

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED
THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY BAILEY & NOYES.

CHAP. 9.

CHAPTER 9.

INDIAN TRIBES.

- Sec. 1. Agents of Indian tribes now in office to remain.
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 4. Agents of both tribes to be sworn and to give bonds. Their duties.
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 28. Same subject.
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 30. Penalty for selling spirituous liquors to Indians.
 31. Bounties on produce raised by the Indians.
 32. Proof to be made before payment.
 33. Agent to present account to governor and council in January annually.

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. The agent of the Penobscot Indians shall receive four hundred and fifty, and the agent of the Passamaquoddy Indians three hundred dollars annually, payable in the months of May and November out of the funds of said respective tribes, in full for their services as agents including commissions on disbursements.

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Agents continued.
R. S. c. 9, § 1.
Res. Mar. 22, 1859.
R. S. c. 9, § 26.

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.

Vacancies filled by governor and council.
R. S. c. 9, § 2.

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 to pay to Penobscots.
R. S. c. 9, § 3.

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.

Agent sworn, give bond, have care of their property.
R. S. c. 9, § 4.

SEC. 5. The Indian agents shall not exceed in their expenditure, the appropriations for their tribes, without the written order of the governor, nor shall they be reimbursed for any excess.

Indian agents not to exceed appropriations.
1862, c. 96, § 1.
See c. 2, § 13.

SEC. 6. All contracts relating to the sale or disposal of trees, timber, or grass growing on 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.

Contracts for timber and grass made with Indians void.
R. S. c. 9, § 5.
24 Me. 407.

SEC. 7. 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 thirteenth and twenty-third sections.

Leases and contracts limited as to time and amount.
R. S. c. 9, § 6.

SEC. 8. 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.

Agents may sue in their own names.
R. S. c. 9, § 7.
21 Me. 535.

SEC. 9. 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

Keep record of proceedings, accounts of receipts and expenditures.
R. S. c. 9, § 8.

CHAP. 9. 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. 9, § 9. 18 Me. 381.

SEC. 10. 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 purpose, 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.

Superintendent of agriculture, appointment of. 1864, c. 254, § 1.

SEC. 11. The governor, with the advice of the council, shall appoint a discreet man of good moral character and industrious habits, to instruct the Penobscot Indians in the arts of husbandry, as stipulated in the treaty of eighteen hundred and eighteen made with said tribe and now in force, who shall superintend the agricultural operations of said Indians on the several islands in the Penobscot river belonging to said tribe, and be employed from the first day of May till the last of October, annually, in performance of his duties, using his best endeavors to interest and engage the members of said tribe in agriculture. He shall hold the office during the pleasure of the governor and council, and receive a compensation not exceeding fifty dollars per month and necessary traveling expenses, not exceeding ten dollars per month, to be paid by the agent of said tribe.

Duties of. Time of employment. 1864, c. 254, § 1.

Term of office. Compensation.

Superintendent shall procure the plowing, &c. 1864, c. 254 § 2.

Shall draw on the agent for payment. Shall decide the amount &c. of seed, &c.

Shall ascertain the amount of crops, &c.

Shall keep account and report to governor and council.

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

SEC. 12. Said superintendent of agriculture, shall, under the direction of the governor and council, decide upon and procure the plowing and harrowing necessary to be done for said Indians, apportioning the same equitably among those engaged in that pursuit, as their several wants shall require, and draw his order on the agent for payment of the same; also decide the amount and kinds of seeds and tools to be furnished by the agent of said tribe, and to be received by said superintendent on request, and by him distributed among said Indians as by law provided. He shall also ascertain the amount of crops raised by each person of said tribe, and give his certificate therefor; stating the kind and quantity of produce raised and the amount of bounty due thereon, to be presented by the producer to the agent of said tribe for payment; and for all contracts and transactions by him done in performance of his duties, requiring payment, he shall draw his order on the agent of the tribe, who is required to pay the same. He shall also keep an account of his transactions and report to the governor and council in November annually.

SEC. 13. 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.

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assent of gov-
ernor.

If made on
credit, at risk
of agents.
R. S. c. 9, § 10.

SEC. 14. The land agent shall cause such portions as have not been surveyed of the islands in Penobscot river, from Oldtown falls to Mattawamkeag point, to be accurately surveyed and numbered, and their present value estimated, and duplicate plans thereof made and returned to the land office and the Indian agent.

Islands in Pe-
nobscot sur-
veyed and
numbered.
R. S. c. 9, § 11.

SEC. 15. 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. 9, § 12.

SEC. 16. 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
lands improv-
ed.
R. S. c. 9, § 13.

SEC. 17. 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. 9, § 14.

“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.”

SEC. 18. No such Indian shall sell or lease his lot, commit strip or waste, or carry off the growth faster than it is necessary for culti-

Lots not to be
sold or leased
by Indians.
R. S. c. 9, § 15

CHAP. 9. vation, unless by permission of the agent, and if guilty of so doing, he shall be dealt with as a trespasser.

Agent to have land cleared and buildings erected on public farm.
R. S. c. 9, § 16.

SEC. 19. 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.

Farm on Orson Island to be leased.
1862, c. 96, § 2.

Rents for use of schools.

Shores to be leased, terms of lease.

Notice of lease, how given.
1862, c. 96, § 2.
Special law,
1869, c. 273, § 2.

SEC. 20. The agent of the Penobscot tribe, under the orders of the governor and council, may lease the public farm on Orson island, and appropriate the accruing rents to the use of the schools of said tribe; and the shores of the islands in the Penobscot river belonging to said tribe shall be leased, for the purpose of booming or hitching logs, under the orders of the governor and council. Such leases shall not run any longer than five years. Notices of the time and place of leasing shall be given by publishing the same in one of the daily papers of Bangor thirty days, and such notice shall specify the shores to be leased and the limits of each lot.

Agents may lease privileges for mills, booms and fisheries.
R. S. c. 9, § 18.

SEC. 21. He may leave 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.

House and garden lots set off on point of Oldtown island.
R. S. c. 9, § 19.

SEC. 22. 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.

No sale of them except to an Indian.
R. S. c. 9, § 20.

SEC. 23. In assigning such lots, the agent 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; and when a lot is lawfully sold to one of the tribe, the purchaser shall hold it during the pleasure of the legislature.

Governor to draw warrants for interest on four townships purchased; also for rents.
R. S. c. 9, § 21.

SEC. 24. 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. 25. 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 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. CHAP. 9.
Agent of Passamaquoddy tribe may sell timber on township numbered two.
Surveyor to be sworn.
R. S. c. 9, § 22.
1843, c. 13.
- SEC. 26. 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.
R. S. c. 9, § 23
- SEC. 27. 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.
R. S. c. 9, § 24.
- SEC. 28. 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.
R. S. c. 9, § 25.
- SEC. 29. 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.
R. S. c. 9, § 27.
- SEC. 30. If any person sells or gives to any Indian any spirituous liquors, he shall be fined before a trial justice, 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. 9, § 28.
- SEC. 31. 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. 9, § 29.
- 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. 32. 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. 9, § 30.
- SEC. 33. 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. 9, § 31.