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REPORT

OF

THE COMMITTEE ON INDIAN TRIBE,

MADE TO THE GENERAL ASSEMBLY,

OCTOBER SESSION, A. D., 1852.

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TO THE HONORABLE GENERAL ASSEMBLY,

OCTOBER SESSION, A. D., 1852.

The Committee heretofore appointed to enquire into and report upon the affairs of the Narragansett Indian Tribe, respectfully report, that since the last session of the General Assembly they have had another meeting in the town of Charlestown, and the result of their further enquiries has confirmed the opinions expressed in their report made to the General Assembly at their last January session; and they respectfully recommend the passage of the bill then prepared and reported by them.

Respectfully submitted :

E. R. POTTER,
B. B. THURSTON, } Committee.
JOSEPH GAVITT,

REPORT OF COMMITTEE.

*To the Honorable General Assembly, January Session,
A. D., 1852.*

The subscribers, appointed by resolutions of the General Assembly, passed at June and October sessions, A. D., 1851, a Committee to examine into and settle certain accounts and difficulties between members of the Narragansett Indian Tribe, and to report upon certain memorials and such other matters as might be brought before them, respectfully report, that they have in part discharged the duty confided to them. They have given public notice, and devoted several days to hearing all the parties interested.

The accounts brought forward were nearly all of very long standing, and the evidence slight ; and the committee considered the following accounts presented to them, viz : Tobias S. Ross, against Tribe, Tobias S. Ross against Charles Mather's estate, the Tribe *vs.* Tobias S. Ross, the Tribe *vs.* Randal Sisson, Nancy and Prince Bent for Fletcher land, Ruehamah Marlbro *vs.* Hannah Ackley, Francis Palmer *vs.* Hannah Skeesuc, as settled.

The future policy of the Legislature in relation to the remains of the Naragansett Tribe, presents a subject for the most serious consideration. While there are no Indians of whole blood remaining, and nearly all have very little of the Indian blood, they still retain all the privileges which belonged to the Tribe in ancient times. They are protected from civil suits : their land is preserved to them by a prohibition to sell without leave of the Legislature, and the affairs of the Tribe, and the support of their poor are regulated by a council of their own choosing.

The protection against suits for debt, was probably many years ago absolutely necessary to prevent their wasting their property and becoming State paupers. They were formerly very intemperate ; within some years past a great change has taken place in this respect. The greater part of them are steady and sober people, and as likely to manage property as well as a great portion of the whites. The annual appropriation which the Legislature made in October, 1838, to support a school for them, has been a great benefit to them, and if well expended would be of still greater benefit.

The number of members of the Tribe as ascertained by a committee in the year 1833 was one hundred and ninety-nine actually residing in Charlestown, besides, about fifty supposed to be absent.

How much longer their present immunities shall continue and they remain a separate and distinct Tribe is for the wisdom of the General Assembly to determine. While the Committee do not recommend any immediate action on this subject, they yet think that it ought constantly to be kept in view, and that the members of the Tribe should know that the time must soon come when the public good will require them to be placed on the same footing as other citizens of the State.*

Some account of the Tribe, and of their old regulations will be found in a report made by a former committee, and printed (but with many inaccuracies) in the Schedule for January, A. D., 1839.

Their public lands consist of Fort-Neck, so called, containing about 19 acres, and of the Indian Swamp, of over 600 acres, and Watchaug land, of about 80 acres. The income they receive from these and from some unoccupied lands, they apply to the support of the poor. As at present managed the income is very small.

On the decease of any person the Council take possession of their land, or let it out long enough to pay for the expenses of their last sickness and funeral charges.

It would doubtless be much for the interest of the Tribe to have their public lands sold and the proceeds placed in the State Treasury, where it would be safe to them, and the income to be paid to their Council annually towards the support of their poor.

Some legislation is absolutely necessary to deter-

* The objection made by the Tribe to being subject to the same laws as the whites, is, that they should be soon traded out of their property, and they should be left poor and dependent upon the whites for support. But this objection would lose much of its force if a good homestead law should be passed, securing to every head of a family his house and homestead free from all claims for debt.

mine who are to be considered members of the Tribe. The only provision now known is contained in the act of February, A. D., 1792.

The Committee have embodied their views of the proper action of the General Assembly in the bill which they herewith submit.

The late Commissioner of the Tribe, John Stanton, Esq., was present at the meetings of the Committee, and rendered them important assistance. He has for several years superintended their affairs, and the Committee believe with perfect integrity, and an earnest desire to discharge his duty and to promote the good of the Tribe.

Respectfully submitted by

E. R. POTTER,
B. B. THURSTON, } Committee.
JOSEPH GAVITT, }

AN ACT to regulate the affairs of the Narragansett Indian Tribe.

It is enacted by the General Assembly as follows:

SECTION 1. The affairs of said Tribe shall be managed by a council chosen by the members thereof entitled to vote. The Council shall be elected at a meeting of the Tribe, to be held annually, on the last Tuesday of March. It shall consist of five members, and three shall constitute a quorum; and they shall hold their offices until their successors are appointed.

SEC. 2. All meetings of the Tribe shall be held at the school house; and in the election of the Council and other business, every male person of twenty-one years of age, born of an Indian woman belonging to the Tribe, or begotten by an Indian man belonging thereto, of any other than a white woman, shall be entitled to a vote.

SEC. 3. The Council shall manage the Tribe lands, and may lease lands belonging to the Tribe, and unoccupied lands, for the support of their poor and other Tribe expenses. They may, upon application to them,

make partition of the estate of deceased members of the Tribe, and may lease the estate of any deceased member for the payment of the expenses of his last sickness and funeral, if the heirs neglect or refuse to pay them. They may, after notice to the parties, decide all disputes between members of the Tribe as to ownership or bounds of land. They may authorise exchanges of land between members of the Tribe.

SEC. 4. The Council shall have the oversight and management of the Indian Swamp and other Indian property subject to the regulations of the Tribe, and may impose upon any member of the Tribe offending against the Tribe or Council regulations, such penalties as they think proper; and may sue for and recover such penalties in an action of the case before any competent court. The Council may bring in their name, for the use of the Tribe, all suits at law for such penalties, or for trespasses, or damages to Tribe lands, or for other causes, and also all such suits as the treasurer of the Tribe might formerly have brought. They may also bring suits in their name for trespasses, or damages to land where the owners or heirs, or any of them are minors, absent or unknown, for the benefit of such owners or heirs.

SEC. 5. Any member of said Tribe who shall be, or have been absent for twenty years or upwards, shall forfeit all right to land therein, unless the Council consent to his holding it. And if any member of the Tribe be absent for five years or upwards, the Council may allow those, who, if he were dead would be his heirs, to take possession thereof, or may lease the same for the benefit of the Tribe.

SEC. 6. The Council shall keep a record of all their proceedings. Any person aggrieved at their doings may petition the General Assembly, who will make such decision and order thereon as they may deem just.

SEC. 7. All sales of land of the Tribe, or of individual members thereof, shall be absolutely void, except made by authority of the General Assembly, and in such manner as they may direct.

SEC. 8. In all cases not provided for by this act, the Council shall continue to manage the concerns of said Tribe according to the ancient usages thereof.

SEC. 9. In case any unmarried female of said Tribe shall be with child, either before or after the birth of such child, the Council of the Tribe, or the President thereof, may make complaint to a Justice or Justices of the Peace of the town of Charlestown, in the manner provided for overseers of the poor of towns, in "An Act regulating proceedings in cases of Bastardy," and the same proceedings shall be had on such complaint as are provided in said act for the enforcing the maintenance of the child, or payment of costs, charges, and expenses, substituting the Council or President for the overseer of the poor, and said Tribe for the town as therein described. And no such complaint shall be barred or dismissed in consequence of such unmarried female being owner of any land held by Indian tenure.

SEC. 10. The Act entitled "An Act in relation to the Indian Tribe in this State," contained in the Digest of Laws, pages 472 and 473, and "An Act in addition to the several acts relating to the Indian Tribe," passed October, A. D., 1849, are hereby repealed.—The Secretary shall cause one hundred copies of this act, the act confirmatory of the tenure of lands belonging to said Tribe, and for other purposes, contained in the Digest, pages 471 and 472, and "An Act in relation to the religious meetings of the Indian Tribe," passed May, A. D., 1850, to be printed for the use of said Tribe.

NOTE.—The greater part of this bill is merely intended to consolidate the Indian laws and regulations now existing in various places, and to sanction what have for years been the usages of the Tribe. The only new provision of importance is contained in section 9th.

REPORT

OF

The Commissioner

ON THE

NARRAGANSETT TRIBE OF INDIANS,

MADE TO THE GENERAL ASSEMBLY,

AT ITS

JANUARY SESSION, 1858.

PROVIDENCE:

KNOWLES, ANTHONY & CO., STATE PRINTERS.

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