

Court Ordered Binding Out of Indians: Example

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“Citizenship, Property, Identity & Representation: the Historical Journey of Southern New England’s Native Peoples

On occasions, Native people were bound for crimes, legal damages, court costs and other fees, some of the clearest examples recorded in Plymouth County in the first half of the eighteenth century. In 1719, for example, Nathan Sam, an Indian from Plymouth was found guilty in county court for stealing money and was sentenced to pay a fine of 40s. or be whipped for ten stripes, but two years later, “Peter Charles Indian, now resident in Plymouth, was bound for three year’s service. Charles had stolen two irons pots, valued at £3, from a Marshfield warehouse; his sentence required him to pay treble damages for the pots, plus an additional 20s. fine. Charles was publicly whipped and sold to Jonathan Bishop for three years, Bishop to maintain Charles “according to law.”

Samuel Deerskins, a Plymouth Indian laborer, was jailed in July 1721, for “Stabbing one Jones an Indian,” cleared and acquitted, still held for payment of prosecution and prison charges totaling £15.10s. Deerskins was unable to pay, so “with his own Consent,” he was bound for two and a half years to Plymouth innholder Thomas Withrell and Plymouth mariner Ignatius Cushing, who paid the £15 amount, Deerskins to be maintained according to law.”

In 1723, Caleb, an Indian “servant man” of Samuel Bradford of Plympton appeared in county court for “running away” from Bradford in March, stealing several items valued at £5, including a mare, a porringer and “Some Meat.” At the same time Caleb also stole “Several things” from another Plympton resident, John Finney. Caleb’s sentence required he pay £10 in damages to his master, a fine of 30s, and fees and charges of £6.6s to the sheriff, or be whipped 15 stripes. The court ordered that “after the Expiration of his present term,” Caleb was to remove for another two years with Bradford.¹

In September 1723, Alice Sachemus, “Indian Woman widow of John Sachemus” was imprisoned at Plymouth on execution of a judgment obtained by John Otis Jr. of Barnstable, fees and prison charges amounting to “about £12,” which she could not pay. Alice Sachemus was, therefore, bound “with her own Consent” for three years to John Otis, who explained that “the infant Child of the

¹ For Peter Charles, Plymouth Court, General Sessions of the Peace 1719-1749, 2: 3, 26. For Deerskins, *ibid.*, 31. For Caleb, *ibid.*, 41-42, case held in June 1723 session. Further, Caleb filed a complaint against Isaac Thayer, also of Plympton, a laborer, found guilty and fined for “Furnishing and Supplying...Several Panells of Rum” at diverse times, in exchange for flax the Indian brought Thayer for the alcohol.

said Alice shall be no Charge to the Town were it is kept, and also if the said Alice Sachemus bring any Body to pay what is or shall remain due on account of said Execution to the said Mr. Otis, the said Alice is then to be discharged from any further Service.”

Desire Pequin, an Indian “Woman, Servant” to Captain Benjamin Warren of Plymouth, was found guilty in 1725 for running away from her master, stealing clothing: a gown, shift, petticoat and handkerchief. She also stole from Josiah Cotton, at the same time, two aprons and three caps. Found guilty, Pequin was ordered to pay damages and court costs or be whipped ten stripes. She was unable to pay and her “Master chusing to Sell her,” after completion of her indenture to Warren in September 1726, she was bound for four years to Elisha Besbee, a Pembroke attorney, to be maintained according to law and supplied with one suit of clothing at the end of her service.²

In 1727, upon a complaint by Thankfull Wickett and Hannah Skoke, her mother “Indian Women,” the Plymouth County Court released from an indenture three of Mrs. Wickett’s children. Wickett’s husband Samuel had in 1725 pledged his children as “Sureties or pledge for performance or fulfillment of an Indenture by which said Samuel Wickett Bound him Self to Serve” Quenton Crymble of Plymouth for three years. Months later, Jeremy Chashunck “alias Totoe Indian” was found guilty of breaking into the Plymouth house of Judah West from which he stole coats, a waistcoat, shirt, cap, stockings and a pair of gloves; he was also judged guilty of stealing a hat, two shirts and a great coat from Marshfield resident Ebenezer Kent. Chashunck’s financial liability exceeded £20, for which he was bound out to Kenelm Winslow and Ebenezer Kent, both of Marshfield, to serve “Either by Sea or Land,” held according to law, at the end of his term to receive two suits of clothing.

Jacob Hedge, another Indian, confessed in court to stealing “Sundry Goods” the previous from his master Joseph Plasted of York [in Maine] including: two pistols, two handkerchiefs, two shirts, and one striped jacket, all valued at £5. 8s. Unable to pay treble damages, Hedge was to serve Plasted for an additional four years, at the end of his term to receive two suits of clothing.³

In December 1727 Mercy Umpany, guilty of assisting another Indian Joshua Hood escape from the county jail, was unable to pay some £3 in charges and was bound out; and, for stealing forty fathoms of cable from Plymouth resident Tomson Phillips, Indian Thomas Ezekiel, already indentured to Quentin Crymble, was

² For Alice Sachemus, Plymouth Court, General Sessions of the Peace 1719-1749, 2: 44. For Pequin, ibid., 66

³ For Thankfull Wickett, Plymouth Court, General Sessions of the Peace 1719-1749, 2: 77. For Jeremy Chashunck, ibid., 79. For Hedge, ibid., 79

whipped and bound for an additional year and a half to his master. In the following year, 1728, three Natives were bound out by the Plymouth court: Samuel Wickett was to serve Zephaniah Swift “by Sea or Land,” for three years for breaking into a barn, stealing a horse, and, in a second theft, stealing a quart of liquor, pork, two bottles of spirits, shot, a powder horn, a shotbag and seven gallons of rum; James Mohcage, an Indian cooper, was bound to his master Timothy Morton for an additional years for running away; and, Solomon Zachari was bound for an extra four years to his master Consider Howland of Plymouth for attempting to run away exposing Howland “to Great Charge and Troble to Recover the said Servant againe.”

Betty Tom, “Indian Woman,” in 1729, was found guilty in Plymouth Court of a series of thefts: On the three indictments, Betty Tom was unable to pay a total of £22.10s.10d., for which she was to serve Jacob Cooke Jr. of Kingston for seven years, at the end of her service to be discharged with one suit of clothing.⁴

In 1730, the Indian David Chassuck, servant of Richard Lowden of Marshfield, was found guilty in the Plymouth Court for “Stealing his Indentures from his said Master and Burning of them.” For this act, Chassuck was to serve Lowden “heir heirs assigns” for four years, seven months and ten days, plus an additional six months “to satisfy for the Charge the said Lowden hath been at to Regain his said Servant and for Loss of Time.”⁵ During this time, Chassuck was to serve:

In any lawful Imply his said Master Shall See Cause to Sett him about and Shall not absent himself from his said Masters Services by Night Nor Day without his leave. The said Richard Lowden to find for his said Servant Sufficient Meat Drink washing Lodging and apparrel Suitable for such a Servant and at the Expiration of said Time to Dismiss the said David Chassuck with Two suits of Apparrel for all Parts of his Body the one fit for Sabath Day and the other for Common ware.

In the same year, Mercy Ned, an Indian woman, was found guilty of stealing “Sundry Goods” from her master Jonathan Tabor of Dartmouth and Thomas Foster of Plymouth. Tabor was to receive £18, Foster to receive £13 and the court another

⁴ For Marcy Umpany, Plymouth Court, General Sessions of the Peace 1719-1749, 2: 83, 86. For Wickett, Mohcage and Zachari, *ibid.*, 2: 87-88,91. Betty’s thefts: from Jacob Cooke Jr., of Kingston, clothing including three handkerchiefs, an apron, a petticoat, two small boxes, a cape, five yards of ribbon, stockings and black calf skin shoes; from the widow Martha Doty of Plymouth, on a Sabbath, items including handkerchiefs, mittens, a silk apron, gloves, ribbons, a hoop petticoat, fan, silver shoe buckle, and pincushion; and, from Iachabod Washburn, cordwainer, of Kingston clothing, shoe buckles, “bills of Publick Credit,” and copper coins, *ibid.*, 98-99

⁵ Plymouth Court, General Sessions of the Peace 1719-1749, 2: 109

£10.1s.6d. These expenses paid by her owner, Mercy was to serve Tabor for twelve years “after the Expiration of the Time that the said Tabor hath already Legally in her.”⁶

Jeremiah Attequin, originally from Sandwich on Cape Cod, in 1735, was ordered bound out for eight years by the Plymouth Court for thefts: in April he had stolen £24 in bills of public credit from dealer Timothy Crocker of Barnstable; and in May he stole from widow Lydia Silas of Falmouth clothing, a silver ring, a jack knife and two pipes. Attequin was pay a combined total of £64.11s.11d. He was whipped fifteen lashes and required to serve Crocker for eight years. In 1736, another two and half years were added to Attequin’s service when he was found guilty of stealing “thirty weight of Feathers” from Thomas Howland, “gentleman” of Plymouth; damages the Indian were to pay amounted to £12, money advanced by Crocker and Elisha Cobb Jr., who were to receive the additional time after completion of Attequin’s eight years with Crocker. However, by September 1741 when an inquest was ordered, Jeremiah Attequin was dead in questionable circumstances.

In 1737, Betty Peters “Indianwoman” and “Plymouth Spinster” with fellow Native Phebe Corkrahew stole two shirts, a silk hood, six caps, nine pewter plates, two porringers, and five yards of cotton and line from Joanna Bosworth of Plymouth. Peters was unable to pay costs and after she “received Corporall punishment for the King’s part,” was bound out to Isaac Partridge of Duxbury for two years.⁷

In 1738, another two Indians were bound out on orders of the Plymouth County Court. Susanna alias Joan Sachemus, “Indianwoman” and “Kingston Spinster” was found guilty of stealing from Benjamin Samson items including: a Bible, handkerchief, garters, eight yards of fringe, five skeins of thread, linen cloth and ten yards of fabric. The stolen goods were all returned, leaving prosecution costs of £12.9s.9d. Susanna was whipped ten lashes and bound for three years to Elkanah Leonard, Esq., of Middleborough, who paid her court costs. Additionally, in the same year, Stephen David, a Plymouth Indian, was found guilty of stealing from the schooner “Adventure,” property of Plymouth mariner Thomas Weston, articles including: a gun, a sword, a pair of breeches, a striped jacket, a shot bag, four pounds of shot, two powder horns with powder and two dry deerskins. Goods returned, David received twenty lashes and after Weston paid his court charges, the Indian was bound to Weston for six years.⁸

⁶ Plymouth Court, General Sessions of the Peace 1719-1749, 2: 118

⁷ *Ibid.*, 147, 155, 173, 211 for Attequin. Phebe Corkrahew appears to have escaped punishment. Betty Peters’s fine was paid by Partridge, *ibid.*, 188

⁸ Plymouth Court, General Sessions of the Peace 1719-1749, 2: 189

In 1740, Mary Jacobs “Indan Single woman” of Plympton was bound out for two years and three months to Ebenezer Soule, a Plympton husbandman, after being found guilty of stealing several articles of clothing hung out in a town garden.

As final example from this region, in 1741, another two Indians were bound out by order of the county court. Mary Jacobs stole several items of clothing from her new owner, another six years added to her time of service to Ebenezer Soule.⁹ Peter Daniel, appearing at the same court session as Mary Jacobs, confessed to consuming a quantity of rum and breaking into the house of Jonathan Dellano of Rochester, “up in a Bedroom...getting to bed where his Children were;” and “haveing Received Corporall punishment for the King’s part,” Daniel was bound to Dellano for six months.¹⁰

⁹ Ibid., 2: 208, 211. Mary Jacobs took from Soule: a gown, a cap, flowered ribbon, two riding hoods, two skeins of yarn, half a sheet, two worsted stockings, a comb, an apron and a small bottle, all valued at £4.16s

¹⁰ Plymouth Court, General Sessions of the Peace 1719-1749, 2: 211