To the Governor and Council
of the State of Maine.

In fulfillment of the duties assigned me by the appointment of the Governor with advice of Council dated July 29, 1829, for the purpose of negotiating with the Penobscot Indians, for a release of their claim to either, or both, or any part of the two townships of land situate at the mouth of the Madawaskam Bay river under and by virtue of the Resolves of the Legislature of the 7th July 1829; in the month of August, I repaired to Old Town for the purpose of making the purchase of the Penobscot Indians, provided for in said Resolve. On my arrival here informed the Priest had departed a few days, Jeweems, too visit the Penobscot Indians.

The Penobscot Indians, on the departure of the Priest, have generally dispersed, some to the sea shore, and some to the forest.

The Governor with one or two captains, an old man, and some women and children were all who remained on the Island. Several gentlemen who were well acquainted with the Indians were present and in trouble due to the Governor as the agent of the State, who had come to have a talk and inspect some business with them.

We held a long conversation, but no many came around, and the governor appeared to gather three or four days at Madawaska near Jeweems, where is the location of the land I'm looking on the subject of the purchase to have been held some previous conversation on the subject, if it had gone so far as circumstances would permit. It went up to the Indian township, examined the eastern one, but did not consider it necessary to make any further claim in the western one, since I could by inquiry from those who had traversed it, or it is not very important to the State at this time, as it does not present any obstacle to the settlement of that part of the country, and the present object of the government would be effected by the eastern one.

The Governor of the Indians did not fulfill his promises. After I had examined the eastern township so much, 2,
as was necessary to acquire a sufficient knowledge of it, I returned and found him still at the town. The Priest had returned the evening before me, but most of the Indians remained the day after. I called on the Priest and held a long conversation with him, in relation to the Indians, the probability there were of inducing them to remove cultivation of the soil. He represented, for habitually indolent, and thoughtful, of the events of the season, that they were only induced to exert themselves by necessity — that they were too much disposed to continue in the island, and that he was disposed of seeing them forever from any mean, which had been tried or was then in operation.

I stated to him the general object of my visit and that through it, some means might possibly be devised which would tend to change and subdue them. He, with much apparent from the nature observed, he thought that the Indians would not be disposed to sell, assigning as a reason the advice of Bishop Fenwick to them to that effect. But observed for his opinion even if they concluded to sell he believed the State would add to the present annuity in specific articles, because the present annuity of 200 annually would in the encouragement it gave to their habitual profligacy to illiberally, for they collected and were idle in anticipation, and on till it was all consumed.

The Priest informed me that the Indian mode of transacting was in the assembly of the whole tribe and by mutual agreement, and that the Governor and a very few of them were in the island, this would not act in till the Indians generally assembled, which he thought would not take place before the Christmas holidays. I inquired whether they would not assemble at the time of the observance of the annuity and on Saint's day, but he supposed they would not necessarily assemble at either of those times.

I caused the Governor and Captains then in the island to be called in and stated to them my object, which they were daily increasing in the destruction of their game and their meaning of subsistence produced by the progress of settlement and cultivation — and suggested that the time was not for distant. Then the white people would destroy all the game, and they would be left destitute but that it as was within their power by a change of their modes of
life, to have as many of the necessaries and comforts of life as the people, and that by the annual profits of the sale of a part of their lands which they did not need at present, they might procure cattle and sheep and farming implements and should they in course and need more land they could purchase farms. Then and there they said: I told them the State wished to have the Medicine Lake

keeps the townships settled and would purchase of them the soil or take the right to sell for their benefit, and would be responsible to them for the annual profits of the purchase, and asked the Governor to name a time when all the Indians should assemble here and give an answer. They after a long talk asked for the second of November, and confirmed that the Oviet had said to them their mode of doing business. From all this occurred in this conversation, looking both the substance and manner of these was a reasonable prospect of purchasing the townships on terms mutually efficient to them and the State.

The second day of November, I repaired to Old Town, and the next day the Indians came to our side, and I met and had a long talk with them on the subject of their present situation, and the mode of improving it, illustrating the whole by past, within their own knowledge, I communicated the wishes of the State to have a portion of their land sold and proposed to the two to purchase the free or taking the simple right of selling for their benefit. I related to the latter an account of receiving from the conversation with the Oviet that if the Indians were disposed to sell the price which they might demand, might be an insurmountable obstacle. After the Indians had been our friends two days, they sent to me to use their language for a week began which means a writing. The person suggested the idea to them, I do not know if I can only infer from circumstances, as it cannot, in their present illiterate state be their usual mode of transacting business, either among themselves or with others.

In compliance with their wishes I briefly reduced the leading points of my conversation with them to writing, and of which the enmical representatives Red A is a copy. On the evening of the next day the Oviet in his own room, and in presence of the governor and several principal Indians, delivered
On receipt of the answer, I determined and endeavored to remove the objections it contained, but with little success. The Indians, generally preserving their habitations and graves and taking care of their property, showed a strong desire to be treated as white men and to have their share of the land set off to them in severalty. The answer was, being in appearance final, I deported without even suspecting that there would be any further conference between us on the subject of the sale.

Subsequently the letter marked D came to me through the post office and the letter marked O. I arrived in old town on Sunday evening, and gave immediate notice to the Priest. The next morning I called on him. The Indians endeavored to assemble, but the Governor under the plea of ill health declined attending which broke up the meeting. I immediately repaired to his cabin to have the time of meeting positively fixed, and had understood that he had probably some delay on account of ill feeling arising from some transactions which had occurred a few days previous. He fixed the next Monday, at which time he said he and the Indians would assemble.

The Indians assembled on Monday evening in the evening informed me they had not all agreed to sell which was contrary to my expectations as I had supposed from the letter of the Priest that question had been definitely settled. The Indians continued their consultations until the next day, and at night informed me they had all agreed to sell, and wished me to pay what the State would give them for the townships, and then paid them would name a price. A long conversation ensued between us in which I endeavored to determine their price, and when I was satisfied they had paid no price among themselves and named ten thousand dollars and requested their answer.
The delay as I learnt from a variety of circumstances, but more particularly from the disposition of the governor to sell. When it seemed they allowed no interfering voice in their proceedings. The offer they did not accept, but deliberated among them selves, during the next day or two they decided to make them an offer of forty eight thousand dollars for the eastern township. They offered for one dollar and one half per acre. The offers amount in the gross to a sum of sixty eight thousand dollars; for one eastern part in twenty four thousand and one hundred acres, lie on the east side of Penobscot river, and for the whole, sixty nine thousand and one hundred and twenty dollars.

I then endeavored to induce them to raise a price, for one half, one quarter, or one mile square of the eastern township, at the same time reserving the several tracts in a plan to prevent any misunderstanding. I also endeavored to induce them to modify their former offer, by simply conveying the right to the State to sell in small lots, in such manner as to obtain the most for their benefit. When asked whether I would accept the offer they declined, but I stated to them, the several sales made by the state and the price, so they would sell it if they were really disposed to sell, that the state could not pay the price they asked.

The next day I met them again with the offer still of persuading such a modification as would enable the State to purchase, as I had persevered throughout, that many, and I think a large majority were disposed to sell and some of them at fifty cents an acre and less. Not being able to procure any alteration of terms I was obliged finally to say to them that the State could not purchase, and then the object of my agency had not been attained.

During these conferences it was complained that the state did not allow them to sell or she did other men and expressed a strong desire that they should not allow the prohibition in the enjoyment of that right. It occurred to me that they and the Orient had prepared a petition to the legislature on the subject before his letter to me reached C. but I was advised to write an answer, converted with full power to purchase. I did not see the petition, and must therefore speak
with certainty of its contents.

Notwithstanding the conviction of the Printer at the first interview, at the second I was satisfied from a variety of circumstances, he was opposed to the sale. First, from his mode of speaking of former sales; secondly, from the humane manner in which he treated and a testimony of opinion which did appear in the correspondence of the Indians with me; and thirdly, by its publication before I had communicated it to the government, or to any person.

The conversations at the third interview equally with the letter marked B, satisfied me that his opinion was in favor of a sale, yet his ideas of value had not the least tendency in effecting that object. It is possible that he approved of the general principle, but did not approve of the manner in which he said nothing on the subject from which such an inference necessarily followed.

A recurrence to the Resolves and my instructions, will show, there was no limitation in price. I bought land fully in the bosom of the opinion of the Indians, or their advisors, but my opinion of value formed from every examination, calculation, demand, supply, and comparison in my power, was such that I should not have authorized by any general principle of calculation, to have offered a sum equal to one fourth of the price demanded, yet I should not have declined agreeing to any price which the State could, by a prudent and careful management of the property, have realized from the net amount of sales.

It seemed, that if the Printer had carefully examined the subject, he must have foreseen that the State could not, on any principle, agree to a sum to the Indians, in some cases, larger than they could ever realize. If he did not understand the subject, he still advised them, and his advice is liable to one of two constructions, first, that he did the benefit of the Indians, or to whomsoever it might come into his hand to make a great bargain out of the State; and secondly, that just reasons operating in his own mind, he chose in appearance to favor the sale, then by the price demanded, he intended to defeat it, yet I do not conclude that such was his intention.
In my second interview with the Priest, much conversation passed between us on the subject of the relative situation and rights of the Indians, and the State. It appeared they were independent, owning both the right of sovereignty and property. But, if we are to go into the history connected with the settlement of the Country, the Province of Massachusetts, the Commonwealth of Massachusetts, the State of Maine, and the decisions of their judicial tribunals — the government of Great Britain in accordance with the principle adopted by civilized nations, considered themselves, from the discovery and settlement of the Country, as the sovereign of it. Hence in all the charters, they conveyed a qualified sovereignty and the right of soil, subject only to the Indian right to the same. The Indians resided as long as they could but finally submitted, and hence for many years, even pretended a claim to sovereignty. They have always been under the peculiar care, and it may even be said the guardianship of the State. The laws of the State operate upon them and over their whole estate, and their powers have been enlarged, restrained, and modified at the pleasure of the State government as much as they have in relation to the inhabitants living within its limits.

They are citizens of the State, and subject at any time, by the exercise of the laws, and right of taxation only, to be enabled to exercise the right of suffrage in common with other citizens. And were they to become permanent residents, and subjects, of taxation within any of our Municipal corporations, they would have the lawfully entitled to the rights of freemen. I did not succeed in convincing the Priest; at our last interview he appeared to be convinced of my estimate of the Indians' rights. Yet it was conceded by both of us that they stood in a different relation from the Cherokee and other Southern and Western Indians.

The situation of the Indians is peculiar; not merely as it relates to the mode in which they have, by the governments since the Settlement of New England, but as it relates to themselves.
They are not operated upon by proper examples of the
same kind. They look upon the progress of civilization, which
diminishes their means of subsistence, and the diminution of their
own tribe. The humane and benevolent provisions of the
government, which have been extended to them for years, have
only tended to cherish their habitual profligacy and leave
them in check their moral and physical energies.

There but two courses which have been employed with them;
one in coercing, and the other is to operate upon their pride
by elevating them. If the government were to adopt a system
for their government which should compel them to remain
stationary and labor for their subsistence, they would be
relieved from many of the ills to which they now endure. I am not aware that such a system
would be founded upon any other principle than our present
laws, as regards their relation to them. Our present laws are based upon
the idea that they are incapable of managing their own affairs,
and are intended to promote Their interest & happiness.

And exercise of a power over them different, the exercise
of general over other inhabitants implies degradation for
it places the Indians in the same class, with the northern, or
the spendthrift of the miner. The intelligent Indian feels
the degradation of his status, his energies are cramped, and
his independence to extinction destroyed.

The condition of the Indian is daily becoming worse;
their means of subsistence are diminishing, and beggary and
misery is increasing. Their numbers gradually decrease
for several years, but for a few years past, their numbers
have been barely sustained by exceptions from other
tribes. These modes of life are such, that many of the
from anomalies, and some cannot but the most hardly survive
their infancy.

When the government have tried many experiments
to improve their condition, which have not succeeded, it
is a question for them to settle, whether they will adopt the other means within their reach, or not. They do not injure the land, and promise a benefit to the Indians. If the same system is to be continued, the time is not far distant when their condition will be watched in detail. They must be led and degraded by their misconduct and vice, submit to private charity or the bounty of the government. Their lands will not afford them food, and they should be no more burdensome to sustain them with them.

If the State were to adopt a coercive system, sell a part of the land to defray the expenses of the necessary establishments, and compel them to labor and cultivate the soil, there can be little doubt but they would, in obedience of the necessity of life for their own subsistence, and the next generation would form habits the reverse of the present. This is perhaps a course which yet promises most certainty in its results, and I am aware that many may object to it. But if it involves no more principle but only extends the plan of the management of the Indians on our own affairs.

If the State were to relieve them from all restrictions, in the management of their own affairs, which laws would make the difference between them and a White population would be removed, and the high-minded Indian would come to feel that he as a being degraded being. If any thing were more objectionable, would be his own, such a course would. The intelligent and high-minded among them, not only feel, but complain of the restraint of the government upon them. They wish to change their present tenantry in consequence and to hold their homes in security; they wish to be able in all respects to manage their estates as the White people do.

Why should not the State adopt a course, when it has been tested by many years experience and been found prosperous? The Indians have been found more easily to work and obey the commands of the State than to do so under the laws of the State. It cannot be supposed that the State will see them
penish in want. It will follow as an inevitable result of the present system, if continued, they must eventually be supported at the public expense. In a change of system, there is no risk, but there is an encouraging prospect of gain. It is not that supported those who are already sunk in vice and idleness will be reclaimed, but it may reach and elevate such as retain the natural character of the mass of the poorest unaccompanied with vices of civilized society. If only a few of the present destituents can be raised from their present state, it will have a powerful influence on the rising and future generations, and they may become useful members of the State.

Portland, 20th July 1830

I have the honor to be
very respectfully
your humble & Obedt Servant

John O'Dea.