

## SENATE.....No. 86.

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### Commonwealth of Massachusetts.

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IN SENATE, April 8, 1836.

The Committee on Towns, to whom was referred the report of the Commissioner of Marshpee District, have examined that subject, and find the accounts duly certified and in conformity to law, presenting a very favorable aspect of affairs in said District. Their financial concerns present a cheering evidence of the ability, integrity, and industry of the selectmen, which will be seen by the brief statement which they take the liberty to present. The income of the past year amounts to \$942  $\frac{45}{100}$ , derived from the sale of wood, and rents of land. The expenditures, aside from the state paupers, have amounted to \$781  $\frac{71}{100}$ , of which \$124 has been for schools, and for wandering poor not belonging to the District, or coming under the class of paupers supported by the State, leaving a balance of \$160  $\frac{71}{100}$ . If the sums due the District are collected, its resources under

the present management are ample for its support. In a letter from the selectmen, laid before the committee, they express an opinion, that it will be no more difficult to collect the amount due the District, than would be likely to occur in other towns for rents and taxes.

The recent winter has put the Indians to a severe test, as to their provident care and management of their affairs. The committee are happy to state that no case of extreme suffering has come to their knowledge, except where intemperance, that terrible scourge of the Indian race, as well as the more civilized whites, has been the cause. This evil, there is reason to believe, is diminishing among the Marshpee Indians. The law for their protection against this moral pestilence is ample. And it having been recently enforced by the court in the county of Barnstable, has had a very favorable effect. The committee consider themselves as following out the benevolent intentions of the Legislature, in calling upon the prosecuting officers in that part of the Commonwealth, as well as all good citizens, to exercise the utmost vigilance in detecting, and prosecuting all offenders, who violate the law, prohibiting the sale of ardent spirits to the Marshpee Indians; and it is hoped that if the practice exists of furnishing the Indians with this article, so destructive to their race, and so fatal to their moral improvement, through the facility of wood boats, and other modes of evading the law, to be dealt out to them in secret places, that the proper authorities will bring to shame and legal punishment every offender, who will for a few cents consign to infamy and degradation, those Indians who now bid so fair to enjoy the blessings of civilized life.

The Legislature, in apportioning the school fund, gave the district an annual allowance of one hundred dollars, which was much beyond their equal proportion. It is with much satisfaction the committee learn, that the money thus bestowed, has been judiciously appropriated, and that much good may be expected to result therefrom. They employ two white teachers, who are represented as being well qualified to perform the duty of teachers, and that the Indians generally take an interest in sending their children to school.

The only source of permanent discontent, which, from the representation of the selectmen, and a large majority of the proprietors, prevails among them, is the settlement of the Rev. Mr. Fish by Harvard College, who occupies the meeting-house, and about four hundred acres of wood land as a parsonage. The committee did not feel authorized to enter fully into the causes of which the Indians complained, but it did appear, that but very few of the Indians attend the preaching of Mr. Fish, who, they say, is settled among them without their consent, upon a fund of which Harvard University is the trustee, and which was given to promote the religious improvement of the Indians in New England. As the consequence of this dissatisfaction, Mr. Fish preaches almost wholly to the neighboring whites, and the Indians are nearly destitute of religious instruction. In a letter, laid before the committee from the clerk of the district, he says, "the people will not go to hear Mr. Fish, and so we have not the privilege of hearing the gospel preached, unless we go and hear a man we do not like." It also appears, that Mr. Apes, who formerly preached in Marsh-pee, has lost the confidence of the people; and a blind preacher of the tribe (when he is with them) is the only

clergyman on whose services they desire to attend. The committee are aware, that on this subject, they cannot recommend any legislative action, the remedy lying with Harvard University, to whom the Indians have applied for redress, as yet without effecting an object to them so desirable.

The committee, they trust, may be allowed the present opportunity to present to the Legislature, that they regard as an impressive duty resting on the Commonwealth, the paternal care and protection of the small remnants of the once powerful tribe of Indians, who now remain within our limits, and the principal portion of whom inhabit a tract of about ten thousand acres of land in the county of Barnstable, which was established as the District of Marshpee by the act of 1834, chapter 166. This act, granted at the earnest solicitations of the Indians, relieving them from direct guardianship, has, as appeared from the representation of the selectmen, been highly beneficial, and secured to them the blessings of self government, and gives life and animation to them in their various pursuits, without any serious evils, which it was feared by many might grow out of their being permitted to manage their own affairs. The inhabitants of the district are generally contented and happy, and prosper under the act beyond the most sanguine expectations of their friends, especially when it is considered the state of vassalage to which they had been reduced. This most successful experiment, operating so favorably to the Indians of Marshpee, induces the committee to digress from the subject immediately committed to them, and to ask the attention of the Legislature to the situation of the Chappaquidic and Christiantown Indians, who are yet left in a state of vassalage and bondage, inconsistent, as the committee

believe, to the rights of citizens of Massachusetts, and derogatory to the character of the state; the committee will only advert to one portion of the law by which they are governed. The guardian of said Indians may, at once and without trial, confine any Indian, upon a slight offence, for the term of twenty days, and cause him to be fed on bread and water; the fact of the existence of this law, is sufficient to call the attention of the Legislature to these tribes of Indians, and to institute an enquiry into their situation, that if it should be found consistent, they may enjoy the blessings so happily bestowed on Marshpee.

The committee would feel they had left an important part of their duty unperformed, did they not express to the Legislature their full belief, that the official conduct of the Hon. Charles Marston, as commissioner of said district, had been such as to meet the approbation of the Indians, and, from the examination of the accounts and other sources, that of the Committee.

All which is respectfully submitted by

SETH WHITMARSH,

For the Committee.

