

## The Relations of Negroes and Indians in Massachusetts

One of the longest unwritten chapters of the history of the United States is that treating of the relations of the Negroes and Indians. The Indians were already here when the white men came and the Negroes brought in soon after to serve as a subject race found among the Indians one of their means of escape. That a larger number of the Negroes did not take refuge among the Indians was due to the ignorance of the blacks as to the geographic situation. Not knowing anything about the country and unacquainted with the language of the white man or that of the Indians, most Negroes dared not venture very far from the plantations on which they lived. Statistics show, however, that in spite of this impediment to the escape of Negroes to Indian communities, a considerable number of blacks availed themselves of this opportunity. From the most northern colonies as far south as Florida there was much contact resulting in the inter-breeding of Indians and Negroes.

In no case was this better exemplified than in Massachusetts. Because of the cosmopolitan influences in that State where the fur trade, fisheries, and commerce brought the people into contact with a large number of foreigners, the Indian settlements by an infusion of blood from without served as a sort of melting pot in which the Negroes became an important factor. There was extensive miscegenation of the two races after the middle of the seventeenth century. In the course of ten or twelve generations there was an opportunity for "foreign blood early introduced to permeate the whole mass and when it is considered that the intermixture was constantly kept up from the outside, it is a wonder that Indians of pure native race remained." <sup>1</sup>

According to the first authentic census of Massachusetts, published in 1765, all of the counties of the State except Hampshire, Hampden, and Franklin had both a Negro and Indian population. Barnstable had 231 Negroes and 515 Indians; Berkshire had 88 Negroes and 221 Indians; Bristol, 287 Negroes and 106 Indians; Dukes, 46 Negroes and 313 Indians; Essex, 1070 Negroes and 8 Indians; Middlesex, 860 Negroes and 45 Indians; Nantucket, 44 Negroes and 227 Indians; Suffolk, 844 Negroes and 37 Indians; Worcester, 267 Negroes and 34 Indians, making a total of 4900 Negroes and 1697 Indians. <sup>2</sup> After a careful survey of the Indian situation in 1861, however, it was discovered that only a part of these Indians had retained their peculiar characteristics and these had been finally reduced to a few reservations known as the following: Chapequiddick, Christiantown, Gay Head, Marshpee, Herring Pond, Natick, Punkapog, Fall River, Hassanamisco, and Dudley. There were other Indians at Yarmouth, Dartmouth, Tumpum, Deep Bottom, Middleborough, and a few scattered. <sup>3</sup>

The Indians were generally neglected for the reason that they were considered beyond the pale of Christianity, despite professions to the contrary. As a matter of fact, being wards of the State they were scantily provided for and their fundamental needs were generally neglected. They were offered few opportunities for mental, moral, or religious improvement for the reason that the missionary spirit which characterized Cotton Mather and John Eliot no longer existed. Only a small sum was raised or appropriated for their rudimentary education and with the exception of what could be done with the "Williams Fund" of Harvard College there was little effort made for their

evangelization. Left thus to themselves, the Indians developed into a state within a state.

When, therefore, the Negroes became conscious of the wrongs they suffered in slavery, a few early learned to take refuge among the Indians and even after they were freed in Massachusetts their social proscription was such among the whites that some free people of color preferred the hard life among the Indians to the whiffs and scorns of race prejudice in the seats of Christian civilization. Coming into contact there with foreigners, who found it convenient to move among these morally weak people, the Negroes served as important factors in the melting pot in which the Indians were remade and introduced to American life as whites and blacks. Referring to the moral condition of the Fall River Indians, as a case in evidence, an investigator reported in 1861 that in two families there were twelve cases of bastardy and in one of them it was said that, of eight children, the paternity was apparently about equally divided among the Indian, Negro, and white races. <sup>4</sup>

The reports on the state of the Indians always disclosed the presence and the influence of Negroes among them. "Of the publishments of colored persons interested and the early records of Dartmouth," said J. M. Earle in 1861, "by far the larger proportion of those of them were Negro men to Indian women. In Yarmouth a large portion of those of Indian descent have intermarried with whites until their progeny has become white, their social relations are with those of that color and they are mingled with the general community having lost their identity as a distinct portion of the Hassanamiscoes and it would have been a fortunate thing for all if it had been so with them all. But the mixture in most of the tribes has been more with the Negro race than with the white until that blood probably predominates though there are still a considerable number who have the prominent characteristics of the Indians -the lank, glossy,

5

Investigating the Indians of Gay Head in 1861, John M. Earle observed that the people of Gay Head, like those of other plantations, were a mixture of the red, white and black races. They had also "an infusion of the blood of the chivalry of the South as well as of the Portuguese and Dutch, as might be inferred from the names of Randolph, Madison, Corsa, Sylvia and Vanderhoop being found among them." <sup>6</sup> The admixture was much like that on the other plantations with perhaps a less infusion of the African than in some of them. A few were so strongly marked with Indian characteristics as to lead one to conclude that they are very nearly of pure blood, but there were none so nearly white as in some of the other tribes.

It appeared that these people had lived without the law, so to speak, in Massachusetts because of their refusal to accept certain regulations which the State desired to impose upon them. By the act of June 25, 1811, the governor was authorized to appoint three persons to be guardians of the Indian, Mulatto and Negro proprietors of Gay Head, which guardians, in addition to the usual powers given to functionaries in such cases, were empowered to take into their possession the lands of Indians, and allot to the several Indians such part of the lands as should be sufficient for their improvement from time to time. The act further provided for the discontinuance or removal of the guardians at the discretion of the governor and council. <sup>7</sup> Under this act three guardians were appointed and in 1814 the Indians became dissatisfied with their guardians, who resigned, and the guardianship disappeared.

In 1828 there was enacted another measure providing that whenever the Indians and people of color at Gay Head should by a vote in town meeting accept that act and should transmit to the governor an attested copy of the vote, the

governor might then authorize the guardian to take up his duties at Gay Head, and might upon their request, appoint suitable persons to divide their lands. As the Indians had unpleasant recollections of the guardian-system, they never accepted that proposal. For about thirty years they were without any guardians, and their affairs, except that of the public schools, were left to themselves.

It appears, however, that the mere provision for the appointment of a guardian was not the only objectionable feature of the Act of 1828. The guardian was given power to "punish, by fine not exceeding twenty dollars, or by solitary imprisonment not exceeding twenty days, any trespasses, batteries, larcenies under five dollars, gross lewdness and lascivious behavior, disorderly and riotous conduct, and for the sale of spirituous liquors within the territory, or on the lands of these Indians and people of color. <sup>8</sup> The guardian or other justice of the peace might issue his warrant directed to the constable of the Indians and people of color, or other proper officer, to arrest and bring before him, any offender against the provisions of this act; and after judgment, he might order execution to be done by said constable or other proper officer; and if the guardian or other justice of the peace should adjudge any offender to solitary imprisonment, such offender should not, during the term of said imprisonment be visited by, or allowed to speak with any person other than the jailer, or the guardian or justice of the peace or such other person as the guardian or justice of the peace should specially authorize thereto; nor should such offender be allowed any food or drink other than coarse bread and water, unless sickness should, in the opinion of a physician, render other sustenance necessary." <sup>9</sup> "With such a provision in the Act," said J. M. Earle, "making a discrimination so odious and unjust, between themselves and other prisoners, the Indians would have been greatly wanting in self-respect had they accepted it. It is a provision disgraceful to the statute book of the State, and discreditable

10

The Marshpee tribe doubtless had a larger infusion of Negro blood than any. When the population of this tribe was 327 in 1771, 14 of them were Negroes, married to Indians. In 1832 there were 315 inhabitants, of whom 16 were Negroes. According to the report of the Indian commissioner in 1849 the population was 305 in 1848, of whom 26 were foreigners, all Negroes or mulattoes. The tribe numbered 403 in 1859, "including 32 foreigners, married to natives of the tribe, all Negroes or mulattoes, or various mixtures of Negro, Indian, or white blood -none of them being pure whites." <sup>11</sup>

The Punkapog Tribe of Indians formerly dwelt on a tract of land in Canton, Norfolk County, containing five thousand acres, granted them by the General Court of Massachusetts. Before 1861, however, they had lost all of this property, the last of it being sold by the guardian, about 1841, in pursuance of a resolve of the legislature. "The full-blood Indians of the tribe," says the report of 1861, "are all extinct. Their descendants, who like those of all the other tribes in the States, are of various grades of mixtures, of Indian, white, and Negro blood, number, so far as is ascertained one hundred and seventeen persons." <sup>12</sup>

According to the survey made in 1861 the moral condition of the Indians was rather low and it was a regret that the people of color exhibiting generally more moral stamina should be degraded by living among them. Accounting for this condition of affairs a contemporary said of the low moral condition of the Fall River Indians in 1861: "The prejudice of color and caste, and the social proscription to which the colored people are subjected, has a twofold unfavorable effect upon them; first to detract from their self-respect and so to weaken the moral instincts,

and then to throw them into the association of the more dissolute and degraded of other races, where they fall an easy prey to immoral habits. There are, however, in this tribe as well as the others, instances of those who rise above all the evil influences with which they are encompassed and maintain a good standing, as worthy and respectable members of the community. It would be a cause for gratification, if it could be said truly that these are increasing, or that there was any decided progress in the general character of the tribe. But, from all the evidence that can be gathered, it does not appear that, for the last twelve or fourteen years, there has been much, if any improvement in their moral and social condition."

13

The situation in the Hassanamisco Tribe shows how the Indians in some of these reservations became extinct. Interbreeding with both races they passed either to the blacks or to the whites. "But little trace of Indian descent is apparent in the members of this tribe," said J. M. Earle in 1861. "It is most marked in the few who have mixed chiefly with the whites, yet some of these have no perceptible indications of it, and have become identified with the white race. The remainder of the tribe have the distinguishing marks of African descent and mixed African and white, of various grades, from the light quadroon and mulatto, to the apparently nearly pure negro, and, in every successive generation

14

Referring to the Yarmouth Indians the investigator informs us that these had tended to go almost altogether over to the white race. "With this exception," said he, "nearly all of his descendants have intermarried with whites, down to the present day, so that they are substantially merged in the general community, having their social relations with white people, with the exception of one or two families." <sup>15</sup> It was observed that in all the families, in which both heads are living, there were only two in which one of them was not pure white, and those having the Indian blood were usually so little colored, that it would hardly be noticed by one not acquainted with the fact. Some of them had but one sixteenth part of Indian blood. Of the two widows found there in 1861 one was the wife of a white man. The other was a Marshpee Indian whose husband belonged to the Yarmouth tribe and she associated with the people of color.

Discussing the Middleborough Indians, the same report said: "They have been, for some time, commingled with them in the same community, generally under as favorable circumstances, in most respects, as the other colored population of the State, to which they assimilate and have not been subjected to the peculiar present disadvantages under which those labor who are residents of the plantations." <sup>16</sup>

Because of numerous complaints to the effect that the unnecessary restrictions placed on Indians no longer dependents worked a hardship, the Commonwealth of Massachusetts enacted in 1861 a measure providing that all Indians and descendants of Indians in that State should be placed on the same legal footing as other inhabitants of that Commonwealth, excepting those who were supported or had been, in whole or in part, by the State and excepting also those residing on the Indian plantations of Chappquiddick, Christiantown, Gay Head, Marshpee, Herring Pond, Fall

River and Dudley tribes or those whose homes were thereon and were only temporarily absent. It further provided that any Indian or person of color, thus denied the right of citizenship but desirous of exercising that privilege might certify the same in writing to the clerk of his town or

city, who should make a record of the same and upon the payment of a poll tax should become to all intents and purposes a citizen of the State, but such persons should not return to the legal condition of an Indian. Indians unable to avail themselves of this opportunity remained under a guardian in their former state but by complying with this provision they finally emerged from their tribal state into the large body of citizens.

Giving further consideration to the situation among the Indians, the legislature of Massachusetts passed in 1869 what is known as *An Act to Enfranchise the Indians of the Commonwealth*. By this measure practically all Indians in that State were made citizens entitled to all the rights, privileges, and immunities and subject to all the duties and liabilities to which other citizens were entitled or subject. The same provision was made in the acts of 1884, 1890, 1892 and 1893.<sup>17</sup> With a proviso exempting from attachment or seizure on execution for a debt or liability existing before the passage of the law this measure further declared all Indian lands "rightfully held by any Indian in severalty and all such lands which had been or may be set off to any Indian should be and become the property of such person and his heirs in fee simple."<sup>18</sup>

The Indians thereby became vested not only with the rights of any other citizen to sell or control his interest in property whether legal or equitable but were given similar rights in the common lands which were transferable. Prior to this legislation the common lands had been exploited by the State for the benefit of those Indians having the status of wards. Recognizing only equitable rights of ownership in the Indians, the commonwealth kept their property under public guardianship to protect them from the consequences of their own improvidence. Indians had the right immediately to have their share of the common lands of the tribe transferred to them or sold for their special benefit. They were granted also the right to have their share in any funds or other property held in trust for the tribe turned over to them.

The Indians of the Marshpee and Gay Head settlements, however, were made exceptions in this case for the reason that the improvement in their condition was not adequate to justify the extension to them of the same treatment given others; but they were given these same rights in 1870.<sup>19</sup> By the Act of 1870 the district of Marshpee was abolished as such and incorporated as a town by that name. To establish the claim to the rights and privileges guaranteed other Indians in the Act of 1869, the Superior Court of the State was given jurisdiction and a board of Selectmen was constituted as the authority for making such applications instead of any member of a tribe.

It would seem that this legislation of 1869 and 1870 solved the problem of the wardship of Indians and free persons of color on the reservations. It developed thereafter, however, that all members of these communities were not in a position to maintain themselves. In 1902, therefore, it was enacted that the State Board of Charity upon the application of the overseers of the poor of any town should make provision in the State hospital or elsewhere for the support of Indians who may be unable to support themselves and have not acquired a settlement in any town. Upon the application of an Indian who received aid from the commonwealth prior to the twenty-third day of July in the year

1869, the State Board was obligated to furnish him in the State hospital or elsewhere such aid as it might consider expedient.

The provisions in the law of 1870 for the sale of certain lands in the proceeds of which these persons would share led to further action. In 1870 the probate court appointed commissioners to make partition of the common lands of the Marshpee Indians referred to in the Act of 1869. These commissioners did not make their report until 1878. In 1870 there was presented to the Superior Court by the Selectmen of Marshpee a petition for the division of common lands among the persons entitled thereto. In spite of argument to the contrary the Supreme Court of Massachusetts held that the members of the Indian tribes mentioned in the Act of 1869 acquired both legal and equitable rights in tenants in common of the undivided lands of the tribe which were transferable. It was provided in 1878 that the proceeds from the sale of such lands should be divided among the persons entitled to the land in proportion to their interests.

In 1870 the Gay Head district also was abolished and incorporated as a town. The Indians were guaranteed the same rights to lands in severalty and the division of common lands as in the case of other Indian communities thus disestablished. The partition of these lands was to be made in the Probate Court on application of the Selectmen or ten resident owners of such land. An Indian feeling aggrieved because of an invasion of his rights could appeal his case, according to the provision set forth in chapter 117 of the General Statutes of Massachusetts.<sup>20</sup>

Some of these Negroes from the very beginning of their association with the Indians took high rank.<sup>21</sup> The most prominent Negro of all, however, to come out of the Indian plantations was the celebrated Paul Cuffé, well known in this country and Europe by his efforts in behalf of African colonization. He was a native of the tribe of Dartmouth Indians, of mixed African and white descent. His important achievement was that of exploring the western coast of Africa with ships which he owned and fitted out and commanded and which he used in the transportation of Negroes to Africa where he was the first to undertake the deportation of freedmen from the United States, preparing the way for the organization of the American Colonization Society. On one of his voyages he visited England where he was received with marked attention by the nobility and the royalty itself. Men who knew Cuffé considered him a man of great character and respected him because of his being able by dint of energy to accumulate sufficient property to place himself in circumstances of pecuniary independence. Some of his descendants remained in the vicinity of the original Dartmouth Indians but others moved to California.<sup>22</sup>

Several families of Negroes in Massachusetts trace their ancestry back to these Indians. According to the Attorney General of Massachusetts, there are no special records kept at present of Negroes or persons of color who had interbred with Indians as regards the receipts by them of pensions from the commonwealth given as the result of having been dispossessed of their lands. Some persons of color assert, however, that they are the direct descendants of King Philip and Massasoit. Because of this close connection with the Indians it was necessary for the Commonwealth of Massachusetts on dispossessing the Indians of their lands to give these persons of color the benefits of the acts securing remuneration to the Indians. As these lands were disposed of regardless of the rights of the Indians, the State has assumed the obligation of satisfying these claims by pensioning the complainants.

Mr. William George Butler, of West Medford, Massachusetts, a man now sixty years of age, receives such a pension. Mr. Butler's father came to Boston from Baltimore about 1815 and married a woman of color with an infusion of Indian blood. In looking up her estate this connection was discovered and a petition was sent to the Massachusetts Legislature in her favor. Upon the investigation of her claim, which proved to be just, she was granted a pension

of \$250 a year, which Butler inherited.<sup>23</sup> In the following list of persons and tribes from which are descended all Indians who are at present receiving pensions from the Commonwealth, of Massachusetts, however, appear several Negroes or persons of color.<sup>24</sup> These are:

Lemuel D. and Anna Burr	Ponkapoag
Fannie S. Butler	Wampanoag
William G. Butler	Wampanoag
James L. Cisco	Hassanamisco
Delia L. Daley	Oneida
Alice Gigger	Hassanamisco
Elbridge G. Gigger	Hassanamisco
Angela M. Leach	Pegon and Dudley
Rebecca C. Hammond	Algonquin
Teeweleema Mitchell	Wampanoag Descendants of King Phillip and Massasoit
Wontonekamuske Mitchell	Wampanoag Descendants of King Phillip and Massasoit
Sarah B. Pocknett	Algonquin
Zeriah Robinson	Wampanoag
Samantha Talbot	Oneida

C. G. Woodson

1 *Documents printed by order of the Senate of the Commonwealth of Massachusetts during the Session of the Grand Court, 1861, No. 96, p. 10.*

2 The figures given by *The Centinel* differed a little from these. According to its census in 1765, Barnstable had 516 Indians instead of 515; Bristol had 401 Negroes and 167 Indians; Essex 977 Negroes instead of 1,070; Middlesex 871 Negroes and 37 Indians; Nantucket 93 Indians instead of 149; Norfolk 420 Negroes instead of 414; Plymouth 223 Indians instead of 227; Suffolk 891 Negroes instead of 844; Worcester 304 Negroes instead of 267. See J. H. Benton's *Early Census making in Massachusetts*.

3 *Documents printed by order of the Senate, 1861, No. 96, passim.*

4 *Documents printed by order of the Senate of Massachusetts, 1861, No. 96, p. 84.*

5 *Documents printed by order of the Senate, 1861, No. 96, p. 10.*

6 *Ibid.*, p. 34.

7 *The Laws of Massachusetts, 1811.*

8 *Documents printed by order of the Senate, 1861, No. 96, pp. 38-39.*

9 *Laws of Massachusetts, 1828.*

10 "Sixty-six out of the whole number of the tribe, at the time of the enumeration, were not residents of the District; but 52 of them were considered as retaining their rights in the tribe, and more than half of the 66 were understood to be only temporary residents abroad, expecting, at some time, to return to Marshpee, and make it their permanent place of residence. A few others, as a matter of personal convenience, are now residing just over the line, and are so returned, but they consider themselves as identified with the tribe in all

respects, and are so considered by the tribe. Fourteen individuals, included in the above 66, whose names are in the 'Supplementary List,' own no land in the District, but have been gone so long from it, that they are not now recognized by residents as members of the tribe."

*Documents printed by order of the Senate, 1861*, No. 96, p. 40.

11 *Documents printed by order of the Senate, 1861*, No. 96, p. 47.

12 *Ibid.*, pp. 73-74.

13 *Documents printed by order of the Senate, 1861*, No. 96, p. 84.

14 *Documents printed by order of the Senate, 1861*, No. 96, p. 101.

15 *Ibid.*, p. 109.

16 *Ibid.*, pp. 131-132.

17 *Massachusetts Acts of 1884, 1890, 1892, and 1893*.

18 *Massachusetts Acts of 1869*, Chapter 463.

19 "A method was also provided through which his title might be established. This was through Commissioners which were to be appointed by the Probate Court who were to act under the direction of the Court and determine all necessary questions and make their report from which the Court could make its order or decrees. Any person who deemed himself aggrieved had the right to appeal to the Supreme Judicial Court. The right of the Indians became vested and forcible the moment the statute took effect." See a statement from the present Attorney General of Massachusetts, dated December 1, 1919.

20 "Section 5, chapter 463 of the Acts of 1869 provided that the general agent of the board of state charities shall take charge of the house, and all property connected therewith, in the town of Webster, belonging to the Commonwealth and permission was given him to lease the same to persons heretofore known as members of the Dudley tribe of Indians, upon terms substantially like those upon which they have heretofore occupied it; or to sell the same at public auction under the direction of the state board of charities and pay the proceeds of such lease or sale into the Treasury of the Commonwealth." Statement of present Attorney General of Massachusetts, submitted December 1, 1919.

21 Samuel A. Drake, *History of Middlesex County. Massachusetts*, pp. 194, 280.

22 John W. Cromwell, *The Negro in American History*, 98-103.

23 These facts were obtained from Mr. Butler himself.

24 This list was obtained from the office of the Attorney General of Massachusetts.