

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

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PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

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BANGOR:  
WHEELER & LYNDE.

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1857.

exhibit an account thereof to the county commissioners for adjustment.

SEC. 25. He may charge to the state the several sums paid by him from the treasury to the jailer of his county, for keeping and supporting poor convicts in prison, which had been allowed to him by the county commissioners, and two and a half per cent. for his services in this particular duty, and the same shall be included in his account to be rendered to the treasurer of state as aforesaid.

SEC. 26. He shall receive, for the use of the county, all money paid by the United States for the use and keeping of county jails, and account therefor according to law.

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effects of county to county commissioners. R. S., c. 12, § 24. Expenses of keeping poor convicts in prison. R. S., c. 12, § 25. Account for money received of United States for use of jails. R. S., c. 12, § 26.

## CHAPTER 9.

### INDIAN TRIBES.

- SEC. 1. Agents of Indian tribes now in office to remain.
2. When a vacancy happens, how to be filled.
3. General duties of the agent of the Penobscot tribe.
4. Agents of both tribes to be sworn and to give bonds. Their duties.
5. Certain contracts void, unless allowed by the agent.
6. Limitation of leases and other contracts.
7. Agents may sue in their own names for the benefit of the Indians.
8. Agents to keep a record of proceedings and settle accounts annually with the governor, &c.
9. No foreigner to be permitted to take timber, &c., from the township reserved for the Passamaquoddy tribe.
10. Of the islands, &c., belonging to the Penobscot tribe. Agent of the Penobscot tribe to place avails of leases, &c., in state treasury. Amount to be at agent's risk, if he sell or lease on credit.
11. Survey of islands from Oldtown falls to Mattawamkeag point, and estimates to be made by the land agent.
12. What shall be designated upon the plans. Lots assigned for cultivation and for public farm.
13. How the lots shall be located.
14. Agent of the Penobscot tribe to give to each Indian a certificate of his lot. Form.
15. No Indian to sell or lease his lot nor commit waste.
16. Of the public lands. Agent to have land cleared and buildings erected.
17. Agent to employ a superintendent to manage the farm and take care of the infirm and orphans.
18. He may lease reserved privileges for mills, booms and fisheries.
19. Survey and assignment of lots on the point of Oldtown island.
20. Same subject. Restrictions on transfers.
21. Appropriation of the interest on the amount of four townships purchased of the Penobscot Indians, and of other moneys and rents.
22. Agents of the Passamaquoddy tribe may sell timber and grass on township number two on St. Croix river. Surveyor of such timber to be sworn.
23. Appropriation of \$1,000 annually to the Passamaquoddy Indians.
24. How distributed.
25. Same subject.
26. Salary of the agent.
27. Warrants drawn for certain purposes.
28. Penalty for selling spirituous liquors to Indians.

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SEC. 29. Bounties on produce raised by the Indians.

30. Proof to be made before payment.

31. Agent to present account to governor and council in January annually.

Agents continued.

R. S., c. 15, § 1.

SEC. 1. The persons, who have been appointed as agents for the Penobscot and Passamaquoddy tribes of Indians, shall continue to perform the duties assigned to them according to the tenure of their respective appointments.

Vacancies filled by governor and council.

R. S., c. 15, § 2.

SEC. 2. When either of them dies, resigns, or is removed, the governor with the advice of the council, may appoint another agent in his place, but there shall never be more than three for each tribe.

Agent to pay to Penobscots.

R. S., c. 15, § 3.

SEC. 3. The agent or agents appointed for the Penobscot tribe of Indians shall provide, furnish, pay and deliver to said tribe, for and on account of the state, all such articles, goods, provisions, and moneys, as from time to time become due by virtue of any treaty or law of the state.

Agent sworn, give bond, have care of their property.

R. S., c. 15, § 4.

SEC. 4. The agent or agents of both such tribes shall be duly sworn and give bonds to the state, with sureties to the satisfaction of the governor and council, for the faithful discharge of their duties; and have the care and management of the property belonging to the tribes for their use and benefit.

Contracts for timber and grass made with Indians void.

R. S., c. 15, § 5.

SEC. 5. All contracts relating to the sale or disposal of trees, timber, or grass growing or on said Indian lands, made with any Indian belonging to either of said tribes, unless examined and allowed by the agent or agents of the tribe to which he belongs, shall be utterly void.

Leases and contracts limited as to time and amount.

R. S., c. 15, § 6.

SEC. 6. No lease of land, or contract for trees, timber, or grass, made by the agents of either of said tribes, shall have effect for a longer term than one year; nor shall they, in any one year, sell or dispose of trees or timber of said Indians, to an amount exceeding five hundred dollars; except as provided in the tenth and twentieth sections.

Agents may sue in their own names.

R. S., c. 15, § 7.

21 Maine, 335.

SEC. 7. The agents for each of said tribes may, in their own names and capacity, maintain any actions for money due to any Indians, and for injuries done to them, or to the property of any Indians belonging to their tribes; and all sums or damages recovered by such agents, shall be distributed to the Indians of the tribe, for which they are agents, according to their usages, or invested in articles useful to them.

Keep record of proceedings, accounts of receipts and expenditures.

R. S., c. 15, § 8.

SEC. 8. The agents of each tribe shall keep a true record of their proceedings, and correct accounts of all receipts and expenditures of every kind; and shall annually, and oftener if required, lay them before the governor and council for inspection and adjustment; who are authorized to settle and adjust them, and draw warrants on the treasury for such sums as are, from time to time, found necessary to carry into effect all treaties with said tribes.

No sale or permit to a foreigner, penalty for it.

R. S., c. 15, § 9.

13 Maine, 331.

SEC. 9. No citizen or subject of any foreign government shall purchase, cut, or carry off any trees, timber, or grass, standing or growing on the township reserved for the benefit of the Passamaquoddy tribe; and if any agent for such tribe gives to any such citizen or subject a permit for such unlawful pur-

pose, he shall forfeit and pay a sum not exceeding five hundred, nor less than one hundred dollars, to be recovered by action of debt, half to the use of the state and half to the use of any person suing therefor.

SEC. 10. The islands belonging to the Penobscot tribe, may be leased by their agents, for the benefit of such tribe, for a term not exceeding twelve years; and the burnt and decaying timber on the two Indian townships on the west branch of Penobscot river, may be sold by such agents, when they judge it for the interest of such tribe, if such lease and sales, and the terms and conditions thereof are assented to by the governor and lieutenant governor of the tribe, and approved by the governor of the state; and if they are made on credit, they shall be at the risk of the agents, and accounted for as money; and the avails thereof shall be placed by them in the state treasury, subject to the order of the governor and council according to law.

Islands of Penobscots may be leased, timber on two townships sold, with assent of governor.

If made on credit, at risk of agents.  
R. S., c. 15, § 10, 11, 12.  
1854, c. 101.

SEC. 11. The land agent shall cause the islands in Penobscot river, from Oldtown falls to Mattawamkeag point, to be accurately surveyed and numbered, if it has not been done, and their present value estimated, and duplicate plans thereof made and returned to the land office, and to the Indian agent.

Islands in Penobscot surveyed and numbered.  
R. S., c. 15, § 13.

SEC. 12. He shall also, if not done, cause to be surveyed and laid down in both of said plans a suitable quantity of land, adjoining all water privileges belonging to said islands, which are deemed valuable for mills, booms, and fisheries; and a suitable tract for a farm for the accommodation of the aged, the invalids, and orphan children of the tribe; and suitable tracts of wood and timber land; and shall designate on such plans a suitable lot for cultivation for each Indian of the tribe, male and female, twenty-one years of age or more, who applies therefor, not exceeding the due proportion, which belongs to him of such surveyed lands, after deducting the part reserved for public use; and the lots so assigned shall be the property of the person to whom assigned, during the pleasure of the legislature.

What shall be designated on plans.

Lots assigned for cultivation, and a tract for public farm.  
R. S., c. 15, § 14.

SEC. 13. The lots shall be so located to each Indian as to include the land cultivated and improved by him, if any, and if that is not sufficient for him, then other land on some other island may be assigned him, so as to make lots of nearly equal value.

To include land improved.  
R. S., c. 15, § 15.

SEC. 14. The agents for said Penobscot tribe shall issue to each of the Indians, who has had his lot surveyed and designated as aforesaid, a certificate in substance as follows:

Agent to give certificate of lot; form of it.  
R. S., c. 15, § 16.

"Know all men by these presents, that I, —, agent for the Penobscot tribe of Indians, have caused to be surveyed and set off to —, his portion of land on the islands in Penobscot river, belonging to said tribe of Indians, as contemplated by the acts of the legislature, bounded and described as follows: —. To have and to hold the same, as contemplated by said acts, with all privileges conferred thereby. In witness whereof, I have hereunto set my hand and seal, as agent of the Penobscot tribe of Indians, this — day of —, in the year one thousand eight hundred and —.

} Agent of the Penobscot  
} tribe of Indians."

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Lots not to be sold or leased by Indians.  
R. S., c. 15, § 17.

Agent to have land cleared and buildings erected on public farm.  
R. S., c. 15, § 18.

Employ agent to manage public farm.  
R. S., c. 15, § 19.

Agents may lease privileges for mills, booms and fisheries.  
R. S., c. 15, § 20.

House and garden lots set off on point of Oldtown island.  
R. S., c. 15, § 21.

No sale of them, except to an Indian.  
R. S., c. 15, § 22.

Governor to draw warrants for interest on four townships purchased; also for rents.  
R. S., c. 15, § 23.

Agent of Passamaquoddy tribe may sell timber on township numbered two.

SEC. 15. No such Indian shall sell or lease his lot, commit strip or waste, or carry off the growth faster than is necessary for cultivation, unless by permission of the agent, and if guilty of so doing, he shall be dealt with as a trespasser.

SEC. 16. The agent, from time to time, shall have the land cleared and suitable buildings erected on the lot laid out for a public farm, the expense of which shall be paid out of the interest accruing to said tribe, from the sale of the four townships purchased by the state, but not exceeding half of it.

SEC. 17. He shall employ a superintendent to manage the farm and take care of the infirm and the orphans; and his services shall be annually paid for by the state, agreeably to the Indian treaty with the Commonwealth of Massachusetts made in the year eighteen hundred and eighteen; and he shall cause as much land to be plowed for any Indian for cultivation, and furnish such farming utensils and seed, as he judges necessary, under the direction of the governor and council.

SEC. 18. He may lease any reserved privileges for mills, booms, and fisheries, for a term sufficiently long to induce persons to take leases of them, with the approval of the governor and council; and all the rents shall be paid into the treasury, to be expended for the benefit of the tribe, under the direction of the governor and council.

SEC. 19. Such agent shall cause to be surveyed and set off into house and garden lots, the public lands belonging to said Penobscot tribe situated on the point of Oldtown island, except so much as is necessary for a common and streets; and also lots for a church, school-house, public hall, store house, and burying ground. He shall assign to each person or family of said tribe applying therefor; one of said lots for their sole use and occupation.

SEC. 20. In assigning such lots, the agents shall, as far as practicable, give to each person or family the lot on which they have made improvements; and such lots shall be held by them during the pleasure of the legislature; but no Indian shall convey his lot or improvements to any person, not a member of the tribe; but when a lot is lawfully sold to one of the tribe, the purchaser shall hold it during the pleasure of the legislature.

SEC. 21. The governor and council may draw warrants on the treasury for any sum not exceeding the interest of the four townships, purchased by the state of the Penobscot tribe, in June eighteen hundred and thirty-three, and of any other money paid into the treasury; and for the full amount of rents paid in as aforesaid; and when the whole amount of such sums, in the opinion of the governor and council, is more than is necessary for said tribe, the excess may be invested for their benefit.

SEC. 22. The agents of the Passamaquoddy tribe of Indians are authorized to sell to the best advantage, at public or private sale, to a citizen of the state, the timber and grass from township numbered two on the St. Croix river, usually called the Indian township, to the amount of one thousand dollars annually; expressly retaining in the written contract of sale a lien on the

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timber and grass cut, until the amount due for stumpage thereon is paid. Every surveyor appointed by such agents to scale or survey the lumber so sold, before entering on his duties, shall be sworn to the faithful performance of his trust, and file a certificate of his oath with the agents.	Surveyor to be sworn. R. S., c. 15, § 24. 1843, c. 18.
SEC. 23. There shall be paid to the Passamaquoddy Indians the sum of one thousand dollars annually out of the interest accruing upon the funds belonging to said tribe.	\$1,000 annually to be paid to that tribe. 1854, c. 101, § 1.
SEC. 24. The agent for said tribe shall annually pay out said money in person as follows: four hundred dollars in the month of May, and three hundred dollars in the month of November, in an equal proportion to each member of the tribe.	Payment, how and when to be made. 1854, c. 101, § 2.
SEC. 25. He shall in person distribute to the distressed poor of the tribe, three hundred dollars annually, in sums not exceeding fifty dollars in one month, in such portions to each of them, as his circumstances seem to demand.	Payments to poor. 1854, c. 101, § 3.
SEC. 26. He shall receive three hundred dollars a year, payable in the months of May and November, out of the funds of said tribe, in full for his services as agent including commissions on disbursements.	Agent's salary, \$300. 1854, c. 101, § 4.
SEC. 27. The governor and council may draw warrants on the treasury for such sums to be paid to the Indians, for the salary of the agent, and for the bounties on agricultural products as hereinafter provided.	Warrants to be drawn by governor. 1854, c. 101, § 5.
SEC. 28. If any person sells or gives to any Indian any spirituous liquors, he shall be fined before a justice of the peace, not less than five, nor more than twenty dollars, half to the state, and half to the complainant.	Penalty for selling liquors to Indians. R. S., c. 15, § 30.
SEC. 29. Bounties shall be paid to every Indian of the Penobscot or Passamaquoddy tribe for produce raised by him, either on his own land or on land belonging to the tribe, as follows:	Bounties on produce raised by them. R. S., c. 15, § 31.
I. For every bushel of wheat twenty cents.	
II. For every bushel of rye, oats, barley, buckwheat, peas or beans, ten cents.	
III. For every bushel of potatoes, turnips, parsnips, beets or carrots, five cents.	
SEC. 30. Before bounty is paid to such Indian, he shall prove to the satisfaction of the agent the number of bushels of each article before named, raised by him on such land.	Proof to be made to agent. R. S., c. 15, § 32.
SEC. 31. Such agent shall keep an account of money so paid out, and present it duly certified to the governor and council in the month of January annually, for examination and allowance.	Agent to settle account in January, annually. R. S., c. 15, § 33.