

## Chronology of the Maine Indian Land Claims

- 11/8/1604: Louis XIII makes Sieur de Monts "Lieutenant General" of all lands in New France (including Maine).
- 1674-1675: King Phillip's War. King Phillip, Chief of the Wamponoags, raided and burned several New England towns killing hundreds of settlers. New Englanders organized and drove the Indians out of southern New England. Many went to Canada and joined the French. The war ended with the death of King Phillip.
- 1687-1689 King William's War. First of several wars between the French and the English in North America. (Known as the War of the League of Augsburg in Europe). The Iroquois were allied with the British. The French attacked Schenectady and the English failed before Quebec. The war ended with the Treaty of Ryswick.
- 1701-1713: Queen Anne's War. (Known in Europe as the War of the Spanish Succession). In America, the war was fought in the Carolinas, the West Indies, and New England. The Choctaws in Carolina prevented the settlers from reaching the French settlements on the Gulf. New Englanders bore the brunt of the French and Indian attacks. The Abanakis raided Maine settlements and destroyed Deerfield, Massachusetts (Feb. 28-29, 1704). In retaliation, the New Englanders, under Colonel Benjamin Church, destroyed two French Canadian villages in Acadia. Acadia fell to the British in 1710. By the Treaty of Utrecht, Newfoundland, Acadia, and the Hudson Bay were ceded to Britain.
- 1723-24: Governor Dummer's War. Governor Dummer defeated the French and Indians at Norridgewock in 1724. Killed in the battle was Father Sebastien Rale, a French Jesuit who had lived with the Indians at Norridgewock since 1694. This conflict was not paralleled by a European war.
- 1754-1763: French and Indian War. Known in Europe as the "Seven Years' War (1756-1763). Last of the French-English wars for supremacy in North America. George Washington moved on Fort Duquesne in western Pennsylvania in 1754. The following year, General Edward Braddock was killed in an unsuccessful attack on the same fort. (The Battle of the Wilderness). For England and France, land and the fur trade were the great stakes in the conflict. English fortunes revived with the advent of William Pitt to the position of Prime Minister. Louisbourg fell to Lord Jeffrey Amherst and James Wolfe in 1758. Fort Duquesne fell the following year and was renamed Fort Pitt (Pittsburgh). In 1759, General Wolfe captured Quebec which had been defended by Montcalm. The war was concluded by the Treaty of Paris.

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- 1754-1763: The Penobscots, the most formidable tribe in the Eastern Abanaki group, remained neutral at the outset and urged the other tribes to do likewise. The other Abanaki tribes were in Canada, however, and joined the French in attacks on the English. The English forced the Penobscot into a treaty in 1762 which was essentially a capitulation to them. For practical purposes, the war ended for the Penobscot when the French were expelled from North America in 1759. The English then assumed ownership of the lower Penobscot drainage in 1764.
- 1775: Penobscots sided with the colonists against the British. Massachusetts "seemed" to recognize Penobscot right to the land north of Bangor, but disputes over this arose later. Penobscots fought with the colonists in some local engagements and participated in Benedict Arnold's expedition to Canada. Massachusetts used a misunderstanding of the 1775 pledges to acquire most of the middle Penobscot River drainage.
- 1786: Northern limit of middle Penobscot drainage set.
- 1788: Ratification of the Constitution and the "Indian Commerce Clause." (Art. I, Sec. 8, 3)
- 1790: Enactment of the first Trade and Intercourse Act and the Nonintercourse statute. (July 22, 1790).
- 1790: President Washington; speech to the Senecas describing the new federal government's protective relationship to the Indians. (December)
- 1793: John Allan, former Indian Superintendent of the northeast for the Continental Congress, appears before the Massachusetts General Court to report that the Passamaquoddy Tribe had relinquished their claim to land in Massachusetts during the Revolutionary War on the understanding that the United States would confirm their right to their aboriginal territory.
- 1793: Trade and Intercourse Act re-enacted. (March 1, 1793).
- 1794: Massachusetts and the Passamaquoddys effect a treaty under which the tribe surrenders its aboriginal rights for title to 10 acres at Pleasant Point, fishing rights and fifteen islands in the St. Croix River, two islands in Big Lake, and 23,000 acres which constitutes the Indian Township.

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- 1796: The Trade and Intercourse Act is re-enacted. New version of the Intercourse statute refers to a "line" within which the Act is applicable. (May 19, 1796).
- 1796: Massachusetts and the Penobscots effect a treaty which "clarifies" the boundaries established in the 1786 treaty.
- 1799: The Trade and Intercourse Act is re-enacted. (March 3, 1799).
- 1802: The Trade and Intercourse Act is re-enacted without expiration date. (March 30, 1802).
- 1818: Massachusetts effects a treaty with the Penobscots which extinguishes title to all lands except the Penobscot River lands and four townships (including Millinocket).
- 1819: Massachusetts passes the Articles of Separation setting the stage for Maine's entry to Union as a state. The Articles provide must assume all the "duties and obligations" of Massachusetts toward the Indians.
- 1820: Congress approves Maine's statehood. (March 3, 1820).
- 1820: Maine purchases four townships from the Penobscot including Millinocket.
- 1823: Johnson v. M'Intosh, (8 Wheat.) 543 (1823). Opinion of Chief Justice Marshall on the nature of the interest which the Indians held after the arrival of the Europeans.
- 1830: Indian Removal Act passed by Congress. (4 Stat. 411) (May 28,)
- 1824-1831: War Department supports the Kellogg school for the education of the Passamaquoddy. Monies appropriated under the Civilization Act of 1819.
- 1831: Cherokee Nation v. Georgia, 30 US (5 Pet.) 1 (1831).
- 1832: Worcester v. Georgia, 31 US (6 Pet.) 515 (1832). Both cases cited as authority for the position that the federal government and the Indian tribes have a trustee-beneficiary relationship.
- 1834: The Maine Legislature authorizes the sale of land already granted to the Indians by treaty.
- 1834: Revision of the Trade and Intercourse Act. The Nonintercourse statute takes on its current form. (June 30, 1834).
- 1875 *unless non-intercourse act in Revised Statutes*
- 1878: Last public lands sold by Maine.
- 1894: Trade and Intercourse Act becomes permanent law.
- 1901: Montoya v. United States, 180 US 261 (1901). This case is cited for its generally accepted definition of the criteria needed to prove a group of Indians is a "tribe."

- 1957: ✓ John Stevens, Governor of the Passamaquoddy Tribe, finds 1794 treaty between the Passamaquoddys and Massachusetts in a shoe box under the bed of an old Passamaquoddy woman.
- 1966: Non-Indian attempts to build cottages on land Stevens believed was within the Passamaquoddy lands granted by Massachusetts.
- 1966: Donald Gellers agrees to pursue the Indians claims to the treaty land.
- 1967: Tom Tureen arrives to assist Gellers.
- 1970: Passamaquoddys forced to fire Gellers who had left the state under charges relating to drugs.
- 1970: Tureen becomes affiliated with the Native American Rights Fund. (the Ford Foundation).
- 1971: Portion of Tureen's thesis appears in the Maine Law Review.
- 1972: ✓ Passamaquoddys write to the Commissioner of the Bureau of Indian Affairs and requested the US file suit against the state of Maine on the tribe's behalf. (February 22, 1972). (Petition was probably lodged because the Oneida case had not yet been reversed and Tureen probably felt he needed the participation of the US to establish federal subject matter jurisdiction).
- 1972: (March 24), the Commissioner of BIA recommended to the Solicitor of the Department of the Interior that the suit be filed.  
Interior fails to respond.
- 1972: ✓ (June 2), Passamaquoddys file suit seeking a declaratory judgment that the Nonintercourse statute applies to them and request an injunction ordering the US to file a protective suit on their behalf.
- 1972: ✓ (June 20), Interior advises the court that it will not file suit.
- 1972: ✓ (June 23) The court orders the US to file the protective suit on the Passamaquoddys behalf.
- 1972: ✓ (June 29), The US files the protective suit. (United States v. Maine, Civil No. 1966 N.D.)
- 1972: (July 18) Statute of Limitations on claims in tort or contract brought by the United States in its capacity as trustee for a tribe expires.
- 1972: (October 13), Congress extends the statute of limitation on claims described above to July 18, 1977.
- 1973: ✓ (February 1), Passamaquoddys and Penobscots file and amended complaint seeking a declaratory judgment that they are both entitled to the protection of the Nonintercourse statute.

*Handwritten notes:*  
Federal  
submit  
in the  
Right of  
Maine

- 12/23/74: The Wampanoag Tribe of Gay Head, Massachusetts files suit for land alienated in violation of the Nonintercourse statute.
- 2/11/75: Federal District Court in Maine rules that the Nonintercourse statute applies to the Passamaquoddys and that that statute creates a trust relationship between the tribe and the federal government. Passamaquoddy 388 F. Supp. 649
- 12/23/75: First Circuit Court of Appeals upholds the Maine Federal District Court. Passamaquoddy v. Morton, 528 F.2d 370 (1975).
- 3/22/76: Deadline for appeal of the determination by the First Circuit passes without appeal being lodged.
- 7/23/76: Decision handed down in Narragansett Tribe of Indians v. S.R.I Land Corp., 418 F. Supp. 798 (D.R.I 1976).
- 9/24/76: Ropes & Gray advises the Town of Millinocket that it will not give the town's bonds an unqualified opinion.
- 9/28/76: State Treasurer Rodney Scribner announces the delay of a \$27 million issue by the State of Maine's Municipal Bond Bank for the benefit of schools, towns, and hospitals throughout the state.
- 9/29/76: Governor Longley appoints a blue-ribbon commission to measure the potential impact of the claim. Bullock Chairman.
- 10/1/76: Scribner cancels the Bond Bank sale altogether.
- 10/ /76: Maine Congressional Delegation introduces resolution opposing the land claim case.
- 1/17/77: Memo recommending eviction of 350,000 becomes public.
- 1/20/77: President Carter inaugurated.
- 2/28/77: Justice Department memorandum on the extent of the claim.
- 3/1/77: Maine Delegation introduces legislation extinguishing the Indian claim for land.
- 7/15/77: Judge Gunter, Carter's special assistant on the land claim, makes his recommended settlement public. \$25 million in federal money and 100,000 acres of state land.
- 2/8/78: The White House Work Group announces its proposed settlement. Penobscots and Passamaquoddys to become federally recognized tribes; Indian claims against landholders with less than 50,000 acres to be extinguished by Congress; proposal to settle the claims against those landholders against whom the claims would still stand.
- 5/1 /78: *Delegate Emery introduces extinguishing legislation.*
- 10/ /78: The Hathaway settlement. Recommended the federal government establish a \$27 million trust fund for the Indians; dropped the requirement that the state come up with a contribution; \$10 million to be allocated for the purchase of 100,000 acres.

27 MILLION

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9/30/78: Congress passes the Rhode Island settlement (P.L. 95-395).

11/7/78: Cohen elected to the Senate.

✓ 1/31/79: Passamaquoddy tribe is granted federal recognition, 44 Fed. Reg. 7235, 7236(1979). May be retroactive to April 16, 1977.

5/4/79: Rhode Island enacts its portion of the Narragansett settlement.

7/3/1979: *Maine Sup Judicial Court, State v. Dana holds Me has no criminal juris- dict over the Indian reser- vations*  
8/3/79: ✓ Maine Indians present their own settlement proposal which recommends \$41 million in addition to the \$37 million provided in the Hathaway plan. The money is to come from such federal agencies as the EDA, HUD, DOT, HEW and so on.

3/14/80: Proposed federal and state legislation to resolve the land claims become public prematurely.

4/4/80: ✓ Maine Legislature passes the state portion of the settlement.

5/6/80: Federal government accords criminal jurisdiction to the passamaquoddy tribe in wake of State v. Dana, 406 A.2d 83 1979.

6/13/80: ✓ Senators Cohen and Mitchell introduce legislation to resolve the land claim.

1+2  
8/25-26/80: ✓ The Senate Select Committee on Indian Affairs to hold hearings on the proposed settlement legislation.

Chronology: Addendum

● 2/8/73

Governor Curtis appears before the US Civil Rights Commission to support a petition by the Penobscots and Passamaquoddy's.

State wanted (federal recognition) for the tribes to get itself of the financial hook.

Sen. Muskie even introduced legislation which would have resulted in the Maine tribes being recognized by the federal government. The legislation, according to the news article, would have forced the federal government to sue the State of Maine alleging that the land had been taken from the Indians illegally. 3/8/77?

3/3/78

Rhode Island settlement proposed. Barry Margolin atty. for the Narragansett.

1802: 13 Original states cede their western lands to the federal government.

Silsby theory that the legal philosophy of a significant portion of the bar in the late 18th Century believed that the Indians who roamed the land had no title or property interest whatsoever. This does not explain, then, why the State of Massachusetts felt it had to enter into treaties which would cause the indians to surrender that title.

Archibald Cox joins the Indians legal team

Edward Bennett Williams retained by the State of Maine

James St. Clair retained by the State of Maine.

1755: Governor Pownall declares war on "the Indians."

1759: Governor Thomas Pownall places a leaden plate at the headwaters of the Penobscot River claiming it for Great Britain. (May 23, 1759)

1760: Four tribal leaders signed documents conceding their loss of land.

5/12/77: Ellsworth American report on Brennan's description of the State's defenses.  
1.

1763: more deputies from the tribes go to Massachusetts to acknowledge the

1769: " " " " " " " " " " loss of land.  
1760 document used by Franklin and Jay to prove extent of US in the Treaty of Paris negotiations.

1820: The Articles of Separation including the Maine Constitution were read before the Senate and approved.

1. Land given up before the Nonintercourse statute.
2. Nonintercourse Act does not apply to the Eastern States
3. Ratification fo the articles of Separation by the Sentae
4. Conduct of US in constructing the federal installations on the land of its beneficiaries.

Brennan quoted as saying that one of the reasons the State did not appeal the Passamaquoddy decision is that Justice told staet officials that the Indian title had been extinguished

1792: John Allan, of Machias, writes to Bishop John Carroll of Baltimore requesting a priest and chapel for the Passamaquoddy's ~~xxxxxx~~ and the means for carrying on trade.

1792: (March 20) Bishop Carroll wrote to Washington asking him to come up with the money.

1792: (April 10) Washington wrote back that the Indians of the State of Massachusetts were citizens of the state and under the state's protection.

1778: John Allan receives letter from Chief of Penobscots complaining of the behavior of the settlers.

1792: "Indians" petition Massachusetts for title to land in the face of white encroachment.  
Commission convened by Massachusetts to investigate the Indians' charges. (Allan a member of the Commission).

5/23/1759: The leaden plate is buried.

1794: Passamaquoddy-Massachusetts treaty comes from the commission findings.

✓ 7/15/77: Gunter plan announced.

✓ 2/28/77: Dept of Justice ~~and~~ announces that it will back claims to at least 5 million acres of Maine and perhaps as much as 8 million acres. Land and Natural Resources Div.: Memo dated: 2/25/77)

#### South Carolina:

1760: Treaty of Pine Hill. England and the Catawba Tribe agree by treaty that, in exchange for Catawba support, England would guarantee the Catawba tribe the right to 15 square miles (144,000 square acres) as a sanctuary.

Later: Indians leased some of this land to whites.

1840: State of South Carolina wipes out the treaty.

Claim extent: 50,000 people, \$20 million in damages, City of Rock Hill. (and another town).

1842: The Webster-Ashburton Treaty. Ratifies or confirmed some deeds.

1839: Aroostook War

#### Maine Public Lands:

See BDN summary

1740-1748: Governor Shirley's War. (The War of the Austrian Succession)

5/23/1759: The leaden plate is buried.

4/29/1760: 4 "chief" men of the Penobscot tribe relinquish their land to the English at Boston.  
(At about the same time, the Passamaquoddy relinquished their land to the English at Nova Scotia).