

Apl 17.76.

To the Honorable Council and House of Representatives of the Colony of the Massachusetts Bay, in General Court assembled.

The Petition of the Indian Proprietors of Gay-head in Dukes County, humbly sheweth;

That where as one Elisha Amos an Indian Man of Tisbury upwards of Twenty Years ago, prevailed with a number of the Indians then living at Gayhead to dispose of their rights, some to a small, others to a larger Tract of Land in said Gay head (Minutes of which conveyances will accompany this) and notwithstanding he was unable to prevail with, but a very small proportion of the Indians then alive, to convey any part of their rights to him, yet presumed to enclose a large Tract of the most valuable part of said Gay-head, as we apprehend about Two Hundred Acres, and built an House on the same and prohibited all the Indians, even those who had not conveyed any part of their rights to him, from making any improvement with in said enclosure; soon after, Guardians were appointed in Dukes County, and the said Elisha then agreed to allow unto the said Guardians a certain sum for the Indians for such part of said enclosure as he acknowledged he had not purchased; and accordingly paid the same For some few years, but for some reasons the Guardians after a little time were discontinued and the said Elisha ever after refused to pay any sum whatever, but continued to improve the whole during his Life, and at his Death by his will gave the same to one of his Kinds men Henry Amos and he improved the same, and then by Deed of Sale conveyed the same to two of his relations; (Viz, Joseph and Israel Amos, said Deed not being approbated according to Law) who improved the same by their Tenants 'till about two Years ago, when the Tenant who ^{had} improved it for some time was about to remove from the Island and a controversy arose who should improve it, as divers persons had contracted for it, the Guardians put an end to it, by taking it into their hands and hiring it out, and the last Year is now almost expired; and the Guardians apprehending that their Power is ended, by reason of their not being Appointed by the present Court will not, as we are informed do any thing further with it,

whereby

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Whereby it will either remain in the hands of the present Occupier, or be liable to be entered upon by any Person disposed thereto; some of us who had not disposed of our rights, were at first determined as soon as the present Possessors time was expired to have entered upon it, but have been advised to the contrary; and altho we are sensible the General Court have much publick business of the greatest importance to transact would have discouraged us from troubling them

with this matter, at this Time, could we think of any method to obtain our just right; but as we cannot we hope your Honors will excuse us and afford such assistance as to you shall seem meet, in the General Court is the Indian's Guardian.

We would also beg leave to suggest that this Land of the Gay-head has been as long as we can trace back held under a different Tenure from any Lands in this County and perhaps in the Province viz: the Improvement of the common Land (which comprehends the whole of the Land there: except some small Yards, before the enclosure referred to above was made) has been proportioned according to the number of Individuals, and when any one Died, his share immediately fell into the hands of the whole and his Children if any were left, have no addition by reason thereof; and if a Child was born, he was in the next proportion allowed an equal share with any of the rest, so that we have always supposed that no one had any right longer than they lived and consequently could not convey the same for any longer Time; but if we have been mistaken in this we apprehend that the rights of any must be determined according to ^{the} Interest, Individuals had therein, at the time of the sale; the knowledge of which we conceive will be very difficult to be obtained at this Time at different Periods of Twenty or Thirty Years; very few of those that sold to the said Elisha are now living; and those who have for ~~improved~~ a long time improved under him have made great profit as we apprehend, without any just right; we thought it incumbent on us to inform the Honorable Court thereof. some few years ago when there was a Committee of the General Court here we informed them of this matter and then we understood they went to the Tenant of these Amos's and desired him to inform them that we had complained of their treatment of us; and that they would appear before the Committee and shew their Title to the Premises which would prevent much trouble: and we are well assured of said Tenant informing them thereof,

but

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but as we understood, they paid no regard thereto.

There is one other Difficulty which we are much burthened with at Gay-head viz: a very considerable number of Negroes and Mulatto's that have come amongst us, built them Houses and settled amongst us, which we have not been able to prevent; some of the Indian Women that formerly resided at Gay head have lately returned with a very considerable number of Mulatto's as they say Children, Grand Children and even Great Grand Children which we are much afraid if they cannot be prevented from settling amongst us will greatly impoverish if not entirely Root us out.

we therefore beg that your Honours would take our case into your consideration and do that for us, which shall in your wisdom appear proper.

Zachariah Howire
 [*illegible*] Tallmaan
 Thomas Paichiker
 Thomas x Copper
 Judah Howaie
 Jofeph Joel
 Jonathan Slocum
 Henry x [*illegible*]
 X Jofeph pomit
 Joel Rogers
 John [*illegible*]
 Siles x Johnfon
 Jonas x Woffomon
 peter x Tolman
 risaac iohnsn
 John x Simon
 Abel Setom
 thomas francies
 John x pichark.
 Isaac x Tohgunnit
 silas paul

Judet Nohqunnit
 Elifapth paneu
 Efter x Howire
 Bethiah x Nehquinet
 Parne Saumog B blind
 Patiance David
 Elifapeth x pito
 Jerafhea x akoochih
 Sarah x Tolman
 rode x panue
 margaret-~~crossout~~ x Notte
 abgieal x pomit
 Jemima x anwonnit
 Efter x pomit
 hepsibah akkoofh
 mary x Howiwe

[verso:

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In Council April 8th 1776
 Read & committed to Walter Spooner Esq^r
 with such as the Hon^l House shall join –
 sent down for Concurrence

Perez Morton
 DSec

In the House of Representatives April. 12.th 177[obscured]
 Read and concurred And Coll Norton and
 M^r Bryant are joined

JWarren Spkr

The Committee of both houses on the petition of
 Zacheriah Hoewire, and others,
 have attended that Services, & Report as there oppin
 ion that there be now appointed ^{^by this Court} three Guardines
 to take the care of the Indians & there Estates for the
 benefit of the Indians Inhabetants that belong to that
 part of the Island of Marthas Vinyard, known by
 the Name of Gayhead, all which is humbly submitted
 WSpooner by Order

[*obscured*]
 Petition of
 Indian Proprietors
 at Gay Head

In Council April 15th 1776

Read & Accepted, sent down for Concurrence

John Lowell Dep^y Sec^y PT

In the House of Representatives April. 17. 1776

Read & concurr. d

JWarren Spk^r

Coll Norton

Mr Bryant

M [illegible]

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