

# MAINE STATE LEGISLATURE

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# Public Documents of Maine:

BEING THE

## ANNUAL REPORTS

OF THE VARIOUS

## PUBLIC OFFICERS AND INSTITUTIONS

FOR THE YEAR

1881.

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VOLUME II.

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AUGUSTA:

SPRAGUE & SON, PRINTERS TO THE STATE.

1881.

REPORT OF THE AGENT

OF THE

PENOBSCOT TRIBE OF INDIANS,

FOR THE YEAR

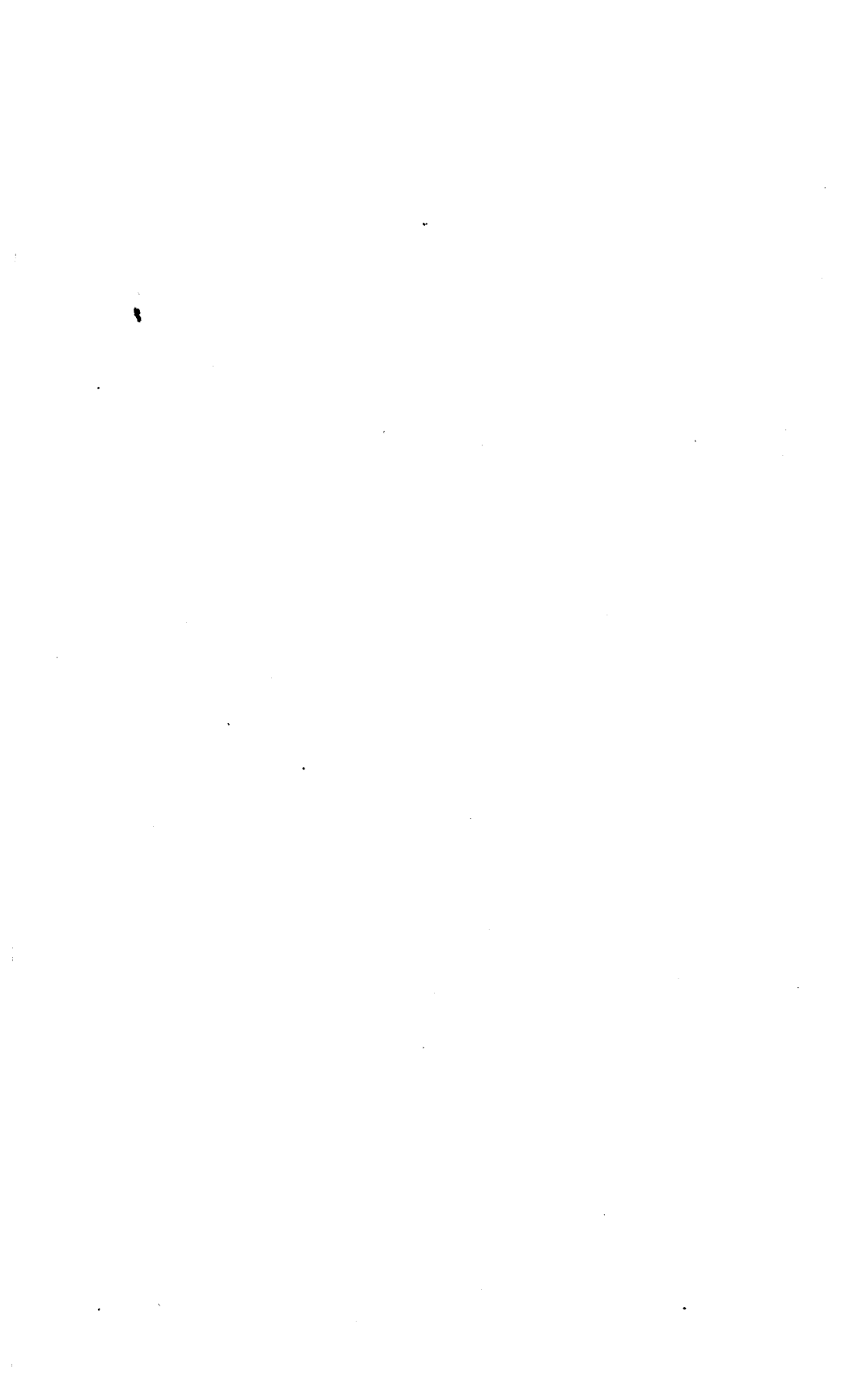
1880.



AUGUSTA:

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# REPORT.

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*To the Honorable Governor and Council of Maine:*

In obedience to the law requiring the agent of the Penobscot tribe of Indians to submit an annual report, "with proper vouchers for the expenditure of moneys entrusted to him for the benefit of said tribe," the following, with accompanying vouchers, is respectfully submitted :

## APPROPRIATIONS.

*Chapter 187, page 164, Resolves, 1880.*

Amount interest Indian Trust Fund.....	\$4,429 70
annual annuity .....	1,400 00
agriculture .....	700 00
bounty on crops.....	450 00
schools ....	435 00
repair of chapel. ....	50 00
new school house .....	450 00
salary of agent .....	200 00
"    superintendent farming.....	100 00
Governor of tribe .....	50 00
Lieut. Governor of tribe. ....	30 00
Priest.....	100 00
	<hr/>
	\$8,394 70

Under existing laws the transactions detailed in these annual reports cover the time from the first day of December of one year to the thirtieth day of November of the succeeding year, both days inclusive. This year, however, from December 1, 1879 to February 25, 1880, the date of my entering upon the duties of the agency, its affairs were

administered by my predecessor. It not being my duty to report his official transactions, I will simply state that his expenditures during the time mentioned, and which appear by the records to have been \$1,674.97, related wholly to the disbursements of the interest of the Indian Trust Fund, and are charged against the foregoing appropriations.

The following statement of receipts and expenditures will show the aggregate monetary transactions of the agency since February 25, 1880 :

#### RECEIPTS.

1880. May, State warrant. . . . .	\$3,250 00	
Aug., " " . . . . .	1,000 00	
Oct., " " . . . . .	1,850 00	
Nov., " " . . . . .	569 73	
		<u>\$6,669 73</u>
From F. Gilman, rent 5 islands . . . . .		15 00
W. H. Chesley, rent Brown islands,...		16 00
J. Dougherty, grass sold. . . . .		1 00
old school house . . . . .		51 00
spring dividends not distributed. . . . .		1 65
		<u>6,754 38</u>
Amount in excess of annuity appropriation to balance,		105 45
		<u>\$6,859 83</u>

#### EXPENDITURES.

For Agriculture . . . . .	\$ 697 48
bounty on crops . . . . .	283 20
goods for annuity . . . . .	1,505 45
schools . . . . .	423 00
school house and lot. . . . .	510 00
salary of agent . . . . .	200 00
" superintendent farming . . . . .	100 00
priest . . . . .	100 00
Governor of tribe . . . . .	50 00
Lieut. Governor of tribe. . . . .	30 00
goods for spring dividend . . . . .	686 60
support of poor, aged, infirm and sick . . . . .	1,342 03
medicine and medical attendance. . . . .	346 56
funeral expenses. . . . .	66 44
wood for tribe . . . . .	442 56
incidental expenses. . . . .	76 51
	<u>\$6,859 83</u>

The foregoing statement does not include the distribution of shore-rents of 1879, under special act, chapter 267, laws of 1873.

The receipts from this source are:—

1880, March. State warrant.. . . . .	\$2,154 00
<i>Contra.</i>	
Paid members of tribe per schedule.....	\$2,060 00
Balance to shore-rent fund, 1880.....	94 00
	————— \$2,154 00

The appropriation of \$1,400 for the annual annuity was found to be insufficient to meet the obligations of the State under the treaty, and upon representation of that fact to the Governor, authority was granted under Revised Statutes, chapter 9, section 5, to exceed the appropriation to the extent shown in the foregoing statement, viz: \$105,45.

The legislature of 1879, with an intensity of purpose to reduce expenditures, placed this appropriation at \$1,400; it having been prior to that time \$1,800. But the report of the agent for that year shows an expenditure of \$1,574.00, or an excess of \$174. The Legislature of 1880, evidently governed by the appropriations of the preceding year, granted the same amount. I would respectfully suggest that this appropriation, being for the fulfilment of one of the treaty obligations, be such in amount, as will enable the agent to carry out its purposes in a spirit comporting with the character and dignity of the State. The former generous appropriations supplied the tribe under this provision of the treaty, with the best goods the market afforded; and to cast upon the agent the necessity of purchasing and distributing a lower grade of articles, not only subjects him to the imputation of unfair dealing, but creates dissatisfaction and distrust. The history of the agency shows, that with currency upon a normal basis, the expenditure for this purpose varies from \$1,500 to \$1,600 per year, according to the fluctuation of prices. It is therefore submitted, that an appropriation should be adequate to cover any contingency as to market values.

## REPAIRS OF CHAPEL.

The last Legislature appropriated the sum of fifty dollars for the repair of the chapel. This amount was granted upon the presumption that one hundred and fifty dollars granted the year before was to be added thereto, making in all two hundred dollars. It appears however, that the \$150.00 of the preceding year was absorbed in the general over-expenditures of that year, leaving only the \$50.00, the last appropriation, as the fund for repairs. Under these circumstances I have not deemed it advisable to draw that appropriation, and it remains in the State treasury, the amount being entirely insufficient for the needed repairs.

For several years, windows and window frames of a modern type, have been on hand, to take the place of the very ancient and contracted ones now in the chapel. The auditorium needing to be replastered, it was thought advisable as a matter of economy, that it should be done at the same time of the substitution of the windows. It was accordingly estimated that two hundred dollars would be needed for the required work, hence the appropriations referred to. A somewhat changed condition of things having more recently arisen, a new estimate seems to be necessary with reference to the repairs of this chapel. Circumstances seem to have combined to concentrate the tribe more at Oldtown than ever before. Those who for years have resided away, have returned and resumed their residence with the tribe. So that, with the large influx of the hitherto nomadic element, the chapel is too contracted for the large number who appear at worship. The construction of a recess at the rear of the building, allowing the altar to recede, will give space for a few more rows of pews, and make the church sufficiently commodious.

An appropriation for this work, in connection with the plastering and substitution of the windows, is the desire of those interested, and I doubt not that whatever will tend to the moral development of the tribe, the State will, as heretofore, generously encourage.



## AGRICULTURE.

The agricultural operations of the tribe were not generally as successful the last season as usual, owing to the extreme drouth which seriously affected the arable lands of the tribe. The sandy alluvion, of which many of the islands is composed, is not of the character to withstand a protracted drouth such as was experienced this year, and as a consequence the harvest was light.

The potato crop, which is their main crop, also suffered severely from the ravages of the Colorado beetle. The absence of the greater part of the tribe during the "open season," visiting the various summer resorts along the coast, for the purpose of vending their baskets and other articles of handiwork, left their crops at the mercy of this pest, and they returned to find them, in many instances, well nigh destroyed.

The lack of fertilizers in sufficient quantities to keep up the productiveness of the soil is a great hindrance to an advance in agricultural pursuits. Artificial manures which are furnished with the small amount of the appropriation, left for this purpose after ploughing their lands and distributing seed, have only a temporary effect in stimulating the growth of products, and until they can be induced to keep stock and naturally replenish their lands, their crops will be subject to uncertainties.

There is quite a demand among the more advanced in the theory of tillage, that portions of their lands may be ploughed in the fall. The usual appropriation for farming purposes being barely sufficient to afford meagre aid to each one desiring to cultivate a parcel of ground, there has seemed no way to reserve a sum sufficient for this purpose. If one hundred dollars could be added to the usual appropriation to be used in this way, it would undoubtedly be an incentive to increased effort among them, and result in good.

The compensation of the Superintendent of farming as established by law, Resolves, 1867, chapter 96, is one hundred and fifty dollars per year. No change has been made in the law establishing this amount, but there seems to have been a

failure to appropriate the sum required—one hundred dollars being the amount granted. Doubtless this has arisen under a misapprehension of the requirements of law in this regard, and it is presumed the deficiency will be supplied upon attention being called thereto.

#### SCHOOLS.

The schools for the year have been fully and satisfactorily taught,—those at Mattanawcook under the direction of the Superintending School Committee of Lincoln, and at Olamon under that of the Supervisor of Greenbush.

The school on Oldtown island has continued another year under the charge of Sister M. F. Borgia, of the Community of Sisters of Mercy, assisted by her associates. This school deserves more than a passing notice. With ready access to the hearts of their pupils, and with rare tact and skill in imparting instruction, these accomplished teachers have succeeded in a wonderful degree in stimulating the mental activity of these children and youth. The dulness and torpidity of their mental organization, so generally characteristic of them, seem to have yielded in a very large degree to the quickening influences to which their intellects are subjected. To one familiar with their slow and indifferent progress of former years, their present advancement seems almost phenomenal.

The interest awakened in this school having over-crowded its accommodations, the last Legislature appropriated four hundred and fifty dollars for a new school house.

Upon receiving estimates for the construction of a suitable building, it was found that the appropriation was inadequate to build a house of the dimensions and character required, but an opportunity being afforded to dispose of the old school house at a reasonable price, by supplementing the appropriation with the proceeds derived from that source, a plain but commodious structure was erected, suitable for the wants of the school, and was completed in season for the convening of the school therein, after the summer vacation.

## SISTERS OF MERCY.

The Community of Sisters of Mercy, established on Oldtown island in 1878, by the Bishop of the Catholic diocese of Maine, reference to which has been made in reports of my predecessors, and to members of which allusion has just been made in connection with schools, is an institution which I wish most earnestly to commend.

These refined and accomplished women, having taken up their abode with the tribe on this island, are, with that utter self-abnegation which characterizes the Order, assiduously devoting themselves to the moral and intellectual advancement of this remnant of a race which, while living in the midst of our civilization, is not of it.

With the evidence of their devotion to the welfare of this people daily accumulating, as would be expected, a great regard is reciprocally manifested for them; and no prejudice has been able to survive their ministry of love. It may be premature to express any comparative view of their labors, yet the opinion is ventured, that upon the home-life of the tribe their influence will not be the least potent, as they daily go from house to house, instructing the females in domesticity, economy in expenditures, refinement of manners and personal purity.

A dormitory, neat, commodious and attractive, has this year been completed on Oldtown island on a lot adjacent to the church, for the residence of these Sisters, at a cost of about twelve hundred dollars,—this amount having been raised by voluntary subscriptions,—and members of the tribe, I am told, having given nearly two-thirds of the whole amount.

To Rev. M. C. O'Brien, recently the spiritual adviser and counsellor of the tribe,—now pastor of St. Mary's church, Bangor,—to whose unremitting efforts for the welfare of the tribe I bear cheerful testimony, more than to any other person, is due the location of this institution among the

tribe, and the successful provision made for its permanent establishment.

#### CENSUS.

The annual census of the tribe, as taken by the Superintending School Committee of Oldtown, on the first Wednesday of January, 1880, shows their number to be four hundred and eighteen; the apparent reduction from the last enumeration, (446), being occasioned by dropping from the roll quite a number who have for many years been absent and unheard from.

#### ELECTIONS.

The annual election of the tribe was held on Oldtown island the first Tuesday of October,—the day designated by law for that purpose. Stephen Stanislaus was chosen Governor, and Saul Neptune, Lieutenant Governor of the tribe. Joseph Nicolar was elected delegate to represent the tribe in the next legislature.

The adoption of the system of biennial elections in the State would seem to make some legislation necessary to render the elections of this tribe conformable to those of the State, especially as to delegate to the Legislature. As the law now stands an annual election is required. I would respectfully suggest that the elections of the tribe, as to all the offices to be filled, be made biennial; that those chosen at the last election be permitted to hold their offices for two years; and that the party who would have been entitled to the election next year under chapter 103, Resolves of 1867, have the right of election in 1882, and the parties alternately thereafter, each biennial term.

## SHORES.

The shores of islands belonging to the tribe, leases of which expired this year, were re-let on the twentieth day of April for a term of two years from the first day of January, 1880.

They are as follows :

Shore on west side of Orson island, from the Cook to first bridge of B. & P. R. R., to Charles M. White; annual rental.....	\$ 37 00
Shore on west side same island, from the bridge aforesaid to the south line of the public farm, to same; annual rental.....	51 00
Shore of Orono Island; to Daniel Lunt, annual rental.....	70 00
	<hr/>
Total.....	\$158 00
Payable to Treasurer of State, May 1, annually.	

## FUEL.

The necessity of supplying fuel to the sick and indigent devolves wholly upon this agency. As an economic measure, I would suggest that a wood-shed of fifty cords capacity be erected on Oldtown Island, to be filled during each winter, for distribution in the fall and early winter following, before the river is sufficiently frozen to admit of crossing with teams. As it now is, wood deposited upon the island in near proximity to the village for such a purpose, is liable to be carried away and consumed before it can be used as intended, by those who find it easier to help themselves from a public woodpile, than to obtain fuel in a legitimate manner.

## LAND TITLES.

A matter of vital importance to the peace and prosperity of this tribe, and one which should early engage the attention of the State, is the subject of their land titles. The greatest confusion now exists upon this subject, the result chiefly of

long continued misapprehension and abuse of the laws regulating the tenure of individual proprietorship, and an utter lack of system in preserving evidence of titles. The law upon which their titles are founded is contained in two acts, viz: chapter 158 of the laws of 1835, and chapter 396 of the laws of 1839, both of which are incorporated in chapter 9 of the Revised Statutes. The former of these acts relates to lots assigned for agricultural purposes, and the latter to house and garden lots on the point of Oldtown island; and each contains provisions peculiar to itself, so that the two classes of property are subject in certain respects to different regulations.

The agricultural lands for example are inalienable. The language of the statute is, "It shall not be in the power of any Indian to sell his or her lot;" (see act of 1835, before referred to,) while as to house and garden lots regulated by the act of 1839, the only restriction upon the power of sale is that the sale shall be to some member of the tribe.

The certificate prescribed in section 17, chapter 9, Revised Statutes, (acts 1838, chapter 331,) is required in assigning agricultural lands, while no written assignment by the agent is requisite in case of house and garden lots. These are believed to be the essential points of difference.

Under a misapprehension of the scope of section 18, chapter 9, Revised Statutes, quite natural from the collocation of terms, which grants authority to the agent to permit certain acts concerning lands, it has long been the practice to grant permission to Indians to sell their lots to one another. The effect of such unauthorized conveyances has been to place very many in occupation of lands to which they have no authentic title. It may be necessary to discuss just what their status may be under the law, or to forecast any possible peril to which they may be exposed. This fact is stated simply as an illustration of the sources of confusion into which their titles have come.

Attention is called to the elaborate opinion of the Supreme Judicial Court upon this subject in the recent case, *John vs. Sabattis*, 69 Me. R., 473, in which these titles are defined, as also is the quality of estate. The descendible quality which is therein declared to be an attribute of these estates must necessarily, under the restrictions as to sale, tend to still greater confusion.

Transfers having heretofore been freely permitted, though in violation of law, evils from this source which would otherwise have arisen, have doubtless been avoided. Inalienable lands, descending through successive generations, must become a source of great contention, or worthless because of the minute sub-divisions into which they must fall.

It is to anticipate troubles already discernible upon the horizon of the peace of the tribe, and to urge that a remedy be provided before they vexatiously arise, that I have made this brief exhibit of the subject.

The fact that no written assignment is required in the case of house and garden lots, and that their titles are largely possessory; that no record has ever been provided by law or kept of transfers of any of their lands of either class, leaves the whole subject of titles fast drifting into the realm of tradition. And it does not require prophetic vision to foretell a storm of litigation, whenever a consciousness of the actual state of things shall in any way be awakened in those hostilely inclined.

As to how this evil may best be reached, it will be the province of those whose duty it is, to deal with the subject to devise. But at the risk of seeming presumptions, I will venture to suggest, that a commission might be appointed to examine all individual titles, and determine upon the broadest equitable grounds the rights of occupants and claimants; that when so determined, the agent be authorized to issue a certificate of title to each, whose rights have been thus established, which certificate should be recorded at length, in a book kept for that purpose in the agency; that all transfers there-

after should be likewise recorded, and also all changes in title by hereditary descent, so far as ascertainable, and that such further legislation be had for the future management of these lands as experience and the history of the subject prove to be necessary.

#### HEALTH.

During the year the tribe has been entirely free from contagious or zymotic diseases, but there has been much sickness among them, chiefly from congenital or constitutional disorders,—the legitimate outcome of successive generations living in utter disregard of all principles upon which vital force is preserved and perpetuated. The number of deaths during the year has been sixteen. Among this number are some of the oldest and wisest known members of the tribe. Of these are Dr. Joseph Sockbesin, whose yearly, or oftener, visitation to the Capitol with grievances unnumbered, made his presence familiar in all departments of the State government; Peol Sockis, formerly one of the most influential men of the tribe, and its representative to the legislature for successive terms; and Dea. Newell Sockbesin.

#### CONCLUSION.

The year as a whole has been one of more than usual prosperity to the tribe. The revival of business has brought them constant and remunerative employment. The basket trade has been active, and all, except the persistently indolent, have reaped substantial benefits. As has already been stated, the tribe is now largely concentrated at Oldtown. It is found by those who have been accustomed to wander, that at no place can they do better than upon the reservation; and the great desire to place their children in the school, and as well I doubt not, to avail themselves of the ministrations of the Sisters of Mercy, seems to have attracted them even from the upper islands where they have hitherto been located.



Whether this last migratory phase will prove wholly beneficial is involved in doubt. It is not in my opinion, one to be encouraged. Those who have resided upon the upper islands have generally succeeded best, having less inducements to idleness, and being removed from the demoralizing influence of evil companionship.

CHARLES A. BAILEY,

*Agent Penobscot Indians.*

# STATE OF MAINE.

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IN COUNCIL, December 23, 1880.

The usual number of copies ordered to be printed.

Attest:

S. J. CHADBOURNE, *Secretary of State.*