

The Mashpee Woodlot Revolt of 1833

By David C. Churbuck

Introduction

In the annals of native/colonist relations, little can be objectively known about the true nature of the interactions between the English settlers of Eastern Massachusetts and the tribe that “welcomed” them, the Wampanoag. The record is one-sided and dominated by the English version of events and their system of deeds, genealogies, written records and literature. This has led to the perpetuation of the pleasant myth of the Wampanoag welcoming and cooperating with the Pilgrims; a myth created in the 19th century in a burst of American patriotism and nostalgia which lives on in the quaint concept of Pilgrims and Indians sharing a Thanksgiving feast.

Today the Wampanoag regard Thanksgiving as a day of mourning, and, thanks to recent scrutiny of the actual historical record, it's apparent the tribe are the forgotten first victims of the American “dream.”

If, as Churchill said, “history is written by the victors,” the Wampanoags left little in the way of a written record of their relations and feelings towards the colonists. They had no written language, only their Algonquin dialect, and no historical tradition beyond the spoken word and creation myths.

The discovery and re-publication in the 1990s of a unique account written by a member of the Connecticut Pequot tribe, William Apes (Apess), has revealed the earliest autobiography in American literature by a native, as well as cast some light on a little known incident that took place 180 years ago on the Wampanoag “reservation” or “praying town” of Mashpee, near its border with the village of Cotuit, in a wood lot near the Santuit River between a group of angry Wampanoag natives, two brothers from Cotuit, and an alcoholic activist Pequot preacher, William Apess.

Variouly known as the Woodlot Revolt or the "Quarrel" (as Cotuit historian Jim Gould refers to it), it has been dusted off by historians and held up in recent years as the first significant expression of sovereign rights by a native tribe since contact with the colonists occurred more than 200 years before. The preacher, William Apes (who preferred the pronunciation "Apess") was an eloquent and graceful writer, who's work, "A Native of the Forest" has been republished in recent years and is regarded as one of the most important pieces of literature penned by a native writer.

Before rushing to an account of the events that happened that hot July morning in 1833, let me set the historical table with a quick summary of how Mashpee, our conterminous neighbor to the west, came to be, and attempt to convey a sense of what relations were between the whites of Cotuit and the natives of the Plantation of Marshpee.

The Wampanoags' first contacts with the English

Before the English, with their love of deeds and records and certificates of birth, marriage and death, came to these shores, the history of the Wampanoag tribe -- which means "Children of the Eastern Light" in their Algonquin dialect, Wopanaak -- was purely an oral one, with no record left except the traditions and stories told by one generation to the next. Like their comprehension of private property, boundary lines and fishing rights, the Wampanoag sense of history was passed from one generation to the next through word of mouth and shared understanding.

In 1643, the Pilgrim's military "muscle", Captain Miles Standish, came to Cape Cod to buy land from the natives for the colonists. Land was everything to the Europeans. Land meant status, land meant class, land conferred rights that serfs and peasants could only dream of. In Europe land was inherited or conquered, rarely bought and sold, and the allure of the virgin forests of New England must have been breathtaking to the first settlers who saw before them as limitless wilderness that was theirs to take for a mere kettle and a hoe.

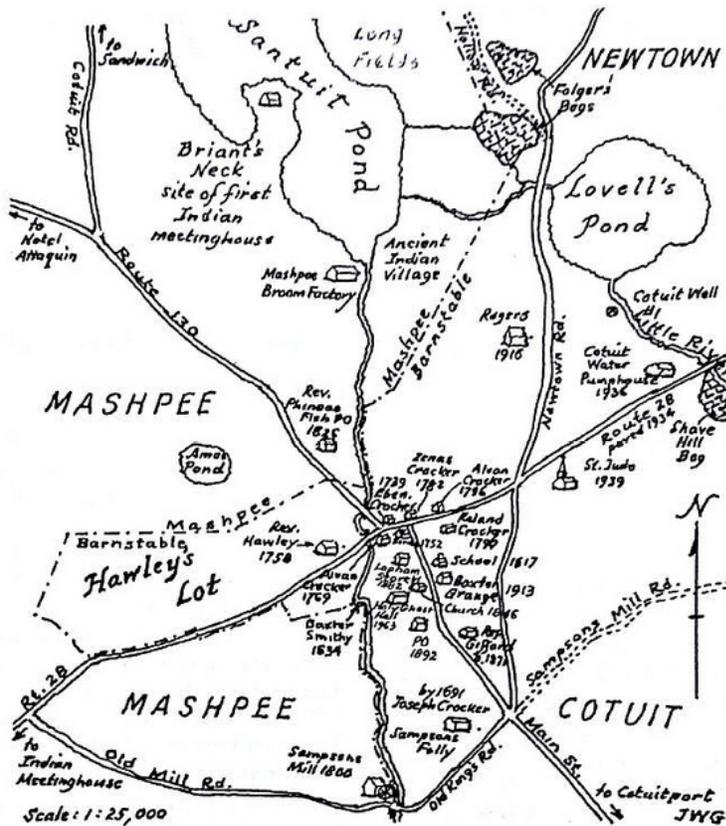


Yes, Standish negotiated the transaction with the Wampanoag leader Paupmunnuck that gave the English the rights to settle Cotachesset (modern Osterville) and Cotuit for the price of a

kettle, a ho, and a promise to build a fence around the Wampanoag camp which may have been located on Oyster Harbors or Point Isabella according to Jim Gould.

The borders were blurry. Surveyors were a luxury and boundaries and limits were rough descriptions of streams and boulders, landmarks and limits. Little was written down and put on file, and indeed, Paupmunnuck and his people may not have comprehended what such a transaction meant, especially when it came to concepts such as trespassing to a people accustomed to moving from camp to camp with the seasons, moving inland in the winter for shelter and to the coast in the summer for the same reasons we prize the shore today.

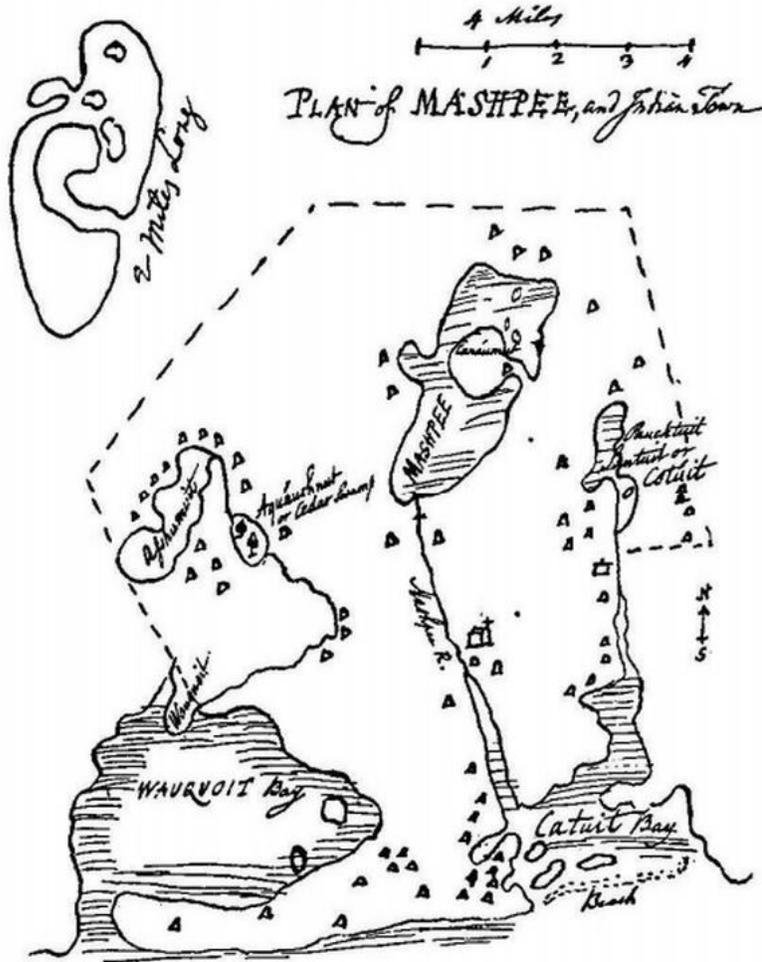
The western border between Barnstable and the Indians was set along the banks of the Santuit River and Santuit Pond. Such "rivers" or streams were incredibly valuable sources of protein when the herring run happened every spring, and were also potential sources of power to drive grist mills for the grinding of corn.



The settlers may have regarded the Santuit River as a convenient source of these things, but the Wampanoags told the story of how it was created by a frustrated giant man-sized trout named , who upon hearing the siren song of a beautiful Wampanoag maiden singing on the shores of Santuit Pond, thrashed and wriggled his way through the forest from Popponesset Bay to find her, only to die just yards from his doomed love. She was also transformed into a fish, but died

of grief and both of them buried together in the Trout Mound which stands today a short distance to the south and east of the herring ladders at the southern end of Santuit Pond.

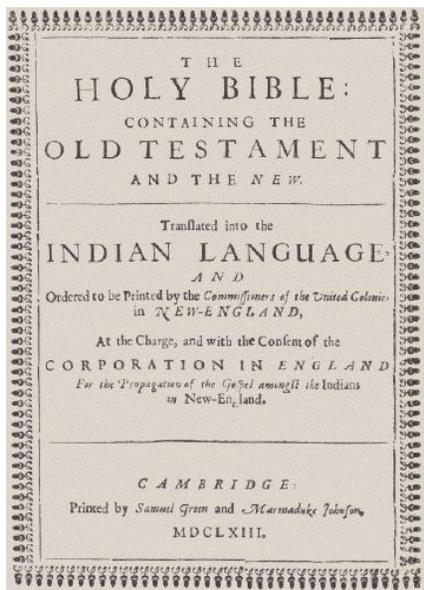
This area of Mashpee and Santuit is where the rest of this story is focused so let's focus on the map for a moment.



The Founding of "Marshpee"

Mashpee was formed in the 1660s by Richard Bourne of Sandwich, a prominent lawyer and minister who was part of the early missionary movement led by John Eliot -- the minister who translated the Bible into Wopanaak -- and which led to the founding of Harvard College as a so called "Indian School." The conversion of the savages was an immediate priority of the first settlers, and Bourne acted as a liaison between the whites of this area and the tribe, administering to them during an epidemic where his survival conferred some god-like attributes

in the eyes of the natives, and working on their behalf to acquire land in around the area to establish a "plantation" for their benefit.



In 1660 Bourne completed the purchase of the 16 square miles that roughly comprise Mashpee and established a deed which granted the land to the Wampanoags with restrictions on their ability to sell that land to the English who were always hot for land and indeed, were beginning to trespass and poach on the lands Standish didn't buy in 1648. Bourne addressed the fuzziness of the western border between Barnstable and Mashpee, and at his insistence the boundaries were re-set to move the line around the "ancient Indian" village at the southeast corner of the pond.

In 1661 a meetinghouse for the tribe was built on Briant's Point on the southern end of Santuit Pond. This was replaced by another structure in 1670, the same building that was eventually moved in 1770 to its present site on Route 28, the Old Falmouth Road.

In 1670 tensions between the settlers and the tribe deteriorated -- with the Wampanoag leader Metacomet, or "King Philip" as he was called by the colonists, leading the Wampanoags from their headquarters on Mount Hope Bay near modern Bristol, RI on a three year war of burnings, kidnappings, and terror that swept eastern Massachusetts and Rhode Island but never involved Cape Cod.



Mashpee was viewed as the prototypical "Praying Town" -- one where the influence of the missionaries and the conversion process into Christianity was sufficiently advanced that the tribe could be trusted. One can only assume the level of tension and emotions that ranged along the border of Cotuit and Mashpee during those tense years, marked in American history as perhaps the bloodiest per capita according to the historian Nathaniel Philbrick in his excellent history, "*The Mayflower*."

Post war, as the colonists enacted a terrible retribution against the Wampanoags, resettling large numbers on Bermuda, while permitting alcohol to further erode their numbers, the missionaries resumed their conversions and ministrations, using the institution of the Congregational Church and the Society for the Propagation of the Gospel as the civilizing center of life in Marshpee. Because the focus of the Harvard Indian College was the training and ordination of native ministers, the college played an integral role, a very paternalistic one, in overseeing the affairs of the village.

This paternalism persisted throughout the 1700s, manifesting itself in a combination of church and state -- in this case church and colony -- oversight consisting of a board of white overseers who looked after the affairs of the tribe, raised money to pay its expenses and provided the funds to pay the salary of the minister, the parsonage and meetinghouse.

The sovereign status of the Wampanoag tribe who lived in "Marshpee Plantation," the praying town established for their benefit by Richard Bourne, is a fascinating story that persists in its telling through modern times as the tribe fought for Federal recognition, its ancestral lands, and its own cultural identity.

The 1700s

In the 18th century, in the aftermath of the King Philip War of 1675, the Wampanoags who lived in Mashpee were joined by members of other tribes, all seeking a community with a common language and practices. The tribe was making a transition from its traditional *wetu* style of hunter-gather living, moving between winter and summer encampments to seek shelter from the blizzards inland and to be near shellfish during the summer months. The English system of private property and the colonists' insatiable appetite for land had boxed the tribe into the space defined for them by Richard Bourne, an arrangement known as an "entailment" that forbid the sale of any lands to outsiders without the unanimous consent of the tribe. The Church, so crucial to the formation of the concept of a "Praying Town," continued to be the dominant social structure in Mashpee, pushing the tribe's members to adopt English dress, learn English, convert to Christianity and integrate themselves with their non-native neighbors.

That "integration" led to some deplorable practices ranging from "debt slavery" where the Wampanoag were put into the debt of English merchants or farmers and then pressed into forced indenture to work those debts down to a general racism that . The practice of debt enslavement became so acute that the native preacher Simon Popmonet (a descendant of the sachem Paupmunnuck) complained to the legislature about the terrible practice which saw children and elderly alike pressed into unpaid labor. It was noted that a father and son, working off a debt, worked as a crew of a Nantucket whaling ship and for two consecutive three-year voyages forfeited their entire wages to the ship's owners as part of their debt service.

The Anglicization of the tribe, the conversion to Christianity, the impact of war (many Wampanoags fought in the Revolutionary War), the terrible effects of alcohol and the high mortality of the whale fishery cut deeply into the male population. The gender imbalance -- brought about the lasting after effects of the post-war retributions (a large number of Wampanoags were forcibly relocated to Bermuda), the impact of the Nantucket whaling fishery, and the general violent, short life-span of a 17th century male -- left a void in the Mashpee society. Widows turned to the church and the tribe's members began to intermarry with members of other tribes, African-Americans, even Hessian mercenaries who made their way to Mashpee after the end of the Revolutionary War.

The tribe that remained, several hundred at most, clustered together in three settlements -- one near Ashumet Pond, another near the shores of Santuit Pond, and a third near Nantucket Sound and South Cape Beach. There was no form of government aside from the traditional tribal structure of sachems and sagamores.

Harvard and Governance through the Church

The rulers of the tribe were a board of white overseers, who were first appointed by the trustees of Harvard College and who provided for the tribe's religious needs by educating and sending it a succession of ministers, and then the State. No Wampanoag served on the board of overseers. The overseers provided the tribe with a succession of preachers -- all Congregational, the prevalent denomination of the English and the faith of the Society for the Propagation of the Gospel, the early movement led by Jonathan Edwards and John Eliot to convert "*the poor blind Indians in New-England.*"

The center of the tribe's life was a meeting house constructed in the late 1670s after the conclusion of King Philip's War on Briant's Neck on the southern shore of Santuit Pond, not far from the ancient tribal village, herring run on the Santuit River, and the mound of the Trout Grave. The building was built by Richard Bourne's son, Shearhashaub with the construction funded by the Williams Fund of Harvard College, the primary source of funds for the religious needs of Mashpee through the 19th century. The meetinghouse was rebuilt at one point, and in 1717 it was moved by oxcart to its present location on Route 28, the old Falmouth-Barnstable road about one mile west of the Santuit River, on a hill above the Mashpee River.

The pastors and preachers of Mashpee were:

1. Richard Bourne, 1670-1685
2. Simon Popmonet, 1685-1729
3. Joseph Bourne, 1729-1742
4. Gideon Hawley, 1758-1807
5. Phineas Fish, 1808-1833
6. "Blind Joe" Amos, 1810-1836
7. William Apess, 1833-1835



The last of the ministers subsidized by Harvard's Williams Fund was Phineas Fish. He and his predecessors were provided for by the Corporation of Harvard College and were given the rights to a woodlot on the eastern side of town, a common parsonage arrangement in colonial times that permitted the minister to gain an income beyond the collection plate by selling pasturage or logging rights to others. That woodlot would prove to be the flash point of this story.

The 1700s were a time of complaint and friction by the Indians of Mashpee against the incursions of the white settlers that surrounded them on three sides. Delegations were sent to Boston to complain about debt slavery, white squatters, trespassing on Indian lands and other grievances. In 1762, Ezra Stiles, the president of Yale College, one might assume as a guest of the recently installed Hawley. In his journal he placed the population of Mashpee at 250, consisting of about 75 families scattered throughout the plantation living in "about 60 wigwams (Wetus) and 6 houses." The Stiles map shows there was no village or other definable concentrations of population, though there were pockets around Ashumet Pond, Santuit Pond and South Cape. The dwellings on Stiles map approximate the location of the so-called "ancient-ways" – the early paths.

Campisi writes in *The Mashpee Indians, Tribe on Trial*, "The map supports the view that the Mashpees were geographically, as well as socially isolated from the white settlers. The bulk

of their residents as well as the church, the principal meeting place, were on the south side of the plantation.”

The parsonage -- the minister's home -- was located near the present day intersections of Route 28 and Route 130 near the Santuit River/Santuit line. Gideon Hawley's home is near the gas station on the northwest corner of the intersection, located on a slice of land that the old maps indicates was actually part of Sandwich (for reasons unknown to this writer, along with another piece designated as Sandwich near where the Santuit River pours into Shoestring Bay. Phineas Fish, the minister who succeeded Hawley, made his home a bit to the north, just south of the Trout Mound.

The Reverend Phineas Fish

Phineas Fish is the key player in the factors that led to the Woodlot Revolt of 1833. After graduating from Harvard in 1807 he was appointed as the official missionary and Congregationalist Minister of Mashpee by the overseers in 1809. He was granted an annual salary of \$520, a \$350 "settlement" fee and "as much meadow and pasture land, as shall be necessary to winter and summer." According to Donald Nielsen in *The Mashpee Indian Revolt of 1833*, "The sale of wood from the parsonage woodlot brought him several hundred dollars more each year. Fish was assured a comfortable living on Mashpee land with money designated to help the Indians, yet he was in no way accountable to his Indian flock."

The Reverend Fish was not popular with the Indians. As non-tribal residents came into town and intermarried with the old Wampanoag families, they brought with them new denominations that threatened the Congregationalist hold over the Plantation. By the time Fish arrived in Mashpee the tribe had shifted their religious allegiances to the Baptists and an Indian preacher named Blind Joe Amos. Fish, from his pulpit in the Indian's Meetinghouse, ministered to an increasingly white-flock, most of whom (one can assume) were residents of Cotuit. In reflecting on the Indian's tergiversation from his ministry, Fish wrote that he had "survived" as many as seven different sectarian preachers and "felt pain in seeing these good houses used for the purposes of Baptist and Methodist meetings....the sectarian busy bodies now feel quite sure of demolishing the remnant of Congregationalism...Religion should be respectable and orderly. The Indians are given to excitement and revivalism."



Blind Joe Amos

Fish's religious differences and takeover of the Meetinghouse was only one reason his presence in the town caused the tribe to resent him. A particular sore point was his decision to lease the logging rights of the woodlot to two Cotuit brothers, the Sampsons.

Wood

Thoreau in his account of his walk down the sandy peninsula, *Cape Cod*, wrote of the deforested wasteland that was the Cape in the 19th century. Deforestation to fuel the Sandwich Glass factory, to speed the evaporation of sea water for the production of sea salt, and the general sparse sandy soil made trees a premium on Cape Cod in the 19th century. Cut off from commerce, its economy based on fish, shellfish, the harvesting of salt hay, and the employment of its men as whalers and sailors, a commodity as basic as a cord of fire wood was a very valuable asset. The overseers of Mashpee "do not allow more wood to be carried to market, than can be spared; but it is for the general interest, that three or four hundred cords should be annual exported to Nantucket and other places."



Old photographs of the Cotuit waterfront show immense stacks of cordwood on piers awaiting loading on packet schooners bound for Nantucket. Cordwood Lane which leads through the woods of Eagle Pond to Cotuit's Inner Harbor is one vestige of the old cordwood trade. Grand Island or Oyster Harbors, was long a woodlot worked to supply Nantucket's insatiable demand for fuel. If Thoreau found Cape Cod devoid of trees, then Nantucket was bald, a sandy moor that demanded huge amounts of wood for the whaling ships that needed to render whale blubber into whale oil on the big brick try-works that sat amidships. Cotuit was perfectly positioned navigationally as the port of preference for the wood trade. With the prevailing breezes from the southwest in the summer and the northeast in the winter, a schooner could make the 25 mile voyage across Nantucket Sound on a single tack in each direction. The Reverend Fish's woodlot, a scant two miles from Cotuit Bay, was perfectly positioned to supply that trade. The overseers had no problem with opening up Mashpee's natural bounties to the whites, most of whom harbored resentment of the riches left untouched inside of Richard Bourne's Praying Town. The overseers rented lands inside of Mashpee's borders to the whites for the grazing of livestock, they auctioned off wood shares, permitted fishing and shellfishing on its streams and ponds, and, in Nielsen's words, "the overseers believed there was plenty for all."

Life in Mashpee and Cotuit in the early 19th century was dominated by the fast growth of the Nantucket whaling fishery. Cranberries had not yet been cultivated commercially, transportation on and off the Cape was either by horse and wagon but mainly by ship, and there was little to no tourism in the modern sense of the word. The US Senator from Massachusetts,

Daniel Webster, was fond of fishing in Mashpee for sea-run brown trout, and may have lodged in the inn located in Santuit on the eastern banks of the Santuit River, the site of the present Cahoon museum. Other dignitaries, such as Yale's Timothy Dwight and Ezra Stiles, paid calls on the Reverend Gideon Hawley, the missionary to Mashpee and a graduate of that college's seminary who also made his home near the major intersection of modern day Routes 28 and 130. The economic life of the region was mostly agricultural and based on either fishing and shellfishing, farming such as could be encouraged from the sandy soil, some livestock, and the supply of manpower for the whaling fishery.

Wampanoag men were very active in the Nantucket whaling fleet and readers may recall that one harpooner of the *Pequod*, Tashtego, was a Wampanoag from the praying town of Aquinnah on Martha's Vineyard. The whaling fishery made a number of Quaker merchants very wealthy men, and for a time Nantucket was one of the most wealthy places on the planet, if not certainly the most international, its crews opening up the South Pacific in the early 19th century for the first time since the voyages of discovery by Cook. Whaling was an extremely dangerous profession and life on the greasy, slow, smoke-belching ships was neither easy nor especially lucrative for ordinary seamen. Some historians say Wampanoag employment in the whaling industry had a terrible effect of attrition on the male population. Those Wampanoag males that remained ashore practiced a subsistence lifestyle based on the traditional agricultural staples of corn, beans and squash, hunting and fishing.

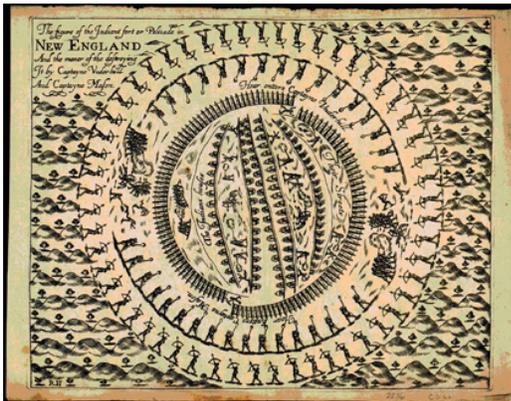
1833

In 1833 Mashpee was still governed by the board of overseers appointed by the Governor and the Trustees of the Williams Fund of Harvard which furnished a minister and funds for his support as well as the maintenance of the old Indian Meetinghouse. An Indian pastor hadn't ministered to a flock in the meeting house for decades, and by the time the Rev. Gideon Hawley ended his tenure, the Wampanoags had started to drift away from Congregationalism to the Baptists and Methodists, the former led by the Rev. "Blind" Joe Amos, a Wampanoag. In 1809 Harvard appointed one its own, the Reverend Phineas Fish, to be the official missionary and Congregationalist Minister of Mashpee. Fish was paid an annual salary of \$520, a \$350 "settlement fee" and granted "as much meadow and pasture land, as shall be necessary to winter and summer." The historian Donald Nielsen, in his essay "*The Mashpee Indian Revolt of 1833*" wrote: "The sale of wood from the parsonage woodlot brought him [Fish] several hundred dollars more per year. Fish was assured a comfortable living on Mashpee land with money designated to help the Indians, yet he was in no way accountable to his flock."

That lack of accountability, and what emerges through time as a somewhat churlish personality, was the undoing on Phineas Fish and the spark of the Woodlot Revolt. The tinder was supplied by William Apress, a fascinating figure who may stand as the earliest and most eloquent native American writer and activist concerned with native sovereign rights.

William Apess

Apess was born in Colrain, Massachusetts near the Vermont border in 1798 of mixed-ancestry, a so-called "half-breed" whose father may have been African American, but whose mother was full-blooded Pequot Indian originally from southeastern Connecticut. The Pequots were the victims of the first English [massacre](#), one that took place in Mystic, Connecticut in 1637 when a colonial militia surrounded a Pequot fort and killed 400 to 700 women, children and elderly (the able-bodied men were outside of the palisade scouting for the English force and thus spared until later hunted down and killed.)



I digress back two centuries to the first massacre of Indians on American soil only to lay down the foundation for Apess' subsequent activism as a voice for Indian rights. He was raised in terrible conditions, severely beaten by his grandmother at the age of four, raised as an unruly delinquent, raised as a foster child by white parents who despaired of his lying and thievery -- traits he freely admits himself in his autobiography, *A Native of the Forest*. He enlisted in a New York state militia regiment bound for the Canadian front during the War of 1812 and became the object of much teasing by older soldiers in his regiment who amused themselves by giving Apess liquor and encouraging his drunkenness. Following the War, Apess lived an itinerant existence throughout southern New England working as a cook and a laborer, eventually falling in love with a Pequot girl also of mixed-race, who reformed his ways and helped him sober up and continue his limited education. She gave birth, a family was started and in 1815 Apess was ordained as a Methodist minister. The historian Barry O'Connell at the University of Massachusetts wrote: "William Apess was a nobody. Born into poverty in 1798 in a tent in the woods of Colrain, Massachusetts, his parents of mixed Indian, white, and possibly African American blood, this babe had attached to him nearly every category that defined worthlessness in the United States."

The Methodist tradition is one of an itinerant preacher who goes on the road to preach the word of God to whatever willing flock he can find along the way. In the spring of 1833 Apess, hearing about the thriving Wampanoag community in Mashpee, wrote to the Reverend Fish asking for

an opportunity to visit and preach to his fellow Indians. Fish extended an invitation and Apess made his way to Cape Cod.

When Apess took the pulpit at the Old Indian Meetinghouse and began his sermon he became indignant as the lack of any native faces. The congregation was almost entirely white, comprised of worshippers from Cotuit and Santuit for the most part. Apess wrote:

"I turned to meet my Indian brethren and give them the hand of friendship; but I was greatly disappointed in the appearance of those who advanced. All the Indians I had ever seen were of a reddish color, sometimes approaching a yellow, but now, look to what quarter I would, most of those who were coming were pale faces, and, in my disappointment, it seemed to me that the hue of death sat upon their countenances. It seemed very strange to me that my brethren should have changed their natural color and become in every respect like white men."

Apess finished his sermon, thanked the Reverend Fish and the next morning sought out the leaders of the tribe to seek an explanation for why their most cherished building, their church, had been taken over by the whites. The leaders of the Wampanoags -- led by the popular Reverend Blind Joe Amos -- gathered together, expressed their grievances with the white-imposed system of oversight, the utter lack of any relationship to the Reverend Fish, and a litany of grievances around white incursions onto Mashpee lands. Apess, obviously a man of words accustomed to persuasion with his tongue, was also a born leader, and he emerged from those first meetings with the tribe as an "adopted" son of Mashpee, granted the trust and authority to represent the Wampanoags in their future dealings with the whites.

The Nullification Movement

As a bit of historical context, 1833 was a time of profound foment in American politics that saw a great deal of chafing between the southern states and the Federal government, a friction that would, three decades later, lead to the War Between the States. In South Carolina, the hotbed of American secessionism, the US Senator John C. Calhoun had led a bitter fight against Federal tariffs under the auspices of "**nullification**" a long-standing point of Constitutional law that defined the rights of the states to reject or "nullify" Federal legislation and mandates. Apess seized on the contemporary awareness of nullification and applied it to the situation in Mashpee, drafting a manifesto and statement of grievances that in essence said Mashpee was a sovereign nation established by the land grants of Richard Bourne and was in no way subject to the laws and oversight of any government body other than its own. E.g. Mashpee was not subject to the laws of the Commonwealth of Massachusetts.

A petition was drafted and presented to the legislature in Boston. Among its resolutions:

"Resolved: That we as a tribe will rule ourselves, and have the right so to do for all men are born free and Equal says the Constitution of the County.

"Resolved: That we will not permit any white man to come upon our plantation to cut or carry of [sic] wood or hay any other article without our permission after the first of July next.

"Resolved: That we will put said resolutions in force after that date July next with the penalty of binding and throwing them from the plantation If they will not stay away."

A second petition was filed with Harvard calling for the removal of the Reverend Phineas Fish.

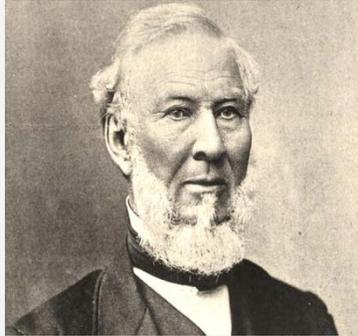
What Apess declared was at the time the very contemporary concept of "nullification" that had been sweeping the political debate in the nation's capital. Students of early American History know a central issue was the definition of federal versus state rights and striking a balance between local and central rule. In South Carolina, perhaps the most fervent hotbed of states rights, the US Senator John C. Calhoun had lobbied vigorously in Congress to shift power from the federal government back to the states, and the South Carolina legislature has passed an "Ordinance of Nullification" declaring some pernicious and unpopular federal tariffs to be unconstitutional. Apess seized on this political concept of "nullification" and afterwards, in his account of the Woodlot Revolt, referred to it as an act of nullification by the Wampanoags, essentially a rejection of the concept that Mashpee and its natives were subject to the laws of the United States of America and the Commonwealth of Massachusetts. Nullification, in the context of the events of 1833, was a statement of sovereign status, in essence declaring the "plantation of Marshpee" to be its own political entity, an "island" ruled by its people, and not the laws of those towns and counties and state that surrounded it like an ocean of American regulations.

Nullification for the Wampanoags was nothing less than a declaration that they rejected the paternal overseer system, rejected the authority of Harvard College to select its minister, and that they were going to revert to the intentions of Richard Bourne in declaring Mashpee to be an autonomous place owned by Wampanoags, governed by Wampanoags, and free from the rule of American law.

The natives get restless

The reaction of the legislature was somewhat benign, but locally, one can imagine the reaction of the whites in Barnstable, Sandwich and Falmouth to the Wampanoag declaration of independence and the setting of a deadline of July 1, 1833 for all whites to evacuate Mashpee. In the **Barnstable Patriot**, the editor, one Sylvanus Bourne Phinney wrote that Apess had been distributing his pamphlet: "*Experiences of Five Christian Indians of the Pequot Tribe*" and stirring up some ugly emotions: "The teachings of this man are calculated to excite the distrust

and jealousy of the inhabitants towards their present guardians and minister and with his pretensions to elevate them to what we all wish they might be, he will make them, in their present ill-prepared state for such preaching, ten times more turbulent, uncomfortable, unmanageable and unhappy than they are now.”



Barnstable Patriot Editor, Sylvanus Bourne Phinney

After the Wampanoag delegation led by Apess filed their petitions on Beacon Hill in June, 1833, they returned to the Cape "mistakenly supposing Governor Levi Lincoln approved of their reforms." In fact, other than the local whites in the towns surrounding Mashpee, and the Reverend Phineas Fish, no one appeared to take the Wampanoags seriously.

Later that month the tribe notified the treasurer of the Board of Overseers, Obed Goodspeed, to turn over the plantation's books and other papers. A tribal council was formally elected on June 25 and public notices were printed and displayed so that "said Resolutions be enforced." On June 26, Reverend Fish was told "be on the Lookout for another home. We of no Indian that has been converted under your preaching and from 8 to 12 only have been your Constant Attenders. We are for peace rather than anything else but we are satisfied we shall never enjoy it until we have our rights."

This got the Reverend Fish's attention. In panic at the unrest around him, the priggish clergyman wrote a letter to Governor Lincoln and had his predecessor's son, Gideon Hawley, Jr., deliver it on horseback to Lincoln at the governor's home in Worcester. Apess wrote afterwards that Fish wrote: "...the Indians were in open rebellion and that blood was likely to be shed .. It was reported and believed among us that he said we had armed ourselves and were prepared to carry all before us with tomahawk and scalping knife; that death and destruction, and all the horrors of a savage war, were impending; that of the white inhabitants some were already dead and the rest dreadfull alarmed! An awful picture indeed."

The deadline of July 1 was only a few days away.

The Woodlot Revolt

The woodlots of Mashpee were mostly probably near the Santuit River in the immediate vicinity of Reverend Fish's parsonage which abutted Santuit less than a mile south of the Trout Mound grave. Given the need to haul the cordwood to Cotuit Bay for shipment to Nantucket, and the arrangement which permitted the Reverend Fish to lease logging rights to help defray his living expenses and the costs of the Indian Meetinghouse, one can assume the location of the woodlot at the center of this story of rebellion and nullification was somewhere near the current intersection of Routes 28 and 130 near the historical center of Wampanoag life near the nexus of the herring run and Santuit Pond. The lots were worked by two brothers, Joseph and William Sampson, sons of Squire Josiah Sampson, the landowner who built "Sampson's Folly" on the Old Kings Road and owned the grist mill on the Santuit River near the site of Maushop Stables, a horse farm and equestrian center near greens and fairways of the modern Willowbend golf course. The Sampsons were Cotuit gentry, an old colonial family intermarried with the Crockers, perhaps the oldest and most venerable clan in colonial Santuit. They were landowners, and Sampson's Island, the sand spit at the head of Cotuit Bay is named for them.



The Sampson brothers probably had a crew of men, perhaps even Wampanoags, to help them clear, cut, and stack the scrub oak and pine. Oxen were the preferred beast of burden on Cape Cod, so one can picture a group of men, in shirtsleeves on a humid summer morning, toiling in the shady woods with the back breaking task of loading chopped piles of wood onto wagons for the two mile trip down a sandy Main Street to the piers around Cotuit's Hooper's Landing. It would have been of no surprise to the Sampsons or any white man living in the area, that the tribe was agitated and looking for a confrontation. In fact, Apess wrote afterwards the Sampsons "were known to have vowed to disregard the Mashpee's declarations" to stay out of Mashpee. The events of July 1, 1833, a deadline declared by Apess and the tribe in their grievances were foretold and to be expected: the Reverend Fish's panicked missive to the Governor, the shrill attention paid to the affair in the *Barnstable Patriot*, and the fact that most of the congregation in the "Indian" meetinghouse were white parishioners from

Santuit and Cotuit doubtlessly made the Wampanoag's growing unrest a topic of hot discussion and the source of great fear. The events that took place that Monday morning had been set into motion months before.

It began when Apess went for a "walk" in the woods that morning. The Sampsons and two other men were loading wood onto a wagon. Doubtlessly they had been working the lot for sometime, the sounds of axes and saws and their labor announcing their intention for sometime, so while Apess' account of the events makes it appear it was a chance encounter, one may assume he was out looking for trouble at a known location of white incursion.

Apess confronted the four whites, told them to unload the wagons and leave, and when they refused, he left to gather some support, returning soon thereafter with eight Wampanoag men.

No punches were thrown or weapons brandished. There is no record of a fight or assault of any kind and the confrontation ended with the departure of the whites from Mashpee back over the Santuit River to Cotuit. And so ended one of the first acts of peaceful civil disobedience by a native tribe in the history of the United States, an act made by one of the first tribes to be subjugated, defeated and assimilated by the whites, a precursor to decades of rebellion, atrocity and contempt between other tribes as the country expanded west to find its manifest destiny and uprooted one tribe after another. Wounded Knee, Little Big Horn, the Trail of Tears ... what happened in the woods that morning was perhaps the first and most overlooked statement of independence and revolt by a native tribe in the two hundred year history of white/Indian relations.

Arrest and Aftermath

As Apess and the Wampanoags made their stand, Governor Lincoln had been roused by the Reverend Fish's panicked missive and sent a personal emissary, one Josiah Fiske, a member of the Governor's Council, to Mashpee to investigate. Fiske arrived the following day, July 2, 1833 and spread the word that he wanted to meet with the tribe on Wednesday the 3rd. Fiske carried instructions from the Governor to "confine your actions to the application of the civil power...the Sheriff will, with your advice, call out the posse comitatus, and should there be reasons to fear the efficiency of this report, I will be present personally, to direct any military requisitions."

Governor Lincoln was on the verge of sending in the militia to quell the Wampanoag rebellion.



Governor Levi Lincoln

No one showed up to Fiske's meeting. In a classic power play, the tribe refused to acknowledge Fiske and instead, the president of the tribe, Daniel Amos, delivered to Fiske an invitation to meet the tribe at the meetinghouse. Ironically, the tribe, so alienated from the historic building given to them by Richard Bourne, a church that had turned its back on them and become a place of worship for Cotuit's whites, didn't have a key to their own meetinghouse and had to break in to open the door.

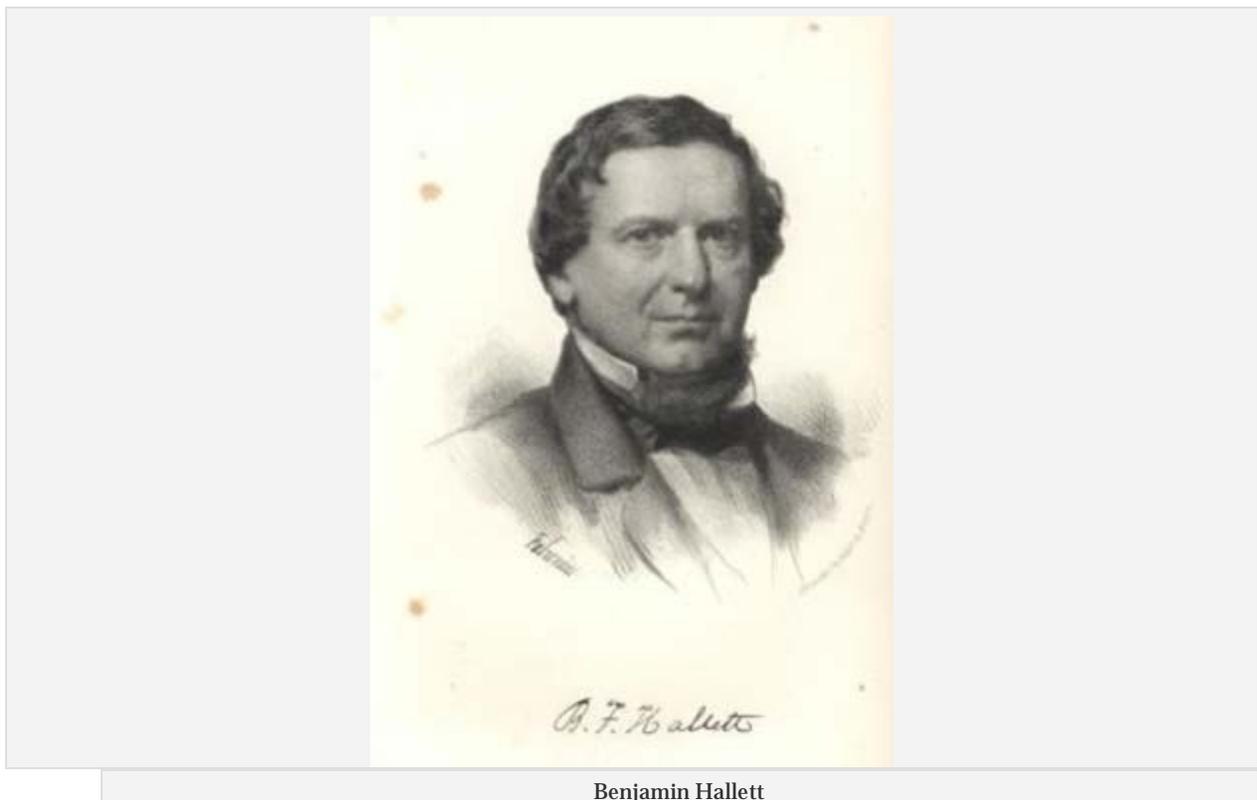
Fiske arrived at the meeting with the sheriff of Barnstable County, John Reed, in a display of legal force. Reed told the tribe they were breaking the law and Apess indignantly replied: *"...the laws ought to be altered without delay, that it was perfectly manifest they were unconstitutional; and that, even if they were not so, there was nothing in them to authorize the white inhabitants to act as they had done."*

Whatever the eloquent Pequot activist said on July 4, 1833 to Fiske and Sheriff Reed, it didn't matter. Apess was arrested on the spot by Reed and hauled off to jail in Barnstable village where he was arraigned on charges of inciting a riot and trespassing. Fiske immediately wrote the Governor that the arrest "had the desired effect" and that the rebellion was crushed. He described Apess' arrest: "The Indians seemed to have forgotten for a moment that they had muskets with them, and looked with perfect amazement at the sheriff when he had taken their champion from the Moderator's seat in the meetinghouse and conducted him with great dignity to a seat in his carriage at the door."

Apess was released on bail after a few nights in jail and returned to Mashpee. The whites in Cotuit and throughout the Cape were not pleased that he was free. Apess wrote: "They bellowed like mad bulls and spouted like whales mortally gored by the harpoon, I do not think the figure of speech would be too strong. There was a great deal of loose talk and a pretty considerable uproar."

The Defense

No one expected that Apess would be able to keep up his agitation for long, and certainly no one expected a white man to come to his defense. But one brilliantly did, a Cape Cod native and attorney, Benjamin F. Hallett. Born in Barnstable, educated at Brown, Hallett studied the law and began a career as a liberal journalist in Providence, the progressive traditional refuge of liberalism and tolerance founded by Roger William in reaction to the tyrannical strictures of the old witch burning Puritans. Hallett went on to be editor of the *Boston Advocate* and the *Boston Daily Advertiser* -- this was the golden age of very politically biased newspapers and Hallett's were definitely far to the left, presaging the abolitionist movement blossoming among the intellectual Brahmins of Boston and Concord. An active Democrat, Hallett was anti-Masonic and very outspoken. He ran unsuccessfully for Congress later in his career, and eventually was appointed the United States District Attorney for Massachusetts by President Franklin Pierce.



Benjamin Hallett

Apess could not have asked for a better defender than Hallett. Not only was Hallett a Cape Codder, he was a skilled and excellent litigator backed by the power of his own newspaper. Hallett made Apess famous among the abolitionists of Boston, rallying to the Pequot minister's defense the sympathies of what would become the most disruptive political force in the mid-1800s. Hallett defended Apess on the charges, had them dismissed, but promptly took the case further by filing legislation on Beacon Hill to resolve the status of the tribe once and for all. He argued:

1. The Mashpee Wampanoags never consented to the white's "guardian" system that took control of their finances and affairs via the board of overseers.
2. The actions of the whites towards the Wampanoags, beginning with the formation of the plantation by Bourne, and then thereafter, respected the Wampanoag's superior title to the land. This was key in that the English legal system cherished the concept of private property and deeds, something utterly foreign to the Wampanoags but which they were blessed with by the foresight of Bourne in creating and deeding to them the lands of Mashpee for their own use and not the use or sale to the whites.
3. Finally, Hallett seized on the fact that there was no treaty in place between the whites and the Wampanoags as was the case with other tribes in the mid- and far-western parts of the country. Because there was no treaty defining their status, the Wampanoags -- Hallett argued -- they remained a sovereign nation subject to no white laws or taxation.

Accompanied by Apess, Joseph Amos and Issac Combs, Hallett went to the state house in Boston to make his case for Wampanoag independence. The legislature agreed and in March 1834, the legislature abolished the board of overseers, appointed a one-person "commissioner" to act at the State's liason with the tribe, and refused to intervene with the religious issues defined by the situation concerning Phineas Fish and his "employer:" Harvard College. Harvard's President Josiah Quincy dispatched the Reverend James Walker to travel to Mashpee and report on the spiritual situation. Apess, for reasons unknown, renounced his Methodist ordination and started his own "Free and United Church" while Blind Joe Amos continued to lead the popular Baptist Congregation and Phineas Fish muddled along with his all white Congregationalists who raised the funds to build him a church of his own in Santuit (it isn't clear if Fish ever preached another sermon after the July 4, 1833 meeting in the Indian Meetinghouse that resulted in Apess' arrest, but he eventually moved into his own church within Santuit proper.

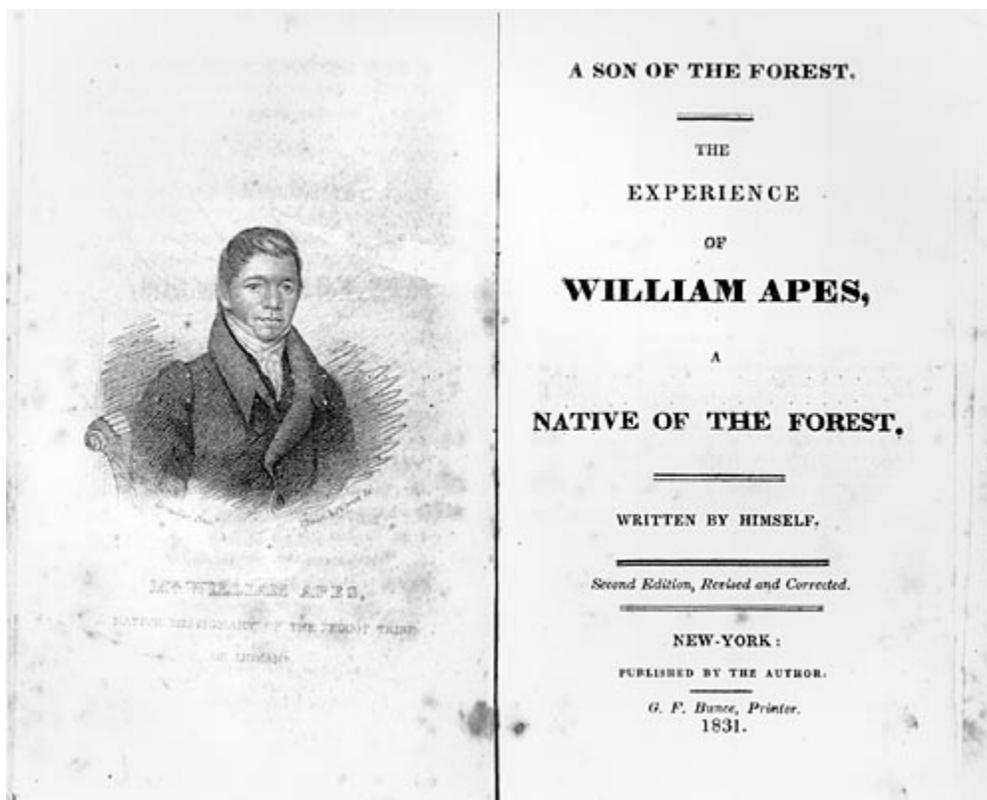
Harvard's emissary, Reverend Walker, wrote in a report entitled "Facts in Regard to the Difficulties at Marshpee" that Apess was "now understood to be rapidly losing the Indians' confidence and not without good reason."

Conclusion

While all but forgotten until Apess' memoirs were republished in the 1990s, the Mashpee Woodlot Revolt stands as a significant milestone in native-white relations in America. The Wampanoags enjoyed a period of self-rule until 1870 when the tribe eventually petitioned the Commonwealth to incorporate Mashpee as a town, a controversial move sought by non-Wampanoag spouses who wanted the same rights they had enjoyed outside of the plantation such as the vote. Harvard stopped the practice of sending ministers to Mashpee. Fish moved out of town and continued to minister to his flock in his new church in Santuit.

Apess? Well he did indeed fall out of favor in Mashpee -- he was an outsider and while part-Pequot was not a Wampanoag. In 1838 all he owned in Mashpee was sold for debts in a bankruptcy action. In 1839 he died suddenly in a boarding house in New York City and was buried with little to no fanfare.

When his writings were rediscovered by historians it was a revelation that such an eloquent, literate, passionate voice had once spoken so passionately for Indian rights at a time when slavery was still the law of the land and Indians, blacks and other dispossessed members of society were completely dismissed and subjugated by 19th Century America. Apess' actions in Mashpee in 1833 displayed an activism and passion for civil disobedience that presaged Henry David Thoreau's famous essay on Civil Disobedience sixteen years later. Apess and the cause of the Wampanoags ignited abolitionist sympathies in Boston, helping coalesce a movement that was to drive the country to war within three decades.



As the historian Barry O'Connell wrote of Apess:

"In him, from a more tempered perspective, might be recognized a masterful polemicist and a canny strategist in leading a small minority to persuade a dominant majority to treat the minority with some respect."

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