

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1838.

EIGHTEENTH LEGISLATURE.

NO. 3.

SENATE.

ACCOMPANYING THE GOVERNOR'S MESSAGE.

To the Senate and House of Representatives :

I herewith lay before you the Report and account of the Agent, appointed to superintend and manage the sale and settlement of the Public Lands.

EDWARD KENT.

COUNCIL CHAMBER, }
JANUARY 30, 1838 }

REPORT

OF THE

LAND AGENT.

1838.

[G. ROBINSON, Printer.]

STATE OF MAINE.

LAND OFFICE, }
JANUARY 5, 1838. }

To the Honorable the Governor and Council.

GENTLEMEN :

SINCE my last Annual Report, fourteen declarations have been filed in this office under the Resolve of the 17th of March, 1835, making the whole number of applications under said Resolve seven hundred and forty; of which four await further evidence, three hundred and eighteen have been rejected, and four hundred and eighteen have been admitted and certificates issued. The number of applications in the same period, under the Resolve of the 24th of March, 1836, has been sixty-one, making the whole number of applications two hundred and eighty. Of these, seven are postponed for further examination, sixteen have been rejected, and two hundred and fifty-seven have been admitted, and the certificates issued. It is believed that all or nearly all claims under these Resolves have been presented, and that no further appropriations, either of land or money, will be required. Many cases have arisen where it was almost impossible to determine the merits of the claim, and it is not impossible that some applications have been rejected, that should have been admitted. A portion of the records of revolutionary service, was destroyed by fire at the burning of the Treasury, and

where the discharge received on leaving the army had been lost, it became in some instances impossible to supply the deficiency by living witnesses. No pains has been spared in collecting evidence, and all declarations of service with the accompanying papers, are now on file in this department, and it would be gratifying to me to have all rejected cases revised by the Governor and Council.

The only surveying done the past year, was to finish running the lines of Indian township number three, which were not completed in 1836, and to locate a road from the Aroostook to Madawaska, the field notes and plan of which have been transmitted to the Executive by the Surveyor General.

The sales of land have been very limited, and entirely confined to settling lots, with the exception of a gore of land owned in common by the State and Commonwealth, containing about five thousand acres.

I am happy to state that but few trespasses have been committed the past year, and those if we except the disputed territory, have been of little importance. A few thousand feet of lumber were cut upon two or three of the lots reserved for public uses in the County of Washington, and actions against the trespassers have been commenced by J. A. Lowell, Esquire of East Machias. In this instance, the proprietors of the town claim the control of these lots, and deny the power of the Land Agent to interfere; but as it was made my duty, by the laws of the State, to protect the lots reserved for public uses from trespass, it was deemed proper to bring the subject before the Supreme Court for decision. About eighty trees were cut on number six in the tenth range west from the east line of the State, by a party lumbering in the adjoining town. It is believed that this trespass was not intentional, and I have acceded

to their proposition to pay the value of the timber and the expense of the Agent, who was employed to count and measure the stumps and tops. The settlement has not yet been completed, as the discovery of this trespass was of but recent date. In the month of October, Mr. Joseph Pollard was sent to examine the lands lying upon the waters of the Aroostook, to ascertain whether any preparations had been made for lumbering the present winter. He found a party of men with one team, making tun timber, who on being assured that they would be arrested and carried to Bangor for trial, if they attempted to commit further depredations upon that river, abandoned their project and returned home. Mr. Pollard visited the same neighborhood near two weeks afterwards, and as they had not returned, it is to be hoped that no further attempts will be made to trespass upon the disputed territory the present winter. There was about the usual amount of trespassing on the waters of the Aroostook and Saint John the past year, notwithstanding all the efforts of the Provincial authorities to prohibit it. This subject was discussed at length in my Report of last year, and I am still of opinion that the only effectual way to break up this demoralizing practice, is, to seize both teams and men in every instance and bring them off the territory at once. This has been hitherto impracticable without a heavy expense, but the settlements in this quarter have at length so far increased, notwithstanding all the difficulties they had to encounter, that if resistance were offered to the execution of the laws, the necessary aid might be procured in the immediate neighborhood.

The Madaceunk road, authorized by a Resolve of March 24, 1835, has been opened as far as the river of that name, where an enterprising company had commenced

the erection of mills, with the expectation that a good communication with the military road would be opened at the expense of the State. Public notice was given, that proposals would be received, for the construction of this road, but the offers were all so unreasonably high, that they were rejected, and the road was built by private contract. Had they been deemed reasonable, they could not have been accepted, as the lowest exceeded the amount of funds at the command of this department for that purpose. The sum expended on this road is thirteen hundred and eight dollars.

A road has been opened, under the direction of the Agents of the State of Maine and Commonwealth of Massachusetts, from the northwest bay upon Moose Head Lake, a distance of thirty-eight miles and two hundred and fifty-eight rods, to intersect the Canada Road near the head waters of the Du Loup. This road was cut four rods wide, but has not been bridged or causewayed. Should it not be thought advisable to commence turnpiking this road soon, it may be made passable for horses and waggons at a small additional expense. In its present condition it can only be used in the winter. When this road shall have been finished, the communication from Bangor to Quebec will be complete, and a fertile region will be laid open for settlement and cultivation. The only objection to turnpiking this road the present year, is, that about seven miles of it lie within the limits of Canada, and in the present unsettled state of that Province, it is not probable that an appropriation would be made by the House of Assembly to defray the expense of making this portion of the route. The Canadian Government is favorably disposed towards this road, and whenever tranquility is restored, there cannot be a reasonable doubt

that Lord Gosford will recommend an appropriation for this purpose. The Report of Joseph Spaulding, Esquire, who examined this road, for the purpose of determining whether the conditions of the contract made with Mr. A. Coburn for opening it, had been fulfilled, is hereunto annexed.

About seven miles of the Aroostook Road have been built the past season, in a very permanent and satisfactory manner, under the superintendence of Hon. Ira Fish of Lincoln, whose report, as well as that of Mr. Oliver Frost, who was sent to examine said road, are herewith communicated. I am inclined to believe from the Report of Mr. Frost, as well as from my own inspection, that Mr. Fish has adopted the most approved method of roading, and has expended the money received for this purpose to the best possible advantage.

It was doubtless expected that more would have been done upon this road, but the unusually high prices of hay and provisions, prevented the Agents from putting so large a force upon the road, as they would otherwise have employed. To avoid this difficulty another year, I have made purchases of hay, provender and flour, to be delivered upon the road this winter. With the roading apparatus and supplies upon the ground, the work may be resumed early in the spring, at a much less expense than was necessarily incurred the past year. The amount expended by Maine the past year upon the Moose Head and Aroostook roads, is six thousand two hundred and sixty-four dollars and fourteen cents.

If any one has heretofore entertained a doubt of the expediency of opening a communication between Madawaska and the settlements upon the Penobscot, the events of the past summer must have gone far to remove it. Every town and village should be made as accessible to

the officers of our own Government, as they are to those of a foreign power, especially if that power has evinced a disposition to molest our Agents, in the discharge of their official duties. At present, near four thousand of our citizens are cut off from the protection of our laws, and can have no intercourse with their fellow citizens, without passing through the Province of New Brunswick, where, from this circumstance, they are now compelled to transact all their business. And in addition to our obligations to the people of Madawaska and the Aroostook, our own interest, if no other inducement were offered, would demand the immediate construction of this road. By comparing the situation of the northern district of the County of Washington, ten years ago with its present condition, we may form a pretty correct estimate of the improvement that would follow the opening of this thoroughfare between Madawaska village and the waters of the Penobscot. When the inhabitants of this region learnt that the State had commenced turnpiking this road, and was determined to carry it through, they took new courage, and with increased energy applied themselves to the cultivation of their farms, which some had begun to talk of abandoning. Several highly respectable individuals from different parts of the State, have recently turned their attention to this region, and will take up farms upon the Aroostook, as soon as the condition of the road shall warrant such a procedure, and from present indications, with a liberal policy on the part of Government, this whole region will, in a few years, be filled with a dense population. The extreme fertility of the soil upon the Aroostook, cannot fail, as soon as it becomes accessible, to draw in an enterprising and industrious population, that will soon make it the garden of the State.

The settlement of the public domain by a hardy and

industrious population, is of far greater importance than the amount of revenue derived from it. Indeed this has been the object aimed at in all legislation upon the public lands, but experience has discovered the defects of each successive system. Soon after the separation, with this object in view, Maine passed laws intended to be made so favorable to the settler, as to induce the surplus population of the State to locate themselves upon the public lands. The land was nominally put at twenty and thirty cents an acre, but in reality at ten and fifteen cents, as half was to be paid in labor on the road. However advantageous these terms may appear, their practical effect was any thing but favorable to the growth and prosperity of the towns thus opened for sale and settlement. No sooner did a town commence settling, than the want of mills and roads and schools, were severely felt, and not unfrequently caused the more enterprising, after a few years of privation, to leave, and seek some more commodious location. I have seen adjoining towns, equal in soil and natural advantages, opened for settlement at the same time, the one by proprietors and the other by the State—the former sold rapidly at two dollars an acre, and become a flourishing town, while the latter obtained but a few inhabitants at twenty cents an acre, and made but slow advances towards civilization. If an Agent had been invested with discretionary power to open roads, erect mills, and supply such other aid as is furnished by proprietors, this effort might have been more successful. To give away lands and leave the settler to make his own roads, is a mistaken policy. The more recent course adopted by the State, of putting a fair price upon the land, and expending a portion of the proceeds in opening channels of communication with the adjacent settlements, has been productive of more favor-

able results. Much more may be done, by enlisting individual enterprise, than is possible for Government to accomplish. I would suggest, therefore, the propriety of selling settling townships to individuals and companies, and receiving settlers in payment at a stipulated price. It would be only necessary for the young men in any adjoining State, to form a company large enough to pay for a half town at the price fixed per head, to furnish themselves with farms free of expense—or a proprietor might build roads and mills, and make farms, and in this way collect about him in a few years a sufficient number to discharge his notes. By passing a law of this character, taking good care to guard against abuses, more could be done towards settling the public domain in five years, than has been accomplished for the last twenty.

I would also suggest the propriety of so far changing the laws regulating the sales of timber and timber lands, as to require the purchase money to be paid at the time of sale. Moderate credits in ordinary business transactions may not be liable to serious objections, but all experience has shown the evil tendency of Government's holding out inducements to its citizens to contract large debts, for unavailable property, and thereby placing themselves at the mercy of every fluctuation in the standard of value. Such obligations are seldom discharged without large sacrifices, and many valuable citizens find themselves, thereby, so deeply involved as seriously to impair their usefulness to the community. The General Government, after repeated losses and great vexation in applications for extension and commutation, found it necessary to abandon the credit system in the sales of the public lands, and the very low price of wild land in Maine, in years past, is all that has saved us from the same troubles. From A. D.

1820 to A. D. 1832, the estimate put upon this species of property, was so much less than the actual value, that if the original purchaser was unable to pay the notes he had given the State, there was little difficulty in finding some capitalist who would take the bargain off his hands; but the high prices of 1835, taken in connexion with the utter prostration of business the two past years, and the great diminution of value in all exchangeable commodities, has rendered such a resort utterly impracticable.

There are notes to a considerable amount in this office taken in 1835, that can never be paid, all the parties to them having become bankrupts. But in every case of this kind, the land is secured by mortgage, and no timber has been cut, so that the State cannot be subjected to any actual loss. Lands thus situated, are of the poorer class, and were bought at random, without much inspection by the purchasers. There is another class of cases exceedingly perplexing, where several individuals joined in a purchase, and although they gave their separate securities, the whole tract was mortgaged to secure the payment of all the notes. In some of these cases, a part of the individuals are able to pay their notes, while others have stopped payment, and to secure a title, they must discharge not only their own, but the notes of their unfortunate associates. Some of our most useful citizens have become thus involved, and to retain their notes can be of no service to the State, while it may be a source of great inconvenience to them. I would, therefore, recommend the passage of a law, authorizing the Land Agent to cancel the notes of such individuals as shall make application for the benefits of said Act, before a given day, they forfeiting to the State all payments heretofore made, reconveying the land, and

showing to the satisfaction of the Agent, that no timber has been cut, and that the land has received no injury while in their hands.

There is a large amount due from individuals, who will be ultimately able to pay, but cannot command money at the present time. Indeed so extensively has the community been affected by the calamities of the past two years, that there is scarcely a man indebted to the Land Office, who would not find it exceedingly inconvenient to make immediate payment. The experience of every man in managing his own affairs, must unavoidably lead him to the conclusion, that such is the fact, without the assertion from me. The question arises, what policy, under this state of things, shall be pursued? Extensions have been pretty generally granted by individuals in their large transactions, and many considerations would seem to favor the adoption of such a course on the part of the State. The unshackled energies and united exertions of the whole community, are required to resuscitate the drooping business of the State, paralyzed as it has been in all its limbs, by the convulsive shocks of the two past years. This is a novel subject for the consideration of the Legislature, but will, it is confidently believed upon mature reflection, be deemed worthy of legislative action. Should it be thought proper to give a general extension, it would be but reasonable, as a prerequisite, to require all disposed to claim it, before a given day, to deposit with the Land Agent such additional security as will make the demands abundantly secure. I am fully aware of the condition of the Treasury, but a loan may always be obtained on the credit of the State, and the demands of the State being on interest, no loss would accrue from an extension. And

besides, it is highly probable that a larger amount would be collected in the course of three or four years by this method, than by putting the demands in suit.

Lest it should be thought that I am travelling out of my line of duty in making these suggestions, I would remark, that many individuals have conversed with me upon the subject, and it would have been brought before the Legislature in the shape of private petitions, had I not presented this general view of the whole case.

The amount received upon notes, is much less than was expected at the time of my last communication. A prosperous season was then anticipated, instead of the increased difficulties with which the community has had to struggle. The receipts of the past year amount to \$24,713 05, making the sum total received during the four years I have had charge of this department, \$267,089 51, or an average of \$66,772 38 a year. When it is recollected that three of these years have been peculiarly unfavorable for sales and collections, this amount may be considered as large as could have been reasonably expected. Most of the purchases of timber land are made with the belief, that the notes may be met with the avails of timber, but so far are the holders of lands from realizing any thing from this source, the two past years, they find themselves minus the price of the supplies and labor, with a large part of their lumber on hand. But notwithstanding these reverses, the lumbering interest has no cause to be discouraged. This has only suffered in common with every other branch of business, and with the restoration of confidence must again revive; and although there will be but little demand for land until the old obligations are cancelled, the prices of the first quality will be steadily maintained. There is but a limited quantity of white pine for the supply of our

Atlantic cities, and as centuries are required for its reproduction, it possesses an intrinsic value, that no competition can diminish.

A question has arisen in reference to the construction to be put upon the deeds now given by the State, which embrace a condition for the payment of the purchase money, that it would be well to put at rest. It will be found, by reference to a report of my predecessor, the Hon. Daniel Rose, that he asked the Legislature to authorize him to embrace the mortgage to the State in the deed of conveyance, to prevent the possibility of losing a claim upon the land, by an immediate conveyance by the purchaser, before the mortgage to the State could be put on record. This authority was accordingly granted, and taking the origin of the law, in connexion with the decisions of our courts upon conveyances with bonds to re-convey, bearing the same date, I have ever been of opinion that these deeds should be regarded as a deed and mortgage. There may be some doubt about the form of conveyance adopted by the two States, as these contain a condition for a forfeiture of the money paid, in case the terms of payment should not be strictly complied with. And still the question may arise, whether this should be regarded as anything more than a forfeiture in case of an ultimate failure to redeem, within the three years after taking possession, and to guard against petitions for a repayment of the sums advanced. If these conveyances are not to be considered as a deed and mortgage, it should be distinctly understood, to prevent all misunderstanding upon the subject. I have been led to these remarks at this time, in consequence of a remonstrance filed in this department by Gen. Samuel Veazie, against the waiver of the forfeiture of certain islands in Old Town Falls, by

a neglect on the part of the purchasers to pay their notes, and setting forth his claim to said islands in virtue of a conveyance from Jackson Davis, many years since. This was a joint release by George W. Coffin, Esquire, and myself, of the interest of the State and Commonwealth in said islands and containing a provision against any claim of the purchasers, for any deficiency of title, or any other cause whatever. It was believed at the time of sale that the fee of these islands was in the two States, and I have seen no cause since, for changing my opinion, other than that Gen. Veazie has so much confidence in his claim, as to engage in an expensive law suit for its recovery. I have never felt it my duty to refuse money when offered in payment of notes over due, believing, whatever may be the legal bearing of the State deeds, that the Legislature would never claim a forfeiture without good and sufficient reasons. But under the circumstances above mentioned, where a question of title is involved, it would be more satisfactory to receive the express instructions of the Governor and Council or the Legislature.

Annexed is an exhibit of the receipts of the past year, the amount paid into the Treasury, and the disbursements of the department. The accompanying schedules contain the sales of land for 1837, and a list of all securities in this office, duplicates of which have been transmitted to the Treasurer.

JOHN HODGDON, *Land Agent.*

DR. STATE OF MAINE, *in account with* JOHN HODGDON,
Land Agent, for the year ending December 31, 1837.

For amount paid for postage of letters and Public Documents,	27 22	
Per sheet No. 1.		
For amount paid for incidental charges, including fuel, lights, books, station- ery, stage fares, advertising, &c.	194 04	
Per sheet No. 2.		
For amount paid for office rent at Ban- gor, from Dec. 10, 1836, to Dec. 10, 1837,	100 00	
Per sheet No. 3.		
For amount paid Assistant Agent,	1000 00	
Per sheet No. 4.		
For amount paid for looking up tres- passes and for securing timber cut by trespassers,	266 57	
Per sheet No. 5.		
For half the amount paid for incidental charges, in company with the Land Agent of Massachusetts,	15 50	
Per sheet No. 6.		
For half the amount paid for looking up trespasses, and securing timber cut by trespassers on the undivided lands,	121 59	
Per sheet No. 7.		
Making the total amount of expenses of the Land Office for the year 1837, exclusive of the Land Agents salary, \$1,724 ⁹² / ₁₀₀ .		1,724 92
For amount paid to former Land Agents on old contracts for land, and allowed to claimants, being credited in the account of sales for 1837,	120 00	
Per sheet No. 8.		
For amount of expenses incurred under the Resolves of March 17, 1835,		

March 16, 1836, and March 24, 1836, in favor of the soldiers of the Revolution,	71 46	
Per sheet No. 9.		
For amount abated and allowed on notes of Isaac Curtis et als. under the provisions of the Resolve in favor of Isaac Curtis et als. passed February 14, 1834, and the Resolve additional thereto, passed March 7, 1837,	110 91	
Per sheet No. 10.		302 37
For amount expended upon the Madaceunk road, in Township No. 1, Indian Purchase, from the fund accruing under the special appropriation of the Legislature, by the Resolve of March 24, 1835,	1,308 00	
Per sheet No. 11.		
For half the amount expended in company with the Land Agent of Massachusetts, on the Aroostook Road, extending from the Military road to the Aroostook River, including the sum of \$330 38 paid for hay and grain for use upon the road next year,	3,407 19	
Per sheet No. 12.		
For half the amount expended, in company with the Land Agent of Massachusetts in cutting out and opening the Moose Head Lake Road, extending from the N. W. bay of Moose Head Lake to the Canada Road a distance of 38 miles 258 rods,	2,856 95	7,572 14
Per sheet No. 13.		
For amount of Cash paid into the State Treasury,	11,910 05	
Per sheet No. 14.		11,910 05
Making the whole amount of payments and disbursements from the Land Office during the year 1837, \$21,509 48. Leaving a balance of se-		

curities and funds in the hands of the Land Agent, on the 30th day of December, A. D. 1837, of \$333,-848 18 as exhibited in the Schedule annexed, marked A, to wit:—		
NOTES—including the sum of \$20,-197 28 in the hands of attorneys for collection,	304,298 99	
BONDS—including the sum of \$10,-894 32 in the hands of attorneys for collection,	18,447 12	
EXECUTIONS—including the sum of \$2,289 64 in the hands of attorneys for collection,	4,005 01	
		326,751 12
CASH—in the hands of Shepard Carey, Esq.	92 82	
ROAD FUND—unexpended balance accruing under the Resolve of March 9, 1832, deposited in the Mercantile Bank, on interest at 6 per cent.	6,349 02	
MADACEUNK ROAD FUND—unexpended balance arising under the Resolve of March 24, 1835, deposited in the Mercantile Bank, on interest at 6 per cent.	655 22	
		7,097 06
		355,357 66

CR. STATE OF MAINE, *in account with* JOHN HODGDON,
Land Agent, for the year ending December 31, 1837.

By the amount of Securities, Cash and Funds remaining in the hands of the Land Agent, Dec. 31, 1836, as exhibited in the Schedule marked A., on that day returned to the Governor and Council, including the additional sum of \$830 13 for several errors in endorsements made in 1833, since corrected, to wit:—		
NOTES,	319,110 84	
EXECUTIONS,	4,005 01	
BONDS,	18,447 12	
CASH, in the hands of S. Carey, Esq.,	180 38	
CASH, in the hands of G. W. Coffin, Esq.,	1,521 39	
Madaceunk Road Fund,	1,963 22	
Road Fund,	2,796 47	
		348,024 43
By amount received in Cash and Securities for sales of Land, Per Schedule B.	317 00	
By amount received for one half the sales of undivided Lands, Per Schedule C.	5,130 00	5,447 00
By half the amount received for timber cut on the undivided Lands, Per Schedule D.	75 00	
By amount received for timber cut by trespassers on the Public Lands, Per Schedule E.	22 00	
By amount received for the right to cut grass on the Public Lands, Per Schedule F.	40 00	
By half the amount received for the right to cut grass on the undivided Lands, Per Schedule G.	7 00	

By amount received on Bills of Cost collected.	6 45	
Per Schedule H.		
By amount received for interest col- lected on demands due the State, Per Schedule I.	1,735 78	1,886 23
		<u>355,357 66</u>

JOHN HODGDON, *Land Agent.*

TRIAL BALANCE, DECEMBER 30, 1837.

ACCOUNTS.	Debit Footings.	Credit Footings.	Debit Balances.	Credit Balances.
State of Maine,		348,024 43		348,024 43
Sales of Land,		317 00		317 00
Sales of Land in Co.,	5,130 00	10,260 00		5,130 00
Grass,		40 00		40 00
Grass in Co.,	7 00	14 00		7 00
Bills of Cost,		6 45		6 45
Interest,		1,735 78		1,735 78
Timber in Co.,	75 00	150 00		75 00
Trespases,	266 57	22 00	244 57	
Trespases in Co.,	243 18	121 59	121 59	
Postage,	27 22		27 22	
Office Rent,	100 00		100 00	
Assistant Land Agent,	1,000 00		1,000 00	
Charges,	194 04		194 04	
Charges in Co.,	31 00	15 50	15 50	
Old Bills,	120 00		120 00	
Pension Lands,	71 46		71 46	
Abatements,	110 91		110 91	
Madaccunk Road,	1,308 00		1,308 00	
Aroostook Road in Co.,	6,814 38	3,407 19	3,407 19	
Moose Head Lake Road in Co.,	5,713 90	2,856 95	2,856 95	
State Treasury,	11,910 05		11,910 05	
Bills receivable,	368,793 49	42,042 37	326,751 12	
Shepard Carey,	273 20	180 38	92 82	
Road Fund,	12,613 16	6,264 14	6,349 02	
Madaccunk Road Fund,	1,963 22	1,308 00	655 22	
	416,765 78	416,765 78	355,335 66	355,335 66

RECEIPTS OF CASH from all sources during the year 1837.

Bills Receivable—for Principal,	18,909 85
Same, for Interest,	1,735 78
Sales of Land,	146 00
Sales of undivided Land,	1,130 00
Trespasses,	22 00
Timber in Co.,	75 00
Bills of Cost,	6 45
Shepard Carey—balance of account last year,	180 38
George W. Coffin " " " " "	1,521 39
Miscellaneous items on account of Geo. W. Coffin,	986 20
	24,713 05

DISBURSEMENTS OF CASH during the year 1837.

Postage,	27 22
Incidental Expenses,	194 04
Office Rent,	100 00
Assistant Land Agent,	1,000 00
Trespasses,	266 57
Charges in Co. with Mass.,	15 50
Trespasses in Co. with Mass.,	121 59
Pension Lands, for copies from Washington, &c.,	71 46
Abatements under Resolves of the Legislature,	110 91
Amount transferred to Road Fund,	9,816 69
George W. Coffin, balance of account,	986 20
State Treasury,	11,910 05
Cash in the hands of S. Carey,	92 82
	24,713 05

REPORT

OF

OLIVER FROST,

ON THE

AROOSTOOK ROAD.

REPORT.

To John Hodgdon, Esquire, Land Agent :

SIR—In obedience to your instructions, I repaired to the Aroostook Road, on the 18th instant, and examined “ that portion of it constructed the present season by the Agents of the Commonwealth and State, under the superintendence of Ira Fish, Esquire.” The present state of the road, the distance completed, and the manner of its construction, with some additional remarks, will be found in the following

REPORT.

The operations of the Superintendent this year, embrace a section of seven and a half miles, commencing at the military road. About one mile of this distance, lying in three separate portions, on the fifth, sixth and seventh miles, remains unfinished, but, about one third of it has been grubbed, and is now ready for ploughing and turnpiking. With this exception, the whole section of seven and a half miles has been completed. The road is made twenty-two feet wide between the outer margins of the ditches, the average height of the centre above the bottom of the ditches is about two feet, and the surface forms a true curve from the bottom of the ditches to the centre of the road. It is made perfectly straight between the angles of the line run by the Surveyor, and the whole distance is well drained. Culverts, made of strong hemlock timber, are

placed at every point where the water would otherwise find a level within the limits of the road, which are sunk about ten inches below the bottom of the ditches, with side drains of the same level.

There are two bridges on this section, of considerable length, one on the second and the other on the seventh mile, crossing two considerable streams running into the Moluncus on the east. The first is about seventy-five feet in length, and the latter considerably longer. They are built eighteen feet wide, of large hemlock timber, and the covering is overlaid with about eight inches of gravel. The whole distance appears to have been well grubbed, and is now apparently free from either stones, stumps or roots.

The expense of making this section of the road, has been considerably increased by the outcropping of the ledges on the north sides of the hills and ridges. This difficulty exists on the northerly sides of all the ridges on this section. In many places where there had been a heavy growth of timber, and was no appearance of ledges upon the surface, after removing the stumps and roots, there was not a sufficient depth of soil over the ledge to form a good road, for the surface was very uneven, presenting frequent abrupt descents of many feet, and in cutting down the high points, frequent large spurs of the ledges were found projecting several feet above the grade of the road. It became necessary, therefore, that these places should be graded either by blasting the projecting points of the ledges or by raising the depressions to a regular gradation between them. The same difficulty was found to exist in passing along the sides and declivities of the hills where the land descended at right angles with the road. In cutting down the upper side, the ledge would be found very near the surface, while the other side

would be several feet lower. In both these cases the Superintendent adopted the latter mode of surmounting the obstructions. In the first, the indentations of the ledges were filled with sound hemlock timber, and deeply covered with gravel; and in the second, the lower side of the road was raised by a sort of wharfing with the same kind of timber, and covered in the same manner. In this way a good substantial road is made, which, being raised so high, requires neither ditching nor draining to be kept at all times free from water. As there was a plenty of good timber on the spot, this was undoubtedly much the least expensive method of making a good road over these places, and in every case where the gradations could not be reduced, it makes a better and easier road than the other mode.

The method adopted by the Superintendent of sinking the culverts and side drains below the bottom of the ditches, is a very great improvement over the common plan of making new roads, while the additional expense is very trifling. All new roads made by ploughing and turnpiking, will settle more or less uneven, according to the different kinds of soil or gravel used in their construction, and after the first or second year require raising more or less, and levelling. Where the culverts and side drains are placed eight or ten inches lower than the ditches, to raise the road this much, it is only necessary to sink the ditches to the level of the culverts; and the gravel thus taken from the ditches will be sufficient to level the road. The expense, therefore, of repairing and perfecting a road made in this manner, is very trifling to that of roads made in the ordinary manner. These repairs, however, it is believed, will be cheerfully made by the proprietors of land on this section, without the further aid of the States.

On the 19th instant, the next day after my arrival at his camps, Mr. Fish discharged his men and suspended his operations for the season. The ground in that section had become very wet from the abundant rains which had fallen there in the early part of the month, rendering it very uncomfortable both for men and teams, with the increasing coldness of the weather, to perform the labor required of them. From the causes already stated and the decreasing length of the days, finding that the work was progressing less rapidly than he desired, he concluded that the rigid economy exacted of him by the Agents, required a suspension of the work for the season, although it was his intention to have continued his labors till November, and to have completed the section before named.

On a slight inspection of this portion of the road, it seemed to me at first, that a less perfect one might have been made to answer a good purpose for several years, and that by this means a road of some kind might be extended to the settlements on the Aroostook at an earlier period. But an examination of the road beyond this section and a comparison of the three different portions of it, to wit:—that part remaining in the state in which it was left last year, the portion grubbed and ready for turnpiking, and that already finished, taking into consideration the cost of each, led to the adoption of a contrary opinion.

The average amount expended on the first thirty miles previous to this year, is about one hundred and fifty dollars per mile, and the cost of the section made this year will probably fall something short of eight hundred dollars; so that the average expense per mile, of a good turnpike road for the first seven and a half miles, at the outside, is

nine hundred and fifty dollars or a fraction short of three dollars per rod including bridges. But it is estimated that the next twenty-three miles is much more favorable for making a road than the section made this year, owing principally, to the fact that there are very few hills or bridges and consequently no inconvenience from ledges; and that the cost of making this distance will be at least one hundred dollars per mile less than the former. Should the high prices of forage and provisions the present year be taken into consideration, it may be fairly estimated that in ordinary or plentiful seasons the cost would be reduced at least fifty dollars per mile from this branch of the expenses. Aside from this, however, it may be safely estimated that the cost of completing the next twenty-three miles will not exceed seven hundred dollars per mile. If to this be added the one hundred and fifty dollars heretofore expended, the average cost of a good turnpike road will be eight hundred and fifty dollars per mile.

This road, beyond the seven and a half mile tree, can be considered nothing but a winter road, except through the openings made by the settlers. The space cut out is so narrow that the sun has but little effect upon it, and wherever the surface has been broken by the removal of the stumps, or the roots have decayed, it is little else than a deep pit of mire. The part travelled over is a serpentine track veering from one side of the opening to the other, wherever space enough could be found between the stumps without removing them, for the passage of a cart.

To make a summer road in any manner short of turnpiking, it would be necessary, after cutting the trees, to remove the stumps, roots and rocks, and to make all the culverts, side drains, bridges and causeys necessary in turnpiking. When this has been well done, it is estimated

by the best practical road makers that three fourths at least, of the labor and expense of making a good turnpike road through a forest has been performed. But, in addition to this, considerable labor is required to smooth the surface. Without this additional labour, however, such a road, upon the estimates before made would cost six hundred thirty-seven and a half dollars per mile.

Would such a road remain long in a condition to be useful or even tolerable for a summer road? Or would it be adopting a system of sound economy, on the part of the States, to spare the additional cost of turnpiking?

After the surface has been smoothed, unless side ditches are made and the centre raised above the level of the sides, the water will invariably settle into the low places and into the loose earth filling the cavities made by removing the stumps and rocks, and unless the land is light and sandy (which is not the case on any part of this road) a few weeks travel over it will convert the whole distance into a succession of sloughs. A road made in this manner through a forest would be very different from one constructed in the same manner over open land, where the action of the sun in a few days in the summer would dry and harden such places, so that they could be filled up and made solid. Such a road would be less useful for heavy teams than a smooth track through the forest with the roots and fibres of the trees and shrubs remaining undisturbed, for these, while sound, although the ground may be wet and soft, serve as a kind of bridge or causey to keep the wheels from sinking far into the soft earth.

One of the most essential requisites of a good road, especially through a new and unsettled country, is, to be well drained. The great superiority of the military road over most of the great leading roads in the State, consists

principally, in its being so constructed that the water falling upon it immediately passes off into the ditches upon each side, and finds no level until it is carried through a culvert into a side drain beyond the limits of the road. Whereas, if the water were permitted to find its level in the ditches, the consequence would be, that every rain would fill them at short distances to the level of the road. Here it must remain till taken off by means of absorption and evaporation, a process so slow in an unsettled country, that the road would constantly be kept in a soft and unsettled state, entirely unfit for use if not impassable. But a road made by grubbing and levelling only, although culverts shall have been made at every necessary point, would be still worse; for none of the water falling upon the surface would pass off until the ground become so completely filled as to turn the whole distance, except the hills, into a complete slough. The hills would be in a very different, but quite as bad condition. The water finding no channels, and nothing in the form of the road to guide it to the sides, would pass down to the valley over the lowest portions of the road, which would always be the travelled path, and in this way a few successive showers would form a ditch or ditches, increasing in depth at every rain, the whole length of the hills, and render this portion of the road also useless and impassable for carriages. This would inevitably be the case with any road made in this manner, not exposed at all times to the action of the sun.

It is apparent, therefore, that no useful road can be made without draining, nor can it be drained without side ditches. After the road has been grubbed and the necessary culverts, side drains, bridges and causeys made, to make the ditches is to complete the road. Therefore it

results in this, if the estimates made in the former part of this report be correct, that when three-fourths of the labor required in making a good turnpike road, has been performed in making one of a cheaper construction, unless the remaining quarter be also added, the three-fourths, for every purpose of a summer road, becomes an useless and unnecessary expenditure. It would seem, therefore, to be the part of wisdom and economy in making this road, to adopt the maximum principle. From the examination which I have made, I am satisfied that very little can be done to the remaining portion of it to render it more useful during the summer season, short of draining and turnpiking. The only repairs that can be made of any utility, must consist of bridges and causeys.

If these views be correct, it must be admitted that the true policy of the States, is, to pursue the plan adopted this year by the Agents, of completing the road as far as any thing is done upon it.

I am, very respectfully,

Your obedient servant,

OLIVER FROST.

BANGOR, Nov. 1, 1837.

REPORT

OF

I R A F I S H,

ON THE

AROOSTOOK ROAD.

REPORT.

*To George W. Coffin, Land Agent of Massachusetts, and
John Hodgdon, Land Agent of Maine :*

THE undersigned, appointed on the 21st day of June, A. D. 1837, Agent to superintend the further construction of the Aroostook Road, leading from the Military Road to the Aroostook River, would respectfully submit the following

REPORT.

Immediately after my appointment, I made the necessary arrangements to commence at an early day. On the third of July, six men began work, and within one week had constructed the necessary camps on the three first sections. On the tenth day of July, forty-five men and six yoke of oxen were ready to commence operations. These I divided into parties of fifteen men and four oxen each, and began work on the first part of each section. Finding the road extremely difficult to drain, I became satisfied that it would be most economical to complete the road as we progressed, and after consulting you upon the subject, I proceeded to construct it in the following manner, to wit: twenty-two feet of the centre is carefully grubbed and every obstruction to the plough (except ledges) removed. The road was next well ploughed and then turnpiked, by raising the centre, generally, about two feet, (in wet places more,) sloping off in a true curve to the outsides of the

ditches. The road is made on a straight line from one angle to another, as laid out by the Surveyors.

The culverts and side drains are sunk about ten inches below the bottom of the ditches. No causeways are laid, except where the earth to be thrown up was not suitable for forming a permanent road. In all places where causeways were required, they have been laid and covered according to my instructions. Two bridges only have been constructed the present season, one, about one hundred, and the other about seventy-five feet long. The log work, cross timbers and stringers are of sound hemlock. The covering is about eight inches in diameter of juniper or hemlock when such were to be had, otherwise of spruce. They are eighteen feet wide, with a log tree nailed on each side for a railing, and the whole is built in a firm and durable manner, and covered about eight inches deep with gravel. One other bridge, built in the fall of 1835, had sustained some injury by driving logs under it. This has been repaired, railed and covered as aforesaid.

The trees on each side of the road on the sections finished, and a portion of the others, are cut down the width required. In forming the road, we had difficulties to encounter which I had not anticipated. The northerly side of all the ridges over which this portion of the road passes, is broken with high projections of ledges, the surface being covered with about one foot of earth. Where I had supposed the road would be easily graded by ploughing and scraping the high places into the low, I found barely earth enough to cover the surface after it was graded. These low places are filled with sound hemlock timber, placed compactly together, and covered the same as the bridges. This part of the road will last from ten to fifteen years without repairs.

The three first sections were one mile each, the other three, one and a half miles each. The last were made thus large for the purpose of having better water near the camps. It is generally bad on this part of the road, so much so, that, during the hot weather the men were obliged to use molasses with such as they drank. These sections I had calculated to have completed this season, which would have made up the distance from the Military Road of seven and a half miles; but owing to the early cold and wet weather, I deemed it for the interest of the States to have the work discontinued for this season. On these three sections there remains to be completed about equal to one mile. Four miles commencing at the Military Road are finished. The unfinished parts are on the fifth, sixth and seventh miles.

This like all other roads in this country, will require repairing the next year after it is made. In some places the materials is such, that, for a few rods in a place, it will be necessary to cart on gravel to render it permanent. This cannot be done at the time the road is turnpiked, for such places are then too soft to be traveled on with loaded carts and you cannot determine with certainty what portion will require to be graveled. But after it has been traveled over in the fall and spring, been frozen and has settled, it is easy to ascertain what ought to be done. A small sum only will be required for this purpose. My estimate is fifty dollars per mile.

The whole expenditure paid out is \$6,434 45. The cost of oxen and tools about \$1,000. The amount received for supplies sold is \$250 83, which being deducted from the amount of bills paid out will make the expenditure about \$5,183 62, or not far from \$800 per mile.

I have, this season, carefully examined the road as far

north as the settlements in township number five, with a view of making, as near as may be, an accurate estimate of the expense of making it. The remainder of the distance, to the twelve mile tree will probably cost \$800 per mile. From thence to the north line of township number four, a distance of seventeen and a half miles, about \$680 per mile, and the remaining one and a half mile to the farthest settlement in township number five, about \$800 per mile, embracing in the whole, a distance of thirty miles from the Military Road.

I would respectfully suggest a few reasons why it would, in my opinion, be more economical to complete the road thus far the next season. Labor will probably be low in this section, as but few hands will be required in the lumbering business. The crops of grain and hay have been abundant the past season, and a surplus is in the hands of the grower. These supplies can be purchased at a less price than when many are lumbering in the vicinity. By purchasing on the road, the expense of transportation from Bangor will be saved. The superintendence of the work, with the number of men employed this season, requires the constant personal attention of an Agent; but if it should be deemed expedient to put on double the force next season, one man can attend to the whole operations at the same expense, and, by commencing early in May, this would be a sufficient number to complete it nearly or quite to the thirty mile tree. The flour for the men, and the hay and provender for the oxen can be had on the route, and the expense of transportation to the camp will be but trifling.

When I quit work, a quantity of supplies remained on hand, and presuming they were worth more at that time, than it would cost to replace them, I sold them. These,

with a few others sold to those at work on the road previous to that time, you will find credited in my account. Two of the best yoke of oxen I have reserved, and have made arrangements to have them well kept at a trifling expense until wanted for use. The other five oxen I have sold, one yoke to Stephen Cobb for eighty dollars, thirty of which has been paid, and is credited in my account. Payment is to be made in cash or grain next spring. The other three oxen I have sold on good security, and am to have supplies for the road. One ox sickened and died.

To some of the men which I hired, I had promised higher wages than others. Some, who proved as good as any on the road, had agreed to work for twelve dollars per month, but when they understood that others were to have more, they became clamorous for an increase of wages. Fearing, if I gratified them, that others might be induced to strike for an increase, I refused to alter the wages of any one; but at the same time directed the Overseers to promise individually, to add such sums to the wages of the best hands as they might think just and equitable. This had the desired effect, and I heard no more about it. The amount thus paid you will find charged in the accounts of the several Overseers, making the sum of eighteen dollars and eighty-eight cents.

By referring to my Report and account for last year, you will find I had a small balance in my hands, about one third enough to purchase materials to finish the bridge across the southwest branch of the Mattawamkeag, in township number four. I had agreed to contribute the remainder, provided the settlers would do the labor to finish the planking and railing. This they agreed to do. The materials, to the amount of upwards of one hundred dollars were delivered at the bridge in November last. The

planking is nearly completed, a portion of the railing put on, and I have assurances that the whole will be completed in a short time.

I have been delayed in making my returns by the impossibility of getting a number of my bills receipted. Several of my men had received their pay without receipting their accounts and have since gone into the woods. I have sent to some, but others I am unable to obtain at present. Presuming my accounts would be wanted, I have concluded to send them on, with these bills made up from the time books and accounts kept by the overseers on the road, and should the receipts be required, to forward them as soon after receiving notice as possible.

I herewith transmit my account and vouchers.

Most respectfully,

Your obedient servant,

(Signed)

IRA FISH.

LINCOLN, DEC. 20, 1837.

REPORT

OF

JOSEPH SPAULDING,

ON THE

MOOSE HEAD LAKE ROAD.

REPORT.

CARATUNK, Nov. 21, 1837.

*To Messrs. John Hodgdon and George W. Coffin,
Land Agents of Maine and Massachusetts :*

AGREEABLY to your request of the seventh instant, I have been to the Moose Head Lake Road cut out by Mr. Abner Coburn ; and, although the snow was from eight to twelve inches deep, I am fully satisfied that the road is cut in all respects agreeably to a contract made between the said Coburn and yourselves, of which the said Coburn shew me a copy. I should think that he expended at least \$500 more than was necessary to have completed said road agreeably to said contract. The first twenty miles from the lake, (after leaving the lake about two miles,) will average at least, thirty feet in width, all cleared smooth with the surface of the ground from logs, brush, stumps, &c., making sufficient room to plough and turnpike the road a good width. And much of the remainder of the road is far wider than was required by the contract. It will require something like one thousand dollars to build good permanent bridges for the winter or summer travel, if done separately from any further job ; but if done in connection with making it a good summer road, it might be done for a much less sum. I should not think it advisable to build much if any causeway, as it can be turnpiked very nearly as cheap. The whole appearance of the road

shows that much pains has been taken to open it where it should be, especially that part beyond the Portage Stream, of which I measured the distance from the point where Maj. Barnard commenced, to its intersection with the Kennebec road (so called) near James Armstrong's, and found it to be seven miles, one hundred and fifty-six rods.

Your ob't serv't,

(Signed)

JOSEPH SPAULDING.

STATE OF MAINE.

IN SENATE, January 30, 1838.

ORDERED, That 1000 copies of this REPORT be printed
for the use of the Legislature.

[Extract from the Journal.]

ATTEST : WILLIAM TRAFTON, *Secretary.*