

**LAND TENURE AND SUBSISTENCE ON MARTHA'S VINEYARD:
AN INTRODUCTION TO A STUDY OF THE POND PEOPLE**

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Eric Peters, a lawyer in Edgartown, is a member of the Flynn family that owns extensive lands on the south shore between Jobs Neck Pond and Cove, down Pohogonot Road. He graduated from the University of Denver College of Law, graduated from the Governor Dummer Academy and Colorado College. His thesis provides a detailed overview of the history of land use and change on the south shore.

Further background from the Vineyard Gazette April 21, 2005 obituary of Eric's father.

[Landon Peters] was the son of Claude Landon Peters and Emily Meyer Peters. Landon had long family ties to the Vineyard. His maternal grandmother, Louise Underhill Meyer, first came to Oak Bluffs in the 1870s. She and her husband, Henry C. Meyer Jr., summered for many years at the Tashmoo Inn and the Colonial Inn and later purchased the Valentine Pease home at 72 North Water street in 1927. This home is still owned by his sister, Lorna Garron. Landon spent his summers at his grandparents' home. He learned to sail on their cat boat, the Seminole, which was captained by Oscar Pease. Landon and his cousin, Tony Meyer, raced their Rover, the Huron, winning the July and August series and Commodore's Cup in 1949 and other prizes at the Edgartown Yacht Club.

Landon married Florence (Pete) Lamborn, also of Montclair, N.J., in 1952. They began to spend their summers at Pohogonot Farm, her Flynn family home. They stayed there every summer from 1955 until 1989 when they moved into the home they built at Short Point, property adjoining Pohogonot. Landon was fond of gardening, mowing fields and home repair at the Cabin and Short Point, often enlisting his sons or Pete's cousins in painting and other projects and sailing on Oyster Pond.

p. 1 – This farm was purchased by my great-grandfather, George D. Flynn, of Fall River, Massachusetts, in 1909. Pohogonot Farm had been owned by the descendants of Samuel Smith, who had bought the land in the early 1700s.

The Smith family was one of many families on Martha's Vineyard known as the "pond people." These people lived in extended family groups on the land surrounding the numerous ponds that lie along the south shore of the island.

p. 2 – The foundations of the pond people were laid in the dissolution of the body of proprietors.

...the first half of the nineteenth century with the whaling business. By this time the pond people had grown into extended family groups with their own regions along the ponds.

p. 4 – The island encompasses about one hundred square miles of rolling meadows, forest, ponds, and beach.

p. 4 to 5 – From the edge of the hills, at a height of about 100 feet, the plain slopes away to the sea at the south shore of the Vineyard at a rate of about 20 feet per mile.

p. 6 - ...fresh water springs at the coves.

...around one-fourth of a mile in a century, it would seem that it has taken some 1,200 years for the coast to assume its present appearance (Shaler 1888:349)

Shaler also recorded “a well-founded tradition that one hundred years ago it was possible to skate from Tisbury Pond to Edgartown village along the line of connected bays which are now separated from one another” (1888-348).

p. 7 – Job’s Neck Pond is a case in point. A map of about one hundred years ago will show the pond as a large one made up of three smaller parallel coves.

The earliest English account of Martha’s Vineyard is found in The Discoverie of the North Part of Virginia, written by John Brereton in 1602.

Stopping at one of these islands, they found it to be

...without house or inhabitant, saving a little old house made of boughes, covered with barke, an olde piece of a weare of the Indians, to catch fish, and one or two places, where they had made fires (Brereton 1966:5).

They also found “such an incredible store of Vines”...

p. 8 – From the rest of his portrayal of the first island, it appears that he was actually on Noman’s Land, the small island lying to the southwest of the Vineyard.

On the outside of this Island are many plaine places of grasse, abundance of Strawberies & other berries...(Brereton 1966:6)

p. 8 to 9 - This Island is full of high timbered Oakes, their leaves thrise so broad as outs; Ceders, straight and tall; Beech, Elme, hollie, Walnut trees in abundance, the fruit as big as ours...Haslenut trees, Cherry trees, the leafe, barke and bignesse not differing from outs in England, but the stalke beareth the blossoms or fruit at the end thereof, like a cluster of Grapes, forty or fifty in a bunch; Sassafras trees great plentie all the Island over, a tree of high price and profit... in the thickest parts of these woods, you may see a furlong or more round about (ibid.: 7).

p. 9 – They cut and collected cedars and sassafras with the help of the natives to bring back to England. Sassafras at the time was highly valued in Europe and worth about 336 pounds to the ton (ibid.:12).

In taking stock of what they had found there, he related that “in comparison whereof, the most fertile part of al England is (of itselpe) but barren”(ibid.:7).

p. 10 – For the next forty years a variety of explorers made occasional stops on the Vineyard. These included Samuel Champlain, Adrien Block, and Thomas Hunt, who was part of an exploration team under the command of John Smith (of Pocahontas and Virginia fame).

Sir Fernando Gorges, one of the Council, was given lands that included the “Isles of Capawock,” another name for Martha’s Vineyard.

William Alexander, the Earl of Sterling, another member of the Council, received lands in the same division of 1634-5, including territory near that of Gorges in Maine, as well as Long Island.

p. 11 – Only one of the original five men granted township rights, Thomas Daggett, is known to have settled on the Vineyard with the Mayhews.

These first settlers established themselves by the harbor of present day Edgartown, amidst a population of around 3,000 Indians (*ibid.*:I,87). By 1652, the name of Great Harbor was applied to the settlement which had grown to an estimated 75 persons.

p. 12 – “Institutionally and territorially speaking, there was no land system in the New England colonies apart from the body of proprietors; there was no township apart from the proprietors” (Agaki 1963:288).

...for locating home lots and dwelling houses, for building highways and streets, for subdividing the adjacent arable land, and subjecting the meadow and forest, ...

Domestic animals must have been with the settlers from the start. However, they are not immediately mentioned in the town records. Cattle do appear in the records in 1651, hogs in 1652, sheep and horses in 1653, and goats in 1668 (Banks 1966:I, 491). Hay was planted for the livestock and became a principal product of any farm.

p. 13 – What patterned this way of life was the system of land tenure directed by the proprietors of the town. Their lands were classified according to use and fell under three general categories:

(1) the cleared upland which furnished the town plot, home lots, and planting grounds; (2) the meadow or marshy lands which lay around the cleared land and were generally utilized for hay and pasturage; and (3) the woodlands which furnished wood and sometimes were used for swine, sheep, or young cattle (Agaki 1963:103).

It appears at the time of initial settlement that only the house lots were given individual ownership. These lots were arranged contiguously along the harbor.

Soon after the home lots were established, the proprietors began to lay out both individual lots for themselves and common fields as well. Then, over the years, the proprietors would choose a plot of land of varying size from the commons and divide it in severalty, leaving the remaining common land to be divided at a later date.

The management of the common land, whether divided or undivided remained under strict control of the proprietors. They used the commons for planting and as pasture land for their livestock. The woods were used in common for lumber and for fire-wood.

p. 14 –

During half the years the common fields were cultivated according to the proprietors' respective shares, numbered out in acres. In the fall, after the crops had been removed and grass had been cut, the whole field was open for the common pasturage and the cattle, horses, and sheep were turned in for pasture until the spring. The number of beasts was again proportioned according to the shares, the number per share being previously determined (Agaki 1963:113).

This was also true for the lands held in severalty by each proprietor. In that case, they cultivated their own plots as they saw fit. Then they opened the private plots for the common grazing of all the proprietors after the harvest (*ibid.*:111).

In 1653 a right of commonage among the proprietors of Edgartown amounted to the feeding of eight cows, or the equivalent (Banks 1966:II E, 35).

Voted that a commonage is 12 great cattle or horses a man may keep upon a commonage for sheep and goats 8 for one cow or horse: it is agreed that every man that hath more than twelve great cattle or eight sheep or goats for every cow or horse that they must hire commonage of others is to be at 12 d a year for a beast and not more.

Rights in commonage to fire-wood existed as well. Over the years it became necessary to restrict the amount of wood taken, and in 1683 the proprietors took measure of that fact.

p. 15 –

Voted that every man shall have a load of wood or timber for his use for a share and he that shall have any more shall pay five shillings for every tree that shall be cut without order from the town until further notice (quoted in Banks 1966:II E, 36).

They seem to have changed their minds on this matter as in the following year they allowed that all the wood in the division known as the Old Purchase that was not already laid out was to be in common for the proprietors to cut as they chose (*ibid.*:II E,36).

Another right of commonage, peculiar to the Vineyard, were rights in whales and fish. Each proprietor owned a share in the whales that washed up on the beach which seemed to happen fairly often (*ibid.*:I, 432).

And it may have been that a new division was made when the proprietors felt that they needed new ground for planting or pasturage. These divisions gradually spread away from the town, first to the “plains” south of town between Edgartown Great Pond and Katama Bay. They then moved out in other directions from the town and out to the necks of the ponds along the south shore.

p. 15 to 16 – Banks believes that the first recognizable allotments of the common lands fell between 1646 and 1652. These were called the “Dividend Lots” and included a division on the island of Chappaquiddick.

The first definite division of land occurred on May 8, 1653. Twenty proprietors divided up 200 acres into 10 acre lots on the north part of town in an area since known as “The Planting Field.”

The divisions of the common lands, for many years later, were based on these twenty-five shares, known as the “Five and Twenty” (*ibid.*:II E, 26-27).

p. 17 – The largest tract of land that had been held in common was on the plains, between the Great Pond and Katama Bay. The proprietors divided this land up into 40 lots in 1676. The other vast areas to be divided were the necks of land that lay on the Great Ponds. For example, Quanomica was divided into 37 shares in 1663 (Banks 1966:II E, 31). Later, they divided the other necks, which must have been a valuable source of fodder with all the marsh grasses along the shore. On one or more of the necks of land

were the “Thatch Lots,” where salt hay was collected and used as a roofing material for houses and barns (ibid.:I, 474).

An examination of the lists of proprietors over the first few decades shows a fairly mobile population. Settlers come for several years and then leave, while others come and stay for good. In order to prevent the growth of non-resident proprietors, the town set up a requirement of four years residence before a man could receive full title to his land.

For a number of years, the proprietors and their families constituted the whole population of the town. The proprietors enjoyed equal economic right in the town lands and so equal political right in town affairs.

...the town divided into a landed class on one hand and a comparatively landless class on the other. A non-proprietor resident could own land but had no rights to the commons unless they were purchased or rented.

p. 18 –

state and settle bounds between particular mens lands and the proprietors commons of Edgartown throughout the whole bounds of Edgartown to the end that the commons and undivided lands of Edgartown be not at all infringed upon by any person whatsoever (quoted in Banks 1966:II E, 34).

A map of the whole island, drawn in 1694, shows 35 or 36 houses in Edgartown.

p. 19 - ...the proprietors spent much of their time in establishing fences for the commons and in setting up boundaries for the lands held in severalty. A wide variety of rights and duties developed in regard to the management and fencing of the land. Some of these regulations were determined by the proprietors of Edgartown themselves, but, at the same time, colonial legislatures defined many of the proprietary activities throughout New England. Among other things, this legislation instructed the proprietor:

to enclose all common fields; to build and to keep in repair the common fences and gates, the amount being proportional to the amount of holdings in the field or the number of proprietary shares in the propriety; to appoint fence-viewers and haywards whose duty it was to view the fences under oath at regular intervals and impose fines on those proprietors who failed to keep their portions in repair;...and to pay all the damages done by the beasts where fences were not properly built or maintained. The minute regulations as to the size and the proportion of fences to be borne by the individuals, the fines for the neglect of building fences and keeping them in repair, and the allied subjects were left to the proprietors’ meeting to decide upon (Agaki 1963:111-112).

p. 20 - The problem of wandering animals was an important one. Elizabeth Arey, a widow, sued William Weeks in 1663 for damage amounting to thirty shillings because of his “ ‘hoggs Ruting of Medo and Spoiling of Grass’ ” (quoted in Banks 1966:II E, 38). The office of hog reeve was held by various proprietors over the years to keep track of the hog pens, while the field driver watched the cattle and sheep on the commons. The hog reeve and the field driver impounded stray livestock until a fee was paid for their release (Allen 1938:103).

These markings were probably inheritable, remaining in use into this century.

Each owner had to provide for the fencing on private tracts of land and held responsibility for its maintenance. The larger fences that bounded the common lands were the responsibility of the proprietors at large.

p. 20 to 21 - The necks of land along the Great Ponds were probably fenced off as well at the head of each cove. There livestock had free access to water and ample meadow land for grazing.

p. 21 - There were three other methods of marking boundaries besides. One was to allow a hedge, hopefully thick enough to contain livestock, to grow up along a boundary. Or, a line could be marked off with piles of stones.

Two methods of marking land were more permanent. There is frequent mention in the records of using “marked trees” to set off property. These were saplings growing along a line, and possibly planted, that were bent over at a right angle close to the ground and then bent up again a foot or two farther along the trunk. The marked trees were probably more prevalent in the woodland rather than farmland. These trees can still be found today stretched along a boundary line every 100 feet or so. Digging a “ditch” was the other method of marking a boundary.

...a boundary line was occasionally set off by marked trees, a fence, and a ditch. The ditches seem to have been used for the bounds of the larger pieces of land,...

p. 22 – They can still be found today on the necks of Edgartown Great Pond, remnants of the early divisions of the 1660s and 1670s.

The necks of land along the west end of the south shore were also divided, new fields were cleared, and livestock were set out to pasture.

The first fulling mill to process the Vineyard wool crop was built in the 1690s (*ibid.*:II C, 67).

Iron ore existed in bog-iron swamps at the west end of the island and was smelted down on the mainland. There were carpenters, shoemakers, or cordwainers, and weavers. Several tanneries existed over the years and more than enough oak bark for the tanning process could be found in the Vineyard woodlands.

p. 23 – Trade in herring was growing, and the first herring creek at Mattakesett was dug in 1728 and 29 (Hough 1970:11).

Breadstuffs were also imported since wheat grew poorly on the Vineyard and was rarely found (*ibid.*:53).

The 400 or so persons of 1700 grew to around 1,200 in the 1740s. The Provincial Census of 1765 found a total of 2,719 persons on the Vineyard, including 2,360 whites, 46 negroes, and 313 Indians.

And from 1700 to 1776, the Vineyard’s population increased by seven times.

p. 24 – At some point, then, the usefulness of the proprietors as an institution for maintaining the economic well-being of the community began to deteriorate.

The influx of non-proprietors and their off-spring enlarged the non-proprietary population who had to depend on their private landholdings, generally without the use and advantage of the remaining common lands. And the right of commonage became virtually meaningless for the descendants of the original proprietors as well.

During the eighteenth century, a network of land transactions emerged in which individuals or a family sought to concentrate their holdings in a particular place on the island.

p. 25 – A great deal of this shift in the landholding pattern took place on the necks of land lying along the south shore and the ponds. Early on, population had remained concentrated near Edgartown, Tisbury, or Chilmark while outlying land was owned throughout the town boundaries. As the population grew, families began to establish residence farther away from town. Eventually, all the common lands and land under Indian ownership that lay along the ponds fell under private and concentrated ownership. By the end of the eighteenth century, extended family groupings had established themselves throughout the lands adjacent to the ponds. Their dual subsistence economy, based on farming and fishing, made such settlement along the ponds rather attractive for obvious reasons. The valuable salt grasses grew along the shore, while many necks of land were easily fenced for pasturage.

We should turn briefly, then, to the foundation of one family of the pond people that pursued this way of life over five generations on the neck of land known as Pohogonot, in Egertown.

p. 27 – He chose that large neck of land lying between Job’s Neck Pond and the Oyster Pond, known then in a variety of early spellings as Pahagahott, Pohoganut, or Pohoganit, and today as Pohogonot. In the Indian, Pohogonot meant “at or on the cleared land” (Banks 1966:11 E, 20).

Paqua lay on the west between what is now Paqua Pond and the Oyster Pond and contained a small settlement of the diminishing Indian population.

p. 28 – Nonnameset is the neck of land lying near the head of the Oyster Pond. The description in the deed implies that Pohogonot was then bounded by water on all sides...

In one deed of 1704, Elihu Ticknish sold 3 ½ acres at Paqua for 3 pounds ten shillings, mentioning the “planting land” in the boundaries (DCRD.II, 52). And in two sales of 1712, Joshua Tackanash sold a total of 7 acres to Sanuel. One parcel was “Two Acres of Land Being Now Lyin in Indian hills (allias) Cornhills,”...

p. 29 – While the Smiths were improving Pohogonot, so other families began to move away from the towns and settle along the ponds.

[From William Butler’s diary 1792:]

Tues. Mar. 20. Employ’d getting withs on the Plains—

p. 30 – Wed. May 2. Employ’d carting manure—putting into corn hills.

Mon. June 4. Employ’d getting bark. On the west side mustering up calf-skins.

The “withs” that Butler mentions on March 20 are withes used to make weirs and eel pots (Huntington 1966:31). These traps were made of split oak woven with split pine roots. Like Butler, the pond people generally made these in the winter, to get ready for the run of herring in the spring, and to trap eels in the ponds in the autumn. One hundred years later, these traps were still made in the same fashion (Winthrop B. Norton, personal communication).

But nearing the end of that century, Vineyarders had taken note of the fact that there was indeed a limited land base on the island on which to pursue agriculture.

p. 31 – About this time, agricultural expansion had produced noticeable changes in the character of the Vineyard terrain. The continued clearing of the great oak forests mentioned by Brereton, for pasture and

firewood, had greatly depleted the Vineyard supply of wood, leaving vast amounts of pasture and brushland. A visitor in 1807 found that

Very little woodland is left in Edgartown and Chilmark...In Chilmark there is not half
fewel enough of wood for the consumption of the inhabitants; and in Edgartown the
greatest part of the firewood which is used is brought from other places, chiefly from
Buzzard's Bay, Waquoit, and Coxit [all off-island]...(Freeman 1971:14).

Some farmers with foresight were able to maintain wood lots that, in one case, could provide enough
firewood for two families from a 40 acre plot for over one hundred years (Odgen 1961:426-427).

“All the houses are within a mile or two of the sea coast: the internal parts of the island will probably
always remain without inhabitants” (Freeman 1971:14). The last remaining lands left in common were
“not worth enclosing, and are destitute of water,” while “it is in the eastern part entirely fenced with posts
and rails” (ibid.:14).* (*Since land around Tisbury and Chilmark was settled later, we find that the
commons remained in use there for a longer time. In William Butler's diary he is sometimes at
Squibnocket, where sheep were still grazed in common. Yet, as Freeman notes, in Edgartown virtually all
the land was fenced off.)

P. 32 – This expansion to the limits of a useful land base for agriculture eventually impelled a series of
migrations from the island.

...but the great business and commercial expansion in response to the whaling industry did not really
take hold until about 1818, lasting until 1860 or so (see van Tassel 1974:32-48). The estimated number
of sheep on the island in 1807 totalled 15,600 with a wool crop of 23,400 pounds. Half of this wool was
purchased for export, chiefly by residents of Connecticut for about 30 cents a pound.

A carding mill in Chilmark processed 5,000 pounds of wool annually. The fulling mill next to it, in 1790,
pressed over 4,000 yards of cloth, the amount dropping to 3,200 yards in 1805.

p. 33 – While some younger and middle aged men took on a life at sea, most of the inhabitants of the
western end of the island still based their subsistence on farming (ibid.:21).

The tillage of the soil is not a favorite occupation with the Vineyarders. The
hand which has wielded the harpoon can not condescend to the ox-good or hay-fork. He
who has been wont to plow the illimitable fields of ocean will not turn up sand and gravel
on this limited patch of terra firma (Harper's 1860:448).

p. 35 – The townspeople, again primarily those in Edgartown and Holmes Hole, grew into an economic
body separate from the farmers at the western end of the island, and the people living along the ponds.

The 1850 census shows a total wool crop of 22,380 pounds (ibid.:43). This fell 1,200 pounds short of the
wood produced in 1807. Granted, sheepraising was still the predominant agricultural pursuit over these
years, and the local cloth mills were still busy. Yet the commercial activity of the first half of the
nineteenth century, rather than greatly stimulating further location production, seems more to have merely
provided a convenient market for the local surplus which remained fairly constant.

Most of the farming population on the island, including the pond people, remained at a
subsistence level, though apparently a comfortable one, during the whaling years.

p. 36 – An examination of the census schedule for agriculture in 1850 indicates that most farms had in fact remained at a low level of production. Out of a total 265 farms, there were 79 in Edgartown, 90 in Tisbury, and 96 in Chilmark. What intensive agriculture there was occurred in Chilmark. While Edgartown and Tisbury produced 3,258 and 5,933 pounds of wool respectively, Chilmark had produced 13,199 pounds. Almost half of the 23,147 pounds of butter produced on the island came from Chilmark (van Tassel 1974:43).

During the nineteenth century, then, the pond people continued their subsistence livelihood of farming, sheepraising, and fishing the ponds in the face of an expanding monetary and commercial economy.

p. 37 – As extended families, each locality managed to preserve and hold intact their property over several generations.

p. 38 – Land at this time was usually given to a daughter for her dower. A widow also received usually 1/3 of the estate for a dower of her own. The predominant part of the estate, especially the land, was given to a son, or shared by the sons.

p. 40 – Then, after Samuel's death in 1838,** (**There are no records of a will or inventory in DCRP for Samuel Smith (70).) the eight children made their first division of wood land at Pohogonot, which they were "seized of, and hold as in tenants in Common..." (DCRD:XXVII, 153).

p. 41 - ...Damon Y. Norton who raised sheep there until his death about 1914...

Five or six generations, then, held continuous residence on this one part of Quampache. And the region around Scrubby Neck was known as Athearnville....

p. 42 – In a sense, the families of the pond people, especially the larger ones such as the Smiths repeated within their own families the same process that had happened for the proprietors during the eighteenth century. Lands were held in common for a time within a family; their population grew and another generation followed. Lands were then set off for division between them, and continued to be bought or sold primarily among brothers and sisters, and across their generations.

When Wilmot Smith sold some "young woodland" to Harrison Smith, on January 27, 1842, ...

p. 43 –There is wool that was probably sold to the island cloth mills, and they each have about \$25-30 worth of slaughtered meat, but that is about all. They have little hay, and their crops must not have been for more than their own consumption. Gilbert Smith had the most diverse production of them all. He grew 6 bushels of wheat, which is quite rare on the island, grew far more potatoes and produced more butter than the others, and had a larger orchard.

p. 44 – Besides continuing to raise sheep, the Smith family in the last half of the nineteenth century were partners with other people on the ponds in a fishery on the Oyster Pond. Fishing rights to the ponds were leased,...

A net was stretched across the length of the Oyster Pond and drawn by horses on the side of each shore along the whole length of the pond to trap smelt and perch. The net and fish were pulled in on the south shore and the fish were packed fresh and sent to Boston or New York. This was last done about 50 or 60 years ago...

p. 45 – So, towards the close of the nineteenth century, the pond people of Martha’s Vineyard, were still following a way of life that revolved around subsistence farming, fishing the ponds, and sheepraising. The fish and wool were sold for hard money and constituted their only cash crops. Most of them were descendants of the original families on the island and their way of life was in many respects no different than that pursued by their ancestors. For about 100 years or so, from the mid 1700s to the mid 1800s, their population had grown and most remained by the ponds, dividing their lands through several generations. Their own pattern of settlement had resulted in concentrated extended family groups interspersed around the necks of the ponds primarily on the south shore of the island.

The commercial rise of the island during the first half of the nineteenth century produced no drastic changes in their own daily existence. They continued a life of subsistence much as before. But the monetary activity within Edgartown and Holmes Hole, and the attractions of a life at sea, eventually isolated the pond people by turning many young islanders away from farming and an older way of life.

At first this tourism was comprised of visitors to the Methodist camp meetings in Oak Bluffs,...

p. 69 – Real Estate:

10 Acres clear land on the east side of the meadow	\$15.00
10 Acres Wood Land called the Amy lot	165.00
50 acres Naut, Wood and clear land	310.00
6 acres Wood land in Chapaquiddick	144.00
4 acres wood and clear land in Great Hollow	18.50
107 Acres Brush land called the Great Lot	321.00

p. 79 to 80 – Bibliography

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