

MAINE STATE LEGISLATURE

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SIXTY-FIRST LEGISLATURE.

SENATE.

No. 31.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-THREE.

AN ACT to provide for the establishment of titles to
lands among the Penobscot Indians, and for the
preservation of evidence of such titles.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows :*

SECTION 1. Three suitable persons shall be ap-
2 pointed commissioners by the governor and coun-
3 cil, whose duty it shall be to examine the titles of
4 the several occupants or claimants of lots or par-
5 cels of land among the Penobscot Indians, and to
6 determine as between members of said tribe, who
7 is the rightful and equitable owner of each of said
8 lots or parcels.

SECT. 2. Said commissioners shall sit at such
2 times and places as shall best facilitate their labors,

3 having regard for the convenience of those mem-
4 bers of the tribe whose rights are to be considered
5 by them, and within one year from the date of
6 their appointment shall make to the governor and
7 council a final report of their doings, containing a
8 description of each lot, the ownership of which has
9 been determined by them, and the names of the
10 parties respectively entitled thereto, which report
11 shall be deposited in the land office of the state
12 for preservation. They shall also present an
13 account of the time occupied and expense incurred
14 in the performance of their duties to the governor
15 and council, who shall audit said account and
16 allow them reasonable compensation.

SECT. 3. Where the boundaries of lots are in
2 dispute or cannot be found, and the commissioners
3 are unable to determine the same by existing sur-
4 veys or data, they may employ a competent sur-
5 veyor to assist them in establishing such boun-
6 daries, whose account for services shall be audited
7 by the governor and council and fair compensation
8 allowed.

SECT. 4. Said commissioners shall give all par-
2 ties interested a reasonable opportunity to be
3 heard; shall have power to send for persons and

21 In witness whereof I have hereunto set my hand
22 and seal as agent of the Penobscot tribe of Indians
23 this day of in the year of our Lord
24 one thousand eight hundred and

} Agent of the Penobscot
} tribe of Indians.

SECT. 6. Said agent shall record the return of
2 the commissioners as made to him, and also the
3 aforesaid certificates, when issued in duplicate
4 books suitable for the purpose prepared with
5 proper indexes, one of which shall be kept by said
6 agent and his successors for ready reference and
7 the other shall be deposited in the registry of deeds
8 of Penobscot county to be kept as other records
9 are there kept. For issuing the certificates afore-
10 said, making up the records as herein provided
11 and for such services as he may be called upon to
12 render said commissioners in the performance of
13 their duties, said agent shall receive such compen-
14 sation as the governor and council may allow.

SECT. 7. Any Indian holding lands under the
2 foregoing certificate, or by virtue of any assign-
3 ment under the laws relating to the apportionment
4 of the lands of said Penobscot tribe, may sell and
5 convey the same to any member of the same tribe

6 with the approval of the agent; provided that no
7 Indian shall hereafter be permitted to purchase
8 lands upon the reservation of said tribe beyond his
9 fair proportion of such reservation.

SECT. 8. Conveyances made by virtue of section
2 seven of this act shall be by release deed, duly
3 executed and acknowledged, and shall have the
4 approval of the agent written thereon; and said
5 deed and approval shall be recorded by the agent
6 without fee, in a book kept by him for that pur-
7 pose, and by the register of deeds of Penobscot
8 county in a like book kept in the registry of deeds
9 in said county, upon payment of twenty-five cents
10 for each deed so recorded. And until recorded as
11 herein provided no deed made as aforesaid shall be
12 operative to pass any title whatever.

SECT. 9. It shall also be the duty of the agent
2 of, said tribe to enter upon his record a memoran-
3 dum of the death of any Indian owning lands,
4 the date of such death, a description of the lot or
5 lots owned by the deceased, and the names of those,
6 so far as ascertainable, who are entitled to such
7 lands by inheritance.

SECT. 10. Deeds made by any Indian of the
2 Penobscot tribe as in section eight, may be de-

3 posited with the agent of said tribe to be delivered
 4 by him to the grantee named therein, after the
 5 death of the grantor, if the fact that such deed is
 6 so deposited to be so delivered, shall appear by the
 7 deed itself; and when delivered by said agent, it
 8 shall have the effect to pass all the title the grantor
 9 had in the premises described therein at the time
 10 of his death.

SECT. 11. Assignments hereafter made of unas-
 2 signed lands of the tribe, shall be to members who
 3 never have had assigned to them their proportion
 4 of the tribe's lands, or to whom no such assigned
 5 portion has ever come by way of inheritance, or
 6 who do not already hold by assignment, purchase
 7 or otherwise their fair share of said lands; and
 8 shall be accompanied by a certificate from the
 9 agent to be recorded as in section eight of this act,
 10 which shall be in form substantially as follows:

11 Know all men by these presents, that I,
 12 agent of the Penobscot tribe of Indians, have
 13 caused to be surveyed and set off to a
 14 portion of the lands belonging to said tribe on the
 15 islands in Penobscot river, as contemplated by the
 16 acts of the legislature, bounded and described as
 17 follows:

18 * * * *

19 To have and to hold to him, his heirs and assigns,
20 as contemplated by said acts during the will of the
21 legislature.

22 In witness whereof I have hereunto set my hand
23 and seal as agent of the Penobscot tribe of Indians
24 this day of in the year of our Lord
25 one thousand eight hundred and

SECT. 12. Any member of said tribe who has
2 abandoned or may abandon it, and who has joined
3 or may join any other tribe shall forfeit all lands
4 assigned to him and the same may be assigned
5 anew, as provided in section eleven of this act.

SECT. 13. The provisions of this act are to be
2 applied to house-lots on the point of Oldtown
3 island, as well as to lands allotted for agricultural
4 purposes, and the certificates herein prescribed
5 shall be effectual to confer title to either class.

SECT. 14. Copies of deeds or certificates record-
2 ed as provided in this act, duly attested by the
3 register of deeds or by the agent of said tribe shall
4 be admissible in evidence in all actions or contro-
5 versies relating to title to lands between members
6 of said tribe.

SECT. 15. All acts or parts of acts inconsistent
2 with this act are hereby repealed.

(8)

SECT. 16. This act shall take effect when ap-
2 proved.

STATE OF MAINE.

In SENATE, February 8, 1883.

Reported by Mr. McLAUGHLIN of Cumberland, from the Com-
mittee on Indian Affairs, laid on the table to be printed under the
Joint Rules.

C. W. TILDEN, *Secretary*.