

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

HOUSE.

No. 268.

STATE OF MAINE.

RESOLVE in favor of certain settlers occupying lands in the Madawaska Territory affected by the Treaty of Washington.

Resolved, That there be and hereby is appropriated out of the State Treasury the sum of fifteen hundred dollars and fifty cents, to be paid by warrants drawn by the governor and council, to the persons hereinafter named as follows:

To William Mullen or his heirs or assignees the sum of two hundred and twenty-one dollars and ninety-seven cents.

To James and John Harford or their heirs or assignees the sum of seventy-two dollars and ninety-eight cents.

To Paschal Gendeau or his heirs or assignees the sum of twenty dollars and forty-nine cents.

To Alexander Jones or his heirs or assignees the
15 sum of thirty-nine dollars and twenty-eight cents.

To Francis Labu or his heirs or assignees the sum
17 of one hundred and ninety-six dollars and sixty-
18 five cents.

To Dominique Debigh or his heirs or assignees the
20 sum of sixty-three dollars and fifty-nine cents.

To Charles Pelletier or his heirs or assignees the
22 sum of thirty-three dollars and ninety cents.

To John Chareth or his heirs or assignees the
24 sum of one hundred and seventy-three dollars and
25 ninety cents.

To Isaac Yearington or his heirs or assignees the
27 sum of two hundred and twenty-six dollars and
28 twenty-four cents.

To Charles Bouchard or his heirs or assignees the
30 sum of forty-four dollars and twenty-five cents.

To Thomas Berabe or his heirs or assignees the
32 sum of ninety-three dollars and ninety-nine cents.

To Louis Michaud or his heirs or assignees the
34 sum of three hundred and thirteen dollars and
35 twenty-two cents.]

~~—~~ Said respective sums, being each one-half of the
37 amount of money collected and paid into the State
38 Treasury for stumpage on timber cut upon the
39 several lots of said persons as appears by the

40 report of John Webber, of record in the land
41 office; *provided, however*, that no person or per-
42 sons claiming under any assessment or assign-
43 ments hereafter made, of any of the aforesaid sums
44 or claims shall be entitled to the benefits of this
45 resolve.

STATEMENT OF FACTS.

The persons mentioned by name in the foregoing resolve, were, at the time of the treaty of Washington, settled upon the disputed territory, and in the territory embraced within its provisions. They had no grants of their land, and had not been in possession for more than six years, so that they did not fall within the letter of clauses one and two or article four of the treaty. But under clause three of said article, providing "that 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," the State of Maine in various ways recognized their rights. Under a resolve of 1844, commissioners were instructed to set off their lots to these and other settlers who had begun possession and improvement before the treaty, but less than six years before. The land agent was not to convey such lots, however, except for payment in cash or labor. This resolve was supplemented by the one of 1854, and in it the legislature announced its desire to convey to this class of settlers its title to the lands, or to procure title for them upon the private townships, or give them other lands whenever Congress should make a suitable indemnity.

In 1868, Congress, which had never indemnified the State of Maine for her lands taken to fulfil the treaty, passed a law whereby it paid to the State of Maine, for the use of the E. & N. A. Ry. Co., Maine's assignee, for 91,125 acres of land, including these lands, at \$1.25 per acre. Under one of the provisions of this act, the State of Maine released its title to the settlers. Under this act Maine sold its lands for a large price, as it would seem.

Now, in the years 1843-4-5 and 6 timber upon the lands occupied by these settlers was cut by the authority of the land agent, presumably, to the amount of \$3,001.01, or \$1.32 per acre, as it appears, against their protest, which

STATEMENT OF FACTS.

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amount was paid into the treasury, and one-half retained and the other half paid to Massachusetts. Now, an account of this was kept by John Webber, an agent of the State of Maine, whose report is of record in the land office. So it appears that Maine has been twice paid for these lands, first by this stumpage, and secondly by the United States. Among the hundreds of settlers who were situated like these, and who received deeds, these are the only ones whose timber was cut off by the State. As the ownership of the original fee of said lands was in Maine and Massachusetts jointly, Massachusetts received one-half of said stumpage. The settlers, therefore, claim one-half of said amounts, *i. e.*, the part retained by Maine.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 27, 1889. }

Reported from Committee on Judiciary by Mr. STEARNS of Caribou;
ordered printed under joint rule.

NICHOLAS FESSENDEN, *Clerk.*