

*A History of the  
Reservation of  
Indigenous Peoples at  
Yarmouth  
1713 – 1778*

Compiled and written by Robert Dudley Kelley

In the transcriptions of these manuscripts the word “Indian[s]” appears many times. The compiler has not removed or altered any of the original writings of others that appear in this compilation. These quotes will appear in italics and a 14 or 12-point font. To tell the difference the compiler’s comments appear in regular 14-point font and he uses the substitute of “original people[s]”, “indigenous peoples or tribes” to describe the same.

The term “*Praying Indian*” is a specific description for original peoples who were Christianized, and the compiler does use this term in some cases.

The reservation at Yarmouth (1713 – 1778) was an unnatural, or planned settlement. The bounds of Yarmouth in the early 18<sup>th</sup> – century extended from the eastern border of Barnstable to the western border of Harwich. The indigenous peoples of Yarmouth had no choice but to live upon the land allotted to them by the Proprietors of the town. The reservation at Yarmouth was the only settlement of its type on Cape Cod.

The writer is making known the history of the reservation at Yarmouth which housed the indigenous peoples for sixty-five years. It is presented mostly in manuscripts from the Yarmouth Proprietor’s Records and the Daniel Wing diary.

On 21 February 1710 the Yarmouth Town proprietors chose a committee to consider and draw a plan for a division of two-thirds of the town's common land. The committee consisted of Colonel Thatcher, John Hallet, Elisha Hall, and Joseph Hall, the proprietor's clerk was Samuel Sturgis.<sup>1</sup> A recommendation by the committee from a prior meeting in February contained the following provisions:

First: one third of the common lands shall be apportioned to tenements, the owners to be inhabitants of the town, or the children of successors of those now inhabitants who have tenement rights or of those who were freeholders in 1661, and had borne charge in settling the town, no person shall exceed two tenement rights.

Second: one third to all persons 21 years of age and over born in the town and now inhabitants, or those not born here who have been inhabitants 21 years and have possessed a tenement 21 years.

Third: one third according to real estate as each person was rated in 1709. A committee was chosen to report a list of persons entitled to a portion of the public lands and number of shares to which each was entitled.

In February 1711 the proprietors met and agreed that two-thirds of the undivided lands be laid out to the individual proprietors. Also, the proprietors were to lay out highways and private ways on these lands as they saw appropriate.<sup>2</sup>

Prior to making the third and final division the following account of laying out a reservation for the indigenous peoples of Yarmouth was voted at a proprietors meeting held July 1, 1713. The layout for the reservation was to be by mutual decision between the Town and the indigenous peoples.

*2<sup>d</sup> It: ...it was voted & agreed upon at this meeting that ye committee that shall be chosen to lay out our last third of our commons or undivided*

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<sup>1</sup> Yarmouth Town Clerk, recorder, Yarmouth Proprietors Records, 1710 – 1787; p.1. Yarmouth Town Hall, Yarmouth, MA. [hereinafter: Yarmouth Proprietors Records V1]

<sup>2</sup> Simeon L. Deyo, editor, History of Barnstable County, Massachusetts, Town of Yarmouth; Division of Common Lands; p.464. Publ. New York: H. W. Blake & Co., 1890. This citation came from page 1 & 2 of the Proprietors Records.

*land in yarmouth shall have power to lay out a certain tract of land as [much] as they shall think fit & convenient for ye Native Indians of this town to live upon: ...they agreeing with s<sup>d</sup> Indians where about to lay out such land: ...with least damage to ye propriety & most convenient for their use: ...which land is to lye for their use forever to live upon for planting & fire wood: ...& ye Indians shall not have any power to sell or dispose of any part of s<sup>d</sup> land or timber wood trees or fencing stuff that gros thereon s<sup>d</sup> land ner to River [to] any other towns Indians to live thereon nor to hire out to any person whatever: & that no other persons whatever citizen English or Indian but only to ye Indian inhabitants of this Town only shall have any privilege of s<sup>d</sup> tract of land either to build on or to cut wood or to plant upon s<sup>d</sup> land that shall be laid out for the use above s<sup>d</sup> but s<sup>d</sup> tract of land shall be capt for the particular benefit on ye Indian Inhabitant of this town from time to time for only their use.<sup>3</sup>*

Early in the 18<sup>th</sup> century, at the time of Yarmouth's Division of Common Lands, the Pawkunnawkut Tribe who were part of the South Sea tribes, occupied the vicinity of Yarmouth on both sides of the lower Bass River. There were freshwater ponds, woodlands, and planting fields in this area that afforded them ample subsistence. Other indigenous tribes who lived within the borders of old Yarmouth were directed to live within the confines of the land that was agreed upon by both parties and apportioned to them by the proprietors in the third division of lands at Yarmouth. Among the tribes within the borders of Yarmouth were the Pawkunnawkut, Mattacheese, Nobscusset and Sauguatucket.

Later in 1713 the 3<sup>rd</sup> division of common lands included the reservation, which was laid out by the surveyors, and recorded by the Yarmouth clerk, 12 July 1714, as transcribed below.

*An account of ye bargained lands in this last Division also what lands is set out for the Indians to live upon. A piece of Land laid out in yarmouth*

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<sup>3</sup> *Yarmouth Proprietors Records*, V1: 154, 155; also, Richard R. Elliott, author, Article 3, *Indian Bibliographies*, p. 257; published in *The American Catholic Quarterly Review*, Vol. XX; January – October 1895. Published by Charles A. Hardy; Philadelphia. In 1895 Richard Elliott states that during the first half of the seventeenth century within the present bounds of New England the Pawkunnawkut's were one of 32 Indigenous Tribes. It is notable that Elliott also lists the Wampanoag's as a separate nation within the 32.

*for Our Indians to live upon belonging to this town...Beginneth at ye bass river at ye W End of Joseph Eldredge Land leaving an open way from s<sup>d</sup> River two Rod wide between s<sup>d</sup> Land & s<sup>d</sup> Eldredges field to ye way & so over ye way to a small Red oak tree marked: thence from s<sup>d</sup> oak tree sets N.N.W. as trees are marked 180 Rod to ye E. end of ye Long pond: thence sets by s<sup>d</sup> pond on ye S. side 186 Rod to a maple tree marked: thence sets S.S.E. as trees are marked about 212 Rod to ye bank by ye River to a pine tree marked: thence it sets Easterly by s<sup>d</sup> River to ye first mentioned way between s<sup>d</sup> Eldredges Land and s<sup>d</sup> piece of Land laid out to s<sup>d</sup> Indians only Reserving one acre of Land on ye N.W. corner upon ye clift and reserving a way a Long s<sup>d</sup> River below ye Bank upon ye flats for ye conveniencing of ye inhabitants of sd town wholly open also Reserving ye way wholly open that leads from abisha marchants to Nathaniel Bakers.<sup>4</sup>*

Using the dimensions as stated in the Proprietor's records, Daniel Wing states in his diary the reservation contained about 160 acres. The writer has endeavored to create a map of the reservation using the dimensions given in the description from the Proprietor's records. It was not until the liquidation of the reservation in January 1779, using the dimensions of each lot leased that the writer could reconcile the total acreage to close to 160 acres.<sup>5</sup>

On March 2<sup>nd</sup> 1714, the Yarmouth Proprietors held a meeting on some legal technicalities pertaining to the use of the land laid out for the Indigenous Peoples at South Yarmouth. The following rules were voted upon by the proprietors relative to the allowed use of the granted land:

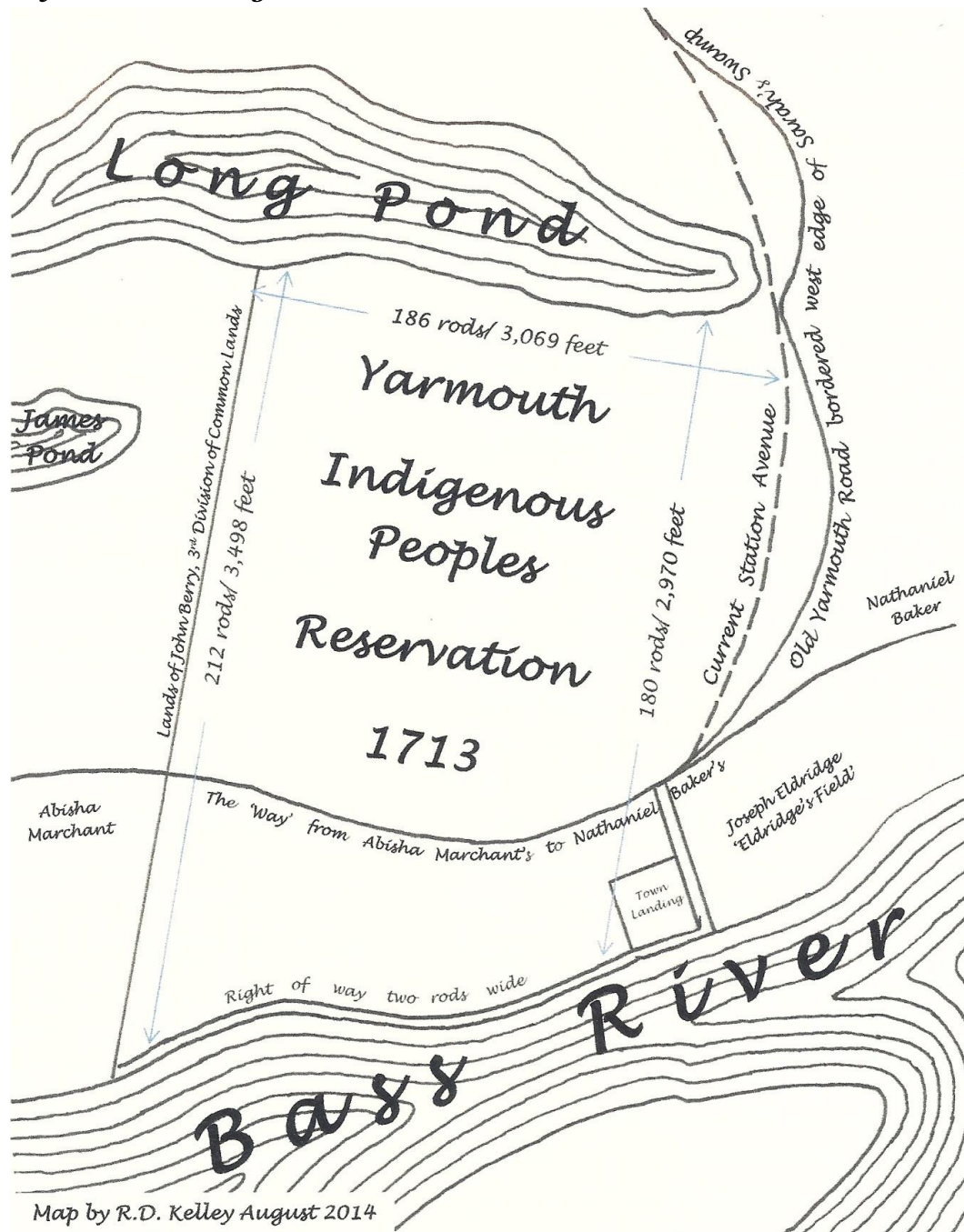
*Att a proprietor's meeting legaly warned & held in Yarmouth in our meeting house for ye proprietors of this town that whereas there was a parcel of Land Laid out for ye Indian Inhabitants of this town to live upon by a voat of this propriety & no Particular person chosen for ye Regular government thereof at this Meeting it was then voted & agreed upon by ye proprietors that sd tract of Land that was Laid for sd Indians to Live upon and ye wood timber trees & sile shall be governed annually by ye prudential care of ye selectmen of sd town of Yarmouth that sd tract of*

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<sup>4</sup> Yarmouth Proprietors Records, V1: p. 256.

<sup>5</sup> See map page 6.

Land ye wood timber fier woods & trees & all that is thereon might be preserved for ye uses that it was granted for: to prevent story & wast & Diference amongst sd



Indians in reference to there setting thereon and that no person either English or Indian shall bark or chip any sd trees in order to Draw turpentine that stand upon sd tract of Land Laid for sd Indians to live

*upon & if any person shall hereafter bark chip or sell any of ye trees afore sd or wood contrary to ye uses that it was granted for & contrary to ye directions of ye Selectmen of sd town annually: Every person that shall so offend shall pay 10 shillings for any such trees that he shall either cut bark or chip or sell of sd tract of land to be Recovered by either of ye Selectmen annually of sd Yarmouth in any court proper to try ye same & all such fines or penalties shall be to & for the use of sd Indians after ye charge of prosecuting paid at ye discretion of ye Selectmen annually. – Samuell Sturgis Prop<sup>rts</sup> Clerk.<sup>6</sup>*

In 1901, Daniel Wing describes the easterly reservation land boundary, by relating its border to the landmarks present in that year, *...The old Yarmouth Road [Station Avenue], which formed a portion of the easterly boundary of the reservation can still be traced from the end of Long Pond, along the westerly edge of Sarah's Swamp, to the rear of the barn owned by the late Capt. Charles Harward, thence still in a straight line, it extended along the westerly boundary of the David Chubb homestead, and so on to a point about six rods northeasterly from Bridge Street as it now is, thence parallel with that street into Bass River.*<sup>7</sup> To the present day reader, the line bordering on the south side Joseph Eldridge's land is within 99 feet, or 6 rods, north of the present Route 28.

A sketch and writing from Daniel Wing's diary shows that the old Yarmouth road, present day Station Avenue, ran along the western edge of Sarah's swamp. This is how it may have appeared in 1713. According to Wing the Town did not layout roads in those days.

In the early 19<sup>th</sup> century Zeno Killey and others redirected the road to run in in a more direct route from Main street to Long pond as it appears today.<sup>8</sup>

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<sup>6</sup> *Yarmouth Proprietors Records*, V1: 257.

<sup>7</sup> Daniel Wing, Author, *Some of the Older Landmarks in South Yarmouth, article 4, 28 Sept. 1901*; Yarmouth Register, Yarmouthport, MA; Transcribed by Robert Dudley Kelley @ Sturgis Library, 1995. [This series from the Register will be hereinafter: Daniel Wing, Older Landmarks]

<sup>8</sup> Wing, Daniel, compiler, *Laying out Station Avenue*, p. 171, 172; *Historical Diary of South Yarmouth, 1859, indexed*, 293 pages; Photocopy of entire volume taken August 2013 by Robert D. Kelley from original, which is in a good state of repair in the possession of John Sears III, South Yarmouth, MA 2014. [hereinafter: Daniel Wing Diary]

It is not known what the indigenous people's population of Yarmouth was in 1713, or how many of them inhabited the reservation. In 1798, Rev. Timothy Alden writes, *In the memory of some the Indians were nearly as numerous as the whites.*<sup>9</sup> In reference to this assertion, the Town Renaissance Survey provides some scant facts and conjecture concerning population at Yarmouth. The first official census was taken in 1765 and listed 1,740 white individuals living in Yarmouth. Dennis at that time was part of Yarmouth not being divided until 1793.

We can suppose that with the English population growing more rapidly in the middle of the 18<sup>th</sup> century, that in 1713, the English population may have been a third of the population of the 1765 census, or about 600 individuals.<sup>10</sup> With a rising English population in the early 18<sup>th</sup> century and a declining indigenous peoples population during the same period, it would be possible to imagine that in 1713, when the reservation was laid out, the both populations could have been close in number.

### **Yarmouth's English Style Indigenous Peoples Meetinghouse**

At the time when the reservation was set off for the indigenous people of Yarmouth their religious meetings were being held west of the reservation. In 1798 the Rev. Alden describes where the meeting house was located

*"...a little to the south-westward of Indian town is Swan's pond, as may be seen by the map of Yarmouth, which was sometime since prepared by the direction of the General Court. On the northeastern side of this pond is a spring, just above which about 40 years ago, stood an ancient Indian meeting-house."*<sup>11</sup>

A further description of the meetinghouse grounds is mentioned in the first division of common lands at Yarmouth. Shubal Gorham was awarded the 110<sup>th</sup> choice, and with the twenty shares allotted to him by the proprietors,

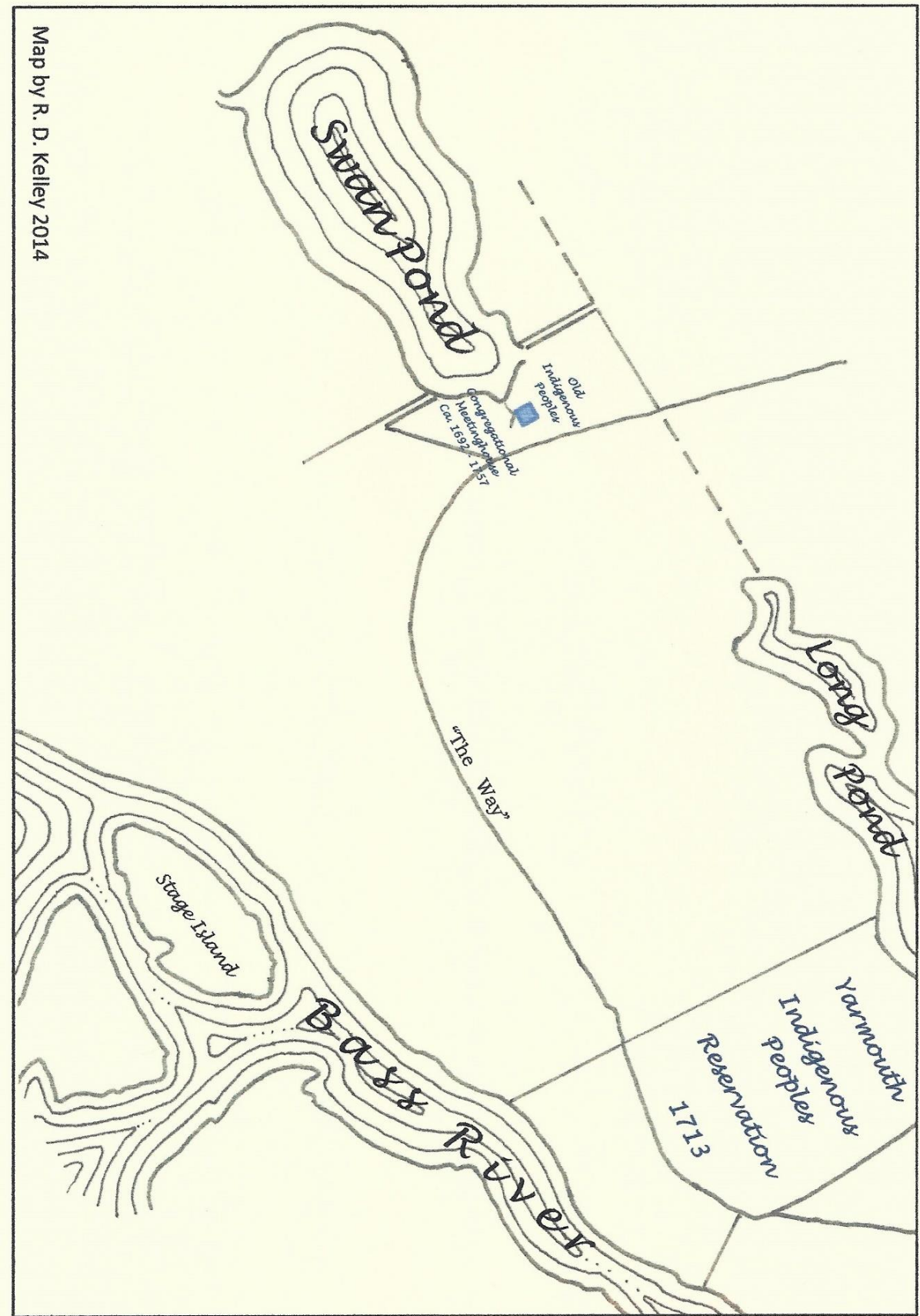
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<sup>9</sup> Reverend Timothy Alden, author, Collections of the Massachusetts Historical Society, Volume 5, first series, 1798; *Mr. Alden's Memorabilia of Yarmouth*; p.55, Boston. [hereinafter: Memorabilia of Yarmouth] Reprinted in 1968 with the permission of the Massachusetts Historical Society. [hereinafter: Reverend Alden Collections]

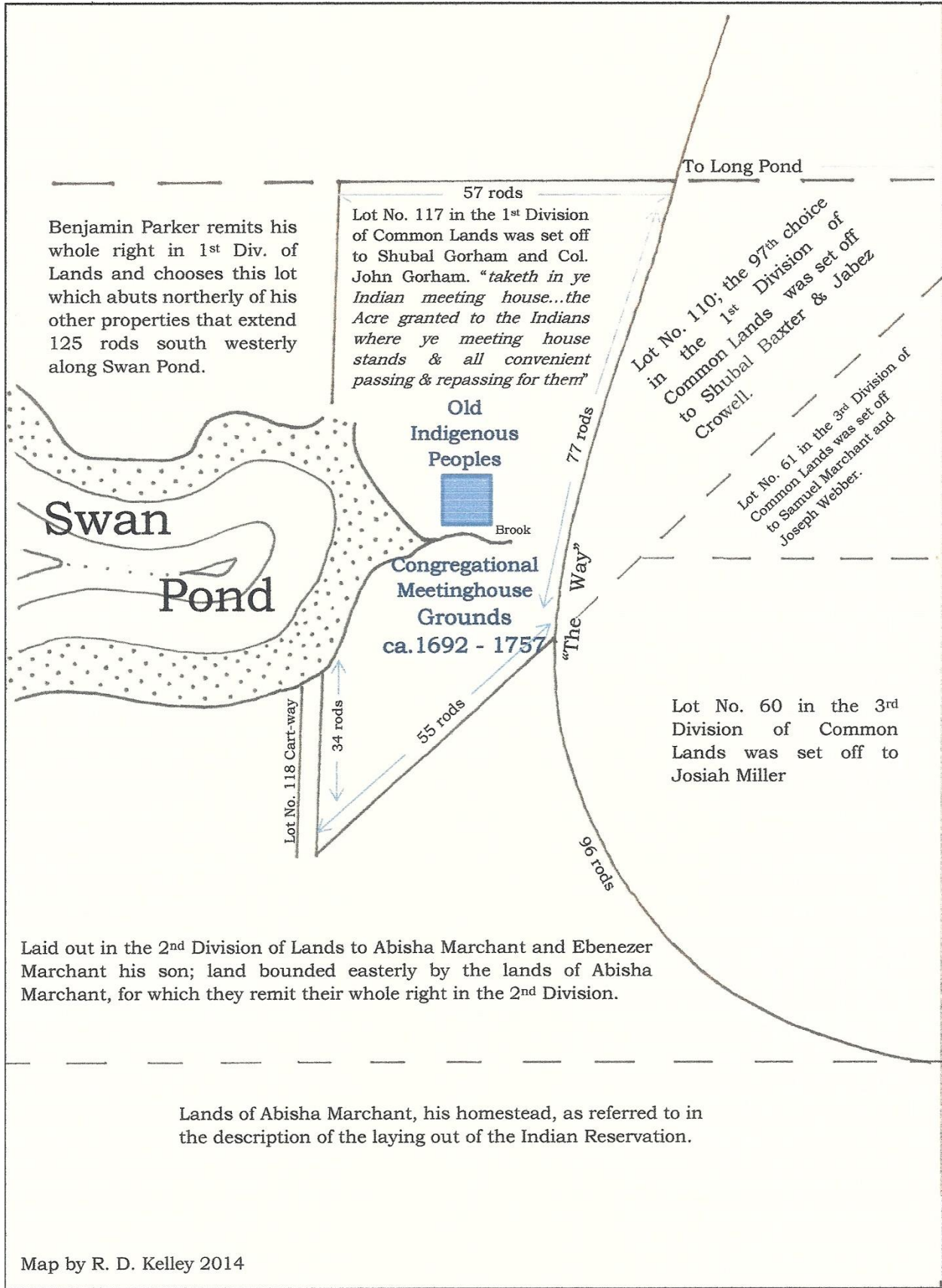
<sup>10</sup> Massachusetts Historical Commission, MHC Reconnaissance Survey Town Report, YARMOUTH, 1984. Associated Regional Report: Cape Cod and the Islands. *Extractions of Indian & white population of Yarmouth*; p. 6 & 9. William Francis Galvin, Secretary of the Commonwealth Chair, MHC, 220 Morrissey Blvd. Boston, MA.

<sup>11</sup> Reverend Alden Collections, location of old Indian meetinghouse, p. 55.





Map by R. D. Kelley 2014



Benjamin Parker remits his whole right in 1<sup>st</sup> Div. of Lands and chooses this lot which abuts northerly of his other properties that extend 125 rods south westerly along Swan Pond.

57 rods  
 Lot No. 117 in the 1<sup>st</sup> Division of Common Lands was set off to Shubal Gorham and Col. John Gorham. *"taketh in ye Indian meeting house...the Acre granted to the Indians where ye meeting house stands & all convenient passing & repassing for them"*

To Long Pond  
 Lot No. 110; the 97<sup>th</sup> choice in the 1<sup>st</sup> Division of Common Lands was set off to Shubal Baxter & Jabez Crowell.

Lot No. 61 in the 3<sup>rd</sup> Division of Common Lands was set off to Samuel Marchant and Joseph Webber.

Lot No. 60 in the 3<sup>rd</sup> Division of Common Lands was set off to Josiah Miller

Laid out in the 2<sup>nd</sup> Division of Lands to Abisha Marchant and Ebenezer Marchant his son; land bounded easterly by the lands of Abisha Marchant, for which they remit their whole right in the 2<sup>nd</sup> Division.

Lands of Abisha Marchant, his homestead, as referred to in the description of the laying out of the Indian Reservation.

chose lot number 117. Here is the description as written in the Yarmouth Proprietors Records:

*Lies be ye Swas [sic. Swan] Pond & taketh in ye Indian meeting house is bounded N. Eastly by a piece of Land there Laid out to Benjamin parker Sets from ye Stake at ye N.W. Corner ENE about 57 Rod to a Stake at ye NE Corner N<sup>o</sup> 117. thence Sets up SSE. about 77 Rod to a pine tree marked on 4 Side & then Sets S & by E about 55 Rod to a pine tree Standing by ye Cart way N<sup>o</sup> 118 thence Sets W & by S 34 Rod to a pine marked by ye Swamp & So to ye Swan pond & then by S<sup>d</sup> pond to ye first mention Bounds Reserving the Acre grainted to the Indians where ye metings house Stands & all Convenient passing & repassing for them.<sup>12</sup>*

The writing ...*all Convenient passing & repassing for them*, would indicate the Indian meeting house was at that time active and egress to and from the edifice was necessary.

One acre of ground attached to the meetinghouse was granted during the common lands division. It is probable that there was a graveyard at this location, the same as was at the indigenous people's meetinghouses at Mashpee, Potanumaquut (Eastham), and Monomoy.

In further defining the meetinghouse location, part of the common lands division lot 117 was transferred in a deed from Benjamin<sup>4</sup> Killey to his nephew Oliver<sup>5</sup> Killey dated 23 June 1792 and describes the location of a brook leading to Swan pond.<sup>13</sup> The writer believes the spring, mentioned in 1798 by Alden, and the brook, are one and the same. With the description of the location of the brook in relation to the pond the writer has endeavored to create a map of the probable location of the acre of ground that contained the meetinghouse grounds.<sup>14</sup>

Although the meetinghouse was active when the reservation was created, sometime between 1713 and 1757 a new Indian meetinghouse must have been established after, as Wing writes ...*in 1757 the Town set out for highest bidder the old Indian Meeting grounds*.<sup>15</sup>

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<sup>12</sup> Yarmouth Proprietors Records, V1:34. Location of old Indigenous Peoples Meeting house.

<sup>13</sup> Barnstable County Registry of Deeds, Re-recorded Yarmouth Deeds, Benjamin Killey to Oliver Kelley, 23 June 1792, V3:404. Barnstable, MA.

<sup>14</sup> Daniel Wing Diary, Spring located at the Indian meeting house, p.198.

<sup>15</sup> Daniel Wing Diary, dissolution of the old Indigenous Peoples Meeting grounds 1in 1757, p. 199.

The indigenous peoples from Barnstable County had been repeatedly recruited in the early military campaigns against the French and the Indigenous Peoples aligned with them, from the outbreak of the King Philips War in 1675 to the indigenous peoples wars through the 1760's. One of these campaigns was the reduction of Louisburg in 1745. Louisburg was the largest fortress in North America, located strategically at the entrance of the St. Lawrence River on Cape Breton Island and was the heavily fortified headquarters of the French.

In this campaign forty scouts, thirteen of them indigenous people from Yarmouth joined the 7<sup>th</sup> Massachusetts Regiment under the condition that Mr. John Thacher, of Yarmouth, be their captain. Thacher was commissioned to Major during this campaign. The Colonel in charge was Shubael Gorham. With this unit was his son Lieut. Col. John Gorham who was the leader of the famous Gorham's Rangers. Of the thirteen Yarmouth indigenous people that took up the call to arms at Cape Breton only three returned to Yarmouth, two were killed in action and eight died of disease. The rest of the company of forty although exposed to great hardship, lived to return home.

Historical accounts of the Louisburg campaign state that when challenged by Col. Vaughn for a bottle of brandy, one of the indigenous people under Col. Thacher's entered the fortress through an embrasure in the wall and opened the gates, where Vaughn and company immediately entered.<sup>16</sup>

There were varying waves of sickness and disease that affected the indigenous peoples in Yarmouth from the time of the first white settlers

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<sup>16</sup> Tunis Garrett Bergen, author; Genealogies of the State of New York, Vol. 2, p. 780; (Southern New York) Long Island Edition; Lewis Historical Publishing Company, New York; 1915.

*...Colonel Joseph Thacher...served in the French and Indian Wars. Principally through his influence a company of forty scouts, 13 of whom were Indians, was raised to accompany the Cape Breton expedition of 1745. The members of the company made it a condition of their enlistment that Mr. Thacher should be their captain. It is remarkable that of the Indians, three only lived to return, two being killed by the enemy and eight dying of disease; and that the rest of the company, though exposed to great hardship, lived to return after participating in the reduction of Louisburg, the strongest fortress in America. One of Thacher's Indians, hired by Colonel Vaughn for a bottle of brandy was the first of the Provincials to enter the grand battery at Louisburg. He crawled in at an embrasure and opened the gate, which Vaughn immediately entered.*

through the last recorded smallpox epidemic in the mid-1760's. Ansel Taylor was born in 1748 and died in 1850. In 1849, at the age of 101 Taylor recollected that in 1763 nearly all the Yarmouth indigenous peoples were swept away by the malignant disease smallpox.<sup>17</sup>

Disease had a common affect among the Plymouth Colony indigenous people relating to their reduction. The writer thought it would be appropriate to insert some history about the decline of the indigenous peoples at Natick, from the reflections of the Rev. Stephen Badger of Natick, Massachusetts, at age of 72 in the year 1797. The Reverend Badger had been in the Ministry at Natick about 45-years and was active during that time among the indigenous peoples of that town. What is described here could be quite relevant to further explain what happened at Yarmouth.

The letter written in 1798 by the Rev. Badger was in response to the 14<sup>th</sup> query of the Scots commissioners.<sup>18</sup> The following is an answer to the 3<sup>rd</sup> query: *By what causes has the decrease been effected? and, if possible to be distinguished, in what proportion is the decrease to be ascribed to each particular cause?*

Badger's answer...*During several of the first years of my ministry and residence among them, I joined more Indians in marriage, and baptized more of them, than of the English inhabitants; after which, military expeditions at different periods, and in different directions, were set on foot; and in several wars that took place, between 1754 and 1760 many of them engaged in the service; not a small number died while in it; others returned home, and brought contagious sickness with them; it spread very fast, and carried off some whole families. This was in 1759. In the space of*

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<sup>17</sup> Daniel Wing Diary *Small pox statement by Ansel Taylor*, p.215.

<sup>18</sup> Explanation of Scots Commission; COLLECTIONS OF THE MASSACHUSETTS HISTORICAL SOCIETY: VOLUME V (FIRST SERIES). 1798; Rev. Mr. Badger's Letter, containing historical and characteristic Traits of the Indians; p.40 – 41; Boston. (Reprinted in 1968 with the permission of the Massachusetts Historical Society)  
*The Scots Commission: A report of a committee of the Board of Correspondents of the Scots Society for propagating Christian knowledge, who visited the Oneida and Mohekunuh Indians in 1796. This valuable paper is long, and apparently very correct. It is in the form of Queries and answers. The queries proposed respecting these Indian tribes, were only 16 in number, but the committee, Rev. Dr. Belknap and Rev. Dr. Morse, extended them to twenty four, and in the answers have given a large body of information on almost every subject relating to the situation, Religion, Arts, Civilization, and probable future condition of those tribes. Rev. Stephen Badger's letter upon the Indians in Natick...had excellent means of information on the subject, because he had been in the ministry at Natick during forty-five years...the letter adds to the general stock of knowledge of the Aborigines.*

*about three months, more than twenty of them died, all of the same disorder, which was a putrid fever; it carried them off in a few days. But two of those to whom the disorder was communicated, recovered; they were both young women. Though their English neighbours were not backward in affording such assistance as the Indians stood in need of, at this time of general calamity, yet but one of them received the infection, and to that person it proved mortal. There was a time of sickness and of great mortality in this place, and in several neighbouring towns, a few years before, when but one Indian inhabitant sickened and died of the same fever that proved fatal to many others.*<sup>19</sup>

On Nantucket about the same time, there were three hundred and fifty-eight indigenous peoples on the 16<sup>th</sup> of the eighth month 1763, when they were stricken with a fever. Six months later two-hundred and twenty-two had died of it.<sup>20</sup>

### The Friends Influence

The Friends, or Quakers, were growing in number at South Yarmouth. Their belief in equality for all people was considered progressive for the times in a predominantly English world who did not subscribe to the Friend's level of equality. There were many waves of disease among the villages and settlements of the indigenous peoples in Barnstable County between the time of the first white men coming to America, up to the beginning of the Federal Period, which began in 1775.

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<sup>19</sup> Rev. Stephen Badger, letter writer, Collections of the Massachusetts Historical Society, Volume V (first series). 1798; Rev. Mr. Badger's Letter, containing historical and characteristic Traits of the Indians; p.41; Boston. Reprinted in 1968 with the permission of the Massachusetts Historical Society.

<sup>20</sup> Excerpts from the Collections of the Massachusetts Historical Society, for the year 1792, Vol. 1, part 2, Boston. Gookin, Daniel, , Historical Collections of the Indians in New England, Ch. IX: p. 207; Postscript: *Of the Progress of the Gospel among the Indians at Martha's Vineyard and Nantucket, and of the Instruments that God hath raised up and employed, to preach the Gospel to the Indians of those Islands.*

- *Post Script: Historical Collections: 207. + In the year 1694, the Indians on Nantucket were about five hundred adults. There were five assemblies of praying Indians, and three churches; two Congregational, and one of Baptists. [Gardiner's Let. in Mather's Magn. Book vi. pag. 56] Three hundred and fifty-eight Indians were remaining the 16th of the eighth month, 1763, when a fever began among them, and lasted till the 16th of the second month, 1764. Of this distemper two hundred and twenty-two died. [See Hutch. Hist. vol. I. pag. 35.]—The Indians on the island are now reduced to four males and sixteen females. [M. S. of Friend Zaccheus Macy.]*

The family of John<sup>4</sup> Killey, a birthright Yarmouth Friend,<sup>21</sup> had been living in South Yarmouth, at the northeast corner of the reservation along Bass River, since about 1745. His oldest son John<sup>5</sup> married Elizabeth Pollard, a Friend from Nantucket in 1768, they had no children. Their homestead property abutted the western border of the reservation along the county road. At this time there was an outbreak of the smallpox within the reservation in which a majority of the remaining indigenous peoples had become infected. Elizabeth had contacted the disease when she was a child living on Nantucket, and later John Killey contacted the disease and both survived. Their surviving the disease made them immune to the smallpox. They chose to use this immunity to the advantage of the infected indigenous peoples by opening up the parlor of their home, as a sort of infirmary, to care for the infected.<sup>22</sup>

Another example of this infirmary for medical assistance were Friend's Silas<sup>4</sup> & Ruth (Marchant) Baker. They lived a little further southward of the Killey's along the county road. According to Wing they also cared for the last of the smallpox infected indigenous peoples. Stating that the deceased were buried at Baker & Gifford's swamp.

The remaining indigenous peoples of Yarmouth, then almost extinct, in 1778 requested funds from the town to pay for the costs they incurred relative to the smallpox epidemic, which had greatly decreased the population of their already small community.

The town having no money, in 1778 authorized the selectmen to sell or lease the Reservation Lands to reimburse the town treasury for these expenses.

At a Yarmouth Town meeting dated 17 November 1778 the following minutes were recorded relative to the selling or leasing of the reservation lands:

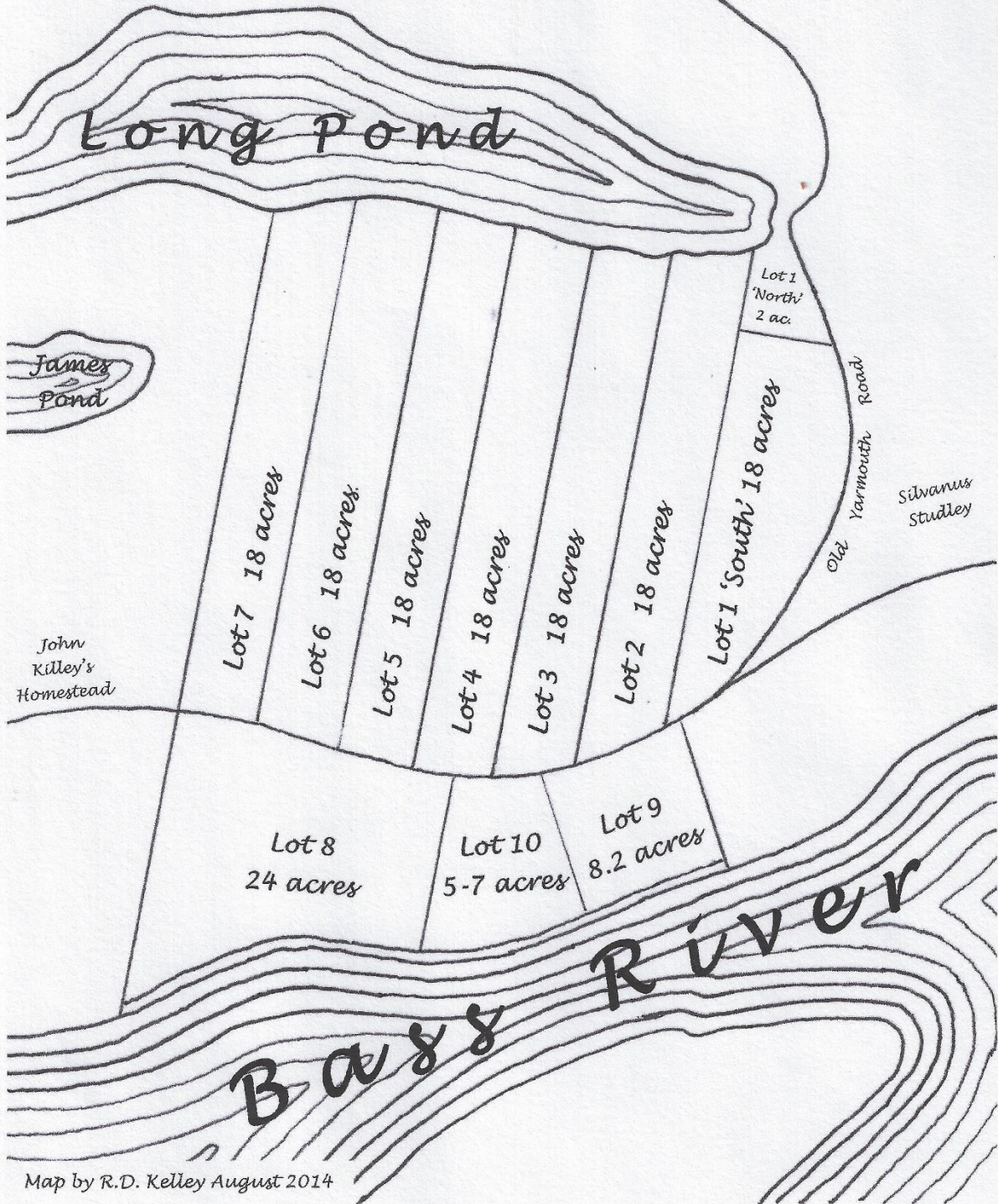
*4<sup>th</sup> (item); ...that the charges made by the Indians having the small pox be paid out by the Town Treasurer.*

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<sup>21</sup> A birthright Friend is a person whose parents were both Friends in good standing.

<sup>22</sup> Daniel Wing Diary, *John & Elizabeth Killey caring for the Indigenous Peoples infected with the smallpox*, p. 193.

# Reservation Lease Layout



Map by R.D. Kelley August 2014



*5<sup>th</sup> ...then voted that all their effects be sold to pay their charge of their having the small pox and the land formerly belonging to the Indians to live upon to be sold also or leased.*

*6<sup>th</sup>...Concerning the Indian land voted that the town impower the Selectmen to lease or sell the Indian land or to reserve a piece for Thomas Greenough as they shall think proper.<sup>23</sup>*

The Selectmen divided the reservation into 10 parcels. Lots 1 – 7 were laid out between the county road, current day Main Street, and Long Pond. Lots 8 – 10 were located between the county road and Bass River.

The Proprietors of Yarmouth who were the creators of the original grant to the set aside lands for the indigenous peoples to live upon in 1713, stated in the records *...ye Indians shall not have any power to sell or dispose of any part of s<sup>d</sup> land*. The writer believes because of this stipulation in the grant, when the Yarmouth reservation was dissolved the parcels were not sold, but rather leased by the Yarmouth Selectmen to the highest bidders, in most cases, for a period of 999 years.

Based on the writings in the Yarmouth Proprietors Records, Daniel Wing's writings and his diary, the writer has drawn a map of who originally leased the reservation lands and landowners at the surrounding areas in 1779. The sequence of the lease selection to the highest bidders can be pieced together from these records.

*...A record of land that was formerly laid out for the use of the Indians to live upon located to the West of Bass River and East of Long Pond which was leased to the highest bidders by lots, recorded, 22 Jan. 1779.<sup>24</sup>*

In 1778 Thomas Greenough and others, in an attempt to preserve the land they were living on, built a house on reservation property against the demands of the selectmen.

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<sup>23</sup> Yarmouth Town Clerk, *Town Meeting Records 1703-1783; Treasurer's Accounts 1771-1790*, Yarmouth Town Hall. Transcribed by Henry Kelley II, 28 Dec. 2010. Note: These books from the Yarmouth Town Clerks Vault have been rebound. The labeling of this book is incorrect. The examined volume actually contains the following records: *Town Meeting Records 1778-1790*; & *Records of the Proprietors* (of what is now West Brewster).

<sup>24</sup> Yarmouth Town Clerk, transcribed, *Town Records and other Records, Book II 1790 – 1848*; np. *Decision by the Selectmen to lease or sell to the highest bidder the divided lots of the Indian reservation.*

1<sup>st</sup> ...30 March 1779, the Selectmen voted to defend against Thomas Greenough and others who brought action against a number of persons that the selectmen leased out to them some time past. Nothing further recorded. 2<sup>nd</sup> ...Voted that the Selectmen bring a Writ of Ejectment against Thomas Greenough for making improvements on the land that was laid down for the Indian inhabitants to live upon contrary to the direction of the Selectmen.<sup>25</sup>

The above action by the Selectmen may have resulted in the Town eventually becoming sympathetic to Thomas Greenough's cause. The Selectmen reserved a small parcel for Thomas Greenough, two acres of land located on the northern part of lot number one. A description of part of his property appears in the lease agreement of Samuel, Isaiah, and Theophilus Baker, who leased back to the Selectmen, 1 February 1780, six acres of property adjoining the south and east borders of Greenough's lot. The description shows that the Baker property ran easterly along the pond until it came to the land left for Thomas Greenough, then ran S.S.E. in Greenough's range, then E.N.E. 19 rods in Greenough's range to Bakers fence, leaving him about 2 acres at the northeast corner of Long Pond.<sup>26</sup>

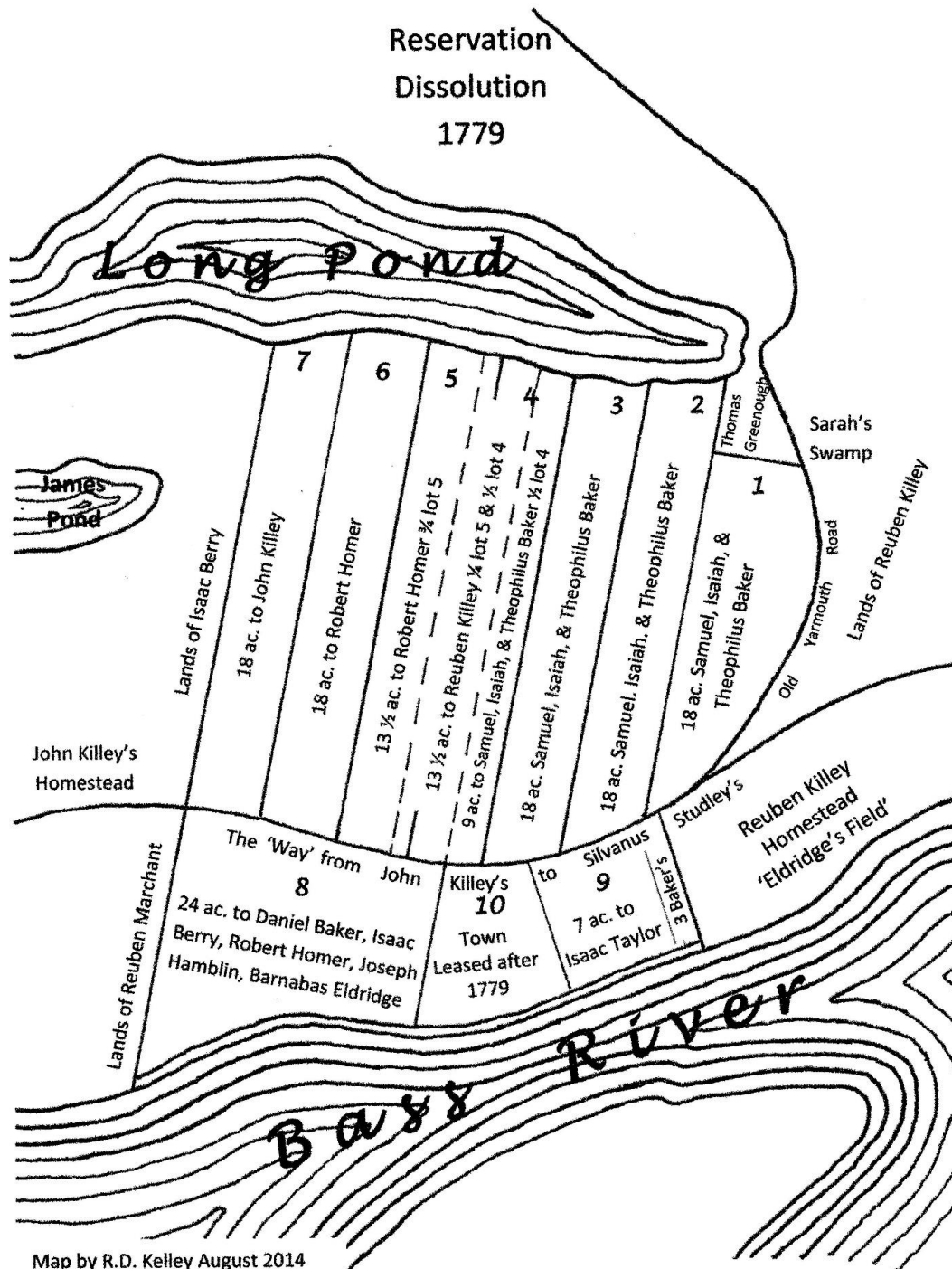
The first of four leases the Town Selectmen issued on 20 January 1779, in the dissolution of the former reservation lots, for 999 years, in consideration of two hundred seventy-six pounds, nine shillings, and ten pence, went to Samuel Baker, Isaiah Baker, and Theophilus Baker. The parcel included lots number 1, 2, 3, and half of lot number 4, and contained about 63 acres. This property was bounded along the north by the old Yarmouth road, which is now Station Avenue, between the County road and

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<sup>25</sup> Yarmouth Town Clerk, transcribed, Town Records and other Records, Book II 1790 – 1848; np. *Dispute between the Yarmouth Selectmen and Thomas Greenough*. Yarmouth Town Hall, Yarmouth, MA, abstracted by Robert Dudley Kelley, July 2011. Note: All Indian lease transactions appear in this book even though the events took place earlier in time.

<sup>26</sup> Robert Dudley Kelley, editor, 1779 Pawkunnawkut Indian Reservation Land Lease Map, 2011, created from the dimension of the 1830 Yarmouth Coastal Map.; Map No. 1849; Benjamin Matthews, Jr., surveyor, 1830 *Yarmouth Coastal Map*; 1830 series, Vol. 15; p.17; Massachusetts Archives at Columbia Point, 220 Morrissey Boulevard, Boston, MA.

Long pond, and the lot reserved for Thomas Greenough described as follows: <sup>27</sup>



<sup>27</sup> Yarmouth Town Clerk, transcribed, *Town Records and other Records, Book II 1790 – 1848*; np. *Lease from the Yarmouth Selectmen to Samuel, Isaiah, & Theophilus Baker, about 63 ac. of former Indian reservation land, 21 January 1779.*

- ❖ *Beginning at the stake by the way [Main Street] at the S.E. corner thereof,*
- ❖ *then sets N.N.W. in Killey's range 88 rods,*
- ❖ *then sets W.S.W. 18 rods to lot #2,*
- ❖ *then sets N.W. to Long Pond,*
- ❖ *then sets West by said Pond to the middle of lot #4,*
- ❖ *then sets S.S.E. or a parallel line as the lots are laid out to the way [Main Street] leading from John Killey's to Silvanus Studleys,*
- ❖ *then sets East by the way to first point leaving a way through the lot from John Killey's to Silvanus Studley's two rods wide.*

Two years later, Samuel, Isaiah, & Theophilus Baker on 1 February 1781, in consideration of five pounds, leased back to the Yarmouth Selectmen six of the sixty three acres they previously leased from them, the six acres being located along Long pond near the northeast corner of the pond, abutting Thomas Greenough's property whose two acres did represent the northwest corner of the reservation. The property is described as follows:<sup>28</sup>

- ❖ *Beginning at the SE corner of the premises*
- ❖ *then sets W.S.W. 34½ rods,*
- ❖ *then sets N.N.W. into Long Pond,*
- ❖ *then sets East by the Pond til it comes to land left for Thomas Greenough,*
- ❖ *then sets S.S.E. in Greenough's range and further E.N.E. in Greenough's range 19 rods to Bakers fense,*
- ❖ *then sets S.S.E. by the fense to the first bound. About six acres.*

Reuben<sup>5</sup> Killey was the second bidder on 20 January 1779 to receive a 999 year lease from the Yarmouth Selectmen for about thirteen and a half acres. While there is no surviving lease, or transcription thereof, he is mentioned as an abutter in the lease of Robert Homer who owned part of lot number five. Reuben<sup>5</sup> Killey is mentioned as an existing owner who was in possession of one quarter of lot number five and shared Homer's northeastern border between the county road and Long pond. According to

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<sup>28</sup> Yarmouth Town Clerk, transcribed, Town Records and other Records, Book II 1790 – 1848; np. *Samuel, Isaiah, & Theophilus Baker leased back to the Selectmen about 6 ac. of the original 63 they leased a year prior, 1 February 1781.*

Wing's diary, Killey also owned half of lot number four which abutted the lands to the south of Samuel, Isaiah, & Theophilus Baker.<sup>29</sup>

Robert Homer was the third bidder on 20 January 1779 to receive lands from the Selectmen. In consideration of the sum of one hundred forty pounds and eighteen shillings, he leased Lot No. 6, containing about eighteen acres, and three quarters of lot number five, containing about thirteen and a half acres, for a total of thirty-one and a half acres, a tract that ran from the county road to Long pond. Robert Homer's property is described as follows:<sup>30</sup>

(see next page)

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<sup>29</sup> Daniel Wing, Older Landmarks, Article Number Nine, *More about the Indian Lands*, 3 Nov. 1901.

<sup>30</sup> Robert Homer, Capt. Lease, *Original 999 year Lease of former Indian Lands from Yarmouth Selectmen David Thatcher, John Chapman, & Samuel Eldredg to Capt. Robert Homer, 20 January 1779*. Original deed was in possession of Isaiah Homer of South Yarmouth 13 December 1880. Daniel Wing had a copy made of this deed and pasted it into his diary. The author made a copy of Wing's diary August 2013.

Copy of Lease of Indian lands  
in Yarmouth from Selectmen  
to Capt. Robert Horner dated  
January 20th. 1779.

"Know all men by these Presents that  
we David Thatcher, Samuel Eldredge  
and John Chapman the present Select-  
men of the town of Yarmouth in the County of  
Barnstable &c. In consideration of the sum of  
one hundred and forty pounds <sup>18</sup>/<sub>shillings</sub>  
Paid us for said towns use by Capt. Robert  
Horner of Yarmouth in the County of Barn-  
stable and in our said Capacity as Select-  
men we do hereby lease and to farm  
and do by these presents lease & farm  
out a certain Tract of land situate  
and lying in Yarmouth aforesaid contain-  
ing about thirty one acres - be the same  
more or less being part of that land  
that was formerly laid out by the Propri-  
etors of said town for the Native Indians  
of the town of Yarmouth to live upon  
being bounded as follows, viz: -

beginning at the South west corner thereof and South East corner of Lot No 7: Sete thence Easterly by the way about thirty five rods & half till it comes so far as to take in three quarters of ye Lot No 5 that is owned by Reuben Kelley Sete thence North North West by said Kelleys to ye Long Pond Sete thence by ye Long Pond <sup>35 rods & half square meaper</sup> to Lot No 7 Sete thence by Lot No. 7 South South East to the first mentioned corner. Leaving the way from John Kelleys to Silvanus Studleys two rods wide - and we the said Selectmen do by these presents in our said Capacity Lease out the above said Tract or peice of land unto the said Robert Homer His Heirs and assigns for the term of Nine Hundred and ninety nine years from the date hereof and no longer for him the said Robert to improve or lease as he shall

think proper within said terms  
of time with all the profits  
and priviledges thereto belong-  
ing - in witness whereof we  
the said selectmen do here-  
unto set our hands ~~and~~ seals  
this 20 day of January in ye  
year of our Lord 1779."

Signed Sealed  
and delivered  
in presence of us  
Joseph Hamblen  
Benjamin Lerris.

David Thatcher  
John Chapman  
Samuel Eldredg



Indorsed "Capt. Homers Lease."



- ❖ *Beginning at the S.E. corner of Lot No. 7 thirty-five and one-half rods along the way [Main Street] until it comes as far as three quarters of the Lot No. 5 that is owned by Reuben Killey.*
- ❖ *Then sets N.N.W. by Killey to Long pond.*
- ❖ *Then sets by Long pond thirty-five and one half rods to Lot No. 7.*
- ❖ *Then sets S.S.E. by Lot No. 7 to the first mentioned bound corner leaving the way [Main Street] from John Killeys to Silvanus Studleys two rods wide.*

John<sup>5</sup> Killey was the fourth bidder to lease on the same day. The writer believes he is the third because he is not mentioned as an existing abutter in Robert Homer's lease as Reuben<sup>5</sup> Killey was. In consideration of eighty-one pounds he leases for 999 years, Lot No. 7 containing about eighteen acres. Isaac Berry is mentioned as his abutter to the south, which was not part of the former Indian reservation. John Killey's property is described as follows:

- ❖ *Beginning at the S.W. corner,*
- ❖ *then sets East by the way to a stake,*
- ❖ *then sets N.N.W. to Long Pond,*
- ❖ *then sets West and North by the Pond to Isaac Berry's land,*
- ❖ *then sets South and East in Berry's range to the 1<sup>st</sup> corner leaving the way two rods wide leading from John Killeys to Silvanus Studleys, containing about eighteen acres.<sup>31</sup>*

Lot No. 8 was the south eastern corner of the reservation running along Bass River and contained about 24-acres. This tract was leased for 999 years on 21 January 1779, in consideration of one hundred and four pounds and ten pence, paid by the following bidders, Isaac Berry, three eighths interest; Daniel Baker, two eighths interest; and a one eighth interest each to Robert Homer, Joseph Hamblin, and Barnabas Eldredge. This property is described as follows.<sup>32</sup>

- ❖ *Beginning at the N.E. corner of Reuben Merchant's land, by the way [Main Street] from John Killey to Reuben Killeys,*
- ❖ *then sets S.S.E. in Merchants range to Bass River,*

<sup>31</sup> Yarmouth Town Clerk, transcribed, Town Records and other Records, Book II 1790 – 1848; np. Yarmouth Selectmen leased to John Killey for 999 years about 18 ac. 20 January 1779.

<sup>32</sup> Yarmouth Town Clerk, transcribed, Town Records and other Records, Book II 1790 – 1848; np. Isaac Berry, Daniel Baker, Robert Homer, Joseph Hamblin, & Barnabas Eldredge leased from the Yarmouth Selectmen, about 24 acres of former Indian reservation land, recorded, 11 February 1780, by Josiah Thatcher – Town Clerk.

- ❖ *then sets East and North by the river to ye land that was laid down for the Town's privilege near a gully upon Clap's Point so called,*
- ❖ *then sets N.N.W. 40 rods to the first mentioned way,*
- ❖ *then sets West by the way [Main Street] to the first mentioned bound leaving the said way two rods wide.*

Within 3 years lot eight turned over twice. In the 20-acre lease from Daniel Baker to John Killey dated 23 November 1781, it mentions that Killey *bought of Isaac Berry*. It was Killey who had possession of 20 acres of the original 24-acre tract known as reservation tract number 8, as he apparently buys out Isaac Berry's  $\frac{3}{8}$  interest, Joseph Hamblin's  $\frac{1}{8}$  interest, and Robert Homer's  $\frac{1}{8}$  interest in that tract prior to November 1781. It appears that Barnabas Eldridge retained his interest as he is mentioned as the north easterly abutter. Witnesses: Brian McNulty & Elisabeth Gardner.<sup>33</sup>

- ❖ Bounded as follows:
- ❖ *Beginneth at the NE corner of Reuben Marchants land by ye way leading from John Killeys*
- ❖ *then – SE in Marchants range now belonging to Amos Baker, to Bass River*
- ❖ *then – Eastly & Northly by ye River till it comes to Eldredges land.*
- ❖ *then – NNW about 40 Rods to ye first mentioned bound*

Lot number 9 was comprised of 2 parcels. The first parcel was leased to Samuel Baker, Isaiah Baker, and Theophilus Baker on 24 February 1780. The lease was for 999 years from the Yarmouth Selectmen, the former town landing lot comprising the northeast corner of the Indian reservation, containing about one acre and twenty rods at Bass River.<sup>34</sup>

- ❖ *Beginning at the S.W. corner of Reuben Killeys homestead then runs S.W. by S-3° West six rods to a stake leaving a way to John Killeys two rods wide,*
- ❖ *then sets E.S.E. into Bass River,*
- ❖ *then sets North and East by Bass River to Reuben Killeys fense,*

<sup>33</sup> Yarmouth Town Clerk, transcribed. TOWN RECORDS AND OTHER RECORDS, BOOK II 1790 – 1848, np. (*Daniel Baker lease to John Killey 20 ac. of former Indian reservation land, 23 November 1781*)

<sup>34</sup> Yarmouth Town Clerk, transcribed, Town Records and other Records, Book II 1790 – 1848; np. *Samuel, Isaiah, & Theophilus Baker leased 1 ac. 20 rods adjoining the Bass River, former northeast corner of the Indian reservation land, 24 February 1780.*

❖ *then sets West and North by Killeys range to the first mentioned S.W. corner.*

The second parcel of the lot number 9 is presumed to have been leased to Isaac Taylor about 1779 and contained about 7 acres. This tract includes what is known today as Packets Landing. There is no surviving record of this lease but in 1785 Taylor leases this same property of 7 acres to Thomas Greenough.

Abstracted ...16 April 1785 ...Isaac Taylor of Yarmouth in consideration of £5 leased for 999 years a 7-acre parcel of land to Thomas Greenough, fisherman, land adjoining Bass River being a part of the land that was formerly laid out for ye Native Indians of sd town to live upon...bounded<sup>35</sup> [trapezoidal shape]

*Beginning at a stake at ye SW corner of David Killey's farm  
then – SSW 3° W or thereabouts 35 rods to the NW corner of ye piece  
of land laid out for a town landing leaving a way 2 rods wide  
leading to John Killey's agreeable to ye plan of laying out of said  
Indian land*

*then – SE to Bass River*

*then – N and E by the river til it comes to David Killeys land*

*then – WNW to first bound...containing about 7 acres*

Daniel Wing researched the Yarmouth Town records, and other resources concerning the dissolution of the reservation. He kept a diary of the information he found and subsequently wrote historical articles on the subject in 1901. Below are some abstracts from his writings.

*That portion of the tract adjoining Long pond was laid off into seven strips, each extending to the main highway and numbered in regular order from east to west, the strip next to the old Yarmouth road being numbered one. The northerly part of this strip, as previously stated, was set off to Thomas Greenough. In January 1779, the selectmen conveyed to Samuel, Isaiah, and Theophilus Baker the balance of lot No. 1, the whole of Nos. 2 and 3 and one-half of No. 4, the whole containing about sixty-three acres. To Robert Homer they conveyed the westerly three fourths of lot No. 5, and the whole of No. 6, about 31 acres, and to John Killey No. 7*

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<sup>35</sup> Yarmouth Town Clerk, transcribed, Town Records and other Records, Book II 1790 – 1848; np. *Isaac Taylor lease to Thomas Greenough, 7 ac. of former Indian reservation land, 16 April 1785.*

*about eighteen acres. The land lying between the Baker tract and that of Robert Homer is referred to in one of the leases as belonging to Reuben Kelley. According to the lease of lot No. 7, Isaac Berry owned at that time the lands lying west of the Reservation and north of the highway. Some of the Indians had been buried on lot No. 5, but years afterward, when it was proposed to build saltworks on that spot the thought so grieved Cato, a negro, whose wife was an Indian, that the bodies were disinterred and removed to a hillside near Long pond, where the monument of the boulders has since been erected.*

*In those early days it was the custom to bury all persons who died of the smallpox apart from the usual places for interment. Three or four graves of such were for years visible in the field...but as years passed on, all traces were obliterated and the exact location thereof no man knoweth.*

*In January 1779, the selectmen also conveyed to Daniel Baker, Isaac Berry, Robert Homer, Joseph Hamblin, and Barnabas Eldridge about twenty-four acres, south of the highway and comprising the southwestern portion of the Indian lands, extending from the land of Reuben Merchant on the west 'to a stake near a gulley upon Clapp's point, so called' and 'to ye land that is laid down for the town's privilege.' Clapp's point was, in later years, the location of the magnesia factory, the prominent point at the narrows above the lower bridge being in those days known as Canoe point. Thus the greater portion of the Indian lands were disposed of, the town reserving until 1822 that part which is now bounded by the main highway, South Street, Bass River and the roadway leading from the Orlando Baker homestead to the river.<sup>36</sup>*

*The selectmen were to reserve a tract of the original lands for Thomas Greenough, as they thought proper. The records seem to show that two pieces of land were set off to him one being the tract now bounded by Main Street, Bridge Street, Bass River and South Street; the other a piece*

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<sup>36</sup> Daniel Wing, *Older Landmarks, Article Number Nine, More about the Indian Lands*, 3 Nov. 1901.

*of woodland bounded on two sides by Long Pond and the old Yarmouth Road.*<sup>37</sup>

The area set off for Thomas Greenough was located in the NW corner of the Indian reservation [lot No. 1] bounded on the north by the Yarmouth road and westerly by Long Pond, southerly and easterly by the Bakers, containing about 2 acres more or less. Daniel Wing seemed to think there was a second grant given to Greenough, containing about 8 acres, at what is now known as Packet's Landing [lot No. 9]. Wing may not have been aware that Isaac Taylor was in possession of this property and it was he who leased to Greenough in 1785.

No town records can be found of the dissolution of reservation lot number ten being leased by the Yarmouth Selectmen. Part of the lot near present day Akin Avenue was owned by the Town of Dennis and was dissolved in 1822.

The lot could have been approximately five to seven acres in size. We know that Samuel Farris had the grist mill moved to Yarmouth about 1782. This would indicate he lived in the vicinity at that time. Joseph Crandon built the residence on this lot known as the Red House along Bass River and sold it to Samuel Farris, date unknown. In 1808 Farris sold two and a half acres to Isaiah Crowell, a sort of trapezoidal size lot about twice as wide at the Bass River than at the county road. This land abutted the southern border of reservation lot number 9. It is reasonable to assume that Farris was the first to acquire the property from the Town, maybe as early as 1780.

Michael Crowell was engaged in business in Yarmouth in 1790 and he was in possession of the next lot southerly to Samuel Farris. He owned a wharf and store at Bass River. He sold some of his property to Obed Baker and Benoni Baker in 1799 when he left Yarmouth for Kennebec, Maine. Solomon Crowell came into possession of the southern part of the lot. It is reasonable that this property then abutted Barnabas Eldredge's land which was the north easterly part of the original twenty-four-acre reservation lot number 8.

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<sup>37</sup> Daniel Wing, Author, *Some of the Older Landmarks in South Yarmouth, Article Number One, 31 Aug. 1901*; Yarmouth Register, Yarmouthport, MA. [Transcribed by Robert Dudley Kelley @ Sturgis Library, 1995]. Hereinafter: [Daniel Wing Register]

The writer believes that the 1.2-acres strip abutting Bass River originally leased by Samuel, Isaiah, & Theophilus Baker in 1780 was transferred to David<sup>4</sup> Killey about 1785. Thomas Greenough leases a two-acre parcel of reservation lot number 9 to David<sup>4</sup> Killey in 1790. In 1797 Greenough leases Killey the balance of the seven-acre tract, formerly owned by Isaac Taylor.

On 3 May 1790, David<sup>4</sup> Killey, of Yarmouth, yeoman, in consideration of the sum of £4, leased from Thomas Greenough, Fisherman, *former Indian Lands...adjoining the Bass River ...Formerly laid out for the native indians...for 995 years...containing 2 acres more or less...*<sup>38</sup>

*Beginning at the Southwest corner of David Killeys land by the road that leads from Samuel Farris's to John Killeys land.*

*Then sets Southwestly by road about eight rods*

*Then sets Eastly...into said River*

*Then sets Eastly & Northly by River till it comes to David Killeys range*

*Then sets westly by Killeys land to the first mentioned bound.*

On 2 March 1797 David Killey, of Barnstable, yeoman, in consideration of \$100, leased from Thomas Greenough, of Yarmouth, laborer, an adjacent parcel of property [the balance of the 7 acres at lot no. 9]...*adjoining to the Bass River...formerly layd out for the Native Indians...for 999 years...containing about 5 acres more or less.*<sup>39</sup>

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<sup>38</sup> Thomas Greenough Lease, *Original 995 year Lease of former Indian Lands from Thomas Greenough to David Killey, 3 May 1790*. Personal Records Collection of Robert Dudley Kelley, Memphis, TN 2011. Note the legibility of Thomas Greenough's signature.

<sup>39</sup> Thomas Greenough Lease, *Original 999 year Lease of former Indian Lands from Thomas Greenough to David Killey, 2 March 1797*. Personal Records Collection of Robert Dudley Kelley, Memphis, TN 2011.

Know all men by these presents that I Thomas Greenough  
of yarmouth in the County of Barnstable Fisherman In Consi-  
deration of the sum of four pounds in hand paid to me  
by David Hilley of so yarmouth in the County aforesaid  
yeoman I do hereby Lease and by these presents Lease  
and farm out a piece of Land adjoining to the Bass River  
being a part of that tract of Land that was formerly laid  
out for the native Indians of so town to live upon  
Bounded as follows - Beginning at the Southwest Corner of  
the S. David Hilley Land or farme by the Road that Leads  
from Samuell Ferrises to John Hilley then sets Southwesterly  
by said Road about eight Rods to a Stake & Stone to a fence  
then sets Eastly as the fence now stand into said River  
then sets Eastly & Northly by the River till it comes to David  
Hilleys Range or Land then sets Westly by so Hilley Land  
as the fence now stand to the first menshured Bound  
Containing about two acers be the same more or Less and I  
the said Thomas Greenough do by these presents Lease out the  
above said piece of Land to the said David Hilley his heirs  
and assigns for the terme of Nine Hundred and ninety five  
years from the Date hereof and Knowlanger for him to improve  
or lease out as he shall think proper within in said terme of  
time with all the priviliages there to Belonging the said  
David Hilley to support & mentain all the fence betwixt  
us as Long as I live & improve the Land adjoining the  
above & Knowlanger in witness where of I the said Thomas  
Greenough have hereunto set my Hand & seal this third  
Day of may in the year of our Lord one thousand Seven

Hundred & Ninety  
Signed sealed  
in presents of  
Judah Baker  
Atterton Hall

Thos. Greenough

Barnstable Is on the Day & Date above then  
Thomas Greenough acknowledged this Instrument  
Executed by him to be his act & Deed  
Before me Atterton Hall Justice peace

Know all men by these presents that I Thomas Greenough  
of Yarmouth in the County of Barnstable Labourer  
and so forth in consideration of one hundred Dollars  
in hand payme by David <sup>Hilley</sup> Barnstable yeoman  
I do here by lease and by these presents lease and farm  
out a piece of land adjoining to the Waas River  
Being a part of that tract of land that was formerly  
Loyd out for the Native Indians of said Town to live  
upon Bounded as follows Beginning at Stake at the <sup>west</sup> South  
Corner of David Hilley's Farme sett then south  
West by South three degrees west or thereabouts about  
thirty one rods to the North west corner of the piece of  
Land Loyd out for and Town landing leaving a way  
Two rods wide heading to John Hill's acreable to the  
plan of Laying out the said Indian Land. sett thence  
South East to the Waas river thence northerly and easterly  
to said river untill it comes to the foresaid David  
Hilley's Land sett thence by said Hilley's range about  
North by west to the first mentioned boundary containing  
about five acres be the same more or less and the said  
Thomas Greenough do by these presents lease out the above  
said piece of land to the said Hilley his heirs and assigns for  
the term of nine hundred and ninety nine years  
from the date hereof and no longer for him to improve  
or lease out as he shall think proper within said term  
of time with all the priviledges belonging there unto  
In witness whereof I the said Thomas Greenough do here  
unto sett my hand and seal this second of marche one thousand  
seven hundred and ninety seven

signed seals  
in presence of us  
Oliver Crowell  
Johnus Crowell

Thomas Greenough





When David<sup>4</sup> Killey leased the seven-acre property from Thomas Greenough it gave him continuous ownership of a stretch of land between the County road and Bass River, bounded southerly by South Street [the Town right of way, now Akin Avenue], and ran northerly to the Georgetown cemetery. By 1785 David<sup>4</sup> Killey was in possession of lands north easterly of the old Yarmouth road extending from what is now Main Street to Long Pond. He presumably bought this property from Reuben<sup>5</sup> Killey who left Yarmouth about this time.

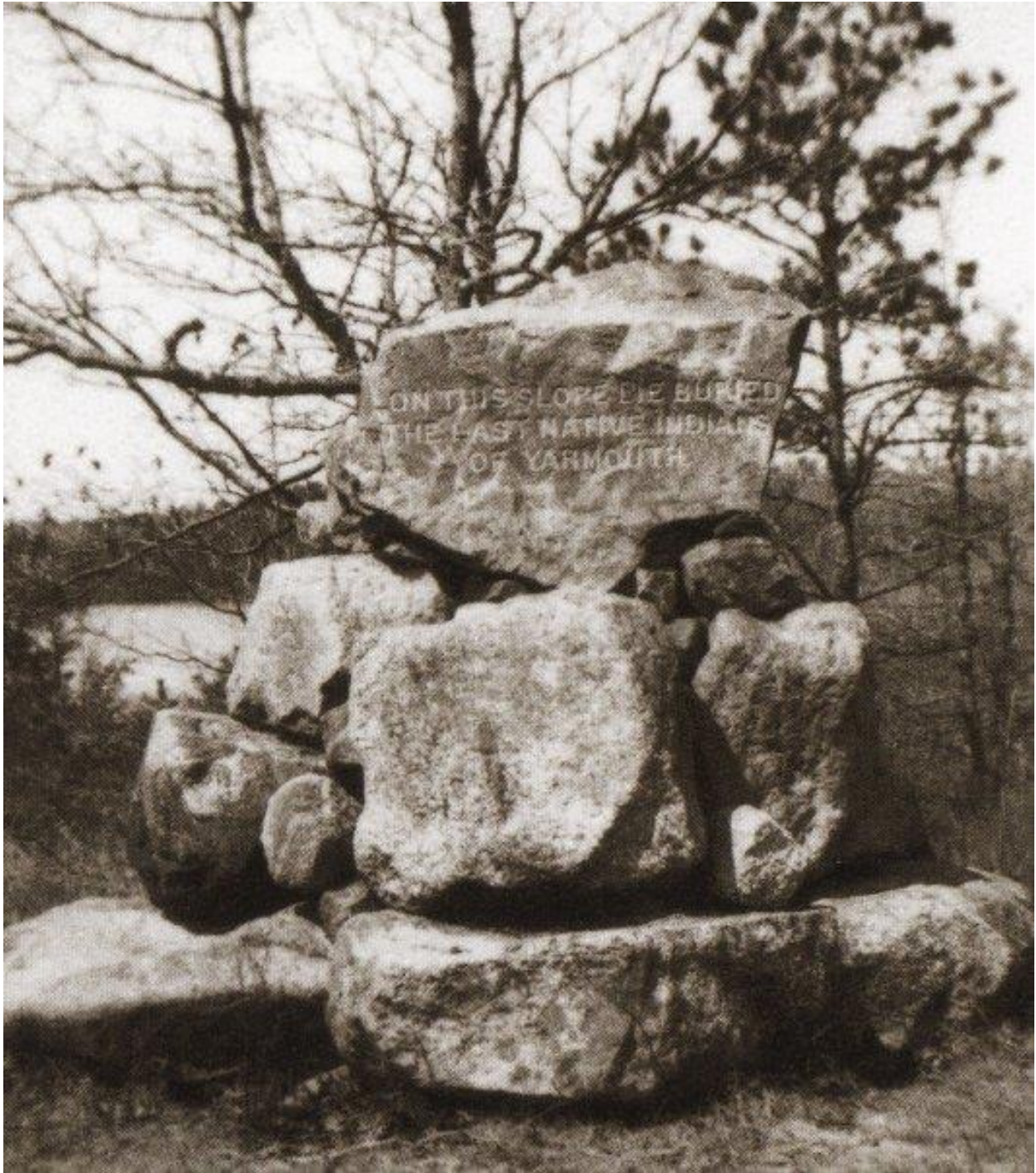
The Rev. Timothy Alden writes in 1798 that *...So late as 1779...there was a small cluster of wigwams in the south-easterly part of the town, about a mile from the mouth of Bass River, which were inhabited by some of the remains of the Pawkunnawkut Indians. The chief of them about this time had the small-pox. Five of those who had it survived, and eleven died. There is still one wigwam on the banks of the river, which is occupied by a negro and squaw.*<sup>40</sup>

The *negro* was Judah Cato, who married a full-blooded indigenous woman, and they had a daughter named Lucy. Cato is reported to have lived in the last wigwam (wetu in Wampanoag) at South Yarmouth. The wigwam was located on the entrance to Daniel Wing seniors homestead lot where the driveway to his barn was located [now, 1913, The Owl Club premises]<sup>41</sup> on the west side of South Street. He later moved to a cabin located on property owned by David K. Akin. Later, Cato and wife moved into a small English style house.

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<sup>40</sup> Memorabilia of Yarmouth; p.55.

<sup>41</sup> Daniel Wing, Article F, last wigwam in South Yarmouth, Thomas Akin conferred to Daniel Wing that Cato was living still in 1831. Daniel Wing Diary, *Location of Cato's dwelling*, p.198.



Relative to indigenous peoples burials, there are three that have surfaced. The old indigenous peoples meetinghouse would probably have had an adjacent burial ground. As the reservation was located so far away

from the old meetinghouse, a new burial ground was established within the confines of the reservation.

Wing refers to two burial places in his diary. As previously mentioned, reservation lot number 5 on the east side of the lot towards the highway [Main Street] there were burials known to Cato Judah. When George Wing bought the property to build salt works Cato had the bodies removed, presumably to the Long pond area, as there was a known burial ground there.

Daniel Wing bought the Long pond burial plot and on 17 November 1881 erected a monument to the Natives there. The boulder on the top of the monument came from the south side of White's Path, 137 steps from the road to Yarmouthport, which today is Station Avenue. Isaac Walker, Nehemiah Goodwin, Allen Crowell, and Daniel Wing loaded it on David Chubb's drag and carried it to the cemetery lot, first weighing it. The boulder weighed an even 3,000 pounds. Wing had the following words inscribed into the boulder "ON THIS SLOPE LIE BURIED THE LAST NATIVE INDIANS OF YARMOUTH" This cemetery lot was presented to the South Yarmouth Cemetery Association by Wing in 1929.