

## Reports from the signing of the treaty in Boston in 1725.

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Conference with the Delegates.

Nov. 27, 1725.

First Draft of Treaty with Delegates of Penobscot, Noridgwock, St Johns, Cape Sable and other Eastern Indians, drawn up to be signed Dec. 1725, after the Conference at Boston, begun Nov. 11, 1725 and described in the following document

At a Conference begun & held with the Indian Delegates  
Nov. 11 1725

Present the Honble the L<sup>t</sup> Govr and Council together with Majr Paul Mascarene

Lt. Gov: I am very Glad of your safe arrival and that you are all here in good health — Are you all of the Penobscot Tribe ?

Inds: Yes —

L. Govr: Is Your Sachem in Health ?

Ind: He is in good health

L<sup>t</sup> Gov<sup>r</sup>:- If you are Ready to give an Acct of your Negotiation I am ready to hear you.

Ind: It is now late and Dark, but if you are earnest, that it shall be Soon Deliver'd, we will do it this Night — or else we will defer it till to Morrow

L<sup>t</sup> Govr:I approve of your Motion and desire you will be here to morrow at Eleven of the Clock, I wish you a good Night —

Novembr 15th Conference Continu'd Lt Govr I sent for yon now to Acquaint you that the Government having a great Deal of Business upon their hands which requires Dispatch, I have Appointed a Number of Gentlemen to Treat with you, and J shall sometimes come among you myself. The Gentlemen will meet you some time to morrow There are Seven Gentlemen in all, most of Them are here present and the other I believe will be here to morrow — I hope you are all very well —

Ind: We are all in good health and Return you thanks for the good care you have taken of us —

Lt Govr: I shall not detain you any longer this Evening —

Ind: It is pretty late in the year, We should be glad to get home but would not make too much hast, it being our Custom not to hurry things over —

Lt Govr: I wish you a Good Night —

Conference with ye Delegates

In Council, Nov. 12, 1725

Cpt. Loron, Alexis, Franswacksaveur & Moganumba, Delegates from the Eastern Indians attending. The Conference was as follows: Viz.

Lt. Govr:- How do you do this morning

Ind: We are in very good Health.

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Lt. Gov: I am now ready to hear what yon have to offer.

Loron: After I went from hence last Summer & upon my Arrival at Penobscot I related to the Tribe what pass'd in the conference here at Boston, Upon which sent me to Canada upon a Message to ye St. Francis Indians there. At my arrival, all those Tribes had a great meeting at Sagnntacook, At wch I have a full Relation of every Thing that pass'd between the Penobscot Tribe & this Governm<sup>t</sup> from the first discourse We had in the Spring, And informed those Indians That the Lt Govr would give no Answer to the Penobscot Indians as to what they offered till he knew the mind of the other Tribes. Whereupon the Tribes answered That as there is a Cessation of Arms with the English in your country So we will observe the Cessation in all our Tribes.

Lt Govr: What are the Names of those Tribes that were at this meeting.

Loron: The names of those Tribes are Arresaguntacook, Ahwenoh, Passanawack, Pamadniack, Norridgewock & Wessungawock with several other small Villages : And not only those Tribes but the Eastern Tribes so far as Cape Sables have join'd with us in this affair, And all these Tribes have left it to us to act for them in a Treaty of Peace, And they sd We desire you as being next Neighbours to ye English would go on heartily & with good Courage in making Peace And what ever you shall conclude upon We will agree to, For there is Nothing impossible for God to perform, And we wish there may be a good Conclusion of the Matter to all Parties concern'd.

Ll Gov: Did those Tribes give you any Pledges.

Loron: The Penobscot Tribe sent Belts to those Tribes, & they sent their Belts to the Penobscot Tribe for a Confirmation of their Agreeing to what shall be Concluded, wch Belts are lodged with our Chiefs wch is equivalent to a Writing or Articles under their Hands.

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Lt Gov: Have you brought any Token from your own Tribe.

Ind: In the spring of the year the first Talk was at St. Georges, and We recd no Belt from this Governm<sup>t</sup> And as We treated upon Hon<sup>'</sup>, We thought it not necessary to bring Belts.

Lt Gov: It is Dinner Time, And I dismiss you for the present

Interpreters, Capt Gyles, Jordan Bane

[the next day] At a Conference with the Delegates of the Indian Tribes & managed by Comissioners appointed by the Honble Lieut Governour, on the 10th of Novemr 1725.

William Tailer  
Edmund Quincey  
Adam Winthrop  
John Turner  
William Dudley  
Jona Remington  
John Chandler

Loron  
Alexus

Franswacksavea  
Weguanumba

Capt. Jordan  
Capt. Gylese  
Capt. Bean

Indian Delegates

Interpreters

The Comissioners and Delegates being met The Comissioners began as follows —

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Comissioners: Gent. The Honble William Dinner Esq<sup>1</sup> - Lieut. Governour and Cornander incbief of this His Majesty's Province, last night in Council acquainted you, that he had comissionated several Gent, to treat with you in his Name concerning a Peace These are the Gentlemen whom you see present and the Comission shall be read to you

The Comission was read

Comissrs: Gent, you have heard our Comission by which you see our Power, But before We enter into this Treaty of Peace we have something to say

Comrs: Notwithstanding the Cessation which was agreed upon in August last, for that part of the Countrey which lyes Eastward of Kenebeck River You are not ignorant that several of His Majesty's Subjects have been surprised and slain at Damaris Cove and one carried away Captive. Now Wee are instructed to inquire how that came to pass

Indians: Before We arrived at Canada so as to give the Indians an Acco<sup>t</sup> of the Cessation they were come out and according as We can reckon three days after Loron set out from the Penobscot Tribe for Canada that mischief was done.

Comrs: — Of what Tribe were those Indians that did that Mischief.

Inds: They were of the Seguntacook and Noridgwalk Tribes.

Comrs: Did you give the Several Tribes Notice as soon as you could after your arrival.

Inds: — We did with all the Speed We could.

Comrs: Was there any of the Penobscot Tribe with those Indians when the Mischief was done

Inds No: It was done before they knew it.

Comrs: What Number of Indians were there. —

Indian:. About Twenty.

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Comrs: What were the Names of those Indians

Inds The Names of the Chief of them were Wiwurna, Wahaway & Job als Wausaumenis We not seeing them can remember no more of their names.

Comrs: Did you see any of those Indians after the mischief was done

Inds Some We did see and Some We did not see they were gone a hunting.

Comrs: Did you see the English Lad who was taken Captive.

Inds: We did not We understood he was carried directly to Canada.

Comrs: After the Cessation was entered into with Loron in August last This Government justly expected they might goe safe any where in those parts and that was the reason our People ventured so fan.

Inds When We told the Indians of the Cessation who came in the Cannoe to acquaint us they had killed some English, they said they knew nothing of it, if they had, they would not have done the Mischief.

Comrs What assurance can you give us that the like Damage shall not be done while We are upon this Treaty

Inds I have since been among all the Tribes and informed them and they have all engaged and seem to be sincere. If I thought they were not I should not have come

Comrs: It was proper this matter should be settled mid made up We shall represent it to the Govr and appoint another time to proceed in the Treaty.

Inds" We shall be very glad to come on with the Treaty.

Comrs: That mischief happening as it did gave Occasion for ns to inquire into it and now Wo shall report to the Gov1" and see you again as soon as we can We hope in the afternoon.

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In the House of Representatives Nov. 16th 1725

Tuesday Novem' 16th 1725 P: M:

Comrs: Since We saw you in the Morning We have reported to the L1 Govr what you. have offered in Order to clear the Penobscot Tribe from the mischief done at Damaris Cove and the Lieu' Govr relying upon your Integrity in the Acco1 given thereof, has directed us to acquaint you that he accepts your Excuse. However since that fact was committed within the Limits included in the Cessation of Arms, and inasmuch as you are impowered by those Tribes, who did the Mischief, to act in their behalf The Lieu1 Govr justly Expects that you doe your utmost Endeavour that Reparation be made and more Especially that you take effectual Care that the English Lad taken Prisoner be restored in a short time.

Inds: We can give no Answer as to the English Lad, being as We suppose at a great distance from us. In the Spring when We can talk with those Indians, We shall inquire into it, but can give no particular Answer relating to that matter at present Not knowing but he may by this time be in the hands of the French.

Comrs: We expect you promise that you will doe your utmost Endeavour.

Inds: We shall use our Utmost Endeavour that he may be restored. When We come to the Conclusion upon the making up of the Peace We expect no other but all Captives that are in being are to be delivered up.

Comrs: When you were here last, the Lieu1 Governour acquainted you, that he insisted upon Jo: Nebon Return, being - suffered to goe to Penobscot upon his Parole, and he Expected you would have brought him with you, and now demands the Reason why he is not come.

Inds When Loron went to Canada, that Indian went to Cape Sables to look after his Family there, and promised to return, but not being returned, when Loron came back, he was no farther inquired after.

Comrs: We are further to acquaint you that Sacaristo the Hostage and an Indian Prisoner, notwithstanding the kind Usage they received here sometime since run away, but were soon taken and were far from being dealt with as some of our Prisoners were, who were put to Death, when they endeavoured an Escape from your Tribe, but were only confined in Prison, We find this in a Letter from your Jesuit to Father Ralle of Noridgwalk

Inds :— (Loron) I take God to Witness, I never saw any person burnt at Penobscot, and I have lived there from little Boy (nor ever heard of any)

— The Clause in the Jesuits Letter was read and interpreted to them. —

Inds'' We dont know of just three Vessels taken at any time, there was Seven taken at one time and two at another, but we know of no men that were killed after they were taken, but if there were any wounded they were always taken care of.

Comrs: It is late and We shall represent what has been now said to the Lieut Govr and at the next Interview proceed to the Treaty of Pacification.

Inds: We hope Jo: Nebons not returning, and our not being able to make particular Answer as to the restoring the English Lad, will be no Hindrance to the Treaty. If the Lad had been with our Tribe We should have brought him with us. —

Wednesday Novem<sup>r</sup> 17th 1725

Comms: We have informed the Lieu\* Govr of what pass'd last night, and he expects they will take care to comply with their promise

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Comrs:— We come now to the Treaty of Peace Then the Heads of Several Articles were read and Interpreted to them which are as follows Viz<sup>1</sup>

Firstly — Acknowledgment of the Sovereignty of the Crown of Great Britain and their Subjection thereto.

Secondly. To forbear all Acts of Hostility and maintain a firm and Constant Friendship with the English.

Thirdly. All English Captives who have fallen into the hands of those Tribes to be delivered up — without Ransom.

Fourthly. His Majesty's Subjects of this Government peaceably to enjoy and possess all their Rights of Lands &c

Fifthly. That Commerce and Trade shall be regulated and carryed on from time to time as shall be provided by an Act to be made.

Sixthly. No private Revenge shall be taken by the Indians, but proper Application shall be made to the Government in a due course of Justice for Redress.

Seventhly. That in case any of the Tribes of Indians intended to be included in this Treaty shall Notwithstanding continue or renew Acts of Hostility against the English or refuse to confirm this present Treaty entered into on their behalf, in such case the Penobscot Tribe to covenant and engage with us in reducing them to Reason.

Eighthly. Whereas there are only Delegates of the Penobscot Tribe It is agreed That the Treaty at present concluded on shall be further Ratified and confirmed in a publick and solemn manner by the Chiefs of the Several Tribes at Sometime in the Month of [ June 1726 ]

Saturday Morning November 20th 1725

Comrs Since we saw you last We have been upon the article about Land, but have been hindered by the Lieu<sup>1</sup> Governour of New Hampshire and other Gent, of that Government [ 195 ] coming to Town, but now We shall propose something to you on that head. Then the following Article was read.

That His Majesty's Subjects the English shall and may peaceably and quietly enter upon improve and for ever enjoy all and singular their Rights of Land and former Settlements, Properties and Possessions within the Eastern parts of the said Province of the Massachusetts Bay Together with all Islands Islets, Shoars Beaches and Fishery within the Same, without any Molestation or Claims by us or any other Indians and be in no wise molested interrupted or disturbed I heroin. Saving unto the Penobscot Noridgwalk and other Tribes within His Majesty's Province aforesaid — and their Natural Descendents respectively all their Lands Liberties Properties and Privileges not disposed of Possessed or Improved by any of the British Subjects as aforesaid

By what has been read to you, you must be sensible That there is Care taken to secure to you your Lands, as well as the English Lands to them, and our Design therein is both to do Justice to you and also to prevent contention for the time to come. And in order thereunto We propose an Instrument to be Executed by the Lieu<sup>1</sup> Governour in the Name of this Government which shall be delivered unto von in & by which shall be distinguished and Secured all your Rights — And the next Thing to be considered, is the proper Method to effect it.

Indians We desire to be informed what is meant by the Words former Settlements, whether the English design to build Houses further than there are any Houses now built or Settlements made.

Comrs When We come to Settle the Bounds We shall neither build or settle any where but within our own Bounds so settled, without your Consent.

Inds We understand it well now It is best to understand well what is said.

Comrs That is right and therefore that you may understand well what is said, We must take time to consider, and in the meantime you will your Selfes consider what has been said and of some method how it may be effected.

Tuesday Morning Nov<sup>r</sup> - 23d 1725

Comrs The last time We saw you We acquainted and assured you of the Just Intention of this Government in Relation to our and your Lands. If you have thought of a Method to distinguish the one from the other We are ready to hear it, We propose that in the Instrum[ent] We told you of that the Governour will execute and deliver you It be inserted —

1 That a Committee of able faithfull and disinterested Persons be appointed by this Government to receive and adjust the Claims of Lands in the Parts Eastward of Sagadahock & amoroscogging Rivers and above Merrymeeting Bay which claims shall be laid before and made out to the said Committee sometime within Twelve Months from the Conclusion of the present Treaty of Pacification with the Eastern Indians.

2 That in order to the adjusting regulating and settling the said English Claims as aforesaid Comissioners of like ability and disinterested shall go down into those parts of this Province, Who with a Number of the Indian Chiefs appointed for that purpose shall show forth and ascertain the Bounds of such claims and challenges accordingly.

3 That in the mean time no Settlements shall be made by the English beyond Sagadahock and Amoroscogging Rivers and above Merrymeeting Bay within this Province before their just Right and Title hath been duly inquired into and made manifest and the Indians have had the full knowledge and Understanding of such Right and Title.

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In the House of Representatives Novemr 23d 1725 —  
Read and Accepted

Voted that the three foregoing Articles be given as Instructions to the Commissioners Appointed to Confer with the Indian Delegates in Case the Indians make no other proposals for the distinguishing the Lands of the English from their own

Sent up for Concurrence. —

Wm Dudley, Speaker —

Wednesday Morning Novemr 21th 1725

Com<sup>rs</sup> The last Time We saw you, We acquainted and assured you of the Just Intention of this Government in relation to our and your Lands If you have thought of a method to distinguish the one from the other We are ready to hear it.

Ind<sup>s</sup> As you have read over to us several of the former Treaties with our Forefathers, We think it would be better to come wholly upon a new Footing, for all those former



Treaties have been broke because they were not upon a good Footing and this is the Reason that Mention was made last Summer of the English removing as far as from Cape Elsibeth.

In case the English will quit St. Georges [southern shore of Penobscot Bay] and Richmond [Sagadahoc] It will show an Inclination to Peace, and as every thing which you have said is reasonable so it seems reasonable that We should insist upon those two Places only. We dont speak any ways flattering or from Pride, or Deceit but freely speak our Minds, that there may be no Misunderstanding when the Peace is concluded, by the English settling too nigh us. It is the Mind of all the Tribes That if those two Garrisons were removed, they would all think that the English were hearty and in earnest for a lasting Peace.

Com<sup>rs</sup> Were you particularly instructed upon these Heads from the several Tribes.

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Inds Yes We were particularly instructed.

Com<sup>rs</sup> We take Notice of what you have said and We must lay it before the Govr and as it is a matter of great Consequence and Importance and will require time, you will not be impatient.

Inds As to the two small articles which have been mentioned It is no great Matter the giving up them two only and We hope will not hinder our Proceeding in the present Treaty. As for our own parts We are not impatient but the Indians that we left waiting for our Return lye open to the Weather, and We are afraid they will be impatient, It being the Custom of the Indians to goe far up in the Country a hunting in the Winter time.

Friday November 26th 1725

Com<sup>rs</sup> We have communicated what you said at our last meeting to the Lieu' Governour and now shall give you his answer which is — That the Lieu' Governour is displeased with your Proposal of Quitting the Fort at Richmond and the Garrison'd House at S<sup>t</sup> Georges, for that it belongs to him as the King's Governour to Judge of those Matters, and as for the Lands, they stand on, We have good deeds in our hands therefor which We are ready to show you And We are instructed to assure you, that if a Peace be concluded and a Trade agreed upon Those Houses at Richmond and St Georges, will not then be used for offence but may be used as Trading Houses for carrying on a good and safe comerce between us and you.

Then several Deeds of Lands in the Eastern parts were shown to them and the Indians Names who signed those Deeds were read to them and they acknowledged that they had heard of those Sachems and that there was some of them now alive, then they were told how long agoe those deeds were made and that the Grantors did acknowledge that the [ 199 ] Tract of Land which they sold to Mr Wharton was a great many years before sold by their Forefathers to Mr Purchase and Mr. Shapleigh, and that Purchase lived on the Land several years, that Warumbo an Indian Sachem acknowledged the Deed before a Justice of Peace, and Possession was given to Purchases Daughter Forty years agoe, by Turf and taking- Water out of the River That Agebedosset and Kenebga likewise sold the very Spot of Land on which Richmond Fort now stands, to Mr Lake, then they were told, that some of those Deeds were shown to the Sachems at Arrowsick at the Conference between Govr Shute and their Tribes and that Twenty of their Chiefs confirmed the Same accordingly then a Deed of

Land at St Georges from Madockawando to Sr. William Phips thirty one years agoe was shown to them and they were told, that Sr William gave a great quantity of Silver Money and a Number of Blankets and other things for the Same, and that the Fort at St Georges stands upon this Land, that we know of no Deeds of Lands to the Eastward of this, but a great many of Lands to the Westward of it, Notwithstanding they are not to be debarred, but shall have free Liberty to hunt and fish &c any where but where the Lands are inclosed

Comrs We hope We have now made out to your Satisfaction, that We have Deeds for the Lands on which those Houses stand, and that you were in the wrong to demand those Houses to be removed, they will never be used to annoy or hurt you while the Peace lasts which we hope will be for ever.

Inds We desire to goe out and consult upon what has been said.

[later in the ] P. M.

Comrs We are ready to hear what you have to offer

Inds We desire to know the right meaning and Understanding of two words, — as to the Deeds of Land as far as [ 200 ] St Georges Fort whether Houses will be built and Settlements made as far as the English have purchas'd.

We are free and plain in our Discourse that there may be no Misunderstanding afterward. And as to the Lands that have not been purchased that lye vacant in Spaces between what has been purchased, whether when the English come to Settle, there shall not be a Consideration for that Land — and whether We shall not have a further Gratuity or Acknowledgement made to us for what has been purchased of our Forefathers. The Reason of our Inquiring into this is that we may be able to tell it right when We come home to the tribes.

We are well pleased to see the old Deeds for the Lands, and they are to our satisfaction and we shall satisfy the Tribes when We come home We have nothing further at present We are ready to hear what you have further to say — By what you have said you seem well inclined to Peace. If We should proceed further as to the Boundaries of Lands we should goe beyond our Instructions. It seems to us that the Peace is so far made that every one may goe about his lawfull Occasions in hunting fishing &c till the Spring when the Boundaries may be further settled in a General meeting.

Comr<sup>s</sup> We shall repeat what you have said to the Gov<sup>r</sup> and we hope to see you again in the morning to perfect what we have begun.

Ind<sup>s</sup> We desire to know when we have concluded upon every thing, when We shall goe home not that We are Impatient for We live well and are well provided for, but the Indians We left are every day expecting and looking out for us and will be impatient till We return.

Com<sup>rs</sup> When We have finished We shall not detain you but you shall goe with the first fair Wind [ 201 ]

Saturday Nov<sup>r</sup> 27th 1725.

Com<sup>rs</sup> We have reported to the Lieu<sup>t</sup> Govr what was said at the last meeting and he has considered your three Questions propounded yesterday and has directed us to give you the follow in a Answer. As to your first Question —

Whether the Land about St Georges must be settled with Houses as far as the English have purchased — We answer — Those Lands are the Property of particular Persons who have the Indian Right by fair Purchase as you are sensible by the Deeds which have been shown you, and you cannot reasonably expect that the said Proprietors should be hindred of making Improvement of what is their own, however Care will be taken by the Government That no Encroachment shall be made on you and that they do not any wise Injure you but treat you as Friends and good Neighbours

To the Second

As to the Lands that have not been purchased which lye vacant in Spaces between what hath been purchased, whether if the English should have a mind to purchase any of it when they come to settle you shall have a Consideration for it.

We answer — you will certainly be paid for such Lands as you shall hereafter dispose of to the English and therefore when ever you sell any Land It will be best for you to acquaint the Governm<sup>t</sup> there of and they will take care that you be not wronged therein.

To the Third

Whether you shall not have a further Gratuity or Acknowledgment made to you for what has been purchased of your Forefathers — We answer —

Your Ancestors have been paid for those Lands to their Satisfaction as has been proved to you and there is no reason to expect the Lands should be paid for over again.

Comrs Notwithstanding what We have now said in Answer to your Questions 'The Governm<sup>t</sup>' will take due Care [ 202 ] that you shall not be wronged and you shall have free Liberty of hunting and fishing &c any where but in the Inclosures, or Lands that are fenced in.

Comrs We have done if they have anything to offer We are ready to hear them

Inds We have nothing to offer at present

Comrs The next time We shall goe upon the Article about Trade, but this will not be till Tuesday next. Several of the Gent, being going to their houses in the Country.

Wednesday Decem<sup>r</sup> 1st 1725.

Comrs If you have anything to offer in answer to what We said to you last meeting We are ready to hear you

Inds We have nothing to offer.

Com<sup>rs</sup> The Governour are making an Act for the Regulating Trade with you (that not belonging to us) and It will be doubtless be of Advantage to you and when It is finished It shall be read and interpreter to you.

Com<sup>rs</sup> Whereas We have agreed that this present Treaty shall be more publickly and solemnly ratified by your Tribes We would know at what time they may be assembled for that end.

Ind<sup>s</sup> A little after Planting time, for now as soon as We return, the Indians will goe a hunting for the Winter, and in the Spring they will be employed in Planting so that after Plant will be the most proper time which will be about the Tenth of May next

Com<sup>rs</sup> What Place do you think will be the most proper to meet at.

Ind<sup>s</sup> We can't answer till We speak with the Tribes.

Com<sup>rs</sup> The Governour will appoint a Place wch will be convenient both for us and you

Conference with the Delegates — Nov. 27, 1725

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Committee on English Claims to Eastern Lands.

Pursuant to an Order of the General Court in their Session in November & May last appointing a Committee to receive the Several Claims or Titles that may be had or obtained of the English to the Lands in the Eastern parts of this province and to repair to ffalmouth at the time proposed for the Ratification of the late Treaty and to produce the said Claims or Titles and take care as far as possible to make out the same to the Satisfaction of the Indians and to distinguish and ascertain what Lands belong to the English in order to the Effectual prevention of any Contention or Misunderstanding on that for the ffuture.

The Committee accordingly repaired to the place at the Time appointed given public notice to all persons concerned which was done by posting up the same in the Words following Province of the Massachusetts Bay

Public notice is hereby given to all persons concerned that the Committee appointed by the Great and General Court to receive the Claims or Titles of the English to the Lands in the Eastern parts of this Province, will attend that Service at the House of Cap Richard Cotter from nine to Eleven of the Clock in the forenoon pursuant to the Direction of the General Court to receive any Claims that may be made in order to ascertain and distinguish what Lands belong to the English for preventing any Contention or Misunderstanding on that head for the ffuture and all persons concerned are desired forthwith to bring in their Deeds or Claims to the Committee.

By order of the Comte

John Wainwright

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**[six months later - deeds]**