

[*crossout*] To the Hon:^{bl} Spencer Phips Esq:^r ~~Cap:^t Gen:^{ll}~~ and ^{Lieutenant} Governor
& Comander in Chief in and over his Majefties Province of y^e Mafsachufetts Bay in New England.
To the Hon^{bl} his Majefties Council, & Houfe of Representatives in Gen.^{ll} Court Afsembled.
The Petition of Peter Brand of Natick. Indian-Physician ,

Humbly Sheweth___

That whereas Your Petitioner; Some years ago, by Virtue of power from Sam^{ll} Abraham Jun.^r Indian of Said Natick. now Deceafed, Improved the Said Abrahams Improved land, being a clofe of about Fourteen acres 1/4 lying by and adjoining to the weftward side of your Petitioners own Clofe, At the Same time, John Drury then of s^d Natick, but now of Shrewsbury, improved a clofe that lay weftward of the Said Abrahams Clofe, So that Said Abrahams Clofe lay between Said Drurys, and your Petitioners. And the Said Drury takeing Adminiftration upon the Eftate of Samuel Abraham Sen.^r . (the father of this Sam^{ll} Abraham Jun.^r) claimed the said clofe by virtue of his Said Adminiftration [*hole*] Altho, the Said Samuel Abraham had convey^d the Said clofe to his Said Son Samuel Abraham Jun.^r by a deed on Record, Near Twenty years before; And while your Petitioner was in the peacable pofsefsion of ye Said Clofe, and Improveing the Same; the said Drury pulled up the partition fence, that was between the Said clofe of Abrams, that your Petitioner was Improveing, and the Sd Drurys clofe, and carryed away the Same, and by force, entered into the pofsefsion of this Your Petitioners property, and Improv^d the Same: Then your Petitioner forbid his improveing, and warned him to Make up the Said Partition fence again; But, (your Petitioner being an Indian) the Request could not be granted: and So the Said Drury improved your Petitioners hired clofe, in comon with what he called his own. But your Petitioner thinking he had power to improve his own hired Clofe as he pleafed, or at leaft, that he was not accountable to the Said Drury, touching the Same: pulled up a length of fence next the corner of your Petitioners other clofe, and laid his own hired clofe common to y^e Kings high-way: And the Said Drury having laid himself common to this clofe this and his, both lay comon at once: And instead of the Said Drury,s Making up the partition fence which he pulled down, and thereby Trespafsed upon your Petitioner; he commenced an action of Trespafs againft Your Petitioner for laying his own comon, which did not concern the Said Drury, any more than it did any other person ~~we at ever~~ But the Said Drury recovered at y^e Inferiour Court. five pounds Damage, & cofts of Court: Then we left the whole affair to be Determined by Arbitration, and the arbitrators award, was Confirmation of former Judgement: All which tho, it went in favour of Said Drury: yet he had not a tittle by deed or leafe, to any land there, nor any where adjoining. Then the Said Drury unweari- ed in his attempts, Endeavoured to obtain a promifs of your Petitioner, that he would abide and comply with y^e Said award; tho, at the Same time he might have known that and Indians promifs is not vallid in law, for above Ten Shillings, if for that; however your Petitioner alway decline^d to comply with the award, because your Petitioner had Not all his Evidences before the arbitrators, and was not fairly caft, by Law: But from Some of your Petitioners Converfation, when off his guard, the Said Drury claimed a promifs, to abide Said award: And accordingly Sued upon that Supposed promifs, and Your Petitioner at the Inferiour Court, Obtained Judgement for cofts; Then the Said Drury appealed,

and at the Superiour Court, being Suspicious he should lose his causes,
he moved for a Reference: your Petitioner gratified him: And the [*crossout*]
Referrees, being, Isaac Coolidge, John Death & Thomas Greenwood Esq.^{rs}
Sat and Reported for the Said Drury to pay your Petitioner Cofts: But
the Said Drury got the affair Recommitted &c: And the Said Referres, [*crossout*]
[*crossout*], have finally Reported, that the Said
John

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[verso:

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John Drury ^{App^t} recover of Peter Brand App^{lee} £ 2..10..3 and cofts
of courts, as also charge of Reference which is 3..7..10, and hath
Recoverd Judgement for the Same, which with cofts of courts is [*worn*]ear
one hundred pounds old Tenor, And Execution being ~~being~~ [*hole*] given
for the same, and in the officers hands.

Your Petitioner therefore Most Humbly prays, That this Hon^d
Court will be pleased to order that Said Execution be Stayed, and not
Served untill y^e further order of this Court. And that your Petition
may have a hearing upon the Said ~~Trespas~~ And last action, being y^e
promifs upon y^e award; and also upon y^e Trespas that was Said to [*tear*]
done, and which was the foundation of the whole affair, before
the Superiour court of Judicature, to be holden at Charles Town on
the laft Tuesday of January Next; That So Your Petitioner May
have opportunity to Obtain the assistance of the Hon.^{bl} Guardians
for the Natick Indians to appear for him in Said court, in order
to have his Greivances Redressed. And Your Humble Petitioner
as in Duty bound, Shall ever Pray: &c~

Natick Nov 19. 1752

Peter Brand

In the House of Rep^{ves} Dec.^r 9. 1752
Read and Ordered that the Pet^r serve the
Adverse Partie with a copy of their Petⁿ that
He show cause if any He hath on the first
Wednesday of the next Sitting of this Court
Why the Prayer thereof Should not be granted
And Execution mentioned is stayed in the
mean time. Sent up for concurrence
T. Hubbard Spk.^r

In Council December 9. 1752

Read & Concur'd

Tho.^s Clarke Dep^{ty} Secy

Consented to = S Phips

In Council March 31 1753 Read again, together with the Answer of John Drury, and
the matter being fully confider'd, Order'd That this Petition be and hereby is difmifs'd

Sent down for Concurrence

In the House of Rep^{ves} March 31 1753 Tho.^s Clarke Dep.^{ty} Secy

Read and Concurd
Consented to = S Phips
Wil[*illegible*]s
Otis

T. Hubbard Spk.^r

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