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"Appendix : 1820 Treaty Negotiation between the Penobscot Indian Nation and Maine" from Wabanaki Homeland and the New State of Maine: The 1820 Journal and Plans of Survey of Joseph Treat

Joseph Treat

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A VOLUME IN THE SERIES

*Native Americans of the Northeast: Culture, History,
and the Contemporary*

EDITED BY

Colin G. Calloway and Barry O'Connell

Wabanaki Homeland and the New State of Maine

The 1820 Journal and Plans of Survey of Joseph Treat

Edited with an introduction by

Micah A. Pawling

University of Massachusetts Press ∞ Amherst

in conjunction with the

Penobscot Indian Nation, Indian Island, Maine

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*For my parents, Robert and Jane Pawling,
my first teachers and guides,
and for the Wabanaki peoples of today,
like their ancestors, diplomats in cross-cultural collaboration*

Appendix

1820 Treaty Negotiations between the Penobscot Indian Nation and Maine

In the seventeenth and early eighteenth centuries, treaty councils were open forums in which Wabanaki leaders and Euro-American officials came together to discuss diplomatic relations and performed treaty protocol that entailed lengthy speeches and the presentation of wampum to cement alliances. Treaties, which the British and later Americans used to establish a "legal framework" to negotiate agreements with the Penobscots and Passamaquoddies, were the written result of these oral and face-to-face exchanges. For Native peoples, it was the spoken word in the negotiation process that symbolized the agreement. But for the Euro-Americans, only the written text authenticated a treaty agreement, and they benefited from their own interpretations of it. The result of this discrepancy between the treaty text and the oral context was that both groups understood very differently the outcome of treaty councils.¹

Unlike most Indian tribes, who made their treaties with the United States government, Wabanaki peoples of Maine, whose diplomatic relations with Massachusetts predated the formation of the federal government, entered into treaties with the Commonwealth of Massachusetts and later with the state of Maine. By the nineteenth century, however, treaty negotiations in Maine had changed. Maine still adhered to treaty council format, permitting Native leaders to voice their concerns and stress the importance of the treaty process, but in July 1820 state officials estimated that there were only about 360 Penobscots dispersed across their homeland. Outnumbered by Euro-American settlers, Penobscots were no longer directly involved in the decision process, rendering treaty councils a form of mock compromise.

In the 1820 treaty, Penobscots consented to sever their long relationship with Massachusetts and recognized the new state of Maine as accepting responsibility over treaties, lands, and the distribution of annuities. Massachusetts gave \$30,000 to Maine for the

1. William C. Wicken, *Mi'kmaq Treaties on Trial: History, Land, and Donald Marshall Junior* (Toronto: University of Toronto Press, 2002), 3–16; Daniel K. Richter, *Facing East from Indian Country: A Native History of Early America* (Cambridge: Harvard

University Press, 2001), 133–150; Robert A. Williams, Jr., *Linking Arms Together: American Indian Treaty Visions of Law and Peace, 1600–1800* (New York: Routledge, 1997).

implementation of "certain duties and obligations to the Indians."² However, Maine's statehood in March 1820 had, in fact, left Penobscot leaders with little choice about the political changes. Penobscot delegates' recognition of statehood was a strategy for cultural survival and helped assure amicable relations with Maine. But there was another reason why the Penobscots acknowledged Maine. The treaty affirmed Penobscot lands established in the 1818 Penobscot treaty with Massachusetts, consisting of the four upper townships, the islands in the Penobscot River, and the repurchase of two acres along the waterfront in Brewer, Maine. The 1820 treaty stipulated that the Penobscots relinquished the fulfillment of their claimed tribal land in Brewer to Massachusetts.³

Joseph Treat and Lieutenant Governor John Neptune were well acquainted before their departure in September 1820. Both had participated in the 1820 Penobscot treaty with Maine, although they had had different roles and stood on opposite sides of the room. In June, at the first treaty council in Maine's first capital of Portland, John Neptune had spoken on behalf of his people to Governor William King. In August, the treaty council had reconvened at the court house in Bangor to finalize the treaty, where John Neptune signed the treaty as the Penobscots' lieutenant governor and Joseph Treat signed as a witness. As participants from opposite sides, the two men undoubtedly felt tension over conflicting interests, but their 1820 excursion testifies to the remarkable degree to which they were able to put their apprehension aside and reach a level of trust. Treat was a surveyor who bought and leased Indian land and resources. Neptune was a prestigious leader among his people trying to hold onto the lands they had left. Still, both worked together and relied on each other's help as they traveled across northern Maine and western New Brunswick.

The 1820 Penobscot treaty has received little attention, partly because Indian lands were mostly left unchanged. But for the Penobscots, it was a difficult decision. For gen-

2. Governor William King's state of the state address to the new legislature in Portland, June 2, 1820, p. 10, Maine State Archives, Augusta, Maine (hereafter MeSA).

3. On May 22, 1820, Penobscot Lieutenant Governor John Neptune and eleven other tribal leaders relinquished their claim to the two acres on the Penobscot River bank in Brewer, Maine, for \$100. Massachusetts's authorities expressed concern over the agreement because Penobscot Governor John Attean, who was not present at Old Town, did not sign the document. On August 15, 1820, Governor John Attean and two others signed a separate document relinquishing tribal claim to the two acres in Brewer. The sale of the Penobscots' rights to the two acres was also the result of town residents' not wanting Indian neighbors. Agent

John Blake explained, "As to the two acres of land in Brewer I found the purchase of it impracticable [impractical] as the people manifested much reluctance at having the Indians in their neighborhood." See Penobscot deed relinquishing Brewer land, signed by Lieutenant Governor John Neptune and eleven others, May 22, 1820, Council Files, June 13, 1820, box 28, Massachusetts State Archives, Boston, Massachusetts (hereafter MaSA); Penobscot deed relinquishing Brewer land, signed by Governor John Attean and two other tribal leaders, August 15, 1820, Council Files, September 13, 1820, box 29, MaSA; Letter to Massachusetts Governor John Brooks from John Blake, Brewer, May 24, 1820, Council Files, June 13, 1820, box 28, MaSA.

erations, Penobscots had built a relationship with Massachusetts based on decades of communication and negotiations, and that relationship was now being threatened. Although Maine would accept the same political authority as Massachusetts, Penobscots were wary since the change would not only sever their ties to the Commonwealth but result in Penobscot reliance on a state with which they had no previous experience. By the same token, the new state was inexperienced in forming a relationship with the Penobscots at the same time that it had to rely on their assistance, skills, and knowledge to traverse Wabanaki homeland and further the state's political aspirations to resolve the international boundary dispute.

This appendix consists of the minutes of 1820 treaty councils, the first of which began in Maine's first capital of Portland on July 7, 1820. The second treaty council, in which state officials reciprocated in taking the journey to the Penobscot River Valley, convened at Bangor's court house on August 15, 1820. The minutes of both meetings, comprising the original speeches by state and tribal leaders, are followed by a newspaper report of the events. At the end of the appendix is the text of the two-part 1820 treaty, signed in Bangor, between the Penobscot Indians and the state of Maine.

Penobscot Indians⁴

On Friday last the Lieut. Governor [John Neptune] of the Penobscot Indians, and their chiefs, arrived in this town [of Portland] on a visit, and were introduced to the Governor and Council in the Senate Chamber. A large number of citizens were present at the interview between these Sons of the Forest and the new Government of Maine. The Governor [William King] addressed the chiefs substantially as follows:

BROTHERS,

Our Chiefs no longer reside at Boston; this is a convenience to you, as well as to us: we have many things to say to you; and we expect you have much to say to us.

The persons who set with me, to advise me what to say to you, are your friends; they will see that you have every thing which has been promised you.

4. *Eastern Argus* (Portland, Me.), vol. 17, no. 891, Tuesday, July 11, 1820, p. 3, cols. 1-2; *Hancock Gazette and Penobscot Patriot* (Belfast, Me.), vol. 1, no. 3, Thursday, July 20, 1820, p. 2, cols. 1-2. Although the treaty minutes published in

these two newspapers are nearly identical, they sometimes differ in punctuation and capitalization, and the transcriber must make decisions based on reading clarity.

Your fathers were our friends; a long time since they helped us drive away the red coats [British]; and we shall always remember them.

The last war [War of 1812] you did right; you took no part, we did not ask you to help us; because we ourselves were strong enough.

We have many things to say to your Chiefs, when you are ready to hear us. We have chosen Col. [Lathrop] Lewis to talk for us, with whom you are acquainted, who is one of your chiefs; and who is your friend, as well as ours; you can believe every thing he says to you.

We shall now consider you as our children; you will have every thing from us, if you request it, which our friends at Boston promised you, but you must say to them, you depend on us alone.

We now wish to hear you talk; we shall attend to what you say; we hope you have no complaints to make; if you have any, they shall be attended to.

The Lieutenant Governor [John Neptune] replied through an interpreter.

I thank your honor for the good you say. You see us well to-day. Christ is our Savior as yours. He is the same to us all—no difference of color. The same Heaven is for the black men and the white men.⁵

One thing in particular I wish to say to day. Perhaps we get nothing for it. The white people take the fish in the river so that they no get up to us. They take them with wares [weirs], they take them with dip nets. They are all gone before they get to us. The Indians get none. If you can stop them so that we can get fish too we be very glad.

There is another thing, our hunting privilege. The white men come and spoil all the game. They catch all the young ones and the old ones. We take the old ones and leave the young ones till they grow bigger and are worth more. We wish the white men to be stopped from hunting. They take the timber, they have teams and oxen to haul the trees. Indians have no teams, no oxen to haul timber. We wish your government to stop the white men from hunting—put their traps in their chests. Let white men have the timber and the Indians have the game.

You see us now here very poor. If we were not poor you would see us better dressed. We want you to give us something so when you see us again you will know us. Perhaps a hat, or shoes, or some powder and shot.

One word more. We want a new Agent. You have a new government[,] a new state. We want you to give us a new Agent.⁶

5. Penobscot Lieutenant Governor John Neptune's statement about "black men" probably refers to Native people. Personal communication with Professor Harald E. L. Prins, February 2005.

6. This separate paragraph requesting a new Indian agent was only printed in the *Eastern Argus* paper.

We hear that a new treaty will be made; we want to know when your chiefs come from Portland to make a new treaty. We want to tell our people so that they may be ready to receive your people.

To which the Governor [William King] made the following reply:

Appendix

BROTHERS:

We have heard with attention, what you have said to us; our opinions agree with yours that our Great Father [God] is the same; we hope and we constantly pray, that you as well as ourselves may so conduct, as will be most pleasing to him.

What you have said about the wares [weirs], the dip nets and hedges down the Penobscot Bay, and the injury they have done your fishery, will be attended to; we hope they will not be much longer a subject of complaint; when the white people are as well informed on this subject as you are, these obstructions will disappear.

We are sorry to be informed that the white people interfere with your hunting; because it is not in our power to prevent it; you say the white people can haul timber, so can you; if they have oxen to do this, you can obtain oxen also; and you will employ them much better than they do, if you will plough your grounds, and become good farmers.

You say a new State should have a new agent; to this we have no objections; our wish is, that you should be satisfied: and that the agent should be your friend as well as ours.

Col. [Lathorp] Lewis, with whom you are all acquainted, will be at Bangor on Tuesday, the 15th of August; he wishes your Governor [John Attean] to be there with all his writings at the time; there will be much to do, which will there be stated to him, and which your Governor will be pleased with.

You request something from us, that when we see you again we may know you. We comply with your request, as we wish always to remember you; and that you should know and remember us as your friends. Gen. [Samuel] Cony [Adjutant General], who has provided for your accommodation, will attend to your requests.

Portland, July 11⁷

On Thursday left a deputation of the Penobscot tribe of Indians, composed of lieutenant[?] Governor, and two or three officers [others?] of inferior grade

⁷ *Salem Gazette* (Salem, Mass.), vol. 34, no. 56, Friday, July 14, 1820, p. 3, cols. 1-2.

visited the seat of government to declare their *adhesion*[?] to the new State, and to have a "long talk" with the Governor and Council. On Friday morning they were introduced to the council chamber, and the Governor received them in a manner calculated to conciliate their feelings, and assure them of the favor and protection of government. He observed, that their dependence was now transferred from Massachusetts to Maine, and they must look to the government of the *new* State for these instances of good will, which they had been accustomed to receive from the *old*. He complimented them upon the services their fathers had rendered the country fighting the "red coats" during the revolutionary war: and observed that he did not doubt but they would have been equally prompt in the last war, had their services been requested. He informed them, that Col. Lewis, to whom he presented them, had been appointed their Agent instead of Gen. [John] Blake, and hoped the change would be mutually satisfactory. The Lieut. Governor [John Neptune (1767–1865)], the chief of the deputation, although he could speak and understood English very well, yet choosing to adhere to etiquette, replied in his native language, and his speech was interpreted by one of his party. His course was to go through one subject of his speech, and then give the interpreter an opportunity to explain; the arrangement was methodical [zeal? real?] and his views and wishes were very intelligible. He observed, that they were all children of one common father, who held in equal regard the white man and the Indian. After some preliminary remarks, he made complaints of the encroachments of the white man upon their accustomed privileges, and wished the Governor to prevent them. He stated, that wares had been set up in their river which had obstructed the fish and injured their means of support—That white men had invaded their hunting grounds, killed their game, and disturbed them in that mode of life; and particularly that they killed the young game which made the destruction more serious, while the Indian only took the old: he observed, that the white men had oxen to draw the logs into the water, and obtained their living in that manner, they ought therefore to be prevented from setting their traps on their soil, and interfering with that business which was important to them, and in which they had been brought up. They complained too that the white men had cut their timber, and were destroying their forests. They asked the protection of government in these particulars. They apologized for their appearance, which was rather shabby, partly by their having no intention to come here when they left home, and partly by their poverty; which they attributed wholly to the encroachments of the whites on their forests, their fisheries, and their game. They insinuated, that some presents would not be unacceptable; a dinner was provided for them by the Governor, and we understand they did not depart

empty handed, and it is further understood that medals will be sent to the chiefs by the agent.

The Penobscot tribe consists now of about 360 souls. They own four townships of land and some islands in [the] Penobscot river; their village in Indian Old Town, composed of huts and log houses irregularly built. They have heretofore received a sum of money from Massachusetts for their support, which will be continued to them under the new government.

Appendix

Treaty with the Penobscot Indians⁸

Bangor, August 24.

The Hon. Lathrop Lewis [of Gorham, Maine], having been appointed Commissioner by the Governor with advice of Council under authority of a Resolve of the Legislature of Maine to treat with the Penobscot Indians, respecting their claim on Massachusetts, and for transferring the same to the Government of Maine—met the Governor and Chiefs of the tribe by appointment at the Court House in this town, on Tuesday the 15th instant, and made to them the following introductory Speech:

BROTHERS,

I am happy in meeting at this time, the Governor, Lieutenant Governor, and so many Chiefs, Captains and men of your tribe—may we all acknowledge with grateful hearts, the goodness of the Supreme Being, who is the Father of us all, for the preservation of our lives to the present moment.

Brothers—I come to inform you, that since the last treaty was made with you at this place, the Governor and People of the Commonwealth of Massachusetts, and our father the President of the United States, have given their consent, that the District of Maine should be formed into a separate and Independent State.—In consequence of this separation our Governor and Chiefs now reside among us, and no longer at Boston.—This we consider a great convenience to us, and hope it will be equally so to you.

Brothers—I am directed by the Governor of the new State, and his Chiefs, to say to you, that they are ready and willing to consider you as their Children, and that you shall have everything of them (if you wish it) which your friends at Boston promised you by the last treaty,—Provided you are willing to say to the Governor at Boston, that you have no further claim on him, but depend on the new State alone.

8. *Eastern Argus*, vol. 18, no. 899, Tuesday, September 5, 1820, p. 2, cols. 2-3.

Brothers.—I am authorized by our Governor and his Chiefs to receive from you a release of all your claims under the late treaty on the Government of Massachusetts and enter into a new treaty to secure to you the exact fulfil[ment] of every thing that was promised you by the old.

Brothers.—You reside among us, and it will be more convenient for you to make known your wants to the Governor and Chiefs of the new State [than] to the Governor at Boston, and I assure you that it is the wish of our Governor and his Chiefs to consider you as their Children, & that you [and] your tribe may always be prosperous and happy. I hope you will consider what I have said, and agree to what I have proposed to you, and that it will be equally beneficial to you and us.

The Governor and Chiefs having attentively heard the above speech, requested time to hold council of the chiefs, captains and men of the tribe to consider the proposition made by Col. Lewis.—And on Thursday the 17th, the Governor, Lieut. Governor and Chiefs assembled at the Court house when Capt. Francis [Lolon], one of their chiefs, made a speech in the Indian language, which was translated and read; and is substantially as follows:

Our Good Friend, Col. LEWIS
BROTHER,

It gives us great satisfaction, that in meeting you as the Commissioner for the State of Maine we also meet an old friend and acquaintance.

We join with you in acknowledging the goodness of the Great Spirit, who made us all, the white as well as the red men; to him we look as the source of all good, to him we pray to guide and direct us in all our transactions with each other and our Brothers the white men.

Brother—The Good Spirit who made and placed the red men here, before the white men came, gave us all the land from whence the waters run into the Penobscot. He caused the forest to abound with game, and the rivers with fish, for our use and subsistence—we then were contented and happy. When the white men came over the great waters to our country, we received them as friends and brothers; we then were many and strong; they few and weak: we gave them land, and permitted them to live peaceably among us, and have remained *their* friends.

The white men are now very strong; we are weak, and now want them to be *our* friends.

Brother—We have considered on what you have said to us, and are much please with your talk—You say that since the last treaty by the consent of the Governor and people of the old State, and our father, the President of the United States, Maine has been formed into a new and independent State; with this we are well pleased, and hope the time will soon come when the land formally

owned and inhabited by the once great tribe of Penobscot Indians may contain white men enough to form another new State. You also say that the Governor and people of the new State, wish to take us under their care and protection, and that they will do and perform all things promised us by our good friends the Governor and people of Massachusetts, if we will relinquish our claim on the old State.

Brother—We place the greatest confidence in the Governor, Chiefs and people of the State of Maine, and are willing to put ourselves under their care and protection, hoping and expecting they will perform all their promises to us as faithfully as our good friends the Governor, Chiefs and people of Massachusetts have done.

Brother—By the last treaty made with Massachusetts, we relinquished the claim to our lands, except four townships, and the islands in Penobscot River, above and including Old Town, which our good friends, the commissioners, Messrs, Robins, Davis, and Hill told us we were to hold for our use, improvement and benefit, so long as the sun shines; waters run; trees grow, and the world lasts. This is the tenure under which we hold the land we now possess. We wish the government of Maine, to understand this, and fulfil[1] all the promises made us, by our good friends the Governor and Chiefs of the Old State.

Brother—We wish to express to your our satisfaction with all the arrangements made for us by our good friends the Governor, Chiefs and people both of the old and new State;—and we hope they will continue to be our friends, and that the new State may always be governed and ruled by good men. And that under the protection of the Great Spirit, it may soon be the most powerful State in the Union.

Brother—We are now ready to relinquish our claim on the old, and make a treaty with the new State; and we most sincerely pray that the good Spirit may guide and direct you, and us, to do right in this negotiation—and that He may now and forever have us in His holy keeping.

To which Col. Lewis made the following REPLY:

BROTHERS,

I received with great satisfaction, the communication you have made at this time, and sincerely join with you, in acknowledging the goodness of the Great Spirit, for his unmerited kindness toward us, may we always look to Him, as the source of all good, and constantly pray to him for His guidance and direction, in all our negotiations with each other.

Brothers.—I am sensible that your tribe once governed all the country, whose waters run into the Penobscot; and that you were then contented and happy; and when the white men came over the great waters, that you received them

as brothers, and gave them lands to cultivate, and that you have remained their friends.

The Great Spirit has permitted, that the white people should become strong and that your tribe should become weak;—but I assure you, that as long as you conduct well, the white people will be your friends.

Brothers.—I am glad that you have considered well what I have said to you, and that you place great confidence in the Government of the State of Maine, and are willing to put yourselves under their care and protection. I sincerely hope that your reasonable expectations will not be disappointed and that the new State, will perform all promises to you as faithfully as our good friends, the Governor and people of Massachusetts have heretofore done.

Brothers.—I thank you for the satisfaction you express with the arrangements made for you by the Governors and people of the old and new States and I join with you in the hope that they will continue to be your friends, and that the new State may always be governed by good men, and under the smiles of the Great Spirit, become a powerful and happy people.

Brothers—I am now ready to accept your relinquishment of all claims on the Commonwealth of Massachusetts, and to execute a treaty with you on behalf of the State of Maine, and I ardently pray that the Good Spirit may direct us in this negotiation, that he may enlighten your minds in the knowledge of his revealed will, and have you always in his holy keeping.

After signing the treaty, Col. Lewis delivers Gov. Ettien [John Attean], and Lieut. Gov. Neptune, a piece of fine *scarlet broadcloth*, for each of them a coat; and to each of the Chiefs, a *silver breast plate*, on which was engraved the Arms of the State of Maine—present from Governor King—with which they were highly gratified.⁹

The Governor and Chiefs conducted with great propriety and decorum during the negotiation, and transactions of the business.

*Treaty with the Penobscot Indians*¹⁰

The Hon. Lathrop Lewis, having been appointed Commissioner, by the Governor with advice of Council under authority of a Resolve of the Legislature of Maine to treat with the Penobscot Indians, respecting their claim on Mas-

9. For the significance of medals among the Wabanaki, see Harald E. L. Prins, "Two George Washington Medals: Missing Links in the Chain of Friendship between the United States and the Wabanaki Confederacy," *Maine Historical Society Quarterly* 28, no. 4 (Spring 1989): 226–234;

Nicholas N. Smith, "Gift Diplomacy: Medals for the Wabanaki," in *Papers of the Twenty-fifth Algonquian Conference*, ed. William Cowan (Ottawa: Carleton University Press, 1994), 406–425.

10. *Hancock Gazette and Penobscot Patriot*, vol. 1, no. 9, Thursday, August 31, 1820.

sachusetts, and for transferring the same to the Government of Maine—met the Governor and Chiefs of the tribe by appointment at the Court House in this town, on Tuesday, the 15th inst. And made them an introductory Speech, wherein, after some civilities, he stated the separation of Massachusetts; and that his object was to obtain from them a release of all their claims under the late treaty, on the government of Massachusetts, and to enter into a new treaty to secure to them the exact fulfillment of every thing that was promised to them by the old.

The Governor and Chiefs having attentively heard the speech, requested time to hold a Council of the Chiefs, Captains and men of the tribe, to consider the proposition made by Col. Lewis.—And on the 17th, the Governor and Lieutenant Governor and Chiefs assembled at the Court House, when Capt. Francis, one of the Chiefs, made a speech in Indian language, which was translated and read; whereby they accepted the offer of Col. Lewis and concluded by observing that “We are now ready to relinquish our claim on the old, and make a treaty with the new State; and we most sincerely pray that the good Spirit may guide and direct you, and us, to do right in this negotiation—and that He may now and ever have us in His holy keeping.”

After signing the treaty, Col. Lewis delivered Governor Ettien, and Lieutenant Governor Neptune, a piece of fine *scarlet broadcloth* for each of them a coat; and to each of the Chiefs, a *silver breast plate*, on which was engraved the Arms of the State of Maine—a present from Governor King—with which they were highly gratified.

The Governor and Chiefs conducted with great propriety during the negotiation, and transaction of the business.

Treaty Made with the Penobscot tribe of Indians, August 17, 1820¹¹

Whereas, The state of Maine by her commissioner, Lothrop Lewis, Esq., has engaged to assume and perform all the duties and obligations of the commonwealth of Massachusetts towards us and our said tribe, whether the same arise from any writing of indenture, treaty or otherwise at present existing; and *whereas* said state of Maine has obtained our consent and that our said tribe to said assumption and arrangement—now know all people to whom these presents shall come, that we whose hands and seals are hereunto affixed, for and in

11. State of Maine, “Indian Treaties,” *Acts and Resolves Passed by the Twenty-third Legislature of the State of Maine*, A.D. 1843 (Augusta: William R.

Smith & Co., 1843), 253–266. For an original copy of the second part of the 1820 treaty, see Council Files, October 14, 1820, box 29, MaSA.

Appendix

behalf of ourselves and the Penobscot tribe of Indians, so called, to which we belong and which we represent, in consideration of the premises, do hereby release to said commonwealth of Massachusetts all claims and stipulations of what name or nature soever, which we or all or any of us or our said tribe have on or against said commonwealth, arising under any writing of indenture, treaty, or otherwise, existing between said commonwealth of Massachusetts, and said Penobscot tribe of Indians.

In witness whereof, we the undersigned chiefs, captains and men of the said tribe, representing the whole thereof, have hereunto set our hand and seals this seventeenth day of August, in the year of our Lord one thousand eight hundred and twenty.

his
Governor John X Etien
mark
Lieut. Governor John X Neptune
Francis X Lolon, Captain.
Captain Etien X Mitchell
Piel X Mitchell, Capt.
Sock X Sosep, Capt.
Piel X Marie, Capt.
Suasin X Neptune, Capt.
Awasoos X Mitchell, Capt.
John X Ossou, Capt.
Joseph X Marie Neptune, Esq.
Joseph X Lion
Glocian X Awasoos.
Capt. Nicholas X Tomah
Sabattis X Tomah

Signed, sealed and delivered in the presence of us:

William D. Williamson
Joseph Treat
Ebenezer Webster
William Emerson
Stephen L. Lewis
John Blake
Eben Webster

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, hereinafter mentioned, on the part of said commissioner, in behalf of the said state, to be performed, kept and fulfilled, do hereby grant, sell, convey, release and quitclaim, to said state, all their, the said tribe's right, title, 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 honorable Edward H. Robbins, Daniel Davis, and Mark L. Hill, Esquires, June the twenty ninth, in the year of our 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 behalf of said state of Maine, in consideration of the premises, and of the foregoing covenants and engagements, of said tribe, does hereby covenant 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 the said state of Maine, does hereby further covenant and agree with the said tribe, that, as soon as the commonwealth of Massachusetts, shall have made and fulfilled the stipulations on her part to be done and performed, under and by virtue of the fifth article of an act, "relating to the separation of the district of Maine from Massachusetts proper, and form-

ing the same into an independent state," passed June the nineteenth, eighteen hundred and nineteen, 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 with the said state of Maine, deliver for the use of the said Penobscot tribe of Indians, at Oldtown, the following articles; to wit; five hundred bushels of corn, fifteen barrels of wheat flour, seven barrels of clear pork, one hogshhead of molasses, and one hundred yards of double breadth broadcloth, to be of red color, one year, and blue the next year, and so on alternately, fifty good blankets, one hundred pounds of gunpowder, 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 the said treaty, of the twenty ninth 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.

Lothrop Lewis
his
John X Etien, Governor.
mark
John X Neptune, Lt. Governor.
Captain Francis X Lolon.
Captain Etien X Mitchell
Captain Piel X Mitchell.
Sock X Sosep, Captain.

Piel X Marie, Captain.
Suasin X Neptune, Capt.
Awasoos X Mitchell, Capt.
John X Ossou, Capt.
Joseph X Marie Neptune, Esq.
Joseph X Lion
Glocian X Awasoos.
Capt. Nicholas X Tomah
Sabattis X Tomah

Appendix

Signed, sealed and delivered in the presence of us:

William D. Williamson
Joseph Treat
Ebenezer Webster
William Emerson
Stephen L. Lewis
John Blake
Eben Webster