

## *Forever Common*

In 1652, John Eliot, the so-called prophet of the Indians, having successfully converted a mixed band of Native Americans to the Christian faith, granted the group a sixteen-square-mile tract of land just northwest of Concord to be called Nashobah Plantation. The Indians set up a village of English-style frame houses; planted their fields in corn, beans, and squash; and, having cut their hair and agreed to wear shoes, settled in to live in the English manner.

Like many of their people, the tribe had no clear concept of ownership of land. Over the millennia in North America, they had evolved a system of land use that was based on rights of use rather than outright ownership. At a yearly council, the leader of the tribe would assign certain portions of a territory to certain family groups for a specific use, such as berry picking or hunting. Sometimes the rights of use would even overlap, so that one family could hunt deer in a given area but not pick the blueberries whereas another family, using the same section, could pick the blueberries but not hunt the deer. It was a good system; the lands were allotted according to the availability of game or fruits and were assigned to ensure sustainability.

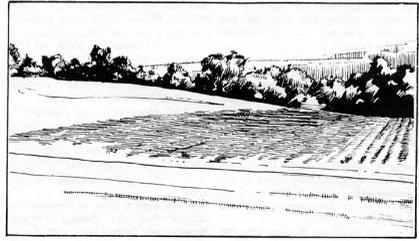
But unfortunately, the practice, which had evolved over a period of some 3,000 years, was about to come to an end.

With the outbreak of King Philip's War in 1675, in spite of the Nashobah Indians' Christianity and their allegiance to the English, colonists relocated them to Deer Island in Boston Harbor where many succumbed to starvation. After the war, the people dispersed; only one or two returned to Nashobah; and in 1725, the last known survivor, a woman named Sarah Doublet, sold the remaining 500 acres of land at the core of the plantation to a family from Concord named Jones.

Under the English governance, the tract did not exactly belong to the Jones family. The property was theoretically "owned" by the King of England. Not unlike the Indians, the Jones had leased the rights of use. But after the American Revolution, the pattern of land control changed yet again, and the 500 acres of the original sixteen-square-mile plantation were divided and sold and owned outright by the

various parties in fee simple, as the phrase has it. No strings attached. In theory, the owners could do what they liked with the property—which, until zoning regulations came along in the 1950s—they did.

Fortunately, over 320 years of private ownership the various proprietors proved to be good stewards. They maintained farms and orchards, specializing in apples, Berkshire hogs, and Holstein cows. By the late 1800s, the whole Nashobah Valley, of which this plot was a part, was devoted mostly to apples. In 1905, more apples were exported from this region than from anywhere else in New England—mostly to Britain.



Then in the late 1950s, just when the farms and the orchards in the Nashobah Valley were beginning to decline, a single owner got ahold of the entire 500-acre plot where the Christian Indian village had been located and began to restore the declining orchards. He grew peaches and introduced new varieties of apples and made use of innovative growing techniques, including methods designed to reduce pesticide use; and when he died, in 1986, it was learned that he had written a covenant into his will—the land could only be legally sold for agricultural use.

By the 1990s, there was a new crop sprouting in the Nashoba Valley, this one obliquely related to another sort of apple—i.e., the computer. No buyers were interested in land for farming. But the town had been given the right of first refusal on the property, and after very little debate at town meeting the orchard was saved.

As a result of that purchase, this isolated, otherwise unremarkable, little tract offers an instructive lesson on the nature of land use. For as many as 3,000 years under Indian management, the tract was basically common land, open to use to anyone in the tribe—with restrictions. During the 150-year control of the English, it was granted by the Crown—with restrictions. Then it was privately held for 300 years. Now it is common land again—also with restrictions.

But whether private or Crown or common, as a result of sound stewardship by three different cultures, the basic ecological structure of the land, the woods, fields, orchards, and lakeshore has endured.

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