

# Chebacco

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Please address all inquiries to:

Mount Desert Island Historical Society

P.O. Box 653

Mount Desert, ME 04660

[tim.garrity@mdihistory.org](mailto:tim.garrity@mdihistory.org)

[www.mdihistory.org](http://www.mdihistory.org)

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Plan of the French Grant on Mount Desert, created by John and James Peters, 1807, showing the "John Thomas 100 Acres" of which Comfort Thomas Farm was part. *Courtesy of Bar Harbor Historical Society*

## *Owning the Dawnland: Shells and Maps, Misdeeds and Deeds*

By Erick Schenkel and Daniel Schenkel

Our search began with two artifacts. The first was a yellowed hand-drawn map of Comfort Thomas Farm, the property on which our house stands. Comfort Thomas was the grandson of John Thomas, who settled on the northeast shore of the island in 1770, just eight years after Abraham Somes settled at what we now call Somesville.<sup>1</sup> The second was a remnant of an ancient shell heap, pointed out to us by our neighbor. Its exact age is unknown to us, but it hearkens back to the Wabanaki people who gathered clams, crabs, and mussels on this shore for many generations.<sup>2</sup> Who lived here before us? Who owned this land before our family? What do their lives speak into our commemoration of the founding of Maine in 1820?

In September 1820, six months after Maine became a state, Governor William King hired one Joseph Treat to survey the state's interior, the northern border of which was the subject of dispute with New Brunswick. The expedition was guided by John Neptune, a legendary Penobscot leader. John Neptune was a larger than life figure — a revered shaman with a charismatic personality and a powerful physique. In 1816, when he was forty-nine years of age, the Penobscot people chose him as one of their two leaders, and he served well into his nineties.<sup>3</sup> Pioneer ethnographer, Fannie Hardy

Eckstorm, has recorded the tales of his m'teoulin (magic) powers, his mythic battle with the monster Wiwilamecq, and his relationship with the storied medicine woman Molly Molasses.<sup>4</sup> Neptune's long experience as a hunter and woodsman was essential to Treat's successful survey of the Wabanaki homeland. Only Native people knew the land; they had migrated across it season after season, hunting the woods, fishing the lakes, rivers, and streams, setting up camps and cultivating small fields as they followed the seasonal cycles of its flora and fauna.

John Neptune certainly knew Mount Desert Island. An old canoe route down the Penobscot River and along the coast past the Blue Hill peninsula connected Indian Island with Mount Desert Island, an annual site of Penobscot habitation. The Neptune family was a "saltwater family" who probably spent significant time on the coast. As one of the most prodigious hunters of his day, John, who "seems to have gone where he willed," would no doubt have been to the island often. Could he have contributed to our shell heap?<sup>5</sup>

John Neptune served as the official spokesperson of the Penobscot people at their initial meeting with the new state government. Governor William King opened the meeting with a greeting: "Our chiefs no longer reside in Boston; this is a convenience to you. ... We shall now consider you as our children; you will have everything from us, if you request it, which our friends at Boston promised you, but you must say to them, you depend on us alone."

John Neptune, speaking for the Penobscot delegation through an interpreter — though he knew sufficient English to have communicated adequately



Governor John Neptune (1767–1865), Penobscot, wearing peace medal, circa 1820, Obadiah Dickerson. *Courtesy of the Maine State Museum*

— diplomatically parried the Governor's condescension: "I thank your honor for the good you say. You see us well today. Christ is our Savior as yours. He is the same to us all — no difference of color. The same Heaven is for the black men and the white men." After deftly rebuking the European from the tenets of the Christian faith, Neptune got right to business. "One thing I wish to say today. Perhaps we get nothing for it. The white people take the fish in the river so that they no get up to us. ... If you can stop them so that we can get fish too we be very glad." Neptune had been part of the tribal negotiations throughout the 1780s and 90s that resulted in the Penobscot people losing their land at the mouth of the Penobscot. Now he was repeating their ongoing complaint over the settlers' troublesome development of the Penobscot River, including the building of dams for sawmills.

Neptune then turned to Penobscot complaints about the settlers' hunting practices and timber harvesting. The "white men" took all the game, both young and old, while the Natives took only some of the mature animals. Long ago, a hunting party that included a young Neptune had tried to explain Native stewardship practices to the English: there was a rule to "hunt every third year and kill 2/3 of the Bevier, leaving the other third part to breed." The settlers, in their competition with one another, seemed to follow no rules at all. The settlers were also taking all the timber, using oxen to haul the trees. "We wish your government to stop the white men from hunting — put their traps in

their chests. Let the white men have the timber and the Indians have the game."<sup>6</sup>

Neptune's words on this first Wabanaki encounter with the State of Maine provide a snapshot of the conflict between the people of the map and people of the shell heap: the settlers were rapidly building their economy oblivious to the consequences, while the Native people were struggling to continue the life they had known on the land for generations.

#### *Chronology of Dispossession: Misdeeds and Deeds, 10,000 BCE to 1820 CE*

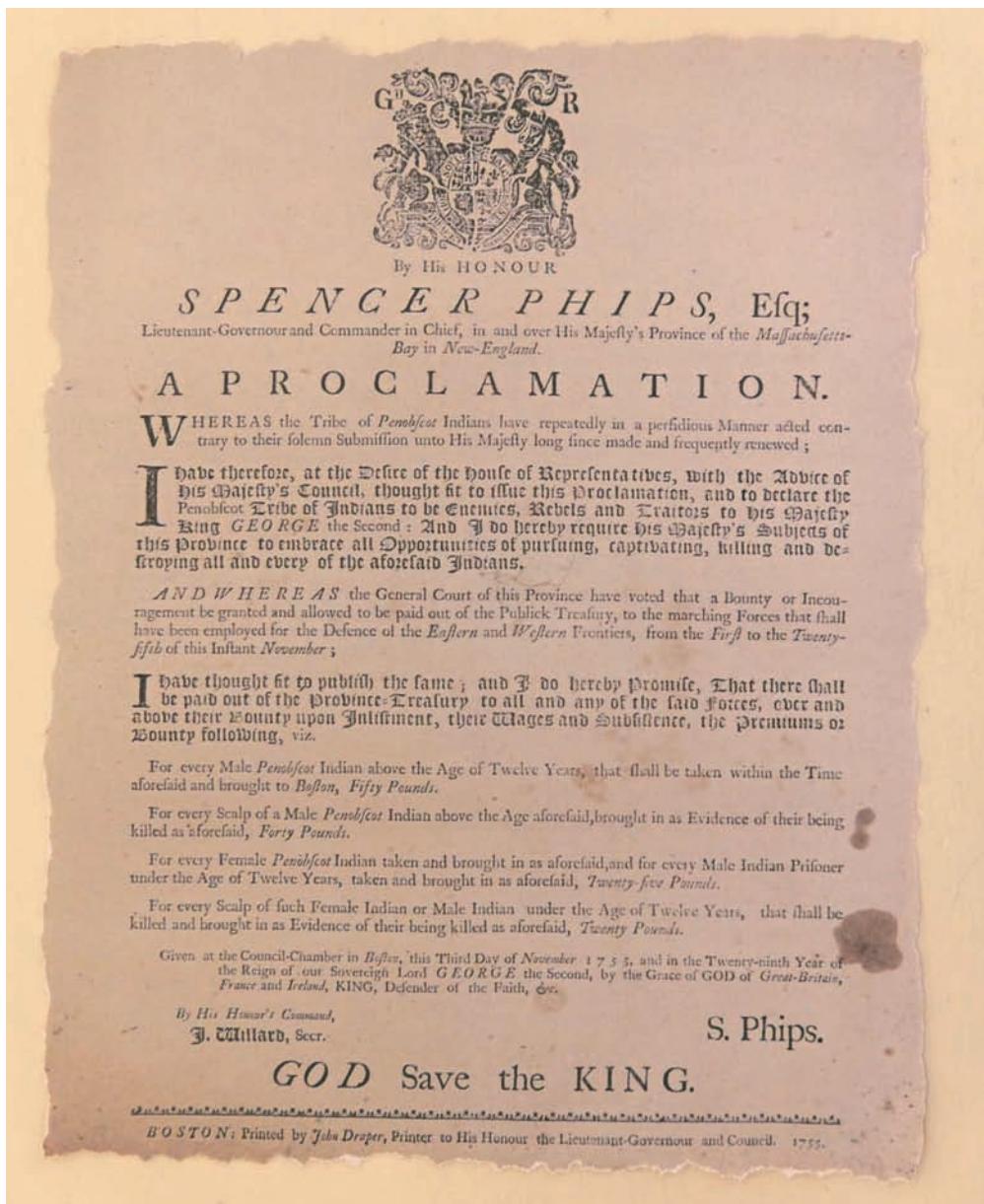
The earliest signs of human life in Maine date back 12,000 years, and archaeologists tell us that 3,000 years ago, Wabanaki peoples were living in a forest ecosystem much like our own.<sup>7</sup> Penobscot presence on the island was often noted by the earliest European visitors. In 1604, Champlain found Native men who had "come to the island to hunt beavers and to catch fish." In 1613, the Jesuit, Father Pierre Biard, was forced onto Mount Desert by fog, where he met Penobscot whom he knew from an earlier visit to their Penobscot River village. These Natives enticed him to a place nearby with the ruse that their sakom, Asticou, was dying and in need of baptism, and then persuaded him to stay and plant the short-lived Saint Sauveur settlement there.<sup>8</sup> At this time, the Wabanaki called the island Pesamkuk and used it primarily for hunting and fishing, with Penobscot and Passamaquoddy traveling in seasonally by canoe from their cultivated inland fields and settlements. Perhaps it was then that Native peoples

began our shell heap as they told stories, danced and feasted on the bounty of the Mount Desert Narrows.

The incursion of Europeans brought several devastating events into the lives of the Wabanaki. The first was sickness. Epidemics that began as early as 1616–19 swept through the Wabanaki people, who had no immunity to diseases such as measles, influenza, typhus, yellow fever, and smallpox. In the early seventeenth century, the population of Wabanaki in Maine dropped from 20,000 to about 5,500.<sup>9</sup>

The second devastation was war. As waves of European settlers continued, tensions arose over land ownership and land use. In 1675, King Philip's War broke out at Massachusetts Bay colony and spread northward. Mount Desert was then a winter hunting ground for the Penobscot sakom, Madockawando, and it was here that he held the English prisoner, Thomas Cobbet, who had been seized at Cape Elizabeth. Six periods of war followed this first outbreak, driven by the competition for colonial power between the French and the English. The fighting continued until 1760, with Mount Desert serving as a meeting place for Native warriors and French allies with their enormous ships. One of the most tragic moments for Natives occurred in the year 1755, when Massachusetts Lieutenant Governor Phips, acting with "His Majesty's" authority, issued a proclamation giving settlers freedom in "pursuing, captivating, killing, and destroying all and every" one of the remaining Penobscot people — with generous bounties paid for Native scalps. The devastation of war accounts for the fact that the earliest English settlers, who arrived on the island after peace was established, did not find Wabanaki presence worthy of mention.<sup>10</sup>

The third devastation for the Wabanaki people was Euro-American settlement, which crowded them out and made traditional ways of life increasingly difficult. By the end of the eighteenth century, too



Facsimile of the 1775 Spencer Phips Proclamation that encouraged settlers to "embrace all opportunities of pursuing, captivating, killing, and destroying all and every" Penobscot person. *Courtesy of the Upstander Project, photo by Jeremy Dennis (Shinnecock)*

few in number to resist the incursion, the Wabanaki peoples were forced to accept small parcels of land in return for ceding all claims to the rest of their territory. In separate treaties signed with the Penobscot and Passamaquoddy peoples, Massachusetts forcibly reduced the Penobscot land to one hundred thousand acres centered at Indian Island on the Penobscot River, and the Passamaquoddy to twenty-three thousand acres on the upper Schoodic River and fewer than one hundred acres at Pleasant Point. European-American settlement made high demands on the natural resources of the land, including the trees, the animals and the fish. The native forest, ten thousand years in formation, was harvested in a period of two hundred years by settlers, hungry for lumber for their houses and industries, who cleared land for crops and livestock.

When Abraham Somes arrived on Mount Desert, there were fifteen thousand white settlers living in Maine, and the Commonwealth of Massachusetts was anxious to see the number increase. In 1762, the General Court of Massachusetts made a grant to Governor Bernard of one-half the island of Mount Desert and he began to settle claims and issue deeds to squatters. After the revolution, the granddaughter of French explorer Cadillac, Maria Therese de la Mothe Cadillac de Gregoire, with the assistance of the Marquis de Lafayette, obtained the other half of the island from the Massachusetts court, based on Cadillac's seventeenth-century deed. John Thomas secured his deed from de Gregoire on

October 18, 1792. At that time, Mount Desert Island was still being used by the diminished populations of Native peoples for fishing, clamping, and hunting, as it had been used for generations, but the settlers' way of life was squeezing them out. Deeds were piling up faster than mollusk shells.<sup>11</sup>

By 1820 the total population of Maine was 298,335. There were 1,300 settlers on Mount Desert, farming, lumbering, fishing and shipbuilding. The new state's officials estimated that there were only 360 Penobscot in Maine.

#### *Interpreting Dispossession: Understandings and Misunderstandings*

William Cronon, a noted environmental historian, sums up the economic changes brought to this continent by Europeans as the replacement of "a village system of shifting agricultural and hunter-gatherer activities by an agriculture which raised crops and domesticated animals in household production units that were contained within fixed boundaries and linked with commercial markets."<sup>12</sup> Cronon observed that English property systems "encouraged colonists to regard the products of the land — not to mention the land itself — as commodities."<sup>12</sup> John Locke famously wrote, "In the beginning, all the world was America," a place of subsistence farming in the "wild Common of Nature." But, with the growth of commercial markets, the value of land came to be measured by its utility. Timothy Dwight wrote in 1821 that the Indians had not yet learned to love property. "Wherever this can be established, Indians may be civilized; wherever it cannot, they will still remain Indians."<sup>13</sup> Dwight could not appreciate the Natives' deep love for the land, because they did not love it as property.

Not only were Natives caught up in the emergence of the European economic system, they

were also enmeshed in the development of its legal system. Stuart Banner has traced the convoluted legal process by which Native peoples lost their land to European settlers, with special focus on the question of how European settlers viewed the question of Native land ownership. He argues that in colonial times, most settlers assumed that Native peoples owned the land and relied heavily on the concept of "purchase" from individual Indians to support their property rights. Banner acknowledges that there were rival views: some felt that Christians could simply seize the lands of non-Christians — as when Increase Mather wrote of "the Heathen People amongst whom we live, and whose Land the Lord God of our Fathers has given to us for a rightful possession." Others argued that European conquest gave any European the right to seize the lands of the vanquished Indians. But Banner concludes that during early colonial period, "[f]rom Maine to Georgia, the ordinary way to acquire Indian land was to buy it." Many purchases of Indian land were made under fraudulent circumstances, for unfair prices or from Native persons not authorized by tribal authority to sell the land; nevertheless, the settlers attributed to the Native peoples a right of ownership.<sup>14</sup>

The European view of Native land ownership began to change, however, after the French and Indian War. The British government, as a means of controlling further settlement, claimed for itself the sole right to control the purchase of Native lands. After the Revolution, the United States government assumed this right.<sup>15</sup> Then in 1823, in *Johnson v. M'Intosh*, the Supreme Court, held that the original "fee simple" owner of all the country's land was not the Indians, but the United States government. This decision affirmed a recent legal contention that the Indians held only a "right of occupancy" to lands on which they lived, not the right of ownership. In his majority opinion, Chief Justice John Marshall relied on the "discovery doctrine" — European

countries held sovereignty over lands they discovered and held by conquest. This was the end of European acknowledgment of Native claims to ownership and remains United States law to the present. In 1980, the Maine Indian Claims Settlement Act resolved through a financial settlement all outstanding claims of the Penobscot, Maliseet, and Passamaquoddy peoples to lands beyond those reserved by treaty.<sup>16</sup>

As important as these economic and legal issues were to land ownership, something more fundamental lay beneath the surface — a colossal clash of cultures. The Wabanaki simply understood "land" and "property" much differently than the European settlers. To the Wabanaki, land was not a commodity that you owned, it was something with which you had a relationship. Land was alive; rivers, stones, mountains, valleys had personalities; they were full of animals who also had spirits. Wabanaki people describe this as "a unique way of knowing," an interconnectedness to nature that results in a knowledge of and respect for all living things.<sup>17</sup>

Joseph Nicolar, the grandson of John Neptune, wrote in 1893,

Three things of Klose-kur-beh's teaching are held more sacred than all others. The first was the power of the Great Spirit. Second, the land the Great Spirit gave them, they must never leave, and third, they must never forget their first mother, but must always show the love they have for her.<sup>18</sup>

Treaty of 1794 Between the  
Passamaquoddy Tribe  
and the  
Commonwealth of  
Massachusetts

Whereas by a resolve of the general  
Court passed on the 26th day of  
June last in behalf of this  
Commonwealth to negotiate and  
settle any misundersstanding  
dispute or difference which may  
subsist between the  
Commonwealth and the  
Passamaquoddy Indians and  
those other tribes connected with  
them with full power and authority

Gina Adams, Passamaquoddy 1794 Broken Treaties Quilt, 2016. In the words of the artist in the "Holding Up the Sky" exhibit at the Maine State Museum, "Sewing together injustice with an object of comfort stirs deep emotion." Courtesy of the artist

One could enter into the relational context of a place, but one could not possess it or control it or dominate it in the way European-background people imagined. When the eighteenth century Wabanaki leader, Polin, traveled to Boston to protest the damming of the Presumpscot River, he referred to it as "the river to which I belong," not as the river which belongs to me, or even us.<sup>19</sup> When Wabanaki entered into agreements that gave Europeans "ownership" of a particular parcel of land, they could not have imagined that the Europeans would have "rights of private property." They thought they were inviting settlers into shared use of the land with both human parties respecting one another and respecting the land itself.<sup>20</sup> Contrast this with the values reflected in Massachusetts Bay Colony charter, which gave the colony the right,

To have and to houlde, possesse, and enjoy all and singular the aforesaid continent, lands, territories, islands, hereditaments, and precincts, seas, waters, fishings, with all and all manner their commodities, royalties, liberties, prehemynences, and profits.<sup>21</sup>

This relationship to the land, characterized by belonging to and responsibility to, as well as reliance upon, persists to the present among the Wabanaki. A present-day tribal official describes this as "what defines us as tribal people."<sup>22</sup> Sherri Mitchell, Penobscot attorney and activist writes:

We have the right to live unencumbered on this land, with full access to the sources of our survival, such as food, water and shelter, as long as we uphold our responsibility to live in balanced harmony with the rest of creation. ... The notion of fragmentation is tied to the ideology of conquest and the Euro-American

beliefs on land ownership. The belief that the world is a commercial resource that can be broken into saleable pieces is contrary to the indigenous belief of the world as the source of our survival. ... We have lost sight of the fact that there is an inherent value in creation that exceeds our selfish desires.<sup>23</sup>

### *Commemoration*

Commemoration is an exercise in "remembering together." It requires that we hear all the voices that come to us from our past, from 1820 and before.

Who, then, owned our property? What do they have to say to us?

For more than 200 years, it has been owned, Euro-American style, by an unbroken chain that can be traced at the Hancock County Registry of Deeds. Our old yellowed map attests to its boundaries.

At the same time, Native peoples testify to another reality: the land can never be owned; it cannot be dominated and shaped to our purposes. The island is what she is and we adjust to the realities she presents us. We eat of her bounty and add to her shell heaps. We yield to her beauty and to her seasonality. And we are one community with all who love her.

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*Albert Frederick Schenkel earned a PhD in American Religious History from Harvard University and is the author of "The Rich Man and the Kingdom: John D. Rockefeller, Jr., and the Protestant Establishment. His career includes sixteen years in academic and non-profit management in the Middle East, ten of those years at the Uzbek State University of World Languages in Tashkent, Uzbekistan. He splits his*

time between Bar Harbor and Orlando, Florida.

*Daniel Paul Schenkel is president of the California Housing Foundation in Redlands, California, which provides housing for people with developmental disabilities. He holds a master's degree in Global Business Administration from the University of Redlands, a bachelor's degree from Calvin College in Michigan, and is currently working on a law degree. His favorite days each year are spent fishing in Seal Cove Pond.*

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1. George E. Street, *Mount Desert: A History*, ed. Samuel A. Eliot (Boston: Houghton Mifflin, 1905, 1926), 160. One report placed Thomas on the island as early as 1763, while a family poem dates his settlement as 1773. Richard Walden Hale, Jr., *The Story of Bar Harbor* (New York: Ives Washburn, 1949), 77.
  2. The Wabanaki peoples include the Abenaki, Maliseet, Micmac, Passamaquoddy and Penobscot nations. The word Wabanaki is derived from the Algonquian words waban ("light" or "white," referring to the dawn in the east) and aki ("land") — Dawnland People. When general descriptive names are used, we will follow the lead of Native scholars in using the terms "Indigenous" and "Native," except when quoting others.
  3. When Neptune took this role, the Penobscot people called their Chiefs "Governor" and "Lieutenant

Governor." By Penobscot tradition, the first leader was from a land animal clan — in Neptune's day this was Governor John Attean, a squirrel — and the second from an aquatic animal family; John Neptune was an eel. There may not have been a clear distinction in rank between these two. See Neil Rolde, *Unsettled Past, Unsettled Future: The Story of Maine Indians* (Gardiner, ME: Tilbury House, 2004), 212–14.

4. Fannie Hardy Eckstorm, *Old John Neptune and Other Maine Indian Shamans* (1945), *A Marsh Island Reprint* (Orono, U of Maine, 1980); see also "Penobscot Chiefs and Governors from Earliest Times," U of New England, <https://www.une.edu/sites/default/files/1-penobscothistoricinfo5-IndianRepChiefGovernorhisitoryStevensletter.pdf>
5. James E. Francis shared the canoe route in conversation on July 1, 2019; Eckstorm, 9; Harald E. L. Prins and Bunny McBride, *Asticou's Island Domain: Wabanaki Peoples at Mount Desert Island*, vol 1. (Washington, DC: National Park Service, December, 2007), 230, 252–7.
6. *Eastern Argus* 17, no. 891 (Portland, ME), Tuesday, July 11, 1820, 3 and *Hancock Gazette* and *Penobscot Patriot* 1, no. 3 (Belfast, ME), Thursday, July 20, 1820, 2, quoted in Micah A. Pawling, *Wabanaki Homeland and the New State of Maine: The 1820 Journal and Plans of Survey of Joseph Treat* (Amherst: U of Massachusetts, 2007), 280; Pawling and Prins attest that the term "black men" probably referred to Native people, in Pawling, 280; Cited in Wendell S. Hadlock and Butler, Eva L., *A Preliminary Survey of the Munsungan-Allagash Waterways, Bulletin VIII* (Bar Harbor: Robert Abbe Museum, 1962); Ibid., 17–18; and in Prins and McBride, *Asticou's*, 229.
7. Wall text, "Thousands of Generations at Pesamkuk," People of the First Light, Abbe Museum, Bar Harbor, 2016.
8. Street, 59–99; Nellie C "Mrs. Seth S." Thornton, *Traditions and records of Southwest Harbor and Somesville, Mount Desert Island, Maine* (Auburn, ME: Merrill & Webber, 1938), 1–23; Prins and McBride, 91–230.
9. American Friends Service Committee, *The Wabanakis of Maine & the Maritimes* (Philadelphia: American Friends Service Committee, 1989), A-8-9.
10. The six periods of war were King William's War (1688–1697), Queen Anne's War (1702–1713), Dummer's War (1722–1725), King George's War (1744–1748), Father Le Loutre's War (1749–1755), and French and Indian War (1754–1763). See Michael Dekker, *French and Indian Wars in Maine* (Charleston, SC: The History Press, 2015); Street, 70, 99.
11. Stuart Banner, *How the Indians Lost Their Land: Law and Power on the Frontier* (Cambridge: Harvard UP, 2005), 27–29; Street, 102–36; "Early Records of the Plantation of Mt. Desert: Biographical Sketch: The Thomas Family," *Bar Harbor Times*, January 23, 1915, 2; [http://mdihistory.org/Cultural\\_History\\_Project/htdocs/MDIdeeds/PP-A3.htm#6:260](http://mdihistory.org/Cultural_History_Project/htdocs/MDIdeeds/PP-A3.htm#6:260).

12. William Cronon, *Changes in the Land: Indians, Colonists and the Ecology of New England* (New York: Hill and Wang, 1983) 160–1.  
See Daniel K. Richter, *Facing East from Indian Country: A Native History of Early America* (Cambridge: Harvard UP, 2001) for an insightful telling of the story from the Native perspective.
13. Cronon, 80.
14. Banner, 10–29, 104–8, 150–1, 172–8; quotation on 26.
15. Most notably in the Indian trade and Intercourse Act of 1790.
16. Banner, 178–90.
17. Wall text, "Respect for All Living Things," Abbe Museum.
18. Joseph Nicolar, *The Life and Traditions of the Red Man (1893)*, ed. Annette Kolodny (Durham: Duke UP 2007), 39, 102; Klose-kur-beh (also Gluscap, Gluskabe), "the man from nothing," is the major cultural hero of the Wabanaki peoples.
19. Friends, A-16; Polin to Governor Jonathan Belcher, quoted in wall text, "The River To Which I Belong," Holding up the Sky, Maine Historical Society, Portland ME, 2019.
20. Lisa Brooks, *Our Beloved Kin: A New History of King Philip's War* (New Haven: Yale, 2018), 22, 41.
21. The Charter of Massachusetts Bay (1691), *The Avalon Project: Documents in Law, History and Diplomacy*, Yale Law School, [https://avalon.law.yale.edu/17th\\_century/mass07.asp](https://avalon.law.yale.edu/17th_century/mass07.asp).
22. David Banks, Penobscot Nation Dept. of Natural Resources, in "The Penobscot: Ancestral River, Contested Territory," Maine Public Community Films, 10:19–36 minutes. <https://www.pbs.org/video/mpbn-community-films-penobscot-ancestral-river-contested-territory/>.
23. Sherri Mitchell, *Sacred Instructions: Indigenous Wisdom for Living Spirit-Based Change* (Berkeley: North Atlantic Books, 2018), 87, 182–3.