

To the Honourable Senate and House of Representatives
of the Commonwealth of Massachusetts in General Court assembled.

The Undersigned, Proprietors of land on the Island of Chapequid-
dick in Dukes County, humbly beg leave to remonstrate against
the Petition of Cornelius Huxford and others, of May 20th 1828,
and would assign the following Reasons why the Prayer of
said Petition should not be granted.

1st Because the special Committee of the House of Representatives to
whom said Petition was committed, "Ordered that the Petitioners
cause an attested Copy of their Petition with the Order thereon
be served on the Proprietors of lands therein referred to, living
remote from said Indian line fence &c" which Order Notice has
not been complied with, in our Opinion; for there are more than
thirty white Proprietors of land on said Island who live remote
from said Indian line fence - the greater part of whom have never
been notified of the purport or pendency of said Petition, neither by
the Petitioners nor by any Officer whatever, although every Proprietor
is personally known to the Petitioners. - It will probably appear
by the returns of the Sheriff, that he notified about thirteen
of the Proprietors, by reading a Copy of said Petition and Order
thereon, in their hearing - and we humbly submit to the better
Judgment of the Legislature, whether the reading thereof was
legal notice, even to the thirteen, and whether the Officer ought
not to have left an attested Copy thereof with them, and with all
the other Proprietors, agreeable to said Order.

2nd That the Petitioners represent, that they meet with "frequent
trouble, and difficulties in Consequence of the Cattle &c, belonging
to the Indians and People of Colour intruding upon them" -
whereas the reverse is the fact, the Cattle &c, of the ^{adjoining} Proprietors
frequently intrude upon the Indians, but the Indians Cattle
have rarely ever been known to intrude upon the Proprietors.

3rd That there are only eight Proprietors of land on Chapequiddic
adjoining the Indian line fence, Four of whom have always
made and kept in good repair the whole of the fence between
them and the Indians, at their own expense, and one other large
Proprietor who declares he shall for the future do the same,
and no Complaints are made by or against these Proprietors, about
the intrusion of Cattle &c. - These Persons make by far the largest
proportion of the division line fence between the Whites and
Indians, and consider it less trouble and expense to them, than to
depend on remote Proprietors to make any part of said fence.

[verso:

That the said Petition purports to be signed by Cornelius Huxford,
Joseph Huxford, John Huxford Jun^r & Thomas Huxford; and we
do hereby represent that the said Thomas Huxford is not a Proprietor,
on Record, of any land on the Island of Chapequiddic, and
that there is no Person in Dukes County by the name of John
Huxford Jun^r - and we declare, without fear of contradiction,

and are ready to verify, that only two out of the Eight Proprietors of land adjoining the Indian line fence, have signed said Petition, (as appears by an attested Copy of said Petition and Order thereon, in the hands of the Guardian of said Indians, no ~~other~~ Copy ever having been furnished us) the others declaring that they would have nothing to do with said Petition.

4th Your Remonstrants would beg leave further to represent, that in the year 1789, the Patentees and Purchasers of land on said Island of Chappequiddic, held all their Shares of said lands in common and undivided, as common and general fields, and were then obliged by law to make and maintain the whole of the divisional fence between them and the Indians, in proportion to their respective rights as Proprietors. That in the year 1790 an Act was passed, declaring what notification, to the Patentees and Purchasers to erect and maintain said division fence, should be deemed lawful; which was, that a Notification in writing under the hands of the Guardians, should be left with the Clerk of the said Patentees and other Purchasers – that no legal meeting of the Patentees or Proprietors on said Island, has been holden for thirty Years past, and consequently no Proprietors Clerk has been appointed, and no Notice given to the Proprietors living remote from the Indian Possessions, during the period aforesaid. That previous to the year 1796, all the lands belonging to the white Proprietors on said Island, were in common and unfenced – that in said year 1796, part of the lands of said Proprietors, was enclosed and improved in severalty, and by a special Act passed June 16th 1796, the owners of land thus enclosed and improved in severalty, and adjoining the “Indian line, were held and obliged to make and maintain the one half of the divisional fence between their “respective enclosures and the land assigned to the Indians, and that the other half of said divisional fence should be made and maintained by the several Patentees and Purchasers, agreeable to the Laws made for the regulation of Common and general Fields & general fences.”

[folio 2:

That now at this date, there are no common or general Fields on said Island, belonging to said Patentees or Purchasers, but that all the lands, heretofore and now belonging to them on said Island, are enclosed and improved in severalty.

Your Remonstrants would further state as fact, that the Tract of Wood-land set off to the Indians, and laying within the boundaries of the undersigned, is wholly fenced by the Owners of the lands adjoining said Wood-land, and not by the Proprietors at large. And that any law compelling all the Proprietors of land on said Island to make and keep in repair any part of the divisional fence between the Indians and the Whites on the main line between them would bear peculiarly hard on all those Proprietors not interested in the Premises in any way whatever, and would be attended with much expense and vexation to all the Proprietors of land not

adjoining the Indian line, and would create many disputes and altercations and frequent litigation between them and the real owners and sole improvers of the land adjoining said Indian line – That some of the Proprietors of land on said Island, live at the distance of six or eight miles from said Island – and in case all the Proprietors were obliged to make and keep in repair their proportion of the said divisional line fence between the Indians and the owners of the land adjoining, some would have to make only one rod of fence, some two rods, and some more and judging from former experience, we say that it most generally happens when any Cattle break over on the Indian land, they break through the fence erected by the remote Proprietors (be it ever so good) and not through the fence belonging to the owners of the soil adjoining said Indian line – which would subject the remote Proprietors to damages for Trespasses committed on the Indians and People of Colour, by the Cattle &c. belonging to the owners of the land adjoining said Indian line.

The undersigned would further represent, that if a law should be passed, making it obligatory on the remote Proprietors to erect and keep in repair any part of the divisional line fence between the white Proprietors of land, and the Indians and People of Colour on said Island – it would be next to impossible to comply with it, for they, living at a distance from said fence and having no interest in the soil adjoining, could not know when any part of said fence was down or out of repair, until they should be called upon to pay damages done to the Indians, by other People's Cattle. Parts of said fence have frequently been down and carried away, unbeknown to the remote Proprietors, and we have no reason

[verso:

to believe that any of the Indians or People of Colour, either broke down or carried away any part thereof. If the Proprietors who own and live adjoining said Indian line, were obliged to keep in repair the whole of said fence, it could be done with little expense to them, being under their own immediate sight, and for far less expense than it could be done by the Proprietors who live remote from said fence – and few or no instances would then happen, damages being done on the Indian territory, by the Cattle &c of the adjoining white Proprietors – the neighbouring Indians would then have their Soil protected from the frequent trespasses that have ~~always~~ been committed on them by the Cattle &c of the neighbouring Whites; and until then, such trespasses will be committed, much to the detriment of said Indians.

All which is most respectfully submitted.

Edgartown Jan. 9th 1829.

Valentine Pease
John Osborn
Benj^a Pease
Elijah Pease
Marshal Clark
Henry Pease
John Coffin
William Brown
Timothy Snow
Robert Fisher
John Smith 2nd
Timothy Coffin –
William King
Joseph Ripley
Francis Smith



Proprietors
adjoining the
Indian line
fence on said
Island.

Daniel fisher
Matthew Fisher
Abner Fisher
John Smith
Benjamin C Smith
Ephraim Ripley
Elijah P Smith
Josiah Pease
Salathiel Pease
Allen Coffin

H. Reps. Jan 15. 1829
Com^d. to Com^{ee}. on Petition
of Cornelius Huxford & al.
P.W. Warren Clerk.

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