

To the Honorable the Senate & House of
Representatives of the Commonwealth of
Mafsachusetts in General Court afsembled

Thaddeus Whipple humbly Sheweth
that Abigail Printer an Indian woman late
of the Ha^{as}namisco Tribe was feized of a tract of
land & of her five fourteenth part of a fum
of money in the hands of the trustees of the faid
tribe. That the faid Abigail fo feized married
one Fortune Burne, a negro; & by him had
a fon, Fortune Burne Jun^r; & died, and the faid
Fortune Burne Jun^r became ^{as} her heir feized
of the premises; & then died, leaving the whole to
Fortune Burne his father -- By which means
the faid Lands, & also the faid shares and the
said money wholly ceased to be indian proper
ty; And the faid Fortune Burne was feized
of the faid Lands, & occupied them; and also drew
the annual interest of said money, for feveral
years, untill the 14th day of August A.D. 1795,
when he died. That the faid Fortune made his
will, which has been duely proved, by which he
devised the whole of faid Land, & faid fhares of faid
money, to Shelomith Stowe, now deceased, father
to the wife of your petitioner, whose heir and
only heir fhe is. The Said Shelomith Stow entered
into faid Land, and also drew the interest of
said shares of faid money, out of the hands of faid
Trustees, for one year before he died. But fince the death
of the faid Shelomith, the faid Trustees have refused
to pay any more of the interest of faid shares to
your petitioner, without some direction of the
Legiflature. And as your petitioner formerly applies

[verso:

applied to the legiflature in this case, and [*illegible*]
as he thinks, for want of a complete ftatement
& understanding of the facts; he begs leave further
now to ftate, that the faid Legacy ^{Devise} in faid will was
made upon condition, that the faid Shelomith Stowe
should maintain the faid Fortune Burne, &
Sarah his fecond wife, during their natural
lives; that he did maintain the faid Fortune
Burne untill his death; and also the faid Sarah,
his widow, while the faid Shelomith lived; and
that the faid Sarah, an aged woman, has ever
fince been maintained by your petitioner, at
great expence. In the year of our Lord 1802 The
Attorney General filed an information to try your

petitioners title to the said Lands -- and on a discovery of the facts, in open court, filed, in form, a discontinuance in writing, wherein he saith "There is no pretence to maintain this inquest of office." -- Your petitioner is able to shew that the said Fund, in the hands of said Trustees, was produced by a sale of part of the lands of said Indians, which had been divided into seven shares; & has in every respect ~~been~~ descended & been divided among the heirs of individual Indians, as property held in severalty, in the same manner as have said lands; and in the same manner as the lands of other citizens descend; & have never been considered a common property of the tribe. The General Court have, from time to time, given leave for particular Indians of said tribe to sell parts of their lands: And for reasons similar to those now adduced by your petitioner, the Legislature

[folio 2:

formerly ordered the principle money in said fund belonging to Esther Freeborn to be paid, & it has been paid, to her by said Trustees. The principle money in said fund, belonging to your petitioner, to which neither the Commonwealth, nor any other person makes any pretence, now lays in the hands of said trustees, with interest accumulated since the year 1796. Is it just that they should keep this interest, & neither account for, nor pay it to any one? The Committee of the General Court, to whom was referred your petitioners former petition, reported, among other things, "that if your petitioner had any right he should establish it by law." But your petitioner doubts whether he can maintain any action against Trustees appointed by the Legislature and accountable to them, even for the interest, however clear his right may be. For the principle he thinks it clear he cannot. Wherefore he again begs leave to Call the attention of the legislature to his case; and that your honors would order your trustees to pay over to him his principle part in said fund, with the interest remaining due --And as in duty bound shall ever pray,

Thaddeus Whipple by

his Attorney
E. Bangs

[verso:

Petition of
Thad. Whipple 9~
1808 --

Mr. Rush
[*crossout*]
Mr. D. [illegible]
M.r Drury

Feby 24. 1808
 Referred
Feby 22^d 1809
 Leave to withdraw

In the House of Representatives Jan'y 26. 1809
Read & Committed to the standing Committee
on New Trials to consider & report
Sent up for Concurrence

Timothy Bigelow Speaker
In Senate Jan'y 26. 1809
Read & concurred
HG Otis Presdt

All contents copyright © 2017 The Yale Indian Papers Project. All rights reserved.

Transcribed by the Yale Indian Papers Project.

Note: These transcriptions are solely for educational or scholarly purposes. Under no circumstances are they to be republished, in part or in whole, without express permion. Copyright on all editorial transcriptions, introductions, textual and explanatory notes, identifications of people, places, events and dates found herein is held by the Yale Indian Papers Project, Yale University.

If you have inquiries regarding copyright, please e-mail indianpapersproject@yale.edu