

than half of which are wooded, their extent appears quite vast and illimitable enough to create the illusion of a great desert. The sand itself, composed wholly of drift quartz, is very coarse compared with the silvery sands of the Jersey beaches. It is of a rich golden hue — taken in the hand it seems largely composed of ground cadmium. In itself it is valuable for many purposes, but its exportation appears to have been discontinued; however, I notice that in Boston sand very like it is used in winter upon slippery pavements with excellent effect. Old contracts for particular people frequently specified the use of Cape Cod sand in the composition of mortar to be used in the masonry of buildings. It was also used for cutting marble and granite, and a famous glass factory, employing the native product, was once in operation in Sandwich.

## CHAPTER VI

## THE PROVINCE LANDS

PROVINCETOWN, or Province Town, as it used to be written, derives its name from an earlier designation of the sandy extremity of the Cape. From a line running from the bay beach to the back side, in the vicinity of the Atkins-Mayo Road, which it crosses, the whole of the hook was set apart in the general allotment of property by the Pilgrim fathers as having no value for agricultural purposes, and reserved as a colonial fishing right to be held in common by the Colony of New Plymouth.

The Colony of New Plymouth had received by royal patent a grant of all the coast from Cohasset to Narragansett in 1629-1630. The colony in turn granted parts of its domain to several sub-colonies. The ordinary act of setting up a town in Massachusetts began with a grant of land from the general court to a body of inhabitants; this body of inhabitants then divided up the land; but in the case of "Cape Cod" that grant of land was omitted — all the other titles and privileges were given but the

title to the land was withheld. When the governor of Plymouth, under an order of the general court, in order to substantiate his claim to the territory, purchased this tract from its aboriginal possessors, he specifically mentions that the said lands were "assigned for the Collonie's use for ffishing Improvements."

Later, in 1692, when the Plymouth Colony was merged with the Massachusetts Bay Colony, the lands at the Cape being still reserved by the province for the benefit of the community, came to be called "province lands."

When, in 1727, "Cape Cod" was separated from Truro, and incorporated into a township under the name of Province Town, an important provision of the act reserved to the province its right to the *land*, which right, it was stipulated, should be "in no wise prejudiced, the lands to be held in common as heretofore."

When the provincial government came to an end these lands, expressly reserved to the province, became the property of the Commonwealth of Massachusetts.

Until 1893 the state owned even the building sites upon which all private residences, shops, wharves, public buildings, etc., stood, there being no individual land proprietors in Provincetown, an

unusual situation leading to much dissatisfaction and misunderstanding amongst residents, and many appeals. Finally, in the year mentioned, against the better judgement of those who placed the welfare of the commonwealth above the personal considerations of a comparatively few disgruntled citizens, a measure was railroaded through the state legislature by which about a thousand acres, including the whole of the inhabited portion of Provincetown, were released to the population in occupancy, and a line was fixed separating the Province Lands from the village of Provincetown.

Previous to the passage of this act it is interesting to note that in all official documents the inhabitants of Provincetown were ~~always~~ referred to as "holders" or as "occupants" of the lands, never as "owners." In practice, however, the inhabitants, either wilfully or in true ignorance of the law, asserted the right of ownership, based on a variety of claims, including peaceable possession for a century, staking, fencing, inheritance by will, purchase, warranty deeds passed amongst themselves, and above all "local customs and usages." It seems very curious, but it is nevertheless true, that there are to-day people owning property in Provincetown who have never heard of the former state ownership of their lands.

By this statute private ownership is still impossible in the reserved portion lying to the north and west of the established line. This line follows more or less in the track of the Atkins-Mayo Road through the wooded belt to the dunes, in a direction which, if followed across to the back side, would come out about half way between the Peaked Hill Bar and the Crow Hill life saving stations; but turning sharply to the west not far beyond the railroad tracks it pursues a zig-zag course in that general direction for about three miles, and turns back again to the bay shore, meeting the coast at about the point where the Pilgrims are said to have landed, enclosing the town. This excludes Long Point, Wood End, Race Point, and the greater part of that extensive desert area behind the protective belt of woodland, all of which, with the exception of Long Point, ceded to the federal government during the Civil War, still is held as state property, under the original title of the Province Lands.

This property, originally held by the forefathers to protect the fishing interests of the Cape, is now retained by the commonwealth as an important measure for the conservation of the harbour, thus enabling the authorities to exercise a more effective surveillance than would be possible were the areas under private ownership.

The "fishing Improvements" were considered a very valuable and important asset to the forefathers. Cape Cod had established a reputation with this regard before they came to these shores, for had not Captain John Smith reported that five hundred sail of fishermen had rendezvous at the harbour, which they used as a refuge and as a headquarters for their "bacchanalia"? It was they who began the slaughter of the native woods, and they formed in a sense the first residents.

The Pilgrims made of the tip of the Cape a source of considerable revenue to their colony. In early days, before any settlement was made here, the industrious forefathers worked their claim to the fishing privileges in the waters around Cape Cod largely during the summer season, using the land for curing their fish, and returning to Plymouth in the autumn.

The original tract, now comprising the village of Provincetown, with Long Point across the harbour, and the immense area of dunes from sea to sea, and extending east as far as a stream, named in the deed as Lovell's Creek, in Truro, was purchased from the Indians for the government and colony of New Plymouth, for the colony's use, in the year 1654, "or sometime before that date." The first deed of the land was given by an Indian

called "Sampson" to Thomas Prence, the governor of the colony, the consideration being "2 brasse kettles, six coates, twelve houes, 12 axes, 12 knives, and a box." This deed was not recorded and all trace of it has been lost, but we know of its existence and its conditions because it is referred to in a deed issued twenty-five years later, confirming the first one, and issued in order to satisfy the claims of the Indians, "Peter" and "Joshua," to part of the territory disposed of by Sampson without their knowledge or consent. The claims of "Peter" and "Joshua" were satisfied by the additional payment of £5 10s., and the original of this deed, made to John Freeman, one of the assistants of the colony, "in behalf of the Government and Collonie of New Plymouth," is preserved in the office of the secretary of the commonwealth.

The confirmatory deed is a delicious document, very meticulous as to boundaries. Peter and Joshua claimed, it seems, a piece (or prsell) of land "lying between sea and sea, from Lovell's Creek to Little Pond, called by the Indians Weakwolth-tagesett, ranging from thence by a marked pyne tree southerly by a smale Red oak tree marked standing on the easterly end of the clift called by the Indians *Letistotogsett*, because Cormorants used to roost there," etc.

The Indians, Peter and Joshua, who had learned something since Sampson sold his birthright, reserved for themselves and their heirs the right to "sett theire Wigwams there—to cut firewood and beach grasse and flages for their use, and to gather wild pease huckleberryes and cramberries" (the *m* is not a misprint, and I like it, for it was as *cramberries* that I first learned to love this delicious fruit) "and to have such Whales and Blackffish porpusses and blubber as should cast on shore between the said Louell's Creek and the Clift aforesaid." This deed is dated February 5, 1679.

It is rather satisfactory to note throughout the dealings of the Pilgrims with the aborigines a strict sense of justice and honesty. By these deeds we see that the Plymouth colonists recognized the title of the Pamet Indians to the Cape, and took care not to dispossess by force or by trick, but to purchase the lands in equity.

The origin of the first permanent settlement of Cape Cod is shrouded in mystery, but its probable date has been fixed at about 1680. Squatter fishermen from various places certainly formed the first settlers. Under the old ruling fishermen living in the town might take as much of the unoccupied common lands as necessary for their homes and their industry, and any part of the shore—not al-

ready in use—to the extent of their needs. To offset the disadvantage of not being permitted to own land, the inhabitants of the Province Lands were for more than a century (until 1790) exempt from taxation and accorded further privileges in order to encourage settlement, not only to provide a shelter in conjunction with a harbour of such primary importance, but in recognition of the great public benefit of the employment of its citizens. The lands of Cape Cod could never support its inhabitants—it is therefore as a nursery for seamen that it was then, and is still, one of the most important places in the country.

The custom of leasing the bass fishery at the Cape to such roving fishermen as applied was early established; and the income thus derived was used to support the schools of Barnstable, Plymouth, Duxbury, and other towns in the colony. Afterwards, as the income increased, it was extended to other public uses. We find in the rare early records of Cape Cod that, in the year 1684, the bass fishing was leased to William Clark, of Plymouth, for a term of seven years, at £30 per annum.

The village of Provincetown is built along a narrow strip of reclaimed land lying in the lee of the inner range of dunes bordering the harbour. This inner range of hills begins at Mount Ararat and

Mount Gilboa, back of East Harbour, and, following the semicircular contour of the shore, terminates in Stevens' Point, Telegraph Hill, Miller Hill, and Town Hill, that landmark for miles around, upon whose summit stands the Pilgrim Monument. Bradford Street in part runs over the crest of the inner range, commanding superb bird's-eye views of the harbour, while Commercial Street hugs the shore line, the bulk of the population being lined up on the inner side facing that absorbing spectacle.

The town is altogether unique. Thoreau called it the most completely maritime town he had ever seen, and his description, except for the loss of the picturesque windmills of the salt works, on the water side, might stand to-day, so little has the town changed in general character in the last sixty years. It is still merely "an inhabited beach . . . without any back country." I suppose every summer visitor feels the same disappointment with Provincetown upon his first encounter—the place has so little the character of a resort, and while the people are the kindest and most hospitable to be found in all New England, there is so little domination by the summer colony.

We think of ourselves as bringing so much life and gaiety to such a place and picture the "na-

tives" disconsolate after our departure; but my landlady told me in confidence that she "liked better when the summer folks had gone, and they ain't so much passin'."

The "passin'" is indeed a consideration in Provincetown, since it all takes place along that narrow plank walk, built on the inner side of Commercial Street from the town's share of the surplus revenue distributed by the state in Jackson's administration. "Up along" and "down along" it runs for a good three miles before the residential edging of the sand-hills, and is the only paving that the town affords; for those who would tramp Bradford Street, or cut through the narrow lanes that connect, at intervals, the two thoroughfares, must take to the dirt road, itself, however, a vast improvement over the heavy sandy ways of half a century ago. Thoreau speaks of pictures of Provincetown in which the inhabitants are not drawn below the ankles, so much being supposed to be buried in the sand. And one has not to go far afield to experience the probable truth of this whimsical statement. As to the peculiar Provincetown gait, by which the girls in those days were said to dump the sand from their slippers at each step, though I questioned many they smiled knowingly and would give no satisfactory answer. I suspect it is an art like the



THE PROVINCE LANDS: "GOING GUNNING".  
FROM A WATER COLOUR BY DODGE MAC KNIGHT.

wearing of the kilt, to which one is born, and no trick to be caught by a floating population.

One thing we all noticed was a supreme superiority of the "natives" in their attitude towards the plank walk. We summer folks were vastly conscious of its limits, and scrupulously made room for one another to pass, whereas the indigenous seemed oblivious to its advantages—they never turned aside for anybody, would crowd you into the street or on to the sandy margin with utmost unconcern and apparent rudeness; but on the other hand they themselves walked as readily in one place as another. It was not until I happened to read that some of the inhabitants were so provoked because they did not receive their particular share in the surplus revenue, that they persisted in walking in the sand a long time after the sidewalk was built, that I began to understand. Added to a knowledge of the New England character it furnished the key to the whole situation.

There was old Nathaniel Woodbury, at Folly Cove; he opposed the building of the trolley car line that passed his property in circling Cape Ann. His official protest availed nothing, and the road was built; so during the remainder of his long life the old man proceeded to ignore the existence of the offence. When he walked out he walked in the

middle of the track, and, as he was totally deaf and well known to the motor men of the line, most of whom are Gloucester boys, they had no choice but to murder him or to stop the car and escort the obstinate old fellow out of the way. Of course they chose the more humane course, and it became a typical scene at the Folly, to see a stalled car and a courtly motorman leading Mr. Woodbury out of harm's way. I made the *faux pas* one day of asking the old gentleman what time the cars passed for Gloucester, and he answered with a certain fine irony, standing beneath the beautiful apple trees of his ancestral home: "They run by right often when they ain't off track—but they're generally off track." And so having deftly damned them as inefficient modern trivialities, he turned his sea-blue eyes off to that point of the horizon where their color found its counterpart and relapsed into a sphinx-like reverie.

No. Provincetown is not beautiful in the accepted sense of the term. There are no grassy lawns sweeping down to the sea, as at Magnolia and Prides; there is no cliff walk, as at Newport; there are no clean swept sheltered nooks along the sands, as at Annisquam; no dreamy, antiquated burying ground, as at Plymouth; while the approach to its *pièce de résistance*, that heavenly

back country, that dream of dunes, ponds, and cranberry bogs is infested with a belligerent horde of mosquitoes, through which one must pass, as St. Francis of Assisi through the flames. ~~—~~

The lure of Provincetown is deeper and more substantial. It adapts itself to the summer residents with the same complaisance that it tolerates the increasing presence of the Portuguese. Both bring changes with them; both contribute to the growth and prosperity of the town; but neither deflects it from its course. In this respect Provincetown has much in common with foreign seaport towns, or for that matter with foreign metropolitan cities. Paris, in the old happy days, did not stand still to admire the innovations of the *étrangers*, neither did it alter its ways because of them; it graciously permitted them to enjoy its beauty and share its privileges.

Provincetown does the same, and so far as I can see, beyond the erection of a few pergolas and latticed screens, at the east end of the town, the city folks have had no effect at all upon its intrinsic quaintness. The chief, the sole, the endless industry of the town is fishing, and the Portuguese who have come there have been taken and shaped to that end. What local colour they have added is to the picturesque advantage of the town; they have their



“quarter” in the west end, and have redeemed some of the waste land in the rear. The first of the Portuguese settlers were brought as stowaways from the Azores by the old whalers and deep-sea fishers who touched at these islands, and many of them emigrated in this surreptitious fashion to avoid military duty. Since they are excellent fishermen they make useful citizens, and though they do not assimilate with the Cape Cod folks, yet I believe the Latin influence has had a softening effect in the temper of this locality, just as the Scandinavians and Finnish have intensified the harder features of Cape Ann.

The flakes and the salt works have given place to cold-storage plants, and the native product is handled more in wholesale than formerly, and many of the smaller wharves are rotting away, a number having been lost in the unprecedented rigors of winter before last. Railroad wharf presents the scene of greatest activity, especially on a Saturday night, when the mackerel schooners discharge their cargoes, and the men can be seen, by the light of torches, standing knee deep in the shimmering, iridescent fish, tossing them to the receivers through the great open doors of the fish house, where all through the week they are split, cleaned, salted, and packed in barrels; or unloading them direct upon

the cars that will carry them to Boston, by means of an instrument with one iron prong built on the pitchfork plan. To facilitate this business, as already mentioned, a branch of the railroad is carried far out on the long wharf, uniting the one kind of transportation with the other.

It is well known that the settlement of Provincetown began on what is now known as Long Point, that remote extension of the hook, marking the termination of the spiral enclosing the harbour. Thirty-eight families, with a total of about two hundred souls, once constituted the active population of this strip of sand, having chosen that locality on account of its proximity to the fishing grounds, by which it was indeed surrounded. It was for these to suffer the full penalty for having occupied the Province Lands—for the federal government laid claim to the point as a measure of war during the Rebellion, and as the state ceded the territory its occupants were summarily dispossessed. Finding the ground taken from under their feet, as it were, with much grumbling there was nothing left for the unfortunate inhabitants but to take up their homes and go. Accordingly one fine day the houses on Long Point were loaded upon scows and all set sail for the mainland, settling anew at the western end of the town, near what is called Gull Hill. One