

A Parcel of Fish by Connor Cobb

When a pilot whale was stranded on a West Falmouth beach in March of 2020, a volunteer from the International Fund for Animal Welfare remarked, “In my 19 years as a volunteer, this is the first report I can remember of a stranded pilot whale.”ⁱ But on another spring day 327 years earlier, there had been a mass stranding of 130-145 pilot whales just a few miles to the south. The 1693 stranding provoked a firestorm of controversy, leading to a court case that featured the testimony of several early town residents, both English and Native American.



The facts of the case are simple. Just before noon on the 15th of April, “Indian Cappe of Suckanesset” returned home to hear unusual news. His wife told him that “there were some fishes” by the shore. Walking to a nearby hill with axe and gun in hand, intending to shoot the fish, Cappe recognized he would need assistance. He called for his neighbor William Gifford, “that he might help me kill said fish,” which were at a place called “Little Sepeuwisset” (likely in the area of Wood Neck beach).

Grabbing his axes with haste, Gifford joined Cappe and his son and “choped [sic] killed or wounded all” of them. The brutal task, which took the better part of the day, was difficult, and when they completed it they were “exceeding spent and tired” and so removed to a wigwam, “not far distant.”

“Being a stranger to such fish,” Gifford then enquired of his neighbor John Robinson what exactly the great fish were, and, just as importantly, what they were worth. Heading down to the shore again, Gifford and Robinson identified them as cow fish or black fish (pilot whales). With the receding tide, some of the whales, wounded but not dead, lay stranded, so the men went back to work until they had “killed them all” and fastened or secured them in place.

The next day, Gifford and his friends rested, while news of the massive windfall spread like wildfire. Suckanesset resident Joseph Hatch heard about

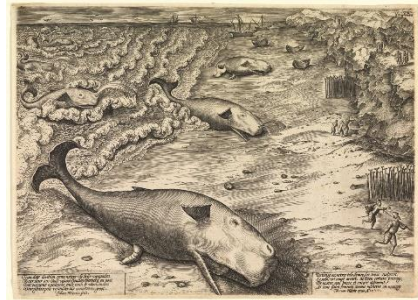
it from “an Indin caled Wattapon.” On April 17th, Hatch joined James Percival and headed down to little Sippewissett, where they saw a “considerable number” of whales unsecured between the shifting of the tides and below the high water mark. “Accounting them to be the town’s right,” Hatch and others began cutting the blubber and transporting it above the high water mark.

Indian Cappe of Suckanesset
testified that on the 15th

Discouring with an Indin caled Wattapon.

The next day, April 18, William Gifford arrived on site and “forbade them working upon” the fish. They were his property, he claimed, as their demise was his own work. Gifford’s family history may have led him to distrust all town governments. When he was a child, his family had been persecuted by Sandwich officials for their Quaker beliefs. Now the town of Falmouth, newly incorporated in 1686, was encroaching on his rights, as he saw it. This small town dispute spiraled into a court case that found its way to the highest court of the Massachusetts Bay Colony.ⁱⁱ

Meanwhile, recognizing that if nothing was done with the whales, the valuable blubber and oil would go to waste, Major Wait Winthrop (onetime owner of Naushon island) intervened. In a letter to the selectmen of Suckanesset, Winthrop wrote to “requier you to take all said fish into your custody.”



An arrest warrant for William Gifford was filed. He countered with claims of trespass and loss of 300 pounds. The selectmen (Samuel Lewis, William Weeks, and Thomas Bowerman) were summoned to answer Gifford’s claims. Over the course of a year, the case climbed from the county court to the colony level, with testimonies accruing from 15 different individuals, all men between the ages of 17 and 63. These witnesses often presented contradictory accounts.

The case is remarkable not only for its proof of a massive pilot whale stranding, but also for what it says about the coexistence of Natives and colonists more than 30 years after the first white settlement. While traces of Native American presence in Falmouth can be uncovered in Falmouth Historical Society’s archives, there’s barely an account that shares more than a few words. The testimony in this case adds to our base of knowledge, and raises further questions.

How friendly were Cappe and Gifford, or Hatch and Wattapon? Colonists and natives were talking to each other, but in what language? Was Cappe’s court testimony given in English? Native-colonist relations elsewhere in New England deteriorated after King Philip’s war (1675-1678), shifting away from a tense coexistence towards a far more hostile relationship. Did the relationship between the Suckanesset residents follow the same pattern?

In short, it’s difficult to tell. Some degree of trust and understanding must have existed for Cappe and Gifford to remove to a wigwam after their work and recover together. With a paucity of evidence it’s a challenge to draw sweeping conclusions about inter-communal relations, but Cappe and Gifford’s moment of cooperation is worthy of note.

In March 1694,ⁱⁱⁱ a Plymouth jury ruled in Gifford’s favor, awarding him 131 pounds plus court costs. This verdict was confirmed at a Superior Court session held in Bristol six months later. The selectmen appealed to the governor’s council and were granted a new trial in October 1695, but the court file contains no evidence of further action on the case.

Gifford's legal victory was due, in part, to Cappe's testimony—proving the ongoing importance of Native words and Native people in the new town of Falmouth.

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ⁱ https://www.capenews.net/falmouth/news/pilot-whale-strands-at-west-falmouth/article_2f5a352c-a359-5964-905c-94e1e829f4be.html

ⁱⁱ The court papers are preserved in the Massachusetts State Archives, Suffolk Superior Court files, which is the source of all quotations herein related to the trial. The case was tried in 1694 at the Superior Court of Judicature.

ⁱⁱⁱ Court documents are dated 1693/4, using the old Julian calendar.