



WILMORITE, INC.

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2/29/96

Tom Wilmet

Golden Hill waders

Bridge pt, CT. Land claims.
Legitimate. 15 to building
casine

1982, tribe agreed for fuel
mng. BIA takes up to
20 yrs to decide.

New expedited review.
They lost it. Are in
appal process.

Mike Anderson in Derr's
office → it's w/him.

Kay Davis, 1st review
officer in BIA. Assured
em "active consideration."
Process to keep through.
That's a step.

Davis' review = positive?
Her supervisor, Holly
Reicher, over ruled —
70 pg opinion.

Told that Reicher =
prejudiced. Golden Hills
chief is black.

just get agmt w/ Bridgeport
to support leg. reg.
to get casino to give
up land claims in
return.

City gives 100 acres &
they give up other
claims

Natl fed. reg.

BIA → has reg. review
process. They submitted
a brief.

Green case in CA.

CA ruled they shld
be on active.

- they misapplied reg
in this case
they admitted it

Ap 15 → ruling from
Mike Anderson
(^{for} Ada Deer)

then they can see

good eco dev project
for state

\$50-\$100 m in new trucks
\$25 m trucks

→ screws up Gov, who
screwed it up

help's D mayor

Could we talk to
Deer?

- viewed ~~as~~ with hostility
by?

- career + pol officials
at Interior
- tribes

- very formal process

- Lesky says if our policy
= nat to politically
influence rules/stds
that are public
processes

- very comprehensive
appeal process

- internal process

- Court process

Contacts policy is
the law

as a tech matter,
Pres could call DoJ
to say please
exercise your discretion
to do X.

This is more like an
enforcement matter
than anything else →
doing stat. interp
it's like an
adjudic

- no prohib on OTR
comments

good

Set of stat. & reg
stds for determining when
tribe is certified,
applied w/o pol.
considerations,

so left to DoI to
apply in adjud
forum.

likely to be litig

don't want to

entangle with in
problem it

& want to get

involved in

tell to

McAuliffe 1st

1 then (my)

call

will not



Wilmorite, Inc.

SHOPPING CENTERS, COMMERCIAL, RESIDENTIAL DEVELOPMENTS

February 20, 1996

VIA: AIRBORNE EXPRESS

Mr. John Garamendi
Deputy Secretary
U.S. Department of the Interior
Interior Building
18th & C Streets, N.W.
Washington DC 20240

Dear Mr. Garamendi:

On behalf of Chief Quiet Hawk of The Golden Hill Tribe of the Paugussett Indian Nation, Frank Ducheneaux, Peter Taylor and myself, we very much appreciate your taking the time to meet with us on February 20.

I've enclosed a paper by Blair A. Rudes entitled "Holding Ground along the Housatonic: Paugussett Land Loss and Population Decline from 1639 to 1899," and a paper by Regna Darnell, Ph.D., entitled "Algonquian Socio-political Organization with Particular Reference to New England Algonquian Tribes," which give a brief history of the Tribe.

I've also enclosed a summary of the litigation prepared by The Golden Hill Tribe's attorney, Michael D. O'Connell. And lastly, a Letter Agreement between the Golden Hill Tribe and the City of Bridgeport which was executed today.

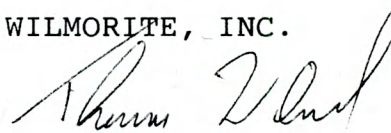
As we discussed, Bridgeport is one of the most depressed cities in the United States. A settlement of the Golden Hill's land claims would definitely assist creating an atmosphere which would allow for developments to occur within the City. The Tribe intends to construct a \$300 million facility which will produce over 8,000 jobs within Bridgeport. Chief Quiet Hawk is totally committed to providing whatever training is necessary so that the citizens of Bridgeport will be able to fill the vast majority of these positions.

Deputy Secretary John Garamendi
February 20, 1996
Page Two

If there is any additional information we can provide you, please feel free to contact myself, Chief Quiet Hawk, or Frank Ducheneaux and Peter Taylor.

Sincerely,

WILMORITE, INC.



Thomas C. Wilmot
President & CEO

TCW/mc

Enclosures

P.S. Chief Quiet Hawk's address is: Golden Hill Tribe of the Paugussett Indian Nation, P.O. Box 1645, Bridgeport, CT 06601-1645. Phone number: 203-933-0001.

Appendix A

Algonquian Socio-political Organization with Particular Reference to New England Algonquian Tribes

by:

Regna Darnell, Ph.D.
University of Western Ontario

The cultural continuity and tribal status of formerly hunting and gathering communities in contemporary North American society raises serious problems of non-comparability. The legislation and regulations on federal recognition clearly imply that the recognition process will reflect an understanding of the traditional cultural patterns of the applicants. Continuing tribal rights rest on two fundamental grounds: (1) aboriginality, that is, the Indian tribes were here first and already inhabited the land when Europeans arrived; and (2) the persistence of essential cultural difference, which remains long after sweeping changes in subsistence pattern, political autonomy, population size, and other factors beyond the control of aboriginal tribes under colonial regimes.

In spite of extraordinary pressures toward assimilation, many Native Americans have resisted successfully the erosion of their autonomy and collective identity. Driven underground in the expression of their corporate identities, they have employed—and continue to employ—adaptive strategies that derive from precontact ways of life.

A. European Expectations of Formal Structure

European immigrants to the Americas brought with them expectations about political processes that were not met by the majority of Indian tribes and communities. In the Northeast colonists found it far easier to acknowledge the member tribes of the Iroquois Confederacy (the

Cayuga, Mohawk, Oneida, Onondaga and Seneca) as sovereign nations than the Algonquian neighbors of the Iroquois who were less formally organized politically. For example, it was often a slippery matter to identify an Algonquian chief. Among the Algonquian tribes of New England, leadership was situational and, therefore, temporary, based on consensus and consultation rather than imposition of majority point of view. The followers of any given sachem (the Algonquian term for a community leader or "chief") changed rapidly over short periods of time. Frustrated colonists and colonial governments assumed, incorrectly, that the Indians had nothing functionally comparable to the nation-states of Europe.

B. Group Size and Composition

Federal recognition of Indian tribes has been closely correlated with present-day size, favoring larger Indian groups over their smaller counterparts. However, examination of the defining criteria for federal recognition of tribes seems to substantiate the claims of various groups, including the Golden Hill Tribe of the Paugussett Nation, to merit equal treatment.

The comparative case, for the purposes of argument here, is that of the Algonquian-speaking tribes of the United States and Canada. On the surface, these groups are quite different in scale and complexity. There are 40-50,000 speakers of the Ojibwa language and perhaps 70,000 speakers of Cree, distributed from the Atlantic Ocean to Hudson's Bay to the foothills of the Rocky Mountains. In New England, Algonquian groups of this size did not exist at any time period. Early decimation of population, primarily through disease, made impossible the kinds of cultural continuities seen in the far north and extreme western portions of North America.

Subarctic Algonquian-speaking hunters were the middle men in the fur trade with the French and later the British. They employed traditional forms of subsistence at least until the end of the Second World War in many areas and continue to do so for partial subsistence today. Pressure on their lands for white settlement was minimal and many areas still have majority aboriginal populations.

Superficially at least, this would seem to suggest that, willingly or not, New England Algonquians were partially acculturated, whereas Algonquians of the subarctic region preserved much of their traditional ways of life. More detailed examination, however, makes it clear that colonists to the north also failed to understand the relatively informal and amorphous political and social structures of the hunting and gathering traditions. However, because of sheer numbers, it was never possible to deny the Indian-ness of the Cree, Montagnais or Ojibwa.

The conventional designations of Cree, Ojibwa, Montagnais, Abenaki, etc., are, in fact, products of European cultural contact. The Ojibwa reached their present enormous distribution alongside the fur trade; they were subarctic and woodland hunters. No tribal cover term was used for all the Native peoples whose descendants are now classified as Ojibwa. For all of the tribal groups met by explorers, varying local designations were used. Each cultural sketch in the *Handbook of North American Indians* (Smithsonian Institution) includes a section on synonymy; the large tribes have many local names. The Ojibwa, for example, are also known as the Chippewa, Saukteaux, Ottawa, Mississauga, Nipissing and Algonquian. They were distinguished by geographical location, with "socio-territorial units" distributed on major river systems. The apparent homogeneity of the contemporary tribes rapidly disintegrates on close examination.

C. The Segmentary Model of Social Organization

From a European point of view, hunters and gatherers appear random or disordered in their social and political organization; however, this point of view is tenable only as long as their seasonal round of subsistence practices is not taken into account. For hunters and gatherers, there is no possible single answer to the question of how large "the tribe" is. It depends on how many people are together at a given moment and what they are doing together.

The segmentary model of social organization can best be illustrated using the analysis by the distinguished anthropologist Eleanor Leacock on the Montagnais Naskapi (eastern Cree). It applies widely across subarctic hunting traditions, both Algonquian and Athabaskan, as well as to New England Algonquian tribes such as the Golden Hill Tribe as discussed below.

Leacock (1981:190) distinguishes four functional units of social organization, alternating by seasonal availability of subsistence resources:

(1) The "lodge group" included 10-20 individuals, usually 2 or 3 extended families who hunted together. Such groups rarely fell below ten members even when game depletion made large units counterproductive.

(2) The "winter band" included 35-75 people, two or three lodge groups that combined to hunt together over the winter as long as game was sufficient to support them all. The breakup of winter bands into lodge groups involved balancing "maximum access to game while keeping in touch so that others could be turned to for help." There was no simple answer to how many people could live together over the winter. It depended on the severity of the winter, the relationships of the people involved, and the risks of hunger.

(3) The "named band" consisted of two or three winter bands involving 150-300 people who were closely related by kinship and marriage and from whom the annually shifting composition of winter bands and lodge groups was derived. The named band was named for the locale it exploited, its "traditionally used lands."

(4) The "summer gathering group" involved several of these named bands plus comparable groups from unrelated tribes. Up to 1500 people might assemble for visiting, trading and marriage negotiation. The size of these groups probably increased after European contact as a result of the fur trade.

This is what anthropologists have called a segmentary system. At each level of complexity and size, the group functions autonomously from other comparable units. It fissions into component parts, reaching maximum dispersion—a single extended family—during winter hunting in a starvation year. Maximum fusion comes in the summer, when as many people as have any common purpose come together.

The band, the corporate group, existed as long as the minimal dispersed unit remained functional for subsistence purposes. This was crucial during contact times with population decline due to disease, warfare, etc. The local group could, and did, rebuild itself as long as an adult man and woman remained to have more children, enter into new alliances (albeit sometimes with other remnant bands). The segmentary system has an advantage under stress conditions because it can regenerate complexity from any component part.

It is clear that Algonquian band-level societies have been adapting their traditional cultures to rapidly changing conditions since contact. They do this by "altering [their] sociopolitical organization" (Rogers and Leacock 1981:179). It is crucial to recognize, however,

that the *process* has not been altered, merely the level of organization which is functional under particular circumstances. The system looks different in terms of the number of people living together, but the underlying assumptions about repeated subsistence-driven changes in who lives with whom and why have not changed. What has changed is the availability of additional options: in New England, trapping for furs, cash labor, whaling, mercenary soldiering, and other occupations motivated geographical mobility without loss of perceived ties to home place and home people, as is well illustrated by the history of the Golden Hill Tribe.

There is no single place where a band lives, although there is certainly a territory known well which is exploited, used, during different parts of the year as land and water resources alternate. The lake in the summer allowed recreation and social life. However, many individuals took a different river back to their winter abode with new, through previously known, companions. Each season brought repeated small moves, "along rivers in the summer, through forest in winter" (Leacock 1981:190). There were no precise boundaries and "frequent interchange of people among neighboring bands" (Rogers and Leacock 1981:170).

Leacock argues that the family hunting territories associated with eastern Algonquians in historic times were in fact offshoots of the fur trade, with its greater emphasis on individual/family economic activity. The (larger) composite or trading post band found to the north and west of New England developed after contact along with traplines and trade dependency. Although trading posts were a feature of early European contact in southern New England, particularly with the Dutch, they did not attract the large settlements found elsewhere. (See, for example, Andrews 1888.) Rather, such large, "trading-post" bands find their counterpart in the refugee and missionary communities that developed at Brothertown, NY; Farmington, CT:

and Stockbridge, MA. The seasonal alternation then moved from the new large unit to the lodge groups which became increasingly autonomous (Rogers and Leacock 1981). Again, the process persisted, although the surface form appeared attenuated under changed subsistence conditions.

D. New England Algonquian Adaptations

The Indians of southern New England and Long Island lived in settled villages. Communal deer drives as well as horticultural requirements encouraged large groups and subsistence required "frequent shifts of habitation" (Salwen 1978:163). Possessions were left at various sites for use in the next seasonal cycle. Difficult land transport meant that movement was structured around drainage systems. Families dispersed to maximum mobility in the summer for special resources. Spring fish runs produced multivillage gatherings while winter was spent in hunting camps in the forest. Villages were relocated, not necessarily with similar composition, when firewood ran out (Salwen 1978:165). There was a village chief or sachem, a council with some degree of formality, and chiefly lineages.

In light of the above discussion of Algonquian hunting groups, however, the New England patterns should be familiar. In fact, the Paugussett and other New England tribes had a more formal organization in terms of criteria familiar to Europeans: horticulture and semi-permanent villages. They lived in a less precarious environment and were moving at contact toward a more structured and complex formal organization. However, they were still thoroughly nomadic in a seasonal cycle that is characteristic of their northern neighbors and deeply embedded in their precontact history.

The system changed dramatically as a result of epidemics beginning in the 17th century. Salwen (1978:168) describes "more rigid, hierarchically structured political units, covering much larger geographic areas." That is, the different size units that exploited local subsistence resources were quick to adapt the process of their political organization to rapidly changing conditions. Their village base made it even easier for them to move to the local community rather than the (tribal) hunting territory as the primary affiliation.

Salwen (1978:168) suggests that the formal tribes of the area emerged after European contact, from a baseline of precontact extended families. Multivillage alliances existed but depended largely on situations (e.g., fish runs) when larger than local identities were relevant. Named groups were identified by their identification with a particular place. For example, not long into the contact period, population loss and land pressure from settlers resulted in a shift of affiliation among the Paugussett from the historic four groups (the Paugussett proper, Pequannock, Potatuck, and Weantinock) to local community affiliations (e.g., Schaghticoke, Golden Hill, Turkey Hill, Coram Hill) (Wojciechowski 1992). However, the functional specialization of give or take for groups related by intermarriage, language, culture, seasonal visiting, and occasional political alliance remained; the process was simply transferred to the new groups as the old ones ceased to be sufficiently numerous to maintain functional autonomy.

In more recent times in southern New England, Conkey, Boissevain and Goddard (1978:178) argue that:

...the Indians tended to consolidate into a relatively small number of local groups. Intermarriage with Blacks and Whites was common, though the resulting racially mixed communities retained a strong sense of their Indian heritage and were generally regarded as Indians by others...

"Tribal associations" were lost in the 17th century. But Indians kept to themselves and resisted assimilation. The largest level of sociopolitical integration (i.e., the summer gathering group) was NOT necessary to maintain corporate identity. Throughout historic times, Connecticut has had many small "tribes and groups" which were reconstituted to incorporate displaced refugees. Many such small tribes moved to large villages like Stockbridge, MA, Brothertown, NY, and Farmington, CT, where local community replaced tribal land as the place affiliation. Other small tribes, however, remained on their ancestral territory and/or went "underground" in surrounding communities. It should not be surprising that the Connecticut Indian groups went underground in expression of their tribal identities. The records are equally clear that these groups were subjected to enormous pressures to sell reserved land as settlers encroached. Since many of the documents of persistent tribal identity are written by white people, evidence of persistence must be assumed to represent the minimal case. For example, racial and ethnic identity attributions by settlers with axes to grind should not be taken literally. The existence of State-appointed overseers seems quite clear evidence of recognition, even by whites, of continuing tribal identity.

The Golden Hill Tribe of the Paugussett had the first reservation in Connecticut in 1639 (affirmed by the General Court in 1659). Although they resettled at a new Golden Hill in 1886, this should not be seen as a discontinuity in corporate identity. Conkey, Boissevain and Goddard (1978:184) argue that the Paugussett resisted farming, preferring to rent their reservation land to whites or sell the wood on it, choosing fishing, whaling and crafts as more desirable occupations. The rental income and cash from wood sales, in turn, provided funds to support traditional subsistence activities (e.g., tools and hunting weapons). It was necessary to have a land base to which to return. It was not necessary that everyone live on it (even if it would have supported

everyone enrolled in the tribe). This illustrates the persistence of nomadic Algonquian strategies of resource exploitation away from a home base and makes it clear that these people were not primarily farmers. Their exploitation of a reservation must be interpreted in light of traditional subsistence patterns.

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**Holding Ground along the Housatonic:
Paugussett Land Loss and Population
Decline from 1639 to 1899**

by:

Blair A. Rudes
First Americans Research

to appear in:

**Jack Campisi and William Starna (eds.). *Varied Landscapes: Three Centuries of
New England Indian History*. Norman: University of Oklahoma Press.**

December 1995

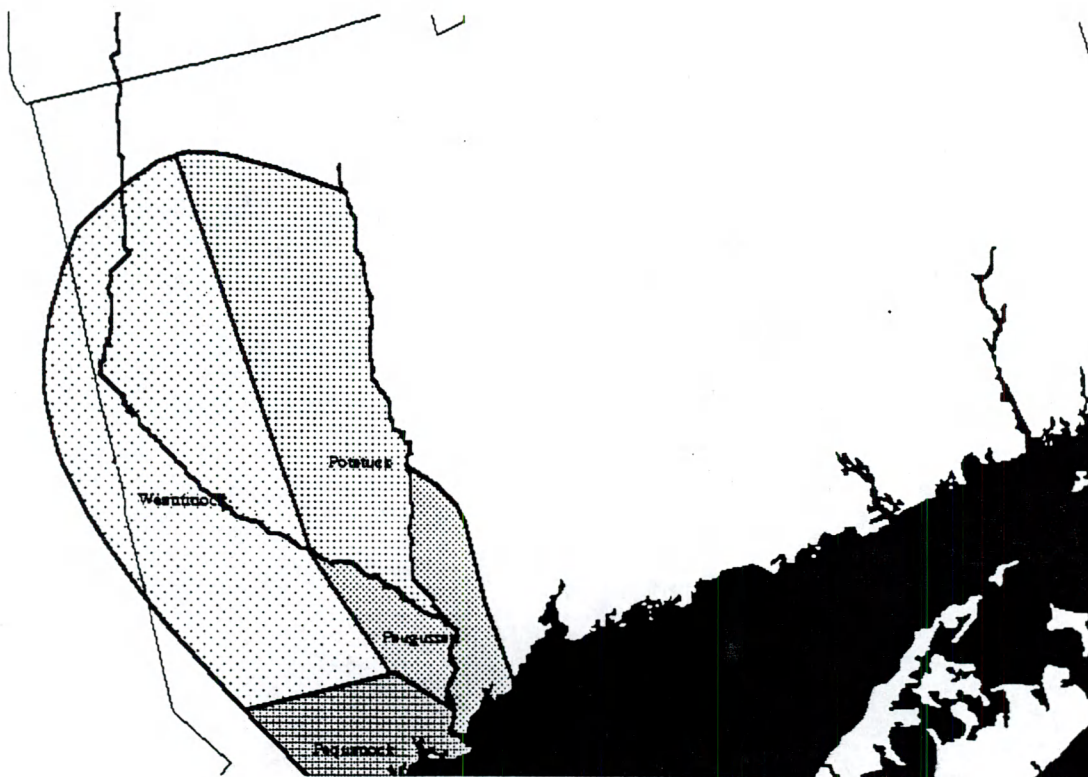
Abstract

Between 1637 and 1900 the Indians of the lower Housatonic River valley experienced more than a 99 percent loss in land and population. The original territory of these Indians, collectively known as the Paugussett, is estimated at between 800,000 and 900,00 acres at first contact with colonists in the 1630s. As a result of seizures, encroachments, and sales, the Indian's landholdings dwindled to only 400 $\frac{1}{4}$ acres by the end of the nineteenth century. Concurrent with land loss, disease and out-migration resulted in a decrease in the Paugussett population from a high of 4,000 to 5,000 people in the early seventeenth century to 20 people living on Indian lands in 1900.

Introduction

When first encountered by European colonists in the early seventeenth century, the Indians of the lower Housatonic River valley were organized politically into four groups, the names of which derive from geographical features of the areas they inhabited. (See "Synonymy".) To the southwest, stretching north from Long Island Sound was the territory of the Pequannock; to the southeast dwelt the Paugussett. North of the Pequannock lived the Weantinock, while north of the Paugussett lived the Potatuck. Though politically autonomous, the historical records indicate that these four groups spoke a common language, had essentially the same culture, and practiced intermarriage.¹ For these and other reasons, it is desirable to have a collective name for the four groups. I adopt here the usage found in Wojciechowski (1985, 1992) of referring to the four groups collectively as the "Paugussett", and of referring to the southeastern division as the "Paugussett proper".

Based on early deeds Wojciechowski (1992:36-48) has reconstructed the approximate boundaries of the pre-contact territory of the Paugussett. According to his analysis, the western border followed the eastern shore of the Saugatuck River to around present-day West Redding and ran northwest about three miles east of New York route 22, crossing back into Connecticut south of Sharon. From there the northern border ran south of Salisbury across the Housatonic to Norfolk, through central Torrington and east Litchfield. The eastern border roughly followed Connecticut route 8 and the Naugatuck River through Waterbury, cutting east through Prospect and then south to Bethany, Woodbridge, and meeting Long Island Sound west of Woodmont (map 1). The boundaries would give the four Paugussett groups a combined territory of somewhere between 800,000 and 900,000 acres at first contact, of



Map 1: Approximate Extent of Paugussett Territory Before 1639

which between 100,000 and 110,000 acres were territory of the Paugussett proper, between 80,000 and 90,000 acres were territory of the Pequannock, around 300,000 acres were territory of the Potatuck, and about 350,000 acres were territory of the Weantinock.

For a variety of reasons it is difficult to determine the size of the Paugussett population at first contact and previous estimates have varied widely. For example, the estimate of 400 given by Mooney (1928) is now generally considered way too low (Ubelaker 1975). After a thorough reevaluation of the available data, Wojciechowski estimates that the Potatuck numbered somewhere between 500 and 800 people, that the Weantinock numbered between 500 and 1,000, and that the Paugussett proper and the Pequannock each had a population of around 1,500, for a total Paugussett population of between 4,000 and 5,000 people around 1630 (1992:49-85).

Between 1630 and 1899 the Paugussett endured over a 99 percent loss of land—from between 800,000 and 900,000 to 400 $\frac{1}{4}$ acres, and a comparable loss in population living on Paugussett land—from between 4,000 and 5,000 people to 20 people. (This reduction in Paugussett land and people is summarized by century in exhibit 1.) The history of the Paugussett from around 1639 to 1799, to the extent it can be discerned from the fragmentary records that remain, has been well-described in Wojciechowski (1992); therefore, I will only briefly summarize the major aspects of land loss and population decline in the seventeenth and eighteenth centuries, reserving the focus of the discussion for events in the nineteenth century.

Exhibit 1
Paugussett Land and Population Loss: 1630-1900

		<u>Acreage</u>	<u>Population</u>
1630	Paugussett Total	800,000-900,000	4,000-5,000
	Paugussett proper	100,000-110,000	1,500
	Pequannock	80,000- 90,000	1,500
	Potatuck	280,000-320,000	500-800
	Weantinock	340,000-380,000	500-1,000
1700	Paugussett Total	500,000-600,000	500
	Paugussett proper	500	175
	Coram Hill	100	25
	Turkey Hill	100	50
	Derby Area	300	100
	Pequannock	280	150
	Golden Hill Ia	80	100
	Redding Area	200	50
	Potatuck	250,000	150-200
	Weantinock	250,000	100
1800	Paugussett Total	1,400-1,700	77
	Golden Hill Ib	19	20
	Turkey Hill	100	10
	Naugatuck	50	12
	Schaghticoke	1,200-1,500	35
1900	Paugussett Total	400 $\frac{1}{4}$	20
	Golden Hill III	$\frac{1}{4}$	4
	Schaghticoke	400	16

Territorial Loss and Population Decline: 1639-1699

Between 1630 and 1699, Paugussett territory shrank by one third, from between 800,000 and 900,000 acres to between 500,000 and 600,000 acres. Furthermore, as a result of the establishment of reservations, the territory was fragmented into eight separate landholdings: Coram Hill, the Derby area (Naugatuck), Golden Hill Ia, Potatuck, the Redding area (Lonetown), Schaghticoke, Turkey Hill, and Weantinock. By the end of the century all but 80 acres of Pequannock territory at Golden Hill Ia and another few hundred acres in the Redding area were lost, as were all but 100 acres of Paugussett proper territory at Coram Hill, another 100 acres at Turkey Hill, and somewhere in the neighborhood of 300 acres in the Derby area.

The more northerly Potatuck and Weantinock, located further from the initial English settlements at Fairfield and Stratford, fared somewhat better, with both groups retaining the greater portion of their ancestral lands to the end of the seventeenth century. The loss of land was accompanied by an even more dramatic decline in population. Roughly 90 percent of the population was lost due to alcohol, disease, and out-migration, reducing the Paugussett from a pre-contact high of 4,000 to 5,000 individuals to around 500 by the end of the century.

Territorial loss and concomitant population decline as a result of contact with colonists began among the Paugussett around 1638. In 1637, Pequots fleeing their territory following the battle at Mystick were given shelter among the Pequannock residing at Sasqua. The colonists followed the Pequot and, in a series of skirmishes in which some Pequannock fought alongside the Pequot, the colonists were victorious (Orcutt 1886:52, Wilcoxson 1939:1-2). Following the fighting, a peace council was held in March of 1638 in Norwalk at which the

colonists laid claim to all Pequannock lands in retribution for the aid given to the Pequot, reserving for the Pequannock only a parcel of land at Indian Field near Golden Hill and Sasqua, a Pequannock village in Fairfield (Stratford Land Records Vol. 1, Doc. 242).

Between 1650 and 1657 the land at Sasqua was deeded to Fairfield settlers (Wojciechowski 1992:149-153). By 1658 conflict had arisen between the settlers at Fairfield and Stratford over which plantation had responsibility for the Pequannock at Indian Field and they petitioned the General Court for resolution (Schenck 1889:99-100). The 1659 decision of the court affirmed the reservation of 80 acres at Golden Hill for the Pequannock (Connecticut Public Records Vol. 1:334-337; Orcutt 1886:16-17).

In addition to the reservation at Golden Hill, a group of Pequannock maintained a settlement at Lonetown in the Redding area. For a variety of reasons it is difficult to estimate the size of the territory controlled by this group, but from land sales in the early eighteenth century it would appear to have encompassed several hundred acres.

Because the 80 acres at Golden Hill were now reserved for the Pequannock, the settlers focused their efforts to gain additional lands on the territories of the other political divisions of the Paugussett. Through purchases and encroachments, essentially all of the original territory of the Paugussett proper was obtained by colonists by the end of the seventeenth century.

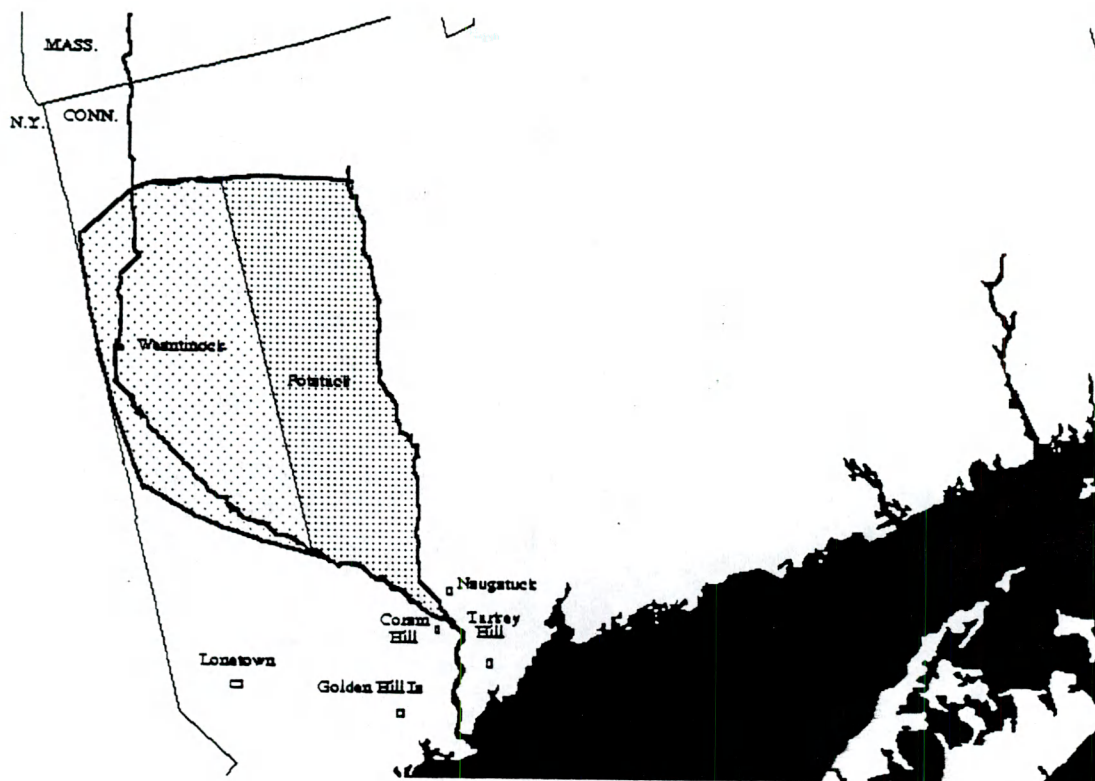
Already by 1680, the landholdings of the Paugussett proper were so severely reduced that the sachem Ackenach petitioned the General Court. The court's decision was to set aside two reservations of 100 acres each for the Paugussett proper, one at Coram Hill (Shelton) and

one at Turkey Hill (Orange) (Orcutt 1886:38-39). In addition, the Paugussett proper maintained their principal settlement at Naugatuck (eastern Seymour).

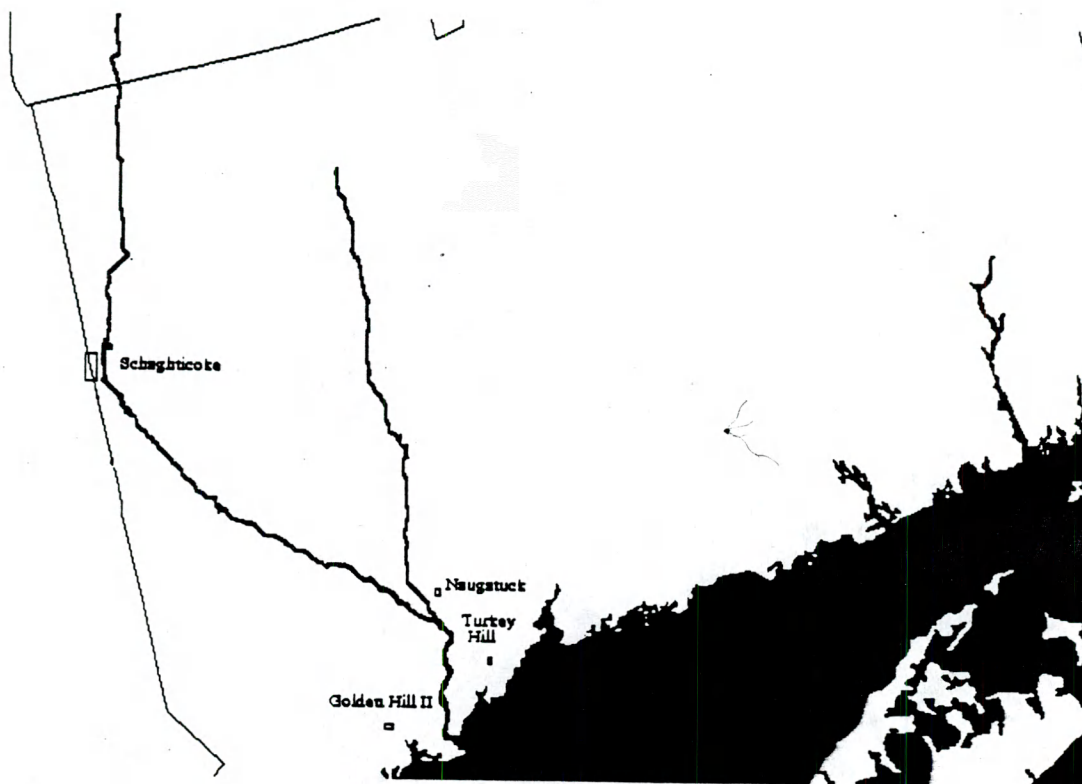
Thus, by the end of the seventeenth century, the territory and population of the Paugussett had been sharply reduced in size, and fragmented settlements existed on three reservations (Coram Hill, Golden Hill Ia, and Turkey Hill) as well as portions of ancestral territory not yet fully deeded to or claimed by settlers (the Derby area [Naugatuck], the Redding area [Lonetown], Potatuck, and Weantinock [map 2]).

Land Loss and Population Decline: 1700-1799

Between 1700 and 1799, Paugussett territory shrank at an even more accelerated rate. By the end of the century, only between 1,100 and 1,700 acres of the 500,000 to 600,000 they held in 1700 remained. What land remained was in four locations: Golden Hill Ib, Naugatuck, Schaghticoke, and Turkey Hill (map 3). Accompanying this dramatic loss in land was an 80 percent drop in population, from a high of around 500 people at the beginning of the century to around 77 people living on tribal land at the century's end. The reduction in territory and population also brought about a weakening of the historic autonomy of the four Paugussett groups and an increase in intermarriage. For example, Potatuck men (Tom Sherman and John Chops) returning from the French and Indian Wars in the 1750s deeded away the last Paugussett land at Potatuck and settled at Golden Hill where they married Pequannock women (Eunice and Sarah Shoran) (Golden Hill Petition). Meanwhile, the entire group of Pequannock living at Lonetown moved to Schaghticoke between 1749 and 1761, where they were progressively assimilated into the resident Weantinock population over the



Map 2: Approximate Extent of Paugussett Territory by 1699



Map 3: Approximate Extent of Paugussett Territory by 1799

next fifty years. And, toward the end of the eighteenth century, women of mixed Pequannock and Potatuck blood from Golden Hill (Eunice and Ruby Sherman) married Paugussett proper men (Mack and James Mansfield) and settled among the Paugussett proper at Naugatuck.

Paugussett Proper Lands

By 1700 the Paugussett proper remained in control of three sections of their ancestral territory, the 100 acre reservations at Coram Hill and Turkey Hill and the territory at Naugatuck. By the close of the eighteenth century, Coram Hill would be sold off and the land area at Naugatuck sharply reduced in size.

Coram Hill: 1700-1735

The Paugussett proper never liked the land at Coram Hill because it was very stony and not suitable for planting (Wojciechowski 1992:56). As a result, only a few Paugussett proper actually lived there. In 1714 they sold about 20 acres of it and, by 1735, the entire reservation had been deeded away (Orcutt 1886:39; Wojciechowski 1992:57).

Turkey Hill: 1700-1799

The first half of the eighteenth century appears to have been fairly quiet at Turkey Hill, where the resident population was estimated to have comprised from 8 to 10 families or from 40 to 50 individuals in 1710 (Massachusetts Historical Society 1809:112). However, as a result of out-migration and disease, the population dropped to only around four people by 1774 and there were serious encroachments on the land by the white neighbors (Connecticut State Records 1894-1986, 7:261; DeForest 1852:354-355; Lambert 1838:130;

Scranton 1835:4). Nevertheless, the Paugussett proper retained possession of the reservation through the end of the century.

Derby Area (Naugatuck): 1700-1799

Located in ancestral territory in what was a portion of colonial Derby and is today the eastern part of the city of Seymour, Naugatuck was the principal encampment of the Paugussett proper in the early 1700s. A 1703 census of warriors at Naugatuck listed only 21 (suggesting a total population of slightly under 100), who were enlisted to fight the French in Quebec (Wojciechowski 1992:56). Birdsley, writing to Stiles in 1761, estimated that there had been 8 to 10 families, or from 40 to 50 individuals, at Naugatuck in 1710 (Massachusetts Historical Society 1809:112).

In 1731 the sachem Konckapotanauh (Cockapotane) died at Naugatuck. Following his death a substantial portion of the population left under the leadership of Gideon Mauwee (né Maweseman) to settle among fellow Paugussett further north in Weantinock territory (DeForest 1852:354; Dexter 1916:158). Shortly thereafter, Gideon Mauwee's son, Joseph Mausee returned to Naugatuck and assumed leadership over the Paugussett who had remained (Barber 1849:199-200).²

Over the course of the eighteenth century significant portions of the land at Naugatuck were sold to settlers and, between 1785 and 1790, Joseph Mauwee migrated with many of his followers back to Schaghticoke (Barber 1849:199-200, Orcutt 1882:59-60, Wojciechowski 1992:57). In April 1792, Joseph Mauwee together with two other Indians living at Schaghticoke petitioned the General Assembly to sell thirty acres at Derby that were

"of little or no use to them" (Indian Papers, Series II, Vol. 2, Docs. 51-55; Public Records 1948:471).

Among those who remained at Naugatuck into the nineteenth century were Molly Hatchet, a descendant (daughter) of Joseph Mauwee, and her family; the Myrrick family, descendants of the Paugussett proprietor John Howde; Sarah Sherman Roberts from Golden Hill Ib and her husband, Ben Roberts, and children; and members of the Mansfield/Mack family founded by Eunice Sherman from from Golden Hill Ib (Congregational Church of Orange 1970; Orcutt 1886:42-43).

Pequannock Lands

At the opening of the eighteenth century the Pequannock retained possession of their 80-acre reservation at Golden Hill as well as a tract of land in the Redding area at Lonetown. By mid-century, white encroachment would restrict Pequannock land use at Golden Hill to only about six of the original 80 acres. At the same time, encroachments and land sales in the Redding Area would result in abandonment of Lonetown. By the end of the century, the Golden Hill reservation would be reestablished in greatly diminished form on only 20 acres in two separate locations

Redding Area (Lonetown): 1700-1761

Over the course of the late 1600s and early 1700s the rapid expansion of the settlement at Fairfield and the resulting demands for land rapidly eroded the western portion of Pequannock territory. While there was no census of the population in this area in the early eighteenth century, Wojciechowski estimates that there were around 50 people in 1703 (1992:67). On February 18, 1724/5 the leader Chickens Warrups (a.k.a Mohock) sold a

portion of the land to a Fairfield settler, Samuel Couch (Wojciechowski 1992:200). Couch, however, claimed that the sale encompassed essentially all of the Pequannock land in the Redding area, a claim that Chickens contested to the General Assembly (Indian Papers, Series I, Vol. II, Docs. 25-31). Despite support from a number of white neighbors, Chickens finally gave up the fight. The last tract of 100 acres at Lonetown was exchanged in 1748 for 200 acres next to the Schaghticoke reservation where Chickens and his followers settled (Dexter 1916:133; Wojciechowski 1992:67, 91, 200).

Golden Hill Ia: 1700-1765

Disease and alcohol abuse resulted in a dramatic decline in the population at Golden Hill Ia in the latter part of the 1600s and the beginning of the 1700s. A census of warriors in 1703 listed only 19 at Golden Hill Ia, suggesting a population of around 100 (Wojciechowski 1992:67). Birdsley wrote to Stiles that there were about 20 to 25 wigwams at Golden Hill or from 100 to 150 people in 1710 (Massachusetts Historical Society 1809:112). Fifteen years later, in 1725, there were about 40 people living at Golden Hill (Talcott 1896:402). In the 1730s, the population at Golden Hill Ia decreased to only four families (Indian Papers, Series I, vol. II, Doc. 151).

Despite the affirmation of the reservation of 80 acres by the General Court in 1659, there were repeated encroachments by neighboring settlers during the early to mid-1700s that resulted in many of the Indians at Golden Hill Ia leaving either to join the Pequannock at Redding or to settle elsewhere, for example at Farmington, where descendants were still living in the 1770s when they joined the Farmington Indians in their exodus to Brotherton, New York (Indian Papers, Series II, Vol. II, Docs. 153-154).

By 1760 the four remaining Golden Hill families had use of only 6 acres of the reservation and of these, all but one-half acre had been allotted to settlers under the assumption that the Golden Hill Indians would soon be extinct (DeForest 1852:355; Indian Papers, Series I, Vol. II, Docs. 147-151). Apparently unwilling to wait for the Golden Hill Indians to depart the land voluntarily, residents of Stratford tried to force them off the reservation. In August of 1763, Richard Hall tore down the remaining wigwam and forcibly drove the two resident Golden Hill families off the reservation (Indian Papers, Series I, Vol. II, Docs. 147-148).

In October 1763 the Golden Hill Indians, together with a number of Pequannock who had earlier moved to Lonetown, Schaghticoke, and Farmington, as well as several other Indians from Schaghticoke, petitioned the General Assembly for return of their land (Indian Papers, Series I, Vol. II, Docs. 147-148). The General Assembly recognized the rights to the land of those that had resided on it up to 1763, but not the rights of the petitioners from the other Paugussett communities. The assembly appointed a committee to investigate the petition and a guardian to manage the affairs of the Golden Hill Indians (Indian Papers, Series I, Vol. II, Docs. 148). The findings of the committee were presented to the General Assembly in March 1764 wherein they determined that the Indians did still legally own the land; however, because of the reduction in usable territory to only six acres, the population at Golden Hill had decreased from 300-400 people in 1659 to just two families in 1763 and the committee recommended that the land be given to the Stratford settlers and the Golden Hill Indians be given land elsewhere (Indian Papers, Series I, Vol. II, Doc 149).

The General Assembly rejected the report and ordered reconsideration of the matter. In the second report, the committee recommended returning all 80 acres to the Golden Hill Indians. This report was rejected as well and a second committee formed which, in 1765, determined that a 12-acre portion of the reservation known as Nimrod Lot should be returned to the Golden Hill Indians and that they should be given another 8 acres known as Rocky Hill Lot as a winter habitation (Indian Papers, Series I, Vol. II, Docs. 150-153). Thus, the 80-acre Golden Hill Ia reservation was now reduced to the 20-acre Golden Hill Ib reservation.

Golden Hill Ib: 1765-1799

Not only was the Golden Hill Ib reservation much smaller than the original reservation, but it now comprised two geographically separate tracts of land. In addition, the appointed guardians for the tribe greatly abused their position to the detriment of the Golden Hill Indians. By 1768 the first guardian, Thomas Hill, requested release from guardianship and the General Assembly appointed Daniel Morriss from Stratford in his stead (Indian Papers, Series I, Vol. II, Docs. 154-155). This was somewhat surprising since Morriss was one of the Stratford settlers who had encroached on the lands at Golden Hill Ia (Wojciechowski 1992:7). In practically no time Morriss cut all the trees on the Rocky Hill Lot and planted his own corn on the Nimrod Lot. In addition, he allowed his son to molest the Golden Hill girls. Finally in 1774, with the assistance of a white neighbor, Aaron Hawley, the Golden Hill Indians protested Morriss' behavior to the General Assembly (Indian Papers, Series I, Vol. II, Doc. 156).

The General Assembly appointed a committee to investigate the matter, but one year later no report had been issued. In May 1775, the committee was reappointed. The following year, before the committee had a chance to issue a report, Morriss submitted his resignation (Indian Papers, Series I, Vol. II, Docs. 157). With the outbreak of the American Revolution that year, no further action was taken by the committee. Following the conclusion of the war, in April 1780 the General Assembly appointed a new committee to investigate the complaints of the Golden Hill Indians. In November 1780, a report was issued that was highly critical of Morriss and he was dismissed as guardian shortly thereafter (Indian Papers, Series I, Vol. II, Docs. 160, 162-164).

Beginning around 1790 the population of the parish of Stratford increased rapidly as did real estate prices and in 1797 Stratford tried to get possession of Nimrod Lot (Shelton 1800:3-6). In its petition to the General Assembly Stratford argued that the Golden Hill Indians used only the Rocky Hill Lot and were unhappy with the way the overseer (Aaron Hawley) managed the tract. They also argued that the land brought no taxes and was a hindrance to the development of the town (Indian Papers, Series II, Vol. I, Doc.139, p. 596). This was a common cause for settlers to lay claim to Indian land. As farmers, the settlers viewed unimproved land as a waste and its owners as lazy, failing to understand that for the hunting and gathering Paugussett, only land left in its natural state could yield the flora and fauna on which their survival depended. The settlers did show a glimmer of comprehension, however, when they wrote in their petition that the tribal guardian, Aaron Hawley, had "rented and used" the tribe's land and "allowed [the tribe] but very little of the

avails of said twelve acres and said eight acres of land during his guardianship, and not near enough for their subsistence" (Indian Papers, Series II, Vol. I, Doc.139c, p. 597).

The General Assembly's response to the petition was to appoint a committee to investigate Hawley (Indian Papers, Series II, Vol. I, p. 601). While the committee produced none of Hawley's accounts or records, it asserted that he was owed money by the tribe (over 50 pounds), although the committee did not say for what (Indian Papers, Series II, Vol. I, Doc. 145, p. 605). Despite the lack of documentation, the General Assembly accepted the committee's report and ordered that "so much of the land of said Indians, as shall satisfy such sum" be sold and the proceeds given to Hawley" (Indian Papers, Series II, Vol. I, Doc. 147). Hawley, in turn, told the committee that he wished to be paid by receiving part of the reservation and his wish was granted in 1799 (Indian Papers, Series II, Vol. I, Docs. 140-147). Given that the reservation lands were valued on average at 40 pounds an acre in 1802, Hawley probably received a little over an acre (Indian Papers, Series II, Vol. II, Doc. 2). Thus, at the close of the eighteen century, the Golden Hill Indians retained possession of only 19 acres of the original 80-acre reservation.

Potatuck Lands

The eighteenth century would see a reversal of fortunes for the Potatuck. Whereas their more northerly location had meant a much smaller incursion of settlers in the 1600s than was seen by Paugussett proper and Pequannock, expansion of the Stratford and New Haven settlements in the 1700s rapidly diminished the Potatuck landholdings. Early in the first half of the century most of the Potatuck territory was deeded to the settlers and what remained was sold by mid-century. As their territory diminished, the Potatuck moved to various

locations including Golden Hill; Schaghticoke; Stockbridge, Massachusetts; and the territory of the Oneida in New York.

Potatuck: 1700-1759

Between 1680 and 1705 there were several hundred residents at Potatuck near Newtown. Birdsley, writing in 1761 to Stiles, estimated that the Potatuck had 50 warriors in 1710 or about 150 to 200 people (Massachusetts Historical Society 1809:112).

In 1705 the Potatuck sold most of their land. Of the territory that remained they sold the major portion at Woodbury—48 square miles—to the settlers at Stratford in 1728 (DeForest 1852:351) and three-quarters of their land at Southbury in 1733 (Wojciechowski 1992:227), after which many moved to the Paugussett settlement at Schaghticoke (Orcutt 1882:51).

In the 1740s the ties between the Paugussett remaining at Potatuck and those at Schaghticoke were strengthened as a result of a joint petition to the General Assembly for ministerial services (Connecticut Historical Society 1907:42-43). Following the tepid response of the General Assembly to the petition, both groups turned to the Moravian mission at Shekomeko, New York, for religious services (DeForest 1852:410-411; Orcutt 1882:132). This action further alienated the Potatuck from the neighboring settlers and resulted in additional land encroachments. Finally, in a series of deeds executed in 1758 and 1759, the Potatuck sold their remaining lands in the Newtown and Woodbury areas (Golden Hill Petition:July 1994 Genealogical Supplement).

The majority of the Potatuck had already moved to Schaghticoke by this time (Orcutt 1882:51): Stiles notes that, according to a public census, there were 127 Potatuck at

Schaghticoke in 1762 (Massachusetts Historical Society 1809:112). However, some Potatuck went further up the Housatonic River to join the Indians living at Stockbridge, Massachusetts. In addition, as noted earlier, at least two Potatuck males including the signatory of the last deed at Woodbury, Thomas Sherman and his fellow soldier in the French and Indian Wars, John Chops, settled at Golden Hill and married Pequannock wives (Connecticut Historical Society 1903:72; Orcutt 1886:42-43; Golden Hill Petition 1994:appendix VI). Some Potatuck apparently also remained in their ancestral territory for a while, for Birdsley reports one man and two or three broken families living at Potatuck (Newtown) in 1761 (Massachusetts Historical Society 1809:112).

Weantinock Lands

Like the Potatuck, the Weantinock were somewhat protected from the colonists thirst for land in the seventeenth century by their location north of the Fairfield and Stratford settlements. However, early in the eighteenth centuries the settler's demand for additional land resulted in the sale of much of Weantinock territory and the removal of the population further north to Schaghticoke.

Weantinock: 1700-1736

Between 1703 and 1729 the Weantinock deeded away the major part of their territory (Wojciechowski 1992:89). Already by 1703 the Weantinock had undergone severe population decline and a census in that year counted only 19 warriors or a total population of about 100 at their main settlement in the New Milford area (Wojciechowski 1992:89). The population was further reduced in 1707 by an epidemic that struck both the Weantinock and

Potatuck (Orcutt & Beardsley 1880:lxviii-lxix). As a result, by 1725, there were only 49 individuals residing at the main Weantinock settlement (Talcott 1896:397).

Between 1730 and 1736 under the leadership of Maweseman (Gideon Mauwee), a Paugussett proper from Naugatuck, the Weantinock abandoned their principal village in the area of New Milford and moved deeper into their territory to a location west of the Housatonic at Schaghticoke (DeForest 1852:407-409; Orcutt 1882:59-60, 133, 197-198, Wojciechowski 1992:89).

Schaghticoke: 1736-1799

Over the course of the early eighteenth century the population alternately decreased and increased at Schaghticoke. By around 1740 there were approximately 100 warriors, or upward of 500 to 600 people (DeForest 1852:409). In 1742 the Indians at Schaghticoke entered a petition together with the Potatuck at Newtown to secure funding from the General Assembly for ministerial services (Connecticut Historical Society 1907:42-43). The response of the General Assembly was to allocate only a small amount of monies to be used by the Indians to obtain services from the ministers in Newtown and New Milford (Cothren 1854:103). Disappointed with this arrangement, the Indians turned to the Moravian missionaries in New York for assistance (DeForest 1852:410-411; Orcutt 1882:132).

The Connecticut settlers strongly disapproved of the Moravian version of Christianity. The baptism of the Indians into this faith, if anything, only accelerated the colonists efforts to obtain their lands. As a result a number of Indian families migrated to Gnadenhuetten near Bethlehem, Pennsylvania (Loskiel 1794:83-5). However, life among the Moravians in Pennsylvania was not what the Schaghticoke had thought it would be and most

returned shortly thereafter. By around 1744, the Schaghticoke territory amounted to about 2,000 acres (Conkley, Boissevain, and Goddard 1978:183).

On December 19, 1746, the Schaghticoke leased a large tract of their land extending from the Housatonic River to the western boundary of the colony for 999 years for three hundred pounds to three colonists (DeForest 1852:413-414). Not long thereafter, in 1749, the major portion of the Pequannock living at Lonetown under the leadership of Chickens moved to 200 acres of land bordering Schaghticoke (Dexter 1916:133; Wojciechowski 1992: 67, 91, 200).

Between 1749 and 1751 the Schaghticoke deeded away more of their land (Indian Papers, Series II, Vol. 2, Docs 43-45) and, in 1751, the General Assembly gave the land west of the Housatonic to the town of Kent (Wojciechowski 1992:91). In addition to the official land sales and colonial grants, there was a serious problem with illegal encroachment. So serious was the problem that, in May 1752, the Schaghticoke petitioned the General Assembly asking that part of their lost land be restored. The General Assembly responded by restoring about 150 acres (Wojciechowski 1992:92).

Nevertheless, encroachments continued and in October 1756 the Schaghticoke again petitioned the General Assembly (Indian Papers, Series I, Vol. 2, Doc. 77). According to this petition their entire landholdings at the time were about 950 acres (Indian Papers, Series I, Vol. 2, Docs. 75-76; Public Records 1877:108). The General Assembly appointed a committee to investigate the complaints (Public Records 1877:57). The committee issued its opinion in May, 1757, that no wrong had been done to the Indians at Schaghticoke (Indian Papers, Series I, Vol. II, Doc. 80).

In three land transactions, one in 1759 and another in 1761, Chickens sold 40 acres of the 200-acre Pequannock lands at Schaghticoke to the same person (Isaac Bull) (Public Records 1880:284-285; Indian Papers, Series I, Vol. 2, Docs. 126-127). In December of that year, Chickens took ill and died. During his illness, a neighbor by the name of John Read obtained doctors for Chickens and supplied him with provisions. Upon Chickens' death, Read petitioned the General Assembly for payment for his services to Chickens and part of Chickens' land was sold to pay the debt (Public Records 1881:215). A 1761 census of Kent's populations showed 127 Indians in the vicinity, doubtlessly all members of the Schaghticoke tribe (Connecticut State Historical Society 1762).

Between 1775 and 1785, the fourth overseer for Schaghticoke, Abraham Fuller, entered into three land transactions that further reduced the Indian landholdings. In 1775, he petitioned the General Assembly to lease a portion of a 120-acre common lot of improved land to defray payments for medical bills of the Indians (Public Records 1890:217; Indian Papers, Series I, Vol. 2, Docs. 206-208). The plan was approved and filed with the Town of Kent in 1776 (Indian Papers, Series I, Vol. II, Doc. 209).

In 1778, Fuller again petitioned the General Assembly, this time to sell 10 acres of land on behalf of the Warrups family, ostensibly to help support Chickens' widow (Public Records 1895:150; Indian Papers, Series I, Vol. 2, Docs. 211-212). In a third petition to the General Assembly in 1785, Fuller asked to recover his expenses in assisting two members of the Warrups family, Rhoda and her mother, who had been ill and later died. Ultimately, Rhoda's sister Eunice sold 30 acres of her land to pay Fuller (Indian Papers, Series I, Vol. 2, Docs. 222-223; Public Records 1945:255-256).

The Schaghticoke filed a lengthy petition with the General Assembly in April 1786 that enumerated a variety of complaints and noted that most of the population was poverty stricken, and consisted of 36 males, 35 females, and 20 children (Indian Papers, Series I, Vol. 2, Docs. 218-219). The General Assembly responded to the petition by appointing a committee to investigate (Public Records 1945:207). In addition to denying most of the complaints of the tribe, the committee determined that rather than continuing the ruinous practice of leasing tribal lands for one year, 50 acres be allotted to the remaining Indian families and the rest of the land leased for periods of 50 years to colonists (Indian Papers, Series I, Vol. II, Docs. 220-221).

Further land loss occurred in 1787 when the Schaghticoke petitioned the General Assembly, asking that an "industrious man" be brought to live among the Indians to help farm the land." The petition resulted in a colonist named Abijah [Jedidiah] Hubbel being granted permission to buy 60 to 70 acres of land at Schaghticoke and, thus, live nearby (Indian Papers, Series I, Vol. 2, Doc. 224).

In October, 1790, Fuller again petitioned the General Assembly for sale of Schaghticoke lands to pay his expenses as overseer to the tribe. This was followed by another petition in May, 1792, asking for still more lands to be sold to reimburse his expenses (Indian Papers, Series II, Vol. 2, Docs. 49-50).

By 1798, the population at Schaghticoke was only 67 (Stiles 1901:368). One year later, in May 1799, two members of the Mauwee family who were now living in Cornwell petitioned the General Assembly to sell their lands at Schaghticoke so they could

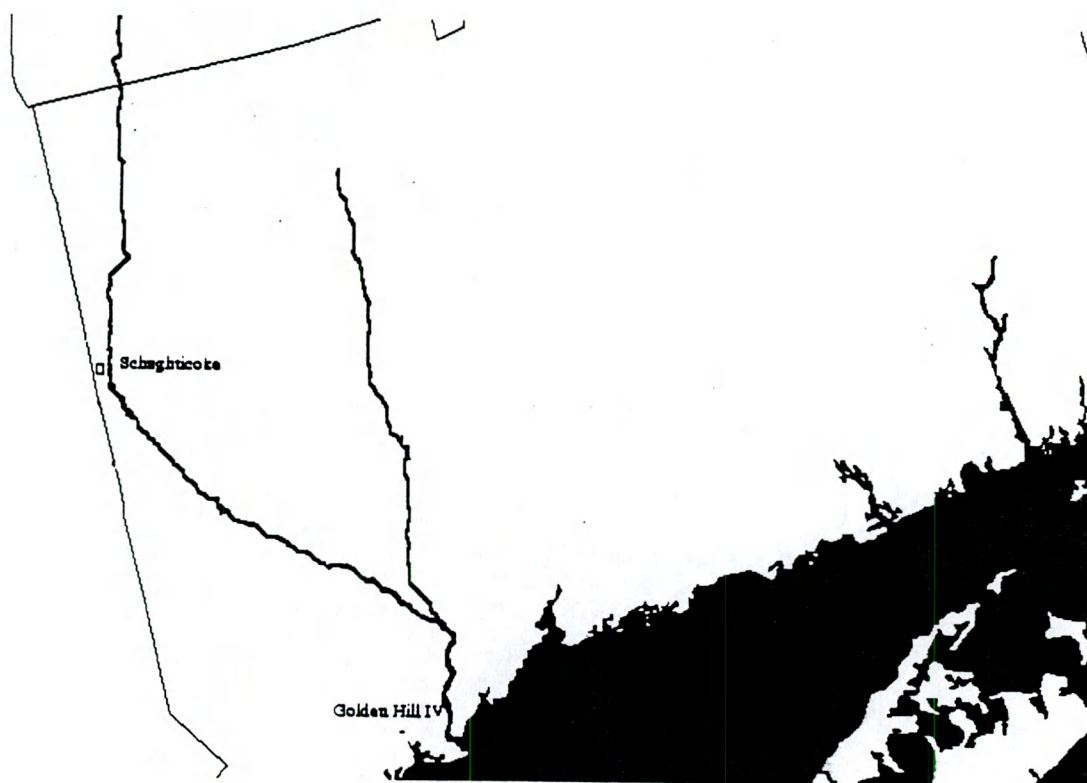
buy land closer to their home and the petition was granted (Indian Papers, Series II, Vol. 2, Docs. 56-57; Public Records 1953:376).

By the end of the century, further loss had occurred. DeForest (1852:418-419) wrote that by 1801 the Schaghticoke population had fallen to 35 people, who owned 1,200 to 1,500 acres of which most were unsuitable for farming.

Land Loss and Population Decline: 1800-1899

At the close of the eighteenth century it no longer made sense to speak of Paugussett territory in terms of possession or occupation by one or another the four original autonomous groups. As a result of migrations and intermarriage during the 1700s the political division of the Paugussett proper, Pequannock, Potatuck, and Weantinock had shifted to a division between those Paugussett living at Golden Hill Ib (mixed Pequannock and Potatuck), those living at Naugatuck (mixed Pequannock and Paugussett), those living at Schaghticoke (mixed Paugussett proper, Pequannock, Potatuck, and Weantinock), and those living at Turkey Hill (mixed Paugussett proper, Pequannock and Potatuck).

The nineteenth century was characterized by a significant reduction in the rate at which Paugussett territory was lost for the simple reason that most of the ancestral land was already in the possession of settlers. Of the 1,100 to 1,700 acres that remained, only a small fraction was suitable for agriculture and thus still sought by non-Indian neighbors. Even that small fraction of arable land, however, was lost and by 1899, the Paugussett retained possession of only 400 $\frac{1}{4}$ acres in two locations, Golden Hill III and Schaghticoke (map 4).



Map 4: Approximate Extent of Paugussett Territory by 1899

Although the rate of land loss declined, the rate of on-reservation population loss did not. By the end of the century, the number of Paugussett living on Paugussett land had dropped from its 1800 high of 77 to a low of 20. The actual Paugussett population living in western Connecticut at the end of the century, however, was much higher than these numbers suggest, since many tribal members lived off-reservation either for economic reasons or, in the case of Golden Hill III, simply because there was not enough room on the ¼-acre reservation for everyone (Golden Hill Petition; Schaghticoke Petition).

The circumstances that led to loss of additional land and population on the four sections of Paugussett land that remained in 1800 (i.e., Golden Hill Ib, Naugatuck, Turkey Hill, and Schaghticoke) were quite different. Therefore, I will discuss each separately.

Golden Hill Ib: 1800-1802

Having been investigated by the General Assembly for potential mismanagement of Golden Hill affairs in 1797 and been paid for his services as tribal guardian with an acre of Golden Hill land, Aaron Hawley resigned on October 24, 1801 (Indian Papers, Series II, Vol. I, Doc. 148, p. 610). In that same year, the leader of the Golden Hill Indians, Tom Sherman (Sr.) died and his son, Tom Sherman (Jr.), succeeded him (Indian Papers, Series II, Vol. II, Doc. 1, p. 1).

Upon Hawley's resignation, a new guardian, Josiah Lacey of Stratford, was appointed (Indian Papers, Series II, Vol. I, Doc. 149, p. 617). A census taken around that time reported that the Golden Hill tribe consisted of five families, totaling twenty persons (Indian Papers, Series II, Vol. II, Doc. 1, p. 1). Lacey's report for the years 1802-4 as tribal guardian mentions several members of the Sherman family: Tom (Jr.), Tom's wife (Sarrah), Tom's son

(name unknown), Eunice, Ann, and Ann's daughters (Dolly, Harriet, and Phoebe). Also mentioned are John Chops and an individual named Jab (no last name given) and his son and girls. In addition to members of the Sherman and Chops families, and the family of Jab, residents at Golden Hill in 1802 probably also included members of the Towsey family (mentioned in the guardian's report for 1807) and possibly one or more members of the Pan family.

It is important to note as well that not all of the Golden Hill tribal members resided on the reservation, or at least not on a regular basis. Both the Pans and the Towseys were intermittent residents at Golden Hill (Golden Hill Petition: First Families Supplement). In addition, several members of the Sherman family moved off the reservation to reside in neighboring sections of eastern Connecticut. For example, sometime in the late 1700s Eunice Sherman, daughter of Tom Sherman and Eunice Shoran, and her neice, Ruby Sherman, married men from the Schaghticoke vicinity, Mack and James Mansfield (Orcutt 1886:42-3). Rather than settling at Golden Hill or Schaghticoke, the Mack/Mansfield families took up residence in Paugussett proper territory in the Derby Area (De Forest 1852:357, Orcutt 1886:42-3).

On October 1, 1802—only one year after the land sale to pay Hawley—the Golden Hill Indians, through their agent Josiah Lacey, petitioned the State of Connecticut to sell all of their lands at Golden Hill (Indian Papers, Series II, Vol. II, Doc. 2, p. 3). The petition explained that they were barely able to produce enough profit from their land to cover payment of their appointed guardian's annual expenses. The petition further noted that "at least one hundred pounds value of said lands have already been by order of your Honors sold

to defray various expenses arising under different agents." Even the former guardian Hawley was demanding additional payment from the tribe, which would "require further sale of land to defray." The tribe also complained to the state that the woodland area of the reservation had "nothing but a small growth of young wood now springing up thereon, the preservation of which also requires continual fencing."

The General Assembly granted the tribe's petition and in December 1802 the land was sold at auction for \$1,576, a portion of which funds were used to pay claims against the tribe and the remainder invested in real estate in Bridgeport, Milford, and Weston with interest to accrue to the tribe (Indian Papers, Series II, Vol. II, Docs. 3-5). One year later, in 1803, Eunice Sherman Mack/Mansfield's husband, Mack, had died and, on May 13, she petitioned the court to give her enough funds from the 1802 sale of Golden Hill Ib lands to permit her and her children a few acres of land to farm and keep a cow. Her request was granted and she purchased a small tract of land in the Naugatuck area which was to be held in trust for the Golden Hill Indians by Samuel Osborne (Indian Papers, 2nd Series, Vol. II, Doc. 9).

The impact of land loss on the Golden Hill Indian population is clear from census data. When a census was taken in 1807, the tribe had reduced to fifteen people. From 1807 to 1819, overseer Elijah Burritt's records indicate that he oversaw the accounts of approximately ten tribal members (Golden Hill Petition 1994:appendix VI). In April 28, 1823, the Committee de Golden Hill Indians, on behalf of the General Assembly, conducted a census of Golden Hill Indians to determine who remained entitled to monies that had accrued from investments from the 1802 land sale. The committee counted nine tribal members, including seven members of the Sherman family (Ann, Harriet, Dolly, Ruby [Mansfield], an

unnamed daughter of Ruby [Nancy], an unnamed daughter of Dolly, and an unnamed daughter of Harriet), and two other individuals: Adonijah Chops and John Hatchet Towsey (Jr.) (Connecticut State Library R.G. 2, Box 3). Tribal members living elsewhere included, Charles Sherman, who at the time was living in Woodbury (1824 Report of the Golden Hill Overseer, Elijah Burritt); James Sherman, who at the time was living in South Carolina (Indian Certification Records for South Carolina); and, as noted earlier, Eunice Sherman Mack, who was living in Woodbridge.

Over the next twenty years, while the tribe remained officially landless, the population continued to decline. The Chops family vanished entirely from the Connecticut map in 1848 with the death of Adonijah Chops (Harwinton First Congregational Church 1950). The Towsey family name also vanishes from the scene after 1826. In his 1836-1839, tribal overseer Smith Tweedy makes mention only of Ruby Sherman and her daughter, Nancy, and children (presumably Nancy's), and other, unnamed and uncounted Indians.

Naugatuck: 1800 - 1812

In 1800 the principal residents at Naugatuck were descendants of the few Paugussett proper families who had chosen not to follow Joseph Mauwee to Schaghticoke; descendants of Sarah Sherman and Ben Roberts; and Euncie Sherman Mack and her children. In 1833 twelve members of the Mack/Mansfield family were reported living at Naugatuck, all but three of whom died that year in a smallpox epidemic (Orcutt and Beardsley 1880:52).

Eunice (Sherman) Mack/Mansfield and her brother-in-law, James Mansfield, remained at Naugatuck (U.S. Census for Derby, Connecticut, for the years 1840 and 1850). However, James' wife, Ruby Mansfield as well as her daughter Nancy Sharpe and some of Nancy's

children apparently moved to Golden Hill Ib around 1835 (1836-39 Report to the Stratford Court by Golden Hill Overseer, Smith Tweedy), but continued to visit the Derby area periodically through the middle of the century (DeForest 1852:357; see also the discussion under Golden Hill II).

The last Paugussett proper land at Naugatuck was sold in 1812 and the proceeds used to buy land in the area for the few remaining families (Sharpe 1879:62-63).

Turkey Hill: 1800-1826

The encroachments by neighbors that began in the late 1700s continued in earnest into the early 1800s until, at last, the final parcel of Paugussett proper land at Turkey Hill was sold in 1826 (Wojciechowski 1992:58). However, several families stayed on in the area. One of these was the family of the renowned basket maker Molly Hatchet (Butler 1947:47-48). DeForest (1852:356) noted that in 1849 "a few of this clan (Hatchets) still live on about ten acres of land at Turkey Hill." Town records and U.S. Censuses for Orange show that descendants of Molly Hatchet, as well as descendants of the Myrrick family, remained in the area throughout the nineteenth century.

Golden Hill II: 1842-1854

In 1841 a census of the Golden Hill tribe reported that there were two families, for a total of ten people. That same year, two tribal member, Ruby Mansfield, and her daughter, Nancy Sharpe petitioned the state for some of the returns on the money invested from the 1802 sale of tribal lands (Hurd 1881:68). At the time of the petition, the tribal fund amount was \$1,175, of which the tribe's overseer, Smith Tweedy of Bridgeport, was authorized to use \$600 to purchase a dwelling house and sufficient land for the use and benefit of said Indians

(DeForest 1852:356-7; Connecticut State Library, General Assembly Papers, R.G. 2, Box 33, Doc. 53). These funds were used in 1842 to purchase $19\frac{3}{4}$ acres of land at Turkey Hill Meadow in the Nichols section of Trumbull from Samuel Edwards, only three or four miles north of the Rocky Hill portion of the Golden Hill Ib reservation (Hurd 1881:68; Resolves and Private Acts 1841:29-30).

By 1849, the new reservation was already under serious threat. (The census for that year reported that the tribe had a total of twelve persons making up two families.) On May 6, without support or consent from the Paugussett tribe, overseer Smith Tweedy petitioned the state government to urge that the land that had been purchased for the tribe by Ruby and Nancy in 1841 be sold. He claimed that the tribe's leader—Ruby Mansfield—was "old and infirm," and that "a barn has been recently burned upon said premises, probably by one of said Indians" (Connecticut State Library, General Assembly Papers, R.G. 2, Box 49, Doc. 68; Resolutions and Private Acts 1849:92-4).

Ruby Mansfield died later that year, on October 11, 1849, in Derby at the age of 60 (Derby Vital Statistics Vol.4:562). The State Legislature passed a law authorizing Tweedy to sell the land with building thereon which he did in 1854 (Trumbull Land Records, Vol. IX:265).

Golden Hill III: 1886-1899

Two years after the sale of Golden Hill II, in August 1856, a son of Nancy Sharpe, William Sherman, returned from working as a crew member on the whaling ship *Clematis* and moved with his wife, Nancy Hopkins, to Trumbull (Orcutt 1882:42-43; National Archives 1984; Starbuck 1964:459). William Sherman kept a detailed diary/account book of his daily

affairs (Sherman 1856-1876) which shows that, from 1856 onward, he divided his time between raising family; pursuing traditional Paugussett hunting, gathering, and handicraft activities; and working as a hired laborer for and providing native medical services to neighboring families. In addition, he continued to serve occasional stints on whaling ships (Orcutt 1886:43).

Between 1857 and 1860 ten children were born to William and Nancy Sherman, although two died shortly after birth (Orcutt 1886:43). However, there were rarely more than two or three of the children living at home (1860, 1870, and 1880 U.S. Censuses for the Town of Trumbull; Sherman 1856-1876). As soon as they were able, the children were sent out to work as domestics and laborers to neighboring white families and it appears that some of the children were later adopted into these families (Sherman 1856-1876). William Sherman was also occasionally visited by another member of the tribe, Henry Pease, his nephew (Hurd 1881:68; Sherman 1856-1876).

In 1875, using earnings from his work for neighbors, William Sherman purchased a one-quarter acre tract of land bordering the former Golden Hill II reservation (Trumbull Land Records Vol. XI:323-4; Wojciechowski 1992:73). He then withdrew \$600 from the fund from the 1802 sale of Golden Hill 1b to build a house on the property (Hurd 1881:68; Sherman 1856-1876).

In 1876 he asked that the tribal overseer, Russell Tomlinson, be entrusted to care for the land along with his other responsibilities for the tribe. Finally, in 1886, William Sherman deeded the one-quarter acre reservation to the next tribal overseer, Rowland Lacey, "to be held in trust for the tribe by him and his successors" (Golden Hill Petition). This act

rendered the small tract of the tribe's land an official Connecticut state Indian reservation (Connecticut Public Acts 1876:102; Pallotti and Smtih 1939; Wojciechowski 1992:73). That same year, William Sherman died.

Schaghticoke: 1800-1899

As noted previously, there were approximately 35 Indians at Schaghticoke in 1801 who owned from 1200 to 1500 acres of land (DeForest 1852:118-119). Most of the land was the tribes hunting territory, land that was unsuitable for farming. The overseer, Abraham Fuller, petitioned the government for permission to sell a portion of this land to defray the debt of approximately \$400 owed him by the tribe. The petition was granted and the northern portion of the reservation sold (Indian Papers, Series II, Vol. 2, Docs. 66-68; Public Records 1965:250-251).

The next recorded sale of reservation land occurred in May, 1811, when the overseer, Abel Beach, petitioned for the sale of 20 acres of Schaghticoke land. He argued that the land was not suitable for cultivation, nor could it be leased out by the tribe, and that the proceeds of the sale could be invested for the use of the Indians (Indian Papers, Series II, Vol. 2, Docs. 90-91).

In 1836, John Barber reported that the tribe consisted of one woman (Eunice Mauwehu) and two or three other families, who owned about 300 acres of land. By 1849 the resident population at Schaghticoke was between 28 and 40 people who lived on 400 acres (DeForest 1852:420).

Reports of the appointed overseers for Schaghticoke reveal that between 1859 and 1870, the reservation comprised 300 acres of land and the population ranged between 50 and

56 members. From 1881 to 1884, the population was between 44 and 65; in 1884, only 20 to 25 members of the tribe actually lived on the reservation (Schaghticoke Petition 1989:21). By the end of the century, the resident population at Schaghticoke had experienced further decrease for it was reported that, in 1903, only 16 individuals resided on the reservation (Prince and Speck 1903:346).

Post-script: 1900-1994

Attempts by non-Indian neighbors to encroach upon both Golden Hill III and Schaghticoke continued into the twentieth century (Golden Hill Petition, Schaghticoke Petition). However, increased knowledge of and willingness to work with the state bureaucracy and legal system enabled the Indians to fend off most of these attempts. As a result, 400 acres at Schaghticoke and the one-quarter acre at Golden Hill III remain Indian lands to this day.

Similarly, the population at Golden Hill III has remained fairly stable, with the one house on the reservation being continuously occupied by one Golden Hill family throughout the century. Off the reservation, the population of the Golden Hill Tribe grew considerably, from around 17 members in 1900 to more than 80 members today. At Schaghticoke, the population living on the reservation has seen ups and downs over the years, but in general the trend has been for progressively fewer people to be in residence. For a number of years there has been only one family living on the reservation.

Synonymy

Various names have been used to refer to the Indians of the lower Housatonic River valley in court rulings, deeds, legislative acts, petitions, and other documents from the seventeenth century onward. In every case, these names derive from the geographic location of the Indians at the time. As a result of imperfect literacy in the colonial period and the difficulty experienced by colonists in correctly hearing words in the local Algonquian languages, the terms that derive from Paugussett place-names show countless orthographic variants. The following list is illustrative rather than definitive.³ Where variant names are cited from seventeenth and eighteenth century deeds and official acts, these documents appear in Wojciechowski 1992:appendices A-D.

Paugussett proper

Pacausuck (May 6, 1698:Derby deed); Pagacite (April 20, 1659:Derby deed); Pagaset (May 1657:Derby deed); Pagasett (April 20, 1659:Derby deed); Pagasettt (April 20, 1659:Derby deed); Pagassett (February 25, 1663/64:Stratford deed); Pagasitt (April 22, 1665:Stratford deed); Pagasutt (February 25, 1663/64:Stratford deed); Pagesett (February 25, 1663/64:Stratford deed); Pagcite (Wojciechowski 1992:106); Pagsite (April 20, 1659:Derby deed); Paguasuck (April 1, 1692:Derby deed); Pagusett (September 9, 1661:Stratford deed); Pagusit (December 4, 1661:Stratford deed); Paugaset (March 13, 1709/10:Derby deed); Paugasett; Paugasset (February 2, 1638/39:Milford deed); Paugasuck (September 7, 1693:Derby deed); Orcutt 1882:29); Paugoset (October 2, 1682:Milford deed); Paugusset (June 17, 1685:Milford deed); Paugussett (DeForest 1852:49); Paugusit (February 22,

1658/59:Stratford deed); Pauigesuck (May 1680:Resolve of the General Court); Pawgasit (December 4, 1661:Stratford deed); Pawgasutt (March 2, 1659/60:Derby deed); Pugusett (May 26, 1663:Stratford deed); Saugosset (June 28, 1711:Waterbury deed).

Darby, Milford & Stratford Indians (Stiles 1916:158); Derby Indians (May 6, 1698:Derby deed); Milford Indians (February 28, 1684/85:Waterbury deed); Turkey Hill Indians (January 7, 1723/24:Stratford deed); Wepawaugs (DeForest 1852:49); Woodbridge Indians (DeForest 1852:357).

Pequannock

Panaquanike (April 27, 1639:Letter from John Haynes to John Winthrop); Paquanack (May 19, 1659:General Court decision); Paquanock (May 1680:Resolve of the General Court); Paquanocke (Wilcoxson 1939:21-26); Paquannock (Wilcoxson 1939:21-26); Paquannunck (May 17, 1671:Stratford-Pequannock Agreement); Paquanunck (May 17, 1671:Stratford-Pequannock Agreement); Pauquaunuch (Massachusetts Historical Society 1809); Pequannocke (June 8, 1663:Testimony of John Minor); Pequannuck (Stiles 1916:133); Pequanoek (Indian Papers, Series I, Vol. II, Doc. 147); Pequonnock (Schenck 1889:99-100); Pequonock (Indian Papers, Series I, Vol. II, Doc. 149); Poquaneck (May 1, 1667:Fairfeild deed); Poquannack (Indian Papers, Series I, Vol. II, Doc. 150); Poquanuck (March 20, 1656/57:Fairfield deed); Poquonock (March 20, 1660/61:Fairfield deed).

Aspetuck Indians (Schenck 1889:3); Cupheag Indians (Orcutt 1886:4); Cuphege Indians (June 15, 1640:General Court decision); Fairfield Indians (May 19, 1659:General

Court decision); Golden Hill Indians (Indian Papers, Series I, Doc. 151); Maxumux Indians (Schenck 1889:55-56); Uncoway Indians (April-May 1659:Testimony of Thomas Wheeler).

Sascoe Indians (June 14, 1680:Fairfield deed); Sashwoke Indians (May 17, 1671:Stratford-Pequannock Agreement); Sasqua Indians (March 20, 1660/61:Fairfield deed); Sasquau Indians (October 6, 1680:Fairfield deed).

Potatuck

Poodatuck (Massachusetts Historical Society 1809); Pudaduc (Stiles 1916:133); Pootatuck (April 16, 1679:Woodbury deed); Potatucke (May 18, 1670:Derby deed); Potatick (Fliegel n.d.); Potatuk (Orcutt 1882:50); Powtatuck (Andrews 1888:385); Puttatuck (April 16, 1679:Woodbury deed).

Bantam Indians (Cothren 1872:103); Wampano (Fliegel n.d. [see also Weantinock]).

Weantinock

Oantanuck (June 23, 1710:Woodbury deed); Oantenock (August 9, 1702:Stratford deed); Ouantenack (August 9, 1702:Stratford deed); Ouantencok (April 25, 1671:Stratford deed); Oweantinuck (Orcutt 1882:198-199); Oweantunnuck (October 22, 1720:Deed of northern Weantinock territory); Oweantunuck (June 19, 1716:New Milford deed); Owiantonuck (Andrews 1888:385); Wawyachtenokse (January 24, 1686/87:Weantinock memorandum); Wawyachtonock (Andrews 1888:385); Weantanuck (August 29, 1705:New Milford deed); Weantinock (February 8, 1702/03:New Milford deed); Weantenoque (February 8, 1702/03:New Milford deed); Weeantenock (February 8, 1702/03:New Milford deed);

Wyantencuk (Andrews 1888:391); Wyantineck (Cothren 1872:100); Wyátonnucken (Stiles 1916:132); Youwátonnoc (Stiles 1916:133) .

Pachgatgoch (Fliegel n.d.); Pachgatgoth (Indian Papers, Series I, Vol. II, Doc. 76); Pishgachtigok (Orcutt 1882:197-198); Scatacook (Barber 1849:476); Scatecook (Indian Papers, Series I, Vol. II, Doc. 77); Scaticook (February 16, 1749/50:Kent deed); Scatticook (Stiles 1916:172); Scutcuk (Indian Papers, Series I, Vol. II, Doc. 201).

New Milford Indians (Connecticut Historical Society 1907:42-43); Wampano (Fliegel n.d. [see also Potatuck]).

Notes

The information reported herein results in large part from ongoing research being carried out in conjunction with the petition for federal acknowledgement of the Golden Hill Tribe of Paugussett Indians (Golden Hill Petition). I also wish to thank William Starna for sharing his research on the Schaghticoke Tribe.

1. Wojciechowski (1992) demonstrates the seventeenth and eighteenth century political autonomy of the four Paugussett groups through an analysis of signatures to deeds. The evidence for intermarriage among the four Paugussett groups includes the statement in a September 9, 1661 Stratford deed that Acquiomp, sachem at Potatuck (1660-1682), was related (as nephew) to Wampegon, sagamore at Paugussett (1659-1661) (Wojciechowski 1992:113-114). In addition, there is evidence from deeds of communal use of territory by individuals from the different groups. Even the perspective of a greater Paugussett tribe, however, may underestimate the extent of the cultural-political entity of which the Paugussett proper, Pequannock, Potatuck and Weantinock were a part. The linguistic evidence clearly shows that these four groups spoke the same language as the Quinnipiac in the New Haven area, and probably the same language as the Wappinger on the east side of the Hudson River in New York, the Poquonnock and Tunxis in the vicinity of Hartford, and the Mattabesec and other communities stretching westward from the Connecticut River (Rudes 1995). There is also evidence of intermarriage among the groups in the seventeenth, eighteenth and nineteenth centuries. Early cases of intermarriage include the union of Joseph Mauwee, a Paugussett proper and leader at Naugatuck, to Sarah, a Quinnipiac from East Haven (Stiles 1787), and

the union of Sarah Montauk, a Pequannock and widow of the sachem Montauk, to Wompegon, a Tunxis (Indian Papers, Series II, Vol. II, Docs. 153-154).

2. Gideon Mauwee was at this time still known by his Paugussett name, Maweseman or Ammavasamon (Fliegel Index n.d.:Box 319.1, No. 33). Only later in 1743 when he was baptized into Christianity at the Moravian mission at Shekomeko, New York, did he take the name Gideon Mauwee (Ibid.).

3. The difficulties faced by the colonists in rendering Paugussett place-names are at least in part understandable, given the great differences in pronunciation between the colonial languages Dutch, English, and German, and the Paugussett language. For example, the various spellings given here for the term for Schaghticoke are all attempts to render a Paugussett word that was probably much like either the word mskitegók still river place or the word beskategók branching river place in the closely related Abnaki language (Day 1981:158). Similarly, the different spellings for Potatuck are attempts to write a Paugussett word comparable to Abnaki bôntégw waterfall or bôntegók waterfall place. In addition, some variants of names reflect differences between how the same word was heard and transcribed by Dutch or German speakers and English speakers (compare Moravian (German) Pishgachticok with Connecticut colonist (English) Scatecook, both meaning Schaghticoke).

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January 11, 1995

FACSIMILE
(203) 548-0023

Mr. John Raffaelli
1341 G. Street N.W.
Suite 200
Washington, DC 20005

Dear Mr. Raffaelli:

Re: Litigation Summary

You have asked that my office prepare a list of all the pending litigation being prosecuted by our firm on behalf of the Tribe. The complete list is as follows. I have also included a brief summary of each claim and of the law upon which it is founded.

1. *Golden Hill Paugussett Tribe v. Town and City of Shelton, et al*, currently pending in the State Superior Court. This action claims approximately 100 acres in the Town of Shelton, Connecticut, which derive from a 1680 Reservation established for the Tribe, and is founded on a violation of the Connecticut Colonial Laws regarding the extinguishment of Indian Title.
1. *Golden Hill Paugussett Tribe v. Town of Trumbull, et al*, currently pending in the State Superior Court. This action claims all of the land in the Town of Trumbull, Connecticut on the basis of a series of deeds from the Tribe to Town proprietors which did not comply with the Connecticut Colonial Laws regarding the extinguishment of Indian Title.
2. *Golden Hill Paugussett Tribe v. The Town of Seymour, et al*, currently pending in the State Superior Court. This action claims approximately 100 acres in the Town of Seymour, Connecticut which had been established as a Tribal Reservation. The action is founded upon a violation of the Connecticut Colonial Laws with respect to the extinguishment of Indian Title.
3. *Golden Hill Paugussett Tribe v. Peoples Bank*, currently pending in the State Superior Court. This action claims a single parcel of land in the City of Bridgeport and is founded upon the violation of the Connecticut Colonial Indian Laws regarding the extinguishment of Indian Title.

O'CONNELL, FLAHERTY & ATTMORE, L.L.C.

October 19, 1995

Page 2

4. *Golden Hill Paugussett Tribe v. The State of Connecticut and the Commissioner of the Department of Environmental Protection*, currently pending in the State Superior Court. This is an act on against the State of Connecticut and the DEP (which is currently the "Overseer" of the Tribe) for an accounting with respect to the loss of the Tribe's lands. The action is founded upon a statutory cause of action for an accounting and upon a takings claim under the State and Federal Constitution.
5. *Golden Hill Paugussett Tribe v. Lowell P. Weicker, Jr., Governor et al* - Civil Action No. 2:92 CV 007. 8 (PCD) was recently reinstated by the Second Circuit Court of Appeals. This action claims approximately 80 acres in the City of Bridgeport, Connecticut and is founded on a violation of the Nonintercourse Act, 25 U.S.C. § 177.
6. *Golden Hill Paugussett Tribe v. Nyzio, et al* - Civil Action No. 3:93 CV 00026 (PCD) was recently reinstated by the Second Circuit Court of Appeals. This action claims approximately 19 3/4 acres in the Town of Trumbull, Connecticut and is founded upon a violation of the Nonintercourse Act, 25 U.S.C. § 177.
7. *Golden Hill Paugussett Tribe v. Bachrycz, et al* - Civil Action No. 3:93 CV 00694 (PCD) and was recently reinstated by the Second Circuit Court of Appeals. This action claims approximately 100 acres in the Town of Orange, Connecticut, and is founded a violation of the Nonintercourse Act, 25 U.S.C. § 177.
8. *Golden Hill Paugussett Tribe v. Town of Southbury, et al*, dismissal by trial court was recently upheld by Connecticut Supreme Court. The Tribe can and may well refile the case. This action claims approximately one third the Town of Southbury, which constituted a 1706 Tribal Reservation, and is founded on a violation of the Connecticut Colonial Laws regarding the extinguishment of Indian Title.
9. *Golden Hill Paugussett Tribe v. Lowell P. Weicker, Jr., Governor*, currently pending in Hartford Superior Court. It will come to trial in the next two months. This action was filed by the Tribe in 1991 pursuant to Connecticut Public Act No. 89-368 (codified as Connecticut General Statute § 47-66h) and seeks to compel the Governor to negotiate a "trust agreement" with the Tribe.

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October 19, 1995

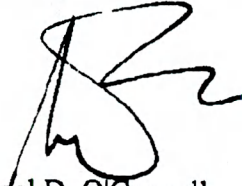
Page 3

10. In addition to the foregoing, the Tribe has prepared but held back filing claims in Ansonia, Redding and numerous further claims in Bridgeport.

If you require anything further, as always, do not hesitate to give me a call.

Very truly yours,

**O'CONNELL, FLAHERTY
& ATTMORE, L.L.C.**

A handwritten signature in black ink, appearing to be 'Michael D. O'Connell', written over a horizontal line.

Michael D. O'Connell

MDOC:ae

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AE 01 11 95

MEMORANDUM

Date: MARCH 28, 1995
From: MDOC
To: CHIEF QUIET HAWK
Subject: SUMMARY OF UNINITIATED LAND CLAIMS

A you requested, I will summarize the current status of the work that we have done over the last several months, pulling together the information relating to land claims that we have not as yet asserted. I have separately given you a report on the status of the three federal court actions and the five state court actions already pending in which we have asserted, on behalf of the Tribe, actions to recover portions of its aboriginal territory. This memorandum is directed to the nine new actions on which we have completed our research and are prepared to commence additional lawsuits. As I have advised you, there are further claims, approximately three in number, that we are still investigating, but are not as yet prepared to assert through legal proceedings.

It is easiest to summarize the new actions by placing them in categories according to the legal basis for their assertion. For instance, five of the claims are founded on the 1680 statute in Connecticut which essentially prohibited the alienation of any reservation lands held by an Indian Tribe, whether the reservation was created by deed reservation, affirmative allotment by the proprietors of a town or by specific allotment by the General Court or General Assembly of the Colony of Connecticut. We have, by the way, elevated this category of state-based claims over those based upon the 1663 statute and other related statutes, because of the strength of the legal and historical support for protection of "Reservation lands".

Page 2

In another category are the three new cases under the Non-Intercourse Act of 1790 (25 U.S.C. §177). Lastly, there are several cases that we are investigating that we describe as "no deed" cases. In these instances, after extensive analysis and search, we can find no transfer (either regular or irregular) of Indian title. In these cases, we have confined our focus to identified villages or reservations and have not attempted to establish claims generally within the aboriginal territory of the Tribe. We believe that "no deed" cases generally within the aboriginal territory are potentially viable, but the most compelling claims of this type are in areas where there was an historically identified fort, settlement, burying ground or other location of specific activity.

CASES BASED UPON 1680 STATUTE RELATING TO RESERVATIONS

In 1680, the General Court of the Colony of Connecticut adopted the following law:

This [General] Court orders that what land is allotted or set apart for any parcells of Indians within the bounds of any plantations, it shall be recorded to them & their heirs for-ever; and it shall not be in the power of any such Indian or Indians to make any alienations thereof; and whatsoever Englishman shall purchase any lands layd out or allotted to the sayd Indians, he shall forfeit treble the value of what he so purchases to the public treasury, and the bargain shall be voyd & null. 3 PUB. REC.COL. CONN. 56-57.

It is apparent that, in referring to "land ... allotted or set apart for ... Indians ..." the intention was to deal with "... tracts of land which they [the Indian Tribes] have reserved themselves ...", "... any land reserved by the Indians by order of this Assembly or by any town ...". Thus, 1680 enactment provides protection to (1) "reservations" which have been reserved by Indians in conveyances by them, (2) reservations created by the proprietors of the various towns and (3) reservations created by specific enactment of the General Court or General Assembly. In our case,

Page 3

we have identified another series of reservations which were created by or in favor of the Tribe, predominantly in the shoreline towns westerly of the mouth of the Housatonic River.

We focus on these claims primarily because of their clear identification, in two deeds, both recorded in 1680. The first deed, identified in Ethnohistory of the Paugussett Tribes, Franz Laurens Wojciechowski, Kiva Monograph Series No. 9, Page 174 (hereinafter "Woj. P."), as the "Deed of the Sasqua Indians", referred to the fact that the Committee of the Proprietors of the Town of Fairfield had laid out for the Tribe three parcels, one located at Rocky Neck, one on a hill of land west of "Maxem's Farms" (located in what is and was known as Clapboard Hill) and one unidentified five acre parcel. These three parcels are later collectively referred to as the parcels set out as "Sasqua". The second of the two deeds which was dated October 6, 1680 (Woj. P. 176) confirmed to the proprietors of the Town of Fairfield a parcel which was seven miles across at the sea and twelve miles deep into the country. Within that deed, the parties acknowledge that three reservations had been set aside for the Indians, namely, the lands provided for the Sasqua Indians (i.e. the three parcels noted above), lands at Wolfepit-Plaine and lands known as "Ye Old Field". These three "reservations" are repeatedly referred to and identified in historical documents and ancient maps. In fact, however, in direct contravention of the 1680 statute, all three of these parcels were subsequently stripped away from the Tribe. These illegal transactions are summarized below:

1. In a deed dated April 21, 1703, the Rocky Neck Reservation was "conveyed" by a representative of the Tribe. This parcel comprises the downtown section of Southport, on the west side of Southport Harbor and Mill River. This is the

Page 4

primary, waterfront section of Southport, which is the southwesterly waterfront section of the current Town of Fairfield.

2. By deed dated January 26, 1714, the Clapboard Hill Reservation was conveyed out, again in contravention of the 1680 statute. Clapboard Hill comprises a large section of the southeasterly portion of the current Town of Westport, north of Frost Point, bounded generally by U.S. Route 1 on the North and Interstate 95 on the south. Westport is an upscale suburban community.
- 3.(a) By deed dated May 18, 1681, the "Old Field" was alienated. This consists of the Mount Grove Cemetery section of the City of Bridgeport, immediately east of the Rooster River and the easterly boundary line of the Town of Fairfield. This section has been well described as one of the primary villages of the Tribe and in fact was the location of an old Tribal Fort, identified in historical documents.
- 3.(b) By deed dated February 11, 1686, the Wolfe Pit Plain Reservation was taken from the Tribe. This parcel which was part of the original is identified as being bounded on the east by the Pequannock River in the City of Bridgeport. The parcel extended in a Southwesterly direction, throughout what was known as Wolfepit Neck. This is currently a section of the City of Bridgeport which includes Seaside Park, an industrial area, the University of Bridgeport Campus, a Heliport and other commercial developments.

Page 5

There are as yet several other claims that potentially arise out of these two deeds. Specifically, we are continuing to search for the identity of the five acre parcel referred to in the June 14, 1680 deed. Furthermore, it may be that there is an additional claim in the Wolfe Pit area, easterly of Park Avenue. However, we are not comfortable as yet asserting such claims until the research has been completed.

In addition to the claims arising out of the two 1680 deeds, there are three further claims that are founded on the 1680 statute. They are summarized as follows:

3.(c) As is well documented, in 1659, the General Court of the Colony of Connecticut specifically recognized that there should be set aside to the Golden Hill Indians a parcel of about eighty acres situated at Gold Hill, so called. (See May 19, 1659 General Court Decision, Connecticut Colony Records, Vol. 1, pp. 335-336.) It is apparent from other documents that the Indians had reserved this parcel for themselves in fact since the first contact period in 1639. This area was again a well identified settlement for the Tribe, containing numerous wigwams and hundreds of residents. In spite of the reservation specifically endorsed by the General Court in 1659, and in spite of the 1680 statute, this parcel was the subject of a deed dated October 2, 1734. This is a clear violation of the statute.

4. In addition, it is our plan to reinstitute the so-called Southbury claim, relating to the Pootatuck Reservation. This was the case that was dismissed on a technical basis but as to which no substantive determinations had been made. We are exceedingly confident in the strength of this case, in light of the extensive

Page 6

historical documentation. The reservation was specifically allotted, with the concurrence of the proprietors of the Town of Woodbury (of which the current Town of Southbury was a part) in 1702. Subsequently, the reservation was stripped away from the Tribe by virtue of deeds dated in 1758 and 1759.

5. Lastly, we have identified a reservation claim relating to the Lonetown Reservation which was situated in the current Town of Redding. By virtue of a deed dated February 18, 1725, an Indian known by the name of Chickens, also known as Sam Mohawk, who was a sachem first in the Sasqua area of the Colonial Town of Fairfield and who then retired to the Lonetown Reservation in the current Town of Redding, conveyed property to Captain Samuel Couch of Fairfield, "reserving for himself and his descendants a tract of land forever". After some dispute, the one hundred acre "Reservation" was conveyed in 1748 to Samuel Couch. Again, this is in direct contravention of the 1680 law. Additionally, the Colonial records are replete with descriptions both by the Indians and by a number of the white neighbors, describing the incursions into this reservation, in an attempt to induce the Indians to part with it. (See, for instance Woj. P. 200).

NON-INTERCOURSE ACT CLAIMS (ACT OF 1790)

As noted above, we have identified also several additional conveyances which violate the Federal Non-Intercourse Act of 1790. They are as follows:

Page 7

6. In a deed dated January 2, 1805, Josiah Lacy, identified as the guardian and agent of the "Golden Hill Indians", conveyed premises known as "New Pasture Point". New Pasture Point comprises that section of the current City of Bridgeport, lying on the easterly side of the Pequonnock River, immediately adjacent to Bridgeport Harbor. The area in question lies both north and south of Interstate 95, and is made up of a substantially industrial parcel. It includes the location of the United Illuminating site and of the Bridgeport Jai-a-lai site.
7. There are also a series of deeds dated September 7, 1812, September 7, 1812 and June 7, 1813, conveying property in the Colonial Town of Derby (the current Town of Seymour).
8. There is also a deed dated June 19, 1871, by which Watrous C. Wakelee, as guardian of the Tribe, conveyed a portion of the premises known as the Turkey Hill Reservation, situated in the Colonial Town of Derby (the current Town of Orange). This property represented the last seven acres of the Turkey Hill Reservation which had been established by virtue of an order of the General Court of the Colony in 1680.

NO DEED CLAIMS

We have identified two additional "no deed claims", one of which we have already outlined for you. We believe that there is a sound claim for a significant portion of the current Town of Redding, and we had previously drafted a complaint relating to the claim. We will not reiterate the background to that claim in this memo.

Page 8

9. However, we have also identified a significant new "no deed claim" which comprises a significant portion of the Town of Westport. Specifically the property covered consists of approximately one-third of the Town, running in a north-south direction from the Coast up to the Weston border on the north, and bounded on the west by the Saugatuck River and on the east by the Muddy River. The Muddy River has since been filled but can be identified through historical maps and descriptions. It ran in a northerly direction from Sherwood Mill Pond, which is located near Sherwood Island. Essentially, we have determined that the Indian conveyances to the proprietors of the Colonial Town of Fairfield (which included the easterly portion of the current Town of Westport) extended no further to the west than the Muddy River. On the other hand, the territory of Norwalk Indians, which was a distinct and separate Tribe, extended only as far east as the Saugatuck River. This leaves essentially the middle third of the Town of Westport without any source of Indian title. At the same time, it is clear that the Maxemus Band of the Paugussett Indian Nation occupied the land in question. (Greens Farms, Connecticut, The Old West Parrish of Fairfield, George Penfield Jennings (1933).). For a period of time during the late seventeenth century and the first half of the eighteenth century, the inhabitants of the Town of Norwalk, to the west, and the Town of Fairfield, to the east, claimed authority over the area and occupied portions of the disputed territory. However, despite a variety of efforts to cloak their claims with authority, neither

Page 9

town obtained, nor in fact claimed to have obtained, title from the indigenous Indians. For instance, the inhabitants of the Town of Fairfield, which ultimately succeeded in exerting its control, specifically recited their sources of Indian title in a deed dated October 6, 1680 (see Woj. P. 176). However it is clear from the recited deeds that there was never any claim to Indian title extending any further westerly than "ye Muddy Creek". (See Woj. P. 164 and Orcutt (1886: 46)). Thus, the historical evidence is clear. The disputed area was part of the aboriginal territory of the Paugussetts but no conveyance was ever made of it to the settlers. The historical accounts make it clear that the Tribe was simply driven off the land and that this particular band primarily retreated to the Ponetown Reservation in Redding. We have therefore drafted a simple ejectment action relating to this claim.

MDOC/ae

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AE 03 28 95

O'CONNELL, FLAHERTY & ATTMORE, L.L.C.

ATTORNEYS AT LAW
HARTFORD SQUARE NORTH
TEN COLUMBUS BOULEVARD
HARTFORD, CONNECTICUT 06106-1944
(203) 548-1300

MICHAEL D. O'CONNELL

September 6, 1995

FACSIMILE
(203) 548-0023**Via Telefax No. 703-219-9665**

Chief Quiet Hawk
P.O. Box 1645
Bridgeport, CT 06601- 645

Re: Land Claims within the State of New York

Dear Chief Quiet Hawk:

As you know, extensive research and analysis has been conducted in recent months to determine the westerly extent of the land claims that the Golden Hill Paugussett Indian Tribe can prosecute. Since we have reached a point where we are comfortable with the basic conclusions, you have asked that I set out, in outline form, those conclusions, with particular regard to the existence of claims within the State of New York. Among other things, if we are to consider prosecuting such claims, we will probably want to retain New York counsel to do so, and thus it is important to focus on those aspects of the land claims now. As you will see in the discussion below, it has become apparent that the Paugussett Indian Nation, which was a confederacy of a number of closely related clans or tribes, occupied, as its aboriginal territory, an area that included essentially the western one-third of the State of Connecticut and a portion of Westchester, Dutchess and Putnam Counties in the State of New York. It has also become apparent to us that there is at least one significant land claim which covers a significant portion of the current towns of North Salem and Lewisboro, New York. The basis for this conclusion is outlined below:¹

Legal Backdrop

1. The Golden Hill Tribe of the Paugussett Indian Nation (a/k/a "The Golden Hill Paugussett Tribe") is historically well-recognized as one of the largest and most powerful Tribes of the Northeast. Its existence is well documented in both primary sources (e.g., the Colonial Records of the Colony of Connecticut) and secondary sources (e.g., the Smithsonian Institution, the writings of Matthew Spiess [formerly the official Connecticut historian] and local historians such as John W. DeForest, Samuel Orcutt) back to the initial contact period with English settlers in 1639. The Tribe has had a continuous relationship with Colonial and State governments at least since 1659, when the Golden Hill Reservation was established in what is now Bridgeport, Connecticut by the Colony of Connecticut. The Tribe is specifically recognized as a sovereign American Indian Entity, pursuant to Connecticut General Statutes § 47-59a.

¹/ This report has been prepared in outline form, so as to present an understandable analysis, at a manageable length. As you have previously seen, the underlying materials which support this analysis consist of volumes of information, copies of deeds, extracts of historical reports and legal analysis, which is available for further review.

O'CONNELL, FLAHERTY & ATTMORE, L.L.C.October 19, 1995
Page 2

2. While most Indian land claims prosecuted in the United States have been filed pursuant to the Federal Non-Intercourse Act of 1790, as you know we have established the existence of a parallel set of claims under a variety of enactments during the pre-Revolution colonial period. As it is pertinent here, the primary colonial enactment in what was then the Colony of Connecticut is the so-called "Reservation Law of 1680", a copy of which is attached. In substance, the enactment prohibited, in perpetuity, the sale or other disposition of any properties that, as of 1680, had been set aside or allotted as reservations for Indian Tribes. Through the analysis of related enactments, we have determined that these "reservations" included reservations created by the General Court of the Colony, those created by the proprietors of towns acting under the authority of the General Court and those effectively reserved by the Indian Tribes themselves. We know from an analysis of the proceedings leading up to the enactment of the 1680 law that it was the intention of the General Court to prevent in perpetuity any such reservation land from being obtained by settlers, particularly by means of purported deeds from the Indians themselves.
3. The rights created under the 1680 law continued in existence until after the adoption of the U.S. Constitution. Further, they existed uninterrupted, up to 1818, when the State of Connecticut adopted its first constitution. Our State Supreme Court has long held that any right which existed as of the adoption of that constitution is what is known as a "hybrid constitutional right." That is, such a right cannot be wholly extinguished or modified unless a reasonably equivalent right is substituted. Thus, any such rights cannot be extinguished by the adoption of statutes of limitation, record marketable title acts and the like. It is our opinion that the rights of the indigenous Native American Tribes, and in particular the Golden Hill Paugussett Tribe, under the 1680 law, are hybrid constitutional rights.

Definition of Paugussett Tribal Territory

1. There has been a wealth of historical material produced which documents the occupation of the Paugussett Tribes within the lower Housatonic River Valley, comprising portions of lower Fairfield County and New Haven County, in the State of Connecticut. The most significant cataloging, as it related specifically to the Paugussetts, was accomplished by the Dutch anthropologist Franz Laurens Wojciechowski, in his work entitled Ethno-History of the Paugussett Tribes. However, less has been done to analyze the identity of and occupation of the western portions of lower Fairfield County and the eastern portions of Westchester, Dutchess and Putnam Counties in the State of New York. This has been the area in which our people have primarily focused in recent months.
2. It has now become apparent that the Indian tribal entities occupying those areas were primarily identified as the Siwanoy Sachemship and the Tankiteke Sachemship. The Siwanoy occupied the area in Westchester County and Fairfield County, between the Bronx River and Five Mile River. The Tankitekes occupied the area between Five Mile River and the Town of Fairfield, Connecticut, extending northerly up to Danbury, Connecticut and into Putnam and Dutchess Counties. It is clear that the Siwanoy and the Tankitekes were part of the Paugussett Nation or Confederacy. This conclusion is supported by the number of historical writings, predominantly local historical accounts prepared in the 19th century, archeological evidence (primarily from the Archeology of Coastal New York, by Carlyle Shreeve Smith, 1950), the examination of deeds to determine the identity of and description of Indian signatories and an analysis of the language used by the various clans (e.g., a review of an Indian language catechism prepared in 1658 by Rev. Abraham Pierson).

O'CONNELL, FLAHERTY & ATTMORE, L.L.C.October 19, 1995
Page 3

3. In this fashion, we have been able to establish that the aboriginal territory of the Paugussett Indian Nation extended at least as far west as the Bronx River. This means that the territory included within it the present day Towns and Cities of Pelham, Pelham Manor, New Rochelle, Eastchester, Scarsdale, a portion of White Plains, and the municipalities lying easterly of those.

Significance of the "Oblong"

1. Without getting into significant detail, there was a well documented dispute between the Colonies of New York and Connecticut, relative to their common boundary. At the earliest, that boundary dispute was resolved when the land within what became known as the Oblong was allocated to New York from Connecticut in 1725 and confirmed in 1731. (In fact, some historical accounts do not reflect an actual resolution until the end of the 18th century).
2. In any event, at least until 1725, the area of the Oblong was subject to Connecticut Colonial law. This was consistent with the fact that the settlements in the area were English settlements, rather than Dutch. The English settlers came predominantly from the Colony of Connecticut (and the then Dutch). The English settlers came predominantly from the Colony of Connecticut (and the then Dutch).
3. The areas of Lewisboro and North Salem, referred to below, fell within the Oblong.

Post 1680 Transfers of Reservation Lands

1. There existed a large Reservation of the Tankiteke clan of the Paugussetts in what is now Ridgefield, Connecticut and Lewisboro and North Salem, New York. This has been referred to as the Ramapo Reservation. Prior to 1708, the entire region had been reserved for occupation by this clan of the Paugussett Nation. In May, 1708, a number of inhabitants of the Town of Norwalk, Connecticut began soliciting deeds from the Indians in this area. The primary deed, dated September 30, 1708, consisted of some twenty thousand acres. This deed covered the Town of Ridgefield as well as substantial portions of the Towns of Lewisboro and North Salem.²
2. These deeds are in direct violation of the 1680 Connecticut Colonial Law, which continued in effect at the time of the transactions.

As you can see from the analysis, there are significant, documented land claims in the Towns of Lewisboro and North Salem, New York. Our research is continuing and it may well be that there will be additional claims identified. The bulk of the general research and analysis has been concluded and now it becomes a matter of focusing on particular transactions in particular locales and measuring them against the applicable law in effect at the time of the transactions. If our experience in Fairfield County, Connecticut is instructive, we believe that we will find a number of irregularities in other transactions.

I should note, again, that any such claims are in addition to broad based "aboriginal" claims. That is, we are focusing on specific transactions, giving due regard for the parameters set forth by the U.S. Supreme Court in a number of decisions, including the Oneida series of cases. At the same time, we have held in abeyance the claims that are founded on the contention that "Indian title", as that term is used in U.S. Supreme

^{2/} There were additional deeds secured on March 18, 1715, November 22, 1721 and July 4, 1727, which conveyed portions of the Titicus Reservation. Our investigation is not complete, but we believe that the Titicus Reservation also extended into what is now New York State.

O'CONNELL, FLAHERTY & ATTMORE, L.L.C.

October 19, 1995
Page 4

Court cases dating back to *Worcester v. Georgia*, 31 U.S. 515 (1832) has never been extinguished as to any of the Paugussett territories.

I will be more than happy to flesh these points out in whatever way you wish.

Very Truly Yours,

**O'CONNELL, FLAHERTY
& ATTMORE, L.L.C.**

Michael D. O'Connell

MDOC/ac

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JOSEPH P. GANIM
MAYOR

OFFICE OF THE MAYOR
CITY OF BRIDGEPORT, CONNECTICUT
48 LYON TERRACE
BRIDGEPORT, CONNECTICUT 06604

February 16, 1996

Chief Quiet Hawk
P.O. Box 1645
Bridgeport, CT 06601

Dear Chief Quiet Hawk:

In response to a letter dated December 28, 1995, sent to me by former Waterbury Mayor Edward Bergin, I am in the process of a legal review of the issues raised therein. I anticipate a meeting with representatives of your tribe along with the Bridgeport City Council to further discuss this matter.

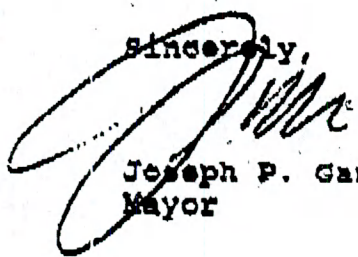
My interest is based in part on the ability to reach an agreement that would:

- (1) release all present and future land claims, both within the City of Bridgeport and throughout the State of Connecticut by the Golden Hill Paugusett tribe;
- (2) commence negotiations that could lead to the City of Bridgeport benefiting by a substantial direct financial contribution from any successful Casino operation;
- (3) enable the Bridgeport City Council to support the sale or lease of real property owned by the City for siting of a temporary and/or permanent Casino facility;
- (4) result in Governor Rowland entering into related agreements under his executive authority pursuant to Connecticut General Statute or by way of federal tribal recognition.

As you know, the overwhelming majority of Bridgeport citizens support hosting an entertainment/casino complex as was evidenced by a recent public opinion poll. My objective in initiating these negotiations is to explore the potential of an agreement that both will eliminate all outstanding land claims and provide substantial revenue and jobs to the City of Bridgeport.

If you are interested in pursuing these discussions, kindly have your representatives contact me.

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to read 'J. P. Ganim', is written over the word 'Sincerely,'.

Joseph P. Ganim
Mayor

JPG:aw