

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

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CHAPTER 17.

Indian Tribes.

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Administration.

Sec. 1. Forest commissioner to have general supervision, to keep records; state auditor to file and audit accounts. 1929, c. 180, § 1. The forest commissioner shall have general supervision over the Indian tribes and shall keep in his office all records pertaining to the tribes except such matters as pertain to the filing and auditing of accounts, which shall be kept in the office of the state auditor.

Agents.

Sec. 2. Agents, appointment and tenure. R. S. c. 14, § 1. Agents for the Penobscot and Passamaquoddy tribes of Indians shall be appointed by the governor, with the advice and consent of the council, and hold their office during the pleasure of the governor and council.

Sec. 3. Vacancies. R. S. c. 14, § 2. Vacancies shall be filled by the governor with the advice and consent of the council, but there shall never be more than three agents for each tribe.

Sec. 4. Bond of agents; duties. R. S. c. 14, § 3. Such agents shall give bond to the state, with sureties or with a surety company authorized to do business in the state, as surety, to the satisfaction of the governor and council, for the faithful discharge of their duties, and have the care and management of the property belonging to the tribes for their benefit; each of said agents shall at least once in six months visit each Indian reservation within his agency limits where Indians reside, and incorporate into his annual report the dates of such visits and the condition in which he found the Indians on each reservation at each visit.

See Const. of Me. Art. ix, § 1; see c. 125, § 56.

Sec. 5. Record of proceedings; account of receipts and expenditures. R. S. c. 14, § 4. The agents 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 them before the governor and council for inspection and adjustment, who may settle and adjust them, and draw warrants on the treasury for such sums as are, from time to time, found necessary to carry into effect all treaties with said tribes.

Sec. 6. Agents not to exceed appropriations. R. S. c. 14, § 5. Agents shall not exceed in their expenditure the appropriations for their tribes, without the written order of the governor, nor shall they be reimbursed for any excess.

See c. 2, § 129.

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Sec. 7. Agents' annual reports. R. S. c. 14, § 6. 1925, c. 178, § 1. The agents shall submit annual reports to the governor and council on or before the first day of each July.

Sec. 8. Contracts of Indians for timber and grass, void. R. S. c. 14, § 7. Contracts relating to the sale or disposal of trees, timber, or grass on the Indian lands made with any Indian belonging to either of said tribes, unless examined and allowed by the agent of his tribe, are void.

24 Me. 409.

Sec. 9. Limitations of leases and contracts made by agents. R. S. c. 14, § 8. No lease of land, or contract for trees, timber, or grass, made by the agent of either tribe, has effect for more than one year; nor shall an agent, in any one year, sell or dispose of trees or timber of said Indians to an amount exceeding five hundred dollars, except as provided in sections twenty-eight and forty-one.

Sec. 10. Agents may sue in their own names. R. S. c. 14, § 9. Such agents may, in their own names and capacity, maintain actions for money due to any Indians, and for injuries done to them or their property; and all sums or damages so recovered shall be distributed to the Indians of the tribe, according to their usages, or be invested in useful articles.

See P. & S. L. 1867, c. 325; *21 Me. 536.

Penobscot Tribe.

Sec. 11. Tribal committee chosen annually; membership. R. S. c. 14, § 10. A tribal committee of the Penobscot tribe of Indians shall be chosen annually, in the month of November, to consist of twelve members of said tribe. No member of said committee shall be less than twenty-one years of age. Six members thereof shall be chosen by the old party so called, and six members thereof by the new party, so called, at separate meetings held as hereinafter provided.

Sec. 12. Meetings for election of committee; certificates of election; vacancies. R. S. c. 14, § 11. Meetings of each of said parties for the election of members of said committee shall be called by the agent of said tribe, who shall give notice thereof in the same manner as notice of the meeting for the election of governor of said tribe is required to be given; and at such meeting said agent or some person appointed in writing by him shall preside, who shall receive, sort, count, and declare in open meeting the vote given in for members of said committee. The said agent shall issue certificates of election to the persons thus elected, who shall hold office as such members, until a new election is had, unless their term of office is sooner terminated by resignation or by ceasing to be members of said tribe. Whenever any vacancy occurs in said committee, the agent shall call a meeting of the party entitled to fill the same, and said party shall fill such vacancy.

Sec. 13. Committee may adopt person into tribe. R. S. c. 14, § 12. Said tribal committee at any regularly held meeting may, by three-fourths vote of its total membership, adopt into said tribe any person who is in whole or in part of Indian blood, and who has had his or her residence for at least one year next preceding such adoption upon any reservation of said tribe; and the decision of said committee upon such residence and Indian descent shall be conclusive. The adoption of a child by any member of the tribe under ordinary legal process shall not of itself constitute such child a member of said tribe; but the power of adoption into the tribe shall in all cases rest with the aforesaid tribal committee.

Sec. 14. Certificate of adoption to be filed with agent; such person not to hold certain offices. R. S. c. 14, § 13. 1917, c. 122. Whenever said tribal committee shall vote to adopt any person into said tribe, a certificate of such vote of adoption shall be signed by the person presiding at the meeting, and said certificate shall be filed with the agent of said tribe; and said adopted person shall thereafter be deemed and accepted to be a member of said tribe for all intents and purposes, and shall be enrolled as such upon the list of its members. But no person hereafter adopted into the tribe shall be eligible to hold the office of governor, lieutenant-governor, or representative of said tribe.

Sec. 15. Persons adopted, required to make oath. R. S. c. 14, § 14. Every male person adopted as above provided, shall, within one month after such adoption, or if a minor within one month after becoming twenty-one years of age, make oath before the agent of said tribe that he will demean himself as a discreet, industrious, and good member of said tribe, and will faithfully fulfil the duties incumbent upon him as such member.

Sec. 16. Membership, how acquired. R. S. c. 14, § 15. Membership in the Penobscot tribe of Indians may, after March twenty-two, nineteen hundred and one, be acquired only as follows:

I. By birth.

II. By adoption into the tribe as determined by its tribal committee, in accordance with the provisions of sections thirteen and fourteen.

III. By marriage to a male member of said tribe; but membership by marriage can be acquired only by such persons as are in whole or in part of Indian blood, and it shall not include the previous issue of the person acquiring it.

Sec. 17. Evidence of marriage. R. S. c. 14, § 16. A certificate of marriage signed by the person solemnizing the same, or an attested copy of the record thereof, shall be sufficient evidence of such marriage.

Sec. 18. Membership deemed lost when tribe is abandoned. R. S. c. 14, § 17. If any member of said tribe shall abandon it and join another tribe of Indians, he shall be deemed to have lost his membership in the Penobscot tribe, and shall not be entitled to any share of dividends, rentals, or other money thereafter apportioned among the members of said tribe, nor to any other subsequent rights of membership.

Sec. 19. Dividends payable if member resides within state and reports to agent once a year; otherwise not. R. S. c. 14, § 18. 1925, c. 43, § 1. If any member of the tribe shall reside outside the tribal reservation, but within the state, he shall report to the agent of the tribe at least once in each year in order to be entitled to his share of dividends, rentals, or other money apportioned to members of the tribe. During such time as he shall reside without the state he shall not be entitled to any part of the dividends, rentals, or other money apportioned to members of the tribe.

Sec. 20. Loss of membership does not affect membership of other members of the family. R. S. c. 14, § 19. When any member loses his membership under section eighteen, or his right to share in dividends, rentals, or other moneys under section nineteen, no member of his family to whom the provisions of said sections do not personally apply shall be deemed to have lost such membership or right.

Sec. 21. Restoration to membership; proceedings. R. S. c. 14, § 20. 1925, c. 43, § 2. Any person a member of said tribe on March twenty-second, nineteen hundred and one, as shown by the tribal census taken under the laws of the

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state, who shall have forfeited any rights of membership may regain said rights by petition, under oath, to the Indian agent, alleging one year's continuous residence within the state. If at the end of sixty days said agent shall have refused or neglected to restore said person to membership he shall have the right of appeal to the tribal committee which shall thereupon forthwith hear the facts and enter such judgment as to restoration to membership as is just and right. Such renewal of rights shall not entitle such person to any share of the dividends, rentals, or moneys which previously thereto have come into the hands of the agent, nor have any other retrospective effect.

Sec. 22. Money forfeited may be used for benefit of family. R. S. c. 14, § 21. If any member of said tribe shall desert his family, or fail to provide properly for said family's support, the agent may in his discretion use for the benefit of such family any part or all of said member's dividends or share of rentals or any money assigned to him from state funds or coming to him in any way by apportionment or distribution through the hands of said agent.

Sec. 23. Persons not belonging to tribe may be required to remove from reservation; proceedings; penalty if respondent does not comply with order to remove; costs. R. S. c. 14, § 22. Any person residing or commorant upon the tribal reservation of the Penobscot tribe of Indians, not being a member, nor the husband, wife, or legally adopted child of a member of said tribe, may be required to remove therefrom by a written notice given to him in hand under the signature of the governor, or in his absence, the lieutenant-governor and of the agent of said tribe. A copy of such notice attested by said agent, with a return of service thereon by any officer qualified to serve criminal precepts, or an affidavit of service by any other person, shall be filed with said agent and be sufficient evidence of such service. If the person so notified shall not remove from said reservation within two days after service of said notice upon him, the agent or any member of the tribe may make complaint to the judge of the Old Town municipal court, who shall cause a certified copy of said complaint with a notice of the time and place of hearing thereon to be given in hand to said person or left at his place of last and usual abode at least two days before the time fixed for said hearing, or may cause said person to be at once apprehended and brought before said court. After due hearing, said judge may, if he is satisfied that such removal is approved by the majority of the adult members of said tribe or is for any cause proper to be enforced, order the respondent to remove within a specified time beyond the tribal reservation limits. If the respondent fails to obey said order, or if within one year after the service of said notice he shall again become resident or commorant upon any reservation of said tribe without the consent of said agent and said governor or lieutenant-governor, said judge may cause such person to be apprehended and brought before said court, and may punish him by fine of not more than twenty dollars or by imprisonment for not more than thirty days, or by both fine and imprisonment. The costs of all such court proceedings under this section may be included in the order or sentence of said judge; and if the respondent fails to pay the same, he may be committed to jail for not more than thirty days additional to any imprisonment otherwise imposed upon him; and in such case, or if the judge does not include said costs in his order or sentence, such costs shall be paid by said agent from the tribal fund. Costs shall be taxed as in ordinary proceedings upon complaint.

Sec. 24. Relief of persons found destitute on reservation, not members of tribe. R. S. c. 14, § 23. For all relief to any person not a member of the Penobscot tribe of Indians, nor having a pauper settlement in this state, found destitute

and in distress upon any tribal reservation of said tribe, which has been furnished by the agent of said tribe or by the overseers of the poor of the town within whose territorial limits such person is so found, the state shall reimburse said agent or said town to such extent as the governor and council adjudge to have been necessarily expended therefor. The reasonable expenses and services of said overseers relative to said pauper shall be included in the amount to be so reimbursed.

Sec. 25. Relief of members of tribe found destitute beyond tribal reservations. R. S. c. 14, § 24. 1927, c. 28. When any member of said tribe is found destitute and in distress beyond the tribal reservation and is relieved by the town in this state where he is so found, the overseers of the poor of said town may send to the agent a statement specifying the nature, dates and amounts of the supplies furnished, which shall be transmitted to the governor and council with such additional statements of fact as said agent may think proper; and the state shall reimburse said town for the relief so furnished, to such extent as the governor and council adjudge to have been necessarily expended therefor. Any member of said tribe found destitute and in distress beyond the tribal reservation may be removed by the agent from any place in which he may be residing, or be found, to said tribal reservation, whenever, in the judgment of the agent, such removal should be made.

Sec. 26. Payments by agent. R. S. c. 14, § 25. The agent for the Penobscot tribe shall provide, furnish, pay, and deliver to said tribe, on account of the state, such articles, goods, provisions, and moneys, as from time to time become due under any treaty or law.

See Resolves 1867, c. 96.

Sec. 27. School moneys of tribe, how expended. R. S. c. 14, § 26. 1927, c. 123. All money appropriated for schools for the Penobscot tribe of Indians shall be expended under the supervision of the agent of said tribe, subject to the approval of the governor and council; said agent shall employ the teachers and fix their salaries, limited by such appropriation. The schools upon island number one, commonly called Indian Old Town island, shall be under the care and supervision of the superintendent of schools of the city of Old Town; and those within the territorial limits of any other town, under the care and supervision of the superintending school committee of such town. Said superintendent or school committee shall visit such schools at least three times during each school term; regulate the grades and courses of study; assist the teachers and scholars by counsel, determine when any scholar of said tribe may properly be admitted or transferred to the public schools of said city or town; and make report to the agent once each year, noting therein such facts and information as may seem of importance in the interest of education among said tribe, or as may be required by the governor and council. The agent shall pay said superintendent or school committee from said school appropriation a reasonable compensation for services; but the compensation of the superintendent of schools of the city of Old Town for said services shall not be less than one hundred dollars per year.

Sec. 28. Islands of Penobscot tribe may be leased; assent. R. S. c. 14, § 27. The islands belonging to said tribe may be leased by their agents for the benefit of such tribe, for a term not exceeding twelve years, if such lease, and the terms and conditions thereof are assented to by the governor and lieutenant-governor of the tribe, and approved by the governor of the state; if such lease is on credit, it shall be at the risk of the agent, and accounted for as money; and the avails thereof shall be placed by him in the state treasury, subject to the order of the governor and council according to law.

Sec. 29. Returns and land certificates of Indian commissioners, to be recorded. R. S. c. 14, § 28. The agent of the Penobscot tribe shall record the return of the Indian commissioners appointed by the governor and council under chapter one hundred and thirty-seven of the public laws of eighteen hundred and eighty-three, as made to him, as well as the certificates when issued by him upon such return, in suitable duplicate books having proper indexes, one of which shall be kept by said agent and his successors for reference, and the other shall be deposited in the registry of deeds of Penobscot county to be kept like other records.

Sec. 30. Indian holding land under certificate, may convey same to another Indian of same tribe. R. S. c. 14, § 29. Any Indian holding lands under a certificate issued as aforesaid, or by virtue of any assignment under the laws for 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 purchase lands upon the reservation of said tribe beyond his fair proportion of such reservation.

Sec. 31. Lots not to be sold or leased. R. S. c. 14, § 30. No such Indian shall sell or lease his lot except as provided by law; and if he carries off the growth faster than is necessary for cultivation, except by permission of the agent, or commits strip or waste, he shall be dealt with as a trespasser.

See Resolves 1867, c. 133; 1878, c. 6; *69 Me. 477.

Sec. 32. Surveys and plans of islands deemed authentic; water privileges and wood and timber lands reserved for public use of tribe. R. S. c. 14, § 31. The surveys of the islands in Penobscot river from Old Town Falls to Mattawamkeag Point and field notes thereof, as made under chapter one hundred and fifty-eight of the public laws of eighteen hundred and thirty-five and chapter three hundred and ninety-six of the public laws of eighteen hundred and thirty-nine, plans of which were returned to the land office and to the Indian agent, shall be deemed authentic in all matters to which they relate; and the water privileges belonging to said islands, valuable for mills, booms, fisheries, tracts of wood and timber land, and other lots indicated on said plans as reserved for public use, (except the public farm which is subject to allotment by chapter twenty-two, of the private and special laws of eighteen hundred and seventy-eight,) are not subject to assignment or distribution to members of said tribe, but shall remain for the benefit of the whole tribe.

Sec. 33. Assignments of unassigned lands. R. S. c. 14, § 32. The agent of said tribe, on application of any Indian thereof, male or female, twenty-one years of age or more, to whom his proportion of the tribe's lands has never been assigned, or has never come by inheritance, or who does not already hold by assignment, purchase, or otherwise his fair share of said lands, may cause a lot suitable for cultivation to be surveyed to such applicant from the unassigned lands of the tribe, if any, and may assign the same to him and designate the same upon the plan aforesaid. All lots so designated shall be limited by said plan and occupied accordingly, and any lot, when so assigned, shall be the property of the person to whom it is assigned during the pleasure of the legislature.

Sec. 34. Assignments accompanied by certificate of agent; form of certificate. R. S. c. 14, § 33. Such assignments shall be accompanied by a certificate from the agent to be recorded as in section thirty-seven, in form substantially as follows:

"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 acts of the legislature, bounded and described as follows, viz. :—

* * * * *

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 _____, nineteen hundred and _____.”

Sec. 35. Abandonment of tribe forfeits lands. R. S. c. 14, § 34. Any member of said tribe who abandons it and joins any other tribe, forfeits all lands assigned to him, and the same may be assigned anew, as provided in section thirty-three.

Sec. 36. Death of owner and description of lots to be recorded. R. S. c. 14, § 35. Said agent shall enter upon his record a memorandum of the death of any Indian owning lands, the date thereof, a description of the lots owned by the deceased, and the names of those persons, so far as ascertainable, who are entitled to such lands by inheritance.

Sec. 37. Conveyances to be by release deed; record; lots on Old Town island. R. S. c. 14, § 36. Conveyances made by virtue of section thirty shall be by release deed, executed and acknowledged, and the approval of the agent shall be written thereon; said deed and approval shall be recorded by the agent, without fee, in a suitable book kept by him; also 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 pass any title. This chapter applies to house lots on the point of Old Town island, as well as to lands allotted for agricultural purposes.

Sec. 38. Deeds made and deposited with agent may be delivered after death of grantor. R. S. c. 14, § 37. Deeds made by any Indian of the Penobscot tribe as provided in the preceding section, may be deposited with said agent 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 appears by the deed itself; and when delivered by said agent, it shall pass all the title of the grantor in the premises at the time of his death.

Sec. 39. Copies of deeds are evidence. R. S. c. 14, § 38. Copies of deeds or certificates recorded as provided in this chapter, duly attested by the register of deeds or by the agent of said tribe, shall be evidence in all actions or controversies relating to title to lands between members of said tribe.

Sec. 40. Lease of island shores; rents of shores, how appropriated. R. S. c. 14, § 39. 1919, c. 13. The shores of the islands in the Penobscot river belonging to said tribe shall be leased for booming or hitching logs, under the orders of the governor and council. Such leases shall not run longer than five years. All sums received from rent of said shores shall be paid to the treasurer of state, to be held in trust, and paid to said tribe on warrant of the governor and council as provided in section one, chapter two hundred and sixty-seven of the special laws of eighteen hundred and seventy-three.

Sec. 41. Agents may lease privileges for mills, booms, and fisheries. R. S. c. 14, § 40. The agent may, with the approval of the governor and council, lease any reserved privileges for mills, booms, and fisheries for a term sufficiently long to induce persons to take leases of them; and all rents shall be paid into the treasury, to be expended for the benefit of the tribe, under the direction of the governor and council.

Sec. 42. Warrants for interest on four townships purchased; also for rents. R. S. c. 14, § 41. The governor and council may draw warrants on the treasury for any sum not exceeding the interest on the price of the four townships purchased by the state of the Penobscot tribe in June, eighteen hundred and thirty-three, and of any other money 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 their benefit.

Sec. 43. Census of Penobscot Indians; annual meeting with school committee of Old Town; notices; tribal committee to meet school committee; persons entitled to membership to be reported; correction of lists; compensation of committee. R. S. c. 14, § 42. An accurate census of the Penobscot tribe shall be taken early each January by one or more of the superintending school committee of the town of Old Town upon the best information which they can obtain, as hereinafter provided, stating, as nearly as may be, the name, sex, and age of each Indian as it existed on the first day of such January, each family by itself. On or before the tenth day of January, annually, the original, certified under oath, shall be delivered to the agent, and a copy thereof to the governor of said tribe for their use. On the first Wednesday of January, annually, said committee shall hold a meeting with said tribe on Old Town island, for receiving information from such of the tribe as may attend, as to the membership of the tribe, the identity of persons, and the correctness of names; due notice in writing of the time and place of which meeting shall be given by said committee. The tribal committee shall meet the said superintending school committee at the time and place so appointed. At said meeting any member of said school committee shall preside, and fifteen of said tribal committee shall constitute a quorum thereof; and on said first Wednesday of January annually, the names of all persons entitled to membership under section sixteen shall be reported by the tribal committee to the person authorized by law to take the census of said tribe, and shall thereupon be placed on the census roll.

Corrections of the list, by reason of births, deaths, or omissions, may, as they come to the knowledge of the committee, be certified to the agent, and he shall correct his list accordingly. This list, so corrected, shall, with his account, be returned to the governor and council. A reasonable compensation shall be paid to the committee by the agent and charged in his account, and allowed and paid to him out of the state treasury.

Sec. 44. Biennial election of tribe. R. S. c. 14, § 43. On the first Tuesday of November, eighteen hundred and eighty-four and biennially thereafter, the Penobscot Indians shall hold their election for the choice of governor and lieutenant-governor of said tribe, and a representative to the legislature of this state. The agent of said tribe shall give notice of the time and place, seven days before said day of election, by posting notices thereof, one at his office and one in some conspicuous place on Old Town island. Said agent shall receive, sort, and count the votes given in at said election, in presence of the members of the tribe, and shall give to those elected certificates thereof.

Sec. 45. Members of tribe not to sell standing wood or timber on reservation except to members of tribe. 1919, c. 86. No member of Penobscot tribe of Indians shall hereafter be permitted to sell any standing wood or timber growing on any islands or lands in the Penobscot river within the limits of the Indian reservation except to members of the tribe for fire-wood only; nor shall any member of said tribe lease any portion of his lands or islands within the limits

of said reservation for the purpose of permitting any standing wood or timber to be cut and removed therefrom, except with the consent and approval of the Indian agent.

The Penobscot tribe authorized to establish and maintain a ferry between Indian island and the city of Old Town, P. & S. L., 1913, c. 132.

Registration of dogs, P. & S. L. 1917, c. 79.

Passamaquoddy Tribe.

Sec. 46. Forest commissioner may sell timber on Indian township; surveyor to be sworn. R. S. c. 14, § 44. 1919, c. 144. 1929, c. 180, § 2. The forest commissioner may 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 township, to the amount of one thousand dollars annually, and may in any year sell such larger amount as the governor, with the advice and consent of his council, shall approve; expressly retaining in the written contract of sale a lien on the timber and grass cut, until the amount due for stumpage thereon is paid. Every surveyor appointed by said commissioner to scale or survey the lumber so sold, before entering on his duties, shall be sworn to the faithful performance of his trust, and shall file a certificate of his oath with the agent.

Sec. 47. No sale or permit to a foreigner. R. S. c. 14, § 45. No citizen or subject of a foreign government shall purchase, cut, or carry off trees, timber, or grass from the township reserved for the benefit of the Passamaquoddy tribe; and if their agent gives to such citizen or subject a permit for such unlawful purpose, he forfeits not more than five hundred dollars, nor less than one hundred dollars, to be recovered by an action of debt, half to the state and half to the prosecutor.

13 Me. 385.

Sec. 48. Lands in Indian township may be leased or sold. R. S. c. 14, § 46. The governor and council may, at the expense of the state, and for the benefit of the Passamaquoddy tribe, lease or sell the whole or any part of the Indian township, on such terms as they deem just, and all sums received from such leases or sales shall be credited to the funds of said tribe.

By c. 84 of the private and special laws of 1899, the governor and council were authorized to lease or sell the whole or any part of the Indian reservation in the town of Perry.

Sec. 49. Amounts due Indians to be certified to state auditor by agent; auditor to prepare warrants for payment of fund. R. S. c. 14, § 47. 1925, c. 178, § 2. Out of the interest accruing upon the funds belonging to said tribe, the agent shall certify to the state auditor the amounts due to said Indians in conformity to resolves of the legislature and for any further amounts that the legislature may appropriate, and the state auditor shall prepare warrants for the same, making all payments so far as possible direct to the person to whom such payment is due.

Sec. 50. Agent may remove distressed poor to reservation. Towns to be reimbursed for relief furnished. R. S. c. 14, § 48. 1917, c. 72. 1919, c. 8. Any member of the Passamaquoddy tribe requiring assistance may be removed by the agent of said tribe from any place in which he may be residing, or be found, to either of the Indian reservations provided for said tribe, or may be removed from one of such reservations to another such reservation, whenever, in the judgment of the agent, such removal should be made. And when any member of said tribe is found destitute and in distress beyond the tribal reservation and is relieved by the town in this state where he is so found, the overseers of the poor of said town may send to the agent a statement specifying the

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nature, dates, and amounts of the supplies furnished, which shall be transmitted to the governor and council with such additional statements of fact as said agent may think proper; and the state shall reimburse said town for the relief so furnished, to such extent as the governor and council adjudge to have been necessarily expended therefor.

Sec. 51. Supervision of schools at Pleasant Point and at Peter Dana's Point; reports and compensation of superintendent; teaching in English and use of text-books; free tuition in high schools. 1921, c. 176, § 1. 1925, c. 128. 1927, c. 56. The school at the Pleasant Point Reservation shall be under the care and supervision of the superintendent of schools of the town of Perry or of the school union of which Perry may be a member. The school at Peter Dana's Point shall be under the care and supervision of the superintendent of schools of the town of Princeton, or of the school union of which Princeton may be a member. All subjects shall be taught in the English language, and the text-books used shall be the same as those used in the town in which said schools are located. Said superintendents shall visit said schools at least four times during each school term; regulate the grades and courses of study; assist the teachers and scholars by counsel, or discipline; and make report once each year to the agent and to the governor and council, noting therein such facts and information as may seem of importance in the interest of education among the Indians of said reservation, or as may be required by the governor and council. The governor and council are hereby authorized to pay said superintendents reasonable compensation for said services; but the compensation shall not be less than one hundred dollars in each case, and shall be paid out of the state fund for the superintendence of school unions. Whenever it shall be shown that any of the children of the Passamaquoddy tribe shall have completed the course of study for elementary schools as prescribed or shall have passed the examination prepared by the state commissioner of education for entrance into high school under the free attendance act, such children shall be granted free entrance to any high school in the state to which said children may apply. When the children of the Passamaquoddy tribe shall have entered any high school they shall be given free tuition by said high school, and so long as they shall apply themselves with due diligence and shall make reasonable progress they shall be allowed to continue in said school to the completion of the standard secondary school course.

Sec. 52. Police officers to act as attendance officers. 1921, c. 176, § 2. It shall be the duty of the police officer at Pleasant Point and at Peter Dana's Point, in addition to the regular duties of his office, to act as a school attendance officer. Said police officer shall receive the salary provided in the appropriation made by the legislature, and fifty dollars in addition thereto at Pleasant Point, and twenty-five dollars at Peter Dana's Point, in consideration of the extra duties herein provided for. Such salary and such additional sum shall be payable by the agent quarterly, but no such payment shall be made unless it shall appear from the records of attendance at the school in the reservation in which the police officer is acting, that the attendance at the school shall have been maintained at not less than two-thirds of the total registration of children of school age, as defined by the laws of the state of Maine, during the quarter for which payment is due; provided that absences caused by epidemics, regular school holidays, and the necessary absence of pupils from the reservations shall not be counted against the said attendance average. Said sums for attendance officers shall be paid out of the appropriations for the Passamaquoddy tribe of Indians.

Sec. 53. Health officers provided for. 1921, c. 176, § 3. The duty of caring for the health of the residents and for the general sanitation of the reservations

at Pleasant Point and at Peter Dana's Point shall be vested in a person who shall be appointed by and hold office during the pleasure of the governor and council, and who shall exercise all the powers, rights, and privileges of a local board of health and health officer, as defined by the laws of the state of Maine. Said person shall have received training equivalent to that of a graduate nurse or of a nurse Sister of the Order of Sisters of Mercy, and shall receive as compensation not less than five hundred dollars per year, to be paid out of the appropriation for the Passamaquoddy tribe of Indians. Said person shall, as nearly as may be, spend two-thirds of his or her time at the reservation at Pleasant Point, and one-third at the reservation at Peter Dana's Point; and shall at all times act under the direction of the state commissioner of health.

Sec. 54. Provisions of § 23 made applicable to Passamaquoddy reservation. 1923, c. 126. All the provisions of section twenty-three of this chapter shall apply to the Passamaquoddy tribe of Indians as well as to the Penobscot tribe, except that complaints under said section relating to the Passamaquoddy tribe shall be made to the judge of the Calais or Eastport municipal courts instead of the Old Town municipal court as provided in said section.

Sec. 55. Biennial election of Passamaquoddy tribe; procedure. 1927, c. 148. On the first Tuesday of November, nineteen hundred and twenty-eight, and biennially thereafter, the Passamaquoddy tribe of Indians shall hold their election for the choice of governors and lieutenant-governors of said tribe, and a representative to the legislature of this state. The agents of said tribe shall give notice of the time and place, seven days before said day of election, by posting notices thereof, one at their respective offices and one in some conspicuous place on the reservations at Pleasant Point and Peter Dana's Point. Said agents shall receive, sort, and count the votes given in at said election, in the presence of members of the tribe, and those elected shall be given certificates therefor.

By c. 56 of the resolves of 1887, provision was made for an agricultural superintendent for the Passamaquoddy tribe.

General Provisions.

Sec. 56. Warrants, how drawn. R. S. c. 14, § 49. The governor and council may draw warrants on the treasurer for such sums as are payable to the Indians, for the salary of the agent, and for the bounties on agricultural products as hereinafter provided.

Sec. 57. Penalty for selling or giving liquor to Indians. R. S. c. 14, § 50. Whoever sells or gives to an Indian intoxicating liquors, forfeits not less than five dollars, nor more than twenty dollars, half to the state and half to the complainant.

Sec. 58. Bounties on produce. R. S. c. 14, § 51. Bounties shall be paid to every Indian of either of said tribes for produce raised by him either on his own land, or on land belonging to the tribe, as follows:

- I. For every bushel of wheat, twenty cents.
- II. For every bushel of rye, oats, barley, buckwheat, peas, or beans, ten cents.
- III. For every bushel of potatoes, turnips, parsnips, beets, or carrots, five cents.

Sec. 59. Proof made to agent. R. S. c. 14, § 52. Before any bounty is paid to such Indian, he shall prove to the satisfaction of the agent the number of bushels of each article before named, raised by him on such land.

Sec. 60. Agent to settle account annually. R. S. c. 14, § 53. 1925, c. 178, § 3. Agents shall keep an account of appropriations so paid out, and present it duly certified to the governor and council in July annually for examination.

Sec. 61. Relief of Indians not members of Penobscot or Passamaquoddy tribes; overseers of poor to transmit to governor and council a statement of such cases; contents of statement. 1925, c. 181. Whenever any Indian, not a member of the Penobscot or Passamaquoddy tribe of Indians or any member of the family of such Indian, is found destitute and in distress, and is relieved by the overseers of the poor of the town required by law to provide relief for such person, the overseers of the poor shall transmit to the governor and council a statement specifying the nature, dates, and amounts of the supplies furnished, together with a statement of fact relating to the condition, tribe, length of time in the state of Maine so far as may be ascertained, and such other data as may be required concerning such Indian, whereupon the state shall reimburse said town for the relief so furnished to such extent as the governor and council adjudge to have been expended necessarily therefor.

Sec. 62. Governor and council may expend fund of Indian tribes; conditions, consent of tribe. 1927, c. 147. The governor and council may expend for the benefit of either Indian tribe, any portion of the funds of that tribe; provided, however, that the expenditure will not decrease the principal of the fund to such an extent as to prevent compliance with any existing provisions of statute, and provided further, that the tribe whose funds are used shall consent to the expenditure at a meeting duly called for the purpose.

By c. 493 of the private and special laws of 1885, the governor was authorized to appoint special constables in each of the Indian tribes of the state.

By c. 49 of the private and special laws of 1899, as amended by c. 108 of the private and special laws of 1915, provision was made for the election of a policeman by the Penobscot tribe, and c. 493 above mentioned was superseded as to that tribe.