

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1857.

PART SECOND.

AUGUSTA:
STEVENS & BLAINE, PRINTERS TO THE STATE.
1857.

THIRTY-SIXTH LEGISLATURE.

HOUSE.]

[No. 17.]

REPORT

OF THE

JOINT SELECT COMMITTEE,

TO WHOM WAS REFERRED THE

COMMUNICATION OF THE GOVERNOR

IN RELATION TO THE

CLAIMS OF MAINE,

UNDER THE

TREATY OF WASHINGTON,

DIRECTING THEM TO INQUIRE AND REPORT WHAT FURTHER LEGISLATION MAY BE NEEDFUL, TO OBTAIN THE EARLY ADJUSTMENT OF ALL THE TREATY CLAIMS, AND TO SECURE THE EQUITABLE RIGHTS AND PROMOTE THE PROSPERITY OF THE FRENCH SETTLERS ON THE ST. JOHN RIVER.

AUGUSTA:

STEVENS & BLAINE, PRINTERS TO THE STATE.

1857.



STATE OF MAINE.

THE Joint Special Committee, to whom was referred the order "that the communication of the Governor in relation to the claims of this State under the Treaty of Washington, be referred to a joint select committee; and that said committee be directed to inquire and report what further legislation may be needful to obtain the early adjustment of all the Treaty claims, and to secure the equitable rights and promote the prosperity of the French settlers on the St. John River," ask leave to

REPORT:

That by the Treaty of Washington of August 9th, A. D. 1842, it was stipulated between the United States and Great Britain in the fourth article of said treaty as follows:

"All grants of land heretofore made by either party, within the limits of the territory, which by this treaty falls within the dominions of the other party, shall be held valid, ratified and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this treaty fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims for more than six years before the date of this treaty, shall in like manner be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land so described, as best to include the improvements made thereon; and in all other respects, the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them respectively, which has hitherto been in dispute between them."

The provisions of this fourth article of the Treaty chiefly applied

to the possessory claims of the French settlers on the St. John River. This original settlement was made at the Grand Isle, more than three fourths of a century since, on what is now Township Number Eighteen, Range third; and the settlements extended at the date of the treaty, along the banks of the St. John River to Fish River, a distance of about sixty miles.

Most of these possessory claims were of very ancient date, and had been divided up by successions, and as the wants of an increasing population required it, so that it appears by the surveys in the Land Office, that as early as 1836, the lots were nearly all occupied, and so minutely subdivided as to be only a few rods wide upon the river, although they extend back about one mile in depth.

These settlements were principally on townships numbered eighteen on the third, fourth, fifth, sixth and seventh ranges, and on some of the townships the lots in the rear of the river lots were also occupied.

The States of Maine and Massachusetts, were the joint owners of these townships, including these possessory claims; and immediately after the Treaty of Washington, and in 1843, they caused these possessory claims to be surveyed, their limits determined, and deeds of conveyance to be made to those settlers to whom they belonged by the Treaty. In 1854, the remainder of these possessory rights were surveyed, and their limits determined, but as yet, no conveyances have been made.

The whole number of acres included in these claims, which have been conveyed by the State, including those surveyed and not conveyed, are about one hundred and twenty-five thousand acres—twenty-five thousand acres of which belonged to Massachusetts.

It will be seen by the fourth article of the Treaty, that the obligation rested upon the United States, to purchase from the owners, this land for these possessory claimants. They agreed so to do. The two states owned this land, and made the necessary releases to the settlers and claimants, and now ask of the General Government

payment for the territory then ceded, and that which they are ready to convey, in execution of the Treaty.

The right of Maine to the whole of the disputed territory, was repeatedly acknowledged by the General Government, and she did not consent to part with any portion of it for mere money-equivalents, but yielded her assent to the Treaty, in obedience to the general judgment of her sister states as to her duty, and that amicable and cordial relations might be maintained between this country and a foreign nation, for whose convenience a part of the disputed territory was indispensable. The committee cannot doubt but that Congress will accord to Maine that respect which is due to her as a state; and that the solemn stipulations of the Treaty of Washington, both in its letter and spirit will be fulfilled, and these claims paid. But that part of the order referred to the committee, to which our particular attention has been called, related to the rights, the present condition, and the future prosperity of this French settlement.

Their ancestors colonized Nova Scotia in 1604, sixteen years before the Pilgrims landed at Plymouth. They occupied the most fertile district in that province, and at one time numbered sixteen or seventeen thousand.

They were a prosperous, contented and happy colony. In 1755, by order of the English Government, aided by Massachusetts troops, without notice and by artifice, they were suddenly seized and transported with their families from their native province, and scattered among the different English colonies from New Hampshire to Georgia. Their houses and barns were burned, and their fields laid desolate. Some escaped to the St. John river, then an entire wilderness, there being at that time but one town (Halifax) of English origin East of the Penobscot. After many trials and sufferings they settled down in Madawaska, three-fourths of a century since, separated more than fifty years from almost all civilization, they are far behind us in progress and improvements.

As before stated, they occupy the lots on the St. John river,

about sixty miles or more in extent, and so minutely have these lots been subdivided, that it is almost a continuous village for a good part of that distance. Large settlements have been made on lots in the rear of the river lots, but unfortunately the balance of these townships, excepting one-half of 18, range seventh, and one-half of 18, range third, were sold many years since by Maine and Massachusetts. It would have been a wise forecast if this State had negotiated with Massachusetts for her portion of these townships, and retained them for these settlers.

The settlement is now rapidly increasing in numbers, and great want is felt for land on which to settle, a difficulty which is fast increasing. These people cannot easily be persuaded that they have not the right to occupy vacant land as freely as their fathers did when it was in dispute and seemed to be without an owner; and if they could be persuaded that this was now the property of individual proprietors, there is nowhere else for them to go.

They will not readily emigrate except in communities, and they have but little means and no disposition to do that. Madawaska is their home, where they were born, and where they have dwelt for several generations, and they are attached to it by every tie which binds a man to his country.

They wish the State to re-purchase the lots and the vacant land lying on these townships, to provide for their present necessities and future wants.

They are represented as an industrious, orderly and frugal people, and improving, and the Committee believe, with this land, and under the fostering care of the State, they will be in a few years a thrifty, prosperous agricultural community, and situated in the most northern part of this State, watered by the St. John river.

These people, however, make a further distinct claim; that as a matter of right and common justice, they are entitled to have this land purchased for them, out of any moneys received from the General Government in payment for lands conveyed to this State under the Treaty. And they further claim, that such stipulations

should now be made; that they may be sure when the money is actually received, that they shall be dealt with equitably and fairly.

We do not intend to recapitulate the arguments, reasons or facts adduced in support of this claim. It is, however, apparent that the provisions of the Fourth Article of the Treaty were intended to reserve the rights and secure the property of the settlers upon the territory, which had been in dispute between the governments of the United States and Great Britain. The language of the Treaty is very strong and comprehensive. The utmost interest and regard was professedly entertained in the negotiations between the Governments of the United States and Great Britain for this people, as appears by the published correspondence. The language of the fourth article of the Treaty could hardly be more decided. "*And in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them respectively, which has hitherto been in dispute between them.*"

"*In all other respects,*" that is, under all circumstances, in every aspect of the case, and in every view of their necessities and position, the two contracting parties (the United States and Great Britain) will deal with these settlers not only with equity, but on the most liberal principles of equity, or in other words, that they will go to the farthest extent and to the utmost verge of equity.

It should be further noticed that this people, for a long time, were subjected to all the troubles incident to the occupation of a territory in dispute between two powerful nations, each claiming jurisdiction and obedience. The dispute had been lasting and perplexing, and almost involved the two nations in war, and when at last it had terminated in an amicable treaty, and they voluntarily introduced such a stipulation into the treaty for settlers, it was not intended, the committee believe, as a "glittering generality," but to provide for these people in a mode adapted to their wants and necessities, and in a manner becoming the dignity of the nation.

We think the claim for the purchase of the lots and vacant lands lying in these townships, to be just, reasonable, expedient and equitable; provided, however, that the money be obtained to pay for the same from the General Government, in payment for the claims of this State for lands conveyed under the Treaty of Washington, with such other provisions and limitations as may be just, and which they deem convenient and proper to refer to the Governor and Council.

And we submit the following Resolve,

JOHN P. DAVIS,
WILLIAM C. HAMMATT,
WILLIAM CONNOR,
WILLIAM R. HERSEY,
N. G. HICHBORN,
ELISHA MORSE,
JEREMIAH FOSTER.

STATE OF MAINE.

RESOLVE for the Purchase of Lands for French Settlers in Aroostook County.

Resolved, That the Governor, with the advice and
2 consent of the Council, be authorized to contract
3 with the proprietors for the purchase for the use of
4 the State of all lots now occupied by settlers situated
5 in Townships numbered eighteen, in the third, fourth,
6 fifth, sixth and seventh ranges in the County of
7 Aroostook, together with the soil of the vacant lands
8 lying in said Townships, said contract, however, to
9 be dependent and conditional upon the settlement
10 and payment by the United States to this State of
11 the claims of this State, for the conveyances made and
12 to be made by this State, to claimants of land and
13 possessory rights under the fourth article of the
14 Treaty of Washington.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 6, 1857. }

Laid on the table, and 350 copies ordered to be printed for the use of the
Legislature.

GEO. W. WILCOX, *Clerk.*