

Wulustuk Times

Wulustuk - Indigenous name for St John River

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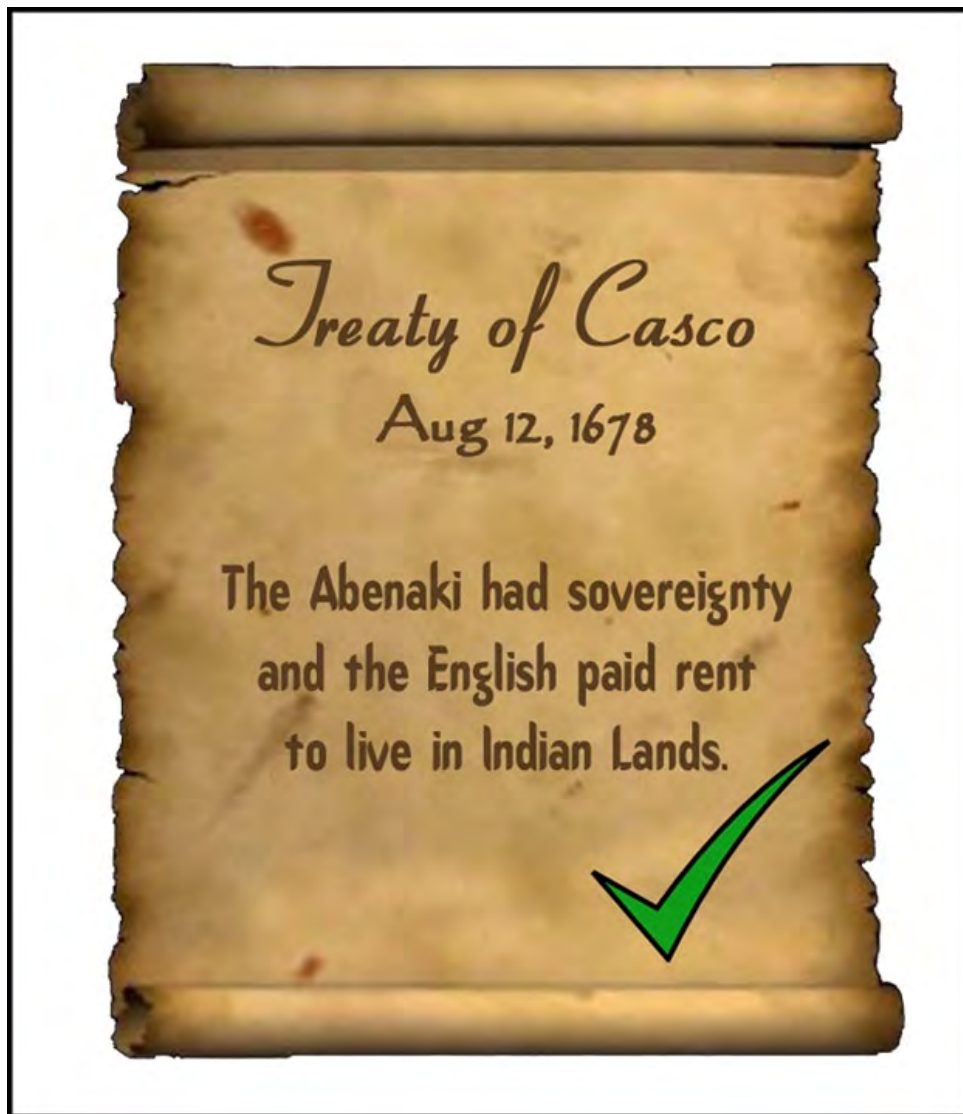


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Wulustuk Times:

Each month we gather and publish the latest, most relevant native information for our readers. Proceeding with this concept we feel that a well informed person is better able to see, relate with and assess a situation more accurately when equipped with right data. Our aim is to provide you with the precise tools and information possible.

From Peace and Friendship to Swindled Victims (Part 2 of 4)

Part 2 - Written Treaties and Deeds

In Part 1, I examined traditional oral agreements of the First Nations with the French and showed how they have been overlooked by the English, and how assimilation and residential schools have erased them from oral tradition. Now I will examine the written treaties with the English, selecting some which are historically more noteworthy for the "St. Johns Indians" as they were identified in treaties. Today they are generally called Maliseets by their language, and Wolastoqiyik by their river territory, the Wolastoq or W^olast^okw. The wars between England and France over territory here in New England and New France continued to alternate as one defeated the other for nearly a century. The battles were not only being fought here in North America but also in Europe, the origin of all these conflicts. The First Nations in this land had their traditional enemies to confront with before the Europeans came, and now their land was becoming a battleground for overseas foreigners. The English would defeat the French and seize regions of New France, then after more battles some or all of it would be returned to the French. Nobody can explain how these foreign nations came to claim this land in the first place except for the controversial "doctrine of discovery" that was used for centuries to justify seizing Indigenous lands and subjugating the peoples. The King being a Christian monarch, had authority over a continent of "heathen peoples." Treaties involving land possession such as the Treaty of Utrecht (signed in the Netherlands) were being made between the French and English. Initially in North America, agreements with the First Nations did not involve land, but were about peace, friendship and trading. Later when the English arrived to establish colonies, they introduced written "deeds" for buying and selling land, but as a precursor to this they employed "deeds of submission" to the English Monarch for protection of the Indian Nations and their lands. This was a subtle way of taking over their lands in a seemingly peaceful and trustworthy manner. The French never did this. The French had oral agreements for peace, friendship and trading. The English insisted on making legal "paper" agreements, and of course, applying the rules of their complex legal system, but these First Nations could not read nor write let alone understand the legal jargon. All negotiations and agreements were written by the English and interpreted and translated for the various First Nations, often by John Gyles. Gyles was the nine year old English boy who was taken captive in Pemaquid, Maine (today Bristol) by Chief Madockawando's war party. Young Gyles was taken to Meductic on the St. John River where he lived as a captive slave with the "St. Johns Indians" for six years from 1689 to 1695. Then, as common practice, he was sold to a French family with whom he lived until after the peace of Ryswick (Sept 20, 1697), at which time he was returned to the English in 1698 at age eighteen. His experience with Maliseet, Mi'kmaw and French dialects made young Gyles of great value to the English authorities as an interpreter.

The English treaty process with the "heathen" Eastern Indian Nations (both Wabanaki and Wampanoag) was a one sided strategy using only the laws and procedures of the English Crown since they claimed they ruled all this land, their "dominion." The Eastern Indians depended completely on interpreters to help them understand the legalese in the conferences and treaties. This put them at a great disadvantage, especially since many of the legal terms and concepts did not exist in their languages. In the 1940s Tappan Adney of Upper Woodstock, New Brunswick started blowing the dust off the old treaties hidden away in archives and began taking a close look at them. The land issues, loss of their language

and culture, and changes to the Indian Act became his sole passion in life, his *raison d'être*, until his death in 1950. Adney wrote about the Maliseets and their treaties: "...how, as a sovereign people in the terms of the treaties, they merely gave the English permission to settle and trade in a country recognized as theirs, and how now it would seem to be the white man who gives the Indian permission to live here! The question of who owned New Brunswick was merely one between the English and the French [with which] the Indian had no concern." He started the ball rolling, researching treaties, Maliseet natural history and language, lobbying politicians, submitting briefs to Indian Affairs in Ottawa, fighting for aboriginal rights, and pushing for specific changes to the Indian Act. In using the 1725 treaty in a court case, Adney was enraged when it was not allowed to be presented because the treaty had been made with the "St. John River Indian Tribe" and a group of that name no longer existed. Instead there were six Maliseet bands and chiefs on six reserves, but no unified tribe with one grand chief. So he went to great lengths to get the chiefs of the six Maliseet "bands" to unite and reconstitute the "St. John River Indian Tribe - Wulastooks" so that the old treaty could become valid again. Chief William Saulis of Tobique First Nation and Peter Paul of Woodstock First Nation were two of his closest advisors and confidants. Because of Adney's passion and his relentless determination, today the treaties are being scrutinized closely as aboriginal title to the First Nations' traditional lands are being challenged in courts as high as the Supreme Court of Canada.

Keep in mind as you read the following treaty examples that the Eastern Indians didn't understand the concept of purchasing or owning the land. Under their system an area of land was shared, never "owned" by one person or family. If that family moved to a new location, then another person or family could freely occupy the vacated spot. A sale of land by them to the English was regarded to be a type of rent or lease for the English outsiders to have permission to dwell there and trade with them, and perhaps to build a truck house (trading post) near them. They expected they could get paid this occupancy fee every time someone new wanted to use their land. Land could not be sold to someone permanently. It was a gift from the creator they reasoned. It could be shared but not sold. Deeds with boundary descriptions of land for one person or one family were foreign to them. The English were aware of this so they started with deeds of submission for protection, which the Indians would more readily accept. In later treaties they slipped land related phraseology more clearly into the wording. Also keep in mind that there were no "reserved lands" during the time of these early treaties. The Eastern Indians lived and travelled wherever they wanted in their territory. This was still "their" land. Reserves came along much later as a new strategy of the English in 1763 by means of the Royal Proclamation. In 1765 one of the first reserves in Canada to be granted to a First Nation was a grant to the "St. Johns Indians" of three separate lots of land at Eqpahak along the St. John River (Wulustuk Times, March 2013)

If the English could get the Eastern Indians to acknowledge the sovereignty of the King of England, or if they would swear allegiance to the English King, then they would become subjects of the Crown and be bound by Crown laws in regards to buying, occupying, and selling land. Using Deeds of Submission to the King by the Indians, for protection of themselves and their lands, was a wily scheme by the English for getting their foot in the door (or wigwam) for justifying land claims in future treaties.

1676 Treaty at Boston with Chief Mugg, an Unsuccessful Treaty

The Treaty at Boston with Chief Megunnaway (aka Mugg or Mog) in 1676 was concluded at the end of King Philip's war, a war that broke out in southern New England in June of 1675. King Philip was the English name given to Metacomet or Metacom, a Pokanoket Chief. Pokanokets were one group of over sixty Wampanoag Nations. Wampanoag means "Easterners" or "People of the Dawn" and they and the Abenaki (including Maliseets) would often join together in wars. Metacomet felt that he was a king in his own right and should not be subjected to another king, the English King, who had never been to this land. Furthermore the English were trespassing on his people's hunting grounds. Rumors spread that he was holding council with his warriors, preparing for war. The Plymouth Puritans summoned him to court. He went, but he brought his warriors with him and they filled the town meeting house. He was made to sign documents that admitted his guilt and was asked to give up all his guns. He refused to allow his men to turn over their guns as they needed them for hunting and for protection from their enemies. After this incident he worked among the other Eastern Indian Nations to secretly plan a war against the English, but before the plans were finalized an English colonist killed a Wampanoag man. In retaliation, without King Philip's orders, seven colonists were killed on their way from a meeting by some Wampanoag warriors, and so the war began. Philip had only mustered 660 warriors, but the English had several thousand men throughout Massachusetts (which then included Maine). The war was at first centered around southern Massachusetts but as a result of a barbaric incident which enraged Squanto (Tisquantum) of the Saco River (Maine), the war moved north. Some English sailors had drowned Squanto's infant child by ramming and upsetting the canoe in which were the baby and its mother. They did this inhumane act to see if the infant could swim "as naturally as the young of irrational animals." The baby didn't swim and sunk to the bottom of the river. Squanto's wife dove deep to find and rescue it. She finally pulled it out of the water but the infant died shortly after. The enraged Squanto sought revenge on the English, and King Philip's war expanded northward. (Note: There is a movie about Squanto who had been taken to England and taught English in his younger years: Squanto: A Warrior's Tale. The full movie is available on YouTube.) An English bounty was issued for every Pokanoket over the age 14 taken captive. King Philip was tracked down by a company of men including friendly "Praying Indians" led by Captain Benjamin Church and Captain Josiah Standish. King Philip was shot and killed on August 12, 1676. "His hands were cut off and carried in triumph to Boston as a trophy to the Bay colonists; while his head was severed and raised upon a pole and borne to Plymouth for that Colony to view, the day being devoted to a public thanksgiving." His head remained displayed in Plymouth for over twenty years. Two of his principal Indian Chiefs, Tispaquin and Annawon were taken to Plymouth by the English and there beheaded. Other chiefs and warriors were hung in Boston, while the remainder were sold into slavery at Bermuda.

With Metacomet's death the terrible war ended. Chief Megunnaway (Mugg) of the Kennebecs, who had led the Indians in the last two attacks, was now ready for peace. On November 1, 1676 he came to Piscataqua, bringing to Major-General Dennison a wounded soldier named Fryer, a casualty from an Indian raid. Mugg declared that he and all the Indians were ready to make peace. Major-General Dennison, alleged to Mugg that he had no authority to make a treaty. He seized Mugg and sent him to Boston, where, on the 6th of November, a treaty was signed between the Governor and Council on one part, and Mugg on the other part. Although Mugg was alone, he claimed he represented Chiefs Madockawando and Cheberrina of the Penobscots.

Madockawando is an important Chief in Maliseet/Wolastoqiyik history. He was the Grand Chief of all the Indians about Pemaquid and Penobscot at that time (1676). However, he was a St. John's Indian (Maliseet) at birth, but his parents died of a smallpox epidemic. He was adopted by Assiminasqa, a Penobscot Chief. He became Chief of the Penobscots upon Assiminasqa's death. Madockawando gave three of his daughters in marriage to a French Baron, Jean-Vincent d'Abbadie de Saint-Castin, one by Christian ceremony, and after her death two more by traditional Native ceremonies. Baron St. Castin established his residence at Pentagouet (on the Penobscot River). This was a volatile location in the midst of contested lands by the French and English. Later in 1689 Baron Saint-Castin was granted a Seigneury on the St. John River near Jemseg, but he never moved there. In 1694 Madockawando sold by deed to Governor Phips two large tracts of Land on the Penobscot and St. George's Rivers. In treaty negotiations of 1726 Chief Loron refused to acknowledge those deeds because he contended Madockawando was not a Penobscot Chief at the time he sold the land, insisting that he was a Chief at Machias (Passamaquoddy). At the time of his death c1698, Madockawando was Chief of the St. John River. Several of his Métis grandsons became Chiefs on the St. John River, one being Francois Xavier who signed the 1725 treaty that Maliseets refer back to today.

The 1676 treaty made with Mugg was to be ratified later with other Chiefs, including Madockawando. In it the Indians promised to cease all acts of hostilities toward the English and unite with them in peace. They were to return English prisoners and any vessels, goods, arms, and artillery taken from the English. They were to "make full satisfaction" unto the English for all injuries and losses of which they had sustained by the Indians. This included losses of cattle and housing. If they couldn't pay in money, then they could pay with beaver skins yearly. That upon the English furnishing the Indians powder and ammunition for their necessary supplies, they will promise not to trade for or buy ammunition except from such persons as were appointed by the Governor. In other words the English Governor regulated who they could trade with. That if any other Eastern Indians did not consent to these articles of agreement, and persist in hostilities towards the English, then those who ratified this treaty will treat such Indians as their enemies and take up arms against them. Lastly, that Mugg would "freely and willingly deposit himself and his life in the hands of the English, to remain with them as a hostage until the said captives, goods, and vessels shall be delivered up." Chief Mugg signed the treaty and agreed to give himself up as a hostage. In this early treaty with the English there was no mention of subjective allegiance to the Monarchy of England, nor any reference to the Crown's claim of sovereignty to this land as was incorporated into later treaties. This was basically a Peace and Friendship Treaty with the condition of the English being reimbursed for their losses and restricting trade by the Indians to be only with officials appointed by the English at their trading posts.

Mugg was sent with two vessels to Pemaquid to the English Fort on Nov 21st to pick up the English captives and also to ratify the treaty with Madockawando. On December 1st when they arrived, Madockawando was there ready to ratify the document that Mugg had signed. He had eleven captives to deliver to the English, and two were with him. There were many more being held by other Indians in various locations. Mugg offered to go on a journey to find the other captives and try to convince their Indian captors to join in this peace treaty and return the captives to the English. Mugg told the commander of the expedition to wait for his return for three or four days, but if he didn't return he might have met with misfortune

or have been killed. They waited for a week beyond his suggested time frame, but he never came back, so they returned to Boston with the eleven captives of Madockawando. Mugg was not again seen by the English for some time, but word spread that he was very much alive, had returned to the Kennebec, and had been boasting of the trick he played on the English. The deceptiveness of Mugg provoked the English Council into immediately sending an expedition of sixty men to recover their captive English and to take back their forts. Consequently this attempt at peace proved to be unsuccessful, as the English colonists continued to instigate conflicts over the next year. Mugg, the "notorious rogue," was shot and killed by Lieut. Tippin on May 13, 1677 during a raid on Blackpoint garrison. During this period Madockawando destroyed over half of the English settlements in northern Maine. The King Philip's war and its aftermath was one of the bloodiest and costliest wars in the history of North America if destruction of properties and loss of lives are measured comparatively to population.

1678 Treaty of Casco: A Winning Treaty for the Eastern Indians

The treaty at Casco in 1678 finally ended the recurring hostilities and conflicts after the King Philip's war. In the years that followed no treaties with the English were as considerate of the Eastern Indians as this one. It should be a precedent for places like Tobique First Nation where English squatters settled on Indian land and they and their descendants have never left. The Casco treaty was made between the Eastern Indians and Governor Edmund Andros of New York, who later in 1686 was appointed Governor of the Dominion of New England, which included Maine. Among the Eastern Indians were Madockawando, Squanto, and Bashaba. It was signed on April 12, 1678 at Fort Loyal in Falmouth on Casco Bay. Under the terms of this treaty the Indians promised to return about forty captives without ransom. They would permit the English to resettle their former places, but only if they would pay an annual quit-rent for occupancy to the Indians. So basically this treaty acknowledged the Eastern Indians' having sovereignty over Maine. The rent that was to be paid by each English family to the Indians was in other words a land use tax. Each English family settling on Indian lands should give to the Indians one peck of corn annually. There was an exception for Maj. Phillips of Saco, a large landholder, who was required to give a bushel. The treaty also stipulated closer government regulation of the fur trade. It was signed by Squanto and Moxus (on behalf of his adopted brother Madockawando, and other chiefs).

This treaty protected the Eastern Indians' aboriginal rights. They gave up nothing and their coastal lands were abandoned by the English. The Massachusetts government at first refused to accept this treaty that was made with Andros, and a Puritan contingent was sent to Maine to fight the Eastern Indians, but they lost. At that point they finally accepted the treaty. Even though the English settlers were not reliable about paying their rent, and they expanded their settlements further than the Indians wanted, for the most part there was a decade of relative peace between English and the Eastern Indians. This treaty was the only one to recognize that the Eastern Indians had sovereign title to their lands and future treaties would not be as accommodating.

In Part 3, I will look at what happened to break the peace after a decade and launched the King William's war. The 1693 Pemaquid Treaty at the end of this war was very carefully constructed so as to form a template for all future treaties to follow, being very direct about English sovereignty, and requiring the Eastern Indians to acknowledge their "hearty

subjection and obedience unto the Crown of England."

(Note: The term "Great Britain" didn't come into effect until after 1707 when England and Scotland united)

..... all my relations, Nugeekadoonkut

THUNDERBEINGS

The west is where our spiritual wisdom comes from. This is the place where the sacred Thunder beings reside.

It is the evenings that the Thunderbeings may come and although they are very terrifying they bring much good and they test our strength and endurance. Then they also help us realize how really very small and insignificant we are compared to the power of Creator.

To our people:

- From the black West, Thunderbeings release the life-giving rain. Water is life.
- Black is the color of West, the place where the sun goes down.
- Black is darkness, release, spirit protection.
- In the darkness the spirit beings come to us.
- The Spirit beings warn us, protect us, foretell for us and release for us. They are the spirit helpers to Creator.

Thunder is inspiration, electrical. Thunders is the sacred flow of energy that encircles tis planet, uniting each of us in a lighting grid work that moves around our mother, the Earth.

All My Relations, Dan Ennis

DEAN'S DEN... Birds... A trilogy

Birds

Here's to the birds (Sips)

Who own the air

And soar and cruise

With grace and flair,

The bald-headed eagle (Wapsokes)

Says watch me fly

Above the earth

King of the sky,

The hawk (Owuha)

Says, a high high-five

When I see prey

And then I dive,

The chickadee (Kutekitchilue)

With his black cap

Flits along
And begs a scrap,
The brazen owl (Asekat)
With big round eyes
Is so renown
For being wise,
The whippoorwill (Huwipolis)
Just 'fore night
Its plaintiff call
Is at twilight,
The lonely loon (Hukwim)
Its mournful sound
Unique in all
The country round,
The common crow (Kakasos)
A real smart bird
A raucous rascal
Always heard,
The mallard duck (Kuwes)
Out on the lake
It swims so smooth
It leaves no wake,
The bright blue jay (Titias)
It shouts so plain
Please listen up
Its gonna rain,
The Canada goose (Waptuku)
If on the wing
A season's change
Is on the swing,
The ruffed grouse (Sesekatikees)
Whirring tail-fan
His surprise trick
To ... miss the pan!

D.C. Butterfield

A trilogy - D.C. Butterfield

Praise

Praise -
Who makes the rivers flow
Who makes the summers grow
Praise ... !

Mercy

God have mercy on my soul
Grant me grace, and make me whole
As I truly do endeavor
To live a life ... that lasts forever!

Go Ye Forth

Some criticize our present youth
Whose seeming goal is - reproduce
They raise an awful hue and cry
The way they act, and wonder why
The reason is, the young are bold
And do the bidding - as was told
'Go ye forth and multiply
Or else ye watch your species die'!