for all purposes whatever, for the last six years, is \$169.52. The average cost per year, for several years past, of supporting the poor, has been about \$110.

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

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

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

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

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

# The Troy or Fall River Indians.

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

Families,				10
Males,				17
Females.				
Natives,				29
Foreigners,				8
Under 5 year	S.			1
From 5 to 10,				2
" 10 to 21,				8
· 21 to 50,				15
" 50 to 70,				10
Over 70,				1
Cynthia Cuffee born is	a We	estport, a	ged 74.	
At sea				J.

\* See Appendix A

6

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

The present guardian, Benj. F. Winslow, Esq., was appointed in May last, under the resolve of April 16, 1836, authorizing the governor to fill the vacancy in said guardianship, whenever it should occur. The salary of the guardian, so far as we can learn, is not fixed by law. The usual sum allowed, of late years, has been \$35.00 yearly.—It might be expected from the above statement of the condition of the tribe, that the appropriations by the State, for the support of their paupers, have been large. For the five years previous to 1848, they have received from the State the following sums:—

18	43,				\$107	69
18	44,	•			165	82
18	45,				76	ŏ0
18	<b>34</b> 6,				140	83
18	347,				252	40
Salary of guardian, for five years,						00
To Holder Wordell, in 1848, upon final						
settlement of guardian's account,					214	66
	T	otal for	6 years	s,	\$1122	90

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

# The Dudley Tribe.

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

\* Appendix D

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

Fam.	ilies, about			11
1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	_		•	22
Female Teme	iles, .			21
Unko	lown,	, .		2
Nativ			-	40
<b>F</b> orei	gners, .			8
Unde	r 5 years, .			6
as belian From	5 to 10,			7
From Figure 3 ac	10 to 21,			8
ad comety a	<u>21</u> to 50,			21
10 Emini of "	0 to 70,			õ
TOYOU STOPPOPELL	70,			1 aged 74.

shabous halfbenfithe number live on the territory. This tribe have requestioned living the cultivating their land, and by going of the State, and the state of t

a to the same of t	40 0	a.10, a.3 1	O110 W3 :
शक्ता क्या हिस्से । स्ट्रा			ATO: 00
a-4/19 mgil 1844	•	•	\$101 97
WI keep as and h	•		146 99
1846, 4.		•	507 48
Salary of overally	٠	•	85 22
Salary of guardian 5 years,			250 00
1848,	•	•	213 84 †
			1305 50
<b></b>			500 00 ‡
The current			1805 50

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

<sup>†</sup> Including salary of guardian, and \$22 ~;, to Daniel Davis, for medical advice.

‡ For repairs of buildings.

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

# The Hassanamisco, or Grafton Tribe.

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

Families,			5
Males, .	,		12
Females,			14

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

# The Punkapog Tribe.

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

		* Appen	dix A.		
Females,	•	•	•		6
Males,	•		•		4

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

For support of paupers,

\$901.72

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

#### The Natick Tribe

We have taken no statistics of the Natick Indians. There are a few in and about Natick with more or less of the blood of this tribe in their veins, and others scattered over the State; but it is now several years since they have asked any aid from the State, and they will probably never ask more. Practically, the tribe is extinct. The last of their lands were sold under the Resolve of March 4, 1828.—There is a fund in the hands of Elijah Perry, Esq., their guardian, arising from the sale of these lands, amounting to \$1,291 13. The present guardian was appointed in 1838, at which time the fund amounted to \$1,226 S6 Since that time, Mr. Perry has appropriated annually, to certain individuals belonging to the tribe, none of whom now reside in Natick, small sums, amounting very nearly to the income of the fund -By a resolve of February 27, 1810, the governor is authorized to appoint the guardians to the Natick Indians. By a resolve of June 11, 1814, this authority is renewed, with the addition, "the guardian thus appointed shall be held to render an account annually to the governor and council." By a resolve of February 13, 1819, the guardians are "authorized to expend and appropriate, under the direction of the overseers of the poor of said town, all or any part of the funds in their hands, belonging to said tribe; and a certificate, under the hands of said overseers, of the expenditure and appropriation of said funds, shall be a sufficient voucher for said guardians in the settlement of their accounts as such." Through a misapprehension of his duties, Mr. Perry has rendered no such account since his appointment. He has presented to us a statement of the amount of this fund at the time of his appointment in 1838, and of the sums appropriated by him since that time, accompanied by a certificate of its correctness from the selectmen of Natick. He has allowed six per cent interest, and has charged two per cent on the amount of the fund for his services. The fund is invested at the discretion of the guardian, and upon his personal security. As far as we can judge, Mr. Perry has managed this fund judiciously; still, as the State holds it in trust for the benefit of the Indians, it will not be regarded as intimating a suspicion of Mr Perry's integrity or responsibility, to express the opinion that something more than individual liability should be required for the security of the fund.

#### The Yarmouth Indians

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

The whole		58.		
Males,			,	32
Females,				26
	* S≞e	xibaeaa A	A	

## Recapitulation

Chappequiddic				<b>S</b> 5
Christiantown,	-			40
Gay Head				174
Marshpee.				305
Herring Pond,				5.5
Fall River,				
Dudley, .				48
Gafton, .			-	26
<b>T</b>				
Yarmouth.				58
(D) (1)				
Total number				
ing the Natick tribe.				847

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

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

In Massachusetts, under the care of Mr. Ehot. In Plymenth Colony, by Mr. Bourne's and Cotton's account.	1,100
Additional number, under Cotton's care, in Plymouth	530
On Nantucket,	170
On Martha's Vine, and and Chappequiddic, under the care of the Mayhews,	300
and maynews,	1.500
Total,	3.600

Upon a review of this whole matter one subject seems to

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

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## The Parper Question.

We do not share in the alarm which some seem to feel, in regard to the amount of appropriations to the poor Indians. It appears, that, for the six years from 1843 to 1848, inclusive, the whole amount, paid by the Commonwealth, on account of the Indians, was \$10,059.25 Of this amount there was paid to the commis-

sioners for dividing Marshpeelands. \$ 1131 87
Salaries of guardians. 1715 00

-----2546 87

[Feb

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

being an average of 1202 06 annually, or about one dollar and a half to each individual. The total yearly cost of the State government is about \$900,000, or one dollar to each individual in the State. We submit, that 900,000 citizens, who enjoy all the privileges of citizenship, at a cost of one dollar per year, ought not to complain of the burden of paying one dollar and a half per year to the 800 persons who are kept in a state of complete political and civil disfranchisement. It would be difficult, we trust to find \$00 citizens of the State, who would submit to the same disabilities, for fifty cents a year.

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

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

The listory of all conquered and proscribed races and classes,

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

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

The constitution recognizes no distinction of color, and no civil inability in classes or communities. It declares government to be a "social compact, by which the whole people 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 1st chapter, it leaves all the rights

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

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

- 2. The Marshpee Indians are not aliens. They are not a domestic nation, as the Cherokees are declared to be, by the supreme court of the United States. They have no right's secured by treaty, and no other rights than those of property and person, applying to them as to all other citizers.
- 3. They are not our vassals, slaves, or servants. They were not conquered by our fathers, but were the friends of the whites, before the war of the revolution, and, in that war, fought on our side, for which some of them now receive pensions.
- 4. Are they paupe:s? They cannot come under this need for they are all freeholders in common, and the law permitting them to take the poor debtor's oath, makes an express exception of their landed property.
- 5. Are they incapacitated? Not naturally. They are not non compos mentis. How then are they incapacitated? To justify the placing of the property and person of the citizen under guardianship, he must individually be incapacitated. Every individual of the Marshpee tribe must then be proved to be incapacitated, to justify taking away his rights of person and property, and they must be placed under the general laws of guardianship. You cannot declare a whole community to be incapacitated from the exercise of individual rights. As it regards the Marshpee Indians as a community, it is false reasoning to take it for granted that they are incapable of self-government; because they have never had a fair opportunity of testing their capacity, and because, they are now as well informed and as temperate as many of the plantations were,

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

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

We dwell upon this point, not to indulge in useless fault finding or regrets over past legislation, but for the purpose of direct ing 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 exper ment has never been fairly tried. Efforts have been made to Christianize and elevate them; and we are gravely told, that, because they always have failed, therefore, they always must fail, but, it seems to have been forgotten that the effect of these efforts has always been controlled by the crushing influence of civil and political disability, and, as a necessary result of these, of social proscription. It is, as Frederick Douglass says in relation to the incapacity of the African race for improvement -himself an eloquent refutation of the falsity of the affirmation - 'Sixteen millions of Anglo-Saxons grind to the very dust three millions of Africans Take your heels off of our necks, and see if we do not rise "-We have treated the Indians as wards, serfs, vassals, slaves. We have taken the management of their property, and have allowed it to be squandered and lost. We claim the right to dispose of their persons, giving 52

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

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

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

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

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

They should not be treated as paupers. We find that they nearly all have that feeling of pride, which shrinks from being the objects of charity. This feeling which is almost the only vestige, and which a wise legislation should foster as the germ, of a hopeful self respect, we should not wantonly wound -They are not State paupers. The legislation of the last 150 years has recognized as Indians all descendants of Indians residing upon Indian lands.—We plead for them, not as paupers, or as public beneficiaires, but as entitled to the pittance which is necessary to their comfort; and instead of compelling them to apply for scality 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 hable both to withhold and

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

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

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

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

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

### Basis of an Act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# APPENDIX.

# APPENDIX A.

Names of Members of the several Tribes in the State.

# CHAPPEQUIDDIC TRIBE.

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

#### 1849.] HOUSE-No. 46. 61 Emily Brown, Thaddeus Cook, Aged 15 Aged 23 Raymond Brown, 13 Frederick Coo!, 21 Edwin L. Brown, 11 Joseph Belain, 18 Wealthy Wamp. William Belain, 82 21 George A Gardner, 27 Anstress Belain, 15 Isaiah Belain, William H. Mathews, 41 31 Laura Belain, 31 Margaret P. Mathews, 23 Isaiah Belain, Jr. 6 Prince W. Mathews, 3 Harriot Belain, 3 Cornelius Johnson 38 Lucrotia Belain, Aurilla Peters, 16 26 Philean Belain, Paul Warren, 14 62 Joseph Curdoody, 24 Lydia M. Brown, 3 Thomas Laton. 35 Asa Johnson. GO Mary Laton, 26 John D. Laton. 21 Total. 85 Henry Jonas. 22 CHRISTIANTOWN TRIBE Thomas James. Aged 72 Charlotte Belain. Agei 29 Judith James. 6 Joseph S.mpson, 42 Charles James, 26 Lovice Simpson, 41 George E. James. 22 Eliza A Simpson, 18 William S. James, 20 Hannah Simpson. 9 John A. Spencer. 35 Adriana Simpson, 8 Francis Spencer, 13 John Anthony. 30 John Spencer, 7 Betsey Anthony, 26 Eunice Elizabeth Spencer, Rachael Anthony, 4 William Grant, **37** Infant, 1 day Mary Grant. 14 Asa Peters. 34 Charles Grant. 12 Aur lla Peters 30 William Grant, Jr., 8 Leander Peters. 9 Samuel Mingo: 53 Charles Peters. 3 Jane Mingo. 50 Lydia Week 60 Joseph Mingo, 22 Tristram Weeks. 35 Sa:ah A Mingo. 10 Uriah Weeks. 40 James W. De Grasie, 30 James A. Weeks, 26 Lucinda (". De Grasse. 8 Charles Weeks, 22 Henry J De Grasse, Philura Weeks. 5 months 25 Francis Peters, 67 Sophronia Weeks. Hepubeth Peters. 30 George W De Grasse. 60 24 Mariha Peters. 37 Frances De Grasse. 28 Almira Peters 23 Asa Belain, 30 Total, 48

# GAY HEAD TRIBE.

Lewis Cook,	Aged	38	Caleb Rodman,		ged 2
Abiah Cook,	_	27	Leander Bassett.	21	.geu 2 39
Jane Cook,		8	Huldah Bassett,	•	41
Jonathan Francis, .		50	Julia Bassett	•	10
Simon Johnson,		33	Moses Basset:		
James Boyer,		34	Eather Bassett	•	4
Mehitable Boyer, .		37	Bethiah Bassett,	3	weeki
John Williams,		50	John Devine,	Ŭ	35
Sophronia Williams,		45	Parnal Devine,	•	38
John Thompson,		22	John Devine, Jr.,	•	13
Hebron Wamsley, Jr.	, .	28	Avis Devine.	•	9
Eleanor Wamsley,		27	Parnal Devine.	•	2
Celestine Wamsley,	,	8	Aaron Cooper, Jr.,	•	28
Tolman Wamsley, .	,	7	Phebe Cooper,	•	
Amy Wamsley,		4	Isaac Cooper	•	16 5
Lavina Wamsley,		ī	Thomas Cooper,	•	73
Esther Howaswee,		52	Jane Cooper,	•	73 67
Winifred Howaswee,		18	Martha Cooper,	•	23
John Salisbury,		62	Zaccheus Cooper,	•	23 24
Abiah Salisbury		56	Lucy C. Ocoper,	9	nonths
Johannes Salisbury,		22	George Cooper,	2 11	30
Emily Salisbury,		18	William A. Vanderhoop,	•	32
Druzilla Salisbury,		16	Beulah Vanderhoop,		33
Mehitable Ames,		65	Louisa Vanderhoop,	•	10
Patience Gershom,	_	68	William Vanderhoop,	•	8
Johnson Peters,		66	Paulina Vanderhoop,	•	6
Mary Peters,		65	John Vanderhoop,	•	4
Prince Johnson,		48	Anna Vanderhoop, .	•	2
Eliza Johnson,		40	Edwin Vandorhoop,	8 5	edinon
Peter Johnson,		10	Aston Cooper,	0.5	56
Jonathan Johnson,		8	Abian Cooper,	•	48
Algernon S. Johnson,		6	Belinda Cooper,		9
Jane Johnson, .		4	Remember Cooper,		96
Julia Johnson, .		3	Samuel Peters,	•	38
Methia Johnson, .	3 mon	ths	Saran Peters.		36
Isaac D. Rose,		37	Samuel Peters, Jr.,	,	8
Harriet A. Rose, .	,	27	Jesse Peters.		6
Intant,	10 da	LV5	Johnson Peters,	•	4
Abram Rodman,		40	Amos Peters,		2
Charlotte M. Rodman	•	34	Simon Johnson,		_
Mary Jane Rodman,	•	7	Alexander Danie	•	54 ~∈
Benjamin Rodman,		4	Patrick Devine		75 38
		-			35

1849.]	ноп	SE-No. 46.		co.
Louisa Devine,		_		63
Mercy A. Devine,	Aged 2:	[m waited,	. А	ged 5
Tristram Weeks,		recipitati hellogi		24
Tamerzane Weeks	45	- oct 251100'		22
Triphosia Weeks,		Diddaing Miadiaon,		40
Elizabeth Weeks,	. 10	12a 5. 11140180n,		12
Mary James,	3	overses madison,		••
Lucina James,	34	Onations Madison,		7
Patience Cole,	15	Isaac Madison,		4
Fanny Cole,	66	Zaccheus Howaswee		5 <del>8</del>
John Cole,	. 36	Elizabeth Howaswee	,	38
Tirzah Cole,	5	Francis Mingo,		16
George David,	. 8 months	Hebron Wamsley,		62
Louiza David,	40	Jane Wamsley,		50
Elizabeth C. David,	. 34	Isaac Johnson,		
Lydia David,	. 15	Sarah Jolinson.	·	40
Rosanna David,		Thomas Green.	•	38
Philena David,	9	Beulah Aucouch	•	11
Alexander Desir	· · 7	Hepsibah Auconch,	•	35
Prudence Desid	• 4	Child, do.	•	33
Amos Tofform	- 7 months	Elizabeth Dodge,	•	5
Lydia Jeffers,	. 64	Bathsheba Hoskins,	•	41
Alice Jeffers,	. 30	George Belain,		50
Leonard Jeffers,	. 24	Sophia Belain,	•	39
Thomas Joffers,	20	Meliasa Belain,	•	32
Absalom Nevers,	22	George Belain,	•	12
Louisa Nevers,	25	Betsey Belain,	•	8
Ann E. Nevers,	20	Peter Belain,	•	5
Julia Corsa,	· 4	William Bolei-	•	13
Abby A. Corsa,	. 35	Joseph Belain,	•	20
Moses Corsa,	· 7	Francia Salaia	-	18
Lavelon Corsa,	. 4	Leonora Sylvia,	•	40
Thomas Cooper, Jr.	. 35	Henry P. Sylvia,		29
Thomas Manning,	. 45	James Sylvia,		6
Alvin Manning,	. 40	Joel Sylvia	18 mont	h s
Roxa Manning,	. 32	Lydia Johnson,	6 **	
Marshall Manning,	. 26	Anthony lond-	. 6	35
Abel Manning,	. 2	Heps beth Jordan	. 4	10
Almira Manning,	. 35	William Jeffers,	. 3	8
Mary Manning,	. 25	Laura Jeffers,	. 4	0
Willard St.	. 39	Laura A Jeffers,	. 3	4
Willard Shepherd, Clara Shepherd,	. 55	James Jeffers,	. 1	0
Mary An- Ci	. 42	Marg C 1.	. 1	4
Mary Ann Shepherd, Josiah Jerrod,	. 5	Mary C. James,	. (	6
Olive Jerrod,	46	· .		-
errod,	44	Total,	174	Į.

# MARSHPEE TRIBE.

Nancy Williams,	Aged 55	Diadama Toby,	
Louisa Williams,	. 22	Ebenezer Toby,	Aged 41
Minerva Williams,	. 20	Mass. Taku	. 22
Gilbert Williams,	. 18	Oaks A. Toby,	. 24
Alexander Williams,	. 12	Sylvanus Toby,	. 18
Emily Jackson,	. 27	Water Take	. 16
Thomas Jackson	. 25	Margaret Tuhy,	14
Mary Jackson,	3	Elisha Toby,	· 13
Josephine Williams,	. 2	Ephraim Jerrod,	. 8
Alfred Amee,	. 60	Joseph Toby,	. 107
Naomi Amos,	. 53	Rachel Toby.	- 31
Henry Amos,	. 11	Henrietta Toby,	. 12
Jesse Webquish, .	. 66	Sarah Toby	· 10
Prudence Webquish,	46	John Toby,	. 8
William Webquish,	. 17	Jedediah Toby,	. 5
Jesse Webquish,	. 22	William Jones,	. 3
Levi S. Webquish,	. 18	Achsa Jones,	. 33
Hannah P. Webquish	. 13	Mary Jones,	27
Kilborn W. Webquish,	. 10	Tanana 1 A	3 months
Naomi A. Sanford,	. 21	Polly Amos,	. 59
Elijah W. Pocknet,	. 28	James Amos,	. 58
Beiscy Jordan, .	. 83	Persis Amos,	. 42
Joseph Mills,	. 70	David Robins,	. 32
Dorcas Mills,	. 24	Thomas James,	. 18
William H. Mills,	. 5	Beisey James,	. 48
James S. Mills,	. 3	Salaman Aug :	
Elizabeth S. Mills, .	. 2	Cynthia Attaquin,	. 40
Timothy Pocknet,	. 45	Melissa Attaquin,	
Martha Lee,	. 30	Ebenczer Attaquin, Jr.,	10 37
William H. Simon, .	. 35	Rodolphus Attaquin,	_
Lucy M. Simon, .	. 22	Lewis Attaquin,	
Love A. Simon,	. 2	Francisco :	. 4
Dantel S. Simon,	3 months	Sarah Attaquin,	60 58
Susan Nys,	. 27	Ezra Aitaquin, Jr.,	•
Oaks A. Coombs,	. 39	Carata Ava	. 25
Dinah B Coombs, .	. 25	Phodo Asses	. 17
Maria A. Coombs, .	. 7	Wasson Hammond,	
George R. Coombs, .	5	George Ockry,	. 19
Daniel C. Coombs, .	. 3	Bottom Only	. 30
Darius Coombs	. 3	Betsey Ockry,	. 28
William Cetum,	. 15	Euphrasia A. Ockry, Martha Sammons,	. 4
Joseph Tohy,	. 53	John D. Brown.	. 85
		John D. Brown,	. 31

1849.]	HOUSE	No. 46.	65
Sarah Brown	Aged 39	Isaac Jones, .	Aged 32
Azariah Brown,	. 2	Mary Jones.	31
Emeline Brown,	3 months	Olive: Foller	55
Joseph Amos,	. 43	Betsey Foiler,	54
Abigail Amos	. 44	Sarah Foller,	21
Anna F. Amos,	. 14	Anna Sewall,	30
Rebecca Amos.	. 13	Thomas Sewall,	29
Isaac C. Amos,	. 8	Moses Pocknet,	55
Sarah B. Amos.	. 5	Mary Pocknet,	38
Cordelia Amos	3	Alexander Pocknet,	20
Noah Keeter.	. 21	Philena Porknet,	16
Gideon Tompom	. 42	Phebe Pocknet,	16
Mahala Tompom,	. 28	Sarah Pocknet,	14
Jacob Tompom,	. 10	Grafton Pocknet,	12
Sarah A. Tompom.	. 7	Susan Pucknet,	9
Celia Tompom	. 6	Relance Pocknet,	. 7
Eusebia Tompom.	. 3	Henriet a Pocknet,	5
Lucinda Tompom,	8 months	Triphos a Pocknet	3
Ebenezer Attaquin, .	. <b>67</b>	John Odiorne,	62
Leah Attaquin	. ŝ7	Mercy Odiorne,	63
Benjamin Attaquin	35	Sylvia Casco	55
Elizabeth Attaquin,	. 19	Sally Herrett,	60
Pamela Attaquin,	2 months	Hannah Herrett	65
Abner Hicks,	. 64	Esther Cowit,	28
Sally Hicks	. 64	Jacob Cowit,	28
Eleanor Hicks	. 24	Daniel Qu.ppish	60
Amanda Hicke,	. 1	Abiah Quippish	- 55
Jeremiah Hicks	. 41	Joseph Quippish	20
Hebron Hicks,	33	Isaac Simon,	83
Mercy Hicks, Jerusha Hicks	- 30	Ebenezer Low,	75
Saran A. Hicks.	- 11	Cela Low	. 57
Thomas Hicks	. 8	Polly Catum.	75
Melora Hicks	. 5	Aaron Keeter.	43
Frances Hicks.	4	Mary Keeter	36
Bersha Hicks.	64	Nicholas Keeter	21
Patience Gardner.	· 55	Solomon Keeter	17
Horace Gardner	36	James Keeter	10
Andrew O. J.	4	Lydia Keeter	6
Ophelia Cæsar	6 month-	Sylvester Keeter,	4
Joseph Casa:	. 62	Mercy H Keete:	12
Lucy Casar.	42	Samuel Goder v.	30
Anthony Hinson,	18	Hannah Godfrey	23
William Ilinsun,	- 60	Lysander Godfrey	6
q	50	Alonzo Godfrey	. 4
9		•	•

66	INDIANS.		[Feb.
Mel.s:a Godfrey	Aged 3	Fanny Young,	Aged 4
James Godfrey	. 1	Elizabeth Young	13
William Holland,	. 55	Robert Williams,	. 55
Mary A Holland,	. 47	Solomon Webquish,	. 24
James Lippitt,	. 46	Alice A. Webquish.	22
Sarah Lippitt.	. 40	Isaac Simon, Jr.,	. 5ა
Spencer Edwards,	. 30	Matilda Simon,	. 54
Jana Edwards,	. 26	Peter Squib,	40
Lydia Jackson,	. 63	Joseph Squib,	. 50
Nathan S. Pocknet	. 40	Thomas Jonas	. 48
Charles De Grasse,	. 41	Rosanna Jonas,	. 33
Christina De Grasse,	. 67	Nancy Jonas, .	. 5
Elias De Grasie,	. 32	Lot C. Jonas,	. 4
Susan De Grasse,	. 30	Cornelius Jonas, .	. 3
Jacob Apells.	39	Jeremiah Mys	. 65
Mary Apells	. 34	Hannah Mys,	. 64
James H. Apells.	. 14	Sampson Alves,	. 49
Silas P. Apells,	. 10	Haunah G. Alves.	48
Poster Apells,	. 8	Charles F. Alves,	. 21
Olive Apells,	. 4	Rebecca J. Alves.	19
Mary F. Apells,	. 2	Ezekiel Alves.	. 16
Gustavus Apells	1 months	Clarissa Alves.	4
Diana Wilbur.	. 24	Matthias Amos.	. 30
David Wilbur,	. 65	Clarissa Amos,	. 25
Amy Wilbur,	. 55	Daniel Q. Amos,	11
Joseph Wilbur	. 25	Clarinda Amos,	5
James Wilbur,	. 18	Infant, .	. 3 weeks
Adeline Apells	. 28	Daniel B. Amos.	. 45
James Apella.	. 6	Delia Amos,	. 20
Joanna Cowit.	. 104	Joseph Gardner.	- 60
William Taylor,	. 60	Patience Gardner,	30
Martha Keeter.	. 45	Elizabeth Gardner	. 17
Joseph Mills,	. 60	Oliver Gardner,	12
Dorcas Mills	. 22	Ruth Gardner,	. 70
William Mills.	. 5	James Gardner	8
James Mills	. 4	Elizabeth Jackson.	50
Elizabeth Mills.	18 months	Nancy Jackson,	34
David Mys	. 50	Ebenezer Jack on,	16
Margaret Mys,	. 30	William Mingo.	64
Child,	. 10	Leah Mingo,	57
John Young.	. 35	Walter Mingo,	. 10
Sophronia Young	34	George Mingo,	77
Lucy Ann Young.	. 18	Mary A. Brown.	. 37
Anstress Young,	. 7	Russell Brown.	. 6

#### 1849.] HOUSE-No. 46. 67 Susan Hover. Philander Brown, Aged 15 months Aged 8 Henry Boyer, Joshua Pocknet, 30 5 Harriet Pocknet. 30 James Bover, Simon Keeter, Simon Low, 38 32 Lydia Keeter, Mercy Low. 33 28 Mary Low, Abigail Moses 10 73 Rosette Low, John Hazard, 8 87 Uriah Low, 8 Bethia Hazard. 64 Susanna Low, 3 John Hendrick, 30 9 months Cometa Low, Chloe Hendrick, 30 John Mys, Henry Hendrick, 30 17 Lydia Mys, 25 Isaac Hendrick, 12 Martha A. Mvs, 3 Divers Quippish, 58 Infant, Betsey Quippish, 8 months 23 James Mys. 28 Peter S. Foller. 41 Thomas Mys. 20 Dinah Foller 47 William Mys. 18 Leah Quippish, 20 Joseph Whiting, 49 John Quippish, 33 Jane Whiting. Leah Quippish, 38 36 Isabella Whiting, 12 Priscilla Quippish, 3 Gilbert Whiting, 9 Christopher Hinson, .. 65 Susanna Whiting, 7 Susanna Hinson 65 Henry Boyer, 40 Ophelia Boyer, 34 Total, 305

# HERRING POND TRIBE

Phebe Conet.	Aged 48	Botsey Hersh	Aged 25
William Conet,	. 18	Cyrenus Hersh,	. 18
Adrian T. Cesar, .	. 10	Cordelia Hersh	. 13
Benjamin F. Conet,	. 5	Theodore Hersh,	. 13
Thomas J. Fletcher,	40	Mary Hersh	. 5
Maria Fletcher,	37	William Thompson,	_
Georgiana Fletcher,	. 15	Sarah Thompson	26 22
Maria E. Fleicher,	. 13	W.lliam Carter.	90
Sarah A. Fleicher	. 12	Ralph Blackwell	38
Nathan J. Fletcher.	- 10	Sally Blackwell	. 40
Augustus R. Flatcher	. 6	James H. Blackwell.	13
Julia A Fletcher,	. 4	Roland T. Gardner,	
Thomas Hersh,	45	Jane F. Gardner	39
Mary Hersh	. 50	John C. Gardner,	
	•	John C. Gardner,	. 19

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

# FALL RIVER TRIBE.

Mahala Page,	Aged	36	Sarah Crank,		Λged	52
George Page,		15	Mark A. H. Crank			21
Barton Page,		12	Catherine C. Crank,			20
Charles Page,		8	Thomas M. Crank,			18
William Page		7	Rebecca Allen,			60
Cynthia Cuffee,	•	74	Adam Allen,			65
Ruth Cuffee,		68	Pamela Simonds,		-	40
David Perry		54	Mary Simonds,	-		Ś۶
Hannah Perry.	•	55	Daniel Slade,			51
Lewis Per:y,		30	Lucretia Slade,			41
David Perry Jr.		23	Sarah Slade,			35
Josephus Perry,		20	Haga: Talbot,			60
William Perry,		27	Jemima Freeman			55
Louisa Perry,		30	Lucy Terry,			44
Catherine Perry,		11/2	Stephen Terry,			40
Persis Crank,		49	Maria Terry,			42
Henry Crank,		39	Jane Lyndsay,			38
Eunice Crank,		39				_
William H Crank,		21	Total	1		37
Jane Crask,		16				

# DUDLEY TRIBE, WEBSTER, MASS

Rhoda Jaha,	. A	ged 32	Barzillai Willard,	٨	ged 28
Martha A. Jaha,		15	Persis Willard,		Red Sc
William H. Newton	, .	7	Tames 327:311		
Joseph E. Bowman,		2	William William		
Problem II.			Abigail Rubbins.	,	2
Elizabeth Humphrey			Huldah Kile,	•	68
George Humphrey,		23		,	38
Mary Humphrey,		20	Alexander Kile,		15
Cyrus Humphrey,		24	Inches D. D. II		10
Ann Humphrey,		30	James E. Belden		30
Amy Freeman,		40	Nancy Belden,		25
Melansa Freeman,		21	James E. Belden, Jr.,		10
Mercy Freeman,		22	Frances Belden,		8
Theophilus Freeman		15	Belden,		5
Elizabeth Freeman,		12	Sarah Sprague,		55
Luke Freeman,	•		Lydia A. Sprague,		19
Ira France		39	Israel Sprague,		15
Mary Freeman,	•	33	Matilda A. Maria Nichols		2
Daniel C. Jaha,	•	19	Henry Hall,		63
Mary Jaha		37	Maulda Hall,		58
Julia Daily	•	34	Ezra Pichens,		-
Augustus Daily,		40	Noyes B. Shelby		8
Lavi John	,	9	Aaron Humphrey,		50
Rebecca Willard	•	36		•	-
or mate, .		30	Total,		48
					40

# GRAFTON TRIBE.

Henry Arnold, Sarah Arnold,	Aged 60	Sarah M. Cisco,	. д	ged 29
James L Arnold,	. 57	James L. Cisco,	•••	
Patience P. mold,	. 26	Zona Gimba,		2
Joanna Arnold,	. 19	James Heetor,		50
Mary A. E. Arnold,	. 30	Susanna Heetor,		56
Gilbert Walker,	. 25	John C. Heetor,	٠.	45
Sarah Walker,	. 30	Julia A. Heetor,		32
Sant D. T.	. 29	Richard 4 77		34
Sarah E. Walker,	. 5	Richard A. Heetor,	•	24
Samuel Cisco,	. 39	Elizabeth Heetor,		23
	. 03	Peter E. Heetor,		-0

70	IN DI	ANS	[Feb.
Moses C. Hector,	A_ed 18	Susan J. Heetur,	•
Simon F Hestor	11 <sub>0</sub> eu 16		Aged 10
William H. Heeter,	11	Cornella A. Hestor	6
Asa F. Hector,	12	Tutal	~
,		I Utal,	26
	- Vanuari	_	
	YARMOUT	H TRIBE	
Samu-l Baker,	Aged	Russel Baker,	Aged 9
Sonhrania Baker.	34	Abby M. Balier,	7
Jane Baker	. 9	Stephen A. Baller.	4
Wi ham Henry Harrison	Baker, 7	Ezeriah Baker.	1
Martha Emily Balier,	16 months	Barzillai Cash	1
Thatcher Baker,	. 4	Deborah J. Casa.	•
Thomas Niclerson	. 61	Charles I dward Cash	. 9
Sally Nickerson.	. 58	Barzillai Cash	•
Desire M. Nickerson,	. 41	Leander Cash	6
Sophia Nickerson	. 3ô	Lucy A. Cash.	Ś
Simeon Nickerson,	. 31	Deborah J. Caen.	3
Russel Nickerson.	. 31		16 months
Debo ah J N cherson,	. 29	Samuel Cobb.	
David Nickerson,		Polly Cobh	
Polly Nicherson	. 27 . 25	Samuel Cubb, Jr.	. 6
Elizabe n Nickerson		Edward Coob,	4
411 (2.11)	24	John Cobh,	. 2
	40	William Taylor	
Sally Cohb	. 31	Desire Taylor	
Susannah Greenough	29	Freeman Taylor,	16
Thomas Greenough,	. 3	Thomas Taylor	. 12
Heman Rogers,		Emily Taylor,	14
Deborah Freeman Rogers	. 27	Susan Taylor,	. 10
John G. Rogers	. 2	William Albert Taylor	. 4
John Brooks,		Julia Taylor	17 months
Nancy Brooks,	,	William Nicherson	
Louisa Brooks	. 16	Susan Nickerson,	
John Brooks.	. 14	Thomas B. Nickerson,	. 26
Mary A. Brooks,	. 11	Frederick E. Nickerson,	. 20
Sylvester Brooks,	7	Sosan J. Nickerson.	
William Brooks,	. á		. 18
Ezra Baher.		Joseph Nickerson	. 14
Sophia Baker	•	<b>m</b>	_
and the second s	*	Total.	62

### APPENDIX B

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

- 1st. What is the present condition of your tribe, and how does it compare with what it has been in former years?
- 2d. What peculiar laws are now in force in relation to the tribe, different from the general laws of the Commonwealth? Under what disabilities are they placed? Should they be continued? If not low can they be removed?
- 3d. Is the present system of guardianship adapted to promote the best interests of the tribe? If defective, wherein? Would you recommend its continuance, modification or abolition? If either the two latter, what change or substitute?
- 4th. Is the tribe capable of self-government? and would you recommend the extension to it of the privileges of citizenship, with all its liabilities?
- 5th Is the land held in severalty, or in common? If both, what amount of each? What is the whole amount of territory belonging to the tribe? What portion of it is public property? What other public property belongs to the tribe? What are the several sources of public income, and what the total amount?
- 6th. How many paupers? If supported by the tribe, how, and at what expense? If by the state, at what cost? Is the present system of supporting the paupers deficient in any respect? If so, wherein? Can any thing be done to prevent or diminish pauperism?
- 7th. Does the tribe, or any portion of it, suffer from contact or intercourse with the whites? If so, in what respect, and what is the remedy?
- 8th. Is there any trouble about fences, boundaries, or titles to their lands? If so, of what kind, and what is the remedy?
- 9th. What, in your opinion, has been, and is the effect of the admixture of foreign, or negro blood, by intermarriage?
- 10th. Are there any disputes or litigation among the tribe? If so of what kind, and to what extent? and what remedy would you propose?
  - 11th What are the principal avocations or employments of the

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

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

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

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

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

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

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

#### Letter from Mr. Thaxter

EDGARTOWN, Dec. 28th, 1848.

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

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

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

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

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

I come to the foregoing conclusion partly from the fact that no tribe gives evidence of so great moral and intellectual attainments, or of so much industry, thisft, confort, and happiness, as the Chappequiddic and Christianiown tribes, who are governed by said Act They are repidly advencing from a state of ignorance and war, to the dignity of men and women.

Reply to Question 3d. I think the present system of guarl anship le adapted for the present, to promote the best interests of the Indians but muc's raust depend upon the character of the guardian.

Should the Act of 1828 be repealed it seems to me, that it should be done prospectively on the petition of a majority of the Indians : that prove ion smould be made for the settlement of all difficulties between there and the neighboring whites, especially at Chappequiddic where the divisional line fence, between the Indians and whites, is frequently a source of trouble and sometimes litigation, the whites, often negleeting, though required by law, to make and maintain said fence Year are aware that the Indians, at Christiantown, have their lands well feneral with some wall; but that very little land is fenced at Chappequal lie, there being no material for that purpose

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

Reply t. Question 4th. I think the tribes are capable of self-govcomment but not to the extent if at more enlightened, and befor in formed communities are

I think the extension to the Indians of the privilege of a threaship with the itemblities, would not be beneficial to them, and that they co out, at present, desire it.

Several of them enjoy the privileges of citizen hip, in consequence of owning land not within the Indian territory

Reply to Question 5th A portion of the lands is held in severally and part in common. By examining the Report of the Conin issioners, appair ed under the Act of 1828, deposited in the office of the Secret ry of the Chimmonwealth, you will see the division of the land

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

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

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

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

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

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

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

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

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

A Resolve was passed, March 4, 1830, authorizing Daniel Fellows, Jr., guardian, to bring suit against the whites, who would not make their share of the divisional line fence; but it is thought to be made quart and has never been tested. Perhaps, a law autorizing the guartien, whenever the whites neglect to make, and maintain said fence, to make and maintain it, at the expense of the write, would be best

 $R/p_{\rm T}^{\prime}$  to Question 9th . I think the admixture of negrebor foreign blood by intermixing c, has been beneficial.

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

Roply to Question 11th. Their principal avocation 1200 ning. A ten of the your ger men go to sea, in the whaling business. These latter are not so provident and moral as the former. Some of the young women go out to service, in familie, and are much exeemed as help.

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

keply to question 13th. They are charte, and temperate, with few exety to compare favorably with the neighboring whites. Formerly, P.w. of notherwise.

Replie to Question 14th. Their schools are well kept, and generally well a tended. Their capacity for receiving instruction is equal to the whites, of the same class. Their schools are kept from three to four months and supported by moneys received from the State, amounting to along forty-six (16) dillars, annually, to each of the two triles.

Reply to Question 15th. If amorly, the Society for Propagating the Coup I occur missinaries to the Indians, viz. at Narraganest. Gay Head Correttentown, and Chappequiddic but, in consequence of certain shihouless they discontinued the mission some few years go. The Library Iroquently hold meetings among themselves, and the narregisted exhibit and pray. Occasionally, some one preaches to their Nomency to ruled by them, or the State, for the support of the Gornel.

Reply of Question 16th. I cannot now make any practical sugcommunity reply to this question, except one relative to the affence. At Clinitizations their linds are well fenced with stone wall and a productive fielding a competence to the industrious and product

At Chappequiddic the have no means wherewith to fence incirlend but he baying posts and rails. Some have done so, he othertie unable which lays those who can under great disadvantage as there earnst compel their neighbor to make his half. A two-rail fence, the material for which would cost seventy-five cents a rod, would be amply sufficient, as they keep no sheep. If the State would furnish them with the material for such a fence, they would be able to erect and maintain it, and they would thereby be enabled to improve their lands to much greater advantage, and prevent many unpleasant disputes, which now arise, mainly from the fact, that they are compelled to pasture their cattle in the rope. Such a fence would, unquestionably, greatly improve their moral condition also.

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

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

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

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

Very respectfully, yours, &c.,

LEAVITT THAXTER.

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

### APPENDIX C.

### Letter from Mr. Merston.

MARSTON'S MILLS, December 22, 1848

F. W. Binn, Esq.

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

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

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

- 2. See Act of 1834, and Act, March 3, 1842, in relation to Marshpee. They are placed under no disabilities, except what they wish, or most of them. They desire no alteration in their laws, nor do I think their good requires any. They do not consider themselves under guardianship.
- 3. They do not wish any alteration in the law, in regard to the Commissioner—they wish it to remain, believing it to be for their hest They desire such an officer to have a general oversight of their affairs, that they may not be led astray by designing white men. in various matters. They need aid particularly in parper cases. In one instance, they might have been saddled with a vhole family out for the untiring opposition of the Commissioner. A tract of land was about to be taken from the Herring Pond Plantation, worth thousands of dollars, and was saved by the efforts of the Commissioner, and the title settled in favor of the tribe forever. At various times, disastrous fires have threatened and attacked their wood and it has been saved by the prompt and efficient action of the Cormissioner, after the Indians had yielded, and left the wood to its fate. And, chiefly, they need the services of such an officer as treasurer, especially to have the care of their invested funds.

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

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- 5. A small proportion of the land in Marshpee is held in common—the greater part in severalty—say 2000 acres in common and 11,000 in severalty. For the sources of public income, allow me to refer you to my reports, in former years, especially of the last two years. See Document, House of Representatives, No. 8, 1846, and Document. Senate, No. 21, 1848.
- 6. Allow me, again, to call your attention to the printed documents, above referred to, in relation to paupers. I do not know as any thing can be done to prevent or diminish pauperism, besides what is doing.
- 7. Contact with the whites cannot be prevented, if it were desirable.
- 8. There is no trouble about boundaries or titles, except in one small matter, which, I think, the Commissioners have knowledge of.
- 9. The admixture of foreign, or negro blood, cannot be prevented. The mixture has been there so long, and to such an extent, that it is difficult to say whether it is an injury or not. My impression is, that the Indian and negro races would be better off, distinct and separate.
  - 10. There is very little litigation, indeed.
- 11. The principal avocation, or employment, is agriculture—but in a small way—and seafaring. Their habits of industry are not very good—they do not appear to care about accumulating property. They procure, as a general thing, what they call a comfortable support, and, where they fail, it is because they are incolent, or intemperate, or both.
- 12. They are as healthy as the surrounding white population. There was considerable sickness among them, last summer and autumn, as there was among the whites—as you already know, I think. In former years they have had a physician, paid by the year, from common funds, for the whole tribe. For several years past, the poor have had a physician, paid by the District—those able to do so pay from their own means. They suffer no inconvenience in procuring medical advice. They employ the same persons as their white neighbors, and select for themselves, among the physicians in their vicinity.

- 13. Their habits of chastity I cannot state about, with any precision. There are very few illegitimate children—not more than one a year, for the last ten years—which is much less than the average in former years. There has been a great improvement in regard to temperance. In years past, more than two thirds drank freely of intoxicating liquors, and very fewart any, were free from the use of them. Now, few drint, at all, and still fewer drink to excess—and much less would be used, if it was not furnished by the whites. Against this, there are now stringent penal laws in force.
- 14. Their schools, generally, are good. In Marshpee there are two schools, kept about six months each in the year. The a erage annual expense, for the last ten years, has been \$254.23 of which \$160 is drawn from the State treasury. The balance is from their own public income
- 15. They have preaching most of the time. It is all paid for from money, from the income of the "Williams Fund"—\$416.66 annually.
- 16. I know of no measure, which I would now recommend to the Legislature in regard to the Marshpee Indians, except as it relates to State paupers
- 17. I have spoken in reference, chiefly, to the Marshpee tribe. The Herring Pond Indians are in good condition, have ample means of living, and comfortable dwellings. Their land has some good wood on it—and they have more than \$2000 at interest, and owe no debt. They have good medical aid, paid from their public treatury, a good school-house, and good schools. The poor and aged are well provided for Nothing is lacking among them, but more religious instruction. They have stated preaching, once in six weeks, and other occasional preaching.

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

Respectfully, your ob't serv't,

CHARLES MARSTON

[Feb.

### APPENDIX D.

### Letter from Mr. Winslow.

FALL RIVER, Dec. 14th, 1848.

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

- 1st. The present condition of the tribe is decidedly poor, but better than in former years, in some respects.
- 2d. There are no existing laws, that I know of, in relation to the tribe, except ng a Resolve, passed June 9th, 1818, appointing a guardian; no disabilities, except their not being allowed to vote, and I think that to be no disadvantage to them.
- 3d. The present system of guardianship seems to be adapted only to the relief of those most needy, as far as their physical wants are concerned; I think it might be improved by a limited appropriation, to be expended by the guardian, for specified purposes, instead of leaving it at his discretion; and that he be instructed or directed by the Legislature, what course to pursue in regard to cultivation, or improvement of the lands of the tribe.
- 4th. I think the tribe would receive no benefit from the privileges of citizenship, if conferred upon them.
- of the land is held, both in severalty, and in common, some four or five acres to each of four families, and the remainder is held in common; the whole amount of territory, is about one hundred and ninety acres. I suppose the whole territory to be public property, and to belong to the State, as it was conveyed to the province of Massachusett: Bay, by one Daniel Wilcox, and afterwards, in the year 1701, it was ordered, that the Indians be accommodated with a settlement for a plantation upon said lands, to be holden by them of his Majesty's governent, within this province, during the pleasure of the government." There is no other property of any kind, that I know of: no source of income, excepting the small amount obtained from their woodlands, which are held in common.
- 6th. There are seven who have been supported in part at the expense of the State, at an average cost of about forty dollars each, per year, the present mode of supporting them is probably as good as any

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BENJAMIN F. WINSLOW.

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

# APPENDIX E.

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

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

TRIBE.		843.		1844.		1845.		1846.		1847		Total.	
Chappequiddi: and Chris				!					_	-		_	
tiantown,	- 8150	00	<sub>0</sub> 211	50	<b>8</b> 99	90	128	00	\$172	85	<b>3</b> 768	25	
Dudley,	-101				-		507	48	85	22	841	66	
Fall River	- 107				76	50	140	83	252	40	743	2	
Gav Head,	. 25	55	25	55	-		_		25	55	76	6	
Grafton,					30	00	-		10	00	40	00	
Hassanamesit, -	- 50	00	50	00	50	00	50	00	50	00	250	00	
Herring Pond	- 26	70	_		51	17	*38	01			156		
Marshpes,	- 321	11	317	34	290	22	346	15	446	10	1720	95	
Punkapog,	- 100	00	100	00					229				
. 6.													
	889	02	1017	20	747	79	1360	47	1311	67	5326	13	
Salary of Guardians not					• •	••						•	
included above.													
Chappequiddic and Chris	3						i						
tiantown Indians,	150	00	150	00	150	00	150	00	150	00	750	0	
Dudley " -	- 50	00	50	00			100	00			250		
Fall River	25	00	35	00	35	00	35	00	35				
Punkapog "for 2	0 -				-	-	200			00			
years, at \$100 per ann			l										
	225	00	235	00	185	00	485	00	285	00	1415	Λ	
								•••	1 700	00	1 410	٧	
Charles Marston and N	₹.,				l I		'				1		
Hinckley, as commi	rs,										:		
for partitioning Marshpe	e'						I		ĺ		1		
Landa	- 905	50			-						905	5	
Do. and L. Hinckley,	-1 -				226	37			١.		226		
Bridge over Santuit Rive	r, -		-		_		140	00	! _		140		
	:								i		140	٠	
_	905	50	_	İ	226	37	140	00		_	1271	٥	
Brought down, .	- 889	0.5	1017	20	747	79	1360	47	1311	67	5396	1	
**			235			00	485	ÓΛ	285	00	1315	1	
	'		-				.00	30	400	UU	1419	U	
Total													

Of these two sum, for apport in 1845, there was paid back, in 1847, \$116.50 on account of Marshpee, and \$12.46 on account of Herring Pond

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

Chappequddic and Christianto	wn, L. T	Chaxter,	includi	ng		
\$150 salary -		•	•	-	\$371	24
Dudley Indians, Daniel Davis,	_	-	-	-	22	74
" Amos Shumwa	ay,	-	-	-	191	10
Fall River, Holder Wordell,	-	-	•	-	214	ô6
Gay Head,	-	-	-	-	13	72
Hassanamesit, Judge of Probat	e for W	or. Co.,	ı	-	50	00
Herring Pond, Charles Marston	n,	-	-	-	25	55
Marshpee Indians, "	-	-	-	-	434	50
Punkapog, Thomas French,	-	-	-	-	222	72
				•	\$1,546	23
Add amount for repairs of buil	dings fo	or Dudle	y Indiar	ıs,	500	
					\$2,046	23
Add previous amounts,	-	-	-	-	8,013	02
The state of the s					\$10,059	25
Deduct amount paid back by	y Mars	hpee an	d Herri	ng		
Pond	•	-	-	-	128	66
Total amount paid by State in These statements do not inc			- paid fr	- om	\$9,930	59
school fund.			=			

### APPENDIX F.

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

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

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

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

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

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

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

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

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

#### SUPPLEMENT TO HOUSE NO. 46

#### APPENDIX G

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

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

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

Done in behalf of the proprietors of Gay Head

Yours, with much respect,

ABRAM RODMAN, Proprietor's Clerk,

GAY HEAD, February 14, 1849.

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

To the Honorable Senate, and House of Representatives, in General

Court assembled:

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

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

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

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

Zeacheous Howwoswee, Francis Silvia, Samuel Peters, Francis Mingo, Hebron Wamsley, Jr. Lewis Cook, Isaac Johnson, Hebron Wamsley, Sen., George David, Amos Jeffers, Tristram Weeks, Isaac D. Rose William Jeffers, Jonathan Francis, Abram Rodman Levi Cuff, Alvin Manings,

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

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

Massachusetts Horse of Representatives Document # 48 1856

2 GAY HEAD AND TOWN OF CHILMARK. [Feb.

State Llovary of Massach wells Special Collections

Commoniveally of Massachusetts.

To H's E collency HENRY J. GARDYER.

Generical the Construction of Messachwetts:—

The Consider can appeared by your Excellency, unly the Resolve of the Legislature, Approved March 9, 1855, cautiled, will alve of the Pitition of Flow was-wee and others. Overseen of the Gry Mend Indians," who establish the Loundary line to taken the lands of said Indians and the lands of the white inhally me of Chilhaack, in Dukes County," having afterded to the duty a signed to them, it pectfully submit the following

#### REPORT:

After fixing due notice, by publication in the Vineyard Coaction of the experience of the point Dukes County, a meeting was held in Chilomath, on the 221 and 25d of August last, and off parties in crested, who there is to appear, were fully hand in relation to the matter in contravery between the relative and the Indians.

The Ladians or sality represented by Hon. Leavitt Taxator, who loss, for in my years, handly aided them as occasion has arisen, with his logal counsel and advice.

Mr. About Rodman one of the inholitants of Gay Head, their agent, and the everal years, their clocking we his plong: a relation to the ensures into a ted to him, proving himself their efficient and study champion.

Beside the regionary of living witnesses, a large mass of

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

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

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

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

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

### GAY HEAD AND TOWN OF CHILMARK. [Feb

There being certain lands not included in the several charters of Edgactown, Tisbury and Tisbury Manor, all bearing date July 8, 1671. Governor Andros, upon the application of Thomas Mayhew and Matthew Mayhew, granted to them, November 16, 1650. Fall that part or pacel of land on the Island of Martin's Vineyard, as yet uncarchased, to be by them duly purchased according to law."

On the 25th day of April, 1685, Covernor Dongan made and constituted the Lordship and Maior of Martin's Vineyard, and granted the same to Matthew Maybew. This same Lordship and Maior and fall the lands owned by Matthew Maybew, were, with a 15th specific exceptions, conveyed by him, on the 12th of the following month, to Governor Dongan, who made Matthew Maybew his agent and steward; in which capacity he served until his death, May 17, 1710.

Govern a Dongan,—who, some years before, had become the Earl of Martines,—made sale of all his interest in lands on Martines Univoid. May 19, 1711, to the "Company for Propagation of the Gospel in New England and parts adjacent in American" for the sum of five hundred and fifty pounds, "lawful modes of Great Britain." This parchase was made, as appears by the diary of Judge Sewall, "with the main design of benefiting the aboriginal natives." And the income arising from leading the lands of "the Corporation," as the society was generally called in the Vineyard Records, was devoted solely to prenote the interests of the Indians. This society was an English composation, whose affairs in this country were managed by Commissioners residing here, comprising some of the most influential and wealthy mon in Massachusetts.

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

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

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

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

From the date of Mittark's cloud to Governor Dongan, May 6, 1687, the Indians ceased to be owners of the soil. The fees absequently became vested in an English Corporation, which long since faded to demand rents, and to exercise over it may jurisdiction or control. It is, therefore, an interesting point to decide whose the property has me; whether it escheated to the Commonwealth, or remains with the heirs of the tenants.

Just prior to his death, in 1682. Thomas Mayhew diedel to his grandson, Matthew Mayhew, "ail that land, or lands,

· See Appendix C and E.

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

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

On the sixth of May, 1987, or about two years after the sale made to him by Matthew Mayhew. Col. Dongan made a purchase of the lands at the western extremity of Martha's Vineyurd, of Joseph Mittark, sachem of Gay Head.\*

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

On the third of April, 1091, William Homes sold the same to Thomas Maybow, brother of Matthew; and it continued in his improvement, he making due payment of the "one lamb," annually, for quit rent, until June 8, 1709, when he conveyed it to his two sons, Zacchous Maybov and Zephaniah Maybow; from whom the present white owners trace their title direct.

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

\* Sm Appendix A. † See Appendix B.

following extracts are taken:—(See Mass. Archites, vol. 113, p. 43), and vol. 31, p. 17.)

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

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

"S. Concerning Nashawaquidsee, we find, by dead, dated the 20th October, 1684, that Joseph Mattaack sold it to Mr. John Mayhew, deceased; but the Indians object that said Joseph had not right to sell it, and enleavour to prone it by the aforesaid will of old Mattaack. And by evidences that was given in to us, it appears that there hath, for some years since, teen a fance maintained between this neck and Gay Head, one half by the Indians, and the other half by the owners of said needs; which gives us reason to think that the Indian, for many years past, did suppose it to be honestly conveyed from them to the said John Mayhew." Dated at Burnstable, August 27, 1703.

The stone wall between Nashawaqueed: ee and Gay Head has existed for many years; and, by facit agreement, has long been regarded as the true boundary line between the land of the whites and that of the Ladinas. Taking into consideration the graphic description in the deed of the sachem. Mittark, and the poculiar physical configuration which the land presents, we

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

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

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

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

The above-named rock, on Pease's Point, bears north seventy-9 three degrees west, from the nearest dwelling-house, now belonging to John L. Pease; and, south six and a half degrees west, from the dwelling-house, near the wharf in Menamsha Pond, formerly the residence of Truman Cottle, deceased, and

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

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

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

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

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

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

#### APPENDIX

#### Λ.

To all people shutecever to whom there presents shall come, or in any when I'm or do con man. Know ye that I Joseph Mittarla, schire of the Goy Hold, in Martin's Vineyord. In Yau mitire, and owner or the lart hereinalter memirised, for and in each libration of the same a thirty penals, entrout all to money of the country, to me in level purk of or house the enseating and dilivery of these presents, by It's firmating, Theres Dong in Capitain-General and Governor of the Proposed New York, Sec. the rec is whereof I do hereby icknowledge and repeal throwith to be fully entirfich and contented. have given grant I, bugshed, and sold; and, by these presents, do give, great, hang in, and sall auto the said Thomas Dengar, his being and a signs, ad that tract of land cell & Catalantche, in Gay Head Neck, siteati on the west end of the Island of Meetin's Unicyard; beginning AM a mosta harbor, running southward along fac cast side or the Paul, or Day, that runs up to the relidle of the Island: and rism in a stringlet line from the head of the said for how boy, muto a first valor poud; and so, along the east side of that poud, over the beach, who the sing together with all and every the Need, hills, remedialns, valleys, woods, wood land more loves to dangs, potures, rivers, risulete, ways, staters, water on uses, fishing, fowling, and bearing and also, all judicerry the mines, minitals, and all other privilege , proporties, and commodities incremeto, or to ad, or any part thereof, belonding or apportuning; and all my, and every of my, estate, interest, and title to all and every part and parcel of a id bargained I nI and princises. To have and to hold the said tract of land, and all other the vargained premises, with their, and every of their appurtenances, unto the sale Thomas Dongan, his heirs and assigne forever. And I the said Joseph Mittarli, Indian native, and owner of said tract of land, the said burgained land and premises, with ever

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

In testimony whereof, I have unto these presents set my hand and seal at the city of New York, the sixth day of May, 1587, and in the third year of his majestics reign.

JOSEPH MITTARK. [L. s.]

Signed, sealed, and delivered in presence of us,

ANTHO BROCKHOLES.

FRED PLIPSON.

W. COURTLANDS.

MATT: MAYREW.

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

Per W. Bonin, D Secretary.

Entered, July ye 19, 1726.

B.

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

## 12 GAY HEAD AND TOWN OF CHILMARK. [Feb.

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

#### MATTHEW MAYHEW. [L. s.]

Signed and scaled in presence of,—
the word, "northwardly," in line 10,
was interlined before the ensealing of these presents,—
THOMAS MAYNEW.
SAMUEL SARSON.

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

THOMAS MAYHEW, Justice of the Peace.

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

THOMAS MATHEW, Justice of the Pence.

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

C.

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

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

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

Signed, sealed and delivered in presence of RICHD. HUBBARD.
WILLIM. YOUNG, June.

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

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

NATHL. GREEN, Justice of the Peace."

Entered, May 11, 1727.

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

Attest, Joseph H. Smith, Register.

D.

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

#### 14 GAY HEAD AND TOWN OF CHILMARK. [Feb.

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

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

PAIN MAYEW. [L. s.] SAMUEL WELLS. [L. s.]

Signed, scaled and delivered in presence of us,
Zach'. Meynew.
ELISHA BISBE.
SARAH MAYHEW.

Dukes County, ss. Chilmark. On the day of the date of the aforewritten instrument, Pain Mayhew, Esqr., and Samuel Wells, aforenamed, personally appearing in their apacity of attornies, as before expressed, acknowledged the said instrument to be their voluntary ac: and deed, before me,

ZACH'. MAYEEW, Justice of the Peace.

Entered, April ye 1, 1730.

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

Attest, Josiah H. Smith, Rogister.

E.

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

#### 16 GAY HEAD AND TOWN OF CHILMARK. [Feb. 56.

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

Sealed and differed in presence of Experience Maynew. William Tone.

ABEL HOSUIT.
JONAH HOSUIT.
ELIAB CASHAMUN.
PETER OHQUONIT.
SAMI. POMIT.
NOSH KEISO.
JOSEPH PAUL.
SOLOMON TENDON.
JOSEPH PANEU.
ZACHARY ASSOCIT.

DURES COUNTY, Gay Head. The day of the date of the aforewritten incornement, Abel Hausait Jenau Hocuit, Eliab Coshomon, Peter Orquonit, Saml Pomit, Noah Keeloo, Joseph Paul, Solomon Tendon, Joseph Paul, and Zichary Associt, subscribers to the said instrument, personally oppearing, acknowledged the aforewritten in trument to be their are and died, before me.

Zaloneus Maynew, Justice of the Pears.

Entered, May 11, 1727.

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

Attest, Josian II. Smin, Register.

These eight hundred acres were leased May 10 1727.—Vol. 4, p. 242.—to liberater Allen, Esqu., of Chilmark, by Adam Winthrop. Treasurer of the Society for Propogation of the Gospel, for the term of twenty-one years, he paying for the same according to the following sliding scale—for the first three years, £40 per annum; for the next four years, £30 per annum; for the next seven years, £75 per annum; and for the last seven years, £100 per annum.

## ACTS

ANI

## RESOLVES

PASSED BY THE

# General Court of Massachusetts,

IN THE YEAR

# 1862:

זנדוש משודום מטל

THE CONSTITUTION, THE MESSAGES OF THE GOVERNMENT, LIST OF THE CIVIL GOVERNMENT, CHANGES OF NAMES OF PERSONS,

BTO., BTO., BTO.

PUNCHUM BY THE SECRETARY OF THE COMMONWEALTH.



BOSTON: WILLIAM WHITE, PRINTER TO THE STATE. 4 1862.

to the amount of the tax, as provided in section thirtythree of chapter twelve of the General Statutes:

For making a writton demand, twenty cents;

For preparing advertisement, fifty conts;

For advertisement in nowspaper, the actual cost of the

For posting up notices in one or more public places, twenty cents for each notice;

For posting up notices on such piece of real estate, twenty

For copy of notice, and the publication thereof, and obtaining affidavit of disinterested person, fifty cents;

For recording affiduvit at registry of deeds, the fees of the register;

For proporing deed, two dollars;

For poundago, four per cent, on the first hundred dollars, two per cont. on the second hundred dollars, and one per cent. on the balance of the tax.

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

SECTION 11. Section ninety-six of chapter one hundred general statutes and eighteen of the General Statutes is hereby amended, by suspended. adding at the end of the first clause therein, after the word "state," the words "or any county, city or town therein," so that county, city and town taxes shall be entitled to the same priority or preference as state taxes are now entitled to in cases of insolvent debtors. Approved April 80, 1862.

An Act concerning the indians of the commonwhalth. Ba it enacted, &o., as follows:

Chap. 184

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

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

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

Ant not to affect rights, Sec., of exhibit tribus, except as all-provided.

does not a state pauper.
Secrion 3. The provisions of this act shall not be deemed or taken to change the existing laws affecting the rights of property or person, or the administration of the affairs, of the Indians or descendants of Indians continuing to be members of and to constitute the Chappoquiddick, Christiantown, Marshpoo, Horring Pond, Fall Rivor and Dudley tribes of Indians; except as is hereinafter provided as to the Cay Hond tribe, and as to the registration of the persons or lands

of those and of the other Indians.

District of Cay Houl Hebod.

Powers, dutier,

Pruviso.

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

Rouletry of meta-

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

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

Approved April 80, 1802.

AN ACT RELATING TO THE DISCHARGE OF LIERS ON BILLIS AND Chap. 185 VK66ELA.

Be it enacted, &c., as follows:

Whenever a contractor or sub-contractor shall unreason- Upon medical of ably neglect or refuse to pay for labor by him procured to pay for labor by him procured to pay for labor by him procured to pay for labor by him procured in constructing reprinting of launching any swars subject to pay for labor by the part of the pay for labor by the part of launching any swars subject to pay for labor by the part of launching any swars subject to pay for labor by the part of launching any swars subject to pay for labor by him procured to pay for labor by the pay for labor by him procured to pay fo be performed in constructing, repairing or launching any land ship or vessel upon which a lien shall exist therefor, the owner or other person who made the agreement with such contractor or sub-contractor, may pay the dobt secured by said lien, and have the same claim against such contractor or sub-contractor as if the said lien had been enforced by Approved April 80, 1803. judgment of court.

AN ACT TO INCOMPORATE THE PUTNAM HALL ABSOCIATION IN CAM- Chap, 186

Be it enacted, fo., as follows:

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

SECTION 2. Said corporation may, for the purposes afore- und whitesaid, hold real estate, not exceeding in value, twenty thousand dollars, and shall be subject to all the duties, limbilities and remiser and restrictions, set forth in the sixty-eighth chapter of the General Statutes. Approved April 80, 1802.

AN ACT TO REQULATE THE INVESTMENTS AND SECURITIES OF THE Chap, 187 COMMONWHALTIL

Be it enacted, fra., as follows:

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

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

Herrs of Lewis book.

The dwelling house and land occupied and improved by abiah Diamond and bounded as follows: Biginning at a cracked rock near low water mark at Memanisha Lond, then we Southerly by the wall fence fifteen rods, thence Easterly crossing Herring Errek one and a half rods, thence South twenty six degrees must nine teen and a half rods to the corner of the wall by the road, thence Northwesterly as the wall stands thirty one to to the corner near the Southwest corner of the house there we Meeterly by the wall twelve and one fourth rods, thence Northwesterly by the wall nine and one fourth rods, thence Northwesterly by the wall nine and one fourth rods, thence Northwesterly by the wall thirty one and a half rods to a large rock near high water mark, thence Southerly and Easterly by the Lond to the rock started from, containing about five acres.

· Simon Johnson 20.

Homestead Place:

Bounded as follows, it beings by the wall and fence as it stands excepting by the Swamp on the Southeasterly side, beginning at the Northeasterly and of the wall by the Swamp thence Southwesterly Southeasterly, and Southerly thirty and there fourths rocked mar the road thirty four and road, thence Northwesterly mear the road thirty four and half roods to the corner, thence Northeasterly by the South pasture seventy five rods to the North pasture, thence Casterly by said pasture twenty three and one fourth from the large swamp thirty roots, thence Southeasterly through a small swamp and to a large swamp about forty five rods to the end of the wall large swamp about forty five rods to the end of the wall first named containing about nineteen a cres.

Barn Lot on the opposite or southerly side of the road bounded as follows: Beginning at the easterly corner;

Simms folmon 2a cry by the wall fourteen and three fourth oods, thence Northwesterly thirteen and one half rods, thence Southwesterly six rods, thence Northwesterly partly by wall and partly through a swamp about thirty four roots to the end of the wall on the northwest side, thence Northeasterly by the wall twenty and three fourths rods to the corner by the road, thence Southeasterly thirty nine and three fourths roots to the first mentioned bounds, containing about five and three fourth am One other tract known as the 12 h . sould place bounded as follows: Beginning at a rock near the main road thence Northwesterly about three row to Black Brook, thencemearly due North about thirty eight rods by the Brook or Swamp to the northwesterly corner of a lot recorded to dristram Meeks, thence North forty nine and a half degree East twenty eight and one fourth rods to the corner of the wall where is a large stone, there Southeasterly and Southerly by the wall thirty four and one fourth ords to the end thereof, thence South twenty seven degrees west forty eight and a half ords to a heap of stones near the road, thence North fifty four and a half degree West twenty roots to the rock first named, Containing about ileven acres.

alting to the Boundaries of Certain Indian Lands at Head, prepared by How. Charles Mouston; Commissioner inted under Resolv Chap. 42. 1863, to assertain and mine the boundary lines of Indian Lands at Payotheral. mitted to the Governor and Council, march 18. 1866.

Fristram Neeks.

One track north of the main road and ar Black Brook bounded as follows; Beginning at said Brook near the road, thence Northerly about four roods to a wall foundation, thence N. 73° M. twenty eight roads, and N. 68° M. mineteen road by said foundation to a heap of stones a little north of the road, thence N. 171,0° E. by South Basture thirty ords to Middle Basture, thence S. 76° E, by the wall about forly two roads to Black Brook, thence nearly Southly said Brook about thirty eight roads to the first name of bounds, Containing about eight and a half acres.

One other tract known as the Nathandran cis place bounded as follows: Beginning at a rock a blind road leading to said tract, thence Northeasterly six rock to a drain or Swamp, thence by the drain or Swamp Southeasterly to Black breek and Southerly and Mesterly by Black breek till it comes to another drain, thence Northwesterly to the Geat Swamp where the drain has its outler, thence N. 17.6. Eventy five rods to the first named bounds.

Containing about nine and a half acres.

One other tract-near the Light House, bounded as follows: Beginning at the corner near a road, thence by land of heir of John Divine N. 67°M. four roads, N. 85°M. seven roads to a heap of stones and S.54° E. six and two fifts roads to a rock, thence by Simon Johnson S.49° E. four and three fifth roads and N. 424° E. nine and three fourth roads to the corner started from - Containing about one third of an acre-

One other tract a little northerly of the last above recorded, bounded as follows: Beginning at the corner twelve rods mortherly of the corner begun at in the last fiew, thence by land of the heis of John Divine S. 5. M. four and one fifth rods to a rock, and S. 88 % M. twenty seven rock to the bluff; thence Northerly by the bluff about eleven rods, thence by land of heis of John Divine M. 85% & about thirty rods, thence by Somon Johnson S12% & lever and three fifths rode to the first named bounds

Estate Tay Relase 185/443 dristram Necko

Containing about two a cres 
also, Homelor Beginning at the road by land of Zaco Howwasser, thence running Westerly a little morth of Ministers Spring to land of Beulah Vancierhoof, through the swamp twenty six rode to swamp of Jofannus Salishung twenty eight rods, thence N. 14°6. twenty seremond by land of Beulah Vanderhoof and Bettey Dodge to the corner thence N. 15° M. five rods to the Commons, thence I. 85° M. forty four rods, thence six rods to the road, S 35° M. thence by the road 40% rods to the place of beginning Containing twelve

Famson Neeks.

at the place and bounded as follows: Beginning at a rock bearing S. 11. M. from the east end of Olive ferretts house, thence S. 88. E. two roots to a rock, thence S. 664. E. eight and three fourth ords to a rock, thence S. 15. E. twenty fine and a half roots, thence S. 364. M. twenty five and three fifth rods to a rock by a brook, thence S. 854. M. by the forty acre piece, (10 called, thirteen rods to a heap of stones, thence by same N. 35%. M. thirty and one fourth rods to a heap of stones, thence N. 34. E. Tourteen and three fourth rods to a heap of stones, thence N. 34. E. Tourteen and three fourth rods to a heap of stones, thence of the lower three and a half roots to a heap of stones, thence I. 814. E. thirty one and a half rods to the first named rock. Containing about ten acres.

Olive Jerrett

Deginning at the base nearly South from the house, thence Meterly by the fence eight rode, thence A. 6.6. by the fence twenty six rode, thence Northeasterly by the fence about eight rode to a large work, thence Southeasterly and Southerly by the fence to the corner, thence S. 15.6. to the scramp about thirteen was, thence S. 9. M. about twenty one rods to the fence by the Common, thence S. 9. M. about twenty one rods to the fence by the Common, thence Mesterly, or N. 73. M. twenty rows to the place of beginning. Containing about four acres.

One other tract bounded as follows:

Beginning one and one fourth rode westerly from the southwest corner of the East Dasture or southeast corner of Moid dle Basture, thence & 22/1'M. seven and one fourth rode to a heap of stones, thence N. 814 M. about forty five rode to a swamp, thence Northerly by the swamp eleven rode to Middle Dasture, thence Easterly by said Dasture to the first named bound.

Containing about two and a half acres.

Sim on Johnson.

One large tract embracing west is known as the Deed Field and three other small tracto the whole bounded as follows: Beginning at the northerry corner of South Head Blace ( so called ) thence S. 69 m. this teen and three fourthe rous to land of Esther Howwards, thence Northerly sleven rods and Northwesterly three and a half ords to the Light House yard, then ce Northerty by said yard two and three fourths rous and Westerly thereby ten rods, thence A. 87. 6. nineteen and three fourths rods to a Leap of Atomes, there & Sty. E. ten and a half rods to a rock, thence N. 534. 6. eight rode to a rock, all by land of John Divine, thence S, 49.6, four and three fifthe rods by land of Fristram Breeks, thence N.424.6. nine and three fourth rods by said Weeks land, thence N. 127: W. tivelve rods by John Divine, eleven and a half rocks by the afores and Breeks. land and fourteen and a half rode by John Dinne, thence by said Divine A. 49 h. W. twelve and one fourth rode and It, 69° Mest. nine rods to the bluff and same course in to- the Sound, thence Northerly and Easterly by the waters of the Sound about one hundred and seventy rods to the easterly line bearing S. 1. M. from a large rock to the bank above the shore, thence Southwesterly by arrow come about twenty one rods, thence South westerly, Southerly and Southeasterly by George Cooper about one hundred and six rods as the fence stands to said Cooper's Southerly corner, thence S. 68°M. by land of Eleanora Sylvia and Georgeanna Broacher forty ords to South Head Place, thence N. 67º W. seven and a half rods to a rock in the fence, thence S. 8312 M. six and three fourth was to a rock, thence St. 75°M. thirteen and one fourth rods, then ce A. h. E. twelve and a quarter orde to a heap of stones, thence N. 54'M. two and one fourth ords; theree S. 63'M. six and a halfrods, thence M. W. three and a half oods, thence N. 584. 6. eight and one fourth rods to the wall, thence by the wall No 43. Ar. eight and one fourth rods to the fast named bound and containing about seventy a cres in the whole,

resoring withing the said described framing three tracts recorded to zachus bosper, aaron booper and others, and heir of and also any right of to dig

Simon Johnson.

pear therin,

also one other tract whenon his house stand bounded as follows: Beginning at the southeasterly comes of Jacheus Coopers morth field, thence Northerty by said Cooper twenty and three fourths rods and by ason booper and others fourteen and one fourth rods, thenie Easterly seven and three fourth rods to a heap of stones, thence Northerly or N. 41/4 M. eight and a quarter rods to a heap of stones on the bank and same course to the water, thence by the water Gasterly thirty and a half roots to land of heirs of amos Jeffers, thence Southerly to the fence on the bank and still Southerly by said fence thirty six roots to a large rock by land of Many anthoney, thence West and Southwesterly by said anthoney twenty eight roots, thence Northerly one root to the corner started from - Containing abourseven and a half acres-

Also one other tract bounded as follows: Beginning at the southerly corner of Many anthomy mys lot, thence Northerly by said anthony twelve and three fourths rods, thence Easterly by said anthony twenty rods to a drain and still Easterly by abiah Brown fourteen rods to land of Samuel Beten, thence Southerly by said Betein nine teen and a half rods to land of Batrick Divine, thence Nestarry by the wall thirty eight rods to the corner started from (adjoining Zachens Corpus land) Containing about three acres-

also one other tract form ded as follows. Symmet at the corner of the wall near Patrick Doines house thence Southeasterly by the wall eigh and three fourths rods and still two rods further to a heaf of stones, thence Southwesterly by Zacheus booker about thirty one rods, thence Southwesterly by said booker to and

by the wall eleven and two fifths rows, thence N. 77° 8. Simon Johnson by the fence to the corner started from twenty seven rods, Containing about one and three fourth acres. also one other track-bounded as follows:

Beginning of the northery comer thereof, thence Southeasterly by land of Patrick Divine forty two rods to the corner of a Grand yard; thence Westerly by land of Mary Deters and others forty four and one fourth rods to aaron bookers land and by his wall five and a half was to Elenora Sylvia's land, thence Northerly by her field as the fence stands thirty seven and a half roots, thence N. 76/1 E. by Zacheus Coope's wall twenty one and three fifts rods to the corner started from \_ Containing abour

Thomas Marning. Homes tead in the House, Barn - Row host southwest. to bounded as follows: Beginning at the Bar post southwest-erly from his House, thence N. 84 M. by Middle Basture thirty eigh and three fourth rods to land of Thomas Jeffers, thence by the said Jeffers as the fence stands Northerly sight and a half rods, Northeasterly ten and one fourth roces, Easterly eight rods and Northerly five and three fourths rods to the North Casture, thence Easterly by the fence forty five and one fourth rods, then A. 16° 6. five and three fifths roots to a watering place, thence about S. 74° E. about sixty five rods to a large rock and same course thirteen and one fourth rods to alvin Mannings corner, thence Southerly by said alvin about forty five words as the fence stands, thence of 24% W. by said aloin twenty eight rods to the Moidelle Pasture, thence about A. 53° M. about sixty two rods to the said Thomas fence, thence Northwesterly by the fence about thirty seven rock to the easterly bar post started from. Containing about thirty seven acres.

aloin Manning.

as follows: Beginning to a heap of stone by the Moiddle Basture wall forty five and two fifths rods westerly from East Basture, then we tresterly five rods to the ban at the road, and about thirty four rods to the ban at the road, and about thirty four rods to thomas Manning corner as recorded, thence S. 24x. 6. twenty eight rows and Northerly about forty five rods by said thomas, thence S. 19x. 6. four teen and three fifths rods by the fince then wind a straight line, Southeasterly, to the fence mortherly of the house and by the fence about eighty nine rods in all to the corner, thence Southwesterly by the fine about twenty five rous and due Southwesterly by the fence about twenty five rous and due Southwesterly by the fence about twenty five rous and due Southwesterly by the fence about twenty five rous (making about thirty acres.

Said alow is to have the rough land between the easterly line of what is above recorded to him, and the sown wall if he keeps one half of the wall in repair.

Thomas Jeffers. Homestead Place, including. his fathers, bounded as follows: Beginning at the south westerly corner of Thomas Mannings land, then we West - erly by the Meidelle Pasture forty two and a half three fifth rode to Land of Louisa David, thence by said Louisa North orly and Northwesterly fifty seven and one fourth rods in the fence runs; thence of 63° tr, by the fence fifteen and three fifthe rods to land of Meany anthony at the gate, thence by said anthony Northwesterly as the fince stance twenty five and a half rods to his corner, thence by the Commons A. 84.6. Eventy four rods to the east end of a large rock, thence N. 55% 6. thirty two and one fourth over to the corner of said Thomas field, thence Northenterly by the fence sixty and one half rods, thence Southeasterly by the fence fifty two rods to an oak tree one rod over the brook, thence N. 214. E. sixteen rode to heap of stones, thence S. 21/2' M. crossing the westerly line of a small orchard fourteen and a half rodo, thence S. 47/2. Mr. nine rode to a large rock, thence S. 77 M. ninetien rode to a flat rock, thence Southerly as the fence slands (it being by the North Pasture, forty six and three four the rous to Thomas Manning's land, thence Southerly, Mesterly, Southwesterly and Southerly as the fence stands thirty two and a half rods to the place of beginning Containing about forty eight acres -

One other tract bounded as follows: Beginning at a heaf of stones by the swamp, then ce 8.26. fourteen rods to a heap of stones near the house of abiah Color, thene A. 86 6. twenty two rock to a heaf of stones by wall, thence S. 11. 6. four and a half rods to corner of fence, thence westering eight rods to a large rock, thence S. 55 M. about nineteen rous to starting from

Containing a little more than one acre is

His of John Divine.

Beginning at the Southwesterly corner thereof, by land of Samuel B. James, thence N. 710 M. by land of Batrick Divine about fifty one rods by an old range, thence N. 85° 6. thirteen and one fourth rods, and N. 15° 6. eleven rode and a half by said Batrick to a remnant of a corner wall by land of lamin booker, thence S. 61° 6. by said larow sixteen roves, thence by same S. 25° 6. about twenty nine roves to a road, thence by the road S. 35° M. mineteen roves, thence S. 211.6. eight rown to the west bar post, thence by the fence S. 85° M. seventien and three fourth rods to land of Sumuel B. James, thence by said James fourth rods to land of Sumuel B. James, thence by said James James of the court fourth rods to land of Sumuel B. James, thence

Also one other tractment the above described tract and bounded on the Mesterly side by the Grave gurd, on the Northerly and Gesterly side by a ridge by the land of Latrick Divine, and on the Southerly side thirtien and three fourths routs by the fence between the same and land of Sound & James and the Commons. Containing about three fourths of an acre-

One other tract near the Light Housebounded as follows: Beginning at a heap of stones on the northerly side of the Light Housestor, ten rocks from the northeasterly corner thereof, thence Westerly by said Lor eight and a half rods to the Bluff or Bank, thence Northeasterly by the bluff about fourteen rous to the range of Fristram Weeks, thence A. 884. E. twenty seven rods to a rock, and thence by said Weeks S. 87.6. four and one fifth rods to land of Simon Johnson, thence S. 12% E. by said Johnson twelve rods to a corner by other land of said Weeks, thence by said Meeks N. 67. M. four rods, N. 85. M. seven rods and S. 5% . 6. six and two fifthe rock to a rock at Simon Johnson's land, thence by paice Simon S. 534 Mr. eight rode to a rock, A. 5/2. M. ten and a halfrod to a heap of stoods and 8.87. M. nineteen and three fourthe rods to the place of beginning. Containing about three acres. or

One other track to the morth of the last recorded bounded as follows: Beginning at the Bluff by John Divine land of Simon Johnson, thence by said Simon S. 61 6. none rods, S. 49%. E. twelve and one fourth rods and S. 12%. E. fourteen and a half rods, to land of Fristrum Necks, thence by said Meeks & 85%: W. about thirty rods to the bluff, thence Northerly by the bluff about fourteen rode to William Jeffin land, thence by said Jeffer 5.81. 6. twenty rous, N. 10. W. three and a half routs to a much and one rod further to a heap of stones and N. 67º M. abour seven teen rods to the bluff and Northerly by the bluff eight and one fourth roas to the place of beginning - Containing about two and three fourthe acres --

Samuel Peters.

Homestead Blace in cluding his fathers, bounded as follows: Beginning at the North. east corner of Patrick Divinis homestead, Thence A. 1114 m. by Simon Johnson's land as the fence stants nineteen and a half rods, thence N. 24° M. by the fence by abiah Brownis land ten rods to the corner where said Leten fence sets off nearly east, thence A. 19. 6. by aaron booper and others thirty two rods to a heap of stones near the landing, thence Gasterly by the lank above the shore about sixty seven. rode to a front due north from the Northeasterly comer of said Beters eastern field, thence south to said comer fifteen and a half rods, thence by the fince Southerly For is, Eastwhy seven and a half rods, southerly sleven and one fourth rods, and southeastirly eightien rods to a brook, thence West irly by the brook and aaron booper land seventeen and a half rods, thence Southwesterly by the wall by said aaron sighteen rods, thence Westerly by same nineteen and one fourth rows, thence Southwesterly by same four and a half rods, to Batrick Divinis land thence by said Batrick as the ferice stands westerly twenty six and a halfoods, thence

Northerly three and one fourth rods, thence Easterly two and tivo fifthe rode, thence MO.W. twenty nine and three fourths Samuel Baters. No de to the first named bounder Containing about thirty three

One other tract a little to the Southeast of his homestead; bounded as follows: beginning as a heap of stones by the fence three and three fourths was south erly from the morth bar post where the road enteres the field, thence S. 89. W. by Charles Mingo about twenty one rods to a heap of stones, thence N. 2. E. seven and one fifth roods to the wall by the land of acron booper thence Northeasterly by said a aron about fifteen rocks, and thence Southeasterly by the fince by the commons to the first named bounds. Containing about one and a half acress

## Patrick Dwine\_

Homes tead Blace, bounded as follows: Beginning at the corner of the fence near the Dwelling house, thence by the fence by Simon Dea, Johnsome land S.77° M. liventy seven rode to the bars at the road, thence A. 10.6. four and a halfrods and still North erly and Northesstirly by the road thirty rods to the corner, Thence by Simon Johnson by the fence S. 75% & thirty eight roots, thence by Samuel Leters S. 10 E. twenty nine and three fourthe rode, thence by same Westerly the and two fif the rods, southerly three and one fourths rods and Carterly (all as the fence stands) twenty six and one half rock to aaron bookers land, thence by said daron S. 84 M. nine and three fifthe rods to heir of John Divine, thence by said heir S. 75° W. eleven and a half rods, S.65° M thirteen and one fourth rods and S.74 6. about fifty one rods ( mostly by an old range ) to land of Mm S. James , thence Westerly about four rode to land of the aforesaid heir, thence by said heir Northerly about nine and a quarter rods and Westerly about thirteen rode to the Grave

gard, thence Westerly by the gard twelve and a half Latrick Divine frods, thence Northerly by land of Simon Johnson forty two roots, thence by Zachens Cooper Northeasterly as the fince stands, twenty six rods, Northerly fifteen and three fourths rods, and tresterly ten rods, thence by Simon Johnson. N. 32° M. eight and four fifths rods to the first named bounds Containing about twen ty and a halfacres.

William Jeffers.

Homes tead I lace bounded as follows: Beginning at the southerty corner of the buff place, thence by said place by the fence N. 60°E. forty two rode to the bars at a bridge, thence by Levi buffs land Suce too rods, 8.32/ 6. seventien rods, and A. 58°E, eleven rods (each to a heap of stones , to land of Huldah Bassett, then we by said Huldah as the fence stands Southeasterly thirty two and three fourth rods to her southerly corner, thence S. 38 p. M. thirty eight and one fourth rods to a heap of stones near the road, thence by or near the road A. 66° W. twen ty seven and a half rods , A. 56 1/2° M. Twenty rods, A. 711/2° W. Lleven rods to a rock, and N. 49°M. fifteen rods to a rock, thence A. 36/ 6. two rods, thence S. 58. 8. three and a half rods to a large stone at the corner of the fence started from. Containing in the whole about four teen and a half a cres - Reserving the tract therein recorded to Samuel Has kins \_

One tract situated northerly of the Light House bounded as follow: Beginning at the Bluff by land of hein of John Divine, thence Northerly by the Bluff eight and a half rods to a heap of stones or an old range, thence by said heir 8.67°6, abour 17 rows to a heap of stones, 8.10.6 one row to a rock and three rods further to an old vange, and N.81" Mr. twenty roots to the place of beginning - Containing about three fourths of an acreHuldah Bassett,

Homestead Black, bounded as follows, Beginning at the northerly bar port or ara stone in the wall thereby at the road leading to the house, then why the fines Southeasterly thirteen and a half rods, then we Southwesterly by the fence thirty six and a half roods to william feffers land, thence by said Jeffer's Northwesterly thirty two and three fourths rods and by Livi buff thirteen and a half NO ds to the corner, thence Northeasterly as the fence runs I by the buff Blace or otherwise; to the end of the wall about five and a half rods nor the art from the corner of the porch, thence Northeasterly in a direct line towards the southwesterly corner of Many authory's land to a point two rods from the road, thence Easterly and Southerly two rous from the road till it comes to a heap of stones, then we S.6/2' 6. ten rods to a heap of a tones, thence S. 611 M. eight rods to the first named founds as Containing about fourteen a cres as

Levi Cuff -

Bassetti homestead, bounded as follown; Beginning at the westerly corner of said Holdahi, then ce by hir land as the fence owns Southeasterly thinteen and a half rocks to a heap of stones, thence I. 58° m by William Jeffers eleven rocks to a heap of stones, thence I. 58° m by William Jeffers eleven rocks to a heap of stones, thence N. 52% M. by same seventeen rocks, thence I. 46° m. two rocks to the base by the a bridge, thence by the Couff I lace N. 8° 6. one and three fifths rocks, and thence N. 81% B. about fifteen rocks to the first name of formal Containing about one and one fourth a cress on

Olive Boyer-

Beginning at a blue rock in the fence S.79.6. three and three four the rock in the fence S.79.6. three and three four the rock from the S. 6. corner of the hour; thence Southerly by the fence twenty three rock to the Swamp, thence S. 32° W. eight and one fourth rock to a heap of stones, thence by a brush fence S. 82° M. twenty six rocks, thence Northwesterly about forty two rock to a heap of stones mear a road, thence S. 611.60. seventien rocks to a heap of stones mear a road, thence S. 474.6. twenty five rocks to a heap of stones by road, thence S. 474.6. twenty five rocks crossing the drain from the Beat swamp to a heap of stones, thence S. 664.6ast twenty one rocks to a rook, thence S. 104. M. ten rocks to the wall, thence S. 204. M. twenty and three fourths rocks, to the rock started from twenty and three fourths rocks, to the rock started from Containing about fourteen acres, reserving any right to dig Beat on said premises which may helong to

The said Olive has the right to the Beat in a swamp containing about twenty five rods how - wer bounded, situated about ten rods northwesterly from the north corner of her above described homesteads

Esther Howwaswee.

Deginning at Millow Dond two rods westerly from a large rock, thence Easterly over said rock and to a heap of stones eleven and a half rods, thence N. 82. 6. by the old range about menety rods to the Ban at the Sallman Blace, thence S. 38. M. sixteen and one fourth rods to a heap of stones, thence S. 77. M. forg five rods to a heap of stones, thence S. 614. M. eighteen rode to a rock thence S. 604. M. sixteen and a half rods to Millow Brook, thence North westerly. Northerly, and Northeasterly about forty was to the first named bounders Containing about thirteen and a half acres.

Zachew Horvevaswee-

homestead and bounded as follows: Beginning at Willow Brook by Willow Dond, thence by said Exter 1. 60 p. 8. sixteen and a half rods to a rock, thence S. 611 6. eighteen ords to a heap of stones, thence 1.11. 6. forg for route to a heap of stones, thence 1.11. 6. forg for route to a heap of stones, thence by commons, S. S. W. twenty five and two fifther rods, thence S. 24.6. eight rods to a rock by a road, thence S. 19. W. sixteen rods, thence 1.34 14. W. twenty roots, thence S. 61. M. forty five rods to a water hole at the beach, thence N. 171 M. twenty seven and three fourths roots to the first named bounds. Containing about eleven acres so

One other tract known as the forty acre piece, owned in common with others, bound ed as follows: Beginning at a rock by the Brook at the southerly corner of Jamson Weeks' land, then Southeasterly by the brook and swamp about thirty rods, thence Southerly and Westerly by the swamp about forty rade to Kemember Coopers for her hein land, thence by said bookers land N. 420 M. about eighteen rods, and N. 450 M. about fifty rods to a drain, thence Northerly by the drain and the pear swamp of abraham Rouman about thirty five rode, thence N. 81°E. twenty two rode to land of Jameson Neeks, thence by said Neeks S. 3/2°M. fourteen and three fourths rods to a heaf of stone, 8.35 44° 6. thirty and one fourth rods, and 8.85/1.6. thirteen rods to the place of beginning - Containing about twenty acres as

Weeks by the road, thence Easterly by the road to land of I. Weeks by the road, thence Easterly by the road to land of abram Rodman and heirs of Charlotte Rodman by a Cherry tree with a stone in the kimb, thence therees I. 12. 6. to a rock, same course to a tree with stone in the branches, thence S. 8. M. through the swamp to a cluster of maple and a cecter stake, thence S. 60p Mr. to the wall

3. Howwas wee.

thence Southwesterly by the wall and land of abrarm Rodman to a large rock in the wall at the end of the wall, thence I. 29.6. to a Cherry tree, then on, over the brook a short distance to a stake and stones, thence Mesterly by land of Hebron Walmsley and following land of said Walmsley to the road, thence by the road, Northerly, by land of said obebrow about 8 rods to land of Harriet a. Rose, thence by land of said Harriet to land of the aforesaid Warnsley, then by the land of said Warnsley by the wall to the bars, thence following the road which separates it from the land of the heirs of Sarah Ghershom or ferrett next of kin, 11 rods and 8 links to a heap of stones by the road in the in the edge of the Swamp, thene N. 17° W. through the swamp to a stake by the upland, thence A. 13. M. to the old meeting house spring, then we by the wall to the place of beginning a Contaming 40 acres, more wless. a piece at the southwest comes of the homestead of Harriet W. Rose, there commencing and ourning Southerly by her land fourteen rode to land of Trestram Weeks, then by said Weeks' land is roots to a large rock in the wall, Thence Northeasterly by an old road to a heap of stones, thence South 82 Mest sixteen rocis to a heap of stones, thence I ruth 12. Gast six roceste the place of beginning, and Containing two and three fourths acres as Called the Mill Lot.

#### Diadama Madison

Homes trad Place bounded as follows; Beginning at the southerly corner of aaron booper land by South Head Blace, thence Northeasterly by said acron as the fence stands forty three and a half rods, by same Northerly six and a quarter rods, by same Gasterly ( with a joy horcherty of three fourths rod , twenty and one fourth roots, thence by the commons S. 11/2 6. twenty eigh and a half rods, thence S. 5. W. four and a quarter rods, thence Easterly twenty four and two fifths rods, thence S. 14. M. twenty three and three fifths rods to the bars ( north poer ) at the word to Belive's, thence by Belame's Blace S.80 W. twenty nine and three fourth rods, '- - I ITh M. three and one fifth rods, S. 57/1. W. nineteen and three fifths rods, N. 2 w.M. twenty one rods, and S. 72° Mr. fifteen and one fifth rods, thence I. 78 p. W. ten and a half rods, and N. 49p. W. sixteen roots by rock Mill Place to the first named bound. Containing about fourteen acres.

Charles Mingo.

One tract bounded as follows:
Beginning at a heap of stones near abiah:
house, thence It 2° 6. three and three fifths rods to a heap of stones, thence by Samuel Beters It 89° 6, about twenty one roots to a heap of stones by the fence, thence Southerly by the fence two and one fourth roots to a heap of stones, thence I 80° M. twenty two roots to the first named bounds, Containing about one half of an acres

Heirs of Saulsbury transley-

We tract situated adjoining Geraham's Field (so called) brunded as follows:—
Beginning at a rock and stones on the hill, thence

N. 8 p. M. forty three and a half rods to a heap of stones,
thence N. 85.6. twenty four roots to the swamp, thence
Southerly by the swamp about thirty seven roots, to Geraham's field, thence S. 70. M. twenty six roots to the first
mamed bound. Containing about six and one fourth acres.

7 on affidavi Ree Book 282 Rage 242

One other tract bounded as follows: -Beginning at the Northeasterly comer by the wall which encloses the northerly part thereof, thence as the foncerun about S. 134. E. twenty six and three fifths rods to the corner of the field and by fence of Hebrow Warnsley fifteen and a half room to bar poet, thence Southwesterly by a roace twelve and a half rock to a heap of stones by land of Exther Howwasiver, thence Mesterly by said Osther nine and a half rods to a rock, and two rods further to Willow Sond, thence Northerly by the ponde eight rous to a Brook and North a little Easterly about fifteen rods to the southwest corner of the field, thence as the fence stands N. 15 W. twenty four rocks, N. 82. 6. nine and two fifths rode, A. 8'6. one row, and N. 86'6 eight rods to the place of beginning, Containing about five acres, and known as the South Basture, including the brush land south thereof in One other piece at the Shearing bars. beginning at the Southeasterly corner of abigail's Blace by a rock, thence N. 50 p. G. 13 roce to a heap of stone, thence N.500 8 rode to the end of the wall, thence Westerly by the wall to the main road ( Shearing bas), from the road to the end of the wall by the commons, thence Southerly by the wall which separates from land of zachens Cooper and Olive Jerritto land to a heap of stones by the A. C. corner of aligaies Place, thence S. 53. 6. 11 rows by aligail's Blace to the place of beginning at the rock - also one other piece in South Pasture.

Heirs of Amos Jeffers

One tract northeactory of the Light House, situated and received in a large tract recorded to Simon Johnson and bounded on all side by said Simon beginning at a point A. 75. E. seventeen and three fifths roots distant from the northeasterly corner of Lein of John Dinne, thence A. 35% 6. seven and three fourth roots, A. 58. 6. fine and one fifths roots, S. 53% 6. two roots, A. 71. 6. seven and three fifths roots, S. 15. 6. ten and one fourth roots, S. 65% to eighteen roots, and A. 30. M. ten and a halfords, to the place of beginning, with a heap of stones at each angle, containing one and three eighths acres.

Eleonara Sylvia.

Deginning at the southerly corner of land of George borper, thence (on all sides as the fence stands) by said George North-lasterly thirty nine and three fourths roots thence South-lasterly by said George and Zacheus borper forty nine and one half wods, thence Southerly by Simon Johnson thirty seven and a half wods, thence by Garon borper A. 72: 17. twenty two and one fourths wods, A. 146. eight and three fourth was, and Meeterly about forty four roots to the comer by the word, thence by Georgiana So. Breacher, Northeasterly and Gasterly seventeen and four fifths roots to the comer near the house, thence by same Northeasterly, twenty five and one fourth roots, and thence by Simon Johnson A. 68. 6. Six roots to the place of beginning - Containing about nine teen acres -

Zacheus Cooper-

Served in the large tract recorded to Simon Johnson founded on all sides by said Simon Johnson, beginning at a point A. 1944. 6. twenty rods distant from George borpers corner by the road leading to his honse, theme It. 674 M. five and one fourths rods, A. 37 6. sixteen and three fifths rods, N. 47°6, eight rods, S. 75°6. four rods, S. 33° M. eight rods, and S. 3844 M. sixteen and three fourths rods, the chief angles. Containing about one hundred rods.

Homestead Place bounded as follows: Beginning at the corner by the road, thence Southwestery and Southerly by the road or the land of Batrick Dinne thirty four and a half rods, thence Southerly near the road by land of Simon Johnson eleven and two fifths rods to a heap of stones, thence Northeasterly by said Johnson about thirty one rods, to a heap of stones, thence Northwesterly two rods to a corner of Batrick Divine's land, then by said Satrick as the fence stands, Gasterly ten roots, Southerly fifteen and three fourths rods, and Southwesterly twenty six rods, thence by other lands of Simon Johnson S. 76 / M. (as the fine stands) twenty one and three fifthe rods to Elemera Sylvia's land, thence Northerly or. Northwesterly by said Cleonara's land as the fince stand till it comes to land of George Cooper, thence Northerty by an old range or ridge to the westerly side of the barn yard and still northerly to a spring and by a range about four feet westerly of a drain or ditch tile it comes to the land of a aron booker or heirs of amos Jeffers, thence by said heirs Casterly by the fence six roots to a sharp rock, thence in a straight line N. 74° E. seven. teen rods to an angle in the wall, thence still by said heir, Easterly three and three fourths rods, thence Southerly by Simon Johnson's land twenty and three fourthe rods to a bound by the road, thence South westerly by the road by land of Many anthony five an on and three fourths rods, thence Southeasterly by said

Many as the fence stands thirteen and a half rods to the place of beginning. Containing about twenty acres.

One piece of wood land situated near the

Shearing place and bounded as follows:
Beginning at the corner of the wall near the shearing base, then ce running Southerly by the wall four rods to a heap of stones, thence Meeterly parallel with the wall by the Common to land of Rodman to heap of stones, thence It. 6.6. to the wall by an oak tree with a stone in the branches thereof, thence Easterly by the wall about 15 rods to the place of beginning-Containing about 60 rods.

One other piece bounded as follows; Beginning by the town bars, thence remning A. Westerly by the wall which separates it from land of aron booker to a pair of bars, thence remaining Mesterly to a heap of stones, farme course to the bank thence remaining Southerly and Carterly by the town wall to the place of beginning, Containing fourteen acres. This he has by deed of Sarah Johnson.

Georgiana & Broacher.

One tract bounded as follows:
Beginning at the corner by the road by land of Eleonora
Sylvia, thence by South Bead Llace Northwesterly and
Northerly twenty six and two-fifths rods, thence by Siz
mon Johnson N. 68.6. thirty four rods, thence by Eleo
nora Sylvia South westerly and tresterly all as the fence
stands forty two rods to the place of beginnings
Contaming about three and one fourth acres.

by Dea. Simon Johnson, Easterly by Eleonora Sylvia, on the South by Said Sylvia, and on the Mest by S. Head Clace- containing 31/4 acres, more or less.

Abiah Croper

Homestead Place bounded as follows: Beginning at a large orch in the fince by the Swamp, thence by aaron booper A. The E. thirty our and three fifths by the fence N. 85.6. four and three fifths rods, thence by Samuel Beters, Charles Mingo, and Thomas Jeffers, near to and east of the house S. 2. W. twenty four and three fourths rocks to a heap of stones at the Swamp, thence Northeasterly and Easterly by said thomas Jeffers and the Commons till it comes to land of Charles Mingo, thence Southwesterly by said Mingo till it come to the line between the brush and the bleared land, thence tresterly by said line to a road, thence by the road A. 55. Br. sight rods, thence by the road separating it from a aron boom per land N. 5 / E. thirteen and one fourth roils to the con ner of the old field, thence by the fence Easterly four rows to the rock started from Containing by estimation about ten a cres so

aaron booper.

One tract brimded as follows:
Beginning at a rock in the wall by the Swamp as attach Cooper place, then we by the wall meterly four rock to the corner of the old field, then a Southerly by the road fifteen rods, then a by the heirs of John Divine 1.25 M. atom twen ty nine rods, and N. 61 M. sixteen rods to a road, though the road by Catrick Divine 1.8 % 6, nine and three fifths rods to a corner of Samuel Betein land, thence by said Betein land North easterly four and a half rods, Easterly mineteen and one fourth rods, Northeasterly eighteen words, and Easterly by a drain and brook swentien and a half rods, thence by the Commons by a fence, Southerly about mine rods to other land of Samuel Beter, thence by the fince by said Betein Southeasterly about fifteen roods, thence by the fence by abiah Cooper S. 85° M. four and three fifths rods, thence I prom. thirty two and

three fifths rods through the field and a gard to the rock first named - Containing about seven and a half acres -

George Cooper-

Beginning at the southerly comer thereof near the law across the road, thence Northwesterly and Northeasterly by the land of Simon Johnson as the fence stands about one hundred and six rods, thence Easterly by the heir of amor Jeffers about three and a half rods to a bound on the west side of a ditch, thence by said heir South erly mear the ditch twelve and a half rods, thence by Zachen Booper Southerly on the west side of the ditch (about four four feet therefrom) till it passes a spring and still Southerly by the wall on the west side of said zach eus' barn yard and an old vange and ridge to the land of Elemera Sylvia, thence Southwesterly by the wall by said Sylviais land to the first named bounds. Containing about twelve acres.

One tract near zachew boopers dweld ling house bounded as follows: Beginning at the east way corner of his land one root Southeasterly of the commerce of the wall by a road, thence Northeasterly and bast will by a made and fence by Simon Johnson's land twenty eight roots to a large rock, thence Southerly by about ten roots; thence of Amos Jeffen by a drain about ten roots; thence Mesterly by Simon Johnson's land twenty roots, thence Southerly by same twelve and three fourths roots, thence Southerly by same twelve and three fourths roots, thence by zachew booper Northwesterly as the fence etande thirteen and a half roots to a roaph, thence Northeasterly by said booper or the road five and three fourths roots to the place of beginning. Containing about

one and three fourth acres as

Homes tead Place bounded as follows; Beginning at the gate by the land of Louisa Davidon thence A. 6% W. thirty two rods to the corner of the wall, thence by the wall N. 4° M. nineteen and one fourth rods a heap of stones, thence I. 84h' M. seven rode by the commons to a heap of stones, thence A. 140 6. thirty two rods to Bulah Vanderhoof 6 land at a point about two rode southeasterly of a spring, thence by said Beulah Soff & twenty one rods, N. 78: 6 four and a half rods A. 16/2 E. ten rode to a great rock, and S. 82/2 E. sixteen and a half rods to land of thomas Jeffers at his southwesterly corner, thence Southeasterly as the fence stamas twenty five and a halfrode to the corner at the gate by land of Louis David, thence by said Louisa S. 36.6. formteen and as half rove, S. 29. M. nine rods, A. 67/2. M. seventeen rods, N. 33: fr. two rode, S. 45° m. nine rode S. 36° M. fifteen rode, and Sono M. five rode (all by fence as it stands) to the place of beginning. Containing about thirtien and three fourthe acres as

### Louisa David\_

Biginning at the corner of Thomas Jeffen Ibonuteau place, thence S. 84% M. twelve roods by the wall, thence S. 13 m. (still by the fence and commons) fifty roods, then treaterly to a Bona near the Meeting House, thence S. 18 m. seven teen roods, thence S. 2° M. tween to More and a halfrods, thence S. 11° B. 11° B. four teen roods to land of Mary Anthony and five room by said Mary, thence by said Mary S. 36° B. fifteen roots, S. 46° B. mine roods, S. 33° B. two roods, S. 67% B. seventeen roots, S. 29° B. mine roods, and S. 36 M. four teen roots and a half room to a comer by a gate, thence by land of Thomas Jeffers S. 63° B. fifteen and three fifthe roots, and thence by same as the fence stands Southeasterly and Southerly fifty seven and one fourth roots to the place of beginning. Containing about twenty teen acres as

avis James.

Beginning at N. E. corner of land of the heir of Bethiah Cooper, thence by the wall 23p rode to commons, thence by the wall 25 or one, thence by the wall which separates it from the Commons and land of the heir of John Divine. abiah and Barnel 22 rods, thence by the wall which separates it from said heir of John Divine 25 rods to place started from Containing 3t acres more or less.

Jonathan Francis.

Home. Blace-bounded as follows Beginning at Squibnecker Lond by a rock near ston walls, thence running Northerly, Easterly, and Southerly around a Lagoon by the appearedge of the bank. Easterly from said lagoon - thence running A. 42 0, by the wall 2713 roods to Commons, thence Southerly by said Common lands to the wall by a Balon of Gilead tree, thence Easterly by the wall 8 rods 3 lengths to the corner, thence Northerly by the wall to the corner thereof, thence N. 556. 24 rods to the corner of another wall, thence Southerly by the wall 16 rods, thence S. 6 W. 64 rods to a stake by the wall, thence S. Easterly to a Lagoon, thence around the lagoon on the E. ly side to a fence, thence by the fence to Squibnocker Bond, thence Westerly by said Pond to the place started from Containing one I't acres, ineluding Ewamps

One other piece on the south side of Spider Hill bounded as follows: Beginning at Stone Bridge thence running N. 20 M. by a path 1th rods to a rock, thence S. 45 M. 20 rods to a stake and etones on the bank, thence S. 46 6. 7 rods 3 links to a heap of stones, thence

N. 43 E. 14 rods to Stone Bridge 14 rods as

One other piece on the north side of Spider Hill, Beginning at a large heap of small stones, the Meeting house bearing A. 18 H., then ourning A. 316. 20 rods to a heap of stones, then B. 59 E. 5 rods to heap of stones theree South 33 M. 20 rods to heap of stones, thence North 59 M. 2 roots to the starting point. Containing 10 rods

Harnett W. Rose -

Homes trad Place founded as follows: Beginning at the Southeasterly corner thereof by the Southward corner of Charlotte Rodman's Home Blace, then ce westerly and Northwesterly by the maine road to land of tristram Weeks, thence by said Weeks land Northeasterly fourteen roots, and Northerly (as the fence runs) thirty four roots, and still Northerly by the fence by land of Zacheus Howwaswee four teen and a half rods to the corner, thence Easterly by the funce by land of Berelah Vanderhoof one and three former to large flat rock, thence by said Beulah N. 44. 6. eight and one fourth ords, to a heap of stones, then a 3.79.6. fourteen and three fourths rods to the corner of a cour yard, thence Easterly eleven rods by Commons or land of Exther Howardswee to a wall; thence N. 12.6. by said Exthe by the wall twenty rods to a heap of stones then a S. 78.6. ten rods to land recorded to Charlotte Rodman, thence by said Charlotte S. 12. Mr. about thirty one roots to herwall then a westerly by said wall ten rods, thence S. 12. W. by said wall sixty seven roods to the place of beginning. Containing about fourteen and one half acres as

Remember Cooper.

One piece beginning at Rodmans Swamp at a heap of stones, thence running Northerly to a heap of stones, thence Southeast. why to a heap of stones, still the same count to a swamp, thence Southeasterly a few roots to a heap of stones thence Southeasterly a few roots to a heap of stones thence Northwesterly by heaps of stones to the place of beginning. Containing two acres more or less.

# Charlotte Rodman.

Beginning at the southwest corner there of, thence N. 12. C. by the wall by Harriett W. Rose's Home tead sixty seven rocks, thence Oasterly by the wall ten rocks, thence N. 12. C. by land recorded to Harriet a. Rose about thirty one roods, thence S. 56° C. about sixty five roots to a road, thence S. 37/h° C. twenty three and a half roots to the corner of the wall thence S. 10° W. seven rods to a water hole thence S. 39° M. four team roots them L. 48 p° M. for ty one and a half roots to the corner of the wall to the corner of the wall to the corner of the wall to the corner of the wall by the highway, thence by the road as the wall stands N. 75° M. and N. 80° M. fifty four roots to the place of beginning-Containing about thirty five and a half a cress.

One other piece bounded as follows: Beginning at the A. E. corner of z. oborowascoce by the highway at the wall near a Cherry tree with a stone in a limb of the tree, thence S. 12°6. to a large rock in the same corner to a tree with stones in the branches, thence & so Mr. through the ewamp to a cluster of maples with a cedar stake in the center, thence I. 62/2°M. to the wall, thence Southerly by the wall to a large rock in the wall, thence I. 29° 6. to a Cherry tree standing near a little brook, thence by the brook to a ditch and acrop the swamp, thence Northerly by the southerly side of the swamp to the S. Casterly end to abigail's place, thence from the head of the swamp A. 37. 6. 14 rode to a rock, thence N. 53. M. 1100000 to a heap of stones by the wall, thence Westerly by the wall to the end of the wall by a swamp, thence A. 63.8. by markey trees 21 rode - the wall at an oak tree with a stone in a limb of the tree near by the wall, thence Westerly by the wall 10 rods to the place of beginning - Containing 4 acres, more or less -

One other friece in Will place near 3. Howwasveis piece. Containing 48 rods. She wants to exchange it.

Beulah Vanderhoof.

One tract- eitheated northerly of Harrist a. Rose's Homestead and bounded as follows:

Biginning at said Harrists northwest corner, then w. 5.746 light and a half rods to a rock, thence N. 300. four and a quarter rods to a rock, thence S. 4706. eight rods, thence S. 440 M. one and three fifthe rods to a heap of stones, and same course by land recorded to said Harriett eight and a quarter roots to a flar rock by the fence, thence Meeterly by the fence one and three fourths roots to the place of beginning - Containing about three eights of an acre-

One other tract situated at the south westerly corner of the Barsonage and bounted Cartaly thereby, Southerly by Fristram Meeks land and Frest why and Northerly by an old range and by stones.

Containing about seventy rods as

One other tract situated in the field in which stands the house of Betsey Dodge, Commencing at a heap of 2 tones by the wall westerly of the house thence S. 35% & by an old range by said Betsey's land liventy seven and prode thence S. 85° M. ten and one fourth rods to a heap of 2 tones, thence N. 23% wonty one rods to heap of 2 tones by the wall, thence N. 25% four and three fourths rods to the place of beginning as Containing about seven eighth of an acre so

Deginning by hand of the heir of John Divine in front of Bulah Van derhoops house, thence by a wall to land of Charles Mingo (Brown place) thence It 86. E. by an old wall to the Commons by the bars, thence S. 10. E. about 17 rods, thence Casterly by the wall by land of Charles hings and through the swamp by a fence to a wall opposite side, thence by wall to land claimed by as Mainer about 32 rods by the bars, thence by the wall S. 5. th. about 12 rods to corner of wall, thence by the wall I hand of said asa, S. 55. E.

If rods to a brook, thence Southerly by the brook, say 25 orong to land formorly owned by Maria Sewell (town pauper) at a wall, thence by the wall I. 17. Mr. 10 rode to land of Many anthony in a hollow, thence by land of said Many to a large work, thence Mesterly by land of said Many to within two rode of a spring at the head of the Swamp, thence S. 14. Mr. through rough land to a heap of stones, by a road that leads to said Mingé 4 roods mortherly from the bais, thence N. 72. Mr. 20 roods to a heap of stones, thence N. 53. Mr. by an old ridge 20 rods to a heap of stones, thence N. 30. B. 3 rooms to a heap of stones, thence N. 30. B. 2 rooms to a heap of stones, thence N. 22. C. by the wall times, thence N. 62. C. 32 rods by land of amos feffers to corner of wall on high ground, thence N. 22. C. by the wall by land of said feffers 3 roots to the swamp, same course by land of a said feffers 3 roots to the swamp, same course by wall by land of form Downe 14 roots to the corner of the wall to the flace

Serena Randolph.

Home Place bounded all around by a wall except on the S. E. part: there is is bounded by a swamp and small brook - Containing four acres, more or less as

One other piece bounded on the Meet side by the Ghershow Blace, North by the town wall, Gast by a small brook, South by a swamp.

Containing 2'h acres, more or less; land which was bought of Batience Bhershom

Betsey Dodge and other -

at the N. by Neck's hornestead revening N. 32pm 12 rods, thence N. 39° M. 12 rods, N. 59° M. 13% rods, thence S. 71° M. 140000, Nest-10 rods, S. 6/2° E. 20 rods, off E-2 rods, then S. 20° E.

33 rods to a Brook, then back 3 rods, then N. 48° E. 14 rods, then S 42° E. 5% rods to the Brook, then back 3 rods, then N. 48° E. 14 rods, then S 42° E. 5% rods off S. 5° M. on North 5% rods, from the wall, then 24 rods off S. 5° M. on North 5% rods, from this station to the next, ourside wall, is a strip 1% rode wide

## Samuel Haskins ..

I. Mr. of the barn of Milliam Jeffers, Beginning near a rock by a heap of stone near the S. Mr. corner of William Jeffers gard around his house, thence about 8.71° 6. by a ridge to a heap of stones by the mad, thence Southerly in the road about 10 rods to a heap of stones, thence N. 70° Mr. by a ridge to a heap of stones 22 rods, thence N. 58° Mr. 4 roods, thence N. 53% Mr. 8% roods, thence N. 53% Mr. 8% roods, thence N. 53% Mr. 8% roods, thence N. 42° 6. 4% roods to within say 2 feet of a rock to the place started from a Containing 180 roods.

Many C. Cuff, heir of Jonathan Cuff.

Home Blace-

bounded as follows: Beginning at the tresterly comer thereof, thence running A. Easterly, Easterly and Southerly by the commons to land of William Jeffers and Helpsah Jordain, and thence running Muterly by land of said William and Hepsah and land of David Round to the first mentioned found. Containing by extimation 20 acres.

#### accouch Land.

In the North Basture bound ed as follows: Beginning 5 rode from the N. E. comer of land of Chas Mingo attached to the Brown place, thence N. 25'6. 3'/2 rods to a heap of stones, thence N. 50°M. 17 paces, thence S. 31° M. 17 paces, thence S. 50° C. to the place of beginning - Containing 90 rods, more or less-

This to be assigned to Samuel Haskins.

Heeks' homestead, A. 321/ Mr. 12 rods, A. 39. Mr. 12 roas, A59.
Mr. 1344 rods, S. 71. Mr. 14 rows, Mest 10 rods, S. 64.6. 20 rods,
off Gast 2 rods, thence S. 286. 33 rods to the Brook, thence huch 3 rods, thence A. 48.6. 14 rods, S. 42.6. 34 rods, A. 61.6.
A. 70.6. to a orch by the wall 24 rods, off S. 3. Mr., on A. 54 rods.
A trip 1/2 rods wide

The East part of the old homestead belongs to

Betsey Dodge.

The trest part to Beulah Vanderhoop.

The trest part to the heirs of Bathsheta Haskins.

org: Samuel and Many Bowell in Sew York, excepting the old yard, that belongs to the heir of Hepsah

Holmes. One piece has been surveyed on the hill and marked to Samuel Haskins, or more properly to the heir of Bathsheba Haskins.

Heis of Josiah Jerret.

Joseph Jerrett son of Sarah Jerrett, beginning at the bow by land of Jane Warneley, thence running stockery by the road, Il rode and 8 links, which separates it from land of Zachens Howwas wer to a heap of stone in the edge of the swamp, thence through the swamp N.17.6. to a stake on the upland, thence Ays. It through the swamp to meeting house Spring, thence by land of Freetram Meeks, by the wall, to land of Bulah Van derhoop, thence S. Easterly, in a direct line to the corner of the wall near to and Easterly from a stone yard, thence Southerly by the wall ords to land of Hebron Malmsley, thence Oasterly by the wall to the the bass — place started from, Containing by estimation three acres.

Joel and abram were the sons of Josiah.

Harriett a. Rose.

Johnsons, bounded as follows. Westerly by a road running from Mill place to Zachens Coopers, and separating it from said Coopers land, and N. M. ly. by land of Dea Johnson by a heap of stones. N. Easterly by land of Dea. Johnson, S. Easterly by a fence which separates it from the Commons. Containing two acres, more or less, owned in Common with another as

Juga 242

Hebrow Warmsley

Home Lor-Commencing at the N. C. corner of the home place of the heirs of Josiah Jerrett, thence A. Oasterly by land of Zacheus Howevasive and land of Harriet a. Rose

Atill same course by land of said Howwaswer,

thener by recorded land of abram Rodman throng For affedail

the swamp, thence Easterly and Southerly by a Ree 800K 282

small brook, thence Southerly by the brook to the

swamp of said Horowaswee, thence S. Westerly by land of said obourasuce to the land of the hein of aims -

ley Warmsley, thence A. Westerly by said hairs land,

thence S. Westerly by hein of said Warmsley to land of

said Horowasive, thence by land of said oborowasive to a Willow tree, thene treetily to the S. Ir. corner of land of him of Jofames

from ley, thence A. Carterly by land of said Jofannus' heirs to

land of Beulah Vanderhoop, thence same conserby land

of Josiah Jamet to the place of beginning - Containing.

Jane, widow of aimsley tramsley has the improvement of the N. Westerly part of this land during her life trone

Said Hebron has no share in the lower meadow, as it is called, with Elizabeth Hormoseve wife of zachen Horowaswee) Herriet a Rose, (wife of Isaac Rose ) and the him of Charlotte Rose man, all being heirs of annsley Warmsley on

Jofannus Saulsbury-

Beginning by the N. E. corner of Emily books land at a stake standing I feet N. Menterly from the baw, thence running N. E. by by the wall which separates it from land of Beulah Vanderhoop and tristram Mecke to the Commons, thence S. Meeterly by the wall which separates it from the Commons to land of amos Jefara there S. Easterly by a wall and run of water which separates it from land of said amos to land of said amos to land of said amos to land of said amos to land of said amos to land of said amos to land of said the wall, I feet, N. M. by from the ban-Containing four acres, more or less.

Deter Tolman (olim of)

E. Howevarivee,

Charlottee Rodinan, Harrista. Rose, and Horon Monnsley-

South Bastiere beginning at the North Corner of the bershow place, thence S. 76° M. 5/2 roots to a rock, thence N. 8° M. 43/2 roots to a heap of stones thence S. 85/2° E. 24 roots to a run of water, thence Southerly by the swamp to the Bershow place, thence S. Westerly by the fence and wall 20 roots to the place started from a Containing six acere, more or less.

place with John Divine, in South parture with others as

For affidavit Rev Book 282, Page 242 David Bound

The heirs are Hepsah fordon one half. William Jeffers children the other half. bounded Westerly by land of Mortherly by land of Moary b. buff, Easterly by the wall which separates it from land of Milliam Jeffers' children and Hepsah Jordon, Southerly by a wall which separates it from land of David Bound, and Easterly by a wall, to. a willow tree, thence N. 54° W. to south side bas.

One other piece at the above last named for Northeasterly by land of to the Commons then ce Northerly by commone by the wall, and treaterly by wall to bars to a low wet place, thence It. 15° to the place of beginning.

beginning at the bors, thence running I tresterly by a wall to a rim, thence by the run until it meets another run, thence by the run until it meets another from land of Levi and Daul buff to a Spring, thence from said spring I. 8° M. to the end of the wall near Stone Bridge, thence Easterly by a fence by land of Levi buff to Land of Leander Bassett, thence N. Easterly by land of said Seander and Commons, and land owned in common by David J. Borna's Levi and Basil buff 13, he is of Laura Jeffen and Hepsah Jordan 13

Tolman Fields.

Bounded A. Easterly by Remember book, 'S. E. by by a swamp, S. Westerly and Southerly and treaterly by Hebron's swamp, containing six acres, more or less.

#### abram Rodonan-

East Basture Communing at the N. Easterly part of a wall which surrounds formsome place, thence running A. Easterly to a Best ewamp,
including the swamp, thence to the beach, N. M. ly by
the beach to a brook, thence Southerly by the brook
until it comes to the road, thence Easterly by the brook
starting again from the first mentioned point,
running Southerly by the wall as far as the wall
runs, thence still Southerly 30 rods to a stake and
stones, thence still Southerly 30 roots to a stake and

One other fried he claims S. West. erly from Serena Randolphs: This he had by deed of Hebron Marmsley, and it is admitted to be his.

and Sarah Johnson, situate on the A. side of Isaac and Stead, for boundaries see deed of Isaac and Sarah Johnson, dated May 5, 1863.

Quitersa Oct. 26. 1871

at 5: 30 O.M.

Know all men by these Dresents,

That I Eleanora Sylvid,

of the town of hay Head, in the County of Dukes County and

See "Sutional Plans of Indian Lands on Say Need." filed as part of this document under separate over Land Victes Boundary Lines
of the
Indian Lands
at
hay Head
Marchae Vineyard
mass. LA51,74,92 .. 94 + 10 as Reported to his Excellency, the horomor. and the Homorable Commit. By Richard S. Leave, Commissioner. May. 1571. Dune E. Powers

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94 Zaccheur Honnasswer.
95 John Divini Heirs.
96 3. Honorasure + Esther Honorasewer.
97 Olive Jerret.
98 Simon Johnson sa.
99 Frietram Mecks.
    Olive Jerretti homestead.
101 Jonathan dirancis.
102 Simon Johnson ( Deacon)
103 Jonathan Francis
104 Jonathan drancis homesteen.
105 The down Cooke, heir.
106 Thadden Cooks, Heirs.
107 Thaddens Cooks Steins.
108 Thadden Cooks Hein.
```

7 n Officianto

See Rook 26%.

Pages 296, 297.

476+ 478

119 thandens Cooke Hours laron Confice. Homestead. III Des. Simon frience. 112 Garon Confine. 113 Horsen Cuff. Johnson Pelino. Holly and Hours . 116 117 Brand Madison. 118 Hanenah Manning's others. 119 Auen Confres Hime. 120 dietron Weeks. William Modernie. 122 Morny Cuff. 123 Marry Cuff. 114 John Divine Minin. 125 avis farmer Moins. 126 Lydie Johnson Hours. Dand & Bound. 128 Raren Cooper. 129 Williams Joffer. 130 Green Confer 101 William W. Vandrohorp. 100 Samuel Peters. 1.10 Lydia Johnsons, obsis. 134 Paria A. Bonney 185 David A. Borne. 146 destie Johnsonie, Hin. 10) Leander Basicité. 138 Houldah Bosselli Franciscian Galbor House received 1400 3. Honorassime. Sola li dean D. Rose. 141 Charlotte Rodmanie Mais 142 Bulan Vanderhoop. 143 Am Coines, & Bathohabe Haskin Heirs. 144 Commencer or town land 145 alsace D. Rose.

E 390

```
35 Simon Johnson, 1 Deacon)
    Daniel Nevers.
   Zacchena Corper.
    Remember Coopers Him,
    Queanna dalknot obins.
     Lydia Johnsons Heirs.
    Fristram trucks.
  Georgiana Broachor's Love Paul.
   Acorgiana Broacher Love Paul.
44 John Divines deins.
   John Divine Heirs ,
46 Exther derivassive.
47 lu. S. Light storme los.
48 Simon Johnson, (Deacon)
49 Cather Hoursesson. Sold to abram Rosman
50 John Salstury's Him.
51 Zacchew Howwaren Sola to abram Rodman.
52 Roame Gershow Rodmen.
50 Zacchene Croper.
. 54 Zacchem Cooper,
55 George J. Belain.
56 George J. Welain.
57 George J. Belan.
    dristrama Meek.
                      Stoken Place.
    Beulah Vanderhoop.
60 Beulah Vanderhoop.
61 Samuel J. Haskins.
62 Betay Docige.
63 Briscilla Williams.
64 Samuel J. Haskins.
65 Jonathan Cuffe services Hours ,
66. Bulah Vanderhorf.
67 Detrey Drolger.
68 William Holmes.
-69 Bathshets Hackini Hours.
70 Jonathan Cuff serior Hims.
11 Detry Douge S. J. Hasking B. Hasking Hice.
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Esther Honowassiver. 146 Remember Coopers. Heis. Lown, formerly Roseis. 148 Esther Howavasawes. 149 Rosabella Mo. Manning Morcy Johnsonie Hein, 151 alram Rodmans homestias. Jaac D. Rowi. homestens. drietram treeks. 155 Barronage Lor. William Jeffen homustaan: Samuel J. Haskins. Len Cuff. 15% 158 John Dimes Heirs , 159 Charles de Mingos homestica. Thomas Mournings homestead. Alvin Mournings homestead. Alvin Mournings outer lor. 164 Diana Madison's how whead Simon Johnsonda, bamplace. Jophanne Salstury. 167 Thomas Jeffers. 168 Louis Dans. 169 Louis David, down setate Brudence David. Lydia C. Mingo. 171 Rosanna G. Rodman. alexander Dravids Heirs.

## Gast Raskird. This tract is chiefly common and undivided land. Such portions is we claimed by individual receive are herein after allotted and bounded. Bond, by the fence which separate it from the North Gastaure. Thence by Acothe Bustiere, ATThe 21 15 By the foreser will 165% H Y A467. 1 13 1.26% h 20 A11 1 7 A44 # 28 N. 32% 7 13 north about 15. to the swamp, By the secret in north faction . A 70% makes d 32 tr 31 12 to the north cast corner of the enclosure of livin morning, and thence By whim Marrians & 317. Nr 67 16 to the northeast Corner of another common on pasture, called the Mixale Blace. Thence by the wall which reparates the Gas Basterne from the Middle Black, J 31/2 M 47 15 By Middle Place wall, Gum

A6176 2 15 11 6 . 16

SELPE 10 12 SUSE 10 SSLIPE 21 SJE 20 SIFE 5 5 SSLIPE 25 3 SLOPER 10

Soot is 5 to the South Bastin By middle Blace wall, 87346 8 14 to the north our Thence by South Pasture wall Comer if the homestrad anchour of Simon Johnson E: thome by wall of Simon Johnson? \$ 13 16 16 10 and on the same come about six rode, to a evenip, and then on through the ewamp of said Johnson and other, about twelve rooms to the Little Place, so called, and the westerly corner bound of theo part of the Little Place allotted to blein of Lewis book, them, by the land of said heir about it ? thence, by land of said heire d 15 6 13 1 13% 6 9 to a corner of wall. Soh to 6 13 li A.M. corner of they Post and by the same heir, then by the Hog Dasture, of 76x8 5 16 to east far fine and by the wall. d 77x6 57 1 679.6 67 to Men amsha Bos and by the Pond about 15 \$ to about to commencement Moiddle Blace. This tract is chiefly common and undivided land. Such portions as are claimed by individual runus are hereinafter allotted and bounded. Deginning at the northeasterly corner by the wall of the East Pastive and land of alvin Manning, thence by the wall separating the middle Place from alinin manning A 15 h 50 6 to lance of A76 A 32 7 Thomas Manning and then by him A 60% W 54 A54/4 M 64 A84 Ir St 19 to land of Thomas Jeffon, and then by him David, and then by her land A84 tr 42 15 to land of Louisa Ast 1: 13 6 to land of Lydia

```
6. Mingo, being part of the homes tead of George David, accessed.
                              Sisher be a 4 land of Resona
then by land of Lydia to. Kingo,
                               S13% Br
                                           to the mile Place:
Rodman, and then by her land
then by the wall of the mill Claw, I 13 p to 32 6 to the homesters
                               Sisper 1
                                           by Row homestead,
of Jean D. Row, then
to home tead of abram Rodman, and thence by the wall if the
Fromutad of abram Rodman 3892 5 7
                               Soft 6 5 to the far way
thence by Roamons homestead A 70 6 15 2
                                8498
                                1516 27 17
                                            to his east corner,
                                S 51/46 12
                                SIIX # 5 22
                                S 397 1 14 10
                                846 m 6
                                            1. Brook
                                I 47 p. tr 16 10 to South bur frost
                                Supr to 10 to South corner
 of abrana Rodman homestead them I'm Crossing orast to
 wall of Rodenan's word lor, then by land of abram Rodenan and
 land of zachows Cooper, about Sys & 24 10 to South Buttere
 at the northwest corner of land allotted to the Fallman him;
 and by the South Basterre wall, by land of saidheirs, to a
 Swamp,
 then through the swamp,
                                           to homestead of
                                2786 9
 Olive Jerrece, and by same
                                116
                                17496 J 12 to fans
                                A 896 602 to cock in comer:
 and then by her wall, about
                                A 33 5 35
                                            to a large rock in
 the corner, then by I Bacture,
                                5766 34
                                            to land of Frutram
 Neeke in South Basture , adjoining the wall which reparate
                               1766 15
 the two pastine: then
                                            by said treeks ,
 andly some.
                                156 25
                                           to land of Simon
 formers 2; and by said Simon A 60% & 32
                                A 66 748 7 18
                                8516 10 23
                                8 746 16
                                Sg to 46 to wall of South
```

S 13 Och 17 16 to land of Olive Basture, and said well, Jerrett in South Dacture, may come 10 to 40 6 by well thouby wall of South Bacture 8 766 1 6 to Gast Bastone, 1316 then by wall of Gaet Dastrine 8 3 and continuing by said wall by various comme A 214-6 11 A 40/4 6 10 A Jh 6 20 3 A 15 M A 1 M 20. 1 82/2 1 21 A 45 M 10 A 62% M 14 12 861741 213 145 M 77 A 13 M ASN 6 47 15 to the place of beginning at the corner of aline Manning and by the East ire. Amoi Blace This track adjoins the Chilmerk line, and wich lice exception of such parts as are walled in, is wholly corrected and undivided land. Beginning at Menamsha Pond, adjoining the foundary line which divides Chilmark and the Gay Head lands, there by the wall upon if the said boundary line. Jug tr 3 Solt so 1 to gate way \$ 512/1 37 32 to Squismocher doin Donde and then by Squibnocker Bond, in a Southwesterly

```
direction, about one humand and twenty five rose, is the
parties or common field known by the manne of Solomond
 Then by wall of Solom one Place, N 26 W 12
 then crossing Round Pona, about A12 &
                                      about forty aur row, to
land of the heire of thaddens book. and by land of the sain
hein and of Simon Johnson ? partly through a swamp,
 by Simow Johnson & , by wall A 83746
                               A 35 M 4 16 to him of thadre
 book and by said him
                               145h
                               A 56%. A
                               N541 10
                                          to Simon Johnson
                               A 65% or 3
 2 s Barn Blace; and by same
                               120%6
                               A 467.6 6 13 to oraw, then
 crossing over the orace
                               146746 Z
                                          to home tiese of
Somon Johnson ?; and by same South 6 12 & to corner of his wall.
and continuing by his well
                               Astr. or
                               A 30 G
                                      4
                                          then parely by
Sinon Johnson ? wall, and parely through a thick and
 wet swamp, about fifty six orde, A 43/18 than still cheifly
through the swamp, and by Sittle I lace, so called, about
seventions ode, to the South corner of the Hog Bastine;
and by same,
                               837/46 2
                               850 6 12 10
                               168746 32
                               8596
                                    5
                                          to menamoka Pon
then southwesterly, but by various courses, by the said Ponce,
in til meeting with the wall enclosing the horne.
steam of the him Lewis look, now occupied by abiah
Biamona, the mother of said heirs, them by the wall
```

of said homes tead, by sundry courses, till the line once more meets declared Cond, thene by the said Kenam sha Bond, about \$686 twenty eight rods, to the place of commencement, by Chilonart line: North Pasture. The track is largely composed of rough land and beach; the chief crantery boy are in this parties. Such portions as are claimed & individual nones are herimafter after allotted and bounded! Deginning at the western there of Menancha Bond; by the fence which separate it from the East Queture; thence bounded by the fence or wall chiefly of said East Pasture, by various comous; and the N 63% Ar 9 A 46/Ar 12 A 26/2 1 20 A JOAN J A 44 1 28 N337 4 13 then north about fifteen row, te swamp; and by same A 70.44 about forty three rows, then by fince of East Bastiere, SJ2 Nr 31 12 to the northeast corner of the sorclowere of aloin marriag: and thence by alover manning, A 6871 22 and still by alone marring by sundry course, A 35 Ar A 25% N 9 11 861/4/1 612 A 52 / 10 10 to bars ,

A 78 Dr 14 15 to comer of Thomas

N 88 11 10 N 55% 1 34 S 29 1 13

E 399

```
Mumings land, and by same,
                                  styen parely by cleared land
and partly through evamp, about seventy seven and a kelf me
 to a watering place: from the watering place which is the
Southeasterly bound of a tract hereinafter allotted to Daniel Nevers, $160 5 16 to thomas manning
 wail, and by same,
                                  A 78% M 12 22
and still by manning wall,
                                  S 69 0 10 10
                                               to land of Thomas
                                  S 76. 1 22
Jeffere: and then by Jeffers.
                                   A 41
                                  A 280 12
                                   197 1 10
                                   A 1746 6
                                   A 646 12 12
                                   A 40 6 cf 38
                                   A6217 512
                                   1 36%m 8
                                   A 52/4 hr 6
                                   A 67741 7
                                   A 45/4 1 26
                                  $ 22/4 mr of, 60 mg
                                   879 M 2
                                   S 63/4 hr 11 of to west lor port
                                   182/4 pr 16
                                                to large stone
                                   870/4 W 14
                                                there to arrive a
swarmy, the line is measured a cross the common land, and to
an in closure, known as Namen, now belonging to alvin Man
                                  A 8% 6 24 12
 and by trainers wail,
                                  8806 3 20
                                   A 32 6 14 17
                                   A 160 11 5
                                  Nystr 8
                                   A 75M 13 15 to north comer,
                                   Soft m 9 12 to Vanderhoop, and
Then by Beulch Vanderhoops wall
                                  18440 9. 22
                                  Souper 15 5
                                  J 80 pm 18 12
                                               to land of Charles 86.
                                  A 13 W 18
```

```
Soop 6 10 to to comer
                                 A 3874 6 11 18
                                 A 219.6 $ 17 to come on hill
                                 A 81%, AT 10
                                 A 641 6
                                 A 46% A 5
                                 A 32% m 6
                                 A 39 m 9 17 to corner of wice
                                 888 M 4 18 to corner of wall
                                 A 9/2 00 9 15
                                 A 23 Ar 12
                                 A 53% Ar 3 10
                                 & GORATE 2 19 to corner
                                 A 1594 Oraf 15
                                 A 50/400
                                 A 24th 16 20 to corner
                                 181 M 7 17 to comer-
                                 A 12/4 6 6
                                  Sey or 7
                                 1 7474 M 9 5 to corner
                                  16M 4
                                  N 54 M 10
                                               to corner
                                 STAM 26 20 to past bar four;
                                               crossing a brook,
                                 883 W 29
                                  140A 3 5
                                 Soin
                                 A 2/2 6 18
                                  A 21% 6 18
course about six rode to the water of the Vineyard Sound,
are it there, by the Sound, Easterly, southeasterly and northeasterly
```

to the enterance of Menanwha Bond; then by the Pond, southerly, westerly, and southerly, to the place of commencement, by Cart Casture.

```
South Pasture.
   This tract contains quite a number of individual lots, some
enclosed and some not inclosed, allotted and bounded as
herin efter ducoibed.
Beginning at the south corner of the South Mead Blace, at a large rock; thence by the wall enclosing
the South Haad Blace,
                                   80p 6 25 5
                                     8636 3
                                     $ 817.6
                                     A 84%6 11
                                     Nyspe 6 15 14 to middle of gate way :
then following the line of the road, which runs the whole distance through land of George J. Belain, I 6976 24 4
                                     $ 80 6 13
                                     159/16 16
                                     8447 8 14
                                     8 399 6 24 16
                                     $ 52% 6 10 23
                                      8646 17
                                                  de Belanne comme
then by road still, or mill Blace,
                                     578346 7
                                     820 6
                                     $ 246 H
                                     8556 38
                                      15872 C 34
                                     862%6 16
                                      860 6 22
                                     8 33 6 20
By Baramage, and was, By Fristram Steeke, and words,
                                     8716 919
                                     844 6 20 12 to Rosei corner
By Isaac D. Rose, and road,
                                     8 40 p. E 20 6
                                     1796 75
                                             17 12 to Roumanis land,
By abram Rodman, andoraw, Sjoh 6 20
```

8746 10

By wall of word land and Middle Placed 746 20 is to middle of bar way

By wall of middle Places

\$ 146 30 9 the Rodmanis south Con

```
then, through the ewamp.
                                I 78 but of him to home trace of Olive
formall, and by the same.
                                 Sytr dis
                                 8 12/16 1 20 le west bar fint;
                                 172/16 18
                                              4 conver,
                                 A 334. Ceft 12 to Middle Chambrale,
By Michele Blace wall.
                                 1,66
                                8166
                                 156 15
                                 8 756 29
By Middle Blace, or a cross the land of Jimon Johnson 22, which
lies partly in the middle Blace and partly in South
                                846
Bustare,
                                             to his seet comer
By Middle Blace wall,
                                 8156 25
                                                to have way
                                 S 166 41 5 to Cart Partier
 ly East Bastiers
                                 STORG X 14 to Sionestian of
Simon Johnson D. and then by the wall of said Simon's homes time
Southerly, by sundry course, about seventy four and halfworks, to
                                NOOMAY 16 to the north west
conversear the road, there
Corner of Sistion Johnson's B. Complace. and themby his born place,
by sundry course.
                                 8 55km 7
                                 8 58 1/4 for 8 12 to corner
                                 832 6 30
                                 $60 6 5 13 to land of heric of
Thadden book then by the same, by several course, to the swamp
and to the Round Pond, and across the same to the wall of
Solomone Place, about eighty five rode,
By Solomone Place wall,
                                 569 m 20
                                              to bans ,
                                 S69 M 14
                                 871 m 59 12
                                             to Gorshom Place.
                                 872mg
 By wall of the Gershom Blace.
                                 A 7 1 17
                                 8 771 m 10
                                 8 63% Ar 7 11
                                 13hm 57
                                 bring.
                                 Sygnor & to Solomanis Place
```

By wall of Solomone Black, Soyn 15 11 Soft to 6 20 to Squibnocker Bond, and by Bond to boundary line of Chiloward, and chew by same south to the atlantic Ocean, then by the ocean, northweaterly, about eight hundred was to the place of com-Solomon's Place. This tract with a few exceptions of low in closed, and unenclosed, hereine for described, is chiefly common and undivided land. Jeginning at Squibnocker Pond by thewall of amin Stace, thence by same, A 26 to 12 to fare. A 227 M 67 A 32% Mef 8 to Rosma Bond then by the Pond prorchery, at our twenty three orde to South Eastine, and then by same, 869 M 20 8 69m 14 8 71 or 54 12 to Gershow Blace. 8121 9 By wall of Bushow Blace, 88/4 M 12 86640 16 887 M 20 to South Pastine 120m 6 By the wall of South Bastiere, Soft 15 10 to the ban. 867# 22 842 m 13 SITM 6 10 to Squitmocker Ponce, and by the said Pond, Southeasterly, to a large work on land of Jonathan ovancis; thence still by the fond

and the souther line of forathan Francis' homestead,

\$ 66 6 Rue Wicks 8826 28 8476 15 A 28 6 13 12 and then by the frond, easterly, about one hundred and thirty rods, a the place of commencement: North ibead Place. This track contains no fand common and undivi deal. It is cheefly the furtherty of Descon Somon Johnson. but contains also sundry small lots owned by other individuals. and herein after more specifically set forth and bounded. Communicing at the Sound; near when isnow located the life boathouse, at Pilots Landing. to the bluff. Sisyon 818pm 212 8 13/ Dr 8 15 8 40 pr 10 23 840 h 2 4 182 m 2 8 40 Ar 10 847 m 21 22 8 43% 6 8 80% 6 719 S40 1 16 \$ 27 6 25 20 to land of Elemone Sylvia, and by her land, 6 14 to dand of Georgiana Brocher, and by her land STOM 30 6 to South Head Place By this South Head Blace, A 64 tr 7 10 to a orch in wall. A 42 M 36 9 to comes of wall. Syz M 21 11 to southeast comer of Light House lor and by the same, A16 6

```
conser, half a rood more to edge of bluff; themen morthery about sighty roote, and so story about one humaned and in more to the place of commencement, over Pilots Landing,
```

## South Head Place.

A large part of this tract still ramane common and undivided the land set off and allotted to individual owner is specifically described herein after.

commencing at the southerly corner, by a rock in the wall, adjoining the South Basture, then ce by the South Basture wall, South 25 5

8636 33

88176 5

N847,6 11

A 72/46 15 14 to gate way ,

A 72 4 6 10 11 to land of Diana

Madicon: and by her land, Noon 6 4 9

N 547.6 6

1 50% 6 14

A 81 6 1 4 to land of acron

Cooper; and by his land, ASSA, AV 17 1

Nagn 2 15 to South far port;

N 29 M 11 10

A 9 M 32 15

N 434.6 10 15 to land of Beorgiana

Bracker; and by her land, A 47 to 10 10

A 14 0 16 4 to the North

Head Blace; and by the same, No41 7 11 to a rock in wall,

Syzor 21 11 to southeast corner

of Light House lor and by the same A 74 to 18 and then contin . uning the same direction to the bluff and on to the water; then by the water of the sea, southwesterly about sixty roots,

E 406

```
and southerly about one hundred and ten rode , to the
place of Commencement.
                 Mill Place.
   The principal part of the land in this tract is
Claimed by individual owner, and has been set off
and allotted as will herimafter be found.
Deginning at the southeast corner of the homestead of George J. Belain, and thence by the will separating it from Millisters, A 76 1911
                                 AGAM 7 15 to land of Diane
Madison : and by her lame ,
                                 A 13746 9 21
                                 A 9/4 to 7 4 to corner of wall,
                                 8824. Or 14 15 to a corner,
                                 A 5.6 4 3 to a corner.
                                 A 68pm 19 7 to land of across
booper; and by his land
                                 A21/26 7 8
                                 A 37 6 18 5
                                 A 52% to Sand of
                                 A 35/26 18 19
                                 +2226 g
                                 A 14/4/ 10 5
                                 A 77/46 21 9
                                 Sorx 6 37 4
                                 541/4W 7 9
                                 SIL 6 5 12 to the Burial Immen
                                 $12 6 10 10
                                 1836 12
By land of Patrick Divine
                                 ASI 6 5 15 to a corner by water
of ani James land, and by same,
                                 S15x 6 6
                                 82626 314
                                 I 236 12 6 to commer of wall;
```

```
Soy 46 6 16
                                 A 5746 4 11
                                 177% 6 419 to corner of was
                                 + 14 1 23 4 to wall of
                                 A 89 6
                                d 78% 6 8 21
                                 d 72 6 st 9
                                8 72 6 ct 21 to home teast of Be
had Vanderhoop, and by the same.
                                Sespor 214. to a corner
                                 Sound 1 23 to meet bar pour
                                850 76 22
                                           to land of Many
anthony: and by the same . SIZ W 15 22
                                        7 to her wall : and
                                 Sa 6 19 6 to the comment his
wall, near north orace; and by same, $ 66% 6 32 9 to land of Brudene
David; and then by her land . SIZKM 13 19 to born mean school
house, and still by same
                                 Sby 6 6 12 to a creen wall, and
to land of him of alexander David; then by the wall of the same, about
                                8646 31
                                              to a little from a hole ;
and still by wall of some,
                                 885 6
                                             to land of Rosenna
G. Rodman; and by some
                                             to middle Black.
                                155 6
By wall of Middle Place,
                                 SIST OF 32 6 to homestead of
Isaac D. Rose: and by the same Nour notes to corner by bow,
                                8 74 Dr. 14 15 to land of distram
Muche: and then by same;
                                            te Barranage land:
and then by same
                                 I 51/4 hr 9 15 to comer of wall.
                                 Szoper 12 27 to comer by Souch
Road them by South Road ,
                                 A 53 M 20
                                 160 m 22
                                 A 62% AT 16
                                 A 58/4 8 34
                                 A 50 M 38
                                 A 24 W 11
                                 A 20 M
```

corner of George J. Bilami homestead, or the place of Commenceme Lots in the East Pasture. Ran our for zachuse booper the following loraine relinquished by him to the inhabitante, and now to be organded as Common land. Beginning at a bound distant six rock It 89 E from in angle in the wall reparating the East Bastun from the middle Black where the line of the wall runs NUST lin rods, and 832/ 6. twenty one rods, I 72/46 10 6 to land of hein of Middeen book and by the same. 86246 3 12 then by commone 8 62% 6 3 4 & super 6 5 to the place of Ran out for him of Thaddew book. a lor adjoining, in part; the last manned lor beginning as in the description of the previous lot, thence by the same, then by the commone. A 56/26 22 14 817 6 423 Supmig 10 to the place of

Kan out for Soins of Lewis book by his wife now Which Diamond, a lot adjoining what is known as the ilorg Racture. Beginning at the wall of the Hory Baltine, at a brund distant \$774. 6, welve rode and wenty fourtinks from the eastern bar past, at the morthern entrance into Horg Parteen, thence by commons, It 7 8 5 14 to a forme. and elicity common, in bout Mertina 177 6 17 10 10 a forme. distr 5 y le & bound, by wall, there by Hog Pastern wall, Agpril 16 21 to the place of Lots in the Middle Place. Ran out for abram Rollman an enclosed treat commonly known as the News lot; beginning at the prortherly corner, and bornested on all sides by the common in the Midle Blace, and from the northery Correer J 1/26 24 S 1496 5 664A 412 A 737.1 6 · A 524/ 7 1 59 M 5 /2 A 52 Ar 1296 622 A 366 3 A sopt 12 11 to the place of

Ran out for Abram Rodman a tract adjoining his homestead. This tract is allotted in lies of that part, our side of his homestied wall, which was run off and allotte to Charlotte Rodman, now deceased, lake wife of abram Rodman, and which has been formally relinquished and this accepted instead thereof. Deginning at the eastern corner of his homestead, A 34/ 6 23 15 lo a bound; and still by commons. A14 M 14 23 13 c forma: to a bound, new N 14 1 13 the was, thene S592 4 43 to Rodmans homes tead, at a point distant 849 6 13 23 from hunord then by homestead walk; I 51x 6 12 to the place of Communicament.

Mr. 6. Kan out for Seace D. Rose, a tract in the Mindele Biace beginning at a point where the walls of the homesteads of Jeace D. Kore and Abrain Rodonan servite, and
at the Southwestery corner of the Middle Blace;
thence by Rose's hometead, Mish & 7 to the Mill Blace,
and then by land of Kore in the Mill Blace; to land of CatherBonoversewer, in Mill Place, Mish & 4 6
and still by same, Mill Place, Mish & 20 to a bound by wall;
I have a by common in Middle Place, Seep & 17 to a bound.

San or 30 14 to a bound, by walls

of Rodmans homestead; and by same A 894 to 17 to the place of Commencement.

Kan out for Josiah Jerrett, a tract of land in the Middle Blace, in part adjoining the homestead of his mother, Olive Jerrate; beginning at a bound by the wall separating the medale Clace from the South Pastire, near a place sometime calls the Shearing bars, at a print distant of 146 four woods and eventy three lenks from the angle of the wall separating the Jallmen land in the South Pasture from the wordland of zacchew borger end distant from the Midale of the bereay \$ 14 6 1 12 and from destin P. Sou the 3/4 east, eight rods and four links: there by the commions in middle Blace, NO44 6 25 22 to a bonna; A 43% & J & to a bonnew; 179 6 5 15 to a horma, of 30% 6 25 20 to a bound; \$16 6 320 to a large work in the corner of the homestead of Olive ferrett; and thence by said homestead, Sogn 6 2 to wear ber pour. and still by homes tead, 6749um 2 2 to comer; \$ 7 M 8 20 to line of South Per ture, in a swamp, and then by the South Pastive, through the swamp, A 78 M 9 to a bounce of land A 74 4 6 15 by the same, and of the dallowan hime; then by the South Dasterne wall, to the place of commencement.

## Lots in the Hog Lasture.

Ran out for the Jalknot heis, so called, a tract hear Merimanh & Bond, lying between the Gast Basture on the north and and and Blace on the South. The Jalknot hein are it if the mother Click, in right of his mother Click the Jaknot, one third part abel manning, thomas marning, alim manning, which Diamond, formerly wife of Lewis book, deceased, and now wife of James Diamond, and Louis James, sufe of Charles James of Christiantown, each one fifth of one third part, in right of their mother, Harman Jaknot, who married marshall manning; and George M. Corper, alich Cooper, widow of acron Corper, Jacchen Cooper,

Louisa Davia, widow of Brozz David, Blara Shepherd, or her daughter Many Shepherd, and thomas booper, sach one right of one third.

Beginning at the Mortheast corner, by Menamo ha Pond and by the Gast Pastiere fence and wall,

150 or and the formally,

150 or and the formal story David decussed, to whom the land formerly belonged, and by her \$16 to 12 to anne Place, and \$171. To 25 19

by the wall of amor Place,

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No. 9.

Ran out for Lydia b. Moingr, daughter of George Dania and now wife of Joseph Mingr, of Christiantown, a tract beginring at the northwest corner of the learnamea lot, by the East
Pacture wall, at a forma; thence by the wall of the East
Basture,

A JJAM J 30 to a borney and
to land of Loudence David, one of the hair of said George
Divise and by said Loudence, I JAM 31 12 to a borne by
Assist And by said Loudence, I SAM 3 12 to the aforemention
Jalknot lot, and by same.

N 174 6 25 19 to a borned; and

Commencement.

David, decessed a track beginning or the last named lor, there is by Gast Pastine Randolphito a bound andby same Sale to 31 , 2 to a bound; and by amon Place & 68/4 8 3/12 to lande set aforen arrive to Lydie C mings, and then by the lan A 9/ 6 31 12 to the place Ran out for Surena Randolph, a tract begin many at the Morthwest corner of the last manney lor thince by Gast Basture wall in 1778 418 to a former, land of delknot him, and the same South so 15 th a bound to land of aregander Danies and there by the said alex South 11 5 to a bound by an Place well; and by the well, & 601/16 . I 14 to a bonner, a lance of Princence Paris, and by same A 2x 6 , 31 2 to the place of Ran our for the dalknot heirs - king the same. hartier specifically see for the in A. 8, a track beginning at the northeest corner of the last named los, belonging to Serina Rangelolph, and thence by the well seperating the East Paste com the floor Pastineer . A 77km 17 10 to the wester fort and on by there are well in A 76k to 5 16 to dette Place but, thereis by land herein after set off to Roams & Rodman, energy thinking of Group Baria Sotto 10 9 to a borner as forementating to the land of stands

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Land between amos Blace and South Pasters. Octition la Kan out for hein of thad dem book manely . Christina Deters look, and ada looks, a tract of land inclosed by a wall, and lying south of the horner team of age 43: Simon Johnson to beginning at a point distant from 84614 tr xist red, amou the gateway. and I rep to fine woods , by the wall of said of in one from place so called, and by armon Place; then c 854 6 11 S5614 6 4 the wall which in close the premier prove described, belonging to Simon Johnson 20, purchased by him recently from deffus, then by the said of Simon Johnson &a. about 8 264 0 17 20 to a corner of as wall, then aware the mission, by another los belonging to said Simon Johnson is also inclosed by same walls, about minetin rode, to bonnie by a wall, thence by the walk, Sorker 10 to swamp and thenew by the wall, by several courses, to the bamplace of Simon Johnson 2a; then Assilo, 6 to common of wall: and by said fam place, " & 871/16 10 6 to a cornier, and NEIPON 8 8 to the place of Ran out fordimon folmson sa a tract of land adjoining the firegoing & heizing the same he purchased thomas Jeffer recently beginning by the walk of anwing by the well and and as the state of the s A STANDARD OF THE PARTY OF THE

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Lots in the North Head Place ... Ran out for Jachers Cooper; mean Pilot Landing , beginning at as bound distant A216 minuteen roods and fourteens links from the corner by the road leading towards the house of bronze to booper, thence on all ridge of Deacon Simon Johnson, booper, thence on all ridge of Deacon 1336 8 1 to a forma. A 15 M . 4 5 to a formal and SATAM 8 to a forma an Softe 16 8 to a bound, and 1656 5 1 to the place of Kan our for hein of Remember Cooper namely; aaron booper and his sister belinde moures, who each own one quarter, Thomas Jeffen, Huldah Bassett, wife of Lunder Bassett, Lydia Mingo, wife of Charles do mings, the children of Sally Peters decemen, wife of Samuel Peters, the heins of Parmell Divines, deceased, wife of John Divine, decesses, who each own one seventh of tur forth parts, and Julia Gersa who some turn seventh of tur fourthes, one in fur and afternation of our organization of her sister aling buff. hy many at a bounder . tano A 584 6 tiventy rode and turnly links from a bound by the wall correm on to drutram tucks, and the hear of Johns I some thence on all side by land of Deacons from the property 74-M. 7. M. A. M. M. A. 

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Than out for dristram Weeks san tract of land near the lor last described, beginning at a to by the wall which separates the land of Deacon Simon Johnson from the land of here of John Divine and others, dutant from the bluff & 62/16 mine and a quarter rode, \$456 tirely and a quarter role, and Sispe a fourteen and a half rods, then by land of the him of John Dinner . Sexual so in to a tournaly the bluff, then by the bluff, I've a sing to loand of beorgion Broacher and dove Paul; then by the sauce being iama by the wall or land of Desem Johnson A 134. 40 4 to the place of There having been an error in the quantity and description of the land our our and assigned of the former Dominisiainer Hom Charle Manten, to Fritam feeks, which Mr. Make acknowledge, and he having formally quitclairound to the Lander these erroneously set off to him, an cep to the land himin run our and described as his cut night, with which he is fully content. Than out for Georgiana Broacher and Love Paul; my equal share, the following trust of lance beginning as a bound by the wall, where the fast describe or muito in them by said for on its finishing the decharge with the Dinner as a by same and hook a so to walk a by the wall, or Dearon Sanger , All to Well of the forther for THE PROPERTY OF THE PARTY OF TH

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