

MAINE STATE LEGISLATURE

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LEGISLATIVE RESEARCH COMMITTEE

State House, Augusta, October 6, 1942.

Testimony of RALPH W. PROCTOR.

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MR. WEBBER: As I stated to you gentlemen when you first arrived at this session, I employed Mr. Proctor somewhere around the last of July or the first of August. Mr. Proctor is principal of Edward Little High School in Auburn, and I felt with his training and background and the fact that as a school man he was going to have some free time during the summer period, that he would be competent to make a research study of Indian affairs for this committee. He has done his work independently. I gave him the information that we had, which was very limited, and such information as I had as to where things might be found, but for the most part he has had to go and find things himself, and he did so very capably. He has prepared -- and the typewritten portion will probably be completed about the end of this week -- a fairly voluminous report; and I am going to suggest that he tell you briefly how he did the work and where he went, and then discuss briefly the general topics which are covered in the report; and I think perhaps Mr. Proctor may now have some valuable opinions on the whole subject matter of Indians; in fact, I strongly suspect Mr. Proctor is today the leading authority on Indian affairs in the State of Maine.

CHAIRMAN DOW: He bears it very modestly.

MR. RALPH W. PROCTOR: Mr. Chairman and gentlemen: When Mr. Webber and I first talked about this we made a somewhat

tentative outline on the basis of questions we were going to look up and report back to you. The questions were: What is an Indian? Do we owe the Indians any money? How many Indians are there? What is the condition of the Indians? What should we do for them? What are their citizenship rights, and so forth?

That started as our basis for it, and as this thing began to work along and we began to get information and organize information I finally ended up with a table of contents of ten different items as follows: Introduction. Treaty Rights and Obligations. The Penobscot Indian Fund. The Passamaquoddy Trust Fund. The Indian Appropriations. Indian Census. Legal Status of the Indians. Progress of the Indians. Summary. Attached Documents.

And I have tried to divide that into two different sections. The report itself with all its section is rather voluminous and in detail for such people as want to study it on that basis, but in the first part of the report as it will be typewritten I have tried to summarize those things, just to give the high points and leaving out most of the detail, so that anybody can read it over in fifteen or twenty minutes and get some idea of what the story is. If you would like to have me go through that on that basis, I will do so, and then I will be glad to answer any questions or give you any opinions for what they might be worth.

I understand these reports will be available within

a week, so that there will be a copy for each of you who want to take a copy and study it.

One thing in starting in: I just turned to the back of the report which gives the total of Indian Appropriations since the year 1909 through 1942. In those years, 1909 through 1942, the State spent \$985,000 odd on the Passamaquoddies and \$1,043,000 odd on the Penobscots, in addition to certain amounts of interest and certain shore rentals that were received and spent out, and, in addition, \$80,000 of WPA spend on Indian reservations since 1935. So you get over a period of years quite a total, and that total is somewhat less than it will be on the same basis for the next thirty years because our appropriations at the present time run in the neighborhood of \$100,000 a year for the Indians.

Now in brief on the census of the Indians: the census last year gave exactly 1200 Indians in both tribes, the Penobscots and Passamaquoddies combined. Of those the first figures I had showed there were about 60 in one tribe and 80 in the other who were living off the reservation, and I took those figures for accurate figures at the time. Later on I found there was a technicality there: in the Penobscots those 80 living off the reservation were those living off the reservation and out of the State, and there were about 100 others who were living off the reservation but within the State,

so actually living on the Penobscot reservation as of June of this year there were approximately 600, less about 180 others who are not living on the reservation, living either off within the State or without the State; so that makes about 1000 Indians living on those two reservations for whom we are spending about \$100,000 a year or about \$1000 apiece at the present time.

MR. BOUCHER: You mean \$100 apiece?

MR. PROCTOR: \$1000 -- \$100,000 for 1000 Indians.

MR. BOUCHER: 1000 Indians at \$100,000 is \$100 apiece.

MR. PROCTOR: Thank you for the correction. I hope my report is better than my arithmetic.

Now in investigating this subject we had a great many different sources. In order to do a good job on this and write a history of Indians in Maine and the background it would take six months or a year, so manifestly I haven't tried to write any history of the Indians but simply have picked out the important things, the legal status and the relations between the Indians and the State of Maine. Of course we have had to go to the Indian Reservations and talk with the Indian Agent and different departments, consult the Governor's Council records and the records of the Department of Health and Welfare, and of course a great deal of work was done in the State Library, so I think I have located most of the sources of material.

There are two very interesting reports, one made by different committees of the Legislature around 1850 and again around 1875, on whether the State of Maine had lived up to its treaty obligations with the Indians or not, and those reports are included in the complete report.

Now I do not think you will be interested particularly in the descent of Indians, although that is included in here, but we will start with the administration of Indian affairs.

Before 1830 Indian affairs were handled by committees appointed for the moment in consideration, committees of the Governor's Council.

In 1830 an Executive Committee on Indian Affairs was appointed.

In 1839 a Joint Standing Committee of the Legislature on Indian Affairs was appointed, and that Joint Standing Committee existed from that time to the present, I believe.

The Governor and Council had legal charge of Indian affairs up to 1929, when the responsibility was shifted to the Forestry Department and remained there only three years, until shifted to the Department of Health and Welfare in January of 1932.

During all that time since 1830 when the Indian Affairs were administered by these different departments, one phase of Indian affairs, that is the sale of their timber, has resided continuously within the Land Office and

its successor the Forestry Department, so the basis of the Indian funds from the sale of Indian townships and sale of timber and grass rights, any investigation whether the Indians received what is due to them from that source carried us into the Land Office and the Forestry Department, with the exception of a few years through 1938 it was discovered that the Acts of 1933 apparently turned this responsibility over to the Health and Welfare Department. It remained in the Health and Welfare Department two years, and then they got special legislation to have it transferred back to the Forestry Department in 1938, so it is now back again in the Forestry Department with a lapse of two years during which it was handled by the Health and Welfare.

Now under Treaty Rights and Obligations: The government of the United States enters the relations with the Maine Indians only under the Constitution of the United States which gives Congress the right to regulate commerce with the Indian tribes, and by the treaty with Great Britain in 1794 which gives Indians the right to freely pass the boundary line and exempts them from duties on their personal effects, and also the Indian Citizenship Act of 1924. The federal government enters into relations in these three ways, and I have written a letter to the Commissioner of Indian Affairs in Washington which was included in this report, and I have just received two days ago a reply.

The question asked the Commissioner of Indian Affairs was to explain why the Maine Indians were not included with the other Indians that were taken over and are being administered by the federal government. His answer to that was in the thirteen original colonies those colonies were left the power of handling their own Indians or automatically took over that power without requesting the federal government. There has been one exception to that; South Carolina, I believe, took it to court and finally forced the federal government to take over the supervision and support of Indians in that state. I believe that information was given to Senator Brewster in a letter which was written to him in 1934 by the Commissioner of Indian Affairs. There are certain other things which might be of interest to you also.

Now in regard to treaties with the Penobscots: there were treaties made by Massachusetts in 1796, the first treaty we find record of, by which the Penobscots gave up a thirty-mile strip of land on both sides of the Penobscot River, reserving the islands in that river. There was another treaty made by Massachusetts in 1818 by which the Indians gave up all other lands except these islands and four townships. Massachusetts agreed to provide them with certain goods every year as long as they remained a nation.

By the Act of Separation of Maine from Massachusetts

in 1819, Maine agreed to take over all Massachusetts' responsibilities toward the Indians -- and I interpret that to mean both Indian tribes -- and received \$30,000 cash payment, which was made two years later -- \$30,000 compensation for taking over the responsibilities of the Indians. The Penobscots released the State of Massachusetts of any claims and the State of Maine made a separate treaty with the Penobscots, but the State of Maine did not ever make a new treaty with the Passamaquoddies but apparently took over the obligations that the State of Massachusetts had with the Passamaquoddies without any special treaty with that tribe.

After the separation, Maine authorized the Penobscots in 1824 to sell their islands. They didn't sell many of them, but they were authorized in 1834 to do so. In 1830 the State authorized them to sell their two lower townships, which they did not do. They finally purchased all four townships from the Penobscots in 1833 for the sum of \$50,000, and that \$50,000 plus about \$11,000 which was previously received from the sale of timber on these townships, is the basis of the Penobscot Indian fund. I will go more into detail about that later if you wish. Also in 1829 the Penobscots had been authorized to sell Smith Island and in 1831 to sell Pine Island. In 1835 the State sold three of the Penobscot Islands at auction for \$7550. The State just came in and

put them up for auction for that money and put that money in the State treasury.

The only treaty with the Passamaquoddies seems to be that of 1794 with Massachusetts. By that treaty the Indians relinquished title to all their lands and in return were ceded 15 islands in the St. Croix river, Township No. 2 in the first range, Lues Island, 100 acres on Nemcass Point, 10 acres at Pleasant Point.

But the Indians never did possess those islands, those 15 islands in the river, as it developed later that they had all been granted by Massachusetts to a William Bingham in 1793. The Indians had to stand a loss of \$2,486.17 to their trust fund from court action of trespass against the Indian Agent by a suit brought by Joseph Granger who claimed these islands in 1855. On the other hand, they now have 100 acres, an increase of 90 acres, on Pleasant Point. The 15 islands had about 100 acres and were valued by the Indian Agent in 1855 at \$2000.

The Penobscot Indian Fund -- I will give you the basis of that, \$55,000 plus about \$12,000 for sale of timber. There were other receipts in 1843 which brought in \$25,000 more. The State credited interest annually from 1832 to 1859 to a total of \$91,278.20. During the same period a total of \$104,000 odd was paid from the fund (yearly interest plus some special appropriations) for the upkeep of the tribe.

Beginning in 1860 and thereafter, interest was not

credited to the fund but that interest was appropriated and paid to the agent of the tribe every year; so, starting in 1860, the amount the Indians had available for their support was interest on their trust fund -- that automatically went to the Indian Agent every year -- but there were other appropriations made by the State during the period from 1860, special appropriations every year for education and for building churches and for this, that and the other thing. There were no more drafts on this fund until 1909, when \$1500 was used for unpaid bills, and the State made an addition in 1913 of \$15,000 to that fund by an act of the Legislature. That was for interest on errors in handling the fund previous to 1860. The State paid that sum plus interest from 1860 to 1913, which made a total of over \$15,000. Since January 1, 1913, the balance has remained on the books as \$88,092.44. Of this fund \$26,234.74 is in impounded bank accounts. The Auditor's Department estimate the realizable value of this principal at \$3,323.70, leaving a probable loss to the fund of \$22,911.04.

The Passamaquoddy fund originated in 1839, when the agent was authorized to sell timber and grass from the Indian Township. There were no receipts recorded in this fund until 1853. This is important at this point, because the State at that time directed the Land Agent to sell timber, grass and use of water power for a fifteen-year lease. The proceeds from that lease amounted to \$22,500, and

that was applied to their account. As the Act read: "the interest of which at 6% shall be forever appropriated to the benefit of the Passamaquoddy Indians."

When that fifteen-year lease ran out in 1878, the Legislature again provided for another fifteen-year lease, the proceeds of which, \$5225, were deposited in 1868. And when that expired there was no further legislation providing for special leases. There had been previous legislation which stated that the interest from timber and so forth should be appropriated for the benefit of the Indians. It was only in those two fifteen-year lease acts that any mention of the Passamaquoddy Trust Fund or the setting up of a trust fund was made, so that gives us something that we will have to refer to again, because that fund is practically inactive at the present time: even though additional income is being made it cannot go into that fund, although it did for a number of years without legislation: the same thing went into effect, their interest was credited for only two years and after 1860 it was appropriated every two years for use of the Indians.

Here is an important point. In May, 1938, the handling of sale of timber and so forth was turned over by the Forestry Department to the Department of Health and Welfare and it remained there until turned back again to the Forestry Department in 1941. During the years 1938-39 and 1939-40, balances of \$1,124.91 and \$2,752.21 respectively accrued and by precedent should have been turned into the Passamaquoddy

fund, and that money was turned into the general fund because the Budget Officer at that time ~~was~~ ruled there was no authority for depositing that money in the Passamaquoddy Trust Fund because the only authority to do that had been under these acts covering the two fifteen-year leases. It had been deposited from 1833 to 1936 in that fund without any legislative authority but on the basis of tradition. Finally they caught it in 1938-39, so the Indians did not get the money for those two years which came to them for the sale of timber: that went into the general fund.

By legislation in 1939 there was set up in 1941 an Indian Township Administration fund into which this money from the sale of timber goes, and that is handled by the Department of Health and Welfare. Some money has been spent for improvements in Indian Villages; and it also provides in that legislation that if the balance in the fund ever reaches \$10,000 or more that a sum equal to the balance over \$10,000 can be deposited in the Passamaquoddy Trust Fund; but in those two years where there was no legislation covering it the Indians lost that \$3800. The State has the authority by law to lease or sell the whole or part of the Indian Reservation at Princeton or the Indian Reservation at Perry and use said funds for the tribe.

Now we go on to Indian Appropriations. I would like

to circulate these graphs which show the Indian expenditures, in red for the Penobscots and in blue for the Passamaquoddies, running up to 1942. I have another graph which shows the expenditures from 1909 to 1942 for each tribe, the Passamaquoddies in blue and the Penobscots in red.

(Presents graphs to committee)

From 1834-1859 the Indians were provided for by specific appropriations of sums for schools, goods due by treaty, and such other assistance as the Legislature chose to provide by annual resolutions. Starting in 1860, the interest on both funds was appropriated and additional appropriations were made for specific items. The Penobscots have another source of income from shore rentals. Before 1873 the amounts received from this source were added to the sums available for Penobscot expenditures. By Act of 1873 a portion of the shore rentals were to be distributed among the members of the tribe as dividends. The practice now is to add these amounts to the general funds and pay a fixed dividend to both the Penobscot and the Passamaquoddy tribe, so the practice now is in handling appropriations that the interest from those trust funds every year reverts to the general fund. In 1936 that was changed, and the interest from the Penobscot and the Passamaquoddy fund goes back into the general funds and appropriation is made for the \$50,000 or whatever it may be to cover all of the expenditures, which the department feels is a better method.

Now the Indian Census -- I have some graphs here on the Indian Census also. (Presenting graphs to committee) It is rather peculiar about these graphs in that they are rather straight along certain parts of them. As a matter of fact, in some cases they drop off: about 1900 or 1910 there is an actual decrease in number of Indians. They increased from 1840 to 1860, then dropped back a little, the Penobscot tribe way down here and the Passamaquoddy tribe down a bit, and remained stationary, but since 1932 they have gone up with a bang.

Now in 1822 the United States Indian Commissioner reported a total of 656 Indians, 277 Penobscots, 379 Passamaquoddies. This graph will show the fluctuations.

Here is another graph which shows combined population census of Indian tribes compared to expenditures for Indian tribes.

During the ten-year period from 1933 to 1942, during which the tribes have been under the supervision of the Department of Health and Welfare, the increase has been 18.3 per cent. In 1933 there were 502 Penobscots and 512 Passamaquoddies, or a total of 1014. In 1942 there were 584 Penobscots and 616 Passamaquoddies, or a total of 1200, an increase of 82 ~~percent~~ for the Penobscots and 104 ~~for the~~ Passamaquoddies, or a total of 186.

I have just worked out in the last couple of days an age table which shows the number of people in each

tribe at the different ages, also on the deaths that have occurred over the last ten-year period, and I have tried to project that into the future as near as I could get it. (Indicating features of graph off record to Committee) So you can see by that that in 1992 there will be a population of 3000.

This large increase is due in part to the better care of health which has been provided under the Department of Health and Welfare.

There have been few adoptions into the tribe during this period. The increase is not accountable for by adoptions into the tribe, the Indians themselves wish to restrict the membership; in fact, the yearly census records show several cases of expulsion from the tribe following the amendment that persons adopted must be at least one-quarter Indian blood. They found they had adopted people before not one-quarter Indian blood and they wanted to restrict their membership so each one would have more share in the benefits, and I think six or eight have been ejected from the tribe.

There has also been a policy on ~~the~~ the part of the State, on the basis of tradition, to continue on the rolls of the tribe children of mixed marriages and also illegitimate children of Indian women who are members of the tribe. There are 17 known illegitimate children in the Passamaquoddy tribe, and estimate of an equal number in the Penobscots.

The next is Summary of Intermarriages. In the Penobscots there are a total of 36 Indian women who have married white men and 19 Indian men that have married white women, and 6 Indian women who married Canadian Indians, and there are 125 children from these intermarriages.

In the Passamaquoddy tribe there are 14 Indian women who have married white men, 4 Indian men who have married white women, and one Indian woman who married a Canadian Indian, and there are 67 children.

In both tribes there would be a total of 80 intermarriages among those living at the present time, with 192 children by intermarriage.

It is quite a racket among a certain type of white man to go up there and marry an Indian woman and have a lot of children -- I believe one of them has twelve and gets a bounty for each one and for his wife, enough so that he doesn't have to do much work.

Now if you add to that an estimate of 35 illegitimates which are probably of mixed blood, it gives you a total of 227 children of mixed blood classified as Indians, and these 227 children of course under the present laws, even though they are mixed blood they are classified as Indians and members of the tribe and they can continue to breed and produce Indians with the tribal privileges.

I have done a very poor job, I think, on the graphs in trying to project that into the future. I have taken

50 Indian women who married white men, 25 white men who married Indian women, and 17 that married Canadian Indians, 192 children, 35 illegitimates, and that would make this people in this line here (indicating on graph) if they were full-blood to start with, would make the children of intermarriages half-blood Indians, a total of 192 plus 35, or 227. Now the next generation coming along, you can multiply that by three quite easily with the ratio of family they have and you get 227×3 ; and the next group, the quarter-bloods, so many have married again white men that would give you in the next generation 681 quarter-blood Indians. If you want a generation further than that and brought it down to one-eighth blood, assuming they continue to intermarry and multiply by three to a family, that would bring you 2043 right there; and the fourth generation would be one-eighth Indian blood, but still according to the laws at present they would be classified as Indians even if they have only one-eighth Indian blood, and they would have all the privileges that the Indians on the reservation have.

MR. HILDRETH: That was a projection of three generations?

MR. PROCTOR: Three generations beyond the present.

Now the next item I have is Legal Status of the Indians. The Indian Laws of the State of Maine were revised and included in the Acts and Resolves of 1933, Chapter 1, Sections 241-299. Amendments from 1933-1941 affecting these the statutes have been noted in/1933 volume here. In other words,

the Indian laws in this volume are right up to date, with all corrections and amendments that have been made; and also in this volume has been included a copy of some Indian treaties, this pamphlet that I think you have seen before, and a very interesting history of the Penobscot Tribes by ~~Florence Shay~~ ^{Florence Shay} ~~Florence Shay~~, who is one of the Indians living on the Old Town reservation, and there are some things in there that are of particular interest as expressing her point of view as to what the State has not done for the Indians.

The question of whether or not the Indian has a legal right to vote is a pertinent one. The Constitution of the State of Maine excludes "Indians not taxed," but by the Revised Statutes of 1930, Chapter 13, Section 6, "The polls and estates of Indians" are exempt from taxation. Court opinions seem to imply that if the Indians are taxed they may be voters. By the Act of June 2, 1924, Congress conferred citizenship upon all Indians born in the United States.

The Attorney General refuses to give any opinion in the matter, and the Legislative Order of March 14, 1941, requesting an advisory opinion, received an indefinite reply from the Supreme Court. They passed the buck too.

Also, attempting to define an Indian is difficult.

Up to 1939, Maine Indian laws permitted adoption or membership acquired by marriage to "such persons as are in whole or part of Indian blood." In 1939 this was amended

to limit adoption to persons of one-quarter Indian blood and who are husband, wife or child of a member of the tribe. That was putting on some limitation.

Chapter 162-1933, in an Act defining the pauper status of Indians, it was stated, "A person known to have Indian blood shall be deemed to be an Indian." So many complications arose under this Act that it was necessary to repeal it in 1935. So apparently the legal definition in the State of Maine as to who is and who is not an Indian is this one-quarter Indian blood, but that applies only to the adoption of Indians within the tribe. The Indian Commissioner reports (1890) "Indian includes descendants of Indians who have an admixture of white or negro blood, provided they retain their distinctive character as members of the tribe from which they trace descent."

The federal government apparently goes on the basis that an Indian is anybody who has any Indian blood.

Now as to The Progress of the Indians:

At Old Town Island 584 Penobscots, less 60, who were listed as "off reservation" in January, 1942, are living. A few of this number have camps on an adjacent island, but the great number are located on the end of Old Town Island adjacent to the village of Old Town.

Old Town Island contains 293 acres (Orson Island where the Indian public farm was located 1835062 has 1438 acres, but is used now only as wood lot), yet the Indian settlements

are bunched closely on not more than one-quarter of the island. There is apparently much unoccupied and unassigned land, a good portion of it tillable, which is not used. A few homes have small garden plots, but on the whole these are untended. The houses are in bad repair, dirty, and no attempt has been made even to pull the three-foot weeds in the front yard. The whole impression one gets is of slackness, lack of pride or initiative.

The settlement has paved roads (P.W.A), city water and lights, sewage system, and some sidewalks and street lights. The two-room school house is in fair condition. The school is taught by three Sisters of Mercy attached to the Catholic Church and maintained by the State. The school is graded up to the 8th grade, and after finishing there, students may attend in Old Town. Elementary students also have the privilege of attending Old Town elementary schools, and children of the small Baptist group do so. At present there are about 53 attending elementary and high school in Old Town.

The tribe has its own government, electing a governor, lieutenant governor, and a representative to the Legislature. The Indian municipality has a small amount of funds available from ferry tolls and dog licenses. The Indian Agent visits the island every two weeks; there is an assistant agent, which office is at present vacant, and an Indian supervisor, who combines several jobs as janitor, agricultural supervisor and so forth.

The Indians living there seem satisfied with their treatment, with the exception of a small group, about 15 per cent, who express themselves as Miss Florence Shay has in her "History of the Penobscot Tribe of Indians": "The foregoing treaties are merely useless pieces of paper today as all promises have been broken, dividends are not paid, and all obligations stipulated in them are cast aside," forgetting that the terms of the treaty are antiquated and that the present appropriation exceeds many times what it would cost to meet the terms of the treaty literally.

Among the Passamaquoddy reservations, Pleasant Point in Perry (100 acres) is the most pleasing. Here are found good roads, artesian wells with five "faucet houses", but no sewage system. Most of the houses are in good repair (some even have cellars), and the members of the tribe apparently possess much more initiative and energy than those found at any other reservation. There is a three-room school, taught by Catholic Sisters; high school students are transported by bus to Eastport. According to the 1942 census, 368 Indians reside here.

At Princeton and Peter Dana's Point 188 others live. Conditions at Princeton, where the Indians live along the lake front, are quite similar to Pleasant Point. The Indian elementary school there is run by the Department of Education and taught by a lay-teacher.

Peter Dana's Point settlement is in the woods, remote from any other settlement, and living conditions there are by far the poorest of any Indian settlement. A fairly good road (P.W.A.) runs in there; there are no electric lights beyond the church and school, which are served by a home-generating plant. Water is obtained from two rock wells. A general dirty appearance, even worse than at Old Town, impresses one here. The Indians are shiftless, take no care of their houses or land, and little of themselves. There is no sewage system. That describes the reservation.

CHAIRMAN DOW: How many at Peter Dana's Point?

MR. PROCTOR: About 80.

The Economic Situation: Attempts, dating back to 1824, have been constantly made to instruct the Indians in agriculture. Bounties on agricultural products have been paid since 1838. At present, seed, fertilizer and even ploughing services are furnished them. Agricultural superintendents have been provided, yet the results on quantity are poor. Gardens are not taken care of, available land is not used, no grazing lands are opened up or requested. Apparently, the Indian is not constitutionally interested in farming.

A very few baskets were on display at the stores on the reservations -- only at Old Town were any evidences of this handiwork actually going on; three women were working there. Prior to this year a sizable number of Indians

used to go to summer places to attempt to sell baskets.

The Indian Agent states that most of those capable of working are now doing so; some are at Bath and Portland, some work at Old Town, others on miscellaneous jobs. In time of prosperity many leave the reservation but return when work becomes more difficult to obtain.

Under W.P.A. considerable employment was created for them on the reservations; timbering operations offer some jobs, but in all of this work the Indian is apt to work until he gets his first pay and then quit until his money is gone again. The same characteristic is evidenced by their failure to provide themselves with a wood supply for the winter when the wood is free for the cutting and will be transported to their door by truck from the place where they could cut it. Actually, they wait until wood is immediately necessary, and then cut a couple of days' supply of green wood at a time.

Whether this attitude is wholly or in part Indian nature, or whether it has been created by the paternalistic attitude of the State in providing for them, is a matter for conjecture -- possibly both factors have contributed in part. In the absence of any definite regular opportunity for work on or near the reservations, it is difficult to see how their economic condition can be improved.

I will skip briefly over Health because there are not any objective data in regard to health of Indians; but I

talked with five different doctors in Old Town and Galais and Princeton who have charge of Indian health, and they feel the Indians are just as healthy as anybody else, but that there was a time, ten or fifteen years ago, when they were more subject to tuberculosis and syphilis than the general population, but at the present time it is pretty well under control and cared for and about the only ones who are not in reasonably good health are the elder people for whom there are arrested cases. That is the general concensus of opinion among all of those doctors; and the Department of Health and Welfare has done a lot for the health of the Indians by providing this medical care and following it up. They have taken tonsils out of pretty nearly thirty school children this summer.

Education -- I think I have covered most of that. The Catholic schools go back to the early days of the history of the reservations when the Catholic Church came in for missionary work and stayed there. They seem to run the schools very capably and are doing a good job there in that respect. At Old Town of course the elementary school students may go to Old Town elementary schools, but in the other reservations they go to the schools on the reservation. Most of them do at Old Town by choice.

In 1926 the State Commissioner of Education reported:

"The Indian schools were placed by the last Legislature under the supervision of the school superintendent in the school union in which their territory is located," and the

Eastport Superintendent reported: "Need for training in industrial arts grows greater each year. Two of our boys have just been transferred to a reservation where they can have vocational training. The introduction of these courses into the schools would do more, it seems to me, than any other thing for the children of Pleasant Point."

Schools give a good education in academic work as far as they are interested or capable of going, but they give them nothing which will train them for following a vocation.

Now I have a great deal more of detail under all of these items but I do not want to go into it unless you want it. If you want any of it, I will be glad to give it to you now or any other time. And I have a summary, which is in the form of questions, because my original idea in this thing was I was just a fact-finder and you people were going to determine policy and so forth, so I put these questions in for your consideration of you want to use them.

MR. WEBBER: Those questions are not awfully long and I do not think we need them on the record, but just take a minute and read those questions through.

(Off record discussion)

MR. LIBBY: To your knowledge, how many Indians have gone from the tribes into the Army?

MR. PROCTOR: I have got a list here. For one tribe that record is available: there are 17 from the Passamaquoddy tribe who were in the service as of May 30th. The Penobscot tribe, I haven't got the figures.

CHAIRMAN DOW: How did those get in the service -- as volunteers?

MR. PROCTOR: No; most of them were drafted.

MR. LIBBY: Then it is a fact they can draft the Indians for service?

CHAIRMAN DOW: Yes; the federal government recognizes them as citizens.

MR. PROCTOR: According to the federal government, I think you would have a job to stop them voting in state elections if they paid a poll tax.

MR. WEBBER: Have you any thoughts before we leave on what ought to go into this bill that was presented to us?

MR. PROCTOR: Well, personally I feel thoroughly in accord with the policy of limiting the responsibility to the Indian tribes. It would seem to me the first step would be to get some step which would define an Indian and limit the growth of these tribes. You close the door to an Indian woman marrying a white man and still remaining as a member of the tribe.

MR. WEBBER: Would you also close the door to marrying Canadian Indians?

MR. PROCTOR: Surely.

MR. WEBBER: What are you going to do about this semi-property

right that they hold?

MR. PROCTOR: They really hold a property right which is confirmed to them by the Legislature but which they cannot realize on anyway: that is, they can transfer property from one person to another but they cannot liquidate it. Of course if you say an Indian woman loses her membership in the tribe when she marries a white man and has got to get off the reservation, and if she owns property under this limited title she has, she of course could transfer that gratis to somebody else but couldn't realize on it herself.

CHAIRMAN DOW: You say they are not worth anything. You could have the State buy it and tear down the buildings and keep somebody else from living there.

MR. WEBBER: Have the State Tax Assessor determine the value.

CHAIRMAN DOW: Compensation for property which she is deprived of.

MR. PROCTOR: You might gradually buy back the reservation.

(Off record discussion)

(Adjourned to 9.30 A.M. Oct.7)