

**ANNUAL REPORT OF COMMISSION
ON THE AFFAIRS OF THE
NARRAGANSETT INDIANS, MADE TO
THE GENERAL ASSEMBLY. AT ITS
JANUARY SESSION, 1881-1884**

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Annual Report of Commission on the Affairs of the Narragansett Indians, Made to the General Assembly. At Its January Session, 1881-1884 by Various

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VARIOUS

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ON THE AFFAIRS OF THE
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THE GENERAL ASSEMBLY. AT ITS
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State of Rhode Island and Providence Plantations.

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REPORT

OF

COMMISSION

ON THE

AFFAIRS OF THE NARRAGANSETT INDIANS,

MADE TO THE

GENERAL ASSEMBLY,

AT ITS

JANUARY SESSION, 1881.

— PROVIDENCE:

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1881.

REPORT.

To the Honorable the General Assembly of the State of Rhode Island and Providence Plantations, at its January Session, A. D. 1881 :

The undersigned Board of Commissioners—appointed under Chapter 800 of the Public Laws, passed at the January Session, A. D. 1880, an act entitled “An act to abolish the tribal authority and tribal relations of the Narragausett Tribe of Indians,” in accordance with the provisions of said act that the said Commissioners shall annually report to the General Assembly at its January Session—respectfully report:

That, as soon as practicable after their appointment under the act, they duly qualified themselves to serve as said Commissioners, and met in Providence on Thursday, April 29th, 1880, for the purpose of organization, Mr. Dwight R. Adams was chosen Chairman of the Commission, and Mr. William P. Sheffield, Jr., Secretary.

The Commission deeming it of importance, for the performance of the duties imposed upon them by the General Assembly, that the deed of the common tribal lands and rights of the Indians by their council should be obtained at the out-set, met the members of the Indian Council for the purpose of conference as to the giving of the above deed at the office of Mr. George Carmichael, Jr., at Shannock Mills, on Saturday the eighth day of May, and after a full discussion on the part of the Indian Council of the giving of the deed, its effect and the resulting dissolution of the tribe, they agreed to meet the Commission in Providence for the purpose of executing the deed, and on Saturday,

the 15th day of May, the Commission met at the State House in Providence, with the members of the Indian Council, in the presence of His Excellency Governor Littlefield, Secretary of State Addeman, and other officials of the State, and thereupon the Council of the Narragansett Tribe of Indians, after hearing read to them the deed which had been prepared with the approval of the Attorney General, executed the same, quit-claiming to the State of Rhode Island all the common tribal lands and rights of the said tribe of whatsoever kind and nature, with the exception of the Indian meeting-house and lot, the use of which was reserved to the religious society now occupying it. A copy of this deed is annexed to this report. (See Appendix A.)

At the meeting at Shannock Mills, May 8th, the Commissioners, after consideration, contracted with Mr. John L. Kenyon, of Richmond, a surveyor of experience and well acquainted with the lands in the town of Charlestown, to take charge of the survey of the Indian lands thus conveyed to the State, as authorized by the act, with directions to push forward the survey to completion as soon as possible.

The Board of Commissioners then proceeded to the next duty devolved upon us by the act, viz: The determination of the question who were members of the tribe, and of the apportionment of the five thousand dollars purchase money, given by the State, among the members. To which questions, as they involve the rights of property of the members of the tribe to the proceeds of their tribal lands and rights, the commission has given patient and careful attention. At their first meeting at Shannock Mills the undersigned Commissioners obtained, through the members of the Indian Council, a list of the members of the tribe residing in and about the reservation for the purpose of identifying and locating those members of the tribe; and at the next following meeting in Providence the Commissioners appointed Saturday, June 26, 1880, at ten o'clock in the forenoon, and the Indian meeting house in the town of Charlestown as the time and place of holding the public hearing authorized by the act, which hearing was duly notified in the manner indicated in and according to the letter and spirit of the act, endeavoring to give full notice to all interested, as far as was possible.

But, before the public hearing on June 26th, as several questions had presented themselves already to the Commissioners in regard to what constituted membership of the tribe, and as to the manner in which the purchase money could be equitably distributed among those who had been determined to be members of the tribe, they requested, as had been provided for in the act, the opinion of the Attorney General upon the following questions:

I. In distributing the money among the members of the tribe, should it be done with any reference to the statute of distribution of Rhode Island, or should every man, woman and child, a member of the tribe, take an equal share, irrespective of his or her ancestor?

II. Can a member of the Narragansett Tribe abandon his tribal relations, and what acts would be evidence of an abandonment? What effect should be given to these acts: selling the individual lands, having a domicile and residing out of the town of Charlestown; voting in any town in this State; long absence from participation in tribal affairs and voting for members of the council?

III. In view of the act of 1792 (February), can the descendants of an Indian man and a negro woman be considered a member of the tribe?

IV. If an individual has been elected a member of the Indian Council by the tribe and acted and served as such for a period of years, or one has continually been permitted to cut wood in the "swamp" (as only Indians are), or been supported by the Council as an Indian pauper, would not these facts be considered as evidence of a virtual adoption by the tribe, and its members be estopped from denying his membership?

To these interrogatories the Attorney General gave the following reply:

STATE OF RHODE ISLAND,
ATTORNEY GENERAL'S OFFICE,
PROVIDENCE, July 24th, 1880. }

Wm. P. Sheffield, Jr., Esq., of the Indian Commission.

DEAR SIR:

I have examined your communication of the 6th inst., and also those of the 8th and 14th, same month, relative to the distribution of the purchase money due to

the Narragansett Tribe of Indians under Chapter 800 of the Public Laws, and have the honor to reply to the several questions as follows:

First.—"In distributing the money among the members of the tribe, should it be done with any reference to the statute of distribution of Rhode Island, or should every man, woman and child, a member of the tribe, take an equal share, irrespective of his ancestor?"

My opinion is, that it should be divided equally among the men, women and children of the tribe.

Second.—"Can a member of the Narragansett Tribe abandon his tribal relations, and what acts would be evidence of abandonment? What effect should be given to these acts?"

I think he can abandon his tribal relations. The evidence of such abandonment is a matter of fact to be determined from all the circumstances. Such abandonment might be legally inferred from his selling his individual lands, long absence from the tribe with the avowed intention of not returning; purchase of lands in another community and being received into that community with all the rights of its (other) citizens. In that case, he would not be entitled to any portion of purchase money.

Third.—"In view of the act of February, 1792, can the descendant of an Indian man and a negro woman be considered a member of the tribe?"

I think he can. The act of 1792 withholds a certain right to vote from such person; but males under the age of twenty-one years and females, though members of the tribe, were subject to the same disability.

In the event, however, of any doubt upon this question, I think, in answer to your fourth enquiry, that such person could be adopted by the tribe in the manner you suggest. For, if I understand that question, it is, whether the descendant of an Indian man and a negro woman can be adopted by the tribe, and thus become a member, to share its rights and privileges.

I am glad to say again that I am much pleased at the intelligent zeal, interest and industry you have shown in this new field of enquiry, and that I am indebted to you, rather than you to me, for the conclusions I have come to.

Regretting that I have been obliged to delay my answer so long, I am

Yours respectfully,

W. SAYLES, *Attorney General.*

Afterwards, taking into consideration the amount of testimony likely to be offered at each public hearing, the necessity of proceeding from one claimant to the next as rapidly as possible, and the importance of carefully considering and applying principles to each case pre-

sented at leisure, your Commissioners contracted with Mr. George W. Millard, a stenographer, to be present and report the proceedings at each public hearing.

The Commission then held three public meetings for the purpose of hearing all persons thus interested in the proceeds of the lands conveyed to the State, as follows: On Saturday, June 26th, 1880, at 10 o'clock in the forenoon, at the Indian Meeting House, in Charlestown, on Wednesday, July 14th, at Samoset Hall, in Charlestown, and on Wednesday, July 29th, at said Samoset Hall.

The proceedings at these meetings were conducted in the following manner: each claimant presented to the Commission his name, with a statement of sufficient facts to identify him and the ground of his claim, then each name so registered was taken up with the statement of the claimant in order, and objections were publicly called for, on the part of any person interested; if there were no objections, and it appeared from the statement of the claimant that he was a member of the tribe, his name was placed upon the list; if there was an objection, the party claiming was called upon to give his testimony upon oath and produced other witnesses and evidence in support of his claims, and the testimony of the objector was heard and the case was reserved for decision.

In this way each claimant was given a fair hearing and time was economized as much as possible. At these hearings the names of 473 claimants were presented to the Commission and their claims were duly heard. Several of the claims were urged by counsel, as also was presented the question of what members should receive a share of the purchase money, and after all persons who appeared and desired to be heard, had been heard, the hearing was duly closed. The report of the proceedings of and the testimony taken at these meetings by the stenographer is annexed hereto. (See Appendix B.)

The questions of law, or rather the principles to be applied to the different claims presented to the Commission, seemed to be all included in the interrogatories propounded to the Attorney General, and to these involving, as they do, to some extent the customs and history of the Narragansett Tribe, and the whole legislation of the State of Rhode

Island with reference to this Tribe, this Commission has endeavored to give the attention and study it deserves. And in regard to the first question, as to what members of the Narragansett Tribe of Indians should receive a share of the purchase money, several views were propounded; it was first contended that the money should be divided according to the Statute of Distribution, which position was afterwards abandoned; second, it was argued that the heads of families alone should receive the money, according to the number of members in each family; thirdly, the position was put forward that every adult of the age of twenty-one years and upwards should receive one equal share of the money, and still another method was the giving of one equal share to each man, woman and child of the tribe, which position was finally acquiesced in by all, as this Commission understands and believes. The Indians, however, wishing that each child's share should be paid to its parent at once. These various positions the Commission has considered. In regard to a division according to any existing Statute of Distribution, there seemed many and conclusive objections. The Statute of Distribution though extended by "the regulations drawn up at Charlestown, in 1792," to the lands of Indians owned in severalty, has never been applied to the common tribal property, and any division according to the Statute, being extremely difficult, would also be unjust and inequitable to the interests of nearly all the members of the tribe. There have also appeared to the Commission serious objections to the other methods suggested, except the last, as they were manifestly unjust to a certain class of the tribe, and the method of limiting the money to adults is without any foundation in the tribal practices and customs, for, though by the act of the Assembly in 1792, the period of twenty-one years was introduced into the tribe as a requisite of exercising the voting privilege, it has never been introduced or recognized by the tribe as having anything to do with their property rights and certainly not with their common tribal rights. The Commission has, therefore, been led to distribute the money according to the last mentioned of these methods, among every person, whether an adult or minor, being a member of the tribe, not only because this method seemed to be the only equitable one, but also be-