

Indian Nullification of the Unconstitutional Laws of Massachusetts

William Apes

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[Illustration: MANNER OF INSTRUCTING THE INDIANS.]

INDIAN NULLIFICATION OF THE UNCONSTITUTIONAL LAWS OF MASSACHUSETTS.
RELATIVE TO THE MARSHPEE TRIBE: OR,
THE PRETENDED RIOT EXPLAINED,

BY WILLIAM APES, AN INDIAN AND PREACHER OF THE GOSPEL

1835.

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District Court of Massachusetts.

TO THE WHITE PEOPLE OF MASSACHUSETTS

* * * * *

The red children of the soil of America address themselves to the descendants of the pale men who came across the big waters to seek among them a refuge from tyranny and persecution.

We say to each and every one of you that the Great Spirit who is the friend of the Indian as well as of the white man, has raised up among you a brother of our own and has sent him to us that he might show us all the secret contrivances of the pale faces to deceive and defraud us. For this, many of our white brethren hate him, and revile him, and say all manner of evil of him; falsely calling him an impostor. Know, all men, that our brother APES is not such a man as they say. White men are the only persons who have imposed on us, and we say that we love our red brother, the Rev. WILLIAM APES, who preaches to us, and have all the confidence in him that we can put in any man, knowing him to be a devout Christian, of sound mind, of firm purpose, and worthy to be trusted by reason of his truth. We have never seen any reason to think otherwise.

We send this forth to the world in love and friendship with all men, and especially with our brother APES, for whose benefit it is intended.

Signed by the three Selectmen of the Marshpee Tribe, at the Council House, in Marshpee.

ISRAEL AMOS, ISAAC COOMBS, EZRA ATTAQUIN.

March, 19, 1835.

BOSTON, OCTOBER 2, 1834,

To whom it may concern.

The undersigned was a native of the County of Barnstable, and was brought up near the Marshpee Indians. He always regarded them as a people grievously oppressed by the whites, and borne down by laws which made them poor and enriched other men upon their property. In fact the Marshpee Indians, to whom our laws have denied all rights of property, have a higher title to their lands than the whites have, for our forefathers claimed the soil of this State by the _consent of the Indians_, whose title they thus admitted was better than their own.

For a long time the Indians had been disaffected, but no one was energetic enough among them to combine them in taking measures for their rights. Every time they had petitioned the Legislature, the laws, by the management of the interested whites, had been made more severe against them. DANIEL AMOS, I believe, was the first one among

them, who conceived the plan of freeing his tribe from slavery. WILLIAM APES, an Indian preacher, of the Pequod tribe, regularly ordained as a minister, came among these Indians, to preach. They invited him to assist them in getting their liberty. He had the talent they most stood in need of. He accordingly went forward, and the Indians declared that no man should take their wood off their plantation. APES and a number of other Indians quietly unloaded a load of wood, which a Mr. SAMPSON was carting off. For this, he and some others were indicted for a riot, upon grounds extremely doubtful in law, to say the least. Every person on the jury, who said he thought the Indians ought to have their liberty, was set aside. The three Indians were convicted, and APES was imprisoned thirty days.

It was in this stage of the business, after the conviction, that I became the counsel of the Indians, and carried their claims to the Legislature, where they finally prevailed.

The persons concerned in the riot, as it was called, and imprisoned for it, I think were as justifiable in what they did, as our fathers were, who threw the tea overboard; and to the energetic movements of WILLIAM APES, DANIEL AMOS and others, it was owing that an impression was made on the Legislature, which induced them to do partial justice toward this long oppressed race. The imprisonment of those men, in such a cause, I consider an honour to them, and no disgrace; no more than the confinement of our fathers, in the Jersey prison-ship.

BENJAMIN F. HALLETT,

Counsel for the Marshpee Indian.

INTRODUCTION.

* * * * *

The writer hopes that the public will give him credit for an intention to adhere rigidly to the truth, in presenting his views of the late difficulties of the Marshpee Tribe, as it is as much his wish as his intention to do justice to all his brethren, without distinction of colour. Yet he is sensible that he cannot write truly on this subject without attracting the worst wishes of those who are enemies to liberty, or would reserve it exclusively to themselves. Could he speak without incurring such enmity, he would be most happy to do so; but he is fully aware that he cannot even touch this matter without exposing himself to certain calumny. This has been his portion whenever he has attempted to plead the cause of his ignorant and ever-oppressed red brethren. Nevertheless, he will endeavour to speak independently, as if all men were his friends, and ready to greet him with thundering applause; and he would do so if their voices were to pronounce on him a sentence of everlasting disgrace. He writes not in the expectation of gathering wealth, or augmenting the number of his friends. But he has not the least doubt that all men who have regard to truth and integrity, will do justice to the uprightness of his intentions. (Heaven be praised! there are some such men in the world.) He is equally sure that the evidence contained in this little work will be satisfactory, as to all the points he wishes to establish, to all who are open to conviction.

It is true that the author of this book is a member of the Marshpee Tribe, not by birth, but by adoption. How he has become one of that unfortunate people, and why he concerns himself about their affairs, will now be explained to the satisfaction of the reader. He wishes to say in the first place, that the causes of the prevalent prejudice against his race have been his study from his childhood upwards. That their colour should be a reason to treat one portion of the human race with insult and abuse has always seemed to him strange; believing that God has given to all men an equal right to possess and occupy the earth, and to enjoy the fruits thereof, without any such distinction. He has seen the beasts of the field drive each other out of their pastures, because they had the power to do so; and he knew that the white man had that power over the Indian which knowledge and superior strength give; but it has also occurred to him that Indians are men, not brutes, as the treatment they usually receive would lead us to think. Nevertheless, being bred to look upon Indians with dislike and detestation, it is not to be wondered that the whites regard them as on a footing with the brutes that perish. Doubtless there are many who think it granting us poor natives a great privilege to treat us with equal humanity. The author has often been told seriously, by sober persons, that his fellows were a link between the whites and the brute creation, an inferior race of men to whom the Almighty had less regard than to their neighbours, and whom he had driven from their possessions to make room for a race more favoured. Some have gone so far as to bid him remove and give place to that pure and excellent people who have ever despised his brethren and evil entreated them, both by precept and example.

Assumption of this kind never convinced WILLIAM APES of its own justice. He is still the same unbelieving Indian that he ever was. Nay, more, he is not satisfied that the learned and professedly religious men who have thus addressed him, were more exclusively the favourites of his Creator than himself, though two of them at least have been hailed as among the first orators of the day, and spoke with an eloquence that might have moved stocks and stones. One of them dwells in New York and the other in Boston. As it would avail him little to bespeak the favour of the world in behalf of their opinions by mentioning their names, he will proceed with the matter in hand, viz. the troubles of the Marshpee people, and his own trial.

INDIAN NULLIFICATION, &c.

It being my desire, as well as my duty as a preacher of the gospel, to do as much good as in me lay to my red brethren, I occasionally paid them a visit, announcing and explaining to them the word of life, when opportunity offered. I knew that no people on earth were more neglected; yet whenever I attempted to supply their spiritual wants, I was opposed and obstructed by the whites around them, as was the practice of those who dwelt about my native tribe, (the Pequods,) in Groton, Conn. of which more will be said in another place.

Being on a tour among my brethren in May, 1833, I was often asked why I did not visit my brethren of Marshpee, of whom I had often heard. Some said that they were well provided, and had a missionary, named

FISH, who took care of their lands and protected them against the fraud of such of their neighbours as were devoid of principle. Others asserted that they were much abused. These things I heard in and about Scituate and Kingston, where I had preached. Some of those who spoke thus, were connected with the missionary. The light thus obtained upon the subject being uncertain, I resolved to visit the people of Marshpee, and judge for myself. Accordingly I repaired to Plymouth, where I held forth on the civil and religious rights of the Indians, in Dr. KENDALL'S church, and was treated with Christian kindness by the worthy pastor and his people. Dr. KENDALL gave me a letter of introduction to Mr. FISH, at Marshpee. Being unacquainted with the way, I strayed a little from it, and found a number of good Congregationalists of the old school, who invited me to tarry and preach to them in the evening, which I did, to their acceptance; for they and their pastor desired me to remain and preach on the Sabbath, which, however, I could not consistently do. I proceeded thence to Sandwich, where I made my mission known to Mr. COBB, the Orthodox preacher, who appeared to be pleased.

Mr. COBB said that he had agreed to exchange with Mr. FISH, on the Sabbath following, but as it was inconvenient for him to do so, he would give me a line to him. With this furtherance I set forward, and arrived at Mr. FISH'S house before sunset, informing those I met on the way that I intended to preach on the next day, and desiring them to advise others accordingly. When I made my business known to Mr. FISH, he treated me with proper kindness, and invited me to preach for him. When I awoke in the morning, I did not forget to return thanks to God for his fatherly protection during the night, and for preserving me in health and strength, to go through the duties of the day. I expected to meet some hundreds of the tribe, and to hear from their lips the sweet song of salvation which should prepare their minds for the words of life, to be delivered by one of the humblest servants of God. I hoped that grace might be given to me to say something to my poor brethren that might be for their advantage in time and eternity; after which I thought I should see their faces no more. I looked to see them thronging around their missionary in crowds, and waited for this agreeable sight with great anxiety.

The time appointed for the service was half past ten. When it arrived, we got into our carriages and proceeded to the Meeting-house, which was about two miles and a half distant. The sacred edifice stood in the midst of a noble forest, and seemed to be about a hundred years old; circumstances which did not render its appearance less interesting. Hard by was an Indian burial ground, overgrown with pines, in which the graves were all ranged North and South. A delightful brook, fed by some of the sweetest springs in Massachusetts, murmured beside it. After pleasing my eyes with this charming landscape, I turned to meet my Indian brethren and give them the hand of friendship; but I was greatly disappointed in the appearance of those who advanced. All the Indians I had ever seen were of a reddish color, sometimes approaching a yellow; but now, look to what quarter I would, most of those who were coming were pale faces, and, in my disappointment, it seemed to me that the hue of death sat upon their countenances. It seemed very strange to me that my brethren should have changed their natural color, and become in every respect like white men. Recovering a little from my astonishment, I entered the house with the missionary. It had the appearance of some ancient monument set upon a hill-top, for a landmark to generations yet unborn. Could Solomon's temple have been set beside it, I think no one

would have drawn an architectural comparison. Beautiful as this place was, we had little time to admire it; something more solemn demanded our attention. We were to prepare ourselves for a temple more splendid than ever was built by hands. When the congregation were seated, I arose and gave out the psalm. I now cast my eyes at the gallery, that I might see how the songsters who were tuning their harps appeared; but, with one exception, paleness was upon all their faces. I must do these _Indians_ the justice to say that they performed their parts very well. Looking below, something new caught my attention. Upon two seats, reserved along the sides of the temple for some of the privileged, were seated a few of those to whom the words of the Saviour, as well as his scourge of small cords, might be properly applied, "It is written that my house shall be called the house of prayer, but ye have made it a den of thieves;" for these pale men were certainly stealing from the Indians their portion in the gospel, by leaving their own houses of worship and crowding them out of theirs. The law, perhaps, allowed them to do so. After singing and prayer, I preached one of my humble sermons, after which I attended a Sabbath School, in which a solitary red child might be seen here and there. By what I saw, I judged that the whites were much favored, while the little red children were virtually bidden to stand aside. I understood that the books that were sent to them had been given to the white scholars.

After a slight refreshment, the duty of worship was resumed; and I discovered that plain dealing was disagreeable to my white auditory. I inquired where _the Indians_ were; to which Mr. Fish replied, that they were at a place called Marshpee, and that there was a person called _Blind Joe_, who tried to preach to them, which was the cause of their absence. Though the said Joe was one of them, he had done them more harm than good. I asked why he did not invite Blind Joe, and get him to preach for him a part of the time. He answered, that that could not be; that Joe was not qualified to preach and instruct. I replied that he could not, perhaps, be sure of that, and that if he had followed the course I had mentioned, it would at least have been the means of uniting the people, which would of itself have been great good. It was then concluded to have a meeting at Marshpee; and, in the afternoon of the next day, I paid the people of that place a visit in their Meeting-house. I addressed them upon temperance and education, subjects which I thought very needful to be discussed, and plainly told them what I had heard from their missionary, viz: That it was their general disposition to be idle, not to hoe the corn-fields they had planted, to take no care of their hay after mowing it, and to lie drunken under their fences. I admonished them of the evil of these their ways, and advised them to consider any white man who sold them rum their enemy, and to place no confidence in him. I told them that such a person deserved to have his own rum thrown into his face. I endeavored to show them how much more useful they might be to themselves and the world if they would but try to educate themselves, and of the respect they would gain by it. Then, addressing the throne of grace, I besought the Lord to have mercy on them and relieve them from the oppressions under which they laboured. Here Mr. Fish cautioned me not to say any thing about oppression, that being, he said, the very thing that made them discontented. They thought themselves oppressed, he observed, but such was not the case. They had already quite liberty enough. I suggested to him the propriety of granting them the privileges enjoyed by the whites about them; but he said that that would never do, as they would immediately part with all their lands. I told him that, if their improvement was his aim,

he ought to go among them and inquire into their affairs; to which he replied that he did go at times, but did not say much to them about their worldly concerns. He asked me if I thought it proper to preach about such things. I answered that I thought it proper to do good in any way; that a variety was not amiss, and that such a course would convince his flock that he had their welfare at heart.

I had now appointed to meet my brethren on Wednesday evening following, when I expected to bid them farewell forever; and in the mean while I had obtained a letter of introduction to Mr. Pratt, of Great Marshes. There I gave the audience a word in season, upon the subject of Indian degradation, which did not appear to please them much. I then visited Barnstable, and finding no resting place there for the sole of my foot, I journeyed as far as Hyannis, where I was entertained with hospitality and kindness. On the evening of the fourteenth day, I again preached on the soul-harrowing theme of Indian degradation; and my discourse was generally well received; though it gave much offence to some illiberal minds, as truth always will, when it speaks in condemnation. I now turned my face toward Marshpee, to preach the word there.

I had made up my mind to depart early on the morrow, and therefore, that I might hear of their concerns, and how they fared from their own mouths, I intended to commence my labours early in the day. I had not the least intention of staying with my brethren, because I saw that they had been taught to be sectarians, rather than Christians, to love their own sect and to hate others, which was contrary to the convictions of my own experience as well as to the doctrine of Jesus Christ. What ensued led me to look farther into their case. The lecture I had delivered in the Meeting-house, had wrought well, and a small pamphlet that contained a sketch of the history of the Indians of New England had had a good effect. As I was reading from it, an individual among the assembly took occasion to clap his hands, and with a loud shout, to cry, "Truth, truth!" This gave rise to a general conversation, and it was truly heart-rending to me to hear what my kindred people had suffered at the hands of the whites.

Having partook of some refreshment, we again met to worship God in the School-house; where I believe that the Spirit of the Lord was revealed to us. Then, wishing to know more of their grievances, real or supposed, and upon their invitation, I appointed several meetings; for I was requested to hear their whole story, and to help them. I therefore appointed the twenty-first of May, 1833, to attend a council to be called by my brethren. In the mean while I went to Falmouth, nine miles distant, where I held forth upon the civil and religious rights of the Indians. Some, who apparently thought that charity was due to themselves, but not to the red men, did not relish the discourse; but such as knew that all men have rights and feelings, and wished those of others to be respected as well as their own, spoke favourably of it. Of this number was Mr. Woodbury, the minister, who thought it would do good. I then returned to Marshpee, to attend the council.

The meeting was held in the school-room. Business commenced at about nine in the morning, and continued through the day. The first that arose to speak was an Indian, Ebenezer Attaquin by name. Tears flowed freely down his time-furrowed cheeks, while he addressed us in a manner alike candid and affectionate. The house was well filled.

After listening patiently to the tale of their distresses, I counselled them to apply for redress to the Governor and Council. They answered, that they had done so; but _had never been able to obtain a hearing_. The white agents had always thrown every obstacle in their way. I then addressed them in a speech which they all listened to with profound attention.

I began by saying that, though I was a stranger among them, I did not doubt but that I might do them some good, and be instrumental in procuring the discharge of the overseers, and an alteration of the existing laws. As, however, I was not a son of their particular tribe, if they wished me to assist them, it would be necessary for them to give me a right to act in their behalf, by adopting me; as then our rights and interests would become identical. They must be aware that all the evil reports calumny could invent, would be put in circulation against me by the whites interested, and that no means to set them against me would be neglected. (Had the inspiration of Isaiah spoken these words, they could not have been more fully accomplished, as is known to the whites of Barnstable County, as well as the Indians.)

Mr. Ebenezer Attaquin, being one of the prayer leaders, replied first, and said, "If we get this man to stand by us, we must stand by him, and if we forsake him after he undertakes for us, God will forsake us also."

Mr. Ezra Attaquin wished to know if I could not come and dwell with them, as so I could do them more good than if abiding at a distance. Mr. Ebenezer Attaquin said in reply, that if such a chance should be offered to a white man, he would be very glad to accept it.

I now inquired what provision could be made for me, if I should consent to their wishes. They answered that their means were small, but that they would provide a house for me to live in, and do what they could for my support. I said that, knowing their poverty, I did not expect much, and gave them to understand that I could dig, and fish, and chop wood, and was willing to do what I could for myself. The subject of religious instruction was then discussed, and the inquiry was made, what should be done with their poor, blind brother, (who was then absent among another sect.) I answered that I was very willing, to unite my labours with his, as there was plenty of work for both of us; and that had I but half a loaf of bread, I would gladly divide it with him. It was then agreed that we should unite, and journey together on the road toward heaven.

The case Of Mr. Fish was next laid before the council, and Complaints were made, that he had neglected his duty; that he did not appear to care for the welfare of the tribe, temporal or spiritual; that he had never visited some of the brethren at all, and others only once in five or seven years; that but eight or ten attended his preaching; that his congregation was composed of white people, to whom his visits were mostly confined, and that it seemed that all he appeared to care for was to get a living, and make as much as he could out of the Indians, who could not see any reason to think him their friend. It was, therefore, agreed to discharge him, and three papers were draughted accordingly. One was a petition to the Governor and Council, a second to the Corporation of Harvard College; the first complaining against the Overseers, and the laws relating to the tribe; and the second against the missionary set over them by Harvard College and the Overseers. The third document was a statement of my adoption into the

tribe, and was signed by all present, and subsequently by others, who were not present, but were equally desirous of securing their rights. It was as follows,

To all whom it may concern, from the beginning of the world up to this time, and forever more.

Be it known, that we, the Marshpees, now assembled in the presence of God, do hereby agree to adopt the Rev. William Apes, of the Pequod tribe, as one of ours. He, and his wife, and his two children, and those of his descendants, forever, are to be considered as belonging to the Marshpee tribe of Indians. And we solemnly avow this, in the presence of God, and of one another, and do hereby attach our names to the same, that he may take his seat with us and aid us in our affairs. Done at the Council House in Marshpee, and by the authority of the same, May 21st, 1833.

EBENEZER ATTAQUIN, _President_.

ISRAEL AMOS, _Secretary_.

To this instrument there are about a hundred signatures, which were affixed to the other papers above mentioned also. The resolutions which were sent to the two bodies were these:

Resolved, That we, as a tribe, will rule ourselves, and have the Constitutionso; for all men are born free and equal, says the Constitutien of the country.

Resolved, That we will not permit any white man to come upon our plantation, to cut or carry off wood or hay, or any other article, without our permission, after the 1st of July next.

Resolved, That we will put said resolutions in force after that date, (July next,) with the penalty of binding and throwing them from the plantation, if they will not stay away without.

These resolutions were adopted by the tribe, and put in force, as will be seen hereafter. It was hoped that, though the whites had done all they could to extinguish all sense of right among the Indians, they would now see that they had feelings as well as other men.

The petition to the corporation of Harvard set forth the general dissatisfaction of the tribe with the missionary sent them by that honorable body, according to the intended application of the Williams Fund. The money was no more intended for Mr. Fish than for any other clergyman; neither had the Indians given him a call. They thought it right to let his employers know that he had not done his duty, because he not only received between five and six hundred dollars from the college, but had possession of five or six hundred acres of the tribe's best woodland, without their consent or approbation, and converted them to his own exclusive use, pretending that his claim and right to the same was better than that of the owners themselves. Not liking this, the Indians solicited his discharge. The document runs thus:

To our white brethren at Harvard College and trustees of the

Williams fund, that is under the care of that body, for the important use of converting the poor heathen in New England, and who, we understand, by means of that fund, have placed among us the Rev. Phineas Fish.

We thought it very likely that you would like to know if we, as a people, respected his person and labors, and whether the money was benefiting the Indians or not. We think it our duty to let you know all about it, and we do say, as the voice of one, with but few exceptions, that we as a tribe, for a long time, have had no desire to hear Mr. Fish preach, (which is about ten years) and do say sincerely that we, as a body, wish to have him discharged, not because we have anything against his moral character, but we believe his labors would be more useful somewhere else, and for these reasons,

1st. We, as a people, have not been benefited by his preaching; for our moral character has not been built up, and there has been no improvement in our intellectual powers, and we know of no Indian that has been converted by his preaching.

2d. We seldom see him upon our plantation to visit us, as a people. His visits are as follows--To one house, one visit in one year--to another, two visits in five years--to another one in seven--and to many, none at all. (We would here remark that Mr. Fish has not improved, but rather lost ground; for history informs us that such was the anxiety of the whites, that it was thought best to visit the Indians twice in one year, and preach to them, so as to save them.)

3d. We think that twenty years are long enough for one trial. Another reason is that you and the people think that we are benefited by that fund, or money paid to him for preaching to the Indians--and we are not. White people are his visitors and hearers. We would remark here that we have no objection to worship with our white neighbors, provided they come as they ought to come, and not as thieves and robbers, and we would ask all the world if the Marshpee Indians have not been robbed of their rights. We wonder how the good citizens of Boston, or any town would like to have the Indians send them a preacher and force him into the pulpit and then send other Indians to crowd the whites out of their own meeting house and not pay one cent for it. Do you think the white men would like it? We trow, not; and we hope others will consider, while they read our distressing tale. It will be perceived that we have no objection if hundreds of other nations visit our meeting house. We only want fair play; for we have had foul play enough.

4th. We do not believe but that we have as good a right to the table of the Lord as others. We are kept back to the last, merely because our skins are not so white as the whites', and we know of no scriptures that justify him in so doing. (The writer would here observe, that he wonders any person guilty of a dark skin will submit to such unchristian usage, especially as the minister is as willing to shear his black sheep as his white ones. This being the case, ought he not to pay as much regard to them? Should he turn them loose to shift for themselves, at the risk of losing them?)

5th. We never were consulted as to his settlement over us, as a people. We never gave our vote or voice, as a tribe, and we fully believe that we are capable of choosing for ourselves and have the right to do so, and we would now say to you, that we have made choice of the Rev. Wm. Apes, of the Pequod tribe, and have adopted him as one of ours, and shall hear him preach, in preference to the missionary, and we should like to have him aided, if you can do it. If not, we cannot help it--he is ours--he is ours.

Perhaps you have heard of the oppression of the Cherokees and lamented over them much, and thought the Georgians were hard and cruel creatures; but did you ever hear of the poor, oppressed and degraded Marshpee Indians in Massachusetts, and lament over them? If not, you hear now, and we have made choice of the Rev. Wm. Apes to relieve us, and we hope that you will assist him. And if the above complaints and reasons, and the following resolutions, will be satisfactory, we shall be glad, and rejoice that you comply with our request.

Resolved, That we will rule our own tribe and make choice of whom we please for our preacher.

Resolved, That we will have our own meeting house, and place in the pulpit whom we please to preach to us.

Resolved, That we will publish this to the world; if the above reasons and resolutions are not adhered to, and the Rev. Mr. Fish discharged.

The foregoing addresses and resolutions were adopted by a vote of the tribe, almost unanimous. Done at the Council House at Marshpee, May the 21st, 1833.

EBENEZER ATTAQUIN, _President_.

ISRAEL AMOS, _Secretary_.

The Hon. Josiah Quincy, President of the College, promised to attend to this matter, said that he had long been satisfied that the money from the Williams fund had not been applied to the object for which it was intended, and hinted at an intention to send no more to Mr. Fish till he should be better informed concerning the matter. (We understood that he actually did retain the money, though he never found leisure to make the inquiry alluded to.) He said that, had it been in the summer, he would have gone himself to the place. Summer has passed away, and we have seen no Mr. Quincy yet. We have heard that he was requested by several gentlemen to come and investigate our affairs, but we suppose he thinks that the poor Marshpees cannot have been wronged. However, as nothing has been done, we think it is time that the public should be made aware of our views and intentions.

Leaving Marshpee for New Bedford, I preached at several places on my way, and delivered lectures on Indian affairs. Many of the advocates of oppression became clamorous, on hearing the truth from a simple Indian's lips, and a strong excitement took place in that quarter.

Some feared that an insurrection might break out among the colored

people, in which blood might be shed. Some called me an imposter, and others approved of my proceedings, especially the Quakers, whom I ever found benevolent and ready to help us. Their generous good will toward colored people of all races is well known. I feel bound to say, too, that there were others of the highest respectability in those parts who were anxious that their red brethren should obtain their rights and redress of their grievances.

When the time I had fixed for my return to my friends at Marshpee arrived, I turned thitherward, and reached the place on the sixth of June. Here I met the blind preacher, whom I had never before seen. He bade me welcome, and cordially agreed to join me in my labors, saying that God had listened to his prayers. He had for several years prayed for an assistant, and now consented to labor in conjunction with me for the spiritual and temporal advantage of our brethren. We went through the plantation together. On the Sabbath there was a large meeting, and the assistance of God enabled me to preach to them, after which we set forth, as a delegation to the Governor and Council in Boston. We stopped at several towns by the way, to discharge our duties, as Christian ministers, and were kindly and hospitably received by the teachers.

When we arrived in Boston, we communicated our business to a certain doctor, who lived in Roxbury. He did not think so favorably of it as we had expected; but, nevertheless, agreed to lay it before the board of trustees, which we presume he did, as he is a man of truth. We told him that we asked for justice, not money, and said that we wished the Marshpee Indians to avoid the meeting-house, if it did not belong to them. With this we left him, and have never heard from him from that day to this. He is gone where his deeds done in the flesh will receive their just reward; which I hope is a crown of blessedness and glory.

We did not find the Governor in Boston; but were advised to wait on Mr. Armstrong, the Lieut. Governor. We showed him our petition and resolutions, which he said, would avail us nothing, unless enforced. We answered that they would be enforced, at the appointed time. He then suggested that we might have been instigated to the measures in question by some of our enemies; probably meaning some of our unprincipled white neighbors. We replied that ill usage had been our only instigation, and that no one had interfered in the matter. He advised us to deliver our petition to the Secretary of State, to be submitted to the Council at their next session; which we did.

This done, we called on one of the tribe who was engaged in the coasting business, and had done much to teach the Indians, and to bring them to a right knowledge of their degraded condition. He said that he would willingly relinquish his business, and join in the efforts of his brethren to shake off the yoke which galled them; and thereupon it was resolved to hold a convention on the twenty-fifth of June, for the purpose of organizing a new government. He desired to be there, and his name is Daniel Amos.

I now set out for Essex, where my family was living, accompanied by the blind preacher. I put my wife and little ones on board a small vessel, bound for Boston, while I and my blind brother returned thither by land. We all arrived safely, and soon after embarked for Barnstable, where we arrived on the eighteenth of June, and landed at a spot about twelve miles distant from the hospitable Indians. Here we found ourselves breathing a new atmosphere. The people were very

little prepossessed in our favor, and we certainly owe them small thanks on the score of hospitality. We succeeded in obtaining the shelter of an old stable for two nights, by paying two dollars. We applied to one individual for accommodations during that time, for one of our party who was sick, but were refused. He said he had no room. If any white man should come to Marshpee and ask hospitality for a night or two, I do not believe that one of the whole tribe would turn him from his door, savages though they be. Does not he better deserve the name who took from us two dollars for sleeping in his stable? This usage made me think that in this part of New England prejudice was strong against the poor children of the woods, and that any aid we might receive must come from the more hospitable Indians, among whom we arrived on the twenty-first, and rested till the twenty-fifth. We regarded ourselves, in some sort, as a tribe of Israelites suffering under the rod of despotic Pharaohs; for thus far, our cries and remonstrances had been of no avail. We were compelled to make our bricks without straw.

We now, in our synagogue, for the first time, concerted the form of a government, suited to the spirit and capacity of free born sons of the forest; after the pattern set us by our white brethren. There was but one exception, viz. that all who dwelt in our precincts were to be held free and equal, in truth, as well as in letter. Several officers, twelve in all, were elected to give effect to this novelty of a government; the chief of whom were Daniel Amos, President, and Israel Amos, Secretary. Having thus organized ourselves, we gave notice to the former board of overseers, and the public at large, of our intentions. This was the form of our proclamation:

NOTICE.

Marshpee Plantation, June 25th, 1833.

Having heretofore been distressed, and degraded, and robbed daily, we have taken measures to put a stop to these things.--And having made choice of our own town officers to act instead of the whites, and having acquainted the Governor of our affairs and resolutions, he has nothing against our putting them in force.[1] And now we would say to our white friends, we are wanting nothing but our rights betwixt man and man. And now, rest assured that said resolutions will be enforced after the first day of July, 1833. Done at the National Assembly of the Marshpee Tribe, and by the authority of the same.

DANIEL AMOS, President.

ISRAEL AMOS, Secretary.

Hereupon the Missionary and agents and all who put faith in them, combined together to work our destruction, as is well known to all men.

We then proceeded to discharge all the officers appointed by the Governor and Council, firmly believing that each and every one of the existing laws concerning the poor Israelites of Marshpee was founded on wrong and misconception. We also forwarded a letter and resolution to Gideon Hawley, to the effect that we were dissatisfied with his

proceedings with regard to our affairs and with those of the other officers, that we desired their stay among us no longer, that we were seeking our rights and meant to have them, and we therefore demanded of them all a final settlement, and warned them not to violate our regulations. The resolution was as follows:

Resolved, That we will no longer accede to your terms after the first day of July next, 1833.

Done by the authority of the Marshpee Tribe.

DANIEL AMOS, _President_.

ISRAEL AMOS, _Secretary_.

We also proceeded to discharge the missionary, telling him that he and the white people had occupied our meeting house long enough, and that we now wanted it for our own use. We likewise gave him notice that we had complained against him to the authorities at Harvard.

Those who had, as we think unlawfully, ruled us hitherto, now awoke in astonishment, and bestirred themselves in defence of their temporal interests. Mr. Hawley was despatched to the Governor at Worcester, to whom he represented the state of affairs in colors which we cannot acknowledge to have been faithful. He stated that the Indians were in open rebellion, and that blood was likely to be shed. It was reported and believed among us that he said we had armed ourselves, and were prepared to carry all before us with tomahawk and scalping knife; that death and destruction, and all the horrors of a savage war, were impending; that of the white inhabitants some were already dead, and the rest dreadfully alarmed! An awful picture indeed.

However, several weeks previous to this the Governor and Council had been apprised of what was going forward, and had authorised one of the Council to visit the tribe, in order to hold counsel, and if possible, restore peace among them. But the first of July arrived before he came, and we did even as we had pledged ourselves to do, having in view no other end than the assertion and resumption of our rights. Two of the whites, indeed, proved themselves enemies to the Indians, by holding themselves in readiness to break up the new government, and daring them to carry it into effect. They were brothers, and one of them has since gone to his reward. Their name was Sampson. They came, in defiance of our resolutions, to take away our wood, in carts. As I was walking in the woods, I discovered them in the act of removing our property, and called to him who was the owner of the teams to come near me. He complied, and appeared much agitated as he approached. I mildly stated to him the views and intentions of the tribe, saying that it was not their design to wrong or harm any man in the least, and that we wished them to desist till we should have had a settlement with the Overseers, after which every thing should be placed upon a proper footing. I begged them to desist, for the sake of peace; but it was to no purpose. They said that they knew what they were about, and were resolved to load their teams. I answered, that the men who owned the wood were resolved to carry their resolutions into force; and asked if they had not seen the notification we had posted up. One of them replied that he had seen, but had not taken much notice of it. I again told them that the owners of the wood were at hand, and by the time one of the teams was laden, the Indians came up. I then asked William Sampson, who was a member of the missionary's church, if

he would, even then, unload his team and wait till things were more quiet; to which he replied that he would not. I then, having previously cautioned the Indians to do no bodily injury to any man, unless in their own defence, but to stand for their rights, and nothing else, desired them to unload the teams, which they did very promptly. One of the Sampsons, who was a justice of the peace, forbade them, and threatened to prosecute them for thus protecting their own property, which had no other effect than to incite them to work more diligently. When they had done, I told the justice, that he had, perhaps, better encourage others to carry away what did not belong to them, and desired the teamsters to depart. They said they would, seeing that it was useless to attempt to load the carts. Throughout this transaction the Indians uttered neither a threat nor an unkind word, but the white men used very bitter language at being thus, for the first time, hindered from taking, away what had always been as a lawful spoil to them hitherto.

The defeated Sampsons hurried off to get the aid of legal might to overcome right, and were wise enough to trouble the Indians no further. The tribe were thus left in peaceable possession of all their property. Mr. Fiske stated in his report of the case, that we wanted possession of the mission house; but in this he was mistaken. No such thing was intended or even mentioned among us, though it is true that the meeting-house and the two school houses, and all the land, excepting that on which Mr. Fiske's house stood, were in our hands.

The Indians now made it part of their business to watch their property; being determined to disappoint the rapacity of the whites. They soon learned that the Governor had sent an envoy to deal with them, and the news cheered their hearts not a little; for they earnestly wished for peace and quietness. A verbal message was brought, desiring us to meet him. We replied by asking why the agent did not come to us, if the Governor had sent him for that purpose, instead of going to a tavern and calling on us to come to him there. I now suppose that this proceeding on his part was not so much his fault as that of one Ezra Crocker, who received twenty dollars _per annum_ for entertaining the Indians in his house, and who not unfrequently thrust them out of doors. Nevertheless, we sent the agent an answer in writing, to the following effect.

To the Honorable Agent sent by the Governor to inquire into our affairs_.

Dear Sir,

We are much gratified to see that the Governor has noticed us so much as to inquire into our affairs. Your request could not be attended to yesterday; our people being very busy in the affairs of the day; but we will meet you with pleasure this morning at nine o'clock, at our meeting-house, there being no other place where we should like to see you for an interview.

DANIEL AMOS, _President. July 4th_, 1833.

At the time appointed, we met the Counsellor, and he appeared to enjoy himself very well among us. When the meeting had been called to order, it was observed that the Overseers were not present, and it was proposed to send for them, that they might have fair play and hear of what faults they were accused. They came, accompanied by the

High Sheriff of Barnstable County, the Hon. J. Reed of Yarmouth, and several other whites, who were invited to take seats among us. The excitement which pervaded Cape Cod had brought these people to our council, and they now heard such preaching in our meeting-house as they had never heard there before; the bitter complainings of the Indians of the wrongs they had suffered. Every charge was separately investigated by our people, who gave the entire day to the work. The white persons present seemed very uneasy; often getting up, going out and returning, as if apprehensive of some danger. The ground work of their fears, if they had any, was this: Three of our people, who had been out in the morning, hunting deer, had brought their guns into the meeting house, and this circumstance was thought, or pretended to be thought by a few of our neighbors to portend violence and murder. Also the Counsellor had brought a letter from the Governor, indicating that he had been led, by wrong reports, to believe that something of the kind was likely to take place.[2]

This letter was read to the people, and was to them as a provocation and a stimulus. They thought it grievous that the Governor should think they had put him in mind of his oath of office, to secure the Commonwealth from danger, and given him cause to call out perhaps fifty or sixty thousand militia; especially when the great strength and power of the Marshpee tribe was considered. To this supposed great demonstration of military power they might, possibly, have opposed a hundred fighting men and fifteen or twenty rusty guns. But it is written, "One shall chase a thousand, and two shall put ten thousand to flight;" so there might have been some reason for persons who believe the Bible to fear us. Who can say that little Marshpee might not have discomfited great Massachusetts. Nevertheless, the birth place of American freedom was spared so great a disgrace; for the governor, very wisely, remained at home.

Toward the close of the day Mr. Fiske desired the Hon. Mr. Reed to explain to the Indians the laws, as they then stood, and the consequences of violating them. He told us that merely declaring a law to be oppressive could not abrogate it; and that it would become us, as good citizens whom the government was disposed to treat well, to wait for the session of the Legislature, and then apply for relief.[3] "He went fully," says one reporter, whose name it may be well to omit, "into the situation of the tribe, in a very forcible and feeling manner, warning them against the rash measures they had already taken or adopted."

Mr. Fiske then pathetically stated his opinions concerning the awful consequences which would result from a violation of the laws, and spoke much at large of the parental feeling of government for the remnant of a once mighty and distinguished race. Wm. Apes replied that the laws ought to be altered without delay; that it was perfectly manifest that they were unconstitutional, and that, even if they were not so, there was nothing in them to authorize the white inhabitants to act as they had done. Being very anxious to learn what amount of good his brethren might expect, he spoke with an energy that alarmed some of the whites present considerably. The Hon. Mr. Reed questioned him as to his right to interfere. He replied that he had obtained it by the adoption of the tribe.

Mr. Reed, if I correctly understood him, answered that the Indians had no right to do such an act; no power to confer such a privilege. I replied, that if the plantation belonged to them, they undoubtedly had

a right to give me leave to dwell upon it. Many other things he said of which I could not see the reasonableness and propriety, and therefore we could not come to an agreement.

While these things were being done and said, as I have reason to believe, a warrant for my apprehension was put into the hands of the High Sheriff, who, it appeared to me, was not very desirous to execute it. He approached me, and with some agitation, told me I must go with him to Catuio; and added, that if I did not accompany him peaceably, he would have out the whole county of Barnstable. I was not conscious of giving any cause for this perturbation of mind, but I suppose others saw my conduct in a different light. It is admitted by all that nothing was done contrary to good order, though I admit, that if I had refused to obey the warrant, the Sheriff would not have been able to enforce it. The fact is I was in no wise unwilling to go with him, or to have my conduct brought to the test of investigation, or to give all the satisfaction that might be required, had it appeared that I had done wrong. I was also very desirous to have the truth appear, viz. that it was not the intention or wish of the Marshpees to do violence or shed blood.

The Sheriff told me that I should not suffer any injury or injustice, and that I should have a hearing in the presence of my friend, Mr. Fiske. I went with him very quietly. The excitement ran very high, and almost all Cotuet was present at my examination. If wishes could have availed, I doubt not that I should have been ruined forever. I was arraigned on three charges: for riot, assault, and trespass; and pleaded NOT GUILTY.

The Messrs. Sampsons, four in number, were called, and testified as follows, That on the first day of July, between eight and nine, A.M. they were carting wood from the Marshpee plantation, that they were hailed by Wm. Apes, and forbidden by him to take any wood away until a settlement with the overseers should have been had; that the said Apes threatened them that he would call his men if they persisted, who would "_cut up a shine with them_"[4] (the Sampsons.) They all agreed, however, that no unchristian temper was manifested, and no indecorous language used. They admitted that they had no fear for their personal safety, and that no harm was done to any of the persons concerned, save unloading their teams, and ordering them to depart.

Now if I had taken any neighbors' wood without his leave, and he had thrown it out of my cart, and told me to go away, and had given me no farther molestation, I should think I had gotten off very easily. If a poor Indian wishes to get into a jail or penitentiary, that is just the course I would advise him to pursue. I leave it to the reader to say who were the persons aggrieved and injured, and that had the right to complain of trespass.

It was thought proper, by those who had the power so to do, to bind me over to appear and take my trial before the Court of Common Pleas, at the next session, in the sum of two hundred dollars, and sureties for the like amount were also required. Compliance was not difficult. I had only to send for Lemuel Ewer, Esq. of South Sandwich, who had, in former times, been the treasurer of the tribe, knew their wrongs, and was their friend. It was well for me that there was one man who knew on which side the right lay, and had the courage to support it, for I verily believe that no other person would have dared to become my bondsman. I owe Mr. Ewer the justice further to say that he has

done much to advance the interests of the Marshpee tribe, by giving information respecting them to the Legislative body, for which we cannot easily show our gratitude.

The Cotueters now waxed exceedingly wroth at what Mr. Ewer had done. Truth had been shot into their hearts, and if I should say that they bellowed like mad bulls, and spouted like whales, gored mortally by the harpoon, I do not think the figure of speech would be too strong. Mr. Crocker, the contractor or agent, for our wood, felt himself especially aggrieved that I had gotten bail, and was let loose upon the plantation, to hinder him in his business. His life, he thought, would be in danger. There was a great deal of loose talk and a pretty considerable uproar.

While I was waiting for Mr. Ewer, to bail me, I had some conversation with the Hon. J.J. Fiske, who expressed himself concerned about the Indians, and thought that something ought to be done. I said to him that my object was to get them righted, and allowed that I might possibly have gone too fast and far. In this I am now satisfied that I was mistaken. I believe that neither I nor any of my brethren went fast enough. I think there is no white man, Christian or Infidel, who would have shown half so much forbearance as we did in the like circumstances. Mr. Fiske said he would do all he could for me, and I have no doubt that he did so. It was very proper in him to endeavor to quiet the whites. The Indians were already quiet, and had no disposition to be otherwise.

Nevertheless, it seemed to be the common opinion that the imprisonment of Apes would frighten the rest of the tribe, and cause them to forego their efforts to recover their rights. Had this been the case, they might have carted a few more good suppers and dinners out of our woods, and have eaten them on their town meeting days, for two or three days together, twice in the year, and have thrown the bones and crusts to the poor, old and ignorant, among the natives, as they had done, year after year. The missionary, as usual, might have helped them to devour the spoil, and have seen his flock degraded and abused, before his eyes. Much was also said about the pains that had been taken to educate the Marshpees, and it was averred, that, instead of going to the schools opened for them, they preferred going about the country picking berries, and basket making. Mr. Crocker said he had been at great pains to induce the Indians to go to school. Let him who has been prejudiced against the Marshpees, by such argument, look at the legislative act of 1789, section 5, for the regulation of the plantation, prohibiting the instruction of the Marshpees, in reading and writing, under pain of death. Who, then, dared to teach them?

Mr. Hawley, the former missionary, spent fifty or sixty years in Marshpee. He is mentioned in the history of Berkshire County, as a schoolmaster, for the Mohawks, Onedias and Tuscaroras, in 1748, and nothing more is known of him, up to his arrival in Marshpee. Thither he came to teach, in A.D. 1757, and there he staid till his death. What his care to educate the tribe was, may be judged from the facts that he did not teach one Indian to read during his residence among them, as I am informed by those who knew him. He had probably imbibed the opinion that the natives were incapable of being taught, and therefore spared himself trouble that he thought would be of no use. Nevertheless, he was willing to preach to them, and had a good portion of their land set off for his support. Truth obliges me to say that not one Indian was converted during the fifty years of his ministry.

The neighbouring whites were the sole recipients of the good resulting from his labors, if there was any. Speaking on this subject, the Rev. Cotton Mather Smith says that the arrangements for managing Indian schools were never thoroughly made; admirable as was the general plan, and much as it promised. I think I may safely vouch for the truth and honesty of the reverend gentleman's admission.

Mr. Fish succeeded Mr. Hawley, in 1809, and was confirmed in his office by the authorities at Harvard, and the white overseers at Marshpee. The arrangement was sanctioned by the General Court, in 1811; contrary to law, as we think. Surely it takes two sides to make a bargain, and the consent of the Indians was never asked or obtained. Both of the divines mentioned above were willing to have the use of the property of the Marshpees; I fear, under a mere pretext of doing them good; and, therefore, that they and the overseers might have a support from the plantation, the owners were constantly proclaimed to be savages. I wonder what the whites would say, should the Indians take possession of any part of their property. Many and many a red man has been butchered for a less wrong than the Marshpees complain of.

Neither of the reverend gentlemen set up schools, and when the Marshpee children were put out to service, it was with the express understanding, as their parents all agree, that they should not be schooled. Many of those who held them in servitude, used them more like dogs than human beings, feeding them scantily, lodging them hard, and clothing them with rags. Such I believe has always been the case about Indian reservations. I had a sister who was slavishly used and half starved; and I have not forgotten, nor can I ever forget, the abuse I received myself. To keep Indian children from hearing the gospel preached in a land of gospel privileges, in order that they might do work unbecoming the Sabbath at home, has been the practice, almost without an exception, wherever I have had opportunity to observe. I think that the Indians ought to keep the twenty-fifth of December[5], and the fourth of July, as days of fasting and lamentation, and dress themselves, and their houses, and their cattle, in mourning weeds, and pray to Heaven for deliverance from their oppressions; for surely there is no joy in those days for the man of color.

Let the reader judge from what has been stated, what good the Marshpee Indians have derived from their two missionaries. I say boldly, none at all. On the contrary, they have been in the way of the good that would have been done by others. I say also that all the religious advantages the Indians have enjoyed, have come from other ministers, and members of other churches. I am equally sure that the money paid for our use, from the Williams Fund, has been a curse, and not a blessing to us. Had some good Christian minister come to the tribe with half the sum, there is no doubt that God would have made him an instrument to raise up a respectable Christian Society; whereas the fund has only served to build up the missionaries and the whites about the plantation. I am glad that it has done even this good; though it be to our enemies; for I am not of a spirit to envy the prosperity of others; I rejoice in it. But I sincerely think it is wrong in the whites to take the gospel from the Indians, as they do in Marshpee, by occupying their meeting-house, and receiving the benefit of the missionary fund. I mean that the people about Cotuet and Marshpee go to our house, and fill it, to our exclusion, without any charge; while the Indians are enforced by the laws which deprive them of the use of their own lands, to pay a heavy tax, from which they derive no

benefit. Is not depriving them of all means of mental culture the worst of all robberies? Can it be wondered, that the Indians become more and more degraded? I presume all honest people will regret that such has been the case. It will be seen that both the missionaries and their white followers, imbibed all the prejudices of the day, and by disseminating them, hindered others from doing us good. This is no excuse, however, for the government of this Commonwealth, whose duty it was to see that its red children were not abused in this way. We greatly fear that our white fathers did not much care about their colored children in Marshpee. At any rate, it may be some satisfaction to the philanthropists in the country to know how liberal they have been to their poor dependants.

To begin--the Indians owe nothing to the Commonwealth of Massachusetts, or to the inhabitants of New England generally, for religious instruction, excepting a single appropriation of four hundred dollars, made in 1816 or 1818, for repairing their Meeting-house. Four hundred dollars more were appropriated in 1831, for the purposes of erecting two school houses; but not one cent for a teacher.[6]

The way the Marshpees have supported a school hitherto, has been this. Some of them have lived abroad among the whites, and have learned to read and write, with perhaps some small smattering of arithmetic. On returning to the tribe, they have taught others what they knew themselves; receiving pay from those who had the means, and teaching the rest gratuitously. At the same time they have been compelled to support a preacher whom they did not wish to hear, and to pay, in one way or other, to the amount of four hundred dollars per annum to white officers, for doing them injury and not good. Thus then, in one hundred and forty years they have paid fifty-six thousand dollars to the whites, out of their own funds, in obedience to the laws of the Commonwealth. In return, the whites have given them one thousand in labor and money. Truly the Commonwealth must make haste, or it will hardly be able to pay us the interest of our money. The principal we never expect to get.

Thus, though it is manifest that we have cost the government absolutely much less than nothing, we have been called State paupers, and as such treated. Those are strange paupers who maintain themselves, and pay large sums to others into the bargain. Heigho! it is a fine thing to be an Indian. One might almost as well be a slave.

To return to the proceedings of the court at Cotuet: When supper time was past, the Cotueter's were anxious to draw something out of me, by questioning. They said they knew more about the matter than I did; that I had gotten myself into difficulty, and that Mr. Fish was a good man, and had gained twenty members over to his church in twenty-five years. They might have added that these were infants, who became members merely by undergoing the rite of baptism. Perhaps they were very good members, when they grew up--perhaps not.

Mr. Fish, alluding to the charge that but eight or ten of the Indians heard him preach, stated, in his memorial to the Legislature, that more than twice ten were upon his Sabbath School list. That might be true; but it was no answer to the charge. There may well have been on his list the names of so many persons, who attended neither his meeting nor his school. Nor had he denied the statements of the Indians in the least. I said to the gentlemen who were rejoicing over

my supposed downfall, that I was glad they had taken me into custody, as it would lead to an investigation of the whole ground in dispute. Mr. Ewer presently arrived; his bail was accepted, and I and my friends returned home.

On the seventh of July, I was again visited by the Hon. J.J. Fiske, who conversed freely with me on our religious affairs. He said it would be better for us to turn Congregationalists, as then we should probably be able to get assistance from the fund, I replied, that I cared little by what name I was called; for I was no sectarian, but could unite in the worship of God with all good Christians. It seemed to be the opinion of the Hon. J.J. Fiske, that it was wrong for the Rev. Mr. Fish to receive the salary he did, without attending to the concerns of the Indians.

On the sixth, the head men of the tribe held a meeting, and agreed to rescind the former meetings until the session of the Legislature, as the commissioner had fairly stated that whatever could be done for us, would be done by that honourable body. We could do no less than accept a promise coming from so high an authority, and await the leisure of our father, the Legislature, though he had neglected us and suffered us to be abused. Who could say but that he would uplift his voice and weep aloud, on hearing the story of our wrongs, as Joseph and his brethren did when they recognized each other. And indeed, though our tender parent proved a little hard-hearted at first, by and by there was a little relenting toward his poor suffering babes of the woods, as will be seen in the proper place. The following notice was drawn up accordingly:

Whereas, certain resolutions have been made by us, the Marshpee Indians, in reference to our plantation, we do hereby solemnly declare, upon the security of the Governor's Counsel,[7] that we shall be righted; and that there shall be a change of government, if necessary, and that the governor has pledged himself to do right, and that the property sold for money or otherwise disposed of, shall be refunded to us again, and that justice shall be done. Now, in consideration thereof, we do hereby guaranty to our white neighbours that they shall not be molested in their lawful concerns upon our plantation, provided that no white man meddles or interferes in any way whatever in our lawful affairs; and that you may understand that it is so, we say the resolutions are revoked, and we will wait with pleasure the sitting of the Legislature.

Done by order of the Marshpee Tribe, July 6, 1833.

DANIEL AMOS, _President_.

ISRAEL AMOS, _Secretary_.

Soon after this, the Commissioner departed, and I saw him no more till the sitting of the General Court. About this time our affairs got into the public prints, and it was reported through the whole land that there were hostile movements among the Indians at Cape Cod, or Buzzard's Bay. All the editors were very willing to speak on the favorite topic of Indian wrongs; but very few of them said any thing about redress. On this head they were either silent or against us. Here and there was found one liberal and independent enough to speak in our behalf. Some of these articles shall be given, that it may be

seen who were for or against our rights and privileges. It will be proper to state in the first place, however, that from July 4, to the sitting of the Court of Common Pleas, in September, there was little disturbance upon the plantation. We thought, from what we heard among the whites that they were inclined to spare no pains to frighten us; but we listened patiently and remained quiet, according to our promise.

In August, we had a four-day meeting, which was the means of much good. Twelve Indians were redeemed from sin, and during the eighteen months that I have known them, the power of God has been manifested in the conversion of some thirty. God forbid that I should glorify myself; I only mention the circumstance to show that the Marshpees are not incapable of improvement, as their enemies would have the world suppose. But, under these circumstances, is it not natural for the Indians to think that their missionaries have cared less for saving their souls than for filling their own pockets, and that their thousands have been expended on them to very small purpose? I do think that the result of this meeting was in no wise pleasing to our white enemies.

At harvest time the reapers cut their grain and carried it to their granaries. But they were under the control of their task masters. A dispute arose. A woman whose husband was absent, doing business upon the great waters, claimed a portion of the grain, while the overseers maintained that it belonged to them. She applied for assistance to one of the true proprietors, who, in the presence of five or six men who were with the overseer's team, unloaded it, and placed the grain where it ought to have been. I was present and happened to smile at this novel proceeding, which, I suppose was the cause of a prosecution that presently took place for trespass. My horse had bitten off five or six rye heads in a rye field, for which enormity his owner was obliged to pay ten dollars, though the actual damage was not to the value of six cents. I will not retort the petty malice which prompted this mean act of revenge, by mentioning names. I now proceed to mark out the state of public feeling, by some extracts from the newspapers. The following is from the New Bedford Press, of June 1, 1833:

MARSHPEE INDIANS.

The remnants of that race of men who once owned and inhabited the forests and prairies of the Old Colony that have now given place to large and populous villages and the busy hum of _civilized_ man, are, it would seem, somewhat dissatisfied with the manner in which they are governed by the State authority. Communications illustrative of the condition of the _Marshpee Indians_ in the County of Barnstable, have been forwarded to us by the agent of the tribe, by which it appears that they have been abused. Intelligence from other quarters comes fraught with bitter complaint, and there can be no manner of doubt that too ample room remains for the improvement of their condition. The communications at hand advise the Indians to stand out for their right to appoint their own overseers, and do all business now especially done by the State. That they ought to be allowed this privilege, (if _privilege_ it may be called,) there is no question; but there is a question, whether this is the first important step

to be taken. By a list of names which accompanies our advices, it appears that very few are able to write their own names, their mark being affixed instead; and in addition to this, we are informed that there are many who cannot even read. With this view of their condition the correct and efficient course to be pursued would seem to be that of sending _Education Missionaries_ among them, that in contending for their rights, of which they say they are deprived, they may be enabled to act understandingly.

This may serve to show that the Marshpees had long been dissatisfied with their government, and that very many complaints had been made; which will be illustrated by extracts from divers petitions, in another page. The next refers to the Marshpee trials, and is signed in a manner signifying that the writer speaks advisedly, and from knowledge.

From the Barnstable Journal of July 18, 1833.

Mr. Apes was arrested at the Marshpee Plantation on the 4th, by order of the Executive, and required to give bond for his good behaviour.

Mr. Apes now says, that this statement is not correct; that the Governor has ordered no such thing, and that he never was requested in all his life to give bond for his behavior.

Much has been said in and out of the papers about the Indians in Marshpee. All that the Indians want in Marshpee is to enjoy their rights without molestation. They have hurt or harmed no one. They have only been searching out their rights, and in so doing, exposed and uncovered, have thrown aside the mantle of deception, that honest men might behold and see for themselves their wrongs. The Indians could spread columns before the world which would cause the hearts of good men to be sad, and recoil at the conduct of their white brothers. All that Mr. A. wishes is, that people would tell the truth.

A BEHOLDER.

With regard to this article, I have to say that it speaks the truth. If an honest white man could look into our private affairs and know what wrongs we have suffered, it would change his complexion to a hue redder than the Indian's. But the crimes committed against our race cannot be enumerated here below. They will each and all, however, be judged at the bar of God, and it must be the comfort of the poor and oppressed, who cry for justice and find it not, that there is one who sees and knows, and will do right. The next is from the Boston Daily Advocate, of July 12.

Rev. Mr. Apes, who has been conspicuous in the Marshpee nullification, has, we learn, been taken and committed to jail in Barnstable county; upon what process, we are not informed, but we trust, for the honor of the State, that while our mouths are yet full of bitterness against Georgian violence, upon the Indians, we shall not imitate their example.

How true it is that men see the faults of others, rather than their

own. If the good people of Massachusetts were as ready to do right as to have the Georgians do right, the Marshpee Indians might, perhaps, send a Representative to the Legislature. I hope the remark will give no offence. The next is from the same print, of July 15, 1833.

The Marshpee affairs, we are gratified to learn, are more quiet than they have been. The Indians took forcible possession of the Meeting-house the other day, and have retained it ever since, but no farther act has been committed on their part. They notified Mr. Fish that they had dismissed him from their Parish, and also formally gave notice to the overseers that their offices were at an end. Hon. J.J. Fiske, of the Executive Council, has visited the Indians, by request of the Governor, and has, we learn, discharged the duty in a highly conciliatory and discreet manner. The Indians would not at first consent to see him, but being satisfied of the disposition of the Executive to listen to their grievances, they met Mr. Fiske alone in the Meeting-house, where, by their special request, the overseers also appeared. The Sheriff of the county, Hon. John Reed, and others, were also present. About one hundred of the Indians appeared, many of them armed with guns. They were perfectly under the command of Apes, but all of them conducted with propriety, and seemed peaceably disposed. Mr. Fiske heard their complaints for one day. Their demands were to have the overseers removed, and the books and funds, now in the hands of the Treasurer, transferred to them; and in fact to be left to the entire management of their affairs. It was explained to them that the Governor had no power to do this, if he were so disposed. That he could only change their overseers, and lay their complaints before the Legislature, who alone could alter the laws now governing the plantation. To this, Apes would not agree, insisting that they should be relieved of the guardianship of the State, and that the Governor could do it at once.

He was questioned as to his own right to be on the plantation, to which he does not belong, and finding all argument useless with him, Apes was arrested in the assembly, (where he was acting as moderator,) upon a warrant for assault and trespass, in unloading the teams of Mr. Sampson. The Indians were perfectly quiet, and Apes having been bound over for his appearance to take his trial, in the sum of \$200, he was immediately bailed by Mr. Ewer, a Justice of the Peace, and was not committed to jail, as has been represented. After his arrest, he expressed some contrition, and admitted he had gone too far. The ultimate understanding appears to be with the Indians, that they will offer no further resistance, but wait patiently for a redress of grievances, until the meeting of the Legislature, when they confidently expect to have their guardianship removed. As an evidence of their peaceable disposition, "President" Amos, at the request of Mr. Fiske, gave up the key of the Meeting-house, for Rev Mr. Fish to occupy the pulpit, and asked as a favor, that the Indians might occupy it half the time. The result of the mission of Mr. Fiske, is therefore very favorable, and if a similar course is pursued hereafter, there will be no further difficulty with the tribe. They should be treated with all possible lenity and kindness, for the honor of the Commonwealth.

The Indians would not consent to see Mr. Fiske at first, because they did not like to meet their enemies off their own ground, and I presume they would not have consented to do so to this day. As to the Counsellor's meeting us alone, it was the especial direction of the Governor that he should hear the parties separately, because, supposing the government to be oppressive, it seemed to him that the Indians would be afraid to speak plainly in presence of their masters, or proffer their complaints. The Indians wished to do nothing in a corner; but rather to proceed with an open and manly spirit, that should show that they were unjustly accounted abject and willing slaves. As to my opinion of the powers of the Governor, I have already admitted that I was in error; for I am not a man skilled in legal subtleties. My reason for pressing our claims so strongly was, to make the way easy for my brethren, till something could be done for them. The Indians were requested to give up their own Meeting-house to a gentleman who did not come at their request, and to gather other people into it to suit his convenience. The Indians asked for their own house for only half the time, and even this was denied them. The law not bearing out their petition, they could only obtain it by force, and, finding this to be the case, they forbore.

The question is, how can a man do good among a people who do not respect him or desire his presence, and who refuse to hear him preach? Yet Harvard College has forced such an one on the Marshpees against their will, right or wrong.

I heard a white lady observe, that Mr. Fish was not a preacher for every one; as though he was not fit to preach to any but us poor ignorant Indians. Nevertheless, if any people need a talented, enterprising preacher, we are the very ones. Some may suppose Mr. Fish to be a Unitarian. He was, when he was first settled at Marshpee; but his opinions underwent a change soon after, and he became what is commonly called an orthodox Congregationalist. In order to be a good one, he ought to make one more change--a change of inclination, to force himself on poor Indians. One who has such an inclination cannot be a good member of any sect, or an honor to it. Such a person can be no ornament to any ecclesiastical body. I would not have it inferred from this that a breath of reproach is in my mind, or in those of my brethren against any denomination of Christians. We love all who love the Lord Jesus in sincerity.

I expressed no contrition because I thought I had acted morally wrong, or had asked any thing more than was right; but because I had mistaken the law, which in this case was a very different thing from justice.

The next article is from the Barnstable Journal, of July 25. It will serve to show that though the matter had been perfectly explained to the inhabitants of Barnstable County; yet it contained some of our worst enemies as well as best friends. Our enemies were those in office, and those under their influence. The majority believed the Indians to be wronged, and ought to have had redress; and these were unable to act in our behalf. Those who did act were either our enemies or persons who had no minds of their own, and were led by them in all they did. Many of them did, nevertheless, sympathise with the Indians, and pitied them when cast into prison, for all men can appreciate the blessing of liberty.

MARSHPEE INDIANS.

MESSRS. EDITORS,

We observed in one of your late papers, some editorial remarks which breathed a spirit of candor and good will towards us, and not of ridicule and sarcasm, like that of your neighbor, the Patriot. Now Messrs. Editors, as our situation is but little understood, and the minds of the people much agitated, we feel a desire to lay before them some of the causes of the late excitement. We have long been under guardians, placed in authority over us, without our having any voice in the selection, and, as we believe, not constitutional. Will the good people of Massachusetts revert back to the days of their fathers, when they were under the galling yoke of the mother country? when they petitioned the government for a redress of grievances, but in vain? At length they were determined to try some other method; and when some English ships came to Boston, laden with tea, they mustered their forces, unloaded and threw it into the dock, and thereby laid the foundation of their future independence, although it was in a terrible war, that your fathers sealed with their blood a covenant made with liberty. And now we ask the good people of Massachusetts, the boasted cradle of independence, whom we have petitioned for a redress of wrongs, more grievous than what your fathers had to bear, and our petitioning was as fruitless as theirs, and there was no other alternative but like theirs, to take our stand, and as we have on our plantation but one harbor, and no English ships of tea, for a substitute, we unloaded two wagons loaded with our wood, without a wish to injure the owners of the wagons. And now, good people of Massachusetts, when your fathers dared to unfurl the banners of freedom amidst the hostile fleets and armies of Great Britain, it was then that Marshpee furnished them with some of her bravest men to fight your battles. Yes, by the side of your fathers they fought and bled, and now their blood cries to you from the ground to restore that liberty so unjustly taken from us by their sons.

MARSHPEE.

The next article is from the Boston Daily Advocate. In the editorial remarks will be discerned the noble spirit of independence and love of right which are prominent characteristics of Mr. Hallett's character, and which induced him, throughout the controversy, to lend the aid of his columns to the poor and oppressed descendants of the people who welcomed his forefathers to their shores. He is not ungrateful for the kindness showed them in a time so remote. I think it my duty to say of him, that he has been fruitful of good works in behalf of all the oppressed. We Indians have tried his integrity and have found it sound metal. He gave us the aid of his extensive learning and undeniable talent, and carried our cause before the Legislature with no other end in view than the good of the Commonwealth and of the Marshpee tribe, and a strong desire to wipe from the character of his native State the foul blot of our continued wrongs. He never asked where his pay was to come from; but exposed the iniquities which had been transacted in the affairs of the Marshpee people, without hesitation, fear or favor, a course he has steadily pursued to this day. We acknowledge his doings as acts of pure benevolence toward us, and we say that the sons of the pilgrim fathers may well be proud of such a brother. Had others been

only a little like him, we should have had no reason to complain; and we recommend him as an example, to all who may hereafter have dealings with Indians. Let them do as he has done, and they will be honored as he is. To be sure, it is no great matter to be loved and honored by poor Indians; but the good will of even a dog is better than his ill will. The rich man fared sumptuously every day, while the poor one was lying at his gate, feeding on the crumbs that fell from his table, and the dogs only had compassion on him. They both died; and we read that God sent a convoy of angels to bring the poor man safe home. The rich man doubtless had a splendid funeral; but we do not hear that he had any favor from his Maker. O, ye who despise Indians, merely because they are poor, ignorant, and copper-colored; do you not think that God will have respect unto them?

THE MARSHPEE INDIANS.

We have received a genuine communication from one of the Marshpee Indians, and as we verily believe that tribe is in many respects wronged by the whites, and neglected by their legal guardians, the Legislature, we are desirous of giving them a hearing, that justice may be done them, if it be a possible matter to get such a thing as justice and good faith from white men toward Indians. Undoubtedly some of their supposed grievances are imaginary and much exaggerated, but others are real, and tend greatly to depress them. We have had an overflow of sensibility in this quarter toward the Cherokees, and there is now an opportunity of showing to the world whether the people of Massachusetts can exercise more justice and less cupidity toward their own Indians than the Georgians have toward the Cherokees. We earnestly exhort the Marshpeeians to abstain from all acts of violence, and to rely with full confidence upon the next Legislature for redress. That body has heretofore treated their claims too lightly, but there is a growing disposition to hear and relieve their grievances. A memorial from the tribe, setting forth the wrongs of which they complain, would unquestionably receive prompt attention. The laws by which they are exposed to the cupidity of their white neighbors, are extremely defective, and require a thorough reform. Our correspondent, who we believe speaks the sentiments of the tribe, shall be heard for himself, and we hold our columns free to publish any facts, on either side of this question, which may be offered to the public.

"MARSHPEE, AUG. 5, 1833.

MR. HALLETT,

Dear Sir --With regret I say that your white brethren still think it a privilege to impose upon us here. The men upon our plantation were gathering their rye harvest, and the poor women whose husbands were at sea, who had let out their land, confidently expected to have their share, but it was taken from them by unjust men, and not so much as a spear of it left to sustain them, or even the promise of help or aid in any way; it was not taken for debt and no one knows for what. The overseers have now become displeased, and choose at this time to use their great power. I hope we shall not have to call

upon the State to protect us, but if we are imposed upon in this manner, we believe we shall. And while we are willing to be still and peaceable, we think that those of our white friends, with the light they possess, ought to show as much of the spirit of kindness as poor ignorant Indians. The Legislature has bound the poor Indians as they have. The Indians would propose one thing. We have some white men here who will smuggle rum, and sell it to the Indians, and as they have no license, they ought to be stopped. We are happy to say that many of our Indians are temperate, but we wish them all to be, and we want some way to have a stop put to these things, for these white men are ten times worse than any of the Indians. I might name a Fuller, a Chadwick, and a Richardson; we really wish that the honorable Legislature would place guardians over them, to keep them from wasting our property in this way. While I was absent, there was a man that sued me for trespass, and tried the case without my information. What kind of law is this? I had the liberty of baiting my horse in a field. A man had rye in a field he did not hire, but took it upon shares. My horse got in his rye, but six cents would pay all the damage. But the action is not damage, but trespass, and that done unknown to me.

It is impossible to give you the details of wrongs imposed upon the Indians. We are to be accused by our enemies, tried by them, and condemned by them. We can get redress no where, unless we trouble the government all the while, and that we are delicate to do.

Now we believe that some of these things published abroad would do good, and we should have more peace.

Yours, most obediently."

We have received another communication from Marshpee, upon the same subject.

"Having seen several articles in your paper, relating to the Marshpee tribe, we perceive that your paper is free, not muzzled. Marshpee Indians speak for themselves. It is not to be doubted but that the public would like to hear the Indians speak for themselves. It has been represented that the Indians were troublesome, and war-like movements were among us. If to make an inquiry into our rights by us, is war-like, so it is. Otherwise than this we know nothing about it, and we know of none that has a disposition to shed blood. It is true that the day the Hon. J.J. Fiske, of the Governor's Council, was present with us, in a council at the meeting-house, the Indians, three in number, were out in the morning, hunting deer, and when they came to the meeting-house, they had their business to attend to, and could not conveniently go four or five miles to put up their muskets, neither did we see the propriety of their so doing. We believe that a just man would not have trembled at an old rusty musket.

We are hard to believe, that any people, served as we have been here, would more kindly submit to it, than we have. We think now we have submitted long enough, and we thought it no crime to look, or ask after our rights. But we found our

white neighbors had thrown their chains of interest around our principal stock, so much so that we began to think they soon would drag both interest and principal all away. And no wonder they began to cry out, when they saw that the Indians were likely to unhook their chains, and break their hold. We believe white men had more war in their hearts than any of the Indians.

We are willing to hint a few things. We thought white men would do well, that they were trusty. We doubt not but what they be among themselves; but we scarcely believe that they care much for the poor Indians, any further than what they can get out of them. It is true we have land in Marshpee. We can stay upon it; but we have had to pay one dollar per cord, to the overseers, for our own wood, and take it or carry it just where these men said. Our meadows were taken from us and rented out to white people, our pastures also. About twelve hundred cords of our wood has been cut the last year, and we judge the minister has cut one hundred and fifty cords for his share. And in a word, they did as they pleased. The poor could get a pound of meat, or a half peck of corn, and one quart of molasses for two weeks. Much might be said, but we forbear. It is true that we have had a preacher, but we do not believe that he cares any thing about us. Neither had we any hand in his settlement over us. To be sure, he likes to stay with us, but we think it is because he gets so much good pay. But five or six adult persons attend his preaching, there being _not one Indian male_ belonging to his church. This gentleman has cut much wood, to the dissatisfaction of the Indians; and it is true they have passed resolutions that they will not hear him preach. Yet he wants to stay with us.

Interest men tremble and threaten, but we fear not, and sincerely hope they will soon tremble before God, and prepare to meet their Judge, who will do right, and who will have no regard for skins or color.

THINK OF THE INDIANS.

We turn from this judicious and liberal article, to one that is less favorable. It is from the Barnstable Journal, of August 22, 1833.

THE INDIANS.

We learn from South Sandwich that the Indians, constituting the Marshpee tribe, intend to petition at the sitting of the next Legislature, for a redress of grievances, and a revision of the code of laws by which they are governed. The recent revolt among them, and the measures adopted to make known their situation and treatment, by themselves, and by those who have avowed their friendship toward them, (its validity time will determine,) gave rise to considerable excitement. An inquiry into the state of affairs was instituted, which terminated, as far as we have been able to learn, to the satisfaction of those employed in the investigation, that some of the evils under which they are labouring are real, and rendered so by the laws of the Commonwealth, but many imaginary. We do not doubt that the state of society among

them is low and degraded, comparatively speaking, but what contributes to keep them in this situation we are unable to say, unless it be, that the plantation has been a resort of the vagrant, the indolent, and those whom refined society would not allow among them. If this is the case, and we believe it has been, something should be done, either among the Indians, or by the Legislature, to remedy the evil.

We have understood also, that certain individuals, located contiguous to the plantation, retail ardent spirits to them in quantities as large as they are able to pay for. If this be the fact, such men should be ferreted out, and in justice to the Indians, to the community about them, and to the laws of the land, they should be made to suffer, by being exhibited to public derision, and by the penalty of the act prohibiting the retail of spirits. If they have not the power, and no one feels willing to go forward in shutting up these poisonous springs, give them the power, and if they do not exercise it, let them suffer.

Mr. Apes is among them, and attended the "Four Days Meeting," held during the present month, which we are told was managed with good order and regularity.

The writer here says that the Indians are vile and degraded; and admits that they can be improved. He gives no explanation of the causes of their degradation. If the reader will take the trouble to examine the laws regarding the Marshpees, he will see those causes of the inevitable and melancholy effect, and, I am sure, will come to the conclusion that any people living under them must necessarily be degraded. The Journal, however, does us the small justice to admit, that we are not so degraded but that we can hold a meeting of four days duration, with propriety and moderation. What, then, might we not do, were proper pains taken to educate us.

The next two extracts are from the Boston Advocate of September 10 and 11, 1833.

THE MARSHPEE INDIANS.

We are mortified for the honor of the State, to learn from Barnstable County, that the Court of Common Pleas and Sessions there, (Judge Cummins,) have tried and convicted William Apes and six Indians of the Marshpee tribe, upon charges connected with the efforts of the Indians to obtain justice from their white masters. Apes is very popular with the Indians, and this persecution of him, which at least was unnecessary, will inflame them the more.

The papers say the conviction was for riot. This cannot be, for there was no riot, and no riot act read. Apes and his associates prevented a man from carrying wood off the plantation. They were, perhaps, wrong in doing so, but the law which takes this wood from the Indian proprietors, is as unjust and unconstitutional as the Georgia laws, that take the gold mines from the Cherokees. Could the question of property have been tried, the act of stopping their own wood, by the Indians, could not have been made even trespass, much less riot. It is said that Apes and the rest were indicted under

some obsolete law, making it a misdemeanor to conspire against the laws. We have looked for such an act, but cannot find it in the Statute Book.

At any rate, law or no law, the Indians were indicted and convicted. They were tried by their opponents, and it would be impossible to get justice done them in Barnstable County. An impartial jury could not be found there. It is the interest of too many to keep the Indians degraded. We think the conviction of these Indians is an act of cruelty and oppression, disgraceful to the Commonwealth. The Marshpee Indians are wronged and oppressed by our laws, nearly as much as ever the Cherokees were by the Georgians. But it is useless to call for the exercise of philanthropy at _home_. It is all expended _abroad_.

An attempt was made to indict some of the white harpies, who are selling rum to the Indians, without license. Those men got clear, and are still suffered to prey on the poor Indians; but to stop a load of wood, which in reality belonged to the Indians themselves, was an outrage which the Court were ready enough to punish! Is it creditable to let the _white_ spiders break through the laws, while we catch and crush the poor Indian flies?

THE INDIANS.

William Apes and the Marshpee Indians, who were tried before the Court of Common Pleas, in Barnstable County, were ably defended by Mr. Sumner, of this city. Apes was sentenced by Judge Cummings, to thirty days imprisonment in the common jail. One other was sentenced to ten days imprisonment, and the rest were not tried. When the sentence was pronounced, several Indians who were present, gave indications of strong excitement at what they conceive to be a tyrannical persecution. It is much to be feared, that this unnecessary and apparently vindictive course, pursued by the overseers and their friends, after the Indians had become quiet, and resolved to wait patiently for redress from the Legislature, will inflame them to acts of violence, and give the whites, who wish to oppress them, further advantages over them.

We have visited the greater part of the tribe recently, in their own dwellings, and we know how strongly and unanimously they feel upon the subject of what they really believe to be, their slavery to the overseers. If, therefore, the course we have pursued, and mean to pursue, in laying their claims to justice before the public, entitles us to be listened to as a friend, we beg them to abstain from all acts which violate even the unjust and hard laws by which they are now held in bondage. Resistance will furnish their enemies with the strongest weapons against them, and discourage their friends. Let them endure patiently, till the next Legislature meets, and if there is any virtue or honesty in our public men, the rights of the Marshpee Indians will be secured.

In our last article we said that it was impossible for the Indians to have an impartial jury in Barnstable. We did not

mean that this arose from all the whites being opposed to the Indians. They have many friends in Barnstable County, who think them deeply injured, and who have no interest in keeping them degraded, in order to enjoy the privileges which too many whites now have, at the expense of the tribe. We alluded to the influences that would be used upon the jury, as in the case of Apes, where we learn, that three individuals, favorable to the Indians, but having formed no opinion in that case, were excluded from the regular jury. One of them was set aside, for saying he thought the Indians ought to be free. We are still at a loss to know under what law these Indians were found guilty of riot, in preventing their own wood from being carried off their own land. Where are all our Cherokee philanthropists, at this time?

The injustice of the proceedings of the Barnstable Court of Common Pleas and Sessions, is here fitly exposed. In empanelling the jury, it is certain that no name of one favorably inclined toward the Indians was selected, and there are many who do not scruple to say, that it was the determination of the Court to condemn them, right or wrong. Nevertheless, it appeared from the evidence brought, that no fear or alarm whatever had been occasioned to the complainants; and that all they had to complain of was having been hindered from taking away the Marshpees' wood.

It may not be amiss to say here, that when the honorable Judge said he thought it would be well to postpone the case till the next session, the District Attorney, Mr. Warren, replied that he did not think it would be proper, because such a course would involve the Commonwealth in extra expense. I should like to ask what thanks are due to the learned gentleman from the Commonwealth, for subjecting it to continued reproach and disgrace for the sake of a few dollars. Or, can it be that there is no disgrace in persisting in wrong toward Indians? Let those who think so, think so still; but there are many who think otherwise, and there is one above who knows that they think rightly.

When the witnesses and the pleadings had been heard, the jury retired, for the sake of decency, and presently returned with a verdict of guilty. I thought that his Honor appeared to be pleased with it. The judgment was suspended about two hours, when the Court again sat, and the matter was called up. There was not a little said concerning the case. Messrs. Reed, Sumner, Holmes and Nye, of Yarmouth, Boston, Rochester, and Sandwich, all professional men, were opposed to the course pursued by the Court, and thought that an exposition of the law to us and reprimand would be productive of a better effect, than imprisonment, or other severe punishment, which they justly believed would do no good whatever. Their judgment has since been confirmed by public opinion, and by the acts of the Legislature.

Since this affair took place, I have been kindly informed by a gentleman of Barnstable, that my punishment was not half severe enough. I replied that, in my mind, it was no punishment at all; and I am yet to learn what punishment can dismay a man conscious of his own innocence. Lightning, tempest and battle, wreck, pain, buffeting and torture have small terror to a pure conscience. The body they may afflict, but the mind is beyond their power.

The gentleman above mentioned, and one other, have frequently said to the Marshpees, "If you will only get rid of Apes, and drive him off

the plantation, we will be your friends." This has been their continued cry since I began to use my poor endeavors to get the Indians righted; and if it is not now universally believed that it is impossible to benefit and befriend the Indians while I am among them, it is not because they have spared any pains to propagate the doctrine. One would think, to hear these gentlemen talk, that they have a strong desire to benefit the Marshpees; and the question naturally arises, what steps they would take to this end, if they had the power. If we are to judge of the future by experience of the past, we may reasonably suppose that they would profit the tribe, by getting possession of their property, and making their own advantage of it.

The Taunton Gazette found fault with the government of the Commonwealth, for having placed the Marshpees under its laws contrary to their wish and consent, and denies its right so to do. This may be considered as in some degree indicative of the feeling of the good people of Taunton; and there are many other towns in Massachusetts where a kindly feeling is entertained for our persecuted race. We believe the wish to relieve us from bondage is general throughout the State, and we earnestly hope that a few designing men will not be able to accomplish their selfish ends, contrary to the will of a majority of the people.

The next article is from the Boston Advocate, of December 4, 1833.

TEMPERANCE AMONG THE INDIANS AT MARSHPEE.

The Indians met upon the 11th of October to take into consideration the cause of temperance, and to investigate the evils that King Alcohol has practised upon us, by infusing into our heads fancied riches, fame, honor, and grandeur, making us the sovereigns of the whole earth. But having been so often deceived, beat, abused and tyrannized over, and withal cheated, and robbed, and defrauded by this tyrant, and to cap the climax, almost deprived of our senses, burnt and nearly frozen to death, and all our expectations cut off as to the comforts of life, it was agreed upon, (after an appropriate address from the Rev. William Apes, setting forth the evils of intemperance and its awful effects in wasting away our race, like the early dew, before the morning sun,) by our most influential people to attack this mighty champion, and if possible, overcome him, and shut him up in prison, and set a seal upon him, that he shall deceive our nation no more. Accordingly a Temperance Society was formed, and the following officers were elected: Rev. William Apes, President; Rev. Joseph Amos, Vice President; Dea. I. Coombs, and Thomas Hush, Recording Secretaries; Dea. C. Hinson, Corresponding Secretary; Executive Committee, Oakes Coombs, Joseph Tobey, Frank Hicks. Forty-two of the tribe united in the pledge of Temperance.

Nov. 14. We met again, and the President again addressed the meeting, much to the satisfaction of the people. After which many others gave spirited addresses, setting forth the evils of intemperance, in a most pathetic manner. It has caused a wonderful effect, and our brethren are enlisting to take hold and shut up our great enemy in prison, and choke him to death by total abstinence. Friends of Temperance help.

The Society passed the following resolutions:

Resolved, That we will not countenance the use of ardent spirits among us, in any way whatever; and that we will do all in our power to suppress it. That we will not buy it ourselves, nor suffer it to be in our houses, unless ordered by a physician.

Resolved, That this Society shall meet monthly, to regulate itself, and if any one is found to break their pledge, the same shall be excluded, without speedy repentance.

Voted, That the above be printed. Sixty-one is found upon our list.

CHRISTOPHER HINSON, Cor. Sec'y.

Marshpee, Nov. 15.

It appears from this that Indians can be temperate, and have a disposition and desire to benefit themselves. It shows, too, that they are capable of organizing societies, and taking care of their own concerns, as well, to say the least, as any equal number of persons in the Commonwealth; for they certainly feel more strongly interested for themselves than others can be for them.

It will be seen that little was done concerning our tribe, from the session of the Court at Barnstable up to the meeting of the Legislature, though the opposition to us had wealth, talent and power in its ranks. Clergymen, lawyers, physicians, counsellors, Governor, senators, and representatives were arrayed against us; and we Marshpees account all who opposed our freedom, as tories, hostile to the constitution, and the liberties of the country. This is our sincere opinion of them, and it is to us a thing inexplicable that his Excellency, the then Governor, should have seen fit to place himself at their head.[8] We desire to thank our Maker that they found themselves in the minority of the people, and fell in the esteem of Christian and benevolent persons who heard of their conduct. We thank the majority of the controllers of public affairs, that they had more sense than to think of holding the rightful lords of the soil in bondage any longer, for the gratification of selfish and unjust men. Honorable is it to Massachusetts that there are enough good and upright men in authority, to counteract the measures of those of a different character, and remedy the evils they may occasion.

I shall now proceed to present to my brethren, an Indian's appeal to them, and the laws framed by the Legislature for the oppression and moral and political destruction of the Marshpees in by-gone days. My comments thereupon will be omitted, because, should I say all the subject suggests, it would swell my book to a bulk that would be wearisome to the reader.

AN INDIAN'S APPEAL TO THE WHITE MEN OF MASSACHUSETTS.

As our brethren, the white men of Massachusetts, have recently manifested much sympathy for the red men of the Cherokee nation, who have suffered much from their white brethren;

as it is contended in this State, that our red brethren, the Cherokees, should be an independent people, having the privileges of the white men; we, the red men of the Marshpee tribe, consider it a favorable time to speak. We are not free. We wish to be so, as much as the red men of Georgia. How will the white man of Massachusetts ask favor for the red men of the South, while the poor Marshpee red men, his near neighbors, sigh in bondage? Will not your white brothers of Georgia tell you to look at home, and clear your own borders of oppression, before you trouble them? Will you think of this? What would be benevolence in Georgia, the red man thinks would be so in Massachusetts. You plead for the Cherokees, will you not raise your voice for the red man of Marshpee? Our overseers are not kind; they speak, you hear them. When we speak for ourselves, our voice is so feeble it is not heard.

You think the men you give us do us good, and that all is right. Brothers, you are deceived; they do us no good. We do them good. They like the place where you have put them. Brothers, our fathers of this State meet soon to make laws; will you help us to enable them to hear the voice of the red man?

Marshpee, Dec. 19, 1833.

This appeal was published in several of the public prints, in order to make our dissatisfaction manifest.

The next extract is from the Boston Advocate, and shows what opposition was made to the reading of our petition in the House of Representatives. The article says all that can be said for itself.[9]

PETITION OF THE MARSHPEE TRIBE OF INDIANS.

Yesterday morning, in the House, Mr. Cushing of Dorchester, presented the petition of the Proprietors and inhabitants of the Marshpee Plantation, signed by 79 males and 92 females on the plantation, and in behalf of 79 males and 37 females, who are absent from the plantation, and say they will not return to live under the present laws, in all 287: praying for the privilege to manage their own property; for the abolition of the overseership, that they may be incorporated as the town of Marshpee, with the right to make municipal regulations; that one or more Magistrates may be appointed among them; and for a repeal of the existing laws relating to their tribe, with the exception of the law preventing their selling their lands, which they pray may be retained; and for a redress of grievances.

[The Memorial sets forth in detail, the complaints of the tribe, and was drawn up among themselves, without assistance. It is represented here by Deacon Coombs, Daniel Amos, and William Apes, all of them well informed Indians, who are deputed by the tribe, and were present in the House yesterday.]

Mr. Cushing moved that the petition be read and referred to a special Committee, to be joined by the Senate.

Mr. Swift of Nantucket, said there was a statement to be made from the Governor and Council, on the subject of the difficulties with the Indians, and he hoped the petition would be laid on the table without being read.

Mr. Allen of Pembroke, hoped the motion to read the petition would not prevail. We should have in a few days a statement from the Governor and Council, and he hoped nothing would be done until that was received, to prejudice the House.

Mr. Cushing of Dorchester, was not aware that any objections could be made to the reading of the petition, which he considered as a matter of course; nor could he see how a knowledge of the matter could prejudice the House. He presumed the House would not take upon itself to refuse to hear the petition of the humblest individual, and he did not fear that they could not control their minds so far as to be ready to give a fair hearing to the other side. The intimation that some document was to come from another source, did not go at all to show that the petition ought not to be read. Whether the statement which gentlemen said was to be made, was in aid or explanation of the petition did not appear, but the subject was before the House, and ought to receive the attention due to it.

Mr. Lucas of Plymouth, said (as far as we could hear him) that the difficulty in the Marshpee tribe had been caused by an itinerant preacher, who went there and urged them to declare their independence. They proceeded to extremities, and the Governor and Council sent a commissioner to examine the affair, and he made a report to the Council, and until that was heard, he hoped nothing would be heard from the Indians. It ought first to come before the House. The petition originated no doubt, from the itinerant preacher, who had been pouring into their ears discontent until they had a riot, and the rioters were prosecuted with the preacher among them, and he was convicted and imprisoned. Whether any of the petitioners were among those rioters or not, he did not know.

Mr. Allen of Pembroke, said he had not heard the gentleman from Plymouth. It was not his wish to prevent the petitioners being heard at a proper time, but he thought the House ought to hear the other side, before any course was taken.

Mr. Robinson of Marblehead, hoped that the attempt would not be persisted in, to withhold from these Indians the common indulgence of having their petition read.

Mr. Loring of Hingham, understood that this was the same petition which went before the Governor and Council, [Mr. L. was misinformed; It is a different petition,] and as it was very long, it would take up time unnecessarily to read it. He hoped it would be laid on the table.

Mr. Allen of Worcester, thought those who opposed the reading were in fact increasing the importance of the petition by that course. If the House should refuse to hear it read, a course he did not remember had ever been adopted toward any

respectful petition, from any quarter, it would become a subject of much more speculation than if it took the ordinary course.

Mr. H. Lincoln of Boston, was surprised to hear an objection raised to the reading of this petition. It was due to the character of the House, and to our native brethren the petitioners, whose agents were here on the floor, that they should be heard, and heard patiently. He hoped that out of respect to ourselves, and from justice to the petitioners, their petition would find every favor, which in justice ought to be extended to it.

Mr. Swift of Nantucket, again urged that the petition ought not to be read, until the report from the Governor and Council was first heard.

Mr. Chapman.--The petitioners have a constitutional right to be heard. I know not of what value that provision is which gives a right to petition, if the House can refuse to hear the petition. They do not ask for action, but to be heard. It can be read and laid on the table. So long as I hold a seat in this House, my hand shall be raised to give a hearing to the humblest individual who presents a petition for redress of grievances.

Mr. Loring of Hingham hoped the idea could not be entertained that they wished to throw this subject out of the House. He wanted the whole subject should be brought up, and not that this petition should go in first. It was not his wish to prevent the petitioners being heard.

The Speaker put the question, shall the petition be read? and it was carried in the affirmative, nearly every hand in the House being raised. In the negative we saw but five hands. The petition was then read by the Speaker.

Mr. Roberts of Salem moved that it be laid on the table and printed for the use of the House, as there must be a future action of the House upon it. The motion was carried without objection.

The attempt to prevent the petition of the Marshpee Indians from being read, was repelled in the House with an unanimity which shows the value the Representatives place upon the right of petitioning. The poor Indians are without advice or counsel to aid them, for they have no means to fee lawyers, but they will evidently find firm friends in the House ready to do them justice. This is no party question. It involves the honor of the State. Let all be done for them that can be wisely done in a spirit of paternal kindness. Let it not be shown that our sympathy for Indians extends only to those at the South, but has no feeling for our own.

* * * * *

[From the same_] THE MARSHPEE INDIANS.

The laws which regulate this remnant of a once powerful tribe of Indians, are not familiar to many, and it is one great defect in the present system, that these laws are so difficult of access, and so complex that the Indians neither know nor comprehend them; and it cannot be expected that they should live contentedly under oppressive regulations which they do not understand. Should any new laws be passed, they ought to be as simple as possible, and be distributed for the use of the Indians.

By the Act of 1788, Ch. 38, Vol. 1 of Laws, page 342, new provisions were made, the previous act of 1788, Ch. 2, being found insufficient "to protect them and their property against the arts and designs of those who may be disposed to take advantage of their weakness." The wisdom of the whites, at that time, invented the following provisions for that purpose:

SECTION 1. A Board of five Overseers was established, (afterwards reduced to three,) two to be inhabitants of Barnstable County, and three from an adjoining County. (Now two are inhabitants of Barnstable and one of Plymouth County.) These Overseers were vested with full power to regulate the police of the plantation; to establish rules for managing the affairs, interests and concerns of the Indians and inhabitants. They may improve and lease the lands of the Indians, and their tenements; regulate their streams, ponds and fisheries; mete out lots for their particular improvement; control and regulate absolutely, their bargains, contracts, wages, and other dealings, take care of their poor, and bind out their children to suitable persons.

The Overseers are directed to hold stated meetings, elect a moderator, secretary and treasurer, and may appoint and remove guardians over any of the Indians, to act under the the Overseers, and to carry their regulations into effect, the guardians to give bonds to the Overseers.

By section 2, the Overseers or the guardians they appoint have power to demand and receive all property or wages owing to said Proprietors or any of them, by any person, and may sue in their own names for its recovery, or for any trespass, fraud or injury done to their lands or them. They may settle all accounts and controversies between the Indians or any white person, for voyages or any services done by them, and may bind the children of poor proprietors by indenture, to suitable persons.

SECT. 3. No lease, covenant, bond or bargain, or contract in writing, is of any validity unless approved by the Overseer or guardian; and no Indian proprietor can be sued for any goods sold, services done, &c. or for money, unless the account is first approved by the Overseers.

[This, it is said, enables the Overseers to sanction the accounts of those who sell to the Indians upon the expectation of obtaining the favor of the Overseers, and opens a door for connivance.]

SECT. 4. The Overseers are to keep a fair account of all

monies, wages, &c. they receive, and all proceeds of the plantation, and shall distribute to the proprietors their respective shares and dues, after deducting reasonable expense of conducting their business, paying their just debts, (of which the Overseers are made the judges,) and providing for the sick and indigent, from the common profits, and reserving such sums as can be spared conveniently, for the support of religious instruction, and schooling children. The accounts to be laid before the Governor annually. The Governor and Council appoint the Overseers and displace them at pleasure.

SECT. 5. The Indian Proprietors are prohibited giving any one liberty to cut wood, timber or hay, to milk pine trees, carry off any ore or grain, or to plant or improve any land or tenement, and no such liberty, unless approved by the Overseers, shall bar an action on the part of the Overseers to recover. The lands shall not be taken in execution for debt, and an Indian committed for debt may take the poor debtor's oath, his being a proprietor to the contrary notwithstanding.

The last act relating to this tribe, was passed Feb. 18, 1819, Chap. 105, 2d vol. of Laws, page 487. It provides that no person thereafter shall be a proprietor of the Plantation, except a child or lineal descendant of some proprietor, and in no other way shall this right, as it is called, be acquired. Other inhabitants are called members of the tribe.

The Overseers are to keep a record of names, or census, of all who are proprietors, and all who are residents or members of the tribe, a return of which is to be made to the Governor the last of December.

The Overseers, in addition to all former power, are invested with all the powers and duties of guardians of the Indians, whenever such office of guardian shall be vacant. [A very blind provision, by the way, which it may be as difficult for white men as for Indians to understand.]

Any person selling ardent spirits to an Indian, without a permit in writing from the Overseer, from some agent of theirs, or from a respectable physician, may be fined not more than fifty dollars, on conviction; and it shall be the duty of the Overseer to give information for prosecuting such offenders.

The Overseers may bind out to service, for three years at a time, any proprietor or member of the tribe, who in their judgment has become an habitual drunkard and idler, and they may apply his earnings to his own support, his family's, or the proprietors generally, as they think proper.

All real estate acquired or purchased by the industry of the proprietors and members, (meaning of course without the limits of the plantation,) shall be their sole property and estate, and may be held or conveyed by deed, will, or otherwise.

If any Indian or other person shall cut or take away any wood, timber, or other property, on any lands belonging to the

proprietors or members, which is not set off; or if any person not a proprietor or member, shall do the same on lands that have been set off, or commit any other trespass, they shall be fined not over \$200, or imprisoned not over two years. The Indians are declared competent witnesses to prove the trespass. No Indian or other person is to cut wood without a permit in writing, signed by two Overseers, expressing the quantity to be cut, at what time and for what purpose; and the permit must be recorded in their proceedings before any wood or timber shall be cut.

[Of this provision, the Indians greatly complain, because it gives them no more privilege in cutting their own wood than a stranger has, and because under it, as they say, the Overseers oblige them to pay a dollar or more a cord for all the wood they are permitted to cut, which leaves them little or no profit, and compels the industrious to labour merely for the support of the idle, while the white men, who have their teams, vessels, &c. can buy their permits and cut down the wood of the plantation in great quantities, at much greater profit than the Indian can do, who has nothing but his axe, and must pay these white men a dollar or more for carting his wood, and a dollar or more to the Overseers, thus leaving him not enough to encourage industry.]

All accounts of the Overseers are to be annually examined by the Court of Common Pleas for Barnstable, and a copy sent by the Overseers to the Governor.

Any action commenced by the Overseers, does not abate by their death, but may be prosecuted by the survivors.

All fines, &c. under the act, are to be recovered before Courts in Barnstable County, one half to the informer, and the other to the State. These are all the provisions of the law of 1819, and these are the provisions under which the tribe is governed.

As I suppose my reader can understand these laws, and is capable of judging of their propriety, I shall say but little on this subject, I will ask him how, if he values his own liberty, he would or could rest quiet under such laws. I ask the inhabitants of New England generally, how their fathers bore laws, much less oppressive, when imposed upon them by a foreign government. It will be at once seen that the third section takes from us the rights and privileges of citizens in toto, and that we are not allowed to govern our own property, wives and children. A board of overseers are placed over us to keep our accounts, and give debt and credit, as may seem good unto them.

At one time, it was the practice of the Overseers, when the Indians hired themselves to their neighbors, to receive their wages, and dispose of them at their own discretion. Sometimes an Indian bound on a whaling voyage would earn four or five hundred dollars, and the shipmaster would account to the overseers for the whole sum. The Indian would get some small part of his due, in order to encourage him to go again, and gain more for his white masters, to support themselves and educate their children with. And this is but a specimen of the systematic course taken to degrade the tribe from generation to generation. I could tell of one of our masters who has not only

supported himself and family out of the proceeds of our lands and labors, but has educated a son at College, at our expense.

It is true that if any Indian elected to leave the plantation, he might settle and accumulate property elsewhere, and be free; but if he dared to return home with his property, it was taken out of his hands by the Board of Overseers, according to the unjust law. His property had no more protection from their rapacity than the rest of the plantation. In the name of Heaven, (with due reverence,) I ask, what people could improve under laws which gave such temptation and facility to plunder? I think such experiments as our government have made ought to be seldom tried.

If the government of Massachusetts do not see fit to believe me, I would fain propose to them a test of the soundness of my reasoning. Let them put our white neighbors in Barnstable County under the guardianship of a Board of Overseers, and give them no privileges other than have been allowed to the poor, despised Indians. Let them inflict upon the said whites a preacher whom they neither love nor respect, and do not wish to hear. Let them, in short, be treated just as the Marshpee tribe have been, I think there will soon be a declension of morals and population. We shall see if they will be able to build up a town in such circumstances. Any enterprising men who may be among them will soon seek another home and society, which it is not in the power of the Indians to do, on account of their color. Could they have been received and treated by the world as other people are, there would not be so many living in Marshpee as there are by half.

The laws were calculated to drive the tribe from their possessions, and annihilate them, as a people; and I presume they would work the same effect upon any other people; for human nature is the same under skins of all colors. Degradation is degradation, all the world over.

If the white man desired the welfare of his red brethren, why did he not give them schools? Why has not the State done something to supply us with teachers and places of instruction? I trow, all the schooling the Marshpee people have ever had, they have gotten themselves. There was not even a house on the plantation for the accommodation of a teacher, till I arrived among them. We have now a house respectable enough for even a white teacher to lodge in comfortably, and we are in strong hopes that we shall one day soon be able to provide for our own wants, if the whites will only permit us to do so, as they never have done yet. If they can but be convinced that we are human beings, I trust they will be our hindrance no longer.

I beg the reader's patience and attention to a few general remarks. It is a sorrowful truth that, heretofore, all legislation regarding the affairs of Indians, has had a direct tendency to degrade them, to drive them from their homes, and the graves of their fathers, and to give their lands as a spoil to the general government, or to the several States. In New England, especially, it can be proved that Indian lands have been taken to support schools for the whites, and the preaching of the gospel to them. Had the property so taken been applied to the benefit of its true owners, they would not and could not have been so ignorant and degraded a race as they now are; only forty-four of whom, out of four or five hundred, can write their names. From what I have been able to learn from the public prints and other sources, the amount annually derived to the American people, from Indian lands is not far from six millions, a tax of which they

have almost the sole benefit. In the mean while, we daily see the Indian driven farther and farther by inhuman legislation and wars, and all to enrich a people who call themselves Christians, and are governed by laws derived from the moral and pious puritans. I say that, from the year of our Lord 1656, to the present day, the conduct of the whites toward the Indians has been one continued system of robbery.

I suppose many of my readers have heard of the late robbery at Barnegat, and are ready to say, that the like has never been known in this country, and seldom in any other. Now, though two-thirds of the inhabitants, not excluding their magistrates, have been proved to be thieves, I ask, was their conduct worse, or even so bad as that constantly practised by the American people toward the Indians? I say no; and what makes the robbery of my wronged race more grievous is, that it is sanctioned by legal enactments. Why is it more iniquitous to plunder a stranded ship than to rob, and perhaps murder, an Indian tribe? It is my private opinion that King Solomon was not far wrong when he said, "Bring up a child in the way he should go, and when he is old he will not depart from it." He might have said with equal propriety, "in the way he should not go." I am sorry that the puritans knew no better than to bring up their children to hate and oppress Indians. I must own, however, that the children are growing something better than their fathers were, and I wish that the children of Barnegat had had better parents.

The next matter I shall offer is in two more articles from the Boston Advocate. The first is by the Editor.

THE INDIANS.

The arms of the State of Massachusetts, which appear at the head of all official acts, and upon the seals of office, are an Indian with his bow and arrows. Over his head is an arm holding the sword of Justice. Is this sword designed to protect or oppress the Indians? The Legislature now have the opportunity to answer this question, and as they answer, will be the record in history. The principal community of Indians in this State, the Marshpee tribe, have presented their complaints before the Legislature. Though an unwise attempt was made by some few of the Representatives from the neighborhood of the Indians, to prevent the reading of their petition, it was received with marked kindness by the House, and ordered to be printed, a favor which the Indians did not think of asking.

There is evidently a disposition in the House to prove that our sympathies are not confined merely to the Georgia Indians, for political effect.

MR. HALLETT,

I perceive that your paper has spoken a good word now and then for the native Indians of Massachusetts. There is no class of human beings in this State, who have more need of a candid and humane advocate.

I do not know much about the remnants of a once noble and hospitable race, and yet I know enough to make me grieve for them, and ashamed of the State.

For about two hundred years, the laws have prohibited Indians from selling their lands to whites, within this Commonwealth. This restriction, designed originally to protect the natives against fraud, has, upon the whole, had an unfavorable effect upon their happiness. If they had been at liberty to dispose of their land and depart with the proceeds, or even without the proceeds, to seek some new location, they would in all probability have been happier. Nor have these prohibitory laws had even the poor effect to protect them from the rapacity of their white neighbors. These have contrived to clip the corners of those simple people, and to get hold of their pleasant and fertile vallies in a very surprising manner, considering the strictness of the law.

But the great ground of complaint is, that no native Indian, or descendant, is allowed by us _to be a man, or to make himself a man_, whatever may be his disposition and capacity. They are all kept in a state of vassalage, under officers, appointed sometimes by the Governor, and sometimes by the Legislature. The spot of his own ground, which he may cultivate, is annually rented out to the Indian by an overseer; and provisions are doled out to the tribe according to the discretion of _"Guardians," "Trustees,"_ &c. Their accounts are presented to the Governor and Council, who allow, and the Treasurer of the Commonwealth pays them as a matter of course. I dare not say whether those accounts are in all cases correct, or not. If they are, we ought to be thankful to the honesty of the Trustees, &c. not to the wisdom of the Legislature in providing checks upon fraud.

But the effect upon the _Indians_ is the great question. This is decidedly bad. They are treated more like dogs than men. A state of tutelage, extending from the cradle to the grave; a state of utter dependence, breaks down every manly attribute, and makes of human creatures, designed to walk erect, creeping things.

But there is another very great evil, if I am rightly informed, which calls loudly for the interposition of the Legislature. The Marshpee and other Indian communities in this State, are not included within the jurisdiction of any incorporated town. The consequence is, that they are without police, except what the Trustees and other officers appointed by them, exercise. These officers never live among them; and the consequence is, that the Indian grounds are so many _Alsatis_, where the vagrant, the dissipated, and the felonious do congregate. Nor is this the fault of the native. It is the fault of their State; which, while it has demolished Indian customs, has set up no regular administration of municipal laws in their stead. Thus I am informed, that at Gayhead, spirituous liquors are retailed without license, and that _it is considered_ that there is no power which can reach the abuse. There are many industrious and worthy people among these natives, who are anxious for improvement, and to promote the education and improvement of their people, but a degrading

personal dependence on the one hand, and the absence of nearly all incentives and all power to do good on the other, keeps them down.

The paupers among these natives, who are at some seasons of the year a majority or nearly all of them, are supported by the State, and there must be a great opportunity and temptation to the agents of the government to wrong these poor people. The agents always have the ear of the government, or rather they are the government. The Indians have nobody to speak for them. They are kept too poor to pay counsel. I think it is not too much to say that almost any degree of injustice, short of murder, might be done them without any likelihood of their obtaining redress.

Why should not this odious, and brutifying system be put an end to? Why should not the remaining Indians in this Commonwealth be placed upon the same footing as to rights of property, as to civil privileges and duties, as other men? Why should they not vote, maintain schools, (they have volunteered to do this in some instances,) and use as they please that which is their own? If the contiguous towns object to having them added to their corporations, let them be incorporated by themselves; let them choose their officers, establish a police; maintain fences and take up stray cattle. I believe the Indians desire such a change. I believe they have gone as far as they are allowed to introduce it. But they are fettered and ground to the earth.

I am informed that many of the stoutest whalers are produced among our small Indian tribes. I am also informed, that they are defrauded by the whites of a great part of their wages, which would otherwise amount to large sums. If some respectable men could be trained up and fostered among these people, their intelligence and influence would be invaluable to educate, protect and guide their seafaring brethren. Under such auspices, they would, after the years of peril, return and settle down with snug independence, be a blessing to their brethren, and respectable in the sight of all. Now they are so knocked about, so cheated, preyed upon and brutalized, that they think of nothing, and hope nothing, but sensual gratifications; and in consequence, die prematurely, or live worse than to die.

The Christian philanthropists of Massachusetts little know the extent of evil, which there is in this respect. I entreat them, I entreat the constituted authorities, to look to it.

WILLIAM PENN.

I use these pieces chiefly because they partly correspond in truth and spirit with what I have already said. Let our friends but read the laws, and they will see what the sword of the Commonwealth is intended for. In the second article there is a grievous mistake. It says that the government has assisted us. The Marshpee Indians have always paid their full share of taxes, and very great ones they have been. They have defrayed the expense of two town meetings a year, and one of two of the white men whose presence was necessary, lived twenty-five miles off. The meetings lasted three or four days at a time, during which,

these men lived upon the best, at our cost, and charged us three dollars a day, and twenty-five cents a mile, travelling expenses, going and coming into the bargain. This amounts to thirty-five dollars a trip; and as there were, as has already been said, two visitations a year, it appears that we have paid seventy dollars a year to bring one visitor, whose absence would have been much more agreeable to us than his presence. Extend this calculation to the number of seven persons, and the other expenses of our misgovernment, and perhaps some other expenditures not mentioned, and see what a sum our tax will amount to.

The next article is from the Boston Advocate of December 27, 1833.

THE MARSHPEE INDIANS.

It was stated in the Barnstable Journal the other day, and has been copied into other papers, that the Marshpee Indians were generally satisfied with their situation, and desired no change, and that the excitement, produced principally by Mr. Apes, had subsided. We had no doubt this statement was incorrect, because we had personally visited most of the tribe, in their houses and wigwams, in August last, and found but one settled feeling of wrong and oppression pervading the whole; not a new impulse depending upon Mr. Apes or any other man, but the result of the unjust laws which have ruled them like a complete despotism.

The Overseers are not so much to blame as the laws. We doubt not they have acted honestly; but, in the spirit of the laws, they have almost unavoidably exercised a stern control over the property and persons of the tribe. In fact the laws, as they now stand, almost permit the Overseers, with impunity, to sell the Indians for slaves. They can bind them out as they please, do as they please with their contracts, expel them from the plantation almost at will, and in fact use them nearly as slaves. We do not think they have intentionally done wrong to the Indians, but the whole system of government is wrong; and hence the unalterable dislike the Indians have to their Overseers. No better men could be appointed, that we know of; but the best men must play the tyrant, if they execute the present laws, designed as they are to oppress, and not to protect the poor Indians.

We have known these Indians, from our youth up. They live near our native home. The first pleasure we ever derived from the exercise of benevolence, was in satisfying the calls of their women and children for bread, at our father's door, and we always found them kind hearted to those who were kind to them. We have often met with them to worship in their rural meeting-house, and have again and again explored with the angling rod, the romantic stream, abounding with the nimble trout, which courses through their plantation.

For those reasons, and these alone, we felt it our duty to give them an opportunity to be heard through the columns of our paper, while all others were closed to them, or cold to their complaints. If we can do them any good, we shall have a full reward in the act itself. We have it already in the

simple tribute of gratitude, which they have unexpectedly bestowed upon our poor services.

They have sent us a communication, which is signed by the best men in the tribe. We know most of these names, and they belong to the most sensible and most industrious to be found on the plantation. Will other papers publish this simple appeal to the justice of the white men? It is useless to say after this, that the Indians of Marshpee are content with their condition. Something must be done for them.

MARSHPEE INDIANS.

"MR. HALLETT,

It has been stated in some of the papers that the Marshpee Indians are generally satisfied with their situation, and the conduct of the Overseers, and want no change. It is also said that the most industrious men on the plantation are opposed to petitioning the Legislature to give them the management of their own property; and they would all have been quiet, if it had not been for Mr. Apes.

Now we know something of our own rights without being told by Mr. Apes, or any one. We have confidence in Mr. Apes, and have seen no reason to doubt that he means well; but our dissatisfaction with the laws and the Overseers was the same as it is now, long before Mr. Apes came among us, and he will have our confidence no longer than while we are satisfied he does right. If he does wrong, we shall oppose him as soon as any man, but so long as he honestly aids us in seeking for our rights, we shall be in his favor. He is only one of us, and has no more authority over the tribe than any other member of it. He has been adopted into the tribe, according to the Indian custom; and as long as he deserves our confidence, we shall regard him as a friend.

But it is unfair to attempt to prejudice the public against us, while we are petitioning for our rights. It is not true that the Indians are satisfied. The Legislature ought not to be deceived by such stories from interested men. There is a universal dissatisfaction with our condition, and unless something is done to relieve us, the whole tribe must suffer, and they will feel as if they must give up all hope of improving their condition. We wish you to publish this with our names, that the public may not be deceived.

Daniel B. Amos,
James Hush,
Ezra Attaquin,
Christopher Hinson,
Aaron Keeter,
Joseph Pocknet,
Nicholas Pocknet,
David Wilbur,
William X[Note: sideways X] Jones, (his mark,)
Isaac X[Note: sideways X] Simons, "

Oaks A. Coombs,
Isaac Coombs,
James Lowes,
George Cannada,
Richard Simon,
Daniel X[Note: sideways X] Pocknet, (his mark,)
Peter X[Note: sideways X] Squib, "
Joseph X[Note: sideways X] Squib, "
Jacob X[Note: sideways X] Pocknet, "
Israel Amos,
David Mingo.

N.B. There could be a host of names procured, but we think here are enough to satisfy the whole earth that we are not satisfied to remain in bondage.

We also feel very grateful for the patriotic and benevolent course that the worthy editor, Mr. Hallett, has pursued, in laying our claims and oppression before the public, especially as he has done it without asking the least compensation. We rejoice to find such friends, for we believe them to be Christians, and impartial philanthropists.

Gentlemen and ladies of other papers are not forgotten. The Indian's heart swells with gratitude to them for noticing us; and we wish that editors who are friends to our rights, would please notice the above.

Done at a regular meeting at Marshpee, Dec. 23, 1833.

DANIEL B. AMOS, Sec'y. Marshpee, Dec. 23, 1833."

I quote these articles only because they serve to show that there was a disposition prevalent among the editorial fraternity, to prejudice the people at large against the rights and liberties of the Indians.

After our petition had been presented, our delegates obtained admission into the Hall of the Representatives, where they were privileged to tell their own story. Our enemies endeavored to hinder them even of this, though without success; and thankful are we that they did not succeed. It will be seen from the following, that the delegation were not unmindful of their duty.

The address of the Marshpee Indians at Boylston Hall, last evening, was listened to with great attention, by a crowded house, and with approbation, too, if we may judge from the repeated marks of applause.

The address at the State House last Friday evening was also attended by an overflowing house. We were unable to get in, and cannot, therefore, say what effect was produced by it.

The next is from the Liberator of Jan. 25, 1834.

THE MARSHPEE INDIANS.

This is a small tribe, comprising four or five hundred persons, residing at the head of Cape Cod, in Barnstable

County. They have long been under the guardianship of the State, treated as paupers, and subjected to the control of a Board of Overseers. A memorial from them was presented to the Legislature last week, (written entirely by one of their number,) in which they set forth the grievances which are imposed upon them, the injustice and impolicy of the laws affecting their tribe, the arbitrary and capricious conduct of the Overseers, and the manner in which they are defrauded of the fruits of their labor; and earnestly beseech the Legislature to grant them the same liberty of action as is enjoyed by their white brethren, that they may manage their own concerns, and be directly amenable to the laws of the State, and not to their present Overseers.

A delegation from this tribe is now in this city, consisting of Deacon Coombs, Daniel Amos, and William Apes. The use of the Hall of the House of Representatives having been granted to them, they made a public statement of their situation and wants to a crowded audience on Friday evening last, principally composed of members of the House; and were listened to most respectfully and attentively.

Deacon Coombs first addressed the assembly, in a brief but somewhat indefinite speech; the purport of which was, that, although by taking side with the Overseers, he might have advanced his own interests, he nevertheless chose to suffer with his people, and to plead in their behalf. Their condition was growing more and more intolerable; excessive exactions were imposed upon them; their industry was crippled by taxation; they wished to have the Overseers discharged.

Daniel Amos next addressed the meeting. He said he was aware of his ignorance; but although his words might be few, and his language broken, he as deeply sympathized with his suffering constituents, as any of his tribe. He gave a short sketch of his life, by which it appeared that he went at an early period on a whaling voyage, and received some bodily injury which incapacitated him from hard labor for a long time. He sought his native home, and soon experienced the severity of those laws, which, though enacted seemingly to protect the tribe, are retarding their improvement, and oppressing their spirits. The present difficulties were not of recent origin. He stated, with commendable pride, that he had never been struck for ill-behaviour, nor imprisoned for crime or debt; nor was he ashamed to show his face again in any place he had visited; and he had been round a large portion of the globe. The memorial before the Legislature had been read to the tribe; some parts had been omitted at their request; and nothing had been sent but by their unanimous consent. After vindicating the character of Mr. Apes, and enumerating some of the complaints of the tribe.

He was followed by William Apes, who, in a fearless, comprehensive and eloquent speech, endeavored to prove that, under such laws and such Overseers, no people could rise from their degradation. He illustrated the manner in which extortions were made from the poor Indians, and plainly declared that they wanted their rights as men and as freemen. Although comparatively ignorant, yet they knew enough to

manage their own concerns more equitably and economically than they were then managed; and notwithstanding the difficulties under which they labored, their moral condition was improving. There was not so much intemperance among them as formerly; many of the tribe were shrewd, intelligent and respectable men; and all that was necessary to raise up the entire mass from their low estate, was the removal of those fetters and restrictions which now bind them to the dust. Mr. Apes described the cause and the extent of the disturbance which took place last summer, and which resulted in his imprisonment. The head and front of their offending was in going into the woods, and unloading a cart, and causing it to be sent away empty. The reason for that procedure was, that they wished no more wood to be cut until an investigation of their rights had been made. They used no violence; uttered no oaths; made no threats; and took no weapons of defence. Every thing was done quietly, but firmly. Mr. Apes wished to know from whence the right to tax them without their consent, and at pleasure, and subject them to the arbitrary control of a Board of Overseers, was derived? He knew not himself; but he feared it was from the color of their skin. He concluded by making a forcible appeal to the justice and humanity of the Legislature, and expressing his confidence that the prayer of the memorialists would not be made in vain.

In several instances, the speakers made some dextrous and pointed thrusts at the whites, for their treatment of the sons of the forest since the time of the pilgrims, which were received with applause by the audience. They were all careful in their references to the conduct of the Overseers; they wished to say as little about them as possible; but they wanted their removal forthwith.

This is the first time our attention has been seriously called to the situation of this tribe. It is a case not to be treated with contempt, or disposed of hastily. It involves the rights, the interests, and the happiness of a large number of that race which has been nearly exterminated by the neglect, the oppression, and the cruelty of a superior number of foreign invaders.

In the enslavement of two millions of American people in the Southern States, the tyranny of this nation assumes a gigantic form. The magnitude of the crime elevates the indignation of the soul. Such august villainy and stupendous iniquity soar above disgust, and mount up to astonishment. A conflagration like that of Moscow, is full of sublimity, though dreadful in its effects; but the burning of a solitary hut makes the incendiary despicable by the meanness of the act.

In the present case, this State is guilty of a series of petty impositions upon a feeble band, which excite not so much indignation as disgust. They may be, and doubtless are, the blunders of legislation; the philanthropy of proscriptive ignorance; the atoning injuries of prejudice, rather than deliberate oppression. No matter who are the Overseers, (we know them not,) nor how faithfully they have executed the laws. The complaint is principally against the State; incidentally against them. They may succeed, perhaps, in

vindicating their own conduct; but the State is to be judged out of the Statute Book, by the laws now in force for the regulation of the tribe. Fearing, in the plenitude of its benevolence, that the Indians would never rise to be men, the Commonwealth has, in the perfection of its wisdom, given them over to absolute pauperism. Believing they were incapable of self-government as free citizens, it has placed them under a guardianship which is sure to keep them in the chains of a servile dependance. Deprecating partial and occasional injustice to them on the part of individuals, it has shrewdly deemed it lawful to plunder them by wholesale, continually. Lamenting that the current of vitality is not strong enough to give them muscular vigor and robust health, it has fastened upon them leeches to fatten on their blood. Assuming that they would be too indolent to labor if they had all the fruits of their industry, it has taken away all motives for superior exertions, by keeping back a portion of their wages. Dreading lest they should run too fast, and too far, in an unfettered state, it has loaded them with chains so effectually as to prevent their running at all. These are some of the excellencies of that paternal guardianship, under which they now groan, and from which they desire the Legislature to grant them deliverance.

We are proud to see this spontaneous, earnest, upward movement of our red brethren. It is not to be stigmatized as turbulent, but applauded as meritorious. It is sedition, it is true; but only the sedition of freedom against oppression; of justice against fraud; of humanity against cruelty. It is the intellect opposed to darkness; the soul opposed to degradation. It is an earnest of better things to come, provided the struggling spirit be set free. Let this tribe have at least a fair trial. While they remain as paupers, they will feel like paupers; be regarded like paupers; be degraded like paupers. We protest against this unnatural order of things; and now that the case has come under our cognizance, we shall not abandon it hastily.

We are aware that another, and probably an opposite view of this case is to be laid before the public, on the part of a commissioner delegated by the Governor and Council, to inquire into the difficulties which have arisen between the tribe and the Overseers. We shall wait to get a glimpse of it before we pass judgment upon it. Whatever may be alleged either against the Indians or against those who hold a supervision over them, or whatever may be said in favor of them both; we have felt authorized to make the foregoing remarks, upon an examination of the laws enacted for the government of these discordant parties. An augmentation, diminution, or change of the Board of Overseers, will not remedy the evil. It lies elsewhere; in the absolute prostration of the petitioners by a blind legislation. They are not, and do not aspire to be an independent government, but citizens of Massachusetts.

Fortunately, there is a soul for freedom in the present Legislature. A more independent House of Representatives has never been elected by the people. The cries of the Indians have reached their ears, and we trust affected their hearts. They will abolish a needless and unjust protectorate. The

limb, which is now disjointed and bleeding, will be united to the body politic. What belongs to the red man shall hereafter in truth be his; and, thirsting for knowledge and aspiring to be free, every fetter shall be broken and his soul made glad.

About this time the opposition of our enemies increased to a flood. Yet we remained undismayed; for we knew that we had the right on our side. So we endured the shots of their sharp shooters against us patiently. The following, from the Boston Courier of January 28, 1834, will show to what I allude.

Late in the month of June last, an extraordinary proceeding was had by the Marshpee tribe of Indians, residing on their plantation in Barnstable County, under the protection and guardianship of this Commonwealth. Excited, as it has since appeared, by the turbulent spirit of a stranger and intruder, they assembled in what they termed a town meeting, and adopted resolutions declaring their independence of the government of Massachusetts, abjuring the authority of the laws, and proclaiming that after the first day of July then next, they should assume the management of their own affairs; and, _that "they would not permit any white man from that day, to come upon their Plantation to cut or carry off any wood, hay, or other article, without their permission, under the penalty of being bound and thrown from the Plantation."_

To allay the excitement which had been created among these misguided people, and to ascertain and remove, as far and as speedily as possible, any just cause of complaint, the most prompt measures were adopted by the Executive. A discreet and confidential agent was despatched to the plantation with instructions to make thorough examination into their grievances, real or supposed, and to become acquainted with their condition, and what their interest and comfort required. He was especially charged to represent to them the parental feelings and regard of the government of the Commonwealth towards them; to assure the head men, that, if the Overseers appointed by the State, had been unjust or unkind, they should forthwith be removed, and others appointed in their stead, and the wrongs sustained at their hand amply redressed, but that the guardianship, originally imposed for their security against the frauds and wicked devices of unprincipled white men, and continued under frequent assurances, _by the Indians themselves_, of its necessity, could not be suspended by the authority of the Governor and Council. That this rested with the Legislature, to which, after careful investigation of their complaints, a proper representation would be made by the Executive. He was also directed to caution them against heeding the counsels of those who would excite them to disquiet in their present situation, and to admonish them, that disorder and resistance to any rightful authority would meet with immediate and exemplary correction, through the civil tribunals.

On reaching the plantation, the agent found these deluded people in a state of open rebellion against the government of the State, having with force, seized upon the Meeting-house, rescued from the Overseers a portion of property in their possession, chosen officers of their own, and threatened

violence to all who should attempt to interfere with them, in the measures of _self-government_ which they had assumed. These threatenings and outrages had already created great alarm among the white inhabitants in the neighborhood, and induced to apprehensions of more serious consequences. Through the firmness and prudence of the agent, sustained by the advice and good offices of several intelligent citizens of the County, the leader in the sedition was arrested for a breach of the peace, and delivered over to the civil authority. An inquiry into the conduct of the Overseers subsequently conducted by the agent in the presence of the head men, and the conciliatory, and friendly explanations offered to the tribe, of their relations to the government of the State, resulted in inducing them to rescind their former violent resolves, and restored quiet to the plantation.

A minute and interesting report by the gentleman to whom this delicate service was assigned, embracing an historical account of the tribe, and describing their present condition, character and numbers, with the situation, value, and improvement of their property, and the manner in which the guardianship constituted by law has been exercised over them, accompanies this communication. The Indians have received an assurance, that the attention of the Legislature shall be invited to their complaints, and the report will not fail to assist in the deliberations to which the subject may give occasion.

Does it not appear from, this, and from his message, that the Ex-Governor is a man of pure republican principles? He seems to consider the Marshpees as strangers, and thinks they ought to be driven to the wilds of the far West; in humble imitation of that wise, learned, and humane politician, Andrew Jackson, L.L.D.

I do consider that neither I nor any of my brethren enjoy any political rights; and I desire that I and they may be treated like men, and not like children. If any among us are capable of discharging the duties of office, I wish them to be made eligible, and I wish for the right of suffrage which other men exercise, though not for the purpose of pleasing any party by our votes. I never did so, and I never will. O, that all men of color thought and felt as I do on this subject.

I believe that Governor Lincoln had no regard whatever for our rights and liberties; but as he did not get his ends answered, I shall leave him to his conscience. The following from Mr. Hallett, of the Advocate, fully explains his message:

THE MARSHPEE INDIANS.

The current seems to be setting very strong against extending any relief to our red brethren. Governor Lincoln's ex-message has served to turn back all the kind feelings that were beginning to expand toward the Marshpee tribe, and force and intimidation are to be substituted for kindness and mercy.

We cannot but think that Massachusetts will be dishonored by

pursuing the stern course recommended by Ex-Governor Lincoln, who seems, by one of his letters to Mr. Fiske, to have contemplated almost with pleasure, the prospect of superintending in person, military movements against a handful of Indians, who could not have mustered twenty muskets on the plantation.

We see now how unjust we have been to the Georgians in their treatment of the Cherokees, and if we persist in oppressing the Marshpee Indians, let us hasten to unresolve all the glowing resolves we made in favor of the Georgia Indians. If Governor Lincoln is right in his unkind denunciation of the poor Marshpee Indians, then was not Governor Troop of Georgia right, in his messages and measures against the Cherokees? If the Court at Barnstable was right in imprisoning the Indians for attempting to get their rights, as they understood them, and made their ignorance of the law no excuse, were not the Courts of Georgia justifiable in their condemnation of the Cherokees, for violations of laws enforced against the will of the helpless Indians?

Oh, it was glorious to be generous, and magnanimous and philanthropic toward the Cherokees, and to weep over the barbarities of Georgia, because that could be turned to account against General Jackson; but when it comes home to our own bosoms, when a little handful of red men in our own State, come and ask us for permission to manage their own property, under reasonable restrictions, and presume to resolve that all men are free and equal, without regard to complexion; Governor Lincoln denounces it as sedition, the Legislature are exhorted to turn a deaf ear, and the Indians are left to their choice between submission to tyrannical laws, or having the militia called out to shoot them. How glorious this will read in history!

The next is from the Barnstable Patriot, of February 5, 1834, of a different character.

MARSHPEE INDIANS.

MR. EDITOR,

William Apes, Deacon Coombs, and Daniel Amos, are now in Boston, where they are much caressed, by the good citizens, and are styled the "Marshpee Deputation;" and we see in the Boston papers notices that the "Marshpee Deputation will be present at the Tremont Theatre, by invitation."^[10] That the Marshpee Deputation will address the public upon the subject of their grievances, in the "Representative Hall," "in Boylston Hall," &c. And we learn at their "talk," in the Representative Hall, they drew a large audience, and that audience was so indiscreet, (not to say indecorous or riotous,) as to cheer and applaud Apes in his ribaldry, misrepresentation and nonsense. Really, it looks to us, as if there was much misunderstanding upon the subject of the Marshpee difficulties. If there is any thing wrong we would have it put right; but how does the case appear. At the time of Apes' coming among them, they were quiet and peaceable, and

their condition, mentally, morally and pecuniarily improving. At this time, and when this is the condition and situation of the Indians, comes this intruder, this disturber, this riotous and mischief-making Indian, from the Pequot tribe, in Connecticut. He goes among the inhabitants of Marshpee, and by all the arts of a talented, educated, wily, unprincipled Indian, professing with all, to be an apostle of Christianity; he stirs them up to sedition, riot, treason! Instigates them to declare their independence of the laws of Massachusetts, and to arm themselves to defend it.

We need not follow, minutely, the transactions which rapidly succeeded this state of things. We will merely remark that, in that time of rebellion, prompt, efficient, but mild measures were taken by the Executive, to quell the disturbances, and restore good faith. An agent was sent by the Governor, to inquire into the cause, and if possible, to remove it. That agent found it to be his duty to arrest Apes, (that pious interloper,) as a riotous and seditious person, and bind him over for trial, at the Common Pleas Court. He was there tried; and, in our opinion, never was there a fairer trial. He was convicted; and, in our opinion, never was there a more just conviction, or a milder sentence. After the performance of his sentence, Apes is again at work stirring up new movements. And having strung together a list of imaginary grievances, and false allegations, and affixed a great number of names, without the knowledge or consent of many of the individuals, he goes to the Legislature, with two of his ignorant, deluded followers, pretending to be "the Marshpee Deputation," and asks redress and relief.

We would be the last to object to their receiving redress and relief; and we doubt not they will obtain, at the hands of the Legislature, all they ought to have. But who is the "Marshpee Deputation," that is showing off to such advantage in the city? It is William Apes, the convicted rioter, who was the whole cause of the disgraceful sedition at Marshpee the last summer; who is a hypocritical missionary, from a tribe in Connecticut; whose acquaintance with the Marshpeeans is of less than a year's standing. And he is endeavoring to enlist public sympathy in his favor, in advance, by lecturing in the Hall of Representatives, upon that pathetic and soul-stirring theme, Indian degradation and oppression; vilifying and abusing the irreproachable pastor of the plantation, Mr. Fish; stigmatizing and calumniating the Court and Jury who tried and convicted him, and flinging his sarcasms and sneers upon the Attorney and Jury who indicted him. And for all this, he is receiving the applause of an audience, who must be ignorant of his character; and blinded by the pretences of this impostor. And as far as that audience is composed of Legislators, their conduct, in permitting Apes to enlist their passions and feelings in his favor, pending a Legislative investigation of the subject, is reprehensible.

But, there is no fear that the matter will not be set right. That the investigation by the intelligent agent last summer, (Mr. Fiske,) and the investigation now going on by a committee of the Legislature, will show the true character of Apes, and

point out the real wants and grievances of the Indians; and that the remedy will be applied, to the satisfaction of the Indians and the discomfiture of that renegade impostor and hypocritical interloper and disturber, Apes, there is little doubt; that _such_ may be the result, is the sincere wish of

THE TRUE FRIENDS OF THE INDIANS.

The spirit in which this unrighteous piece is written, speaks for itself, and is its own antidote. However, it is just what we might expect from a liberal paper of the liberal town of Barnstable. So one gang of partizans call it. Deliver us from a "patriot," who would set his face against all good, and destroy the people themselves. These writers, if there be more than one of them, seem to have some idea of piety and religion. I therefore advise them to pluck the motes out of their own eyes, that they may see clearly enough to make better marks with their pens. The editor and his correspondents, (if he did not write the article himself,) have rendered themselves liable to a suit for defamation; but I think it best to let them go. I will not touch pitch. The discomfited, hypocritical impostor, renegade and interloper will forgive, and pray for them. He will not render evil for evil, though sorely provoked.

Nevertheless, I feel bound to say to these excellent friends of the Marshpees, who wished them to remain crushed under the burthen of hard laws forever and ever, that they will go down to their graves in the disappointment, which, perhaps, will cause them to weep away their lives. I should be sorry to hear of that, and exhort them to dry their tears, or suffer a poor Indian to wipe them away.

Notwithstanding all that was said and done by the opposition, the Marshpee Deputation left the field of battle with a song of triumph and rejoicing in their mouths, as will presently be seen. I shall give a brief sketch of the proceedings of one of the most enlightened committees that ever was drafted from a legislative body. Every thing was done to sour their minds against the Indians that could be done, but they were of the excellent of the earth, just and impartial.

The Committee was composed of Messrs. Barton and Strong, of the Senate, and Messrs. Dwight of Stockbridge, Fuller of Springfield, and Lewis of Pepperell, of the House. Benjamin F. Hallett, Esq. appeared as Counsel for the Indians.

Lemuel Ewer, Esq. of South Sandwich, was a witness, and the only white one who was in favor of the Indians. The Indian witnesses were Deacon Coombs, Daniel B. Amos, Ebenezer Attaquin, Joseph B. Amos, and William Apes.

On the other side appeared Kilburn Whitman, Esq. of Pembroke, as Counsel for the Overseers; Messrs. J.J. Fiske of Wrentham, and Elijah Swift of Falmouth, both of the Governor's Council; the Rev. Phineas Fish, the Marshpee missionary, sent by Harvard College; Judge Marston, Nathaniel Hinckley and Charles Marston, all of Barnstable; Gideon Hawley of South Sandwich, Judge Whitman of Boston, and two Indians, Nathan Pocknet and William Amos, by name. It was a notable piece of policy on the part of the Overseers, to make a few friends among the Indians, in order to use them for their own purposes. Thus do pigeon trappers use to set up a decoy. When the bird flutters, the flock settle round him, the net is sprung, and they are in fast hands. Judge

Whitman, however, could not make his two decoy birds flutter to his satisfaction, and so he got no chance to spring his net. He had just told the Indians that they might as well think to move the rock of Gibraltar from its base, as to heave the heavy load of guardianship from their shoulders; and, when he first came before the committee, he said he did not care a snap of his finger about the matter, one way or the other. But he altered his mind before he got through the business, and began to say that he should be ruined if the bill passed for the relief of the Indians, and was, moreover, sure that Apes would reign, king of Marshpee. The old gentleman, indeed, made several perilous thrusts at me in his plea; but, when he came to cross-examination, he was so pleased with the correctness of my testimony, that he had nothing more to say to me. I shall now leave him, to attend to his friend Judge Marston.

This gentleman swore in court that he thought Indians an inferior race of men; and, of course, were incapable of managing their own affairs.

The testimony of the two decoy pigeons was, that they had liberty enough; more than they knew what to do with. They showed plainly enough that they knew nothing of the law they lived under. The testimony of the Rev. Mr. Fish was more directly against us. Some may think I do wrong to mention this gentleman's name so often. But why, when a man comes forward on a public occasion, should his name be kept out of sight, though he be a clergyman. I should think he would like to make his flock respected and respectable in his speech, which he well knew they never could be under the then existing laws. Is it more than a fair inference that it was self-interest that made him do otherwise, that he might be able to continue in possession of his strong hold? If he had said to the Indians, like an honest man, "I know I have no right to what is yours, and will willingly relinquish what I hold of it," I do not doubt that the Indians would have given him a house, and a life estate in a farm; and perhaps have conveyed it to him in fee simple, if he had behaved well. Such a course would have won him the love and esteem of the Indians, and his blind obstinacy was certainly the surest means he could have taken to gain their ill will. He may think slightly of their good opinion, and I think, from his whole course of conduct, that we are as dogs in his sight. I presume he could not die in peace if he thought he was to be buried beside our graves.

It is the general fault of those who go on missions, that they cannot sacrifice the pride of their hearts, in order to do good. It seems to have been usually the object to seat the Indians between two stools, in order that they might fall to the ground, by breaking up their government and forms of society, without giving them any others in their place. It does not appear to be the aim of the missionaries to improve the Indians by making citizens of them. Hence, in most cases, anarchy and confusion are the results. Nothing has more effectually contributed to the decay of several tribes than the course pursued by their missionaries. Let us look back to the first of them for proofs. From the days of Elliott, to the year 1834, have they made one citizen? The latter date marks the first instance of such an experiment. Is it not strange that free men should thus have been held in bondage more than two hundred years, and that setting them at liberty at this late day, should be called an experiment now?

I would not be understood to say, however, that the Rev. Mr. Fish's mission is any criterion to judge others by. No doubt, many of them

have done much good; but I greatly doubt that any missionary has ever thought of making the Indian or African his equal. As soon as we begin to talk about equal rights, the cry of amalgamation is set up, as if men of color could not enjoy their natural rights without any necessity for intermarriage between the sons and daughters of the two races. Strange, strange indeed! Does it follow that the Indian or the African must go to the judge on his bench, or to the Governor, Senator, or indeed any other man, to ask for a help-meet, because his name may be found on the voter's list, or in the jury boxes? I promise all concerned, that we Marshpees have less inclination to seek their daughters than they have to seek ours. Should the worst come to the worst, does the proud white think that a dark skin is less honorable in the sight of God than his own beautiful hide? All are alike, the sheep of his pasture and the workmanship of his hands. To say they are not alike to him, is an insult to his justice. Who shall dare to call that in question?

Were I permitted to express an opinion, it would be that it is more honorable in the two races, to intermarry than to act as too many of them do. My advice to the white man is, to let the colored race alone. It will considerably diminish the annual amount of sin committed. Or else let them even _marry_ our daughters, and no more ado about amalgamation. We desire none of their connection in that way. All we ask of them is peace and our rights. We can find wives enough without asking any favors of them. We have some wild flowers among us as fair, as blooming, and quite as pure as any they can show. But enough has been said on this subject, which I should not have mentioned at all, but that it has been rung in my ears by almost every white lecturer I ever had the misfortune to meet.

I will now entreat the reader's attention to the very able plea of Mr. Hallett, upon our petition and remonstrances. The following are his remarks after the law which gave us our liberty was passed by his exertions in our cause:

I will now briefly consider the "documents, relating to the Marshpee Indians," which have been presented and printed, this session, by the two Houses.

The first is a Memorial, signed by seventy-nine males and ninety-two females, of the Plantation. Of the seventy-nine males, sixty-two are Proprietors, and forty-four write their own names. They are all united in wishing to have a change of the laws, and a removal of the Overseership, but desire that their land may not be sold without the mutual consent of the Indians and the General Court.

This memorial represents, 1. That no particular pains has been taken to instruct them. 2. That they are insignificant because they have had no opportunities. 3. That no enlightened or respectable Indian, wants Overseers. 4. That their rulers and the minister have been put over them, without their consent. 5. That the minister, (Mr. Fish,) has not a male member in his church of the Proprietors, and they believe twenty years would have been long enough for him to have secured their confidence. 6. That the laws which govern them and take away their property, are unconstitutional. 7. That the whites have had three times more benefit of the Meeting-house and the minister, than they have had. 8. That the business meetings

for the tribe, have been held off the plantation, at an expense to them. 9. That their Fishery has been neglected and the whites derived the most benefit from it. [The Overseers admit that the Herring Fishery has not been regulated for fifty years, although in 1763, it appears it was deemed a highly important interest, and in 1818, the Commissioners reported that it ought to be regulated for the benefit of the Indians to the exclusion of the whites.] 10. That the laws discourage their people, who leave the plantation on that account. 11. That men out of the tribe are paid for doing what those in it are capable of doing for the plantation. 12. That the whites derive more benefit than themselves, from their hay, wood and timber. 13. That the influence of the whites has been against them, in their petitions for the past years. 14. That they believe they have been wronged out of their property. 15. That they want the Overseers discharged, that they may have a chance to take care of themselves. 16. That very many of their people are sober and industrious, and able and willing to do, if they had the privilege. All these statements will be found abundantly proved.

This memorial comes directly from the Indians. It was drawn up among them without the aid of a single white man. They applied to me to prepare it for them. They happened to select me, as their counsel, simply because I was born and brought up within a few miles from their plantation, and had known their people from my infancy. I told them to present their grievances in their own way, and they have done so. Not a line of the memorial was written for them.

On the other side, opposite to their memorial for self-government, is the remonstrance of Nathan Pocknet and forty-nine others, the same Nathan Pocknet, who in 1818 petitioned for the removal of the Overseership. This remonstrance was not prepared by the Indians. It came wholly from the Rev. Mr. Fish, and the Overseers. It speaks of the "unprecedented impudence" of the Indians, and mentions a "Traverse Jury." No one who signed it, had any voice in preparing it. It shows ignorance of the memorial of the tribe, by supposing they ask for liberty to sell their lands; and ignorance of the law, by saying that the Overseers have not power to remove nuisances from the plantation.

This remonstrance is signed by fifty persons, sixteen males and thirty-four females; seventeen can write. Of the signers, ten belong to Nathan Pocknet's family. Ten of the males are Proprietors, of whom two are minors, and one a person non compos. Of the non-proprietors, one is a convict, recently released from State prison, who has no right on the Plantation. Two of the Proprietors, who signed this remonstrance, (John Speen and Isaac Wickham,) have since certified that they understood it to be the petition for Mr. Fish, to retain his salary, but that they are entirely opposed to having Overseers and to the present laws.

Thus it is shown that out of the whole Plantation of 229 Proprietors, but five men could be induced, by all the influence of the Minister and the Overseer, to sign in favor of having the present laws continued, and but eleven men out

of the whole population of 312. The signers to the memorial for a change of the laws are a majority of all the men, women and children belonging to the Plantation, at home and abroad.

Another document against the Indians who ask for their liberty, is the memorial of the Rev. Phineas Fish, the missionary. Of the unassuming piety, the excellent character, and the sound learning of that reverend gentleman, I cannot speak in too warm terms. I respect him as a man, and honor him as a devoted minister of the gospel. But he is not adapted to the cultivation of the field in which his labors have been cast. Until I read this memorial, I should not have believed that a severe expression could have escaped him. I regret the spirit of that memorial, and in its comparison with that of the Indians, I must say it loses in style, in dignity and in Christian temper.

In this memorial, Mr. Fish urges upon the Legislature the continuance of the laws of guardianship as they now are, and especially the continuance of the benefits he derives from the property of the plantation. What are the reasons he gives for this. Do they not look exclusively to his own benefit, without regard to the wishes of the Indians?

He states, as the result of his ministry, twenty members of the tribe added to his church in twenty-two years. This single fact proves that his ministry has failed of producing any effect at all proportioned to the cost it has been to the Indians. Not from want of zeal or ability, perhaps, but from want of adaptation. If not, why have other preachers been so much more successful than the missionary. There never has been a time that this church was not controlled by the whites. Mr. Fish now has but five colored members of his church, and sixteen whites. Of the five colored persons, but one is a male, and he has recently signed a paper saying he has been deceived by Mr. Fish's petition, which he signed, and that he does not now wish his stay any longer among them.

On the other hand, "blind Jo," as he is called, a native Indian, blind from his birth, now 28 years of age, has educated himself by his ear and his memory, has been regularly ordained as a Baptist minister, in full fellowship with that denomination, and has had a little church organized since 1830. The Baptist denomination has existed on the plantation, for forty years, but has received no encouragement. Blind Jo has never been taken by the hand by the missionary or the Overseers. The Indians were even refused the use of their Meeting-house, for the ordination of their blind minister, and he was ordained in a private dwelling. Though not possessing the eloquence of the blind preacher, so touchingly described in the glowing and chaste letters of Wirt's British Spy, yet there is much to admire in the simple piety and sound doctrines of "Blind Jo;" and he will find a way to the hearts of his hearers, which the learned divine cannot explore.

There is another denomination on the plantation, organized as "The Free and United Church," of which William Apes is the pastor. This denomination Mr. Fish charges with an attempt to usurp the parsonage, wood-land and the Meeting-house; he

denounces, as a "flagrant act," the attempt of the Indians to obtain the use of their own Meeting-house, and appeals to the sympathies of the whole civilized community to maintain by law the Congregational worship, which, he says, "is the most ancient form of religious worship there!" "Why should Congregational worship be excluded to make room for others?" asks the Rev. Mr. Fish. "Where will be the end of vicissitude on the adoption of such a principle, and how is it possible, amid the action of rival factions, for pure religion to be promoted." [Pages 7, 8, 9, of Mr. Fish's memorial. Senate, No. 17.] Is this language for a Christian minister to address to the Legislature of Massachusetts? To petition for an established Church in Marshpee? Can he ever have read the third Article of the Bill of Rights, as amended?

What has been the result of those "rival factions," in Marshpee? Blind Jo and William Apes, have forty-seven Indian members of their churches, (fourteen males,) in good standing, collected together in three years. The missionary has baptized but twenty in twenty-two years. The Indian preachers have also established a total abstinence Temperance Society, without any aid from the missionary, and there are already sixty members of it, who, from all the evidence in the case, there is no reason to doubt, live up to their profession.

I do not say this to detract from the good the missionary has done; I doubt not he has done much good, and earnestly desired to do more; but when he denounces to the Legislature other religious denominations, as usurpers and "rival factions," it is but reasonable that a comparison should be drawn between the fruit of his labors and that of those he so severely condemns.

I confess, I am struck with surprise, at the following remarks, in the memorial of the Rev. Mr. Fish. Speaking of the complaint of the Indians respecting their Meeting-house, that it is not fit for respectable people to meet in, being worn out; he says, "As it was built by a white Missionary Society, and repaired at the expense of the white Legislature of the State, perhaps the whites may think themselves entitled to some wear of it, and being no way fit for 'respectable people,' the church and congregation hope they may the more readily be left unmolested in their accustomed use of it." [Page 4.] Again he says of the complaints of the Indians, that they were forbidden to have preaching in their School-houses. "The School-houses, built by the munificence of the State, began to be occupied for Meeting-houses, soon after their erection, and have been more or less occupied in this fashion! ever since; and your memorialist desires to affirm that in this perversion of your liberal purpose, he had no share whatever!"

Is this possible? Can it be a perversion of buildings erected for the mental and moral improvement of the Indians, that religious meetings should be held there, by ministers whom the Indians prefer to the Missionary?

The inequality in the appropriations for religious instruction, is remarked upon by the Commissioner, Hon.

Mr. Fiske, who says in his report that if the present appropriations are to be restricted to a Congregationalist minister, some further provision, in accordance with religious freedom, ought to be made for the Baptist part of the colored people. [Page 29. No. 14.]

I regret too, the unkind allusion in the Rev. Mr. Fish's memorial to Deacon Coombs, the oldest of the Marshpee delegation, formerly his deacon, and the last proprietor to leave him. He says the deacon "once walked worthy of his holy calling." Does he mean to insinuate he does not walk worthily now? I wish you, gentlemen, to examine Deacon Coombs, who is present, to inquire into his manner of life, and see if you can find a Christian with a white skin, whose heart is purer, and whose walk is more upright, than this same Deacon Coombs. In point of character and intelligence, he would compare advantageously with a majority of the Selectmen in the Commonwealth.

With the religious concerns of Marshpee, I have no wish to interfere. I only seek to repel intimations that may operate against their prayer for the liberties secured by the Constitution. Neither do I stand here to defend Mr. Apes, who is charged with being the leader of the "sedition." I only ask you to look at the historical evidence of the existence of discontent with the laws, ever since 1693, and ask if Mr. Apes has been the author of this discontent. Let me remind you also, of the fable of the Huntsman and the Lion, when the former boasted of the superiority of man, and to prove it pointed to a statue of one of the old heroes, standing upon a prostrate lion. The reply of the noble beast was, "there are no carvers among the lions; if there were, for one man standing upon a lion, you would have twenty men torn to pieces by lions." Gentlemen, by depressing the Indians, our laws have taken care that they should have no carvers. The whites have done all the carving for them, and have always placed them undermost. Can we blame them, then, that when they found an educated Indian, with Indian sympathies and feelings, they employed him, to present their complaints, and to enable them to seek redress? Look at this circumstance, fairly, and I think you will find in it the origin of all the prejudice against William Apes, which may be traced to those of the whites who are opposed to any change in the present government of Marshpee. If aught can be shown against him, I hope it will be produced here in proof, that the Indians may not be deceived. If no other proof is produced, except his zeal in securing freedom for the Indians, are you not to conclude that it cannot be done. But his individual character has nothing to do with the merits of the question, though I here pronounce it unimpeached.

I will allude to but one other suggestion in the memorial of the Rev. Mr. Fish, [page 10.] To show the necessity of continuing the present laws, he says, "already do we witness the force of example in the visible increase of crime. But a few weeks since, a peaceable family was fired in upon, during their midnight repose; while I have been writing, another has been committed to prison for a high misdemeanor."

Now what are the facts, upon which this grave allegation against the whole tribe is founded. True, a ball was fired into a house on the plantation, but without any possible connection with the assertion of their rights by the Indians, and to this day it is not known whether it was a white man or an Indian who did it. The "high misdemeanor," was a quarrel between Jerry Squib, an Indian, and John Jones, a white man. Squib accused Jones of cheating him in a bargain, when intoxicated, and beat him for it. The law took up the Indian for the assault, and let the white man go for the fraud.

Respecting then, as we all do, the personal character of the missionary, can you answer his prayer, to continue the present government, in order to protect him in the reception of his present income from the lands of the Indians? Are the interests of a whole people to be sacrificed to one man?

What says the Bill of rights? "Government is instituted for the common good, for the protection, safety, prosperity, and happiness of the people, and not for the profit, honor or private interest of any one man, family, or class of men."

I have now only to consider the report of the Commissioner, Mr. Fiske, who visited Marshpee in July last. The impartiality, candor and good sense of that report, are highly honorable to that gentleman. Deriving his first impressions from the Overseers and the whites, and instructed as he was with strong prepossessions against the Indians, as rebels to the State, the manner in which he discharged that duty, deserves a high encomium. He has my thanks for it, as a friend of the Indians. As far as the knowledge of the facts enabled the Commissioner to go, in the time allowed him, the conclusions of that report, substantiate all the positions taken in defence of the rights of the Indians. The Commissioner was instructed by the then Governor Lincoln, to inform the Indians that the government had no other object than their best good; "let them be convinced that their grievances will be inquired into, and a generous and paternal regard be had to their condition." They were so convinced, and they come here now, for a redemption of this pledge.

But his Excellency seems to have been strangely impressed with the idea of suppressing some rebellion, or another Shay's insurrection. Mr. Hawley, one of the Overseers, had visited the Governor, at Worcester, and because a few Indians had quietly unloaded a wood-cart, the calling out of the militia seems to have been seriously contemplated by the following order, issued to the Commissioner, by the Governor, dated July 5. "Should there be reason to fear the insufficiency of the posse comitatus, I WILL BE PRESENT PERSONALLY, TO DIRECT ANY MILITARY REQUISITIONS."

Think of that, gentlemen of the Committee! Figure to yourselves his Excellency, at the head of the Boston and Worcester Brigades, ten thousand strong, marching to Marshpee, to suppress an insurrection, when scarce twenty old muskets could have been mustered on the whole plantation?

With the utmost respect for his Excellency, I could not refrain on reading this "order of the day," from exclaiming, as Lord Thurlow did, when a breathless messenger informed him that a rebellion had broken out in the Isle of Man--"pshaw--a tempest in a tea pot."

Let us not, however, because the Indians are weak and in-offensive, be less regardful of their rights.

You will gather from the Report of Mr. Fiske, conclusive evidence of the long continued and deep rooted dissatisfaction of the Indians with the laws of guardianship, that they never abandoned the ground that all men were born free and equal, and they ought to have the right to rule and govern themselves; that by a proper exercise of self-government, and the management of their own pecuniary affairs, they had it in their power to elevate themselves much above their present state of degradation, and that by a presentation of new motives for moral and mental improvement, they might be enabled, in a little time, to assume a much higher rank on the scale of human existence. And that the Legislature would consider their case, was the humble and earnest request of the natives.

Is not the conclusion then, from all the facts in the case, that the system of laws persisted in since 1763, have failed as acts of paternal care? That the true policy now is to try acts of kindness and encouragement, and that the question of rightful control over the property or persons of the Indians beyond the general operation of the laws, being clearly against the whites; but one consideration remains on which the Legislature can hesitate: the danger, that they will squander their property. Of the improbability of such a result, Mr. Fiske informs you in his report, [page 26.] He found nearly all the families comfortably and decently clad, nearly all occupying framed houses, and a few dwelling in huts or wigwams. More than thirty of them were in possession of a cow or swine, and many of them tilled a few acres of land, around their dwellings. Several pairs of oxen, and some horses are owned on the plantation, and the Commons are covered with an excellent growth of wood, of ready access to market. Confine the cutting of this wood to the natives, as they desire, and they never can waste this valuable inheritance.

Mr. Fiske also says in his report, [page 30,] "that it is hardly possible to find a place more favorable for gaining a subsistence without labor, than Marshpee." The advantages of its location, the resources from the woods and streams, on one side, and the bays and the sea on the other, are accurately described, as being abundant, with the exception of the lobsters, which Mr. Fiske says are found there. The Commissioner is incorrect in that particular, unless he adopts the learned theory of Sir Joseph Banks, that fleas are a species of lobster!

Is there, then, any danger in giving the Indians an opportunity to try a liberal experiment for self-government? They ask you for a grant of the liberties of the constitution; to be incorporated and to have a government useful to them as

a people.

They ask for the appointment of magistrates among them, and they ask too for an Attorney to advise with; but my advice to them is, to have as little as possible to do with Attornies. A revision of their laws affecting property by the Governor and Council, would be a much better security for them than an Attorney, and this they all agree to. Is there any thing unreasonable in their requests? Can you censure other States for severity to the Indians within their limits, if you do not exercise an enlightened liberality toward the Indians of Massachusetts? Give them then substantially, the advantages which they ask in the basis of an act which I now submit to the Committee with their approval of its provisions. Can you, gentlemen, can the Legislature, resist the simple appeal of their memorial? "Give us a chance for our lives, in acting for ourselves. O! 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."

The correctness of Mr. Hallett's opinions are demonstrated in the following article.

Other editors speak ill enough of Gen. Jackson's treatment of the Southern Indians. Why do they not also speak ill of all the head men and great chiefs who have evil entreated the people of Marshpee. I think Governor Lincoln manifested as bitter and tyrannical a spirit as Old Hickory ever could, for the life of him. Often and often have our tribe been promised the liberty their fathers fought, and bled, and died for; and even now we have but a small share of it. It is some comfort, however, that the people of Massachusetts are becoming gradually more Christianized.

[From the Daily Advocate.] THE MARSHPEE INDIANS.

The Daily Advertiser remarks that the Indian tribes have been sacrificed by the policy of Gen. Jackson. This is very true, and we join with the Advertiser in reprehending the course pursued by the President toward the Cherokees. If Georgia, under her union nullifier, Governor Lumpkin, is permitted to set the process of the Supreme Court at defiance, it will be a foul dishonor upon the country.

But while we condemn the conduct of General Jackson toward the Southern Indians, what shall we say of the treatment of our own poor defenceless Indians, the Marshpee tribe, in our own State? The Legislature of last year, with a becoming sense of justice, restored to the Marshpee Indians a portion of their rights, which had been wrested from them, most wrongfully, for a period of seventy-four years. The State of Massachusetts, in the exercise of a most unjust and arbitrary power, had, until that time, deprived the Indians of all civil rights, and placed their property at the mercy of designing men, who had used it for their own benefit, and despoiled the native owners of the soil to which they hold a better title than the whites hold to any land in the Commonwealth. These Indians fought and bled side by side, with our fathers, in the struggle for

liberty; but the whites were no sooner free themselves, than they enslaved the poor Indians.

One single fact will show the devotion of the Marshpee Indians to the cause of liberty, in return for which they and their descendants were placed under a despotic guardianship, and their property wrested from them to enrich the whites. In the Secretary's Office, of this State, will be found a muster roll, containing a "Return of men enlisted in the first Regiment of Continental troops, in the County of Barnstable, for three years and during the war, in Col. Bradford's Regiment," commencing in 1777. Among these volunteers for that terrible service, are the following names of Marshpee Indians, proprietors of Marshpee, viz.

Francis Webquish, Samuel Moses, Demps Squibs, Mark Negro, Tom Caesar, Joseph Ashur, James Keeter, Joseph Keeter, Jacob Keeter, Daniel Pocknit, Job Rimmon, George Shawn, Castel Bernet, Joshua Pognit, James Rimmon, David Hatch, James Nocake, Abel Hoswitt, Elisha Keeter, John Pearce, John Mapix, Amos Babcock, Hosea Pognit, Daniel Pocknit, Church Ashur, Gideon Tumpum.

In all twenty-six men. The whole regiment, drawn from the whole County of Barnstable, mustered but 149 men, nearly one-fifth of whom were volunteers from the little Indian Plantation of Marshpee, which then did not contain over one hundred male heads of families! No white town in the County furnished any thing like this proportion of the 149 volunteers. The Indian soldiers fought through the war; and as far as we have been able to ascertain the fact, from documents or tradition, all but one, fell martyrs to liberty, in the struggle for Independence. There is but one Indian now living, who receives the reward of his services as a revolutionary soldier, old Isaac Wickham, and he was not in Bradford's regiment. Parson Holly, in a memorial to the Legislature in 1783, states that most of the women in Marshpee, had lost their husbands in the war. At that time there were seventy widows on the Plantation.

But from that day, until the year 1834, the Marshpee Indians were enslaved by the laws of Massachusetts, and deprived of every civil right which belongs to man. White Overseers had power to tear their children from them and bind them out where they pleased. They could also sell the services of any adult Indian on the Plantation they chose to call idle, for three years at a time, and send him where they pleased, renewing the lease every three years, and thus, make him a slave for life.

It was with the greatest effort this monstrous injustice was in some degree remedied last winter, by getting the facts before the Legislature, in spite of a most determined opposition from those who had fattened for years on the spoils of poor Marshpee. In all but one thing, a reasonable law was made for the Indians. That one thing was giving the Governor power to appoint a Commissioner over the Indians for three years. This was protested against by the friends of the Indians, but in vain; and they were assured that this appointment would be safe in the hands of the Governor. They

hoped so, and assented; but no sooner was the law passed, than the enemies of the Indians induced the Governor to appoint as the Commissioner, the person whom of all others they least wished to have, a former Overseer, against whom there were strong prejudices. The Indians remonstrated, and besought, but in vain. The Commissioner was appointed, and to all appeals to make a different appointment, a deaf ear has been turned. It seems as if a deliberate design had been formed somewhere, to defeat all the Legislature has done for the benefit of this oppressed people.

The consequences have been precisely what the Indians and their friends feared. Party divisions have grown up among them, arising out of the want of confidence in their Commissioner. He is found always on the side of their greatest trouble; the minister who unjustly holds almost 500 acres of the best land in the plantation, wrongfully given to him by an unlawful and arbitrary act of the State, which, in violation of the Constitution, appropriates the property of the Indians to pay a man they dislike, for preaching a doctrine they will not listen to, to a white congregation, while the native preachers, whom the Indians prefer, are left without a cent, and deprived of the Meeting-house, built by English liberality for the use of the Indians. The dissatisfaction has gone on increasing. The accounts with the former Overseers remain unadjusted to the satisfaction of the Selectmen. The Indians have no adviser near them in whom they can confide; those who hold the power, appear regardless of their wishes or their welfare; no pains is taken by the authorities to punish the wretches who continue to sell rum to those who will buy it; and though the Indians are still struggling to advance in improvement, every obstacle is thrown in their way that men can devise, whose intent it is to get them back to a state of vassalage, that they may get hold of their property. All this, we are satisfied, from personal inspection, is owing to the injudicious appointment made by Gov. Davis, of a commissioner, and yet the Governor unfortunately seems indisposed to listen to any application for a remedy to the existing evils.

The presses around us, who are so eloquent in denouncing the President for his conduct towards the Southern Indians, say not a word in behalf of our own Indians, whose fathers poured out their blood for our independence. Is this right, and ought the Indians to be sacrificed to the advantage a single man derives from holding an office of very trifling profit? Let us look at home, before we complain of the treatment of the Indians at the South.

The following; extract refers to the act passed to incorporate the Marshpee District, after so much trouble and expense to the Indians. I should suppose the people of Massachusetts would have been glad to have done us this justice, without making so much difficulty, if they had been aware of the true state of facts.

THE MARSHPEE ACT

Restoring the rights of self-government, in part, to the Marshpee Indians, of which our legislation has deprived

them for one hundred and forty years, passed the Senate of Massachusetts yesterday, to the honor of that body, without a single dissenting vote. Too much praise cannot be given to Mr. Senator Barton, for the persevering and high-minded manner in which he has prepared and sustained this act. With two or three exceptions, but which, perhaps, may not be indispensable to the success of the measure, it is all the Indians or their friends should desire, under existing circumstances. The clause reserving the right of repeal, is probably the most unfortunate provision in the act, as it may tend to disquiet the Indians, and to give the Commissioner a sort of threatening control, that will add too much to his power, and may endanger all the benefits of the seventh section. This provision was not introduced by the Committee, but was opposed by Messrs. Barton and Strong, as wholly unnecessary.

[_Daily Advocate_.

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SMALL MATTER.

In the resolve allowing fees to the Marshpee Indians, who have attended as witnesses this session, the high-minded Senator Hedge of Plymouth, succeeded in excluding the name of William Apes, as it passed the Senate; but the House, on motion of Col. Thayer, inserted the name of Mr. Apes, allowing him his fees, the same as the others. Mr. Hedge made a great effort to induce the Senate to non-concur, but even his lucid and liberal eloquence failed of its noble intent, and the Senate concurred by a vote of 13 to 6. Mr. Hedge must be sadly disappointed that he could not have saved the State twenty-three dollars, by his manly efforts to injure the character of a poor Indian. Mr. Hedge, we dare say, is a descendant from the pilgrims, whom the Indians protected at Plymouth Rock! He knows how to be grateful!

[_Daily Advocate_.

It appears that I, William Apes, have been much persecuted and abused, merely for desiring the welfare of myself and brethren, and because I would not suffer myself to be trodden under foot by people no better than myself, as I can see. In connection with this, I say I was never arraigned before any Court, to the injury of my reputation, save once, at Marshpee, for a pretended riot. An attempt to blast a man merely for insisting on his rights, and no more, is a blot on the character of him who undertakes it, and not upon the person attempted to be injured; let him be great or small in the world's eyes. I can safely say that no charge that has ever been brought against me, written or verbal, has ever been made good by evidence in any civil or ecclesiastical court. Many things have been said to my disparagement in the public prints. Much was said to the General Court, as that I was a gambler in lotteries, and had begged money from the Indians to buy tickets with. This calumny took its rise from certain articles printed in the Boston Gazette, written, as I have good reason to believe, by one Reynolds, a proper authority. He has been an inmate of the State prison, in Windsor, Vermont, once for a term of two years, and again for fourteen, as in part appears by the following

certificate of a responsible person.

CONCORD, N.H. JUNE 27, 1832.

To all whom it may concern.

This may certify, that _John Reynolds_, once an inmate of Vermont State Prison, and since a professed Episcopal Methodist, and also a licensed local preacher in Windsor, Conn. came to this place about June, 1830, recommended by Brother J. Robbins, as a man worthy of our patronage; and of course I employed him to supply for me in Ware and Hopkinton, (both in N.H.) in which places he was for a short time, apparently useful. But the time shortly arrived when it appeared that he was pursuing a course that rendered him worthy of censure. I therefore commenced measures to put him down from preaching; but before I could get fully prepared for him, he was gone out of my reach. I would however observe, he wrote me a line from Portsmouth, enclosing his license, also stating his withdrawal from us; and thus evaded trial. We have, therefore, never considered him worthy of a place in any Christian church since he left Hopkinton, in May, 1831. And I feel authorized to state, that he does not deserve the confidence of any respectable body of people.

E.W. STICKNEY, Circuit Preacher,
In the Methodist Episcopal Church.

His wrath was enkindled and waxed hot against me, because I thought him scarce honorable enough for a high priest, and could not enter into fellowship with him. I opposed his ordination as an elder of our church, because I thought it dishonor to sit by his side; and he therefore tried to make me look as black as himself, by publishing things he was enabled to concoct by the aid of certain of my enemies in New York. They wrote one or two letters derogatory to my character, the substance of which Reynolds took the liberty to publish. For this I complained of him to the Grand Jury in Boston, and he was indicted. The following is the indictment:

The Jurors for the Commonwealth of Massachusetts, on their oath present, that John Reynolds of Boston, Clerk, being a person regardless of the morality, integrity, innocence and piety, which Ministers of the Gospel ought to possess and sustain, and maliciously devising and intending to traduce, vilify and bring into contempt and detestation one William Apes, who was on the day hereinafter mentioned, and still is a resident of Boston aforesaid, and duly elected and appointed a minister of the gospel and missionary, by a certain denomination of Christians denominated as belonging to the Methodist Protestant Church; and also unlawfully and maliciously intending to insinuate and cause it to be believed, that the said William Apes was a deceiver and impostor, and guilty of crimes and offences, and of buying lottery tickets, and misappropriating monies collected by him from religious persons for charitable purposes, and for building a Meeting-house among certain persons called Indians.

On the thirteenth day of August now last past, at Boston

aforesaid, in the County of Suffolk aforesaid, unlawfully, maliciously, and deliberately did compose, print and publish, and did cause and procure to be composed, printed and published in a certain newspaper, called the "Daily Commercial Gazette," of and concerning him the said William Apes, and of and concerning his said profession and business, an unlawful and malicious libel, according to the purport and effect, and in substance as follows, that is to say, containing therein among other things, the false, malicious, defamatory and libellous words and matter following, of and concerning said William Apes, to wit: _convinced at an early period of my_ (meaning his the said Reynolds) _acquaintance with William Apes_, (meaning the aforesaid William Apes,) _that he_ (meaning said William,) _was not what he_ (meaning said William,) _professed to be; but was deceiving and imposing upon the benevolent and Christian public_, (meaning that said William Apes was a deceiver and impostor,) _I_ (meaning said Reynolds,) _took all prudent means to have him_ (meaning said William,) _exposed, and stopped in his_ (meaning said William,) _race of guilt_, (meaning that said William had been guilty of immorality, dishonesty, irreligion, offences and crimes;) _these men_, (meaning one Joseph Snelling and one Norris,) _were earnestly importuned to investigate his_ (meaning said William,) _conduct, and enforce the discipline_ (meaning the discipline of the church,) _upon him_ (meaning said William,) _for crimes committed since his_ (meaning said William's) _arrival in this city_, (meaning said city of Boston, thereby meaning that said William Apes had been guilty of crimes in said Boston,) _though well acquainted with facts, which are violently presumptive of his_ (meaning said William's) _being a deceiver, his_ (meaning said William's) _friends stand by him_, (meaning said William's) _and will not give him_ (meaning said William,) _up, though black as hell_, (meaning that said William was a deceiver, and of a wicked and black character.) _When I am informed that he_ (meaning said William) _is ordained_, (meaning as a minister of the gospel,) _that he_ (meaning said William,) _is by permission of the brethren travelling, and permitted to collect money to build the house aforesaid_, (meaning the aforesaid Meeting-house,) _for his_ (meaning said William's,) _Indian brethren to worship God in, I shudder not so much because he_ (meaning said William,) _is purchasing Lottery Tickets_, (meaning that said William was purchasing Lottery Tickets, and had spent some of the aforesaid money for that purpose,) _but because I know of his_ (meaning said William's) _pledge to the citizens of New York and elsewhere_, to the great injury, scandal, and disgrace of the said William Apes, and against the peace and dignity of the Commonwealth aforesaid.

SAMUEL D. PARKER, Attorney of said Commonwealth, within the County of Suffolk.

PARKER H. PEIRCE, Foreman of the Grand Jury.

A true Copy.--Attest,

THOMAS W. PHILLIPS, Clerk of the Municipal Court of the City of Boston.

Subsequently, I entered civil actions against two others, for the same offence, and had them held to bail in the sum of fifteen hundred dollars, with sureties. This soon made them feel very sore. They had

put it in my power to punish them very severely for giving rein to their malignant passions, and they asked mercy. I granted it, in order to show them that I wanted nothing but right, and not revenge; and that they might know that an Indian's character was as dearly valued by him as theirs by them. Would they ever have thus yielded to an Indian, if they had not been compelled? I presume it will satisfy the world that there was no truth in their stories, to read their confessions, which are as follows:

Extract from a letter written by David Ayres, to Elder T.F. Norris, dated New Orleans, April 12, 1833.

"I have arrived here this day, and expected to have found letters here from you, and some of my other brethren respecting Apes' suit. I never volunteered in this business, but was led into it by others, and it is truly a hard case that I must have all this trouble on their account."

Extract of a letter written by David Ayers to William Apes, dated July 1, 1833.

"I am, and always have been your friend, and I never expected that any things I wrote about you, would find their way into the public papers. I am for peace, and surely I have had trouble enough. I never designed to injure you, and when all were your enemies, I was your warm friend."

Extract from a letter written by G. Thomas to Rev. Thomas F. Norris, dated New York, July 12, 1833.

"William Apes might by some be said to be an excepted case; but when this is fairly explained and understood, this would

not be the fact. My good friends of Boston, and my active little brother Ayres, are to blame for this, and not me. I had no malice against him, I never had done other than wish him well, and done what I hoped would turn out for the best; but knowing he was liable to error (as) others, and the case being placed in such colors to me, I awoke up; and being pressed to give what I did in detail as I thought, all for the good of the cause and suffering innocence; but I am sorry I ever was troubled at all on the subject; I thought that brother Reynolds was a fine catch; but time I acknowledge is a sure tell-tale. And by the by, they have caught me, and eventually, unless Apes will stop proceedings, I must bear all the burthen. Reynolds has got his neck out of the halter, and Ayres is away South, and may never return; and poor me must be at all the trouble and cost, if even the suit should go in my favor. Can I think that Apes will press it? No. I think he has not lost all human milk out of his breast, and will dismiss the suit; and, as to my share of the cost, if I was able, that should be no obstacle. If he will stop it all, if my friends do not settle it, I will agree to, as soon as I am able."

* * * * *

I hereby certify, that I have copied the foregoing passages

from the letters purporting to be from David Ayres and G. Thomas, respectively, as above mentioned, and that said passages are correct extracts from said letters. I further certify, that, as the Attorney of said William Apes, I acted for him in the suits brought by him against said Thomas and Ayres for libel, that while said suits were pending, said Apes manifested a forgiving and forbearing disposition, and wished the suits not to be pressed any further than was necessary to show the falsehood of the statements of said Ayres and Thomas, and contradict them; and, that he expressed himself willing to settle with them upon their paying the cost, and acknowledging their error, in consequence of which, by direction from him, after he had perused said letters, I accordingly discharged both suits, the bail of said Thomas and Ayres paying the costs, which amounted to fifty dollars.

I further certify, that during my acquaintance with said Apes, which commenced as I think, in March last, I have seen nothing in his character or conduct, to justify the reports spread about him, by said Thomas and Ayres; but on the contrary, he has appeared to me to be an honest and well disposed man.

HENRY W. KINSMAN, No. 33, Court Street. _Boston, November 30, 1833_.

I, the subscriber, fully concur in the above statement.
JAMES D. YATES, Elder of the Methodist Protestant Church.

The original confession of Reynolds being lost, I trust that the following certificate will satisfy the reader that it has actually had existence.

To whom it may concern.

This is to certify that I have repeatedly seen, and in one instance, copied a paper of confession and retraction of Slanders, which the writer stated he had uttered, and published in papers of the day, against William Apes, the preacher to the Marshpee tribe of Indians, signed, John Reynolds, and countersigned as witness, by William Parker, Esq. The copy taken of the above mentioned confession by the subscriber, was sent to the Rev. T.R. Witsil, Albany, N.Y.

THOMAS F. NORRIS, President of the Protestant Methodist Conference, Mass.

Attest,

JAMES D. YATES.
Boston, May 7, 1835.

Nevertheless, lest this should not be sufficient, I am prepared to defend myself by written certificates of my character and standing among the whites and natives, (the Pequod tribe,) in Groton. They are as follows:

We the undersigned, native Indians of the Pequod tribe, having employed Rev. William Apes as our Agent, to assist us, and to collect subscriptions and monies towards erecting a house to worship in, do hereby certify, that we are satisfied with his agency; and that we anticipated that he would deduct

therefrom, all necessary expenses, for himself and family, during the time he was employed in the agency, as we had no means of making him any other remuneration.

By permission, FREDERICK X[Note: sideways X] TOBY,
LUCRETIA GEORGE,
By permission, MARY X[Note: sideways X] GEORGE,
By permission, LUCY X[Note: sideways X] ORCHARD,
WILLIAM APES,
By permission, MARGARET X[Note: sideways X] GEORGE.

I, Pardon P. Braton of Groton, in the County of New London, and State of Connecticut, of lawful age, do depose and say, that I was present when the above signers attached their names to the above certificate, by them subscribed, and am knowing to their having full knowledge of the facts therein contained; and further the deponent saith not

PARDON P. BRATON.

Groton, Dec. 3, 1832.

County of New London, ss.--Groton, Dec. 3, 1832. Personally appeared, Pardon P. Braton, and made solemn oath to the truth of the above deposition, by him subscribed. Before me,

WILLIAM M. WILLIAMS, _Justice of the Peace_.

GROTON, INDIAN TOWN, CONN.

This may certify, that we, the subscribers, native Indians of the Pequod tribe, do affirm by our signatures to this instrument, that William Apes, Senior, went by our request as Delegate, in behalf of our tribe, to New York Annual Conference, of the Methodist Protestant Church, April 2, 1831. The above done at a meeting of the Pequods, Oct. 6, 1830.

WILLIAM APES, JR. Minister of the Gospel, and Missionary to that tribe.

As witness our hands, in behalf of our brethren,
By permission, MARY X[Note: sideways X] GEORGE,
By permission, LUCY X[Note: sideways X] ORCHARD,
WILLIAM APES,
By permission, MARGARET X[Note: sideways X] GEORGE.

I, Pardon P. Braton of Groton, New London County, State of Connecticut, do depose and say, that I am acquainted with the Pequod tribe of Indians empowering William Apes, Sen. as their Delegate to the New York Conference, as is above stated; and further the deponent saith not.

PARDON P. BRATON.

Groton, Dec. 3, 1832.

New London County, ss.--Groton, Dec. 3, 1832. Personally appeared, Pardon P. Braton, and made solemn oath to the truth of the above deposition, by him subscribed. Before me,

WILLIAM M. WILLIAMS, _Justice of the Peace_.

To all whom it may concern.

This may certify, that we, the undersigners, are acquainted with William Apes and his tribe, of Pequod, and that we live in the neighborhood with them, and know all their proceedings as to their public affairs, and that Mr. Apes, as far as we know, has acted honest and uprightly; and that he has done his duty to his Indian brethren, as far as he could consistently. And that he has duly made known his accounts, and appropriated the monies that was in contemplation for the Indian Meeting-house, for the Pequod tribe; and we also certify that said monies shall be duly appropriated.

Dated North Groton, Conn, Aug. 28, 1833.

JONAS LATHAM,
ASA A. GORE,
JOHN IRISH,
WILLIAM M. WILLIAMS.

[Footnote 1: Here we were a little mistaken, not knowing in our ignorance, that we were making the Lieut. Governor commander in chief, and using his name to nullify the existing laws. Nevertheless, our mistake was not greater than many that have been made to pass current by the sophistry of the whites, and we acted in accordance with the spirit of the constitution, unless that instrument be a device of utter deception.]

[Footnote 2: "In respect to the measures you may deem advisable, let them be confined in their adoption to an application of the _civil power_. If there is resistance, the Sheriff will, with your advice, call out the _posse comitatus_, and should there be reason to fear the inefficiency of this resort, I will be present personally, to direct any _military_ requisitions," &c.]

[Footnote 3: Surely it was either insult or wrong to call the Marshpees citizens, for such they never were, from the declaration of independence up to the session of the Legislature in 1834.]

[Footnote 4: I do not recollect uttering this expression, and it is not one that I am in the habit of using. It surprised me much, too, that the Sampsons should all swear alike, when it was impossible that they could have heard alike. If I used the word _shine_, it must have been in speaking to Mr. William Sampson, in a low tone, about fifty yards from the others.]

[Footnote 5: Christmas.]

[Footnote 6: By an Act of the Legislature in April last, 1835, _One Hundred Dollars_ is hereafter to be appropriated annually, from the School Fund, for the public schools in Marshpee. For this liberal act the Marshpees are indebted to the representations made to the Committee on education by their Counsel, B.F. HALLETT, Esq. This is an evidence of the paternal care of the Legislature, for which we can never be too grateful.]

[Footnote 7: Meaning Envoy.]

[Footnote 8: His Excellency LEVI LINCOLN, who proposed to raise a regiment to exterminate our tribe, if we did not submit to the Overseers.]

[Footnote 9: The Counsel for the Indians, B.F. HALLETT, Esq. could not find a member of the House from Barnstable County, who would present the petition. The Indians will not forget that they owed this act of justice to Mr. CUSHING of Dorchester.]

[Footnote 10: Mr. Apes did not attend.]

AN INQUIRY INTO THE EDUCATION AND RELIGIOUS INSTRUCTION OF THE MARSHPEE INDIANS.

On the subject of the means taken to educate the Indians, I will say a few words in addition to what has already been said, because we wish to show that we can be grateful when we have favors bestowed on us. Up to 1835, the State had done nothing for education in Marshpee, except build us two School-houses in 1831.

Last winter the subject came up in the Legislature of distributing the School fund of the State among the towns. A bill was reported to the House, in which Marshpee was made a School District and entitled to receive a dividend according to its population by the United States census. Now this was meant well, and we feel obliged to the Committee who thought so much of us as this; but had the law passed in that shape, it would have done us no good, because we have no United States census. The people of Marshpee, nor the Selectmen knew nothing of this law to distribute the School fund, and our pretended missionary, Mr. Fish, never interested himself in such matters; but our good friend Mr. Hallett, at Boston, thought of us, and laid our claims before the Committee, by two petitions which he got from the Selectmen and from himself, and the Commissioner. We are told that the chairman of the School Committee, Hon. A.H. Everett, took much interest in getting a liberal allowance for education in Marshpee. He was once before a warm friend to the Cherokees, and his conduct now proved that he was sincere. He presented the petitions and proposed a law which would give us one hundred dollars a year forever, for public Schools in Marshpee, which was the largest sum that had been asked for by our friend Mr. H. A number of gentlemen spoke in favor of this allowance, and all showed that a spirit of kindness as well as justice toward the long oppressed red men, begins to warm the hearts of those who make our laws, and rule over us. We trust we are thankful to God for so turning the hearts of men toward us.

The Bill passed the House and also the Senate, without any objection, and it is now a law of the State of Massachusetts, that the Marshpee Indians shall have one hundred dollars every year, paid out of the School fund, to help them educate their children. Our proportion as a District, according to what other towns receive, would have been but fifteen dollars. By the aid of our friends, and particularly of our counsel, (Mr. H.) who first proposed it, we shall now receive one

hundred dollars a year; and I trust the Indians will best show their gratitude by the pains they will take to send their children to good schools, and by their raising as much more money as they can, to get good instructors; and give the rising generation all the advantages which the children of the whites enjoy in schooling. This will be one of the best means to raise them to an equality, and teach them to put away from their mouths forever, the enemy which the white man, when he wanted to cheat and subdue our race, first got them to put therein, to steal away their brains, well knowing that their lands would follow.

The following are the petitions presented to the Legislature, which will give some light on the history of Marshpee.

To the Honorable General Court:

The undersigned are Selectmen and School Committee of the District of Marshpee. We understand your Honors are going to make a distribution of the School Fund. Now we pray leave to say that the State, as the guardians of the Marshpee Indians, took our property into their possession, so that we could not use a dollar of it, and so held it for sixty years. We could make no contract with a school-master, and during that time, till 1831, we had no school house in Marshpee, and scarcely any schools. We began to have schools about five years ago, but still want means to employ competent white teachers to instruct our children. Our fathers often petitioned the Legislature to give them schools, but none were given till 1831, when the State generously built us two school-houses.

We also beg leave to remind your Honors that our fathers shed their blood for liberty, and we their children have had but little benefit from it. When a continental regiment of four hundred men were raised in Barnstable county, in 1777, twenty-seven Marshpee Indians enlisted for the whole war. They fought through the war, and not one survives. After the war our fathers had sixty widows left on the Plantation, whose husbands had died or been slain. We have but one man living who draws a pension, and not a widow. We pray you, therefore, to allow to Marshpee, out of the School Fund, a larger amount in proportion than is allowed to other towns and districts who have had better means of education, and to allow us a certain sum per year--and as in duty bound, will ever pray.

EZRA ATTAQUIN, : Selectmen and School
ISAAC COOMBS, : Committee of Marshpee
ISRAEL AMOS, : District.

* * * * *

To the Honorable, the Senate and House of Representatives in General Court assembled:

The undersigned beg leave to represent in aid of the petition of the Selectmen and School Committee of the District of Marshpee, praying for a specific appropriation from the School Fund for the support of public schools in said district, that we are acquainted with the facts set forth in said petition, and believe that the cause of education could no where be more promoted in any District in the Commonwealth than by making

a specific annual allowance to said Marshpee District. The Legislature have made a specific annual appropriation of fifty dollars to the Indians on Martha's Vineyard for public schools, and the undersigned are of opinion, that an annual appropriation of double that amount, would be no more than a fair relative proportion for the District of Marshpee. It is highly important that the District should be able to employ competent white teachers, until they can find a sufficient number of good teachers among themselves, which cannot be expected until they have enjoyed greater means of education than heretofore. The undersigned therefore pray that the petition of said Selectmen may be granted, by giving a specific annual allowance to said District.

BENJ. F. HALLETT, Counsel for the Marshpee Indians.
CHARLES MARSTON, Commissioner of Marshpee.

Here it will be seen that the missionary for the Indians on Martha's Vineyard, did not go to sleep over his flock, or run after others and neglect what ought to be his own fold, as did the missionary, Mr. Fish, whom Harvard College sent to the Marshpees, and pays for preaching to white men. Mr. Bayley, the white missionary on the Vineyard, as I understand, took pains to send a petition to Boston, and he got fifty dollars a year for our brethren there, of which we are glad. From all we can judge of Mr. Fish, we should have sooner expected that instead of trying to help our schools, he would opposed our getting any thing for schools, as he also opposed our getting our liberty. He has done nothing for us, about our schools, and even tried to set the Indians against their counsel, Mr. Hallett, by pretending he had lost his influence. When Mr. Fish does as much for our liberty, and for our schools, as Mr. Hallett has done, we will listen to his advice.

Mr. Bayley, the missionary on the Vineyard, we understand has but two hundred dollars a year from Harvard College, while Mr. Fish, at Marshpee, has between four and five hundred, and wrongly uses as his own about five hundred acres of the best land on the plantation belonging to the Indians. The Legislature in 1809, took this land from the Indians, without any right to do so, as we think, and thus compel them, against the Constitution, to pay out of their property a minister they never will hear preach. Is this religious liberty for the Indians? Mr. Fish is now cutting perhaps, 200 cords of wood, justly belonging to the Indians, when there is scarce five who will go and hear him preach in the Meeting-house, erected by the British Society for propagating the gospel among the Indians, and given to the Indians, but in which Mr. Fish now preaches to the whites, (having but one colored male member of his church,[1]) and keeps the key of it, for fear that its lawful owners, the Indians, should go in it, without his leave. He will not let them have it for holding a camp meeting, or for any religious purpose.

Last August we invited Mr. Hallett to come and address us on Temperance, and to explain to us the laws. We appointed to meet at the Meeting-house, as the most central place. Mr. Fish at first refused to let the Indians go into their own Meeting-house, and the people began to assemble under the trees, when it was proposed for the Selectmen to go and ask for the key, that they might see if Mr. Fish would refuse it. At this moment, a white man who had been there some time, and had tried to pick a quarrel with Mr. Hallett and the Indians,[2] said he

was sent by Mr. Fish with the key, and would let the people in, if they would promise to come out when he told them to. Mr. Hallett declined going in on such terms, and proposed to hold the meeting under the trees. This shamed the messenger of Mr. Fish, and he opened the door, and the people went in, where Mr. Hallett addressed them. While the Indians were thus gratified in meeting their friends, and in hearing good advice from Mr. Hallett, on temperance and their affairs, Mr. Fish's messenger interrupted the speaker, in a very abrupt and indecent manner, and tried to bring on a quarrel and break up the meeting. Captain George Lovell, always a friend to the Indians, tried to keep Mr. Crocker still, and Mr. Hallett declined having any controversy, yet the man persisted in his abuse, until he broke up the meeting. Had it been thought best, this insulting ambassador would have been put out of the house as a common brawler and disturber; but Mr. Hallett forbore to have any controversy with him. He afterwards met the Indians in their School-houses, and delivered two addresses without interruption from the emissaries of Mr. Fish. This is a sample of the way the Indians have been treated about their own Meeting-house. In some of the old petitions, the Indians speak of this Meeting-house as our Meeting-house, and it was built for them, without a dollar from the white men of this country, except when the Legislature, at the petition of the Indians, repaired it in 1816. And now, no Indian can go inside of it, but by the permission of Mr. Fish, whom they will not hear preach.

It seems that the Indians are not to have the benefit of any thing given to them. It must all go to the whites. The whites have our Meeting-house, and make Marshpee pay about one-third the support of a minister they will not hear preach. The other two-thirds comes from a fund. In 1711, a pious man named Williams, died in England, and in his will he said, "I give the remainder of my estate to be paid yearly to the College of Cambridge, in New England, or to such as are usually employed to manage the blessed work of converting the poor Indians there, to promote which, I design this part of my gift."

This was the trust of a dying man, given to Harvard College, that great and honorable Literary Institution. And how do they fulfil the solemn trust? They have been and still are paying about five hundred dollars a year to a missionary for preaching to the whites. This missionary, by his own statement, [see Mr. Hallett's argument,] shows he has added to his church twenty members from the tribe of over three hundred persons, in twenty-two years. Is not this more expensive in proportion to the good done, than any heathen mission on record? Mr. Fish has now been preaching in Marshpee twenty-four years. In that time he has received from the Williams fund, given solely to convert the poor Indians, about five hundred dollars a year, as high as can be ascertained, which is TWELVE THOUSAND DOLLARS for persuading twenty colored persons to join his church. This is six hundred dollars for every member added to his church, and if his other pay is added, it amounts to nine hundred dollars for each member.

Besides this, Mr. Fish has derived an income, we think not much, if any, short of two hundred and fifty dollars a year, from the wood-land, pasturage, marshes, Meeting-house, house lot, &c. which he has wrongfully held and used of the property of the Indians. Add this to his pay from Harvard College, and he has had EIGHTEEN THOUSAND DOLLARS, of money that belonged to the Indians, and which, if it had been laid up for a fund, would have supplied missionaries for all the Indians in New England, according to the will of the pious Mr.

Williams. We respect the President and Trustees of Harvard College. They are honorable men and mean to do right, but I ask them to look at this statement, then to read the will of Mr. Williams, and laying their hands upon their heart, to ask in the presence of the God of the Indian as well as the white man, whether they have done unto the Indians of New England and their children, as they would that the Indians should do unto them and their children? We are told that we might bring a suit in equity, or in some way, to compel the Trustees of the Williams fund, to distribute it as the pious donor meant, not for the conversion of the whites, even to the taking away from the Indians of their Meeting-house and lands, but for "the blessed work of converting the poor Indians," as Mr. Williams says in his will.

But it is hard for Indians to contend in the courts of white men, against white men. We can have none of our people to decide such questions, and what could we do against all the power and influence of the Corporation of Harvard College? If the President and Fellows of Harvard College prefer to deal unjustly by the poor Indians, and violate the trust of Mr. Williams, by giving the funds to the whites instead of the poor Indians, they must submit to the wrong, we suppose, for there are none strong enough to help them. They can take the money from the Indians, but cannot compel them to hear a preacher they dislike.

Some people may say that William Apes wants to get what Mr. Fish has, but all he asks is, that Harvard College and the State will not support an _established religion_ in Marshpee, but leave the Indians free to choose for themselves. Mr. Williams did not give his property to the Marshpee Indians, more than to any others. It was designed for all the Indians in New England, and we cannot see what right Harvard College has to give it all for the whites near Marshpee and the Indians on Martha's Vineyard. If they are afraid that blind Joseph or William Apes, the Indian preachers, should have any of this money, if it is withdrawn from Mr. Fish, let them take it, and send a missionary among the Marshpee Indians they like. Or let them employ a man, some Elliot, if they can find one, to visit all the Indians in New England, to find out their condition and spiritual wants, and try to relieve them. This would be doing some good with money that is now only used to disturb the Indians, to take from them their Meeting-house, to create divisions among them, and turn what the pious Williams meant for a blessing into a curse to the Indians. What would the pious Williams say to Harvard College, could he visit Marshpee on a Sabbath? He might go to the Meeting-House built for the Indians, by the society in England, of which I believe he was a principal member. He would find a white man in the pulpit, white singers leading the worship, and the body of the church occupied by seventy or a hundred white persons, of the neighboring villages, scarcely one of whom lives on the plantation. Among these he would see four, five, six, or possibly ten persons with colored skins; not but one male among them, belonging to the church. He would probably think he had made a mistake, and that he was in a white town, and not among the Indians. He might then go to the house of blind Joseph, (the colored Baptist preacher,) or to the School-house in Marshpee, and he would there find twenty, thirty, or forty Indians, all engaged in the solemn worship of God, united and happy, with a little church, growing in grace. He might then visit the other School-house, at the neck, where he would find William Apes, an Indian, preaching to fifty, sixty, or seventy, and sometimes an hundred Indians, all uniting in fervent devotion. After the sermon, he would hear a word of exhortation from several of the colored brethren

and sisters, in their broken way, but which often touches the heart of the Indian, more than all the learning that Harvard College can bestow. He would hear the Indians singing praises to God, and making melody in their hearts if not in their voices. What would he say then, when told that Harvard College had paid twelve thousand dollars of his funds for converting the poor Indians, to the white minister, who had made twenty members in twenty-four years, while the two Indian preachers, with forty-seven members to their churches, added in three years, were like St. Paul, laboring with their own hands for a subsistence?

All the Indians ask of Harvard is, take away your pretended gift. Do not force upon us a minister we do not like, and who creates divisions among us. Let us have our Meeting-house and our land, and we will be content to worship God without the help of the white man.

This Meeting-house might as well be in India as in Marshpee, for all the benefit the Indians have of it. It is kept locked all the time, with the key in Mr. Fish's possession. It is seen that he would not let the Baptist church of Indians have it to ordain their beloved pastor, blind Joseph in, and we see how it was granted to the Indians, when they wanted it for Mr. Hallett to address them last summer. Not only were we forbidden the use of the Meeting-house, but even the land which the Legislature unconstitutionally as we think, took from the Indians to give to Mr. Fish, is considered by him too holy to be defiled by the Indians, who are its true owners.

Last summer, sometime in July, my church desired to have a Camp-meeting, of which we had had one before, attended, as we believe, with a great blessing. We selected a spot some distance from the Meeting-house, in a grove, beside the river; but though not in sight of the Meeting-house, it was on the ground which Mr. Fish thinks has been set apart for his sole use. After the notice was given of the Camp-meeting, I received from Mr. Fish the following note, which is here recorded, as an evidence of the Christian spirit with which a church in Marshpee consisting of thirty-five members, who were Indians, was treated and molested in their worship, by the missionary Harvard College has paid so liberally to "convert the poor Indians," and who had but five Indians in his church, not one being a male member.

MARSHPEE, JULY 19, 1834.

Mr. WM. APES,

Sir,--Perceiving by a notice in the "Barnstable Journal," of last week, that you have appointed a Camp-meeting, to commence on the 30th inst. and to be holden on the Parsonage, and in the vicinity of the Meeting-house,

This is to forbid the proceeding altogether!

You have no pretence for such a measure; and if you persist in your purpose to hold such Meeting, either near the _Meeting-house_, or on _any part of the Parsonage allotment_, you must consider yourself _responsible for the consequences_.

I am &c.

PHINEAS FISH.

Rev. WILLIAM APES.

Soon after this, the Selectmen, one of whom was a member of my church, applied to Mr. Fish respecting holding the Camp-meeting on the parsonage. The place selected could not have disturbed Mr. Fish, any more than people passing in carriages in the main road. We had no Meeting-house, our School-houses would not hold the people, and we had no other means but to erect our tents and worship God in the open air. A pious family of whites from Nantucket, came on the ground, and began erecting their tent. Mr. Fish came there in person and ordered them off. The man told him that he had his family there, and had no other shelter for the night but his tent, which he should not remove, but would do so the next day, if he found that he was trespassing on any man's rights. But he added, if Mr. Fish turned him off, he would publish his conduct to the world. Mr. Fish's interference to break up our religious meeting, created much talk, and finally he wrote the following letter to the Selectmen; after which we went on and had our meeting, in a quiet, orderly and peaceful manner, and we believe it was a season of grace, in which the Lord blessed us.

To the Selectmen of Marshpee.

On mature thought, and in compliance with your particular request, I consent to your holding the Camp-meeting, which is this day commenced, on the spot near the river, where the first tent was erected. I consent, (I say,) on the following conditions, viz: That you undertake that no damage come upon the parsonage property, either wood land, or Meeting-house; that no attempt be made to occupy the Meeting-house; that there be no attempt on the Sabbath, or any other day, to interrupt the customary worship at the Meeting-house, and, _that peace, order, and quietude_ be maintained during the time of the Camp-meeting. It is also distinctly understood, that this license is of _special favor_, and _not conceded as your right_, and no way to be taken as a ground for similar requests in future, or for encouraging any future acts of annoyance, vexation, or infringement of the quiet possession of the privileges, secured to me by the _Laws_. And that should any damage be done in any way as aforesaid, you will consider yourselves responsible to the proper authorities.

With my best wishes for your welfare, your friend,

PHINEAS FISH.

Marshpee, July 30, 1834.

The reader may now ask, how came Mr. Fish in possession of this property, which he claims to hold by the Laws? I am at liberty to publish here, the following views of the law and the facts in the case, drawn up by legal counsel whom the Selectmen have consulted. And here I take my leave.

OPINION AS TO THE TITLE REV. PHINEAS FISH HAS TO THE PARSONAGE, SO CALLED, IN MARSHPEE.

The first act of the General Court which interfered with the right of the Indians to sell their own lands, all of which they owned in common in Marshpee Plantation, (including what is now called the parsonage,) was in 1650, which provides that no person shall buy land of any Indian without license of the General Court. In 1665, this was extended to grants for term of years. In 1693, the Indians were put under guardianship.

In 1701, an Act was passed specially to protect the Indians in the enjoyment of their lands. [Col. Laws, page 150,] It also shows why the restriction in the sale of their lands was adopted.

"Whereas, the government of the late Colonies of the Massachusetts Bay and New Plymouth, to the intent the native Indians might not be injured or defeated of their just rights and possessions, or be imposed on and abused in selling and disposing of their lands, and thereby deprive themselves of such places as were suitable for their settlement", did inhibit the purchase of land without consent of the General Court, notwithstanding which, sundry persons have made purchases, &c.; therefore, all such purchases of lands were vacated, with the exception of towns, or persons who had obtained lands from the Indians, and also by virtue of a grant or title made or derived by or from the General Court. All leases of land from Indians for any term or terms of years to be void, unless license was obtained for such lease from the County Court of Sessions. Provided, nevertheless, that nothing in this act shall be held or deemed in any wise to hinder, defeat or make void any bargain, sale or lease of land, made by an Indian to another Indian or Indians.

1718. This is the first act which took from the Indians their civil capacity to make contracts. It says, "whereas, notwithstanding the care taken and provided (by the former act,) a great wrong and injury happens to said Indians, natives of this country, by reason of their being drawn in by small gifts, or small debts, when they are in drink, and out of capacity to trade, to sign unreasonable bills or bonds for debts which are soon sued, and great charge brought upon them, when they have no way to pay the same, but by servitude"; therefore no contract whatever shall be recovered against any Indian native, unless entered into before two Justices of the Peace in the County, both to be present when the contract is executed by the Indian.

The act of 1725, recognizes the rights of Indians to employ persons to build houses on their own lands. Their own lands then were the commons, including the parsonage.

In 1763, Marshpee was incorporated as a District, including the land now called the parsonage. "Be it enacted, &c. that all the lands belonging to the Indians and mulattos in Mashpee be erected into a district, by the name of Mashpee." The Proprietors are empowered to meet "IN THE PUBLIC MEETING HOUSE," [the one now claimed by Mr. Fish,]

to elect a Moderator, five Overseers, two to be Englishmen, a town Clerk and Treasurer, being Englishmen, two Wardens, and one or more Constables. The majority of the Overseers had the sole power to regulate the fishery, to lease such lands and fisheries as are held in common, not exceeding for two years, and to allot to the Indians their upland and meadows. This act was to continue for three years and no longer. It does not appear ever to have been revived. The revolutionary war intervened, and there is no act after 1766, until the act of 1788, after the revolutionary war, which last act put the Indians and their lands under strict guardianship.

In this interval between 1766 and 1788, the only transaction on which Mr. Fish can found any claim to the parsonage look place. There was then either no law existing, which could empower any person to sequester and set apart the lands of the Indians, or the law of 1693, (if that of 1763 had expired,) was revived, by which the guardianship again attached to the Indians. The Indians, it is believed, continued to choose their own Overseers, under the charter of 1763, after it had expired, and without any authority to do so. It was the only government they had during the troubles of the revolution.

We now come to the first evidence of any thing relating to the parsonage land being set apart from the common land. This was in 1783, and the following is the Deed from the Records of Barnstable County, and the only deed relating to this property.

DEED OF MARSHPEE PARSONAGE.

Know all Men by these Presents, That we, Lot Nye, Matthias Amos, Moses Pognet, Selectmen, and Israel Halfday, Joseph Amos and Eben Dives, of the district of Marshpee, for the support of the Gospel in said Marshpee in all future generations, according to the discipline and worship of the Church in this place, which is Congregational, do allot, lay out,

and sequester forever, a certain tract of land, being four hundred acres more or less, lying within the Plantation of Marshpee, and being Indian property, which is to lay as a parsonage forever and to be improved and used for the sole purpose aforesaid; and the said tract or parcel of land for the said Parsonage, is situated on the East side of Marshpee river, and bounded as follows, viz: Beginning at a certain spring of fresh water which issues from the head a small lagoon on the East side of Marshpee river aforesaid, and runs into said river a small distance below, and South of the spot where negro Scipio and his wife Jemimai had their house, which is now removed, and from thence running due East into the land until it comes to the great road which leads into Marshpee Neck, so called, and from thence Northwardly bearing Eastward as the said road runs, until it comes to the great road, which is the common road from Barnstable to Falmouth, and then bounded by the last mentioned road Northwardly, and running Westwardly until it comes to Ashir's road, then crossing Falmouth road and running in Ashir's path till it comes to Marshpee river aforesaid, and then upon the said river Southwardly, and on the East side, until it comes to the first station, leaving Quokin, and Phillis his wife, quiet in their possessions; which tract of land, (except Mary Richards'

fields and plantation,) which is within the said boundaries, and wood for Mary's own use, and fencing stuff for her fences as they now stand, with all the appurtenances and privileges thereunto belonging, shall be forever for the important purpose of propagating the Gospel in Marshpee, without any let, hindrance or molestation. In confirmation whereof, we have hereunto set our hands and seals, this seventh day of January, one thousand seven hundred and eighty-three. 1783.

LOT NYE,
MATTHIAS X[Note: sideways X] AMOS, his mark.
MOSES X[Note: sideways X] POGNET, "

N.B. Before the insealing the premises, reserve was made by the signers of this instrument, for the heirs of Mary Richards, that they forever be allowed her in her life time, and Abraham Natumpum and his heirs, be allowed severally to enjoy and possess Scipio's cleared spot of land, and fencing stuff for the same.

ISRAEL X[Note: sideways X] HALFDAY, his mark.
JOSEPH X[Note: sideways X] AMOS, "
EBEN X[Note: sideways X] DIVES, "

In possession of: Gideon Hawley
: Simon Fish.

Received November 10, 1800, and is recorded in the 25th Book of Records, for the County of Barnstable, folio 139, and compared.

Attest, EBENEZER BACON, _Register_.

Lot Nye was a white man, a great Indian speculator. The other five were Indians, two calling themselves Selectmen. Now what power had these men in 1783, to sequester four hundred acres of the common land of the Indians, for any purpose? If they were Selectmen, and had any power, that power was expressly limited by the act of 1763, to leasing lands for a term not exceeding two years. Here they undertook to make a perpetual grant, a sort of dedication of the property to a certain purpose. If they could dispose of one acre so, they might with equal propriety, have disposed of the whole Plantation. The Indians were all tenants in common, and no dedication or transfer of the common land could be made, without a legal partition, or the consent of every individual tenant. If the pretended Selectmen acted for the Indians, they could only do so by power of attorney to act for all the tenants in common. There is no other possible legal way, by which land, the fee of which is owned by tenants in common, can be transferred, either in fee or in occupancy out of their possession forever. But besides, no act of the Indians was then valid unless confirmed by the General Court. This deed, therefore, of 1783, was void at the time. It seems nothing was done with it, until 1800, _seventeen years_ after, when it was recorded in the Barnstable County Registry of Deeds, at whose instigation does not appear. Now in 1800, when this deed was recorded, the Indians were legally minors, and could do no act, and make no contract. All the power their Selectmen had in 1783, was taken away. They were under five Overseers, who had power to improve and _lease_ the lands of the Indians and their tenements, but no power to sell,

sequester or dedicate any part of them. The Overseers had no power to take a dollar from the Indians, for religious worship. While this was the condition of the Indians under the law of 1789, (which continued in full force, with an additional act in 1819, till the new law of 1834,) the deed was recorded, in 1800, _seventeen years_ after it was made by persons who had no power at all to make such a deed. The professed object was to set apart 400 acres, of the common land, lying in Marshpee, "_and being Indian__property_", for a parsonage, forever. The clear title then was in the Indians as tenants in common, for the deed so declares it, in 1783. The parsonage was their property then. How has it ever been conveyed out of their hands? The purpose for which this land was to be used, as sequestered by Lot Nye, &c. was for the sole purpose aforesaid, viz. "For the support of the Gospel in Marshpee in all future generations, according to the discipline and worship of the Church in this place, which is Congregational." And this property, says the deed, "shall be forever for the important purpose of propagating the gospel in Marshpee, without any let, hindrance or molestation."

This, then was the design of the original signers of this deed, who had no right to sign such a deed at all. Their object was to promote the gospel in Marshpee, but how has it turned out? The property has been used for twenty-four years, to pay a minister who preaches to the whites, and whom the Indians with very few exceptions, will not hear. Is not this a gross perversion of the design of the donors, even if they had any power to have made this grant? No lawyer will pretend that the grant was not void, under this deed alone. There was no grantee, no legal consideration, and no power to convey. The deed remained on record, until 1809, when the following act was passed by the Legislature, attempting to confirm a deed made 26 years before, by men who had no power to make such deed.

COMMONWEALTH OF MASSACHUSETTS,

House of Representatives, June 15, 1809.

On the representation of the Overseers of the Indian Plantation of Marshpee, in the County of Barnstable, stating in behalf of said Indians, that it would be conducive to their interests, that a certain grant and allotment of lands therein described, _formerly owned by said Indians_, for the support of the gospel ministry among them, should be confirmed and rendered valid.

Resolved, That a certain grant or allotment of land made by Lot Nye, Matthias Amos, Moses Pognet, Isaac Halfday, Joseph Amos, and Eben Dives, of the District of Marshpee, in the County of Barnstable, as appears by their deed by them, and by them signed, sealed and executed, on the seventh day of January, one thousand seven hundred and eighty-three, and recorded in the Registry of Deeds, in and for said County of Barnstable, in the fifty-fifth book thereof, and 139th folio of said book, said land being 400 acres more or less, according to said deed, be and the same hereby is confirmed and rendered valid to all intents and purposes by them in their said deed expressed, and the said tract of land shall be and remain forever as a parsonage, for the use and benefit of a Congregational gospel minister, as expressed and declared in

their said deed. Sent up for concurrence.

TIMOTHY BIGELOW, Speaker.

In Senate, June 19, 1809,

Read and concurred.

H.G. OTIS, President. Approved, C. GORE.

June 19, 1809,
[True Copy.]

Now, if the deed was not valid in 1783, without the concurrent action of the General Court, it could not be made valid by an act of the General Court 26 years afterwards. Besides, the land had been in possession of the Indians, by virtue of their title, more than twenty years, after the making of the pretended deed. The power of the grantors, if they ever had any power, had long expired, and Marshpee was governed by new laws. We might as well hold that an act passed by the House of Representatives in 1783, could be made valid by a concurrence of the Senate, in 1809.

It is plain, therefore, that unless the General Court had power without the consent of the Indians, to sequester this land in 1809, the setting of it apart from the common land, is wholly void, and an act of mere arbitrary power. But the general Court never assumed the power to convey any land for any purpose, belonging to the Indians without their consent. Where and how was their consent given to this act of 1809? They were minors in law, and could give no such consent. Their Overseers could give none for them, for their power only extended to allotting laws to the Indians, and leasing them. The pretence, therefore, that this was done at the request of the Overseers, gives no strength to the act.

Let another fact be remarked. The original sequestration in 1783, was to promote the gospel in Marshpee. The General Court profess to confirm and render valid the deed of Lot Nye and others, but they say that this four hundred acres "shall remain forever as a parsonage for the use and benefit of a Congregational gospel minister, as expressed in their said deed."

Now no such thing is expressed in their deed. There is not a word about a Congregational minister; only "for the support of the gospel, according to the discipline and worship of the church in this place, which is Congregational."

The General Court, therefore, gave a construction to the deed, which the deed never warranted. The whole proceeding must be illegal and void. The fee still remains in the Indians, and no power existed to take it from them without their whole consent as tenants in common, which they have never given, and could not give, because they were in law minors. Mr. Fish was sent to Marshpee as a minister, and ordained in 1811. The Indians, as a society, never invited him to come, or settled him. They never gave him possession of the land or Meeting-house. They were then minors in law, and could give no consent. The white Overseers and Harvard College, were the only powers that undertook to give Mr. Fish possession of the property of the Indians. It is true, he has held it twenty years, but the statute

of quiet possession does not run against minors. The Indians were declared minors, and could bring no action in court.

This is the true history of the parsonage and Meeting-house now wrongfully held by Mr. Fish. Have not the Indians a right to their own property? Has the Legislature and Harvard College, a right to establish a religion by law in Marshpee, and take the property of the Indians to support a minister they will not hear? Where did the General-Court get any power to give away the property of the Indians, any more than the lands of white men, held in common? They cannot take the property of the Indians to support a private individual. Was it then a public use? But the Constitution says "no part of the property of any individual, can with justice be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people, and whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor." Apply this to the act of the General Court, by which Mr. Fish holds four hundred acres of the common lands of the Indians, against their consent, and for which they never received a dollar, and answer. Is not the Constitution violated, every day he is suffered to remain on the plantation, against their consent, subsisting on the property of the poor Indians, not to benefit them, but to preach to the whites?

Look at this subject also, in connexion with religious freedom. The old article of the Constitution, gave the Legislature power to require the towns to provide for public worship at their own expense, where they neglected to make such provisions themselves; but it also provided that the towns, &c. "shall at all times have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance."

This right the Indians have never had in regard to Mr. Fish, nor did they neglect to support worship, and if they did, the Legislature had no power to take their property and set it apart, but might impose a tax or a fine.

But what says the amended article on this subject of religious freedom? "The several religious societies of this Commonwealth, (the Indian as well as the white man,) whether corporate or unincorporate, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for the erecting and repairing houses of public worship, for the maintenance of religious instruction, and all religious sects and denominations, demeaning themselves peaceably, and as good citizens, shall be equally under the protection of the law."

Are the Indians at Marshpee, protected in the same manner the whites are, in their religious freedom? The Indians think not, and with good reason; and yet they cannot get redress. They have warned Mr. Fish to leave their property; they have dismissed him as their minister, if he ever were such, and have forbidden his using their Meeting-house, or carrying off their wood. But he persists in holding and using their property, as they say wrongfully, and even prohibits their having a religious meeting in the woods, without his consent. He is, it is stated, at this time employing men to cut and cart wood off the plantation, for his support, and it is supposed he will thus take of the property really belonging to the Indians, about two hundred cords of wood the present year.

Now if this land belongs in common to the Marshpee Indians, as they contend it does, Mr. Fish and the white men he employs, (and it is understood he employs no others,) violate the law of 1834, and are liable to indictment. That law says, "that no person other than proprietors or inhabitants of said District, shall ever cut wood [upon the common lands,] or transport the same therefrom. And every person offending against this provision, shall be liable to indictment therefor, and upon conviction, shall pay a fine of not less than fifty, nor more than one hundred dollars, to the use of said District." In this mode, by indicting the white men employed by Mr. Fish, to cut and carry off wood, the question could be tried, which is simply whether the fee of the parsonage is in the Indians, or whether it is in Mr. Fish, who never had any deed of it in any way. The parsonage was common land in 1783. Has it been legally changed since in its title, is the question. But even in this matter, as we are informed, the courts of justice which are open to white men, are closed to the poor Indians. At the last session of the court in Barnstable, the Selectmen of Marshpee complained against the white men employed by Mr. Fish, for cutting wood on their common lands. The District Attorney on ascertaining that the wood was taken from the parsonage, so called, undertook to decide the whole question, before it went to the court, as it is stated to us, and without any examination as to Mr. Fish's title, refused to act upon the complaint. Had the indictment been found, the question could have gone to the Supreme Court, and been there settled. The Indians now must either submit to be wronged until some prosecuting officer will hear their complaints, or they must apply for an injunction, to stop Mr. Fish cutting any more of their wood. These are believed to be substantially the facts and the law, in this case. They are left with a candid public to consider, and to form their opinion on, if they cannot be shown to be unfounded.

It should be understood that the Committee who reported the act of 1834, giving the new law to the Indians, did not decide any question touching the parsonage. They treated all the plantation as lands owned in common. It has been said that the Chairman of the Committee, Mr. Barton, had given an opinion that Mr. Fish was entitled to hold the property. This is incorrect. To obviate such an impression, Mr. Hallett, the counsel for the Indians, wrote to Mr. Barton, and received the following reply, which will fully explain the position in which the question was left by the Legislature. In the views expressed by Mr. Barton, Mr. Hallett fully concurs. Too much praise cannot be given to Mr. Barton for the zeal, patience and ability with which he discharged the duties of Chairman of the Committee.

WORCESTER, JULY 1, 1834.

DEAR SIR,

I last evening received your favor of the 28th ult. The Committee of the Legislature, who had in charge the Marshpee business, intentionally avoided expressing any opinion in regard to the tenure by which Mr. Fish held the parsonage. In our report we merely adverted to the facts, that in 1783, Lot Nye, and several Indians granted 400 acres of the common land, "to be forever for the important purpose of propagating the Gospel in Marshpee." There were no grantees named in the deed. In 1809, the General Court confirmed

this grant of a parsonage, "to be held forever for a Congregational Gospel Minister." We found Mr. Fish in possession of the parsonage, _as such a minister_. But whether by virtue of said grant, and his settlement at Marshpee he could hold the parsonage, _as a sole corporation_, we regarded it as a question of purely a judicial character, and one with which it was "not _expedient_," and might we not have added _proper_, "for the Legislature to interfere." If Mr. Fish has rights under these grants, and by virtue of his settlement, I know you will agree with me, that the Legislature can do nothing to divest him of them. And if he had no such right, we were not disposed to create them. I am entirely satisfied with the course which the Committee took in relation to the parsonage; and the circumstance that questions are now agitated in relation to it, show that in one particular, at least, the Committee acted judiciously. We left the parsonage precisely as we found it; leaving to another branch of the government the appropriate responsibility of settling all questions growing out of the grant of 1783, the confirmation of 1809, and the settlement of Mr. Fish. Could we by legislation settle those questions, it might have been our duty to do so, for the sake of the harmony of the District. But it seems to me that any such attempt would have had a tendency to create new difficulties, rather than to diminish old ones.

A word in regard to my advice to Mr. Fish. I received a letter from Mr. Fish some time since, in which he expressed some apprehensions that an attempt would be made by the natives to take possession of the Meeting-house, parsonage, &c. His letter enclosed rather a singular communication, signed by the Selectmen of Marshpee. I did not keep a copy of my answer to Mr. Fish, but recollect distinctly the substance of it. I alluded to the authority of the Legislature in the premises as I have above. That they intended to leave the parsonage as they found it, without undertaking to limit or modify the effect of former acts. That the appropriate mode for the natives to ascertain their rights to, or to obtain possession of, the parsonage, &c. was by resorting to the courts. That any forcible attempt by single individuals to obtain possession of the Meeting-house, &c. would be a trespass; that if numbers combined for that purpose, it would constitute a riot. I take it I hazarded no professional reputation by giving these opinions. For you very well know, that they would be correct, Mr. Fish being in peaceable possession of the premises, whether he were so by seisin or disseisin, by right or by wrong. I hope, my dear sir, that our experiment in regard to the affairs of our Marshpee friends may yet succeed. If not, I think we may console ourselves as one of old did: that if Rome must fall, we are innocent.

I am, very respectfully yours,
J. BARTON.

The Legislature having thus left the question, to be decided by the Courts, if Mr. Fish insists on holding the parsonage, the inquiry must arise on legal principles, how was Mr. Fish settled in Marshpee, and by what right does he, as a sole corporation, or otherwise, hold the parsonage, as an allotment set apart forever for the support of a Congregational minister, in Marshpee? Harvard College in which he was then, or had been a tutor, sent him there as a missionary under the Williams fund. The Legislature took no part whatever in the

settlement. The Overseers permitted him to take possession of the Meeting-house and the parsonage land, so called, and it is understood that they consented he should cut the annual growth of the wood off the parsonage. But even admitting that the Overseers could so dispose of the property of the Indians, for promoting a particular religious worship in Marshpee, (which is explicitly denied,) could they convey any thing to Mr. Fish beyond the period of their own existence? By the law establishing the Overseers, they had no power beyond leasing land for two years. How then, could the Overseers grant for life to Mr. Fish the improvement of the parsonage and Meeting-house? They might have given it to him from year to year, while they were in office, but on the abolition of the Overseers, in 1834, and a restoration of civil rights to the owners of the fee of the parsonage, the Marshpee Proprietors, how could Mr. Fish continue to hold the parsonage against their will? Was it by virtue of his settlement, so that he now claims the land as a sole corporation? But a minister cannot be settled or constituted a sole corporation, without a parish to settle him. "A minister of a parish seized of lands in its right as parsonage lands, is a sole corporation, and on a vacancy, the parish is entitled to the profits;" 2d Dane's Abrg. 342. 7 Mass. Rep. 445. Mr. Fish is not seized of a parsonage in right of any parish or religious society, and therefore he cannot be a sole corporation. In point of fact, there was no legal parish in Marshpee, when Mr. Fish went there and took possession, under the Overseers, and not in right of the parish. A parish or precinct as the law then was, must be a corporation entitled and required to support public worship, and having all the powers and privileges necessary for that purpose. (See 8th Mass. Rep. 91.) And where there has been no parish as such created in a town, the town itself will be considered a parish. (15 Mass. Rep. 296.) Marshpee was not a town. The Marshpee Indians were minors in law, and there was no legal parish to settle a minister, or to hold a parsonage, and no one to make contracts as such. Harvard College had no power to settle a minister in Marshpee, nor had the Overseers any such power. Their supervision was temporal and not ecclesiastical. Besides, the actual Congregational society which subsisted in Marshpee, when Mr. Fish was sent there, in 1811, was composed of a majority of whites. Mr. Fish himself testified before the Committee, that the church at Marshpee, in 1811, consisted of sixteen whites and but five colored persons. The church members were a majority of whites, so that even had the church voted to settle Mr. Fish, it would have been a vote of white men having no interest in the premises, and not of Indian Proprietors. Mr. Fish admits that the church passed no vote. It was asserted by one of the old Overseers, Mr. Hawley, that five Indians called on him, after Mr. Fish had preached there, and personally expressed a wish to have him stay with them, but there was no official act, and no vote of the church or society, and no assent of the Proprietors of Marshpee in any form.

Who were the Congregational church, and who the society in Marshpee, in 1811? A regularly gathered Congregational church, is composed of several persons associated by covenant or agreement of church fellowship, (9th Mass. 277.) and a church cannot exist for any legal purposes, except as connected with a congregation or some regularly constituted religious society. (16 Mass. 488.) Where there are no special powers given to the church by the Legislature, the church cannot contract with or settle a minister, but that power resides wholly in the parish, of which the members of the church, who are inhabitants, are a part. (9 Mass. Reports, 277. Burr vs. First Parish in Sandwich.)

We have seen that there was no legal parish in Marshpee, in 1811, and therefore the Congregational church, if there were such then, had no power to settle Mr. Fish, even had they done so, which they did not. A parish may elect a public teacher, and contract to support him, without the consent of the church, if he be ordained by a council invited by the parish; but in Mr. Fish's case, he was ordained by the request and under the direction of the President and Corporation of Harvard College, the Trustees of the Williams fund, with the assent of the Overseers. There is then no ground whatever for assuming that Mr. Fish ever was settled legally over a Congregational parish in Marshpee, so as to establish him a sole corporation, to hold the lands belonging to the Proprietors of Marshpee, under the dedication deed of 1783. If that deed and the subsequent act of 1809, conveyed any thing, the conveyance was for the use of the inhabitants as a parsonage, there being no parish in Marshpee, distinct from the Plantation. In such case, it would be held to be a grant to Marshpee, (that is the town,) for the use of its ministers, (14 Mass. 333.) The grant, therefore, could it be regarded as such, was to the whole Proprietors of Marshpee, and they must first settle a minister before he could claim the use of the grant as a minister of the parish.

Neither has Mr. Fish, even if he had been legally settled, any just right, under the deed of 1783, to take the whole parsonage, because that deed states the principal object of the sequestration of the land to be, for the important purpose of promoting the gospel in Marshpee, and merely referred to the only worship then known there, which was Congregational. When Mr. Fish went there in 1811, there was a Baptist church, and they objected to his taking possession of the parsonage.

There is a case in point in the 13th Mass. Rep. 190, which decides, that where the original Proprietors of a township appropriated a lot of land for a parsonage, and at the same time voted that they would endeavor that a Congregational minister should be settled in the township, such vote ought not to be construed to limit the benefit of the parsonage to a minister of the Congregational order, and that if the inhabitants of the parish should become Christians of any other Protestant sect, they would be entitled to the land, and that a Congregational society, incorporated as a full parish would have no right to the parsonage. Neither can a parish convey a parsonage to a minister to be held by him in his personal right. By this decision, the Baptist or Methodist church in Marshpee have as good claim to the parsonage as Mr. Fish has.

The dedication, or whatever it may be called, of Marshpee parsonage, was made by Lot Nye, &c. in 1783, and confirmed in 1809, by the General Court. Mr. Fish did not become a minister in Marshpee, until 1811. Whoever settled him there, for the Indians did not, made no stipulation as to the income of the parsonage, which could bind the Plantation. The society only, could make such stipulation, and they did not act in the premises. The Overseers could make no stipulation either to bind the parish or the proprietors, because their power only extended to giving a lease of land not exceeding two years. In the case of Thompson vs. the Catholic-Congregational Society in Rehoboth, (5th Pickering, 469,) it was settled that where there was a ministerial fund in a parish, and the society settled a minister stipulating to pay him a salary, without taking any notice of the income of the fund, he must be considered as accepting the salary as a full compensation, and the society are entitled to the fund. Harvard

College settled Mr. Fish in Marshpee, and agreed to pay him about five hundred dollars, or two-thirds the proceeds of the Williams fund. The society to which Mr. Fish was sent to preach, took no notice of the parsonage, nor did the Proprietors of Marshpee, hence Mr. Fish cannot hold the proceeds of the parsonage by right of succession, or by stipulation, either from the society or the Marshpee Proprietors, and therefore the Proprietors of Marshpee are entitled to the parsonage.

There is one other consideration that might legally deprive Mr. Fish of his rights in the parsonage, even if he acquired any by the transaction in 1811, which is denied. When he went to Marshpee, and first preached there, he was of the Unitarian faith, and so continued some time. Subsequently, (and most undoubtedly from high conscientious motives,) he became Orthodox in his creed, and has remained so ever since. [This fact has been named by the President of Harvard College, as one reason why the Williams fund has continued to be diverted from its proper use; the delicacy Harvard College felt at dismissing Mr. Fish, lest it should be ascribed to persecution, for his change of sentiments from Unitarian to Orthodox.]

But if Mr. Fish claims to hold the parsonage by the "_laws_" he must be governed by the decision of the Court in the celebrated case of Burr, vs. the first parish in Sandwich. Mr. Burr was settled an Unitarian, and became Orthodox, and this the Supreme Court decided was just cause for the parish to dismiss him. Chief Justice Parsons, said in that case, that "according to the almost immemorial usage of Congregational churches, before the parish settle a minister, he preaches with them as a candidate for settlement, with the intent of declaring his religious faith, and if he is afterwards settled, it is understood that the greater part of the parish and church agree in his religious sentiments and opinions. If afterwards the minister adopts a new system of divinity, the parish retaining their former religious belief, so that the minister would not have been settled on his present system, in our opinion the parish have good cause to complain." On this ground the Court decided that Mr. Burr had forfeited his settlement.

The principle is the same applied to the relation Mr. Fish holds to the Marshpee Indians. He was placed over them by others, and the Indians are now compelled either to lose all the benefits of their own parsonage, or to hear a man in whose doctrines they do not believe, and whom they cannot consent to take as their spiritual teacher.

Upon a full investigation into this branch of the inquiry, there seems to be no legal or equitable ground, on which Mr. Fish can claim to hold the parsonage and Meeting-house against the Proprietors, and he must therefore, be regarded as a trespasser, liable to be ejected, and the men he employs to cut and cart wood from the plantation, are liable to indictment under the new law of 1834.

The invalidity of title, is however, a still stronger ground against Mr. Fish's right of adverse occupancy, which he now holds, and a case in principle precisely like this, has been decided by the Supreme Court of Massachusetts. It occurred in 1798, before there was a reporter of the Supreme Court. Hon John Davis, United States District Judge, was counsel for the Indians, and Samuel Dexter, for the defendant. It was tried on a demurrer, before the Supreme Court in Barnstable, upon an action of ejectment, Proprietors of Marshpee, vs. Ebenezer Crocker. Judge Paine delivered the opinion of the Court in

favor of the Indians. Judge Benjamin Whitman of Boston, was also, we believe, concerned in the cause. The substance of the case, as stated by Judge Davis and Judge Whitman, was thus:

Ebenezer Crocker of Cotuet, had furnished an Indian woman, (known as the Indian Queen,) with supplies for many years. She occupied and claimed in severalty as her own, a valuable tract of about 200 acres of land on the Marshpee Plantation, called the neck, of which tract she gave a deed in fee, some time before her death, to said Crocker, in consideration of the support he had given her. The consideration at that time, was not very greatly disproportioned to the value of the land. After her death, she having left no heirs, the grantee, Mr. Crocker, who was an influential member of the General Court, petitioned that body and procured a full confirmation of the deed to him, in the same manner the General Court in 1809, confirmed the parsonage deed of 1783, except that there was not so long a time intervening between Mr. Crocker's receiving the deed from the Indian Queen in her life time, and its full confirmation by the General Court after her death.

This took place previous to the law of 1788, putting the Indians under guardianship, when either the law of 1693 or the charter of 1763, was in force.[3] When the white Overseers came in, in 1798, they found Crocker in possession of this land, under the above title, and they employed Judge John Davis, as counsel, to vacate the deed and the act of the General Court. Judge Davis brought an action of ejectment against Crocker, (not in the name of the Overseers,) but in the name of the Proprietors of Marshpee, whose property he claimed, was as tenants in common, on the ground that the old Queen, though she occupied it in severalty during her life, could not, as one tenant in common, convey the interest of her co-tenants in common. It was tried in the Supreme Court, and the deed was set aside, for insufficiency of title. This insufficiency of title vitiated the conveyance on the ground that the old Queen had no power to convey when she made the deed, and that the General Court had no power to make good, by a resolve, a title originally invalid.

Crocker also set up the claim of quiet possession, for thirty years, which it was supposed would secure the title; but the Court decided that this gave no title, and the land was restored to the Indians, and now forms a portion of their common land. Mr. Crocker of course, lost all he had furnished to the old Queen, and in this respect, his case was harder than it would be, were Mr. Fish dispossessed of the parsonage, after enjoying it for twenty-four years, without any title thereto. It would be difficult for any lawyer to show why Crocker's deed confirmed by the General Court, should have been set aside in 1798, and Lot Nye's deed, of the parsonage, be held valid in 1834.

On referring to my minutes of the trial of the petition of the Indians, for their liberty, in 1834, before a Committee of the Legislature, I find the following facts stated by Rev. Phineas Fish, who was a witness before that Committee. They will throw some light on the subject of inquiry.

Rev. Phineas Fish, sworn. Testifies that he was ordained at Marshpee in 1811. Was invited there by the Overseers of Marshpee. There were five persons of color belonging to the church, and sixteen whites. At the ordination, a white man rose up and protested against it. He said all were not

satisfied. It was not a vote of the Indians by which he was settled, and no vote of the church was taken. Five Indians had expressed a wish that he would remain. He received two-thirds of the Williams fund, from Harvard College. It had varied from 390 to 433 dollars. Received about 150 dollars per year from the wood-land of the parsonage. Has built a dwelling house, and made improvements on an acre and a half of land of the plantation, of which he holds a deed from the Overseers, confirmed by a resolve of the General Court.

Mr. Gideon Hawley testified that the Meeting-house was built by the funds of the English Society for propagating the gospel, before 1757, when his father was sent as a missionary to the Indians, by the London Missionary Society. In 1817, five hundred dollars were granted on petition of the Indians, as a donation by the Legislature, to repair the church for the Marshpee Indians. After Mr. Fish had preached in Marshpee, 5 Indians came to Mr. Hawley and expressed a wish he would stay with them. There was no vote and no record. Before his father came to Marshpee, in 1757, Bryant, an Indian preacher, used to preach to the Indians, in the Meeting-house. The missionary, (Mr. Hawley,) received one hundred dollars annually, from Harvard College, of the Williams fund. In 1778, the Indians gave the missionary, Mr. Hawley, two hundred acres of land, which witness inherits. [The validity of this title is not disputed.]

Hon. Charles Marston, (one of the Overseers,) testified that Mr. Fish had a Sunday School, principally composed of white children. He did not recollect ever seeing more than eight colored children in it. There were more whites. The Overseers paid the school mistress seven and sixpence a week, and she board herself. To an Indian, who kept school in winter, were paid twelve and nineteen dollars a month. The whites who attend Mr. Fish's meeting, never pay any thing to him or the church. When the tax was required in parishes, many whites got rid of their tax by attending Mr. Fish's meeting. There was always twice as many whites as blacks in the society. Last summer, (1833,) he counted eighteen colored persons, and twice that number of whites. Mr. Dwight, one of the Committee, asked, if so many whites being there, did not tend to discourage the Indians from being interested in the meeting? Mr. Marston thought it might.

Deacon Isaac Coombs, who had been twenty years a deacon in Mr. Fish's church, changed his sentiments, and was baptized by immersion. He testified before the Committee of the Legislature, that when he told Mr. Fish he had been baptized again, Mr. Fish said, "that was rank poison, and that he should expect some dreadful judgment would befall me." Deacon Coombs, who is sixty years old, testified also, that the Meeting-house was built for the use of the Indians. No one could remember when it was built. There was but one colored male church member, when Mr. Fish came to Marshpee, in 1811. He further stated to the Committee that his family got discouraged going to Mr. Fish's meeting, from the preference he gave to the whites. He did not come to see his family, and lost his influence by taking part with the guardians against the Indians. There was a difficulty in Mr. Fish's meeting

about the singing. The colored people were put back, and the whites took the lead. Mr. Fish has 50 or 60 acres of pasture, East of the river, besides the parsonage.

* * * * *

I have thus given my views of the law and the facts, touching the parsonage in Marshpee, in order that the Indians and their Selectmen who have desired legal advice on the subject, may fully understand their rights. I am confident they will never attempt to obtain those rights, except in a legal and peaceable way. The Courts at Barnstable, it is said, are closed to them, in the way pointed out by the law, the District Attorney refusing to prosecute the men who cut wood on the parsonage. I invite the attention of that acute and learned officer, Charles H. Warren, Esq. to the points made in this opinion, well assured that if it can be refuted by any professional gentleman, it can be done by him. If he cannot do so, I hope he will permit the title of the parsonage to be brought before the Court, under an indictment for cutting wood contrary to the act of 1834. I regret the necessity of presenting arguments to dispossess Mr. Fish of what he doubtless supposes he lawfully holds; but I am looking for the rights and the property of the Indians, and am not at liberty to consult personal feelings, that would certainly induce me to favor the Rev. Mr. Fish, as soon as any man in his situation. I think it as important to him as to the Indians, that the title to the parsonage should be settled, for there will be feuds, and divisions, and strifes, as long as that property remains as it now is, wrongfully taken and withheld from the Indians, to support an "ESTABLISHED CHURCH," in Marshpee. With this view I have proposed to Mr. Fish, in behalf of the Indians, to make up an amicable suit, before the Supreme Court, and obtain their opinion, and the parties be governed by it. The Indians are ready to submit it to such an arbitration. Mr. Fish declines. The only other remedy is an injunction in chancery, to stop the cutting of wood. The Indians are not well able to bear the expense, at present, or this course would be taken to recover their property. Until some legal decision is had, Mr. Fish cannot but see, from an examination of the legal grounds set forth herein, that there are strong reasons for regarding him as holding in his possession that which rightfully belongs to another. The public will not be satisfied, until the rights of the Indians are fully secured. I have always been desirous that Mr. Fish should not be disturbed in his house lot, and for my own part, it would give me pleasure, should the Indians, immediately, on getting legal possession of their own parsonage, unanimously invite him to settle over them. But so long as he withholds from them their property, it cannot be expected that they should receive him as their spiritual teacher. It is in direct violation of the Constitution and of religious freedom.

BENJAMIN F. HALLETT,
_Counsel for the Marshpee Indians.
Boston, May, 20, 1835_.

The Selectmen of Marshpee District, are at liberty to make such use of the foregoing, as they think proper.

[Footnote 1: He is not an Indian, nor an original proprietor.]

[Footnote 2: This was Mr. Alvin Crocker, who had formerly enjoyed more benefits from the Plantation, than he does under the new law.]

[Footnote 3: In June, 1763, the Governor and Council appointed Thomas Smith, Isaac Hinckley and Gideon Hawley, "pursuant to an act empowering them to appoint certain persons to have the inspection of the Plantation of Marshpee."]

CONCLUDING OBSERVATIONS.

If, in the course of this little volume, I have been obliged to use language that seems harsh, I beg my readers to remember that it was in defence of the character of the people under my spiritual charge and of my own. The Marshpees have been reviled and misrepresented in the public prints, as much more indolent, ignorant, and degraded than they really are, and it was necessary, for their future welfare, as it depends in no small degree upon the good opinion of their white brethren, to state the real truth of the case, which could not be done in gentle terms. The causes which have retarded our improvement could not be explained without naming the individuals who have been the willing instruments to enforce them.

For troubling my readers with so much of my own affairs, I have this excuse. I have been assailed by the vilest calumnies; represented as an exciter of sedition, a hypocrite and a gambler. These slanders, though disproved, still continue to circulate. Though an Indian, I am at least a man, with all the feelings proper to humanity, and my reputation is dear to me; and I conceive it to be my duty to the children I shall leave behind me, as well as to myself, not to leave them the inheritance of a blasted name. In so doing, I humbly presume to think, I have not exceeded the moderation, proper for a Christian man to use.

WILLIAM APES.

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