

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

L.U.O.

**Testimony of Douglas J. Luckerman Esq., Maliseet Tribal Counsel
In Support of LD 1377**

My Name is Douglas Luckerman and I represent the Houlton Band of Maliseet Indians. I am honored to be here today before this Committee and to be able to speak in support of LD 1377. My testimony today will provide some background for the Committee to consider when reviewing the details of the bill.

The history of the Maliseet Band in Maine is both extensive and well-documented. In fact, the legislative history of the federal Maine Indian Claims Settlement Act of 1980 is chock-full with expert testimony, legal analysis and reports on their history. Approximately two-hundred pages of testimony and written submissions to the United States Senate Committee on Indian Affairs describe the Maliseets' historical presence in the area of what eventually became Houlton, Maine and outlines the Band's government to government relationships, first with the Colony of Massachusetts and the British, and later with the Commonwealth of Massachusetts and the United States. Much of it reveals that the Houlton Band of Maliseet Indians, are a bona fide Indian Tribe that had a valid land claim in Maine and, therefore, entitled to compensation for lands taken by Massachusetts and/or Maine, federal recognition, and recognition of its authority over its lands and people, just like the Penobscot and Passamaquoddy.

At the forefront of the Maine Indian land claims in the early 1970s was the Treaty of 1794, a treaty entered into between Massachusetts and various Maine Indian tribes. It became the centerpiece of the Passamaquoddy's 1972 lawsuit¹ and years later the state and federal settlement acts. Because part the 1794 treaty conveyed Indian land without the approval of the federal government, it was a violation of the federal Non-Intercourse Act of 1790, and as a result the conveyance of Indian land to the Commonwealth of Massachusetts was invalid. The Passamaquoddy, however, are not the only tribal party to that treaty.

The 1794 treaty followed years of frustration for the Maliseet and other tribes who only sought the recognition and protection of their hunting grounds by the United States as promised to them

¹ For history of lawsuit see, *see generally*, *Joint Tribal Council of Passamaquoddy Tribe v. Morton*, 528 F.2d 370 (1st Cir. 1975).

at the start of the American Revolution. These promises, along with others, were made to the tribes as acknowledgment of their support of the United States during the War for Independence against Great Britain. Though the war ended in 1781, repeated requests from the Maliseets, and other Wabanki tribes were ignored. With the assistance of Colonel John Allan, Superintendent of Indian Affairs for the Eastern Department, the tribes petitioned Congress and the Commonwealth of Massachusetts numerous times seeking recognition and protection of their lands. With continued encroachment of their lands by non-Indians, the tribes found it more and more difficult to sustain themselves and by the early 1790s, they were in a desperate state.² As John Allan described the situation in 1793, the Indians were “destitute of necessaries to subsist, and of friends to protect them.”³

Although United States failed to meet its treaty promises, Massachusetts appointed a negotiating team in 1793 to travel to Passamaquoddy Bay to meet with the Maliseets and other tribes. After days of meetings in September 1794, during which Maliseet leaders delivered speeches describing the treatment by non-Indian traders, the destruction of the hunting grounds, the deprivation of their religion and the unfulfilled promises made in earlier treaties, a treaty was concluded. After traveling to St. John and to their settlements to discuss the treaty with those not present at the conference, the tribal leaders returned to Passamaquoddy Bay in November 1794 to confirm the treaty.⁴ It is abundantly clear from the treaty conference, the letters of John Allan and the treaty itself that the Maliseets are a party to the Treaty of 1794 along with the Penobscot and the Passamaquoddy.⁵

The Maliseets’ treaty history, however, does not begin and end with the Treaty of 1794. It extends back to a century before the American Revolution at which time the Maliseets, and other tribes in New England started its long relationship with Massachusetts by entering into a series

² See generally, James Wherry, *The History of Maliseets and Micmacs in Aroostook County, Maine: Preliminary Report Number Two*, 12-25 (June 1979), found in House Hearing Settlement of Indian Land Claims in the State of Maine before the House Committee on Interior and Insular Affairs, 524-537 (Aug. 25, 1980).

³ Reprinted in Kidder, Frederick, *Military Operations in Eastern Maine and Nova Scotia During the Revolution*, 314 (1867).

⁴ Alexander Campbell, John Allan, and George Stillman, *Report of the Treaty Commissioners*, found in Ch. 52 of the Massachusetts Resolves of 1794.

⁵ See Act of June 26, 1794, Massachusetts Acts and Resolves 1794, c. 92.

KF8224.CC
L43
2009

LAW & LEGISLATIVE
REFERENCE LIBRARY
43 STATE HOUSE STATION
AUGUSTA, ME 04333

of treaties with the colony.⁶ These treaties addressed a variety of issues and concerns held by both sides. For example, the Treaty of 1725, ratified in 1727 by the tribes in Casco Bay near Falmouth, Maine, sought to maintain peace, regulated trade and commerce between the tribes and English colonists, and recognized the historic hunting and fishing rights of the Maliseets, Micmacs, Penobscots and other tribes inhabiting New England. Later again in 1749 in Casco Bay in Maine, the tribes and representatives from the Massachusetts Bay Colony met and discussed similar issues and problems, and negotiated a new treaty building upon the earlier agreements.

The Maliseet sustained this treaty relationship with the birth of the United States. In fact, the very first treaty of any kind entered into by the United States was with the Maliseets and the Micmacs in 1776. Just days after the signing of the Declaration of Independence, the Continental Congress directed General George Washington to, “engage in the service of the United States, so many Indians of the St. Johns, Nova Scotia and Penobscot tribes, as he shall judge necessary and that he be desired to write the General Court of the Massachusetts bay, requesting their assistance in their aid in this business...”⁷ On July 10, 1776 after travelling from northern Maine to Watertown, Massachusetts, the Maliseet and Micmac tribes and representatives of newly established United States of America met to negotiate a treaty of “alliance and friendship.” Nine days later, on July 19, 1776, the parties entered into what is now referred to as the “Watertown treaty” in which the Maliseets and Micmacs promised their support to the United States in its war for independence from Great Britain and agreed to “furnish and supply 600 strong men” to fight under the command of General Washington and with the Continental Army against the British.⁸

⁶ Treaties with the Colony of Massachusetts include 1678, 1693, 1699, 1713, 1717, 1727, 1749, and 1752.

⁷ Acts and Resolves of 2nd Continental Congress, July 8, 1776.

⁸ A Treaty of Alliance and Friendship, art. 6, found in James Phinney Baxter, *Documentary History of the State of Maine*, v. 24, 190 (1916). During the treaty conference, the tribes asked for and the United States agreed to provide a priest and truckhouse, where Indians would exchange their skins and furs for ammunition, provisions and goods. *See id.* at 175. The Treaty of Watertown also contains language that can be viewed as renewing the earlier treaties from 1725 and 1749 that preserved the aboriginal rights of both tribes to hunt and fish. Although the focus of the conference at Watertown and the agreement was to secure Micmac and Maliseet men to fight against the British, United States representatives wanted the Indians to accept the United States as taking the place of Britain in the “chain of treaties” and the Indians present would have understood the conference discussions and the treaty to be a re-affirmation of earlier treaties such as the treaties of 1725 and 1749. The Watertown treaty contained the explicit renewal of two earlier treaty provisions found in both the 1725 and 1749 treaties: the dispute resolution clause and the promise of a truckhouse. These agreements made during the treaty conferences, in addition to those expressed within the articles of the treaty were regarded both parties as part of the “treaty relationship. *See* RAYMOND J.

The historic record shows that the Maliseets and Micmacs fulfilled their promise and significantly contributed to the United States' war efforts throughout the duration of the American Revolution. In a 1793 letter to Sam Adams, Colonel Allan described the Maliseets and Micmacs' invaluable contribution to protecting the United States' claim to northern and eastern Maine: "...it is acknowledged by all acquainted with that country that their assistance was a principle support in its defense.... Their zeal and attention during the war...is so well known in that country that it needs no comment. Their uniform conduct both in respect of humanity, as well as submitting with patience under every difficulty was not inferior to the most disciplined troops...."⁹

All of these treaties represent only a small part of the Maliseets' history, but an important one with respect to LD 1377, which is one step towards ensuring that the Houlton Band of Maliseet Indians are viewed as a legitimate governmental entity capable of overseeing and protecting the rights its members and their lands. There is no basis in the Maliseets' history nor its government relationship with Massachusetts, Maine or the United States that supports depriving the Band of its own law enforcement agency or court system. Instead, the Maliseets' history provides confirmation that recognition of the Maliseets' tribal court and law enforcement powers are warranted. Enacting LD 1377 not only represents a long overdue acknowledgment of the Maliseets' history as a self-governing Indian tribe, it also serves as an acknowledgement of its historic role in the establishment of this country.

A Tribal Court will help the Band maintain order on tribal lands and also help it protect its identity as a tribe. As a small group of mostly related individuals the Band has an interest in maintaining social relations amongst its members, as well as tribal customs and traditions. In a 1978 decision, the Supreme Court acknowledges the importance of a tribal court to the

DEMALLIE, *Touching the Pen: Plains Indian Treaty Councils in Ethnohistorical Perspective*, in *Ethnicity on the Great Plains*, ed. Luebke (1980), 40 ("(F)rom the Indians' point of view, the council [or conference] was the agreement."); DELORIA & DEMALLIE, *Documents of American Indian Diplomacy: Treaties, Agreements and Conventions, 1775-1979*, Vol. 1, 6 (1999) ("One has to read the entire transcript and identify the many agreements on small points in order to understand the meaning of the negotiations. These councils were nevertheless legally and politically binding.")

⁹ Reprinted in Kidder, Frederick, *Military Operations in Eastern Maine and Nova Scotia During the Revolution*, 313 (1867).

maintenance of tribes social, cultural and traditional integrity:

They have a significant interest in maintaining orderly relations among their members and in preserving tribal customs and traditions, apart from the federal interest in law and order on the reservation. Thus, tribal courts are important mechanisms for protecting significant tribal interests.

United States v. Wheeler, 435 U.S. 313, 332 (1978).

Tribal courts also play an important role in promoting tribal self-government. A Tribal court provides an opportunity for a tribe to establish rules of conduct and enforce those rules on its members. This creates a sense of responsibility and ownership in tribal government affairs in the members and also brings pride and self respect. This role of Tribal courts has also been acknowledged by the Supreme Court:

Tribal courts play a vital role in tribal self-government, and the Federal Government has consistently encouraged their development.

Iowa Mut. Ins. Co. v. LaPlante, 480 U.S. 9, 15 (1987) citing Title II of the Indian Civil Rights Act that provides "for the establishing of educational classes for the training of judges of courts of Indian offenses." 25 U. S. C. § 1311(4).

In 1997, Supreme Court Justice Sandra Day O'Connor made a speech in which she stated that,

The role of tribal courts continues to expand, and these courts have an increasingly important role to play in the administration of the laws of our nation. The three sovereigns can learn from each other, and the strengths and weaknesses of the different systems provide models for courts to consider. Whether tribal court, state court, or federal court, we must all strive to make the dispensation of justice in this country as fair, efficient, and principled as we can.

Speech of Justice Sandra Day O'Connor, 33 Tulsa L.J. 1, 6 (1997).

The Maliseet Band is ready to take its rightful place along side other sovereigns with a tribal court and tribal law enforcement agency. The Band looks forward to taking on the responsibility of administering its laws and those of the State under LD 1377. It also believes there is much to learn about the administration of law from the experience of other tribes, the State and the Federal courts.

The Houlton Band government has shown that it is competent and responsible with an excellent 29 year track record to back it up. There was no basis in 1980 to deny the Band the rights of self-government. LD 1377 is a step in the right direction to correct that by providing the Band the legal foundation it needs for a tribal court. The Houlton Band of Maliseet Indians respectfully requests that this Committee vote to approve LD 1377.

Thank you

April 14, 2009

ATTACHMENTS

Footnotes 3 and 9

*Military Operations in Eastern Maine and
Nova Scotia During the Revolution,
313-314 (1867).*

MILITARY OPERATIONS

IN

Eastern Maine and Nova Scotia

DURING THE REVOLUTION,

CHIEFLY

COMPILED FROM THE JOURNALS AND LETTERS
OF COLONEL JOHN ALLAN,

WITH

NOTES AND A MEMOIR OF COL. JOHN ALLAN.

By FREDERIC KIDDER.



ALBANY:
JOEL MUNSSELL.
1867.

233. h. 119.

converse freely together. The Micmacs are still numerous in Nova Scotia, and although they seem to often affiliate with their neighbours upon the St. John, they are of an entirely distinct race, and their language has no affinity whatever.

Col. Allan's Report on the Indian Tribes, in 1793.

From a misapprehension of people in general in this country respecting Indians, before we enter upon the present state of those in the eastern country, it may be necessary in a summary manner to bring into view their situation & communication, one with another, making such other observations as may give a competent Idea of them.

On the river Penobscot which lies within our settlements, there may be at present fifty or sixty families. The river runs toward Canada, an easy carrying place from its Source to the river St Lawrence below Quebec, on which is a small Indian fort, for the Security of such supplies as may be laid in, & to keep up a correspondence between this tribe & the Indians in Canada; the person who has the care of it is in British pay. From Penobscot Easterly there is a communication by water, extending near the westerly branch of Schoodic, the carrying place, short, easy and a good path. You then run thro' a chain of Lakes untill the waters discharge into the sea at Passamaquoddy. These Lakes I conceive lie at the head of all the Rivers as far Westward as Union River. Most of them I know have carrying places from their source to the Lake. On the Lakes you will find numbers of Indians from Canada, St Johns, Penobscut, & the Mickmack Country,

pursuing their several employments agreeable to the seasons. Some constant residents, & many of them for years not seen on the sea coast, being perpetually on the move. You may pass one day and see only some scattering wigwams, and the next observe Villages. From Penobscot to Passamaquoddy I suppose it is about One hundred & Twenty miles.

The Passamaquoddy Tribe which by marriages & Other Connections have removed to different parts, does not Exceed Thirty resident families; but the great advantage in fishing, fowling, conveniences, pleasant situation & the easy access to the sea, from all parts by the Rivers which disembogue into the Bay, great numbers resort from all quarters & by the many Islands & Inlets Which are interspersed round that Extensive Bay; many families have been known to reside for months with out being seen by the white Inhabitants. On entering Schoodic twenty miles from Salt water, you come to the crotch where the Western & Eastern branch meet. Pursuing the Latter you find an Other chain of Lakes extending towards Maggaudavick [the ancient St Croix] & St Johns; from these lakes run a number of streams, within a short distance to the river St Johns, some of the carrying places not exceeding two miles; in this branch you may Find Indians situated as on the Other branch; the latterly I understand not so constant, but on the river Maggaudavic many make it their home.

The river St Johns is extensive both to its source, as the many Lakes and streams, which discharge into it. The number of Indians settled on the several parts from all quarters are Indefinite. The Chief tribe is called Marasheett who occupy an ancient Village ninety miles up the river [probably Aukpaque]. From this to above the great Falls One hundred and twenty miles farther is an Other large Village called Maddawasca. When the waters

are up Spring and Fall, a canoe can go to a carrying place, within three miles of the river St Lawrence; but the common communication by Land is about Thirty miles, where there is a good road for horses. The facility of passing to & from Canada, is such that I have in the War rec^d letters at Machias the 6th day from a Priest (with whom I corresponded) only 60 miles below Quebec, & the Indians have told me, when the stream was rapid they have delivered letters to the French commanding Officer at the mouth of St John, in four days from Quebec. From Passamaquoddy to St Johns in a straight line is about Sixty miles.

There are several routes from St John thro' the Mickmack country extending near the bay Chaleurs. The principal is the great lake so call'd, a stream from which runs within three miles of the river Merrimichi about Seventy miles from the entrance. The Course of this river I think is about W. S. W., the mouth empties in the Gulph St Lawrence, fifty Leagues N. N. W. from the Isthmus of Nova Scotia laying on the bay Verte. On this river is a great and wealthy tribe, many warriors among them. Between this & the bay Verte are several rivers, on each of them are Villages of Indians, and they have easy Conveyances by land to the great Lake of St Johns. From Merrimichi northward the carrying place does not exceed fifteen miles, into the bay Chaleurs, at the head of which is the river Rastigouchi. The tribe here may be truly call'd respectable, as to numbers, wealth and Intrepidity. This concludes the boundarys of the Mickmack Country that way; only observing that there are numbers of Indians, in every river on the peninsular of Nova Scotia, between the bay Verte & the gut of Canso. Most of the Indians of Cape Sable shore have removed to these rivers and Cape Breton.

As correspondence & intercourse have been open'd a

long time, thro' the several tribes, Viz, from Penobscot St Francis in Canada & the whole of the Mickimac Country as far as Chaleurs. During the last French war the Indians being called in from different parts for the defence of Louisbourg, Canada &c., an acquaintance became more General, & I can assert from authority, that an Indian can hardly be found past 30 years of age but is acquaint'd and known within this circle. The very easy conveyance by the Lakes, rivers and Streams so Interspersed in this Country, they can easy take their women children & baggage, where ever their Interest, Curiosity, or caprice may lead them, & their natural propensity for roving is such that you will see families in the course of a year go thro' the greatest part of this extent. This of course brings on a nearer Connection by Inter marriages which is now become universal, particular as far as Merrimichi & St Francis, so much that I well know that numbers which I had in the War are now residents in Canada & other distant parts, and many from thence are now Living at St Johns, Penobscot & Passamaquoddy.

Thus connected there appears no distinction in the right of the several hunting grounds, for all by some tie or other have an equal claim, are fully domesticated as if natives of the district. The Same priviledges are observed in council, in peace or war, whether in a local or general assembly, the result you will hear of at a most distant part in a short time. This I have often known myself from an assembly's even above Montreal, during the late war.

From this cursory View, it may be seen how easily the Conveyance between them is, particularly from Canada, to our eastern settlements & the affinity & connection among the Indians thro' this Extensive tract. I assert this from my own knowledge by a long acquaintancé & frequent interviews before the revolution, having been in

every Indian Settlement (Canada excepted), which are here mentioned. [This shows that Col Allan must have been an Indian trader and in part accounts for his great influence over them.]

It may be assured there will be no permanent settlement made with any one tribe, without the sentiments & dispositions of the other are known; & tho' it happens some time when there is an object of consequence in view, some Villages from local circumstances, situation & policy may not consent as a tribe, individuals will Join the acting power. Thus it has happened when tribes have been challenged for committing hostilities, they will protest against it & disavow any such Intentions, when probable the evil arose from the assistance given by a few Individuals of their own tribe.

It may be noticed by the foregoing, how uninformed most people even in the Eastern country are in regard to the number & situation of the Indians. Seeing a few, poor, Indolent & drunken fellows attending about stores and places where they can procure liquor, a contemptible opinion is formed of the whole. It has been also observed that unlike the Western Indians these will never pursue those Savage customs & from a long attachment will not injure us. This is a dangerous and presumptuous assertion. I know them too well to risk life or property on such a desperate and precarious foundation. The greatest task I had during the late war was to restrain them from acts of cruelty, & only by close attention, persuasion & Example brought them in a degree to a habit of humanity. For they are always anxious to follow some Violent or desperate course agreeable to their ancient Custom. I believe take them in a body or by particular tribes (as before observed) they would not consent Officially, but I am convinced a number of Individuals are always ready, when the least encouragement is given to form in small parties &

scatter about the Country. Should they not kill or destroy, they will take such methods as greatly to intimidate & distress the Inhabitants. But what must be the danger when it is considered that the whole country Eastward of Penobscot are withdrawn & supported within the British lines exasperated by the neglect & Inattention of the United States, Subjected to the Influence and perpetual Insinuations of those under the Influence of Lord Dorchester. I have the least to dread myself of danger from them, but when such combinations of Inducements, sanctioned & encouraged by Ecclesiastical authority & Indulgence, the most Esteemed Friend cannot be safe, which by Fatal experience has taken place in Nova Scotia.

I shall not attempt briefly to notice the different transactions and operations with the Indians, from the commencement of the revolution which have come within my knowledge. Before my leaving Nova Scotia in 1776, it was suggested by some persons in Government, to Encourage the Indians to take an active part against the United States, as a check upon the Inhabitants of the Province) a great proportion of whom were attached to the Interest of America), & to aid & Influence the Indians more Westward to harass & disturb the Eastern settlements of Massachusetts so as to annex these parts to that Colony. In consequence of this I dispatched couriers to the different Villages thro' the Mickmack Country, and previous to my departure, met a large body, among them were deputies from St Johns & other parts adjacent. A long & tedious conference took place & a satisfactory explanation given of the dispute between America & Britain. It was then concluded by a lengthy speech from them & a solemn declaration made that if from situation and distance they could not assist, they would not injure or molest the Americans. A chief from Merrimichi spoke for the whole, they were all as one, no distinction made between

the different tribes. Being compelled to leave that country suddenly, the business was soon communicated to the Council at Boston. Mr Bowdoin, then president of the council, entered very minutely into the particulars, and pressed my departure to the Southward. General Washington approved of the proceedings & desired me to lay it immediately before Congress that Steps might be taken to retain their friendship. As the nature & Extent of the business was fully understood by the Several official departments to whom it was communicated, the agency appointed for this purpose comprehended the whole Eastward & Northward of Connecticut River, making no exceptions in what Nation or Country the Indians resorted.

Previous to my being appointed, there were several negotiations by order of the Massachusetts & General Washington, Letters & Speeches are now to be seen among the Indians, & Great encouragements & promises made them. In May, 1777, I arrived on the river St Johns, where a number were collected. The business was communicated and myself accepted as an agent. We soon had a general meeting composed of deputies from different parts, including the whole tribes of St Johns and Passamaquoddy. It was agreed and concluded that Peace & Friendship be now Established permanent & lasting between the United States & the Several Tribes that such of them as were in the vicinity of the States should immediately withdraw and assist in the defence of the country, which lay within the Jurisdiction of the United States. That any Individual belonging to those tribes whose Situation would not permit them publicly to take an active part were admitted to join with those who did. That those employed should be supported during their service & the widows & children of such as died in the time, to be taken care of till otherwise provided for. That they should be for ever viewed as brothers & children,

under the Protection & Fatherly care of the United States & enjoy every right & privilege, according to the difference of situation in proportion with others. They should enjoy the free exercise of religion agreeable to their profession, a clergyman of that denomination be furnished and a suitable residence be provided for him, on which a place of worship was to be erected. They were to have an exclusive right to the beaver hunt,¹ or if not consistent with the rights of others, necessary Steps were to be taken, as to prevent a destruction of the game & other enormities committed by the white hunters, by which conduct a great diminution of that ancient & profitable support has been the Consequences. That in times of difficulty & distress, or by any unforeseen calamity those who live within the Territory of the United States, should be furnished with ammunition for fowling^a &c in proportion as their necessities required. That trade was to be so regulated as to prevent imposition, that an agent should constantly reside as near them as possible, to whom they might apply for redress, & to assist in the transacting of business among the Inhabitants & such other necessary matter as their situation required. These were the principal objects at this time, but in the course of the war, the Indians of St Johns & Passamaquoddy, resigned to the United States their particular claim to lands known to be within their haunts, on Condition that the United States would confirm to them the ancient spots of ground, which they have hitherto occupied, & a suitable tract for the use of all Indians, which might have occasion to resort there.

¹ It would be interesting to know at what period the beaver became extinct in the eastern part of Maine. It is within the memory of the writer and certainly as late as 1823, that beaver skins in considerable quantities were received in Boston, which were purchased of the Passamaquoddies at Machias. The Indians say that they were careful to kill only the old ones, but the whites killed old and young, and then they soon became extinct.

How far these people have complied with their engagements our present possessions, Eastward of Penobscot might be a sufficient proof, as it is acknowledg'd by all acquainted with that country that their assistance was a principle support in its defence. But in Justice to them I would take the Liberty to mention a circumstance among many others, which must evince the Zeal by which they were actuated. Sometime after my arrival in St Johns in 1777, Lieut. Gov. Francklin British Superintendent arrived with a strong Land & Sea Force furnished with every requisite to allure the Indians. Our quarters were within Eight miles. Only two white persons remained with me. Conferences every day alternately on both sides, & after using every Stratagem & art to gain them & make me a prisoner, they in a body to the number of 128 canoes containing near Five hundred men, women & Children, left the river with me at the End of Ten days, only a few families remaining to keep up a claim & give Intelligence, when there was not more than a weeks provisions for the whole. They left their little plantations well improved and a good prospect, with a great part of their cloathing, & after 28 days Journey arrived at Machias, suffering many hardships & difficulties by the excessive heats, and the Lowness of the Streams, which greatly obstructed the canoes.

Their Zeal & attention during the war, from the attempt made by the British under Sir Geo. Collier, is so well known in that Country that it needs no coment. Their uniform conduct both in respect of humanity, as well as submitting with patience under every difficulty was not Inferior to the most disciplined troops, & even when Imposed on at a time of Intoxication & fleeced of the little they had, they always sat down contented and resigned without any appearance of resentment or malice.

At the close of the war, a circumstantial account of the Proceedings was laid before the Government of Massachu-

setts & Congress & approved of by them. As the constitution invested the latter with the management of Indian affairs, they of course fixed the agency on a peace establishment which comprehended as before the whole tribes Eastward of Connecticut River, the plan adopted would have prevented much trouble & expense and given security to the country, this appointment took place in June, 1783. In September it was communicated to the Indians in the several parts, who signified their Satisfaction. The treaty of 1777 was then confirm'd & an arrangement for future Conduct. The Indians at this time endeavored to prevent the English from making a Settlement at St Andrews, & did actually seize some persons, who attempted to survey the Lands there.

In January, 1784, it was Suggest'd to Congress from the Massachusetts, that such an appointment was improper, consequently, as no steps were taken to contravert it, the agency was dissolved in March following. From that time, it does not appear that any notice has been taken of them to the Eastward of Penobscot.

The Indians notwithstanding the treatment & neglect, continued sometime in the vicinity of Passamaquoddy expecting when the confusion and hurry arising from the war were subsided, notice would be taken of them; but nothing encouraging coming to view they began to withdraw in small bodies to their former Settlements, destitute of necessaries to subsist, & of friends to protect them. In this indigent state, those of St Johns suffered much & they felt the resentment of the Loyalist, for their attachment and assistance to the United States, & For near two years wandered about from Place to place, disquieted & unsettled. They at length began again to embody & consult more generally respecting their situation still attached to this country, they repeatedly apply'd to me for a settlement & to procure a clergyman, if nothing else could be done. I

Evaded the business, they continued their Solicitations, & I finely gave them for answer, it was not in my power, & recommended to make application themselves to the head of Government; but in January, 1791, a message came from the Several Villages on St Johns & repeated their demands & deliver'd it in such a manner as alarmed me, consequently I consented to meet and consult with them, (this may be thought Timidity, but it is a maxim with me, never to live near Indians, except in a state of defence, without a certainty of their Friendship either in peace or war). At a large Council it was agreed among other things to address the Bishop of Baltimore, praying to be consider'd as brothers & Children of the United States, & to take them under his care as Spiritual Father & requesting a clergyman to reside among them. That an address be presented to the General Court of Massachusetts to lay out a suitable Settlement as a resort for themselves & a residence for the Priest. The former of these were answered to their Sanguine Expectations & the clergyman arrived among them in October, 1792, A man who appeared well qualify'd for the mission.

In March, 1793, a speech was presented to the General Court & Commissioners were appointed who met the Indians in October following, but their power was so limited, that no satisfactory agreement could be made.

The Indians at this time appeared very thoughtfull & anxious about the business, & the proceedings rather operated to our disadvantage.

In November the Indians sent for me to attend. I was with them five days, in which time we had several public and private conferences. After recapitulating their Treaties & the promises made them. Their Conduct during the War, their sufferings &c; they demanded a fulfillment of these promises; particular Lands for settlements, which if refused they should view themselves free from all engage-

ments & be at liberty to treat and accept of any Proposals made to them by any other Power, & in future to pursue in their own way what they thought consistant with their rights and Interest, but would wait to the beginning of Febuary to know what would be done for them in Boston.

A report prevailed this Summer that the British were endeavoring to draw the Indians into New Brunswick, & in November when at the Village I received authentic advice & Information of the particulars.

The British in those parts found it necessary to bring the Indians over for the defence of the Country, as the marching Troops were ordered off to assist against the French. Also should any rupture take place with this Country, to secure their Interest betimes. For this purpose preparations have been making since August last, supplies of all kinds have been laid in, & many things distributed among them. Several letters have been sent the Priest, promising every attention, & a satisfactory Compensation. During my Visit a letter was received & a Vessel detained at St Andrews some days for him. I remonstrated against his going; he promised not as long as he could retain any Indians and procure Subsistence as he had suffer'd hitherto. But in April it appears that himself & the residue of the Indians had removed to St Johns, a few Stragglng ones Excepted. This is the true state and situation of the Indians in that country.

It has allways been observed that even a few suspected Indians creates a great dread on the minds of the Inhabitants, particular in an Infant country, where the dwellings are generally scattered from each other, & this is the Case with a large portion of our new settlements. While the Indians continued among the Inhabitants there was not this to fear. For a friendly communication has always appeared & which in a Singular manner has been practis'd on the part of the Indians residing at Passamaquoddy,

they have acted in as civilized a manner as any of the Inhabitants, by such connections when any Impending danger timely notice is given, but when removed every trifling Occurrence gives a general Allarm.

It is remark'd by some that they had better begone, that it will save trouble & Expense, but let it be observed this remove is but for a small distance. The Inhabitants are continually subject to the same Evil & deprived of many benefits which arrises from a more Intimate acquaintance.

Should the Indians get once settled down & attached solely to the other Government it will opperate very much against the settlement of the Eastern Country. The old Inhabitants who have been accustomed to their ways, are much concerned and dread the consequences even in peace. It is therefore essential for the advantage of the settlements in that part of the commonwealth some methods should be taken to show the minds of the Indians what is their Intentions, and Endeavor to secure their Interest and Friendship as soon as possible.

It has been observed by some, that we have no right to negotiate with Indians, that do not live within the Jurisdiction of the States. This seems to have been the sentiments of the Committee, who made the report in March, 1793, as to the lands proposed & the resolves were Confined for the use of the Passamaquoddy tribe. If the foregoing Statement be confided in & Intelligible, it may be seen that there is no distinction to be made, but if there was, the Passamaquoddy Tribe Comparitively have the Least Claim, both as to numbers & attention in time of difficulty, & in the Late Transaction there were Five others to one of them.

But this sentiment I never heard advanced before, either by the French, English or any other nation. Indians are not subject to, or amenable to any power; they have been

always viewed as a distinct Body, govern'd by their own customs & manners, nor will they ever tamely submit to any authority different from their own, while they remain in the present uncivilized state. Their mode of life leads them thro' the Territory of different nations, their residence uncertain & Changeable, that it can not be known where they really belong except that they were born in such a district & may be called by the name of the tribe. I presume that at every treaty & conference with the United States a large proportion live upon lands, to which our Government have no claim, & I know this to have been the case with the French & English. It is not the right of soil or the claiming a Jurisdiction, that should be contended for, nor to prompt them to acts of Hostility against any nation or people; But to secure their amity & Interest to prevent those horrid scenes of revenge & cruelty to which they are accustomed. I am fully persuaded that every Nation who are subject to depredations from them, have a right & authority to Cultivate their Friendship, & pursue for that purpose every measure by negotiations or other methods, either in the country where they reside, or any other place agreed on (provided it does not disturb the peace & quiet of the civilized Subject), in order to guard against & ward off such evils, as much as to defend themselves against the Wolf or bear. For should the former doctrine be established, the Eastern Country must be in a ruinous Situation, as there can be no Indians to treat with in the Eastern department, but those of Penobscot, for even those of the Passamaquoddy tribe now reside mostly within the British lines.

A Report of the Standing and Property of Col. Allan in Nova Scotia when he left there and took up Arms for the Revolutionary Cause.

To all people to whom these presents shall come Greeting

We the Subscribers Residents in the Counties of Westmorland in the Province of New Brunswick & County of Cumberland in the province Nova Scotia; Do hereby Certify publish & Declare from our own personal Knowledge, that John Allan Esq^r formerly of said Cumberland, was possessed of a Certain Farm in the County of Cumberland, commonly known by the name of Bloody Bridge Farm; about seven Miles distant from Fort Cumberland, on the road leading to the Bay Vert, and that in the Year 1776 said Allan with his family resided thereon, that there was a number of French Acadian families settled on said farm as tenants to said Allan, as we understood & believe, and that there was a number of Houses, Barns & out Houses on said premises at that time, also a large quantity of Cattle and farming utensals; that it was at that time & still continues to be esteemed one of the best farms in the two Counties. That in November, 1776, at the time of the Invasion made against Fort Cumberland by a number of the disaffected Inhabitants of said County & a few persons from the United States, an attack was made on the invaders by the Kings troops who were successful, that in their pursuit they burnt & destroyed, among many others, all the Houses & Barns &c with all the Wheat & other Grain then being on the aforesaid farm, to a great amount as we then understood. That previous to the said attack and during the siege of Fort Cumberland, the People in Arms with a view of setting Fire to Buildings in the Fort *as was said*, burnt a number of Houses near the Fort, among which was a very Valuable House, Barn & out

House belonging to William Allan Esq^r of Halifax the father of the said John Allan.

We further Certify that the said John Allan previous to the year 1776 & we believe from the year 1769 at different times sustained the several Officers & appointments of Justice of Peace, Clerk of the Sessions & Inferior Court, Clerk of the Supreme Court, Commissioner & Clerk of Sewers, Representative in general Assembly & other offices within the Town and County of Cumberland; and that from the great Interest he had & the high esteem he was in among the people we believe he might still have Continued to hold & enjoy all the most Lucrative Offices in said County had he remained among us, but upon the unhappy Contest between Great Britain & the American Colonies & from the begining of 1776 the said Allan was suspected of Treasonable practices against the Kings Government for which he was liable to the penalties of the Law & that during the Summer of said year he disappeared & as it was reported went into the United States.

Certified at Cumberland in the Province of Nova Scotia the 16th day of September, 1798.

JAMES LAW J. C. Pleas Colo of
Militia County of West-
moreland

SAM^l GAY J. P.

J. WETHERED D. Sheriff

THO^s DIXSON J. P.

J BURNHAM J. P.

CHARLES BAKER J. Quor^m

THOS. LUSVY J. Peace

ALPH^s MORSE J. P.

RALPH SIELDALL J. Peace

W^m BLACK J. Peace.

ROBART DICKSON



Footnote 4

Alexander Campbell, John Allan, and George Stillman, Report of the Treaty Commissioners, found in Ch. 52 of the Massachusetts Resolves of 1794.

ACTS AND RESOLVES

OF

MASSACHUSETTS.

1794-95.

[PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH, UNDER
AUTHORITY OF CHAPTER 104, RESOLVES OF 1889.]

Chapter 51.*

ORDER ON THE PETITION OF ASHER RICE.

On the petition of Asher Rice praying for a rehearing of an action brought against him by the widow Hannah Gilbert, and Daniel Gilbert Administrators on the estate of Joseph Gilbert of Brookfield deceased.

Ordered for reasons set forth in said petition, that the petitioner serve the said Hannah Gilbert and Daniel Gilbert with an attested copy of his said petition and this order thereon, thirty days previous to the second Wednesday of the first session of the next General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition shall not be granted.

February 6, 1795.

Chapter 52.

RESOLVE ON THE PETITION OF SILAS WILD, DIRECTING THE TREASURER TO ISSUE A NOTE TO HIM TO THE AMOUNT OF THE NOTE LOST; SAID WILD GIVING BONDS TO INDEMNIFY THE COMMONWEALTH AGAINST THE NOTE SAID TO BE LOST.

On the Petition of Silas Wild setting forth that he was in possession of a State Note signed by the Treasurer of this Commonwealth for the sum of sixteen pounds five shillings & seven pence, being No. 9722 dated August 1782, and that he lost the same on his passage by water from Braintree to Hali, and praying for relief.

Resolved that the Treasurer of the Commonwealth be and hereby is directed to Issue a Note to the said Silas Wild, conformable to the Act providing for the public debt, for the amount of the Note said to be lost & for the Interest due thereon to the first day of July last, the said Wild first giving Bonds with securities sufficient in the opinion of the Treasurer to indemnify the Commonwealth against the Note said to be lost. February 6, 1795.

Chapter 52.

RESOLVE ON THE REPORT OF ALEXANDER CAMPBELL AND OTHERS, A COMMITTEE IN BEHALF OF THIS COMMONWEALTH, TO NEGOCIATE AND SETTLE ANY MISUNDERSTANDING OR DIFFERENCES WITH THE PASSAMAQUADY INDIANS AND THOSE OF THE OTHER TRIBES CONNECTED WITH THEM

Whereas by a resolve of the General Court passed on the twenty sixth day of June last, Alexander Campbell,

* Not printed in previous editions. Taken from court record.

John Allen and George Stillman, were appointed a Committee in behalf of this Commonwealth to negotiate and settle any misunderstanding, dispute, or difference which may subsist between this Commonwealth and the Passamaquady Indians, and those of other Tribes connected with them; with full powers and authority to lay out and assign to the said Indians any tract of unlocated land belonging to this Commonwealth in the County of Washington, not exceeding Ten thousand acres; and also to purchase any particular spot of Ground or tract of land for the use and convenience of said Indians; *provided however*, that such purchase shall not exceed the sum of five hundred pounds.

And whereas the said Committee have exhibited to the General Court in their present Session, an agreement made and signed on the twenty ninth day of September last, by and between them in behalf of this Commonwealth and the Chiefs of the Passamaquady Tribe of Indians, and others connected with them; which agreement is in the words following, to wit:

To all People to whom this Present agreement Shall be made known,

WE ALEXANDER CAMPBELL, JOHN ALLAN, & GEORGE STILLMAN Esquires a Committee appointed and Authorised by the General Court of the Commonwealth of Massachusetts, To Treat with and assign Certain lands to the Passamaquaddy Indians and Others Connected with them agreeable to a Resolve of Said General Court of ye Twentysixth of June in the year of our Lord one thousand Seven hundred & ninety four of the one part and the Subscribing Chiefs & Others For Themselves and in behalf of the said Passamaquady Tribe & Others Connected with them of the Other part, WITNESSETH, that the said Committee In behalf of the Commonwealth aforesaid and In Consideration of the said Indians Relinquishing all their Right Title Interest Claim or demand of any land or Lands lying and being within the said Commonwealth of Massachusetts and also engaging to be Peaceable & Quiet Inhabitants of Said Commonwealth without Molesting any Other of the settlers of the Commonwealth aforesaid in any way or means whatever. In Consideration of all which, the Committee aforesaid for and in behalf of the Comm: — wealth aforesaid do hereby assign[s] and Set

of [f] to the aforesaid Indians the Following Tracts or Parcels of land lying & being within the Commonwealth of Massachusetts *Vizt.* all those Islands lying and being in Schoodic River between The falls at the head of the Tide and the falls below the Forks of said River where the north Branch and West Branch parts being fifteen in number Containing one hundred Acres more or less, also Township No. two in the first Range Surveyed by Mr. Samuel Titcomb in the year of our L. rd one thousand seven hundred & ninety four Containing about twenty three thousand Acres more or less being bounded as follows Easterly by Tomers River & Township No. one First Range Northerly by Township No. two Second Range Westerly by township No. three first Range, Southerly by the West Branch of Schoodic River & Lake, also Lues Island lying in Front of said Township Containing Ten Acres more or less Together with one hundred Acres of land lying on Nencass point adjoining the West side of Said Township also Pine Island lying to the westward of said Nencass Point Containing one hundred & fifty acres more or less also assign & Set of [f] to John Baptist Lacote a French Gentleman Now Settled among the said Indians one hundred Acres of Land as a Settler in Township No. one first Range lying at the falls at the Carrying Place on the North Branch of Schoodic River to be Intitled to have said land laid out to him in the same manner as Settlers in New Townships are Intitled, also assign to said Indians the privilege of Fishing on Both Branches of the River Schoodic without Hindrance or Molestation and the privilege of passing the said River over the deferent Carrying places thereon all which Islands, Township, Tracts or parcels of Land and privileges being marked with a Cross Thus \times on the Plan taken by Mr. Samuel Titcomb with the Reservation of all Pine trees fit for Masts on said Tracts of land to Government they making said Indians a Reasonable Compensation therefor also assign & Set of [f] to the said Indians Ten Acres of land more or less at Pleasant point purchased by said Committee In behalf of said Commonwealth of John Frost being bounded as follows *Vizt.* begining at a stake to the eastward of the dwelling house & Running North twenty five degrees west fifty four Rods from thence Running North fifty six degrees East thirty eight Rods to the Bay from thence by the shore to the first Bounds also a Privilege

of Sitting down to the Carrying Place at West Passamaquady between the Bay of West Quady and the Bay of Fundy to Contain fifty acres the Said Islands Tracts of land, & Privilege to be Conferred by the Commonwealth of Massachusetts on the said Indians & their Heirs Forever.

In Testimony of all which we the SAUL A. ALEXANDER CAMPBELL JOHN ALLAN and GEORGE STILLMAN the Committee aforesaid and In behalf of the Commonwealth aforesaid, and the Chiefs & Other Indians aforesaid In behalf of themselves and those Connected with them as aforesaid Have hereunto set our hands and Seals at Passamaquady the Twenty Ninth Day of September in the Year of our Lord one thousand seven Hundred & Ninety Four.

ALEX. CAMPBELL,
J. ALLAN,
GEORGE STILLMAN.

Signed Sealed } SAMUEL TITCOMB,
in Presence of } JNO. FROST, Junr.

FRANCIS JOSEPH ^{his} NEPTUNE, (L. S.)
_{mark.}

JOHN ^{his} NEPTUNE, (L. S.)
_{mark.}

PIER ^{his} NEPTUNE, (L. S.)
_{mark.}

JOSEPH ^{his} NEPTUNE, (L. S.)
_{mark.}

PIER ^{his} DENNY, (L. S.)
_{mark.}

JONALE ^{his} DENNY, (L. S.)
_{mark.}

JOSEPH ^{his} TOMAS, (L. S.)
_{mark.}

Be it therefore Resolved, That the said Agreement be, and it hereby is, ratified and confirmed on the part of this Commonwealth; And that there be allowed and paid out of the Treasury of this Commonwealth, to the said Committee, the sum of Two hundred pounds, being the con-

Footnote 5

**See Act of June 26, 1794, Massachusetts
Acts and Resolves 1794, c. 92.**

ACTS AND RESOLVES

OF

MASSACHUSETTS.

1794-95.

[PUBLISHED BY THE SECRETARY OF THE COMMONWEALTH, UNDER
AUTHORITY OF CHAPTER 104, RESOLVES OF 1889.]

Chapter 91.

RESOLVE ON THE PETITION OF DANIEL HUSLEY, ESQ. ALLOWING HIM £.11. 18. 6, AND DISCHARGING HIM FROM ANY SUMS STANDING AGAINST HIM ON THE BOOKS OF MR. DEMING, AND AUTHORIZING HIS ACCOUNT TO BE CLOSED.

Upon the petition of Daniel Husley Esqr. praying an adjustment of his Accounts with the Commonwealth.

Resolved, that there be allowed and paid to the said Husley out of the Treasury of this Commonwealth, the sum of Eleven pounds, eighteen shillings and six pence in full of the balance of his account with the Commonwealth, and that the said Husley be and hereby is discharged from any Sum or sums standing against him on the books of the Commonwealth, in the hands of John Deming Esq. and that said Deming be and hereby is authorized and directed to close the account of the said Husley with the Commonwealth conformably to the above mentioned balance.

June 25, 1794.

Chapter 92.

RESOLVE APPOINTING ALEXANDER CAMPBELL, JOHN ALLEN, AND GEORGE STILLMAN, ESQS. A COMMITTEE TO NEGOTIATE AND SETTLE ANY MISUNDERSTANDING AND DISPUTES BETWEEN THIS COMMONWEALTH AND THE PASSAMAQUODY TRIBE OF INDIANS.

Resolved Alexr. Campbell, John Allen & George Stillman Esqrs. be a Committee to Negotiate & settle any Misunderstanding Disputes or Differences Which may subsist Between this Common Wealth, and the passamaquodiam Indians and those of other Tribes connected With them, With full powers and Authority to Lay out and Assign to the Said Indians any Tract of unlocated Land, belonging to this Common Wealth in the county of Washington, not Exceeding ten thousand Acres and also to purchase Any Particular spot of Ground, or Tract of Land for the use and Convenience of Said Indians *provided however*, that Such Purchase shall not Exceed the sum of five Hundred pounds.

June 26, 1794.

Chapter 92A.*

ORDER ON THE PETITION OF JEDUTHAN WELLINGTON.

On the petition of Jednthan Wellington in behalf of the towas of Cambridge and Lexington, praying that a

* Not printed in previous editions. Taken from court record.

Footnote 7

**Acts and Resolves of 2nd Continental
Congress, July 8, 1776.**

LIBRARY OF CONGRESS

JOURNALS OF THE
CONTINENTAL CONGRESS
1774-1789

EDITED FROM THE ORIGINAL RECORDS
IN THE LIBRARY OF CONGRESS BY
WORTHINGTON CHAUNCEY FORD
CHIEF, DIVISION OF MANUSCRIPTS

Volume V. 1776

June 5-October 8

WASHINGTON
GOVERNMENT PRINTING OFFICE
1906

The Board of War brought in a report, which was taken into consideration: Whereupon,

Resolved, That General Washington be vested with discretionary power to call to his assistance, at New York, such of the continental regiments in the Massachusetts bay, as have not already received orders to march to Ticonderoga; and that the general court of that province [state] be requested to supply their places with militia, if they think it expedient:

That General Washington have permission to call forth and engage in the service of the United States, so many indians of the St. Johns, Nova Scotia and Penobscot tribes, as he shall judge necessary and that he be desired to write to the general court of the Massachusetts bay, requesting their aid in this business, and informing them that Congress will reimburse such expences as may be necessarily incurred in consequence of the foregoing resolutions.

That the commissary general have full power to supply both armies, that upon the lakes as well as that at New York; and also to appoint and employ such persons under him, and to remove any deputy commissary, as he shall judge proper and expedient; it being absolutely necessary, that the supply of both armies should be under one direction.

The Congress then proceeded to the choice of a deputy quarter master general for the flying camp; and, the ballots being taken, and examined,

Clement Biddle was elected deputy quarter master general for the flying camp, and for the militia of Pennsylvania and New Jersey, ordered to rendezvous at Trenton.

Resolved, That to morrow be assigned for the election of a deputy muster master general for the flying camp and militia aforesaid.

Footnote 8

*James Phinney Baxter, Documentary
History of the State of Maine, v. 24, 190
(1916)*

*Transcript of the Watertown Treaty
Conference between the Maliseet and
Micmac Tribes and Representatives of
the United States.*

July 10, 1776-July 19, 1776

DOCUMENTARY
HISTORY OF THE STATE OF MAINE

VOL. XXIV

CONTAINING

THE BAXTER MANUSCRIPTS

EDITED

By JAMES PHINNEY BAXTER, A. M., LITT. D.

PUBLISHED BY THE MAINE HISTORICAL SOCIETY, AIDED BY
APPROPRIATIONS FROM THE STATE

PORTLAND
FRED. L. TOWER COMPANY
1916

PREFACE

THIS volume completes the documents relating to the Indians of Maine. I have added to them some documentary material taken from the records of the Pejepscot Company, whose land claims were the subject of so many disputes between the savage tribes and the pioneers who settled the eastern part of the state during a considerable portion of the eighteenth century. There can be no doubt that the Indians had valid reasons for opposing the Pejepscot Company's grants of territory to which they had but a shadowy title, if any, but the political influence of the Pejepscot Proprietors was so great, that in the end the Indians had no alternative but to yield.

With the preceding volume, which relates wholly to the Indians, and scattered documents to be found in the earlier volumes, the student will have all the unpublished Indian documents that I have been able to collect. I hope to continue the Documentary History from the date where I left it at the end of the twenty-second volume to the close of the century.

JAMES PHINNEY BAXTER.

61 Dearing Street,
November 7, 1916.

			PAGE
1766	May 28	Letter William Lithgow,	137
	May 29	Meeting of the Proprietors by Adjournment,	461
	Aug.	Letter Samuel Goodwin,	138
	Aug. 23	Letter Samuel Howard,	139
	Aug. 24	Letter James Howard,	140
		Report of Committee on line between N. H. and Mass. and Action of House,	141
1767	July 29	Letter James Flagg and Indian letter in- closed,	144-145
	Aug. 20	Letter James Flagg,	146
	Sept. 3	Letter Gershom Flagg,	147
	Sept. 6	Extracts of a letter from Thomas Goldthwait to the Governor,	148
	Sept. 10	Letter Mr. Elisha Tobey to William Cush- ing, et als,	153
	Sept. 10	Letter J. Cotton, D. Secry. in re a murder & robbery, and Copy of Warrant for Ar- rest of Men Suspected,	154-155
		Proclamation by Gov. Bernard in re same matter,	156
1769	July 26	Conference with Penobscot Indians,	156
		Conference with Penobscot Indians con- tinued,	158
1773	May 4	Conference in Cambridge, Indians asking recompense for the Indians killed,	160
	June 18	Resolve of House in re supplying Indians at Penobscot Falls with goods and pro- visions,	163
1775	July 1	Petition in re Embargo,	163
	July 20	Petition in re Embargo,	164
1776	July 10	Conference with the St. John's and Mick- mac Tribes, July 10, 12, 13, 16, 17, 19,	165-192
		Conference with St. Francis Tribe,	193
1777	Sept.	The Petition of the Committees on Safety, Correspondence and Inspection for the several towns in County of Lincoln, in be- half of the Town of Boothbay, and report of Committee,	195

Whereas the usual Communication is stop'd, both as to Exportations and Importations, we are thereby Rendered unable to provide the Necessaries of Life for ourselves & fameles & for the want of Ammunition &c we are unable to Defend ourselves against our Enemies should an Attempt be made to take our Cattle, they must Necessarily fall an Easy pray, we therefore pray that you would take our distressful Situation into your Serious Consideration and afford us such Assistance as shall seem to you most meet, as to our distressed situation. in General we Refer you to Sam^l Jordan Esq^r who is made Choice of by this Body to forward this petition, in mean time we are your distressed tho faithfull friends in the Common Struggle—

French Mans Bay July 20th 1775

John Bakmon	Maja Bigwaduce
Thom ^s Stinson	Dear Island
Jonas Dodge—	Nasgigg—
James Richardson—	Mount Desart
	Chamber Island & presency
Nicholas Holt	} Blue Hill Bay—
Joshua Horton	
Tho ^s Milliken	Union River
John Bane	Frenchman's Bay

A Conference with the S^t John's and Mickmac Tribes of Indians in Nova Scotia July 10 1776.—

A Conference held at Watertown in the Colony of Massachusetts Bay between the Hon^{ble} the Council of the said Colony, in behalf of said Colony, and of all the United Colonies on the one part, and the Delegates of the S^t Johns and Mickmac Tribes of Indians in Nova Scotia on the other part.

In Council Wednesday July 10th 1776.

The Hon^{ble} Board being Informed that Major Shaw was desirous of speaking to them on Business of Importance he was admitted into the Council Chamber, when he acquainted their Honors that a Number of Indians of the S^t Johns and Mickmac Tribes in Nova Scotia were come to Town to see & talk with the Council & General Washington, from both whom they had received Letters: and that at the earnest request of the said Indians he had accompanied them having brought them in his Sloop from Machias to Salem, from whence they rode hither in Carriages which were provided for them.

Major Shaw was desired to introduce them, which he did. After Salutations and their being seated & welcomed, The Honorable James Bowdoin Esq' as President to the Council was desired to manage the Conference with them.—

President. What Tribes do you belong to and Represent?
Indians. The S^t John's and Mickmac.

Presid' We should be glad to know your Names and to what Villages you belong.

Indians. We will answer each one for himself—

Ambrose Var

Newell Wallis

Francis

of S^t John's River.

Joseph Denaguara

Charles

of Winsor Mickmacs

Mattahu Ontrane

Nicholas

of Meremichi &

Rechibucto Mickmacs.

John Battis of Beansejour in Cumberland a Mickmac.

Peter Andre of Le Héve a Mickmac.

Sebattis Netobcobwit of Gaspee a Mickmac.

President. What number of Men is there in your Several Villages? Let each answer with respect to his own Village only

Ambrose Var. There are Sixty Men belonging to the S^t Johns Tribe.

Joseph. There are Sixty belonging to my Village Winsor Mattahu. In my Village are Eighty Men

Jn. Battis In the Village at Cumberland are forty men.

Peter Andre There are fifty men at La Heve.

Sabattis. Att Gaspee are fifty strong men

President. Are there any more Villages of Indians in Nova Scotia?

Indians. There are Six more Villages of Mickmacs, but we do not know what number of Men they have.

Presid^t As you want Refreshment we will defer hearing what you have to say to us; and we will let you know when we are ready to hear you. We have ordered good Lodgings & entertainment to be provided for you, and Major Shaw will take care that the order be complied with.

Wine being brought the President drank their Health, and the Health of the S^t John's, and Mickmac Tribes: which was returned by the Indians drinking the Health of the Council. They then retired with Major Shaw.

In Council Fryday A. M. July 12th 1776.

A Message went from the Board to the Honorable House of Representatives, then sitting in the Meeting House, to Inform them that certain Indians from the S^t John's & Mickmac Tribes were in Town, with whom the Board proposed to hold a Conference at eleven O'Clock and to invite the Hon^{ble} House to be present at it, and to propose to them that it should be held in the Meeting-House.

A Message was received from the House in Answer that they would attend the Conference at the Meeting-House

which should be at the Service of the Honorable Board for that purpose.—

The Council then proceeded to the Meeting House, into which they were introduced by the Speaker. Being seated and the Indians also come and seated, the Conference was renewed.

President. Brothers of the S^t John's & Mickmac Tribes.—We are glad to see you to Day and hope you are all well.

Ambrose. We thank you.

Presid^t As Some of you speak French, we have desired M^r Job. Prince who speaks French also to Interpret what shall be Said at this Conference: And we have appointed M^r John Avery as clerk to take Minutes of it. They will be Each sworn to the faithful discharge of their Office respectively.

They were sworn by the President accordingly: & Col^o Lithgow who understands the Indian Language was desired to assist as interpreter.

Ambrose We like it well.

President. At our first interview, you told us, that you came from and Represented the S^t John's & Mickmac Tribes What Evidence do you give us of this.

Ambrose hereupon rose and delivered to the President a large Parchment, containing a Treaty made between those Tribes and the Government of Nova Scotia in 1760: Also a Letter to them from General Washington dated in February last and a Letter to them from the General Court of Massachusetts Bay dated in October last: and said that those Letters were the occasion of their coming hither to see General Washington.

President. We are now ready to hear what you have to say to us: and shall give great attention to it.

Ambrose. The S^t John's and Mickmac Tribes are all one people and of one Tongue and one Heart.

We are very thankful to the Almighty to see all the Council. The Almighty has given the English and Indians one Heart.

General Washington sent us Something (the Letters aforesaid) last Fall and this Spring, and that is the reason of our coming here now to speak.

The Captains that are come up with me and all our people are all one as Boston, Our Eyes and our Ears will not turn to the other side of the Water to see or hear what they do.

We want a Father or a French Priest. Jesus we pray to and we shall not hear any prayers that come from England.

We shall have nothing to do with Old England and all that we shall worship or obey will be Jesus Christ, and General Washington.

[Here Ambrose delivered to the President a Silver Gorget and Heart with the Kings Arms and the Busts of the King and Queen engraved on them.]

General Washington advised us to pray to Jesus for aid and assistance and to be thankful for the Lands that God had given us. All our old Men & Women pray that the Almighty would enable us to walk in the right way.

General Washington wrote us a Letter desiring us to pray for him, and assist him all in our power.—All our Captains and Chiefs do pray that he and his Brothers may be Masters of this country—We are both one Country—We are of their Country—and they are of our Country.

There are Boston people down with us, and we esteem them as our own people, and treat them as such There are a Number of French People upon our Land who disturb us in hunting, and we want to remove them a little further from us near the Sea Coast.

[Here Ambrose presented & delivered a Sword and Pistol which he said had been offered them by one Anderson, and

which they afterwards took from him; and he then proceeded.]

Mr. Anderson told us if we would be for England as he intended to be, we might have that sword & pistol, he told us, that if we lost any money by the Boston People, the King in old England would make it up.

After we received Letters from General Washington we took the sword from Anderson, and told him we would have nothing to do with him: and sett him as a mark and despised him

We told Anderson when we took the sword from him we would deliver it up to General Washington if he would receive it.

We have now said what we had to say concerning this Matter, and would again mention,

That we want a Truckhouse & a Priest.

Presid' You mentioned there were some Frenchmen in your Country, whom you wanted to have removed—Are they in opposition to the Interest of this Country?

Ambrose. They are all for you.

Presid' For what purpose did Anderson give you the Sword?

Indians. As M^r Anderson would not be for the people of Boston we took it from him.

Presid' Did M^r Anderson appear as an Agent for the Government of Nova Scotia, or only as a private Individual?

Indians. M^r Anderson told us in the Winter and in the spring not to go to Boston, but to Hallifax.— He said it would not signify to go to Boston; but if we would go to the Governor of Halifax we should have a Hatt full of Money given to us by the Governor. We did not want Money; but we wanted to lay our Hearts open to the people of Boston.

Presid' Was Anderson a public agent, or Employed by the Governor of Halifax?

Indians.—We believe he was.

Presid' What is the disposition of the English people in Nova Scotia with regard to the disputes between England and America?

Indians. We do not know.

President. What is the Disposition of the Mickmacs and S^t John's Tribes in general. Would they all enter heartily and with Resolution into the War on our side?

Indians. Both the Mickmac or Cape Sable Indians and the S^t John's Indians are all for helping Boston; we know their Hearts for we had a talk with them.

The President then delivered a Speech to them which was as follows.

Brothers. What you have Said we like well.

President It makes a Strong impression on our Hearts, and at our next Conference with you we will give you a full and particular Answer. We will now open our minds to you. You have heard that the English people beyond the great Water have taken up the Hatchett and made War against the English united Colonies in America. We once looked on them as our Brothers, as Children of the same Family with ourselves, and not only loved them as Brothers, but loved and respected them as our elder Brothers. But they have grown old and Covetous; many of their great men have wasted and Squandered not only their own Money but the Money of the public; and because they cannot obtain in their own Country a sufficiency to support their Excessive Luxury and Satisfy their Avarice they want to take from us our Money and our Lands for those purposes; and at the same time to deprive us of our Liberties and make us Slaves. They have already taken away a great deal of our Money and many of our privileges, and we have born it with patience having only told them, that their doing so, was unbrotherly and unkind, and most earnestly prayed them again and again

to desist from their unfriendly and cruel treatment of us; but all our Petitions have been disregarded, and they have troden them as waste paper under their feet. After this ill usage, and repeated insults, we have refused to part with any more of our Money and privileges: and this refusal has brought upon us the War in which we are engaged. Our Enemies, before they openly declared themselves to be such, we received as friends, and admitted them into our Towns and Sea ports. Taking advantage of this peaceable disposition of ours, they sent Ships and Troops and took possession of Boston and Strongly fortified it, expecting we Should permit them to do the Same with other places, till they had secured the whole Country. But they found themselves mistaken, for when a large Body of them went from Boston secretly by night into our Country in the Month of April the last year, and killed some of our people, burnt or damaged many of their Houses stole and destroyed much of their property, and committed other acts of cruelty, a number of our Warriours assembled and drove them back, and killed a great many of them: And a little while after killed a much greater number of them at Charlestown, with comparatively little loss of Lives on our side. The War being thus begun, all the Colonies on the Continent from New Hampshire to Georgia (including them) determined in a great Council held by some of their Wise Men at Philadelphia to unite together for their Mutual defence: and their Army under the Command of that great Warriour General Washington, have lately driven away the British Army from Boston, where for many months they were held as prisoners, not daring to March out of the town to fight General Washington: and we doubt not through the favour of divine Providence, that although the British Troops have gained some advantages in Canada, the armies of the United Colonies will be able to drive them out of all other parts of America within the

Limits of the said Colonies; and out of Canada Also, if the Canadians are not blind with regard to their own Interest and liberty.

We have given you this Information that you might know the true State of things. And we would inform you further, that as we and the S^t John's and Mickmac Tribes of Indians are Countrymen, and not very distant from each other, we ought to be, and it is our Interest to be mutual friends and as Brothers: and we are glad to find by what you have now said, that you are of the same Mind. accordingly we the governor of the Colony of Massachusetts Bay in behalf of this Colony and of all the united Colonies in North America receive you to our friendship. Your Acceptance of it intitles you to be considered by us as Brothers, and your Enemies we shall deem our Enemies; and will do all in our power to protect you from them—We do not however ask you to join with us in the War, unless it is your free choice to do so.— If you choose to join with the united Colonies in the War, and shall tell us so clearly, we will immediately take the matter into consideration, and let you know our minds at the next Conference.

In the mean time we are glad to see you do not intend to join our Enemies against us. It is probable that the Governor of Nova Scotia, the Governor of Canada, and other Enemies of these Colonies will Endeavor to deceive you, and by presents and threats try to make you join with them against the United Colonies; But be not deceived by them, Our love for you obliges us to forwarn you of their Arts and Earnestly to Caution you against being deceived. If they should engage you in the War against us, you will be undone, and will be a ruened people. We do not mention this as supposing you will join them; but only as a friendly caution to you, that you do not suffer them to deceive you to your on ruin.

When you have considered what we have now said, and are ready to give an Answer to it we will hear you.

Ambrose. We will consider it and speak to you again.

Presid' You told us the Sword and Pistol you took from Anderson was at our disposal. We thank you and now return them to you in Confidence, that they will be employed by you, only against your own Enemies and our Enemies.

[The Silver Gorget and Heart with the King's Arms and Bust engraven on them were delivered to the Interpreter to be returned to the Indians. He presented them to their Speaker; but with great vehemence and displeasure he refused to take them, saying they had nothing to do with King George and England. Whereupon the President told them, that they should have a new Gorget and Heart with a Bust of General Washington and proper devices to represent the United Colonies.] The Conference was then adjourned to to morrow after drinking mutual Health.

In Council Saturday, July 13th 1776.

A Message went from the Honorable Board to inform the Hon^{ble} House that the Conference with the Indians would be renewed at three O'Clock P. M, to which the House returned an Answer, that they would then attend.

Accordingly at three O'Clock the Council proceeded to the Meeting House, and the Indians being come the Conference was renewed.

President. Brothers of the S^t John's and Mickmac Tribes. It gives us pleasure to see you today in Health. We hope you have been well Entertained at your Lodgings, agreeable to our Order.

We shall now give you an answer to what you said to us yesterday.

You told us you prayed to our Saviour Jesus, and wanted a French Priest to assist you in your prayers. We are glad

to see you have such a regard for Religion, and are ready to furnish you with a Priest to assist you in your prayers, and teach you the true Religion; but we do not know that we can git a French Priest. if one of our Priests would be agreeable to you, we will endeavor to git you one, and will take care he be a good Man.

You told us you wanted a truck house. According to your desire last year, we sent to our Truckmaster at Penobscot Money to purchase Ammunition provisions and Goods, as much of each as we thought sufficient to supply you the last Winter; and we wrote you so in our Letter to you last October. We hope the Truckmaster supplied you according to our Order; which was to supply you with what you wanted, and take your skins & Furs in payment; and that you might be the better accommodated we also sent a quantity of the same Articles to Machias with Orders to our Truck Master there to supply you. We shall send a further Quantity, and order him to let you have the things you want, at the same rate they cost us, and allow you for your Skins & Furs the same price they will fetch in Boston.

We hope this will be Satisfactory to you. With respect to the War, we told you yesterday how it began, and mentioned to you some of the Cruelties our Enemies committed on our people. We shall now mention some more of those Cruelties.

After the British Ships and Troops were admitted into Boston as friends they stopped all the Trade of the Town, and would not suffer our Vessels to come or go out to supply the Town, and Country as usual. They then fearing the people of Boston after such provocation would rise upon them, told them, that if they would deliver up their Arms, the Inhabitants should be all safe, and no injury offered to them or their property; and that such as inclined to go out of y^e Town, should have free Liberty to go with all their Effects—The Town knowing themselves to be in the power

of the Troops, and being cut off from all communication with the Country agreed to the proposal, and accordingly delivered up their Arms, relying on the promise of the British Gen^l M^r Gage that he would perform his part of the Agreement; but as soon as he had got their Arms, he broke his Faith, and would permit only a part of the people to go, and would not suffer them to take their effects with them. Those that were obliged to remain in the Town, were insulted and abused by the Soldiers, who burnt and destroyed many of their Houses, stole a great quantity of their Goods, and subjected them to great difficulties and hardships; all directly contrary to the plighted faith of the British General. And afterwards when the British Troops found that General Washington was determined to drive them out of Town, they broke open Dwelling Houses and Store Houses, and took away and destroyed a prodigious quantity of Goods, and then with great precipitation retreated to their ships, and quitted the Town.

Some time before this they burnt the large town of Charlestown, consisting of several Hundred Houses, taking away everything valuable they could find there. And Several of their Ships of War went and destroyed great part of the Town of Falmouth in Casco Bay, burning near two Hundred Houses there, with many things of Value in them, much other Damages they have done, and many other Cruelties they have committted. This unjust, inhuman and cruel treatment has compelled us to take up Arms in our defence, and in earnest to engage in a War with them; and all the Colonies on the Continent, thro fifteen Hundred Miles extent, have joined with us in the War, and are determined to carry it on, 'till we can obtain a peace on just and Honorable Terms.

We know our Cause to be just: we can therefore place our Confidence in that Being who is the great dispenser of justice: and who will not suffer such Inhumanity and Breach of

Faith to go unpunished. We trust that by his favour we shall be able to defend ourselves: and we do not desire you as we told you yesterday to enter into the War unless you choose it. You then expressed a disposition to engage in it; but we desired you to weigh and consider the matter well before you engaged and to let us know your mind about it fully and plainly after you had so considered it—

We shall now attend to what you have to say on this head, and to everything else you have to say.

Ambrose. We have the same to say to day that we said yesterday, that we are your friends, and Brothers, and will join in the War on your side. You may depend upon it, that we will not break our Words—we will not Lie—All that are here present hear us, and the God of Heaven hears us, and we will engage in the War, for we are Brothers—We would not lie to save our right hands. We pledge our Faith that we will do what we promise—We love Boston. It gives us a great deal of concern they were so ill used. We should have been glad to have had the Arms of Boston to keep. If ye had had y^e Boston Arms, we should have been able to defend ourselves— In case the people of England should come to drive us out of our Country we will give you information of it immediately—We shall be very glad to have proper Goods for our Furs and Skins, and we want them up S^t John's River. We are not capable of wrighting, we ca'nt convey our minds as we would wish to do—We will pledge our right Hands in faith of what we have promised.

There are some of us here that are willing to go to War now, and would go to General Washington immediately.

(Upon this three of them went from their seats into the Isle and manifested a great desire to go)

These three are Chiefs of different Villages and are willing to go together.

Presid^t We thank them, and will let them know our Minds. By what you said yesterday, and what you say now it appears to be your disposition and intention to join in the War with us. do we understand you right? Do you mean to join with us in y^o War?

Ambrose. Yes—we are with our Hearts ready to join you.

Presid^t You mean not only yourselves particularly; but your Tribes in General.

Amb: Its not in our power to answer now for the whole of our Tribes, but when we go home, we will call together all the young men and see how many will go to War:

Presid^t How many men do your Tribes consist of?

Amb: It is not in our power to tell.

Pres^t You, Ambrose are of S^t John's: how many men are there in your Tribe?

Ambr. Sixty men that are able to do duty.

Presid. How many of your men would be willing to engage in the War?

Amb. It is impossible to tell certain 'till we go home and call our men together.

Pres^t Do you think thirty would engage?

Amb: We can git Thirty men to go, and three Cap^u for certain. This man that is next to me will make one of the thirty that will go with me.

Francis of the same Tribe } I can go and fetch from S^t Johns twenty myself, I will return and bring twenty men with me.

Pres: How many men Joseph will go from your Village and how many does it consist of?

Jos^t Denaguara. Twenty five men would go, and there are fifty in the whole.

Presid^t How many men in your Village Mattahu, and how many would go?

Mattahu I can bring Ten Men and could bring more if I want afraid of the English coming to attack our Village while we were gone. We have Eighty Men.

Presid' How many in your Village, and how many would go Battis ?

Jn. Battis. We can produce fourteen, but must leave none to take care of the & women & Children. We have forty men in our Village.

Presid' I want to know how many Men there are in your Village, Peter ?

Peter Ardre Sixty Men.

Pres: How many men can your Village furnish ?

Peter. It is not in my power to answer with certainty as I am going myself to General Washington directly.

Presid' Do you think Twenty ?

Peter An. Thirty.

Presid' How many are there in your Village, Sabattis ? Sabattis Netobcobwit. Fifty men.

Pres' How many men would go to War ?

Sab: Netob: Twenty five Men.

Presid' How many Villages are there of the Mickmae's not represented here ? [Here Several of them consulted together, and then the answer was given] Ambrose. Six.

Presid' How many Villages are there represented here ? Ambrose. Six.

Presid' Are the other Villages as big as these Six ?

Amb: Some much bigger.

Presid' What is the reason that the other Six Villages did not send Delligates as well as those that have sent ?

Ambrose. The reason is that General Washington's Letter had not reached them, some of our people went after them but we have not heard from them.

Presid' Do you think that the other Villages have as friendly a disposition towards us as you have ?

Amb: The Same. We are all Brothers and Cousins— We are of the same Flesh & Blood and can't make War or be attacked separately.

President. Would your Warriours form a Body in conjunction with a number of our people?

Ambrose Yes— We are Brothers now and for that reason we would join our Hands with yours.

Presid' From what you now say, we depend that you are hearty to enter into the War with us?

Ambrose. Yes we are [Hereupon all the Indians came from their seats and shook Hands with the President in token of their heartiness & sincerity]

Presid' We look upon this as an Expression of your readiness to join with us in the War, and accordingly I shall immediately consult my Brothers of Both Houses here present and let you know presently what our determination is. After consultation with the Council, and with the Speaker and Gentlemen of the House of Representatives, the President then proceeded.

President. Brothers. I would now inform you what the General Court have agreed to, upon your having Signified your readiness to enter with us into the War. They have agreed that a Regiment be employed in the Continental service under the Command of General Washington to consist of Five Hundred of the Mickmac & S' John's Tribes, and two Hundred and Fifty of our people with them. These are to form one Regiment to act together. The Field Officers or the Chief Officers are to be English—The other Officers of the Regiment are to be one half English and the other half Indians; with respect to the pay of the officers, it will be determined the next time the Court Meets—With respect to the soldiers both Indians & English they will have the like pay, viz, forty shillings p^r month, equal to Six Dollars & two thirds, and each of the Indians to be allowed a Rifle Shirt

such as the Rifle men have, a Blankit, Shoes & Buckels or Morgasons. You will also have provisions supplied you while in the service.

Presid^t Do you understand perfectly what has been said?

Amb^r We understand it exceeding well—

Pres^t Do you approve of the Establishment of such a Regiment consisting of English and Indians?

Ambrose We are very glad of it, and we repeat it again, we are very well contented and pleased with it.

Presid: Brothers, are you all well equipt with Guns and all things necessary belonging to a Gun?

Ambrose. We have few or none, nor can we find any Knives to buy.

Pres: How do you Hunt without Guns?

Ambr. We have got Guns but reserve them for our Children to hunt with in our Absence from home.

Presid^t Those that engage in the service must bring their Guns with them. Have you any thing further to say at this time?

Ambrose. We have nothing further to say, all we have said we consider as an Oath.

Presid^t The next time we meet together, we will let you know how the Regiments are to be regulated.

Then the President drank prosperity to the Indians of the Mickmac and S^t John's Tribes, and wished that the friendship now established might continue as long as the Sun and Moon shall endure, which was pledged by the Indians.

Presid^t We will bid you farewell to night, and will see you again next Tuesday.

In the Meeting House Tuesday July 16, 1776 P. M.

The Conference was continued.

Presid^t Brothers: We hope we now see you well—At our last Meeting, you desired, that the Goods we should send to the

Truckhouse at Machias, might be such as you most wanted. We should be glad you would now inform us what Goods you most want, and like best; and we will endeavor the Truckhouse shall be supplied with them, being desirous to accomodate you in the best manner in our power.

Ambrose. We want Strouds and Blankets for Winter and Summer. Our Children & Families are always in want of those Articles—We want Powder, Shott, Flints, Knives & Combs, Hatchets, Small Axes of two diff' sixes, Paint, some steel Traps to catch Beaver, And we want Guns too, to go a Hunting with.

Presid^t Major Shaw has delivered us a Memorandum of a Number of Articles—We will order our Commissary to supply the Truckhouse with them if they can be procured.

Ambrose We are much obliged to you.

Presid^t One of you desired yesterday that a Truckmaster with Goods might be sent to S^t Johns.

Ambrose There is one Adderton who lives a ligue from our Village, who we should be glad might be appointed.

President. We should be glad to send a Truckmaster there, but as S^t John's is not within the bounds of this Colony, we have no right to do it.

Ambrose We are much obliged to you.

President. Since we last talked together we have received Letters from General Washington, in which he mentions his Brothers the S^t Johns and Mickmac Indians. As he thinks you are strong men and his good friends, and as you have expressed great inclination to take part with him in the War, he desires you to come and join him at New York with all possible expedition. He wants five or six Hundred of you, but if you cannot spair so many, desires you to speak to your Brothers of Penobscot, Passamaquoddy and other places to come along with you so as to make up that number in the Whole. The pay and Encouragement will be the same we

mentioned to you last Saturday—We now desire your Answer, that we may weight it to General Washington.

Ambrose. My Brother, it is not in our power to tell how many Men we can raise, we will git as many as we can, we cannot say anything further: We will endeavor to furnish all we can.

Presid^t You all promise to use your endeavors to engage all the Warriours you can. They are to come here, and then go to New York to join General Washington.

Ambrose. Yes we have said it already, that we will go and git all that we can.

Presid^t You told us the other Day how many you thought your several Villages would furnish—we should be glad you would mention the number again, according to the best of your Judgment, that General Washington may know what to depend on.

Ambrose. S ^t John's consists of	60	men	and will furnish	30
Jos ^h & Charles Winsor	“	50	do	20 or 25
Mattahu Meremichi & Beausejour—	80	do		10
Jo ^s Battis Cumberland Beausejour—	40	do	15 perhaps	25
Peter Andre Le Heve	60	do		15
Sebattis Netobscobwit, Gospee	50	do		25 or 50
	<u>340</u>			<u>115</u>

President— How many can the other Six Villages furnish?

Ambrose. We cannot tell, We would let you know it is not in our power to come this Fall: except three who are willing to go now. The rest say, they cannot come this Fall.

Presid^t If you cannot come yourselves this Fall, perhaps some other of your Tribes can.

Ambrose. When we go home we will git all our People together and advise with them, and we will certainly come in the Spring.

Presid^t General Washington wrights he wants them now, as they are strong men, and his good Brothers.

Ambrose We will endeavor to git them, & if it is possible we will come this fall, we will git our Men together & come up if it is possible.

Presid^t Would the other Six Villages furnish any men?

Ambrose. We are so far distant from each other, that it would bring it to Christmas before we would git together.

Presid^t How long would it be before your people could git together?

Ambrose We are certain that we can all be here in the Spring. It will be late before we can git home, and it will be Winter before our people will be able to git together.

Presid^t Cap^t Shaw can carry you to Machias or S^t John's quick and you can be in your own Country in a few days after.

Ambrose Some of us after we git to S^t John's River have a great way to go, near two Hundred Leagues.

President. Those of the S^t John's Tribe are near, they can come in a short time.

Ambrose When we came from home our Captain of the S^t John's Tribe was gone to Quebec to hear what News; he went to see the Boston people, not the Kings Troops, perhaps when we git home our Captain may be returned, and may bring the same tidings we git here: if not as soon as he does return we will endeavor to git the men here as quick as possible.

President. Do you think your Neighbours the Passamaquoddy Indians can furnish any men? They are near.

Ambrose We will send people to inform them, and endeavor to git as many of them as we can.

Presid^t Do you think the Cape Sable Indians can furnish any men ?

Ambrose They are too far off to send to from S^t John's.

Presid^t Not if you can go across the Bay of Fundy to Cape Sable.

Ambrose. We keep along the Coast, except when we come across Rivers that are not too wide

Presid^t General Washington will depend on Thirty Men from S^t John's to come up soon.

Ambrose. Yes all we can git.

President— Who lives next to S^t John's ?

Ambrose—The Mickmac's are the nearest. They can't come this Fall for want of provisions for their families, who will starve if they come away.

President. Tell Ambrose, that we thank him for his readiness to engage his people to come here as soon as he can : and we shall be glad the rest of them will get their people together as soon as may be, and come to Boston, with as many as they can get.

Indians. We will do all that we can.

Presid^t When you git home, inform your Tribes, and the other Indians Tribes, what has been agreed between us. Such of the Indian Warriours as incline to engage must come to this place, and General Washington says, they must bring their own Guns, as General Washington depends upon it.

Ambrose Those who have two Guns will bring one with them and those who have but one Gun must leave it at Home.

Presid^t Besides their wages, they will have a Dollar for the use of each Gun, and if their Guns should be lost in the service, they will be paid for them, Everything else that is necessary will be supplied them when they come here. They must be very expeditious in coming. General Washington wants them immediately. Now you know what will be paid

for your Guns, you must prevail with your people to bring Guns with them.

Ambrose Yes we will all bring our Guns, all that have any We have all got Guns, but they are not in very good order.

Presid^t Bring the best you have got, You must come as quick as you can—We shall desire Major Shaw to procure you a passage up to Boston from Machias.

Ambrose. If there was a Vessel at S^t John's, we could come much quicker.— We want to know who will carry us to S^t Johns now for the sooner we can get home, the sooner we can git together.

Presid^t We shall desire Maj. Shaw to carry you to Machias certain and if he can carry you to S^t John's he will. When Major Shaw carries you to Machias, you must let him know when he must go there again to bring you up.

Ambrose. We will let him know.

Presid^t Your pay will commence on the day you sail from Machias to come to Boston. Our Commisary will send provisions for your passage up— The Companies will be formed when you come here—You must engage and enlist for so long a time as General Washington shall want you, not exceeding two or three years unless General Washington & you agree for a longer time: and from hence you will proceed to General Washington.

Ambrose— We are Willing.

President. Several of you, viz, Joseph Denaguara, Sabbattis Netobcobwit and Peter Andre, offered themselves to engage in the war immediately, we want them—We are much pleased they show so hearty a Disposition to engage, we accept of their offer, and according to their desire will send them to General Washington who will inform them what to do. The S^t John's & Mickmac Tribes are now our Brothers, and are become one people with the United Colonies—Those

Colonies have lately by their Great Council at Philadelphia declared themselves free and independent States, by the Name of the United States of America.— The Certain News of it and the Declaration itself are just come to us and we are glad of this opportunity to inform you, our Brothers of it.—The said Great Council the Representatives of the United States of America in General Congress Assembled appealing to the Supreme Judge of the World for the rectitude of their Intentions do in the name and by the Authority of the good people of these Colonies, solemnly publish and declare, that these united Colonies are and of right ought to be Free and Independent States; that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britian, is, and ought to be totally dissolved; and that as free and independent states they have full power to levy War, conclude Peace, Contract Alliances Establish Commerce, and to do all other Acts and things, which Independent States may of right do, and for the Support of this Declaration with a firm reliance on the protection of Divine Providence, they mutually pledge to each other their Lives, their Fortunes, and their Sacred Honour.”

Here the printed Declaration at large was produced to the Indians, and the Interpreter M^r Prince fully explained it to them.—

Ambrose. We like it well.

Presid^t This is the declaration of the United States of America. You and we therefore have now nothing to do with Great Britian We are wholly separated from her and all the former Friendahip and Connection with her are now dissolved. The United States now form a long and Strong Chain; and it is made longer and stronger by our Brethren of the St. John's & Mickmac Tribes joining with us; and may Almighty God never suffer this Chain to be broken—In pur-

suance and in full Conformation of what has in these Conferences been agreed upon between us, we now lay before you certain Articles of Alliance and Friendship, which if you approve of them we propose shall be mutually signed, viz, by you in behalf of the S^t John's & Mickmac Tribes on the one part; and by us in behalf of the united States of America on the other part.

The President then holding out to them the Treaty said this is the Treaty to be read to you. If you approve of it, it will be fairly written and brought here again to be Signed by you and us.— I shall desire one of my Brothers to read it to you being obliged myself to go to Boston. Upon which the President, after shaking Hands with the Indians & bidding them farewell retired.

The Honorable Benjamin Greenleaf Esq^r then read the Treaty to the Indians, which was fully and clearly interpreted to them, and of which they expressed their intire approbation, and Said they were ready to sign it.

The Conference adjourned to the next Day.

Wednesday, July 17th 1776.

The Council and the Indian Delegates being met, Duplicates of the Treaty fairly written were produced and signed and exchanged.—

Then the Hon^{ble} Benjⁿ Greenleaf Esq^r told them the presents ordered them by the Government, would be delivered to them as soon as they were ready. The Conference being now ended, the Indians took leave of the Council and departed.

The following is a Copy of the Treaty above referred to, Viz.—A Treaty of Alliance and Friendship—entered into, and concluded by and between the Governors of the State of Massachusetts Bay, and the Delegates of the S^t John's & Mickmac Tribes of Indians.

Whereas the United States of America in General Congress Assembled have in the name, and by the Authority of the Good people of these Colonies solemnly published and declared, that these united Colonies are, and of right ought to be free and Independent States; That they are absolved from all Allegiance to the British Crown, and that all political connection between them, and the state of Great Britian is and ought to be dissolved; and that as Free and Independent States they have full power to Levy War, conclude Peace, contract Alliances, establish Commerce and to do all other Acts, and things which Independent States may of Right do.

We the Governors of the State of Massachusetts Bay do by Virtue thereof, and by the Powers vested in us enter into, and conclude the following Treaty of Friendship and Alliance Viz—

1st We the Governors of the said State of Massachusetts Bay in behalf of said State, and the other United States of America on the One part, and Ambrius Var, Newell Wallis, and Francis Delegates of the S^t John's Tribe, Joseph Dene-guara, Charles, Mattahu Antrane, Nicholas, John Battis, Peter Andre, and Sabattis Netobcobwit, Delegates of the Mickmac Tribes of Indians, inhabiting within the province of Nova Scotia for themselves, and in behalf of said Tribes on the other part do solemnly agree that the people of the said State of Massachusetts Bay, and of the other United States of America, and of the said Tribes of Indians shall henceforth be at peace with Each other, and be considered as Friends & Brothers united and allied together for their mutual defense safety and Happiness.

2^d That each party to this Treaty shall, and will consider the Enemies of the other as Enemies to themselves, and do hereby solemnly promise and engage to and with each other, that when called upon for that purpose, they shall, and will, to the utmost of their abilities, aid and assist each other

against their public Enemies; and particularly, that the people of the said Tribes of Indians shall and will afford, and give to the people of said State of Massachusetts Bay and the people of the other united States of America during their present war with the King of Great Britian, all the aid and Assistance in their power. And that they the people of said Tribes of Indians shall not, and will not directly or indirectly give any aid, or assistance to the Troops or Subjects of the said King of Great Britian, or others adhearing to him or hold any Correspondence, or carry on any commerce with them during the present War.—

3^d That if any Robbery, or outrage happens to be committed by any of the Subjects of said State of Massachusetts Bay, or of any other of the United States of America, upon any of the people of said Tribes, the said State shall upon proper application being made, cause satisfaction, and restitution speedily to be made to the party injured.

4th That if any Robbery or outrage happens to be Committed by any of the said Tribes of Indians upon any of the subjects of said State or of any other of the United States of America the Tribe to which the Offender or Offenders shall belong, shall upon proper application being made, cause Satisfaction and Restitution speedily to be made to the Party Injured.

5th That in case any Misunderstanding, Quarrel or Injury shall happen between the said State of Massachusetts Bay, or any other of the United States of America, and the said Tribes of Indians, or either of them, no private Revenge shall be taken, but a peaceable application shall be made for Redress.

6th That the said Tribes of Indians shall and will furnish and supply 600 strong men out of said Tribes or as many as may be, who shall without delay proceed from their several homes up to the Town of Boston within this State,

and from thence shall March to join the Army of the United States of America now at New York under the immediate command of his Excellency General Washington, there to take his orders.

7th That each of the Indians who shall by their respective Tribes be appointed to join the Army of the United States of America shall bring with him a good Gun, and shall be allowed one Dollar for the use of it: and in case the Gun shall be lost in the service shall be paid the value of it. And the pay of Each Man shall begin from the time they sail from Machias for Boston, and they shall be supply'd with provisions, and a Vessel or Vessels for their passage up to Boston. Each private Man shall receive the like pay as is given to our own private men. The Indians shall be formed into Companies when they arrive at Boston, and shall engage, or enlist for so long a time as General Washington shall want them not exceeding the term of three years, unless General Washington and they shall agree for a longer time. And as Joseph Denaquara Peter Andre, & Sabattis Netobcobwit have manfully and Generously offered to enter immediately into the War they shall be sent as soon as may be to Gen^l Washington to join the Army, and shall be considered as entering into our pay at the time of Arrival at New York.

8th The Delegates above named, who may return to their Homes, do promise and engage, to use their utmost influence with the Pasamaquoddy, and other Neighboring Tribes of Indians to persuade them to furnish, and supply for the said service as many Strong Men of their respective Tribes as possible, and that they come along with those of the Tribes of St John's Mickmac—

And the said Governor of the said State of Massachusetts Bay do hereby engage to give to such of the Passamaquoddy or other Neighbouring Indians, who shall enter into the service of the United States of America, the same pay and

encouragement in every perticular, as is above agreed to be given to the S^t John's or Mickmac Indians, and to consider them as our friends, and Brothers.

9th That the said State of Massachusetts Bay shall, and will furnish their Truckmaster at Machias as soon as may be with proper Articles for the purpose of supplying the Indians of said Tribes with the Necessaries and Conveniences of Life.

10th And the Said Delegates do hereby annul and make Void all former Treaties by them or by others in behalf of their respective Tribes made with any other power, State, or Person, so far forth as the Same Shall be repugnant to any of the Articles contained in this Treaty.

In Faith & Testimony whereof we the said Governors of the Said State of Massachusetts Bay have signed these presents, and caused the Seal of said State to be hereunto affixed, and the Said Ambrius Var, Newell Wallis, and Francis, Delegates of the S^t John's Tribe, Joseph Denaquara, Charles, Mattahu, Ontrane, Nicholas, John, Battis, Peter Andre, and Sebattis Netobcobwit, Delegates of the Mickmac Tribes of Indians have hereunto put their Marks, and Seals in the Council Chamber at Watertown in the State aforesaid the Nineteenth day of July In the year of our Lord One Thousand Seven Hundred, and Seventy Six.

James Bowdoin

B. Greenleaf

Ambrius ✕ Var & Seal

Caleb Cushing

Rich^d Derby Jun^r

Newell ✕ Wallis & Seal

John Winthrop

Thomas Cushing

John Whitcomb

Francis ✕ & Seal

Eldad Taylor

Sam^l Holton

Mattahu ✕ Ontrane & Seal

Moses Gill

John Taylor	Nichola X & Seal
Benj ⁿ White	
Eben' Thayer Jun'	John X Battis
Henry Gardiner	
Daniel Hopkins	Charles X & Seal
Daniel Davis	
Jabez Fisher	Peter X Andre & Seal
	Joseph X Danaquara & Seal
	Sabattis X Netobcobwit & Seal

The Seal of the State Appending—
[Foregoing a Copy]

Questions asked the Indians of the S^t Francis Tribe.

Q. What occasioned your coming this way

A. Being Informed you were in a State of War with Great Britain. I come to offer you our Assistance if wanted.

Q. Has the Gov^r of Canada proposed to you to take up the Hatchet against y^r English

A Yes frequently

Q Has the Gov^r sent any agents among you for that purpose.

A Yes two persons who offered us presents & 4 or 5 of our young men went to Quebeck & took blankets

Q Why did you refuse to comply with the proposals of Gov Carlton

A As our Ancestors gave this Country to you we would not have you destroyed by English but are ready to afford you our Assistance

Q If Gov Carlton should know you offered us your assistance are you not afraid he would destroy you

A We are not afraid of it—he has threatened us but if he attacks us we have arms to defend ourselves

Q Would your tribe in General be disposed to assist us