

Three Kinds of Indian Land Deeds at Nantucket, Massachusetts.

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At the Registries of Deeds, Nantucket and Edgartown, Massachusetts, there are about 250 deeds from Nantucket Indians, which we are analyzing for archaeological and ethno-historical content. The great variability in form of recorded land transfers among the Nantucket Indians and English colonists reflects and may shed light on the interaction between the two cultures on the island. Preliminary analysis suggests that there are three kinds of deeds distinguishable by form and style. These I shall call English deeds, Indian deeds, and recorded oral land transfers. After giving examples of each, we shall describe the attributes of Indian deeds, and summarize the conclusions we can draw from our classification.

English Deeds

Starting in 1659, English people from the Massachusetts Bay Colony purchased land from the Nantucket Indians. The approximately 160 Indian to English deeds are essentially English in form, although in the beginning a simplified version was used. An example of a simplified English deed is:

"This witnesseth that I Wanachmamuk Chief Sachem of Nantucket hath sold unto Mr Tristram Coffin and Mr Thomas Macy their heirs and assigns that whole neck of land Called by the Indians pakummohquoh lying at the East End of Nantucket for and in consideration of five pounds to be paid to me in English goods or otherwise to my content by the parties aforesd at convenient time as shall be demanded witness my hand or mark this 22th of June 1662.

Peter Foulger

Wanachmamak 

Sachem

and

his mark

Wawinneput whose  English is Amos (Wanachmamak 1662).

Simple deeds, such as this, may have been translated into the Indian language for the signators, a legal courtesy of the sort that Peter Folger was known to have provided for the Indians, according to Zaccheus Macy (Macy 1972). Lawyers being lawyers, however, English deeds rapidly acquired legal verbiage. By 1728, for example, the phrase: "give, grant, bargain, sell, alien, convey, and confirm" (Petoxson 1728), had replaced the simple "hath sold" of 1662.

Indian Deeds

Of considerably greater interest to the ethno-historian than English deeds are about 90 deeds from Indian to other Indians written in English between 1668 and 1768. Of these, about 76 are indistinguishable from English deeds, and are so classified. However, at least 9 deeds written before 1702 appear to have been written by the Indians themselves in a form which we shall call an Indian deed. The initial evidence for Indian authorship of these deeds lies in the content and phrasing, which are clearly not that of English deeds. Further evidence is given by statements such as, "I, Elias, made it" (Nickanoose 1676), within the documents. Here is an example of an Indian deed:

I Necanoose you Waquakonooit have Land in my Land, where you like to take it, att Mashaam, one Hundred acres, he hath it for ever, and all his posterity, they have it, and according, as I have Land my one selfe, So also they have this, they Shall not have trouble, about thare Land, even as I necanoose, have not trouble, about my Land, yoe Waquakonooit at what time you desire to have it, measured it shall be done because I necanooso, you waquakonooit, are greatly akin to me, and I love him and also he loves, me, and hath, formerly, given me, many times, ffive shillings, 1670 June 8 dayes.

I Necanoosoo my mark	Witness Weknaman
Waquakonooit, his mark	Witness w()a anohquin
	Witness tata comamog
	(Nickanoose 1670).

In such Indian deeds of the seventeenth century, instead of one payment for land, we find continuous gifts of pennies, shillings, victuals, and cloths; in other words, tribute. In one deed we find the words, "there are with me all our great men to witness it" (Wawinet 1689). With the exception of one from an Indian "gentleman" (Starbuck 1924:128; Matakekin 1696), all of these Indian deeds were gifts from the sachems, and many were given "because he loves me and I love him", or because "he is my man" (Nickanoose 1670, 1675, 1676). Such land gifts were often renewed by succeeding sachems (Wawinet nd, 1687a, 1687b; Soosooahquo 1686). Incidentally, several Englishmen, when required to renew deeds from Indians, had the words "heirs and assigns" added to their new deeds (Nantucket Registry of Deeds 3:3,9). These cultural elements do not surprise us, for they are mentioned by Roger Williams (1643) and Daniel Gookin (1674), but it is satisfying to find them written in the Indians' own words.

Was it possible for Indians to write their own deeds? Remember that Thomas Mayhew, Senior, with his son, Thomas Mayhew, Junior, started missionary work on the islands about 1643. He states in 1674 that, "many can read and write Indian; very few English..." (Gookin 1674). These findings

are delightful. The Nantucket Indians were writing their own deeds, and by not registering them for many decades, operated quite separately from the English land registry system. The English always accepted the Indian deeds for registration without comment, with the exception of one deed of Nickanoose not registered for 77 years during which the land had been sold several times (Nickanoose 1668b), and another of his deeds written in 1675 as a challenge to the English control of grazing rights on the island (Nickanoose 1675; Little 1976; Ezeke 1718).

Recorded Oral Land Transfers

In addition to English deeds, and Indian deeds, there are 6 instances of recorded oral land transfers between Indians which are much less English than anything heretofore discussed. These documents record testimonies of witnesses to previous oral land transfers. In the document given here as an example of oral testimony, parentheses bracket uncertain or illegible readings. Missing portions are shown as

The 8th Agust 78
 Harry complayneth against Spatso...
 and with holdinge from hem his land where...
 halfe of the land that Spattso (B)e posest of...
 mr Harry was last in his Cause by the master of a...
 Court (---) mr Harry appeald in the presents of...
 Wannachmameck Saith that Nickanose his father gave S...
 father and harry father land

Wannachmameck went to Mount Hope
 with nickanoses father to Assomocking and he desiered
 hem that those 2 men = Spatso fathr and harry father
 should have that land no lounger but desiered that
 wannach
 mameck might have it and the sachem was willing.
 Some time after harry father com to hem and
 desiered he might have the land againe and he did not
 grant it them:
 Afterward thare was a great hunting meetting at
 manna and a great many Endians were thare and
 harrys father was not thare then Spattsos father w...
 to wanachmameck and desiered hem he would let
 have the land he had be fore and he did so.
 after this he wannachmameck told nickanose his father
 the have the land they had before.

Nickanose saith a lounge time Agee at (dacuchaconset)...
 was a great metting and then the Sacheme his father
 did give
 to Spattso father and nahosokets (of harrys) father
 tuppockommack
 and Shouahkimmuck. after this thes toe men went
 to doo some murther and thare land was taken from...

after this nanasoket father did come to Wanachm...
 and asked he for the land that he had before
 but wanachmameck Saith nothing to him.
 but after that at a great meeting at mana Spattso...
 did desire wanachmameck to let him have the Land
 that he had before and he gave him this answer...
 shall have the land you had before that is...
 commoo and Shouah kemmock and...
 he told my father I have given that
 ...they had before that is tuppock
 ...and Showah kemmuck

...Testimony of old tahtahcummamuck he Saith
 there was a great meeting and nickanoose his father
 was there and some great men and they were in the
 house and they went out to Smock it and when those
 great men come in againe they said that they did
 put into the hands of Cuscuttoqens father tuppock
 commoo and Shouahcommo and he gave it to nana
 Sockets father and Spattso father

The Testimony of Petotaquen & womhoomon
 who Saith only Spatso father had the land and the
 other had not the land

The testimony of old Gentleman Saith upon
 his knowledge that Spatso father had only the land and no
 other with him

The Testimony of myoack
 who Saith that Spatsos father had ye only
 a shachem Right

The Testimony of old Uttashame who Saith
 the land was only given to Spattso father

the Testimony of Aqua(1) who saith he was at
 the meeting that was Spoken of in the other Indians
 and Saith the land was only given to Spatsos father.

The testimony of Sasede who Saith that Harry father
 and Spatso father said thanckky when nickanoses
 father gave them the land:

The testimony of Keastocky who Saith
 he hath heard so much concerning it that he Judgethe
 that he will by that Saith that only on hath the
 land

The testimony of (T) ahtahcommo
 who Saith that he was with them when Nickanose
 gave Spatso father the land only

(Nickanoose's Father 1678; Wanachmamak 1678)

We note in this document a trip from Nantucket to see
 Massasoit (Usamequin) at Mount Hope, the avoidance of the
 names of deceased fathers, a difficulty with the possessive,
 the use of tobacco, a great meeting of great men, and the,
 to us, arbitrary manner in which land was given and taken
 away. Concrete details reinforce memories and establish
 credibility. The whole proceeding is lengthy and repetitive.

Even though there has been a translator and a recorder
 acting between us and the original speakers, still one
 senses a first-hand communication with seventeenth century
 Nantucket Indians, a rare experience. Although these old
 documents are difficult to read and the example just
 presented is difficult to understand, by bringing some of
 them to light in print, we may increase our knowledge of
 the original inhabitants far beyond the range of much of
 the published material presently available.

Discussion

English Deeds

Most of the documents at the Nantucket Registry of Deeds
 are English deeds. Not only are most of the Indian to
 Indian land transactions recorded as English deeds, but also
 the Nantucket English required English deeds, not recorded
 oral testimonies, for their own land purchases from the
 Indians.

Indian Deeds

A study of the Indian deeds has resulted in the recognition
 of attributes of deeds written by Indians, which has in turn
 led to the identification of additional Indian deeds. I
 propose that all of the 13 Nantucket deeds which begin with
 the word "I" or "Neen", followed by the name of the grantor,
 were written by Indians. In Table Ia we have listed all the
 "I, grantor" deeds and indicate the presence of additional
 attributes. Eleven of these deeds have one or both of the
 following additional attributes. Six deeds include their
 author's name: Elias (Nickanoose 1676; Wawinet 1687a),
 Wunaaquontam (Matakekin 1696), Joneths (Isaac Wawinet 1690),
 Wawinet (Wawinet 1670), and Tehas (Nickanoose 1675). In
 10 deeds dates are written in reverse order, as in "1670
 June 8 dayes" (Nickanoose 1670), or otherwise anomalously
 (Nickanoose 1675, 1668a, 1676; Wawinet nd, 1687b, 1689;
 Soosooahquo 1686; Isaac Wawinet 1690; Matakekin 1696). The
 set of deeds with Indian authors and/or date anomalies
 contains 12 Indian deeds. Three of these are recorded in an
 Algonquian language (Nickanoose 1668a; Soosooahquo 1686;
 Matakekin 1696), and one (I. Wawinet 1690) as having been
 translated. Although the Algonquian language alone is not
 sufficient to classify a deed as written by an Indian, when
 it is found in the only other deed beginning "I grantor"
 (Nickanoose and Wawinet 1679), we may with some confidence
 call this deed Indian. Significantly, in all of these 13
 Indian deeds beginning with "I" or "Neen" followed by the
 grantor's name, only Indian names occur as witnesses or
 participants.

In searching for additional Indian deeds, at least two
 dozen Indian to Indian transactions between 1680 and 1720

Table 2. Attributes of Nantucket Recorded Oral Land Transfers Which are not English in Style.

DOCUMENT	"I, GRANTOR"	INDIAN AUTHOR	DATE ANOMALY	ALGONQUIAN LANGUAGE	ENGLISH ABSENT	INFERENCE
Wanachmamak 1678						English recorder
Wanachmamak 1686			+			English recorder
Ask. & Wauw. 1728	+	+	+	+	+	Indian author
Attapeat 1711						English author
Matakekin 1729	+	+	+	+	+	Indian author
Soosooahquo 1731	+	+	+	+	+	Indian author

REFERENCES

- ASKASQUAPET, and Wauwanahhussu
 1728 Three statements in an Algonquian language. Nantucket Registry of Deeds 4:64.
- ATTAPEAT
 1711 Recorded Oral Testimony, for gift of land to Tahquepe (George Heas), renewed by succeeding sachems, Musaaquat, and Harry Brittain. George Heas had given the land to James Heas. Nantucket Registry of Deeds 2:13.
- EZEKE
 1718 Exchange of his father Judah's "pretended grant" from Nickanoose to keep 6 cattle, for 1 horse common from the Proprietors. Nantucket Proprietors' Records (Copy) 1 & 2:48.
- GOOKIN, Daniel
 1674 Historical Collections of the Indians in New England. Massachusetts Historical Society Collections, Series 1, 1:141-227.
- LITTLE, Elizabeth A.
 1976 Sachem Nickanoose of Nantucket and the Grass Contest. Historic Nantucket 23(4):14-22, and 24(1):21-30.
- MACY, Zaccheus
 1792 A Short Journal of the first Settlement of the Island.... Massachusetts Historical Society Collections, Series 1, 3:155-160.

MATAKEKIN (PETOSON)

- 1969 Deed of land to Cockquadin. Nantucket Registry of Deeds 4:62.
- 1729 Recorded Oral Testimony for gift of land to Cockquadin. Nantucket Registry of Deeds 4:87.

NICKANOOSE

- 1668a Deed of land to Quaquachwinet. Nantucket Registry of Deeds 2:70.
- 1668b Deed of land to his four sons. Martha's Vineyard Registry of Deeds 7:44.
- 1670 Deed of 100 acres at Mashaam to Waquakonooit. Nantucket Registry of Deeds 3:39.
- 1675 Deed of 6 cattle rights to Jutte. Nantucket Registry of Deeds 3:41.
- 1676 Deed of 20 acres to Jutte. Nantucket Registry of Deeds 3:41.
- 1677 Deed of Land Use to his two brothers. Martha's Vineyard Registry of Deeds 1:38.
- 1679 Deed of sachemship to Wawinet. Martha's Vineyard Registry of Deeds 1:355.

NICKANOOSE, and Wawinet

- 1679 Deed of land to Jacob Washaman. Nantucket Registry of Deeds 1:53.

NICKANOOSE'S FATHER

- 1678 Recorded Oral Testimony of gift of land to Spotso's father and Harry's father. Nantucket Registry of Deeds 2:1,2.

PETOXSON, Dorcas

- 1728 Deed for 10 acres to John Momenequem. Nantucket Registry of Deeds 4:63.

SOOSOOAHQUO (JEPHTHA)

- 1686 Deed for land to Old Gentleman. Nantucket Registry of Deeds 2:5.
- 1731 Recorded Oral Testimony for gift of land use rights to James Mamook, renewed by sachem Ben Abel. Nantucket Registry of Deeds 4:91.

STARBUCK, Alexander

- 1924 The History of Nantucket. Goodspeed, Boston.

WANACHMAMAK

- 1662 Deed of Pakummohquoh to the English. Nantucket Registry of Deeds 4:89.

WANACHMAMAK

- 1678 Recorded Oral Testimonies for gift of land to Spotso's father. Nantucket Registry of Deeds 2:1,2.
- 1686 Recorded Oral Testimonies for gift of land to Old Gentleman. Nantucket Registry of Deeds 2:5.

WAWINET

- 1670 Guardianship of his children to Askammapoo. Mass. Archives, Indians 32:385.
- nd Renewal of Nickanoose's deed to Waquakonooit. Nantucket Registry of Deeds 3:39.
- 1677 Agreement to his father Nickanoose's deed to brothers. Martha's Vineyard Registry of Deeds 1:38.
- 1687a Renewal of Nickanoose's deed of cattle rights to Jutte. Nantucket Registry of Deeds 3:41.
- 1687b Renewal of Nickanoose's deed of land to Jutte. Nantucket Registry of Deeds 3:41.
- 1689 Deed of land to brother Paul Noose. Nantucket Registry of Deeds 3:4.

WAWINET, Isaac

- 1690 Deed of land to Silas and Numpas. Nantucket Registry of Deeds 2:9.

WILLIAMS, Roger

- 1643 A Key into the Language of America. Edited by John J. Teunissen and Evelyn J. Minz, Wayne State University Press, Detroit (1973).