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Each student has a copy of this notebook filled with the Primary Sources that we will be using during this lesson. Middle Level students from Maine with the MLTI laptops will be able to use this notebook as a NoteShare notebook. They will be able to add their own notes to each section, add additional resources, and open each link within the notebook. Multimedia resources may be added if desired along with voice memos from the teacher or the student.

Currently this notebook is in web based format and can be opened by students on any Mac or PC using a browser. All resources are available, however the editing capacity is not available. Resources from web based links are not self contained. They require access to the internet to open.

This notebook has the complete treaty between the Penobscot Tribe and the new State of Maine in 1820 at the time of statehood. This includes a copy of the original primary document and the text version.

There are also copies of correspondence regarding this treaty.

Additional resources are provided for background and further self study purposes.

*"The Ancient Penobscot, or Panawanskek" is not really on point for this lesson except for the brief section that identifies what the Penobscot gain for giving up their lands.*

*Norumbega Reconsidered Maps are very interesting, but you need to look at the pages A19 and A24 for our maps.*

Each primary document also includes a text document contained on the same page.

Remember to use your zoom tool if text is too small for you to read easily.

***Maine Learning Results***

**APPLICATIONS OF SOCIAL STUDIES PROCESS, KNOWLEDGE, AND SKILLS**

**A-1, Applications of Social Studies Processes, Knowledge, and Skills: Researching and Developing Positions on Current Social Studies Issues**

**A-2, Applications of Social Studies Processes, Knowledge, and Skills: Making Decisions Using Social Studies Knowledge and Skills**

**Civics and Government:**

**B-2, Rights, Duties, Responsibilities, and Citizen Participation in Government**

**Economics:**

**C-1 Economic Knowledge, Concepts, Themes, and Patterns**

**GEOGRAPHY**

**D-1. Geography: Geographic Knowledge, Concepts, Themes, and Patterns**

**HISTORY**

**E1. Historical Knowledge, Concepts, Themes, and Patterns**

Treaties between the Wabanaki Tribes and the English from the Massachusetts Colony were made following the Frontier Wars. Following the Revolutionary War the Province of Maine was still part of Massachusetts.

In 1820 Maine becomes a state.

New treaties between the Wabanaki Tribes and the new State of Maine were written and agreed to.

Lesson - 2 or 3 days

Step One

Students will individually read through this notebook. Skim the primary documents and be ready to analyze them within your groups.

Step Two

In groups of 2 or 3 students read the primary documents together.

Students may read the document out loud quietly to each other.

Step Three

In your same groups read each of the letters that go along with the treaty.

What additional information about the treaty can you glean from these letters?

Step Four

Answer the following questions in your group, then as part of a class discussion

Who does the treaty favor? Maine or the Native Americans?

What is your evidence?

What does the Native Americans get out of this treaty?

Do you think it is a valuable as what they give up? Why or why not?

Step Five

You are a member of the Penobscot Tribe, but not a part of the leadership that negotiated this treaty.

Write a letter to the tribal elders sharing your point of view about the treaty. Do you agree or disagree with the treaty? Why?

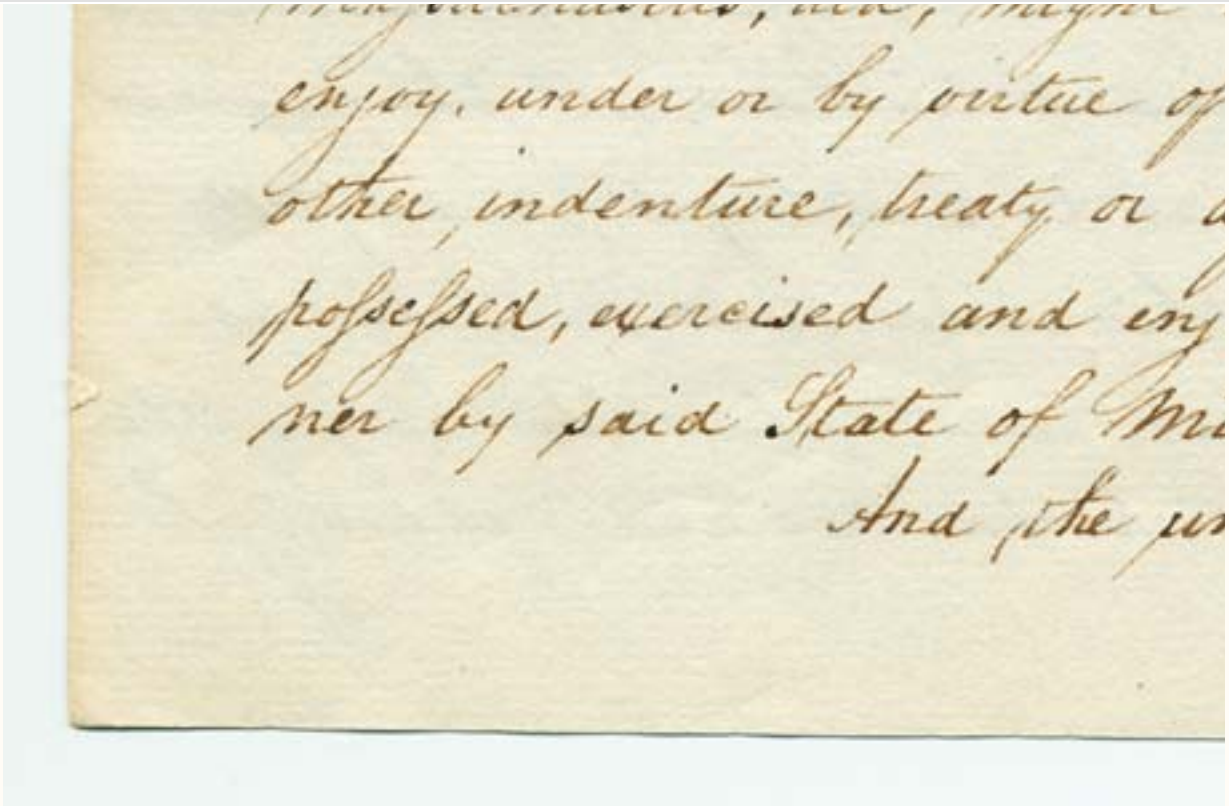
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This writing, indented and made  
the year of our Lord one thousand  
and between Lothrop Lewis  
land and State of Maine,  
William King, Esquire, Governor,  
advise and consent of the  
the Legislature of said State  
in the year of our Lord, one  
treat with the Penobscot tribe  
subject expressed in said  
Penobscot tribe of Indians  
and men of said tribe, represent  
part; Wetneseth, That, the  
consideration of the covenants

the part of said Commission-  
-formed, kept and fulfilled  
and quitclaim, to said State  
interest and estate, in and  
granted, sold and conveyed  
-achusetts, by our writing of in-  
-wealth by their Commission-  
Daniel Davis and Mark L. A.  
the year of our Lord, one th  
saving and excepting, the  
and expressed, meaning an  
place, the said State of Mas  
Commonwealth of Massa  
whatsoever, as it regards sa  
said tribe of Indians, so t  
immunities or privileges, wh  
Massachusetts did, might





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This writing indented and made this seventeenth day of August, in the year of our Lord one thousand eight hundred and twenty, by and between Lothrop Lewis of Gorham in the county of Cumberland and State of Maine, esquire Commissioner, appointed by William King, Esquire, Governor of said State by and with the advise and consent of the Council, in conformity to a resolve of the Legislature of said State, passed the twentieth day of June, in the year of our Lord one thousand eight hundred and twenty, to treat with the Penobscot tribe of Indians, in said State upon the subject expressed in said Resolve, on the one part; and the said Penobscot tribe of Indians, by the undersigned, Chiefs, Captains, and men of said tribe, representing the whole thereof, on the other part; Witnesseth, That, the said Penobscot tribe of Indians, in consideration of the covenants and agreements, herein after mentioned on the part of said Commissioner, in behalf of said State, to be performed, kept and fulfilled do hereby grant, sell, convey, release and quitclaim, to said State, all their the said tribes right, little, interest and estate, in and to all the lands and possessions, granted, sold and conveyed by us, to the Commonwealth of Massachusetts, by our writing of indenture, made with said Commonwealth by their Commissioners, the Honourable Edward H. Robbins, Daniel Davis and Mark L. Hill, Esquires, June the twenty ninth, in the year of the Lord, one thousand eight hundred and eighteen; saving and excepting, the reservations, in said indenture made and expressed, meaning and intending hereby, to substitute and place, the said State of Maine, in the stead and place of the said Commonwealth of Massachusetts, to all intents and purposes whatsoever, as it regards said indenture last mentioned, with the said tribe of Indians, so that all and singular, the lands, rights, immunities or privileges, whatsoever which said Commonwealth of Massachusetts, did, might or could hold possess, exercise and enjoy under or by virtue of said indenture, or treaty, or by any other, indenture, treaty, or agreement whatsoever shall be held possessed, exercised and enjoyed in as full and ample a manner by said State of Maine: ----

And the undersigned Commissioner, on his part  
in

[PenobscotTreatyTextpg1.pdf](#)



The said Commonwe  
intents and purposes, w  
indenture last ment  
Indians, so that all an  
immunities or privily  
Commonwealth of M  
or could hold, popep, ex  
virtue of said indentu  
indenture, treaty or a  
be held, popep, exere  
and ample a manne  
And

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in consideration of the  
covenants and engagements  
by covenants with said  
and enjoy, all the power  
virtue of said treaty,  
eighteen hundred and  
signed Commissioners,  
Maine, does hereby  
with said tribe, that  
of Massachusetts, shall  
The stipulations on her  
admitted and to wit

...under and by our  
acts, relating to the sep  
Maine from Massachu  
the same into a separate  
paper June the nineteenth

[4-88\\_2\\_PenobscotTreaty.jpg](#)



the said Commonwealth of Massachusetts to all intents and purposes whatsoever, as it regards said indenture last mentioned, with the said tribe of Indians so that all and singular, the lands, rights, immunities or privileges, whatsoever, which said Commonwealth of Massachusetts did, might or could hold, possess, exercise and enjoy under only virtue of social indenture, or treaty or by any other indenture, treaty or agreements whatsoever, shall be held, possessed, exercised and enjoyed in as full and ample a manner by said State of Maine.

And the undersigned Commissioner, on his part in behalf of said State of Maine, in consideration of the promises, and of the foregoing covenants and engagements of said Tribe does hereby covenants with said tribe that they shall have and enjoy all the reservations made to them, by virtue of said treaty of the twenty ninth of June. eighteen hundred and eighteen. - And the undersigned commissioner in behalf of said State of Maine, does hereby further covenant and agree with said tribe, that as soon as the Commonwealth of Massachusetts, shall have made and fulfilled the stipulations on her parts to be done and performed, under and by virtue of the fifth article of an acts, relating to the separation of the Districts of Maine from Massachusetts Broken and forming the same into a separate and independent State passed June the nineteenth eighteen hundred and nineteen

[PenobscotTreatyTextPg2.pdf](#)





then the said State of  
nually, and every year  
long as they shall remain  
within the said State  
use of the said Penobscot  
Town, the following  
bushels of Corn, fifteen  
barrels of clear pork, or  
one hundred yards of  
to be of red color, one y  
and so on alternate

hundred pounds of  
and pounds of shot  
hundred and fifty  
dollars in silver.

If being meant and  
perform all the duties  
Commonwealth of  
said Indians, whether  
treaties or otherwise,  
place, the said Sta  
to all intents and  
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and

Mapachusetts, so that  
tinned to them, all  
all the immunitie  
and ample a man  
treaty, as they could

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Then the said State of Maine, shall and will, annually and every year in the month of October, so long as they shall remain a nation, and reside within the said State of Maine, deliver for the use of the said Penobscot tribe of Indians at Old Town, the following articles; to wit; five hundred bushels of Corn, fifteen barrels of wheat flour, seven barrels of cured pork, one hogshead of Molasses and one hundred yards of double breadth broad cloth to be of red color one year, and blue the next year and so on alternately, fifty good blankets, one hundred pounds of Gun powder; four hundred pounds of shot, six boxes of Chocolate, one hundred and fifty pounds of tobacco, and fifty dollars in silver.

It being meant and intended, to assume and perform, all the duties and obligations of the Commonwealth of Massachusetts, toward the said Indians, whether the same arise from treaties or otherwise, and to substitute and place, the said State of Maine in this respect to all intents and purposes whatever in the stead and place of the Commonwealth of Massachusetts, so that said tribe may have continued to them, all the payments and enjoy all the immunities and privileges, in as full and ample a manner, under this indenture, or treaty, as they could have received or enjoyed, under

[PenobscotTreatyTextPg3.pdf](#)



under the said treaty, of  
teen hundred and eight  
had not been made  
The two acres of land, re  
twenty ninth eighteen  
purchased for the use of  
ed, the performance of  
the said tribe to the  
Reserving however to the  
power and right to ra  
The doing of said com  
In Witness where

have herunto set  
day and year first

Signed, Sealed and  
Delivered in presence  
of Us,

Wm Williams

Jo

William Emerson

Joseph Peas

John

Stephen Lewis

J. W. Blake  
Eben White

Cap



[4-88\\_4\\_PenobscotTreaty.jpg](#)





under the said treaty, of the twentieth of June, eighteen hundred and eighteen, if this present treaty had not been made. --- Saving and excepting the two acres of land, which were by the treaty of June twenty ninth eighteen hundred and eighteen, to be purchased for the use of said tribe, in the town of Brewer, the performance of which, has been relinquished by the said tribe to the Commonwealth of Massachusetts.

Reserving however to the government of this state, the power and right to ratify and confirm, at pleasure the doings of said commissioner in the premises

In Witness whereof, the parties aforesaid, have hereunto set our hands and seals the day and year first within written.

Signed Sealed and Delivered in presence Of Us Mr D Williams a William Emerson Joseph Lears Stephen L. Lewis F.M. Blake Eben Webster	Lothrop Lewis		
	his		
	John Aten	+	Governor
		mark	
	John Neptune	x	Lt. Gover
	his		
	mark		
Captain Francis	x	Lolon	
	his		
	mark		
Captain Elien	x	Mitchel	
	his		
	mark		
Captain Peil	x	Mitchell	
	his		
	mark		

[PenobscotTreatyTextPg4.pdf](#)



his  
Sole + Joseph Captain  
mark

his  
Piel + Marie Captain  
mark

his  
Lucien + Neptune Cap  
mark

his

Awasos X Mitchel Capt  
mark

his  
John X Orson Capt  
mark

his  
Joseph Marie + Neptune  
mark

his  
Joseph + Lion  
mark

his  
Glocian x Awasoos  
mark  
his  
Capt. Nicolas + Tomah  
mark

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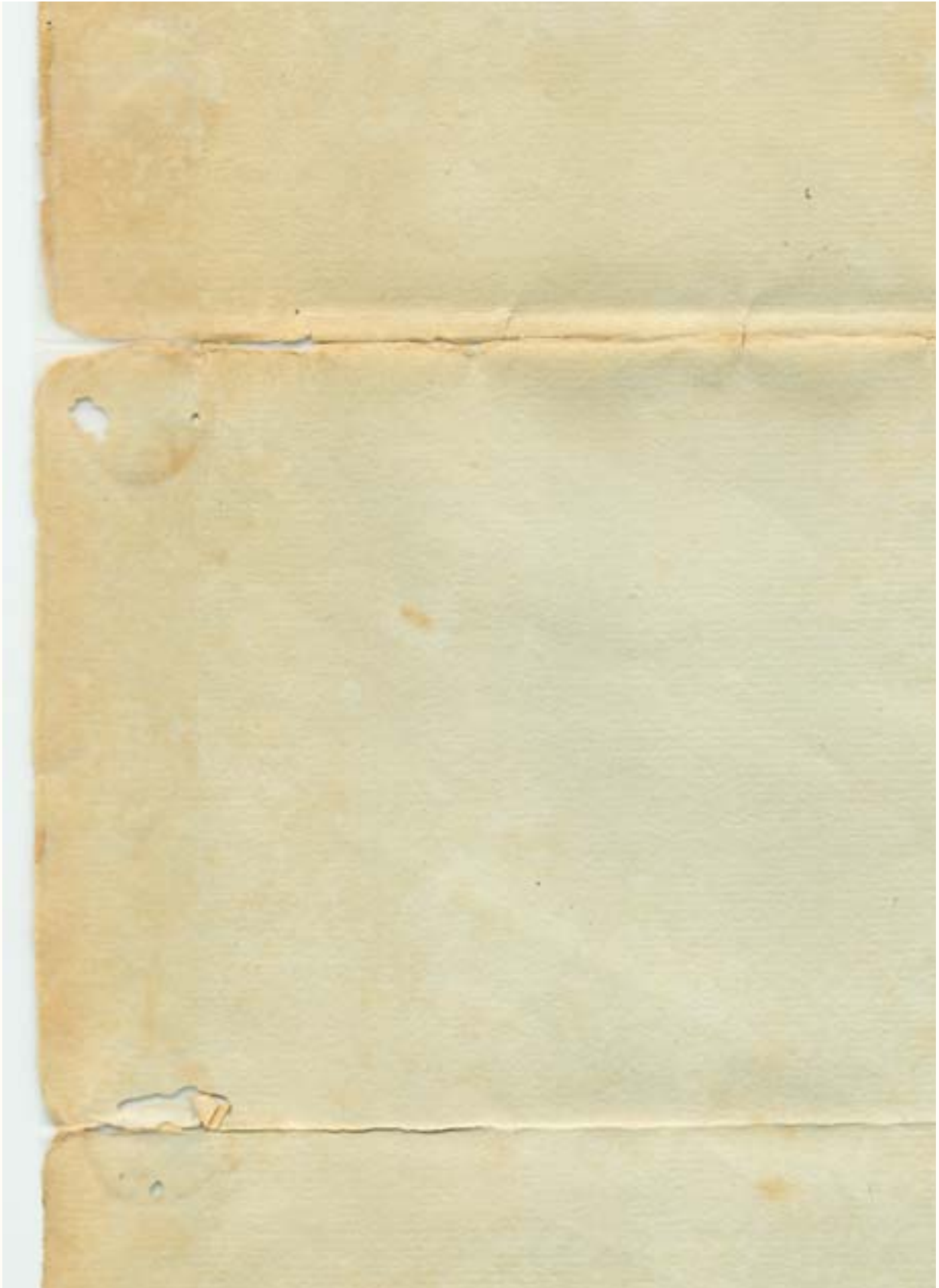


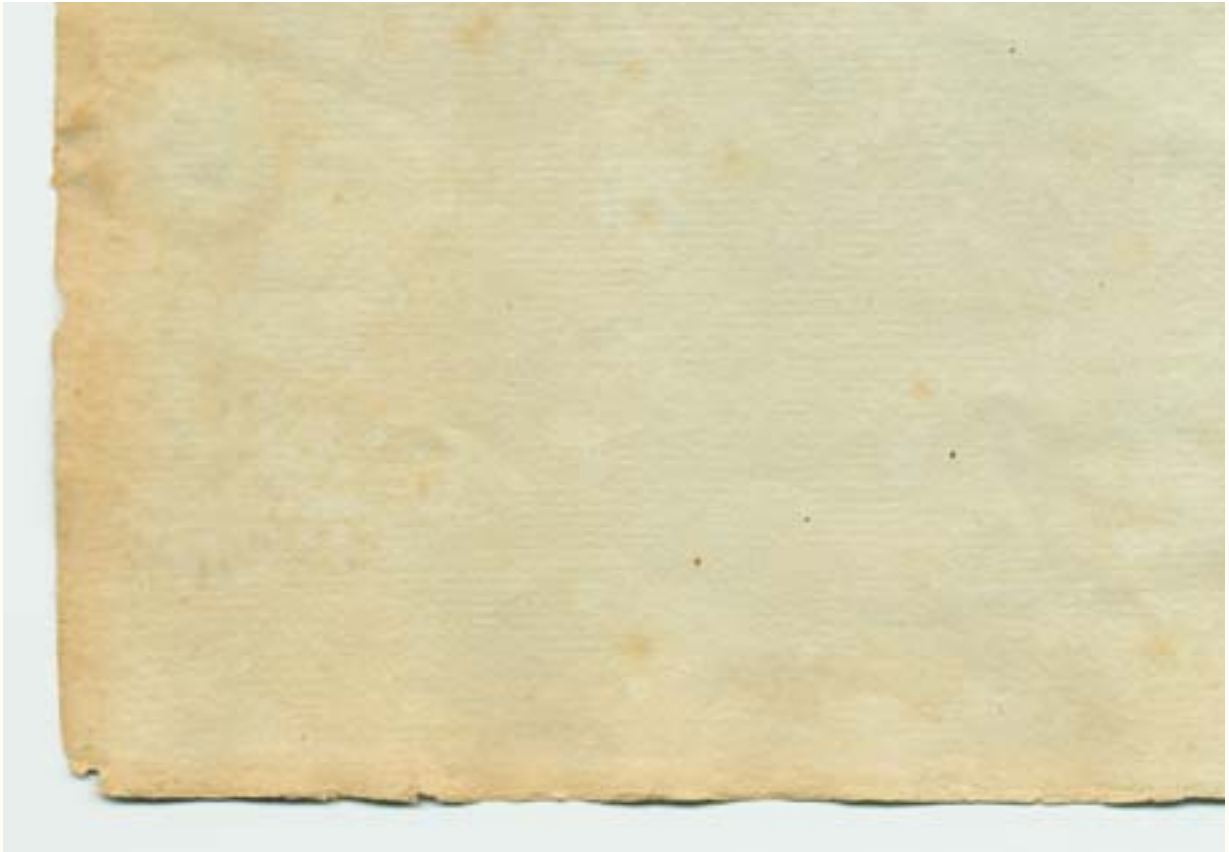
Sork	his X mark	Joseph Captain	Sabatis	his X mark	Tomak
Piel	his X mark	Marie Captain			
Luarien	his X mark	Neptune Capt			
Awaroos	his X mark	Mitchel Capt			
John	his X mark	Owon Capt			
Joseph Marie	his X mark	Neptune Esq.			
Joseph	his X mark	Lion			
Glorian	his X mark	Awaroos			
Capt. Nicolas	his X mark	Tomak			

[PenobscotTreatyTextPg5.pdf](#)

Penobscot ss. August  
Lathrop Lewis, John Stur  
Stur Mitchell, Piel Mitche  
Suapsin Aptun, Awasos  
Marie Aptun, Joseph L  
Tomah Satatis Tomah,  
Instrument & acknowledged  
at said. Before me







[4-88\\_6\\_PenobscotTreaty.jpg](#)



Penobscot ss. August 17. 1820 Personally appeared  
Lothrop Lewis, John Etien, John Neptune, Francis Lolow  
Etien Mitchel, Piel Mitchel, Sock Joseph, Piel Marie  
Luassin Neptune, Awassos Mitchell, John Assow, Jospeh  
Marie Neptune, Joseph Lion, Glorian Awassos, Nicholas  
Tomah Sabatis Tomah, Subscribers to the foregoing  
Instrument & acknowledged the same to be their true  
act & due

Before me Mr D Williamson Jus Peace

[PenobscotTreatyTextPg6.pdf](#)

@ Penobscot Indian Treaty primary sources from the Windows on Maine website  
<http://windowsonmaine.library.umaine.edu/fullrecord.aspx?objectId=4-88>

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(Copy.)

Alden Bradford, Esquire  
Secretary of the Commonwealth  
Boston.

your communication to the Governor  
with the Penobscot Indians, in part  
has been duly received. From the  
inference it to be the opinion of the

has not only assumed the obligation  
and prepared eventually to discharge  
forthwith to satisfy all the claims  
last payment of the annuity. In  
-ding) with the Chiefs by Colonel  
-ent construction of the fifth  
is adopted by the Executive of  
seen that this State takes on  
and binds itself to the payment  
-tute for the Indian claim  
-setts has fulfilled the stipulation







(Copy.)

Secretary of State C  
Portland, September

Alden Bradford Esquire  
Secretary of the Commonwealth of Massachusetts,  
Boston.

Sir,

I have the honor to, inform you, that your communication to the Governor relative to the arrangements to be made with the Penobscot Indians, in pursuance of the terms of the act of Separation has been duly received. From the order of the Council enclosed the Governor infers it to be the opinion of the Executive of Massachusetts that this State has not only assumed the obligations of Massachusetts to the Indians, and prepared eventually to discharge her from them, but is to proceed forthwith to satisfy all claims of the Indians accruing, since the last payment of annuity. You will see by the copy of the treaty concluding with the chiefs by Colonel Lewis, which is enclosed, that a different construction of the fifth article of the terms of the cut of separation is adopted by the Executive of this State. By this document it will be seen that this State takes on itself the obligations of Massachusetts. and binds itself, to the payment of a stipulated annuity, as a substitute for the Indian claim on that Commonwealth, when Massachusetts has fulfilled the stipulations required on her part, by the terms

-of

[PenobscotTreatyLtr1A.pdf](#)



of the separation. In consequence  
Commissioner has obtained of  
- chusetts of all claims arising  
- wealth. By the construction of  
State, Maine is bound to de  
discharge her from the obligation  
perform the stipulations, which  
to be a reasonable and equit  
- ted with the preceding article  
property, which is not particu  
third, shall be held by Mass  
against all claims. of whatever

dian subsidies. If this fund  
-cy is a charge on Maine. The  
subsidies, in the fourth article, se  
continue to pay them on the  
-ment is completed which p  
W  
(sig



of the separation. In consequence of our assuming these obligations, our Commissioner has obtained from the tribe a release in favor of Massachusetts of all claims arising from any treaty against that Commonwealth. By the construction given to the act by the Executive of this State, Maine is bound to deliver this release to Massachusetts and discharge her from the obligations of her treaty when she is prepared to perform the stipulations, which constitute the consideration. This appears to be a reasonable and equitable construction, especially when connected with the preceding article, which provides that every description of property, which is not particularly specified in the First, second and third, shall be held by Massachusetts as a fund to indemnify her against all claims of whatever description, specifically including Indian subsidies. If this fund proves insufficient, one third of the deficiency is a charge on Maine. The particular provisions made for Indian subsidies, in the fourth article seems to imply that Massachusetts will continue to pay them on the terms of that article until the arrangements is completed which is contemplated by the fifth.

With respect I am Sir VC  
(signed) Ashur Dare

[PenobscotLtr1B.pdf](#)



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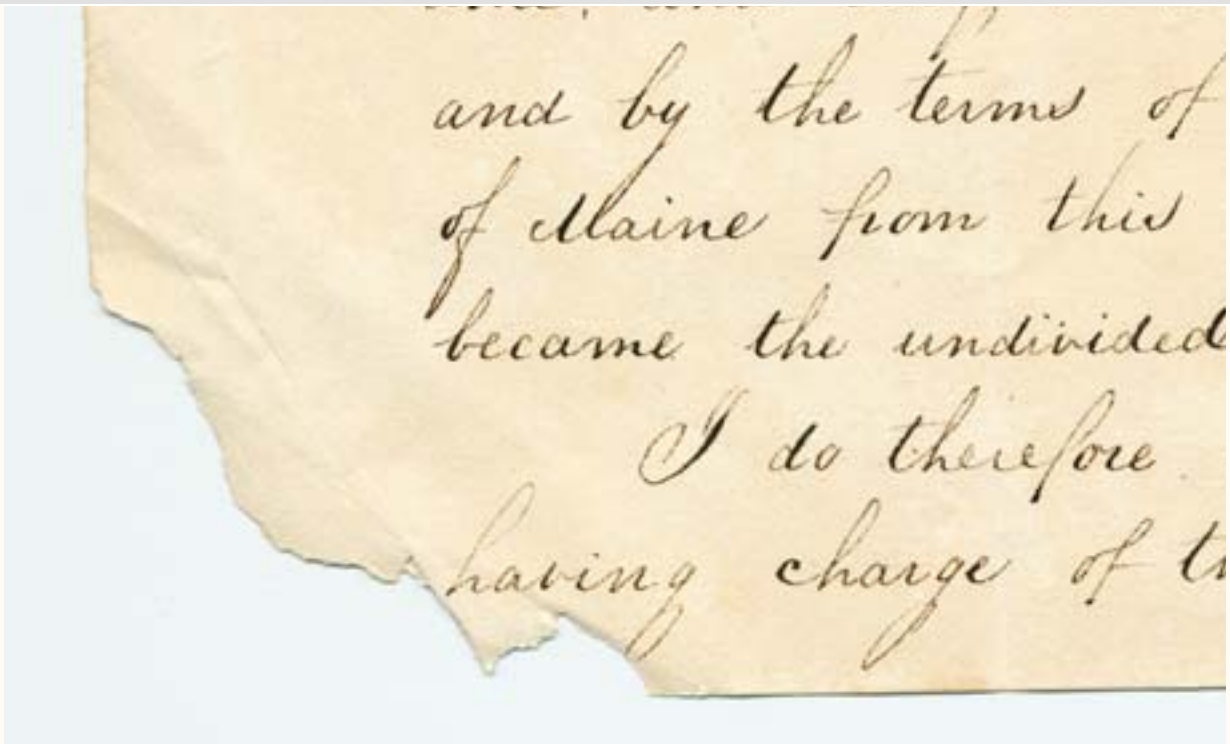
The Commonwealth  
Commissioners Wille  
Daniel Davis Esqui  
nobscot tribe of S  
1796, by which said t  
the lands on both s  
near Cl Jonathan Ed  
so called, and extendin  
a direct line accordin  
on each sides thereof, ex



the said tribe all the  
including said Old  
said thirty, miles, for  
was to be paid to said

On the 2<sup>d</sup> March  
Legislature of said  
Esq<sup>r</sup> an Agent to sell  
17<sup>th</sup> June 1805, he con  
islands including, M

On the 26<sup>th</sup> Fe  
made by said tribe  
in their fishery, on  
was passed authorizin  
lands to purchase for  
Comm<sup>th</sup> of said island  
done and they bear



and by the terms of  
of Maine from this  
became the undivided  
I do therefore  
having charge of to

[4-86\\_3\\_PenobscotTreatyLtr2A.jpg](#)



Copy. Commonwealth of Massachusetts  
Land Office Boston 3 May. 1830

The Commonwealth of Massachusetts by their Commissioners William Shepard Nathan Dane + Daniel Davis Esquires made a treaty with the Penobscot tribe of Indians, dated the 8<sup>th</sup> day of August 1796, by which said tribe relinquished to said Comm<sup>th</sup> all the lands on both sides of the river Penobscot lying near CL Jonathan Eddy's dwelling house at Nichols' rock so called and extending up the said river thirty miles on a direct line according to the general course of said river on each side thereof excepting however and reserving to the said tribe all the islands in said river above Old Town including said Old Town Island within the limits of the said thirty miles, for which an annual consideration was to be paid to said tribe. Pd

On the 2 March 1799 a resolve was passed by the Legislature of said Commonwealth appointing Salem Tourne Esq. an agent to sell said lands, and by his deed dated 17<sup>th</sup> June 1805 he conveyed to Joseph Treat nine small islands including No. 4 No.5 called Shad Island + No. 6.

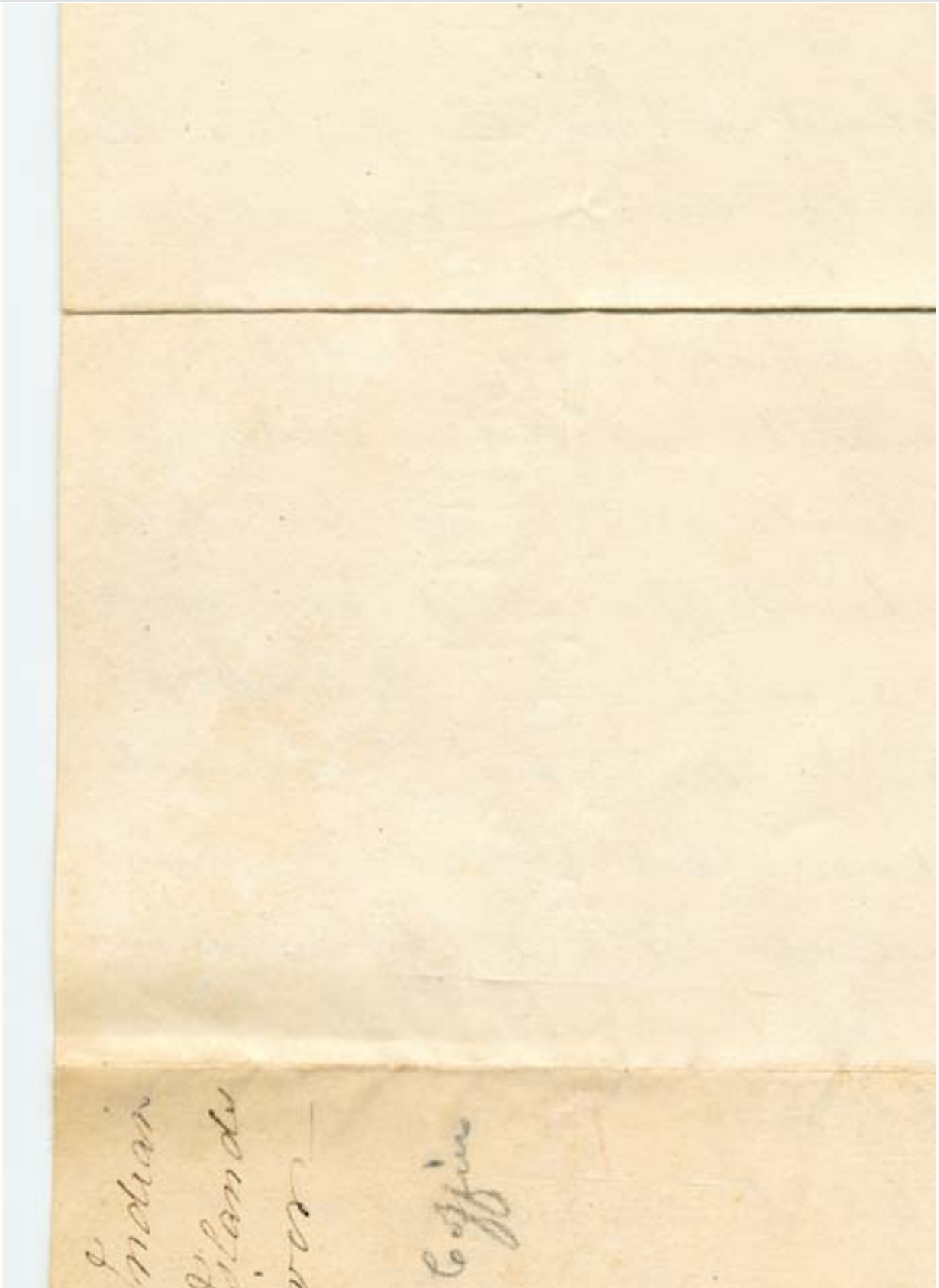
On the 26<sup>th</sup> Feb 1813 (In consequence of complaints made by said tribe of Indians that they were interrupted in their fishery on said islands No. 4, 5 + 6) a resolve was passed authorizing the agents for the sale of Eastern lands to purchase from said Treat a release to said Comm<sup>th</sup> of said islands No. 4, 5 + 6. which was accordingly done and they, became again the property of this Comm<sup>th</sup> and by the terms of the act separating the District of Maine from this Comm<sup>th</sup> the public lands in Maine became the undivided joint property of both States.

I do therefore as Land Agent of said Comm<sup>th</sup> having charge of the public lands of said Commonwealth

[PenobscotLtr2A.pdf](#)



lying in the State of M  
of said Commonwealth is co  
all persons making use of  
ruption of said tribe in  
islands for the purpose of  
repurchased by this Comm



Statement of  
title to certain  
in Penobscot co.  
May 3. 1830  
Signed by S. W.

[4-86\\_4\\_PenobscotTreatyLtr2B.jpg](#)



lying in the State of Maine so far as the interest  
of said Commonwealth is concerned do hereby forbid  
all persons making use of said islands to the inter-  
ruption of said tribe in their accustomed use of said  
islands for the purpose of fishing they having been  
repurchased by this Com<sup>th</sup> for the express purpose  
G. W. Coffin



[PenobscotLtr2B.pdf](#)



To all people to whom  
Greeting. Know ye, that  
the County of Penobscot  
fulfillment of the conditions  
insisted on my petition  
consideration of a Deed then  
presented by the Commission  
thousand Acres of land  
formerly thereto and to my  
myself and for and in  
in such resolve release an  
in the use of the

all the right, title, claim  
Treat and the said W  
may have by virtue of  
writings from the Penobscot  
or timber, or meadow gra  
-wealth, and herewith  
for the same use all  
by said Indians to my  
of us, and all the evidence  
interest in any Lands, T





To all people to whom these presents shall come greeting. Know ye, that J. Joseph Treat of Bangor in the county of Penobscot Esquire in compliance with, and fulfillment of the conditions of a resolve prospect the seventh instruct on my petition to the General Court, and in consideration of a Deed this day made to me. and duly executed by the Commissioner of the Land Office of the five thousand acres of land described in said resolve in conformity thereto and to my full satisfaction, do hereby for myself and for and in behalf of Richard Winslow named in said resolve and surrender to said Commissioners for the use of the Commonwealth of Massachusetts all the right, title, claim + interest which I the said Treat and the said Winslow or either of us have or may have by virtue of any lease or leases, deeds or writings from the Penobscot Tribe of Indians to my lands or timber, or meadow grounds belonging to the Commonwealth, and herewith surrender to said Commissioners for the same use all such leases, Deeds + writings made by said Indians to myself and said Winslow or either of us, and the evidence of our right, title, claim and interest in any lands, Timber or meadow Grounds a foresaid meaning

[PenobscotLtr3A.pdf](#)



...manning hereby together with  
which I have executed to the  
...sponsors fully and effectually  
of said resolve and to accept  
and Armaments on said Comm  
Winslow on Account of the  
...ment with said Comm  
I authority from said Wins  
this purpose and to give  
To have and to hold  
to Successors and Assigns  
... to their use and

whereof I have Recounted  
twelfth day of February  
thousand eight hundred  
Signed, Seald & delivered in  
presence of Mr. Saml. Nedington  
Geo. W. Coffin  
Suffolk J. Boston 15<sup>th</sup> Febru  
Joseph Treat Esquire and  
instrument to be his pr  
Commonwealth of Massachu  
Received and Recorded in



*Primary Documents: Letters about the State of ME treaty with* 20-3  
*4-86\_6\_PenobscotTreatyLtr3B.jpg*

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meaning hereby together with the bond required by said resolve which I have executed to the satisfaction of the said Commissioner fully and effectually to conform to the conditions of said resolve and to accept said Deal in full of all claims and demands on said Commonwealth by myself or said Winslow on account of the premises, And I do hereby covenant with said Commonwealth that my rights under, & authority from said Winslow is ample and sufficient for this purpose, and to give full effect to this release.

To have and to hold to the said Commonwealth to successors and assigns forever all the rights above described and to their use and behalf forever. In testimony whereof. I have hereunto set my hand and seal this twelfth day of February in the year of our Lord one thousand eight hundred and twenty-

Signed Sealed + Delivered in  
presence per Sam Redington  
Gov. W Coffin

Joseph Treaty LP

Suffolk J. Boston 15<sup>th</sup> February 1820. Then personally appeared Joseph Treat Esquire and acknowledged the within written instrument to be his free act before me Gov. W Coffin

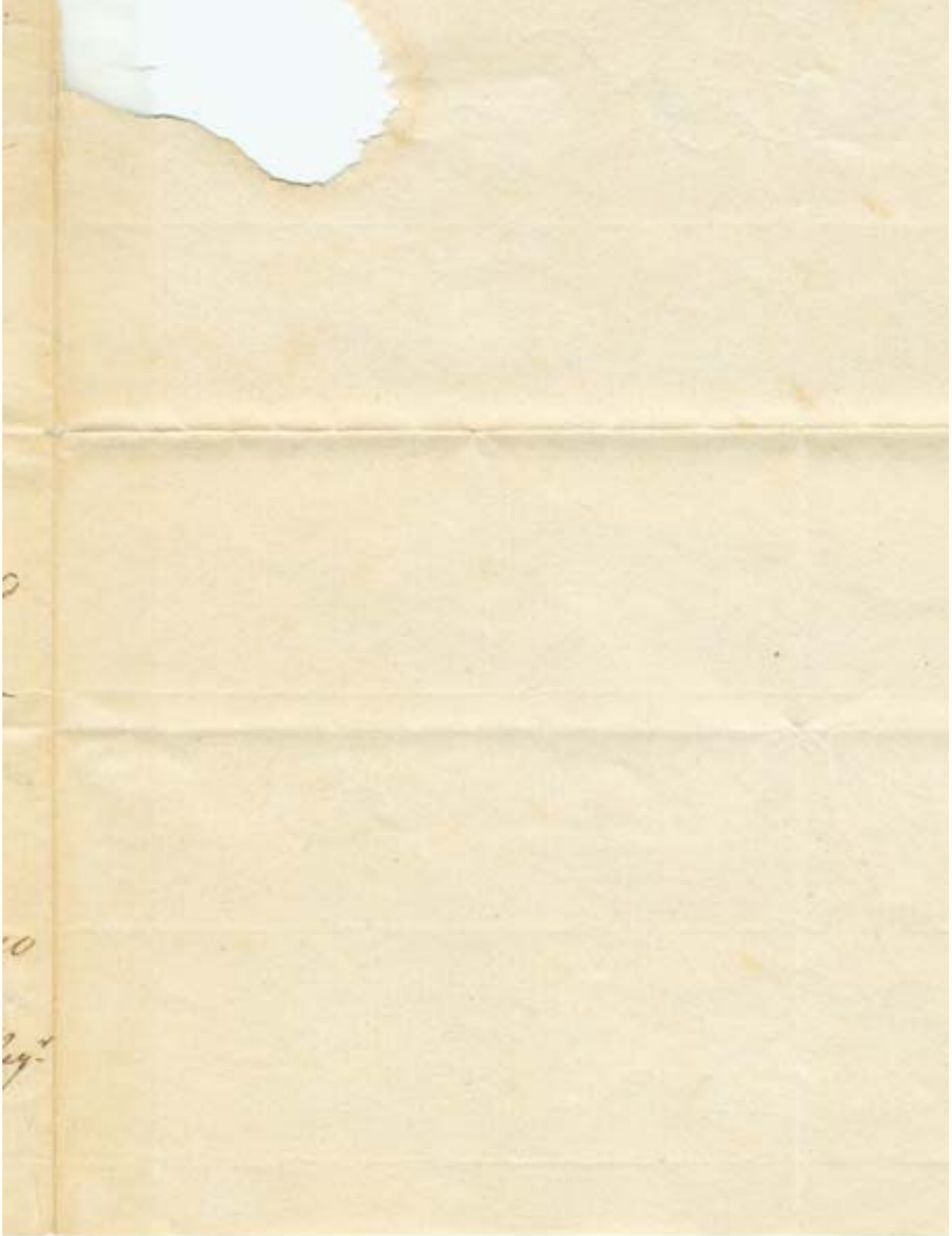
Justice Peace

Commonwealth of Massachusetts Land Office 15<sup>th</sup> Feb 1820  
received and recorded in Vol. 4 page 141 J. Gov. W Coffin Esq

[PenobscotLtr3B.pdf](#)



Commonwealth of Mass  
a true copy of the or  
in which is envelop'd the  
Treat which I am not as







Commonwealth of Massachusetts Land Office 26<sup>th</sup> Feb 1821  
a true copy of the original lease filed in this office  
in which is enveloped the original Indian lease to said Joseph  
Treat which I am not able to read it being torn + defaced  
Geo. W. Coffin  
Agent of the Land Office

[PenobscotLtr3C.pdf](#)





Expression of the deed  
dated June the 17th 1805. to  
Shed Islands, and the War

And Joseph Trea  
convey back to the said  
with the priviledges -



Expression of the deed of the Commonwealth of Massachusetts dated June the 17<sup>th</sup> 1805. to Joseph Treat, conveys No. 4 + 5 called Shad Islands, and the Waters to the East channel of the River

And Joseph Treats deed dated March the 30<sup>th</sup> 1813 convey back to the said Common Wealth the same Islands with the privileges-



[PenobscotLtr4.pdf](#)

**Penobscot Indian Treaty of 1820; copies of letters**

@ <http://windowsonmaine.library.umaine.edu/fullrecord.aspx?objectId=4-86>

*Text Only - Treaty between the Passamaquoddy Tribe & The*

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## **Treaty between the Passamaquoddy Tribe & The Commonwealth of Massachusetts 1794**

RESOLVE on the report of Alexander Campbell and others, a committee in behalf of this Commonwealth, to negotiate and settle any misunderstanding or difference with the Passamaquoddy Indians and those of the other tribes connected with them.

February 10, 1795

Whereas, by a resolve of the general court passed on the 26th day of June last, Alexander Campbell, John Allan and George Stillman were appointed a committee, in behalf of this Commonwealth, to negotiate and settle any misunderstanding, dispute or difference which may subsist between this Commonwealth and the Passamaquoddy Indians and those of other tribes connected with them, with full power and authority to lay out and assign to the said Indians, any track of unlocated land belonging to this Commonwealth, in the County of Washington, not exceeding ten thousand acres, and also to purchase any particular spot of ground or tract of land for the use and convenience of said Indians, provided, however, that such purchase shall not exceed the sum of five hundred pounds.

And whereas, the said committee have exhibited to the general court, in their present session, an agreement made and signed on the 29th day of September last, by and between them in behalf of this Commonwealth, and the chiefs of the Passamaquoddy tribe of Indians and others connected with them, which agreement is in the words following, to wit:

To all people to whom this present agreement shall be made known, we Alexander Campbell, John Allan and George Stillman, Esquires, a committee appointed and authorized by the general court of the Commonwealth of Massachusetts, to treat with and assign certain lands to the Passamaquoddy Indians and others connected with them, agreeable to a resolve of said general court, on the twenty-sixth of June, in the year of our Lord, one thousand seven hundred and ninety-four, of

*Text Only - Treaty between the Passamaquoddy Tribe & The*

the one part, and the subscribing chiefs and others for themselves, and in behalf of said Passamaquoddy tribe and others, connected with them, of the other part: witnesseth, that the said committee, in the behalf of the Commonwealth aforesaid, and in consideration of the said Indians relinquishing all their right, title, interest, claim or demand, on any land or lands lying and being within the said Commonwealth of Massachusetts; and also engaging to be peaceable and quiet inhabitants of said Commonwealth, without molesting any other of the settlers of the Commonwealth aforesaid in any way or means whatever: in consideration of all which, the committee aforesaid for and in behalf of the Commonwealth aforesaid, do hereby assign and set off to the aforesaid Indians, the following tract or parcel of land lying and being within the Commonwealth of Massachusetts, viz: all those islands lying and being in Schoodic River, between the falls at the head of the tide, and the falls below the forks of said river where the north branch and west branch parts; being fifteen in number, containing one hundred acres more or less: also Township No. 2 in the first range surveyed by Mr. Samuel Titcomb, in the year of our Lord, one thousand seven hundred and ninety-four, containing about twenty-three thousand acres more or less; being bounded as follows, easterly by Tomer's River and Township No. One first range: northerly by Township No. Two second Range: westerly by Township No. Three first range; southerly by the west branch of Schoodic River and Lake; and also Lire's Island lying in front of said township, containing ten acres more or less; together with one hundred acres of land lying on Nemcass Point adjoining the west side of said township; also Pine Island lying to the westward of said Nemcass Point, containing one hundred and fifty acres, more or less; also assign and set off to John Baptist Locote, a French gentleman, now settled among the said Indians, one hundred acres of land, as a settler in Township No. One first range, lying at the falls at the carrying place on the north branch of Schoodic River, to be entitled to have said land laid out to him in the same manner as settlers in new townships are entitled; also assign to said Indians the privilege of fishing on both branches of the river Schoodic without hinderance or molestation and the privilege of passing the said river over the different carrying places thereon; all which islands, townships, tracts or parcels of land and privileges being marked with a cross, thus X, on the plan taken by Mr. Samuel Titcomb, with the

*Text Only - Treaty between the Passamaquoddy Tribe & The*

reservation of all pine trees fit for masts on said tract of land to government; they making said Indians a reasonable compensation therefor; also assign and set off to said Indians ten acres of land more or less at Pleasant Point, purchased by said committee in behalf of said Commonwealth, of John Frost, being bounded as follows, viz: beginning at a stake to eastward of the dwelling house, and running north twenty-five degrees west fifty-four rods; from thence running north fifty-six degrees east thirty-eight rods to the bay; from thence by the shore to the first bound; also a privilege of setting down at the carrying place at West Quoddy between the Bay of West Quoddy and the bay of Fundy, to contain fifty acres. The said islands, tracts of land and privileges to be confirmed by the Commonwealth of Massachusetts to the said Indians and their heirs forever. In testimony of all which, we, the said Alexander Campbell, John Allan and George Stillman, the committee aforesaid, and in behalf of the Commonwealth aforesaid, and the chiefs and other Indians aforesaid, in behalf of themselves and those connected with them as aforesaid, have hereunto set our hands and seals at Passamaquoddy, the twenty-ninth day of September, in the year of our Lord one thousand seven hundred and ninety-four.

Alex. Campbell.

J. Allan

George Stillman

Francis Joseph X Neptune

John X Neptune

Piel X Neptune

Joseph X Neptune

Piel X Denny

Jonale X Denny

Joseph X Thomas

Signed and sealed in presence of:

Samuel Titcomb,

Jno. Frost, Jun'r.



*Text Only - Treaty between the Passamaquoddy Tribe & The*

Be it therefore Resolved, That the said agreement be and it is hereby ratified and confirmed, on the part of the Commonwealth, and that there be allowed and paid out of the treasury of this Commonwealth, to the said committee, the sum of two hundred pounds, being the consideration paid to the above named John Frost, for a tract of land on Pleasant Point, purchased by the said committee, ten acres of which more or less, as in the before recited agreement, is hereby appropriated for the accommodation of the said Indians, said sum to be paid to the said committee, on their depositing in the secretary's office a deed from the said John Frost, of the said tract of land on Pleasant Point, duly executed and acknowledged: and, whereas, there now remains for the disposition of government, ninety acres more or less of the above mentioned lot of land, on Pleasant Point.

Resolved, that the treasurer of this Commonwealth be and he is hereby authorized and empowered, to lease the said remaining ninety acres for one year or for term of years, in such manner and on such consideration, as he may judge will be most for the advantage of the Commonwealth.

*From "The Ancient Penobscot, or Panawanskek" What the Penobscot gain* 27

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# THE ANCIENT PENOBSCOT, OR PANAWANSKEK

by HON. JOHN E. GODFREY, Esq., of Bangor, Maine.

In 1796 ... The Government, then appointed another Commission to quiet the Indians and bring the matter to a conclusion. The Commission consisted of William Shepherd, of Westfield, Nathan Dane, of Beverly, and Daniel Davis, of Portland. They succeeded in obtaining a release of all the claims of the Tribe to the territory above Nichola's Rock, at "The Bend" near the Head of the Tide, excepting Oldtown Island and the islands, in the river, above it, for thirty miles. The consideration for the release was one hundred and fifty yards of blue woolens, four hundred pounds of shot, one hundred pounds of powder, one hundred bushels of corn, thirteen bushels of salt, thirty six hats, one barrel of rum, and an annual stipend of three hundred bushels of Indian corn, fifty pounds of powder, two hundred pounds of shot, and seventy-five yards of blue woolen cloth, fit for garments. The territory relinquished by the Indians embraced one hundred and eighty-nine thousand, four hundred and twenty-six acres, which was afterwards surveyed into nine townships, in 1797, by S. Towne...

In 1818 the Governor of Massachusetts appointed another commission.

The result of the conference was, that Massachusetts obtained a

*From "The Ancient Penobscot, or Panawanskek" What the F*

release of all the Indians' interest in the territory, excepting four townships, six miles square, two contiguous to the nine townships formerly released, and two near the mouth of the Mattawamkeag-river – one on each side of the Penobscot and opposite each other – which, with the Islands in the river, above Oldtown Falls, were to belong to the Indians, for occupation, forever. As compensation for this relinquishment, the Commissioners agreed that the Indians should have, also, for occupation, two acres of land in Brewer, opposite Kenduskeag-point; to employ a suitable man to teach them husbandry; to repair their church, at Oldtown; to deliver there, in October, yearly, five hundred bushels of corn, fifteen barrels of flour, seven barrels of clear pork, one hoghead of molasses, one hundred yards of broadcloth, of blue and red, fifty blankets, one hundred pounds of gunpowder, four hundred pounds of shot, one hundred and fifty pounds of tobacco, six boxes of chocolate, and fifty dollars in silver. At the time, they made them a present of one six-pound gun, one swivel, one box of pipes, fifty knives, six bass kettles, two hundred yards of calico, two drums, four fifes, and three hundred yards of ribbon. An annual stipend of three hundred and fifty dollars was appropriated by the Government for their religious teacher.

After the separation of Maine from Massachusetts (1820), Maine assumed the obligations of Massachusetts to the Indians, and renewed the Treaty, at the Court-house, in Bangor, on the seventeenth of August, 1820.



## STATE POWER AND THE PASSAMAQUODDY TRIBE: “A GROSS NATIONAL HYPOCRISY?”

*There are approximately 1600 Indians presently living on reservations in Maine. This population is about evenly distributed between the Penobscot Tribe located near Old Town and the Passamaquoddy Tribe, which is located on two reservations in Washington County. Unlike the majority of Indian tribes in the United States, the Maine tribes have been subject to exclusive state, as opposed to federal, governmental power. In this article the authors question the premises upon which the power of Maine over the Indians within its borders is founded.*

Francis J. O'Toole\*  
Thomas N. Turcen\*\*

### I. INTRODUCTION

Because of their strategic location on the sparsely settled Canadian border,<sup>1</sup> the Passamaquoddy Indians were of great importance in the American Revolution, and played a decisive role in securing eastern Maine for the United States.<sup>2</sup> As soon as the hostilities had ended, however, the federal government promptly forgot about these Indian allies in what is now the State of Maine and, whether intentionally or not, left the Passamaquoddy Tribe in its dealings with the dominant society to the mercy of Massachusetts and, after 1820, Maine.<sup>3</sup>

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\*\*Reginald Heber Smith Fellow; Directing Attorney, Indian Legal Services Unit, Pine Tree Legal Assistance, Calais, Maine; A.B., 1966, Princeton; LL.B., 1969, George Washington University. Member of the Maine and District of Columbia Bars.

The authors wish to express their gratitude to Mr. Gregory Beusing, Miss Barbara Dudley, and Mr. Elliott Stanley for their assistance in researching particular aspects of this article. The authors also wish to thank Miss Ruth Thompson and the American Friends Service Committee, whose generosity helped make this article possible.

<sup>1</sup> See Colonel Allan's Report on the Indian Tribes in 1793, in F. KIDDER, MILITARY OPERATIONS IN EASTERN MAINE AND NOVA SCOTIA DURING THE REVOLUTION 305-18 (1867) [hereinafter cited as KIDDER].

<sup>2</sup> W. KILBY, EASTPORT AND PASSAMAQUODDY 485 (1888).

<sup>3</sup> Ch. 36, [1819] Mass. Laws 504. The United States Congress ratified the Act of Separation on March 3, 1820. Act of March 3, 1820, ch. 19, 3 Stat. 544.

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@ <http://abbemuseum.org/research/wabanaki/timeline/hard-times.html>

@ <http://abbemuseum.org/research/wabanaki/timeline/resistance.html>



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@ <http://www.davistownmuseum.org/PDFs/NorumbegaReconsideredMapAppendix.pdf>

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*for further background information about the Wabanaki tribes*

Windows on Maine – a collection of primary and secondary sources including video media

@ <http://windowsonmaine.library.umaine.edu/similar.aspx?objectid=16-67>

Maine: An Encyclopedia – a pull-down menu to “Primary Sources”

@ <http://maineanencyclopedia.com/indian-reservation-pleasant-point/>

**Eastport and Passamaquoddy; a collection of historical and biographical sketches (1888)**

@ <http://archive.org/stream/eastportpassamaq00kilb#page/n7/mode/2up>

1819 Chap. 0162. An Act In Addition To An Act, Entitled "An Act Relating To The Separation Of The District Of Maine From Massachusetts Proper, And Forming The Same Into A Separate And Independent State."

@ <http://archives.lib.state.ma.us/actsResolves/1819/1819acts0162.pdf>

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