

WHALES, GRASS AND SHELLFISH:
LAND USE ISSUES AT NANTUCKET
IN THE SEVENTEENTH CENTURY

Elizabeth A. Little

NANTUCKET ALGONQUIAN STUDY #14

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WHALES AND GRASS: The Land Use Issues at Nantucket in the 17th Century.

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Complex issues had to be worked out between the Nantucket Indians and the English that settled on the island after 1660. In their negotiations, recorded in writing by the English settlers and by the Indians themselves, political and cultural practices show up that expand our historical images of both parties. For example, who owned the stranded whales or the grass on the island took precedence over land ownership disputes during the last half of the 17th century. I present here the background, negotiations and outcomes of these land use issues at Nantucket.

INTRODUCTION

From European diseases and European land hunger, to horses and the wheel, Columbus brought to the New World and the Native Americans of New England some very mixed gifts. I shall try to demonstrate the value of going beyond the standard assumptions about the English/Indian Contact in New England by digging very carefully into the rich mines of primary historical documents and archaeological findings. There are other valid paths of learning about our past, such as the study of folklore and family traditions. Clearly, the best way is to use carefully all methods.

At Nantucket, for the period 1659-1700, we have found a wealth of documentary detail that destroys some of our unrecognized biases about the Indians of southeastern New England. For example: I had assumed that all the early deeds of land sales, gifts, wills and records of meetings that are kept at the Nantucket County Court of Probate and Registry of Deeds were written by Englishmen. I was wrong. There are a fair number of 17th century deeds written in English or Massachusetts by Nantucket Indians (Little 1981a), who were taught literacy by Thomas Mayhew and his assistants at Martha's Vineyard. Evidence for the personalities of the different sachems, their negotiating skills, the respect due to older people and many other cultural practices (Little 1976) show up in the old documents in the County Building.

There were said to have been up to 3000 Indians at Nantucket when 34 English families purchased land on the west end in 1660. These English were chiefly from the Salisbury/Salem area (Gardners, Coffins, Macys, etc.), many of whom had been part of the Dorchester fishing venture at Cape Ann. They moved to Nantucket, then under the authority of the New York Colony, partly to escape the established Puritan church in the Massachusetts Bay Colony, and partly as a business

DOCUMENT #21. MATAKEKIN TO KOSHKUHTUKQUAINNIN.

Neen Matakekin nuttohtomun Judg human ahkuh yauwunnehchakakunnuoo
ta Nantucket ta pukquotanussut a neen Matakekin neahtau
nutinununawan koshkuhtukquainnin wannoh pootop Micheme wuttah-
tauwunnoh shanuh nesunnash ahtoongkanash pootop wannoh nesunneh-
chakakenoo ahke ta pookquottanussuh koshkuhtukquainnin shanuh
wutahtauwunash mitcheme 1696 March 6
nen kachemaad noowauaenunoo yu nunutcheg £
neen wussauwanatchuah noowaenoo Ƨ nunutcheg
ne wunaaquontam numachetaun wusukquohog noowauaeninuoog ; nunutcheg

I Matakekin and George human have forty acres of land
at Nantucket at Pukquotanussut and I Matakekin do
give what I have and whale to Koshkuhtukquainnin for Ever
these two that was mine whale and twenty acres of land at
pookquottanussuh Koshkuhtukquainnin shall have for Ever
1696 March 6

I Kachemaad witness to it my hand £

I Wussauwanatchuah a witness ʘ my hand

I Wunaaquontam made this writing witness / my hand

June.25: 1728

Figure 1. Deed of Matakekin for land and whale at Nantucket, 1699 (Little 1981a:67).

venture. There was never an established church at the island. The Indian churches formed by Mayhew at Nantucket were congregational and baptist, and the settlers tried, in addition, anabaptist, electarian and other radical sects at Nantucket for 50 years before Quakerism became the dominant sect (see Byers 1987). The separation of church and town appears to have contributed to a greater tolerance between the two races on the island of Nantucket than existed at the Massachusetts Bay.

At Nantucket, as in southeastern New England, the primary Indian political organization was the sachemship, sometimes called a town, which was a well defined geographical area (as in Massachusetts today) containing one or more villages. The sachem and his extended family constituted an upper class, and common Indians the rest. I assume that the upper class were the people to whom the sachems wrote deeds; the commoners names only show up in mortality lists or court cases and such. There were at least five sachemships at Nantucket in the late 17th century. A very few instances suggest that the land and descent may have been reckoned matrilineally. For example, Nickanoose, who had up to nine children, deeded half of his land to his eldest daughter, Askammapoo, which shows that a daughter could be a large landowner. She could also be a sachemess or squaw sachem, which Askammapoo later became. Traditionally, the elders of the sachemship guided the sachem in making decisions. The sachem had little power other than that based on the love and affection his people felt for him. He accepted tribute annually in return for land use allotments and provisions in cases of sickness and need.

Much of this descriptive data comes from Edward Winslow at Plymouth and other early memorialists (Salwen 1978), and is confirmed and enlarged upon by the Nantucket deeds written by Indians (Little 1976,1981a,1990). Nickanoose gave land to his brother in 1675 because he "is my man I love him and he often gives me victuals and goods freely" (Little 1981a:51). Nantucket Indian deeds repeatedly demonstrate that a sachem expected to reaffirm a gift, especially one made by his father, and to receive tribute periodically. Some Indian-English land transactions also show multiple English payments over the years, either as rents or implicitly as tribute payments, with a promise from the sachem to renew the deed in the future. On this evidence, the sale of the West End, which didn't really belong to the eastern sachems, to the English can be seen as a political invitation to settle on a part of the island depopulated by European diseases or by a legendary hostility between the East and West ends of the island. I don't think the eastern Nantucket sachems in the seventeenth century intended or expected to alienate any of their own land or its use permanently.

Now, to expand our historical images of the interaction between Indians and English settlers, we examine the Nantucket deeds to stranded or drift whales and to grass, or herbage, feedage and pasturage.

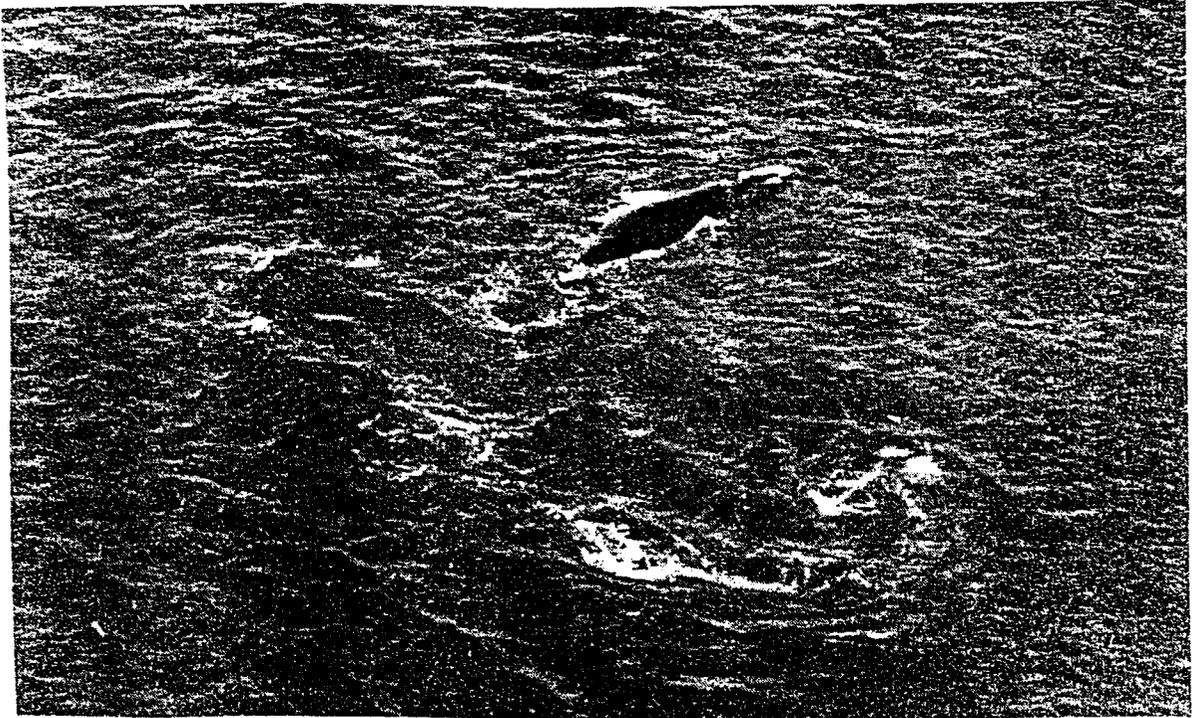


Figure 2. Whales off Nantucket, Feb. 1990 (L. Cronin, Nantucket Inquirer and Mirror).

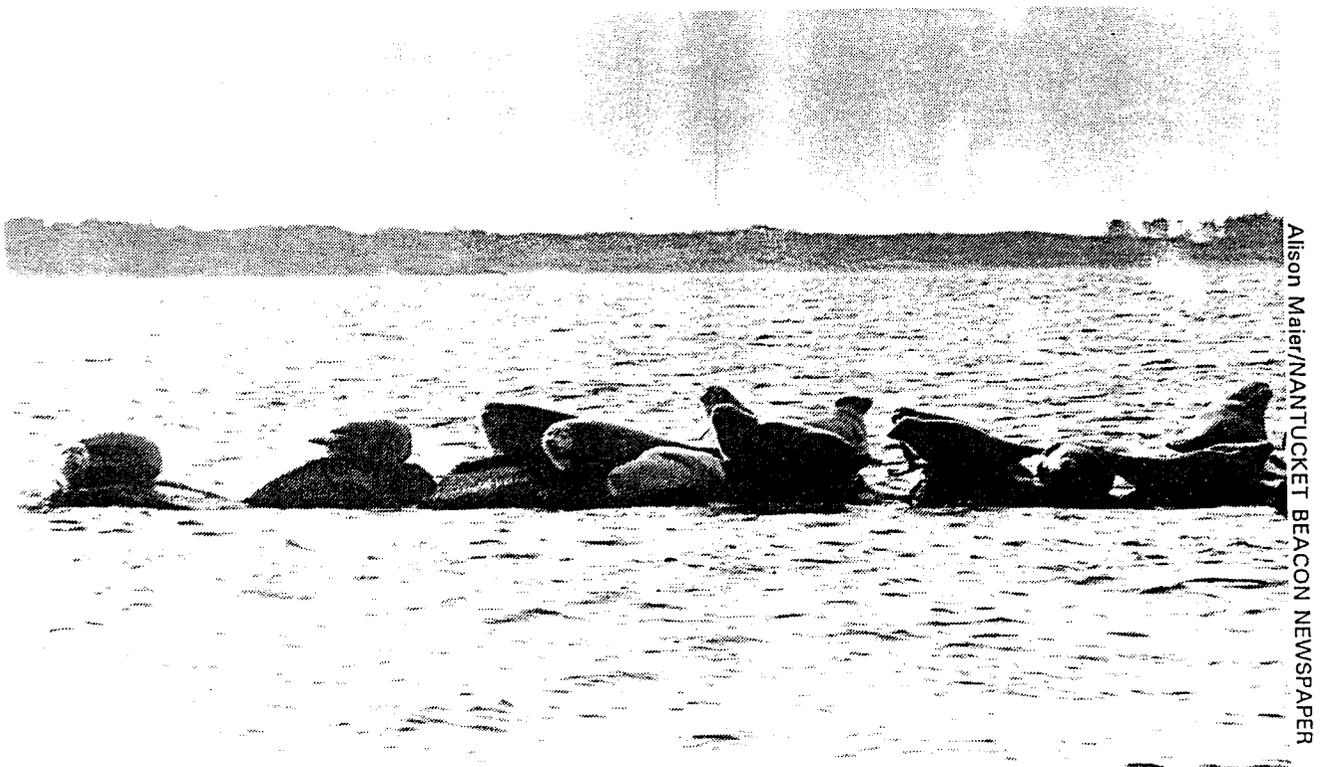


Figure 3. Harbor seals on the Jetties, 1991 (A. Maier, Nantucket Beacon).

LAND USES AT NANTUCKET

In the northeast, at seaports and fishing villages, there is lots of land of little value behind the shore front, even today, common land in some cases, used for seasonal hunting and berrying. At Nantucket, the open heathland on the south shore of the island had very little use or value when I was a child. Today, of course, it has a very high assessed value for its ocean view. Most of the island is too sandy and droughty for reliable agriculture, or, underlain by clay, is too wet (Langlois 1977).

DRIFT WHALES

If agriculture at Nantucket is marginal, there are valuable resources washed up on the beaches. Figure 1 shows the transcription (Little 1981a:67) of a deed of 1696 for land and whale, in both English and Massachusett. Many whales and seals are found seasonally in the coastal waters of New England. At Nantucket whales and seals regularly come close to the island shores chiefly in the late fall, winter and early spring. Figure 2 shows whales playing off the south shore, taken from an airplane, and Figure 3 shows harbor seals on the jetties in the fall. Many whales that are dead or dying are washed ashore also. Modern records (Figure 4) kept by Clint Andrews document these strandings during the 30 years between 1949 and 1978. In the 17th century (Figure 5), whales and seals washed ashore on roughly the same beaches.

When a whale washed ashore, the people used to recover and use whale products such as oil, baleen, bone, tendons, teeth and, if lucky, ambergris. Before 1661 Ussemequin (Massasoit) assigned to specific Indians the use of whales coming ashore on certain beaches at Nantucket, and his son, Philip, had some authority over the drift whalers at Nantucket until 1675 (Little 1982). Subsequently, every Indian sachem's deed for the sale of beach-front land to the English through 1701 contains a phrase such as, "Memorandum: the drift whale is not hereby sold" (Little and Andrews 1982:35). In a court case involving an Englishman who cut up a drift whale, the Indians owning the whale rights on that beach claimed and received damages. Because I expected Englishmen would always win court cases against Indians, this outcome surprised me. Considering the significance of oil in the world market, I suspect that the oil was sold ultimately at England. I therefore call your attention to the tax advantages to Englishmen of not owning whales. Indian-owned whales were not subject to the royal tax on whales in the New York Colony. In contrast, the Massachusetts Bay Colony charter says that rights to whales shall belong to the colony, not to the king. Not surprisingly, Nantucket chose to join Massachusetts in 1692, just when along shore whaling, in boats with harpoons, began at Nantucket.

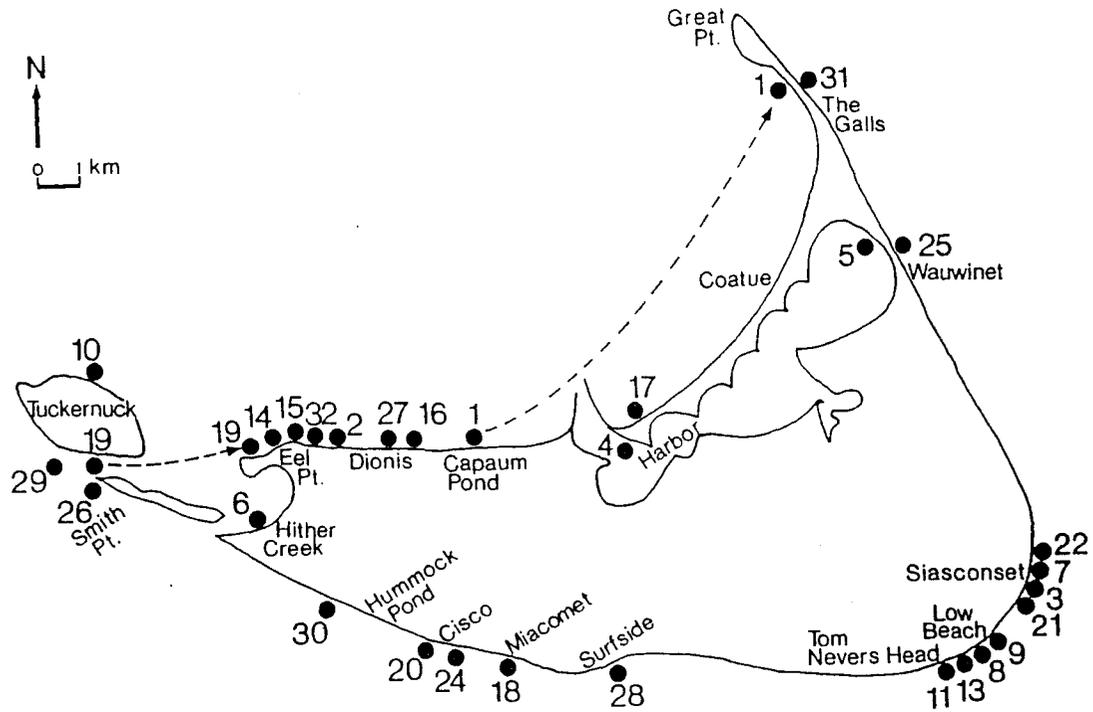


Figure 4. Locations of whale & seal strandings at Nantucket, 1947-1980 (Little & Andrews 1982).

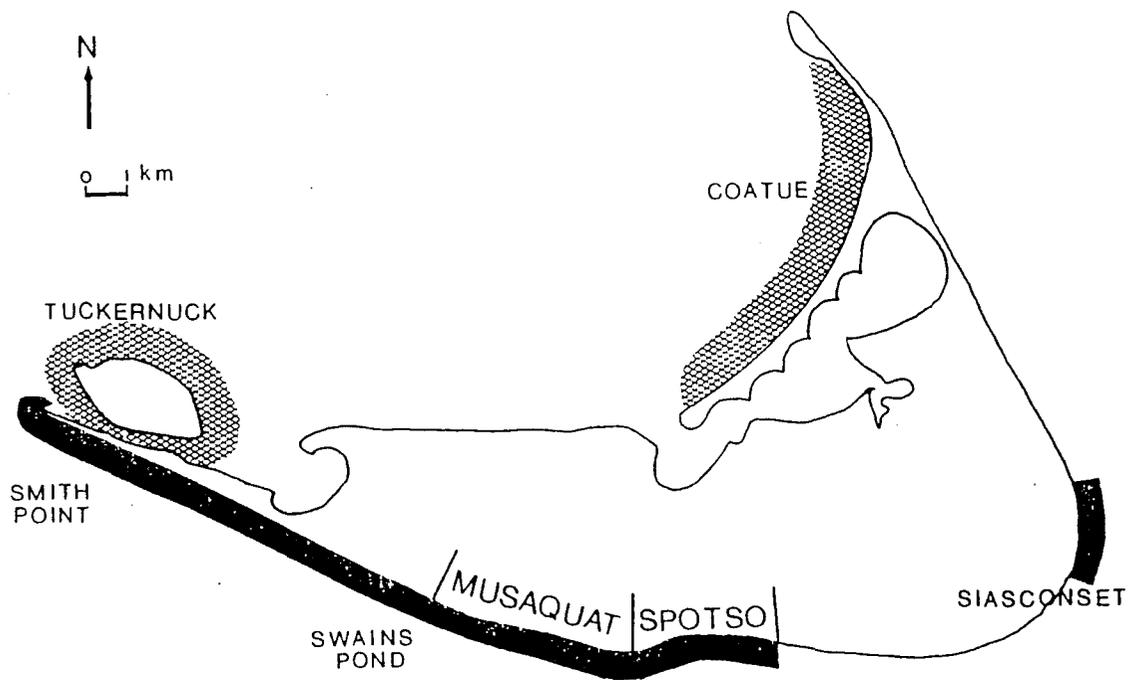


Figure 5. Locations of Indian drift whale rights at Nantucket, 1668-1728 (Little & Andrews 1982).

THE GRASS CONTEST

Let us now move inland and address the use of grass and the dispute over its ownership that became known as the "grass contest between the English and the Sachems at Nantucket" (Little 1976, 1990). The English initially purchased the West End (Figure 6) from the sachems and most English lived at the west end of the island. Most of the Indians initially lived in scattered village or hamlets to the east (Figure 7). The controversy over who owned the the grass took center stage during the late 17th century, easily dominating any distant reverberations from King Philip's War on the mainland.

One of the first things the English did was to purchase by deed the use of all the grass on the island (both pasturage and salt meadow hay). They wanted it for the purpose of feeding horses, cattle and sheep. The Indians, not having horses, cattle or sheep, and thus no use for grass, raised no objections. But, after the Indians saw the horses and desired them very much indeed, they found themselves prohibited from and fined for owning grass eating animals, even on their own lands.

Sachem Nickanoose touched a match to this issue by having an Indian scribe named Tehas write a deed to keep six cattle (equivalent to one horse) on his land. The date: August 1, 1675, was near the outbreak of King Philip's War, but the subject was grass, and the weapons were the written words, not swords. Nickanoose's deed to Judah, his brother: "I Nickanoos this Jutte and all his children they have power and right to keep cattle six on my land he shall not have trouble on my land for this cause or reason that he doth greatly give me penys all the year in victualls and cloths. Nickanoose, his mark". This was in 1687 renewed by Wawinit, the son of Nickanoose: I wawinit do well like what my father Nickanoos hath granted Jutte and his children keeping of six cattle on my land and because he my father did it I like it well, Wawinit his mark", as written by Elias (Little 1981a:49). This sort of deed may have been based upon an English commons usage, an English rental and/or an Indian usufruct concept, but this is the first deed to keep an animal at Nantucket, and it's Indian in execution. The only English name anywhere on the deed is that of the copyist, William Worth in 1713. I'm certain the English protested.

Nickanoose followed this up in 1677 with a deed to his brothers giving them "to use of all Nicanoso his land, and with all the fruits of the land at Nantucket everie roots, or trees, or grass, and all that is therein; aye, and the stones shall be theirs. And if the whale shall happen to come shore, that shall be theirs also; and all that is belongs therein shall belong to his heirs, or assigns, forever, after him..." (Little 1981a:51). This deed, with its resemblance to the style of the King James Bible, was recorded at a General Court at Nantucket by Thomas Mayhew, Sr.

The English adapted to Nickanoose's moves and, in return for a renewal of the grass deed

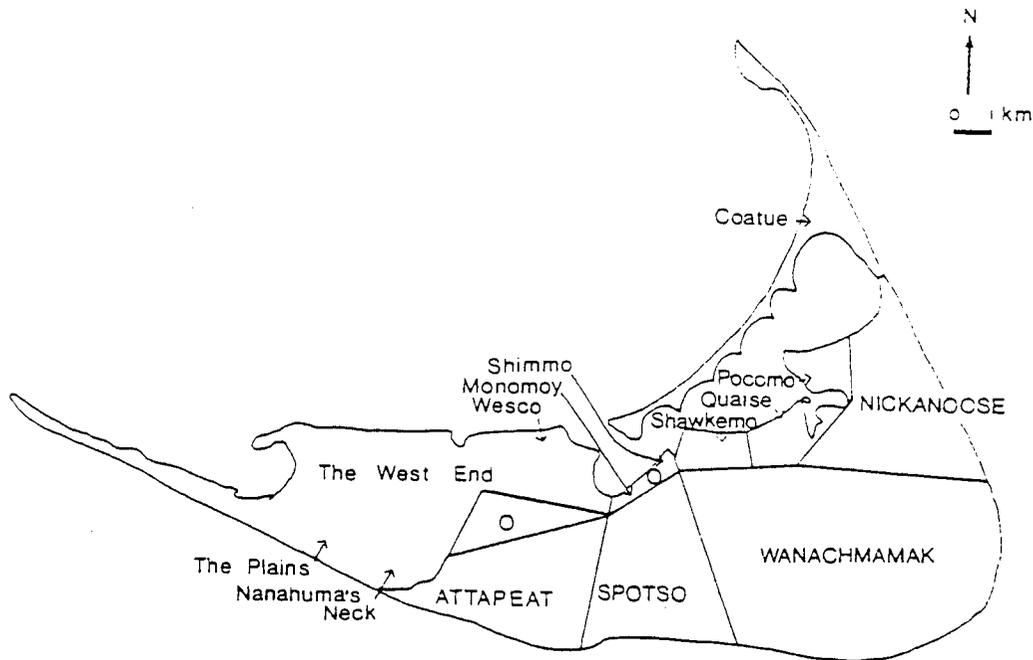


Figure 6. Nantucket in the late 17th century, showing the lands of the major sachems, and the lands, the West End, Coatue, Pocomo, Quaise, Shawkemo, Shimmo, Monomoy and a parcel at the north of Attapeat's lands, that the sachems had sold the English settlers (Little 1981c).

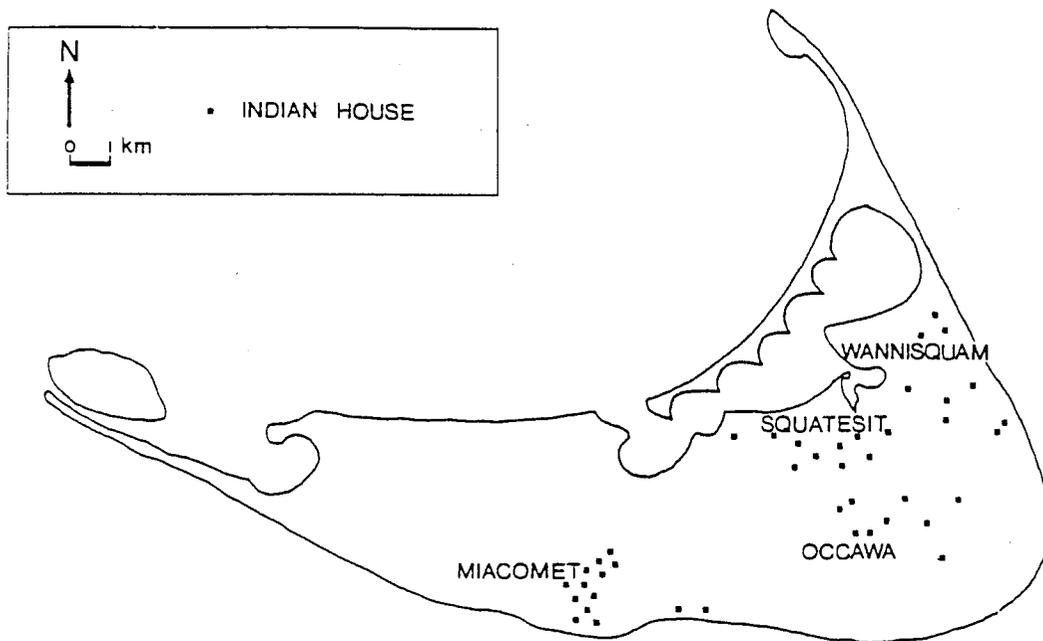


Figure 7. Approximate sites of dwelling houses of Nantucket Indians 1679-1765 (Little 1981b).

of sale, gave each of four sachems about 20 land use deeds for herbage for one horse on the common land on the island. These were called horse commons. By 1701, these deeds, such as Henry Brittain's for herbage for one horse, had a decidedly English style ("This instrument of bargain and sale..."[Little 1990]). Horse commons were given, rented, used as tribute by the English, and sold among the English and Indians. The English later adopted sheep commons deeds as a means of regulating the use of land held in common. They still exist and are negotiable.

This story, as it unfolded sometimes forwards and sometimes backwards, again surprised me. I had not expected to find Indians with such negotiating skills, or English with such adaptability. Note that the Indians now shared in the proprietors' commons.

At first, many Indians bought horses, with saddles, for riding. However, both English and Indians seem to have preferred driving horse carts (Figure 8). Eighteenth and nineteenth century visitors commented on the numerous horse carts or calashes at Nantucket, those which met the boat, those used by Quakers for going to church, for young people going on social cart-rides, at sheep shearing, as late as 1890. There is one still belonging to the Nantucket Historical Association.

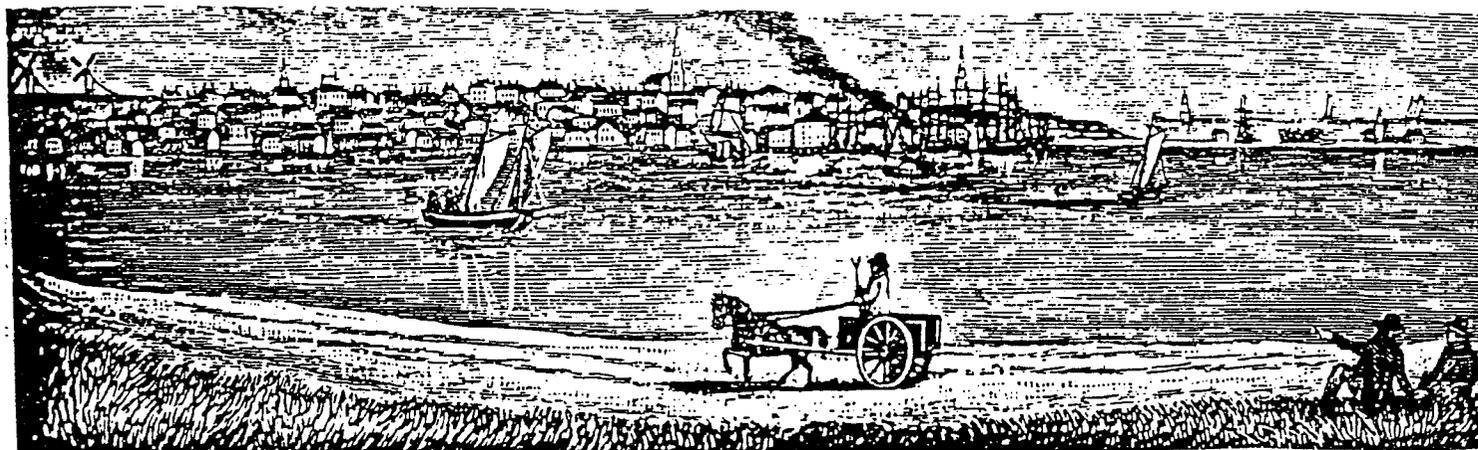


Figure 8. A Nantucket calash in 1839, showing the box-cart with its large wheels (Barber 1839).

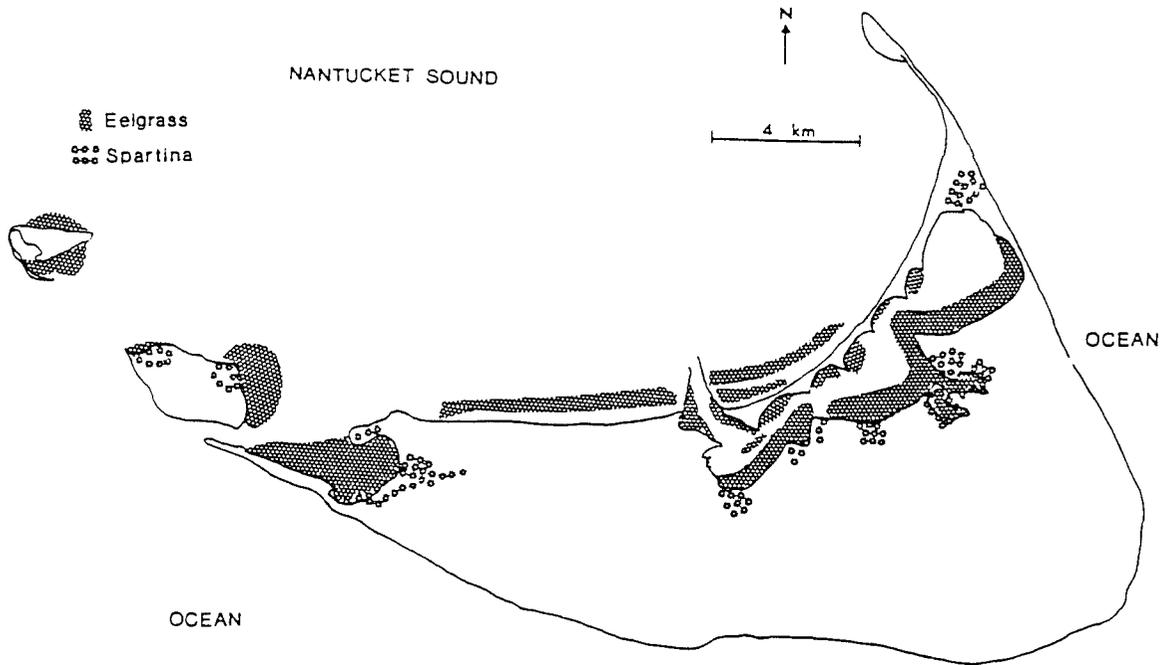


Figure 9. Eelgrass and saltmarsh (spartina) distribution at Nantucket (J.C. Andrews, 1991 personal communication).

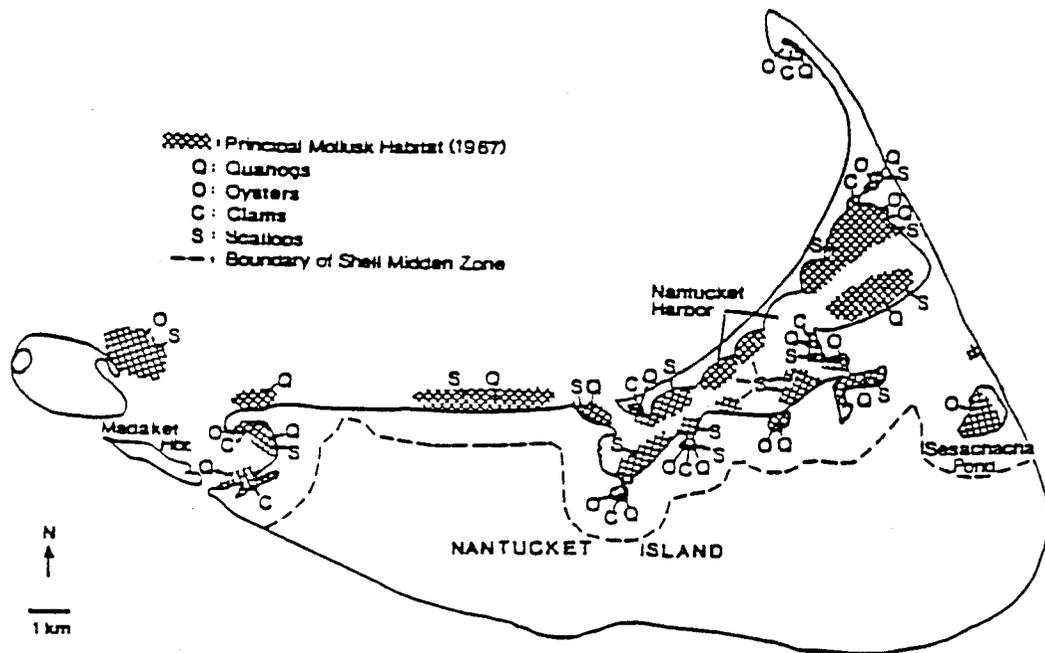


Figure 10. Principal shellfish habitat and the adjacent shell midden zone (north of dashed line) at Nantucket (Little 1986).

HARBOR RESOURCES (SHELLFISH)

I should like to present briefly some recent findings on Indian land use at Nantucket. We have discussed the drift whale beaches, primarily on the south shore. There are valuable resources in another type of shorefront land, that which abuts salt marsh and its shallow waters. Waters protected from wind and waves, often containing eelgrass and saltmarsh (Figure 9), with easy access from the land, is habitat for shellfish, fish, crustaceans such as lobster and crab, and water fowl, and provides a prime area for hunting and gathering seafood either on foot or by boat (Figure 10). At Nantucket, archaeological survey has located the distribution of prehistoric shell middens or shell refuse close to shellfish habitat (Figure 10).

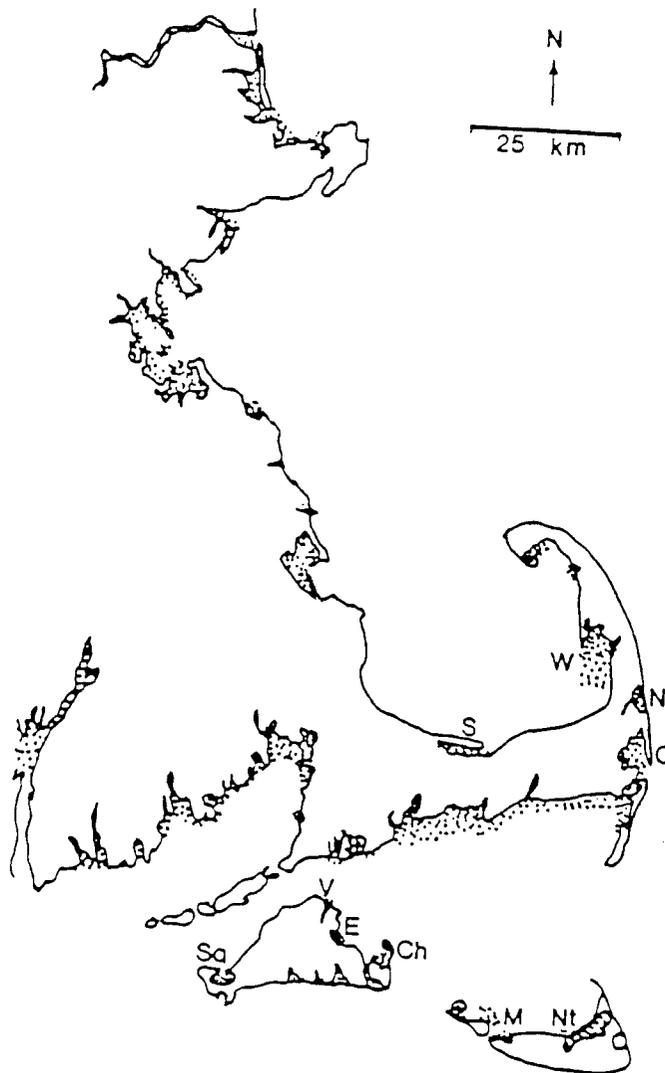


Figure 11. The distribution of shellfish beds (dots) along the coast of Massachusetts in 1909 (after Belding 1909) (Little 1988a).

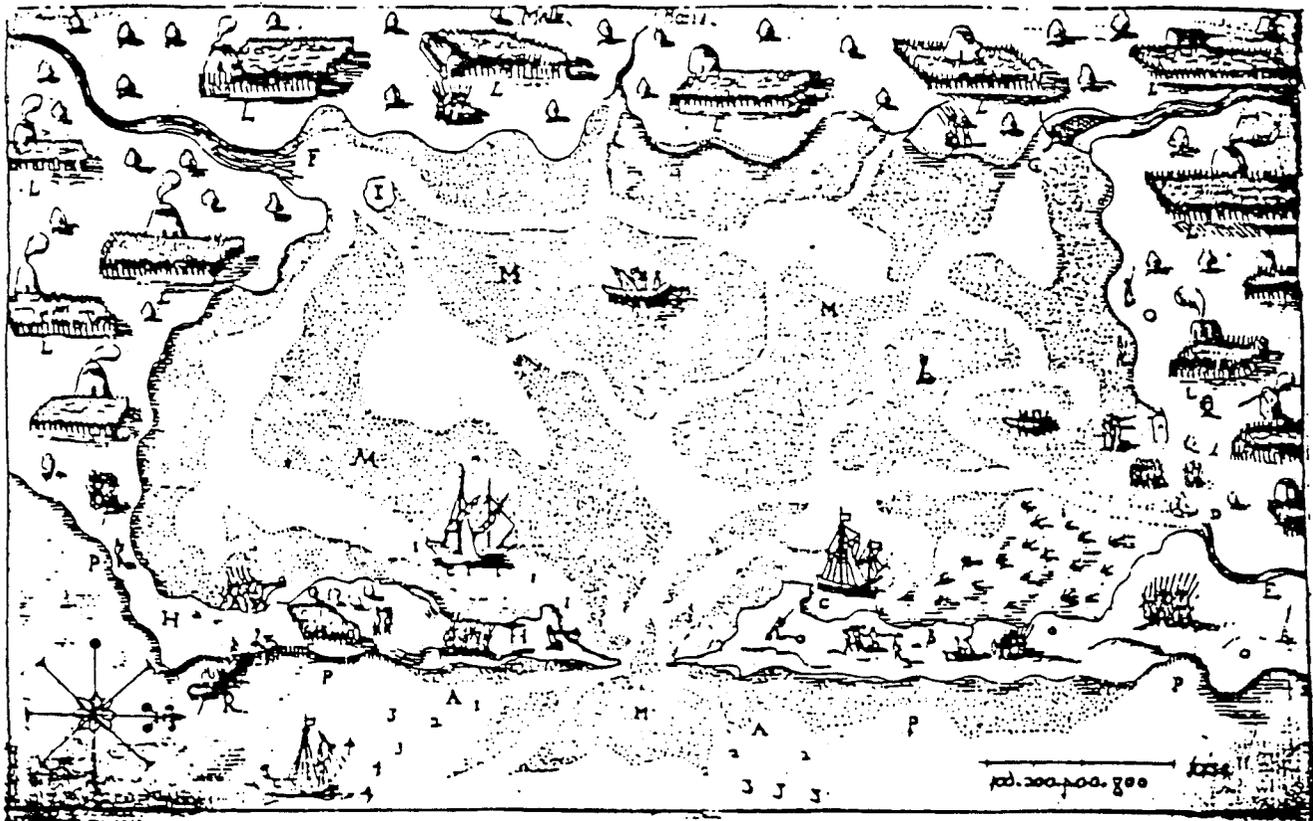


Figure 12. Champlain's map of Nauset in 1605 (Champlain 1882).

Harbors or protected salt waters with shellfish habitat (Figure 11) along the coast of Massachusetts were almost all occupied by Indian villages upon the arrival of Europeans. A good example is Nauset Village with its wigwams and cornfields, on Nauset Harbor, Cape Cod, as shown in a drawing by Samuel de Champlain in 1605 (Figure 12).

Note especially the dense shellfish habitat and shell middens at Nantucket harbor. The harbor lands shown on Figure 6 were sold by the sachems at Nantucket to the early settlers between 1659 and 1678 (Little 1981c). The West End, was sold to the proprietors by Wanachmamack and Nickanoose in 1660, and subsequently individual settlers purchased Coatue, Pocomo, Quaise, Shawkemo, Monomoy and the Attapeat parcel. Because the proprietors did not allow individuals to purchase land from the Indians, the Shawkemo and Monomoy properties, at least, were returned to the Proprietors in 1678.

It has long puzzled me why the Indians would sell their useful harbor land, and why there is little further mention of it. In August 1992, 16 historic graves in a Christian Indian burial ground at Shawkemo were discovered and preserved through the Massachusetts Historical Commission with the Massachusetts Indian Commission acting under the 1983 Massachusetts Unmarked Burial Laws. Research in connection with this discovery suggests that, in spite of the deeds to the English, or maybe because of them, Indians continued to live at Shawkemo well into the 19th century. Was this English land or Indian land along the harbor? Since I've found few or no deeds to or from Indians for this land, I see it as land held in common among the proprietors of Nantucket, now including Indians, with Indians allowed to live on it without deeds and without paying tribute. This land usage bears some resemblance to the Indian method of usufruct, whereby a sachem designated a place where a supplicant might put his wigwam and dwell within the bounds of the sachemship. Another example of a deedless village appearing on the commons is provided by the Indian village later known as "New Guinea", just outside the old town gate (Little 1988b). These common lands had little value to the English at that time, but they provided the historic Indians with their traditional harbor resources in the first case, and in the second, with easy access to the whaling port town of Nantucket. These results are still somewhat hypothetical and need to be tested.

The outcome of this overview of the rich details of English and Indian negotiations of historic land use at Nantucket is a rewriting of Nantucket history. By going around most 19th century historians and back to the primary documents, I have pieced together a coherent picture with novel parts. Nickanoose, previously and erroneously called the son of Wawinet, has grown in stature and power. The negotiators for both sides have gained my respect. The resolution of Nantucket's modern land use issues will require as much leadership and courtesy as that shown by Nantucketers of both races in the seventeenth century.

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