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John Neptune served as Lieutenant-Governor of the Penobscot Nation for over fifty years. He, along with Tribal Governor John Attean, presided over the tribe during a period of turmoil in Penobscot history — a time marked by land dis-possession and subsequent tribal division in the first part of the nineteenth century. The portrait was painted by Obadiah Dickinson in 1836 and hung in the Blaine House for many years. Courtesy of the Maine Arts Commission.

# TRIBAL DISSENT OR WHITE AGGRESSION?: INTERPRETING PENOBSCOT INDIAN DISPOSSESSION BETWEEN 1808 AND 1835.

BY JACQUES FERLAND

*“I now come to the time when our Tribe was separated into two factions[,] the old and the new Party. I am sorry to speak of it as it was very detrimental to our tribe as there was but few of us the remnant of a once powerful tribe.” So spoke Penobscot tribal leader John Attean, recalling the 1834-1835 breach in tribal politics that shook the edifice of community and cohesion among the Penobscot people. A watershed event in the long struggle to represent and defend the Penobscot way of life in the face of an indifferent and sometimes hostile Maine legislature, the factional breach has been interpreted in various ways by historians, folklorists, and tribal representatives. Sorting through these explanations brings to light an intricate tale of racism, tribal resistance, and Indian dispossession in Maine.*

**D**URING THE early nineteenth century, the Penobscot tribe of Maine occupied a residential area extending from Indian Island, also known as Oldtown, to Mattawamkeag Point, some fifty miles upstream. They lived in numerous “encampments” located within this insular territory and established smaller hunting camps throughout the four Indian townships along the upper Penobscot River. Tribal leaders also secured a small lot in Brewer, and Penobscot family bands exercised the customary right of occupying lots in proximity to other Maine towns and cities.<sup>1</sup>

In contrast to most New England tribes, the Penobscot Nation had managed to maintain this significant territorial presence through land entitlement and continual occupancy according to a family band strategy of seasonal residence within their ancestral homeland. But the first third of the nineteenth century marks a critical transition in the three-centuries-long struggle to maintain this homeland. The rising tide of

white settlement following the American Revolution reached into every corner of the Penobscot territory as squatters, woods workers, and hunter/trappers dispersed to the upper reaches of the Penobscot River valley. To be sure, white settlement above Old Town remained uneven, leaving many townships barely inhabited. Nevertheless, coexistence proved difficult, since the first generation of “frontiersmen” carried, along with its meager belongings, a cultural baggage of utter disregard for Native American rights. Intimidation, coercion, physical aggression, theft, vandalism, arson, even murder assumed less gravity, by their own societal standards, when directed at indigenous people. The Penobscot people found it hard to understand this aggressive behavior: not a few among them expressed the opinion that it would not cease until all Native Americans had been “driven” from the area.<sup>2</sup>

This period should be remembered primarily as a time when the Penobscot Indians lost much of their remaining land and resource entitlements, as well as many of their customary rights. But, for the most part this has not been the salient theme in the history of Maine. Indeed, since the first comprehensive history of Maine written in 1830 by Judge William D. Williamson, dispossession has been obscured and obfuscated, even when the discussion focused directly on Indian affairs. More prominent has been the cultural practice of exonerating white society by placing emphasis on internal tribal struggles and assumed moral deficiencies. In the case of the Penobscot Indians, both Williamson and amateur folklorist Fannie H. Eckstorm used historical and fictional interpretation to mask white aggression and highlight Native flaws, feuds, and factions. Most notably, they portrayed the greatest Penobscot struggle of the time as a “sanguine feud” triggered by some “lascivious intercourse” among individuals, a situation Eckstorm further characterized as being “as hideously tragic as a Greek play.”<sup>3</sup>

The 1834-35 division of the Penobscot tribe that Eckstorm characterized as a “sanguine feud” grew out of a disagreement about the process of electing a tribal governor. The “Old Party” insisted on continuing a tradition of electing the tribal governor for life, while the “New Party” wanted to elect the governor annually. Evidently, New Party members had lost their trust in tribal leaders John Attean and John Neptune. The rising acrimony was a response to an 1833 Treaty that essentially ceded the tribe’s remaining four townships to the State of Maine, a measure the tribe angrily contested. This treaty was the culmination of three decades of “negotiations” riddled with misunderstanding and blatant mis-communication, in which, the evidence suggests, non-Native parties were less than sincere.

White legislators justified their actions on the basis of documents generated over the course of a series of meetings with the tribe, which supposedly showed that a majority agreed to the cessation. Not surprisingly, the Penobscot perspective is very different. Not only did the white Indian agents representing the tribe fail to honor their mandate, but tribal members seem to have disagreed about the nature of the concession. Details remain vague, but in fact there has been little historical scrutiny of this important event. This raises some serious problems as to the credibility of the public memory of Indian affairs in the first decades of the nineteenth century.

A basic premise of ethnohistory, expressed by historian James Axtell more than two decades ago, is the ability to unlearn the cognitive “shrapnel” of groundless cultural assumptions and otherwise biased information in order to learn more directly and open-mindedly from Native American sources.<sup>4</sup> But in Maine this is a difficult charge. Authors like Williamson and Eckstorm remain literary icons and are bound to exert a lasting influence even among today’s writers. Accordingly, this study begins with a deconstruction of the implanted memories that were largely disseminated by these well-known literary figures. Several ethnohistorians have argued the importance of internal tribal dissent and factionalism during periods of colonial warfare.<sup>5</sup> Can such a concept be substantiated for the early nineteenth century, as Eckstorm and Williamson suggest? The first segment of this article offers a critical assessment of how Maine authors have traditionally chosen to view Penobscot struggles at the beginning of the nineteenth century. The second highlights the “hidden” history of Penobscot dispossession between 1808 and 1835. Not only was Eckstorm inclined to overlook the white role in Indian removal, but she herself removed Penobscot political voices in the course of composing a narrative from her personal notes.

### **Of Flaws, Feuds, and Factions:**

#### **The Fictional Legacies of Fannie H. Eckstorm**

Fannie Pearson Hardy grew up in a Brewer home that witnessed significant interaction with the Penobscot Indians. As a dealer in skins and furs, her grandfather (Jonathan Hardy) was said to have been more knowledgeable of the Maine tribe than Judge Williamson himself, an author viewed as a great authority. Her father, Manly Hardy (1832-1910), was even more closely associated with tribal members. As a child, he was nursed by a Penobscot woman, and he played with Indian children.



This depiction of a Native guide leading a porpoise hunt is reminiscent of a popular literary genre during the second half of the nineteenth century that drew attention to the Wabanaki way of life. Many Maine Natives guided outdoorsmen on hunts for porpoise, caribou, and moose, well into the twentieth century. Reproduced from *Scribner's Monthly*, October, 1880.

Later he not only carried on the family business of trading with Native Americans, but he also hunted with Penobscot men. Fannie, born in 1865, also matured at a time when national magazines were drawing attention to the Wabanaki way of life. Stories written by Charles C. Ward for *Scribner's Monthly* popularized a literary genre wherein the narrator, supposedly an objective participant in a hunt for moose, caribou, or porpoise, not only observes a remarkable Indian guide but also matches him, to enliven the dialogue, with a not-so-outstanding Native American character. With its neutral white observer and emotionally engaged but unevenly matched indigenous participants, this literary genre proved a companion to a historiographical tradition that saw Penobscot individuals as the source of their own difficulties. Fannie H. Eckstorm's Native American informants seldom if ever contributed to either genre. Even during her most active period of field work, between 1930 and 1935, Eckstorm's Native speakers gave her no reason to believe that their ancestors were flawed characters driven by unrestrained emotions or irrational feuds. Such ideas she acquired from non-Native sources: works dating back to the seventeenth century; the personal recollections of her father; and her correspondence with a larger community of non-Native writers.<sup>6</sup>

Like other folklorists during her lifetime, Eckstorm was selective in her use of traditions. Her father and her grand-parents were credible, she stressed in the opening pages of her book on Old John Neptune, because they were open-minded. They befriended the Indians and sheltered them, even though they were unaware, perhaps, of “the wealth of strange and lawless fancies behind their outwardly civilized and Christianized exteriors, a hinterland of untamed superstitions in which their spirits wandered as they sat apparently apathetic and vacant.”<sup>7</sup> Eckstorm’s depiction of these sources reads like a celebration of her family’s unconditional generosity, but it also serves to introduce the reader to the darker moral side of Indian character, particularly their shamans. And to accent her father’s role as a true friend of the Indians, she avoids some important but contradictory family history. Three years before her birth, Manly Hardy had been responsible for slandering Joseph Attean’s reputation when he ran for the position of tribal governor in 1862, by referring to him as a “drinking man.” This family matter, recorded in Eckstorm’s personal notes, is also mentioned in her article, “The Death of Thoreau’s Guide,” but only by anonymous reference: “He had been slandered by a white man whom he had thought his friend, in a way which caused him not only distress of mind, but was calculated to interfere materially with his election to the office of tribal governor, the most coveted honor within an Indian’s grasp, and that year elective for the first time.”<sup>8</sup> The incident highlights the degree to which Eckstorm’s oral history was shaped by her father’s practice of distinguishing the good Indian from the bad, the immature, the dishonest, or the “ugly” Indian:

Old Hannah, a notorious scold.

Old White Hat, another squaw of the same reputation. Both were inferior to Brassoway Joe Tomer’s wife.

Old Lizy, a miserable character with a twitching face....

Old Betsy, the terror of our childhood, dirty, degraded, with softening of the brain; we used to run and lock the door when we saw Betsy coming.

Brassoway Joe Tomer,... He had the ugliest wife of the tribe....

Joe Mitchell had led a varied life, but always as a jolly rascal. He was often in jail.

Pielpole was a great rascal.

[Old Franceway Pineas] was a good hunter but an ugly old sinner....

Peol Saukies ... was a great rascal but a good dear[sic]-hunter.

Maria Saukies was a very clever woman, a great talker, and as dishonest as Peol.<sup>9</sup>

While Manly Hardy was well acquainted with the tribe and expressed his friendship on different occasions, he did not necessarily question his Victorian standards of social behavior. The education he gave his daughter in these personal snapshots was not especially conducive to respecting the Penobscot elders' perspectives on tribal history. While it is understandable that Eckstorm absorbed the paternal influences, societal values, and literary trends of her time, one must nevertheless assess her credibility on the basis of such influences and assumptions.

Eckstorm's best folkloric work was probably her early publications on the masculine and inter-racial culture associated with Penobscot River logging operations, one of the most dangerous occupations of its time. Even though she characterized Indian river drivers as too reckless, she recognized the trust Indian men earned among white woods workers. Eckstorm's discussion of these interracial bonds is a fascinating exception to the literary genre she espoused in her later work. According to numerous interviews conducted among old woods workers, tribal governor Joseph Attean (1839-1870) had drowned on the fourth of July of 1870 when a mindless white man nicknamed Dingbat, in quest of personal fame, had claimed control of the bow before shooting the rapids. "Here was a simple tale of how the inordinate ambition of one man to win a name for himself brought grief upon the whole drive." Penobscot Indian Lewey Ketchum contributed to this report on Penobscot River lore by describing Dingbat Prouty as nothing more than "a little rattle-brained fellow with no more strength than a musquash."<sup>10</sup> But she discovered that this story was not corroborated by their old boss, seventy-one-year-old John Ross, and Eckstorm's respect for white authority overshadowed her regard for the true collective memory of Maine's working people. Eckstorm chose to disregard the story's previous tellings, instead dedicating her whole work to Ross's recounting. Claiming that the story she had heard from perhaps two hundred men was "all wrong," Ross assigned blame not to Dingbat Prouty, but rather to Attean, who he argued was responsible for overloading the boat and for failing to straighten it in time.<sup>11</sup> In her resolution of these conflicting memories, Eckstorm revealingly exonerated Prouty, whom she viewed as a victim of circumstances.<sup>12</sup> Here, the Maine author implanted a new collective memory on the basis of a single, authoritative testimony. This respect for authority became racially driven when she turned her attention to the Penobscot Indian community.

When Eckstorm began presenting Penobscot life stories from the early nineteenth century, she brought to the project a more diffuse cultural baggage as well as her family's relationship with the tribe. Her





Mattawamkeag Log Drive. Logging operations in Maine, such as this one along the Penobscot River near the town of Mattawamkeag, were one of the most dangerous occupations of its time. An overtly masculine culture, Maine's logging industry required cooperation and trust between loggers and river drivers of both Native and Euroamerican ancestry. Courtesy of the Island Falls Historical Society, Island Falls, Maine.

book, *Old John Neptune* reveals a person writing for a white readership that distanced itself from the politics of dispossession. In one chapter, "The Fight with the Wiwiliamecq," Eckstorm substituted *folkloric* background for a *historical* narrative that might have revealed a chronology of early settlement and white aggression. By emphasizing a shaman's struggle with a mythical underwater monster, this expert in "Indian Studies" overlooked a significant phase in Penobscot Indian history. The Brewer author knew from Indian agent reports in her possession, how white newcomers encroached upon, appropriated resources from, and totally disregarded Indian entitlement to the land formally acknowledged as their own. Eckstorm heard similar stories from her Penobscot sources. When female tribal member Sylvia (Solomon) Stanislaus volunteered her own version of history, Eckstorm learned of several instances of white aggression: the massacre at Norridgewock; Stanislaus's grandmother's escape from Argyle to protect her child from a white family; her father's tragic death after he was poisoned; and her brother's kidnapping by sailors in Eastport. Additionally, Eckstorm was probably aware



Lithograph of Indian Island Corpus Christi Day celebration derived from Eugene Vetromile's 1857 *Indian Good Book*. Vetromile, a missionary who spent most of his life working with Maine's native people, was one of the first to argue against Williamson's 1834 interpretation of the origin of Penobscot tribal conflict.

that old petitions and other Maine Indian Affairs documents were being compiled and typed under the auspices of the Federal Emergency Relief Administration.<sup>13</sup> Eckstorm, in short, could have based her "Indian Studies" on these solid historical documents, but she chose to ignore them.

Instead, she remained true to a contemporary methodology that consisted of representing Penobscot oral and textual history in ways that obscured, and thus exonerated, her own race. She began her study of Old John Neptune with an undocumented story that John Attean, the tribal governor, did not measure up to the "capable" Neptune, then a lieutenant-governor. With this premise, she could begin to weave a fictional web of personal motives and negative attributes to explain Neptune's subsequent behavior. "It may be that Neptune resented being elected as subordinate to a man whom he knew ... was less able than himself. He was always John Neptune, haughty, arrogant, hot-tempered, demanding first place, planning to get even." Given her literary construct, she all too easily assumed a political rift between the two men. With the reader's attention turned away from the actual grievances ex-

pressed by the tribal government, Eckstorm thus continued to weave her account of a feud “as hideously tragic as a Greek play:”

Neptune, Eckstorm notes, spoke English with some fluency; Attean did not. This left Neptune “in the position he coveted, that of the real head of the tribe; but he still would have a grudge against Attean for wearing the honors.... He would find his bad magic in what he could effect by his own contriving. He must plan something which would hurt the Governor more than bodily assault, something which would leave him shamed and humiliated, the laughing stock of the tribe.”<sup>14</sup>

To explain the origins of the 1834-1835 tribal division, Eckstorm speculates at length about John Neptune’s monstrous personality on the basis of a single, unrelated fact. In 1820, Neptune asked the legislature to replace Indian Agent John Blake, who resided eighteen to twenty miles from Indian Island, with another individual who had long lived in Old Town, across the river from the Island. This logistical matter, Eckstorm infers, provides clear evidence of an ongoing feud with Attean. She writes: “The only apparent reason for this sudden disapproval of Blake as Agent is that he must have refused to do something Neptune demanded of him. Neptune would get even with him, and he did it by cleverly and unfairly depriving Blake of an office which he had filled with diligence and good faith and probably needed for the income it afforded.”<sup>15</sup> Here again, Eckstorm defended a member of her race against the vindictive plots of a Penobscot Indian, preferring to speculate on dubious circumstantial evidence rather than consider factual evidence from the tribe.

How, exactly, did Eckstorm craft this tale? Williamson’s 1834 *History* explained the division as the result of adulterous conduct by one of its tribal leaders, an event that apparently occurred a few years before he wrote his book,

If female continency and chastity be seldom solicited or violated, there have been instances of lascivious intercourse, attended with fearful evils. An affair of this character, a few years since, happened at a chief’s camp, or hunting wigwam in the forest, between his wife and an under chief, when the husband was absent. The shrewd native, suspecting the crime, made her confess it and then forgave her, determining to wreak his vengeance only on the adulterer. Once they met and strove to take each other’s life, in a combat with knives, nor were they without great difficulty separated. These transactions occurring, while the two men were at the head of the Tarrantine, have divided it into dire parties who are not yet reconciled.<sup>16</sup>

Considering Williamson's somewhat complicated understanding of tribal government, with its governors, lieutenant-governors, under-chiefs, sagamores, sachems, and captains, his "guarded" reference to an "under chief" is not as explicit as has often been assumed in the literature. In any case, it is worth remembering that the original author of this version of Penobscot history never specifically identified the two combatants as John Attean and John Neptune.

Writing three decades later, Father Eugene Vetromile, who challenged Williamson's account in a text Eckstorm knew quite well, once wrote in a letter to a correspondent, "now when historical facts are related to them, they make good stories to show the wrong of the other party." Another source of Eckstorm's explanation emerged in the *Eastern Argus* of Portland, Maine. In November 1835, precisely when the tribe's New Party first endeavored to take the reins of government away from both John Attean and John Neptune, the party advertised that "their Governor and Lieutenant Governor" were "unworthy of trust" and cautioned "all persons against noticing any of their official acts hereafter." According to the Portland editor, "one of the Governor's chief faults was a remarkable fondness for his subjects' squaws [sic]."<sup>17</sup> The editor's allusions are not entirely clear: either John Attean is being accused of promiscuity or the editor misrepresented John Neptune as the tribal governor, and thus Attean was a victim of the shaman's extra-marital affairs. If Attean was the victim, the vote of non-confidence during the fall of 1835 would have provided him a perfect opportunity to seek revenge by supporting Neptune's impeachment. Rather than clarify these references, Eckstorm simply accentuated the hierarchical ordering of indigenous political offices, placing the lieutenant-governor in an inferior position akin to the office of vice-president. Was Neptune Williamson's promiscuous under chief? Vetromile was the only person who explicitly identified an impeached "under chief." In an 1866 publication, the Catholic priest singled out Attian Swassin as the individual removed from office on account of "drunkenness, adultery, and other crimes."<sup>18</sup> Clearly, this version of Williamson's story did not meet Eckstorm's cognitive expectations. Her fascination with the Neptune family and its *m'teoulin* or shamanistic power had already yielded a research bias that now commanded only one possible avenue of interpretation. Thus she discarded Vetromile's version in favor of a single testimony she claimed to have obtained on August 15, 1932 from "an Indian woman who is married to a white man."<sup>19</sup> Exactly one century after the publication of Williamson's epic battle between two unidentified Penobscot leaders,

another unidentified Penobscot Indian enters the narrative, this time supposedly to confirm the story of “Neptune’s treachery.”

Her anonymous informant had learned this scandalous story “from Martha Soccalexis, the wife of Joe Mary Soccalexis, son of Deacon Sappiel.” Sappiel Sockalexis was the brother of Tomer Sockalexis, the first governor of the New Party. The story of “Neptune’s treachery” begins with one of Vetromile’s predecessors, a priest who had allegedly breached the confidentiality of his confessional. “The first that Attean knew of the unfaithfulness of his wife, said she, was when the priest refused her absolution. In great anger the Governor [John Attean] went to the priest and demanded the reason. The priest said it was because she was with child by the Lieutenant-governor [John Neptune]. After that, Attean turned against his wife; he would call her into council and shame her before all; he treated her with cruelty; often he would attack her with a knife and gash her legs and back.” In this account, John Attean is neither brave nor “shrewd” as was the “chief” in Williamson’s story. Rather than confronting the powerful shaman, he attacks his own wife, publicly humiliates her, and slashes her body with his knife. In a narrative where Eckstorm takes every opportunity to diminish the intelligence of the tribe’s first chief, she insinuates that he may have suffered from the mental instability that led his father, Attean Elmut, to take his own life in Boston around 1809.<sup>20</sup>

Who is this anonymous “Indian woman” and to what extent did Eckstorm put this story to the test by interviewing Penobscot individuals acquainted with Old Party oral traditions? Eckstorm’s meticulous field work notes do not leave the impression that she neglected to write down potentially meaningful information. In her notes pertaining to “Attean” she inserted the personal reminder: “Story of Neptune’s treachery is on sheet of inf[ormation] fr[om] Mrs. Ida Gould, Aug. 15, 1932.” This sheet identifies Ida Gould as the fifty-six-year-old daughter of Louis Nicholas, of Maliseet origin, and the mother of ten children currently married to a second husband, a “white man.”<sup>21</sup> Curiously, however, the sheet contains no reference to “Neptune’s treachery.” Gould identified several Penobscot Indians from the past, but in conformity with her indigenous culture, she did not speak disparagingly about any of these ancestors. Gould did discuss shaman powers, but Eckstorm’s notes indicate none of the dark, immoral attributes she later identifies in her book: “Mrs. Ida Gould said Piel Susep had the magic... Piel could take a sunbeam of motes, stretch it and fold it and work it like molasses candy. Then he would hang it over the backs of two chairs and lay his axe upon it. This

was quite recent.” In short, there is not a trace of malicious oral history on this particular sheet of information. Perhaps the researcher’s personal reminder refers to the sheet itself, and has nothing to do with this particular testimony. A subsequent entry on the same sheet does concern the “split” of the Penobscot tribe. In an interview conducted four years later, Mrs. Phyllis Bowman — a non-Indian who worked at the Indian agency store in Old Town — indicated she had heard Emma Ranco speak about a “split” but most likely in reference to an earlier division in 1801. Florence Nicola Shay, daughter of Joseph Nicola(r), had previously shared this oral tradition with Eckstorm. Yet here, too, Shay, great-granddaughter of John Neptune, expressed Penobscot oral traditions in a respectful manner, without reference to treachery, adultery, bloody feuds, or disgrace.<sup>22</sup> In short, there is no evidence in Eckstorm’s personal notes of the scandalous revelation she claimed to have obtained on August 15, 1932. One might argue that this curious lack of documentation represents Eckstorm’s choice to maintain the confidentiality of her informant, but other field notes hardly suggest as much.

When “bad magic,” marital indiscretion, madness, “voluntary exile,” and tribal dissent were so vital to her work, why did she limit her enquiry to a single interview with an individual not directly related to the Penobscot families allegedly involved? Of this, she wrote simply, “we do not need to prove the accuracy of the tradition — its existence bears out Williamson’s statements.”<sup>23</sup> She might have sought verification of the New Party oral tradition by seeking out Old Party oral traditions. Indeed, she did interview Sylvia (Solomon) Stanislaus by traveling to Lincoln, Maine, in 1931, 1932, and 1935. The wife of Stephen Stanislaus, son of Mary (Attean) Stanislaus, the Lincoln elder was John Attean’s grand-daughter-in-law. As a Passamaquoddy youth, she had been adopted by Gaspar and Molly (Mohawk) Ranco, and after Molly’s death, Gaspar and Sylvia moved on to Mattanawcook Island where they became closely associated with Mary (Attean) Stanislaus, now also Ranco, daughter of John Attean. On this island, Sylvia Stanislaus lived near the home of Marguerite (Lewey) Attean, the Passamaquoddy woman Eckstorm accused of having committed adultery with John Neptune. Nevertheless, Eckstorm manifested no desire to obtain from the venerable elder information about Attean, his wife, or the nature of Attean’s relation to John Neptune. From the moment she read Williamson’s reference to the “lascivious intercourse” of an “under chief,” she was apparently convinced that the reference was to Neptune, and she was determined to prove this connection even if Penobscot Indian culture

did not warrant such a negative characterization of tribal ancestors. As evidence of a feud or a split, Eckstorm argued that John Neptune entered a “voluntary exile,” and this she supported with a newspaper article, first published in 1843 and reprinted in 1849, describing his success in retrieving the furs three white men had stolen from him at Moxie Pond. The story, related by a handful of “older settlers,” became circumstantial evidence in support of Neptune’s “voluntary exile.” But in order to shoehorn the evidence into the theory, she moved the incident back some fifteen years to 1826 or 1827.<sup>24</sup> Eckstorm sifted individual and collective memories selectively in order to validate the cherished cultural assumptions with which she was least willing to part.

As further evidence of Neptune’s “voluntary exile,” Eckstorm cited the Neptune family’s residence in Brewer. But as ethnohistorian Frank Speck noted, the Kenduskeag Stream was the traditional hunting/fishing/foraging ground of the Neptune eel clan. Other Penobscot family bands established similar camps in Orland, Brunswick, Blue Hill, Winslow, Hallowell, Mattanawcook Island, Great Birch Island, and Passadumkeag Stream.<sup>25</sup> Should such residential practices signal the existence of five, six, or seven different tribal “parties” or “factions,” all indicative of family feuds?

Although this story is far more fictional than empirical, it has become a standard feature in the literature about Penobscot peoples. Author Bunny McBride refers to Neptune’s “serious trespass” and “self-imposed exile” as though both were widely known facts. But if a superb exercise in creative writing can rejuvenate the implanted memory of an “arbitrary, self-willed” man who was “overly fond of rum” and had “abused the power of m’toulin,” it does not make history any more accurate. Endnotes are equally sparse for Neil Rolde’s chapter on “Old John Neptune and Other Notables.” Rolde acknowledges that Judge Williamson may have dramatized his knife fight between two Indian chiefs, and he deserves credit for referring to Eckstorm’s story as a “theory.” Tribal leadership was not as hierarchical as Eckstorm alleges, he points out, and “Neptune may not have felt he was inferior to Attean.” Yet the Williamson picture of a promiscuous, womanizing shaman dominates Rolde’s own projection of an apolitical vision of Neptune conveniently constructed to entertain Maine readers. In much of this recent scholarship, one is struck by the extent to which authors who pride themselves on not repeating the errors of previous historians still accept even older secondary sources. Notwithstanding the known propensity among early folklorists to “invent” the folk and its lore, old assertions



Map of Penobscot territory before 1833. During the early nineteenth century, the Penobscot people occupied a residential area extending from Indian Island to Mattawamkeag Point, including a small lot in Brewer. The 1833 Treaty that ceded the Penobscots' remaining four townships to the state ultimately caused tribal divisions based on state officials' misrepresentations. Cartography by Mike Hermann.

about inflated egos and blood feuds continue to appear as factual evidence.<sup>26</sup>

Ethnohistorian Paulena MacDougall also uses tribal factionalism to explain Penobscot history. Penobscot Indians were too few and too ill to successfully negotiate the terms of their coexistence with surrounding settlements, she writes. But this does not explain why the tribe was still losing land and resources during the first third of the nineteenth century. In a narrative centered on state agents and religious officials rather than Penobscot individuals and tribal groups, MacDougall postulates that Penobscot Indian cultural resistance, not white aggression, was the source of "intratribal strife." On the basis of one or two disagreements, she concludes that dissent eroded the tribe's united front long before the



two political parties were formed, because different Indian groups placed their trust in different state agents and religious officials upon whom they had become dependent.<sup>27</sup> A weak negotiating position, dependence on outsiders, and a growing distrust among themselves — all indicative of tribal deficiencies — constitute Penobscot Indian history. As a thorough researcher, MacDougall documents Penobscot voices protesting removal practices and racial injustice, but her overall conceptualization of this chapter in Penobscot Indian history remains faithful to the school of internal flaws, feuds, and factions.

Given its focus on Penobscot factionalism, this school is less critical of Maine frontier society and Maine government, and more critical of Penobscot tribal government and the Penobscot Indians themselves. While generations of writers have depicted John Neptune as “a man ruled by his own desires, a man of the flesh,” he and other tribal speakers point to “bad and wicked [white] men,” aggressive squatters, woods workers, thieves, arsonists, and murderers who caused tremendous harm to the Penobscot people and their livelihood.<sup>28</sup> And whereas today’s scholars explain the loss of the four Indian townships as the result of a legitimate “negotiation” between a “cornered” tribe and a neutral state government, the Penobscot people, then visibly united and undeniably vocal, twice publicly asserted, in 1834 and 1835, that the state-appointed commissioners were committing a fraud. The state explained the loss of the townships on a presumed flaw in indigenous character: their indecision. And without ever obtaining her own intellectual deed of conveyance from the Penobscot Nation, Eckstorm’s squatting rights on “Old John Neptune” continue to ensure her permanent residence in Penobscot Indian history, with all the self-acquired rights and societal validation of a frontier settler.

Eckstorm’s narrative underscores a significant methodological error. The inter-disciplinarity between folklore and history becomes objectionable when fictions like the old John Neptune story acquire greater historical veracity than documentary research and comprehensive field work. Eckstorm’s folklore is riddled with racial stereotypes and dubious assumptions carried over, *via* Judge Williamson, from an era of Maine history when it was customary to denigrate Native American character. Her story draws the readers’ attention away from a history of external aggression and Indian removal that climaxed in 1833-1835 with the loss of the tribe’s four townships. For their part, Native Americans explain the political division of the Penobscot Nation by identifying it with the “sale” of the townships: “That in violation of these laws, usages, and cus-

toms, a part of the Penobscot Tribe wish to turn out the Governor and Lieutenant Governor so elected, because they consented to the sale of Four Townships of land belonging to the said Tribe, to the white men, under the direction of the Legislature of the State of Maine; and to choose a new Governor, and Lieutenant Governor.”<sup>29</sup> With her folkloric fiction, Eckstorm metamorphoses a key episode in the Penobscot struggle against the State of Maine into a passion play among unrestrained Indians.

However, the evidence that does exist tells a very different story. A glance at the history of the tribe from the first decade of the nineteenth century to the bitter divide in the 1830s illuminates the insufficiency of her charge that a “love feud” sparked this inter-tribal split. The division originated through a series of events, over many decades, culminating in the gradual loss of Native land, resources, and customary rights. Misunderstandings, derived from a failure on the part of white legislators and white Indian agents to honor the Tribe’s democratic traditions, contributed to the heightened tensions among tribal members, leading ultimately to the division of the Tribe into the New and Old Party factions.

### **Of Force, Fire, and Fraud: Testimonies by Penobscot Indians**

Penobscot oral traditions kept alive the memory of tribal divisions in the aftermath of Chief Joseph Orono’s death in 1801, but there is no evidence pointing to an assumption amongst the Tribe that the Attean leaders were less intelligent or that John Neptune was not trustworthy. The indigenous version of history is preferable to Williamson’s version, perpetuated by later folklorists, because Williamson assumed historical veracity based on the cultural identity of the commentator. English communication skills weighed heavily in Williamson’s characterization of Penobscot leaders during this time period. This led the historian to attribute less intelligence to those indigenous people who had avoided constant exposure to the Caucasian race because of their more remote residential location, their greater opportunity to interact with other tribes farther inland, and their determination to keep a distance between their extended families and the newcomers. It is safe to assume that numerous Wabanaki people dubbed “traditionalists” today would have disagreed with such a notion of intelligence.

Though he was born on Sugar Island in 1778, at a relatively short distance from Indian Island, John Attean’s family background and residential life are more frequently identified with the tribe’s most remote

settlement, the Indian “town” of Mattawamkeag.<sup>30</sup> Writing shortly after the Seven Years’ War, John Chadwick briefly described this settlement as a Catholic mission, a horticultural center, and a pivotal link with the Passamaquoddy and Maliseet peoples to the east:

Mederwomkeag is an Indian Town & a place of residence in time of War, but now mostly Vacated. In the Mass hous are Sundrey large Books and other things. On the Hous hangs a smal Bell al which the Indians take care to presarve. Land high ground & stoney, large tracts of old fields & as thay say — have raised good Indian Corn. The East-erly branch is the River Medortrester in which they pass to Paseme-quode & St Johns.<sup>31</sup>

More than three decades later, Colin Campbell and another commentator gave testimony to the continuing existence of this Indian town and its occupants, John Attean’s family band. The Attean settlement is further described as being “seated upon an eminence, on the side of which is raised corn, potatoes, melons, etc.” In addition to spearing a “great Quantity of Salmon” in this vicinity, members of Attean’s family band also derived sustenance from fishing eel at the mouth of the Mattawamkeag River. They “had, with much labor, constructed an eel-wear, with which great lots of that fish were taken, and quantities of them salted down.” This remote indigenous community could further benefit from its closer proximity to the Millinocket falls where “an immense Quantity of Shad” could be taken amidst a succession of very strong rapids.<sup>32</sup>

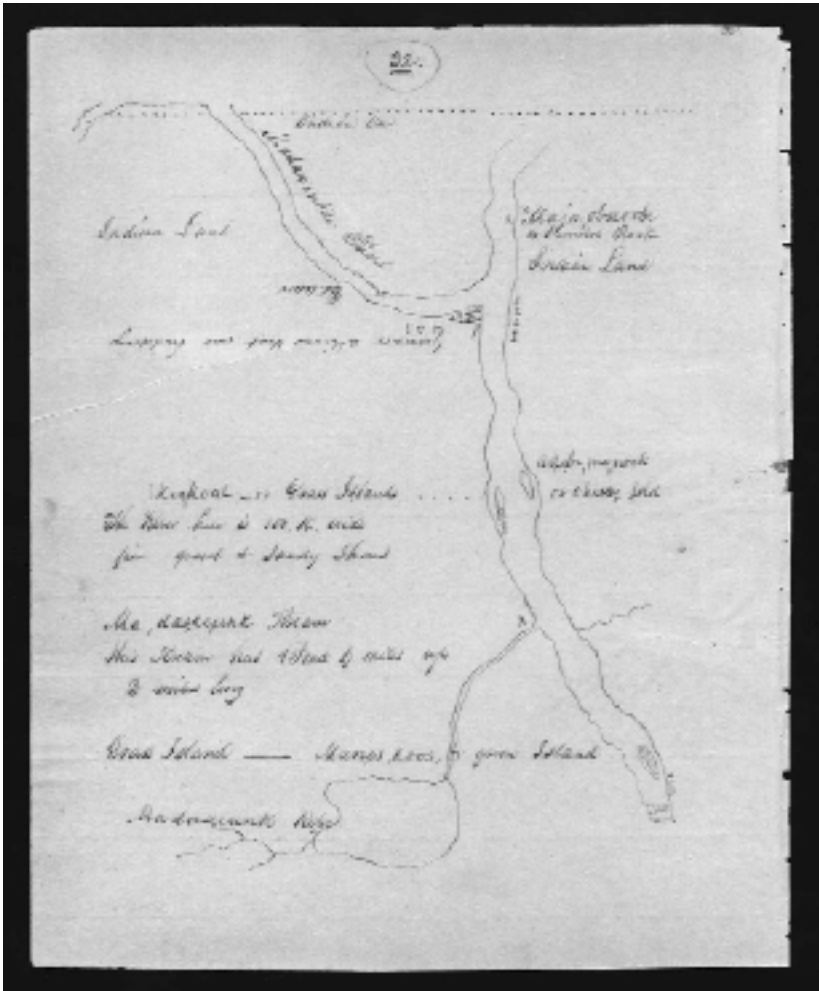
In traditional Penobscot Indian band society where families might reside throughout much of the river valley, leaders were not necessarily chosen because they inhabited the largest of these settlements. On September 19, 1816, John Attean, John Neptune, and two “first captains” were appointed “for life” to serve as first chiefs among the Penobscot Indians.<sup>33</sup> While John Neptune belonged to the Penobscot eel clan and its underwater world, the Attean’s squirrel clan would have offered the Penobscot Indians no less legendary appeal and, perhaps, even greater political suggestiveness. Stories about this ancestral relative served as a reminder that humility, circumspection, and attentiveness constitute some of the quintessential qualities of indigenous leadership. Once “as large as a wolf,” Mi’kwe, the squirrel, “had been so vain of his appearance, and so boastful of his strength, that it would scratch down the trees which happened to be in his way.” This proud “Miko” was humbled when Gluskabe stroked his back until he was reduced to his current size.

Now more attentive to his environment, the squirrel had to “learn the language of other animals, to enable him to keep out of danger.” He also proved more receptive to the advice of his wise grandmother, the bear. Henceforth, Mi’kwe would be constantly reminded of the virtue of paying close attention to what was said, of controlling his temper, and of minding his own business. From an indigenous perspective, then, the Atteans were quite knowledgeable of other languages, such as the Maliseet-Passamaquoddy dialect. And as residents located at the edge of *Ktahdinoga*, “the Indian name of the country in the vicinity of Ktahdin,” the Atteans, like the squirrel climbing up a tree, were well situated to observe and to listen to all who would enter, intrude into, and encroach upon the tribe’s less known northern homeland.<sup>34</sup> Both Attean and Neptune might thus have been equally valued by their tribe but for different reasons: the first one, as keeper of an ancestral homeland whose ancestors were known for their acute sense of observation, active work in the community, and detailed information about northern Penobscot territory; the second, as a very capable speaker who would succeed in conveying this information and the corresponding grievances to Massachusetts and, then, to Maine state officials.

This leadership assumed more urgency when Penobscot men and women were “greatly abused” and forcibly removed from Old Town falls while practicing their customary fishing rights on Shad islands and Shad rocks. This removal, described by Indian Agent John Blake, indicates the beginnings of external aggression in 1808: “which [fishing] privilege was for a great length of time the means of affording them a considerable portion of their subsistence & which they always enjoyed pleasantly & quietly untill within three years past, when they were driven from the rocks & small Islands making the said Old Town falls, their nets destroyed & themselves greatly abused.”<sup>35</sup> Tribal anxiety over being removed from Indian Island itself reveals the magnitude of racial antagonism in the area. This was articulated by the Penobscot delegation in the following communication to the Senate and House of Representatives of Massachusetts:

Brothers:

The beautiful situation of Old Town or Penobscot Island, and the excellent priviledges for taking fish on the Islands in the vicinity induced our forefathers to build their wigwams here, their desendants through many generations have enjoyed those benefits[;] here we have held our national councils under the government of Mondowomack-Modowondo-Osonsoo-Orono and other Governors and Chiefs. We have



Joseph Treat's 1820 sketch of John Attean's family camp at Mattawamkeag Point, the most remote settlement within Penobscot territory. (Map is oriented with south at the top.) The waters of the Mattawamkeag and Penobscot Rivers served an important role in the traditional subsistence patterns of the tribe. Courtesy of the Maine State Archives, Augusta, Maine.

here our Church, and consecrated ground for burying our Dead. We wish to remain here and enjoy all the priviledges of our Fourfathers. [sic]<sup>36</sup>

Eckstorm's mentally unstable Attean Elmut, John Attean's father, had gone to Boston, not on some vague "business" trip, but to voice his tribe's opposition to what white officials claimed to be the legitimate Penobscot sale of these islands and rocks. In her own Native way, Sylvia (Solomon) Stanislaus poignantly expressed the sagamore's frustration with the English language and with Penobscot speakers' manipulation by English speakers: "When they told him Old Attean sign Massachusetts treaty, 'You sold all Indian land,' he said, 'I never sold it, I can't talk English; how can I sold it? I can't talk English!' White man said, 'You sold it.' He so mad he took knife and killed himself." To tribal members, the death of Attean Elmut was thus more meaningful than "a fit of depression during a sea voyage to Boston."<sup>37</sup> From the moment he lost his father to the time of the so-called land "settlement" with the State of Maine in 1833, John Attean witnessed numerous cases of white aggression intended to deprive his people of their resources, if not to "drive" them out of their beloved river valley.

Repeatedly, before John Attean was inducted as tribal governor, Penobscot leaders requested protection from Massachusetts authorities. In addition to depriving the Penobscots of their fishing privileges, the newcomers were "plundering" their forest of its valuable timber, "swimming" cattle onto their islands, "destroying their improvements," squatting on Indian land, building saw mills far upstream, killing the moose, deer, and fur-bearing animals Penobscot hunters had carefully conserved over the years, and pressing the Indians to "cede" more land. To be "driven from" had come to signify a collective insecurity that followed the Penobscot Indians wherever they might go. Particularly tragic was the case of a tribal member and a St. Francis woman who, upon their return to New England from Canada, were shot in November 1813 with muskets loaded with balls and nails while sleeping in their cabin on the edge of Stoneham, Massachusetts.<sup>38</sup> Four nail factory workers viewed the Native couple as too "saucy" and "obnoxious" and, on this basis alone resolved to "rout the Indians." Their actions were depicted to the jury in gruesome detail and deserve mention here because they contributed to Penobscot tribal insecurity:

Creway was most shockingly mangled by a charge of iron nails of the largest and common size, which were shot into the different parts of his body — One of them of the largest size entered his body upon

the lower part of his ribs, and passed between the ribs and flesh into his side, about the distance of six inches. Three other nails of smaller size entered his left arm, and were shot into the bone, which they fractured, and from which they were extracted. Another wound was discovered upon the upper part of his belly, which proved to be mortal, and is described in the indictment. The Woman was shot through the body by one or more musket balls; the muzzle of the gun from whence they were discharged, must have been placed directly to her body, as her clothes and skin were burnt in the blaze, to the size of the palm of your hand.<sup>39</sup>

Upon reaching the scene of the crime, witnesses were astonished to find that, notwithstanding their “agonizing condition,” the couple had escaped from their hut to seek refuge in the forest. After six days of struggle for his life, having “endured the most excruciating tortures,” Nicholas John Creway died on November 29.

His Odanak spouse, Sally Creway, was still recovering from her near-fatal wounds at the onset of the first trial. The court began with the prosecution of two young men, Alpheus Livermore and Samuel Algiers, leaving the fate of John Winch and the absconded Mark Packard to future prosecution. The Commonwealth’s judicial record in cases involving Indian victims was unusually lenient, to say the least: during the previous 137 years no white man had ever been executed for murdering a Native American. This record appeared to be at end when the court returned a guilty verdict and imposed the death penalty for both Livermore and Algiers. From this point onward, however, the Massachusetts legal apparatus displayed its customary leniency in crimes committed against Native Americans. Benefitting from the intervention of a famous Boston lawyer, John Winch was acquitted shortly thereafter. As citizens gathered petitions to commute the two young men’s sentence to a lesser punishment, a Massachusetts council committee was given a mandate to collect more evidence, including a testimony from Packard, who remained a free man. By a curious twist of fate, or a twisted legal stragem, new testimonies now pointed to John Winch as the chief perpetrator of the crime. Sentence for Livermore and Algiers was commuted to four months in solitary confinement followed by a life term of hard labor in prison, and they were later granted the right to serve their solitary confinement in smaller time intervals.<sup>40</sup> It is in this context that the Penobscot people intervened by expressing their own conception of justice.

Amidst all of his rhetoric about Indians’ cultural dispositions to “jealousy, revenge, and cruelty,” Judge Williamson inserted an account of

the trial of Peol Susep for the fatal stabbing of William Knight on June 28, 1816, a case on which Williamson served as legal counsel for the prisoner. While Susep admitted that this attack was committed under the influence of alcohol, he testified that he would not have acted in this violent manner had not tavern keeper Knight “abused” him. After ten months of incarceration Susep stood trial, and the event was attended by “thirty of the tribe” who “behaved with the utmost decorum.” The trial reached its most “solemn” moment when John Neptune, speaking in Susep’s defense, left his audience “breathless” as he made a direct reference to the Creway murder and other such racially motivated crimes:

You know, your people do my Indians great deal of wrong — They abuse them very much; yes, they murder them; then they walk right off — nobody touches them. This makes my heart burn. Well, then my Indians say, we’ll go kill your very bad and wicked men. No, I tell ‘em, never do that thing; we are brothers.— Sometime ago a very bad man, about Boston, shot an Indian dead;— your people said, surely he should die; but it was not so.— In the great prison-house he eats and lives to this day; certain he never dies for killing Indian. My brothers say, let that bloody man go free;— Peol Susup too. So we wish — hope fills the heart of us all.— Peace is good. These, my Indians, love it well; they smile under its shade. The white men and red men must be always friends;— the Great Spirit is our Father;— I speak what I feel.<sup>41</sup>

In conformity with the ancient precepts of inter-racial justice between two sovereign peoples, which historian Richard White has referred to as a “middle ground,” Neptune and his people were pleading for Susep’s life and his freedom, in exchange for all the crimes committed against them as well as for the freedom of Livermore and Algiers. Creway, his spouse Sally, and Susep had been the victims of “abuse” and, given that justice had not been fully rendered, Penobscot Indians might have felt justified in exercising the “law of retaliation” Williamson so gratuitously attributes to them as a cultural dictate. But, in this instance, Neptune extended the hand of friendship and spoke of his people as peace-loving individuals. The court’s verdict was manslaughter, and Susep was sentenced to another year of penal incarceration. Apparently, the jury was fully aware of all the extenuating circumstances Neptune had described, and evidently, the officials who later pardoned Livermore and Algiers responded favorably to Neptune’s plea bargain. With Susep’s health “much impaired by his imprisonment,” the tribe anxiously awaited the response from Massachusetts judicial authorities.<sup>42</sup>

From Stoneham, Massachusetts, to the Indian town of Mat-





Photograph of Indian Island across the river from Old Town, circa 1933. Indian Island, one of a series of islands in the Penobscot River, stood as the southern terminus of a Penobscot territorial region that extended north to Mattawamkeag Point, some fifty miles upstream. As white settlement pressed north, tribal members devoted more time to cultivating crops on islands above Old Town falls, demonstrating a more sedentary use of their lands than in the past. Courtesy of the Old Town Museum.

tawamkeag, the Penobscot Indians found it more and more difficult to keep men, women, children, and elders out of harm's way. In 1812 agent John Blake reported, "by the request of the Indians," that a saw mill had been erected on "Indian land" across the Mattawamkeag River, very near the location of the Attean settlement. The mill's effect was described in Blake's report: "which Mill is the cause of the destruction of much timber in that vicinity and the saw [dust] of which prevents fish from passing up into the Ponds and lakes above, to the great Injury of the Indians and the Commonwealth. The Indians therefore request that the said Mill may be removed and the dam Destroyed." After four years of inaction on the part of Massachusetts authorities and their Indian "superintendent" in Maine, the Penobscot people decided to take justice in their own hands. Around the time of Attean's nomination and induction as tribal governor, Native Americans destroyed the dam and "burned down the mill." Unfortunately for this Mattawamkeag residential band, the governor's responsibility in tribal affairs demanded his presence at the council

hall on Indian Island. In leaving behind his widowed mother, his wife, his other relatives, and many children, he had little choice but to place them in harm's way. In his absence, squatters and other intruders, "continually alarming his family," drove them from the island. They destroyed the eel-weir the Atteans had so laboriously constructed, and dug up and carried off his provisions. After countless generations of occupants, the Attean family band was permanently removed from Mattawamkeag Point, the Penobscot's most remote mainland settlement. Like their Penobscot counterparts downstream, the Atteans sought refuge on a Penobscot island, Mattanawcook,<sup>43</sup> where they were more or less sheltered by the river itself from the less numerous but still aggressive local settlers. Some twenty years later, Henry David Thoreau depicted these Mattanawcook islanders as virtually hidden from the neighboring settlement in Lincoln.<sup>44</sup> Even though the settlement was only a short distance from Lincoln, it was not "till after considerable search" that his party finally discovered it.

The story of Indian removal from Mattawamkeag, told from a Penobscot perspective, offers rare insight into the political mind-set of the Penobscot Indians as they weathered these many instances of aggression. Their rhetoric rings with words like extermination and perish. Penobscots found it difficult to understand why such pressure was being applied on the few acres of land "improved" by the Penobscot Indians when so much territory claimed by squatters still lay fallow. "What do white men suppose we must think, when we see they wish to take from us one piece of land after another till we have no place to stand on, unless it is to drive us, our wives, and our little children away? But if so great and so free a country as this would exterminate us, we have no chance any where else; we, or our children, must sooner or later be driven into the salt water and perish."<sup>45</sup>

White leaders occasionally dismissed Indigenous occupation between Indian Island and Mattawamkeag as the occasional wanderings of nomads who failed to "improve" the land, but tribal records demonstrate a much more permanent use of the islands. As their annual round of life was disrupted by an ever-expanding white settlement frontier, Penobscot families devoted increasing attention to the cultivation of corn, beans, potatoes, melons, and other crops on several islands above Old Town falls. An 1823 communication from the tribe mentions thirty-six "camps" on ten islands within a twenty-mile insular territory between Indian Island and Passadumkeag Stream. Several of these camps were clustered into larger settlements, particularly on Great Birch Island and at "Passadumkey." In 1808, the Reverend Jonathan Fisher spoke of

Indian agriculture as a communal activity. Corn was kept “in common stock” and maintained until spring when “they are engaged in raising corn again.” Regardless of their horticultural claims, these family bands were under assault as newcomers allowed their cattle to swim to the Penobscot islands and to feed on Indian corn and other crops: “The Indians complain that the white people on either side of the River are in the habit of swimming their Cattle on to their Island & destroying their improvements.” While speaking disparagingly about their lack of ambition, one settler had to admit that their apparent agricultural deficiency was a result of “the uncertainty of reaping the fruit of their labour.”<sup>46</sup>

Time and again, John Neptune spoke on behalf of the tribe about these unresolved grievances.<sup>47</sup> Reiterating that the Penobscot people were still deprived of their fishing rights more than twenty years after the Shad islands dispute, he depicted a situation that could easily be drawn for a seventeenth-century Massachusetts “frontier” settlement:

white people cut the timber & grass on some of [the islands] & pay nothing. Their cattle and sheep eat up all the Indians’ plants; thus they are so hurt & discouraged, they think they will never work more. Now we pray that all our Islands may be preserved and kept for the use of us [...] So that if any body’s creatures be found upon our Islands doing any damage or injury, they may be treated & their owners p[ro]secuted, just as if we were white people. Indians now can raise nothing; bad men & their cattle do us so much evil.<sup>48</sup>

He also protested the lumbermen and loggers who disregarded Penobscot Indian territorial rights by assaulting their forest, spoiling and flooding their islands, and obstructing their shores with logs and rafts. Having been denied safe access to their own shores and to a number of islands, Penobscot leaders recommended a fee for every piece of lumber “landed & fastened to said Islands... If not paid, the Indians shall be blameless, if they set the rafts adrift.” In addition, the customary right of passage to the sea had come under attack when “some whitemen” denied Penobscots access to three islands west of Mount Desert, near Naskeag point in Sedgwick. “We pray that all white people may be told to go away from these three Islands.” Penobscot leaders also asked for a ban on white hunting and trapping and a guarantee of indigenous hunting rights. These rights were important to the Penobscot way of life. Increasingly, when Penobscots were compelled to move away from their insular territory to seek employment and to retail craft work, they traveled in extended family groupings. In a context of incidents such as befell Nicholas and Sally Creway, this strategy of family band mobility pro-

vided greater security. As towns developed in the lower Penobscot Valley, these family bands became more conspicuous, as did the prospect of trespassing on somebody's property in order to secure firewood or to set up camp. One such band wintering in Orland, near the mouth of the Penobscot River, was described as "certain families of the Penobscot Indians consisting of about forty individuals" huddled around "seven fires kept constantly burning during their residence thereon."<sup>49</sup> Another Penobscot encampment of ten to twelve families in Bangor was described as "trespassing" during the winter of 1841-1842. Town development in the lower valley constricted this mobility, leaving Penobscots more dependent on the hunting and forage resources of the upper valley. In asking for state intervention against white hunters, Neptune may have sought to reverse a trend which, by the 1840s, would contribute to the departure of Penobscot family bands to various towns in the Kennebec River valley and to distant urban centers like Lowell, Lynn, Salem, Boston, New Bedford, and even Hoboken, New Jersey.<sup>50</sup>

The Penobscot people feared one of the worst possible removal strategies, later popularized in Jacksonian rhetoric: removal by fire. In September 1825 John Neptune voiced his people's widespread belief that one of the most devastating forest fires ever to occur in Maine history had been set intentionally, at the peak of a drought, to "drive off" the Indians. A month or so before the Great Miramichi fire in New Brunswick, and at a time when other forest fires were spreading throughout central and northern Maine, this particular disaster raged for over two weeks "in the forest north of Bangor." The Penobscot Indian territory on both sides of the river, from Passadumkeag to Mattanawcook was described as "a sea of flames," and the islands were burnt as well. A fire also spread across the nearby state lands where officials were attempting to prevent lumber trespassers from harvesting wild hay. Rumor had it that the state land agent was responsible for the calamity, having burned the hay, despite the drought, as a way of depriving timber trespassers of winter fodder for their oxen.<sup>51</sup> As the reputation of a state official was at stake, the testimony of the Penobscots in relation to the fire was bound to be viewed in a negative light. The eloquent speaker John Neptune, for instance, was dismissed as a naive instrument in the hands of the "desperados" and ridiculed in a local newspaper:

Now me speak in paper — hay timber all burnt up — all bare just like my arm no blanket — What meanum states agent send Captain Chase to burnum hay when everything so day — Indian two townships all burn up before rane come — Indian lossom all timber and

hay — sartin me now walk general court next winter then me speakum Governor Parris — me hearum he givum to the agent to burnum all hay — sponse Governor Parris speak he say no — then me speak states agent pay Indian all hay and timber he burn — sponse he say so — then Governor Parris he pay sartin — When Indian havin all timber and hay nobody burnum hay — now state gettum all Indian land but two township, then he settum fire *to drive all Indian off* — now me havum no more timber — by-by me be naked just like snake — all Indians speak so.

John Neptune<sup>52</sup>

While Fannie Eckstorm viewed this phonetic mockery as a genuine illustration of Neptune's oratorical skills, she also buried in a footnote a potentially significant distinction. In his public protest on behalf of the Penobscot Nation, John Neptune did not identify the fire along the shores of the Mattawamkeag River. Rather, he referred to the "great Chase fire on [the] Piscataquis, set in revenge to burn out the Indian trappers of beaver." The Piscataquis fire had spread to the Indian islands between Passadumkeag and Mattanawcook. In this matter it would have been difficult to prove premeditation, but Neptune's phonetically deformed testimony should not be relegated to some archival graveyard: its underlying logic is most compelling. Whether the state agent was to blame or a racially-motivated arsonist, the fire was a "white" initiative that had devastating consequences for the Penobscot environment and the Penobscot psyche. And the fact that this dramatic event coincided with the formation of a national policy aimed at "Indian removal" no doubt exacerbated tribal anxieties about the future. The policy, as originally understood by the American public, involved "all the Indians within our organized governments," who were to be removed "to a part of our territory lying beyond the limits of our settlements," namely west of the Mississippi.<sup>53</sup>

Less than two years after the Penobscot fire, a Penobscot camp in Brunswick was burnt to the ground by several young men. The incident could only serve to reinforce the opinion that "bad and wicked men" were building fires to "drive them into the salt water and perish." As in the Stoneham incident, local notables first expressed public outrage and dismay. Soon after, however, the community began the predictable process of exonerating the perpetrators, who had felt somewhat "ripe for fun." The outrage was characterized as "less aggravated than first supposed," since it "was not proved that a single individual preconcerted the final result of the evening's visit, and it is evident that a large portion of



Portrait of John Neptune, circa 1830, by Jeremiah Pearson Hardy. As white settlement encroached on the Penobscots' traditional territorial rights, Neptune, as Lieutenant-Governor, voiced a series of protests on behalf of the tribe and their customary hunting, fishing, and access rights. Courtesy of the Taratine Club, Bangor, Maine.

the company were entirely free from any riotous intention or act, and some of them ... are men of unblemished characters, now suffering only in consequence of being caught in bad company." Conveniently, the arson was attributed to a single individual, identified by the nickname Beedee, who had "escaped the hand of justice by flight." All other participants were exonerated, and the most respectable were depicted as victims of mob feeling. As the frightened Indians left Brunswick immediately after their camp was destroyed, local residents could find no evidence of premeditation. The smoldering remains of the camp notwithstanding, this "mixed multitude of men and boys, good, bad, and indifferent (the greater part only transient residents in this place)," was only said to have been thoughtlessly riotous. "This is the amount of the affair."<sup>54</sup>

Within this context of forceful aggression and environmental disruption, of actual and potential Indian removal, state law-makers resolved, in February 1829, to authorize the state governor "to negotiate with the Penobscot Indians for the transfer of two townships of land to the State." In early 1831 the same legislators resolved, in the misleading terminology of their political proceedings, to authorize "the Penobscot Indians to sell two townships of land and pine timber," as though they had been requested to do so by tribal representatives. In January 1832 the legislature passed a law "to encourage the destruction of Bears, Wolves, Wild-cats, and Loup-cerviers." While bounties on predators were not uncommon at this time, it is revealing that the Maine law was enacted shortly after Neptune's request that the legislature stop white hunters from destroying wildlife.<sup>55</sup> But the most important communication following the 1829 resolve remains buried in a miscellaneous box

of "Indian Files" in Augusta.<sup>56</sup> In his January 20, 1830, communication, the state-appointed agent to the Penobscot Indians, John G. Deane from Ellsworth, set the stage for the implementation of the "coercive" course of action that would result in the Penobscots' formal subjugation as "wards" of the state of Maine.

Carefully deciphered, Deane's report yields a considerable amount of information. When he reached the tribal seat of government on Indian Island in July 1829, Deane could only speak to the governor and "with one or two Captains, a few old men, and some women and children." All other councilors had gone "to the sea shore, and some to the forest." Interestingly, Deane was also informed that the mission priest had just departed "to visit the Passamaquoddy Indians." As was customary among state officials, Deane invited Governor Attean to join him on his trip to the Mattawamkeag townships under the presumption that, as "chief" of the tribe, Attean held the prerogative of initiating some transaction. But the "Governor of the Indians did not fulfill his promise" to do so, he wrote, and Deane failed to secure a tribal representative on his way to Mattawamkeag. Upon his return to Indian Island, he met the priest, who explained that the Penobscot "mode of transacting was in the assembly of the *whole* Tribe, and by *mutual agreement*, and that the Governor ... would not act until the Tribe *generally* assembled," which, he indicated, "would not take place before the Christmas holidays." Ignoring this democratic tradition, Deane "caused" those who were present "to be called in" and he began his conference by informing them of the state's reasoning as to the future of the Penobscot Nation. Deane's main theme was "the destruction of their game, and their means of subsistence produced by the progress of settlement and cultivation." His forecast was gloomy, but his promises were optimistic:

the time was not far distant when the white people would destroy all the game, and they [the Indians] would be left destitute but that it was within their power by a change in their modes of life, to have as many necessaries and comforts as the white people, and that by the annual profits of the sale of a part of their lands, which they did not need at present, they might procure cattle and sheep and farming utensils and should they increase and need more land they could purchase farms when and where they pleased.<sup>57</sup>

Deane's reference to the sale of only "a part of their lands" is noteworthy here, because the state agents that followed less than four years later successfully appropriated not two but four Indian townships. At

this time, the state wanted “to have the Mattawamkeag townships settled,” particularly the eastern township from which Attean’s family had been removed in the 1820s.<sup>58</sup>

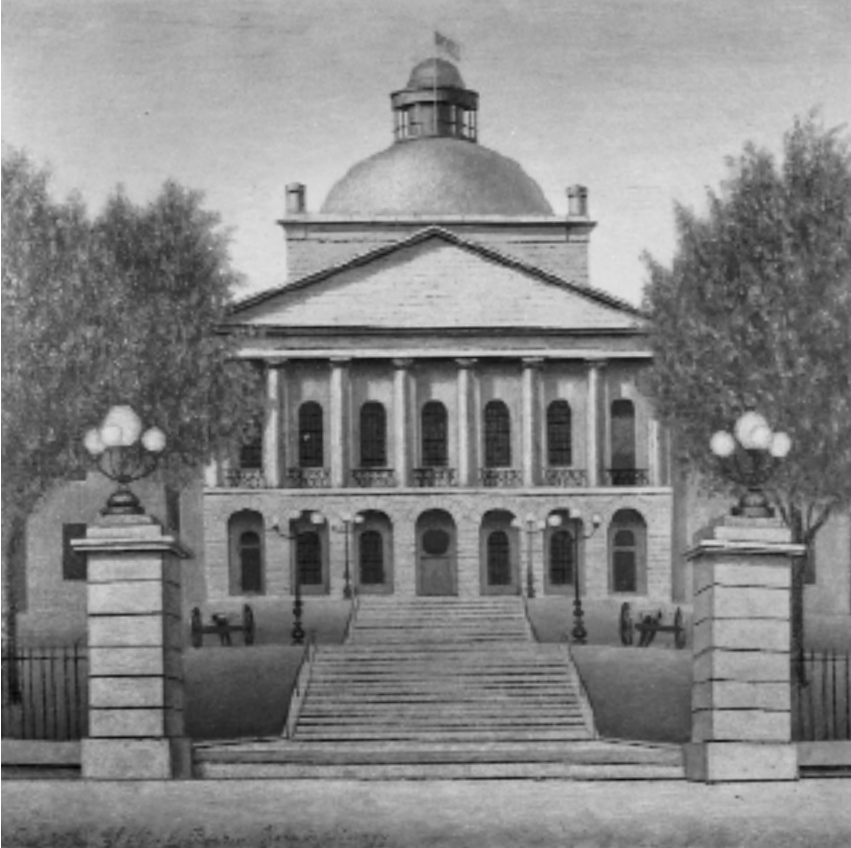
Deane returned to Indian Island on November 2, well before the Christmas holidays. There followed a long and difficult exchange in which the frustrated state commissioner expressed a great many assumptions, later included in his report. The Penobscots insisted on obtaining a “whickhegan, or a writing.” Most tribal speakers, with the assistance of their priest, replied with a written document that objected to any land cession. However, another letter was later mailed to Deane’s residence after he had left Indian Island. Although the agent left with “no further conference,” a group assembled on the island. Lieutenant-governor John Neptune first stayed away from the council hall “on account of ill-feeling arising from some transactions which had occurred a few days previous.” This seemed to confirm state officials’ impression that the Penobscot tribe was “disunited... by factions and party animosity.” In fact, tribal government was conducted by a first chief, a “second in command,” and several “captains,” but important conferences and transactions always required the mutual agreement of all politically-active tribal members. In matters such as the future of the Indian townships perhaps one hundred Penobscot individuals could exercise their right to participate. This was the decision-making process that resulted in the second letter. But the Penobscot tribe was not a coercive community, and while acting in a manner inconsistent with the will of the majority, the authors of the second letter nevertheless were within their rights in pursuing their own political agenda. These independent political agents, probably consisting of different individuals depending on the issue, were the Indians that subsequent generations of writers categorized as factions and parties. In initiating a second conference with Deane, they actually asserted their right to sell lumber and land.<sup>59</sup> The group that Deane viewed as comprising more “modern” Indians was actually challenging the state’s right to establish itself as the only buyer of Indian land. It is logically inaccurate to view these Penobscot speakers as forerunners of the New Party, because the latter coalesced among many of the Penobscot Indians who opposed the “sale” of the four Indian Townships in 1833.

As a result of his failure to secure a land sale, Deane recommended an overhaul of Maine Indian state policy and practices. During his second interview with the Catholic priest, he was surprised to hear the clergyman speak of tribal sovereignty: “he supposed they were independent,



possessing both the rights of property and sovereignty.” In response, Deane felt obliged to stress a traditional British colonial concept of supremacy over Native Americans: “they conveyed a qualified sovereignty and the right of said subject only to the Indian right of the fee. The Indians resisted as long as they could but finally submitted,” and now only “pretended a claim to sovereignty.” But having failed to convince the priest of such a submission, Deane wrote at length about the “peculiar” situation of Maine Indians. He believed that “under the guardianship of the state,” the “intelligent” Indian was degraded: “his energies are cramped, and his inducement to action is destroyed.” Government attempts to “improve” Indian life had “not succeeded” and, sooner or later, under the same system, they would all “subsist on private charity or the bounty of the government.” In closing his remarks, the state agent recommended the implementation of “a coercive system.” He predicted that “intelligent and high minded” Native individuals would avoid such coercion by becoming full-fledged citizens, once they had “managed their individual estates as the white people do.”<sup>60</sup>

Deane’s recommendation did not fall on deaf ears. Along with the destruction of animal predators, the state legislature embarked upon a three-stage process during the 1830s whereby the Penobscot Indians would be deprived of any entitlement to their four townships, and the proceeds would be put into an “Indian trust fund”; the Penobscot heads of household would be deeded in “severalty” small plots of land previously surveyed on all inhabitable islands from Indian Island to Mattanawcook Island, where it was hoped they would erect fixed dwellings and become productive farmers; and third, the interest yearly accruing from the Indian trust fund, as well as all other tribal funding, would be “appropriated” by state authority and managed by an Indian agent, along with a superintendent of farming, “for the benefit” of the Indians.<sup>61</sup> With time, the Indian agent’s power would encompass virtually all transactions with mainstream society, including the sale of whatever was grown or grew naturally on Indian land, the lease of shore privileges, and concessions for hay, pasture, and wood on unoccupied portions of the insular reservation. While Penobscot family bands could and would subvert many facets of this coercive system, one important fact remains: in contrast to the Passamaquoddy Indians, there would no longer be any Penobscot Indian townships. That reality, the first element of the state’s coercive system, is precisely what brought noticeable disagreement within the Penobscot Nation and ultimately resulted in the formation of the Old and the New political parties.



Maine State House, Augusta, Maine. Governor Attean and a delegation of Penobscot members were forced to travel to Augusta during the winter of 1833-1834 to protest a fraudulently obtained deed of conveyance that ceded the tribe's four townships to the state. Despite their efforts, they were unable to regain their lands, and this failure created the friction that would ultimately divide the tribe into Old and New party factions. Library of Congress.

In contrast to John Deane's conferences and communications, there would be no detailed account of the "transactions" spearheaded by lumber baron Amos D. Roberts and justice Thomas H. Bartlett, in 1833, to transfer the four Indian townships to the state of Maine. They had been empowered by the state legislature to purchase all the land the Penobscot Indians "may be disposed to sell, at such prices, and times and modes of payment as may be agreed upon," provided that the transaction received the approbation of the state governor and executive council.<sup>62</sup> Contrary to their contention that they engaged in "frequent public

deliberations for several weeks, and frequent interviews with us by delegates appointed by their convention,” the two commissioners did not seek the “mutual agreement” of the tribe.<sup>63</sup> Rather, they adopted the more expedient approach of tampering with the tribe’s democratic channels to gather fifteen signatures on a deed of conveyance, including the marks of John Attean and John Neptune. The two land commissioners returned to Augusta satisfied that they had received a land release from the “chiefs.” Visibly, what is missing in this version of history is how John Attean and the other signatories were made to understand what they were approving and under what conditions their consent was obtained.

The “treaty” raised a storm of protest among the Penobscot people, forcing John Attean to head a more representative tribal delegation to Augusta during the winter of 1833-1834. This delegation carried a memorial that specifically referred to a “certain deed fraudulently obtained in June last from a few individuals without the *knowledge* or *consent* of the tribe.” When this matter reached the Senate floor later in January, lawmakers were faced with the following documents: (1) a very short report from the two commissioners to the state governor and council; (2) a motion from the council “approving their doings;” (3) a deed with fifteen names attached; (4) a remonstrance from the Penobscot tribe “signed by a great number of names, *some of them the same as were on the deed.*” According to the remonstrance, the land commissioners had not done their work in explaining the nature of the transaction and had improperly “tampered” with the whole procedure: “the remonstrance set forth that only a few of their tribe signed the deed, and most of them were induced to do so by threats and promises, and improper tampering with them; that the sum stipulated for was not half the value of the land, etc. The remonstrance was ably written, and of considerable length.” From the beginning of the debate senators struggled with the issue of credibility, balancing the “ably written” remonstrance of a visibly united Penobscot tribe against a “meager” statement of facts by the two commissioners. Senator Jonathan P. Rogers of Penobscot County dismissed the petition because it “impeached the integrity of the commissioners.” Fortunately, a few Maine senators, particularly William Emmons from Kennebec County, spoke on behalf of Penobscot tribal interest, and the “motion to recommit” prevailed by a vote of ten to nine. Two weeks later, a handful of lawmakers debated whether the “Indians ... had ever rightfully and fairly parted” with this land, and took exception with the unwillingness of the two commissioners to publish a full report of their

transactions. Nobody disputed the fact that the monetary value set by the state for the four townships — \$50,000 — was well below the market value. But for those opposed to negotiating with the tribe, the matter was irrelevant. There were “good reasons why the Indians should sell their lands for less than white people,” York County Senator Jabez Bradbury asserted, because “these four townships are of no use to them whatever; they have besides more land than they can ever cultivate, and these townships, if remaining unsold, will not bring them a single farthing.” Penobscot Indian delegates lost all hope of seeing justice prevail when Senator Rogers added insult to injury by denigrating Native American character: “He knew something of these Indians — they were a miserable remnant of a very miserable tribe. Some of them have been induced to sign this petition who have also signed others of a totally opposite character. Most of them who are disaffected are altogether misinformed as to the provisions of the bargain they had made.” In addition to the usual aspersions — unrestrained passion, indolence, vindictiveness — Rogers conveniently labeled the Penobscots vacillating in all things.<sup>64</sup>

In the House of Representatives, Henry Call moved to have the state publish three hundred copies of the commissioners’ meager statement of facts. He had never seen the statement, and feared his fellow Maine representatives would “be compelled to act in the dark.” His motion, which resulted in a tie vote of 63-63, was defeated by the Speaker of the House — a representative from Bangor — who remarked that “it did not appear to him that the [state commissioners] had been successful in making such a bargain as it was becoming for the State to ratify.” But the Senate had already given the Native petition “leave to withdraw” and, compelled to “act in the dark,” the House was given no reason to doubt the integrity of the two state agents, the state governor, the state senators, and the Standing Committee on State Lands. On February 11, 1834, John Attean, Mitchell Lewey, Newell Lyon, Doctor Lolar, Captain Francis, Peol Molly, and Jo Sockbason were simply granted \$195.15, “allowed out of the Indian fund,” to cover their expenses in Augusta. In another strongly worded petition presented to the House of Representatives by Henry Call, they requested “the restoration of lands obtained from them as they say without consideration, or in a fraudulent manner.”<sup>65</sup> But even though it was now very apparent that the Penobscots as a whole were not “disposed to sell,” the matter had been debated to the satisfaction of those in Augusta who, along with Amos Roberts and Thomas Bartlett, were already predisposed to appropriate Indian lands.

It remains difficult today to elucidate with any certainty the nature of

the “threats and promises” set forth by Roberts and Bartlett, or the extent to which they “tampered” with the tribe’s system of government. Their unwillingness to disclose more specific information about their transactions provides fodder for speculation. For instance, Maine lawmakers had previously appropriated two thousand dollars to “enable” them to obtain a land cession. It has been assumed that the Penobscot signatories benefitted from generous presents, but it is equally possible that the money went directly into the pockets of the state agents. It is safer to assert that John Attean and John Neptune had drifted away from the decision-making process they were expected to adopt as first chiefs: “to be sure it was myself that made the treaty & John Neptune expecting to be sure that you would hold the treaty sacred we then were satisfied for we knew that the white man could approach no further.”<sup>66</sup> The reason why several indigenous participants rejected the treaty a half-year later should be examined more closely, rather than dismissed as a matter of Native “vacillation.” The fact that John Attean himself headed the delegation that clearly identified this land cession as a fraud is a meaningful piece of information.

A retrospective account of this controversial event was presented to the state governor in 1846, as a petition from John Attean transcribed in English by none other than Justice Thomas H. Bartlett. The tribal governor emphasized a *de facto* process of tribal dispossession, beginning with the observation that the Penobscot Indians had already been removed from the two lower Indian townships during the 1820s. The petition begins by accusing all “white men,” including the tribe’s guardians in Augusta, of robbing the Indians of their rights and privileges: “therefore in the first I would say that this land, this country at first belonged to us. You came here we let you remain and enjoy the priviledges belonging thereto in common with us we extended the hand of Friendship and at last you Robbed us of all our lands and priviledges and everything for which to get a livelihood.” Intent on its coercive course of action, the state had not acted in good faith. Indeed, it would have amounted to a very poor negotiating strategy to inform the Penobscot delegates that such was the actual purpose of the commissioners’ work. Rather, commissioners presented the 1833 treaty as the means to create a stronger state Indian agency: with more financial resources the agency could uphold the law and manage tribal lands and other resources. Whereas lawmakers in Augusta viewed the treaty as a means to regulate and to manage the Penobscot *Indians*, Attean and other Native delegates understood the commissioners as offering a better means to manage Penobscot In-

dian resources. Attean and Neptune had merely authorized the agent “to deal out the interest of our money and take care of our lands and what few priviledges we had left as we were ignorant [of white laws] and not capable of doing it amongst ourselves.”<sup>67</sup> There is no reference to conceding four Indian townships in this retrospective account, but much emphasis on the new Indian agency and its administration of Penobscot land resources. One cannot overlook the possibility of deception in negotiating the treaty, or the possibility that the treaty was simply a legal device for expanding the Indian agent’s budget, without any other disbursement to the owners of the townships than a very modest annual dividend.<sup>68</sup>

Contrary to Attean’s expectations, most of the annual interest accruing from the Indian trust fund was used not for a new Indian agency but to engineer a reservation more consistent with the state’s “coercive system.” Money was to be invested, and the interest used to “benefit ... said Indians,” but no part was to be “paid to said Indians in money, provisions or clothing.” This new administrative machinery comprised, among other features, a poor farm on Orson Island, wages for white plowmen, “bounties” for growing wheat, oat, and potatoes instead of Indian corn, money for the Indian agent and the tribe’s clergyman, and a “general distributive account” that would provide the newly empowered Indian agent with more leverage to reform the Indian way of life. In the end, Amos Roberts and Penobscot Indian Agent Joseph L. Kelsey came to own several lots in “Township No 1, Indian Purchase,” after the townships were surveyed by Kelsey in 1834.<sup>69</sup>

Tribal opposition to the loss of the Indian Townships and subsequent frustration over their leaders’ inability to reverse the state’s course of action generated “two sets of co-ordinate, co-equal, and co-extensive ruling powers” within the Penobscot Nation. In his narrative, John Attean clearly situates the 1834-1835 party division after the 1833 treaty. It would be sheer speculation to trace the emergence of the New Party back to some ancient feud or to a segment of the Penobscot population whose ancestors belonged to other tribes. The lack of tribal consensus over putting their trust in the state’s land commissioners seems obvious as a reason for “party animosity.” Competing for legitimacy, the two governing bodies generated negative press coverage and an opportunity to further undermine the tribe’s sovereignty. Four years after forming a coalition against John Attean and John Neptune, New Party leaders — in alliance with whites, according to John Attean — endeavored to introduce an annual electoral system.<sup>70</sup> They obtained from the state a resolve



Photograph of Fannie Hardy Eckstorm. Courtesy of the Maine Folklife Center, University of Maine.

authorizing the Penobscot Nation to hold a referendum on this proposal in August 1839, in an election monitored by several Orono selectmen.<sup>71</sup> Even though a majority (sixty to forty) voted in support of the traditional mode of appointing tribal leaders, in the summer of 1842 the “minority party” nevertheless proceeded to hold an election:

There are two rival factions, called the old and the new party; the former being in favor of perpetuating the old usage of the tribe, of electing a governor for life, and the latter of electing a governor annually. The new are the minority party, and they are making preparations

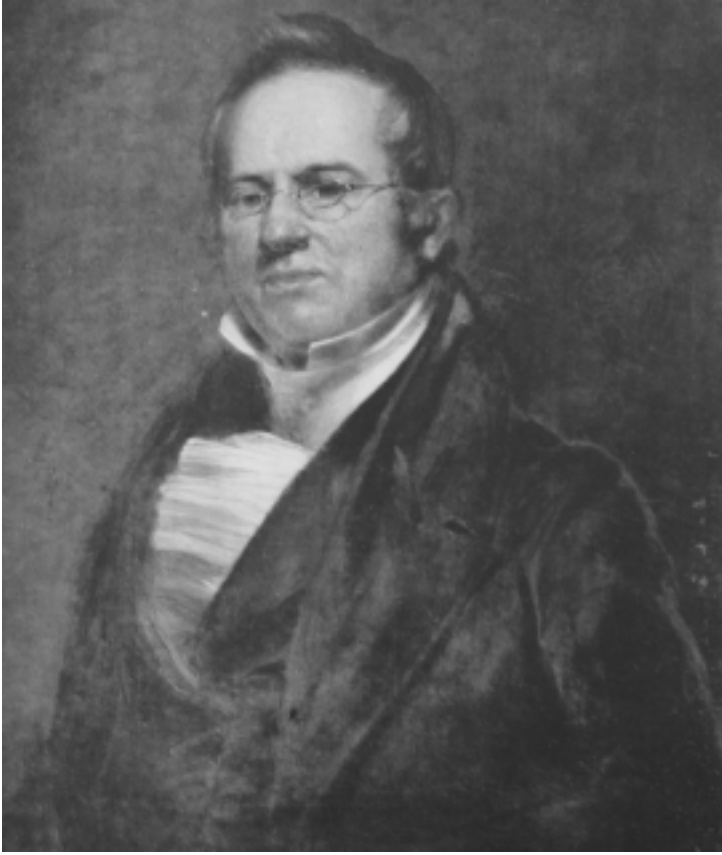
to hold an election next Saturday, against the wishes of the majority, and a former decision of the tribe, which promises to excite some disturbance, as they have threatened to cut down the liberty pole of the old party, which if attempted, will be forcibly resisted.... The new party, therefore, are the agitators and disturbers of the peace of the tribe. Party spirit rages with considerable fury, and Saturday may be big with the fate of the tribe.<sup>72</sup>

New Party members planned to elect their own tribal leaders and to remove a liberty pole, the traditional symbol of Penobscot leadership, on Indian Island. The dispute surrounding this liberty pole, which is beyond the scope of this study, proved another episode that fascinated Maine writers primarily interested in Indians fighting amongst themselves. Attean remained the tribe's leader until his death in 1858, consummating a tradition dating back to the great leaders of the era before European settlement.

Even though Penobscot males were divided along party lines, it would prove far more difficult to divide the Penobscot Indian community, given its strong kinship ties and networks of mutual assistance. Although under assault during the lifetime of John Attean, the valley is today the tribe's source of unity of spirit, where Penobscot Indians join together in a dateless chronology of anecdotes, achievements, and tragedies. As the Penobscot people lived much of the year in family bands of twenty to fifty people, community life is more cohesive than in neighboring settlements where nuclear families prevail.<sup>73</sup> At least twice yearly — for the Corpus Christi celebration and the Christmas holidays — these family bands converge on Indian Island for communal feasts, singing, dancing, weddings, mourning, political conferences, and council proceedings. These remarkable expressions of unity may not have been worthy of Maine's best-known folklorist or today's media, but they ensure that no indigenous person would disgrace the mind or spirit of other families' ancestors.

Like the seasonal and synchronized flight imprinted in the minds of migratory birds, this Penobscot unity defies the externally implanted memories of feuds and factions. Even though contemporary commentators might occasionally show their admiration for John Neptune's oratorical skills, unity of mind is what he actually expressed in court when the Penobscot Indians negotiated for the liberation of Peol Susep in 1817. The same collective voice was heard in 1825, phonetically deformed, when it spoke in dismay of an environmental disaster attributed to a racially motivated arsonist. Spontaneously and forcefully, the





Photograph of Judge William D. Williamson, who wrote the first comprehensive history of the state in 1830. Williamson's legacy was to exonerate white society for its role in Native dispossession and shift blame for the factional dispute to supposed internal tribal struggles and flawed moral character. Courtesy of the Maine State Archives.

Penobscots united in a chorus of opposition against the treaty of 1833. The same Penobscot unity of mind is apparent today. It is expressed in subtle ways by Indian children playing securely on reservation streets or speaking confidently with other tribal members. Faced with an external threat, Native Americans in general display this unity of mind, and whenever such a threat emerges in Old Town, it is apparent — for instance during a recent state-wide referendum pertaining to the tribe's economic development. And despite the political adversity naturally generated by the most democratic and inclusive electoral process in the

state of Maine, unity of mind is achieved whenever tribal directors, councilors, vice-chief, and chief endeavor to act in the best interest of their community.

But this unity of mind, with its distinctive message of loyalty, justice, and morality, is the least well-known, hence the least well-documented facet of recorded Penobscot history. For years, non-Indian writers compensated for this deficiency by referring to the Indian "character," a composite stereotype of promiscuity, jealousy, rascality, dishonesty, indecision, and vindictiveness. Using these unflattering clichés, they proclaimed Indian character to be Indian fate. Rather than united, Penobscot Indians were described as driven by emotions and passions of such intensity as to make it virtually impossible to imagine them existing as a community. Unwilling to acknowledge the disruptive nature of their own political initiatives, state agents added to this generic portrait their own vision of unruly tribal members in council and fierce party spirit raging between rival chiefs. This cognitive shrapnel achieved currency when, notwithstanding her family's interaction with the Penobscot Indians, Eckstorm favored stereotypes over Native versions of the past. While the Penobscots contributed linguistic, genealogical, and narrative information to her notebooks, it was her unfortunate legacy to silence Penobscot political voices and to dramatize a scandalous story inconsistent with oral traditions.

More recent historians have unearthed sources unknown to these early Maine writers, and at the very least, this study contributes to these new findings. In contrasting two very different paradigms, it demonstrates the gap between indigenous testimony and non-Indian literary constructs. The question of who constitutes a credible authority in all these primary and secondary sources has not been conclusively resolved, but a failure to address these differences has produced an awkward amalgamation of two incompatible versions of Penobscot Indian history. Interpretations disseminated by an antiquarian historian and an amateur folklorist have been blended with some of the very Native American testimonies this fiction was supposed to mask. Because of the deep urge to exonerate the newcomers, this old history and folklore still receives equal or greater weight than all Penobscot Indian testimonies, still avoiding a narrative focused on white aggression. But, then, is it really up to non-Indian writers to weigh how much emphasis should be given to Native American testimony? In presenting both paradigms, this study does not engage in a balancing act; rather it concludes by resolving the problematic question of who constitutes a credible authority in favor of these indigenous testimonies and actions.

## NOTES

1. In compliance with Maine Indian cultural practices, this work uses the terms “white” and “non-Native” to refer to the newcomers. The more widely accepted term of “Euro-American” newcomers in academia was completely alien to the Penobscot Indians during the nineteenth century and remains foreign to most of them today.
2. See Jacques Ferland, “Mattanawcook Islanders and the Meaning of the Family among Nineteenth-Century Penobscot Indians,” unpublished paper presented at the Norlands Living History Center, Livermore, Maine, June 13, 1997; Ferland, “Penobscot Band Society and Indian Removal in the State of Maine (1820-1849),” presented at the biennial conference of the Midwestern Association for Canadian Studies in the United States, East Lansing, Michigan, October 11, 2002.
3. William D. Williamson, *The History of the State of Maine; from its Discovery, A.D. 1602, to the Separation, A.D. 1820, Inclusive*, 2 volumes (Hallowell, 1832); Fannie H. Eckstorm, *Old John Neptune and Other Maine Indian Shamans* (Portland, 1945), p. 124.
4. See James Axtell, *The European and the Indian: Essays in the Ethnohistory of Colonial North America* (New York, 1981); Axtell, *After Columbus: Essays in the Ethnohistory of Colonial North America* (New York, 1988).
5. David Lynn Ghere, “Abenaki Factionalism, Emigration and Social Continuity: Indian Society in Northern New England, 1725 to 1765,” Ph.D. dissertation, University of Maine, 1988.
6. Eckstorm, *Old John Neptune*, 140n; *Manly Hardy (1832-1910): The life and Writing of a Maine Fur-buyer, Hunter, and Naturalist*, compiled and introduced by William B. Krohn (Orono, 2005); Charles C. Ward, “Moose-Hunting,” *Scribner’s Monthly*, 15 (February 1878) 449-65; Ward, “Caribou Hunting,” *Scribner’s Monthly*, 17 (December 1878) 234-47; Ward, “Porpoise-Shooting,” *Scribner’s Monthly*, 20 (October 1880) 801-11; Fannie Hardy Eckstorm Papers, Box 5, folder 5-4, Indians of Old Town, Brewer area: research notes, previously listed as Box 616, folder 87, Fogler Library Special Collections Department, University of Maine (hereafter Eckstorm Papers). For practical reasons pertaining to access and photocopying, this study will mainly refer to the microfiche copies.
7. Eckstorm, *Old John Neptune*, p. 5.
8. Eckstorm, “1904. Jan. 8. Interview with John Ross, his son Harry and his daughter Mrs. C. Vey Holman,” Eckstorm Papers; Fannie Hardy Eckstorm, *The Penobscot Man* (Boston, 1904).
9. “A List of Penobscot Indians whom father remembered, taken down probably about 1890,” Eckstorm Papers. See Eckstorm, “Saukees, or Saukis Family,” “Fransway Peneas,” and “Joseph Polis.”
10. Eckstorm, *Penobscot Man*, pp. 4, 71.
11. “1904, Jan. 8. Interview with John Ross, his son Harry and his daughter Mrs. C. Vey Holman,” Eckstorm Papers: “The fault was Joe’s as much as anyone’s. He

had too heavy a boat, a full crew of seven men. When he shoved out he couldn't swing her soon enough. She went clear across the river before she turned, then struck a rock and careened, filled nearly full, crew got frightened. I was on a dry jam and saw it until the boat swamped."

12. Eckstorm, *Penobscot Man*, p. 99.

13. Eckstorm, *Old John Neptune*, 39-48; "Report of Gen. John Blake, Indian Agent, for 1811"; "Report of Gen. John Blake, Indian Agent, for year 1812"; *ibid.*, 1814; *ibid.*, 1818; "Sylvia Stanislaus, Aug. 8, 1931"; "Notes from Mrs. Sylvia Stanislaus"; "Sylvia Stanislaus, Oct. 19, 1932"; "Interview with Sylvia Stanislaus"; "A Story of Old Joe Mary ... , October 19, 1932"; "Notes from Sylvia and Francis Stanislaus, May 30, 1935," box 1, folder 1-41, Eckstorm Papers; Marion Cobb Fuller, Letters, 1929-1943, Maine State Library, Augusta; Margaret and Dorothy Snow, *Indian Affairs Documents from Maine Executive Council* (Civil Works Administration, later the Federal Emergency Relief Administration, 1934-1935), Maine State Library.

14. Eckstorm, *Old John Neptune*, pp. 7-15, 31-38, 61-73, 116, 120.

15. Eckstorm, *Old John Neptune*, pp. 120 fn, 119.

16. Williamson, *History of Maine*, vol. 1, p. 500.

17. Vetromile to Ballard, February 4, 1858, Vetromile papers, Box 5, folder 5-30, Eckstorm Papers; *Eastern Argus*, November 12, 1835.

18. Eugene Vetromile in Eckstorm, *Old John Neptune*, p. 157.

19. Eckstorm, *Old John Neptune*, p. 123.

20. Eckstorm, *Old John Neptune*, p. 123.

21. "Attean," Eckstorm Papers; "Information from Various Indians, 1930-35: Mrs. Ida Gould, Oldtown: re. Ida Gould, August 15, 1932," *ibid.*, box 5, folder 5-4.

22. Eugene Vetromile, *Indian Good Book* (New York, 1858) n.p.; Eckstorm, *Old John Neptune*, p. 177n; Florence Nicola Shay, "History of Penobscot Indians. Copy for Mrs. Eckstorm," Eckstorm Papers. While Shay's paper is not dated, it refers to a recent revival of the Indian Island Women's Club in February, 1931. Joseph Nicola(r) was the son of Mary Malt (Neptune) Nicola, a daughter of John Neptune. During the 1840's, Mary Malt (Neptune) Nicola belonged to a family band of over twenty Penobscot Indians who resided in the Kennebec River valley, in such places as Kent's Hill, Winslow, and Hallowell. She is perhaps the first Penobscot woman to have personally petitioned the Governor of the State of Maine and his executive council.

23. Eckstorm, *Old John Neptune*, p. 124.

24. Genealogical data for Stephen Stanislaus, Sylvia (Solomon) Stanislaus, Mary (Attean) Stanislaus Ranco, Gaspar Ranco, and Stanislaus Nicola, Department of Trust Responsibilities, Penobscot Nation, Old Town; Lore Alford, Indian plan book 1, "Plan of Islands in the Penobscot River between Old Town Falls and Mattawamkeag River...," James Sewall Corporation; "Captain John Neptune," Eckstorm Papers; Eckstorm, *Old John Neptune*, pp. 126-135.

25. Frank G. Speck, *Penobscot Man* (Orono, 1997), pp. 213, 221-2; Jacques Ferland, "Penobscot Band Society and 'Indian Removal' in the State of Maine (1820-1849), unpublished paper, 2002, 6-13; "Names of Habitable Islands and of Some that Are Not Inhabited," Henrietta West, "Communications from Penobscot Tribe 1823," and Jonathan Fisher, "Description of the Penobscot Indians" in Raoul N. Smith, *Man in the Northeast* 14 (Fall 1977).
26. Bunny McBride, *Women of the Dawn* (Lincoln, 1999), pp. 87, 148; Neil Rolde, *Unsettled Past, Unsettled Future: The Story of Maine Indians* (Gardiner, 2004), pp. 214, 214-223. See Ian McKay, *The Quest of the Folk: Antimodernism and Cultural Selection in Twentieth-Century Nova Scotia* (Montreal, 1994).
27. Pauleena MacDougall, *The Penobscot Dance of Resistance: Tradition in the History of a People* (Durham, New Hampshire, 2004), pp. 112, 123-24, 152-53, 249.
28. Eckstorm in Rolde, *Unsettled Past*, p. 214.
29. "Petition of Governor Tomor, Lieutenant Governor Joseph, and the seven Councillors of the St. John's Tribe to the Governor and Council of the State of Maine, January 1839," ms. 787, Ayer Collection, Newberry Library, Chicago. My thanks to Micah Pawling for sharing this document.
30. "John Attean," Department of Trust Responsibilities. See also "Funeral of the Governor of the Penobscot Tribe," *Bangor Whig and Courier*, May 20, 1858.
31. Fannie Hardy Eckstorm, "History of the Chadwick Survey from Fort Pownal in the District of Maine to the Province of Quebec in Canada in 1764," *Sprague's Journal of Maine History*, 14 (no. 2, 1926), p. 22.
32. Colin Campbell, "Journal of Campbell's Expedition by Boat ... for Further Exploration of Mt. Cathardin, etc., 1819," pp. 27, 41; Anonymous, "The Third Recorded Ascent of Kathadin, Aug. 10, 1820," *Appalachia* 146 (June 1968): 43; *Eastern Argus*, December 1, 1829.
33. *United States' Gazette* (Philadelphia), October 1, 1817; Williamson, *History of Maine*, vol. 1, pp. 495-98; John E. Godfrey, *History of Penobscot County* (Cleveland, 1882), pp. 40-41.
34. Molly Dana to Abby L. Alger, *In Indian Tents: Stories told by Penobscot, Passamaquoddy and Micmac Indians* (Boston, 1897), pp. 111-12; *Kennebec Journal*, November 12, 1825; Campbell, "Journal of Campbell's Expedition," pp. 27-28.
35. Resolve, chapter 143, 1811, Massachusetts State Archives, Boston.
36. Resolve, chapter 143, 1811; Resolve 1810, chapter 93, Massachusetts State Archives.
37. Eckstorm, *Old John Neptune*, pp. 122; Rolde, *Unsettled Past*, p. 213.
38. Resolve, chapters 124, 1811; 141, 1811; 154, 1812; 183, 1813, Massachusetts State Archives; *The Trial of Alpheus Livermore and Samuel Algiers before the Supreme Judicial Court of the Commonwealth of Massachusetts...* (Boston, 1813). My gratitude to Joshua Smith for sharing a copy of this document.
39. *Trial of Alpheus Livermore and Samuel Algiers*, 8-9.
40. Richard D. Brown, "'No Harm to Kill Indians': Equal Rights in a Time of

War,” Seminar in Early American History and Culture, Columbia University, May 10, 2005. We are indebted to Richard D. Brown for all information concerning the outcome of this case in the aftermath of the Livermore and Algiers trial.

41. “Susep — The Indian,” *Niles’ Weekly Register*, July 19, 1817; John Neptune in Williamson, *History of Maine*, vol. 1, p. 488.

42. Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815* (New York, 1991); Brown, “No Harm to Kill Indians,” p. 28; Council Report, January 20, 1818, p. 214, Massachusetts State Archives.

43. “Report of Gen. John Blake, Indian Agent, for year 1812,” Eckstorm Papers; Campbell, “Colin Campbell’s journal,” p. 26; *History of Penobscot County*, p. 499; *Eastern Argus* December 1, 1829. According to the nominal census manuscript, “Special Inquiries Relating to Indians,” Thirteenth Census US, Lincoln Town (“Indian Island”), Penobscot County, Maine, all allotments on Mattanawcook Island had been registered by 1842.

44. Henry David Thoreau, *The Maine Woods* (New York, 1899), pp. 9-11.

45. *Eastern Argus*, December 1, 1829.

46. Department of Trust Responsibilities, “Names of Habitable Islands and of Some that Are Not Inhabited (1823),” excerpted from Henrietta West’s “Communications from Penobscot Tribe 1823,” box no. 11, Eckstorm Papers; Colin G. Calloway, ed., *Dawnland Encounters: Indians and Europeans in Northern New England* (Hanover, 1991), p. 250; Fisher, “Description of the Penobscot Indians,” p. 56; Resolve 1811, chapter 143, Massachusetts State Archives; “Facts,” *The Yankee*, August 13, 1828.

47. Eckstorm, *Old John Neptune*, pp. 117-118.

48. “Report on Indian affairs/Petition of John Neptune and Joseph SocBasin, Penobscot tribe,” Council Report no. 17, 1831, *Indian Affairs Documents from the Maine Executive Council*.

49. “Report on Indian affairs/Petition of John Neptune and Joseph SocBasin, Penobscot tribe”; “Report on the petition of Jonathan Partridge/Memorial of,” Council Report no. 434, 1832, *Indian Affairs Documents*.

50. “Report on the petition of Jonathan Partridge/Memorial of”; “Report on the petition of Mary Nicola,” Council report no. 30 (1840); “Report in favor of Mary Nicola,” Council report no. 191 (1843); “Report on the account of A. Hayford,” Council report no.5 (1844); “Report, warrant favor of Mary Neptune/\$15.00,” Council report no. 31 (1844); “Report warrant favor of Swasin Neptune/\$15.00,” Council report no. 32 (1842); “Report on the petition of John Attean — and on the account of Asa Gould,” Council report no. 59 (1844); “Report Mary Nicola,” Council report no. 32 (1849); Ferland, “Penobscot Family Band Society.”

51. *Kennebec Journal*, September 3, 17, November 12, 1825 1825; *Hancock Gazette & Penobscot Patriot*, August 8, September 14, 1825; *Niles’ Register*, September 17, 24, 1825. For an analysis of the whole area affected by these fires, see,

Philip T. Coolidge, *History of the Maine Woods* (Bangor, 1963), pp. 129-30; *History of Penobscot County*, p. 619.

52. As excerpted from a local newspaper in *History of Penobscot County*, p. 620, 622. Emphasis added.

53. Eckstorm, *Old John Neptune*, p. 12; *Hancock Gazette & Penobscot Patriot*, October 1825, p. 26

54. *Eastern Argus*, August 24, 31, 1827; *Brunswick Herald*, August 28, 1827.

55. *Resolves of the Ninth Legislature of the State of Maine*, chap. 8, approved February 7, 1829, p. 25; *Resolves of the Tenth Legislature of the State of Maine*, chap. 7, approved March 5, 1830, p. 106; *Public Acts of the State of Maine Passed by the Twelfth Legislature at its Session, held in January, 1832* (Augusta, 1832) chap. 9, pp. 10-11.

56. John G. Deane, "Communication from John G. Deane, Esq., January 20th, 1830 ...," Secretary of State, Miscellaneous Box, Indian Files, folder 1830. My gratitude to Micah Pawling for sharing a copy of this document.

57. Deane, "Communication from John G. Deane," p. 1. Emphases added.

58. A military road now passed through this township and early squatters, along with land speculators were now requesting the right to build taverns and inns for the convenience of travelers. See *Eastern Argus*, December 1, 1829.

59. Deane, "Communication from John G. Deane."

60. Deane, "Communication from John G. Deane," p. 1.

61. "An Act additional to the several Acts for the better regulation and management of the Penobscot Tribe of Indians," *Public Acts of the State of Maine Passed by the Fifteenth Legislature, at its Session, held in January, 1835* (Augusta, 1835), pp. 257-60.

62. *Resolves of the Twelfth Legislature of the State of Maine*, chap. 111, approved 9 March 1832, p. 431.

63. "Report of Commissioners Appointed to Purchase the Lands Belonging to the Penobscot tribe of Indians, 1833," in "Indian Treaties," *Acts and Resolves Passed by the Twenty-Third Legislature of the State of Maine, A.D. 1843* (Augusta, 1843), pp. 261-62.

64. *Kennebec Journal*, January 8, 29, February 12, 1834.

65. *Kennebec Journal*, January 8, 29, February 12, 1834; January 21, 1835; *Resolves of the Fourteenth Legislature of the State of Maine*, chap. 9, approved February 11, 1834, p. 613.

66. Resolves of the Thirteenth Legislature of the State of Maine, chap. 42, approved February 21, 1833, p. 524; *Maine Indians: Brief Summary: People of the Early Dawn*, Pleasant Point Bilingual Program, in Rolde, *Unsettled Past*, pp. 190-91; "Report, John Neptune, warrant \$35," Council report no. 20, 1847, *Indian Affairs Documents*.

67. "Report, John Neptune, warrant \$35,"

68. "Bond Given by the Commissioners to the Penobscot Tribe of Indians, June,

1833, in "Indian Treaties," *Acts and Resolves passed by the Twenty-Third Legislature of the State of Maine*, 1843, pp. 262-63.

69. "Resolve Authorizing the Penobscot Indians to Sell Two Townships of Land and Pine Timber," *Resolves of the Tenth Legislature of the State of Maine*, chap. 7, p. 106 (Emphasis added); "An Act Additional to the Several Acts for the Better Regulation and Management of the Penobscot Tribe of Indians," *Public Acts of the State of Maine — 15th Legislature* (Portland, 1835), chap. 158, sections 1-10; "A Plan of Section No. 133 in Township No.1, Indian Purchase, as surveyed A.D. 1834 by Joseph L. Kelsey," Office of Registry of Deeds, Penobscot Court House.

70. "Register of the Council," vol. 6, January 30, 1839, *Indian Affairs Documents*, pp. 197-8, 354.

71. *Bangor Whig and Courier*, August 13, 1839.

72. *Bangor Whig and Courier*, June 24, 1842.

73. Thoreau expressed this observation as follows: "Ever and anon in the deepest wilderness of Maine, you come to the log-hut of a Yankee or Canada settler, but a Penobscot never takes up his residence in such a solitude. They are not even scattered about on their islands in the Penobscot, which are all within the settlements, but gathered together on two or three [islands] — though not always on the best soil, — evidently for the sake of society." Thoreau, *Maine Woods*, pp. 399-400.