



MUNICIPAL FREEDOM GIVES NATIONAL STRENGTH

TOWN 1842 1872 CITY

HONORABLY PURCHASED FROM PAWTUCKET'S - 1639

OLD POWDER HOUSE

SOMERVILLE, MASS.

Introduction

newfound understanding of the lengths to which a parent will go to protect a single life. It brought not only deeper understanding of the actions of Weetamoo and James Printer, but also, quite unexpectedly, of Mary Rowlandson, and most assuredly, of those ancestors who found refuge in the north country and survived.

PROLOGUE: CASKOAK, THE PLACE OF PEACE

THE "QUEEN" OF CASKOAK: CASCO BAY, 1623

It was spring, the salmon streaming upriver, when English explorer and colonial agent Christopher Levett arrived at Cascoak, the "place of herons," in Wabanaki, the land of the dawn (map 2). Wabanaki leaders greeted him, hosted his visit, and diplomatically opened the way through the extensive coastal region. The leaders of Cascoak invited Levett to remain, and, he recounted, the "Queen" of "Quack" formally welcomed him, his men, and the fishermen who came to her homeland: "The woman or reputed queen, asked me if those men were my friends. I told her they were; then she drank to them, and told them they were welcome to her country, and so should all my friends be at any time; she drank also to her husband, and bid him welcome to her country too; for you must understand that her father was the sagamore of this place, and left it to her at his death, having no more children."¹

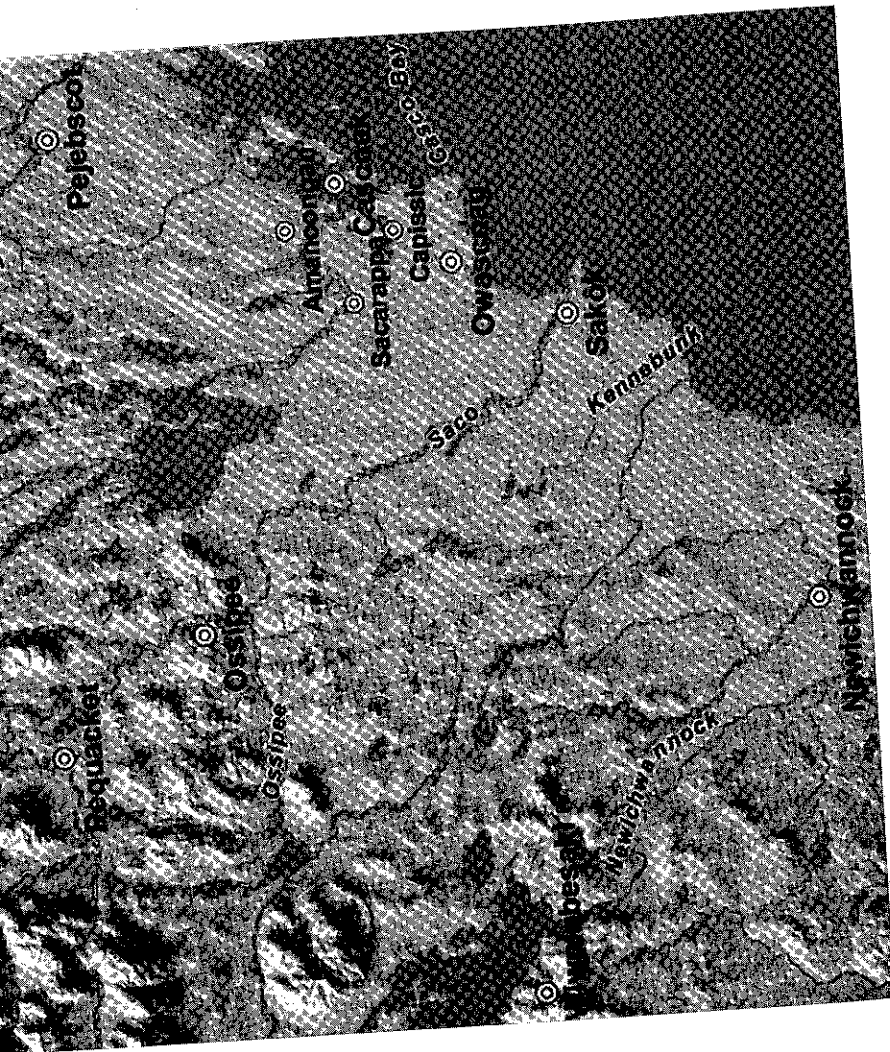
In welcoming Levett into "her country," the Queen initiated a diplomatic relationship. She spoke on behalf of a community, a "gathering" of extended families bound to each other through longstanding inhabitation, intermarriage, and interdependent relationships. The people who "belonged" to this place included those whose ties reached back through oral tradition and kinship to time immemorial, as well as others, like her husband Cogawesco, who had been incorporated through marriage or adoption. Belonging entailed not only residency, but kinship to a particular place and people, of which the *sôgamo* (sagamore or sachem) or *sôgeskwa* (saunkskwa) was the symbolic leader. The Queen's leadership may have seemed anomalous to Levett, explained by the apparent lack of male heirs, but *sôgeskwak*, or female leaders, were not uncommon, particularly in communities reliant upon horticulture, where oral

traditions emphasized the power of women. Evidence of women's labor and management, in cultivating fields and allowing some to lie fallow, was all around Levett, who witnessed "a great quantity of cleared ground" from his position on the coastal waterways.²

Located near the northeasternmost limits of horticulture, the people of Casakoak occupied a critical position in a distributive trade network, mediating between planting communities and northerly kin who relied on hunting, fishing, and gathering (see map 1). *Sôgamak* and *sôgeskwak* were responsible for ensuring distribution of resources within their homelands, and between territories, through a well-established ceremonial and economic system of exchange. A breakdown in the redistributive system could yield conflict, particularly in times of scarcity. Therefore, effective leaders facilitated the renewal of relationships and amelioration of disputes through diplomatic councils and annual ceremonies at places like Casakoak, where people of all ages participated in symbolic and material exchange, celebrating intercommunity marriages, relaying deep-time stories, sharing artistic and practical knowledge, and negotiating rights and responsibilities among contiguous communities, thus enabling social and ecological sustainability.³

Diplomatic negotiation was crucial at this juncture, as Wabanaki communities increasingly encountered European vessels and fledgling fishing and trading settlements on their coast, imposing a different system of exchange. At the same time, foreign diseases devastated Native communities. These transformations ushered in a time of great grief and change, where conflict could abound. Exchange was vital to diplomacy. Wabanaki men were already traveling between Ktsitew (the St. Lawrence River) and the coast, participating in an extensive inland and maritime trade network, which included both Indigenous people and French, English, and Basque visitors. They adapted their language to accommodate the trade and even commanded European shallows. Some of their relations had been taken captive by English and French men, carried away in ships, far from their homes and their kin. Thus, Wabanaki leaders understood that there were dangers inherent to their interactions with European visitors and vessels; the Queen's diplomacy was designed to bring both neighboring leaders and newcomers into right relations.⁴

Levett participated in such a diplomatic council at the Indigenous meeting place of Casco Bay with Wabanaki leaders from the region, who expressed a desire to bring him and his family into their kinship network. He humorously expressed that he "was not a little proud . . . to be adopted cousin to so many great kings at one instant, but did willingly accept of it." In this world, one could not inhabit a place without belonging to a particular family, and as Levett



2. Casakoak and surrounding territories

nessed at Cascoak, this "belonging" could be cultivated. The Queen explained that her husband belonged through marriage, and Levett himself was offered a place within her family and territory. However, these relationships also entailed commitment. Whether Levett realized it or not, his "acceptance" came with responsibilities.⁵

The problem, of course, was that English guests all too often misinterpreted such hospitality—when the Queen said they were "welcome" to her country, she did not mean they were "welcome" to possess it. Nor did she mean that the English and French fishermen were welcome to harvest all the fish from the sea, an abundance they misunderstood as endless. Having lived in this place for so long, dependent upon it for their survival, the people of Cascoak understood through experience the complex of belief, practice, story, and ceremony that enabled them to sustain balance among finite resources. This included the crucial role of leaders like the Queen in ensuring fair distribution at Cascoak, a place name that conveyed a meeting of multiple tributaries and nations, a site of diplomacy and exchange. When the Queen welcomed Levett and his "friends" into this space, she invited them to enter into its network of people, diplomatic practices, and reciprocal relations. It was up to him, and those that followed, to reveal whether they would "abide with" them and "share" in the first mother's power and strength, or fall among the "brutes," who would "steal" her "body" and refuse to "share in it" as she had intended.⁶

A REBALANCING: CASKOAK, 1631

Christopher Levett acknowledged that the Native nations had a "natural right of inheritance" and received praise from local leaders for "acting in a right fashion," but others posed a direct challenge to the system of reciprocal relations. For example, Walter Bagnall, the first European to *settle* in Casco Bay, displayed little regard for either Indigenous rights or the protocols of exchange. In 1628, he set up a trading post on "Richmond" island, and became infamous for hoarding goods and repeatedly cheating Wabanaki people in trade. Bagnall neglected to acquire title from either his own government or local Indigenous leaders, but became wealthy through deception and "extortion." In the Wabanaki world, such behavior represented the worst of infractions against the community. In 1631, Skitterygusset, whom Levett had acknowledged as a local sagamore, killed Bagnall and burned down his trading post, enacting a violent redistribution and asserting jurisdiction in this diplomatic space.⁷

"A BUSHEL OF CORN," OWASCOAG, 1659

Skitterygusset belonged to a wide network of related leaders along the coast, who participated in negotiations that led to deeds, often signed by multiple representatives. He was the first to appear on a deed for land at Cascoak, in which "fisherman" Francis Small acquired the right to settle land from "the marshes and uplands of Capissic" to the fishing falls at Amancongan, on the south side of the Presumpscot River (between the contemporary Fore River and Cumberland Mills). Small pledged an annual "pay" of "one trading coat," a symbolic recognition of Skitterygusset's leadership, and "one gallon of liquor." The exchange of wampum and tobacco, as Small later testified, in this and subsequent agreements, sealed a pledge to share space, creating a negotiated relationship as much as an economic transaction. He later sold the rights to part of this tract, including a mill privilege at Capissic, to John Phillips, who transferred it to his son-in-law George Munjoy, both of whom had come to Casco from Boston. In 1666, Skitterygusset's sister, the saunkskwa Warrabitta, signed a deed with another leader, Nannateonett, allowing Munjoy to extend his claim to the "other side" of the Presumpscot, from "the lower-most planting ground" of Amancongan to the great falls at Sacarappa (Westbrook), an area far from the English settlements clustered on the coast. Four years later, Warrabitta, known also as Jane or Jhone, apparently consented to a local colonial land grant at Casco Bay to Anthony Brackett for "twenty shillings," with her brother Sagettawon, who had married into a leadership family to the south, on the Saco and Kennebunk Rivers. Warrabitta and Skitterygusset also appear on deeds with leaders to the north, including Moxus, Sheepscot John, and the influential Androscoggin leader the English called "Robin Hood"; documents such as these often recognized the intersecting relationships and jurisdictions of "neighboring sachems" in the coastal region.⁸

At Owascoag, just south of Cascoak, where Warrabitta and her mother lived and planted, they had allowed a group of settlers, represented by Andrew and Arthur Alger, to live among them. This produced the earliest record in which Warrabitta appeared. The documented agreement between Warrabitta's family and the Alger brothers is typical of deeds in this region, although more revealing than many of those recorded in Plymouth, where Indigenous rights were often subsumed. In the document, dated September 1659, "Jane alias Uphanum" declared that she, "her mother namely Naguasqua the wife of Wickwarrawaske Sagamore, & her brother" Skitterygusset (who may have died by this time), had "coequally," eight years previous (in 1651), "sold unto Andrew Alger, & to his brother Arther Alger a Tract of Land" on the Owascoag.

ing River (Scarborough). The deed reveals patterns of contiguous and overlapping inhabitation and resource use that had to be negotiated in order to maintain peaceful relations. The deed recognized the name of the river "in Indian" while naming several places that denoted recent settlement, such as "the great hill of Abram Jocelyns" (probably Orchard Hill). It also recognized the right of Warrabitta and her mother to continue to plant in this territory "so long as" they "both live." Most important, the agreement required the Algers to give "one bushel of corne for acknowledgment every year so long as they both shall live."⁹

This annual bushel of corn, recurrently pledged on deeds and treaties, was similar to the contribution a Native family would be obliged to make to their community. Rather than simply acquiring an outright purchase, the Algers engaged in an agreement by which they, too, could belong to this place, through their annual "acknowledgement" to the local family leaders, enacting a formalized relationship to the land and its longstanding community. "Uphanum," translated to "our sister" or "our woman," acted as speaker for the extended leadership family, acknowledging that the agreement had been in place since 1651. Warrabitta reaffirmed the agreement again in 1672, three years before her death and the commencement of the war.¹⁰

While Warrabitta was party to multiple deeds over these decades between 1651 and 1675, the 1659 Owascoag deed bears close examination, revealing a great deal about the larger context of diplomatic negotiations and conceptualizations of relationships among people and places. Owascoag was "the place of good grass," and the name may have translated more precisely to "Olaskikak," or "sweetgrass gathering place." This was the grass—known to some Algonquian nations as the "hair of Mother Earth," a sacred plant used in ceremonies, art, basketry, and medicine—that is uniquely adapted to annual summer harvesting. Sweetgrass flourishes in brackish marshes, which were and are often tied to particular family territories. Owascoag was likely the place where Warrabitta and her family handpicked the blades of grass, distributing carefully woven braids and baskets among the networks to which they belonged.¹¹

This was also a place where they planted "our mother" corn, a practice clearly continuing here even as settlers like the Algers began their own plantings. Oral traditions relay that the Corn Mother, known in story and song as Nigawes, "our mother," instructed that her own body be planted in order to feed her starving children, the Wabanaki people. And it was unlikely that Warrabitta and her mother planted alone; like other Native women, they must have shared the fields with their female relations. Naming here was important as well. The name given to Warrabitta and Skitterygusset's mother was Naguasqua, which

may have been an Anglicized spelling of *nigawes* (with the gendered ending "skwa"), recognizing "our mother's" right to continue to harvest and plant in this place. Thus the deed recognized Owascoag as the place of "our mother," on multiple levels, where "our mother" lived, planted and was planted, harvested and was harvested, to enable the peacemaking protocols for which Cascoak was well known.¹²

Like their predecessor, the Queen, these leaders of Cascoak were entrusted with diplomacy. Thus, part of their role was to create responsible relationships with the newcomers. With this agreement, they gave the Algers and their extended family permission to live at Owascoag, but negotiated some of the terms of sharing space and required "acknowledgment" of their continuing relationship to and leadership in this place. As Alice Nash has observed, such "deeds should be read more like proto-treaties" or councils in which rights, land use, and jurisdiction were negotiated, rather "than as simple property transactions."¹³

This agreement was made at harvest time, when both the Algers and Warrabitta and her mother were gathering in the corn. Like any family in the territory, the Algers were expected to make a contribution that could be distributed to the whole. As Nash points out, the annual "acknowledgment" was not an act of charity, as Warrabitta clearly could plant her own field, but a symbolic act that embedded settlers in an Indigenous redistributive system. In giving them corn, the Algers were at least symbolically acknowledging not only the women leaders, but "our mother" from whom they also were drawing nourishment. The old stories warned that the newcomers would crave the Corn Mother's body, would try to steal it. Part of Warrabitta's responsibility was to encourage them instead to follow her original instructions, to "divide among you the flesh and bone of the first mother," corn and tobacco, "and let all shares be alike" in order to "carry out" the "love of your first mother."¹⁴

complex role of "praying Indians," or members of Indigenous mission communities, as scholars, scribes, scouts and political intermediaries before, during, and after King Philip's War. Finally, the chapter shows that Indigenous scholars like Joel Iacoomes, Caleb Cheeschateamuck, and Wawaus—also known as James Printer—were not merely students who received, or were subjected to, a colonial education, but significant contributors to the emergence of a multilingual American literary tradition, beginning with the Indigenous language publications of the Harvard Press, which was housed in the Indian College.



The Massachusetts Colony's coastal settlement of Cambridge was not at this time the thriving city and intellectual center it is today, but rather a "well-ordered" English outpost in Native space. English settlers, led by Thomas Dudley, had forged the settlement in the salt marshes and "great tidal estuary" of the Massachusetts coast, on the north side of the Mishaum River, which John Smith had christened the "Charles" for his king. The settlement was built on the bank opposite Boston, a "port" "facing London," with the extraction and shipment of resources, particularly cod and wood products, and the importation of English goods in mind. The first planned town in the English colonies, "Newtowne" aspired to be the capital of Massachusetts Bay. In 1636, at the heart of the town, Harvard College was established, four buildings surrounded by cow pasture, located on a street aptly named "Cow Yard Lane." The settlement was then renamed "Cambridge," for the university town in England. Harvard's first president, Henry Dunster, envisioned that Harvard would become "the Indian Oxford as well as the New English Cambridge."²

Shortly after the establishment of the college, settlers sought out formal recognition of their growing settlement from the local Massachusetts saunkskwa, acquiring "title" to plant in her homeland even as they pledged acknowledgment of her leadership with the annual gift of a coat. This influential leader, recorded by settlers only as the "Squa sachem" or "Massachusetts Queen," made an agreement in 1639 to allow the settlement of Cambridge, but also insisted that her own town at Missitekw (Mystic river and its ponds), to the northwest, and her community's subsistence rights on the headwaters pond, would be respected.³

This agreement was especially critical because the towns of the Native Massachusetts had been devastated by epidemics. The saunkskwa had suffered massive loss of her kin, including her brother and two of her sons, fellow sachems who had formed relationships of exchange with the newcomers. In their absence, the coast lay exposed. Her husband, the great sachem Nanapashemet, had been

THE HARVARD INDIAN COLLEGE SCHOLARS AND THE ALGONQUIAN ORIGINS OF AMERICAN LITERATURE

FIRST FRUITS: ORIGINS OF HARVARD AND THE INDIAN COLLEGE, CAMBRIDGE, 1636-1659

In early fall 1662 two young Wampanoag men arrived at Harvard Yard for commencement, the opening ceremonies that honored the graduation of the past year's class. Having traveled the shore by ship from their island homeland of Noepe (Martha's Vineyard), the young men faced a challenge that none of their relatives had assumed before: completing their first year of university education at Harvard College. Joel Iacoomes, the son of the Wampanoag convert leader Iacoomes of Nunnepog (Edgartown), and Caleb Cheeschateamuck, the son of the sachem Cheeschumuck of Nobnocket ("Holmes Hole," Vineyard Haven), had prepared intensively for this endeavor. They had attended lessons on the island as boys, then emerged as top scholars at the grammar school in Roxbury and at the Latin school in Cambridge, before passing the intensive entrance exam for the college. At Harvard, they joined "an unusually clever group of candidates," and together the Wampanoag and English students performed their scholarly exercises in Harvard Hall, mastering not only English but Greek, Hebrew, and Latin. Joel and Caleb lived and studied in the college's first brick building, the Harvard Indian College. In a chamber on the first floor of this same building their fellow scholar Wawaus, or James, labored at the first printing press in the colonies, alongside his mentor, the printer Samuel Green, to complete the printing of one of the earliest texts to be published in an Algonquian language—the first bible in North America.¹

This chapter recovers the history of the Harvard Indian College and highlights the multiple cultural, literary, and oral traditions that intersected in this space. The Indian College provides a vital foundation for understanding the



EXECUTIVE DEPARTMENT
SOMERVILLE, MASSACHUSETTS

ROBERT W. HILLIARD
ADMINISTRATIVE ASSISTANT

S. LESTER RALPH
MAYOR

KEVIN T. CROWLEY
ADMINISTRATIVE ASSISTANT

9 September 1971

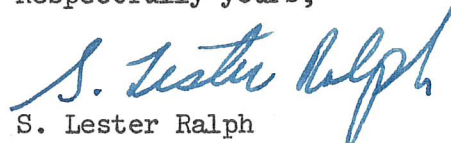
The Honorable, the Board of Aldermen
City of Somerville
Massachusetts

Gentlemen:

I respectfully request that your Honorable Board make the following change in Ordinance, Section 1-15, City Seal.

"A representation of Washington standing on Prospect Hill with a Union flag unfurled; on the right, a view of a portion of Boston, with the State House; on left, a view of a portion of Charlestown, with Bunker Hill monument; within a circle around the same the inscription, "SOMERVILLE, FOUNDED 1842, ESTABLISHED A CITY 1872", to be changed: "SOMERVILLE, SETTLED 1630, ESTABLISHED A CITY 1872.

Respectfully yours,


S. Lester Ralph
Mayor

SLR/djr

File 120874 ✓ 27
123

COMMUNICATION FROM MAYOR

Requesting ~~member~~ change
on Ordinance, Sec. 1-15,
City Seal

In Board of Aldermen
SEP-9 1974
Richard D.

LEGISLATIVE MATTERS & PUBLIC SAFETY

William J. Donovan
Clark

In Board of Aldermen

MAR - 7 1974

On the within petition the Committee
LEGISLATIVE MATTERS
and Public Safety
respectfully recommends that same be
placed on file.

William J. Donovan
Chairman

Accepted: William J. Donovan

Print



Somerville Historical Society

56 CENTRAL STREET AT WESTWOOD ROAD

SOMERVILLE 43, MASSACHUSETTS

January 12, 1972

The Honorable Board of Alderman
City of Somerville
Massachusetts

Gentlemen:

The City Seal of Somerville was approved by the town of Somerville in 1871 after much debate over the design, etc. There was some question at the time about the raising of the first flag as to whether Washington himself was at the January 1, 1776 ceremony. But since Washington had visited Prospect Hill on a number of occasions it was thought prudent to place him there on that occasion.

The flag raised on January 1, 1776 was the "Continental Great Union Flag", commonly but mistakenly called the "Grand Union Flag", and not the "Betsy Ross" or the 13 star flag depicted on the City Seal. Perhaps the town fathers may have thought it advisable to insert the 13 star flag as emblematic of the founding of the 13 state union or it may have been a form of artistic license on the part of the designers.

Charlestown was founded in 1630 and was known as the "land within the neck". The area of Charlestown known as the "land without the neck" comprised what is now Somerville. In 1630 the "land without the neck" (Somerville) was used as a cow pasture for Charlestown residents and was settled very sparsely by John Woolrich, Governor Winthrop and a handful of others.

The part of Charlestown known as the "land without the neck" was separated from the "land within the neck" portion and was founded in 1842 as the Town of Somerville.

I cannot advise as to the reasons for the change or of any legal ramifications pertaining to it. I can only suggest that if a change is to be made for good and sufficient reasons that perhaps the phrase "Founded as a Town 1842" be included along with the 1630 and 1872 dates. It could read "Somerville, Settled 1630, Founded as a Town 1842, Established a City 1872. Other cities in the Commonwealth have three dates on the city seal.

I personally would show the "Continental Great Union Flag" which has the crosses of St. George and St. Andrew in the canton, since this was our first real national flag. The City of Somerville is rightfully proud of containing within its confines Prospect Hill, one of the choicest historic spots of our national history.

Respectfully yours,

Peter D. Peterson
Peter D. Peterson

President

Somerville Historical Society

751 Franklin St.
Melrose, Mass.

121597

COMMUNICATION

15
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Memorial Historical Society
Re: Change in City Hall

JAN 13 1972

Report to *Legislative*
LEGISLATIVE DIRECTORS & PUBLIC SAFETY
William J. Ramsey

In Board of A.M. 1973

SEP 13 1973

On the within petition the Committee
LEGISLATIVE AFFAIRS
on SIXTH JUDGE CITY
respectfully recommends that same be
passed on this.

Francis Q. J. McCreary
Chairman

Accepted by
William J. Ramsey
Clerk



EXECUTIVE DEPARTMENT
SOMERVILLE, MASSACHUSETTS

THE REV. JAMES J. BRETTE
ADMINISTRATIVE ASSISTANT

S. LESTER RALPH
MAYOR

KEVIN T. CROWLEY
ADMINISTRATIVE ASSISTANT

26 April 1972

The Honorable, the Board of Aldermen
City of Somerville
Massachusetts

Gentlemen:

I respectfully request that your Honorable Board make the following change in Ordinance, Section 1-15, City Seal.

A representation of the old Powder House with the present flag of the United States of America unfurled within a circle, within same circle inscription "Town 1842 - City 1872 purchased from the Pawtuckets 1639"; outer circle "Somerville, Mass. Municipal Freedom Gives National Strength".

Respectfully yours,

S. Lester Ralph
Mayor

SLR/djr



Board of Aldermen
City of Somerville
Massachusetts

In Board of Aldermen,
May 18, 1972.

ORDINANCE NO. 1972-6

AN ORDINANCE AMENDING CHAPTER 1, SECTION 1-15, (CITY SEAL) OF THE CODE OF ORDINANCES OF THE CITY OF SOMERVILLE BY STRIKING OUT THE DEVICE AND DESCRIPTION OF THE CITY SEAL, AND REPLACING SAME WITH A NEW DEVICE AND DESCRIPTION OF THE CITY SEAL.

Be it ordained by the Board of Aldermen of the City of Somerville, as follows:

SECTION 1. Chapter 1, Section 1-15, (City Seal) of the Code of Ordinances of the City of Somerville, is hereby amended by striking out the device and description of the seal of this city, and replacing same, with a new device and description of the seal of this city, as follows:

Howeverly A representation of the old Powder House with the present flag of the United States of America unfurled within a circle, within same circle inscription "Town 1842 ^{City 1872} purchased from the Pawtuckets 1639;" outer circle "Somerville, Mass., Municipal Freedom Gives National Strength"; the whole to be arranged according to the impression of seal hereto annexed.

SECTION 2. This ordinance shall take effect upon its passage by the Board of Aldermen and approval by the Mayor.

Alderman Eugene C. Brune

122638

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ORDINANCE NO. 1972-6129

AN ORDINANCE AMENDING CHAPTER 1, SECTION 1-15, (CITY SEAL) OF THE CODE OF ORDINANCES OF THE CITY OF SOMERVILLE BY STRIKING OUT THE DEVICE AND DISCRPTION OF THE CITY SEAL, AND REPLACING SAME WITH A NEW DEVICE AND DISCRPTION OF THE CITY SEAL.

IN BOARD OF ALDERMEN,

MAY 18 1972

Referred to Committee on

LEGISLATIVE MATTERS & PUBLIC SAFETY

William J. Donovan

Clerk

See reports 42

IN BOARD OF ALDERMEN,

JUN - 1 1972

*Antone All Town To
Taken from committee - 10/1/72
and placed back into
committee and put to
amend W.J. Donovan
City Clerk*

City Clerk

SOMERVILLE
JUN - 1 1972

William J. Donovan

88 72

COMMITTEE LEGISLATIVE MATTERS AND PUBLIC SAFETY

JUN - 1 1972

Said committee having examined within ordinance books if truly and correctly enrolled and so reports.

Raymond C. Brown

CHAIRMAN

IN BOARD OF ALDERMEN
JUN - 9 1972

Passed to be ordained

James H. Speltz
Attest
William J. Donovan
Clerk

Approved
S. Bates
Mayor

JUN 22 1972

Adv. in Somerville Journal

June 22, 1972

July 6, 1972

Attested copy of ordinance, letter and printed copies to:

- Judge DeMarco
- Chief of Police
- City Solicitor
- Printed copies only to:
- Assoc. Justice Kingston
- Deputy Chief Police Dept.
- Clerk of Court - Milann



he published an account of his struggle with the colony, *Simplicities Defence against Seven-Headed Policy* (1646), as well as a theological manifesto, directed largely against John Cotton, *An Incorruptible Key, composed of the CX Psalme* (1647). The wisdom of Gorton's decision to remain behind was confirmed in January 1647, when Edward Winslow, the Bay Colony's newly appointed agent in England, arrived in London to challenge the Gortonists' title to Shawomet.¹⁰

The situation in Rhode Island played an important role in the birth of Eliot's mission. The Bay Colony's expansionist designs on the Narragansett Country led to the submission of Pomham and Sacononoco, which set a precedent soon followed by six sachems within the colony's chartered bounds, and also obliged Williams and Gorton to travel to London to seek parliamentary protection. The leaders of Massachusetts Bay were dismayed to learn that the Warwick Commission had awarded Williams a charter and confirmed Gorton's title. As Francis Jennings has observed (in an argument evaluated later in this chapter), the commission's decision to side with two heterodox Rhode Islanders convinced the Bay Colony that it needed to rehabilitate its reputation in England.

The Submission of the Sachems in Massachusetts Bay

On March 8, 1644, the Massachusetts General Court received the submissions of five sachems who lived within the chartered boundaries of the colony: Cutshamekin, the "Squaw Sachem," Masconomo, Nashowanon, and Wossamegon. The sachems presented the court with twenty-six fathoms of wampum (they had delivered thirty fathoms the month before). After "freely assenting" to the terms of submission, the five sachems placed their marks upon a document identical to the one that Pomham and Sacononoco had signed nine months earlier, and they also promised to heed a list of religious and moral injunctions similar to the one given to the two Narragansetts. For its part, the General Court gave each of the five sachems a coat, two yards of red cloth, a meal, and a "potful of wine." The five sachems then "went away very joyful." Some ten weeks later, a sixth sachem in Massachusetts Bay, Passaconaway, agreed to "such articles as Cutshamekin and others have formerly accepted." One or more of Passaconaway's sons accompanied him to Boston for the occasion.¹¹

The submission of the sachems in Massachusetts Bay presents an

interpretive problem. There is ample documentation about the negotiations that resulted in the submissions of Pomham and Sacononoco in 1643. In contrast, the published records of the General Court and John Winthrop's journal and correspondence contain no evidence that the 1644 submissions were preceded by a diplomatic initiative on the colony's part. Jennings suspects that the General Court strong-armed the sachems in Massachusetts Bay and "extorted" the wampum. "Considering what the Indians gave up," he writes, "we may harbor a small doubt about how voluntarily they laid out their sacrifice." He also surmises that the sachems were reluctant to resist the colony's aggression because they did not want to suffer the fate that befell Miantonomi.¹² Jennings's interpretation is difficult to accept. A fuller examination suggests that the impetus for the submissions came from the sachems, rather than from the Massachusetts Bay colonists, and that the Indians had their own reasons for subjecting themselves and their bands to the General Court.

Three of the signatories of the act of submission—Cutshamekin, the Squaw Sachem, and Masconomo—lived in the vicinity of Boston. Cutshamekin was the sachem of the Massachusetts Indians, who resided to the south and west of the city. He had been sachem since the death of his older brother, Chickataubut, in 1633. After Cutshamekin's passing in late 1651 or early 1652, his nephew Josias Wompatuck, Chickataubut's son, became the Massachusetts sachem. The Squaw and Masconomo belonged to the Pawtucket bands to the immediate north and east of Boston. The Squaw was the mother of three well-known Indians, Sagamore John (one of the "hopeful" natives in *New Englands First Fruits*), Sagamore James, and Sagamore George. She apparently died shortly after her submission to the General Court. Masconomo, the "sagamore of Agawam," had been one of the three Indians who boarded the *Arbella* as the ship lay off Plum Cove in June 1630. He died in 1658. Nine years later, an Englishman was jailed, placed in the stocks, and fined for disinterring the sagamore's remains and then "carrying his skull on a pole." The culprit was also ordered to rebury "the skull and bones that can be found."¹³

The Boston-area Indians had suffered through two major epidemics by the time of the submission. The first lasted from 1616 to 1619; its nature remains a matter of debate among scholars. This epidemic had a horrendous impact on the Massachusetts and the Pawtuckers. In

they had once given away. Second, the sachems were compensated for lands freshly settled by the English from the mid-1630s on. For example, in 1637 the Squaw; her current husband, Webbacowet; and several other Pawtucketers received an unspecified payment for the newly established town of Concord.¹⁵

In the transfer of land, the General Court expected the sachems to act as the representatives of their bands. This policy inflated the authority of the sachems and minimized or perhaps eliminated the traditional role of their counselors in important decisions. The officers of the court created this relationship because they preferred to deal with individuals rather than with groups and because they sometimes wrongly assumed that the sachems were the native counterparts to European monarchs. The colony occasionally awarded special privileges to the sachems in order to encourage their cooperation. Prior to the act of submission, Cutshamekin, Mascononomo, and the Squaw Sachem were apparently the only Indians in the colony authorized to purchase rifles and ammunition, and to take their firearms to gunsmiths for repair. Winthrop also gave small presents to the sachems and their relatives, and he occasionally invited them—provided they wore English clothing—to dine at his table. The purpose of these “tokens of place and dignity” was to subordinate the sachems and their bands to Puritan power. “It is a rule in war,” Edward Howes told the younger Winthrop in 1632, “to aim to surprise and captivate great ones, and the less will soon come under; so win the hearts of the sachems and you win all.”¹⁶

Prior to the act of submission, the sachems also assisted the General Court in the investigation of the disputes that arose between the two peoples. Most of these cases involved the property damage that resulted from the Indians’ reluctance to fence their fields and the colonists’ disinclination to corral their livestock, or from acts of vandalism. The court adjudicated these and other matters with little or no regard for native standards of justice. In instances when they assigned guilt to the Indians, the magistrates instructed the sachems to arrange for redress to the English victims and, in some cases, to beat the offending members of their bands. Like the allocation of land, the infliction of punishment was a traditional responsibility of the sachems. But as Salisbury observes, the magistrates perverted Indian custom even though they preserved the appearance of it. In the past the sachems and their counselors had sometimes assigned plots of land to families

1631 Thomas Dudley reported that Chickataubut had only “between fifty and sixty subjects,” that Sagamores John and James “command not above thirty or forty men,” and that Mascononomo had “two or three families subject” to him. These figures may represent a 90 percent population loss from the precontact period. The second epidemic (1633–34) was clearly a form of smallpox. Chickataubut and Sagamores John and James were among its victims. The two epidemics cleared a large expanse of territory for Puritan settlement, increased the Indians’ fear of raiding parties, and left the sachems and their bands vulnerable to manipulation by their English neighbors.¹⁴

In the early 1630s the Massachusetts and Pawtucket sachems donated land to the colonists in order to build a wall of protection against the Micmac Indians (the “Tarrantines”). These distant marauders, who lived beyond the Penobscot, had raided the bands in 1619, when they killed the Squaw’s first husband, Nanepashemet, and again in 1631, when they burned Mascononomo’s wigwam, wounded Sagamores John and James, and abducted the latter’s wife. The English presence discouraged further Micmac incursions after 1631. In the mid-1630s the sachems began to sell land to the colonists instead of giving it to them. As Neal Salisbury explains in *Manitou and Providence*, the end of the short-lived fur trade along the coast led the Massachusetts and Pawtucket to “turn increasingly to their own land, the commodity which the English coveted most,” in order to satisfy their taste for European trade goods. In 1634 the General Court “reassert[ed] its land-granting authority in the face of eager Indian sellers and English buyers” by prohibiting further purchases without its approval. Most of the land transactions that took place between the 1634 action and the submissions of 1644 fell into two major categories. First, the sachems received retroactive payments for lands donated to the English in the early 1630s. For instance, in 1638 Mascononomo obtained £20 compensation from John Winthrop, Jr., and the other residents of Ipswich; between 1637 and 1639 the Squaw Sachem received a total of 36 shillings, 21 coats, 19 fathoms of wampum, and 3 bushels of corn for Charlestown (Cutshamekin received 10 shillings for a modest claim in the town); and in 1640 the Squaw was given slightly less than £25 plus an annual coat for Cambridge and Watertown. The circumstances of these transactions may explain the meager amount of remuneration—the planters probably reasoned that the sachems were fortunate to receive any payment for territory

but had never conveyed territory into the permanent possession of others, and they had punished subordinate Indians in order to restore equilibrium within the bands and not to satisfy a European standard of justice.¹⁷

In the early period of settlement, the colony also used the sachems, particularly Cutshamekin, in its diplomacy with the Narragansetts. The Boston-area Indians may have been predisposed to this arrangement because they had an existing history of association with the Narragansetts: in 1632 the Massachusetts and Pawtucket had sent men to Canonicus when he raised a show of force against the Pequots. Nevertheless, the sachems' diplomacy on the colony's behalf obliged them to represent English interests rather than their own. In August 1636 Cutshamekin accompanied Edward Gibbens and John Higginson on an embassy to the Narragansetts to determine if Canonicus and Miantonomi were responsible for the murder of John Oldham, an English trader on Block Island (they were not); later that month Cutshamekin went with John Endecott on a punitive expedition to Block Island, and on the way back to Boston killed a Pequot and sent his scalp to Canonicus; in October 1636 the Massachusetts sachem helped to arrange a treaty between the Narragansetts and the Bay Colony against the Pequots; and in the fall of 1638, he and Macononono participated in the advance negotiations that led to a treaty at Hartford between Connecticut, the Narragansetts, and the Mohegans.¹⁸

In September 1642 Massachusetts Bay accepted the Arnolds' Pawtucket settlement into its jurisdiction. This action stranded Cutshamekin between the Narragansetts and the English. The General Court disarmed and incarcerated the sachem, and then interrogated him about his possible involvement in an alleged Narragansett conspiracy against Massachusetts Bay. "The arrest was a signal," Salisbury explains, "that the colony no longer needed the Massachusetts sachem in his intermediary role and that it sought to detach him from the Narragansett altogether." The magistrates released Cutshamekin and restored his weaponry after he convinced them of his loyalty. Massachusetts Bay soon provided the sachem with an opportunity to demonstrate his allegiance to the colony. In May 1643 he testified against Miantonomi in the hearing about the transactions at Pawtucket and Shawomet. Cutshamekin stated that Pomham and Sacononoco were "free sachems" whose autonomy permitted them to dispose of their lands as they pleased. This testimony, as Salisbury notes,

"grounded the colony's argument in native custom as well as English law."¹⁹ In order to secure this testimony, however, the magistrates forced Cutshamekin to repudiate the Narragansett Indians in the daunting presence of Miantonomi.

Salisbury terminates his narrative in *Manitou and Providence* with the murder of Miantonomi in September 1643. For this reason, he offers no interpretation of the submissions of Cutshamekin, Macononono, and the Squaw in 1644. The Puritan magistrates had committed three acts of provocation against the main body of Narragansetts: the establishment of the settlement at Pawtucket in September 1642, the hearing over the sales at Pawtucket and Shawomet in May 1643, and the murder of Miantonomi in September 1643. The Winthrop sources, as well as the records of the Massachusetts General Court and the Commissioners of the United Colonies, contain numerous expressions of concern for the security of the orthodox colonies and their Indian allies Pomham, Sacononoco, and Uncas. Yet these same sources reveal, through their silence about the matter, a callous disregard for the safety of the Massachusetts and Pawtucket sachems, who were also vulnerable to Narragansett reprisals, and who could not reestablish relations with the Rhode Island Indians without alienating Massachusetts Bay. Jennings is probably right that the execution of Miantonomi terrified the Massachusetts and Pawtuckets, and probably wrong about the reason for their alarm: they feared the Narragansetts, not the saints.

In an important journal entry dated February 5, 1644, Winthrop reported that Cutshamekin, Josias Wompatuck, and Macononono had recently paid him a visit. The Indians presented Winthrop with thirty fathoms of wampum and then offered to submit to the Bay Colony at the next session of the General Court, which proved to be the one in March, when they made formal submission and contributed another twenty-six fathoms of wampum. Winthrop did not attribute the Indians' visit—which constitutes the only hint in the standard sources of the coming submissions—to any direct negotiations on the Bay Colony's part. The submission was probably the idea of Cutshamekin, who was surely familiar with the precedent set by Pomham and Sacononoco in 1643. If one can presume to speak for them, the Massachusetts and Pawtucket sachems submitted to the government in 1644 because they wanted to secure their relationship to Massachusetts Bay in the event of Narragansett retaliation. Winthrop made this

connection, even though he construed the course of events to the colony's credit rather than to its shame. He concluded that the Massachusetts and Pawtucket had offered to submit to the colony because of "our kind dealing with Pomham and Sacononoco, protecting them against the Narragansetts, and righting them against Gorton, etc., who had taken away their land."²⁰

The three remaining signatories of the act of submission—Passaconaway, Nashowanon, and Wossamegon—lived forty or more miles to the north and west of Boston. Their inland location apparently spared them the full fury of the epidemic of 1616-1619: Thomas Dudley reported in 1631 that Passaconaway had "under his command four or five hundred men." The three sachems and their bands had participated in the fur trade prior to the act of submission; however, they had little previous contact with permanent English settlement. The first Puritan towns in the area—Haverhill, Lancaster, and Andover—were not established until the mid-1640s. The distance of these Indians from the coastal center of the English population, as well as their inability to avoid the smallpox epidemic of the mid-1630s, left them vulnerable to the Mohawks and other marauders.²¹

Passaconaway, who is usually classified as a member of the Pennacook branch of the Pawtuckets, resided at various locations in the Merrimack Valley, including Pawtucket (now Lowell) at the confluence of the Merrimack and Concord Rivers. He was not only a sachem but also a "powwow" (shaman), an unusual combination of functions in native society. Various legends grew up around this redoubtable figure, who died in the early 1660s. Daniel Gookin, the longtime Indian Superintendent in Massachusetts Bay, claimed that Passaconaway lived for more than 120 years; William Wood reported that he could "make the water burn, the rocks move, the trees dance, metamorphosize himself into a flaming man, . . . and make of a dead snake's skin a living snake"; and Thomas Morton heard that the sachem could "in the heat of all summer . . . make ice appear in a bowl of fair water." Passaconaway radiated his influence as far west as Mount Wachusett, one of the homes of his eldest son, Nanamaconk, and throughout much of the Merrimack Valley. The sachem and his two principal sons, Nanamaconk and Wannalancett, appear only four times in the Winthrop documents and the published General Court records before the act of submission. The most noteworthy of these occasions came in

September 1642, when the General Court, in response to the latest rumors of a Narragansett-inspired Indian conspiracy against the orthodox colonies, sent forty soldiers to Pawtucket to disarm Passaconaway and to bring him to Boston for interrogation. The soldiers were unable to locate the sachem, and settled instead for one of his sons (whom the sources do not identify) and the son's wife and small child. On the way back to Boston, the son "slipped his line" and escaped into the woods. After firing once at the fleeing Indian—the bullet "missed him narrowly"—the heroes continued home with only his wife and child as their prize. The General Court then dispatched Cutshamekin, evidently without English supervision, to Pawtucket to negotiate a settlement. The Massachusetts sachem succeeded in this difficult embassy. Shortly thereafter, the court returned the wife and child, and Passaconaway sent Nanamaconk to Boston with the weapons. After receiving satisfactory answers to their questions, the magistrates dismissed Nanamaconk and restored the weapons.²²

Little is known about Nashowanon and Wossamegon, who do not appear in the Winthrop sources or the General Court records until the act of submission. Both sachems were almost certainly Nipmuck Indians. Nashowanon, who died in 1654, lived at Nashaway (Lancaster) to the east of Mount Wachusett. Wossamegon, who resided near Quabag (Brookfield) to the south of the mountain, evidently adopted the alternative name of Matchippa, probably to distinguish himself from the famous Oussamegon (Massasoit) of the Pokanokets in Plymouth Colony. At the time of their submission, Winthrop knew so little about Nashowanon and Wossamegon that he called them simply "two sachems near the great hill to the west called Wachusett." Yet these two Indians journeyed to Boston in March 1644 and accepted the authority of the General Court. It is unlikely that either of them had ever been there before.²³

Two sources illuminate the circumstances behind the submissions of Nashowanon and Wossamegon. The first is a letter that Eliot wrote to Endecott in 1661. Eliot reported that the Indians near Mount Wachusett had contributed to a collection of wampum for presentation to the General Court at the time of the submissions. He specified the amount of the tribute (200 fathoms, leaving someone with a tidy profit, since the sachems furnished a total of 56 fathoms in 1644); the names of three of the natives who contributed to it (Nashowanon, Wossamegon, and Wompontupont; another Nipmuck sachem near



Board of Aldermen
City of Somerville
Massachusetts

In Board of Aldermen,
May 18, 1972.

ORDINANCE NO. 1972-6

AN ORDINANCE AMENDING CHAPTER 1, SECTION 1-15, (CITY SEAL) OF THE CODE OF ORDINANCES OF THE CITY OF SOMERVILLE BY STRIKING OUT THE DEVICE AND DESCRIPTION OF THE CITY SEAL, AND REPLACING SAME WITH A NEW DEVICE AND DESCRIPTION OF THE CITY SEAL.

Be it ordained by the Board of Aldermen of the City of Somerville, as follows:

SECTION 1. Chapter 1, Section 1-15, (City Seal) of the Code of Ordinances of the City of Somerville, is hereby amended by striking out the device and description of the seal of this city, and replacing same, with a new device and description of the seal of this city, as follows:

A representation of the old Powder House with the present flag of the United States of America unfurled within a circle, within same circle inscription "Town 1842 ← City 1872", purchased from the Pawtuckets 1639; outer circle "Somerville, Mass., Municipal Freedom Gives National Strength"; the whole to be arranged according to the impression of seal hereto annexed.

SECTION 2. This ordinance shall take effect upon its passage by the Board of Aldermen and approval by the Mayor.

←
HONORABLY

Alderman Eugene C. Brune

liquor, or other goods signified. After the fur trader Simon Willard gave the sachem Tohattowan and her husband, the powwow (spiritual leader) Wompachowet, some clothing, hatchets, hoes, knives, and wampumpeague in exchange for some 36 square miles on the Massachusetts Bay Colony frontier, Tohattowan and Wompachowet declared themselves satisfied and welcomed the English to what they still considered their land.⁸ In none of these cases did the Native American grantors have seen themselves as surrendering their own rights to use, pass through, and live on that gift of land. Their recorded deeds and depositions (including those in their own languages) were careful to reserve rights to hunt, fish, or plant on ceded land. Native Americans' words as well as their actions make it clear that they believed they were agreeing to share land. They did not see themselves surrendering rights to use, pass through, and live on that gift of land.

Despite the questions that Mr. Rowle might legitimately have had about what the deeds actually meant or about the price he got—those bottles of liquor—the prospect of war eventually led him to want to declare his own rights to land. As related by one of three witnesses to William Hubbard, the dying Mr. Rowle had “expected some of the English that seized upon his Land should have shown him that Civility, as to have given him a visit in his aged Infirmities and Sickness,” as, presumably, good neighbors would do. He was, it seems, concerned that his final wishes be respected for “to be sure at the last,” he sent for the leaders of the nearby town of Kittery. When they came, Mr. Rowle said “that though he might as he said to claim all the Plantation for his own where they dwelt,” he hoped “they would please to sell or give him a small tract of land” of one or two hundred acres. He asked that the land “might be recorded in the



New seal highlights City's past



That man (was it George?) holding the flag turned in the wrong direction should be getting bumped off the city seal this week in favor of an artist's rendition of the Old Powder House.

The Board of Aldermen is expected to approve this week a new city seal for Somerville — one with hints of wampum and gunpowder and Colonial America. The new seal is still in Aldermanic committee, but an ordinance is being drawn up to have the new seal replace the old. Little or no opposition is expected from the Aldermen.

The new seal, Mayor S. Lester Ralph feels, will give "greater historic importance to Somerville and show those viewing it that the City has a past of which it is extremely proud."

That's not to say that Somerville wasn't proud of the man carrying the
[See POWDER HOUSE . . . on Page Two]

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Powder House replaces 'George' . . .

[Continued from Page One]

Continental Great Union Flag on Prospect Hill. But Somerville Historical Society President Peter Peterson, who designed the new seal with local historian Doris Donovan, found a couple of things wrong with that old one.

For one thing, he notes, the flag was turned in the wrong direction (it's facing left instead of right). And for another, nobody knows who the man holding it is.

Speculation runs high, of course, that it's George Washington, who was known to have been at Prospect Hill on many occasions. But no one really knows if Washington was there at the flag raising in 1776 — the first time the flag was flown to bid defiance to a foe. The old seal, in fact, was adapted from an 1896 painting in City Hall of someone holding the flag there who is presumed — but not known — to be Washington.

"We thought," Peterson explains, "that the old Powder House was more representative and more in line with the Colonial beginnings of the City, which were, of course, in Charlestown." The Old Powder House is, of course, older than the flag raising. Built in 1703 as a mill for the general area, the Powder House later became a magazine serving the state.

It was also the scene of the first armed movement of British troops against American Colonists — resulting in the first massive uprising of the Minutemen.

But the new seal goes even farther back into Somerville history, with its somewhat curious "Honorably Purchased From The Pawtuckets — 1639" inscription down at the bottom.

"The reason for the 'honorably,'" Peterson explains, "was the fact that there's so much agitation nowadays about the Indians having been given a raw deal."

Admittedly, Somerville's deal wasn't as "raw" as those that took, rather than purchased, land from the Indians. But at that price ("twenty and one coates, nineteen fathom of wampom and three bushels of corne"), the land was obviously "a steal".

Peterson notes, however, that whenever Indians sold land, those were the kinds of prices they got (remember Manhattan Island — \$24 in trinkets and beads). And Squaw Sachem's deed with the settlers in 1639 does "acknowledge to have received in full satisfaction" the above mentioned articles.

-by Helen A. Giffard



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"The Best Title That Indians Can Claim": Native Agency and Consent in the Transfer of Penacook-Pawtucket Land in the Seventeenth Century

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“The Best Title That Indians Can Claim”:
Native Agency and Consent
in the Transfer of Penacook-Pawtucket
Land in the Seventeenth Century

PETER S. LEAVENWORTH

ON an early September morning in 1675, a force of approximately one hundred Massachusetts volunteers under order of Captain Samuel Mosely approached the traditional winter village of Wonalancet, sachem of the Penacook Indians. At the outbreak of King Philip’s War in southern New England earlier that year, Wonalancet and his followers had retreated from their summer habitation on the Merrimack at Pawtucket Falls (near Lowell, Massachusetts), to Penacook, upriver near the present location of Concord, New Hampshire, in order to maintain a precarious neutrality in the conflict. Without success, envoys from the warring Nipmucs of central Massachusetts attempted to persuade the Penacooks to join in the general Indian uprising of southern New England. When Indian families relocated in times of tension, the English generally interpreted the move as a prelude to hostilities, and so Massachusetts Bay authorities sent messengers to entreat the Penacooks to return to their homes on the lower Merrimack. When Wonalancet failed to heed the Bay magistrates, Moseley’s force headed north.

Indian scouts had alerted the village to Mosely’s approach, and the Penacooks withdrew to the surrounding woods and hills, where they watched the English set fire to their wigwams and destroy their winter stocks of corn and dried fish. Wonalancet barely restrained his warriors from ambushing the marauding soldiers, but having done so, he thereafter succeeded in maintaining peaceful relations with the English throughout the war. Mosely’s unauthorized attack was immediately cen-

sured by Massachusetts authorities, and apologies were sent to Wonalancet with the hope that he would return the Penacooks to Massachusetts. Instead, they moved further north to winter among the headwaters of the Connecticut River, where hunting averted famine.¹

This incident represented the first forcible, armed incursion into the northern Penacook heartland. After fifty years of slow but unrelenting encroachment onto lands of the lower Merrimack family bands, the English accelerated their efforts during King Philip's War and its aftermath. When Wonalancet returned to his corn fields near Pawtucket in the spring of 1676, he found them already planted by English farmers, despite the war that raged around them. Within ten years of Mosely's raid, Wonalancet and other Penacook-Pawtucket leaders would sell the entire Merrimack Valley to English speculators.

The violence and desolation visited on both sides in the cause of the war created dislocation and social turmoil for years to follow. However, the loss of territory was permanent for Indians and had been accomplished much more often at the point of a pen than of a sword. The fifty years prior to Mosely's raid had witnessed a complex evolution in land transferal, an intercultural Gordian's knot that the abrupt confiscations of war had brutally severed.

The movement of Indian land to English ownership in seventeenth-century New England has often been referred to as dispossession. The term is accurate insofar as it identifies the process by which natives were inexorably displaced from their customary uses of the land, rights many English contemporaries acknowledged only as they purchased them. Dispossession, however, carries connotations of passivity; it grants the exercise of will and free choice only to the dispossessor. If we depict Indians simply as victims, though, we fail to take account of those instances when they successfully maintained their livelihood and self-identity in the face of cultural assault. One such instance centers on the Penacook-Pawtucket Indians as

¹Daniel Gookin, "An Historical Account of the Doings and Sufferings of the Christian Indians in New England" (1677), in *Transactions and Collections of the American Antiquarian Society*, vol. 2 (1836; reprinted, New York: Arno Press, 1972), pp. 462–65.

observed through the deeds of their land transactions from the 1630s to the 1690s.²



The Penacook-Pawtuckets were a culturally homogenous kinship network centered on the Merrimack and Piscataqua Rivers. Their principal sachem in the seventeenth century was Passaconaway, until approximately 1665, when he was succeeded by his son Wonalancet, who held the position until the late 1670s. Their group intermarried with bands centered around Chelmsford and Salem, Massachusetts. Passaconaway and Wonalancet's authority in family band territories was acknowledged not only in the upper Merrimack Valley (above modern Nashua) but in the lower valley and seacoast as well. Evidence in deeds confirms the familial interconnectedness of these bands and their territories deep on either side of the Merrimack River, from its mouth to Lake Winnepesaukee. This cultural and political cohesiveness disintegrated by the end of the seventeenth century.³

²My research draws on a database of over 110 deeds culled from provincial records and county deed registries in northeastern Massachusetts, southern New Hampshire, and southeastern Maine.

³Passaconaway was a tribal shaman, or powwah, as well as a sachem who commanded great respect among a loosely allied group of Western Abenaki bands in northeastern Massachusetts, southeastern New Hampshire and southwestern Maine. The Penacooks were both a western Abenaki band located at Penacook (Concord, N.H.) and Namoskeag (Manchester, N.H.) and an informal confederation of neighboring groups. The band's tributary to the Penacooks included groups at Agawam (Ipswich, Mass.), Pawtucket (later Wamesit, at Lowell), Nashua (Tyngsboro, Mass.–Nashua, N.H.), Souhegonock (Merrimack–Amherst, N.H.), and Winnepesaukee (Laconia, N.H.). In addition, bands at Squamscott (Exeter, N.H.), the Piscataqua (Dover, N.H.), and Agamintes (York, Me.) paid allegiance to the Penacooks.

The larger Penacook confederation is usually divided between the lower Merrimack Pawtuckets (approximately to the Nashua River) and the upper Merrimack Penacooks. The upper Merrimack Indians were culturally tied to other Western Abenakis who included the Sokoki and Cowasucks of the Connecticut River Valley, the Missisquois on the eastern shore of Lake Champlain, the Pigwackets on the upper Saco River, and the Ossipees near Ossipee Lake in New Hampshire. The Western Abenakis were usually on good terms with the Eastern Abenakis of central and eastern Maine—the Canibas (Kennebec Valley), the Penobscots, and the Passamaquoddis. The Abenakis were hereditary enemies of the Maquas or Mohawks in New York and the Tarratines or Micmacs in New Brunswick. The Penacooks in particular were generally friendly with the southern New England Algonquins with whom they shared linguistic understanding

English legal precedent and common law remained a guiding influence in the Puritans' errand into the wilderness even when they deviated from, or reacted against, its specific form in the old country. English buyers of land, especially later in the seventeenth century, craved legitimacy for their peculiarly American practices, and developments in New England jurisprudence that addressed Indian land ownership were usually responses to evolving circumstances within the English community. Even as the settlers plainly viewed Indian property rights as in a distinct category, they made efforts to extend to the natives the full range of legal options connected to European property ownership. These included lines of inheritance, widows' dower, rights of trespass for hunting on unenclosed land, and usufruct limited to specific uses such as firewood gathering, crop planting, timber harvesting, or fishing. Even though the English recognized these rights only to secure their own protection from conflicting claims, the act of entering into deeds with the Indians had the effect of honoring their consent. Many of the rights had similar forms in traditional Indian usage, not the least of which was inheritability, and natives easily made the transition to realizing their entitlements within the white system.

Legal imperatives thus provided two closely related reasons for seeking Indian consent: social custom and protection from challenges to one's title. A third motivation, especially in the crucial decade between King Philip's War and King William's War, initiated in 1689, was fear of violent retaliation. Ignoring Indian consent could have serious repercussions. During King Philip's and King William's War, Indians often had territorial associations with the settlements they attacked, associations most whites overlooked. For example, in 1686, Indian trader Peter Coffin of Dover, New Hampshire, purchased a large tract

and a larger horticultural dimension to their hunter-gatherer diet than other Abenakis. For the Penacook as a transitional group between southern New England Algonquins and the northeastern Abenakis, see Bert Salwen, "Indians of Southern New England and Long Island: Early Period," and Gordon M. Day, "Western Abenaki," in *The Handbook of North American Indians*, vol. 15, ed. Bruce Trigger (Washington, D.C.: Smithsonian Institution Press, 1978), pp. 160–76, 148–59.

for £7 from the noted warrior Hoophood, or Wahowa. Four years later, after the outbreak of King William's War, Hoophood, whom Cotton Mather called "that bloody tygre," returned repeatedly to his lands in the Piscataqua region, attacking Salmon Falls and farms in the Newington-Greenland area.⁴

In the earliest period of contact, Indians believed they could share usufruct privileges with the scattered white settlers. Sachems living close to English settlements signed simplistic documents placing huge tracts of northern New England land under nominal English control. In 1644, Passaconaway became convinced that he should subject himself to Massachusetts authority, as other tribal leaders living much closer to English settlements had done earlier the same year. The Penacook-Pawtucket leaders clearly did not perceive these transactions in the same terms as their English originators, and so the "capitulations" should not be seen as definitive. The upper Penacooks continued their migratory habits, maintained or constructed forts for defense, and often presented the English with resistance just short of open defiance.

The lower Pawtuckets' and Massachusetts' circumstances were somewhat different from those of the upper Penacook. After having their populations decimated by as much as 90 to 95 percent in the unidentified coastal plague of 1616–20 and the smallpox pandemic of 1633–34, the lower Merrimack bands were in no position to assert themselves in the face of the 1630s massive English immigrations into the Bay Colony. The natives' tribal lands were largely unoccupied, and the survivors became "settlement" Indians within a decade.⁵ Passaconaway's Pena-

⁴Cotton Mather, *Magnalia Christi Americana* (1702), ed. Kenneth B. Murdock (Cambridge: Harvard University Press, 1977), book 7, p. 73; Jeremy Belknap, *History of New Hampshire* (1831; reprinted, Bowie, Md.: Heritage Books, 1992), p. 133.

⁵For detailed information on early Northeastern Indian epidemiology, see Salwen, "Indians of Southern New England," p. 169, and Dean R. Snow and Kim M. Lamphear, "European Contact and Indian Depopulation in the Northeast: The Timing of the First Epidemics," *Ethnohistory* 35 (1988): 15–33. For a tentative identification of the early contact period plague as hepatitis virus, see Arthur and Bruce Spiess, "New England Pandemic of 1616–1622: Cause and Archeological Implication," *Man in the Northeast* 34 (1987): 71–83; and S. F. Cook, "The Significance of Disease in the Extinction of the New England Indians," *Human Biology* 45 (1973): 485–508. For a viewpoint that emphasizes native reactions to epidemic sickness as opposed to purely genetic fac-

cooks weathered the later smallpox epidemic of 1634 and were able to maintain physical distance and relative cultural autonomy for several decades. This distance proved crucial for a number of tribes as they struggled to recover demographically from these initial epidemics.⁶

Because the recent epidemics had depopulated large sections of Penacook-Pawtucket territory, particularly on the lower Merrimack, developing powerful new friendships was a prudent policy. Under those conditions, the English were sometimes welcomed as neighbors. Micmac raids from the New Brunswick area on coastal areas of Maine and northern Massachusetts coincided with the 1616–20 plague, a convergence of external forces that may have convinced interior bands that English-inhabited coastal lands served as ideal buffer zones. Soon after Micmacs attacked villages in the seacoast region, Narragansetts briefly occupied Massachusetts hunting territory. Tribes decimated by disease were prey to unaffected neighbors, and so English firepower became a valuable tool to be manipulated for self-protection in times of need. Massachusetts sachem Chickatawbut cleverly orchestrated one such defensive maneuver in the 1620s. When a large group of Narragansetts moved into his hunting territory, Chickatawbut informed the English outpost at Wessagusset that they intended mischief. As the Englishmen armed themselves, posted guards, and donned armor, the Machiavellian sachem confided to the Narragansetts that the English were about to attack them. The Narragansetts soon departed.⁷

The benefits Indians realized from land sales were generally more tangible in the initial period, with the earliest conveyances usually paid in trade goods and cloth. Depositions

tors, see A. W. Crosby, "Virgin Soil Epidemics as a Factor in the Aboriginal Depopulation in America," *William and Mary Quarterly* 23 (1976): 289–99. For a contemporary observation of the post-plague condition of Massachusetts tribes, see Thomas Morton, *New English Canaan* (1639; reprinted, New York: American Library Association, 1963), pp. 18–19.

⁶Peter Thomas, "The Fur Trade, Indian Land, and the Need to Define Adequate 'Environmental' Parameters," *Ethnohistory* 28 (1981): 375.

⁷Morton, *New English Canaan*, pp. 43–47.

taken in 1684 from four aged men, two Indians and two Englishmen, recalled the circumstances of the sale of Concord, Massachusetts, in 1636. The Indians, headed by the squaw sachem Tohattowan, received hatchets, hoes, knives, cotton cloth, shirts, and a parcel of wompumpeag. Wompachowet, a powwow and second husband to Tohattowan, received a new cotton suit, linen band, hat, shoes, stockings, and a greatcoat. The white deponents testified simply that the sale of land had occurred. Jethro, a Christian Indian of Natick, remembered that "after the sd bargain was concluded [Indian trader] Simon Willard, poynting to the four quarters of the world, declared that they had bought three miles from that place East, West, North and South." Jehojakin, the other native witness, noted that at the ceremony's conclusion, the Indians declared themselves satisfied and told the Englishmen they were welcome.⁸

The recorded observations convey two very different understandings of what had transpired. The white settlers obviously believed they had purchased thirty-six square miles of land even though no deed had been executed and even though the Indians almost certainly lacked any concept of an English mile. The sellers' response is significant: after receiving the trade goods, which they undoubtedly considered as an element in a ritual of greeting, the Indians announced only that the English were cordially received. They did not fully understand, nor assent to, Willard's impromptu surveying methods.

In the period of initial contact, Indians acquired the reputation of having no fixed habitation and no concept of land ownership. This erroneous view persisted among the English because it served the interests of legal-minded Puritans like John Winthrop and John Cotton in codifying an abridgment of native territorial rights.⁹ The original miscommunication over land use lasted no more than a few years, however. Still, long after na-

⁸Deposition, Northern Middlesex County Registry of Deeds, Doubtful Book 1, p. 74, Lawrence, Mass.

⁹For example, when the heirs of George No-Nose were selling land along the lower Merrimack, his former living situation was referred to as "sometimes of Rumney Marsh & Sometimes at or about Chelmsford . . . Sometimes here & Sometimes there but deceased" (Southern Essex County Registry of Deeds, book 1, p. 7, Salem, Mass.).

tives understood that English purchase did not accommodate cooperative occupation, chroniclers continued to depict them as naive.

The misrepresentation was perhaps also perpetuated by a failure of imagination on the part of the English. Because Indians privileged usufruct rights over habitation, the English assumed that they did not understand the concept of private property. A careful reading of provisions reserving Indians' rights to fishing, fowling, hunting, and planting, however, demonstrates that Indians realized that they could no longer occupy the tracts they had sold (and perhaps never had) even though they still could use certain areas for specific purposes, especially food procurement, a right recognized and, moreover, accepted by whites. Indeed, some unscrupulous English buyers used their understanding of how Indians valued their land to convince Indian proprietors of how little they had to lose by selling it. The continuation of usufruct rights was, therefore, a critical condition of Indian dispossession.¹⁰

Limitations to deeds were taken seriously by both parties. In 1646, the sagamore of Berwick, Maine, Mr. Rowls, sold to Humphrey Chadbourne land and the rights to a fishing weir in the Piscataqua River except "so much small Alewives to Fish Ground as I . . . shall have occasion to make use of for Planting . . . and likewise Fish for to Eat. . . from Time to Time forever."¹¹ Deeds from the 1680s reveal an interesting shift in usufruct clauses from securing traditional subsistence activities to experimenting with English modes of food production. For instance, in 1681 Sarah Onnamug (Ossamug in other deeds) sold William Auger sixty-five acres for £60 in her original territory of "Whipsuffrage" (near Marlborough) after she had removed to the Indian town at Wamesit. Twenty pounds of the

¹⁰John Winthrop's doctrine of *vacuum domicilium* stated that New England's natives had "natural" rights only to land which they cultivated. The deeds bear witness that this was precisely the land English settlers most prized. See David Grayson Allen, "*Vacuum Domicilium: The Social and Cultural Landscape of Seventeenth-Century New England*," in *New England Begins: The Seventeenth Century* (Boston: Museum of Fine Arts, Boston, 1982), p. 1.

¹¹York County Registry of Deeds, book 1, p. 6, York, Maine.

payment was to be made in corn figured at 2s. 3d. to the bushel (approximately 165 bushels). By 1685, Sarah had moved to the Indian town of Natick where, with her sons Joshua, Samuel, and Amos, she was given permission by the General Court to alienate up to fifty acres of “upland meadow” to house carpenter Thomas Sawin “for his Encouragement to build a Corn Mill . . . in our Towne.” Sarah and her sons gave only five acres to Sawin, but other Natick leaders sold him forty acres for £10 to ensure that a mill would be built “Convenient for them.”¹²

The Indians also adjusted the usufruct rights of the English for their own advantage. In 1655, Thomas Henschman, an active collector of Indian lands, purchased deeded rights to cut firewood, timber, and free feed for his cattle throughout the Indian town of Wamesit. By 1686, the Indians wanted to eliminate these infringements. In exchange for a “slip” of land to own outright, Henschman was required to quit-claim his usufruct rights. Indians could easily engage in this formal *quid pro quo*, and deeded exceptional uses were not necessarily a source of confusion to either Indians or settlers at the time of their inception.¹³

Similar descriptions of specific uses were often employed between whites to assure continuation of rights.¹⁴ Precisely defining acceptable use in large tracts of land held in common was not an unfamiliar practice for the English. English common law traditionally allowed access to certain unfenced land for hunting and other public uses. Thus, when Indian-white agreements reserved hunting and fowling rights in forests outside of enclosed land, the deeds were connecting Indian subsistence patterns with English precedent. By categorizing Indian and English land in terms of “waste ground” and “inclosures,” the New

¹²Southern Middlesex County Registry, book 8, pp. 69 and 321, and book 15, p. 380, Cambridge, Mass.

¹³Middlesex County Registry of Deeds, book 10, p. 402, Cambridge, Mass.

¹⁴See, for example, a 1652 petition from Valentine Hill and Richard Waldron, town leaders from Dover, New Hampshire, to the Massachusetts General Court, in *New Hampshire Provincial Papers*, vol. 1, ed. Nathaniel Bouton (Concord, N.H., 1867), p. 202.

England proprietors were self-consciously drawing parallels with the English estates and forests they hoped to replicate for themselves in New England.¹⁵ Deeded reservation of usufruct clauses, which was not exclusively confined to Indian land use, represented the permeability of seventeenth-century concepts of trespass. The boundaries between cultures were self-consciously porous and became increasingly so with continued contact.

Cultural adaptation progressed each time natives initiated an appropriation of things European for their own perceived benefit. Some coastal bands launched this process as soon as European fishing fleets landed in the New World, well before the turn of the seventeenth century, and so New England tribes had long known about the trade goods Europeans had to offer. Of course, sustained settlement intensified the transformative potential for both cultures. This new era marked a process of Penacook-Pawtucket reappraisal of English association and revision of their resources, including the land itself. Especially after the devastating epidemics of the early seventeenth century, both Indians and whites in New England demonstrated a willingness to alter cultural norms to achieve a mutually beneficial accommodation. Place names offer one telling example.

The 1664 deed of James Paquamehood of Tollend in Dover to James Rawlings of Long Reach on the Piscataqua River is representative. It describes a tract of land bounded by three ponds and three hills, all referenced by their Indian names. The name of the third hill was written one way, crossed out, then rewritten, which conjures images of a dutiful scribe phonetically committing James Paquamehood's designation to English. The English were willing to have land described in native terms and

¹⁵Moors and wasteland in England offered customary public rights to fishing, pasturage, peat digging, and firewood collecting since the Middle Ages. These common law traditions had legal designations such as "husbote and haybote" for the privilege of collecting firewood (see Michael Williams, *The Draining of the Somerset Levels* [Cambridge: Cambridge University Press, 1970], pp. 26-34). Richard Wharton, an ambitious speculator in huge tracts in Maine and Rhode Island, repeatedly petitioned the Lords of Trade for manorial rights and privileges in the 1680s (see Theodore Lewis, "Land Speculation and the Dudley Council of 1686," *William and Mary Quarterly*, 3d ser. 21 (1974): 262.

to have Indians thus define the extent of the sale so that a mutual understanding of the agreement could be assured. In the words of Thomas Morton, “[T]his is commonly seene where 2. nations traffique together, the one indeavouring to understand the others meaning makes the both many times speak a mixed language, as is approved by the Natives of New England, through the coveteous desire they have, to commerce with our nation, and wee with them.”¹⁶ Such accommodations would have been particularly useful among more remote Indian bands, like the Penacooks. Later, when English surveys were more common, both natural features and Indian conceptual frameworks were largely ignored.¹⁷

Indians’ proprietary interests in specific pieces of land are, of course, understood in all deeds, but occasionally they are made explicit. A number of deeds refer to the grantor’s land as a “sagamoreship,” and many have attached depositions from older kin or band members testifying that the land in question has been associated with the grantor’s family “time out of mind.”¹⁸ This identification of certain areas with specific family bands repre-

¹⁶Deed of John Paquamehood, Rockingham County Registry of Deeds, book 2, p. 111a (1665), Brentwood, N.H.; Morton, *New English Canaan*, p. 17.

¹⁷David Grayson Allen’s contention that Indian names were used “because they served merely as boundary points” (“*Vacuum Domicilium*,” pp. 1–2) critically understates the value of a mutual understanding of boundaries as well as a comprehensive Indian system of toponymy bequeathed to the English. For example, the Indian town of Okonnokomesit, also known as Agogausit or Wixsuffrag, retained the English phoneticization “Whipsuffrage” for decades. In wilderness areas, if the English happened to have named a region on their own, it was often connected in legal documentation to Indian nomenclature. As late as 1701, a tract was sold in present day Wilmington named “Nenasaawa attawattocke commonly called by the English the Land of Nod.” The land of Nod was the wilderness to which Cain was banished. See Northern Middlesex Registry of Deeds, book 9, p. 83.

¹⁸For example, the 1683 deed of Bagesson, alias Joseph Trask, transfers a two-and-a-half by ten-mile tract on the lower Souhegan River (near modern Amherst, N.H.) to trader Jonathan Tyng of Dunstable. The document identifies Bagesson as “first cousin of Metacompoyde sachem or sagamore, who was the ancient inhabitant upon & owner of the said tract.” Some of the bounds of this tract are pine trees marked with a letter T. See Southern Middlesex County Registry of Deeds, book 9, pp. 23, 25. William Wood’s map “The South part of New-England, as it is Planted this yeare, 1634,” which appears in his *New England’s Prospect*, shows a “Sagamore Mattacomen” located at Pennacooke (modern Concord, N.H.) while “Passaconowa Sagamore” is located further south on the Merrimack at Amoskeag (modern Manchester, N.H.).

sents trap lines or hunting territories that were specifically allocated by sachems out of tribal lands.¹⁹

Some Indians were careful about reserving contingent rights to property considered expendable at the time of sale. In a 1660 deed of Wadononamin, the sagamore retained use of “one half (if Need be) of convenient planting land for & during my natural life.” Clearly Wadononamin would not have sacrificed such valuable land—previously cleared alluvial plains or *intervalles*, the customary growing areas of the riverine Abnakis—unless he had had other planting grounds, habitations, and hunting territory available to him elsewhere. The privileges of hunting and fishing are noticeably absent from the deed. As with Paquamehood’s deed, the bounds of the conveyed tract are primarily conceived in the mutually understandable terms of natural features, for example, “being a Neck of Land.” European square miles are loosely superimposed, but without survey references, they have far less meaning to either party than the river boundaries. The phrase “for & during my natural life” may indicate that Wadononamin had few, if any, family members upon whom to endow a continuation of use.²⁰

By the 1650s Indians were no longer willing to accept payment in trade goods. With few exceptions, most land sales that mention price thereafter cite cash in hand. Payment in coin, in an economy where hard currency was prized, offered flexibility

¹⁹There has been some disagreement among anthropologists about the extent to which the family hunting band as the basic unit of Abenaki social organization predated European contact. The general consensus is that its previously less formal construction may have been crystallized by the accelerated trapping brought about by the European fur trade. The sedentary beaver had long been a dietary staple of the northern hunting tribes. Family hunting bands established proprietary trap lines often marked by family totems on trees near beaver habitations. Larger hunting areas surrounding the trap lines were similarly recognized as belonging to extended family bands “time out of mind” for procuring deer, moose, bear, and other animal food sources. An excellent survey of the debate among anthropologists is found in Dean Snow’s “Wabanaki ‘Family Hunting Territories,’” *American Anthropologist* 70 (1968): 1143–51.

²⁰As Emerson Baker has noted in Indian deed activity on the Maine coast for the same period, similar phrasing was used by Indians known to be the last of their family band (“‘A Scratch with a Bear’s Paw’: Anglo-Indian Land Deeds in Early Maine,” *Ethnohistory* 36 [1989]: 242–43). For Wadononamin’s deed, see Rockingham County Registry of Deeds, book 3, p. 12a.

for further negotiation with whites. The English had been quite content using inexpensive trade goods as currency, but in time Indians grew adept at the practice of trading. Thomas Gorges, Maine proprietor Sir Ferdinando Gorges's kinsman and representative at York in the early 1640s, lamented that trade with the Indians was "utterly lost, the Indians understanding the value of things as well as the English."²¹ This understanding of value included real estate.

The fur trade introduced bargaining strategies that later emerged in land deals. Leading the way into Indian territory in the Merrimack Valley, fur traders often became large landholders and proprietors in multiple townships. In 1657, Simon Willard, William Brenton, and Thomas Henchman paid £25 to purchase a license issued by the Massachusetts General Court for a fur-trading franchise on the Merrimack River. The three men knew something of the native language, acknowledged the customs of the Indians, and sometimes befriended them. In 1683, Peter Jethro gave land to trader Jonathan Tyng of Dunstable, "with whom I do now inhabitt & to whom I acknowledge myself very much obliged, having often times satisfied me in my wants & paid many of my debts." Peter also mentions that neither he nor his sister was likely to have children (which suggests they were elderly and/or single), a contributing factor in his decision to give Tyng thirty-six square miles. Tyng later provided Wonalancet with food and shelter when, in the late 1690s, the aged sachem returned from Canada to his former lands, where he wanted to die. Tradition asserts that Wonalancet was buried in the Tyng family plot, which implies that friendship and regard were mutual.²²

²¹Quoted by Emerson Baker, in "The World of Thomas Gorges," in *American Beginnings*, ed. Baker et al. (Lincoln: University of Nebraska Press, 1994), pp. 270–71.

²²For Massachusetts truckhouse licensing, see Ronald Oliver MacFarlane, "The Massachusetts Bay Truck-House in Diplomacy with the Indians," *New England Quarterly* 9 (1938): 48–65. For Peter Jethro's deed, see Southern Middlesex Registry of Deeds, book 8, p. 400. For Wonalancet's death and Tyng's petition for reimbursement of expenses, see Massachusetts Archives 30:426.

In a 1660 New Hampshire deed, Wadonamin, “Sagamor of Wahsucke and Piscataqua,” gave trader Edward Hilton, Jr., son of one of New Hampshire’s earliest traders, approximately six miles square in consideration “for the love I beare to Englishmen & especially unto Edward Hilton of Piscataqua.” “For the love I bear” is boilerplate language in the seventeenth century for establishing the terms of inheritability or sale in transferring real estate within families, particularly from parents to children. While our own jaded inclinations might suggest that Hilton had hoodwinked the sachem, the noteworthy phrase was not unique among extra-familial, inter-racial deeds. Moreover, Wadonamin appeared in court nine years later to confirm the gift, and had there been any problems with the original agreement, they would surely have surfaced then.²³

On the other hand, John Cromwell’s trading post built in Merrimack, New Hampshire, in 1665 was later burned and its owner banished when Indians decided he had cheated them. The trading post established at Penacook sometime before 1668 by Richard Waldron, Sr., of Dover, New Hampshire, in partnership with Peter Coffin, was plagued by problems.²⁴ An intrusive profiteer, Waldron became a focal point for Indian dissatisfaction, and at the outbreak of King William’s War, he was singled out to die in the 1689 raid on Dover. Tradition asserts that the Penacook raiders “crossed out” their accounts on Major Waldron’s body.²⁵

European trade goods, some of which replaced traditional native implements, were part of the fabric of everyday native life. At first Indians considered non-essential land an acceptable

²³ “For the love I bear . . .” was used in Peter Jethro’s deed to Tyng and in 1712 by Simon Negro of Billerica, who left his real and personal estate to the children of his master (Northern Middlesex Registry of Deeds, book 1, p. 509).

²⁴For John Cromwell, see Charles J. Fox, *History of the Old Township of Dunstable* (Nashua, N.H., 1846), p. 18. In 1668, the sale of a large quantity of illegal rum to the Penacooks was followed by the murder of an Englishman at the truckhouse, resulting in an official inquest from Boston. For Waldron’s petition and the murder investigation, see *Penacook Papers, New Hampshire Historical Society Collections*, vol. 3 (Concord, N.H., 1827), pp. 212–13.

²⁵John Frederick Martin, *Profits in the Wilderness* (Chapel Hill: University of North Carolina Press, 1991), pp. 19–20, 74–75. For the circumstances of Waldron’s death, see Belknap, *History of New Hampshire*, p. 127.

variation on customary exchange. The Penacook-Pawtuckets along the lower Merrimack eventually turned to land sales to maintain their consumption levels of European goods when fur values declined in the late 1650s. This consumer activity was largely supported by traders offering liberal credit, a practice common among the English.²⁶

While Francis Jennings cites indebtedness as one of the chief tactics of whites to obtain Indian land, Penacook-Pawtucket deeds betray little of the subterfuge Jennings found elsewhere.²⁷ Until the fur trade declined late in the 1650s, English creditors preferred to be paid in furs, not land. In 1652, Peckanamquit, or Ned Indian, mortgaged all his land near Andover “between ye lands of his Unkle William & his Brother Humphreys” for £30 to Henry Bartholmew of Salem. The condition of the indenture was as follows: if Peckanamquit

shall pay . . . in Merchantable beaver unto ye sd Henery Bartholmew . . . ye full sum of thirty pounds at or before ye tenth of ye fourth mo. next ensueing . . . then this obligation to be void or else to stand in full power force and vertue and *ye land to be valued for payment of soe much of ye said sume as it shall be valued at.*²⁸

²⁶Daniel Vickers has observed the same process at work during the same time period in native land sales on Nantucket. “Because their numbers had been declining since the first European contacts at the beginning of the century, they [the Indians] were willing enough by 1660 to sell the rights to settle on what they saw as functionally surplus land” (“The First Whalemens of Nantucket,” in *After King Philip’s War: Presence and Persistence in Indian New England*, ed. Colin G. Calloway [Hanover, N.H.: University Press of New England, 1997], p. 99). Peter Thomas’s analysis of trade in western Massachusetts along the Connecticut River reveals that inter-tribal warfare of the 1660s as well as overtrapping depressed the fur trade. Indians there as well as the Penacook-Pawtuckets along the lower Merrimack and the Penobscots in Maine eventually turned to land sales to maintain consumption levels of European goods (“The Fur Trade, Indian Land and ‘Environmental’ Parameters,” pp. 364–77).

²⁷Jennings lists several methods used by early settlers to obtain Indian land through some show of legality. These include allowing livestock to forage into Indian crops, forcing the Indians either to move or illegally kill the livestock; getting natives intoxicated and having them agree to and sign deeds they could not read anyway; buying land from an individual without the approval of recognized tribal authority; imposing fines for infractions of English law with lands forfeit if unpaid; and, finally, simply threatening violence (*The Invasion of America* [New York: W. W. Norton & Co., 1976], pp. 144–46).

²⁸Emphasis added; Peckanamquit evidently did not meet the deadline and the mortgage was enforced (Southern Essex County Registry of Deeds, book 10, p. 16).

Since Ned's land was an eight-mile square, it appears that Bartholmew did not believe that sixty-four square miles was worth the full £30. "Wilderness" land held lower value for settlers, who preferred improved and demarcated tracts closer to established villages. If the merchant Bartholmew was ultimately hoping to obtain Peckanamquit's land, he would not have given him such ample opportunity to repay him in furs, particularly in a period when the fur trade was at its peak and pelts were available.²⁹

Alienation of land through debt is rarely mentioned specifically in the extant records of this area, although indebtedness may well have played a role that remains unrecorded. Indeed, indebtedness was the motivating factor in one of the earliest land transactions in the Merrimack Valley. In the late 1650s, Nanamocomuck, older brother of Wonalancet, was imprisoned in Boston for a debt of £45 due an Englishman. To obtain his brother's release, Wonalancet sold his summer habitation on the lower Merrimack near Lowell, an island called Wickasauke. Nanamocomuck fled to the safety of the upper Androscoggin, where he apparently died soon after. Meanwhile, Wonalancet received a grant from the Massachusetts General Court in Chelmsford but continued to plant on the island with permission of the new owner. In 1665, he successfully petitioned the General Court to grant the white owner of Wickasauke 500 acres nearby so that he might regain title to his land. It was unusual for an Indian to be able to buy back his land, but Wonalancet was making an offer the white owner couldn't refuse—500 acres for 60—an offer that once again illustrates Indians' willingness to take extraordinary measures to maintain connections to particular tracts of land.³⁰

The medieval English practice of transferring land "by turf

²⁹David T. Konig, *Law and Society in Puritan Massachusetts: Essex County, 1629–1692* (Chapel Hill: University of North Carolina Press, 1979), chap. 2, "Real Property Litigation," esp. p. 60, where Konig observes that the most valuable land in mid-century Massachusetts was "the largest, choicest, and already cleared tracts," whereas "county probate records indicate that 'wilderness' land . . . was of relatively low value."

³⁰Fox, *History of Dunstable*, p. 21; Kimball Webster, *History of Hudson* (Manchester, N.H., 1913), pp. 36–38.

and twig,” as it is represented in seventeenth-century Massachusetts deeds, reflects another effort by two cultures searching for common ground. By the terms of this vernacular legal agreement, the interested parties met for a brief ceremony during which the seller handed the buyer a clump of sod and a stick from the land being sold. Both the simplicity of this means of land conveyance and its ritualistic predication on memory must have appealed to English and Indian alike. In practice, the agreement also required a great deal of trust. Turf and twig was certainly used more frequently than we can determine since the written record became a competing and corrective method of transfer only by the late 1650s.

Dispensing with the native “encumbrance” to land was only one element in this unique construction of legitimacy. David Thomas König has demonstrated that “[i]n reality, early land use was characterized by inexactness in distribution, inattention to recording, and neglect of the most basic statutory requirements of occupancy and fencing.”³¹ In the imperfectly monitored free-for-all that took place in the coastal towns in the early decades of colonization, dissatisfaction with or contention over granted lands was often settled by simply granting other plots nearby. Frequently, the original lots were not actually relinquished in writing, and deeds went unrecorded for decades. In fact, many deeds were drawn up years after a transaction and only when the tract was to be resold. In the period between 1630 and 1650, many New England farmers held lands they used rarely, if at all. Joint usufruct of outlying tracts was common, and squatting was not only accepted but sanctioned by law. According to a Massachusetts statute of 1657, possession could be confirmed by an undisputed five-year term of occupation. In 1672, this ruling was extended to include land already granted by a town or the General Court to someone other than

³¹David T. König, “Community Custom and the Common Law: Social Change and the Development of Land Law in Seventeenth-Century Massachusetts,” *American Journal of Legal History* 18 (1974): 137–38. Charles Hilkey had commented that “colonial conceptions of property rights were largely English, but when it came to rights in land there were wide departures from the custom and law of the mother country” (*Legal Development in Colonial Massachusetts, 1630–1686* [New York: AMS Press, 1967], p. 123).

the occupier. Some deeds contain clauses that simply dismiss any previous grant without even specifying its location. For instance, in 1657 the Court confirmed an earlier grant of 300 acres "in any place not previously granted by this Court" to Cambridge printer Stephen Day to discharge a debt to him. Another debt was cleared by granting Day 20 acres of meadow from the sagamore of Nashoway "where he can find it free of former graunts." In 1664, Day purchased a parcel near Massapall measuring two miles square from sachems Atoohquon-yake, Muttahanitt, and David Sagamore. No one, in the white records at least, seemed to notice that Day's land measured over eight times what had been granted him.³²

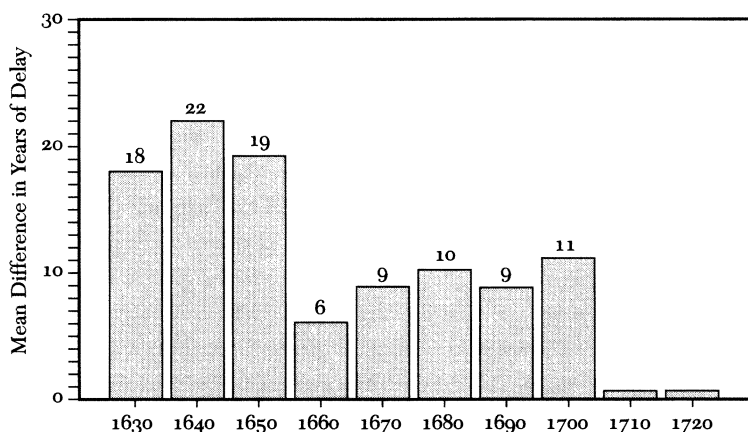
Not only did aspects of early New England land use contradict basic tenets of English common law, but the county court systems were organized to enforce settlements honoring local variations. Essex, Middlesex, and old Norfolk country courts frequently made ad hoc decisions based on equity rather than common law in areas concerning division of commons, legality of fencing, and determinations of title without deeds. In 1672, Edward Colcord of Hampton, New Hampshire, brought a suit against Nathaniel Boulter and Francis Page. The defendants had been cutting grass on a meadow of Colcord's for twelve or fourteen years. When Colcord attempted to press his rights, his case was rejected. The absence of any proof of title or grant from either plaintiff or defendants forced the courts to improvise. Straying into areas of jurisprudence unusual in England, they found for the defendants based on uncontested occupation.³³

Vague delineations of Indian purchases and prices and haphazard recording thus reflects customary English-American practice and does not necessarily denote a discriminatory policy directed against natives. While Indians did occasionally resell the same tract to different white purchasers, either through ignorance of prior sale or overlapping zones of perceived posses-

³²Hilkey, *Legal Development in Massachusetts*, pp. 123–27; Isaiah Thomas, *The History of Printing in America*, ed. Marcus A. McCorison (Barre, Mass.: Imprint Society, 1970), p. 52; deed from Southern Middlesex County Registry of Deeds, book 3, p. 224. For the series of other Massachusetts grants in Dunstable and along the Souhegan to Amherst, see Fox, *History of Dunstable*, pp. 10–12.

³³Konig, "Community Custom and the Common Law," pp. 155, 165–67, 169–79.

TABLE 1
CHANGE IN DELAY BETWEEN SIGNING AND
RECORDING PENACOOK-PAWTUCKET DEEDS



Decade

*All tables are compiled from a database of deeds culled from provincial records and county deed registries in northeastern Massachusetts, southern New Hampshire, and southeastern Maine.

sion, they were not unaware of English significations of tenure. Moreover, white settlers frequently indulged in similar habits among themselves, through accident or design.



After 1660, important shifts in Massachusetts' political and economic context drew increased attention to uniformly obtaining and promptly recording all land transactions, Indian deeds in particular (see table 1). Since the mid-1650s, the availability of good, tillable land was becoming more scarce in the established towns of northern Massachusetts and southern New Hampshire. The former habit of resolving land disputes by simply granting nearby tracts to the aggrieved was no longer an option, and commons were being subdivided and fenced by original proprietors or their heirs. By the early 1670s, not only were more transactions being recorded, but litigation mounted over disputed titles. Old deeds retrieved from household strongboxes, when they existed at all, joined recently fabricated forgeries in a stream of

documentary proof flowing into local courts.³⁴ The 1672 suit of Edward Colcord described above is significant for its timing as well as the legal opinion concluding it.

The increasingly formalized and extended use of the written word in land deals was a significant source of the Indian dissatisfaction that led to King Philip's War. Indeed, conflict over tribal land between Plymouth and Metacom (King Philip) was at the heart of his warriors' decision to make war. In the final third of the seventeenth century, many of the avenues of mediation between white and Indian culture started to collapse. Indians throughout New England were beginning to realize that English intolerance of native ways had become nearly total. The Penacook-Pawtucket's initial exposure to English literacy may have been as magical as James Axtell depicts it among the Indians living along the St. Lawrence River. There, Jesuit priests reported natives were initially as mesmerized by their ability to communicate by writing as they were by other European technologies. Whatever their attitude, however, Indians knew they were complicating English title to their lands when they confiscated the book of records from the town of Kittery, Maine, sometime before 1700.³⁵ An invisible, but very real, line that demarcated cultural toleration had been crossed by the English, and Indian political integrity fractured as different bands and individuals pursued separate strategies in response.

Even for those not inclined to attack the English, land transfer was a lens through which the Indian future could be glimpsed. The will of Mr. Rowls, sachem of Newichewanock (Berwick, Maine) is indicative of changing sensibilities in the early 1670s. He had previously signed deeds in the 1640s recording the sale of a portion of fields along the Great Works River and half the fishing rights to weirs at Great Falls. He now requested that the town sell or give a tract of land to his children so that they would not be destitute after his death. He asked that the transaction be recorded as a public act since he

³⁴Konig, "Community Custom and the Common Law," pp. 155, 165–67.

³⁵James Axtell, "The Power of Print in the Eastern Woodlands," *William and Mary Quarterly*, 3d ser. 49 (1987): 300–309. Petition to the Massachusetts General Court, Nathan Nelsene [*sic*] vs. Sheppard, 7 June 1706, Massachusetts Archives 40:858–59.

predicted that after the war, which he saw as imminent, Indians would no longer be permitted the hunting, fishing, and planting rights reserved in so many Indian conveyances.³⁶

Rowls's will reveals a clear understanding of the shifting terms of intercultural accommodation in the period between 1670 and 1690. It portrays a firm native grasp of the utility of certain white legal procedures, specifically the transcendent authority of the publicly recorded act, at the same time as it betrays a deep distrust of the enforceability of routine usufruct rights that recognized Indian patterns of land use.

Rowls almost surely had good cause to be suspicious. Seventeenth-century records are largely silent about the reliability with which Indians' usufruct rights were honored, but one incident on the Piscataqua River in the early 1670s is telling. The Associate Court of Norfolk County, which included all towns between the Merrimack and the Piscataqua Rivers, records the

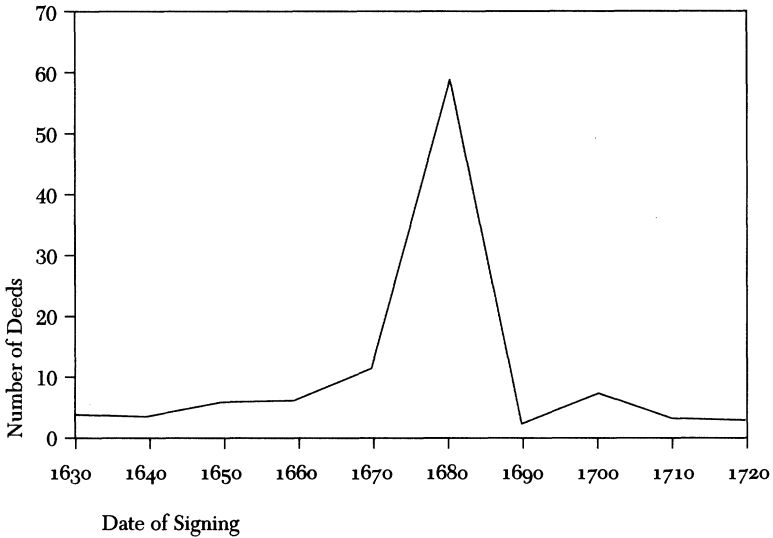
Compl[ain]t of Wahanamanet Sachem of Piscataqua that he is mollested by Summe Englishmen in his Lawfull employment of fishing in the Rivers, Coves & other places & his Cannooes taken from him & his people contrary to the lawes & Liberties allowed to every Inhabitant. . . . It is therefore ordered by this Court that noe Inhabitant ever shall mollest the sd. sachem or any of his people in their lawful employment and if any shall due contrary hereunto, upon his complaint to the Associates, they are desirous to give him relief according to Justice.

Although the court's language appears to support Indian prerogatives, the lack of specifics does not speak to a vigorous enforcement of Wahanamanet's entitlements. It is possible that Indian fishing with traps and weirs was viewed by whites as too effective. The complaint was recorded before King Philip's War, and although the court does not appear to have learned the names of Wahanamanet's persecutors, the Indians undoubtedly remembered who they were.³⁷

³⁶William Hubbard, "A Narrative of the Troubles with the Indians in New England from Piscataqua to Pemiquid," cited by Baker, in "Scratch with a Bear's Claw," p. 245.

³⁷Rockingham County (N.H.) Court Records, vol. 2, p. 91b.

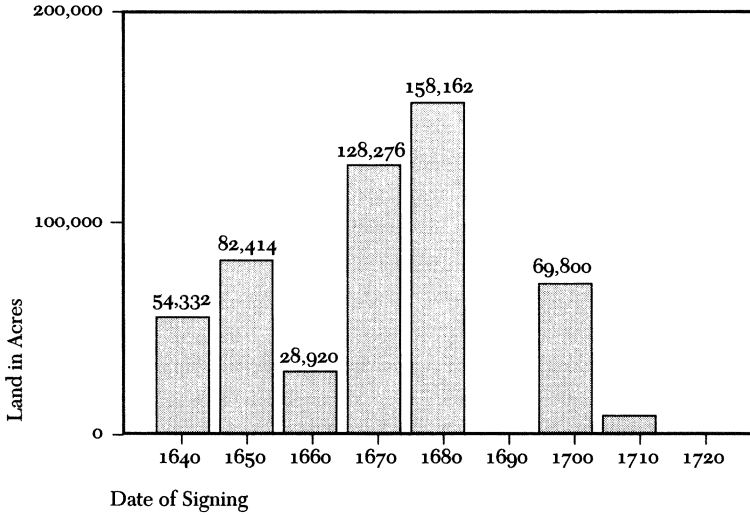
TABLE 2
NUMBER OF PENACOOK-PAWTUCKET DEEDS BY DECADE



A very large percentage of the entire area of the Penacook-Pawtuckets moved into English hands in the ten years between King Philip's War (1675–76) and the decades of conflict initiated by King William's War and Queen Anne's War (1689–1713) (see tables 2 and 3). During the latter period of war, many remote villages in Maine and western Massachusetts were abandoned, and English settlement entered a period of retrenchment, not to resume until after the Peace of Utrecht in 1713.³⁸ Yet even as opportunities for peaceful adaptation were coming to an end, traces of Indian prerogative can be discerned, even though most of these choices involved natives abandoning their traditional homelands, if not their way of life. In the early period, Indians sold tracts they believed they could

³⁸See, for example, "Account of People Dispossessed by the War in Massachusetts Colony," *Collections of the New Hampshire Historical Society*, vol. 3 (Concord, N.H., 1824; reprinted 1871), p. 101; Yasuhide Kawashima, *Puritan Justice and the Indian* (Middletown, Conn.: Wesleyan University Press, 1986), p. 87; Belknap, *History of New Hampshire*, p. 133.

TABLE 3
PENACOOK-PAWTUCKET LAND
TRANSFERRED IN ACRES BY DECADE



do without, and they retained well-defined areas for planting, fishing, and hunting as needed. After the defeat of King Philip's insurgents, whole villages and surrounding regions were abandoned as Indians were forced into Indian towns organized by the English.³⁹ Many of the transactions that appear in the registries of this period as simple land transfers were actually clearance sales as refugees sought to gain whatever they could before choosing among options that did not necessarily include living in the midst of English settlers.⁴⁰

³⁹Order of the General Court, October 12, 1681: "it is ordered by this Court . . . that all Indians that belong to this jurisdiction, except prentises or covenant servants . . . are to live among . . . the government of the Indian rulers of Naticke, Punkapauge, or Wamesit which are places allowed by this Courte & appropriated for the Indians to live in, where there is land sufficient to improve for many families more then are of them; and if any shall refuse to comply with this order, it is refered to the selectmen of every toune . . . to send such Indian or Indians to the house of correction or prison untill he or they engage to comply with this order" (*Records of the Governor and Company of the Massachusetts Bay in New England*, vol. 5: 1674–86 [Boston, 1853], pp. 327–29).

⁴⁰Jean O'Brien examines the continuation of Indian assertiveness in retaining control of their land after King Philip's War in *Dispossession by Degrees: Indian Land and Identity in Natick, Massachusetts, 1650–1790*, esp. chap. 3, pp. 65–90, but most of this legal maneuvering was confined to lands within these designated Indian towns.

Teleologic assessments of historical processes can be deeply ingrained and represent the greatest challenge to appreciating the contingency of events in the past. Our perspective on the loss of Indian territories in the first century of colonization has tended to collapse the development into its eventual result. As accurate as this overall assessment of dispossession may be, the perspective of the native participants over the course of what was an extended process must be considered. There is no question that English traders, magistrates, and speculators increasingly dictated the tenor of intercultural dialogue. However, when the circumstances and context of many Penacook-Pawtucket land transactions are understood in their own terms, a more complicated picture emerges. By the mid-1600s, every Indian had known for years how the English used the land they acquired and how slim were the chances of whites sharing that use. Most Indians well comprehended the implications of their land sales, but they saw their transactions as beneficial for their future as well as compellingly expedient. A framework of collective defeat has been applied by historians only with the benefit of hindsight.⁴¹

Appeasing Indians was a vital concern for all Englishmen living in Massachusetts who valued their investments and their lives, and so the theory and ethics of formulating land policies with the natives was a pressing issue of the day. Noted Indian sympathizer Roger Williams was critical of Puritans who believed they had a right to native lands, and Puritan traditionalist John Cotton responded with a disclaimer in his tract *The Bloody Tenant, Washed and Made White in the Blood of the Lambe*:

⁴¹Recent historiography in Native American studies has begun to emphasize a much finer examination of inter-societal exchange in very specific contexts. Close attention to legal, religious, and government documents has frequently revealed initial periods, of varying duration, where Europeans and Indians coexisted on much more even terms of power. See, e.g., Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815* (Cambridge: Cambridge University Press, 1991); Daniel Usner, *Indians, Settlers, and Slaves in a Frontier Exchange Economy* (Chapel Hill: University of North Carolina Press, 1992); and Colin Calloway, *Dawnland Encounters: Indians and Europeans in Northern New England* (Hanover, N.H.: University Press of New England, 1991).

[I]t was neither the Kings intendment, nor the English Planters to take possession of the Countrey by murther of the Natives, or by robbery: but either to take possession of the voyd places of the Countrey . . . or if we tooke any Lands from the Natives, it was by way of purchase, and free consent.⁴²

Cotton's appraisal of New England was binary—some land was owned by the natives and some land was not. But even in his thinly veiled declaration of manifest destiny and his characterization of natives as violent, subordinate, and unchristianized, Cotton nonetheless stresses the doctrine of native consent.

Indians' sale of their traditional territories constitutes, after disease, the most crucial aspect of their contact with English settlers. Alienation of native lands was more permanent and invasive than any other adaptation such as converting to Christianity or learning English artisan skills. The various bands of the Penacook-Pawtuckets experienced this disruption at different times. In general, the bands of the lower Merrimack came into sustained contact with settlers before the bands of the upper Merrimack, resulting in a lesser degree of autonomy and different tactics of adaptation. During the first half-century of English occupation, these Indians exercised their option to sell land they thought expendable at the time and for which they secured certain rights of ongoing importance. Thus, Indian land conveyances, which at the time Indians considered self-interested attempts at stabilization and survival, in later years appeared to be signposts of eventual dispossession. As the ensuing decades of the seventeenth century brought new European immigrants, new generations, and widespread racial tensions, the legal acknowledgment of Indian rights grew increasingly superficial. In the final analysis, the question of how the Penacook-Pawtuckets understood the new relationship to the land forced

⁴²John Cotton, *The Bloody Tenant, Washed and Made White in the Blood of the Lambe* (London, 1647), in *Roger Williams and the Massachusetts Magistrates*, ed. Theodore P. Greene (Boston: D. C. Heath, 1964), pp. 8–9. Roger Williams dissented from Cotton's opinions by publishing *The Bloody Tenant Yet More Bloody by Mr. Cotton's Efforts to Wash it in the Blood of the Lambe* (see *The Complete Writings of Roger Williams*, vol. 2 [New York: Russell and Russell, 1963]).

upon them resolves into a question of to what degree, when faced with rampant violations of previous agreements, they were surprised.

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