

# MAINE STATE LEGISLATURE

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THE  
**REVISED STATUTES**

OF THE  
STATE OF MAINE,

PASSED OCTOBER 22, 1840;

TO WHICH ARE PREFIXED

**THE CONSTITUTIONS**

OF THE

*United States and of the State of Maine,*

AND TO WHICH ARE SUBJOINED THE OTHER

PUBLIC LAWS OF 1840 AND 1841,

WITH AN

**APPENDIX.**

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PRINTED AND PUBLISHED IN COMPLIANCE WITH A RESOLVE OF OCTOBER 22, 1840.

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**Augusta:**

PUBLISHED BY WILLIAM R. SMITH & Co., PRINTERS TO THE STATE.

.....  
1841.

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three months and renewable. 1836, 218, § 1, 2. Sheriff's powers the same on alias and pluries warrants. 1836, 218, § 3.

and may be renewed for the collection of such sum, as may appear due upon them when returned; including expenses incurred in attempting to collect the same.

SECT. 151. The power and duty of the sheriff shall be the same in executing such alias or pluries warrant, as the original warrant.

CHAPTER 15.

OF THE INDIAN TRIBES IN THE STATE.

- SECT. 1. Agents of indian tribes now in office, to remain.
- 2. When a vacancy happens how to be filled.
- 3. General duties of the agent of the Penobscot tribe.
- 4. Agents of both tribes to be sworn and to give bonds. Their duties.
- 5. Certain contracts void, unless allowed by the agent.
- 6. Limitation of leases and other contracts.
- 7. Agents may sue in their own names for the benefit of the indians,
- 8. Agents to keep a record of proceedings and settle accounts annually with the governor, &c.
- 9. No foreigner to be permitted to take timber, &c. from the township reserved for the Passamaquoddy tribe.
- 10. Of the islands, &c. belonging to the Penobscot tribe.
- 11. Agent of the Penobscot tribe to place avails of leases, &c. in the state treasury.
- 12. Amount to be at agent's risk, if he sell or lease on credit.
- 13. Surveys of islands from Old Town falls, &c. and estimates, to be made by the land agent.
- 14. What shall be designated upon the plans.
- 15. How the lots shall be located.

- SECT. 16. Agent of the Penobscot tribe to give to each indian a certificate of his lot. Form.
- 17. No indian to sell or lease his lot, nor commit waste.
- 18. Of the public farm.
- 19. Agent to employ a superintendent to manage the farm and take care of the infirm and orphans.
- 20. He may lease reserved privileges for mills, booms and fisheries.
- 21. Survey and assignment of lots on the point of Old Town island.
- 22. Same subject. Restrictions on transfers.
- 23. Appropriation of the interest on the amount of four townships purchased of the Penobscot indians.
- 24. Agents of the Passamaquoddy tribe may sell timber and grass on township, number two, on St. Croix river.
- 25. Agents shall furnish annually potatoes and seeds.
- 26. And distribute \$300 annually to the distressed poor.
- 27. And blankets, flannels and woolen cloths to females and young children, amounting to \$500.
- 28. Compensation of the agent.
- 29. Sums over \$100 to be loaned on interest to a bank in Washington county.
- 30. Penalty for selling spirituous liquors to indians.
- 31, 32, 33. Bounties on produce raised by the indians.

Agents of indian tribes, now in office, to remain. 1821, 175.

SECTION 1. Those persons, who have been appointed as agents for the Penobscot and Passamaquoddy tribes of indians, respectively, shall continue to perform the duties assigned to them, according to the tenor of their respective appointments.

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SECT. 2. Whenever either of those agents shall die or resign, or be removed, the governor, with advice of the council, may appoint another agent in his place, but there shall never be more than three, nor less than one, for each tribe.

When a vacancy happens how to be filled. 1821, 175, § 1, 2.

SECT. 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 shall, from time to time, become due, by virtue of any treaty or agreement now existing, or that hereafter may exist, between the state and such tribe.

General duties of the agent of the Penobscot tribe. 1821, 175, § 3.

SECT. 4. The agent or agents of both such tribes shall be duly sworn, and shall give bonds to the state, with sureties to the satisfaction of the governor and council, for the faithful discharge of their respective duties, and have the care and management of the property belonging to the respective tribes, for the use and benefit of them.

Agents of both tribes to be sworn and to give bonds. Their duties. 1821, 175, § 4. 1826, 323, § 1.

SECT. 5. All contracts, relating to the sale or disposal of trees, timber, or grass growing on or on said indian lands, made with any of the indians belonging to either of said tribes, unless examined and allowed by the agent or agents of the tribe, to which the indian or indians contracted with belong, shall be utterly void.

Certain contracts void, unless allowed by the agent. 1821, 175, § 4.

SECT. 6. 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 is provided in the tenth and twentieth sections.

Limitation of leases and other contracts. 1821, 175, § 4.

SECT. 7. The agent or agents for each of said tribes may, in his or 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 respective tribes; and all sums or damages recovered by such respective agents shall be distributed to the indians of the tribe, for which they are agents, according to their usages, or vested in articles useful to them.

Agents may sue in their own names for the benefit of the indians. 1821, 175, § 5.

SECT. 8. The agent or 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 the same before the governor and council for inspection and adjustment, who are hereby authorized to settle and adjust the same, and draw warrants on the treasury, for such sums as may, from time to time, be found necessary, in carrying into effect all treaties with said tribes.

Agents to keep a record of proceedings and settle accounts annually with the governor, &c. 1821, 175, § 6. 1825, 301.

SECT. 9. No citizen or subject of any foreign government shall purchase, cut, or carry off, any trees or timber or grass standing or growing on the township reserved for the benefit of the Passamaquoddy tribe; and if any agent for such tribe shall give to any such citizen or subject a permit for such unlawful purpose, he shall forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars, to be recovered by action of debt, one half to the use of the state, and the other half to the use of any person, who shall prosecute for the same.

No foreigner to be permitted to take timber, &c. from the township reserved for the Passamaquoddy tribe. 1824, 271. 13 Maine, 381.

SECT. 10. The islands belonging to the Penobscot tribe may be

Of the islands,

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&c. belonging to the Penobscot tribe. 1826, 323, § 1.

Agent of the Penobscot tribe to place avails of leases, &c. in the state treasury.

1826, 323, § 2. Amount to be at agent's risk, if he sell or lease on credit.

1826, 323, § 2. Surveys of islands from Old Town falls, &c. and estimates, to be made by the land agent.

1835, 158, § 1. What shall be designated upon the plans. 1835, 158, § 2.

How the lots shall be located. 1835, 158, § 3.

Agent of the Penobscot tribe to give to each indian a certificate of his lot. Form.

leased by their agent or agents, for the benefit of such tribe, for any 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 agent or agents, when they shall judge it for the interest of such tribe: provided, such lease and sales, and the terms and conditions thereof, shall be assented to by the governor and lieutenant governor of the tribe, and approved by the governor of the state.

SECT. 11. Such agent or agents of the Penobscot tribe shall place the avails of the leases and sales made by them in the state treasury, subject to the order of the governor and council, according to law.

SECT. 12. All such leases and sales, as are mentioned in the tenth section, which are made on credit, shall be at the risk of the agent or agents, and be accounted for as money.

SECT. 13. The land agent shall cause the islands in Penobscot river, from Old Town falls to Mattawamkeag point, to be accurately surveyed and numbered, if the same has not been already done, and their present value estimated, and duplicate plans thereof made and returned to the land office, and to the indian agent.

SECT. 14. He shall also, if the same has not been already 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 island, which may be 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 also shall designate on such plans a suitable lot for each indian of the tribe, male and female, of the age of twenty one years or more, who may apply therefor for cultivation, not exceeding the due proportion, which may belong to him or her, of such surveyed lands, after deducting the part reserved for public use; the lots so assigned shall be the property of the person, to whom assigned, during the pleasure of the legislature.

SECT. 15. In all cases, the lots shall be so located to any indian, as to include the land cultivated and improved by him, if any, and if that will not be sufficient for him, then other land on some other island may be assigned him, so as to make lots of nearly equal value.

SECT. 16. The agent or 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:

“ 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 of the state of Maine, bounded and described as follows: \_\_\_\_\_ To have and to hold the same, as contemplated by the acts aforesaid, with all privileges conferred by said acts. 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.”

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SECT. 17. No indian belonging to the tribe shall have power to sell or lease his lot, nor commit strip nor waste, nor carry off the growth faster than is necessary for cultivation, unless by permission of the agent, and, if guilty of so doing, he shall be dealt with as a trespasser.

No indian to sell or lease his lot, nor commit waste. 1835, 158, § 4.

SECT. 18. The agent, from time to time, shall have the land cleared, and suitable buildings erected on the lot, which may be 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, not, however, to exceed half the interest.

Of the public farm. 1835, 158, § 5.

SECT. 19. He shall employ a superintendent to manage the farm, and take care of the infirm and the orphans, and his services shall be annually paid for by the state, agreeably to the indian treaty with the commonwealth of Massachusetts, made in the year eighteen hundred and eighteen; and cause as much land to be ploughed for any indian for cultivation, and furnish such farming utensils, and seed, as he may judge necessary, under the direction of the governor and council.

Agent to employ a superintendent to manage the farm and take care of the infirm and orphans. 1835, 158, § 6.

SECT. 20. He may lease 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.

He may lease reserved privileges for mills, booms, and fisheries. 1835, 158, § 7.

SECT. 21. It shall be the duty of such agent to 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 Old Town island, excepting so much as may be 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 the sole use and occupation of such person or family.

Survey and assignment of lots on the point of Old Town island. 1839, 396.

SECT. 22. In assigning such lots, the agents shall, as far as practicable, give to each person or family the lot on which they have made improvements; and such lots, so assigned, shall be held by the person or family during the pleasure of the legislature; but no indian shall convey his lot or improvements to any person, who is not a member of the tribe; but when a lot shall be lawfully sold to one of the tribe, the purchaser shall hold it during the pleasure of the legislature.

Same subject. 1839, 396.

SECT. 23. The governor, with advice of the council, may draw orders on the treasury, for any sum not exceeding the interest for the four townships purchased by the state of the Penobscot tribe, in June, eighteen hundred and thirty three, and of any other moneys, which have been or may be 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 the benefit of the tribe.

Restriction on transfers.

Appropriation of the interest on the amount of four townships purchased of the Penobscot indians in 1833. 1835, 158, § 8.

SECT. 24. The agent or 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

Agents of the Passamaquoddy tribe may sell timber and grass on township,

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number two, on  
St. Croix river.  
1839, 388, § 1, 2.

Agent shall fur-  
nish annually  
potatoes and  
seeds.  
1839, 388, § 3.

And distribute  
\$300 annually  
to the distres-  
sed poor.

1839, 388, § 4.  
1840, 80, § 1.

And blankets,  
flannels and  
woolen cloths  
to females and  
young children,  
amounting to  
\$500.  
1839, 388, § 5.

Compensation  
of the agent.  
1839, 388, § 6.

Sums over \$100  
to be loaned on  
interest to a  
bank in Wash-  
ington county.  
1839, 388, § 8.

Penalty for sel-  
ling spirituous  
liquors to in-  
dians.  
1835, 158, § 9.

Bounties on  
produce raised  
by the indians.  
1838, 316, § 1.

Same subject.  
1838, 316, § 2.

Same subject.  
1838, 316, § 3.

township, to the amount of one thousand dollars annually; expressly retaining in the written contract of the sale, a lien on the timber and the grass cut, until the amount due for stumpage of the same is paid.

SECT. 25. In April and May annually, such agent shall furnish said tribe as many potatoes and other seeds, as may be necessary for agricultural purposes, not exceeding the value of two hundred dollars, and shall render a certified account to the governor and council of the quantity of each article delivered, with the certificate of two of the principal merchants in Eastport, that the prices charged in the account were the market value at the time of delivery.

SECT. 26. The said agent in person shall distribute to the distressed poor of the tribe three hundred dollars annually, in sums not to exceed fifty dollars per month, in such portions, to each of such distressed persons, as his or her circumstances may seem to demand.

SECT. 27. He shall purchase in Boston or New York, with cash, for the use of the females, and children under twelve years of age, blankets, flannels, and woolen cloths, to be delivered to said females and children, in equal proportion, by said agent in person, in the first week of November annually, as will amount, in the aggregate, to the sum of five hundred dollars; and the invoice and delivery shall be certified as in the twenty fifth section.

SECT. 28. The agent shall be entitled to a commission of five per cent. for disposing of lumber and grass, and collecting the amount of sales, and a like commission on moneys disbursed in making purchases; and to three dollars per day, when necessarily employed in going to the said township to secure lumber cut by trespassers, or survey lumber.

SECT. 29. When the agent has in his hands, belonging to the tribe, a sum exceeding one hundred dollars, he shall deposit the same in one of the banks in the county of Washington, at such rate of interest, as may be agreed upon, until it shall be required for the purposes named in this chapter.

SECT. 30. If any person shall sell or give to any indian, any spirituous liquors, on being convicted thereof, before any justice of any court competent to try the cause, he shall be fined, not less than five dollars, nor more than twenty dollars, one half to the state, and the other to the complainant.

SECT. 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:

1. For every bushel of wheat; twenty cents.
2. For every bushel of rye, oats, barley, buckwheat, peas or beans; ten cents.
3. For every bushel of potatoes, turnips, parsnips, beets or carrots; five cents.

SECT. 32. Before any such bounty shall be paid to any such indian, he shall prove, to the satisfaction of the agent, the number of bushels of wheat or other grain, and of potatoes or other roots, before named, which have been raised by him, on the land before mentioned.

SECT. 33. Such agent shall keep an account of moneys so paid out, and present the same, duly certified, to the governor and council, in the month of January annually, for examination and allowance.