

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

HOUSE.

No. 251.

STATE OF MAINE.

I was authorized by the Passamaquoddy tribe of Indians to come here before you, for the purpose of making known to you what the Passamaquoddy Indians have done for the American people, and how we have been used by the American people, and how we used them. In 1775 or 1776, in the struggle between Great Britain and America, your people came to us for assistance. You authorized Col. John Allan to speak to us, and you said he is our mouth, believe what he says to you. After many kind words and promises Francis Joseph, who was the Chief of the tribe at that time, accepted his offer. He promised to go and help his people gain their independence. Immediately he sent his captains to different points of his country to notify his people to prepare for immediate war. In a few days Francis Joseph gathered an army of six hundred men. At that time, and many years before that, the Passamaquoddy tribe was the headquarters of the Abnaki nation.

The Passamaquoddy tribe can show you by the statement of Josiah Drisko of Jonesport, how the Passamaquoddy Indians faithfully fought for the American people to help them gain their independence; and Passamaquoddy tribe also can show you by the affidavit of Wm. Watt of Jonesboro, Maine, one of the Revolutionary soldiers, how he was along side of Francis

Joseph the Chief, and heard him ask permission from Capt. Smith to fire the first gun, and Capt. Smith gave him permission. He fired and killed an officer, who was in the stern of the boat, the distance measuring nearly three-quarters of a mile from where he fired. And we also can show you by that same affidavit how many Indians were in the army; it was six hundred men, and they served two years. Passamaquoddy tribe can show you by the letter from Col. John Allan, when he authorized the Passamaquoddy Indians to guard the coast from Machias to Passamaquoddy Bay, and authorized them to seize the enemy's vessels. And according to his orders we can show you by the affidavit, Capt. Sopiell Socktoma, with fifty others of his tribe, captured an armed schooner in Passamaquoddy Bay, and they ran her to Machias and gave her up to Col. John Allan. And we also can show you by the statement of John Allan, Jr., how the Passamaquoddy Indians followed the enemy from Machias to Castine. Passamaquoddy tribe can show you by the affidavit of Magasett Frost, who saw the Indians at Castine, and told how they faithfully fought for the Americans.

Now, nearly all these statements were sworn to before magistrates, and we also can show you many different histories mention how the Passamaquoddy Indians fought for you, such as Hall's History, Williamson's History and the History of the Town of Machias; and how by all these statements, histories, and traditions no doubt the Indians must have served in that war. We also can further show you by the letter dated in Massachusetts, in 1780, after the war was over; in that letter you said to us, "on account of the large army we supply and dry summer of this year, we cannot send you any supplies," but you promised us you would see to our just claims in future. We can show many old documents and letters before the Revolutionary War, and during the war, if necessary.

Now about these before mentioned letters and affidavits. We were advised by some intelligent persons to present them to the Maine Legislature. They said to us if they favor you there, they will refer them to Congress. They said to us it

may not come in the form of pensions, but you stand a chance to get something for your services from the General Government. We know the Indians who served in that war are passed out of existence, but the Passamaquoddy tribe helped the Americans in that war, and the tribe is still in existence. Now we humbly ask your attention to help us, by letting the Legislature examine the papers and refer them to Congress, if they see fit.

Now we go back to the origin of the Passamaquoddy tribe, and their claims, privileges, treaties and their hunting grounds. I see by some of the reports in this Legislature, that some of the writers mentioned in history claim that the Passamaquoddies are a branch from the Penobscots. This is not true. The original history of our tribe tells you different from that. This history is carefully preserved by our tribe, handed down from one generation to another. Now, I can show you a clear proof. Their language is different from that of the Penobscots. The relics found in the neighborhood of the Passamaquoddy tribe are evidently just as old as some found in the neighborhood of other tribes. I can show you the exact place and encampment of our tribe when we were first discovered by white people. We have in our file of old documents some dated as early as 1625. We also can show you the traditions of our early wars with the Micmac tribe of Indians, and when we made treaty of peace with them, long before the white people ever came to our country. And I also saw by some of the reports that you said the Passamaquoddy tribe was not mentioned in early treaties. Now I can show you by the letters from Col. John Allan which he addressed to us sometimes as the Mareschite tribe. Now the word Mareschite, that is the Micmac name for Passamaquoddy. Micmac Indians called us Malesisik, or Mareschite.

Now I claim that the Passamaquoddy tribe is different from other tribes. Their origin is unknown to any white man. Their ancient laws, customs and language give us a clear proof that it is a distinct tribe.

Now, in regard to their privilege of hunting, fishing and fowling.

In the treaties of 1725, 1794, and Governor Dummer's treaty of 1727, and in the laws of Massachusetts and Maine at their separation, we were guaranteed the right to hunt and fish forever. In proof of this, reference is made to Vol. 3, Historical Records of Maine. Now, listen—the plain English words “forever,” and “as long as they remain as a nation.” To-day, Newell T. Lola is Governor of the Passamaquoddy Indians, and Thoma Dana Lieutenant Governor; population of the tribe or nation, five hundred and thirty souls. We remain as a nation yet. Now I claim that this privilege of hunting, with the Passamaquoddy Indians, has never been broken; because common sense will tell us that hunting is their chief dependence for living, and for this reason they cannot break their treaty or the treaty of Falmouth in 1749. You claim the before mentioned treaties have been broken by the St. Francis Indians and the Norridgewocks. We have nothing to do with their treaties. The Norridgewocks are passed out of existence; they don't need any more hunting privileges. The laws of Massachusetts in 1775-6-7 even go so far that they give us exclusive rights to hunt, especially beaver hunting. They authorize us to seize all the furs, all the traps and arms from white hunters; even we were authorized, we threatened them in force of arms. Now, if the Passamaquoddy tribe gave up their rights, claims, title, interest, by the treaty of 1794, as you claim that they did, we see that must have been a great gift to the State; and that same treaty says to us, “the lands, islands, privileges, granted to the Passamaquoddy Indians and their heirs forever.”

Lands granted to the Passamaquoddy Indians by the Commonwealth of Massachusetts in 1794:

Such lands were granted to us: 50 acres at West Quoddy Carryingplace, township of 25,000 acres; islands in the St. Croix River, 15 in number, containing 160 acres of land. Now, the land at West Quoddy is occupied by white people

(deeds given by Chase); the claim on the islands has been taken from us; part of the township has been leased a term of 999 years, a two mile strip the entire width of the township, eight miles; a mile strip, eight miles long, given to a rich man worth probably half a million dollars, for a road. When they send a petition for this purpose, they say this road is a benefit to the Indians. No Indians ever go through in that road once in ten years. This man has a big farm back of this township; that's why he asks for permission to build a road through our township. I think, the way I see, myself, (I am not road surveyor,) I think 50 feet is wide enough for any road, instead of one mile. Now I claim again, this is not right. If we only get a few dollars for it and the money placed in our fund, we will not feel so bad; but we see plainly that not even one cent do we ever get for that long strip of land, one mile wide and eight miles long. This land is to be taken from the poor Indians and granted to a rich man who is able to pay a good price for it. Now, if the State is guardian of the Indians' property, it must seek information of the Indians there and then tell whether they need such road or not.

Another piece of land owned by the Passamaquoddy Indians, situated in the town of Perry, Maine, a thickly wooded land of 250 or 300 acres and only two and one half miles from our village of Pleasant Point, was preserved by the tribe as their wood lot, and would have lasted us many years; besides, one Indian cleared about three acres, and one about one and one half acres, and many others went there to plant their potatoes. In the year 1854 or 1857 some dishonest person, or persons, presented a petition to the Maine Legislature, asking the State to sell the Indians' land—Indians did not need it—so the Legislature passed a resolve, that a certain piece of land, situated in the town of Perry, owned by the Indians, would be sold by public auction, on such day, at Perry (they must have arranged everything so they wouldn't bid against each other), and that land was sold for the small sum of \$200. The Indians opposed the sale of it. Now

their fire-wood costs the Indians of Pleasant Point \$1,500 a year. If that land had not been sold, the Indians would not suffer for want of fire-wood. Thousands of cords of cord-wood have been cut, and wood is on it yet.

The land cleared by the Indians is also sold. Now we claim again, this is not right. Indian agent himself bought this land afterwards, and again when we lost the claim on the Islands, the time Granger *vs.* Indians, we not only lost the claim, but two thousand five hundred dollars (\$2,500) out of the Indian fund in favor of Mr. Granger. Because he is a nice old man, let him have it; doubtful case, but let him have the money. This we also claim is not right. Now, if the State is the guardian of the Indians' property, this condition of things ought to be stopped at once.

Now we go back to the original claim mentioned by Passamaquoddy history, and also mentioned by the Records of Massachusetts, of their hunting grounds. The Indians of the Abnaki nations used to have a constant war among themselves, and a dispute as to their hunting grounds. But at last they tired of fighting. So they held a General Council, of all the tribes of the Abnaki nations, and the resolution of this Council was that their hunting grounds should be equally distributed—the Micmaes take the river now called Miramichi, and its tributaries; the St. John Indians have their own hunting grounds, as also do the Penobscots. The Passamaquoddy Indians have the boundary of their hunting grounds commence at the mouth of the Proo, or Preaux, River, 30 miles this side of St. John, N. B. It follows the coast, westward, to the mouth of the Cherryfield, or Narraguagus, River, and follows it to the head of it, then to the head of Machias River; from there to the head of St. Croix River; from there to the head of Proo, or Preaux, River, following it down to the coast. This includes all the islands on the south coast from the mouth of the Proo, or Preaux, River to the westward of the mouth of the Cherryfield, or Narraguagus, River. This also includes all the lands, timber, and all the wild animals once belonging to the Passamaquoddy tribe of Indians.

Now we say of a nation or tribe having to-day a population of 500 or more inhabitants, do you suppose they will give up their lands and their hunting privileges, as some persons say they did, when they depend for their living on hunting? I say, no; not with their own consent. Now we again suppose they sell the privilege of hunting, fishing and fowling alone. We don't mention that of their lands. Such privileges are worth a good deal of money to them.

Now we go farther back and seek further information. We will find it in Washington, where the Indian rights are preserved and protected. Treaties there will tell us the poor Indians were the first inhabitants of this country; their privileges, their lands cannot be taken from them without their free consent. Then we go farther on—whether they have sold their Passamaquoddy lands or not. We will find again a large map and a large book prepared by the United States Government; there we will find again every foot of Indian lands ceded to the United States, date, names of persons of whom negotiated, and names of mountains, lakes, rivers, States and towns where their boundary lines run. There we find again the Passamaquoddy lands not included. Just consider, to-day, how many rich men there are in Calais, in St. Stephen, Milltown, Machias, East Machias, Columbia, Cherryfield, and other lumbering towns. We see a good many of them worth thousands and even millions of dollars. We ask ourselves how they make most of their money? answer is, they make it on lumber or timber once owned by the Passamaquoddy Indians. Now, this present 19th century, this great State, with its increasing population and riches, its homes of wealth and refinement, its vast capital seeking investments in every western State, cannot afford to be unjust to a few friendless and helpless Indians, nor would it have been so had the facts been generally known, but the records show the facts to be as I have stated.

Now I ask your attention again. We plainly see the efforts of the Passamaquoddy Indians during the struggle mentioned before, to help us gain our independence. How many of their

privileges have been broken ; how many of their lands have been taken from them by authority of the State. Now we say to ourselves, these Indians ought to have everything they ask for. They deserve assistance. We are sent here to help the poor and defend their rights.

Now, again, we look at the summer of 1886. We see our own people, our own Maine fishermen, Gloucester fishermen, only one or few other privileges denied to them ; you see how badly we feel. Nearly every Legislature of the United States, and also Congress, all say this ought not to be done.

Now, this plainly shows us how much worse a people of five hundred and thirty souls are stripped of their whole country, their privileges on which they depend for their living ; all the land they claim to own now being only ten acres. If one or two men in this body were Indians they would fight like braves for their rights.

Now look at this yourselves and see whether I am right or wrong. If you find any insulting language in my speech, I ask your pardon. I don't mean to insult anybody, but simply tell you of our wrongs.

LOUIS MITCHELL,

Of the Passamaquoddy tribe of Indians.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 9, 1887.

On motion of Mr. CLARK of Calais, *ordered*, that five hundred copies of the speech delivered in the House March 8th be printed for distribution.

NICHOLAS FESSENDEN, Clerk.