

MAINE STATE LEGISLATURE

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Maine Legislative Research Committee

Report on Maine Indians

Proctor Report

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REPORT ON MAINE INDIANS

Prepared at Request of
Legislative Research Committee
September, 1942

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Annotated copy of "Indian Treaties with the State of Maine"	
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History of the Penobscot Tribe of Indians - by Florence McLa Shay. (located in 1933 Vol. Laws of Maine in Committee File)	

I INTRODUCTION

A. Purpose of Study

Since 1820, the State of Maine has acted as guardian for the Penobscot and Passamaquoddy Tribes of Indians, totaling today about 1200 persons. These two Indian Tribes are all that remain within the confines of the State of Maine of that former extensive and powerful confederacy, known as the Eastern Indians.

During the 122 years of her jurisdiction over these two tribes, the State has built up in her performance of her obligations acquired in the separation of Maine from Massachusetts in 1820, certain policies, practices and customs. The evidence of these policies lie buried in a mass of legislative, executive, and judicial State documentary records, both published and in manuscript form. To compile these in full for a purely historical study is a project more extensive than at present contemplated.

The aim of the present project is to record general trends and practices through a careful study of basic treaties, legislation, handling of funds, and present responsibilities, in order to furnish a basis for consideration of future policy in regard to Indian affairs.

The research worker is indebted to the heads and members of the staff of the Health and Welfare; Forestry, Treasury, Controller, Audit, State and Education Departments, and especially to the staff of the State Library, and the Indian Agent for the help which has in every case been given graciously and effectively. Mr. Justin Gove of Perry, former Indian Agent 1913-32, has helped with background for those years.

Ralph W. Proctor

Auburn, Maine
September, 1942

B. Indian Descent

The Algonquian Family

A linguistic stock which formerly occupied a larger area than any other in North America. The territory occupied by them extended from the eastern coast of Newfoundland to the Rocky Mountains, from Canada to the Carolina coast. This territory is separated in the East by the area occupied by the Iroquoian tribes, which includes part of Michigan, Ohio, New York, Pennsylvania, Lake Erie, Lake Ontario, down both sides of the St. Lawrence to the Gulf. (See map.) The Algonquians occupied the Atlantic Coast from Newfoundland to Pamlico Sound.

The Penobscot and Passamaquoddy, belonging to the Abnaki group, are among the tribes found in the northeastern division of the Algonquian family. The Algonquians were friendly with the French, and when the English settled along the coast of Maine, the Indians joined with the French to drive them away. Not until the fall of the French power in America was there peace between the English and the Indians of Maine. Many of the Indians withdrew to Canada, the two tribes remaining in this state being the Passamaquoddy and the Penobscot.

Peace was made by the Penobscots with the English in 1749, at which time their bounds were fixed.

- (Bureau of American Ethnology) -

C. Administration of Indian Affairs

Before 1830 Indian affairs were handled by committees appointed for the moment in consideration.

The Executive Council Committee on Indian Affairs was first appointed in 1830.

A Joint Standing Committee of the Legislature on Indian Affairs was first appointed in 1839. The committee has consisted from that time to the present of three members of the Council, three from the Senate and seven from the House.

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

The Land Office and its successor has always had charge of sales of timber, grass and leases of Indian lands. It was discovered in 1938 that the Acts of 1933 apparently turned this responsibility over to Health and Welfare, and so that function and accompanying accounts were forwarded to that Department on May 11, 1938. Chapter 275 - 1941, however, returned the authority to sell or lease Indian lands and timber to the Forest Commissioner, and a new fund to handle the resulting accounts was set up.

BRIEF OF REPORT ON MAINE INDIANS

II Treaty Rights and Obligations

D. The U. S. Government centers the relations with the Maine Indians only under:

- a. Constitution of the United States which gives Congress the right to regulate commerce with the Indian tribes.
- b. 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.
- c. Indian Citizenship Act of 1924.

F. Treaties with the Penobscots were made: by Massachusetts in 1796, by which the Indians gave up 30 mile strip of land on both sides of the Penobscot River, reserving the islands; by Massachusetts in 1818, giving up all other lands except these island and four townships. Massachusetts agreed to provide them with certain goods "every year, so long as they remain a nation."

By the Act of Separation in 1819, Maine agreed to take over all Massachusetts' responsibilities toward the Indians and received \$30,000 in compensation. The Penobscots released State of Massachusetts in 1820 and a similar treaty was drawn up with Maine.

After the separation, Maine authorized the Penobscots in 1824 to sell their islands, in 1830 their two lower townships, and finally purchased all four townships in 1833 for \$50,000. 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.

G. The only treaty with the Passamaquoddies seems to be that of 1794 with Massachusetts. 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.

The Indians do not possess the islands, as it developed later that they all had 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 \$2,000.

III The Penobscot Indian Fund

In 1830, the Penobscots were authorized to sell all their pine timber and contracted with A. N. Roberts, who paid into the treasury \$2,000 a year for 1832-1835 for their account. The \$50,000 paid by the state in 1833 for the purchase of the four townships also went to this account. Sale of timber in 1843 and 1847 brought in \$2,700.17 and receipts from leases 1843-1872 brought \$25,024.54. Interest was credited annually 1832-1859 to a total of \$91,278.20. During the same period a total of \$104,174.43 was paid from the fund (yearly interest plus some special appropriations) for the upkeep of the tribe.

Beginning 1860 and thereafter, interest on the fund was appropriated and paid to the agent of the tribe. There were no drafts on the fund until 1909 when \$1500 was used for unpaid bills; an addition was made in 1913 of \$15,763.96 by Act of Legislature for interest on errors of \$1,727.69 made in handling the account previous to 1860. 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.

IV The Passamaquoddy Trust Fund

In 1839 the agent was authorized to sell timber and grass from the Indian Township. If any receipts were forthcoming, they were not recorded until after the Resolve of 1853, which directed the land agent to sell timber, grass, and use of water power from this township on a 15 year lease. The proceeds from this lease amounted to \$22,500 and were deposited in the State Treasury in 1856 to constitute an Indian Fund "the interest of which at 6% shall be forever appropriated to the benefit of the Passamaquoddy Indians."

In 1868 a similar Resolve provided for another 15 year lease, the proceeds of which, \$5,225, were deposited in 1868. Thereafter, in absence of such special legislation, the authority reverted to Revised Statutes of 1857 and sale of timber was handled on an annual basis by land agent and Forestry Department.

Interest on this fund has been credited for only two years, 1856 and 1857, to a total amount of \$2,952. Thereafter it was appropriated for use of the agent in the same way as for the Penobscots until 1936 when it was turned in to the General Fund, and appropriations increased to take care of all estimated needs of the tribe. Receipts 1856-1938 brought this fund to a total of \$157,053.09 after the deduction of \$22,564.46 for expenses 1856 and 1857, claim of Joseph Cranger, building and repairs to churches, convents, water supply, etc. The only payment made between 1909-1938 was \$6,000 for the construction of a new church in 1928.

In May 1938, the handling of sale of timber, etc, was turned over by the Forestry Department to Department of Health and Welfare. 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. The Budget Officer at that time ruled that in the absence of a renewal of Resolve of 1868, there was no legal basis for this action, and the total of these years \$3,877.12, was turned into the General Funds.

In 1941 a separate account, the "Indian Township Administration Fund", was set up, and receipts for Passamaquoddy timber have been handled under that for two years.

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.

V The Indian Appropriations

For both tribes, 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. The Penobscots also had the annual interest from their Trust Fund and also income from shore rents, which gave them much better assistance than the Passamaquoddies enjoyed during this period.

Starting in 1860, the interest on both funds was appropriated for the annual use of the agents, and other specific and additional appropriations were made. This arrangement continued until 1936, when it became the practice to cover all necessary Indian expenses by an increased appropriation, sending the interest on both Trust Funds to the General Funds annually. The department feels that this is a decided improvement because the amount of annual interest was difficult to estimate after the bank closings in 1933.

Several tables are appended showing:

- a. Sample early expenditures 1828-1868.
- b. Expenditures by 10 year periods 1829-1940 (and graph).
- c. Expenditures by years 1909-1942. (and graph).
- d. Itemized expenditures 1941-42, 1940-41, 1838-39.
- e. Salary breakdown.
- f. Expenditures for relief.

The Penobscots have another source of income: the 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 those not on relief) in both Penobscot and Passamaquoddy tribes.

VI The Indian Census

In 1822 the U. S. Indian Commissioner reports:

277	Penobscots
379	Passamaquoddies
<u>656</u>	Total

The Pemobscot tribe continued to increase up to about 525 in 1861, and then a sharp decline took place to 456 in 1870, the effect continuing to a low point of 392 in 1895. From that point a steady increase to a total of 585 in 1941 took place.

The Passamaquoddy increase continued to 533 in 1861, then declined with fluctuations to about 480 in 1900; since then the number has built up to 616 in 1942.

During the 10 year period, 1933-1942, during which the tribes have been under the supervision of the Department of Health and Welfare, the increase has been:

	<u>Penobscots</u>	<u>Passamaquoddies</u>	<u>Total</u>
1933	502	512	1014
1942	584	616	1200
<hr/>			
Increase	82	104	186 or 18.3%

This large increase is due in part to the better care of health which has been arranged under this Department.

There have been few adoptions into the tribe during this period, the Indians themselves wishing to restrict 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 $\frac{1}{4}$ Indian blood.

It has been the policy of the State, on 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.)

SUMMARY OF INTERMARRIAGES

<u>Penobscots</u>	<u>Off Res- ervation</u>	<u>On Res- ervation</u>	<u>Total</u>
Indian Women Married White Men	26	10	36
Indian Men Married White Women	9	10	19
Indian Women Married Canad. Indians	-	6	6
Children	64	61	125

Passamaquoddies

Indian Women Married White Men	8	6	14
Indian Men Married White Women	2	2	4
Indian Women Married Canad. Indians	-	1	1
Children	32	35	67

Total Both Tribes

Indian Women Married White Men	34	16	50
Indian Men Married White Women	11	12	23
Indian Women Married Canad. Indians	-	7	7
Children	96	96	192

Total Intermarriages	80	
Total Children	192	(from Intermarriage)
State Paupers Resulting	35	(Living on Reservation)

In the Penobscot Tribe:

- 36 Indian women have married white men
 - 19 Indian men have married white women
 - 6 Indian women have married Canadian Indians
- 125 Children from these intermarriages

In the Passamaquoddy Tribe:

- 14 Indian women have married white men
 - 4 Indian men have married white women
 - 1 Indian woman has married Canadian Indian
- 67 Children from these intermarriages

In both tribes, therefore, a total of 80 intermarriages, with 192 children by intermarriage, with (est.) 35 illegitimates, give a total of 227 children of mixed blood classified as Indians, who can continue to breed and produce Indians with tribal privileges.

In both tribes a number of members listed in the census live off the reservation. The experience has been that in times of prosperity many leave, returning again when times are more difficult. In 1925 only 53 Penobscots lived off reservation; in 1930 this increased to 76, but in 1936 the figure was back to 53.

On January 7, 1942, the Penobscot Census showed 60 and the Passamaquoddy 60 living off the reservation and out of the State; 104 other Penobscots were living off reservation but within State of Maine in August, 1942.

VII Legal Status of the Indians

The Indian Laws of State of Maine were revised and included in the Acts and Resolves of 1933, Chapter 1, Sections 241-299, approved March 28, 1933. Amendments 1933-1941 affecting these statutes have been noted in 1933 volume on file in the Committee's rooms.

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". By Revised Statutes 1930, Chap. 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 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. This is a question which merits further legal investigation.

Attempting to define "an Indian" is also difficult.

Up to 1939, Maine Indian Laws permitted adoption or membership acquired by marriage to "such persons as are in whole or in part of Indian blood." In 1939 this was amended to limit adoption to persons of $\frac{1}{4}$ Indian blood and who are husband, wife or child of a member of the tribe.

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.

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" and cites court cases and opinions of the Attorney General.

VIII Progress of the Indians

Reservations

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 1835-62 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 schoolhouse 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, etc.

The Indians living there seem satisfied with their treatment, with the exception of a small group (about 15%) who express themselves as Miss Florence Shay has in her "History of the Penobscot Tribe of Indians" stating (Page 5), "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 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.

Economic

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.

Health

There are few available facts in regard to the health of the Indians. At Old Town, Dr. Howard L. Jackson is the

Indian Health Officer, recently appointed. His only records are of the school health exams, which show a number of tonsil and dental cases needing attention. Many of the tonsil cases have been operated on this summer. Dr. Madden in Old Town has had contact with the Indians for 40 years, and Drs. Theriault of Old Town and Hunt of Bangor do considerable medical work for the Indians and are paid for this by the State.

For the Passamaquoddies, there is no health officer at present, although authority for the appointment exists. Dr. Miner of Calais has done considerable work, as has also Dr. James C. Bates of Eastport and Dr. Donald R. Jacob of Princeton. The latter two men are retained at a definite monthly salary to take care of Indians' medical needs.

The general consensus of opinion among these men seem to be that during the last decade, (since Indian affairs have been under Health and Welfare), great progress has been made in the care of the health of the Indian, and that he is no more subject to T.B., social diseases, or other sickness than the white men in similar areas.

The school lunch programs at Old Town, Pleasant Point, and Peter Dana's point have been very successful. Through the use of "Surplus Foods" the school children and other younger children, who also come in for these meals, are furnished proper and substantial noon meals.

Perhaps these health measures contribute to the rapid growth (18%) of the tribes in the past decade.

Education

One of the first interests of the Legislature was in the establishment of schools on the Indian Reservations. Penobscot schools were started in 1830; Passamaquoddy in 1824 and functioned intermittently during years in which funds were made available. Catholic missionaries came amongst them early and converted them to that religion, hence the schools have naturally grown up under the patronage of the church, and are taught by Catholic Sisters (excepting the school at Princeton).

Elementary school students at Old Town have the option of attending schools in Old Town, and high school students may be admitted by law to any high school in the State. High schools are reimbursed by the State for Indian tuition. The schools report that the Indians coming to high school are of average intelligence, but require five years instead of four to complete the course, because of their unwillingness to exert themselves mentally. In 1942, 13 attended high school in Old Town, 12 in Eastport. A few have gone on to the University of Maine.

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. They were in session as follows:

"Peter Dana's Point	26 pupils	100 days	5 grades	2 teachers
Pleasant Point	65 pupils	35 wks.	6 grades	2 teachers
Old Town			6 grades	2 teachers

"All pupils who complete the 6th grade in Old Town are promoted to grade 7 in Old Town Junior High School.

"Report of Superintendent of Eastport Union

'The need of 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 one thing for the children of Pleasant Point.'"

IX SUMMARY

The following points under different headings are suggested for Committee consideration:

A. Do we owe the Indian any money?

1. Should payment be made for three Penobscot islands sold in 1835.....\$ 7,550.00
2. Should payment be made to Passamaquoddy Trust Fund for damages collected by Joseph Granger in 1878... 2,486.17
3. Should Passamaquoddy Indians be recompensed for loss of St. Croix islands (Est. value - 1855)..... 2,000.00
4. Should the Trust Funds be recompensed for probable losses suffered by impounding of bank accounts:
 - Penobscot Fund..... 22,911.04
 - Passamaquoddy Fund..... 1,718.70
 and for loss caused by default of City of Eastport
 - Bonds..... ---- --
5. Should Passamaquoddy Fund be reimbursed for receipts of years 1939 and 1940 which went into General Fund..... 3,877.12
6. Or should all these be cancelled on basis of the thousands spent on them in excess of treaty obligations?

B. Who is an Indian?

1. Shall membership in tribe be limited to those of at least $\frac{1}{4}$ Indian blood?
2. How shall illegitimate children be classified?
3. Will problem of intermarriage be adequately handled by the above limitations (i.e. protect the State from supporting indefinitely an everincreasing tribe of "white" Indians)?
4. Shall Indian women who marry outside the tribes lose their membership, but retain property title?

C. Voting Privilege

1. Is it legal to prevent Indians from voting provided they pay a poll tax?

D. Are the present Indian Laws adequate in other respects?

1. Should the Indian Agent be appointed by the responsible department rather than by Governor and Council?
2. Should the Health Officer for the Passamaquoddy Tribe be appointed by Director of Health, with approval of Department, rather than by Governor and Council? (As is the arrangement for the Penobscot Tribe.)
3. Is there a conflict between Section 241 (giving general supervision to Department of Health and Welfare) and Section 293 (providing for the Governor and Council to draw warrants)?

E. What should be the long-term policy toward the Indians?

1. Has the past and present policy of ever-extending paternalism been helpful to the Indian?
2. Is it time to break up the reservation system, indirectly, by such policies as:
 - (a) Providing definite vocational training for Indian youth and finding jobs for them away from the reservation;
 - (b) Sponsoring a business on the basis of Indian handicraft to provide regular employment for those who are too old or otherwise unable to profit from vocational training;
 - (c) Encouraging agriculture by material help, supervision, and definite ownership of land to those who will work it;
 - (d) Restricting state Aid to those who are physically unable to find a place in the above program?

II Treaty Rights and Obligations

D. Treaties that Apply to Indians Generally

"Select Documents Illustrative of History of United States" - Macdonald -

Treaty of Paris - September 3, 1783

Constitution of the United States - September 17, 1787

Article I, Section 8. "Congress shall have the power to regulate Commerce with foreign nations, and among the several states, and with the Indian Tribes."

Treaty with Great Britain - November 19, 1794

Article 3. "It is agreed that it shall at all times be free to His Majesty's subjects, and to citizens of the United States, and also to Indians dwelling on either side of the said boundary line freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties on the continent of America.

"No duty of entry shall ever be levied by either party on peltries brought by land or inland navigation into said territories respectively nor shall Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians."

Treaty of Ghent - December 24, 1814

Article 9. "United States of America engage to put an end, immediately after ratification of the present treaty, to hostilities with all tribes or nations of Indians with whom they may be at war at time of such ratification; and forthwith to restore to such tribe or nations, respectively, all the possessions, rights, and privileges they may have enjoyed or been entitled to in 1811: Provided always that such tribes or nations shall agree to desist from all hostilities against United States."
(Similar paragraph applying to Great Britain)

Act of Separation between Maine and Massachusetts - 1819

"Fifth. The new State shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties and obligations of this Commonwealth towards the Indians within said District of Maine, whether the same arise from treaties or otherwise; and for this purpose shall obtain the assent of said Indians, and their release to this Commonwealth of claims and stipulations arising under the treaty at present existing between this Commonwealth and said Indians; and, as an indemnification to such new State, therefore, this Commonwealth, when such arrangements shall be completed, and the said duties and obligations assumed, shall pay to said new State the value of \$30,000.00." Etc.

Treaty with Great Britain - August 9, 1842 (Webster-Ashburton)

Article 5. "United States agrees to pay Maine and Massachusetts \$300,000.00 on account of assent to line of boundary."

E. 1820 Claim on Massachusetts on Account of Penobscot Indians (Governor's Annual Message - 1820)

"The Commonwealth of Massachusetts has stipulated to pay the State of Maine \$30,000.00 for performing certain duties and obligations to the Indians within this State, provided the assent of the Indians and a release of that Commonwealth from all her engagements to them are first obtained. In recommending this subject to your consideration, I indulge the hope that such measures will be adopted, as, while they are least expensive to the State, shall be best calculated to protect the rights and secure to this, the last remnant of the natives residing among us, all that comfort which they are capable of enjoying."

1821 (Same 1821)

Governor notifies that Maine has assumed the obligations of Massachusetts in relation to the Penobscot Indians. (See treaties).

1824 (Same 1824)

Notifies that Massachusetts has elected to pay the \$30,000.00 and payment has been made and received.

F. Treaties with the Penobscots

August 8, 1796

The Penobscots relinquished to the Commonwealth of Massachusetts all the lands on both sides of the river Penobscot lying near Colonel Jonathan Eddy's dwelling house at Nichol's Rock so-called, and extending up the said river thirty miles on a direct line according to the general course of said river on each side thereof, excepting, however, and reserving to the said tribe all the islands in said river above Old Town, including said Old Town Island within the limits of the said thirty miles, for which an annual consideration was to be paid said tribe.

March 2, 1799 a resolve was passed authorizing sale of said lands.

On June 17, 1805, Land Agent sold to Joseph Treat nine small islands, including Number 4, Number 5 (called Shad Island) and Number 6.

Repurchase of these three islands by the Commonwealth because the Indians complained of interference with fishing rights.

By terms of articles of separation said islands became the undivided property of both states.

(See letter from Massachusetts Land Office May 5, 1830, original on file in office of Secretary of State, Augusta; copy attached on next page. The Massachusetts Land Agent forbids interference with Indians' fishing rights in connection with said islands, "they having been purchased by this Commonwealth for the express purpose.")

June 29, 1818

Treaty with Penobscot Indians by Massachusetts.

The Indians granted to Massachusetts all lands above the thirty mile tract conveyed by treaty of 1796, on both sides of the Penobscot river and its branches, excepting and reserving from the sale "for the perpetual use of said tribe of Indians, four townships of land six miles square each."

Commonwealth of Massachusetts engaged to pay them \$400.00 by the commissioners; to deliver within ninety days certain cannon, cloth, ribbon, etc.; and "every year, so long as they shall remain a nation, to deliver certain

amounts of corn, flour, pork, molasses, broadcloth, blankets, gunpowder, shot, chocolate, tobacco and fifty dollars in silver."

Massachusetts also obtained a release of any claims in consequence of the treaty of 1796, and covenanted that the Penobscot Tribe shall have and enjoy all the four excepted townships, all the islands (*) in the Penobscot river above Old Town, including Old Town Island. The commissioners also agreed: to purchase for their use two acres of land in the town of Brewer, to provide them with a man to instruct them in the arts of husbandry, make necessary repairs on their churches, (**) to build a store (**) on the island of Old Town.

(See Indian Treaties with the State of Maine as published from the Acts and Resolves of 1843. Copy on file in office of Secretary of State.)

August 17, 1820

Release by the Penobscot Indians of the Commonwealth of Massachusetts.

On this date the Penobscots released the Commonwealth of Massachusetts from "all claims of what name or nature soever which we or all or any of us of our said tribe have on or against said Commonwealth arising under any writing of indenture, treaty or otherwise, existing between said Commonwealth of Massachusetts and said Penobscot Tribe of Indians."

(*) 146 islands in Penobscot river ceded to them contained 4482 acres. Twenty-six within limits of Old Town - 1949 acres. One-half the remainder within circle of 10 miles of Old Town. Old Town Island - 293 acres. Orson Island - 1438 acres (224 of which belong to Public Farm, 1835-1872.) October 11, 1835 - three islands sold at auction for \$7550. 1829 - Had authorized Penobscots to sell Smith Island. 1831 - Had authorized Penobscots to sell Pine Island.)

(**) P.L. 1828, Chapter 392, Provided for storehouse and church to be built in accordance with treaty of 1818, and cost charged against receipts from leases and sales.

Treaty of Penobscot Indians with State of Maine.

The Penobscots conveyed the tribe's interest in all lands formerly granted to Massachusetts to the State of Maine. Maine, in its part, agreed that the Indians were

to have all the reservations made by the treaty of 1818. "It being meant and intended, to assume and perform, all the duties and obligations of the Commonwealth of Massachusetts toward the Indians"....."saving and excepting the two acres of land, which were by the treaty of 1818 to be purchased for the use of said tribe, in the town of Brewer, the performance of which has been relinquished by said tribe to the Commonwealth of Massachusetts."

(See same reference. The treaty was ratified by Maine Resolves of February 9, 1821.)

Resolves 1821, Chapter 37

Authorized Governor to negotiate for purchase of Indian Islands in Penobscot River.

Resolves 1830, Chapter 7

"The Penobscot Indians be, and they are hereby authorized to sell, under the direction of such agent as the Governor and Council shall appoint, their two lower townships of land, or any portion thereof, as may be most to their interest." (No sale apparently took place).

Bond given by the commissioner appointed to purchase the lands belonging to the Penobscot tribe of Indians. June 10, 1833.

Recites the meeting of the tribe which executed to the State a deed to the four townships. The commissioners covenanted in behalf of the State to pay to the tribe the sum of fifty thousand dollars.

(Same reference; for terms of payment see Penobscot Fund.)

C O P Y

Commonwealth of Massachusetts
Land Office Boston 3 May, 1830

The Commonwealth of Massachusetts by their Commissioners William Shepard, Nathan Dane & Daniel Davis Esquires, made a treaty with the Penobscot Tribe of Indians dated the 8th day of August 1796, by which said tribe relinquished to said Commonwealth all the lands on both sides of the river Penobscot lying near Col. Jonathan Eddy's dwelling house at Nichol's rock so called, and extending up the said river thirty miles on a direct line according to the general course of said river on each side thereof, excepting however and reserving to the said tribe all the islands in said river above Old Town, including said Old Town Island, within the limits of the said thirty miles, for which an annual consideration was to be paid to said tribe, etc.

On the 2d March 1799 a resolve was passed by the Legislature of said Commonwealth appointing Salem Towne, Esq. an agent to sell said lands, and by his deed dated 17th June 1805 he conveyed to Joseph Treat nine small islands including No. 4, No. 5, called Shad Island & No. 6.

On the 26th February 1813 (in consequence of complaints made by said tribe of Indians that they were interrupted in their fishery on said islands No. 4, 5 & 6) a resolve was passed authorizing the agents for the sale of Eastern lands to purchase from said Treat and release

to said Commonwealth of said islands No. 4, 5 & 6, which was accordingly done, and they became again the property of the Commonwealth and by the terms of the act separating the District of Maine from this Commonwealth the public lands in Maine became the undivided joint property of both States.

I do therefore as Land Agent of said Commonwealth, having charge of the public lands of said Commonwealth lying in the State of Maine, so far as the interest of said Commonwealth is concerned do hereby forbid all persons making use of said islands to the interruption of said tribe in their accustomed use of said islands for the purpose of fishing, they having been repurchased by this Commonwealth for the express purpose.

(signed) G. W. Coffin

G. Treaties with the Passamaquoddies

September 29, 1794. Treaty with the Commonwealth of Massachusetts

Approved by Resolves - February 10, 1795

"In consideration of the said Indians relinquishing all their right, title, interest, claim or demand on any land or lands lying and being within the said Commonwealth of Massachusetts; and also engaging to be peaceful and quiet inhabitants of said Commonwealth.....do hereby assign and set off to the aforesaid Indians, the following tract or parcel of land lying and being within the Commonwealth of Massachusetts, viz: all those islands lying and being in Schoodic river (St. Croix) between the falls at the head of the tide, and the falls below the forks of said river where the north branch and the west branch parts; being fifteen in number, containing one hundred acres more or less; (*) also township No. 2 in the first range containing about twenty-three thousand acres, also Lues island lying in front of said township containing ten acres; together with one hundred acres of land lying on Nemcass point adjoining the west side of said township; also Pine Island lying to the westward of said Nemcass point containing one hundred and fifty acres; also assign to said Indians the privilege of fishing on both branches of the river Schoodic; also assign and set off to said Indians ten acres of land at Pleasant Point, purchased by said committee in behalf of the Commonwealth of John Frost. (**) The said islands, tracts of land and privileges to be confirmed by the Commonwealth of Massachusetts to the said Indians and their heirs forever."

(See Indian treaties with the State of Maine, and copy in Secretary of State's Office.)

(*) The Indians never did obtain the islands in the St. Croix river. A resolve of the Legislature in 1854 was followed by a report of the Indian Agent in 1855 regarding conflicting claims on these islands. The Governor and Council appointed a special committee which requested the State's Attorney to defend a claim of Joseph Granger. No further report is found, but the Penobscot Fund carries an entry of payment to \$2,486.17 under Resolves of February 21, 1876 recommended by the Committee on Claims in favor of said Joseph Granger for damages and trespass on these islands. (See copies of items in this case on the next page.)

(**) The Resolve also included an appropriation of 200 pounds for payment to John Frost for 100 acres on Pleasant Point, and the treasurer empowered to lease the remaining 90 acres.

There is apparently no release of Massachusetts by the Passamaquoddies, nor any new treaty with them by the State of Maine.

H. Council Investigation of 1855

Resolves of 1854, Chapter 139

"Resolved, That it be a part of the duty of the agent of the Passamaquoddy Tribe of Indians to ascertain and report to the governor and council whether the conditions of the treaty between the State of Massachusetts and said tribe, executed in the year 1794, have been fulfilled on the part of said state, and the said tribe placed in possession of all the lands and islands guaranteed to them by said treaty, and if not, what part of the lands and islands specified in said treaty have not been conveyed, and whether they have since been conveyed to other persons, and the value of same, and that the report of said agent be laid before the next legislature."

Council Chamber, Feb. 9, 1855

To the Senate and House of Representatives:

I herewith lay before the Legislature the report of Seth W. Smith, Esquire, Passamaquoddy Indian Agent, made in compliance with a resolve of the Legislature of 1854.

Anson P. Morrill

To the Honorable Governor and Council:

In accordance with a "Resolve in relation to Passamaquoddy Indian lands", passed at the last session of the Legislature, and approved April 17, 1854; having carefully examined the matter, I now submit the following:

REPORT

I can find no other conveyance of lands from Massachusetts to the Indians except the original treaty, dated September 29, 1794, (a copy of which may be found in the "Acts and Resolves of 1843") but not recorded with the deeds of the county of Washington until June 9, 1842.

Under this treaty, however, the Indians have always peaceably occupied all the lands therein mentioned, with but two exceptions: First, the 100 acres of land on "Nemess Point" together with "Pine Island" lying to the westward of said point, both claimed by the owners of "Hinkley Township" so-called (being township No. 3, first

range) and secondly, the Islands in the "Schoodic river", adjoining townships No. 6 and 7, claimed by the owners of said townships.

The Commonwealth of Massachusetts, in their original grant to Samuel Hinkley of township No. 3, first range, dated February 7, 1811, reserved Pine Island and the 100 acres above referred to. The Indians have occupied the Island for the last 30 years, and Nemcass Point was for many years the site of an Indian village (but now lying idle) and there is no propriety in questioning the Indian title to either.

The only question of any importance is in regard to the Islands mentioned in the "Schoodic river." The original grant from "Massachusetts to William Bingham" of townships No. 6 and 7 was dated January 29, 1793, and recorded September 13, 1794, (both transactions being prior to any Indian treaty) and the present owners holding their title thus derived, claim to the channel of said river. If this is correct, townships 5, 6 and 7, being all "bounded" (as they are) "on the river" will cover all of the fifteen islands in the Indian treaty. The Indians have occupied them part of the time, and the owners of said townships the rest, and there has long existed this question of title between them.

The fifteen islands are worth two thousand dollars.

Calais, Jan. 30, 1855.

Seth W. Smith
Passamaquoddy Indian Agent

Chapter 248, Resolves of 1855

Resolve in relation to Passamaquoddy Indian Lands

"Resolved, that the governor and council be authorized and directed to investigate, defend and settle, in such manner as they deem expedient, the question of title to the lands and islands granted to the Passamaquoddy tribe of Indians, by the State of Massachusetts by their treaty with said tribe, dated September 29, 1794, and to claim and receive of said state, for the benefit of said tribe, an equitable compensation for any of such lands or islands as may prove not to have been legally conveyed to or placed in possession of said tribe, by said state, according to the stipulations of said treaty. And the governor is authorized to draw his warrant on the treasurer of the state for such sums as may be necessary to execute the purpose of this resolve."

Approved March 16, 1855.

Record of the Governor's Council - March 27, 1855

"The special committee to which was referred the subject matter of the Resolve of the Legislature, approved March 16, 1855, in relation to the Passamaquoddy Indian Lands, report: That the Governor be advised to appoint a committee of the council to prepare a statement of facts in the case, with copies of such deeds and other documents as may be necessary in order to have a clear understanding of the questions at issue, the committee to report at the next session of the council.

Which is respectfully submitted,

Noah Smith, Jr. Per Order

Read and approved by Council and by the Governor approved.

On December 31, 1855 this special committee reported that in the action by Joseph Granger against Peter Avery for grass cut by Avery as Agent on certain islands in the Schoodic river covenant to be granted to the Indians by the treaty of September 29, 1794, it be recommended that Charles R. Whidden, attorney for the State in the county of Washington, be instructed to appear in the case.

(December 16, 1854, Joseph Granger had instituted action of trespass.)

No further notes appear until in 1878, and the Passamaquoddy Trust Fund shows an entry disbursing \$2,486.17 to Joseph Granger as recommended by the Committee on Claims under the Resolve of February 21, 1876.

(The court decided: Vol. 64 M.R., Page 292, in his favor.)

The Resolve of February 21, 1876 is:

Chapter 154

"Resolved, that the treasurer of the State be and is hereby authorized and directed to pay Joseph Granger \$2,486.17 in full discharge of all claims against the State for damages and costs recovered of Peter Avery, Agent for the State for the Passamaquoddy Indians, and all claims for damages against the State's Agent for said tribe, and all other persons claiming the grass island in the St. Croix river under the Agent of the

State for said tribe of Indians, and that said sum be charged to the fund of the Passamaquoddy Tribe of Indians."

Annual Report of Indian Agent - 1885

Inquires whether anything is to be done to recompense Indians for loss of islands.

I. Council Investigation of 1886.

Report of the special committee of the Executive Council appointed to examine certain claims of the Passamaquoddy Indians.

State of Maine
Council Chamber
December 29, 1886

To his Excellency the Governor and
The Honorable Council:

Your committee, to whom was referred the communication and claim herein set forth, submit the following report:

Communication

Augusta, December 31, 1885

"To the Governor and Council, regarding the affairs of the Passamaquoddy Indians:

"They claim that the treaties with them have been broken in this, that their lands have been taken, and sold, and leased; that they are deprived of the privileges of hunting unrestricted, which was accorded them by Massachusetts and the laws of Maine.

"Copies of their deeds may be found in the Acts and Resolves, 1843; also see treaties of 1792, 1794, and 1795.

"In the Laws of Massachusetts and Maine, at the separation, they were guaranteed the right to hunt and fish forever, or so long as they remained a nation. In proof of this, reference is made to Volume 3, Historical Records of Maine.

"L. Dervin"

The Act of Separation (Laws of Maine, Vol. 1-2, Hallowell Ed., pp 16-17) provides as follows:

"Fifth, The new State shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties and obligations of this Commonwealth towards the Indians within said District of Maine, whether the same arise from treaties or otherwise; and for this purpose shall obtain the assent of said Indians, and their release to this Commonwealth of claims and stipulations arising under the treaty at present existing between this said Commonwealth and said Indians." Etc.

Said treaty referred to, so far as the Passamaquoddy Indians are concerned, your committee understands to be the treaty of September 29, 1794, approved February 10, 1795. (See Acts and Resolves of Maine, 1843, Page 263.)

In the communication made, other treaties with Indians are referred to, and this has necessitated the examination of the other Indian treaties, so far as they can be found.

As to Governor Dummer's treaty of 1727, wherein the "privilege of fishing, hunting and fowling as formerly" was reserved to the Indians;

Or the treaty made at Deerfield, Massachusetts, in 1735, wherein no mention was made about "fishing" etc.;

Or the treaty made at Falmouth, in 1749, with the Penobscots, Norridgewocks, St. Francois and other Indians (Governor Dummer's treaty having been broken), in which the Indians reserved as follows: Leaving to the tribes of Indians within His Majesty's Province aforesaid, and their natural descendents respectively, all their lands, liberties, and properties now to them conveyed or sold to or possessed by any of the English subjects of aforesaid; as also the privilege of fishing, hunting and fowling as formerly;

Or the treaty renewed at St. George Fort, in 1752, the Norridgewocks having broken the treaty of 1749.

If the Passamaquoddies were included in these treaties, or any of them, even though no mention is made of them by name, any rights and privileges so acquired are limited by the treaty of 1794, in which the Indians relinquish "all their right, title, interest, claim or demand on any land or lands lying and being within the said Commonwealth of Massachusetts; and also engaging to be peaceful and quiet inhabitants of said Commonwealth, without molesting any other of the settlers of the Commonwealth aforesaid in any way or means whatever;" in consideration of certain lands and rights assigned, set off and granted to them, as set forth in said treaty. (Resolves of 1843, Page 264). No mention is made in said treaty of the privilege of fishing, hunting, etc., except as follows:

"Also assign to said Indians the privilege of fishing on both branches of the river Schoodic, without hindrance or molestation, and the privilege of passing the said river over the different carrying places thereon."

The Treaties of June 29, 1818, and of August 17, *1920, being a renewal of that of 1818, were with the Penobscot Indians alone, and in these treaties no reservation for hunting, fishing, and fowling was made.

From the above statement of facts, your committee concludes that the Passamaquoddy Indians possess no rights of hunting and fowling, except as granted to all by the general laws or statutes of the State, and they are equally holden with all good citizens of the State and strangers to obey and support those laws.

As to fishing, said Indians are equally bound to obey the general laws and statutes unless they possess the right of fishing in certain waters, as granted in said treaty, which the State has no authority to regulate, by virtue of its power and authority as guardian over said tribe.

The Indians are wards of the State, so treated and recognized. In other words, the State is the guardian of the Indian tribes within its limits. If this is the case, then it is the duty of the State to take care of, manage and control the property of these tribes in a prudent and economical manner and for their benefit. To this end it would be the State's duty--if it found their property being depreciated in value or wasting away--to sell the same and invest the proceeds in such way and manner that the Indians should derive the benefit therefrom. In accordance with this idea of the State's duty, your committee presumes that the

"Resolve providing for the sale of timber and grass on Indian township" approved March 30, 1853, was passed (Resolves 1853, Chapter 51), under which resolve there was received by the treasurer of the State \$22,500.00, the interest on which amount at 6% is appropriated annually for the benefit of the Passamaquoddy Indians. Under this and subsequent resolves, the State now holds a fund of \$24,451.84, the income of which is applied annually for the benefit of said Indians.

Whether or not the State had legal authority for so doing, is not for your committee to decide, but certainly it is better for these Indians that the state has managed their affairs in this way, and your committee is of the opinion that, as heretofore, no objection has been raised to this mode of procedure on the part of the State, and these Indians have annually received the income from the money received from sale of timber and grass and the leasing of lands, without any protest or objections, they are in equity, and good morals estopped from making any complaint.

In Council
December 29, 1886

Read, accepted and three hundred copies ordered printed.

Oramandal Smith
Secretary of State

III The Penobscot Indian Fund

J. The Legal Basis of the Penobscot Fund

See Treaties.

Chapter 7, Resolves of 1830

The first section authorized the Indians to sell two townships.

"Also, that they be authorized to sell, under the direction of the agent aforesaid, all their pine timber. And all monies received for the sales aforesaid, shall be vested in some fund or stocks, and the income thereof shall be secured and appropriated for the benefit of said Indians, in such manner and for such purposes as the Governor and Council shall direct, but no part thereof shall be paid to said Indians in money, provisions, or clothing."

Bond of Indians in connection with sale of four townships
June 10, 1833

recited as follows: Said sum of fifty thousand dollars shall be deposited in the State Treasury and the interest, reckoning from the date hereof, shall annually be paid under the direction of the Governor and Council of said state through the Indian Agent for the benefit of said tribe; provided it should in their opinion be required for the comfortable support of said tribe and if at any time, at the annual settlement, any part of said interest should remain in the Treasury unexpended it shall be added to the principal of fifty thousand dollars together with such increase as it may from year to year receive, and shall forever remain in the treasury an accumulating fund, for the benefit of said tribe."

Chapter 158, P. L. 1835 and Revised Statutes 1857, Chapter
9, Section 21

"The Governor and Council may draw warrants on the treasury for any sum, not exceeding the interest of the four townships purchased by the state of the Penobscot tribe, in June 1833, 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."

Revised statutes 1930, Chapter 2, Section 86

* "The treasurer shall hereafter invest all permanent funds held in trust by the state in the legal obligations of the United States of America; the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecti-

cut, New Jersey and Pennsylvania; and the bonds of the several counties, cities and towns in the several states above named which are the direct legal obligation of said counties, cities, and towns; or may deposit the same on time deposit in banks or trust companies organized under the laws of this state, or of the United States and not otherwise."

Chapter 147 - 1927 (Effective April 12, 1927)

"The department, subject to the approval of 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."

K. Penobscot Indian Fund - Illustrative Documents

1826 Governor's Annual Message

"A resolve was passed by the 4th Legislature, authorizing the Governor to negotiate with the Penobscot Indians for the transfer of their islands to the State. These islands are situated in the Penobscot river, many of them large and of excellent soil, and are now of inconsiderable advantage to the Indians for agricultural purposes. The inhabitants, on the river townships in the vicinity of the islands, have repeatedly expressed a desire that they may be purchased; and the Executive has been at all times, ready to institute a negotiation for that purpose. The tribe not having manifested any disposition to sell, but on the contrary, it being understood they are not willing to dispose of them for any reasonable compensation, the Resolve remains wholly unexecuted."

1834 Annual Report of Land Agent

Several small islands in Old Town Falls are held by the two states for the benefit of the Indians. Two men obtained deed from the Indians of three of these islands. Right thus conveyed was bought in by Agents of the two states and the islands sold at auction, October 1834, for \$7530. He suggests that the sum received be added to the Penobscot Indian Fund (after deduction of expenses).

1835 Annual Report of Treasurer

In 1831 the tribe sold to an individual (By Resolve, March 5, 1830) a quantity of grass and timber for \$10,000. He gave State an obligation to pay that sum into the treasury for use of the Indians in five yearly installments.

The other portion of the fund is \$50,000 for the purchase of the townships.

1836 Annual Report of Treasurer

Now due the Penobscot tribe of Indians \$61,209.78. This is a charge on the treasury and draws interest of 6%.

An amount, not exceeding the interest accrued, may at any time be expended, under the approval of the governor and council, for the benefit of the tribe.

It is believed advisable that this fund be separated from other moneys in the treasury and invested in productive stocks.

1875 Annual Report of Agent, Penobscot Indians

"In 1835, the State purchased of this tribe four townships of land, a part of the consideration for which was \$50,000; and among other things, it was agreed that the sum should forever remain in the State Treasury, and the interest thereon should be annually paid to the said tribe. It has been, however, subjected to diminution at various times, on account of over expenditures made by different agents, and again restored in part or in whole, by withholding a part of the interest or from some other source until January 1, 1864, when the trust fund then amounted to \$52,438.44. From that time to the year 1873, this fund has received additions from various sources, but principally from the increased rents of the shores of the islands belonging to the tribe, which accrued under the leases made within the past ten years. Since that year, under the act approved the eleventh of February, 1873, providing for the division of the shore rents directly to the tribe instead of adding it to the trust fund, as had been the practice prior to that act, it has not increased or lessened, and now amounts to \$73,828.48."

L. PENOBSCOT INDIAN FUND ACCOUNT

I. Growth 1832 - December 31, 1872

Carried 1832-1856 Ledger T Land Office, Page 8, 21, 30, 32 and 34. Continued on Trust Fund Ledger, Pages 4 and 5. Treasurer's Office. Summarized and Audited (First Report of State Auditor 1907-8, P. 11 - 15).

Receipts from sales of timber and township (Res. March 5, 1830).

1832	\$ 2,000.00	All \$2,000.00 items
1833	52,000.00	Cash received A. M. Roberts
1834	2,000.00	
1835	2,000.00	
1843	1,000.00	
1847	1,700.17	

		\$60,700.17	
Receipts from leases 1843-72		25,024.54	
Credited interest 1832-59		91,278.20	
<u>Total Credits</u>			\$177,002.91

Beginning 1860 and thereafter, interest on fund was appropriated and paid to agent of the tribe. There have been no drafts upon the funds except for such interest since then (until 1909).

Paid from fund 1834-1859	\$104,174.43
Balance December 31, 1872	\$ 72,828.48

II. Adjustments 1907 - 1913

1907 - 08	Auditor's Report after adjustment of \$1000 error	73,828.48
1909 - 10	Auditor's Report (Page 18) Order of Governor and Council August 24, 1909 (withdrew) for unpaid bills due to error in Chapter 249, Resolves 1909	- 1,500.00
		<u>\$ 72,328.48</u>

	Forward	\$72,328.48
1913-14	Auditor's Report Page 7	
	Added by Chapter 239, Resolves 1913	
	Accumulated interest (1860-1908) on	
	errors of \$1,727.69 in 1869	15,763.96
	Balance January 1, 1913	\$88,092.44
	Balance June 30, 1942	same

 Copied from Ledger T - Land Office

Example of Handling of this fund
Year 1856

Dr.	Cr.
1856 Dec. 31 Payments charge- 1856	Jan. 1 - By Bal. from
able to fund \$5,850.00	Ledger Page 34
Note: This year the State	\$55,400.77
granted certain sums not	By interest 3,324.04
chargeable to this Fund,	By receipts
incl.;	lease of is-
For purpose of educa-	lands 185.50
tion \$350.00	
To buy seed & help	
plant 300.00	
Personal gratuities	
185.00	
<u>\$835.00</u>	
Balance Dec. 31, 1856	\$53,060.31
	<u>\$58,910.31</u>
	\$58,910.31

 III. Financial Statement Principal June 30, 1942

Cash in Banks	\$37,367.76
Investments	24,394.26
Impounded Bank Accounts	26,234.74 (*)
Due from State of Maine	
General Fund	95.68
Total Fund Principal	<u>\$88,092.44</u>
<u>Income Credited to General Fund</u>	
July 1, 1940 - June 30, 1941	\$1,481.80
July 1, 1941 - June 30, 1942	1,560.40

The income from investments of this Fund is taken by the State as general revenue, while benefits to Indians are covered by the lump sum appropriation by the State.

IV. (*) Realizable value of impounded principal is estimated at \$3,323.70, leaving a probable loss to fund of \$22,911.04. (Yield .0177)

Auditor's Report (1940) "We recommend that steps be taken to provide for charging off the books any balances in banks which have been completely liquidated and final dividends paid. There is in our opinion no legal responsibility for the State to make good any amounts lost through impounded bank accounts, but some future legislation may provide for the restoration of the funds to their original amounts through appropriation."

V. Reconcilement with Cowan Report - Trust Fund Report 1927-40.

IV The Passamaquoddy Indian Fund

M. Legal Basis of the Passamaquoddy Indian Fund

See Treaty 1794

(a) Annual Timber Sale:

R. S. 1857, Chapter 9, Section 22. (R. S. 1840,
Chapter 15, Section 24; R. S. 1839,
Chapter 388, Sections 1-2)

The 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 Township, to the amount of \$1,000.00 annually; 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. (R. S., Chapter 9, Section 25, 1871 - same as 1857).

R. S., Chapter 9, Section 28, 1883 - same as 1857.

R. S., Chapter 13, Section 40, 1903 - same as 1857.

R. S., Chapter 14, Section 44, 1916 - same as 1857.

Chapter 144, 1919 - larger sale provided on the advice of the Forest Commissioner.

Chapter 145, 1929 - Forest Commissioner given general supervision over Indian tribes.

Chapter 1, Section 283, 1933 - sale of timber resided in Department of Health and Welfare.

Chapter 275, 1941 - Amends R. S. 1857 and transfers authority to sell to the Forest Commissioner (where it was until 1933), cuts out the \$1,000.00 limit per year and adds: "The net proceeds from such sales shall be set up in the State Treasury as an improvement fund for the reservations of the Passamaquoddy tribe of Indians to be expended with the approval and under the direction of the Department of Health and Welfare; provided, that in the event the balance in said improvement fund shall at any time exceed the sum of \$10,000.00, the excess over \$10,000.00 shall be added to the permanent trust funds of said tribe."

(b) Special Timber Leases:

Chapter 51, Resolves of 1853.

The land agent directed to sell timber and grass from Indian Township in Washington County and use of water power for term of 15 years, provided not less than \$17,000.00 can be realized from such sale. This sale not to interfere with Indian rights to grass, timber, etc. for private use.

"The money received for said timber, grass and use of water, shall be deposited in the state Treasury and constitute an Indian Fund, the interest of which at 6% per annum shall be forever appropriated to the benefit of the Passamaquoddy Indians, in the same manner that the proceeds of timber and grass cut on said township are now or hereafter may be appropriated."

Chapter 241, Resolves of 1868.

Similar resolve to that of 1853 covering the next 15 years, at not less than \$5,000.00 minimum sum.

(c) Chapter 13, Section 42, R. S. 1903 (Chapter 84, 1887; Resolves 1836, Chapter 54; R. S. 1916, Chapter 14, Section 46; R. S. 1930, Chapter 17, Section 48)

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 deem just, and all sums received from such leases shall be credited to the funds of said tribe.

Chapter 84, Private and Special Laws 1899, authorized sale of Indian Township in town of Perry.

(d) Chapter 147, 1927 (Expenditures)
Chapter 2, Section 86, 1930 (Investments)
Text under Penobscot fund. P. 28

N. Passamaquoddy Indian Fund - Illustrative Documents

1836 Governor's Message

"I submit the propriety of causing lands belonging to the Passamaquoddy tribe of Indians (excluding a small lot in the town of Perry) to be sold, and the avails funded for their benefit. They are not wanted by the Indians for cultivation, and are greatly exposed to the inroads of trespassers, and more so on account of their proximity to a foreign state, into which offenders with their plunder may easily escape."

1836 Treasurer's Annual Report

Mentions Resolves of March 1836 authorizing sale of township of land belonging to the Passamaquoddy Indians, avails to be paid into the treasury, subject to disposition of Legislature, for use of said Tribe. Inquires if any progress has been made.

185th Treasurer's Annual Report

Indicates amount of \$22,500.00 from "proceeds of sale of timber and grass on township belonging to said tribe, and has accrued within the last year."

<u>Year</u>	<u>Dr.</u>	<u>Year</u>	<u>Cr.</u>
1856	Pd. during year \$2,150.00	1856	Proceeds timber, grass Indian Township Dec. 1853 \$ 22,500.00
1857	Warrant Pd. 2,913.29	1856	Interest 1,350.00
1878	Pd. Jos. Granger (Under Res. Feb. 21, 1876, Com. on Claims) 2,486.17	1857	" (none thereafter) 1,602.00
1901	J. J. Ahern Res. 1901 Chapter 210 for church) 1,000.00	1868	Land agent under Res. Feb. 29, 1868 timber for 15 yrs. 5,225.00
1902	" " 2,500.00	1885	Stumpage & Land 1,324.30
1903	Res. 1903, Chap. 63 completing church 1,000.00	1887	" " " 788.13
1904	Chas. Rolfe (Res. 1903, Chap. 64 Rebuild convent, Pleasant Pt.) 1,000.00	1888	" " " 698.72
1905	Res. 1905, Chap. 52 Rebuild convents P.D. & Pl. Pt. 1,200.00	1889	" " " 423.61
1907	Chap. 1, Res. 1907 Misc. 2,080.00	1890	" " " 723.11
1908	Warrant 35-2 235.00	(1891	" " " 10,409.12
	1907-8 Expenses:	(1900	and right of way
	Water Supply, Pl. Pt. \$1000	1901-4	Stumpage & Land 1,000.00
	Repair Sch. H. at P.D. Pt. 300	1905-14	" " " 22,971.25
	" Chapel P.D. Pt. 550	1913	Deposits St. Croix Paper Co. Chap. 13, Sec. 42 R. S. "May lease or sell any part" 13,582.00
	" Convent " " 130	1915	Land Agent 5,254.26
	" Vestry " " 85	1916	" " 19,010.62
	No further expenses until 1928	1917	" " 9,461.54
		1918	" " 45.96
		1919	" " 1,988.46

0. Account of the Passamaquoddy Trust Fund (from Tr. Fund Ledger) Cont'd

<u>Year</u>	<u>Dr.</u>	<u>Year</u>	<u>Cr.</u>
		1919	Suit by Attorney General \$ 7,112.85
		1920	Land Agent 188.03
		1922	Land Agent 3,528.58
		1923	" " 1,164.23
		1924	" " 7,753.32
		1925	" " 11,834.24
		Bal. 1925	133,374.87
		1926	Receipts 106.25
		<u>Balance</u>	<u>\$133,481.12</u>

Note:-

Trust Fund Ledger gives only \$3,129.44 for 1925 (difference of \$8,704.80) and credit for 1926 of \$8,704.80 in addition to entry of \$106.25. This credited from Lands for Pub. Usage Tr. Fund to rectify previous allocation.

At close of fiscal year 1926-27 by the process provided in Chapter 222, P.L. 1923, same as R.S. Chapter 2, Section 86 (1930) \$20,039.35 of Passamaquoddy Indian Fund had been invested in special deposits.

July 1, 1927 - June 30, 1940 (And Report on Trust Funds)

	<u>Add</u>	<u>Deduct</u>	
Balance of Fund Principal - July 1, 1927			\$133,481.12
Year ending June 30, 1928 - stumpage	\$ 265.32		
1929	321.25		
1930	1,768.91		
1931	5,453.01		
1932	369.75		
	<u>\$8,178.24</u>		
June 27, 1928 (Construction of new church) Council Order #801 - 9/30/37 and Chapter 147, P. L. 1927		\$6,000.00 (Under Chapter 147 P. L. 1927)	
			<u>2,178.24</u>
Balance of Fund Principal - June 30, 1937, per ad- justed balance Fund Principal - Schedule 2			\$135,659.36
Year ending June 30, 1933 - stumpage and grass	\$6,608.48		
1934	1,346.69		
1935	6,945.69		
1936	1,705.18		
1937	3,425.26		
1938	1,362.43		
	<u>21,393.73</u>		
Turned over May 11, 1938 to Health and Welfare. Receipts for 1939, 1940 went to Gen. treasury (\$3,877.12)			<u>\$157,053.09</u>

Chapter 275, 1941 (April 23, 1941) set up proceeds as an Improvement Fund, to be expended under direction of Department of Health and Welfare. "If excess of such funds at any time exceed \$10,000.00, the excess shall be added to the trust fund."

For reconciliation with various reports - see 1940 Trust Fund Reports, Page 47.

Balance re: Cowan 1931	Bal.	\$118,351.38	
	Invest.	20,307.17	
		<u>138,658.55</u>	
Gardner 1932			138,260.83
Adjusted Principal 6/30/32			135,659.36

Financial Statement - Principal as of June 30, 1942

Cash in Banks	\$ 49,424.91
Investments	105,492.28
* Impounded Bank Accounts	1,983.11
Due From State of Maine Gen. Fund	<u>152.79</u>
Total Principal	\$157,053.09

Income Credited to General Fund:

June 30, 1931 to June 30, 1940	\$ 1,776.91
July 1, 1940 to June 30, 1941	4,830.17
July 1, 1941 to June 30, 1942	2,509.46

The income is handled in the same way as the Penobscot Fund.

(*) Realizable value of impounded principal is estimated at \$264.41 leaving a probably loss to fund of \$1718.70

Indian Township Administration Fund:

<u>1940-41</u>	<u>Expenditures</u>	<u>Receipts</u>	<u>Balance</u>
Transfers	\$2,700.00	\$3,077.29	
Disbursements	312.29		\$ 65.00

<u>1941-42</u>		826.34	
Adm. Timberlands	405.61	3,510.80	
Improvement Fund	1,260.38		2,736.15

P. The Indian Township Administration Fund (P.L. 1941-Chapter 275)

<u>1940-41</u>	<u>Expense</u>	<u>Receipts</u>	<u>Balance</u>
Transfers	\$2,700.00	\$3,077.29	
Disbursements	312.29		\$ 65.00

1941-42

Sale of Stumpage .826.34

(A) Adm. Timber Lands - Stumpage 3,510.80

Reg. Salaries	33.83	
Temporary Increase	4.28	
Temporary Wages, Labor	152.00	
Stamps, Parcel Post, etc.	.60	
Auto Mileage	185.25	
Meals	.90	
Mimeographing & Multigraph.	1.00	
Adv. Notices	1.00	
Repairs to Misc. Equip.	12.00	
Office Supplies	14.75	(405.61)

(B) Improvement Fund

Temp. Wages, Labor	330.27	
Repairs to Light & Power Equipment	280.73	
Repairs to Bldgs.	3.78	
Repairs to Plumbing	91.51	
Drafting & Photographic	25.00	
Building Supplies	172.25	
Elect. Supplies	150.14	
P.W.A. Materials-Indians	106.70	
Land Purchased	100.00	(1260.38)

<u>Totals</u>	\$ 1,665.99	\$4,337.14	\$2,736.15
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PENOBSCOT INDIANS TRUST FUNDS

FINANCIAL STATEMENT - PRINCIPAL - June 30, 1942

ASSETS

Cash in Banks:

Depositors Trust Co. a/c	#2637	\$ 1,286.77	
Federal Trust Co.	#7225	15,655.72	
First National Granite Bank	#18119	<u>20,425.27</u>	\$37,367.76

Investments

<u>Bonds:</u>	<u>Par Value</u>	<u>Unamortized Premium</u>	<u>Carrying Value</u>	
City of Old Town 4½'s - 1947/48	\$6,000.00	\$134.54	\$6,134.54	
Town of Vassalboro 4's - 1956	2,000.00	80.33	2,080.33	
Town of Presque Isle 4½'s - 1944	5,000.00	142.95	5,142.95	
Town of Old Orchard Beach 2's - 1949	3,000.00	20.10	3,020.10	
Town of West Warwick, R. I. 2½'s - 1963	1,000.00	16.34	1,016.34	
U.S. Defense - Series "G" 2½'s - 1954	5,500.00	-	5,500.00	
	<u>\$22,500.00</u>	<u>\$394.26</u>		\$22,894.26
<u>Stock:</u>				
Houlton Trust Co. 6's (New Bank) Pfd.- 150 shares @ \$10.00			<u>1,500.00</u>	24,394.26

Impounded Bank Accounts:

	<u>Total</u>	<u>Income</u>	<u>Principal</u>	
Augusta Trust Co. - Skowhegan Account #1136 (Time Deposit)	\$ 3,600.00	-	\$3,600.00	
Augusta Trust Co. - Winthrop Savings Account #9507	965.06	\$37.32	927.74	
Houlton Trust Co. - Account #1927 (Certificate of Deposit)	12,150.00	-	12,150.00	
Presque Isle National Bank - Account #870 (Time Deposit)	36.08	.58	35.50	
Presque Isle National Bank - Account #871 (Time Deposit)	108.24	1.74	106.50	
Van Buren Trust Co. - Account #539 (Time Deposit)	<u>9,415.00</u>	-	<u>9,415.00</u>	
	<u>\$26,274.38</u>	<u>\$39.64</u>		* 26,234.74

Due from State of Maine General Fund

TOTAL FUND PRINCIPAL

95.68
\$88,092.44

PENOBSCOT INDIANS TRUST FUND

SCHEDULE OF INCOME

FISCAL YEAR 1941-42

Bank Interest		\$930.10
Interest on Investments	\$722.50	
Less: Premium Amortization	<u>92.20</u>	<u>630.30</u>
TOTAL NET INCOME		<u>\$1,560.40</u>

*The estimated further realizable value on impounded bank accounts is \$3,323.70 leaving a probable loss to the fund of \$2,911.04

PASSAMAQUODDY INDIAN TRUST FUND

FINANCIAL STATEMENT - PRINCIPAL - June 30, 1942

ASSETS

Cash in Banks:

Augusta Savings Bank	a/c #65877	\$14,812.67
Federal Trust Company	7504	6,885.32
Depositors Trust Company	2636	2,726.92
Newport Trust Company (Time Deposit)	274	10,000.00
Brewer Savings Bank	18744	10,000.00
Androscoggin County Savings Bank	72461	5,000.00
		\$ 49,424.91

Investments:

Bonds	Par Value	Unamortized Premium	Discount	Carrying Value
Town of Rumford 4 1/4's 1942/46	\$ 10,000.00	-	\$200.00	\$ 9,800.00
Town of Old Orchard Beach 5 's 1949/54	15,000.00	\$ 145.96	-	15,145.96
City of Eastport 4 3/4's 1937/41	10,000.00	-	-	10,000.00*
City of Old Town 4 1/4's 1944/46	15,000.00	213.12	-	15,213.12
Town of Frankfort 4's 1943/49	7,000.00	113.08	-	7,113.08
City of Buffalo, N.Y. 3.6's 1950	2,000.00	99.28	-	2,099.28
City of Philadelphia, Pa. 4's 1955	5,000.00	496.34	-	5,496.34
City of New York 3 1/4's 1950	10,000.00	171.70	-	10,171.70
Town of Littleton 4's 1950/51	4,000.00	213.00	-	4,213.00
Town of Presque Isle 4 1/2's 1942	10,000.00	85.00	-	10,085.00
Town of Madawaska 4's 1949/50	5,000.00	311.70	-	5,311.70
Town of Norridgewock 3's 1947/48	3,000.00	141.60	-	3,141.60
City of South Portland 2's 1955	5,000.00	201.50	-	5,201.50
U.S. Defense Series "G" 2 1/2's 1954	2,500.00	-	-	2,500.00
	\$103,500.00	\$2,192.28	\$200.00	\$105,492.28

Impounded Bank Accounts

Augusta Trust Company Savings Account #9508	\$ 2,045.21 **
Less: Income Impounded	62.10
	1,983.11

Due From - State of Maine - General Fund

152.79

TOTAL FUND PRINCIPAL

\$157,053.09

PASSAMAQUODDY INDIAN TRUST FUND

SCHEDULE OF INCOME

FISCAL YEAR - 1941/42

Bank Interest		1,010.33
Interest on Investments	\$1,972.50	
Less: Premium Amortization	<u>473.37</u>	<u>1,499.13</u>
TOTAL NET INCOME		<u>\$2,509.46</u>

*Defaulted 4/1/34

** The estimated further realizable value on impounded bank accounts is \$264.41, leaving a probable loss to the fund of \$1,718.70.

V The Indian Appropriations

Q. Legal Basis for Indian Appropriations

1. The Penobscots

See the Penobscot Fund

Res. 1830 - Income for timber to be used for their benefit.

Sale of Townships 1833 - Interest for benefit of tribe.

P. L. 1835, 1857 - Interest on township and other money for benefit of Indians.

Public Laws 1826, Chapter 323 (Also R. S. 1857, Chapter 9, Section 10)

"Resolved, that the agent or agents of the Penobscot Tribe of Indians be authorized for the use of said tribe to lease any of the Islands belonging to said tribe, for any term of years not exceeding twelve, and to sell and dispose of the burnt and decaying timber upon the two Indian townships, on the west branch of the Penobscot river, for the benefit of said tribe, as said agent or agents may think for their interest." (Leases and sales and conditions must be assented to by Officers of Tribe and State.)

Avails of leases and sales to be placed in Treasury of the State, subject to order of Governor and Council when, in their opinion, the situation of the tribe requires its appropriation for their benefit.

Public Laws 1828, Chapter 392

Storehouse and church to be built in accordance with treaty of 1818, and cost charged against receipts from leases and sales.

Revised Statutes 1857, Chapter 9

Section 18. He (the land agent) may lease any reserved privileges for mills, booms and fisheries, for a term sufficiently long to induce persons to take leases on 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.

Private and Special Laws 1873, Chapter 267

"Specific appropriations for the benefit of the Indians of the Penobscot tribe, for the support of schools, salaries of Governor, Lieutenant Governor, and priest shall be paid by and under the directions of the Governor and Council, from rents accruing to State from shore rentals....., the balance of the annual aggregate of such rents for such year shall be divided among the members of said tribe, per capita....."

Revised Statutes 1903, Chapter 13, Section 35

Shores of islands in Penobscot river belonging to Penobscot tribe shall be leased for booming or hitching logs....., for leases of not longer than five years....., and sums received shall be paid to State, and paid to said tribe as provided in Section 1, Chapter 267, P. & S. L. of 1873, which amends Chapter 273, Section 2, P. & S. L. of 1869, which amended Chapter 96, Section 2, P. L. 1862.

1933, Chapter 1, Section 257

Member of tribe residing outside reservation but within State shall report to Agent once a year to be eligible for dividends; if residing outside State, he is not entitled to share.

2. The Passamaquoddies

Resolves 1836, Chapter 54

Resolved, that the Land Agent be and hereby is authorized to sell and convey at public auction and at a price not less than two dollars per acre--under the directions of the Governor and Council, Township numbered two in the first range in the County of Washington, belonging to the Passamaquoddy Tribe of Indians, and to pay the funds arising therefrom into the State Treasury subject to the future disposition of the Legislature, for the use and benefit of said Indians.

Public Laws 1839, Chapter 388

By this act the Indian Agent was authorized to sell timber and grass on Township No. 2, St. Croix river, "to the amount of \$1000.00 annually." He was further to furnish them annually with \$200.00 worth of potatoes, seeds, and machinery; \$300.00 annually, at \$25.00 per month, for care of old and sick members of the tribe; \$500.00 worth of corn, lard, flour and pork.

Revised Statutes, Chapter 9, Section 25, 1871

Sale of timber to amount of \$ 1000.00. No statement of use of funds except that Section 26 authorizes payment of \$ 1000.00 per year out of interest.

Chapter 84, 1887

Lease or sell whole or part of Indian Township - sums credited to funds of Indians.

Chapter 84, P. & S. L. 1899

Governor and Council authorized to sell or lease Indian Reservation in town of Perry, sums to be paid Agent for use of tribe.

Revised Statutes, Chapter 13, Section 42 - 1903

Lease or sell Indian Township and credit to funds of tribe (see Passamaquoddy Fund)

Revised Statutes, Chapter 14, Section 46, 1916 --- As 1903

Revised Statutes, Chapter 17, Section 48, 1930 --- As 1903

R. Early Appropriations

1. Penobscots

1828	Storehouse and Schoolroom	\$ 500.00
	Church	1200.00
	Bell	200.00

1835-62 Construction & Upkeep of Farm for aged Indians Bounties paid both tribes on agricultural products since 1838.

1861 Repair Farm buildings

1866 \$400.00 for Schoolhouse

2. Passamaquoddies

1824 Kellogg's School - U. S. Funds
Vegetable Cellar - State

1827 Kellogg's Work Shop - State

1834 Church \$1400.00 - State

1862	Repairs to Princeton School
1868	Repairs on Chapel, Schoolhouse, Governor's House

(See Trust Fund for Capital Expenses since 1900)

3. Comparison of Appropriations - 1852

1852 - Message of Governor Hubbard respecting the Penobscot and Passamaquoddy Indians.

"The Penobscot is better provided with means than the Passamaquoddy. The population of the two is about the same consisting of rising 400 souls each tribe. The resources of the Penobscot Tribe consist in the Indian Fund of \$58,356.49, held in trust for them in the State Treasury, the interest of which is annually paid to them--in \$1500.00 annually paid to them under treaty stipulations--in bounties paid on agricultural products--and in occasional special appropriations by the Legislature for particular objects, together with the proceeds of grass and shore privileges on their islands up and down the river.

"The Passamaquoddies have only for resources stumpage money for timber sold from their own township limited by law to \$1000.00 to be sold annually, bounties upon agricultural products, and special appropriations of the same character as those for the Penobscots."

S. Indian Expenditures - 1820-1940

	<u>Passamaquoddies</u>		<u>Penobscots</u>	<u>Total</u>
1820				
1829	\$ 242.06		\$ 2,164.50	\$ 2,406.56
1840	277.52	(For Fund)	3,677.25	3,954.77
1850	200.00	" "	4,000.00	4,200.00
1860	2,875.00		7,470.02	3,345.02
1870	3,689.76		7,998.08	11,687.84
1880	5,540.00		8,394.70	13,934.70
1890	10,097.90		11,026.70 (*)	21,124.60
1900	8,192.02		11,894.20	20,086.22
1910	10,275.42		14,376.20	24,651.62
1920	19,985.00		22,410.55	42,395.55
1930	27,184.73		31,352.52	58,537.25
1940	52,233.56		48,961.14	\$101,194.70

T. Expenditures and Income - 1909-1942 Inc.

(As furnished by Mr. Kane)

Calendar Year	1909	\$ 14,413.00	\$ 21,190.45	\$ 2,572.50
	1910	10,275.42	14,376.20	2,572.50
	1911	19,940.00	13,177.41	2,572.50
	1912	9,162.65	15,186.07	2,532.50
	1913	13,350.33	17,335.39	2,539.00
	1914	11,145.00	14,494.75	2,604.00
	1915	16,301.71	20,864.45	2,579.00
	1916	21,108.62	17,370.74	2,579.00
	1917	16,678.82	23,916.16	2,539.00
	1918	21,820.95	23,066.93	2,566.91
	1919	23,105.64	27,714.55	2,725.00
	1920	19,985.00	22,410.55	2,725.00
1-1-21 to 6-30-22 1½ years	1921-1922	38,965.00	36,015.83	3,900.00
	1922-1923	24,730.00	24,010.55	1,842.50
	1923-1924	27,402.62	30,467.60	2,650.00
	1924-1925	23,769.76	32,040.62	4,400.00
	1925-1926	25,645.72	27,858.66	900.00
	1926-1927	28,114.97	30,126.85	3,450.00
	1927-1928	27,128.91	28,416.46	1,250.00
	1928-1929	41,841.94	31,898.53	1,250.00
	1929-1930	27,164.73	31,352.52	1,750.00
	1930-1931	28,171.89	34,304.61	1,500.00
	1931-1932	28,263.74	35,660.84	200.00
	1932-1933	32,449.73	37,137.87	250.00
	1933-1934	39,356.27	41,653.00	700.00
	1934-1935	44,873.60	47,214.97	400.00
	1935-1936	42,867.85	50,576.02	450.00
	1936-1937	50,834.64	52,979.24	450.00
	1937-1938	48,332.85	50,110.12	450.00
	1938-1939	50,096.87	49,316.40	450.00
	1939-1940	52,233.56	48,961.14	200.00
	1940-1941	54,933.14	47,920.57	700.00
	1941-1942	51,200.27	44,654.98	700.00
		<u>\$985,685.20</u>	<u>\$1,043,781.03</u>	<u>\$58,949.41</u>

Interest on Indian Trust Funds used 1860-1936 in addition to these appropriations.

Interest on Indian Trust Funds after 1936 went to General Fund, and appropriations were all-inclusive.

U. Sample Budgets

1. Indian Tribe Expenditures - 1941-42

<u>Item</u>	<u>Passamaquoddy Tribe</u> (4455)		<u>Penobscot Tribe</u> (4460)	
	<u>Exp.</u>	<u>Receipts</u>	<u>Exp.</u>	<u>Receipts</u>
Sale of Ind. Baskets		\$79.98		\$27.02 (Saco)
State Pauper Refund		124.39		488.18
Reg. Salaries	\$ 6,617.88		\$ 5,106.24	
Temp. Increase	274.10		133.10	
Other Personal Services	640.13		479.07	
Temp. Salaries	--		90.00	Sub Teacher
Temp. Wages, Labor	153.87		29.23	
Legal Fees	1.28		12.98	
Stamps & Parcel Post	80.00		30.00	
Tel. Service	27.12		75.81	
Tel. Tolls	127.42		148.56	
Freight, Express	208.92		111.90	
Trucking	98.65		29.61	
Lodging of Persons	22,408.43		16,808.61	Food & Groc.
Hosp. & Dental Serv.	1,527.50		1,478.66	
Clothing	2,736.70		1,766.16	
Medical Service	1,393.24		1,243.71	
Dental Service	155.50		260.50	
Optical Service	113.25		188.50	
Transport. of Persons	389.94		101.90	
School Trans. of Indians	17.60		189.36	
Services; Overseers, Housekeepers & Nurse	958.10		236.48	
Electric Light	128.36		388.56	Street Lights
Electric Power	118.26		--	
Repairs to Light & Power	252.40		--	
" " Heating Equip.	10.45		2.65	
" " Buildings	889.10		717.72	
" " Roads	184.54		116.72	
" " Plumbing	97.46		21.95	
" " Sewers & Drains	--		10.60	
" " Household Equip.	--		54.00	
" " Boats	--		312.21	Ferry not self-
" " Bridges	--		1.40	supporting
Laundry Services	262.45		80.14	
Misc. Clean. & Painting	287.16		556.13	
Snow Removal	42.83		--	
Burials	536.53		464.45	
Care of Cemetery Lots	1.59		25.54	
Office Supplies	27.71		35.34	

<u>Item</u>	Passamaquoddy Tribe (4455)		Penobscot Tribe (4460)	
	<u>Exp.</u>	<u>Receipts</u>	<u>Exp.</u>	<u>Receipts</u>
Gasoline	34.31		--	
Printing	--		30.00	
Water	--		247.40	
Ice	--		1.35	
Flags	--		7.25	
Coke, Wood, Fuel Oil	5,191.69		4,255.75	
Coal	851.36		604.70	
Oils & Lubricants	2.90		11.13	
House Furnishings	191.98		66.62	
Building Supplies	20.85		9.39	
Medical Supplies	398.08		801.75	
Plumbing Supplies	1.35		590.51	
Elect. Supplies	4.41		--	
Education Supplies	126.39		129.24	
Agricultural Supplies	719.37		1,028.58	
Hardward Parts	99.15		41.85	
Paints, Oils, Glass	3.65		4.00	
Building & Office Rent	160.00		106.50	
House Rent	90.57		182.18	
Rent of Land	--		21.00	
Bounty on Crops	108.30		52.11	
Ind. Dividends	59.00		437.93	
Ind. Tuition	734.64		2,346.40	
P.W.A. Materials	1,166.28		1,343.23	
Ind. Grants - Both Tribes	427.61		733.42	
Livestock not for Slaughter	39.91		25.00	
Agents Traveling Expenses	--		269.90	
TOTALS	\$51,200.27	\$204.37	\$44,654.98	\$515.20
Appropriation	52,500.00		48,700.00	
Balance	\$ 1,504.10		\$ 4,560.22	

2. Expenditures of Indian Tribes 1940-41

Passamaquoddy Tribe (1945)

1940-1941

Salaries & Wages	\$ 7,882.66
Telephone	202.96
Postage	10.00
Express	505.00
Lodging	25,623.64
Hospital & Dental Services - Persons	1,982.97
Clothing	2,032.98
Medical, Dental & Optical Services	1,112.04
Transportation	359.39
Water, Light & Power	230.86
Repairs to Buildings, Roads, Etc.	1,823.43
Laundry and Other Services	184.19
Burials and Cemetery Care	352.52
Supplies - Furnishings	1,315.93
Rents	220.12
Tuition	546.07
Bounty on Crops	97.11
Indian Dividends	67.98
P.W.A. Materials	2,525.57
Indian Grants	843.11
Medical Supplies	1,136.28
Fuel	5,848.33
	<u>Total</u>
	<u>\$54,933.14</u>

Penobscot Tribe (1946)

Salaries and Wages	5,115.76
Indian Grants	429.78
Land Purchased	50.00
Telephone	178.24
Postage	18.00
Express	340.49
Mileage and Car Fares	112.50
Lodging of Persons	17,836.49
Hospital & Dental Services - Persons	2,298.64
Clothing of Persons	1,194.30
Medical, Dental & Optical Services	2,792.82
Transportation	605.21
Water and Power	707.67
Repairs	2,572.44
Laundry and Other Services	68.42
Burials and Cemetery Care	215.28
Office Supplies and Printing	165.98
Fuel	5,492.22
Supplies - Furnishings	1,250.71
Medical Supplies	1,757.47
Rents	319.01
Bounty on Crops	69.11
Indian Dividends	413.19
Tuitions	877.68
P.W.A. Materials	3,039.16
	<u>Total</u>
	<u>\$47,920.57</u>

3. Expenditures of Indian Tribes 1938-39

	Passamaquoddy Tribe	Penobscot Tribe
1110 Regular Salaries	\$ 7,948.03	\$ 5,403.72
2111 Stamps, Parcel Post, etc.	27.80	28.29
2121 Telephone Service	17.75	17.75
2123 Telephone Tolls	120.05	95.70
2140 Freight, Express	247.76	55.72
2145 Trucking	100.72	194.02
2210 Railway Fares	1.50	1.50
2220 Pullman and Parlor Car Fare	--	.10
2230 Car Fare and Tolls	.05	.65
2250 Mileage	326.87	326.88
2270 Hotel	63.25	63.25
2280 Meals	66.45	66.40
2311 Food and Lodging (Groceries)	18,518.80	17,800.06
2312 Hospital	1,587.62	1,953.04
2315 Medical	1,599.73	1,717.91
2317 Dental	211.50	418.50
2318 Optical	182.81	525.25
2325 School Transportation	--	134.00
2414 Printing	--	8.00
2521 Electricity	100.08	381.68
2540 Water	--	320.94
2617 Plant at Peter Dana's	284.01	--
2651 Repairs to Buildings	2,862.37	2,484.17
2652 Repairs to Sidewalks	--	5.20
2654 Repairs to Roads	--	5.80
2820 Burials	319.65	215.70
3110 Office Supplies	16.92	4.45
3140 Gasoline	11.45	--
3141 Fuel	5,871.72	6,287.61
3145 Gas and Oil	146.01	12.13
3151 Clothing	2,077.69	1,765.91
3153 House Furnishings	30.00	64.41
3171 Medical Supplies	835.79	1,357.03
3181 Educational Supplies	436.78	314.81
3191 Agricultural Supplies	571.90	922.82
3211 Hardware	79.86	40.34
3350 Fiber and Textile Products	3.00	--
3355 Basket Ash	--	15.45
4110 Building and Office Rent	192.00	108.00
4175 House Rent	32.49	272.18
4514 Bounty on Crops	111.05	139.16
4690 Indian Dividends	52.00	74.06
4695 Indian Tuition	383.98	766.44
5314 Project	3,953.99	3,607.89
5350 Miscellaneous	703.44	1,339.58
Journal Transfers During Year	255.90	103.99
	<u>Total</u>	<u>Total</u>
	\$50,352.77	\$49,420.39
Less S.P. Refunds	596.44	1,882.65
	<u>\$49,756.33</u>	<u>\$47,537.74</u>

4. Salary Breakdown 1941-42

<u>For Passamaquoddies:</u>		<u>Salary for</u>	<u>10% Extra</u>
		<u>Two Weeks</u>	
Sister M. Alice	Peter Dana Pt.	\$ 19.16	\$ 1.92
Sister M. Alma J.	" " "	19.16	1.92
Sister M. Beatrice J.	Pleasant Point	19.16	1.92
Doris Cummings	Eastport	12.00	1.20
Donald Jacob, M.D.	Princeton	46.00	4.60
Sister M. Jeannette C	Pleasant Point	19.16	1.92
Sister M. Josepha		19.16	1.92
Rev. John J. McHugh	Peter Dana Point	26.84	2.68
Joseph S. Nicholas (Gov.)	Pleasant Point	46.00	4.60
Rev. Stephen J. Rice	Perry	26.84	2.68
		<u>253.48</u>	<u>25.36</u>
<u>For Penobscots:</u>			
Sister M. Casimer	Indian Island	19.16	1.92
Sister M. Consilia	" "	19.16	1.92
Sister M. Cornelia	" "	19.16	1.92
Doris Cummings	Eastport	12.00	1.20
George V. Greeley (Ass't Ind. Agt.)	Orono	68.00	--
Dr. Howard L. Jackson	Old Town	10.00	--
Howard W. Rance (Ind. Supervisor)	" "	25.00	2.50
Rev. David A. Surette	Indian Island	26.84	2.68
		<u>199.32</u>	<u>12.14</u>
<u>Total Two Weeks</u>		<u>\$452.80</u>	<u>\$37.50</u>

Flagg Cummings Eastport
(Not included - paid from Health and
Welfare Administration - \$3600.00)

<u>Total Year</u>	11,805.14	977.82 (In effect)
<u>Actually Paid</u> 1941-1942	\$11,724.12	\$407.20

5. Dividends and Relief

In 1934, the dividends, payable from surplus of shore rents, were included in the "weekly allowance" for which Indians are eligible on same basis as any others in the State "on relief". Only those not drawing this allowance are eligible to receive dividends.

In 1934, 95% of the tribes were supported entirely, as opportunities for employment, or sale of baskets were greatly reduced. In Old Town the only ones who worked were nine at the Cance factory for five months, and three at the woolen mill for six months. The Federal Surplus Food and Clothing services were utilized; and 38% of the appropriation spent for food and groceries.

At Old Town:

<u>Year</u>	<u>Groceries</u>	<u>% of Total</u>	<u>Average Yearly Cost</u>
1937	\$ 21,841.78	43	\$ 43.00
1938	19,367.37	40	39.00
1939	17,800.06	37	32.00
1940	19,063.57	41	34.00

For Passamaquoddies:

1939	18,518.00	37	33.00
1940	25,539.88	47	43.00

C O P Y

PENOBSCOT AND PASSAMAQUODDY
TRIBES OF INDIANS
Flagg Cummings, Agent
Eastport, Maine

November 5, 1940

To: N. W. MacDonald

Subject: Penobscot Tribe

Total number of persons on census list of January 1,
1940 - 567.
Total number of families - 106.
Total number of employable men - 60.

Out of the above number that are eligible for employment, we have 30 on W. P. A., 25 in private employment in canoe and moccasin factories from four to six months out of the year. We have five that have steady employment for eleven months of the year.

I expect the W. P. A. project to stop in April 1941, due to the law that W. P. A. men cannot work more than 18 months in continuous employment. When this project stops it is uncertain when it will start again.

The \$12,00 paid to W.P.A. workers, especially in the case of large families, does not take care of all expenses, such as shoes, clothing and at times groceries.

It is hard always for the Indians to get private employment, as the towns and cities have to supply work to their own citizens.

The increased cost of caring for the Indians is attributed to lack of continuous employment, failure of markets for Indian work, and increased cost of commodities, such as food, clothing, fuel, etc. Another large expenditure is for medical care of the Indians. Every year we have some sort of an epidemic.

Every effort is being made to secure employment for Indians.

C O P Y

PENOBSCOT AND PASSAMAQUODDY
TRIBES OF INDIANS
Flagg Cummings, Agent
Eastport, Maine

November 4, 1940

To: N. W. MacDonald From: Flagg Cummings

Subject: Passamaquoddy Tribe

Total number of persons on census list Jan. 1, 1940 - 640
Total number of families - 140
Total number of employable men - 65

In Washington County it is very hard for the Indians to secure employment. A few weeks in the summer they do have broken time in the woods; there are about 20 who are able to do this kind of work. We have about 6 months of W.P.A. work in the year for the Indians of this county. On October 18th we started a W.P.A. Cemetery project at Pleasant Point and 30 men are now working with a waiting list of 10 who are eligible to work soon as W.P.A. adds more men to the project.

We have only 6 families in the tribe that we do not help with food or clothing; outside of these 6 families the Indians are all on steady relief when we do not have any W.P.A. work. On May 15th our Princeton W.P.A. project stopped and we have not been able to get one since.

On each trip I make to Bangor I call at the W.P.A. office about work for the Indians. Last week I asked if they had heard when the Princeton Airport project would start and they advised me they had no information. Today I was told by one of the Selectmen of Princeton, that were notified by Mr. Fitzgerald, that just as soon as the President signs his name to the Airport projects, work would start at once. I have had all Princeton Indians case worked and made eligible for W.P.A. as soon as any project starts.

In the Passamaquoddy Tribe we have two Indian reservations which means an extra cost of salaries, fuel, etc. The increased cost of caring for the Indians is attributed to lack of continuous employment, failure of markets for Indian wares, and increased cost of commodities, such as food, clothing, fuel, etc.

C O P Y

PENOBSCOT AND PASSAMAQUODDY
 TRIBES OF INDIANS
 Flagg Cummings, Agent
 Eastport, Maine

September 3, 1942

The following statement showing Federal and Sponsor's (Penobscot and Passamaquoddy Indian Appropriations) expenditures on projects operated by the Maine WPA on the Indian Reservation in the State since the beginning of the program, 1935.

FEDERAL EXPENDITURES AND SPONSORS' CONTRIBUTIONS
INDIAN RESERVATIONS - MAINE

W.P. No.	TYPE OF PROJECT	FEDERAL EXPENDITURES	
		TOTAL	LABOR NON-LABOR
<u>INDIAN ISLAND</u>			
204	Sewer System	\$11,427.45	\$10,741.20 \$ 686.25
886	Flood Damage	269.93	232.23 37.70
2164	Roads	9,964.04	8,864.86 1,099.18
2351	Roads	18,931.17	17,169.83 1,761.34
2850	Parks	21,151.77	19,789.61 1,362.16
3055	Roads	629.26	629.26 -
3129	Roads	9,237.77	8,677.94 559.83
		<u>71,611.39</u>	<u>66,104.93 5,506.46</u>

SPONSORS' CONTRIBUTIONS PENOBSCOT TRIBE

W.P. NO.	TYPE OF PROJECT	TOTAL	LABOR	NON-LABOR
204	Sewer System	5,123.25	-	5,123.25
886	Flood Damage	105.44	-	105.44
2164	Roads	2,077.92	-	2,077.92
2351	Roads	2,520.01	-	2,520.01
2850	Parks	4,035.93	169.02	3,866.91
3055	Roads	194.91	46.60	148.31
3129	Roads	2,088.92	109.04	1,979.88
		<u>16,146.38</u>	<u>324.66</u>	<u>15,821.72</u>

Very truly yours,

Signed: Flagg Cummings

Flagg Cummings, Indian Agent

C O P Y

PENOBSCOT AND PASSAMAQUODDY
 TRIBES OF INDIANS
 Flagg Cummings, Agent
 Eastport, Maine

September 3, 1942

The following statement showing Federal and Sponsor's (Passamaquoddy and Penobscot Indian Appropriations) expenditures on projects operated by the Maine W.P.A. on the Indian Reservations in the State since the beginning of the program, 1935.

FEDERAL EXPENDITURES AND SPONSORS' CONTRIBUTIONS-INDIAN RESERVATIONS

M A I N E

FEDERAL EXPENDITURES

<u>W.P. NO.</u>	<u>TYPE OF PROJECT</u>	<u>TOTAL</u>	<u>LABOR</u>	<u>NON-LABOR</u>
<u>PLEASANT PT.</u>				
2262	Roads	17,320.54	16,522.06	798.48
2568	Roads	16,163.13	14,785.39	1,377.74
2780	Water Mains	13,211.84	13,211.84	-
3116	Cemetery	11,503.19	11,493.32	9.87
	Total	58,198.70	56,012.61	2,186.09

SPONSORS' CONTRIBUTIONS PASSAMAQUODDY TRIBE

<u>W.P. NO.</u>	<u>TYPE OF PROJECT</u>	<u>TOTAL</u>	<u>LABOR</u>	<u>NON-LABOR</u>
2262	Roads	2,475.06	74.73	2,400.33
2568	Roads	2,099.59	-	2,099.59
2780	Water Mains	4,623.02	275.88	4,347.14
3116	Cemetery	3,192.84	24.00	3,168.84
	Total	12,390.51	374.61	12,015.90

INDIAN TOWNSHIP

PETER DANA'S POINT PRINCETON FEDERAL EXPENDITURES

<u>W.P. NO.</u>	<u>TYPE OF PROJECT</u>	<u>TOTAL</u>	<u>LABOR</u>	<u>NON-LABOR</u>
2096	Roads	5,750.50	4,593.18	1,157.32
2287	Roads	16,419.25	13,509.02	2,910.23
2867	Roads	7,780.23	7,380.45	399.78
	Total	29,949.98	25,482.65	4,467.33

SPONSORS' CONTRIBUTIONS PASSAMAQUODDY TRIBE

<u>W.P. NO.</u>	<u>TYPE OF PROJECT</u>	<u>TOTAL</u>	<u>LABOR</u>	<u>NON-LABOR</u>
2096	Roads	1,157.17	508.15	649.02
2287	Roads	3,680.69	422.28	3,258.41
2867	Roads	1,589.95	-	1,589.95
	Total	6,427.81	930.43	5,497.38

GRAND TOTAL BOTH TRIBES

FEDERAL EXPENDITURES

<u>TOTAL</u>	<u>LABOR</u>
\$ 159,760.07	147,600.19

NON-LABOR
12,159.88

TOTAL
\$ 34,964.70

GRAND TOTAL BOTH TRIBES

PENOBSCOT & PASSAMAQUODDY

<u>LABOR</u>	<u>NON-LABOR</u>
1,629.70	33,335.00

Very truly yours,

Signed: Flagg Cummings

Flagg Cummings, Indian Agent

W. Other Small Funds

Indian Ferry (P. L. 1937, P. 530, which amends P. & S. L. of 1913, Chapter 132)

One-half of receipts go to Indian Municipal Fund.

Governor of tribe shall call a meeting once each month, at which report shall be made of receipts and disbursements.

Upkeep of boats, landings, etc. paid from Indian appropriations

Registration of Dogs (P. & S. L. of 1917, Chapter 79)

Indians must register dogs before April first.

Agent to issue license - \$1.15. \$1.00 goes to Tribe Municipal Fund, and \$0.15 is retained by Agent.

Highways (Chapter 61 - 1935 as amended by Chapter 101, 1937)

"State Highway Commission shall set aside each year \$1500.00 to be expended for construction of State Aid roads in Indian Township."

VI INDIAN CENSUS (X) TABLE 1822-1942

<u>Date</u>	<u>PENOBSCOTS</u>		<u>PASSAMAQUODDIES</u>		<u>DIVISION</u>
	<u>Total</u>	<u>Inc. Off Reser.</u>	<u>Total</u>	<u>Inc. Off Reser.</u>	
1822	277		379		Rep. U.S. Ind. Commr. (1822)
1832	300		379		Sam Drake "Book of Ind. of N.A. (1832) Council Report
1837	362				" "
1840			470		" "
1851	432		433		" "
1861	525		533		Supt. School Comm. (1857-1935) Also Agts. Report to 1895.
1865	510		500		
1870	456				
1877			508		
1880	446		523		
1885	407		540		
1890	383		525		
1895	392		493		After 1895 Agts. Rep. not printed.
1900	393	23			
1905	395				
1910	389	36	All census and records destroyed by fire (1910-1932 Incl.)		
1915	421	42			
1920	422	53			
1925	450	53			Pl. Pt. P.D. Pt. and Princeton
1930	474	76			
1931	478				

VI INDIAN CENSUS (X) TABLE 1822-1942 - Concluded

<u>Date</u>	<u>PENOBSCOTS</u>		<u>PASSAMAQUODDIES</u>		<u>DIVISION</u>		<u>Authority</u>
	<u>Total</u>	<u>Inc. Off Reserv.</u>	<u>Total</u>	<u>Inc. Off Reser.</u>	<u>Pl. Pt.</u>	<u>P.D. Pt. and Princeton</u>	
1932	490						
1933	502		512	(More back due to bus. cond. noted.)			Rep. of Flagg Cummings, Ind. Agt. Eastport
1934	519		550		363	187	
1935	529		-				
1936	540	53	561		401	160	Since 1935, Census Taken by Tribal Committee
1937	548						
1938	551		571		411	160	
1939	562						
1940	567	66		64	352	179)	Not including those living off reserva- tion.
1941	585		595)	
1/7/42	584	60	616	60	368	188)	

Y. DETAILED CENSUS FOR 1942

1. The Penobscot

CENSUS OF THE PENOBSCOT TRIBE OR INDIANS AS COMPILED BY THE TRIBAL COMMITTEE OF JANUARY 7th, 1942, AT INDIAN ISLAND, OLD TOWN, MAINE

Number of persons on the census list of 1941-----	585
Number of births during the year 1941-----	9
Indian women added by marriage-----	0
Births not previously reported-----	0
Children added by adoption-----	0
Members abandoned tribe-----	1
Members voted out having less than $\frac{1}{2}$ Indian blood-----	4
Deaths during the year-----	5
Increase in tribal membership-----	0
Decrease in tribal membership-----	1
Number of persons on the census list of 1942-----	584

Absentees: Total in 1941-----	66	Left tribe-----	1
Deaths-----	0	Voted Out-----	0
Reinstated-----	5		
Total January 7th, 1942-----			60

Marriages: Both parties Indians-----	3
Indians and whites-----	4
Total-----	7

I hereby certify that the foregoing census is correct as reported by the Penobscot tribal committee of the Penobscot Indians on Wednesday, January 7th, 1942.

January 31, 1942, Old Town, Maine

State of Maine
Penobscot, ss.

s. Leo Shay
CHAIRMAN CENSUS COMMITTEE

January 31, 1942

The above named, Leo Shay, chairman of the Tribal census committee of the Penobscot Indians appeared before _____ and made oath that the foregoing returns and statements are true and correct according to his best knowledge and belief.

Signed: A. G. Averill
Notary Public

PENOBSCOT INDIAN RESERVATION
OLD TOWN, MAINE
JANUARY 7, 1942

The Penobscot tribal committee convened at the residence of Gov. James Lewis, Friday, December 26, 1941, at 7 o'clock P.M. for the purpose of organizing and electing a chairman and clerk for the year 1942. Leo Shay was nominated and elected chairman. Henry D. Mitchell was nominated and elected clerk. Francis Ranco and Theodore B. Mitchell were absent. Meeting adjourned at 8 P.M.

The Penobscot tribal committee convened at the Indian Island school, Wed., Jan. 7th, 1942, at 2 o'clock P.M. for the purpose of correcting and revising the tribal census list for the year 1942. Due notice having been given of said meeting as prescribed by Chap. 141 P.L. 1932 Sec. 281.

The following members presented their certifications of election and were declared present.

James Lewis
Sadie Mitchell
Lucy Poolaw
Philomine Nelson
Nicolas Ranco

George Dana
Gabriel Polchies
William Shay
Henry D. Mitchell
Leo Shay

Absent: Francis Ranco and Theodore B. Mitchell.

Correction and Revision of the list was given precedence over other business.

Ordered that the chairman have copies of the corrected census list printed for the use of the State Department of Indian affairs, the Indian agent, and members of the committee.

Voted and ordered that the sum of \$3.00 be paid each member of the committee for their services, also the sum of \$30.00 be paid for the printing of the revised census list for 1942.

Meeting adjourned at 5:30 P.M.

Clerk: Henry D. Mitchell

Leo Shay - Chairman.

LIST OF BIRTHS, DEATHS AND MARRIAGES DURING THE YEAR 1941

BIRTHS

1. Baby Attean (Name and date of birth not given)
2. Gwendolyn Ann Gould (11/?/41)
3. Howard Anthony Mason (8/3/41)
4. Theodore Dana Mitchell (12/4/41)
5. Francis Daniel Mitchell (2/2/41)
6. Arnold Joseph Polchies (8/5/41)
7. James Gabriel Sappier (5/9/41)
8. Lawrence Shay, Jr. (9/23/41)
9. Theresa Eugenia Thomas (6/?/41)

DEATHS

1. Francis, Joseph
2. Gabriel, Newell
3. Lolar, Ruth
4. Thomas, Boyd E.
5. Tomer, Louise

MARRIAGES

- | | | |
|-------------------------|----|-----------------------|
| 1. Esther Loring | to | Leon Albert |
| 2. Gloria Ranco | to | Clarence Baer |
| 3. Eleanor Tomer | to | Oliver Francis Forlis |
| 4. Barbara Sanborn Knox | | |
| 5. Hazel Mitchell | to | ? |
| 6. John Weston Nelson | to | Clara McKay |
| 7. Lottie Page | to | Lawrence Stevens |

CENSUS PASSAMAQUODDY TRIBE OF INDIANS PLEASANT POINT
AND PRINCETON INDIAN RESERVATIONS.

2. The Passamaquoddy.

January 1, 1942

<u>1941</u>			
<u>BIRTHS AT PLEASANT POINT</u>			
	<u>Date</u>	<u>Parents</u>	<u>Place of Birth</u>
1. Sabatis Joseph Neptune	Jan. 10	James & Susan	Pleasant Point
2. Paul C. Meader	Jan. 14	Walter & Eva	Calais
3. Eunice Eliz Dana	Feb. 2	John & Maria	Pleasant Point
4. Percy L. Moore	Mar. 21	Fred & Mary	Pleasant Point
5. Thomas Moore	May 16	Peter & Ruth	Pleasant Point
6. Ethel Mary Doyle	May 24	David & Ella	Calais
7. Gerald R. Nicholas	July 5	Joseph & Margaret	Pleasant Point
8. Anne Nicholas	July 29	Hartley & Eleen	Pleasant Point
9. Mary V. Socoby	Aug. 25	Joseph & Mary	Pleasant Point
10. John Holmes	Sept. 15	Michael & Susan	Pleasant Point
11. Stella Francis	Nov. 1	Ralph & Evelyn	Pleasant Point
12. Joseph Altvater	Nov. 2	Christopher & Rita	" "
13. Marie J. Francis	Nov. 23	Noel & Bertha	Pleasant Point
14. Louis L. Tomah	Nov. 30	Newell & Christina	" "
<u>BIRTHS AT PRINCETON</u>			
	<u>Date</u>	<u>Parents</u>	<u>Place of Birth</u>
1. Richard A. Gabriel	Feb. 8 (Ill)	Mrs. Mary Gabriel	Princeton
2. David Tomah	Apr. 2	Fred & Ida May	Peter Dana's Pt.
3. Joseph Sapiel	Apr. 17	Arthur & Eliz.	" " "
4. Estelle Ann Lola	" 7	Horace & Mary	" " "
5. Henry Sockabasin	June 6	Wm. & Josephine	" " "
6. Geraldine Tomah	Sept. 2	Ray. & Patricia	" " "
7. Franklin J. Tomah	Sept. 30 "	Miss Fannie Newell	Princeton
8. Robert Mitchell	" 21	James & Frances	Calais
9. Maynard J. Tomah	July 22 "	Miss Blanche Tomah	Peter D. Pt.
10. Richard L. Tomah	Nov. 29 "	Miss Veronica Tomah	Calais
<u>DEATHS AT PLEASANT POINT</u>			
	<u>Date</u>	<u>Place</u>	<u>Age</u>
1. Theresa Dana	Jan. 13	Pleasant Point	74
2. Dougal J. Dana	Jan. 17	" "	1 yr. 8 mos.
3. Andrew Lola	Mar. 20	" "	73
4. Mary Lola	Mar. 30	" "	74
5. Roland Polis	May 3	" "	15
6. Joseph Altvater	Nov. 4	" "	3 days
7. Louise Polis	Nov. 14	Houlton	73
8. Thomas Loring	Nov. 3	Bangor	56
9. Newell S. Francis	Dec. 15	Calais	68
10. Louis L. Tomah	Dec. 25	Pleasant Point	2 weeks

CENSUS PASSAMAQUODDY TRIBE OF INDIANS PLEASANT POINT
AND PRINCETON INDIAN RESERVATIONS - Concl.

No. of persons on the census list of 1941	595
No. of births during the year 1941	24
No. of deaths during the year 1941	14
No. of persons on the census list of 1942	616

DEATHS AT PRINCETON

	<u>Date</u>	<u>Place</u>	<u>Age</u>
1. Newell Lewey	June 9	Princeton	78
2. Isaac Sabattus	Oct.23	"	40
3. Henry Moore	Nov.12	Fairfield	27
4. Daniel A. Lola	Feb.28	Princeton	14

MARRIAGES PLEASANT POINT AND PRINCETON

	<u>Date</u>	<u>Place</u>
1. Charles J. Francis & Lillian Francis	Apr. 9	Pleasant Point
2. Charles S. Lacoote & Mary T. Socoby	Oct.14	Princeton
3. Noel J. Soctomah & Mary J. Sapier (Canadian)	Nov. 6	Princeton

PASSAMAQUODDY INDIANS FROM PLEASANT POINT, PRINCETON AND
PETER DANA'S POINT NOW IN THE U.S. WAR SERVICE AS OF
MAY 30, 1942.

Pleasant Point

1. Bailey, Alexander
2. Snow, Phillip
3. Francis, Frederick
4. Francis, Sabattus
5. Francis, David
6. Francis, Daniel
7. Francis, Leonard
8. Nicholas, Lewis
9. Paul, Albert
10. Paul, Lawrence
11. Mitchell, Joseph
12. Stanley, John
13. Moore, George

Princeton & Peter Dana's Point

1. Tomah, Lewey
2. Sockabasin, Phillip
3. Socoby, Henry
4. Tomah, Joe

Total for tribe: 17

Z. MEMBERSHIP IN THE TRIBE

1. Laws Relating to Membership in Tribe. (Chap. 1-P.L. 1933)

Sec. 251 (as amended by Chap. 141 - P.L. 1939)

The tribal committee may, by 3/4 vote, adopt any person "who is in whole or to the extent of 1/4 Indian blood, and who is the husband, wife, or child of a member of said tribe" and who has resided the previous year on the reservation. Subject to approval of Indian Agent.

Sec. 254.

Membership in the Penobscot Tribe of Indians, after March 22, 1901, may be acquired only as follows:

1. By birth
2. By adoption
3. By marriage to a male member of 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."

August 3, 1942

2.

The following is a list of State Paupers, married to members of the Penobscot Tribe of Indians living at Indian Island, Old Town.

INDIAN WOMEN MARRIED WHITE MEN

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>PLACE OF BIRTH</u>
Frank Albert	February 10, 1902	Winn, Maine
Annie Loring Albert	February 13, 1921	Tremont, Maine
Hollis "	September 16, 1938	Indian Island
Leon L. Albert	April 11, 1912	Van Buren, Maine
Esther Loring Albert	August 21, 1917	Tremont, Maine
Leslie W. Banks	February 17, 1898	Framingham, Mass.
Cecelia Ketchum Banks	August 30, 1900	Indian Island
Bernard J. "	June 16, 1922	" "
Louise K. "	December 1, 1923	" "
Leslie W. Jr. "	December 23, 1924	" "
June A. "	June 3, 1931	" "
Louis Daigle	September 26, 1914	Old Town, Maine
Dorris Sapiel Daigle	February 1, 1915	Indian Island
Everett "	October 30, 1932	" "
Donald "	February 26, 1936	" "
Jeannette "	November 19, 1938	" "
Louis Jr., "	November 28, 1940	" "
Edward M. Gould	January 11, 1888	Bangor, Maine
Ida Passet Gould	November 25, 1877	Indian Island
Raymond Susep	March 3, 1898	" "
Ernest Goslin	April 8, 1872	Ashuelts, N.H.
Helena Sapiel Goslin	June 28, 1894	Olamon, Maine
Ernest Jr., "	March 15, 1925	Indian Island
Harry Morris	May 6, 1876	New York City
Marie Lewis Morris	July 31, 1890	Indian Island
Byron M. Spencer	March 1, 1906	Lincoln, Maine
Mary Sapiel Spencer	June 21, 1885	Indian Island
Rita "	April 17, 1930	Indian Island

INDIAN WOMEN MARRIED WHITE MEN LIVING AT INDIAN ISLAND

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>PLACE OF BIRTH</u>
Lionel Taylor #	April 30, 1906	Old Town, Maine
Gladys Ranco Taylor	May 5, 1910	Indian Island
Alma "	Oct. 14, 1927	" "
Lionel Jr., "	Dec. 15, 1929	" "
Louis La Britten #		
Marvis Lewey La Britten	August 21, 1917	Indian Island
Joyce Irene	October 7, 1938	Indian Island

(#) At present away.

INDIAN WOMEN MARRIED INDIANS NOT MEMBERS OF EITHER PENOBSCOT OR PASSAMAQUODDY TRIBES

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>PLACE OF BIRTH</u>
Henry Bernard	September 1, 1900	Edmundston, N.B.
Elizabeth Sappier Bernard	August 1, 1888	Indian Island
Josephine Sappier	September 15, 1918	Indian Island
Oliver Francis	October 30, 1919	Houlton, Maine
Eleanor Tomer Francis	October 22, 1922	Indian Island
Paul Sappier	October 25, 1905	Houlton, Maine
Madeline Polchies Sappier	July 24, 1909	Indian Island
Mathew "	September 16, 1939	Indian Island
James "	May 9, 1941	Indian Island
John Polchies	February 1, 1919	Woodstock, N.B.
Phyllis Pearson Polchies	July 13, 1923	Indian Island
Alice "	March 25, 1940	" "
Jennette "	November 22, 1941	Woodstock, N.B.
Charles J. Saulis	March 25, 1897	Tobique, N.B.
Alice Francis Saulis	November 2, 1897	Woodstock, N.B.
Herman Francis	August 22, 1934	Indian Island
Francis J. Tomer	May 6, 1893	Greenville, Maine
Elsie Paul Tomer	August 17, 1895	Indian Island
Clarice M. Tomer	December 28, 1928	Indian Island
Francis G. Tomer	August 25, 1930	Indian Island
Rose Marie Tomer	September 2, 1932	Indian Island
James Tomer	June 14, 1935	Indian Island
10 White Men	10 Indian Women (Penobscots)	16 Children
6 Indians not members	6 " "	10 "
<u>16</u>	<u>16</u>	<u>26</u>

August 3, 1942

The following is a list of State Paupers, married to members of the Penobscot Tribe of Indians, living at Indian Island, Old Town.

INDIANS MARRIED TO WHITE WOMEN

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>PLACE OF BIRTH</u>
Joseph F. Dennis	December 16, 1895	Indian Island
Marion Stewart Dennis	February 12, 1905	Montville, Maine
Clara Dennis	September 4, 1924	Indian Island
Roy "	March 25, 1928	" "
Joseph, Jr., Dennis	March 30, 1929	" "
Claude "	September 24, 1930	" "
William "	July 16, 1933	" "
Myrtle "	October 14, 1937	" "
Peter M. Francis	December 24, 1892	Olamon, Maine
Mabel Simpson Francis	April 21, 1890	Bucksport, Maine
Manfield Francis	January 4, 1917	Olamon, Maine
Ida Francis	February 11, 1921	Indian Island
Patrick Francis #		
Marion Francis #		
Joan Francis	September 13, 1934	Indian Island
John Glossian	May 8, 1899	Indian Island
Elsie Sibley Glossian	January 6, 1907	Passadumkeag, Maine
George M. Loring	August 12, 1888	Tremont, Maine
Hazel Curtis Loring	April 11, 1898	So. Lincoln, Maine
George, Jr., Loring	May 30, 1914	Bar Harbor, Maine
Marna Loring	February 21, 1923	Olamon, Maine
Everett Loring	May 6, 1928	Olamon, Maine
Frank Loring	August 23, 1930	Southwest Harbor "
Fred Loring	December 6, 1932	Olamon, Maine
Rose Marie Loring	August 20, 1936	Olamon, Maine
Alleta May Loring	October 7, 1938	Indian Island

(#) At present away.

PENOBSCOT INDIANS MARRIED TO WHITE WOMEN LIVING
AT INDIAN ISLAND

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>PLACE OF BIRTH</u>
Theodore B. Mitchell	Decmeber 4, 1890	Indian Island
Mildred McKenney Mitchell	September 30, 1891	Milford, Maine
George Warren Mitchell	August 17, 1923	Indian Island
John Murray Mitchell	August 14, 1925	" "
Matthew Mitchell	November 6, 1931	" "
Gerry Mitchell	June 6, 1934	" "
John S. Nelson	March 31, 1896	Indian Island
Fonsine Ouellette Nelson	August 26, 1900	Old Town, Maine
Norman Nelson	June 7, 1922	Indian Island
Donald Nelson	February 24, 1925	" "
John, Jr., Nelson	October 12, 1927	" "
Kenneth Nelson	November 6, 1928	" "
Velma Nelson	August 12, 1929	" "
Hilary Nelson	March 13, 1932	" "
James Nelson	April 13, 1934	" "
Earle Nelson	January 24, 1938	" "
John T. Ranco	November 28, 1870	Olamon, Maine
Pheobe LaBlanc Ranco	December 25, 1858	Sherbrooke, P.Q.
John P. Ranco	July 24, 1882	Indian Island
Annie Daly Ranco	May 21, 1889	Charlestown, Mass.
Eleanor Ranco	March 22, 1925	Chelsea, Mass.
Frances Ranco	August 19, 1927	Chelsea, Mass.
John N. Thomas	October 10, 1910	Indian Island
Eugenia McQuewn Thomas	February 21, 1907	Mt. Jewett, Pa.
John Jr., Thomas	September 16, 1930	Hackensack, N.J.
Lionel Thomas	July 24, 1933	" "
Ralph Thomas	December 27, 1935	Indian Island
Quintus Thomas	July 12, 1938	" "
Robin Thomas	November 13, 1940	" "

Total - 10 White Women - 35 children

July 13, 1942

PASSAMAQUODDY TRIBE OF INDIANSPleasant Point and PrincetonWHITE MEN MARRIED TO MEMBERS

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>PLACE OF BIRTH</u>
Wm. Alvater, Sr. (Missing)	Feb. 7, 1898	Terre Haute, Indiana
Kathleen Alvater	May 31, 1898	Pleasant Pt., Perry
Dorothy Alvater	May 8, 1925	" " "
Esther Alvater	June 6, 1927	" " "
Wm. Alvater, Jr.	Jan. 8, 1931	" " "
Francine Alvater	Oct. 21, 1932	" " "
Clarabella Alvater	March 9, 1936	" " "
Maxwell Barnes	April 7, 1916	Pembroke, Maine
Angela Barnes	Nov. 14, 1920	Pleasant Point, Perry
Maxwell Barnes, Jr.	May 21, 1938	" " "
Mary Delia Barnes	Aug. 12, 1939	" " "
Frances Barnes	Oct. 10, 1940	" " "
Peter Doyle	Oct. 28, 1881	Perry, Maine
Sarah Doyle	January 4, 1892	Pleasant Pt., Perry
George Reed	May 8, 1901	Centerville, Maine
Mary Reed	March 23, 1906	Pleasant Pt., Perry
Margaret Reed	Aug. 23, 1925	Jonesport, Maine
Alice Reed	Feb. 4, 1928	" "
Ellsworth Reed	July 29, 1930	" "
Clara Reed	Oct. 9, 1934	Pleasant Pt., Perry
Oscar John Reed	March 29, 1942	Jonesport, Maine
Joseph Siragusa	March 9, 1906	New York City, N.Y.
Nettie Siragusa	Jan. 18, 1905	Pleasant Pt., Perry

CANADIAN INDIANS MARRIED MEMBERS OF THE
PASSAMAQUODDY TRIBE

Walter Meader	Dec. 2, 1898	Newburyport, Mass.
Eva Meader	Jan. 28, 1906	Pleasant Pt., Perry
Walter Meader, Jr.	Mar. 29, 1924	" " "
Mary E. Meader	Sept. 11, 1927	" " "
Laura Meader	May 5, 1929	" " "
Horace J. Meader	Sept. 6, 1930	" " "
Stella A. Meader	Jan. 31, 1933	" " "
Bernard A. Meader	Sept. 22, 1934	" " "
Donald A. Meader	May 17, 1936	" " "
Frederick L. Meader	July 8, 1937	" " "
Joseph S. Meader	Oct. 16, 1938	" " "
Paul Clifford "	Jan. 14, 1941	" " "

CANADIAN INDIANS MARRIED MEMBERS OF THE
PASSAMAQUODDY 'TRIBE
Continued

Peter Dana's Point, Princeton, Maine

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>PLACE OF BIRTH</u>
Frank Stevens J. (SP)	Feb. 7, 1904	Brooks, Maine
Lillian M. Stevens	Sept. 23, 1909	Peter Dana's Point
Ruth M. Stevens	Sept. 9, 1932	" " "
Carroll J. Stevens	May 11, 1934	" " "
Fernard J. Stevens	Jan. 16, 1938	" " "
Norman J. Stevens	Mar. 12, 1940	" " "

WHITE WOMEN MARRIED TO INDIANS AT PLEASANT POINT

<u>NAME</u>	<u>DATE OF BIRTH</u>	<u>PLACE OF BIRTH</u>
Peter H. Moore	Feb. 6, 1894	Calais, Maine
Ruth McMahan Moore	Apr. 1, 1908	Portland, Maine
Gloria E. Moore	Nov. 17, 1925	Pleasant Point, Perry
Peter H. Moore, Jr.	Apr. 2, 1928	" " "
Barbara H. Moore	June 8, 1930	" " "
Mary Ruth Moore	May 26, 1934	" " "
Mary Alice Moore	Mar. 18, 1937	" " "
Anthony J. Moore	Aug. 11, 1939	" " "
Thomas J. Moore	May 16, 1941	" " "
Simon Dana)Do not live	Apr. 26, 1906	" " "
Mary Harris Dana)together	Dec. 3, 1916	Eastport, Maine
Howard Dana	June 9, 1935	Pleasant Point, Perry

VII LEGAL STATUS OF THE INDIANS

A.A. Present Indian Laws

R.S. 1930 - Chap. 17, Sec. 1-62 , Repealed, amended, or transferred to
 R.S. 1933 - Chap. 1, Sec. 241-299 (Approved March 28, 1933)
 Chap. 146, Sec. 1,2,3 Relating especially to schools, are part of the Indian Laws.
 P.L. 1937 - Page 530 re: Indian Ferry
 P. & S. L. 1917, Chap. 79 re: Reg. of Dogs.

(Pages 62-76) Copy of Laws of Maine in file in Committee's locker have been annotated to bring laws on Indians completely up to date.

List of Amendments Since 1933
Affecting Sections 241-299

Sec.	251	-	Amend.	by	Chap.	141,	Mar.	30,	1939	re:	Adoption (1/4 blood)
"	251	-	"	"	"	272,	Apr.	23,	1941	"	Adoption (Approval of Indian Agent)
"	252	-	"	"	"	272,	Apr.	23,	1941	"	Cert. of Adoption- (Approval by Indian Agent)
"	265		"	"	"	146,	Mar.	24,	1933	"	High School Tuition (Penobscots)
"	265		"	"	"	269,	Apr.	23,	1941	"	H.S. Tuition (Penob.)
"	281		"	"	"	141,	Apr.	4,	1935	"	Census by Tribal Com.
"	281		"	"	"	270,	Apr.	23,	1941	"	Health Officer (Penob.)
"	282		"	"	"	273,	Apr.	23,	1941	"	Date of Election (Penobscots)
"	282		"	"	"	84,	Mar.	29,	1941	"	Salary for Rep.
"	283		"	"	"	275,	Apr.	23,	1941	"	Timber to Forest Comm'r.
"	288		"	"	"	146,	Mar.	24,	1933	"	H.S. Tuition (Pass.)
"	288		"	"	"	271,	Apr.	23,	1941	"	" " " "
"	292		"	"	"	146,			1933	"	Date of Elec. (Pass.)
"	292		"	"	"	273,	Apr.	23,	1941	"	Salary for Rep.
"	294		"	"	"	262,			1937	"	Liquor (Repealed Apr. 20, 1939)
"	294		"	"	"	152,	Apr.	5,	1935	"	Representing to be an Indian
"	295		"	"	"	61,	Apr.	20,	1937	"	Free hunting & fishing licenses
"	295		"	"	"	74,	Mar.	14,	1941	"	Free trapping

List of Amendments Since 1933
Affecting Sections 241-299
Continued

NOTE: Sec. 241 conflicts with Sec. 293
Sec. 242 agents might better be appointed
by Health & Welfare Department
Sec. 290 Health Officer for Passamaquoddies
might well be appointed as
prescribed for Penobscots.

B. B. LAWS re: HOLDING OF LANDS.

Survey as made under Chap. 158, P.L. 1835 and Chap. 396 of P.L. 1839 deemed authentic. Chap. 137, P.L. 1883.

Appointed three commissioners to hear claims and determine lots.

Agent to issue and record certificates.

Indians may sell or convey to any other member of tribe.

Future assignments may be made.

Any member who abandons tribe forfeits lands.

Sec. 268, Chap. 1, 1933

"Any Indian holding lands under a certificate issued under authority of Chap. 137 of P.L. 1883, or by virtue of any assignment....., may sell and convey the same to any member of same tribe with approval of the agent.....".

Res. 1867, C. 133

Indians authorized to lease his lands for not exceeding five years.

Res. 1878, C. 6 (also 69, Maine 477)

Amended the above to extend time of lease to 10 years.

Sec. 269, Chap. 1, 1933

"No 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."

Sec. 767, Chap. 1, 1933 (1919 C. 86)

No member of Penobscot Tribe shall hereafter be permitted to sell any standing wood or timber growing on any islands or lands in Penobscot River within the limits of the Indian Reservation except to members of the tribe for firewood only; nor shall any member of the tribe lease any

portion of his land 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".

Sec. 270, Chap. 1, 1933

"and the water privileges belonging to said islands, valuable for mills, booms, fisheries, tracts of wood and timberland, and other lots indicated on said plans as reserved for public use (except public farm subject to allotment by Chap. 22, P. & S.L. 1878) are not subject to assignment or distribution to member of said tribe, but shall remain for the benefit of the whole tribe".

C.C. Laws re: CITIZENSHIP AND VOTING

Constitution of U.S.

14th Amend. (July 28, 1868)

Sec. 1. "All persons born or naturalized in U.S., and subject to the jurisdiction thereof, are citizens of the U.S., and of the State in which they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S."

15th Amend. (March 30, 1870)

"The right of the citizens of the U.S. to vote shall not be denied or abridged by the U.S. or by any State on account of race, color, or previous condition of servitude."

Constitution of the State of Maine (Oct. 29, 1819)

Art. 2, Sec. 1

"Every male citizen of U.S. of age 21 years and upwards excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for a term of three months next preceding any election, shall be an elector for governor, senators, and representatives in the town or plantation where his residence is established....."

Art. 29. Ed. Qualification for Voters.

"No person shall have the right to vote or be eligible to office under the constitution of this State, who shall not be able to read the constitution in the English language and write his name:--"

R.S. 1930, C. 13, Sec. 6

The following property and polls are exempt from taxation.....VIII The polls and estates of Indians; and the polls of persons under guardianship, or blind.

Right of Indians to Vote.

"Our court seems to contemplate, that, under certain circumstances, they (Indians) may become voters at our elections. It only excludes such from voting, as are not taxed; thereby implying, if taxed, that they may be voters."

Opinion of Court as drawn up by C.J. Whitman

P. 537, Murch V. Tomer, 21 Maine 537

By Act of June 2, 1924 (43 Stat. 253) Congress conferred citizenship upon all Indians born within the territorial limits of the U.S., who were not already citizens, as quoted below:

"Be it enacted by the Senate and House of Representatives of the U.S.A. in Congress assembled, That all non-citizens born within the territorial limits of the U.S. be, and they are hereby declared to be citizens of the U.S., Provided, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property."

The Indians of Maine are subject to this Act and as citizens it would seem they have the right to vote provided they comply with the requirements for registration, payment of poll tax, and meet the educational requirements on the same basis as others.

Are the Indians entitled to vote?
(Extract from Maine Legislative Record, 1941)

Page 425, Order. March 14, 1941.

Mr. Bishop of Sagadahoc presented the following order and moved its passage:

"Request to the Supreme Judicial Court on an Important Question by the Senate of the Ninetieth Legislature.

"Whereas, it appears to the Senate of the Ninetieth Legislature that the following is an important question of law, and the occasion is a solemn one, and

"Whereas a bill is before the Senate for consideration permitting Indians to vote in state-wide elections, and

"Whereas, the question has been raised as to the constitutionality of this act because of the status of the Indian and the question of his eligibility to vote while enjoying the privileges of the treaties between his tribe and the State of Maine, now therefore, be it

"ORDERED, that the Justices of the Supreme Judicial Court are hereby requested to give to the Senate, according to the provisions of the Constitution on this behalf, an opinion on the following question:

" ' If by legislative enactment a poll tax should be imposed upon the Indians living on reservations within the State, would said poll tax be such a tax as within the meaning of Section 1 of Article 11 of the Constitution that it would entitle Indians, subject to such tax, to vote?' "

Thereupon the order received passage.

On March 15, 1941, the Chief Justice acknowledged receipt of this communication (Page 442)

Communications

SUPREME JUDICIAL COURT
STATE OF MAINE

March 19, 1941

Dear Mr. Brown:

I respectfully transmit herewith to the Senate of the State of Maine the Opinions of the Justices of the Supreme Judicial Court upon the Question submitted by Senate Order of March 14, 1941.

Very truly yours,

Signed: GUY H. STURGIS
Chief Justice
Supreme Judicial Court

Hon. Royden V. Brown
Secretary of the Senate
of the State of Maine
Augusta, Maine

To the Honorable Senate of the
State of Maine:

The undersigned Justices of the Supreme Judicial Court, having considered the Question upon which their advisory opinions were requested by Senate Order of March 14, 1941, inform the Honorable Senate that we are of the opinion that it is not within the scope of our duty to answer this Question in view of the fact that Senate Paper 486 entitled "An Act Permitting Indians to Vote in State Elections", to which the interrogatory refers, not only does not conform with or justify the Question submitted, but is inherently illegal and insufficient.

(Signed)

Very respectfully,
Guy H. Sturgis
Sidney St. F. Thaxter
James H. Hudson
Harry Manser
George H. Worster
Harold H. Murchie

Dated March 19, 1941

Which communication and accompanying papers were read and ordered placed on file.

D.D. LEGAL STANDING OF INDIANS IN THE
UNITED STATES
From 1890 Census - Indian Volume

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. (a)

The United States adopted the principle originally established by European nations, that the aboriginal tribes were to be regarded as the owners of the territories they respectively occupied. (b)

Indians who maintain their tribal relations are the subjects of independent governments, and as such not in the jurisdiction of the United States, because the Indian nations have always been regarded as distinct political communities between which and the government certain international relations were to be maintained. These relations are established by treaties to the same extent as with foreign powers. They are treated as sovereign communities, possessing and exercising the right of free deliberation and action, but, in consideration of protection, owing a qualified subjection to the United States. (c)

If the tribal organization of Indian bands is recognized by the national government as existing, that is to say, if the government makes treaties with and has its agent among them, paying annuities, and dealing otherwise with "headmen" in its behalf, the fact that the primitive habits and customs of the tribe have been largely broken into by intercourse with the whites does not authorize a state government to regard the tribal organization as gone and the Indians as citizens of the state where they are and subject to its laws. (d)

When members leave their tribe and become merged into the mass of the people they owe complete allegiance to the government of the United States and are subject to its courts. (e)

Under the constitution "Indians not taxed" are not counted in apportioning representatives and direct taxes among the states; and Congress has power to regulate commerce with the Indian tribes. The tribes are alien nations, distinct political

communities, with whom the United States have habitually dealt either through treaties or acts of Congress. The members owe immediate allegiance to their several tribes, and are not part of the people of the United States. They are in a dependent condition, a state of pupillage, resembling that of a ward to his guardian. Indians and their property, exempt from taxation by treaty or statute of the United States, can not be taxed by any state. General acts of Congress do not apply to Indians, unless so expressed as to clearly manifest an intention to include them. The alien and dependent condition of the members of the tribes can not be put off at their own will without the assent of the United States. They have never been deemed citizens, except under explicit provisions of treaty or statute to that effect; nor were they made citizens by the fourteenth amendment. (g)

While the government has recognized in the Indian tribes heretofore a state of semi-independence and pupillage, it has the right and authority, instead of controlling them by treaties, to govern them by acts of Congress, they being within the geographical limits of the United States, and necessarily subject to the laws which Congress may enact for their protection and that of the people with whom they come in contact. A state has no power over them as long as they maintain their tribal relations. The Indians then owe no allegiance to the state and receive from it no protection. (h)

In construing a treaty, if words be used which are susceptible of a more extended meaning than their plain import as connected with the tenor of the treaty, they should be considered as used in the latter sense. How the words were understood by the unlettered people, rather than their critical meaning, should form the rule of construction. (i)

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- (a) Wall v. Williams, 11 Ala., 836 (1847). See Relation of Indians to Citizenship, 7 Op. Att. Gen., 746-750 (1856); Campan v. Dewey, 9 Mich., 435 (1861).
- (b) United States v. Rogers, 4 How., 567 (1846); Johnson v. M'Intosh, 8 Wheat., 574-584 (1823); United States v. Kagama, 118 U.S., 381-382 (1886); 3 Kent, 378; Washb., R.P., 521.
- (c) Ex parte Reynolds, 18 Alb. Law J., 8 (U.S.D.C., W.D. Ark., 1878), Parker, J. See also Cherokee Nation v. Georgia, 5 Pet., 16 (1831); Worcester v. Georgia, 6 id., 515-584 (1832); Dred Scott v. Sandford, 19 How., 403 (1856); Cherokee Trust Funds, 117 U.S., 288 (1886); 2 Story Const., pages 1097-1100; 3 Kent, 308-318; 50 Mich., 585.
- (d) The Kansas Indians, 5 Wall., 737-756 (1866), Davis, J.

- (e) Ex parte Reynolds, 18 Alb. Law J., 8 (U.S.D.C., W.D. Ark., 1878), Parker, J.
- (g) Elk v. Wilkins, 112 U.S., 99, 100-102 (1884), cases, Gray, J.
- (h) United States v. Kagama, 118 U.S., 375-381, 882 (1886), cases, Miller, J.; act March 3, 1871; R.S., section 2079; 119 U.S., 27.
- (i) Worcester v. Georgia, 6 Pet., 582 (1832), McLean, J.

REGULATION OF COMMERCE WITH INDIAN TRIBES.

Article 1, section 8, clause 3 of the constitution of the United States says that the Congress shall have power "to regulate commerce with foreign nations and among the several states, and with the Indian tribes". Commerce "with the Indian tribes" applies only to cases where the tribe is wholly within the limits of a state. (b)

- (b) United States v. Holliday, 3 Wall., 17, 418 (1865);
United States v. Forty-three Gallons of Whisky, 108 U. S., 494 (1883).

INDIAN DESCENT.

The rules of Indian descent are: Partus (L.): that which is brought forth, or born; offspring, young. Partus sequitur patrem: the offspring follows the father; the condition of the father. Partus sequitur ventrem: the offspring follows the mother. Partus: the former rule prevails in determining the status of children born of a mother who is a citizen of the United States or of an Indian living with his people in a tribal relation. This was the principle of the Roman and of the common law with regard to the children of freemen; but in the case of animals the second maxim still obtains: the owner of the female owns her progeny, whether brood, foal, or litter. Formerly, also, in the southern states, the children of negroes took the mother's condition. (d)

The supreme court of Minnesota, January 17, 1890, in the case of Esther Earl et al. v. Eugene M. Wilson et al., appellants, held that "an Indian tribe within the state, recognized as such by the United States government, is to be considered as a separate community or people, capable of managing its own affairs, including the domestic relations, and those persons belonging to the tribe who are recognized by the custom and laws of the tribe as married persons must be so treated by the courts, and the children of such marriages

can not be regarded as illegitimate. (Kansas Indians, 72 U. S., 5 Wall., 737 (18 L. ed., 667); Kobogum v. Jackson Iron Company, 76 Mich., 498, and cases cited; Boyer v. Dively, 58 Mo., 510; Sutton v. Warren, 10 Met., 452.)

- (d) See, generally, 2 Bl. Com., 390; as to Indians, United States v. Sanders, 1 Hempst., 486 (1847); Ex parte Reynolds, 5 Dill., 483 (1879); as to slaves, Andover v. Canton, 13 Mass., 551 (1816); Commonwealth v. Aves, 18 Pick., 222 (1836); William C. Anderson, in "A Dictionary of Law", 1881.

E.E. COPY OF LETTER TO COMMISSIONER OF INDIAN AFFAIRS

August 28, 1942

Commissioner of Indian Affairs
Dept. of the Interior
Washington, D.C.

Dear Sir:

The undersigned, as special assistant to the above committee, is engaged in research work for the purpose of reporting on the conditions of the Indians in Maine, and the policy of the State in respect to them. Several questions have arisen in which your valued opinion is requested: as follows -

1. Why were not the Indians in the State of Maine included in the tribes under the supervision of the Federal Govt.?

2. What interest, if any, does the Federal Govt. have in the Indians in the State of Maine? (The state is now spending about \$100,000. per annum for the support of the Penobscot and Passamaquoddy tribes on their reservations).

3. What general recommendations does the Federal Bureau have in respect to the treatment of Indians on reservations? (These Indians are considered wards of the state, and are practically completely supported.) As a long-term policy, is it not more to the Indians' own advantage to be encouraged to leave the reservation and develop the initiative that he lacks under the present paternalism? How can this be accomplished?

4. What is the legal status of the Indian?

What is an Indian?

Can you refer us to the act that confers citizenship on the Indian? Is the act to be interpreted as permissive legislation? How does it affect the Constitution of the State of Maine excluding "Indians not taxed" from the privilege of becoming voters?

I also have at hand an extract from the 1890 Census, Indian volume, Page 663-666 entitled "Legal Status of Indians" and which gives, among other things, a statement "While the government has recognized in the Indian tribes heretofore a state of semi-independence and pupilage, it has the right and authority, instead of controlling them by treaties, to govern them by acts of Congress, they being within the geographical limits of the United States, and necessarily subject to the laws which Congress may enact for their protection and that of the people with whom they come in contact. A state has no power over them as long as they maintain their tribal relations. The Indians then owe no allegiance to the state and receive from it no protection".

The above statement is somewhat confusing, as the State of Maine took over the treaty responsibilities of the State of Massachusetts toward these Indians in 1820, and has carried out the provisions of the treaties in effect at that time, has made additional treaties, laws, and given support and protection to these Indians ever since that time. Are these actions legal, or is responsibility toward all Indians vested in the United States?

Any opinions that the Bureau may give in respect to the above questions will be helpful in clarifying the understanding of the Committee relative to the responsibilities of the State in respect to these Indians, and will be helpful in the development of a long-term policy toward them from a socially constructive point of view.

Please reply to:

Ralph W. Proctor
49 Hillcrest Street
Auburn, Maine.

C O P Y

Welfare
40207-42

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
CHICAGO

September 26, 1942

Mr. Ralph W. Proctor,
49 Hillcrest St.,
Auburn, Maine.

Dear Mr. Proctor:

We have your letter of August 28 in which you propound various questions as they relate to the Indians of Maine, the relationship of the federal and state governments to these people, their respective responsibilities, etc.

We are sending you under separate cover the Handbook of Federal Indian Law. The answer to some of your questions will be found in this publication. The others we shall not attempt to answer because they involve broad administrative questions which cannot be dealt with satisfactorily in correspondence.

So far as the Indians under our jurisdiction are concerned we are not necessarily planning a program whereby they will leave the reservation and assume their places in the outside world. That was the policy of the government at one time through the allotment and patenting of their lands and through other programs carried on. At present we recognize that there is not sufficient land to provide for the Indians residing on the reservation and that much of the land is of poor quality which makes it difficult for the Indian to succeed. Nevertheless if the Indian has land and is willing to remain on the reservation and endeavors to establish himself in farming, livestock or other enterprises, we endeavor to assist him as far as possible through loans and other methods. On the other hand in our schools we teach and prepare the Indians for various vocations and if they are able to find employment away from the reservation and to establish themselves in a community, we have given them assistance in that direction. Until this year we had employment agents in our Service who would

assist in finding positions or jobs for the Indians away from the reservation. We now rely on the United States Employment Service to do that.

In reference to your question as to why the Indians of Maine are not included among those who are under federal supervision, I enclose a copy of a letter to former Congressman Brewster which discusses this matter. I trust it gives you the information wanted. After you have read this Handbook, if you have any questions we shall endeavor to give you such information as may be available.

Sincerely yours,

Signed: Fred H. Daiker

For the Commissioner

Enclosure 2904175

C O P Y

Law
14331-35

April 18, 1935

Hon. Ralph O. Brewster,
House of Representatives.

My dear Mr. Brewster:

Your letter of March 18, regarding the Indians in Maine, has been given thoughtful consideration, particularly the last paragraph wherein you ask why these Indians should be in any different category from those in other sections of the United States.

It may prove helpful to a better understanding of the situation to point out that during earlier times, Maine was a part of the Commonwealth of Massachusetts and was not admitted into the Union as a separate state until March 15, 1820, pursuant to the Act of March 3 of that year: (3 Stat. 544). Further, that under the doctrine of "state's rights" so strongly prevalent during colonial times, the thirteen original states and the other states east of the Mississippi river admitted to the Union in the early days of our Federal government, assumed to a large extent the care of the Indians within their borders. This is true not only of the New England states but also of others, such as Pennsylvania, Maryland, Virginia, etc., and even New York.

As to the Indians in Maine it may be interesting to refer to a decision by the Supreme Court of your state as late as April 19, 1892, - State v. Newell (24 Atl. 943), - wherein it was held that the Indians resident in that state were not "Indian tribes" within the treaty making powers of the Federal government, nor were they in political life or territory successors of any of the various eastern tribes of Indians with whom treaties were made by the Crown or the Colonies in colonial times, and hence they could not effectually claim any privileges or exemptions under such treaties. The court further also said:

" Whatever the status of the Indian tribes in the West may be, all the Indians, of whatever tribe, remaining in Massachusetts or Maine, have always been regarded by those states and by the United States, as bound by the laws of the state in which they live."

On the other hand, the Supreme Court of the United States, in 1913, in the case of the United States v. Sandoval (231 U. S. 28-46-6) said:

"But it is not necessary to dwell especially upon the legal status of this people under either Spanish or Mexican rule, for whether Indian communities within the limits of the United States may be subjected to its guardianship and protection as dependent wards turns upon other considerations. *** Not only does the Constitution expressly authorize Congress to regulate commerce with the Indian tribes, but long continued legislative and executive usage and an unbroken current of judicial decisions have attributed to the United States as a superior and civilized nation the power and the duty of exercising a fostering care and protection over all dependent Indian communities within its borders, whether within its original territory or territory subsequently acquired, and whether within or without the limits of a State. As was said by this court 'The Power of the general Government over these remnants of a race once powerful, now weak and diminished in numbers, is necessary to their protection, as well as to the safety of those among whom they dwell. It must exist in that government, because it never has existed any where else, because the theatre of its exercise is within the geographical limits of the United States, because it has never been denied, and because it alone can enforce its laws on all the tribes.'"

Assuredly, therefore, under this later doctrine the Indians of our eastern seaboard,--meaning those east of the Mississippi river,--are as much subject to the paramount authority and jurisdiction of the Federal government as those west of that river; bearing in mind this connection, however, that the duties of this Office are largely administrative, carrying out those functions and performing those services in behalf of the Indians which Congress from time to time sanctions, authorizes, and in many cases expressly directs us so to do. Even as to the Eastern Cherokees in North Carolina, adverted and discussed at some length by the Supreme Court of Maine in State v. Newell, supra, it was not until after July 27, 1868 that this Office assumed any active supervision of the affairs of these people, pursuant to the Congressional direction found in Section 3 of the Act of that date (15 Stat. 228) to the following effect:

"That hereafter the Secretary of the Interior shall cause the Commissioner of Indian Affairs to take the same supervisory charge of the Eastern or North Carolina Cherokees as of other Indian tribes."

In the absence of some such declaration by Congress, therefore, which is not at hand, we have not felt warranted in assuming active Federal supervision of the remnants of those once powerful tribes now inhabiting the states of Maine, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Maryland, Virginia, etc., with whom no pre-existing Federal treaties or Acts of Congress authorizing us so to do are outstanding.

It may further be said that the limited appropriations by Congress in behalf of the Indians are woefully insufficient for their present real needs and in the absence of substantially increased appropriations we lack sufficient funds to extend our activities into new fields or in behalf of those remnants of the Indian tribes on our eastern seaboard not heretofore expressly entrusted by Congress to our supervision.

I am sure you appreciate the real significance of the situation.

Sincerely yours,

Commissioner.

VIII PROGRESS OF THE INDIANS

F. F. Selected References.

Report of the Governor - 1852.

"Though laudably interested in agricultural pursuits, and with a degree of success that has materially improved their condition, the Indians have but taken the initiatory step towards that state of general interest and perfection in their pursuits, which must be attained in order to place them upon the stand of a civilized and prosperous community. The force of habit, traditionary pride, and the example of their elders, the excitements of the chase and the allurements of vicious idleness, but above all the want of capital and the means and knowledge of agriculture, have thus far proved obstacles too powerful to be overcome by the demands of hunger and nakedness, and to permit their native slothfulness to be stimulated to the degree of industry necessary to supply their pressing wants.

The Indians of both tribes, notwithstanding their resources, are to a large extent, in a condition bordering upon pauperism, and they must continue so until their habits have been changed and the application of their labor differently directed."

Report of the Governor - 1878.

"The Passamaquoddy tribe numbers nearly 600 members. Improvidence is a well-known characteristic of the race. The employments upon which many of them have relied are denied them in consequence of the stagnation of business. There is little sale for the wares they manufacture. Sickness prevails among them to a great extent, incapacitating not only the sufferers but the friends attending them from doing anything to earn a subsistence."

Report on Indians - Census of 1890

"As a rule the reservation Indian does not change unless compelled by necessity or force. Outside surroundings do not affect him as they do other people. He welcomes death, but resists the tender civilization. Indian life, from his point of view, is perfect and always has been.

"Cadillac at Detroit, from 1701 to 1710, attempted the only successful method of civilizing Indians: showing them how to work; giving them the proceeds of their labor, and keeping faith with them. He bought seed and gave the Indians each a little land to work. In 1718, after he left, the Indians about Detroit were reported as harvesting wheat, raising corn, beans, peas, squashes, and melons; but the almost constant war between England and France, in which the Indians were used as allies, prevented the growth of the Cadillac idea in the upper northwest. Cadillac's ideas was the reverse of the clerical; the latter founded missions to convert Indians, near which were trading posts to enrich the owners. The church sought to control the Indian by appealing to the heart and sympathies, which were supposed to be alike in men, and the traders frequently intermarried with the Indians, and thus obtained influence over them. These methods neither aided the Indian to better his actual condition nor tended to the founding of permanent homes or communities.

"Cadillac showed the Indian a result from his labor and stimulated his ambition. This is the present Canadian policy. The Indians of Canada are placed upon reservations of land which will maintain them, of course with a small area for each, and they are aided to a start in life. They are now practically self-sustaining. Ninety percent of the Indians on reservations are not agriculturalists, but the most of them will work in fields when paid for it. The Indian is too much of a child of nature to wait for slow growing crops. He wants to see an immediate result from his labor. He will work as a laborer provided you board him and pay him cash besides. This has been tested. Money is an actual visible result to him.

"The statements of special agents show conclusively that many Indian boys and girls educated at government boarding or industrial schools away from reservations, after returning to their people, have not realized expectations, and have not assisted the mass of Indians on their several reservations in the march of progress, but they are usually overpowered in sentiment by the old Indians, and are either forced to their old ways and habits or go back to them of their own notion."

"The Indian boy, so educated, should only be sent back to his people when the conditions warrant it, and unless these conditions are as favorable to his remaining as they were at the school he left, he should be encouraged to live among the whites. The educated Indian girl is at a greater disadvantage than the educated boy, as she can only become the wife of an Indian. However, the prejudice that exists among whites against the negro does not exist against the Indian, and this should be weighed at its full value in the question of the final disposition of the Indian."

"In all future dealings with the reservation Indians, let them understand that they must become self-sustaining; make them understand this by the law; show them the way; give them the means to become self-sustaining and they will succeed. Teach the Indian that it pays to be clean, to be industrious, to have but one wife, to have property, to have but one family of children, and teach him to follow the best habits of white people. Show him that it is to his interest to be like other men."

"Finally, the changes necessary in the Indian policy to improve the Indian's condition are: enforced education under authority of the nation or the states or territories; enforced labor, by making the reservation Indians work for themselves, either as laborers, herders, or farmers; enforced allotment on proper land, with an allowance for houses, cattle, and horses prior thereto from the proceeds (perhaps) of their surplus lands; in fact, a start in life, especially for the squaws and children, thus securing for them settled homes."