



Barry Lawrence Ruderman Antique Maps Inc.

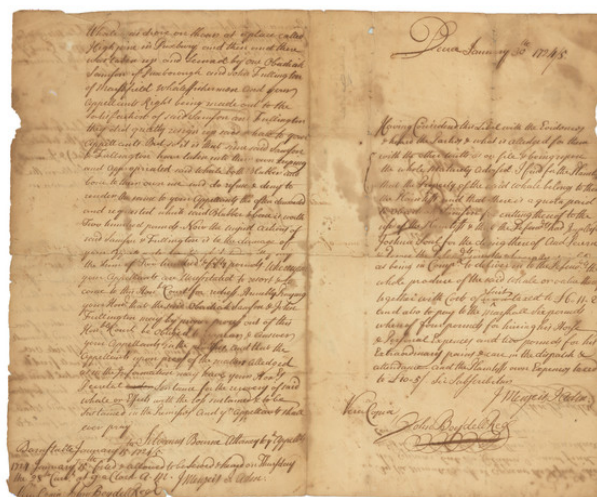
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(Whaling Manuscript) [Native American whale fishermen sue over a whale they killed off Cape Cod, before the Massachusetts Court of Admiralty]

Stock#: 88807
Map Maker: Gorham
Date: 1725
Place: Barnstable, Massachusetts
Color: Uncolored
Condition: Good
Size: 14.5 x 12 inches
Price: SOLD



Description:

Very Early Coastal New England Whaling by Native Americans working with one of the Progenitors of Gorham's Rangers:

Libel for a Whale Killed off Cape Cod in 1725

A remarkably early manuscript item documenting Native American whaling activity in the coastal waters off Cape Cod. Docketed "Libel for a Whale," the document is a record of a lawsuit brought on by Shubael Gorham (father of the founder of Gorham's Rangers) and a group of Native American whale fishermen, over a whale they killed near Barnstable, Massachusetts. The harpooner on Gorham's whale boat, Jeremiah Robin, who was a party to the lawsuit, is described in the document as being in the boat with "five Indian men more." Robin struck the yearling or shorthread whale with his harpooning iron, but the boisterous sea and wind prevented the fishermen from "tarrying" her. After about twelve days the whale washed up ashore at a place called High Pine (now High Pines) near Duxbury, where two men, Obadiah Samson of Duxborough, and John Fullington of Marshfield, also whale fishermen, appropriated "said whale, both blubber and bone to their own use," refusing to render the proceeds to the appellants. Hence the lawsuit, and ultimately a court ordered decree that Samson and Fullington pay the appellants the sum of two hundred and fifty pounds in damages,

This document provides a fascinating window on the status and activities of Native American whale fishermen in coastal waters off Cape Cod in the early 18th-century. Jeremiah Robin, likely a Mashpee



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Wampanoag man, is named as one of the appellants in the complaint, and five other "Indian men" were on Gorham's whaleboat at the time of the incident. Twenty years later some of these Native American whale fishermen (or their descendants) were organized into a very successful irregular military unit under Gorham's son John, earning renown for their unorthodox tactics during King George's War.

Jeremiah Robin, the Native American harpooner mentioned in the document, was apparently Jeremiah Atiquin, who used the alias Robin per Barnstable vital records. Robin married one Hester Frances on Oct. 13, 1727. It is interesting to note that a Native American man named Sam Robin (perhaps Jeremiah's relative or son) was active with Gorham's Rangers ca. 1746-1748, and a Mashpee Wampanoag man named Daniel Atiquin was also part of Gorham's Rangers.

The document is signed by Silvanus Bourne (1694-1764), the attorney for Gorham and Robin, and a member of a prominent early Barnstable family.

Gorham's Rangers: an Amphibious Strike Force of Native Americans on Modified Whaleboats Known for Their Effective Guerilla Tactics

The owner of the whaleboat described in the present document, Shubael Gorham (1686-1746), was a noted provincial colonel during King George's War, and the father of John Gorham, the mainspring behind Gorham's Rangers. The unit was created in 1744 when the Lieutenant-Governor of Nova Scotia requested military aid from Massachusetts governor William Shirley in efforts to subdue Acadians and other Native Americans who challenged the English in Nova Scotia. Originally consisting of about sixty Native Americans led by British colonial officers under John Gorham, the rangers had no formal military background and were mainly indentured servants and whaleboat fishermen or crew members on Yankee whalers. The whaleboat experience of Gorham's Native American irregulars was key to the success of these amphibious rangers, who according to one eyewitness, "fought like devils." During the Siege of Louisbourg in 1745 both Gorhams, father and son, fought together against the French. Native Americans using modified whaleboats comprised the first unit ashore at Gabarus Bay at the beginning of the expedition to seize Louisbourg from the French. They successfully engaged two hundred French soldiers. After the elder Gorham's death on February 20, 1746, John was promoted to Colonel of the 7th Massachusetts and held command of New England forces at Louisbourg until April 1746. Under John's command, Gorham's Rangers became one of the most famous ranger units in colonial North America. As a provincial auxiliary company of irregulars, initially consisting primarily of New England Native Americans (mainly Wampanoag and Nauset, and a few Pigwacket), the rangers leveraged their whaleboat expertise into valuable military skills, eventually becoming part of the British army.

Gorham's Rangers, formed in 1744 as an auxiliary unit of the Massachusetts provincial army, was an



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*amphibious strike force that patrolled the coasts, inlets, bays, and rivers of the Canadian Maritimes in modified whaleboats... The Gorham family was active in colonial New England's military affairs, John and Joseph's great-grandfather, John Gorham I, had been a commander for Plymouth Colony during King Philip's War. Their grandfather, John Gorham II, led English and Wampanoag troops during King William's War... John and Joseph's father, Shubael Gorham, was a veteran provincial officer of Queen Ann's War. Numerous uncles and cousins served as officers throughout the colonial era, some recruiting and commanding Indian soldiers. **With the exception of the Churches, no other family was more responsible for the development of New England's Native American soldiery and the American ranger tradition than were the Gorhams and their kin.***

The activities of Gorham's Rangers in the northeastern borderlands...amply demonstrate the critical role the unit's Native American soldiers played in forging the 'irregular' or guerilla tactics most often attributed to Church and to Rogers...As they attempted to subdue Acadians and Mi'kmaq Indians who challenged English sovereignty in Nova Scotia (previously Acadia) during the 1740s, the British relied heavily on New England's Native American soldiers....

The vast majority, about fifty-five, were Nauset and Wampanoag Indians from Cape Cod (Barnstable County). Gorham also recruited a handful of Pigwacket warriors. This tribe's traditional lands lay more than a hundred miles north of Cape Cod, along the upper Saco River in southwestern Maine and extending into the uplands of central New Hampshire. - Brian D. Carroll, "Savages" in the Service of Empire: Native American Soldiers in Gorham's Rangers, 1744-1762.

Rarity

Such early original manuscript material relating to Native American whale fishermen associated with the Gorham family, is very rare in the market. We do not find a single record on RBH for any manuscript item relating to the Gorhams and Native American whale fishermen, an association that played a key role in the genesis of Gorham's Rangers.

Text of the document:

Province of the Massachusetts Bay

Court of Admiralty in the Eleventh year of the Reign of King George



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To the Hon'ble John Menzies Esq.

Judge of His Majesty's Court of Admiralty for said Province or Surrogate

*The Libel and Information of Subal Gorham Esq. (one of the principal proprietors of the whale
hereafter mentioned in this Libel) & Jeremiah Robin, harpooner, both of Barnstable in the County of
Barnstable, whale fishermen in behalf of themselves & partners*

Sheweth

*That on the 19th day of November last said Jeremiah Robin with five Indian men more, being in said
Subal Gorham's whale boat off against Barnstable on the high seas within the jurisdiction of this
Hon'ble Court, did then & there on said high seas lawfully possess themselves of one yearling or
Shorthad Whalefish by said Jeremiah Robin striking into said whale's left side one harping iron with
warp & drag well fixed to said iron, which wound proved mortal to said whale and did kill her, but
the wind & sea being boisterous, your Appellants could not tarry by said whale until she was quite
dead, but was forced to leave her upon the stream with said iron, warp & drag to her fastened, and
thus it was that on or about the second day of December, said whale was drove on shore at a place
called High pine in Duxbury and then and there was taken up and secured by one Obadiah Samson
of Duxborough and John Fullington of Marshfield, whale fishermen, and your Appellants right being
made out to the satisfaction of said Samson and Fullington, they did quietly resign up said whale to
your Appellants, but so it is that since said Samson & Fullington have taken into their own keeping
and appropriated said whale, both blubber and bone to their own use and do refuse & deny to
render the same to your Appellants, tho' demanded and requested, which said blubber & bone is
worth Two hundred pounds. Now the unjust actions of said Samson & Fullington is to the damage of
your appellants [three words made illegible due to paper crease] and they say the sum of Two
hundred & fifty pounds. Whereupon your Appellants are necessitated to resort & to come to his
Hon'ble Court for redress, humbly praying your Hon. that the said Obadiah Samson & John
Fullington may be proper process out of this Hon'ble Court be obliged to appear & answer your
Appellants in the premises, and that the Appellants upon proof of the matter alleged at in the
information may have your Honors decretal sentence for the recovery of said whale or effects with
the loss sustained & to be sustained & to be sustained in the premises and yr Appellants shall ever
pray.*

Silvanus Bourne, Attorney to ye Appellants.

Barnstable, January 15, 1724/25.



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*1724, January 15th, filed & allowed to be served and heard on Thursday the 28th Curr't at 9 o'Clock
A.M.*

J. Menzies, J. Adm:

Vera Copia, John Boydell, Reg.

Decree, January 30th 1724/5.

*Having considered the libel with the evidences & heard the parties & what is alleged for them with
the other writs as on file & being upon the whole maturely advised, I find for the Plaintiffs that the
property of the said whale belongs to them, the Plaintiffs and that there is a quota paid to Obadiah
Samson for cutting thereof to the use of the Plaintiffs & that the Defendants had employed Joshua
Soul for the doing thereof and decern & decree the Defendants jointly and severally et in Solidum
as being in Comp. to deliver in to the Defendants the whole produce of the said whale or value
thereof together with costs of suit taxed to £6.11.2 and also to pay to the Marshall six pounds
whereof four pounds for hiring his horse & personal expences and two pounds for his extraordinary
pains & care in the dispatch & attendance and the Plaintiffs own expences taxed to £10.5/. Sic
Subscribitum*

J. Menzies, J. Adm:

Vera Copia

John Boydell Reg.

*By the Minute Book it appears the Defedants did not appear, but the Citation I cannot find. Mr.
Daniel Goffe, who was then Dep. Marshall, can inform you about the service.*

Attest,

John Boydell.

Detailed Condition:

Folio. Folded sheet. Sheet age toned. Old creases or folds. Some separation along folds, mainly to the
center vertical fold. Some soiling. Remnants of old cello tape repairs. Else intact and nice. [4] pages of
manuscript text. Docketed on verso: "Libel and Decree / Goreham... / Libel for a Whale / Decree / Jany. 30 -



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1724/25"