

MAINE STATE LEGISLATURE

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FIFTY-SIXTH LEGISLATURE.

SENATE

No. 25.

STATE OF MAINE.

[S. 9.] RESOLVE relating to settlers' lots under the
treaty of Washington.

Resolved, That the land agent, under the direction of
2 the governor and council, is authorized to quiet the
3 title of settlers coming within the provisions of the
4 treaty of Washington, by purchasing of the owners
5 their outstanding interest in the soil of any such
6 settler's lots, independent of improvements, and caus-
7 ing conveyance thereof, together with all interest of
8 the state therein, to be made to such settlers, their
9 heirs and assigns; *provided* that no more than one
10 dollar and twenty-five cents per acre shall be paid in
11 any case for any such outstanding title or interest, and
12 no lots shall be purchased which are not embraced
13 within the number of those for which compensation
14 was not made by the United States to the State of
15 Maine, under the act of congress passed July twenty,
16 eighteen hundred twenty-eight.

STATEMENT OF FACTS.

By the treaty of Washington of August 9, 1842, which established the line of boundary between Maine and the Provinces of New Brunswick and Canada, provision was made for affirming all grants of land theretofore made by either government in the disputed territory—and all equitable possessory claims arising out of a possession of more than six years continuance before treaty. All things provided for by these two clauses of the treaty were duly performed.

There was, however, another class of settlers upon the disputed territory who were in possession of lands without grant but of less than six years continuance. To meet this class, the following provision was inserted in the treaty:

“ 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.”

Of this latter class there were, according to the report of Commissioners appointed to investigate and report on the subject, several thousand acres, a part of which belonged to the States of Maine and Massachusetts and the remainder to private individuals. So far as the lands were the property of the States the settlers have been quieted according to the provisions of the treaty, leaving those who settled on lands of proprietors still unprovided for.

By act of Congress passed July 20, 1868, the United States Treasurer was directed to pay to the States of Maine and Massachusetts the sum of one dollar and twenty-five cents per acre for all the lands thus taken up by settlers, without regard to ownership; the payment to Maine being for 91,125 acres and to Massachusetts for 26,150 acres, the following proviso being added to the enactment. viz:

“ Provided the States shall agree with the United States that the settlers upon the public lands in the late disputed territory in Maine, entitled to be quieted in their possessions, as ascertained

by Commissioners heretofore instituted by said States, shall have been or shall be quieted by a release of the title of said States."

Under this act of Congress the Treasurer actually paid to the States the sums specified, the amount paid to Maine being for the 91,125 acres at one dollar and twenty-five cents per acre, which payment included the lands owned by proprietors as well as by the State. The State thereupon made conveyance as before mentioned to the settlers respectively, of the lots occupied by them so far as the State was owner. So far as individual proprietors were owners the settlers are still without deeds, though the State has received the money provided them. The whole number of acres for which the State has thus received payment, and of which no conveyance has been made, is 6,371 23-100 acres. The money so received by the State was all paid over to the European and North American Railway Company according to the previous act of the Legislature of 1864, "to provide means for the defence of the northeastern frontier," being chapter 401 of the private acts of that year.

The occupants of lands thus paid for by the United States to the State of Maine at the rate of one dollar and twenty-five cents per acre, claim that the State should quiet their titles at least to that extent.

It is proper to remark that the appropriation made by the United States Congress was procured to be made by the Railway Company, and at their own expense the claim having been previously assigned to them in 1864—four years before the United States act was passed.

STATE OF MAINE.

IN SENATE, January 29, 1877.

Reported by Mr. BURLEIGH of Aroostook, from the Committee on State Lands and State Roads, and laid over to be printed, with Statement of Facts, under the Joint Rule.

S. W. LANE, *Secretary*.