

SENATE . . . No. 238.

Commonwealth of Massachusetts.

IN SENATE, May 7, 1878.

To the Honorable Justices of the Superior Court now sitting at Barnstable within and for the County of Barnstable.

Respectfully represent Solomon Attaquin, Walter R. Mingo, and Silas P. Pells, selectmen of the town of Mashpee in said county, that there are within said town certain lands, amounting, as nearly as can be ascertained, to three thousand one hundred and fifty acres, which are the "common lands" of said town of Mashpee and of the people heretofore known as the Mashpee tribe of Indians. And said selectmen represent that it is for the interest of all parties concerned and interested in said lands, that the same be divided among the parties entitled thereto, or that the same be sold in accordance with the provisions of law.

They therefore pray your Honor to appoint three discreet, disinterested persons as Commissioners, to make partition of said lands, or to sell the same, as your Honor shall determine, and also that said Commissioners may be authorized and directed to perform all such other acts and things as these Commissioners may do, under the provisions of chapter two hundred and ninety-three of the acts of the year eighteen hundred and seventy.

(Signed) SOLOMON ATTAQUIN,
WALTER R. MINGO,
SILAS P. PELLs,

Selectmen of Mashpee.

By their Attorney,

GEO. A. KING.

COMMONWEALTH OF MASSACHUSETTS.

BARNSTABLE, SS.

SUPERIOR COURT. — OCTOBER TERM, A.D. 1870.

Upon the foregoing petition of the selectmen of Mashpee, it is ordered that notice be given to all parties in interest to appear at the term of the Superior Court, to be held at Barnstable in said county on the first Tuesday after the first Monday of April next, to show cause why the prayer of said petitioner should not be granted. That said notice be given by publication of an attested copy of said petition and of this order thereon for three successive weeks in the "Cape Cod Gazette," a newspaper printed in Sandwich, the last publication to be thirty days before said term of the Court; and also by posting an attested copy of said petition and of this order thereon three successive weeks upon the door of the meeting-house in said Mashpee, said posting to be thirty days at least before the term of the Court aforesaid.

By the Court,

CHAS. THACHER, 2d,

Clerk, pro tem.

SUPERIOR COURT. — APRIL TERM, 1871.

In the matter of the petition of the selectmen of Mashpee, praying for proceedings under the Statute of 1870, chapter 293, section 6, due notice having been given as ordered by the Court, and no objection appearing, it is hereby adjudged that it is for the interest of the parties interested that all the common lands in said town of Mashpee (except such as the Commissioners hereinafter named shall determine to be meadow and hay lands) should be sold; and Wendell H. Cobb of New Bedford, Cyrus Cahoon of Harwich, and Asa E. Lovell of Barnstable, are hereby appointed as the Commissioners for the purposes named in said statute, who shall each give bond in the penal sum of five thousand dollars to the treasurer of the town of Mashpee, with sureties to be approved by some justice of this Court conditioned for the faithful performance of the duties herein confided to them,

and who shall then proceed to sell at public auction the lands aforesaid (except meadow and hay lands), and pay the proceeds of said sale over to the said treasurer.

And the said Commissioners are directed to examine and define the boundaries of all lands rightfully held by individual owners in said town of Mashpee, and to properly describe and set forth the same in writing, and the title thereof, and report the same to the Court, with full powers to do all the matters and things contemplated by said act to be done by such Commissioners.

(Signed) LINCOLN F. BRIGHAM,
C. J. Superior Court.

BARNSTABLE, SS.

True copies.

Attest: SMITH K. HOPKINS, *Clerk.*

To the Honorable Justices of the Superior Court holden at Barnstable within and for the County of Barnstable on the first Tuesday of April, A.D. 1878.

The undersigned, duly appointed by this honorable Court in April, 1871, under chapter 293 of the Acts of 1870, commissioned to make sale of the common lands of Mashpee, and to describe and set forth in writing a description of the lands held by individual owners, have attended to the duties devolving upon them, and respectfully submit this their report. All the common lands of Mashpee, excepting meadow and hay lands, covering an area of 2,536 $\frac{3}{4}$ acres, were surveyed and divided into 187 lots or parcels, and sold at public auction after due notice; the aggregate of said sales amounting to \$7,052.76. All of this money has been paid over to the treasurer of Mashpee, as per the instructions contained in said act. Also all the lands rightfully held by individual owners have been examined, and the boundaries defined, comprising sundry and different tracts or parcels of land, and they have properly described and set forth the same in writing: record whereof is hereby presented as a part of their doings in the premises.

Schedules showing the expenses of each of the Commissioners and the nature and extent of their services are hereby

annexed, and made part of this report, marked A, B, and C. Wherefore, agreeably to the provisions of chapter 293 of the Acts of 1870, and the Act of 1878, chapter 61, in amendment thereof, they request that this report be allowed, and a bill approved covering the expenses of said Commissioners and such compensation for services as shall seem proper, reasonable, and just.

(Signed) WENDELL H. COBB,
CYRUS CAHOON,
ASA E. LOVELL,

Commissioners.

SCHEDULE A.

Expenses incurred by WENDELL H. COBB in his capacity as Commissioner to make Partition of Common Lands of Mashpee, &c.

1871.

April 20.	Cash paid expenses to Barnstable to meet the other Commissioners, including car-fare and hotel bills	\$7 85
	bonds for Commissioners, and stamps	6 00
May 7, 8, } 9, 10, 11. }	expenses to Sandwich and Mashpee, five days	15 00
May 31.	expenses to Sandwich and Mashpee	7 00
June 19.	expenses to Sandwich and Mashpee	5 00
June 30.	E. Anthony & Sons, printing 150 blank deeds	8 00
July 11.	Fessenden & Baker, printing posters	1 50
	"Yarmouth Register," advertising sales, posting up notices, and postage de sale	6 00 1 25
Dec. 4-8.	Sandwich and Mashpee, four days	12 30
Dec. 19.	expressage on blanks	40
Dec. 20.	"Cape Cod Gazette," advertising notice of sale	6 00

1872.

Jan. 27.	Cash paid expenses to and at Mashpee	10 00
Feb. 1.	expenses to and at Mashpee	7 00
	expenses to Sandwich and Boston to see Commissioners George A. King and A. T. Perkins	9 75
March 1.	expenses to Boston to deliver deeds	3 60
April 5.	Fessenden & Baker, printing blanks	7 50
June 4.	"Barnstable Patriot," advertising notice of sale	5 00
Aug. 26-29.	expenses to Sandwich and Mashpee, three days	11 75

1873.		
June 23.	Cash paid expressage on deeds, and postage	\$0 92
Oct. 21-22.	expenses to and at Mashpee	10 50
Nov. 4.	expenses to and at Mashpee	6 50
1874.		
Jan. 2.	Cash paid postage on deeds	27
Feb. 3.	postage on deeds	18
Nov. 18.	postage on deeds	27
Nov. 15-16.	expenses to and at Mashpee	8 69
Nov. 23.	expenses to Boston for record-books	2 80
Dec. 4.	postage on deeds	46
Dec. 12.	record-book and expressage	13 75
1878.		
Jan. 19.	Cash paid expenses to and at Barnstable	5 05
Jan. 23.	ink, and cover to book, and resting-board,	2 50
Jan. 29.	telegrams to Cyrus Cahoon	51
March 9.	expenses to Boston to see Judge L. F. Brigham, notice in report, and tele- gram	3 80
	William K. Tallinan, copyist	200 00
	index to record-book	50
	expressage on books and paper	90
		<hr/>
		\$388 50

COMMONWEALTH OF MASSACHUSETTS

To WENDELL H. COBB.

Dr.

To thirty-one days' services as Commissioner, spent at Mash- pee with the other Commissioners during the progress of the work	\$310 00
fifty-eight days' time in comparing deeds, examining titles, and attending to preparations, and transcribing of the records of the report	580 00
general services as chairman of the Board in overseeing the work, preparing blanks and deeds, conferring with and advising other Commissioners, and extensive correspond- ence touching the business, covering a period of eight years	1,000 00
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	\$1,890 00

SCHEDULE B.

COMMONWEALTH OF MASSACHUSETTS.

To CYRUS CAHOON, *Mashpee Commissioner.**Dr.*

1871.			
May 8.	To cash paid for memorandum-book	\$4 15	
	4 dozen lead-pencils	80	
	postage and stationery	1 75	
	Matthias Amos, for services rendered, 76½ days, at \$2.00 per day	153 50	
	board	80 60	
			<u>\$249 80</u>
1872.			
Feb. 15.	To cash paid Solomon Attaquin, for taking ac- knowledgments of 15 deeds	\$3 75	
Feb. 19.	blank deeds and expressage	4 35	
Aug. 7.	"Harwich Independent," for post- ers, and advertising common lands of Mashpee	3 00	
Aug. 10.	drawing-paper, tracing-cloth, and expressage on the same	8 40	
Sept. 28.	Elijah W. Pocknet, for services ren- dered	18 00	
Oct. 3.	"Yarmouth Register," for adver- tising Mashpee lands	8 00	
Oct. 4.	"Harwich Independent," for blank deeds and advertising common lands of Mashpee	8 00	
Oct. 7.	"Barnstable Patriot," for advertis- ing Mashpee lands	5 00	
Oct. 26.	expressage on Mashpee deeds from New Bedford	65	
Oct. 29.	Elijah W. Pocknet, for services rendered	1 50	
	for revenue stamps to Aug. 28, 1872, postage and stationery	28 00	
	Matthias Amos, for services rendered, 39¾ days, at \$2.00 per day	79 50	
	board	102 90	
			<u>\$273 55</u>

1873.

May 12.	To cash paid memorandum-books	\$1 33
June 4.	Daniel W. Pocknet, for services rendered	25
June 21.	C. E. Prett, for half-ream of paper	3 00
June 19.	Solomon Attaquin, for taking acknowledgment of 42 deeds	8 40
June 23.	Elias Degross, for services rendered,	25
Aug. 22.	Jeremiah Cowett, for services rendered	1 50
Oct. 9.	expressage on posters and despatch from New Bedford	1 30
Nov. 17.	"Seaside Press," for advertising Mashpee lands	5 00
	"Barnstable Patriot," for advertising Mashpee lands	5 00
	postage and stationery	2 50
	Matthias Amos, for services rendered, 28 days, at \$2.00 per day	56 00
	board	78 40
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		\$162 93

1874.

Mar. 27.	Cash paid C. E. Brett, for memorandum-books	\$2 25
Aug. 27.	Jacob Pocknet, for services rendered	3 00
Dec. 4.	Obed Brooks, for taking acknowledgment of Mashpee deeds	15
	postage and stationery	2 50
	Matthias Amos, for services rendered, 23½ days, at \$2.00 per day	47 00
	board	62 30
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		\$117 20

1875.

Feb. 22.	Cash paid C. E. Brett, for one ream of paper	\$6 00
July 15.	Edwin M. Jones, for services rendered	40
July 29.	Simon Keeter, for services rendered	1 00
	memorandum-books	3 10
	postage and stationery	3 25
	Matthias Amos, for services rendered, 12½ days, at \$2.00	25 00
	board	79 80
		<hr/>
		\$118 55

1876.		
Nov. 13.	For memorandum-book	\$0 37
Dec. 14.	L. B. Amos, for services rendered	3 50
Dec. 20.	one ream of paper	6 00
	Darius Coombs, for services rendered	2 00
	postage and stationery	1 50
	Matthias Amos, for services rendered, 17 days, at \$2.00 per day	34 00
	board	75 60
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		\$122 97

1877.		
Feb. 23.	For memorandum-books	\$1 50
June 8.	R. D. Farris, for memorandum-books	3 32
Nov. 14.	John Young, for services rendered	75
Nov. 23.	Elias Degraes, for services rendered	50
Dec. 7.	Elijah W. Pocknet, for services rendered	2 00
Dec. 12.	Solomon C. Howland, for services rendered to date	5 00
	recording 13 deeds	12 71
	recording 59 deeds	41 08
	recording 37 deeds	27 38
	postage and stationery	1 50
	Matthias Amos, for services rendered, 54½ days, at \$2.00	109 00
	board	119 00
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		\$323 74

RECAPITULATION.

1871.	Cash paid out	\$249 80
1872.	" " "	273 55
1873.	" " "	162 93
1874.	" " "	117 20
1875.	" " "	118 55
1876.	" " "	122 93
1877.	" " "	323 74
		<hr/>
		\$1,368 74
"	" for recording two deeds since the above account	1 91
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		\$1,370 65
"	to be paid for recording descriptions in the Barn- stable records	168 00
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		\$1,538 65

Horse-hire.

1871.	128 days, at
1872.	147 " "
1873.	112 " "
1874.	87 " "
1875.	78 " "
1876.	99 " "
1877.	168 " "
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819	" " \$2 per day \$1,638 00

For my Services.

1871.	165 days, at
1872.	189 " "
1873.	145 " "
1874.	116 " "
1875.	114 " "
1876.	140 " "
1877.	219 " "
1878.	26 " "
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1,114	" " \$5 per day \$5,570 00

SCHEDULE C.

BARNSTABLE, MASS., 1878.

Commonwealth of Massachusetts to ASA E. LOVELL.

Dr.

1871.	To services as Mashpee Commissioner, 165 days, at	
1872.	" " " " " " 189 " "	
1873.	" " " " " " 145 " "	
1874.	" " " " " " 116 " "	
1875.	" " " " " " 114 " "	
1876.	" " " " " " 140 " "	
1877.	" " " " " " 219 " "	
1878.	" " " " " " 26 " "	
Total number of days, 1,114, at \$5 per day, .		\$5,570 00

BARNSTABLE, MASS., 1878.

Commonwealth of Massachusetts to ASA E. LOVELL.

Dr.

1871.	To cash paid for board,	. . . . .	\$89 60
1872.	" " " " " " " " " " " "	. . . . .	102 90
1873.	" " " " " " " " " " " "	. . . . .	78 40
1874.	" " " " " " " " " " " "	. . . . .	62 30
1875.	" " " " " " " " " " " "	. . . . .	60 90
1876.	" " " " " " " " " " " "	. . . . .	75 60
1877.	" " " " " " " " " " " "	119 00
1878.	" " " " " " " " " " " "	13 30
			<hr/>
			\$602 00

To postage,	10 50
C. C. Bearse, for acknowledgment of deed,	25
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	\$612 75
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BARNSTABLE, SS.

True copies.

Attest: SMITH K. HOPKINS,
Clerk Superior Court.

BARNSTABLE, SS.

SUPERIOR COURT. — APRIL TERM, 1878.

No. 2.

SOLOMON ATTAQUIN ET ALS., *petitioners for appointment of Commissioners for the sale of the common lands in Mashpee, and for other purposes under chapter 293 of the Acts of 1870.*

Wendell H. Cobb, Cyrus Cahoon, and Asa E. Lovell, the Commissioners appointed in this case, having now made report of their doings in the premises; and it appearing thereby that they have made sale, under this order of appointment, of all the common lands in Mashpee, excepting the meadow and hay lands; and that they have paid over to the treasurer of Mashpee the proceeds of said sale, amounting to \$7,052.76; and that they have examined and defined the boundaries of all lands rightfully held by individual owners in said Mashpee, and properly described and set forth the same in writing, and the titles and boundaries thereof (which appear and are contained in a book filed by said Commissioners with the clerk of this Court, lettered "Mashpee Records"); and notice having been given, as ordered by the Chief Justice of this Court, that the same would be presented, considered, and acted upon in the present term of this Court, and the same having now been examined by the Court, and no person appearing to object thereto, —

It is ordered, adjudged, and decreed that the report of said Commissioners of the titles and boundaries aforesaid, contained in the book aforesaid, be, and the same is hereby, approved and confirmed, and the same is to be recorded in the Registry of Deeds for the county of Barnstable, as provided by law.

And said Commissioners having presented for allowance their accounts of their services and expenses in the premises as follows, to wit:—

Wendell H. Cobb, for services	\$1,890 00
Wendell H. Cobb, for expenses paid	388 50
Cyrus Cahoon, for services	5,570 00
Cyrus Cahoon, for expenses paid	1,538 65
Cyrus Cahoon, for horse-hire	1,638 00
Asa E. Lovell, for services	5,570 00
Asa E. Lovell, for expenses paid	612 75
Amounting in the whole to	<u>\$17,207 90</u>

Which appears in detail by said accounts, which are on file; and the same having been examined and considered by the Court, it is further ordered and decreed that said accounts, and the amounts thereof as above stated, be, and the same are hereby, approved and allowed to be paid out of the treasury of the Commonwealth, as is provided by law.

By the Court,

SMITH K. HOPKINS, *Clerk.*

BARNSTABLE, SS.

A true copy.

Attest: SMITH K. HOPKINS,
Clerk Superior Court.

Decree of Court approving and confirming the Commissioners' Report, and allowing and approving their accounts. Entered April 4, 1878, third day.

(Signed) SMITH K. HOPKINS, *Clerk.*

Filed April 4, 1878.

(Signed) SMITH K. HOPKINS, *Clerk.*

COMMONWEALTH OF MASSACHUSETTS.

BARNSTABLE, SS.

I, Smith K. Hopkins, Clerk of the Judicial Courts within and for the county of Barnstable, hereby certify that the foregoing papers are true copies of the original papers on file in the Superior Court.

[SEAL] Witness my hand and the seal of the Superior Court this
tenth day of April, in the year one thousand eight hundred and seventy-eight.

(Signed)

SMITH K. HOPKINS, *Clerk.*