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Gertrude Ebbeson Staff

Massachusetts Institute of Technology

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A “Labyrinth of Uncertainties”: Penobscot River Islands,
Land Assignments, and Indigenous Women Proprietors in
Nineteenth-Century Maine

Micah A. Pawling

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A “Labyrinth of Uncertainties”

Penobscot River Islands, Land Assignments, and Indigenous Women
Proprietors in Nineteenth-Century Maine

MICAH A. PAWLING

Abstract: In 1835 a unique dual property system developed within the Penobscot Indian Nation in Maine that involved a combination of individual land lots or private property holdings with reservation lands held in common for communal benefit. This dual land system permitted married women and couples to hold island lots at a time when, by the law of coverture, non-Native married women lost all property rights upon marriage. The coexistence of Penobscot reservation islands held in common with individual or family lots created a distinct land tenure that reinforced tribal ownership in powerful ways. The origin of the Penobscot land system reveals multiple Penobscot views of their changing homeland. Components of the Penobscot property system represented Indigenous values, specifically by guaranteeing to Penobscot married women and often their spouses the ability to own land at a time when few non-Native married women could legally own property in Maine. Penobscot families struggled with land transfers and the inheritance of lots under state supervision. By 1883 state commissioners had attempted to resolve competing claims as they affirmed Penobscot land title, a process that hindered further dispossession. Under this land system, many Penobscots expressed strong attachment to specific locations on their reservation islands, showing that their changing perceptions about land and property and, equally important, their connections to particular places were reminiscent of a much older view of their homeland, which was comprised of family hunting territories.

Keywords: Penobscot, Wabanaki, Maine, Northeast, New England, land tenure, women, water, ethnohistory

On April 18, 1883, three commissioners appointed by the state legislature of Maine met Penobscot families in Old Town with strict instructions to adjust land lots for the tribe. Armed with physical evidence that included survey maps, fieldnotes, and other documentation on the reser-

vation islands in the Penobscot River, the commissioners' task seemed straightforward at first. By day's end, the three men had listened to twenty-five cases about property disputes, and many Native claimants had presented their case with deeds and other certificates as evidence to their titles. The commissioners listened to oral testimony from tribal citizens, some of whom spoke on behalf of the sick and elderly who could not attend the sessions.¹

The three commissioners quickly "learned that the whole subject was a labyrinth of uncertainties," in part because the Penobscots had long found ways to negotiate their own land lot transfers. Many tribal members tried to supply information about births, deaths, and marriages to advance their titles by descent, but "to fix reliable dates to those facts" was sometimes difficult to comprehend, especially for an outsider. If the commissioners chose "a strict application of legal principles of whiteman[']s law," many Penobscot titles would be defeated. The commissioners avoided this extreme outcome, attempted to make compromises, and strove to understand the numerous conflicting claims by consulting with the tribal community as to the best way to resolve these cases.²

Beginning in 1835, a unique dual property system developed among the Penobscot Indian Nation in Maine that involved a combination of the reservation lands being held in common for communal benefit along with the creation of land lots assigned to tribal members for their specific use. This dual property system permitted married women and couples to hold island lots at a time when, by the law of coverture, non-Native married women lost all property rights upon marriage. The coexistence of Penobscot reservation islands held in common with individual or family lots created a distinct land tenure that together reinforced tribal ownership in powerful ways. The unique origin of the Penobscot land system reveals multiple Penobscot views of their changing homeland. The act to partition the islands also created shore privileges, which lumber companies leased from the tribe. Some of these leases emphasized Penobscot water and fishing rights. Components of the Penobscot property system represented Indigenous values, specifically by guaranteeing to Penobscot married women and often their spouses the ability to own land at a time when few non-Native married women could legally own property in Maine. Since landownership was not a tradi-

tional concept, Penobscot families struggled with documenting land transfers and the inheritance of lots. By 1883 the state commissioners had attempted to resolve competing claims as they affirmed Penobscot title to the land, a process that by sheer luck hindered further dispossession. Throughout this process, many Penobscots, especially women, expressed strong attachment to specific locations on their reservation islands, demonstrating their changing perceptions about land and property as well as their connections to particular places. Their attachments were reminiscent of the much older view of their homeland, comprised of family hunting territories.³

A note about the terms used in this work is in order. In the nineteenth century, divisions on the Penobscot reservation islands were called “lots” or land “parcels.” Owners of the island lots were sometimes called “assignees.” In the twenty-first century, the Penobscot Indian Nation refers to these land partitions as “assignments,” defined as “a grant of Penobscot Nation land to an individual tribal member subject to the restrictive covenants, . . . including all previous grants under former tribal law and custom.” In 2018 family members inherit assignments based on an established degree of kinship.⁴ While the word “assignment” signifies the Penobscot Nation’s authority over its reservation landholdings, the term has a much older significance among Wabanaki peoples. To the east, in the Maritime provinces, Maliseet and Mi’kmaq councils convened to reallocate or reassign hunting territories to different families.⁵ Therefore, this work uses all three terms, “lot,” “parcel,” and “assignment,” interchangeably.

ORIGINS OF THE PENOBSCOT LAND SYSTEM

In the nineteenth century, the family group or band was the main social unit in Penobscot society. Family bands, which consisted of up to one hundred people, included not only direct family relations such as parents, spouses, siblings, and grandparents but also extended relations such as aunts, cousins, in-laws, uncles, nieces, and nephews. Each of the twenty-two family bands possessed a specific animal “totem” through which family members claimed descent or had connections “with a family origin story.” While some animal associations entailed certain taboos, others explained physical appearances or social characteristics. In the Penobscot legend of the water famine, people deprived of water

ran into the river and were transformed into different aquatic animals. Kinship between a family group and its animal totem reinforced an intimate connection to its homeland. Indeed, the natural world was family. Rather than emphasizing hierarchical distinctions between people and the natural world, Penobscots felt strong ties to their homeland, where kinship created a sense of belonging and legends connected the people to their distant past.⁶

Each kin group possessed its own “family hunting territory,” an Indigenous concept of property. Dispersed across the Penobscot watershed, family hunting territories extended into the interior of Maine. The demarcations between two hunting territories were bodies of water, including lakes, river systems, estuaries, or embayments. Penobscots referred to these regions as *nzi’bum*, or “my river,” emphasizing the waterway perspective, in which “north” meant literally “upriver.” Families possessed the exclusive right to hunt and fish in their respective territories, and landmarks, which included animal emblems of the family group drawn on rocks or trees, delineated the boundary of the territory. A family on the move sought permission to cross the territory of another family to avoid accusations of trespass. “Blazed trails” connected family members to temporary hunting camps or waterways used for travel. These markings also provided geographical information with signs to confirm a specific direction or to indicate the family’s camp location for others moving through the region.⁷

Each year, hunters and trappers only worked one quarter of their hunting territory, allowing the animal populations to rebound.⁸ In 1764 Massachusetts surveyor Joseph Chadwick recorded an early description of family hunting territories. He wrote that it was Penobscot “custom to divide the hunting groups and streams among the different Indian families; that they hunted every third year and killed two-thirds of the beaver, leaving the other third to breed; beavers were to them what cattle were to the Englishmen, but the English were killing off the beavers without any regard for the owners of the lands.”⁹ European American encroachment and the expansion of towns up the coast caused considerable stress on the family hunting territories. Penobscot complaints about the British on the coast frequently concerned the violation of family hunting territory protocol.¹⁰ On Penobscot Bay, the families who harvested rich marine resources, including the Mitchell family, experienced the brunt of European American activity, possibly—as with the

Francis and Neptune families—causing them to depend on the adjacent hunting territories to the north.¹¹ This pattern may have been repeated as European Americans moved north into the river valley.

After decades of land treaties with Massachusetts and Maine that ended in a fraudulent sale of the four upper Indian Townships in 1833, Penobscot lands were reduced to the river islands beginning at Old Town or Indian Island, a 315-acre island above Old Town Falls. Located about twelve miles north of Bangor, Maine, this island was an eight-thousand-year-old aggregation site, or a gathering place at certain times of the year, and served as the seat of tribal government. In contrast to many of the eastern tribes that were pushed west of the Mississippi River, the Penobscots never experienced removal and upheld their cultural attachment to places across their watershed.¹² The surveying and contestation of island lots occurred within the context of the state of Maine and its laws carried out by appointed Indian agents, about 150 years before Wabanaki tribes in Maine obtained federal recognition.¹³ In the nineteenth century, Maine officials viewed Indians as “wards of the state,” a status of people, including the poor and mentally ill, who were deemed incapable of living independently of government support. In 1820 the new Maine legislature created a bureaucracy that included a series of laws to carry out treaty obligations and to oversee Penobscot needs. The state of Maine and the Indian agents oversaw almost every aspect of Penobscot existence, not only attempting to manage economic opportunities, community social events, and cultural practices like hunting and fishing but also immersing themselves in daily decisions about their personal lives. Indian agents distributed money and supplies to individuals and families, the money from which was withdrawn from the “Indian fund,” an account created under the articles of separation in 1820 that gradually increased its amount through the ensuing decades with land sales, island shore rents, timber contracts, and fishery leases.¹⁴

For the Penobscots, the decade of the 1830s was especially difficult. In addition to the deceitful land loss of the four townships in 1833, Old Town Falls, a stone’s throw downriver from Old Town Island and one of the most important fishing sites on the Penobscot River, became a center of multiple sawmill operations. In the decades before statehood, Penobscot leaders had fought a lengthy legal battle with Massachusetts to keep at least some of their fishing islands in Old Town Falls.¹⁵ By the 1830s this waterscape, altered by various wing dams, had emerged as the

hub of lumbering activities on the largest watershed within the borders of Maine. At the falls, several sawmills hummed with activity as flowing water powered the saws that cut logs into boards, shingles, laths, clapboards, and other wood products for market. Dams and sawmills also impeded canoe travel and deterred anadromous fish from spawning upriver. Moreover, the tons of sawdust discharged into the Penobscot River caused a decline of oxygen levels in the water, further degrading the rich fishery upon which the Penobscots depended for their livelihood. From April to September numerous log booms just north of Old Town Island changed the riverscape into a sea of floating logs as far as the eye could see, forever changing the Penobscot River. Boom piers or cribwork in the river that directed or sorted logs changed the flow of the river, emphasizing one channel over another. The river current, carrying an extra weight that increased its force, beached floating timber on the reservation islands, transforming the shorelines and threatening to separate the Indigenous inhabitants from the river.¹⁶ Moreover, all these challenges coincided with an internal struggle over whether to keep the tradition of hereditary chiefs or to adopt an election system that would result in new tribal leadership.¹⁷

It was within this context of tumultuous change on several fronts, specifically, the curtailment of Penobscot land and water rights, as well as the reduction of reliable fish and game populations, that some tribal members began to think seriously about the adoption of agriculture. Among the 146 surveyed islands, about 85 percent of the island formations came from river deposits that created nutrient-rich soil, but the flat terrain caused the islands to become flooded by the spring freshets.¹⁸ While Massachusetts and later Maine state officials had long encouraged the Penobscots to embrace cultivation, some Native people now turned toward growing crops for survival. Challenging times called for Penobscot innovation. The reservation islands were traditionally held in common by the tribe, but internal land disputes caused many of the river islands to be divided among tribal citizens. In December 1831 Penobscot Joseph Sockabasin commented that his “natural avocations” of hunting and fishing could no longer support him and his family. In his view, “new obstructions are every year erected upon the river and the forest [is] daily wasting away.” To escape this “abyss of poverty and wretchedness,” Sockabasin adopted agriculture but was “met at the threshold with an insuperable obstacle.” Maine laws did not apply to tribal lands

that were held in common, and the “laws of nature” could not protect Sockabasin’s farm. He explained, “One may reap where another has sown and there is no redress. Lands prepared for cultivation, this year, by one may be occupied, next year, by another.” The possibility of having “to yield to a superior force” deterred the construction of farm buildings and discouraged his children from possibly inheriting their father’s farm. Sockabasin detailed how another tribal member could claim his farm by prior occupancy of their ancestors, provoking “a scene of personal strife and endless hostility.” Regardless of which party remained in possession of the land, little benefit resulted because “personal prowess[s]” could reverse occupancy. If Sockabasin’s descendants were left in peace, internal family strife would erupt about the division of the farm, creating “conflicting claims” among family members.¹⁹

For several years, Joseph Sockabasin cultivated his farm on Orson Island. Located northwest of Old Town Island, Orson Island was the largest of the reservation islands, totaling 1,382 acres. When another tribal member presented an adverse claim supported “by a remote ancestor,” Sockabasin’s “fences were broken down and his crops entirely destroyed.” When he sought redress, the “Courts of Justice” were “clouded” against him. Trying hard to keep his faith, he imagined that his next attempt to secure his farm might be successful but in this process lost his desire to practice agriculture. Discouraged and faced with “the most gloomy forbid[d]ings of the future,” Sockabasin wanted to separate himself from the tribe, to receive the rights of state citizenship, and to hold his property that would be subject to taxation. Society’s laws, Sockabasin believed, would protect rather than threaten to extinguish his property. He wanted his family of six, including his wife, Mary Sockabasin, to hold their portion of the common property “in severalty.” Sockabasin wanted to make it possible for any Penobscot who wished to own their own lot, but he specifically asked not to divide the tribal buildings and the river fisheries, where “no partition can well be made.”²⁰

Four years later, in 1835, more Penobscot families wished to secure land lots on their reservation islands. Joseph Sockabasin and his brother, Francis Sockabasin, described the precise location of their 150-acre farm on Orson Island to obtain title to it.²¹ Sapiel Mohawk and his family claimed four islands totaling forty-eight acres lying east of Argyle, Maine, and Peal Mitchell and his family asserted rights

to two islands totaling seventy-five acres downstream of the Mohawk Island.²² The demands of the few families who wanted to own lots on the reservation islands resulted in Maine making an extreme decision that affected all Penobscots. In 1835 Zebulon Bradley surveyed 146 islands in the Penobscot River; assigned Penobscot families and individuals, including women, to the small islands; and divided up the larger islands into two or more land lots.²³ While Penobscots could sell or will their land lots to other tribal members, Maine forbade them to sell their property to non-Indians.²⁴ Despite these imposed boundaries over Indian land, Penobscot desire to hold the land in common persisted, resulting in a dual system where tribal collectivities and individual or family landholders worked together to protect Indian land.

The 1835 Maine law that ordered the survey of reservation islands described the islands as being “in the Penobscot river from the Old-town Falls to Mattawamkeag Point,” a forty-eight-mile stretch of the main stem of the river containing 146 surveyed islands that totaled about five thousand acres. These islands ranged in size from bedrock just breaking the water’s surface to the largest reservation island, called Orson Island. The state description of the islands conflicted with the Indigenous knowledge about the extent of their land base. The Penobscots held that their reservation islands extended farther upriver, past Mattawamkeag Point, and stretched into the headwaters of the Penobscot River, totaling over two hundred islands. Tribal claims to the islands included those in Moosehead Lake, suggesting a much more encompassing view of their homeland that went beyond contemporary perceptions of the watershed.²⁵ Bradley’s survey maps advanced the interpretation of the state of Maine. He outlined all 146 surveyed islands in red ink and colored in some of the smallest islands with the same color, denoting that shorelines and islets had valuable water privileges for mills, booms, and fisheries. The Indian agent could lease the shorelines and small islands to local timber companies and fishing enterprises. Therefore, while the property system protected the 146 surveyed islands, it also undermined the Penobscot understandings of their river islands and opened their dwindling land base to the destructive forces of lumber corporations.

For the Penobscots who had married into adjacent Wabanaki communities, the news about the reservation islands being surveyed into

lots caused many families to move home. An estimated tribal population of 400 people increased to 480, an indication that families wanted to claim their lots on the river islands.²⁶ Surveyor Bradley laid out the lots on the river islands, some of which fulfilled an individual's or a couple's request for a specific area. For example, Chief John Attean secured a lot on Sugar Island, his birthplace over half a century previously. The majority of the island lots assured tribal access to the water, but the interior of the larger islands remained unassigned. Old Town Island initially had three individual lots belonging to Captain Nicola, Francis Sock, and Cecil Devon. On the southern end of the island, the "Indian Village," consisting of the tribal council hall, St. Ann's Catholic Church, and the rectory, was deemed as "Public Land." On Orson Island, the land lots were along the river, and a couple of dirt roads provided access to a few interior parcels. On the northwestern side of the island, a 224-acre "Public Farm" helped support the elders and orphan children who relied on the agricultural yield for survival.²⁷ The site of the poor farm was "a very bad location" because of the heavy growth of hemlock, which was expensive to clear, and the poor sandy soils for agriculture.²⁸

Farther upriver, smaller islands had one or two Penobscot family lots, but there were some medium-sized islands that were completely full of family lots, including Sugar, Cow, and Mattanawcook (Lincoln) Islands. Larger islands, such as Olamon Island of 703 acres, had several family lots along their shores, but most of the interior lands remained undivided.²⁹ When a Penobscot requested an occupied lot, the surveyor assigned another parcel of equal value. The original lots were made by verbal claims, a process that adhered to the Penobscot cultural practice of oral agreements.³⁰ By 1839 two Penobscots had requested a deed or a certificate to their property, assuring family ownership.³¹

The creation of island lots in 1835 led to unforeseen challenges for many Penobscots. In 1836 Joseph Sockabasin received "permission to cut sufficient lumber off of the Indian lands to build him a small house." An unexpected sickness prevented him from cutting the wood, and he had to ask state officials to give the Indian agent the proper authorization.³² While some Penobscots embraced these changes, others rejected the consequences that they brought. For instance, in 1836 Lieutenant Governor John Neptune petitioned the governor of Maine, claiming that

a proposed road across Orson Island “would be a great damage & injury to the Indians.” A road could fragment the ecosystem, possibly interrupting a deer yard or threatening a wetland on the island. Travel routes potentially disturbed ceremonial sites and gave outsiders greater access to the isolated interior of the island. Neptune believed that if the road construction was unavoidable, his people should be compensated, possibly demonstrating that he was well aware of the value of roads across tribal lands.³³ In 1838 some Penobscots successfully obtained deeds to their respective land lots on the islands, but only Indian agents, not the Penobscot proprietors, were permitted the right to lease wood or hay on the river lots.³⁴

A few Penobscots chose other ways to secure a land base. To avoid tribal politics altogether, Peal Tomer bought a house on the mainland. In 1830 he purchased a dwelling from David Baker for \$100. It was located across the river from the “upper end” of Olamon Island in the Plantation of Olamon.³⁵ After two years living in his new house, Tomer approached a land agent, who received state authorization, to purchase four acres around his home. Tomer paid the land agent for the four acres, but by 1833 his four acres were “insufficient . . . to raise what he needs, and to keep a cow.”³⁶ Since Tomer did not receive permission to buy an additional ten acres of land, he decided to expand his farming operations on a four-acre island near the mouth of the Passadumkeag River, possibly on Thorofare Island. After having cleared the island, he cultivated several crops that supported his family. He continued to benefit from his labor on the island until 1839, when another tribal member, “by a mistake of the Indian Agent,” received approval to relocate on Tomer’s island farm. In February 1841 Tomer petitioned the Maine legislature to restore his possession of the island, but the state government, probably uninformed about the specifics of the case, declined his request.³⁷ While state policy aimed to create Penobscot farmers, the government’s refusal to side with them discouraged many families from farming, leading some Penobscots to rely on older practices of building camps along the river shoreline on private property.³⁸ For Joseph Sockabasin, a search for “tranquility & happiness” was still possible beyond his homeland. In 1840 he wanted to receive his treaty annuities for the rest of his life and move to Texas during a tumultuous time in the new republic.³⁹

The dual land system also had a profound gender-related significance in that it was an expression of the importance of women in Penobscot society. Penobscot family hunting territories provide a spatial view of their homeland that consists of a cultural perspective of property that depended upon the organization of and cooperation among family members. Although the Penobscots had experienced over a century of European encroachment on their lands and waters, the prominence of women in Penobscot society remained partially intact and was expressed in many forms of power and influence. In the nineteenth century, not only did Penobscot women hold a considerable voice in family, community, and even political decisions, but their time together when the men were absent hunting or fishing was crucial for reinforcing bonds between women and exhibiting important leadership roles. In October 1831 a Penobscot camp in Brewer, Maine, was primarily a winter site associated with women, children, and the elderly. One witness described it:

In the summer, they [the Penobscots] live by fishing, and managing their farms. . . . In the winter, the men go up to Moose-head Lake, and other parts of the uncultivated interior, to hunt such wild animals as are still left in the forest. The women and children, during their absence, live in wigwams hastily constructed opposite Bangor on the bank of the river, also, near some of the most populous towns on the Kennebec.⁴⁰

By the nineteenth century, periods of separation between men and women were necessary for survival. Once families reunited, the act of coming together once again stressed the importance of unity and cooperation.

When families gathered together, whether it was on Old Town Island or near “populous towns” in the Kennebec River Valley, marriage ceremonies and meeting a potential spouse were often a priority for many people. Most marriages occurred between couples from different family bands and hunting territories. The size of a family group and the productivity level of its respective hunting territory influenced a couple’s place of residence. Although anthropologist Frank G. Speck believed that Penobscot families were patrilineal, his descriptions of residence patterns

suggest a more nuanced negotiation at the time of marriage. Families made choices based first and foremost on the needs of the family, and Native women were essential in this process. A family band with several daughters might welcome additional help from a man with the hunting, causing the man to live with the woman's family. Conversely, if the woman's band became too large, the couple might live with the man's family. Members of large family groups may have splintered off to join a smaller group, a move that strengthened kin ties between family bands.⁴¹

In the 1930s linguist Frank T. Siebert's fieldwork among the Penobscots revealed the prominence of Indigenous women. Residence patterns and lineage can highlight significant gender differences, but there were other factors such as cultural values that stressed the importance of women in Penobscot society. Some of Siebert's key informants were women such as Sylvia Stanislaus, who lived upriver on Mattanawcook Island in Lincoln, Maine. Her close relationship with Siebert influenced his work and shaped the questions he asked her. Siebert wrote about Penobscot family history on index cards that included Stanislaus's views on certain individuals, an indication that Siebert respected her.⁴²

Siebert took extensive notes on the significance of Penobscot grandmothers, who possessed considerable power in family and community decisions. In families with more than one grandmother, members selected "the oldest capable woman of the family" to discourage "bad behavior." Grandmothers approved all marriages in their animal totem or family group, adjusted personal disputes within the family, and sanctioned divorces. They knew that children took their animal name from the father, and their extensive knowledge about "blood relations" avoided marriages in the same animal group. Grandmothers prohibited marriages to first or second cousins, and community death threats deterred forbidden marriages. In 1866 Newell Nicolar, a brother of the author Joseph Nicolar, was already married when he eloped with his first cousin, Susan Neptune. After community members chased them out, the couple moved to Massachusetts. Twenty years later, Nicolar and Neptune attempted to return to Old Town Island, but the council members refused to allow them to return. In a close-knit community in which everyone knew each other, banishment or the complete severance from family, relatives, and friends was a real deterrence.⁴³

When a grandmother endorsed a marriage, she received wampum from the man's family and delivered it to the woman. If the woman re-

fused the man, the grandmother returned the wampum to the man's family. With approved marriages, the grandmother would keep the wampum for a while and eventually give it to the woman. Penobscot use of wampum extended beyond the political context and served to cement marriages, and therefore families, together.⁴⁴ When the grandmother approved the marriage, she called a meeting of both families. The man would try to find someone to speak "a good word" on his behalf to the woman's family. The two families often agreed to the marriage, but if the woman expressed her disinclination to marry, the ceremony did not occur. Conversely, if she wanted to marry the man but the families refused, she was not permitted to marry him. Couples could appeal the process by holding joint family meetings for a second or even a third time until both families accepted the marriage. Grandmothers held more influence over young women than the parents did. It was the grandmothers' responsibility to educate young women about the importance of "cooking, wigwam keeping, tanning hides, sewing, moccasin making, [and] moral training." This last skill of "moral training" was particularly important for the next generation of grandmothers who had to make difficult decisions for their families. It also shaped the woman's values in her selection of a husband whose ability to hunt, to fish, and to provide for her and the family was paramount.⁴⁵

However, the significance of Penobscot grandmothers expanded well beyond the inner circles of family life. They held considerable political power in decisions to go to war. All the grandmothers in the community would hold a "grandmothers council" (*nohk̄m̄ssizak mawebohwak*), which could veto a declaration of war from the chief and council. The grandmothers stopped an "insufficient war" that had "no profitable or successful conclusion." In the wars with the Mohawks, the grandmothers agreed with the tribal council to fight their enemy "to the bitter end."⁴⁶

Not surprisingly in view of these powerful and wide-ranging societal roles, the importance of women in Penobscot society was embedded into the dual land system and its blending of Penobscot values with the views of government officials for the state of Maine. In 1835 all Penobscots who were twenty-one years old or older could apply for a land lot on the reservation islands. Penobscot women owned land lots as individuals, spouses, sisters, in-laws, and widows. Spouses often owned land jointly, the title of which passed to the surviving widow or widower. Some

couples chose to have their own lots adjacent to one another. Preceding by almost a decade Maine's 1844 Property Law granting married women the right to own property on their own, the 1835 provision confirmed that Native women owned their land lots on the river islands.⁴⁷

Penobscot women proprietors often faced multiple challenges in their attempts to benefit from their lands. In 1838 Mary Nicola became a widow and cared for her ten children, eight of whom still survived in 1840. Nicola's late husband left her a small house with supplies, including bricks, boards, nails, and laths, to finish the inside of her home. However, her work making baskets and moccasins prevented her from completing the house. Nicola owned twenty-four acres, and some of her older sons plowed the fields to plant potatoes, beans, and corn. A portion of her land remained uncultivated, causing her to hire a "white man" to help finish the plowing. Assistance was essential for her sons to plant the seeds. Without money from the Indian fund, Nicola could not accomplish her goal to support her farming family.⁴⁸

By March 1842 Mary Nicola and her seven children lived in Kirkland, Maine, west of Old Town Island. Nicola knew that Indian agent Arvida Hayford usually distributed seventy-five cents per week and furnished firewood to widows. However, she had received only four dollars for the last two seasons, causing her and her children "to go into the Country & make baskets" for support. The following spring, she returned to Old Town Island to collect her money and asked Maine governor John Fairfield for assistance in the form of seed to help her farm. In her petition, Nicola related that "two years a go [*sic*] [when] I was at Augusta I understood your honours that their [*sic*] should be something done for me. I see some poor folks sixty years old receive seventy five cents per week when my Father & Mother are sixty nine years old and receive nothing[,] why not treat them all a like[?]"⁴⁹ Over a year later, Nicola fared no better, especially since her oldest child, who was "of sufficient age to afford assistance," was ill and required her constant "care and attention." In the past, Nicola had received money from the hay harvested on her family's island lots between Piscataquis Falls and Mohawk Rips on the Penobscot River, probably including Mohawk Island. However, the Indian agent deprived "her rights" to this income, which she still needed in order to pay for house repairs on Old Town Island.⁵⁰

As island proprietors, Penobscot women, like the men, had to assert

their property rights when competing claims surfaced. Around 1790 John Neptune, the father of the lieutenant governor, John Neptune, cleared land on Orson Island, where he lived until 1835, when he passed the land on to his son, who soon gave it to his late father's two sisters on account of their age. Joseph Sockabasin, who owned a lot on the island with his wife, agreed to help support Modlin and Mary Neptune and take care of the elderly sisters in return for their land. Five Neptune family members petitioned Maine's Executive Council, asking that Sockabasin receive another lot and that the Neptune land on Orson Island remain in the family.⁵¹ Unsure of the specific agreements in the case, Maine did not accede to the Neptunes' request.

As the years passed, more conflicting claims over the river lots arose. In 1841 Joe Mary Glossin petitioned for island number 73, which was known as Tomah or Tomer Island, consisting of about seven acres. Located about two miles below the mouth of the Passadumkeag River or about eighteen miles upriver from Old Town Island, Tomer Island was deeded to Clayet Tomah. Glossin claimed that his father had occupied and improved the island for a number of years before he died. After his father's death, his mother worked the land until her death, at which time Joe Penus, father of Clarissa Penus, went on Tomer Island and did some work. Clarissa Penus received title to the island, and Glossin attempted to use the law to rightfully receive the deed to his island. When Indian agent Rufus Davenport investigated the dispute, he wanted to learn what the "old Indian[s] say." Clarissa Penus, whom Davenport referred to as Clarissa Tomer, stated that she wanted the island because it was only covered with small bushes, making it easier for her at her advanced age to clear the growth. Davenport concluded that the Penobscot community was split on the issue, and some of them did not even know that Glossin owned any land. The Executive Council decided that Glossin had no just claim, and Clarissa Tomer kept her land.⁵²

Some Penobscots found deeds useful in conveying lots to other family members, possibly enabling individuals, especially women, to earn equity from reservation lots. Francis Sock was among the first three Penobscots to own an individual lot on Old Town Island. His lot was on the western shore above the "Indian Village" at the southern end of the island.⁵³ Sock apparently later bought a house in front of St. Ann's Catholic Church. In July 1847 he sold his home to widow Mary Sock Susup for \$250.⁵⁴ Three years later, Mary Sock Susup sold her

house “*and* also the lot on which said house stands, and sufficient land and passages to use occupy and enjoy the same” to Susett Sock Susup for \$200.⁵⁵ Although the property value declined, this last sale was the first to include the land on which the house stood and to specify access rights to the property. The village provided convenience, and adjacent lots were valuable, especially for women who used their land as a means to build equity.

Penobscot women as well as men struggled to inherit their family’s lots. In 1854 Penobscot Celia Nicola asserted her rights to her late father’s land lot on island number 27, or Peol Molly Island, which later became known as Freese Island, the first island upriver from Orson Island, consisting of 106 acres. This long and narrow island had three lots, all of which were in the Molly and Nicola families. Nicola, along with her husband, John Nicola, explained to the Maine governor that Newell Peol Molly had promised to give his farm to his daughter, Celia Nicola. Newell Peol Molly’s father, who lived on the adjacent lot, began to occupy his late son’s farm “in a very selfish manner,” preventing Nicola from claiming her inheritance. Maine’s commissioner for Indian affairs requested that the local Indian agent investigate the matter.⁵⁶

Challenges with inheritance rights were equally burdensome to Penobscot women and men. In 1852 an Indian agent told Penobscot Saul Neptune and his large family that they could live on Groundnut Island, once owned by the late Attean Racoon. According to the Indian agent, the island was “not taken up by the Indians” and had reverted back into common land status. Neptune and his family started a farm and made improvements worth fifty dollars. A year later, the Indian agent ordered Neptune off Groundnut Island and threatened to put him “in Prison if I don’t keep off of it.” Contemplating the justice of his case, Neptune stated that “Old Racoon” never worked on the land, but now his daughter claimed her late father’s land. To argue his point, Neptune mentioned that Racoon’s daughter owned three other assignments and had no children, conveying the need to hold on to his family farm. The Maine legislature declined Neptune’s request, substantiating Joseph Sockabasin’s legitimate fear about the difficulty of island farming.⁵⁷ In this transitional period with few deeds, island lot owners possessed conflicting viewpoints about specific property ownership.

However, not all Penobscot women had the time to attend to their farms or land lots, especially when family responsibilities beckoned

them elsewhere. In January 1860 sixty-two-year-old Mary Peal Sock was a widow and had raised six children by herself. Her only surviving child had been permanently injured on a log drive in the Penobscot River and had “never recovered.” From 1852 to 1859 she left Old Town Island to take care of her sick sister in Canada. When she returned to Maine, Sock lived with extended family in Pittston, Maine, where she became completely destitute, not having any means to support herself and without food and proper clothing.⁵⁸ Sock’s life of taking care of her family took precedence over owning assignments on the reservation islands. For her, there were more important obligations in life, including a network of kinship across her ancestral homeland.

Under the dual property system, land was not the only resource that required tribal protection. The 1835 law and survey of the river islands further commodified the river water, and the Penobscots struggled to assert authority over their island shore leases. In 1859 the Penobscot representative to the Maine House of Representatives, Joseph Nicolar, fell ill but still believed in the urgency to write Maine governor Lot M. Morrill. “Confined to my room by sickness,” Nicolar felt “anxious to know” the outcome of a tribal petition that sought “better regulations of leasing the [island] shores.” Although the specifics of the petition about shore rents remain unclear, it is evident that some Penobscots wanted more control over their island shores and waters.⁵⁹ The islands were flooded multiple times a year and often had a high water table, which is consistent with the fact that 75 percent of the Penobscot reservation islands are characterized by floodplain soils. On the Penobscot River, the combination of the low-level islands, water level fluctuations, and industry made inundations common.⁶⁰ For the Penobscots, life on the river taught them that these fluctuating water levels made tribal land and waters inseparable.

By the late 1870s low wages and the decline in labor demand from the mill and lumber industries led some Penobscots, including women, to turn to agriculture for the first time. The survey of additional lots on the eastern side of Old Town Island permitted Native assignees to make some “extensive clearings” for a farm. A new road that extended to the head of the island gave families access to these new lots. In 1877 Penobscots requested more farm lots on the river islands “than in any former year.” They complained that the non-Native farmer who leased the public farm on Orson Island had cut timber valued more than his annual rent. This 224-acre farm, created in 1836, consisted of several dwellings,

a yoke of oxen, and tools. The farm's yield helped tribal members in need, including orphan children, the old, and the handicapped. By 1862, however, the Maine legislature had leased the public farm for five years at twenty-five dollars per year and later renewed the lease for another five years at the reduced annual fee of fifteen dollars. The sandy soils on the western side of the island contributed to "insignificant" yields, and the dilapidated buildings had not received any repairs in years. After the lease ended, some Penobscots who did not yet own land wanted to convert the old public farm into individual lots for themselves. The closeness to Old Town Island and the market, along with its river frontage, which permitted "accessibility at all seasons of the year," made this old site particularly desirable.⁶¹

The dual land system that emerged in the nineteenth century was an expression of the importance of women in a much older form of Penobscot society. As people who traditionally hunted, fished, and gathered in their homeland and depended on ancient notions of family hunting territories for survival, Penobscots, in contrast to their European American neighbors, appreciated the power of women and the respect that they garnered from the community. The distinct dual land system, while resembling components of family hunting territories, exhibited the importance of Penobscot women by recognizing them as proprietors of island assignments before non-Native women could own property in Maine. Indeed, Penobscot couples had relied on grandmothers to approve their union and supported grandmothers' strong influence in family dynamics and political decisions. Grandmothers carried wampum back and forth between suitors, and that process must have stimulated conversations about new matches in the community and the formation of family alliances. As Penobscot proprietors, women fended off counterclaims to their assignments and struggled to legitimize inheritance. It was more important for John Neptune that his two aunts owned his late father's land instead of himself. For Mary Nicolar, mobility and family responsibilities, along with owning island lots, were a challenge, requiring her to seek fairness and support from the state of Maine. In the context of the nineteenth century, it was Penobscot women proprietors in the distinct dual property regime and the power of grandmothers that reminded the people that they were still very much Penobscot—a self-recognition that was conveyed unmistakably to the commissioners in 1883.

In 1883 the three commissioners who met with the Penobscots to adjust land lots on the river islands learned that they had their own *wickhegans*, meaning anything that can be read, including a wampum belt, a book, or even a birchbark map, and that these *wickhegans* supported the Penobscots' claims to the island lots.⁶² As the reservation islands were surveyed several times throughout the nineteenth century, the number of lots increased in number and often became smaller in size, and the undivided lands gradually diminished. However, survey lines on a map did not always reflect human reality on the reservation. The commissioners saw the tribe's "loose methods of making transfers," which often included simply presenting an old deed to the new proprietor without the updated name changes in the deed itself or its registration in the county's Registry of Deeds Office. These "informal papers" resulted in the grantors being "oblivious of their prior grants and by subsequent conveyances create several claimants to the same parcel." The Penobscots possessed their own methods of confirming land transfers that many tribal citizens had practiced for over forty years. After experiencing dispossession for over a century in their homeland, it was not surprising that some Penobscots feared that "they were being deprived of their lands or [of] some rights."⁶³

In order to resolve the competing claims on Old Town Island, the commissioners learned from their inquiries to different community members that some survey lines had to be redrawn and that at least one Penobscot landowner had to move to another lot. For over thirty years, Susan Sock Susup lived in her house, which was built on the Catholic Church lot, created in 1836. The commissioners confirmed Susup's title by her 1850 deed and by her continual possession, reducing the original size of the church lot. Next to the church lot was the common, probably the old parade ground, where in 1849 an Indian agent authorized the building of a store and schoolhouse. When plans for a new road transected the common in 1873, it crossed Lewis Ketchum's lot. Apparently for the community's benefit, Ketchum relinquished his lot for a new one located to the east. When Ketchum's new lot was surveyed, it was found that his land was within the common. Since Ketchum had already moved his house once and spent his own money on the relocation, the commissioners thought it best to "not disturb" him. The Penobscots and

the commissioners possessed similar goals in resolving contested claims and tried to keep the peace when conflicts arose.⁶⁴ Despite the variety of Penobscot experiences with their land lots on the river islands, many tribal members not only were clearly invested in their property but also had to defend it against adverse claims within the community.

In 1884, a year after the three commissioners had begun to examine all specific Penobscot titles on the river islands, agent Charles A. Bailey struggled to finish writing all the deeds. Duplicates of all “certificates” had to be drawn up, with one issued to the Penobscot proprietor and the second copy indexed and bound for reference. Bailey said his duty required the “labor equivalent to the writing of about two thousand deeds,” probably resulting in the distribution of one thousand deeds. However, in that same year, records reveal that Bailey only filed 350 registered deeds. Before the commissioners’ investigation, conflicts over lot ownership prevailed under “the former imperfect system.” The commissioners’ work, Bailey believed, created a new land system for the tribe where property was “on a substantial and intelligible basis.”⁶⁵ However, the intent of the 1883 law sought to resolve conflicts over island lots, and Bailey defended his work as agent to the state. An examination of the earliest set of deeds to the island lots reveals that individual Penobscot women continued to own a number of assignments. Among the 350 deeds registered on May 1, 1884, 35 of 113 deeds to Old Town Island were for individual Penobscot women.⁶⁶

For some Penobscot families, the dual land system led to challenges in the preparation of registered deeds that kept lands within the family. For them as for non-Natives in Maine, deeds required forethought, and unexpected deaths sometimes left families without inheritance rights. In his lifetime, Sockalexis Glossian acquired at least four island lots, including one on Old Town Island. The other three parcels were over ten miles upriver on island number 49, also known as Cow Island; island number 50, a three-acre islet off the northeastern shore of Cow Island; and on island number 52, called Birch Island, which consisted of twenty-six acres. After Glossian’s sudden death in December 1892, his widow, Catherine Glossian, worked to maintain the family lands. Five years later, prompted by her “feeble health,” she and her sister Sudick Johnson petitioned the Maine legislature to secure title to the family lots. Since the Glossians’ marriage “some forty years ago,” Johnson had been living with her sister and her family, helping Catherine “in taking

care of the household.” The two women stated in their petition that all of the children and grandchildren of the family had passed away and that before Sockalexis Glossian’s death, he “expressed his intention and desire that all his property, including his real estate, should become the property of your petitioners Catherine Glossian and Sudick Johnson in equal shares.”⁶⁷ To uphold the late Glossian’s wishes, the two sisters wanted the land titles, but the state’s Committee on Indian Affairs, possibly not knowing the intricacies of the case, did not grant the women’s request.

Some Penobscots held that the transfer of island lots between family members required a Western education. In 1857, below the mouth of the Passadumkeag River on the Penobscot River, Joseph Polis told his employer, Henry David Thoreau, that in addition to his family home on Old Town Island, he owned about one hundred acres in the vicinity of a series of islands called Five Islands, at the northern end of the surveyed islands. Thoreau surmised that his guide owned property valued at \$6,000. Polis thought about property and education “a great deal” and felt strongly that a college education gave people the ability “to calculate,” a skill that his people needed to “keep ’em property,—no other way.”⁶⁸ Penobscot governor John Attean and lieutenant governor John Neptune expressed similar sentiments, stating, “White men know how much learning worth, they want no talk of Indian to tell them—Indians know little, Indian wants to know more, Indian no read, white man read [and] Indians wants to read.”⁶⁹ For Polis and Penobscot leaders, a formal education was essential to hold on to family lands. By the 1880s and shortly before his death, Polis had registered one deed for twenty acres on Orson Island.⁷⁰ His other properties may have been passed down to family members the old way, which included by word of mouth or by handing over an old deed to the new tribal owner.

Beginning in 1884, most of the Penobscot deeds either confirmed ownership to specific assignments, sometimes for the first time, or recorded the transfer of parcels to an heir or another tribal member with a detailed land description. In most cases, the Indian agent conducted the business agreements or leases on behalf of the Penobscot community. From 1843 Penobscot leaders asserted the right to sell their own timber, a resource that they depended upon “for a livelihood,” but Maine officials declined the request.⁷¹ One rare exception to this pattern was Joseph Nicolar, the book author and former tribal representative

to the state of Maine.⁷² In April 1893, a year before his death, Nicolar entered into a six-year lease with Augustus H. Jellison and Leslie A. Bussell of Milford, Maine, across the river from Old Town Island. The two men paid Nicolar fifty dollars for the right to cut standing timber on Nicolar's lots, which included a small island numbered 88 and two lower lots on adjacent Gordon Island, or island number 89, a seventy-four-acre island upriver from Howland, Maine. Any standing timber not harvested after the specified six years remained Nicolar's property. Agent George H. Hunt approved the timber lease, permitting Nicolar to receive direct payment instead of the money being deposited into the tribe's account held by the state of Maine.⁷³ Nicolar's stature as a successful leader helped him obtain this favorable business endeavor, but for most Penobscots, such beneficial arrangements were almost impossible to attain.

CONCLUSION

Beginning in 1835, the Penobscots experienced the creation of individual or family lots on their reservation islands, leading to a unique dual land system. When a few Penobscots wanted to pass on farmland to their heirs, Maine officials applied the specific request to all the reservation islands. Adult Penobscots applied for island lots, resulting in their reservation lands being only partially divided. At a time when few married Maine women owned property on the mainland, Penobscot women owned property as individuals, spouses, sisters, and widows and struggled with informal inheritance customs. Indigenous women who became proprietors represented the significance of women in Penobscot society, resting on the prominence of family hunting territories and the centrality of women in camp life. Moreover, the grandmothers' council approved marriages, carried wampum, and exerted power over political decisions, a position that highlights the place of women as landowners.

While the 1835 Maine law did not sell surplus lands, it only surveyed the river islands from Old Town to the mouth of the Mattawamkeag River, leaving tribal rights to islands farther upriver undetermined. Moreover, the initial survey highlighted the island shores and small islets that could be leased for mills, booms, and fisheries. Penobscot families on their island lots braced themselves for a new era when American colonialism could no longer be ignored by a canoe trip upriver.

Unclaimed family lots with no heirs reverted back to communal lands that could be reallocated to other tribal citizens. Non-Native presence on the reservation islands required permission from the tribe as well as the lot owners, a bureaucracy that asserted Penobscots' sovereignty over their lands. In a sense, the dual property system, including both family land lots and tribal lands, protected the reservation islands from further encroachment at a time when any escape from them seemed nearly impossible.

Penobscot assignments produced mixed results for the community. On the one hand, the island lots were a result of colonialism, a process involving state officials who expected that the Penobscots possessed the same property values as other Maine residents and that their river islands would not be an obstacle to the growing timber industry. Government bureaucrats did not expect to learn that Penobscot women owned land or that some community members understood that the survey lines on their islands not only had negative consequences for their worldview, with its distinct notions of property, but also included adverse effects, ranging from road construction to family disputes. On the other hand, internal tribal conflicts about inheritance reveal that some Penobscots changed the way they viewed their homeland and perceptions of property. At a time when European Americans continued to encroach upon Penobscot waters, the island lots often secured river access to ancestral waters that were at the center of their livelihood and identity on the Penobscot River. Assignments, to a degree, were reminiscent of family hunting territories, albeit on a much smaller scale, which fostered family ties to specific islands. It was the unique dual land system that could provide families with their own lots while at the same time preserving the Penobscot custom of holding reservation lands in common. After 1883 Penobscot families and individuals continued to acquire island lots and passed them on to their heirs, and the relatively low number of registered deeds indicates that some of them still chose the old ways to make these transfers. The Penobscot property system contained old practices of land tenure and new adopted components. The dual land system strengthened Penobscot ownership of the river islands by not only recognizing the reservation status of these islands but also creating a new system in which deeds demonstrated individual or family ownership of island lots. Today, non-Natives, local businesses, and even tribal employees who seek island access must get permission

from both the tribal council and the individual assignees, requiring leaders to consult with lot owners, who hold the final say about land decisions. This permission process protects Penobscot lands from further dispossession.⁷⁴ Future land-use options need to involve tribal leaders and lot owners to create land policies for specific islands.⁷⁵

As we approach the fortieth anniversary of the signing of the Maine Indian Claims Settlement Act of 1980, the Penobscot Indian Nation is experiencing a new dawn. The Penobscot River Restoration Project has removed the Veazie and Great Works Dams, and the polluted river seems to be recovering from centuries of industrial abuse. As water levels recede to ancient points and diadromous fish begin to migrate between saltwater and freshwater once again, a past riverscape is revealed.⁷⁶ As one Penobscot expressed, “Although the road passes nearby, the river is quiet. Its islands provide a place for the people to return to the earth and enter into the silence of the river. [The islands] are isolated by a natural buffer of foliage that protects their tranquility. Preservation of this invaluable asset will perpetuate the natural and cultural qualities of The Penobscot Indian Nation.”⁷⁷

MICAH A. PAWLING is an associate professor of history and Native American studies at the University of Maine. His research interests include the ethnohistory of the Wabanaki peoples of northern New England and eastern Canada in the nineteenth century. Pawling’s work has appeared in *Acadiensis*, *Ethnohistory*, and the *Historical Atlas of Maine*. His 2017 article received the 2018 Canadian Historical Association’s prize for the best article in Indigenous history. As a recipient of the Whiting Public Engagement Fellowship, he collaborates with the Passamaquoddy Tribe of Indian Township (Motahkomikuk) on community history. His forthcoming book is on Wabanaki waterscapes in the nineteenth century.

NOTES

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The spellings of Penobscot family names are standardized in the text for clarity, but the endnotes retain the original spellings in the documents. For some modern spellings of family names, see Frank G. Speck, *Penobscot Man: The Life History of a Forest Tribe in Maine* (Philadelphia: University of Pennsylvania Press, 1940), 206–30.

1. Report of Commissioners Appointed by the Maine Legislature to Adjust Penobscot Land Lots, Old Town, Maine, February 29, 1883, Department of Forestry, Maine State Archives, Augusta (hereafter MeSA).

2. Report of Commissioners, 1883, MeSA.

3. Scholarship on Native American land tenure history is enormous. For New England, see William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill & Wang, 1983); Jean M. O'Brien, *Dispossession by Degrees: Indian Land and Identity in Natick, Massachusetts, 1650–1790* (New York: Cambridge University Press, 1997). For additional works on land tenure, see Susan M. Hill, *The Clay We Are Made Of: Haudenosaunee Land Tenure on the Grand River* (Winnipeg: University of Manitoba Press, 2017); Melissa L. Meyer, *The White Earth Tragedy: Ethnicity and Dispossession at a Minnesota Anishinaabe Reservation* (Lincoln: University of Nebraska Press, 1994).

4. The first degree of relations, including a parent, child, or legal spouse, took precedence over the other three levels of family ties. See “Chapter 9 Land Assignments and Leases,” Penobscot Indian Nation, n.d. www.narf.org/nill/codes/penobscot/ch.09.pdf, 15.

5. In 1691 Recollect Franciscan friar Chrétien Le Clercq, who lived among the Mi'kmaq, noted, “It is not permitted to any Indian to overstep the bounds and limits of the region which shall have been assigned to him in the assembly of the elders. These are held in autumn and spring expressly to make this assignment.” Quoted in Frank G. Speck, *Beothuk and Micmac*, Indian Notes and Monographs series, ed. F. W. Hodge (New York: Museum of the American Indian, Heye Foundation, 1922), 88. For the Maliseet, see Andrea Bear Nicholas, “Settler Imperialism and the Dispossession of the Maliseet, 1758–1765,” in *Shaping an Agenda for Atlantic Canada*, ed. Donald J. Savoie and John G. Reid (Halifax: Fernwood Publishing, 2011), 44. Wabanaki is an all-inclusive term that refers primarily to the Penobscots, Passamaquoddy, Maliseet, and Mi'kmaq, along with other Abenaki groups. See Harald E. L. Prins, “Children of Gluskap: Wabanaki Indians on the Eve of European Invasion,” in *American Beginnings: Exploration, Culture, and Cartography in the Land of Norumbega*, ed. Emerson W. Baker et al. (Lincoln: University of Nebraska Press, 1994), 95–117. Wabanaki refers to two or more Native groups and connotes

similarities between the distinct tribes. The specific tribal affiliation Penobscot is used to address one Native community.

6. Speck, *Penobscot Man*, 203–48.

7. Speck, *Penobscot Man*, 206–7; Dean R. Snow, “Wabanaki ‘Family Hunting Territories,’” *American Anthropologist*, n.s., 70, no. 6 (December 1968): 1143–51.

8. Speck, *Penobscot Man*, 207.

9. Joseph Chadwick, “An Account of a Journey from Fort Pownal—Now Fort Point—Up the Penobscot River to Quebec, in 1764,” *Bangor Historical Magazine* 4, no. 8 (February 1889): 141–48, esp. 143; Mary C. Leger, *The Catholic Indian Missions in Maine, 1611–1820* (Washington, DC: Catholic University of America, 1929), 115; Speck, *Penobscot Man*, 207; Cronon, *Changes in the Land*, 105. Scholarship on family hunting territories in northeastern North America is vast. The debate has focused more on whether this land system predated European arrival and less on its management and the probable variations through time. For an overview of the scholarship, see Alfred Goldsworthy Bailey, *The Conflict of European and Eastern Algonkian Cultures, 1504–1700: A Study in Canadian Civilization* (Saint John: New Brunswick Museum, 1937; 2nd ed., Toronto: University of Toronto Press, 1969), xix–xxiii. For a more recent interpretation, see Harvey A. Feit, “The Construction of Algonquian Hunting Territories: Private Property as Moral Lesson, Policy Advocacy, and Ethnographic Error,” in *Colonial Situations: Essays on the Contextualization of Ethnographic Knowledge*, ed. George W. Stocking, History of Anthropology series (Madison: University of Wisconsin Press, 1991), 109–33.

10. Penobscot Indian Petition to the Commonwealth of Massachusetts, Union River, November 2, 1776, Massachusetts Archives Collection, SC1/57X, vol. 144, p. 363, Massachusetts State Archives, Boston.

11. Speck, *Penobscot Man*, 203–70.

12. Micah A. Pawling and Donald G. Soctomah, “Defining Native Space,” in *The Historical Atlas of Maine*, ed. Stephen J. Hornsby and Richard W. Judd, with cartographic designer Michael J. Hermann (Orono: University of Maine Press, 2015), plate 23; Jacques Ferland, “Tribal Dissent or White Aggression? Interpreting Penobscot Indian Dispossession between 1808 and 1835,” *Maine History* 43, no. 2 (August 2007): 125–70; Brian S. Robinson, “Burial Ritual, Groups, and Boundaries on the Gulf of Maine: 8600–3800 BP” (PhD diss., Brown University, 2001). Throughout most of the nineteenth century, Indian Island, which is the present-day government seat for the Penobscot Nation, was called Old Town Island. Therefore, Old Town Island is used in the text.

13. For other examples in New England, see Daniel R. Mandell, *Tribe, Race, History: Native Americans in Southern New England, 1780–1880* (Baltimore, MD: Johns Hopkins University Press, 2007); Ruth Wallis Herndon and Ella Wilcox Sekatau, “The Right to a Name: The Narragansett People and Rhode Island Officials in the Revolutionary Era,” *Ethnohistory* 44, no. 3 (Summer 1997): 432–62. For the South-

east, see Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733–1816* (New York: Cambridge University Press, 1999).

14. Pauleena MacDougall, *The Penobscot Dance of Resistance: Tradition in the History of a People* (Lebanon, NH: University Press of New England, 2004), 107–24.

15. Micah A. Pawling, ed., *Wabanaki Homeland and the New State of Maine: The 1820 Journal and Plans of Survey by Joseph Treat* (Amherst: University of Massachusetts Press, in conjunction with the Penobscot Indian Nation, 2007), 17–51.

16. Richard G. Wood, *A History of Lumbering in Maine, 1820–1860*, reprint of *Maine Studies* 33, with a new introduction by David C. Smith (Orono: University of Maine Press, 1971), 132–39; Edward D. Ives, *Argyle Boom*, vol. 17, *Northeast Folklore* (Orono: University of Maine Press, 1977), 8–51; Bill Parenteau, “State Regulation and Changing Patterns of Resource Use in the St. John River Fisheries, 1867–1914,” in *Caring for the Water That Connects Us*, Proceedings of the Third Canadian River Heritage Conference, ed. Maria Bourgeois and David Folster (Fredericton: New Brunswick Department of Environment, 2001), 38–41; Graeme Wynn, *Timber Colony: A Historical Geography of Early Nineteenth Century New Brunswick* (Toronto: University of Toronto Press, 1981); MacDougall, *Penobscot Dance*, 125–49. The Penobscot River is the largest watershed within the borders of Maine, stretching 160 miles long, with the greatest breadth of 115 miles, and covering a total of 8,200 square miles. See Walter Wells, *The Water-Power of Maine* (Augusta, ME: Sprague, Owen and Nash, 1869), 100.

17. In 1816 a multitribal chief induction ceremony on Old Town Island installed Penobscot hereditary chiefs Governor John Attean and Lieutenant Governor John Neptune, an event that followed Wabanaki protocol by inviting Passamaquoddy and Maliseet delegates, who would help “raise up” a new chief. Twenty-two years later, internal discourse caused some Penobscots to hold an election with Wabanaki representatives, who voted for two new chiefs, Governor Tomah Sockalexis and Lieutenant Governor Attean Orson. Different views of legitimate leaders were common, but the problematic terms “Old Party” and “New Party” suggest more of an emphasis on political divisions than actually existed. It would be shortsighted to simply reduce these events as a collision between traditional values and new practices. Wabanaki discourse was more of a debate within their communities about the best ways to respond to colonial orders. In 1839 Maliseet leaders in New Brunswick protested Penobscot elections to the state of Maine, stating that “Indian like good governor, . . . he wants no new governor until the old one is dead; for new things are not always better than the old. . . . Indian love him governor when him old—even when him no able to walk anymore. Indian not want to choose governor every time the leaves fall.” Petition of Maliseet Governor Tomer, Lieutenant Governor Joseph, and Seven Council Members to the State of Maine, Saint John, New Brunswick, January 1, 1839, MS 787, Ayer Collection, Newberry Library, Chicago; Willard Walker, “The Wabanaki Confederacy,” *Maine History* 37, no. 3 (Winter 1998): 110–39. For the complexities and different interpretations about

Wabanaki discourse on leadership and divergent views about legitimate political practices in the nineteenth century, see William D. Williamson, "Indians of New England," *Massachusetts Historical Society Collections*, series 3, vol. 9 (1846): 92–100; Eugene Ventromile, *The Abnaki and Their History or Historical Notices on the Aborigines of Acadia* (New York: James B. Kirker, 1866); Fannie Hardy Eckstorm, *Old John Neptune and Other Maine Indian Shamans* (Portland, ME: Southworth-Anthoensen Press, 1945; repr., Orono: University of Maine Press, 1980), 140–66. For scholarship outside the Northeast, see Loretta Fowler, *Arapahoe Politics, 1851–1978: Symbols in Crises of Authority*, foreword by Fred Eggan (Lincoln: University of Nebraska Press, 1982).

18. Penobscot Tribal Reservation Housing Authority, *Penobscot Nation Island Inventory*, comp. Rick Mitchell (Old Town, ME: Penobscot Tribal Housing Authority, June 1979).

19. Petition of Penobscot Joseph Sockabasin, Bangor, December 24, 1831, Maine Legislative Records, 1833 Graveyard (hereafter GY) 80-24, MeSA. The 1831 petition took almost two years before the Maine legislature considered the petitioner's request. The "Graveyard" records are ungranted or unpassed legislation. Unless otherwise indicated, numbers separated by a hyphen refer to the box and folder numbers at MeSA. Sockabasin had various spellings, including Saucbesin and Soccobasin, but it has been standardized here for clarity.

20. Petition of Penobscot Joseph Sockabasin, December 24, 1831, MeSA. While Penobscot Clara Neptune said that the name Orson Island referred to a Penobscot leader named John, pronounced "Assah," who lived there in the 1790s, another name of the island is K'chi-mugwack'-i-menahan', meaning Big Bog Island. See Fannie Hardy Eckstorm, *Indian Place-Names of the Penobscot Valley and the Maine Coast*, Maine Studies series (1941; repr., Orono: University of Maine Press, 1978), 38–39.

21. Petition of Penobscot Joseph Sockabasin, January 29, 1835, Maine Legislative Records, 1835 PL 113-55, MeSA. The description of this lot indicates it was probably in the southeastern corner of Orson Island.

22. Petition of Penobscot Sappiel Mohawk and Five Others, January 1835, Maine Legislative Records, 1835 PL 113-55, MeSA. While "Mohawk" may connote Haudenosaunee (Iroquois) heritage, possibly from an earlier captive who assimilated into the community, Sapiel Mohawk was a Penobscot. See Eckstorm, *Old John Neptune*, 138.

23. Zebulon Bradley, "Plan of Islands in Penobscot River between Old Town Falls and Mattawamkeag Point," November 18, 1835, Sheet No. 1, Penobscot County Court House, Registry of Deeds Office (hereafter PCRDO), LR2, 9; Zebulon Bradley, surveyor, "Islands in the Penobscot River between Old Town Falls and Mattawamkeag Point, 1835," Maine Land Office Plan Book 10, roll 2, vol. 10, RG 4, pp. 15–25, MeSA; "Field Notes of the Survey of Lots on Islands Belonging to the Indians," vol. 70, RG 12.01, pp. 1–76, MeSA; field notes, book 1835, 233-331, MeSA.

24. "An Act Additional to the Several Acts for the Better Regulation and Management of the Penobscot Tribe of Indians," 1835 PL 113-55, pp. 1–4, MeSA. Joseph

Sockabasin expressed disappointment in the 1835 law, which stipulated that the state of Maine held the family lots on the islands for the tribe. In contrast, he wanted fee simple title to his farm. Under the 1835 law, Sockabasin believed he had “little encouragement to till and improve the land which he does not own.” Petition of Penobscot Joseph Sockbesin, February 11, 1840, 1840 Maine Legislative Record, GY 136-11, MeSA. The 1835 Maine law should not be confused with the United States’ policy of allotment, called the General Allotment Act or the Dawes Act of 1887. See C. Joseph Genetin-Pilawa, *Crooked Paths to Allotment: The Fight over Federal Indian Policy after the Civil War* (Chapel Hill: University of North Carolina Press, 2012); Cathleen D. Cahill, *Federal Fathers & Mothers: A Social History of the United States Indian Service, 1869–1933* (Chapel Hill: University of North Carolina Press, 2011), 41–42.

25. Petition of Penobscot Lieutenant Governor John Neptune and delegate Joseph Soc Basin, January 25, 1831, Maine Executive Council, report 17, 36-29, MeSA. For example, Nicatow Island, located at the juncture of the West and East Branches of the Penobscot River and above the mouth of the Mattawamkeag River, was Penobscot land. See Petition of Ira Fish for Nicatow Island, January 1828, Maine Legislative Records, 1828 RS 24-48, MeSA.

26. Mark Trafton, Bangor, to the Governor of Maine, January 18, 1836, Maine Executive Council Reports, 1836, 59-40, no. 442, MeSA.

27. Bradley, “Plan of Islands”; Bradley, surveyor, “Islands in the Penobscot River.”

28. Indian Committee report, June 22, 1840, Maine Executive Council, 84-3, MeSA.

29. Bradley, “Plan of Islands”; Bradley, surveyor, “Islands in the Penobscot River.”

30. “An Act Additional”; William C. Wicken, *Mi’kmaq Treaties on Trial: History, Land, and Donald Marshall Junior* (Toronto: University of Toronto Press, 2002), 3–16.

31. Petition of Penobscot Governor Thomas Sockalexis and Lieutenant Governor Attean Orson, December 30, 1839, Maine Executive Council, 1840, 85-13, MeSA. In 1838 Sockalexis and Orson became elected chiefs.

32. Petition of Penobscot Joseph Sockabasin, n.d., Maine Executive Council, 70-25, no. 79, MeSA.

33. Petition of Penobscot John Neptune, n.d., Maine Executive Council, 70-25, no. 79, MeSA.

34. Petition of Penobscot Governor Toma and Many Others, Maine Legislative Documents, 1838 PL 157-90, MeSA.

35. Petition of Penobscot Peal Tomer, January 1832, Maine Legislative Documents, 1832 RS 35-8, MeSA.

36. Petition of Penobscot Peal Tomer, January 29, 1832, Maine Legislative Documents, 1833 GY 79-32, MeSA.

37. Petition of Penobscot Peal Tomer, February 2, 1841, Maine Legislative Documents, 1841 GY 142-39, MeSA.

38. Penobscot County Map, 1859, PCRDO. This mid-nineteenth-century map shows Native families living in camps on the eastern shore of the Penobscot River, just south of Olamon Island. For families living on off-reservation lands, see Micah Pawling, "Wabanaki Homeland and Mobility: Concepts of Home in Nineteenth-Century Maine," *Ethnohistory* 62, no. 4 (October 2016): 621–43.

39. Petition of Penobscot Joseph Sockabasin, January 30, 1840, Maine Executive Council, original council papers, 1840 81-13, MeSA. No known evidence can confirm or refute that Joseph Sockabasin made it to Texas. In 1845, after living in Gardiner, Maine, for six months, he and his family fell into distress, causing him to petition for money from the state-held "Indian fund" for relief. His wife was ill and could not be moved. The state of Maine granted seven dollars to Sockabasin. See Petition of Joseph Sockabasin, n.d., Maine Executive Council, 1845, report 8, box 230, MeSA; Report of the Standing Committee on Indian Affairs, Maine Executive Council, 1845, report 8, box 230, MeSA. For Native Americans in the Republic of Texas, see David La Vere, *The Texas Indians* (College Station: Texas A&M University Press, 2004), 177–201. In 1860 Joseph Sockabasin petitioned Maine's Standing Committee on Indian Affairs regarding a law that would provide Penobscot children interest money derived from the improvements on their parents' lots. Petition of Penobscot Joseph Sockabasin, January 20, 1860, Maine Legislature Documents, 1860 GY 442-3, MeSA.

40. "Paul Joseph Osson, the Indian Artist," *Penobscot Journal* (Bangor, ME), October 4, 1831, p. 1, col. 1. I would like to thank David Sanger for making this point to me. For Maliseet women engaged in skills generally associated with men and vice versa, see Leah Wherry, "Wabanaki Women Religious Practitioners" (MA thesis, University of New Brunswick, 2007), 43.

41. Speck, *Penobscot Man*, 203–36. In 2016 Penobscot chief Kirk Francis stated that the Wabanaki are a "matriarchal people." Penobscot Chief Kirk E. Francis to University of Maine President Susan J. Hunter, March 13, 2016, on file at the Native American Studies Office, University of Maine.

42. Frank T. Siebert Jr., Penobscot family genealogy, index cards, Special Collections, accession 2017-0726A, Raymond H. Fogler Library, University of Maine; Eunice Baumann-Nelson, "A Penobscot Assessment of Frank Siebert," *Maine History* 37, no. 3 (Winter 1998): 80–81.

43. Frank T. Siebert, "Grandmother's head of families," fieldnotes, 1936, photocopy, Special Collections, accession 2017-0726A, Raymond H. Fogler Library, University of Maine; Frank T. Siebert, "Frank G. Speck, Personal Reminiscences," in *Papers of the Thirteenth Algonquian Conference*, ed. William Cowan (Ottawa: Carleton University Press, 1982), 130.

44. Frank G. Speck, "The Eastern Algonquian Wabanaki Confederacy," *American Anthropologist*, no. 17 (1915): 492–508; Marshall J. Becker, "Penobscot Wampum Belt Use during the 1722–1727 Conflict in Maine," *Papers of the Thirty-Sixth Algonquian Conference*, ed. H. C. Wolfart (Winnipeg: University of Manitoba Press, 2005), 23–51;

Robert M. Leavitt and David A. Francis, eds., *Wapapi Akonutomakonol: The Wampum Records; Wabanaki Traditional Laws* (Fredericton: Micmac-Maliseet Institute, University of New Brunswick, 1990), 47–49; William M. Beauchamp, “Wampum and Shell Articles Used by the New York Indians,” *Bulletin of the New York State Museum* 8, no. 41 (February 1901): 476 and plate 26. In Beauchamp the only Penobscot wampum belts are attributed to Penobscot marriage ceremonies and one specifically owned by Molly Molasses. For Molly Molasses, see Bunny McBride, *Women of the Dawn* (Lincoln: University of Nebraska Press, 1999), 75–94; McBride and Harald E. L. Prins, *Indians in Eden: Wabanakis and Rusticators on Maine’s Mount Desert Island, 1840s–1920s* (East Peoria, IL: Versa Press, 2009), 45–46.

45. Siebert, “Grandmother’s head of families”; Wherry, “Wabanaki Women,” 44–47.

46. Siebert, “Grandmother’s head of families.” For wars with the Mohawks, see MacDougall, *Penobscot Dance*, 42; Bruce J. Bourque, *Twelve Thousand Years: American Indians in Maine*, with contributions by Steven L. Cox and Ruth H. Whitehead (Lincoln: University of Nebraska Press, 2001), 162–63; Vincent Erickson, “‘The Mohawks Are Coming!’: Elijah Kellogg’s Observation,” in *Papers of the Fourteenth Algonquian Conference*, ed. William Cowan (Ottawa: Carleton University Press, 1983), 37–47; Nicholas N. Smith, “The Wabanaki-Mohawk Conflict: A Folkhistory Tradition,” in Cowan, *Papers*, 49–56; Socabesin Swassin, “Battle of Passadumkeag [letter from Indian Island, December 8, 1880],” *Maine Historical Society News-letter* 8, no. 3 (February 1969): 11–13.

47. Sara L. Zeigler, “Uniformity and Conformity: Regionalism and the Adjudication of the Married Women’s Property Acts,” *Polity* 28, no. 4 (Summer 1996): 488; B. Zorina Khan, “Married Women’s Property Laws and Female Commercial Activity: Evidence from United States Patent Records, 1790–1895,” *Journal of Economic History* 56, no. 2 (June 1996): 356–88.

48. Petition of Penobscot Mary Nicoli, n.d., Maine Executive Council, 1840, 81–36, MeSA.

49. Petition of Penobscot Mary Nicolar, March 17, 1842, Maine Executive Council, report 220, box 228, MeSA. Kirkland is present-day Hudson, in Penobscot County, Maine. See Stanley B. Attwood, *The Length and Breadth of Maine* (Augusta, ME: Kennebec Journal Print Shop, 1946), plate 12.

50. Petition of Penobscot Mary Nicolah, June 1843, Maine Executive Council, report 191, box 228, MeSA. For the location of Piscataquis Falls and Mohawk Rips on the Penobscot River, see Pawling, *Wabanaki Homeland*, 84–86. By 1849 Mary Nicola and her family were camped at Malta Hill in Augusta when the spread of smallpox caused her to lose her supplies. She petitioned the state of Maine for \$100, and the Standing Committee on Indian Affairs granted her seven dollars for her trip “home to Oldtown.” Petition of Penobscot Mary Nicolar and Others, 1849, Maine Executive Council, report 32, box 233, MeSA; Report of the Standing Committee on Indian Affairs, June 22, 1849, Maine Executive Council, report 32, box 233, MeSA.

51. Petition of Penobscot John Neptune and Four Others, n.d., Maine Executive Council, 1840, 85-13, MeSA.

52. Petition of Penobscot Jo Mary Glossin, Old Town, December 29, 1840, Maine Executive Council, 1841, report 461, box 226, MeSA; report by Rufus Davenport on Tomer Island ownership, Milford, March 11, 1841, Maine Executive Council, report 552, box 226, MeSA. According to Davenport, Jo Mary Glossin and Clarissa Tomer were cousins. It is possible that Clayet Tomah was Clarissa Tomer.

53. Bradley, "Plan of Islands."

54. Deed of Francis Soc to Mary Soc Susup, July 21, 1847, vol. 177, pp. 200-201, PCRDO.

55. Added emphasis. Deed of Mary Sock Susup to Susett Sock Susup, February 14, 1850, vol. 203, pp. 214-15, PCRDO.

56. Petition of Penobscot Celia Nicola, John Nicola, and Atean Orson, n.d., Maine Executive Council, report 19, box 239, MeSA.

57. Petition of Penobscot Saul Neptune, February 21, 1853, Greenbush, Maine, Maine Executive Council, report 25, box 237, MeSA. In an accompanying document with this petition, Chairman A. M. Roberts of the Standing Committee on Indian Affairs concluded that Neptune was "in violation of [an] ancient custom and the common law of the tribe for one Indian to take any land for cultivation in possession of one of his brethren."

58. Petition of Penobscot Mary Peal Sock and Tumas Nicolar, January 18, 1860, Pittston, Maine, Maine Legislature, GY 442-1, MeSA. Socabason Neptune and Peter Paul Sock signed as witnesses.

59. Penobscot Joseph Nicolar to Maine Governor Lot M. Morrill, n.d., Maine Executive Council, 1859, report 359, box 246, MeSA. To dismiss any possibility of the governor questioning his skills, Nicolar ended his letter by stating that his letter was in "my own hand writing and spelling." In 1863 Penobscot Sockbesin Swassin estimated that "our island shores are rented for about \$500 a year." See Petition of Penobscot Sockbesin Swassin, January 1863, "An Act Enforcing the Provisions of Law and Treaties Relating to the Penobscot Tribe of Indians, 1864," 393-137, MeSA. For the significance of water in the Maliseet homeland, see Micah A. Pawling, "W~~l~~ast~~k~~wey (Maliseet) Homeland: Waterscapes and Continuity within the Lower St. John River Valley, 1784-1900," *Acadiensis* 46, no. 2 (Summer/Autumn 2017): 5-34. For works on the significance of water to Indigenous peoples, see Joshua L. Reid, *The Sea Is My Country: The Maritime World of the Makahs, an Indigenous Borderlands People* (New Haven, CT: Yale University Press, 2015); Lynette Russell, *Roving Mariners: Australian Aboriginal Whalers and Sealers in the Southern Oceans, 1790-1870* (Albany: SUNY Press, 2012); Andrew Lipman, *The Saltwater Frontier: Indians and the Contest for the American Coast* (New Haven, CT: Yale University Press, 2015); David Andrew Nichols, *Peoples of the Inland Sea: Native Americans and Newcomers in the Great Lakes Region, 1600-1870* (Athens: Ohio University Press, 2018); Peter H. Wood, "Missing the Boat: Ancient Dugout Canoes in the Mississippi-

Missouri Watershed,” *Early American Studies* 16, no. 2 (Spring 2018): 197–254; Daniel McCool, *Native Waters: Contemporary Indian Water Settlements and the Second Treaty Era* (Tucson: University of Arizona Press, 2002).

60. Penobscot Tribal Reservation Housing Authority, *Penobscot Nation Island Inventory*, 7.

61. George F. Dillingham, *Report of the Agent of the Penobscot Tribe of Indians, for the Year 1877* (Augusta: Sprague, Owen & Nash, 1877), 7–9; Dillingham, *Report of the Agent of the Penobscot Tribe of Indians, for the Year 1876* (Augusta: Sprague, Owen & Nash, 1876), 7; Indian Committee report, June 22, 1840, Maine Executive Council, 84-3, MeSA.

62. David A. Francis and Robert M. Leavitt, with Margaret Apt, community research coordinator, *Peskotomuhkati Wolastoqewi Latuwewakon: A Passamaquoddy-Maliseet Dictionary* (Orono: University of Maine Press, 2008), 603; Micah A. Pawling, Margaret W. Pearce, and Donald G. Soctomah, “Wabanaki Mapping,” in Hornsby and Judd, *Historical Atlas of Maine*, plate 39.

63. Report of Commissioners, 1883, MeSA.

64. Report of Commissioners, 1883, MeSA.

65. Charles A. Bailey, *Report of the Agent of the Penobscot Tribe of Indians, for the year 1884* (Augusta: Sprague & Son, 1885), 7.

66. Penobscot Indian Records, vol. 1, pp. 129–304, PCRDO. This earliest collection of Penobscot deeds was on printed templates that only required one to fill in the owner’s name and the specific land description. Each page contains two deeds.

67. Petition of Penobscot Catherine Glassian and Sudick Johnson, February 12, 1897, Maine Legislative Documents, GY 664-51, MeSA. Speck spelled this family name “Glossian.” See Speck, *Penobscot Man*, 222–23.

68. Henry David Thoreau, *The Maine Woods*, introduction by Edward Hoagland (New York: Penguin, 1988), 401.

69. Petition of Penobscot Governor John Attean, Lieutenant Governor John Neptune, Peal Polis, and Others, Maine Executive Council 1841, report 557, box 226, MeSA. For other examples of Native Americans using a Western education for their own purposes, see Alan Taylor, *The Divided Ground: Indians, Settlers, and the Northern Borderland of the American Revolution* (New York: Alfred A. Knopf, 2006), 49.

70. Deed of Joseph Polis’s Lot on Orson Island, May 1, 1884, Penobscot Indian Records, vol. 1, p. 294, PCRDO. In 1877 “The Five Islands” shores were under a five-year lease for \$100. See Dillingham, *Report . . . for the Year 1877*, 8.

71. Petition of Penobscot Governor John Attean, Lieutenant Governor John Neptune, and Seven Councilors, January 1843, Maine Executive Council, report 139, box 228, MeSA.

72. Joseph Nicolai, *The Life and Traditions of the Red Man*, with a new introduction by James D. Wherry (Bangor, ME: C. H. Glass, 1893; repr., Fredericton, NB: Saint Annes Point Press, 1979), xi–xvi.

73. Timber Lease from Joseph Nicolar to Augustus H. Jellison and Leslie A. Bussell, April 4, 1893, Penobscot Indian Records, vol. 1, pp. 363–64, PCRDO. For other tribal logging practices, see Brian C. Hosmer, *American Indians in the Marketplace: Persistence and Innovation among the Menominees and Metlakatlans, 1870–1920* (Lawrence: University Press of Kansas, 1999).

74. The process of obtaining permission from tribal council and assignees can, in some circumstances, minimize tension in tribal, town, and state relations as anonymous Penobscot citizens depersonalize the outcome.

75. A 1978 study found that “long-range use options and priorities for Orson island are more difficult to define at this time—partly because of the complicated *land ownership* situation. There are a total of 121 privately owned parcels on Orson” averaging from 10 to 12 acres. The largest lot on Orson Island was 25.7 acres, and the smallest parcel was 3.5 acres. Townscapes Associates (Arlington, MA), *Penobscot Reservation Orson Island Land Analysis Studies* (Old Town, ME: Penobscot Tribal Reservation Housing Authority, June 1978), 5, emphasis in the original. Since many reservation islands are susceptible to regular flooding, only half of each of four islands can sustain future development. See Penobscot Tribal Reservation Housing Authority, *Penobscot Nation Island Inventory*, 7.

76. Laura Rose Day, “Restoring Native Fisheries to Maine’s Largest Watershed: The Penobscot River Restoration Project,” *Journal of Contemporary Water Research & Education* 134 (July 2006): 29–33. For the Maine Indian Land Claims Settlement Act of 1980, see Paul Brodeur, *Restitution: The Land Claims of the Mashpee, Passamaquoddy, and Penobscot Indians of New England* (Boston: Northeastern University Press, 1985), 69–141; Charles Wilkinson, *Blood Struggle: The Rise of Modern Indian Nations* (New York: W. W. Norton, 2005), 229–30; Maria L. Girouard, “The Original Meaning and Intent of the Maine Indian Land Claims: Penobscot Perspectives” (MA thesis, University of Maine, 2012); Micah Pawling and John Bear Mitchell, “Maine Indian Land Claims Settlement Act of 1980,” in *Treaties with American Indians: An Encyclopedia of Rights, Conflicts, and Sovereignty*, ed. Donald L. Fixico (Santa Barbara, CA: ABC-CLIO, 2008), 3:716–18.

77. Penobscot Tribal Reservation Housing Authority, *Penobscot Nation Island Inventory*, 7.