

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1848.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1849.

TWENTY-EIGHTH LEGISLATURE.

No. 23.

HOUSE.

REPORT.

THE committee on state lands and state roads, to which was referred the petition of the widow and the children of the late John G. Deane, Esq., having had the same under consideration, ask leave to

REPORT:

That the legislature of Maine made a grant to said Deane by a resolve, dated April 4, 1831, which was as follows:

“*Resolved*, That there be granted to John G. Deane, one half of a township of land of six miles square, subject to the reservation for public uses required by law, to be by him selected within one year, from any lands belonging to the state of Maine, north of the waters emptying into the Penobscot river, or from any lands belonging to the commonwealth of Massachusetts and this state, being in common and undivided, north of said waters: *provided*, that said commonwealth shall, at any time within one year, give her assent thereto; *provided*, the said Dean shall settle on the half township, to be by him selected, within three years from the time said land is located, and shall not sell any part thereof except to actual settlers; and *provided*, that the same half township granted as aforesaid be not a timber township.”

Pursuant to the terms of said resolve, the said commonwealth of Massachusetts, by a resolve passed June 4, 1831, gave her assent to the resolve of Maine, passed April 4, 1831. On the twenty-fifth day of February, 1832, the said Deane made a selection of said half township, near the mouth of the Saint Francis river, one of the tributaries of the river St. John, and on that day, filed in the land office of this state a written certificate of said selection, with a request for the location of said half township.

Having thus complied thus far with all the terms and conditions of said resolve, on his part to be done and performed, the said Deane made several journeys to the said half township, had a clearing made, crops raised, buildings erected, and other improvements commenced, in which he expended a considerable sum of money, and devoted much time to the care and management of said lands.

As negotiations were then pending between the government of the United States and Great Britain, for the final settlement of the boundary line between the two countries, and as the British authorities had active possession and jurisdiction of the territory adjacent to the river Saint John, including the half township selected by Mr. Deane, it was probably not thought expedient by the authorities of Maine to make the location of said grant, particularly as about that time several persons had been arrested and imprisoned at Frederickton for undertaking to act under the authority of Maine in that part of the state.

Thus affairs remained until the year 1839, when Mr. Deane died, leaving a family of nine children. In the year 1841 an application was made to the legislature for a confirmation and location of said grant to the widow and heirs of said Deane, and a resolve in favor of the same passed the senate, but failed of a passage in the house of representatives by a very few votes. After the ratification of the treaty of Washington, the territory upon the river Saint John, including the land selected by Mr. Deane, as abovementioned, was run out and surveyed into townships by the land agents of Maine and Massachusetts, and under the provisions of said treaty commissioners have conveyed by deed, to settlers, a portion of the

land selected by Mr. Deane, and where he had made improvements as before mentioned.

It is well known that about the year 1830, Mr. Deane was for several years a member of the legislature, and devoted much time to the investigation of the title of the United States to the disputed territory upon the northeastern frontier, and made several long and able reports on that subject to the legislature.

His attention was also called to the subject of our public lands, and an able report on that subject was made by him at much length to the legislature, and was the basis of subsequent and important legislation upon that matter. His time having been thus devoted for several years almost exclusively to these important subjects, his business in the profession of the law was necessarily much deranged, and finally was entirely broken up.

In consideration of services thus rendered by Mr. Deane and of the consequent loss of professional business, this grant was probably made. The condition in the grant, providing that Mr. Deane should settle upon the land, was undoubtedly regarded by the legislature as having a tendency to enhance the value of the state lands in that part of the state, and promote the more speedy settlement of the same: therefore, if the legislature should think proper, at the present time, to make any compensation to the widow and heirs of said Deane, in land, unconnected with any settling duty, a very considerable abatement in the amount of the grant should be made, for that cause.

The committee being of opinion that the loss of said grant was not occasioned from any fault on the part of said Deane, but from circumstances over which he had no control, and that having in good faith expended considerable time and money upon the improvement of the land selected by him, that his heirs have a fair and equitable claim upon the state on account of the loss of said grant.

The committee therefore recommend the passage of the accompanying resolve.

By order.

ELIJAH L. HAMLIN.

STATE OF MAINE.

RESOLVE in favor of the widow and children of John
G. Deane.

Resolved, That the land agent is hereby authorized
2 to make and execute to Rebecca D. Deane, Josiah
3 P. Deane, Melvin G. Deane, Henry P. Deane, Fred-
4 erick A. Deane, Llewelyn H. Deane and William W.
5 Deane, the widow and children of John G. Deane,
6 late of the city of Portland, deceased, a deed of lots,
7 numbered one, two, three, four, five, thirteen, four-
8 teen, fifteen, sixteen, seventeen, twenty-five, twenty-
9 six, twenty-seven, twenty-eight, thirty-seven, sixty-
10 five, and thirty-eight, situate in the north half of town-
11 ship number three, in the sixth range of townships,
12 west from the east line of the State, containing in the
13 whole two thousand seven hundred and twenty-seven
14 acres.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, July 12, 1848.

ORDERED, That 350 copies of the foregoing Report and accompanying Resolve, be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*