

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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## THE LEGISLATURE,

OF THE

## STATE OF MAINE,

DURING ITS SESSION

A. D. 1837.

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*AUGUSTA:*  
SMITH & ROBINSON,.....PRINTERS.

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1837.

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# SEVENTEENTH LEGISLATURE.

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No. 2.

SENATE.

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## LAND AGENT'S REPORT.



ACCOMPANYING THE GOVERNOR'S MESSAGE.

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## STATE OF MAINE.

LAND OFFICE, AUGUSTA, DEC. 31, 1836.

*To the Honorable, the Governor and Council.*

GENTLEMEN :

Since my last annual Report, there have been filed in this Office one hundred and two declarations for land, under the Resolve of March 17, 1835, making the whole number of applications seven hundred and twenty four. Of these, three hundred and ninety five have been admitted, two hundred and ninety eight rejected, and thirty one continued for further evidence. The number of declarations under the Resolve of March 24, 1836, amounts in all, to two hundred and nineteen, of which one hundred and ninety seven have been

admitted, and certificates issued; eleven have been rejected, and eleven remain for further consideration.

It is believed the greater part of those entitled to the benefit of the first mentioned Resolve, have presented their claims and that no further appropriation of land will be called for. Applications still continue to be made under the Resolve of the twenty fourth of March, and a further appropriation of two or three thousand dollars will be required.

The two upper Indian Townships appropriated for the soldiers of the revolutionary army, have been divided into lots of two hundred acres each, by the Surveyor General, and the places and field notes have been returned to this Office. Townships numbered four in the seventh range, West from the East line of the State, and number one in the eighth range, West of Bingham's Kennebec Purchase, have also been surveyed by that Officer, agreeably to the provisions of the law of March 24th, 1835.

By the Resolve of January 31st, A. D. 1834, the Land Agent was empowered to make such abatements to the purchasers of land upon the Isle of Holt, as might appear just and equitable. In pursuance of this authority, Mr. Oliver Frost, Assistant Agent, in the month of August, proceeded to that Island, to examine into the merits of a

claim for abatement, presented by George Kimball, who in the year 1824, contracted to purchase of Gen. Irish, 1321 acres of land, for the sum of two hundred forty four dollars and twenty five cents, and paid at different times, the sum of one hundred eighteen dollars and sixty six cents. The land was of very little value, and an adverse claim to part of it had been preferred by Matthew Lindsey, Sullivan Hamilton and Joshua Wentworth, who had lived upon it several years. The balance due the State from Mr. Kimball was abated in consideration of his relinquishing one hundred acres of said land to each of the above named individuals. Three, hundred acre lots, were accordingly surveyed by Mr. Frost, in such a manner as best to accommodate the buildings and improvements of these individuals, the value of which was estimated at twenty cents per acre. On the payment of that sum to the State, the lots will be deeded to the respective occupants. I am not aware that any other case exists on that Island, requiring the interference of this Department.

In the month of March, Silas Barnard, Esquire, was authorized by the Agents of the State and Commonwealth, to lay out a road from the North West bay upon Moosehead Lake, up the West branch of the Penobscot, to intersect the Canada road near the line separating Maine from Canada. He was directed to spare no pains in selecting the

best route, and to return a particular description of the face of the country, growth and whatever in his opinion was of sufficient importance to merit observation. Upon careful and minute examination it was ascertained that the country bordering upon the line and contiguous to the Canada road, was so mountainous, it would be necessary to cross into Canada six or seven miles East of said road. Not feeling authorised to extend his survey beyond the boundary of the State, he commenced near the line and proceeded to locate the road to the lake, a distance of thirty one miles and twenty chains. It was the intention of the Agents to have put this road under contract the past season, but the unexpected necessity of passing a part of the way within the limits of Canada, presented an obstacle to the immediate prosecution of this undertaking. It became necessary to obtain the consent, and if possible the co-operation of the Government of that Province. A copy of the field notes and plan were forwarded to the Governor of Maine, for his transmission to the Governor of Canada, and it was expected that an appropriation would have been made by the House of Assembly at their late session, for the construction of such part of the road as runs through that Province. No notice, however, has reached this Department of the subject having been acted upon, and it is presumed the misunderstanding between the Governor and the

House prevented it from receiving the consideration of that body. It is but reasonable to believe the proposition will be favorably received, as the opening of this channel of communication will be mutually beneficial to the State and Province. To Maine it is of the utmost importance. The road from Bangor to the Lake is nearly completed, and will probably be finished another season. A Steam Boat has been running upon the Lake the past summer, and from Quebec to the head waters of the Du Loup, the termination of the contemplated road, carriages run with the utmost ease. The whole distance from the Lake to the last mentioned place is about thirty eight miles, and the expense of building the thirty one miles located by Major Barnard may be estimated at about twenty-five thousand dollars. This being borne jointly by the two States, would reduce the expense to be incurred by Maine to twelve thousand five hundred dollars. When this shall have been completed, the communication between Quebec and Bangor will be as easy and agreeable as that between Bangor and Boston. The ease and novelty of the route, together with the romantic scenery of the lake, would make this a favorite tour for parties of pleasure and draw a large amount of travel through the State. This, however, is but of secondary consideration. Villages would spring up at each end of the lake, serving a neuclii, around which in every



direction, new settlements would cluster. Hamlets would soon be scattered along the Penobscot to the borders of Canada, and the fertile shores of the Chesuncook would be covered with cultivated farms. The expense of opening this road, would, in a short time, be returned to the Treasury in the shape of taxes, and the value of the public lands North of the Lake, would be materially increased. It is much to be regretted that this could not have been commenced the present season. Should the Government of Canada manifest a disposition to build that part of the road within their territory, it is believed the interest of the State requires, that the thirty one miles within this State, should be put under contract another season, without waiting for any definite action on the part of the Province. There is a strong probability that this portion of the road will be built, by the time Maine and Massachusetts shall have completed the remainder, either by the Government or by individual subscriptions.

The road from Houlton to the Restook road authorized by the Resolve of the 30th of March, A. D. 1831, and laid out last year by Dominicus Parker, Esquire, has been cut out from the West line of number six in the third range, West of the east line of the State, to its western termination. A winter communication is thus opened between the inhabitants of the Northern district of the

County of Washington, and the settlements upon the Restook road, which are yearly increasing in numbers and importance.

Twelve hundred dollars have been expended by the two States, the past season, upon the Restook road, under the direction of Ira Fish, Esquire, which did little more than repair that portion of it south of the settlements. The States have disposed of a large part of the land upon this road, and the Agents have entertained a hope that it would have been built by the proprietors over their lands, and were ready whenever they should receive assurances that this would be done, to turnpike that portion passing through the public domain. They have now reason to believe that this will never be voluntarily done, and the road must either remain in its present condition, till the title vests in individuals by the payment of their notes, or be made at the public expense. The question presented is one of expediency, and requires a careful consideration in all its bearings. The expense of a good carriage road from the Military road to the Restook river, could not be estimated at less than fifty thousand dollars, more than half of which would be expended upon land already sold. An expenditure of twenty five or thirty thousand dollars would therefore be incurred for the immediate benefit of individuals. But on the other hand if we wait till the road can be built under the direc-

tion of the County Commissioners, a delay of several years will be unavoidable. The ten per cent. upon the sales, appropriated for this object, is more than sufficient to accomplish it, but under the circumstances of the case, the Agents have doubted whether it was their duty to proceed. All roads hitherto opened have enhanced the price of public lands, to a much greater amount than the expense of their construction. There is too a great advantage gained in extending the settlements and thus augmenting the physical resources, and adding to the taxable property of the State. There is also another view of this subject which should not be lost sight of. Beyond the Restook there are several millions of acres of valuable land, commonly denominated the disputed territory. It was confidently expected by Maine, that this dispute would, ere this, have been adjusted by the Federal Government. Her citizens are growing impatient of delay, and should the negotiations now pending fail of success, the question will arise, whether they will longer forbear to push their roads through this fertile region, up to the boundary of seventeen hundred eighty three. How that question will be decided is not for me to predict. But those who have lent an attentive ear to the suppressed murmurs of the people, at the present delay, will not be at a loss in forming their opinions. From the termination of this road to the heart of the Mada-

waska settlement is a distance of only about thirty miles, and the Restook is navigable for large boats, with the exception of the falls to its junction with the Saint John. The Madawaska settlement may now be estimated at about four thousand inhabitants, and the moment a road is opened to them, their trade will be turned toward the seaboard of Maine, and an impetus will thus be given that will rapidly increase their numbers. It would seem, therefore, whatever the result of the negotiation, that the best interests of Maine require the immediate construction of this road. It is true that Maine has a deeper interest in this subject than Massachusetts, but the advantage to the public lands alone, of which she is joint owner, would be more than sufficient to repay the expense. In addition to the foregoing considerations, it is impossible at a reasonable cost, effectually to protect this territory from pillage, without the aid of roads and settlements in the vicinity. The timber may be seized and marked, but it is upon the banks of rivers leading into a neighboring Province, beyond the reach of the Agents of Maine, and will be floated to market in the spring. The Provincial authorities have expressed a willingness to do every thing in their power to prevent trespass, and have, there is no reason to doubt, acted in good faith. Still, the timber is yearly wasting away, and cannot be protected, except by a sufficient force to bring off

both men and teams, and subject all concerned to the rigor of our laws. In the two last annual Reports from this Department, the condition of this territory was particularly described, and very little alteration has since taken place. Some more efficient measures should be taken for its protection, and, if it should not be deemed expedient, at this time, to adopt the one suggested, perhaps the appointment of an Agent, for the sole purpose of protecting this territory, who should be required to pass his whole time upon it, might materially lessen the amount of depredation. It would, however, be necessary to empower him to destroy every species of property employed in trespassing, including teams whether engaged in logging or hauling supplies, and to employ a sufficient force to enable him to execute his authority. I am aware that there is something revolting in the voluntary destruction of property, but after giving the subject my most careful consideration, I am fully satisfied that none but the most decisive measure will produce the desired effect. Whatever plan is adopted for the better protection of this exposed portion of our State, the completion of this road, and the settlement of the adjacent country, is necessary to its entire success. Remote as this region is from roads and inhabitants, the expense of a sufficient force to prevent rescues, and ensure the prompt execution of the laws, would be very great, nor would it be possible, whatever

the precautions, to do it so effectually, as with these additional facilities. I am therefore fully satisfied that the true interest of both the State and Commonwealth, requires the immediate construction of this road, and am prepared, unless otherwise instructed by the Legislature or Executive, to bring the subject before the Agent of the Commonwealth at an early day, and if his co-operation can be secured, to put the road immediately under contract. This is all that my present authority will permit. I cannot expend a single dollar in roading, under the Resolve of 1832, without an equal expenditure on the part of Massachusetts. The Agent of Massachusetts has hitherto been disinclined to build this road, believing that so large an expenditure would not be sanctioned by the Government of that State, and as I have not at this time the means of communicating with him, it is impossible for me to say whether his opinions have undergone any change. I mention this circumstance, that an expression of the views of Massachusetts may in some way be obtained the present winter. Unless this is done, little reliance can be placed upon the road being built under the joint Resolve of the two States, for opening roads through the public lands, and it will be necessary for Maine either to abandon the project, or make some separate provision to carry it into effect.

With the exception of the disputed territory, the

public lands the past year, have suffered very little from trespass. In the month of March, Shepard Carey, Esquire, was instructed to examine the territory above Houlton, lying upon the Presque Isle and the head waters of Meduxnekeag. Alvin Haynes was sent up the Mattawamkeag, Edwin Rose passed the winter upon the East branch of the Penobscot, Major Barnard was instructed to make what examination and enquiry the nature of the case would allow, while laying out the Moosehead road, and Capt. Joseph Chase was sent up the Piscataquis. Not more than ten or a dozen trees were found to have been cut on the public land in all these examinations. These were cut upon township number seven in the eighth range North of the Waldo Patent, by Nathaniel Bodwell, Benjamin Miller, and George Estes. I have assurances that this trespass will be settled and no action has yet been commenced against them. There was also a small amount of timber cut upon a public lot lying near Machias, and an action has been commenced against the trespassers by Joshua A. Lowell, Esquire, of that place.

The sales of land the past season have been very small, and mostly confined to closing the old settling contracts. Such have been the pecuniary embarrassments of the whole community, it was not thought advisable to put any in the market. None, therefore, has been sold except in lots to settlers. We

have, however, been offered very liberal prices for timber lands the past season, and the prospect is, that a few townships might be sold as early as June or July, at an advance from former State prices. The price of timber is steadily rising, and as our Atlantic cities and manufacturing villages depend almost entirely upon Maine for their white pine, it must still continue to advance.

Timber lands, however, are mainly valuable as a source of revenue, and, are less intimately connected with the prosperity of the State, than lands suitable for cultivation. At present, large sums are annually drawn from the Eastern Counties, to pay for pork and flour, while Maine has a sufficient quantity of good wheat lands, yet unimproved, to supply not only her own citizens, but all New England. The climate has been made an objection to the extensive cultivation of wheat, but it seldom happens that any of the small grains, which are seasonably sown, fail to come to maturity, and the average quantity per acre is not less than in the wheat districts of New York. Our wheat lands, too, are free from stones and easily tilled, and nothing but mistaken views of our climate, prevents their speedy occupation by the surplus population of New England. The settlements are steadily increasing but not with the rapidity the natural advantages of the State would lead us to anticipate. This is a subject worthy the serious consideration



of every good citizen. A combined effort may do much to turn the attention of our young men to the cultivation of the soil, where honest industry is sure to meet its reward. The wild spirit of speculation, which so recently swept like a desolating pestilence over the whole community, turning industry and capital from their natural channels, has at length spent its fury, and men are beginning to return to their respective occupations. The present, therefore, is a time peculiarly favorable for an attempt to promote the interests of agriculture and extend the borders of our infant settlements.

The receipt from the sales of land, the current year, have been but a few hundred dollars, and the collections upon the notes in the office, have been small in comparison with the year 1835. Business the past season has been paralyzed. An unprecedented pressure has weighed down the more active and enterprising class of citizens throughout New England. In addition to this common calamity, the lumbering interest has been compelled to contend with another, of far greater magnitude. A large proportion of the logs cut the past season, could not be brought to market, for want of water. Even those which have been brought to the booms, so very severe was the drought, could not be run to the mills. It is believed the value of the logs and boards that have been thus kept back upon our three great rivers, will exceed three millions of dollars.

It would therefore have been extremely inconvenient, if not impossible, for many of those indebted to the State, to have met their payments. Since the opening of the spring, and the failure of the resources on which the lumbering interest mainly relies, very few actions have been brought upon demands in this office. It was believed that lenity, under existing circumstances, was the true policy of the State.

The annexed account exhibits the total amount of receipts from every source, and the various expenditures of the Department together with the amount paid into the State Treasury. The accompanying Schedules contain the sales of land and receipts of money for the year 1836, and a list of all securities in this office, a duplicate of which has been furnished the Treasurer.

**JOHN HODGDON, Land Agent.**

DR. STATE OF MAINE *in account with* JOHN HODGDON,  
*Land Agent, for the year ending December 31, 1836.*

For amount paid for postage of letters and public documents, Per sheet No. 1.	57 51	
For amount paid for incidental charges, including fuel, lights, books, stationery, stage fares, auctioneers' bills, advertising, &c. Per sheet No. 2.	284 81	
For amount paid for office rent at Bangor, from Sept. 10, 1835, to Dec. 10. 1836, Per sheet No. 3.	125 00	
For amount paid for agencies and clerk-hire, including pay of an agent at Houlton, for 1835, Per sheet No. 4.	1,300 00	
For amount paid for examining for trespassers, and securing timber cut by trespassers on the Public Lands, Per sheet No. 5.	120 08	
For amount paid for surveying timber cut on the Public Lands of Maine, under permits from the Land Agent in 1833, Per sheet No. 6.	285 02	
For half the amount paid for incidental charges in company with the Land Agent of Massachusetts, including advertising, auctioneers' bills, &c. Per sheet No. 7.	21 24	
For half the amount paid for exploring the undivided lands in company with the Land Agent of Massachusetts, Per sheet No. 8.	109 28	
		2,302 94

Making the total amount of expenses of the Land Office, for the year 1836, exclusive of the Land Agent's Salary, \$ 2302 94.		
For the amount paid and allowed for sundry outstanding claims against former Land Agents, including \$ 1198 66 paid to the Treasurer and former Land Agents on old contracts and claims for land and included in the account of sales of 1836,	2,460 60	
Per sheet No. 9.		
For amount of expenses incurred under the Resolves of March 17, 1835, March 16, 1836, and Mar. 24, 1836, in favor of the Revolutionary soldiers,	766 18	
Per sheet No. 10.		
For amount abated and allowed upon certain notes under the provisions of a Resolve in favor of Isaac Curtis and als. passed Feb. 14, 1834, and a Resolve in favor of James Jackman, passed March 13, 1835,	237 00	
Per sheet No. 11.		
For amount paid for Bills of Cost on demands sued,	376 10	
Per sheet No. 12.		
For half the amount expended in company with the Land Agent of Massachusetts, in surveying and locating a road from Moosehead Lake to the Canada Road,	699 68	
Per sheet No. 13.		
For half the amount expended in company with the Land Agent of Massachusetts on the Restook Road,	600 00	
Per sheet No. 14.		
		3,839 88

For half the amount expended in company with the Land Agent of Massachusetts in opening the Houlton Road from the Restook Road to township No. 6, R. 3, Per sheet No. 15.	153 34	1,453 02
For amount of Cash paid into the State Treasury, Per sheet No. 16.	44,591 66	44,591 68
Making the whole amount of payments and disbursements from the Land Office during the year 1836, \$ 52,187 50. Leaving a balance of securities and cash in the hands of the Land Agent on the 31st day of Dec. 1836, of \$ 347,144 30 as exhibited in schedule annexed, marked A. to wit :		
NOTES—including the sum of \$ 40-485 72 in the hands of attorneys for collection,	318,230 71	
EXECUTIONS—including the sum of \$2,289 64 in the hands of attorneys for collection,	4,005 01	
BONDS—including the sum of \$10-894 32 in the hands of attorneys for collection,	18,447 12	340,682 84
CASH—in the hands of Shephard Carey, Deputy Land Agent,	180 38	
CASH—in the hands of George W. Coffin, Land Agent of Massachusetts,	1,521 39	
CASH—appropriated for building a road in Township No. 1. Indian Purchase, being the proceeds of land appropriated by Resolve of March 24, 1835, including the sum of \$73 72, paid by the Land Agent for one year's interest on		

\$1,228 75 remaining in his hands Dec. 31, 1835,	1,963 22	
<b>CASH</b> —being the amount charged to the account of "Road Fund," for the purposes contemplated by the Resolve of March 9, 1832, and the agreement of the Com- missioners of Maine and Massa- chusetts ; and being ten per cent of the receipts of cash, during the year 1836, on all demands for land and timber sold since the passage of said Resolve,	2,796 47	6,461 46
		<b>\$399,331 80</b>

CR. STATE OF MAINE *in account with* JOHN HODGDON,  
*Land Agent, for the year ending Dec. 31, 1836.*

By amount of securities and Cash remaining in the hands of the Land Agent, Dec. 31, 1835, per Schedule on that day returned to the Governor and Council, to wit :		
NOTES,	274,420 89	
EXECUTIONS,	4,385 36	
BONDS,	85,232 02	
CASH, in the hands of S. Carey,	75 80	
CASH, in the hands of G. W. Coffin,	759 96	
CASH, Madaceunk road fund,	1,228 75	
CASH, in the hands of the Land Agent,	4,929 15	371,031 93
By CASH, received of Isaac S. Small, Surveyor General, for the amount advanced him to defray the expense of surveying the Public Lands in 1835, and charg- ed in account of last year,	5,250 00	
By CASH, for the amount deducted from account of 1835, by the Council and paid from the Trea- sury, &c.	2,487 00	7,737 00
By amount received in Cash and securities for sales of Land, Per schedule No. 2.	3,711 46	
By half the amount received for sales of undivided Lands, Per schedule No. 3.	100 00	3,811 46
By amount due for timber cut in 1836, under permits from the Land Agent, granted in 1833, Per schedule No. 4.	7,552 80	
By amount received for timber cut		

by trespassers upon the Public Land,	25 25	
Per schedule No. 5.		7,588 05
By amount received for the right to cut grass on the Public Lands for 1836, including \$8 00 for grass cut in 1830,	223 00	
Per schedule No. 6.		
By half the amount received for the right to cut grass on the undivided Lands in 1836,	17 50	240 50
Per schedule No. 7.		
By amount received for Bills of Cost collected,	62 79	
Per schedule No. 8.		
By amount received for interest, collected on demands due the State,	8,860 07	8,922 86
Per schedule No. 9.		
		\$399,331 80

JOHN HODGDON, *Land Agent.*



ERRATA.—2d page, 15th line from top, for “places,” read *plans*.

5th page, last line, instead of “serving *a* nuclii,” read serving *as* nuclii.

## STATE OF MAINE.



IN SENATE, JANUARY 9, 1837.

*Ordered*, That 1000 copies of the Documents accompanying the Governor's Message be printed for the use of the Legislature.

Sent down for concurrence.

J. C. TALBOT, *President*.



HOUSE OF REPRESENTATIVES, }  
January 9, 1837. }

Read, and 1000 copies ordered to be printed in concurrence.

H. HAMLIN, *Speaker*.