



# THE DUKES COUNTY INTELLIGENCER

VOL. 44, NO. 1

AUGUST 2002

## Vineyard Murder Trial First Since 1650

EDGARTOWN, Sept. 30--Dukes county's first murder trial in nearly 300 years began today when GEORGE R. TILTON, 64, Tisbury, painting contractor, He was indicted by the county grand jury on July 19 after local police officers found his body on the beach.

Front page headline, *Boston Traveler*, Sept. 30, 1940.

## The Trial and the Tribulations Of Ralph Huntingdon Rice

by THOMAS DRESSER

## The Story of Martha's Vineyard: How We Got to Where We Are

(Chapter Two)

by ARTHUR R. RAILTON

## A Mariner's Hand-drawn Chart Of Vineyard Waters in November 1717

(From THE CLEMENTS LIBRARY, University of Michigan)

#### MEMBERSHIP DUES

Student .....	\$25
Individual .....	\$45
(Does not include spouse)	
Family .....	\$60
Sustaining .....	\$100
Organization/Business .....	\$150
Patron .....	\$250
Benefactor*.....	\$500
President's Circle**.....	\$1000
Tax deductible except for \$15, *\$25 and **\$35.	

*Printed at daRosa's in Oak Bluffs, Massachusetts.*

#### CORRECTIONS

On line 12, page 151, *Intelligencer*, May 2002, the words "off today's Lake Tashmoo" should be changed to read, "off today's Lambert Cove." Clearly, the descriptions of both Brereton and Archer more closely describe Lambert's Cove than the shore at Lake Tashmoo, which then, of course, was not opened to the Sound (nor did it have that name).

This error was brought to the editor's attention by member Norris Darrell Jr., of Cold Spring Harbor, N.Y. He also suggests that line 16, page 150, should read "would stay through the year," rather than "through the summer." The author (and editor) disagree. It is a judgement call, but we stand with the words as published.

Another change was suggested by Catherine M. Mayhew, Society genealogist. On page 164, line 16, she says, it should not have been stated with certainty that Thomas Junior "married Jane Paine, his step-sister." Much effort has been made to document that fact, but all that is known is that he married a woman named Jane. However, it is believed by many that the Jane was Jane Paine, daughter of Thomas Senior's second wife and hence Junior's step-sister. The line, more accurately, should read "married a woman named Jane, who may have been his step-sister, Jane Paine." Junior's son, Matthew, named his second son, Paine, which is evidence that the Paine family name was important to the children of the late Thomas Junior.

But, as Mrs. Mayhew writes, there is no certainty.

We urge readers to send the editor their suggested changes to the chapters of "The Story of Martha's Vineyard."

# THE DUKES COUNTY INTELLIGENCER

Vol. 44, No. 1

© 2002 M.V.H.S.

August 2002

## The Trial and the Tribulations Of Ralph Huntington Rice

3

by THOMAS DRESSER

## The Story of Martha's Vineyard: How We Got To Where We Are (Chapter Two)

29

by ARTHUR R. RAILTON

## A Mariner's Hand-drawn Chart Of Vineyard Waters in November 1717

32

(From THE CLEMENTS LIBRARY, University of Michigan)

Editor: Arthur R. Railton

Research Editor: Edwin R. Ambrose

Founding Editor: Gale Huntington (1959-1977)

The *Dukes County Intelligencer* is published quarterly by the Martha's Vineyard Historical Society (formerly the Dukes County Historical Society). Subscription is by membership in the Society. Copies of all issues are available at the Society's library, Cooke and School Streets, Edgartown, Mass., or by mail at the address below.

Membership in the Society is solicited. Applications should be sent to P.O. Box 1310, Edgartown, MA, 02539. Telephone: 508 627 4441. Fax: 508 627 4436. Author's queries and manuscripts for this journal should be addressed there also, care of the Editor.

Articles in *The Intelligencer* do not necessarily represent the opinions of the Society or its officers. Every effort is made to confirm dates, names and events in published articles, but we cannot guarantee total accuracy.

ISSN 0418 1379



## MARTHA'S VINEYARD HISTORICAL SOCIETY

Hugh Knipmeyer, *President*  
 Judith Bruguiera, *Executive Vice President*  
 Paula Conover, *Vice President*  
 Thomas Hale, *Vice President*  
 John M. Morgan, *Vice President*  
 Christopher J. Morse, *Vice President*  
 Catherine Merwin Mayhew, *Secretary*  
 Craig Dripps, *Assistant Secretary*  
 Warren Hollinshead, *Treasurer*  
 Frederick W. Kingsley, *Assistant Treasurer*  
 Robert A. Lunbeck, *President Emeritus*

### Board of Directors

Mark Lovewell, James Powell – 2002  
 Malcolm Goodridge, Townsend R. Morey Jr.,  
 Mark A. Snider, Joseph E. Sollitto Jr., Peter B. Van Tassel,  
 Elizabeth St. John Villard – 2003  
 Alison Convery, Arthur Flathers, Judith LoRusso., Sharon Purdy,  
 Carroll Moshier, James B. Richardson III, David B. Vietor,  
 Edward W. Vincent, Lynne Whiting, Preston Williams – 2004

### Honorary Directors

Charlotte Hall Stanley Murphy John A. Howland  
 Kenneth A. Southworth III Donald W. Vose Frederick Williams

### STAFF

Matthew Stackpole, *Executive Director*  
 Jill Bouck, *Chief Curator*  
 Dana Costanza, *Assistant Curator*  
 Candice Hogan, *Associate Director, Operations*  
 Linsey Lee, *Curator of Oral History*  
 Betsey Mayhew, *Assistant to Executive Director*  
 Peter B. Van Tassel, *Archivist/Librarian\**  
 Catherine Merwin Mayhew, *Genealogist\**  
 Dorothea R. Looney, *Registrar\**  
 Arthur R. Railton, *Editor\**  
 Edwin R. Ambrose, *Research Editor\**

\* Unpaid volunteer

## The Trial and the Tribulations Of Ralph Huntingdon Rice

by THOMAS DRESSER

IT WAS THE VINEYARD'S first media "circus." Headline-seeking reporters from newspapers around the northeast crowded into the County Court House on Main Street in Edgartown in October 1940, to watch twelve men decide the fate of Ralph Huntingdon Rice, diction teacher at the Rice School of the Spoken Word on East Chop, Oak Bluffs, who was on trial for raping, murdering and robbing one of his students, a 72-year-old widow.

The brutally murdered woman was one victim of the senseless, unsolved murder. Ralph Huntingdon Rice was another.

• • •

NESTLED ON A LOWER SHELF of the Society's Huntingdon Library in Edgartown is a weighty tome that has seen little use in the years it has been there. Between its covers is the story of a violent Vineyard murder and a trial brought on by a misguided sense of justice.

The transcript has 1158 carbon-copy pages, neatly typed by two court stenographers, Carrie C. Thomas and Emily Burford Murray. It tells an intriguing tale of the trial.

But to have a trial, you must first have a crime.

• • •

The victim, a 72-year-old widow, Mrs. Clara Smith<sup>1</sup> of Dorchester, had completed a two-week course in elocution at the Rice School on Saturday, June 29, 1940. While a student, she lived in a room on the second floor of Sumner Dormitory, a large, weathered-shingle structure on the ocean side of East Chop Drive, atop the bluff just beyond today's East Chop Beach

THOMAS DRESSER, an elementary-school teacher and a nursing-home administrator for 30 years, came to the Vineyard in 1995, as what he calls a "washashore." Now a dedicated researcher and writer, specializing in history and ecology, this is his first article in this journal

<sup>1</sup> Mrs. Smith was a Christian Science practitioner and reader. The June term was popular with practitioners, who, in one class, read aloud from the Bible to practice diction and elocution. The Rices were devout Christian Scientists and because of that the school attracted many of the faith during the June sessions.

Club. Her long-time companion and fellow student, Miss Pearl Blakeney, roomed down the hall.

With their classes over, the two women were going to take a day trip to Nantucket the next day, Sunday, before going back to Dorchester. That Saturday evening, they supped in the Club House dining hall with fellow students, employees and faculty of the Rice School and the Playhouse, the Island summer theater, then in its sixteenth year. Huntingdon Rice and other members of the Rice family were also in the dining room. There was nothing untoward about the menu. It was a typical New England Saturday supper of frankfurters, beans, coleslaw and strawberry shortcake. It would be Mrs. Smith's last meal.

The two women bid each other good night around nine p.m., and retired to their rooms to pack for their morning departure to Nantucket. During the night, Miss Blakeney was awakened by sounds such as someone might make while having a nightmare, but she thought no more of it and went back to sleep.

She and Mrs. Smith ate their meals together. When she would leave her room to go to the dining room, Miss Blakeney would knock on Mrs. Smith's door and they would go together.

That Sunday morning, her friend did not respond to her knock. Miss Blakeney entered the unlocked room to find Mrs. Smith lying between blood-stained sheets, her body covered by a blanket. In tears, Miss Blakeney rushed down to notify Maribelle (May) Rice, the school manager. Miss Rice went upstairs to investigate, quickly returning to telephone her doctor, a Doctor Glenn. Glenn notified Dr. Francis Buckley, the Dukes County associate medical examiner, who arrived about a half hour later. He ruled Mrs. Smith's death to be a murder and summoned Oak Bluffs Police Chief Gus Amaral.

"I remember distinctly when I first heard the news," Stuart Bangs of Vineyard Haven told the author in 2002. "I had been on a boat to Cuttyhunk that day and I came back to the dock and someone hollered that there had been a murder. Now that was a big deal, as we didn't have many murders. I remember it as if it were yesterday."

In the Rice family cottage about a hundred yards away on

that Sunday morning, Ralph Huntingdon Rice, 53, was in his room writing a letter to his Christian Science practitioner in New York. She was treating him for his serious nervous condition.<sup>2</sup> His letter finished, he walked to Keating's Drug Store on Circuit Avenue to buy some stamps, the post office being closed on Sunday. After mailing the letter, he returned to the drug store to buy a raspberry-lime soda. When the clerk mentioned that he had heard there had been an accident at the school, Rice demurred. "I know nothing of an accident," he said, adding that if there had been one he would know about it.

Ralph returned to the Rice family cottage and shortly before 11 a.m. was driven to the Christian Science Church on New York Avenue with his sister-in-law, Mrs. Elizabeth P. Rice, and her mother, Mrs. Pooler. His niece, Carolee Rice, was the driver. None knew of Mrs. Smith's death. In church, he sang lustily (he loved singing) and returned to have Sunday dinner, after which he took his daily nap. While they were in church, the body of Mrs. Smith was removed from Sumner Hall and taken to the undertaker's for an autopsy.

*A brochure in the society archives describes the Rice campus, covering a large part of East Chop. There were five residences: Club House (with the common dining room), Sumner Hall (the female dormitory, desirable because it was on the ocean shore), the West Cottage, the Stag Cottage (for male students and staff), and the Rice family residence, about 300 feet from Sumner Hall. Students were required to live in a dormitory and to eat in the Club House, paying \$18 a week in June, \$19 to \$22 in July and August.*

*Other buildings were the School, the Theater, the Bandbox Theater (a small theater seating only 40), and the Scenic Studio, where scenery was designed and built, next to Stag Cottage.*

*Due to the illness of Phidelah Rice, its founder, the summer theater had been leased to Charles Emerson Cook and Associates of New York. The School for the Spoken Word was still being run by*

<sup>2</sup> As he testified later, R. Huntingdon Rice was so nervous he was unable to perform in concerts although he was a trained singer. According to Henry Hough, he had a repertoire of 150 songs. (*Once More the Thunderer*, Hough, 1950, pp. 158-9.)

<sup>3</sup> In his testimony, Rice said he thought the clerk may have been referring to two days before when his ailing brother, Phidelah, was brought down from Brookline and had to be carried into the house.



the Rice family.

The next day, Monday, July 1, right on schedule despite the murder, the school held its welcoming assembly for students who were entering the July term. Huntingdon Rice asked to be excused, as he did not feel up to attending.

Later that morning, 24 hours after the discovery of the body, Rice first learned of the death. His sister, May, told him, adding it was due to natural causes. The results of the autopsy had not yet been revealed. Rice took the news in stride and walked to the post office, sitting on a nearby bench to add a postscript to his almost-daily letter to Mrs. Edna White, his Christian Science practitioner. The postscript told of the death of his student and that the police were acting as though it was murder. He mailed the letter. It was Monday morning, July 1.

Phyllis Meras recalls, "I remember that night my brother and I walked up East Chop Drive past the Beach Club and past the dormitory on our way home from the movies. The next day we learned that a murder was committed there. My brother's godfather was Dr. Buckley. . . The murder was the talk of the Island. I was 8 or 9, so my recollection is not that good. We used to walk through the Downs, which was the area across from the dormitory, where they said a bundle of clothes was found after the murder."<sup>4</sup>

On Monday afternoon, July 1, Dr. Buckley, assisted by Dr. Alan Moritz of Harvard Medical School, a pathologist called in by the State Police, completed the autopsy. It showed that Mrs. Smith had died of a blunt trauma to the head. Furthermore, she had been raped. Doctor Buckley informed the Rice family and called the victim's stepson, Clarence Smith, in Connecticut.

The second term began on schedule the following day, Tuesday, July 2. Huntingdon Rice taught his Voice and Diction classes without incident all week. Although an effort was made to make things seem normal, there clearly was a deep tension among the staff. Sumner Hall residents had been moved to other buildings as the police sealed off the crime scene.

Banner headlines screamed across the front page of the *New Bedford Standard Times* on July 2 that a suspect was being

<sup>4</sup> There was no mention of any bundle of clothes during the trial. Phyllis Meras knew the Rice Playhouse well. Three years earlier, she was one of seven "Children in the Village" in *Little Joan of Arc*, a production of the Rice Children's Theatre.

From Rice School brochure, 1932, MVHS.



Sumner Hall on the bluff at East Chop. Right behind it, the Club House, where meals were served. Rice family cottage is one of the houses, top left.

held for the murder. It turned out to be false. The man who had been arrested was wanted for a petty theft off-Island.

On Wednesday, July 3, police stopped Huntingdon as he was walking home after lunch at the Club House to take his usual afternoon nap. They wanted to question him. He said he didn't want to talk to them, being eager to get to his nap. After some persuasion, he agreed, saying, "Might as well do it now."

He was taken to the state police headquarters and asked many questions about his background. Rice told of his extreme nervousness, a handicap for someone in his profession, a singer and an actor. He said he was a Christian Scientist and was being treated for his nervousness by his Christian Science practitioner in New York, where he lived most of the year. He had just received a letter from her and he showed it to them. The questioning lasted three hours. No nap that day, probably.

Two days later, Jan Thomas, an electrician who worked at the Rice Playhouse and lived in the Stag Cottage, was arrested on a charge of carrying a concealed weapon. The police soon learned that he was not Jan Thomas, but was using an alias to hide his police record. He had served time in Indiana and was wanted in Kentucky for a jewelry theft. His real name was Harold Tracy. He was held in the county jail.

"The electrician did it," recalls plumber Billy Norton. "Tracy was his name. I remember it. An unsolved murder. My mother was

a barmaid. Women couldn't get good jobs in those days. I remember she thought the electrician did it. He was a little shady to begin with. I was about twelve at the time."

After dinner Saturday night, July 6, Huntingdon walked downtown as he often did. On his way home he saw that one of the Playhouse signs had been defaced by vandals, perhaps as a result of the bad feeling the murder had created in town.

It disturbed him. He hurried to the theater, even running some of the way as he sometimes did for exercise. He told Charles Cook, the manager, about the defaced sign, talking to him through the window in his office. Miss Lydia Kipp, the school secretary, worked in the same office, and overheard the conversation. She later testified, that when it was over,

... he [Rice] turned around and looked at me with a very fearful look in his face, and I became frightened. When I left the theater that night about eleven o'clock, I was nervous and I telephoned some friends of mine to see if I could stay with them that night.

She had been living in the Rice home since Sumner Hall was closed and she was afraid to spend the night in the same house, in fact on the same floor, as Rice after his "look." She recalled that earlier in the week she had made a rather insulting remark at dinner about Rice's failure to help her into her chair at the table when she came in while he and the others were seated. When a student got up to help her, she said, pointedly, "I am glad there is at least one gentleman here."

Later, Rice asked her to apologize and she refused. His "fearful look," plus that incident caused her enough concern that she called her friends.

When the friends could not take her in, she called Police Chief Amaral, asking if he knew where she could stay. Amaral sent a policeman to escort her to the station to be questioned.

Bob Hughes, a high-school teacher at the time, recalls, "My wife was the Oak Bluffs correspondent for the New Bedford Standard-Times and she was the first to break the story of the murder." When Miss Kipp reported that "very fearful look" to the police, they called Mrs. Hughes, asking if the frightened young woman could spend the night with them. They took her in. "We didn't get much sleep that night, we were so worried." Kipp stayed

From the judge's scrapbook, given to MVHS by his son



Judge Beaudreau, left; Mrs. Clara Smith (date of photo unknown); right, defendant Ralph Huntingdon Rice. (Boston Traveler, Sept. 30, 1940.)

with them only one night. When Rice was put in jail the next day, she left and moved back into the Rice house. Her fright convinced the Hughes couple at the time that Rice was guilty. But Bob isn't so certain now. "It was unsolved as far as we were concerned later."

Saturday at 1 p.m., the day after Kipp reported the "look," Rice was picked up by the police. At 3 a.m., Sunday, after more than 12 hours of confinement and interrogation under a glaring light, he was charged with the rape, murder and robbery of Clara Smith. Two weeks later, a Grand Jury indicted him.

At Bridgewater State Hospital, he was examined for 35 days and judged to be sane, then returned to jail to await trial.

• • •

Late in September 1940, some sixty Dukes County men were summoned to form a pool of jurors. Forty-seven were called and twelve were chosen for the trial, which got underway on Monday, September 30, 1940. The jurors were:

Walter Besse, Oak Bluffs  
Howard Edwards, Oak Bluffs  
Allen Flanders, Chilmark  
Walter E. Flanders, Tisbury  
Hariph Hancock, Tisbury  
Ernest Jenkinson, Chilmark

George King, Cuttyhunk  
Percival McDonough, Tisbury  
Richard Morris, Oak Bluffs  
George Tilton, Tisbury  
Charles Vanderhoop, Gay Head  
Benjamin West, Tisbury



The jury was charged at 2:48 p.m., Monday. Walter E. Flanders was named foreman.

*"George King, from Cuttyhunk, he was on the jury. This was the biggest event of his life, to be on the jury. Nothing in his life was of this magnitude. All he talked about, and it changed his life," remembers Stuart Bangs.*

The prosecution was led by Frank Smith, Assistant District Attorney, helped behind the scenes by Massachusetts District Attorney William Crossley. Rice's lawyer was Frank Volpe with Alfred Walton assisting.

Before the testimony began, the jurors were taken to the crime scene and to the Rice home where Huntingdon lived. Judge Raoul Beaudreau told them, "counsel will point out to you such objects as they believe will be of importance to help you to understand, better understand, the testimony as it is later presented to you in the trial."

It was a cool, rainy day. A newspaper photograph showed the jury outside Sumner Hall, wearing raincoats and hats.

When they were back in the courtroom, prosecutor Smith opened with a revealing line: "The Commonwealth is unable to give any exact description of any weapon which may have been used." From then on, the case was shrouded in innuendo.<sup>5</sup>

The prosecution detailed the circumstantial evidence that would be presented to prove Rice's guilt. Then Defense Attorney Volpe described the defendant as a man who suffered from a nervous disorder so serious that he customarily could not sleep soundly at night.

Later, family members would back up this statement. Rice's sister, Maribelle (May) Rice, who had called the doctor when the body was discovered, confirmed her brother's odd behavior. "He has been very nervous, increasingly so, and it has been very difficult for him to carry on his work here at the school in the summer time." May explained that she did not call the police when she saw the body "because I didn't want to excite the girls [in Sumner Hall]." Dr. Buckley had called Chief Amaral after examining the body. Miss Rice asked the chief and the police to come to the dormitory in plain clothes and they did.

<sup>5</sup> The autopsy report did speculate on the size and shape of the alleged bludgeon.

Huntingdon's older brother, Phidelah, was unable to testify on behalf of his brother. He was too ill and had only arrived on the Island from Brookline the day before the murder.

Phidelah's wife, Elizabeth, testified that Huntingdon's condition made it difficult to live in the same house with him. "He was so extremely nervous, everything affected him so quickly that we learned to be very, very careful in handling him." Elizabeth stated she never had a complaint about Huntingdon from a student, that he was a gentleman and an excellent teacher, who tended to be disagreeable if he didn't get his afternoon nap.

Huntingdon's niece, Carolee, recalled that she had heard him cough in his room when she came in at about 12:30 a.m., midnight, Sunday. In the morning, she was told of the death:

"I stopped at Sumner Hall before I went home after church [on Sunday]. I was upstairs and saw my aunt [May Rice] and Chief Amaral in the hall." That was when she first learned of Mrs. Smith's death, she said.

The prosecution focused the jury's attention on two items – a letter and an envelope, both sent by Rice to Mrs. Edna Smith. He had dated the letter, July 1, but the postmark on the envelope, stamped at the Oak Bluffs post office, indicated it had been mailed before 11 a.m. on the morning of Sunday, June 30. It was brought out that it had to have been mailed before 11 because the hour on the "stamp in the post office was changed at 11 o'clock [a.m.] to 4 o'clock in the afternoon . . . when the next mail went out." Three daily pick-ups took place, according to Assistant Postmaster Lewis Dow: 5 a.m., 11 a.m. and 4 p.m.

*"I felt we did a better job with the mail back then than they do now," says Stuart Bangs. "We didn't have as many people and service, but we did it better."*

Rice's special-delivery letter, which he had dated July 1, was delivered to Mrs. White in New York City, the prosecution claimed, in an envelope postmarked 11 a.m., June 30. The two differing dates became critical evidence against Rice.

Lengthy testimony was given about how the crime scene appeared that Sunday morning. Blood stains were found on the walls, on a bedside table and on the room's wood trim. There



was much disorder and disarray. A photographer introduced pictures he had taken, confirming the description.

Police Chief Gus Amaral, an Oak Bluffs boxer, testified that "the walls were spattered with blood. The floor was spattered with blood at the head of the bed, as the lady laid in the bed." Volpe let this graphic description play itself out, then zeroed in. "Did you ever make a statement to anyone that you had the wrong man?" Amaral responded, "No, sir."

Volpe raised this question to serve as the basis for his argument that the prosecution was misguided when it went after Rice. Some other person had committed the crime, he claimed. District Attorney Crossley was stubbornly sure he could pin the murder on Rice. He had a lot at stake. He was running for state's Attorney General and a conviction would win votes. To make sure of a conviction, he held Harold Tracy in jail on a trumped-up concealed weapon charge just in case he couldn't convict Rice.

*Stuart Bangs continues, "The general word on the Island was that the murder was investigated and all the fingerprints belonged to the chief of police."*

*Billy Norton backs this up, "The murder was poorly handled by the police. They had no experience, no expertise."*

Dr. Buckley described his gruesome findings and testified that Mrs. Smith died from hemorrhage within thirty minutes of the attack. When he arrived at the scene, rigor mortis had set in. The jaw and hands were stiff. A photo taken in the morgue showed she had a hair net on her head. Her dentures were displaced, one even out of her mouth on the bed. She was a heavy-set white female whose hair appeared to have been artificially waved. A bruise on her finger indicated that a ring had been pulled off in haste.

Mrs. Smith's injuries were detailed, including the massive head trauma that killed her. Marks on her neck indicated an attempted strangulation. Buckley described the rape simply: "In my opinion, she was ravished," but the pathologist went into greater detail, telling of finding male sperm in the vagina and showing photographs of abrasions on her genitals. The time of death was estimated at between one and four a.m., Sunday, determined by a leafy vegetable resembling cabbage found in

her digestive system and by the rigor mortis.

Miss Pearl Blakeney, a file clerk with Western Union in Boston, the first to discover the body, was asked by defense attorney Volpe: "You were quite attached to her, weren't you?" "Yes, sir." "Was she a large woman?" "Quite stocky, not very tall." She concluded, "She was a personal friend of mine."

When Miss Blakeney was asked why she had attended the Rice School (it was her third year), her response was that she was anxious to correct the different vowel sounds she used because of being brought up in Nova Scotia.

Student Martha Stengel, also a resident in Sumner Hall, supported Miss Blakeney's testimony about the sounds during the night of the murder. "The noises I heard were as of someone having a nightmare."

Miss Stengel was one of Rice's students, stating he would give them individual voice instruction "to help us with our own particular problems." This meant that she was alone with him at times. She confirmed he was always a gentleman.

Defense Attorney Volpe noted that "they [police] told [Blakeney] that he [Rice] was guilty because he was crazy, and that is why they suspected him, and that he must have done it because of his mental condition." From this, it may be inferred that the prosecution thought they could win a conviction based on Rice's aberrant behavior, although it does seem that he appeared to be more a worried recluse than a murderous rapist.

School Secretary Lydia Kipp, while describing the "fearful look" from Huntingdon, added, "I don't know what his illness was, but I know he was ill. I thought he was mentally ill, yes. I thought his sisters sort of spoiled him"

*Adelaide Urquhart took classes with Huntingdon in the early 1930s. She recalled he was reserved around women. "Huntingdon was pretty much a mystery, and I knew very little about him, except that he was apparently a professional singer. He had a nice speaking voice, obviously well trained, but I have no idea where he may have performed. It's intriguing."*

Rice's own words were read into the record by police stenographer Elwin Hauver from notes he had taken during the long interrogation in July before he was arrested. Huntingdon,

who was fifty-three years old, told of how serious his nervous condition was: "I have to avoid being in crowds. I can't go to parties. In New York, I can't go anywhere much. I have to lead a very secluded life. Down here [in Oak Bluffs] it is hurly-burly, everybody after me, and it bothers me." Rice denied using sedatives or bromides to help him sleep.

Asked how his students responded to his teaching, Rice stated, "They all said as they left the class they were sorry to leave and they thanked me for the work." On medical issues, Rice explained, "I have no doctor. I am a Christian Scientist."

In one of his letters to Mrs. White, his practitioner, Rice had written: "I am a nervous man, and when people get hold of a nervous man it is easy to twist him up, much easier than other people, and being nervous at a time like this is a very unfortunate thing."

Rice was sure he was being framed, he knew he was not guilty, but could do little to help in his own defense. The circumstantial evidence presented to the jury, especially the June 30 postmark on a letter he had dated July 1, the day he was first told of the death, seemed to bewilder him.

The stenographer read back to the jury how Rice described the murder in the postscript to his letter to White that he had written while sitting on the bench near the post office: "I wrote to her that one of the Bible students<sup>6</sup> had been found dead in her bed and the police had a theory it was a murder which I thought was ridiculous because I certainly thought it certainly must have been by her heart trouble, because I had heard her talk of that. I couldn't conceive of anybody coming into a dormitory and murdering an innocent old woman like that."

That was how he summarized from memory the postscript he had added to the letter the police claimed had been mailed June 30, and proved that he had "prior knowledge" of the crime. Later, when the actual postscript was read in court it confirmed Rice's summary:

"One of the Bible students, a practitioner from Boston, was found dead in her room yesterday morning. She was an old lady

<sup>6</sup> In addition to diction class, taught by Huntingdon, among the classes offered was a Bible class taught by Mrs. Phidelia (Elizabeth) Rice. Only Christian Science students attended (Mrs. Smith was one). Many were "readers" in their own churches.

of about 75, and had a claim of heart trouble. Yet the police are trying to establish a clue of murder and are guarding the passage to her room in the dormitory because her diamond ring is gone. Of all this I knew nothing last night, but it perhaps accounted for the unexplained and extreme nervous spell I seemed to encounter late in the evening. . . This has cast a pall over the student body and has all the marks of definite malpractice. If ever there seemed to be an evil place, this seems to be it. . ."

The words "yesterday morning" indicate that the letter had been written Monday, the day after the murder was made known to the police. Also his comment that the police "are guarding the passage to her room" indicated Monday. But the district attorney pursued the "prior knowledge" argument, doggedly asking Rice to explain how his July 1 letter could have been postmarked June 30. That meant, he argued, Rice had written about the murder before it was reported to the police. That "fact," combined with his odd behavior, his "fearful look", and sweaty palms, proved his guilt, the prosecution claimed.

During the questioning by police on July 7, the day he was arrested, Rice asked why he was a suspect: "If there is any information you have at all in any way to connect me with this crime, it must have been given by people who do not like me up there at the school."

He didn't name any person, but seemed to implicate the electrician, Thomas (real name, Tracy). "I had no knowledge, except I know Thomas had been getting drunk. I knew he was a pretty slick city ticker and with New York ways." This was interpreted by the prosecution as a guilty man attempting to prove innocence by pointing his finger at someone else.

*Thomas was described by Henry Hough, who attended some sessions of the trial, as "about thirty-five, slender, good-looking, with thick brown hair brushed back from his face. His clothes are pressed and well kept."*<sup>7</sup>

During that night of interrogation at the State Police headquarters in the Dr. Tucker House on Ocean Park, Rice sent a telegram to Mrs. White in New York: "Investigated by police since one p.m. Suspect being framed. Feeling ill. Please

<sup>7</sup> Henry Beetle Hough, *Once More the Thunderer*, 1950, p. 158.

help." Rice may have had a nervous disposition, but he was quite aware what was happening to him.

The prosecution case rested largely on the fact that Rice could not explain how the letter he had written on July 1 was, it claimed, delivered in New York City inside an envelope postmarked June 30. It was not until later that it was brought out that he had written two letters, mailed them in two separate envelopes, 24 hours apart, and that letters and envelopes might have been mismatched. One letter and one envelope had been kept by Mrs. White, who had not paired them properly.

The police stenographer described Rice's reaction when he was asked to explain the early postmark during his July 7 interrogation prior to his arrest:

"Rice examined the letter, looked at it closely, looked at the envelope; there was a long pause; there were sighs; he examined the postmark on the envelope with a pocket magnifier that he had; he looked around the room; he looked up, closed his eyes, bowed his head, I might term it a grimace, if I might; perspiration started on his forehead, began to trickle down, I noticed a flush on his right cheek, more than the left, that flared up."

When the police stenographer read these lines to the jury during the trial, the prosecuting attorney told the jury that the nervous reaction by Rice was further proof of guilt.

The prosecutor stated that Rice had confessed to the murder during that interrogation, but had quickly recanted. Again, the police stenographer read from his transcript: "Well, I know I am guil — I am innocent, sir. I know I never knew anything about it until my sister told me. . . it is funny. I don't know how it happened, that is all — very funny. Well I must have put the wrong date on it. That is all I can say."

When the letter he had written and dated July 1, and the envelope postmarked June 30, were presented as evidence, this exchange took place, emphasizing the importance of the items:

Court — "And they are joined together."

Volpe (defense) — "Why are they being joined together? I would like to use those exhibits."

Court — "You may."

Volpe — "And I cannot use them tied together."

Court — "Can't you put one clip on them?"

Volpe — "If they are tucked loosely, it is all right, but if they are going to be tied together —"

Smith (prosecution) — "I am not going to nail them together."

Court — "I don't think you need to waste time on it."

Captain John Stokes, Chief of Massachusetts State Police detectives, who seemed to be acting as a point man for District Attorney Crossley, further confused the issue. He testified about the letter and envelope: "I received this letter contained in this envelope in an air mail letter from Inspector Michael Murphy of the New York Police Department." He was later forced to admit that the letter was not "in this envelope" but was with the envelope.

Stokes said that Rice had committed the murder, that he described the details of the death in his letter to Edna White before it was public knowledge and had sent the stolen jewelry to her for safe keeping. The jewelry, two rings, one of them a diamond engagement ring, a broach and a wrist watch, was never recovered.

When Inspector Murphy took the stand, Volpe questioned him about the letter and envelope he had received from Mrs. White in her New York room:

Volpe — "The letter wasn't in the envelope, was it?"

Murphy — "It wasn't. It was lying on top of it."

When Volpe got the New York inspector to admit that the letter was not inside the envelope, it made this aspect of the case moot. As Edna White testified later, "Of course, it [the envelope] could belong to another letter."

Exasperation grew as Prosecutor Smith tried to blame Mrs. White for not revealing that the letters and envelopes had been mixed up. She responded, "I wasn't aware that you were taking the letters and convicting a man on account of an envelope dug up from nowhere. I didn't think it was important."

Mrs. White explained her treatment for Rice's nervous trouble and insomnia. For Christian Scientists, she said, treatment is realizing the truth about God and His creation,



man made in the image and likeness of God. "God is the foundation of our work."

Volpe added, "The Supreme Court has said a Christian Science practitioner is in the same position as a doctor."

A July 8 letter Huntingdon's sister May had written to Mrs. White was introduced. She wrote: "I know you are standing by in this terrible thing that seems to have come to us. Your wire came this morning, and I took it to my brother and handed it to him through the bars." The letter went on, "They have no evidence on my brother except that he acted so nervous, too nervous for an innocent man, they said. . . We all thought it was a natural death. So I think now that the simple explanation is that you must have put the July 1st letter in the June 30th envelope. He [Rice] was writing to you almost every day."

If the district attorney had carefully investigated the matter of the letters and envelopes back in July, there would have been little, if any, evidence against Huntingdon Rice.

Stuart Bangs, "Everyone followed the trial. Volpe, he was a very smart guy. We felt they had the wrong guy. It was almost preposterous to hold Ralph Rice. He was a little weird, but no one thought he had done it."

Defense attorney Volpe tried to establish that another person, not Rice, was the murderer: "We are going to show that this man had this deceased in his class, she was one of the Bible class of five, and a fine lady, a gentle lady." He then attacked the electrician JanThomas (Harold Tracy), introducing his roommate who testified that during the night of the murder, Tracy had said at 1:30 a.m., after an evening of heavy drinking, "No, I am not going to bed. I am going out to get a woman tonight, and I don't give a damn if she is an Indian."

Even though these words were heard by the jury, the judge made it clear that they must be stricken from the record. It was Rice who was on trial, not Tracy.

Volpe asked Lydia Kipp, "And do you know a man by the name of Tracy?" She did. "He worked for the theater and drove the car with me to meet Mrs. Smith the day she arrived on the boat." Tracy denied this.

Kipp was asked, "Was there an affair going on between her

From scrapbook (Boston Globe photos, Oct. 8, 1940).



Marjorie Massow, student at Rice school, and Harold Tracy (alias Jan Thomas), electrician. He was indicted for the murder, but freed in 1946.

[Marjorie Massow] and Mr. Thomas [Tracy]?"

Miss Kipp confirmed the affair and added, "He made the threat, anyway, he made the threat that he was going to get even with these Bible women."

Volpe stated, "These women will so testify that he was going to get even because they were stopping him going around with this girl."

Lydia McClure, school dietitian, was asked about serving the breakfast meal Sunday morning, when only May Rice knew of the death: "Miss (May) Rice came along and made the remark that she did not think Mrs. Smith would need the tray that morning. . . I was told she had a shock of some kind."

Carolee Rice confirmed that May Rice had not told the full story. "I just took the ladies in the Bible class to church in [the] station wagon and came back and helped Mrs. McClure in the kitchen. I met Miss Rice and she said she didn't think Mrs. Smith would want to go to church that morning."

During the questioning of Carolee, a testy exchange between Volpe and Smith was recorded by the stenographer.

Volpe – “He means all right.”

Smith – “You mean, *she* means all right.”

Volpe – “Why don’t you smile once in a while?”

Judge Beaudreau himself then got a little testy. “I wish you would stop and give me a chance to rule. I haven’t had that chance very much lately, when each one of you talk. Now let’s have some order in this.”

As the trial moved along, tension escalated. Mrs. White, the New York practitioner, was called to the stand.

Smith (prosecutor) – “You destroyed some letters, didn’t you?”

White – “That one.”

Smith – “You destroyed some letters, didn’t you?”

Volpe (defense attorney) – “She said, *that* one. Don’t you understand English?”

Smith – “I heard what she said, yes, as well as you.”

A few moments later, after Volpe interrupted again:

Smith – “Would you like to come up and help me?”

Volpe – “No, I don’t want to be near you.”

Smith – “Perhaps that is the safest course for you.”

And a short time later:

Volpe – “The witness can’t, and I can’t, understand your question.”

Smith – “Why don’t you listen?”

Court – “We don’t get anywhere as comments go on between counsel.”

Volpe – “I don’t think the witness knows what he [Smith] is talking about, your Honor. I don’t.”

Court – “Mr. Volpe, she can say so.”

Volpe – “Well, she is trying to.”

The transcript has many examples of the sometimes almost childish repartee between the lawyers.

Volpe pursued the Sunday behavior of the 35-year-old convict, Harold Tracy. Student John Kinser testified: “Tracy said he had been on a hell of a bat the night before; he didn’t know as he ever felt worse after a drunk.” Tracy’s roommate at Stag Hall, Milton Schwartz, told of Saturday night, “He was drunk. Very drunk. He went out. He drove away in the station

From scrapbook (Boston Globe photos, Oct. 4, 1940).



Left, Lydia Kipp, school secretary, felt “threatened” by Rice’s behavior. Right, Edna White, Rice’s confidant and Christian Science practitioner

wagon at about quarter of two,” and Schwartz added that Tracy later had said to him, “If the police should ask you about us, say I was with you all Saturday night.” When Schwartz asked why, Tracy answered, “Well, they pin these things on you.”

Tracy claimed he had simply parked the car and was back in his room in a few minutes. As the judge emphasized, he was not on trial so his story could not be pursued. He was in his bed in Stag Cottage in the morning and went to breakfast at the Club House as usual.

Miss Massow, Tracy’s 18-year-old girl friend, was asked, “Did you ever go out with him [Tracy]?” “Once, excuse me, yes sir. We went to a movie in Oak Bluffs.” The night of the murder Miss Massow<sup>8</sup> said she was awake in her third-floor room at Sumner Hall until after 2 a.m., but did not hear anything from the floor below. One possibility, not brought up in the trial, was that the drunken Tracy had intended to visit Massow that night, but mistakenly stopped on the floor below her room. Because Tracy was not on trial, the defense was not permitted to question him about his actions that night.

Lawrence Raidy, the drug-store clerk, corroborated Rice’s

<sup>8</sup> Hough, *Thunderer*, p. 182, says she became a Hollywood actress under a different name and was later sentenced to jail for arranging to have a man beaten.

testimony about buying a raspberry-lime drink at Keating's where he was clerk. When he mentioned that he had heard there had been an "accident" at the school, Rice demurred and left, disclaiming any knowledge.

Anna Huff, a family friend, drove the Rices home from church the Sunday morning that the murder was discovered. She testified, "Carolee had gone to meet the boat [to pick up incoming students], so I suggested I would take them home."

Prosecutor Smith had no questions for her. Mrs. Huff said, "It is very strange, my husband was here." To which Smith retorted, "Pardon me. I don't care if your whole family is here. I haven't any questions." She and her husband, both of whom had been in the car with Rice after church, had been brought to the Island from Maine to testify and she had expected more.

When Harold Tracy, the electrician, appeared on the stand as a witness for the defense, the court was deferential. As far as the jury knew, he had not been accused of any crime although he was being held on a concealed weapons charge. The judge explained, "You have the option to testify. That is your privilege. And your failure to testify cannot be used against you." Tracy was eager to talk, "I have nothing to hide. I don't mind testifying."

Volpe asked, "Were you in Sumner Hall, Mr. Tracy, sometime early Sunday morning, June 30th?"

Tracy replied, "I was not."

That was the substance of Tracy's testimony.

In a disingenuous letter to Marjorie Massow soon after the murder, Tracy, writing from jail, explained to her that he used an alias because of the "ghost of my past" and told her how much he loved her:

"... now that my past will be dragged to light – and I have lost you forever – nothing else matters. . . I'm terribly sorry for me to tell of the times we've been together, but it was necessary to establish my complete innocence of being over-sexed, drunk or sober. I believed that your testimony would establish the fact that I respected you – and the things I told you when I learned your sexual status – would prove I wasn't a degenerate. . .

"You remember telling me that you were still a virgin and

my telling you that I wouldn't rob you of your virginity even if you would request it, much less invite it. . .

"Now they're trying to prove that I visited Sumner that night with the intention of violating your chastity. You know that's untrue, honey. You couldn't believe that. . . and so. . . because of my past—because I've lost you forever, I'm taking this way out. . . I go, with your image on my heart, and your name on my lips"

The letter, which seems to hint of suicide, was not allowed in evidence, but was placed in the record for the information of any future appeals court. Tracy's outpouring of love would seem to contradict Massow's statement that she only went out with him once and then to the movies. One of them was lying.

Mrs. Hattie Mercier, the jailer's wife and helper, said Tracy made an "admission" to her while in jail. He told her, "When I came out of a stupor that night I found myself in a stairway in Sumner Hall."

On the stand under oath, Tracy denied he had said it, but Mrs. Mercier stood by what she had heard. Prosecutor Smith berated her, "You never told anybody the story that you have told here about Tracy being on the Sumner Hall steps of the dormitory, did you, Madam?"

"No sir."

The Court stepped in: "He [Tracy] has denied now what Mrs. Mercier, if that is her name, said yesterday; and that is all, all I'm going to permit."

Smith underlined Tracy's denial, "You did not say what she says you said yesterday?"

Tracy, "No."

When Ralph Huntingdon Rice took the stand in his own defense, he described his background, demonstrating his eloquence. "I developed myself into somewhat of a salesman. I worked in a number of department stores, Jordan Marsh, Filene's. I even sold house-to-house to make a living. I was studying at night and giving concerts at night. During the last year I was on the faculty of the Boston Conservancy, a teacher of voice. I sung for one of the branches of the National Broadcast Company —NBC —and was greatly encouraged by



what they said."

Huntingdon was determined to prove his innocence and to overcome the state's circumstantial evidence with his strong moral character and lack of any consciousness of guilt.

The *Boston Globe* of October 8, 1940, stated: "Today the defendant, 6 feet tall, with the well developed jaw of a singer, mild blue eyes, and close cropped brown hair, spoke for two hours on the stand. . . He was calm, even under cross-examination, his voice ringing out crisp and clear."

Asked about the courses he taught, Rice explained, "Diction? Well, phonetics and diction are really somewhat the same subject. Phonetics is called the science of speech sounds. Diction is the application of that science to practical problems of speech. The use of the tongue, lips and jaw."

He was well spoken, not flustered, not nervous now.

Rice told what the police had said to him in July when no stenographer was present. One officer taunted him, "Yeah, the perfect crime, almost. They always forget something. You ought to have waited till Monday to mail that letter. Might get away with that in Chilmark, but not here," referring no doubt to the Oak Bluff postal procedures.

Another: "They tell me you are a Christian Scientist. . . well, you are a fine Christian Scientist, you are going straight to the electric chair."

Then: "He says he is innocent. Innocent, hell. He sure looks guilty. Look at him perspire, look at the sweat roll down off his forehead. Look at his hands shake, shaking like a leaf."

Asked about his relationship with women, the defendant explained: "I have a high regard for women, yet it is women I find impossible to get along with. They seem to run in extremes of goodness and meanness."<sup>9</sup>

In his court responses, Rice did not come across as a rapist, much less a murderer. He spoke well in his own defense.

Of his time in jail, Rice explained that it had helped him overcome his nervousness: "In the process of this dreadful,

suffering thing, which I have been forced to go [through], I have had to rise above many former weaknesses and in that rising above I have actually gained weight and strength and intellectual capacity."

Rice weighed 162 pounds when arrested, but was up to 178 as the trial drew to a close. Clearly, solitude agreed with him.

Volpe began his closing argument: "I know you must be pretty happy to realize that we are nearing the end of this important case." He was confident he had proved Rice's innocence and that he had raised "reasonable doubt" in the jury's minds with his witness, Harold Tracy. He emphasized the chance events used by the prosecution, especially Miss Kipp's involvement:

"That whining, hysterical woman who had been examined by the police all that day and because she saw poor Rice out of breath and flushed in the face, she called up the police for protection, and the poor devil next day is taken in and arrested. . . if it was not for that call, Rice would not be here today. and [except] for that letter, gentlemen, Mr. Rice would not be here today. . . If this man had not written that letter, he would not be here today."

The circumstantial evidence introduced by the prosecution was sorely tested by Volpe: "I don't think there is another case in the history of this Commonwealth and this country of a man charged with murder on such evidence . . . They don't talk to Edna White. Why for \$3, gentlemen, a telephone call, this case could have been avoided. They don't go near her. The police should have ascertained Rice's innocence in early July, instead they mounted a huge effort to prosecute him without a murder weapon, motive or even opportunity."

Volpe ended with: "send this poor devil back to his family. Don't prolong the agony."

Prosecutor Smith delivered his closing argument. "Rice wrote a letter. It is postmarked June 31st (sic). It is sent, as the Commonwealth says, before the crime was discovered. It is sent before the time when Rice says he knew about it, and we claim it reveals his guilt. The letter was mailed to Edna White, the shooting star, the woman that shoots out of the court room and

<sup>9</sup> He told one examining doctor that he had had sexual intercourse only three times in his life, all with the same woman, who was aggressive, he said. They lived in the same New York rooming house. It was so unpleasant that he moved out to escape.

out of the back door over to the Charlotte Inn, or wherever she was staying."

Summing up, Smith said, "This, gentlemen, was the crime of a queer personality. It was perpetrated in the dead of night, gentlemen, in a way that exhibited a paroxysm of sex rage."<sup>10</sup>

Smith pointed to Tracy, who had been brought from jail. "That is the man they want to say committed the murder." Tracy, a defense witness, was brought in by Volpe to raise doubts in the jurors' minds.

Judge Beaudreau addressed the jury: their decision must be unanimous, guilt beyond a reasonable doubt or the verdict must be "Not guilty." He defined first- and second-degree murder and circumstantial evidence, mentioning the letter dated by Rice as July 1st, and being postmarked June 30th at 11:00 a.m. The postmark had become so critical that near the close of the trial, Volpe had had this exchange with the judge:

Mr. Volpe - "You have twice referred to that July 1st letter as having been mailed June 30th. You don't mean that. [There is a] July 1st letter, and there is an envelope in evidence, postmarked June 30th. . . You did not mean to say that that letter was mailed June 30th. You meant to say: It is for you [the jury] to say when it was mailed. . ."

The Court - "I will correct it."

Judge Beaudreau gave examples of Rice's apparent consciousness of guilt: his errant admission, "I am guilt- . . ."; the postscript he added to his letter to Mrs. White; his inability to explain the postmark; and his frequent sweaty nervousness.

The judge gave a warning about Harold Tracy: "Now just a word about Mr. Tracy. He is not charged here with the commission of any crime. He was permitted to tell you what he did and saw on the night in question, and he did so. Suspicion or conjecture is not evidence and not entitled to any consideration whatsoever." The trial was not to prove another person guilty, only to determine if Rice was guilty, he said.

The courtroom emptied at 3:30 p.m. Wednesday, October

<sup>10</sup> Several witnesses used the word "queer" to describe Rice's personality. It is not known if the jury took it in its sexual connotation. It would seem that the perfect defense again a rape charge would be homosexuality. The term "sex rage" surely could not be applied to Rice, at least not in any action testified to.

From scrapbook (Boston Globe photo, Oct. 10, 1940).



A jubilant Huntingdon Rice, after jury found him innocent in only 45 minutes. Right, defense attorney Volpe; left, his assistant, Alfred Walton.

9, 1940, the ninth day of the trial.

In 45 minutes, the jury reached a verdict. At 4:35 p.m., Ralph Huntingdon Rice was found not guilty on all counts.

Henry Beetle Hough wrote in 1950: "Neither Betty [his wife] nor I had believed [Rice] to be guilty, partly because the evidence was unsatisfactory for such a conclusion and partly because of our estimates of [Rice]. . . a shy man in anxious retreat from all rough contacts, least likely of thousands to attack, rape, and kill."<sup>11</sup>

Harold Tracy was returned to his cell in the Barnstable House of Correction, being held on the concealed-weapon charge. In March 1941, he picked a lock in a skylight, climbed out onto the roof, dropped to the ground and vanished.

In April, 1941, a grand jury indicted Harold Tracy, whereabouts unknown, for the rape and murder of Mrs. Smith.

Soon after, Ralph Huntingdon Rice wrote Hough, asking him to urge the State Police to find Tracy, adding: "After several futile efforts to get somewhere with Mr. Volpe in this regard, I am fairly well convinced he would like to see the matter die a natural death. . . a trial would embarrass Stokes.

"I have a double reason for trying to reopen this: [to] get

<sup>11</sup> Henry Beetle Hough, *Once More the Thunderer*, 1950, p. 189.

Tracy and a chance to be reimbursed by the state. I am in dire need of money. I am wondering if the County of Dukes or anybody on the Island could get me a job or reimburse me in a small way for the gross injury done me . . ."<sup>12</sup>

Attorney Alfred Walton, Volpe's assistant in the trial, wrote Mrs. Betty Hough late in 1941: "I rather believe that the Rice case has become a dead issue, although poor Rice tries constantly to spur the State Police into some sort of effort to locate Tracy. I feel, however, his apprehension would be embarrassing to too many officials . . ."

March 19, 1942, Rice wrote to the Superior Court, requesting a certificate of his acquittal: "As a government position to be filled immediately is involved, your prompt cooperation will be appreciated." He was job-hunting.

A year later, Harold Tracy was picked up by the F.B.I. in Chicago and taken to Kentucky, where he was convicted of jewelry theft on an earlier charge. After serving his sentence, he was brought to Massachusetts to be tried for the rape, murder and burglary of Mrs. Smith.

On May 3, 1946, Tracy stood before Superior Court in Edgartown under indictment for the 1940 crime. The hearing was brief. All complaints were nol-prossed, dropped for lack of evidence. Harold Tracy walked out of court a free man.

The Vineyard's most violent crime, the brutal rape and murder of Mrs. Clara Smith, a 73-year-old student at the Rice School of the Spoken Word, remains unsolved.

• • •

We don't know what happened to the innocent man, Ralph Huntingdon Rice. He seemed to have severed all family connections – at least, the members who were asked about him claim no knowledge of where he went or where he died.

One thing is clear: he must have died a very bitter man.

<sup>12</sup> From the files of the *Vineyard Gazette*, courtesy Librarian Eulalie Regan. Ralph H. Rice wasn't the only victim. Rice School for the Spoken Word never reopened. Rice Playhouse's name was changed to "Martha's Vineyard Playhouse." Declining patronage (plus World War II) did it in. The various pieces of Rice real estate were sold. Many of the buildings were torn down, including Sumner Hall and the Club House. Only the memory remains of that wonderful institution created by the Rices.

## The Story of Martha's Vineyard: How We Got To Where We Are

(Chapter Two)

by ARTHUR R. RAILTON

### DUTCH REBELLION TO THE REVOLUTION

IT IS CALLED "THE DUTCH REBELLION," not because the rebels were Dutchmen, but because it was triggered by the Dutch fleet taking New York City back from the English in 1673. It was, the Vineyarders who were weary of the autocratic Mayhews thought, a good time to rebel. The Dutch might be more sympathetic than the English had been.

Dissension had been increasing. The Mayhews were running the Island as their fiefdom, appointing all officials, holding no elections. Their rule was not tyrannical, more like a benevolent monarchy, but that did not suit the rebels. They wanted some say in the government.

With the English gone from New York, the anointment of Thomas Mayhew to be "Governor for Life" by Gov. Francis Lovelace, agent of the Duke of York, had become invalid. Or so the rebels thought. It was time to take action.

There were only 40 English families on the Vineyard and more than half of them joined the rebellion. Two issues topped the list: taxes and the court.

Taxes were unfair, they said, because taxpayers had no say in how their money was spent or in how much they had to pay. Office-holders were exempt from tax. As most were Mayhews, the tax burden fell on non-Mayhews. It was unfair.

Similarly, court officials were all Mayhew family members. Non-Mayhews did not get fair trials, the rebels claimed. They hadn't come to America to be ruled by a "royal family," especially not by one headed by a one-time mercer from Southampton, Thomas Mayhew.

Two very different men led the rebellion. One was Thomas Burchard of Edgartown, who had come to the Vineyard in about 1650. During his first years in Edgartown,

ARTHUR R. RAILTON, Editor of this journal, solicits corrections to this article.



he had been a favorite of Governor Mayhew's and was appointed Town Clerk, the first such. The two men soon had a falling out. Burchard was forced out of office and shortly began opposing Mayhew.

The second rebel was Simon Athearn of (West) Tisbury, younger and more aggressive than Burchard, he was inclined to be abrasive. The Governor was scornful at first. Athearn was young enough to be his grandson, just an annoying kid. Athearn's social standing was against him. He had come to the Vineyard as an indentured servant to Nicholas Butler of Edgartown. Butler was one of the wealthiest settlers and a friend of the Mayhews. (Athearn's situation wasn't unusual; half the early emigrants to New England came as indentured servants.)

Clever and ambitious, Athearn had not come to the New World to be a servant for life. He had bigger plans. While working for the Butlers, he and Mary, a granddaughter of his employer, fell in love. In 1665, when his indenture was up, they married. She was only 14, he was 21. The Butler family could not have been pleased. They had other plans for Mary. (Later, they came to agree with their brash son-in-law and joined the rebellion.)

When Governor Mayhew returned from New York in 1671 to announce he had been made "Governor for Life" and Lord of Tisbury Manor, Athearn was furious. As Lord of the Manor, Mayhew could collect rents from land owners, such as Athearn. He and his family lived in (West) Tisbury on 20 acres, not far from Tiah's Cove, he had bought from Josias, an Indian sachem, and Benjamin Church for 10 pounds. Athearn would now have to pay rent to the Mayhews in addition to taxes to the governor.

Athearn and Burchard were rebels, but they were not revolutionaries. They wanted to settle the issues peacefully. So they asked the governor to join in their petition to have the Vineyard placed under Massachusetts rather than New York. They preferred Massachusetts because it was more democratic and closer geographically. Mayhew did not, for the same reasons. The rebels would let Mayhew continue as governor for another year, after which they wanted an election.

Among the names of the twenty land owners signing the petition were Norton, Skiffe, Pease, Butler, Arey, Luce, Smith and Trapp, all well-known Island names even now. The governor turned down their request. He had just been made Governor for Life. Why should he give it up? He would have to be overthrown by force, something the rebels had no intention of doing.

They sent their petition to Gov. John Leverett of Massachusetts, an act that historian Charles E. Banks called the "Vineyard's Declaration of Independence." The governor turned them down with a rather obtuse response:

. . . [the] differences betwixt your selves and your Ancient and long continued Governour . . . is very grievous to us, but how to help wee know not. . . you had a day appointed for Election but why you proceeded not in that work we understand not. . . you understand his Majest's pleasure whether to Establish your own Govern't or to settell you under sum other of [the] Collenyes in these parts. . . [signed] Edw. Rawson, sec. to the governor of Massachusetts.

There was a good reason why Leverett did not wish to be involved. Tension between the Indians and the English was building and a dispute over who was governor of an island off Cape Cod must have seemed unimportant.

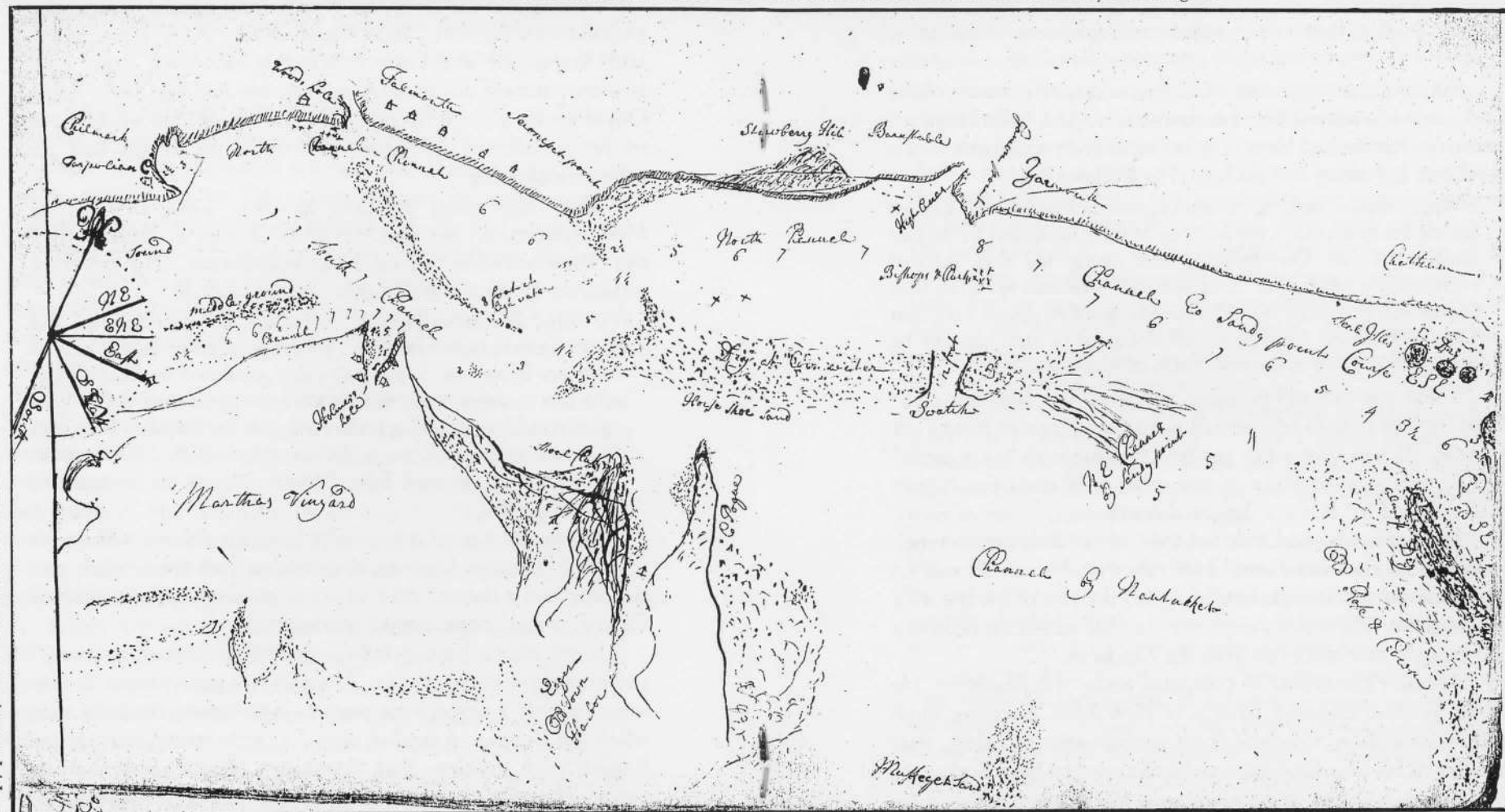
Legal efforts having failed, the rebels formed a "rump" government—a futile gesture. It was not a government in any sense, merely a face-saving protest. It collapsed the next year when the Dutch and English signed a peace treaty, putting the English back in New York. Mayhew's friends were back in power. The rebels knew that any hope of change was gone.

Governor Mayhew retaliated, charging some of the rebels with "crimes." The court, of which he was Chief Magistrate, levied fines. A number left the Island, believing they would be harassed. Simon Athearn was arrested and told he would be taken to New York for trial.

Mayhew's retaliation did not please some very important persons in Boston. Rev. Increase Mather, pastor of North Church, wrote in his diary, March 19, 1675, disapprovingly:

At Martin's [Martha's] Vineyard diverse honest people are in  
(Please turn to page 34.)

Copy print by David Franklin, Vineyard Photo.



Tarpaulin Cove was the usual anchorage when they were forced to await favorable wind and tide. Joshua wrote in his journal of a stop at Tarpaulin, while sailing from Boston to Virginia, in 1717: **Tuesday, the 12<sup>th</sup> . . .** Att 4 this morn-

<sup>1</sup> Falling tide runs westward, to Gay Head from Holmes Hole, which they left at 4.

the Sound two Sloops, the Capt. was Capt. Wair or Wyer from Connecticut bound for Boston.<sup>2</sup>

Thursday, the 14<sup>th</sup> of November. Yesterday at 3 afternoon we parted Tarpolian Cove. The wind at WSW, a brisk Gale & fair weather. At 6 in the Evening Gay Head bore ESE, dis. 3 mi.

<sup>2</sup> For vessels going east, the tide was fair. Joshua, sailing west, faced a head tide.

(Continued from p. 31.)

great trouble, their estates sequestered by reasons of Mr. M---- [Mayhew] complaining to the governor of New York.

Simon Athearn, facing trial by an unfriendly court in New York, in a less-than-admirable moment made a "plea bargain," swearing that he had been only an innocent participant in the rebellion, led astray by Burchard. His affidavit read:

Simon Athearn, desiring by way of petition that whereas himself was by the Authorities, reputed one of the Ringleaders in the late resisting of the Government, that being led and induced thereunto by others, the Governor and Assistants would so look upon him and judge him accordingly; testified upon oath that Thomas Birchard was a principall instigator of him, whereby he was induced to act in the opposition of Authoritie.

It was not Simon's proudest moment. The Mayhew court fined him 10 pounds and agreed not to send him to New York for trial. He was allowed to pay half the fine with "neat cattle" and to postpone payment of the other half until the "Court shall demand it." It was a slap on the wrist.

Burchard, who had induced the "naive" Athearn to rebel, remained on the Island until 1683. By then he was 88 and no doubt moved to the mainland to spend the rest of his life with his daughter. There is no evidence that his rebellious behavior had brought any sanctions from the Mayhews.

Athearn continued to complain about the Mayhews. He wrote to Gov. Edmund Andros of New York, charging them with malfeasance. Vineyard court records were so messy that he wanted his own land titles to be recorded in New York:

I verily believe did your honnor know the broken Confusednesse of the records on Martin's Vineyard, your honnor would See it nessessary for all to take a better title.

He was fearful that when he died the titles would be contested and his heirs denied their inheritance. Another complaint he makes suggests Mayhew wasn't paying the rent:

I once delivered Six Shillings in money to Mathew Mayhew for my part of the acknowledgement [the annual payment to New York that Mayhew owed], but it hath not been used with others to buy fish. Others had their mony restored to them again; but I had never mine to this day. . . .

He then described problems he was having with his Indian indentured servant, telling us a lot about how the natives were being treated by the English:

I have received rong [wrong] in the loss of my Servant. . . I took a naked Indian boy to be my apprentice fower [four] years . . . to provide him sofitiant [sufficient] food & rayment [raiment] during his Service & at the end of his Service to give him Sofitiant duble [double, 2 sets] upparrell & one good young Cow for his service, but after about a yeare there came an Indian of the boy's kindred & . . . caryed away my boy, but Sum days after, the Indians brought him again. [Later when] I went from the lland the boy run away also but soone after the Indians brought him. . . the boy [told] my wife that if She would lett him goe every Satterday and Com on Munday then he would tary till I com whom [home], but my wife Said no. You . . . Shall go to meeting with me and do as your Master hath apoynted you, but quickly after, my boy run away. . . near a month [later] I cam Whom. my boy was then at whom, the Indians having brought him two days before . . . I gave the boy two boxes on the ears with my fist. . . the boy run away agin. . .

I complained to Mr. Mayhew our Governor and the justis I had!! The boy was to return to me but I not to requier anything for loss of time (because I strook him twice and if I strook him so again he should be free). . . when Green Indian Corn was eatable, my boy run away again and hath been gon ever Senc. . .

I said that if my boy would not Serve me, I would Sell him; Unto which Richard Sarson, an assistant, answered, my Indentur was unlawfull . . . it hath been Mr. Mayhew's Judgment that no Master Should Strik his Servant & that if the Servant is not willing to abide, the Master should let him go. . .

Athearn told the governor that because of how Mayhew was governing, some English were planning to leave:

. . . if things be not mended divers of the inhabitents will remove their dwelling to go where they can . . . I beseech your honnor . . . that we may be delivered from all rible rable and notions of men . . . [we are] butt about 38 Englishmen on the Island able to bare arms and the Indians a multitude. . . I beseech your honnor to give order that each town build them a meeting house and call them and maintain them a Minister able to divin the word of God aright that we may be kept from profainness, herressy and vice. And a Schoolmaster to teach our children . . . We are kept



very few in number and poor in estate . . .

He told about Jacob Parkins of Holmes Hole, who could not read or write. Thomas Daggett, a justice of the court, had stolen his goat and sheep, Parkins claimed, and nothing was done. Daggett's wife was Hannah, the governor's eldest daughter, an influential and formidable woman:

Jacob Parkins . . . presently [met] Daggett's wife, Mr. Mayhew's daughter (which woman the people of Martin's Vineyard very generally call the deputy Governor) she being very displeased . . .

Although these problems seemed major to Athearn, they were trivial compared to what was happening on the mainland. In June 1675, the year Athearn wrote to Andros, Indians attacked Swansea, near Plymouth, and King Philip's War began. (Philip was the name the English had given Metacomet, a son of Massasoit, the Wampanoag chief who aided the Pilgrims.) The attack came after the English had executed three Indians charged with killing a Christian Indian, who had been an English "spy" inside Philip's court. Violence by both sides followed for two years. Historian Francis Jennings called it, per capita, the most killing war in history. Yet Vineyarders seemed unaffected and uninvolved, perhaps even unaware of the intensity of the slaughter.

Many "praying Indian" villages, the life work of Rev. John Eliot of Roxbury, were pillaged by "pagan" Indians from the western end of the Massachusetts colony, angered by the way the English were destroying their heritage and taking their land. Only four of 14 villages of Christian Indians survived.

Major fighting ended when the Rhode Island hiding place of King Philip was revealed to the English by another praying Indian converted by Eliot. The English surrounded the place, trapping Philip. When he tried to escape, Philip was shot to death by an Indian in the English force. His body was barbarously dismembered. A severed hand was given as a souvenir to the Indian who had killed him. His head, impaled on a pole, was carried triumphantly to Plymouth, where it was exhibited for 24 years. His wife and child were sold as slaves.

It was not a time to be squeamish. Nor, it would seem, to be proud of being a Christian.

The only Vineyard involvement in the war came when some inhabitants became concerned about the guns owned by Gay Head Indians. A disgusted Matthew Mayhew wrote later:

An Evil Spirit possessed too many of our English whereby they suffered themselves to be unreasonably exasperated against all Indians . . . [demanding] the disarming of the Indians, for whose satisfaction Capt. Richard Sarson, Esq., was ordered with a small party . . . to Treat [negotiate with] the Indians on the West end of Martha's Vineyard . . .

When Sarson married the widow of missionary Thomas Mayhew Jr., he was appointed to the court and made a captain in the militia. Like Daggett, he became a right-hand man of the governor. At Gay Head, when he told the Indians that he had come for their guns, they refused to give them up. Governor Mayhew, they said, had persuaded them to swear allegiance to the English king and because they had done so, they feared an attack by mainland Indians. They needed guns to protect themselves and the English. Persuaded, Mayhew let them keep their guns, even sent them more ammunition.

Neither guns nor ammunition were needed. The closest the war came was Providence and Plymouth. When it ended in August 1676, prejudice against both the Indians and the missionaries was prevalent. Praying Indians had been killed, their villages burned. They had become spies and killers. What had conversion accomplished?

The prejudice did not seem to spread to the Vineyard. That "Evil Spirit" that Matthew wrote about later seemed to have been overstated. The missionary work continued.

The missionary at the time was John Mayhew, son of the first missionary, Thomas Junior, who had been lost at sea. John was 21 years old when he was put on the payroll. At first, he was paid only £10 a year, but after the death of his grandfather, who was also being paid as missionary, it was increased to £30.

The governor was 90 years old when he died in 1682. He had lived a long, productive life and had made the Vineyard a comfortable, secure place, if not for all, at least for himself, his family and his friends. His gentle rule of the Indians had brought a peaceful coexistence but nothing more. Little effort

had been made to educate them or to improve their lives. A steady erosion of their quality of life, the same as was occurring throughout the colonies, was taking place on the Island.

Missionary John Mayhew died in 1689, nine years after his grandfather, leaving the Indians without a missionary. The next Mayhew in line was John's son, Experience, but he was only 16 and had to wait until he was 21 for the job. For five years, the Lord's work was done by Indian ministers alone.

With the death of the governor, grandson Matthew, after years of understudy, took control, assuring the continuation of the family power. Like most colonists, he did not believe in democracy. Years later, in his book about the Indians, he wrote: "the Government of this People was the best of all Governments, Monarchy," echoing the conventional wisdom in the day. It would have been foolhardy of him to call for a march to democracy, a century before the Declaration of Independence. He would have marched alone.

Matthew became ruler at 30 years. The Dutch Rebellion had accomplished nothing. The courts and public offices remained the domain of Mayhews. The only difference was the absence of Thomas Mayhew, governor for 40 years.

With Thomas's death, the office of governor ended. When Governor Andros in New York was informed of the death, he appointed Matthew to be Chief Justice, but not Governor. However, he was still "ruler of the Indians" and paid £20 a year by the missionary society for being ruler. Brother Thomas received £10 annually as ruler of the Indians of Chilmark. The third brother, John, as stated above, was the English missionary, paid £10 a year at first, increased to £30 a year later. The Mayhews placed high in the society budget.

In 1683, the Duke of York sent Thomas Dongan to New York to replace Governor Andros. Dongan, an Irish Catholic, became one of the most successful and popular governors, a welcome change from the disliked Andros. One of the first things Dongan did was to call a meeting of representatives, elected representatives, he said, from New York, Martha's Vineyard and Nantucket to approve a "Charter of Liberties." It was an early, tiny step toward representative government.

There is no record of who represented the Vineyard. If a delegate was elected, as Dongan ordered, it would have been the first election in Island history. Someone did attend, elected or not. It was probably Matthew Mayhew.

The Charter, a liberal document for its time, called for an end to religious prejudice, especially against Catholics (the Duke of York, Dongan's boss, was a convert to Catholicism). It also decreed that land owners vote on tax levies, something that must have pleased Simon Athearn. An elected assembly would meet every three years. The noble gesture didn't last. When the Duke of York became King James II, in 1685, he declared it invalid.

During Dongan's first year, 1683, the "royal" counties, Kings, Queens, Dukes and Duchess counties, were created, giving the Vineyard a "family" relationship with New York that continues today, in spite of effort by one of the Mayhews, twenty years later, to have the name of the county changed to "Mayhew County."

The Duke of York was now King James II so New York became a royal province. Governor Dongan invited Matthew Mayhew and his wife, Mary, to visit the capital. The two men may have met at the Charter assembly two years earlier, but it would be Mary's first visit to New York. She must have been frightened. They would stay in the governor's headquarters at Fort James, probably the fanciest place on the continent. Mary, with little, if any, experience in such a setting, must have been intimidated. Worries about protocol, what to wear, rules of etiquette and conversation, no doubt, made the visit a nervous one for the inexperienced Vineyard woman.

Dongan hadn't invited them for conversation. He had a plan, a bold plan. He created the "Mannor and Lordship of Martyn's [Martha's] Vineyard" and made Matthew the "Lord of the Manor." As payment for being made a lord, Mayhew would deliver to the governor "six Kentalls [672 pounds] of merchantable fish, if Demanded, on the 25th of March yearly in full of all Rents, Services and demands."

About two weeks later, presumably while Lord Matthew and Lady Mary were still luxuriating at Fort James, they were



told that Dongan would buy their just-created "Mannor of Martyn's Vineyard" (Martha's Vineyard was called "Martyn's Vineyard" in New York—reason unknown) for £200. Not included in the sale were all lands granted or willed to Matthew by his grandfather, Thomas Mayhew, and his father, Thomas Mayhew Jr. Also excepted were Edgartown, Tisbury, "Nashawakemmuck, Quanaimes. . . Half of Kaphegon, Nashaqueedse and 2 lotts in Edgartown, about 80 acres." What Dongan had really bought was Gay Head and Nomans Land.

Mayhew would pay Governor Dungan each year, seven lambs and two mink skins for being allowed to keep the exceptions. Dongan made Matthew his agent to run the Manor. It was a friendly game.

When the Mayhews got back to the Vineyard, they discovered that the friendly game was flawed: Gay Head, the land Matthew had just sold to Dongan, was not his to sell. It had never been bought from the Indians. To correct the error, two years later, in 1687, Matthew and sachem Joseph Mittark [Mataack] sailed to New York where Governor Dongan paid the Indian £30 for Gay Head, the same land he had paid Matthew Mayhew £200 for earlier. Joseph, who no doubt was overwhelmed by all this, was the son and heir of sachem Mittark who had died in 1683. The elder Mittark had become a Christian, displeasing his family so much that he moved to Edgartown, returning some years later to become minister in Gay Head. The sale by Joseph caused a near revolution in Gay Head later when it was claimed the old sachem had said his family's land could never be sold.

The rather suspect real-estate deal provided the Athearns with fresh ammunition. Simon's oldest son, Samuel, was going around town talking about it so vituperatively that Matthew sued him for slander, demanding £400 damages:

Complaint by Maj. Matthew Mayhew against Samuel Athearn, that Athearn did publicly, maliciously, and purposely to defame the sd. Major Mayhew . . . at a tavern in Edgartown, did say to sd. Matthew Matthew, "You, to cheat Colonell Dongan, after you had sold the land to him, make a deed to Capt. Skiffe, and antidated or dated it before that of Colonel Dongan, to cheat him."

Dongan's creation of the "Manor of Martyn's Vineyard"

made possible what much later became the town of Gay Head (now Aquinnah). Without it, that western tip of the Island would probably never have survived as a separate entity. It would have been merged into Chilmark and the separate village, now called Aquinnah, might never have happened.

The "slandrous" remarks about Matthew by Athearn may have been true, but he was found guilty. As Simon had complained about years earlier, the court was safely under Mayhew control, as was the whole county.

When Dukes County was created in 1683, Matthew Mayhew appointed himself County Registrar of Deeds, County Treasurer, Clerk of the County Court and County Sheriff (he gave up the sheriff's job soon after), all in addition to being Chief Justice of the County Court and "ruler" of the Island. In court sessions, he was surrounded by family. The other judges were his brother, Thomas, and his two brothers-in-law, Richard Sarson and Thomas Daggett. Court sessions were strictly family affairs.

When a new county jail was to be built in 1698, Matthew Mayhew put himself and his friend Benjamin Skiffe of Chilmark, an opponent of Athearn, in charge of the project.

In England where the ruling family was genuine "royalty," the unpopular Catholic King James II (formerly Duke of York) was forced to abdicate in 1688. He had no living son (Edgar, for whom Edgartown was named, died as a child), so his daughter, Mary, wife of William of Orange, the Dutch royal family, both Protestants, ascended to the throne to begin the reign of William and Mary.

The change was welcomed in Massachusetts where King James had been strongly disliked. In 1685, he had formed the Dominion of New England, combining Massachusetts Bay and Plymouth colonies, and appointed the equally unpopular Edmund Andros, former governor of New York, governor. The Vineyard was made part of the Dominion.

The news of King James's abdication triggered a citizens' revolt in Boston. Governor Andros was arrested and jailed to be deported to England for trial. At the time, some evidence indicates, Dongan had gone to Boston to try to sell his Gay



Head "manor" before the purchase was declared illegal by the new English rulers. No sale was made, however.

The waters around the Vineyard may have played a part during the upheaval. When Andros was arrested, some of his supporters pirated a vessel off Cape Cod and sailed her into Holmes Hole, stealing provisions from an anchored vessel. They continued on to Tarpaulin Cove where they did more mischief. Andros escaped from the Boston jail and headed for Rhode Island where, the story says, the Tarpaulin pirates would pick him up and take him to France to join the deposed King James in exile. There is no proof of this, but the story was widespread at the time. Andros was recaptured and sent to England, where he was released and in 1692 came back to the colonies as Governor of Virginia.

The Vineyard rebels, still eager to change things, were pleased when William and Mary took over. The Mayhews were less pleased. Their friends, Andros and Dongan, were out of power and in disgrace. The new king sent Henry Sloughter to be the new governor of New York, replacing Dongan who had been forced out by a rebellion not unlike Boston's. Simon Athearn, seeing another opportunity to force changes, wrote to Governor Sloughter in 1691, his letter dripping adulation :

... when tidings first came to us of the Revolution we may truly say (we were like they that dream) scarcely [scarcely] believing so wonderful a deliverance. . . God have to be pleased to give us such gracious soverans – a King to be a nursing father & a queene to be our nursing mother. . . we pray your ayd to settell the maintenance of the work of the ministrie on Martains Vineyard . . . for want of this settelment comes much disorder, both of contention among the people and the ministrie often left vacant . . . [there] being about fifty eight English inhabitants familys on the Iland & most pore. Four of the rich Justices of the Peace . . . all of one family, [do] what and how thay please to raise money on the people, without an assembly, the Justices estates being rate [tax] free. . . the people are at a low ebb . . . we hope to be defended in our rights against Colonal Dongan's purchas . . .

Governor Sloughter, taking over a city in rebellion, must have wondered why he was being bothered by some rebel on a small island many miles away. Athearn also asked that

something be done about the sale of liquor to the Indians:

. . . the wholl trade of disposing any strong liquers to the Indians of the vineyard [must] be stopt, which is a thing of so evil consoquent in drunkenness, Eydlness & selling theire corn for nought, which brings them into poverty and stealing for hunger.

Athearn was writing to the wrong man. New York had nothing to do with the Vineyard anymore. It and Nantucket had been put under the jurisdiction of Massachusetts, whose new governor was Sir William Phips, knighted in gratitude by King James II after he found a sunken Spanish galleon in the Caribbean and shared its riches with the King.

Phips was a mystery man. Born on a Maine farm, close to Indian country, he never went to school. When a young man, he walked to Boston where he soon became manager of a shipyard. He took up treasure hunting, married a wealthy widow, and with the help of his friend, Increase Mather, was appointed governor of Massachusetts. A fascinating story.

Matthew Mayhew refused to acknowledge Governor Phips or to accept the fact that the Island, *his* Island, was part of Massachusetts. He and his grandfather had always preferred New York's rule, distant and indifferent as it usually was. Being under Massachusetts was not something Matthew wanted.

Somehow, in 1692, Simon Athearn (Tisbury) and Joseph Norton (Edgartown) became the Vineyard's representatives to the General Court of Massachusetts. How it happened is a mystery. They apparently were the first public officials not appointed by a Mayhew.

Matthew held his ground. He refused to take the oath to uphold the laws of Massachusetts as Chief Magistrate. Governor Phips had to do something, he couldn't allow a rebellion. He asked Wait Winthrop, owner of Naushon Island (then a part of Chilmark), to administer the oath to the recalcitrant Matthew. The two men met in Woods Hole. Mayhew was unwavering. Winthrop explained:

... I met Mr. Mayhew at this place [Woods Hole] . . . told him I had his Excellency's order to administer the oaths to himself and the other officers. . . he utterly refused . . . but said he knew not but his brother [Thomas, another justice] might, which he should encourage; and so went home in his canoe . . . [I] resolved [not

to] expose the Government as well as myself to contempt amongst such a crew as I understand are these. . .

Brother Thomas refused also. But Matthew did send Winthrop some papers "proving" that the Vineyard was still under New York. A short time later, the Mayhews relented and took the oath. In the next election, Matthew was chosen to represent Edgartown at the General Court. Nobody was elected to represent Tisbury. Somehow, Athearn was denied re-election. Matthew had ways of accomplishing such things.

Being out of office didn't quiet Simon. He wrote to the General Court in 1694, proposing that Chilmark and Tisbury be combined, made into one village, a move Mayhew opposed because it would lessen Edgartown's size advantage::

I proposed to Major Mayhew yesterday that Tisbury & Chilmark be made one for ye better carrying on all publique affairs there. It being absolutly den[ied] sheweth your supplicant humbly praying this honorable house, that an act might pass, that all the lands on north side of Chilmark & on the westerly of Chilmark including all west end of marthas vineyard be made payable in all publique tax and rats [rates] To the Town of Tisbury. . . The end of this motion is to heal our being cut in pieces, and to insure us all into a compotent Township to . . . worship God & serve our King & Country which is the prayer of your most humble supplicant, Simon Athearn.

[P.S.] major mayhew is only a representative for Edgartown.

During his life, Simon Athearn was a confusing figure, sometimes shrewd and decisive, other times irresponsible and erratic. He was often called into court to answer charges by both Indians and English. Sometimes, he was suing Indians for trespassing on his land; other times, he was defending himself against Indian charges that he was trespassing on theirs. Some English neighbors charged him with "stealing" their sheep and cattle. He faced charges of slander and assault. He was, in the record at least, a chronic troublemaker.

In one such incident, he entered a schoolroom where his daughter was a pupil, making disparaging remarks to the children about their schoolmaster, Thomas Pent, "counseling them to forsake him." He grabbed a pen from a pupil and wrote "the teacher's name in a mock verse" that did "blemish,

blast and stayn" his reputation, Pent claimed in his suit.

The teacher demanded £100 for damage to his reputation. The court agreed, but levied only a trivial fine. It seemed to consider Athearn a mixed-up man. A gentle slap was enough.

Despite such inexplicable actions, when elections were held, he regularly won office. His reputation was such that when Judge Samuel Sewall came to the Island as agent of the missionary society, he usually met with Athearn, enjoying his company and conversation. Simon deserves a much more thorough treatment than there is space for here.

Experience Mayhew became 21 in 1694 and was put on the missionary payroll. Although there had been no English missionary for the previous five years, the work had continued, according to Matthew Mayhew, writing in 1694:

[Indian] Children are taught to Read and many to Write; in one of their Towns the last winter, viz. 1693, Thirty Children were at School, Twenty more at the same place of the same time, accidentally, being not supplied with Books, could not attend it.

Although not college educated, Experience Mayhew was an excellent missionary, fluent in Algonquin, a language he had learned as a child. He soon became the Massachusetts authority on the Indians, earning great respect and influence in Boston. His influence was helped, no doubt, when he married Thankful Hinckley, daughter of the former governor of Plymouth Colony, who had lost his office when Plymouth was merged into Massachusetts Bay colony.

Judge Sewall of Boston was appointed by the missionary society as one of its six commissioners in 1699. Within a year, he was made treasurer, responsible for paying the missionaries and rulers, most of whom were on Martha's Vineyard. Sewall's interest in the Indians was genuine and his contribution became of great importance to Island history. A sensitive man, he carried a strong feeling of personal guilt for his role in sending the Salem "Witches" to the gallows in 1692. He soon realized his mistake and in 1697, he stood up in Boston's Old South Church while a "bill of error" he had written was read to the congregation. He was the only judge in the trial, which sent 20 persons (14 of them women) to their deaths, to admit

error and to ask God and the people for forgiveness.

This experience no doubt gave him great empathy for the Indians. His diary entry for October 14, 1699, indicates his deep concern:

I meet with the Governour, Lt. Govr., Mr. Increase Mather, &c. about the Indian Affair, which is the first time. The Lord make me faithfull and usefull in it.

The Indians needed someone like Sewall. They had been ignored while the Mayhews and the Athearns argued over matters unrelated to their needs. As desirable land was taken from them, they were forced onto less fertile, less usable land. Without political power, they were an underclass with their numbers steadily in decline.

A year after his appointment and before he had visited the Island, Sewall urged Sir William Ashhurst, head of the London missionary society, to create a reservation for the praying Indians of southern New England,

Upon which for any English-man to encroach, should be accounted a crime, and it will be a vain Attempt for us to offer Heaven to them, if they take up prejudices against us, as if we did grudge them a Living upon their own Earth.

In spring 1702, Judge Sewall made his first trip to the Vineyard to see what the society's money had accomplished. On the way to the ferry in Falmouth, he stopped in Barnstable at the home of the former governor of Plymouth, Thomas Hinckley, Experience Mayhew's father-in-law. Thankful, the governor's daughter, now Mrs. Mayhew, had just given birth to their third child. A letter from her was read to Sewall. It was a pleasing introduction to the Mayhews. Experience Mayhew later became Sewall's close friend. The ferry trip was quick:

Go to the Ferry-house. . .at little Wood's hole. . .embark and have a good passage over in little more than an hour's time. Refresh at Chase's [tavern at Holmes Hole], from thence ride to [West] Tisbury. . .

He was staying with Sheriff Ebenezer Allen and "supped" with the sheriff and his wife, joined by Matthew and Experience Mayhew and Rev. Josiah Torrey, after which:

Have a very good chamber and bed to lodge in. One of the best in Chilmark.

At Quansoo, the next day, Sewall "then [visited] Exper., whose wife lyes in of a son." Matthew Mayhew had gone up-Island from Edgartown to join them, Sewall's diary tells us:

Then ride to the Gay-head Neck, to Abel's Wigwam, where was pleased with the goodness of his house, especially the Furniture, demonstrating his Industry, viz, Two great Spinning Wheels, one small one for Linen and a Loom to weave it. When Abel came in from his sowing of Wheat. . . he gave us very good Milk and Water to drink. As came back, saw an English House of Harry, but he not at home . . . Abel says there are Fifty-Eight houses in the Gay-head Neck. . .Major [Matthew] Mayhew says 'twill entertain 58 more, and less than forty Rod of Fence takes it in - 1000 Acres.

Sewall met the two Gay Head school teachers, one being the Anabaptist preacher, Jonas Hassaurt. The next day, April 8, 1702, Sewall talked (through an interpreter, probably Experience) with several Gay Head Indians, one of whom, Stephen, had fallen from grace, causing concern to Sewall:

I try to convince Stephen of his Anabaptistical Errors; Jonas and he have a Church of about 30, ten men. . . Gave Japhet two Arabian pieces Gold, and Stephen two pieces 8/8 [Spanish pieces of eight?] to buy Corn. Mr. Exper. Mayhew proposes . . . that some Short Treatise be drawn up and translated into Indian to prevent the spreading of the Anabaptistical Notions. . .

Although Stephen was Anabaptist, Experience thought highly him. He wrote later in *Indian Converts*,

I cannot but judge that he acted according to the Dictates of his Conscience . . . and not out of any . . . base and sordid Ends . . . The last time I went to see him, he professed his good Opinion of those People and Churches from whom he differed.

Sewall had dinner that night at the home of Simon Athearn and was surprised to learn that "his wife, [was] not 14 when he married her." The following day, before sailing back to Woods Hole, he was told about the various Indian dialects:

I perceive by Mr. Exper. Mayhew and Japhet, 'tis hardly feesible to send any [Indian preachers] to the Eastward [to Maine?] to convert the Indians, their Language is so different.

Four years later, he again went to the Island, this time to see what could be done about those "Anabaptistical Notions."



Judge Sewall, who had been a divinity student at Harvard (although never a minister), was an out-and-out Puritan. He didn't believe in observing the holy days of Christmas or Easter – that would be Papist. Baptists, he was sure, had been misled by the devil and Indians should be protected from them. Unlike Experience Mayhew, he could not see their viewpoint.

On this second visit, he didn't meet Experience, who was in Barnstable where his wife, Thankful, was gravely ill. Two weeks later, she died. Experience had become a widower, with three small children, one of them a mentally-retarded son.

When Sewall got back to Boston, he wrote to London, urging that Gay Head be bought to become the "Recess" for Indians he had proposed to the society years before:

Gayhead Neck is the Westernmost end of the Island. . . This Neck affords a convenient Recess for the Indians, that they may live comfortably and inoffensively.

No doubt, he and Experience had talked about the plan. They were becoming close friends, as Sewall indicated some years later in his diary:

July 22, 1709: In the evening, Mr. Mayhew and I bath ourselves in Charles River behind Blackston's Point.

Action was quickly taken on Gay Head. The missionary society began negotiating with Thomas Dongan, now the Earl of Limerick. Dongan, you will recall, had bought Gay Head from Matthew Mayhew in 1683 for £200 and paid another £30 to Mataack [Mittark], sachem of the Indians, when it was discovered that Mayhew didn't own Gay Head, the Indians did. Dongan apparently never visited Gay Head, but he still owned it in 1711 and was happy to sell it.

Matthew Mayhew died in 1710, a year before the society bought Gay Head. He is believed to have been buried in the family homestead lot on South Water Street, Edgartown, alongside his grandfather, the governor, and grandmother. Gravestones nearby mark the graves of Matthew's son (also Matthew) and his family, but no stone marks those of the governor or his grandson. The site is marked by a plaque in the lawn close to the sidewalk on South Water Street about 200 feet south of Cooke Street.

Although the Island was affected little by King Philip's War, that was not the case during the French and Indian Wars, a long series of European wars between 1689 and 1783 in which the colonies became involved at times. The British sent colonial militia to stop what was seen as a threat by the French (whom they were fighting in Europe) to take over Massachusetts and New York with the help of Indians.

Vineyard men, many of them Indians, were sent to fight. Towns were assessed special taxes to pay for the war. Among the Indians who fought was Nicodemus Skuhwhannan of Gay Head. He died at Port Royal in Nova Scotia in 1710, the first Vineyard man known to have died in service.

We know this from Samuel Sewall's *Diary* and Experience Mayhew's *Indian Converts*. While on the Vineyard in 1714, Sewall had gone to Chilmark to talk to Benjamin Mayhew about finishing the fence Indians were putting up to keep English sheep from wandering into Gay Head. While there, Sewall visited Gay Head and learned of the Port Royal death:

. . . he [Mayhew] is promis'd that his so doing [finishing the fence] shall not alter any Lease he has of Sam. Osowit for about 10 or 12 Acres just within the Neck. [I gave] to Sarah Japhet, widow, 12<sup>s</sup> [12 shillings], to help Fill her Land. Bethiah, Nicodemus's widow, who died at Port Royal, is her daughter, and dwells with her. Bethiah has one son, of 22 years old, who is helpless by reason of Sickness; have one Servant 17 years old.

Nicodemus's death in Nova Scotia is also mentioned by Experience Mayhew in *Indian Converts*, when he writes about Japheth, a converted Indian, the son of the dead soldier:

After the Death of his Father, who dy'd at Annapolis Royal, [Port Royal], after the Place was taken in the Year 1710, his Mother being left a Widow, went to live with her Father where he before was; and his Grandfather dying not long after, viz. in the Year 1712, his Mother, Grandmother, and himself, were left to keep House together.

Nicodemus should be recognized for being the first Island man to die in the service. Other Islanders may have died during that protracted war, but we have no record of them. Only because Sewall and Experience mention his death do we know of his case.

Brother Thomas took over the job of "ruling" the Indians after Matthew's death. His rule was short-lived as he died five years later. With these two brothers gone, the power of the Mayhew family began to decline. Benjamin Skiffe of Chilmark became the government leader. Although one Skiffe (James Skiffe Jr., who left the Island soon after the Dutch Rebellion) had sided with Athearn, the two families were close. Matthew and Thomas both married Skiffe sisters. So government was still "in the family" under a different name.

Missionary Experience was spending more time on the mainland doing society work. He was sent to inspect missions in several New England Indian villages. But mostly, he was in Boston translating Biblical tracts into Algonquin and writing the book suggested by Sewall. The book was *Indian Converts*, published in 1727, a collection of biographies of Vineyard Indians whom the Mayhews had converted.

Experience's frequent absence from the Island raises the question of what paid missionaries were expected to do. By this time, there were few "savage" Indians. Vineyard Indian settlements had organized churches with paid Indian ministers. In addition, some had Anabaptist churches whose ministers were paid by the Indians themselves.

In a letter to Sewall, the head of the missionary society urged "the missionaries to visit the Indians in their abodes and not to meet them only at monthly services." Certainly, the Mayhews did not regularly visit Indian wigwams, scattered from Gay Head in the west to Chappaquiddick in the east. It is questionable whether they regularly attended prayer meetings. The Indian teachers and preachers did that.

With the Society's concentration on Gay Head, the other settlements, especially Chappaquiddick, the second largest, were neglected. The Mayhew missionaries had moved from Edgartown to the center of the Island, (West) Tisbury, and the society's focus of attention moved with them. Sewall spent most of the time in the western part, pursuing his recess plan.

Sewall was more familiar with the Island than any other person in Boston. He had a number of experiences with the ferry service and probably was the first person to have reason

to complain about it. After his first visit in 1706, he and fellow commissioner Bromfield left Holmes Hole for Woods Hole, were becalmed, and carried by the currents to Tarpaulin Cove, where they had to spend the night:

Sept. 9, 1706. Monday, embark'd with a scant wind; put in to Tarpoling Cove: Mr. Bromfield not yielding to go to Cushnet. . .

Even this early, Vineyard and Nantucket Sounds were important north-south waterways and Tarpaulin Cove on Naushon was the usual harbor of refuge. A tavern had been built there to take care of sailors at anchor awaiting favorable wind and tide. There were no fees for anchoring, but marine etiquette permitted gifts to "harbor masters," as we learn from Gov. John Winthrop's diary, during his 1702 stay on Naushon Island at the house of his father, Wait Winthrop, the man who had tried to administer the oath to Matthew Mayhew:

September. 1702. Here arrived an English ship from Nevis. Ye Master whereof sent Father a dozen and a half of Oranges.

Many shoals plus confusing currents made the two sounds treacherous. As there were, at the time, no "official" charts published by the government, each mariner had to make his own. The oldest one extant that we know of was drawn by Joshua Benjamin in November 1717 (*see pp. 32-33*).

As Judge Sewall's regular inspection trips to the Island suggest, the expense of maintaining the missionaries on the Vineyard was a major drain on the London society's income. Some way had to be found to increase revenues. The society came up with a bold plan: it would lease out part of Gay Head. In September 1713, Commissioners Sewall and Penn Townsend were told to assign lots to Indian families, setting a large section aside for lease:

. . . Competent and Convenient Portions of this Land [to be] assigned unto the Indians . . . to be Inhabited and Cultivated by the Indian Families. Each of the Families to know their own Allotments. . .

That part of the Land which will remain after the Indians have their Portions allotted . . . shall be Leased out unto Tenants, at such Rates and for such Terms, as by the Agents may be thought most Reasonable, that there may be something of a

Revenue from thence towards the Support of Schools, and other good Interests among the Indians of that Island. . . what Revenues doe arise . . . Will be wholly applyed for their Benefit.

It was a huge undertaking. Surveying the land would be a challenge. Sewall didn't begin working on the plan until the next spring when he made another trip to the Island. His diary tells more about the ferry and provides our first report of a phenomenon that would become well-known later:

April 5, 1714: . . . Went to the Ferry [in little Woods Hole]. . . . In our Passage we were becalmed, and the Tide [was] against us . . . were 2½ hours getting over. Were fain to row to the west side of Oakakemy [Lambert's Cove], where we landed, the Sloop coming to an Anchor. Our Horses were forced to leap into the Sea. . . [we] found Thomas Paul, a Lame Indian, on Horseback with his Net on his shoulder, to catch Fish by Night. Upon my speaking to him to Pilot me, he left his Net and did it very well. We were ready to be offended that an Englishman, Jonathan Lumbard, in the Company, spake not a word to us, and it seems he is deaf and dumb.

This entry tells us a great deal. The ferry was a sloop, large enough to carry several passengers and crew, plus at least two horses. Yet it was small enough to be rowed when the wind collapsed and the falling tide (flowing west towards Gay Head) carried them to Lambert's Cove. They had intended to land at Holmes Hole.

At the cove, they anchored close to shore and pushed the horses overboard. They probably went ashore in a skiff. An Indian, planning to go fishing, was on the beach. He was Paul for whom Paul's Point is named. He guided them to Sheriff Allen's house in (West) Tisbury. It had been a long trip. No wonder Sewall was "indisposed" the next morning.

Sewall's reference to the deaf mute, Jonathan Lumbard, "who spake not a word," is our first record of that genetic condition. Lumbard was born on Cape Cod and came to the Island about 1690. He was born deaf as were two of his seven children. Neither deaf child married, but the trait recurred in later generations and became widespread on the western end of the Island. The story of this phenomenon is told by Nora Groce in *Everyone Here Spoke Sign Language*.

Sewall spent a quiet Sunday at Sheriff Allen's recovering. Monday, he went to Gay Head. This time, he did not meet with Simon Athearn. In failing health, Athearn died early in the next year. With Matthew Mayhew and Simon Athearn both dead, the Island's conflict level had subsided. Simon's son, Samuel, occasionally questioned the government, but with a lower voice than his father had. Rev. Josiah Torrey of (West) Tisbury, Simon's son-in-law, usually met with Sewall on his visits so the family's involvement continued.

While Sewall was resting at Sheriff Allen's, Experience Mayhew sent word to Gay Head, telling the Indians to assemble the next day. Sewall's diary entry:

Mr. Mayhew writes a Letter in Indian to Saul, which I subscrib'd, to notify the Indians of the Gay Head to come together something before Noon. I would speak with them after Mr. Mayhew's Lecture.

At Gay Head, Monday, April 7, 1714, about one hundred Indians assembled to hear Sewall. He must have told them of the plan, his plan, to provide a "recess" for them, a place where no English would be allowed (except for the Englishman who would lease the section that came to be called "Gay Head Farm"). His talk was translated by Experience.

When he finished, Sewall asked how many could read. There was a long pause. Finally, two young men were brought forward. Sewall handed one "my Psalm-book with red Covers," which the young man read from. When he finished, Sewall gave him the book to keep.

Sewall did not seem pleased. He wrote disappointedly that after his question, "at last, only two were produced." Hardly enough, he seemed to be hinting, to repay the society for its mission work over sixty years.

Sewall's dream of a "recess" had a lasting impact on Island history. Had the society not bought Dongan's "manor," the land would have been inherited by his nephew, who intended to make it his private hunting preserve, something that would have greatly changed that end of the Island. The head of the society, Sir William Ashhurst, was pleased that the nephew was out of the picture. But for a different reason:



... he being a Papist and a person of no great prudence, he would certainly have made the poor Indian inhabitants very uneasy, if not wholly disposed of them.

The plan to assign each Indian family a parcel of land was not carried out. The Indians opposed it, preferring to keep the land in common, as they always had. Each family would "borrow" as much land as it needed. Nobody owned any, nobody inherited any. No fences and no property lines.

Sheriff Ebenezer Allen, in whose house Sewall always stayed, had an inside track on the lease. Six hundred acres of Gay Head were leased to him for ten years at £50 a year, the rent money to be used on behalf of the Indians, reducing the drain on the society budget. On those 600 acres in the northeast section of Gay Head, some Indians were living. They would have to move. A letter dripping with "love" was read to them. The change, they were told, would make them happy:

The commissioners love you and seek your good in everything. We direct that 16 families of you now on the land that we have leased to Mr. Ebenezer Allen, to remove unto that land which we think most suitable to be inhabited by the Indians. . . Every penny of the money received of Mr. Ebenezer Allen, or of any other, is all laid out only to make you a happy people. We shall use all the care of kind fathers . . . to look after you, who love you like their children.

The Vineyard Indian population, those "children" loved by the commissioners, had been steadily declining. In 1690, a virulent fever killed many of the converted. Matthew Mayhew, in his book, *Brief Narrative of Indians*, (1694) wrote that "of more than 100 Adult Persons [Indians] that dyed not less than three-fourths were of the Sober Religious Professors; that it was by the English inhabitants vulgarly taken notice of. . ." The English claimed, in Mayhew's mind, that the Christian God did not protect the Indians who had accepted Him.

By 1700, only 1000 Indians still lived on the Island, one-third the number there when the English arrived 60 years before. The white man had taken much of their land and his diseases had taken many of their lives. The missionaries could not have prevented this tragedy. Their work was to save souls in the hereafter, not to save lives in the present.

For thousands of years, Vineyard Indians had survived, supporting their families and living healthy, rewarding lives. They were a proud and caring people, deeply devoted to their children. That pride was eroded as the land, their source of sustenance, was taken from them. With diminished self-esteem, increasingly they turned (were even encouraged, some say) to seek solace from alcohol. Some English saw alcohol dependency as a way to encumber Indians with debts, debts they could pay off only by selling land or by servitude.

Daniel Gookin, an early historian, described the problem. It was just another English communicable disease:

they had drunk water before the English came. . . and their taste for alcohol had been acquired from the white settlers.

Court cases describe the selling of alcohol to Indians. David Silverman wrote in *The New England Quarterly*:

Tavern owner Robert Cathcart of Tisbury was called before Dukes County magistrates several times for selling alcohol to Indians. Not coincidentally, he also sued numerous Indians for unpaid debts, purchased land from natives on a number of occasions, and died in 1718 with 117 natives owing him a total of £168 8d. So too Samuel Athearn. . . [was] formally charged with selling Indians drink during the 1720s and . . . [brought] seventeen suits for Indian debt.

Unpaid debts often led to long sentences as indentured servants, making Indians "slaves" for years to work off their debts. They were "property" that could be sold. The buyer would house, feed and clothe the servant for the term of the "sentence." When the time was up, the Indian was freed with two sets of clothes, one for work, another for church.

Indian children, not guilty of any crime, were sometimes sold into servitude by their parents to pay off debts. Vineyard author, James Athearn Jones, described the practice:

. . . it was my grandfather's custom, and had been that of his ancestors. . . to take Indian boys at the age of four or five years until they had attained their majority . . . During my minority, we had three of these little foresters in our house.

For crimes considered to be petty thievery today, the court would sentence Indians to long servitude. Silverman again:

On the Vineyard in October 1734, Dinah Sissetom of Sengekontacket was found guilty of stealing three bed sheets from the house of John Daggett. . . [she] was bound out by the Dukes County Court for a full three years. Similarly, Martha Job of the Vineyard was sentenced to two years of service in 1747 when she pleaded her inability to pay 45 shillings as damages for stealing a silver shoe buckle from Simeon Butler of Edgartown.

Much longer was the sentence in a suit brought by Matthew Mayhew, Chief Magistrate, against his Indian servant girl, Hannah. He accused her of stealing corn, linen, woolen goods and money from his house in 1690. The Court found her guilty and authorized him "to make sale of her for the terme of thirty yeres in any part of these Maisto dominyons [Majesties dominions] or Elsewhere." For 30 years, Hannah became a "slave" off-Island, the money paid for her going to Judge Mayhew.

Indians received long sentences for such questionable "crimes" as stealing sheep, which wander to where grass is greener. For "stealing" three, Wahommo was sentenced to five years' servitude; and "Sam, the sone of piamco, an Indian boy to be sold . . . for seven yeres for stealing Sertayn Sheepe."

After Sam was sentenced, one of the judges, Thomas Daggett, Matthew Mayhew's brother-in-law, bought his indenture and Sam became his "slave" for seven years.

Also in serious crimes, Indians usually received much harsher sentences than Englishmen. When Andrew Newcomb was indicted for killing his son, Andrew, in 1688, the jury's verdict: "we declare it Ignoramus," and he went free. The next year, Pommatoock, an Indian, was found guilty of killing "Sarah, an Indian mayd of Tysbury." It was "Ordered that pommatoock, Indian, shall be executed ye 26 : of Septemb'r 1689, for murder don in, or about, 1664, while he is dead, dead, dead." (1664 is an error, it was in August 1689.)

Punishment for sexual "crimes" also varied greatly. In 1711, when Samuel Osborn of Edgartown was found guilty of fathering a child born to Mercy Norton, he was sentenced to pay "one shilling and six pence per week" until the child was three years old, then the payment decreased to one shilling per week for four years "if said child shall so long live."

Contrast that with sentences given two Indians that same year for a similar "crime" that did not even involve a child. Abel Ossoowit and Elizabeth Pomit were found guilty of "being in bed together." Abel was sentenced to "six stripes" with a whip and to pay £4 and to give bond for his good behavior until the next session in March, ". . . and the said Elizabeth is adjudged to suffer Corporal punishment by whipping the number of four stripes, and to pay fees of Court £4 and to stand committed until sentence be performed."

Curfew laws applied only to Indians. An Indian found in Edgartown "halfe an hower after the sunn is Sett" shall be whipped unless he gave an acceptable excuse to the court.

In 1720, there were only 800 Indians on the Vineyard, living in six villages. At Gay Head, Experience Mayhew reported to London, there was an Anabaptist church, "but the number of people belonging unto this is very inconsiderable."

The "ruler" of the Indians was now Zaccheus Mayhew, who had taken over when his father, Thomas Mayhew III, died in 1715. Thomas III was described by Rev. William Homes of Chilmark in his diary:

. . . He was a man of good sense, considering his education, and seemed to be piously inclined, though he did entertain some singular opinions in religion.

It is unfortunate that the Reverend Homes didn't go into more detail about those "singular opinions."

Experience's report to the Society tells us a lot about the occupations of Indians. Success was measured, it seems, by how close they came to "being English":

There are yet but few Indians. . . that have houses of the English fashion. . . some have learned trades; . . . there are several weavers, one or two house carpenters, one wheelwright, who is so good a workman as to be frequently employed by his English neighbors. There are several tailors and one, if not more shoemakers, and one blacksmith, who . . . made his bellows and other tools; and one cooper, viz., William Charles who is a good workman. . . this shews that . . . the Indians are capable of learning such callings as English men follow.

When Experience finished writing *Indian Converts* in 1724, the London society did not have the money to publish

it. A Boston bookseller recognized the value of the work and sold subscriptions to it prior to publication. When he had sold 300 at ten shillings each, the book was published in 1727. It has lengthy biographies of those Indians, men, women and children, who were converted to Christianity. Its subtitle:

Some Account of the Lives and Dying Speeches of a considerable Number of the Christianized INDIANS of *Martha's Vineyard* in *New England*.

Sewall had suggested the book's theme to Mayhew, saying the "dying speeches" of those converted should be preserved. Thomas Prince wrote the final chapter, "Some Account of those English Ministers." The ministers he praised were the four generations of Mayhew missionaries: Thomas Sr., Thomas Jr., John and Experience. The book further increased the reputation of Experience and the fame of the Mayhews.

Many of the Indians memorialized by Experience had died unhappy, despite their conversion and hope of a better life in the hereafter. Increasingly, they were falling victim to poverty and the addiction to alcohol.

Belatedly recognizing its responsibility, the colony of Massachusetts created a guardianship program to oversee the Indians. Three "Guardians of the Indians" were appointed on the Vineyard (one was Zaccheus Mayhew, son of Thomas III, and the paid missionary). They were not welcomed. A petition sent by Gay Head Indians in 1749 to Massachusetts authorities makes it clear:

. . . we want . . . that we may have our fields, which the Guardians have let out. . . we are more Poor [than] Ever. . . we have not liberty to Pasture our Cretures, only as we Buy, or Hire Pasture. . . It was not so before . . . by the Guardians we are Deceived. . . the number of all the souls are about 165 and the number of our Cretures are about 400 (we know not the number of our sheep) what shall these Cretures do for Pasture? we have none only as we buy it . . . we have been with the Guardians to seek for money but they give no money, or other things. . .

On Chappaquiddick, Indians were equally unhappy. In 1760, some there complained to the Massachusetts colonial government that English "squatters" were moving onto Indian land illegally, sometimes making token payments to the

Indians living there. Nine English houses had been built and the owners were burning up the scarce fire wood to keep warm.

The Guardians, despite their title, seemed unable, or unwilling, to do anything to "protect" the Indians.

Experience Mayhew died in 1758, leaving a sizable estate. He owned land in Deerfield, Massachusetts, and a large tract on Quansoo where he lived. His will divided nearly £1000 among three daughters, yet his son, Zacchariah, asked the missionary society to pay for his funeral and gravestone at Abel's Hill Cemetery in Chilmark.

Zacchariah applied for his father's job as paid missionary. Like Experience, he had not been educated to be a minister. The London society, low on money, did nothing for a number of years. Finally, in 1767, nine years after Experience died, Zacchariah was added to the society payroll. He was missionary until he died in 1806. When the American Revolution began, all payments to the colony were stopped, but a group in Boston was formed to take over. Zacchariah had the use of the Gay Head Farm, now 800 acres. It was the 600 acres originally leased to Sheriff Allen, plus 200 acres he had persuaded the society to add. The society had received almost no money from Allen, who paid rent the first year and then stopped, claiming the neighboring Indians were so troublesome he couldn't use the farm. Zacchariah, like Allen, didn't live on the farm, leasing it out while living in the Quansoo family homestead.

The Mayhew influence on the Island declined greatly with the death of Experience, but off-Island, the family's fame was growing. After he graduated from Harvard, Experience's youngest son, Jonathan, was named pastor of Boston's West Church (Congregational). He had a reputation for his doctrinal liberalism, being one of the first ministers to reject the Trinity in favor of Unitarianism. As such, he was shunned by many. Not one Boston clergyman attended his ordination, where his aging father, Experience, delivered the sermon. It is sad that Experience died before his son's reputation peaked. However, he was still alive when, at only 30, Jonathan was given an honorary Doctor of Divinity degree by the University of Aberdeen in Scotland. The father must have been proud.



Jonathan is considered to be a founder of Unitarianism and Universalism, but he became best known for his views on individual freedom. His election-day sermons (traditional in churches at the time) were intensely political, defending man's right to revolt against tyranny. Many credit the fiery sermons with being the sparks igniting a feeble fire that later burst into flames as the American Revolution. He did not live to see the conflagration he had ignited, dying at age 45 in 1766.

President John Adams, like Jonathan an Arminian, called him "the father of civil and religious liberty in Massachusetts and New England. . . ." He is without question the Island's most distinguished native, born and raised in Chilmark, the youngest son of an Indian missionary, Experience Mayhew. What the more conservative Vineyarders thought of this hot-headed Mayhew we do not know.

For more than a century, the Island's power center had been in Edgartown. It was now moving westward. In 1720, Chilmark began a campaign to relocate the county seat in (West) Tisbury, the geographical center of the Vineyard. It met strong opposition from Edgartown, but residents of Chilmark and Tisbury finally petitioned the General Court to make the change.

Edgartown responded with its own petition. These two documents describe the Vineyard in the mid-1700s, sounding very familiar today. Edgartown, the up-Islanders argued, at the eastern end of the Island, is not a convenient place to have the county government. Furthermore, "parking" is a problem and ferry boats don't go there:

. . . That part of Edgartown where the Courts are Held now is Poorly furnisht with Pasture or Hay to Keep Horses, etc. Moreover yr Petrs [petitioners] further Inform yr Excellency & Hon'rs that The Ferry for Transporting People from the Vineyard to the Main Land is in Tisbury . . .

Edgartown responded, hitting hard on the two complaints in the up-Island petition:

. . . they further assert that that part of Edgartown, where the Courts are now held is poorly furnished with Pasture or Hay to keep Horses, & to which we answer that they don't generally attempt to put up their Horses, & so it is possible that some time

when they have desired it they may have found the less provision there, but it does not appear that they have any Reason to Complain, there being several Persons that live near who Declare they have ever been ready to take proper Care of their Horses & never Refused any when applyed to for Twenty years past, and are still ready to furnish them with good hay at one Shilling pr night at March Court and Pasture at eight pence pr Night at October Court. . .

Nor, Edgartown supporters argued, is the absence of ferry service a problem. Most of those who come to the Island come from Boston, Rhode Island and Nantucket and the packets drop them off only a few steps from the county building:

. . . People from Boston, Rhoad [sic] Island & Nantucket (to which places our Trade is almost wholly confined), can come within 20 Rods of the Court House by Water, whereas in case the Courts were held in [West] Tisbury they would be obliged after Landing to Travail 6 or 8 miles. . .

Edgartown is also more hospitable to Indians, especially to those who go there for trial (we learn that prisoners in jail are expected to provide their own firewood):

. . . the Indians who often have occasion to attend Courts are now much better accomodated [in Edgartown] than in case the Courts were held at [West] Tisbury, for here they can within call of the Court furnish themselves with plenty of Shell Fish for Provisions, whereas they would be obliged to spend their money therefor . . . or suffer hunger; and now when any of them are in Goal [jail] others easily furnish them with fire wood, which they have a great plenty of on Chappaquiddick, which lies near the Court House. . .

In case of an attack, a West Tisbury county seat would make Edgartown defenseless:

. . . likewise as we are liable to be ransacked by Privateers or the like . . . in case the Courts were held in [West] Tisbury our danger hereof would be very greatly increased for if an enemy knew when our Courts were held and that they were held there (as they might easily inform themselves), they would doubtless Choose such a time to Plunder us. . .

Finally, Edgartown argued, the population is changing. There is no vacant farmland. Those who come now will not be farmers, but entrepreneurs who will set up shop in Edgartown:

. . . altho' the other two Towns [Tisbury and Chilmark] have Increased faster than we for some time past yet there is no Rational prospect of their doing so in the Future; for the Island has now as many Inhabitants as the Land will comfortably support; . . any further increase of Inhabitants . . . must be supported by whaleing, Fishing & seafaring business, and as there is no other safe harbour except this [Edgartown] . . . this must be the Place for Carrying on such business . . . there sailed from this Town the Summer past, nineteen Masters of vessels and upwards of fifty Sailors.

Disorders arise often among the sailors who live in the Harbor and some of them have been obliged to be committed to Goal, which now can very easily be done and the Prisoner be delivered immediately when ever the wind suits for sailing; whereas it would be vastly incommodious to send them up Eight miles from the Harbour and when the vessel was ready to sail to wait till they could be brought back again . . . and if it should here be objected that Holmes hole Harbour is more used than this by Coasters and Foreigners it may be very easily answered that it is much easier to sail into this Harbour (a thing which they frequently do when they are under apprehensions of a storm, that harbour being much Exposed to a North East wind) . . .

The controversy was intense. In 1764, a compromise was reached in Boston: a second court house would be built in (West) Tisbury. Alternate court sessions would be held in each village, but county functions other than courts would stay in Edgartown. A clumsy solution, it was discontinued in 1807.

While Edgartown and Tisbury fought over the county seat, Gay Head was being ignored. The missionary society still owned the land, but it was losing interest in the Vineyard Indians. The colonies were becoming increasing defiant and talk of a revolution was being heard across the ocean. When the Revolutionary War began, all missionary payments from England were stopped. But they were already unproductive. There were no more "savages" to be converted. The Vineyard Indians who survived were far from "savage." A major change was underway. Their population had started to increase:

. . . in Dukes County [in 1764], 313 Indians, 86 in Edgartown, 39 in Tisbury and 188 in Chilmark [Gay Head and Naushon included] . . . about that period, they began to intermarry with negroes in consequence of which the mixed race has increased in numbers, and

improved in temperance and industry. [Richard L. Pease notes, MVHS.]

Twelve years later, Pease tells us that at the start of the American Revolution, the number had gone up to 440:

At present [1776], there are of pure Indians and of the mixed race about 440 persons --75 in Chabbaquiddick (not more than one-third pure), 25 at Sagechantacket (not more than one-fifth pure) about 40 at Chilmark (about one-half pure), 24 at Nashawakenker [Naushon, part of Chilmark] (about three-quarters pure), about 276 at Gay Head (about one-quarter pure).

As their numbers increased, so did their problems. That year (1776), a petition was signed by 37 of the 276 Gay Head Indians, asking the General Court for help. The petition stated that another Indian, Elisha Amos of Tisbury, had persuaded a few Gay Head Indians to sell him their land rights. When he died, he willed the land he had bought (about 200 acres) to a family member, who then had sold it. This was contrary to the Indians' belief that land was not "owned," and could not be passed down. Land was only borrowed and must be returned:

when any one Died, his share [of land] immediately fell into the hands of the whole and his Children, if any were left, have no addition [to what they already have] by reason thereof . . . we have always supposed that no one had any right longer than they lived.

And there were other problems, one of them critical, they said. The General Court must help:

. . . we are much burthened . . . at Gayhead, viz: a very considerable number of Negros and Mulatto's that have. . . built them Houses and settled amongst us, which we have not been able to prevent; some of the Indian Women that formerly resided at Gayhead have lately returned with a very considerable number of Mulatto's, as they say, Children, Grandchildren and even Great Grandchildren . . . if they cannot be prevented from settling amongst us, [it] will greatly impoverish if not entirely Root us out.

We therefore beg that your Honours would . . . do that for us which Shall in your wisdom appear proper.

It was not a good time for Indians to ask for help. Shots had been fired 100 miles to the north, shots "heard round the world," in Ralph Waldo Emerson's famous words. Those shots may have been heard around the world, but they did not make a sound on Chappaquiddick or on Gay Head. Like the Dutch Rebellion of 1673, one hundred years before, the Indians'



petition would accomplish nothing.

Gen. George Washington was marching most of his army south from Cambridge to occupy New York during the same week the Gay Head Indians sent their urgent petition to the General Court in Boston.

On April 15, 1776, their petition was quickly disposed of. The General Court ordered that three Guardians be appointed to look out for the Gay Head Indians, who had for years been opposed to the Guardianship concept. It was not a solution.

Judge Samuel Sewall's dream had vanished in the smoke of shots being fired to bring freedom to America — but not to all Americans and especially not to the first.

*(To be continued.)*

*The author is grateful to Jay Segel for his in-depth research on Vineyard Indians, especially in court records, and to David Silverman for his work on the same subject. He thanks his son, Prof. Stephen Railton, for copy-reading and editing this chapter, while supposedly on his summer vacation.*

### Grave of Experience Mayhew, Missionary



Larger stone, center foreground, marks the grave of Rev. Experience Mayhew (1673-1758), famed Indian missionary and author. Here, in the oldest part of Abel's Hill Cemetery, Chilmark, are the graves of many of the Mayhews.

### GRAVES OF VINEYARD HISTORY

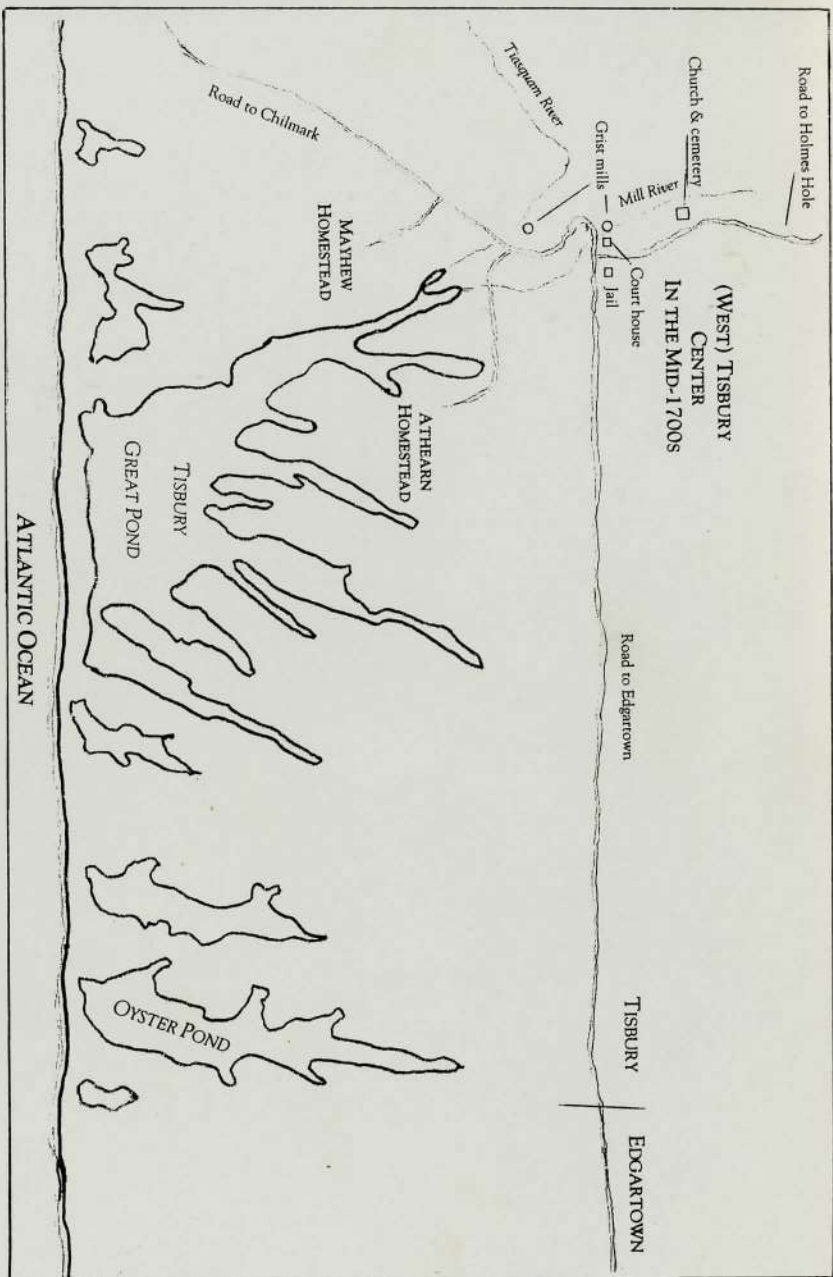


Grave of missionary Rev. Experience Mayhew (1673-1758), Abel's Hill Cemetery, Chilmark.



Graves in West Tisbury Cemetery: at right, the rebellious Simon Athearn (1643-1715); his wife, Mary; and their son-in-law, Rev. Josiah Torrey (at left), missionary and minister.





(West) Tisbury when it had a County Court House, alternating spring and fall sessions with Edgartown's court.