

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

DURING ITS SESSION

A. D. 1855.

AUGUSTA:

STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

THIRTY-FOURTH LEGISLATURE.

SENATE.

No. 21.

STATE OF MAINE.

COUNCIL CHAMBER, February 9, 1855.

To the Senate and House of Representatives :

I herewith lay before the Legislature the Report of Seth W. Smith, Esq., Passamaquoddy Indian Agent, made in compliance with a Resolve of the Legislature of 1854.

ANSON P. MORRILL.

To the Honorable Governor and Council :

In accordance with a "Resolve in relation to Passamaquoddy Indian Lands," passed at the last session of the Legislature, and approved April 17, 1854; having carefully examined the matter, I now submit the following

REPORT.

I can find no other conveyance of lands, from Massachusetts to the Indians, except the original treaty, dated September 29, 1794, (a copy of which may be found in the "Acts and Resolves of 1843,") but not recorded with the deeds of the County of Washington until June 9, 1842.

Under this treaty, however, the Indians have always peaceably occupied all the lands therein mentioned, with but *two* exceptions: *First*, the 100 acres of land on "Nemcass Point," together with

"*Pine Island*" lying to the westward of said Point, both claimed by the owners of "Hinkley township," so called, (being township No. 3, first range;) and *secondly* the islands in the "*Schoodic River*," adjoining townships No. 6 and 7, claimed by the owners of said townships.

The Commonwealth of Massachusetts, in their original grant to Samuel Hinkley, of township No. 3, first range, dated February 7, 1811, *reserved* Pine Island and the 100 acres above referred to. The Indians have occupied the Island for the last 30 years, and Nemcass Point was for *many* years the site of an Indian village, (but now lying idle,) and there is *no* propriety in questioning the Indian title to *either*.

The only question of any importance, is in regard to the Islands mentioned in the "*Schoodic River*." The original grant from "Massachusetts to William Bingham" of townships No. 6 and 7, was dated January 28, 1793, and recorded September 12, 1794, (both transactions being prior to the Indian treaty,) and the present owners holding their title thus derived, *claim to the channel of said River*. If this is *correct*, townships 5, 6 and 7, being all "*bounded*" (as they are) "*on the River*," will cover all of the fifteen Islands in the Indian treaty. The Indians have occupied them *part* of the time, and the owners of said townships the rest, and there has long existed this question of title between them.

The fifteen Islands are worth two thousand dollars.

SETH W. SMITH,
Passamaquoddy Indian Agent.

Calais, January 30, 1855.

STATE OF MAINE.

Resolve in relation to Passamaquoddy Indian Lands.

Resolved, That the Governor and Council be authorized and directed to investigate, defend and settle in such manner as they may deem expedient, the question of title to the lands and islands granted to the Passamaquoddy Tribe of Indians by the State of Massachusetts, by their treaty with said tribe, dated Sept. 29th, 1794, and to claim and receive of said State, for the benefit of said tribe, an equitable compensation for any of such lands or islands as may prove not to have been legally conveyed to, or placed in possession of said tribe by said State, according to the stipulations of said treaty. And the Governor is authorized to draw his warrant on the Treasurer of State for such sums as may be necessary to execute the purpose of this Resolve.

STATE OF MAINE.

IN SENATE, March 3, 1855.

ORDERED, That this Report, together with the accompanying Resolve, and Message of the Governor, be laid upon the table, and 350 copies be printed for the use of the Legislature.

L. O. COWAN, *Secretary.*