

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1883.

PUBLIC LAWS
OF THE
STATE OF MAINE.
1883.

An Act to provide for the establishment of titles to lands among the Penobscot Indians, and for the preservation of evidence of such titles.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

(Governor and council to appoint commissioners to determine titles to lands among Penobscot Indians.

SECT. 1. Three suitable persons shall be appointed commissioners by the governor and council, whose duty it shall be to examine the titles of the several occupants or claimants of lots or parcels of land among the Penobscot Indians, and to determine, as between members of said tribe, who is the rightful and equitable owner of each of said lots or parcels.

--sessions of.

SECT. 2. Said commissioners shall sit at such times and places as shall best facilitate their labors, having regard for the convenience of those members of the tribe whose rights are to be considered by them, and within one year from the date of their appointment shall make to the governor and council a final report of their doings, containing a description of each lot, the ownership of which has been determined by them, and the names of the parties respectively entitled thereto, which report shall be deposited in the land office of the state for preservation. They shall also present an account of the time occupied and expense incurred in the performance of their duties to the governor and council, who shall audit said account and allow them reasonable compensation.

--report.

May employ a surveyor.

SECT. 3. When the boundaries of lots are in dispute, or cannot be found, and the commissioners are unable to determine the same by existing surveys or data, they may employ a competent surveyor to assist them in establishing such boundaries, whose account for services shall be audited by the governor and council and fair compensation allowed.

Powers.

SECT. 4. Said commissioners shall give all parties interested a reasonable opportunity to be heard; shall have power to send for persons and papers; summon, swear and examine witnesses; take testimony under oath or otherwise; and their award, or that of a majority of them, as to the rightful and equitable ownership of such lots or parcels of land shall be final and conclusive as to all members of said tribe.

Award, final.

Agent of tribe to be furnished copy of determination of commissioners.

SECT. 5. Said commissioners shall immediately, upon the completion of their labors, furnish the agent of said Penobscot Indians a copy of their determination as to description and ownership of lots, and said agent shall thereupon issue to

--to issue certificate to owners.

the individuals named therein a certificate in substance as follows :

Whereas, and commissioners appointed by the governor and council of the state, under authority of the legislature, have determined that , a member of the Penobscot tribe of Indians, is the owner of the following described lot or parcel of land, viz :

Form of certificate.

Now, therefore, know all men by these presents, that I, , agent of the Penobscot tribe of Indians, do hereby assign, set out and confirm to said the aforescribed lot of land. To have and to hold to him, his heirs and assigns, during the pleasure of the legislature.

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 of our Lord one thousand eight hundred and

} Agent of the Penobscot
} tribe of Indians.

SECT. 6. Said agent shall record the return of the commissioners as made to him, and also the aforesaid certificates, when issued, in duplicate books suitable for the purpose, prepared with proper indexes, one of which shall be kept by said agent and his successors for ready reference, and the other shall be deposited in the registry of deeds of Penobscot county, to be kept as other records are there kept. For issuing the certificates aforesaid, making up the records as herein provided, and for such services as he may be called upon to render said commissioners in the performance of their duties, said agent shall receive such compensation as the governor and council may allow.

Return and certificates to be recorded.

Compensation of agent for services.

SECT. 7. Any Indian holding lands under the foregoing certificate, or by virtue of any assignment under the laws relating to the apportionment of the lands of said Penobscot tribe, may sell and convey the same to any member of the same tribe, with the approval of the agent ; *provided*, that no Indian shall hereafter be permitted to purchase lands upon the reservation of said tribe beyond his fair proportion of such reservation.

Any Indian holding land under certificate, may convey same to another.

Proviso.

SECT. 8. Conveyances made by virtue of section seven of this act shall be by release deed, duly executed and acknowledged, and shall have the approval of the agent written thereon ; and said deed and approval shall be recorded by the

Conveyances to be by release deed.

—to be recorded.

agent without fee, in a book kept by him for that purpose, and by the register of deeds of Penobscot county, in a like book kept in the registry of deeds in said county, upon payment of twenty-five cents for each deed so recorded. And until recorded as herein provided, no deed made as aforesaid shall be operative to pass any title whatever.

—until recorded,
not operative.

Record of death
of owner and
description of
lots to be kept.

SECT. 9. It shall also be the duty of the agent of said tribe to enter upon his record, a memorandum of the death of any Indian owning lands, the date of such death, a description of the lot or lots owned by the deceased, and the names of those, so far as ascertainable, who are entitled to such lands by inheritance.

Deeds made and
deposited with
agent may be
delivered after
death of grantor,
in certain cases.

SECT. 10. Deeds made by any Indian of the Penobscot tribe as in section eight, may be deposited with the agent of said tribe, to be delivered by him to the grantee named therein, after the death of the grantor, if the fact that such deed is so deposited to be so delivered, shall appear by the deed itself; and when delivered by said agent, it shall have the effect to pass all the title the grantor had in the premises described therein at the time of his death.

Assignments of
unassigned lands,
to whom made.

SECT. 11. Assignments hereafter made of unassigned lands of the tribe, shall be to members who never have had assigned to them their proportion of the tribe's lands, or to whom no such assigned portion has ever come by way of inheritance, or who do not already hold by assignment, purchase or otherwise, their fair share of said lands; and shall be accompanied by a certificate from the agent, to be recorded as in section eight of this act, which shall be in form substantially as follows:

—to be accom-
panied by certi-
ficate of agent.

Form of certi-
ficate.

Know all men by these presents, that I, _____ agent of the Penobscot tribe of Indians, have caused to be surveyed and set off to _____ a portion of the lands belonging to said tribe on the islands in Penobscot river, as contemplated by the acts of the legislature, bounded and described as follows:

To have and to hold to him, his heirs and assigns, as contemplated by said acts during the will of the legislature.

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 of our Lord one thousand eight hundred and _____

SECT. 12. Any member of said tribe who has abandoned, or may abandon it, and who has joined, or may join, any other tribe, shall forfeit all lands assigned to him, and the same may be assigned anew, as provided in section eleven of this act.

CHAP. 138

Abandonment of tribe shall work forfeiture of lands.

SECT. 13. The provisions of this act are to be applied to house-lots on the point of Oldtown island, as well as to lands allotted for agricultural purposes, and the certificates herein prescribed shall be effectual to confer title to either class.

Provisions of this act, how applied.

SECT. 14. Copies of deeds or certificates recorded as provided in this act, duly attested by the register of deeds or by the agent of said tribe, shall be admissible in evidence in all actions or controversies relating to title to lands between members of said tribe.

Copies of deeds admissible as evidence in actions, etc.

SECT. 15. All acts or parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

SECT. 16. This act shall take effect when approved.

Approved February 21, 1883.

Chapter 138.

An Act for the protection of Lobsters.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. There shall be a close time for lobsters, from the fifteenth day of August to the fifteenth day of November in each year, during which close time, no lobster shall be fished for, taken, caught, killed, bought, sold, exposed for sale or in possession in cars, pounds or otherwise, under a penalty of fifty dollars for the offense and one dollar for each and every lobster so taken, caught, killed, bought, sold, exposed for sale or in possession as aforesaid.

Close time for lobsters, established.

Penalty for violation.

SECT. 2. It shall be unlawful to fish for, catch, buy, sell, expose for sale or possess for canning purposes, or otherwise, between the first day of April, and the first day of August, of each year, any female lobster, in spawn or with eggs attached, or any young lobster less than nine inches in length, measuring from head to tail, exclusive of claws or feelers; and when caught they shall be liberated alive, at the risk and cost of

Close time for female and young lobsters, established.