Three Kinds of Indian Land Deeds at Nantucket, Massachusetts.

By Elizabeth A. Little.

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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Massachusetts, there are about 250 deeds from Nantucket Indians, which we are analyzing for archaeological and ethno-historical content.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 witneseth 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 aforesaid at convenient time as shall be demanded witnes my hand or mark this 22th of June 1662.

Peter Foulger \\nand 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 Masham, 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 there 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 necanoose, 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 v()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 complayne against Spatso...
and with holdinge from hem his land where...
halfe of the land that Spatso (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 there was a great hunting meeting at manna and a great many Endians were there and harrys father was not there then Spattsos father w... to wanachmameck and desiered hem he would not 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 Agoe at (dacuchaconset)... was a great meeting and then the Sacheme his father did give to Spatso father and nahosokets (of harrys) father tuppockommack and Shouahkimnick. after this thes to 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 metting at mana Spatso... did desier wanachmameck to let hem have the land that he had before and he gave hem this anser... 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 Shouah kemmock

Testimony of old tahtahcumumuck he Saith there was a great mettinge and nickanoose his father was there and some great men and they ware 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 Shouahcomino and he gave it to nana Sockets father and Spatso father

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

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

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 Spatso father

the Testimony of Aquail who Saith he was at the metting that was Spoken of in the other Endians and Saith the land was only given to Spatso father. The testimony of Sasede who Saith that harry father and Spatso father said thanckky when nickanooses father gave them the land:

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

The testimony of (T)athahcommo who Saith that he was with them when Nickanoose 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), Wunaquontam (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 days" (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 translated in the only other deed beginning "I" or "Neen" (Nickanoose's Father 1679, 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...
beginning with the English forms, "Know ye all men by these presents...", and, "This witnesseth...", were closely scrutinized. Each one had an Englishman present as witness, and, one assumes, as recorder. This test of our classification suggests that "I, grantor's name" at the beginning is necessary and sufficient to classify a deed as written by an Indian, at least on Nantucket.

Four Nantucket Indian deeds registered at Martha's Vineyard which were disputed in the mid-eighteenth century (Nickanoose 1668b, 1677, 1679; Wawinet 1677) differ slightly from the Nantucket model in style (see Table 1b), but they are certainly not English deeds. Thomas Mayhew, Sr., whose name appears on each of these deeds, may have been partly responsible for their style.

Recorded Oral Land Transfers

Although the English probably recorded our cloudy example of a recorded oral land transfer (Nickanoose's Father 1678), they later fairly successfully clarified and abbreviated another such land transfer record involving 4 Indian grantors and 2 Indian grantees (Attapeat 1711). Two documents recording oral procedures were written by Indian authors, Ephraim Naquatam (Matakekin 1729) and James Mamock (Soosooahquo 1731). One document comprising three statements in an Algonquian language, tentatively classified as a recorded oral land transfer (Askasquapet and Wauwanahhussu 1728), named John Tatagkamosunun as an author. Among the Indians of Nantucket, the recording of oral land transfers as well as renewal by succeeding sachems not only persisted until 1731 (Attapeat 1711; Soosooahquo 1731), but in two cases oral testimony was added to deeds (Wanachmamak 1686; Matakekin 1729).

All three of the recorded oral land transfers written by Indian authors (see Table 2) are in an Algonquian language, start with "Neen, grantor's name", and have date anomalies and no English participants, which suggest that the attributes of deeds written by Indians are also attributes of recorded oral land transfers written by Indians. Most recorded oral land transfers written by the English (Wanachmamak 1686; Attapeat 1711) do not have these attributes. At present we can only speculate about the source of the "Neen Nickanoose ..." form and the reverse dating style.

Conclusions

Deeds from Nantucket Indians appeared first in 1659 and came almost to a complete halt in 1674, when a sickness proved fatal to more than half of the Nantucket Indians. Deeds written by Indians occurred only between 1668 and 1702. Recorded oral land transfers, some of which were written by Indians, continued until 1731. After 1730, some Indians, especially whale fishermen, were indistinguishable from Englishmen in their land transactions. We observe, however, that many, perhaps most, of the Indians who lived on Nantucket never signed any deeds at all.

As we continue to study these documents, additional observations will be possible. Deeds of the eighteenth century remain to be examined closely. We hope that the classification of Indian land transactions into three groups, recorded oral land transfers, English deeds, and Indian deeds, will be as helpful to those working with deeds in other geographical areas as it has already proved to be for the interpretation of the deeds of Nantucket.

Table 1. Attributes of Nantucket Indian Deeds Which are not English in Style.

<table>
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<tr>
<th>DOCUMENT</th>
<th>I, GRANTOR</th>
<th>INDIAN AUTHOR</th>
<th>DATE ANOMALY</th>
<th>ALGONQUIN LANGUAGE</th>
<th>ENGLISH IN Style</th>
<th>EVIDENCE</th>
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<td>b. Nantucket Indian Deeds at Martha's Vineyard:</td>
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### REFERENCES

- **AKASQUAPET, and Wauwanahhussu**

- **ATTAP EAT**
  - 1711 Recorded Oral Testimony, for gift of land to Tahquepe (George Heas), renewed by succeeding sachems, Musaasquat, 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**

- **LITTLE, Elizabeth A.**

- **MACY, Zachceus**
  - 1792 A Short Journal of the first Settlement of the Island... Massachusetts Historical Society Collections, Series 1, 3:155-160.

- **MATAKEKIN (PETOSON)**

- **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.
  - 1677 Deed of Land Use to his two brothers. Martha's Vineyard Registry of Deeds 1:38.

- **NICKANOOSE, and Wawinet**

- **NICKANOOSE'S FATHER**

- **PETOSON, Dorcas**

- **SOOSOOAHQUO (JEPTHA)**

- **STARBUCK, Alexander**
  - 1924 The History of Nantucket. Goodspeed, Boston.

- **WANACHMAK**
WANACHMAMAK

WAWINET
1677 Agreement to his father Nickanoose's deed to brothers. Martha's Vineyard Registry of Deeds 1:38.

WAWINET, Isaac

WILLIAMS, Roger